

CERTIFICATION OF ENROLLMENT  
**SUBSTITUTE SENATE BILL 6637**

Chapter 325, Laws of 1996  
(partial veto)

54th Legislature  
1996 Regular Session

GROWTH MANAGEMENT HEARINGS BOARD--LIMITATIONS ON DISCRETION

EFFECTIVE DATE: 3/30/96

Passed by the Senate March 7, 1996  
YEAS 41 NAYS 7

JOEL PRITCHARD

**President of the Senate**

Passed by the House March 7, 1996  
YEAS 68 NAYS 30

CLYDE BALLARD

**Speaker of the  
House of Representatives**

Approved March 30, 1996, with the  
exception of sections 3 and 5, which  
are vetoed.

CERTIFICATE

I, Marty Brown, Secretary of the  
Senate of the State of Washington, do  
hereby certify that the attached is  
**SUBSTITUTE SENATE BILL 6637** as passed  
by the Senate and the House of  
Representatives on the dates hereon  
set forth.

MARTY BROWN

**Secretary**

FILED

March 30, 1996 - 11:39 p.m.

MIKE LOWRY

**Governor of the State of Washington**

**Secretary of State  
State of Washington**

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**SUBSTITUTE SENATE BILL 6637**

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AS AMENDED BY THE HOUSE

Passed Legislature - 1996 Regular Session

**State of Washington                      54th Legislature                      1996 Regular Session**

**By** Senate Committee on Government Operations (originally sponsored by Senators Haugen, Sheldon, Winsley, Hale, Wood and Long)

Read first time 02/02/96.

1            AN ACT Relating to limitations on growth management hearings board  
2 discretion; and amending RCW 36.70A.270, 36.70A.280, 36.70A.300,  
3 36.70.320; adding a new section to chapter 36.70A RCW; and declaring an  
4 emergency.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6            **Sec. 1.** RCW 36.70A.270 and 1994 c 257 s 1 are each amended to read  
7 as follows:

8            Each growth ((~~planning~~)) management hearings board shall be  
9 governed by the following rules on conduct and procedure:

10            (1) Any board member may be removed for inefficiency, malfeasance,  
11 and misfeasance in office, under specific written charges filed by the  
12 governor. The governor shall transmit such written charges to the  
13 member accused and the chief justice of the supreme court. The chief  
14 justice shall thereupon designate a tribunal composed of three judges  
15 of the superior court to hear and adjudicate the charges. Removal of  
16 any member of a board by the tribunal shall disqualify such member for  
17 reappointment.

18            (2) Each board member shall receive reimbursement for travel  
19 expenses incurred in the discharge of his or her duties in accordance

1 with RCW 43.03.050 and 43.03.060. If it is determined that the review  
2 boards shall operate on a full-time basis, each member shall receive an  
3 annual salary to be determined by the governor pursuant to RCW  
4 43.03.040. If it is determined that a review board shall operate on a  
5 part-time basis, each member shall receive compensation pursuant to RCW  
6 43.03.250, provided such amount shall not exceed the amount that would  
7 be set if they were a full-time board member. The principal office of  
8 each board shall be located by the governor within the jurisdictional  
9 boundaries of each board. The boards shall operate on either a part-  
10 time or full-time basis, as determined by the governor.

11 (3) Each board member shall not: (a) Be a candidate for or hold  
12 any other public office or trust; (b) engage in any occupation or  
13 business interfering with or inconsistent with his or her duty as a  
14 board member; and (c) for a period of one year after the termination of  
15 his or her board membership, act in a representative capacity before  
16 the board on any matter.

17 (4) A majority of each board shall constitute a quorum for making  
18 orders or decisions, adopting rules necessary for the conduct of its  
19 powers and duties, or transacting other official business, and may act  
20 even though one position of the board is vacant. One or more members  
21 may hold hearings and take testimony to be reported for action by the  
22 board when authorized by rule or order of the board. The board shall  
23 perform all the powers and duties specified in this chapter or as  
24 otherwise provided by law.

25 (5) The board may appoint one or more hearing examiners to assist  
26 the board in its hearing function, to make conclusions of law and  
27 findings of fact and, if requested by the board, to make  
28 recommendations to the board for decisions in cases before the board.  
29 Such hearing examiners must have demonstrated knowledge of land use  
30 planning and law. The boards shall specify in their joint rules of  
31 practice and procedure, as required by subsection (7) of this section,  
32 the procedure and criteria to be employed for designating hearing  
33 examiners as a presiding officer. Hearing examiners selected by a  
34 board shall meet the requirements of subsection (3) of this section.  
35 The findings and conclusions of the hearing examiner shall not become  
36 final until they have been formally approved by the board. This  
37 authorization to use hearing examiners does not waive the requirement  
38 of RCW 36.70A.300 that final orders be issued within one hundred eighty  
39 days of board receipt of a petition.

1 (6) Each board shall make findings of fact and prepare a written  
2 decision in each case decided by it, and such findings and decision  
3 shall be effective upon being signed by two or more members of the  
4 board and upon being filed at the board's principal office, and shall  
5 be open for public inspection at all reasonable times.

6 (7) All proceedings before the board, any of its members, or a  
7 hearing examiner appointed by the board shall be conducted in  
8 accordance with such administrative rules of practice and procedure as  
9 the boards jointly prescribe. All three boards shall jointly meet to  
10 develop and adopt joint rules of practice and procedure, including  
11 rules regarding expeditious and summary disposition of appeals. The  
12 boards shall publish such rules and decisions they render and arrange  
13 for the reasonable distribution of the rules and decisions. Except as  
14 it conflicts with provisions of this chapter, the administrative  
15 procedure act, chapter 34.05 RCW, shall govern the ((administrative  
16 rules of)) practice and procedure ((adopted by)) of the boards.

17 (8) A board member or hearing examiner is subject to  
18 disqualification ((for bias, prejudice, interest, or any other cause  
19 for which a judge is disqualified)) under chapter 34.05 RCW. The joint  
20 rules of practice of the boards shall establish procedures by which a  
21 party to a hearing conducted before the board may file with the board  
22 a motion to disqualify, with supporting affidavit, against a board  
23 member or hearing examiner assigned to preside at the hearing.

24 (9) The members of the boards shall meet jointly on at least an  
25 annual basis with the objective of sharing information that promotes  
26 the goals and purposes of this chapter.

27 **Sec. 2.** RCW 36.70A.280 and 1995 c 347 s 108 are each amended to  
28 read as follows:

29 (1) A growth management hearings board shall hear and determine  
30 only those petitions alleging either:

31 (a) That a state agency, county, or city planning under this  
32 chapter is not in compliance with the requirements of this chapter,  
33 chapter 90.58 RCW as it relates to the adoption of shoreline master  
34 programs or amendments thereto, or chapter 43.21C RCW as it relates to  
35 plans, development regulations, or amendments, adopted under RCW  
36 36.70A.040 or chapter 90.58 RCW; or

1 (b) That the twenty-year growth management planning population  
2 projections adopted by the office of financial management pursuant to  
3 RCW 43.62.035 should be adjusted.

4 (2) A petition may be filed only by: (a) The state, or a county or  
5 city that plans under this chapter((7)); (b) a person who has ((either  
6 appeared)) participated orally or in writing before the county or city  
7 regarding the matter on which a review is being requested ((or)); (c)  
8 a person who is certified by the governor within sixty days of filing  
9 the request with the board((7)); or (d) a person qualified pursuant to  
10 RCW 34.05.530.

11 (3) For purposes of this section "person" means any individual,  
12 partnership, corporation, association, state agency, governmental  
13 subdivision or unit thereof, or public or private organization or  
14 entity of any character.

15 (4) When considering a possible adjustment to a growth management  
16 planning population projection prepared by the office of financial  
17 management, a board shall consider the implications of any such  
18 adjustment to the population forecast for the entire state.

19 The rationale for any adjustment that is adopted by a board must be  
20 documented and filed with the office of financial management within ten  
21 working days after adoption.

22 If adjusted by a board, a county growth management planning  
23 population projection shall only be used for the planning purposes set  
24 forth in this chapter and shall be known as a "board adjusted  
25 population projection". None of these changes shall affect the  
26 official state and county population forecasts prepared by the office  
27 of financial management, which shall continue to be used for state  
28 budget and planning purposes.

29 *\*Sec. 3. RCW 36.70A.300 and 1995 c 347 s 110 are each amended to*  
30 *read as follows:*

31 *(1) The board shall issue a final order within one hundred eighty*  
32 *days of receipt of the petition for review, or, when multiple petitions*  
33 *are filed, within one hundred eighty days of receipt of the last*  
34 *petition that is consolidated. Such a final order shall be based*  
35 *exclusively on whether or not a state agency, county, or city is in*  
36 *compliance with the requirements of this chapter, chapter 90.58 RCW as*  
37 *it relates to adoption or amendment of shoreline master programs, or*  
38 *chapter 43.21C RCW as it relates to plans, development regulations, and*

1 amendments thereto, adopted under RCW 36.70A.040 or chapter 90.58 RCW.  
2 In the final order, the board shall either: (a) Find that the state  
3 agency, county, or city is in compliance with the requirements of this  
4 chapter or chapter 90.58 RCW as it relates to the adoption or amendment  
5 of shoreline master programs; or (b) find that the state agency,  
6 county, or city is not in compliance with the requirements of this  
7 chapter or chapter 90.58 RCW as it relates to the adoption or amendment  
8 of shoreline master programs, in which case the board shall remand the  
9 matter to the affected state agency, county, or city and specify a  
10 reasonable time not in excess of one hundred eighty days within which  
11 the state agency, county, or city shall comply with the requirements of  
12 this chapter.

13 (2) A finding of noncompliance and an order of remand shall not  
14 affect the validity of comprehensive plans and development regulations  
15 during the period of remand(~~(, unless the board's)~~). In addition, the  
16 board may issue a determination of invalidity as part of its final  
17 order (~~(also)~~) of noncompliance which shall:

18 (a) ~~Include(~~(s)~~)~~ a determination, supported by findings of fact and  
19 conclusions of law, that the continued validity of the plan or  
20 regulation would substantially interfere with the fulfillment of the  
21 goals of this chapter; and

22 (b) (~~(Specifies)~~) Specify the particular part or parts of the plan  
23 or regulation that are determined to be invalid, the geographic area or  
24 areas where the determination of invalidity is applicable, if  
25 appropriate, and the reasons for their invalidity.

26 (3) A determination of invalidity shall(~~(:~~

27 ~~(a))~~ not take effect until at least ninety days after the  
28 determination of invalidity was made, during which period the board  
29 shall review the progress of the county or city. If, after holding a  
30 hearing on the matter, the board finds that the county or city is  
31 making substantial progress toward adopting a plan or regulations or  
32 taking other actions under this chapter, relating to the order, that  
33 would not be determined to be invalid under subsection (2) of this  
34 section, the board shall extend the ninety-day period for a reasonable  
35 period and continue its jurisdiction over the matter. If, after  
36 holding a hearing on the matter, the board finds that substantial  
37 progress is not being made, the board shall enter an order effectuating  
38 the determination of invalidity. The hearing must be held prior to the  
39 ninetieth day. Another hearing shall be held prior to the end of any

1 extension granted by the board. Any order effectuating the  
2 determination of invalidity shall be prospective in effect and shall  
3 not extinguish rights that ((vested)) vest under state or local law  
4 before or after the date of the board's order(~~and~~

5 ~~(b) Subject))~~ effectuating the determination of invalidity. Any  
6 order effectuating the determination of invalidity shall not affect the  
7 validity of the comprehensive plan, development regulations, or other  
8 actions taken under this chapter, except that any ((development))  
9 application for the division of land under chapter 58.17 RCW, in any  
10 geographic area or areas where the determination of invalidity is  
11 applicable, that would otherwise vest after the date of the board's  
12 order effectuating the determination of invalidity, shall vest to the  
13 local ordinance or resolution that ((both is enacted in response to the  
14 order of remand and determined by the board pursuant to RCW 36.70A.330  
15 to comply with the requirements of this chapter)) the county or city  
16 adopts in response to the order effectuating the determination of  
17 invalidity after the board determines that the response would not be  
18 invalidated under subsection (2) of this section. Boundary line  
19 adjustments that do not increase the number of lots are not affected by  
20 an order effectuating a determination of invalidity. The board shall  
21 hold a hearing before removing the order effectuating its determination  
22 of invalidity.

23 ~~(4) ((If the ordinance that adopts a plan or development regulation~~  
24 ~~under this chapter includes a savings clause intended to revive prior~~  
25 ~~policies or regulations in the event the new plan or regulations are~~  
26 ~~determined to be invalid, the board shall determine under subsection~~  
27 ~~(2) of this section whether the prior policies or regulations are valid~~  
28 ~~during the period of remand.))~~ A county or city for which a  
29 determination of invalidity was made prior to the effective date of  
30 this act may petition the board for a stay of the determination of  
31 invalidity, based on a showing under the procedures of subsection (3)  
32 of this section that it is making substantial progress toward adopting  
33 a plan or development regulations, or taking other actions under this  
34 chapter, relating to the order, that would not otherwise be declared  
35 invalid under subsection (2) of this section. After holding a hearing,  
36 the board shall enter an order rescinding, staying, modifying, or  
37 continuing the prior determination of invalidity.

38 ~~(5) Any party aggrieved by a final decision of the hearings board~~  
39 ~~may appeal the decision to superior court as provided in RCW 34.05.514~~

1 or 36.01.050 within thirty days of the final order of the board. The  
2 court shall conduct an independent review of the board's legal  
3 conclusions.

4 \*Sec. 3 was vetoed. See message at end of chapter.

5 NEW SECTION. Sec. 4. A new section is added to chapter 36.70A RCW  
6 to read as follows:

7 The court shall provide expedited review of a determination of  
8 invalidity or an order effectuating a determination of invalidity made  
9 or issued under RCW 36.70A.300. The matter must be set for hearing  
10 within sixty days of the date set for submitting the board's record,  
11 absent a showing of good cause for a different date or a stipulation of  
12 the parties.

13 \*Sec. 5. RCW 36.70A.320 and 1995 c 347 s 111 are each amended to  
14 read as follows:

15 (1)(a) Except as provided in subsection (2) of this section,  
16 designations, comprehensive plans ((and)), development regulations, and  
17 other actions required by this chapter, and amendments thereto, adopted  
18 under this chapter are presumed valid upon adoption. In any petition  
19 under this chapter, the board, after full consideration of the  
20 petition, shall determine whether there is compliance with the  
21 requirements of this chapter. In recognition of the broad range of  
22 discretion that may be exercised by counties and cities consistent with  
23 the requirements of this chapter, the board shall not substitute its  
24 judgment for that of a county or city regarding the exercise of such  
25 discretion. In making its determination, the board shall consider the  
26 criteria adopted by the department under RCW 36.70A.190(4). The board  
27 has no discretion to prioritize, balance, or rank the goals set forth  
28 in RCW 36.70A.020, all of which shall be used by counties and cities as  
29 provided in RCW 36.70A.020.

30 (b) The burden of proof shall be on the petitioner. The board  
31 shall find compliance unless it finds ((by a preponderance of the  
32 evidence that the state agency, county, or city erroneously interpreted  
33 or applied this chapter)) that: (i) The state agency, county, or city  
34 erroneously interpreted this chapter; or (ii) the action of the state  
35 agency, county, or city is not supported by evidence that is  
36 substantial when reviewed in light of the whole record before the  
37 board.



1       (2) *The shoreline element of a comprehensive plan and the*  
2 *applicable development regulations adopted by a county or city shall*  
3 *take effect as provided in chapter 90.58 RCW.*

4 \*Sec. 5 was vetoed. See message at end of chapter.

5       NEW SECTION.   **Sec. 6.** If any provision of this act or its  
6 application to any person or circumstance is held invalid, the  
7 remainder of the act or the application of the provision to other  
8 persons or circumstances is not affected.

9       NEW SECTION.   **Sec. 7.** This act is necessary for the immediate  
10 preservation of the public peace, health, or safety, or support of the  
11 state government and its existing public institutions, and shall take  
12 effect immediately.

      Passed the Senate March 7, 1996.

      Passed the House March 7, 1996.

      Approved by the Governor March 30, 1996, with the exception of  
          certain items that were vetoed.

      Filed in Office of Secretary of State March 30, 1996.

1       Note: Governor's explanation of partial veto is as follows:

2       "I am returning herewith, without my approval as to sections 3 and  
3 5, Substitute Senate Bill No. 6637 entitled:

4       "AN ACT Relating to limitations on growth management hearings board  
5 discretion;"

6       Substitute Senate Bill No. 6637 clarifies the statutes dealing with  
7 the Growth Management Hearings Boards.

8       Sections 1 and 2 of this bill are simple clarifications of current  
9 law governing board actions and are not controversial. Section 4  
10 provides for expedited judicial review of board actions in cases in  
11 which a board issues a determination of invalidity and such a  
12 determination is appealed. While the authority of the legislature to  
13 direct the courts to expedite review is not clear, it is reasonable to  
14 encourage prompt consideration by the courts of such board actions  
15 within their civil dockets given the significant impacts that may be  
16 involved in the invalidation of local land use ordinances.

17       Section 3 of this bill has two major elements, one changing  
18 provisions regarding invalidity, the other addressing how courts should  
19 review board decisions.

20       The legislature acted in 1995 to respond to uncertainty regarding  
21 the vesting status of projects in jurisdictions in which boards had  
22 found comprehensive plans or development regulations out of compliance  
23 with the Growth Management Act. Prior to 1995, there was concern that  
24 the result might be an effective moratorium on development. The  
25 legislature provided that projects vest under a local land use statute,  
26 even if it has been found out of compliance, unless and until a board

1 issues a determination of invalidity. Such a determination must meet a  
2 higher standard than is needed to find noncompliance. For a board to  
3 issue a determination of invalidity, it must find that the continued  
4 validity of the plan or regulation would "substantially interfere with  
5 the fulfillment of the goals" of the act. After a determination of  
6 invalidity, new projects vest under whatever ordinance is eventually  
7 adopted in compliance with the act.

8 Since this change in 1995, there has been significant controversy  
9 regarding the use of this authority by the boards. Some have argued  
10 that boards have used the authority to respond to repeated refusal by  
11 a small minority of local governments to pass statutes that complied  
12 with the act. Others have argued that the use of this power has  
13 created temporary chaos rather than greater certainty and that the use  
14 of this power has altered the "bottom up" nature of growth planning.  
15 The legislature responded by revisiting the 1995 sections in this bill.

16 Substitute Senate Bill No. 6637 requires that when a board makes a  
17 determination of invalidity, it must specify the provisions to which  
18 the determination would apply and must wait ninety days before  
19 effectuating the order. Additional time must be granted to the local  
20 government if it is making "substantial progress" toward adopting a  
21 plan or regulations.

22 During this period, all projects vest to the local ordinance which  
23 has been found to substantially interfere with fulfillment of the goals  
24 of the act. After this period, the board may issue an order  
25 effectuating the determination of invalidity. When such an order is  
26 issued, it provides that divisions of land vest to new ordinances  
27 ultimately found in compliance by the boards. Other development  
28 continues to vest to the provisions which have been found invalid by  
29 the boards, until new ordinances have been enacted. The concept that  
30 projects should vest to provisions of law that substantially interfere  
31 with fulfillment of the goals of the act is not wise.

32 This was an honest attempt to develop a compromise in a difficult  
33 area of the law. I commend the legislature for its efforts, but as  
34 drafted, Substitute Senate Bill No. 6637 is not without significant  
35 flaws.

36 To permit vesting to a plan or regulation that has been found to  
37 substantially interfere with fulfillment of the goals of the act is an  
38 incentive for local governments to continue to remain out of compliance  
39 with legitimate board orders. Despite the local nature of growth  
40 planning, the act reflects statewide concerns. The boards are intended  
41 to ensure that local solutions remain within the requirements and goals  
42 of the act. If board determinations are ignored, the boards are  
43 nothing more than a time-consuming annoyance on the way to court.  
44 Meanwhile traffic congestion worsens, sprawl continues, air quality  
45 degrades, habitat is lost, the public's ability to pay for  
46 infrastructure is strained and frustration mounts.

47 The section also provides that in appeals of Growth Management  
48 Hearing Board decisions, the court is to conduct an independent review  
49 of the board's legal conclusions. It is unclear whether this merely  
50 clarifies the current court practice of independently reviewing the  
51 actions of quasi-judicial boards as to their legal conclusions or  
52 whether it directs the courts to grant no deference to the board's  
53 specialized expertise. At best, this lack of clarity makes the court's

1 task in reviewing board decisions more difficult than would already be  
2 the case. At worst, these provisions render the decisions of the  
3 boards meaningless and prolong the resolution of underlying dispute.

4 I am aware of criticism of a few board actions, but in the vast  
5 majority of the appeals brought to the boards, they have been  
6 successful in achieving prompt resolution of the issues in dispute.  
7 The boards were established to resolve difficult land use planning  
8 disputes, including those between local governments, to reflect  
9 regional differences, to bring more expertise to these issues, and to  
10 resolve issues more quickly than court action would require.

11 I believe that this provision is a message by the legislature to  
12 the boards directing them to use discretion in their authority to  
13 invalidate local ordinances. I echo this message. There are some  
14 situations in which local actions are so far out of compliance with the  
15 requirements and goals of the act that severe action is appropriate.  
16 However, overuse of this authority will only serve to weaken both the  
17 authority of the boards and the act itself.

18 I am requesting that the Land Use Study Commission, established in  
19 1995, make recommendations to the 1997 Legislature and to the governor  
20 proposing how to clarify and simplify the law in this area. Such  
21 recommendations should propose how to establish greater certainty in  
22 local growth planning and encourage local planning and actions to  
23 comply with the requirements and goals of the Growth Management Act.

24 Section 5 of Substitute Senate Bill No. 6637 recognizes the broad  
25 range of discretion that may be exercised by local governments under  
26 the Growth Management Act. In the act, the legislature specified a set  
27 of goals and a related series of procedural and substantive  
28 requirements towards achieving them. While requiring compliance, the  
29 legislature recognized the diversity of the state and the power  
30 inherent in local land use decision-making. Consistent with these  
31 requirements, local governments retain broad discretion.

32 However, local discretion must be exercised in a manner that is  
33 consistent with the requirements of the act. The boards have the  
34 difficult responsibility of interpreting the legislative meaning of the  
35 act in specific local disputes without substituting their judgment for  
36 that of local governments. This is among the most difficult challenges  
37 facing the boards and local governments.

38 Section 5 of this bill states that the boards are not to  
39 prioritize, balance or rank the goals of the Growth Management Act.  
40 This provision appears to prevent the boards from evaluating whether  
41 local governments have been guided by the goals or whether, in meeting  
42 the requirements of the act, they have reflected the value content of  
43 the goals. Such a limitation would reduce the boards to a purely  
44 procedural role. If this provision were to become law, most local  
45 disputes would require court action for resolution. The boards can  
46 only function effectively if they have the authority, when resolving  
47 disputes, to ensure that local governments are complying with the  
48 requirements and not substantially interfering with fulfillment of the  
49 goals of the act.

50 This section also clarifies that in cases heard by Growth  
51 Management Hearings Boards, the burden of proof is on the petitioner.  
52 This principle was understood at the establishment of the boards. The  
53 boards have adopted rules which include this standard.

1 Section 5 of Substitute Senate Bill No. 6637 clarifies the standard  
2 of review to be used by the boards to judge cases. In matters of law,  
3 the bill directs the boards to find compliance unless they find that a  
4 state agency or local government erroneously interpreted the chapter.  
5 In issues of fact, compliance is to be found if the action of the state  
6 agency or local government is not supported by evidence that is  
7 substantial when reviewed in light of the whole record before the  
8 board.

9 In reviewing legal questions, the boards must determine whether  
10 local governments have been right or wrong in their legal  
11 interpretation of the provisions of the Growth Management Act as  
12 evidenced by their application of the act. The standard for reviewing  
13 questions of fact directs the boards to defer somewhat to local  
14 governments as long as they present enough evidence to allow a  
15 reasonable person to act. This is similar to the direction by the  
16 boards to local governments to "show your work", stating that local  
17 governments deserve deference if they establish a rational basis for  
18 making complex land use decisions.

19 I believe the boards should grant deference to local governments in  
20 how they plan for growth consistent with the requirements and goals of  
21 the act. Local comprehensive plans and development regulations require  
22 local governments to balance priorities and options for action in full  
23 consideration of local circumstances. While the act requires that  
24 local action take place within a state framework, the local land use  
25 process is not aimed at perfection but at allowing local communities to  
26 make choices about their future.

27 The legislature attempted to clarify the standard that boards must  
28 use to resolve disputes between local governments and affected parties.  
29 With one exception, I believe that they succeeded. However, the  
30 prohibition against board action regarding the goals of the act appears  
31 to prevent the boards from ensuring that the goals have their intended  
32 effect. I cannot approve this. After six years, implementation of the  
33 act is forcing us again to consider how to maintain local control  
34 within a framework of state goals and requirements. In many  
35 jurisdictions, plans have been adopted and many are fully involved in  
36 implementing their plans. In these jurisdictions, we can see the  
37 results of good planning. But in some jurisdictions, the distance  
38 between traditional development patterns and practices and the dramatic  
39 changes required by the act have divided communities and resulted in  
40 angry disputes between local governments and the boards.

41 People acting in good faith have come to very different conclusions  
42 about how best to manage growth. The state must revisit the issue of  
43 how to resolve these disputes. I am requesting that the Land Use Study  
44 Commission make recommendations to the legislature and to the governor  
45 regarding improvements to our dispute resolution structure.

46 For these reasons, I have vetoed sections 3 and 5 of Substitute  
47 Senate Bill No. 6637.

48 With the exception of sections 3 and 5, Substitute Senate Bill No.  
49 6637 is approved."