

SENATE BILL REPORT

SB 5507

As Passed Senate, March 17, 2003

Title: An act relating to standing before growth management hearings boards.

Brief Description: Clarifying who has standing regarding growth management hearings board hearings.

Sponsors: Senators T. Sheldon and Mulliken.

Brief History:

Committee Activity: Land Use & Planning: 2/10/03, 2/24/03 [DP, DNP].
Passed Senate: 3/17/03, 33-16.

SENATE COMMITTEE ON LAND USE & PLANNING

Majority Report: Do pass.

Signed by Senators Mulliken, Chair; McCaslin, Morton and T. Sheldon.

Minority Report: Do not pass.

Signed by Senator Kline.

Staff: Jennifer Arnold (786-7471)

Background: Under current law, the following persons have standing to file a petition before a growth management hearings board (GMHB): a state, county or city that plans under the Growth Management Act; a person who participated orally or in writing before the county or city; a person certified by the Governor; or a person qualified under the Administrative Procedure Act.

Under the existing requirements, although aggrieved persons are required to participate at the local government level in order to have standing, there is no express requirement that limits the scope of issues that aggrieved persons may raise before a board. Thus, aggrieved persons potentially may raise new issues on appeal to a board without providing local governments notice or opportunity to address such concerns at the local government level.

Summary of Bill: In addition to the current standing requirements for aggrieved persons that such persons must participate orally or in writing before the local government body, the board must only hear arguments from such persons which are reasonably related to the issues raised by the aggrieved persons at the local government level and not consider new issues not previously raised before the local government.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: The reasonably related requirement will prevent petitioners from camping out in the appeal process and surprising counties at the board level with new issues. Remands are very costly to the counties; therefore, counties would prefer an opportunity to address these issues at the local level. This bill would prevent petitioners from bypassing the local government process and going straight to the boards. Further, it would save time and encourage community involvement, and thus, protect the democratic process.

Testimony Against: None.

Testified: Darren Nienaber, Mason County (pro).

House Amendment(s): An intent section is added, specifying that legislative intent is to codify the Washington State appellate court decision reached in April 2000 in the case of *Wells v. Western Washington Growth Management Hearings Board*. The term "arguments" is changed to "issues," and it is provided that only "issues" which are reasonably related to participation at the local level can be heard by a growth management hearings board.