

# SENATE BILL REPORT

## SHB 1815

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As Reported By Senate Committee On:  
Government Operations, April 4, 1997

**Title:** An act relating to growth management hearings boards.

**Brief Description:** Changing standing for purposes of growth management hearings.

**Sponsors:** House Committee on Government Reform & Land Use (originally sponsored by Representatives Reams and Sump).

**Brief History:**

**Committee Activity:** Government Operations: 4/3/97, 4/4/97 [DPA, DNP].

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### SENATE COMMITTEE ON GOVERNMENT OPERATIONS

**Majority Report:** Do pass as amended.

Signed by Senators McCaslin, Chair; Hale, Vice Chair; Anderson, Horn and Patterson.

**Minority Report:** Do not pass.

Signed by Senators Haugen and Swanson.

**Staff:** Kathleen Healy (786-7403)

**Background:** The Growth Management Act (GMA) was enacted in 1990 and 1991. A county meeting certain population and growth criteria is required to plan under GMA. A county may also bring itself within GMA planning requirements by resolution.

Three separate Growth Management Hearings Boards were created to review specific actions taken under GMA or related provisions.

Persons with standing to file a petition to the hearings boards are:

- The state, or a county or city that plans under GMA;
- A person who has participated orally or in writing before the county or city regarding the matter on which a review is being requested;
- A person who is certified by the Governor within 60 days of filing the request with the board; or
- A person who has standing under the Administrative Procedure Act (APA). To have standing under the APA, the GMA action must have prejudiced or be likely to prejudice the person, the person's interests must be among those that the agency was required to consider when it engaged in the challenged agency action, and a judgment in favor of

that person must substantially eliminate or redress the prejudice caused or likely to be caused by the action.

**Summary of Amended Bill:** A petition to a Growth Management Hearings Board may only be filed by a person directly impacted by the matter on which review is being requested. A person directly impacted– is a person whose interest is within the zone of interests to be protected or regulated by underlying statute and who will suffer injury in fact if the matter is not reviewed.

**Amended Bill Compared to Substitute Bill:** The legal phrase injury in fact– is used instead of specific and perceptible harm.– The latter phrase is the definition of injury in fact.

**Appropriation:** None.

**Fiscal Note:** Not requested.

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

**Testimony For:** None.

**Testimony Against:** This would change who could petition and the municipalities would be left unaware. The petitioner would never have to participate in the underlying process, but would simply have to be impacted. This will create havoc, because they will have to prove direct harm. This goes against the bottoms up– approach. This will create another layer of confusion. Appeals are a valuable device. This will constrict the standing of those citizens who have participated in good faith.

**Testified:** Mary Jo Cady, Mason County Commissioner; Dave Williams, AWC (con); Mike Ryherd, 1000 Friends of WA (con); Scott Merriman, WEC (con); Chris Leman, Coalition of WA Communities (con).