
Local Government Committee

SB 5507

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

Sponsors: Senators T. Sheldon and Mulliken.

Brief Summary of Bill

- Clarifies who has "participation standing" to raise a matter before the Growth Management Hearings Board.

Hearing Date: 3/31/03

Staff: Amy Wood (786-7127).

Background:

The Growth Management Act (GMA) established three regional Growth Management Hearings Boards (Boards) to review compliance with statutory deadlines, and the sufficiency of plans and development regulations adopted by cities and counties pursuant to the Act. The Boards are limited to hearing only those petitions alleging that a city, county, or state agency has not complied with the goals and requirements of the GMA, and related provisions of the Shoreline Management Act, and the State Environmental Policy Act.

The GMA provides four different methods to obtain standing before the Boards. Three of these methods do not require participation before the local government during its adoption or amendment of its GMA plans or development regulations. The only method that requires participation before the local government is found under RCW 36.70A.280 (2)(b). This GMA provision states that:

"A petition may be filed only by: . . . (b) a person who has participated orally or in writing before the county or city regarding the matter on which a review is requested . . ."

The Washington State Court of Appeals held that to establish "participation standing" before a Growth Management Hearings Board, as the GMA requires, a person must show that his or her "participation" before the local government was "*reasonably related*" to the issues raised before the local government regarding the matter on which review is requested. *Wells*

v. *Western Washington Growth Management Hearings Board*, 100 Wn. App. 657 (2000).

As stated in *Wells*,

"If a petitioner's participation is reasonably related to the petitioner's issue as presented to the Board, then the petitioner has standing to raise and argue that issue; if the petitioner's participation is not reasonably related to the petitioner's issue as presented to the Board, then the petitioner does not have standing to raise and argue that issue."

The *Wells* court concluded that this approach would further the GMA's goals of encouraging meaningful public participation in the local government planning process, helping to achieve local government compliance with the Act.

Summary of Bill:

The GMA "participation standing" requirement is clarified to provide that, for persons that obtained standing under subsection (2)(b), the Boards may hear only those arguments that are "reasonably related" to the persons' oral or written participation made before the local government.

Appropriation: None.

Fiscal Note: Not Requested.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.