

SENATE BILL REPORT

SB 5308

As Passed Senate, March 6, 2003

Title: An act relating to growth management hearings board review of plan and regulation compliance.

Brief Description: Restricting growth management hearings board review of plan and regulation compliance to adoption actions only.

Sponsors: Senators Mulliken, T. Sheldon, Morton and McCaslin.

Brief History:

Committee Activity: Land Use & Planning: 1/30/03 [DP, DNP].

Passed Senate: 3/6/03, 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: Tim Watterson (786-7441)

Background: Under the Growth Management Act, the growth management hearings boards review local government comprehensive plans and development regulations for compliance both with statutory procedural requirements for adoption and with statutory goals and substantive requirements. Boards may issue an order of invalidity based on noncompliance either with procedural or substantive statutory requirements. If an order of invalidity is issued, the board retains jurisdiction until the invalidated plan, regulation, or action is modified to comply.

Summary of Bill: Boards may review adopted comprehensive plans and development regulations only for compliance of the local government adoption or amendment actions with the procedural requirements of the statute. Boards may issue an order of invalidity only if the adoption or amendment of the plan or regulation was not in compliance with statutory requirements.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: The Growth Management Act (GMA) was intended as a "bottoms up" process, but boards do not grant deference to local government planning decisions properly adopted. Even GMA advocates feel boards are not respecting local decisionmaking. There is a lack of credibility in and a paralyzing effect of board decisions. Boards are creating new GMA goals. Appeals cost local governments too much in defending their actions. The bill will protect local plan and regulation decisions from board review and invalidation.

Testimony Against: None.

Testified: Senator Mulliken, prime sponsor (pro); Chris Cheney, Western WA Ag. Assn., Dairy Fed., Cattlemen's (pro); Eric Johnson, WA Public Ports Assn.; Dan Wood, Washington Farm Bureau (pro); Darcie Nielsen, San Juan County (pro); Kris Tefft, BIAW (pro); Jim Halstrom, WA Horticultural Assn. (pro); Dan Titterness, Jefferson Co. BOCC (pro); Perry Huston, Kittitas Co. BOCC (pro).