

SHB 2486 - H AMD 651

By Representative Pike

1 On page 26, after line 19, insert the following:

2 "NEW SECTION. **Sec. 18.** The legislature finds that as part of  
3 the 2010 consolidation of the growth management hearings board there  
4 was an intent to reduce the size of the hearings board to six members  
5 if the case load justified such an action. Sections 19 through 21 of  
6 this act honor that intent by preserving the existing regional  
7 structure of the board's membership, while authorizing the governor  
8 to determine whether the seventh member of the board will be  
9 appointed or not.

10 Sections 19 through 21 of this act are intended to improve the  
11 credibility of the growth management hearings board by addressing  
12 concerns about decisions infringing on constitutional protections and  
13 the accountability of the board. These changes raise the  
14 qualifications of the board members. The changes also allow elected  
15 officials that implement the growth management act to be a part of  
16 the growth management hearings board appointment process.  
17 Furthermore, the changes to the growth management hearings board  
18 appointment process in sections 19 through 21 of this act are  
19 compatible with and supportive of sections 1 through 4 of this act,  
20 which clarify the jurisdiction of the environmental and land use  
21 hearings office and improve the office's administrative processes. We  
22 are a society in which the government holds power only through the  
23 consent of the governed and the legitimacy of government actions is  
24 strengthened when the governed individuals are confident that the  
25 governing body is alert to all of the laws of the state and that the  
26 presiding official is one they empowered to make such decisions.

27 **Sec. 19.** RCW 36.70A.250 and 2010 c 211 s 4 are each amended to  
28 read as follows:

29 (1) A growth management hearings board for the state of  
30 Washington is created. The board shall consist of (~~seven members~~  
31 ~~qualified by experience or training in matters pertaining to land use~~

1 ~~law or land use planning and who have experience in the practical~~  
2 ~~application of those matters. All seven board members shall be~~  
3 ~~appointed by the governor, two each residing respectively in the~~  
4 ~~central Puget Sound, eastern Washington, and western Washington~~  
5 ~~regions, plus one board member residing within the state of~~  
6 ~~Washington. At least three members of the board shall be admitted to~~  
7 ~~practice law in this state, one each residing respectively in the~~  
8 ~~central Puget Sound, eastern Washington, and western Washington~~  
9 ~~regions. At least three members of the board shall have been a city~~  
10 ~~or county elected official, one each residing respectively in the~~  
11 ~~central Puget Sound, eastern Washington, and western Washington~~  
12 ~~regions. After expiration of the terms of board members on the~~  
13 ~~previously existing three growth management hearings boards,)) six~~  
14 ~~members, and may include an additional at-large member as the~~  
15 ~~caseload of the board requires, appointed in accordance with this~~  
16 ~~subsection. No more than four members of the ((seven-member)) board~~  
17 ~~may be members of the same major political party. No more than two~~  
18 ~~members at the time of their appointment or during their term may~~  
19 ~~reside in the same county.~~

20 ~~((+2))~~ (a) The county legislative authorities for all counties  
21 located east of the crest of the Cascade mountains that are required  
22 or choose to plan under RCW 36.70A.040 shall jointly appoint two  
23 members of the growth management hearings board.

24 (b) The county legislative authorities for all counties located  
25 west of the crest of the Cascade mountains that are required or  
26 choose to plan under RCW 36.70A.040, excluding King, Kitsap, Pierce,  
27 and Snohomish counties, shall jointly appoint two members of the  
28 growth management hearings board.

29 (c) The county legislative authorities for King, Kitsap, Pierce,  
30 and Snohomish counties shall jointly appoint two members of the  
31 growth management hearings board.

32 (d) The governor may appoint one member of the growth management  
33 hearings board to the at-large position. The at-large member serves  
34 at the pleasure of the governor.

35 (2)(a) For appointments to the growth management hearings board  
36 made by the county legislative authorities in each region acting  
37 jointly in accordance with subsection (1)(a), (b), or (c) of this  
38 section:

39 (i) Appointees must reside within the geographic boundaries of  
40 one of the counties making the appointment;

1 (ii) At a minimum, one of the two members appointed to the board  
2 must be admitted to practice law in the state; and

3 (iii) At a minimum, one of the two members appointed to the board  
4 must have extensive experience in matters pertaining to land use law  
5 or land use planning and the practical application of those matters.

6 (b) For appointments to the growth management hearings board made  
7 by the governor in accordance with subsection (1)(d) of this section:

8 (i) Appointees must reside in the state of Washington; and

9 (ii) At a minimum, appointees must be admitted to practice law in  
10 the state or have extensive experience in matters pertaining to land  
11 use law or land use planning and the practical application of those  
12 matters.

13 (3)(a) Each member of the growth management hearings board shall  
14 be appointed for a term of six years. ((A vacancy shall be filled by  
15 appointment by the governor for the unexpired portion of the term in  
16 which the vacancy occurs. Members of the previously existing three  
17 growth management hearings boards appointed before July 1, 2010,  
18 shall complete their staggered, six-year terms as members of the  
19 growth management hearings board created under subsection (1) of this  
20 section. The reduction from nine board members on the previously  
21 existing three growth management hearings boards to seven total  
22 members on the growth management hearings board shall be made through  
23 attrition, voluntary resignation, or retirement))

24 (b) Each member of the growth management hearings board appointed  
25 prior to January 1, 2016, may complete his or her unexpired six-year  
26 term. When the term of each member expires, a successor must be  
27 appointed in accordance with this section either by the appropriate  
28 county legislative authorities if the member holds a regional  
29 position, or by the governor if the member holds the at-large  
30 position.

31 (4) Prior to making an appointment, but no later than January 1,  
32 2017, the county legislative authorities of each region that are  
33 required to make joint appointments to the growth management hearings  
34 board must jointly establish a process for making appointments.  
35 Appointments to the board must be made in accordance with this  
36 section beginning with board member positions that have terms  
37 expiring on June 30, 2016.

38 (5)(a) If a vacancy in a regional position on the growth  
39 management hearings board occurs, the county legislative authorities  
40 of the applicable region shall jointly appoint a person to serve for

1 the remainder of the unexpired term. The appointee must fulfill the  
2 same qualifications provided in subsection (2) of this section as the  
3 member he or she replaces.

4 (b) If a vacancy in the at-large position on the growth  
5 management hearings board occurs, the governor may appoint a person  
6 who meets the requirements of subsection (2) of this section to serve  
7 for the remainder of the unexpired term.

8 **Sec. 20.** RCW 36.70A.252 and 2010 c 210 s 15 are each amended to  
9 read as follows:

10 (1) On July 1, 2011, the growth management hearings board is  
11 administratively consolidated into the environmental and land use  
12 hearings office created in RCW 43.21B.005.

13 (2) ~~((Not later than July 1, 2012,))~~ The growth management  
14 hearings board consists of ((seven)) six members ((qualified by  
15 experience or training in matters pertaining to land use law or land  
16 use planning, except that the governor may reduce the board to six  
17 members if warranted by the board's caseload. All board members must  
18 be appointed by the governor)), two each residing respectively in the  
19 central Puget Sound, eastern Washington, and western Washington  
20 regions ((and shall continue to meet the qualifications set out in  
21 RCW 36.70A.260. The reduction from seven board members to six board  
22 members must be made through attrition, voluntary resignation, or  
23 retirement)). The governor may appoint an additional member to the  
24 at-large position on the growth management hearings board as the  
25 caseload of the board requires.

26 **Sec. 21.** RCW 36.70A.260 and 2010 c 211 s 5 are each amended to  
27 read as follows:

28 (1) Each petition for review that is filed with the growth  
29 management hearings board shall be heard and decided by a regional  
30 panel of growth management hearings board members. Regional panels  
31 shall be constituted as follows:

32 (a) Central Puget Sound region. A three-member central Puget  
33 Sound panel shall be selected to hear matters pertaining to cities  
34 and counties located within the region comprised of King, Pierce,  
35 Snohomish, and Kitsap counties.

36 (b) Eastern Washington region. A three-member eastern Washington  
37 panel shall be selected to hear matters pertaining to cities and

1 counties that are required or choose to plan under RCW 36.70A.040 and  
2 are located east of the crest of the Cascade mountains.

3 (c) Western Washington region. A three-member western Washington  
4 panel shall be selected to hear matters pertaining to cities and  
5 counties that are required or choose to plan under RCW 36.70A.040,  
6 are located west of the crest of the Cascade mountains, and are not  
7 included in the central Puget Sound region. Skamania county, if it is  
8 required or chooses to plan under RCW 36.70A.040, may elect to be  
9 included within either the western Washington region or the eastern  
10 Washington region.

11 (2)(a) Each regional panel selected to hear and decide cases  
12 shall consist of three board members, at least a majority of whom  
13 shall reside within the region in which the case arose, unless such  
14 members cannot sit on a particular case because of recusal or  
15 disqualification, or unless the board administrative officer  
16 determines that there is an emergency including, but not limited to,  
17 the unavailability of a board member due to illness, absence,  
18 vacancy, or significant workload imbalance. The presiding officer of  
19 each case shall reside within the region in which the case arose,  
20 unless the board administrative officer determines that there is an  
21 emergency.

22 (b) Except as provided otherwise in this subsection (2)(b), each  
23 regional panel must: (i) Include one member admitted to practice law  
24 in this state; (ii) include one member who has (~~been a city or~~  
25 ~~county elected official~~) extensive experience in land use law or  
26 land use planning; and (iii) reflect the political composition of the  
27 board. The requirements of this subsection (2)(b) may be waived by  
28 the board administrative officer due to member unavailability,  
29 significant workload imbalances, or other reasons.

30 NEW SECTION. **Sec. 22.** Sections 19 through 21 of this act are  
31 necessary for the immediate preservation of the public peace, health,  
32 or safety, or support of the state government and its existing public  
33 institutions, and take effect immediately."

34 Renumber the remaining sections consecutively, correct any  
35 internal references accordingly, and correct the title.

EFFECT: Reduces the number of members on the growth management  
hearings board (GMHB) from seven to six, unless a seventh member is  
needed to address the GMHB's caseload. Removes the governor's

authority to appoint the entire GMHB membership and instead authorizes county legislative authorities grouped by geographic region to jointly appoint six of the seven GMHB members, while authorizing the governor to appoint an optional seventh GMHB member. Specifies the qualifications that GMHB appointees must possess, including professional experience in land use law or planning and residency in an appointing county.

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