
HOUSE BILL 2418

State of Washington 64th Legislature 2016 Regular Session

By Representatives Pike, Taylor, Vick, Harris, Buys, Wilson,
Magendanz, and Van Werven

Read first time 01/13/16. Referred to Committee on Local Government.

1 AN ACT Relating to modifying the membership and appointment
2 process of the growth management hearings board; amending RCW
3 36.70A.250, 36.70A.252, and 36.70A.260; creating a new section; and
4 declaring an emergency.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** The legislature finds that as part of the
7 2010 consolidation of the growth management hearings board there was
8 an intent to reduce the size of the hearings board to six members if
9 the case load justified such an action. This act honors that intent
10 by preserving the existing regional structure of the board's
11 membership, while authorizing the governor to determine whether the
12 seventh member of the board will be appointed or not.

13 This legislation is intended to improve the credibility of the
14 growth management hearings board by addressing concerns about
15 decisions infringing on constitutional protections and the
16 accountability of the board. This bill raises the qualifications of
17 the board members. It also allows elected officials that implement
18 the growth management act to be a part of the growth management
19 hearings board appointment process. We are a society in which the
20 government holds power only through the consent of the governed, and
21 the legitimacy of government actions is strengthened when the

1 governed individuals are confident that the governing body is alert
2 to all of the laws of the state and that the presiding official is
3 one they empowered to make such decisions.

4 **Sec. 2.** RCW 36.70A.250 and 2010 c 211 s 4 are each amended to
5 read as follows:

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

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

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

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

1 (d) The governor may appoint one member of the growth management
2 hearings board to the at-large position. The at-large member serves
3 at the pleasure of the governor.

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

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

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

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

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

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

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

22 (3)(a) Each member of the growth management hearings board shall
23 be appointed for a term of six years. ((A vacancy shall be filled by
24 appointment by the governor for the unexpired portion of the term in
25 which the vacancy occurs. Members of the previously existing three
26 growth management hearings boards appointed before July 1, 2010,
27 shall complete their staggered, six-year terms as members of the
28 growth management hearings board created under subsection (1) of this
29 section. The reduction from nine board members on the previously
30 existing three growth management hearings boards to seven total
31 members on the growth management hearings board shall be made through
32 attrition, voluntary resignation, or retirement))

33 (b) Each member of the growth management hearings board appointed
34 prior to January 1, 2016, may complete his or her unexpired six-year
35 term. When the term of each member expires, a successor must be
36 appointed in accordance with this section either by the appropriate
37 county legislative authorities if the member holds a regional
38 position, or by the governor if the member holds the at-large
39 position.

1 (4) Prior to making an appointment, but no later than January 1,
2 2017, the county legislative authorities of each region that are
3 required to make joint appointments to the growth management hearings
4 board must jointly establish a process for making appointments.
5 Appointments to the board must be made in accordance with this
6 section beginning with board member positions that have terms
7 expiring on June 30, 2016.

8 (5)(a) If a vacancy in a regional position on the growth
9 management hearings board occurs, the county legislative authorities
10 of the applicable region shall jointly appoint a person to serve for
11 the remainder of the unexpired term. The appointee must fulfill the
12 same qualifications provided in subsection (2) of this section as the
13 member he or she replaces.

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

18 **Sec. 3.** RCW 36.70A.252 and 2010 c 210 s 15 are each amended to
19 read as follows:

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

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

36 **Sec. 4.** RCW 36.70A.260 and 2010 c 211 s 5 are each amended to
37 read as follows:

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

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

9 (b) Eastern Washington region. A three-member eastern Washington
10 panel shall be selected to hear matters pertaining to cities and
11 counties that are required or choose to plan under RCW 36.70A.040 and
12 are located east of the crest of the Cascade mountains.

13 (c) Western Washington region. A three-member western Washington
14 panel shall be selected to hear matters pertaining to cities and
15 counties that are required or choose to plan under RCW 36.70A.040,
16 are located west of the crest of the Cascade mountains, and are not
17 included in the central Puget Sound region. Skamania county, if it is
18 required or chooses to plan under RCW 36.70A.040, may elect to be
19 included within either the western Washington region or the eastern
20 Washington region.

21 (2)(a) Each regional panel selected to hear and decide cases
22 shall consist of three board members, at least a majority of whom
23 shall reside within the region in which the case arose, unless such
24 members cannot sit on a particular case because of recusal or
25 disqualification, or unless the board administrative officer
26 determines that there is an emergency including, but not limited to,
27 the unavailability of a board member due to illness, absence,
28 vacancy, or significant workload imbalance. The presiding officer of
29 each case shall reside within the region in which the case arose,
30 unless the board administrative officer determines that there is an
31 emergency.

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

1 NEW SECTION. **Sec. 5.** This act is necessary for the immediate
2 preservation of the public peace, health, or safety, or support of
3 the state government and its existing public institutions, and takes
4 effect immediately.

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