

SENATE BILL REPORT

SB 5243

As of January 25, 2019

Title: An act relating to standing before the growth management hearings board.

Brief Description: Concerning standing before the growth management hearings board.

Sponsors: Senators Short and Wilson, L..

Brief History:

Committee Activity: Local Government: 1/24/19.

Brief Summary of Bill

- Removes participation standing and certification by the governor as methods to establish standing before the Growth Management Hearings Board.
- Adds a new method to establish standing for a person who (1) owns property within the boundaries of the relevant Growth Management Act planning jurisdiction, (2) is or is likely to be prejudiced by the contested action, and (3) will suffer actual injury if the action is upheld.

SENATE COMMITTEE ON LOCAL GOVERNMENT

Staff: Bonnie Kim (786-7316)

Background: Growth Management Hearings Board. A seven-member board established under the Growth Management Act (GMA) is charged with hearing and determining petitions alleging noncompliance with the GMA by state agencies, counties, or cities.

A petition may be filed only by:

- the state or a GMA planning jurisdiction;
- a person who has participated before the county or city regarding the matter under review;
- a person certified by the governor within 60 days of filing a petition with the Growth Management Hearings Board (GMHB); or
- a person with standing under the Administrative Procedures Act.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

To establish participation standing, a person must show that their participation was reasonably related to the issue presented to the GMHB.

Petitions that relate to whether an adopted comprehensive plan or development regulation complies with the GMA must be filed within 60 days after publication of the action. For counties, the date of publication is the date the county publishes a notice that it has adopted the comprehensive plan or development regulations. For cities, the date of publication is the date the city publishes the ordinance adopting the comprehensive plan or development regulations.

The GMHB must issue its final decision and order within 180 days, with limited exceptions. In the final order, the GMHB must either find the agency, county, or city in compliance or not in compliance. If found not in compliance, the matter is remanded back to the agency, county, or city and it has 180 days to come into compliance.

Summary of Bill: Participation standing and certification by the Governor are removed as methods to establish standing before the GMHB. A new method to establish standing is added as follows: the petitioner must be a person who (1) owns property within the boundaries of the relevant GMA planning jurisdiction; (2) is or is likely to be prejudiced by the contested action; and (3) will suffer actual injury if the action is upheld.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: The bill contains several effective dates. Please refer to the bill. Section 2 of this bill expires on December 31, 2020.

Staff Summary of Public Testimony: PRO: I believe it is important that persons who have standing are those who live in and will be most affected communities by proposed land use planning changes. There will be an amendment to this bill to include renters. This bill makes standing before the GMHB consistent with the standing requirements of other appeals boards and courts.

CON: Removing participation standing will remove the opportunity to participate in the process of developing comprehensive plans. An alternative would be to have the Department of Commerce certify every comprehensive plan.

Persons Testifying: PRO: Senator Shelly Short, Prime Sponsor; Jan Himebaugh, Building Industry Association of Washington.

CON: Bryce Yadon, Futurewise.

Persons Signed In To Testify But Not Testifying: No one.