



**STATE OF WASHINGTON
GROWTH MANAGEMENT HEARINGS BOARDS**

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October 20, 2009

Governor Chris Gregoire
Office of the Governor
PO Box 40002
Olympia, WA 98504-0002

RE: GMHBs' Efficiency Review, Recommendations and Proposed Legislation

Dear Governor Gregoire:

Enclosed is a report with recommendations on how the Growth Management Hearing Boards (GMHB) could be restructured to achieve savings, while continuing to provide an efficient and fair appeals process. The joint Boards met in early October and are supportive of most of the recommendations with a few caveats described below.

As you know, in 1991 the Legislature created three Growth Management Hearing Boards to allow appeals of local government decisions regarding growth management. Since that time, the three boards have operated independently and have written over 1,000 decisions clarifying implementation of and enforcing Growth Management Act requirements.

The 2009 State budget crisis required severe cuts in all state agency budgets. The GMHBs were no exception; collectively the boards cut expenses by 18% to accommodate legislative and executive branch expenditure reductions. By September, 2009 the boards closed two offices (Seattle and Yakima), reduced staff and consolidated administrative functions into one office in Olympia.

This past summer, the GMHBs hired Triangle Associates, Inc. to analyze our caseload and interview stakeholders about the future of the Boards. After conducting 35 interviews, and hearing from two panels of stakeholders on October 1, 2009, Triangle recommended that we could form one board with fewer board members (from nine members reduced to either six or seven members) and still fulfill Chapter 36.70A RCW requirements.

Stakeholder comments confirmed that we should move toward one board, with regional panels. Furthermore, the majority of stakeholders recommended we keep seven members on the board due to unforeseen workload likely to result from the Ruckelshaus Center's examination of the conflicts between agriculture and critical areas ordinances. In addition, appeals of the upcoming rounds of Shoreline Management Plan updates, over which the Growth Management Hearings Boards have jurisdiction, could increase Board workload.

In general, the board members agreed with the majority of the stakeholders about potential increased workload. It should be noted that the Triangle report contains caveats with regard to future workload projections. First, Triangle analyzed historic GMA caseloads based on limited data sets that did not include significant workload functions such as GMA compliance or remand hearing decisions. Second, Triangle noted that it is very difficult to project future Board caseload fluctuations, which are driven by

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multiple, unpredictable factors. Accordingly, we believe there is a need to have enough board members to produce quality, timely decisions that are clearly written, thoughtful and uphold the GMA.

On October 13, 2009 the Joint Board members accepted Triangle's report and generally agree with the report's recommendations – with the exception of Recommendations Nos. 1 and 10. These two recommendations would reduce the size of the board from 9 to 6 members and merge it into a new administrative appeals agency. We believe these two recommendations are premature and are not supported by current information, and details of a merger are unspecified.

Our board members unanimously agreed that forming one board with seven members, while maintaining regional representation, is necessary to serve the interests of the state and honor the Growth Management Act. A seven member board with regional panels could be implemented on July 1, 2010. We will need legislative action to make this happen.

We prepared an "agency request" legislative package for Marty Brown, your Legislative Director. The projected cost savings from our proposal will be the reduction from nine (9) board members to seven (7) board members, and a consolidation of administrative functions into one office. Our budget decision package describes the savings in detail.

With this letter we are conveying the report, which we believe was done in an objective and thorough manner. We seek your support in promoting our agency request legislation.

Sincerely,

Eastern Washington GMHB

Joyce Mulliken

Ray Paoella

John Roskelley

Central Puget Sound GMHB

Dave Earling

Margaret Pageler

Position Vacant

Western Washington GMHB

Nina Carter

James McNamara

Will Roehl

Enclosures:

Triangle Associates, Inc. GMHB Efficiency Study and Restructuring Analysis
GMHBs Proposed Draft Legislation

xc: Study Participants