

# State Committee on Agency Officials' Salaries

## Official Position Description Form

Name:	Position Title: Growth Management Hearings Board Member
Agency: Environmental and Land Use Hearings Office	Reports To:
Date: 07/11/2011	Date Last Revised: 01/25/2008

### 1. Position Objective

Discuss in a few sentences what the position is required to accomplish. Summarize the scope of impact and how the position supports/contributes to the mission of the organization.

The Growth Management Act (GMA) was enacted in 1990 and 1991 to guide and manage the State's growing population and conversion of land to urban uses. Its aim is to protect Washington's natural environment, provide sustainable economic development and enhance the quality of life for present and future citizens of the state. The GMA's success depends upon compliance by local governments in adopting comprehensive plans, land use regulations and capital facilities programs. Enforcement of the Act is through appeal to the GMHB. The Board hear petitions for review that challenge the legislative actions taken by local governments to comply with the GMA. The primary role of the Board is to ensure compliance with the GMA through the appeals process. It was the Legislature's intent that the Board provide an expeditious and consistent alternative to the judicial system in settling disputes arising from compliance with the GMA. There are 29 counties and 231 incorporated cities and towns planning under the Act.

The original Growth Management Act established three Boards with three members each to reflect regional differences in growth pressures and planning: Central Puget Sound, Eastern Washington and Western Washington each with geographic jurisdiction for those areas. Effective July 1, 2010, the 2010 Legislature reduced board members from nine to seven and consolidated the three boards into one board. The regional emphasis of the GMA was retained because two members are still appointed from each region with one statewide at-large member and regional based panels hear the cases. One board member serves as the Administrative Officer for the Board. To hear cases, the Administrative Officer reviews board member caseload and assigns three board members to each case as a panel. Two members are selected from the region in which the case arose and one member from another region. For each case, a Board member from the region serves as presiding officer. The Presiding Officer manages and schedule cases, conducts quasi-judicial hearings, decides, writes, musters a majority and issues final orders resolving disputes. A Board member also may mediate disputes and may provide education and outreach through publications and speaking engagements regarding the role and actions of the Boards.

Effective July 1, 2011, the 2010 Legislature consolidated the GMA Board (GMHB) into the new Environmental and Land Use Hearings Office (ELUHO). Three independent quasi-judicial Boards, including the GMHB now sit under the ELUHO Administrative Umbrella. The Board's budget, personnel decisions and administration are managed through the Director of ELUHO in direct collaboration with the GMHB's Administrative Officer. The GMHB members work from their homes with administration handled in the Olympia office of the GMHB.

### 2. Financial Dimensions

a. Number of employees in your organization: 10

b. Describe the type and **annual** amount of all monies that the position directly controls. Operating budget: \$ none -- all funds administered by the Administrative Officer and the ELUHO Director.

c. Other financial influences/impacts:



Item: N/A	Amount: \$
Item:	Amount: \$
Item:	Amount: \$

3. **Principal Responsibilities**

Prioritize a list of the principal responsibilities for which the position is accountable. Each statement should describe the responsibility, the required result, and the impact to the organization.

Resolve disputes arising from compliance with the Growth Management Act, through the issuance of written final decisions and orders. Statutory deadlines establish the timeframe of the Board's dispute resolution process - 180 days.

Manage and schedule each case from filing of petition to issuance of final orders with continuing jurisdiction over compliance proceedings.

Preside over all case conferences, meetings and hearings

Mediate cases for other growth Boards

Review and use procedural rules (WAC 242-03).

Participate in monthly board meetings to review caseload, personnel issues, review budget and policy issues for the GMHB.

Meet twice a year with other board members and ELUHO staff and board members to review policies, budget and history of board cases.

4. **Knowledge and Skills**

This section should include a brief statement(s) indicating the knowledge and skills required of the position to perform the full scope of job responsibilities.

a. Education:

A Board member must possess knowledge of the principles and practices of comprehensive land use planning; resource use and conservation; environmental protection; as well as an understanding of the structure, financing, operations and authority of state and local government.

At least three Board members must be admitted to the practice of law in the state.

b. Experience, including management experience:

A Board member must be qualified by experience or training in the practice and procedures of growth management and land use planning. Specialized knowledge and understanding of the Growth Management Act (GMA), Shoreline Management Act (SMA), State Environmental Policy Act (SEPA). A working knowledge of comprehensive land use planning, public financing of capital facilities, the local land use planning process, environmental law and practices, and legal procedures is essential.

A Board member must exercise the temperament, judgment and discretion of a judge.

At least three Board members must have been a former city or county elected official.

At least one member must understand state government budgeting and administration to oversee the Board offices and act as an Administrative Officer.

c. Specialized (job content) knowledge and skills:



A Board member must understand the legal framework for planning and decision making, including the GMA, the State Environmental Policy Act, the Shoreline Management Act (SMA), the Administrative Procedures Act, the Planning Enabling Act, the subdivision statute, and other statutes and case law that bear on managing growth and development. Important legislative changes and appellate court decisions concerning these statutes must be interpreted and applied by the Board.

In hearing and deciding petitions a Board member must have excellent analytical skills in order to review a large volume of written and oral testimony and discern the relative merit of arguments presented. A Board member must have strong writing skills and be able to compose clear and cogent orders in order to provide clear direction to parties and assure the legal sufficiency of the process.

A Board member needs good interpersonal communication skills in order to mediate disputes, help parties articulate legal issues, and develop board consensus or a majority opinion. Public speaking skills are also important because a Board member will be called upon to respond to contacts from the media and make presentations to interested groups or organizations.

A Board member must be able to organize and conduct fair and impartial hearings and control the course of proceedings.

The Board must also maintain clear and cogent rules of practice and procedure to make the review process accessible to pro se litigants. Each Board member contributes to development and application of these rules.

Growth Management is extraordinarily complex because it integrates many fields, each of which can be very complicated. A Board member must possess a command of diverse fields (e.g. land use, housing, transportation, capital finance, natural resources, the science of eco-system protection, and law). Considerable intellectual effort is required to apply that integrated knowledge to specific cases, to discern facts, weigh the merits of legal arguments and exercise independent judgment in reaching decisions within strict statutory time frames.

## 5. **Nature and Scope**

This section should include a short and descriptive narrative that addresses the following requirements in the position:

- a. **Organization** (include a copy of organization chart)  
Size and role of this position and its importance to the state's mission and reputation.  
Diversity of job scope/responsibilities.

Each Board has the responsibility in its jurisdiction for deciding the disputes arising from the implementation of the GMA, SEPA, and SMA, and providing a quicker, less complicated, and less expensive method of deciding these disputes as an alternative to the superior court. The Board establishes precedents to guide cities and counties on implementing the GMA and SMA in accordance with the Legislature's intent.

A Board member, in consultation with colleagues, is responsible for managing the progress of assigned cases, doing the legal research, and drafting decisions and orders. The GMHB does not currently have a staff attorney, hearing officers, administrative law judges, or law clerks to support this work.

In addition, the Board as a whole must perform the duties expected of every other state agency. The Board has full responsibility for compliance with statutes and regulations including the Administrative Procedure and Public Disclosure Acts. One member of the Board serves as the Board's administrative officer and works closely with the Director of ELUHO in preparation of budgets; accounting for expenditures, securing office space and the management of support staff functions.

## b. **Management Environment**



Key challenges, sensitivities, risks, etc., inherent in the position and political environment. Any unique requirements associated with the performance of job responsibilities. Key partnerships and stakeholder interactions.

A Board member decides cases in a politically sensitive context. Because Board rulings affect local government regulations and finances, environmental protection and property rights, the Board's decisions are subject to appellate review by the courts and to legislative response. (The GMA has been amended almost annually since its enactment, and several amendments have been in response to Board rulings.)

A Board member must be discrete, fair, tactful and sensitive. Judicial temperament and self-discipline is essential. Growth management issues are controversial and often highly politicized because the stakes in the disputes are very high and the parties to the disputes are stakeholders who have strong beliefs and interests that frequently conflict with one another.

**c. Problem Solving/Decision Making Requirements**

This section should contain a brief statement(s) indicating the skill required by the job for analyzing, evaluating, creating, and reasoning, arriving at and making conclusions.

Compliance by local governments with the Act's deadlines for adoption and periodic review of comprehensive plans and land use regulations may result in many petitions for review being filed and processed simultaneously. This may require a Board member to deal with a great volume of cases in a finite time period that must be decided in strict statutory deadlines.

Excellent analytical, organizational, writing and verbal skills are required to preside over hearings, formulate and write decisions, mediate disputes, help parties articulate legal issues and develop board consensus or majority opinions.

**d. Accountability**

This section should contain a brief statement indicating both the primary and shared accountability for the position. It is the measured effect of the job on end results. It has two dimensions:

1. Freedom to Act - considers the degree of controls and limitations placed on the job's authority that are set by policies, procedures, precedents and standard practices.
2. Job Impact - considers the type and degree of influence the job contributes to the end result.

The Board was designed to be independent and free to act in determining local government compliance with the GMA without political influence.

A Board member is appointed by the Governor, is not subject to Senate confirmation, and may only be removed for cause upon the Governor filing an action with the Supreme Court. A Board member does not report to the Governor; Board decisions are appealable to the superior courts. The Board's responsibility is articulated by the GMA; however, Board members have broad discretion in deciding how to go about reaching decisions under the GMA.

A Board member's decision, incorporated in a Board Order, has significant impact on local government action and on environmental and land use outcomes. The impact of a Board ruling on a local government may be indirect (when a Board recommends that the Governor impose financial sanctions that result in withholding of revenue) or may be direct (when a Board finds noncompliance, state discretionary funds can be withheld from a noncompliant jurisdiction, or when a Board invalidates a local government enactment, the resulting regulatory change may affect the use of private property.) Sometimes the impact of a Board decision is small in scope (affecting only a small area of a city or county); other times

the impact is large in scope (affecting the entirety of a city-wide or county-wide plan or regulation). In addition to affecting the use of land, a Board decision may impact local capital improvements and the operating budgets of the state agencies and local governments involved in specific cases. Because private investment and other land use decisions rely upon the plans and regulations of local governments, the Boards' decisions often directly affect landowners, neighborhoods, businesses and interest groups, as well as governmental agencies.

The decisions rendered by the Board also establish case law in the application of Growth Management Act and the Shoreline Management Act.

Because the Board are self-governing, independent agencies, they exercise broad discretion in adopting rules of procedure and establishing operational policies.

**e. Planning (Tactical and Strategic)**

Focus on the requirement for and impact of planning on the state's mission and success of the agency.

In determining local government compliance with the Growth Management Act, the Board plays an important role in the implementation of the GMA, which in turn promotes the state's mission of conserving its natural resources, protecting its environment, furthering sustainable economic development, encouraging effective infrastructure investment, and enabling the public to participate in the local government planning process. The Board's strategic plan focuses on managing its allocation of state resources effectively and improving its practices so that it can issue its decisions within its statutory deadlines and serve the parties to its cases fairly and efficiently.

The ultimate impact of the Board is in the timely resolution of contentious land use/environmental disputes. The desired result of the Board's work is a more timely, cost effective and citizen friendly process than resort to the Courts.

Date:	Signature:
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Submit this form and required documents to: [Compensation@dop.wa.gov](mailto:Compensation@dop.wa.gov)

**Or Mail To:**  
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