



STATE OF WASHINGTON  
**GROWTH MANAGEMENT HEARINGS BOARD**  
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## **BOARD MEMBER JOB DESCRIPTION**

### **Organization**

The Growth Management Hearings Board (GMHB) is a quasi-judicial tribunal responsible for hearing and deciding disputes arising from the implementation of the Growth Management Act (GMA), State Environmental Policy Act (SEPA), and Shoreline Management Act (SMA). The Board provides a quicker, less complicated, and less expensive method of deciding these disputes as an alternative to the Superior Courts. The Board's written decisions and orders help guide cities and counties on implementing the GMA, SEPA, and SMA.

The Board must follow budget guidelines and administrative procedures applicable to other state agencies. Board members must comply with the Administrative Procedure Act, Open Public Meetings Act, Ethics in Public Service, Public Disclosure Act, and various employment and accounting statutes and regulations. Board members are also guided by the Code of Judicial Conduct, Rules of Professional Conduct for Attorneys, and Code of Ethics and Professional Conduct for Certified Planners.

The Board members are appointed by the Governor for six year terms, are not subject to Senate confirmation, and may only be removed for inefficiency, malfeasance, and misfeasance in office, under written charges filed by the Governor with the Washington State Supreme Court; Board decisions are appealable to the Superior Courts. The Board's jurisdiction and authority is prescribed by the GMA.

Annually, the Board elects one of its members to be the board Administrative Officer. The duties and responsibilities of the Administrative Officer include handling day-to-day administrative, budget, and personnel matters on behalf of the Board, together with making case assignments to Board members in accordance with the Board's rules of procedure in order to achieve a fair and balanced workload among all board members. The Administrative Officer may carry a reduced caseload to allow time for performing the administrative work functions.

Because the Board exercises broad discretion in adopting administrative rules of procedure and establishing operational policies. In determining local government compliance with the GMA and SMA requirements, the Board plays an important role in the implementation of the GMA and SMA, which in turn promotes the state's mission of conserving its natural resources, protecting its environment and shorelines, 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.

### **Position Objective**

As a quasi-judicial officer each Board member, in consultation with colleagues assigned to the regional panel, is responsible for managing the progress of assigned cases, doing legal research, conducting hearings, deciding motions, and writing legal decisions and orders. Unlike other judicial officers, the

GMHB does not have staff attorneys, hearing officers, administrative law judges, or law clerks to support this work.

The GMA directs the Board, after full consideration of the petition, to determine whether cities and/or counties have met the requirements of the GMA. The Board shall find compliance unless it determines that the challenged action is clearly erroneous in view of the entire record before the Board and in light of the goals and requirements of 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 resolving 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 Legislature reduced the number of board members from nine to seven and consolidated the three boards into one statewide board. The regional emphasis of the GMA was retained as two members must reside in each of the three regions with one statewide at-large member. Regional panels hear each case that arises within a particular region. The Administrative Officer makes case assignments to a panel of three board members. At least two panel members must reside within the region in which the case arose. For each case, a Board member from the region in which the case arose serves as Presiding Officer. The Presiding Officer manages, schedules and conducts hearings, writes and issues final orders resolving disputes, with a majority of the panel members agreeing to sign the Order. 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 GMHB was administratively consolidated into the new Environmental and Land Use Hearings Office (ELUHO). Three independent quasi-judicial Boards, including the GMHB, now constitute ELUHO with an office in Tumwater, Washington. The Board's budget and administrative/clerical staff are managed through the Director of ELUHO in collaboration with the GMHB. The GMHB members work from their homes with administration handled in the Tumwater office.

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

### **Qualifications**

A Board member must be qualified by experience or training in matters pertaining to land use law or 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 very beneficial.

At least three Board members shall be admitted to practice law in Washington.

At least three Board members shall have been a former city or county elected official. Training as a professional planner is also valuable.

No more than four members of the seven member board may be members of the same major political party. No more than two members at the time of their appointment or during their term may reside in the same county.

## **Principal Responsibilities**

Resolve disputes arising from local government legislative actions taken to achieve compliance with the GMA, SEPA, and SMA mandates, 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 commencing from the filing of petitions to issuance of procedural, substantive, and final orders with continuing jurisdiction over compliance proceedings.

Preside over all case conferences, meetings and hearings.

Convene telephonic deliberations of panel colleagues and provide analysis of the factual record and the legal issues necessary to decide a case.

Mediate cases in regions other than the Board member's residential region.

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

Work independently from a home office; managing the necessary communications equipment, supplies, and filing systems necessary to perform the duties of a Board member.

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

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

## **Specialized Knowledge and Skills**

Board members must at all times exercise judicial discretion and impartiality, and also be very attentive to the limits of the Board's statutory jurisdiction and powers. For example, the Board has limited authority to invalidate some land use plans and regulations adopted by local elected officials but only after making specific Findings of Fact and Conclusions of Law.

A Board member must understand the legal framework for planning and decision making, including the GMA, SEPA, SMA, Administrative Procedures Act, Planning Enabling Act, the subdivision statute, 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 effective legal writing skills and be able to compose clear and cogent orders to provide direction to parties and assure the legal sufficiency of the process. The Board's written decisions may be reviewed by appellate courts for compliance with statutory provisions and appellate court case law.

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

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.

A Board member decides cases in a politically sensitive context. Because Board rulings affect local government regulations and finances, natural resource and environmental protections, sustainable economic development, 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.)