



American Planning Association
Washington Chapter

Making Great Communities Happen

January 10, 2010

The Honorable Geoff Simpson
Chair, House Local Government and Housing Committee
426 John L. O'Brien Building
Olympia, WA 98504-0600

RE: HB 2442: Relating to restructuring three growth management hearings boards into one board

Dear Representative Simpson:

For the past 20 years, the members of the Washington Chapter of the American Planning Association have provided professional expertise to our communities in preparing and implementing comprehensive plans and land use regulations under the Growth Management Act. As land use practitioners, we greatly value the framework that the GMA provides for local planning, and the important role that the Growth Management Hearings Boards play in resolving disputes and clarifying the law.

We understand the need for state government to restructure the three growth management hearings boards into one board and support this objective of HB 2442. While this will result in consolidation of the growth board function into a single agency and office, we are pleased to see that the important regional diversity of our state is still reflected by the bill's provisions for regional panels.

HB 2442 also provides an opportunity to strengthen the expertise and credibility of the consolidated growth management hearings board by clarifying the minimum credentials for future board appointees. Section 4 of HB 2442 amends RCW 36.70A.250 in a number of ways, but as to board member qualifications, simply repeats the language that has been in place since 1992. The existing relevant text of HB 2442 appears in lines 12 through 14 of page 11 as follows:

"The board shall consist of seven members qualified by experience or training in matters pertaining to land use law or land use planning."



We propose the following amended language:

The board shall consist of seven members, ~~qualified by experience or training in matters pertaining to land use law or land use planning.~~ with the following minimum qualifications:

- a. Three of the members shall be licensed to practice law in the State of Washington and have at least three years of experience in the practice of land use law;
- b. Three of the members shall have been an elected official for at least three years of a city or county planning under the provisions of RCW 36.70A.040;
- c. Two of the members shall be land use planners certified by the American Institute of Certified Planners and have at least three years of experience in the practice of land use planning under the provisions of RCW 36.70A.040.

Because the Growth Management Act is a planning statute, we believe that it is important that the perspective and ethic of planning practitioners inform the deliberations of the Board responsible for interpreting the law. The Code of Ethics of the American Institute of Certified Planners obliges its members to consider the long-term consequences of present actions, to see the inter-connectedness of decisions, and to serve the public interest first and foremost. Certified and experienced planning professionals bring a practical knowledge of the methods of plan-making as well as an ability to write decisions that are understood by lay audiences of citizens, local elected officials and other non-attorney stakeholders.

In fact, four past members of the Growth Management Hearings Board have been AICP certified planners: Holly Gadbow of the Western Board, and Bruce Laing, Edward McGuire, and Joseph Tovar of the Central Puget Sound Board. Their contributions to Final Decisions have provided great clarity to those seeking to understand the framework of our law.

For example, our Supreme Court agreed with the Western Board's views that the GMA precludes extending urban services into the rural area (*Cooper Point*) and that Local Areas of More Intensive Rural Development are to be limited in scope (*Gold Star*). The Court of Appeals adopted the Central Board's interpretation of the Act's essential public facilities requirements in the Third Runway case (*Port of Seattle*).



Also, the incorporation of thirteen new cities in Central Puget Sound since 1990 is attributed in large part to the Central Board's explanation of the respective roles of counties, cities and special districts under the GMA (i.e., "that which is urban should be municipal".)

In short, we believe that by requiring that certified planners be included on the consolidated growth hearings board, the legislature will assure that future decisions will not only be good law comprehensible to attorneys, but good planning law comprehensible to all those who need to understand it.

Thank you for the opportunity to comment. APA Washington stands ready to work with your committee and staff, Commerce, other state agencies and stakeholder groups to help our state and communities effectively meet the challenges of growth and development. If I can answer any questions please do not hesitate to contact me.

Respectfully,

A handwritten signature in blue ink, appearing to read 'Scott Greenberg'.

Scott Greenberg, AICP
Washington Chapter of the American Planning Association
President

Cc: Members of the House Local Government and Housing Committee