RCW 36.70A.270  Growth management hearings board—Conduct, 
procedure, and compensation—Public access to rulings, decisions, and 
orders. The growth management hearings board shall be governed by the 
following rules on conduct and procedure:

1. Any board member may be removed for inefficiency, 
malfeasance, and misfeasance in office, under specific written charges 
filed by the governor. The governor shall transmit such written 
charges to the member accused and the chief justice of the supreme 
court. The chief justice shall thereupon designate a tribunal composed 
of three judges of the superior court to hear and adjudicate the 
charges. Removal of any member of the board by the tribunal shall 
disqualify such member for reappointment.

2. The principal office of the board shall be located in 
Thurston county, but it may hold hearings at any other place in the 
state.

3. Each board member shall not: (a) Be a candidate for or hold 
any other public office or trust; (b) engage in any occupation or 
business interfering with or inconsistent with his or her duty as a 
board member; and (c) for a period of one year after the termination 
of his or her board membership, act in a representative capacity 
before the board on any matter.

4. A majority of the board shall constitute a quorum for 
adopting rules necessary for the conduct of its powers and duties or 
transacting other official business, and may act even though one 
position of the board is vacant. One or more members may hold hearings 
and take testimony to be reported for action by the board when 
authorized by rule or order of the board. The board shall perform all 
the powers and duties specified in this chapter or as otherwise 
provided by law.

5. The board may use one or more hearing examiners to assist the 
board in its hearing function, to make conclusions of law and findings 
of fact and, if requested by the board, to make recommendations to the 
board for decisions in cases before the board. Such hearing examiners 
must have demonstrated knowledge of land use planning and law. The 
board shall specify in its rules of practice and procedure, as 
required by subsection (7) of this section, the procedure and criteria 
to be employed for designating hearing examiners as a presiding 
officer. Hearing examiners used by the board shall meet the 
requirements of subsection (3) of this section. The findings and 
conclusions of the hearing examiner shall not become final until they 
have been formally approved by the board. This authorization to use 
hearing examiners does not waive the requirement of RCW 36.70A.300 
that final orders be issued within one hundred eighty days of board 
receipt of a petition.

6. The board shall make findings of fact and prepare a written 
decision in each case decided by it, and such findings and decision 
shall be effective upon being signed by two or more members of the 
regional panel deciding the particular case and upon being filed at 
the board's principal office, and shall be open for public inspection 
at all reasonable times.

7. All proceedings before the board, any of its members, or a 
hearing examiner appointed by the board shall be conducted in 
accordance with such administrative rules of practice and procedure as 
the board prescribes. The board shall develop and adopt rules of 
practice and procedure, including rules regarding expeditious and 
summary disposition of appeals and the assignment of cases to regional
panels. The board shall publish such rules it renders and arrange for the reasonable distribution of the rules. Except as it conflicts with specific provisions of this chapter, the administrative procedure act, chapter 34.05 RCW, and specifically including the provisions of RCW 34.05.455 governing ex parte communications, shall govern the practice and procedure of the board.

(8) The board must ensure all rulings, decisions, and orders are available to the public through the environmental and land use hearings office's websites as described in RCW 43.21B.005. To ensure uniformity and usability of searchable databases and websites, the board shall coordinate with the environmental and land use hearings office, the department of commerce, and other interested stakeholders to develop and maintain a rational system of categorizing its decisions and orders.

(9) A board member or hearing examiner is subject to disqualification under chapter 34.05 RCW. The rules of practice of the board shall establish procedures by which a party to a hearing conducted before the board may file with the board a motion to disqualify, with supporting affidavit, against a board member or hearing examiner assigned to preside at the hearing.

(10) All members of the board shall meet on at least an annual basis with the objective of sharing information that promotes the goals and purposes of this chapter.

(11) The board shall annually elect one of its attorney members to be the board chair. The duties and responsibilities of the chair include developing board procedures, 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, and managing board meetings. [2020 c 214 § 4; 2019 c 452 § 2. Prior: 2010 c 211 § 6; 2010 c 210 § 16; 1997 c 429 § 11; 1996 c 325 § 1; 1994 c 257 § 1; 1991 sp.s. c 32 § 7.]

Effective date—Transfer of power, duties, and functions—2010 c 211: See notes following RCW 36.70A.250.

Intent—Effective dates—Application—Pending cases and rules—2010 c 210: See notes following RCW 43.21B.001.

Prospective application—1997 c 429 §§ 1–21: See note following RCW 36.70A.3201.

Severability—1997 c 429: See note following RCW 36.70A.3201.

Severability—1996 c 325: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1996 c 325 § 6.]

Effective date—1996 c 325: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately [March 30, 1996]." [1996 c 325 § 7.]

Severability—1994 c 257: "If any provision of this act or its application to any person or circumstance is held invalid, the
remainder of the act or the application of the provision to other persons or circumstances is not affected." [1994 c 257 § 26.]