



PROPOSED RULE MAKING

CR-102 (June 2024)
(Implements RCW 34.05.320)
Do **NOT** use for expedited rule making

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OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: December 27, 2024

TIME: 3:18 PM

WSR 25-02-085

Agency: Washington State Environmental and Land Use Hearings Office

Original Notice

Supplemental Notice to WSR _____

Continuance of WSR _____

Preproposal Statement of Inquiry was filed as WSR 24-08-015 ; or

Expedited Rule Making--Proposed notice was filed as WSR _____ ; or

Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1); or

Proposal is exempt under RCW _____.

Title of rule and other identifying information: (describe subject) WAC 242-03 GMHB Rules of Practice and Procedure

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
2/4/2025	9:00 am	Zoom https://eluhwa-wa.gov.zoom.us/j/6690698875?pwd=YVJDN0R4WmRPUDBQdjdvE82ZVFIUT09&omn=86401404695 Meeting ID: 669 069 8875 Passcode: 635907 Physical Location: 1111 Israel Road SW, Suite 301, Tumwater, WA 98501	The public hearing will be conducted online via Zoom; however, participants who wish to comment may phone in using the Zoom call in information or they may participate in person

Date of intended adoption: 2/28/2025 (Note: This is **NOT** the effective date)

Submit written comments to:

Name Jamie Merly

Address 1111 Israel Road SW, Suite 301, Tumwater, WA 98501

Email Jamie.Merly@eluhwa.gov

Fax

Other

Beginning (date and time) 12/30/2024

By (date and time) 2/17/2024

Assistance for persons with disabilities:

Contact Jamie Merly

Phone (360) 485-1282

Fax

TTY

Email Jamie.Merly@eluhwa.gov

Other

By (date) 2/3/2024

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The rule changes will clarify that the board shall dismiss based upon a stipulated motion. The rule changes clarify terminology to reduce confusion about the board's statutory authority. Lastly, the rule changes add a rule that the board will determine whether the respondent has delayed or suspended the effective date of the action subject to petition.

Reasons supporting proposal: The rule changes align Board procedure with existing statutory and case law. (See *Spokane County v. Growth Management Hearings Board*, 534 P. 3d 1203, 2023) (The Court of Appeals Div III held that RCW 36.70A.330 does not require the GMHB to hold a compliance hearing after a finding of noncompliance when the parties settle their dispute and agree to dismiss).

Statutory authority for adoption: RCW 36.70A.270			
Statute being implemented: RCW 36.70A			
Is rule necessary because of a:			
Federal Law?		<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Federal Court Decision?		<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
State Court Decision?		<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If yes, CITATION:			
Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:			
Name of proponent: (person or organization) Washington State Environmental and Land Use Hearings Office			
Type of proponent: <input type="checkbox"/> Private. <input type="checkbox"/> Public. <input checked="" type="checkbox"/> Governmental.			
Name of agency personnel responsible for:			
	Name	Office Location	Phone
Drafting	Jamie Merly	1111 Israel Road SW, Suite 301, Tumwater, WA 98501	(360) 485-1282
Implementation	Jamie Merly	1111 Israel Road SW, Suite 301, Tumwater, WA 98501	(360) 485-1282
Enforcement	Jamie Merly	1111 Israel Road SW, Suite 301, Tumwater, WA 98501	(360) 485-1282
Is a school district fiscal impact statement required under RCW 28A.305.135?			
			<input type="checkbox"/> Yes <input type="checkbox"/> No
If yes, insert statement here:			
The public may obtain a copy of the school district fiscal impact statement by contacting:			
Name			
Address			
Phone			
Fax			
TTY			
Email			
Other			
Is a cost-benefit analysis required under RCW 34.05.328?			
<input type="checkbox"/> Yes: A preliminary cost-benefit analysis may be obtained by contacting:			
Name			
Address			
Phone			
Fax			
TTY			
Email			
Other			
<input checked="" type="checkbox"/> No: Please explain: Washington State Environmental and Land Use Hearings Office is not specifically listed in RCW 34.05.328 (5)(b)(i) and does not intend to make this section voluntarily applicable to this rule update per subsection (5)(b)(ii). One of the primary purposes of the rule change is to clarify procedures for implementing existing statutes, consistent with RCW 34.05.328 (5)(b)(v). Therefore, unless subsection (ii) is invoked by the joint administrative rules committee after filing CR-102, no cost benefit analysis is required			
Regulatory Fairness Act and Small Business Economic Impact Statement			
Note: The Governor's Office for Regulatory Innovation and Assistance (ORIA) provides support in completing this part.			
(1) Identification of exemptions:			
This rule proposal, or portions of the proposal, may be exempt from requirements of the Regulatory Fairness Act (see chapter 19.85 RCW). For additional information on exemptions, consult the exemption guide published by ORIA . Please check the box for any applicable exemption(s):			

This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.061](#) because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

Citation and description:

This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by [RCW 34.05.313](#) before filing the notice of this proposed rule.

This rule proposal, or portions of the proposal, is exempt under the provisions of [RCW 15.65.570\(2\)](#) because it was adopted by a referendum.

This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.025\(3\)](#). Check all that apply:

- | | |
|---|--|
| <input type="checkbox"/> RCW 34.05.310 (4)(b)
(Internal government operations) | <input type="checkbox"/> RCW 34.05.310 (4)(e)
(Dictated by statute) |
| <input type="checkbox"/> RCW 34.05.310 (4)(c)
(Incorporation by reference) | <input type="checkbox"/> RCW 34.05.310 (4)(f)
(Set or adjust fees) |
| <input type="checkbox"/> RCW 34.05.310 (4)(d)
(Correct or clarify language) | <input checked="" type="checkbox"/> RCW 34.05.310 (4)(g)
(i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit) |

This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.025\(4\)](#). (Does not affect small businesses).

This rule proposal, or portions of the proposal, is exempt under RCW _____.

Explanation of how the above exemption(s) applies to the proposed rule:

(2) Scope of exemptions: *Check one.*

- The rule proposal: Is fully exempt. (*Skip section 3.*) Exemptions identified above apply to all portions of the rule proposal.
- The rule proposal: Is partially exempt. (*Complete section 3.*) The exemptions identified above apply to portions of the rule proposal, but less than the entire rule proposal. Provide details here (consider using [this template from ORIA](#)):
- The rule proposal: Is not exempt. (*Complete section 3.*) No exemptions were identified above.

(3) Small business economic impact statement: *Complete this section if any portion is not exempt.*

If any portion of the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

- No Briefly summarize the agency's minor cost analysis and how the agency determined the proposed rule did not impose more-than-minor costs. _____
- Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses and a small business economic impact statement is required. Insert the required small business economic impact statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

Name
Address
Phone
Fax
TTY
Email
Other

Date: 12/27/2024

Name: Jamie Merly

Title: Director of Legal and Administrative Services

Signature:

Place signature here