

Bond Case Briefs

Municipal Finance Law Since 1971

ZONING & PLANNING - WASHINGTON

Whatcom County v. Hirst

Supreme Court of Washington, En Banc - October 6, 2016 - P.3d - 2016 WL 5853289

County sought review of Growth Management Hearings Board's final decision and order determining that rural element of county's comprehensive plan and zoning code failed to comply with Growth Management Act (GMA).

Objectors sought review of Board's final decision and order, arguing that Board erred by declining to declare ordinance invalid.

Following transfer of objectors' appeal, the Superior Court consolidated appeals. Board certified consolidated appeals for direct review by the Court of Appeals. The Court of Appeals affirmed in part, reversed in part, and remanded. County sought review.

After granting review, the Supreme Court of Washington held that:

- GMA requires counties to consider and address water resource issues in land use planning;
- County's comprehensive plan was insufficient to comply with county's duty under GMA to protect groundwater resources when issuing building permits;
- GMA's listing of enhancement of water quality as a goal of the Act does not require a county's comprehensive plan to include provisions that enhance water quality; and
- Board has discretion to decide whether or not to declare a comprehensive plan invalid, after finding noncompliance with GMA.