

# Chapter 242-04 WAC

## PUBLIC RECORDS

### WAC

242-04-010	Purpose.
242-04-020	Definitions.
242-04-030	Description of organization and public meetings.
242-04-040	Public records available.
242-04-050	Communications with the board.
242-04-060	Public records officer.
242-04-070	Office hours.
242-04-080	Requests for public records.
242-04-090	Responses to requests for public records.
242-04-100	Copying.
242-04-110	Exemptions.
242-04-120	Review of denials of public records requests.
242-04-130	Protection of public records.
242-04-140	Records index.
242-04-150	Adoption of form.

**WAC 242-04-010 Purpose.** The purpose of this chapter is to ensure compliance by the growth management hearings board with the provisions of chapter 42.17 RCW, and in particular with RCW 42.17.250 through 42.17.340, dealing with public records.

[Statutory Authority: RCW 36.70A.270(7). 10-21-059, § 242-04-010, filed 10/15/10, effective 10/15/10; 09-21-040, § 242-04-010, filed 10/13/09, effective 11/13/09. Statutory Authority: RCW 36.70A.270(6). 92-21-034, § 242-04-010, filed 10/15/92, effective 10/15/92.]

**WAC 242-04-020 Definitions.** (1) "Board" means the growth management hearings board, a quasi-judicial body created pursuant to chapter 36.70A RCW. Where appropriate the term board also refers to the staff and employees of the board.

(2) "Administrative officer" means the board member elected pursuant to RCW 36.70A.270(10).

(3) "Office of the growth management hearings board" means the administrative office of the growth management hearings board established in RCW 36.70A.250.

(4) "Public record" means any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics.

(5) "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation including, but not limited to, letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, motion pictures, film and video recordings, magnetic or punched cards, discs, drums, diskettes, sound recordings, and other documents, including existing data compilations from which information may be obtained or translated.

[Statutory Authority: RCW 36.70A.270(7). 10-21-059, § 242-04-020, filed 10/15/10, effective 10/15/10; 09-21-040, § 242-04-020, filed 10/13/09, effective 11/13/09. Statutory Authority: RCW 36.70A.270(6). 94-23-112, § 242-04-020, filed 11/22/94, effective 12/23/94; 92-21-034, § 242-04-020, filed 10/15/92, effective 10/15/92.]

(10/15/10)

**WAC 242-04-030 Description of organization and public meetings.** (1) The board is an independent agency of the state of Washington, composed of seven members appointed by the governor. The board shall annually elect 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 of the board may carry a reduced caseload to allow time for performing the administrative work functions.

(2) Regular meetings of the board will be held at the office, telephonically if desired, of the growth management hearings board, or a designated location on the first Wednesday of each month at 10:00 a.m. or following any scheduled hearing on that date.

(3) The board shall meet at least annually at a time and location to be announced.

(4) The office of the growth management hearings board provides for the administrative operations of the board.

[Statutory Authority: RCW 36.70A.270(7). 10-21-059, § 242-04-030, filed 10/15/10, effective 10/15/10; 09-21-040, § 242-04-030, filed 10/13/09, effective 11/13/09; 00-09-094, § 242-04-030, filed 4/19/00, effective 5/20/00; 98-01-144, § 242-04-030, filed 12/19/97, effective 1/20/98. Statutory Authority: RCW 36.70A.270(6). 92-21-034, § 242-04-030, filed 10/15/92, effective 10/15/92.]

**WAC 242-04-040 Public records available.** All public records of the board are available for public inspection and copying pursuant to these rules, except as otherwise provided by RCW 42.17.310 and other laws.

[Statutory Authority: RCW 36.70A.270(7). 10-21-059, § 242-04-040, filed 10/15/10, effective 10/15/10. Statutory Authority: RCW 36.70A.270(6). 92-21-034, § 242-04-040, filed 10/15/92, effective 10/15/92.]

**WAC 242-04-050 Communications with the board.** (1) All communications with the board, including but not limited to the submission of materials pertaining to its operations and/or administration or enforcement of chapter 42.17 RCW and these rules, requests for copies of the board decisions and other matters, by including identification of the appropriate regional panel, shall be addressed to the board as follows:

Office of the Growth Management Hearings Board  
319 - 7th Avenue S.E.  
Olympia, WA 98501  
P.O. Box 40953  
Olympia, WA 98504-0953  
360-586-0260  
360-664-6975 fax  
e-mail: eastern@ew.gmhb.wa.gov  
western@wwgmhb.wa.gov

[Ch. 242-04 WAC—p. 1]

central@cps.gmhb.wa.gov  
web site: www.gmhb.wa.gov

(2) All communications with the board shall be addressed as noted in subsection (1) of this section.

[Statutory Authority: RCW 36.70A.270(7). 10-21-059, § 242-04-050, filed 10/15/10, effective 10/15/10; 09-21-040, § 242-04-050, filed 10/13/09, effective 11/13/09; 08-10-030, § 242-04-050, filed 4/28/08, effective 5/29/08; 03-15-047, § 242-04-050, filed 7/11/03, effective 8/11/03; 00-09-094, § 242-04-050, filed 4/19/00, effective 5/20/00; 98-01-144, § 242-04-050, filed 12/19/97, effective 1/20/98; 97-04-008, § 242-04-050, filed 1/24/97, effective 3/1/97. Statutory Authority: RCW 36.70A.270(6). 94-23-112, § 242-04-050, filed 11/22/94, effective 12/23/94; 94-07-033, § 242-04-050, filed 3/9/94, effective 4/9/94; 92-21-034, § 242-04-050, filed 10/15/92, effective 10/15/92.]

**WAC 242-04-060 Public records officer.** (1) The administrative officer, or his/her designee, shall be in charge of the public records for [the] board.

(2) Such person shall be responsible for implementation of these rules and regulations regarding release of public records, and generally assuring compliance with the public records disclosure requirements of chapter 42.17 RCW, and in particular RCW 42.17.250 through 42.17.340.

[Statutory Authority: RCW 36.70A.270(7). 10-21-059, § 242-04-060, filed 10/15/10, effective 10/15/10; 09-21-040, § 242-04-060, filed 10/13/09, effective 11/13/09. Statutory Authority: RCW 36.70A.270(6). 92-21-034, § 242-04-060, filed 10/15/92, effective 10/15/92.]

**WAC 242-04-070 Office hours.** Public records shall be available for inspection and copying during the customary office hours of the growth management hearings board. For the purposes of this chapter, the customary office hours shall be from 8:00 a.m. to noon and from 1:00 p.m. to 5:00 p.m., Monday through Friday, excluding legal holidays.

[Statutory Authority: RCW 36.70A.270(7). 10-21-059, § 242-04-070, filed 10/15/10, effective 10/15/10; 09-21-040, § 242-04-070, filed 10/13/09, effective 11/13/09. Statutory Authority: RCW 36.70A.270(6). 92-21-034, § 242-04-070, filed 10/15/92, effective 10/15/92.]

**WAC 242-04-080 Requests for public records.** In accordance with the provisions of chapter 42.17 RCW, that agencies prevent unreasonable invasions of privacy, protect public records from damage or disorganization, and prevent excessive interference with essential functions of the agency, public records may be inspected or copied, or copies of such records may be obtained, by members of the public upon compliance with the following procedures:

(1) A request shall be made in writing upon a form prescribed by the board which shall be available at the office of the growth management hearings board. A completed form shall be presented to the public records officer or to any staff member at the office of the growth management hearings board during customary office hours. The request shall include the following information:

(a) The name and address of the person requesting the record and the organization represented, if any;

(b) The time of day and calendar date on which the request was made;

(c) A description of the material requested;

(d) If the matter requested is referenced within the current index maintained by the public records officer, a refer-

ence to the requested record as it is described in such current index;

(e) If the requested matter is not identifiable by reference to a current index, an appropriate identification of the record requested.

(2) In all cases in which a member of the public is making a request, it shall be the obligation of the public records officer or staff member to whom the request is made to assist the member of the public in appropriately identifying the public record requested.

[Statutory Authority: RCW 36.70A.270(7). 10-21-059, § 242-04-080, filed 10/15/10, effective 10/15/10; 09-21-040, § 242-04-080, filed 10/13/09, effective 11/13/09. Statutory Authority: RCW 36.70A.270(6). 92-21-034, § 242-04-080, filed 10/15/92, effective 10/15/92.]

**WAC 242-04-090 Responses to requests for public records.** Within five business days of receiving a public record request, the public records officer must respond by either:

(1) Providing the record;

(2) Acknowledging that the public records officer has received the request for the board and providing a reasonable estimate of the time that the public records officer will require to respond to the request. Additional time required to respond to a request may be based upon the need to clarify the intent of the request, to locate and assemble the information requested, to notify third persons or agencies affected by the request, or to determine whether any of the information requested is exempt and that a denial should be made as to all or part of the request. In acknowledging receipt of a public record request that is unclear, the public records officer may ask the requestor to clarify what information the requestor is seeking. If the requestor fails to clarify the request, the public records officer need not respond to it; or

(3) Denying the public record request.

[Statutory Authority: RCW 36.70A.270(7). 10-21-059, § 242-04-090, filed 10/15/10, effective 10/15/10; 09-21-040, § 242-04-090, filed 10/13/09, effective 11/13/09. Statutory Authority: RCW 36.70A.270(6). 92-21-034, § 242-04-090, filed 10/15/92, effective 10/15/92.]

**WAC 242-04-100 Copying.** No fee shall be charged for the inspection of public records. The public records officer, on behalf of the board, shall charge a reasonable fee for providing copies of public records and for use of the office of the growth management hearings board's photocopy equipment. The public records officer may charge a reasonable fee for electronic facsimile transmissions (fax). The charge is the amount necessary to reimburse the office of the growth management hearings board for its actual costs incident to such copying or transmission.

[Statutory Authority: RCW 36.70A.270(7). 10-21-059, § 242-04-100, filed 10/15/10, effective 10/15/10; 09-21-040, § 242-04-100, filed 10/13/09, effective 11/13/09; 98-01-144, § 242-04-100, filed 12/19/97, effective 1/20/98. Statutory Authority: RCW 36.70A.270(6). 92-21-034, § 242-04-100, filed 10/15/92, effective 10/15/92.]

**WAC 242-04-110 Exemptions.** (1) The public records officer, on behalf of the board, reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 242-04-080 is exempt under the provisions of RCW 42.17.310 including but not limited to the following:

(a) Personal information in files maintained for members and employees of the board, or the office of the growth management hearings board, to the extent that disclosure would violate their right to privacy;

(b) Preliminary drafts, notes, recommendations, and intra-agency memoranda in which opinions are expressed or policies formulated or recommended, except that a specific record shall not be exempt when publicly cited by an agency in connection with any agency action;

(c) All applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant;

(d) The residential addresses and residential telephone numbers of employees or volunteers of a public agency which are held by the agency in personnel records, employment or volunteer rosters, or mailing lists of employees or volunteers.

(2) Pursuant to RCW 42.17.260, the public records officer reserves the right to delete identifying details when he/she makes available or publishes any public records, in all cases when there is reason to believe that disclosure of such details would be an invasion of personal privacy protected by chapter 42.17 RCW. The public records officer will fully justify such deletion in writing.

(3) All public records otherwise exempt by law shall be considered exempt under the provision of these rules.

[Statutory Authority: RCW 36.70A.270(7). 10-21-059, § 242-04-110, filed 10/15/10, effective 10/15/10; 09-21-040, § 242-04-110, filed 10/13/09, effective 11/13/09. Statutory Authority: RCW 36.70A.270(6). 92-21-034, § 242-04-110, filed 10/15/92, effective 10/15/92.]

**WAC 242-04-120 Review of denials of public records requests.** Any person who objects to a denial of a public records request or who objects to the reasonableness of the estimate of the time the public records officer requires to respond to a public records request, shall petition the superior court in the county in which the record is maintained under the provisions of RCW 42.17.340.

[Statutory Authority: RCW 36.70A.270(7). 09-21-040, § 242-04-120, filed 10/13/09, effective 11/13/09. Statutory Authority: RCW 36.70A.270(6). 92-21-034, § 242-04-120, filed 10/15/92, effective 10/15/92.]

**WAC 242-04-130 Protection of public records.** In order to protect the public records in the custody of the board, or the office of the growth management hearings boards, the following guidelines shall be followed by any person inspecting such public records:

(1) No public records shall be removed from the office;

(2) Inspection of any public record shall be conducted in the presence of the public records officer or his/her designee;

(3) No public record may be marked or defaced in any manner during inspection;

(4) Public records which are maintained in the file jacket, or in chronological order, may not be dismantled except for purpose of copying, and then only by the public records officer or his/her designee;

(5) Access to file cabinets, shelves, vaults, and other storage locations is restricted to the public records officer, board members, and staff.

[Statutory Authority: RCW 36.70A.270(7). 10-21-059, § 242-04-130, filed 10/15/10, effective 10/15/10; 09-21-040, § 242-04-130, filed 10/13/09,

(10/15/10)

effective 11/13/09. Statutory Authority: RCW 36.70A.270(6). 92-21-034, § 242-04-130, filed 10/15/92, effective 10/15/92.]

**WAC 242-04-140 Records index.** (1) Index. The public records officer has available to all persons a current index which provides identifying information as to records which have been issued, adopted, or promulgated since May 15, 1992, as follows:

(a) Final orders, including concurring and dissenting opinions, made in the adjudication of cases;

(b) Those statements of policy and interpretations of policy, statute, and the Constitution which have been adopted by the board;

(c) Administrative staff manuals and instructions to staff that affect a member of the public;

(d) Board planning policies and goals, and interim and final planning decisions;

(e) Factual staff reports and studies, a consultant's factual reports and studies, scientific reports and studies, and any other factual information derived from tests, studies, reports, or surveys, whether conducted by public employees or others; and

(f) Correspondence, and materials referred to therein, by and with a board, or the office of the growth management hearings boards relating to any regulations, supervisory or enforcement responsibilities of the growth management hearings board, where the board determines or is asked to determine the rights of the state, the public, a subdivision of state government, or of any private party.

(2) Availability. The current index promulgated by the public records officer shall be available for inspection by all persons under the same rules and on the same conditions as are applied to public records available for inspection.

[Statutory Authority: RCW 36.70A.270(7). 10-21-059, § 242-04-140, filed 10/15/10, effective 10/15/10; 09-21-040, § 242-04-140, filed 10/13/09, effective 11/13/09. Statutory Authority: RCW 36.70A.270(6). 92-21-034, § 242-04-140, filed 10/15/92, effective 10/15/92.]

**WAC 242-04-150 Adoption of form.** The board adopts the use by all persons requesting inspection and/or copies of records the form set out below, entitled "Request for inspecting and/or copying public records."

We have received your request for inspection of and/or copies of our public records. Please complete this form and return it with the amount required, if applicable. We will forward the requested copies to you as soon as we receive this completed form with payment.

Return to:

PUBLIC RECORDS OFFICER

OFFICE OF THE GROWTH MANAGEMENT HEARINGS BOARD  
REGIONAL PANEL:  
REQUEST FOR INSPECTING AND/OR COPYING PUBLIC  
RECORDS

Date:

Name:

Address:

Day Phone Number:

Description of Record(s) Requested, including case number and document identification and date, if known:

I certify that the information obtained through this request for public records will be used in compliance with chapter 42.17 RCW.

\_\_\_\_\_  
Signature

Number of Copies

Number of Pages

Per Page Cost           \$

Total Charge           \$

[Statutory Authority: RCW 36.70A.270(7), 10-21-059, § 242-04-150, filed 10/15/10, effective 10/15/10; 09-21-040, § 242-04-150, filed 10/13/09, effective 11/13/09. Statutory Authority: RCW 36.70A.270(6), 94-23-112, § 242-04-150, filed 11/22/94, effective 12/23/94; 92-21-034, § 242-04-150, filed 10/15/92, effective 10/15/92.]