

HOUSE BILL ANALYSIS

SSB 5532

- Title:** Requiring mediation before appeal of land-use decisions involving conditional use permits.
- Brief Description:** Requires initiation of mediation before filing an appeal in land-use disputes involving a party licensed or certified by the Department of Social and Health Services or the Department of Corrections.
- Sponsors:** Senators McCaslin, Haugen and Winsley
- Hearing Date:** March 24, 1997

Background: The legislative body of a county or city may adopt a hearing examiner system in which a hearing examiner has the power, among other things, to hear and decide land-use issues, including applications for conditional uses and variances.

The legislative body must determine the legal effect of decisions made by an examiner. The decisions may be: 1) recommendations to the legislative body, 2) administrative decisions appealable to the legislative body, or 3) final decisions. Unless otherwise agreed, a hearing examiner must render a final decision within 10 working days.

Summary: Before an aggrieved party may appeal a final decision of a hearing examiner involving a conditional or special use permit application requested by a party that is licensed or certified by the Department of Social and Health Services or the Department of Corrections, the aggrieved party must initiate mediation.

Mediation must be initiated within five days after the final decision. If, after initial evaluation, the parties agree to proceed with mediation, a mediation is conducted by a trained mediator selected by agreement of the parties. If the parties are unable to agree on a mediator, each party must nominate a mediator and the mediator must be selected by lot from the nominees.

Time limits are set forth for each step in the mediation process. Any time limits for filing appeals are tolled during the mediation.

The cost of the mediation is shared by the parties.

A county, city, or town is not considered a party.

Fiscal Note: Available.