

SENATE BILL REPORT

SB 5532

As Reported By Senate Committee On:
Government Operations, March 4, 1997

Title: An act relating to mediation in land-use decisions involving conditional or special use permits.

Brief Description: Requiring mediation before appeal of land-use decisions involving conditional use permits.

Sponsors: Senators McCaslin, Haugen and Winsley.

Brief History:

Committee Activity: Government Operations: 2/11/97, 3/4/97 [DPS].

SENATE COMMITTEE ON GOVERNMENT OPERATIONS

Majority Report: That Substitute Senate Bill No. 5532 be substituted therefor, and the substitute bill do pass.

Signed by Senators McCaslin, Chair; Hale, Vice Chair; Haugen, Horn and Patterson.

Staff: Kathleen Healy (786-7403)

Background: A city or county may adopt a hearing examiner system to hear and decide applications for amending zoning ordinances when the proposed amendment is not of general applicability.

The legislative authority specifies by ordinance the legal effect of the decisions made by the hearing examiner. The effect can be a recommendation to the legislative body, an administrative decision appealable to the legislative body, or a final decision of the legislative body. The hearing examiner's final decision must be written, and must include findings and conclusions, based on the record, to support the decision. The final decision must be given within ten working days after conclusion of the hearing.

Summary of Substitute Bill: Before a party may appeal a hearing examiner's final decision involving a conditional or special use permit application for an entity licensed by the Department of Social and Health Services or the Department of Corrections, the party must initiate formal mediation procedures within five days after the final decision. After initial evaluation of the dispute, if the parties agree to proceed, the mediation is conducted by a trained mediator. The mediation process must be completed within 14 days from the time the mediator is selected, unless otherwise agreed by the parties.

The mediator provides the parties with a written summary of the issues and any agreements reached. The mediation report may be made available to the governing jurisdiction, if the parties agree. The parties share the cost of the mediation. Cities, towns and counties are not considered parties who must mediate.

Time limits for filing of appeals are tolled during the mediation process.

Substitute Bill Compared to Original Bill: The mediation process is amended so that it is in conformance with mediation statutes. Cities, counties and towns are not parties under this provision, so are not required to mediate. The bill is narrowed so that only those entities under the purview of DSHS or DOC seeking these sorts of permits are required to mediate disputes.

Appropriation: None.

Fiscal Note: Available.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: This is a widespread issue dealing with a number of land use issues. Through all of the processes, the one missing is the opportunity to sit down and talk. This gives the opportunity to verify issues. Mediation takes it out of the emotional realm. Ultimately, it can be cheaper. This is an optional process and provides a dialog situation.

Testimony Against: None.

Testified: Dave Williams, AWC; Ken Maaz, Second Chance; Barry Antos, Pioneer Human Services (pro).