

---

**SENATE BILL 5532**

---

**State of Washington**

**55th Legislature**

**1997 Regular Session**

**By** Senators McCaslin, Haugen and Winsley

Read first time 01/30/97. Referred to Committee on Government Operations.

1 AN ACT Relating to mediation in land-use decisions involving  
2 conditional or special use permits; adding a new section to chapter  
3 35.63 RCW; adding a new section to chapter 35A.63 RCW; adding a new  
4 section to chapter 36.70 RCW; adding a new section to chapter 35.22  
5 RCW; and adding a new section to chapter 36.32 RCW.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

7 NEW SECTION. **Sec. 1.** A new section is added to chapter 35.63 RCW  
8 to read as follows:

9 Prior to filing an appeal of a final decision by a hearing examiner  
10 involving a conditional or special use permit application, the  
11 aggrieved party must, within five days after the final decision,  
12 initiate formal mediation procedures in an attempt to resolve the  
13 parties' differences. The mediation shall be conducted by a trained  
14 mediator selected by agreement of the parties. If the parties are  
15 unable to agree on a mediator, each party shall nominate a mediator and  
16 the mediator shall be selected by lot from among the nominees. The  
17 mediator must be selected within five days after formal mediation  
18 procedures are initiated. The mediation process must be completed  
19 within fourteen days from the time the mediator is selected except that

1 the mediation process may extend beyond fourteen days by agreement of  
2 the parties. The mediator shall, within the fourteen-day period or  
3 within the extension if an extension is agreed to, provide the parties  
4 with a written summary of the issues and any agreements reached. The  
5 mediation report shall be made available to the governing jurisdiction.  
6 The cost of the mediation shall be shared by the parties.

7 Any time limits for filing of appeals are tolled during the  
8 pendency of the mediation process.

9 NEW SECTION. **Sec. 2.** A new section is added to chapter 35A.63 RCW  
10 to read as follows:

11 A final decision by a hearing examiner involving a conditional or  
12 special use permit application under this chapter is subject to  
13 mediation under section 1 of this act before an appeal may be filed.

14 NEW SECTION. **Sec. 3.** A new section is added to chapter 36.70 RCW  
15 to read as follows:

16 A final decision by a hearing examiner involving a conditional or  
17 special use permit application under this chapter is subject to  
18 mediation under section 1 of this act before an appeal may be filed.

19 NEW SECTION. **Sec. 4.** A new section is added to chapter 35.22 RCW  
20 to read as follows:

21 A final decision by a hearing examiner involving a conditional or  
22 special use permit application under a home-rule charter is subject to  
23 mediation under section 1 of this act before an appeal may be filed.

24 NEW SECTION. **Sec. 5.** A new section is added to chapter 36.32 RCW  
25 to read as follows:

26 A final decision by a hearing examiner involving a conditional or  
27 special use permit application under a home-rule charter is subject to  
28 mediation under section 1 of this act before an appeal may be filed.

--- END ---