

HOUSE BILL REPORT

EHB 2985

As Amended by the Senate

Title: An act relating to authorizing hearing examiners to issue final decisions regarding final plats of subdivisions.

Brief Description: Authorizing hearing examiners to issue final decisions regarding final plats of subdivisions.

Sponsors: Representatives Edwards, Fortunato, Scott and Doumit.

Brief History:

Committee Activity:

Local Government: 2/2/00 [DP].

Floor Activity:

Passed House: 2/10/00, 97-0.

Senate Amended.

Passed Senate: 3/3/00, 48-0.

Brief Summary of Engrossed Bill

- Authorizes counties or cities adopting the hearing examiner systems to allow hearing examiners to issue final decisions regarding final plats of subdivisions.
- Authorizes local legislative authorities to exempt land divisions to establish sites for uninhabited utility or telecommunications facilities from short subdivisions requirements.

HOUSE COMMITTEE ON LOCAL GOVERNMENT

Majority Report: Do pass. Signed by 7 members: Representatives Mulliken, Republican Co-Chair; Scott, Democratic Co-Chair; Doumit, Democratic Vice Chair; Mielke, Republican Vice Chair; Edwards; Ericksen and Fortunato.

Staff: Caroleen Dineen (786-7156).

Background:

Counties and cities possess general authority to adopt comprehensive plans and zoning ordinances and have authority to approve permit applications for proposed developments within their jurisdictions. Provisions regarding the development permit process and local government permit review are specified in planning and project review statutes, and subdivision requirements are specified in the subdivision statutes.

Counties and cities may establish a planning commission and a planning department to make recommendations to the local legislative authority regarding plan and regulation adoption and development permit applications. As an alternative, counties and cities may authorize hearing examiners to hear and issue decisions on proposals for a variety of land use decisions, including conditional use, variance, shoreline permit, plat approval, rezones and other types of land use development applications.

The local legislative authority must by ordinance specify the legal effect of hearing examiners' decisions. A hearing examiner's decision may be considered: (1) a recommendation to the local legislative authority; (2) an administrative decision appealable to the local legislative authority; or (3) except for rezones, a final decision of the legislative body.

Summary of Bill:

Local legislative authorities are expressly authorized to allow hearing examiners to hear and issue decisions on final plat approvals. Local legislative authorities may by ordinance authorize hearing examiners to issue final decisions for final plat approval. The provision specifying local legislative authorities have sole authority to approve final plats and to adopt or amend platting ordinances is repealed.

The legislative authority of a city, town, or county may, by ordinance, exempt short plats or short subdivisions from short plat requirements when the purpose of a land division is to establish a site solely used for an uninhabited public or private utility or telecommunications facility as long as a record survey is recorded.

EFFECT OF SENATE AMENDMENT(S): The Senate amendment adds language authorizing counties planning under the Growth Management Act to increase the number of lots, tracts, or parcels in a short subdivision to a maximum of nine within an urban growth area. The Senate amendment also specifies any final decision of a planning commission to disapprove a final plat may be appealed by any party of record to the city, town or county within 14 days after receipt of the planning commission's decision.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: (original bill) This bill will increase flexibility and is a good, common sense measure that will save some administrative costs and perhaps some litigation. This bill will expedite, streamline and depoliticize the process and over time should save money. This is a local option; counties and cities choose whether to delegate the authority to hearing examiners. We need to ensure that this bill does not affect the 120 day timeline applicable to local government permit decisions.

Testimony Against: None.

Testified: Representative Jeanne Edwards, prime sponsor; Doug Levy, city of Everett; Jodi Slavic, Building Industry Association of Washington; and Dave Williams, Association of Washington Cities.