S-1731.1

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**SUBSTITUTE SENATE BILL 5719**

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**State of Washington 69th Legislature 2025 Regular Session**

**By** Senate Local Government (originally sponsored by Senators Salomon and Cortes)

AN ACT Relating to local government hearing examiners; and amending RCW 36.70.970, 35.63.130, 35A.63.170, and 58.17.330.

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

**Sec.**  RCW 36.70.970 and 1995 c 347 s 425 are each amended to read as follows:

(1) As an alternative to those provisions of this chapter relating to powers or duties of the planning commission to hear and issue recommendations on applications for plat approval and applications for amendments to the zoning ordinance, the county legislative authority ((~~may~~)) shall adopt a hearing examiner system under which a hearing examiner or hearing examiners ((~~may~~)) hear and issue decisions on proposals for plat approval and for ((~~amendments~~)) quasi-judicial development permit applications subject to the zoning ordinance ((~~when the amendment which is applied for is not of general applicability~~)). In addition, the legislative authority may vest in a hearing examiner the power to hear and decide those issues it believes should be reviewed and decided by a hearing examiner, including but not limited to:

(a) ((~~Applications for conditional uses, variances, shoreline permits, or any other class of applications for or pertaining to development of land or land use;~~

~~(b)~~)) Appeals of administrative decisions or determinations provided that for appeals of administrative permit decisions, substantial weight must be given to the expertise of the administrative decision maker; and

((~~(c)~~)) (b) Appeals of administrative decisions or determinations pursuant to chapter 43.21C RCW.

((~~The legislative authority shall prescribe procedures to be followed by a hearing examiner.~~))

(2) The decision of the hearing examiner constitutes the final decision, subject to appeal under chapter 36.70C RCW.

(3) The legislative body shall adopt procedures to be followed by a hearing examiner ensuring all decisions are consistent with the future land use map of adopted comprehensive plans and comply with clear and objective development regulations.

(4) Any county which vests in a hearing examiner the authority to hear and decide conditional uses and variances shall not be required to have a zoning adjuster or board of adjustment.

((~~(2) Each county legislative authority electing to use a hearing examiner pursuant to this section shall by ordinance specify the legal effect of the decisions made by the examiner. Such legal effect may vary for the different classes of applications decided by the examiner but shall include one of the following:~~

~~(a) The decision may be given the effect of a recommendation to the legislative authority;~~

~~(b) The decision may be given the effect of an administrative decision appealable within a specified time limit to the legislative authority; or~~

~~(c) Except in the case of a rezone, the decision may be given the effect of a final decision of the legislative authority.~~

~~(3)~~)) (5) Each final decision of a hearing examiner shall be in writing and shall include findings and conclusions, based on the record, to support the decision. Such findings and conclusions shall also set forth the manner in which the decision ((~~would carry out and conform to the county's comprehensive plan and the county's~~)) is consistent with the future land use map of adopted comprehensive plans and complies with clear and objective development regulations. Each final decision of a hearing examiner, unless a longer period is mutually agreed to in writing by the applicant and the hearing examiner, shall be rendered within ten working days following conclusion of all testimony and hearings.

**Sec.**  RCW 35.63.130 and 1995 c 347 s 423 are each amended to read as follows:

(1) As an alternative to those provisions of this chapter relating to powers or duties of the planning commission to hear and report on any proposal to amend a zoning ordinance, the legislative body of a city or county ((~~may~~)) shall adopt a hearing examiner system under which a hearing examiner or hearing examiners ((~~may~~)) hear and decide applications for ((~~amending~~)) plat approval and for quasi-judicial development permit applications subject to the zoning ordinance ((~~when the amendment which is applied for is not of general applicability~~)). In addition, the legislative body may vest in a hearing examiner the power to hear and decide those issues it believes should be reviewed and decided by a hearing examiner, including but not limited to:

(a) ((~~Applications for conditional uses, variances, subdivisions, shoreline permits, or any other class of applications for or pertaining to development of land or land use;~~

~~(b)~~)) Appeals of administrative decisions or determinations provided that for appeals of administrative permit decisions, substantial weight must be given to the expertise of the administrative decision maker; and

((~~(c)~~)) (b) Appeals of administrative decisions or determinations pursuant to chapter 43.21C RCW.

(2) The decision of the hearing examiner constitutes the final decision, subject to appeal under chapter 36.70C RCW.

(3) The legislative body shall adopt procedures to be followed by a hearing examiner ensuring all decisions are consistent with the future land use map of adopted comprehensive plans and comply with clear and objective development regulations.

(4) The legislative body shall prescribe procedures to be followed by the hearing examiner.

((~~(2) Each city or county legislative body electing to use a hearing examiner pursuant to this section shall by ordinance specify the legal effect of the decisions made by the examiner. The legal effect of such decisions may vary for the different classes of applications decided by the examiner but shall include one of the following:~~

~~(a) The decision may be given the effect of a recommendation to the legislative body;~~

~~(b) The decision may be given the effect of an administrative decision appealable within a specified time limit to the legislative body; or~~

~~(c) Except in the case of a rezone, the decision may be given the effect of a final decision of the legislative body.~~

~~(3)~~)) (5) Each final decision of a hearing examiner shall be in writing and shall include findings and conclusions, based on the record, to support the decision. Such findings and conclusions shall also set forth the manner in which the decision would ((~~carry out and conform to the city's or county's comprehensive plan and the city's or county's~~)) be consistent with the future land use map of adopted comprehensive plans and complies with clear and objective development regulations. Each final decision of a hearing examiner, unless a longer period is mutually agreed to in writing by the applicant and the hearing examiner, shall be rendered within ten working days following conclusion of all testimony and hearings.

**Sec.**  RCW 35A.63.170 and 1995 c 347 s 424 are each amended to read as follows:

(1) As an alternative to those provisions of this chapter relating to powers or duties of the planning commission to hear and report on any proposal to amend a zoning ordinance, the legislative body of a city ((~~may~~)) shall adopt a hearing examiner system under which a hearing examiner or hearing examiners ((~~may~~)) hear and decide applications for ((~~amending~~)) plat approval and for quasi-judicial development permit applications subject to the zoning ordinance ((~~when the amendment which is applied for is not of general applicability~~)). In addition, the legislative body may vest in a hearing examiner the power to hear and decide those issues it believes should be reviewed and decided by a hearing examiner, including but not limited to:

(a) ((~~Applications for conditional uses, variances, subdivisions, shoreline permits, or any other class of applications for or pertaining to development of land or land use;~~

~~(b)~~)) Appeals of administrative decisions or determinations provided that for appeals of administrative permit decisions, substantial weight must be given to the expertise of the administrative decision maker; and

((~~(c)~~)) (b) Appeals of administrative decisions or determinations pursuant to chapter 43.21C RCW.

(2) The decision of the hearing examiner constitutes the final decision, subject to appeal under chapter 36.70C RCW.

(3) The legislative body shall adopt procedures to be followed by a hearing examiner ensuring all decisions are consistent with the future land use map of adopted comprehensive plans and comply with clear and objective development regulations.

(4) The legislative body shall prescribe procedures to be followed by a hearing examiner. If the legislative authority vests in a hearing examiner the authority to hear and decide variances, then the provisions of RCW 35A.63.110 shall not apply to the city.

((~~(2) Each city legislative body electing to use a hearing examiner pursuant to this section shall by ordinance specify the legal effect of the decisions made by the examiner. The legal effect of such decisions may vary for the different classes of applications decided by the examiner but shall include one of the following:~~

~~(a) The decision may be given the effect of a recommendation to the legislative body;~~

~~(b) The decision may be given the effect of an administrative decision appealable within a specified time limit to the legislative body; or~~

~~(c) Except in the case of a rezone, the decision may be given the effect of a final decision of the legislative body.~~

~~(3)~~)) (5) Each final decision of a hearing examiner shall be in writing and shall include findings and conclusions, based on the record, to support the decision. Such findings and conclusions shall also set forth the manner in which the decision would ((~~carry out and conform to~~)) be consistent with the future land use map of the city's comprehensive plan and the city's clear and objective development regulations. Each final decision of a hearing examiner, unless a longer period is mutually agreed to in writing by the applicant and the hearing examiner, shall be rendered within ten working days following conclusion of all testimony and hearings.

**Sec.**  RCW 58.17.330 and 1995 c 347 s 429 are each amended to read as follows:

(1) As an alternative to those provisions of this chapter requiring a planning commission to hear and issue recommendations for plat approval, the county or city legislative body ((~~may~~)) shall adopt a hearing examiner system ((~~and shall specify by ordinance the legal effect of the decisions made by the examiner. The legal effect of such decisions shall include one of the following:~~

~~(a) The decision may be given the effect of a recommendation to the legislative body;~~

~~(b) The decision may be given the effect of an administrative decision appealable within a specified time limit to the legislative body; or~~

~~(c) The decision may be given the effect of a final decision of the legislative body.~~)) for all quasi-judicial land use decisions including, but not limited to, preliminary plats, planned unit developments, variances, and conditional use approvals.

(2) The decision of the hearing examiner constitutes the final decision on all quasi-judicial permit applications including, but not limited to, preliminary plat, planned unit development, variance, and conditional use applications, subject to appeal under chapter 36.70C RCW.

(3) The legislative body shall adopt procedures to be followed by a hearing examiner ensuring all decisions are consistent with the future land use map of adopted comprehensive plans and comply with clear and objective development regulations.

(4) The legislative authority shall prescribe procedures to be followed by a hearing examiner.

((~~(2)~~)) (5) Each final decision of a hearing examiner shall be in writing and shall include findings and conclusions, based on the record, to support the decision. Each final decision of a hearing examiner, unless a longer period is mutually agreed to by the applicant and the hearing examiner, shall be rendered within ten working days following conclusion of all testimony and hearings.

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