

# SENATE BILL REPORT

## SB 5719

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As of February 16, 2025

**Title:** An act relating to local government hearing examiners.

**Brief Description:** Concerning local government hearing examiners.

**Sponsors:** Senators Salomon and Cortes.

**Brief History:**

**Committee Activity:** Local Government: 2/17/25.

**Brief Summary of Bill**

- Requires a local legislative authority to adopt a hearing examiner system under which hearing examiners hear and issue decisions for plat approval and quasi-judicial development permit applications subject to the zoning ordinance.
- Requires a local legislative authority to adopt a hearing examiner system to hear and issue recommendations for all quasi-judicial land use decisions including, but not limited to, preliminary plats, planned unit developments, variances, and conditional use approvals.
- Establishes that the hearing examiner decision constitutes the final decision, subject to appeal under the Land Use Petition Act.

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### SENATE COMMITTEE ON LOCAL GOVERNMENT

**Staff:** Karen Epps (786-7424)

**Background:** Cities and counties are authorized by state law to hire or contract with a hearing examiner for the purpose of conducting administrative or quasi-judicial proceedings on a variety of land use development applications or appeals to agency decisions. Hearing examiners may also conduct hearings on other issues such as proposals for road

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abandonment, the removal of junk vehicles from private property, and formation of a local improvement district or a road improvement district.

The local legislative authority may adopt a hearing examiner system under which hearing examiners may hear and decide applications for amending the zoning ordinance when the amendment which is applied for is not of area-wide significance. The local legislative authority may authorize a hearing examiner to hear and decide other issues, including but not limited to:

- applications for conditional uses, variances, subdivisions, shoreline permits, or any other class of applications for or pertaining to development of land or land use;
- appeals of administrative decisions or determinations; and
- appeals of administrative decisions or determinations pursuant to the State Environmental Policy Act.

The local legislative authority must adopt procedures and specify by ordinance the legal effect of the decisions made by the examiner. 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) a final decision of the legislative body except in the case of a rezone.

In order to implement a hearing examiner system to hear and issue recommendations for plat and subdivision approval, a local legislative authority must adopt procedures and specify by ordinance the legal effect of the decisions made by the examiner. 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) a final decision of the legislative body.

Each final decision of a hearing examiner must, in writing, include findings and conclusions, based on the record, to support the decision. The findings and conclusions must also set forth the way the decision would carry out and conform to the city's or county's comprehensive plan and the city's or county's 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, must be rendered within ten working days following conclusion of all testimony and hearings.

**Summary of Bill:** The local legislative authority must adopt a hearing examiner system under which hearing examiners hear and issue decisions on proposals for plat approval and for quasi-judicial development permit applications subject to the zoning ordinance. The limitation that the amendment to the zoning ordinance not be of area-wide significance is removed.

The decision of the hearing examiner constitutes the final decision, subject to appeal under the Land Use Petition Act (LUPA). The local legislative authority must 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. Findings and conclusions in the final decision of a hearing examiner must set forth the way the decision is consistent with the future land use map of adopted comprehensive plans and comply with clear and objective development regulations, rather than that the decision would carry out and conform to the county's comprehensive plan and the county's development regulations.

Provisions authorizing a hearing examiner to hear and decide other issues, including but not limited to; applications for conditional uses, variances, subdivisions, shoreline permits, or any other class of applications for or pertaining to development of land or land use; appeals of administrative decisions or determinations; and appeals of administrative decisions or determinations pursuant to the State Environmental Policy Act is removed. The requirement that the local legislative authority specify by ordinance the legal effect of decisions made by the hearing examiner is removed.

The local legislative authority must adopt a hearing examiner system to hear and issue recommendations for all quasi-judicial land use decisions including, but not limited to, preliminary plats, planned unit developments, variances, and conditional use approvals. 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 LUPA. The local legislative authority must 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.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

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