
SUBSTITUTE SENATE BILL 5719

State of Washington

69th Legislature

2025 Regular Session

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

READ FIRST TIME 02/21/25.

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

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

4 **Sec. 1.** RCW 36.70.970 and 1995 c 347 s 425 are each amended to
5 read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

30 ~~(3))~~ (5) Each final decision of a hearing examiner shall be in
31 writing and shall include findings and conclusions, based on the
32 record, to support the decision. Such findings and conclusions shall
33 also set forth the manner in which the decision ~~((would carry out and~~
34 ~~conform to the county's comprehensive plan and the county's))~~ is
35 consistent with the future land use map of adopted comprehensive
36 plans and complies with clear and objective development regulations.
37 Each final decision of a hearing examiner, unless a longer period is
38 mutually agreed to in writing by the applicant and the hearing
39 examiner, shall be rendered within ten working days following
40 conclusion of all testimony and hearings.

1 **Sec. 2.** RCW 35.63.130 and 1995 c 347 s 423 are each amended to
2 read as follows:

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

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

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

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

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

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

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

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

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

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

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

6 ~~(3))~~ (5) Each final decision of a hearing examiner shall be in
7 writing and shall include findings and conclusions, based on the
8 record, to support the decision. Such findings and conclusions shall
9 also set forth the manner in which the decision would ~~((carry out and~~
10 ~~conform to the city's or county's comprehensive plan and the city's~~
11 ~~or county's))~~ be consistent with the future land use map of adopted
12 comprehensive plans and complies with clear and objective development
13 regulations. Each final decision of a hearing examiner, unless a
14 longer period is mutually agreed to in writing by the applicant and
15 the hearing examiner, shall be rendered within ten working days
16 following conclusion of all testimony and hearings.

17 **Sec. 3.** RCW 35A.63.170 and 1995 c 347 s 424 are each amended to
18 read as follows:

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

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

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

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

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

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

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

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

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

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

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

23 ~~(3))~~ (5) Each final decision of a hearing examiner shall be in
24 writing and shall include findings and conclusions, based on the
25 record, to support the decision. Such findings and conclusions shall
26 also set forth the manner in which the decision would ((carry out and
27 conform to)) be consistent with the future land use map of the city's
28 comprehensive plan and the city's clear and objective development
29 regulations. Each final decision of a hearing examiner, unless a
30 longer period is mutually agreed to in writing by the applicant and
31 the hearing examiner, shall be rendered within ten working days
32 following conclusion of all testimony and hearings.

33 **Sec. 4.** RCW 58.17.330 and 1995 c 347 s 429 are each amended to
34 read as follows:

35 (1) As an alternative to those provisions of this chapter
36 requiring a planning commission to hear and issue recommendations for
37 plat approval, the county or city legislative body ~~((may))~~ shall
38 adopt a hearing examiner system ((and shall specify by ordinance the

1 ~~legal effect of the decisions made by the examiner. The legal effect~~
2 ~~of such decisions shall include one of the following:~~

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

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

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

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

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

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

23 ~~((2))~~ (5) Each final decision of a hearing examiner shall be in
24 writing and shall include findings and conclusions, based on the
25 record, to support the decision. Each final decision of a hearing
26 examiner, unless a longer period is mutually agreed to by the
27 applicant and the hearing examiner, shall be rendered within ten
28 working days following conclusion of all testimony and hearings.

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