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ENGROSSED 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)

READ FIRST TIME 02/21/25.

1 AN ACT Relating to local government hearing examiners; amending  
2 RCW 36.70.970, 35.63.130, 35A.63.170, and 58.17.330; adding a new  
3 section to chapter 36.70 RCW; adding a new section to chapter 35.63  
4 RCW; adding a new section to chapter 35A.63 RCW; and adding a new  
5 section to chapter 58.17 RCW.

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

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

9 (1) As an alternative to those provisions of this chapter  
10 relating to powers or duties of the planning commission to hear and  
11 issue recommendations on applications for plat approval and  
12 applications for amendments to the zoning ordinance, the county  
13 legislative authority of a county that does not plan under RCW  
14 36.70A.040 may adopt a hearing examiner system under which a hearing  
15 examiner or hearing examiners may hear and issue decisions on  
16 proposals for plat approval and for amendments to the zoning  
17 ordinance when the amendment which is applied for is not of general  
18 applicability. In addition, the legislative authority may vest in a  
19 hearing examiner the power to hear and decide those issues it  
20 believes should be reviewed and decided by a hearing examiner,  
21 including but not limited to:

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

4 (b) Appeals of administrative decisions or determinations; and

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

12 (2) Each county legislative authority electing to use a hearing  
13 examiner pursuant to this section shall by ordinance specify the  
14 legal effect of the decisions made by the examiner and whether, for  
15 appeals of administrative permit decisions, substantial weight must  
16 be given to the expertise of the administrative decision maker. Such  
17 legal effect may vary for the different classes of applications  
18 decided by the examiner but shall include one of the following:

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

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

24 (c) Except in the case of a rezone or development agreement, the  
25 decision may be given the effect of a final decision of the  
26 legislative authority.

27 (3) Each final decision of a hearing examiner shall be in writing  
28 and shall include findings and conclusions, based on the record, to  
29 support the decision. Such findings and conclusions shall also set  
30 forth the manner in which the decision would carry out and conform to  
31 the county's comprehensive plan and the county's development  
32 regulations. Each final decision of a hearing examiner, unless a  
33 longer period is mutually agreed to in writing by the applicant and  
34 the hearing examiner, shall be rendered within ten working days  
35 following conclusion of all testimony and hearings.

36 NEW SECTION. **Sec. 2.** A new section is added to chapter 36.70  
37 RCW to read as follows:

38 (1) The county legislative authority of a county fully planning  
39 under chapter 36.70A RCW must adopt a hearing examiner system under

1 which a hearing examiner or hearing examiners hear and issue  
2 decisions on proposals for plat approval and for quasi-judicial  
3 development permit applications subject to the zoning ordinance. In  
4 addition, the legislative authority may vest in a hearing examiner  
5 the power to hear and decide those issues it believes should be  
6 reviewed and decided by a hearing examiner including, but not limited  
7 to:

8 (a) Appeals of administrative decisions or determinations; and

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

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

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

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

20 (5) A county required to secure the services of a hearing  
21 examiner under this chapter may, at its discretion, require  
22 applicants to cover reasonable costs associated with the hearing  
23 examiner's services through application fees or other cost-recovery  
24 mechanisms. Any fees imposed under this subsection must be  
25 proportionate to the actual costs incurred and publicly disclosed in  
26 the jurisdiction's fee schedule.

27 (6) To enhance cost-effectiveness and improve operational  
28 efficiency, a county may enter into interlocal agreements with other  
29 jurisdictions or contract with regional or shared hearing examiners,  
30 in accordance with the provisions outlined in chapter 39.34 RCW.

31 (7) Each final decision of a hearing examiner must be in writing  
32 and include findings and conclusions, based on the record, to support  
33 the decision. Such findings and conclusions must also set forth the  
34 manner in which the decision is consistent with the future land use  
35 map of adopted comprehensive plans and complies with clear and  
36 objective development regulations. Each final decision of a hearing  
37 examiner, unless a longer period is mutually agreed to in writing by  
38 the applicant and the hearing examiner, must be rendered within 10  
39 business days following the conclusion of all testimony and hearings.

1 (8) In the event of the absence or inability of a hearing  
2 examiner to act, the county planning director must document efforts  
3 to secure a hearing examiner and provide a written determination that  
4 no qualified examiner was reasonably available. The county planning  
5 director or other qualified planning official of the county may  
6 assume the duties and responsibilities designated to the hearing  
7 examiner under this chapter until such time that a hearing examiner  
8 is appointed and available to perform those duties. The authority of  
9 the county planning director or other qualified planning official of  
10 the county to assume the hearing examiner's duties is limited to the  
11 duration of the vacancy or unavailability of a hearing examiner.

12 (9) A county may establish a process in which an applicant may  
13 elect either legislative review or hearing examiner review for any  
14 land use application covered under this chapter.

15 (10) Counties that are required to submit their next  
16 comprehensive plan update in 2027 pursuant to RCW 36.70A.130 must  
17 adopt or amend by ordinance, and incorporate into their development  
18 regulations, zoning regulations, and other official controls, the  
19 requirements of this section in their next comprehensive plan update.  
20 All other counties must implement the requirements of this section  
21 within two years of the effective date of this section.

22 **Sec. 3.** RCW 35.63.130 and 1995 c 347 s 423 are each amended to  
23 read as follows:

24 (1) As an alternative to those provisions of this chapter  
25 relating to powers or duties of the planning commission to hear and  
26 report on any proposal to amend a zoning ordinance, the legislative  
27 body of a city (~~or county~~) with a population of 2,000 or less or  
28 county that does not plan under RCW 36.70A.040 may adopt a hearing  
29 examiner system under which a hearing examiner or hearing examiners  
30 may hear and decide applications for amending the zoning ordinance  
31 when the amendment which is applied for is not of general  
32 applicability. In addition, the legislative body may vest in a  
33 hearing examiner the power to hear and decide those issues it  
34 believes should be reviewed and decided by a hearing examiner,  
35 including but not limited to:

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

39 (b) Appeals of administrative decisions or determinations; and

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

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

5 (2) Each city or county legislative body electing to use a  
6 hearing examiner pursuant to this section shall by ordinance specify  
7 the legal effect of the decisions made by the examiner and whether,  
8 for appeals of administrative permit decisions, substantial weight  
9 must be given to the expertise of the administrative decision maker.

10 The legal effect of such decisions may vary for the different classes  
11 of applications decided by the examiner but shall include one of the  
12 following:

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

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

18 (c) Except in the case of a rezone or development agreement, the  
19 decision may be given the effect of a final decision of the  
20 legislative body.

21 (3) Each final decision of a hearing examiner shall be in writing  
22 and shall include findings and conclusions, based on the record, to  
23 support the decision. Such findings and conclusions shall also set  
24 forth the manner in which the decision would carry out and conform to  
25 the city's or county's comprehensive plan and the city's or county's  
26 development regulations. Each final decision of a hearing examiner,  
27 unless a longer period is mutually agreed to in writing by the  
28 applicant and the hearing examiner, shall be rendered within (~~ten~~)  
29 10 working days following conclusion of all testimony and hearings.

30 NEW SECTION. **Sec. 4.** A new section is added to chapter 35.63  
31 RCW to read as follows:

32 (1) The legislative body of a city with a population greater than  
33 2,000 or county fully planning under chapter 36.70A RCW must adopt a  
34 hearing examiner system under which a hearing examiner or hearing  
35 examiners hear and decide applications for plat approval and for  
36 quasi-judicial development permit applications subject to the zoning  
37 ordinance. In addition, the legislative body may vest in a hearing  
38 examiner the power to hear and decide those issues it believes should

1 be reviewed and decided by a hearing examiner including, but not  
2 limited to:

3 (a) Appeals of administrative decisions or determinations; and

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

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

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

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

14 (5) A city or county required to secure the services of a hearing  
15 examiner under this chapter may, at its discretion, require  
16 applicants to cover reasonable costs associated with the hearing  
17 examiner's services through application fees or other cost-recovery  
18 mechanisms. Any fees imposed under this subsection must be  
19 proportionate to the actual costs incurred and publicly disclosed in  
20 the jurisdiction's fee schedule.

21 (6) To enhance cost-effectiveness and improve operational  
22 efficiency, the legislative body may enter into interlocal agreements  
23 with other jurisdictions or contract with regional or shared hearing  
24 examiners, in accordance with the provisions outlined in chapter  
25 39.34 RCW.

26 (7) Each final decision of a hearing examiner must be in writing  
27 and include findings and conclusions, based on the record, to support  
28 the decision. Such findings and conclusions must also set forth the  
29 manner in which the decision is consistent with the future land use  
30 map of adopted comprehensive plans and complies with clear and  
31 objective development regulations. Each final decision of a hearing  
32 examiner, unless a longer period is mutually agreed to in writing by  
33 the applicant and the hearing examiner, must be rendered within 10  
34 business days following the conclusion of all testimony and hearings.

35 (8) In the event of the absence or inability of a hearing  
36 examiner to act, the city or county planning director must document  
37 efforts to secure a hearing examiner and provide a written  
38 determination that no qualified examiner was reasonably available.  
39 The city or county planning director or other qualified planning  
40 official of the city or county may assume the duties and

1 responsibilities designated to the hearing examiner under this  
2 chapter until such time that a hearing examiner is appointed and  
3 available to perform those duties. The authority of the city or  
4 county planning director or other qualified planning official of the  
5 city or county to assume the hearing examiner's duties is limited to  
6 the duration of the vacancy or unavailability of a hearing examiner.

7 (9) A city or county may establish a process in which an  
8 applicant may elect either legislative review or hearing examiner  
9 review for any land use application covered under this chapter.

10 (10) Cities or counties that are required to submit their next  
11 comprehensive plan update in 2027 pursuant to RCW 36.70A.130 must  
12 adopt or amend by ordinance, and incorporate into their development  
13 regulations, zoning regulations, and other official controls, the  
14 requirements of this section in their next comprehensive plan update.  
15 All other cities and counties must implement the requirements of this  
16 section within two years of the effective date of this section.

17 **Sec. 5.** 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 with a population of 2,000 or less may adopt a hearing  
23 examiner system under which a hearing examiner or hearing examiners  
24 may hear and decide applications for amending the zoning ordinance  
25 when the amendment which is applied for is not of general  
26 applicability. In addition, the legislative body may vest in a  
27 hearing examiner the power to hear and decide those issues it  
28 believes should be reviewed and decided by a hearing examiner,  
29 including but not limited to:

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

33 (b) Appeals of administrative decisions or determinations; and

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

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

1 (2) Each city legislative body electing to use a hearing examiner  
2 pursuant to this section shall by ordinance specify the legal effect  
3 of the decisions made by the examiner and whether, for appeals of  
4 administrative permit decisions, substantial weight must be given to  
5 the expertise of the administrative decision maker. The legal effect  
6 of such decisions may vary for the different classes of applications  
7 decided by the examiner but shall include one of the following:

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

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

13 (c) Except in the case of a rezone or development agreement, the  
14 decision may be given the effect of a final decision of the  
15 legislative body.

16 (3) Each final decision of a hearing examiner shall be in writing  
17 and shall include findings and conclusions, based on the record, to  
18 support the decision. Such findings and conclusions shall also set  
19 forth the manner in which the decision would carry out and conform to  
20 the city's comprehensive plan and the city's development regulations.  
21 Each final decision of a hearing examiner, unless a longer period is  
22 mutually agreed to in writing by the applicant and the hearing  
23 examiner, shall be rendered within ten working days following  
24 conclusion of all testimony and hearings.

25 NEW SECTION. **Sec. 6.** A new section is added to chapter 35A.63  
26 RCW to read as follows:

27 (1) The legislative body of a city with a population greater than  
28 2,000 must adopt a hearing examiner system under which a hearing  
29 examiner or hearing examiners hear and decide applications for plat  
30 approval and for quasi-judicial development permit applications  
31 subject to the zoning ordinance. In addition, the legislative body  
32 may vest in a hearing examiner the power to hear and decide those  
33 issues it believes should be reviewed and decided by a hearing  
34 examiner including, but not limited to:

35 (a) Appeals of administrative decisions or determinations; and

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

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



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

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

9 (5) A city required to secure the services of a hearing examiner  
10 under this chapter may, at its discretion, require applicants to  
11 cover reasonable costs associated with the hearing examiner's  
12 services through application fees or other cost-recovery mechanisms.  
13 Any fees imposed under this subsection must be proportionate to the  
14 actual costs incurred and publicly disclosed in the jurisdiction's  
15 fee schedule.

16 (6) To enhance cost-effectiveness and improve operational  
17 efficiency, the legislative body may enter into interlocal agreements  
18 with other jurisdictions or contract with regional or shared hearing  
19 examiners, in accordance with the provisions outlined in chapter  
20 39.34 RCW.

21 (7) Each final decision of a hearing examiner must be in writing  
22 and include findings and conclusions, based on the record, to support  
23 the decision. Such findings and conclusions must also set forth the  
24 manner in which the decision is consistent with the future land use  
25 map of the city's comprehensive plan and the city's clear and  
26 objective development regulations. Each final decision of a hearing  
27 examiner, unless a longer period is mutually agreed to in writing by  
28 the applicant and the hearing examiner, must be rendered within 10  
29 business days following the conclusion of all testimony and hearings.

30 (8) In the event of the absence or inability of a hearing  
31 examiner to act, the city planning director must document efforts to  
32 secure a hearing examiner and provide a written determination that no  
33 qualified examiner was reasonably available. The city planning  
34 director or other qualified planning official of the city may assume  
35 the duties and responsibilities designated to the hearing examiner  
36 under this chapter until such time that a hearing examiner is  
37 appointed and available to perform those duties. The authority of the  
38 city planning director or other qualified planning official of the  
39 city to assume the hearing examiner's duties is limited to the  
40 duration of the vacancy or unavailability of a hearing examiner.

1 (9) A city may establish a process in which an applicant may  
2 elect either legislative review or hearing examiner review for any  
3 land use application covered under this chapter.

4 (10) Cities that are required to submit their next comprehensive  
5 plan update in 2027 pursuant to RCW 36.70A.130 must adopt or amend by  
6 ordinance, and incorporate into their development regulations, zoning  
7 regulations, and other official controls, the requirements of this  
8 section in their next comprehensive plan update. All other cities  
9 must implement the requirements of this section within two years of  
10 the effective date of this section.

11 **Sec. 7.** RCW 58.17.330 and 1995 c 347 s 429 are each amended to  
12 read as follows:

13 (1) As an alternative to those provisions of this chapter  
14 requiring a planning commission to hear and issue recommendations for  
15 plat approval, the county (~~or city legislative body may adopt a~~  
16 ~~hearing examiner system and shall specify by ordinance the legal~~  
17 ~~effect of the decisions made by the examiner~~) legislative body of a  
18 county that does not plan under RCW 36.70A.040 or the city  
19 legislative body of a city with a population of 2,000 or less may  
20 adopt a hearing examiner system and shall specify by ordinance the  
21 legal effect of the decisions made by the examiner and whether, for  
22 appeals of administrative permit decisions, substantial weight must  
23 be given to the expertise of the administrative decision maker. The  
24 legal effect of such decisions shall include one of the following:

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

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

30 (c) The decision may be given the effect of a final decision of  
31 the legislative body.

32 The legislative authority shall prescribe procedures to be  
33 followed by a hearing examiner.

34 (2) Each final decision of a hearing examiner shall be in writing  
35 and shall include findings and conclusions, based on the record, to  
36 support the decision. Each final decision of a hearing examiner,  
37 unless a longer period is mutually agreed to by the applicant and the  
38 hearing examiner, shall be rendered within (~~ten~~) 10 working days  
39 following conclusion of all testimony and hearings.

1        NEW SECTION.    **Sec. 8.**    A new section is added to chapter 58.17

2    RCW to read as follows:

3        (1) The county legislative body of a county fully planning under  
4    chapter 36.70A RCW or the city legislative body of a city with a  
5    population greater than 2,000 must adopt a hearing examiner system  
6    for all quasi-judicial land use decisions including, but not limited  
7    to, preliminary plats, planned unit developments, variances, and  
8    conditional use approvals.

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

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

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

20       (5) The legislative authority required to secure the services of  
21   a hearing examiner under this chapter may, at its discretion, require  
22   applicants to cover reasonable costs associated with the hearing  
23   examiner's services through application fees or other cost-recovery  
24   mechanisms. Any fees imposed under this subsection must be  
25   proportionate to the actual costs incurred and publicly disclosed in  
26   the jurisdiction's fee schedule.

27       (6) To enhance cost-effectiveness and improve operational  
28   efficiency, the legislative authority may enter into interlocal  
29   agreements with other jurisdictions or contract with regional or  
30   shared hearing examiners, in accordance with the provisions outlined  
31   in chapter 39.34 RCW.

32       (7) Each final decision of a hearing examiner must be in writing  
33   and include findings and conclusions, based on the record, to support  
34   the decision. Each final decision of a hearing examiner, unless a  
35   longer period is mutually agreed to by the applicant and the hearing  
36   examiner, must be rendered within 10 business days following the  
37   conclusion of all testimony and hearings.

38       (8) In the event of the absence or inability of a hearing  
39   examiner to act, the city or county planning director must document  
40   efforts to secure a hearing examiner and provide a written

1 determination that no qualified examiner was reasonably available.  
2 The city or county planning director or other qualified planning  
3 official of the city or county may assume the duties and  
4 responsibilities designated to the hearing examiner under this  
5 chapter until such time that a hearing examiner is appointed and  
6 available to perform those duties. The authority of the city or  
7 county planning director or other qualified planning official of the  
8 city or county to assume the hearing examiner's duties is limited to  
9 the duration of the vacancy or unavailability of a hearing examiner.

10 (9) A city or county may establish a process in which an  
11 applicant may elect either legislative review or hearing examiner  
12 review for any land use application covered under this chapter.

13 (10) Cities or counties that are required to submit their next  
14 comprehensive plan update in 2027 pursuant to RCW 36.70A.130 must  
15 adopt or amend by ordinance, and incorporate into their development  
16 regulations, zoning regulations, and other official controls, the  
17 requirements of this section in their next comprehensive plan update.  
18 All other cities and counties must implement the requirements of this  
19 section within two years of the effective date of this section.

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