
Local Government & Housing Committee

SB 5621

Brief Description: Regarding hearing examiner fees.

Sponsors: Senators Kline and Marr.

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| <p>Brief Summary of Bill</p> <ul style="list-style-type: none">• Creates a cap on hearing examiner fees that is equivalent to the statutory rate for superior court fees for judicial review. |
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Hearing Date: 2/18/10

Staff: Becca Kenna-Schenk (786-7291) and Thamas Osborn (786-7129).

Background:

Hearing Examiners.

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 and/or appeals to agency decisions, including conditional use, variance, shoreline permit, preliminary plat approval, and rezones. State law also authorizes the use of hearing examiners to conduct hearings on other issues such as proposals for road abandonment and the removal of junk vehicles from private property. Hearing examiners are not permitted to conduct legislative actions such as adopting or amending comprehensive plans or making zoning changes that are of area-wide significance.

Hearing Examiner Authorization for Plat Approval.

In order to implement a hearing examiner system to hear and issue recommendations for plat and subdivision approval, a local legislative authority must adopt the system 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.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Superior Court Filing Fees.

State law sets filing fee rates that county clerks must charge for official superior court services. The filing fee rate for judicial review services in a superior court is \$200.

Summary of Bill:

Hearing examiner fees for hearings on plat and subdivision approvals may not exceed the statutorily established superior court filing fees for judicial review of an agency action.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.