



January 16, 2011

The Honorable Craig Pridemore, Chair
Government Operations, Tribal Relations and Elections Committee
Washington State Senate
439 J.A. Cherberg Building
PO Box 40466
Olympia, WA 98504-0466

RE: SB 5013 relating to the use of hearing examiners or local planning officials in a quasi-judicial land use permit process

Dear Senator Pridemore:

APA Washington supports the passage of Senate Bill 5013 relating to the use of hearing examiners and local planning officials in making decisions on quasi-judicial land use permits. Many local legislative bodies in Washington have already made the choice to have hearing examiners conduct quasi-judicial hearings and, in some cases, also have their hearing examiners make the final local decision.

In the experience of our membership, those city and county councils who have voluntarily divested themselves of responsibility for hearing and deciding upon quasi-judicial permits are pleased to have done so. In so doing, they have made the permit process in their communities more timely, fair and predictable and freed their agendas to tend to the important land use duties that only they can perform– the adoption and amendment of the comprehensive plans and development regulations that govern all permits, not just the quasi-judicial ones.

We believe that the current state of the economy and the hoped for recovery in the coming years is the ideal time for the legislature to remind all local governments that their elected officials are best suited to be policy makers, not the administrators or adjudicators of permits. SB 5013 would express that legislative intent and help to structure a dialogue among local governments about the advantages of greater use of the hearing examiner system.



American Planning Association
Washington Chapter

Making Great Communities Happen

We note that SB 5013 provides an option for local governments to “opt out” of increased use of the hearing examiner system. Affected local governments would have the option of (a) fully embracing the hearing examiner system; (b) opting not to; or (c) anything in between.

If SB 5013 were to pass, there would be period of approximately nine months during which local governments would consider which of these paths to take. APA Washington would welcome the opportunity to engage with those local governments in that assessment, along with the Associations of Washington Cities and Counties, associations of municipal attorneys and prosecutors, insurance authorities, city managers and representatives of the building industry.

Again, we urge your favorable action on SB 5013. Thank you for the opportunity to comment.

Respectfully,

A handwritten signature in blue ink, appearing to read 'Scott M. Greenberg'.

Scott M. Greenberg, AICP
President
Washington Chapter of the American Planning Association

cc Members of the Senate Government Operations, Tribal Relations and Elections Committee