

ORDINANCE NO. 150

CREATION OF THE OFFICE OF HEARINGS EXAMINER

WHEREAS, hearings on land development applications can be processed more efficiently through the use of a hearings examiner rather than a lay board/commission;

WHEREAS, the Pacific County Planning Commission needs to focus its attention on comprehensive and long range planning issues rather than on individual permit applications; now therefore,

IN ACCORDANCE WITH CHAPTER 36.32 RCW, IT IS HEREBY ORDAINED BY THE BOARD OF COMMISSIONERS PACIFIC COUNTY, WASHINGTON AS FOLLOWS:

SECTION 1 - CREATION OF LAND USE HEARING EXAMINER

The office of Pacific County Hearings Examiner, hereinafter referred to as “examiner” is hereby created. The examiner shall interpret and implement land use regulations and policies as provided in this Ordinance or in other regulations.

SECTION 2 - APPOINTMENT AND TERMS

The Pacific County Board of County Commissioners, hereinafter referred to as “Board”, may appoint one (1) or more examiners for terms which shall initially expire six (6) months following the date of original appointment and thereafter expire one (1) year following the date of each reappointment. Such appointments may be by professional service contract. Any examiner may be removed by the Board for misfeasance, malfeasance, or nonfeasance.

SECTION 3 - QUALIFICATIONS

Examiners shall be appointed solely with regard to their qualifications for the duties of their office and will have such training and experience as will qualify them to conduct administrative or quasi-judicial hearings on regulatory enactments and to discharge the other functions conferred upon them.

#### SECTION 4 - CONFLICT OF INTEREST

No examiner shall conduct or participate in any hearing, in which the examiner (1) has a direct or indirect substantial financial or familial interest, or (2) has had substantial prehearing contacts with proponents or opponents.

#### SECTION 5 - JURISDICTION

The Office of the Hearings Examiner shall conduct hearings when the Pacific County Shoreline Master Program or other County Ordinances explicitly state that a matter must be handled by an examiner. However, this Ordinance does not apply to any hearings examiner who is appointed by the Pacific County Board of Equalization to hear matters pertaining to property tax appeals.

#### SECTION 6 - CONTINUANCES

Once legal notice has been given, no matter shall be postponed over the objection of any interested party, except for good cause shown. Continuances may be granted at the discretion of the examiner; PROVIDED, the interested parties in attendance shall be given an opportunity to testify prior to the continuance. The applicant shall pay an amount equal to one-half the original application fee for any hearing postponed or continued by request of the applicants after legal notice has been given; PROVIDED, that this requirement shall not apply where the request is based upon new information presented at the hearing.

#### SECTION 7 - RULES

The examiner shall have the power to prescribe rules for the scheduling and conduct of hearings and for other procedural matters related to the duties of the Office. Such rules may provide for cross-examination of witnesses.

#### SECTION 8 - HEARING EXAMINER'S DECISION

The final decision of an examiner shall constitute final agency action of Pacific County. Each final decision of an examiner shall be in writing and shall include findings of fact and conclusions of law, based on the record, to support the decision. Each final decision regarding a hearing shall be rendered within ten (10) working days following the conclusion of all testimony, unless a longer period is mutually agreed to by the applicant and the hearing examiner. The final decision and the record shall be filed with the Pacific County Department of Community Development. The final decision shall be sent to the applicant and any person who requests notification.

SECTION 9 - REQUEST FOR RECONSIDERATION

Any party aggrieved by an examiner’s written decision may ask for reconsideration within ten (10) working days of the date the decision is filed with the Pacific County Department of Community Development. Any request for reconsideration shall be accompanied with written documentation that supports the request for reconsideration. If the examiner grants the request for reconsideration, the examiner may reopen the hearing to take additional testimony, and issue a new written decision, or the examiner may modify his or her original decision based solely on the written information submitted.

SECTION 10 - SAVINGS AND SEVERABILITY

If any provision, or portion thereof, contained in this Ordinance is held to be unconstitutional, invalid, or unenforceable, said provisions, or portion(s) thereof, shall be deemed severed and the remainder of this Ordinance shall be affected and shall remain in full force and effect.

SECTION 11- EFFECTIVE DATE

This Ordinance shall take effect immediately.

PASSED by the Board of Pacific County Commissioners meeting in special session at South Bend, Washington, by the following vote, then signed by its membership and attested to by its Clerk in authorization of such passage the 24th day of August, 1999.

  3   AYE;   0   NAY;   0   ABSTAIN;   0   ABSENT

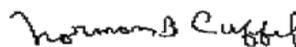
BOARD OF COUNTY COMMISSIONERS  
PACIFIC COUNTY, WASHINGTON



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Jon Kaino, Jr., Chairman

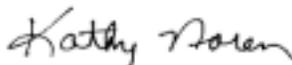


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Pat Hamilton, Commissioner



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Norman “Bud” Cuffel, Commissioner

ATTEST:



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Kathy Noren  
Clerk of the Board