
INTRODUCTION

This pamphlet gives a brief description of the Land Use Hearing Examiner process and is designed to assist those who participate in land use decision-making processes. It is not a complete description of the rules and laws governing the hearing process.

The Hearing Examiner process is described in more detail in the Kenmore Planning Policies and Procedures Code and other city ordinances and in the Rules of Procedure of the Hearing Examiner.

Copies of relevant ordinances are available from the Office of the Hearing Examiner, the City Clerk, or the Planning Department.



THE ROLE OF THE HEARING EXAMINER

The Hearing Examiner assures due process protection for all involved in the hearing process and renders land use decisions in an efficient manner.

Decisions are based solely on the testimony and evidence presented at the hearing and the application of criteria specified in City codes and state law. Applicants, city agencies, and all persons interested in a land use

application should participate at the hearing with submittal of relevant oral and written material.

Depending on the type of application, the Hearing Examiner makes a recommendation to the City Council or issues a final decision on the application within ten (10) working days of the close of the hearing.

The Hearing Examiner may approve, deny or require such conditions, modifications and restrictions as are necessary to make the application compatible with the laws and ordinances of the state and community.

All questions regarding a specific application should be addressed to the Office of the Hearing Examiner, City of Kenmore, P.O. Box 82607, 18120 68th Ave. NE, Kenmore, WA 98028-0607. The Hearing Examiner should not be contacted directly about any specific application because he or she must remain free from bias and prejudice in their decision making process.

All information for the Hearing Examiners should be presented in some form at the hearing.



ORDER OF PROCEEDINGS

An agenda listing the applications to be heard is available at the hearing or prior to the

hearing at the Office of the Hearing Examiner. Hearings are held in City Hall or the Northshore Utility Building.

All hearings are tape-recorded and the tape is part of the official record of the hearing. All testimony is given under oath or affirmation. Simple and direct statements or arguments are encouraged. The hearing will usually proceed in the following order:

1. Presentation by City staff to describe the application, summarize issues presented and give the City's recommendation;
2. Presentation by the applicant or the applicant's authorized representative;
3. Presentations, questions or statements by members of the public;
4. Responses to questions by staff and applicants;
5. Final recommendation by City staff;
6. Final statement from applicant, who has the burden of proof.

No oral decision is rendered at the hearing. The Hearing Examiner takes the case under advisement and prepares a recommendation or decision in a written report that includes findings of fact and conclusions of law. The decision is mailed to those who request it from the office of the Hearing Examiner.

If written evidence is submitted, it should be addressed to the Office of the Hearing Examiner and should be clearly legible.

The written testimony *must* be received on or before the date of the public hearing in order for it to be considered by the Hearing Examiner. The letter should reference the application and the specific reasons why the application should be approved, disapproved or conditioned. The writer should give his or her full address in order to receive a copy of the decision.



DUE PROCESS CONSIDERATIONS

Hearings before the Hearing Examiner are quasi-judicial proceedings. This means that certain due process protections apply. For example, no one may contact the Hearing Examiner for the purpose of influencing a decision. All information should be presented at the hearing. The State Supreme Court has ruled that, not only must quasi-judicial proceedings be fair, they must appear to be fair. Accordingly, the Hearing Examiner may not participate in any matter where he or she has a financial or personal interest, or where he or she has prejudged the matter in any way.

Any person who has grounds to believe the Hearing Examiner may be influenced by a consideration outside the public record

should promptly bring that concern to the attention of the Hearing Examiner.



APPEALS FROM HEARING EXAMINER DECISIONS

The Hearing Examiner's decision contains information on the time limits and methods of appeal for each decision. An appeal or request for reconsideration must be filed within the specified time limit in order for the decision to receive further consideration.

Usually new information cannot be raised on appeal. All relevant information and arguments should be presented at the public hearing before the Hearing Examiner.



GUIDE TO PUBLIC HEARINGS



CITY OF KENMORE OFFICE OF HEARING EXAMINER

P.O. Box 82607
18120 68th Ave. NE
Kenmore, WA 98028-0607
425-398-8900