

DUE PROCESS CONSIDERATIONS

Hearings before the Hearing Examiner are quasi-judicial proceedings, which require certain legal process protection. For example, no one may contact the Hearing Examiner for the purposes of influencing a decision. All information should be presented at the hearing. Also, 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/she has financial or personal interest, or where he/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 the concern to the attention of the Hearing Examiner.

APPEALS FROM HEARING EXAMINER DECISIONS

Appeal and Reconsideration Forms are included with the Hearing Examiner's decision and 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.



GENERAL INFORMATION

Office of the Hearing Examiner

Contact: Address:

Sonja Cady, Land Use Clerk
2000 Lakeridge Drive SW, Bldg 1
Olympia, WA 98502-6048

Phone # (360) 867-2117

County TTY/TTD call 711 or 1-800-833-6388

Email: Sonja.Cady@co.thurston.wa.us

Website:

Visit the Thurston County Hearing Examiner Website for the current agenda, staff reports, decisions, appeal information & forms at:

<http://www.co.thurston.wa.us/permitting/hearing/hearing-home.html>

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GUIDE TO PUBLIC HEARINGS BEFORE THE HEARING EXAMINER



THURSTON COUNTY OFFICE OF
THE HEARING EXAMINER
2000 Lakeridge Drive SW, Bldg.1
Olympia, WA 98502-6045

(360) 867-2117

TTY/TTD 711 or 1-800-833-6388

INTRODUCTION

This pamphlet provides a brief description of the Land Use Hearing Examiner Process and is designed to assist those who participate in the 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 Thurston County Code, other county ordinances and in the Rules of Procedure of the Hearing Examiner.

Copies of relevant ordinances are available from the Office of the Hearing Examiner, or the Resource Stewardship Department.

THE ROLE OF THE HEARING EXAMINER

The Hearing Examiner assures fairness and due process protections for all involved in the hearing process. It is his/her responsibility to make 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 county codes and state law. Applicants, county agencies and all persons interested in a land use application should participate at the hearing with the submittal of relevant oral and written material.

Depending on the type of applications, the Hearing Examiner makes issues a final decision on an application, or issues a recommendation to Thurston County Commissioners within ten (10) working days of the close of the hearing.

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

All questions regarding a specific application should be addressed to the Office of the Hearing Examiner. The Hearing Examiner should not be contacted directly about any specific application because he/she must remain objective and free from bias and prejudice in the decision making process.

Any contact with the Hearing Examiner should be through testimony given and/or written statements submitted at the hearing.

ORDER OF PROCEEDINGS

Agenda and staff reports of the applications to be heard on a particular date are available at the hearing and are available 10 days prior to the hearing at the Community Planning & Economic Development Department. Current agenda and staff reports are also available on the Hearing Examiner website.

All hearings are audio-recorded and the recording is part of the official record. All testimony must be given under oath or affirmation. Simple and direct statements or arguments are encouraged.

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. Please submit two paper copies of

any written evidence and one electronic .pdf copy (to the extent possible) to the Hearing Examiner. The written evidence should reference the applications, and contain the specific reasons why the application should be approved, disapproved or conditioned. The writer should give his/her full address and/or e-mail address in order to receive a copy of the decision.

The hearing will usually proceed in the following order:

1. Presentation by County staff to describe the application, summarize issues presented, and give the county'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 from staff and applicants;
5. Final recommendation by County staff;
6. Final statement from applicant, who has the burden of proof, that application is consistent with comprehensive plans and development regulations.

No oral decision is made at the hearing. The Hearing Examiner will take each case under advisement and a decision or recommendation will be issued as a written report that includes findings of fact and conclusions of law. The decision is mailed or emailed to those who request it from the Office of the Hearing Examiner.