



THURSTON COUNTY HEARING EXAMINER GUIDE TO PUBLIC HEARINGS

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 Development Services Department.

THE ROLE OF THE HEARING EXAMINER

The Hearing Examiner assures fairness and due process protection 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 a recommendation to the Thurston County Commissioner or issues a final decision on the application within ten (10) working days of the close of the hearing.

The Hearing Examiner may grant or deny the application or 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, Thurston County, 2000 Lakeridge Drive SW, Bldg. 1, Olympia, WA 98502-6045. 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 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 or prior to the hearing at the Development Services Department.

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.

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 should contain the specific reasons why the application should be approved, disapproved or conditioned. The writer should give his/her full 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 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.

DUE PROCESS CONSIDERATIONS

Hearings before the Hearing Examiner are quasi-judicial proceedings, which requires that certain legal process protections apply. 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 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.

