

CHAPTER XX.96
HEARING EXAMINER

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xx.92.020	Hearing Examiner.
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xx.92.010 Purpose. It is the purpose of this Chapter to establish a hearing examiner system to promote the principles of fairness and due process in public hearings and to provide an efficient and effective decision-making system for appeals.

xx.92.020 Hearing Examiner. The Board of County Commissioners shall appoint a qualified person(s) to serve as the County Hearing Examiner. This position, to be known as the County Hearing Examiner, Hearing Examiner, or Examiner, will be a contracted position, with the terms and conditions of appointment specified in a contract between the Board of County Commissioners and the Examiner(s).

- A. The Examiner shall be appointed solely with regard to qualifications for the duties of the position and shall have the professional training or experience necessary to enable the Examiner to conduct administrative or quasi-judicial land use hearings and to make decisions on land use applications and appeals. The Examiner must have expertise and experience in land use planning in Washington State and should have knowledge or experience in at least one of the following areas: environmental sciences, law, architecture, economics, or engineering. An understanding of local planning in Pend Oreille County is preferred, but not a requirement for the position.
- B. As a contract position, the Examiner shall serve at the pleasure of the Board of County Commissioners and may be dismissed from the position without cause, in accordance with the terms and conditions of appointment and the corresponding personal services contract.

xx.92.030 Standards of Conduct. The Examiner shall perform the duties of the position in accordance with the ethical standards established for the planning profession and in accordance with the laws of Washington State and will not conduct or participate in any hearing or decision in which the Examiner has a direct or indirect financial or personal interest.

- A. No County Commissioner, County Official, County Staff, or any other person shall interfere with or attempt to influence the Hearing Examiner in the performance of their duties.

*Pend Oreille County Development Regulations
Adopted by BOCC
Amended June 12, 2018*

xx.92.040 Rules. The Hearing Examiner shall prepare and implement procedural rules to guide public hearings and the performance of the duties of the position in accordance with the provisions of this Title and RCW 36.70.970 and RCW 58.17.330.

xx.92.050 Authority and Duties. The Examiner shall receive and examine relevant information and staff reports including environmental documents, conduct required public hearings, prepare a public record of the proceedings, and:

- A. Make findings and conclusions for the appeal of Class 2 reviews as specified in Pend Oreille Municipal Code xx. 14.020;
- B. Shall perform other duties as may be prescribed in the Pend Oreille County Codes or as may be assigned by the Board of County Commissioners.

xx.92.060 Requests for Reconsideration.

- A. Any party or agency of record may request a reconsideration of a decision by the Hearing Examiner. Requests for reconsideration may be granted by the Examiner based on a demonstration of one or more of the following:
 - 1. An irregularity in the proceedings by which the moving party was prevented from having a fair hearing;
 - 2. Newly discovered evidence of a material nature which could not, with reasonable diligence, have been produced at hearing;
 - 3. A clear mistake as to a material fact; or
 - 4. A clear error as to the law, which should be corrected in the interests of justice.
- B. Requests for reconsideration must be filed with the County Department of Community Development within 10 days of the issuance of a Notice of Decision. The Examiner shall act on requests for reconsideration within 10 days of acceptance by the County and shall:
 - 1. Issue revised findings;
 - 2. Set a public hearing to further consider the request; or
 - 3. Deny the request.

xx.92.070 Appeals. Requests to appeal a final decision of the Hearing Examiner must be filed by Parties and Agencies of Record within 21 days of the issuance of the Notice of Decision in Pend Oreille County Superior Court in accordance with the provisions of Pend Oreille Code xx.14.150 Appeals.

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