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WDT/srf
01/28/93

ORDINANCE NO. 17

AN ORDINANCE OF THE CITY OF WOODINVILLE, WASHINGTON, ESTABLISHING THE OFFICE OF HEARING EXAMINER; PROVIDING FOR APPOINTMENT BY THE CITY MANAGER; DEFINING POWERS AND DUTIES; PROVIDING FOR APPEALS; SPECIFYING PROCEDURES; AND ESTABLISHING AN EFFECTIVE DATE.

THE CITY COUNCIL OF THE CITY OF WOODINVILLE, WASHINGTON,
DO ORDAIN AS FOLLOWS:

Section 1. Hearing examiner authorized. There is hereby created the Office of Hearing Examiner as an independent office of the City for the conduct of hearings on such matters as are delegated to the Hearing Examiner by ordinance.

Section 2. Appointments--Qualifications.

A. Appointments to the Office of Hearing Examiner shall be made by the City Manager. The City Manager is also authorized from time to time to appoint Hearing Examiners Pro Tempore to serve on a day-to-day basis due to the absence, unavailability, incapacity or disqualification of the Hearing Examiner.

B. The Hearing Examiner shall be experienced in land use, planning, subdivision and related matters.

Section 3. Powers and duties. In the performance of duties prescribed by this ordinance, the Hearing Examiner is authorized to:

A. Administer oaths and affirmations, examiner witnesses, rule upon offers of proof, receive evidence, and conduct discovery

procedures which may include propounding interrogatories and taking oral depositions; provided, that no person shall be compelled to divulge information which he or she could not be compelled to divulge in a court of law;

B. Upon the request of a City officer or any party, or upon the Hearing Examiner's own volition, issue and witness; provided, that any such subpoena shall state the name and address of the witness sought, and if for the production of books, documents or things, shall specifically identify the same and the relevance thereof to the issues involved;

C. Regulate the course of the hearing in accordance with rules and this chapter and other applicable ordinances;

D. Hold conferences for the settlement or simplification of the issues by consent of the parties;

E. Dispose of procedural requests or similar matters;

F. Make such decisions or recommendations as are contemplated herein and by other ordinance contemplated herein and by other ordinances conferring jurisdiction on the Hearing Examiner;

G. Take any other action authorized by ordinance;

H. make rules for the conduct of hearings, notices and other proceedings and procedures not inconsistent with this ordinance and other applicable ordinances. An audio or video record of the hearing proceedings shall be maintained and shall be made available for public review;

I. Make recommendations for revision to relevant codes and ordinances which will clarify or otherwise improve the development review process.

Section 4. Appeals. Final decisions made by the Hearing Examiner other than those decisions that are by ordinance given the effect of a recommendation to the City Council, shall be appealable to the City Council according to the rules and regulations set forth by ordinance.

Section 5. Procedures.

A. Each final decision of the Hearing Examiner shall be in writing and shall include findings and conclusions, based on the record, to support the decision. Such findings and conclusions shall also set forth the manner in which the decision would carry out and conform to the applicable criteria established by ordinance or law.

B. Each final decision of a Hearing Examiner, unless a longer period is mutually agreed to in writing by the applicant and the Hearing Examiner, shall be rendered within 10 working days following conclusion of all testimony and hearings.

Section 6. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 7. Effective date. This ordinance shall be effective March 31, 1993 which is more than five (5) days after publication of an approved summary consisting of the title to this ordinance.

PASSED by the City Council of the City of Woodinville this 22nd day of February, 1993.

APPROVED:

Lucy DeYoung
MAYOR, LUCY DEYOUNG

ATTEST/AUTHENTICATED:

Marie O'Connell
CITY CLERK, MARIE O'CONNELL

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY Wayne Teraban

FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL:
PUBLISHED: 3/1/93
EFFECTIVE DATE: 3/31/93
ORDINANCE NO. 17