

ORDINANCE NO. 2423

AN ORDINANCE adopting a new chapter to the Camas Municipal Code providing for a Hearings Officer to conduct public hearings and enter decisions on specified land use permits and applications.

THE COUNCIL OF THE CITY OF CAMAS DO ORDAIN AS FOLLOWS:

Section I

There is hereby added to the Camas Municipal Code a new Chapter 2.14 adopting provisions for a Hearings Examiner System as more particularly set forth in Exhibit "A", attached hereto and by this reference incorporated herein.

Section II

In the event of any conflict between the terms of this ordinance and other provisions of the Camas Municipal Code, the terms of this ordinance shall govern.

Section III

This ordinance shall take force and be in effect from and after January 1, 2006.

PASSED by the Council and APPROVED by the Mayor this 7th day of November, 2005.

SIGNED: _____

Paul D. [Signature]
Mayor

ATTEST: _____

John M. [Signature]
Clerk

APPROVED as to form:

[Signature]
City Attorney

Hearing Examiner System

Sections:

- 2.14.010 Purpose.**
- 2.14.020 Creation of land use hearing examiner.**
- 2.14.030 Appointment and terms.**
- 2.14.040 Qualifications.**
- 2.14.050 Freedom from improper influence.**
- 2.14.060 Conflict of interest.**
- 2.14.070 Rules.**
- 2.14.080 Powers.**
- 2.14.090 Continuances.**
- 2.14.100 Appeal from examiner's decision.**

2.14.010 Purpose.

The purpose of this chapter is to separate the land use regulatory function from the land use planning process; ensure procedural due process and appearance of fairness in land use regulatory hearings; and provide an efficient and effective land use regulatory system which integrates the public hearing and decision-making process for land use matters.

2.14.020 Creation of land use hearing examiner.

Pursuant to RCW 35A.63.170, the office of City of Camas land use examiner, hereinafter referred to as "examiner," is hereby created. The examiner shall interpret, review and implement land use regulations and policies as provided in this chapter or by other ordinances.

2.14.030 Appointment and terms.

The City Council, hereinafter referred to as "council," may appoint an examiner for terms, which shall initially expire six months following the date of original appointment subject to the terms of a professional services contract executed by the mayor.

2.14.040 Qualifications.

The examiner shall be appointed solely with regard to the examiner qualifications for the duties of the office and will have such training and experience as will qualify him/her to conduct administrative or quasi-judicial hearings on land use regulatory enactments and to discharge the other functions conferred upon the office. The examiner shall hold no other elective or appointive office or position in the city government and have no familial or financial relationship with members of the city council or the mayor.

2.14.050 Freedom from improper influence.

No person, including city officers, elective or appointive, shall attempt to influence an examiner in any matter pending before the hearing examiner, except at a public hearing duly called for such purposes, or to interfere with an examiner in the performance of the examiner's duties in any other way; provided, that this section shall not prohibit other persons or officials from responding in writing to requests for information from the examiner.

2.14.060 Conflict of interest.

No examiner shall conduct or participate in any hearing, decision or recommendation in which the examiner has a direct or indirect substantial financial or familial interest, or substantial pre-hearing contacts with proponents or opponents.

2.14.070 Rules.

The examiner shall have the power to prescribe rules for the scheduling and conduct of hearings and other procedural matters related to the duties of the office. Such rules may provide for cross-examination of witnesses.

2.14.080 Powers.

The examiner shall receive and examine available information, conduct public hearings and prepare a record thereof, and enter final decisions, subject to application, notice, public hearing and appeal procedures of Chapter 18.55 on the following matters:

- (1) Conditional use permits, light industrial/business park applications, preliminary subdivision plat applications, and site specific rezone requests;
- (2) Appeals of SEPA threshold determinations on the land use applications subsection (1) above; and
- (3) Appeals of a Type II decision.

All other Type III land use applications, including but not limited to comprehensive plan amendments; development agreements, with a companion master plan; mixed use developments; planned developments; and area-wide rezones shall follow the procedures as provided in Chapter 18.55.

2.14.090 Continuances.

Once legal notice has been given, no matter shall be postponed over the objection of any interested party, except for good cause shown. Continuances may be granted at the discretion of the examiner; provided, the interested parties in attendance shall be given an opportunity to testify prior to the continuance. The applicant shall pay the amount adopted by resolution for any hearing postponed or continued by request of the applicants after legal notice has been given; provided, that an applicant is not required to pay the continuance fee if the continuance is warranted by new information presented by the city or third parties not including the applicant or other proponents of the application.

2.14.100 Appeal from examiner's decision.

The decision of the examiner shall be final and conclusive unless a land use petition is timely filed in superior court, as described at CMC 18.55.240.