CITY OF SEQUIM

FACT SHEET

Hearing Examiner Process for Land Use Matters

SUMMARY

The City of Sequim utilizes a hearing examiner to review land use matters and make final decisions.

"Land Use" refers to laws, ordinances, and regulations that affect the way property can be used and developed. Washington State has a variety of laws and regulations that local jurisdictions must follow, and local jurisdictions often adopt their own laws and regulations as well. For more information on land use, growth, and development, please see the City's Fact Sheet on Management of Growth and Development.

Hearing examiners, like a judge, preside over quasi-judicial[1] matters for the City and make the final decisions for several land use permit types, including variances, subdivisions, binding site plans, site-specific rezones, plat alterations and vacations, and conditional use permits, among others. See Sequim Municipal Code Chapter 20.01.

Sequim adopted its current hearing examiner system in 2022 and receives services on a contract basis from a firm that was appointed by the City Council.

Visit the Hearing Examiner webpage on www.sequimwa.gov to learn about the matters currently under review, the Hearing Examiner's rules of procedure, and other information about Sequim's hearing examiner system.

BENEFITS OF HEARING EXAMINER SYSTEM

A city's land use decisions must be made in strict accordance with applicable statutes and case law, similar to how a decision would be made by a judge in court. For this reason, Washington cities have steadily moved away from having their elected officials (City Council) make quasi-judicial decisions due to the legal and financial risks that this poses for the municipality, as well

[1] "Quasi-judicial" means similar to a judicial proceeding in a court of law.

as the time such proceedings take away from the officials' policy-making duties and service to the community. Instead, the trend is to delegate this responsibility to professional hearing examiners who are trained in the law and are able to preside over land use approvals and appeals as independent, objective decision-makers, reducing the potential for City Councilors and City Staff to be accused of personal or political bias or lack of transparency.

Because they are experts on the subjects before them, hearing examiners know how to deliver well-reasoned and impartial decisions that are supported by a record that will stand up to further legal challenges.

Like a judge, a hearing examiner cannot engage in "ex parte" (one-sided) communications about any matter with any person, organization, or legal representative, and will not accept materials for review that have not undergone the correct process for introduction of evidence.

THE HEARING EXAMINER PROCESS

1. Once a land use applicant has provided enough information to allow City Staff to give recommendations on the project, information related to the application is provided to the Hearing Examiner.
2. The Hearing Examiner will hold a public hearing in which City Staff, the applicant, and members of the public can comment on the project.
3. The Hearing Examiner's review is limited to those items in the record, meaning the application, all relevant documents and reports, and all public comments received in writing during the application review process or during the public hearing. This is why "ex parte" communications with the examiner are prohibited. The Hearing Examiner then reviews all the materials, considers the recommendations and comments related to the project, and uses that information to support the analysis justifying the Examiner's decision.
4. The Hearing Examiner issues a written decision approving, denying, or approving with such conditions, modifications, and restrictions as necessary to make the project compatible with its environment, the City's Comprehensive Plan, and other official policies, objectives, and land use laws, codes, and regulations.

HOW TO PARTICIPATE

Land use hearings before the Hearing Examiner are open to the public. If there is a project under review that you would like to comment on, please contact the Staff assigned to ensure the Hearing Examiner receives your comments in the materials package and you receive updates on the project process. You can email planningdept@sequimwa.gov to request the

name of the Staff member assigned. You may email your public comment to DCDpubliccomment@sequimwa.gov prior to the deadline to ensure it is made part of the official record.

SOURCES

Sequim Municipal Code, including Chapters 2.10 and 20.01

RCWs 35A.63.110 and 35A.63.170

City's Hearing Examiner Rules of Procedure

Management of Growth and Development Fact Sheet