

# The Land Use Hearing

**An overview of the Local Administrative Land  
Use Hearing Process**

# General Sources for Land Use Law

**Federal and State Constitutional Provisions:  
primarily takings, but may also implicate other  
rights such as freedom of speech and religion**





# State Statutes

**Growth Management Act RCW 36.70A**

**State Environmental Policy Act RCW 43.21C**

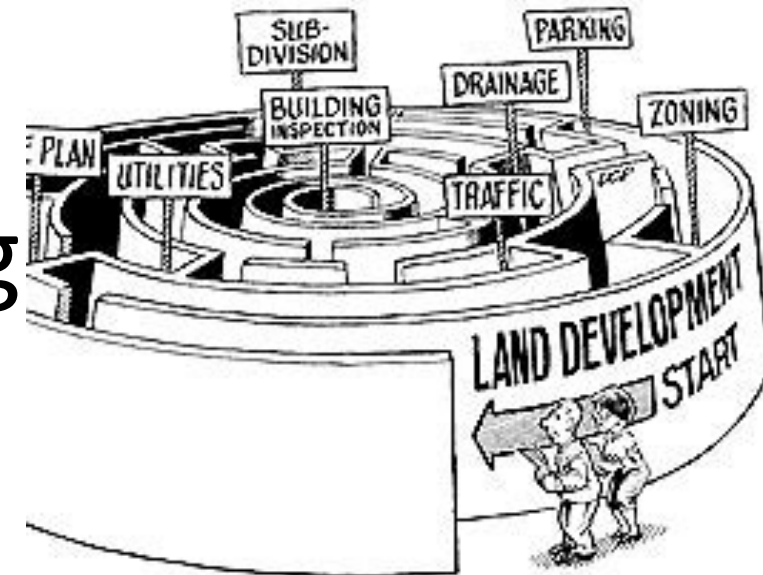
**Other area specific statutes: e.g. Shoreline Management Act RCW 90.58; Water Rights RCW 90.03; Environmental Health and Safety (e.g. clean air, hazardous waste) RCW 77A; etc.**

# Comprehensive Plan

Lays out community goals and aspirations for development including transportation, utilities, land use, recreation, housing, and other topics.

# Local Ordinance

Development regulations and zoning



**Land Use Hearing**

**Public Hearing**

**Appeal Hearing**





# Hearing Forum

**County Board of Commissioners**

**City Council**

**Planning Commission**

**Hearing Examiner**



# Hearing Examiner

- [RCW 58.17.330](#) – Authorizes use of a hearing examiner system in cities and counties for hearing and issuing recommendations or decisions on preliminary plat
- [RCW 36.70B.020\(3\)](#) – Defines open record hearings on project permit applications – hearing examiner may conduct
- [RCW 46.55.240](#) – Authorizes use of a hearing examiner to conduct hearings on abatement and removal of junk vehicles from private property
- [RCW 43.21C.075](#) – Authorizes use of a hearing examiner to conduct hearings on SEPA appeals
- *Also see specific statutes for code cities, non-code cities, counties, and local/road improvement districts (below)*

## Code Cities

- [RCW 35A.63.110](#) – Authorizes hearing examiner system as replacement for board of adjustment
- [RCW 35A.63.170](#) – Authorizes use of a hearing examiner system in code cities for certain zoning matters

## Non-Code Cities

- [RCW 35.63.130](#) – Authorizes use of a hearing examiner system in first and second class cities and towns for certain zoning matters

## Counties

- [RCW 36.70.970](#) – Authorizes use of a hearing examiner system in counties for certain zoning matters
- [RCW 36.87.060\(2\)](#) – Authorizes hearing examiner to conduct hearing on proposed county road vacation
- [WAC 458-14-136](#) – Authorizes county boards of equalization to employ hearing examiner(s)

# **Kitsap Hearing Examiners**

**Kitsap County – Susan Drummond**

**City of Bainbridge Island – Sound Law Center**

**City of Bremerton – Sound Law Center**

**City of Port Orchard – Sound Law Center**

**City of Poulsbo – Gary Maclean**



# NOTICE OF PUBLIC HEARING

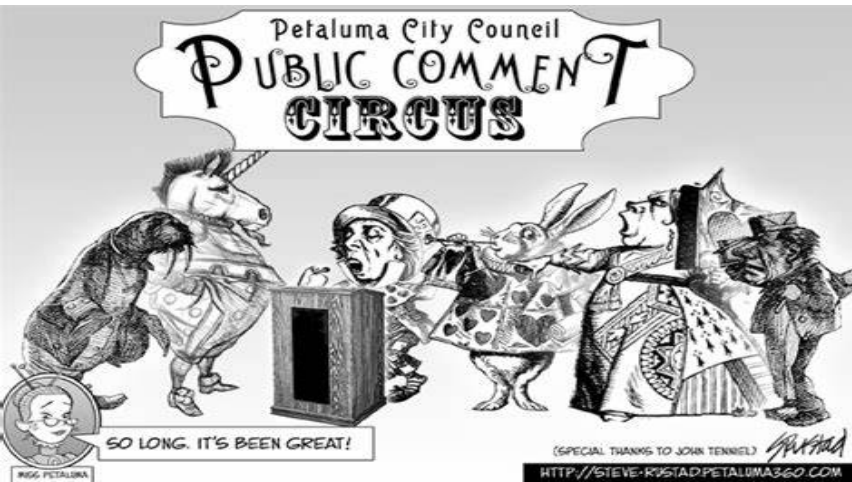
# Public Hearing

## Hearing Type:

- Decision Hearing
- Recommendation Hearing

## Participants:

- Public
- Applicant
- Staff

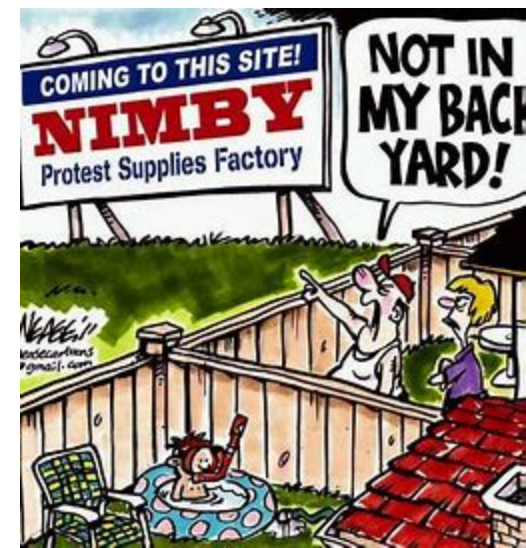




# Appeal Hearing

## Participants:

- Appellant
- Applicant
- Staff



# **Common Appeal Hearing Elements**

## **Prehearing:**

**Notice of Appeal**

**Prehearing Conference**

**Prehearing Motions**

**Discovery**

**Witness and Exhibit List Submission/Exhibits**

# **Common Appeal Hearing Elements**

**Hearing:**

**Opening Statement**

**Presentation of Witness Testimony and Exhibits**

**Rebuttal**

**Closing Argument**

# Trends

**Increased Complexity of Land Use Codes**

**Exhibit Preparation**

**Discovery**

**Prehearing Motions**

**Mediation**



# Remote Hearings

