CITY OF KIRKLAND
PLANNING & COMMUNITY DEVELOPMENT
123 5th Avenue, Kirkland, WA 98033 425.587.3225
www.ci.kirkland.wa.us

KIRKLAND HEARING EXAMINER

A G E N D A

Council Chamber
123 5th Avenue

Date: February 2, 2006

Time: 9:00 a.m.

1. Call to Order

2. PUBLIC HEARING

   Weinberger Wetland Buffer Modification

   Location: 10530 NE 108th Street

   File No. ZON05-00018

   Contact: Susan Greene, Project Planner, (425) 587-3252, or sgreene@ci.kirkland.wa.us

3. Adjournment

Note: If you would like more information on an item on this agenda, please call the Planning Department at 425.587.3225. Please refer to the file number and the planner listed for that item.

The City of Kirkland strives to accommodate people with disabilities. Please contact the City Clerk's office at 425.587.3190, or for TTY service, call 425.587.3111 (by noon the working day prior to the meeting) if we can be of assistance. If you should experience difficulty hearing the proceedings, please bring this to the attention of the Chair by raising your hand.

KIRKLAND HEARING EXAMINER
RULES OF PROCEDURE

Introduction

Chapter 165.45, City of Kirkland Zoning Code, requires the Hearing Examiner establish rules of procedure for conducting public hearings on matters within his/her jurisdiction. Herein contained are the rules of procedure, adopted by the Examiner, to guide participants in public hearings. Questions about the rules of procedure may be asked of the Department of Planning and Community Development, prior to public hearings, or of the Hearing Examiner at the beginning of a public hearing.

Purpose

Public hearings before the Hearing Examiner will be governed by these rules of procedure. The Hearing Examiner may vary in special circumstances as deemed appropriate and necessary for expeditious processing of specific applications and/or full discovery of evidence. These rules of procedure are not intended to contain or summarize all applicable ordinances and regulations with which it is the responsibility of participants in the public hearings to become familiar.

Hearing Examiner

The Hearing Examiner presides over the public hearing, including administering the oath of affirmation. As an impartial, objective professional, the Hearing Examiner receives testimony and evidence and after closing the public hearing makes a written decision or recommendation. Prior to, during, and after the public hearing, no one is to attempt to influence the Hearing Examiner outside of the public hearing or to attempt to interfere with his/her deliberations.

Scheduling

Scheduling of applications for a public hearing is performed by the Department of Planning and Community Development. Hearings are generally held on the first and third Thursday of each month. Usually the Examiner concludes the public hearing on the scheduled date but for appropriate reasons, he/she can continue the hearing to a specific time and date.

Site Inspection

Prior to or after every public hearing, the Hearing Examiner attempts to visit the subject property. Failure to do so will not void the Hearing Examiner's decision to constitute a basis for appeal of the decision.

Burden of Proof

The applicant has the responsibility of convincing the Hearing Examiner that he/she is entitled to the requested decision based on the criteria established for that decision. Everyone participating

in the public hearing has the burden of persuasion regarding the testimony or evidence that they present.

Evidence and Testimony

Anyone presenting oral testimony is required to take the oath of affirmation to present the truth. The public hearing is tape recorded, and the Department of Planning and Community Development maintains the official record. Written testimony must be entered before or during the public hearing unless otherwise determined by the Examiner in the hearing.

Testimony should be relevant, reliable, and non-repetitious. It is sufficient to submit evidence or testimony once for the Examiner's consideration.

The Hearing Examiner may impose reasonable limits on the number of witnesses and the nature and length of their testimony. However, written testimony and evidence may also be submitted.

Public Hearing Format

Normally the public hearing format will be as follows:

1. Public hearing will be opened by the Examiner.
2. Oath of affirmation will be administered: "Do each of you affirm that the facts you are about to give in this matter now being heard are the truth?"
3. Department of Planning and Community Development staff gives their report and recommendation.
4. The applicant testifies.
5. Those in support testify.
6. Those in opposition testify.
7. Others who wish to, testify.
8. Questions of parties are channeled through the Examiner to other parties. The Hearing Examiner reserves the right to decide upon the relevancy and appropriateness of the questions.
9. Examiner asks questions.
10. Public Hearing is closed or continued to a specific time, date, and place.

Recommendation or Decision

Within eight calendar days following the closing of a public hearing or after stipulated receipt of complete information, the Examiner will submit to the Department of Planning and Community Development a written recommendation or decision containing findings of fact, conclusions, and his/her recommendation or decision. The Department of Planning and Community Development will mail this recommendation or decision to everyone who submitted testimony. Only those persons who submit testimony shall be eligible to receive a recommendation or decision, file a challenge, or initiate an appeal. Testimony shall include all oral presentations and all letters submitted at or prior to the hearing. Petitions will not be considered as testimony. Minutes of the hearing will be available from the Department of Planning and Community Development approximately 10 working days after the hearing.