

**CITY OF ILWACO**  
**ORDINANCE NO. 889**

**AN ORDINANCE AMENDING ILWACO MUNICIPAL CODE (IMC) TITLE 11 BY  
ADDING 11.15 HEARING EXAMINER AND AMENDING TITLE 15 UNIFIED  
DEVELOPMENT ORDINANCE TO INCLUDE DUTIES AND FEES OF THE HEARING  
EXAMINER**

**WHEREAS**, RCW 35A.63.170 authorizes code cities to utilize a hearing examiner for land use public hearings; and

**WHEREAS**, The City of Ilwaco sees the need to contract with a Hearing Examiner to provide for a fair and efficient method of determining land use decisions; and

**WHEREAS**, Use of a professional Hearing Examiner can reduce the city's potential liability for improper public hearings and land use decisions, as they are well-versed in procedural due process, land use laws, and recent court decisions.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ILWACO,  
WASHINGTON, DO ORDAIN AS FOLLOWS:**

**Section 1.**

As authorized by RCW 35A.63.170, the position of Hearing Examiner is hereby established for the city of Ilwaco. The new Chapter 11.15 **Hearing Examiner**, attached as Appendix A, will be added to Title 11 **Code Enforcement** of the Ilwaco Municipal Code (IMC).

Title 15 **Unified Development Ordinance** shall be amended as set forth in Appendix B to conform with this Ordinance.

**Section 2. Hearing Examiner Appointed**

The Hearing Examiner will be selected by the Mayor and the contract ratified by the City Council. The Mayor may select multiple hearing examiners to serve concurrently.

**Section 3. Duties**

The duties of the Hearing Examiner, in addition to those established in Title 11, will be to conduct land use hearings for the following actions identified in the Unified Development Code, as amended by this Ordinance: conditional uses, variances, shoreline substantial development permits, site plan reviews, short plats, preliminary plats, and boundary line adjustments. The Hearing Examiner will make the final decision consistent with applicable city, state, and Federal land use laws. The Hearing Examiner will prepare written findings of facts and conclusions of law to support the decision. The written decision, supported by findings of fact and conclusions of law, will be mailed to the applicant and filed with the city within ten (10) working days from the date of the hearing.

**Section 4. Appeal**

Any person aggrieved by the decision of the Hearing Examiner shall have the right to appeal the decision to the Pacific County Superior Court, or to the appropriate shorelines hearings board or growth management board.

**Section 5. Repeal of Conflicting Ordinances.**

All previous Ordinances are hereby repealed insofar as they may be in conflict with this Ordinance.

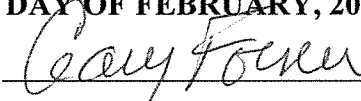
**Section 6. Severability.**


The provisions of this Ordinance are hereby declared to be severable. If any portion of this Ordinance is judged by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

**Section 7. Effective Date.**

This Ordinance shall immediately after its passage and approval be submitted to the Washington Department of Commerce for review under the Growth Management Act, with a request for expedited review, and shall be in full force and effect five (5) days from receipt of approval by the Department of Commerce.

**PASSED BY THE CITY COUNCIL OF THE CITY OF ILWACO AND SIGNED  
IN AUTHENTICATION OF ITS PASSAGE THIS 11th DAY OF FEBRUARY, 2019.**

  
\_\_\_\_\_  
Gary Forner, Mayor

ATTEST:  
  
\_\_\_\_\_  
Stephanie Davis, City Clerk

VOTE	Oakes	Bageant	Sprague	Lessnau	Mathison	Forner
Ayes	X		X	X	X	
Nays						
Abstentions						
Absent		X				

PUBLISHED: February 20, 2019

EFFECTIVE: February 29, 2019 (Dependent on Dept. of Commerce Review)