

RESOLUTION NO. 2000- 201

Repealing Resolution No. 75-29

Re: Establishing the office of Chelan County Hearing Examiner; setting forth qualifications, duties and powers; the effect of decisions; and other administrative and operational particulars and repealing Resolution No. 75-29.

WHEREAS, quasi-judicial land use decisions have become increasingly complex and technical in nature to the extent that lay appointees find it difficult to reach legally sustainable decisions, and

WHEREAS, increasingly, proper land use decisions are based on complex legal interpretations of local, state and federal laws, and

WHEREAS, the Board of Chelan County Commissioners desires to shorten the time for processing quasi-judicial land use applications and to reduce the effects of political influence on land use decisions, and

WHEREAS, the board has determined that a professional hearing examiner skilled in properly weighing evidence, interpreting complex regulations and crafting findings of fact and conclusions of law would benefit the applicants, public and county, and

WHEREAS, a professional hearing examiner would render decisions that are more legally sound leaving the county less vulnerable to successful challenges and the many liabilities that result from less well founded decisions, and

WHEREAS, the limitations on public hearing processes imposed by RCW 36.70B, Local Project Review, renders the hearing examiner system a more efficient method to consider land use applications.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF CHELAN COUNTY COMMISSIONERS, as follows:

Chapter 1.61 HEARING EXAMINER

SECTIONS:

1.61.010	Purpose
1.61.020	Office Established
1.61.030	Appointment and Term
1.61.040	Qualifications
1.61.050	Standards of Conduct
1.61.060	Rules
1.61.070	Time Computation
1.61.080	Duties and Powers
1.61.090	Examiner's Decision, Effect
1.61.100	Applications

1.61.110	Master Applications
1.61.120	Report of Department
1.61.130	Reconsideration by Examiner
1.61.140	Notice of Examiner's Decision
1.61.150	Public Hearing
1.61.160	Appeal of Examiner's Decision
1.61.170	Annual Report
1.61.180	Conflicting Resolutions
1.61.190	Severability
1.61.200	Repealer
1.61.210	Effective Date

1.61.010 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 regulatory land use hearings; and provide an efficient and effective land use regulatory system that integrates the public hearing and decision-making processes for land use matters.

1.61.020 Office Established

Pursuant to Chapter 36.70 RCW and Chapter 58.17 RCW, the office of Chelan County Hearing Examiner, hereinafter referred to as "examiner", is hereby created by the Board of Chelan County Commissioners. The examiner shall interpret, apply and implement land use regulations and policies as provided in this chapter or other resolutions. Unless the context requires otherwise, the term "examiner" as used herein shall include deputy examiners and examiners pro tempore.

Section 1.61.030 Appointment and Term

The examiner shall be appointed by the board of commissioners and shall serve at the pleasure of the board. The examiner will be a contracted position on the terms and conditions deemed appropriate by the parties. Said contract may provide for examiner(s) pro tempore to serve in the absence or disqualification of the examiner under such terms and conditions deemed appropriate by the commission.

1.61.040 Qualifications

The examiner shall be appointed solely with regard to qualifications for the duties of such office and shall have training and experience as will qualify the examiner to conduct administrative and quasi-judicial hearings utilizing land use regulatory codes. The examiner must have expertise and experience in law, architecture, land use planning, environmental sciences or some combination of education and experience in these disciplines that demonstrates the ability to carry out the duties of the office. The person appointed to this position shall demonstrate experience in drafting decisions which incorporate findings of fact and conclusions of law. The examiner shall hold no other elective or appointive office or position with the county.

1.61.050 Standards of Conduct

The examiner shall avoid all appearances of impropriety in official conduct and shall ensure the appearance of fairness and actual fairness in official matters through adherence to the following provisions:

1. No person shall have ex parte (one-sided) contact with the examiner regarding any pending matter, and no person, including government officials and employees shall attempt to interfere with or influence the examiner outside of a public hearing. This section shall not prohibit county officials or employees from providing information to the examiner upon request when such request and the information provided is made part of the record of the hearing.
2. No examiner shall conduct or participate in any hearing or decision in which the examiner has a direct or indirect business, pecuniary or other interest or which the examiner has had substantial pre-hearing contacts with a party to the matter.
3. The examiner shall not participate in any hearing or render any decision involving any family member, in-law, partner or any business in which the examiner is now serving or has served within the previous two (2) years.
4. The examiner shall not participate in any way that would violate any rule of law.

1.61.60 Rules

The examiner shall have the power to prescribe rules governing the conduct of hearings and other procedural matters relating to the duties of the office, subject to confirmation by the board of county commissioners. Said rules shall provide, without limitation, that all testimony be audio taped, under oath, and subject to penalties for perjury. Said rules may also provide for cross-examination of witnesses.

1.61.070 Time Computation

In computing any period of time prescribed by this chapter, the day of the act from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, Sunday or a county legal holiday, in which event the period runs until the end of the next day which is neither a Saturday, Sunday or county legal holiday.

1.61.080 Duties and Powers

The examiner shall review all applications for conformance with the Chelan County Comprehensive Plan, all relevant development regulations, and all other substantive and procedural regulations that apply to the type of application being considered. The examiner shall receive and examine available information, conduct public hearings and appeals and enter findings of fact and conclusions of law based upon the facts in the record of decision. Decisions shall be rendered within ten (10) days of the conclusion of the hearing or appeal. The examiner is vested with the authority to hear and decide, but not be limited to, the following:

1. Applications for conditional use permits, variances, and Planned Development District applications under Title 11 of the Chelan County Code.
2. Applications for shoreline substantial development permits, time extensions to shoreline permits, revisions, shoreline variances, and shoreline conditional use permits under the shoreline master program.
3. Applications for plat alterations, preliminary and final major subdivisions, and plat vacations under Title 12 of the Chelan County Code.
4. Applications for current use assessment of open space or timberland.
5. Appeals of administrative decisions and interpretations relating to the subdivision resolution, the SEPA resolution, the zoning resolution and the shoreline master program.

6. Appeals of the administrative denials of short plat, certificates of exemption, and binding site plan, and boundary line adjustments under Title 12 of the Chelan County Code.

The examiner shall not review matters requiring policy decisions by the board of county commissioners, including, but not limited to: comprehensive plan text and map amendments, zoning resolution map and text amendments except planned development districts, and shoreline master program amendments. Policy determinations for these and similar issues are solely within the purview of the board of county commissioners following the recommendation of the planning commission. Nothing in this section is intended to restrain the examiner from offering commentary to the board of commissioners on potential legislative alterations to the development regulations to improve their condition or operation.

1.61.090 Examiner's Decision, Effect

The examiner's decision is a final decision and dispositive for all the types of applications that properly come before the examiner. There is no administrative appeal to any county official or body including the board of commissioners to the examiner's decision. Examiner decisions are appealable to superior court.

Within ten (10) working days of the conclusion of a hearing, unless the applicant agrees to a longer period in writing, the examiner shall render a written decision supported by findings of fact and conclusions of law based on the record. Such findings and conclusions shall also set forth the manner in which the decision would carry out and conform to the comprehensive plan and development regulations.

1.61.100 Applications

Applications for permits or approvals subject to review by the examiner shall be presented to the Chelan County Department of Building, Fire Safety & Planning on forms provided by the department. The department shall accept such applications and issue a notice of complete application only if all applicable filing requirements as defined by Title 14 of the Chelan County Code and the requirements of the governing resolution are met. The department shall be responsible for administrative processes including, but not limited to, assigning a file number, making referrals, setting a hearing date and ensuring that public notice requirements are met in accordance with the controlling resolution or statute.

1.61.110 Master Applications

A proposed development or project which requires more than one (1) of the permits or approvals listed in section 1.61.080 of this chapter may submit a master application to the department on forms furnished by the department containing the necessary information to process each permit or approval. The multiple fees for all permits or approvals must be paid. The master application shall thereafter be processed by the examiner subject to the longest time limitations applicable to any of the required permits or approvals. The examiner may consider two (2) or more applications relating to a single project concurrently and the findings, conclusions and decision on each application may be contained in one (1) written decision.

1.61.120 Report of Department

When an application has been declared complete and scheduled for public hearing, the Department of Building, Fire Safety & Planning, hereafter referred to as the "department", shall prepare a written report summarizing the factors involved along with the findings and

recommendations of the department. Where no specific provision for a report from the department is required by statute or resolution, the department may coordinate and assemble review comments from other county or city departments, other governmental agencies and franchised utilities having an interest in the subject application and prepare a report summarizing the factors involved and the department's findings and recommendations. At least ten (10) calendar days prior to the scheduled hearing, the report shall be filed with the examiner and copies thereof mailed to the applicant and be made available for public inspection.

1.61.130 Reconsideration by Examiner

Any aggrieved party or agency that believes the decision of the examiner is unsound based upon errors in procedure, law, interpretation of adopted policy, fact, judgement, or the discovery of new factual evidence which, by due diligence, could not have been found prior to the examiner hearing, may make a written request for reconsideration by the examiner within ten (10) days of the filing of the written record of decision. The request for reconsideration shall be submitted to the department on forms provided by the department. Reconsideration of the decision is wholly within the discretion of the examiner. If the examiner chooses to reconsider, the examiner may take such further action deemed proper and may render a revised decision within five (5) days after the date of filing of the request for reconsideration. A request for reconsideration is not a prerequisite to filing an appeal under section 1.61.160.

1.61.140 Notice of Examiner's Decision

Unless different procedures are prescribed by the resolution or statute governing the application, the department shall mail copies of the examiner's decision by certified mail to the applicant and by regular first class mail to other parties of record not later than three (3) working days following the filing of a written decision by the examiner.

For the purposes of this chapter, "parties of record" means the applicant and all other persons who have either submitted written comment on any action or proposed action, or who have appeared at a public hearing or public meeting and specifically requested notice of the decision by signing a register provided for such purpose at the hearing or meeting.

1.61.150 Public Hearing

Before rendering a decision on any matter properly before the examiner, one (1) open record public hearing shall be held. Notice of the time and place of the public hearing shall be given as required by law.

The examiner shall have the authority to administer oaths and preserve order at hearings and prescribe rules for the scheduling and conduct of hearings and other procedural matters related to the duties of the office. Such rules shall provide for recording of the proceedings and for compliance with county, state and federal laws which may govern such proceedings. Rules of procedure for the scheduling and conduct of public hearings shall be subject to confirmation by the board of commissioners.

1.61.160 Appeal of Examiner's Decision

The actions taken by the examiner shall be final and conclusive unless a land use petition is timely filed in Superior Court pursuant to RCW 36.70C.040 (Section 705 of Chapter 347, Laws of 1995); provided, that no person having actual prior notice of the proceedings of the examiner

shall have standing to challenge the examiner's decision unless such person was a party of record at the examiner's hearing.

1.61.170 Annual Report

At least once each year, the examiner shall report in writing to the board of county commissioners for the purpose of reviewing the administration of the county's land use policies and regulating resolutions. The report shall include a summary of the number and type of decisions rendered since the prior report.

1.61.180 Conflicting Resolutions

The resolution codified in this chapter shall take precedence over any and all resolutions in conflict herewith.

1.61.190 Severability

If any provision of this chapter, or the application of the provisions of this chapter to any person or circumstance is declared invalid, the rest of the chapter, or the application of the provision to other persons or circumstances is unaffected, and thereby shall remain in full force and effect.

1.61.200 Repealer

Resolution No. 75-29 and all amendments relating thereto are hereby repealed as of the effective date of this resolution.

1.61.210 Effective Date

This resolution shall come into full force and effect on January 1, 2001

Dated this 26th day of December, 2000, at Wenatchee, Washington.



BOARD OF CHELAN COUNTY COMMISSIONERS

ABSENT

ESTHER STEFANTW, CHAIRMAN

Jim C. Lynch
JIM C. LYNCH, COMMISSIONER

John A. Hunter
JOHN A. HUNTER, COMMISSIONER

ATTEST: KATHLEEN L. WARD

Kathleen L. Ward
Clerk of the Board

CHELAN COUNTY

RULES OF PROCEDURE FOR PROCEEDINGS BEFORE THE CHELAN COUNTY HEARING EXAMINER

SECTIONS:

- 1.10 Application of These Rules
- 1.11 Definitions
- 1.12 Nature of Proceedings
- 1.13 Rights and Responsibilities of the Parties
- 1.14 Presiding Official
- 1.15 Presence of Legal Council
- 1.16 Prehearing Conferences
- 1.17 Oath or Affirmation
- 1.18 Content of the Record
- 1.19 Development of the Record at the Public Hearing
- 1.20 Continuances of Hearings
- 1.21 Evidence
- 1.22 Withdrawal of Application or Petition
- 1.23 Decisions
- 1.24 Procedure for Reconsideration and Reopening Hearing

1.10 Application of These Rules

These rules apply to all official activities and acts that the hearing examiner has authority to conduct as prescribed by law.

1.11 Definitions

Appellant means a person, organization, association or similar group who files a complete and timely appeal of a decision that provides for an appeal.

Applicant means a person who is the owner of the subject property or the authorized agent of the owner of the subject property and who has filed a complete application for a land use or development permit.

Comprehensive Plan means any map, plan, or policy statement pertaining to the development of land use, streets and roads, or public utilities and facilities, for all or any portion of unincorporated Chelan County which has been officially adopted by the Board of Chelan County Commissioners.

County means Chelan County, Washington.

County Commissioners means the Board of Chelan County Commissioners.

Department means the Chelan County Department of Building, Fire Safety & Planning.

Ex Parte Communication means written or oral communication with the hearing examiner about a pending matter that is not included in the public record and made outside of a public hearing.

Hearing means the proceeding at which testimony and exhibits are presented to the hearing examiner.

Hearing Examiner means the Chelan County Hearing Examiner or hearing examiner pro tempore

Interested Person means any individual, partnership, corporation, association, or public or private organization that may be affected by the proceedings before the hearing examiner and shall include any party in a contested case.

Motion means a written request made to the hearing examiner for an order or other ruling.

Open Record Hearing means a hearing that creates the record through testimony and the submission of evidence. An open record may be held on an appeal if no open record hearing has previously been held on the application or interpretation being appealed.

Party of Record means:

- a. A person who testifies at a hearing
- b. The applicant
- c. Anyone who submits written testimony specific to an matter pending before the hearing examiner

Record means the oral and written testimony and exhibits submitted at a hearing. The tape recording of the proceeding shall be included as part of the record.

1.12 Nature of Proceedings

Expeditious Proceedings

It is the policy of Chelan County that, to the extent practicable and consistent with the requirements of law, public hearings shall be conducted expeditiously. In the conduct of such proceedings, the hearing examiner, county staff and all parties and their agents shall make every effort at each stage of a proceeding to avoid delay.

Hearing Schedule

Regular hearings are scheduled for the second and fourth Monday afternoon of each month at 1:00 pm, unless a lack of business justifies

canceling a regular meeting. The hearing examiner may, from time to time, schedule special meetings outside of the regular meeting schedule in order to accommodate special circumstances, hardships, or to more efficiently process large volumes of applications. The hearing examiner shall have sole discretion to set the special meeting calendar.

Hearing Format

The format for public hearings will be of an informal nature designed in such a way that facts relevant to a particular proceeding will be available to the hearing examiner and easily ascertainable to a reviewing body on appeal. The format will allow and facilitate development of a record.

Site Visits

When necessary, the hearing examiner may inspect a project site prior or subsequent to the hearing. The site visit is not part of the record. Failure to conduct a site visit will not render the hearing examiner decision void. The hearing examiner shall have sole discretion to determine if a site visit is warranted or necessary.

Record of Hearing

- A. Hearings shall be electronically recorded and such recordings shall be a part of the official case record. Copies of the electronic recordings or transcripts thereof, shall be made available to the public upon request. The party making the request shall pay the reasonable cost of such copying or transcribing. No written minutes of the hearing will be produced.
- B. Copies of any written materials and other exhibits in the record may be obtained by any interested person who shall be responsible for paying the cost of reproducing such material.

1.13 Rights and Responsibilities of the Parties

A. Rights of the County

The county staff shall have the right to prepare and present evidence and testimony, object, cross examination, make motions, offer arguments and recommendations and all other rights essential to a fair hearing.

B. Rights of the Applicant

Every applicant or appellant shall have the right of notice, cross-examination, presentation of evidence, objection, motion, argument, and all other rights essential to a fair hearing. The applicant shall also have the right to timely access to the county staff report.

The hearing examiner may impose limitations on the number of witnesses and the length and nature of their testimony. Cross-examination is permitted by the county and applicant as necessary for a full disclosure of

the facts, but the hearing examiner shall control the amount and style of cross-examination.

C. Rights of Parties of Record

Every party of record shall have the right to present evidence and testimony at hearings. The right of parties of record to cross-examine, object, submit motions and arguments shall be at the discretion of the hearing examiner. The hearing examiner may impose limitations on the number of witnesses heard and the nature and length of their testimony.

D. Responsibilities of County Staff

The county staff shall provide a staff report to the hearing examiner, applicant, and have them available for public inspection at least ten (10) days prior to the hearing, provide public notice of hearings; present materials at hearings, provide the hearing examiner with the documents relevant to each case, and provide revised plans if received within fifteen (15) days of the hearing.

E. Responsibilities of Applicant

Whenever possible, prior to the hearing the applicant shall provide the hearing examiner with material that supports the application and be prepared to answer questions by the hearing examiner.

F. Responsibilities of Parties of Record and all Others

Parties, witnesses and observers shall conduct themselves with civility and deal courteously with all involved in the proceedings. Failure to do so will result in removal from the hearing.

1.14 Presiding Official

- A. Hearings will be presided over by the hearing examiner.
- B. The hearing examiner shall not be subject to removal or disqualification from presiding over and rendering a decision in any matter before him/her by means of an "Affidavit of Prejudice" or similar legal mechanism. Disqualification of the hearing examiner shall be controlled by the Appearance of Fairness Doctrine and RCW 42.36 et seq.
- C. The hearing examiner shall have all of the authority and duties as granted in state statutes, the Chelan County Code and other county rules and resolutions. Included in these duties are the following: to conduct fair and impartial hearings; to take all necessary action to avoid delay in the disposition of cases; and, to maintain order. The hearing examiner shall have all powers necessary to that end, including but not limited to the following:
 - 1. To administer oaths and affirmations;

2. To issue subpoenas;
3. To rule upon offers of proof and receive evidence;
4. To regulate the course of hearings and the conduct of the parties and their agents;
5. To question any party presenting testimony at the hearing;
6. To hold conferences for settlement, simplification of the issues, or any other proper purpose;
7. To require briefs on legal issues;
8. To consider and rule upon all procedural and other motions appropriate to the proceedings; and,
9. To make and file decisions.

D. In the performance of adjudicative functions, the hearing examiner shall not be subject to the supervision or direction of any elected official, officer, employee or agent of Chelan County.

1.15 Presence of Legal Council

- A. Although representation by legal council is not required, all parties participating in the hearings may be represented by legal council of their choice.
- B. The hearing examiner shall have the authority to seek legal memorandum of legal issues raised at hearing from the Chelan County Prosecutor's Office.
- C. All forms of legal authority including briefs and other legal memoranda upon which a party of record will be relying or presenting at the hearing must be submitted to the hearing examiner at least one (1) week in advance of the scheduled hearing date. The above mentioned documents shall be available to the public in advance of the scheduled hearing date.

1.16 Prehearing Conferences

- A. The hearing examiner may hold a conference prior to the hearing to structure the scope of the hearing. The hearing examiner may use the conference for:
 1. Identification, clarification and simplification of the issues;
 2. Disclosure of witnesses to be called and exhibits to be presented;
 3. Arguments of motions based on law;
 4. Other matters deemed by the hearing examiner to be appropriate for the orderly and expeditious disposition of the proceedings.
- B. Prehearing conferences may be held by telephone conference call.
- C. The hearing examiner shall give reasonable notice to the parties of any prehearing conference. Notice may be written or oral.

- D. All parties shall be represented at any prehearing conference unless they waive the right to be present or represented.
- E. Following the prehearing conference, the hearing examiner may issue an order reciting the actions taken or ruling on motions made at the conference.
- F. At the hearing, the hearing examiner shall develop for the record the time, purpose and result of the hearing conference.

1.17 Oath or Affirmation

All testimony before the hearing examiner shall be given under oath or affirmation to tell the truth. The hearing examiner shall administer the oath or affirmation.

1.18 Content of the Record

The record of hearing conducted by the hearing examiner shall include, but not be limited to, the following materials:

- A. The application or petition;
- B. The departmental staff reports;
- C. All evidence received which shall include oral testimony given at the hearing, all exhibits and other materials admitted as evidence;
- D. A statement of all matters officially noticed;
- E. A decision containing the findings of fact and conclusions of law upon which the decision was based;
- F. Tape recordings made on electronic equipment; and,
- G. An environmental determination made pursuant to the State Environmental Policy Act of 1971(SEPA), as amended (if applicable).

1.19 Development of the Record at the Public Hearing

A public hearing will usually include, but not be limited to the following elements: a brief introductory statement by the hearing examiner on the hearing procedures that will be followed; a report by the planning staff that shall include an introduction of the official file, reference to any visual aids, and a summary of the recommendations of the department; testimony by the applicant or petitioner and cross-examination of these witnesses; testimony in support; testimony of opposing parties; opportunity for cross-examination and rebuttal; and opportunity for questions by the hearing examiner.

1.20 Continuances of Hearings

A. Hearing Examiner

If the hearing examiner determines that more information is necessary in order to make a decision, or the hearing examiner is unable to hear all the

public comments or study exhibits, the hearing may be continued to a date and time certain. If continued to a specific time and place, no further notice of that continued hearing need be given.

B. At the Request of a Party

Any party of record may request continuance of a hearing. The request, if made prior to the hearing, must be in writing and state reasonable grounds for a continuance. If the request is made orally at the hearing, it must be based on reasonable grounds. The hearing examiner shall have sole discretion to grant or deny the request for continuance.

1.21 Evidence

A. Burden of Proof

The applicant or appellant shall have the burden of proof to show compliance with applicable laws and regulations of Washington State and Chelan County.

B. Admissibility

The hearing generally will not be conducted according to strict legal rules relating to evidence and procedure. Any relevant evidence shall be admitted if it is the type that possesses probative value commonly accepted by reasonably prudent persons in the conduct of their affairs. The rules of privilege shall be effective to the extent recognized by law. The hearing examiner shall have discretion on the admissibility of all evidence.

C. Copies

Documentary evidence may be received in the form of copies of excerpts if the original document is not readily available. Upon request, parties shall be given the opportunity to compare the copy to the original. It is advisable to provide an extra copy of all documents to the hearing examiner as a working copy.

D. Judicial Notice

The hearing examiner may take judicial notice of judicially cognizable facts and in addition may take notice of general, technical or scientific facts within his or her specialized knowledge. The hearing examiner shall not take notice of disputed adjudicative facts that are at the center of a particular proceeding.

E. Late Filing of Documents

The hearing examiner may request a document to be filed after the close of public testimony. Only those documents referred to at the public hearing may be submitted and only when specifically requested by the hearing examiner.

F. Additional Evidence

Additional evidence may be submitted upon a Request for Reconsideration based on new evidence not available at the time of the public hearing. If additional evidence is submitted with a Request for Reconsideration, it will be considered only upon a showing of significant relevance to the case and good cause for the delay in its submission. All parties of record will be given notice, either in writing or orally, of the consideration of such evidence and granted an opportunity to review such evidence and file rebuttal arguments. The hearing examiner shall have sole discretion in the admissibility of additional evidence.

G. Record of Evidence

All parties will be allowed the opportunity to make a record of evidence admitted or denied during the course of the hearing. This record shall include offers of proof.

1.22 Withdrawal of Application or Petition

A. Withdrawal Prior to Service of Notice

If a withdrawal request is made in writing to the department before the official notice of the public hearing is given, the withdrawal shall be automatically allowed.

B. Withdrawal Requested After service of Notice

If a withdrawal request is made after official notice of the public hearing is given, the hearing examiner has full and sole discretion in allowing or disallowing the request.

1.23 Decisions

A. Written Decisions

The hearing examiner shall issue written decisions supported by findings of fact and conclusions of law on all matters brought before the examiner for adjudication. Such written decisions will be issued within ten (10) days of the close of the public hearing unless, an extension of time is agreed to by the applicant, and copies will be delivered to all parties of record. The decision will also contain the procedure available to file an appeal to the hearing examiner's decision.

B. Content of Decision

The decision shall include a statement of:

1. The nature and background of the proceeding.
2. The findings of fact shall be based exclusively on the evidence presented at the hearing and those matters officially noticed. The findings of fact shall consist of a concise statement of each fact found upon each contested issue of fact.
3. Whenever practicable, the conclusions shall be referenced to specific provisions of the law and regulations or both, together with reasons

and precedents relied upon to support the same. The conclusions shall make reference to the effect of the decision with reference to carrying out and conforming to the comprehensive plan and the county's development regulations.

4. The appropriate ruling, order or relief. The decision shall be based upon a consideration of the whole record and be supported by reliable, probative and substantial evidence. All decisions may include conditions of approval.

1.24 Procedure for Reconsideration and Reopening Hearing

A. Reopening the Hearing

If within five (5) days after the public hearing any party of record petitions the hearing examiner for a reopening of the hearing, the hearing examiner shall have discretion to reopen the hearing to consider new testimony or new evidence that was unavailable at the time of the hearing. All parties of record who participated at the hearing shall be given notice, either written or oral, of the consideration of such additional evidence and be granted an opportunity to review such evidence and file rebuttal arguments.

B. Reconsideration

1. Any party of record may file a written request for reconsideration with the department. The request must be filed within ten (10) days of the decision. The request shall specifically set forth alleged errors of fact, law or procedure as set forth in the hearing examiner's written decision. The request may also include direction to a specific issue that was inadvertently omitted from the hearing examiner's decision.
2. The hearing examiner shall act within five (5) working days after the date of filing of the request for reconsideration by either denying or approving the request.
3. If the hearing examiner approves the request for reconsideration, the original decision shall be corrected or amended, or, the hearing examiner can set the matter for a continued public hearing to correct the record or any deficiencies of the original decision. If a continued hearing is required, the notice of said hearing shall be mailed to all parties of record not less than five (5) days before the hearing.

Confirmed and prescribed by the Board of Chelan County Commissioners
this 26 day of DEC, 2000.

BOARD OF CHELAN COUNTY COMMISSIONERS

ABSENT

ESTHER STEFANIW, CHAIR



JOHN A. HUNTER, COMMISSIONER



JIM C. LYNCH, COMMISSIONER

ATTEST:



Kathleen L. Ward
Clerk of the Board

