

## SKAGIT COUNTY HEARING EXAMINER

### MEMORANDUM

Date: March 19, 2014

To: Remand Parties, Application of Dike District No. 12, PL12-0191

From: Hearing Examiner

Subj: Record of Hearing to Date

RCW 36.70B .060 provides that the review process for project permits shall provide for not more than one open record hearing and one closed record appeal. While it is arguable that this requirement applies only to situations where multiple permits are sought, the Examiner has sought to conform the instant proceeding to the single hearing requirement.

This has created some problems in relation to the Dike District's application for a Shoreline Substantial Development permit. When mechanical problems with the recording of the initial public hearing session were made known, the Examiner scheduled a second session in continuation of the initial hearing in order to insure that members of the public got an opportunity to have their views preserved on a recorded record. The continuation of the hearing represented an attempt to comply with the single hearing requirement.

Similarly, the instant remand proceeding is viewed as simply a part of one on-going hearing process. The remand is limited to three specific issues identified by the County Commissioners in Resolution R20130278. It is about making a further evidentiary record in relation to those issues.

Therefore, what may constitute the record to date is not directly relevant to the remand. However, the Examiner understands that the parties may have reason to refer to prior testimony and exhibits in making their presentations.

The transcript of oral testimony is automatically a part of the record of every case. In this matter, Intervenor Kunzler discovered the recording difficulties in the first session while attempting to transcribe those proceedings. He has provided the Examiner with a partial transcript showing what he was able to capture of that initial proceeding. In order to clear up at least some of the questions raised by this situation, the Examiner has determined to admit the partial transcript submitted by Mr. Kunzler as an exhibit herein for reference by the parties.

The partial transcript will be marked as Exhibit 38. It is available in e-mailed form from the Hearing Examiner's Office.