



HEARING EXAMINER

REQUEST FOR RECONSIDERATION/CLARIFICATION CHECKLIST

When filing this application, to be considered complete, includes payment of any applicable fee, which is \$ 240.00 with a hearing examiner deposit of \$ 500.00 is required. Please note that all hearing examiner costs are paid by the party requesting reconsideration or for clarification from the hearing's examiner. Additional billing may occur after the hearing examiner has responded.

Per Olympia Municipal Code 18.75.060 and 18.75.070 regarding reconsiderations and clarifications are below.

18.75.060 Reconsideration of hearing examiner decision

Decisions of the hearing examiner may be reconsidered. Further, prior to issuing a decision, the Examiner may reconvene any hearing or continue any other proceeding in such manner as the Examiner deems appropriate to ensure a fair, timely, and reasoned decision.

A. After issuance of a final decision any party, including the Department of Community Planning and Development, may file a motion for reconsideration on an appeal to the Hearing Examiner in accordance with subsection (B) of this Section. Such motion must be filed within ten days of service of the final decision. The original of the motion for reconsideration shall be filed at the Community Planning and Development Permit Center with a copy to the Olympia City Attorney's Office. At the same time, copies shall be served on all parties of record. Within five days of filing the motion for reconsideration, a party may file an answer to the motion for reconsideration without direction or request from the Hearing Examiner. The Hearing Examiner may require other parties to supply an answer. All answers to motions for reconsideration shall be served on all parties of record.

B. A motion for reconsideration shall be based on at least one of the following grounds:

1. Errors of procedure or misinterpretation of fact or law, material to the party seeking reconsideration;
2. Irregularity in the hearing before the Hearing Examiner by which such party was prevented from having a fair hearing; or
3. Clerical mistakes in the final decision and order.

C. In response to a motion for reconsideration, the Hearing Examiner may deny the motion, modify its decision, or reopen the hearing. A motion is deemed denied unless the Hearing Examiner takes action within 20 days of the filing of the motion for reconsideration. A Hearing Examiner order on a motion for reconsideration is not subject to a motion for reconsideration.

D. A decision in response to the petition for reconsideration shall constitute a final decision and order for purposes of judicial review. Copies of the final decision and order shall be served on each party or the party's attorney or other authorized representative of record, unless the decision is deemed denied following the 20-day time frame set forth in Subsection C of this Section.

E. The time for an appeal to court does not commence until disposition of the motion for reconsideration. If the Hearing Examiner takes no action under subsection (C) of this Section, the motion for reconsideration is

deemed disposed at the end of the 20-day period. The filing of a motion for reconsideration is not a prerequisite for seeking judicial review.

(Ord. 6886 §27, 2013; Ord. 6514 §5, 2007; Ord. 6408 §33, 2006; Ord. 5570 §33, 1995; Ord. 5517 §1, 1995).

18.75.070 Clarification of hearing examiner decision

- A. Any interested party believing that a decision of the Hearing Examiner is ambiguous, vague, or internally inconsistent may request clarification of the decision by the Examiner. Such a request shall be submitted to the Department with the applicable fee and shall set forth the specific provision requiring additional clarity. The Department shall forward such request to the Examiner. Upon receipt of such a request, the Hearing Examiner may take action as the Examiner deems appropriate to the circumstances.
- B. A request for clarification shall not provide an opportunity for reconsideration of a decision nor for introduction of new evidence. Except as ordered by the Examiner, the filing of a request for clarification shall not toll any appeal period or delay issuance of any permit.
- C. When the Examiner determines that a clarification is in order, the Examiner may issue a supplemental or clarified decision. As deemed appropriate by the Examiner, the Examiner may order that the supplemental or clarified decision be subject to appropriate notice and an opportunity for appeal.

PLEASE NOTE: When filing the application through the City of Olympia Portal at: <https://ci-olympia-wa.smartgovcommunity.com/Public/Home> select the **Planning-Land Use application type.**

The following information will need to be gathered prior to filing a reconsideration or clarification request.

1. Applicant Information - name and contact information (phone, email, address).
2. Primary Contact (Representative or Attorney) – If applicable, provide name and contact information (phone, email).
3. Decision Information – Project or Case Name

The following **documents** will need to be **uploaded** after the application has been submitted:

- Request Document.** Provide a document that addresses either of the following:
 - Basis of Reconsideration Request- Please describe the error of the procedure or misinterpretation of the fact or law material, irregularity in the hearing by which you were prevented from having a fair hearing; or clerical mistake in the decision on which you base your request. See OMC sections 18.75.060 and 18.75.070 for more information.
 - Clarification Request- Please describe how the decision is ambiguous, vague, or internally inconsistent. Please be as specific as possible regarding the specific provision requiring additional clarity. (Please note that a request for clarification is not an opportunity for reconsideration of a decision nor an opportunity for introduction of new evidence).
- Decision.** Provide the decision rendered in reference to the request.
- List of Parties Notified.** (if applicable)