

WCC 22.05.120 Recommended decisions to county council.

- (1) For Type IV applications per WCC [22.05.020](#) the hearing examiner's recommendations to the county council may be to grant, grant with conditions or deny an application. The hearing examiner's recommendation may include conditions, modifications or restrictions as may be necessary to make the application compatible with its environment, carry out the objectives and goals of the comprehensive plan, statutes, ordinances and regulations as well as other official policies and objectives of Whatcom County.
- (2) Each recommended decision of the hearing examiner for an application identified as a Type IV application per WCC [22.05.020](#) shall be in writing to the clerk of the county council and shall include findings and conclusions based upon the record to support the decision. Such findings and conclusions shall also set forth the manner in which the decision carries out and conforms to the county's comprehensive plan and complies with the applicable statutes, ordinances or regulations.
- (3) The deliberation of the county council on quasi-judicial actions shall be in accordance with WCC [22.05.090](#)(4) and Chapter [42.36](#) RCW.
- (4) For planned unit developments and major project permits the following shall apply:
 - (a) The recommendation of the hearing examiner regarding planned unit developments and major project permits shall be based upon the criteria set forth in WCC [20.85.335](#) and [20.88.130](#), respectively.
 - (b) The hearing examiner shall file the recommendation with the clerk of the county council within 21 calendar days following the conclusion of the open record hearing.
 - (c) The county council shall conduct the following within the specified time frames, except as provided in subsection (4)(c)(iii) of this section:
 - (i) Hold a public meeting, not an open record public hearing, to deliberate on the project application within 28 calendar days after receiving the hearing examiner's recommendation.
 - (ii) Issue a final written decision within 21 calendar days of the public meeting.
 - (iii) The county council may exceed the time limits in subsection (4)(c)(i) or (ii) of this section if the county council meeting schedule does not accommodate a meeting within the above time frames, or if the county council makes written findings that a specified amount of additional time is needed to process a specific application or project type, per RCW [36.70B.080](#)(1).
- (5) The county council's final written decision may include conditions when the project is approved and shall state the findings of fact upon which the decision is based.
- (6) Any deliberation or decision of the county council shall be based solely upon consideration of the record established by the hearing examiner, the recommendations of the hearing examiner and the criteria set forth in county code. (Ord. 2018-032 § 1 (Exh. A)).