

WHATCOM COUNTY COUNCIL AGENDA BILL

NO. 1997 - 80

CLEARANCES	Date	Date Received in Council Office	Agenda Date	Assigned To
Orig. Dept.: County Council	2/13/97			
Division Head:				
Dept. Head:				
Prosecutor:				
Budget:				
Executive:				

SUBJECT:

Ordinance amending WCC 20.92.840, appeals of County Council decisions

ATTACHMENTS

Proposed ordinance

SUMMARY STATEMENT:

Related County Contract #:	Should the Clerk schedule a hearing? (Y/N) N	Requested Date:
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RECOMMENDED MOTION (for final action):

COUNCIL ACTION TAKEN

1997 - 80 2/25/97: Introduced
 3/11/97: Adopted 7 - 0. Ord. #97-013

Related File Numbers:

Ordinance or Resolution Number (this item only):

Ord. # 97-013

SPONSORED BY: Consent

PROPOSED BY: Clerk

INTRODUCTION DATE: 2/25/97

ORDINANCE NO. 97-013

**AMENDING WHATCOM COUNTY CODE SECTION 20.92.840, APPEALS OF
COUNTY COUNCIL DECISIONS**

WHEREAS, Whatcom County Code Section 20.92 provides a process for appealing to the County Council any decision rendered by the Whatcom County Hearing Examiner, and;

WHEREAS, the final decision of the Whatcom County Council may be appealed to superior court per Whatcom County Code Section 20.92.840, and;

WHEREAS, the Revised Code of Washington and the Whatcom County Code are not consistent regarding the number of days allowed from the issuance of the written decision to file an appeal with superior court, and;

WHEREAS, the Revised Code of Washington (RCW) 36.70C.040(1) states that proceedings for review under that chapter shall be commenced by filing a land use petition in superior court, and;

WHEREAS, RCW 36.70C.020 (1) defines a "land use decision" as a final determination by a local jurisdiction's body or officer with the highest level of authority to make the determination, including those with authority to hear appeals, on:

(a) An application for a project permit or other governmental approval required by law before real property may be improved, developed, modified, sold, transferred, or used, but excluding applications for permits or approvals to use, vacate, or transfer streets, parks, and similar types of public property; excluding applications for legislative approvals such as area-wide rezones and annexations; and excluding applications for business licenses;

(b) An interpretative or declaratory decision regarding the application to a specific property of zoning or other ordinances or rules regulating the improvement, development, modification, maintenance, or use of real property; and

1 (c) The enforcement by a local jurisdiction of ordinances regulating the improvement,
2 development, modification, maintenance, or use of real property. However, when a local jurisdiction
3 is required by law to enforce the ordinances in a court of limited jurisdiction, a petition may not be
4 brought under this chapter.

5 (2) "Local jurisdiction" means a county, city, or incorporated town.

6 (3) "Person" means an individual, partnership, corporation, association, public or private
7 organization, or governmental entity or agency, and;

8 **WHEREAS, RCW 36.70C.040, Commencement of review-Land use petition-Procedure,**
9 reads as follows:

10 (1) Proceedings for review under this chapter shall be commenced by filing a land use petition
11 in superior court.

12 (2) A land use petition is barred, and the court may not grant review, unless the petition is
13 timely filed with the court and timely served on the following persons who shall be parties to the
14 review of the land use petition:

15 (a) The local jurisdiction, which for purposes of the petition shall be the jurisdiction's
16 corporate entity and not an individual decision maker or department;

17 (b) Each of the following persons if the person is not the petitioner:

18 (i) Each person identified by name and address in the local jurisdiction's written decision as
19 an applicant for the permit or approval at issue;

20 (ii) Each person identified by name and address in the local jurisdiction's written decision as
21 an owner of the property at issue;

22 (c) If no person is identified in a written decision as provided in (b) of this subsection, each
23 person identified by name and address as a taxpayer for the property at issue in the records of the
24 county assessor, based upon the description of the property in the application; and

25 (d) Each person named in the written decision who filed an appeal to a local jurisdiction
26 quasi-judicial decision maker regarding the land use decision at issue, unless the person has
27 abandoned the appeal or the person's claims were dismissed before the quasi-judicial decision was
28 rendered. Persons who later intervened or joined in the appeal are not required to be made parties
29 under this subsection.

1 (3) The petition is timely if it is filed and served on all parties listed in subsection (2) of this
2 section within twenty-one days of the issuance of the land use decision.

3 **NOW, THEREFORE, BE IT ORDAINED** by the Whatcom County Council that Whatcom
4 County Code Chapter 20.92 is hereby amended as follows:

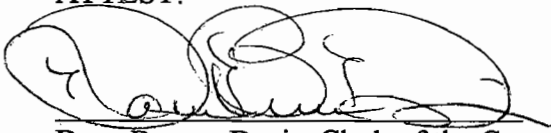
5 20.92.840 Appeal of county council decision.

6 The decision of the county council shall be final unless appealed within 21 days of the
7 issuance of the written decision, in the same manner as provided in RCW 36.70C.040.

8
9 ADOPTED this 11 day of March, 1997.

10
11 ATTEST:

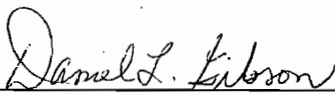
WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON


12 
13 Dana Brown-Davis, Clerk of the Council


L. Ward Nelson, Council Chair

14 APPROVED AS TO FORM:

Approved Denied

15 
16 Daniel Gibson, Civil Deputy Prosecutor


Pete Kremen, County Executive

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