

OKANOGAN COUNTY

ORDINANCE 2008-13

AN ORDINANCE AMENDING OKANOGAN COUNTY CODE CHAPTER 17 "ZONING"; AMENDING OUTDATED APPEAL PROCEDURES.

SECTION 1: FINDINGS AND RECITALS

WHEREAS, The proposed code amendment modifies Okanogan County zoning code section 17.35, Appeals of Administrative Actions.

WHEREAS, Okanogan County Zoning code section 17.35 identifies that appeals of administrative decisions are appealable to the Okanogan County Board of Adjustment.

WHEREAS, Okanogan County Zoning code section 17.35.070 identifies that appeals of decisions of the Okanogan County Board of Adjustment are appealable by application to the superior court for a writ of certiorari, a writ of prohibition or a writ of mandamus. This section of code is outdated and incorrect.

WHEREAS, Washington State RCW 36.70C replaces a writ of prohibition or a writ of mandamus, or a writ of certiorari with the LUPA process, enacting judicial review of land use decisions made by local jurisdictions, by establishing uniform, expedited appeal procedures and uniform criteria for reviewing such decisions, in order to provide consistent, predictable, and timely judicial review

WHEREAS, On February 11, 2008, information regarding the proposed code amendment was forwarded to appropriate public agencies for their respective review and comment.

WHEREAS, On February 13 and 14, 2008, public notice of the proposed code amendment, public hearing, and SEPA environmental determination was published in the Omak Chronicle, Methow Valley News, Quad City Herald, The Star Newspaper, and Okanogan County's legal periodical of record, the Oroville Gazette Tribune.

WHEREAS, Information regarding the proposed code amendment has been forwarded to those persons requesting additional information.

WHEREAS, A threshold (preliminary) environmental determination of non-significance was issued by the Okanogan County responsible SEPA official on February 14, 2008, as authorized under WAC 197-11. The comment period ended as of February 29, 2008.

WHEREAS, A final environmental determination of non-significance was issued by the Okanogan County responsible SEPA official on March 13, 2008, as authorized under WAC 197-11. On that same day, notice of the final determination was published in Okanogan County's legal periodical of record, the Oroville Gazette Tribune. Notice of the final SEPA determination was published in the Omak Chronicle, Methow Valley News, Quad City Herald, and Star Newspaper on March 12, 2008. The determination appeal period ends March 31, 2008.

WHEREAS, On March 24, 2008, the Okanogan County Regional Planning Commission conducted a public hearing for the proposed code amendment. At this time, the Planning Commission heard public testimony.

WHEREAS, The Board of Okanogan County Commissioners conducted a public hearing for the proposed code amendment.

SECTION 2: ZONING CODE AMENDMENT

The Board of Okanogan County Commissioners do hereby ordain as follows:

Based on the Findings and Recitals cited herein, the following section of Okanogan County Code Chapter 17, is hereby amended:

- 17.35.070.

The following language shall be amended:

17.35.070 Appeal From Board of Adjustment Decision

The decision by the Board of Adjustment on an appeal from an administrative determination shall be final and conclusive unless a timely land use petition is filed and served pursuant to the Land Use Petition Act (RCW 36.70C). Appeals must be submitted by those with standing according to RCW 36.70C.060.

DATED at Okanogan, Washington this 18th day of November, 2008.



ATTEST:

Bj. Crowell
Brenda Crowell, Clerk of the Board

BOARD OF COUNTY COMMISSIONERS
OKANOGAN, WASHINGTON

Mary Lou Peterson
Mary Lou Peterson, Chair

ABSENT

Don (Bud) Hover, Member

Andrew Lampe
Andrew Lampe, Member