

H1
710

Ordinance 941

An ordinance repealing in its entirety Clallam County Code Chapter 20.32, Appeals

BE IT ORDAINED BY THE BOARD OF CLALLAM COUNTY COMMISSIONERS:

Section 1. Section 20.32.010, Administrative appeal is repealed in its entirety:

~~(1) Within 14 calendar days from the date of service of a citation, notice and order, stop work order, or Director's written decision on request for certificate of correction, any person so served or any person with legal or equitable title in the subject property may appeal the Director's decision by filing a notice of appeal with the Director.~~

~~— (2) The notice of appeal must be in writing and must be received no later than 4:30 p.m. on the last day of the appeal period at Clallam County Department of Community Development, 223 E. 4th Street, Suite 5, Port Angeles, WA 98362. If the last day of an appeal period falls on a weekend or legal holiday, the appeal period shall be extended until 4:30 p.m. the next business day. A form notice of appeal is available at the Office of Clallam County Department of Community Development and must include the following:~~

- ~~— (a) The phrase "Notice of Appeal";~~
- ~~— (b) The decision being appealed;~~
- ~~— (c) A brief statement as to how the appellant is significantly affected by or interested in the matter appealed;~~
- ~~— (d) A brief statement of the appellant's issues on appeal, noting appellant's specific exceptions and objections to the decision or action being appealed;~~
- ~~— (e) The specific relief requested, such as reversal or modification;~~
- ~~— (f) The appeal fee which is the same as required under CCC 5.100.300 for Type I, II and III appeals;~~
- ~~— (g) Any additional requirements set forth in the underlying Clallam County Code;~~
- ~~— (h) Any additional attachments provided by the appellant;~~
- ~~— (i) The verification, by declaration under penalty of perjury, by at least one appellant as to the truth of the matters stated in the appeal.~~

~~— (3) A notice and order shall be stayed as to the appealing party while any administrative appeal under this title is pending, except when the Director determines that the violation poses a significant threat of immediate and/or irreparable harm and so states in the notice and order issued. Any stop work order issued pursuant to this title shall not be stayed while any administrative appeal under this title is pending and shall remain in full force and effect until the appeal is final.~~

~~— (4) When multiple citations, stop work orders, or notice and orders have been issued simultaneously for any set of facts constituting a violation, the appellant shall consolidate the citations and/or orders and submit one appeal.~~

Section 2. Section 20.32.020, Notice of hearing to be repealed in its entirety:

~~(1) If the Director receives one or more notices of appeal, the Director shall issue and serve a notice of hearing to the appellants at least 15 calendar days prior to the date of the hearing on appeal. Requests from multiple parties concerning the same violation shall be consolidated.~~

~~— (2) The notice of hearing shall contain the date, time, and location of the hearing; the legal authority and jurisdiction for the hearing; the file number, address, and other identifying information for the underlying decision or action being appealed; a brief statement as to the issue(s) to be considered; reference to the applicable Clallam County Code section(s), and the name and telephone number of the Director.~~

~~— (3) The notice of hearing shall be served on the party who filed the notice of appeal, the person responsible for code compliance, the landowner of the subject property, the complainant, and the applicant of the underlying permit, if any, by personal service or by mailing a copy of the same to the last known address of each party. The person effecting the service shall declare in writing the date and address the personal~~

~~service or mailing was made. Service by mail shall be deemed effective upon the third business day following the day of mailing.~~

~~(4) In addition to the preceding and at the cost of appellant, the Director shall provide notice of the hearing on appeal by mailing a copy of the notice of hearing to the following persons:~~

~~(a) All owners of adjacent properties that abut the subject property. Documents of record within the Clallam County Assessor's Office shall be controlling as to the status of legal ownership. For the purposes of this section, properties separated by public right of way are considered to be adjacent properties.~~

~~(b) If the underlying permit is a Type III permit, to all parties of record established for the underlying permit, which include any person or persons who submitted written or oral testimony during the review of the underlying permit and/or any person who requested in writing to receive notification of any decisions relating to the underlying permit.~~

Section 3. Section 20.32.030, Hearing to be repealed in its entirety:

~~Appeals of administrative decisions made under this title shall be heard by the Clallam County Hearing Examiner as an open record appeal hearing pursuant to the provisions of CCC 26.10.620 and Clallam County administrative policies.~~

Section 4. Section 20.32.040, Order of the Hearing Examiner to be repealed in its entirety:

~~The order of the Hearing Examiner shall be served on the person responsible for code compliance, the party who filed the notice of appeal, the landowner of the subject property, the complainant, and the applicant of the underlying permit, if any, by mailing a copy of the same to the last known address of each party. The person effecting the mailing shall declare in writing the date and address the mailing was made. Service by mail shall be deemed effective upon the third business day following the day of mailing.~~

Section 5. Section 20.32.050, Reconsideration of Hearing Examiner's order to be repealed in its entirety:

~~Appeal decisions of the Hearing Examiner may be reconsidered upon a motion of reconsideration pursuant to Clallam County administrative procedures.~~

Section 6. Section 20.32.060, Appeal of Hearing Examiner's order to be repealed in its entirety:

~~The appeal decisions of the Hearing Examiner as set forth in the order of the Hearing Examiner shall be final and conclusive unless proceedings for review are properly and timely commenced in Superior Court.~~

ADOPTED this 10 day of July 2018

BOARD OF CLALLAM COUNTY COMMISSIONERS

Randy Johnson
Mark Ozias, Chair

Randy Johnson ✓
Randy Johnson

Bill Peach
Bill Peach

ATTEST:

Loni Gores
Loni Gores, Clerk of the Board