

**BOARD OF COUNTY COMMISSIONERS
COUNTY OF KITTITAS
STATE OF WASHINGTON**

ORDINANCE NO. 2010- 008

**AMENDMENT OF KITTITAS COUNTY'S PROCESS FOR ADMINISTRATIVE
APPEALS AMENDING KCC 15A.07.010 AND 15A.07.020 AND REPEALING
15A.07.030**

WHEREAS, RCW 36.70B.060 and RCW 43.21C.075 state that it is optional for a county to provide for appeal of administrative decisions and SEPA determinations prior to an appeal under the Land Use Petition Act; and

WHEREAS, RCW sections 36.70B.020(1); 36.70B.050(2); and 36.70B.060(3) and (6) will allow for such appeals being conducted only in writing based upon a record consisting of the documents submitted and used in making the decision being appealed; and

WHEREAS, A public hearing to consider amending Kittitas County's process for administrative appeals was held on September 21, 2010 at 2:00 pm; and

WHEREAS, due notice of the hearing had been given as required by law, and the necessary inquiry has been made into the public interest to be served by such change procedure; and,

WHEREAS, The Kittitas County Board of County Commissioners voted unanimously to approve the proposed changes to the administrative appeal process and directed the Prosecutor's Office to prepare the enabling documents.

BE IT HEREBY ORDAINED: by the Board of County Commissioners of Kittitas County, Washington, after due deliberation and in the best interest of the public, does hereby approve amendment to Kittitas County Code to amend its appeal process for administrative appeals. Kittitas County Code Sections 15A.07.010(2) and (3), 15A.07.020, and 15A.07.030 shall be amended to read as follows:

15A.07.010(2) Appeals shall contain a written, concise statement identifying:

- a. The decision being appealed;
- b. The name and address of the appellant and his interest(s) in the matter;
- c. The specific reasons why the appellant believes the decision to be wrong. The appellant shall bear the burden of proving the decision was wrong;
- d. The desired outcome or changes to the decision;
- e. The appeals fee.

The appeal shall contain only the above listed material, and shall not contain or attempt to introduce new evidence, testimony, or declaration.

(3) Upon the filing of a timely appeal, the administrator shall, in consultation with the appropriate hearing body chair pursuant to KCC 15A.01.040, set the time and place at which the matter will be considered and establish a briefing schedule for the parties. The appellant's brief shall be due 30 days prior to the hearing date. Briefing from the County and any other Respondents shall be due 10 working days prior to the hearing date. There shall be no response or rebuttal briefing by any party. The officer from whom the appeal is being taken shall forthwith transmit to the reviewing body and the parties all of the records pertaining to the decision being appealed. Briefing shall be limited to legal argument based upon the documents comprising the record that formed the basis for the administrative decision on appeal that have been transmitted to the parties by said officer.

15A.07.020 Procedures for Administrative Appeals

- (1) Administrative appeals shall serve to provide argument and guidance for the body's decision. No new evidence or testimony shall be given or received. The briefing shall not contain new evidence, testimony, or declarations, but shall consist only of legal arguments based upon the documents comprising the record as transmitted to the parties by the relevant officer. The parties to the appeal shall submit timely written statements or arguments to the decision-making body.
- (2) The hearing body shall deliberate on the matter in public in the manner of a closed record hearing and reach its decision on the appealed matter.
- (3) A written decision by the hearing body shall be issued within 30 days of the close of the Administrative Hearing.

15A.07.030-REPEALED

ADOPTED this 5th day of October 2010.

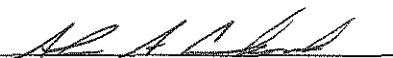
BOARD OF COUNTY COMMISSIONERS
KITITAS COUNTY, WASHINGTON



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Julie A. Kjorsvik

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APPROVED AS TO FORM:

Greg Zempel, Prosecuting Attorney
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