

ORDINANCE NO. 381L

An Ordinance of the Town of Coupeville, Washington amending the Development Regulations as adopted in Ordinance 381

WHEREAS, the Town Council directed that the Town of Coupeville's Development Regulations be modified to clarify the appeal process and eliminate redundant appeals language, and

WHEREAS, this ordinance complies with the Town Council's direction,

NOW, THEREFORE, BE IT ORDAINED, by the Council of the Town of Coupeville that Ordinance 381, the Development Regulations be amended as follows:

SECTION 1:

Existing Section 10.20.035 - Appeals is hereby deleted and replaced with a new Section 10.20.035 - Appeals which shall read as follows:

A) Who May Appeal

Any person who permanently resides within the corporate limits of the Town of Coupeville or owns real property or a business within the Town of Coupeville and is aggrieved by any decision listed in Section 10.20.035 B), below, may bring an appeal of said decision to the Town Council. An applicant whose permit, approval or request is denied by a decision listed in Sec. 10.20.035 B), below, may appeal said decision regardless of the applicant's residence or ownership status.

B) Decisions That May Be Appealed to Town Council

The following decisions may be appealed to the Town Council:

- 1) Decisions of the Administrative Official, Building Official or Town Planning Consultant regarding interpretation and enforcement of this Title;
- 2) Decisions of the Planning Commission when it is alleged there is error in any order, requirements, interpretation, decision or determination made by the Planning Commission concerning the regulations established by this Title;
- 3) Decisions or recommendations of the Historic Advisory Committee;
- 4) Decisions of the Town SEPA Responsible Official regarding procedural or substantive issues; and
- 5) Decisions of the Town Shoreline Administrator

C) Time Limits for Appeals

1) Notice of Appeal

a) The following decisions shall be final unless within ten (10) calendar days following the rendering of a decision, either a written Notice of Appeal or a comprehensive Appeal Statement is filed with the Town Clerk along with payment of the fee specified in Section 10.90.020.

1) Decisions of the Administrative Official, Building Official, Shoreline Administrator or Town Planning Consultant;

2) Decisions of the Planning Commission;

3) Decisions or recommendations of the Historic Advisory Committee;

b) The following decisions shall be final unless within fifteen (15) calendar days following the rendering of a decision, either a written Notice of Appeal or a comprehensive Appeal Statement is filed with the Town Clerk along with payment of the fee specified in Section 10.90.020.

1) Decisions of the SEPA Responsible Official, unless otherwise provided for in Chapter 10.80 or WAC 197-11.

2) Appeal Statement

If an appellant files a Notice of Appeal with the Town Clerk in a timely manner, a comprehensive Appeal Statement must be filed with the Town Clerk within twenty (20) calendar days of the decision being appealed. An appellant may file a comprehensive Appeal Statement within ten (10) calendar days of the rendering of the decision being appealed in lieu of a Notice of Appeal.

3) Incomplete and Untimely Appeals

If either a Notice of Appeal or a Statement of Appeal is not submitted in a timely manner or does not include information required by this Section, the appeal shall be dismissed and the decision shall be final, noncontestable and binding on all concerned.

D) Content of Appeal

1) Notice of Appeal

A Notice of Appeal must state the name of the appellant, the decision being appealed and a short statement regarding the basis of the appeal. A Notice of Appeal must be signed by the appellant.

2) Appeal Statement

A comprehensive appeal statement must state the name of the appellant, decision being appealed, basis of the appeal, alleged errors of the decision maker, portions of the Development Regulations or other documents that are applicable to the decision being appealed and the requested remedy. A comprehensive Appeal Statement must be signed by the appellant.

E) Consideration of Appeal

1) In considering appeals, the Town Council may, in conformity with the provisions of the Development Regulations, wholly or partly reverse or affirm the decision, remand the decision back to the decision maker, modify the requirements, decision or determination appealed from and make such order, requirement, decision or determination as ought to be made, and to that end, shall have all the powers of the body from whom the appeal is taken.

2) The Town Council shall hold a hearing on all appeals within thirty (30) days of the filing of a comprehensive Appeal Statement with the Town Clerk. Notice of the time and place of such hearing shall be published in the Town's official newspaper at least fifteen (15) days prior to the hearing.

3) Within forty-five (45) days after the close of the hearing, the Town Council shall render a decision on the appeal and notice will be sent to the parties to the appeal by certified mail within seven (7) days. In addition to the findings on the appeal, the appellant shall be informed of further rights of appeal as set forth in Section G), below.

4) All meetings of the Town Council shall be open to the public and the Town Council shall keep minutes of its proceedings showing its decision, the reasons for its decision and the vote of each member upon each question. Said minutes shall be made a public record.

F) Stay of Proceedings

An appeal stays all proceedings in the furtherance of the action appealed from unless the Administrative Official from whom the appeal is taken certifies to the Town Council that a stay would cause imminent peril to life and or property. In such case, proceedings shall not be stayed other than by direction of a court of competent jurisdiction.

G) Appeal to Superior Court

An appeal from any action or decision of the Town Council regarding appeals may be taken by any person with standing to the Superior Court of Island County by filing with the Superior Court and with the Town Clerk, within ten (10) days from the date of mailing of notice of the Town Council action appealed from, a notice of appeal in a manner prescribed by the laws of the State of Washington. Failure to file a timely appeal with Superior Court automatically results in the loss of the right to such appeal and the decision of the Town Council shall be final, noncontestable and binding on all concerned.

SECTION 2:
Existing Section 10.30.065 H) 5) d) is hereby modified to read as follows:

d) HAC recommendations which recommend approval, conditional approval or denial shall be forwarded to the appropriate official or responsible body for action. If the conditions are agreed upon by the applicant and are made conditions for final approval, the conditions shall be specified on the face of the appropriate permit and delivered in writing to the applicant within ten (10) days of such action. If the applicant does not agree to the decision or conditions recommended by the HAC, the procedure specified in Section 10.20.035 shall be followed. Recommendations for project denial from the HAC shall be transmitted to the appropriate official or responsible body for action.

SECTION 3:
Existing Section 10.30.065 I) Appeals from the HAC Decisions is hereby deleted.

SECTION 4
Existing Section 10.30.095 B) 11) is hereby deleted and replaced with a new Section 10.30.095 B) 11) which shall read as follows:

_____ Appeals of decisions of the Planning Commission regarding variances shall be considered by the Town Council in accordance with Section 10.20.035.

SECTION 5:
A new Section 10.90.020 L) is hereby added to read as follows:

F) Appeals to Town Council \$40.00 plus
publication and
notification
expenses

SECTION 6: This ordinance shall be in full force and affect upon passage by the Town Council and posting in three (3) public places in the Town of Coupeville.

PASSED by the Town of Coupeville and APPROVED by its Mayor on this 23RD day of March, 1992.

THE TOWN OF COUPEVILLE

BY Robison Rappier
MAYOR

ATTEST:

Carol L. Wildman
TOWN CLERK