

September 5, 1996

Introduced By: Greg Nickels

RdVac2.Doc (jms)

Proposed No.: 96-748

ORDINANCE NO. **12650**

AN ORDINANCE relating to the process for approving road vacations; amending Ordinance 4461, Section 12, as amended, and K.C.C. 20.24.220.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Ordinance 4461, Section 12 and K.C.C. 20.24.220 are hereby amended as follows:

Appeal to council - Recommendation. A. If an appeal has been filed pursuant to K.C.C. 20.24.210B, the appellant shall file with the office of the clerk of the county council within twenty-one calendar days of the date of the examiner's written recommendation a written appeal statement specifying the basis for the appeal and any arguments in support of the appeal. If no written appeal statement or arguments are filed within the twenty-one calendar days, the clerk of the council shall place a proposed Ordinance which implements the examiner's recommended action on the agenda of the next available council meeting. If written appeal arguments are filed, the clerk of the council shall cause notice to be given to other parties of record that a notice of appeal and appeal statement have been filed and that written appeal statements or arguments in response thereto may be submitted to the clerk within fourteen calendar days of the date of such notification by the clerk.

B. Consideration by the council of the appeal, except for appeals of examiner recommendations on petitions for road

1 vacations. shall be based upon the record as presented to the
2 examiner at the public hearing and upon written appeal
3 statements based upon the record; provided, the council also may
4 allow parties a period of time for oral argument based on the
5 record. The examiner may conduct a conference with all parties
6 to the appeal for the purpose of clarifying or attempting to
7 resolve certain issues on appeal, provided, that the deputy
8 examiner who conducted the public hearing on the proposal may
9 not conduct the conference. Such conference shall be informal
10 and shall not be part of the public record.

11 C. If, after consideration of the record, written appeal
12 statements and any oral argument the council determines that:

13 ~~((A-))~~ 1. An error in fact or procedure may exist or
14 additional information or clarification is desired, the council
15 shall remand the matter to the examiner; or

16 ~~((B-))~~ 2. The recommendation of the examiner is based on an
17 error in judgment or conclusion, the council may modify or
18 reverse the recommendation of the examiner; provided, the
19 council's land use appeal committee may retain the matter, refer
20 it to other council committee or remand to the examiner for the
21 purpose of further hearing, receipt of additional information or
22 further consideration when determined necessary prior to the
23 council's taking final action thereon.

24 D. Subsections B & C above do not apply to an appeal of an
25 examiner's recommendation on a petition for road a vacation. In
26 such an appeal, the council is not bound by the record presented
27 to the hearing examiner. Before acting on a proposed road
28 vacation for which an appeal of the hearing examiner's
29 recommendation has been filed, the council shall hold a

1 legislative public hearing to receive further information and
2 testimony.

3 INTRODUCED AND READ for the first time this 16th
4 day of September, 1996.

5 PASSED by a vote of 13 to 0 this 24th day of
6 February, 1997.

7 KING COUNTY COUNCIL
8 KING COUNTY, WASHINGTON

9
10 Jane Hogue
Chair

11 ATTEST:

12 Gerald A. Peterson
13 Clerk of the Council

14 APPROVED this 6 day of March, 1997.

15 David A. ...
16 King County Executive

17 Attachments: None