

Chapter 14.75
APPEALS

Sections

- 14.75.010 Appeal of City Planner's actions
- 14.75.020 Appeal of Building Official's actions
- 14.75.030 Appeal of Hearing Examiner's actions
- 14.75.040 Open and closed record appeals

14.75.010 Appeal Of City Planner's Actions

A. All final actions of the City Planner, including Type 1, 2, 3, or 4 permit decisions, preliminary short plat approvals, SEPA threshold determinations, code interpretations, notices of violation, and approvals of minor changes to permits shall be final unless the applicant, a department of the City, or other party of record or agency with jurisdiction files with the City Clerk a written appeal to the Hearing Examiner within 14 days after one of the following:

- 1. The decision, if the decision process does not provide for a comment period or notice of decision;
- 2. The notice of decision if the permit process provides for such notice; or
- 3. The end of the comment period in the case of SEPA threshold determinations.

B. Appeals shall include:

- 1. A detailed statement of the grounds for appeal, referencing each allegedly erroneous finding, conclusion, or condition.
- 2. A detailed statement of the facts

upon which the appeal is based.

- 3. The name, address, and daytime telephone number of each appellant, together with the signature of at least one appellant or attorney thereof.
 - 4. A statement of the standing of the appellant to make such an appeal.
- C. Appeals shall be accompanied by the required fee; provided, that such appeal fee shall not be charged to a department of the City or to other than the first appellant dealing with an identical issue. The unused portion of the fee shall be refunded if the appeal is dismissed without a hearing due to untimely filing, lack of standing, lack of jurisdiction, or other procedural defect.
- D. The timely filing of an appeal shall delay the effective date of the administrative staff decision until such time as the appeal is decided by the Hearing Examiner or is withdrawn.
- E. Following the timely filing of an appeal, and at least 10 days prior to the hearing, notice of the date, time, and place of an open record hearing before the Hearing Examiner shall be mailed to the applicant and to all parties of record. The notice shall indicate the deadline for submittal of written comments.
- F. Appeal proceedings shall be limited to those issues raised in the written appeal.
- G. The Hearing Examiner shall receive comment and decide the appeal.

14.75.020 Appeal of Building Official's Actions

Appeals of Building Official actions are appealable to the Hearing Examiner, who acts as the Building Code Board of Appeals.

evidence or limited new evidence or information allowed to be submitted and with only appeal argument allowed. (Ord. 2082, 2005)

14.75.030 Appeal of Hearing Examiner's Actions

- A. Appeals of actions of the Hearing Examiner are appealable to Snohomish County Superior Court pursuant to Chapter 36.70C RCW, except for shoreline permit actions, which are appealable to the State Shoreline Hearings Board pursuant to Chapter 90.58 RCW.
- B. Notice of the appeal and any other pleadings required to be filed with the Court or the Shoreline Hearings Board shall be filed and served as required by the applicable statute.
- C. The cost of transcribing and preparing all records ordered certified by the Court or the Shoreline Hearings Board or desired by the appellant for such appeal shall be borne by the appellant. The appellant will be provided copies of hearing tapes by the City and will be responsible for their transcription.

14.75.040 Open and Closed Record Appeals

Only one open record hearing is allowed per project, as set forth in Ch. 36.70B RCW. Accordingly, if an open record hearing has already occurred for a project permit being appealed, then the appeal shall be a closed record appeal and the evidentiary record for the appeal shall be restricted to the record of the prior open record hearing with no new