

TMC 16.04.160 Appeals.

A. The following administrative appeal procedures are established under RCW 43.21C.075 and WAC 197-11-680:

1. Any agency or person may appeal to the Hearing Examiner, pursuant to TMC 2.58, the conditioning, lack of conditioning or denial of an action pursuant to WAC Chapter 197-11. When such conditioning, lack of conditioning or denial of action is attached to a recommendation of the Director or the Development Review Committee to the Hearing Examiner regarding a land use application, no appeal shall be necessary for consideration and revision of such conditions, lack of conditioning, or denial by the Hearing Examiner.

2. The responsible official's initial decision to require or not require preparation of an environmental impact statement, i.e., to issue a determination of significance or non-significance, is subject to an intermediary administrative appeal upon notice of such initial decision. Failure to appeal such determination within fourteen (14) calendar days of notice of such initial decision shall constitute a waiver of any claim of error.

3. All appeals shall be in writing, be signed by the appellant, be accompanied by the appropriate filing fee, and set forth the specific basis for such appeal, error alleged and relief requested. Any appeal must be filed within six (6) calendar days of the SEPA determination being final. Where there is an underlying governmental action requiring review by the hearing examiner, any appeal and the action shall be considered together. Where there is an underlying permit decision to be made by city staff, any appeal periods shall conclude simultaneously.

4. For any appeal under this subsection, the city shall keep a record of the appeal proceedings which shall consist of the following:

- a. Findings and conclusions;
- b. Testimony under oath; and
- c. A taped or written transcript of any hearing.

5. Any procedural determination by the city's responsible official shall be given substantial weight in any appeal proceeding.

B. The city shall give official notice under WAC 197-11-680(5) whenever it issues a permit or approval for which a statute or ordinance establishes a time limit for commencing judicial appeal.

(1007, Added, 9/18/1984; 1259, Amended, 11/6/1990; 1147, Amended, 12/15/1987; 096-004, Amended, 4/16/1996)

14.08.030

Key: **R** = Recommendation to Higher Review Authority; **D** = Decision
A = Appeal Decision; **C** = Closed Record Appeal Hearing;
OP = Open Record Predetermination Hearing

	NOT SUBJECT TO RCW 36.70b	DEVELOPMENT SERVICES DEPARTMENT STAFF	DEVELOPMENT REVIEW COMMITTEE	HEARING EXAMINER	PLANNING COMMISSION	CITY COUNCIL
ZONING						
CONDITIONAL USE PERMITS			R	D(OP)		A(C)
VARIANCE			R	D(OP)		A(C)
SITE SPECIFIC REZONES REQUIRED AS A RESULT OF A COMPREHENSIVE PLAN CHANGE					R(OP)	D(OP)
SITE SPECIFIC REZONES NOT REQUIRING A COMPREHENSIVE PLAN AMENDMENT			R	D(OP)		A(C)
ZONING TEXT AMEND (DEV. REG. CHANGES)	•				R(OP)	D(OP)
AREA WIDE MAP AMEND	•				R(OP)	D(OP)
HOME OCCUPATION		D		A(OP)		A(C)
LANDSCAPE PLAN		D		A(OP)		A(C)
CERTIFICATE OF APPROPRIATENESS		R				D(OP)
COMPREHENSIVE PLAN						
C.P. TEXT AMENDMENT	•				R(OP)	D(OP)
C.P. MAP AMENDMENT	•				R(OP)	D(OP)
LAND DIVISION						
RE-PLAT			R	D(OP)		A(C)
PLAT VACATION			R	D(OP)		A(C)
BLA			D		A(OP)	A(C)

LOT CONSOLIDATION		D		A(OP)		A(C)
PRELIMINARY PLAT			R	A(OP)		A(C)
SHORT PLAT		D		A(OP)		A(C)
FINAL PLAT	•		R			D
PUD	•		R	D(OP)		
BINDING SITE PLAN			D	A(OP)		A(C)
PLAT TIME EXTENSION		D		A(OP)		A(C)
PLAT ALTERATION		D		A(OP)		A(C)
ENVIRONMENTAL						
WETLAND P.M.T.		D		A(OP)		A(C)
TREE PLANS		D		A(OP)		A(C)
SEPA DET.		D		A(OP)		A(C)
1. DNS		D		A(OP)		A(C)
2. MDNS		D		A(OP)		A(C)
3. DS/EIS		D		A(OP)		A(C)
4. SUPPLEMENTAL		D		A(OP)		A(C)
SHORELINES						
SUB. DEV. PERMIT			R	D(OP)		A(C)
CONDITIONAL USE PERMIT			R	D(OP)		A(C)
VARIANCE			R	D(OP)		A(C)
EXEMPT		D		A(OP)		A(C)
SITE PLAN REVIEW						
COMMERCIAL			D	A(OP)		A(C)
INDUSTRIAL			D	A(OP)		A(C)
MULTI FAMILY			D	A(OP)		A(C)
M/H PARK			D	A(OP)		A(C)
OTHER						
DEV. CODE INTERPRETATIONS		D		A(OP)		A(C)
BLDG. PERMIT W/SEPA		D		A(OP)		A(C)

ADMINISTRATIVE ORDERS		D		A(OP)		A(C)
CIVIL PENALTIES		D		A(OP)		A(C)
REASONABLE USE EXCEPTIONS		R		D(OP)		A(C)
BLDG. PERMIT - NO SEPA*	•	D				A(C)
HOUSE MOVING PERMIT		D		A(OP)		A(C)
GRADING PERMIT		D		A(OP)		A(C)
IMPACT FEE DETERMINATIONS	•	D		A(OP)		A(C)
CONCURRENCY DETERMINATIONS	•	D		A(OP)		A(C)