



**City of Woodinville
APPEAL OF
HEARING EXAMINER'S DECISION**

Development Services Department
425-489-2754 • 17301 133rd Avenue NE • Woodinville, WA 98072
Permit Desk Hours • Monday – Friday • 8:30am – 4:00pm • Wednesday 11:30am-4:00pm

DATE:	TIME:
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APPEAL RECEIVED FROM:

NAME:
ADDRESS:
DATE OF ISSUANCE OF HEARING EXAMINER'S DECISION:
SPECIFIC REASON (S), RATIONAL, AND OR BASIS FOR THE APPEAL:

Attach additional information necessary to appeal.

The examiner's decision on an interpretation maybe appealed to the City Council by filing an appeal with the City Clerk's office within 10 (ten) days from the date of issuance of a written decision by the Hearing Examiner and shall be accompanied by a filing fee of \$640.00.

Signature: _____ Date: _____

Time Received

Date Stamp

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Applicant:	File Number:
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The subject decision of the Hearing Examiner is based on an **OPEN RECORD HEARING**. The decision may be appealed to the City Council under provisions of the Woodinville Municipal Code (WMC) Section 17.17.040 (1) (b).

Under WMC 17.17.040 (1) (b), an appeal must be filed within 14 calendar days following issuance of the decision. For purpose of computing the time for filing an appeal, the day the Hearing Examiner's decision is rendered shall not be included. Appeals and appeal fee may be delivered before 5:00 p.m. on the last business day of the appeal period that ends.

Appeals shall be in writing, be accompanied by an appeal fee of \$640 (\$240 application fee plus a \$400 consulting fee) and contain information noted in WMC 17.17.040 (d). An appeal form with information required for an appeal is available at the Development Services Department.

Appeal of a decision based on an **OPEN RECORD HEARING** is limited to an administrative appeal heard by the City Council as a **CLOSED RECORD APPEAL HEARING**. *No new evidence or information is allowed to be submitted at the CLOSED RECORD APPEAL HEARING.*

A tape recorded transcript of the OPEN RECORD HEARING is available for \$10.00 per cassette duplication cost.

WMC - Chapter 17.17 CLOSED RECORD DECISIONS AND APPEALS

Sections:

- [17.17.010](#) Appeals of decisions.
- [17.17.020](#) Consolidated appeals.
- [17.17.030](#) Standing to initiate administrative appeal.
- [17.17.040](#) Closed record decisions and appeals.
- [17.17.050](#) Procedure for closed record decision/appeal.
- [17.17.060](#) Judicial appeals.

17.17.010 Appeals of decisions.

Project permit applications shall be appealable as provided in the framework in [WMC 17.07.030](#). (Ord. 143 § 1, 1996)

17.17.020 Consolidated appeals.

(1) All appeals of project permit application decisions, other than an appeal of determination of significance (DS), shall be considered together in a consolidated appeal.

(2) Appeals of environmental determinations under SEPA shall proceed as provided in [WMC 14.04.260](#). (Ord. 143 § 1, 1996)

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17.17.030 Standing to initiate administrative appeal.

(1) Limited to Parties of Record. Only parties of record may initiate an administrative appeal of a Type II, III or IV decision on a project permit application.

(2) Definition. The term "parties of record", for the purposes of this chapter, shall mean:

- (a) The applicant;
- (b) Any person who testified at the open record public hearing on the application; and/or
- (c) Any person who submitted written comments concerning the application at the open record public hearing excluding persons who have only signed petitions or mechanically produced form letters. (Ord. 143 § 1, 1996)

17.17.040 Closed record decisions and appeals.

(1) Type II, III, or IV Project Decisions or Recommendations. Appeals of the hearing body's decision or recommendation on a Type II, III or IV project permit application shall be governed by the following:

(a) Standing. Only parties of record have standing to appeal the hearing body's decision.

(b) Time to File. An appeal of the hearing body's decision must be filed within 14 calendar days following issuance of the hearing body's written decision. Appeals and the appeal fee shall be delivered to the Planning Director by mail or personal delivery before 5:00 p.m. on the last business day of the appeal period.

(c) Computation of Time. For the purposes of computing the time for filing an appeal, the day the hearing body's decision is rendered shall not be included. The last day of the appeal period shall be included unless it is a Saturday, Sunday, a day designated by RCW 1.16.050 or by the City's ordinances as a legal holiday, then it also is excluded and the filing must be completed on the next business day.

(d) Content of Appeal. Appeals shall be in writing, be accompanied by an appeal fee, and contain the following information:

- (i) Appellant's name, address and phone number;
- (ii) Appellant's statement describing his or her standing to appeal;
- (iii) Identification of the application which is the subject of the appeal;
- (iv) Appellant's statement of grounds for appeal and the facts upon which the appeal is based;
- (v) The relief sought, including the specific nature and extent;
- (vi) A statement that the appellant has read the appeal and believes the contents to be true, followed by the appellant's signature.

(e) Effect. The timely filing of an appeal shall stay the effective date of the hearing body's decision until such time as the appeal is adjudicated by the Council or withdrawn.

(f) Notice of Appeal. The Director shall provide public notice of the appeal as provided in [WMC 17.11.030\(2\)\(b\)\(i\)](#) and [17.11.030\(2\)\(b\)\(iii\)](#).

(g) The Planning Director may, in his or her sole discretion, waive the appeal period for Type II development applications when a request for waiver is made by the applicant and property owner and then only when the applicant and property owner are the only parties of record with standing. Request for waiver must be made in writing and must state the reason for the requested waiver. (Ord. 379 § 5, 2004; Ord. 143 § 1, 1996)

17.17.050 Procedure for closed record decision/appeal.

(1) The following subsections of this title shall apply to a closed record decision/appeal hearing: 17.15.030; 17.15.040; 17.15.050; 17.15.060; 17.15.070(1)(a); 17.15.070(1)(b), 17.15.070(1)(c); 17.15.070(1)(d); 17.15.070(1)(f); and 17.15.080.

(2) The closed record appeal/decision hearing shall be on the record before the hearing body, and no new evidence may be presented. (Ord. 143 § 1, 1996)

17.17.060 Judicial appeals.

(1) The City's final decision on an application may be appealed by a party of record with standing to file a land use petition in King County Court. Such petition must be filed within 21 days of issuance of the decision, as provided in Chapter 36.70C RCW.

(2) The Planning Director may, in his or her sole discretion, waive the appeal period for Type I development applications when a request for waiver is made by the applicant and property owner and then only when the applicant and property owner are the only parties of record with standing. Request for waiver must be made in writing and must state the reason for the requested waiver. In the event that the Planning Director agrees to said requested waiver, the applicant shall be required to execute a release agreement in a form approved by the City Attorney. (Ord. 379 § 5, 2004; Ord. 143 § 1, 1996)