



# Appeals

**PB-18**

## Community Development Department

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### 15.230.070 Appeals.

Appeals of a project permit decision shall be governed by the following:

- A. Time to file.** An appeal shall be considered timely only if it is filed with the community development director within 14 calendar days after written notice of the decision is mailed and is accompanied by the appropriate appeal fee. Appeals shall be delivered to the community development department by mail, personal delivery or by fax before 5:00 p.m. on the last business day of the appeal period. Appeals received by mail after 5:00 p.m. on the last day of the appeal period will not be accepted, no matter when such appeals were mailed or postmarked.
- B. Computation of time.** For the purposes of computing the time for filing an appeal, the day the decision is issued shall not be counted. If the last day of the appeal filing period is a Saturday, Sunday, or holiday designated by RCW 1.16.050 or by a city ordinance, then the appeal must be filed on the next business day.
- C. Acceptance of appeal.** The director shall accept appeals that meet the requirements of this section and shall schedule such appeals for consideration by the appeal body or city council as provided in ECC 15.230.040 above. The director shall reject any appeal that fails to meet the filing and submittal requirements of this section. The appeal fee shall be refunded in the event the director rejects an appeal, or in the event that the appellant files a written statement with the director at least fifteen calendar days before the scheduled date for consideration of the appeal. In all other cases, the appeal fee shall be nonrefundable.
- D. Content of appeal.** Appeals shall be in writing, be accompanied by the required appeal fee, and contain the following information:
  - a. appellants' name, address and phone number;
  - b. a statement describing appellants' standing to appeal;
  - c. identification of the application or decision that is the subject of the appeal;
  - d. appellants' statement of grounds for appeal and the facts upon which the appeal is based, with specific references to the facts in the record;
  - e. the specific relief sought;
  - f. a statement that the appellant has read the appeal and believes the contents to be true, followed by the appellants' signature or the signature of the appellants' agent, provided such agent's authorization is in writing and accompanies the appeal.
- E. Effect.** The timely filing of an appeal shall stay the decision-maker's decision until such time as the appeal is concluded or withdrawn.
- F. Burden of proof.** The appellant shall bear the burden to demonstrate that at least one of the grounds for administrative appeal as set forth in ECC 15.230.050 above has occurred.
- G. Standard of review.** The appeal body shall determine whether there is substantial evidence in the administrative record to support an affirmative finding that one of the grounds for administrative appeal raised by the appellant has been met. The appeal body may affirm, modify or reverse the decision of the hearing body.

**H. Decision.** The appeal body shall issue a written decision on the appeal supported by written findings and conclusions. The director shall mail notice of the appeal body's decision to the appellant(s), the applicant, and other parties of record. The notice shall consist of the appeal body's decision identifying the case by number and appellants' name. The notice shall also include a statement concerning any appeal rights for the appeal decision. Where applicable, the notice shall comply with the official notice provisions of RCW 34.21C.075.