

0046.020.001
WDT/srf
02/08/93

ORDINANCE NO. 18

AN ORDINANCE OF THE CITY OF WOODINVILLE,
WASHINGTON, ESTABLISHING APPEAL PROCEDURES;
SETTING A 14 DAY APPEAL PERIOD TO SUPERIOR
COURT; PROVIDING FOR FEES, AND SETTING AN
EFFECTIVE DATE.

WHEREAS, the following ordinance is necessary in order to
establish uniform appeal procedures, NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF WOODINVILLE, WASHINGTON,
DO ORDAIN AS FOLLOWS:

Section 1. Scope. The procedures set forth in this
ordinance shall be applicable to all appeals unless contrary
provisions are specifically made. The procedures set forth in this
ordinance shall be in addition to any other procedures required.

Section 2. Procedures.

A. A person must file a written notice of
appeal within 10 days of the date of the
decision being appealed. The notice of appeal
shall state clearly the grounds for appeal.
When City ordinance or state law requires
preparation of a written decision, the date of
decision is when the written decision is
approved by the person, board or commission.

B. The written notice must be filed with the
person, board or commission authorized to hear
such appeal within the time period set forth
in subsection A above.

C. Upon timely receipt of such notice of
appeal, and payment of the fee set forth in
Section 3, the person, board or agency shall
set the matter for a public meeting.

D. Notice of the meeting shall be given to the appellant and the applicant or permit holder, if this person is not the appellant.

E. The person, board or agency conducting the appeal shall render a decision based upon the record, including written materials and any tape recording or minutes of the previous proceedings, and on the criteria or standards applicable to the permit, license or action being considered. Nothing herein shall be deemed to require tape recording or other verbatim record. The person, board or agency conducting the appeal shall affirm the decision unless from a review of the record it is determined the decision being appealed was clearly erroneous.

Written findings and conclusions shall be prepared and adopted setting forth the facts and the reasoning for the decision.

The decision appealed may be affirmed, reversed, remanded or modified.

F. Any further appeal from any decision shall be to superior court as provided in Section 4.

G. If a permit is granted, the City official administering the permit may allow the applicant to begin all or a portion of the construction or commence all or a portion of the operations during the pendency of any appeal; provided, however, that such construction or commencement of operations is begun at the applicant's own risk. If the decision being appealed is reversed or modified, the applicant may be required to remove or alter any development inconsistent with the final decision and/or restore the environment to its pre-existing condition.

Section 3. Fees. A fee shall be imposed for filing any appeal. The amount of the fee shall be set by ordinance.

Section 4. Judicial appeal. Appeal from the decision of the City board, commission or officer for which no other

administrative appeal is provided, shall be to the King County Superior Court. An appropriate action must be served and filed within 14 days of the date of the decision. The costs of transcription of any record ordered to be certified by the court shall be borne by the appellant.

Section 5. Procedural irregularity. No procedural irregularity or informality in the notice, consideration, hearing or other matter relating to the decision and/or appeal shall affect the final decision, or any other action leading to the final decision, unless substantial rights of a person with demonstrable beneficial interests are adversely affected and unless objection to any procedural irregularity is made to the City at the earliest possible time after discovery.

Section 6. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 7. Effective date. This ordinance shall be effective as of March 31, 1993, which is more than five (5) days after publication of an approved summary consisting of the title to this ordinance.

PASSED by the City Council of the City of Woodinville
this 02nd day of February, 1993.

APPROVED:

Lucy DeYoung
MAYOR, LUCY DEYOUNG

ATTEST/AUTHENTICATED:

Marie O'Connell
CITY CLERK, MARIE O'CONNELL

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY Wayne Stevens

FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL:
PUBLISHED: 3/1/93
EFFECTIVE DATE: 3/31/93
ORDINANCE NO. 18