



Planning & Community Development Department

Appeal Application Form

The procedures for an appeal are outlined in the Bonney Lake Municipal Code Chapter 14.120. Appeals may be submitted to the Planning and Community Development Department located at the City Hall Annex, 8720 184th Avenue E.

Appeals of City Council decisions, or type 6 permits, may not be administratively appealed. Judicial review is available pursuant to the Revised Code of Washington (RCW) Section 36.70C.040.

General Information

Name of Applicant (Appellant): _____

Address: _____

City: _____ State: _____ Zip: _____ Phone #: _____

E-mail address: _____

Name and File number of project that is being appealed: _____

Date of decision on project you are appealing: _____ Expiration date of appeal period: _____

Fee paid: _____

Please put an "x" next to the applicable appeal:

- Appeal of actions of the director(s) to the Hearing Examiner (Type 1, 2, or 3 permits)
- Appeal of a Hearing Examiner decision to the City Council (Type 4 or 5 permits)

Pursuant to the Bonney Lake Municipal Code Chapter 14.120 only certain individuals have standing to appeal a decision on the application or appeal. Below, please provide a statement describing your standing to appeal. (Please see back page to determine if you have standing to appeal).



Planning & Community Development Department

Standing to Appeal

1. Action of the Director(s): For appeals of an action of the Director(s) on Type 1, 2, or 3 permits, the project applicant, a department of the city or county, or other party of record or agency with jurisdiction, files a written appeal along with the necessary fee with the Planning and Community Development Department within fifteen (15) days following the date of the decision.
2. For appeals of a Hearing Examiner Decision on Type 4 or 5 permits, the project appellant, the project applicant or any person who participated in the public hearing may file a written appeal along with the necessary fee with the Planning and Community Development Department within fifteen (15) calendar days of the date of the recommendation or decision of the matter being appealed.

Basis for Appeal (Bonney Lake Municipal Code 14.120.020C or 14.120.040B3)

Please provide on a separate sheet of paper statements to the following questions. The appellant shall bear the burden of proving the decision was wrong.

1. Please state the facts demonstrating how you are adversely affected by the decision.
2. Please provide a concise statement identifying each alleged error and how the decision has failed to meet the applicable decision criteria.
3. Please state the specific relief requested.
4. Please provide a written statement of the findings of fact or conclusions (as outlined in the decision) which are being appealed.
5. Open record appeals may include any information you think is pertinent.

3. The specific reasons why the appellant believes the decision to be wrong and all grounds on which error is assigned to the examiner's decision. The appellant shall bear the burden of proving the decision was wrong.

4. The desired outcome or changes to the decision. The appeal fee shall be paid prior to appeal filing.

C. Record. The city council shall consider the matter based upon the written record before the examiner, the examiner's decision, the written appeal, minutes of the hearing and any written comments received by the city before closure of city offices on a date three days prior to the date set for consideration by the city council. The city council will hear the appeal in a closed record meeting as required by RCW 36.70B.120.

D. Action. The city council may accept, modify or reject the examiner's decision, or any findings or conclusions therein, or may remand the decision to the examiner for further hearing. A decision by the city council to modify, reject or remand shall be supported by findings and conclusion. The action of the city council in approving or rejecting a decision of the hearing examiner shall be final and conclusive unless within 21 calendar days from the date of such action an aggrieved party serves a land use petition in Pierce County superior court pursuant to RCW 36.70C.040.

E. Stay of Effective Date. The timely filing of an appeal shall stay the effective date of the examiner's decision until such time as the appeal is adjudicated by the city council or is withdrawn.

F. Determinations of civil violation may be appealed only to superior court. See BLMC 14.130.080(E). (Ord. 988 § 2, 2003).

14.120.050 Appeal of city council decisions (Type 6 permits).

Type 6 permit decisions may not be administratively appealed. Judicial review is available pursuant to RCW 36.70C.040. (Ord. 988 § 2, 2003).

Chapter 14.130

ENFORCEMENT

Sections:

- 14.130.010 Purpose.
- 14.130.020 Violations further defined.
- 14.130.030 Nature of violation – Penalties.
- 14.130.040 Right of inspection.
- 14.130.050 Stop work order.
- 14.130.060 Voluntary correction.
- 14.130.070 Notice of civil violation.
- 14.130.080 Appeal.
- 14.130.090 Hearing examiner's options in assessing monetary penalties.
- 14.130.100 Collection – Lien.
- 14.130.110 Abatement by city – Lien.
- 14.130.120 Abatement by city – Unfit dwellings, buildings, and structures.
- 14.130.130 Other recourse.
- 14.130.140 Police shall enforce.

14.130.010 Purpose.

The purpose of this chapter is to provide fair, effective means of enforcing the development code, BLMC Titles 14 through 19. (Ord. 988 § 2, 2003).

14.130.020 Violations further defined.

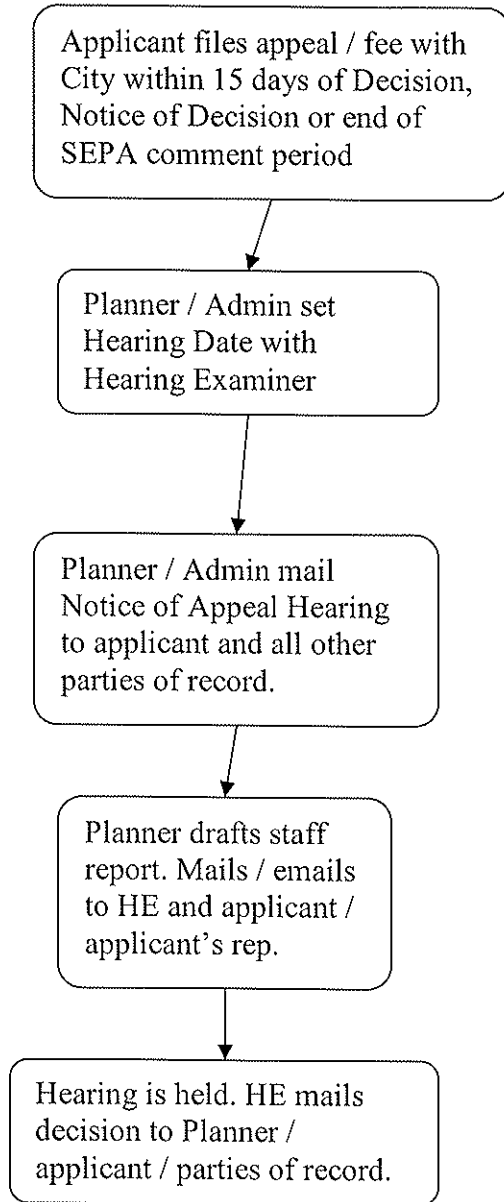
A. It shall be a violation of this development code to:

1. Violate any of its provisions;
2. Proceed with a development without first obtaining a required permit;
3. Violate any condition of a permit issued pursuant to this development code;
4. Violate any order issued pursuant to this development code;
5. Aid or abet a violation of this development code;
6. Knowingly falsify any document required by this development code; or
7. Falsify or tamper with any monitoring device or record required in the administration of this development code.

B. Proof that a violation of the development code exists on a property shall constitute prima facie evidence that the owner of the property is the violator. However, this shall not relieve or prevent enforcement against any other responsible person.

APPEALS

Appeal of Director Decision



Appeal of HE Decision

