



ADMINISTRATIVE DECISION APPEAL PACKET
(Except for Appeals of SEPA Decisions) – Updated 2014

I. Administrative Appeal Packet Contents

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2. Administrative Appeal Submittal Checklist
3. Administrative Decision Appeal Form
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II. Administrative Appeal Fees:

Staff or Director code interpretation	\$500
All other appeals	\$1,500

III. Submit Application to:

In Person:

City of Everett Permit Services
3200 Cedar Street, 2nd Floor
Everett, WA 98201

Phone: (425) 257-8731
Fax: (425) 257-8742

By Mail:

City of Everett
Planning & Community Development
2930 Wetmore Avenue Ste. 8-A
Everett, WA 98201

Note: This appeals packet does not contain the complete text of the appeals procedure and all applicable requirements. It is the appellant's responsibility to review the ordinance(s) and comply with all pertinent ordinance requirements. Refer to Article IV of Title 15 and Chapter 41.180 of Title 19 of the Everett Municipal Code.

ADMINISTRATIVE DECISION APPEAL SUBMITTAL CHECKLIST

Please use the following checklist to ensure that your appeal is complete:

- Filing Fee** Non-refundable and payable upon application.

- Administrative Appeal Form** Must be filled out completely and signed by the appellant.

- Copy of Decision Being Appealed** Available from the Planning Department.

- Letter of Appeal** Prepare a typed statement addressing the basis for the appeal. The statement shall explain why the appellant is aggrieved and state clearly and concisely the specific issues for the appeal.

Specific evaluation criteria are listed in the Zoning Code for some types of appeals. The letter of appeal should address these criteria when appropriate. See Evaluation Criteria for Appeals in this packet for additional information.



**CITY of EVERETT
PLANNING and COMMUNITY DEVELOPMENT**

ADMINISTRATIVE DECISION
APPEAL FORM (Do not alter form)

Hearing Examiner Review

- Appeal of Review Process I Decision
- Appeal of Review Process II Decision
- Appeal of Application of Development Standards
- Appeal of Short Subdivision
- Appeal of Binding Site Plan
- Appeal of Administrative Shoreline Permit
- Appeal of Unlisted Use Determination
- Other _____

CONTACT INFORMATION

Name of Appellant _____ Phone _____

Address _____ City _____ State _____ Zip Code _____

If applicable, list all additional Appellants below:

Name of Appellant #2 _____ Phone _____

Address _____ City _____ State _____ Zip Code _____

Name of Appellant #3 _____ Phone _____

Address _____ City _____ State _____ Zip Code _____

Name of Appellant #4 _____ Phone _____

Address _____ City _____ State _____ Zip Code _____

Name of Appellant #5 _____ Phone _____

Address _____ City _____ State _____ Zip Code _____

DECISION BEING APPEALED

Project Number _____ Project Name _____

Property Address or Location _____

Signature of Appellant _____ **Date** _____

If applicable:

Signature of Appellant #2 _____ Date _____

Signature of Appellant #3 _____ Date _____

Signature of Appellant #4 _____ Date _____

Signature of Appellant #5 _____ Date _____

Please Note: Policy requires that the appellant or the appellant's representative be present at the public hearing. The burden of proof for all appeals provided for by the City of Everett Zoning Code shall be upon the Appellant. All appeals must be filed on forms provided by the planning department and will not be considered valid unless the appeal form is filled out clearly, completely, and legibly and is accompanied by the applicable fee. This form shall not be altered in any way.

FOR OFFICIAL USE ONLY

FILE # _____

FEE \$ _____ RECEIPT # _____

ASSIGNED TO: _____

STAMP IN DATE

EVALUATION CRITERIA FOR APPEALS OF ADMINISTRATIVE DECISIONS

The following criteria, listed in Subsection 41.180 of the Zoning Code, apply to all appeals of administrative decisions. The Hearing Examiner must consider these criteria when making a decision on the appeal. The appellant's letter of appeal should address these criteria.

1. The nature of the use or proposed use of the subject property;
2. The purpose for the particular development standard which is being appealed;
3. The criteria used by the Planning Director in applying the development standard that is being appealed;
4. The appellant's basis for appealing the application of the particular development standard;
5. The impact that the development standard requested by the appellant would have on the following:
 - a. the proposed use
 - b. surrounding properties
 - c. public right-of-way
 - d. environmentally sensitive areas
 - e. other standards required by this Ordinance
 - f. overall public health, safety and welfare
 - g. relevant policies of the Everett Comprehensive Plan; and
6. Any findings or conclusions issued in writing by the Planning Department or Planning Director.

In addition, specific evaluation criteria are set forth in the Zoning Code for some types of decisions. The Hearing Examiner must also use these evaluation criteria when making a decision on the appeal. In most cases, these criteria will be set forth in the decision being appealed. When specific criteria are set forth in the Zoning Code, the appellant's letter of appeal should also address the specific criteria. If you have any questions regarding the specific criteria that may apply to the decision, please contact the Planning Department.

Administrative Decision Appeal Process Flow Chart

Hearing Examiner Review

Appeal Submitted
within 14 calendar days of decision
(The appellant is precluded from later raising any appeal issue other than those specifically noted in the written appeals statement.)

**Planning Staff Schedules Public Hearing
Applicant and Appellant Notified**
(All appeals of Review Processes I or II project permit decisions, and any appeal of environmental determinations (other than a DS) shall be considered together in a single consolidated appeal hearing before the Hearing Examiner.)

Appellant Files Memorandum
within 10 calendar days of filing the appeal and at least 20 calendar days prior to the hearing
(Appellant files memorandum with Hearing Examiner's Office setting forth the appellant's arguments and authority. This shall be restricted to those issues set forth in appellant's typed appeals statement. This memorandum should restate the issues of appeal, cite all policies and ordinances which the appellant feels have not been properly applied by the City, and state all of the arguments the appellant plans to provide at the hearing. The appellant should begin typing this memorandum prior to obtaining notice of a hearing date.)

City Submits Staff Report
at least 10 calendar days prior to the hearing
(City staff provides Hearing Examiner and Appellant a staff report responding to Appellant's memorandum.)

Appellant Files Response
at least 5 calendar days prior to the hearing
(Appellant files memorandum with the Hearing Examiner. The scope of the reply shall be restricted to responding to issues raised in the staff report.)

Hearing Examiner Holds Hearing

Hearing Examiner Decision
10 working days after hearing
The Examiner's decision is final. Appeals are to Snohomish County Superior Court.
(The Hearing Examiner's decision starts a 10 working day request for reconsideration period. Parties of record may request reconsideration of the Examiner's decision, but this is not required.)

Reconsideration Requested
Hearing Examiner denies request or holds new hearing