



User's Guide To The Land Use Permit Process Appeals

Yakima County Planning Division ♦ 128 N. 2nd Street 4th Floor Courthouse - Yakima, Washington 98901 ♦ Phone (509) 574-2300

“Appeal” means a request for review of an Administrative Official’s or Hearing Examiner’s written decision, determination, order or official interpretation.

“Open record hearing” means a public hearing, conducted by the Hearing Examiner. The hearing creates the evidentiary record pursuant to procedures prescribed by ordinance or resolution. Open record hearings either result in a recommendation to the Board of Commissioners or a final decision on a project permit application, or constitute an appeal of an administrative decision on a project permit application. See also RCW 36.70B.020(3).

“Closed record appeal” means an administrative appeal or hearing, conducted by the Board of County Commissioners following an open record hearing conducted by the Hearing Examiner on a project permit application. The appeal or hearing is on the record with only appeal argument allowed. See also RCW 36.70B.020(1).

INSTRUCTIONS TO APPELLANT:

An appeal of a decision or certain conditions required in a decision can be filed by the applicant or aggrieved party (example: neighbor or agency) within the specified date outline in the issued decision, determination, order or official interpretation. Appeals shall be delivered to the Planning Division by mail or personal delivery before close of business on the last day of the appeal period. Project permit applications shall be appealable to the appeal body specified in the decision, determination, order or official interpretation. For appeals of SEPA threshold determinations, see also Section 16B.06.070 of the Yakima County Code.

REQUIREMENTS FOR APPEAL:

All appeals shall be in writing, accompanied by an appeal fee, and contain the following information:

- ♦ Appellant’s name, address, and phone number;
- ♦ Appellant’s statement establishing standing to initiate the appeal under Section 16B.09.020 of this Chapter;
- ♦ An identification of the specific proposal and specific actions, omissions, conditions or determinations for which appeal is sought;
- ♦ Appellant’s statement of the particular grounds for the appeal, setting forth the principal points of appeal and addressing why the appellant believes the decision to be wrong; and
- ♦ The desired outcome or relief sought by the appellant.
- ♦ SEPA appeals shall additionally contain the information required by YCC 16B.06.070(4).

STANDING TO INITIATE ADMINISTRATIVE APPEALS (16b.09.020):

Standing to initiate an Administrative Appeal is limited to:

- ♦ The applicant or owner of the property in which the project permit is proposed;
- ♦ The Planning Division, Yakima County Prosecuting Attorney or Board of Yakima County Commissioners; and
- ♦ Parties of record aggrieved by the final decision and who will suffer direct and substantial impacts from approval or denial of the project.

For specific application submittal requirements and timelines please refer to Title 19 (Unified Land Development Code) and Title 16B (Yakima County Project Permit Administration Ordinance).



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ADDITIONAL INFORMATION AND SPECIAL INSTRUCTIONS FOR OPEN RECORD APPEALS:

- The appellant (applicant) or a representative must be present at the public hearing. The hearing is scheduled at the next available hearing date. Notice of the hearing must be provided as required by County Code. Approximately twenty days prior to the hearing, a staff report regarding the appeal is available. A copy is provided to the appellant and applicant, if different.
Any party may request a prehearing conference not later than ten days following the filing of appeal. The prehearing conference may be held at the discretion of the Examiner, in consultation with the Administrative Official.

ADDITIONAL INFORMATION AND SPECIAL INSTRUCTIONS FOR CLOSED RECORD APPEALS:

The following procedures shall apply to any appeal considered by the Board of County Commissioners.

Appeal Statement. The appellant's written appeal statement shall specify the claimed error(s) or issue(s) which are being appealed and shall specifically state all the grounds for such appeal, limited to stating why the record does or does not support the decision of the Hearing Examiner because the decision:

- Was based on improper procedures that prejudiced the appellant;
- Was not based on substantial evidence; or
- Constitutes clearly erroneous application of the development regulations to the proposed project.

Issues or grounds of appeal which are not so identified shall not be considered by the Board.

- Notice is provided to parties of record only
- Appeals to the Hearing Examiner are open record hearings
- The record includes all materials received in evidence at any previous stage of the review, such as: audio or video tapes of the prior hearing, the Hearing Examiner's determination or recommendation, and arguments by the parties at the Examiner's hearing.
- Appeals to the BOCC are limited to the record presented before the Hearing Examiner However, the Board of County Commissioners may allow supplementation of the record upon a showing of good cause.