

Land Use Appeals

Economic Development Committee

Agenda Item 2.a

September 23, 2020

Title 19

- The purpose of PMC Title 19, Project Permit Application Procedures, ordinance is to establish procedures for all land use and related decisions made by the City of Poulsbo. The parameters of the procedures are set by RCW 36.70B.070, which require that the City identify procedures that provide for an integrated and consolidated land use permit process.
- Title 19 of the PMC was updated/adopted in 2016 and has been amended minimally since then.
- Appeal process are established in PMC 19.70:
 - <https://www.codepublishing.com/WA/Poulsbo/#!/Poulsbo19/Poulsbo1970.html#19.70>

Existing Appeals Process

Appeals of Hearing Examiner Type III decisions, and Type I and II Hearing Examiner appeal decisions are currently made to City Council.

Permit Type	Review Authority	Appeal Process
Type I	PED Director	Hearing Examiner ---> City Council ---> Superior Court
Type II	PED Director	Hearing Examiner ---> City Council ---> Superior Court
Type III	Hearing Examiner	City Council ---> Superior Court

Cost of Appeal to City Council

The PED Department document the City's costs of the recent Vanaheimr Hearing Examiner decision appeal to the City Council:

Appeal Application Fee: \$165

Cost to City:

- City Attorney Legal Fees: \$9,785.50
- City Staff Time: \$5,096.71
- Materials (notebook production cost): \$2,051.00
- Visiting City Attorney: cost not yet invoiced to City
- TOTAL (to date): \$16,933.21

EDC Consideration

- Vanaheimr has been appealed to the Shoreline Hearings Board (SHB); the City's costs will continue to increase for this project (i.e. legal and staff).
- Due process is available via established state appeal proceedings:
 - Land Use Petition Act (LUPA – Superior Court)
 - Shoreline Hearings Board
- PED staff requests docketing an amendment to PMC 19.70 for City Council to exit from the appeal process:

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Type III	Hearing Examiner	City Council ---> Superior Court or SHB