

ORDINANCE NO. 1253

THE CITY OF WOODLAND, WASHINGTON

AN ORDINANCE AMENDING WMC TITLES 15, 16, 17 AND 19 REGARDING ADMINISTRATIVE AND SEPA APPEAL PROCEDURES AND AUTHORIZING A PUBLICATION BY SUMMARY

WHEREAS, pursuant to RCW 43.21C.075 agencies may provide for an administrative appeal of determinations relating to SEPA in their agency SEPA procedures provided they comply with the statute;

WHEREAS, RCW 36.70B.060 allows for no more than one consolidated open record hearing and one closed record appeal during the review process;

WHEREAS, the Woodland Municipal Code does not address appeal procedures for all administrative approvals and determinations;

WHEREAS, the Planning Commission and City Council made the development of an ordinance that would address Administrative and SEPA appeal procedures a priority in 2012;

WHEREAS, the Planning Commission held a public hearing on the draft ordinance on June 21, 2012;

WHEREAS, the Planning Commission voted to forward the draft ordinance to Council with a recommendation of *Approval* on August 16, 2012;

WHEREAS, all procedural requirements of the Woodland Municipal Code (WMC) for these amendments have been met; and

NOW THEREFORE, be it hereby ordained by the City Council of the City of Woodland:

1. Repeal WMC 15.04.225.

a. Old Section WMC 15.04.225 – The existing code section to be repealed reads as follows:

15.04.225 Appeals.

A. The following administrative appeal procedures are established under RCW 43.21C.075 and WAC 197-11-680:

1. Any agency or person may appeal to the hearing examiner, pursuant to Chapter 17.81, the conditioning, lack of conditioning or denial of an action pursuant to WAC Chapter 197-11. When such conditioning, lack of conditioning or denial of action is attached to a recommendation of the director or the development review committee to the hearing examiner regarding a land use application, no appeal shall be necessary for consideration and revision of such conditions, lack of conditioning, or denial by the hearing examiner.
2. The responsible official's initial decision to require or not require preparation of an environmental impact statement, i.e., to issue a determination of significance or nonsignificance, is subject to an interlocutory administrative appeal upon notice of such initial decision. Failure to appeal such determination within fourteen calendar days of notice of such initial decision shall constitute a waiver of any claim of error.
3. All appeals shall be in writing, be signed by the appellant, be accompanied by the appropriate filing fee, and set forth the specific basis for such appeal, error alleged and relief requested. Any appeal must be filed within six calendar days of the SEPA determination being final. Where there is an underlying governmental action requiring review by the hearing examiner, any appeal and the action shall be considered together. Where there is an underlying permit decision to be made by city staff, any appeal periods shall conclude simultaneously.
4. For any appeal under this subsection, the city shall keep a record of the appeal proceedings which shall consist of the following:
 - a. Findings and conclusions;
 - b. Testimony under oath; and
 - c. A taped or written transcript of any hearing.
5. Any procedural determination by the city's responsible official shall be given substantial weight in any appeal proceeding.

B. The city shall give official notice under WAC 197-11-680(5) whenever it issues a permit or approval for which a statute or ordinance establishes a time limit for commencing judicial appeal.

2. Repeal and Replace. WMC 16.19.100

a. Old Section WMC 16.19.100 – The existing code section to be superseded and replaced reads as follows:

16.19.100 Appeal procedures.

The decision of the administrator shall be final unless an appeal by any aggrieved party, addressed to the city council, is made within ten calendar days of the date of the decision. Said appeal shall be in writing and filed with the city clerk-treasurer. The city council shall act on said appeal within twenty days of the date of the appeal. The decision of the city council on the appeal shall be final unless an appeal by any aggrieved party, addressed to the appropriate county superior court, is made within ten calendar days of the date of council's decision.

b. New Section WMC 16.19.100 – The code section is amended to read as follows:

16.19.100 Appeal procedures.

Appeal procedures for administrative decisions are set forth in WMC 19.06 and 19.08.

3. Repeal and Replace. WMC 16.32.080

a. Old Section WMC 16.32.080 – The existing code section to be superseded and replaced reads as follows:

16.32.080 Appeal.

A person aggrieved by the decision of the administrator may appeal the decision to the city council not later than ten days following issuance of the decision. The appeal shall be made in writing and shall include a statement specifying the basis for such appeal. The administrator shall submit all reports, maps, findings and documentation pertaining to the application to the council for their consideration in this matter. The city council, following a public hearing giving adequate notice thereon, may affirm or reverse the administrator's decision or may refer the application to the administrator with instructions

to approve the same upon compliance with any conditions imposed by the city council. Upon appeal, the burden of proof is upon the appellant.

b. New Section WMC 16.32.080 – The code section is amended to read as follows:

16.32.080 Appeal.

Appeal procedures for administrative decisions are set forth in WMC 19.06 and 19.08.

4. Repeal and Replace. WMC 17.56.035

a. Old Section WMC 17.56.035 – The existing code section to be superseded and replaced reads as follows:

17.56.035 Off-street parking – Floodway use district.

All developments in the floodway use district shall provide adequate off-street parking for visitors, employees and delivery vehicles. The number of off-street parking spaces for developments in this district shall be determined by the public works director and based upon the information in the proponent's SEPA checklist or impact statement. Appeals of the director's determination may be made to the planning commission.

b. New Section WMC 17.56.035 – The code section is amended to read as follows:

17.56.035 Off-street parking – Floodway use district.

All developments in the floodway use district shall provide adequate off-street parking for visitors, employees and delivery vehicles. The number of off-street parking spaces for developments in this district shall be determined by the public works director and based upon the information in the proponent's SEPA checklist or impact statement. Appeal procedures for administrative decisions are set forth in WMC 19.06 and 19.08.

5. Repeal and Replace. WMC 17.56.045

a. Old Section WMC 17.56.045 – The existing code section to be superseded and replaced reads as follows:

17.56.045 Off-street parking – Heavy industrial district.

All developments in the heavy industrial district shall provide adequate off-street parking for employees, delivery vehicles and visitors. The number of off-street parking spaces for developments in this district shall be determined by the public works director and based upon information in the proponent's SEPA checklist or impact statement. Appeals of the director's determination may be made to the planning commission. Up to thirty-five percent of the employee parking spaces may be compact spaces.

b. New Section WMC 17.56.045 – The code section is amended to read as follows:

17.56.045 Off-street parking – Heavy industrial district.

All developments in the heavy industrial district shall provide adequate off-street parking for employees, delivery vehicles and visitors. The number of off-street parking spaces for developments in this district shall be determined by the public works director and based upon information in the proponent's SEPA checklist or impact statement. Appeal procedures for administrative decisions are set forth in WMC 19.06 and 19.08. Up to thirty-five percent of the employee parking spaces may be compact spaces.

6. Repeal and Replace. WMC 19.06.040

a. Old Section WMC 19.06.040 – The existing code section to be superseded and replaced reads as follows:

19.06.040 - Administrative approvals.

Administrative decisions regarding the approval or denial of the following applications or determinations/interpretations may be appealed to the hearing examiner within fourteen days of the final staff decision as set forth in WMC 15.04.225 (Refer to WMC 19.08.030 for other appeal authorities):

- A. All administrative interpretations/determination;
- B. Boundary line adjustments;
- C. Building permits;
- D. Preliminary short plats;
- E. Preliminary SEPA threshold determination (EIS required);
- F. Shoreline exemptions and staff-level substantial development permits;
- G. Sign permits;
- H. Temporary uses, administrative;
- I. Conditional uses, administrative.

b. New Section WMC 19.06.040 – The code section is amended to read as follows:

19.06.040 – Appeal of administrative approvals and determinations.

1. Administrative decisions regarding the approval or denial of applications or administrative determinations/interpretations may be appealed to the hearing examiner, Planning Commission, or City Council as set forth in WMC 19.08.030, within fourteen (14) days of the final staff decision. Appeal of any administrative decisions or determinations/interpretation not specifically listed in WMC 19.08.030 may be appealed to the hearing examiner.

2. Appeals concerning SEPA related determinations shall be reviewed as set forth in WMC 19.06.050, 19.08.030, and 17.81.110 through 17.81.150.

3. Appeals concerning non SEPA related matters shall be filed with the city planning department within fourteen (14) days after the final written administrative interpretation/determination date and shall be initiated by filing a written notice of appeal accompanied with the applicable appeal fee. Such a written notice of appeal shall include:

- a. The name and address of the party or agency filing the appeal;
- b. An identification of the specific administrative interpretation or determination for which appeal is sought; and
- c. A statement of the particular grounds or reasons for the appeal.

Such appeals shall be reviewed as set forth in WMC 19.08.030 and 17.81.110 through 17.81.150. An administrative decision shall become final when no appeal is filed within the fourteen (14) day appeal period.

4. Appeals concerning enforcement matters shall be reviewed by the hearing examiner as set forth in WMC 17.92.110 and .120.

7. Repeal and Replace. WMC 19.06.050

a. Old Section WMC 19.06.050 – The existing code section to be superseded and replaced reads as follows:

19.06.050 Appeal of SEPA related issues/administrative matters.

A. The city establishes the following administrative appeal procedures under RCW 43.21C.075 and WAC 197-11-680:

1. Any agency or person may appeal the city's approval, conditioning, lack of conditioning or denial of an action pursuant to WAC Chapter 197-11. All such appeals shall be made to the hearing examiner and must be filed within six days

after the comment period for the threshold decision has expired. This appeal and any other appeal of a land use action shall be considered together.

2. The following threshold decisions or actions are subject to timely appeal:
 - a. Determination of Significance. Appeal of a determination of significance (DS) or a claim of error for failure to issue a DS may only be appealed to the hearing examiner within that fourteen-day period immediately following issuance of such initial determination.
 - b. Determination of Nonsignificance or Mitigated Determination of Nonsignificance. Conditions of approval and the lack of specific conditions may be appealed to the hearing examiner within six calendar days after the SEPA comment period expires.
 - c. Environmental Impact Statement. A challenge to a determination of adequacy of a final EIS may be heard by the hearing examiner in conjunction with any appeal or hearing regarding the associated project permit. Where no hearing is associated with the proposed action, an appeal of the determination of adequacy must be filed within fourteen days after the thirty-day comment period has expired.
 - d. Denial of a Proposal. Any denial of a project or nonproject action using SEPA policies and rules may be appealed to the hearing examiner within six days following the final administrative decision.
3. For any appeal under this subsection the city shall keep a record of the appeal proceedings, which shall consist of the following:
 - a. Findings and conclusions; and
 - b. Testimony under oath; and
 - c. A taped or written transcript.
4. Any procedural determination by the city's responsible official shall carry substantial weight in any appeal proceeding.

B. The city shall give official notice under WAC 197-11-680(5) whenever it issues a permit or approval for which a statute or ordinance establishes a time limit for commencing judicial appeal.

b. New Section WMC 19.06.050 – The code section is amended to read as follows:

19.06.050 Appeal of SEPA related issues/administrative matters.

A. The city establishes the following administrative appeal procedures under RCW 43.21C.075 and WAC 197-11-680:

1. Any agency or person may appeal the City's procedural SEPA decision or threshold determination, such as a determination of significance (DS), determination of non-significance (DNS), mitigated determination of non-significance (MDNS), or adoption or issuance of a final environmental impact statement (EIS), or substantive SEPA decision which consists of any non-elected official's action with respect to conditioning, lack of conditioning or denial of an action pursuant to WAC Chapter 197-11.

No administrative appeals shall be allowed for other actions and/or determinations taken or made related to the SEPA reviews (such as a determination as to who is the lead agency, a determination as to whether a proposal is categorically exempt, scoping of EIS, draft EIS adequacy, etc.).

Except as provided in WMC 19.16.050.A.2, the appeal shall consolidate any allowed appeals of procedural and substantive determinations under SEPA with a hearing or appeal on the underlying governmental action in a single simultaneous hearing before the hearing examiner. The hearing or appeal shall be one at which the hearing examiner will consider either the City's decision or a recommendation on the proposed underlying governmental action. If no hearing or appeal on the underlying governmental action is otherwise provided, then no administrative SEPA appeal is allowed, except as allowed under WMC 19.06.050.A.2.

Any appeal of a procedural or substantive determination under SEPA issued at the same time as the decision on a project action shall be filed within fourteen (14) days after a notice of decision under RCW 36.70B.130 or after other notice that the decision has been made and is appealable. In order to allow public comment on a DNS prior to requiring an administrative appeal to be filed, this appeal period shall be extended for an additional seven days if the appeal is of a DNS for which public comment is required. For threshold determinations issued prior to a decision on a project action, any administrative appeal shall be filed within fourteen days after notice that the determination has been made and is appealable.

2. SEPA appeals that are not required to be consolidated with a hearing or appeal on the underlying governmental action include:

- a. An appeal of a determination of significance (DS);
- b. An appeal of a procedural determination made by an agency when the agency is a project proponent, or is funding a project, and chooses to conduct its review, including any appeals of its procedural determinations, prior to submitting an application for a project permit;
- c. An appeal of a procedural determination made by an agency on a nonproject action; and

- d. An appeal to the local legislative authority under RCW 43.21C.060 or other applicable state statutes.
3. All procedural and substantive SEPA appeals shall be initiated by filing a written notice of SEPA administrative appeal, accompanied with the applicable appeal fee. The written notice of appeal shall include:
 - a. The name and address of the party or agency filing the appeal;
 - b. An identification of the specific proposal and specific SEPA actions or determinations related to conditioning, lack of conditioning or denial of an action for which appeal is sought; and,
 - c. A statement of the particular grounds or reasons for the appeal.
 4. Procedural determinations made by the responsible official shall be entitled to substantial weight.
 5. For any appeal under this subsection the City shall keep a record of the appeal proceedings, which shall consist of the following:
 - a. Findings and conclusions; and
 - b. Testimony under oath; and
 - c. A taped or written transcript.
- B. The City shall give official notice under WAC 197-11-680(5) whenever it issues a permit or approval for which a statute or ordinance establishes a time limit for commencing judicial appeal.

8. Repeal and Replace. WMC 19.08

- a. **Old Chapter 19.08 – The existing code chapter to be superseded and replaced reads as follows:**

19.08.010 - Approval and appeal authorities.

The project review process for an application or a permit may include review and approval by one or more of the following processes:

Department Staff. Individual staff as assigned by the director shall have the authority to review and approve, deny, modify, or conditionally approve, among others, boundary line adjustments, administrative temporary and conditional use permits, building permits and other construction permits exempt from the State Environmental Policy Act, environmental determinations, review (including reviews of undersized lots of record) short plats, sign permits, certificates of occupancy, and shoreline exemptions, and to provide interpretations of codes and regulations applicable to such projects.

19.08.020 - Consolidation of appeals/completion of process.

A. Any development which includes a request for one or more variances shall be considered by the planning commission concurrently with the plat or plan to which it applies.

B. When a public hearing is required in conjunction with a project permit, the recommending authority shall issue its recommendation in sufficient time for the hearing examiner to issue a notice of final decision within one hundred twenty days of the date of the complete application.

C. In the event RCW 43.21C.075 or other state law shall now or in the future require the city to consolidate appeals of procedural determinations made under SEPA with any appeal of the underlying governmental action, both shall be consolidated in one open record hearing before the hearing examiner. Subsequent appeals of the consolidated open record hearing shall be governed by the city's SEPA appeals process as set forth in Section 19.08.030 of this chapter.

19.08.030 - Review and appeal authority.

The following table describes development permits and the final decision and appeal authorities. When separate applications are consolidated at the applicant's request, the final decision shall be rendered by the highest authority designated for any part of the consolidated application. Council decisions may be appealed to superior court except comprehensive plan decisions which may be appealed to the State Growth Management Hearings Board and final shoreline permit actions which may be appealed to the shoreline hearings board.

Key:	R	=	Recommendation to Higher Review Authority	D	=	Decision
	OP	=	Open Record Predetermination Hearing	SR	=	Staff Recommendation
	OPX	=	Optional Open Record Hearing	A	=	Appeal Decision
	C	=	Closed Record Appeal Hearing			

	Not Subject to RCW 36.70B	Public Works Department Staff	Development Review Committee	Hearing Examiner	Planning Commission	City Council
ZONING						
ADMIN. CONDITIONAL USE PERMITS		D		A (OPX)		
CONDITIONAL USE PERMITS			R	D (OP)		A (C)
TEMPORARY USE PERMITS		D		A (OPX)		
MAJOR VARIANCE			R	D (OP)		A (C)
MINOR VARIANCE			D		A (OP)	

SITE SPECIFIC ZONE CHANGES			SR		R (OP)	D (C)
ZONING TEXT AMEND (DEV. REG. CHANGES)			SR		R (OP)	D (OPX)
AREA WIDE MAP AMEND						D (OPX)
COMPREHENSIVE PLAN						
C.P. TEXT AMENDMENT			SR		R (OP)	D (OPX)
C.P. MAP AMENDMENT			SR		R (OP)	D (OPX)
LAND DIVISION						
RE-PLAT		R		D (OP)		A (C)
PLAT VACATION		R		D (OP)		A (C)
BOUNDARY LINE ADJUSTMENT		D				A (OP)
PRELIMINARY PLAT			SR		R (OP)	D (C)
SHORT PLAT		D				A (C)
FINAL PLAT			SR		R	D
PLANNED UNIT RESIDENTIAL DEVELOPMENT			SR		R (OP)	D (C)
BINDING SITE PLAN		D				A (C)
PLAT TIME EXTENSION			SR			D (C)
ENVIRONMENTAL						
CRITICAL AREAS PLAN		D		A (OP)		
SEPA DET.						
<u>1.</u> DNS		D		A (OP)		
<u>2.</u> MDNS		D		A (OP)		
<u>3.</u> DS/EIS		D		A (OP)		
<u>4.</u> SUPPLEMENTAL		D		A (OP)		
SHORELINES						
SUB. DEV. PERMIT			SR	D (OP)		
CONDITIONAL USE PERMIT			SR	D (OP)		
VARIANCE			SR	D (OP)		
EXEMPT		D		A (OP)		
SITE PLAN REVIEW						
COMMERCIAL			D		A (OP)	A (C)
INDUSTRIAL			D		A (OP)	A (C)
MULTI FAMILY			D		A (OP)	A (C)
M/H PARK			D		A (OP)	A (C)
OTHER						
BLDG. PERMIT W/SEPA		#		A (OP)*		

Decision made by Building Official

* If appeal includes SEPA matters

19.08.040 - Conflicts.

In the event of conflicts between the procedural requirements of this title and other development regulations of the city, the provisions of this title shall control.

b. New Chapter WMC 19.08 – The code chapter is amended to read as follows:

Chapter 19.08 APPROVAL, REVIEW AND APPEAL AUTHORITY

Sections:

19.08.010 Department staff approval authorities.

19.08.020 Consolidation of review and appeal process.

19.08.030 Review and appeal authority.

19.08.040 Conflicts.

19.08.010 Department staff approval authorities.

As outlined in 19.08.030, department staff as assigned by the director or the DRC shall have the authority to review and approve, deny, modify, or conditionally approve, land use or environmental permits or licenses required from the City for a project action, including but not limited to, site plan review, boundary line adjustments, administrative temporary and conditional use permits, building permits and other construction permits, SEPA procedural and substantive determinations, short plats, binding site plans, minor variances, minor modifications to approved administrative conditional use permits and conditional use permits, phasing and expiration extensions of subdivision preliminary plats, sign permits, certificates of occupancy, critical area permits, floodplain development permits, and shoreline exemptions, and to provide interpretations of codes and regulations applicable to such projects.

19.08.020 Consolidation of review and appeal process.

A. A written notice of final decision concerning project permits shall be issued within one hundred twenty (120) days of the date of the complete application. The 120-day limit may be extended by agreement between the applicant of the project and City. The following periods of time shall be excluded from the 120 days.

1. The City requires the applicant to correct plans, perform required studies, or provide additional information concerning the project;
2. An Environmental Impact Statement (EIS) is being prepared;
3. Any administrative appeal of project permits is being processed; or

4. Exemption from the above timelines is specifically allowed in accordance with city, state, or federal law.

B. When separate applications are consolidated at the applicant's request, the final decision shall be rendered by the highest authority designated for any part of the consolidated application.

19.08.030 Review and appeal authority.

The following table describes development permits and the final decision and appeal authorities.

All applicable administrative appeals shall be exhausted prior to initiation of judicial review. All judicial appeals shall be made to county superior court in accordance with RCW 36.70.C except comprehensive plan policy decisions or updates which may be appealed to the State Growth Management Hearings Board and final shoreline permit actions which may be appealed to the Shoreline Hearings Board. As per WMC 19.06.050, appeal of the City's procedural SEPA decision or threshold determination shall be consolidated with a hearing or appeal on the underlying governmental action in a single simultaneous hearing before the hearing examiner and any further appeal shall be made to county superior court. When decision making authority rests with the City Council, appeal shall be to the county superior court. Appeal procedures for decisions and interpretations of the fire chief and building official are set forth in WMC 14.48.

Key:	R	=	Recommendation to Higher Review Authority	D	=	Decision
	OP	=	Open Record Predecision Hearing	SR	=	Staff Recommendation with Staff Report
	C	=	Closed Record Appeal Hearing	A	=	Appeal Decision
	ORH	=	Open Record Hearing			

	PUBLIC WORKS DEPARTMENT STAFF	DEVELOPMENT REVIEW COMMITTEE	HEARING EXAMINER	PLANNING COMMISSION	CITY COUNCIL
ZONING					
ADMINISTRATIVE CONDITIONAL USE PERMITS	D		A (ORH)		
CONDITIONAL USE PERMITS		SR	D (OP)		A (C)
MINOR MODIFICATION TO APPROVED CONDITIONAL USES AND ADMINISTRATIVE CONDITIONAL USES		D		A (ORH)	
ADMINISTRATIVE TEMPORARY USE PERMITS	D		A (ORH)		
MAJOR VARIANCE		SR	D (OP)		A (C)
MINOR VARIANCE		D		A (ORH)	
SITE SPECIFIC ZONE CHANGES		SR		R (OP)	D
ZONING TEXT AMENDMENT (DEVELOPMENT REGULATION CHANGES)		SR		R (OP)	D
AREA WIDE MAP AMEND		SR		R (OP)	D

	PUBLIC WORKS DEPARTMENT STAFF	DEVELOPMENT REVIEW COMMITTEE	HEARING EXAMINER	PLANNING COMMISSION	CITY COUNCIL
COMPREHENSIVE PLAN					
COMPREHENSIVE PLAN TEXT AMENDMENT		SR		R (OP)	D
COMPREHENSIVE PLAN MAP AMENDMENT		SR		R (OP)	D
LAND DIVISION					
RE-PLAT	SR		D (OP)		A (C)
PLAT VACATION	SR		D (OP)		A (C)
BOUNDARY LINE ADJUSTMENT	D				A (ORH)
PRELIMINARY PLAT		SR		R (OP)	D
VARIANCE RELATED TO PRELIMINARY PLAT		SR		R (OP)	D
PHASING AND EXPIRATION EXTENSION OF APPROVED PRELIMINARY PLAT		D			A (ORH)
SHORT PLAT	D				A (ORH)
VARIANCE RELATED TO		SR			D (OP)

	PUBLIC WORKS DEPARTMENT STAFF	DEVELOPMENT REVIEW COMMITTEE	HEARING EXAMINER	PLANNING COMMISSION	CITY COUNCIL
SHORT PLAT					
FINAL PLAT		SR		R	D
PLANNED UNIT RESIDENTIAL DEVELOPMENT		SR		R (OP)	D
BINDING SITE PLAN	D				A (ORH)
ENVIRONMENTAL					
CRITICAL AREAS PERMIT	D		A (ORH)		
SEPA PROCEDURAL DETERMINATION					
1. DNS	D		A (ORH) ^{*1}		
2. MDNS	D		A (ORH) ^{*1}		
3. DS/EIS	D		A (ORH) ^{*1}		
SHORELINES					
SUBSTANTIAL DEVELOPMENT PERMIT		SR	D (OP) ^{*2}		
CONDITIONAL USE PERMIT		SR	D (OP) ^{*2}		
VARIANCE		SR	D (OP) ^{*2}		
EXEMPTION	D		A (ORH) ^{*2}		

	PUBLIC WORKS DEPARTMENT STAFF	DEVELOPMENT REVIEW COMMITTEE	HEARING EXAMINER	PLANNING COMMISSION	CITY COUNCIL
EXTENSION OF SHORELINE RELATED PERMIT	D		A (ORH)		
SITE PLAN REVIEW					
COMMERCIAL		D			A (ORH) ^{*3}
INDUSTRIAL		D			A (ORH) ^{*3}
MULTI FAMILY		D			A (ORH) ^{*3}
OTHER USES		D			A (ORH) ^{*3}
MOBILE HOME PARK		D			A (ORH) ^{*3}
OTHER					
BLDG. / GRADING / FILL PERMIT W/SEPA	Building Official				
SIMILAR USE DETERMINATION		SR		D	A (ORH)
FLOODPLAIN DEVELOPMENT PERMIT	D ^{*4}		A (ORH)		
APPEAL OF ENFORCEMENT ACTION PER WMC 17.92		SR	A (ORH)		

	PUBLIC WORKS DEPARTMENT STAFF	DEVELOPMENT REVIEW COMMITTEE	HEARING EXAMINER	PLANNING COMMISSION	CITY COUNCIL
<i>APPEAL OF ADMINISTRATIVE DECISIONS UNRELATED TO SEPA OR ENFORCEMENT ACTION PER WMC 17.92</i>		SR	D (OP)		A (C)
APPEAL OF DECISIONS RELATED TO TAKINGS OR SUBSTANTIVE DUE PROCESS RELATED ISSUES AS OUTLINED IN WMC 17.81.095		D	A (ORH)		
WAIVER OF VIOLATION AS OUTLINED IN WMC 17.81.020.C			D (OP)		

*1 See WMC 19.06.040 and .050.

*2 Appeals of the hearing examiner's decisions shall be reviewed by the Shoreline Hearings Board. Shoreline Conditional Use Permits and Variances must also be approved by the Department of Ecology.

*3 Unless the appeal includes SEPA related matters in which case appeal is to the Hearing Examiner as set forth in WMC 19.06.050.

*4 Preferably the City's Floodplain Manger.

9. 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 constitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

10. Effective Date.

This ordinance shall become effective five (5) days after its publication in the media or paper of record as required by law.

11. Publishing.

A Summary of this Ordinance shall be published.

ADOPTED IN OPEN MEETING _____ DAY OF _____, 2012.

CITY OF WOODLAND, WASHINGTON

Approved:

Grover Laseke, Mayor

Attest:

Mari E. Ripp, Clerk / Treasurer

Approved as to form:

Bill Eling, City Attorney

