

9-24-79

ORIGINAL

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 2766

AN ORDINANCE establishing a time limitation on appeals to Superior Court of City Council decisions on appeals under Bellevue City Code 22.02.082; providing for a filing fee; amending Ordinance No. 2603, Section 2 and Bellevue City Code 22.02.082; and redesignating Bellevue City Code 22.02.081 and 22.02.082 as 22.02.140 and 22.02.150, respectively.

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Section 2 of Ordinance No. 2603, and Bellevue City Code 22.02.082 are amended to read as follows:

22.02.082 Appeal of decision attaching conditions to the approval of a proposal, or denying a proposal.

- A. Any action of the city, which is taken by a nonelected official thereof, approving a proposal subject to conditions, or denying a proposal, under the authority of Section 22.02.140 hereof, which action does not require approval of the city council, may be appealed to the city council by any person aggrieved by such action.
- B. Any such appeal must be made by filing a written notice of appeal, identifying the grounds therefor, with the city clerk within ten days of the date of the action appealed.
- C. The city council hereby designates the hearing examiner, established under Bellevue City Code (Land Use Code) Chapter 20.40, as the hearing body for such appeals. The hearing examiner shall conduct such hearings in accordance with such rules and regulations as the examiner has established under Bellevue City Code Section (Land Use Code) 20.40.250(C) and, following such hearing, shall enter written findings and conclusions and a recommendation based thereon for transmittal to the city council. The city council shall consider the record of the hearing, the findings and conclusions and the recommendation of the hearing examiner at a public meeting and may either accept, accept with modifications or reject the recommendation of the hearing examiner.

- D. The decision of the city council shall be a final decision, appealable only to the Superior Court for King County, within twenty (20) days of the Council decision.
- E. Where another appeals procedure is provided under the Bellevue City Code for a decision of the city, the appeals procedures provided hereunder shall govern where the appeal is based on the imposition of conditions or the denial of a proposal under the authority of this chapter.
- F. A fee of one hundred dollars shall accompany the written notice of appeal and be filed during the appeal period with the city clerk. No notice of appeal shall be accepted unless accompanied by full payment of the filing fee. Said fee shall be utilized to cover publication costs, mailing and other costs directly associated with the appeal. Should the Council reverse the decision appealed, or remand the decision to the official responsible for the decision and further find there was merit to the appeal, the one-hundred-dollar appeal fee shall be returned to the appellant.
- G. This section does not apply to permits and variances issued pursuant to RCW 90.58, the Shorelines Management Act.


Section 2. Bellevue City Code Sections 22.02.081 and 22.02.082 are hereby redesignated Sections 22.02.140 and 22.02.150 respectively.

Section 3. Subsection (D) of Section 1 above, establishing a time limitation for appeal to Superior Court, shall apply retroactively to any appeal heretofore filed.

Section 4. This ordinance shall take effect and be in force five days after its passage and legal publication.

PASSED by the City Council this 15 day of October, 1979, and signed in authentication of its passage this 15 day of October, 1979.


(SEAL)


Gary A. Zimmerman, Mayor

Approved as to form:


Lee Kraft, City Attorney

Attest:


Patricia K. Weber, City Clerk

Published October 20, 1979