



CITY OF AUBURN
Planning & Development Department
Auburn City Hall Annex, 2nd Floor
1 East Main Street
Auburn, Washington 98001-4998
Tel: 253.931.3090
Fax: 253.804.3114
permitcenter@auburnwa.gov
www.auburnwa.gov

APPEAL OF AN ADMINISTRATIVE DECISION

APPEAL OF AN ADMINISTRATIVE DECISION APPLICATION – INTRODUCTION

What is an Administrative Decision?

An administrative decision, as defined under current City Code, is a decision made by any City department head or his/her designee. These decisions include, but are not limited to, building permits, plumbing permits, mechanical permits, utility permits, special permits, excavation permits, land clearing permits, grading permits, floodplain development permits, right-of-way use permits, home occupation permits, temporary use permits (administrative), administrative use permits, and approval of boundary line adjustments, public facility extension agreements, short subdivisions (plats), mobile home closure plans, and environmental review determinations.

How long will I have to appeal an Administrative Decision?

All appeals of project decisions and/or environmental review determinations must be filed within 14 days following the date specified on the notice of decision. An extra 7 days to make the appeal is allowed on Determinations of Non-Significance (DNS) and Environmental Impact Statements (EIS).

What is the Administrative Appeal process like?

Determination of Significance appeals excluded, all administrative appellants will be afforded with no more than one (1) consolidated open record hearing. If a consolidated open record hearing has already taken place before the permit(s) decision, the appellant shall be provided with one closed record hearing for the appeal. The appeal will take place in a public hearing before the City of Auburn Hearing Examiner. Hearing Examiner decisions may be appealed to the superior court of the county in which the property is located.

What is the role of the Hearing Examiner?

The Hearing Examiner is responsible by City Code to interpret, review, and implement land use regulations and other ordinances and regulations. He/she reviews recommendations from City Staff and conducts a public hearing where the public can make written and verbal comments on the appeal. Following the public hearing, the Hearing Examiner issues a written decision.

On what basis will the Hearing Examiner reverse the Administrative Decision?

The Hearing Examiner may reverse the Administrative Decision if the decision is:

1. in violation of constitutional provisions;
2. in excess of the authority of the official;
3. made upon an unlawful procedure;
4. affected by other error of law;
5. clearly erroneous;
6. arbitrary or capricious.

It is the responsibility of the appellant to demonstrate how and why an administrative decision meets the basis for reversal.



APPEAL OF AN ADMINISTRATIVE DECISION APPLICATION – INTRODUCTION [CONTINUED]

How long before I know the administrative decision I am appealing has been affirmed, remanded, or denied?

Current City code requires that all land use decisions be made within 120 days from the date of a complete application submittal, unless the applicant and city mutually agree to extend the processing of the application longer than 120 days. The Hearing Examiner will issue a decision within 10 days of the public hearing or in extraordinary cases, within 20 days.

PLEASE NOTE: Applicants are responsible for complying with all City Codes and ordinances; and should review all City regulations that may be applicable to their proposed project. For assistance in determining which regulations are applicable, please contact the City of Auburn Permit Center.



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OFFICE USE ONLY

FILE #: _____

APPEAL OF AN ADMINISTRATIVE DECISION APPLICATION

APPLICANT: Use mailing address for meeting notification. Check box if Primary Contact

COMPANY: _____

ADDRESS: _____

(CITY, STATE, ZIP) _____

PHONE: _____ FAX: _____ E-MAIL: _____

SIGNATURE: _____ PRINTED NAME: _____

(Signature Required)

APPLICANT'S REPRESENTATIVE: Check box if Primary Contact

COMPANY: _____

ADDRESS: _____

(CITY, STATE, ZIP) _____

PHONE: _____ FAX: _____ E-MAIL: _____

SIGNATURE: _____ PRINTED NAME: _____

(Signature Required)

PROPERTY OWNER(S): Attach separate sheet if needed. Check box if Primary Contact

COMPANY: _____

ADDRESS: _____

(CITY, STATE, ZIP) _____

PHONE: _____ FAX: _____ E-MAIL: _____

SIGNATURE: _____ PRINTED NAME: _____

(Signature Required)



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APPEAL OF AN ADMINISTRATIVE DECISION

APPEAL OF AN ADMINISTRATIVE DECISION – SUBMITTAL CHECKLIST

DIGITAL COPIES OF WRITTEN MATERIALS

Please provide a labeled and readable compact disc(s) containing digital versions of all submitted written materials and graphics for use by the City of Auburn during the administrative appeal process. Staff will use this information in report preparation and public noticing so please be sure to provide current and accurate information. Written materials should be submitted to be compatible with Microsoft Office desktop software products. Plans and graphics should be submitted in *pdf* or *tif* format.

APPLICATION FEES - Make checks payable to the City of Auburn

All application fees, including, but not limited to: fee for an Appeal of Administrative Decision. Some fees will not be invoiced until actual costs are known. Current fee schedule can be found @ http://www.auburnwa.gov/business/Permits_Licenses.asp under 'Permit and Application Fees'. The City of Auburn accepts cash, checks, Visa and Mastercard.

WRITTEN MATERIALS – Total of ten (10) copies unless otherwise noted

A. **APPLICATION FORM** Provide a **completed** application form signed by the property owner(s) and/or applicant with the completed Application Submittal Checklist. (**One [1] original and 9 copies**)

B. **WRITTEN DECISION/DETERMINATION** Provide **one (1)** copy of the written decision/determination being appealed. If you have not yet received a written decision/determination, requests must be submitted to the appropriate public official which will be fulfilled within 5 days of receipt.

C. **WRITTEN STATEMENT.** Provide a detailed statement where the appellant must clearly address:

1. The errors which the appellant believes were made in the action or decision which is being appealed, or the procedural irregularities associated with the action or decision;
2. Specific reasons why the city's action or decision should be reversed or modified;
3. The harm which is expected to be suffered by the appellant as a result of the action or decision being appealed. If the appellant is a group or organization, the harm to any one or more members of the group or organization must be stated;
4. The desired outcome of the appeal.

D. **APPEAL OF AN ADMINISTRATIVE DECISION APPLICATION SUBMITTAL CHECKLIST –** Addressing written material.