

request because, in the context of land use decisions in Washington, “even illegal decisions must be challenged in a timely, appropriate manner.” *Habitat Watch v. Skagit County*, 155 Wn.2d 397 (2005). The *Habitat Watch* case is particularly relevant as it involved a situation where a group that was party to previous public hearings on a land use proposal appealed the approval of a later extension request on the grounds that notice and a public hearing were not provided. *155 Wn.2d at 397*. The Washington Supreme Court ruled that, despite the deficiencies with notice, the decision was not timely challenged and, therefore, final. Here, because the September 20, 2017 decision was neither appealed nor revoked, it became final and the Technical Committee’s second decision denying the request constituted an invalid reconsideration of the initial decision. *See, e.g., Nykreim*, 146 Wn.2d 904 (2002). This is especially true in light of long-standing policies and jurisprudence in Washington favoring the finality of land use decisions. *See, e.g., Samuel’s Furniture v. Dep’t of Ecology*, 147 Wn.2d 440 (2002). *Findings 1 – 27*.

DECISION

Because the Technical Committee sent the Appellant a “written document indicating approval” of the project on September 20, 2017, as required by Redmond Zoning Code (RZC) 21.76.060.E.2, and because that decision was neither appealed by any interested party nor properly revoked by the City, the decision was, by default, a final decision of the Technical Committee. Accordingly, the Technical Committee’s subsequent decision denying the proposal was invalid, and the appeal to overturn the denial of the extension is **GRANTED**.

Decided this 20th day of March 2018.



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