CityofRedmond
WASHINGTON

APPEAL APPLICATION FORM

To file an appeal of a Type I or II decision or a SEPA determination, please complete the attached form and pay the applicable fee by 5:00 p.m. on the last day of the appeal period.

Form submission and payment must be by PERSONAL DELIVERY at City Hall 2nd Floor Customer Service Center c/o Office of the City Clerk-Hearing Examiner, 15670 NE 85th Street. Contact the Office of the Hearing Examiner with process questions at 425-556-2191.

Standing to Appeal:

- **Appeal to the Hearing Examiner of a SEPA determination -** Any interested person may appeal a threshold determination, adequacy of a final EIS, and the conditions or denials of a requested action made by a nonelected City official based on SEPA. No other SEPA appeals shall be allowed.
- **Appeal to the Hearing Examiner of an Administrative, Technical Committee or Design Review Board Decision (Type I or II) -** the project applicant, owner, or any person who submitted written comments (party of record) prior to the date the decision was issued may appeal the decision. The written appeal and the applicable fee must be received by the City of Redmond's Office of the Hearing Examiner no later than 5:00 p.m. on the 14th calendar day following the date of the decision.

Should the appellant prevail in the appeal, the application fee will be refunded (City of Redmond Resolution No. 1459). The application fee will not be refunded for appeals that are withdrawn or dismissed.

Hearing Examiner or City Council decision may be appealed to Superior Court by filing a land use petition which meets the requirements set forth in RCW Chapter 36.70C. The petition must be filed and served upon all necessary parties as set forth in State law and within the 21-day time period as set forth in RCW Section 36.70C.040. Requirements for fully exhausting City administrative appeal opportunities must be fulfilled.

Please continue to page 2 to select your appeal type.

(Staff Use Only)

File No: _____
Date Received: _____
Receipt No. _____

RECEIVED
CITY OF REDMOND
DEC 21 2017
OFFICE OF THE
HEARING EXAMINER

Please check the applicable appeal:

☐ Appeal to the Hearing Examiner of a SEPA determination *RZC 21.70.190(E).* ***(Please be sure to understand the type of SEPA appeal you are filing, and if a further appeal to the underlying action is needed.)***

☑ Appeal to the Hearing Examiner of an Administrative, Technical Committee or Design Review Board Decision (Type I or II) *RZC 21.76.060(I)*

Section A. General Information

Name of Appellant: Greg Wilson - Wilmoor Development Corp.

Address: 16981 Redmond Way

City: Redmond State: WA Zip: 98052

Email: greg.wilmoor@gmail.com

Phone: (home) _____ (work) 425-885-2287 (cell) 206-498-7837

Name of project that is being appealed: Rose Hill Cottages

File number of project that is being appealed: LAND-2013-01720

Date of decision on project that is being appealed: 12/8/17

Expiration date of appeal period: 12/22/17

What is your relationship to the project?
☐ Party of Record ☑ Project Applicant ☐ Government Agency

Pursuant to the Redmond Zoning Code, only certain individuals have standing to appeal a decision on application or appeal (See page 1 above). Below, please provide a statement describing your standing to appeal, and reference all applicable City Code citations.

Appeal by the project applicant of a decision by the City of Redmond Technical Committee.

Section B. Basis for Appeal

Please fill out items 1-4 below. Reference all applicable City Code citations and attach additional sheets if necessary.

1. Please state the facts demonstrating how you are adversely affected by the decision:

See Attachment.

2. Please provide a concise statement identifying each alleged error of fact, law, or procedure, and how the decision has failed to meet the applicable decision criteria:

See Attachment.

3. Please state the specific relief requested:

See Attachment.

4. Please provide any other information reasonably necessary to make a decision on the appeal:

See Attachment.

Do not use this form if you are appealing a decision on a:

- Shoreline Permit (must be appealed to the State Shoreline Hearings Board *RZC 21.68.200(C)(6)(b)*)
- Shoreline Variance or a Shoreline Conditional Use Permit (must be appealed to the State Shoreline Hearings Board *RZC 21.68.200(C)(6)(c)*)
- Hearing Examiner decision on a SEPA appeal (not an appealable action as successive appeals are not allowed *RZC 21.70.190(D)*)
- Hearing Examiner decision on an application (must be appealed to Superior Court)
- City Council approval or denial (must be appealed to Superior Court *RZC 21.76.060(Q)*)

Attachment

Appeal to the Hearing Examiner of a Technical Committee Decision to deny a request for extension

Rose Hill Cottages (File #LAND-2013-01720)

1. Decision by the Technical Committee to deny a one year extension of the Rose Hill Cottages Site Plan Entitlement (File #LAND-2013-01720) pursuant to the Redmond Zoning Code (RZC 21.76.090).

2. The City of Redmond Zoning Code (RZC 21.76.090) provides for extensions on a "yearly basis by the approval authority upon showing proper justification." Proper justification consists of one of more of the following:

a) Economic Hardship
b) Change of Ownership
c) Unanticipated construction and/or site design problems
d) Other circumstances beyond the control of the applicant determined acceptable by the approval authority

The city erred in its decision on this extension request. This extension qualifies under both paragraphs (c) and (d) of the above referenced conditions.

The applicant has been working with Toll WA LP (aka, Toll Brothers) and city staff on site and feasibility analysis regarding a new SPE application for the property to resolve unanticipated site design problems. This new application has encountered delays at the city planning level which are beyond the control of the applicant. These substantial efforts to make progress on the entitlements should qualify this approved SPE for a one year extension.

3. The Hearing Examiner should direct city staff to approve the extension request of the Rose Hill Cottages Site Plan Entitlement (File #LAND-2013-01720).

4. The extension request of the Site Plan Entitlement approval will be demonstrated through evidence presented during the appeal hearing.