



CITY OF BLACK DIAMOND

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Proposed Code Amendments

18.08.090 - City council decisions—Type 6.

- A. Type 6 decisions are quasi-judicial decisions or other decisions, not necessarily requiring the filing of a project permit application, made by the city council following a recommendation by staff.
- B. Type 6 decisions include, but are not limited to, the following:
 - 1 Final plat approvals; and
 - 2 Final assessment roll hearings for local improvement districts and utility local improvement districts.

18.08.125 - Notice requirements table.

- A. Notice shall be provided using the following methods for each decision type. Specific applications with unique noticing requirements are noted individually.

TABLE 18-1

Decision Type	Mail	Publish	Post	Online	Other
Type 1	N.A.	N.A.	N.A.	N.A.	N.A.
Type 2	X	X	X	X	
•Formal code interpretation		X		X	
Type 3	X	X	X	X	
Type 4	X	X	X	X	X
Type 5	X	X	X	X	
•Zoning Code text amendment		X		X	
Type 6				X	X
→Final Plat			X	X	
→Other		X			



18.08.200 - Appeal structure.

Table 18.08.200-1 provides a summary of the appeal structure for Type 1—6 applications.

Table 18.08.200-1 Summary of Appeal Structure

Process Type	Decision maker	Appeal to	Further appeal
Type 1	Director	Hearing Examiner	N.A.
Type 2	Director	Hearing Examiner	Court
Type 3, except shoreline applications	Hearing Examiner	Superior Court	Court
Type 4 and 6	City Council	Superior Court	N.A.
Type 5	City Council	Growth Management Hearings Board (GMHB)	Court
Type 3 Shoreline application	Hearing Examiner	Shorelines Hearings Board	Court
Note that a consolidated permit process may change the initial decision maker for Type 2 shoreline applications and for Type 3 applications consolidated with Type 4 applications.			

18.08.210 - Administrative appeals.

- A. Who May Appeal. Any aggrieved party of record may file an administrative appeal of a Type 1~~7~~ or 2 ~~or 3~~ decision.
- B. Time and Place to Appeal. Appeals of a Type 1~~7~~ or 2 ~~or 3~~ decision shall be addressed to the hearing examiner and filed in writing with the department within fourteen calendar days of the notice of decision, except for shoreline appeals.
- C. Shoreline Appeals. Appeals of a shoreline substantial development permit, shoreline conditional use permit, or shoreline variance decision shall be filed with the state shorelines hearings board pursuant to RCW 90.58.180
- D. Fees. Each appeal filed on a non-shoreline decision shall be accompanied by a filing fee in the amount established in the city's schedule of fees.
- E. Form of Appeal. A person appealing a Type 1 decision must file a written statement setting forth
 - 1 Facts demonstrating that the person is aggrieved by the decision;
 - 2 A concise statement identifying each alleged error and the manner in which the decision fails to satisfy the applicable decision criteria;
 - 3 The specific relief requested; and
 - 4 Any other information reasonably necessary to make a decision on appeal.
- F. Limitation on new appeal issues. No new substantive appeal issues may be raised or submitted after the close of the time period for filing of the original appeal. The hearing examiner may allow an appellant not more than fifteen days to perfect an otherwise timely filed appeal.
- G. Electronic submittal of comments and supporting documents for all administrative reviews and appeals shall be allowed, subject to any procedural conditions that may be imposed by the hearing examiner during the pendency of an appeal.