



Planning and Community Development Department

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**APPEAL TO THE CITY COUNCIL OF A
PRELIMINARY PLAT DECISION BY THE HEARING EXAMINER**

Office Use Only

TRAKIT Project / Case # _____ Date Application Received _____

Assigned to: _____

THIS APPEAL FORM AND FEE MUST BE SUBMITTED NO LATER THAN 5 P.M. ON THE 14TH DAY FOLLOWING THE DATE THE NOTICE OF DECISION WAS ISSUED.

APPELLANT INFORMATION (Person or group making appeal)

1. Appellant:

If several individuals are appealing together, list the additional names and addresses on a separate sheet and identify a representative in #2 below. If an organization is appealing, indicate group's name and mailing address here and identify a representative in #2 below.

Name _____

Address _____

Phone: _____ Email Address: _____

2. Authorized Representative:

Name of representative if different from the appellant indicated above. Groups and organizations must designate one person as their representative/contact person.

Name _____

Address _____

Phone: _____ Email Address: _____

APPEAL OF HEARING EXAMINER DECISION

(Excerpt from the Bellingham Municipal Code, Chapter 21.10.120)

O. Appeal of a Type III-B Decision to the City Council. A Type III-B decision may be appealed to the city council under the procedures in Chapter [1.26](#) BMC and as follows:

1. **Who May Appeal.** Any aggrieved party or city department.
2. **Form of Appeal.** A person appealing the decision must submit a completed appeal form to the planning and community development department which sets forth:
 - a. The action or decision appealed, including the date thereof;
 - b. Facts demonstrating that the person is adversely affected by the decision;
 - c. A concise statement identifying each alleged error and the manner in which the decision fails to satisfy the applicable decision criteria;
 - d. The specific relief requested; and
 - e. Any other information reasonably necessary to make a decision on the appeal.
3. **Time to Appeal.** The written appeal and the appeal fee, if any, must be received by the planning and community development department office as specified on the appeal form no later than 5:00 p.m. on the fourteenth day following the date the notice of decision was issued.
4. **Notice of Appeal.** A city council closed record hearing date shall be set. The city shall provide written notice of the hearing to the appellant, applicant, hearing examiner, director and city attorney. Notice shall be mailed or sent no less than 10 days prior to the appeal hearing.
5. **City Council Closed Record Hearing.** The city council shall conduct a closed record hearing on the appeal consistent with the procedures in Chapter [1.26](#) BMC. The appellant, the applicant, and the city shall be designated parties to the appeal.
6. **City Council Decision on Appeal.** The city council shall prepare findings and conclusions and issue a written decision to grant, grant with modifications, or deny the appeal within 60 days from the date the original appeal period closed. The city council may take any action provided in BMC [1.26.020](#).

P. Appeal of City Council Decision. A final decision by the city council on appeal may be appealed to superior court by filing a land use petition which meets the requirements set forth in Chapter [36.70C](#) RCW. 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 [36.70C.040](#). Requirements for fully exhausting city administrative appeal opportunities must be fulfilled. [Ord. 2020-03-005 § 5; Ord. 2008-08-079; Ord. 2004-09-065].