

SEPA Conformance BCCA
Strike-Draft

Title 22 Development Code

Chapter 22.02 Bellevue Environmental Procedures Code

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22.02.150 Administrative appeal of decision approving a proposal, with or without conditions, or denying a proposal.

- A. *General.* A Process I decision of the hearing examiner approving a proposal with or without SEPA conditions or denying a proposal under the authority of BCC 22.02.140 and a decision of the director approving a Process V permit with or without SEPA conditions or denying a Process V proposal under the authority of BCC 22.02.140 may not be administratively appealed. A Process II or other administrative decision of the applicable department director approving a proposal with or without SEPA conditions or denying a proposal under the authority of BCC 22.02.140 may be administratively appealed. The appeal will be processed in conjunction with the administrative appeal for the underlying action. In cases where no administrative appeal is provided for the underlying action, the appeal will be provided as a Process II appeal (LUC 20.35.200 et seq.), except that there is no administrative appeal of SEPA associated with a Process V proposal. ~~A Process I decision of the hearing examiner approving a proposal with or without SEPA conditions or denying a proposal under the authority of BCC 22.02.140 may be appealed to the city council in conjunction with the underlying Process I decision.~~ Only one SEPA appeal may be conducted for a proposal. The SEPA appeal must consolidate consideration of procedural and substantive issues and must be held in conjunction with any appeal of the underlying action; provided, that an appeal of a determination of significance shall be conducted prior to any appeal on the underlying action and an appeal of a determination of nonsignificance for a Process I decision shall be conducted and decided by the hearing examiner in conjunction with the public hearing for the proposal.

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- E. *Time to Appeal Administrative Decision.* A written statement appealing the substantive decision of the applicable department director must be filed with the city clerk within 14 days of the date the decision was mailed or otherwise became effective, or, if the decision is issued concurrently with a determination of nonsignificance for which a comment period is required by state or local rules, within 21 days of the decision. ~~An appeal of a Process I decision by the hearing examiner shall be filed with the city clerk within 14 days of the date of the decision.~~

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