



# **Proposed revision to the Rules of Procedure for Appeals before the City Council**

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# Policy Question

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Whether Council's Rules of Procedure for Appeals, currently contained in Resolutions 5238 and 5097 should be updated and consolidated into a single resolution and further amended to conform to changes in state law implementing the Growth Management Act and the City's Land Use Code Chapter 20.35 setting forth the processes for appealing certain decisions to City Council.



# Proposed Changes

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## Modernize language

- Council's Rules of Procedure for Appeals last updated in the early 1990s
- Current version does not reflect Growth Management Act and regulatory reform



# Proposed Changes

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## Update timeline and process

- Submittal of briefs occur within 24 hours of publication of materials for Council
- Added time for City Attorney review and to strike extra-record evidence not within the Hearing Examiner record
- Add requirement that briefs contain citations to the record made before the Hearing Examiner.

# Proposed Changes

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## Increased clarity

- Correct perception that appeals to Council are open record hearings
- Clarify rules to testimony
- Add reference to Chapter 20.35 LUC for standards of appeal.



# Direction needed from Council

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- Feedback on proposed amendments;
- Direction to return with new legislation at a future Council meeting.



# Summary of Proposed Changes

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- ✓ Consolidate procedure into one Resolution
- ✓ Clarify that appeals to Council are closed record
- ✓ Simplify transcription cost waiver process
- ✓ Amend submittal deadline of briefs by the parties
- ✓ Limit length of briefs
- ✓ Add reference to City's Land Use Code for the standard of review and burden of proof