



TRAFFIC CONCURRENCY APPEAL APPLICATION

Appeals (KMC Title 25)

The concurrency test notice may be appealed by the public or agency with jurisdiction. The concurrency test notice is subject to an appeal until the SEPA review process is complete and the appeal deadline has passed. For developments that are SEPA exempt, the public can appeal the concurrency test notice decision within 14 days of the concurrency test notice; please see KMC Title 25 for more details. Please complete the back page and include the application with your appeal letter and submit it to the Public Works Department prior to the appeal deadline for the development project.

Decisions to be appealed.

The concurrency test decision of the public works official may be appealed except that the appeal cannot be for the following reasons:

- (1) The methodology of the concurrency test in the comprehensive plan and in this title is incorrect;
- (2) The adopted level of service established in the comprehensive plan is incorrect; and
- (3) A provision of this title is incorrect or invalid. (Ord. 3830 § 1 (part), 2002)

Who may request an appeal.

Only the following may appeal:

- (1) The applicant or authorized agent of the property owner;
- (2) Any agency with jurisdiction; and
- (3) Any individual or other entity who is specifically and directly affected by the proposed development. (Ord. 3830 § 1 (part), 2002)

Filing of appeal.

- (1) The appeal must be filed with the public works official within fourteen calendar days of the issuance of a concurrency test notice.
- (2) The appeal must be in writing and designated as a "notice of appeal," and must contain a brief and concise statement of the matter being appealed, the specific components or aspects of the decision that are being appealed, the basic rationale or contentions on appeal, and a statement demonstrating standing to appeal. The appeal may also contain whatever supplemental information the appellant wishes to include.
- (3) The burden of proof shall be on the applicant or agent to show that the decision of the public works official was in error.
- (4) The notice of appeal shall be accompanied by the appeal and fee established in Chapter 5.74. (Ord. 4509 § 17, 2015; Ord. 3830 § 1 (part), 2002)

Hearing on appeal.

Appeals will be heard at the open record hearing for the underlying development or building permit and decided upon by the hearing body that will hear the underlying development or building permit using the provisions of Sections 25.23.060 through 25.23.080. If a development or building permit does not include an open record public hearing, the appeal will be heard and decided upon by the hearing examiner using the provisions of Sections 25.23.060 through 25.23.080. (Ord. 3830 § 1 (part), 2002)

What if I still have questions?

For more information about the general concurrency review and appeal process, please refer to Kirkland Municipal Code Title 25. For more information about traffic concurrency review or the status of your application, please contact Thang Nguyen, Public Works Department at (425) 587-3869 or tnguyen@kirklandwa.gov.



CITY OF KIRKLAND
TRAFFIC CONCURRENCY APPEAL APPLICATION as of January 1, 2016

- PLEASE PRINT CLEARLY-

| | |
|---|---------------------------|
| Site Address or Project Name: | Concurrency Case # |
| _____ | TRAN - _____ |
| Property Parcel Number _____ | |
| Description of Project: _____ | |
| Appellant Name _____ | Phone _____ |
| Appellant's Address _____ | City, Zip Code _____ |
| Contact Person _____ | Phone _____ |
| Address _____ | City, Zip Code _____ |
| Alt Phone _____ | Fax # _____ email _____ |
| Applicant has provided: | |
| <input type="checkbox"/> Appeal Fee, \$480 | |
| <input type="checkbox"/> Appeal Letter & Supplemental Information | |

I have read the above information regarding expiration deadlines and appeal process.

APPELLANT SIGNATURE: _____ DATE: _____

| |
|-----------------------------|
| OFFICIAL USE ONLY |
| Date Received: _____ |
| Received By: _____ |