



***Kalama City Council - Council Agenda Item  
Information Form  
Agenda Item Number: -***

**Meeting Date:** January 6, 2016

**Prepared by:** Coni McMaster, Clerk/Treasurer

**Subject:** Katherine Carmichel – Stephen Liss Attorney – Appeal

**Summary:** On August 10, 2015, Ms. Carmichel through her attorney Stephen Liss filed a complaint regarding the Ahrens bakery operating at 597 N. Third Place. On August 19, 2015, City Attorney Paul Brachvogel, after consulting the files and city staff responded on the City's behalf that the City believes their zoning decision regarding the bakery follows zoning code regulations for in home businesses.

On September 1, 2015, Attorney Liss sent a detailed explanation of his complaint, to which City Attorney Brachvogel replied on September 4th with a more detailed response on the reason the City believes their decision is not in error. On September 14<sup>th</sup> Attorney Liss filed an appeal of the decision to not review the zoning of the bakery. City code requires an appeal be filed within 14 days of the decision. The City's decision was rendered on August 19<sup>th</sup> with a more detailed explanation provided on September 4<sup>th</sup>. Therefore it was determined the appeal was not timely filed under the 14 days in the code and this was sent on September 27<sup>th</sup>.

Attorney Liss filed an appeal of that decision on September 28, 2015. This appeal was placed on the Council agenda for January 2016 (budget hearings and several issues had already filled the Council agendas from October to December).

The Council needs to decide if the request for an appeal was filed timely on September 14<sup>th</sup>. The underlying zoning issue at this time is not part of what is before the Council tonight.

**Recommendation :**

► **Draft/Suggested Motion:** The Council determines that the appeal request filed on September 14, 2015 (*was*) or (*was not*) filed timely.....

*Was timely – set a date for a hearing of the appeal – February 3, 2016 suggested date*

*Was not timely – the issue is now closed.*