



Community  
Development



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Revised 4/11/2025

# Appeal Process

## Overview

An appeal may be filed in certain situations to seek review of a decision or determination from a higher authority. This publication is provided to answer some of the most frequently asked questions regarding appeals.

## Resources for Appeals

Limited Permit Technician assistance with appeal submittals is available. For example, Permit Technicians may assist with the mechanics of submitting an Appeal. This includes conveying how to submit, how to upload documents, and providing information on steps in the process.

Administrative appeals are subject to the Kitsap County Hearing Examiner [Rules of Procedure](#) for Land Use Applications and Appeal of Administrative Decisions. The Rules can be found on the [Hearing Examiner Webpage](#).

In Kitsap County, Superior Court has rules regarding Land Use Procedures Act (LUPA) appeals. See [Local Court Rules](#). You can find more information about appealing land use decisions in the [Land Use Procedures Act \(LUPA\) of RCW 36.70C](#).

Shoreline permit decisions issued by the Kitsap County Hearing Examiner may be appealed to the Shorelines Hearings Board. See [How to File a Petition for Review](#) for more information.

**Please Note:** County staff are prohibited by state law from giving legal advice, and we encourage you to seek professional or legal advice for your appeal from a qualified professional or land use attorney. While staff cannot recommend one, you may find a local attorney through the [Washington State Bar legal directory](#).

## Appeal Fees

Cost for Administrative appeals (Type I and II) can be found on the Department's [Fees and Payments](#) Fee Schedule page, under the Other Community Development Fees section.

All requests for refunds, including appeal fees, are subject to specific criteria outlined in the [DCD Fee Refund Policy](#). This policy and other refund information, including a Refund Request Form, may be found on the [Fees and Payments](#) page.

# Types of Appeals

Appeal Types	Process	Fees
<p><b>Administrative Appeals</b></p> <p>An Administrative Appeal applies to final decisions regarding project permit applications subject to a Type I or Type II procedure as outlined in Kitsap County Code 21.04.290. The deadline to submit an appeal is typically 14 days of the final decision. More information on administrative appeals and what they should contain is provided in the Rules of Procedure document linked on the <a href="#">Hearing Examiner webpage</a>.</p>	<p><b>How to Submit:</b> Submit in the <a href="#">Application Portal</a> under the category “Appeals” and pay the required fee.</p> <p><b>Heard By:</b> Kitsap County Hearing Examiner</p>	<p><a href="#">View the current year Fee Schedule</a></p>
<p><b>Hearing Examiner Decision Appeals</b></p> <p>When the Hearing Examiner has issued a notice of final decision, the decision shall be appealed according to applicable law.</p>	<p><b>How to Submit:</b> Seek professional or legal advice from a qualified professional or land use attorney regarding appeals.</p> <p><b>Heard By:</b> Applicable law varies by application type.</p>	<p>N/A</p>
<p><b>Environmental Appeals</b></p> <p>A State Environmental Policy Act (SEPA) appeal is a type of administrative appeal and refers to decisions issued pursuant to SEPA. The applicable appeal timeline will be included in the SEPA decision issued by the department.</p>	<p><b>How to Submit:</b> Submit in the <a href="#">Application Portal</a> under the category “Appeals” and pay the required fee.</p> <p><b>Heard By:</b> Kitsap County Hearing Examiner</p>	<p><a href="#">View the current year Fee Schedule</a></p>
<p><b>Building/Fire Code Appeals</b></p> <p>Certain decisions, orders, or determinations made by the Kitsap County Building Official or the Kitsap County Fire Marshal regarding technical or prescriptive provisions of a code may be filed with the Department within 21 days of the decision, order or determination.</p> <p>Such appeals shall be based on a claim that the intent of the technical or prescriptive provisions of the codes have been incorrectly interpreted, the provisions of the code do not fully apply, or that the code official has denied use of a proposed alternative material or method that results in a condition at least as good or better than the code requirement.</p>	<p><b>How to Submit:</b> Contact the department for forms and instructions to submit an appeal.</p> <p><b>Heard By:</b> The Consolidated Board of Appeals, established by Kitsap County Code (KCC) Section 14.04.950. The Board has no authority to waive fees, penalties, or fines, or any provision or requirement of Title 14 KCC.</p>	<p>N/A</p>

<p><b>Code Compliance Notices of Infraction</b></p> <p>Appeals of Notices of Infraction issued by the Code Official shall be in accordance with KCC <a href="#">2.116</a></p>	<p><b>Heard By:</b></p> <p>Determinations of infractions are heard by District Court</p>	<p>N/A</p>
<p><b>Land Use &amp; Development Permit Fee Appeals</b></p> <p>Fee appeals for applicants who disagree with assessed fees higher than the established base or flat fee. Review information outlined in the <a href="#">Fee Appeals</a> publication on the <a href="#">Fees &amp; Payments webpage</a> and the <a href="#">Fee Refund Policy</a></p>	<p><b>How to Submit:</b></p> <p>Submit in writing to the attention of the Community Development Fiscal Team.</p> <p><b>Heard By:</b></p> <p>DCD Fee Appeals Review Panel</p>	<p>N/A</p>
<p><b>Impact Fee Appeals</b></p> <p>These include appeals of impact fees imposed in accordance with KCC Section 4.110.020 Imposition of Impact Fees. Any feepayer may pay the impact fees imposed by this chapter under protest in order to obtain a site development activity permit or certificate of occupancy. No appeal shall be permitted until the impact fees at issue have been paid. The feepayer must first file a request for review regarding impact fees with the Director, with information outlined in KCC 4.110.060.</p>	<p><b>How to Submit:</b></p> <p>The feepayer must first file a request for review regarding impact fees with the Director in writing within 14 days of the feepayer’s payment.</p> <p>To appeal the Director’s determination, submit in the <a href="#">Application Portal</a> under the category “Appeals” and include the required fee.</p> <p><b>Heard By:</b></p> <p>Department Director or Hearing Examiner</p>	<p><a href="#">View the current year Fee Schedule.</a></p>