

**BEFORE THE HEARING EXAMINER
FOR CITY OF REDMOND**

In the Matter of the Appeal of)	NO. L120208
)	
)	
Prime Pacific Bank)	Appeal of the Avondale Crest
)	Short Plat Expiration
)	
of a May 17, 2012 Decision by the)	
Technical Committee to Deny the Requested)	FINDINGS, CONCLUSIONS, AND
Extension of Approval for)	DECISION
<u>the Avondale Crest Short Plat</u>)	

SUMMARY OF DECISION

The Appellant did not demonstrate that the City's denial of the request for short plat approval extension was erroneous. The appeal must be **DENIED**.

SUMMARY OF RECORD

Request:

On May 17, 2012, the City's Technical Committee denied the request submitted May 11, 2012 by Prime Pacific Bank for extension of approval of the short plat known as Avondale Crest. On May 31, 2012, Prime Pacific Bank timely appealed the Technical Committee's denial of the extension request.

Hearing Date:

The City of Redmond Hearing Examiner conducted an open record appeal hearing on August 1, 2012.

Testimony:

At the open record appeal hearing, the following individuals presented testimony under oath:

For Appellant:

Chuck Dodd, Senior Vice President of Prime Pacific Bank, Appellant
Larry Calvin, Appellant Representative/Witness

For the City:

Thara Johnson, City of Redmond Associate Planner

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Exhibits:

At hearing, the following exhibits were offered in evidence:

1. Technical Committee Report to the Hearing Examiner, dated August 1, 2012, with the following attachments:
 - A. Site & Surrounding Zoning
 - B. Site Plan
 - C. Technical Committee Decision Denying Extension Request , dated May 17, 2012
 - D. Request for Extension, submitted by Prime Pacific Bank May 11, 2012
 - E. Notice of the Technical Committee's Decision Approving the Avondale Crest Short Plat (L050169), dated October 17, 2006
 - F. Appeal of the May 17, 2012 denial of extension, including:
 1. City of Redmond Appeal Application Form, dated received May 31, 2012
 2. Attachment A, Responses to Questions 1-3 (appeal narrative)
 3. Appeal cover letter, dated May 30, 2012
 - G. Notice of Appeal Hearing, issued July 13, 2012
 - H. Email correspondence between City of Redmond Staff and representatives of the land owner and persons with interest in the property, with dates ranging from March 18, 2011 to April 17, 2012
 - I. Correspondence as follows:
 - a. Courtesy Notification of Pending Short Plat expiration, from Redmond Planning Staff to Short Plat Applicant, dated September 17, 2007
 - b. Notice of Short Plat Extension Approval by the Technical Committee, sent to short plat applicant, dated May 19, 2008
 - c. Notice of Short Plat (Second) Extension Approval by the Technical Committee, sent to short plat applicant, dated March 18, 2009
 - d. Notice of Short Plat (Third) Extension Approval by the Technical Committee, sent to short plat applicant in capacity of agent for Prime Pacific Bank, dated March 17, 2010, with attached February 24, 2010 email and February 24, 2010 letter from John Thoreson
2. City correspondence to Chuck Dodd, Prime Pacific Bank, dated May 10, 2012 (hand delivered)
3. Planning Staff's PowerPoint presentation (seven slides)

Issue on Appeal:

The Appellant alleges the following error in the Technical Committee's May 17, 2012 denial of its request for short plat approval extension:

1. The City erred when it did not provide effective notice in writing via United States mail to Prime Pacific Bank that short plat expiration was pending.

Upon consideration of the argument, testimony, and exhibits submitted, the Hearing Examiner enters the following findings and conclusions:

FINDINGS

Procedural Background

1. In 2005, John Thoreson of Real Estate Capital LLC on behalf of property owner Scott Studioso (Applicant) submitted the application for the project that would become known as Avondale Crest Estates short plat.¹ The materials submitted satisfied the City's requirements for completeness as of May 9, 2005. Notice of the complete application was distributed to surrounding property owners consistent with the notice requirements of the code provisions in effect at the time. The Technical Committee issued its notice of decision approving the short plat on October 17, 2006. The approval was appealed to the Hearing Examiner, whose decision was appealed to the City Council. The City Council dismissed the appeal on April 17, 2007, on which date the City's approval of the short plat became final. *Exhibit 1, page 2; Exhibit 1, Attachments D and E; Exhibit 1, Attachments I.b and I.d; Johnson Testimony.*

2. The front page of the October 17, 2006 Notice of Decision (short plat approval) contains the following information:

Final recording of the subdivision mylars must be completed within one year of the date of this letter. A one-time, one-year extension may be granted if a request for extension is submitted to the Technical Committee at least 30 calendar days prior to the expiration date. Failure to complete action within one year (or within a one-year extension, if granted) will result in the expiration of the approval and loss of vesting.

Exhibit 1, Attachment E (emphasis in the original).

3. On September 7, 2007, the City sent Mr. Thoreson (the property owner's representative) correspondence reminding him that short plat approvals are subject to expiration if significant action has not been physically commenced unless certain criteria in the Redmond Community Development Guide (RCDG) could be demonstrated. This letter was carbon copied to D.R. Strong Consulting Engineers. The letter noted a short plat expiration date of October 17, 2007, which was in error, because it was based on the Technical Committee decision date rather than the date all appeals were exhausted. *Exhibit 1, Attachment I.a; Johnson Testimony.*

4. On May 19, 2008, the City's Technical Committee approved Mr. Thoreson's first request for short plat approval extension. This correspondence corrected the September 2007 letter's error concerning the expiration date, noting that with the extension, approval would expire on April 17, 2009. The date of the request for extension is not noted in the City's letter. The letter is addressed to Mr. Thoreson and is not carbon copied to any other parties. *Exhibit 1, Attachment I.b.*

¹ The project also involved approval of a planned residential development (PRD) and a substantial shoreline development permit (SSDP). The PRD will expire on April 28, 2014 and the SSDP will expire on April 26, 2013. *Exhibit 2.*

5. On March 18, 2009, the Technical Committee approved Mr. Thoreson's second request for short plat approval extension. The City's approval letter included reference to the date of the extension request: March 9, 2009. The letter is addressed to Mr. Thoreson and is not carbon copied to other parties. The letter informed the property owner's representative that unless significant action proposed in the application had been commenced and remained in progress OR a request for additional extension was submitted at least 30 days prior to expiration, the approval for Avondale Crest Short Plat would expire April 17, 2010. *Exhibit 1, Attachment I.c.*
6. On February 24, 2010, Mr. Thoreson submitted a third request for short plat approval extension. In this letter, Mr. Thoreson noted that since the previous extension approval, Prime Pacific Bank had foreclosed on the subject property and had listed it for sale with Windermere Real Estate as an approved short plat ready for final engineering and infrastructure construction. On behalf of Prime Pacific Bank, Mr. Thoreson requested the approval be extended for another year citing economic hardship and circumstances beyond the new owner's control. Mr. Thoreson noted that the delay resulting from the initial appeals had prevented the project from developing according to the initial owner's plan. *Exhibit 1, Attachment I.d.*
7. On March 17, 2010, the Technical Committee approved Mr. Thoreson's third request for short plat approval extension, extending approval through April 17, 2011. The letter notified Mr. Thoreson that no further extension requests would be approved unless the project's civil construction drawings had been approved. The March 17, 2010 letter is addressed to Mr. Thoreson and is not carbon copied to any other parties. *Exhibit 1, Attachment I.d.*
8. Prime Pacific Bank did not desire to be in the position of developer but did desire to realize the value of the property it acquired through foreclosure. Through the Bank's development facilitator, Larry Calvin of Northwest Development Advisors LLC, the Bank pursued the necessary approvals of civil construction drawings provided by engineering consultants at D. R. Strong Consulting Engineers Inc. The project's engineering drawings were approved prior to the April 17, 2011 deadline although the exact date of their approval is not in the record. *Exhibit 1, Attachment D; Dodd Testimony; Johnson Testimony; Exhibit 1, page 5.*
9. Civil drawing approval was sufficient to allow for another one year extension of short plat approval, consistent with the March 17, 2010 letter. *Exhibit 1, page 5; Johnson Testimony.* The record does not contain a request for a fourth extension or a Technical Committee letter approving the fourth extension.
10. On April 13, 2012, Planning Staff sent an email to Mr. Calvin inquiring about the status of the short plat. The email was cc'd to Dave Almond, Redmond's Public Works Senior Engineer, and to Jim Streit, P.E., Redmond's Senior Utility Engineer. It read:

Hi Larry. I wanted to check in with you regarding the status of Avondale Crest. I understand you may not be the contact anymore since the property was to have been

sold; but do not have any contact information from the new owners, so it would be helpful if you had that and could send that on. Additionally, it appears that the last extension was issued April 17, 2011 which required that Civils needed to be completed by this date, which occurred. However, my understanding is that the plat has one year timeframe with which to record the final plat; which has not occurred. Additionally, the PRD expires on April 28, 2012; which might be good information to pass on to the new owners. If you could provide me with an update, that would be great.

Exhibit I, Attachment H.

11. On April 17, 2012, the Planner forwarded the above April 13, 2012 email addressed to Larry Calvin to a real estate agent named Joey Ferrick, who had informed the Planner he was an agent acting on behalf of the buyers. *Exhibit I, Attachment H; Johnson Testimony.*
12. There was no reply from Mr. Calvin. No request for extension was filed by April 17, 2012. *Johnston Testimony.*
13. On May 10, 2012, the City notified Chuck Dodd of Prime Pacific Bank that the short plat approval had expired on April 17, 2012. This information was in a letter hand-delivered to Mr. Dodd in a meeting with City staff. *Dodd Testimony; Exhibit 2.*
14. On May 11, 2012, Richard Olson of D. R Strong submitted on behalf of Prime Pacific Bank a request for extension of short plat approval. In this request for extension, Mr. Olson stated:

This [project] was partially financed through loans from Prime Pacific Bank. Due to the financial crisis at this time, this project went through foreclosure and Prime Pacific Bank took ownership. The Bank did not desire to be in a developer position.

In order to preserve the approval of the project, the Bank, as owners, pursued the full engineering plan approval, which were obtained in April 2011. The Bank's development facilitator and lead contact with the City at that time was Larry Calvin of Northwest Development Advisors LLC.

At the end of the one year approval expiration, the Bank's lead contact apparently moved operations to Utah in December 2011 and became inattentive to the timeline issue for the project. The Bank was assuming that any upcoming issues with the project were being addressed.

...[T]he Bank was unaware of the impending expiration. A notice of pending permit expiration was sent by Thara Johnson ... by email to Mr. Calvin. Mr. Calvin did not inform the Bank but instead forwarded on the notice to Joey Ferrick, the broker agent for a pending purchaser... Mr. Ferrick... had not informed the Bank of the need for submitting this letter extension request.

Exhibit 1, Attachment D.

15. On May 17, 2012, the Technical Committee denied the extension request, stating that the approval expired prior to submission of the request and that the request was therefore not timely. *Exhibit 1, Attachment C.*

Issues and Arguments Raised on Appeal

16. Acting on behalf of Prime Pacific Bank (Appellant), Mr. Calvin timely appealed the Technical Committee's denial of the extension request. In the appeal, Mr. Calvin argued that Redmond had historically provided notice of pending short plat expiration via US Mail to Mr. Thoreson "on numerous occasions", referring to the letters in the record at Exhibit 1, Attachment I. Mr. Calvin stated that this practice had created an expectation on the part of Prime Pacific Bank that they would receive advance warning of the expire date and the City failed to provide the expected notice. *Exhibit 1, Attachment F "Attachment A, Response to Questions 1-3"*.
17. At hearing, Mr. Calvin assigned error to the fact that the City did not issue a letter in April 2011 stating that approval was extended for one year and giving the new expiration date. *Calvin Testimony.*
18. Mr. Calvin denied having received the April 13, 2012 email from Planning Staff. He acknowledged that the email address was still valid on the date of the email and suggested that its failure to be delivered to him was a quirk of the internet. According to Mr. Calvin, he was only the Bank's liaison to the City for a limited range of development issues, not for every aspect of the project. Prior to April 13, 2012, his contract with the Bank had ended or changed in nature such that he was no longer the primary contact. Mr. Calvin conceded that the City was probably not notified that his role as lead contact for the short plat had ended. Further, he testified that to his knowledge, the City was not notified by himself or by the Bank of any new lead contact replacing him. *Calvin Testimony; Exhibit 1, Attachment F.*
19. At hearing, the Appellant representatives argued that email notification of the pending short plat expiration, even if it had been received by him or by the Bank, would not have been adequate, and that the notice ought to be delivered by US Mail. The Appellant argued that the City's email was directed to the wrong party and that it should have been carbon copied to others involved in the short plat process, including someone at the Bank and someone at D. R. Strong with whom the City had been in touch during the civil drawings approval process. *Calvin Testimony; Dodd Testimony; Exhibit 1, Attachment F.*
20. At hearing, the Appellant representatives argued that it was not the Bank's fault that the property was not developed by the original developer or sold to a new developer more quickly in the months following foreclosure. The Bank paid over \$100,00.00 for civil engineering, Mr. Calvin's time, and required bonding. The City put in traffic calming device with bonding moneys in March 2012. The Bank's overall exposure on this property includes more than one million dollars lost to the stockholders. The Appellant

representatives asserted that the Bank will be harmed if required to undergo a new application process in order to proceed with development of the site because of increased study requirements in the new Redmond code and due to the carrying costs entailed in a new permitting process. The summer 2012 construction season will end and no development will be allowed in rainy season. The Bank has begun the reapplication and has spent thousands of additional dollars on studies required for the new application. There is concern that the presently identified buyer will walk away if approval is not extended again, which will put the Bank back in the position of finding a new buyer, which could result in expiration of another SSDP before development can proceed. *Calvin Testimony; Dodd Testimony; Exhibit 1, Attachment F.*

21. The Appellant representatives contended that the 2008 extension appears to have been approved after expiration because the notice of extension is dated May 2008, and that therefore the City can choose to extend the approval even though the extension request was not received prior to expiration. *Calvin Testimony; Dodd Testimony.*

City's Response to Appeal Issues

22. Regarding the historical notice of pending short plat expiration which Appellant argued created an expectation of notice, Planning Staff testified that courtesy notice is a standard practice. Recently the City set up its permit tracking system to automatically send courtesy notices by email. However, there is no City Code provision or internal policy that requires such notices be sent. Planning Staff submitted the position that it is not up to the City to track and ensure compliance with developer deadlines. Planning Staff testified that the Technical Committee regrets any possible inconsistencies, but asserted that the City made the effort to check in with the Bank's last known representative before expiration occurred. Staff has no explanation for why the April 13, 2012 email was not received by Mr. Calvin, as they have used the same email address for several years. Planning Staff commented that members of staff would have been happy to extend approval, but that the City has been advised that there is no legal way to extend a project once it has expired. *Johnson Testimony.*
23. Regarding the lack of April 2011 correspondence containing advisory information about the April 17, 2012 expiration date, Planning Staff noted that no formal extension request was submitted in 2011 and therefore the City did not decide a request for extension. Rather, the approved construction drawings were accepted as adequate progress on the project to warrant approval extension, consistent with the March 17, 2010 extension approval letter. *Johnson Testimony.*
24. Planning Staff testified that after the civil drawings were submitted in April 2011, Mr. Calvin continued to communicate with City Staff regarding bonds and potential deferment of payments already submitted. Planning Staff had no communication with Mr. Dodd or other employees of the Bank, which entity the City was not sure remained the property owner. When it became apparent that the plat's approval would expire shortly, the Planner assigned to the case contacted the most recent contact for the Bank, Mr. Calvin, via email. By pure coincidence, a real estate broker contacted the Planning

on April 17th to inquire about the status of the plat and Staff forwarded the April 13, 2012 email to the broker at the broker's request. *Johnson Testimony.*

25. Planning Staff had not been informed that Mr. Calvin's representation of the Bank had changed or terminated and did not receive notice of a new contact for the Bank. *Johnson Testimony.*
26. Planning Staff noted that the May 19, 2008 date on the first extension approval does not prove that the request for extension was submitted after April 17, 2008, but rather only that notice was issued after that date. Staff further noted that the anniversary for plat expiration did not change as a result of the May date of the 2008 letter. *Johnson Testimony.*
27. Since the 2006 approval of the first plat, a new wellhead protection ordinance has been put in place, resulting in the new reporting requirements the Appellant referenced. Planning Staff noted that the PREP process for the new short plat application has already begun with the initial kick off meeting. The City's current application process provides quick turnaround times, with the City's five-day turn around commitment and Applicants having a 21-day turn around commitment. *Johnson Testimony.*
28. The current SSDP was approved in 2011. Shoreline permits have a two year approval, within one possible one-time extension. *Johnson Testimony.*

CONCLUSIONS

Jurisdiction:

The Hearing Examiner is authorized to conduct open record appeal hearings and issue decisions on appeals from Type II permit decisions, including Technical Committee decisions on whether to extend short plat approvals, pursuant to Redmond Zoning Code 21.76.050.C, 21.76.050.G.1, and 21.76.060.E.4.²

Criteria for Review of the Appeal:

Pursuant to RZC 21.76.060.I.4, within 10 business days after the close of the record for the Type II appeal, the Hearing Examiner shall issue a written decision to grant, grant with modifications, or deny the appeal. The Hearing Examiner shall accord substantial weight to the decision of the Technical Committee. The Hearing Examiner may grant the appeal or grant the appeal with

² The short plat application vested in 2005 and was properly reviewed by Planning Staff for compliance with the regulations from the Redmond Community Development Guide (RCDG) in effect at the time. The instant appeal was filed May 31, 2012, more than a year after adoption of the city's new Redmond Zoning Code, and is properly reviewed and decided pursuant to RZC appeal criteria. The Technical Committee report in the record at Exhibit 1 reviewed the appeal against the RCDG criteria; however this does not pose a significant evidentiary or procedural error, as the RCDG and RZC procedures for reviewing appeals of short plat decisions are substantially similar. Pursuant to RCDG 20F.30.35-110, the Hearing Examiner may grant the appeal or grant the appeal with modification if: 1) the appellant has carried the burden of proof; and 2) the examiner finds that the Type II decision is not supported by a preponderance of the evidence. The RCDG required the examiner to accord substantial weight to the decision of the Technical Committee.

modifications if the Examiner determines that the appellant has carried the burden of proving that the Type II decision is not supported by a preponderance of the evidence or was clearly erroneous.

Applicable Redmond Zoning Code Sections:

RZC 21.76.050.G Type II Review.

1. Overview of Type II Review. A Type II process is an administrative review and decision by the Technical Committee and, when required, by the Design Review Board or the Landmarks and Heritage Commission. Depending on the application, the Technical Committee may require a neighborhood meeting to obtain public input. Except for Certificates of Appropriateness related to historic structures, public notification is provided at the application and decision stages of review. Environmental review is conducted, when required. Appeals of Type II decisions are made to the Hearing Examiner in an open record hearing. Appeal decisions of the Hearing Examiner may be appealed to the City Council. (emphasis added)

Applicable Redmond Community Development Guide Sections:

RCDG 20F.40.150-040 Short Plat.

1. Criteria. As a basis for approval, approval with conditions or denial of a short subdivision, the Technical Committee shall determine if appropriate provisions have been made for, but not limited to the purpose and criteria set forth in Chapter 20D.180 RCDG, Subdivision and Short Subdivision Regulations.
2. Decision by the Technical Committee. Each final decision of the Technical Committee shall be in writing and shall include findings and conclusions based on the record to support the decision. The decision made by the Technical Committee shall be given the effect of an administrative decision and may be appealed in compliance with RCDG 20F.30.60, Public Hearings and Appeals.

...

RCDG 20F.30.35-075 Termination of Approval.

1. Approval of the Type II application shall expire one year from the date approval was final unless significant action proposed in the application has been physically commenced and remains in progress.
2. The period may be extended on a yearly basis by the approval authority upon showing proper justification. Proper justification consists of one or more of the following conditions:
 - (a) Economic hardship;
 - (b) Change of ownership;
 - (c) Unanticipated construction and/or site design problems;
 - (d) Other circumstances beyond the control of the applicant determined acceptable by the Technical Committee.

3. Once the time period and any extensions have expired, preliminary approval shall terminate and the application is void and deemed withdrawn.

RCDG 20F.40.150-050 Preliminary Plat.

...

(4) Limitation on Preliminary Approval. Final approval of all single-family residential subdivisions ... must be acquired within five years of preliminary plat approval, after which time the preliminary plat approval is void. The Hearing Examiner may grant an extension for one year if the applicant has attempted in good faith to submit the final plat within the required period, provided, however, the applicant must file a written request with the Hearing Examiner requesting the extension at least 30 days prior to expiration of the required period. (emphasis added)

Conclusions Based on Findings:

1. The plat of Avondale Crest vested under RCDG 20F.40.150-040 in May 2005. The City's approval of the short plat became final upon exhaustion of appeals on April 17, 2007. At that time, pursuant to RCDG 20F.30.35-075, short plats were subject to a one-year expiration date "unless significant action proposed in the application has been physically commenced and remains in progress". The one-year expiration was capable of being extended "yearly", at the discretion of the Technical Committee, upon an affirmative showing by the project proponent that proper justification for extension existed.³ *RCDG 20F.30.35-075.2; Findings 1 and 2.*
2. No extension request was filed in February 2011, and as a result no extension request approval letter was issued with a new 2012 expiration date listed. The City accepted the civil engineering plans submitted in April 2011 as sufficient to satisfy the "significant action" threshold to forestall expiration at the conclusion of the 2011 approval period. The fact that the City did not issue a 2011 letter with a 2012 expiration date does not alter the one-year short plat approval period pursuant to the RCDG provisions under which the project vested. *Findings 17, 23, and 24.*
3. Nothing in the applicable RCDG or RZC short plat provisions requires the City to send notice to the owner of a short plat that permit expiration is pending. *See RZC 21.76.080, Notices.* Regarding Appellant's contention that a history of notices had created an expectation on the part of the Bank that they were entitled to notice, the record shows that in this case only one notice of pending short plat expiration was sent to the previous property owner's representative (in September 2007), which ironically contained

³ The Examiner notes that the language on the October 17, 2006 Notice of Decision stating that extension would be limited to "a one-time, one-year" extension of approval appears to have come from the RCDG's preliminary plat provisions rather than its short plat provisions. *RCDG 20F.40.150-050.4.* Still, the bolded information on the front page of the permit decision serves to notify the permit holder of its obligation to affirmatively request extension prior to expiration of the approval period. *Finding 2.*

misinformation as to the plat expiration date. There may have been additional courtesy notices in this case, but if so, they are not in the record. All other communications cited by the Appellant as notices are actually Technical Committee approvals of extension requests submitted by the previous property owner's representative. Each extension request approval shows the anniversary of the City's April 17th approval as the following year's expire date. Each extension request approval is addressed only to the then-representative of the property owner, Mr. Thoreson; none are carbon copied to the property owner or engineering consultants. In attempting to contact Mr. Calvin by email, Planning Staff was following the pattern previously established of communicating solely with the primary property owner's representative. *Findings 2, 3, 4, 5, 6, 7, 10, 16, 18, 22, and 25.*

4. There is no evidence in the record proving that the 2008 extension request was submitted late (after April 17, 2008). *Findings 21 and 26.* However, even if the City had granted a late extension request in 2008, the City would neither be bound nor entitled to repeat its error.⁴
5. The most recent request for extension of the Avondale Crest short plat approval was submitted May 11, 2012. By operation of law, the approval expired on April 17, 2012. The record in these proceedings does not demonstrate that the Technical Committee's May 17, 2012 denial of the request for short plat approval extension violates any applicable provision of Redmond's development code. *Findings 14 and 15.*

DECISION

Based on the foregoing findings and conclusions, the appeal is **DENIED**. Information submitted by the Appellant did not show that the Technical Committee's decision to deny extension of the Avondale Crest short plat approval conflicts with any applicable codes or regulations or that City Staff violated any procedural requirements. The short plat expired on April 17, 2012. The City's denial of extension of the short plat is affirmed.

Decided August 14, 2012.

By:



Sharon A. Rice
City of Redmond Hearing Examiner

⁴ Misinterpretation of an ordinance by those charged with its enforcement does not alter its meaning or create a substitute enactment. Instead, both the agency and affected landowners "are bound by the ordinance *as written*", not by how the ordinance has been applied to other parties in the past. *Faben Point Neighbors v. City of Mercer Island*, 102 Wn. App. 775 (2000).

Note: Pursuant to RZC 21.76.060.M, Type II appeal decisions of the Hearing Examiner may be appealed to the City Council in a closed record appeal proceeding as provided in RZC 21.76.060.M. Any party with standing (detailed at RZC 21.76.060.M.2.a) may appeal this decision by filing the appropriate appeal form along with the required fee no later than 5:00 pm 10 business days following the expiration of the reconsideration period. See RZC 21.76.060.M for further detail on appeal requirements.