

## Chapter 10.100 - APPEALS AND COUNCIL REVIEW<sup>[3]</sup>

### Sections:

Footnotes:

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**Editor's note**— Ord. No. 15-0015, § 3, adopted June 16, 2015, amended Chapter 10.100 in its entirety to read as herein set out. Former Chapter 10.100, §§ 10.100.010—10.100.060, pertained to appeals, and derived from Ord. No. 1832, amended January 17, 1991; Ord. No. 1838, renumbered July 5, 1991; Ord. No. 1951, effective July 4, 1996 and Ord. No. 2118, effective November 21, 2008.

#### 10.100.010 - Appeals.

- A. Decisions of the Community Development Director may be appealed to the Planning Commission, and decisions of the Planning Commission may be appealed to the City Council. The decisions of the Planning Commission will be placed on a City Council agenda within the time period specified below for Council review.
- B. Anyone wishing to appeal pursuant to this chapter must timely file with the City Clerk a written notice of appeal, on a form provided by the Community Development Department, and with the applicable required appeal fee set by City Council resolution. The notice of appeal shall specify the basis for the appeal.
- C. The appeal period ends at the close of the business day for City Hall on the twentieth day following the decision. If the twentieth day falls on a weekend or City holiday, the appeal period ends at the close of business on the next working day.
- D. The appeal shall be heard within sixty (60) days of the City Clerk's receipt of the appeal, unless the applicant and appellant consent to a later date. An appeal shall be heard at a public hearing de novo if the decision being appealed required a public hearing. Notice of such a public hearing shall be given in the same manner required for the decision being appealed.
- E. The effectiveness of a decision subject to appeal shall be stayed pending completion or withdrawal of the appeal.

(§ 3, Ord. 15-0015, adopted June 16, 2015)

#### 10.100.020 - Council review.

- A. The City Council shall review a Planning Commission decision if a Council member files a Council review form with the City Clerk on or before the twentieth day following the decision. For all requests for review, it shall be presumed that the reason for the request is that the decision may have significant and material effects on the quality of life within the City, or that the subject matter of the decision may have City-wide importance warranting review and determination by City's elected officials. Bias shall not be presumed or inferred due to a request for review.

The City Clerk shall prescribe a review form, which shall be available free of charge. The City Clerk shall schedule the review hearing for commencement within sixty (60) days of the request for review. The review shall otherwise follow the same procedures as appeals in this Chapter.

- B. Public notice of the hearing shall be provided in the same manner, if any, as was provided in connection with the consideration by the Planning Commission.
- C. The Council review hearing shall be conducted as a hearing de novo.
- D. The effectiveness of a decision subject to Council review shall be stayed pending completion of the Council review proceedings.

(§ 3, Ord. 15-0015, adopted June 16, 2015)

10.100.030 - Decision.

The appellate or reviewing body may uphold, overturn, or modify the decision of the inferior body. Any such action shall be made by resolution and supported by findings. Alternatively, the appellate or reviewing body may remand the matter for further consideration by the inferior body. In the event of a tie vote by the Planning Commission, the decision of the Community Development Director is effective. In the event of a tie vote by the City Council, the decision of the Planning Commission is final.

(§ 3, Ord. 15-0015, adopted June 16, 2015)

10.100.040 - Effective date.

A decision by the City Council regarding an appeal or Council review shall become final on the date of the decision. A decision by the Planning Commission regarding an appeal shall become final on the date of the decision, unless appealed to the City Council, or called up for review pursuant to Section 10.100.020.

(§ 3, Ord. 15-0015, adopted June 16, 2015)

10.100.050 - Resubmittal.

In the event the Commission or City Council takes final action to deny an application or request, such application or request cannot be resubmitted within one year, unless the denial is made without prejudice.

(§ 3, Ord. 15-0015, adopted June 16, 2015)