

Chapter 18.160 APPEALS

Sections:

[18.160.010 Purpose.](#)

[18.160.020 Appeal application.](#)

[18.160.030 Set public hearing.](#)

[18.160.040 Public hearing and action.](#)

[18.160.050 Appeal criteria for approval.](#)

18.160.010 Purpose.

The planning commission (commission) shall hear and decide appeals from any order, requirement, decision, or determination made by any administrative official charged with the enforcement of this title.

The common council (council) shall hear and decide appeals from any order, requirement, decision, or determination made by the commission in enforcement of this title. (Ord. O-08-09-01 § 2 (part), 2008)

18.160.020 Appeal application.

Any aggrieved person of interest may appeal a denial of a building or other development permit, or any order, requirement, decision, interpretation or determination made by an administrative official or the commission charged with the enforcement of this title.

(a) An appeal to the commission or council shall be made within ten days after denial of a building permit or other development permit, or receipt of a written notice of an order, requirement, decision, interpretation or determination by an administrative official of the city or by the commission. Failure to make a timely appeal shall be considered a waiver of the right to appeal.

(b) The person appealing shall file a written notice of appeal on a form approved by the commission with the city clerk and pay the fee set by the current fee schedule.

(c) The city clerk shall forward a copy of the notice of appeal to the planning staff or other appropriate administrative officer, who shall prepare a record of the city action that is being appealed for consideration by the commission or council. (Ord. O-08-09-01 § 2 (part), 2008)

18.160.030 Set public hearing.

The city clerk shall publish notice in a newspaper of general circulation of the time and place of the public hearing at least seven days in advance of the hearing. (Ord. O-08-09-01 § 2 (part), 2008)

18.160.040 Public hearing and action.

The commission or council shall make the decision on an appeal.

(a) At the hearing, the parties to the appeal may present witnesses and information even if the information presented was not previously submitted to the city.

(b) Members of the public shall be allowed to testify.

(c) The commission or council may adopt rules governing the procedures to be followed at appeal hearings including reasonable time limits for presentations and public testimony.

(d) The appellant has the burden of proof to establish the necessary facts to warrant favorable action of the commission or council.

(e) The commission or council may in whole or in part affirm, reverse, remand for additional consideration or amend the decisions of the applicable city administrative official or the commission.

(f) The commission or council may impose reasonable conditions in its order on appeal to be complied with by the appellant.

(g) Any decision of the commission may be appealed to the council and any decision of the council may be appealed to the superior court as provided by law. Appeals to superior court must be made no later than thirty days following the date of the final action taken by the council. (Ord. O-08-09-01 § 2 (part), 2008)

18.160.050 Appeal criteria for approval.

The commission or council, in hearing an appeal from an interpretation of or application of this title, shall consider all relevant factors, including, but not limited to:

(a) The technical meaning of the provision being appealed;

(b) Evidence of the manner in which the provision has been interpreted or applied in the past;

(c) The positive or negative impact of the requested appeal on the achievement of stated city development goals and objectives;

(d) The intent of the provision in implementing the comprehensive plan;

(e) Whether the decision appealed from was made based on incorrect or incomplete facts; and

(f) Whether the decision appealed from was based on an incorrect conclusion regarding this title or other applicable law.

(g) The commission or council shall provide a written record of its findings of fact and conclusions of law on all appeals. (Ord. O-08-09-01 § 2 (part), 2008)