

Sec. 103-208. - Appeal.

- (a) An applicant may appeal a determination or requirement of the city engineer in connection with an application for a building permit pursuant to this article by submitting a written notice of appeal with the city secretary not later than ten days following the date of written notice to the applicant of the determination or requirement. Only the following determinations or requirements are subject to such appeal:
 - (1) A rejection of materials proposed for a drainage facility for compliance with aesthetic requirements of the city's DCM;
 - (2) A rejection of an alternative means of compliance pursuant to section 103-206(b); or
 - (3) A rejection of any other means of compliance that is within the discretion of the city engineer to allow.
- (b) The city council shall hear the appeal at the next regular city council meeting that is at least ten days after submission of the notice of appeal. At the hearing of the appeal, the applicant may submit evidence in support of its appeal, and the city engineer may provide any information relevant to the appeal. Others that may be affected by the decision may also present information. The city council may rule on the relevance of information and may reasonably restrict the presentation of information at the hearing.
- (c) The decision of the city council in an appeal shall be final. In deciding the appeal, the city council shall consider all applicable requirements of this code and criteria manuals, applicable conditions to the exercise of any discretion by the city engineer, the primary purpose of which is to prevent adverse effects of stormwater runoff on surrounding property, any other impact on surrounding properties and uses, the orderly development of property in the area, the impact on the applicant of the subject determination or requirement, and any other information found by the city council to be relevant to its decision. Written notice of the city council decision shall be provided to the applicant.

(Code 1995, § 3.09.010)