

## 18.140.140 Appeals.

A. *Purpose.* This section provides procedures to be used whenever an applicant or person is aggrieved by a decision by a decision-making body.

B. *Applicability.* A final decision on any discretionary permit is subject to appeal in accordance with this section. Table 18.140.140, Appeal Bodies and Time Limitations, summarizes the appeal timeline for each body issuing a discretionary permit.

**Table 18.140.140 Appeal Bodies and Time Limitations**

Application or Action	Appeal Submittal Deadline	Decision-Making Body	Appeal Body
Zoning Permit	10 days	Zoning Administrator	<del>Board of Adjustment</del> <b>Hearing Officer</b>
<del>Administrative Use Permit</del>	<del>10 days</del>	<del>Zoning Administrator</del>	<del>Board of Adjustment</del>
Conditional Use Permit	20 days	Planning and Zoning Commission	City Council
Temporary Use Permit	10 days	<del>Hearing Officer</del> Zoning Administrator	<del>Board of Adjustment</del> <b>Hearing Officer</b>
Development Review Permit	Major(1): 20 days <del>Minor(1): 10 days</del>	Major(1): <b>Zoning Administrator</b> Minor(1): Zoning Administrator	Major(1): <del>City Council</del> <b>Hearing Officer</b> Minor(1): <del>Board of Adjustment</del> <b>Hearing Officer</b>
Waiver from Dimensional Standards	10 days	<del>Hearing Officer</del> Zoning Administrator	<del>Board of Adjustment</del> <b>Hearing Officer</b>
Variances	10 days	<del>Board of Adjustment</del> <b>Hearing Officer</b>	<del>Superior Court</del> <b>Board of Adjustment</b>
Permit Revocation	n/a	Original decision-making body	Original decision-making body

Application or Action	Appeal Submittal Deadline	Decision-Making Body	Appeal Body
Interpretations	10 days	Zoning Administrator	<del>Board of Adjustment</del> <b>Hearing Officer</b>
Heritage Area Development Review Permit	Major(1): 20 days <del>Minor(1): 10 days</del>	Major(1): <del>Planning and Zoning Commission</del> <b>Zoning Administrator</b>  Minor(1): Zoning Administrator	Major(1): City Council Minor(1): <del>Planning and Zoning Commission</del> <b>Hearing Officer</b>
<b>Final Plat – Residential Subdivision</b>	<b>10 days</b>	<b>City Council</b>	<b>Superior Court</b>
<b>Final Plat – Commercial</b>	<b>10 days</b>	<b>City Council</b>	<b>Superior Court</b>
<b>Preliminary Plat – Residential Subdivision</b>	<b>10 days</b>	<b>P&amp;Z Commission</b>	<b>City Council</b>
General Plan Text and Map Amendments	30 days	City Council	Superior Court
Zoning Code and Map Amendments	30 days	City Council	Superior Court
Planned Area Development Districts	30 days	City Council	Superior Court

**1** Refer to MCC [18.155.040](#) for definition of a minor development review permit and MCC [18.155.050](#) for definition of a major development review permit.

C. *Rights of Appeal.* Appeals may be filed by the applicant, by the owner of property, or by any other person aggrieved by a decision that is subject to appeal under the provisions of this code.

D. *Procedures.*

1. *Proceedings Stayed by Appeal.* The timely filing of an appeal may stay all proceedings in the matter appealed including but not limited to the issuance of demolition permits, building permits, and business licenses.
  2. *Filing of Appeals.* All decisions of the director, ~~hearing officer~~, zoning administrator, ~~Board of Adjustment~~ **Hearing Officer**, and planning and zoning commission may be appealed to the appropriate body as specified in Table 18.140.140 by filing a written appeal not later than 5:00 p.m. on the appeal due date. If the date occurs on a weekend, then the appeal shall be filed on the Monday after the deadline. If the date occurs on a holiday when the city offices are closed, the deadline is the next business day. All appeals must be accompanied by payment of the required fee unless specifically waived.
  3. *Submittal Requirements and Criteria.* The appeal shall set forth, in concise language, the following:
    - a. Date of appeal;
    - b. Name of appellant and the individual representing appellant;
    - c. Address to which notices shall be sent;
    - d. Telephone number of representative;
    - e. Name of applicant, if different from appellant;
    - f. Action or decision being appealed and the date of such action or decision;
    - g. Address and description of real property involved; and
    - h. The specific grounds for appeal. The appeal shall be limited to the issue(s) raised in the petition.
  4. *Public Notice.* In addition to providing notice in the same manner required for the action that was the subject of the appeal, notice shall be provided to all persons who spoke on the matter at any prior hearings on the same matter, if such persons provided their names and addresses at the time they spoke at the prior hearing. The names and addresses shall be maintained by the city clerk.
  5. *Action.* The appeal body shall review the appeal, the record, including the application, plans, related project materials that were the subject of the original decision, any additional
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materials as may be presented at the appeal hearing, and any written correspondence submitted after the appeal has been filed. The appeal body shall conduct a public hearing, after which it may affirm, reverse, or modify the previous decision.

E. *Standards of Review*. When reviewing any decision on appeal, the same standards and criteria shall apply as were required for the original decision.

F. *Failure to File an Appeal*. Failure to file an appeal with the appropriate appeal body by 5:00 p.m. on the due date shall preclude the filing of an appeal after the due date and renders any such appeal invalid.