
Chapter 9.81 Appeals

Sections:

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9.81.010 – Appeal of Land Use Decision

Any land use decision made in compliance with the provisions of this Development Code by a review authority other than the Council may be appealed by the applicant or other affected party as described in this Chapter.

- A. **Director's decisions.** The Director's decision on determinations required by this Code where the Director's decision would otherwise be final is subject to appeal to the Commission.
- B. **Commission's decisions.** The Commission's decision on determinations required by this Code where the Commission's decision would otherwise be final is subject to appeal to the Council.
- C. **Council considerations.**
 1. The Council shall consider appeals of land use decisions made by the Commission.

9.81.020 – Application for the Appeal of a Land Use Decision

- A. **Appropriate forms.** Applications for an appeal of a land use decision shall be made on forms supplied by the Town.
- B. **Appeal submittals.** Applications for appeals addressed to the Commission and Town Council shall be submitted to the Planning Division.
- C. **Grounds for appeal.** Application for appeals shall include a written statement of the grounds upon which the appeal is based.
- D. **Appeal fees.** An appeal fee, as established by the Town, shall accompany any application.
- E. **Contents of appeal application.** The appeal application shall identify:

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1. The subject land use application;
 2. The specific decision, condition of approval, or other matter being appealed;
 3. The date of the action;
 4. The justification for the appeal; and
 5. Any remedy or solution for which the appellant petitions.
- F. Appeal shall stay all proceedings.** A properly filed application for appeal shall stay the proceedings in the matter appealed until a decision is rendered on the appeal.

9.81.030 – Time for Filing an Appeal

Appeals shall be filed with the Planning Division within ten (10) consecutive calendar days following the date of action. If the last day to act is not a Town business day, the following business day shall be deemed to be the last day to act.

9.81.040 – Notice of Appeal

- A. Notice of appeal required.** Within 30 days of the acceptance of an application for an appeal of a land use decision, the matter shall be set for hearing and notice shall give of the date, time, and place of the hearing to the appellant, the applicant, and to any other party who has requested in writing to be so notified.
- B. Same notice as originally required.** In addition, notice shall also be given in the same manner as notice was given for the land use decision being appealed.

9.81.050 – Authority of Appeal Body

- A. Action on appeal.** Upon hearing the appeal, the appeal body shall consider the record and any additional evidence that may be offered, and may affirm, reverse, or modify, in whole or in part, the decision appealed.
- B. Applicable criteria, findings, and requirements.** The appeal body is subject to all of the criteria, findings, and requirements imposed by this Development Code upon the original decision maker (e.g., review authority).

9.81.060 – Withdrawal of Appeal

An appeal may be withdrawn before the time that the review authority issues a decision. The applicant or the applicant's representative shall notify the Town in writing that they wish to withdraw the appeal.