

Policy 1.1.4 Council and Planning Commission Review of Land Use Decisions and Opportunity to Appeal

POLICY PURPOSE:

Title 19 (Zoning Code) of the Municipal Code provides that either the Administrative Hearing Officer or Planning Commission will take final action on most land use requests requiring a public hearing unless appealed to the next higher hearing body. The Zoning Code makes provisions for land use decisions to be made by the Director of Community Development, Planning Commission or City Council. Some of these decisions must be made at a public hearing: an Administrative Hearing or Planning Commission. Many of the decisions made at these hearings may be appealed “up” to the next higher body: Planning Commission or City Council. An appeal may be made by an applicant, a member of the public, or any individual Planning Commissioner or City Councilmember. The purpose of this policy is to set forth a routine procedure whereby the Planning Commission or City Council will receive information regarding the agendas and actions of the lower body(s) and have opportunities to appeal the decisions of the lower body.

POLICY STATEMENT:

City Council

The City Council will receive annotated agendas in the form of Draft Summary Minutes (from the Planning Commission) and Action Summaries (from an Administrative Hearing) noting actions of Planning Commission and Administrative Hearings (conducted by the Director of Community Development or designee who shall be called the Administrative Hearing Officer). Annotated agendas will be received within the appeal period. Any one Councilmember may appeal an item within the prescribed appeal period by stating the reason for an appeal. If appealed, those items which were heard by the Administrative Hearing Officer will be appealed to the Planning Commission; those items which were heard by the Planning Commission will be appealed to the City Council. Staff will notice the hearings for any appeal, as specified in the Zoning Code.

Planning Commission

The Planning Commission will receive annotated agendas noting actions on Administrative Hearing items. Materials will be received within the appeal period. Any one Planning Commissioner may appeal an item within the prescribed appeal period by stating the reason for an appeal. If appealed, an item will be scheduled for a Planning Commission hearing. Staff will notice the hearings for any appeal as specified in the Zoning Code.

Public

Nothing in this policy would alter or preclude the public's ability to appeal an action by the Director of Community Development or Planning Commission as provided in the Zoning Code.

(Adopted: RTC 85-198 (4/30/1985); Amended 04-077 (2/24/2004); 03-140 (5/2/03); (Clerical/clarity update, Policy Update Project 8/2005))

Lead Department: Community Development