



Type III Appeal Submission Requirements

1 page

A decision of the Planning Commission may be appealed to the City Council by an affected party by filing an appeal within 10 calendar days of notice of the decision. An affected party is the applicant, or any person who testified or submitted written evidence during the public hearing. An appeal shall be based on the application as submitted or as modified and accepted by the previous decision maker. An amendment by the applicant after a decision has been made shall not be considered nor allowed on appeal but may be remanded.

The City Council receives completed requests for appeals and schedules the item for consideration. The appeal will be heard by City Council "on the record" unless otherwise authorized by City Council. A review "on the record" does not allow any additional testimony or submission of evidence, but is simply a review of the record of the first hearing.

The City Council may admit additional testimony and other evidence without holding a de novo hearing if it is satisfied that the additional testimony or other evidence could not reasonably have been presented at the prior hearing. The City Council shall consider all of the following in making such a decision:

1. Prejudice to the parties;
2. Convenience or availability of evidence at the time of the initial hearing;
3. Surprise to opposing parties; and
4. The competency, relevancy and materiality of the proposed testimony or other evidence.

A. Requirements

A person desiring to file an appeal must submit the request on the form, 'Notice of Intent to Appeal', available at City Hall, containing the following:

1. Reference to the subject property by address, legal description or tax map.
2. The application number.
3. Date of the decision.
4. Date of notice of appeal.
5. The basis for asserting the appellant has standing to appeal.
6. The specific grounds for the appeal and relevant code sections.

B. Filing Fee per Fees and Charges Resolution

If an appeal is filed, the project is placed "on hold" until resolution of the appeal.

This information is a summation of the process. The specific code sections are available upon request. For more information, contact the Development Services Department at 503-489-2160.