

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 or called up for review 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 or called up to the next higher body: Planning Commission or City Council. An appeal may be made by an applicant or a member of the public, and a call up for review may be made by one Planning Commissioner or two City Councilmembers. 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 call up the decisions of the lower body as prescribed in the Zoning Code.

POLICY STATEMENT:

City Council

The City Council will receive summary minutes of the Planning Commission and Administrative Hearings, 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). Summary minutes shall be received by the City Council soon after the meeting and within the appeal period. Any two Councilmembers may call up an item heard by the Planning Commission within the prescribed appeal period. Staff will notice the hearings for any call up for review as specified in the Zoning Code.

Planning Commission

The Planning Commission will receive summary minutes of Administrative Hearings soon after the meeting and within the appeal period. Any one Planning Commissioner may call up for review an item within the prescribed appeal period. If called up, an item will be scheduled for a Planning Commission hearing. Staff will notice the hearings for any call up for review 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); Amended 14-0287 (11/25/14)

Lead Department: Community Development