

Administrative Appeals

10-2-2: HEARING OFFICER:

C. Appeals:

1. The applicant or any other person or entity adversely affected by a decision administering or interpreting a land use ordinance may appeal that decision applying the land use ordinance by alleging that there is error in any order, requirement, decision or determination made by an official in the administration, interpretation or enforcement of the land use ordinance. Any person or any officer, department, board or bureau of the city affected by the grant or refusal of a building permit, or by any other decision of the city's administrative staff in the enforcement and administration of the land use ordinance, may appeal any decision to the hearing officer.
2. All appeals must be filed in writing with the office of the city recorder, within ten (10) calendar days from the date of any written decision is issued by the city or within ten (10) calendar days from when the person knows or reasonably should know of the decision being appealed, whichever is less.
3. The person or entity making the appeal has the burden of proving that an error has been made.
4. Only decisions applying the land use ordinance may be appealed to the hearing officer. A person may not appeal, and the hearing officer may not consider, any amendments to the land use ordinances.
5. Adversely affected parties that appeal for relief shall be required to present to the hearing officer every theory of relief that it can raise in district court.
6. The standard of review of factual matters for the hearing officer shall be de novo. The hearing officer shall review for correctness a decision of the city's land use authority in its interpretation and application of a land use ordinance.
7. Only those decisions in which the city's land use authority has applied a land use ordinance to a particular application, person, or parcel may be appealed to the hearing officer.
8. Appeals may not be used to waive or modify the terms or requirements of the land use ordinance.

E. Appeal Of Hearing Officer Decision To District Court: Any person adversely affected by any decision of a hearing officer may petition the district court for a review of the decision within thirty (30) days of said decision. (Ord. 2012-07, 4-30-2012)