

CHAPTER 6

Appeals



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25-6.1 Who May Appeal

Any person dissatisfied with a decision of the Planning Director or Planning Commission on a planning application may appeal the decision. The decision of the Planning Director can be appealed to the Planning Commission, and the Planning Commission's decision to the City Council, unless otherwise not allowed by this Ordinance.

25-6.2 Appeal Requirements

An appeal of a decision by the Planning Director or Planning Commission shall be completed by filing a letter with the City Clerk no later than 10 days after the day on which the decision was made. The appeal shall state the name of the person appealing the decision, the decision that is being appealed and the reasons for the appeal, including an error, abuse or discretion or a decision that is not supported by the findings in the record.

25-6.3 Effect of Appeal

The filing of an appeal shall have the effect of staying the issuance of any permit or procedure until such time as the matter on appeal is resolved.

25-6.4 Public Notice and Hearing

Upon receipt of an appeal by the City Clerk, a public hearing shall be held within 45 days of the receipt of the appeal. The public hearing notice for the appeal shall comply with the notice requirements detailed in Section 25-5 (Public Hearings).

25-6.5 Decision on Appeal

The Planning Commission or City Council shall hold a public hearing on the matter that is under appeal. The appellate body shall affirm, modify or reverse the decision under appeal. At the discretion of the appellate body, the public hearing may be continued.

25-6.6 Appeals by the Planning Director

The Planning Director may appeal a decision of the Planning Commission to the City Council if the Director finds that:

- a. The action of the Planning Commission constitutes new policies for the City.
- b. The action is contrary to established City policy.
- c. The action will have a significant fiscal impact on the City.
- d. The action is not in compliance with City zoning or subdivision ordinances.
- e. The action is inconsistent with the Firebaugh General Plan.

25-6.7 New Appeal

When an appeal has been denied by an appellate body, no new application for the same or substantially same application shall be filed with the City for 12 months following the final decision on the appeal.

25-6.8 Reconsideration

If the appellate body determines that more complete information or additional facts on the matter previously appealed become evident, the affected party may request reconsideration of the appeal. All costs associated with the reconsideration shall be borne by the applicant. A new public hearing notice will be processed consistent with Section 25-5 (Public Hearings).