

## **Sec. 8111-7 - Appeals**

Unless otherwise provided in this Chapter, an appeal shall be processed in the same manner as other *discretionary* application requests set forth in this Article and in accordance with the following:

### **Sec. 8111-7.1 - General**

An application for an appeal concerning any order, requirement, permit or decision made in the administration of this Chapter may be filed by an aggrieved party within ten calendar days after the alleged decision-making error, or on the following work day if the tenth day falls on a weekend or holiday. Included within this Section are appeals of the *Planning Director's* refusal to accept or process an application until the *applicant* paid all outstanding fees and charges in accordance with Sections 8111-2.1, 8111-2.9 and 8201-5. In hearing and deciding such an appeal of the *Planning Director's* refusal, the Planning Commission shall consider the correctness of the amount of the outstanding debt or charge and whether the debt or charge is owed by the appellant, if such issues are raised by the appellant. Decisions made regarding enforcement reports, which are not a part of this Chapter, are not appealable. The filing of an appeal shall automatically stay all proceedings in furtherance of the subject request. (See also Sec. 8111-4.5)

### **Sec. 8111-7.2 - Hearing Body**

All appeals shall be filed with the Planning Division on the appropriate application forms and be addressed to the decision-making authority hearing the appeal. The appropriate decision-making authorities, unless otherwise stipulated here in this Article, are as follows:

- a. Appeals of Administrative Decisions (by the *Planning Director* or designee) shall be heard by the Planning Commission, except that Zoning Clearances for Accessory Dwelling Units are final decisions and are not subject to appeal. (AM. ORD. 4519-2/27/18)
- b. Appeals of Planning Commission decisions shall be heard by the Board of Supervisors.
- c. Appeals relating solely to requests under this Chapter for waivers or modifications of policies of the Board of Supervisors need only be heard by the Board of Supervisors. (AM. ORD. 4282 - 5/20/03)

### **Sec. 8111-7.3 - Appeal Period**

The appeal period for appeals to County decision-making authorities shall end ten calendar days after the decision being appealed is rendered pursuant to Section 8111-4, or on the following workday if the tenth day falls on a weekend or holiday.

**Sec. 8111-7.4 - Hearing and Notice**

Upon receipt of a complete appeal application form and any required fees, the Planning Division shall establish a date, time and place for the hearing. Notice shall be given in the same manner as required for the original request, and shall also be given to the *applicant* and appellant, as the case may be.

**Sec. 8111-7.4.1**

The *Planning Director* shall deliver all pertinent information relating to the matter on appeal to the authority hearing the appeal prior to the date of the hearing, unless otherwise directed by that authority.

**Sec. 8111-7.4.2**

A matter on appeal may be referred back to the preceding decision-making authority for further report, information or study.

**Sec. 8111-7.4.3**

Whenever a matter on appeal has been referred back to the preceding decision-making authority, said authority shall respond within 30 calendar days following the date of such referral, unless otherwise specified by the decision-making authority making the referral.

**Sec. 8111-7.4.4**

Hearings on multiple appeals may be consolidated.

**Sec. 8111-7.5 - Appellate Decision**

The decision-making authority shall either approve, deny, or approve with modifications, the appeal request.

**Sec. 8111-7.6 - Accessory Dwelling Unit Procedures and Junior Accessory Dwelling Unit Procedures**

Notwithstanding any other provisions of this Article:

- a. No public hearings shall be conducted on applications for accessory dwelling units or junior accessory dwelling units under Sections 8105-4, 8107-1.7, and 8108-4.7. (AM. ORD. 4407 – 10/20/09)
- b. Decisions on accessory dwelling units and junior accessory dwelling units are final County decisions when rendered and are not subject to appeal.

(ADD. ORD. 4282 - 5/20/03; AM. ORD. 4519-2/27/18; AM. ORD. 4615 – 2/7/23)