

**CHAPTER 16.45  
BOARD PROCEDURES**

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**16.45.010 APPEALS.**

- A. When the clerk receives a notice of appeal pursuant to MCC 16. 44.300 or 16.33.940, the appeal may be placed on the agenda of a regular board meeting following the expiration of the appeal period.
- B. When an appeal is filed it shall stay all proceedings by all parties in connection with the matter upon which the appeal is taken until the board makes a decision on the appeal.

**16.45.020 BOARD ACTION ON APPEALS.** The board shall review appeals and the action of the hearings officer, and:

- A. The board may refer the matter back to the hearings officer for reconsideration on the hearing record or for rehearing; or
- B. The board may summarily, after considering the application and appeal and finding that the facts therein do not warrant further hearing, affirm the action of the hearings officer and deny the appeal; or
- C. If the board is of the opinion that the facts in the case warrant further consideration, the board shall accept the appeal and set a hearing,

**16.45.030 HEARINGS PROCEDURES.**

- A. When the board has set a hearing pursuant to MCC 16.37.010 or 16.45.020(C) or when a hearing is required by state law, the zoning administrator shall provide notice as required in MCC 16.44.03 (A) and (B) except the notice shall be mailed at least 20 days before the board hearing if there was not a previous hearing before the hearings officer. Failure to receive mailed notice shall not affect the validity of the proceedings.
- B. In the case of hearings set pursuant to MCC 16.45.020 the board may limit the scope of the hearing to those aspects of the application that warrant review.
- C. The board consideration of applications and appeals for which a board hearing is scheduled shall be de novo. All hearings shall be conducted in accordance with procedures adopted by the board and the requirements of this title and state law.
- D. The board shall have the same authority as the hearings officer.

**16.45.040 BOARD DECISION AND NOTICE.**

- A. After holding a hearing the board may reverse, affirm, or modify a hearings officer's decision. After holding a hearing the board may deny, approve, or modify applications called up pursuant to MCC 16.37.010 or matters where a public hearing is required by state law.
- B. The board's decision shall be adopted by order in the case of a conditional use, partition, property line adjustment, subdivision, administrative review, adjustment, or a denial of a plan map amendment or zone change application. Approval of a plan map amendment or zone change shall be by ordinance.
- C. Notice of the board's decision shall be mailed to the applicant, the owners of the subject property identified in the application, those who request notice prior to the close of the final public hearing, those testifying at the Board hearing, and others entitled to notice by law.

**16.45.050 APPEAL OF BOARD DECISION.** A board decision is final and may be appealed in such a manner and within such time as provided in state law.