



Boundary County, Idaho Planning & Zoning Appeal

INSTRUCTIONS

Section references herein taken from Boundary County Land Use Ordinance 2015-2.

- 1. FILING - Section 13.2.3.:** Appeals to the Boundary County Board of County Commissioners must be filed within 7 days from the date that the Findings and Decision was signed by the Planning & Zoning Commission Chairman or Co-Chairman.
- 2. APPLICATION FORMS:** Complete the form titled 'Application for Appeal'. Please use blue or black ink. Sign the form and include a daytime phone number and email address.
- 3. PLANS:** Three (3) copies of supporting material are to be submitted with each application. Plans, drawings, photos or other materials should not exceed 11" x 17" and should not be less than 8.5" x 11". All plans must be to scale. In addition, applicants should submit all images, photographs and drawings in digital format. Indicate in PART B of the form titled 'Application for Appeal' the nature of the attachments. Larger or additional copies may be requested by staff for large scale projects. Applications without the required supporting material will be deemed incomplete and will not be scheduled for hearing by the Boundary County Board of County Commissioners.
- 4. FILING FEE:** Applicants must submit a filing fee with the application. The exact amount may be obtained from the Planning and Zoning Administrator.
- 5. HEARING DATE:** Once staff has reviewed the application for completeness and validity, a hearing date will be scheduled. The applicant will be notified by staff of the scheduled hearing date.
- 6. PROPERTY OWNER NOTIFICATION - Section 13.2.6.:** In the case of an appeal to the Boundary County Board of County Commissioners, staff shall send written notice to all adjoining and facing property owners; notices must be sent by U.S. mail at least ten days prior to the Board of County Commissioners public hearing and not more than 30 days prior to the hearing. In the event the application is deferred, notification shall be given again.



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BOARD OF COUNTY COMMISSIONERS APPEALS PROCESS

PUBLIC APPEALS HEARINGS - Section 13.2.4.1.: The Boundary County Board of County Commissioners will schedule a public hearing after a review to confirm the merit of the appeal. The applicant or a representative must attend the meeting.

DEFINITION OF APPEAL - Section 13.2.3.: The Boundary County Board of County Commissioners is authorized to hear appeals when it is alleged there is an error from any order, requirement, decision or determination made by the Boundary County Planning & Zoning Administrator in the administration or enforcement of the Land Use Zoning Ordinance of Boundary County, Idaho. The appeal must be filed within 7 days from the date that the Findings and Decision was signed by the Planning & Zoning Commission Chairman or Co-Chairman.

APPEAL POWERS – BOARD OF COUNTY COMMISSIONERS: The Board of County Commissioners may reverse or affirm wholly or partly or may modify the Findings and Decision appealed from.

STAY OF PROCEEDINGS: A properly filed appeal shall stay all proceedings in furtherance of the action appealed from, unless the Planning & Zoning Administrator certifies to the Board after the notice of appeal has been filed that by reason of facts stated in the certificate a stay would, in his/her opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed except by restraining order which may be granted by the Board or by a proper court on notice to the Administrator and on due cause shown.

DECISIONS ON APPEAL: Within a reasonable time after the appeal has been filed, the Board of County Commissioners shall hold a public hearing giving public notice thereof as well as due notice to parties of interest, decide the appeal and file with the Administrator written findings of fact and decision regarding the appeal. The concurring vote of a majority of the members is needed to reverse a decision. The Administrator will provide a copy of the decision to the applicant and to each other person who was a party of record at the hearing.

APPEAL OF THE BOARD OF COUNTY COMMISSIONERS APPEAL DECISION - Section 13.2.7.: Any person jointly or severally aggrieved by a decision of the County Board of County Commissioners may seek judicial review pursuant to Idaho Court Rules.



**Boundary County, Idaho
Planning & Zoning
Application for Appeal**

Identify the Findings and Decision that is the subject of the appeal. Attach one copy to the application.

**On what date was the Findings and Decision made? _____
(The appeal must be filed within 7 days from the date the Findings and Decision was signed by the Planning & Zoning Chairman or Co-Chairman - Section 13.2.3.)**

PART A

1. Applicant: [] Owner [] Contract Purchaser [] Agent

Name: _____

Address: _____

Daytime Phone: _____

Email Address: _____

2. Parcel #: _____

3. Legal Property Owner Name: _____

Address: _____

THE UNDERSIGNED HEREBY ATTESTS that all of the information herein provided including the site plan, prospective drawings and description of the projects, etc. are true, correct and accurate. The undersigned further understands that, should such information be found incorrect, any action taken by the Board based on such information may be invalidated. The applicant, if other than the property owner, also attests that he/she has obtained permission from the property owner to make this application.

Date

Print Name

Signature



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PART B

Attachments: [] Yes [] No **Describe:** _____

Why do you believe the Findings and Decision is incorrect? Explain the basis for the appeal, beginning in the following space and using additional pages if necessary.
