



# Minidoka County Zoning Application

## Administrative or Planning and Zoning Appeal

715 G Street; PO Box 368, Rupert, Idaho 83350

Ph: (208) 436-7183 Fax: (208) 436-1580

City Area of Impact (if applicable) \_\_\_\_\_

### APPLICANT INFORMATION

Name \_\_\_\_\_ Phone \_\_\_\_\_ Email \_\_\_\_\_

Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ ZipCode \_\_\_\_\_

### PROPERTY INFORMATION

Owner \_\_\_\_\_ Phone \_\_\_\_\_ Email \_\_\_\_\_

Location/Address \_\_\_\_\_

Zoning District \_\_\_\_\_ Comprehensive Land Use \_\_\_\_\_

### Description of Existing Land Use

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### Description of Proposed Land Use or Zoning

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### Legal Description (or Attach copy)

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**FEE:** A non-refundable fee of \$400.00 shall accompany this completed application. Application will be billed for any additional costs above and beyond this initial fee or deposit, accrued by the County involving publication and notification of the public hearing as well any other direct costs involved with the Appeal.

## Detail Submittals

1. A request for appeal to the board shall include the explanation of the basis for appeal and the result sought and must be filed no more than fourteen (14) days after the reconsideration decision of the commission is entered. The issues on appeal shall be limited to those raised in the request for reconsideration submitted to the commission
2. Any reconsiderations shall state the issues to be considered and the legal basis for the relief sought.
3. Written Narrative of the propose land use:
  - Detailed description of the existing and proposed property use.
  - The Reason for requesting a Zoning Appeal.
  - Evaluation of the impact of the proposed use on the surrounding properties, the City, the area, and the general population.
  - How does the sought proposed land use meet and comply with the Minidoka County Comprehensive Plan and Comprehensive Plan Map?
  - How do you plan to comply with the Plan and the current regulations of the Minidoka County Ordinance?

### NOTICE:

*“Idaho law prohibits members of any Planning and Zoning Commission or members of any City Council or Board of County Commissioners from talking to applicants or interested parties about planning and zoning matters outside of public hearings. Those hearings include: requests for change of zoning, zoning ordinance amendment, zoning variance, special use permit, approvals for subdivisions or any other decisions to be made by them concerning Zoning and Subdivision applications of any kind where a public hearing is required pursuant to Idaho Code Section 67-6509. If the applicant or any other interested parties contact any members of these bodies outside the formal hearing process the application may by law be rejected.”*

**Note: Individuals for an eligible appeal is define as an affected person as follows:**

*An affected person shall mean one having an interest in real property, which may be adversely affected by the issuance or denial of a permit authorizing the development and in case of a Commission appeal who appeared in person or in writing before the commission at the time of the applicable hearing.*

**I certify that all the information I have submitted is true and correct. Any false information will result in the invalidation of this application.**

**Applicant Signature** \_\_\_\_\_ **Date** \_\_\_\_\_

**Owner Signature** \_\_\_\_\_ **Date** \_\_\_\_\_

Note: If there is more than one owner, include attachment with all the owners' consent and signatures.

The Zoning Administrator reserves the right to not officially accept this application until all the required information is submitted and complete. The date of the public hearing will be set after acceptance of a completed application.

Within twenty eight (28) days after the receipt of an application, the administrator shall either approve or disapprove the application in conformance with the provisions of the County Ordinance.

Accepted By: \_\_\_\_\_ Date \_\_\_\_\_

## APPEALS

A. Right To Appeal: The applicant or any affected aggrieved persons with lawful standing and who also appeared in person or in writing before the commission may appeal the decision of the commission to the commission or board as provided in this chapter.

B. Zoning Administrator Decisions: Appeals of decisions of the zoning administrator shall be determined by the planning and zoning commission. An appeal shall be in writing and shall include the specific legal basis for appeal and the results sought. The commission will render a written decision that will be communicated to the appellant and applicant.

C. Commission Decisions: Appeals of decisions made by the commission shall be determined by the board of county commissioners. The procedure for an appeal shall be as follows:

1. Fees governing appeals must be paid at the time of the filing of the appeal. The legal basis for the appeal must be stated in writing before an appeal will be deemed accepted for consideration. The written notice of appeal shall contain the name, address and phone number of the appellant and, if different, the name, address and phone number of the property owner; and it shall include the street address and legal description of the property which is the subject of the appeal. The record of the proceedings before the commission shall be transmitted to the board before consideration of the appeal by the board.

2. Appeals of final decisions made by the commission may only be appealed to the board if a written request for reconsideration has been previously submitted to the commission within fourteen (14) days of the final decision of the commission. The request for reconsideration shall state the issues to be considered on reconsideration and the legal basis for the relief sought. The commission shall respond in writing to any request for reconsideration at its next scheduled meeting, either modifying its original decision or affirming its prior action. Only following issuance of the commission's written decision regarding reconsideration, may the appeal process proceed before the board. The appeal to the board must also include a copy of the request for reconsideration of the appeal before the commission and the commission's decision on reconsideration. Any appeal to the board for which there is no request for reconsideration before the commission shall be dismissed by the county clerk.

3. A request for appeal to the board shall include the explanation of the basis for appeal and the result sought and must be filed no more than fourteen (14) days after the reconsideration decision of the commission is entered. The issues on appeal shall be limited to those raised in the request for reconsideration submitted to the commission.

4. After considering the written decision of the commission, the decision on reconsideration, the record on appeal and the written appeal submitted by the applicant, the board may determine that the appeal has no legal basis and dismiss it, may rule upon the appeal based upon the written record placed before it or schedule an appeal hearing to allow oral presentation of the issues associated with the appeal. Following conclusion of the procedures it chooses to invoke, the board will render a written decision that will be communicated to the appellant and applicant.

D. Grievance: An aggrieved party may seek judicial review of a decision of the board of any final decision of the board.

E. Final Decision; Reconsideration: A decision of the board is not final until it has been rendered in writing and delivered to the applicant. Also, it is not a final decision, subject to review, until a written request for reconsideration has been submitted to the county clerk within fourteen (14) days of the final decision of the board, stating the issues to be reconsidered and specific legal basis for the relief sought.

1. The board shall respond in writing to any request for reconsideration within fourteen (14) days of its filing, either modifying its original decision or affirming its prior action. The board may determine that the request for reconsideration has no legal basis and dismiss it, may rule upon the request based upon the written record placed before it, or schedule a hearing to allow oral presentation of the issues associated with the request. The board will render a written decision that will be communicated to the appellant and applicant.

2. Failure to request reconsideration is a failure of the appellant to exhaust administrative remedies.

F. Fees: During the process of appeal or of reconsideration, should either the commission or the board determine that new or additional public hearings must be held, requiring new notice of hearing to be sent or published, the cost of such shall be borne by the applicant. The cost of such shall be paid in advance of giving any such notice. Any other fee for filing any request for reconsideration shall be paid in advance in the amount set by board resolution.