

TWIN FALLS COUNTY
PLANNING & ZONING ADMINISTRATION
630 ADDISON AVENUE WEST, SUITE 1100, TWIN FALLS, ID 83301
TELEPHONE (208) 734-9490 FAX (208) 733-9645

APPEAL GUIDELINES

Date Received: _____

Receipt #: _____

I. WHO MAY APPEAL

Pursuant to Twin Falls County Title 8 Zoning Ordinance 8-3-9, anyone who is affected may file an appeal on a decision of the Twin Falls County Planning and Zoning Commission. All appeals will be evaluated for standing. Appeal must be submitted with appropriate fees.

II. TIME LIMITS FOR APPEAL

All appeals must be filed with the Twin Falls County Planning and Zoning Commission within fifteen (15) days after the entry of a final decision.

APPEAL INFORMATION

1. Appellant Name: _____

2. Address: _____ City: _____ Phone: _____

3. Matter being appealed (and Applicant's name): _____

4. Date of decision on matter being appealed: _____

5. Reason for appeal: _____

Appellant Signature

Date

**BE SURE TO READ AND FOLLOW ALL APPEAL INSTRUCTIONS
ATTACHED TO THIS FORM.**

APPEAL INSTRUCTIONS

(These instructions must be copied and provided to all parties along with the Notice of Appeal)

1. This Notice of Appeal must be filed with the Planning and Zoning Department along with the appropriate fees, including any transcript fee as stated in subsection E of the appeals chapter, within fifteen (15) calendar days after notice of the decision.
2. Only Applicants or affected persons may file an appeal. The Board of County Commissioners will evaluate appeals for standing. Appeals based on allegations or grounds for which state or federal agencies have responsibility, such as, but not limited to, ground water and surface water quality, water quantity, anticipated odor, etc., will not be considered by the Board of County Commissioners.
3. The Appellant shall file proof of service of the Notice of Appeal on the applicant and all property owners who were required to be notified at the Planning and Zoning level within 14 days of filing the Notice of Appeal. Failure to comply with this requirement may result in dismissal of the appeal by the Board of County Commissioners.
4. Any person wishing to contest an appeal ("Respondent") must file a Notice of Appearance within 14 days of service of the Notice of Appeal. Any person failing to timely file a Notice of Appearance may be barred from further participation in the appeal.
5. A brief, shall be filed by the Appellant within 14 days of filing of the Notice of Appeal.
6. The Respondents, if any, shall file a brief within 28 days of the filing of the Notice of Appeal, or 14 days after service, whichever is sooner.
7. The briefs may be formal or in letter form, but must be in writing.
8. If a party requests an extension of time due to a delay in the transcript preparation, as described in subsection E of this chapter, that request must be in writing, and in no case shall be granted to extend beyond 14 days from the time the transcript is completed.
9. A transcript of the proceedings is required for all appeals of decisions made by the Planning and Zoning Commission, and shall be prepared in the following manner:
 - A) The Planning and Zoning Department shall copy the tape of the proceedings and submit it to the Board of County Commissioners, who will then arrange to have the tape transcribed.
 - B) A deposit is required for the transcript, to be paid by Appellant at the time of filing the Notice of Appeal. The transcript shall be paid for by the Appellant at the rate per page set by County resolution, or the current rate as allowed by Idaho Code 1-1105.
 - C) If the cost for preparation of the transcript exceeds the deposit, the Appellant shall pay the difference before the file is submitted to the Board of County Commissioners, but no later than one (1) week after the transcript is completed. If the Appellant does not pay the difference owing within one (1) week, then the appeal may be dismissed with prejudice by the Board of County Commissioners. If the transcript cost is less than the deposit, the County will reimburse the Appellant the difference within two (2) weeks.

D) The completed transcript will be returned to the Board of County Commissioners, who will give a copy to the Planning and Zoning Department. The Appellant and Respondent, if any, may obtain a copy of the transcript from the Planning and Zoning Department when the transcript fee is paid in full by Appellant.

E) When the transcript is received and paid for, the file shall be sent from the Planning and Zoning Department to the Board of County Commissioners.

10. Either Appellant or Respondent may submit a written request for a hearing on the appeal. If neither party submits a written request for a hearing on appeal within 45 days after the filing of the Notice of Appeal, the Board of County Commissioners may issue a decision based on the record without a hearing.

11. The filing of an appeal shall automatically stay the proceedings and execution of any decision appealed from by the Appellant pending the final decision on appeal by the Board of County Commissioners.

12. Consideration of the appeal will be based solely on the record, and new information will not be allowed or considered. The Board of County Commissioners will issue a written decision explaining its action concerning the appeal. The Board of County Commissioners may reverse, remand, uphold, or modify the decision below as appropriate. The decision of the Board of County Commissioners shall constitute a final decision of the County concerning such matter.