

ADMINISTRATIVE CODE
BOARD OF COUNTY COMMISSIONERS

CATEGORY:

Development/Planning/Zoning

CODE NUMBER:

AC-13-2

TITLE:

Procedures for Appeal of LPA Decisions

ADOPTED:

10/1/86

AMENDED:

1/4/95

ORIGINATING DEPARTMENT:

County Administration

PURPOSE/SCOPE:

To establish procedures for appeal of an LPA decision.

POLICY/PROCEDURE:

1. All appeals must be on forms supplied by the Department of Community Development (DCD).
2. Completed appeal forms must include the following:
 - a. The date of the LPA decision;
 - b. The substance of the LPA decision;
 - c. The specific reference to the section, text, or map of the Comprehensive Plan (this includes any goal, objective, policy or cited standard);
 - d. A statement explaining the applicant's position;
 - e. The applicant's signature.
3. The County Administrator may designate an individual with the authority to appeal on behalf of the administrative staff.
4. With respect to staff appeals of LPA decisions made pursuant to an application filed by a member of the public:
 - a. All members of the public who have filed applications requesting an LPA determination are deemed interested parties and as such are entitled to written notice within seven (7) days of the date of the filing of the staff appeal;
 - b. The notice must inform the interested party of the date of the hearing and of the right to submit written comments to DCD, and
 - c. The LPA will be notified by staff of any appeal of an LPA decision.
5. A hearing on the appeal must be commenced no more than thirty (30) days from the date of filing.
6. The public will be notified of the hearing through the usual published agenda.
7. The Board of County Commissioners must receive all relevant information with regard to the appeal.
8. All interested members of the public are entitled to speak at the hearing.
9. The Board of County Commissioners may consider the written record and any oral testimony in making its decisions.
10. The Board may affirm the decision of the LPA and adopt its interpretation, or the Board may overrule the decision of the LPA specifying the appropriate interpretation.