

## Valley County Planning and Zoning

PO Box 1350 • 219 North Main Street  
Cascade, ID 83611-1350



Phone: 208-382-7115  
Fax: 208-382-7119  
Email: [cherrick@co.valley.id.us](mailto:cherrick@co.valley.id.us)

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**STAFF REPORT:** Appeal of Administrative Decision that a Conditional Use Permit Is Required for Solar Panels at 13643 Morris Ranch Road

**HEARING DATE:** April 13, 2023

**TO:** Planning and Zoning Commission

**STAFF:** Cynda Herrick, AICP, CFM  
Planning and Zoning Director

**PROPERTY OWNER:** Cynthia Heiney & Peter Miller  
13643 Morris Ranch RD, McCall, ID 83638

**LOCATION:** 13643 Morris Ranch Road  
Parcel RP17N03E148855, in Section 14, T.17N, R.3E, Boise Meridian, Valley County, Idaho.

**PROPERTY SIZE:** 10.095 acres

**REQUEST:** Appeal of Administrative Decision – Conditional Use Permit is Required for Detached Solar Panels

**EXISTING LAND USE:** Home, Detached Garages, Shed, and Detached Solar Panels

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Valley County Code 9-5G-1 states that conditional use permits are required for solar panels greater than eight (8) square-feet that are detached from the primary structure. This requirement has been in effect since 2010.

Staff determined that detached solar panel had been erected at 13643 Morris Ranch Road without approval of a conditional use permit. The solar panel is visible from the Morris Ranch Road and from the Valley County GIS imagery map. The Valley County Assessor's Report includes a picture of the solar panels (attached). See attached pictures and map.

In 2001, Building Permit 2001-65 was obtained for a new garage with a studio apartment. In 2006, Building Permit 2006-607 was obtained to convert existing garage into living space.

According to the State of Idaho Division of Building Safety – Permit Information website, an electrical permit for “solar collectors grid tied” was applied for on October 14, 2013, and finalized on December 20, 2013.

### **APPEAL:**

The current property owner has appealed the *Administrative* decision stating the home was purchased in 2020 with the existing solar panels in place. The onus would have been on the County and the homeowner at the time of installation to see that the permit was acquired, not after the fact.

**FINDINGS:**

1. Solar panels were observed at 13643 Morris Ranch Road by Staff driving on Morris Ranch Road.
  2. Based on information from building and electrical permits, it was determined that the solar panels were installed without a conditional use permit as required by Valley County Code 9-5G-1A.
  3. Jody Green, Valley County Code Compliance, sent letter a letter to the property owners of 13643 Morris Ranch Road stating that a conditional use permit is required for the existing solar panel. (February 22, 2023).
  4. Cynthia Heiney replied with an appeal. (Dated March 3, 2023, Received March 10, 2023)
  5. Director Cynda Herrick accepted the appeal. Ms. Heiney was sent a letter and a draft agenda. (March 16, 2023)
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**9-5G-1: SITE OR DEVELOPMENT STANDARDS**

Alternative energy uses requiring a conditional use permit shall meet the following site or development standards:

- A. Solar Panels Greater Than Eight Square Feet In Accumulated Area and Detached From Primary Structure:
    1. Must be a minimum of fifteen feet (15') from property lines.
    2. Glare shall not create a hazard to vehicular traffic.
    3. Cannot be over thirty feet (30') in height.
    4. Impact to neighbors will be a determining factor.
- 

**STAFF COMMENTS:**

1. Is the use grandfathered? Ordinance was in place when installed according to the electrical permit. The Planning and Zoning Commission and the Board of County Commissioners have recently upheld an administrative decision that a conditional use permit is required for previously installed solar panels without a conditional use permit at 505 Collier View Road.
2. How can Ms. Heiney correct this matter?
3. Is a conditional use permit required?

**ATTACHMENTS:**

- Appeal
- Correspondence
- Maps of Site
- Building Permits 2001-65 and 0006-607
- Idaho Division of Building Safety – Permit Information
- Valley County Assessor's Office Report for Parcel (Picture of Solar Panels on page 5)
- Valley County Code 9-5H-12 Appeals

**END OF STAFF REPORT**

Cynthia Heiney  
13643 Morris Ranch Road  
McCall, ID 83638

March 3, 2023

Cynda Herrick  
Valley County Planning  
P.O. Box 1350  
Cascade, ID 83611

Re: Conditional Use Permit Application – 13643 Morris Ranch Road

Dear Ms. Herrick,

I received a letter in the mail recently with a conditional use permit application for “placement of solar panels”.

We purchased our home in 2020 with the existing solar panels in place. We did not install them. They apparently have been on the property since shortly after the house was built. As these would have required an electrical inspection by the county at the time of installation, I would think that the county would have been aware of the panels at that time and required a conditional use permit then. This house was built in 2003 and the solar panels installed shortly thereafter. The life expectancy of home solar batteries is between 5 and 15 years, so the batteries associated with the panels are at the end of their life expectancy as is and are not generating much electricity.

We are already dealing with the challenges of rising property taxes for the increase in sale's prices in the last two years. We all know the property taxes will not recede when the inflated sale's prices recede.

I respectfully request an exoneration for this conditional use permit and its fee as we did not install these panels and feel that the onus would have been on the county and the homeowner at the time of installation, to see that this permit was acquired, not after the fact.

Sincerely,

  
Cynthia Heiney

# Valley County Planning and Zoning

PO Box 1350 • 219 North Main Street  
Cascade, ID 83611-1350



Phone: 208-382-7115  
Email: [jgreen@co.valley.id.us](mailto:jgreen@co.valley.id.us)

February 22, 2023

Cynthia Heiney and Peter Miller  
13643 Morris Ranch RD  
McCall ID 83638

RE: 13643 Morris Ranch RD – RP17N03E148855

To Cynthia Heiney and Peter Miller:

It has come to my attention that you have a solar panel on your property at 13643 Morris Ranch RD. Valley County has an ordinance: Alternative Energy Uses (VC 9-5G-1) that requires a Conditional Use Permit for placement of solar panels.

*9-5G-1: SITE OR DEVELOPMENT STANDARDS: Alternative energy uses requiring a conditional use permit shall meet the following site or development standards:*

- A. Solar Panels Greater Than Eight Square Feet In Accumulated Area And Detached From Primary Structure:*
- 1. Must be a minimum of fifteen feet (15') from property lines.*
  - 2. Glare shall not create a hazard to vehicular traffic.*
  - 3. Cannot be over thirty feet (30') in height.*
  - 4. Impact to neighbors will be a determining factor.*

I have included a copy of the ordinance and a Conditional Use Permit application. The application fee is \$300. Please submit the application or contact our office before March 6<sup>th</sup>.

If you have questions about the Conditional Use Permit process, you can contact Cynda Herrick at 208-382-7116 or email at [cherrick@co.valley.id.us](mailto:cherrick@co.valley.id.us).

Sincerely,

A handwritten signature in cursive script, appearing to read "Jody Green".

Jody Green  
Code Compliance

# Valley County Planning and Zoning

PO Box 1350 • 219 North Main Street  
Cascade, ID 83611-1350



Phone: 208-382-7115  
Email: [lhunter@co.valley.id.us](mailto:lhunter@co.valley.id.us)

March 16, 2023

CYNTHIA HEINEY  
13643 MORRIS RANCH RD  
MCCALL, ID 83638

To Ms. Heiney,

RE: Appeal of Administrative Decision that a Conditional Use Permit Is Required for Solar Panels at 13643 Morris Ranch Road

We have received your appeal letter regarding the solar panels at 13643 Morris Ranch Road. The PZ Commission will discuss your appeal on April 13, 2023, and determine if a conditional use permit is required.

I have attached an agenda. A staff report will be sent to you prior to the meeting.

If you have any questions, please call our office at 208-382-7115.

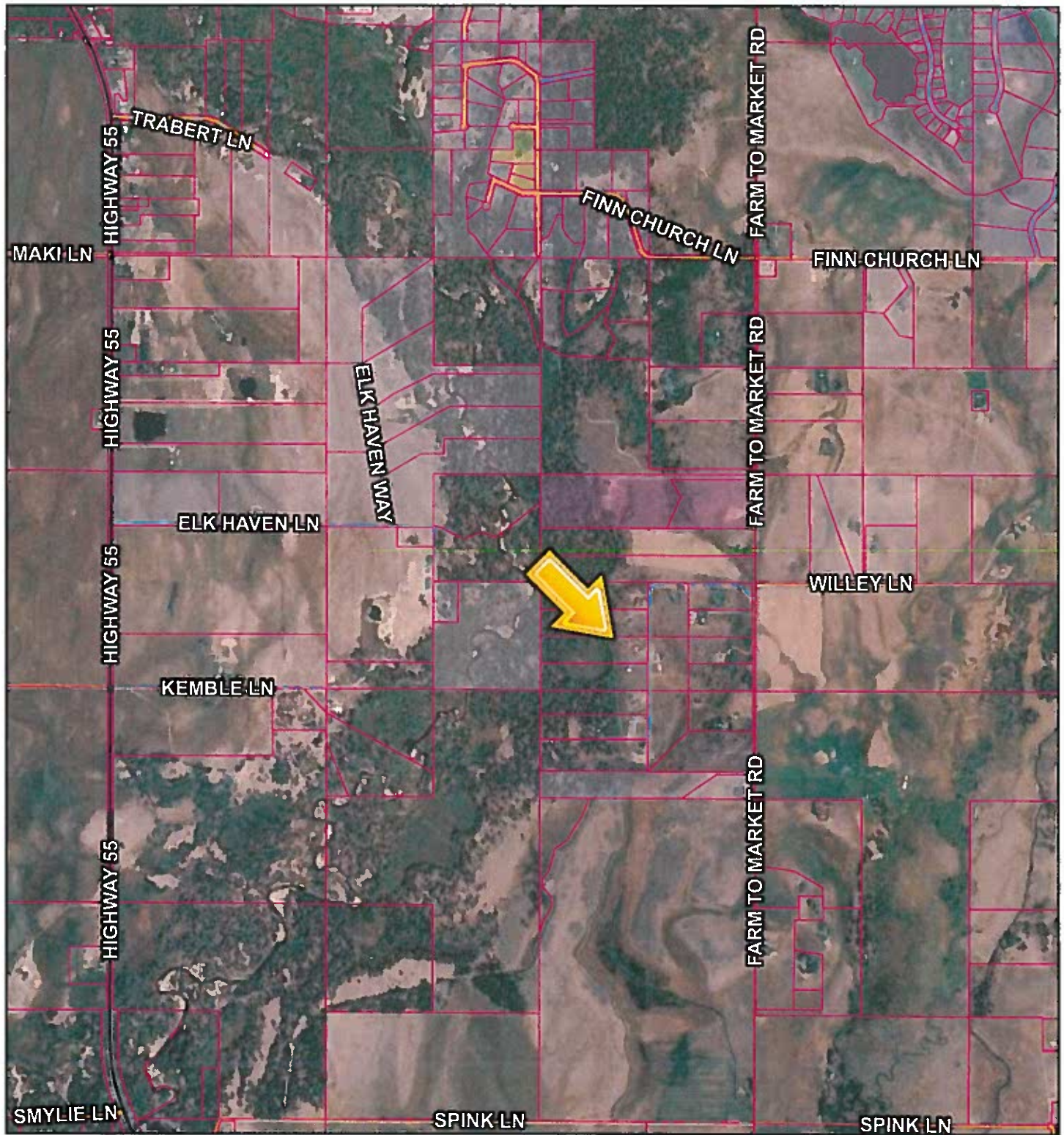
Respectfully,

A handwritten signature in cursive script that reads "Lori Hunter".

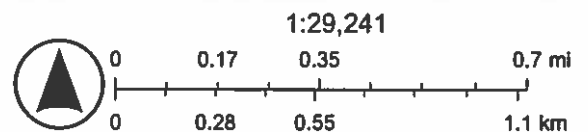
Lori Hunter  
Assistant Planner



# Detached Solar Panels at 13643 Morris Ranch Road



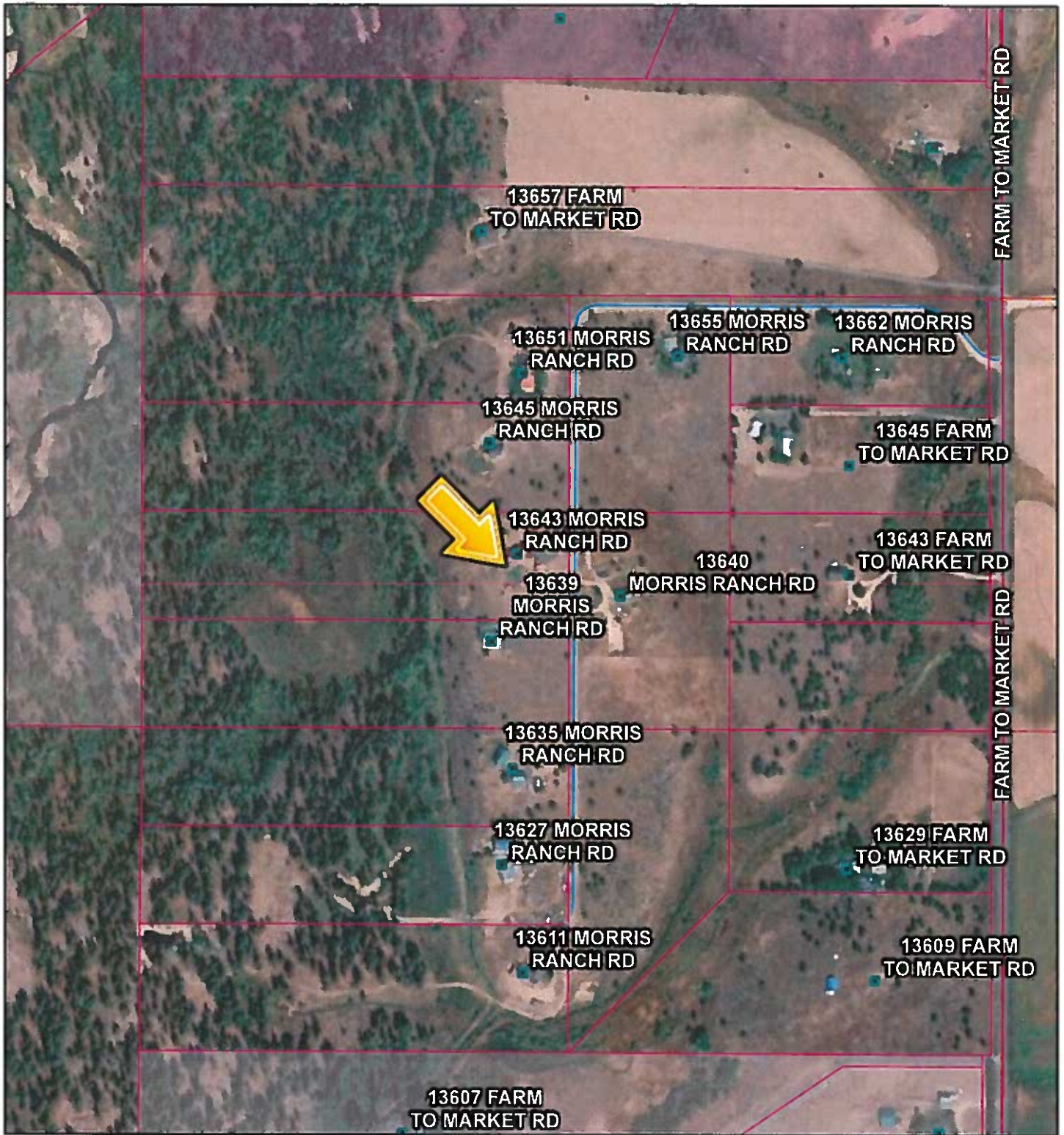
March 16, 2023



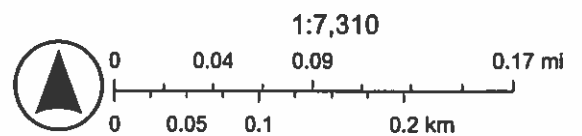
Maxar



# Detached Solar Panels at 13643 Morris Ranch Road



March 16, 2023



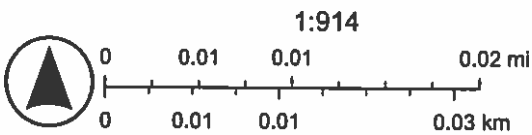
Maxar



# Detached Solar Panels at 13643 Morris Ranch Road



March 16, 2023



Maxar, Microsoft



# Valley County, Idaho BUILDING PERMIT APPLICATION

1

Applicant to complete numbered spaces only.

1. PARCEL NUMBER

2. ADDRESS PG.

17N03E14 8855

2540

2. PHYSICAL JOB ADDRESS

13643 Morris Ranch Rd., Lake Fork

3. LEGAL DESCR.

LOT NO.

13

BLK

SUBDIVISION OR TOWNSHIP SECTION AND RANGE

Morris Survey Sect 14 T17N R3E

4. OWNER

NERIDA

MAIL ADDRESS

Bowman/Jones P.O. Box 1794

ZIP 83638

PHONE

5. CONTRACTOR

MAIL ADDRESS

ZIP

PHONE

6. ARCHITECT

MAIL ADDRESS

ZIP

7. DESIGNER

8. ENGINEER

9. FOR MANUFACTURED HOUSING:  
INSTALLER AND LICENSE NUMBER

10. CLASS OF WORK: ☒ NEW ☐ ADDITION ☐ ALTERATION ☐ REPAIR ☐ MOVE ☐ REMOVE

11. Describe work and use

40x24 garage w/ Studio apt. above,  
residential, primary residence DECK 8x24

12. Change of use from

Mech

1 Bdrm

Change of use to

GAS FP

Class 5

13. Valuation of work: \$

69,120

70800

\$ mech 45-

\$ 710-

\$ 755-

SPECIAL CONDITIONS:

Single Family Residential - if  
another residence is constructed on the property a  
conditional use permit will be required on the  
current residence will need to be converted (remove garage)

PLAN CHECK

PERMIT FEE

TOTAL FEE

Type of Const

V/N

Occupancy Group

R/U

Division

1

Size of Bldg (Total) Sq Ft

No. of Stories

2

Max Occ. Load

Fire Zone

Use Zone

Fire Sprinklers Required ☐ Yes ☐ No

No. of Dwelling Units

OFFSTREET PARKING SPACES  
Covered \_\_\_\_\_ Uncovered \_\_\_\_\_

Special Approvals

Required

Received

Not Required

ZONING

HEALTH DEPT

FIRE DEPT

SOIL REPORT

IREES

ELECTRICAL

PLUMBING

FLOOD ORD

APPROACH

OCCUP STMT

RESTR COVNTS

4/12/01

11/6/00

(3)

4/12/01

4/12/01

4/12/01

4/12/01

4/12/01

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## NOTICE

14. SEPARATE PERMITS ARE REQUIRED FOR ELECTRICAL, HEATING VENTILATION OR AIR CONDITIONING.

THIS PERMIT BECOMES NULL AND VOID IF WORK OR CONSTRUCTION AUTHORIZED IS NOT COMMENCED WITHIN 60 DAYS, OR IF CONSTRUCTION OR WORK IS SUSPENDED OR ABANDONED FOR A PERIOD OF 180 DAYS AT ANY TIME AFTER WORK IS COMMENCED.

I HEREBY CERTIFY THAT I HAVE READ AND EXAMINED THIS APPLICATION AND KNOW THE SAME TO BE TRUE AND CORRECT. ALL PROVISIONS OF LAWS AND ORDINANCES GOVERNING THIS TYPE OF WORK WILL BE COMPLIED WITH WHETHER SPECIFIED HEREIN OR NOT. THE GRANTING OF A PERMIT DOES NOT PRESUME TO GIVE AUTHORITY TO VIOLATE OR CANCEL THE PROVISIONS OF ANY OTHER STATE OR LOCAL LAW REGULATING CONSTRUCTION OR THE PERFORMANCE OF CONSTRUCTION.

SIGNATURE OF CONTRACTOR OR AUTHORIZED AGENT

4/5/01

SIGNATURE OF OWNER OR OWNER BUILDER

4/5/01

WHEN PROPERLY VALIDATED (IN THIS SPACE) THIS IS YOUR PERMIT

PLAN CHECK VALIDATION

CK

M.O.

CASH

PERMIT VALIDATION

CK

M.O.

CASH

White - Inspector Pink - Applicant Yellow - Assessor

Cambridge Litho. In

Valley County, Idaho  
**BUILDING PERMIT APPLICATION**

Applicant to complete numbered spaces only.

1. PARCEL NUMBER RP170036148855A		R. ADDRESS PG. 2540	
2. PHYSICAL JOB ADDRESS 13643 MORRIS RANCH RD.			
3. LEGAL DESCR.	LOT NO.	BLK	SUBDIVISION OR TOWNSHIP, SECTION AND RANGE
4. OWNER JUSTIN & NERDA JONES		MAIL ADDRESS PO BOX 1794	ZIP 83638
5. CONTRACTOR		MAIL ADDRESS	PHONE
6. ARCHITECT		MAIL ADDRESS	PHONE
7. DESIGNER			
8. ENGINEER			
9. FOR MANUFACTURED HOUSING: INSTALLER AND LICENSE NUMBER			
10. CLASS OF WORK: <input type="checkbox"/> NEW <input checked="" type="checkbox"/> ADDITION <input type="checkbox"/> ALTERATION <input type="checkbox"/> REPAIR <input type="checkbox"/> MOVE <input type="checkbox"/> REMOVE			
11. Describe work and use KITCHEN, LAUNDRY RM, GARAGE ADDITION, CONVERT EXISTING GARAGE INTO LIVING RM & ENTRY W/ EXPANDED BATH			
12. Change of use from 40,320.00 H: 672 ch P: 36 ch Change of use to 6,336.00 C: 240 ch 378.00			
13. Valuation of work: \$ 35,000.00 47,034.00		\$404.00 PLAN CHECK	\$623.55 PERMIT FEE
SPECIAL CONDITIONS: 120 S.L.		\$1027.55 TOTAL FEE	
Type of Const. VB		Occupancy Group R/U	Division 3/1
Size of Bldg. (Total Sq. Ft.)		No. of Stories 1	Max. Occ. Load 10
Fire Zone		Use Zone	Fire Sprinklers Required <input type="checkbox"/> Yes <input type="checkbox"/> No
No. of Dwelling Units 1			
14. SEPARATE PERMITS ARE REQUIRED FOR ELECTRICAL, HEATING VENTILATION OR A/C CONDITIONING. THIS PERMIT BECOMES NULL AND VOID IF WORK OR CONSTRUCTION AUTHORIZED IS NOT COMMENCED WITHIN 60 DAYS, OR IF CONSTRUCTION OR WORK IS SUSPENDED OR ABANDONED FOR A PERIOD OF 180 DAYS AT ANY TIME AFTER WORK IS COMMENCED. I HEREBY CERTIFY THAT I HAVE READ AND EXAMINED THIS APPLICATION AND KNOW THE SAME TO BE TRUE AND CORRECT. ALL PROVISIONS OF LAWS AND ORDINANCES GOVERNING THIS TYPE OF WORK WILL BE COMPLIED WITH WHETHER SPECIFIED HEREIN OR NOT. THE GRANTING OF A PERMIT DOES NOT PRESUME TO GIVE AUTHORITY TO VIOLATE OR CANCEL THE PROVISIONS OF ANY OTHER STATE OR LOCAL LAW REGULATING CONSTRUCTION OR THE PERFORMANCE OF CONSTRUCTION.		Special Approvals	Required
SIGNATURE OF CONTRACTOR OR AUTHORIZED AGENT [Signature]		Received	
(DATE) 8-31-06		Not Required	
SIGNATURE OF OWNER OR OWNER BUILDER [Signature]		(DATE)	
WHEN PROPERLY VALIDATED (IN THIS SPACE) THIS IS YOUR PERMIT			
PLAN CHECK VALIDATION CK. M.O. CASH PERMIT VALIDATION CK. M.O. CASH			
White - Inspector Pink - Applicant Yellow - Assessor			

BUILDING PERMIT NO.  
2006-607





## Division of Building Safety

1090 E Watertower St. Suite 150  
Meridian ID, 83642  
1-800-955-3044 phone  
1-877-810-2840 fax

Applied Date: 10/14/2013

Entered By: ECO

Permit No.: WEB1310-01324

License No.: C:011611

Site Address:	13643 MORRIS RANCH RD	Parcel No.	VALRP17N03E148855A
City:	MCCALL	Default Inspector:	DANIEL SURERUS 986-218-0315
Contractor:	I/ON ELECTRIC INC	Description of Work:	Solar collectors grid tied
Address:	PO Box 1794 MCCALL ID 83638		
Phone:	[REDACTED]		
Owner:		Directions to Location:	
Address:			
Phone:			

### FEES

Fee Description	Amount	Receipt #	Paid Date
ELECTRICAL - EXISTING RESIDENTIAL	\$65.00	[REDACTED]	10/14/2013

Description	Amount
REQUESTED INSPECTION	\$65.00

<b>TOTAL FEES</b>	\$65.00
<b>TOTAL FEES PAID</b>	\$65.00
<b>TOTAL FEES DUE</b>	\$0.00

**This is your ELECTRICAL Permit and Receipt**

**\*WEB1310-01324\***

**\*\* Permit Fees are Non-Refundable and Non-Transferable \*\***

**EXPIRATION OF PERMITS:** This permit will expire one (1) year after the applied date of the permit or one (1) year after the last documented inspection. If your permit has expired and has been expired for less than a year, you may reactivate the permit for an additional year by contacting the Division of Building Safety and paying a reactivation fee



## Permits

- Search Permit
- Pay Fees

## Licenses

- Search Trade Licenses
- Search Public Works
- Pay Fees

## Inspections

- Schedule
- Cancel

## Elevators

- Search Elevators

## Violations

- Search

## Shopping Cart

- Pay All Fees
- Paid Items

## Contact

- Contact us

## PERMIT Search

[Search Again](#)[Download Results](#)[Printable View](#)

Permit Number	Permit Type	Site Address	Site City	Site Zip Code	Site Parcel Number	Applicant
WEB1310-01324	ELECTRICAL	13643 MORRIS RANCH RD	MCCALL	83638	VALRP17N03E148855A	IVON

[First](#)[Prev](#)

Page: 1 of 1

[Next](#)[Last](#)

### Details - Permit# WEB1310-01324

[Permit Info](#) [Site Info](#) [Fees \\$65.00](#) [Inspections \(2\)](#) [Reviews](#)**Type:** ELECTRICAL**Subtype:** CONTRACTOR**Description of Work:****Status:** FINALED**Applied Date:** 10/14/2013**Approved Date:****Issued Date:** 10/14/2013**Finalized Date:** 12/20/2013**Expiration Date:** 12/14/2014**Description of Work:** Solar collectors grid tied

**VALLEY COUNTY ASSESSOR'S OFFICE****Parcel Summary and Improvement Report**

PO Box 1350 - 219 N Main St, Cascade, ID 83611

Phone (208) 382 - 7126 | [assessor@co.valley.id.us](mailto:assessor@co.valley.id.us)**GENERAL PROPERTY SUMMARY**

PARCEL ID	RP17N03E148855
OWNER(S)	HEINEY CYNTHIA MILLER PETER
SITUS ADDRESS	13643 MORRIS RANCH RD
SITUS CITY, STATE, ZIP	MCCALL, ID 83638
MAILING ATTENTION	
MAILING ADDRESS	13643 MORRIS RANCH RD
MAILING CITY, STATE, ZIP	MCCALL ID 83638
MAILING COUNTRY	

**PROPERTY DESCRIPTION & LAND DATA**

ACREAGE - SQ FT - FRONTAGE	ACRES: 10.095	SQUARE FEET: 439738	FRONTAGE: 0
LAND DESCRIPTION	Average Market Value	Average (Buffer)	
LEGAL DESCRIPTIONS	N/2 S/2 SW4 SE4 (AKA) TAX NO. 12; S14 T17N R3E		
NEIGHBORHOOD	108300 Lakefork Area Subdivisions		
PLAT LINKS	<a href="#">17N 3E S14.pdf</a>		
CURRENT LAND USES	USE: Average (Buffer)	ACRES: 9.004	
	Average	1	
	Market Value	0.091	

**SALES HISTORY**

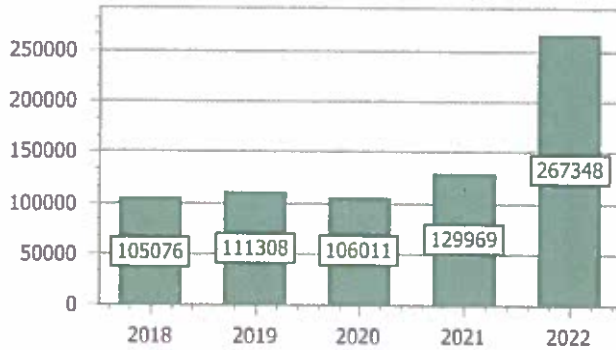
SALE DATE	GRANTOR	DEED REFERENCE
06/25/2020	JONES NERIDA G	429577
06/12/2017	JONES JUSTIN ORWELL	406231
03/28/2001	BOWMAN, JOHN D.	253388

## ASSESSMENT HISTORY

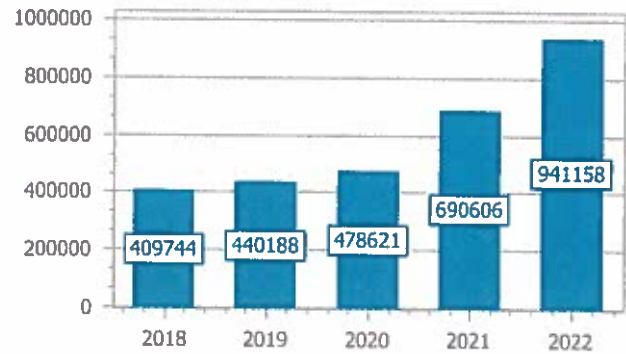
ASSESS DATE CHANGE REASON	1/1/2022 01- Revaluat	01/01/2021 01- Revaluat	01/01/2020 01- Revaluat	01/01/2019 01- Revaluat	1/1/2018 01- Revaluat
LAND	267348	129969	106011	111308	105076
IMPROVEMENTS	673810	560637	372610	328880	304668
TOTAL	941158	690606	478621	440188	409744

## ASSESSMENT TRENDS

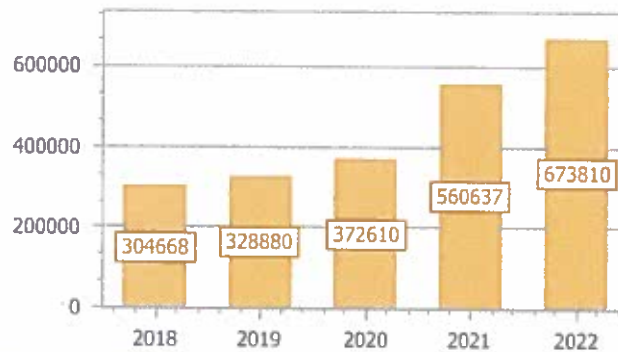
LAND



TOTAL



IMPROVEMENTS



## TAX CODE AREAS & DISTRICTS

**TAX CODE AREA (TAG):** 068-0000

CEMETERY	VALLEY CENTER CEMETERY
FIRE	DONNELLY FIRE PROTECTION
HOSPITAL	MCCALL MEMORIAL HOSPITAL
SCHOOL	MCCALL-DONNELLY SCH #421

VOTER PRECINCT	006 - ROSEBERRY
COMMISSIONER DISTRICT	DONNELLY



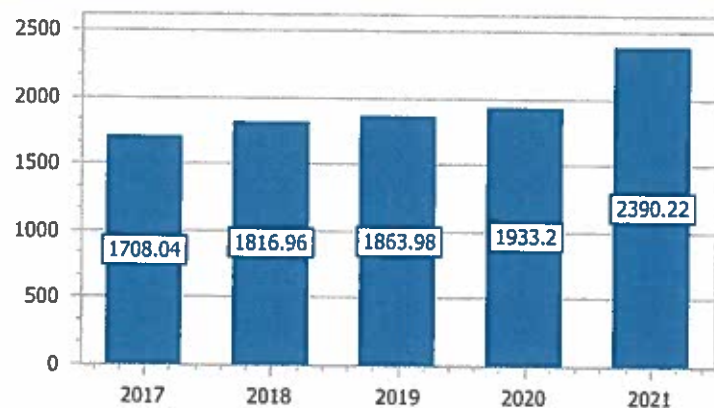
## TOTAL TAX CHARGES

YEAR	TOTAL CHARGE
2022	2231.2
2021	2390.22
2020	1933.2
2019	1863.98
2018	1816.96

### HOMEOWNER'S EXEMPTION?

☒ YES

☐ NO



# IMPROVEMENTS

RECORD: R01

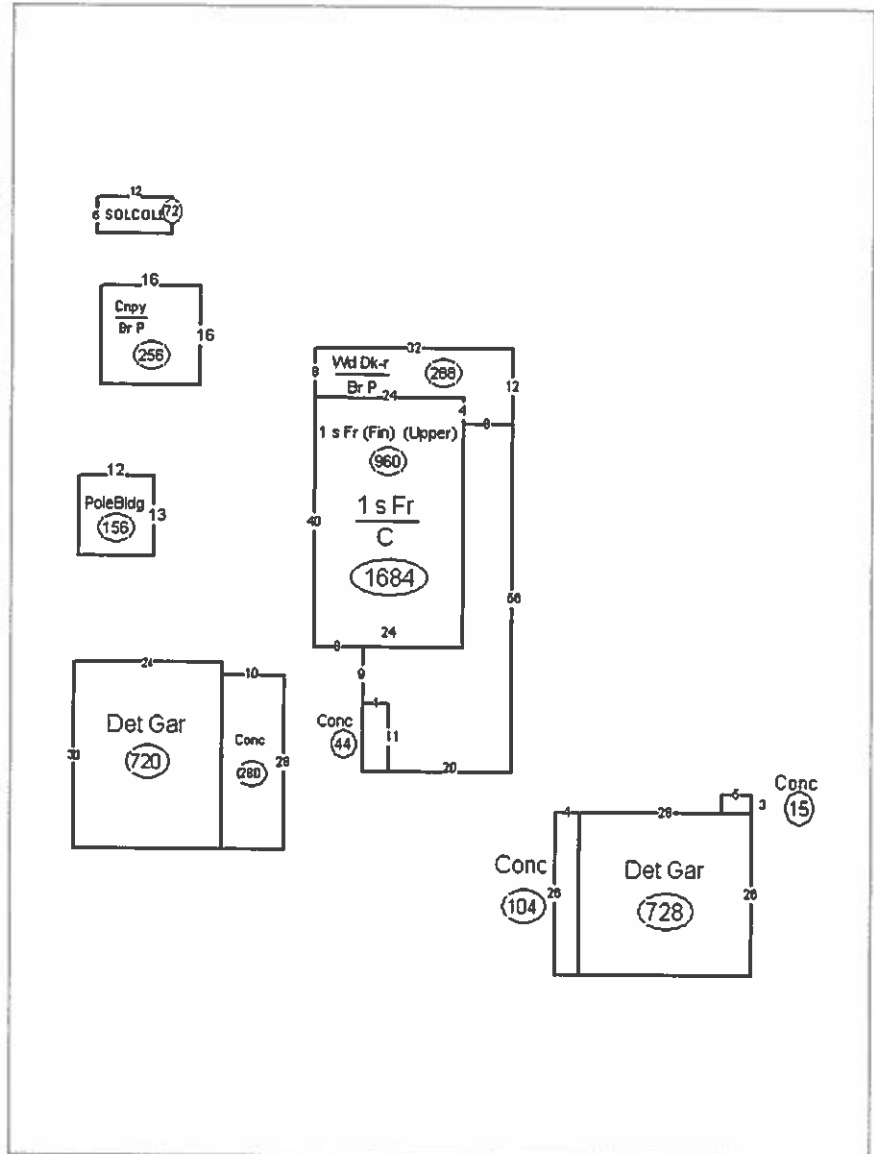
TYPE: DWELLING

USE: Single family - Owner

## BUILDING DESCRIPTION

YEAR BUILT	2001
STORIES	2
FOUNDATION	Full Crawl
STRUCTURE	Wood frame w/sheathing
EXTERIOR 1	Wood siding
EXTERIOR 2	Metal baked enamel finish
ROOF STYLE	Gable
ROOF COVER	Enamel steel
BEDROOMS	3
FULL BATHS	2
1/2 BATHS	0
HEATING TYPE	Wall units-elec
CENTRAL AIR	N
ATTIC TYPE	None
FIREPLACES	Y

## SKETCH



## BUILDING DIMENSIONS (SQ FT)

TOTAL SIZE	2644
ATTIC FIN	0
BASEMENT	0
BASEMENT FIN	0
LOWER	0
LOWER FIN	0
ATTACHED GARAGE	
DETACHED GARAGE	1208
ATTACHED CARPORT	
BSMNT/LL GARAGE	
ENCLOSED PORCH	0
OPEN PORCH	0
WOOD DECK	288

## OUT BUILDING & YARD ITEMS

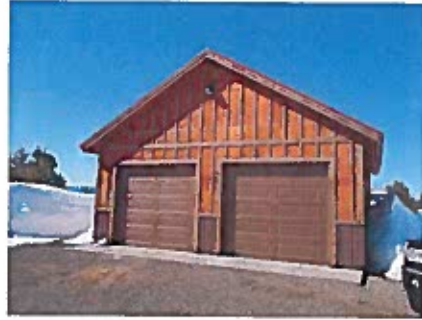
Residential Detached Garage

BRP

Solar (RES) Collection Units

Residential Detached Garage

IMAGES





## **9-5H-12: APPEALS:**

Any administrative level or commission level decision may be appealed in accordance with the procedures established herein. All such appeals must be written, accompanied by the fee as set by resolution of the board of commissioners and submitted to the administrator prior to the deadlines set forth herein. If the appeal deadline falls on a weekend or holiday, the appeal period is automatically extended to the next workday. Each appeal must clearly state the name, address and phone number of the person or organization appealing and the specific issues, items or conditions that are being appealed and state the nature of his or their interest and extent of damages.

A. Appeals Of Administrative Decisions: Any action of the administrator on a specific administrative level application or on the general interpretation of this title may be appealed as follows:

1. Interpretation Of Title: Decisions of the administrator or staff may be appealed to the planning and zoning commission within ten (10) days from the date of such decision by any person aggrieved by such decision. Upon receipt of the appeal, the administrator or staff shall schedule the appeal before the commission at the next public meeting following the appeal.

2. Administrator Or Staff Design Review Decisions: Decisions of the administrator on design review decisions may be appealed to the commission within ten (10) calendar days from the date of such decision by any person aggrieved by such decision. Upon receipt of such appeal, the administrator or staff shall schedule the appeal before the commission at the next public meeting following the appeal.

3. Other Administrative Level Applications: Actions of the administrator on administrative level applications, other than design review, may be appealed to the commission within ten (10) calendar days from the date of the action by the applicant or any aggrieved person. Upon acceptance of the appeal, the administrator shall establish completeness of the appeal and shall notify the appealing party, the applicant, all property owners within three hundred feet (300') of the property, and the public. The commission, in reviewing the administrator's decision, may impose additional or different conditions and limitations.

B. Appeals Of Commission Decisions:

1. Any decision of the commission may be appealed to the board by the applicant, any aggrieved person or the administrator. The appeal shall be filed with the administrator before five o'clock (5:00) P.M. of the tenth calendar day after the determination of the commission has been made.

2. The administrator shall ascertain that the procedural requirements have been met and notify the board of the appeal.

3. The clerk, upon notice of an appeal of a decision by the commission, shall set the item on the agenda of the board at the earliest possible regular meeting of the board.

4. Notice of the public hearing shall be posted in accordance with subsection A3 of this section.

5. An appeal may not be withdrawn without the approval of the board.

6. All pertinent information in the planning and zoning file shall be forwarded to the board for review.

7. The board shall hold a public hearing to review the commission's proceedings and decisions and may obtain additional information from the administrator or staff, the applicant, the appellant, or the public.

8. The board may sustain, deny, amend or modify the decision of the commission. The decision of the board is final and need not be referred back to the commission; except, the board may elect to refer the matter to the commission with specific instructions. (Ord. 10-06, 8-23-2010)