

Introduction to Planning & Zoning



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Planning & Zoning Required

- Every City and County must plan **AND** zone ([§67-6503](#))
- State has no direct involvement in planning and zoning



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Purpose of Planning and Zoning

- Purposes of planning and zoning are set forth in [§67-6502](#), Idaho Code:
 - Promote health, safety, and welfare
 - Protect property rights
 - Protect natural resources and environment
 - Encourage urban type development within cities
 - Etc.



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Roles & Responsibilities: P&Z Commissioners



- P-Z Commission
 - Source of ideas/suggested policies
 - Mandated to conduct hearings
 - Advisor to BOCC



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Roles and Responsibilities: Governing Board

- County Commissioners
 - Establish county policy
 - Implement policy through lawmaking
 - Decide appeals
 - Respond to P-Z ideas
- Chairman
 - Appoints P-Z members, subject to confirmation



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Do You Need a P& Z Commission?

- Does your P&Z commission function well and add value to BOCC?
- Is P&Z commission membership stable?
- Do you communicate well with your P&Z Commission?
- Does P&Z commission understand your decision making criteria?
- How frequently do you meet/check in with your P&Z Commission?
 - Should meet at least annually



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Establishing a P&Z Commission

- BOCC may establish planning and zoning commission to exercise planning power (except adoption of county ordinances) ([§67-6504](#))
- P&Z commission to include 3-12 member appointed by BOCC chairman
- P&Z commission selects its chairman and may establish subcommittees or advisory committees/groups
- P&Z commission subject to open meeting, public notice, and public record laws



Keys to Successful Planning & Zoning

- P&Z commission is diligent and well trained
- P&Z commission is respectful of the public
- Who makes the final decision? The BOCC or P&Z commission?
- Stability in P&Z commission membership



Staff Support for Planning & Zoning

- Clerical staff to assist in compliance with notice, meeting, and hearing requirements
- Professional planning and zoning staff and/or consultants to assist with research and analysis
- Support from prosecuting attorney to assist with legal compliance



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Planning Process

- Engage and consult with community members; other taxing districts; and business, civic, and other professional leaders
- May engage through public meetings, hearings, surveys, and other informal meetings
- If your county has a P&Z commission, commission may make recommendations to the BOCC
- BOCC may assign P&Z commission other duties
- 67-6507



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Planning Duties

- Counties and cities must have a comprehensive plan ([§67-6508](#))
 - Comprehensive plan must have all land within a jurisdiction
 - Plan should consider current conditions and future goals
 - Must include all 17 elements required by law (unless explain why elements are not needed)



Comprehensive Planning Process

- Public notice and hearing required ([§67-6509](#))
 - Separate notice and hearing required for both P&Z commission and BOCC
- Plan must be adopted by resolution
- If BOCC makes a material change to recommendation from P&Z, additional hearing required



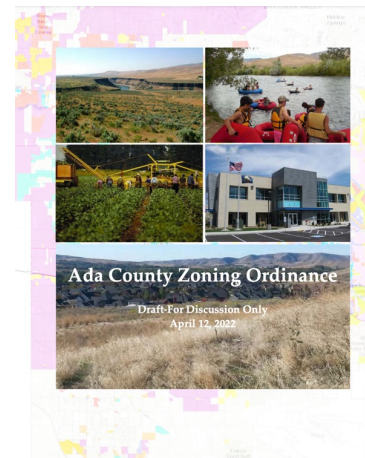
Comprehensive Plan Essentials

- Your comprehensive plan affects your county operations
- Know what matters to your county when you start
- Keep plan concise
- Focus on policies that will result in efficiencies
- Keep it simple (may require keeping consultants on a short leash)



Zoning

- BOCC required to have at least one zoning district (67-6511)
- Public notice and hearing required
- Zoning districts established by ordinance
- Zoning ordinances must in accordance with comprehensive plan
- Requests for amendment reviewed by P&Z commission, adopted by BOCC



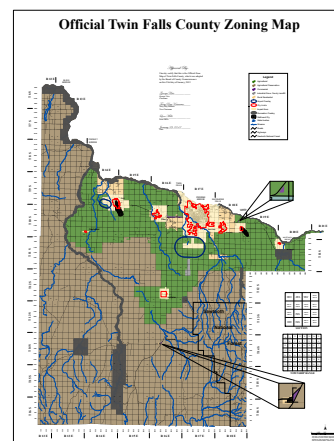
Purpose of Zoning

- Each zone establishes the standards to regulate or restrict the types, location, and uses of buildings, structures, and land
- Zoning ordinances should be clear and objective
- Zoning ordinances must be in accordance with comprehensive plan ([§67-6511](#))
- Minimize conflicts with established uses
- Ensure compatibility with public infrastructure/facilities



Why Amend Zones?

- Reflect changes in reality
- Request by land owner (zone change request should make the community better)
- To align with public infrastructure/facility needs
- Be aware that zone changes may result in land use changes which can bring about new costs to the county



Development Agreements

- BOCC may adopt ordinances related to conditional agreements between a developer and the county ([§67-6511A](#))
 - Developer agreements may include timeline for development, build out of utilities and public infrastructure like roads/bridges, development of parks and other public facilities, etc.
 - Used when the BOCC wants condition a rezone request to require the developer build the project that has been approved by the BOCC as part of the rezone application.



Special Use Permits

- Special use permits (SUP) are allowed for conditional uses with specific terms that are not in conflict with the comprehensive plan ([§67-6512](#))
- County may place conditions on SUPs to control impact and development
- Conditions may include stricter standards or development mitigation
- Public Hearing required
- 15 day public notice in newspapers
- Mailed notice to property owners within 300 feet



Subdivisions

- Idaho law requires subdivision ordinances ([§67-6513](#))
- Works in conjunction with [Title 50, Chapter 13](#) (platting)
- Adoption and amendment of subdivision ordinance requires public hearing
- Ordinance can provide for mitigation of effects, but fees must accord with development impact fee statute
- Administration is critical – need clear standards



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Procedures for Approving Subdivisions

- Almost everyone has one – sometimes two
- What question is posed for each hearing?
 - For county or city – comply with ordinance?
 - For residents – Do you want a subdivision?
- What alternatives are possible?
 - No public hearing
 - Solicit written comments
 - Focus public hearings on decision issues



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Development Standards

- *The BOCC* may set rules for various aspects of development including building design, open spaces, signs, utilities, and more ([§67-6518](#)).
- Standards can be part of zoning, subdivision, or other ordinances.
- Must follow notice and hearing procedures (Section 67-6509).
- When in conflict, these ordinances take precedence.



Variance

- A variance is a modification of zoning ordinance requirements allowing for alterations to lot size, placement of structures, or other elements ([§67-6516](#))
- A variance is not a special favor and should only be granted if a hardship can be demonstrated AND if the variance does not harm public interest
- A variance MAY be granted upon if a hardship is demonstrated (not because the applicant wants it)
- Public notice and hearing required



Moratoriums

- BOCC may enact emergency moratorium on development if there is a stated risk to public health, safety, or welfare ([§67-6523](#))
 - No public hearing required
 - An emergency moratorium may last up to 182 days
- BOCC may enact an interim moratorium for up to one calendar year if there is imminent risk to public health, safety, or welfare ([§67-6524](#))
 - Public notice and hearing required
 - May last up to 1 year
 - If need extends beyond 1 year, BOCC should enact a regular ordinance



State Preemption

- The Legislature has preempted counties from regulating certain land use activities.
- Examples include:
 - Location of oil and gas well sites ([§47-314](#))
 - Regulation of business selling obscene materials ([§67-6533](#))
 - Regulation of short-term/vacation rentals ([§67-6539](#))
- Generally, counties can still regulate for health, safety, and welfare even if state has preempted general regulations



Bringing it All Together

- Comprehensive Plan is the expression of your county's policy and is the foundation for everything else your county does
- Zoning ordinance must be guided by the policies in your comprehensive plan
- Subdivision requests must be in accordance with county ordinances
- Standards ordinance provides clarity to your zoning ordinances
- Having clear standards reduces liability
- Helping everyone understand decision criteria helps to keep the peace

