



**Amendment to Title 9- Subdivision Ordinance to amend
PROCEDURE FOR AMENDMENTS THAT
DECREASE IMPACTS TO THE COUNTY:**

Prepared February 15, 2013 for the
Planning & Zoning Commission
Public Hearing March 14, 2013

APPLICANT: Teton County Planning Department

APPLICABLE CODE: Teton County Subdivision Ordinance

REQUEST: Amend the expedited procedure for “replats,” or applications that decrease the impacts to Teton County, to comply with State Statute.

APPLICABILITY: All Zones

PROPOSAL SUMMARY: Amend the expedited procedure for replat applications. At present, concept is reviewed by the Planning Staff and then a final application goes straight to the Board of County Commissioners for approval (i.e. skip the preliminary step and skip a public hearing with the Planning & Zoning Commission). Idaho State Code 67-6509 requires a public hearing with the Planning and Zoning Commission, but does not require a hearing with the Board. Staff is proposing one public hearing with the Commission and a final approval with the Board at a public meeting (not a public hearing).

BACKGROUND: Idaho Statute sets out hearing requirements to adopt, amend or repeal a comprehensive plan in 67-6509 and then refers back to that section for public hearing requirements throughout the state code. These requirements include a public hearing by the Planning & Zoning Commission prior to any review by the Board of County Commissioners.

Idaho Statute 67-6509. RECOMMENDATION AND ADOPTION, AMENDMENT, AND REPEAL OF THE PLAN. (a) The planning or planning and zoning commission, prior to recommending the plan, amendment, or repeal of the plan to the governing board [BOCC], **shall** conduct at least one (1) public hearing in which interested persons shall have an opportunity to be heard. ... Following the commission hearing, if the commission recommends a material change to the proposed amendment to the plan which was considered at the hearing, it shall give notice of its proposed recommendation and conduct another public hearing concerning the matter if the governing board will not conduct a subsequent public hearing concerning the proposed amendment. If the governing board will conduct a subsequent public hearing, notice of the planning and zoning commission recommendation shall be included in the notice of public hearing provided by the governing board. ...

(b) The governing board, as provided by local ordinance, prior to adoption, amendment or repeal of the plan, **may** conduct at least one (1) public hearing, in addition to the public hearing(s) conducted by the commission, using the same notice

and hearing procedures as the commission. The governing board shall not hold a public hearing, give notice of a proposed hearing, nor take action upon the plan, amendments, or repeal until recommendations have been received from the commission.

Idaho Statute 50-1308. PLATS AND VACATIONS APPROVALS. ... If the city or county has established a planning commission, then all plats must be submitted to said commission in accordance with provisions of chapter 65, title 67, Idaho Code.

The above state statutes require that the Commission hear an application before the Board hears it, which means that our current expedited process is not in compliance with state statute. The current process has a concept approval by the planning administrator and a final approval by the Board, skipping the Commission. The recommended amendment, while remaining an expedited process, is in compliance with state statute. It includes:

Concept Review with Planning Administrator
Preliminary/Final with Planning & Zoning at a Public Hearing
Final Approval with Board of County Commissioners at a Public Meeting

See attached language for specifics.

FINDINGS OF FACT AND CONCLUSIONS OF LAW:

1. The proposed amendment supports the goals, purposes and intent of the Teton County Comprehensive Plan.
2. The proposed amendment supports the goals, purposes and intent of Teton County Title 9, Subdivision Ordinance.
3. The proposed amendment is in compliance with Idaho State Statute.

STAFF RECOMMENDATION: It is staff's recommendation that you approve this amendment.

Recommended Motion: Having found that the proposed amendment to Title 9-7-1-B-4-c is in compliance with state statute and supports the comprehensive plan and other Teton County ordinances, I move to recommend approval of the amendment as presented in the attachment entitled "Expedited Process" to the Board of County Commissioners [with the following changes].