



**AGENDA
PLANNING AND ZONING COMMISSION
PUBLIC HEARING
January 13, 2015
STARTING AT 5:00 PM**

**LOCATION: 150 Courthouse Dr., Driggs, ID 83422
Commissioners' Chamber - First Floor (lower level, SW Entrance)**

1. Approve available minutes
2. Chairman Business
3. Administrator Business

ITEM #1 – PUBLIC HEARING: Concept Approval for Cutthroat Creek Subdivision. Teton Partners, Ltd. is proposing a 26 lot (241.22 acres) subdivision. The residential lots will range from 2.73-64.86 acres, with 55.73 acres in open space easements and 112.39 acres in farm easements. This project is located northeast of Driggs on E 5000 N and N 2250 E, near Stateline Road and is zoned A-2.5.

Legal Description: RP06N46E325001, TAX #3330 SEC 32 T6N R46E; RP06N46E324805, SW4 LESS #3183 & #3330 SEC 32 T6N R46E; RP06N46E317200, E2SE4 SEC 31 T6N R46E.

ITEM #2 - WORK SESSION: Draft Code: Discussion of the Draft Development Code.
No public comment will be taken regarding the Draft Land Use Ordinance.

ADJOURN

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- **Written comments received by 5:00 pm, January 2 will be incorporated into the packet of materials provided to the Planning & Zoning Commission prior to the hearing.**
 - Information on the above application(s) is available for public viewing in the Teton County Planning and Building Office at the Courthouse between the hours of 9am and 4pm Monday through Friday.
 - The application(s) and related documents are posted, at www.tetoncountyidaho.gov. To view these items select the Planning & Zoning Commission Public hearing of January 13, 2015. Then select the agenda item in the Additional Information Side Bar.
 - Comments may be emailed to pz@co.teton.id.us. Written comments may be mailed or dropped off at: Teton County Planning & Building Department, 150 Courthouse Drive, Room 107, Driggs, Idaho 83422. Faxed comments may be sent to (208) 354-8410.
 - Public comments at this hearing are welcome.

Any person needing special accommodations to participate in the above-noticed meeting should contact the Board of County Commissioners' office 2 business days prior to the meeting at 208-354-8775.

TETON COUNTY PLANNING AND ZONING COMMISSION
DRAFT Meeting Minutes from December 9, 2014
County Commissioners Meeting Room, Driggs, ID

COMMISSIONERS PRESENT: Mr. Dave Hensel, Mr. Chris Larson, Mr. Cleve Booker, Ms. Marlene Robson, Mr. Pete Moyer, Mr. David Breckenridge, Mr. Bruce Arnold, and Mr. Ron Moeller.

COUNTY STAFF PRESENT: Mr. Jason Boal, Planning Administrator, Ms. Kristin Rader, Planner., Ms. Kathy Spitzer, Prosecutor

The meeting was called to order at 5:03 PM.

Chairman Business:

There was no Chairman's business.

Administrative Business:

Mr. Boal gave an update from the Consortium meeting on 11/20/2014 on Code Studio. They will be transitioning to a Model Code for the region. Once the Model Code is delivered, they will then work to create a Draft Code for Teton County. Their work on the Teton County Draft Code should start near the end of January and continue to the end of March. Planning staff have continued to revise the Driggs Draft Code to provide feedback to Code Studio. Mr. Moeller also attended the meeting and agreed with Mr. Boal that Code Studio said they would follow through with the Code drafting.

The Commission discussed the Board of County Commissioners' request for a recommendation for Mr. Hill's position on the Commission based on attendance and his new position as VARD Executive Director. Ms. Spitzer was present to answer any legal questions. Mr. Boal expressed that the conversation should be directed at the policy as opposed to personal issues.

Mr. Hensel stated that he would not call an executive session because he felt this discussion was about a policy and not Mr. Hill. The conversation continued, and the major thoughts expressed included:

- The Commissioners are not comfortable with giving a recommendation to the Board about removing one of their own members because the Commission does not appoint members. They also feel it is not appropriate, as they have to work as a group and trust one another.
- It would be difficult to distinguish between personal views and organizational views if a Commissioner was a paid employee or head of an organization that had an interest in planning in the County.
- The Commissioners agreed that Mr. Hill's expertise in planning has helped them throughout his tenure and would be helpful throughout the Code writing process, but they were concerned with the conflict of interest that may arise with his new position at VARD.
- Ms. Spitzer stated that state statute requires that if you have a conflict of interest, you must recuse yourself, so Mr. Hill would have to recuse himself from all quasi-judicial

matters that VARD had an interest in. Being recused from meetings is not a cause for removal. The only cause for removal is missing four meetings in one year (Teton County Code 2-2-6).

- The Commissioners agreed that if a member has to be recused from many meetings or is absent from many meetings, then that member should no longer be on the Commission. They agreed this should be based on a percentage of meetings instead of four meetings in a year.

Motion: Mr. Arnold moved to recommend that the Board of County Commissioners amend Title 2-2-6 to say: “Members are expected to attend all meetings of the Commission. If a member is absent from one-third of all meetings, or recuses him/herself from one-third of all votes, in one year, that member may be replaced by the Board.” Mr. Booker seconded the motion.

Vote: The motion was unanimously approved.

Motion: Mr. Breckenridge moved to recommend that the Board of County Commissioners listen to the audio from this meeting and make their own decision based on this discussion. Mr. Larson seconded.

Vote: After a roll call vote, the motion passed 7-1. Mr. Arnold opposed because he felt that the Commission already made a recommendation to the Board and does not want the Commission involved in the decision anymore.

Approval of Minutes:

Motion: Mr. Booker moved to approve the Minutes from July 8, 2014. Mr. Arnold seconded the motion.

Vote: The motion passed unanimously. Mr. Moeller abstained because he was not on the Commission at that time.

Motion: Mr. Arnold moved to approve the Minutes from November 11, 2014. Mr. Moeller seconded the motion.

Vote: The motion passed unanimously. Mr. Larson abstained because he was not present at that meeting.

Motion: Mr. Booker moved to approve the Minutes from November 18, 2014. Ms. Robson suggested a correction on page 2 where it said she had a conflict of interest because she “sells hay to the Kaufmans” where it should say she “sells logs to the Kaufmans”. Mr. Larson moved to approve the minutes from November 18, 2014 with the recommended changes. Mr. Moeller seconded the motion.

Vote: The motion passed unanimously. Mr. Arnold abstained because he was not present at the meeting.

The meeting proceeded to discuss work session items regarding Public Hearing Procedures and Article 13.1, 13.2 and 13.3 of the Draft Code. No public comment was taken during this discussion.

Mr. Shawn Hill called in at 6:31 PM to join the discussion on Article 13.

Motion: Mr. Arnold moved to adjourn the meeting. Mr. Larson seconded the motion.

Vote: The motion was unanimously approved.

The meeting adjourned at 6:52 PM.

Respectfully Submitted,
Kristin Rader, Scribe

Dave Hensel, Chair

Kristin Rader, Scribe

1 Administration

2 Div. 13.1. Summary of Review Authority

3 The following table summarizes the review and approval authority of the various reviews bodies and
 4 officials that implement and administer the Land Use Code.

APPROVAL PROCESS	Review and Approval Authority					Public Notice					
	Cross-reference	Development Review Committee (DRC)	Administrator	Planning and Zoning Commission	Board of County Commissioners	Neighborhood Meeting	Web	Posted (On-Site)	Mailed	Published	Posted Notice (Courthouse)
Legislative Review											
Comprehensive Plan Amendment		N	R	R-PH	D-PH	N	Y	N	N	Y	Y
Code Text Amendment		N	R	R-PH	D-PH	N	Y	N	N	Y	Y
Zoning Map Amendment (Legislative)		N	R	R-PH	D-PH	N	Y	N	N	Y	Y
Subdivision Review											
One Time Only Lot Split		N	D	A	--	N	N	N	N	N	N
Land Division		Y	R	D	A	N	Y	N	N	N	Y
Short Plat		Y	R	R-PH	D-PM	N	Y	Y	N	N	Y
Preliminary Plat		Y	R	D-PH	A-PH	P	Y	Y	Y	Y	Y
Final Plat		Y	R	R-PH	D-PM	P	Y	Y	Y	Y	Y
Administrative Review											
Site Plan Review		N	D	A	--	N	N	N	N	N	N
Design Review		N	R	D-PM	A	N	Y	N	N	N	Y
Permitted with Conditions		N	D	A	--	N	N	N	N	N	N
Temporary Use		N	D	A	--	N	N	N	N	N	N
Quasi-Judicial Review											
Conditional Use Permit		Y	R	D-PH	A	P	Y	Y	Y	Y	Y
Re-Zone Map Amendment (Project specific)		Y	R	R-PH	D-PH	P	Y	Y	Y	Y	Y
Variance		Y	R	D-PH	A	N	Y	Y	Y	Y	Y
Appeal of an Administrative Decision		Y	R	D-PM	A	N	Y	Y	Y	Y	Y

KEY: R = Review & Recommendation D = Final Decision A = Appeal PH = Public Hearing PM = Public Meeting Y = Required N = Not Required P= Possible Depending on the scope of project- see [Sec.XX](#)

(2) Any appeal related to a requirement in Articles 1 through 8 must be filed with the _____ under Sec. XX.

1 **Div. 13.2. General Provisions**

2 **13.2.1. State Statutes**

3 A. This Article is intended to comply with the provisions of:

- 4 1. Idaho Constitution Article 12, section 2;
- 5 2. Idaho Statutes Title 67, Chapter 65, Local Land Use Planning;
- 6 3. Idaho Statutes Title 50, Municipal Corporations, Chapter 13 Plats and Vacations; and

7 B. Where any provision of this Article is in conflict with any provision of State law, the State law
8 controls. Where this Article is incomplete in having failed to incorporate a provision necessarily
9 required for the implementation of State law, the provision of State law must be fully complied
10 with.

11
12 **13.2.2. Review or Approval Entities**

13 A. Board of County Commissioners

14 The Board of County Commissioners has those powers and duties expressly identified in Idaho Statutes
15 and elsewhere in the **Teton County Land Use Code**, including, but not limited to:

- 16 1. Final action on all legislative decisions, including Comprehensive Plan amendments, Land Use
17 Code text amendments, and official zoning map amendments.
- 18 2. Final action and acceptance of improvements on all final plats.
- 19 3. Final Appeal/Reconsideration authority

20 B. Planning and Zoning Commission

21 The Planning and Zoning Commission has those powers and duties identified in Idaho Statutes Title
22 67, Chapter 65, Local Land Use Planning, including but not limited to:

- 24 1. Review and recommendation to the Board of County Commissioners on all legislative decisions,
25 including Comprehensive Plan amendments, Land Use Code amendments, official zoning map
26 amendments.
- 27 2. Review and recommendation to the Board of County Commissioners on short plats and final
28 plats.
- 29 3. Final action on preliminary plats (unless appealed).
- 30 4. Final action on design review (unless appealed).
- 31 5. Final action on condition use permits (unless appealed).
- 32 6. Final action on concept Plat (unless appealed).
- 33 7. Final action on Land Divisions (unless appealed).
- 34 8. Final Action on variances (unless appealed).

35 c. The Planning & Zoning Administrator (known in this Land Use Code as the "administrator") has those
36 powers and duties identified in Idaho Statutes Title 67, Chapter 65, Local Land Use Planning,
37 including, but not limited to:

- 38 1. Review and recommendation to the Board of County Commissioners on all legislative decisions,
39 including Comprehensive Plan amendments, Land Use Code amendments, official zoning map
40 amendments, and conditional use permits.
- 41 2. Review and recommendation to the Board of County Commissioners on short plats and final
42 plats.
- 43 3. Review and recommendation to the Planning & Zoning Commission on all preliminary plats.
- 44 4. Final action on all site plans (unless appealed).
- 45 5. Final action on one time only lot splits (unless appealed)
- 46 6. Final action on permitted with conditions permits (unless appealed).
- 47 7. Final action on temporary use permits (unless appealed).

48 D. The Development Review Committee:

- 49 1. The Teton County Development Review Committee (DRC) meets for review of submitted
50 Planning Commission application materials. Div. 13.1 identifies which submittals require
51 meeting with the Development Review Committee. Projects should be scheduled on the DRC
52 Agenda at the time the application is submitted.
- 53 2. The purpose of the DRC meeting is to review each project, answer questions, and identify any
54 issues that may need to be addressed in more detail by an applicant for development or prior to
55 going to the Planning Commission. The DRC meeting is intended for those proposing a
56 subdivision, zone change, conditional use proposal or other approvals identified in Div. 13.1.
57 Those scheduled for a DRC meeting must be prepared with appropriate plans, including maps or
58 documents which demonstrate the existing- features and proposed-streets, lots, and
59 development within the proposed project, along with the location of nearby streets, canals, and

60 water features in relation to the proposed project. The following major points are discussed at DRC
61 meetings.

62 3. Standards reviewed at DRC:

- 63 a. Development application process
- 64 b. Comprehensive Plan: (Future land use, goals, and policies)
- 65 c. Land Use Ordinance: (Lot size, Lot width, Land use, Setbacks, and Parking)
- 66 d. Development Feasibility: (slope, ground water, wetlands, flood zone, special service district
67 commitments, etc.)
- 68 e. Design Criteria (where applicable): (Height, Width, Form, Mass, Style, Material, Color, Roof,
69 Facades, Windows, Awnings, Signs, Storage, Garbage bins, Landscaping and trees,
70 Pedestrian facilities, Other amenities)
- 71 f. Septic: (septic viability, sewer line size, capacity, and location)
- 72 g. Water: (well feasibility, fire protection, water line size, capacity, and location)
- 73 h. Transportation: (Street Master Plan, traffic studies, IDT, road alignments, road condition,
74 location, and requirements, shared parking and driveways)
- 75 i. Storm Drainage: (Erosion plan, retention and detention requirements, Water Source
76 Protection Area, Flood protection and 100 Year Flood Zone)
- 77 j. Park: (trails, parks, sidewalk, open space)
- 78 k. Irrigation: (Irrigation lines, canals, ditches)
- 79 l. Public Utilities: (Public Utilities, underground utility requirements, electrical lines, utility
80 easement needs and locations, gas lines, telephone lines, street lights)

81 4. Entities invited to the DRC meeting:

- 82 a. Teton County Planning & Building
- 83 b. Teton County Public Works/Engineer
- 84 c. Teton County Prosecuting Attorney
- 85 d. Neighboring Cities
- 86 e. State and Federal Land Agencies
- 87 f. Service/Utility Providers
 - 88 i. Telephone
 - 89 ii. Electricity
 - 90 iii. Irrigation districts
 - 91 iv. Water/Sewer
 - 92 v. Trail agencies

93 E. Neighborhood Meeting -

- 94 1. Purpose- The purpose of the neighborhood meeting is to allow the developer to present the
95 proposal to neighbors and other members of the public prior to the formal public hearing so
96 that the parties can discuss and consider neighborhood impacts, mitigation, design and

97 construction elements, and the like.

98

99 2. 1. A neighborhood meeting shall be required for each of the land use matters identified in Div.
100 13.1 that require the neighborhood meeting.

101 3. A neighborhood meeting shall be required as a pre-requisite to filing of an application with the
102 County for the following land use matters:

103 a. Request to amend the Zoning District from a residential zone to a commercial or
104 manufacturing zone,

105 b. A Preliminary Plat of more than 25 lots.

106

107

108

1 **Div. 13.3. Common Review Provisions**

2 **13.3.1. Applicability**

3 The following requirements apply to applications submitted under this Article and are common to all of
4 these procedures.

5 **13.3.2. Application Requirements**

6 **A. Application Submittal**

7 1. All applications must be filed with the Teton County Planning & Building Department and must
8 be submitted on forms and in such numbers as required by the Administrator.

9 2. Application forms can be found on the County’s website <http://tetoncountyidaho.gov/> or hard
10 copies can be obtained at The Teton County Courthouse.

11 **B. Fee Schedule**

12 1. Filing fees have been established to help defray the cost of processing applications. The current
13 fee schedule is available on-line on the County’s website is updated and adopted by the Board
14 of County Commissioners.

15 2. Before review of an application, all filing fees must be paid in full.

16 **C. Completeness Determination**

17 1. All applications must be complete before the County is required to review the application.

18 2. An application is considered complete when it contains all of the information necessary to
19 decide whether or not the application will comply with all of applicable requirements of this
20 Land Use Code .

21 3. The presumption is that all of the information required in the County’s application forms is
22 necessary to satisfy the requirements of this Article. However, it is recognized that each
23 application is unique, and more or less information may be required according to the specifics of
24 a particular case. The applicant may rely on the Administrator to determine whether more or
25 less information has to be submitted.

26 **D. Application Deadline**

27 Complete applications must be submitted in accordance with the published schedule. Schedules
28 indicating submittal dates are developed each year and made available on-line on the County’s
29 website and to the public at the Teton County Courthouse.

30 E. Revised Application Materials

- 31 1. All revised application materials must be submitted to the Administrator, who will route the
32 materials to the appropriate review bodies. No plans may be sent directly to the Planning and
33 Zoning Commission or Board of County Commissioners.
- 34 2. No revised application materials, either hard copy or electronic, may be submitted to the
35 Administrator less than 15 days prior to a scheduled public meeting or public hearing.

36 F. Withdrawal of an Application

- 37 1. Any application may be withdrawn at any time at the discretion of the applicant by providing
38 written notice to the Administrator.
- 39 2. No portion of a required application fee will be refunded on any application withdrawn.
- 40 3. For applications for Legislative Review, if a public hearing has been advertised, the withdrawn
41 application will be announced at the hearing.

42 G. Notice of Decision

43 Within 5 working days after a decision is made, a copy of the decision must be sent to the applicant
44 by the Administrator. In the case of permit issuance, the permit constitutes written notice of the
45 decision.

46 F. Findings of Fact

47 Within 60 Days from a decision by the Planning and Zoning Commission or the Board of County
48 Commissioners will approve written Finding of Fact and conclusions of law. The appeal period shall
49 begin upon the day of the mailing, or if hand delivery the day of delivery, of the signed findings of
50 fact and conclusions of law.
51

52 13.3.3. Development Review Committee meeting

53 All application shall be scheduled for the next appropriate Development Review Committee meeting.
54 This meeting is to ensure the reviewing agencies have an opportunity to sit down with the applicant and
55 review the application, criteria for approval, and any other outstanding issues.

56 13.3.4. Neighborhood Review meeting

57 Where a neighborhood meeting is required as a prerequisite to an application the follow items must be
58 provided with the application:

- 59 A. Date/Time/Location of the meeting
60 B. Sign-in sheet from the meeting
61 C. Explanation of how notice was given to property owners that were identified in the pre-
62 application meeting
63 D. Summary of the discussion at the meeting
64 E. Any findings and or changes to the application that resulted from the meeting.

65 **13.3.5. Public Notice and Hearing Requirements**

66 For public notice and hearing requirements see The fact that notice is not received due to an error that
67 was not the fault of the County does not prevent the public hearing from happening, change any
68 decision made at the public hearing, or prevent the application from continuing to move forward
69 through the review process.

70 **A. Published Notice**

71 Where published notice is required, a display advertisement at least 4 inches by 2 columns in size
72 must be published by the Administrator at least once in the official newspaper of the county at least
73 15 days, but not more than 45 days, prior to the date of the public hearing.

74 **B. Web Notice**

75 Where web notice is required, notice of the public hearing or public meeting must be posted on the
76 County’s website at least 15 days, but not more than 45 days, prior to the date of the public hearing
77 or meeting.

78 **C. Posted Notice (Onsite)**

79 Where posted notice is required, a sign must be posted on the property at a point visible from the
80 nearest public street. In the case of multiple parcels, sufficient signs must be posted to provide
81 reasonable notice to interested persons, as determined by the Administrator. Signs must be posted
82 at least 15 days prior to the date of the public hearing.

83 **D. Posted Notice (Courthouse)**

84 Where posted notice is required, a notice must be posted on the “Hearing Notification Board,
85 located in the 2nd floor entrance to the Teton County Courthouse. The notice must be posted at least
86 15 days prior to the date of the public hearing.

87 **E. Mailed Notice**

88 1. Where mailed notice is required, the County will notify by mail all owners of property included
89 in the proposed application and all owners of property within 300 feet on all sides, as shown in
90 the County tax records. Notice must be mailed at least 15 days, but not more than 45 days, prior
91 to the date of the public hearing.

92 2. When notice is required to 200 or more property owners or purchasers of record, sufficient
93 notice is provided if the County provides published notice in addition to posted notice on all
94 external boundaries of the site.

95 **F. Content of Notice**

96 Required notice of a public hearing must provide at least the following:

- 97 1. A case number;
- 98 2. The address of the subject property (if available);
- 99 3. The general location of the land that is the subject of the application, which may include a
100 location map;
- 101 4. A description of the action requested;
- 102 5. Where a map amendment is proposed, the current and proposed zoning districts;
- 103 6. The time, date and location of the public hearing or meeting;
- 104 7. A phone number and e-mail address to contact the Administrator;
- 105 8. The web address for the County; and
- 106 9. A statement that interested parties may appear at the public hearing or meeting.
- 107 10. (Mailed/Posted/Web)- The list of criteria the approving body will use to make the decision on
108 the action.
- 109
- 110

1 **Div. 13.4. Legislative Review**

2 **13.4.1. Legislative Review is required for the following.**

3 **A. Comprehensive Plan Amendment**

4 A request to amend the text of the Comprehensive Plan, including the Future Acquisitions Map (if
5 any).

6 **B. Text Amendment**

7 A request to amend the text of this Land Use Code .

8 **C. Zoning Map Amendment (Legislative Rezoning)**

9 A request to amend the Official Zoning Map from one zoning district to another, or to change the
10 boundaries of an existing zoning district.

11 **13.4.2. Approval of the Application**

12 The Board of County Commissioners approves applications for Legislative Review, following a public
13 hearing and review by the Planning and Zoning Commission.

14 **13.4.3. Eligible Applicants**

15 **A.** The Board of County Commissioners, the Planning and Zoning Commission or the Administrator may
16 initiate an application for Legislative Review.

17

18 **13.4.4. How Do I Submit an Application?**

19 **A. Scheduling a Pre-Application Conference**

20 **1.** Before submitting an application, you must schedule a pre-application conference with the
21 Administrator to discuss the procedures and standards for approval.

22 **2.** To schedule a pre-application conference, call the Administrator or go to The Teton County
23 Courthouse.

24 **B. Submitting Your Application**

25 **1.** Following the pre-application conference, you may start the application process. To begin,
26 submit a complete application form and proposed site plan, along with the required application
27 fees, to the Administrator.

28 **2.** The application form can be found on the County's website or paper copies may be obtained at
29 The Teton County Courthouse.

30 **3.** The general submittal requirements for all development review applications are listed in and
31 must be followed.

32 **13.4.5. Public Hearing Notice**

33 Legislative Review requires a public hearing in front of the Planning and Zoning Commission and the
34 Board of County Commissioners. Notice requirements for public hearings are specified in 13.3.4

35 13.4.6. Application Review

36 A. Initial Distribution of an Application

- 37 1. Upon determination of a complete application, the Administrator will promptly distribute the
38 application for review by internal County departments and external agencies and schedule the
39 DRC meeting.

40 B. DRC Meeting

41 This meeting is to begin the discussion about the proposal and is not a forum for final decisions or
42 for accepting comments concerning public support or opposition. No minutes of the meeting are
43 required to be taken or provided at future meetings or hearings. Planning and Zoning Department
44 staff will take notes to summarize the findings from this meeting.

45 C. Administrator Review

- 46 1. If after the internal and external review, the Administrator finds that the application meets
47 all applicable requirements of the Land Use Code , the application will be certified as
48 complying with all applicable requirements of the Land Use Code and scheduled for the next
49 available Planning and Zoning Commission hearing.

- 50 2. Upon certification by the Administrator that the application complies with all applicable
51 requirements of the Land Use Code , no changes to the application are permitted prior to the
52 Planning and Zoning Commission hearing.

53 D. Planning and Zoning Commission Public Hearing

- 54 1. The Planning and Zoning Commission will conduct a public hearing and provide a
55 recommendation to the Board of County Commissioners on the application.
- 56 2. The Planning and Zoning Commission has 65 days from the date of the public hearing to submit
57 their recommendations to the Board of County Commissioners. This time period may be
58 extended if both the Applicant and the Planning and Zoning Commission agree on an extension.

59 E. Board of County Commissioners Action

- 60 1. Following the recommendation of the Planning and Zoning Commission, the Board of County
61 Commissioners will take action on the application. The public hearing for the Board of County
62 Commissioners cannot be scheduled and/or noticed until a recommendation is made by the
63 Planning and Zoning Commission.
- 64 2. The Board of County Commissioners has 65 days from the date of the public hearing to approve,
65 approve with conditions, deny, or send the application back to the Planning and Zoning

66 Commission for additional consideration. This time period may be extended if both the Board of
67 County Commissioners and the Planning and Zoning Commission agree on an extension.

68 3. Amendment of this Land Use Code applicable to an owner's lands may be subject to the
69 regulatory taking analysis provided for by Idaho Statutes Title 67, Section 67-8003, consistent
70 with the requirements established in that section.

71

72 13.4.7. Can Additional Studies be required?

73 Before granting legislative approval, studies may be required of the social, economic, fiscal, and
74 environmental effects of the proposed amendments.

75 13.4.8. What Approval Criteria Are Used?

76 Different types of approvals have different review criteria. The following lists are not all-inclusive but
77 provide guidance for making decisions on each type of approval.

78

79 A. For a Comprehensive Plan Amendment

- 80 1. The Plan Amendment corrects an error or meets the challenge of some changing condition,
81 trend or fact.
- 82 2. The Plan Amendment is in response to changes in State law, as established through
83 amendments to the Idaho Statutes or by court decision.
- 84 3. The Plan Amendment constitutes a benefit to the County as a whole and is not solely for the
85 good or benefit of a particular landowner or owners at a particular point in time.
- 86 4. The Plan Amendment will not significantly impact the natural environment, including air, water,
87 noise, stormwater management, wildlife and vegetation.

88 B. For a Land Use Code Text Amendment

- 89 1. The Text Amendment corrects an error or meets the challenge of some changing condition,
90 trend or fact.
- 91 2. The Text Amendment is in response to changes in State law, as established through
92 amendments to the Idaho Statutes or by court decision.
- 93 3. The Text Amendment substantially conforms with the Comprehensive Plan.
- 94 4. The Text Amendment substantially conforms with the stated purpose and intent of this Land
95 Use Code .
- 96 5. The Text Amendment constitutes a benefit to the County as a whole and is not solely for the
97 good or benefit of a particular landowner or owners at a particular point in time.
- 98 6. The Text Amendment will not significantly impact the natural environment, including air, water,
99 noise, stormwater management, wildlife and vegetation.
- 100 7. The Text Amendment will not significantly impact existing conforming development patterns,
101 standards or zoning regulations.

102 C. For a Zoning Map Amendment

- 103 1. The Zoning Map Amendment corrects an error or meets the challenge of some changing
104 condition, trend or fact.
- 105 2. The Zoning Map Amendment substantially conforms with the Comprehensive Plan.

- 106 3. The Zoning Map Amendment substantially conforms with the stated purpose and intent of this
107 Land Use Code .
- 108 4. The Zoning Map Amendment will reinforce the existing or planned character of the county.
- 109 5. The County and other service providers will be able to provide sufficient public facilities and
110 services including schools, roads, recreation facilities, wastewater treatment, water supply and
111 stormwater facilities, police, fire and emergency medical services, while maintaining sufficient
112 levels of service to existing development.
- 113 6. The Zoning Map Amendment will not significantly impact the natural environment, including air,
114 water, noise, stormwater management, wildlife and vegetation.
- 115 7. The Zoning Map Amendment will not have a significant adverse impact on the County.

116

117 13.4.10. Establishment of a Precedent

118 Legislative actions do not establish a binding precedent to grant other legislative changes.

119

120 13.4.14. Denial of Legislative Action

121 Decisions of the Board of County Commissioners are final. Affected property owners **unsatisfied with**
122 **the Board of County Commissioner's decision based on the identified criteria for approval, may submit**
123 **in writing an request for reconsideration, identifying the specific criteria that were not met along with**
124 **the associated fee** no more than 14 days after the findings of fact are delivered. If still not satisfied with
125 a decision of the Board of County Commissioners after the reconsideration, one may pursue appeals to
126 District Court within **30** days of the findings of fact being delivered.

127 13.4.15. Post Legislative Approval

128 **?????**

129 **Publishing requirements.....**

130