



Teton County Planning & Zoning Commission Job Description & Responsibilities

per ID State Statute Title 67, Chapter 65 and Teton County Code Title 2

Applicants are encouraged to read and be familiar with the following:

1. Idaho Statute Title 67 (entire Local Land Use Planning Law)
2. Teton County Code Title 2
3. Teton County Code Title 6 – Building Code
4. Teton County Code Title 7 – Cities Area of Impact
5. Teton County Code Title 8 – Zoning Ordinance
6. Teton County Code Title 9 – Subdivision Ordinance
7. Teton County Code Title 10 – Airport Hazard Zoning
8. Teton County Code Title 12 – Flood Damage Prevention
9. Teton County Capital Improvements Plan / Impact Fees
10. Teton County 2030 Comprehensive Plan

STATE GOVERNMENT AND STATE AFFAIRS LOCAL LAND USE PLANNING

67-6502. PURPOSE. The purpose of this act shall be to promote the health, safety and general welfare of the people of the state of Idaho as follows:

(a) To protect property rights while making accommodations for other necessary types of development such as low-cost housing and mobile home parks.

(b) To ensure that adequate public facilities and services are provided to the people at reasonable cost.

(c) To ensure that the economy of the state and localities is protected.

(d) To ensure that the important environmental features of the state and localities are protected.

(e) To encourage the protection of prime agricultural, forestry and mining lands and land uses for production of food, fibre and minerals, as well as the economic benefits they provide to the community.

(f) To encourage urban and urban-type development within incorporated cities.

(g) To avoid undue concentration of population and overcrowding of land.

(h) To ensure that the development on land is commensurate with the physical characteristics of the land.

(i) To protect life and property in areas subject to natural hazards and disasters.

(j) To protect fish, wildlife and recreation resources.

(k) To avoid undue water and air pollution.

(l) To allow local school districts to participate in the community planning and development process so as to address public school needs and impacts on an ongoing basis.

67-6503. PARTICIPATION OF LOCAL GOVERNMENTS. Every city and county shall exercise the powers conferred by this chapter.

67-6504. PLANNING AND ZONING COMMISSION -- CREATION -- MEMBERSHIP -- ORGANIZATION -- RULES -- RECORDS -- EXPENDITURES -- STAFF. A city council or board of county commissioners, hereafter referred to as a governing board, may exercise all of the powers required and authorized by this chapter in accordance with this chapter. If a governing board chooses to exercise the powers required and authorized by this chapter it need not follow the procedural requirements established hereby solely for planning and zoning commissions. If a governing board does not elect to exercise the powers conferred by this chapter, it shall establish by ordinance adopted, amended, or repealed in accordance with the notice and hearing procedures provided in section [67-6509](#), Idaho Code, a planning commission and a zoning commission or a planning and zoning commission acting in both capacities, which may act with the full authority of the governing board, excluding the authority to adopt ordinances or to finally approve land subdivisions. The powers of the board of county commissioners conferred by this chapter shall apply to the unincorporated area of the county. Legally authorized planning, zoning, or planning and zoning commissions existing prior to enactment of this chapter shall be considered to be duly constituted under this chapter. Within this chapter use of the term "planning and zoning commission" shall include the term "planning commission," "zoning commission" and "planning and zoning commission."

(a) Membership-- Each commission shall consist of not less than three (3) nor more than twelve (12) voting members, all appointed by a mayor or chairman of the county board of commissioners and confirmed by majority vote of the governing board. An appointed member of a commission must have resided in the county for at least two (2) years prior to his appointment, and must remain a resident of the county during his service on the commission. Not more than one-third (1/3) of the members of any commission appointed by the chairman of the board of county commissioners may reside within an incorporated city of one thousand five hundred (1,500) or more population in the county. At least one-half (1/2) of the members of any commission appointed by the chairman of the board of county commissioners must reside outside the boundaries of any city's area of impact. The ordinance establishing a commission to exercise the powers under this chapter shall set forth the number of members to be appointed. The term of office for members shall be not less than three (3) years, nor more than six (6) years, and the length of term shall be prescribed by ordinance. No person shall serve more than two (2) full consecutive terms without specific concurrence by two-thirds (2/3) of the governing board adopted by motion and recorded in the minutes. Vacancies occurring otherwise than through the expiration of terms shall be filled in the same manner as the original appointment. Members may be removed for cause by a majority vote of the governing board. Members shall be selected without respect to political affiliation and may receive such mileage and per diem compensation as provided by the governing board. If a governing board exercises these powers, its members shall be entitled to no additional mileage or per diem compensation.

(b) Organization -- Each commission shall elect a chairman and create and fill any other office that it may deem necessary. A commission may establish subcommittees, advisory committees or neighborhood groups to advise and assist in carrying out the responsibilities under this chapter. A commission may appoint nonvoting ex officio advisors as may be deemed necessary.

(c) Rules, Records, and Meetings -- Written organization papers or bylaws consistent with this chapter and other laws of the state for the transaction of business of the commission shall be adopted. A record of meetings, hearings, resolutions, studies, findings, permits, and actions taken shall be maintained. All meetings and records shall be open to the public. At least one (1) regular meeting shall be held each month for not less than nine (9) months in a year. A majority of currently-appointed voting members of the commission shall constitute a quorum.

(d) Expenditures and Staff -- With approval of a governing board through the legally required budgetary process, the commission may receive and expend funds, goods, and services from the federal government or agencies and instrumentalities of state or local governments or from civic and private sources and may contract with these entities and provide information and reports as necessary to secure aid. Expenditures by a commission shall be within the amounts appropriated by a governing board. Within such limits, any commission is authorized to hire or contract with employees and technical advisors, including, but not limited to, planners, engineers, architects, and legal assistants.

67-6505. JOINT PLANNING AND ZONING COMMISSION -- FORMATION -- DUTIES. The boards of county commissioners of two (2) or more adjoining counties, alone or together with the council of one (1) or more cities therein, or the board of county commissioners of a county together with the council of one (1) or more cities within the county, or the councils of two (2) or more adjoining cities, are empowered to cooperate in the establishment of a joint planning, zoning, or planning and zoning commission, hereafter referred to as a joint commission, and may provide for participation by invitation of other public agencies deemed necessary to exercise the powers conferred in this chapter. The number of members of a joint commission, the method of appointment, and the allocation of costs for activities to be borne by the participating governing boards shall be agreed upon by the governing boards and agencies involved. A joint commission is further authorized and empowered to perform any of the duties for any local member's governing board when the duties have been authorized by that member government.

67-6506. CONFLICT OF INTEREST PROHIBITED. A governing board creating a planning, zoning, or planning and zoning commission, or joint commission shall provide that the area and interests within its jurisdiction are broadly represented on the commission. A member or employee of a governing board, commission, or joint commission shall not participate in any proceeding or action when the member or employee or his employer, business partner, business associate, or any person related to him by affinity or consanguinity within the second degree has an economic interest in the procedure or action. Any actual or potential interest in any proceeding shall be disclosed at or before any meeting at which the action is being heard or considered. For purposes of this section the term "participation" means engaging in activities which constitute deliberations pursuant to the open meeting act. No member of a governing board or a planning and zoning commission with a conflict of interest shall participate in any aspect of the decision-making process concerning a matter involving the conflict of interest. A knowing violation of this section shall be a misdemeanor.

67-6507. THE PLANNING PROCESS AND RELATED POWERS OF THE COMMISSION. As part of the planning process, a planning or zoning commission shall provide for citizen meetings, hearings, surveys, or other methods, to obtain advice on the planning process, plan, and implementation. The commission may also conduct informational meetings and consult with public officials and agencies, public utility companies, and civic, educational, professional, or other organizations. As part of the planning process, the commission shall endeavor to promote a public interest in and understanding of the commission's activities.

The commission may, at any time, make recommendations to the governing board concerning the plan, planning process, or implementation of the plan.

With the consent of the owner, the commission and its members, officers, and employees, in the performance of their functions, may enter upon any land and make examinations and surveys and place and maintain necessary monuments and marks thereon.

The commission may perform such additional duties as may be assigned by the governing

board.

The commission shall have the right to seek judicial process, as may be necessary to enable it to fulfill its functions.

67-6508. PLANNING DUTIES. It shall be the duty of the planning or planning and zoning commission to conduct a comprehensive planning process designed to prepare, implement, and review and update a comprehensive plan, hereafter referred to as the plan. The plan shall include all land within the jurisdiction of the governing board. The plan shall consider previous and existing conditions, trends, compatibility of land uses, desirable goals and objectives, or desirable future situations for each planning component. The plan with maps, charts, and reports shall be based on the following components as they may apply to land use regulations and actions unless the plan specifies reasons why a particular component is unneeded.

(a) Property Rights -- An analysis of provisions which may be necessary to ensure that land use policies, restrictions, conditions and fees do not violate private property rights, adversely impact property values or create unnecessary technical limitations on the use of property and analysis as prescribed under the declarations of purpose in [chapter 80, title 67](#), Idaho Code.

(b) Population -- A population analysis of past, present, and future trends in population including such characteristics as total population, age, sex, and income.

(c) School Facilities and Transportation -- An analysis of public school capacity and transportation considerations associated with future development.

(d) Economic Development -- An analysis of the economic base of the area including employment, industries, economies, jobs, and income levels.

(e) Land Use -- An analysis of natural land types, existing land covers and uses, and the intrinsic suitability of lands for uses such as agriculture, forestry, mineral exploration and extraction, preservation, recreation, housing, commerce, industry, and public facilities. A map shall be prepared indicating suitable projected land uses for the jurisdiction.

(f) Natural Resources -- An analysis of the uses of rivers and other waters, forests, range, soils, harbors, fisheries, wildlife, minerals, thermal waters, beaches, watersheds, and shorelines.

(g) Hazardous Areas -- An analysis of known hazards as may result from susceptibility to surface ruptures from faulting, ground shaking, ground failure, landslides or mudslides; avalanche hazards resulting from development in the known or probable path of snowslides and avalanches, and floodplain hazards.

(h) Public Services, Facilities, and Utilities -- An analysis showing general plans for sewage, drainage, power plant sites, utility transmission corridors, water supply, fire stations and fire fighting equipment, health and welfare facilities, libraries, solid waste disposal sites, schools, public safety facilities and related services. The plan may also show locations of civic centers and public buildings.

(i) Transportation -- An analysis, prepared in coordination with the local jurisdiction(s) having authority over the public highways and streets, showing the general locations and widths of a system of major traffic thoroughfares and other traffic ways, and of streets and the recommended treatment thereof. This component may also make recommendations on building line setbacks, control of access, street naming and numbering, and a proposed system of public or other transit lines and related facilities including rights-of-way, terminals, future corridors, viaducts and grade separations. The component may also include port, harbor, aviation, and other related transportation facilities.

(j) Recreation -- An analysis showing a system of recreation areas, including parks, parkways, trailways, river bank greenbelts, beaches, playgrounds, and other recreation areas and programs.

(k) Special Areas or Sites -- An analysis of areas, sites, or structures of historical, archeological, architectural, ecological, wildlife, or scenic significance.

(l) Housing -- An analysis of housing conditions and needs; plans for improvement of housing standards; and plans for the provision of safe, sanitary, and adequate housing, including the provision for low-cost conventional housing, the siting of manufactured housing and mobile homes in subdivisions and parks and on individual lots which are sufficient to maintain a competitive market for each of those housing types and to address the needs of the community.

(m) Community Design -- An analysis of needs for governing landscaping, building design, tree planting, signs, and suggested patterns and standards for community design, development, and beautification.

(n) Agriculture -- An analysis of the agricultural base of the area including agricultural lands, farming activities, farming-related businesses and the role of agriculture and agricultural uses in the community.

(o) Implementation -- An analysis to determine actions, programs, budgets, ordinances, or other methods including scheduling of public expenditures to provide for the timely execution of the various components of the plan.

(p) National Interest Electric Transmission Corridors -- After notification by the public utilities commission concerning the likelihood of a federally designated national interest electric transmission corridor, prepare an analysis showing the existing location and possible routing of high voltage transmission lines, including national interest electric transmission corridors based upon the United States department of energy's most recent national electric transmission congestion study pursuant to sections 368 and 1221 of the energy policy act of 2005. "High-voltage transmission lines" means lines with a capacity of one hundred fifteen thousand (115,000) volts or more supported by structures of forty (40) feet or more in height.

Nothing herein shall preclude the consideration of additional planning components or subject matter.

67-6511. ZONING ORDINANCE. Each governing board shall, by ordinance adopted, amended, or repealed in accordance with the notice and hearing procedures provided under section [67-6509](#), Idaho Code, establish within its jurisdiction one (1) or more zones or zoning districts where appropriate. The zoning districts shall be in accordance with the policies set forth in the adopted comprehensive plan.

Within a zoning district, the governing board shall where appropriate, establish standards to regulate and restrict the height, number of stories, size, construction, reconstruction, alteration, repair or use of buildings and structures; percentage of lot occupancy, size of courts, yards, and open spaces; density of population; and the location and use of buildings and structures. All standards shall be uniform for each class or kind of buildings throughout each district, but the standards in one (1) district may differ from those in another district.

Ordinances establishing zoning districts shall be amended as follows:

(a) Requests for an amendment to the zoning ordinance shall be submitted to the zoning or planning and zoning commission which shall evaluate the request to determine the extent and nature of the amendment requested. Particular consideration shall be given to the effects of any proposed zone change upon the delivery of services by any political subdivision providing public services, including school districts, within the planning jurisdiction. An amendment of a zoning ordinance applicable to an owner's lands or approval of conditional rezoning or denial of a request for rezoning may be subject to the regulatory taking analysis provided for by section [67-8003](#), Idaho Code, consistent with the requirements established thereby.

(b) After considering the comprehensive plan and other evidence gathered through the public hearing process, the zoning or planning and zoning commission may recommend and the governing board may adopt or reject an ordinance amendment pursuant to the notice and

hearing procedures provided in section [67-6509](#), Idaho Code, provided that in the case of a zoning district boundary change, and notwithstanding jurisdictional boundaries, additional notice shall be provided by mail to property owners or purchasers of record within the land being considered, and within three hundred (300) feet of the external boundaries of the land being considered, and any additional area that may be impacted by the proposed change as determined by the commission. Notice shall also be posted on the premises not less than one (1) week prior to the hearing. When notice is required to two hundred (200) or more property owners or purchasers of record, alternate forms of procedures which would provide adequate notice may be provided by local ordinance in lieu of posted or mailed notice. In the absence of a locally adopted alternative notice procedure, sufficient notice shall be deemed to have been provided if the city or county provides notice through a display advertisement at least four (4) inches by two (2) columns in size in the official newspaper of the city or county at least fifteen (15) days prior to the hearing date, in addition to site posting on all external boundaries of the site. Any property owner entitled to specific notice pursuant to the provisions of this subsection shall have a right to participate in public hearings before a planning commission, planning and zoning commission or governing board subject to applicable procedures.

(c) The governing board shall analyze proposed changes to zoning ordinances to ensure that they are not in conflict with the policies of the adopted comprehensive plan. If the request is found by the governing board to be in conflict with the adopted plan, or would result in demonstrable adverse impacts upon the delivery of services by any political subdivision providing public services, including school districts, within the planning jurisdiction, the governing board may require the request to be submitted to the planning or planning and zoning commission or, in absence of a commission, the governing board may consider an amendment to the comprehensive plan pursuant to the notice and hearing procedures provided in section [67-6509](#), Idaho Code. After the plan has been amended, the zoning ordinance may then be considered for amendment pursuant to section [67-6511](#)(b), Idaho Code.

(d) If a governing board adopts a zoning classification pursuant to a request by a property owner based upon a valid, existing comprehensive plan and zoning ordinance, the governing board shall not subsequently reverse its action or otherwise change the zoning classification of said property without the consent in writing of the current property owner for a period of four (4) years from the date the governing board adopted said individual property owner's request for a zoning classification change. If the governing body does reverse its action or otherwise change the zoning classification of said property during the above four (4) year period without the current property owner's consent in writing, the current property owner shall have standing in a court of competent jurisdiction to enforce the provisions of this section.

TITLE 2

PLANNING AND ZONING COMMISSION

| Subject | Chapter |
|--|---------|
| General Provisions | 1 |
| Member Qualifications and Officer Duties | 2 |
| Joint Planning Commission | 3 |

Chapter 1

General Provisions

SECTIONS:

- 2-1-1: Authority
- 2-1-2: Scope
- 2-1-3: Definitions

2-1-1: **AUTHORITY:** This Title is adopted in accordance with and authorized by Idaho Code Section 67-6504, and subsequent amendments. If any of the provisions of this Section conflict with Idaho Code Title 67, Chapter 65, Idaho Code Title 67, Chapter 65 controls.

2-1-2: **SCOPE:** These rules of procedure shall govern the meetings and transaction of business of the Teton County Planning and Zoning Commission.

2-1-3: **GENERAL DEFINITIONS:**

CHAIRPERSON: The member of the Commission chosen to act as the presiding officer by the members of the Commission.

COMMISSION: The Teton County Planning and Zoning Commission and/or the Board of Adjustment.

JOINT PLANNING COMMISSION: A Planning Commission convened to hear applications within the City of Driggs Area of Impact that consists of two (2) members of the County Planning and Zoning Commission and three (3) members of the Driggs Planning and Zoning Commission.

QUORUM: A simple majority of the Commission.

VICE-CHAIRPERSON: A member of the Commission chosen to act as chairperson, in the absence of the chairperson, by the members of the Commission.

Chapter 2

MEMBER QUALIFICATIONS AND OFFICER DUTIES

SECTIONS:

- 2-2-1: Member Qualifications
- 2-2-2: Officers
- 2-2-3: Officer Duties
- 2-2-4: Election of Officers
- 2-2-5: Term of Office
- 2-2-6: Attendance

- 2-2-1: **MEMBER QUALIFICATIONS:** Member qualifications are as described in Idaho Code Title 67, Chapter 65.
- 2-2-2: **OFFICERS:** The officers of the Commission shall consist of the Chairperson and the Vice Chairperson.
- 2-2-3: **OFFICER DUTIES:** The Chairperson of the Commission shall preside over all meetings and hearings of the Planning and Zoning Commission, sign documents of the Commission, and shall have the duties normally conferred by parliamentary usage on such officers. The Vice Chairperson will assume the duties of the Chairperson in his/her absence.
- 2-2-4: **ELECTION OF OFFICERS:** The officers shall be elected by a majority vote of the members of the Commission. Officers may be elected at the first meeting in October of each year, at the next regular meeting following an un-renewed expiration of the officer's term on the Commission, or if an officer resigns at any time during his/her term of office, a new officer shall be elected at the next regular meeting. (Amd. 01-23-06)
- 2-2-5: **TERM OF OFFICE:** The Commission consists of not less than three (3) nor more than eleven (11) voting members, each appointed for a term of three (3) years, with each new term beginning at the first meeting in October. If a member resigns or is otherwise replaced before the completion of his or her term, the new appointee shall serve only the remaining time left in their predecessor's term, but they may be re-appointed for subsequent terms of three (3) years in accordance with Idaho law. If an additional member position is added before the start of the Commission's regular term, the term of the new position shall commence in the month appointed and the time between their appointment and the first meeting in October shall count as their first year (any additional years remaining in the new position's term shall be calculated thereafter from the first meeting in October following their appointment). No person shall serve more than two (2) full consecutive terms without specific concurrence of the Board of County Commissioners adopted by motion and recorded in the minutes.

2-2-6: **ATTENDANCE:** Members are expected to attend all meetings, hearings and work sessions of the Commission. If a member has four (4) absences in one year, the Board may replace that member. (Amd. 01-23-06). If a member cannot attend a meeting, hearing or work session, he or she shall notify the Chairperson in advance of the meeting. In the event that a member of the Commission does not attend and did not give notification of their inability to be present at a meeting wherein a quorum is absent the Commission may ask for resignation of the offending member or the Board may replace that member.

Chapter 3

JOINT PLANNING COMMISSION

SECTIONS:

- 2-3-1: Selection
- 2-3-2: Purpose
- 2-3-3: Procedures

2-3-1: **SELECTION:** The Chairperson of each of the planning and zoning commissions for the City of Driggs and Teton County shall appoint members to the joint planning commission to hear preliminary subdivision applications concerning land within the City of Driggs Impact Area. The Joint Planning Commission shall consist of two (2) members from the Teton County Planning & Zoning Commission and three (3) members from the City of Driggs Planning & Zoning Commission. Consideration should be given to appointing a county representative living within the City of Driggs or the City of Driggs Area of Impact.

2-3-2: **PURPOSE:** The purpose of the Joint Planning Commission shall be to hear preliminary hearings for subdivision applications concerning land within the Driggs Area of Impact. Special meetings may be convened by request of the City of Driggs, Teton County or an applicant and shall follow all applicable noticing and procedural requirements.

2-3-3: **PROCEDURES:** All public hearings of the Joint Planning Commission shall be noticed pursuant to Idaho State Statute 67-6509 or subsequent amendments.