

# Planning & Zoning Basics

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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

# 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.

# Roles & Responsibilities: P&Z Commissioners



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

# 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



# 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

# 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

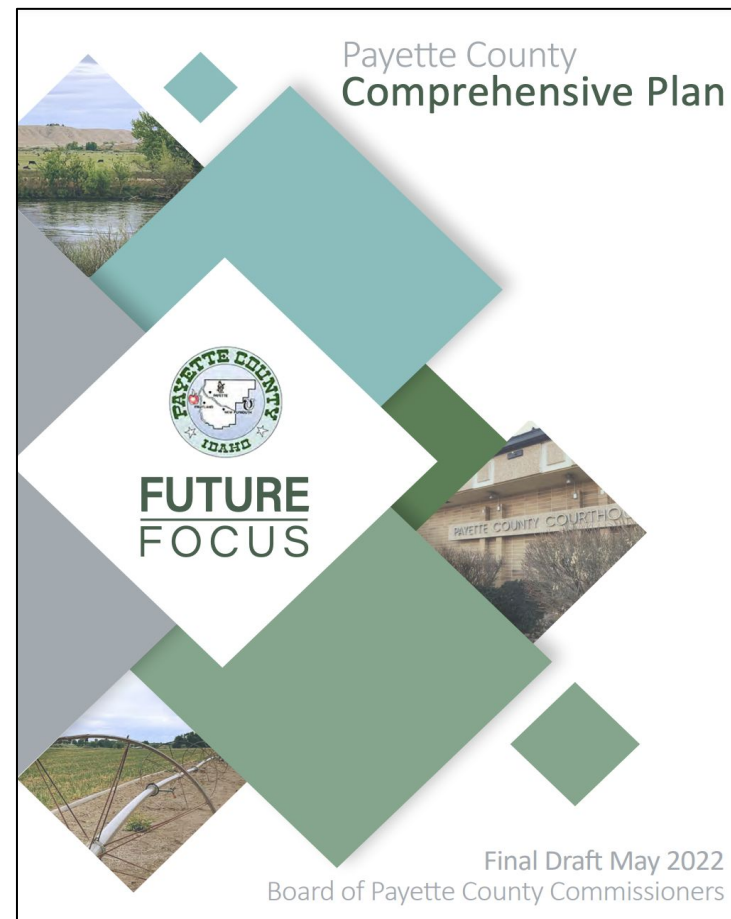


# Planning Duties

- 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

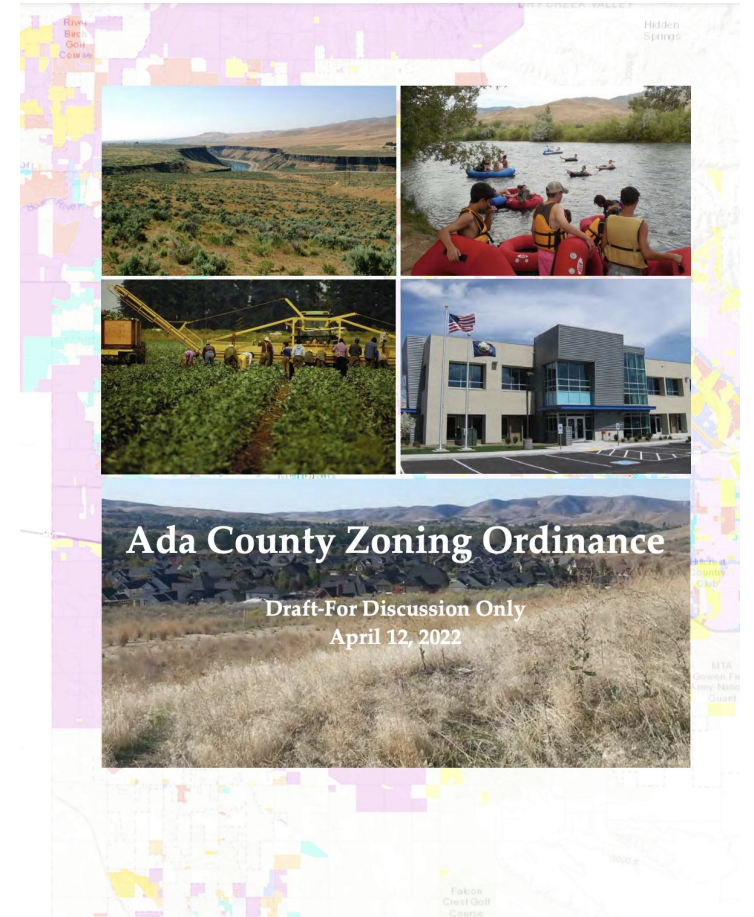


# Comprehensive Plan Essentials

- 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)

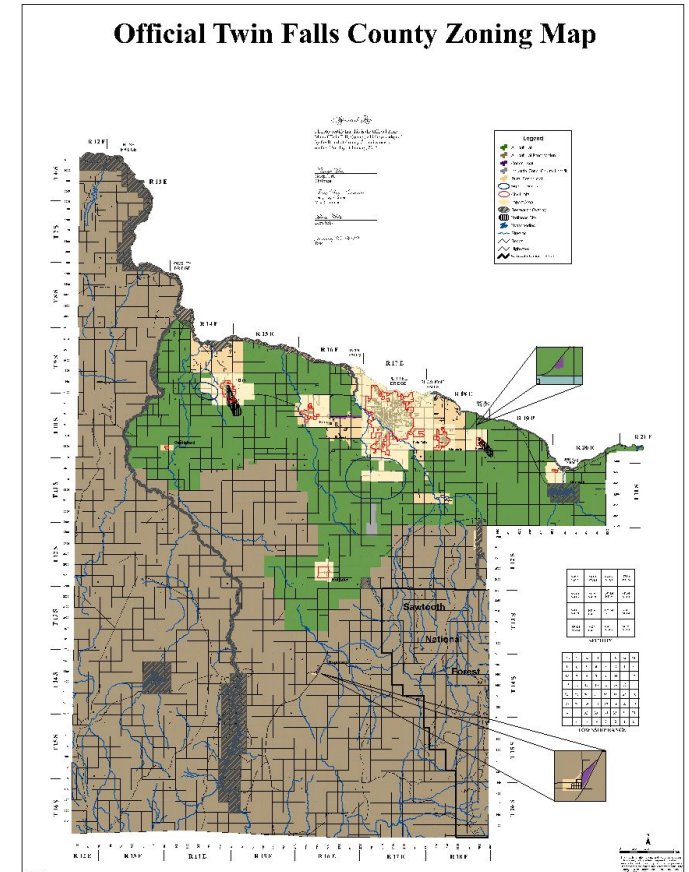
# Zoning

- 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



# 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



# 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.



# 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

# 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

