

EVERYTHING TO KNOW FROM P TO Z

PRESENTED BY AARON BAZZOLI
CHIEF CIVIL PROSECUTING ATTORNEY
CANYON COUNTY
FALL 2026



THE NEXT HOUR

- PLANNING AND ZONING, CREATION, AUTHORITY, PROCESS AND REQUIREMENTS
- ROLE OF OTHER AGENCIES
- ETHICS AND TRANSPARENCY IN GOVERNMENT
- THE RELATIONSHIP BETWEEN P AND Z AND THE BOCC



*We the People
of the United States,
in Order to form a more perfect Union,
establish Justice,
insure domestic Tranquility,
provide for the common defence,
promote the general Welfare,
and secure the Blessings of Liberty
to ourselves and our Posterity,
do ordain and establish
this Constitution
for the United States of America.*

LAND USE PLANNING 101

- LLUPA STATED PURPOSE IS TO PROMOTE THE HEALTH, SAFETY, AND GENERAL WELFARE OF IDAHO CITIZENS BY
 - PROTECTING PROPERTY RIGHTS
 - ENSURING ADEQUATE PUBLIC FACILITIES
 - PROTECTING THE ENVIRONMENT
 - ENCOURAGING URBAN DEVELOPMENT
 - AVOIDING UNDUE CONCENTRATION OF POPULATION
 - ENSURING DEVELOPMENT THAT IS COMMENSURATE WITH THE PHYSICAL CHARACTERISTICS OF THE LAND

PLANNING AND ZONING CREATION, RULES, REQUIREMENTS, RESTRICTIONS

- IDAHO CODE 67-6501-6536 (LLUPA) STATES THAT A BOCC THAT DOES NOT ELECT TO EXERCISE LAND USE PLANNING POWER DIRECTLY MUST ESTABLISH A PLANNING AND ZONING COMMISSION BY ORDINANCE
 - P AND Z IS A QUASI-GOVERNMENTAL BODY WITH BROAD AUTHORITY
 - CONDUCT COMPREHENSIVE PLANNING
 - RECOMMEND ZONING ORDINANCE
 - PROCESS SPECIAL USE PERMITS AND VARIANCES,
 - HOLD PUBLIC HEARINGS
 - P AND Z CANNOT
 - ADOPT ORDINANCES OR FINALLY APPROVE LAND SUBDIVISIONS

P AND Z MEMBERSHIP

- MEMBERSHIP (67-6504)
 - NOT LESS THAN 3 BUT NO MORE THAN 12 VOTING MEMBERS
 - APPOINTED BY THE CHAIRMAN AND CONFIRMED BY MAJORITY VOTE OF THE GOVERNING BOARD
 - MUST HAVE LIVED IN COUNTY FOR AT LEAST 2 YEARS AND MUST REMAIN A RESIDENT DURING THEIR SERVICE
 - NOT MORE THAN 1/3 MAY RESIDE WITHIN AN INCORPORATED CITY OF 1500, IF MORE THAN 1500 MUST RATE BETWEEN ALL THE CITIES
 - AT LEAST 1/2 MUST RESIDE OUTSIDE ANY CITY'S AREA OF IMPACT
 - SET BY ORDINANCE: TERM OF OFFICE SHALL NOT BE LESS THAN 3 YEARS NOR MORE THAN 6 YEARS
 - NO PERSON SHALL SERVE MORE THAN 2 FULL CONSECUTIVE TERMS WITHOUT SPECIFIC CONCURRENCE BY 2/3 OF THE GOVERNING BODY

MEMBERS MAY BE REMOVED FOR CAUSE BY A MAJORITY VOTE OF THE GOVERNING BOARD

MEMBERS SHALL BE SELECTED WITHOUT RESPECT OF POLITICAL AFFILIATION AND MAY BE PAID MILEAGE AND PER DIEM COMPENSATION

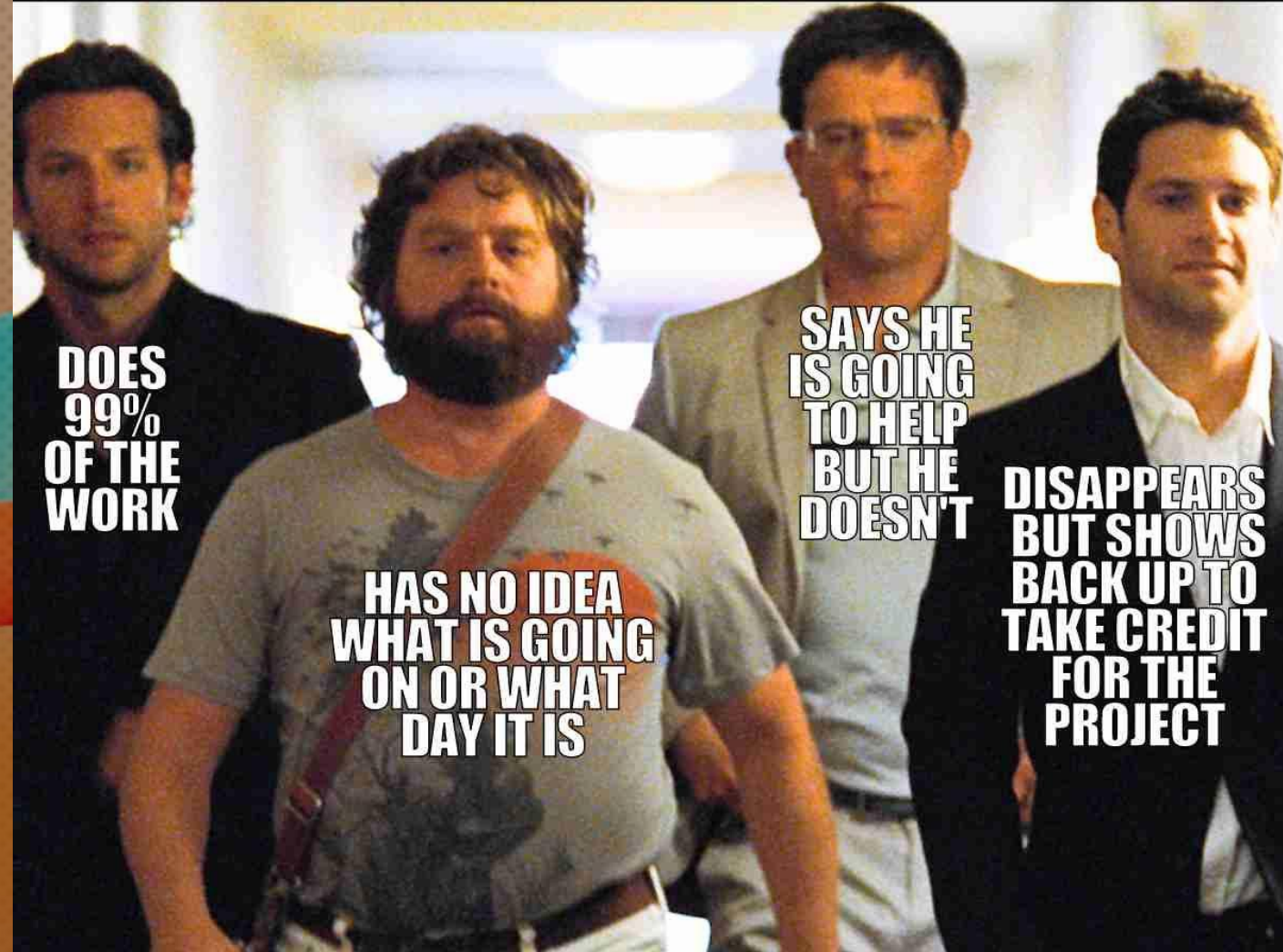
P AND Z ORGANIZATION

EACH COMMISSION SHALL ELECT A
CHAIRMAN AND CREATE AND FILL ANY
OTHER OFFICE THAT IT MAY DEEM
NECESSARY

ESTABLISH SUBCOMMITTEES OR
NEIGHBORHOOD GROUPS TO
ADVISE AND ASSIST

MAY APPOINT NONVOTING EX
OFFICIO ADVISORS

EVERY TEAM AT A WORKPLACE



P AND Z RULES, RECORDS, MEETINGS

- WRITTEN BYLAWS SHALL BE ADOPTED (CONSISTENT WITH LLUPA AND STATE STATUTES)
- 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 1 REGULAR MEETING SHALL BE HELD EACH MONTH FOR NOT LESS THAN NINE MONTHS IN A YEAR

YOU KEEP USING THAT WORD

**I DON'T THINK IT MEMES
WHAT YOU THINK IT MEMES**

imgflip.com

OPEN AND
ETHICAL
GOVERNMENT

ETHICS IN COUNTY GOVERNMENT

- SIX DIFFERENT ACTS, WITH TERMINOLOGY THAT IS IN SOME INSTANCES UNDEFINED OR INCONSISTENT, WITH REQUIREMENTS THAT CONFLICT.
 - ETHICS IN GOVERNMENT ACT, TITLE 74, CHAPTER 4, IDAHO CODE.
 - BRIBERY AND CORRUPT INFLUENCE, TITLE 18, CHAPTER 13, IDAHO CODE.
 - MISUSE OF PUBLIC MONEYS, TITLE 18, CHAPTER 57, IDAHO CODE.

CASES AGAINST PUBLIC OFFICIALS

- RECEIPT OF GIFTS/TRIPS/GRATUITIES
- CORRUPT, ILLEGAL OR “SUB ROSA” PRACTICES BY PUBLIC OFFICIALS.
- MISUSE OF PUBLIC MONIES/CREDIT CARDS.
- ABUSE OF AUTHORITY.
- *EX PARTE* CONTACTS

CONFLICTS OF INTEREST

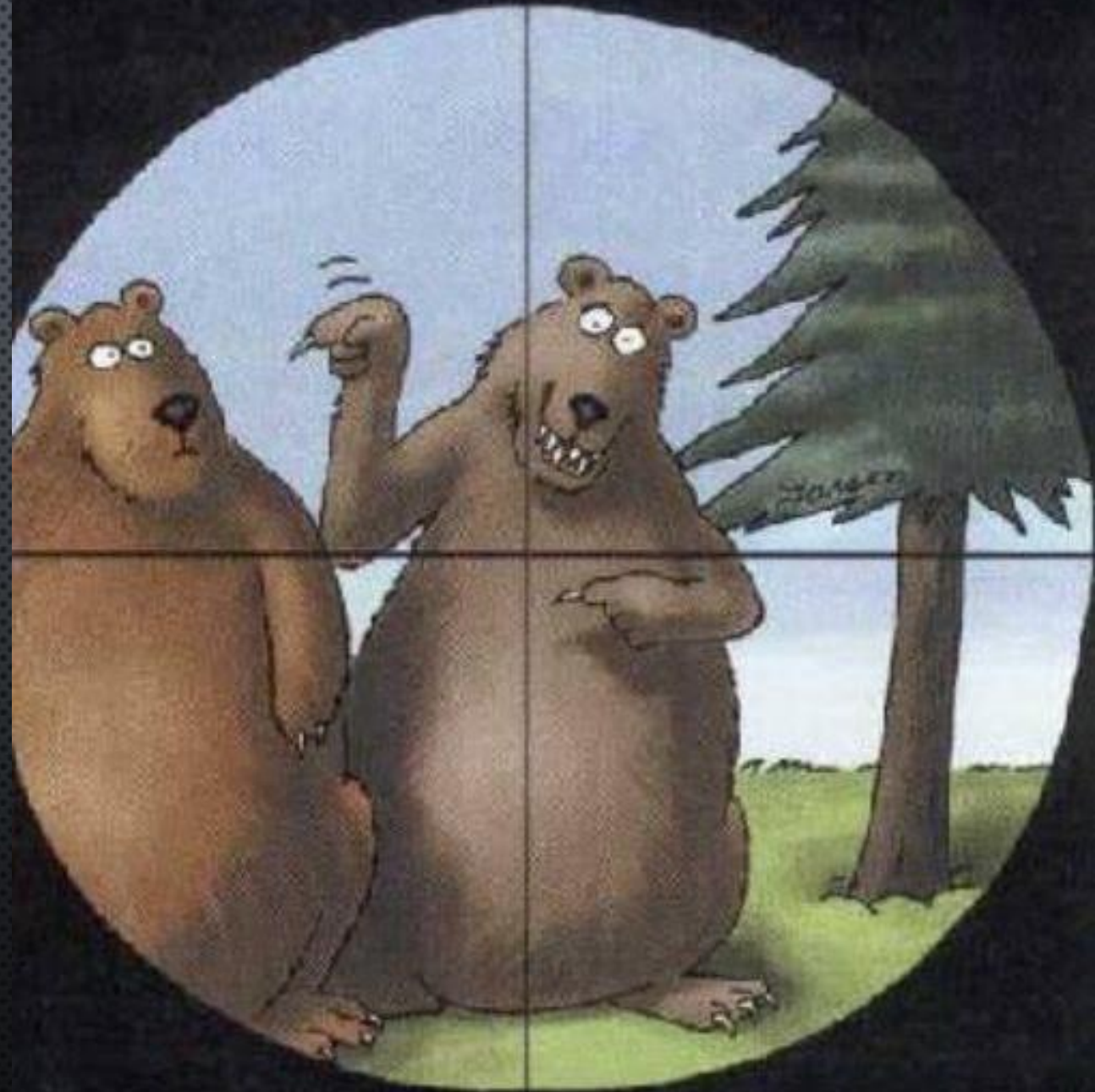
- IC § 74-403(4) "CONFLICT OF INTEREST" MEANS ANY OFFICIAL ACTION OR ANY DECISION OR RECOMMENDATION BY A PERSON ACTING IN A CAPACITY AS A PUBLIC OFFICIAL, THE EFFECT OF WHICH WOULD BE TO THE **PRIVATE PECUNIARY BENEFIT** OF THE **PERSON OR A MEMBER OF THE PERSON'S HOUSEHOLD, OR A BUSINESS WITH WHICH THE PERSON OR A MEMBER OF THE PERSON'S HOUSEHOLD IS ASSOCIATED.**
- LIMITED EXCEPTIONS IN SITUATIONS OF ONLY GENERAL IMPACT

REQUIRED ACTIONS IN CONFLICTS

DISCLOSURE

PRIOR TO TAKING ANY ACTION

MAY BE VERBAL, BUT MUST BE ON THE
RECORD, EXCEPT APPOINTED/EMPLOYED
PUBLIC OFFICIALS ARE REQUIRED TO DISCLOSE
IN WRITING TO THEIR APPOINTING AUTHORITY



LLUPA AND CONFLICTS OF INTEREST

- CONFLICTS OF INTEREST, I.C. § 67-6506
- APPLICABLE TO EMPLOYEES, COMMISSION AND GOVERNING BOARD
- CANNOT 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
- DISCLOSURE REQUIRED, NOT A CURE

LLUPA CONTINUED

- CONFLICTS OF INTEREST, I.C. § 67-6506
- “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.”
- MISDEMEANOR

GIFTS TO PUBLIC SERVANTS BY PERSON SUBJECT TO THEIR JURISDICTION

MISDEMEANOR (IC 18-1356) TO OFFER OR ACCEPT GIFTS (PECUNIARY BENEFIT) FROM:

- ANYONE SUBJECT TO ONGOING REGULATION/INSPECTION/ INVESTIGATION
- ANYONE INTERESTED IN GOVERNMENT CONTRACTS OR PURCHASING
- ANYONE INTERESTED OR LIKELY TO BECOME INTERESTED IN A GOVERNMENTAL JUDICIAL OR ADMINISTRATIVE MATTER.



USING PUBLIC POSITION FOR PERSONAL GAIN

- (1) NO PUBLIC SERVANT SHALL:
 - (A) WITHOUT THE SPECIFIC AUTHORIZATION OF THE GOVERNMENTAL ENTITY FOR WHICH HE SERVES, USE PUBLIC FUNDS OR PROPERTY TO OBTAIN A PECUNIARY BENEFIT FOR HIMSELF
 - IDAHO CODE 18-1359.

AUTHORITY AND POWERS OF THE COMMISSION

- UNDER IDAHO CODE 67-6508 THE COMMISSION MUST CONDUCT A COMPREHENSIVE PLANNING PROCESS.
- THE PLAN MUST INCLUDE ALL LAND WITHIN THE JURISDICTION OF THE GOVERNING BOARD AND MUST CONSIDER PREVIOUS AND EXISTING CONDITIONS, TRENDS, COMPATIBILITY OF LAND USES, DESIRABLE GOALS AND OBJECTIVES, AND DESIRABLE FUTURE SITUATIONS FOR EACH PLANNING COMPONENT
- THE PLAN MUST BE BASED ON THE FOLLOWING REQUIRED COMPONENTS (UNLESS THE PLAN SPECIFIES REASONS WHY A PARTICULAR COMPONENT IS UNNEEDED): (A) PROPERTY RIGHTS; (B) POPULATION; (C) SCHOOL FACILITIES AND TRANSPORTATION; (D) ECONOMIC DEVELOPMENT; (E) LAND USE (INCLUDING A MAP OF PROJECTED LAND USES); (F) NATURAL RESOURCES; (G) HAZARDOUS AREAS; (H) PUBLIC SERVICES, FACILITIES, AND UTILITIES; (I) TRANSPORTATION; (J) RECREATION; (K) SPECIAL AREAS OR SITES; (L) HOUSING; (M) COMMUNITY DESIGN; (N) AGRICULTURE; (O) IMPLEMENTATION; (P) NATIONAL INTEREST ELECTRIC TRANSMISSION CORRIDORS; AND (Q) PUBLIC AIRPORT FACILITIES IDAHO CODE ANN. § 67-6508 (WEST). THE GOVERNING BOARD MUST ALSO CONSIDER THE EFFECT OF ANY PLAN AMENDMENT ON GROUNDWATER QUALITY AND QUANTITY IDAHO CODE ANN. § 67-6508 (WEST).

COMPREHENSIVE PLANS

- IDAHO COURTS HAVE ESTABLISHED THAT A VALID COMPREHENSIVE PLAN IS A PRECONDITION TO THE VALIDITY OF ZONING ORDINANCES UNDER THE LLUPA SPRENGER, GRUBB & ASSOCS., INC. V. CITY OF HAILEY, 133 IDAHO 320, 986 P.2D 343 (1999). HOWEVER, THE COMPREHENSIVE PLAN DOES NOT OPERATE AS LEGALLY CONTROLLING ZONING LAW; RATHER, IT SERVES TO GUIDE AND ADVISE THE GOVERNMENTAL AGENCIES RESPONSIBLE FOR MAKING ZONING DECISIONS KREMPASKY V. NEZ PERCE CNTY. PLAN. & ZONING, 150 IDAHO 231, 245 P.3D 983 (2010) FRIENDS OF FARM TO MKT. V. VALLEY CNTY., 137 IDAHO 192, 46 P.3D 9 (2002). AS THE IDAHO SUPREME COURT EXPLAINED IN KREMPASKY V. NEZ PERCE CNTY. PLAN. & ZONING, 150 IDAHO 231, 245 P.3D 983 (2010), WHILE REQUIREMENTS OF APPLICABLE ORDINANCES ARE BINDING ON A BODY RENDERING A ZONING OR PERMIT DECISION, A COMPREHENSIVE PLAN REFLECTS DESIRABLE GOALS AND OBJECTIVES AND IS NOT LEGALLY BINDING IN THE SAME MANNER.

ZONING ORDINANCE RECOMMENDATIONS

- UNDER IDAHO CODE § 67-6511, REQUESTS FOR AMENDMENTS TO ZONING ORDINANCES MUST BE SUBMITTED TO THE PLANNING AND ZONING COMMISSION, WHICH EVALUATES THE REQUEST TO DETERMINE ITS EXTENT AND NATURE IDAHO CODE ANN. § 67-6511 (WEST).
- THE COMMISSION CONSIDERS THE EFFECTS OF ANY PROPOSED ZONE CHANGE ON THE DELIVERY OF SERVICES BY POLITICAL SUBDIVISIONS, INCLUDING SCHOOL DISTRICTS. AFTER CONSIDERING THE COMPREHENSIVE PLAN AND EVIDENCE GATHERED THROUGH THE PUBLIC HEARING PROCESS, THE COMMISSION MAY RECOMMEND AN ORDINANCE AMENDMENT TO THE GOVERNING BOARD, WHICH MAY THEN ADOPT OR REJECT IT IDAHO CODE ANN. § 67-6511 (WEST).
- THE COMMISSION'S AUTHORITY IS LIMITED TO RECOMMENDATION — THE GOVERNING BOARD RETAINS THE EXCLUSIVE POWER TO ADOPT ZONING ORDINANCES.
- IDAHO SUPREME COURT HELD IN IN RE APPLICATION FOR ZONING CHANGE, 140 IDAHO 512, 96 P.3D 613 (2004), A COUNTY ORDINANCE THAT EFFECTIVELY REQUIRED THE BOARD OF COMMISSIONERS TO ACCEPT THE PLANNING AND ZONING COMMISSION'S RECOMMENDATION (ABSENT A MAJORITY VOTE TO REJECT) WAS INVALID BECAUSE IT IMPERMISSIBLY DELEGATED TO THE COMMISSION THE AUTHORITY TO ADOPT ORDINANCES, IN CONFLICT WITH IDAHO CODE §§ 67-6504 AND 67-6511.

APPLICATION PROCESSING REQUIREMENTS

- UNDER IDAHO CODE § 67-6519, THE COMMISSION MUST HAVE A REASONABLE TIME FIXED BY THE GOVERNING BOARD TO EXAMINE APPLICATIONS BEFORE MAKING A DECISION OR RECOMMENDATION IDAHO CODE ANN. § 67-6519 (WEST).
- EACH COMMISSION MUST ESTABLISH BY RULE A TIME PERIOD WITHIN WHICH A RECOMMENDATION OR DECISION MUST BE MADE. APPLICATIONS RELATING TO PUBLIC SCHOOL FACILITIES MUST RECEIVE PRIORITY CONSIDERATION AND BE REVIEWED AT THE EARLIEST REASONABLE TIME IDAHO CODE ANN. § 67-6519 (WEST).
- WHEN GRANTING OR DENYING ANY APPLICATION, THE COMMISSION MUST SPECIFY THE ORDINANCE AND STANDARDS USED IN EVALUATING THE APPLICATION, THE REASONS FOR APPROVAL OR DENIAL, AND THE ACTIONS, IF ANY, THAT THE APPLICANT COULD TAKE TO OBTAIN APPROVAL IDAHO CODE ANN. § 67-6519 (WEST).

DECISIONS MUST BE IN WRITING

- IDAHO CODE § 67-6535 REQUIRES THAT ALL APPROVALS AND DENIALS OF APPLICATIONS BE IN WRITING AND ACCOMPANIED BY A REASONED STATEMENT THAT EXPLAINS THE CRITERIA AND STANDARDS CONSIDERED RELEVANT, STATES THE RELEVANT CONTESTED FACTS RELIED UPON, AND EXPLAINS THE RATIONALE FOR THE DECISION BASED ON THE APPLICABLE PROVISIONS OF THE COMPREHENSIVE PLAN, RELEVANT ORDINANCES, STATUTORY PROVISIONS, PERTINENT CONSTITUTIONAL PRINCIPLES, AND FACTUAL INFORMATION IN THE RECORD
- FAILURE TO IDENTIFY COMPLIANCE OR NONCOMPLIANCE WITH EXPRESS APPROVAL STANDARDS IS GROUNDS FOR INVALIDATION OF THE DECISION ON APPEAL IDAHO CODE ANN. § 67-6535 (WEST). THE IDAHO SUPREME COURT IN N. W. NEIGHBORHOOD ASS'N V. CITY OF BOISE, 172 IDAHO 607, 535 P.3D 583 (2023) CONFIRMED THAT THIS WRITTEN DECISION REQUIREMENT IS STRICTLY ENFORCED, HOLDING THAT A CITY COUNCIL'S WRITTEN REASON FOR A LAND USE DECISION FAILED TO SATISFY THE REQUIREMENTS OF IDAHO CODE § 67-6535.

CREATING THE PUBLIC RECORD

- REZONE “DECISION CRITERIA”:
- IS THE PROPOSED ZONE CHANGE GENERALLY CONSISTENT WITH THE COMPREHENSIVE PLAN;
- WHEN CONSIDERING THE SURROUNDING LAND USES, IS THE PROPOSED ZONE CHANGE MORE APPROPRIATE THAN THE CURRENT ZONING DESIGNATION;
- IS THE PROPOSED ZONING MAP AMENDMENT COMPATIBLE WITH SURROUNDING LAND USES;
- WILL THE PROPOSED ZONING MAP AMENDMENT NEGATIVELY AFFECT THE CHARACTER OF THE AREA? WHAT MEASURES WILL BE IMPLEMENTED TO MITIGATE IMPACTS?
- WILL ADEQUATE FACILITIES AND SERVICES INCLUDING SEWER, WATER, DRAINAGE, IRRIGATION AND UTILITIES BE PROVIDED TO ACCOMMODATE THE PROPOSED ZONING MAP AMENDMENT;
- DOES LEGAL ACCESS TO THE SUBJECT PROPERTY FOR THE ZONING MAP AMENDMENT EXIST OR WILL IT EXIST AT THE TIME OF DEVELOPMENT;
- DOES THE PROPOSED ZONING MAP AMENDMENT REQUIRE PUBLIC STREET IMPROVEMENTS IN ORDER TO PROVIDE ADEQUATE ACCESS TO AND FROM THE SUBJECT PROPERTY TO MINIMIZE UNDUE INTERFERENCE WITH EXISTING OR FUTURE TRAFFIC PATTERNS CREATED BY THE PROPOSED DEVELOPMENT? WHAT MEASURES HAVE BEEN TAKEN TO MITIGATE ROAD IMPROVEMENTS OR TRAFFIC IMPACTS; AND
- WILL THE PROPOSED ZONING MAP AMENDMENT IMPACT ESSENTIAL PUBLIC SERVICES AND FACILITIES, SUCH AS SCHOOLS, POLICE, FIRE AND EMERGENCY MEDICAL SERVICES? WHAT MEASURES WILL BE IMPLEMENTED TO MITIGATE IMPACTS?

JUDICIAL REVIEW

- AFFECTED PERSONS — THOSE HAVING A BONA FIDE INTEREST IN REAL PROPERTY THAT MAY BE ADVERSELY AFFECTED — MAY SEEK JUDICIAL REVIEW OF COMMISSION DECISIONS UNDER IDAHO CODE § 67-6521
- AN AFFECTED PERSON AGGRIEVED BY A FINAL DECISION MAY, WITHIN TWENTY-EIGHT (28) DAYS AFTER ALL REMEDIES HAVE BEEN EXHAUSTED UNDER LOCAL ORDINANCES, SEEK JUDICIAL REVIEW UNDER THE IDAHO ADMINISTRATIVE PROCEDURE ACT (IDAPA), IDAHO CODE § 67-5201 ET SEQ.
- FOR PURPOSES OF JUDICIAL REVIEW, A LOCAL AGENCY MAKING LAND USE DECISIONS IS TREATED AS A GOVERNMENT AGENCY UNDER IDAPA NEIGHBORS FOR A HEALTHY GOLD FORK V. VALLEY CNTY., 145 IDAHO 121, 176 P.3D 126 (2007) RENAISSANCE PROJECT DEV., LLC V. TWIN FALLS CNTY., 173 IDAHO 572, 545 P.3D 12 (2024). COURTS REVIEW COMMISSION DECISIONS TO DETERMINE WHETHER THEY WERE ARBITRARY, CAPRICIOUS, OR AN ABUSE OF DISCRETION, OR NOT SUPPORTED BY SUBSTANTIAL EVIDENCE ON THE RECORD AS A WHOLE NEIGHBORS FOR A HEALTHY GOLD FORK V. VALLEY CNTY., 145 IDAHO 121, 176 P.3D 126 (2007).

ROLE OF THE P AND Z V. BOCC

UNDERSTAND YOUR ORDINANCE

CREATION OF APPEAL

WHO HAS FINAL AUTHORITY

ARE YOU COMMUNICATING THE
IMPORTANT INFORMATION AND FACTORS
FOR COUNTY GROWTH



QUESTIONS

- ASK YOUR PROSECUTOR!
- CONTACT AARON IF NECESSARY
 - AARON.BAZZOLI@CANYONCOUNTY.ID.GOV
 - 208-454-7391