

CHAPTER 3

LAND USE ADMINISTRATION

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9-3-1: AUTHORITY

Administrative authority of this Title shall be the city council and such authority may appoint and employ such assistants, deputies, inspectors, commissions or other employees as are necessary and authorized to carry out the functions of this Title. (Ord. 38, 11-5-1984; Ord. 2008-4)

9-3-2: ADMINISTRATION

For the purpose of carrying out the provisions of this Title, and pursuant to the provisions of Idaho Code 67-6501 et seq., an administrator and planning and zoning commission are hereby created.

9-3-3: ADMINISTRATOR

- A. Appointment: The city council shall appoint an administrator to administer this Title. The administrator may be provided with the assistance of such persons as the city council may direct. Unless otherwise provided, the administrator shall be the city clerk.
- B. Duties: For the purpose of this Title, the administrator shall have the following duties:
 - 1. Advise interested persons of provisions within this Title;
 - 2. Notify the news media regarding matters of public interest;
 - 3. Aid applicants in the preparation and expedition of required applications;
 - 4. Make an on-site examination, with the permission of the owner, or see that such examination is made, of all permit applications;
 - 5. Issue permits, notifications and such similar administrative duties;
 - 6. Investigate all violations of this Title and notify in writing the person responsible for such violations, recommending the action necessary to correct such violations;

7. Assist the planning and zoning commission and city council in carrying out the provisions of this Title.

9-3-4: PLANNING AND ZONING COMMISSION

- A. The commission shall consist of five (5) members, three (3) of whom shall reside within the city limits and be appointed by the mayor and confirmed by a majority vote of the city council and two (2) additional members to be appointed who reside within the city impact area or own land in the city impact area or city and reside in the county, with one being appointed by the mayor and confirmed by the city council and the other shall be appointed by the Chairman of the Teton County Commissioners and confirmed by the Teton County Commissioners.
 1. All members must have been residents of the county for at least two (2) years, and must reside within the county while serving on the commission.
 2. Members shall be selected without respect to political affiliations and shall serve without compensation, unless the city council determines that the individual planning and zoning commission members should receive travel reimbursement. The city council shall set the travel reimbursement rate by resolution.

9-3-5: TERM OF OFFICE, VACANCIES AND REMOVALS

- A. Term of Office: The term of office for appointive members shall be three (3) years. Said terms shall be staggered in such a manner that not more than thirty five percent (35%) shall expire in any one year
- B. Vacancies and Removal: All vacancies shall be filled in the same manner as original appointments and members may be removed for cause by a majority vote of the governing board.

9-3-6: ORGANIZATION

- A. Officers: At the regular meeting held in December, the commission shall elect a chairman, vice-chairman and secretary and create and fill such offices as it may determine necessary for the proper conduct of the affairs and business of the commission.
 1. The chairman shall preside at all meetings except as, in the discretion of the chairman, he may appoint a member of the commission or the city attorney to preside. The chairman shall appoint all committees with the advice and consent of the commission to the vice-chairman.
 2. The vice-chairman shall perform all duties of the chairman in the absence of the chairman.
 3. The secretary shall keep a record of the proceedings of the commission and perform such other duties as may be assigned by the chairman.
 4. Vacancies of officers shall be filled by election at the next meeting.
- B. Meetings: Meetings of the commission shall be held when duly called by the chairman by written or oral notice. At least one regular meeting shall be held

each month for not less than nine (9) months in a year. All meetings shall be open to the public.

- C. Quorum: A majority of voting members of the commission present at each such meetings or hearings shall constitute a quorum.
- D. Records Kept: Written records of meetings, hearings, findings, studies, permits and actions shall be maintained and open to the public.

9-3-7: RULES

- A. Voting: All members of the commission shall have an equal vote. A tie vote of a recommendation to city council shall automatically generate disapproval of the recommendation.
- B. City Impact Area Vote: In the event of a tie vote regarding the city impact area, the county commissioners will decide the matter.
- C. Meeting Rules: Meetings shall be conducted by parliamentary authority or by special rules adopted by a majority vote of the commission.

9-3-8: AGENDA

- A. Regular Meeting: A forty-eight (48) hour agenda notice shall be required in advance of each regular meeting, however, additional agenda items may be added after completion of the agenda up to and including the hour of the meeting, provided that a good faith effort is made to include in the notice all agenda items known at the time to be probable items of discussion. The notice requirement for meetings and agendas shall be satisfied by posting such notices and agendas in a prominent place at the principal office of the public agency, or if no such office exists, at the building where the meeting is to be held.
- B. Special Meeting: No special meeting shall be held without at least a twenty-four (24) hour meeting and agenda notice.
- C. Public Hearings: Agenda must be posted at the office or building where the hearing will be held at least fifteen (15) days before the date of the hearing.

9-3-9: POWERS AND DUTIES OF THE COMMISSION

For the purpose of this Title, the Planning and Zoning Commission may act consistent to the provisions of this Title and shall have the following duties:

- A. Recommend amendments to the comprehensive plan map to the city council, not more frequently than every six (6) months, to correct errors in the original comprehensive plan or to recognize substantial changes in the actual conditions in the City.
- B. Refer any petition for amendment to the comprehensive plan text received by the planning and zoning commission to the city council;
- C. Review and update the comprehensive plan as needed;
- D. Review all proposed amendments to this Title and make recommendations to the city council;

- E. Administer and enforce all applicable city land use code within the city impact area;
- F. Review and recommend all development applications and make recommendations to the city council;
- G. Review and recommend all conditional use permits to city council as herein specified with such additional safeguards as will uphold the intent of this Title;
- H. Hear and decide appeals where it is alleged there is an error in any order, requirement, decision, interpretation or determination made by the administrator;
- I. Review and recommend to the city council for their approval such variances from the terms of this Title as will be contrary to the public interest where, owing to special conditions, a literal enforcement of this Title will result in unnecessary hardship, and so that the intent of this Title shall be observed and substantial justice done.

9-3-10: CONFLICT OF INTEREST

The city council shall provide that the area and interests within its jurisdiction are broadly represented on the planning and zoning commission. A member or employee of the city council or planning and zoning commission shall not participate in any proceeding of 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. A knowing violation of this Section shall be a misdemeanor and subject the violator to the penalty provisions provided in Section 1-4-1 of this Code.

9-3-11: FINDINGS OF OFFICIALS

The approval or denial of any application provided for in this Title shall be based upon standards and criteria set forth in the Plan, this Title or any other appropriate ordinance. The approval or denial of any application provided for in this Title shall be in writing and accompanied by a statement in the form of findings of fact that explain the criteria and standards considered relevant, state the facts relied upon and explain the justification for the decision based on the criteria, standards and facts set forth. (Ord. 2008-4)