

Commissioners Minutes

October 31, 2024 – 10:45 a.m. to 11:33 a.m.

DSD GENERAL BUSINESS

Commissioners Brad Holton, Zach Brooks and Leslie Van Beek

DSD Director Sabrina Minshall

DSD Assistant Director Jay Gibbons

DSD Planning Supervisor Carl Anderson

DSD Office Manager Jennifer Almeida

Deputy PA Trent McRae

Chief Civil Deputy PA Aaron Bazzoli

COO Greg Rast

Deputy Clerk Monica Reeves



DSD GENERAL BUSINESS

The Board met today at 10:45 a.m. for the DSD general business meeting. Present were: Commissioners Brad Holton, Zach Brooks and Leslie Van Beek, DSD Director Sabrina Minshall, DSD Assistant Director Jay Gibbons, DSD Planning Supervisor Carl Anderson, DSD Office Manager Jennifer Almeida, Deputy PA Trent McRae, Chief Civil Deputy PA Aaron Bazzoli, COO Greg Rast, and Deputy Clerk Monica Reeves. Director Minshall said at the last meeting the discussion left off with the case status reports and today she wants to start with a legislative issue/ordinance issue that will probably be discussed in Executive Session first and then come back to the case questions. The Board decided to consult with legal counsel in Executive Session as follows:

EXECUTIVE SESSION – RECORDS EXEMPT FROM PUBLIC DISCLOSURE AND COMMUNICATE WITH LEGAL COUNSEL REGARDING PENDING/IMMINENTLY LIKELY LITIGATION

Commissioner Van Beek made a motion to go into Executive Session at 10:46 a.m. pursuant to Idaho Code, Section 74-206(1) (d) and (f) to discuss records exempt from public disclosure and to communicate with the County's legal counsel regarding pending/imminently likely litigation. The motion was seconded by Commissioner Brooks. A roll call vote was taken on the motion with Commissioners Holton, Van Beek, and Brooks voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Brad Holton, Zach Brooks and Leslie Van Beek, DSD Director Sabrina Minshall, DSD Assistant Director Jay Gibbons, DSD Planning Supervisor Carl Anderson, Deputy PA Trent McRae, Chief Civil Deputy PA Aaron Bazzoli, and COO Greg Rast. The Executive Session concluded at 11:16 a.m. with no decision being called for in open session.

The DSD general business meeting resumed in open session. Present were: Brad Holton, Zach Brooks and Leslie Van Beek, DSD Director Sabrina Minshall, DSD Assistant Director Jay Gibbons, DSD Planning Supervisor Carl Anderson, DSD Office Manager Jennifer Almeida, Chief Civil Deputy PA Aaron Bazzoli, COO Greg Rast, and Deputy Clerk Monica Reeves. Assistant Director Gibbons presented the Board with a copy of the hearing schedule template that staff will send to applicants to let them know they will go first and are responsible for presenting their project, and advising them of the materials deadline. Other handouts included a draft document titled *Comprehensive Plan Amendment-Rezones-Developments*; and a copy of Title 67, Chapter 65 Local Land Use Planning. On Tuesday, staff provided the Board with copies of the statistics for the GIS division, DSD administration, and code enforcement for FY2024 and that information was reviewed again today. They want to show the Board how the hearing application process works and the steps from the time the application is submitted to the final hearing and where in the process all of the assigned applications are so the Board can see the progress that's being made and potentially what some of the holdups are. Commissioner Holton asked DSD to work with the Constituent Services Director to post that information on the website. Commissioner Van Beek would like citizens to have the ability to check the status of their case online. Director Minshall said staff has wanted to have an App where people can check their case status, but her hesitation is making sure the processes and what they have been working on for the past 18 months are streamlined and that those process improvements have been made. The second piece is the applicant knowing what they need to do and that is direct interaction with their planner. The department has worked through some very messy cases with multiple changes in ownership and there are still a few more coming, but that's a different story than moving forward. Maybe eventually there could be a portal and they do have ProjectDox which is where a lot of that could be picked up. Assistant Director Gibbons agreed with the points made but said they are not yet to that point. Planning Supervisor Carl Anderson said there are two different elements to consider: an online portal where the public can see general case status numbers; and once they are able to implement the ProjectDox software for the hearing cases the applicants can see where their case is at in the review process. Commissioner Holton wants to resume this conversation at next Tuesday's meeting. The meeting concluded at 11:32 a.m. An audio recording is on file in the Commissioners' Office.



CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT

111 North 11th Ave., Ste. 310, Caldwell, ID 83605 | Office: 208-454-4164
<https://www.canyoncounty.id.gov/elected-officials/commissioners/development-services/>

HEARING SCHEDULE

Date: **October 30, 2024**

Re: **CASE TYPE – CASE NAME – CASE NUMBER**

To the applicant and representative on file:

The above referenced application has been scheduled for a public hearing. The meeting schedule and materials deadline are listed below:

Hearing Examiner / Planning & Zoning Commission – Public Hearing: Month Day, Year; Time

Location: Public Meeting Room

(1st floor of Canyon County Administration Building, 111 N. 11th Ave., Caldwell, ID 83605)

Board of County Commissioners – Public Hearing: Month Day, Year; Time

Location: Commissioners Meeting Room

(1st floor of Canyon County Courthouse, 1115 Albany Street, Caldwell, ID 83605)

The staff report and exhibits will be posted on the Land Hearings website (<https://www.canyoncounty.id.gov/land-hearings/>) approximately 7 days prior to the subject hearing.

Materials Deadline: Month Day, Year; Time

The term “materials” broadly refers to any written comments, documents, exhibits, visual presentations, or similar items that are to be transmitted to the presiding party as evidence for review, regardless of format.

In accordance with Canyon County Ordinance §01-17-07(2) all materials to be transmitted to Presiding Party to be relied on as part of the record must be received by the materials deadline, which shall be at a minimum of ten (10) days prior to the public hearing. Materials received by the deadline will be automatically made a part of the record. This deadline is to provide ample time for inclusion in the staff report packet, hearing body review, full transparency and access for the public. The submission of late documents or other materials does not allow all parties time to address the material or allow sufficient time for public review.

Presentation:

You should come prepared to present your request before the hearing body and stand for questions. A presentation (PowerPoint, PDF, reference board) brought the day of the meeting will not be accepted and must be submitted by the aforementioned materials deadline.

As the applicant or representative, you will be presenting your application to the hearing body prior to staff and public testimony. In order to testify you will need to sign in prior to the start of the hearing. Generally, you will be allotted ten minutes to present your application and after all testimony is received, you will be allotted an additional five minutes for rebuttal.

Sincerely,

Staff Contact

**Geographic Information Systems (GIS) Metrics
Fiscal Year 2024**

- Addressing - 208
- Address changes – 38
- Subdivision addressed - 7
- Private roads – 29
- Case maps – 32

**DSD Administration Metrics
Fiscal Year 2024**

- 520 Public Records Requests
- Prepped case files/payments/ initial scan for 208 cases

**CODE ENFORCEMENT Metrics
Fiscal Year 2022-FY2023-FY2024 Comparison**

	<u>CASES NOT IN COMPLIANCE</u>	<u>CASES IN COMPLIANCE</u>
FY 2021-2022	51	215
FY 2022-2023	53	199
FY 2023-2024	138	182
TOTALS:	242	596



Development Services Department

Code Enforcement Application Count by Type by Year from 2022 to 2024

Type	1st Sub Type	2nd Sub Type	2022	2023	2024	Total
Code Enforcement	Building Code Violation	No Building Permit	25	56	44	125
		Subtotal	25	56	44	125
		Other	18	11		29
				13	11	24
		Subtotal	18	24	11	53
	Public Nuisance	Abandoned Vehicles	32	29	22	83
		Burning	1			1
		Junk /trash	72	63	48	183
		Weeds	2	8	3	13
		Subtotal	107	100	73	280
		Zoning Violation	FloodPlain Violation	19	17	3
	Living in RV		42	29	37	108
	Operating a Business		29	49	41	119
	SetBacks		2	47	1	50
	Violation of CUP		10	14	17	41
	Subtotal		102	156	99	357
Total			252	336	227	815

Total Cases Not in Compliance/Referred to PA: 11



Development Services Department

**Code Enforcement Application Count by Type
by Date Range from 10/1/2022 to 9/30/2023 and 10/1/2023
to 9/30/2024**

Type	1st Sub Type	2nd Sub Type	10/1/2022-9/30/2023	10/1/2023-9/30/2024	Total
			Number of Applications	Number of Applications	
Code Enforcement	Building Code Violation	No Building Permit	45	53	98
		Subtotal	45	53	98
	Other		22	12	34
		Subtotal	22	12	34
	Public Nuisance	Abandoned Vehicles	26	26	52
		Junk /trash	61	59	120
		Weeds	6	5	11
		Subtotal	93	90	183
	Zoning Violation	FloodPlain Violation	17	2	19
		Living in RV	28	43	71
		Operating a Business	37	53	90
		SetBacks	1	47	48
		Violation of CUP	11	21	32
		Subtotal	94	166	260
Total		254	321	575	



Canyon County

Development Services Department

Activity Summary Report

October 1, 2022 to September 30, 2023 vs October 1, 2023 to September 30, 2024

Item No. and Description	2023 # of Permits	2024 # of Permits	2023 Valuation	2024 Valuation
0-S Miscellaneous	4	2	\$107,296.00	\$93,421.60
101 Single Family Residence	224	298	\$62,305,712.46	\$84,020,871.32
102 Move on Residence	3	3	\$271,352.34	\$151,444.80
105 Manufactured Home - Used	22	10	\$1,125,754.65	\$1,028.16
106 Manufactured Home - New	11	16	\$2,247,149.80	\$746,523.61
200 Agricultural Exception	56	73	\$6,360,062.00	\$160,000.00
210 Agricultural Warehouse - Produce	1	0	\$2,803,083.00	\$0.00
211 Agricultural Shop - Repair	1	0	\$10,000.00	\$0.00
213 Green House	0	1	\$0.00	\$24,696.00
214 Guest House	28	51	\$5,723,167.56	\$8,113,926.80
219 Towers	6	0	\$421,000.00	\$0.00
316 Commercial Shop	15	14	\$5,347,951.00	\$5,928,530.00
317 Assembly, Tasting Room, Club Houses, Event Center	3	5	\$66,000.00	\$3,186,000.00
318 Amusement, Recreation	2	0	\$35,360.00	\$0.00
319 Churches	1	2	\$120,825.00	\$113,000.00
320 Industrial	4	1	\$5,003,061.98	\$3,039,115.00
321 Winery, Distillery, Brewery	1	1	\$16,000.00	\$72,856.00
324 Office, Banks, Professional	2	1	\$220,000.00	\$1,245,000.00
326 School, Educational	3	2	\$545,000.00	\$2,540,908.00
327 Stores, Customer Services	1	1	\$16,934.40	\$9,169.00
328 Sheds, Barns, Storage	154	223	\$5,582,146.60	\$7,989,935.70
329 Swim Pool	62	42	\$4,812,752.00	\$3,806,711.00
331 Food Processing	0	4	\$0.00	\$8,743,900.49
332 Commercial Office	2	3	\$176,333.88	\$14,860,000.00
430 Covered Patio	26	41	\$281,121.20	\$375,199.68
432 Raised Deck, Dock	4	7	\$32,940.48	\$80,259.00
433 Accessory To Residence	55	5	\$1,713,423.25	\$122,161.20
434 Additions, Alterations, Conversions - Residential	132	117	\$5,860,279.32	\$6,057,080.18
437 Additions, Alterations, Conversions - NonResidential	16	9	\$2,490,320.52	\$192,699.60



Canyon County

Development Services Department Activity Summary Report

October 1, 2022 to September 30, 2023 vs October 1, 2023 to September 30, 2024

Mechanical Fees Collected:	\$7,345.00
Permit Fees Collected:	\$2,447,614.24
Zoning Fees Collected:	\$82,160.00
Development Fees Collected:	\$3,760.00
Demolition Fees Collected:	\$840.00
Re-Roof Fees Collected:	\$1,000.00
Inspection Fees Collected:	\$28,700.00
Total Building Fees Collected:	\$2,571,419.24

Land Use Case Status- Point in Time Capture October 15, 2024

September 2024: 20 New Applications

- 3 CUP
- 4 CR/RZ
- 13 Administrative Level

October 2024 (through 10/15/24): 15 New Applications

- 4 CUP
- 4 CR/RZ
- 1 SD
- 1 AD APL
- 5 Administrative Level

ALL APPLICATIONS- BY TYPE/SUBMISSION DATE

		<u>2021</u>	<u>2022</u>	<u>TOTAL AS OF 1/1/23</u>	<u>2023</u>	<u>2024 YTD</u>	<u>ACTIVE</u>
<u>TOTAL PUBLIC HEARING CASES</u>				166	71	45	122
UNASSIGNED							41
IN STAFF REVIEW							30
WITH APP OR HOLD							28
IN HEARING PHASE							23
<u>TYPE of CASE</u>							
ORD		31	11		5	1	10
RZ/CR		76	50		18	11	36
SD		70	58		21	10	35
CUP		27	45		27	23	35
OTHER							6
		<u>2021</u>	<u>2022</u>	<u>TOTAL AS OF 1/1/23</u>	<u>2023</u>	<u>2024 YTD</u>	<u>ACTIVE</u>
<u>TOTAL ADMINISTRATIVE LEVEL CASES</u>		259	210	63	161	133	73
UNASSIGNED							4
IN STAFF REVIEW							41
WITH APP OR HOLD							24
APPEAL PERIOD							4

Land Use Case Status- Point in Time Capture
October 15, 2024

PUBLIC HEARING LEVEL APPLICATIONS

	<u>Total Public Hearing Cases</u>	<u>2020-2022</u>	<u>2023</u>	<u>2024 YTD</u>
Total Unassigned	41	1	13	27
ORD		0	3	1
RZ/CR		1	10	11
SD		0	0	3
CUP		0	0	12
Other		0	0	0

	<u>Total Public Hearing Cases</u>	<u>2020-2022</u>	<u>2023</u>	<u>2024 YTD</u>
Total In Staff Review	30	10	8	12
ORD		2	1	0
RZ/CR		2	0	0
SD		1	2	5
CUP		5	4	6
Other		0	1	1

	<u>Total Public Hearing Cases</u>	<u>2020-2022</u>	<u>2023</u>	<u>2024 YTD</u>
With Applicant or HOLD for Entitlements	28	19	7	2
ORD		1	0	0
RZ/CR		5	0	0
SD		12	4	1
CUP		1	3	0
Other		0	0	1

	<u>Total Public Hearing Cases</u>	<u>2020-2022</u>	<u>2023</u>	<u>2024 YTD</u>
Total in Hearing Phase	23			
Ready to Schedule	8	6	2	0
PZ Commission	6	2	4	0
BOCC	9	5	2	2

Comprehensive Plan Amendment- Rezones- Development Agreements

07-06-01: INITIATION OF PROCEEDINGS:

(1) Type of Change: Any person may apply for the following:

- A. An amendment to the county comprehensive plan text and/or future land use map;
- B. An amendment to this chapter; or
- C. Amendment to official zoning maps

(2) Applications: All applications for the above amendments shall be filed in a format and content prescribed by DSD.

A. Provisions of Canyon County Code 1-17 shall apply to processing of all applications and land use hearings.

B. Once formally accepted by DSD, all applications must be accompanied by fees as established in the adopted fee schedule.

07-06-03: COMPREHENSIVE PLAN AMENDMENT:

(1) Comprehensive Plan Changes: Acceptance and/or processing of Comprehensive Plan changes may be limited to an interval in compliance with Idaho Code 67-6509 (4) if approved by a Board of County Commissioners resolution.

(2) Standards of Evaluation: When evaluating the proposed amendment, the presiding party shall make its review of the following criteria, and determination shall be in the affirmative to result in a positive recommendation or decision of approval.

A. Does the proposed amendment meet the requirements of the local land use planning act, Idaho Code title 67, chapter 65, and county ordinances;

B. If the request is for a comprehensive *map* amendment, is the request for the comprehensive plan map change in general conformance with the text of the adopted comprehensive plan;

C. Do development trends in the general area of the requested comprehensive plan map amendment indicate the current designation is inappropriate and circumstances have changed since the comprehensive plan was adopted? Is the proposed designation more appropriate than the current comprehensive plan designation; and,

D. When considering the current and planned surrounding land uses, is the proposed comprehensive plan designation compatible with surrounding, current, and approved land uses;

E. Will any effect on essential services and facilities, if present, be mitigated or at a level that is acceptable.

Comprehensive Plan Amendment- Rezones- Development Agreements

07-06-05: ZONING AMENDMENT:

(1) Standards of Evaluation: When evaluating the proposed amendment, the presiding party shall make its review of the following criteria, and determination shall be in the affirmative to result in a recommendation or decision of approval.

- A. Does the proposed amendment meet the requirements of the local land use planning act, Idaho Code title 67, chapter 65, and county ordinances?
- B. Is the proposed zone change generally consistent with the comprehensive plan?
- C. Is the subject site physically suitable for the type and intensity of land uses permitted under the proposed zoning district?
- D. Do proposed public or private street improvements provide legal, and adequate access to and from the subject property? If private street improvements are proposed, will they meet county private road standards? Have sufficient measures have been proposed to mitigate any undue interference with existing or future traffic patterns effected by the proposed development;
- E. Is the proposed zoning map amendment more appropriate than the current zoning designation?
- F. Are uses permitted by the proposed zoning ordinance amendment compatible with surrounding land uses? Have sufficient conditions or mitigations, if applicable, been proposed to promote compatibility?
- G. Will adequate facilities and essential services including, but not limited to sewer, water, drainage, irrigation, police, fire, emergency medical services, schools, and utilities be provided to accommodate the proposed zoning map amendment? If the proposed amendment will impact essential public services and facilities, have sufficient measures or conditions, if applicable, been proposed to mitigate impacts?

(2) If an amendment to a zoning map is approved, then the approved amendment shall be effective immediately upon written approval and shall be established and clearly indicated, as soon as practicable, on the zoning map or maps adopted as part of this chapter.

(3) Time Limitations:

A. Should the Board of County Commissioner's adopt a zoning classification pursuant to a request by a property owner consistent with the adopted comprehensive plan, the Board shall not subsequently reverse its action or otherwise change the zoning

Comprehensive Plan Amendment- Rezones- Development Agreements

classification of said property without the consistent in writing of the current property owner for a period of four (4) years from the date of adoption of said individual property owner's request for a zoning district classification change, per Idaho Code 67-6511 (d).

B. A rezoning request denied by Board action, shall not be refiled for twelve (12) months following the Board's action, unless in the decision the Board specifically waives the reapplication waiting period.

07-06-07 Development Agreements:

(1) The Board may elect to allow a project with a specific use and/or development plan by term of a development agreement. Approval of any such agreement entered into pursuant to this chapter shall be deemed to conditionally zone the land solely for the uses set out in the agreement, provided all terms and provisions of the development agreement are fully met.

(2) The presiding party may establish conditions, stipulations, restrictions, or limitations which restrict and limit the use of the rezoned property to less than the full use allowed under the requested zone, and which impose specific property improvement and maintenance requirements upon the requested land use. Such conditions, stipulations, restrictions or limitations may be imposed to promote the public health, safety and welfare, or to reduce any potential damage, hazard, nuisance or other detriment to persons or property in the vicinity to make the land use more compatible with neighboring land uses.

(3). Procedures for Establishing Zoning Development Agreement Conditions

- A. If the Director determines that a contract-zoning agreement is appropriate for any zoning amendment request, they may recommend execution of such an agreement and forward such recommendation, along with proposed conditions, to the presiding party for consideration at its public hearing on the zoning amendment.
- B. The applicant and/or the presiding party may also recommend a zoning development agreement and propose conditions.
- C. At any stage of the proceedings, an applicant may propose conditions for the development agreement and shall be given opportunity to comment on proposed conditions.
- D. The applicant must execute a written development agreement to implement and be bound by any such condition, stipulation, restriction, or limitation added to the presiding party's decision. Any condition, stipulation, restriction or limitation imposed pursuant to this article shall be incorporated as part of any site plan, plat, document of title of conveyance and building permit relating to the restricted land. Any predevelopment condition, stipulation, restriction or limitation imposed pursuant to this subsection shall be verified as being met prior to the issuance of any building permit.
- E. The county may enter into a development agreement with an applicant for the development of real property in accordance with these rules, provided the development agreement shall:

Comprehensive Plan Amendment- Rezones- Development Agreements

- I. Describe the land subject to the development agreement;
- II. Specify the permitted uses of the property, the density or intensity of use, and any other conditions imposed;
- III. Specify milestones, deadlines or ongoing performance required of applicant and the consequence for any noncompliance therewith;
- IV. Provide, if appropriate, for reservation or dedication of land for public purposes;
- V. State the development agreement shall not prevent the county, in subsequent actions applicable to the property, from applying new rules, regulations or policies that do not conflict with development agreement applicable to the property or with Idaho state law, as set forth in the agreement;
- VI. Provide that the Director shall administer the development agreements after such agreements become effective, including a review of compliance with the terms and conditions of the development agreement on the timeline or milestones as established by the development agreement; and,
- VII. Provide that a development agreement must be approved by the board; and,
- VIII. Cover any other matter not inconsistent with this chapter, which is reasonably related to the project, and not prohibited by law.

(4) **Development Agreement Duration:** Unless otherwise stated in the development agreement, the development agreement shall run with the land and bind the property, only as in accordance with law, and shall insure to the benefit of and be enforceable by the parties, and any of their respective legal representatives, heirs, successors and assignees.

(5) **Parties:** In addition to the county and applicant, any federal, state or local government agency or body may be included as a party to the development agreement. If more than one government body is made party to a development agreement, the development agreement shall specify which agency shall be responsible for the overall administration of the development agreement.

(6) **Form of Development Agreements:** Development agreements may include, at the board's discretion, but not be limited to, a clear statement of the intent of the parties in regard to entering the agreement, necessary real property descriptions, schedules and exhibits, a detailed statement regarding the development of the property, and periodic review, as established by the development agreement. The development agreement shall be accompanied by, or include, a statement necessitating the need for a development agreement.

(7) **Modification of Development Agreements:** A development agreement modification requested by an applicant may be modified only by permission of the board after complying with the notice and hearing provisions of Idaho Code section 67-6509 and Canyon County Code 1-17. The modification request by an applicant must be in the form and content prescribed by DSD. Once the application is accepted by DSD, it must also include applicable fees as established in the fee schedule. If approved, any

Comprehensive Plan Amendment- Rezones- Development Agreements

changes to the original development agreement must be in the form of an amended development agreement approved by the board. Provided, that no application for modification may be accepted if the request is to allow a use that is not an outright or conditionally permitted use under the terms of the zoning ordinance in place at the time of application, for the zone established by the contract-zoning agreement.

(8) **Recording of Development Agreements:** Development agreements or amended development agreements shall be recorded by the Director in the office of the county recorder and shall take effect upon the adoption by the board. The Director shall provide a copy of the recorded development agreement or amended development agreement to the prosecuting attorney and to the applicant.

(9) **Enforcement of Development Agreements:**

- A. A development agreement shall be enforceable by any party thereto, or their successors in interest, notwithstanding any subsequent change in any applicable law adopted by the county which alters or amends the laws, ordinances, resolutions, rules, or policies (hereafter referred to as "laws") specified in this section.
- B. All laws governing permitted uses of the land that is the subject of the development agreement, including, but not limited to, uses, density, design, height, size, and water utilization requirements applicable to the development of the property subject to a development agreement, shall be those laws made applicable and in force at the time of execution of the development agreement, notwithstanding any subsequent change in any applicable laws adopted by the county, which alter or amend the laws specified in this section.

(10) **Commencement**

Unless otherwise approved by the board, all rezones requiring a development agreement shall commence within three (3) years of the approval of the presiding party. If the rezone has not commenced within the stated time requirement, the application shall lapse and become void and the zoning will revert to the designation in place prior to the approval of the rezone request.

If reversion occurs, all subsequent developments on the property shall reapply for land use entitlements.

(10) **Termination of Development Agreements:**

- A. The applicant shall comply with the requirements set forth in the development agreement. A development agreement may be terminated and the zoning designation upon which the use is based reversed, upon the failure of the applicant to comply with the provisions or timelines in the development agreement. A development agreement may be terminated only after complying with the notice and hearing provisions of Idaho Code section 67-6509 and Canyon County Code 1-17.
- B. If, as a result of a periodic review, the director finds and determines the developer has committed a breach of the terms or conditions of the development

Comprehensive Plan Amendment- Rezones- Development Agreements

agreement, the director shall serve notice in writing, upon the developer setting forth with reasonable particularity the nature of the breach and the evidence supporting the finding and determination, and provide a reasonable time period in which to cure such material breach. If the developer fails to cure the breach within the time period given, the county may terminate or modify the development agreement after complying with the notice and hearing provisions of Idaho Code section 67-6509 and County Code 1-17.

- C. If the applicant requests termination of a development agreement, approval shall only by permission of the board after complying with the notice and hearing provisions of Idaho Code section 67-6509 and County Code 1-17. The termination request by an applicant must be in the form and content prescribed by DSD. Once the application is accepted by DSD, it must also include applicable fees as established in the fee schedule.
- D. Reversion: If upon recommendation the Board finds that the use has been abandoned, ended, or not completed by the deadlines and/or with outlined conditions, the prior approval shall be set aside and the property shall revert to its prior zoning designation and all maps shall be amended as such.



Idaho Statutes

Idaho Statutes are updated to the website July 1 following the legislative session.

TITLE 67

STATE GOVERNMENT AND STATE AFFAIRS

CHAPTER 65

LOCAL LAND USE PLANNING

67-6511. ZONING ORDINANCE. (1) 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.

(a) 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.

(b) Within an overlay zoning district, the governing board shall establish clear and objective standards for the overlay zoning district while ensuring that application of such standards does not constitute a regulatory taking pursuant to Idaho or federal law.

(2) 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 given to a pipeline company operating any existing interstate natural gas transmission pipeline or interstate petroleum products pipeline, as recognized by the pipeline and hazardous materials safety administration, with a center point within one thousand (1,000) feet of the external boundaries of the land being considered, provided that the pipeline company is in compliance with section 62-1104, Idaho Code. Notice shall also be posted on the premises no 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 that 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 67-6502, Idaho Code. After the plan has been amended, the zoning ordinance may then be considered for amendment pursuant to paragraph (b) of this subsection.

(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.

History: