

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 223

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO THE LOCAL PLANNING ACT; AMENDING SECTION 67-6504, IDAHO CODE,
2 TO PROVIDE THAT NOT MORE THAN ONE-THIRD OF THE MEMBERS OF ANY COMMISSION
3 APPOINTED BY THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS MUST RE-
4 SIDE OUTSIDE AN INCORPORATED CITY BUT MAY RESIDE WITHIN THE BOUNDARIES
5 OF ANY CITY'S AREA OF IMPACT.
6

7 Be It Enacted by the Legislature of the State of Idaho:

8 SECTION 1. That Section 67-6504, Idaho Code, be, and the same is hereby
9 amended to read as follows:

10 67-6504. PLANNING AND ZONING COMMISSION -- CREATION -- MEMBERSHIP --
11 ORGANIZATION -- RULES -- RECORDS -- EXPENDITURES -- STAFF. A city council or
12 board of county commissioners, hereafter referred to as a governing board,
13 may exercise all of the powers required and authorized by this chapter in
14 accordance with this chapter. If a governing board chooses to exercise the
15 powers required and authorized by this chapter it need not follow the pro-
16 cedural requirements established hereby solely for planning and zoning com-
17 missions. If a governing board does not elect to exercise the powers con-
18 ferred by this chapter, it shall establish by ordinance adopted, amended,
19 or repealed in accordance with the notice and hearing procedures provided
20 in section 67-6509, Idaho Code, a planning commission and a zoning commis-
21 sion or a planning and zoning commission acting in both capacities, which may
22 act with the full authority of the governing board, excluding the authority
23 to adopt ordinances or to finally approve land subdivisions. The powers of
24 the board of county commissioners conferred by this chapter shall apply to
25 the unincorporated area of the county. Legally authorized planning, zoning,
26 or planning and zoning commissions existing prior to enactment of this chap-
27 ter shall be considered to be duly constituted under this chapter. Within
28 this chapter use of the term "planning and zoning commission" shall include
29 the term "planning commission," "zoning commission" and "planning and zon-
30 ing commission."

31 (a) Membership -- Each commission shall consist of not less than three
32 (3) nor more than twelve (12) voting members, all appointed by a mayor or
33 chairman of the county board of commissioners and confirmed by majority
34 vote of the governing board. An appointed member of a commission must have
35 resided in the county for at least two (2) years prior to his appointment, and
36 must remain a resident of the county during his service on the commission.
37 Not more than one-third (1/3) of the members of any commission appointed
38 by the chairman of the board of county commissioners may reside within an
39 incorporated city of one thousand five hundred (1,500) or more population
40 in the county. ~~At least one-half~~ Not more than one-third (1/3) of the
41 members of any commission appointed by the chairman of the board of county
42 commissioners must reside outside an incorporated city but may reside within

1 the boundaries of any city's area of impact. The ordinance establishing a
2 commission to exercise the powers under this chapter shall set forth the num-
3 ber of members to be appointed. The term of office for members shall be not
4 less than three (3) years, nor more than six (6) years, and the length of term
5 shall be prescribed by ordinance. No person shall serve more than two (2)
6 full consecutive terms without specific concurrence by two-thirds (2/3) of
7 the governing board adopted by motion and recorded in the minutes. Vacancies
8 occurring otherwise than through the expiration of terms shall be filled
9 in the same manner as the original appointment. Members may be removed for
10 cause by a majority vote of the governing board. Members shall be selected
11 without respect to political affiliation and may receive such mileage and
12 per diem compensation as provided by the governing board. If a governing
13 board exercises these powers, its members shall be entitled to no additional
14 mileage or per diem compensation.

15 (b) Organization -- Each commission shall elect a chairman and create
16 and fill any other office that it may deem necessary. A commission may es-
17 tablish subcommittees, advisory committees or neighborhood groups to advise
18 and assist in carrying out the responsibilities under this chapter. A com-
19 mission may appoint nonvoting ex officio advisors as may be deemed neces-
20 sary.

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

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