

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 142, As Amended in the Senate

BY LOCAL GOVERNMENT COMMITTEE

AN ACT

RELATING TO PLANNING AND ZONING COMMISSIONS; AMENDING SECTION 67-6504, IDAHO CODE, TO ALLOW A COUNTY TO APPOINT PLANNING AND ZONING COMMISSION MEMBERS FROM WITHIN A CITY'S AREA OF IMPACT OR WITHIN A CITY WHEN APPLICANTS ARE UNABLE TO BE FOUND OUTSIDE THE BOUNDARIES OF A CITY'S AREA OF IMPACT AND TO MAKE TECHNICAL CORRECTIONS.

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

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

67-6504. PLANNING AND ZONING COMMISSION -- CREATION -- MEMBERSHIP -- ORGANIZATION -- RULES -- RECORDS -- EXPENDITURES -- STAFF. A city council or board of county commissioners, hereafter referred to as a governing board, may exercise all of the powers required and authorized by this chapter in accordance with this chapter. If a governing board chooses to exercise the powers required and authorized by this chapter it need not follow the procedural requirements established hereby solely for planning and zoning commissions. If a governing board does not elect to exercise the powers conferred by this chapter, it shall establish by ordinance adopted, amended, or repealed in accordance with the notice and hearing procedures provided in section 67-6509, Idaho Code, a planning commission and a zoning commission or a planning and zoning commission acting in both capacities, which may act with the full authority of the governing board, excluding the authority to adopt ordinances or to finally approve land subdivisions. The powers of the board of county commissioners conferred by this chapter shall apply to the unincorporated area of the county. Legally authorized planning, zoning, or planning and zoning commissions existing prior to enactment of this chapter shall be considered to be duly constituted under this chapter. Within this chapter use of the term "planning and zoning commission" shall include the term "planning commission," "zoning commission" and "planning and zoning commission."

(a) Membership -- Each commission shall consist of not less than three (3) nor more than twelve (12) voting members, all appointed by a mayor or chairman of the county board of commissioners and confirmed by majority vote of the governing board. An appointed member of a commission must have resided in the county for at least two (2) years prior to his appointment, and must remain a resident of the county during his service on the commission.

(1) Not more than one-third (1/3) of the members of any commission appointed by the chairman of the board of county commissioners may reside within an incorporated city of one thousand five hundred (1,500) or more population in the county; provided however, that any appointment from within an incorporated city with a population of one thousand five hundred (1,500) or more must occur on a rotating basis between all

1 the incorporated cities with a population of one thousand five hundred  
2 (1,500) or more within the county.

3 (2) At least one-half (1/2) of the members of any commission appointed  
4 by the chairman of the board of county commissioners must reside out-  
5 side the boundaries of any city's area of impact; provided however, if  
6 the requirements of this paragraph cannot be met the following may oc-  
7 cur: if a vacancy occurs for a commission member residing outside the  
8 boundaries of any city's area of impact, after public notice of such va-  
9 cancy on the commission and solicitation of applicants to fill the posi-  
10 tion from outside the boundaries of any city's area of impact, and if the  
11 governing board is unable to obtain applicants outside the boundaries  
12 of any city's area of impact, then the governing board may appoint from  
13 within a city's area of impact; provided however, that any appointment  
14 occurring within a city's area of impact must occur on a rotating basis  
15 between all the cities' areas of impact in the county.

16 (3) The ordinance establishing a commission to exercise the powers un-  
17 der this chapter shall set forth the number of members to be appointed.  
18 The term of office for members shall be not less than three (3) years,  
19 nor more than six (6) years, and the length of term shall be prescribed  
20 by ordinance. No person shall serve more than two (2) full consecutive  
21 terms without specific concurrence by two-thirds (2/3) of the govern-  
22 ing board adopted by motion and recorded in the minutes. Vacancies oc-  
23 curring otherwise than through the expiration of terms shall be filled  
24 in the same manner as the original appointment. Members may be removed  
25 for cause by a majority vote of the governing board. Members shall be  
26 selected without respect to political affiliation and may receive such  
27 mileage and per diem compensation as provided by the governing board.  
28 If a governing board exercises these powers, its members shall be enti-  
29 tled to no additional mileage or per diem compensation.

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

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

44 (d) Expenditures and Staff -- With approval of a governing board  
45 through the legally required budgetary process, the commission may receive  
46 and expend funds, goods, and services from the federal government or agen-  
47 cies and instrumentalities of state or local governments or from civic and  
48 private sources and may contract with these entities and provide informa-  
49 tion and reports as necessary to secure aid. Expenditures by a commission  
50 shall be within the amounts appropriated by a governing board. Within such

1 limits, any commission is authorized to hire or contract with employees and  
2 technical advisors, including, but not limited to, planners, engineers,  
3 architects, and legal assistants.