

TITLE 2
PLANNING AND ZONING COMMISSION

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Chapter 1

General Provisions

SECTION:

- 2-1-1: Authority
- 2-1-2: Scope
- 2-1-3: Definitions

2-1-1: **AUTHORITY:** These Rules of Procedure are adopted in accordance with and authorized by Idaho Code Section 67-6504.

2-1-2: **SCOPE:** These rules of procedure shall govern the meetings and transaction of business of the Teton County Planning and Zoning Commission.

2-1-3: **GENERAL DEFINITIONS:**

CHAIRPERSON: The member of the Commission chosen to act as the presiding officer by the members of the Commission.

COMMISSION: The Teton County Planning and Zoning Commission and/or the Board of Adjustment.

JOINT PLANNING COMMISSION: A Planning Commission convened to hear applications within the City of Driggs Area of Impact that consists of two (2) members of the County Planning and Zoning Commission and three (3) members of the Driggs Planning and Zoning Commission.

QUORUM: A simple majority of a minimum of four (4) members of the Commission.

SECRETARY: An employee of the Planning and Zoning Department of Teton County.

VICE-CHAIRPERSON: A member of the Commission chosen to act as chairperson, in the absence of the chairperson, by the members of the Commission.

Chapter 2

MEMBER QUALIFICATIONS AND OFFICER DUTIES

SECTIONS:

- 2-2-1: Member Qualifications
- 2-2-2: Officers
- 2-2-3: Officer Duties
- 2-2-4: Election of Officers
- 2-2-5: Term of Office
- 2-2-6: Attendance

2-2-1: **MEMBER QUALIFICATIONS:** Members of the Commission must be a United States Citizen, a resident of the State of Idaho; eighteen (18) years of age or older, a resident of Teton County for no less than a period of two (2) years and must remain a resident of the county for the duration of their term. (Amd. 01-23-06)

2-2-2: **OFFICERS:** The officers of the Commission shall consist of the Chairperson and the Vice Chairperson.

2-2-3: **OFFICER DUTIES:** The Chairperson of the Commission shall preside over all meetings and hearings of the Planning and Zoning Commission and shall have the duties normally conferred by parliamentary usage on such officers. The privilege of discussing all matters before the Commission to include making motions, amendments to motions, and voting on issues before the Commission. The Vice Chairperson will assume the duties of the Chairperson in his/her absence.

2-2-4: **ELECTION OF OFFICERS:** The officers shall be elected by a majority vote of the members of the Commission. Election of officers shall take place at the first January meeting of each year. If the officer should resign at any time during his/her term of office, a new officer shall be elected at the next regular meeting. (Amd. 01-23-06)

2-2-5: **TERM OF OFFICE:** The Commission consists of seven (7) members each appointed for a term of four years, with each new term beginning the first meeting in January. A member may be re-appointed for a second term. If a member resigns or is otherwise replaced before the completion of his or her term, the personal appointed as a replacement shall complete that term and may be re-appointed for up to two full terms. Officers shall serve a term of one year.

In order to achieve a staggered rotation of member so that two, two, two, or one term(s) expire at the end of each calendar year, members' term expiration date shall be adjusted by the Board of County Commissioners one time only effective with the passage of this amendment. (Amd. 02-12-07)

2-2-6: **ATTENDANCE:** Members are expected to attend all meetings of the Commission. If a member has four (4) absences in one year, the Commission may recommend to the Board that the member be replaced. (Amd. 01-23-06)

Chapter 3

MEETINGS

SECTIONS:

- 2-3-1: Regular Meetings
- 2-3-2: Quorum
- 2-3-3: Special Meetings
- 2-3-4: Open to the Public
- 2-3-5: Order of Procedure

2-3-1: **REGULAR MEETINGS:** One regular meeting will be held each month in the Teton County Courthouse, Driggs, Idaho. In case of a meeting space conflict the location of the meeting may change but notice will be posted on the courthouse doors.

2-3-2: **QUORUM:** A simple majority of the Commission shall constitute a quorum. Any Commission member having a conflict of interest in an item of business being discussed shall publicly state such and may not speak to the matter as a member of the Commission, but shall speak only from the floor as any other private citizens, and shall be disqualified from voting on the particular item in which he/she has a conflict of interest. Voting shall be by voice, or by show of hands at the Chairperson's discretion. A record of the vote shall be kept as part of the minutes of the meeting.

2-3-3: **SPECIAL MEETINGS:** Special meetings may be called by the Chairperson for such purposes as he/she may deem necessary. It shall however, be the duty of the Chairperson to call a special meeting when requested to do so in writing by a majority of the members of the Commission or when requested to do so by a majority vote of the Board of County Commissioners. The notice of such a meeting shall specify the purposes of the meeting, and no other business may be considered. Notice must be posted five (5) days in advance of the meeting in three (3) public places, except in the case of an emergency as stipulated in Idaho Code. The Planning and Zoning Administrator shall notify all members of the Commission in writing in advance of such a special meeting. (Amd. 02-12-2007)

2-3-4: **OPEN TO THE PUBLIC:** All meetings at which official decisions are taken shall be open to the public.

2-3-5: **ORDER OF PROCEDURE:** The order and rules of procedure are adopted by a majority vote of the Planning and Zoning Commission and approved by the Board of County Commissioners.

Chapter 4

JOINT PLANNING COMMISSION

SECTIONS:

- 2-4-1: Selection
- 2-4-2: Purpose
- 2-4-3: Procedures

2-4-1: **SELECTION:** The Chairperson of each of the planning and zoning commissions for the City of Driggs and Teton County shall appoint members to the joint planning commission to hear preliminary subdivision applications concerning land within the City of Driggs Impact Area. The Joint Planning Commission shall consist of two (2) members from the Teton County Planning & Zoning Commission and three (3) members from the City of Driggs Planning & Zoning Commission. Consideration should be given to appointing a county representative living within the City of Driggs or the City of Driggs Area of Impact.

2-4-2: **PURPOSE:** The purpose of the Joint Planning Commission shall be to hear preliminary hearings for subdivision applications concerning land within the Driggs Area of Impact. Special meetings may be convened by request of the City of Driggs, Teton County or an applicant and shall follow all applicable noticing and procedural requirements.

2-4-3: **PROCEDURES:** All public hearings of the Joint Planning Commission shall be noticed pursuant to Idaho State Statute 67-6509. Regular meeting procedures as outlined in Chapter 3 of this Title shall apply to the Joint Planning Commission.

COMMITTEES

SECTIONS:

2-5-1: Appointments

2-5-1: **APPOINTMENTS:** The Chairperson may appoint committees subject to an approval of a majority of the members of the Commission.

Chapter 6

BOARD OF ADJUSTMENT

SECTIONS:

2-6-1: Procedure

2-6-1: **PROCEDURE:** The Board of Adjustment when convened consists of the sitting members of the Planning and Zoning Commission. The Board of Adjustment will use the administrative procedures as outlined for the Planning and Zoning Commission and as required by Idaho Code and county ordinances in making decisions with regard to applications for variances.

Appendix A

General Rules of Administrative Procedure

AMENDMENTS TO RULES OF PROCEDURE: These rules of administrative procedure can be amended by a motion and an affirmative vote of a majority of the Planning and Zoning Commissioners; and approved by a motion, and affirmative vote of the majority of the Board of County Commissioners. They are general administrative guidelines for conducting the business of the Commission, and not an ordinance.

RULES FOR CONDUCTING COMMISSION MEETINGS: The following procedures are to be used as a guideline for conducting public meetings and public hearings:

- i) **EXPLANATION OF PROCEDURE:** The Chairperson announces the purpose of the item on the agenda for the public meeting or hearing before the Commission for consideration.
 - (a) Written comments must be submitted seven (7) days prior to the meeting or hearing in order to become a part of the official record and must be an original document signed and dated by the author.
 - (b) At the discretion of the Chairperson, an original document may be submitted at the meeting or hearing. The document must be submitted prior to beginning of the discussion on the application or item before the Commission.
- ii) **PRESENTATION BY THE STAFF:** The staff presents the background facts and staff summaries concerning the item being discussed.
- iii) **PRESENTATION BY THE APPLICANT:** The applicant presents a summary of the application to the Commission. The Commission may ask questions of the applicant concerning the application.
- iv) **TESTIMONY FROM THE PUBLIC:** The public upon recognition by the Chairperson may make comments. At the discretion of the Chairperson, comments from the public may be limited to three (3) or more minutes per person. The Commission may ask for clarification of a comment from the person testifying during this part of the procedure. The comments shall be made in the following order:
 - (a) Comments supporting the application;
 - (b) Comments neutral with regard to the application;
 - (c) Comments opposing the application.
- v) **REBUTTAL BY THE APPLICANT:** The applicant is given the opportunity to offer rebuttal to the comments presented by the public. The Commission is allowed to ask for clarification of the rebuttal comments from the applicant during this part of the procedure.
- vi) **CLOSE THE PUBLIC HEARING AND/OR DISCUSSION; BEGIN DELIBERATION:** The comment period is closed and no further comment written or oral shall be accepted. The Commission begins deliberation on the facts and reasoning in the application and comments

presented by the public, as compared to the requirements outlined in the application and county ordinances that contain the requirements for approval.

vii) MOTION AND COMMISSION VOTE: After the deliberation process is concluded, the Commission shall formulate a motion to approve, deny or continue the application. The Commission shall state the reasons and findings for approval, denial or continuation. The motion shall be called by the Chairperson and each Commissioner shall vote for or against the motion. The vote of each Commissioner shall be recorded by the Secretary.

Amendments:

Adopted by the Commission and approved by the Board 11-22-93

Amended 07-13-98

Amended 11-15-00

Amended 05-24-04

Corrected administratively 03-02-06

(No substantive changes were made.)

Amended 02-12-07

Amended 09-15-2011