

## CHAPTER 3 – APPLICATION PROCEDURES AND FEES

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### Section 7-3-1: Purpose:

The purpose of this Chapter is to provide procedures for all zoning and related applications covered by this Ordinance and to amend the Comprehensive Plan.

### Section 7-3-2: Application Requirements and Fees:

- A. Pre-application Requirements: All persons desiring to make application for permits shall first schedule a pre-application meeting with the Director. Pre-application meetings are required to ensure proper applications, procedures and notifications are followed. The Director may invite other agencies, political subdivision or affected parties to the pre-application meeting. The Director may determine if any additional pre-application meetings are required.
- B. Application Requirements: All persons making application for permits and other matters herein referred to shall be required to submit to the Director an application on forms provided by the Elmore County Land Use and Building Department (the "Department") and accompanied by an application fee as set forth in subsection F

of this section. No application shall be considered as accepted by the Director unless it is complete with all required information.

- C. Combining of Applications: Where practical, the Director, Commission, or Board may combine related applications for the convenience of applicants. When State or Federal approval is required the County may require State and Federal approvals prior to accepting applications.
- D. Date of Application Acceptance: The date of acceptance of an application shall be the date of the letter sent by the Department notifying the applicant that the Director has received payment of the required fee and all of the required submittal information pursuant to this Ordinance. No application will ~~receive final approval~~ be accepted if the property has outstanding or delinquent taxes.
- E. Hearings: A public hearing shall be conducted in accordance with adopted by-laws, Idaho Statute and this Ordinance.
- F. Fees: The Board shall, by resolution, establish fees for all applications, permits or petitions authorized by this Ordinance. The Board shall have the authority to waive, in whole or in part, any fee established by the Board for an application, renewal or request for action filed by any governmental agency or persons when a fee would present an undue hardship.
- G. Tabled applications: Applications that have been tabled for more than one (1) year will be considered withdrawn.
- H. Re-submittal: No application that has been denied by the Director, the Commission, or the Board shall be resubmitted, in the same form for the same use, within one (1) year from the date of denial. The Director may waive the one (1) year requirement and accept a new application, where the subject property is affected by amendments to the applicable Comprehensive Plan or to this Ordinance.

### **Section 7-3-3: Neighborhood Meetings:**

- A. Applicants shall conduct a neighborhood meeting for Comprehensive Plan amendments, variances, conditional uses, Ordinance amendments, expansions or extensions of nonconforming uses, subdivisions or as otherwise required by the Director.
- B. It shall be the sole duty of the applicant to provide written notice to all property owners or purchasers of record owning property within the radius required in this Ordinance of the exterior boundary of the application property and to all registered neighborhood associations and political subdivisions deemed appropriate by the Director. The Department will provide applicants the proper notice list. Notice of a neighborhood meeting shall be in addition to, and not in lieu of, mailed radius

notices already required by this Ordinance. Notice of neighborhood meeting must be mailed at least ten (10) days prior to the date of the neighborhood meeting.

- C. The purpose of the neighborhood meeting shall be to review the proposed project.
  - 1. The meeting shall be on a weekend between ten o'clock (10:00) A.M. and seven o'clock (7:00) P.M. or on a weekday between six o'clock (6:00) P.M. and eight o'clock (8:00) P.M. The meeting shall not be on a holiday, a holiday weekend, or the day before a holiday or holiday weekend.
  - 2. The meeting shall be held at one of the following locations:
    - a. On the subject property; or
    - b. At the nearest available public meeting place including, but not limited to, fire station, library, or community center; or
    - c. At an office space with suitable meeting facilities if such facilities are within a one-mile radius of the nearest public meeting place.
- D. The neighborhood meeting shall be conducted prior to submitting the application.
- E. The neighborhood meeting shall not be conducted more than thirty (30) days prior to submitting the application.
- F. The application materials shall include written verification of the neighborhood meeting on the forms provided by the Department.

**Section 7-3-4: Notice to Agencies and Political Subdivisions:**

- A. The Director shall send a summary of development applications to applicable agencies, as determined by the Director. The notice shall be sent at least fifteen (15) days prior to the public hearing.
- B. The Director shall send a summary of petitions for Comprehensive Plan amendments and applications for Ordinance amendments to applicable agencies and political subdivisions as referenced in Idaho Statute § 67-6509(a). The notice shall be sent at least fifteen (15) days prior to the public hearing.
- C. Applications within an Area of City Impact shall be noticed in accordance with the regulations of this Ordinance.
- D. Applications for development within five (5) miles of the 115db Mean Noise Line surrounding the Idaho Army National Guard, Orchard Training Range Area will be forwarded to the Idaho Army National Guard for review and comment at least fifteen (15) days prior to a hearing before the Commission.

### **Section 7-3-5: Notice to Public:**

- A. **Legal Notice:** At least fifteen (15) days prior to the public hearing, the Director shall publish a notice of the time and place and a summary of the application in the official newspaper of general circulation in the County.
- B. **Site Notice:** At least seven (7) days prior to the public hearing, the Director shall post a notice on the premises of the application, except for Ordinance text amendments or Comprehensive Plan amendments. In the event the property cannot be posted due to access issues or weather closures the Director shall do the following:
  - 1. Post notice on the nearest accessible roads to the site,
  - 2. Post one (1) additional notice in the official newspaper of general circulation in the County.
- C. **Radius Notice:** At least seven (7) days prior to the public hearing, the Director shall send a notice of the time and place, and a summary of the application to property owners or purchasers of record (as listed in the current records of the Elmore County Assessor) owning property within three hundred (300') feet of the property being considered. The Director may determine, or other applications provided for in this Ordinance may require, that notices be sent to property owners or purchasers of record whose properties are further than three hundred (300') feet from the external boundaries of the property upon which the application is located.
- D. **Alternate Forms of Notice:** When notice is required of two hundred (200) or more property owners or purchasers of record, alternate forms of notice may be provided as follows:
  - 1. Notice of the time and place of the hearing and summary of the proposal shall be published in a newspaper of general circulation of at least four (4) inches by two (2) columns in size within the County, not less than fifteen (15) days prior to the hearing.
  - 2. Site posting on all external boundaries.
- E. **Public Service Announcement:** In the case of amendments to this Ordinance and the Comprehensive Plan, the Director shall issue a notice to other newspapers and radio stations serving the jurisdiction for use as a public service announcement prior to the public hearing.
- F. Applicants who propose development within five (5) miles of the 115db Mean Noise Line surrounding the Idaho Army National Guard, Orchard Training Range Area will be provided the following notice by the Department:

*Applicant is advised that the property may be located near a military installation that conducts flight operations, munitions testing, or military operations that may result in high noise levels, traffic, and dust at all hours of the day throughout the year. Applicant should contact the public affairs office of the nearest military installation to determine whether the property may be impacted by testing or operations at the installation.*

Any new deeds resulting from development within five (5) miles of the 115db Mean Noise Line surrounding the Idaho Army National Guard, Orchard Training Range Area shall include the ~~following notice:above notice.~~

*Property is located near a military installation that conducts flight operations, munitions testing, and/or military operations that may result in high noise levels, traffic, and dust at all hours of the day throughout the year.*

**Section 7-3-6: Decision by the Director:**

- A. Following the acceptance of an application, the Director shall act upon the application. Failure of the Director to act upon an application shall be deemed a denial of the application.
- B. The Director may defer a decision if additional information is required to make a decision. If the application is tabled or deferred for more than one (1) year it shall be considered withdrawn.
- C. The Director may require conditions of approval that are deemed necessary to protect the public health, safety, and welfare and prevent undue adverse impacts on surrounding properties.
- D. The Director shall provide the applicant written findings of fact and conclusions of law in accordance with Idaho Statute § 67-6519 stating the reasons for the decision reached. All conditions of approval shall be attached to the written decision.

**Section 7-3-7: Appeals to Commission on Decisions of the Director:**

- A. Appeal to Commission: Any aggrieved person having an interest in real property which may be adversely affected by a decision of the Director made in interpreting or enforcing this Ordinance, may appeal such a decision to the Commission by filing a written notice of appeal. A written notice shall be made by submitting the appropriate fee and application to the Director within fourteen (14) days of the date of such decision. Appeals shall be based on one of the following:

1. The decision was in violation of constitutional or statutory provisions; or

2. In excess of the statutory authority of the agency; or
  3. Made upon unlawful procedure; or
  4. Not supported by substantial evidence on the record as a whole; or
  5. Arbitrary, capricious, or an abuse of discretion.
- B. Hearing by Commission: The Commission shall hold a public hearing on all appeals from decisions of the Director after notice has been given in accordance with this Ordinance. The public record shall remain open and the Commission may accept new additional material and testimony.
- C. Decision by Commission: After the Public hearing, the Commission shall, enter a written order affirming, reversing or modifying the Director's decision. The order shall also contain the reasons for the Commission's decision.

**Section 7-3-8: Decision by the Hearings Examiner:**

- A. The Director shall schedule a hearing before the Hearings Examiner after the Director accepts an application. Prior to the public hearing, public notice shall be provided as set forth in this Ordinance.
- B. The Hearings Examiner shall conduct the public hearing in accordance with the procedures of this Ordinance.
- C. The Hearings Examiner may require conditions of approval that he or she deems necessary to protect the public health, safety, and welfare and/or to prevent undue adverse impacts on surrounding properties.
- D. The Hearings Examiner shall provide the applicant a written decision in accordance with Idaho Statute §§ 67-6520 and 67-6535 stating the reasons for the decision. Conditions of approval, if any, shall be attached to the written decision.

**Section 7-3-9: Decision by the Commission:**

- A. The Director shall schedule a public hearing before the Commission after the Director accepts an application. Prior to the public hearing, public notice shall be provided as set forth in this Ordinance.
- B. The Commission shall conduct the public hearing in accordance with the procedures of this Ordinance. The Commission may continue the public hearing if it determines in its discretion that additional hearings are necessary. The Commission, however, must issue a decision or recommendation as is applicable no later than one hundred twenty (120) days after the closing of the public hearing.

Failure of the Commission to issue a decision or recommendation shall be deemed a denial or a recommendation of denial of the application.

- C. The Commission may require or recommend conditions of approval that it deems necessary to protect the public health, safety, and welfare and/or to prevent undue adverse impacts on surrounding properties.
- D. The Commission shall provide the applicant written findings of fact and conclusions of law in accordance with Idaho Statute §§ 67-6519 and 67-6535 stating the reasons for the decision or recommendation reached. Conditions of approval shall be attached to the written decision or recommendation. For applications where the Commission is acting as a recommending body, the Commission shall forward their recommendation to the Board.
- E. For applications where a decision or recommendation from the Commission is required by this Ordinance, the Commission shall file a written report with the Clerk of the Board stating the findings and action taken by the Commission.

**Section 7-3-10: Reconsideration by the Commission:**

- A. Request for Reconsideration on Commission's Decision. The applicant or an aggrieved party, may file an application for reconsideration by the Commission within fourteen (14) days of the Commission's final decision in accordance with Idaho Statute § 67-6535(2)(b) and this Ordinance. Reconsideration before the Commission may be granted for good cause. The Commission shall only consider such reconsideration requests once. Good cause includes but is not limited to:
  - 1. The party requesting reconsideration has relevant information; and
  - 2. The relevant information was not previously presented and is in response to something brought up at the previous hearing; and
  - 3. The information was not previously available.
- B. Process. A request for reconsideration shall include supporting information and may be made at any time prior to the fourteen (14) day deadline for filing.
  - 1. A decision by the Commission to deny or approve the reconsideration is not appealable.
  - 2. Reappearance before the Commission shall be made by written request and application to the Director and shall include a fee as adopted by the Board. This fee shall be refunded if the reconsideration is denied.

3. The Director will confer with the Commission, if the requested changes would not materially affect the Commission's decision, a reconsideration hearing may be permitted.
4. If the applicant has modified the application, the Commission shall determine if the revised application shall be reconsidered or if a new application is required.
5. The applicant may still exercise applicant's rights to further appeal the Commission's decision.
6. If reconsideration is granted the Commission shall schedule notice and conduct a public hearing in accordance with the requirements of this Ordinance.

**Section 7-3-~~1110~~: Appeals to the Board on Decisions of the Commission or Hearing Examiner:**

- A. ~~Appeal and Reconsideration:~~ Any affected person aggrieved by a final decision in a bona fide interest in real property may either appeal the decision to the Board and/or request reconsideration by the Commission.
- B. ~~Request for Reconsideration on Commission Decision:~~ Upon request of the applicant or an aggrieved party, the application may be reconsidered by the Commission. Reconsideration before the Commission may be granted for good cause. The Commission shall only consider such reconsideration requests once. Good cause includes but is not limited to:
  1. ~~The party requesting reconsideration has new or additional relevant information; and~~
  2. ~~The relevant information was not previously presented and is in response to something brought up at the previous hearing; and~~
  3. ~~The information was not previously available.~~
- C. ~~Process for Reconsideration:~~ A request for reconsideration shall include supporting information and may be made at any time prior to the deadline for filing an appeal as provided in this section.
  1. ~~A decision by the Commission to deny or approve the reconsideration is not appealable.~~
  2. ~~Reappearance before the Commission shall be on the appropriate application and submitted to the Director with fees as adopted by the Board. This fee shall be refunded if the reconsideration request is denied.~~



~~3. The Director will confer with the Commission, if the requested changes would not materially affect the Commission's decision, a reconsideration hearing may be permitted.~~

~~4. If the applicant has modified the application, the Commission shall determine if the revised application shall be reconsidered or if a new application is required.~~

~~5. If the reconsideration hearing is granted, the time to appeal and any pending appeal to be heard before the Commission shall be stayed.~~

~~6. The applicant may still exercise applicant's rights to further appeal the Commission's decision to the Board.~~

~~7. If reconsideration is granted and the appeal is withdrawn, any appeal fee shall be refunded in its entirety.~~

**BD.** Decision to Appeal: Any person aggrieved by a decision of the Commission or Hearing Examiner may appeal such a decision to the Board by filing a written notice of appeal. Appeals shall be based on one of the following:

1. The decision was in violation of constitutional or statutory provisions; or
2. In excess of the statutory authority of the agency; or
3. Made upon unlawful procedure; or
4. Not supported by substantial evidence on the record as a whole; or
5. Arbitrary, capricious, or an abuse of discretion.

**CE.** An appeal shall be made by submitting the appropriate application and fee to the Director within fourteen (14) days of the Commission's final action.

**DF.** Notice of Appeal: The notice of appeal shall state the date and the substance of the decision appealed and the grounds for the appeal.

**EG.** Hearing by The Board: The Board shall conduct a public hearing in accordance to Idaho Statute and this Ordinance. The Board shall publish a notice specifying the time, date and place of the public hearing for the appeal and stating the subject of the appeal. The notice shall be published once in the newspaper of general circulation at least fifteen (15) days prior to the hearing. In addition, the same notice requirements as were applicable to the Commission hearing, if any, at which the decision being appealed was made shall be met. The public record shall remain open and the Board may receive additional information and testimony. Only the matters set forth in the appeal shall be considered by the Board. The

appeal hearing and review shall be a de novo review and hearing, but the Board may consider and incorporate the record and decision from the Commission in its deliberations and decision.

**FH.** Decision by The Board: The Board shall enter an order after the hearing affirming, reversing or modifying the Commission's decision. The order shall contain a statement of the reasons for the Board's decision and shall be served on all parties to the appeal. On its own motion, the Board may, within fourteen (14) days of issuing a written decision, reconsider that decision.

**Section 7-3-~~1211~~: Decision by the Board:**

- A. The Director shall schedule a hearing before the Board after the Director accepts an application or after the Commission makes a recommendation (if applicable). Prior to the public hearing, public notice shall be provided as set forth in this Ordinance and State law.
- B. The Board shall conduct the public hearing in accordance with the procedures of this Ordinance.
- C. Following the public hearing, if the Board makes a material change to a Comprehensive Plan amendment application or Ordinance amendment application, further notice and hearing shall be provided in accordance with the regulations of this Ordinance.
- D. The Board may require conditions of approval that it deems necessary to protect the public health, safety, and welfare and/or to prevent undue adverse impacts on surrounding properties. This regulation shall not apply to applications for Comprehensive Plan amendments or Ordinance text amendments.
- E. The Board shall provide the applicant written findings of fact and conclusions of law in accordance with Idaho Statute §§ 67-6519 and 67-6535 stating the reasons for the decision. Conditions of approval, if any, shall be attached to the written decision.
- F. Following the approval of a Comprehensive Plan amendment; the Board shall adopt a resolution adopting the amendment to the Comprehensive Plan.
- G. Following the approval of an Ordinance amendment, the Board shall adopt an ordinance and, within thirty (30) days, publish a summary of the ordinance in the official newspaper of general circulation in the County.
- H. All future decisions regarding an application that has been approved or denied by the Board shall have any future decisions regarding the application by the Board.

**Section 7-3-~~1312~~: Reconsideration by the Board:**

A. Request for Reconsideration on Board's Decision: The applicant or an aggrieved party, may file an application for reconsideration by the Board within fourteen (14) days of the Board's final decision in accordance with Idaho Statute § 67-6535(2)(b) and this Ordinance. Reconsideration before the Board may be granted for good cause. The Board shall only consider such reconsideration requests once. Good cause includes but is not limited to:

1. The party requesting reconsideration has relevant information; and
2. The relevant information was not previously presented and is in response to something brought up at the previous hearing; and
3. The information was not previously available.

B. Process: A request for reconsideration shall include supporting information and may be made at any time prior to the fourteen (14) day deadline for filing.

1. A decision by the Board to deny or approve the reconsideration is not appealable.
2. Reappearance before the Board shall be made by written request and application to the Director and shall include a fee as adopted by the Board. This fee shall be refunded if the reconsideration is denied.
3. The Director will confer with the Board, if the requested changes would not materially affect the Board's decision, a reconsideration hearing may be permitted.
4. If the applicant has modified the application, the Board shall determine if the revised application shall be reconsidered or if a new application is required.
5. The applicant may still exercise applicant's rights to further appeal the Board's decision.

~~6.7.~~ If reconsideration is granted the Board shall schedule, notice and conduct a public hearing in accordance with the requirements of this Ordinance.

**Section 7-3-~~1413~~: Variances:**

Certain uses may require additional variance requirements in other sections of the Ordinance.

A. Process:

1. The applicant shall complete a pre-application conference with the Director prior to submittal of an application for a variance; and
2. An application, and fees and site plan shall be submitted to the Director on forms provided by the Department. The burden of proof lies upon the applicant to show whether characteristics of the site create an undue hardship.; and
3. The director may grant a variance, as an administrative decision, of up to twenty-five (25%) percent of the following requirements: lot size, lot width or depth, structure height, setback distances for the front, back, or side yards, or parking space.
3. ~~The Commission and Board shall both conduct public hearings in accordance with Idaho Statute and this Ordinance and apply the standard listed in subsection B of this section and the findings listed in subsection C of this section to review the variance.~~

B. Standard: The variance shall comply with Idaho Statute § 67-6516.

C. Required Findings: In order to grant a variance, the Director and/or Commission~~Board~~ shall make the following findings:

1. The variance shall not grant a right or special privilege that is not otherwise allowed in the base zone; and
2. The variance relieves an undue hardship due to characteristics of the site; and
3. The variance shall not be detrimental to the public health, safety, and welfare.

D. Notifications: Upon acceptance of an application, the Director shall provide notification by mail of the variance request to the owners of parcels within three hundred feet (300') or the external boundaries of the parcel and shall provide such individuals a period of fifteen (15) calendar days from the date of the mailing to submit comments concerning the proposed variance.

E. Comments: The director shall consider all comments that are received within the fifteen (15) calendar day comment period prior to making a final written decision concerning the variance request. In considering comments, the director shall evaluate whether granting the variance will be consistent with the comprehensive plan and whether characteristics of the site create an undue hardship.

F. Notice of Decision: The director shall give notice of the decision granting or denying the application, to those previously notified of the pending application.

G. The commission shall consider all other applications for variances in accordance with the notice and hearing procedures.

**Section 7-3-~~1514~~ Zoning Map Amendments:**

- A. Zoning Ordinance Map Amendment requests shall be in compliance with this Ordinance and Comprehensive Plan.
- B. Process: Zoning Map Amendment requests shall be subject to a public hearing, review, and approval subject to the regulations of this Ordinance. The process shall be as follows:
1. An application and fees, as set forth in this Ordinance, shall be submitted to the Director on forms provided by the Department.
  2. A Development Agreement Application and approval may be required for all Zoning Ordinance Map Amendment requests in compliance with this Ordinance.
- C. Zoning Ordinance Amendment Initiated by the Board: The Board may propose a Zoning Ordinance Map Amendment in compliance with this Chapter, except that amendments initiated by the Board may not require a Development Agreement.
- D. Zoning Map Amendment Standards:
1. The Land Use / Zoning Ordinance Map Amendment Matrix shall identify the zoning districts that would be permissible through a Zoning Ordinance Map Amendment (re-zone) request and approval within each land use designation.
  2. Zoning Ordinance Map Amendment (re-zone) requests should be consistent with the Land Use / Zoning Map Amendment Matrix and the Comprehensive Plan where Commercial, Industrial Zones and Residential Zones are not arbitrarily being rezoned without first updating the Elmore County Comprehensive Plan Future Land Use Map.
- E. Required Findings: Upon recommendation from the Commission, the Board shall make a full investigation and shall, at the public hearing, review the Zoning Ordinance Map Amendment request and Development Agreement. The Board shall make the following findings:
1. The Zoning Ordinance Map Amendment complies with the regulations outlined for this Chapter; and

2. The Zoning Ordinance Map Amendment shall not be materially detrimental to the public health, safety and welfare; and
  3. The Zoning Ordinance Map Amendment request is in compliance with the Land Use/Zoning Ordinance Map Amendment Matrix; and
  4. The Development Agreement meets the requirements of this Ordinance; and
  5. That the approval by the Board, of a Zoning Ordinance Map Amendment request would not “impede” the normal flow of development; and
  6. The Zoning Ordinance Map Amendment is not in conflict with the Comprehensive Plan.
- F. Approval and Reversal of Action: If the Board approves a Zoning Ordinance Map Amendment pursuant to a request, the Board shall not subsequently reverse its action or otherwise change the zoning classification as set forth in Idaho Statute § 67-6511D.
- G. Final approval of a Zoning Ordinance Map Amendment shall be contingent upon an executed and recorded development agreement in compliance with this Chapter and Ordinance, except that amendments initiated by the Board may not require a Development Agreement.
- H. Following the approval of Zoning Ordinance Map Amendment, the Board shall adopt an Ordinance, and within thirty (30) days, publish a summary of the Ordinance and legal description in the official newspaper of general circulation in the County.

**Table 7-3-1514  
Land Use / Zoning Map Amendment Matrix**

Current Zoning District / Land Use	Ag	Rec	RR	C1	C2	M1	M2	PAZ	ABHZ	ACZ	PC	PUD	PUDD
	Zoning Ordinance Map Amendment (Rezone) Opportunities												
General Agriculture/Grazing/Forest (Ag)	-	✓	✓	✓	✓	✓	✓	✓	-	✓	✓	✓	✓
Recreation / Tourism (Rec)	-	-	✓	✓	✓	-	-	✓	-	-	✓	✓	✓
Rural Residential (RR/MU)	-	-	-	✓	-	-	-	✓	-	-	✓	✓	✓
Neighborhood Commercial (C1)	-	✓	✓	-	✓	-	-	-	-	-	✓	✓	✓
Highway/Interstate Commercial (C2)	-	-	-	✓	-	✓	✓	-	-	-	✓	✓	✓
Light Industrial/Manufacturing (M1)	✓	-	-	-	✓	-	✓	-	-	-	✓	✓	✓
Heavy Industrial/Manufacturing (M2)	✓	-	-	-	✓	✓	-	-	-	-	✓	✓	✓
Public Airport Hazard Zone (PAZ)	✓	✓	✓	-	-	-	-	-	-	-	-	-	-
Air Base Hazard Zone (ABHZ)	-	-	-	-	-	-	-	-	-	-	-	-	-
Air Base Commercial Zone (ACZ)	✓	-	-	✓	✓	-	-	-	-	-	-	-	-
Planned Community (PC)	-	-	-	-	-	-	-	-	-	-	-	-	-
Planned Unit Development (PUD)	-	-	-	-	-	-	-	-	-	-	-	-	-
Planned Unit Development District (PUDD)	-	-	-	-	-	-	-	-	-	-	-	-	-

**Section 7-3-1615: Zoning Ordinance Text Amendments:**

**A. Process:**

1. Zoning Ordinance Text Amendment Initiated by Board: The Board may propose to amend this Ordinance following notice and public hearing procedures in compliance with this Ordinance.
2. Zoning Ordinance Text Amendment Initiated by Property Owner: The applicant shall complete a pre-application conference with the Director prior to submittal of an application for a Zoning Ordinance Text Amendment. An application and fees shall be submitted to the Director on forms provided by the Department.
3. Application: The Commission and Board shall conduct public hearings required by Idaho Statute and this Ordinance. The Board shall apply the findings listed in subsection B of this section to review the Zoning Ordinance Text Amendment.

- B. Required Findings:** Upon recommendation from the Commission, the Board shall make a full investigation and shall, at the public hearing, review the application. In

order to grant a Zoning Ordinance Text Amendment, the Board shall make the following findings:

1. The Zoning Ordinance Text Amendment complies with the applicable Comprehensive Plan; and
2. The Zoning Ordinance Text Amendment complies with the regulations outlined for the proposed base zone, specifically the purpose statement; and
3. The Zoning Ordinance Text Amendment shall not be materially detrimental to the public health, safety, and welfare; and
4. The Zoning Ordinance Text Amendment shall not result in an adverse impact upon the delivery of services by any political subdivision providing public services within the planning jurisdiction including, but not limited to, school districts; and.
5. Following the approval of Zoning Ordinance Text Amendment, the Board shall adopt an Ordinance, and within thirty (30) days, publish a summary of the Ordinance in the official newspaper of general circulation in the County.

**Section 7-3-~~17~~16: Comprehensive Plan Amendment:**

**A. Process:**

1. Comprehensive Plan Amendment: The Commission shall conduct at least one (1) public hearing in which interested persons shall have an opportunity to be heard.
2. At least fifteen (15) days prior to the hearing, notice of the time and place and summary of the plan to be discussed shall be published in the official newspaper.
3. A notice may be sent to other papers, radio and television stations as a public service announcement.
4. Notice will be sent to all political subdivisions providing services within the planning jurisdiction at least fifteen (15) days prior to public hearing.
5. If the Commission recommends a material change to the proposed amendment to the plan which was considered at the hearing, it shall give notice of its proposed recommendation and conduct another public hearing concerning the matter if the Board will not conduct a subsequent public hearing concerning the proposed amendment.



6. If the Board will conduct a subsequent public hearing, notice of the planning and zoning commission recommendation shall be included in the notice of public hearing provided by the governing board.
7. Following the approval of a Comprehensive Plan Amendment, the Board shall adopt a resolution adopting the amendment to the Comprehensive Plan.

**Section 7-3-~~1817~~: Time Extension:**

The Director shall review an application for a time extension. The time extension shall commence from the date of expiration of the previous approval, except in the case of an appeal of a Board approval, when the time extension shall commence from the final resolution of such appeal.

**A. Process:**

1. An application and fees shall be submitted to the Director on forms provided by the Department.
  - a. The application shall include a written request indicating the need for a time extension.
  - b. The application shall be prior to expiration date of the original approval.
2. At the discretion of the Director, other agencies may be notified of the time extension request in order to solicit their comments and recommendations for consideration.
3. The Director shall apply the standards listed in subsection B of this section and the findings listed in subsection C of this section to review the time extension.
4. The Director may impose additional conditions in an approval of a time extension for an approved development (excluding final plats).

**B. Standards:**

1. The applicant or owner for an approved development may apply for a one (1) time extension for a period not to exceed one (1) year, unless some other period of time is specified in the application and subsequently approved by the Director, Commission and/or Board.

**C. Required Findings:**

1. The time extension meets the standards listed in subsection B of this section;  
and

2. The applicant and/or owner have adequately justified the need for a time extension.

**Section 7-3-~~1918~~: Mediation:**

Any application shall have the option of mediation pursuant to Idaho Statute § 67-6510.

Redline Draft