

CHAPTER 11
ADMINISTRATION

SECTION:

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9-11-1: **ADMINISTRATOR:**

- A. Office Established; Appointment: There is established in the city of Potlatch, state of Idaho, the office of the planning and zoning administrator, hereinafter the administrator, appointed by the mayor with the consent of the city council. The administrator shall be under the supervision of the mayor. The administrator shall be charged with the administration and enforcement of this title. The administrator may be provided with the assistance of such other persons as the city council may direct.
- B. Duties: For the purpose of this title, the administrator shall have the following duties:
 - 1. Assist applicants in the preparation of required forms and permit procedures; review preapplication materials; and explain proper procedures.
 - 2. Inform the news media regarding land use and development matters of public interest, particularly the time and place of public hearings.

3. Prepare the agenda for the meetings of the commission, in cooperation with commission members.
4. Analyze permit requests and prepare reports and summaries of said analysis.
5. Mail necessary submission to referral agencies and analyze the comments and recommendations.
6. Receive, file, and transmit to the commission and/or city council all applications, petitions, transcripts, and other communications on which they must act.
7. Maintain permanent and current records of applications, reclassifications, variances, and conditional use permits and of the hearings and actions thereon.
8. Advise interested citizens of ordinance provisions.
9. Perform such other duties as may be assigned by the city council. (Ord. 426, 7-8-2002)

9-11-2: **PLANNING AND ZONING COMMISSION:**

- A. Commission Established; Membership: The city planning and zoning commission shall implement this title with powers and duties as set forth in Idaho Code. Said commission shall consist of not less than five (5) and not more than seven (7) members appointed by the mayor with the consent of the city council.
- B. Duties: For the purpose of this title, the commission shall have the following duties:
 1. The planning and zoning commission shall conduct all public hearings required by this title and the laws of the state relating to the responsibilities of the planning and zoning commission. It shall be the duty of the commission to make land use decisions and recommend actions to the city council for the adoption of coordinated plans for the physical development of the city; to make recommendations regarding the layout, width, and location of streets, roads, highways, etc., for the proper management of vehicular and pedestrian traffic; to make recommendations concerning the future growth, development, and beautification of the city; to advise individuals concerning locations of buildings, structures to be

constructed or altered by the individuals; to cooperate with other appointed boards to further the general welfare of the city; to review and make recommendations concerning subdivision activity and planned unit developments within the jurisdiction of the city; to review and provide recommendations to the city council concerning amendments to this title, subdivision ordinance, comprehensive plan and other land use ordinances of the city.

2. Upon adoption hereof, the commission shall be empowered to issue conditional use permits and variances, subject to appeal by affected persons to the city council.

3. The commission shall advise the city council in matters relating to areas of impact and annexation of lands by the city and by other municipalities and other intergovernmental matters within the area.

4. The commission shall meet annually with the city council to discuss matters relating to city planning and development.

5. All activities undertaken by the commission shall be consistent with budgetary appropriations established by the city council for commission activities.

6. The commission shall assume those additional powers and duties not listed and as may be assigned them by the city council or state statute. (Ord. 426, 7-8-2002)

9-11-3: **RULES FOR DETERMINATION OF ZONING DISTRICTS:**

Where uncertainty exists as to the classification or boundaries of districts as shown on the zoning map, the following rules shall apply:

- A. Centerlines: Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines.
- B. Lot Lines: Boundaries indicated as approximately following lot lines shall be construed as following such lot lines.
- C. City Limits: Boundaries indicated as approximately following city limits shall be construed as following such city limits.
- D. Parallel To Or Extension Of Features: Boundaries indicated as parallel to or extensions of features indicated in subsections A through C of this section shall be so construed.

- E. Distances Determined By Scale Of Map: Distances not specifically indicated on the zoning map shall be determined by the scale of the map.
- F. Physical Or Cultural Features: When physical or cultural features existing on the ground are at variance with those shown on the zoning map, or in other circumstances not covered by subsections A through E of this section, the district boundaries shall be determined in a manner consistent with the purposes of this title.
- G. Boundary Line Divides Platted Lot In Single Ownership: Where a district boundary line appearing on the zoning map divides a platted lot which was in single ownership at the time of passage hereof, the requirements of the less restrictive district shall apply to the whole thereof; provided, that such extension shall not include any part of such lot more than thirty feet (30') beyond a district boundary line.
- H. Conflict With Textual Description: If the zoning district of any property as indicated on the zoning map should conflict with a textual description, the map shall prevail.
- I. Parcel Not Shown On Zoning Map: If the zoning of a parcel of land is not shown on the zoning map, the parcel of land shall be deemed to be zoned AF agriculture/forestry.
- J. Land Hereafter Annexed: All land hereafter annexed to the city shall be classified AF agriculture/forestry, pending study, public hearing, and specific classification. (Ord. 426, 7-8-2002)

9-11-4: **PROJECT APPLICATION PROCEDURES:**

- A. Application Required For All Projects: All projects, whether for a permitted use, a conditional use permit, or a variance require an application. The applicant shall file an application with the administrator. At a minimum, the application shall include the following:
 - 1. Name, address, and telephone number of applicant.
 - 2. Proof of ownership.
 - 3. Legal description of the property.
 - 4. Solid waste disposal method.

5. Proposed utilities including electricity, telephone, water, and sanitary wastewater treatment.
 6. Development plans showing:
 - a. Property boundaries.
 - b. Location and dimensions of all buildings, setback dimensions, and heights.
 - c. Access to road(s).
 7. Application fees.
- B. Additional Information Required For Conditional Use Permits: In addition to the items listed in subsection A of this section, applicants for conditional use permits shall also include the following in their application:
1. Description of existing use.
 2. Description of proposed conditional use.
 3. Number of people using proposed facility.
 4. Total acreage and area of each use.
 5. Number of potential students added to the school district.
 6. A site plan showing (in addition to the items called for in subsection A6 of this section):
 - a. Parking and loading areas.
 - b. Traffic access and traffic circulation.
 - c. Natural features and special areas of the site including drainage, rock outcrops, wildlife habitat, etc.
 - d. Open spaces, landscaping.
 - e. Refuse and service areas.

7. An objective narrative statement discussing the general compatibility with surrounding areas including any elements that could be considered detrimental and mitigation plans for:

a. Stormwater runoff.

b. Impact on schools.

c. Impact on law enforcement, fire departments, or other public service providers.

d. Impact on adjoining property including noise, light and glare, odor, fumes, vibration, etc.

e. Impact to natural resources (wildlife, wildlife habitat, soil, water, etc.).

C. Additional Information Required For Variances: In addition to the items listed in subsection A of this section and, as applicable, subsection B of this section, applicants for variance shall also include the following in their application:

1. Description of proposed variance.

2. Site plan including (in addition to the items called for in subsection A6 of this section) the effect of the variance.

3. An objective narrative stating the reasoning for a variance and justification of the variance. (Ord. 426, 7-8-2002)

9-11-5: **PUBLIC HEARING NOTIFICATION PROCEDURES:**

A. All Procedures: The following notification procedures apply to all hearings related to:

1. Conditional use permits (chapter 4 of this title).

2. Variances (chapter 5 of this title).

3. Appeals (chapter 10 of this title).

4. Amendments to this ordinance (chapter 12 of this title).

5. Hearings related to subdivisions (chapter 13 of this title).

B. Notice:

1. Publication: At least fifteen (15) days prior to the date of the public hearing, the administrator shall cause notice of time and place and a summary of the proposed conditional use, variance, appeal, amendment, or subdivision to be published in the official newspaper of the city.

2. Mail:

a. Property Owners Within Three Hundred Feet: Notice by first class U.S. mail shall be sent, at the applicant's expense, to all property owners within at least three hundred feet (300') of the external boundaries of the subject property at least fifteen (15) days prior to the public hearing date.

b. Two Hundred Or More Property Owners: When notice is required to two hundred (200) or more property owners, two (2) notices in the newspaper of general circulation are sufficient, provided the first notice be provided a minimum of fifteen (15) days prior to the date of the public hearing and the second notice appears a minimum of ten (10) days prior to the public hearing.

3. Posting: Additional notice shall be posted at the city post office and at city hall. The administrator shall cause notice to be posted upon one distinctly visible area of the subject site not less than ten (10) days prior to the public hearing. (Ord. 426, 7-8-2002)

9-11-6: CONFLICT OF INTEREST:

- A. If a planning and zoning commission member or a city council member believes he or she may have a conflict of interest, he/she should discuss it with the administrator or the city attorney prior to any public hearing.
- B. A member or employee of the city council or commission shall not participate in any proceeding or action when the member or employee or his employer, business partner, business associate or any person related to him by affinity or consanguinity within the second degree has economic interest in the procedure or action. Any actual or potential interest in any proceeding shall be disclosed at or before any meeting at which the action is being heard or considered. A knowing violation of this section shall be a misdemeanor. (Ord. 426, 7-8-2002)

9-11-7: **COMPLIANCE BY ISSUERS OF PERMITS:** All departments, officials, and public employees of the city vested with the duty or authority to issue permits, shall conform to the conditions of this title, and shall issue no permit, certificate, or license for the use of land, buildings, or purposes, in conflict with the provisions of this title, and any such permit, certificate, or license issued in conflict with the provisions of this title shall be null and void. (Ord. 426, 7-8-2002)

9-11-8: **SCHEDULE OF FEES:** The city council shall establish, by resolution, a schedule of fees for amendments, appeals, variances, conditional use permits, plan approvals, and other matters pertaining to the administration and enforcement of this title. The schedule of fees shall be on file in the office of the city clerk and may be altered or amended only by the city council. Until all applicable fees for an application or appeal have been paid in full, no action shall be taken on the application or appeal. The city council shall have the authority to waive in whole or part any fee when such a fee would present an unnecessary hardship. (Ord. 426, 7-8-2002)

9-11-9: **VIOLATION; PENALTY:** Violations of any provision of this chapter shall be deemed a misdemeanor as defined by Idaho Code section 18-111. A single violation of this title shall be subject to penalty as provided in section 1-4-1 of this code. Each separate instance or day of violation shall constitute a separate offense. Enforcement of the provisions of this chapter may also be accomplished by undertaking civil action. (Ord. 426, 7-8-2002; amd. 2010 Code)

9-11-10: **ENFORCEMENT PROCEDURES:** In the event any use of land or any construction commences in violation of the provisions of this title, the proper authorities of the city, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful use of land or construction; to restrain, correct or abate such violation; or to prevent any illegal act, conduct, construction, business or use of land in or about such premises. The city may enforce these regulations through civil action and/or prosecution. (Ord. 426, 7-8-2002; amd. 2010 Code)