

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 608

BY WAYS AND MEANS COMMITTEE

AN ACT

1 RELATING TO LOCAL LAND USE PLANNING; AMENDING SECTION 67-6509, IDAHO CODE,
2 TO REVISE PROVISIONS RELATING TO A RECOMMENDATION FOR AN AMENDMENT OR
3 MODIFICATION TO THE COMPREHENSIVE PLAN.
4

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

6 SECTION 1. That Section 67-6509, Idaho Code, be, and the same is hereby
7 amended to read as follows:

8 67-6509. RECOMMENDATION AND ADOPTION, AMENDMENT, AND REPEAL OF
9 THE PLAN. (a) The planning or planning and zoning commission, prior to
10 recommending the plan, amendment, or repeal of the plan to the governing
11 board, shall conduct at least one (1) public hearing in which interested
12 persons shall have an opportunity to be heard. At least fifteen (15) days
13 prior to the hearing, notice of the time and place and a summary of the plan
14 to be discussed shall be published in the official newspaper or paper of
15 general circulation within the jurisdiction. The commission shall also
16 make available a notice to other papers, radio and television stations
17 serving the jurisdiction for use as a public service announcement. Notice
18 of intent to adopt, repeal or amend the plan shall be sent to all political
19 subdivisions providing services within the planning jurisdiction,
20 including school districts, at least fifteen (15) days prior to the public
21 hearing scheduled by the commission. Following the commission hearing, if
22 the commission recommends a material change to the proposed amendment to
23 the plan which was considered at the hearing, it shall give notice of its
24 proposed recommendation and conduct another public hearing concerning the
25 matter if the governing board will not conduct a subsequent public hearing
26 concerning the proposed amendment. If the governing board will conduct a
27 subsequent public hearing, notice of the planning and zoning commission
28 recommendation shall be included in the notice of public hearing provided by
29 the governing board. A record of the hearings, findings made, and actions
30 taken by the commission shall be maintained by the city or county.

31 (b) The governing board, as provided by local ordinance, prior to
32 adoption, amendment, or repeal of the plan, may conduct at least one (1)
33 public hearing, in addition to the public hearing(s) conducted by the
34 commission, using the same notice and hearing procedures as the commission.
35 The governing board shall not hold a public hearing, give notice of a
36 proposed hearing, nor take action upon the plan, amendments, or repeal
37 until recommendations have been received from the commission. Following
38 consideration by the governing board, if the governing board makes a
39 material change in the recommendation or alternative options contained in
40 the recommendation by the commission concerning adoption, amendment or
41 repeal of a plan, further notice and hearing shall be provided before the
42 governing board adopts, amends or repeals the plan.

1 (c) No plan shall be effective unless adopted by resolution by the
2 governing board. A resolution enacting or amending a plan or part of a plan
3 may be adopted, amended, or repealed by definitive reference to the specific
4 plan document. A copy of the adopted or amended plan shall accompany each
5 adopting resolution and shall be kept on file with the city clerk or county
6 clerk.

7 (d) Any person may petition the commission or, in absence of a
8 commission, the governing board, for a plan amendment at any time. ~~The~~
9 ~~commission may recommend amendments to the land use map component of~~
10 ~~the comprehensive plan to the governing board not more frequently than~~
11 ~~once every six (6) months.~~ The commission may recommend amendments or
12 modifications to ~~the text of~~ the comprehensive plan and to other ordinances
13 authorized by this chapter to the governing board at any time.