

Planning and Zoning

Who, What, When, Where, Why, How

Development Services Department



**'Gentlemen, this is our proposal for your new housing development.
We've chosen to call it, quite simply, 'The Meadows.'**

Why Plan? Why Zone?

- Adequate Facilities (establish a LOS for water, sewer, parks, roads)
- Health and Safety
- Economic Development Effective and Efficient Growth/ systems enhancement
- Stability/ Equity Economic, social and environmental

- Property rights protection
- Resource protection
- Health and safety
- Tool to implement plans





Responsibility to Plan

- Prepare and implement Comprehensive Plan
- Review and recommend on areas of city impact and plan and zoning designation for annexation
- Review and recommend changes to the zoning, subdivision and other land use codes
- Review and act on subdivisions, conditional/special use permits, variances other development permits
- Carry out responsibilities in compliance with law, specifically notice and hearing provisions
- Provide the means for hearing from the public

The Foundation

A Standard State Zoning Enabling Act (SZEA)

- Developed by an advisory committee on zoning appointed by Secretary of Commerce (and later President) Herbert Hoover in 1921.
- The Government Printing Office published the first printed edition in May 1924, and a revised edition in 1926.
- The SZEA had nine sections.
 - Grant of power
 - A legislative body could divide the local government's territory into districts
 - A statement of purpose for the zoning regulations
 - Procedures for establishing and amending the zoning regulations
 - A legislative body was required to establish a zoning commission to advise it on the initial development of zoning regulations

A Standard City Planning Enabling Act (SCPEA)

- Published in 1928; six subjects:
 - Organization and power of the planning commission, which was directed to prepare and adopt a "master plan"
 - The content of the master plan for the physical development of the territory
 - Provision for adoption of a master street plan by the governing body
 - Provision for approval of all public improvements by the planning commission
 - Control of private subdivision of land
 - Provision for the establishment of a regional planning commission and a regional plan



Local Land Use Planning Act (LUPA)

Idaho Code §76-65

- Ensure adequate public facilities
- Protect sensitive and natural resources
- Encourage urban development in cities
- Avoid overcrowding
- Ensure development is compatible
- Protect against hazards



Legislative Actions

Actions that set values, adopt standards, rules, maps, that affect all or a significant portion of the population

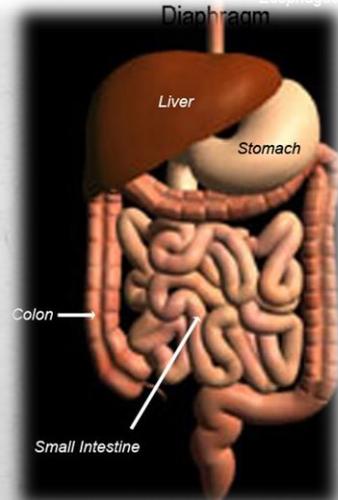
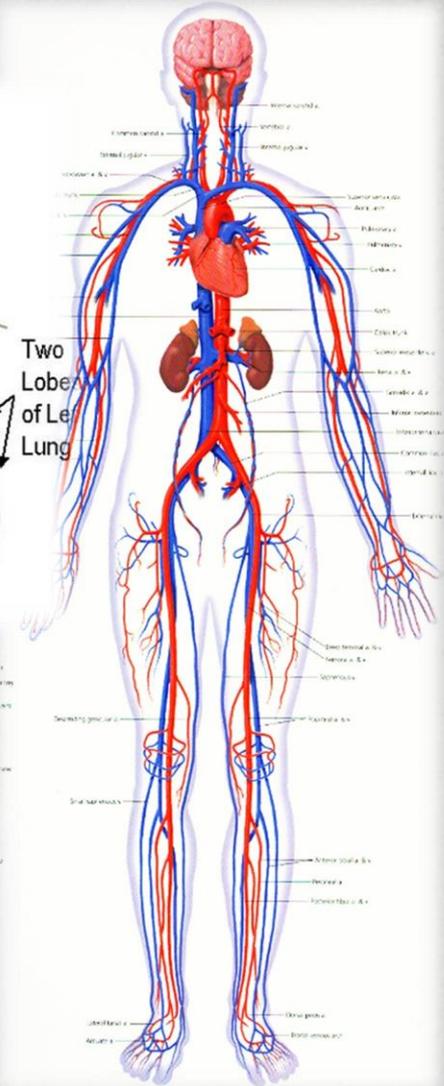
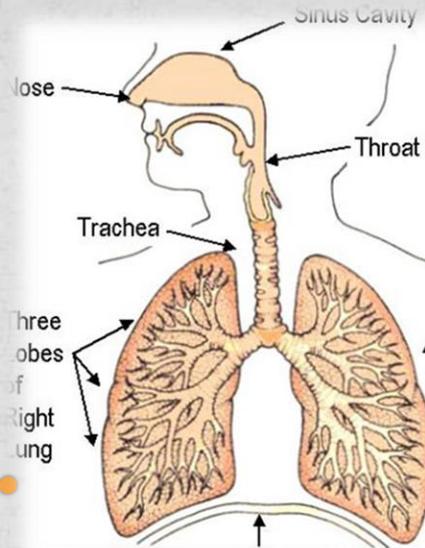
Types of Legislative Actions

- ❖ Comp Plan/ Master Plan/ Functional Plans
- ❖ Zoning, subdivision, regulations
- ❖ CIP
- ❖ Area of Impact
- ❖ Moratoriums



The Systems

- Economic Development [Increase value of Garden City = Lymphatic System]
- Floodplain [River= Opportunity/
Floodplain= Threat- Circulatory System]
- Water/ Sewer [Digestive system]
- Transportation- [Roads, Bike Paths, Sidewalks, Multi-use Paths and Bridges= Skeletal System]
- Housing [Choices for entire population base-Muscular System]
- Sense of Place [what will make people want to be in GC and Stay- Nervous System]
- Parks [as we become denser/ usable open space becomes vital-Endocrin System]
- Regional Planning [Access to health care, job, personal relations]





Plans

The picture on the puzzle box... tools to guide systems towards community's vision

Comprehensive Plan
Area of Impact
Master Parks Plan
Streetlight Manual
Master Street Plan





The Tools

Ordinances (Permits)

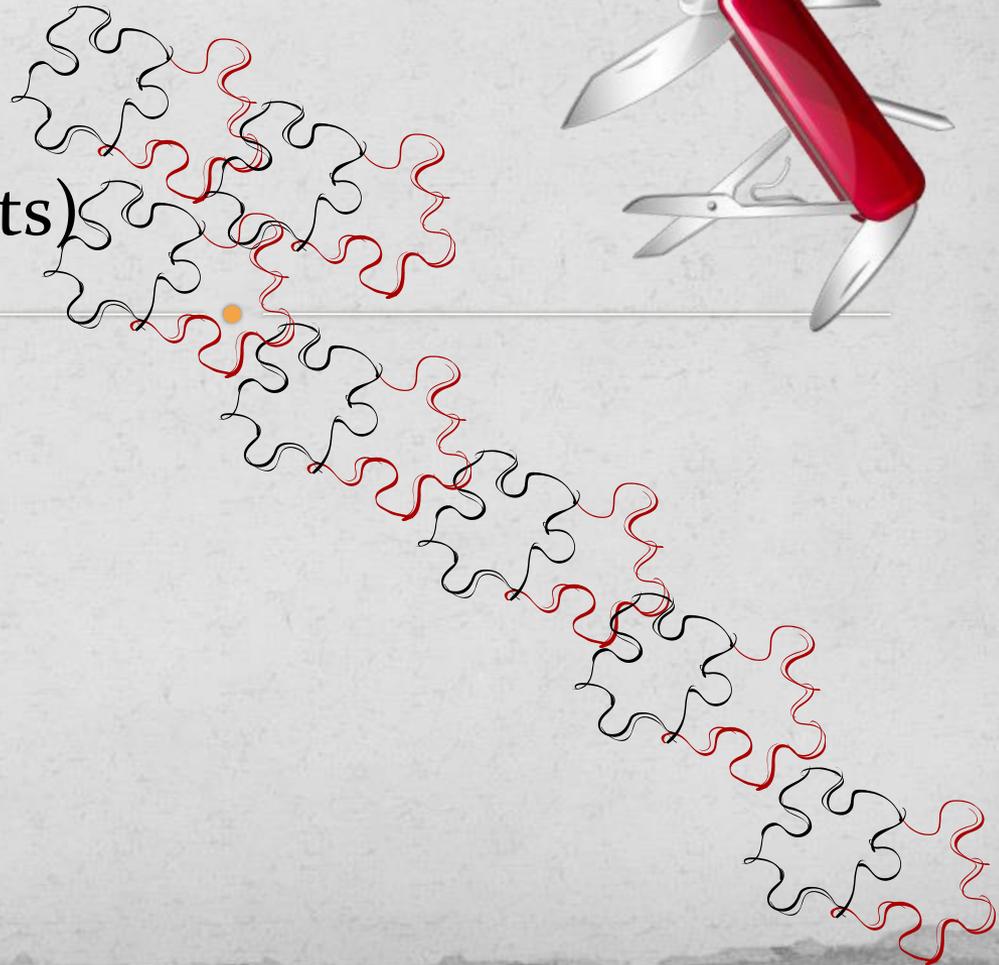
Public Investment

infrastructure

fee relief

programs

Agreements





Administrative Actions

Actions that enforce of administer the legislative decisions on a case by case or site specific basis

Types of Administrative Actions

- ❖ Rezone
- ❖ Conditional Use Permit
- ❖ Variance
- ❖ Plat Approval
- ❖ Annexation
- ❖ Staff level permits

Administrative actions requiring a hearing and decision on the record are “quasi-judicial” actions



Quasi Judicial Decisions

Effects on other property

LLUPA owners (property rights)

Uniform

Abatement Code

Legal

Agreements/

Documents

Garden
City Code

Garden City Vision

Easements

Garden City Systems:

Streetlights, Parks, Roads,
Water/ Sewer

If each piece doesn't make since then the whole picture will be flawed



Planning and Zoning Commission

- Advisory to the Mayor and Council
- Work through details for the elected officials
- Final decision in some quasi-judicial decisions
- Appeals board for staff level decisions
- Responsible to give reasoned decisions- keeps faith with the code
- Commission actions should be consistent with Mayor and Council policies

Most Common Hearings

- Subdivision
 - Advisory to Council
- Conditional Use Permits (CUPs)
 - Use may/ may not be appropriate
 - May impose regulations in addition to code: proportional nexus
 - Final Decision
- Rezone
 - Must better implement the Comprehensive Plan
- Variance
 - Must NOT be a man made situation
- Appeal Staff Decision
 - Was code misinterpreted?
- Abatement Appeal (Dangerous Building)
 - Must be on record
 - Must consider evidence at time of notice (if fixed subsequently doesn't count)



Characteristics of a successful Commissioner

- Live in or own a business in Garden City
- Interest in planning and land use
- Knowledge of Garden City Codes and Plans
- Ability to speak clearly and concisely
- Ability to consistently make the meeting times
- Ability to listen
- Objectivity





The Relationships

- Elected Officials
- Planning and Zoning Commission
- Design Review Committee
- Staff
- Public
- Applicants
- Lawyers
- Media
- Other Jurisdictions



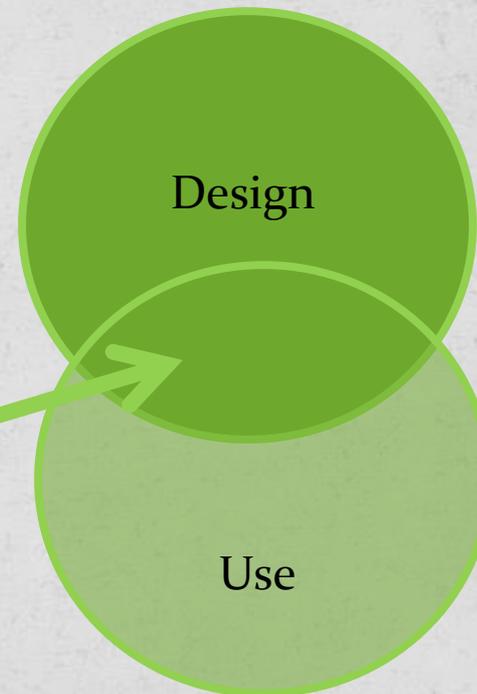


The Elected Officials

- Set and communicate policy direction
- Focus on the big issues, let staff and appointed boards do the details
- Respond to constituent needs- may be a change from the Commission's recommendation
- Make the final decision

Design Review Committee

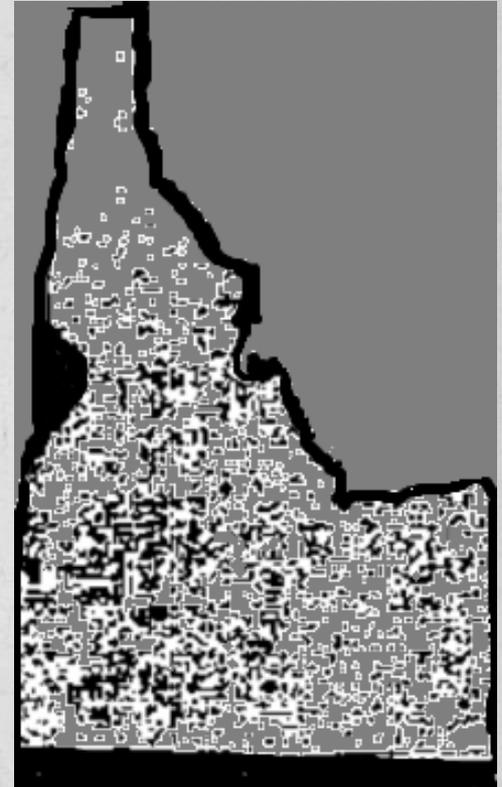
- Title 8-4 design of projects
 - Footprint
 - Setbacks
 - Height
 - Landscapes standards
 - Pathways
 - Materials
 - Signage
 - Orientation
 - Parking
 - Manufactured Home Parks
 - Property Maintenance Standards
 - Open Space





Other Jurisdictions

- Actions impact others
 - Cities and County
 - School Districts
 - ACHD/ ITD
 - Utilities
 - Irrigation Companies
- Notice and Opportunity to respond



Staff

- Staff work for the Commission, but are accountable to the Mayor
- Staff provide professional expertise
- Do the leg work and the processing
- Trust is critical





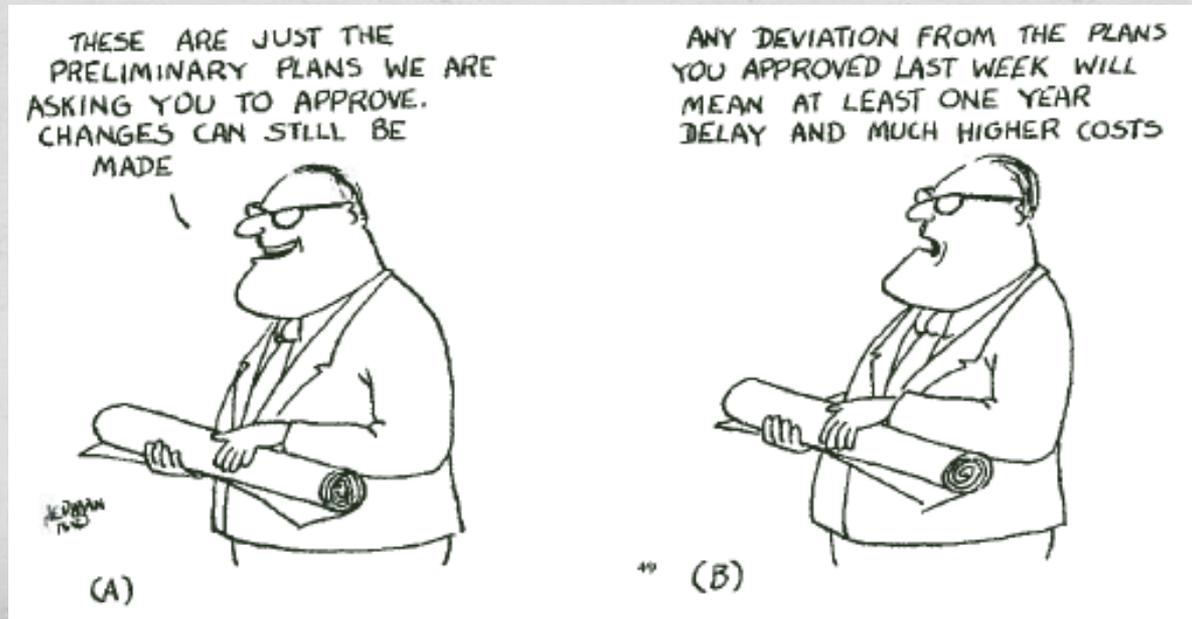
Colleagues

- Respectful and Courteous
- Listen
- No personal grievances in public
- No surprises
- Monitor “air-time”



Applicants, Developers, Lawyers

- Not the enemy
- Same courtesies as the public
- Deserve explanation/ reasoning
- Do not be intimidated



Ex Parte contacts, conflicts of Interest, Bias

Ex Parte contact

- OK in legislative decisions
- Disclose in Quasi-judicial

Conflicts of Interests

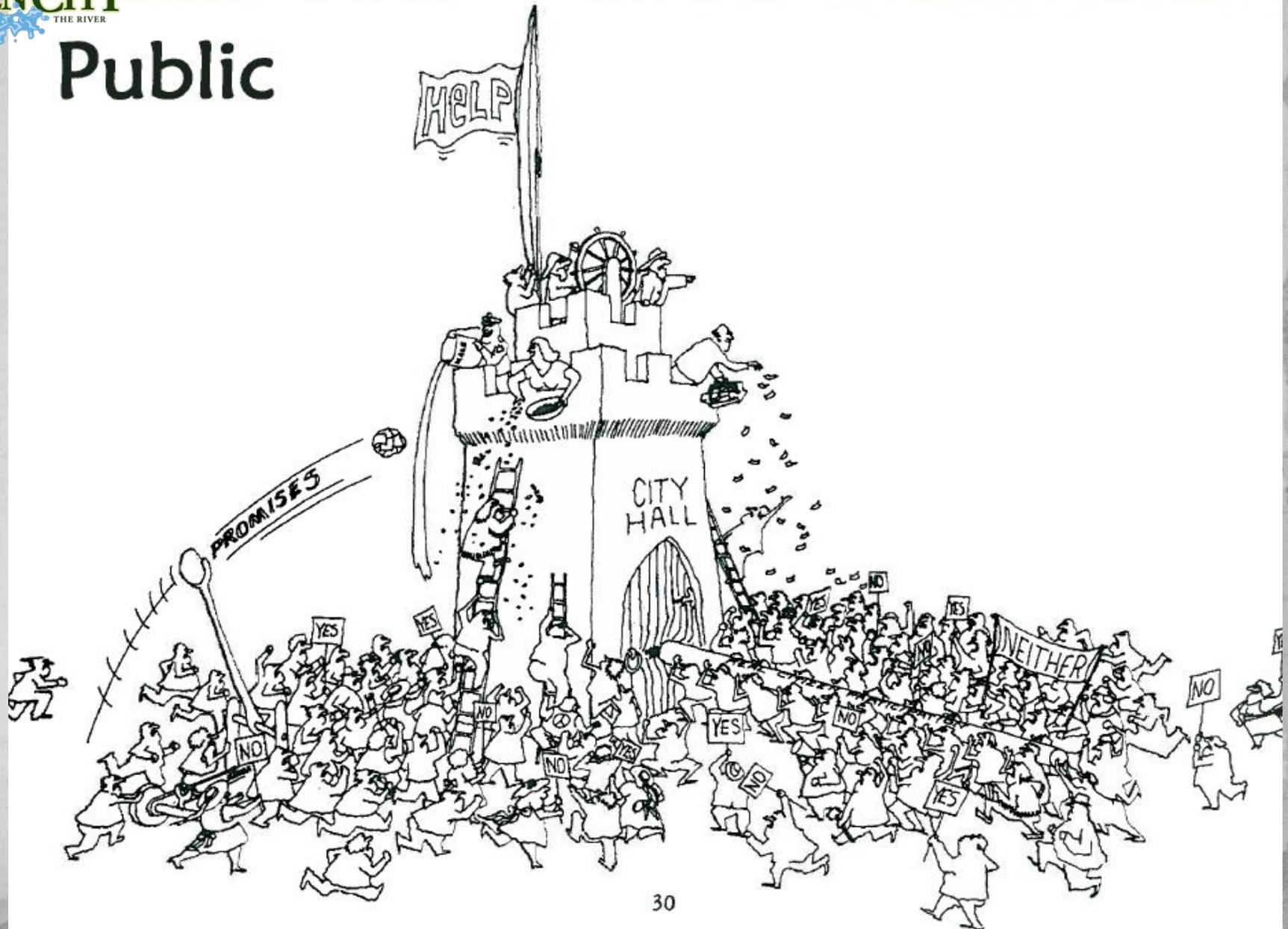
- No economic interest in decision
- Disclose in advance
- Step down- Not participate in the proceedings

Bias

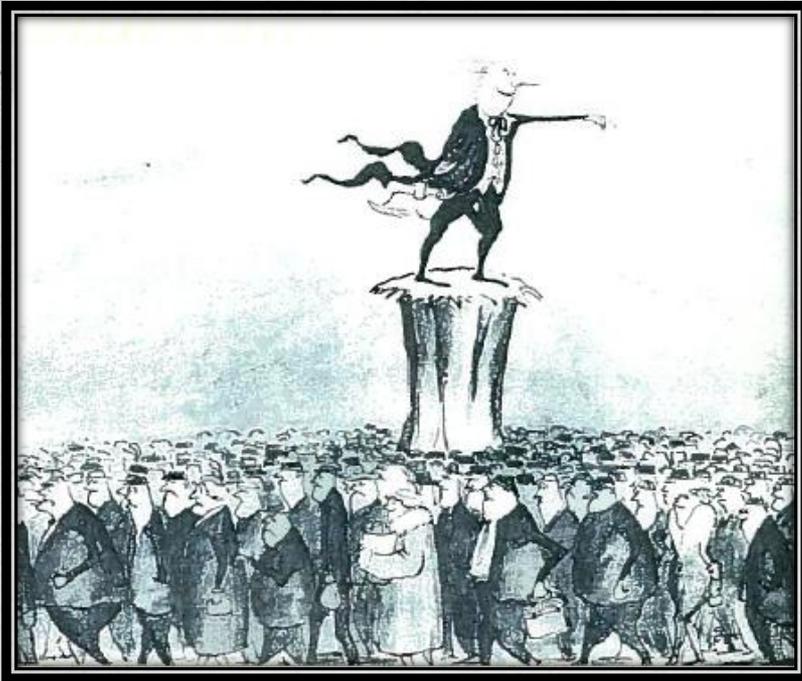
- Applies in quasi-judicial decision
- Actual or display bias
- Must be impartial and disinterested



Public



No Arbitrary and Capricious Decisions



- Think like a judge, act like a judge and decide like a judge
- Implement Code!
- Consider ALL of the evidence
- Don't be swayed by public pressure
- Keep personal bias out
- Avoid the slippery slope of irrelevant information
- Be fair and impartial in decisions
- Make a CLEAR record~ Support the decision with real, specific evidence
- Impose only lawful conditions
- Make written findings and conclusions
- Be politically correct & dignified