



Oneida County
Planning & Zoning
Application for Amendment to Zoning Ordinance

APPLICANT INFORMATION:

NAME:	
ADDRESS:	
PHONE:	
EMAIL:	

1. **TITLE, CHAPTER, AND SECTION PROPOSED FOR AMENDMENT:**

2. **EXPLAIN THE PURPOSES AND REASONS OF THE PROPOSED AMENDMENT:**

3. **PROPOSED LANGUAGE FOR AMENDING THE ZONING ORDINANCE:**

4. **EXPLAIN HOW THE PROPOSED AMENDMENT IS CONSISTENT WITH THE COUNTY COMPREHENSIVE PLAN:**

5. **STATE ALL TITLES, CHAPTERS AND SECTIONS OF THE ONEIDA COUNTY CODE AFFECTED BY THE PROPOSED AMENDMENT:**



Oneida County Planning & Zoning

6. HOW IS THE PROPOSAL CONSISTENT WITH STATE CODE:

7. HOW DOES THE PROPOSED AMENDMENT FURTHER PROMOTE THE OBJECTIVE AND PURPOSES OF THE ZONING ORDINANCE:

8. DESCRIBE HOW THE AMENDMENT ESTABLISHES AND MAINTAINS SOUND, STABLE AND DESIREABLE DEVELOPMENT IN THE COUNTY:

I consent to this application and hereby certify that information contained on this application and in the accompanying materials is correct to the best of my knowledge. I agree to be responsible for all application materials, fees, and application correspondence with the County. I will hold harmless and indemnify Oneida County from any and all claims and/or causes of action from or an outcome of the applications, issuance or denial of the request made of Oneida County.

Signature of applicant:

Date:

Printed Name:

Administrative

fee \$50.00 paid:

Date:



Oneida County Development Code

7-3 Development Ordinance Amendments:

7-3-1 Purpose:

Whenever the public necessity, convenience, general welfare, or good zoning practices require the Board may, by Ordinance, after receipt of recommendation thereon from the Commission and subject to procedures provided by Idaho Code, Section §67-6511, amend, supplement, change or repeal the regulations, restrictions and boundaries or classification of property.

7-3-2 Initiation of Zoning Amendments:

Proposed amendments to this Ordinance may be initiated in one of the following ways:

- A. By adoption of a motion by the Commission.
- B. By adoption of a motion by the Board; and
- C. By the filing of an application by a property owner or a person who has an existing interest in property within the area proposed to be affected by said amendment.

7-3-3 Contents of Application:

Applications for amendments to this Ordinance shall be filed with the Administrator and contain at least the following information:

- A. Name, address, and phone number of the applicant and/or representative.
- B. Proposed amending Ordinance, approved as to form by the Board.
- C. Proposed land use.
- D. A statement of how the amendment relates to the comprehensive plan, availability of public facilities, and compatibility with the surrounding area; and
- E. A fee as established by the Board in accordance with this Ordinance.

7-3-4 Development Ordinance Amendment Procedure:

- A. Requests for an amendment to the Development Ordinance shall be submitted to the Commission, which shall evaluate the request at a public hearing to determine the extent and nature of the amendment requested.
- B. If the request is in accordance with the adopted Comprehensive Plan, the Commission may recommend that the Board adopt or reject the requested amendment under the notice and hearing procedures as herein provided.
- C. If the request is found to not be in accordance with the Comprehensive Plan, the Commission shall recommend that the Board reject the requested amendment.



- D. Requests for an amendment to the Development Ordinance shall then be submitted to the Board, which shall evaluate the request at a public hearing to determine the extent and nature of the amendment requested.
- E. If the request is in accordance with the adopted Comprehensive Plan, the Board may adopt or reject the requested amendment under the notice and hearing procedures as provided by state statute.
- F. If the request is found to not be in accordance with the Comprehensive Plan, the Board shall reject the requested amendment.

TITLE 67
STATE GOVERNMENT AND STATE AFFAIRS
CHAPTER 65
LOCAL LAND USE PLANNING

67-6511. ZONING ORDINANCE. (1) Each governing board shall, by ordinance adopted, amended, or repealed in accordance with the notice and hearing procedures provided under section 67-6509, Idaho Code, establish within its jurisdiction one (1) or more zones or zoning districts where appropriate. The zoning districts shall be in accordance with the policies set forth in the adopted comprehensive plan.

(a) Within a zoning district, the governing board shall where appropriate establish standards to regulate and restrict the height, number of stories, size, construction, reconstruction, alteration, repair or use of buildings and structures; percentage of lot occupancy, size of courts, yards, and open spaces; density of population; and the location and use of buildings and structures. All standards shall be uniform for each class or kind of buildings throughout each district, but the standards in one (1) district may differ from those in another district.

(b) Within an overlay zoning district, the governing board shall establish clear and objective standards for the overlay zoning district while ensuring that application of such standards does not constitute a regulatory taking pursuant to Idaho or federal law.

(2) Ordinances establishing zoning districts shall be amended as follows:

(a) Requests for an amendment to the zoning ordinance shall be submitted to the zoning or planning and zoning commission, which shall evaluate the request to determine the extent and nature of the amendment requested. Particular consideration shall be given to the effects of any proposed zone change upon the delivery of services by any political subdivision providing public services, including school districts, within the planning jurisdiction. An amendment of a zoning ordinance applicable to an owner's lands or approval of conditional rezoning or denial of a request for rezoning may be subject to the regulatory taking analysis provided for by section 67-8003, Idaho Code, consistent with the requirements established thereby.

(b) After considering the comprehensive plan and other evidence gathered through the public hearing process, the zoning or planning and zoning commission may recommend and the governing board may adopt or reject an ordinance amendment pursuant to the notice and hearing procedures provided in section 67-6509, Idaho Code, provided that in the case of a zoning district boundary change, and notwithstanding jurisdictional boundaries, additional notice shall be provided by mail to property owners or purchasers of record within the land being considered, and within three hundred (300) feet of the external boundaries of the land being considered, and any additional area that may be impacted by the proposed change as determined by the commission. Notice shall also be given to a pipeline company operating any existing interstate natural gas transmission pipeline or interstate petroleum products pipeline, as recognized by the pipeline and hazardous materials safety administration, with a center point within one thousand (1,000) feet of the external boundaries of the land being considered, provided that the pipeline company is in compliance with section 62-1104, Idaho Code. Notice shall also be posted on the premises no less than one (1) week prior to the hearing. When notice is required to two hundred (200) or more property owners or purchasers of record, alternate forms of procedures that would provide adequate notice may be provided by local ordinance in lieu of posted or mailed notice. In the absence of a locally adopted alternative notice procedure, sufficient notice shall be deemed to have been provided if the city or county provides notice through a display advertisement at least four (4) inches by two

(2) columns in size in the official newspaper of the city or county at least fifteen (15) days prior to the hearing date, in addition to site posting on all external boundaries of the site. Any property owner entitled to specific notice pursuant to the provisions of this subsection shall have a right to participate in public hearings before a planning commission, planning and zoning commission or governing board subject to applicable procedures.

(c) The governing board shall analyze proposed changes to zoning ordinances to ensure that they are not in conflict with the policies of the adopted comprehensive plan. If the request is found by the governing board to be in conflict with the adopted plan, or would result in demonstrable adverse impacts upon the delivery of services by any political subdivision providing public services, including school districts, within the planning jurisdiction, the governing board may require the request to be submitted to the planning or planning and zoning commission or, in absence of a commission, the governing board may consider an amendment to the comprehensive plan pursuant to the notice and hearing procedures provided in section 67-6509, Idaho Code. After the plan has been amended, the zoning ordinance may then be considered for amendment pursuant to paragraph (b) of this subsection.

(d) If a governing board adopts a zoning classification pursuant to a request by a property owner based upon a valid, existing comprehensive plan and zoning ordinance, the governing board shall not subsequently reverse its action or otherwise change the zoning classification of said property without the consent in writing of the current property owner for a period of four (4) years from the date the governing board adopted said individual property owner's request for a zoning classification change. If the governing body does reverse its action or otherwise change the zoning classification of said property during the above four (4) year period without the current property owner's consent in writing, the current property owner shall have standing in a court of competent jurisdiction to enforce the provisions of this section