

ARTICLE III. ADMINISTRATION

SECTION 301. GENERAL PROVISIONS -- For the purposes of carrying out the provisions of this and the Subdivision Ordinance, an Administrator and Commission are hereby created, with the following reservations:

1. The Board hereby confers to the Administrator and the Commission those powers which shall be herein enumerated. All authority not specifically granted to the Administrator or the Commission in this Article shall be retained by the Board;
2. The Board may remove Commission members for cause, by majority vote;
3. The Administrator shall be an employee of the County, and shall serve at the pleasure of the Board;
4. The Board may, at its discretion and by majority vote, dissolve the Commission and resume the exercise of the powers authorized in this Article for not less than nine (9) consecutive months and shall not be required, so long as it exercises those powers, to re-establish the Commission;
5. Should the Board choose to exercise the powers authorized by this Article, the Board may, at its discretion, retain the services of the Administrator, in his/her ordained capacity.

SECTION 302. ADMINISTRATOR – The Board shall appoint an Administrator, whose title shall be Clearwater County Planning & Zoning Administrator, to administer this Ordinance. The Administrator may be provided with assistance by such other persons as the Board may direct.

1. The Administrator shall advise interested persons of the provisions and procedures established in the Zoning Ordinance and the Subdivision Ordinance, and aid applicants in the preparation of required applications;
2. The Administrator shall issue Building Permits, Mobile Home Setting Permits, Agricultural Building Location Permits, and such other permits as are required by county Ordinances governing building, planning, zoning, and subdivision activities;
3. The Administrator shall disseminate information required by state and local law governing public meetings to the news media, affected, and interested parties, as provided in Article XV;
4. The Administrator shall prepare and submit such reports as are necessary for the disposition of matters requiring action by the Commission or Board as established in this Ordinance;
5. The Administrator shall appear before the Board periodically, as directed, to answer such concerns as the Board may have;
6. The Administrator shall be an ex-officio member of, and shall attend such meetings of, the Planning & Zoning Commission as are held, and shall advise the Commission as necessary for the disposition of matters taken up for action;
7. The Administrator may cause to be expended such funds as may be appropriated by the Board for the purpose of conducting the necessary business undertaken by the Planning & Zoning Commission;
8. The Administrator shall exercise those other powers and duties as are necessary to enforce the provisions of this Ordinance and the Clearwater County Subdivision Ordinance.

SECTION 303. COMMISSION – The Board shall establish a Commission, to be designated “Clearwater County Planning & Zoning Commission”. The Commission shall be organized, governed, and shall have the authority as explicitly set forth in this Section.

1. The Commission shall consist of nine (9) voting members and shall include such ex-officio members as the Board may appoint;
2. All members, including ex-officio members, shall be appointed by the Chairman of the Board, or a designee of the Chair, and confirmed by a majority vote of the Board;
 - a. A voting member shall have been two (2) year a resident of Clearwater County, and must reside in Clearwater County while serving on the Commission; (01-02-07)
 - b. Not more than one-third (1/3) of the voting members may reside within an incorporated city, and not more than one-half (1/2) of the voting members may reside within a recognized Area of City Impact;
 - c. Voting members shall be appointed to terms of six (6) years, unless filling a vacant position;
 - d. A member may be reappointed to serve such number of terms as the Board may authorize, provided that the appointment of any member to a term in excess of two (2) consecutive full terms requires a motion authorizing an additional term, and the approval of a majority of the full Board;
 - e. A member whose term has expired may continue to serve until reappointed, or until such time as a successor is appointed;
 - f. Vacancies shall be filled in the same manner as the original appointment;
 - g. Members fulfilling a vacancy shall serve the remainder of the vacated term, and their terms shall expire on the date of expiration of the original term;
 - h. Vacated terms shall not be considered full terms, regardless of duration.
 - i. Appointments shall be made without regard for political affiliation.
 - j. Ex-officio members of the Commission shall include the Clearwater County Planning & Zoning Administrator, The Prosecuting Attorney of Clearwater County or in the absence thereof a designated Deputy Prosecutor, The Clearwater County Road and Bridge Supervisor, The Clearwater County Weed Control Supervisor, The North Central District Health Department Environmental Health Specialist, The Clearwater County Building Inspector, and such other persons as the Board may appoint; (01-02-07)
3. The Commission shall maintain written organization papers or by-laws consistent with those laws of the State of Idaho and this Ordinance, for the transaction of business of the Commission. Additionally, the Commission shall maintain records of all meetings, hearings, resolutions, studies, findings, permits, and actions;
 - a. The Commission, upon voting to adopt by-laws, shall submit said by-laws to the Board for final approval. By-laws or organization papers that are not approved by the Board are hereby declared null and void.
4. The Commission shall hold regular meetings at least one (1) time per calendar month. No fewer than 10 regular meetings shall be held in any twelve (12) month period, unless by express permission of the Board;

- a. A quorum shall consist of a simple majority of the voting membership of the Commission;
 - b. Any member absent from more than two (2) meetings without being excused may be dismissed at the discretion of the Board;
 - c. Should the Commission fail to hold the requisite number of regular meetings, the Board may at its discretion, and by majority vote, dissolve the sitting Commission, and may or may not re-establish a Commission, dependent upon whether the Board chooses to exercise the powers delegated to the Commission in this Section.
5. The Commission shall have the following duties and shall exercise such power as is immediately necessary for the performance of the following enumerated duties:
 - a. Prepare and review the Clearwater County Comprehensive Land Use Plan, in accordance with I.C. § 67-6508 and I.C. § 67-6509;
 - b. Review Subdivision applications and make recommendations to the Board;
 - c. Review Conditional and Special Use Applications and recommend such conditions and safeguards as will uphold the intent of this Ordinance and of the Comprehensive Land Use Plan for Clearwater County; make recommendations regarding approval or disapproval to the Board;
 - d. Authorize such variances from the terms of this Ordinance and the Subdivision Ordinance as will not be contrary to the public interest where, as a result of special conditions, a literal enforcement of either Ordinance will result in unnecessary hardship to the applicant;
 - e. Hear and decide appeals involving allegations of error in orders, requirements, decisions, interpretations, or determinations made by the Administrator;
 - f. Review all Planned Unit Developments and make recommendations regarding approval and disapproval to the Board;
 - g. Review all proposed amendments to this and the Subdivision Ordinance and make recommendations regarding approval or disapproval to the Board;
 - a. Within sixty (60) days of the receipt of the proposed amendment, the Commission shall transmit its recommendation to the Board. Upon termination of the 60 day review period, the proposed amendment may be considered by the Board without recommendation of the Commission.
 - h. Initiate proposed amendments to this and the Subdivision Ordinance.
6. The Commission shall also exercise the following powers to facilitate disposition of matters pending before it:
 - a. The Commission shall elect from its membership a Chairman and such other officers as prescribed by its By-laws;
 - b. The Commission may appoint from its membership such special sub-committees as are necessary to achieve its duties;
7. Any member of the Commission having a conflict of interest, as defined by Statute (I.C. 67-6506), in any action by the Commission shall disclose such conflict prior to any hearing at which the action is considered. A knowing violation of this provision shall be a Misdemeanor;
8. A member of the Commission shall not represent any person before the Commission unless the member is the sole and separate owner and/or partner;

9. The Commission shall consider applications only when the applicant or authorized representative thereof is present at any public hearing or meeting at which said application is on the agenda;
10. If the Commission fails to act on an application within sixty (60) days of the application date, the Board may, at the request of the applicant, order the Commission to hear and decide the matter within a time specified by the Board, or may enter a recommendation of "No Recommendation" on behalf of the Commission, and may consider the application for final action.
 - a. Failure by the Commission to comply with a Board order shall be considered cause for dismissal of a member or members, at the discretion of the Board.
11. All matters taken up by the Commission shall be subject to public hearing procedures established in Article XV, and shall be contained in the Commission By-laws;
12. Any action taken by the Commission which is expressly forbidden, or which represents the exercise of powers not specifically enumerated herein, shall be hereby declared null and void.

SECTION 304. CONTINUITY OF EXISTING ADMINISTRATION – Upon adoption of this Ordinance, the Administrator and Commission members, including ex-officio members appointed by the Board, serving according to provisions of previous Ordinances governing Planning and Zoning activities shall continue in their respective positions, subject to the provisions of this Ordinance, for the duration of their appointed terms.