

Land Use Permitting of Reuse Projects in Idaho Cities and Counties

Abstract: Planning and zoning permitting of reuse facilities in Idaho Cities and Counties may not be well understood by the public or by some Owners, Operators, Engineers, and Federal/ State Regulators. The Presentation will review Cities' and Counties' legal authority to require Land Use Permits and the arm's length decision a City or County must make when approving Land Use Permits for Reuse Facilities the City or County owns. The presentation will review the basics of zoning, permitted uses, conditional use and special use permits, design review, application requirements, agency review, building permits, public involvement, public hearing processes by commissions, councils and boards, and the appeal process to the courts. The presentation will also review potential land use conflicts between existing land uses and planned growth. Lessons learned from two case studies from North Idaho will be reviewed. The Southside Water and Sewer District request for a Conditional Use Permit (CUP) in Bonner County. Plus, the Hayden Area Regional Sewer Boards (HARSB) request for Special Use Permit (SUP) in the City of Hayden.

Presenters: Brad Marshall and Jerry Mason

Professional Backgrounds:

Presenter: Brad Marshall
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Professional Background for Brad Marshall:

Brad E. Marshall is a Senior Land Planner and Project Manager responsible for land use planning, design, permitting, and project management for J-U-B ENGINEERS, Inc. (J-U-B) Based in Coeur d'Alene, Idaho, Brad has over 20 years of experience in private and public planning. Brad began his career in 1991 at Kootenai County, Idaho as an Associate Planner performing review and processing of land development applications. In 1999 he became the Planning Supervisor for the City of Juneau, Alaska. Brad was responsible for a team of planners charged with land use planning for the capitol of Alaska. In 2005 Brad joined J-U-B as a Senior Land Planner and Project Manager.

Brad has managed projects through the entire design, permitting and construction process. He has taken raw land through conceptual design, feasibility studies, environmental evaluation, rezoning, conditional use permitting, final design, platting, and construction.

Brad has represented clients in seven states and has presented projects to dozens of jurisdictions. His education includes a Bachelor's Degree in Planning and course work in Construction Management from California State University, Chico.

Presenter: Jerry Mason
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Professional Background for Jerry Mason:

Jerry Mason is an Attorney with Hawley Troxell Ennis & Hawley, LLP that has offices in Coeur d'Alene, Boise, and Pocatello, Idaho. He is a member of the firm's municipal law group and has extensive experience in land use, planning and zoning, municipal contracting, intergovernmental agreements, election procedures, public officials' authority and responsibility, and general governmental powers. He has more than 40 years of experience as a local government administrator and as legal counsel to local government officials, 11 years of which were spent as a public planner and the remainder in local government legal practice.

Mr. Mason has served as counsel to the Association of Idaho Cities and to the board of trustees of the Idaho Counties Risk Management Program, a 750-member local government liability and property insuring pool. He frequently assists Idaho's state associations of Cities and Counties in matters of legislative concern, particularly involving matters of personnel, procurement, land use planning, and property rights. Mr. Mason has served as attorney for numerous Idaho Cities and other local governmental entities. Mr. Mason's education includes a Juris Doctorate, with honors, from the University of Idaho, Master's Degree in Government from Idaho State University, and Bachelor's Degree in Economics and Business, with honors, from Illinois College.