Appendix B: Legislative History

Report 12-01

Economic Development Clinic
University of Idaho College of Law

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"The Local Planning Act of 1975," calls for planning and implementing ordinances in all cities and counties in Idaho with full local control of decision-making while providing a legislated "roadmap" on how to get the job done. The proposal which would recodify existing state legislation for local planning and zoning would require that city councils or boards of county commissioners perform planning and implementation duties or designate a local planning commission to carry out the responsibilities at the local level. The bill also provides for due process in local land use decisions and new optional tools for cities and counties to deal with land use change.

FISCAL IMPACT

No legislative appropriation has been requested for this program.
CHAPTER 188
(S.B.No. 1094, As Amended)

AN ACT
RELATING TO LAND USE PLANNING AND THE PLANNING PROCESS AT THE LOCAL LEVEL; REPEALING CHAPTERS 11 AND 12, TITLE 50, IDAHO CODE, AND CHAPTER 38, TITLE 31, IDAHO CODE; AMENDING TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER, TO BE KNOWN AND DESIGNATED AS CHAPTER 65, TITLE 67, IDAHO CODE, PROVIDING A SHORT TITLE, PROVIDING A STATEMENT OF PURPOSE, REQUIRING PARTICIPATION OF EACH CITY AND COUNTY IN A PLANNING PROCESS, PROVIDING THAT A CITY COUNCIL OR BOARD OF COUNTY COMMISSIONERS MAY EXERCISE ALL POWERS CONFERRED BY THIS ACT OR MAY DELEGATE THE AUTHORITY THROUGH THE CREATION OF A PLANNING COMMISSION AND A ZONING COMMISSION OR A SINGLE PLANNING AND ZONING COMMISSION, PROVIDING FOR THE CREATION, MEMBERSHIP, ORGANIZATION, RULES, RECORDS, EXPENDITURES AND STAFF OF A COMMISSION, PROHIBITING CONFLICT OF INTEREST OF ANYONE SERVING AS AN EMPLOYEE OR MEMBER OF A PLANNING AND ZONING COMMISSION AND PROVIDING PENALTY, DELINEATING THE LOCAL PLANNING PROCESS AND STATING RELATED POWERS OF THE COMMISSION, ESTABLISHING PLANNING DUTIES OF THE COMMISSION, PROVIDING FOR THE RECOMMENDATION, ADOPTION, AMENDMENT AND REPEAL PROCESS OF A PLAN BY THE COMMISSION, PROVIDING FOR REVIEW OF PLANS IN EFFECT PRIOR TO THE EFFECTIVE DATE OF THIS ACT, PROVIDING ZONING ORDINANCE POWERS TO LOCAL GOVERNING BOARDS, PROVIDING FOR THE GRANTING OF SPECIAL USE PERMITS AND STATING CONDITIONS AND PROCEDURES FOR ISSUING SPECIAL USE PERMITS, PROVIDING FOR SUBDIVISION ORDINANCES, REQUIRING REVIEW BY LOCAL GOVERNING BOARDS OF EXISTING ZONING AND SUBDIVISION ORDINANCES IN EXISTENCE ON THE EFFECTIVE DATE OF THIS ACT, PROVIDING FOR THE PROCESSING OF PLANNED UNIT DEVELOPMENT PERMITS, PROVIDING A PROCESS FOR THE ISSUING OF VARIANCE PERMITS, PROVIDING FOR A FUTURE ACQUISITIONS MAP, ALLOWING A GOVERNING BOARD TO ADOPT STANDARDS FOR VARIOUS COMPONENTS OF A COMMUNITY, DELINEATING A PERMIT GRANTING PROCESS, PROVIDING FOR HEARING
MINUTES
LOCAL GOVERNMENT AND TAXATION SUB-COMMITTEE
February 25, 1975

Senator Risch called the Local Government and Taxation Sub-Committee to order on Tuesday evening, February 25, 1975, in Room 430 at 7:00 p.m. He introduced the other members of the committee to the meeting. He stated that the ground rules were to speak to the bills before the sub-committee and to specific parts on these bills. Each speaker will be limited to less than five minutes.

Mr. Eise, Chief, Bureau of State Planning & Community Affairs, started the session out by briefly explaining S 1094, S 1099 & S 1100. He said that § 1094 provided for local planning, local zoning, local subdivision and local negotiation procedures. He stated that this bill provides deadlines and how to adopt a plan.

S 1099 is the State planning process bill, the agencies already exist, does not authorize new agencies. This bill states what should be done, gathering data, prepare recommendations, establish procedures, and so on.

S 1100 is the "Timetable Bill", would provide dates for the completion of local plans and ordinances for those areas of the state where none exist. If a local unit refused to plan locally, the bill as a last resort would allow the state division of budget and policy planning as a plan in lieu of the city or county.

There were a number of people present to speak to these bills, Senator Risch called on them in order of signing on the visitors list.

Beth Coash, representing Citizens for Better Government, presented items of concern pertaining to land use bills. Her presentation is attached.

Marcia Purdy, Idaho Conservation League, feels that one amendment will weaken the bills and hopes that the committee will not change even a "shall".

Betty Laverty gave testimony at the joint hearing last Wednesday, but did not submit an example of S 1094 #7 which is attached.

Barry Accomio was just visiting, her presentation is before the whole committee.

Earl Manchester had several questions on the different areas pertaining to these bills.

Bob Waitley suggested in S 1094, 67-6504 that the terms should be staggered.

67-6504, he feels there is a conflict of interest— line 25 should be spelled out, instead of broadly represented.

George Attwood, representing Monsanto, stated that in S 1094, page 5, concerning planning duties. They see a need for planning, their concern is
GOVERNMENT & TAXATION SUB-COMMITTEE

This applies to visible resources and makes no real allowance for invisible. With the vast mineral potential that have not yet been found, how are they going to be found? 67-6511, zoning ordinance, feels zoning should be at the discretion of the local government.

Senator Risch asked Mr. Attwood-- this section refers to the plan rather than absolute law, do you have any changes to this? Answer yes.

Senator Judd would you have two sets of plans for visible and invisible resources?

Mr. Teske feels that it appears to be compulsory-- it "shall" have zoning ordinance on all the land--- this compels-- no local control involved there.

Senator Risch asked,-- from their statement they object to 1100 more than the other two. Mr. Teske stated that they opposed 1100 completely, S 1094 they could live with.

Mr. Attwood said they are speaking of invisible resource, very difficult because that resource, that can't be seen, is our concern.

Senator Judd feels that because of all the mining in Northern Idaho, hasn't pretty well been explored? Mr Teske said Northern Idaho has, but that that area could last another 100 years.

Mr. Mullaney is the special assistant to the Governor and he assisted in drafting these bills.

Mr. Brandt appeared before the committee at the last hearing, but he didn't have any suggestions. S 1094- gives state control, where it should give local control. Page 10-- under standards it says "may", where other areas 765 says "shall". Page 3, line 39, should say "one or more" meetings a month. 67-500, page 5 points out "shall be the duty to have comprehensive plan" Page 7, line 3, feels this section is unwieldy-- page 8, line 27, didn't like the conditions for a special use permit. Page 9, 67-5517, problems future acquisitions map. Page 11, 6520, line 10, do not feel that the hearing examiner should have that permit-- should make recommendation to planning board. 6521, line 19, feels area is unnecessary-- problem with "period of time" should be spelled out. Any effected person should be notified. Page 21, 6524, problems with moratoriums. Page 12, line 23, feels that this is just drawing lines around city-- S. 1099, gives too much power to the State. S 1100, doesn't like entire bill.

Arjorie Hayes- presentation attached.

Dick Greener- representing Home Builders Association, brought amendments to these bills, they are attached.

Dr. Oliason presented testimony before the committee last Wed. evening, but had some comments on parts of the bills. 67-6502, questions who determines. S 1099- state takes over S 1100 state really takes over.

Dean Huntsman- Association of Commissioners & Clerks, stated that if we
Not too many amendments we will water the bills down. No major amendments made on S 1094-- if the A.C.&C. have any qualms about any legislation it is S 1100, the timetable.

Mr. Trueblood, representing Division III, Soil Conservation, stated that during a meeting on Saturday, the 11 Southwestern counties in Division III, support this package of bills.

Since being no further business, Senator Risch announced that the next session would be a work session, and no testimony would be taken. The meeting was adjourned.

W.H. Walters, Secretary

James E. Risch, Chairman