

IN THE SENATE

SENATE BILL NO. 1306

BY RESOURCES AND ENVIRONMENT COMMITTEE

AN ACT

1 RELATING TO LOCAL LAND USE PLANNING; AMENDING SECTION 67-6519, IDAHO CODE,
2 TO PROVIDE FOR NOTICE TO IRRIGATION DISTRICTS, CAREY ACT OPERATING COM-
3 PANIES, NONPROFIT IRRIGATION ENTITIES, LATERAL DITCH ASSOCIATIONS AND
4 DRAINAGE DISTRICTS THAT HAVE REQUESTED TO RECEIVE NOTICE WHENEVER A
5 COUNTY OR CITY CONSIDERS A PROPOSED SUBDIVISION OR ANY OTHER SITE-SPE-
6 CIFIC LAND DEVELOPMENT APPLICATION.
7

8 Be It Enacted by the Legislature of the State of Idaho:

9 SECTION 1. That Section 67-6519, Idaho Code, be, and the same is hereby
10 amended to read as follows:

11 67-6519. APPLICATION GRANTING PROCESS. (1) As part of ordinances re-
12 quired or authorized under this chapter, a procedure shall be established
13 for processing in a timely manner applications for zoning changes, subdivi-
14 sions, variances, special use permits and such other applications required
15 or authorized pursuant to this chapter for which a reasonable fee may be
16 charged.

17 (2) Where the commission hears an application, the commission shall
18 have a reasonable time fixed by the governing board to examine the applica-
19 tion before the commission makes its decision on the application or makes
20 its recommendation to the governing board. Each commission or governing
21 board shall establish by rule a time period within which a recommendation
22 or decision must be made. Provided however, any application which relates
23 to a public school facility shall receive priority consideration and shall
24 be reviewed for approval, denial or recommendation by the commission or the
25 governing board at the earliest reasonable time, regardless of the timing
26 of its submission relative to other applications which are not related to
27 public school facilities.

28 (3) When considering an application which relates to a public school
29 facility, the commission shall specifically review the application for the
30 effect it will have on increased vehicular, bicycle and pedestrian volumes
31 on adjacent roads and highways. To ensure that the state highway system or
32 the local highway system can satisfactorily accommodate the proposed school
33 project, the commission shall request the assistance of the Idaho trans-
34 portation department if state highways are affected, or the local highway
35 district with jurisdiction if the affected roads are not state highways. The
36 Idaho transportation department, the appropriate local highway jurisdic-
37 tion, or both as determined by the commission, shall review the application
38 and shall report to the commission on the following issues as appropri-
39 ate: the land use master plan; school bus plan; access safety; pedestrian
40 plan; crossing guard plan; barriers between highways and school; location
41 of school zone; need for flashing beacon; need for traffic control sig-
42 nal; anticipated future improvements; speed on adjacent highways; traffic

1 volumes on adjacent highways; effect upon the highway's level of service;
2 need for acceleration or deceleration lanes; internal traffic circula-
3 tion; anticipated development on surrounding undeveloped parcels; zoning
4 in the vicinity; access control on adjacent highways; required striping
5 and signing modifications; funding of highway improvements to accommodate
6 development; proposed highway projects in the vicinity; and any other issues
7 as may be considered appropriate to the particular application.

8 (4) Whenever a county or city considers a proposed subdivision or any
9 other site-specific land development application authorized by this chap-
10 ter, it shall provide written notice concerning the development proposal by
11 mail, or electronically by mutual agreement, to all irrigation districts,
12 Carey act operating companies, nonprofit irrigation entities, lateral ditch
13 associations and drainage districts that have requested, in writing, to
14 receive notice. Any irrigation districts, Carey act operating companies,
15 nonprofit irrigation entities, lateral ditch associations and drainage
16 districts requesting notice shall continue to provide updated and current
17 contact information to the county or city in order to receive notice. Any
18 notice provided under this subsection shall be provided no less than fifteen
19 (15) days prior to the public hearing date concerning the development pro-
20 posal as required by this chapter or local ordinance. Any notice provided
21 under this subsection shall not affect or eliminate any other statutory
22 requirements concerning delivery of water, including those under sections
23 31-3805 and 67-6537, Idaho Code.

24 (5) Whenever a governing board or zoning or planning and zoning commis-
25 sion grants or denies an application, it shall specify:

- 26 (a) The ordinance and standards used in evaluating the application;
27 (b) The reasons for approval or denial; and
28 (c) The actions, if any, that the applicant could take to obtain ap-
29 proval.

30 Every final decision rendered shall provide or be accompanied by notice
31 to the applicant regarding the applicant's right to request a regulatory
32 taking analysis pursuant to section 67-8003, Idaho Code. An applicant de-
33 nied an application or aggrieved by a final decision concerning matters
34 identified in section 67-6521(1)(a), Idaho Code, may within twenty-eight
35 (28) days after all remedies have been exhausted under local ordinance seek
36 judicial review under the procedures provided by chapter 52, title 67, Idaho
37 Code.