

IN THE SENATE

SENATE BILL NO. 1139

BY JUDICIARY AND RULES COMMITTEE

AN ACT

1 RELATING TO LOCAL LAND USE PLANNING; REPEALING SECTION 67-6514, IDAHO  
2 CODE, RELATING TO EXISTING ZONING OR SUBDIVISION ORDINANCES;  
3 AND AMENDING CHAPTER 65, TITLE 67, IDAHO CODE, BY THE ADDITION  
4 OF A NEW SECTION 67-6514, IDAHO CODE, TO PROVIDE FOR THE EFFECT  
5 ON ZONING WHEN PART OF A PARCEL IS TAKEN OR PURCHASED FOR  
6 RIGHT-OF-WAY.  
7

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

9 SECTION 1. That Section [67-6514](#), Idaho Code, be, and the same is hereby repealed.

10 SECTION 2. That Chapter 65, Title 67, Idaho Code, be, and the same is hereby amended  
11 by the addition thereto of a NEW SECTION, to be known and designated as Section 67-6514,  
12 Idaho Code, and to read as follows:

13 67-6514. WHEN PART OF PARCEL IS TAKEN OR PURCHASED FOR  
14 RIGHT-OF-WAY. For purposes of applying any statute, zoning ordinance or land development  
15 regulation, existing development on any parcel or any subdivided lot that conforms to zoning  
16 requirements at the time of acquisition of right-of-way from such parcel by exercise of the  
17 authority of eminent domain, or by negotiated purchase as an alternative to eminent domain,  
18 shall thereafter be treated as conforming for zoning purposes, so long as said acquisition does  
19 not encompass more than ten percent (10%) of the land area within any such developed site.  
20 Existing permitted uses may be sustained following any such qualifying acquisition, and future  
21 expansion of uses on any site so affected shall consider the existing use as conforming for  
22 purposes of future development on the affected site. Future development or expansion on such  
23 developed parcels must comply with ordinance provisions in effect at the time of such future  
24 development or expansion, recognizing the development in place as conforming. It shall be the  
25 landowner's obligation to demonstrate entitlement to the benefit of this section.