

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 224

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO THE LOCAL PLANNING ACT; AMENDING SECTION 67-6519, IDAHO CODE, TO  
2 REVISE THE APPLICATION GRANTING PROCESS AND TO PROVIDE WHERE THE COM-  
3 MISSION HEARS AN APPLICATION, THE COMMISSION SHALL HAVE A REASONABLE  
4 TIME FIXED BY THE GOVERNING BOARD TO EXAMINE THE APPLICATION BEFORE THE  
5 COMMISSION MAKES ITS DECISION ON THE APPLICATION OR MAKES ITS RECOMMEN-  
6 DATION TO THE GOVERNING BOARD.  
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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 ~~similar~~ applications  
15 required or authorized pursuant to this chapter for which a reasonable fee  
16 may be charged.

17 (2) ~~Each application required or authorized under this chapter shall~~  
18 ~~first be submitted to the zoning or planning and zoning commission for its~~  
19 ~~recommendation or decision.~~ Where the commission hears an application, t  
20 he commission shall have a reasonable time fixed by the governing board to ex-  
21 amine the application before the commission makes its decision on the ap-  
22 plication or makes its recommendation to the governing board. Each commis-  
23 sion or governing board shall establish by rule a time period within which a  
24 recommendation or decision must be made. Provided however, any application  
25 which relates to a public school facility shall receive priority considera-  
26 tion and shall be reviewed for approval, denial or recommendation by the com-  
27 mission or the governing board at the earliest reasonable time, regardless  
28 of the timing of its submission relative to other applications which are not  
29 related to public school facilities.

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

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

10 (4) Whenever a governing board or zoning or planning and zoning commis-  
11 sion grants or denies an application, it shall specify:

12 (a) The ordinance and standards used in evaluating the application;

13 (b) The reasons for approval or denial; and

14 (c) The actions, if any, that the applicant could take to obtain ap-  
15 proval.

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