

A Study of Statewide Comprehensive Planning in Idaho:

Stakeholder Survey and Focus Group Report

Conducted by
Boise State University's
Public Policy Center

Stephanie Witt, PhD
Carole Nemnich, MPA

Melissa Borg, Graduate
Assistant

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I. INTRODUCTION AND BACKGROUND

Idaho's Local Land Use Planning Act (LLUPA) became law in 1975. Prior to the recession of 2009-10, Idaho was the sixth fastest growing state (by population) in the country. Idaho Smart Growth constantly received inquiries from cities and counties all over the state who were looking for help with the stresses of growth. Even now, as the economic downturn reduces the pressures of growth, cities and counties strive for good planning that will reflect their community values and needs.

Idaho Smart Growth facilitated the formation and fundraising for this project.

A multi-faceted research agenda, developed by the steering committee, implemented by the universities, was designed to gain an understanding of land use planning in Idaho. The purpose of the research was to investigate the current state of land use planning, and the efficacy and sufficiency of the Idaho Local Land Use Planning Act, as well as county and city comprehensive plans and ordinances. In addition, the research examined perceptions and attitudes about the process, current and potential areas of collaboration, and current tools or obstacles to planning that will meet communities' needs.

Four research questions provided guidance for the efforts.

1. Are the objectives of Idaho's Local Land Use Planning Act (LLUPA) clear? Does LLUPA enable vibrant communities?
2. How are Idaho's cities and counties applying the state statute for land use planning?
3. Are comprehensive plans consistent with the objectives with LLUPA?
4. What reforms, if any, will ensure that the objectives of LLUPA are met?

The report that follows details the findings from the survey and focus groups conducted by Boise State University.

II. EXECUTIVE SUMMARY

In the summer and fall of 2009, a survey of local land use planners, public administrators, and others involved in the land use planning process was completed. Respondents to the survey answered questions about Idaho's Local Land Use Planning Act, local comprehensive plans, and land use ordinances. Additionally, the survey included a list of planning principles that were ranked by the value to the respondent and preference for including the principle in the planning process. Following the survey, focus groups were convened in sixteen cities across the state to engage respondents further.

Planners, those both publicly and privately employed, and public administrators who work in the planning process generated half of the responses, and account for over a third of respondents to the survey. Other constituencies included landowners, citizen advocates, conservationists, elected officials, and others.

Findings:

- **Local Comprehensive Plans and Ordinances:** Ninety-four percent of respondents strongly agreed that the comprehensive plan is essential for planning a community's future. However, less than half of respondents believe the comprehensive plan adequately anticipates future conditions, or that local ordinances provide adequate guidance for the provision of public facilities and services. Focus groups indicate that expectations and satisfaction with comprehensive plans and ordinances varied, and some participants revealed confusion over the role of the plans and ordinances.
- **Support for Planning:**
 - Generally, Idaho's local land use planning statute is perceived as adequate in providing guidance to planning. However, less than half of respondents indicated agreement with a series of statements about the level of support for planning. Nearly half of respondents believe that the level of technical information available for land use planning is insufficient. Fifty-four percent of respondents believe that costs associated with developing the comprehensive plan are not adequately covered. Fifty-eight percent said costs associated with implementing the comprehensive plan were not adequately covered.
 - Forty-one percent of respondents agreed that the state should enact sanctions for communities that do not fulfill the responsibilities outlined in LLUPA. Respondents were almost evenly divided on the question of the state having a stronger role in the planning process.
- **Planning Procedures:** A majority of respondents indicated agreement for eight of eleven statements about the adequacy and efficacy of planning procedures. Seventy-five percent of respondents agreed that the public has adequate opportunities to participate in the planning process. However, in survey comments, respondents noted that applicants (for development) have "too much influence in the process" and that developers get more time to testify in public hearings than citizens do. Regarding the issue of "takings", survey comments noted that Idaho's emphasis on property rights often hinders proactive planning and good public policy.

- **Planning Decision Making:**
 - Sixty-nine percent of survey respondents believe that the public generally misunderstands the process for making planning decisions. Twenty-nine percent of respondents agreed that planning decisions are fair, predictable and cost effective. Comments related to this note that local decision-makers, public agencies, developers and community members do not have the necessary knowledge or skills to implement comprehensive plans properly; decisions about planning are often made based on political motives or from the most vocal constituency; and, comprehensive plans are often ignored for political reasons.
 - Survey comments noted the need for information (plans, ordinances, codes and maps) available on-line. Without a 'NIMBY' issue, it is difficult to engage the public in local land use planning processes. The inadequacy of the comprehensive plan process to assist in future planning for a community and the lack of statutory requirements for capital infrastructure development plans were cited as weaknesses to the comprehensive planning process.

- **Planning Implementation:** Fifty-eight percent of respondents agreed that criteria for allowing conditional use permits are clearly identified and followed in the local zoning code. Fifty-percent also agreed that development agreements are identified in the local zoning code. Respondent comments indicate that the criteria for conditional use permits are too vague or insufficient. A majority also said that conditional use permits are approved that conflict with the comprehensive plan and that decision-makers may lack the proper training to make appropriate conditional use decisions. The need for additional training and education for elected officials, decision-makers and developers in planning was also frequently noted.

- **Unincorporated Land:**
 - Respondents favored maintaining the character of land uses in the planning process. Fifty-seven percent of the survey respondents agreed that unincorporated land should be preserved as working farms, ranches and open space. Respondents noted in their survey comments that unincorporated lands tend to be an "easy target" for out of state developers. Eighteen percent agreed that lands outside incorporated cities should allow for urban style development. Ninety percent of respondents disagreed with the statement that land outside incorporated cities should not be regulated. Several respondents noted that development in unincorporated areas has impacts on needed infrastructure and some indicated that this is a burden for cities and counties when this development occurs.
 - The Area of City Impact generated much interest noting that it is a constant point of tension and that LLUPA is not currently configured to deal effectively with these tensions. Focus group participants identified the Area of City Impact as an issue where city and county responsibilities and willingness to collaborate were unclear, or where cities and counties had different philosophies or capacity for planning.

- **Impact Fees:** Respondents generally supported impact fees (in addition to those already allowed by statute) for public schools (71%), trails and sidewalks (70%), local roads (63%) and public transportation (63%). The most common sentiments expressed were that "growth should pay for itself" and developers should be held responsible for funding additional infrastructure where needed. A common concern is that the current impact fee structure is not useful; administration is too costly and it is a burden to small communities.

- **Planning and Growth Principles:** Environmental concerns were ranked most highly as planning principles, both as a principle value and for inclusion in planning. Transportation considerations, citizen input, public investment options and housing principles followed. Aesthetic principles (what is pleasing to our senses) were not ranked highly enough to make the comparative list.
- **Constituencies:** Respondents were asked which constituencies were most represented in the comprehensive plan. Business and economic development were viewed as the most dominant priority (84%), followed by elected and appointed policy makers (74%), and transportation reform advocates were viewed as the least recognized constituency (23%).

III. FINDINGS FROM SURVEY

Respondents to the survey answered questions about Idaho's Local Land Use Planning Act, local comprehensive plans, and land use ordinances. Additionally, respondents were provided with a list of planning principles and asked to answer two questions. The first question asked respondents to indicate if they found the principle valuable, and the second questions asked if that principle should be included in the comprehensive plan. Finally, respondents were asked who they believed had the most 'say' in planning decisions.

The organization of this section follows the nine distinct sections of the survey.

The actual text of survey questions is *italicized*.

A. Roles of Survey Respondents

Respondents to the online survey self-identified the role they play in the planning process and could choose more than one role. Planners, those both publicly and privately employed, and public administrators who work in the planning process comprised about a third of the respondents.

What role/s do you play in Idaho's land use and planning process?

Role	
Planner (publicly employed)	32%
Land-owner	21%
Other	19%
Citizen activist	15%
Elected official	13%
Conservationist	13%
Planner (privately employed or contracted)	11%
Role	
Public administrator (clerk, finance, public works)	11%
Business interest	7%
Developer	7%
Paid Advocate	4%
Realtor	2%
Builder	1%
Utility or service provider	1%

(Respondents were able to select more than one option.)

Total respondents: 277

Total responses: 448

- **“Other” roles given:**
- Academic
- Appointed commissioner
- Architect
- Attorney
- Building inspector
- Code enforcement
- Economic development
- Engineer
- Land manager
- Land surveyor
- Land trust
- Regulatory agency
- Student
- Transit authority
- Urban renewal

B. Local Comprehensive Plans

Survey recipients were asked a series of questions about the local comprehensive plan and local planning ordinances. Respondents strongly agreed that the comprehensive plan is essential for planning a community’s future (94% total agreement). Less than half of respondents, however, believe that the comprehensive plan adequately anticipates future conditions, or that local ordinances provide adequate guidance for the provision of public facilities and services.

<i>For the following statements, please select the answer that most closely fits your experience.</i>	Agree	Neither Agree nor Disagree	Disagree	Don't Know	# of responses
The local comprehensive plan is essential for planning a community’s future.	94%	2%	3%	1%	265
The local comprehensive plan adequately anticipates future conditions in the community.	46%	28%	23%	3%	264
The local comprehensive plan adequately addresses community needs.	53%	22%	22%	3%	263
The local comprehensive plan provides adequate guidance for the creation of codes and development standards.	55%	21%	21%	3%	263
Local ordinances provide adequate guidance for applicants of land development.	55%	14%	30%	2%	263
Local ordinances provide adequate guidance for the provision of public facilities and services.	41%	20%	36%	3%	263

Respondents overwhelmingly agreed that the local comprehensive plan is essential for a planning a community’s future. While a majority (54%) agreed that the local comprehensive plan adequately addresses community needs, anticipating future community conditions in the local plan was seen as less adequate (46%). Similarly, agreement was mixed about the adequacy of local ordinances to guide provision of public facilities and services. More than half (55%) of respondents believe that the local comprehensive plan is sufficient in providing adequate guidance for codes and development standards. A majority of respondents also believe that local ordinances provide adequate guidance for those applying for development permits.

When focus group participants were asked about the adequacy of the comprehensive plan (as directed by state statute), participants confirmed survey findings that that expectations and satisfaction varied. Some participants indicated that only ordinances were important while others insisted that the ordinances must follow and augment the comprehensive plan. Most were less sure that ordinances

could accomplish what good comprehensive planning 'should' do. Further, it was acknowledged that comprehensive plans (and ordinances) may not be revised/written and approved proactively (i.e. 'something bad happens' and then the plan is updated). Several attendees were frustrated that the plan seemed to be in 'draft' mode perpetually.

C. Support for Planning

Planning at the local level often appears contentious. To understand why the process leads to tension between stakeholders, respondents answered a series of questions about the planning process. Generally, the local land use planning statute is seen as inadequate in providing guidance to planning.

Less than half of respondents indicated agreement with a series of statements about support for planning. Nearly half of respondents believe that the level of technical information available for land use planning is sufficient. Respondents also believe that costs associated with developing and implementing the comprehensive plan are not adequately covered (54 and 58 percent, respectively). Forty-one percent of respondents agreed that the state should enact sanctions for communities that do not fulfill the responsibilities outlined in LLUPA.

Respondents were evenly split between agreement and disagreement about state government taking a more active role in planning (40 percent agree/46 percent disagree). Likewise, support for the idea that the state should set policies in state statute for growth management was divided. (44 percent agree /40 percent disagree). Focus group feedback and open-ended comments from the survey indicate interest in increased technical support and funding assistance from the State, but participants also expressed concerns over increased state regulation.

Focus group participants confirmed survey findings that direction for annexation and the area of impact were the least clear provisions of the state statute. Many participants asked for more clarity and direction in the state statute.

<i>For the following statements, please select the answer that most closely fits your experience.</i>	Agree	Neither Agree nor Disagree	Disagree	Don't Know	# of responses
The provisions in LLUPA provide clear guidance on how to develop a comprehensive plan.	38%	26%	16%	20%	240
The provisions in state statutes provide adequate guidance on annexation and adoption of areas of city impact.	38%	16%	31%	14%	243
State agencies provide technical information that is used in the comprehensive plan.	29%	27%	32%	13%	241
The comprehensive plan is a burden for a community to develop.	28%	15%	54%	3%	242
The level of technical information available for land use planning is sufficient.	23%	23%	49%	4%	243
The computer hardware and software to map land use and planning decision is sufficient.	38%	18%	33%	11%	240
Costs associated with developing comprehensive plans are adequately covered.	13%	20%	54%	13%	241
Costs associated with implementation of the comprehensive plan are adequately covered.	11%	18%	58%	13%	240
Costs associated with development applications are adequately covered.	28%	22%	41%	10%	239
State government should play a more active role in guiding community growth.	40%	12%	46%	2%	240
State statute should set policies regarding growth management.	44%	15%	40%	2%	241

D. Planning Procedures

The study sponsors wanted to understand the process and procedures associated with planning, and assess attitudes about the level of participation across constituencies. A majority of respondents indicated support for eight of eleven statements about the adequacy and efficacy of planning procedures. Respondents also agreed that the public (76 percent agreement) and applicants (80 percent agreement) have adequate opportunities to participate in local decision-making. However, in survey comments, respondents noted that applicants (for development) have “too much influence in the process” and that developers are given more time to testify in public hearings than citizens.

Forty-one percent of respondents agreed (and 25 percent disagreed) that the state should sanction communities that do not fulfill the responsibilities of LLUPA. In survey comments, it was suggested by respondents that the state use incentives to get communities to comply with LLUPA standards. Another respondent commented, “Communities who fail to fulfill the responsibilities outlined in LLUPA become a burden to surrounding communities”. Others echoed this sentiment.

When asked about a technical component of the planning process, only 29% of respondents agree that the Attorneys General regulatory takings checklist is adequate. This may indicate a low level of awareness or lack of understanding about the checklist as a tool since 58% of respondents indicated they were either neutral or “didn’t know” about the adequacy of the regulatory takings checklist. Regarding the issue of “takings”, survey comments noted that Idaho’s emphasis on property rights often hinders proactive planning and good public policy.

<i>For the following statements, please select the answer that most closely fits your experience.</i>	Agree	Neither Agree nor Disagree	Disagree	Don't Know	# of responses
LLUPA provides clear procedures for the process of adoption of the comprehensive plan.	48%	19%	10%	23%	227
LLUPA provides clear procedures for the process of adoption of zoning and codes to implement the comprehensive plan.	46%	18%	13%	23%	226
The community has clear procedures for the adoption of comprehensive plans.	56%	20%	18%	6%	228
The community has clear procedures for the adoption of zoning and codes to implement the comprehensive plan.	63%	13%	18%	6%	229
The community has clear procedures for processing and review of development applications.	60%	15%	21%	4%	228
The attorney general's regulatory taking checklist is adequate.	29%	32%	12%	26%	229
The local comprehensive plan is updated and amended on a periodic basis.	65%	14%	19%	2%	230
The public has adequate opportunities to participate in local decision-making.	76%	8%	15%	0%	227
Applicants have adequate opportunities to participate in local decision-making.	80%	10%	8%	2%	229
The planning process allows for collaboration with state agencies and other local agencies.	50%	21%	24%	5%	230
The state should enact sanctions for communities that do not fulfill the responsibilities outlined in LLUPA.	41%	28%	25%	5%	230

E. Planning Decision Making

Constituents who are not directly involved in day-to-day land use planning activities, sometimes voice frustration about the decisions made and the process. Sixty-nine percent of survey respondents believe that the public generally misunderstands the process for making planning decisions. Respondents noted in survey comments that communities need to have more information available on-line, in the form of plans, ordinances, codes and maps. Other survey comments noted that many small communities lack capacity and will require assistance to post those items on the web site. Others noted that generally, it is difficult to engage the public in local land use planning processes.

Only 25% of the respondents agreed with the statement that the provisions in the local comprehensive plan provide guidance in funding for capital improvements (and 43% disagree). The inadequacy of the comprehensive plan to assist in future planning for a community was a recurring theme from the focus groups. Focus groups attendees specifically mentioned the lack of statutory requirements for capital infrastructure development plans as part of the comprehensive planning process. This was an area where enhanced technical assistance or guidance from the state would be helpful.

Only 29% of respondents agreed with the statement that planning decisions are fair, predictable and cost effective. Several comments related to this note that local decision-makers, public agencies, developers and community members do not have the necessary knowledge or skills to implement comprehensive plans properly. Others noted in comments that decisions about planning are often made based on political motives or from the most vocal constituency. Others commented that the comprehensive plans are often ignored for political reasons. Further, several focus group attendees remarked that the political will to make difficult or unpopular decisions is often lacking.

<i>For the following statements, please select the answer that most closely fits your experience.</i>	Agree	Neither Agree nor Disagree	Disagree	Don't Know	# of responses
Goals and policies in the local comprehensive plan are followed in the provisions of the local zoning, subdivision and development codes.	52%	17%	26%	5%	219
The local comprehensive plan provides sufficient guidance to be used in the development of ordinances and review of development applications.	50%	24%	23%	3%	217
Provisions in the local comprehensive plan are reflected in planning decisions.	53%	21%	23%	3%	216
Provisions in the local comprehensive plan provide guidance in funding for capital improvements.	25%	23%	43%	9%	216
The process for making planning decisions is generally understood by the public.	13%	17%	69%	0%	218
Planning decisions are fair, predictable and cost effective.	29%	33%	37%	1%	219
Local comprehensive plans and ordinances are easily accessible by the public.	70%	15%	14%	1%	220

F. Planning Implementation

The specifics of implementing the plan generally fall to those most knowledgeable and involved in planning process. The table below represents what respondents *think* is true. A comparison with the actual comprehensive plans and ordinances may reveal gaps in knowledge.

Fifty-eight percent of respondents agreed that criteria for allowing conditional use permits are clearly identified and followed in the local zoning code. Fifty-percent also agreed that development agreements are identified in the local zoning code. Respondents commented on the survey that the criteria for conditional use permits were too vague or insufficient, that conditional use permits are approved that conflict with the comprehensive plan and that decision-makers may lack the proper training to make appropriate conditional use decisions. The issue of the need for additional training and education for elected officials, decision-makers and developers in planning was noted in several focus group sessions as well.

<i>For the following statements, please select the answer that most closely fits your experience.</i>	Agree	Neither Agree nor Disagree	Disagree	Don't Know	# of responses
The local zoning code provides for approval of some uses through conditional use permits.	93%	3%	1%	3%	216
Criteria for allowing conditional use permits are clearly and specifically identified in the local zoning code.	58%	15%	20%	7%	217
Conditional use permit decisions are based on the criteria identified in the zoning code.	58%	17%	16%	8%	216
Provisions for development agreements are identified in the local zoning code.	50%	15%	21%	13%	215

G. Unincorporated Land

Idaho has many very rural counties and vast areas of low population. Our rural roots are strong and remain important even as the majority of the population resides in urban/suburban areas. Note that most survey respondents had some opinion about the statements about unincorporated land; very few answered ‘Don’t know’.

Respondents favored maintaining the character of land uses in the planning process. Fifty-seven percent of the survey respondents agreed that unincorporated land should be preserved as working farms, ranches and open space.

Similarly, lands outside incorporated areas should allow for rural style development (55 percent). Respondents noted in their survey comments that unincorporated lands tend to be an “easy target” for out of state developers. A wide spectrum of comments regarding unincorporated land spanned from statements advocating the protection of agricultural and open spaces to statements arguing for the preservation of development rights for farmers.

Only 18% of respondents agreed that lands outside incorporated cities should allow for urban style development. Ninety percent of respondents disagreed with the statement that land outside incorporated cities should not be regulated. Several respondents noted that development in unincorporated areas has impacts on needed infrastructure and some indicated that this is a burden for cities and counties when this development occurs.

The LLUPA mechanism that deals with development in unincorporated land, the Area of City Impact, was a topic of much interest in most of the focus groups. Participants noted that the Area of City Impact is a constant point of tension in their community, and that LLUPA is not currently configured to deal effectively with these tensions. The issue of the Area of City Impact also came up in the focus group session discussions of collaboration. Specifically, participants identified the Area of City Impact as an issue where city and county responsibilities and willingness to collaborate were unclear, or where cities and counties had different philosophies or capacity for planning.

<i>For the following statements, please select the answer that most closely fits your experience.</i>	Agree	Neither Agree nor Disagree	Disagree	Don't Know	# of responses
Lands outside incorporated cities should be preserved as working farms, ranches, and open space.	57%	22%	21%	0%	216
Lands outside incorporated cities should allow for rural style development.	55%	19%	24%	1%	216
Lands outside incorporated cities should allow for urban style development.	18%	16%	65%	0%	217
Lands outside incorporated cities should not be regulated.	4%	5%	90%	1%	217

H. Impact Fees

Impact fees are another contentious issue in Idaho. According to current Idaho code (67-8203 (24)); local jurisdictions can impose impact fees for six types of public facilities: water supply facilities, wastewater facilities, roads, storm water collection facilities, parks and open space, and public safety facilities (including fire and police services). Respondents were asked to select any *additional* public facilities for which local jurisdictions *should* be able to impose impact fees. Multiple choices were allowed.

Please select any additional public facilities that local jurisdictions should be able to impose impact fees for:

Public Facilities	
Public schools	71%
Trails and sidewalks	70%
Roads under the jurisdiction of a highway district or local public agency	63%
Public transportation	63%
Libraries	45%
Roads under the jurisdiction of the Idaho Transportation Department	44%
Cemeteries	16%

(Respondents were able to select more than one option.)

Total Responses: 191

Responses to the open-ended question that followed varied, but the most common sentiment expressed was that “growth should pay for itself.” More specifically, respondents indicated that developers should be held responsible for funding additional infrastructure where needed.

Public education (especially K – 12) always polls as one of the most important issues across Idaho. In the current economic climate, budget strains on local schools are of increased concern. While citizens typically support the idea of impact fees to fund public schools (especially when growth outpaces local district or community capacity), the state has not granted cities and counties (or school districts) the right to collect impact fees from developers.

As the population grows, safety for pedestrians and bicyclists (e.g. sidewalks and bike paths to avoid competition with cars) and public transportation have gained supporters. This is seen in the frequency of choice for both (63% and 70% respectively).

Another common concern mentioned in the open-ended question was that the current impact fee structure is not useful; administration is too costly and it is a burden to small communities. Several comments referred to changing state statute to address impact fees.

In reference to specific public facilities that should be covered by impact fees, local roads (those not under the purview of the Idaho Transportation Department) were mentioned most often. (Note that impact fees for roads under the jurisdiction of the local highway district garnered more support than roads under the state’s jurisdiction).

Other suggestions about what should be covered follows.

Please list any other public facilities that should be covered by impact fees:

- Fire and ambulance districts
- Affordable housing
- Access to public lands and open space
- Cyber infrastructure
- Protection of natural habitat, watersheds, farmland, and floodplains
- Healthcare
- Education

I. Planning and Growth Principles

Principles of planning and growth management that are *valued* by respondents are not necessarily what respondents agree *should be* included in statute, comprehensive plans, or ordinances and processes. Generally, environmental concerns were ranked most highly, both as a principle value and for inclusion in planning. Transportation considerations, citizen input, public investment options and housing principles followed. Aesthetic principles (what is pleasing to our senses) were not ranked highly enough to make the comparative list.

The table below compares the rank order of the principles in the two lists. Bold print signifies that the principle was deemed ***both*** of value and worthy of inclusion.

<i>Do you value this principle?</i>	% choosing	<i>Should this principle be included in local comprehensive plans?</i>	% choosing
Protect surface and ground water resources	99	Protect surface and ground water resources	94
Create streets and sidewalks that safely serve pedestrians, bicyclists, transit riders, and automobiles	95	Coordinating land use and transportation	91
Coordinating land use and transportation	95	Preserve critical environmental areas	90
Use public investments in infrastructure, schools and services efficiently	94	Guide new growth into existing communities already served by infrastructure	85
Create fair, predictable, timely and cost-effective development decisions	93	Involve the community early and often in the planning process	85
Preserve critical environmental areas	93	Protect animal and plant habitat, places of natural beauty, and working lands	83
Encourage community and stakeholder collaboration	91	Create a range of housing opportunities and choices	82
Protect animal and plant habitat, places of natural beauty, and working lands	90	Use public investments in infrastructure, schools and services efficiently	82
Foster distinctive, attractive communities with a strong sense of place	90	Strengthen and direct development towards existing communities	81
Create a range of housing opportunities and choices	88	Increase housing supply in areas served by existing infrastructure	80
Encourage quality housing for people of all income levels	89	Allow a variety of house sizes and types	81
Respond to a community's own sense of how and where it wants to grow	90	Provide a variety of transportation choices	79
Allow a variety of house sizes and types	90	Ensures that prime farm and ranch lands are available	78

While some principles were highly valued, the principle may not have been ranked highly enough to be in the top listings of inclusion. However, some of the principles may find expression in the 'include' list in a less socially prescriptive manner. (For example, the planning principle 'Encourage quality housing for people of all income levels' may be represented in the 'include' list as 'Create a range of housing opportunities and choices' and 'Allow a variety of house sizes and types.')

J. Constituencies

A concern for local governments is broad stakeholder participation in the planning process. Conflict often results particularly when citizens do not engage early in the process. Respondents were asked, from their experience, which constituencies were recognized in the comprehensive plan. Multiple responses were allowed.

Business and economic development were viewed as the most dominant priority, with 84% of all selections, followed by elected and appointed policy makers with 74% of the selections. Transportation reform advocates were viewed as the least recognized constituency at 23% selected.

In your experience, the comprehensive plan recognizes the needs of the following constituencies:

Constituencies	
Agricultural interests	67%
Business and economic development leaders	84%
Community activists and organizations	52%
Elected and appointed policy makers	74%
Environmental activists and organizations	52%
Neighborhood leaders	52%
Professional land use and transportation planners	68%
Transportation reform advocates	29%
Underrepresented and under-served populations (elderly, low income, disabled)	34%
Other	9%

(Respondents were able to select more than one option.)

Total responses: 196

In addition to the groups listed in the table above, survey respondents could elaborate with an open-ended comment. Some respondents cited specific groups or entities that are not sufficiently recognized. Others wrote of their concerns regarding the *idea* of “constituencies.” Following is a summary of comments generated by the question:

What other constituencies are not currently recognized but should be?

- The comprehensive plan should not recognize any one entity above another. Stakeholder groups, “special interest” groups, and some constituencies may receive more attention than “ordinary citizens” or the community as a whole.
- Landowners, developers, highway districts, and “activists” were all named as over-represented.
- Planning and Zoning Commissions unfairly favor some groups and individuals.
- Underrepresented and under-served populations will remain so because there is no incentive to seek out their participation.
- Recognition of more constituencies is less important than giving more equal standing and consideration to the constituencies involved. The process for involving the public needs to address interests in substantial ways, not just making people “feel” involved.
- Vocal citizen participation can have a significant impact on the planning process.

- The comprehensive plan is not required to recognize constituencies. Developing the plan through a committee system may address the needs of the community while minimizing the consideration given to specific constituencies.

Specific constituencies listed as unrecognized or under-recognized include:

- Art and culture interests
- College/university students
- Conservationists
- Cultural minorities
- Environment (water, land, air, plants, animals)
- Existing residents (potential impacts)
- Family farmers
- Preservation and heritage groups
- Recreationists
- Religious communities
- Sportsmen
- Tourist industry
- Youth

IV. FINDINGS FROM FOCUS GROUPS

Although participants came to the sixteen focus groups held around the state with numerous and varied concerns, the overall tone was quite positive. Participants were excited to be discussing these issues and hopeful about improving collaborative efforts. In addition to sharing about their own experiences, most participants seemed willing to learn from the experiences and insights of others.

Focus group facilitators used the following questions to guide the discussion:

1. How is local land use planning working in your city/county/region of the state?
2. In your experience, is the process for updating/enhancing/changing the Comprehensive Plan and ordinances working?
3. Does your local comprehensive plan and ordinances address the needs relevant to your community/county/area?
4. Do local governments collaborate (e.g. on planning/in the process) in your region?
5. What tools/support/resources are needed to do better planning and manage growth issues?

The compiled feedback gathered from these focus groups naturally fell into four categories:

1. Local Land Use Planning Act
2. State Involvement
3. Collaboration and Coordination
4. Critical Issues
 - a. Area of Impact/Annexation
 - b. Impact Fees
 - c. Rural Issues
 - d. Education
 - e. Public and Community Involvement
 - f. Growth

Local Land Use Planning Act

Focus group participant comments about the Local Land Use Planning act can be sorted into several categories. Some of the comments were about the general effectiveness of the law and pointed to lack of enforcement and areas that remain points of contention, specifically, impact fees, annexation and areas of impact.

Many other comments focused on the comprehensive planning process and the usefulness of those plans for decision makers. Participants noted the gaps between current comprehensive plans the data needed for useful 'future planning,' especially in regard to infrastructure. This subset of comments also honed in on the difficulties of keeping comprehensive plans updated and the mismatch between long term plans and the terms of office for elected officials. Participants also commented on the ordinances that derive from comprehensive plans, noting that the ordinances are sometimes not in compliance with the plans and that updating ordinances is challenging as well.

Participants also asserted what they felt would be necessary to make comprehensive plans effective. Comments ranged from noting the need to have adequate resources to plan, to including affordable housing incentives or "quality of life" standards in the plan. Other comments noted that the comprehensive planning process seems to be driven by state agency regulations, or that the process seemed dominated by development interests.

The following is a bulleted list of the comments from the groups about the Local Land Use Planning Act:

- Outdated, too general, no teeth, doesn't provide adequate direction
- Areas of impact continue to be a serious point of contention
- Impact fees are an ongoing issue
- Incentives are needed to follow through/carry out what's in the comprehensive plan
- Should better address annexation issues
- Comprehensive Plans
 - Future planning:
 - Need to use economic forecasts and data for planning projections; unrealistic projections for population/growth
 - Consider more reasonable expectations for comprehensive plans; currently takes way too long; consider updating one section at a time
 - Planning for adequate infrastructure is key to success
 - Politicians tend to think short term; planning requires a long term perspective that reaches beyond terms of elected officials
 - Planning is often reactionary, not proactive; more focused on current than on future
 - Updates take way too long, however it seems impossible to change fast enough to address changing community needs
 - Current plans don't adequately address future needs, specifically infrastructure needs; difficult to determine what future will bring
 - Ordinances:
 - Ordinances tend to be too complex, widely open to interpretation, and are sometimes in conflict with each other or with the comprehensive plan
 - Updating ordinances more difficult than updating plan
 - Codes should be clear, concise, understandable

- Effective planning:
 - Plans aren't useful when they aren't supported by the necessary resources
 - Must address "quality of life" issues
 - "We're not in court" is unfortunately the standard of success in some communities
 - Difficult to know if comprehensive plan is working
 - Lack of incentives for affordable and workforce housing
 - Difficult to balance expedience and good process
 - Good planning isn't especially based on the public's majority opinion
- Planning too often driven by other agency's plans/regulations (ITD, H&W)
- Difficult to address existing problems that have been allowed to occur previously (or currently)
- Current comprehensive plan and statute don't especially prevent bad development; may actually support sprawl
- Resource protection is often ignored; need stronger language about "open space"
- Current model is "developer-driven"

State Involvement

Many focus group participants expressed an interest in increased state involvement in local government planning. Some participants commented on the need for a state agency or board that would provide oversight for local planning and encourage collaboration across jurisdictions. Many comments focused on the need for increased state resources including funding for staff and technical support in areas such as GIS mapping.

The following is a bulleted list of comments related to State Involvement in Land Use Planning:

- State planning office/board/agency with statewide goals
 - Monitor plans
 - Provide education, training, assistance
 - Regulation
 - Provide organizational structure
 - Oversight of overall process
 - Process for coordination/collaboration across jurisdictions and agencies
 - Specialized expertise regarding unique situations (legal issues, nuclear plant siting, etc)
 - "Clearinghouse" for codes; model ordinances
- Legislation regarding local option tax and impact fee legislation
- Study of current compliance with LLUPA
- Lack of statewide vision for planning/growth
- Resources
 - Want from the state or from better funding options
 - Technical assistance for planning
 - GIS and mapping
 - Cost assessments
 - Cost vs. revenue
 - Digitize land use info/data
 - Web-base programs and/or shared software

- Access to timely/adequate data regarding infrastructure (current and planned)
- Funding
 - Funding for well-trained staff
 - Funding for properly trained (in land planning issues) attorneys, legal counsel, or a hearing officer system
 - Need a local option tax
 - Limitations in taxing and revenue-raising a hindrance to good planning
 - Need additional sources of funding

Collaboration and Coordination

Focus group participants noted concerns about collaboration and collaboration so often that we have separated these comments into their own category. Along with noting the many ways that multiple jurisdictions increase the complexity of planning, participants noted that there are inconsistencies in the way that various agencies and jurisdictions approach the planning process and implementation of planning laws. The need for increased coordination was a frequent theme. The potential role for the state was mentioned here again, especially that the state could help facilitate coordination. Comments regarding regional planning are included in this section. Participants noted that regional planning will be difficult without increased collaboration and noted that territoriality of local jurisdictions made regional approaches to planning difficult.

A bulleted listing of comments regarding collaboration and coordination are listed below:

- Processes needed for coordinating state/fed agencies, other local jurisdictions
- Coordinate ITD work with county/local planning (consider local context in state transportation planning)
- High amount of state and federal land leads to even more jurisdictional overlap and multiple levels of government
- General disconnect among agencies
- Lack of consistency among ordinances in adjacent communities
- Lack of cooperation from school districts and universities
- Variance in boundaries for different regulatory agencies and jurisdictions create planning problems
- Collaboration is improving and most participant see the need any benefits coming from better communication/coordination/collaboration
- Development agencies, realtors, Planning & Zoning
- Need defined mechanism for city and county to reach agreements
- Too often, collaboration happens for reactionary reasons
- General disconnect between local/region/state
- Collaboration especially difficulty when it involves stretched staff and volunteers
- Up-front communication with other agencies will help agencies to make decisions that take into account the other agencies planning needs/priorities
- State agencies need to consider their decisions in the context of local planning
- Local planning is too often driven by the actions/priorities of state agencies
- Planning and Zoning needs to be kept “in the loop” – like other essential services

- Regional planning
 - Networking and discussions
 - Collaboration with other counties
 - Entity for regional planning and coordination
 - Need to broaden scope to regional planning
 - Tendency for agencies/jurisdictions to be “territorial” or competitive for resources; diverse issues/priorities
 - Local plans may address community needs, but not especially those of region/state
 - Need research into best practices, regional studies
 - University course needed, especially rural specific topics
 - Will benefit from more collaboration with universities
 - Chance for shared resources
 - Desire for local control, but still request assistance/tools/resources from state

Critical Issues

Several issues surfaced many times in discussion and we highlight these critical issues in this separate listing. First, was a concern about the sections of LLUPA that deal with area of impact and annexation. Participants were concerned that the current legislation does not provide an effective mechanism for cities and counties to plan and implement annexations and establish areas of impact. A common comment was that the area of impact is a point of tension between cities and counties.

A second issue identified in the focus groups is that of impact fees. Participants were divided in their opinions about whether impact fees helps growth “pay its own way.” Perhaps not surprisingly, the participants from the realtor community felt that growth did pay for itself and participants from local planning offices felt the impact fees were not adequate to build adequate infrastructure.

A third area of concern was the differing needs of planners in rural as opposed to urban settings. A frequent comment was that rural communities did not have adequate staffing and resources to plan effectively. Participants noted that further education and training is needed to help rural communities develop planning resources.

Education was the fourth critical issue culled from the focus group discussions. Participants noted the need for further education for virtually all participants in the planning process: elected officials, developers, rural planners, the public, etc. Related to this was the fifth critical issue, increasing public participation in the process. Participants noted the challenges in getting the community involved in the planning process and in having the process reflect the various values within the community. Finally, growth in its many manifestations was the final critical issue around which participant comments were grouped. Participants noted the impact of growth on agriculture, open space preservation, power generation and transmission needs and transportation.

The following is a bulleted listing of these critical issues:

- Area of Impact/Annexation
 - Need effective legislation
 - Regulatory mechanisms and incentives
 - LLUPA should better address these issues
 - Area of impact is a constant point of tension
 - (Note: While this list is short, these opinions were shared across focus groups. This was an issues that people were extremely passionate about)
- Impact Fees
 - General consensus that growth does not pay for itself (especially when growth is inconsistent)
 - Many realtors felt that growth does pay for itself
 - Impact fees are insufficient to pay for growth and to build adequate infrastructure
 - Legislation regarding impact fees must be updated and improved
- Rural Issues
 - Lack of recognition of the real differences between urban and rural planning
 - Difficulty balancing unique issues pertaining to urban and rural communities/planning
 - Common belief that the state is too focused on Ada and Canyon Counties
 - Rural areas struggle with lack of staff/resources to plan well
 - Difficulty with balancing unique issues pertaining to urban and rural communities/planning
 - Additional outreach needed for involving/educating public
 - University course needed, especially rural specific topics
- Education
 - Educate elected officials, university programs, and planners about issues unique to rural communities
 - Need funding from state for local training needs
 - Elected officials, commissioners, staff need education about the planning process and implementation of Comprehensive Plans and ordinances
 - Training/education for elected officials
 - Educate developers
 - Methods for educating and involving a broader section of public
 - Training for and about rural land-use issues
- Public and Community Involvement
 - NIMBY is constant obstacle
 - Additional (more effective) outreach needed for involving/educating public
 - Protecting farmland pointless if farmers can't make a living
 - Difficulty balancing property rights with broader community needs
 - Elected officials and agencies have difficulty getting public input
 - Planning must address the need for employment within the community
 - Strong desire to live and work in same community
 - Difficult to know what "community needs" are when there is a general lack of consensus on "vision"
 - Many citizens feel like "system" not working for them; public polarized; alienated when decisions don't represent their desires; in adequate representation from different stakeholders (specifically by class)

- Growth
 - Power capacity (general infrastructure)
 - Transportation (complete current plans, improvements to existing roads/bridges)
 - Land conservation
 - Jobs – in the communities where people live
 - Agricultural preservation
 - Developers search out communities with the most attractive/lenient codes
 - Too much focus on the need of developers, business interests

Minority opinions expressed:

Participants in the focus groups came from a wide variety of backgrounds and brought a variety of opinions to the discussions. The following listing is a set of discussion points that weren't generally the majority opinion in the room, but were important to note, nonetheless.

- Planning issues need to be kept local because the state is so diverse
- State vision may be inconsistent with local vision; broad state vision wouldn't be useful
- State has less money/fewer resources than localities
- General resistance to change; mistrust of government; threat to private property rights
- Some communities insist they don't want state involvement, although they do want money and resources from the state
- "Political interference" can foul things up; or politicians are unwilling to take real positions
- Trouble with "outsiders" telling them what to do
- Concern that state focuses too much on Ada and Canyon Counties while the rest of the state has different needs
- Too much focus on the need of developers, business interests

V. CLOSING OBSERVATIONS –

The survey and focus group findings generally addressed process-oriented issues with land use planning in Idaho. Although people generally preferred maintaining local control, they were in favor of additional support and resources from the state. Survey and focus group participants also displayed a need for more education about the role of the comprehensive plan and its relationship to ordinances. Participants showed a desire to improve stakeholder involvement and to engage the public more effectively.

A significant area of frustration involved intergovernmental relations. Participants looked for better ways to coordinate their plans and efforts with other state and local agencies, relevant jurisdictions, and utilities. Respondents to the survey and focus group participants perceived the need for coordination with transportation agencies as especially important.

The research team at Boise State University offers five general observations from the research findings:

State involvement – Planners and planning organizations voiced a need for more state involvement and engagement in the planning process. While local control is valued, the need for technical assistance and consistent training across the state was frequently mentioned on the survey and discussed in focus groups. Development tools for both comprehensive plans and ordinance development were frequently mentioned. The need for model plans and ordinances for cities and counties on a variety of common issues was also commonly mentioned. A centralized ‘place’ to document best practices in planning to meet the state statutory requirements and recent court decisions would be helpful. Pooled GIS capabilities and resources were a need voiced by those in resource strapped cities and counties.

While these resources and technical assistance may be provided by associations, consultants and other private providers, resources at a central state-sanctioned office would provide consistency and confidence in the final products. Various planners and other stakeholders noted that the state planning office that was created at the passage of LLUPA was a valuable resource at the time and they would like to see that office restored.

Clarification of the ideal and legal relationship between the comprehensive plan and ordinances – Misunderstanding about the legal status and the role of comprehensive plans and ordinances continue to crop up. Guidance documents that explain the legal bounds of comprehensive plans and ordinances could educate and inform those engaged in the planning process – including citizen stakeholders. While awareness of the State Attorney General’s ‘Takings’ checklist seemed low (from the survey findings), it is acknowledged by planners as a beneficial tool. Guidance documents explaining enforceability, standing, the planning hierarchy, takings, etc. may minimize confusion for all those engaged in the planning process.

Communication with stakeholders – Communication, miscommunication, and lack of communication were common themes in survey comments and at focus groups. Citizens often do not know that they should engage in the planning process early. A common frustration is that citizens only complain after the plan is adopted and a development plan approved. While there may never be a solution to this particular problem, planners do have tried and true practices to engage the community in upfront planning and engagement. Educational materials/training, guidelines and resources to aid planners when including the public and other constituencies in planning activities might minimize some of the issues. Notices and announcements in plain English that explain the consequences of a citizen’s non-engagement was mentioned as possible step planners could take to smooth communication with the public.

Communication between city and county governments and stakeholder organizations were frequently discussed in the focus groups as necessary but difficult. A common complaint from planners and developers is that not all stakeholders participate in the process (particularly public meetings). This sometimes leads to re-work, frustration and a protracted process. One example, echoed by several many planners in focus groups, is the difficulty of getting the highway district and the local road and bridge agencies to share plans in a timely manner.

Intergovernmental relations - Coordination with state agencies, local jurisdictions, transportation agencies, utilities, and many other entities is crucial for effective planning. Many respondents and focus group participants indicated that planning professionals should expect those entities to readily engage in the planning process, and be responsive to requests for participation and assistance. Several focus groups discussed (desired) tools to facilitate intergovernmental cooperation, training and implementation guidance. These would aid in collaborative efforts. The state could provide technical assistance in facilitating and mediating IGR issues.

Cooperation with transportation agencies – As previously mentioned, coordinated planning efforts with state and local highway agencies was one of the biggest frustrations for planners. Some planners are looking for guidance from the state about coordination and inclusion of state and local transportation plans. Planners desire to review relevant transportation plans in conjunction with comprehensive planning. Some planners believe that state and local transportation planning organizations (ITD and county road and bridge and regional planning agencies) should be required to review comprehensive plans and relevant ordinances prior to adoption by the city and county. Whatever the mechanism, this coordination would help to guide development plans and minimize conflicts.

APPENDIX A. METHODS

I. How to Read this Report

The findings in this report integrate the result of the survey and focus groups from around the state. Quantitative (numeric) results are reported from the survey data to allow for comparison of the respondents' attitudes and opinions. Since the survey population is relatively large, it is appropriate to make numeric observations and comparisons. The graphs display an 'n' that indicates the number of respondents that answered the question.

The survey also provided the opportunity for many open-ended comments. However, written/text comments that respondents provided in the context of the survey were not required fields. Since respondents could elaborate about every question, some questions inspired many comments. Some questions did not. Some survey-takers were compelled to comment almost every question. Some did not. Since comments are qualitative in nature, they are not 'quantified' except to the extent where many 'like' comments were made across many sub populations. The comments were helpful in refining the topics for the focus groups that followed.

The focus groups in this study were designed to focus on narrow topics of interest gleaned from the survey findings. Focus group findings are also qualitative, and thus no numeric analysis is relevant. After transcribing the relevant proceedings (which are anonymous), themes are derived by content analysis, and then compared across the sub-population studied. Focus groups are voluntary, and the dynamic of each group varies (sometimes significantly). Some of the focus groups consisted of sub-populations of those in similar roles in specific groups to focus the findings more narrowly.

The two methods of data collection and analysis are meant to provide Partners for Idaho's Future with information that is both broad and deep.

II. Methods

Idaho Smart Growth contracted with Boise State University's (BSU) Public Policy Center (PPC) to plan, develop and implement a survey of land use planning practitioners and stakeholders, and conduct focus groups with these groups. The purpose is to benchmark the opinions and attitudes about the current state of land use planning in Idaho. These results will be used, in conjunction with a compilation of comprehensive plans and ordinances from around the state (conducted by the University of Idaho), to inform their future activities.

A. Surveys

Boise State University developed survey methods and a web-based survey instrument (questions and protocols). The surveys were generally completed via internet to constituents that were identified by the steering committee for the project, various practitioners, and by referral of stakeholders. The population was defined by the availability of contact information. E-mail addresses were also harvested from publicly available sources (especially for public planners and elected/appointed officials).

A confidence interval and standard error is not possible to calculate for these surveys since they were not intended to project to a 'normal population'. Therefore, the results for any sub-population cannot be predictive because the sampling was not designed to do so.

BSU used Qualtrics Survey Software to develop and deploy the web-based survey. Qualtrics hosts surveys in a secure-server environment, with security and privacy protocols to protect respondents from unauthorized viewing.

The survey instrument and the text of the e-mail invitation to participate are located in Appendix X.

Table 1: Survey Response Rates by Sample and Method –

Audience	Practitioners, stakeholders, and partners
Method	Web-based survey
Initial Sample Size	650
Total Surveys Begun	307
Total Completed Surveys	216
Total Completed Usable Surveys	70%

B. Focus Groups

Survey respondents were provided an opportunity to opt-in for additional study contact. Those who agreed to further study, or indicated willingness if they were provided additional information about the study, were invited to a focus group. Sixteen groups were conducted across the state. All focus groups and interviews were completed from October to December of 2009.

BSU's Public Policy Center developed the moderator guide, an initiation for email distribution and conducted training for volunteer focus group facilitators (to minimize the expense of travel and time for sponsors). Recruitment of study participants, staffing, and facilitation were carried out by many volunteers around the state. Transcriptions of the each groups' notes were compiled for analysis by BSU.

Participation ranged from six to 37 attendees. Confidentiality was promised to each participant to allow for unfiltered and honest discussion.

A matrix showing the date and location of each focus group and a sample e-mail invitation to participate are located in the Appendices.

Five questions were designed with the goal of gaining more specific or deeper understanding about land use planning issues. The questions were oriented to concentrate on actionable recommendations for the future. The questions discussed are:

1. How is local land use planning working in your city/county/region of the state?
2. In your experience, is the process for updating/enhancing/changing the Comprehensive Plan and ordinances working?
3. Does your local comprehensive plan and ordinances address the needs relevant to your community/county/area?
4. Do local governments collaborate (e.g. on planning/in the process) in your region?
5. What tools/support/resources are needed to do better planning and manage growth issues?

Research Notes Regarding Focus Group Recruiting:

When recruiting for focus groups, some attendees were recruited that had not taken the survey. Facilitators provided contact information so that those participants might complete a survey, as well. One focus group was scheduled and announced in the press. This unplanned announcement attracted a group more interested in advocacy against land use planning. However, the facilitator was able to maintain a cordial and productive atmosphere and provide input from that group that addressed the questions that the group was intended to discuss.

**APPENDIX B.
SURVEY INVITATION**

Partners for Idaho's Future has joined with **Boise State University's Public Policy Center** to gather information about **land use planning in Idaho** and to understand better the **needs of local communities**.

As part of that study, this survey is focused on the **perceptions and opinions held by individuals concerned about or involved in land use planning throughout Idaho**. Survey respondents will include individuals from a variety of backgrounds – from elected officials and planners to developers and citizen activists. We greatly appreciate your participation and your willingness to provide valuable insight.

Follow this link to the Survey:

http://boisestate.qualtrics.com/_____

Important: Sharing the Survey

you may forward this invitation to others who might provide additional insight.

Please contact me at melissaborg@boisestate.edu if you have any questions or concerns.

Thank you,

Melissa Borg

Public Policy Center
Boise State University
1910 University Dr
Boise, ID 83725-1935

APPENDIX C. SURVEY INSTRUMENT

Welcome to the Idaho Land Use Planning Survey!

Partners for Idaho's Future has joined with Boise State University's Public Policy Center to gather information about land use planning in Idaho and to better understand the needs of local communities. As part of that study, this survey is focused on the perceptions and opinions held by individuals concerned about or involved in land use planning throughout Idaho. Survey respondents will include individuals from a variety of backgrounds – from elected officials and planners to developers and citizen activists. We greatly appreciate your participation and your willingness to provide valuable insight.

Taking the Survey

- Questions are predominantly multiple choice and rating scales.
- You do not have to answer every question. You may opt out of the survey at any time.
- If you do not know the precise answer, provide your best estimate based on your experience.
- Most questions will include a “comments” box where you can enter additional information you would like to share.
- The survey will take approximately 10 to 15 minutes.
- If you need to stop taking the survey, you can return later to finish. Your browser must accept cookies to do this.

Privacy Information

- You must be at least 18 years old to take this survey.
- Survey responses and data will be collected and stored by Boise State University.
- Every attempt will be made to protect your privacy and the confidentiality of your answers. Your specific answers will be anonymous and will only be reported to the public and the survey sponsor in the aggregate.
- If you would like to withdraw any information you have provided, you may contact Carole Nemnich at CaroleNemnich@boisestate.edu. You must provide your e-mail address to do this.
- Boise State University's Human Subjects Review Committee has reviewed this study. If you have any concerns, you may contact the Institutional Review Board for Human Subjects at HumanSubjects@boisestate.edu

Please select one of the following options:

- I have read the above information and agree to participate in this survey.
- I do not wish to participate in this survey.

The Idaho Local Land Use Planning Act was passed in 1975. Idaho is now the 6th fastest growing state in the nation. Idaho Code requires cities and counties to have comprehensive plans and zoning ordinances. Unlike some of its neighboring states, Idaho does not have a statewide land use agency or any state-based funding for cities and counties to carry out their land use planning work.

Communities around Idaho struggle to keep up with issues related to increased growth, including providing adequate infrastructure (roads, transportation, sewer, water, schools); protecting open space and working lands; maintaining economic vitality; and keeping communities vibrant. This survey is part of a comprehensive analysis of Idaho’s laws, local policies, and provisions that affect county and city land use planning and growth management efforts.

Throughout this survey, the Local Land Use Planning Act will be referred to as LLUPA. The phrase "the community" refers to whatever Idaho community or jurisdiction you are involved with.

This survey has several short sections:

- Local Comprehensive Plans
- Support for Planning
- Planning Procedures
- Planning Decision Making
- Planning Implementation
- Unincorporated Land
- Impact Fees
- Planning and Growth Principles
- Constituencies

We want *your perceptions* based on *your own experiences*. You may be more familiar with some sections than others. Please read through each question and *do your best to answer*.

Code	Term
SA	Strongly Agree
A	Agree
N	Neither Agree nor Disagree
D	Disagree
SD	Strongly Disagree
DK	Don't Know

What role/s do you play in Idaho's land use and planning process? (check all that apply)

- | | |
|---|--|
| <input type="checkbox"/> I do not play any role in local land use or planning in Idaho. | <input type="checkbox"/> Public administrator (clerk, finance, public works) |
| <input type="checkbox"/> Builder | <input type="checkbox"/> Planner (privately employed or contracted) |
| <input type="checkbox"/> Business interest | <input type="checkbox"/> Planner (publicly employed) |
| <input type="checkbox"/> Citizen activist | <input type="checkbox"/> Paid advocate |
| <input type="checkbox"/> Conservationist | <input type="checkbox"/> Realtor |
| <input type="checkbox"/> Developer | <input type="checkbox"/> Utility or service provider |
| <input type="checkbox"/> Elected official | <input type="checkbox"/> Other: |
| <input type="checkbox"/> Land-owner | |

LOCAL COMPREHENSIVE PLANS

For the following statements, please select the answer that most closely fits your experience.

	SA	A	N	D	SD	DK
The local comprehensive plan is essential for planning a community's future.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The local comprehensive plan adequately anticipates future conditions in the community.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The local comprehensive plan adequately addresses community needs.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The local comprehensive plan provides adequate guidance for the creation of codes and development standards.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Local ordinances provide adequate guidance for applicants of land development.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Local ordinances provide adequate guidance for the provision of public facilities and services.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Comments:

SUPPORT FOR PLANNING

For the following statements, please select the answer that most closely fits your experience.

	SA	A	N	D	SD	DK
The provisions in LLUPA provide clear guidance on how to develop a comprehensive plan.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The provisions in state statutes provide adequate guidance on annexation and adoption of areas of city impact.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
State agencies provide technical information that is used in the comprehensive plan.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The comprehensive plan is a burden for a community to develop.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The level of technical information available for land use planning is sufficient.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The computer hardware and software to map land use and planning decision is sufficient.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Costs associated with developing comprehensive plans are adequately covered.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Costs associated with implementation of the comprehensive plan are adequately covered.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Costs associated with development applications are adequately covered.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
State government should play a more active role in guiding community growth.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
State statute should set policies regarding growth management	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Comments:

PLANNING PROCEDURES

For the following statements, please select the answer that most closely fits your experience.

	SA	A	N	D	SD	DK
LLUPA provides clear procedures for the process of adoption of the comprehensive plan.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
LLUPA provides clear procedures for the process of adoption of zoning and codes to implement the comprehensive plan.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The community has clear procedures for the adoption of comprehensive plans.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The community has clear procedures for the adoption of zoning and codes to implement the comprehensive plan.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The community has clear procedures for processing and review of development applications.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The attorney general's regulatory taking checklist is adequate.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The local comprehensive plan is updated and amended on a periodic basis.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The public has adequate opportunities to participate in local decision making.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Applicants have adequate opportunities to participate in local decision making.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The planning process allows for collaboration with state agencies and other local agencies.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The state should enact sanctions for communities that do not fulfill the responsibilities outlined in LLUPA.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Comments:

PLANNING DECISION MAKING

For the following statements, please select the answer that most closely fits your experience.

	SA	A	N	D	SD	DK
Goals and policies in the local comprehensive plan are followed in the provisions of the local zoning, subdivision and development codes.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The local comprehensive plan provides sufficient guidance to be used in the development of ordinances and review of development applications.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Provisions in the local comprehensive plan are reflected in planning decisions.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Provisions in the local comprehensive plan provide guidance in funding for capital improvements.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The process for making planning decisions is generally understood by the public.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Planning decisions are fair, predictable and cost effective.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Local comprehensive plans and ordinances are easily accessible by the public.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Comments:

PLANNING IMPLEMENTATION

For the following statements, please select the answer that most closely fits your experience.

	SA	A	N	D	SD	DK
The local zoning code provides for approval of some uses through conditional use permits.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Criteria for allowing conditional use permits are clearly and specifically identified in the local zoning code.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Conditional use permit decisions are based on the criteria identified in the zoning code.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Provisions for development agreements are identified in the local zoning code.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Comments:

UNINCORPORATED LAND

For the following statements, please select the answer that most closely fits your experience.

	SA	A	N	D	SD	DK
Lands outside incorporated cities should be preserved as working farms, ranches, and open space.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Lands outside incorporated cities should allow for rural style development.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Lands outside incorporated cities should allow for urban style development.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Lands outside incorporated cities should not be regulated.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Comments:

IMPACT FEES

According to *current* Idaho code, local jurisdictions can *impose impact fees* for six types of public facilities:

- Water supply
- Wastewater facilities
- Roads
- Storm water
- Collection facilities
- Parks and open space

Public safety facilities

Please select any *additional* public facilities that local jurisdictions *should* be able to impose impact fees for:

- | | |
|---|--|
| <input type="checkbox"/> Public schools | <input type="checkbox"/> Roads under the jurisdiction of a highway district or local public agency |
| <input type="checkbox"/> Trails and sidewalks | <input type="checkbox"/> Roads under the jurisdiction of the Idaho Transportation Department |
| <input type="checkbox"/> Libraries | <input type="checkbox"/> Public transportation |
| <input type="checkbox"/> Cemeteries | |

Please list any *other* public facilities that should be covered by impact fees:

PLANNING AND GROWTH PRINCIPLES

Below you will find a list of principles related to planning and growth. For each statement, please answer two questions:

1. Do you value this principle?
2. Should this principle be included in local comprehensive plans?

Code	Term
V	Value
DV	Don't Value
I	Include
DI	Don't Include
N	Neutral

Planning and Growth Principle	Do you value this principle?			Should this principle be included in local comprehensive plans?		
	V	DV	N	I	DI	N
Create a range of housing opportunities and choices	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Encourage quality housing for people of all income levels	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Increase housing supply in areas served by existing infrastructure	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Integrating single- and multi-family structures in new housing developments to allow a more equitable distribution of households of all income levels	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Locate within an easy and safe walk goods (such as housing, offices, and retail) and services (such as transportation, schools, libraries) that a community resident or employee needs on a regular basis	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Create streets and sidewalks that safely serve pedestrians, bicyclists, transit riders, and automobiles	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Build places with multiple destinations within close proximity	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Encourage community and stakeholder collaboration	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Involve the community early and often in the planning process	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Respond to a community's own sense of how and where it wants to grow	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Foster distinctive, attractive communities with a strong sense of place	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Promote development which uses natural and man-made boundaries and landmarks to create a sense of defined neighborhoods, towns, and regions	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Create interesting, unique communities which reflect the values and cultures of the people who reside there	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Encourage the construction and preservation of buildings which will be assets to a community over time	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Encourage new development to conform to a community's standards of distinctiveness and beauty	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Encourage smart growth by making it profitable to private investors and developers	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Encourage government investment in infrastructure and regulation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Planning and Growth Principle	Do you value this principle?			Should this principle be included in local comprehensive plans?		
	V	DV	N	I	DI	N
Create fair, predictable, timely and cost-effective development decisions	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Integrate mixed land uses into communities	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Encourage commercial uses in close proximity to residential areas	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Preserve critical environmental areas	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Guide new growth into existing communities already served by infrastructure	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Ensures that prime farm and ranch lands are available	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Protect animal and plant habitat, places of natural beauty, and working lands	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Protect surface and ground water resources	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Reduce air and water pollution	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Provide a variety of transportation choices	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Reduce traffic congestion	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Coordinating land use and transportation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Increase the availability of high quality transit service	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Strengthen and direct development towards existing communities	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Encourage transit use to reduce air pollution and congestion	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Allow a variety of house sizes and types	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Incorporate more compact building design	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Encourage buildings to grow vertically rather than horizontally	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Incorporate structured rather than surface parking	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Encourage energy efficient building design	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Put jobs and schools within reach of those who need them	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Use public investments in infrastructure, schools and services efficiently	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Comments:

CONSTITUENCIES

In your experience, the comprehensive plan recognizes the needs of the following constituencies (check all that apply):

- | | |
|--|--|
| <input type="checkbox"/> Professional land use and transportation planners | <input type="checkbox"/> Underrepresented and under-served populations (elderly, low income, disabled) |
| <input type="checkbox"/> Agricultural interests | <input type="checkbox"/> Neighborhood leaders |
| <input type="checkbox"/> Community activists and organizations | <input type="checkbox"/> Transportation reform advocates |
| <input type="checkbox"/> Business and economic development leaders | <input type="checkbox"/> Elected and appointed policy makers |
| <input type="checkbox"/> Environmental activists and organizations | <input type="checkbox"/> Other: |

What other constituencies are not currently recognized but should be?

Please provide the following information to help us better understand our respondents.

What year were you born? _____

What is your gender? _____

What is the zip code of your primary residence? _____

How long have you lived in Idaho? _____

What question(s) should we ask you that we didn't?

Are there any additional comments you would like to make?

Thank you for participating in the Idaho Land Use Planning Survey!

Would you be interested in participating in further discussions about Idaho land use planning?

- Yes, you may invite me to participate in further communications. (surveys, focus groups, discussions, etc.)
- No, do not invite me to participate further.
- I am not sure. Please provide additional information.

How do you prefer to be contacted?

Please provide your mailing address, phone number, and/or e-mail address.

First and Last Name _____

Address Line 1 _____

Address Line 2 _____

City _____

State _____

Zip Code _____

Phone Number _____

E-mail Address _____

Send additional information to the following e-mail address:

E-mail Address _____

Any problems? Contact MelissaBorg@boisestate.edu.

APPENDIX D. FULL SURVEY RESULTS

SECTIONS

1. Roles
2. Local Comprehensive Plans
3. Support for Planning
4. Planning Procedures
5. Planning Decision Making
6. Planning Implementation
7. Unincorporated Land
8. Impact Fees
9. Constituencies
10. Primary Residence
11. Demographics

Note: *Italicized* text indicates actual survey questions.

Code	Term
SA	Strongly Agree
A	Agree
N	Neither Agree nor Disagree
D	Disagree
SD	Strongly Disagree
DK	Don't Know

ROLES

What role/s do you play in Idaho's land use and planning process?

Role	%, frequency
Planner (publicly employed)	32% 90
Land-owner	21% 60
Other	19% 55
Citizen activist	15% 43
Elected official	13% 38
Conservationist	13% 35
Planner (privately employed or contracted)	11% 32
Public administrator (clerk, finance, public works)	11% 32
Business interest	7% 20
Developer	7% 19
Paid Advocate	4% 10
I do not play any role in local land use or planning in Idaho.	2% 6
Realtor	2% 7
Builder	1% 4
Utility or service provider	1% 3

(Respondents were able to select more than one option.) Total respondents: 283 Total responses: 454

LOCAL COMPREHENSIVE PLANS

For the following statements, please select the answer that most closely fits your experience.

	SA	A	N	D	SD	DK	n
The local comprehensive plan is essential for planning a community's future.	62% 163	33% 87	2% 6	3% 7	0% 0	1% 2	265
The local comprehensive plan adequately anticipates future conditions in the community.	5% 14	41% 107	28% 75	20% 52	3% 9	3% 7	264
The local comprehensive plan adequately addresses community needs.	6% 16	47% 123	22% 58	19% 49	4% 10	3% 7	263
The local comprehensive plan provides adequate guidance for the creation of codes and development standards.	9% 23	46% 122	21% 55	18% 48	2% 6	3% 9	263
Local ordinances provide adequate guidance for applicants of land development.	11% 29	44% 115	14% 36	25% 67	4% 11	2% 5	263
Local ordinances provide adequate guidance for the provision of public facilities and services.	8% 20	33% 88	20% 52	29% 77	6% 17	3% 9	263

SUPPORT FOR PLANNING

For the following statements, please select the answer that most closely fits your experience.

	SA	A	N	D	SD	DK	n
The provisions in LLUPA provide clear guidance on how to develop a comprehensive plan.	5% 12	33% 80	26% 63	12% 29	4% 9	20% 47	240
The provisions in state statutes provide adequate guidance on annexation and adoption of areas of city impact.	5% 11	33% 81	16% 40	21% 51	10% 25	14% 35	243
State agencies provide technical information that is used in the comprehensive plan.	1% 3	27% 66	27% 64	22% 54	10% 23	13% 31	241
The comprehensive plan is a burden for a community to develop.	4% 9	24% 58	15% 37	36% 88	18% 43	3% 7	242
The level of technical information available for land use planning is sufficient.	2% 4	22% 53	23% 56	38% 93	11% 27	4% 10	243
The computer hardware and software to map land use and planning decision is sufficient.	5% 13	33% 79	18% 43	25% 59	8% 20	11% 26	240
Costs associated with developing comprehensive plans are adequately covered.	1% 2	12% 29	20% 48	38% 92	16% 38	13% 32	241
Costs associated with implementation of the comprehensive plan are adequately covered.	1% 2	10% 25	18% 43	40% 96	18% 44	13% 30	240
Costs associated with development applications are adequately covered.	2% 4	26% 62	22% 52	31% 75	9% 22	10% 24	239
State government should play a more active role in guiding community growth.	13% 30	28% 66	12% 29	27% 65	19% 45	2% 5	240
State statute should set policies regarding growth management.	12% 28	32% 77	15% 35	25% 60	15% 36	2% 5	241

PLANNING PROCEDURES

For the following statements, please select the answer that most closely fits your experience.

	SA	A	N	D	SD	DK	n
LLUPA provides clear procedures for the process of adoption of the comprehensive plan.	3% 7	45% 102	19% 42	8% 19	2% 4	23% 53	227
LLUPA provides clear procedures for the process of adoption of zoning and codes to implement the comprehensive plan.	3% 7	43% 98	18% 41	12% 26	1% 3	23% 51	226
The community has clear procedures for the adoption of comprehensive plans.	8% 19	48% 109	20% 46	14% 33	4% 8	6% 13	228
The community has clear procedures for the adoption of zoning and codes to implement the comprehensive plan.	8% 19	55% 126	13% 29	16% 36	3% 6	6% 13	229
The community has clear procedures for processing and review of development applications.	11% 24	50% 113	15% 34	16% 36	5% 11	4% 10	228
The attorney general's regulatory taking checklist is adequate.	3% 8	26% 59	32% 74	10% 22	3% 6	26% 60	229
The local comprehensive plan is updated and amended on a periodic basis.	8% 19	57% 131	14% 32	14% 33	5% 11	2% 4	230
The public has adequate opportunities to participate in local decision making.	19% 42	57% 130	8% 19	10% 23	5% 12	0% 1	227
Applicants have adequate opportunities to participate in local decision making.	17% 40	62% 143	10% 23	7% 15	1% 3	2% 5	229
The planning process allows for collaboration with state agencies and other local agencies.	9% 21	40% 93	21% 49	19% 44	5% 11	5% 12	230
The state should enact sanctions for communities that do not fulfill the responsibilities outlined in LLUPA.	12% 28	29% 67	28% 65	17% 38	9% 20	5% 12	230

PLANNING DECISION MAKING

For the following statements, please select the answer that most closely fits your experience.

	SA	A	N	D	SD	DK	n
Goals and policies in the local comprehensive plan are followed in the provisions of the local zoning, subdivision and development codes.	8% 17	44% 97	17% 37	22% 48	4% 9	5% 11	219
The local comprehensive plan provides sufficient guidance to be used in the development of ordinances and review of development applications.	9% 19	41% 89	24% 53	20% 43	3% 7	3% 6	217
Provisions in the local comprehensive plan are reflected in planning decisions.	10% 21	43% 93	21% 46	17% 36	6% 13	3% 7	216
Provisions in the local comprehensive plan provide guidance in funding for capital improvements.	3% 6	22% 47	23% 50	31% 67	12% 26	9% 20	216
The process for making planning decisions is generally understood by the public.	0% 1	13% 28	17% 37	50% 110	19% 41	0% 1	218
Planning decisions are fair, predictable and cost effective.	3% 7	26% 57	33% 72	23% 50	14% 30	1% 3	219
Local comprehensive plans and ordinances are easily accessible by the public.	20% 43	50% 111	15% 33	9% 19	5% 11	1% 3	220

PLANNING IMPLEMENTATION

For the following statements, please select the answer that most closely fits your experience.

	SA	A	N	D	SD	DK	n
The local zoning code provides for approval of some uses through conditional use permits.	26% 57	67% 144	3% 7	0% 1	0% 1	3% 6	216
Criteria for allowing conditional use permits are clearly and specifically identified in the local zoning code.	16% 34	42% 92	15% 33	16% 35	4% 8	7% 15	217
Conditional use permit decisions are based on the criteria identified in the zoning code.	13% 29	45% 97	17% 37	11% 24	5% 11	8% 18	216
Provisions for development agreements are identified in the local zoning code.	12% 26	38% 81	15% 33	17% 36	5% 10	13% 29	215

UNINCORPORATED LAND

For the following statements, please select the answer that most closely fits your experience.

	SA	A	N	D	SD	DK	n
Lands outside incorporated cities should be preserved as working farms, ranches, and open space.	29% 62	29% 62	22% 47	14% 31	6% 14	0% 0	216
Lands outside incorporated cities should allow for rural style development.	10% 21	45% 98	19% 42	18% 38	6% 14	1% 3	216
Lands outside incorporated cities should allow for urban style development.	4% 8	14% 31	16% 35	29% 62	37% 80	0% 1	217
Lands outside incorporated cities should not be regulated.	1% 3	3% 6	5% 10	19% 42	71% 154	1% 2	217

IMPACT FEES

According to current Idaho code, local jurisdictions can impose impact fees for six types of public facilities:

- *Water supply*
- *Wastewater facilities*
- *Roads*
- *Storm water collection facilities*
- *Parks and open space*
- *Public safety facilities*

Please select any additional public facilities that local jurisdictions should be able to impose impact fees for:

Public Facilities	
Public schools	71% 135
Trails and sidewalks	70% 133
Roads under the jurisdiction of a highway district or local public agency	63% 120
Roads under the jurisdiction of the Idaho Transportation Department	44% 84
Public transportation	63% 121
Libraries	45% 86
Cemeteries	16% 30

(Respondents were able to select more than one option.)

Total Responses: 191

CONSTITUENCIES

In your experience, the comprehensive plan recognizes the needs of the following constituencies:
(Respondents were able to select more than one option.)

Constituencies	
Agricultural interests	67% 132
Business and economic development leaders	84% 165
Community activists and organizations	52% 101
Elected and appointed policy makers	74% 145
Environmental activists and organizations	52% 101
Neighborhood leaders	52% 102
Professional land use and transportation planners	68% 134
Transportation reform advocates	29% 56
Underrepresented and under-served populations (elderly, low income, disabled)	34% 66
Other	9% 17

Total responses: 196

**APPENDIX E.
SURVEY PARTICIPANT DEMOGRAPHICS**

What year were you born?

Before 1940	1940-1949	1950-1959	1960-1969	After 1970
3%	15%	37%	26%	20%
5	29	72	50	39

n=195

What is your gender?

Male	Female
59%	41%
118	81

n=199

*What is your primary residence?**

Region	Counties
1 North	9% 18 Benewah, Bonner, Boundary, Kootenai, Shoshone
2 Central	7% 13 Clearwater, Idaho, Latah, Lewis, Nez Perce
3 South-West	56% 108 Ada, Adams, Boise, Canyon, Elmore, Gem, Owyhee, Payette, Valley, Washington
4 South-Central	9% 17 Blaine, Camas, Cassia, Gooding, Jerome, Lincoln, Minidoka, Twin Falls
5 South-East	9% 17 Bannock, Bear Lake, Bingham, Caribou, Franklin, Oneida, Power
6 East	9% 18 Bonneville, Butte, Clark, Custer, Fremont, Jefferson, Lemhi, Madison, Teton

n=193

*Original survey question was: *What is the zip code of your primary residence?* Zip codes were used to determine the respondents' county of residence. Counties were then grouped according to the Idaho Transportation Department's six districts. Two respondents (1%) reported living in Washington State and are not included in the above tables.

How many years have you lived in Idaho?

0*	1-5	6-10	11-15	16-20	21-25	26-30	31+
1%	12%	9%	11%	8%	8%	11%	40%
2	25	19	23	16	17	22	81

n=205

*2 respondents reported living in Washington State

APPENDIX F. SAMPLE FOCUS GROUP INVITATION

Greetings,

Partners for Idaho's Future, Idaho Smart Growth, the Idaho District Council of the Urban Land Institute, and the Idaho chapter of the American Planning Association have joined with Boise State University and the University of Idaho to gather information about land use planning in Idaho and to better understand the planning needs of local communities. As part of that study, focus groups are scheduled around the state to discuss experiences, perceptions and opinions of individuals concerned about or involved in land use planning in our state.

We want you to attend a focus group in our area, because we know that your insights will be valuable for this study.

The focus group for your area will be **on [date] from [time] at [location]**. Please **RSVP to MelissaBorg@BoiseState.edu**. We greatly appreciate your time and willingness to provide your valuable insight.

Thank You,

Melissa Borg, Research Assistant
Public Policy Center
Boise State University

Frequently Asked Questions (Provided to prospective attendees)

- Why are you asking me to attend? Perhaps you participated in our survey last month and indicated that you are interested. Or, we may have identified you as a person who has an interest or role in land use planning.
- Who else will attend? Participants may include individuals from a variety of backgrounds - from elected officials and planners to developers and citizen activists. Who will be at the event? Other Idaho citizens from the area that are interested in land use planning or work with comprehensive plans have been invited to attend.
- What is the purpose of the group? The researchers are interested the public's attitudes, preferences and use of comprehensive plans, ordinances and the land use planning process in Idaho. (And, you are the public!)
- What is the event about, or, what will happen at the event? You will be asked to discuss several topics pertaining to land use or comprehensive plans with other citizens. Specifically, topics may include:
 - Local Comprehensive Plans
 - Support for Planning
 - Planning Procedures
 - Planning Decision Making
 - Planning Implementation
 - Unincorporated Land
 - Impact Fees
 - Planning and Growth Principles

- Constituencies

- Is this just a way for the planners or developers to push their agenda? No, the study's sponsors want to provide for a focused discussion in a 'safe' environment. A trained facilitator will make sure that any one person or group cannot 'take over' the meeting. All participants will be heard from as fairly as possible. This study, and the focus group, are not sponsored or controlled by any planner, developer or advocacy group. The researchers are from Idaho State University and Boise State University. They do not have any 'agenda', other than finding out your perceptions about land use plans and the process of land use planning.
- Will I have to give my opinion in front of others? You may not want to say something in front of the group, so the facilitator will respect that. However, if you do have valuable insights, we do want you to speak up! The atmosphere will not be adversarial, so hopefully you will feel comfortable speaking your mind. We will protect your confidentiality; nothing you say will be attributed to you, personally, in the analysis or report that the universities compile.
- Do I need to know anything about the comprehensive plan or ordinances in my city/county? It is helpful for you to have been involved in some capacity in the planning process, or in the development or use of the comprehensive plan.
- How long will I be at this event? The formal group will be about 2 hours long. Please come about 15 minutes prior to the start time to register and get situated.
- Will I get paid? No, this is a volunteer event.

Background

The Idaho Local Land Use Planning Act was passed in 1975. Idaho is now the 6th fastest growing state in the nation. Idaho Code requires cities and counties to have comprehensive plans and zoning ordinances. Unlike some of its neighboring states, Idaho does not have a statewide land use agency or any state-based funding for cities and counties to carry out their land use planning work.

Communities around Idaho struggle to keep up with issues related to increased growth, including providing adequate infrastructure (roads, transportation, sewer, water, schools); protecting open space and working lands; maintaining economic vitality; and keeping communities vibrant. This focus group is part of a comprehensive analysis of Idaho's laws, local policies, and provisions that impact county and city land use planning and growth management efforts.

If you have any other questions, please let me know and someone from the research team will get back to you.

**APPENDIX G.
FOCUS GROUP LOCATIONS AND ATTENDANCE**

16 Statewide Focus Groups

Location	Date	Participants
Boise	Oct. 8, 2009	30
Boise	Dec. 4, 2009	29
Boise	Dec. 9, 2009	6
Caldwell	Nov. 18, 2009	17
Coeur d'Alene	Oct. 23, 2009	8
Emmett	Oct. 14, 2009	15
Hailey	Nov. 19, 2009	9
Idaho Falls	Oct. 28, 2009	16
Kamiah	Dec. 4, 2009	37
Lewiston	Oct. 30, 2009	11
McCall	Nov. 19, 2009	11
Moscow	Dec. 4, 2009	11
Mountain Home	Oct. 29, 2009	11
Pocatello	Nov. 17, 2009	16
Sandpoint	Nov. 20, 2009	10
Twin Falls	Nov. 6, 2009	11
		Total 207

APPENDIX H. SURVEY COMMENT SUMMARY

The following is a summary of comments made by survey respondents.

Local Comprehensive Plans

- Gap between CP and ordinances
- Area of impact/annexation not working
- Idaho code doesn't offer opportunities or incentives for long range or regional planning
- Disconnect between written policies and approval practices/guidelines
- Plans not anticipating market conditions of developer "creativity"
- Conditional use permits too easy to get and have detrimental impact
- Plans outdated due to staffing constraints
- Ordinances are arbitrary, inconsistent, and inflexible
- CP can be a valuable tool, but often isn't
- Needs to be more focus on anticipating future needs and sustainability
- Plans rarely followed or supported by ordinances
- CP may not fairly represent community as a whole
- Budget restraints and (due to local officials not seeing value) not available to update ordinances to match new CP
- CP must be a living document
- CP amended too easily and too frequently
- CP and ordinances severely outdated
- Problem that commissioners don't follow ordinances or consider public facilities/service

Support for Planning

- State should be held responsible for supplying local governments with funding (or funding options), not just setting policy
- Need for a state planning agency – not to set policy, but to fund and support local options
- Need for a local option tax
- Comprehensive plans cover too large an area; planning should only occur for lands where they think growth will occur in the next 30 years.
- Cities should not be able to annex into a different county (city limits should remain within a single county). Areas of impact should also not cross county lines
- Hiring a professional to develop the comprehensive plan did not especially make a better plan
- State should provide direction on issues that cross jurisdictional boundaries.
- Struggle with outdated mapping (floodplains, avalanche hazards, wetlands).
- Many application fees do not even adequately cover staff time.

- State could provide more guidance in areas such as water, though communities have a better sense of what they want – so they should be responsible for their own zoning ordinance.
- Legislature does not support informed planning.
- Communities have inadequate technical expertise and information to support planning related decisions.
- Local politics, especially in rural areas, can get in the way of quality planning for growth.
- Growth management policies should be set at the county level.
- State mandates are difficult to meet when local communities have such limited funds.
- Planning budget often first cut because it is seen as “nonessential.” This disenfranchises communities and discourages proactive planning.
- State should provide more resources of decrease control of local communities.
- Poorly structured statutes can be very detrimental, specifically impact fees and transfer of development rights
- State should allow local governments how to determine their own solutions to funding and other growth-related issues
- State does not provide the tools necessary for growth management at local levels
- Current planning system is difficult to maintain and inflexible
- Planners need adequate information about demographic trends (more than just 20-year projections)
- Economics play a large rule in land use planning
- Local communities should provide own guidance, not state.
- State should improve regulations related to the environment and pollution
- Local entities surrender their ability to create good comprehensive plans by giving too much influence to developers, realtors, and contractors.
- More regulations are not the answer
- Great difficulties navigating areas of impact; insufficient guidelines from state
- State should help address issues that cross jurisdictional boundaries and follow through to see that rules are followed.
- While developing the comprehensive takes a great deal of time, it is invaluable in providing vision and guidance to a community
- Idaho is behind some neighboring states, especially in regards to regional planning and more structures annexation policies.
- Small communities are in great need of technical assistance and other resources, but remain wary of state dictations.
- Additional state involvement may make the planning process even more convoluted and difficult.
- Effective planning must start at the local level, and allow locals to stumble.
- Fear that funding from state will come with more “strings”
- Comprehensive plans must be “citizen based” in order to not be a burden to the community.
- Growth management is a popular idea, but not truly effective
- Information that is readily available is not always used in planning.

- Comprehensive plans are good, but they are very difficult to develop and implement. Software, knowledgeable staff, and consultants are expensive.
- State should be involved with annexation, public facilities, and transportation. The state should not prescribe generic growth policies at state level because unique regional differences would not be taken into account.
- State government should play a more active role in providing information about community growth, but not implement restrictive guidelines.

Planning and Growth Principles

- Some of these principles should be included in the codes, but not in the comprehensive plan
- All these principles presuppose growth. The more important issue is reducing impact, not “growing better”
- Troublesome transportation issues are due to poorly designed communities. Improving design will make transportation a smaller issue.
- Many of these principles make more sense for urban communities than for rural communities
- Less regulation is better
- Community’s comprehensive plan is not the place to address broad social equity issues unless there is a clear causal relationship to planning
- These principles do not apply equally to all communities; dictating them will not lead to effective implementation
- While some of these values may be important, they should not be mandated as they will not be effective without strong local public support
- While the principle may be valued, there may be many different means to that end.

**APPENDIX I.
FOCUS GROUP COMMENT SUMMARY**

FOCUS GROUP FINDINGS

General Observations from focus groups:

- General tone of focus groups was positive and hopeful
- People excited to be talking about issues
- Hopeful about collaboration
- Willingness to learn from the experiences and insights of others

Guiding questions:

1. How is local land use planning working in your city/county/region of the state?
2. In your experience, is the process for updating/enhancing/changing the Comprehensive Plan and ordinances working?
3. Does your local comprehensive plan and ordinances address the needs relevant to your community/county/area?
4. Do local governments collaborate (e.g. on planning/in the process) in your region?
5. What tools/support/resources are needed to do better planning and manage growth issues?

16 Statewide Focus Groups

Location	Date	Participants
Boise (APA Conf.)	Oct. 8, 2009	30
Boise (BSU)	Dec. 4, 2009	29
Boise (Realtors)	Dec. 9, 2009	6
Caldwell	Nov. 18, 2009	17
Coeur d'Alene	Oct. 23, 2009	8
Emmett	Oct. 14, 2009	15
Hailey	Nov. 19, 2009	9
Idaho Falls	Oct. 28, 2009	16
Kamiah	Dec. 4, 2009	37
Lewiston	Oct. 30, 2009	17
McCall	Nov. 19, 2009	11
Moscow	Dec. 4, 2009	11
Mountain Home	Oct. 29, 2009	11
Pocatello	Nov. 17, 2009	16
Sandpoint	Nov. 20, 2009	10
Twin Falls	Nov. 6, 2009	11
Total		254

Local Land Use Planning Act

- Outdated, too general, no teeth, doesn't provide adequate direction
- Areas of impact continue to be a serious point of contention
- Impact fees are an ongoing issue
- Incentives are needed to follow through/carry out what's in the comprehensive plan
- Should better address annexation issues
- Comprehensive Plans
 - Future planning:
 - Need to use economic forecasts and data for planning projections; unrealistic projections for population/growth
 - Consider more reasonable expectations for comprehensive plans; currently takes way too long; consider updating one section at a time
 - Planning for adequate infrastructure is key to success
 - Politicians tend to think short term; planning requires a long term perspective that reaches beyond terms of elected officials
 - Planning is often reactionary, not proactive; more focused on current than on future
 - Updates take way too long, however it seems impossible to change fast enough to address changing community needs
 - Current plans don't adequately address future needs, specifically infrastructure needs; difficult to determine what future will bring
 - Ordinances:
 - Ordinances tend to be too complex, widely open to interpretation, and are sometimes in conflict with each other or with the comprehensive plan
 - Updating ordinances more difficult than updating plan
 - Codes should be clear, concise, understandable
 - Effective planning:
 - Plans aren't useful when they aren't supported by the necessary resources
 - Must address "quality of life" issues
 - "We're not in court" is unfortunately the standard of success in some communities
 - Difficult to know if comprehensive plan is working
 - Lack of incentives for affordable and workforce housing
 - Difficult to balance expedience and good process
 - Good planning isn't especially based on the public's majority opinion
 - Planning too often driven by other agency's plans/regulations (ITD, H&W)
 - Difficult to address existing problems that have been allowed to occur previously (or currently)
 - Current comprehensive plan and statute don't especially prevent bad development; may actually support sprawl
 - Resource protection is often ignored; need stronger language about "open space"
 - Current model is "developer-driven"

State Involvement

- State planning office/board/agency with statewide goals
 - Monitor plans
 - Provide education, training, assistance
 - Regulation
 - Provide organizational structure
 - Oversight of overall process
 - Process for coordination/collaboration across jurisdictions and agencies
 - Specialized expertise regarding unique situations (legal issues, nuclear plant siting, etc)
 - “Clearinghouse” for codes; model ordinances
- Legislation regarding local option tax and impact fee legislation
- Study of current compliance with LLUPA
- Lack of statewide vision for planning/growth
- Resources
 - Want from the state or from better funding options
 - Technical assistance for planning
 - GIS and mapping
 - Cost assessments
 - Cost vs. revenue
 - Digitize land use info/data
 - Web-base programs and/or shared software
 - Access to timely/adequate data regarding infrastructure (current and planned)
- Funding
 - Funding for well-trained staff
 - Funding for properly trained (in land planning issues) attorneys, legal counsel, or a hearing officer system
 - Need a local option tax
 - Limitations in taxing and revenue-raising a hindrance to good planning
 - Need additional sources of funding

Collaboration and Coordination

- Processes needed for coordinating state/fed agencies, other local jurisdictions
- Coordinate ITD work with county/local planning (consider local context in state transportation planning)
- High amount of state and federal land leads to even more jurisdictional overlap and multiple levels of government
- General disconnect among agencies
- Lack of consistency among ordinances in adjacent communities
- Lack of cooperation from school districts and universities
- Variance in boundaries for different regulatory agencies and jurisdictions create planning problems
- Collaboration is improving and most participant see the need any benefits coming from better communication/coordination/collaboration
- Development agencies, realtors, Planning & Zoning
- Need defined mechanism for city and county to reach agreements
- Too often, collaboration happens for reactionary reasons
- General disconnect between local/region/state
- Collaboration especially difficult when it involves stretched staff and volunteers
- Up-front communication with other agencies will help agencies to make decisions that take into account the other agencies planning needs/priorities
- State agencies need to consider their decisions in the context of local planning
- Local planning is too often driven by the actions/priorities of state agencies
- Planning and Zoning needs to be kept “in the loop” – like other essential services
- Regional planning
 - Networking and discussions
 - Collaboration with other counties
 - Entity for regional planning and coordination
 - Need to broaden scope to regional planning
 - Tendency for agencies/jurisdictions to be “territorial” or competitive for resources; diverse issues/priorities
 - Local plans may address community needs, but not especially those of region/state
 - Need research into best practices, regional studies
 - University course needed, especially rural specific topics
 - Will benefit from more collaboration with universities
 - Chance for shared resources
 - Desire for local control, but still request assistance/tools/resources from state

Critical Issues

- Area of Impact/Annexation
 - Need effective legislation
 - Regulatory mechanisms and incentives
 - LLUPA should better address these issues
 - Area of impact is a constant point of tension
 - (Note: While this list is short, these opinions were shared across focus groups. This was an issues that people were extremely passionate about)
- Impact Fees
 - General consensus that growth does not pay for itself (especially when growth is inconsistent)
 - Many realtors felt that growth does pay for itself
 - Impact fees are insufficient to pay for growth and to build adequate infrastructure
 - Legislation regarding impact fees must be updated and improved
- Rural Issues
 - Lack of recognition of the real differences between urban and rural planning
 - Difficulty balancing unique issues pertaining to urban and rural communities/planning
 - Common belief that the state is too focused on Ada and Canyon Counties
 - Rural areas struggle with lack of staff/resources to plan well
 - Difficulty with balancing unique issues pertaining to urban and rural communities/planning
 - Additional outreach needed for involving/educating public
 - University course needed, especially rural specific topics
- Education
 - Educate elected officials, university programs, and planners about issues unique to rural communities
 - Need funding from state for local training needs
 - Elected officials, commissioners, staff need education about the planning process and implementation of Comprehensive Plans and ordinances
 - Training/education for elected officials
 - Educate developers
 - Methods for educating and involving a broader section of public
 - Training for and about rural land-use issues
- Public and Community Involvement
 - NIMBY is constant obstacle
 - Additional (more effective) outreach needed for involving/educating public
 - Protecting farmland pointless if farmers can't make a living
 - Difficulty balancing property rights with broader community needs
 - Elected officials and agencies have difficulty getting public input
 - Planning must address the need for employment within the community
 - Strong desire to live and work in same community
 - Difficult to know what "community needs" are when there is a general lack of consensus on "vision"
 - Many citizens feel like "system" not working for them; public polarized; alienated when decisions don't represent their desires; in adequate representation from different stakeholders (specifically by class)

Growth

- Power capacity (general infrastructure)
- Transportation (complete current plans, improvements to existing roads/bridges)
- Land conservation
- Jobs – in the communities where people live
- Agricultural preservation
- Developers search out communities with the most attractive/lenient codes
- Too much focus on the need of developers, business interests

Minority opinions expressed:

- Planning issues need to be kept local because the state is so diverse
- State vision may be inconsistent with local vision; broad state vision wouldn't be useful
- State has less money/fewer resources than localities
- General resistance to change; mistrust of government; threat to private property rights
- Some communities insist they don't want state involvement, although they do want money and resources from the state
- "Political interference" can foul things up; or politicians are unwilling to take real positions
- Trouble with "outsiders" telling them what to do
- Concern that state focuses too much on Ada and Canyon Counties while the rest of the state has different needs
- Too much focus on the need of developers, business interests

**APPENDIX K.
LOCAL LAND USE PLANNING ACT**

**IDAHO CODE
TITLE 67 – STATE GOVERNMENT AND STATE AFFAIRS
CHAPTER 65 – LOCAL LAND USE PLANNING**

67-6501. SHORT TITLE.

This act shall be known as the "Local Land Use Planning Act."

67-6502. PURPOSE.

The purpose of this act shall be to promote the health, safety, and general welfare of the people of the state of Idaho as follows

- a) To protect property rights while making accommodations for other necessary types of development such as low-cost housing and mobile home parks.
- b) To ensure that adequate public facilities and services are provided to the people at reasonable cost.
- c) To ensure that the economy of the state and localities is protected.
- d) To ensure that the important environmental features of the state and localities are protected.
- e) To encourage the protection of prime agricultural, forestry, and mining lands for production of food, fibre, and minerals.
- f) To encourage urban and urban-type development within incorporated cities.
- g) To avoid undue concentration of population and overcrowding of land.
- h) To ensure that the development on land is commensurate with the physical characteristics of the land.
- i) To protect life and property in areas subject to natural hazards and disasters.
- j) To protect fish, wildlife, and recreation resources.
- k) To avoid undue water and air pollution.
- l) To allow local school districts to participate in the community planning and development process so as to address public school needs and impacts on an ongoing basis.

67-6503. PARTICIPATION OF LOCAL GOVERNMENTS.

Every city and county shall exercise the powers conferred by this chapter.

67-6504. PLANNING AND ZONING COMMISSION -- CREATION -- MEMBERSHIP -- ORGANIZATION -- RULES -- RECORDS -- EXPENDITURES -- STAFF.

A city council or board of county commissioners, hereafter referred to as a governing board, may exercise all of the powers required and authorized by this chapter in accordance with this chapter. If a governing board chooses to exercise the powers required and authorized by this chapter it need not follow the procedural requirements established hereby solely for planning and zoning commissions. If a governing board does not elect to exercise the powers conferred by this chapter, it shall establish by ordinance adopted, amended, or repealed in accordance with the notice and hearing procedures provided in section 67-6509, Idaho Code, a planning commission and a zoning commission or a planning and zoning commission acting in both capacities, which may act with the full authority of the governing board, excluding the authority to adopt ordinances or to finally approve land subdivisions. The powers of the board of county commissioners conferred by this chapter shall apply to the unincorporated area of the county. Legally authorized planning, zoning, or planning and zoning commissions existing prior to enactment of this chapter shall be considered to be duly constituted under this chapter. Within this

chapter use of the term "planning and zoning commission" shall include the term "planning commission," "zoning commission" and "planning and zoning commission."

- a) Membership -- Each commission shall consist of not less than three (3) nor more than twelve (12) voting members, all appointed by a mayor or chairman of the county board of commissioners and confirmed by majority vote of the governing board. An appointed member of a commission must have resided in the county for at least two (2) years prior to his appointment, and must remain a resident of the county during his service on the commission. Not more than one-third (1/3) of the members of any commission appointed by the chairman of the board of county commissioners may reside within an incorporated city of fifteen hundred (1,500) or more population in the county. At least one-half (1/2) of the members of any commission appointed by the chairman of the board of county commissioners must reside outside the boundaries of any city's area of impact. The ordinance establishing a commission to exercise the powers under this chapter shall set forth the number of members to be appointed. The term of office for members shall be not less than three (3) years, nor more than six (6) years, and the length of term shall be prescribed by ordinance. No person shall serve more than two (2) full consecutive terms. Vacancies occurring otherwise than through the expiration of terms shall be filled in the same manner as the original appointment. Members may be removed for cause by a majority vote of the governing board. Members shall be selected without respect to political affiliation and may receive such mileage and per diem compensation as provided by the governing board. If a governing board exercises these powers, its members shall be entitled to no additional mileage or per diem compensation.
- b) Organization -- Each commission shall elect a chairman and create and fill any other office that it may deem necessary. A commission may establish subcommittees, advisory committees or neighborhood groups to advise and assist in carrying out the responsibilities under this chapter. A commission may appoint nonvoting ex officio advisors as may be deemed necessary.
- c) Rules, Records, and Meetings -- Written organization papers or bylaws consistent with this chapter and other laws of the state for the transaction of business of the commission shall be adopted. A record of meetings, hearings, resolutions, studies, findings, permits, and actions taken shall be maintained. All meetings and records shall be open to the public. At least one (1) regular meeting shall be held each month for not less than nine (9) months in a year. A majority of currently-appointed voting members of the commission shall constitute a quorum.
- d) Expenditures and Staff -- With approval of a governing board through the legally required budgetary process, the commission may receive and expend funds, goods, and services from the federal government or agencies and instrumentalities of state or local governments or from civic and private sources and may contract with these entities and provide information and reports as necessary to secure aid. Expenditures by a commission shall be within the amounts appropriated by a governing board. Within such limits, any commission is authorized to hire or contract with employees and technical advisors, including, but not limited to, planners, engineers, architects, and legal assistants.

67-6505. JOINT PLANNING AND ZONING COMMISSION -- FORMATION -- DUTIES.

The boards of county commissioners of two (2) or more adjoining counties, alone or together with the council of one (1) or more cities therein, or the board of county commissioners of a county together with the council of one (1) or more cities within the county, or the councils of two (2) or more adjoining cities, are empowered to cooperate in the establishment of a joint planning, zoning, or planning and zoning commission, hereafter referred to as a joint commission, and may provide for participation by invitation of other public agencies deemed necessary to exercise the powers conferred in this chapter. The number of members of a joint commission, the method of appointment, and the allocation of costs for activities to be borne by the participating governing boards shall be agreed upon by the governing boards and agencies involved. A joint commission is further authorized and empowered to perform any of the duties for any local member's governing board when the duties have been authorized by that member government.

67-6506. CONFLICT OF INTEREST PROHIBITED.

A governing board creating a planning, zoning, or planning and zoning commission, or joint commission shall provide that the area and interests within its jurisdiction are broadly represented on the commission. A member or employee of a governing board, commission, or joint commission shall not participate in any proceeding or action when the member or employee or his employer, business partner, business associate, or any person related to him by affinity or consanguinity within the second degree has an economic interest in the procedure or action. Any actual or potential interest in any proceeding shall be disclosed at or before any meeting at which the action is being heard or considered. For purposes of this section the term "participation" means engaging in activities which constitute deliberations pursuant to the open meeting act. No member of a governing board or a planning and zoning commission with a conflict of interest shall participate in any aspect of the decision-making process concerning a matter involving the conflict of interest. A member with a conflict of interest shall not be prohibited from testifying at, or presenting evidence to, a public hearing or similar public process after acknowledging nonparticipation in the matter due to a conflict of interest. A knowing violation of this section shall be a misdemeanor.

67-6507. THE PLANNING PROCESS AND RELATED POWERS OF THE COMMISSION.

As part of the planning process, a planning or zoning commission shall provide for citizen meetings, hearings, surveys, or other methods, to obtain advice on the planning process, plan, and implementation. The commission may also conduct informational meetings and consult with public officials and agencies, public utility companies, and civic, educational, professional, or other organizations. As part of the planning process, the commission shall endeavor to promote a public interest in and understanding of the commission's activities. The commission may, at any time, make recommendations to the governing board concerning the plan, planning process, or implementation of the plan. With the consent of the owner, the commission and its members, officers, and employees, in the performance of their functions, may enter upon any land and make examinations and surveys and place and maintain necessary monuments and marks thereon. The commission may perform such additional duties as may be assigned by the governing board. The commission shall have the right to seek judicial process, as may be necessary to enable it to fulfill its functions.

67-6508. PLANNING DUTIES.

It shall be the duty of the planning or planning and zoning commission to conduct a comprehensive planning process designed to prepare, implement, and review and update a comprehensive plan, hereafter referred to as the plan. The plan shall include all land within the jurisdiction of the governing board. The plan shall consider previous and existing conditions, trends, desirable goals and objectives, or desirable future situations for each planning component. The plan with maps, charts, and reports shall be based on the following components as they may apply to land use regulations and actions unless the plan specifies reasons why a particular component is unneeded.

- a) Property Rights -- An analysis of provisions which may be necessary to insure that land use policies, restrictions, conditions and fees do not violate private property rights, adversely impact property values or create unnecessary technical limitations on the use of property and analysis as prescribed under the declarations of purpose in chapter 80, title 67, Idaho Code.
- b) Population -- A population analysis of past, present, and future trends in population including such characteristics as total population, age, sex, and income.
- c) School Facilities and Transportation -- An analysis of public school capacity and transportation considerations associated with future development.
- d) Economic Development -- An analysis of the economic base of the area including employment, industries, economies, jobs, and income levels.
- e) Land Use -- An analysis of natural land types, existing land covers and uses, and the intrinsic suitability of lands for uses such as agriculture, forestry, mineral exploration and extraction, preservation, recreation, housing, commerce, industry, and public facilities. A map shall be prepared indicating suitable projected land uses for the jurisdiction.
- f) Natural Resource -- An analysis of the uses of rivers and other waters, forests, range, soils, harbors, fisheries, wildlife, minerals, thermal waters, beaches, watersheds, and shorelines.
- g) Hazardous Areas -- An analysis of known hazards as may result from susceptibility to surface ruptures from faulting, ground shaking, ground failure, landslides or mudslides; avalanche hazards resulting from development in the known or probable path of snowslides and avalanches, and floodplain hazards.
- h) Public Services, Facilities, and Utilities -- An analysis showing general plans for sewage, drainage, power plant sites, utility transmission corridors, water supply, fire stations and fire fighting equipment, health and welfare facilities, libraries, solid waste disposal sites, schools, public safety facilities and related services. The plan may also show locations of civic centers and public buildings.
- i) Transportation -- An analysis, prepared in coordination with the local jurisdiction(s) having authority over the public highways and streets, showing the general locations and widths of a system of major traffic thoroughfares and other traffic ways, and of streets and the recommended treatment thereof. This component may also make recommendations on building line setbacks, control of access, street naming and numbering, and a proposed system of public or other transit lines and related facilities including rights-of-way, terminals, future corridors, viaducts and grade separations. The component may also include port, harbor, aviation, and other related transportation facilities.
- j) Recreation -- An analysis showing a system of recreation areas, including parks, parkways, trailways, river bank greenbelts, beaches, playgrounds, and other recreation areas and programs.
- k) Special Areas or Sites -- An analysis of areas, sites, or structures of historical, archeological, architectural, ecological, wildlife, or scenic significance.

- l) Housing -- An analysis of housing conditions and needs; plans for improvement of housing standards; and plans for the provision of safe, sanitary, and adequate housing, including the provision for low-cost conventional housing, the siting of manufactured housing and mobile homes in subdivisions and parks and on individual lots which are sufficient to maintain a competitive market for each of those housing types and to address the needs of the community.
- m) Community Design -- An analysis of needs for governing landscaping, building design, tree planting, signs, and suggested patterns and standards for community design, development, and beautification.
- n) Implementation -- An analysis to determine actions, programs, budgets, ordinances, or other methods including scheduling of public expenditures to provide for the timely execution of the various components of the plan.

Nothing herein shall preclude the consideration of additional planning components or subject matter.

67-6509. RECOMMENDATION AND ADOPTION, AMENDMENT, AND REPEAL OF THE PLAN.

- a) The planning or planning and zoning commission, prior to recommending the plan, amendment, or repeal of the plan to the governing board, shall conduct at least one (1) public hearing in which interested persons shall have an opportunity to be heard. At least fifteen (15) days prior to the hearing, notice of the time and place and a summary of the plan to be discussed shall be published in the official newspaper or paper of general circulation within the jurisdiction. The commission shall also make available a notice to other papers, radio and television stations serving the jurisdiction for use as a public service announcement. Notice of intent to adopt, repeal or amend the plan shall be sent to all political subdivisions providing services within the planning jurisdiction, including school districts, at least fifteen (15) days prior to the public hearing scheduled by the commission. Following the commission hearing, if the commission recommends a material change to the proposed amendment to the plan which was considered at the hearing, it shall give notice of its proposed recommendation and conduct another public hearing concerning the matter if the governing board will not conduct a subsequent public hearing concerning the proposed amendment. If the governing board will conduct a subsequent public hearing, notice of the planning and zoning commission recommendation shall be included in the notice of public hearing provided by the governing board. A record of the hearings, findings made, and actions taken by the commission shall be maintained by the city or county.
- b) The governing board, as provided by local ordinance, prior to adoption, amendment, or repeal of the plan, may conduct at least one (1) public hearing, in addition to the public hearing(s) conducted by the commission, using the same notice and hearing procedures as the commission. The governing board shall not hold a public hearing, give notice of a proposed hearing, nor take action upon the plan, amendments, or repeal until recommendations have been received from the commission. Following consideration by the governing board, if the governing board makes a material change in the recommendation or alternative options contained in the recommendation by the commission concerning adoption, amendment or repeal of a plan, further notice and hearing shall be provided before the governing board adopts, amends or repeals the plan.
- c) No plan shall be effective unless adopted by resolution by the governing board. A resolution enacting or amending a plan or part of a plan may be adopted, amended, or repealed by definitive reference to the specific plan document. A copy of the adopted or amended plan shall accompany each adopting resolution and shall be kept on file with the city clerk or county clerk.

- d) Any person may petition the commission or, in absence of a commission, the governing board, for a plan amendment at any time. The commission may recommend amendments to the land use map component of the comprehensive plan to the governing board not more frequently than once every six (6) months. The commission may recommend amendments to the text of the comprehensive plan and to other ordinances authorized by this chapter to the governing board at any time.

67-6509A. SITING OF MANUFACTURED HOMES IN RESIDENTIAL AREAS -- PLAN TO BE AMENDED.

- 1) By resolution or ordinance adopted, amended or repealed in accordance with the notice and hearing procedures provided under section 67-6509, Idaho Code, each governing board shall amend its comprehensive plan and land use regulations for all land zoned for single-family residential uses, except for lands falling within an area defined as a historic district under section 67-4607, Idaho Code, to allow for siting of manufactured homes as defined in section 39-4105(13), Idaho Code.
- 2) Manufactured homes on individual lots zoned for single-family residential uses as provided in subsection (1) of this section shall be in addition to manufactured homes on lots within designated mobile home parks or manufactured home subdivisions.
- 3) This section shall not be construed as abrogating a recorded restrictive covenant.
- 4) A governing board may adopt any or all of the following placement standards, or any less restrictive standards, for the approval of manufactured homes located outside mobile home parks
 - a) The manufactured home shall be multisectional and enclose a space of not less than one thousand (1,000) square feet;
 - b) The manufactured home shall be placed on an excavated and backfilled foundation and enclosed at the perimeter such that the home is located not more than twelve (12) inches above grade;
 - c) The manufactured home shall have a pitched roof, except that no standards shall require a slope of greater than a nominal three (3) feet in height for each twelve (12) feet in width;
 - d) The manufactured home shall have exterior siding and roofing which in color, material and appearance is similar to the exterior siding and roofing material commonly used on residential dwellings within the community or which is comparable to the predominant materials used on surrounding dwellings as determined by the local permit approval authority;
 - e) The manufactured home shall have a garage or carport constructed of like materials. A governing board may require an attached or detached garage in lieu of a carport where such is consistent with the predominant construction of immediately surrounding dwellings;
 - f) In addition to the provisions of paragraphs (a) through (e) of this subsection, a city or county may subject a manufactured home and the lot upon which it is sited to any development standard, architectural requirement and minimum size requirements to which a conventional single-family residential dwelling on the same lot would be subjected.
- 5) Any approval standards, special conditions and the procedures for approval adopted by a local government shall be clear and objective and shall not have the effect, either in themselves or cumulatively, of discouraging needed housing through unreasonable cost or delay.

67-6509B. MANUFACTURED HOUSING COMMUNITY -- EQUAL TREATMENT REQUIRED.

A city or a county shall not adopt or enforce zoning, community development or subdivision ordinance provisions which disallow the plans and specifications of a manufactured housing community solely because the housing within the community will be manufactured housing. Applications for development of manufactured home communities shall be treated the same as those for site-built homes. For purposes of this section, "manufactured housing community" means any site, lot or tract of land upon which ten (10) or more manufactured homes may be sited. The manufactured housing community may feature either fee simple land sales or land leased or rented by the homeowner.

67-6510. EXISTING COMPREHENSIVE PLANS.

A governing board using any plan in existence on the effective date of this chapter shall conduct a review of that plan and shall make necessary amendments in accordance with this chapter prior to January 1, 1977, providing for recommendation, notice and hearing pursuant to section 67-6509, Idaho Code.

67-6511. ZONING ORDINANCE.

Each governing board shall, by ordinance adopted, amended, or repealed in accordance with the notice and hearing procedures provided under section 67-6509, Idaho Code, establish within its jurisdiction one (1) or more zones or zoning districts where appropriate. The zoning districts shall be in accordance with the policies set forth in the adopted comprehensive plan. Within a zoning district, the governing board shall where appropriate, establish standards to regulate and restrict the height, number of stories, size, construction, reconstruction, alteration, repair or use of buildings and structures; percentage of lot occupancy, size of courts, yards, and open spaces; density of population; and the location and use of buildings and structures. All standards shall be uniform for each class or kind of buildings throughout each district, but the standards in one (1) district may differ from those in another district. Ordinances establishing zoning districts shall be amended as follows

- a) Requests for an amendment to the zoning ordinance shall be submitted to the zoning or planning and zoning commission which shall evaluate the request to determine the extent and nature of the amendment requested. Particular consideration shall be given to the effects of any proposed zone change upon the delivery of services by any political subdivision providing public services, including school districts, within the planning jurisdiction.
- b) After considering the comprehensive plan and other evidence gathered through the public hearing process, the zoning or planning and zoning commission may recommend and the governing board may adopt or reject an ordinance amendment pursuant to the notice and hearing procedures provided in section 67-6509, Idaho Code, provided that in the case of a zoning district boundary change, additional notice shall be provided by mail to property owners or purchasers of record within the land being considered, and within three hundred (300) feet of the external boundaries of the land being considered, and any additional area that may be impacted by the proposed change as determined by the commission. Notice shall also be posted on the premises not less than one (1) week prior to the hearing. When notice is required to two hundred (200) or more property owners or purchasers of record, alternate forms of procedures which would provide adequate notice may be provided by local ordinance in lieu of posted or mailed notice. In the absence of a locally adopted alternative notice procedure, sufficient notice shall be deemed to have been provided if the city or county provides notice through a display advertisement at least four (4) inches by two (2) columns in size in the official newspaper of the city or county at least fifteen (15) days prior to the hearing date, in addition to site posting on all external boundaries of the site.
- c) If the request is found by the governing board to be in conflict with the adopted plan, or would

result in demonstrable adverse impacts upon the delivery of services by any political subdivision providing public services, including school districts, within the planning jurisdiction, the governing board may require the request to be submitted to the planning or planning and zoning commission or, in absence of a commission, the governing board may consider an amendment to the comprehensive plan pursuant to the notice and hearing procedures provided in section 67-6509, Idaho Code. After the plan has been amended, the zoning ordinance may then be considered for amendment pursuant to section 67-6511(b), Idaho Code.

- d) If a governing board adopts a zoning classification pursuant to a request by a property owner based upon a valid, existing comprehensive plan and zoning ordinance, the governing board shall not subsequently reverse its action or otherwise change the zoning classification of said property without the consent in writing of the current property owner for a period of four (4) years from the date the governing board adopted said individual property owner's request for a zoning classification change. If the governing body does reverse its action or otherwise change the zoning classification of said property during the above four (4) year period without the current property owner's consent in writing, the current property owner shall have standing in a court of competent jurisdiction to enforce the provisions of this section.

67-6511A. DEVELOPMENT AGREEMENTS.

Each governing board may, by ordinance adopted or amended in accordance with the notice and hearing provisions provided under section 67-6509, Idaho Code, require or permit as a condition of rezoning that an owner or developer make a written commitment concerning the use or development of the subject parcel. The governing board shall adopt ordinance provisions governing the creation, form, recording, modification, enforcement and termination of conditional commitments. Such commitments shall be recorded in the office of the county recorder and shall take effect upon the adoption of the amendment to the zoning ordinance. Unless modified or terminated by the governing board after a public hearing, a commitment is binding on the owner of the parcel, each subsequent owner, and each other person acquiring an interest in the parcel. A commitment is binding on the owner of the parcel even if it is unrecorded; however, an unrecorded commitment is binding on a subsequent owner or other person acquiring an interest in the parcel only if that subsequent owner or other person has actual notice of the commitment. A commitment may be modified only by the permission of the governing board after complying with the notice and hearing provisions of section 67-6509, Idaho Code. A commitment may be terminated, and the zoning designation upon which the use is based reversed, upon the failure of the requirements in the commitment after a reasonable time as determined by the governing board or upon the failure of the owner; each subsequent owner or each other person acquiring an interest in the parcel to comply with the conditions in the commitment and after complying with the notice and hearing provisions of section 67-6509, Idaho Code. By permitting or requiring commitments by ordinance the governing board does not obligate itself to recommend or adopt the proposed zoning ordinance. A written commitment shall be deemed written consent to rezone upon the failure of conditions imposed by the commitment in accordance with the provisions of this section.

67-6512. SPECIAL USE PERMITS, CONDITIONS, AND PROCEDURES.

- a) As part of a zoning ordinance each governing board may provide by ordinance adopted, amended, or repealed in accordance with the notice and hearing procedures provided under section 67-6509, Idaho Code, for the processing of applications for special or conditional use permits. A special use permit may be granted to an applicant if the proposed use is conditionally permitted by the terms of the ordinance, subject to conditions pursuant to specific provisions of the ordinance, subject to the ability of political subdivisions, including school districts, to provide services for the proposed use, and when it is not in conflict with the plan.
- b) Prior to granting a special use permit, at least one (1) public hearing in which interested persons shall have an opportunity to be heard shall be held. At least fifteen (15) days prior to the hearing, notice of the time and place, and a summary of the proposal shall be published in the official newspaper or paper of general circulation within the jurisdiction. Notice may also be made available to other newspapers, radio and television stations serving the jurisdiction for use as a public service announcement. Notice shall be posted on the premises not less than one (1) week prior to the hearing. Notice shall also be provided to property owners or purchasers of record within the land being considered, three hundred (300) feet of the external boundaries of the land being considered, and any additional area that may be substantially impacted by the proposed special use as determined by the commission.
- c) When notice is required to two hundred (200) or more property owners or purchasers of record, alternate forms of procedures which would provide adequate notice may be provided by local ordinance in lieu of mailed notice. In the absence of a locally adopted alternative notice procedure, sufficient notice shall be deemed to have been provided if the city or county provides notice through a display advertisement at least four (4) inches by two (2) columns in size in the official newspaper of the city or county at least fifteen (15) days prior to the hearing date, in addition to site posting on all external boundaries of the site.
- d) Upon the granting of a special use permit, conditions may be attached to a special use permit including, but not limited to, those
 - 1) Minimizing adverse impact on other development;
 - 2) Controlling the sequence and timing of development;
 - 3) Controlling the duration of development;
 - 4) Assuring that development is maintained properly;
 - 5) Designating the exact location and nature of development;
 - 6) Requiring the provision for on-site or off-site public facilities or services;
 - 7) Requiring more restrictive standards than those generally required in an ordinance;
 - 8) Requiring mitigation of effects of the proposed development upon service delivery by any political subdivision, including school districts, providing services within the planning jurisdiction.
- e) Prior to granting a special use permit, studies may be required of the social, economic, fiscal, and environmental effects of the proposed special use. A special use permit shall not be considered as establishing a binding precedent to grant other special use permits. A special use permit is not transferable from one (1) parcel of land to another.

67-6513. SUBDIVISION ORDINANCE.

Each governing board shall provide, by ordinance adopted, amended, or repealed in accordance with the notice and hearing procedures provided under section 67-6509, Idaho Code, for standards and for the processing of applications for subdivision permits under sections 50-1301 through 50-1329, Idaho Code. Each such ordinance may provide for mitigation of the effects of subdivision development on the ability of political subdivisions of the state, including school districts, to deliver services without compromising quality of service delivery to current residents or imposing substantial additional costs upon current residents to accommodate the proposed subdivision. Fees established for purposes of mitigating the financial impacts of development must comply with the provisions of chapter 82, title 67, Idaho Code.

67-6514. EXISTING ZONING OR SUBDIVISION ORDINANCES.

A governing board, using any zoning or subdivision ordinance in existence on the effective date of this chapter, shall conduct a review of those ordinances and shall make necessary amendments in accordance with this chapter prior to January 1, 1978, following notice and hearing pursuant to section 67-6509, Idaho Code.

67-6515. PLANNED UNIT DEVELOPMENTS.

As part of or separate from the zoning ordinance, each governing board may provide, by ordinance adopted, amended, or repealed in accordance with the notice and hearing procedures provided under section 67-6509, Idaho Code, for the processing of applications for planned unit development permits. A planned unit development may be defined in a local ordinance as an area of land in which a variety of residential, commercial, industrial, and other land uses are provided for under single ownership or control. Planned unit development ordinances may include, but are not limited to, requirements for minimum area, permitted uses, ownership, common open space, utilities, density, arrangements of land uses on a site, and permit processing. Planned unit developments may be permitted pursuant to the procedures for processing applications for special use permits following the notice and hearing procedures provided in section 67-6512, Idaho Code.

67-6515A. TRANSFER OF DEVELOPMENT RIGHTS. [EFFECTIVE JULY 1, 2000]

- 1) Any city or county governing body may, by ordinance, create development rights and establish procedures authorizing landowners to voluntarily transfer said development rights subject to:
 - a) Such conditions as the governing body shall determine to fulfill the goals of the city or county to preserve open space, protect wildlife habitat and critical areas, and enhance and maintain the rural character of lands with contiguity to agricultural lands suitable for long-range farming and ranching operations; and
 - b) Voluntary acceptance by the landowner of the development rights and any land use restrictions conditional to such acceptance.
- 2) Before designating sending areas and receiving areas, a city or county shall conduct an analysis of the market in an attempt to assure that areas designated as receiving areas will have the capacity to accommodate the number of development rights expected to be generated from the sending areas.
- 3) Ordinances providing for a transfer of development rights shall not require a property owner in a sending area to sell development rights. Once a transfer of development rights has been exercised it shall constitute a restriction on the development of the property in perpetuity, unless the city or county elects to extinguish such restriction pursuant to the provisions of this chapter.

- 4) A city or county may not condition an application for a permit to which an applicant is otherwise entitled under existing zoning and subdivision ordinances on the acquisition of development rights. A city or county may not condition an application for a zoning district boundary change which is consistent with the comprehensive plan on the acquisition of development rights. A city or county may not reduce the density of an existing zone and thereafter require an applicant to acquire development rights as a condition of approving a request for a zoning district boundary change which would permit greater density.
- 5) A person may not acquire a development right without the intent to exercise that right within a receiving area within ten (10) years of the date of acquisition. Upon a showing of good cause, a city or county may extend the right to exercise the development right for an additional period not to exceed five (5) years. If the development right is not used before the end of the time period herein provided and any extension thereof, the development right will revert to the owner of the property from which it was transferred.
- 6) No transfer of a development right, as contemplated herein, shall affect the validity or continued right to use any water right that is appurtenant to the real property from which such development right is transferred. The transfer of a water right shall remain subject to the provisions of title 42, Idaho Code.
 - a) Ordinances providing for the transfer of development rights shall provide that no transfer of development rights may occur without the written consent of all lienholders and other parties with an interest of record in the property from which development rights are proposed to be transferred. Transfers of development rights without such consent shall be void.
 - b) A development right which is transferred shall be deemed to be an interest in real property and the rights evidenced thereby shall inure to the benefit of the transferee, his heirs, successors and assigns. An unexercised development right shall not be taxed as real or personal property.
- 7) For the purposes of this section
 - a) "Development rights" shall mean the rights permitted to a lot, parcel or area of land under a zoning or other ordinance respecting permissible use, area, density, bulk or height of improvements. Development rights may be calculated and allocated in accordance with such factors as area, floor area, floor area ratios, density, height limitations, or any other criteria that will effectively quantify a value for the development right in a reasonable and uniform manner that will carry out the objectives of this section.
 - b) "Receiving area" shall mean one (1) or more designated areas of land to which development rights generated from one (1) or more sending areas may be transferred and in which increased development is permitted to occur by reason of such transfer.
 - c) "Sending area" shall mean one (1) or more designated areas of land in which development rights may be designated for use in one (1) or more receiving areas.
 - d) "Transfer of development rights" shall mean the process by which development rights are transferred from one (1) lot, parcel or area of land in any sending area to another lot, parcel or area of land in one (1) or more receiving areas.

67-6516. VARIANCE -- DEFINITION -- APPLICATION -- NOTICE -- HEARING.

Each governing board shall provide, as part of the zoning ordinance, for the processing of applications for variance permits. A variance is a modification of the bulk and placement requirements of the ordinance as to lot size, lot coverage, width, depth, front yard, side yard, rear yard, setbacks, parking space, height of buildings, or other ordinance provision affecting the size or shape of a structure or the placement of the structure upon lots, or the size of lots. A variance shall not be considered a right or special privilege, but may be granted to an applicant only upon a showing of undue hardship because of characteristics of the site and that the variance is not in conflict with the public interest. Prior to granting a variance, notice and an opportunity to be heard shall be provided to property owners adjoining the parcel under consideration.

67-6517. FUTURE ACQUISITIONS MAP.

Upon the recommendation of the planning or planning and zoning commission each governing board may adopt, amend, or repeal a future acquisitions map in accordance with the notice and hearing procedures provided in section 67-6509, Idaho Code. The map shall designate land proposed for acquisition by a public agency for a maximum twenty (20) year period. Lands designated for acquisition may include land for:

- a) Streets, roads, other public ways, or transportation facilities proposed for construction or alteration;
- b) Proposed schools, airports, or other public buildings;
- c) Proposed parks or other open spaces; or
- d) Lands for other public purposes.

Upon receipt of a request for a permit as defined in this chapter, or a building permit as defined in a local ordinance, for a development on any lands designated upon the future acquisitions map, the zoning or planning and zoning commission or the governing board shall notify the public agency proposing to acquire the land. Within thirty (30) days of the date of that notice, the public agency may, in writing, request the commission or governing board to suspend consideration of the permit for sixty (60) days from the date of the request to allow the public agency to negotiate with the land owner to obtain an option to purchase the land, acquire the land, or institute condemnation proceedings as may be authorized in the Idaho Code. If the public agency fails to do so within the sixty (60) days, the commission or governing board shall resume consideration of the permit. Nothing in this chapter shall limit a governing board from adopting local ordinances as required or authorized which include lands on the future acquisitions map.

67-6518. STANDARDS.

Each governing board may adopt standards for such things as: building design; blocks, lots, and tracts of land; yards, courts, greenbelts, planting strips, parks, and other open spaces; trees; signs; parking spaces; roadways, streets, lanes, bicycleways, pedestrian walkways, rights-of-way, grades, alignments, and intersections; lighting; easements for public utilities; access to streams, lakes, and viewpoints; water systems; sewer systems; storm drainage systems; street numbers and names; house numbers; schools, hospitals, and other public and private development. Standards may be provided as part of zoning, subdivision, planned unit development, or separate ordinance adopted, amended, or repealed in accordance with the notice and hearing procedures provided in section 67-6509, Idaho Code. Whenever the ordinances made under this chapter impose higher standards than are required by any other statute or local ordinance, the provisions of ordinances made pursuant to this chapter shall govern.

67-6519. PERMIT GRANTING PROCESS.

As part of ordinances required or authorized under this chapter, a procedure shall be established for processing in a timely manner applications for permits for which a reasonable fee may be charged. Each application for a permit required or authorized under this chapter shall first be submitted to the zoning or planning and zoning commission for its recommendation or decision. The commission shall have a reasonable time fixed by the governing board to examine the application before the commission makes its decision on the permit or makes its recommendation to the governing board. Each commission or governing board shall establish by rule a time period within which a recommendation or decision must be made. Whenever a governing board or zoning or planning and zoning commission grants or denies a permit, it shall specify:

- a) the ordinance and standards used in evaluating the application;
- b) the reasons for approval or denial; and
- c) the actions, if any, that the applicant could take to obtain a permit.

An applicant denied a permit or aggrieved by a decision may within twenty-eight (28) days after all remedies have been exhausted under local ordinance seek judicial review under the procedures provided by chapter 52, title 67, Idaho Code.

67-6520. HEARING EXAMINERS.

Hearing examiners include professionally trained or licensed staff planners, engineers, or architects. If authorized by local ordinance adopted, amended, or repealed in accordance with the notice and hearing procedures provided in section 67-6509, Idaho Code, hearing examiners may be appointed by a governing board or zoning or planning and zoning commission for hearing applications for subdivision, special use and variance permits and requests for zoning district boundary changes which are in accordance with the plan. Notice, hearing, and records before the examiner shall be as provided in this chapter for the zoning or planning and zoning commission. Whenever a hearing examiner hears an application, he may, pursuant to local ordinance, grant or deny the application or submit a recommendation to the governing board or zoning or planning and zoning commission. His decision or recommendation shall specify

- a) the ordinance and standards used in evaluating the application;
- b) the reasons for the recommendation or decision; and
- c) the actions, if any, that the applicant could take to obtain a permit or zoning district boundary change in accordance with the plan.

An applicant denied a permit or aggrieved by a decision may within twenty-eight (28) days after all appellate remedies have been exhausted under local ordinance seek judicial review as provided by chapter 52, title 67, Idaho Code.

67-6521. ACTIONS BY AFFECTED PERSONS.

- 1)
 - a) As used herein, an affected person shall mean one having an interest in real property which may be adversely affected by the issuance or denial of a permit authorizing the development.
 - b) Any affected person may at any time prior to final action on a permit required or authorized under this chapter, if no hearing has been held on the application, petition the commission or governing board in writing to hold a hearing pursuant to section 67-6512, Idaho Code; provided, however, that if twenty (20) affected persons petition for a hearing, the hearing shall be held.
 - c) After a hearing, the commission or governing board may:
 - i. Grant or deny a permit; or
 - ii. Delay such a decision for a definite period of time for further study or hearing. Each commission or governing board shall establish by rule and regulation a time period within which a recommendation or decision must be made.
 - d) An affected person aggrieved by a decision may within twenty-eight (28) days after all remedies have been exhausted under local ordinances seek judicial review as provided by chapter 52, title 67, Idaho Code.
- 2)
 - a) Authority to exercise the regulatory power of zoning in land use planning shall not simultaneously displace coexisting eminent domain authority granted under section 14, article I, of the constitution of the state of Idaho and chapter 7, title 7, Idaho Code.
 - b) An affected person claiming "just compensation" for a perceived "taking," the basis of the claim being that a specific zoning action or permitting action restricting private property development is actually a regulatory action by local government deemed "necessary to complete the development of the material resources of the state," or necessary for other public uses, may seek a judicial determination of whether the claim comes within defined provisions of section 14, article I, of the constitution of the state of Idaho relating to eminent domain. Under these circumstances, the affected person is exempt from the provisions of subsection (1) of this section and may seek judicial review through an inverse condemnation action specifying neglect by local government to provide "just compensation" under the provisions of section 14, article I, of the constitution of the state of Idaho and chapter 7, title 7, Idaho Code.

67-6522. COMBINING OF PERMITS -- PERMITS TO ASSESSOR.

Where practical, the governing board or zoning or planning and zoning commission may combine related permits for the convenience of applicants. State and federal agencies should make every effort to combine or coordinate related permits with the local governing board or commission. Appropriate permits as defined by local ordinance shall be forwarded to the county assessor.

67-6523. EMERGENCY ORDINANCES AND MORATORIUMS.

If a governing board finds that an imminent peril to the public health, safety, or welfare requires adoption of ordinances as required or authorized under this chapter, or adoption of a moratorium upon the issuance of selected classes of permits, or both, it shall state in writing its reasons for that finding. The governing board may then proceed without recommendation of a commission, upon any abbreviated notice of hearing that it finds practical, to adopt the ordinance or moratorium. An emergency ordinance or moratorium may be effective for a period of not longer than one hundred and twenty (120) days.

67-6524. INTERIM ORDINANCES AND MORATORIUMS.

If a governing board finds that a plan, a plan component, or an amendment to a plan is being prepared for its jurisdiction, it may adopt interim ordinances as required or authorized under this chapter, following the notice and hearing procedures provided in section 67-6509, Idaho Code. The governing board may also adopt an interim moratorium upon the issuance of selected classes of permits if, in addition to the foregoing, the governing board finds and states in writing that an imminent peril to the public health, safety, or welfare requires the adoption of an interim moratorium. An interim ordinance or moratorium shall state a definite period of time when it shall be in full force and effect.

67-6525. PLAN AND ZONING ORDINANCE CHANGES UPON ANNEXATION OF UNINCORPORATED AREA.

Prior to annexation of an unincorporated area, a city council shall request and receive a recommendation from the planning and zoning commission, or the planning commission and the zoning commission, on the proposed plan and zoning ordinance changes for the unincorporated area. Each commission and the city council shall follow the notice and hearing procedures provided in section 67-6509, Idaho Code. Concurrently or immediately following the adoption of an ordinance of annexation, the city council shall amend the plan and zoning ordinance.

67-6526. AREAS OF CITY IMPACT -- NEGOTIATION PROCEDURE.

- a) The governing board of each county and each city therein shall adopt by ordinance following the notice and hearing procedures provided in section 67-6509, Idaho Code, a map identifying an area of city impact within the unincorporated area of the county. A separate ordinance providing for application of plans and ordinances for the area of city impact shall be adopted. Subject to the provisions of section 50-222, Idaho Code, an area of city impact must be established before a city may annex adjacent territory. This separate ordinance shall provide for one (1) of the following:
 - 1) Application of the city plan and ordinances adopted under this chapter to the area of city impact; or
 - 2) Application of the county plan and ordinances adopted under this chapter to the area of city impact; or
 - 3) Application of any mutually agreed upon plan and ordinances adopted under this chapter to the area of city impact. Areas of city impact, together with plan and ordinance requirements, may cross county boundaries by agreement of the city and county concerned if the city is within three (3) miles of the adjoining county.
- b) If the requirements of section 67-6526(a), Idaho Code, are not met by January 1, 2000, the county commissioners for the county concerned, together with three (3) elected city officials designated by the mayor of the city and confirmed by the council, shall, within thirty (30) days after the city officials have been confirmed by the council, select three (3) city or county residents. These nine (9) persons shall, by majority vote, recommend to the city and county governing boards an area of city impact together with plan and ordinance requirements. The recommendations shall be submitted to the governing boards within one hundred eighty (180) days after the selection of the three (3) at-large members and shall be acted upon by the governing boards within sixty (60) days of receipt. If the city or county fails to enact ordinances providing for an area of city impact, plan, and ordinance requirements, either the city or county may seek a declaratory judgment from the district court identifying the area of city impact, and plan and ordinance requirements. In defining an area of city impact, the following factors shall be considered (1) trade area; (2) geographic factors; and (3) areas that can reasonably be expected to be annexed to the city in the future.

- c) If areas of city impact overlap, the cities involved shall negotiate boundary adjustments to be recommended to the respective city councils. If the cities cannot reach agreement, the board of county commissioners shall, upon a request from either city, within thirty (30) days, recommend adjustments to the areas of city impact which shall be adopted by ordinance by the cities following the notice and hearing procedures provided in section 67-6509, Idaho Code. If any city objects to the recommendation of the board of county commissioners, the county shall conduct an election, subject to the provisions of section 34-106, Idaho Code, and establish polling places for the purpose of submitting to the qualified electors residing in the overlapping impact area, the question of which area of city impact the electors wish to reside. The results of the election shall be conclusive and binding, and no further proceedings shall be entertained by the board of county commissioners, and the decision shall not be appealable by either city involved. The clerk of the board of county commissioners shall by abstract of the results of the election, certify that fact, record the same and transmit copies of the original abstract of the result of the election to the clerk of the involved cities.
- d) Areas of city impact, plan, and ordinance requirements shall remain fixed until both governing boards agree to renegotiate. In the event the city and county cannot agree, the judicial review process of subsection (b) shall apply. Renegotiations shall begin within thirty (30) days after written request by the city or county and shall follow the procedures for original negotiation provided in this section.
- e) Prior to negotiation or renegotiation of areas of city impact, plan, and ordinance requirements, the governing boards shall submit the questions to the planning, zoning, or planning and zoning commission for recommendation. Each commission shall have a reasonable time fixed by the governing board to make its recommendations to the governing board.
- f) This section shall not preclude growth and development in areas of any county within the state of Idaho which are not within the areas of city impact provided for herein.
- g) If the area of impact has been delimited pursuant to the provisions of subsection (a) (1) of this section, persons living within the delimited area of impact shall be entitled to representation on the planning, zoning, or the planning and zoning commission of the city of impact. Such representation shall as nearly as possible reflect the proportion of population living within the city as opposed to the population living within the areas of impact for that city. To achieve such proportional representation, membership of the planning, zoning or planning and zoning commission, may exceed twelve (12) persons, notwithstanding the provisions of subsection (a) of section 67-6504, Idaho Code. In instances where a city has combined either or both of its planning and zoning functions with the county, representation on the resulting joint planning, zoning or planning and zoning commission shall as nearly as possible reflect the proportion of population living within the impacted city, the area of city impact outside the city, and the remaining unincorporated area of the county. Membership on such a joint planning, zoning or planning and zoning commission may exceed twelve (12) persons, notwithstanding the provisions of subsection (a) of section 67-6504, Idaho Code.

67-6527. VIOLATIONS -- CRIMINAL PENALTIES -- ENFORCEMENT.

A governing board may provide by ordinance for the enforcement of this chapter or any ordinance or regulation made pursuant to this chapter. A violation of any such ordinance or regulation may be declared a misdemeanor and the governing board may provide by ordinance for punishment thereof by fine or imprisonment or by both. Local ordinances adopted pursuant to authority granted by this chapter may be enforced by the imposition of infraction penalties. Except that where property has been made nonconforming by the exercise of eminent domain it shall not be a violation and no penalty, either civil or criminal, shall result. In addition, whenever it appears to a governing board that any person has engaged or is about to engage in any act or practice violating any provision of this chapter or an ordinance or regulation enacted pursuant to this chapter, the governing board may institute a civil action in the district court to enforce compliance with this chapter or any ordinance or regulation enacted hereunder. Upon a showing that a person has engaged or is about to engage in an act or practice constituting a violation of this chapter or ordinance or regulation enacted hereunder, a permanent or temporary injunction, restraining order, or such other relief as the court deems appropriate shall be granted. The governing board shall not be required to furnish bond.

67-6528. APPLICABILITY OF ORDINANCES.

The state of Idaho, and all its agencies, boards, departments, institutions, and local special purpose districts, shall comply with all plans and ordinances adopted under this chapter unless otherwise provided by law. In adoption and implementation of the plan and ordinances, the governing board or commission shall take into account the plans and needs of the state of Idaho and all agencies, boards, departments, institutions, and local special purpose districts. The provisions of plans and ordinances enacted pursuant to this chapter shall not apply to transportation systems of statewide importance as may be determined by the Idaho transportation board. The Idaho transportation board shall consult with the local agencies affected specifically on site plans and design of transportation systems within local jurisdictions. If a public utility has been ordered or permitted by specific order, pursuant to title 61, Idaho Code, to do or refrain from doing an act by the public utilities commission, any action or order of a governmental agency pursuant to titles 31, 50 or 67, Idaho Code, in conflict with said public utilities commission order, shall be insofar as it is in conflict, null and void if prior to entering said order, the public utilities commission has given the affected governmental agency an opportunity to appear before or consult with the public utilities commission with respect to such conflict.

67-6529. APPLICABILITY TO AGRICULTURAL LAND.

No power granted hereby shall be construed to empower a board of county commissioners to enact any ordinance or resolution which deprives any owner of full and complete use of agricultural land for production of any agricultural product. Agricultural land shall be defined by local ordinance or resolution.

67-6530. DECLARATION OF PURPOSE.

The legislature declares that it is the policy of this state that mentally and/or physically handicapped or elderly persons are entitled to live in normal residential surroundings and should not be excluded therefrom because of their disability or advanced age, and in order to achieve statewide implementation of such policy it is necessary to establish the statewide policy that the use of property for the care of eight (8) or fewer mentally and/or physically handicapped or elderly persons is a residential use of such property for the purposes of local zoning.

67-6531. SINGLE FAMILY DWELLING.

- a) For the purpose of any zoning law, ordinance or code, the classification "single family dwelling" shall include any home in which eight (8) or fewer unrelated mentally and/or physically handicapped or elderly persons reside; and which is supervised.
- b) Resident staff, if employed, need not be related to each other or to any of the mentally and/or physically handicapped or elderly persons residing in the home.
- c) No more than two (2) of such staff shall reside in the dwelling at any one time.

67-6532. LICENSURE, STANDARDS AND RESTRICTIONS.

- a) The department of health and welfare may require such residences to be licensed and set minimum standards for providing services or operation. Such licensure may be under the residential care home regulations, or under the intermediate care facilities for mentally retarded or related conditions regulations, or under regulations specifically written for such residences.
- b) No conditional use permit, zoning variance, or other zoning clearance shall be required of a residential facility which serves eight (8) or fewer mentally and/or physically handicapped or elderly persons and is supervised as required in section 67-6531, Idaho Code, which is not required of a single family dwelling in the same zone.
- c) No local ordinances or local restrictions shall be applied to or required for a residential facility which serves eight (8) or fewer mentally and/or physically handicapped or elderly persons and is supervised as required in section 67-6531, Idaho Code, which is not applied to or required for a single family dwelling in the same zone.

67-6533. LOCATION OF STORES SELLING SEXUAL MATERIAL RESTRICTED IN CERTAIN AREAS.

- a) From and after January 1, 1980, no person or entity shall own or operate any store, shop or business which sells or rents any materials defined as obscene materials in section 18-4101, Idaho Code, within twenty-five hundred (2500) feet of any school, church, or place of worship measured in a straight line to the nearest entrance to the premises.
- b) From and after January 1, 1980, no person or entity shall own or operate any store, shop or business which sells or rents any materials defined in subsection 1 of section 18-1515, Idaho Code, where such materials constitute ten percent (10%) or more of the printed materials held for sale or rent of such store, shop or business, within twenty-five hundred (2500) feet of any school, church, or place of worship measured in a straight line to the nearest entrance to the premises.
- c) From and after the effective date of this act, a violation of subsection (a) or subsection (b) of this section shall be a misdemeanor.
- d) A judge of a court of competent jurisdiction shall immediately issue a temporary restraining order for a violation of subsection (a) or subsection (b) of this section upon application therefore by any public or private entity or person and upon compliance with the Idaho rules of civil procedure, except that no bond or security for the issuance of such restraining order shall be required. Further, a violation of subsection (a) or subsection (b) of this section shall subject the person and entities therefore to a preliminary and permanent order of any court of this state enjoining them from such violation and no bond or security shall be required from the plaintiff or applicant therefore.
- e) No entity, public or private, nor any person shall be liable for any damages, costs or attorney fees for any acts attempting to civilly or criminally enforce this section.
- f) Nothing contained in this section shall preempt or prohibit cities or counties from regulating or restricting the location of the business activity described in this section and cities and counties are hereby specifically authorized to so regulate or restrict the location of said business activity.

67-6534. ADOPTION OF HEARING PROCEDURES.

The governing board shall, by ordinance or resolution, adopt procedures for the conduct of public hearings. At a minimum such hearing procedures shall provide an opportunity for all affected persons to present and rebut evidence.

67-6535. APPROVAL OR DENIAL OF ANY APPLICATION TO BE BASED UPON STANDARDS AND TO BE IN WRITING.

- a) The approval or denial of any application provided for in this chapter shall be based upon standards and criteria which shall be set forth in the comprehensive plan, zoning ordinance or other appropriate ordinance or regulation of the city or county.
- b) The approval or denial of any application provided for in this chapter shall be in writing and accompanied by a reasoned statement that explains the criteria and standards considered relevant, states the relevant contested facts relied upon, and explains the rationale for the decision based on the applicable provisions of the comprehensive plan, relevant ordinance and statutory provisions, pertinent constitutional principles and factual information contained in the record.
- c) It is the intent of the legislature that decisions made pursuant to this chapter should be founded upon sound reason and practical application of recognized principles of law. In reviewing such decisions, the courts of the state are directed to consider the proceedings as a whole and to evaluate the adequacy of procedures and resultant decisions in light of practical considerations with an emphasis on fundamental fairness and the essentials of reasoned decision-making. Only those whose challenge to a decision demonstrates actual harm or violation of fundamental rights, not the mere possibility thereof, shall be entitled to a remedy or reversal of a decision.

67-6536. TRANSCRIBABLE RECORD.

In every case in this chapter where an appeal is provided for, a transcribable verbatim record of the proceeding shall be made and kept for a period of not less than six (6) months after a final decision on the matter. The proceeding envisioned by this statute for which a transcribable verbatim record must be maintained shall include all public hearings at which testimony or evidence is received or at which an applicant or affected person addresses the commission or governing board regarding a pending application or during which the commission or governing board deliberates toward a decision after compilation of the record. Upon written request and within the time period provided for retention of the record, any person may have the record transcribed at his expense.

The governing board and commission shall also provide for the keeping of minutes of the proceedings. Minutes shall be retained indefinitely or as otherwise provided by law.

67-6537. APPLICATION TO GROUND WATER.

When considering amending, repealing or adopting a comprehensive plan, the local governing board shall consider the effect the proposed amendment, repeal or adoption of the comprehensive plan would have on the quality of ground water in the area.

67-6538. USE FOR DESIGNED PURPOSE PROTECTED -- WHEN VACANCY OCCURS.

- 1) No rights or authority granted pursuant to this chapter shall be construed to empower a city or county to enact any ordinance or resolution which deprives an owner of the right to use improvements on private property for their designed purpose based solely on the nonuse of the improvements for their designed purpose for a period of ten (10) years or less. Where an owner or his authorized agent permits or allows an approved or unlawful intervening use of the owner's property, the provisions of this section are not applicable.
- 2) If the nonuse continues for a period of one (1) year or longer, the city or county may, by written request, require that the owner declare his intention with respect to the continued nonuse of the improvements in writing within twenty-eight (28) days of receipt of the request. If the owner elects to continue the nonuse, he shall notify the city or county in writing of his intention and shall post the property with notice of his intent to continue the nonuse of the improvements. He shall also publish notice of his intent to continue the nonuse in a newspaper of general circulation in the county where the property is located. If the property owner complies with the requirements of this subsection, his right to use such improvements in the future for their designed purpose shall continue, notwithstanding any change in the zoning of the property.
- 3) The property owner may voluntarily elect to withdraw the use by filing with the clerk of the city or the county, as the case may be, an affidavit of withdrawn use. If the property is redesigned for a different use, the property owner shall be deemed to have abandoned any grandfather right to the prior use of the property.
- 4) For purposes of this section "designed purpose" means the use for which the improvements were originally intended, designed and approved pursuant to any applicable planning and zoning ordinances.
- 5) The provisions of this section shall not be construed to prohibit a city or a county from passing or enforcing any other law or ordinance for the protection of the public health, safety and welfare.