



Honorable John A. Stevenson, Chair  
Resources and Conservation Committee  
Idaho State House of Representatives  
P.O. Box 83720  
Boise, Idaho 83720

RE: Draft Oil and Gas Bill

Dear Chairman Stevenson:

I am writing to you in my capacity as President of the Idaho Chapter of the American Planning Association (APA Idaho). I represent more than 200 local planning officials, private-sector planners, and planning commission members statewide and am offering our membership's assistance in developing and improving the proposed amendments to the Idaho Statutes promoting expedited development of the State's oil and gas reserves. The APA Idaho Executive Board and the APA Idaho membership have reviewed an early draft of the legislation, and while we support the purpose of the amendments, we have significant reservations about certain provisions in the draft.

Specifically, the amendment of Idaho Statutes 47-317 creating the Oil and Gas Conservation Commission and the addition of a new Section 3 are particularly problematic. The new section gives the Commission plenary authority to regulate and approve the siting, development, and operation of oil and gas wells, as well as transport and production facilities. This creates a class of heavy industrial uses that are exempt from local land use regulation. We believe this is unwise and unnecessary.

Idaho's local governments have a broad mandate to protect life, health, safety, and property. The regulation of land use and development through the local zoning ordinance as mandated by Idaho Statutes 67-6511 is one of the primary methods of achieving this important goal. The proposed legislation implements centralized decision making and pre-empts local control by vesting an appointed body with those powers, an appointed body whose sole duty is to expedite the development of oil and gas resources. While this will be convenient for resource developers, it will essentially leave counties and cities with no meaningful voice in the development of these resources as the draft bill makes no provision for public review or comment. This is a fairly radical departure from the process as it now exists, which requires a public hearing process in the administration of planning and zoning authority.

Rather than attempt to modify the preemption language, APA Idaho suggests that the Commission develop a model ordinance that local governments could adopt or use as a template for their own rules and regulations. Accordingly, I am offering the assistance of the Idaho Chapter of the American Planning Association in drafting a model ordinance or in any other way that we may be of service to the State of Idaho in this important matter.



American Planning Association  
Idaho Chapter

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Thank you for your service and your attention to these concerns. Please contact me at your earliest convenience should you have questions or require additional information.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Fluke'.

Daren Fluke, AICP  
President, APA Idaho

Cc: APA Idaho Executive Board  
Association of Idaho Cities  
Idaho Association of Counties