Dear Chairman Mendive:

On behalf of the Idaho Chapter of the American Planning Association (APA Idaho), I am writing to register my organization's recommendation for denial of House Bill 450, the amendment to Section 67-6511 regarding Planning and Zoning Commissions.

Our organization represents more than 250 local planning officials, private-sector planners, and planning commission members statewide. We are the technicians, professionals, policy and decision makers who represent the public interest in carrying out the authorities vested with local government under Idaho’s Local Land Use Planning Act, Title 67, Chapter 65 of the Idaho Statutes.

While APA Idaho strongly supports local control of the planning process, we see this amendment as unnecessary and adding unneeded complexity to Idaho’s Local Land Use Planning Act (LLUPA).

Small communities throughout the state are best served by the current statutes which allow the governing board to choose to have a planning and zoning commission or not. The small communities can opt to have their city council or county commission act as the planning and zoning commission-(§67-6504). But for the communities who establish a separate planning and zoning commission, their role is intentionally designed to be that of a review and advisory board to the elected officials on matters of land use, zoning and annexations.

LLUPA specifically establishes the planning process and related powers of the commission under §67-6507. The statute clearly establishes the role and powers of the commission to provide opportunities for citizen meetings, hearings, and other methods to obtain advice on the planning process, conduct informational meetings, and consult with public
officials, agencies, etc. The commission is tasked with promoting public interest in and making recommendations to the governing board.

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...

The proposed legislation would contradict other sections of LLUPA, by taking away opportunities for citizens to participate in the process and eliminating the informed advisory recommendation to the governing board.

Additionally, LLUPA already establishes the need for only one public hearing on zoning code amendments. The planning commission is the appropriate place for the public hearing to take place. Their informed recommendations can then be taken forward to the city council or county commission for a final vote.

APA Idaho wants to stress the importance of planning and zoning commissions to the community, citizens, legislators, and the State as a whole. These volunteer boards are intended to provide an unbiased, non-political review of a community’s plan for the future (Comprehensive Plan) and how that plan is being implemented (zoning code and subdivision code). These recommendations that the planning/zoning commission make are just recommendations which the governing board can ultimately choose to follow or not, but they provide that additional level of review and public input to ensure what is best for the community. It is the planning/zoning commission who has the knowledge and deep understanding of the comprehensive plan and zoning code, and they are legally tasked with the responsibility to hold meetings and hearings for the public and make recommendations to the governing board.

It should also be noted that by removing the requirement for the planning/zoning commission to hear an application regarding annexations, rezones or zoning text amendments, the effect is that there is less opportunity for the public to participate in the process and ultimately less informed decision making by a governing board. A
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planning/zoning commission allows a community with more complex applications – those that have a greater impact on a large number of people and with greater public interest -- to hear the voice of the people and provide a better review of the application, and ultimately an informed recommendation to the governing board.

We appreciate your service and would greatly appreciate your consideration of our professional opinion on matters related to land use planning and policy, growth and annexation in Idaho. Please contact me at your earliest convenience should you have questions or require additional information.

Sincerely,

Jason Boal- AICP, CFM
APA Idaho Legislative Committee, Chair

Cc: APA Idaho Executive Board
    Association of Idaho Cities
    Idaho Association of Counties
    Honorable Representative Mike Kingsley
    Honorable Representative Vito Barbieri
    Honorable Representative Lance W. Clow
    Honorable Representative Gary E. Collins
    Honorable Representative Bryan Zollinger
    Honorable Representative Chad Christensen
    Honorable Representative Jarom Wagoner
    Honorable Representative Tony Wisniewski
    Honorable Representative Timothy Remington