The Honorable Ron Mendive, Chair
House Local Government Committee
Idaho State Legislature
P.O. Box 837200
Boise, ID 83720

RE: Letter of Opposition to HB 643

Dear Chairman Mendive,

I am writing to you in my capacity as the President of the Idaho Chapter of the American Planning Association (APA Idaho). APA Idaho represents more than 250 local planning officials, private-sector planners, and planning commission members statewide. We are the technicians, professionals, and policy and decision makers who represent the public interest in carrying out the authority vested with local government under Idaho’s Local Land Use Planning Act, Title 67, Chapter 65 of the Idaho Statutes.

HB 643 proposes to add a list of required exemptions in county subdivision ordinances. The sponsor, Rep. Gestrin from Valley County, believes that subdivision requirements outlined in Title 50 are complex and costly and prevent farmers and ranchers from passing portions of family farms and ranches to their children and grandchildren. I am writing to register my organization’s opposition to HB 643.

The APA Idaho Board of Directors and Legislative Committee have reviewed this proposed legislation and strongly oppose it for the following reasons:

1. This legislation wants to exempt all lot line adjustments from subdivision platting. Most, if not all, county subdivision regulations provide a process to adjust lot lines. Plats are recorded documents that typically depict easements along lot lines, and a formal review of how easements may be affected by a lot line adjustment is critically important to insure the property owner can be served by utilities that rely on these easements to extend services. If easements are currently being utilized and the owner wants to adjust the lot line, then the lot line adjustment is done with a replat of that specific area (of the original plat) and the new plat is subsequently recorded. Exempting these cases from platting requirements will result in confusion of where the utilities can be placed on the affected lots.

2. The legislation seeks to exempt all court decrees from subdivision platting. Most subdivision ordinances already provide this exception. It should be noted that the properties resulting from these divisions may not be eligible for building permits if the division ignores the requirements for access or minimum property size to accommodate
a well and septic system. It is unclear whether this proposed legislation recognizes the potential conflict with other standards in local ordinances.

3. The most problematic provision of this bill is subsection (2)(c). This subsection would allow the creation of 20-acre parcels throughout Idaho’s agricultural and forest lands and would create enormous land use conflicts that would disrupt the operations of these important industries. Without a review process, parcels could be created without regard to whether or not they have access, are within regulated flood hazard areas, or have any necessary irrigation rights. While the statement of purpose purports to help farmers, in reality the disruptions to agricultural operations will be far more costly to neighboring farms than the relative cost of preparing a subdivision plat. Most counties have existing provisions to provide administrative divisions so that farmers can create new parcels for family members. This provision creates tremendous conflicts with several county zoning ordinances where 40-acre or larger minimum lot sizes have been adopted in agricultural zones (Canyon County, Ada County and Fremont County are examples.). Adoption of statewide lot size standard is a usurpation of local control over a community’s land use plan that is only adopted after extensive input from community members.

4. Subsections (2)(d) and (2)(e) provide for an exemption for public trails, pathways and other public lands that is typically already exempted from platting requirements in local ordinances.

APA Idaho respectfully asks that you hold this bill in committee and let local jurisdictions decide how to regulate subdivisions. If this bill is going to move forward, APA Idaho would ask that you work with our organization to draft amendments that could provide limited exemption language that is consistent with local ordinances. Otherwise, if the legislation language remains as written, our organization we will work closely with other organizations to strongly oppose the legislation.

Questions regarding this position can be sent to Hilary Anderson, APA Idaho President, Joel Plaskon, APA Idaho Legislative Committee Co-Chair, or Patricia Nilsson, APA Idaho Legislative Committee Co-Chair. (handerson@cdaid.org; jplaskon@cityoflewiston.org; pnilssonidaho@gmail.com)

Sincerely,

Hilary Anderson
APA Idaho President
CC.

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APA Idaho Legislative Committee

Idaho Association of Counties

Association of Idaho Cities

Idaho Association of Professional Land Surveyors

Association of Idaho Highway Districts

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