



The Honorable Joe A. Palmer, Chair
House Transportation Committee
Idaho State Legislature
P.O. Box 83720
Boise, ID 83720

RE: Letter of Opposition to H271

Dear Chairman Palmer and Committee Members,

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 280 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. We are in opposition to House Bill 271 (H271) and urge you to vote NO.

H271 presents itself as a simple change to benefit Idaho, Idaho's citizens and the traveling public. It says it is in the public interest to have the ability to control landscaping that blocks signs and is a matter of improve public safety. The bill would have major implications to all Idaho communities as it gives a free pass to remove any vegetation or street trees that are deemed to be blocking signage and outdoor advertising within the "target view zone," which could extend 200 feet from the sign and apply to any tree within the street right-of-way, and may even be in front of another business that wants to retain the trees and vegetation. This bill would give advertising corporations power over tax payer funded amenities (street trees) in public spaces which appears to be counter to Legislative intent of Title 40 : *"to preserve and enhance the natural scenic beauty of areas traversed by interstate and primary highways"*. Additionally, the intent written for Title 40 is: *"the legislature finds and declares it to be necessary in the public interest to regulate the erection and maintenance of outdoor advertising structures, signs and displays and the business or occupation, in areas adjacent to interstate and primary highways..."* This bill does not limit the new provisions to areas adjacent to interstate and primary highways as the original intent of Title 40, and it has the potential to have some very devastating impacts. It would apply to all roadways maintained by any Political Subdivision of the State of Idaho (i.e., any road that our Idaho communities maintain). Another conflict with Idaho Code would be created by the bill as it relates to Historic Districts. This bill creates a conflict with Idaho Statute Title 67 chapter 46 wherein Historic Districts that have been formally created protect "natural features such as trees and shrubbery" from being removed without first being approved by the local Historic Preservation Commission.

The bill has some significant ramifications that haven't been thought through carefully. The definition of "Sign" in Title 40 does not differentiate between temporary or permanent. The plain text of the bill would allow anyone that legally installs a temporary sign to also request the public trees within the "target view zone" of 200 feet to be removed. This would cause truly needless destruction of viable, and beneficial tree vegetation that makes parts of our City remarkable. Are we willing to allow a

temporary banner sign to dictate that a valuable street tree needs to be removed? Another example is the ambiguity with how to apply the “target view zones” and speed limits. The bill reference speed limits several times, but doesn’t provide any clarity on how they are to be applied.

Creating such a permit process is in direct conflict with urban forestry master plans, street tree plans and comprehensive plans of communities large and small throughout Idaho. Our municipal codes already address code violations, nuisance, vision triangle issues, sign permits, sign clearance issues, encroachment permits for work in the right-of-way, and include a process for requesting public street tree removal, as well as an appeals process if a tree removal request is denied. This bill is unnecessary and would add layers to the State Statutes that would only add confusion and remove local control.

Idaho communities have worked hard to preserve our street trees and urban forests, and achieve Tree City USA status. Trees and shrubs planted along city streets, in public parks, and on private property provide a variety of benefits to people and the environment. By providing shade and reducing glare from pavement, sidewalks, and buildings, trees and shrubs aid in energy savings. A healthy urban forest will filter carbon dioxide and other airborne pollutants, reduce storm water runoff, and shade parking lots, streets, residential areas, and businesses. A community’s trees help to maintain windbreak protection, abate soil erosion, muffle noise, provide visual screens, and increase property values. Neighborhoods, business districts, and downtowns with an established tree canopy are some of the most desirable places to buy property and open businesses.

Furthermore, the Statement of Purpose for the bill says it would have no anticipated cost to the general fund or local governments. This statement is insincere and fails to recognize the massive costs that could result if this bill becomes law. The allowable conditional permit fee of \$500 for each tree that exceeds four (4) inches diameter breast height (DBH) and \$200 for each tree that exceeds two (2) inches DBH is extremely undervalued. That is the price of potentially replacing a 1.5” caliper tree. The bill provides an arbitrary, and very low, value for public trees with no mention of industry standard tree appraisals. Grand scale trees can be worth tens of thousands of dollars, far in excess of the \$500 set by the bill. Street trees are very valuable asset to Idaho communities, providing reduced energy costs to adjacent property owners, naturally filtering out stormwater waste and reducing cost of treatment, enhancing community’s sense of place and providing property value back to individual property owners, to name a few. By allowing a bill such as H271, it places the value on only one item, the outdoor advertising companies and businesses that believe the visibility of their sign from all angles is more important than balancing the community benefit of retaining street trees, while recognizing that signs may not be visible from every angle to the traveling public. Grand scale trees can be worth tens of thousands of dollars. The most important fact is that street trees and the urban forest are the only piece of public infrastructure that appreciates in value as they age, whereas other infrastructure depreciates with age.

I share specific examples from two Idaho communities – Coeur d’Alene and Twin Falls – to emphasize the impact of this bill. The monetary benefit of the City of Coeur d’Alene’s urban forest is valued at over \$2 million. The runoff prevented in Coeur d’Alene’s stormwater system by these trees is over 24 million gallons. The energy savings is close to 1.5 million kWh. Pollutants removed from the air and environment is 19,254 pounds and the carbon reduction is close to 10 million pounds for Coeur d’Alene. The City of Twin Falls, and the Urban Renewal Agency of Twin Falls, spent

hundreds of thousands of dollars creating a walkable, enjoyable public space with shade trees for residents to enjoy. This bill could be used by bad actors to reduce these streetscapes to barren landscapes of concrete sidewalks and short planter boxes. This would reverse the last decade of work Twin Falls has put into this area to revitalizing their downtown.

As an organization, we recognize the importance of signage as it relates to supporting local businesses and that some signage is important for public safety. However, this bill is unnecessary It would benefit the outdoor advertising industry and some business owners that place more value on having their signs visible from every angle while losing sight of the value of an attractive streetscape and the importance of street trees to a local economy. This bill has also been drafted to respond to a singular issue in one community in Idaho. There is no need to make changes to Idaho Code. This matter could be handled at the local level. This bill has the potential to destroy decades of streetscape construction and beautification that are directly related to the success of our local communities' economies. Is an increase in business profits really worth the cost to the public as a whole? This bill should be opposed and local control should be maintained for all Idaho communities.

Questions regarding this position can be sent to Hilary Patterson, APA Idaho President, Patricia Nilsson, APA Idaho Legislative Committee Co-Chair or Jonathan Spendlove, APA Idaho Legislative Committee Co-Chair (hpatterson@cdaid.org; pnilssonidaho@gmail.com; JSpendlove@tfid.org).

Sincerely,



Hilary Patterson
APA Idaho President

CC.

APA Idaho Legislative Committee

Idaho Association of Counties

Association of Idaho Cities

Bill sponsor: Representative James Holtzclaw

House Transportation Committee Secretary Tracey McDonnell: htran@house.idaho.gov