

2023 PROPOSED ISBA RESOLUTION NO. 10

RECONCILING LOCAL LAND USE PLANNING ACT FOR CONSISTENT APPLICATION AND FAIRNESS

WHEREAS, I.C. § 67-6511 provides that planning and zoning commissions “shall” evaluate zoning amendment requests for impacts on school districts, and;

WHEREAS, I.C. § 67-6513 is inconsistent with I.C. § 67-6511, and provides only that Subdivision Ordinances “may” provide for mitigation of the effects of growth, and;

WHEREAS, inconsistent adoption and application of the two statutes creates confusion and misunderstanding of the law to be applied, and;

WHEREAS, predictability and consistency are desirable goals in the law, and;

WHEREAS, public school facilities are an integral part of all Idaho communities, and;

WHEREAS, without consistent statutory language, school districts, cities, counties and planning agencies are unable to adequately provide for the public good, and;

WHEREAS, Idaho’s school districts have no current mechanism to adequately respond to growth without placing a heavy burden on current tax payers unless I.C. § 67-6513 is consistently and rationally applied:

NOW THEREFORE BE IT RESOLVED: That the Idaho School Boards Association work with all entities and agencies including the Idaho State Department of Education, Idaho State Board of Education, and the Idaho Legislature to amend Idaho Code to change certain language in Idaho Code 67-6513 from “...may provide for mitigation” to “shall provide for mitigation...”

STATEMENT OF PURPOSE

Changing the language in Idaho Code § 67-6513 from “may” to “shall” will remove an inconsistency in current law and give city and county land use entities consistency in application of the law. It will more strongly point out the need to require mitigation of the effects of subdivision development on Idaho school districts. It will also authorize planning entities to consider the burdens more consistently on current residents in a more consistent, even-handed, and judicious way while still balancing private property rights and interests.

Submitted by Kuna Joint School District No. 003

ISBA Executive Board Recommendation: Do Pass

Anne Ritter, ISBA Region 9 Vice Chair, will present the ISBA recommendation during the annual business session.