

IN THE SENATE

SENATE BILL NO. 1061

BY LOCAL GOVERNMENT AND TAXATION COMMITTEE

AN ACT

1 RELATING TO PIPELINES; AMENDING SECTION 50-1304, IDAHO CODE, TO PROVIDE THAT
2 PLATS SHALL SHOW CERTAIN INTERSTATE NATURAL GAS TRANSMISSION PIPELINES
3 AND INTERSTATE PETROLEUM PRODUCTS PIPELINES AND TO MAKE TECHNICAL COR-
4 RECTIONS; AMENDING CHAPTER 11, TITLE 62, IDAHO CODE, BY THE ADDITION OF
5 A NEW SECTION 62-1104, IDAHO CODE, TO REQUIRE CERTAIN PIPELINE COMPA-
6 NIES TO FILE SPECIFIED INFORMATION WITH COUNTIES REGARDING INTERSTATE
7 NATURAL GAS TRANSMISSION PIPELINES AND INTERSTATE PETROLEUM PRODUCTS
8 PIPELINES; AMENDING SECTION 67-6511, IDAHO CODE, TO REQUIRE THAT NOTICE
9 REGARDING ZONING ORDINANCE CHANGES BE GIVEN TO CERTAIN PIPELINE COMPA-
10 NIES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 67-6519, IDAHO
11 CODE, TO REQUIRE THAT NOTICE REGARDING DEVELOPMENT PROPOSALS BE GIVEN
12 TO CERTAIN PIPELINE COMPANIES AND TO MAKE TECHNICAL CORRECTIONS; AND
13 DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.
14

15 Be It Enacted by the Legislature of the State of Idaho:

16 SECTION 1. That Section 50-1304, Idaho Code, be, and the same is hereby
17 amended to read as follows:

18 50-1304. ESSENTIALS OF PLATS. (1) All plats offered for record in any
19 county shall be ~~upon~~ on stable base drafting film with a minimum base thick-
20 ness of 0.003 inches. The image thereon shall be by a photographic process
21 or a process by which a copy is produced using an ink jet or digital scanning
22 and reproduction machine with black opaque drafting film ink or fused toner
23 that will ensure archival permanence. The copy and image thereon shall be
24 waterproof, tear resistant, flexible, and capable of withstanding repeated
25 handling, as well as providing archival permanence. If ink or toner is used,
26 the surface shall be coated with a suitable substance, if required by the
27 county where the plat is to be recorded, to assure permanent legibility.
28 Plats shall be eighteen (18) inches by twenty-seven (27) inches ~~in size,~~
29 with a three-and-one-half (3 1/2) inch margin at the left end for binding
30 and a one-half (1/2) inch margin on all other edges. No part of the drawing
31 or certificates shall encroach upon the margins. Signatures shall be in
32 reproducible black ink. The sheet or sheets ~~which that~~ that contain the drawing
33 or diagram representing the survey of the subdivision shall be drawn at a
34 scale suitable to ensure the clarity of all lines, bearings and dimensions.
35 In the event that any subdivision is of such magnitude that the drawing or
36 diagram cannot be placed on a single sheet, serially numbered sheets shall
37 be prepared and match lines shall be indicated on the drawing or diagram with
38 appropriate references to other sheets. The required dedications, acknowl-
39 edgments and certifications shall appear on any of the serially numbered
40 sheets.

41 (2) The plat shall show:

42 (a) The streets and alleys, with widths and courses clearly shown;

- 1 (b) Each street named;
- 2 (c) All lots numbered consecutively in each block, and each block let-
- 3 tered or numbered, provided however, in a platted cemetery, ~~that~~ each
- 4 block, section, district or division and each burial lot shall be desig-
- 5 nated by number or letter or name;
- 6 (d) Each and all lengths of the boundaries of each lot shall be shown,
- 7 provided however, in a platted cemetery, that lengths of the boundaries
- 8 of each burial lot may be shown by appropriate legend;
- 9 (e) The exterior boundaries shown by distance and bearing;
- 10 (f) Descriptions of survey monuments;
- 11 (g) The point of beginning with ties to at least two (2) monuments from
- 12 the following list:
- 13 (i) Public land survey corners;
- 14 (ii) Center of section, quarter section corners, or sixteenth
- 15 section corners, any of which were not monumented in an original
- 16 survey of the United States, provided such corners have a corner
- 17 record meeting the current requirements of chapter 16, title 55,
- 18 Idaho Code; or
- 19 (iii) Monuments recognized by the county surveyor.

20 Additionally, if required by the city or county governing bodies, the

21 plat shall provide coordinates based on the Idaho coordinate system.

- 22 (h) The easements;
- 23 (i) Basis of bearings, bearing and length of lines, graphic scale of
- 24 plat, and north arrow;
- 25 (j) Subdivision name; ~~and~~
- 26 (k) Narrative as described in section 55-1906, Idaho Code; ~~and~~
- 27 (l) Any existing interstate natural gas transmission pipeline or in-
- 28 terstate petroleum products pipeline, as recognized by the pipeline
- 29 and hazardous materials safety administration, with a center point
- 30 one thousand (1,000) feet or less from the planned subdivision, pro-
- 31 vided that the pipeline company operating the interstate natural gas
- 32 transmission pipeline or interstate petroleum products pipeline is in
- 33 compliance with section 62-1104, Idaho Code.

34 (3) When coordinates in the Idaho coordinate system are shown on a plat,

35 the plat must show the national spatial reference system monuments and their

36 coordinates used as the basis of the survey; the zone; the datum and adjust-

37 ment; and the combined adjustment factor and the convergence angle and the

38 location where they were computed.

39 (4) Plats that are re-subdivisions of subdivisions of record need not

40 meet the requirements set forth in subsection (2) (g) of this section.

41 SECTION 2. That Chapter 11, Title 62, Idaho Code, be, and the same is

42 hereby amended by the addition thereto of a NEW SECTION, to be known and des-

43 ignated as Section 62-1104, Idaho Code, and to read as follows:

44 62-1104. INTERSTATE NATURAL GAS TRANSMISSION PIPELINE -- INTERSTATE

45 PETROLEUM PRODUCTS PIPELINE -- DUTY TO FILE. (1) By July 1, 2023, and by Jan-

46 uary 1 annually thereafter, in counties where a pipeline company operates an

47 interstate natural gas transmission pipeline or interstate petroleum prod-

48 ucts pipeline, as recognized by the pipeline and hazardous materials safety

49 administration, the company must file with the county the following:

1 (a) Interstate natural gas transmission pipeline or interstate petro-
 2 leum products pipeline location information, including but not limited
 3 to the easement or other documents reflecting the actual location of the
 4 interstate natural gas transmission pipeline or interstate petroleum
 5 products pipeline, marking facilities on design drawings, and maps; and
 6 (b) Current information for three (3) natural people designated as
 7 agents authorized to act on the pipeline company's behalf. Information
 8 for each person must include:

- 9 (i) First and last name;
 10 (ii) Title or position;
 11 (iii) Mailing address;
 12 (iv) Email address; and
 13 (v) Telephone number.

14 (2) If a pipeline company fails to comply with the requirements of this
 15 section:

- 16 (a) The requirement to include the pipeline company's interstate
 17 natural gas transmission pipeline or interstate petroleum products
 18 pipeline information on a plat as required by section 50-1304, Idaho
 19 Code, is void; and
 20 (b) Notice to the pipeline company, as required by sections 67-6511 and
 21 67-6519, Idaho Code, is void.

22 SECTION 3. That Section 67-6511, Idaho Code, be, and the same is hereby
 23 amended to read as follows:

24 67-6511. ZONING ORDINANCE. (1) Each governing board shall, by ordi-
 25 nance adopted, amended, or repealed in accordance with the notice and hear-
 26 ing procedures provided under section 67-6509, Idaho Code, establish within
 27 its jurisdiction one (1) or more zones or zoning districts where appropri-
 28 ate. The zoning districts shall be in accordance with the policies set forth
 29 in the adopted comprehensive plan.

30 (a) Within a zoning district, the governing board shall where appro-
 31 priate establish standards to regulate and restrict the height, number
 32 of stories, size, construction, reconstruction, alteration, repair or
 33 use of buildings and structures; percentage of lot occupancy, size of
 34 courts, yards, and open spaces; density of population; and the location
 35 and use of buildings and structures. All standards shall be uniform for
 36 each class or kind of buildings throughout each district, but the stan-
 37 dards in one (1) district may differ from those in another district.

38 (b) Within an overlay zoning district, the governing board shall es-
 39 tablish clear and objective standards for the overlay zoning district
 40 while ensuring that application of such standards does not constitute a
 41 regulatory taking pursuant to Idaho or federal law.

42 (2) Ordinances establishing zoning districts shall be amended as fol-
 43 lows:

44 (a) Requests for an amendment to the zoning ordinance shall be submit-
 45 ted to the zoning or planning and zoning commission, which shall evalu-
 46 ate the request to determine the extent and nature of the amendment re-
 47 quested. Particular consideration shall be given to the effects of any
 48 proposed zone change upon the delivery of services by any political sub-
 49 division providing public services, including school districts, within

1 the planning jurisdiction. An amendment of a zoning ordinance appli-
2 cable to an owner's lands or approval of conditional rezoning or denial
3 of a request for rezoning may be subject to the regulatory taking analy-
4 sis provided for by section 67-8003, Idaho Code, consistent with the re-
5 quirements established thereby.

6 (b) After considering the comprehensive plan and other evidence gath-
7 ered through the public hearing process, the zoning or planning and
8 zoning commission may recommend and the governing board may adopt or
9 reject an ordinance amendment pursuant to the notice and hearing pro-
10 cedures provided in section 67-6509, Idaho Code, provided that in the
11 case of a zoning district boundary change, and notwithstanding jurisd-
12 ictional boundaries, additional notice shall be provided by mail to
13 property owners or purchasers of record within the land being consid-
14 ered, and within three hundred (300) feet of the external boundaries of
15 the land being considered, and any additional area that may be impacted
16 by the proposed change as determined by the commission. Notice shall
17 also be given to a pipeline company operating any existing interstate
18 natural gas transmission pipeline or interstate petroleum products
19 pipeline, as recognized by the pipeline and hazardous materials safety
20 administration, with a center point within one thousand (1,000) feet
21 of the external boundaries of the land being considered, provided that
22 the pipeline company is in compliance with section 62-1104, Idaho Code.

23 Notice shall also be posted on the premises ~~not~~ no less than one (1)
24 week prior to the hearing. When notice is required to two hundred (200)
25 or more property owners or purchasers of record, alternate forms of
26 procedures ~~which~~ that would provide adequate notice may be provided
27 by local ordinance in lieu of posted or mailed notice. In the absence
28 of a locally adopted alternative notice procedure, sufficient notice
29 shall be deemed to have been provided if the city or county provides
30 notice through a display advertisement at least four (4) inches by two
31 (2) columns in size in the official newspaper of the city or county at
32 least fifteen (15) days prior to the hearing date, in addition to site
33 posting on all external boundaries of the site. Any property owner en-
34 titled to specific notice pursuant to the provisions of this subsection
35 shall have a right to participate in public hearings before a planning
36 commission, planning and zoning commission or governing board subject
37 to applicable procedures.

38 (c) The governing board shall analyze proposed changes to zoning or-
39 dinances to ensure that they are not in conflict with the policies of
40 the adopted comprehensive plan. If the request is found by the govern-
41 ing board to be in conflict with the adopted plan, or would result in
42 demonstrable adverse impacts upon the delivery of services by any po-
43 litical subdivision providing public services, including school dis-
44 tricts, within the planning jurisdiction, the governing board may re-
45 quire the request to be submitted to the planning or planning and zoning
46 commission or, in absence of a commission, the governing board may con-
47 sider an amendment to the comprehensive plan pursuant to the notice and
48 hearing procedures provided in section 67-6509, Idaho Code. After the
49 plan has been amended, the zoning ordinance may then be considered for
50 amendment pursuant to paragraph (b) of this subsection.

1 (d) If a governing board adopts a zoning classification pursuant to a
2 request by a property owner based upon a valid, existing comprehensive
3 plan and zoning ordinance, the governing board shall not subsequently
4 reverse its action or otherwise change the zoning classification of
5 said property without the consent in writing of the current property
6 owner for a period of four (4) years from the date the governing board
7 adopted said individual property owner's request for a zoning clas-
8 sification change. If the governing body does reverse its action or
9 otherwise change the zoning classification of said property during the
10 above four (4) year period without the current property owner's consent
11 in writing, the current property owner shall have standing in a court of
12 competent jurisdiction to enforce the provisions of this section.

13 SECTION 4. That Section 67-6519, Idaho Code, be, and the same is hereby
14 amended to read as follows:

15 67-6519. APPLICATION GRANTING PROCESS. (1) As part of ordinances re-
16 quired or authorized under this chapter, a procedure shall be established
17 for processing in a timely manner applications for zoning changes, subdivi-
18 sions, variances, special use permits and such other applications required
19 or authorized pursuant to this chapter for which a reasonable fee may be
20 charged.

21 (2) Where the commission hears an application, the commission shall
22 have a reasonable time fixed by the governing board to examine the applica-
23 tion before the commission makes its decision on the application or makes
24 its recommendation to the governing board. Each commission or governing
25 board shall establish by rule a time period within which a recommendation or
26 decision must be made. Provided however, any application ~~which that~~ relates
27 to a public school facility shall receive priority consideration and shall
28 be reviewed for approval, denial or recommendation by the commission or the
29 governing board at the earliest reasonable time, regardless of the timing
30 of its submission relative to other applications which are not related to
31 public school facilities.

32 (3) When considering an application ~~which that~~ relates to a public
33 school facility, the commission shall specifically review the application
34 for the effect it will have on increased ~~vehicular~~ vehicle, bicycle and
35 pedestrian volumes on adjacent roads and highways. To ensure that the state
36 highway system or the local highway system can satisfactorily accommodate
37 the proposed school project, the commission shall request the assistance
38 of the Idaho transportation department if state highways are affected, or
39 the local highway district with jurisdiction if the affected roads are not
40 state highways. The Idaho transportation department, the appropriate lo-
41 cal highway jurisdiction, or both as determined by the commission, shall
42 review the application and shall report to the commission on the following
43 issues as appropriate: the land use master plan; school bus plan; access
44 safety; pedestrian plan; crossing guard plan; barriers between highways and
45 school; location of school zone; need for flashing beacon; need for traffic
46 control signal; anticipated future improvements; speed on adjacent high-
47 ways; traffic volumes on adjacent highways; effect upon the highway's level
48 of service; need for acceleration or deceleration lanes; internal traffic
49 circulation; anticipated development on surrounding undeveloped parcels;

1 zoning in the vicinity; access control on adjacent highways; required
2 striping and signing modifications; funding of highway improvements to ac-
3 commodate development; proposed highway projects in the vicinity; and any
4 other issues as may be considered appropriate to the particular application.

5 (4) Whenever a county or city considers a proposed subdivision or any
6 other site-specific land development application authorized by this chap-
7 ter, it shall provide written notice concerning the development proposal by
8 mail, or electronically by mutual agreement, to all irrigation districts,
9 ground water districts, Carey act operating companies, nonprofit irriga-
10 tion entities, lateral ditch associations and drainage districts that have
11 requested, in writing, to receive notice. Any irrigation districts, ground
12 water districts, Carey act operating companies, nonprofit irrigation enti-
13 ties, lateral ditch associations and drainage districts requesting notice
14 shall continue to provide updated and current contact information to the
15 county or city in order to receive notice. Notice shall also be given to a
16 pipeline company operating any existing interstate natural gas transmission
17 pipeline or interstate petroleum products pipeline, as recognized by the
18 pipeline and hazardous materials safety administration, with a center point
19 within one thousand (1,000) feet of the external boundaries of the land being
20 considered, provided that the pipeline company is in compliance with sec-
21 tion 62-1104, Idaho Code. Any notice provided under this subsection shall
22 be provided no less than fifteen (15) days prior to the public hearing date
23 concerning the development proposal as required by this chapter or local
24 ordinance. Any notice provided under this subsection shall not affect or
25 eliminate any other statutory requirements concerning delivery of water,
26 including those under sections 31-3805 and 67-6537, Idaho Code.

27 (5) Whenever a governing board or zoning or planning and zoning commis-
28 sion grants or denies an application, it shall specify:

- 29 (a) The ordinance and standards used in evaluating the application;
30 (b) The reasons for approval or denial; and
31 (c) The actions, if any, that the applicant could take to obtain ap-
32 proval.

33 (6) Every final decision rendered shall provide or be accompanied by
34 notice to the applicant regarding the applicant's right to request a regula-
35 tory taking analysis pursuant to section 67-8003, Idaho Code. An applicant
36 denied an application or aggrieved by a final decision concerning matters
37 identified in section 67-6521(1)(a), Idaho Code, may within twenty-eight
38 (28) days after all remedies have been exhausted under local ordinance seek
39 judicial review under the procedures provided by chapter 52, title 67, Idaho
40 Code.

41 SECTION 5. An emergency existing therefor, which emergency is hereby
42 declared to exist, this act shall be in full force and effect on and after
43 July 1, 2023.