

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 125

BY LOCAL GOVERNMENT COMMITTEE

AN ACT

1 RELATING TO COMMUNITY REENTRY CENTERS; AMENDING SECTION 67-6512, IDAHO
2 CODE, TO PROVIDE THAT THE COMMISSION OF PARDONS AND PAROLE MUST APPLY
3 FOR A SPECIAL USE PERMIT WHEN ESTABLISHING A NEW COMMUNITY REENTRY CEN-
4 TER, TO DEFINE A TERM, AND TO MAKE TECHNICAL CORRECTIONS.
5

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

7 SECTION 1. That Section 67-6512, Idaho Code, be, and the same is hereby
8 amended to read as follows:

9 67-6512. SPECIAL USE PERMITS, CONDITIONS, AND PROCEDURES. (a) As
10 part of a zoning ordinance, each governing board may provide by ordinance
11 adopted, amended, or repealed in accordance with the notice and hearing
12 procedures provided under section 67-6509, Idaho Code, for the processing of
13 applications for special or conditional use permits. A special use permit
14 may be granted to an applicant if the proposed use is conditionally permitted
15 by the terms of the ordinance, subject to conditions pursuant to specific
16 provisions of the ordinance, subject to the ability of political subdivi-
17 sions, including school districts, to provide services for the proposed
18 use, and when it is not in conflict with the plan. Denial of a special use
19 permit or approval of a special use permit with conditions unacceptable to
20 the landowner may be subject to the regulatory taking analysis provided for
21 by section 67-8003, Idaho Code, consistent with requirements established
22 thereby.

23 (b) Prior to granting a special use permit, at least one (1) public
24 hearing in which interested persons shall have an opportunity to be heard
25 shall be held. At least fifteen (15) days prior to the hearing, notice of
26 the time and place, and a summary of the proposal shall be published in the
27 official newspaper or paper of general circulation within the jurisdiction.
28 Each local government is encouraged to post such notice on its official
29 websites, if one is maintained. Notice may also be made available to other
30 newspapers, radio and television stations serving the jurisdiction for use
31 as a public service announcement. Notice shall be posted on the premises not
32 less than one (1) week prior to the hearing. Notwithstanding jurisdictional
33 boundaries, notice shall also be provided to property owners or purchasers
34 of record within the land being considered, three hundred (300) feet of the
35 external boundaries of the land being considered, and any additional area
36 that may be substantially impacted by the proposed special use as determined
37 by the commission, provided that in all cases notice shall be provided indi-
38 vidually by mail to property owners or purchasers of record within the land
39 being considered and within three hundred (300) feet of the external bound-
40 aries of the land being considered, and provided further that where a special
41 use permit is requested by reason of height allowance that notice shall be
42 provided individually by mail to property owners or purchasers of record

1 within no less than three (3) times the distance of the height of the allowed
 2 height of a structure when more than one hundred (100) feet and within no less
 3 than one (1) mile when the peak height of a structure in an unincorporated
 4 area is four hundred (400) feet or more and, when four hundred (400) feet
 5 or more, the structure's proposed location and height shall be stated in
 6 the notice. Any property owner entitled to specific notice pursuant to the
 7 provisions of this subsection shall have a right to participate in public
 8 hearings before a planning commission, planning and zoning commission, or
 9 governing board.

10 (c) When notice is required to two hundred (200) or more property own-
 11 ers or purchasers of record, alternate forms of procedures ~~which~~ that would
 12 provide adequate notice may be provided by local ordinance in lieu of mailed
 13 notice. In the absence of a locally adopted alternative notice procedure,
 14 sufficient notice shall be deemed to have been provided if the city or county
 15 provides notice through a display advertisement at least four (4) inches by
 16 two (2) columns in size in the official newspaper of the city or county at
 17 least fifteen (15) days prior to the hearing date, in addition to site post-
 18 ing on all external boundaries of the site.

19 (d) Upon the granting of a special use permit, conditions may be at-
 20 tached to a special use permit including, but not limited to, those:

- 21 (1) Minimizing adverse impact on other development;
- 22 (2) Controlling the sequence and timing of development;
- 23 (3) Controlling the duration of development;
- 24 (4) Assuring that development is maintained properly;
- 25 (5) Designating the exact location and nature of development;
- 26 (6) Requiring the provision for on-site or off-site public facilities
 27 or services;
- 28 (7) Requiring more restrictive standards than those generally required
 29 in an ordinance; and
- 30 (8) Requiring mitigation of effects of the proposed development upon
 31 service delivery by any political subdivision, including school dis-
 32 tricts, providing services within the planning jurisdiction.

33 (e) Prior to granting a special use permit, studies may be required of
 34 the social, economic, fiscal, and environmental effects and any aviation
 35 hazard as defined in section 21-501(2), Idaho Code, of the proposed special
 36 use. A special use permit shall not be considered as establishing a binding
 37 precedent to grant other special use permits. A special use permit is not
 38 transferable from one ~~(1)~~ parcel of land to another.

39 (f) In addition to other processes permitted by this chapter, excep-
 40 tions or waivers of standards, other than use, inclusive of the subject
 41 matter addressed by section 67-6516, Idaho Code, in a zoning ordinance may
 42 be permitted through issuance of a special use permit or by administrative
 43 process specified by ordinance, subject to such conditions as may be imposed
 44 pursuant to a local ordinance drafted to implement subsection (d) of this
 45 section.

46 (g) For every community reentry center established by the commission
 47 of pardons and parole on and after July 1, 2021, the commission is required
 48 to apply for and receive a special use permit if such a permit is available
 49 in the jurisdiction where the community reentry center is to be established
 50 in accordance with the provisions of this section. As used in this subsec-

1 tion, "community reentry center" means a residential facility operated by
2 the commission of pardons and parole that houses prisoners, including cer-
3 tain court-retained jurisdictional offenders and offenders preparing to pa-
4 role from state prisons.