

But First . . .

READ THE LOCAL PLANNING ACT

Like many other committee members, I have been frustrated with our seeming lack of progress and direction, some of which has been expressed through my occasional outbursts at our meetings.

While preparing a paper on "Science and Land Use on the Boise Front," which I presented to a recent Northwest Scientific Association symposium (copies are available—my thesis was that not much science currently informs foothills development), I decided to read Idaho's Local Planning Act of 1975 (Idaho Code, Title 67, Chapter 65). It was very enlightening.

I found there (dare I say it) a very solid foundation for our efforts and some forward-looking direction. In fact, it mandates the kinds of progressive planning and enlightened development many of us have been striving for. I strongly urge each committee member to read it.

Lawyer-planner Joanne Butler told me that Idaho's planning law is one of the best in the country, and she is probably right. If it is ever fully implemented in Boise, this will remain one of the most livable communities anywhere.

The following discussion highlights what I find encouraging in the law. I urge committee members to read the whole statute for themselves and to draw their own conclusions and directions therefrom.

Among the purposes of the law are the following:

To ensure that the important environmental features of the state and localities are protected and enhanced.

To avoid undue concentration of population and overcrowding of land.

To ensure that the development on land is commensurate with the physical characteristics of the land.

To protect life and property in areas subject to natural hazards and disasters.

To protect fish, wildlife, and recreation resources.

To avoid undue water and air pollution.

To accomplish these purposes, the law requires local governments "to prepare, implement, and review and update a comprehensive plan" for all land within its jurisdiction. The plan must consider (a) previous and existing conditions, (b) trends, (c) desirable goals and objectives or desirable future situations for each planning component. With maps, charts, and reports the plan must include 12 specific components unless the plan specifies reasons a particular component is not needed.

The following components are required. I have italicized those that seem particularly applicable to planning for the foothills:

Population — A population analysis of past, present, and future trends in population including such characteristics as total population, age, sex, and income.

Economic Development — An analysis of the economic base of the area including employment, industries, economies, jobs, and income levels.

Land Use — An analysis of *natural land types, existing land covers and uses, and the intrinsic suitability of lands for uses such as agriculture, forestry, mineral exploration and extraction, preservation, recreation, housing, commerce, industry, and public facilities. A map shall be prepared indicating suitable projected land uses* for the jurisdiction.

Natural Resource — An analysis of the *uses of rivers and other waters, forests, range, soils, harbors, fisheries, wildlife, minerals, thermal waters, beaches, watersheds, and shorelines.*

Hazardous Areas — An analysis of *known hazards as may result from susceptibility to surface ruptures from faulting, ground shaking, ground failure, landslides or mudslides; avalanche hazards resulting from development in the known or probable path of snowslides and avalanches, and floodplain hazards.*

Public Service, Facilities, and Utilities — An analysis showing *general plans for sewage, drainage, power plant sites, utility transmission corridors, water supplies, fire stations and fire fighting equipment, health and welfare facilities, libraries, solid waste disposal sites, schools, public safety facilities and related services.* The plan may also show locations of civic centers and public buildings.

Transportation — An analysis showing the *general locations and widths of a system of major traffic thoroughfares and other traffic ways, and of streets and the recommended treatment thereof.* This component may also make *recommendations on building line setbacks, control of access, street naming and numbering, and a proposed system of public or other transit lines and related facilities including rights-of-way, terminals, viaducts and grade separations.* The component may also include port, harbor, aviation, and other related transportation facilities.

Recreation — An analysis showing *a system of recreation areas, including parks, parkways, trailways, river bank greenbelts, beaches, playgrounds, and other recreation areas and programs.*

Special Areas or Sites — An analysis of *areas, sites, or structures of historical, archeological, architectural, ecological, wildlife, or scenic significance.*

Housing — An analysis of *housing conditions and needs; plans for improvement of housing standards; and plans for provision of safe, sanitary, and adequate housing.*

Community Design — An analysis of needs for governing *landscaping, building design, tree planting, signs, and suggested patterns and standards for community design, development, and beautification.*

Implementation — An analysis to determine actions, programs, budgets, ordinances, or other methods including scheduling of public expenditures to provide for the timely execution of the various components of the plan.

The law also gives communities broad powers to consider additional planning components and subject matter in their plans.

It also explicitly enables communities to adopt standards for *building design; blocks, lots, and tracts of land; yards, courts, greenbelts, planting strips, parks, and other open spaces; trees; signs; parking spaces; roadways, streets lanes, bicycleways, pedestrian walkways, rights-of-way, grades, alignments, and intersections; lighting; easements for public utilities; access to streams lakes, and viewpoints; water systems; sewer systems; storm drainage systems; street numbers and names; house numbers; schools; hospitals, and other public and private development.*

These standards may be made part of city ordinances. In other words, they can have the force of law. Furthermore, whenever these ordinances impose higher standards than any other law or local ordinance, the higher standards shall govern. Pretty heady stuff, eh?

What this says to me is that if we are willing to meet the challenge, we can develop enforceable standards for the way development should look and function in the foothills. In other words, we can *design* the future of the Boise Front. Projects that don't fit the design would not be approved.

In this light, let me clarify my March 11 comment about private property rights in the foothills. Nearly all of the undeveloped private land on the front lies outside the city but within the urban impact zone. Currently this land is zoned "A" — only one, single-family home on a lot. These properties carry no intrinsic right of development beyond their current zoning (that fact was usually reflected in the bargain prices paid for the land).

To be developed, most foothills property will have to be annexed and rezoned. Any assumption that foothills property may be developed beyond the limitations of "A" zoning (and therefore become more valuable) is pure speculation.

It is our job to decide what kind of zoning is appropriate for the foothills. If the people of this city through their elected representatives decide that some or all of the undeveloped and unannexed land should remain in an "A" zone, or that the land can only support one house every five acres, or that hills should not be re-engineered to fit 6,000-square-foot mansions, nothing has been *taken* away from anyone, except their speculations.

Referring to the purposes of the planning act, there is no question that the Boise Front is an "important environmental feature" to be protected and enhanced. To do that, we must decide what "overcrowding" means on the hillsides, what kind of development is "commensurate with the physical characteristics" of the foothills, where the natural hazards are and how to avoid them, what fish, wildlife and recreational resources should be protected. (Yes, there are fish in the foothills, and there could be more if we get the streams flowing year around again.)