



# Idaho Statutes

Idaho Statutes are updated to the website July 1 following the legislative session.

## TITLE 67

### STATE GOVERNMENT AND STATE AFFAIRS

#### CHAPTER 65

##### LOCAL LAND USE PLANNING

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

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

(3) When considering an application that relates to a public school facility, the commission shall specifically review the application for the effect it will have on increased vehicle, bicycle and pedestrian volumes on adjacent roads and highways. To ensure that the state highway system or the local highway system can satisfactorily accommodate the proposed school project, the commission shall request the assistance of the Idaho transportation department if state highways are affected, or the local highway district with jurisdiction if the affected roads are not state highways. The Idaho transportation department, the appropriate local highway jurisdiction, or both as determined by the commission, shall review the application and shall report to the commission on the following issues as appropriate: the land use master plan; school bus plan; access safety; pedestrian plan; crossing guard plan; barriers between highways and school; location of school zone; need for flashing beacon; need for traffic control signal; anticipated future improvements; speed on adjacent highways; traffic volumes on adjacent highways; effect upon the highway's level of service; need for acceleration or deceleration lanes; internal traffic circulation; anticipated development on surrounding undeveloped parcels; zoning in the vicinity; access control on adjacent highways; required striping and signing modifications; funding of highway improvements to accommodate development; proposed highway projects in the vicinity; and any other issues as may be considered appropriate to the particular application.

(4) Whenever a county or city considers a proposed subdivision or any other site-specific land development application authorized by this

chapter, it shall provide written notice concerning the development proposal by mail, or electronically by mutual agreement, to all irrigation districts, ground water districts, Carey act operating companies, nonprofit irrigation entities, lateral ditch associations and drainage districts that have requested, in writing, to receive notice. Any irrigation districts, ground water districts, Carey act operating companies, nonprofit irrigation entities, lateral ditch associations and drainage districts requesting notice shall continue to provide updated and current contact information to the county or city in order to receive notice. Notice shall also be given to a pipeline company operating any existing interstate natural gas transmission pipeline or interstate petroleum products pipeline, as recognized by the pipeline and hazardous materials safety administration, with a center point within one thousand (1,000) feet of the external boundaries of the land being considered, provided that the pipeline company is in compliance with section 62-1104, Idaho Code. Any notice provided under this subsection shall be provided no less than fifteen (15) days prior to the public hearing date concerning the development proposal as required by this chapter or local ordinance. Any notice provided under this subsection shall not affect or eliminate any other statutory requirements concerning delivery of water, including those under sections 31-3805 and 67-6537, Idaho Code.

(5) Whenever a governing board or zoning or planning and zoning commission grants or denies an application, it shall specify:

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

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

History:

[67-6519, added 1975, ch. 188, sec. 2, p. 515; am. 1993, ch. 216, sec. 111, p. 678; am. 2000, ch. 431, sec. 1, p. 1388; am. 2003, ch. 123, sec. 1, p. 373; am. 2010, ch. 175, sec. 1, p. 359; am. 2011, ch. 279, sec. 1, p. 759; am. 2018, ch. 246, sec. 1, p. 572; am. 2023, ch. 140, sec. 4, p. 388.]

How current is this law?



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##### LOCAL LAND USE PLANNING

67-6537. USE OF SURFACE AND GROUND WATER. (1) All applicants proposing to make land use changes shall be required to use surface water, where reasonably available, as the primary water source for irrigation. Surface water shall be deemed reasonably available if:

(a) A surface water right is, or reasonably can be made, appurtenant to the land;

(b) The land is entitled to distribution of surface water from an irrigation district, canal company, ditch users association, or other irrigation delivery entity, and the entity's distribution system is capable of delivering the water to the land; or

(c) An irrigation district, canal company, or other irrigation delivery entity has sufficient available surface water rights to apportion or allocate to the land and has a distribution system capable of delivering the water to the land.

(2) Consistent with sections 42-108 and 42-222, Idaho Code, any change in the nature of use of surface water provided by an irrigation delivery entity must be authorized by the entity holding the water right(s) for the available surface water. Nothing in this section shall alter the authority and discretion of irrigation delivery entities to apportion, allocate and distribute surface water, or for municipalities, counties, or water and sewer districts to pass ordinances or regulations to promote the use of surface water for irrigation.

(3) Nothing in this section shall be construed to override or amend any provision of title 42 or 43, Idaho Code, or impair any rights acquired thereunder.

(4) When considering amending, repealing or adopting a comprehensive plan, the local governing board shall consider the effect the proposed amendment, repeal or adoption of the comprehensive plan would have on the source, quantity and quality of ground water in the area.

History:

[67-6537, added 1989, ch. 421, sec. 3, p. 1033; am. 2005, ch. 338, sec. 1, p. 1056; am. 2025, ch. 129, sec. 11, p. 671.]

How current is this law?



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TITLE 31  
COUNTIES AND COUNTY LAW  
CHAPTER 38  
ZONING REGULATIONS

31-3805. DELIVERY OF WATER WITHIN SUBDIVISIONS. (1) The provisions of this section shall apply to any proposed subdivision, as defined in chapter 13, title 50, Idaho Code, within the state of Idaho or to a subdivision subject to a more restrictive county or city zoning ordinance.

(2) For any subdivision that lies within the service area or area of city impact of a municipal provider, the following requirements apply:

(a) If a shared well or public water system is installed, it shall be designed to meet requirements of that municipal provider and be planned to integrate with and connect to the municipal provider's system when appropriate. The requirements of this paragraph shall not apply if an agreement is reached with the municipal provider;

(b) The municipal provider shall be consulted in the design of the shared well or public water system to ensure proper integration; and

(c) Upon connection to the municipal provider's system, the water rights associated with the subdivision's shared well or public water system shall be conveyed to the municipal provider.

(3) If surface water for irrigation is reasonably available to all or any part of a subdivision, as provided in section 67-6537, Idaho Code, then no subdivision plat, amendment to a subdivision plat, or any other plat or map recognized by the city or county for the division of land will be accepted, approved, and recorded unless the owner or entity has provided for the irrigation of lots within the subdivision using the available surface water.

(4) For subdivisions using water provided by an irrigation entity, as required by section 67-6537, Idaho Code, the subdivision plat or with the plat mat as an exhibit shall include a description of the system used to deliver irrigation water from the irrigation entity's point of delivery to the individual lots. In such cases:

(a) For proposed subdivisions within the incorporated limits of a city, the irrigation system must be approved by the city zoning authority or the city council, as provided by city ordinance, with the advice of the irrigation entity charged with the delivery of water to such lands; and

(b) For proposed subdivisions located outside an incorporated city, the irrigation system must be approved by the board of county commissioners, with the advice of the irrigation entity charged with the delivery of water to such lands.

(5) For subdivisions receiving water from an irrigation entity, the subdivision plat or amendment to a subdivision plat shall contain notes stating the following:

(a) That the subdivision or a portion of it is located within the service area of the irrigation entity and the name and contact

information for the irrigation entity;

(b) That a system for the delivery of irrigation water to lots within the subdivision has been provided;

(c) That the system has been approved as required by subsection (4) of this section;

(d) That the purchaser of each lot shall remain subject to all assessments levied by the irrigation entity; and

(e) That unpaid irrigation entity assessments are a lien on the land within the irrigation entity.

History:

[31-3805, added 2025, ch. 129, sec. 7, p. 667.]

**How current is this law?**