The Honorable Ron Mendive, Chair  
House Local Government Committee  
Idaho State House of Representatives  
P.O. Box 83720  
Boise, ID  83720-0054

RE:    HB 489, repealing and replacing Section 50-222, Relating to Annexations

Dear Chairman Mendive:

On behalf of the Idaho Chapter of the American Planning Association (APA Idaho), I am writing to register my organization’s recommendation for denial of House Bill 489, the Repeal and Replacement of Section 50-222, regarding Annexations.

Our organization represents more than 250 local planning officials, private-sector planners, and planning commission members statewide. We are the technicians, professionals, policy and decision makers who represent the public interest in carrying out the authorities vested with local governments under Idaho’s Local Land Use Planning Act, Title 67, Chapter 65 of the Idaho Statutes.

While we would support some review and revisions to Title 50, Chapter 2 §50-222 (Annexation by Cities) of the Idaho Statutes relating to the ability of cities to annex additional land, we have grave concerns regarding the proposed bill and the impact it will have on cities, counties and Idaho residents.

Idaho’s Local Land Use Planning Act (LLUPA) is written to allow “power of counties or cities in regulating the orderly development of real property within their boundaries.” (§67-8214). In order to accomplish this “orderly development”, counties and cities work together to develop Comprehensive Plans (§67-6508), Area of City Impact Agreements (§67-6526), Zoning Ordinances (§67-6511), Subdivision Ordinances (§67-6513), and Future Acquisition Plans (§67-6517), with the assumptions that the city boundaries will grow to include the development along their fringes. Annexation is a key and vital tool for both cities and counties that is necessary for “orderly development”. If we take that tool out of the city’s hands, the growth will be staggered, development costs will increase, housing costs will increase, the level of services provided to citizens will decrease and in no way will the development be orderly.
We recognize that a city-initiated annexation is not always popular, however, often it is necessary. Many of our Idaho communities have county pockets within the city boundaries. Those properties may or may not be receiving city utilities, but they are all benefitting from city services. The majority of Idaho Counties do not provide services, such as sewer, so when septic systems start to fail, cities must have the ability to annex the property with the issues, as well as a path to those properties. By removing the ability for the cities to annex, it will force counties to provide urban services, which they were never intended to provide and will continue to let residents within the “county” who are entirely surrounded by properties in a city receive city services without paying their fair share. That is not good governance and is an ongoing tax burden to our cities.

Finally, this bill makes it far more difficult for property owners who wish to be annexed. With legislation in place today, property owners can initiate an annexation by ordinance with no hearings and a very simple process. Under the proposed bill, even someone wishing to be annexed must go through a process that will at least double the time currently required. This bill does not provide a simple process for an owner-initiated annexation process.

We truly appreciate your service and we would greatly appreciate consideration of our informed opinion on matters related to land use planning, growth, and annexation in Idaho. Again, we would support additional dialog and work towards revisions in Section 50-222; however, the proposed bill is not the answer. Please contact me at your earliest convenience should you have questions or require additional information.

Sincerely,

Jason Boal- AICP, CFM
APA Idaho Legislative Committee, Chair

Cc:
APA Idaho Executive Board
Association of Idaho Cities
Idaho Association of Counties
Honorable Representative Mike Kingsley
Honorable Representative Vito Barbieri
Honorable Representative Lance W. Clow
Honorable Representative Gary E. Collins
Honorable Representative Bryan Zollinger
Honorable Representative Chad Christensen
Honorable Representative Jarom Wagoner
Honorable Representative Tony Wisniewski
Honorable Representative Timothy Remington