The Honorable Jim Rice, Chair  
Senate Local Government & Taxation Committee  
Idaho State Senate  
P.O. Box 83720  
Boise, ID  83720-0054

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

Dear Chairman Rice:

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.

We believe that Title 50, Chapter 2 §50-222 (Annexation by Cities) as written serves its purpose and has functioned well, but if the legislature believes there are changes that must be made our organization stands ready and willing to be a partner in finding an appropriate solution. We have grave concerns regarding the proposed bill that repeals and replaces this section and the impact it will have on cities, counties and Idaho residents.

Idaho’s Local Land Use Planning Act (LLUPA) is written to “to promote the health, safety and general welfare of the people of the state of Idaho....” (§67-6501). In order to accomplish this task, Idaho 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 as a stated purpose of LLUPA is “To encourage urban and urban-type development within incorporated cities;” (67-6501). 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. This bill will also now allow cities to annex “islands” throughout the county, as long as a utility is provided to them. That means that there could be individual parcels or large developments that are “in city limits”, but miles away from the city, because a utility line was run to the property (see lines 42-44 of HB 489). That is not good governance and development patterns like this already create a tax burden to our cities and counties.

In addition to promoting confusing and difficult jurisdiction boundaries, this bill also removes all the requirements that require cities and counties to plan and be prepared to accommodate for future growth. Gone are the provisions that require annexations to happen in areas that are part of a city’s future growth plan (Comprehensive Plan §67-6508) and within the city/county agreed upon urban growth boundary (Area of Impact §67-6526). This approach will not only result in increased cost of providing services to the cities, counties, schools and other service providing entities, but it will also put at risk Idaho’s agricultural land. Allowing “urban development” outside previously established urban growth boundaries will incentivize development of agricultural land and put urban uses right next to agricultural uses.

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 and add the additional costs of noticing from what is 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, if the legislature feels it is imperative; 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 Senator Scott Grow
Honorable Senator Brent Hill
Honorable Senator Steve Vick
Honorable Senator Kelly Arthur Anthon
Honorable Senator Todd M. Lakey
Honorable Senator Grant Burgoyne
Honorable Senator Mark Nye