The Honorable Jim Rice, Chair  
Senate Local Government and Taxation Committee  
Idaho State Legislature  
P.O. Box 837200  
Boise, ID 83720  

RE: Letter of Opposition to HB 635  

Dear Chairman Rice,  

I am writing to you in my capacity as the President of the Idaho Chapter of the American Planning Association (APA Idaho). APA Idaho represents more than 260 local planning officials, private-sector planners, and planning commission members statewide. We are the technicians, professionals, and policy and decision makers who represent the public interest in carrying out the authority vested with local government under Idaho’s Local Land Use Planning Act, Title 67, Chapter 65 of the Idaho Statutes. We are in opposition to HB 635 and urge you to vote NO.  

We agree with the position of the Association of Idaho Cities (AIC) that reads,  

The bill is an unfortunate attempt to insert the Idaho Legislature into the middle of a current court case between the cities of Star and Middleton over a contested annexation. Rather than letting that case make its way through the judicial process, this legislation seeks to determine the outcome. Changing public policy to resolve pending court cases is a bad idea because we still don’t know who will prevail in the litigation and this legislation at this point is extremely premature. Any changes to land use policy should be deliberative and made after thorough discussion with all stakeholders.  

Idaho law requires that each city negotiate an area of impact with the county commissioners, which includes a map and policies governing development in that area. Idaho Code 67-6526(c) provides in the instance of overlapping areas of city impact where cities are unable to reach agreement, that either city may request recommendations from the county commissioners. If a city objects to these recommendations, the county conducts an election to determine what city the voters in the overlapping area of impact want to reside in. The results of the election are binding and the result is not appealable by either city. So, Idaho law does not allow or envision overlapping areas of impact currently in the way contemplated by House Bill 635. There are already existing processes in the law to resolve these issues and House Bill 635 undermines existing laws on area of impact.  

The reason that state law requires the area of impact is because cities spend decades planning for the cost-effective extension of services and infrastructure to areas on the
periphery of the community. Idaho property taxpayers and utility ratepayers have a strong interest in making sure that roads; police, fire and EMS stations; water and sewer lines; and other infrastructure are carefully planned to ensure the lowest possible cost. Annexing far-flung development equals greater costs for everyone. A city could have planned for 20 years to bring an area into the city, sizing their utility infrastructure appropriately for that situation and have a neighboring city annex the area.

Additionally, there are larger issues associated with overlapping ACI boundaries that would not be solved with this bill. IDWR can freeze water rights applications when there are overlapping ACI boundaries.

Questions regarding this position can be sent to Hilary Anderson, APA Idaho President, Joel Plaskon, APA Idaho Legislative Committee Co-Chair, or Patricia Nilsson, APA Idaho Legislative Committee Co-Chair. (handerson@cdaid.org; jplaskon@cityoflewiston.org; pnilssonidaho@gmail.com)

Sincerely,

Hilary Anderson
APA Idaho President

CC.

APA Idaho Legislative Committee

Idaho Association of Counties

Association of Idaho Cities

Senate Local Government and Taxation Committee:
Vice Chair C. Scott Grow
Steve Vick
Todd M. Lakey
Mary Souza
Regina M. Bayer
Doug Ricks
Mark Nye
Carrie Semmelroth
Secretary Meg Lawless, sloc@senate.idaho.gov