

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 86

BY LOCAL GOVERNMENT COMMITTEE

AN ACT

1 RELATING TO AREAS OF CITY IMPACT UNDER THE LOCAL PLANNING ACT; AMENDING SEC-
2 TION 67-6526, IDAHO CODE, TO REVISE NOTICE PROCEDURES REGARDING AREAS
3 OF CITY IMPACT, TO PROHIBIT ANNEXATION BY A CITY UNDER CERTAIN CIRCUM-
4 STANCES, TO REVISE PROCEDURES WHEN AREAS OF CITY IMPACT OVERLAP AND TO
5 MAKE TECHNICAL CORRECTIONS.
6

7 Be It Enacted by the Legislature of the State of Idaho:

8 SECTION 1. That Section 67-6526, Idaho Code, be, and the same is hereby
9 amended to read as follows:

10 67-6526. AREAS OF CITY IMPACT -- NEGOTIATION PROCEDURE. (a) The gov-
11 erning board of each county and each city therein shall adopt by ordinance
12 following the notice and hearing procedures provided in section 67-6509,
13 Idaho Code, a map identifying an area of city impact within the unincorpor-
14 ated area of the county. Notice shall be provided to any city whose city
15 limits lie within three (3) miles of the requested area of city impact. A
16 separate ordinance providing for application of plans and ordinances for the
17 area of city impact shall be adopted. Subject to the provisions of section
18 50-222, Idaho Code, an area of city impact must be established before a city
19 may annex adjacent territory. This separate ordinance shall provide for one
20 (1) of the following:

21 (1) Application of the city plan and ordinances adopted under this
22 chapter to the area of city impact; or

23 (2) Application of the county plan and ordinances adopted under this
24 chapter to the area of city impact; or

25 (3) Application of any mutually agreed upon plan and ordinances adopted
26 under this chapter to the area of city impact.

27 (b) Areas of city impact, together with plan and ordinance require-
28 ments, may cross county boundaries by agreement of the city and county
29 concerned if the city is within three (3) miles of the adjoining county.

30 (c) Notwithstanding any other provision of Idaho Code, no city may an-
31 nex land within another city's county approved and adopted area of city im-
32 impact without the consent of both cities.

33 (d) If the requirements of subsection 67-6526(a), Idaho Code, of this
34 section have not been met, either the city or the county may demand com-
35 pliance with this section by providing written notice to the other of said
36 demand for compliance. Once a demand has been made, the city shall select
37 its representative as hereinafter provided, within thirty (30) days of
38 said demand, and the process set forth in this subsection shall commence.
39 The county commissioners for the county concerned, together with three (3)
40 elected city officials designated by the mayor of the city and confirmed by
41 the council, shall, within thirty (30) days after the city officials have
42 been confirmed by the council, select three (3) city or county residents.

1 These nine (9) persons shall, by majority vote, recommend to the city and
2 county governing boards an area of city impact together with plan and ordi-
3 nance requirements. The recommendations shall be submitted to the governing
4 boards within one hundred eighty (180) days after the selection of the three
5 (3) members at large and shall be acted upon by the governing boards within
6 sixty (60) days of receipt. If the city or county fails to enact ordinances
7 providing for an area of city impact, plan, and ordinance requirements,
8 either the city or county may seek a declaratory judgment from the district
9 court identifying the area of city impact, and plan and ordinance require-
10 ments. In defining an area of city impact, the following factors shall be
11 considered: (1) trade area; (2) geographic factors; and (3) areas that can
12 reasonably be expected to be annexed to the city in the future.

13 (ee) If areas of city impact overlap, the cities involved shall nego-
14 tiate boundary adjustments to be recommended to the respective city coun-
15 cils. If the cities cannot reach agreement, the board of county commis-
16 sioners shall, upon a request from either city or any property owner within the
17 overlap area, within thirty (30) days, recommend adjustments to the areas of
18 city impact which shall be adopted by ordinance by the cities following the
19 notice and hearing procedures provided in section 67-6509, Idaho Code. If
20 any city objects to the recommendation of the board of county commissioners,
21 the county shall conduct an election, subject to the provisions of section
22 34-106, Idaho Code, and establish polling places for the purpose of submit-
23 ting to the qualified electors residing in the overlapping impact area, the
24 question of which area of city impact the electors wish to reside. The re-
25 sults of the election shall be conclusive and binding, and no further pro-
26 ceedings shall be entertained by the board of county commissioners, and the
27 decision shall not be appealable by either city involved. The clerk of the
28 board of county commissioners shall by abstract of the results of the elec-
29 tion, certify that fact, record the same and transmit copies of the original
30 abstract of the result of the election to the clerk of the involved cities.

31 (ef) Areas of city impact, plan, and ordinance requirements shall re-
32 main fixed until both governing boards agree to renegotiate. In the event
33 the city and county cannot agree, the judicial review process of subsection
34 (ed) of this section shall apply. Renegotiations shall begin within thirty
35 (30) days after written request by the city or county and shall follow the
36 procedures for original negotiation provided in this section.

37 (eg) Prior to negotiation or renegotiation of areas of city impact,
38 plan, and ordinance requirements, the governing boards shall submit the
39 questions to the planning, zoning, or planning and zoning commission for
40 recommendation. Each commission shall have a reasonable time fixed by the
41 governing board to make its recommendations to the governing board. The gov-
42 erning boards shall undertake a review at least every ten (10) years of the
43 city impact plan and ordinance requirements to determine whether renegoti-
44 ations are in the best interests of the citizenry.

45 (fh) This section shall not preclude growth and development in areas of
46 any county within the state of Idaho which are not within the areas of city
47 impact provided for herein.

48 (gi) If the area of impact has been delimited pursuant to the provisions
49 of subsection (a) (1) of this section, persons living within the delimited
50 area of impact shall be entitled to representation on the planning, zoning,

1 or the planning and zoning commission of the city of impact. Such repre-
2 sentation shall as nearly as possible reflect the proportion of population
3 living within the city as opposed to the population living within the ar-
4 eas of impact for that city. To achieve such proportional representation,
5 membership of the planning, zoning or planning and zoning commission, may
6 exceed twelve (12) persons, notwithstanding the provisions of subsection
7 (a) of section 67-6504, Idaho Code. In instances where a city has combined
8 either or both of its planning and zoning functions with the county, rep-
9 resentation on the resulting joint planning, zoning or planning and zoning
10 commission shall as nearly as possible reflect the proportion of population
11 living within the impacted city, the area of city impact outside the city,
12 and the remaining unincorporated area of the county. Membership on such a
13 joint planning, zoning or planning and zoning commission may exceed twelve
14 (12) persons, notwithstanding the provisions of subsection (a) of section
15 67-6504, Idaho Code.