



## Statement of Annexation Principles

In an effort to provide efficient and equitable tax and fee supported services, encourage orderly growth, and thoughtfully and carefully expand the tax base of the City, the principles espoused in this document are intended to provide guidance when considering annexation. These principles represent the general practice of the City and do not bind City leaders from exercising annexation authority granted by Idaho statutes. Typically, a departure from these principles would most commonly occur as a response to an unusual circumstance or need.

### General Principles

When considering land use and growth, the City of Idaho Falls will prefer annexation policies that:

- **Encourage Core Development.** When possible, the city prefers to support development closer to the City's core where infrastructure such as roads and utilities already exists. This will help to avoid urban sprawl.
- **Strengthen the Tax Base.** The city recognizes the value of maintaining the efficient and cost-effective provision of both tax and fee-supported services.
- **Balance Property Rights with Growth.** Individual property rights must be protected while at the same time ensuring the City is able to continue to grow.
- **Provide Public Services and Amenities that Enhance Quality of Life.** The Community derives value and strength from a robust Parks and Recreation system, a highly rated Fire Department, excellent Police protection, a wonderful Library, well-maintained streets and neighborhoods, and a commitment to providing a high quality of life at an affordable tax rate.
- **Support the Comprehensive Plan.** The City's Comprehensive Plan is carefully developed to capture best practice planning principles coupled with careful implementation of public input. The resultant document outlines principles and policies designed to guide growth in a healthy, sustainable manner..

### City-Initiated Annexation

The City strongly believes there is value in being annexed. The City of Idaho Falls proudly offers excellent tax and fee supported services and utilities. All residents, both City and County, benefit from a strong Idaho Falls. Residents in the County close to the City's core benefit from being close to City limits and should bear an equal burden in the provision of those benefits. As was argued in a court case in Baltimore in 1918, *"Those who locate near the city limits are bound to know that the time may come when the legislature will extend the limits and take them in. No principle of right or justice or fairness places in their hands the power to stop the progress and development of the city, especially in view of the fact that a large majority of them have located near the city for the purpose of getting benefit of transacting business or securing employment...in the city"* (emphasis added).

At times, the City may exercise its authority to annex prior to the request of the property owner. When considering these city-initiated annexations, the City will strive to:

- Focus on properties that receive a City-operated utility. Many such properties agreed to annexation at a future date as a condition of receiving the utility service. However, in cases where the utility was connected prior to 2008, Idaho Code considers the connection to be consent to annexation. Idaho Falls will consider utility connections just as valid as written agreements in terms of consent to annexation.
- For properties that do not receive a City-operated utility, focus on properties that are enclaved, i.e. completely surrounded, by existing City limits and which clearly benefit from their proximity to City limits and tax-supported services that support and enhance surrounding City neighborhoods.
- Except in response to unusual circumstances or needs, avoid initiating annexation for properties contiguous merely by touching corners, which do not have primary structures, and do not have immediate access to utilities.
- Educate property owners of these principles and annexation law to provide predictability and avoid undue concern over potential annexation.

The following sections specify how the City intends to exercise annexation authority within the bounds of the Idaho Code Section 50-222 in conjunction with the principles outlined above:

## **Category A**

The City of Idaho Falls exercises its legal annexation authority for all Category A annexations.

### **Procedures:**

1. For annexation in which, “all private landowners have consented to annexation”:
  - No public hearing will be required
  - The application will be considered by the Planning and Zoning Commission (P&Z) for its recommendation
  - The application will then be considered by the Council for final decision, passage of the annexation ordinance, and adoption of a reasoned statement of relevant criteria and standards
2. For annexation of “any residential enclaved lands of less than one hundred (100) privately-owned parcels, irrespective of surface area, which are surrounded on all sides by land within a city or which are bounded on all sides by lands within a city and by the boundary of the city’s area of impact”:
  - City staff will hold a neighborhood meeting prior to the advertisement of the proposed annexation
  - A public hearing will be held before the P&Z for its recommendation
  - A public hearing will be held before the Council for final decision, passage of the annexation ordinance, and adoption of a reasoned statement of relevant criteria and standards

## **Category B**

The same procedure will apply for annexations which “contain less than one hundred (100) separate private ownerships and platted lots of record and where not all such landowners have consented to annexation,” as well as annexations where “the subject lands contain more than one hundred (100) separate private ownerships and platted lots of record and where landowners owning more than fifty

percent (50) of the area of the subject private lands have consented to annexation prior to the commencement of the annexation process.” These principles do not apply to lands subject to Idaho Code 50-222(5)(b)(v)(c) which exempts land of “five (5) acres or greater, actively devoted to agriculture, as defined in section 63-604(1), Idaho Code, regardless of whether it is surrounded or bounded on all sides by lands within a city” from city-initiated annexations.

Category B annexations will be considered when:

- The land is completely enclaved by City boundaries, but not subject to 50-222(5)(b)(v)(c) as noted above; OR
- The property has at least one (1) utility connection (regardless of an annexation agreement for the property); OR
- The property has an annexation agreement (regardless of whether or not it receives a City utility); OR
- The parcel is less than 5 acres and:
  - Is contiguous by more than merely touching corners AND
  - Includes a primary structure and a primary use that is not agricultural AND
  - Has immediate access to a utility service

**Procedures:**

- City staff will prepare an annexation plan prior to advertising the annexation and send it to property owners within the annexation boundaries
- Staff will hold a neighborhood meeting prior to advertisement of the proposed annexation
- A public hearing will be held by P&Z for its recommendation
- A public hearing will be held by the Council for the final decision, passage of the annexation ordinance, and adoption of a reasoned statement of relevant criteria and standards

## **Category C**

The City does not intend to exercise its annexation authority for category C annexations

## **Road Rights-of-way**

Generally the City will not annex a County right-of-way until annexation has occurred on both sides of the right-of-way. The City recognizes that there may be times when it is appropriate to annex the County right-of-way prior to the City having annexed property on both sides of the right-of-way. In these cases City Public Works staff will work with County Public Works staff to determine the appropriate limits for annexing right-of-way.