



LEGISLATURE OF THE STATE OF IDAHO



Sixty-seventh Legislature

Second Regular Session - 2024

IN THE \_\_\_\_\_

BILL NO. \_\_\_\_\_

Attachment 3

BY \_\_\_\_\_

AN ACT

1 RELATING TO CITY ANNEXATIONS; REPEALING SECTION 50-222, IDAHO CODE, RELAT-  
 2 ING TO ANNEXATION BY CITIES; AMENDING CHAPTER 2, TITLE 50, IDAHO CODE,  
 3 BY THE ADDITION OF A NEW SECTION 50-222, IDAHO CODE, TO PROVIDE LEG-  
 4 ISLATIVE INTENT, TO DEFINE TERMS, TO PROVIDE REQUIREMENTS FOR CITIES  
 5 TO ANNEX LAND, TO PROVIDE FOR A WRITTEN ANNEXATION PLAN, TO PROVIDE  
 6 EXCEPTIONS, TO PROVIDE FOR AN ANNEXATION ORDINANCE IN CERTAIN CIRCUM-  
 7 STANCES, TO ESTABLISH PROVISIONS REGARDING THE ANNEXATION OF HIGHWAYS,  
 8 FAIRGROUNDS, AIRPORTS, RECREATIONAL AREAS, RAILROAD RIGHTS-OF-WAY,  
 9 AND AGRICULTURAL OR FOREST LAND, TO PROVIDE FOR JUDICIAL REVIEW, AND  
 10 TO PROVIDE APPLICABILITY; AND DECLARING AN EMERGENCY AND PROVIDING AN  
 11 EFFECTIVE DATE.  
 12

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

14 SECTION 1. That Section 50-222, Idaho Code, be, and the same is hereby  
 15 repealed.

16 SECTION 2. That Chapter 2, Title 50, Idaho Code, be, and the same is  
 17 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
 18 ignated as Section 50-222, Idaho Code, and to read as follows:

19 50-222. ANNEXATION BY CITIES. (1) Legislative intent. It is the in-  
 20 tent of the legislature to honor the right of private landowners to have a  
 21 voice in their own governance, to minimize conflict between citizens and mu-  
 22 nicipalities, to provide a mechanism for the orderly development of Idaho  
 23 cities, including the efficient and economically viable provision of tax-  
 24 supported and fee-supported municipal services, to enable the orderly de-  
 25 velopment of private lands that benefit from cost-effective availability of  
 26 municipal services in urbanizing areas, and to equitably allocate the costs  
 27 of public services in managing development on the urban fringe.

Location in 50-22

(1)

(2) Definitions. For purposes of this section:

28 (a) "Consent" means a written document executed by the landowner or  
 29 the landowner's authorized agent explicitly agreeing to annexation.  
 30 Written consent to annex lands must be recorded in the county recorder's  
 31 office to be binding upon subsequent purchasers, heirs, or assigns of  
 32 lands addressed in the consent.  
 33

(4)(a)

34 (b) "Contiguous" means sharing a common border. For the purpose of this  
 35 section, land is not contiguous if the only common border is along a  
 36 shoestring connection.

New

37 (c) "Implied consent" means that valid consent to annex is implied for  
 38 the area of all lands connected to a water or wastewater collection sys-  
 39 tem owned and operated in its entirety by the city if the connection was  
 40 requested in writing by the owner or the owner's authorized agent prior  
 41 to July 1, 2024, or if the connection was completed before July 1, 2008.

(4)(b)(ii)

Int.

Def.

(f) Landowners representing two-thirds (2/3) of the parcels and at least fifty percent (50%) of the area proposed for annexation give voluntary consent as defined in subsection (2) of this section and record such consent with the county recorder's office for the county in which the property is located.

(5)(c)(ii)

(4) Written annexation plan. The written annexation plan required by subsection (3) of this section shall describe:

(5)(b)(ii)

(a) The manner of providing tax-supported municipal services to the subject land;

(b) The changes in taxation and other costs that would result if the subject land were to be annexed;

(c) The means of providing fee-supported municipal services, if any, to the subject land;

(d) An analysis of the potential effects of annexation on other units of local government that currently provide tax-supported or fee-supported services to the subject land;

(e) The proposed future land use plan and zoning designation or designations, subject to public hearing, for the subject land; and

(f) A statement of the public purposes that would benefit from annexation.

(5)(b)(iv)(E)

(5) Exceptions.

(a) Annexation with consent. In the case of a prospective annexation where all landowners of the subject property have requested annexation or where consent has been given by the landowner or landowners of a contiguous parcel or parcels or where implied consent has been given, the provisions of subsections (3) and (4) of this section shall not apply. In such a case, the subject land may extend beyond the city area of impact if the land is contiguous to the city and the comprehensive plan includes the area of annexation. Lands need not be contiguous to the city limits at the time a landowner consents to annexation for the property to be subject to a valid consent to annex, but no annexation of lands may occur, regardless of consent, until such land becomes contiguous to the city. Upon determining that a proposed annexation meets the requirements of this subsection, a city may initiate the planning and zoning procedures set forth in chapter 65, title 67, Idaho Code, to establish the comprehensive planning policies, where necessary, and zoning classification of the lands to be annexed.

(3)(a)(i)

(5)(a)

(b) Enclaves. The provisions of subsections (3) and (4) of this section shall not apply to the annexation of any residential enclaved lands of thirty (30) or fewer privately owned parcels that are surrounded on all sides by lands within a city.

(3)(a)(ii)

(6) Ordinance. If all requirements provided in subsection (3) or (5) of this section are satisfied and the city agrees to the annexation, then the city council shall enact an annexation ordinance.

(5)(b)(vi)

(7) Highways. In any annexation proceeding, all portions of highways lying wholly or partly in the subject area shall be included in the area annexed unless there is an express agreement otherwise between the city and the governing board of the highway agency providing road maintenance at the time of annexation. Provided, however, no city council may annex property if the property will be connected to the city only by a shoestring connection

(2)

Plan

Exceptions