

MINUTES
HOUSE LOCAL GOVERNMENT COMMITTEE

DATE: Friday, March 22, 2024

TIME: 8:30 A.M.

PLACE: Room EW05

MEMBERS: Chairman Ehardt, Vice Chairman Kingsley, Representatives Clow, Erickson, Skaug, Weber (Mendenhall), Alfieri, Cheatum, Cornilles, Dixon(24), Hawkins, Healey, Price, Wroten, Berch, Green, Galaviz

**ABSENT/
EXCUSED:** Rep. Green

GUESTS: The sign-in sheet will be retained in the committee secretary's office; following the end of session the sign-in sheet will be filed with the minutes in the Legislative Library.

Chairman Ehardt called the meeting to order at 8:30 AM.

MOTION: **Rep. Berch** made a motion to approve the minutes of the March 14, 2024 meeting. **Motion carried by voice vote.**

S 1403: **Rep. Manwaring** presented **S 1403**, which deals with area of impact. Areas of impact are outside of city limits and are areas cities plan to grow. He reviewed key parts of the bill, including how it establishes the criteria for implementing areas of impact boundary decisions, a two mile standard for creating these areas, a five year planning time for review, clarifies jurisdiction, clear direction for judicial review, and to ensure areas of impact do not overlap. There has been work to respect city and county jurisdiction.

Sen. Lakey disclosed that his law firm does work with public entities, as well as private property owners involved in land use processes. He discussed how **S 1403** clarifies a city's area of impact is still within the jurisdiction of the county, and how it improves relations and communication between counties and cities. Although this is a legislative decision, this bill provides a limited judicial review for the courts when reviewing area of impact decisions.

When answering questions, **Sen. Lakely** clarified **S 1403** provides for a limited judicial review due to this being the common methodology for repealing a planning and zoning decision, the financial responsibilities for cities and counties when providing public hearing notices, and encourage adjacent cities to negotiate with each other and the county on their areas of impact before a public hearing. This bill also removes the mandate to hold a second hearing if the county commissioners feel it is not necessary, and encourage counties to negotiate with cities when implementing ordinances specific to an area of impact. A city will still be able to voluntarily annex property outside of its area of impact. In order to ensure area of impacts are used as to identify growth in the near future, this bill prevents cities from expanding past two miles. Although the bill requires areas of impact to be reviewed every five years, changes to an area of impact can be made at any time, and it will not automatically expand if a city annexes property within its area of impact.

Kris Crookham, representing self; **Theresa Denham**, representing self; **Martin Denham**, representing self; **Keri Smith**, representing the Coalition for Agricultures; and **Ron Amarel**, representing self, testified **in opposition** to **S 1403**. They stated the bill damages both rural and urban communities and agriculture, and gives cities more power over those living in areas of impacts. Removing the requirement to hold a second public hearing will damage property rights and give local governments opportunities to change their decisions without notice. Implementing judicial review as a means to overturn decisions will create contention between cities and counties and will be costly for citizens. Currently, not all property owners are ensured they'll receive a notice of a public hearing, and this bill prevents citizens from challenging area of impact decisions if they did not receive a notice. Implementing a five year requirement for reviewing areas of impact will overwhelm local government planners. The five year requirement to review, as well as the size of a city's area of impact, should be based on the size and needs of a city rather than a general rule for all.

Seth Grigg, representing the Idaho Association of Counties, testified **in support** of **S 1403**, stating the Idaho Association of Cities, realtors, and home builders are also supportive of the bill. Several provisions in the current statute are invalid due to case decisions. He clarified the bill establishes two miles as the maximum size of an area of impact. This bill does not negate the advisory role of planning and zoning commissions. This bill also better guards against areas of impact being used by one city to prevent another city from expanding in a certain area, as well as prevent areas of impact from overlapping.

Sen. Lakey stated **S 1403** has been a collaborative process with county and city policy makers, and these policy makers were able to receive input from their planning staff. The bill does not negate counties' comprehensive plans or their approach towards preserving agriculture. It clarifies county jurisdiction, places limitations and requirements on areas of impact planning, and promotes more local control. This would tighten growth and promote more regular planning so as to negate expansive growth. The five year review requirement allows local officials to ensure their area of impact is still appropriate for their needs, and does not force them to readjust their area of impact or from meeting sooner. The bill allows county commissioners to have discretion on how they implement the process for public hearings, and allows commissioners to decide whether a second public hearing is necessary. The adding of a limited judicial review allows for an additional opportunity for addressing decisions on areas of impact. The bill requires each property owners to receive notices by mail, and gives counties the opportunity to publish notices. He clarified Section 67-6526 (1) in the bill addresses legislative findings and intent.

Rep. Manwaring clarified many of the key parts of **S 1403**, including the removal of the second public hearing requirement and judicial review, were proposals made and supported by local city and county officials. This bill is an effort to respect city and county jurisdiction, and to have a process which ensures planning decisions are made thoughtfully and with due course.

MOTION:

Rep. Cheatum made a motion to send **S 1403** to the floor with a **DO PASS** recommendation.

Rep. Clow spoke **in support** of the motion. He stated cities and counties have been in difficult situations when dealing with areas of impact. **S 1403** does a better job making it clear who has jurisdiction over areas of impact, but he wished there was more flexibility in the bill regarding the five year requirement.

Rep. Mendenhall spoke **in support** of the motion. He stated, as a county commissioner, **S 1403** helps address issues counties and cities run into with areas of impact.

Rep. Hawkins spoke in **opposition** to the motion. He stated there is a lot covered in **S 1403**, and there are questions about the language which bring him concerns

Rep. Wroten spoke in **support** of the motion. There is support from his city for **S 1403**, it helps cities experiencing large growth, and there is enough flexibility for cities of various sizes and needs.

Rep. Berch stated he was not sure how he would vote on **S 1403**, and requested a roll call vote on the motion. He was concerned with how the bill diminishes public recourse on area of impact decisions due to the bill being described as a legislative decision.

Rep. Healey spoke in **support** of the motion. She stated **S 1403** helps keep the decisions on areas of impact with locally elected officials, and better allows them to make decisions based on what their people need.

**ROLL CALL
VOTE ON
MOTION:**

Chairman Ehardt requested a roll call vote on the motion to send **S 1403** to the floor with a **DO PASS** recommendation. **Motion carried by a vote of 10 AYE and 6 NAY and 1 Absent/Excused. Voting in favor** of the motion: **Reps. Ehardt, Clow, Erickson, Mendenhall, Cheatum, Cornilles, Dixon (24), Healey, Wroten, and Galeviz. Voting in opposition** of the motion: **Rep. Kingsley, Skaug, Alfieri, Hawkins, Price, and Berch. Rep. Green was Absent/Excused. Rep. Manwaring** will sponsor the bill to the floor.

Rep. Healey requested a consideration of having before the Committee **S 1293aa**. She was unable to stay for the vote on the bill on March 14, 2024, due to a medical emergency, and requested the Committee reconsider its vote on the bill. **Chairman Ehardt** explained the process for reconsidering a bill the Committee has heard in a previous meeting.

Chairman Ehardt put the committee at ease at 10:03 AM to review and clarify the process.

Chairman Ehardt resumed the meeting at 10:04 AM.

MOTION:

Rep. Healey made a motion to reconsider the Committee's actions on **S 1293aa**.

**ROLL CALL
VOTE ON
MOTION:**

Chairman Ehardt requested a roll call vote on the motion to reconsider **S 1293aa**. **Motion carried by a vote of 10 AYE and 6 NAY and 1 Absent/Excused. Voting in favor** of the motion: **Reps. Ehardt, Kingsley, Erickson, Skaug, Mendenhall, Alfieri, Cornilles, Hawkins, Healey, and Price. Voting in opposition** to the motion: **Reps. Clow, Cheatum, Dixon (24), Wroten, Berch, and Galaviz. Rep. Green was Absent/ Excused. Rep. Young** will sponsor the bill to the floor.

MOTION:

Rep. Skaug made a motion to send **S 1293aa** to **General Orders**.

Rep. Berch spoke in **opposition** to the motion. He stated he was concerned on the reasoning to reconsider **S 1293aa** when there was a committee member absent during this process.

**ROLL CALL
VOTE ON
MOTION:**

Chairman Ehardt requested a roll call vote on the motion to send **S 1293aa** to **General Orders**. **Motion carried by a vote of 10 AYE and 6 NAY and 1 Absent/Excused. Voting in favor** of the motion: **Reps. Ehardt, Kingsley, Erickson, Skaug, Mendenhall, Alfieri, Cornilles, Hawkins, Healey, and Price. Voting in opposition** to the motion: **Reps. Clow, Cheatum, Dixon (24), Wroten, Berch, and Galaviz. Rep. Green was Absent/ Excused.**

ADJOURN: There being no further business to come before the Committee, the meeting adjourned at 10:11 AM.

Representative Ehardt
Chair

Elijah Phipps
Secretary