

## (2) Summary chart

<b>Summary of Annexation Statute (Idaho Code § 50-222)</b>			
This summary omits some details and special exceptions. <sup>58</sup>			
The reader should consult the statute in its entirety.			
	<b>Category A</b>	<b>Category B</b>	<b>Category C</b>
Definition of category:	All landowners provide written consent. OR Enclaved residential property of < 100 parcels. OR Special cases (fairgrounds, etc.).	< 100 parcels regardless of whether landowners consented. OR > 100 parcels and owners of > 50% (based on land) have provided written or implied consent. AND Annexed land is subdivided into lots of 5 acres or less, or Owner has begun to sell land in parcels of 5 acres or less. OR Annexed land is completely surrounded by the city.	> 100 parcels and owners of > 50% (based on land) have not provided either written or implied consent.
Requirements and procedures applicable to each category:	All annexed land must be contiguous or adjacent to city (regardless of category).		
	Need not be within area of city impact. Where all landowners consent, must be included in comprehensive plan.	Must be within area of city impact.	
	May be annexed unilaterally by ordinance.	City must prepare detailed annexation plan	
Requires compliance with procedures for zoning district boundary change; publication and mailing to landowners; hearing; express findings.			
		So long as appropriate findings are made, annexation may proceed over objection of landowners.	After following procedures above, owners are polled again and over 50% must consent.
Judicial Review:	No judicial review (review by declaratory action only) (very deferential).	By IAPA (somewhat deferential).	

## (3) Category A annexations

Category A annexations arise in three circumstances. Idaho Code § 50-222(3)(a).

The first is where all landowners within the annexed area have provided written consent to the annexation. See discussion in section 9.E(6) at page 84 regarding consent.

The second is where the annexation consists entirely of enclaved residential lands including fewer than 100 parcels. Note that these enclaved areas must be entirely residential to qualify. No consent is required for this type of Category A annexation.

<sup>58</sup> For instance, Category B also includes a subsection dealing with lands subject to a development moratorium or water and sewer restriction.