

# Areas of City Impact

## The New World

S1403 – Group Effort

LLUPA

Title 67 Chapter 65

Idaho Code

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# LLUPA

- **LLUPA sets the framework and minimums**
- **You can do more if desired**
- **Public Hearings**
- **Notification Frequency - Distances**
- **Etc.**



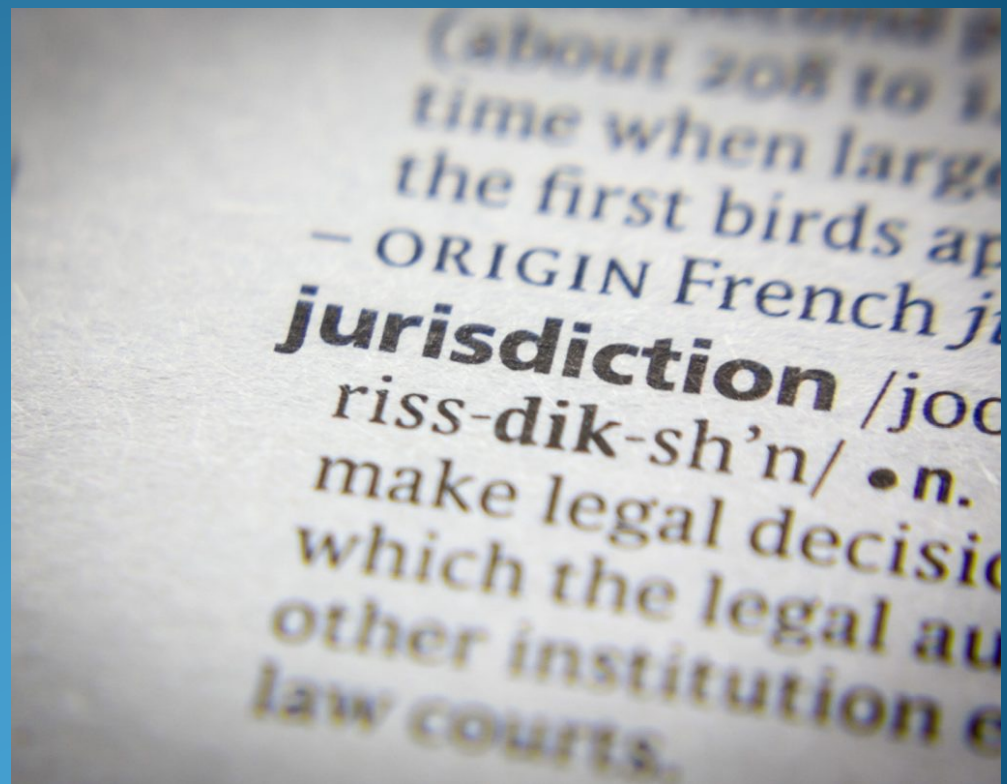
# Area of City Impact (AOI) – IC 67-6526

- Historically – Did some cities and counties view AOI differently?
  - How So?
  - What is it for?
  - Scope/size?

# Jurisdiction

The official power to make legal decisions and judgments.

AOI - Whose is it?  
Why?





# Jurisdiction

- “Any county or incorporated city or town may make and enforce, **within its limits**, all such local police, sanitary and other regulations as are not in conflict with its charter or with the general laws.”

Idaho Const. Art. XII, § 2

- “For the City of Eagle to be allowed to exercise co-equal jurisdiction with Ada County in the impact area lying beyond the city limits would not only be in conflict with the statute but also inconsistent with constitutional limitations placed on a city's powers.”

Blaha v. Bd. of Ada Cnty. Comm'rs, 134 Idaho 770, 777, 9 P.3d 1236, 1243 (2000)

# Jurisdiction

- **Blaaha Court Held:**
- The **power** to approve a subdivision application in the impact area **resides exclusively with the County.**
- The **City's action** in reviewing the subdivision application is **advisory only** and is not a prerequisite to action by the County.
- The action of the **City did not require due process** because notice and an opportunity to be were provided by the County regarding the Subdivision.



# S1403 – Amended LLUPA

Added Legislative Intent regarding Jurisdiction in AOIs

The legislature finds that areas of impact are properly under the jurisdiction of the county because the elected representatives of citizens in areas of impact are county officials, not city officials. While cities should receive notice of, and may provide input on, applications brought to the county in an area of impact, cities do not govern or control decisions on those applications. County commissioners make the final determination regarding area of impact boundaries within their county.

# §1403

## Legislative Intent 67-6526(1)

- Purposes of and reasons for an AOI?
  - Where growth/development expected to occur
  - Should be planned for growth – not stop growth that conform plan/ordinance
  - Where services provided in near future
  - Cities can plan outside city limits
  - Review every 5 years to see if adjustments needed



# S1403

## Legislative Intent 67-6526(1)

- Purposes of and Procedure for establishing an AOI
  - Prior to Public Hearings – city and county work together on proposed AOI
  - Potential for better public hearing
  - Don't treat it as done deal – public hearing can make changes

# NEW AOI

- Procedure in establishing an AOI
  - When ready – notice and public hearing 67-6509
    - Each property owner in proposed AOI
    - City reimburses County
    - Not required to get rec. from P&Z
    - City has to have AOI before can annex
- County adopts a Map by Ordinance for each AOI



# New City – New Area of City Impact

If County hasn't established an AOI – City can  
demand Compliance 67-6526(2)(b)

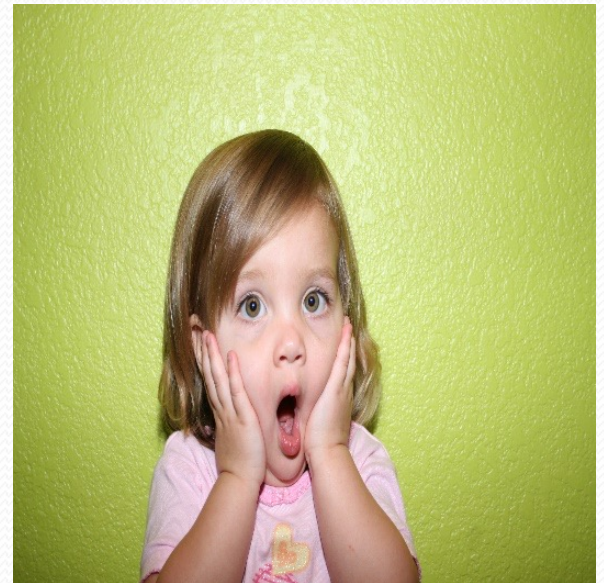
# Compliance to Establish AOI

- City Written Demand
- Recommendation Committee
  - City County each pick one – 30 days
  - Those two select another city and county member
- Make a recommendation - AOI by Majority Vote
- Meetings - open meeting law
- 180 days to make recommendation
- BOCC – 90 days to establish AOI
- Inaction - City can apply for Court to take action



# Modification/Confirmation AOI

- City or County can initiate.
  - Suggest avoiding surprises
- 30 days written Notice of Hearing to City & 67-6509
- At least 15 days – property owners





# Where Impact Areas Abut

- Abutting cities required to negotiate
- Each City Council must approve what they are proposing
- If Cities agree propose jointly
- BOCC still decides





# Where Impact Areas Abut

- If Cities Don't Agree - propose separately at hearing
- BOCC conducts at least one joint hearing
- BOCC still decides – can't overlap
- If city requests and no decision in 90 days – can ask the Court to decide





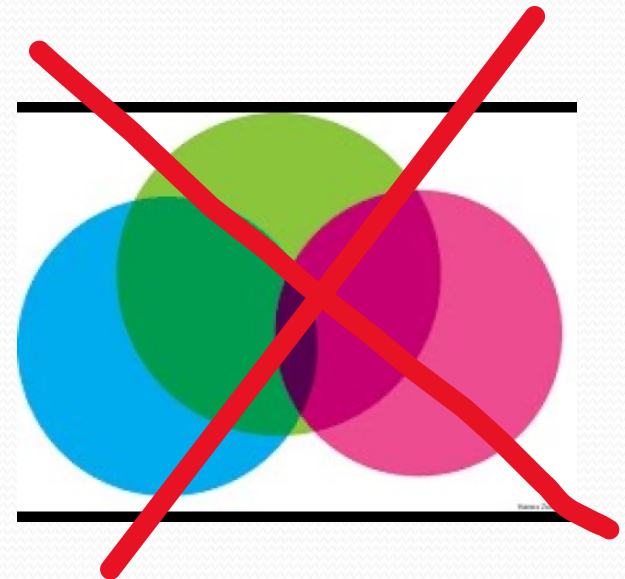
# Criteria to Be Considered

- Anticipated commercial and residential growth
- Geographic Factors
- Transportation infrastructure and systems including connectivity
- Areas where will have sewer and water – 5 years
- Other public service district boundaries



# Boundaries/Sideboards AOI

- Shall not exceed areas “very likely to be annexed in next 5 years”
- No more than 2 miles
  - Keep parcels whole in AOI
- No overlapping
- If Cross County line – both BOCC’s have to approve their side



# After AOI Established

- Your County Z.O. and Comp Plan
  - Can adopt specific for each AOI
- Can propose adjustments any time
- Notify City of any land use applications in their AOI – 15 days





# After AOI Established

- Boundaries remain until Modified per process
- County Review every 5 years to evaluate whether adjustments needed
- City can always annex contiguous land outside AOI – Title 50
- Notify City of any land use applications in their AOI – 15 days



# BOCC Decision on AOI

- Must be In writing and contain reasoning, criteria and facts relied upon.
  - How describe reasoning?
  - What facts?





# Court Review

- Not Subject to regular Judicial Review
- Court Review:
  - City files challenge
    - Disagrees
    - BOCC has not timely completed decision process on City request
  - Prerequisite - City must request reconsideration.
  - BOCC – 30 days or deemed denied
  - Can file Petition – within 28 after decision on reconsideration
  - Serve copy of petition at least 20 days before hearing
- Court – hearing 30-90 days

# Court Review

- If Court finds:
  - Improper Notice/Hearing - remand back to BOCC
  - Not arbitrary, capricious, abuse of discretion – Affirm
  - If Arbitrary, capricious, abuse of discretion
    - Remand to correct or
    - Decide AOI on its own
  - Award attorneys fees to prevailing party only if acted w/out reasonable basis fact or law
- Can appeal to Sup. Ct.



# DEADLINE

AOI – reviewed and established under new Code by

December 31, 2025

If miss it then AOI nullified and have to go through new AOI process

Other Questions?