



Valley Advocates for Responsible Development

October 26, 2009

City of Tetonia P&Z
PO Box 57
Tetonia, Idaho 83452

RE: Letter in Opposition to the Proposed Annexation and Upzone.

Dear Board Members:

Thank you for the opportunity to comment on the proposed annexation of 267 acres and concurrent upzone of 50 acres, which will double the size of Tetonia. We cannot support this application for the following reasons:

1. Lack of application.

Section 8 and Map C of the applicant's justification for annexation states that the applicant is requesting an upzone of roughly 50 acres to Multiple Use. This "Annexation and Zone Classification" was also clearly described on the public notice for this application. It is good to designate a zoning classification for annexed lands because if this large parcel of land were annexed into Tetonia without any zoning classification, it can be put to any lawful use by the landowner – usurping the entire planning process for the city.¹

However there is a much bigger problem here: this is an annexation and concurrent zone change request, which is governed by I.C. § 6511(a-d).² There are very clear-cut statutory requirements for authorizing annexation and zone changes. **Before any land may be annexed and rezoned, this Board must make an affirmative finding that:**

- Particular consideration has been given to the effects of any proposed zone change upon the delivery of public services, including school districts.³
- The annexation and zone change does not conflict with the goals and policies of the Tetonia comprehensive plan.⁴

¹ *Ben Lomond, Inc. v. City of Idaho Falls*, 92 Idaho 595, 448 P.2d209 (1968); *Burt v. City of Idaho Falls*, 105 Idaho 65, 67, 665 P.2d 1075, 1077 (1983).

² See I.C. §50-222(5)(a) which clearly references the applicability of I.C. § 67-6511(a-d) as the standard procedures for zoning classifications of lands to be annexed. Also, in order to modify the comprehensive plan, the standard procedures in I.C. § 67-6509 must be followed.

³ I.C. § 67-6511(a & c).





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Look at the application submittals before you. The 1-page justification submitted by the applicant fails to substantively address any of these criteria. There is no analysis as to how any future municipal services can be provided to this property. In addition, this proposal clearly conflicts with the future land use designation of the property as agricultural land. The application before you is substantively incomplete and does not provide you with the information needed to address the statutory criteria for a zone change.

2. Fiscal responsibility and infrastructure costs.

An analysis of impacts to public services is not only required by law, it is also clearly the Legislature's stated intent behind annexation statute I.C. § 50-222(1):

[T]o annex lands which are reasonably necessary to assure the orderly development of Idaho's cities in order to allow *efficient and economically viable provision of tax-supported and fee-supported municipal services*, to enable the orderly development of private lands which benefit from the *cost-effective availability of municipal services* in urbanizing areas and to *equitably allocate the costs of public services* in management of development on the urban fringe. (Emphasis added.)

This means that when land is annexed into Tetonia, there must be an efficient and economically viable plan for providing municipal services to this new part of town including:

- Sewer
- Water
- Road maintenance
- Plowing
- Emergency medical response
- Law enforcement
- Garbage
- Schools

Tetonia has historically struggled to provide these services to its residents. In addition, the city currently has no system of law enforcement established to enforce its own adopted city laws. This means that if the size of Tetonia is now doubled by granting this annexation request, the law enforcement loophole is also doubled. More troubling than that, the entire service area of Tetonia is also doubled, but the land taxed as agriculture will not bring in the revenues to support this large increase

⁴ I.C. §50-222(5)(a) and I.C. § 67-6511(b & c).





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in the area where municipal services must be provided. It is simply not fiscally responsible to annex this large property, and it will create an additional drain on the city budget.

3. The Tetonia comprehensive plan and wetlands/wildlife impacts.

Annexations are typically used to incorporate land into the city to be developed. Here, the land to be annexed is fragile wetlands habitat and the pristine Spring Creek corridor. During the recent impact area negotiations with the county, and the 2009 revisions to the Tetonia comprehensive plan, this sensitive stretch of land was slated to be preserved for low-density housing and agricultural uses. The land is also designated as agricultural in the Tetonia comprehensive plan. If you open the door to future development by annexing this property, it will be practically impossible to ensure that this fragile habitat is preserved in any meaningful way.

4. Sprawl.

Tetonia is a rural community striving to promote downtown development and infill of all the vacant lots in the city limits. This annexation will double the size of the city and work against these efforts to re-vitalize downtown by creating a vehicle for sprawl. This exact same scenario has come to pass in countless other communities before you – and the end result has always been a destruction of the vibrant, down town corridor.

5. Conclusion.

Before you is an annexation request to bring an enormous piece land into the city with almost no plan for how Tetonia can afford to provide services. Equally lacking is the future plan for development of this area – which was slated to be preserved for low-density housing and agriculture. Idaho annexation and rezoning law is fraught with loopholes that will not benefit the city once this land is annexed and concurrently rezoned. Once this land is annexed and upzoned, the cat is out of the bag. The land cannot be “un-annexed” and to downzone it would be equally as difficult. Please take the time to thoroughly consider these issues before potentially making a decision that will double the size of Tetonia affect its financial future.

Sincerely,

Sandy Mason
Executive Director

Anna Trentadue
Staff Attorney

