

EASTERN IDAHO REGIONAL SEWER DISTRICT

Annexation Procedures

Annexation is required for any area adjacent to the sewer district and seeking to receive sewer service from Eastern Idaho Regional Sewer District. The following Annexation procedures are required to initiate a formal request for annexation. *Additional information regarding legal descriptions and maps can be found at Idaho Code § 63-215 and State Tax Commission Regulation 225.* Deannexation follows a different procedure.

Step 1: Staff Review and Approval:

Any person/entity wanting to be included into the jurisdictional area of the District must submit a complete Annexation Petition with legal description and fee.

- 1.1. Current Fee is \$1,200 and must be submitted with the application.
- 1.2. Petition must:
 - 1.2.1. Be signed and acknowledged by all owners of record in the proposed annexation area submitting the application;
 - 1.2.2. Include a copy of all applicants' deeds to ensure ownership;
 - 1.2.3. Designate whether the application is **either**:
 - 1.2.3.1. PETITION - Submitted with the owners' signatures for 60% or more of the proposed annexation area; **or**
 - 1.2.3.2. ELECTION - Submitted with the taxpayers' signatures who constitute 20% or more of the taxpayers in the proposed annexation area for consideration in the next election.
- 1.3. If the petition is signed by a joint venture, partnership, corporation, trust, limited liability company or other recognized entity, the District must be provided with a corporate resolution or other documentation authorizing the annexation request and evidencing that the person signing the application has the authority to execute documents on behalf of the entity involved.
- 1.4. A map prepared in a draftsman-like manner to scale and matching accompanying legal description must also be provided. Both map and the legal description must meet all requirements of I.C. § 63-215 and Idaho State Tax Commission Rule 225 and must be stamped and signed by a licensed professional land surveyor and include the following:
 - 1.4.1. Total acreage of parcel;
 - 1.4.2. Section, township, range, and meridian identifications;
 - 1.4.3. North arrow, bar scale, and title block;
 - 1.4.4. Bearing and distance annotation between boundary points;
 - 1.4.5. Clearly defined boundary lines of the annexed area, together with reference to the existing boundary where contiguous. Identify adjoining streets; and
 - 1.4.6. The map should be a reproducible size: 8 ½" x 11", or 8 ½" x 14", or *no larger* than 11" x 17" and a digital copy must also be provided.
- 1.5. After the Annexation Petition is deemed complete by District staff, the proposed annexation will be presented to the Board at its next regularly scheduled meeting. At that meeting, the Board will review the annexation request and if the annexation request is complete, the District Board will establish a date for an annexation public hearing.*

Step 2: Publication, Public Hearing, Board Order:

When the public hearing date has been selected, the Notice of Public Hearing shall be drafted and published. *Note: The filing fee covers the administrative and legal costs (including publication) associated with the filing and does not guarantee the annexation will be granted.*

- 2.1 Notice of Public Hearing Requirements under I.C. § 42-3218. The notice must include:
 - 2.1.1 Notice of filing of such petition;
 - 2.1.2 Names of each petitioner;
 - 2.1.3 Description(s) of land(s) to be annexed;
 - 2.1.4 The prayer of such petition (which may include the request that an election be held depending on the scope of the petition);
 - 2.1.5 Be addressed to “all persons interested, including the staff and employees of said district and anyone designated by said district”;
 - 2.1.6 Invite interested persons to appear at the Public Hearing and give testimony why the petition shall not be granted;
- 2.2 The advertisement must be included in the Post Register legal section at least twice on consecutive weeks with the last publication occurring at least 7 days prior to the public hearing.*
- 2.3 Publication of the notice must be accurately and timely made before the public hearing can occur.

Step 3: Board Hearing

- 3.1. The Board will review all public input and make a final ruling on the annexation.*
 - 3.1.1. The petitioners, or a qualified representative, must attend the Public Hearing and be prepared to answer questions and to discuss the potential impact of the proposed project;
 - 3.1.2. Objections to the petition must be in writing and show cause why the Petition shall not be granted;
 - 3.1.3. The Board shall have full discretion to determine if the petition shall be granted;
- 3.2. At their discretion, the Board may impose additional site-specific terms and conditions of annexation *which must be announced at or before the hearing* (I.C. § 42-3218(c)).
 - 3.2.1. Based on these conditions, the petitioners may withdraw their petition within ten (10) days of the *announcement* of these specific terms. *See Step 4 below regarding “announcement”.*

Step 4: Board Resolution & Order of Annexation

- 4.1. Upon Board final approval, a BOARD RESOLUTION and ORDER OF ANNEXATION conforming in all respects with the Board decision shall be prepared and signed by the Board Chairman.*
 - 4.1.1. If an election is to be held, the Board shall so direct in this order. The election procedure, notice, and required ballot information is outlined by I.C. §§ 42-3218(b), 42-3223–3225, 34-106, 34-1405, and 34-1406. Additional information

regarding the electorate's rejection of ballot is contained in I.C. §§ 42-3219A and 42-3219B.

- 4.1.2. No public meeting is required for the Board Chairman to sign after approval, provided the terms of the Resolution and Order reflect the decision of the Board.
- 4.2. A copy of the signed Resolution and Order should be sent to each applicant which should be confirmed by a Certificate of Service to accompany the order which may be signed by the clerk/secretary of the Board.
- 4.3. To avoid confusion whether the terms and conditions of approval have been properly "announced", after the Resolution and Order is signed and mailed, no action should be taken for ten (10) days from the date of the Certificate of Service.
- 4.4. The Petitioner(s) may formally notify the District, in writing, within said ten (10) day period, that the Petition is being withdrawn. I.C. § 42-3418(c)

Step 5: Idaho State Tax Commission Submission

- 5.1. If the District has not received a notice withdrawing the petition within ten (10) days from the date reflected in the certificate of service, the Resolution and Order shall be recorded with the applicable county recorder's office AS ONE DOCUMENT IN THE FOLLOWING ORDER:
 - 5.1.1. Board Resolution for Annexation
 - 5.1.2. Board Order of Annexation which includes the following IN ORDER:
 - Certificate of Service
 - Complete Petition Signed by Applicants
 - Legal Description of Property to Be Annexed
 - Map of the Area to Be Annexed
- 5.2. District staff then submit the complete, now-recorded Resolution and Order with a cover letter to the Idaho State Tax Commission at:

GIS Analyst
Technical Support Bureau
Idaho State Tax Commission
P.O. Box 36
Boise, ID 83722-0410

* If any portion of the proposed area is located "within the limits of a City" AND "is being served by an existing city or district water or sewer system" a joint meeting must be held with the City for a "transfer...of operations" to occur. I.C. § 42-3240(a & b). This joint meeting including the notice thereof and required findings, including those filings made with the district court, must otherwise comply with and be subject to I.C. § 42-3240 for the action to be valid. However, a joint meeting is NOT required if the property is NOT already receiving city or district sewer system. (As an example, this provision would apply if persons being served by the City of Idaho Falls (which provides sewer treatment services) were to apply to EIRSD for services).