



# Comprehensive Plan 2025

CITY OF  
ASHTON  
Idaho

Working

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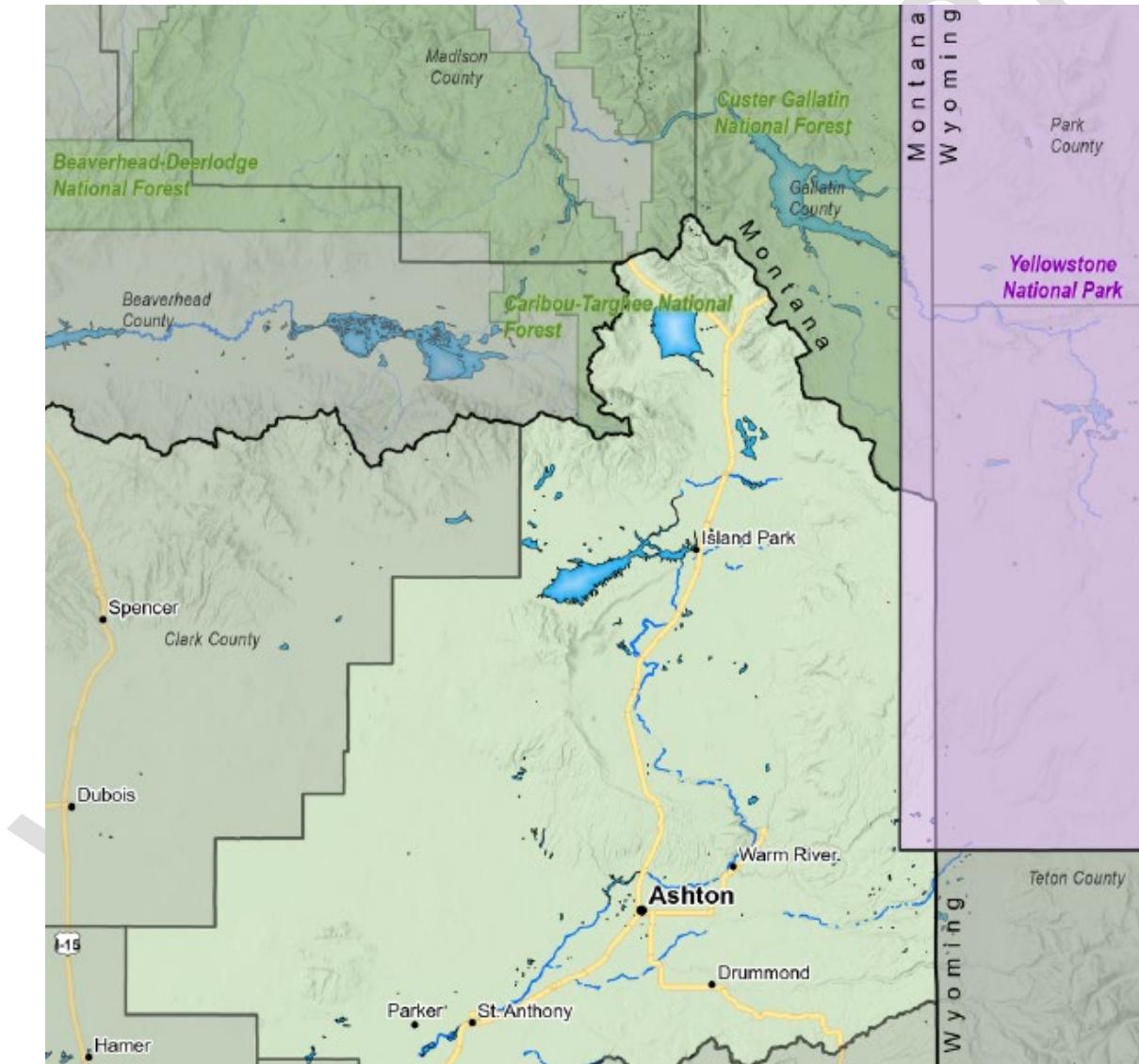
# Introduction

## 1. INTRODUCTION

### A SNAPSHOT OF ASHTON

Located in eastern Idaho an hour southwest (56 miles) of Yellowstone National Park, the City of Ashton is the second largest municipality in Fremont County, behind the County seat of St. Anthony (Refer to **Figure 1**, City of Ashton Vicinity Map). Ashton offers tremendous views of the Teton Mountain Range to the southeast, and the volcanic caldera rim to the north. The City was originally the byproduct of the railroad but has been heavily influenced by agriculture over the course of its history, due to the expansive and fertile farmland adjacent to the City. Ashton is now seeing a tourism and outdoor recreation boom due to its location to Yellowstone National Park.

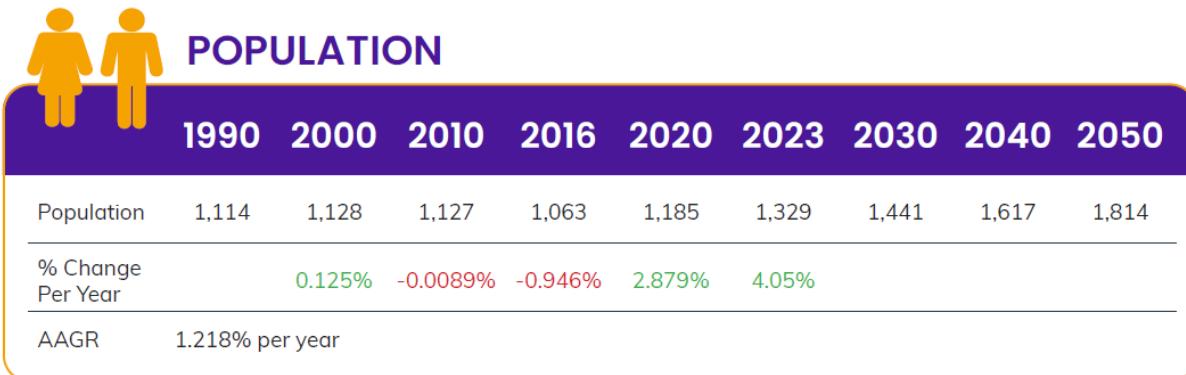
**Figure 1.** City of Ashton Vicinity Map



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## POPULATION

The City has experienced a slight increase in population over the past decade. In 2023, the population of Ashton was estimated to be 1,329 people which was approximately a 15 percent increase from 1127 people in 2010.<sup>1</sup> The decennial census reflected the City population to be 921 in 2020; However, as Covid-19 impacted housing and employment opportunities, the American Community Survey population estimates have been determined to be a better representation of the more recent population estimations of Ashton. Additionally, the City, while growing in population, also has a large short-term rental presence that can create a seasonal influx in population. Today, the City of Ashton makes up approximately 10 percent of the total population in Fremont County, with a total County population of 13,519.



A population forecast was estimated by utilizing current and historical population data for the City of Ashton. The estimated population projections outlined for the years 2030, 2040, and 2050 utilize decennial estimations through the year 2010, and American Community Survey estimations through 2023. An Average Annual Growth Rate (AAGR) of 1.218% was determined by averaging the five data sets established through the % change per year through the years 1990 to 2023.



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### Median Household Income

### Race & Ethnicity

### Median Age

\$66,250 Ashton	White	82.7 %	40.8
\$66,250 Ashton	Black	0.5%	56.4% Male   43.6% Female
	Native	0.5%	
	Asian	0%	
	Islander	0%	
	Other	0%	
	Hispanic	12.1%	

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<sup>1</sup> U.S. Census Bureau (2023). *American Community Survey 5-year estimates*

## HISTORY

The City of Ashton was platted in 1906, due to a disagreement between the Oregon Short Line Railroad, and local land speculators. The railroad was originally slated to cut through the neighboring town of Marysville, but the disagreement culminated in the Railroad being moved two miles to the west. H.G. "Fess" Fuller and Charles C. Moore bought 640 acres of land from early settlers in the area and created the Ashton Townsite Company. The railroad to this day bisects the City diagonally. The railroad and the Yellowstone Coach line frequented Ashton, beginning Ashton's foray into the tourism industry. Both the Coach line and the railroad ran visitors directly to Yellowstone National Park. The City of Ashton capitalized greatly off the Coach Line by contracting with the Coach Line's officials and selling grain and stables to their outfit.

Ashton in the present day is still influenced by the agricultural economy but has experienced a boom in the tourism industry and outdoor recreation.

## COMPREHENSIVE PLAN FRAMEWORK

A Comprehensive Plan is a guiding document adopted by a city, town or county that outlines the community's vision for its future. Local governments can use a Comprehensive Plan to guide decision-making regarding the community's land use and development. A Comprehensive Plan is not a regulatory document and does not require regulations to be adopted and utilized. However, other regulations must be consistent with and supported by the Comprehensive Plan for consistency and clarity.

A Comprehensive Plan encapsulates projections and trends that determine growth and allows a community to identify its strengths and weaknesses and outline improvement plans. The City Council can then implement those plans through thoughtful consideration and referencing the Comprehensive Plan when making decisions or taking regulatory actions. A Comprehensive Plan can also prepare a community for competitive grant funding opportunities, as it demonstrates a commitment to an intentional and planned future.

This planning process serves an opportunity for the City of Ashton to build on the many other planning efforts to define objectives and outline an action plan. By doing so, it will assist the community in growing and developing in a manner that will allow Ashton's desired future to be realized. The City identified three main goals that serve as broad, but aspirational targets that are representative of the City's desired future. These goals are as follows:

### ASHTON CITY GOALS

***The City of Ashton will provide its residents with opportunities to prosper and work to strengthen and diversify its economy.***

***The City of Ashton will preserve its natural resources and maintain the cultural and environmental factors that are integral to the City's history.***

***The City of Ashton will provide adequate services that both meet the current and future needs of the community and encourage sensible development.***

The Plan contains five chapters, all of which incorporate the 17 various planning components required by State Statute 66-6508, Local Land Use Planning, and provide the basis for achieving the goals identified and developed by the community. As outlined below, the chapters are followed by the required planning components to highlight compliance and for ease of reference within the Plan. The chapters are as follows:

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## 1. Introduction

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- Population
- Private Property Rights

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## 2. Community

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- Land Use
- Housing
- Community Design
- Economic Development
- Recreation



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## 3. Environment

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- Natural Resources
- Hazardous Areas
- Agriculture
- Special Areas or Sites

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## 4. Services and Infrastructure

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- Public Services, Facilities and Utilities (including National Electric Transmission Corridors)
- School Facilities and Transportation
- Transportation (including Public Air Facilities)

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## 5. Implementation

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- Outlines goals, objectives, and actions/strategies with associated responsibility party and project partners required for successful implementation.

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The planning process was initiated by the City of Ashton in May 2024 through a public survey to solicit feedback from the community. The planning process extended over a XX-month timeframe, with plan adoption occurring in XX.

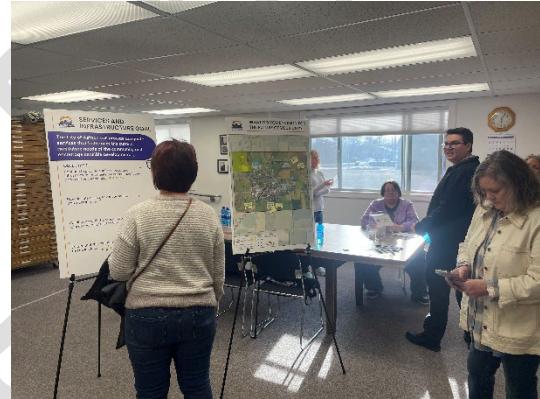
## OTHER PLANNING EFFORTS

Ashton has been actively working to improve the quality of life for residents and increase economic opportunity through thoughtful planning. Since the adoption of the 2008 Comprehensive Plan, the various planning efforts that have been completed are as follows:

- Downtown Ashton Master Plan, 2018
- Ashton Historic Preservation Plan, 2018
- Ashton Urban Renewal Plan and TIF District, 2019
- Adopted Subdivision Regulations, 2024
- Adopted Floodplain Regulations, 2019
- Capital Improvements Plan, 2016
- Zoning Ordinance, 2021
- Water Preliminary Engineering Report (PER), 2020
- Wayfinding Plan, 2023
- Deer Management Plan, Annual

## PUBLIC INVOLVEMENT

An inclusive public involvement process was carried out to support the development of the Ashton Comprehensive Plan, ensuring broad community input and engagement. As part of this effort, a public survey was conducted to gather feedback from residents on key issues and priorities, allowing for a diverse range of perspectives to be considered. In addition, an open house event provided an interactive forum where community members could learn about the planning process, ask questions, provide input and share their ideas directly with project staff. These activities were designed to foster transparency, build trust, and ensure the comprehensive plan reflects the values and needs of the entire community. Further details regarding the public outreach efforts are included in [Appendix A](#).



## PRIVATE PROPERTY RIGHTS

The United States Constitution's Fifth Amendment sets the basis for private property rights, by stating "Nor shall private property be taken for public use, without just compensation". Any action of the government that results in regulations and/or ordinances becoming so restrictive that a private property owner has lost economic viability without any compensation from the government is deemed a "taking".

Chapter 65 of the Idaho Local Land Use Planning Statute contains a provision that "an analysis of provisions which may be necessary to ensure that land use policies, restrictions, conditions, and fees do not violate private property rights, adversely, impact property values or create unnecessary technical limitations on the use of property and analysis". Although a Comprehensive Plan that contains such language does not guarantee an absolute defense to a "taking" claim, most courts will consider its position in the Comprehensive Plan when making a judicial decision.

As the City of Ashton grows and develops, private property rights do not change, however, land uses may change. A comprehensive plan outlines recommendations regarding land use policies and programs, therefore, should regulations, conditions, or restrictions ensue as a result of implementation, the Office of Attorney General's Checklist for private property rights should be consulted ([Appendix B](#)). Additionally, the City must continue to review its land use regulations and ordinances and amend them accordingly concerning these new challenges with growth and expansion to ensure that there are no possibilities for a "taking".



# Community

## 2. COMMUNITY

### LAND USE AND HOUSING

#### LAND USE

The City of Ashton is largely comprised of commercial, industrial, and single-family residential land uses. Refer to **Figure 2 – Zoning Map**. The City is situated along a highly trafficked state byway, Highway 47, that brings upwards of two million tourists through the area each year. Ashton provides commercial land uses along the state facilities that includes a mix of retail, food establishments, banks, etc. Industrial land uses are present along the railroad corridor and serves as a historical reminder of Ashton's strong economic base in agricultural production. The agricultural industry is still active today, but production has declined over the previous decades. As stated previously, the City is predominantly single-family residential with sparse larger lot residential developments adjacent to city limits.



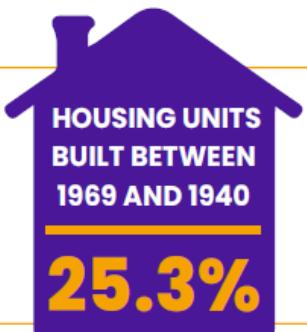
#### FUTURE LAND USE & AREA OF IMPACT (AOI)

The Idaho Land Use Planning Act (§67-6502) sets forth the need for comprehensive planning in the state, and a subsequent statute (§67-6256) sets forth the need for a municipality to establish an Area of City Impact (AOI). The intent of the AOI is to protect private property rights, ensure adequate public facilities, and encourage urban development within municipalities. The AOI lays out the vision for the land adjacent to the City that may be annexed at some point but reviewing land use compatibility for future growth. As of July 1, 2024, Idaho State Legislature made amendments to Section 67-6526 regarding AOI's that allows decisions regarding properties located in the AOI in the jurisdiction of the county. While cities should receive notice to provide input on applications submitted to the county for properties located within a city's AOI, decision making authority will remain with the county as well as final determinations regarding AOI boundaries.

A Future Land Use Map was developed (**Figure 3**) that outlines the community's vision for future growth and development. As the City continues to grow beyond the city limits, identifying future land uses within the AOI was a priority of this planning effort. **Table 1** describes the future land use designations identified in the FLUM and the associated types of development that might occur in each of those designations.

#### HOUSING

Like many Idaho communities, the City of Ashton has an aging housing stock. Low-income families are more likely to live in older homes as they have a lower market value. Thus, increased maintenance and utilities costs can be a significant economic burden for them.

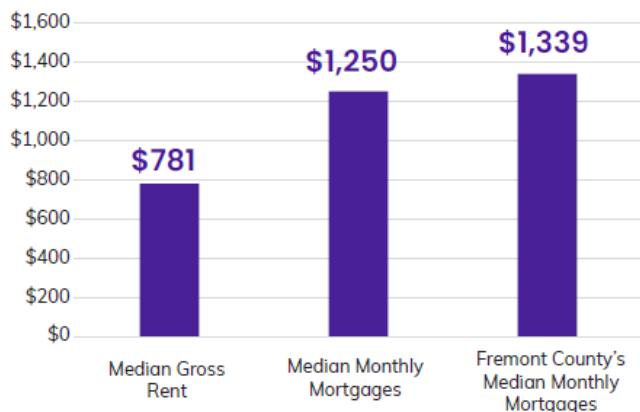


### AGE OF STRUCTURES

The median age of structures within the City is 65 years. Among those, 25.3 percent, or 134 units, were built between 1969 and 1940. Older homes generally require more maintenance and upkeep and are often less energy efficient, which adds to housing costs.



### MEDIAN MORTGAGES AND RENT



The 2022 median house value in the City was \$171,100, a 25% increase since 2017. The median gross rent in 2022 was \$781. Median monthly mortgages were reported as \$1,250, which is slightly lower than Fremont County's median monthly mortgage cost of \$1,339. Approximately 10.4% of residents renting homes in Ashton reported their rent costs are greater than 30% of their household income. Among homeowners, 8.2% of homeowner's reported their mortgage cost to be greater than 30% of their household income. These statistics are important because home costs that exceed 30% of a household's income are considered "unaffordable", by national standards. Additionally, the City has experienced an increased number of short-term rentals (STR) within the community, contributing to nearly 13 percent of the total housing stock. STR's provide opportunity to accommodate tourists and commuters but can also be inconsistent economically compared to full-time residency. The STR market will be increasingly more important to track and manage as housing availability, along with buildable lots, are limited.

### MORTGAGE AND RENT

#### 8.2% Homeowners

MORTGAGE

**>30%**

OF HOUSEHOLD INCOME

#### 10.4 % Renters

RENT COST

**>30%**

OF HOUSEHOLD INCOME

There is an expressed need for additional housing options in Ashton. Since the 2008 Comprehensive Plan, the City has and will continue to evaluate land use regulations that directly impact development, re-development, and housing availability within City limits. The City would also benefit from performing a housing needs assessment. Such a process would allow the City to identify achievable goals, such as renovating substandard housing, and spell out specific steps that could be taken to fund and complete such a project. Since providing safe and affordable housing is an issue that affects both the City and Fremont County, a joint approach might be the most efficient and beneficial.

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Figure 2. Zoning Map

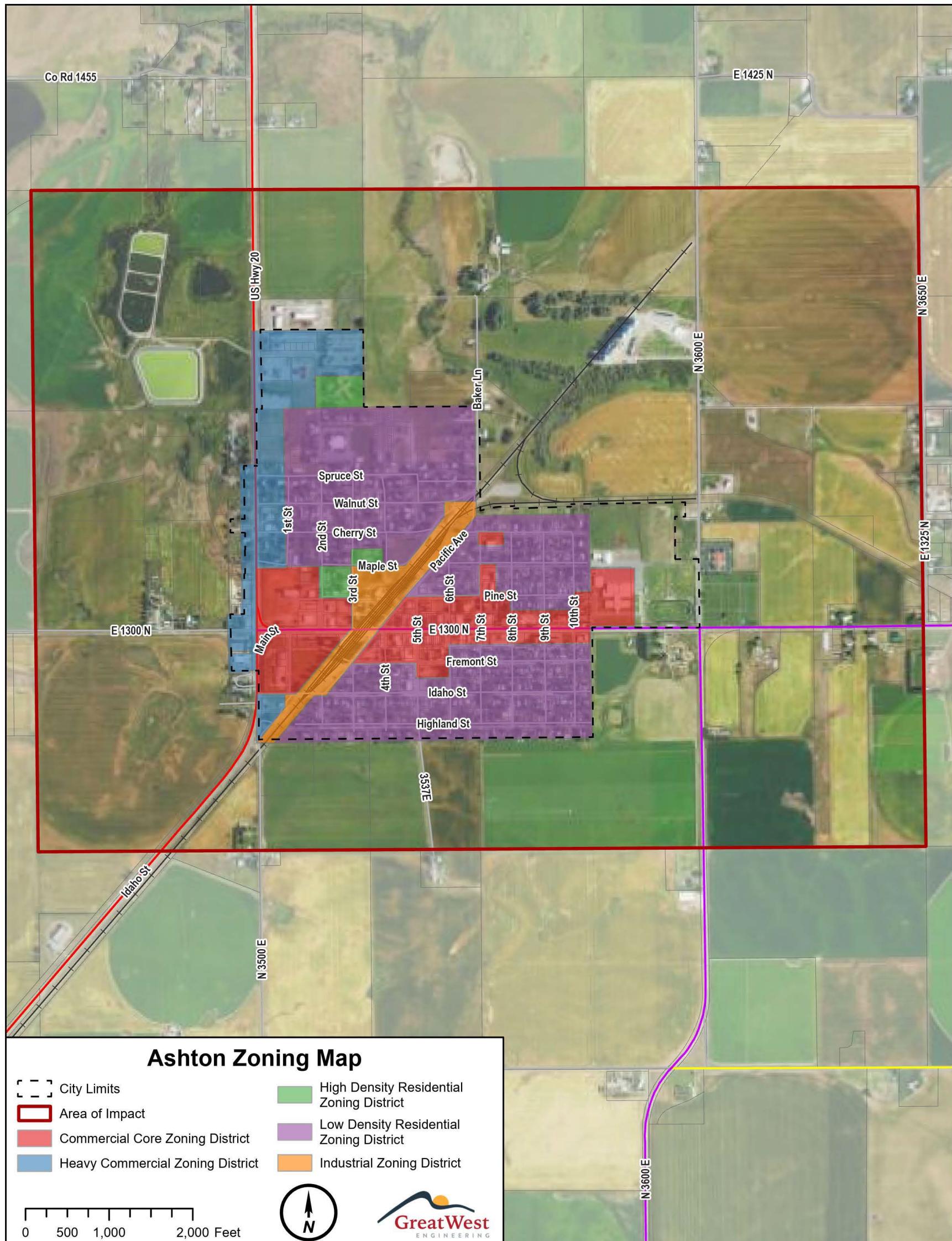
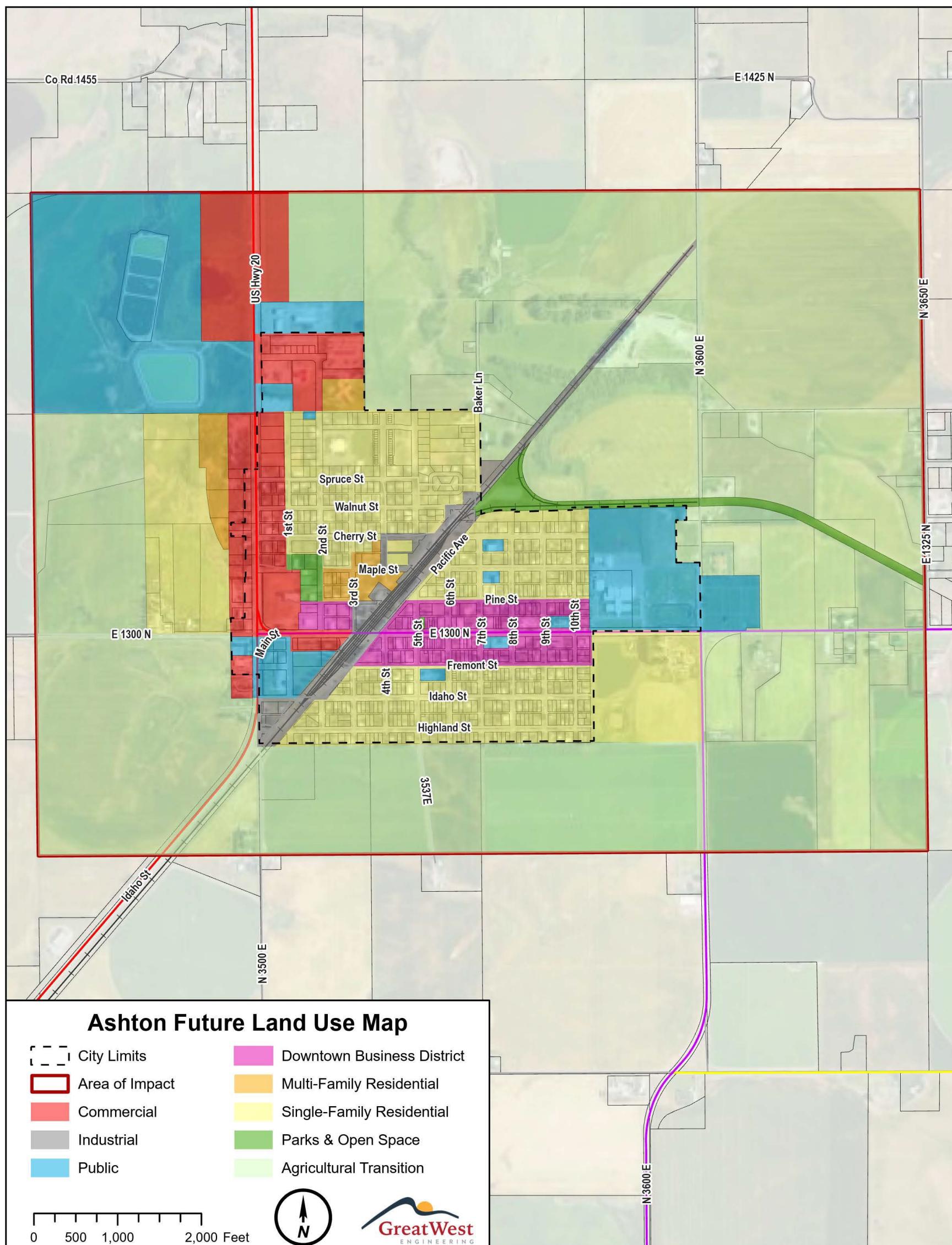


Figure 3. Future Land Use Map



**Table 1. Future Land Use Designations**

Future Land Use Designation	Description	Example Reference
Ag Transition	Ag Transition designations allow large lots with single family residences and a variety of agricultural uses. These areas are located outside of city limits but inside the Area of City Impact. Property owners desiring urban uses (residential subdivision, commercial, industrial) should apply to the City for annexation through a comprehensive plan and zoning ordinance amendment.	  
Low Density Residential	Low Density Residential designations allow for single-family dwellings on a variety of lot sizes. These areas generally include subdivisions and established neighborhoods, and may include duplexes and townhomes on larger lots. Uses such as places of worship and parks and open space may be allowed by special permit.	  
High Density Residential	Multi-family Residential designations encourage a mix of housing types including townhomes and fourplexes, as well as apartments. These areas often located adjacent to commercial or industrial uses and can buffer single-family residential areas.	  
Downtown Business District	Neighborhood Commercial designations may allow businesses such as retail, office, restaurants, public facilities, and other uses that can serve the surrounding neighborhood areas. These are areas located in or around the downtown that encourage a more walkable corridor. Certain mixed uses may be allowed in the Neighborhood Commercial designation by special permit.	  

Future Land Use Designation	Description	Example Reference
Commercial	<p>Commercial designations generally follow major transportation corridors and may include hospitality, as well as larger retail and entertainment establishments. These areas encourage the grouping of businesses and may be considered for more intense use by special permit.</p>	  
Industrial	<p>Industrial designation may include manufacturing, warehousing, research facilities, and processing and assembling facilities. These areas are generally located adjacent to commercial areas and special permit may be required to ensure appropriate screening and mitigation for impacts on surrounding uses.</p>	  
Parks and Open Space	<p>Parks and Open Space designations allow parks and recreation facilities owned and/or operated by government entities.</p>	  
Public	<p>Public designations are facilities or parcels of land owned and/or operated by governmental entities or intended for use by the public. Uses may include government offices, schools, post offices, libraries, and facilities associated with first response.</p>	  

## COMMUNITY DESIGN

The community survey had many respondents who emphasized the need for an attractive town that would ultimately bring in more visitors who are heading to the National Park and attract new residents and business owners. One way of achieving such a thing is to create and enforce a community decay ordinance to limit the number of properties that fall into disrepair. Typically, these ordinances can be paired with a weed management ordinance that eliminates unsightly, overgrown properties that have the potential to spread invasive species of weeds throughout the town, as well as eliminate the potential for vermin. Implementing community design standards and landscaping requirements within the City's zoning regulations would also assist in achieving the desired community design and appearance. Proper landscaping can serve as a buffer between more intensive land uses in the community, such as commercial or light industrial uses, while also adding an aesthetically pleasing aura to the community.

## ECONOMIC DEVELOPMENT

The Census Bureau's Center for Economic Studies Longitudinal Employer-Household Dynamics program provides detailed demographic characteristics of job industries in Ashton. Understanding the difference in job industries between the County and the City is crucial, as the City can provide and improve upon services to accommodate both its residents and County residents. **Figure 4** outlines the top employment sectors within Fremont County and the City of Ashton. The largest employment sectors for Ashton are health services and construction.

In 2022, the median household income in Ashton was \$62,819, which is slightly lower than the Fremont County median household income of \$67,015, and statewide median household income of \$70,284.

The number of building permits can provide insight to the local growth of a community. As depicted in **Table 2**, the number of building permits over the last five years has remained steady, which is consistent with the conservative growth trends outlined in the population section.

**Table 2.** Building Permits 2020 - 2024

Permit Type	2020	2021	2022	2023	2024
New Home	2	1	1	0	2
4 Plex	0	0	1	2	1
8 Plex	0	0	0	1	0
Addition	0	1	2	3	1
Remodel	7	3	2	3	4
Garage	0	1	1	1	2
Deck	3	4	6	2	3
<b>Total</b>	<b>12</b>	<b>10</b>	<b>13</b>	<b>12</b>	<b>13</b>

**Figure 4.** 2021 Top 4 Jobs by NAICS Industry Sector



### City of Ashton

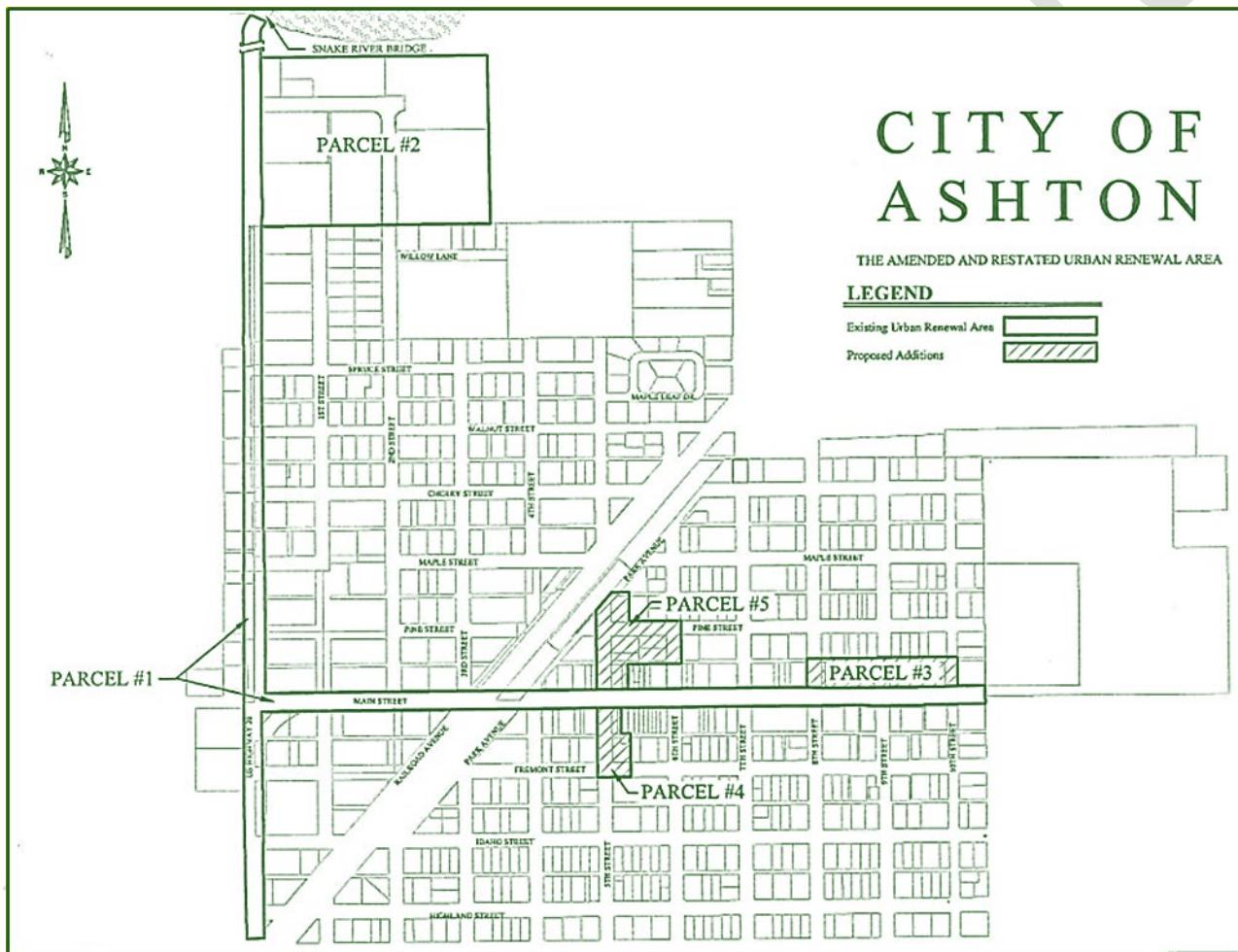
- Retail Trade
- Construction
- Wholesale Trade

### Fremont County

- Health Care and Social Assistance
- Construction
- Retail Trade
- Arts, Entertainment, Recreation, Accommodation & Food

## URBAN RENEWAL DISTRICT

The City of Ashton adopted the Downtown Ashton Urban Renewal Plan in 2018, establishing an Urban Renewal District (URD) known as the Downtown Ashton Urban Renewal District to activate redevelopment within its boundaries. The URD allows the City to generate revenues for “blighted” properties targeted for redevelopment. As improvements are made within the district, and as property values increase, the incremental increases (tax increment) in property tax revenue would be used to fund improvements within the district. All revenue generated must be spent within the district and can fund projects such as street and parking improvements, streetscape improvements such as tree planting, and the installation of new bike racks, trash containers, and benches within the district.



**Figure 5. City of Ashton Urban Renewal Area**

There was also an expressed interest by the public during the survey outreach for the preservation of the historic character of downtown. More specific design standards can be implemented into the zoning code through the creation of a historic overlay zoning district. By doing so, the requirements may consider new development or existing redevelopment to restore the building facades to as close to the existing historic nature as possible.

## RECREATION



The City of Ashton provides no shortage of recreational opportunities as it is a well-known gateway to Yellowstone National Park and a common route providing access to Grand Teton National Park. The City owns and maintains two city parks, Ashton City Park and the Main Street pocket park. The Ashton City Park provides for various amenities including tennis and pickleball courts, basketball and volleyball courts, a public swimming pool, and playground equipment. Additionally, Ashton's Community Center provides residents access to a full-sized gymnasium that is often used for gymnastics, aerobics, and volleyball.

Various recreational opportunities are also located within Fremont County, within close proximity to Ashton. Fremont County maintains groomed trails for hiking, biking, cross-country skiing, and snowmobiling. A more notable trail frequented by residents and visitors is the Teton Trail, managed through Harriman State Park. The Teton Trail is administered through Idaho Parks and Recreation as it was established through the Rails to Trails program and follows 29.6 miles of abandoned railroad grade. There are also

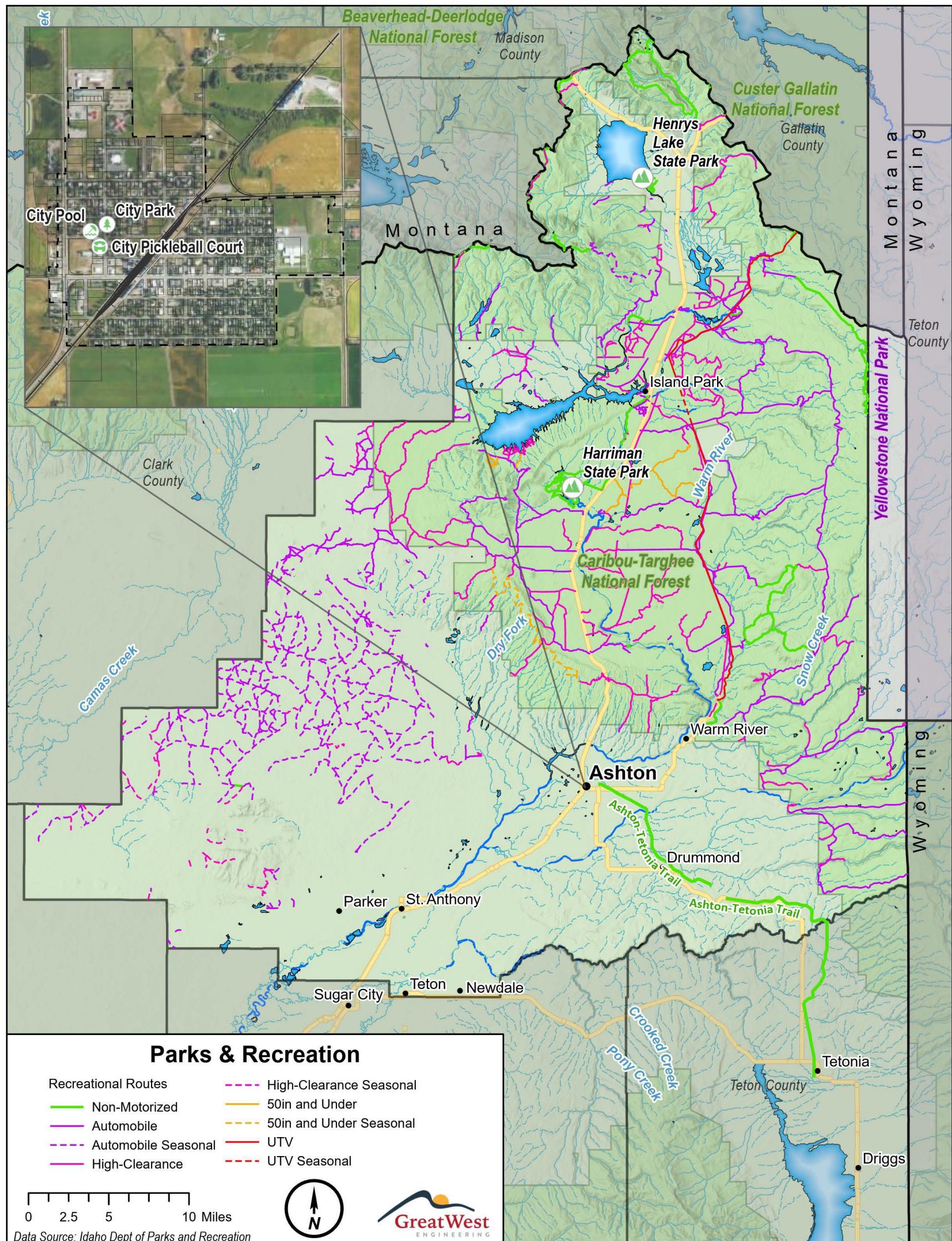
several waterways throughout the County that provide access for fishing and boating, and three golf courses located within 15 miles of Ashton. Refer to **Figure 6 – Parks and Recreation**. Lastly, Highway 47 passes through the City of Ashton and is designated as a National Scenic Byway. The Scenic Byway offers scenic attractions and recreational access to fishing, horseback riding, camping, and hiking.

The City hosts a number of well-attended events throughout the year, including the American Dog Derby, Spirit of Christmas Tractor Parade, 4<sup>th</sup> of July celebration, and the Mesa Falls Marathon. Some of these yearly events have gained notoriety over the years, attracting hundreds of patrons, as the American Dog Derby is the oldest dog sled race held in the United States and the Mesa Falls Marathon has been highlighted in popular running/marathon magazines. It is events such as these that assist in promoting Ashton as a highly coveted tourist destination, especially in regard to recreational opportunities.



*Early Days of the American Dog Derby*

Figure 6. Parks and Recreation



## COMMUNITY GOAL, OBJECTIVES, AND ACTIONS

### COMMUNITY GOAL

The City of Ashton will provide its residents with opportunities to prosper and work to strengthen its economy.

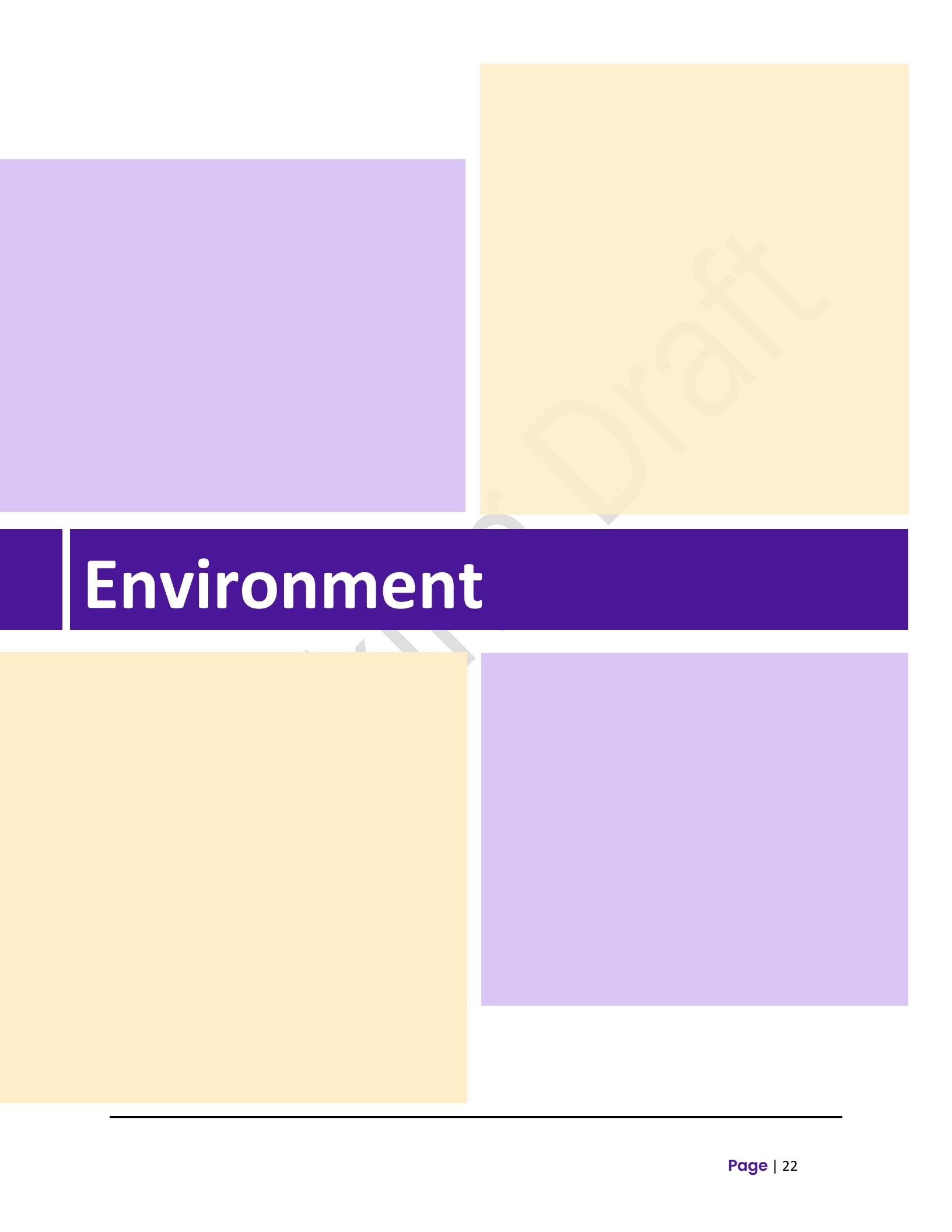
Community Objectives and Actions	
Objectives	Actions
2.1 Continue to promote regional events to attract tourism to Ashton.	<p>2.1.a. Develop community branding with digital and print materials tailored to regional events.</p> <p>2.1.b. Establish a coordinated marketing strategy in partnership with local businesses and regional tourism boards to promote annual and seasonal events (e.g., Mesa Falls Marathon, American Dog Derby).</p> <p>2.1.c. Collaborate with local and county chamber of commerce organizations as well as neighboring cities to cross-promote events.</p>
2.2 Support existing businesses and facilitate new commercial and industrial opportunities.	<p>2.2.a. Prioritize infrastructure upgrades (roads, water, sewer, broadband) in areas designated for commercial or industrial development.</p> <p>2.2.b. Encourage the development of affordable housing to ensure there is adequate workforce housing for existing and future businesses</p> <p>2.2.c. Review and update zoning ordinances to ensure adequate land availability for future commercial and industrial development.</p> <p>2.2.d. Prioritize infill development and adaptive reuse of vacant or underutilized downtown buildings to reduce barriers for new businesses.</p>

Community Objectives and Actions	
2.3 Enhance and promote the parks and recreation facilities and access to other natural resources.	<p>2.3.a. Develop and implement a citywide Trail and Greenway Plan to improve pedestrian and bike connectivity between neighborhoods, parks, schools, and public lands.</p> <p>2.3.b. Maintain and upgrade existing park facilities with modern amenities (e.g., restrooms, playgrounds, lighting, benches, ADA access).</p> <p>2.3.c. Pursue funding from federal and state grant programs (e.g., LWCF, RTP, Idaho Parks &amp; Recreation grants) to expand and maintain parks and trails.</p>
2.4 Encourage land uses that contribute to a vibrant and economically accessible community.	<p>2.4.a. Support a range of housing types—including duplexes, triplexes, townhomes, and accessory dwelling units (ADUs) within residential zones.</p> <p>2.4.b. Position the downtown area as a vibrant community hub by supporting infill development, upper-floor housing, public art, and community events.</p> <p>2.4.c. Continue to require new development to include sidewalks, landscaping and pedestrian-friendly design standards.</p> <p>2.4.d. Promote complete neighborhoods where residents can walk or bike to parks, schools, shops, and jobs.</p>
2.5 Promote initiatives and programs that connect residents with employment opportunities and career development resources.	<p>2.5.a. Partner with regional organizations such as the Idaho Department of Labor, Eastern Idaho Workforce Development Board, and local community colleges to host job fairs, resume clinics, and career workshops in Ashton.</p> <p>2.5.b. Collaborate with the Fremont County Library District and School District to provide free public access to job search tools, computer training, and resume assistance.</p>

## Community Objectives and Actions

2.6 Maintain a safe a well-designed community.	2.5.c. Collaborate with North Fremont High School and technical education partners to provide internship, apprenticeship, and job shadowing opportunities with local employers.
	2.5.d. Collaborate with regional economic development organizations to align business recruitment strategies with local workforce capabilities.
	2.6.a. Consider implementing a Downtown Streetscape Master Plan that includes lighting, sidewalks, landscaping, benches, and public art.
	2.6.b. Support maintenance and beautification of parks, civic buildings, and rights-of-way to promote safety and community pride.
	2.6.c. Avoid incompatible land uses (e.g., heavy industrial next to homes) through clear zoning and thoughtful site planning.
	2.6.d. Develop and adopt design guidelines that address building form, site layout, materials, signage, and public improvements.

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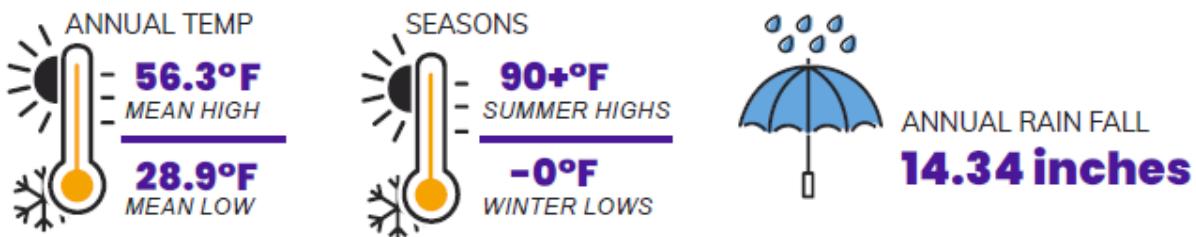


# Environment

### 3. ENVIRONMENT

Ashton is nestled in the fertile river valley, between the Fall River and the Henry's Fork of the Snake River. The area surrounding Ashton lies in a relatively flat portion of the valley and is surrounded on all sides by prime farmland soils after irrigation. The elevation is 5,259 feet. Ashton has a continental climate with cold winters, warm summers, and a marked variation in seasonal precipitation, which averages 14.34 inches annually. Ashton experiences a fairly consistent amount of precipitation throughout the year, with May being the wettest month of the year. The average annual high temperature is 56.3 degrees F and the average annual low temperature of 28.9 degrees F. Like much of Idaho, high temperatures in Ashton can range into the 90s and even the 100s in the summer months with low temperatures in the winter months down into the negative digits.

## CLIMATE



### NATURAL RESOURCES

The City of Ashton has an abundance of natural resources, in part due to its geographic location. Many of Ashton's natural resources serve as both recreational and economic drivers to the community. Ashton lies to the south and to the west of the Caribou Targhee National Forest (Refer to [Figure 7 – Natural Resources and Hazards](#)). This National Forest is part of the Great Yellowstone Ecosystem (GYE) and expands over the Caldera rim to the north of Ashton. The United Nations has designated this forest as a biosphere as it contains a robust mix of North American animals such as Elk, Deer, Grizzly Bears, numerous species of birds, and many more.

Ashton is surrounded by four blue ribbon trout fisheries, the Henry's Fork of the Snake River, the Teton River, the Fall River, and the Warm River. These rivers are all within 10 miles of Ashton. These rivers offer anglers a significant opportunity to catch both native and non-native trout, as well as provide resources for non-anglers alike. Ashton has taken economic advantage of its proximity to these rivers by promoting the fishing and aquatic recreation industry. The Idaho Fish and Game Department also promotes the use of these natural resources by offering a free fishing day where no Idaho fishing license is required, to encourage more of the residents to utilize the fisheries. Various attractions, such as Mesa Falls and Cave Falls, are destinations along these waterways offering natural, scenic viewpoints for visitors.



Identifying priorities for preservation and implementing an action plan would prove beneficial for the City of Ashton, especially as the City and County continue to grow in population. Engaging in communications and planning with local conservation and emergency mitigation personnel will ensure natural resource preservation stays at the forefront of development.

## NATURAL HAZARDS

Many of the natural hazards present within the City are outlined in the 2016 Fremont County All Hazard Mitigation Plan, in which Ashton participated. Many of the existing natural resources, such as nearby rivers and irrigation facilities, also pose potential natural hazards within the community. Open surface waters can create safety hazards and should be approached with caution. Additionally, with open surface waters comes the risk of flooding. The City of Ashton is not a participant in the National Flood Insurance Program (NFIP). The Federal Emergency Management Agency (FEMA) has determined that the City is at low risk of riverine flooding, though unincorporated Fremont County is an active participant in the NFIP. Fremont County Flood Insurance Rate Map (FIRM) #1600610450B does show that there are multiple approximate flood zones adjacent to the City (see attached FIRM Panel). These approximate flood zones could potentially impact the City by way of limiting travel on the highway during times of floods, which could impact emergency services in times of need.

The City also has a lack of stormwater management conveyance that leads to flooding through stormwater events. Though not regulated by FEMA, these stormwater events can also impact the City by altering emergency routes, impeding travel, and flooding private property and homes, typically homes with basements. With a state-owned facility traversing through the City's downtown corridor, the City should regularly monitor freight spills from commuting freight traffic.

## AGRICULTURE

The City of Ashton has historically been a farming community as the City is located in the Snake River Plain ecoregion, more specifically, the Dissected Plateaus and Teton Basin. This ecoregion is primarily used for cropland and rangeland, with potatoes being the most important cash crop. The majority of the cropland is considered prime farmland if irrigated, allowing for potatoes, alfalfa, and pasture to dominate the area. Non-irrigated land can produce small amounts of grain. Situated diagonally along the rail line, numerous grain elevators serve as a reminder of the critical role that agriculture has for the City. There is a significant portion of this prime farmland

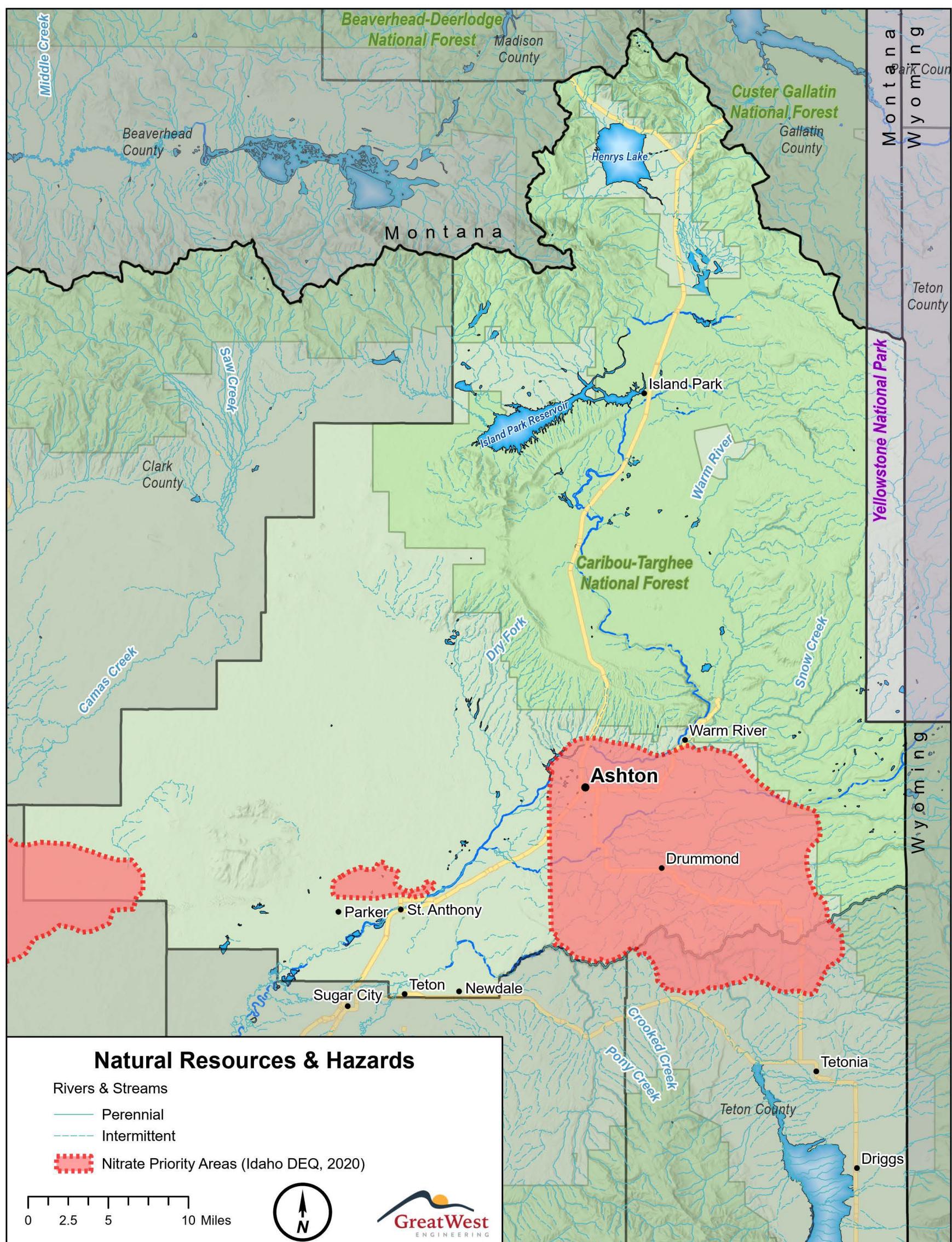


located within the City's Area of Impact. The respondents to the City's community survey expressed a love for the rural feel of the City adjacent to the surrounding farmlands. It is recommended that the City continue to preserve the rural lifestyle of the residents by ensuring that the development review process thoroughly analyzes the impact on the reduction of agricultural lands by ensuring that development on the periphery of the City is adjacent to existing services and limit the amount of urban sprawl into the existing agricultural lands.

## SPECIAL AREAS OR SITES

The City of Ashton contains only two (2) sites on the National Register of Historic Places, the Independent Order of Odd Fellows Hall and the Rankin Auto Court. The Odd Fellows Hall is a two-story brick commercial structure that was built in 1907. The primary decorative feature is an ornate and large brick cornice that dominates the south, southwest, and west sides of the building. The Rankin Auto Court was built in 1924 by the Rankin brothers and was maintained by D.K. Rankin his wife Eva, and their five children. The Auto Court capitalized on the boom in the auto industry as well as the location adjacent to Yellowstone National Park. The Auto Court has a variety of cabins and a motel that represent different architectural techniques ranging from the 1920s style to the 1970s. It was placed on the National Historic Register of Historic Places in 2022.

Figure 7. Natural Resources and Hazards Map

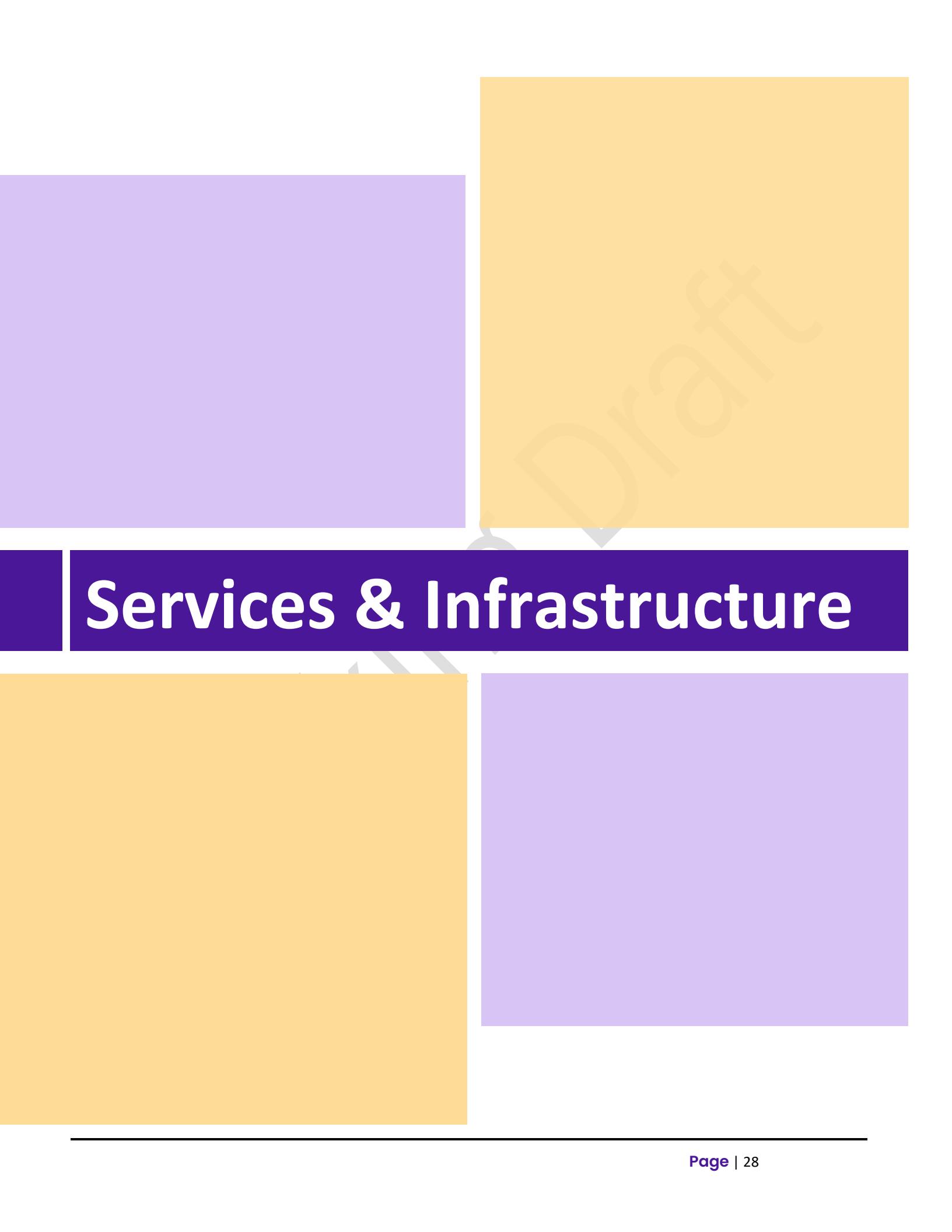


## ENVIRONMENT GOAL, OBJECTIVES, AND ACTIONS

### ENVIRONMENT GOAL

The City of Ashton will preserve its natural resources and maintain the cultural and environmental factors that are integral to the City's history.

Environment Objectives and Actions	
Objectives	Actions
3.1 Protect the community from natural and manmade hazards.	<p>3.1.a. Ensure development follows regulations and any areas prone to natural hazards are protected and designated as open space.</p> <p>3.1.b. Collaborate with regional agencies to coordinate emergency planning, hazard mitigation, and public safety initiatives.</p>
3.2 Conserve natural resources while promoting long-term environmental sustainability.	<p>3.2.a. Allow school field trips to City utilities- water treatment/ wastewater treatment facilities to provide students with education on the importance of essential services and their relation to the environment.</p>
3.3 Ensure development activity does not negatively impact natural resources and open space.	<p>3.3.a. Update the City's land use regulations to include considerations to preserve environmentally sensitive areas.</p> <p>3.3.b. Require stormwater management practices such as retention ponds, bioswales, and permeable surfaces to reduce runoff and protect water quality.</p> <p>3.3.c. Guide growth toward areas with existing infrastructure to limit urban sprawl and to protect farmland, open space, and scenic views.</p>



# Services & Infrastructure

## 4. SERVICES AND INFRASTRUCTURE

Providing services and maintaining infrastructure effectively and economically are the primary functions of the City government. Services include, but are not limited to, providing drinking water, treating wastewater, maintaining streets, emergency services, solid waste disposal, libraries and parks. The infrastructure that the City is responsible for runs the gambit from water and sewer infrastructure to buildings and parks.

Local non-profit organizations such as Ashton Memorial and Ashton Senior Center also provide services to residents and visitors. A comprehensive list of the services and facilities found in Ashton is outlined below.

### PUBLIC SERVICES, FACILITIES, AND UTILITIES

Public services provide the comforts to residents that make a community safe, livable, and operate efficiently. Public facilities and services include sewer and water services, public health services, emergency services, and utilities.

#### WATER AND SEWER

The City of Ashton is served by a central water system. The water system was last updated in 1992 and maintains purity and cleanliness. The City's biggest concern is keeping contamination from entering the water system. Back-flow contamination is always the greatest concern, a situation caused when the pumps shut off and the pressure drops, and contamination is potentially siphoned back into the water system. In areas where the City is not connected or unable to connect to the domestic water system, water may be supplied by private wells.

Ashton is also served by a central sewage system, last updated in 1978 and 1979. The sanitary sewage treatment facility for the City of Ashton is an aerated lagoon system located in the northwest quadrant of the City. The treatment facilities consist of four lagoons with a total surface area of approximately ten acres. The sewage from the City is collected and comes to a flow monitoring station located along U.S. 20-191.

#### EMERGENCY SERVICES

The City of Ashton has three police officers on the force, a Police Chief and two detectives. Ashton P.D. is dispatched through the Fremont County Sheriff's office along with emergency medical services. Fremont County provides emergency medical services through a volunteer system consisting of Emergency Medical Technicians and

Certified 1st Responders in three communities within the County. Ambulances are based in St. Anthony, Ashton and Island Park. Two ambulances are housed in each location and have heavy and light duty vehicle extrication equipment available.

Ashton Fire Protection District, located on the north end of the City at the corner of 7<sup>th</sup> Street and Cherry Street (as shown on [Figure 8 – Public Facilities](#)), has served the City of Ashton since 1991. The crew is comprised of volunteers and is managed by a 3-person commission board. Services are dispatched by the Sheriff's office and there is a mutual aid agreement with the department's counterpart in St. Anthony, U.S. Forest Service, and the BLM.



Ashton Fire Protection District - Water Tender

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## MEDICAL SERVICES

Ashton Memorial Healthcare is a not-for-profit healthcare company that was established in 1950. Ashton Medical Clinic, owned by Ashton Memorial, provides a variety of services to the community, which can be found below in **Table 3**.

**Table 3.** Ashton Medical Clinic

Ashton Medical Clinic Services	
Family Practice	Outpatient Services
Annual Wellness visits	Immunizations
X-Rays	Laser and Shock wave therapy
Physical therapy	Skilled nursing services
Routine medical care	Pharmaceuticals

Ashton Memorial currently staffs a Living Center, Medical Clinic, and a Pharmacy. The biggest need is additional staffing to assist to adequately provide services to the residents of Ashton. Both the Pharmacy and the Clinic are part of the Emergency preparedness plan, and both have generators to house people in the event of an emergency. The Clinic is run by a board of directors consisting of seven members. Currently, the closest hospitals in the area are Madison Memorial in Rexburg, Teton Valley Hospital in Driggs, and Eastern Idaho Regional Medical Center in Idaho Falls, Idaho Falls Community Hospital, and Mountain View Hospital.

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## SOLID WASTE

Ashton's solid waste collection service is provided by a PSI of Idaho Falls. With the present system there is ample service capacity for future growth. The waste is hauled presently to the Fremont County landfill north of St. Anthony. For more information on this landfill, please see the Fremont County Comprehensive Plan (FCCP).

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## COMMUNICATIONS

The Post Office is located at 109 S 5<sup>th</sup> Street and provides a suite of services. These services include money orders, passport services, mailing services, and business services. Other communications companies providing telephone and internet services include Blackfoot Communications, Fibercom, and Starlink.

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## ASHTON CITY PUBLIC LIBRARY

The Ashton branch of the Fremont District Library is located at 925 Main Street, in the Ashton Community Center. Because the library has a reciprocal borrowing contract with St. Anthony Library, the two libraries meet once a year with County Library Board to discuss and plan the budget for the following year. The library operates on city, county, and federal funding and is open six days a week. The Ashton Public Library offers books, periodicals, newspapers, and e-books and audio books for rent. Additional services provided by the library include proctoring tests, summer reading programs, story hours, faxing services, and interlibrary loans. The library also offers classes on gardening, parenting and more.

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## ASHTON SENIOR CENTER

The Ashton Senior Center, located at 522 Main Street, provides nutrition services, monthly entertainment, and preventative care (flu and COVID-19 shots). The Senior Center prioritizes the overall health and well-being of

seniors in the community as the facility strives to reduce social isolation and provide community support, such as providing advice on Social Security benefits.

#### OTHER UTILITIES

Electricity is supplied by Rocky Mountain Power from a hydroelectric facility located on Henry's Fork of the Snake River, approximately 2.5 miles west of the City of Ashton. The 2025 Integrated Resources Plan does not identify any new national electric transmission lines extending to or around Ashton. There are future plans to expand new transmission lines through south Idaho through to eastern Wyoming. Natural gas is not available in the area, so residents operate appliances and heat by means of propane, electricity, or oil and wood stoves.

#### SCHOOL FACILITIES AND TRANSPORTATION

Ashton is served by the Fremont County Joint School District (District #215). The district includes Ashton Elementary School, kindergarten through fifth grade, and North Fremont Junior/Senior High School provides sixth through twelfth grade.

Ashton Elementary School has a student population of 249, 43% female and 56% male, per the Ashton Elementary School Wide Improvement Plan. Ashton Elementary is projected by the District to become overcrowded in the next 10 years, based on the ideal classroom size of 20 students. The current classroom size at Ashton Elementary School is 21.5, with it projected to be 23.9 in 10 years. 41% of the students receive free and reduced lunch, and the school offers a backpack program that sends food home to students who may need additional meals during the weekends. In 2001, School District #215 patrons passed a bond to build a new high school, and in 2004 at a cost of 9.4 million dollars, the current school was completed.

North Fremont Junior/Senior High School serves grades 6-12, as the 6<sup>th</sup> graders were moved to Junior High in 2006. North Fremont High School has a graduation rate of 95.2%. North Fremont Junior/Senior High is projected to have 356 students in the next 10 years, with an average class size of 25.4. There are not any anticipated capacity issues in the next 10 years.

**Table 4.** Ashton School Enrollment Numbers

ASHTON ELEMENTARY SCHOOL								
	Preschool	Kindergarten	1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup>	4 <sup>th</sup>	5 <sup>th</sup>	TOTAL
2024-2025	7	23	39	36	38	46	40	229
2023-2024	9	35	33	41	44	39	43	244
2022-2023	11	33	43	42	37	44	48	258
2021-2022	12	45	38	38	42	48	31	254
2020-2021	10	35	35	40	45	28	45	238

NORTH FREMONT JR-SR HIGH SCHOOL								
	6 <sup>th</sup>	7 <sup>th</sup>	8 <sup>th</sup>	9 <sup>th</sup>	10 <sup>th</sup>	11 <sup>th</sup>	12 <sup>th</sup>	TOTAL
2024-2025	48	46	37	48	38	63	40	320
2023-2024	47	36	46	40	67	42	44	322
2022-2023	34	49	41	63	47	46	43	323
2021-2022	47	37	64	48	49	47	45	337
2020-2021	37	59	50	52	47	47	36	328

The School District offers transportation to any student who lives at least 1 ½ miles from their appropriate school which is determined by the nearest and best route. The types of transportation provided by the district are school buses, or other vehicles, which can be a parent who receives room and board reimbursements if they reside in an area the District has deemed impractical due to scarcity of students remoteness or the condition of roads. Students who may be homeless are transported per the McKinney-Vento Homeless Assistance Act and Idaho State law. As the schools grow within Ashton, the City should work with the County to ensure that there is adequate transportation for the students within Ashton.

## TRANSPORTATION

As the City of Ashton covers less than one square mile, the majority of Ashton's streets are classified as local roads providing connection to residential and commercial land uses. Refer to [Figure 9 – Functional Classification](#). There are currently four railroad crossings along the railroad corridor and limited traffic signals are present within city limits. Curb, gutter and sidewalk have been installed along Main Street and sidewalk is present along various streets in the residential area south of Main Street. North of Main Street, Pine Street and the north block of 2<sup>nd</sup> Street also have sidewalk. As there are significant sidewalk gaps and ongoing transportation improvements and maintenance required throughout the City, Ashton should consider applying for Local Rural Highway Investment Program funding to update the City's 2006 multi-jurisdictional transportation plan.

As the City is situated along a highly trafficked state corridor, the City experiences a large economic advantage from commuters and travelers utilizing the state facility that stop in Ashton to purchase fuel, shop, or eat. As is the case with most cities that were established along state facilities, the commuting traffic is a large economic driver for the community. Idaho Transportation Department has been developing a Planning and Environmental Linkages (PEL) Study that discussed an alternative that would bypass the City of Ashton. While this is not a recommended alternative and has not yet been determined to be a viable option, it has been an expressed concern of the City's as it would greatly impact the community to lose the traffic currently received from US-20. The City of Ashton should continue to work with ITD to ensure that concerns are relayed to the project team as the PEL is finalized.

According to the Federal Aviation Administration (FAA), the closest airport to Ashton is located south of St. Anthony, approximately 15 miles away from Ashton's city center. The City of Ashton does not have an area of influence for the St. Anthony airport and therefore has no land use restrictions due to the distance from the airport.

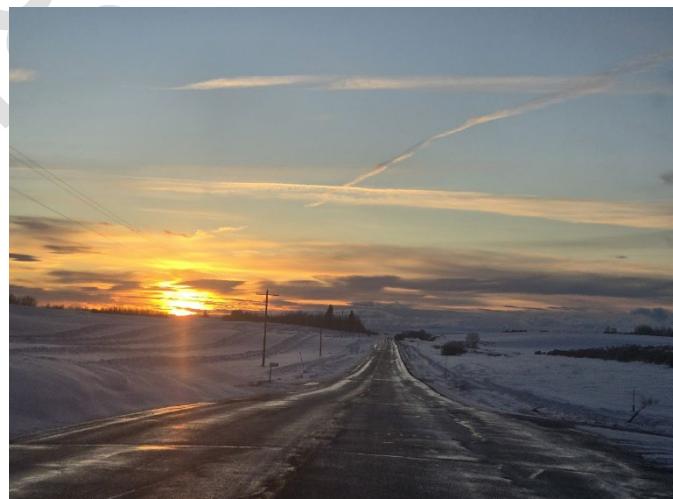


Figure 8. Public Facilities

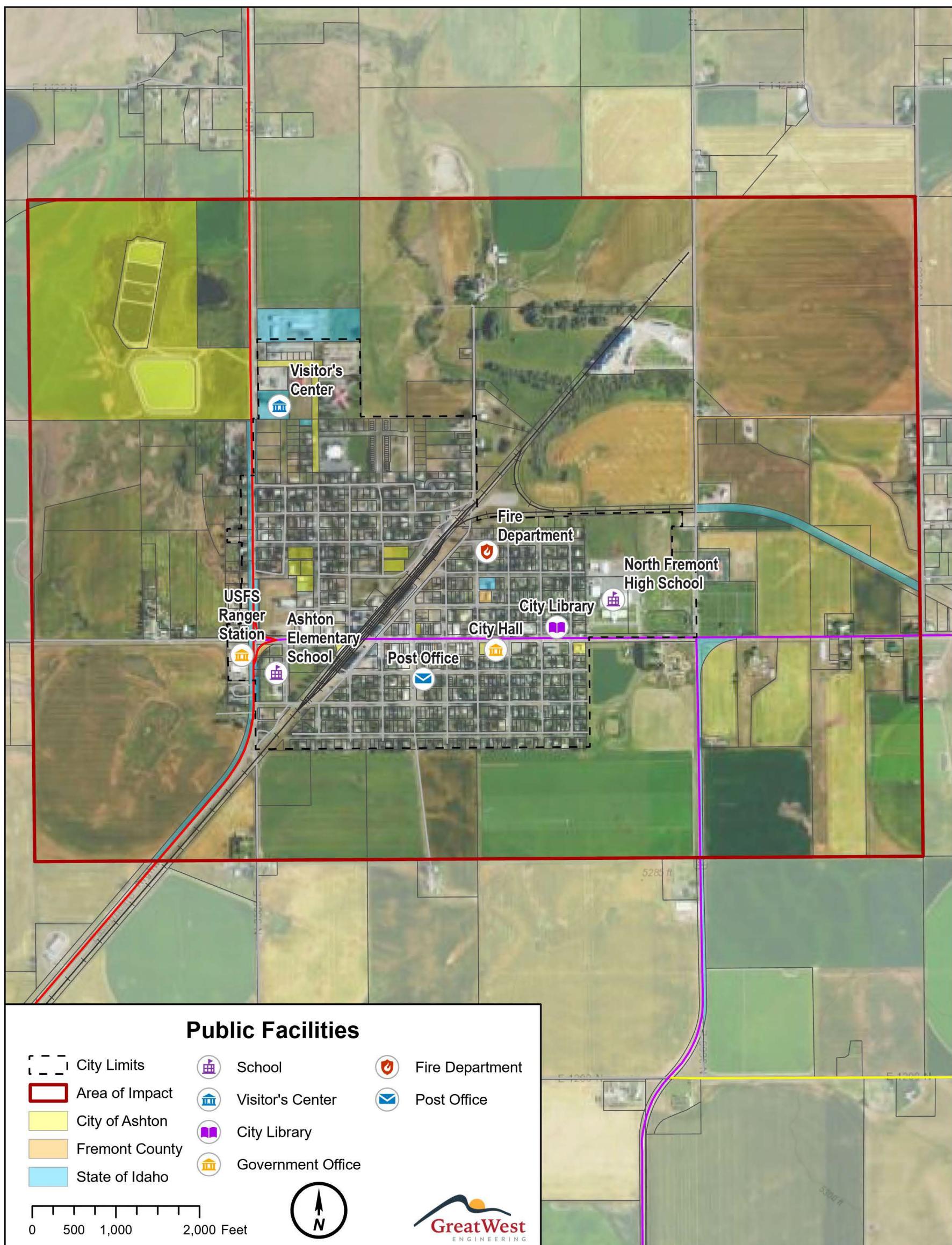
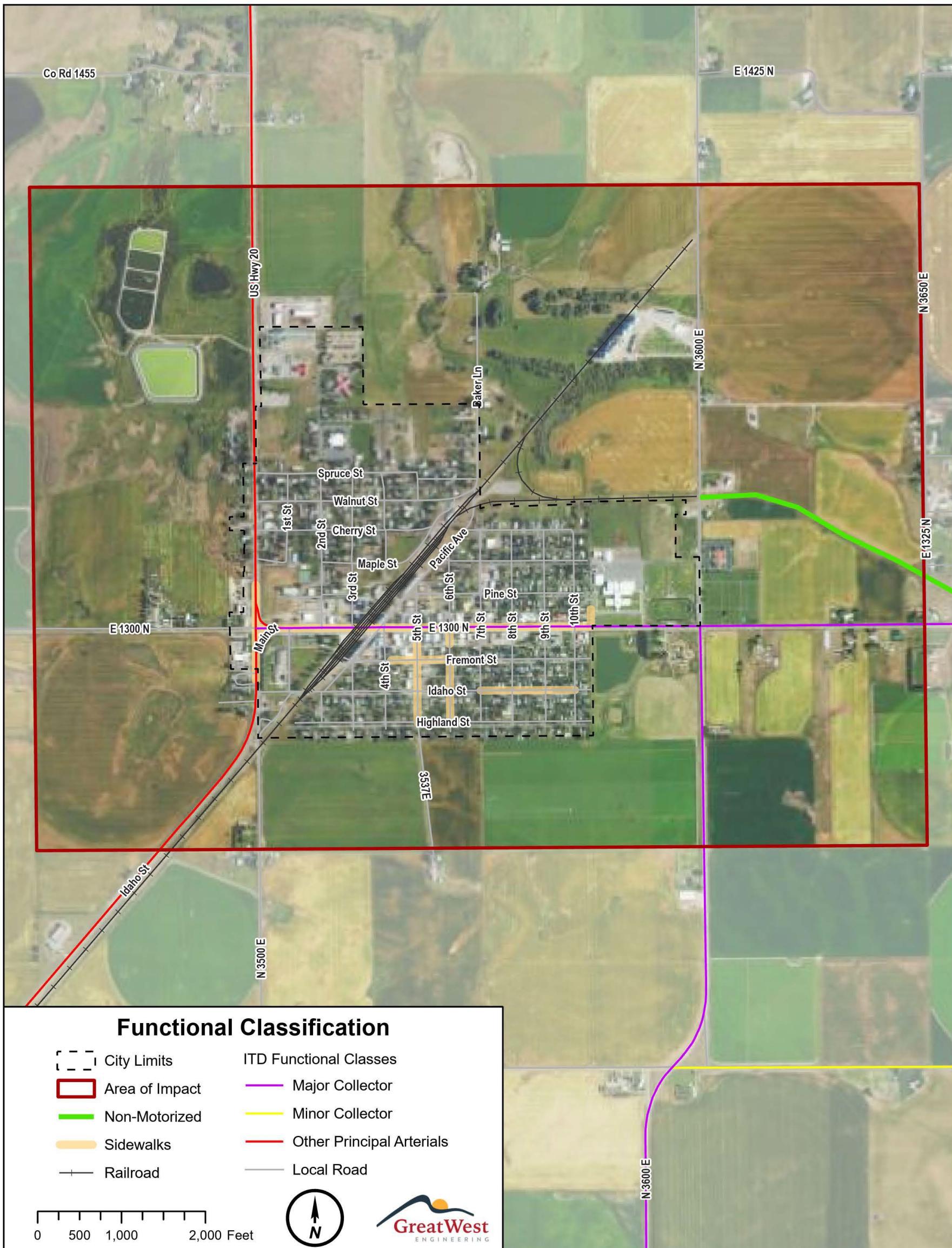


Figure 9. Functional Classification



## SERVICES AND INFRASTRUCTURE GOAL, OBJECTIVES, AND ACTIONS

### SERVICES AND INFRASTRUCTURE GOAL

The City of Ashton will provide adequate services that both meet the current and future needs of the community and encourage sensible development.

Services and Infrastructure Objectives and Actions	
Objectives	Actions
4.1 Ensure public services and infrastructure meet the current and future needs of the community.	<p>4.1.a. Establish and periodically update a Capital Improvement Plan (CIP) to forecast and fund short-term and long-term infrastructure needs.</p> <p>4.1.b. Regularly engage the community to assess service satisfaction and identify emerging needs or concerns.</p> <p>4.1.c. Pursue state and federal funding (e.g., USDA Rural Development, DEQ State Revolving Fund, ARPA) to modernize and expand infrastructure.</p> <p>4.1.d. Require new developments to fund or extend necessary infrastructure improvements through developer agreements or impact fees.</p>
4.2 Provide safe access to various modes of transportation.	<p>4.2.a. Coordinate with Fremont County and ITD (Idaho Transportation Department) on regional transportation planning and funding.</p> <p>4.2.b. Explore funding opportunities from the LHTAC's Local Rural Highway Investment Program to develop and implement a city-wide Transportation Master Plan.</p> <p>4.2.c. Continue to collaborate with the Idaho Department of Transportation regarding any potential future upgrades State Highways 20 and 47 through Ashton.</p>

Services and Infrastructure Objectives and Actions	
	4.2.d. Expand the city's sidewalk network to close gaps and ensure walkable routes to schools, parks, businesses, and neighborhoods.
	4.2.e. Pursue Safe Routes to School (SRTS) grants and collaborate on community outreach to promote walking and biking to school.
4.3 Collaborate with the school district to support the educational needs of the City.	4.3.a. Establish regular coordination meetings between City leadership and Fremont County Joint School District to discuss growth, safety, and facility needs.
	4.3.b. Include the school district as a stakeholder in future land use and comprehensive planning processes.
	4.3.c. Promote the availability and affordability of quality preschool and early childhood programs.
4.4 Ensure that the community is designed for residents to age in place.	4.4.a. Encourage a mix of housing types, including those that prioritize multigenerational living.
	4.4.b. Pursue grants and partnerships (e.g., AARP Livable Communities, Idaho Commission on Aging, HUD HOME Program) to support age-friendly improvements.
	4.4.c. Consider conducting a community survey to assess the needs and priorities of older residents.
	4.4.d. Partner with the Senior Center to align efforts in meeting the needs of the aging population.





# Implementation

## 5. IMPLEMENTATION

The following table outlines all actions presented in the previous chapters (Chapters 2, 3, and 4) and lists a lead responsible party and/or project partner(s) to accomplish implementation.

**Table 5. Implementation Table**

Number	Implementation Action	Responsible Party / Project Partners
2.1.a.	Develop community branding with digital and print materials tailored to regional events.	City of Ashton, Chamber of Commerce
2.1.b.	Establish a coordinated marketing strategy in partnership with local businesses and regional tourism boards to promote annual and seasonal events (e.g., Mesa Falls Marathon, American Dog Derby).	City of Ashton, Chamber of Commerce, Idaho Department of Commerce
2.1.c.	Collaborate with local and county chamber of commerce organizations as well as neighboring cities to cross-promote events.	City of Ashton, City of St. Anthony, Fremont County, Chamber of Commerce,
2.2.a.	Prioritize infrastructure upgrades (roads, water, sewer, broadband) in areas designated for commercial or industrial development.	City of Ashton, Public Works Department, Idaho Transportation Department
2.2.b.	Encourage the development of affordable housing to ensure there is adequate workforce housing for existing and future businesses	City of Ashton, Homebuilders Association
2.2.c.	Review and update zoning ordinances to ensure adequate land availability for future commercial and industrial development.	City of Ashton
2.2.d.	Prioritize infill development and adaptive reuse of vacant or underutilized downtown buildings to reduce barriers for new businesses.	City of Ashton
2.3.a.	Develop and implement a citywide Trail and Greenway Plan to improve pedestrian and bike connectivity between neighborhoods, parks, schools, and public lands.	City of Ashton, Public Works
2.3.b.	Maintain and upgrade existing park facilities with modern amenities (e.g., restrooms, playgrounds, lighting, benches, ADA access).	City of Ashton, Public Works
2.3.c.	Pursue funding from federal and state grant programs (e.g., LWCF, RTP, Idaho Parks & Recreation grants) to expand and maintain parks and trails.	City of Ashton, Idaho Parks and Recreation
2.4.a.	Support a range of housing types—including duplexes, triplexes, townhomes, and accessory dwelling units (ADUs) within residential zones.	City of Ashton, Eastern Idaho Homebuilders Association
2.4.b.	Position the downtown area as a vibrant community hub by supporting infill development, upper-floor housing, public art, and community events.	City of Ashton, Chamber of Commerce
2.4.c.	Continue to require new development to include sidewalks, landscaping, and pedestrian-friendly design standards.	City of Ashton, Public Works
2.4.d.	Promote complete neighborhoods where residents can walk or bike to parks, schools, shops, and jobs.	City of Ashton, Public Works
2.5.a.	Partner with regional organizations such as the Idaho Department of Labor, Eastern Idaho Workforce Development	City of Ashton, Fremont County High School, Idaho Department

	Board, and local community colleges to host job fairs, resume clinics, and career workshops in Ashton.	of Labor, Eastern Idaho Workforce Development
2.5.b.	Work with the Fremont County Library District and School District to provide free public access to job search tools, computer training, and resume assistance.	City of Ashton, Fremont County Library, School District #215
2.5.c.	Collaborate with North Fremont High School and technical education partners to provide internship, apprenticeship, and job shadowing opportunities with local employers.	City of Ashton, North Fremont High School
2.5.d.	Collaborate with regional economic development organizations to align business recruitment strategies with local workforce capabilities.	City of Ashton, East Idaho Planning and Development Agency
2.6.a.	Consider implementing a Downtown Streetscape Master Plan that includes lighting, sidewalks, landscaping, benches, and public art.	City of Ashton
2.6.b.	Support maintenance and beautification of parks, civic buildings, and rights-of-way to promote safety and community pride.	City of Ashton, Chamber of Commerce
2.6.c.	Avoid incompatible land uses (e.g., heavy industrial next to homes) through clear zoning and thoughtful site planning.	City of Ashton
2.6.d.	Develop and adopt design guidelines that address building form, site layout, materials, signage, and public improvements.	City of Ashton, Public works
3.1.a.	Ensure development follows regulations and any areas prone to natural hazards are protected and designated as open space	City of Ashton
3.1.b.	Collaborate with regional agencies to coordinate emergency planning, hazard mitigation, and public safety initiatives.	City of Ashton, Idaho office of Emergency Management
3.2.a.	Allow school field trips to City utilities- water treatment/ wastewater treatment facilities to provide students with education on the importance of essential services and their relation to the environment.	City of Ashton, School District #215
3.3.a.	Update the City's land use regulations to include considerations to preserve environmentally sensitive areas.	City of Ashton
3.3.b.	Require stormwater management practices such as retention ponds, bioswales, and permeable surfaces to reduce runoff and protect water quality.	City of Ashton, Public Works
3.3.c.	Guide growth toward areas with existing infrastructure to limit urban sprawl and to protect farmland, open space, and scenic views.	City of Ashton
4.1.a.	Establish and periodically update a Capital Improvement Plan (CIP) to forecast and fund short-term and long-term infrastructure needs.	City of Ashton, Public Works
4.1.b.	Regularly engage the community to assess service satisfaction and identify emerging needs or concerns.	City of Ashton
4.1.c.	Pursue state and federal funding (e.g., USDA Rural Development, DEQ State Revolving Fund, ARPA) to modernize and expand infrastructure.	City of Ashton, IDEQ, USDA
4.1.d.	Require new developments to fund or extend necessary infrastructure improvements through developer agreements or impact fees.	City of Ashton, Local Developers
4.2.a.	Coordinate with Fremont County and ITD (Idaho Transportation Department) on regional transportation planning and funding.	City of Ashton, Public Works, Fremont County, ITD

4.2.b.	Explore funding opportunities from the LHTAC's Local Rural Highway Investment Program to develop and implement a city-wide Transportation Master Plan.	City of Ashton, ITD, Fremont County
4.2.c.	Continue to collaborate with the Idaho Department of Transportation regarding any potential future upgrades State Highways 20 and 47 through Ashton.	City of Ashton, ITD
4.2.d.	Expand the city's sidewalk network to close gaps and ensure walkable routes to schools, parks, businesses, and neighborhoods.	City of Ashton, Public Works
4.2.e.	Pursue Safe Routes to School (SRTS) grants and collaborate on community outreach to promote walking and biking to school.	City of Ashton, Public Works
4.3.a.	Establish regular coordination meetings between City leadership and Fremont County Joint School District to discuss growth, safety, and facility needs.	City of Ashton, Fremont County, School District #215
4.3.b.	Include the school district as a stakeholder in future land use and comprehensive planning processes.	City of Ashton, School District #215
4.3.c.	Promote the availability and affordability of quality preschool and early childhood programs.	City of Ashton,
4.4.a.	Encourage a mix of housing types, including those that prioritize multigenerational living.	City of Ashton, Chamber of Commerce, Homebuilders Association
4.4.b.	Pursue grants and partnerships (e.g., AARP Livable Communities, Idaho Commission on Aging, HUD HOME Program) to support age-friendly improvements.	City of Ashton, AARP, HUD, Idaho Commission on Aging
4.4.c.	Consider conducting a community survey to assess the needs and priorities of older residents.	City of Ashton, Senior Center
4.4.d.	Partner with the Senior Center to align efforts in meeting the needs of the aging population.	City of Ashton, Senior Center, Idaho Commission on Aging



# Appendix A

## Public Involvement Summary

# Planning Ashton's Future 2024

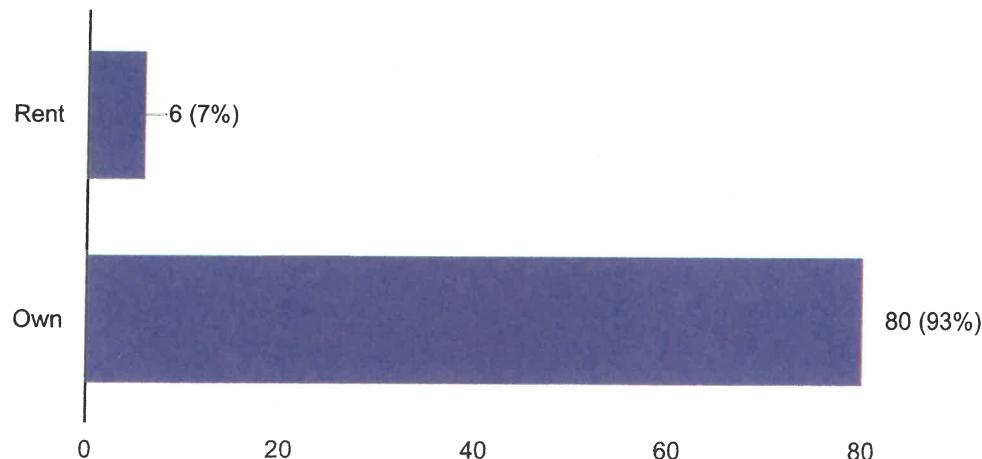
86 responses

[Publish analytics](#)

Do you rent or own a home in Ashton?

 [Copy](#)

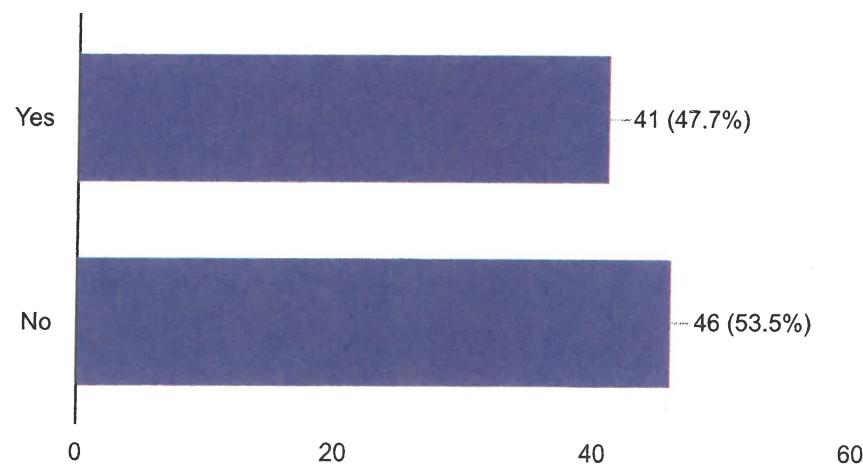
86 responses



Do you work in Ashton?

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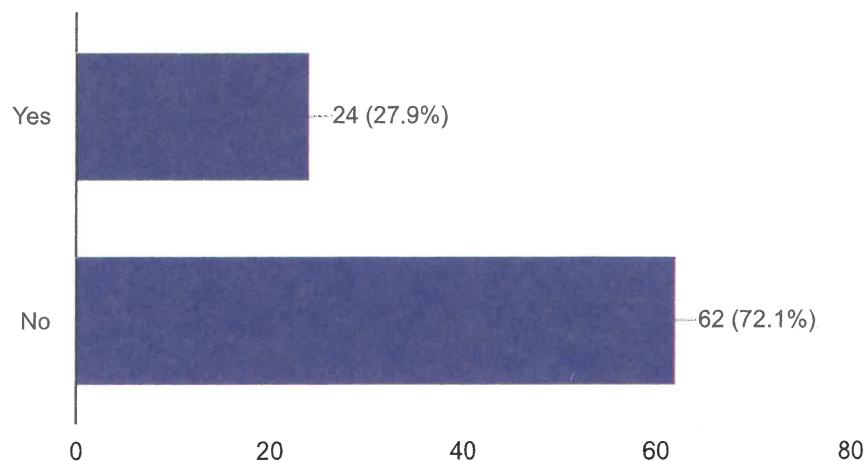
86 responses



## Do you own a business in Ashton?

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86 responses



## What could Ashton improve to meet your personal needs?

86 responses

A drive through burger place.

More trees, make walkway/mini bridge in back of high school to cross to Ashton/Tetonia trail (would be good for high school cross country runners as well). Saturday/Sunday clinic open for medical emergencies (I know some CNAs, doctors that may do this, know this is not easy to find workers?), a few more variety of restaurants would be nice, and/or food delivery services. Dog wash, maybe a self serve one over by the current car wash. Dogs can get very dirty here, and run into skunks. :-)

Make our utility bill more closely reflect that of neighboring communities. I feel we pay too much for water we can't even drink because it tastes like chlorine.

More reasonable utilities bills.

More businesses downtown.

The sad Main Street, it's a beautiful city with potential . Enforce the Jake brake law for semis.

Nothing

I would like the city of Ashton to **enforce or adopt codes to require property owners to keep their property clean & maintained**

**upgrade the city pool**

**Tight restrictions on rental properties. No Short term rentals**

Drugs

More consistent and better snow removal on the side streets. Main street stays clear, but the side streets get pretty deep before they are cleared.

**Something fun for the kids to do all year round**

NA

Nothing, the parks are well maintained and the pool is such a great asset.

More **social events or activities** e.g. live music, pickup baseball games, art in the park, book clubs, biking clubs, outdoor activities meet ups etc. also **some other businesses that offer**

**entertainment** e.g. movie theatre, an arcade, bowling, etc

Recently it has become extremely difficult for community members to achieve their goals because of city workers being overzealous as they try to work within the city code. Often city council has to get involved to resolve disputes and concerns.

There needs to be a simple way for members of the community to work within the code and not have the code used as a battering ram against them. This may require City employees to be replaced.

**Don't be afraid of growth.** We will die without it. This may mean buildings can be used for purposes outside of store fronts. They just can't be sustained.

## Jobs

Improvement on the playground equipment for kids of all ages & consistent pool times

More city pride

**Lean in on tourism and market the town.** Pay someone to lead internet marketing on why cars should turn off highway 20 and visit the town. Place ads on KSL since everyone and their dog from Utah seems to visit Island Park. Convert the town into a destination, not just a pit stop.

Stop building

Review the tax rates and compare with other surrounding communities. Are we comparable or high?

**More long term rental options**

Park on the south side of town

**More variety in restaurants and shopping**

I do not need the city to meet any of my needs.

Let everyone with the zip code 83420 vote for city council leaders!! It affects those outside of the immediate town too but we don't have a say!!

No more growth

I wish businesses would clean up their property.... Stronks trailer court is a disgrace

**Clear direction. Do you want it to grow or remain as it is?** Once a clear direction is taken, time can be spent finding solutions to the associated challenges.

Walking paths other than the park. Keep Main St looking great!

I enjoy Ashton as it is. I adjust my personal needs to what Ashton has to offer.

Some of the junkyards around people's houses and businesses. These need cleaned up so Ashton looks nicer.

clear the sidewalks in front of the Lutheran church and the medical center in winter.

A maverick

Love it just as it is.

Sidewalks and more safe places for kids/families to ride bikes and recreate. Affordable housing for long term renters. More spaces for small businesses to grow.

Like it just the way it is.

More activities at the park, places to enjoy along the path, more benches, flower pots.

**Fiber internet**

Great town as it is now

Non it's personal for a reason I don't need government providing.

**A steak house/restaurant that serves a choice of beverages and is open on weekends**

**Incentives for business owners on Main St who are struggling to keep going so there are businesses thriving.**

**More shopping, places to eat out.**

Sidewalk maintenance, promotion of businesses and street sweeping on all city streets on a regular basis. Offer jobs to residents in the city limits over long term nonresident with lack of dedication to those living here.

Fix railroad tracks next to baker rd

More Restaurants.

Plow roads so I can see other cars at intersections

Fix the railroad track by valley wide



Increase housing, invest in recreation, fix the floor of the pool.

Sidewalks

Build some new homes. Perhaps annex some land for this. Enforce city ordinances for people to keep up their properties.

More community events, really love soup and dessert contests!

Feed store

Cap growth it's going to ruin what we love about this town. We do not need 300 more houses. Limit the **nightly rentals** it's bad for locals needing to rent homes to live.

**LOWER THE PROPERTY TAXES AND CITY UTILITIES BILL!**

More restaurants and shops. More commerce on Main Street. A brewery or cider house would draw people from all over. Clean it up!

A soda shop all year round

More shops

Extend crosswalks and sidewalks along Main to walk to Daves

Make voting locations easier to find for people new in town

Food delivery

Activities for children teens etc, entertainment, better education, child care programs

More businesses down town to inspire connection.

Search to acquire funds for a new facility to house a rec gym ( basketball, soccer, indoor sports, etc... and a children's play area. We need to start to focus on coming together as a community and this is a long term solution. I would love to have my children meet or play with new kids in a safe environment through the cold winter months and horribly windy spring and fall.

My personal "needs" are fairly well met.

Clean up Main Street of the abandon business the old gas station on the corner railroad Avenue

Let me build on my own property in the 45 feet of "right of way" that I pay taxes on and can't do

anything. That's a big chunk out of a city lot.

Don't know.

More community things

Serve better coffee! Lol.

More options for shopping and nice public spaces

Community activities, social activities

It's great as it is!

More scrutiny on the pricing of rent and owning of houses and protecting renters more

Encourage development of missing middle housing.

No more growth

Lower gas prices. Stop building quadplexes.

get a topgolf

A indoor pool and pool table and air hockey and ping pong in the same building and also McDonald's

An area for entertainment that's all inclusive like fat cats but way better

Idk

Us 20 turn lanes into ashton estates

More permanent housing less short term rentals

Cover, insulate and expand the city pool building to use year around. Streetside recycling. More classes at the Community Center. Bring back hard copy city newsletters. Regular shuttles to/from Island Park, St. Anthony, Rexburg, Driggs.

Bring in natural gas.



## What could Ashton improve to meet your **professional** needs?

86 responses

NA

Nothing

N/a

N/A

I don't have professional needs

None

A place to do copies, etc.

Get 4 lanes Chester to Ashton for commuters! They (ITD) keep promising but never happens. This would be safer and cut down on congestion going into and out of Ashton.

I am retired. I did work in Ashton before retiring. Staffing was a big issue.

**Fiber internet access.**

Not applicable

To not ban short term rentals

Drugs

Get the city in line with state law. There have been multiple issues brought forth in recent years from handicap/disability access, to use of commercial spaces and air BNBS, to city utilities in regards to tax deeds. The city seems to be liable as well as their practices not being in harmony with state and/or federal law.

**Could use more local jobs**

I believe the levy place for City expenses is exceedingly High especially given the economy. City services are inconsistent, snow removal maybe today maybe not. Pool might have swim lessons maybe not. It gets frustrating.

Work with the Chamber, but tell the chamber to stop using their building to only support Rachel's candidates. Believe it or not it makes people want to join Chamber. If the Chamber



can work with city it could be a huge asset.

Jobs

Lack of rentals for potential employees for small businesses.

Improved internet speeds

Don't bring in all the tourism

Can't think of anything

I do not need the city to meet any of my needs.

Get rid of weird policies like the sign ordinance! I shouldn't be limited to a sign size when I put it on my own commercial building. Let Ashton grow!! Quit putting up so many barriers for new and professional businesses to try and get through because you don't want the growth. Make it easier to change zoning.

I have no professional needs

I think having a solid planning/zoning plan for Main St regarding the building facades and signage to update the look of the town would welcome more travelers and businesses. It's hard to see business signs and all the different store fronts is chaotic and makes it difficult for customers to see what's available.

More signs on the highway for the many tourist type businesses in town. Such as restaurants, gift shops, even Napa Auto.

Less air b and b's. They don't benefit Ashton's economy, no taxes charged like the motel's do.

maybe have a job board -online if we have openings and are looking for employees,

City beautification I have not seen any updates done by the city in a long time.

Way to tell about my business, get word out, community newsletter,

Fiber internet

Nothing for me

When hiring for city positions Give preference to people that actually live in the city!

I am currently retired so my professional needs are small. A one stop business center where

you could fax, print, copy and ship items would be nice.

More community and school support and spirit.

**Offer incentives to bring in more small business opportunities that will both clean up and remodel existing structures in the town. Recreational offerings, such as a rec center with indoor swimming, and bowling. More family friendly town sponsored events in the park and on Main Street.**

**Provide more services that are open over the weekend**

Have laptop. All good.

**have every building on main street occupied with businesses**

Continue to Police traffic in Ashton. They do a great job providing safe passage with all the Agricultural trucks.

Retired.

Not sure

**Community bulletin board**

Lower costs. It's barely worth having a business in town.

Again, **commerce on Main Street**. As we know, a lot of the existing businesses have dilapidated signage and storefronts. Many are being used as storage units with trash strewn everywhere inside with from the street. It's not inviting and lacks any pride of ownership. Every business owner with a storefront should be held to some level of tidiness and standard.

New lifeguard chair

Encourage native plants in yards and have resources about invasive plants to avoid

Better wages

Make a few adjustments in adding business owners to the planning and zoning community

I don't have to worry about that.

An option of banking

**Allowing businesses to grow.** Not make them jump through hoops because you don't want change. Welcome new **growth and businesses!**

More **advertising and small business support for new businesses.**

More **job opportunities**

Nothing

More **business**

No suggestions

It's fine

Pay teachers and then make them do their jobs

a pick me up or mcdonald's

Bigger basketball gym

A better parts store

Idk

More **small business**

Attracting more **businesses**

**Reliable internet; bring in fiber optic connections.**



## What is your favorite thing about Ashton?

86 responses

The people

Location

Small

There are so many outdoor activities close by.

Dark skies to see stars! Community events like dog sled race and German supper and Cantata. Amazing snow removal- city does good job- although might be nice to remove snow in town maybe.

Proximity to amazing outdoor beauty.

Proximity to amazing natural beauty

That I can walk everywhere. That we are close to amazing places, but not too close.

Quiet , safe living.

The people and the small businesses

The kind people and the surrounding farmlands

the pool

Small community. Minimal new development

Drugs

I love the community, the small town feel, the willingness to volunteer and make things better. The good family values. People are overall kind and helpful. So many extra things in this community happen because of people's generosity in volunteering and donating their time, as well as their money for the church roof, the elementary school PTP, or families in need.

The people ❤

SMALL TOWN FRIENDLY PEOPLE

Beautiful area to live in.



Access to great outdoor recreation and beautiful scenery

We do live in a good Community where people care about each other and look out for one another. I appreciate the fact that Ashton has traditional Idaho values and it's a great place to raise a family.

The people, even the new ones.

Born, raised and still reside. My grand daughter is the 6th generation to live in Fremont county. Family

The close proximity to trails & river access

Surrounding Nature

Outdoor opportunities and so much beauty to be seen.

The small town

The small town atmosphere.

It's size

Small community that takes care of each other

The Teton view and ease of recreational activities

Beauty & small

The friendly people

The sense of community, kindness and small town feel.

People helping and supporting one another. Through businesses, community events, service, ita great to see a community support each other.

Everything

peaceful quiet but nice library, park, pool

Scenery

The peacefulness.



The small town feel. The good summers and views.

The people

Small hometown

Family type feeling of generations of people who have called Ashton their home

It's a small farming community

The support of community members when someone is in need. The beauty of nature around us.

I appreciate the fact that the town rallies around people in need. There are quite a few people that work hard to make Ashton a good place and a friendly place.

Overall, my favorite thing is the scenery and the quietness and lack of people and traffic.

Open space.

The view of the Tetons

How is hasn't changed much since I was little

Culture and open space.

Small town feel

It's clean and well maintained. Be sure and pay your crew enough. Living expenses are a lot higher than wage growth in Ashton.

The views!

The outdoors.

The community and small town feeling

Compact and friendly

Small town everyone knows everyone and open spaces.

Not too many people.

The recreation and access to the Wildnerness



I like the close community

Open areas, scenery

Closeness to nature

The open space and beauty

Can be a quiet place

Proximity to outdoor activities / teton views

Community members are really good people.

How small of a town it is.

Small hometown feel and its location

The summer

Teton view. Wide open spaces but needs can be met right in town. agriculture.

The church

Friendly people

The nature

Small town good people beautiful all around

How close the nearest bridge is so i can hang myself off it

Beautiful location and small town feel

You should know your neighbors

the school

Frostop

It's a small town

Ashton



Small town community

The people, they are our #1 resource

Clean air. Friendliness, willingness to help one another.

Clean air. Friendliness, willingness to help one another. Clean air. Friendliness, willingness to help one another. Local grocery store. Local post office. Fireworks, dog races and activities on Main Street. Local grocery store. Local post office. Fireworks, dog races and activities on Main Street.



## What is your ~~least~~ favorite thing about Ashton?

86 responses

No drive through burger place.

Aesthetics- (taking care of old buildings and beautifying would help.) There is no snow free path in winter for walking dogs.

Closed minded people who can't understand that Ashton is going to grow, therefore we need to make smart decisions about that growth.

Narrow mindedness of considerable segments of the population

Ice on the sidewalks, empty buildings in downtown

Lack of businesses on Main Street.

Speeders, especially through 20

No complaints

n/a

Out of towners

Lack of heroin

I worry about the number of houses in Ashton that are second homes that sit vacant or that are Air BNBS. It seems like too many long term rentals have been purchased and turned into short term rentals. It has made it a lot harder for people looking for long term rentals to find a place in our community.

When people don't obey simple laws ie: speed limit

NA

There are some people that always take over and everything has to be their way. It would be nice to volunteer and have your views heard.

Long winters and not much to do socially or for entertainment outside outdoor recreation

I don't think someone should have to hire an attorney before city council and City administrators will genuinely address their issues rather it's airbnbs on Main street, a



wheelchair ramp, or refusing to forgive bad debt. It's extremely disappointing to see the city treat its citizens this way!

We are not welcoming and we are so AFRAID OF CHANGE. People it's time to move on. It's okay to move on a grow. If we fight growth it'll cause for more issues later. Be smart allow it.

No jobs

We don't have an ice skating rink nearby for families in the winter.

The younger generation is having a hard time buying a "first house" in town; all of the houses are too expensive or get flipped to sell as 2nd homes.

Love it

The sadness of a dying Main Street. Ashton should incentivise business and not only promote it's agricultural roots or an agricultural future.

All the people building houses

The lack of activities after dark.

Lack of willingness to intentionally govern

The people

Developers that are taking away our small town feel

Henry's fork Foundation.

Nobody supporting the local businesses and the conflict between born and raised locals and move ins. There should be unity between it all!

Growth

Properties that are not maintained

Limited options for retail stores.

Lack of community events and involvement. Such as dances, movies in the park, bingo nights, ect.

I have yet to figure that out. I moved here 3 years ago and am still in the "honeymoon" phase.

Our city council and zone planner



heavy emphasis on sports vs quality education

Drama

Like it all.

Small minded people who do not support change and growth. Very little things for families to do.

The speed limit!!

Don't have one.

People that want to change our community, come in from other places and want to make a big splash immediately.

The growth of out of state people changing the culture

Local politics, lack of openness, high city tax's compared to the services offered.

Biased local government, Influenced by religious affiliation

It's too bad that the religions don't work together to support each other and the people they serve. I was on the Chamber of Commerce for a while and it was hard to get anyone to lift a finger to help with events like the parade, Christmas Programs, and other ideas we had. People say they want that stuff but they think there is always going to be someone else that will put in the work.

The junk cars and houses that need a facelift.

Lack of vision from the town council and especially long-term office staff to promote growth and opportunities to/for Ashton that doesn't directly improve their resume.

How it hasn't changed much since I was little

Lack of dining.

it's a black hole for businesses. Since I have moved here 5 years ago I have yet to see a new business open and still be open 2 years later here. That's pathetic

To many short term rentals. We aren't growing in full time residents. There should be some control on short term rentals.

The train horn during kids nap time. And then some yard are just trashy.

Long winters. Unfortunately can't be changed.

increased traffic - nothing we can do, i realize

Dog derby going out of town

Tourist attitudes, they don't care  
30 air b&is so my kids can't find a place to live

Taxes going up and up, expensive city bill.

The lack of a willingness to evolve and change with the times. It's been my experience that the powers that be in Ashton will not help facilitate progress. They actually stand in the way.

All the drama

Long winters.going

Some voices are heard and respected more than others

Nothing

No variety

Not much to do in town.

The buildings that have fallen in or been abandon by the owners are not taken in consideration of the safety and viewpoint it gives out when people pass by a great town of Ashton.

The lack of community... there is no community bonding & it feels more like an "every man for himself" kind of town.

Petty people and cliques

Small town politics, rising costs of utilities every year of at least one of them, and a P and Z director who makes city decisions and doesn't live in the city.

Everyone's snotty attitudes towards new people moving in and new homes being built. Born and raised people think they're superior to others. also the close mindedness about growth! We can keep our small town feel and still have growth that creates jobs for more people here near their homes.

Na



Bad store front signs.

The attitude of certain groups and cliques being "better" and bullying new people. Both adults and schools experience this

Everything is run through churches, if you aren't a member then you don't know what is happening

Less choices of classes in high school for students

People bothering me unsolicited and the school doesn't do shit about bullying but they'll make sure it's harder to get in

Lack of amenities. But more would take away the small town feel.

Growth specifically the townhomes by Spruce street

People who don't live in town and pay taxes in town seem to get a bigger say about what happens than those of us who do

the school

The school

Snow

Ashton

Summer traffic

Lack of housing for blue collar residents

High Water and sewer rates. City council's inconsistency in public communication of upcoming topics or of seeking public input /feedback before making decisions.



## How would you describe Ashton's "small town feel"?

86 responses

I enjoy how everyone will help you - even if they don't have what you need - they will tell you if another store has that item.

Great. Nice people and town! So relaxing and calm to live here. Love that.

No answer

Not sure what you're asking here

Local businesses

Cozy and safe.

Great. I love how the community supports each other.

Friendly farm town

i really like it

Paradise

Shagdelic baby

It really is the sense of community, the kindness, the good values, the agriculture, the hard working people. That is helped by the smaller, rural community. It is the volunteering, the donating, the willingness to be there for each other and help people.

Amazing and feels so warm

WONDERFUL

I love to watch the small kids playing regulated sports on the play grounds. Every child has an opportunity to be involved in something.

Definitely feels like a small town, very quiet and peaceful other than people flying down highway 32 at 90mph all summer, seriously can we lower the speed limit there just outside town to like 45 or something it's ridiculous.

Having all the shops in walking distance is nice.



You can still be a small town and expand. We will never be idahofalls big, but it's okay if we grow.

Quant

Lots of loyalty & community support

Good, need a bit more tourism/pride feel

On the precipice of small and dying v small and growing.

It does not feel like a small town anymore

We have a sleepy town with not much activity

Unfriendly to new residents

Clean and comfortable. Friendly

People help and support each other

Going, going, gone

Huge potential but lots of closed mindedness.

It's getting not so much because of all the apartments and townhomes. Not a fan

Friendly

I like it. A lot of good people here.

Welcoming

Sweet, safe, a wonderful sense of community.

We are very welcoming

cozy

Homey

Comfortable



Where you just about know everyone but there's enough people where you can find "your people" and feel supported.

Awesome

It's great! Nice town!

Everyone knows everyone and people who thrive here become one of ours

It's wonderful now but getting worse

The haves and the have nots

A community that helps one another in times of need. Knowing your neighbors.

Some people think that Ashton has that kind of feel. It does to a certain degree but the town is divided by religion too much. I have seen events planned where too many wont attend because it is not "their" people. It is definitely losing that small town feel.

Not as good as it could be.

Claustrophobic- this town is on the brink of ghost town status with lack of city direction or promotion.

Big names make big moves small names get by

Awesome.

closed off. Took a long time to start to be recognized as a local after living here for 5 years

Friendly full time residents that are involved in the community.

Neighborly folks.

It's warm, nostalgic and wholesome

Good

Friendly locals having each other's back

Ideal.



It feels more like a ghost time than a small town. There is so much opportunity to be a charming vibrant small town, however the lack of willingness to change aforementioned prohibits this. Look at Victor and driggs. They have maintained the small town feel despite their exponential growth.

Close community

It is no longer there.

Traditional, agricultural community that doesn't like change but is otherwise kind to newcomers

Small down rural vibes, hard working, friendly

As a teen it was a very deprived childhood as an adult it can be too lonesome because other than church there is no way to meet and greet

Very small

It feels like a small town but for businesses to survive here we need more growth.

It's small, but the community does not support each other.

Willingness to help your neighbors

Divided and cliques, there are definitely favorites

It's ok. We could have more unity and support each the local businesses more so they can stay in business where we need them!

I love it

I love it. Very cute.

It's good from the outside but there are more toxic people than palatable as you try to get involved. It tends to alienate those that would like to be included

Cliquey

Personal and country

Boring also barely has that "small town feel"

Safe, strong community.



Slowly slipping away

Slowly changing because of Airbnb market and giant development on spruce street that doesn't fit with the small town feel. Growth should fall within what current neighborhoods look like.

way good

Home

Everyone cares and looks out for one another

Ashton

Warm inviting

Neighbors looking out for and helping neighbors.

Quiet and caring neighborhoods. Families can feel safe walking along the town streets. Clean parks. Can meet someone in town one day and expect to run into them again soon.



## As Ashton grows, what would you like to encourage?

86 responses

Keeping business in the Main part of town so that you can park and shop.

More restaurants, improve farmers market with more food and entertainment. Events.

More affordable housing options. We need young families and individuals to support our businesses by working for them. Retired individuals moving in to our area do not help with this increasing staffing issue.

Affordable housing, embrace and manage change,

Downtown businesses, bakery, brewpub, businesses that will make tourists stop and drop money in our town. Beautification of our downtown. Requiring business and property owners on main St. to keep their buildings maintained and looking good.

Tourism. Adding new business and growing businesses on Main Street.

More small business development.

Embrace tourism without losing our small town feel. Spruce up Main Street to encourage tourists to stop & spend money in our community

more youth activitys

No Short term rentals

Opioid addiction

Agriculture. This is a community founded on hardworking farmers. I'd love to see the farming community supported vs the farm fields developed and made into houses. I worry about this town being 'discovered' for its beautiful views of the Tetons and it becoming the next Jackson or Driggs. I don't want to lose the conservative, family values, or have our community taken over by and only be affordable to people with second homes.

Curb appeal and updating storefronts and streets

NOT INTERESTED IN GROWTH

Stop being narrow minded, we can't stop growth. Get ahead of the growth and encourage responsible growth.



Inclusivity and growing access to things that will be beneficial to residents while still keeping a "small town" feel

I think the city should encourage growth on Main Street for retail and business operations.

Allow it, stop fighting it so much. Driggs made a deal with Huntsman and they built new court house for them. They made a deal with Tributary to provide so much low income housing to their big housing.

Jobs, single family AFORTABLE HOUSING

Rentals, small businesses, & opportunities for young families

More city decorating, longer business hours

More public facilities. Make a giant playground at the park, such that people will get off the highway. I am glad to pay additional property tax to support local resources and infrastructure.

That they don't build in the hills

Ashton needs to grow! We need to encourage businesses

Housing options for locals

Family activities and businesses

Keep small town feel, stay an agricultural community but have more choices in restaurants and shopping

Community involvement

Buying local!! Keeping the money within Ashton. We need to do things to encourage tourist to stay and shop! They're the best customers!

No growth

Retail businesses

More organization and wholistic plan without losing the small town feel.

Growth is inevitable. Despite political and religious beliefs, we must be kind and welcoming to those who seek to live here and be involved. In person and on social media.

This is a tough one. We need to keep Ashton safe.

We would like the zoning planner to follow city ordinances and not give preferential treatment to developers that she thinks have money, they don't benefit Ashton.

smart growth and attract good educators, small business mentorship

More housing

Don't hurry to be a bigger city

SMALL businesses. Not big businesses that are trying to come here just as a money grab.

Staying friendly

More revitalize downtown and shops! Music in the park, band shelter with electricity and adult area to enjoy, more benches and flowers to add to downtown, better signs,

Businesses that want to serve, not just make a dollar.

Would not like to see Ashton grow. Tired of the new building in Ashton and the majority of the housing not going to local people that actually provide for the community

To let it grow quit driving out business because certain members of the community don't want it. Also quit letting people build Air bnb unless they accompany it with long term affordable rentals.

More recreational opportunities year round for all ages.

More commerce on Main Street. Also, Ashton needs an ambassador that takes an entirely new approach towards reviving our town, our lives, and economy. It would be a community-driven structure presenting a viable economic model that benefits all parties. Someone that will prepare a road map for the development of the area recognizing that most of us want to retain our quality of life here. Focus on niche industries. Help plan growth that contributes economic and social benefits for our community. Increase exposure of the area for visitors both summer and winter. Someone that would leverage the cultural and historical aspects of Ashton as a strategic asset. Invest in heritage preservation, promote local culture, and host cultural events that attract visitors and foster community pride. I think if there was a retired person that could be recruited to be the ambassador for Ashton, you might be able to start to work on a plan for sustainable development and then a plan for branding.

This person would lead the creation of a partnership with businesses and residents alike to help businesses grow and prosper, develop referrals to other stores, restaurants, the museum and recreational opportunities. A person that would reach out via social media or personal visits to other areas to offer special incentives for visitors, encourage patronage and continued visits. Why aren't we seeing Ashton in travel magazines, on billboards in other states (Jackson Hole, Bozeman, Cody, West Yellowstone), at airports? Ok, that's a lot. First you have to build a plan and launch the plan, and they will come.



More/better educational resources.

Community. Growth needs to happen at the grass root level and our town's employees and officials should be promoting growth, opportunities and recreational offerings to bring in tourism, events, and a welcoming atmosphere that blossoms from city hall and continues into our natural surroundings.

More acceptance of non LDS members

Nice housing for young folks and restaurants.

Businesses and affordable housing

Investment in recreation

Pride in people's properties. Get rid of junked cars etc. Access to walking paths.

**Education improvements**

**Maintain the walkability of the town**— sidewalks, trees, benches

It will ruin what we have here

I don't want it to grow.

Perhaps programs for new businesses that gives them an opportunity to establish themselves in the community. Responsible growth! High density nowhere near the rivers. Protect the views of the wildlife corridors and wetlands.

**Acceptance of growth**

Dog grooming services. Nicer fishing guides. Cleaning up old vehicles, sheds.

Natural trails and parks

Respect for open space and farming.

No religion division

**Businesses!**

Encourage growth, supply potential business with incentive/ help to get one started. Classes to create LLC and start a business. How to make a website and Google business page.

Fun monthly community gatherings... have businesses come out & do a street fair, give people a reason to want to get to know their neighbors & support local businesses. Spot light businesses & things that make our area unique. Spot light good people doing great things. Encourage more community involvement. Cicely Kuehl has done more in the past few years, through the library & community center, than we've ever had... follow her lead. Bring our people together!!!

People that move in to try and assimilate instead of changing everything

Transparency and consideration of every resident

Local support. Encouragement in allowing new businesses to do what they want! We don't need the city or its occupants dictating what businesses can and can't do because they don't want change.

Community support

Movingly shops

Acceptance of growth and new faces

Inclusivity

Not commercialism

Using your brain and actually think about other things than the waters making the frogs gay

Smart, steady paced growth. Also, provide public education sessions about planning and zoning tactics and laws.

Yo not grow

To grow within the realm of a small town not cramming housing units as close together as

another school

People to move away small town better

Another basketball court, cal stores

Ashton

Better planning us 20



More businesses, tourists to stop and enjoy our family friendly community.

Affordable rental homes so young families can get a good start here and snowbirds have housing options. Seek out companies to partner with to offer telework jobs in our community. Fill the shops on Main Street. Childcare options. More paved or boardwalk walking-hiking trails. Recruit for Median and higher paying jobs. Balance agricultural and tourism industries. Expand # of beds at local Living Center so elderly can stay close to home.

## As Ashton grows, what would you like to discourage?

86 responses

Growth

N/a

Mini mall type places on the outskirts of town. I like all the business in a thriving Main Street.

Too many Air B&B's, and no sell off of land to foreign investors!!

The idea that we can stop growth.

Emphasis on catering to the moneyed few

Too many STRs. Maybe cap the business licenses on STR. Some are good for our community. Too many can ruin our community

I don't want Ashton to fear change, I want Ashton to embrace growth.

Big chain stores. I know something will eventually need to be done about 20 through town. But it should be a community decision and not a state bureaucracy decision. I'd hate for small businesses in town to die because they moved the highway.

The building of too many apartments, condos, or townhomes

less kid get on probation

Short term rentals. Multi family dwellings. They bring crime and filth.

Sobriety

Cattiness, unkindness. Development of farmlands, saturation of the community with short term rentals. Development of our farmlands.

Crime and unaffordable living

GROWTH

Irresponsible growth

People speeding down 32 all the time



I think the city should discourage airbnbs and short-term rentals if possible.

Nothing. If we discourage, your telling people that your way is the only right way. It is okay for new ideas. Believe it or not we won't burn down.

Becoming the suburbs to Island Park and Jackson. Big money coming in and offsetting the blue collar every day folk who are just trying to survive and live in a place we were born and raised!

Big corporate companies

Zoning restrictions or anything that would make growth difficult.

Not building in the mountains

Continue to keep our atmosphere.

Short term rentals eating up what would otherwise be housing options for incoming permanent residents to rent/own

Air b and bs. Touristy town and prices

Subdivision growth and have affordable housing for those that work/live here. Discourage foreign investors

Fisherman

Avoid big chain stores coming in like Walmart.

Building in scenic areas

A shotgun approach to planning.

Being Close-minded, afraid of change, unwilling to try something new. Seek out the good in ideas.

I realize that Air B&B's or vacation rentals are a part of this community. I have been trying to find a home for myself so that I can contribute to this town on a daily basis. I am hoping that the percentage of vacation rentals is capped so that others can find houses.

Part-time residents that are only here for a couple weeks and take advantage of full-time benefits like our city services, snow removal, etc. They also use the circuit breaker county tax.

building on good farm ground

## Drama

No townhouses or multi unit structures. It takes away from the beauty of Ashton

The city needs to prepare for growth rather than to oppose it. It will eventually come anyway and big money, deep pockets will do what they want.

## Crime

Anything chain related!

Putting our head in the sand, pushing community problems onto the next person to deal with

Less summer and vacation homes need housing for the people who grew up in Ashton and love Ashton

More tax's

Less STR. The STR are going to destroy our community by not allowing young families to move in and continue our small town atmosphere.

Overgrowth of open spaces.

Reduction of crop land. Don't sub divide everything.

Shutting out our aging citizens with lack of amenities, assistance, or shopping and care providers.

Lds controlling the whole town

density, rules and regulations.

more short term rentals vs long term rentals

Short term rentals

Complacency.

Discourage woke culture, we don't need gay parades

Sprawling of the business locations

Discourage growth.



Empty storefronts! I've tried and tried to get a storefront for a business and the owners would rather they stay empty or serve as the family's storage unit than rent it to someone who wants to bring services and amenities to the area! We should NOT have airbnbs on main st frontage. That is certain to destroy any chance we have of building a bustling downtown.

Too much tourism and Airbnbs

Fishing guides. Chopping up farm ground for houses.

Large chain stores and hotels, large parking lots, and commerical development

Over development. Keep rural

The push of religion

Discourage negative remarks on every idea. Everyone should be heard and ideas considered

Hate... none of us "locals" want to accept growth, but it's inevitable. We all need to learn acceptance.

Bringing the problems that people are moving away from with them

Small town politics and trying to keep it the same as it was 30 years ago. Times change.

Adapt.

Giant chain stores coming in. Like Walmart (which I highly doubt would ever happen but just an example). The more small business's the better.

Trashy businesses

Gangs

Trying to keep things "the same" there can be no progress without some change

Too much building

Only come to Ashton if you like it the way it is. Don't come to change it.

Superiority complex

NIMBY's

Airbnb instead of private residence



no drugs

The people to stay

Drugs and violence

Ashton

Condos and large living complexes

More short term rentals ESPECIALLY on main street

Additional hikes in water and sewer rates to homeowners. Ethnic division. Housing shortages due to affordability.



Would you like to get more involved with planning Ashton's future? If so, please include your name, address, and phone number.

86 responses

No

Not at this time

N/a

N/A

No

I am too busy right now.

Gina Pomeroy [REDACTED]

Maybe down the road

Susan Sullivan [REDACTED]

No thank you.

George Barnett [REDACTED]

A

jolene stevenson

Not for now

N

NO THANKS

Later

Kendrick Pomeroy [REDACTED]

I tried to be involved as much as I can.



Yes I'll reach out individually.

Depends if the meetings are held on Monday or Tuesday nights. I work out of town Wednesday-Saturday.

Yes, Allison Eidam, 886-544-1234 [REDACTED]

Unsure

In the future, but cannot for now

No thank you

Britney Stegelmeier [REDACTED]

I am and have been.

Lee McIntier [REDACTED]

Eric Pauly [REDACTED]  
[REDACTED]  
[REDACTED]

I don't live within city limits

Yes. My name is Donna Ellis. My phone # is [REDACTED]. I live at [REDACTED]

no thank you

No thanks

Not now, maybe in the future

Not at this time.

No, like being retired.

Jeanette McKinney [REDACTED]

I'm fairly involved already. I appreciate those who do what they do. Thanks

Yes but out of town to much for work.



Maybe someday I will try it again, but not right now.

Depends on project and leadership.

No thank you, once burned twice as shy. Once changes happen and new city office employees are in place only then can and will change be able to happen that isn't hindered by negative feedback and small minded attitude.

I would but I'm not I'ds so that won't happen

Will leave it in good hands for now.

no

No thank you. I'm very busy with family at this point in my life.

No thank you.

I'll be more involved once I retire

Don't feel qualified

It won't matter, everyone is already selling

No thanks.

Alison Ward [REDACTED]

Nah

Not at this time

Not at this time.

Perhaps in the future, not currently.

Not at this time. Thank you!

Let's see if anything comes of this, then... Heck yes I would...I would love some community bonding!!!

Plan on leaving when we retire to make year round living a little easier

No use.



My husband has already signed up for us to be involved.

No thank you

No just dont like this town wanted to rant dont care what happens can burn down for all i care ill be gone or ill have killed myself by the time anything actually happens

Not at this time I have to many irons in the fire currently. But please keep my info for future contact.

Kyle Baldwin

This really depends on who I'd be working with

i'm good

## Ashton

Toni Wade

YES [REDACTED] Christ

Sandra Cummings

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## Google Forms



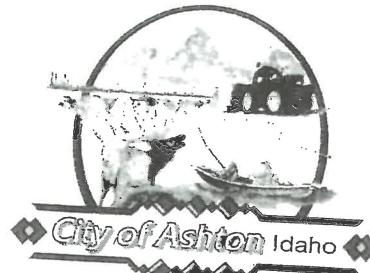
## Planning Ashton's Future

2024

- Do you rent or own a home in Ashton? Yes Please circle **RENT** Own
- Do you work in Ashton? \_\_\_\_\_ Do you own a business in Ashton? Yes
- What could Ashton improve to meet your **personal** needs?  
Would like to see projects where towns people gather to clean up and help those in need. - Not a personal need, but I'd like to see more activities for us to meet each other
- What could Ashton improve to meet your **professional** needs?  
Advertise - lets get the name out - Mesa Falls, Warm River Springs, Henry's Fork, all are fantastic - Find ways to let people know about Ashton. - When they do, they love it, as we do.
- What is your **favorite** thing about Ashton?  
The location. Close to things I love. Hunting, fishing, snow machining and spending time outdoors, church dinners, park, parade spring, summer and fall & a bit of winter.
- What is your **least favorite** thing about Ashton?  
Three months of cold weather and snow
- How would you describe Ashton's "small town feel"?  
The younger generation seems to be more welcoming - Parade is grand - Would like to see a push to welcome new businesses - Get the word out - Have Ashton join YTT and be active.
- As Ashton grows, what would you like to **encourage**? Fix broken sidewalks  
Sprucing up main street. - Suggest ways to get people to drive through Ashton to see the falls  
- Look at all options - Embrace visitors adverfize parade
- As Ashton grows, what would you like to **discourage**?  
Small-mindedness - Encourage en volvement
- Would you like to get more involved with planning Ashton's future? yes  
Name Mike Ballou  
Address \_\_\_\_\_  
Phone # \_\_\_\_\_

City of Ashton (208)652-3987

*new*  
Love the web site!  
Good job



# Planning Ashton's Future

2024

- Do you rent or own a home in Ashton? Yes Please circle  RENT  OWN
- Do you work in Ashton? \_\_\_\_\_
- What could Ashton improve to meet your personal needs?  
Would like to see projects where towns people gather to clean up and help those in need. - Not a personal need, but I'd like to see more activities for us to meet each other
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Small-mindedness - Encourage en volvement
- Would you like to get more involved with planning Ashton's future?  
Name Mike Ballou \_\_\_\_\_  
Address \_\_\_\_\_  
Phone # \_\_\_\_\_

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new  
Love the site!  
Web job  
(good job)

# Planning Ashton's Future 2024

Do you rent or own a home in Ashton? \*

- Rent
- Own

Do you work in Ashton? \*

- Yes
- No

Do you own a business in Ashton? \*

- Yes
- No

What could Ashton improve to meet your personal needs? \*

More law enforcement visible at night

What could Ashton improve to meet your professional needs? \*

Not sure

What is your favorite thing about Ashton? \*

Small town friendly community. All religions come together to support the community

What is your least favorite thing about Ashton? \*

Snow!

How would you describe Ashton's "small town feel"? \*

Everyone is so friendly!

As Ashton grows, what would you like to encourage? \*

Keeping historical buildings. Add apartment complexes

As Ashton grows, what would you like to discourage? \*

Large corporate Hotels/Motels

Would you like to get more involved with planning Ashton's future? If so, please include your name, address, and phone number. \*

No

# Planning Ashton's Future 2024

Do you rent or own a home in Ashton? \*

- Rent
- Own

Do you work in Ashton? \*

- Yes
- No

Do you own a business in Ashton? \*

- Yes
- No

What could Ashton improve to meet your personal needs? \*

A Rental shop for equipment

What could Ashton improve to meet your professional needs? \*

Don't let the town die.

What is your favorite thing about Ashton? \*

Not a lot of people, but it is what brings money to your town.

What is your least favorite thing about Ashton? \*

Town needs to be more supportive to your businesses. You need to think of creative ways to bring revenue to your town

How would you describe Ashton's "small town feel"? \*

Love it! We own Land and plan on building and living here in the summer months

As Ashton grows, what would you like to encourage? \*

Be friendly to the out of towners. Word gets around. That is what will bring money to your town. If they are building the road way bigger which is the gateway to Yellowstone. Use it to your advantage. Market research! Be open minded. Need road way signs to get people into town.

As Ashton grows, what would you like to discourage? \*

Letting yourselves get too money hungry keep it simple. You have something real good if you do it right!

Would you like to get more involved with planning Ashton's future? If so, please include your name, address, and phone number. \*

Angela McClellan [REDACTED]

[REDACTED] I'm a 53 year old women. I think like the old ways but also the new. Either way I love the town!

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Google Forms

# Planning Ashton's Future 2024

Do you rent or own a home in Ashton? \*

- Rent
- Own

Do you work in Ashton? \*

- Yes
- No

Do you own a business in Ashton? \*

- Yes
- No

What could Ashton improve to meet your personal needs? \*

Get some affordable housing!

What could Ashton improve to meet your professional needs? \*

Encourage new business, not discourage it.

What is your favorite thing about Ashton? \*

Friendly people and relatively safe.

What is your least favorite thing about Ashton? \*

The junky, trashy yards of many people!

How would you describe Ashton's "small town feel"? \*

Friendly and caring

As Ashton grows, what would you like to encourage? \*

New businesses

As Ashton grows, what would you like to discourage? \*

Apathy

Would you like to get more involved with planning Ashton's future? If so, please include your name, address, and phone number. \*

Getting to old to volunteer anymore

# City of Ashton Comprehensive Plan Open House Summary

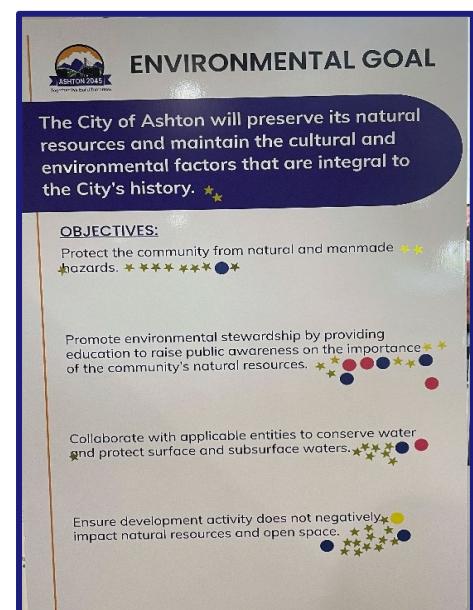
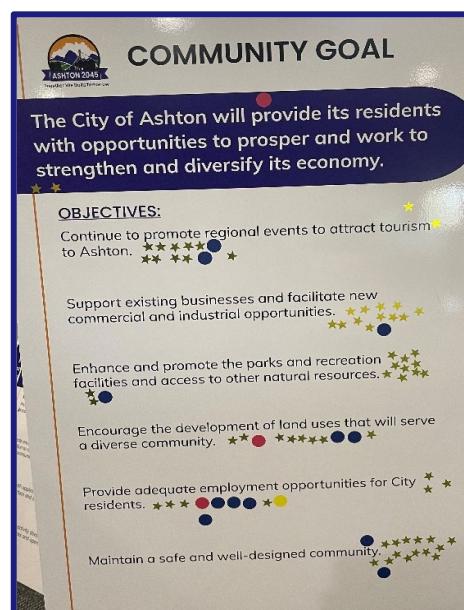
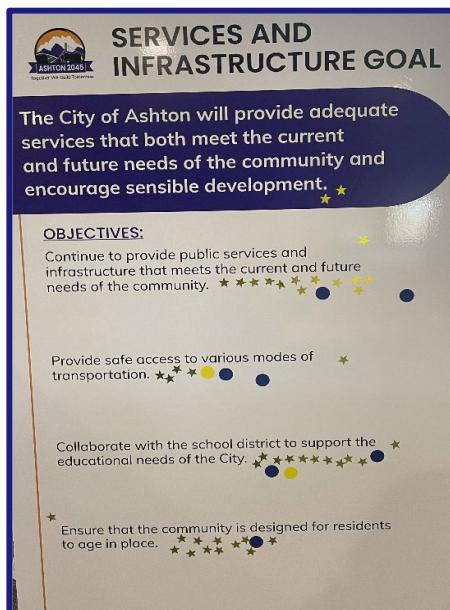


On April 3, 2025, the City of Ashton hosted a public open house to solicit input for the City's Comprehensive Plan Update. The meeting was held at City Hall, 714 Main St, Ashton, ID, from 5:00 p.m. to 7:00 p.m. and was advertised through various media platforms, static flyers, and by word of mouth. Twenty-one community members attended to participate in two different activities that were presented at the meeting. The two activities presented included the following:

1. The first activity outlined the Draft Goals and Objectives on 24x36 display boards and requested that participants reviewed and marked each of the goals and associated objectives with different color stickers indicating level of agreement with each. The various colors of stickers were as follows:



The above stickers were placed on each Draft Goal and Objective. If a participant placed a sticker indicating indifference or disagreement, additional feedback was requested by the project team to explain why or how the Goal and/or Objective could be revised to better reflect the desires of the community.



The responses received pertaining to the indifference or disagreement of goals and objectives include:

- Promoting sustainable agriculture programs and education
- Goals and objectives should minimize city responsibilities to provide jobs and livelihood for residents, be conservative and limit spending projects and promote fiscally responsible practices
- The City of Ashton should stay true to its small-town charm while embracing the path of progress. Thoughtful growth and development can be of value to the community
- Great ideas and great to see the community get involved! Any ideas to increase participation in outreach processes are welcomed

2. The second activity was a visioning exercise to encourage community members to think about the kinds of development (specific or broad) should occur within or around the City over the next 10, 15, or 20 years. Participants were encouraged to provide input on a 24x36 aerial map labeled, 'What do you envision for the future of your community?', by either writing directly on the board, leaving sticky notes, or colored tabs. Some of the feedback received included:

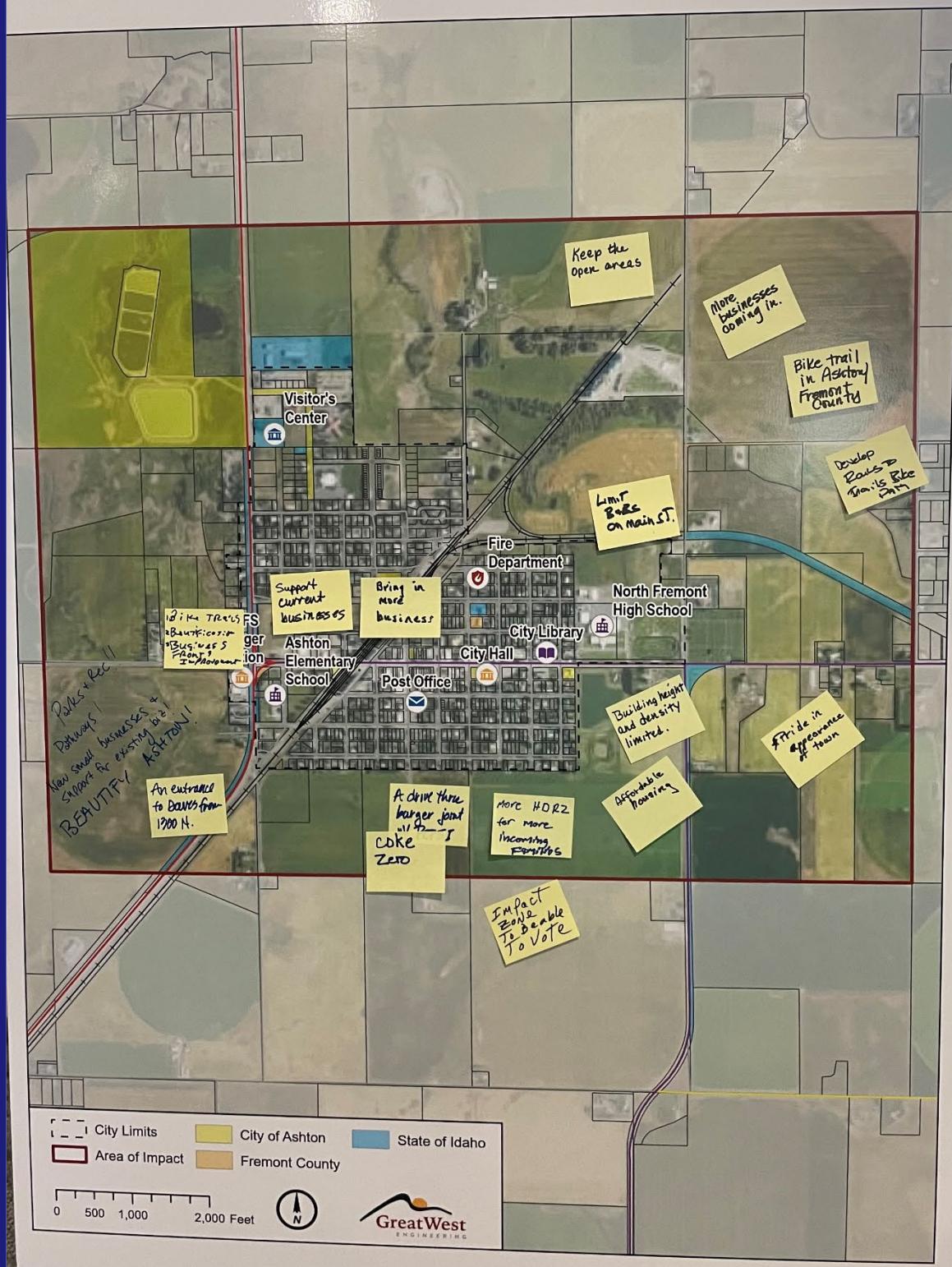
- Drive-thru burger joint
- Keep the open areas
- Bike trails
- Limit AirBnB's on Main Street
- Support existing businesses
- An entrance to Dave's from 1300 N
- Bring in more businesses
- Beautify Ashton
- Affordable housing
- Develop Rails to Trails bike path
- Pride in appearance of town
- Limits on building height and density
- Consider area of impact going to a vote
- More high density residential for more incoming properties
- More parks and recreation facilities



Lastly, a comment box was made available to attendees to collect any additional comments and/or suggestions about the plan document, open house, and planning process. Comments received include the following themes: Minimizing urban sprawl, historic preservation, and commercial and residential allowed uses.



# WHAT DO YOU ENVISION FOR THE FUTURE OF YOUR CITY?





## Appendix B

**Office of Attorney General's Checklist**

**Office of the  
Attorney General**

**Idaho  
Regulatory Takings Act  
Guidelines**



**JANUARY 2023**

**RAÚL R. LABRADOR**  
Attorney General  
700 West Jefferson Street  
Boise, ID 83720-0010  
[www.ag.idaho.gov](http://www.ag.idaho.gov)



## **State of Idaho Office of Attorney General Raúl R. Labrador**

Dear Fellow Idahoans:

Property rights are most effectively protected when government and citizens understand their respective rights. The purpose of this pamphlet is to facilitate that understanding and provide guidelines to governmental entities to help evaluate the impact of proposed regulatory or administrative actions on private property owners.

One of the foundations of American democracy is the primacy of private property rights. The sanctity of private property ownership found expression in the 5th Amendment to the U.S. Constitution, written by James Madison, and in Article I, § 14 of the Idaho Constitution. Both provisions ensure private property, whether it be land or intangible property rights, and will not be arbitrarily confiscated by any agency of government.

Madison wrote in Federalist Paper 54, that “government is instituted no less for the protection of the property than of the persons of individuals.” As your Attorney General, I feel a responsibility to ensure that the Constitution and state laws protecting the property rights of Idahoans are enforced. I am committed to ensuring that every state agency, department and official complies with both the spirit and letter of these laws.

In furtherance of this goal, the Idaho legislature enacted, and the Governor signed into law, Chapter 80, Title 67 of the Idaho Code. Originally passed in 1994, the law required the Attorney General to provide a checklist to assist state agencies in determining whether their administrative actions could be construed as a taking of private property. In 1995, the legislature amended the statute to apply to local units of government. Idaho Code § 67-6508 was also amended to ensure that planning and zoning land use policies do not violate private property

rights. In 2003, Idaho legislators amended Chapter 80, Title 67 of the Idaho Code, allowing a property owner to request a regulatory takings analysis from a state agency or local governmental entity should their actions appear to conflict with private property rights. In 2016, the legislature amended the statute to clarify that a property owner's right to request a regulatory takings analysis is discretionary and does not limit the property owner's right to pursue other legal or equitable remedies. The 2016 amendment also clarified that the regulatory takings analysis applies to potential takings of both real and personal property. Combined, these laws assure Idaho property owners that their rights will be protected.

The Office of the Attorney General has prepared this informational brochure for your use. If you have any questions, feel free to call your city or county prosecuting attorney.

RAÚL R. LABRADOR  
Attorney General

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# **Idaho Regulatory Takings Guidelines**

## **IDAHO REGULATORY TAKINGS LAWS**

### **Idaho Constitutional Provisions**

**Article I, section 13. Guaranties in criminal actions and due process of law.** In all criminal prosecutions, the party accused shall have the right to a speedy and public trial; to have the process of the court to compel the attendance of witnesses in his behalf, and to appear and defend in person and with counsel.

No person shall be twice put in jeopardy for the same offense; nor be compelled in any criminal case to be a witness against himself; nor be deprived of life, liberty or property without due process of law.

**Article I, section 14. Right of eminent domain.** The necessary use of lands for the construction of reservoirs or storage basins, for the purpose of irrigation, or for rights of way for the construction of canals, ditches, flumes or pipes, to convey water to the place of use for any useful, beneficial or necessary purpose, or for drainage; or for the drainage of mines, or the working thereof, by means of roads, railroads, tramways, cuts, tunnels, shafts, hoisting works, dumps, or other necessary means to their complete development, or any other use necessary to the complete development of the material resources of the state, or the preservation of the health of its inhabitants, is hereby declared to be a public use, and subject to the regulation and control of the state.

Private property may be taken for public use, but not until a just compensation, to be ascertained in the manner prescribed by law, shall be paid therefor.

### **Idaho Statutory Provisions**

**67-8001. Declaration of purpose.** The purpose of this chapter is to establish an orderly, consistent review process that better enables state agencies and local governments to evaluate whether proposed regulatory or administrative actions may result in a taking of private property without due process of law. It is not the purpose of this chapter to expand or reduce the scope of private property protections provided in the state and federal constitutions. [67-8001, added 1994, ch. 116, sec. 1, p. 265; am. 1995, ch. 182, sec. 1, p. 668.]

**67-8002. Definitions.** As used in this chapter:

“Local government” means any city, county, taxing district or other political subdivision of state government with a governing body.

“Private property” means all property protected by the constitution of the United States or the constitution of the state of Idaho.

“State agency” means the state of Idaho and any officer, agency, board, commission, department or similar body of the executive branch of the state government.

“Regulatory taking” means a regulatory or administrative action resulting in deprivation of private property that is the subject of such action, whether such deprivation is total or partial, permanent or temporary, in violation of the state or federal constitution. [67-8002, added 1994, ch. 116, sec. 1, p. 265; am. 1995, ch. 182, sec. 2, p. 668; am. 2003, ch. 141, sec. 1, p. 409.]

**67-8003. Protection of private property.**

1. The attorney general shall establish, by October 1, 1994, an orderly, consistent process, including a checklist, that better enables a state agency or local government to evaluate proposed regulatory or administrative actions to assure that such actions do not result in an unconstitutional taking of private property. The attorney general shall review and update the process at least on an annual basis to maintain consistency with changes in law. All state agencies and local governments shall follow the guidelines of the attorney general.

2. An owner of private property that is the subject of such action may submit a written request with the clerk or the agency or entity undertaking the regulatory or administrative action. Not more than twenty-eight (28) days after the final decision concerning the matter at issue, a state agency or local governmental entity shall prepare a written taking analysis concerning the action. Any regulatory taking analysis prepared hereto shall comply with the process set forth in this chapter, including use of the checklist developed by the attorney general pursuant to subsection (1) of this section and shall be provided to the private property owner no longer than forty-two (42) days after the date of the filing of the request with the clerk or secretary of the agency whose action is questioned. A regulatory taking analysis prepared pursuant to this action shall be considered public information.

3. A governmental action is voidable if a written taking analysis is not prepared after a request has been made pursuant to this chapter. A

private property owner, whose property is the subject of governmental action, affected by a governmental action without the preparation of a requested taking analysis as required by this section, may seek judicial determination of the validity of the governmental action by initiating a declaratory judgment action or other appropriate legal procedure. A suit seeking to invalidate a governmental action for noncompliance with subsection (2) of this section must be filed in a district court in the county in which the private property owner's affected private property is located. If the affected property is located in more than one (1) county, the private property owner may file suit in any county in which the affected private property is located.

4. During the preparation of the taking analysis, any time limitation relevant to the regulatory or administrative actions shall be tolled. Such tolling shall cease when the taking analysis has been provided to the property owner. Both the request for a taking analysis and the taking analysis shall be part of the official record regarding the regulatory or administrative action.

5. A private property owner is not required to submit a request under this chapter. The decision by the private property owner not to submit a request under this chapter shall not prevent or prohibit the private property owner from seeking any legal or equitable remedy including, but not limited to, the payment of just compensation. [67-8003, added 1994, ch. 116, sec. 1, p. 265; am. 1995, ch. 182, sec. 3, p. 669; am. 2003, ch. 141, sec. 2, p. 409; am. 2016, ch. 225, sec. 1, p. 620.]

**67-6508. Planning duties.** It shall be the duty of the planning or planning and zoning commission to conduct a comprehensive planning process designed to prepare, implement, and review and update a comprehensive plan, hereafter referred to as the plan. The plan shall include all land within the jurisdiction of the governing board. The plan shall consider previous and existing conditions, trends, compatibility of land uses, desirable goals and objectives, or desirable future situations for each planning component. The plan with maps, charts, and reports shall be based on the following components as they may apply to land use regulations and actions unless the plan specifies reasons why a particular component is unneeded.

(a) **Property Rights** -- An analysis of provisions which may be necessary to ensure that land use policies, restrictions, conditions and fees do not violate private property rights, adversely impact property values or create unnecessary technical limitations on the use of property and analysis as prescribed under the declarations of purpose in chapter 80, title 67, Idaho Code.

**67-6523. Emergency ordinances and moratoriums.** If a governing board finds that an imminent peril to the public health, safety, or welfare requires adoption of ordinances as required or authorized under this chapter, or adoption of a moratorium upon the issuance of selected classes of permits, or both, it shall state in writing its reasons for that finding. The governing board may then proceed without recommendation of a commission, upon any abbreviated notice of hearing that it finds practical, to adopt the ordinance or moratorium. An emergency ordinance or moratorium may be effective for a period of not longer than one hundred eighty-two (182) days. Restrictions established by an emergency ordinance or moratorium may not be imposed for consecutive periods. Further, an intervening period of not less than one (1) year shall exist between an emergency ordinance or moratorium and reinstatement of the same. To sustain restrictions established by an emergency ordinance or moratorium beyond the one hundred eighty-two (182) day period, a governing board must adopt an interim or regular ordinance, following the notice and hearing procedures provided in section 67-6509, Idaho Code. [67-6523, added I.C., sec. 67-6523, as added by 1975, ch. 188, sec. 2, p. 515; am. 2003, ch. 142, sec. 6, p. 415.]

**67-6524. Interim ordinances and moratoriums.** If a governing board finds that a plan, a plan component, or an amendment to a plan is being prepared for its jurisdiction, it may adopt interim ordinances as required or authorized under this chapter, following the notice and hearing procedures provided in section 67-6509, Idaho Code. The governing board may also adopt an interim moratorium upon the issuance of selected classes of permits if, in addition to the foregoing, the governing board finds and states in writing that an imminent peril to the public health, safety, or welfare requires the adoption of an interim moratorium. An interim ordinance or moratorium shall state a definite period of time, not to exceed one (1) calendar year, when it shall be in full force and effect. To sustain restrictions established by an interim ordinance or moratorium, a governing board must adopt a regular ordinance, following the notice and hearing procedures provided in section 67-6509, Idaho Code. [67-6524, added I.C., sec. 67-6524, as added by 1975, ch. 188, sec. 2, p. 515; am. 2003, ch. 142, sec. 7, p. 415.]

**ADVISORY MEMORANDUM**

**STATE OF IDAHO ATTORNEY GENERAL'S ADVISORY  
MEMORANDUM FOR EVALUATION OF PROPOSED  
REGULATORY OR ADMINISTRATIVE ACTIONS TO  
IDENTIFY POTENTIAL TAKINGS OF PRIVATE PROPERTY**

The Office of the Attorney General is required to develop an orderly, consistent internal management process for state agencies and local governments to evaluate the effects of proposed regulatory or administrative actions on private property. Idaho Code § 67-8003(1).

This is the Attorney General's recommended process and advisory memorandum. It is not a formal Attorney General's Opinion under Idaho Code § 67-1401(6), and should not be construed as an opinion by the Attorney General on whether a specific action constitutes a "taking." Agencies shall use this process to identify those situations requiring further assessment by legal counsel. Appendix A contains a brief discussion of some of the important federal and state cases that set forth the elements of a "taking."

State agencies and local governments are required to use this procedure to evaluate the impact of proposed administrative or regulatory actions on private property. Idaho Code § 67-8003(1). Upon the written request of an owner of private property that is the subject of such action, a state agency or local governmental entity shall prepare a written taking analysis concerning the action. Appendix B contains a form that can be used to request a taking analysis. Appendix C contains a sample form for completing a regulatory taking analysis. The written request must be filed **not more than** twenty-eight (28) days after the final decision concerning the matter at issue and the completed takings analysis shall be provided to the property owner **no longer than** forty-two (42) days after the date of filing the request with the clerk or secretary of the agency whose action is questioned. Idaho law also provides that "a regulatory taking analysis shall be considered public information." *See* Idaho Code § 67-8003(2).

Should a state agency or local governmental entity not prepare a regulatory taking analysis following a written request, the property owner may seek judicial determination of validity of the action by initiating legal action. Such a claim must be filed in a district court in the county in which the private property owner's affected private property is located. *See* Idaho Code § 67-8003(3).

## **General Background Principles**

The Fifth Amendment to the United States Constitution provides that private property shall not be taken for public use without just compensation. Article I, section 14 of the Idaho State Constitution provides in relevant part:

Private property may be taken for public use, but not until a just compensation, to be ascertained in the manner prescribed by law, shall be paid therefor.

Thus, under both the federal and state constitutions, private property may not be taken for public purposes without payment of just compensation.

Courts have recognized three situations in which a taking requiring just compensation may occur: (1) when a government action causes physical *occupancy* of property, (2) when a government action causes physical *invasion* of property, and (3) when government *regulation* effectively eliminates all economic value of private property. A “taking” may be permanent or temporary.

The most easily recognized type of “taking” occurs when government physically occupies private property. This may happen when the government exercises its eminent domain authority to take private property for a public use. Property owners must be paid just compensation when the government acquires private property through eminent domain authority. The types of public uses that may be the subject of eminent domain authority under state law are identified in section 7-701, Idaho Code. Clearly, when the government seeks to use private property for a public building, a highway, a utility easement, or some other public purpose, it must compensate the property owner.

Physical invasions of property, as distinguished from physical occupancies, may also give rise to a “taking” where the invasions are of a recurring or substantial nature. Examples of physical invasions include, among others, flooding and water-related intrusions and overflight or aviation easement intrusions.

Like physical occupations or invasions, a regulation that affects the value, use, or transfer of property may also constitute a “taking,” but only if it “goes too far.” Although most land use regulation does not constitute a “taking” of property, the courts have recognized that when regulation divests an owner of the essential attributes of ownership, it amounts to a “taking” subject to compensation.

Regulatory actions are harder to evaluate for “takings” because government may properly regulate or limit the use of private property, relying on its authority and responsibility to protect public health, safety and welfare. Accordingly, government may abate public nuisances, terminate illegal activity, and establish building codes, safety standards, or sanitary requirements generally without creating a compensatory “taking.” Government may also limit the use of property through land use planning, zoning ordinances, setback requirements, and environmental regulations.

If a government regulation, however, destroys a fundamental property right – such as the right to possess, exclude others from, or dispose of property – it could constitute a compensable “taking.” Similarly, if a regulation imposes substantial and significant limitations on property use, there could be a “taking.” In assessing whether there has been such a limitation on property use as to constitute a “taking,” the court will consider both the purpose of the regulatory action and the degree to which it limits the owner’s property rights.

An important factor in evaluating each action is the degree to which the action interferes with a property owner’s reasonable investment-backed development expectations; in other words, the owner’s expectations of the investment potential of the property and the impact of the regulation on those expectations. For instance, in determining whether a “taking” has occurred, a court might, among other things, weigh the regulation’s impact on vested development rights against the government’s interest in promulgating the regulation.

If a regulation prohibits all economically viable or beneficial uses of property, there may be liability for just compensation unless government can demonstrate that laws of nuisance or other pre-existing limitations on the use of the property prohibit the proposed uses.

If a court determines there has been a regulatory “taking,” the government has the option of either paying just compensation or withdrawing the regulatory limitation. If the regulation is withdrawn, the government may still be liable to the property owner for a temporary “taking” of the property.

### **Attorney General’s Recommended Process**

1. State agencies and local governments must use this evaluation process whenever the agency contemplates action that affects privately owned property. Each agency and local government must also use this process to assess the impacts of proposed regulations before the agency publishes the regulations for public comment. In Idaho, real property

includes land, possessors' rights to land, ditch and water rights, mining claims (lode and placer), and freestanding timber. Idaho Code §§ 55-101 and 63-108. In addition, the right to continue to conduct a business may be a sufficient property interest to invoke the protections of the just compensation clause of the Idaho Constitution. For example, see Idaho Code §§ 22-4501 to 22-4504.

2. Agencies and local governments must incorporate this evaluation process into their respective review processes. It is not a substitute, however, for that existing review procedure. Since the extent of the assessment necessarily depends on the type of agency or local government action and the specific nature of the impacts on private property, the agency or local government may tailor the extent and form of the assessment to the type of action contemplated. For example, in some types of actions, the assessment might focus on a specific piece of property. In others, it may be useful to consider the potential impacts on types of property or geographic areas.

3. Each agency and local government must review this advisory memorandum and recommended process with appropriate legal counsel to ensure that it reflects the specific agency or local government mission. It should be distributed to all decision makers and key staff.

4. Each agency and local government must use the following checklist to determine whether a proposed regulatory or administrative action should be reviewed by legal counsel. If there are any affirmative answers to any of the questions on the checklist, the proposed regulatory or administrative action must be reviewed in detail by staff and legal counsel. Since the legislature has specifically found the process is protected by the attorney-client privilege, each agency and local government can determine the extent of distribution and publication of reports developed as part of the recommended process. However, once the report is provided to anyone outside the executive or legislative branch or local governmental body, the privilege has been waived.

### **Attorney General's Checklist Criteria**

Agency or local government staff must use the following questions in reviewing the potential impact of a regulatory or administrative action on specific property. While these questions also provide a framework for evaluating the impact proposed regulations may have generally, takings questions normally arise in the context of specific affected property. The public review process used for evaluating proposed regulations is another tool that the agency or local government should use aggressively to safeguard rights of private property owners. If property is

subject to regulatory jurisdiction of multiple governmental agencies, each agency or local government should be sensitive to the cumulative impacts of the various regulatory restrictions.

Although a question may be answered affirmatively, it does not mean that there has been a “taking.” Rather, it means there could be a constitutional issue and that the proposed action should be carefully reviewed with legal counsel.

**1. Does the Regulation or Action Result in a Permanent or Temporary Physical Occupation of Private Property?**

Regulation or action resulting in a permanent or temporary physical occupation of all or a portion of private property will generally constitute a “taking.” For example, a regulation that required landlords to allow the installation of cable television boxes in their apartments was found to constitute a “taking.” *See Loretto v. Teleprompter Manhattan CATV Corp.*, 458 U.S. 419, 102 S. Ct. 3164 (1982).

The acquisition of private property through eminent domain authority is distinct from situations where a regulation results in the physical occupation of private property. The exercise of eminent domain authority is governed by the procedures in chapter 7, title 7, Idaho Code. Whenever a state or local unit of government, or a public utility, is negotiating to acquire private property under eminent domain, the condemning authority must provide the private property owner with a form summarizing the property owner’s rights. Section 7-711A, Idaho Code, identifies the required content for the advice of rights form.

**2. Does the Regulation or Action Condition the Receipt of a Government Benefit on a Property Owner Dedicating a Portion of Property, Granting an Easement, or Expending Funds for Items Unrelated to the Impacts of the Proposed Action?**

A government entity may condition or regulate an action that it has the authority to prohibit altogether. However, there must be a nexus and rough proportionality between the government’s demands and the social costs of the proposed action. *Koontz v. St. Johns River Water Mgmt. Dist.*, 570 U.S. 595, 133 S. Ct. 2586 (2013); *Nollan v. California Coastal Commission*, 483 U.S. 825, 107 S. Ct. 3141 (1987); *Dolan v. City of Tigard*, 512 U.S. 374, 114 S. Ct. 2309 (1994). The condition must be reasonably and specifically designed to prevent or compensate for adverse impacts of the proposed development. Likewise, the magnitude of the burden placed on the proposed development should be reasonably related to the adverse impacts created by the development. Where a condition to

a land-use permit includes the dedication of property or grant of an easement, courts consider whether the exaction “has an essential nexus and rough proportionality” to the social impacts of the permitted action. Put another way, does the dedication or grant substantially advance the same state interest that would allow the government entity to deny the permit altogether? Lacking this connection, the dedication of property to public use would be just as unconstitutional as it would be if imposed outside the permit context. For example, the United States Supreme Court determined in Nollan v. California Coastal Comm'n, 483 U.S. 825, 107 S. Ct. 3141 (1987), that compelling an owner of waterfront property to grant a public easement across his property that does not substantially advance the public’s interest in beach access, constitutes a “taking.” Likewise, the United States Supreme Court held that compelling a property owner to leave a *public* green way, as opposed to a private one, did not substantially advance protection of a flood plain, and was a “taking.” Dolan v. City of Tigard, 512 U.S. 374, 114 S. Ct. 2309 (1994).

In Koontz, the United States Supreme Court applied the same reasoning to a monetary condition on a land-use permit. The Court held that the regulatory takings analysis applied to a water management district’s conditioning a land-use permit on a landowner funding offsite wetland mitigation. The Court held that such a condition would be an unconstitutional taking if the condition did not have an essential nexus and rough proportionality to the impacts of the proposed development. After Koontz, government entities need to consider monetary conditions for potential regulatory takings, not just conditions that involve an easement or dedication of property.

### **3. Does the Regulation Deprive the Owner of All Economically Viable Uses of the Property?**

If a regulation prohibits all economically viable or beneficial uses of the land, it will likely constitute a “taking.” In this situation, the agency can avoid liability for just compensation only if it can demonstrate that the proposed uses are prohibited by the laws of nuisance or other preexisting limitations on the use of the property. *See Lucas v. South Carolina Coastal Council*, 505 U.S. 1003, 112 S. Ct. 2886 (1992).

Unlike 1 and 2 above, it is important to analyze the regulation’s impact on the property as a whole, and not just the impact on a portion of the property. *See Murr v. Wisconsin*, \_\_\_ U.S. \_\_\_, 137 S. Ct. 1933 (2017). It is also important to assess whether there is any profitable use of the remaining property available. *See Florida Rock Industries, Inc. v. United States*, 18 F.3d 1560 (Fed. Cir. 1994). The remaining use does not

necessarily have to be the owner's planned use, a prior use or the highest and best use of the property. One factor in this assessment is the degree to which the regulatory action interferes with a property owner's reasonable investment-backed development expectations.

Carefully review regulations requiring that all of a particular parcel of land be left substantially in its natural state. A prohibition of all economically viable uses of the property is vulnerable to a takings challenge. In some situations, however, there may be pre-existing limitations on the use of property that could insulate the government from takings liability.

#### **4. Does the Regulation Have a Significant Impact on the Landowner's Economic Interest?**

Carefully review regulations that have a significant impact on the owner's economic interest. Courts will often compare the value of property before and after the impact of the challenged regulation. Although a reduction in property value alone may not be a "taking," a severe reduction in property value often indicates a reduction or elimination of reasonably profitable uses. Another economic factor courts will consider is the degree to which the challenged regulation impacts any development rights of the owner. As with 3, above, these economic factors are normally applied to the property as a whole.

A moratorium as a planning tool may be used pursuant to Idaho Code § 67-6523—Emergency Ordinances and Moratoriums (written findings of imminent peril to public health, safety, or welfare; may not be longer than 182 days); and Idaho Code § 67-6524—Interim Ordinances and Moratoriums (written findings of imminent peril to public health, safety, or welfare; the ordinance must state a definite period of time for the moratorium). Absence of the written findings may prove fatal to a determination of the reasonableness of the government action.

The Idaho moratorium provisions appear to be consistent with the United States Supreme Court's interpretation of moratorium as a planning tool as well. In Tahoe-Sierra Preservation Council, Inc. v. Tahoe Regional Planning Agency, 535 U.S. 302, 122 S. Ct. 1465 (2002), the Court held that planning moratoriums may be effective land use planning tools. Generally, moratoriums in excess of one year should be viewed with skepticism, but should be considered as one factor in the determination of whether a taking has occurred. An essential element pursuant to Idaho law is the issuance of written findings in conjunction with the issuance of moratoriums. *See* Idaho Code §§ 67-6523 to 67-6524.

## **5. Does the Regulation Deny a Fundamental Attribute of Ownership?**

Regulations that deny the landowner a fundamental attribute of ownership -- including the right to possess, exclude others and dispose of all or a portion of the property -- are potential takings.

The United States Supreme Court held that requiring a public easement for recreational purposes where the harm to be prevented was to the flood plain was a “taking.” In finding this to be a “taking,” the Court stated:

The city has never said why a public greenway, as opposed to a private one, was required in the interest of flood control. The difference to the petitioner, of course, is the loss of her ability to exclude others. . . . [T]his right to exclude others is “one of the most essential sticks in the bundle of rights that are commonly characterized as property.” Dolan v. City of Tigard, 512 U.S. 374, 114 S. Ct. 2309 (1994).

The United States Supreme Court has also held that barring the inheritance (an essential attribute of ownership) of certain interests in land held by individual members of an Indian tribe constituted a “taking.” Hodel v. Irving, 481 U.S. 704, 107 S. Ct. 2076 (1987).

More recently, the United States Supreme Court held that a regulation requiring producers to reserve a certain percentage of their raisin crop for government use constituted a *per se* physical taking of property. Horne v. Dep’t of Agric., \_\_\_ U.S. \_\_\_, 135 S. Ct. 2419 (2015). There, the Court reasoned that “[r]aisin growers subject to the reserve requirement...lose the entire bundle of property rights in the appropriated raisins—the rights to possess, use and dispose of them.”

Regulatory actions which closely resemble, or have the effects of a physical invasion or occupation of property, are more likely to be found to be takings. The greater the deprivation of use, the greater the likelihood that a “taking” will be found.

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### **APPENDIX A: SIGNIFICANT FEDERAL AND STATE CASES**

#### **Summaries of Significant Federal “Takings” Cases**

**Knick v. Twp. of Scott, Penn.**, \_\_\_\_ U.S. \_\_\_, 139 S. Ct. 2162 (2019).

A property owner brought a Fifth Amendment Takings claim under 42 U.S.C. § 1983 in federal court. The property owner had not brought an inverse condemnation claim under state law, and prior to the federal action, the township withdrew the violation notice and stayed enforcement of the ordinance. The United States Supreme Court overruled Williamson Cnty. Reg'l Planning Comm'n v. Hamilton Bank of Johnson City, 473 U.S. 172, 105 S. Ct. 3108 (1985), and held that a property owner may bring a takings claim under § 1983 regardless of whether the property owner had previously sought compensation through procedures available under state law. The Court concluded that a takings claim under § 1983 becomes ripe as soon as a government takes a person's property for public use without paying for it.

**Murr v. Wisconsin**, \_\_\_\_ U.S. \_\_\_, 137 S. Ct. 1933 (2017).

The United States Supreme Court held that a regulation preventing the use of adjacent lots on the Lower St. Croix River as separate building sites unless each lot had at least one acre of land suitable for development did not effect a regulatory taking. The regulation at issue had been adopted by the Wisconsin State Department of Natural Resources in response to the Lower St. Croix River being designated a Wild and Scenic River under federal law. Due to that designation, Wisconsin was required to develop a management and development program for the river area.

The Court concluded that for purposes of a regulatory takings analysis, the two adjacent lots must be evaluated as a single parcel because: (1) the state regulation in effect merged the two lots; (2) the physical characteristics, location, and relationship between the two lots made the lots significantly more valuable together than when considered separately; and (3) the characteristics of the lots made it reasonable to expect that the range of their potential uses separately may be limited.

The Court concluded that the property owner had not been deprived of all economically beneficial use of the property because the lots together could still be used for residential purposes, including larger residential improvements. The Court also concluded that the property owner had not suffered a takings under the Penn Central test because the

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property owner could not have reasonably expected to develop the lots separately because the regulation predated their acquisition of both lots; the appraisal of the property showed the value of the properties decreased by less than ten percent; and the regulation was reasonable as part of a coordinated effort by federal, state, and local governments to protect a designated Wild and Scenic River.

**Horne v. Dep’t of Agric.**, \_\_\_\_ U.S. \_\_\_, 135 S. Ct. 2419 (2015).

The United States Supreme Court considered a regulatory takings challenge to the United States Department of Agriculture’s California Raisin Marketing Order which required producers to reserve a percentage of their raisin crop in certain years free of charge for the government to dispose of in ways it determines are necessary to maintain an orderly market. The Court held that the same standard should apply regardless of whether the property at issue was personal or real property. The Court then concluded that the reserve requirement imposed is a physical taking not a regulatory taking of personal property as the reserve requirement removes from the producer the entire bundle of property rights in the reserved raisins. Additionally, because the reserve rule effectuated a per se physical taking, the fact that the producers received the value of the reserved raisins if sold by the government and that the producers could choose to plant different crops did not weigh against the finding of a taking.

**Koontz v. St. Johns River Water Mgmt. Dist.**, 570 U.S. 595, 133 S. Ct. 2586 (2013).

The United States Supreme Court considered a regulatory takings challenge to a water management district’s decision to require a landowner to fund off-site wetland mitigation as a condition of a land-use permit. The Court reversed the Florida Supreme Court’s holding that the regulatory takings analysis did not apply to the water management district’s decision because the condition at issue was a demand for money. The Court held that the constitutional takings analysis applied to monetary exaction on land-use permits. Additionally, the Court held that the constitutional takings analysis applied equally whether a permit was granted with an allegedly unconstitutional condition or denied because the applicant failed to agree to the allegedly unconstitutional condition. The Court emphasized that while a government entity may choose whether and how a permit applicant is required to mitigate the impacts of a proposed development, it may not leverage its interests in mitigation to pursue governmental interests that lack an essential nexus and rough proportionality to those impacts.

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**Stop the Beach Renourishment, Inc. v. Fla. Dept. of Env. Prot.**, 130 S. Ct. 2592, 177 L. Ed. 2d 184 (2010).

The United States Supreme Court considered a judicial taking challenge to a decision by the Florida Supreme Court. A Florida state agency granted a permit under state law to restore a beach. The beach was eroded by hurricanes, and the permit would have allowed the restoration of the beach by adding sand to the beach. A non-profit corporation comprised of beachfront landowners challenged the agency decision in state court arguing the decision eliminated the littoral rights of landowners to receive accretions to their property and the right to have contact of their property with water remain intact. The Florida Supreme Court reversed a lower court and held the state law authorizing the beach restoration did not unconstitutionally deprive littoral rights. The non-profit corporation claimed the Florida Supreme Court's decision itself effectuated a taking of its members' littoral rights.

The United States Supreme Court unanimously held that the Florida Supreme Court did not take private property without just compensation in violation of the Fifth and Fourteenth Amendments. The Court recognized two property law principles under Florida law:

1. The State owned the seabed and was allowed to fill in its own seabed; and
2. When an avulsion exposes land seaward of littoral property that had previously been submerged, the land belongs to the State even if it interrupts the littoral owner's contact with water.

Therefore, when the State filled in previously submerged land for beach restoration, the State treated it as an avulsion for purposes of ownership. The non-profit members' right to accretions was therefore subordinate to the State's right to fill in its land. The United States Supreme Court did not reach a majority on the judicial taking question.

**Kelo, et al. v. City of New London, Connecticut, et al.**, 545 U.S. 469, 125 S. Ct. 2655 (2005).

The United States Supreme Court held that a city's exercise of eminent domain power in furtherance of its economic development plan satisfied the Constitution's Fifth Amendment requirement that a taking be for public use. To effectuate its plan, the city invoked a state statute that specifically authorized the use of eminent domain to promote economic development. The Court observed that promoting economic development

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is a traditional and long accepted governmental function that serves a public purpose. Although the condemned land would not be open in its entirety to actual use by the general public, the purpose of its taking satisfied the constitutional requirement that a taking be for public use.

In response to the Kelo decision, the Fifty-eighth Idaho Legislature enacted House Bill No. 555 adding a new section, 7-701A, to the Idaho Code that specifically prohibits the use of eminent domain power to promote or effectuate economic development except where allowed by existing statute.

**Lingle v. Chevron U.S.A. Inc.**, 544 U.S. 528, 125 S.Ct. 2074 (2005).

The United State Supreme Court reversed and remanded a decision of the Ninth Circuit Court of Appeals concluding that a Hawaii statute limiting rent that oil companies could charge dealers leasing company-owned service stations was an unconstitutional taking. In so holding the United States Supreme Court abrogated prior decisions that held that a government regulation of private property that does not substantially advance legitimate state interests effects a taking. The Court concluded that the “substantially advances” test was not an appropriate regulatory takings test because it reveals nothing about the magnitude or character of the burden a particular regulation imposes upon private property rights or provide any information about how any regulatory burden is distributed among property owners. The Court was also concerned that such an inquiry invited courts to substitute their predictive judgments for those of elected legislatures and expert agencies.

The United States Supreme Court did, however, indicate that the determination of whether a dedication of property substantially advances a government interest may be appropriate in situations where a government entity includes a dedication of property as a condition of approving a permit. In that situation the question is not whether the exaction substantially advances some legitimate state interest, but whether the exaction substantially advances the same interest that would allow the government entity to deny the permit altogether. Lacking this connection, the dedication of property would be just as unconstitutional as it would be if imposed outside the permit context.

**Tahoe-Sierra Preservation Council, Inc., et al. v. Tahoe Regional Planning Agency, et al.**, 535 U.S. 302, 122 S. Ct. 1465 (2002).

The United States Supreme Court held that imposition of a moratorium lasting thirty-two (32) months restricting development within

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the Lake Tahoe Basin was not a compensable taking. The Court noted the importance of Lake Tahoe in that it is one of only three lakes with such transparency of water due in large part to the absence of nitrogen and phosphorous which in turn results in a lack of algae. The Court also noted the rapid development of the Lake Tahoe area. In noting this development, the Court recognized the uniqueness of the area, and the importance of planning tools to the preservation of Lake Tahoe. The Court further noted that the geographic dimensions of the property affected, as well as the term in years, must be considered when determining whether a taking has occurred. Finally, the interest in protecting the decisional process is stronger when the process is applied to regional planning as opposed to a single parcel of land. Noteworthy is the extensive process that was followed by the Tahoe Regional Planning Agency along with the uniqueness of the Lake Tahoe region. The balance of interests favored the use of moratorium.

**Dolan v. City of Tigard**, 512 U.S. 374, 114 S. Ct. 2309 (1994).

In this case, the United States Supreme Court held that reconditioning an issuance of a permit on the dedication of bond to public use violated the Fifth Amendment. The city council conditioned Dolan's permit to expand her store and pave her parking lot upon her agreement to dedicate land for a public greenway and a pedestrian/bicycle pathway. The expressed purpose for the public greenway requirement was to protect the flood plain. The pedestrian/bicycle path was intended to relieve traffic congestion. The United States Supreme Court held that the city had to make "some sort of individualized determination that the required dedication [was] related both in nature and extent to the impact of the proposed development" in order to justify the requirements and avoid a "takings" claim. In this case, the Court held that the city had not done so. It held that the public or private character of the greenway would have no impact on the flood plain and that the city had not shown that Dolan's customers would use the pedestrian/bicycle path to relieve congestion.

**Lucas v. South Carolina Coastal Council**, 505 U.S. 1003, 112 S. Ct. 2886 (1992).

Lucas was a challenge to the 1988 South Carolina Beach Front Management Act. The stated purpose of this Act was to protect life and property by creating a storm barrier, providing habitat for endangered species and to serve as a tourism industry. To accomplish the stated purposes, the Act prohibited or severely limited development within certain critical areas of the state's beach-dune system.

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Before the Act's passage, David Lucas bought two South Carolina beach front lots intending to develop them. As required by the Act, the South Carolina Coastal Council drew a "baseline" that prevented Mr. Lucas from developing his beach front property. Mr. Lucas sued the council, alleging its actions under the Act constituted a "taking" requiring compensation under the Fifth Amendment. The trial court agreed, awarding him \$1,232,387.50. A divided South Carolina Supreme Court reversed, however, holding that the Act was within the scope of the nuisance exception.

The United States Supreme Court reversed. Justice Scalia's majority opinion held that a regulation which "denies all economically beneficial or productive use of land" will be a "taking" unless the government can show that the proposed uses of the property are prohibited by nuisance laws or other pre-existing limitations on the use of property. This opinion noted that such total takings will be "relatively rare" and the usual balancing approach for determining takings will apply in the majority of cases.

**Hodel v. Irving**, 481 U.S. 704, 107 S. Ct. 2076 (1987).

Where the character of the government regulation destroys "one of the most essential" rights of ownership -- the right to devise property, especially to one's family -- this is an unconstitutional "taking" without just compensation.

In 1889, portions of Sioux Indian reservation land were "allotted" by Congress to individual tribal members (held in trust by the United States). Allotted parcels could be willed to the heirs of the original allottees. As time passed, the original 160-acre allotments became fractionated, sometimes into very small parcels. Good land often lay fallow, amidst great poverty, because of the difficulties in managing property held in this manner. In 1983, Congress passed legislation that provided that any undivided fractional interest that represented less than two percent of the tract's acreage and which earned less than \$100 in the preceding year would revert to the tribe. Under the statute, tribal members who lost property as a result of this action would receive no compensation. Tribal members challenged the statute. The United States Supreme Court held this was an unconstitutional "taking" for which compensation was required.

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**Nollan v. California Coastal Comm'n**, 483 U.S. 825, 107 S. Ct. 3141 (1987).

The United States Supreme Court held that it was an unconstitutional “taking” to condition the issuance of a permit to land owners on the grant of an easement to the public to use their beach.

James and Marilyn Nollan, the prospective purchasers of a beach front lot in California, sought a permit to tear down a bungalow on the property and replace it with a larger house. The property lay between two public beaches. The Nollans were granted a permit, subject to the condition that they allow the public an easement to pass up and down their beach. On appeal, the United States Supreme Court held that such a permit condition is only valid if it substantially advances legitimate state interests. Since there was no indication that the Nollans' house plans interfered in any way with the public's ability to walk up and down the beach, there was no “nexus” between any public interest that might be harmed by the construction of the house and the permit condition. Lacking this connection, the required easement was just as unconstitutional as it would be if imposed outside the permit context. (The Court noted that protecting views from the highway by limiting the size of the structure or banning fences may have been lawful.)

**Loretto v. Teleprompter Manhattan CATV Corp.**, 458 U.S. 419, 102 S. Ct. 3164 (1982).

The United States Supreme Court ruled that a statute that required landlords to allow the installation of cable television on their property was unconstitutional. The Court concluded that “a permanent physical occupation authorized by government is a ‘taking’ without regard to the public interest that it may serve.” The Court reasoned that an owner suffers a special kind of injury when a “stranger” invades and occupies the owner's property, and that such an occupation is “qualitatively more severe” than a regulation on the use of the property. The installation in question required only a small amount of space to attach equipment and wires on the roof and outside walls of the building.

**Penn Central Transp. Co. v. City of New York**, 438 U.S. 104, 98 S. Ct. 2646 (1978).

The United States Supreme Court upheld the constitutionality of a New York City historic preservation ordinance under which the city had declared Grand Central Station a “landmark.” In response to Penn Central's takings claim, the United States Supreme Court noted that there

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was a valid public purpose to the city ordinance, and that Penn Central could still make a reasonable return on its investment by retaining the station as it was. Penn Central argued that the landmark ordinance would deny it the value of its “preexisting air rights” to build above the terminal. The Court found that it must consider the impact of the ordinance upon the property as a whole, not just upon “air rights.” Further, under the ordinance in question, these rights were transferable to other lots, so they might not be lost.

**Florida Rock Industries, Inc. v. United States**, 18 F.3d 1560 (Fed. Cir. 1994) *cert. denied*, 513 U.S. 1109, 115 S. Ct. 898 (1995) (**Florida Rock IV**).

This is a Clean Water Act case. There have been several court decisions, and the most recent one affirms the holding that in the absence of a public nuisance, economic impact alone may be determinative of whether a regulatory “taking” under the Fifth Amendment has occurred. If the regulation categorically prohibits *all* economically beneficial use of land, destroying its economic value for private ownership, and the use prohibited is not a public nuisance, the court held that regulation has the effect equivalent to permanent physical occupation, and there is, without more, a compensable “taking.”

In 1972, a mining company purchased 1,560 acres of wetlands (formerly part of the Everglades, but now excluded by road, canal and levee) for the purposes of mining limestone. In 1980, the company applied to the U.S. Army Corps of Engineers for a “section 404” permit for the dredging and filling involved in the mining operation. The Corps of Engineers denied the application, primarily for the purpose of protecting the wetlands. While several courts had previously held that the United States had unconstitutionally taken the mining company’s property, and required the government to compensate the company, the Federal Circuit ruled that the evidence did not support a finding that the permit denial prohibited *all* economically beneficial use of the land or destroyed its value. On remand, the Court of Federal Claims held that permit denial resulted in a compensable partial regulatory taking of property and that a “partial taking” occurs when a regulation singles out a few property owners to bear burdens, while benefits are spread widely across the community. **Florida Rock Industries, Inc. v. United States**, 45 Fed.Cl. 21, 49 ERC 1292 (1999).

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**N. Idaho Bldg. Contractors Assoc. v. City of Hayden**, 164 Idaho 530, 432 P. 3d 976 (2018).

Plaintiff brought a claim alleging that a city's sewer connection/capitalization fee was an unlawful regulatory taking. The Idaho Supreme Court held that the plaintiffs were not required to file a notice of claim under Idaho Code §§ 50-219 and 6-906 to maintain a claim against a city based upon the Takings Clause in the United States Constitution. The Court also concluded that the plaintiff's federal taking claim was not barred by failing to file a written request for a regulatory takings analysis under Idaho Code § 67-8003. The Court concluded that when the plaintiff filed the complaint the Regulatory Takings Act only applied to owners of real property.

The Court's reasoning that Idaho Code § 67-8003 only applies to real property is likely no longer applicable since the Idaho Legislature passed Senate Bill No. 1325, amending Idaho Code § 67-8003 to change the term “real property” to “private property.” 2016 Idaho Sess. Laws ch. 225, sec. 1, p. 620.

**Hehr v. City of McCall**, 155 Idaho 92, 305 P.3d 536 (2013).

The Idaho Supreme Court held that the developer's claims for inverse condemnation under state law were barred under Idaho Code §§ 50-219 and 6-906 because the developer failed to file a notice of claim with the city within the required 180 day period. The Court also held that the developer's federal takings claims were not ripe because the contribution was made by voluntarily agreement, not as a final decision of the city regarding the application of the ordinances to the property at issue. Additionally the Court found that the developer failed to exhaust its remedies because it did not request a regulatory takings analysis under Idaho Code § 67-8003.

The Court's reasoning that the federal takings claim was not ripe is likely no longer applicable after the United States Supreme Court's decision in *Knick v. Twp. of Scott, Penn.*, \_\_\_\_ U.S. \_\_\_, 139 S. Ct. 2162 (2019). Additionally, in 2016, the Idaho Legislature passed Senate Bill No. 1325, amending Idaho Code § 67-8003 to specifically provide that a private property owner is not required to submit a written request for a regulatory takings analysis as a prerequisite to seeking other legal and

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*Appendix A: Significant Federal and State Cases*

equitable remedies including payment of just compensation. 2016 Idaho Sess. Laws ch. 225, sec. 1, p. 620.

**Alpine Vill. Co. v. City of McCall**, 154 Idaho 930, 303 P.3d 617 (2013).

The Idaho Supreme Court held that the developers claims for inverse condemnation under state law were barred under Idaho Code §§ 50-219 and 6-906 because the developer failed to file a notice of claim with the city within the required 180 day period. The Idaho Supreme Court also upheld the dismissal of the developer's federal claims for unlawful taking concluding that the claims were not ripe because the city had made no final decision as to the application of the ordinance to the development and because the developer had not requested a regulatory takings analysis under Idaho Code § 67-8003.

The Court's reasoning that the federal takings claim was not ripe is likely no longer applicable after the United States Supreme Court's decision in *Knick v. Twp. Of Scott, Penn.*, \_\_\_\_ U.S. \_\_\_, 139 S. Ct. 2162 (2019). Additionally, in 2016, the Idaho Legislature passed Senate Bill No. 1325, amending Idaho Code § 67-8003 to specifically provide that a private property owner is not required to submit a written request for a regulatory takings analysis as a prerequisite to seeking other legal and equitable remedies including payment of just compensation. 2016 Idaho Sess. Laws ch. 225, sec. 1, p. 620.

**Buckskin Props., Inc v. Valley Cty.**, 154 Idaho 486, 300 P.3d 18 (2013).

The Idaho Supreme Court considered a regulatory takings challenge brought by a developer challenging conditions contained in an agreement between the county and the developer that the developer would contribute capital to road impact mitigation for its proposed development. The Idaho Supreme Court ruled that a governmental entity had authority to enter into a voluntary agreement with a developer for the developer to fund and construct capital improvements that will facilitate the developer's development plans.

The Court also concluded that there was no taking because the capital contribution condition had been initially proposed by the developer in its application and the developer did not object to the inclusion of the condition by seeking judicial review of the county's permitting decision under the Local Land Use Planning Act or by requesting a regulatory takings analysis.

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The Court's reasoning that there was no takings claim because the developer did not timely request a regulatory takings analysis is no longer applicable. In 2016, the Idaho Legislature passed Senate Bill No. 1325, amending Idaho Code § 67-8003 to specifically provide that a private property owner is not required to submit a written request for a regulatory takings analysis as a prerequisite to seeking other legal and equitable remedies including payment of just compensation. 2016 Idaho Sess. Laws ch. 225, sec. 1, p. 620.

**City of Coeur d'Alene v. Simpson**, 142 Idaho 839, 136 P.3d 310 (2006).

The Idaho Supreme Court ruled that regulatory taking claims were ripe, even though the landowners had not sought a variance under the ordinance. A regulatory takings claim accrues when the burden of the ordinance on the landowners' property is known, not upon the enactment of an ordinance.

Generally, if an ordinance provides a procedure for a variance, the landowner must seek the variance before filing a regulatory takings claim. The Court explained that landowners' failure to seek a variance was not fatal here because the city did not have discretion under the ordinances to grant a variance. The requirement for a variance was not fatal because a variance in this situation could not have provided the property owners with relief under the stated purposes of the city's ordinances.

The Court also considered the valuation of property when the basis for regulatory takings claims is that an ordinance deprives the property of all economically productive or beneficial uses, or alternatively, that the value of the property is diminished by city ordinances. The Court explained that the task is to compare the value of the property taken with the value that remains in the property. This process requires identifying the property to be valued as realistically and fairly as possible in light of the regulatory scheme and factual circumstances. In this case, the property in question was divided during the course of the litigation, and the parcels owned by separate entities. The lower court concluded that the transfer of the property had no effect on valuation and dismissed the regulatory takings claims. The Idaho Supreme Court reversed and remanded, concluding that, based on the current record, it was improper for the district court to disregard the separate ownership of the parcels for the purpose of determining the property taken and the value of the property.

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**Inama v. Boise County**, 138 Idaho 324, 63 P.3d 450 (2003).

Boise County was not obligated to compensate the plaintiff for the loss of his front end loader because the Idaho Disaster Preparedness Act of 1975 created immunity for a subdivision of the state engaged in disaster relief activities following a declaration of disaster emergency. First, the Idaho Supreme Court rejects the plaintiff's argument that the scope of immunity granted by Idaho Code § 46-1017 is narrowed by Idaho Code § 46-1012(3), which provides for compensation for property "only if the property was commandeered or otherwise used in coping with a disaster emergency and its use or destruction was ordered by the governor or his representative." The Court held that the statute was "clear and unambiguous," and since Idaho Code § 46-1017 does not specifically limit the scope of immunity to damages compensable under Idaho Code § 46-1012, Idaho Code § 46-1017 grants Boise County immunity from damages. Second, the Court held that compensation is not allowed for inverse condemnation under art. I, sec. 14 of the Idaho Constitution because of the immunity granted under Idaho Code § 46-1017.

**McCuskey v. Canyon County Comm'rs**, 128 Idaho 213, 912 P.2d 100 (1996).

The Idaho Supreme Court held that when a regulation of private property that amounts to a taking is later invalidated, the subsequent invalidation converts the taking to a "temporary" taking. In such cases, the government must pay the landowner for the value of the use of the land during the period that the invalid regulation was in effect.

The Idaho Supreme Court also discussed the application of the statute of limitations to takings and inverse condemnation actions. The Court ruled that a taking occurs as of the time that the full extent of the plaintiff's loss of use and enjoyment of the property becomes apparent. As a result, the Court ruled that the statute of limitations begins to run when the plaintiff's loss of use and enjoyment of the property first becomes apparent, **even if** the full extent of damages cannot be assessed until a later date.

**Sprenger Grubb & Assoc. v. Hailey**, 127 Idaho 576, 903 P.2d 741 (1995).

The Idaho Supreme Court held that the City of Hailey's decision to rezone a parcel of land from "Business" to "Limited Business" was not a taking because some "residual value" remained in the property. The rezone reduced the value of the plaintiff's property from \$3.3 million to

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\$2.5 million. In addition, the Idaho Supreme Court held that the rezone did not violate the “proportionality” standard set out in Dolan v. City of Tigard, 512 U.S. 374, 114 S. Ct. 2309 (1994), because none of the plaintiff’s property was dedicated to a public use.

**Brown v. City of Twin Falls**, 124 Idaho 39, 855 P.2d 876 (1993).

The Idaho Supreme Court held that the placement of road median barriers by city and state, which restrained business traffic flow to a shopping center, was exercise of police power and did not amount to compensable taking, since landowners had no property right in the way traffic flowed on streets abutting their property.

**Hayden Pines Water Co. v. Idaho Public Utilities Commission**, 122 Idaho 356, 834 P.2d 873 (1992).

Without extensive discussion, the Idaho Supreme Court held that an Idaho Public Utilities Commission order requiring a water company to perform certain accounting functions (at an estimated cost of \$15,000 per year), without considering those costs in the rate proceeding, was an unconstitutional “taking.”

**Coeur d’Alene Garbage Service v. Coeur d’Alene**, 114 Idaho 588, 759 P.2d 879 (1988).

The just compensation clause of the Idaho State Constitution art. I, sec. 14, requires compensation be paid by a city, where that city either by annexation or by contract prevents a company from continuing service to its customers. The Idaho Supreme Court held that a company has a property interest protected by the Idaho Constitution in continuing to conduct business. In this case, a garbage company already operating in the city and providing garbage service to customers lost the right to continue its business when the city entered into an exclusive garbage collection contract with another company, permitting only that company to operate within the annexed areas.

**Ada County v. Henry**, 105 Idaho 263, 668 P.2d 994 (1983).

The Idaho Supreme Court held that property owners had no “takings” claim where the owners were aware of zoning restrictions before they purchased the property, even though the zoning ordinance reduced their property’s value.

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**Nettleton v. Higginson**, 98 Idaho 87, 558 P.2d 1048 (1977).

In times of shortage, a call on water that allows water right holders with junior priority dates to use water while senior holders of beneficial use water rights are not allowed to use water, is not a taking protected by the just compensation clause of the Idaho Constitution.

**Dawson Enterprises, Inc. v. Blaine County**, 98 Idaho 506, 567 P.2d 1257 (1977).

A zoning ordinance that deprives an owner of the highest and best use of his land is *not*, absent more, a “taking.” There are two methods for finding a zoning ordinance unconstitutional. First, it may be shown that it is not “substantially related to the public health, safety, or welfare.” Second, it may be shown that the “zoning ordinance precludes the use of . . . property for *any* reasonable purpose.”

**State ex rel. Andrus v. Click**, 97 Idaho 791, 554 P.2d 969 (1976).

The Idaho Supreme Court held that where statutory or regulatory provisions are reasonably related to an enactment’s legitimate purpose, provisions regulating property uses are within the legitimate police powers of the state and are not a “taking” of private property without compensation. In this case, the Court upheld the permit, bonding, and restoration requirements of the Dredge and Placer Mining Protection Act. It found that they were reasonably related to the enactment’s purpose in protecting state lands and watercourses from pollution and destruction and in preserving these resources for the enjoyment and benefit of all people.

**Boise Redevelopment Agency v. Yick Kong Corporation**, 94 Idaho 876, 499 P.2d 575 (1972).

The Idaho Supreme Court held that the Idaho Constitution grants a power of eminent domain much broader than that granted in most other state constitutions. According to the Idaho Supreme Court, even completely private irrigation and mining businesses can use eminent domain. It held that the state, both through the power of eminent domain and the police powers, may protect the public from disease, crime, and “blight and ugliness.”

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*Appendix A: Significant Federal and State Cases*

**Unity Light & Power Co. v. City of Burley**, 92 Idaho 499, 445 P.2d 720 (1968).

Once a supplier of a service lawfully enters into an area to provide that service, annexation by a city does not authorize an ouster of that supplier from that area without condemnation.

**Johnston v. Boise City**, 87 Idaho 44, 390 P.2d 291 (1964).

Where government exercises its authority under its police powers and the exercise is reasonable and not arbitrary, a harmful effect to private property resulting from that exercise alone is insufficient to justify an action for damages. The court must weigh the relative interests of the public and that of the individual to arrive at a just balance in order that government will not be unduly restricted in the proper exercise of its functions for the public good, while at the same time giving due effect to the policy of the eminent domain clause of ensuring the individual against an unreasonable loss occasioned by the exercise of governmental power.

**Roark v. City of Caldwell**, 87 Idaho 557, 394 P.2d 641 (1964).

The Idaho Supreme Court held that certain height restrictions, which limited use of private land adjacent to an airport to agricultural uses or to single family dwelling units, was an unconstitutional “taking” if no compensation was provided. The Court held that a landowner’s property right in the reasonable airspace above his land cannot be taken for public use without reasonable compensation.

**Mabe v. State**, 83 Idaho 222, 360 P.2d 799 (1961).

The Idaho Supreme Court held that destroying or impairing a property owner’s right to business access to his or her property constitutes a “taking” of property whether accompanied by actual occupation of or confiscation of the property.

**Anderson v. Cummings**, 81 Idaho 327, 340 P.2d 1111 (1959).

The Idaho Supreme Court recognized individual water rights are real property rights protected from “taking” without compensation.

**Hughes v. State**, 80 Idaho 286, 328 P.2d 397 (1958).

The Idaho Supreme Court held that private property of all classifications is protected under the Idaho Constitution just compensation clause.

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**Robison v. Hotel & Restaurant Employees Local #782**, 35 Idaho 418, 207 P. 132 (1922).

The Idaho Supreme Court held that the right to conduct a business is a property interest protected under the Idaho Constitution just compensation clause.

**Idaho Regulatory Takings Act Guidelines**  
**APPENDIX B: REQUEST FOR REGULATORY TAKING  
ANALYSIS**

**Recommended Form for:  
REQUEST FOR TAKING ANALYSIS**

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
County: \_\_\_\_\_

## 1. Background Information

This form satisfies the written request requirement for a regulatory taking analysis from a state agency or local governmental entity pursuant to Idaho Code § 67-8003(2). The owner of the property subject to the government action must file this with the clerk or secretary of the agency whose act is questioned within twenty-eight (28) days of the final decision concerning the matter at issue. A regulatory taking analysis is considered public information. Such an analysis is to be performed in accordance with the checklist established by the Attorney General of the State of Idaho pursuant to Idaho Code § 67-8003(1). See page 8 of the *Idaho Regulatory Takings Act Guidelines* for a description of the checklist.

## 2. Description of Property

a. Location of Property:

b. Legal Description of Property:

#### Description of Act in Question

a. Date Property was Affected:

b. Description of How Property was Affected:

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c. Regulation or Act in Question:

d. Are You the Only Affected Property Owner?  Yes  No

e. State Agency or Local Governmental Entity Affecting Property:

f. Address of Agency or Local Governmental Entity:

**Idaho Regulatory Takings Act Guidelines**  
**APPENDIX C: REGULATORY TAKINGS CHECKLIST**

State of Idaho  
Office of the Attorney General  
Regulatory Takings Checklist

**Yes**      **No**

**1** Does the Regulation or Action Result in Either a Permanent or Temporary Physical Occupation of Private Property?           

**2 (a)** Does the Regulation or Action Require a Property Owner to Either Dedicate a Portion of Property or to Grant an Easement?           

**(b)** If Yes, is There a “Nexus and Rough Proportionality” Between the Property that the Government Demands and the Impacts of the Property Use Being Regulated?           

**3** Does the Regulation or Action Require the Owner to Expend Funds to Address Items That Lack a “Rough Proportionality” to the Social Costs of the Proposed Use of Property?           

**4** Does the Regulation Deprive the Owner of All Economically Viable Uses of the Property?           

**5** Does the Regulation Have a Significant Impact on the Landowner’s Economic Interest?           

**6** Does the Regulation Deny a Fundamental Attribute of Ownership?           

**Remember:** Although a question may be answered affirmatively, it does not mean that there has been a “taking.” Rather, it means there could be a constitutional issue and that proposed action should be carefully reviewed with legal counsel.

This checklist should be included with a requested analysis pursuant to Idaho Code § 67-8003(2).