

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 631

BY REVENUE AND TAXATION COMMITTEE

AN ACT

1 RELATING TO MUNICIPAL DETACHMENT; AMENDING SECTION 50-226, IDAHO CODE, TO
2 PROVIDE THAT A PROPERTY OWNER MAY PETITION THE CITY COUNCIL FOR DETACH-
3 MENT OF AGRICULTURAL LANDS FROM THE CITY AND TO PROVIDE PROCEDURES AND
4 TO MAKE TECHNICAL CORRECTIONS.
5

6 Be It Enacted by the Legislature of the State of Idaho:

7 SECTION 1. That Section 50-226, Idaho Code, be, and the same is hereby
8 amended to read as follows:

9 50-226. SEPARATION OF AGRICULTURAL LANDS -- PETITION. The owner or ad-
10 joining owners of any platted or unplatted ~~tract or tracts~~ of land contain-
11 ing not less than five (5) acres, included within the corporate limits of any
12 city in this state and used exclusively for agricultural purposes, is enti-
13 tled to have such land detached from the city after compliance with the pro-
14 visions of this section.

15 pProvided, however, if there is upon or over such ~~tract or tracts~~ of
16 land a railroad or canal right-of-way, such ~~tract or tracts~~ land shall, if
17 no other reason exists, be deemed to be used exclusively for agricultural
18 purposes, within the meaning of this section.

19 The owner may petition the district court of the county in which such
20 tract or tracts of land are situated for a judgment and decree of the court
21 detaching such tract or tracts of land from such city council without charge,
22 outlining the facts pertaining to the particular property and demonstrat-
23 ing that the land is not less than five (5) acres and is used exclusively for
24 agricultural purposes as required by this section.

25 The city council shall, within no longer than twenty-eight (28) days af-
26 ter receipt of the petition, issue a reasoned decision outlining why the land
27 in question does, or does not, meet the standards required by this section.
28 In the event that the land is detached from the city, the city council shall
29 adopt an ordinance as required by section 50-225, Idaho Code.

30 In the event that the city council refuses to detach such land from the
31 city, the owner or adjoining owners may appeal to the district court of the
32 county in which the property is located for a judgment and decree of the
33 court.