

VOLUME V: APPENDICES
Draft Plan



COMPREHENSIVE PLAN

Minidoka County – Rupert – Paul

COMPREHENSIVE PLAN



Paul – Minidoka County – Rupert

The Board of Minidoka County Commissioners and the Mayor and City Councils of the Cities of Rupert and Paul have agreed to join forces to support one comprehensive planning process to ensure maximum participation from all citizens. This will result in 3 unique plans for each community under one umbrella document.

What is a Comprehensive Plan?

A comprehensive plan is a guide to a community's future, including desirable future growth patterns, that is prepared with the involvement of residents, businesses, non-profits, and public agencies, and reflects their issues and concerns.

Idaho Cities and Counties must prepare and maintain a current comprehensive plan, including a Future Land Use Map, in accordance with Idaho Code Section 67-6508. The plan must consider "previous and existing conditions, trends, desirable goals and objectives, or desirable future situations."

This plan will include properties throughout Minidoka County, Rupert and Paul. ~~with the exception of The Cities of Burley and Heyburn, not initiated in this document, and their Impact Areas have complete Plans as of 2013 and 2022 respectively.~~

Will this affect how your property is zoned?

Idaho Code requires that zoning districts, as well as zone changes, special permits, and zoning ordinances, are in accordance with the adopted comprehensive plan. So, while changes to the zoning map and ordinances will not occur during the comprehensive planning process, they might occur after the new plan is adopted to ensure that the plan is properly implemented.

How can you get involved?

To join the interested parties list, ask questions or provide comments, contact Brett Stephens, at bstephens@minidokacounty.id.gov or call 208-436-7183.

Visit Minidoka County Website at www.minidoka.id.us

Follow Minidoka County on Facebook at www.facebook.com/MinidokaCounty

What are cities and counties responsible for?

Minidoka County, Rupert and Paul ensure the public health, safety, and welfare of their citizens. They are granted governmental powers and authority through the State of Idaho. They provide a variety of local services, some of which include:

- Administrative, Finance, and Information Services
- Animal Shelter
- Building Safety and Code Enforcement
- Economic Development
- Engineering, Public Works and Wastewater Departments
- Planning and Zoning
- Public Safety Services

PROJECT TIMELINE



COMPREHENSIVE PLAN



Paul – Minidoka County – Rupert

La Junta de Comisionados del Condado de Minidoka y el Alcalde y los Concejos Municipales de las Ciudades de Rupert y Paul acordaron unir fuerzas para apoyar un proceso de planificación integral para garantizar la máxima participación de todos los ciudadanos. Esto dará como resultado 3 planes únicos para cada comunidad bajo un documento general.

¿Qué es un Plan Integral?

Un plan integral es una guía para el futuro de una comunidad, incluidos los patrones de crecimiento futuros deseables, que se prepara con la participación de residentes, empresas, organizaciones sin fines de lucro y agencias públicas, y refleja sus problemas e preocupaciones.

Las ciudades y condados de Idaho deben elaborar y mantener un plan integral actualizado, que incluya un mapa de uso futuro del suelo, de acuerdo con el artículo 67-6508 del Código de Idaho. El plan debe considerar " condiciones anteriores y existentes, tendencias, metas y objetivos deseables, o situaciones futuras deseables."

Este plan incluirá propiedades en todo el condado de Minidoka, con excepción de las ciudades de Burley y Heyburn y sus áreas de impacto.

¿Afectará esto a la zonificación de su propiedad?

El Código de Idaho requiere que los distritos de zonificación, así como los cambios de zona, los permisos especiales y las ordenanzas de zonificación, sean conformes con el plan integral adoptado. Por lo tanto, si bien los cambios en el mapa de zonificación y las ordenanzas no ocurrirán durante el proceso de planificación integral, pueden ocurrir después de que se adopte el nuevo plan para garantizar que el plan se implemente correctamente.

¿Cómo puede participar?

Para inscribirse en la lista de interesados, formular preguntas o hacer comentarios, póngase en contacto con Brett Stephens, en bstephens@minidokacounty.id.gov o llame al 208-436-7183.

Visite el sitio web del condado de Minidoka en www.minidoka.id.us

Siga al Condado de Minidoka en Facebook en www.facebook.com/MinidokaCounty

¿De qué son responsables las ciudades y los condados?

El condado de Minidoka, Rupert y Paul garantizan la salud pública, la seguridad y el bienestar de sus ciudadanos. Se les otorgan poderes y autoridad gubernamentales a través del Estado de Idaho. Proporcionan una variedad de servicios locales, algunos de los cuales incluyen:

-  Servicios Administrativos, Financieros y de Información
-  Refugio de Animales
-  Seguridad en la Construcción y Cumplimiento de Códigos
-  Desarrollo Economico
-  Departamentos de Ingeniería, Obras Públicas y Aguas Residuales
-  Planificación y Zonificación
-  Servicios de Seguridad Pública

CRONOGRAMA DEL PROYECTO



COMPREHENSIVE PLAN



Paul – Minidoka County – Rupert

Minidoka County, Rupert, Paul:

Key Community Representatives Assessment

March 2023

Minidoka County and the City of Rupert last adopted a joint Comprehensive Plan in 2017, while the city of Paul last adopted a Comprehensive Plan in 2007. The County and Cities are working with J-U-B Engineers to update their comprehensive plans to reflect the current needs of the County and Cities and set a vision for the next 10-20 years.

To inform the comprehensive plan update, J-U-B conducted a key community member assessment in January/February 2023. The goal of the assessment was to better understand the issues, opportunities, and interests of a variety of key community members as identified by City and County personnel and decision makers. The Key Community Member interviews also supported the identification of individuals, interests, and organizations to be represented on the Comprehensive Plan's Community Advisory Committee (CAC). However, the primary purpose of the interviews is to identify relevant issues and themes to explore at the outset of the comprehensive plan update.

The following summary includes information and perspectives gathered from interviews conducted with 17 individuals representing different interest groups. Participants included local leaders, community health partners, service providers, residents, business owners, and local government leaders. Assessment participants were identified, along with the appropriate contact information, by County and City officials.

Common ideas and issues were identified among the different participants. Many of the themes provide opportunities for collaboration, and all participants have a positive outlook on the future of the County and Cities. Emerging themes included the challenges and opportunities that come with growth and development, downtown businesses, farming and agricultural land uses, and services/infrastructure.

Methodology

Minidoka County and the Cities of Rupert and Paul identified assessment groups and participants. While assessment participants were not exhaustive of every group or person who uses public resources, the goal was to identify a relevant cross-section of interests, perspectives, and experiences. The participants represented different interests, including:

- City and County Services
- Housing
- Local Business/Economic Development
- Agriculture
- Airport
- Schools
- Access and Transportation

A complete list of participants is provided on page 7 of this document. J-U-B conducted in-person and virtual interviews. Each interview included between 1-3 participants and lasted between 30 minutes to 1 hour. Interviews were conducted

between January and March 2023. Conversations were conducted informally, allowing participants to drive the direction of the interview and discuss the issues that were most important to them. Interviews were conducted using a discussion guide which allowed participants flexibility to elaborate on issues and topics that were of interest to them. The discussion guide can be found on page 6 of this document. The following summary relays common opinions, issues, and concerns that exist among the interviewees. Comments are not attributed to specific individuals, interests, or organizations.

Summary of Themes & Issues

Growth & Development

Minidoka County, Rupert, and Paul are no exceptions to the growth that the greater Magic Valley has been experiencing. Interviewees were optimistic about growth and development but acknowledged that growth should not interfere with the productivity of agricultural land. Agriculture is a large part of the local economy, and it must be preserved as each community's footprint expands. There was consensus that growth should continue south towards Interstate 93.

There was disagreement about where residential growth should take place. While many interviewees believed residential development should continue in the north, and commercial development to the south, others feared growth to the north would encroach unnecessarily on good farmland. Instead, these interviewees believed that south and east would be best suited for residential development.

Interviewees expressed their support of local government regarding economic growth. County and City governments support new businesses and make it easy to navigate building and business permits. Yet, across the board interviewees felt that more opportunities are needed for economic growth. There are more residents than jobs available to them. More businesses downtown would draw shoppers and more office space would keep young professionals from moving to nearby cities to start their businesses.

Growth triggers other concerns such as public services. Adequate sewer, wastewater, and wells were important topics for interviewees. Public services must keep up with the increase of population and development.

Other ideas, needs, and issues identified in interviews include:

- A Community Center and year-round recreational opportunities such as an indoor pool.
- Creating zoning for Heavy Industrial and Commercial Industrial uses.
- Determining locations for new grade schools.

Connectivity

Interviewees agreed that there is not easy enough access to Minidoka County and its cities. Particularly insufficient access to and from Rupert and I-84. Because of the ease of access to Burley and Heyburn, their commercial areas are growing. Several interviewees expressed a need for more roads within Rupert. Directing development south towards the Interstate, would promote business and facilitate commuting.

Sidewalks and pathways were a common theme throughout interviews. Sidewalks are sparse, particularly in Paul. Walkability enhances community health, pedestrian safety, and can encourage local economy with foot traffic. Some interviewees suggested that code should require businesses to pave sidewalks and provide curb and gutter.

Rupert has invested in parks that have served the community well. The splash pad has been popular and well loved among residents. Interviewees would like to see the cities and county expand on these recreational amenities. Concern among interviewees arose that there are lack of trails and sidewalks connecting parks, including a greenbelt. An extension of the Heyburn Snake River greenbelt would be a welcome addition to the rest of the county. Other connections to popular recreational areas from Paul and Rupert would be desirable, providing residents and visitors with opportunities to access the river by bike and foot.

Other ideas, needs, and issues identified in interviews include:

- More roadways to wastewater treatment plant.
- Better connections to and from the Rupert Square
- Addressing the needs of seniors and the underserved

Economic Development

Interviewees unanimously agreed that there are staffing shortages and inadequate amenities for residents. Many residents commute to Burley and Twin Falls for shopping and dining. Beyond a Ridley's in Rupert, there are not many options for groceries and other retail. Historic Rupert Square has been well preserved and could continue to be enhanced as a visitor amenity. A diversity of business and added support from local governments to support business retention and attraction would benefit the Square and neighboring businesses. More small local business to keep Paul shoppers in town was also discussed.

Lack of available and affordable housing was a concern. The communities are suffering from a dwindling work force, part of which is due to lack of housing. Wages in the area are low and not keeping up with the rising price of housing. At the same time, the communities are unable to attract many professionals due to a lack of suitable large, single-family homes. A variety of housing types is necessary to accommodate a diverse population. To retain the young population, there must be opportunity for them to grow in their career locally.

Interviewees agreed that Minidoka County is very supportive of new businesses. Building permits are not difficult to attain. In fact, a common sentiment was that Minidoka

County was the easiest county in the Magic Valley in which to operate a business. Lack of 'red tape', and helpful staff, creates a good atmosphere for business. The groundwork is set for a flourishing economy.

Another concern among interviewees was the future of an airport in Minidoka County. There has been talk of the relocation of the current airport site in Burley, but as of yet no decisions have been made. A lack of adequate funding also hinders the move. Cassia and Minidoka Counties must work together to determine a site and address the potential for aviation services such as Life Flight and overnight shipping.

Other ideas, needs, and issues identified in interviews include:

- Weed control in downtown green space.
- Lack of office space.
- Less regulation on farms/farmers.

Conclusion

Interviewees are happy with their communities but acknowledge that planning is needed to keep up with growth. Strategic and intentional planning collaboration with area partners, organizations, residents, and agencies will be key to ensuring the success and well-being of the community. Focus should be placed on ensuring public services can keep up with growing populations. Concerns of long-time residents who are cautious of growth, should be addressed.

Interviewees look forward to the future and believe the County and Cities can take proactive steps to grow in a way that attracts new business, while preserving the rural identity and close-knit feeling of Minidoka County.

Discussion Guide

Understanding the interviewee

1. What is your role with your (city, district, board, legislature, community, organization, etc.)?
2. Explain the experiences (positive and negative) you've had with the **County or City of <_____>** (give examples to generate discussion: zoning, services, code enforcement, etc.)

Understanding Past and Current Situation

3. What are the biggest challenges **for your organization/department** over the next:
 - o 1-3 years
 - o 3-5 years
 - o 5-10 years
4. How can the **County or City of <_____>** help you address and tackle these challenges?
5. What issues are the most important for this comprehensive plan to address?

Future Needs and Strategies

1. What are the biggest challenges for **the County or City of <_____>** over the next:
 - o 1-3 years
 - o 3-5 years
 - o 5-10 years
2. What issues facing the **County or City of <_____>** are important to you?
3. What changes do you think will be necessary in the future (5, 10, 20 years) to meet increasing needs and demands?
4. What opportunities might be available to address community issues or improve quality of **life?**

Services / Growth

1. What experiences or issues have you faced regarding economic development? How might that be addressed in this comprehensive plan effort?
2. What experiences or issues have you faced regarding public services? How might that be addressed in this comprehensive plan effort?
3. Where do you believe are the most realistic, future areas to annex, develop or grow?
4. How can we maintain and/or grow desired neighborhood character and quality of life? Are there existing neighborhoods that need improvement and/or new residential areas that need to be developed?
5. What do you believe is needed to revitalize the downtown area?

Wrap Up

1. What else should we be thinking about?
2. Who else do we need to talk to in order to gather the information necessary to understand and create an informed vision and strategies?
3. Would you be willing to meet with our team at different progress points to evaluate and give feedback on the progress?

Interview List

Kelly Anthon – January 23, 2023
Brent Browning – January 10, 2023
Roger Davis – January 10, 2023
Bob Dempsey – January 10, 2023
Dan Duffin – February 2, 2023
Amy Durfee – January 20, 2023
Clay Handy – January 20, 2023
Joyce Jensen – January 10, 2023
Dan Lloyd – January 10, 2023
Tracy Morey – January 10, 2023
Tom Murphy January 10, 2023
Brett Stephens – January 25, 2023
Gary Schorzman – January 10, 2023
Becky Schow – January 10, 2023
Justin Warr – February 16, 2023
Joe Kearls – March 2, 2023
Penny Main – January 10, 2023

Community Advisory Committee (CAC) Meeting 1

DATE: **March 29, 2023**

TIME: 4:30 – 6:00 PM

LOCATION: **Wilson Theater, 610 Fremont Ave. Rupert**

PURPOSE: **Introduce planning process, work through issue identification and next steps**

I. Introductions

Community Advisory Committee (CAC) members were welcomed by Sheri Freemuth, J-U-B Planner and Project Manager, followed by introductions from J-U-B Engineers and CAC members. See attached document “CAC Sign In Sheet” for attendance list.

II. Planning Process

What is a Comprehensive Plan – Sheri Freemuth provided an overview of the comprehensive planning process. All Idaho Cities must prepare and maintain a current Comprehensive Plan (Idaho Code Section 67-6508). A Comprehensive Plan is a document which guides the growth of a city or county for the next 10-20 years. It is a long-range vision of the development of a city that includes desirable future growth patterns, that is prepared with the involvement of residents, businesses, and public agencies, and reflects the community's issues and concerns. Sheri referred to a bilingual handout that summarized the purpose of this planning effort and depicts the process.

The planning process is broken up into 5 phases as follows:

- ✓ **Phase 1: Plan Initiation.** Begin the Comprehensive Plan process with a project management/ public involvement plan and other preliminary data collection.
- ✓ **Phase 2: Plan Evaluation.** Evaluate current working policies and plans for the 3 jurisdictions.
- ✓ **Phase 3: Plan Analysis.** Apply updated demographic forecasts and community concerns to prepare a description of future trends for each of the plan components, along with the Future Land Use Map (FLUM).
- ✓ **Phase 4: Plan Development.** Develop and refine the draft plan
- ✓ **Phase 5: Plan Adoption.** Finalize the plan and conclude the public planning process.

III. Public Involvement

Role of the CAC – Marika Panagiotou provided an overview of the CAC member's roles and the public involvement process. Minidoka County and the Cities of Rupert and Paul have invited you to participate as a member of the CAC because of your knowledge and affiliation within your community.

As a committee member, you are the eyes and ears of your community. You will act in an advisory role to the project team during the planning process to provide input on project objectives, expectations, public outreach, and data collection. Additionally, you will be asked to provide input on existing conditions, and to assist in the assessment of conditions that will be adapted to the various plan elements.

Three meetings are planned throughout the project. The input you provide to the project during these meetings will better equip the County and Cities to make informed planning choices that meet the needs of the community.

So far, a Public Involvement Plan has been prepared, a bilingual informational handout has been created and sent out with CAC members to distribute to the community, Key Community Member Interviews have been conducted, and the CAC has been formed. Future public involvement includes a bilingual survey, a public outreach event over the summer.

IV. Work Session

CAC members were seated in separate three groups based on their jurisdiction: Minidoka County, Rupert, and Paul. Alison Tompkins facilitated the Minidoka County group, Sheri Freemuth facilitated Rupert, and Addie Coffelt facilitated Paul. The following two activities comprised the remainder of the whole session.

Review and Expand Issues and Concerns – Reviewed issues derived from Key Community Member Interviews and provided feedback on each statement. See “CAC Activity 1” for documented feedback.

Review and Discuss Maps – Reviewed maps of their jurisdictions to identify concerns and needs within the planning area. See “CAC Activity 2” for documented feedback.

The full group reconvened and agreed to the following list of issues that pertain to all three Jurisdictions included:

- ✓ Preserving agricultural land and agriculture industry (our heritage).
- ✓ Provide better connections from I-84 to uses in each community.
- ✓ Consider road widening to accommodate increased traffic.

Meeting Notes

- ✓ Connect parks and open space.
- ✓ Ensure sewer and water can support future growth.
- ✓ Improve economic development efforts.

V. Next Steps

CAC members agreed that the 4:30-6:00 time slot is preferred. The next meeting will be held on Wednesday June 21st at the same time, location to be determined.

All CAC members were asked to take several bilingual informational handouts to share with their friends and family. A community survey is being drafted and will reflect the work you did this evening. The draft survey will be shared with the CAC for your comments before it is published to gather public feedback.

Community Advisory Committee (CAC) Meeting 2

DATE: **June 21, 2023**

TIME: **4:30 – 6:00 PM**

LOCATION: **West End Fire District Meeting Hall, Paul**

PURPOSE: Continue planning process, discuss Goals, Objectives & Strategies, based on issue identification and public survey.

I. Introductions

Community Advisory Committee (CAC) members were welcomed by Sheri Freemuth, J-U-B Planner and Project Manager, followed by introductions from J-U-B Engineers and CAC members. See attached document “CAC Sign In Sheet” for attendance list.

II. Existing Conditions

Sheri Freemuth shared the socioeconomic reports with the group. Everyone was given a packet which contained a quick fact sheet about their City/County. CAC Members were asked to verify that the information was correct.

III. Review Survey Results

Sheri Freemuth shared a presentation with the survey results. Each CAC member also had a packet which included the survey results broken down by jurisdiction to see what respondents from Minidoka County, Rupert, and Paul thought about their own area. The survey results will be shared with the public.

Sheri also shared the plan outline with the group.

IV. Work Session

CAC members were seated in three separate groups based on their jurisdiction: Minidoka County, Rupert, and Paul. Alison Tompkins facilitated the Minidoka County group, Sheri Freemuth facilitated Rupert, and Addie Coffelt facilitated Paul. The following two activities comprised the majority of the remaining meeting time.

Meeting Notes



Activity 1 CAC members reviewed a Future Land Map (FLUM) of their respective City/County. They had 20 minutes to make changes and discuss with their planner. Notes from this activity are as follows:

City of Paul:

Residential Medium west of Highway 27

City of Rupert

Residential Rural – ½ acre septic

Minidoka County

Public River Access

Co-op Local Governments – Rec. Use.

- Canal, taxing district, etc.

Public area along Snake River for river access

Protect agriculture between cities and snake river.

- Water Table

1 mile buffer between Snake River and Ag for residential

Describe/define intent for Ag low/med/high

Don't base agriculture on just soil type

Activity 2 Each person was handed a worksheet with Goals, Objectives, and Strategies by plan component. As a group they went through each plan element and discussed the proposed goals, and evaluated the issues listed from the public survey and outreach, to develop Objectives and Strategies for their plan. Notes from this activity are as follows:

City of Paul

Natural Resource/Special Sites

OBJECTIVE: Protect surface waters, facades, maintain special sites, improve natural resources (features)

STRATEGIES: Plant trees, community cleanups (group events).

Hazardous Areas

OBJECTIVE: Monitor hazardous impacts from industry – compliance measures. Regulate to chemical manufacturers (fertilizers).

STRATEGIES: Land use compliance/ zoning ordinance corrections.

Meeting Notes

Land Use/Housing/Community Design

OBJECTIVE: Facades, townhomes (higher preferred), single family dwellings, development agreements, HOA

STRATEGIES: implement development standards / road maintenance agreements.

Agriculture

OBJECTIVE: Preserve Agriculture

STRATEGIES: Provide educational opportunities.

Transportation/ Airports

STRATEGIES: Traffic evaluation along 27 (increase access to elementary school).

Encourage sidewalk connectivity to occur with new development/ redevelopment.

Economic Development

OBJECTIVE: Restaurants – increase business opportunities.

STRATEGIES: Provide incentives for infill

Schools/Transportation

OBJECTIVE: Prioritize community education (additional opportunities)

STRATEGIES: Bond information – packaged

Public Services, Facilities and Utilities (NETC)

OBJECTIVE: Continue to provide adequate public services

STRATEGIES: Increase sewer capacity.

Recreation

OBJECTIVE: Maintain existing facilities/ identify future opportunities for expansion/ park facilities.

STRATEGIES: Redevelop underutilized park areas. Trails/pathways

City of Rupert

Natural Resource/Agriculture

OBJECTIVE: Preserve and encourage agriculture related industries.

Take advantage of surrounding for natural resources.

Transportation

- Explore potential for additional trails and open space
- Sidewalks
- Planned H Street improvement (safe routes to school)
- H&8 St stops?
- Crossing trails

Meeting Notes

- Trains
- Fire

Economic Development:

- Hotel – Motel
- URD
- Farmers Market

OBJECTIVE: Continue to improve the Historic Rupert Square

Recreation

OBJECTIVE: Expand trails, pathways, and rec opportunities

STRATEGIES: Improve athletic fields, fishing pond, support rec district

- Library District

STRATEGIES: Create greenbelt and other bike/ped connectivity to Heyburn and regional recreational destinations

Minidoka County

Environment

GOAL: question of whether to use the word “scenic”

OBJECTIVE: Cooperate with cities and landowners, irrigation districts, taxing districts, and BLM for recreational use.

OBJECTIVE: Create County access to the river; create a county park by the river (2 potential locations noted on map)

Strategy: Minidoka Irrigation District (MID) recharge area... ?

Hazardous Areas

High water table vs. septic systems

Objective: Sheet flooding, floodplains, shallow water table... avoid development in floodplains

Agriculture

OBJECTIVE: Review zoning and zone descriptions for Ag – Commercial; Provide definitions for Ag-Low, Ag-Med, and Ag-High

V. Next Steps

The group discussed a location for the Public Outreach Event. Many CAC members expressed a concern that no one would come to an event in

Meeting Notes

September, as it will be harvest time. The group agreed that the only way to reach everyone would be to hold the event during a MiniCo High School football game. J-U-B will reach out to the High School to reserve a room to hold the event.

The group also discussed having a presence at the County fair which begins July 31st. The team at J-U-B will design flyers and displays for CAC members to distribute at the fair.

If possible, announcements will be available for the July 4 event on the Square and flyers should be posted at the Wilson Theatre and other locations to promote the Open House event.

Homework assignments will be sent to all CAC members for further input on the maps and GOS worksheets.



CAC Meeting 3 Notes

Attendees

Dusty Adams
Paul Aston
Jennie Bateman
Steve Bradshaw
Roger Davis
Kent Hansen
Sheryl Koyle
Jeff Miller
Justin Maughn
Rick Nay
Jared Orton
Gary Schorzman
Lloyd Smith





City of Paul

Goals = Broad aspirational statements for a 10 – 20-year future.

Objectives = Directed measurable and attainable statements to achieve Goals.

Strategies = Specific actions should establish what needs to be done to achieve each Objective.

Environment GOAL: CONSERVE OUR NATURAL RESOURCES SO THAT FUTURE GENERATIONS MAY CONTINUE TO ENJOY CLEAN AIR AND WATER, HEALTHY AND PRODUCTIVE SOILS, AS WELL AS SCENIC OPEN SPACES.

Natural Resource/Special Sites

OBJECTIVES:

1. Preserve and improve the City's natural resources and special sites.
2. Protect surface waters and irrigation facilities.

Strategies:

- Participate with the County and other organizations to ensure appropriate well monitoring and other water quality compliance.
- ~~Develop~~ **Consider the development of a** program to encourage tree planting.
- Coordinate community cleanups (and other related group events).
- Require Best Management Practices (BMP's) for stormwater in all development proposals.
- ~~Ensure~~ **Encourage** that irrigation canals are piped as development occurs.

Hazardous Areas

OBJECTIVES:

1. Protect the community from present and future hazards.
2. Ensure emergency response and disaster preparedness plans are in place.

Strategies:

- Collaborate with the County to update the Wildland-Urban Interface Wildfire Mitigation Plan and develop a county-wide All Hazards Mitigation Plan
- ~~Implement~~ **Continue to require** land use compliance measures to regulate chemical manufacturers (fertilizers).
- Update zoning ordinances to protect adjacent land uses from contamination.



ECONOMY GOAL: SUPPORT A BALANCED ECONOMY THAT IS DERIVED FROM THE TRADITION OF AGRICULTURE, AND INCLUDES ACCESS TO ENTERPRISES THAT OFFER EDUCATION, EMPLOYMENT, AND COMMERCE.

Land Use/Housing/Community Design

OBJECTIVES:

1. Promote land uses that enhance the City’s quality of life by encouraging compatible adjacent development.
2. Establish designated areas for infill development or revitalization projects.
3. Provide opportunities for a variety of housing types to meet current and future needs.

Strategies:

- Implement the Future Land Use Map through amendments to the zoning ordinance and development of specific standards, guidelines, or policies.
- Establish standards within zoning code for development agreements in new developments to provide amenities that contribute to the livability of neighborhoods (such as sidewalks and open spaces).
- Collaborate with Minidoka County to review the existing Area of City Impact boundary and agree on appropriate use of agricultural areas (discourage one-acre lot subdivisions on well and septic)
- Provide for a variety of housing types within the zoning code and map, to include accessory dwelling units, duplex, triplex, townhouses, and apartment buildings.
- Establish design and development standards as part of the zoning code to maintain and enhance the small town, rural community aesthetic.

Agriculture

OBJECTIVES:

1. Preserve agricultural operations and identify opportunities for expansion.
2. Ensure prime farmland areas are protected for agricultural purposes.

Strategies:

- Continue to coordinate with the County on Area of City Impact boundaries and appropriate land use processes to protect productive farmland.
- Work with the Natural Resources Conservation Service to identify prime farmland soils.
- Implement the Future Land Use Map to ensure that future residential development does not encroach on productive farmlands.
- Ensure recreational and open space areas are compatible with agricultural and natural resource areas.





- Explore potential for enhanced training opportunities for agricultural and related trades.
- Encourage design and site plans that minimize impact to canals, riparian habitats and stands of large trees.

Transportation/Airports

OBJECTIVES:

1. Prioritize the development of a city-wide transportation plan.
2. Participate in regional discussions regarding improved Municipal/County Airport

Strategies:

- Identify funding sources for a city transportation master plan. **Truck routes**
- **Traffic impact studies -development thresholds?**
- Encourage sidewalk connectivity by ensuring facilities are installed with new development/ redevelopment.
- Conduct traffic evaluation along State Highway 27 to identify and address areas of congestion, potential safety concerns for vehicles and pedestrians.
- Establish a partnership with other area governments to discuss feasibility of airport relocation to serve needs for freight.

Economic Development

OBJECTIVES:

1. Support local businesses and attract new business, while preserving the identity of Paul.
2. Prioritize areas for redevelopment or revitalization.

Strategies:

- Collaborate with Mini-Cassia Chamber of Commerce to improve community economic development connections.
- Identify potential incentives for infill development.
- Explore the viability of a Main Street program in cooperation with Department of Commerce.

Community GOAL: PROVIDE PUBLIC FACILITIES AND SERVICES THAT ENABLE RESIDENTS AND VISITORS TO THRIVE AND BENEFIT FROM THE HISTORIC SMALL-TOWN CHARACTER AND QUALITY OF LIFE, INCLUDING ACCESS TO RECREATION AND OTHER AMENITIES.

Schools/Transportation

OBJECTIVES:





1. Prioritize community educational opportunities.

Strategies:

- Meet with School District officials to ensure that safe access to public schools and other safety concerns are being addressed.
- Collaborate with School District identify opportunities to obtain funding (bond, grants, etc.) to increase school funding.
- Explore potential for enhanced training opportunities for agricultural and related trades

Public Services, Facilities and Utilities

OBJECTIVES:

1. Continue to provide adequate public services, and address need for increased wastewater treatment capacity.

Strategies:

- Implement recommendations provided in the Proposed Wastewater Facility Plan.
- Collaborate with County, special districts, and other municipal entities to ensure responsiveness to public needs.
- Address concerns for community safety related to pedestrian facilities.
- Consider adding options for childcare & senior care in cooperation with local schools and private enterprises.

Recreation

OBJECTIVES:

1. Maintain and enhance existing recreation facilities and identify future opportunities for expansion of parks, recreation, and open space.

Strategies:

- Evaluate existing parks and recreation areas and develop plan to reconsider underutilized park areas.
- Collaborate with Minidoka County and City of Rupert to develop plan for community trails and pathways to connect with neighboring communities, parks and other destinations.
- Collaborate with School District to expand options for youth sports and other activities.
- **Recreation District? Minidoka County-wide**





City of Rupert

REMEMBER:

Goals = Broad aspirational statements for a 10 – 20-year future.

Objectives = Directed measurable and attainable statements to achieve Goals.

Strategies = Specific actions should establish what needs to be done to achieve each Objective.

Environment GOAL: CONSERVE OUR NATURAL RESOURCES SO THAT FUTURE GENERATIONS MAY CONTINUE TO ENJOY CLEAN AIR AND WATER, HEALTHY AND PRODUCTIVE SOILS, AS WELL AS SCENIC OPEN SPACES.

Natural Resource/Agriculture

1. OBJECTIVE: Collaborate with regional entities on the preservation of natural resources that are essential to our community health.

Strategies:

- Participate with the County and other organizations to ensure appropriate well monitoring and other water quality compliance.
 - Collaborate with partner agencies and private entities to minimize conflict with agricultural pursuits and adjacent urban uses.
2. OBJECTIVE: Preserve and encourage agriculture-related industries to serve the agricultural community and surrounding farmlands

Strategies:

- ~~Implement the Future Land Use Map to ensure that future residential development does not encroach on productive farmlands.~~
- Continue to coordinate with the County on Area of City Impact boundaries and appropriate land use processes to protect productive farmland.
- Consider the impact to adjacent agricultural ~~businesses~~ **enterprises** when reviewing new annexations and development applications.
- Encourage design and site plans that minimize impact to canals, riparian habitats and stands of large trees.
- Ensure recreational and open space areas are compatible with agricultural and natural resource areas.
- Study potential for a trail system to connect **neighboring communities, and outdoor amenities such as** the Snake River and to Lake Walcott State Park.

Hazardous Areas

1. OBJECTIVE: Minimize potential natural hazards and ensure community preparedness.

Strategies:

- Ensure an All Hazards Mitigation plan is current and consistent with other plans and programs.





- **Continue to** Implement policies related to floodplain management and stormwater retention.
- Develop hazard scenarios for events such as fire, floods, and extreme weather events. (**Minidoka Emergency Operations Plan**)

Recreation

1. **OBJECTIVE:** Continue to improve the variety of recreational sites, facilities, and activities to meet the needs of a growing community

Strategies:

- Evaluate potential for a Recreation District to support Rupert and surrounding areas
- **Continue to** Collaborate with School District to expand options for youth sports and other activities
- Improve athletic fields and ensure adequate connections to other community amenities for large scale tournament events.
- Identify potential park space to offer community gardens, fishing ponds and other family activities.
- Collaborate with the Minidoka County Fairgrounds as a potential extension of recreational opportunities, and venue for community gatherings (concerts, outdoor events, etc.).
- Support the development of trails and pathways to connect recreational areas, open space, and other destinations.

Economy GOAL: SUPPORT A BALANCED ECONOMY THAT IS DERIVED FROM THE TRADITION OF AGRICULTURE, AND INCLUDES ACCESS TO ENTERPRISES THAT OFFER EDUCATION, EMPLOYMENT, AND COMMERCE.

Land Use

1. **OBJECTIVE:** Ensure a variety of land uses to support a healthy community and a diversity of interests.

Strategies:

- Implement the Future Land Use Map through amendments to the zoning ordinance and development of specific standards, guidelines, or policies.
- Establish standards within zoning code to ensure new developments provide amenities that contribute to the livability of neighborhoods (such as sidewalks and open spaces).
- Consider opportunities to enhance industrial areas (landscaping, screening, buffers etc.)
- As the City grows ensure that neighborhood commercial areas or mixed-use developments are included to ensure that residential areas have easy access to fresh food, medical services and other convenient office or commercial uses.
- Identify an overlay district to attract new industries, employment opportunities and housing, as part of future **truck route** connection to I-84 (south from downtown on Meridian/100 W)





2. **OBJECTIVE:** Ensure that future annexation areas meet and/or will implement applicable adopted city standards and policies.

Strategies:

- Evaluate the Area of City Agreement with Minidoka County to ensure that boundaries and provisions are current.
- Support integration of County subdivisions as the City grows to encompass them.
- Establish appropriate land use designations with expansion of city limits.

Housing

1. **OBJECTIVE:** Encourage the development of a diverse housing inventory and strong neighborhoods

Strategies:

- Provide for a variety of housing types within the zoning code and map, to include accessory dwelling units, duplex, triplex, townhouses, and apartment buildings.
- Address potential for residential in conjunction with existing commercial and office buildings, including accommodating 2nd floor residential in historic buildings.
- Explore potential historic residential district on I Street to enhance neighborhood identity
- Develop housing policies to encourage the creation and preservation of housing for households earning less than area median incomes.

Economic Development

1. **OBJECTIVE:** Continue to improve the Historic Rupert Square as a community amenity and a visitor destination

Strategies:

- Explore participation in the Main Street program through the Department of Commerce to address business retention and expansion, promotion, events, and design standards.
- Collaborate with the Idaho SHPO regarding incentives for rehabilitation of historic properties.
- Identify incentives for development of lodging on or near the Square.
- Evaluate potential projects for application of urban renewal monies.

2. **OBJECTIVE:** Enhance opportunities to highlight proximity of agricultural activity and outdoor attractions (Lake Walcott State Park, City of Rocks etc.)

Strategies:

- Explore a new farmers market that encourages local business and farmers to work together.
- Collaborate with Minidoka County Fairgrounds regarding multi-season uses and attractions.



- Identify potential trails, bicycle and pedestrian pathways linking Rupert to outdoor attractions.

Transportation

1. OBJECTIVE: Continue to maintain and improve local transportation network, in accordance with the Transportation Planning Study (2023) and the Capital Improvement Plan (CIP)

Strategies:

- Prioritize safety improvements including appropriate speed limits, stop signs, railroad crossings and improved sight distance.
- Explore enhanced connectivity to I-84 such as a new north south connection to I-84 (such as along Meridian **and/or** 100 W)

2. OBJECTIVE: Support the development of alternative modes of transportation.

Strategies:

- Utilize Safe Routes to School in improving H and ~~8th~~ **18th street**.
- Inventory and improve sidewalks as needed.
- Identify potential trails, bicycle, and pedestrian pathways to connect various Rupert neighborhoods.

3. OBJECTIVE: Participate in regional discussions regarding improved Municipal/County Airport

Strategies:

- Establish a partnership with other area governments to discuss feasibility of airport relocation within or outside of Minidoka County.
- Evaluate and identify potential of adequate land area north of I-84 suitable for a new airport (including associated influence areas)





Community GOAL: PROVIDE PUBLIC FACILITIES AND SERVICES THAT ENABLE RESIDENTS AND VISITORS TO THRIVE AND BENEFIT FROM THE HISTORIC SMALL-TOWN CHARACTER AND QUALITY OF LIFE, INCLUDING ACCESS TO RECREATION AND OTHER AMENITIES.

Schools/Transportation

1. OBJECTIVE: Coordinate with the School District and private schools to plan for future growth.

Strategies:

- Meet with School District officials to ensure that safe access to public schools and other safety concerns are being addressed.
- Share demographic information with the School District to ensure proper site and facility planning occurs in conjunction with present and future enrollment.
- Collaborate with private schools to identify issues of concern **related to city services**
- ~~Explore the potential for~~ **Support connections to** post- secondary education and lifelong learning options with Idaho State University, University of Idaho (County Extension) and College of Southern Idaho.

Public Services, Facilities and Utilities

1. OBJECTIVE: Ensure that all Rupert residents have access to all necessary municipal services, including safety and emergency support, facilities, and utilities.

Strategies:

- Collaborate with County, special districts, and other municipal entities to ensure responsiveness to public needs.
- Address concerns for community safety, **including a new fire station.**
- Consider adding options for childcare & senior care in cooperation with local schools and private enterprises.
- **Address special events EOP. Upgrades to water and wastewater.**

Community Design/Special Areas & Sites

1. OBJECTIVE: Ensure that main corridors and community gateways are attractive and welcoming

Strategies:

- Evaluate wayfinding throughout the city (gateway, entries, destinations, routes, and connection points)
- Establish standards within zoning code so that new development meets minimum landscaping and site design provisions.
- Consider depicting overlay districts along corridors and scenic areas.

2. OBJECTIVE: Encourage literary and artistic activities that promote appreciation of local heritage and traditions

Strategies:



COMPREHENSIVE PLAN



- Identify areas of historic and cultural importance and explore potential for adaptive reuse of existing public buildings and sites.
- Explore creation of a Library District.
- Investigate potential for a local arts program in coordination with the Idaho Commission on the Arts



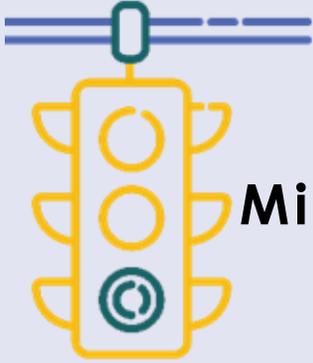
Rupert Future Land Use Map

Expand Area of City Impact (Propose to City)

Adjust Land Use around Wayside

Residential Rural





Minidoka County, Rupert, and Paul Comprehensive Plan

COMMUNITY SURVEY

Minidoka County and the Cities of Rupert and Paul invite you to take a survey to share your thoughts and concerns regarding growth, agriculture, economic development, and other community issues to help inform the Comprehensive Plan Update.

Scan the code below or visit
<https://bit.ly/MinidokaCountyCompPlan>

Survey will close May 15.



Summary

On April 24, 2023 a community survey opened to the public to gather resident input concerning various topics in Minidoka County, Rupert, and Paul. The survey received 346 total responses. Of the total respondents, 105 live in Rupert, 45 in Paul, and 130 live outside of City Limits but within Minidoka County.

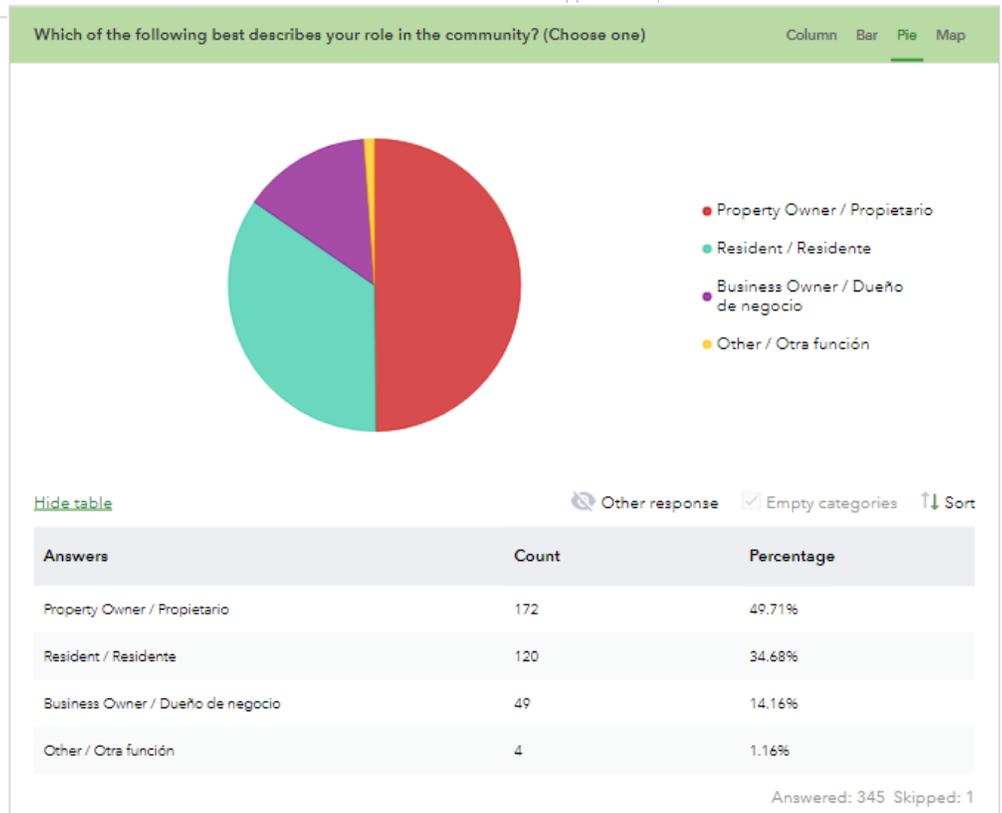
According to the survey, 61.85% of respondents have lived in the area for 20+ years and the majority of respondents were between the ages of 29 and 53.

Questions and Results



Community Feedback Survey

Minidoka County/Rupert/Paul

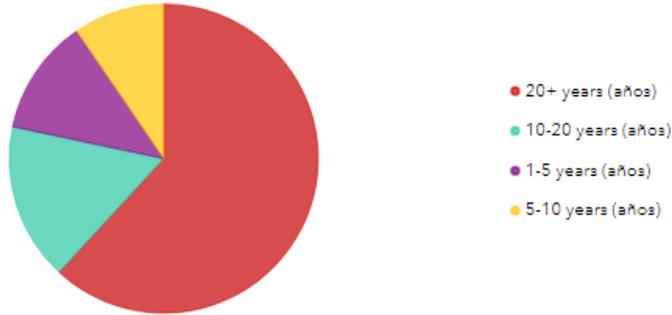


Community Feedback Survey

Minidoka County/Rupert/Paul

How long have you lived in the area? (Choose one)

Column Bar Pie Map



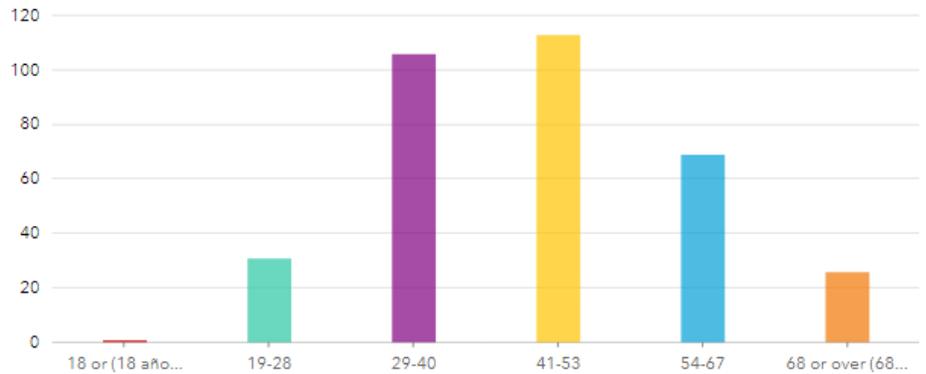
[Hide table](#)

Empty categories

Answers	Count	Percentage
20+ years (años)	214	61.85%
10-20 years (años)	57	16.47%
1-5 years (años)	42	12.14%
5-10 years (años)	33	9.54%

How old are you? (Choose one)

Column Bar Pie Map



[Hide table](#)

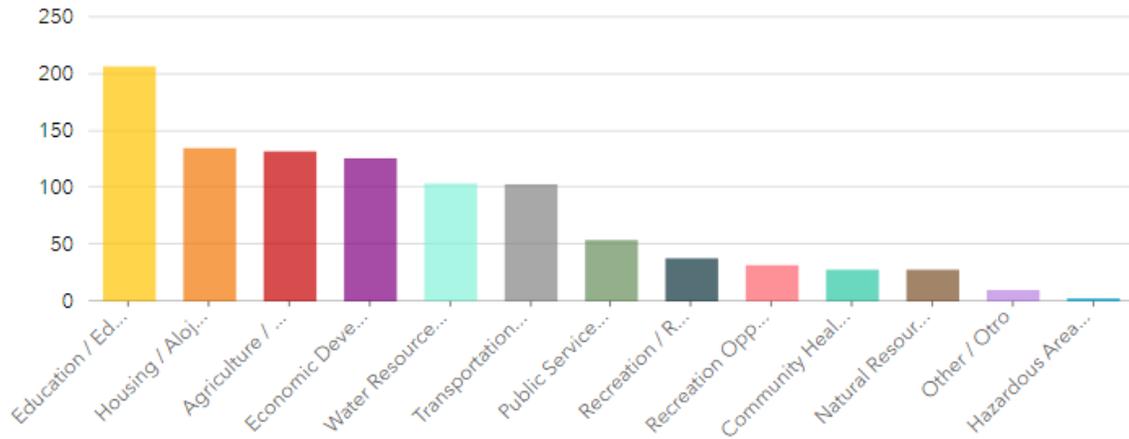
Empty categories

Answers	Count	Percentage
18 or (18 años o menos)	1	0.29%
19-28	31	8.96%
29-40	106	30.64%
41-53	113	32.66%
54-67	69	19.94%
68 or over (68 o más)	26	7.51%

Answered: 346 Skipped: 0

Community Feedback Survey Minidoka County/Rupert/Paul

What do you think are the top three areas of concern facing Minidoka County/Rupert/Paul in the next 10... Column Bar



[Hide table](#)

Other response Empty categories

Answers	Count	Percentage
Education / Educación	207	59.83%
Housing / Alojamiento	135	39.02%
Agriculture / Agricultura	132	38.15%
Economic Development / Desarrollo Económico	126	36.42%
Water Resources / Recursos Hídricos	104	30.06%
Transportation (connectivity, roads, sidewalks, pathways)/Transporte (conectividad, carreteras, aceras, caminos)	103	29.77%
Public Services, Facilities and Utilities / Servicios Públicos, Instalaciones y Servicios Públicos	54	15.61%
Recreation / Recreación	38	10.98%
Recreation Opportunities / Oportunidades de recreación	32	9.25%
Community Health / Salud Comunitaria	28	8.09%
Natural Resources / Recursos Naturales	28	8.09%
Other / Otro	10	2.89%
Hazardous Areas / Zonas Peligrosas	3	0.87%

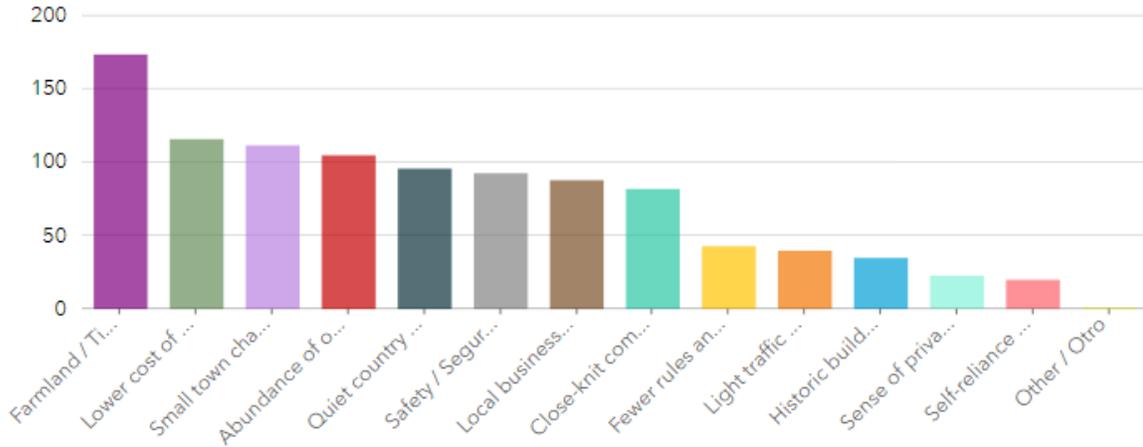
Answered: 345 Skipped: 1

Community Feedback Survey

Minidoka County/Rupert/Paul

What top three aspects of living in your city/county do you want to preserve? (Choose three)

Column Bar



[Hide table](#)

Other response

Empty categories

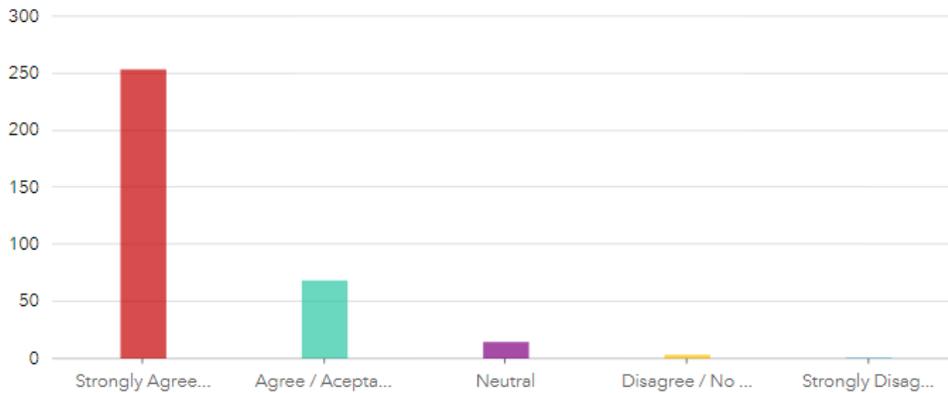
Answers	Count	Percentage
Farmland / Tierras de cultivo	174	50.29%
Lower cost of living / Menor coste de la vida	116	33.53%
Small town character / Carácter de pueblo pequeño	112	32.37%
Abundance of open space / Abundancia de espacios abiertos	105	30.35%
Quiet country life / Vida rural tranquila	96	27.75%
Safety / Seguridad	93	26.88%
Local businesses / Negocios locales	88	25.43%
Close-knit community / Comunidad muy unida	82	23.7%
Fewer rules and regulations / Menos reglas y regulaciones	43	12.43%
Light traffic / Tráfico ligero	40	11.56%
Historic buildings / Edificios históricos	35	10.12%
Sense of privacy / Sensación de privacidad	23	6.65%
Self-reliance / Autosuficiencia	20	5.78%
Other / Otro	1	0.29%

Answered: 346 Skipped: 0

Community Feedback Survey

Minidoka County/Rupert/Paul

Preserving agricultural land and agricultural related industries is critical to the future of Minidok... [Column](#) [Bar](#) [Pie](#) [Map](#)

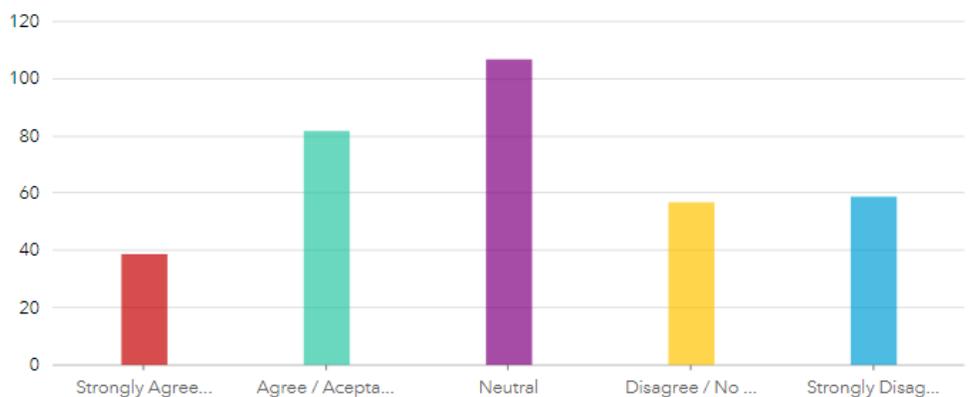


[Hide table](#)

Empty categories [Sort](#)

Answers	Count	Percentage
Strongly Agree / Totalmente de acuerdo	254	73.41%
Agree / Aceptar	69	19.94%
Neutral	15	4.34%
Disagree / No estoy de acuerdo	4	1.16%
Strongly Disagree / Muy en desacuerdo	1	0.29%

Subdivisions of five or more one-acre lots (each on individual well and septic) should be... [Column](#) [Bar](#) [Pie](#) [Map](#)



[Hide table](#)

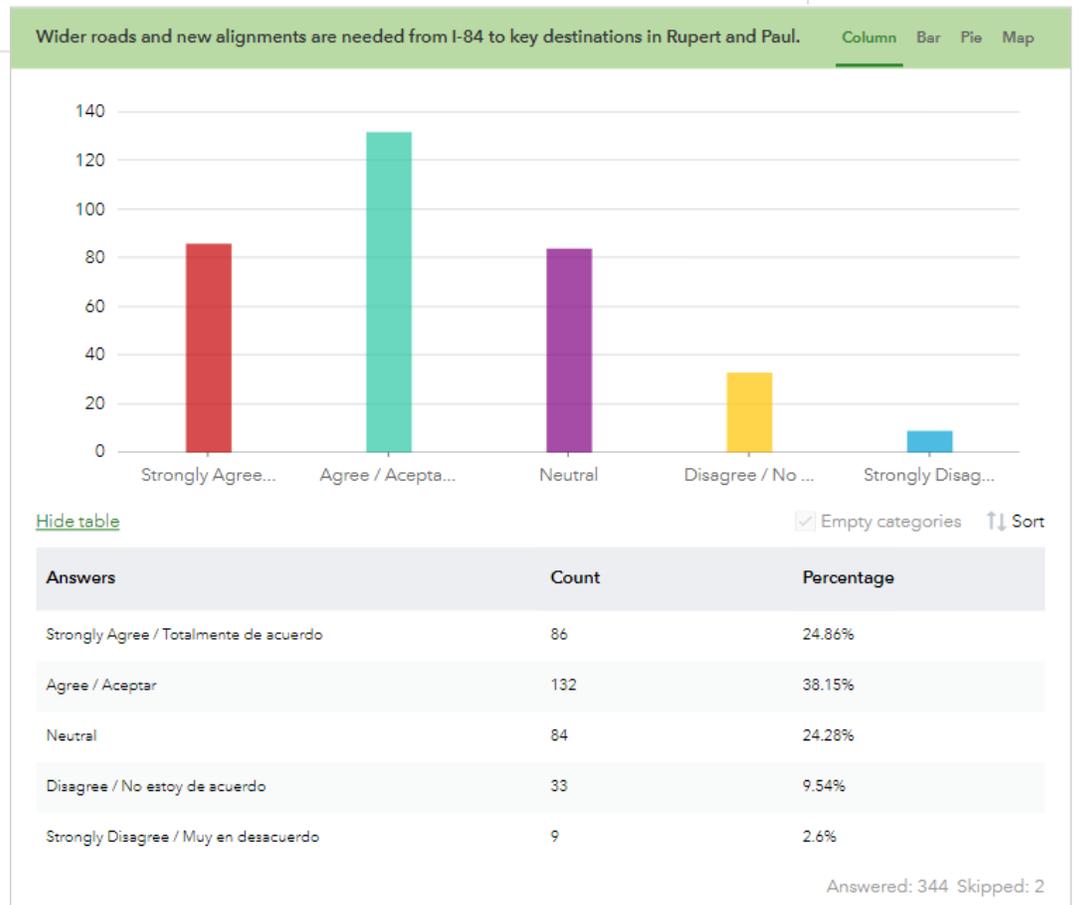
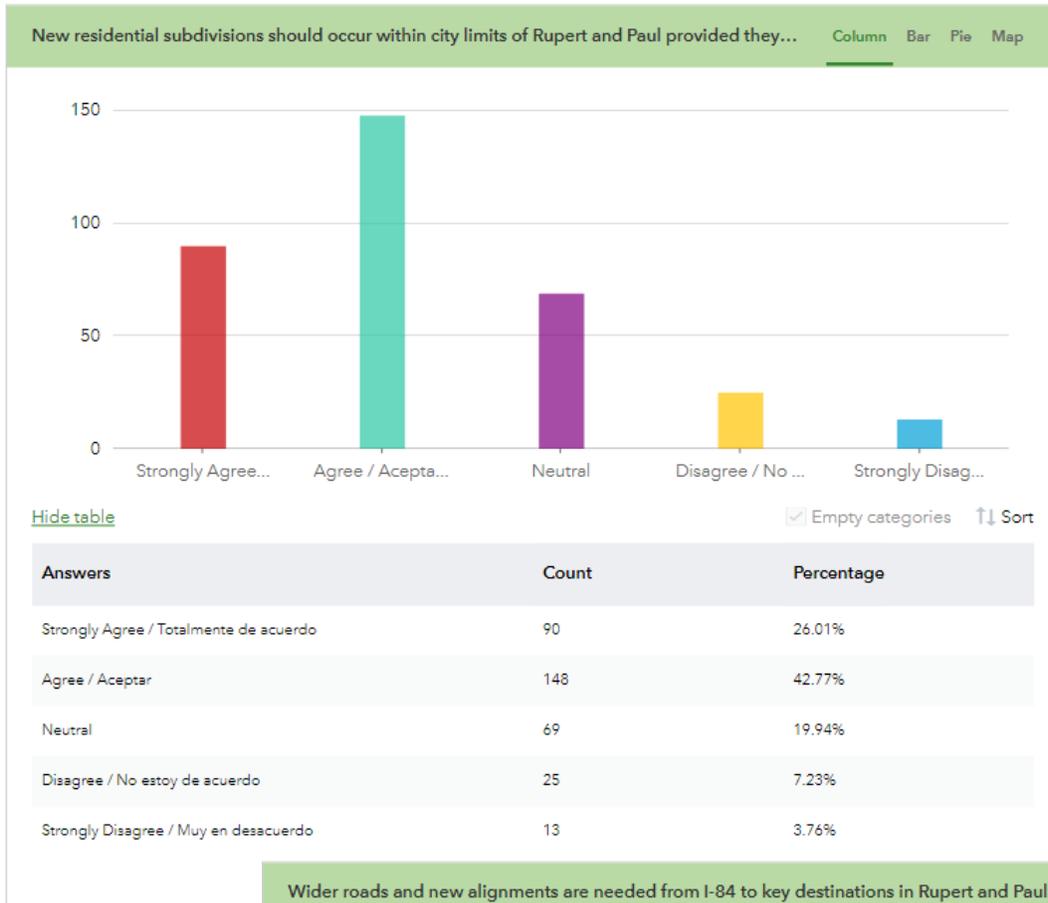
Empty categories [Sort](#)

Answers	Count	Percentage
Strongly Agree / Totalmente de acuerdo	39	11.27%
Agree / Aceptar	82	23.7%
Neutral	107	30.92%
Disagree / No estoy de acuerdo	57	16.47%
Strongly Disagree / Muy en desacuerdo	59	17.05%

Answered: 344 Skipped: 2

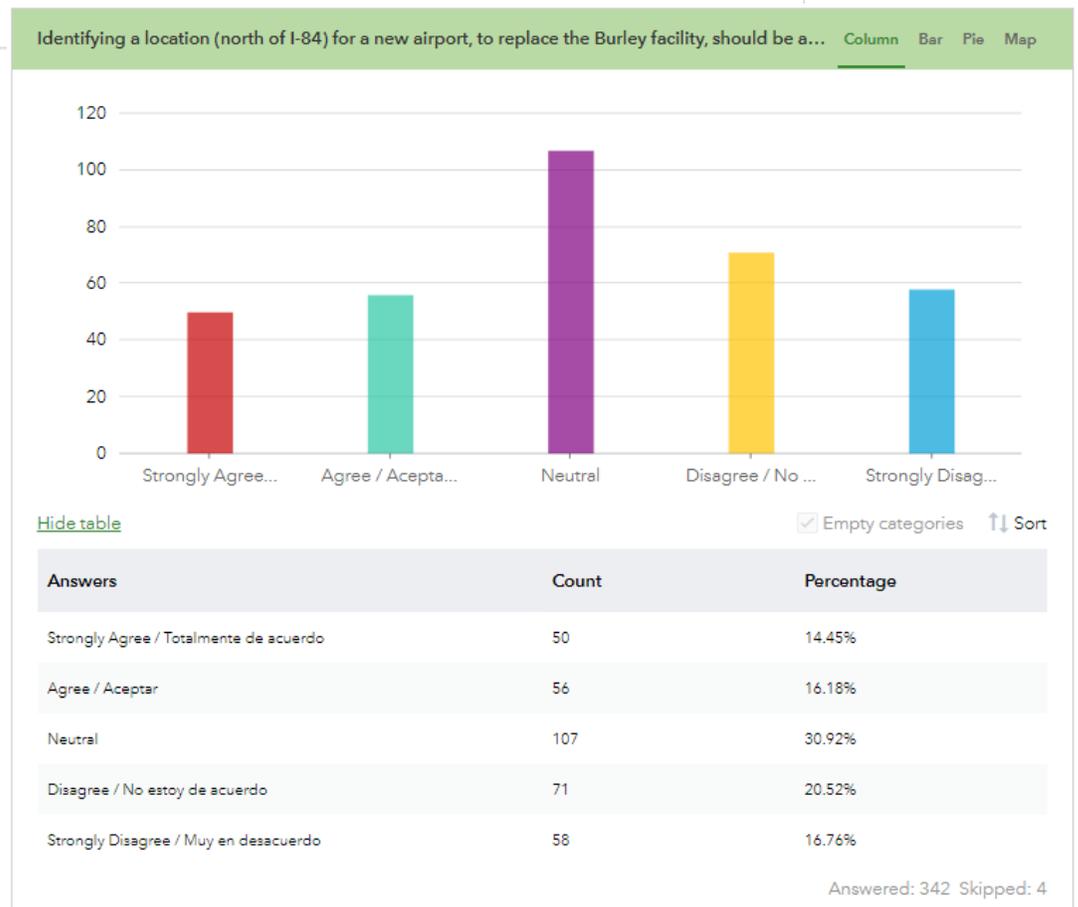
Community Feedback Survey

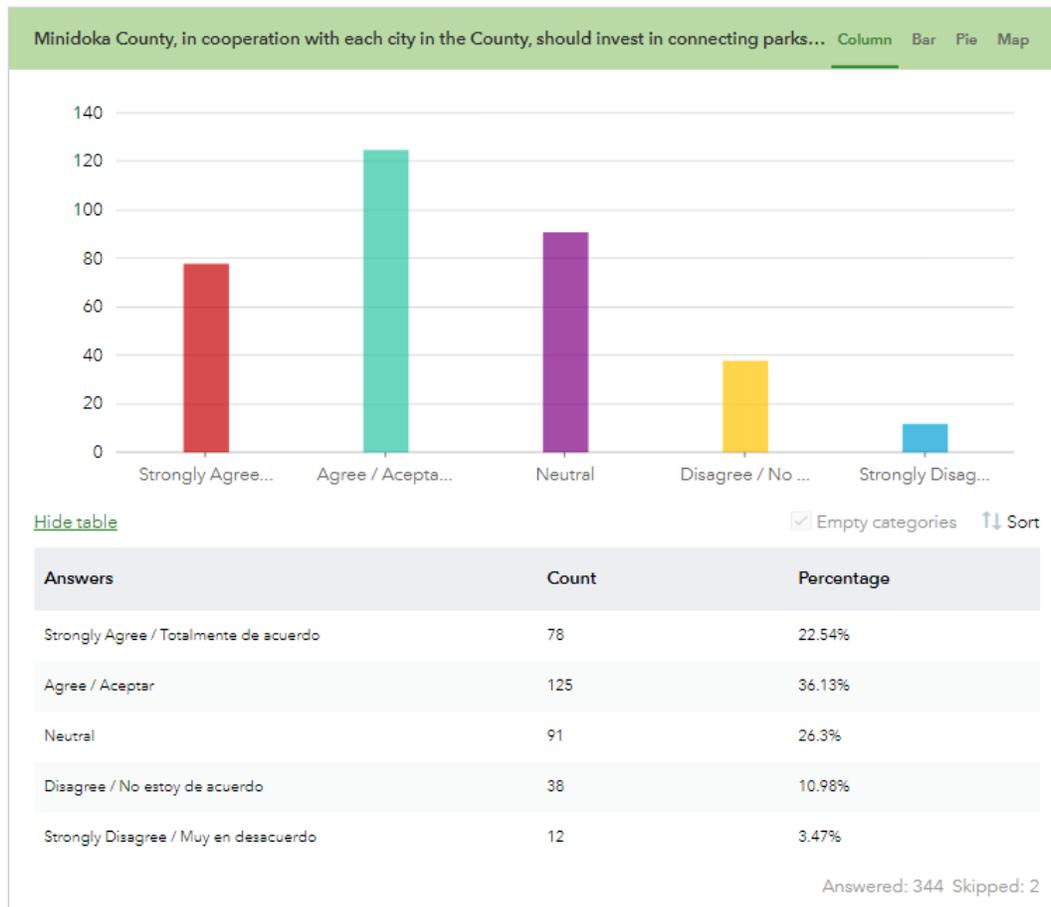
Minidoka County/Rupert/Paul



Community Feedback Survey

Minidoka County/Rupert/Paul





Open Ended Responses: Key Themes

The open comment question “Do you have other concerns regarding the future of Minidoka County, and the Cities of Rupert and Paul?” received 122 responses. Of these comments, the top concerns were schools, growth, housing, sidewalks, and farmland.

Many comments expressed concern for school capacity in the face of growth. Residents felt that schools in the area are unable to keep up with the influx of new students in the area. Not enough teachers and not enough schools was a common theme. Connectivity to schools was also a perceived issue. Many people are worried about the safety of their children when walking to school as streets around schools lack sidewalks.

Aside from student safety, other comments call for sidewalk improvements to accommodate commuters who want to walk and bike and for wheelchair accessibility.

Feelings on growth were mixed; while many respondents do not want to see their communities change, others realize the inevitability of and the benefits that can come with growth. Across the board, respondents acknowledge the need to plan adequately

Minidoka County and the Cities of Rupert and Paul Comprehensive Plan Update Public Open House Meeting Summary

September 11, 2023 4:30 – 7:00 p.m.
Minico High School Library

Meeting Overview

Minidoka County and the Cities of Rupert and Paul hosted a public open house to share information about the County's and Cities' Comprehensive Plan Update. The Comprehensive Plan Update will lay the framework for the future of the County and Cities. The open house was held Monday, September 11, 2023, at the Minico Highschool Library located at 292 W. 100S., Rupert, Idaho.

The public was invited to join anytime between 4:30 and 7 p.m. to learn about the comprehensive planning process and provide feedback, share key issues, and offer input on goals and objectives regarding agriculture, public services, and other community concerns to support sustainable growth of the community.

Project staff was available to answer questions and address concerns.

The meeting was attended by 41 people. See attached "**Sign in Sheet**" for reference.

Informational Display Boards and Maps

A series of informational display boards and project area maps were presented for the public to learn about the Comprehensive Planning process.

The following provides an overview of informational display content provided at the open house:

- Sign-In / Welcome
- Existing Conditions and Projections Data
- Project Timeline/ How Can You Participate
- Goals and Objectives
- Future Land Use Maps (FLUM)

Activities

Attendees were encouraged to participate in activities which provided feedback to inform the Comprehensive Plan. For each jurisdiction there were two activities:

- **Goals and Objectives Boards** – participants read through goals and objectives and indicated which they agreed or disagreed with using different colored stickers. If they had further comment/changes/additions, they could write it on a sticky note and put it on the board.
- **Future Land Use Maps** – Participants reviewed the proposed FLUMs provided by the project team, and used stickers to indicate areas of concern.

To see the results of these activities, see attached document "**Activity Responses**".

Public Input / Comment Table

A public input / comment table was provided for purpose of gathering and documenting feedback from open house participants.

Participants were encouraged to leave behind comments for the project team. The following remarks were transcribed from comment forms submitted during the open house:

- “Productive Ag land should be Preserved and kept in Ag production if possible.”
- “We need more infrastructure before building more houses. Incentives keeping farm land as is.”
- “As someone who has a lot of respect for the small town I grew up in, I don’t agree with much of the plan. Though it may look like improvements in ones eyes, in the majority of the public of Minidoka County, I don’t think many others will. With the economy and politics of the world right now, i think these so called “improvements” may just open up our loved small town community to people with political and world views that may contradict those that have been in place here for so long. Some of the people on this committee are from Meridian. This is NOT Meridian. This is Rupert. A small town, a loving, caring community. Do not make changes to something that is historic and loved.
- Many people were already upset with the changes to the HISTORIC Rupert square. This would be on a bigger level. Ask almost anyone in your state (Idaho), they all will say that they are upset about Californians making their way into the state. They ruined it They keep it. There is no reason whatsoever to change this and allow them to ruin a second place. Leave it be.”
- “Could we do an “adopt a park neighborhood or area” to keep clean.”
- “I want my community to be: The Same.”
- “I want my community to be: Active, Safe, Rural, Agricultural, Fun, Inclusive.”
- “I want my community to be: Affordable, Active, Quiet, Safe, Family-Oriented, Walkable, Historic, Peaceful, Agricultural, Friendly.”
- “I want my community to be: Quiet, Rural, Historic, Peaceful, Agricultural, Picturesque.”
- “I want my community to be: Safe, Family-Oriented, A Destination, Peaceful, Agricultural, Fun, Friendly, Inclusive”

A bilingual project information handout was provided for participants to take with them and share with family, friends, community members, etc. See attached “**Comprehensive Plan Bilingual Handout.**”

For more information about the overall comprehensive planning process [project website information](#).



COMMENT FORM

Minidoka County and the Cities of Rupert and Paul Comprehensive Plan Update

Please offer comments, questions, or concerns:

Make sure the citizens' voices are reflected in the priorities and not just those individuals whose livelihoods are tied into the priorities
ie. real estate developers squashing sewer/syptic tank conversions and regulations

(If the priorities are a collective voice from different surveys and outreach efforts don't discount them for the loudest voice(s) at the table.)

For any additional comments or questions, contact the project team by emailing mpanagiotou@jub.com

Name: _____

Organization: _____

Email: _____

Phone: _____

Socio-economic Report

MINIDOKA COMPREHENSIVE PLAN UPDATE

PROVIDED BY: THE METTS GROUP

Contents

Population.....	2
Introduction	2
Overview	2
Migration	7
Educational Attainment	8
Poverty	10
Conclusion—Population.....	11
Housing	17
Overview	17
Home Prices	21
Rental Affordability	24
Conclusion—Housing.....	27
Agriculture	28
Introduction	28
Overview	28
Agricultural Workers.....	33
Conclusion—Agriculture	36
Economic Development.....	38
Introduction	38
Overview – Minidoka County.....	38
Economic Development Initiatives	45
Conclusion—Economic Development.....	47

Population

Introduction

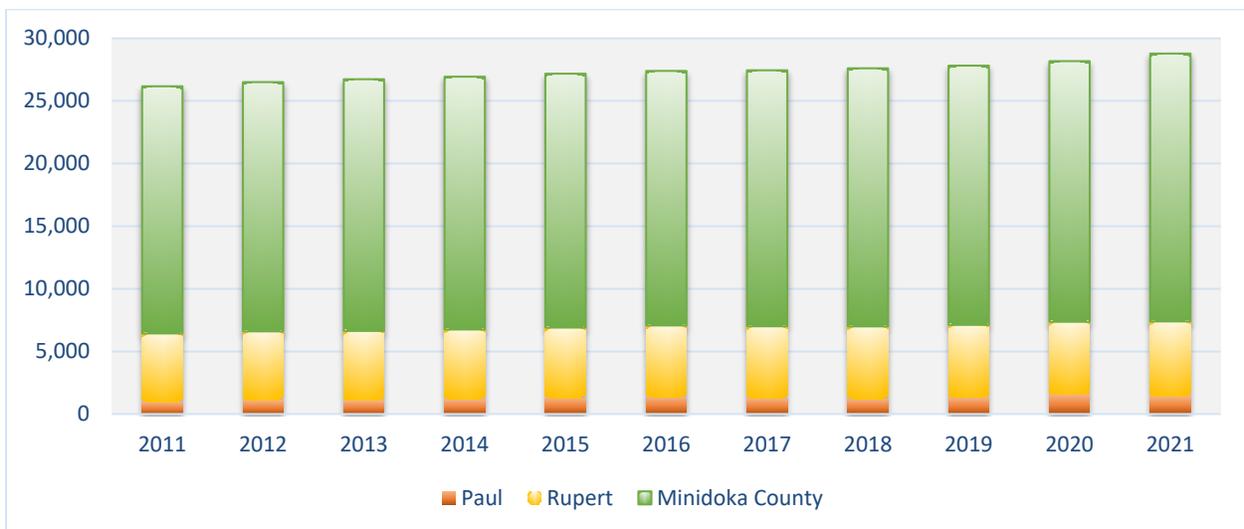
The demographics of a region shape the size and composition of the labor force and its overall economy, and vice versa. Stagnant population growth can weaken the area’s economic base and create skill shortages, whereas accelerated growth can cause strains on community infrastructure and development but provide opportunity for business and talent attraction. The patterns described in this section directly impact these forces along with labor trends, particularly labor force participation.

	Paul	Rupert	Minidoka County
Historical Population Change (2016-2021)	2.3%	5.1%	5.2%
Median Household Income (Idaho: \$63,377 / U.S. \$69,021)	\$54,375	\$45,227	\$56,140
Poverty Rate (Idaho: 11.4% / U.S. 12.6%)	10.5%	28.6%	18.0%
Median Age (Idaho: 37 / U.S. 38)	38	31	35

Overview

As of 2021 (latest data available), there were roughly 21,400 people living in Minidoka County with nearly 6,000 residing in the city limits of Rupert (the county seat and largest city in the County) and approximately 1,400 in Paul. The other cities situated in Minidoka County (Heyburn, Acquia and Minidoka) account for 3,910 residents, leaving the balance of the County at 10,090 people who live outside any city limits.

Figure 1. Population Trends, 2011-2021



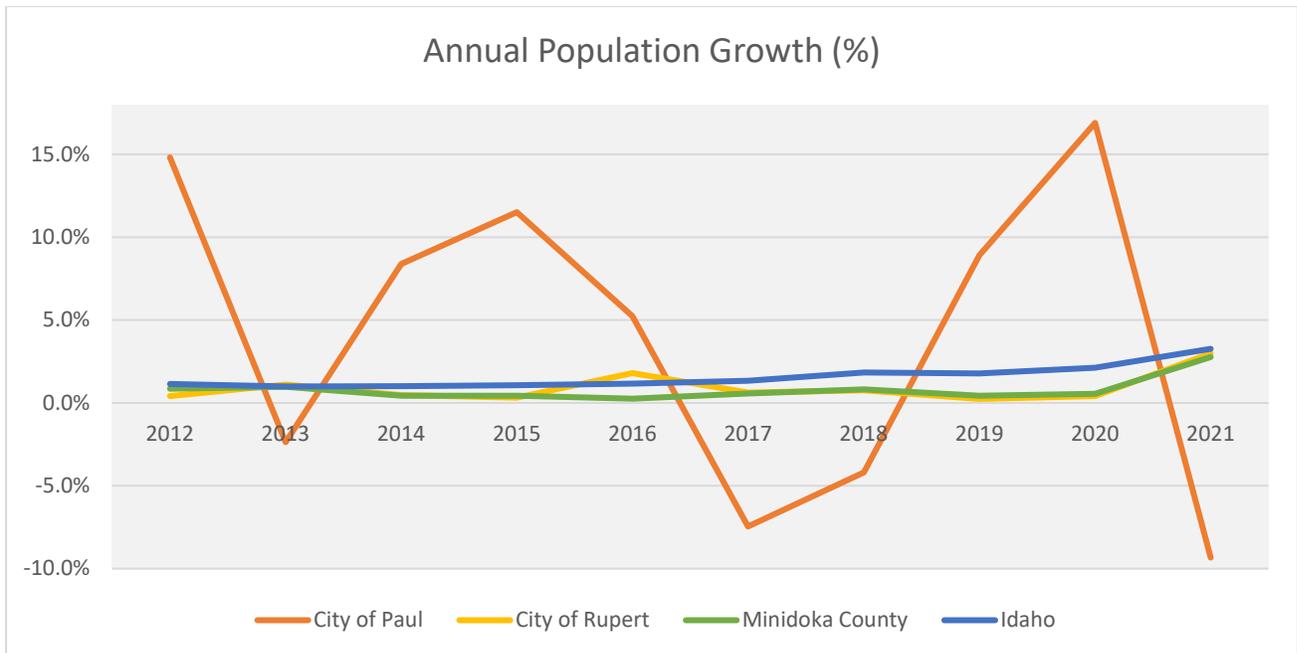
Source: U.S. Census, ACS 5-year Estimates

Until 2021, Minidoka County consistently witnessed gradual growth at approximately 1%, equivalent to an annual increase of around 120 residents. However, in 2021, this pattern shifted, resulting in the

addition of 580 people, with a net gain of approximately 520 new residents when accounting for births and deaths.

Over the past decade, the population growth of the City of Paul has displayed significant fluctuations, primarily due to its smaller population size. The most notable expansion occurred between 2011 and 2016, with a remarkable surge of nearly 43% (rising from 959 residents in 2011 to 1,367 by 2016). More recently, the growth rate has moderated to about 2.3%. Notably, there is an unusual data point in the records, as there was a substantial increase of 223 people in 2020, followed by a decrease of 144 individuals in 2021.

Figure 2. Annual Population Growth, 2012-2021

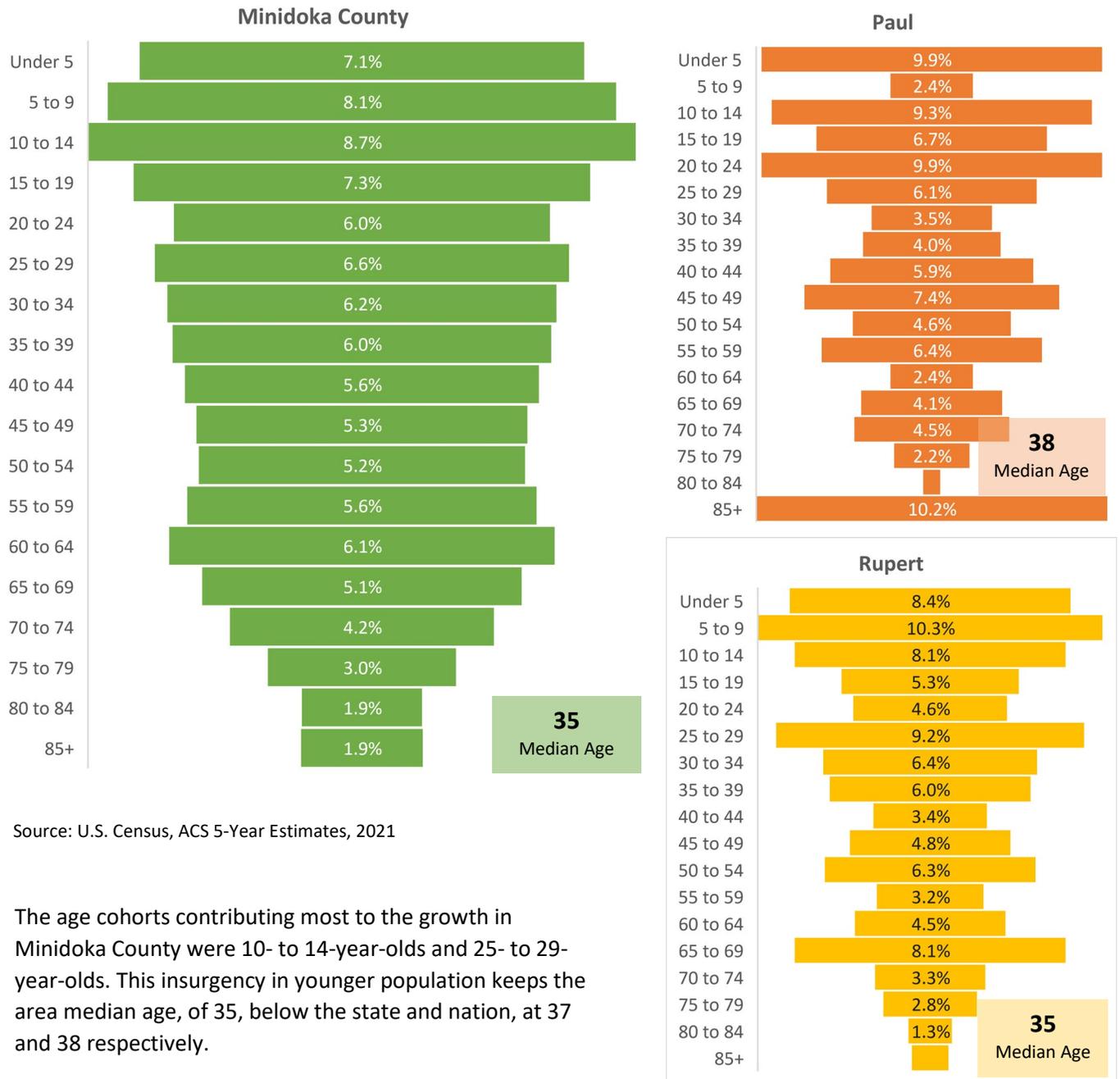


Source: U.S. Census, ACS 5-year Estimates

Population by Area	2016	2021	% Change
Minidoka County	20,331	21,393	5.2%
City of Paul	1,367	1,399	2.3%
City of Rupert	5,702	5,994	5.1%
Idaho	1,635,483	1,811,617	10.8%

Source: U.S. Census, ACS 5-Year Estimates

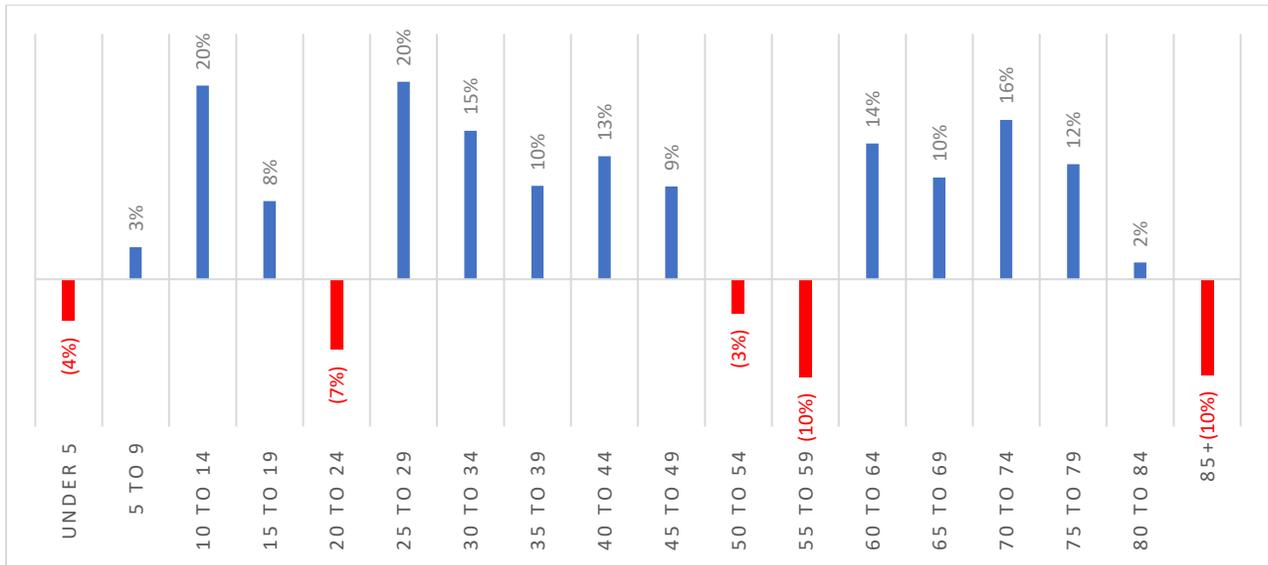
Figure 3. Population by Age Group, 2021



Source: U.S. Census, ACS 5-Year Estimates, 2021

The age cohorts contributing most to the growth in Minidoka County were 10- to 14-year-olds and 25- to 29-year-olds. This insurgency in younger population keeps the area median age, of 35, below the state and nation, at 37 and 38 respectively.

Figure 4. Population Change by Age Group, Minidoka County (2016-2021)



Source: U.S. Census, ACS 5-Year Estimates

Currently, the most prominent generational groups that exist are the millennials and the baby boomers. In Minidoka County, these two generations are well-represented and hold a significant presence. The demographic distribution in Minidoka County indicates a well-balanced ratio between millennials, who are between the ages of 25 and 40 in the year 2021, and baby boomers, who fall within the age range of 57 to 75.

It's worth noting that many regions across the nation tend to exhibit a higher concentration of baby boomers in their population composition. However, Minidoka County bucks this trend by maintaining a relatively equitable distribution between these two generations. This harmonious blend of millennials and baby boomers is expected to have positive implications, particularly for the county's labor force.

This demographic synergy can offer unique advantages for Minidoka County's workforce. The diverse skill sets, experiences, and perspectives that both millennials and baby boomers bring to the table can complement each other effectively. This mutual collaboration is likely to contribute to a well-rounded and productive labor force, potentially enhancing economic growth and stability within the county.

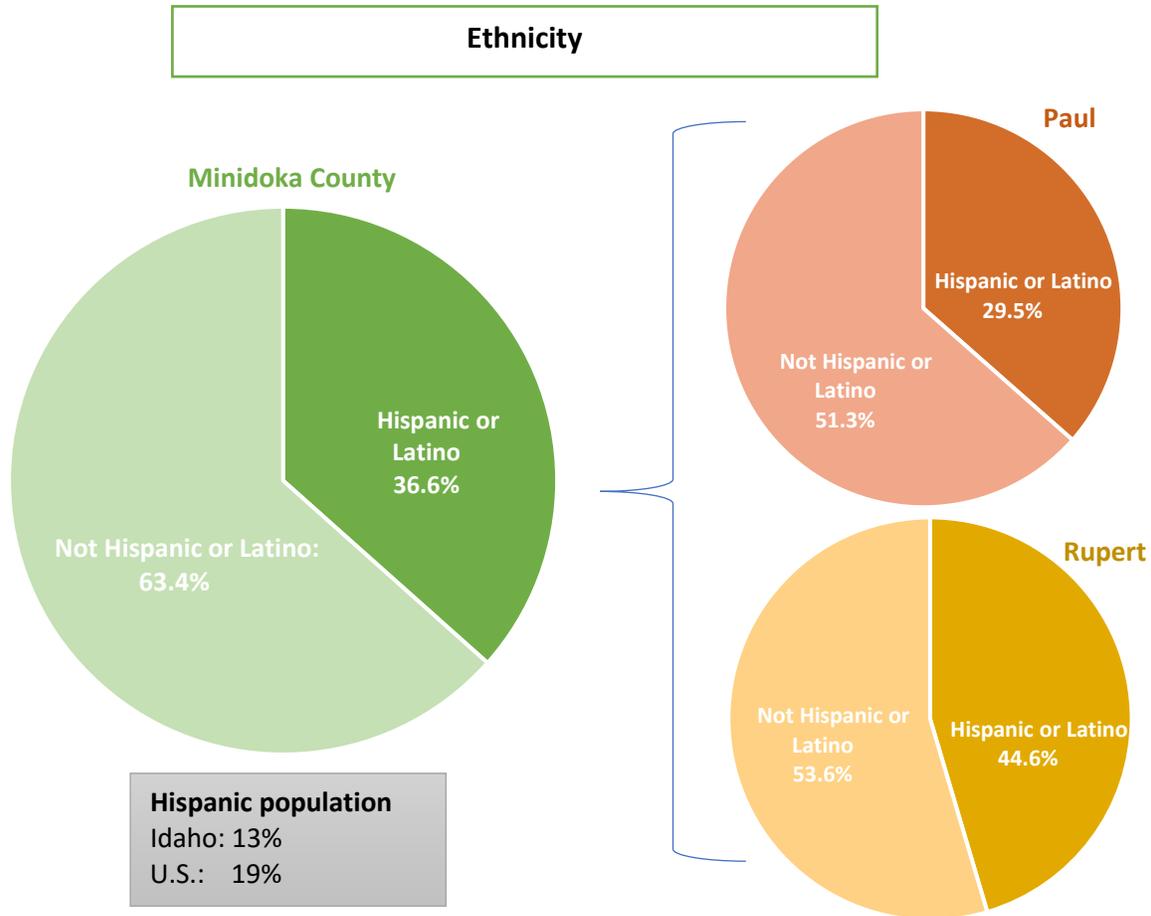
Figure 5. Generational Trends, Minidoka county (2021)



Source: U.S. Census, ACS 5-Year Estimates, 2019

Diversity in an area can be a driving factor in helping businesses appeal to larger markets and customer preferences. The variety of backgrounds and experiences that can be found in diverse employee groups often bring more creativity into the workplace. Many local economies have economic development efforts that seek to attract a diverse population base in efforts to increase local entrepreneurship and grow local creative endeavors, such as in the arts.

Racial diversity is high in Minidoka County with a large Hispanic population—37% in Minidoka County, 30% in Paul and nearly half of Rupert’s population is Hispanic, compared to only 13% statewide. Although the area highlights its Hispanic culture, other race groups are not represented in the area.



Source: U.S. Census, ACS 5-Year Estimates, 2021

Race

	Paul	Rupert	Minidoka
Total:			
Population of one race	49.9%	50.7%	61.6%
White alone	63.3%	53.4%	60.9%
Black or African American alone	0.0%	0.0%	0.1%
American Indian and Alaska Native alone	0.0%	0.8%	0.9%
Asian alone	0.0%	0.4%	0.2%
Native Hawaiian and Other Pacific Islander alone	0.0%	0.0%	0.0%
Some Other Race alone	0.0%	0.0%	0.2%
Population of two or more races:	7.1%	0.8%	2.1%

Source: U.S. Census, ACS 5-Year Estimates, 2021

Migration

Top counties Minidoka County residents are moving to, 2020

Cassia County, ID
Twin Falls County, ID
Ada County, ID

Top counties people are moving from into Minidoka County, 2020

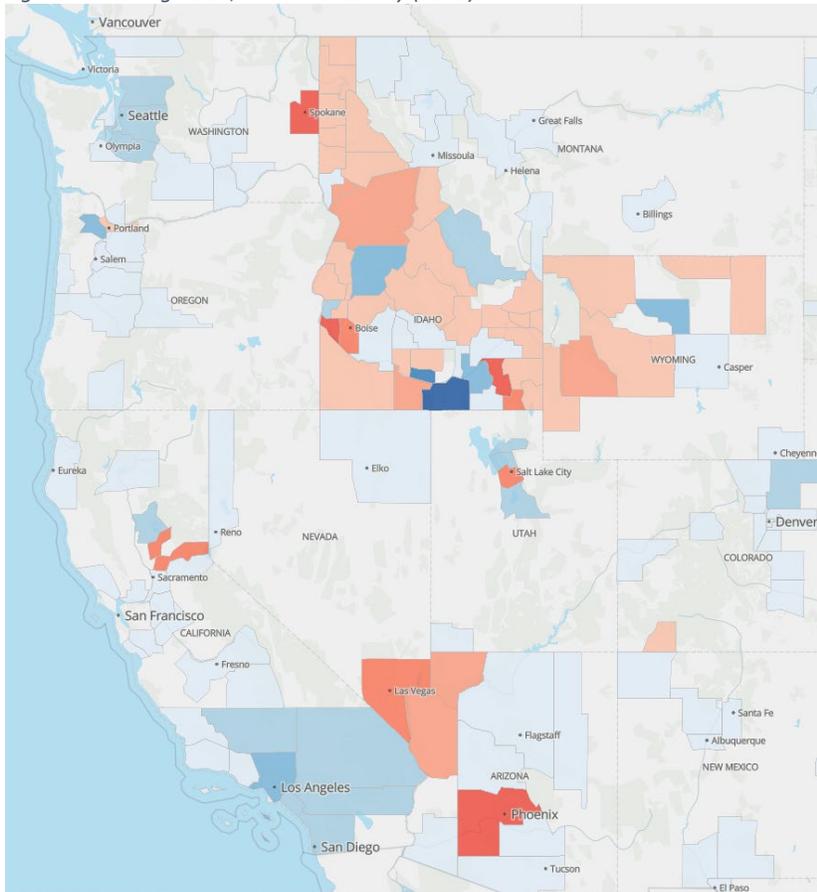
Cassia County, ID
Twin Falls County, ID
Jerome County, ID
Ada County, ID

Minidoka County Migration Patterns, 2020

Movers from a different state:
436
Movers to a different state:
224
Movers from a different county in Idaho:
986
Movers to a different county in Idaho:
953

The data show a lot of movement amongst adjacent counties, namely Cassia, Twin Falls and Jerome counties. While there's a notion that numerous Californians are making their way into the region, it's important to note that only a modest fraction has actually relocated to Minidoka County. However, it's worth mentioning that the data currently available only goes up until 2020 and doesn't encompass a significant influx that took place during the Covid period.

Figure 6. Net Migration, Minidoka County (2020)



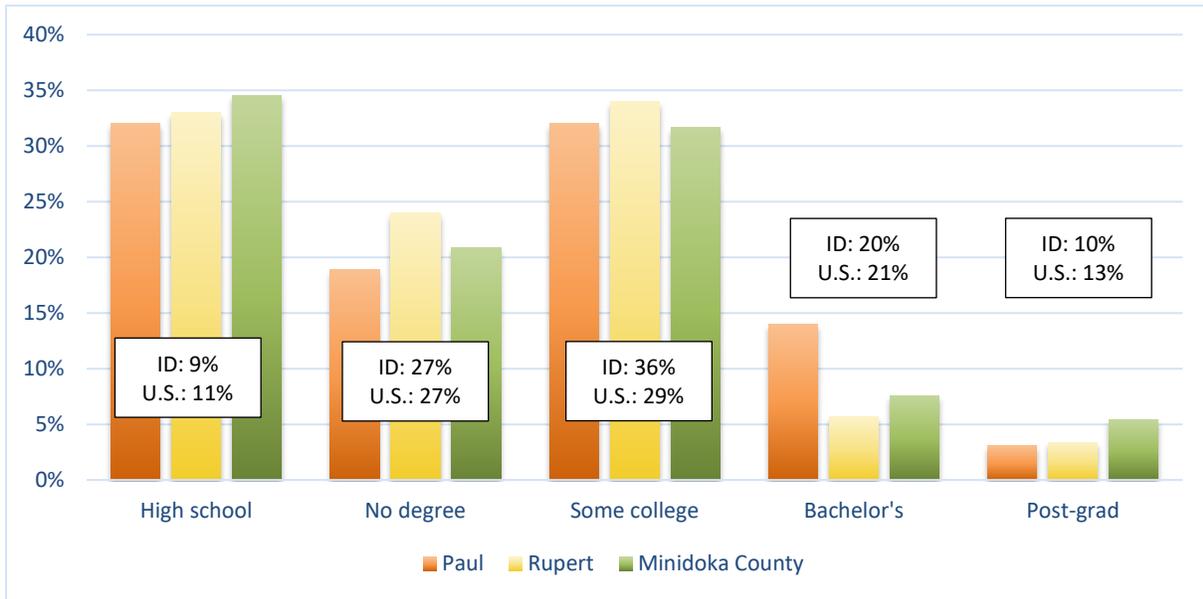
Source: Lightcast using IRS Tax Return data

Educational Attainment

Long-term changes in educational attainment cause structural change in the local economy. Ten years ago, just 10% of individuals aged 25 and older in the population had attained a bachelor's degree or a higher level of education. In 2021, this figure has increased to 13%, indicating that either new residents brought in higher educational qualifications or existing residents pursued further education. However, it's important to note that this percentage remains considerably lower compared to the rest of the state, where an average of 30% of the population aged 25 and older holds such credentials.

The substantial proportion of Minidoka County's population with some college education reflects a competent workforce, aligning with the state's average and surpassing the national average.

Figure 7. Educational Attainment for the Population 25 years and over, 2021



Source: U.S. Census, ACS 5-Year Estimates, 2021

Poverty

Household income includes income of all people aged 15 and older occupying the same housing unit. Income levels in Minidoka County are 13% lower than the state and 24% lower than the nation.

Poverty rates are one measure used to gauge the health of regional economies because of the correlation between economic, employment, and income growth. Using federal poverty guidelines, 18% of residents in Minidoka County are living in poverty. The rate has risen in the past decade from 15% in 2011. The City of Rupert struggles with persistent poverty levels.

Poverty Status	2016	2021
City of Paul	10.9%	10.5%
City of Rupert	27.4%	28.5%
Minidoka County	17.8%	18.0%
Idaho	15.2%	11.0%

One in four children (under the age of 18) in Minidoka County is living in poverty—compared to 14% for the senior population (age 65+). This is significantly higher than statewide average—13% for children and 10% for seniors.

Poverty is especially harmful to children who may be impacted by hazardous or unhealthy living conditions, poor educational opportunities, and other risks. These risk factors may impact physical or emotional development, which may further reduce the acquisition of skills required for a career and a steady income.

Median Household Income

\$56,140

Minidoka County **\$63,340**

\$54,400

Paul **\$69,700**

\$45,230

Rupert **\$69,700**

Poverty

18.0%

Minidoka County **11.0%**

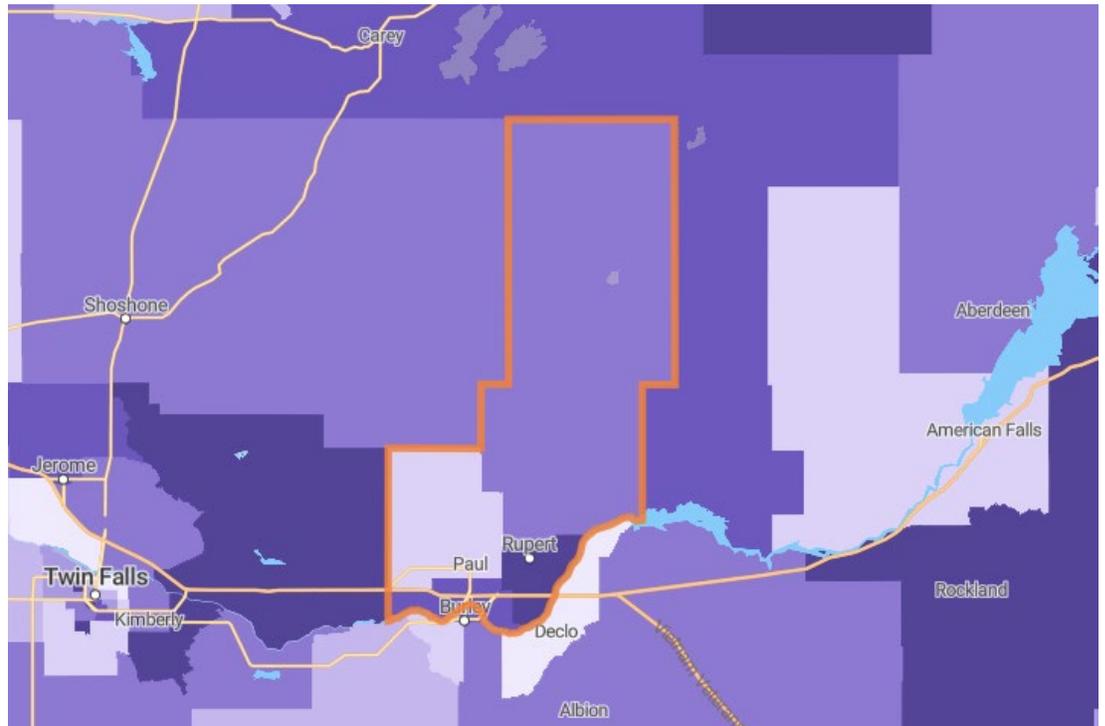
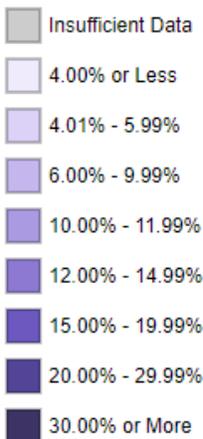
10.5%

Paul **12.8%**

28.6%

Rupert **12.8%**

Poverty Rate



Poverty casts a wide-reaching shadow that disproportionately affects specific age groups and racial communities, perpetuating a cycle of disadvantage and limiting opportunities for progress. Among these age groups, children are particularly vulnerable. Growing up in poverty can hinder their access to quality education, healthcare, and nutritious food, impeding their overall development and future prospects. The lack of resources often translates to limited educational attainment, contributing to a cycle of intergenerational poverty. As shown below in Table 1, one in four children (under 18) are living in poverty in Minidoka County.

Table 1. Poverty Status by Age Group, Minidoka County (2021)

Share of Age Group Below Poverty	
All Ages	18%
Under 18	25%
65+	14%

Source: U.S. Census American Community Survey, 5-year Estimate

Similarly, poverty exerts a stifling impact on racial minorities, deepening existing disparities and systemic inequalities. Historical injustices and structural barriers have left certain racial communities more susceptible to economic hardships. Discrimination in employment, housing, and education compounds the challenges they face, perpetuating lower income levels and reduced access to essential services. This not only limits individual opportunities but also hampers the overall progress and prosperity of these communities, creating a cycle that is difficult to break. In Minidoka County, this is most prevalent within the Hispanic and Native American populations.

Table 2. Poverty Status by Race, Minidoka county (2021)

Minidoka County	Below Poverty (%)
White alone	14.1
Black or African American alone	0.0
American Indian and Alaska Native alone	18.0
Asian alone	0.0
Native Hawaiian and Other Pacific Islander alone	0.0
Some other race alone	33.6
Two or more races	41.0
Hispanic or Latino origin (of any race)	26.7

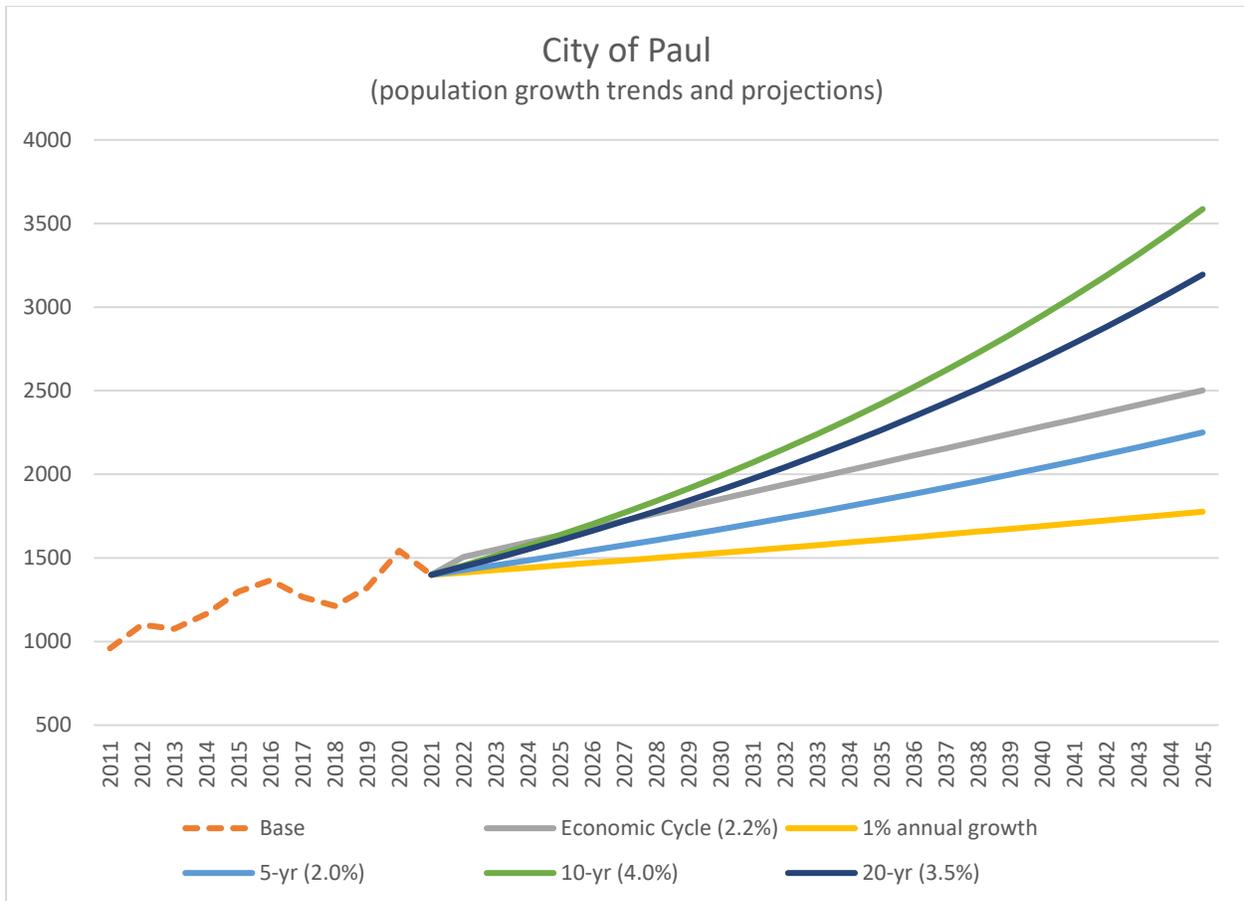
Source: U.S. Census, ACS 5-Year Estimates, 2021

Conclusion—Population

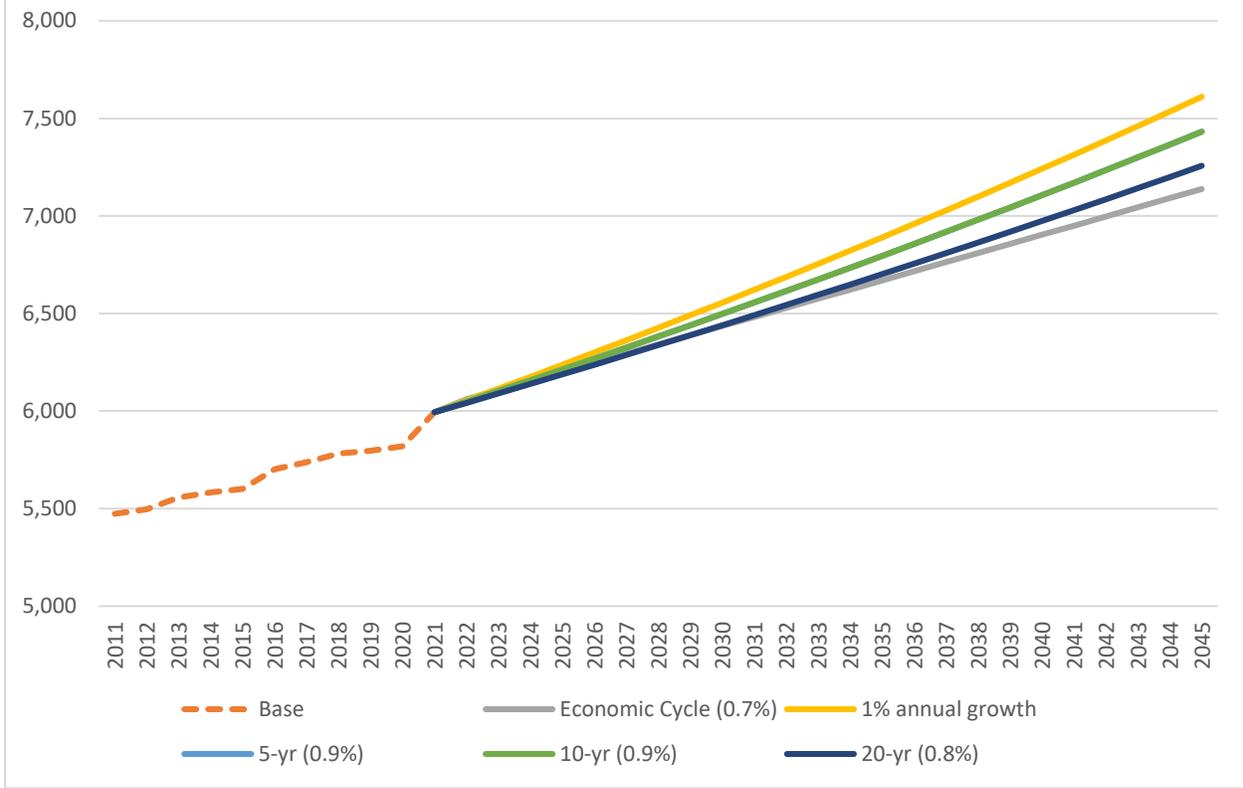
Historically, the City of Paul has outpaced both the City of Rupert and Minidoka County in terms of population growth. As a result, estimated projections indicate that these areas will exhibit similar growth rates in the future. Looking ahead, the City of Paul is projected to experience an annual growth rate of 2.2% over the next couple of decades. In contrast, the City of Rupert and the County are expected to maintain a more modest growth rate of around 1% annually until the year 2045.

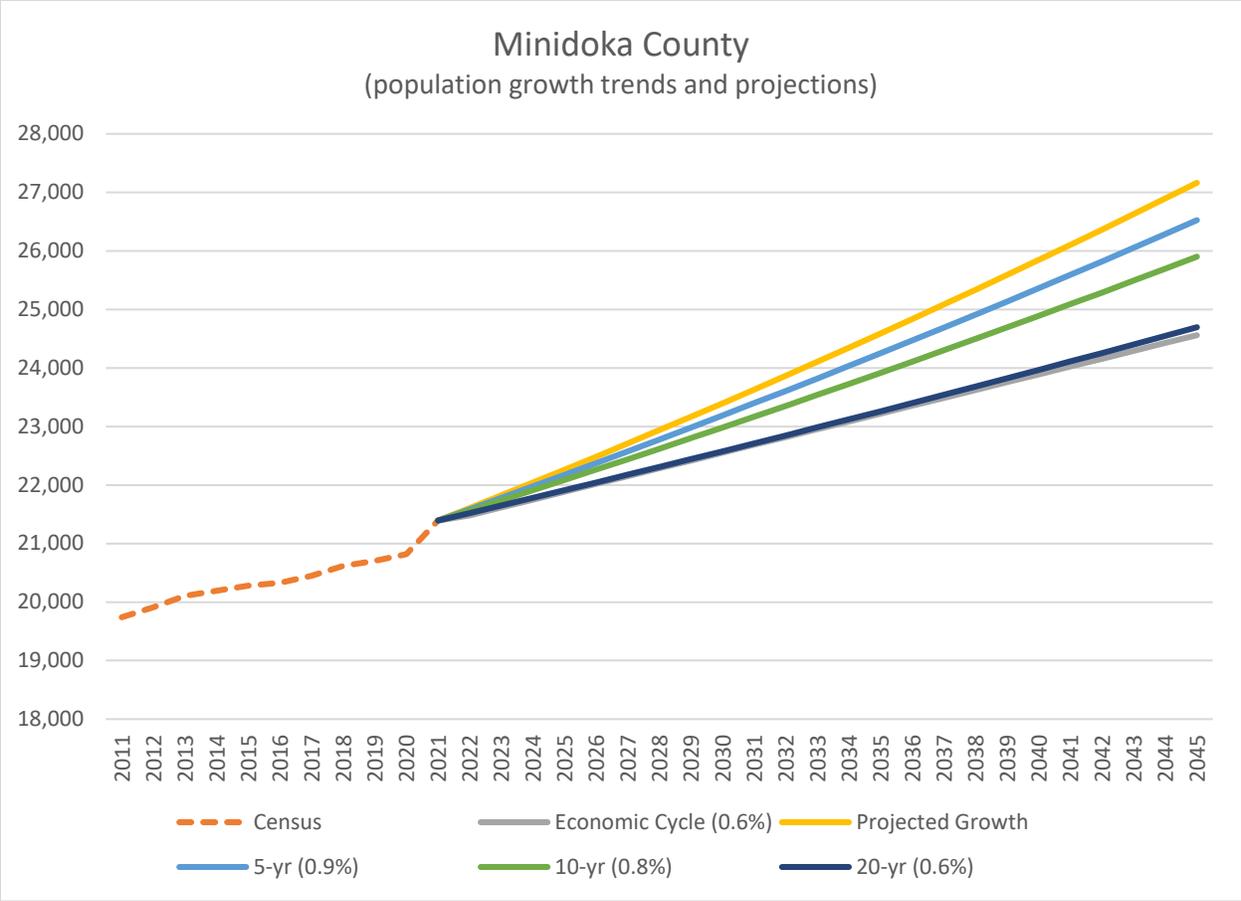
The following graphs illustrate population trends in the three distinct geographic regions. Additionally, projected estimates are included based on five different growth scenarios that correspond to the historical trends of each area. **The economic cycle scenario used a regression analysis to predict growth, while the other scenarios used linear analysis due to the specified number of years.**

After examining the building permit history from 2018 to 2023 (for additional details, refer to the housing section), and extrapolating the growth scenarios on an annual basis, it becomes evident that the 1% growth projection closely aligns with the patterns observed in recent building permit data.

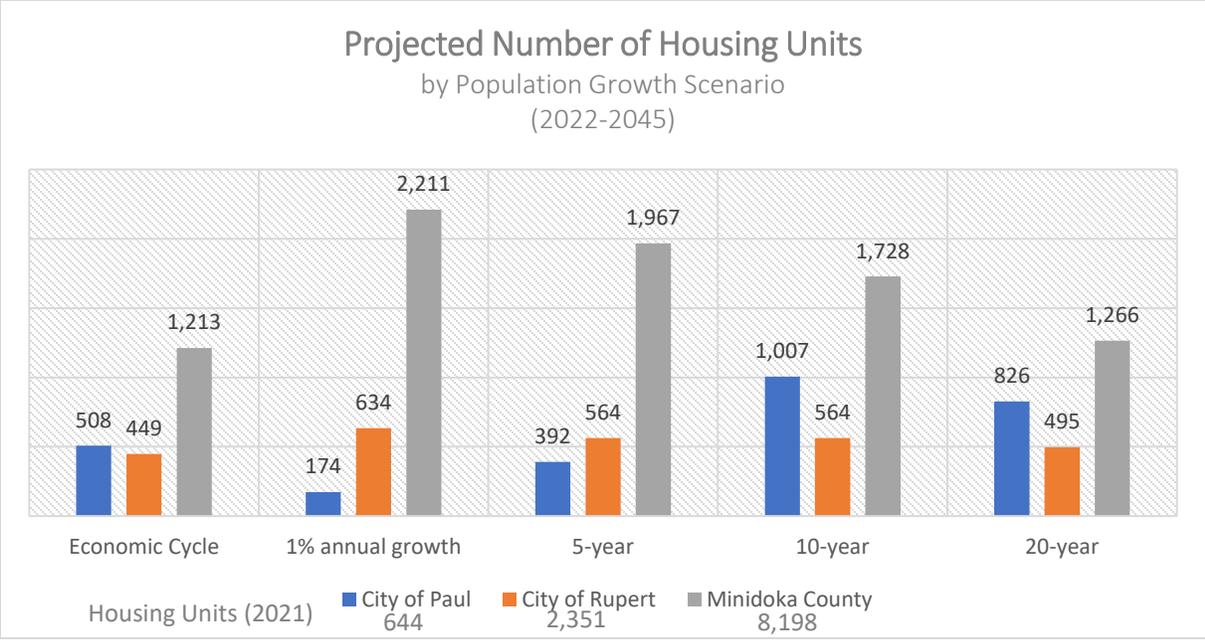


City of Rupert (population growth trends and projections)



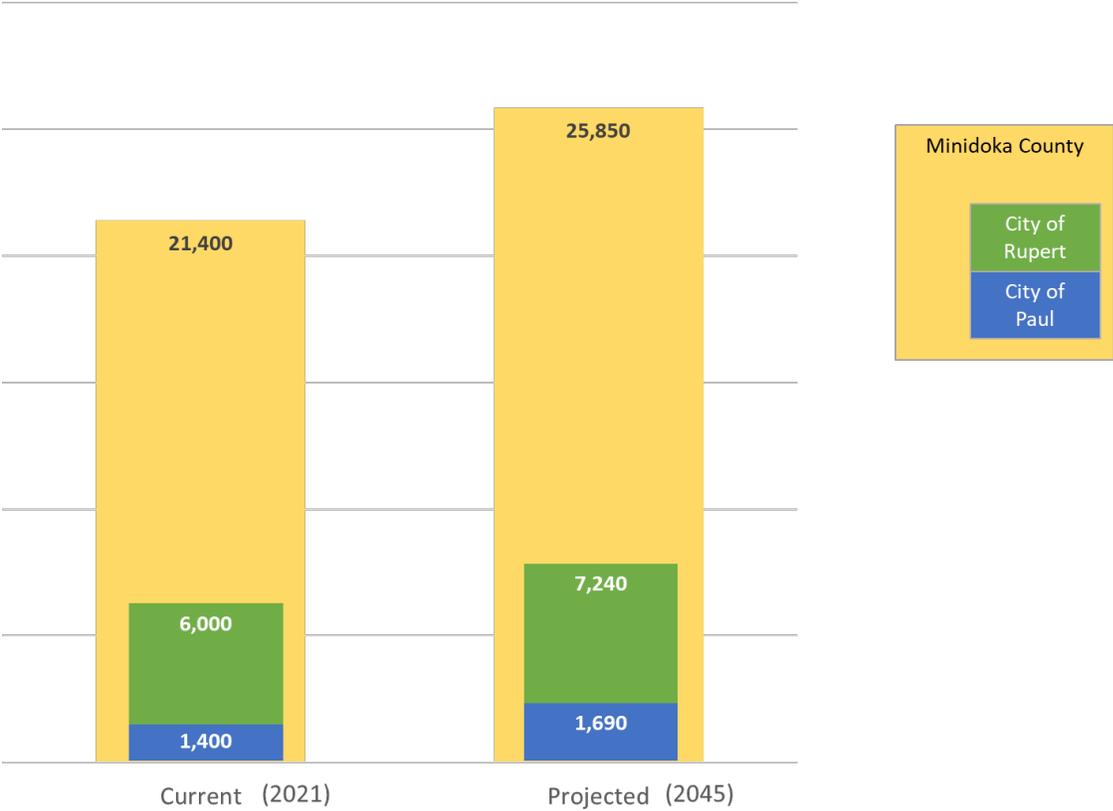


Utilizing the aforementioned growth scenarios and taking into account the current housing stock, estimates were generated to forecast the number of housing units needed to meet the anticipated population demand.



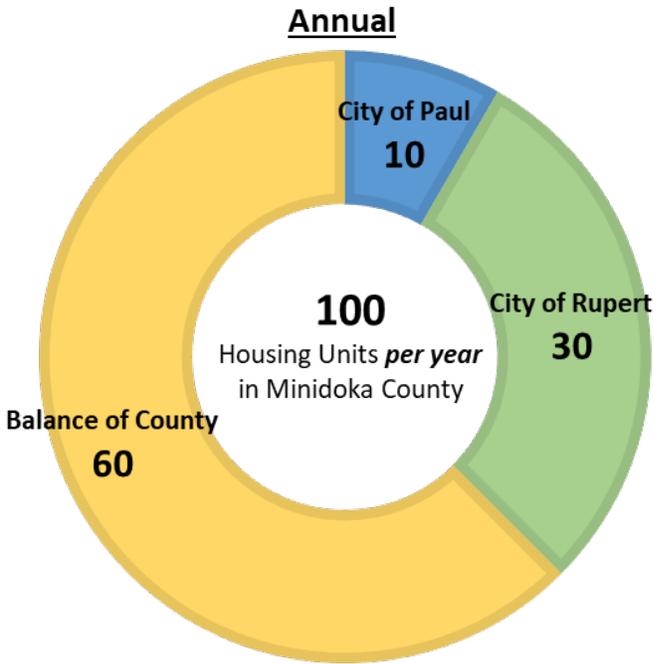
In summary, the 1% population growth scenario most aligns with recent building permit data. The conclusions from using that scenario for population and housing unit production are illustrated below.

Figure 8. Population Trends and Projections (based on 1% Growth Scenario)



Housing Units Projected

(based on 1% projected population growth scenario)



2,210
Total Housing Units
projected through 2045
in Minidoka County

Housing

Overview

Housing Units

8,198
Minidoka County

644
(Paul)

2,351
(Rupert)

Occupied Units

90%
Minidoka County

88%
(Paul)

86%
(Rupert)

Median Value

\$170,500
Minidoka County

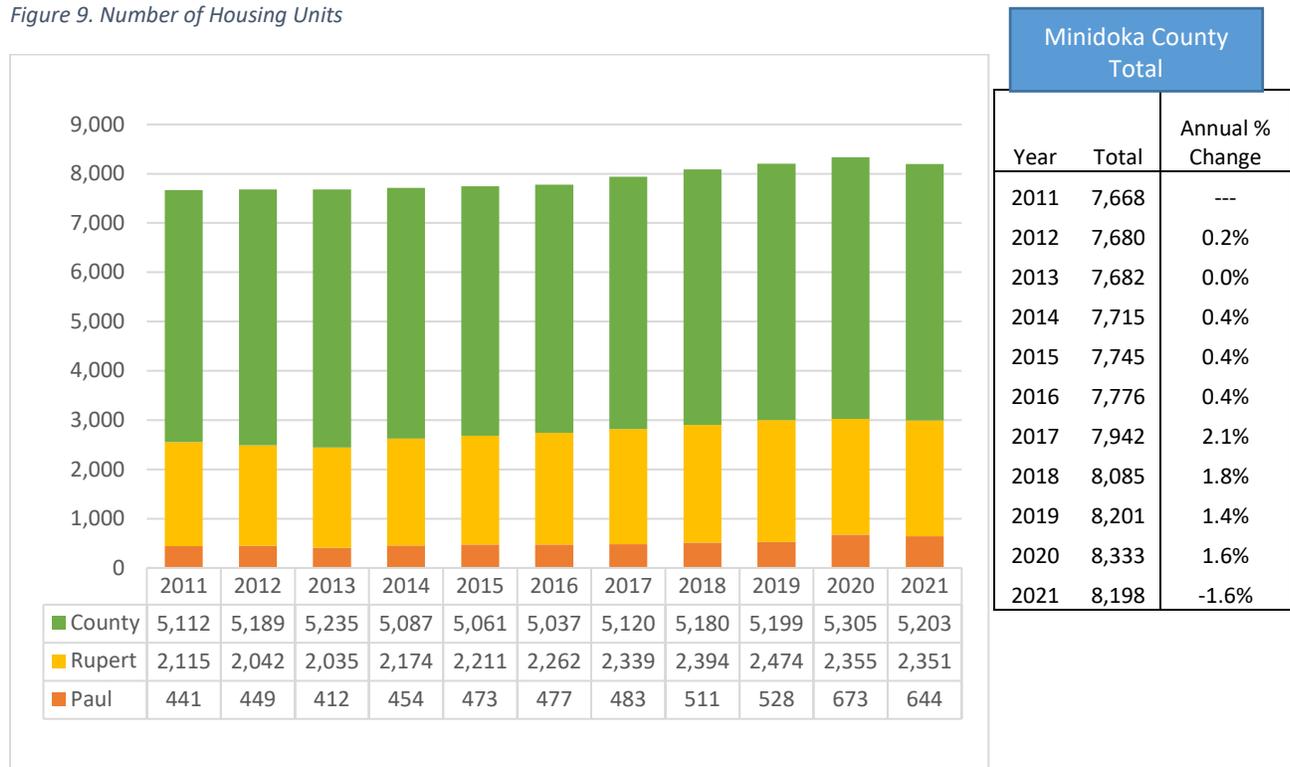
\$171,200
(Paul)

\$123,700
(Rupert)

Three factors drive the need for housing construction: growing demand from a growing population; the need to replenish existing stock; and the need for vacant units in a well-functioning market. Minidoka County has all three to some extent.

The number of housing units have been trending upward in Minidoka County, albeit at a slow pace—averaging an annual growth rate of 0.7% over the past 10 years of data. Population growth has kept the same rate of pace over the 10-year period.

Figure 9. Number of Housing Units

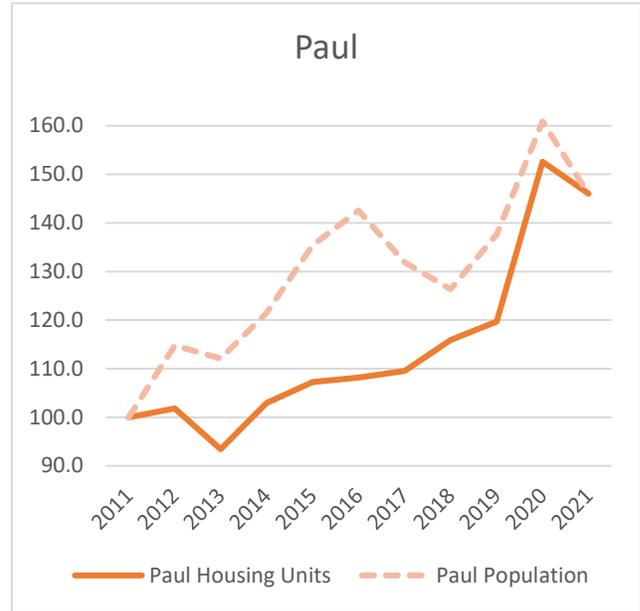
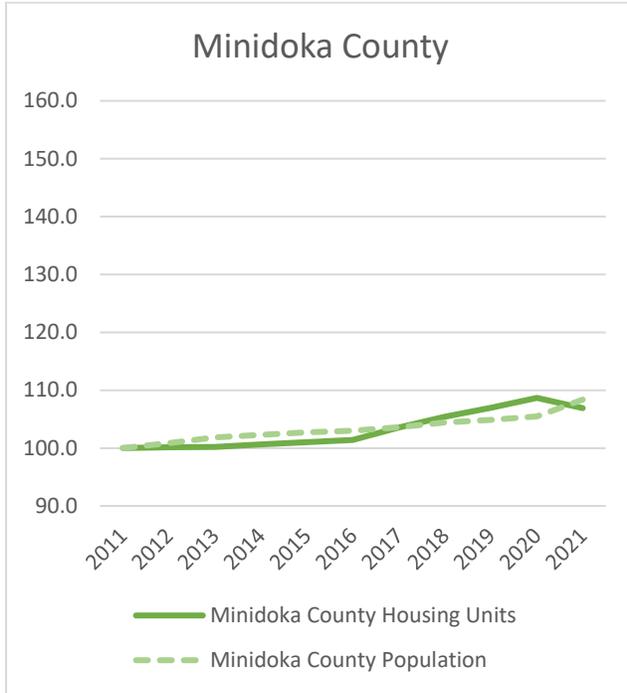


Source: U.S. Census, ACS 5-Year Estimates, author calculations

The charts below compare the supply of housing with population. If the population is falling faster than the housing stock, the resulting surplus of housing units can depress property values and result in

increased vacancy, abandonment, and a general decline in the quality of the low-priced housing stock. In contrast, when the population is growing faster than the housing stock, generally the vacancy rate is declining (as vacant units become occupied) or crowding is increasing.

Figure 10. Gap in Housing Units and Population, Minidoka County (2011-2021)



Source: U.S. Census, ACS 5-Year Estimates, author calculations

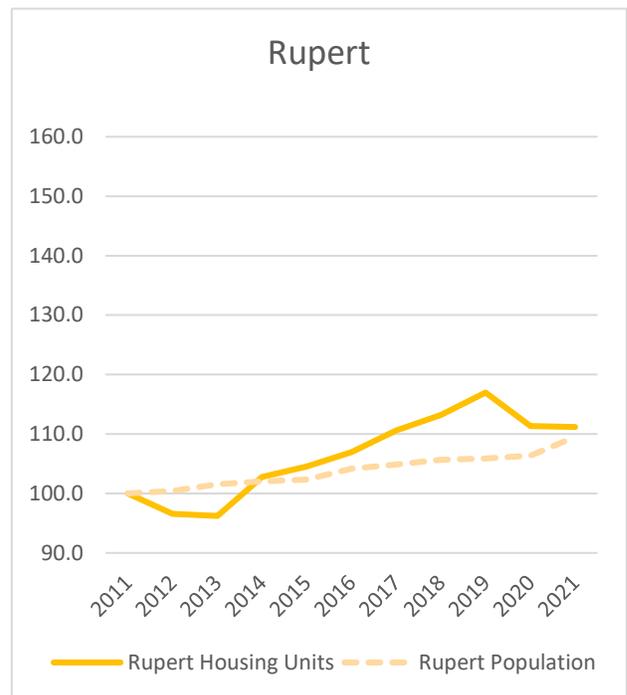
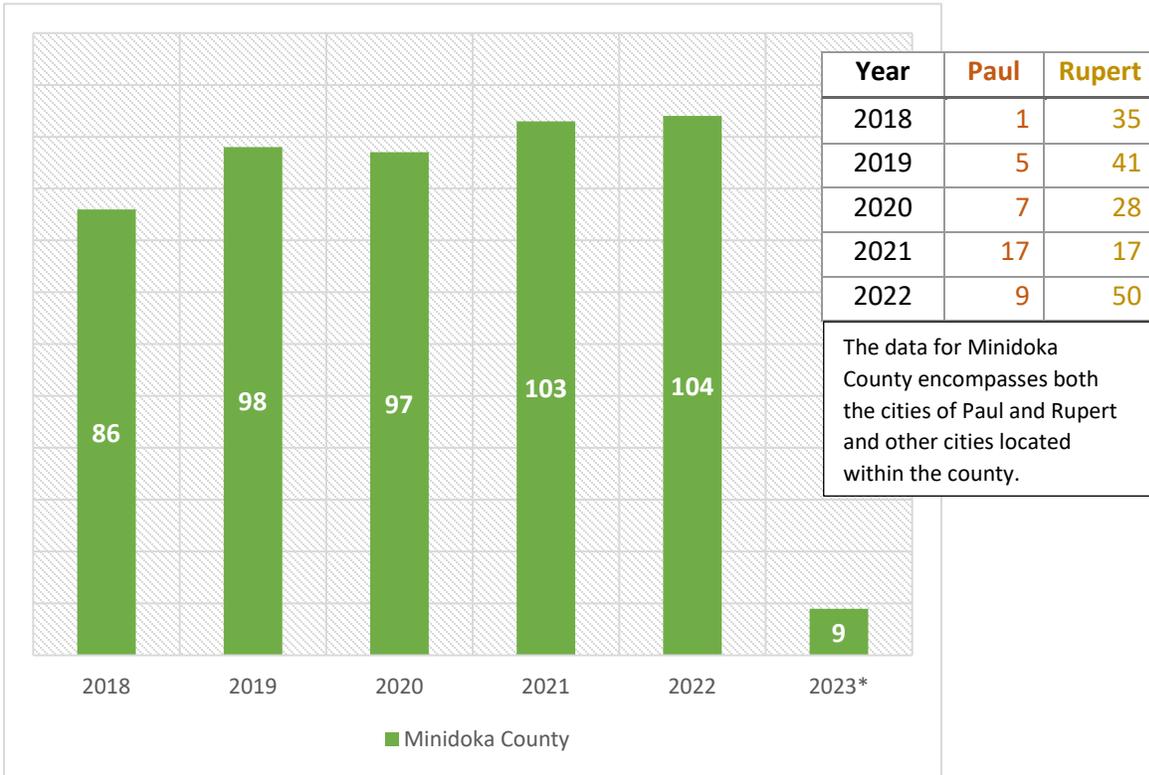


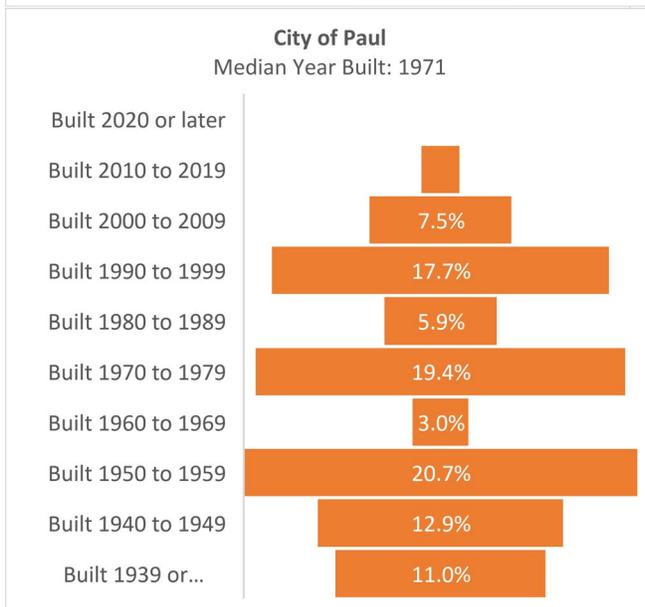
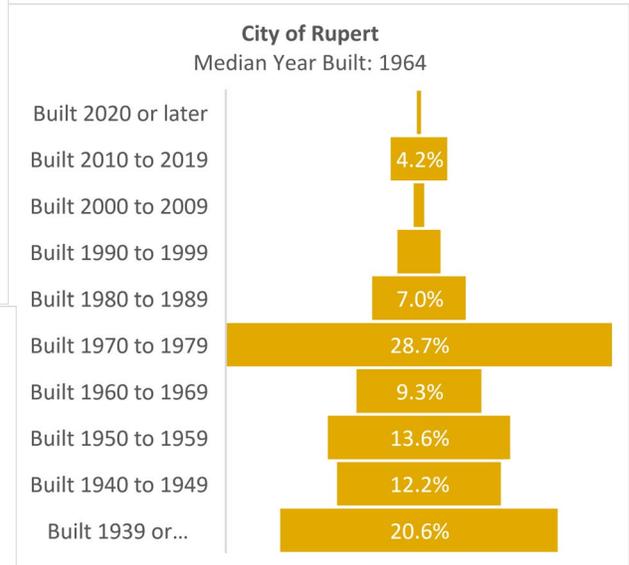
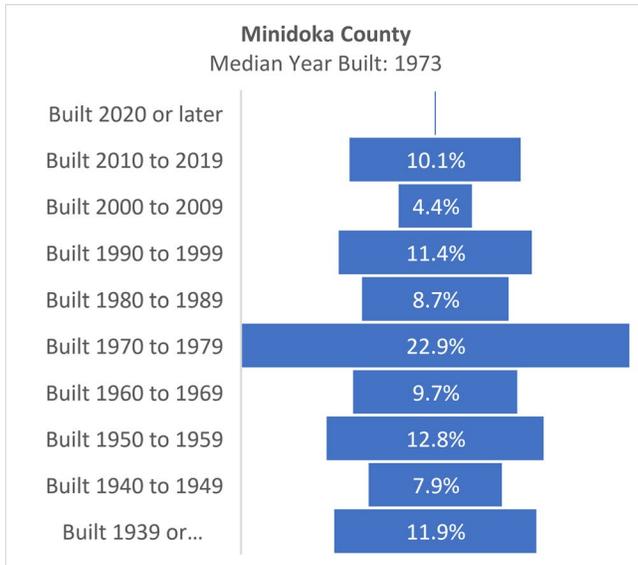
Figure 11. Residential Building Permits, 2018-2023



*through Q1 2023

Source: Minidoka County, April 12, 2023

Although the cities of Paul and Rupert have kept pace with demand in recent years and the County, as a whole, isn't too far behind; the housing stock remains to be dated with the median house built approximately 50 years ago. This equates to more repairs and strain on the continuous shortage of labor for skilled workers in the construction field.



Source: U.S. Census, ACS 5-Year Estimates

Most of the housing consists of single-family residences. Among the three regions, only the City of Rupert has a greater proportion of multi-unit housing compared to the state average. Rupert also has a higher percentage of renters with lower incomes than the other areas, which highlights the demand for multi-family housing.

Housing Type	Paul	Rupert	Minidoka County	Idaho
Single unit	84.0%	78.8%	80.0%	77.0%
Multi-unit	7.3%	16.6%	9.9%	15.1%
Mobile home	8.7%	4.6%	9.5%	7.7%

Source: U.S. Census, ACS 5-Year Estimates

Table 3. Occupancy Status, 2021

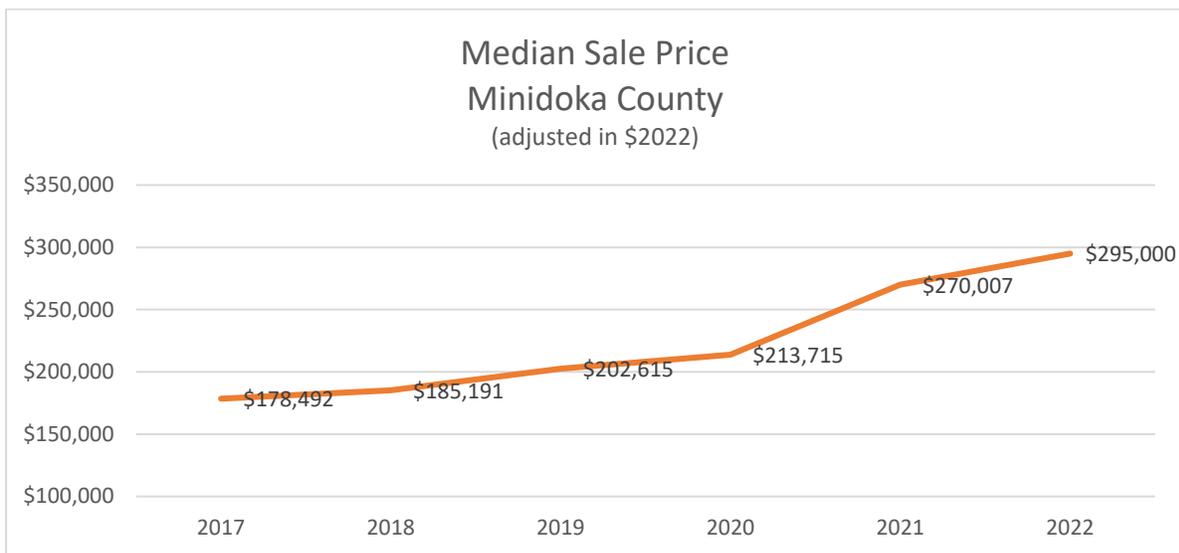
	Paul	Rupert	Total for Minidoka County
Total Housing Units	644	2,351	8,198
Occupied	88%	86%	90%
Owner-occupied	71%	65%	71%
Renter-occupied	29%	35%	29%
Vacant	12%	14%	10%

Source: U.S. Census, ACS 5-Year Estimates

Home Prices

Housing costs have been the most significant factor preventing young adults from forming their own households as well as buying a house. Robust demand but weak supply has driven up housing prices rapidly in many areas, which in turn is acting as a force to balance demand against supply. Facing higher home prices and rents, many young people are doubling up in shared living arrangements or living at home with their parents. There are two main reasons for the lower levels of housing production (relative to population): increased development costs and shortage of skilled labor.

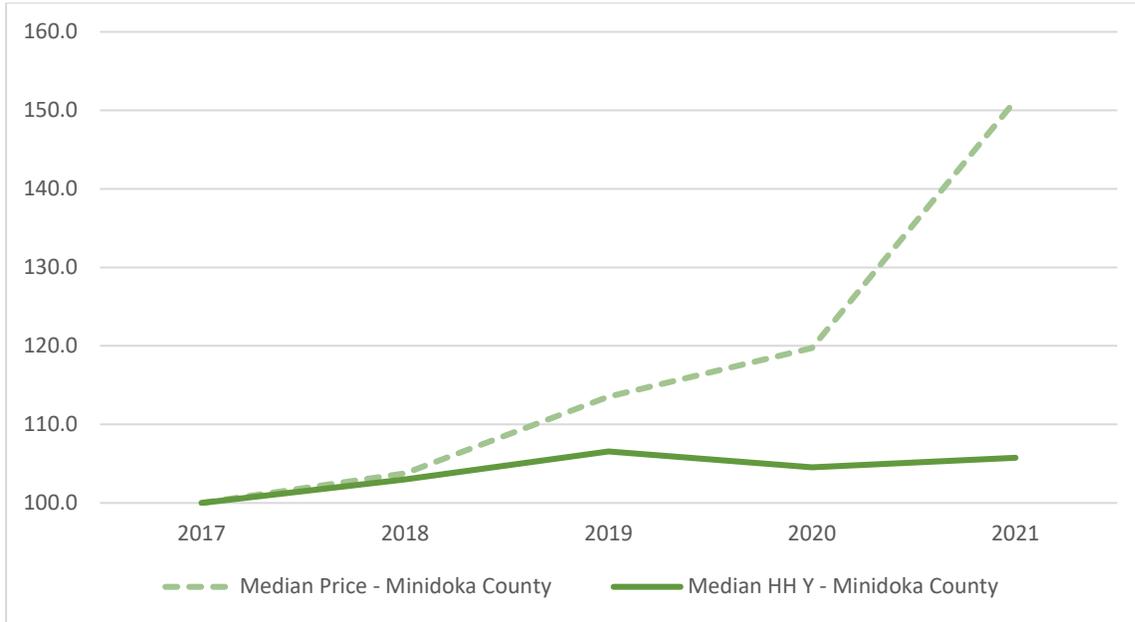
When accounting for inflation, the median home values in Minidoka have surged by \$116,510 since 2017. By 2022, the median home value in Minidoka County stood at \$295,000 (reflecting a 65% rise since 2017, adjusted for inflation). However, from 2017 to 2021, the median family income in Minidoka County experienced a mere 6% increase when considering inflation.



Source: Intermountain MLS and author's calculations

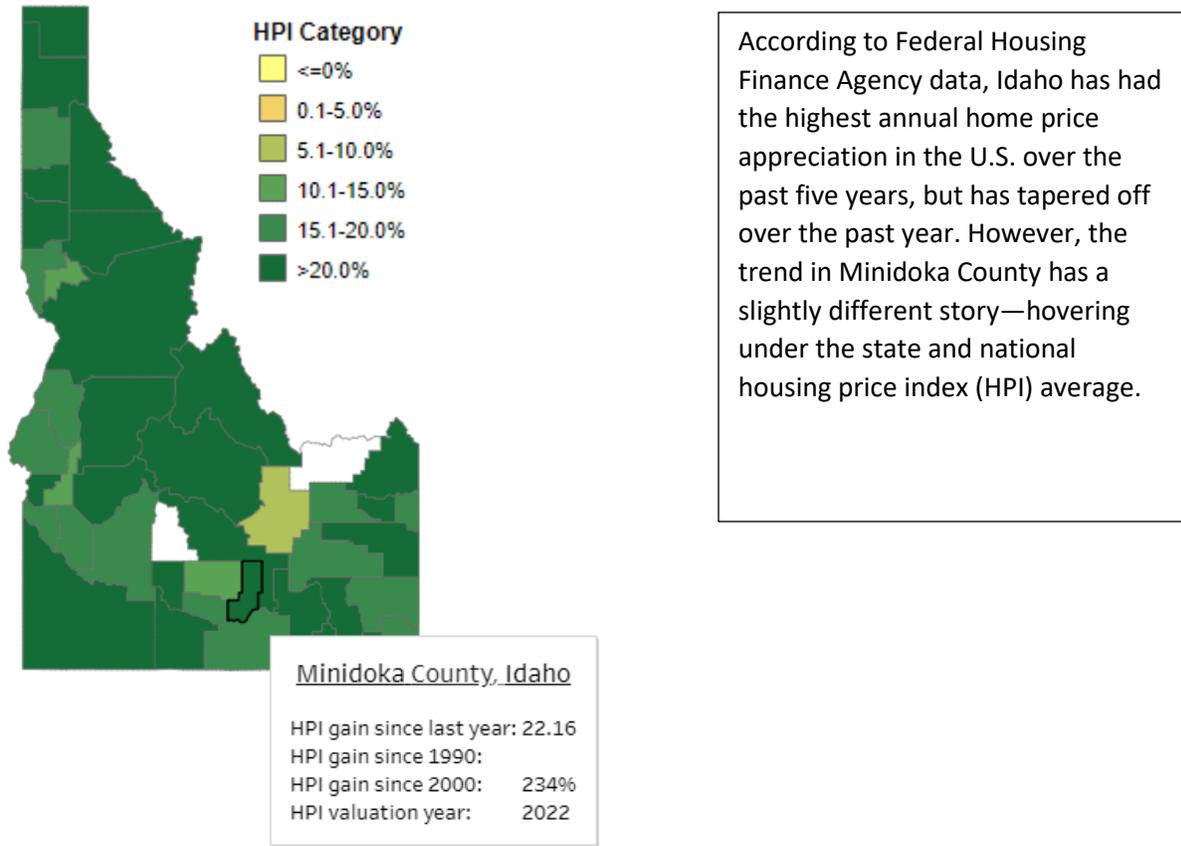
In Figure 12, both median home value and median family income have been converted into index numbers, with their respective values in the year 2017 being established as the baseline at 100. The dollar amounts have been adjusted to account for inflation.

Figure 12. Median Home Value vs. Median Household Income (adjusted in \$2022 and indexed), Minidoka County



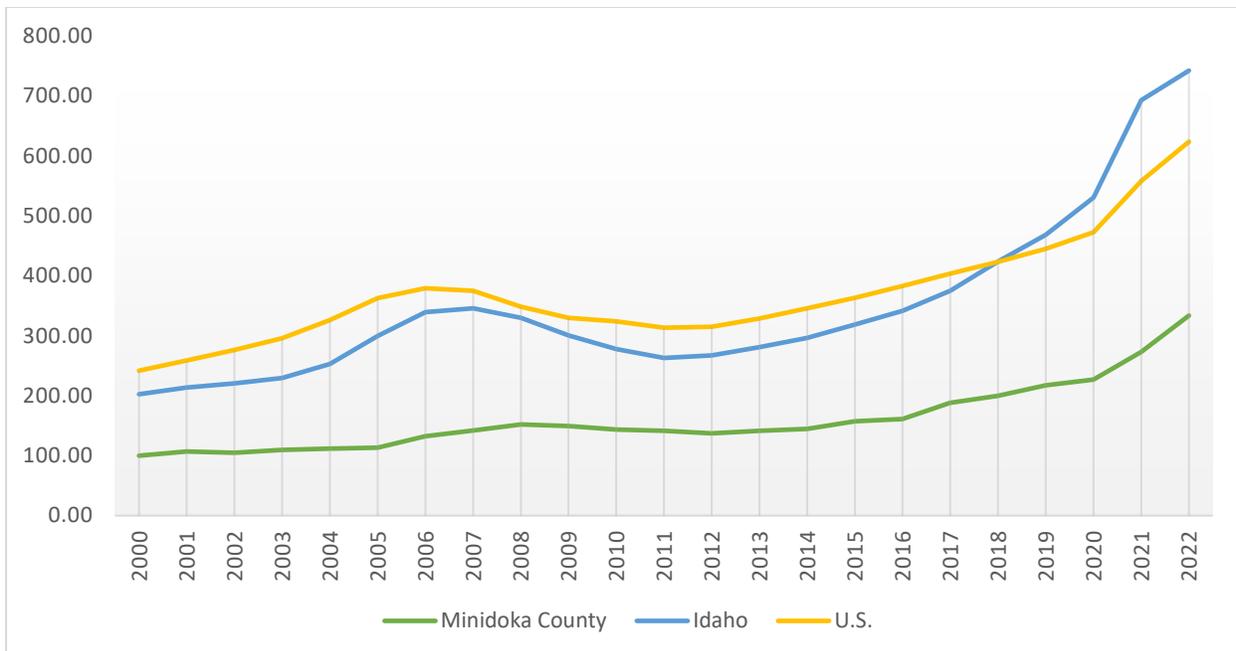
Source: Intermountain MLS; U.S. Census, ACS 5-Year Estimates; and author's calculations

Figure 13. Housing Price Index



Source: Federal Housing Finance Agency, Housing Price Index

Figure 14. House Price Index Trends, 2000-2022

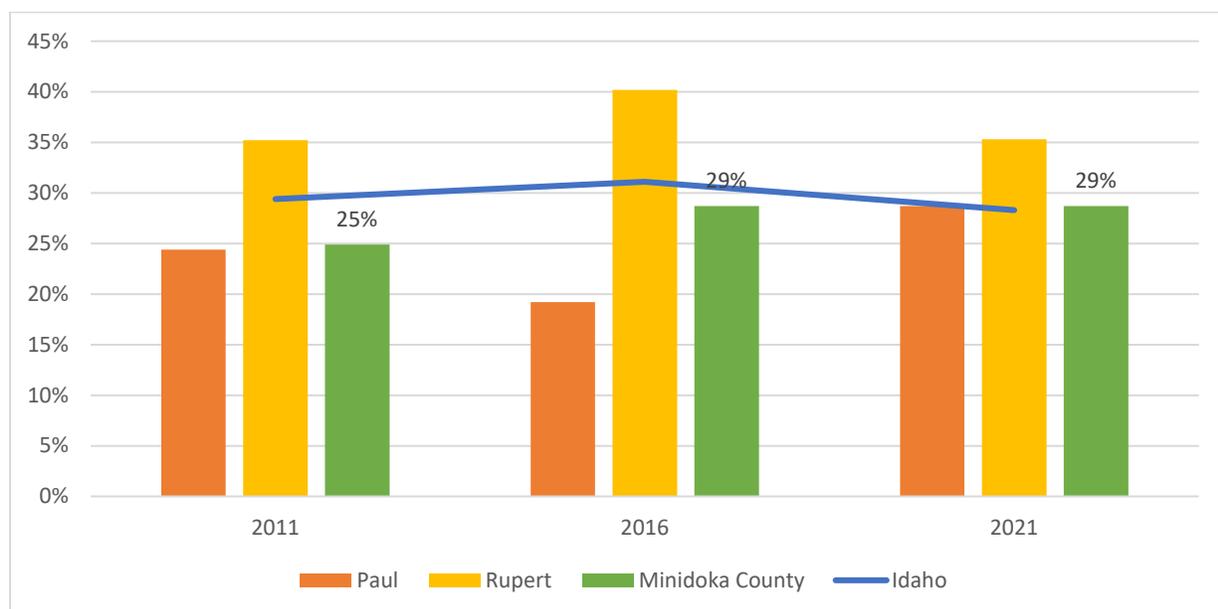


Rental Affordability

A healthy housing market provides a diverse range of housing options, including rental and for-sale homes and homes affordable to people of different incomes. An examination of the percentage of households that rent their homes, and the characteristics of these renter households (age, income, and cost-burden) can help jurisdictions understand the needs of renters and the extent to which policy changes may be needed to help ensure those needs are met. By examining how the data change over time, jurisdictions can spot trends, such as increased or decreased rental affordability.

In most areas, a significant share of households rent, underscoring the importance of quality affordable rental housing. In 2021, the proportion of renter households in Minidoka stood at 28.7%, barely surpassing the renter percentage in Idaho at 28.3% but falling short of the renter percentage in the United States (35.4%). The portion of Minidoka households that choose to rent has risen from 24.9% in 2011 to 28.7% by 2021.

Figure 15. Share of Householders Who Rent, 2011-2021



Source: U.S. Census, ACS 5-Year Estimates

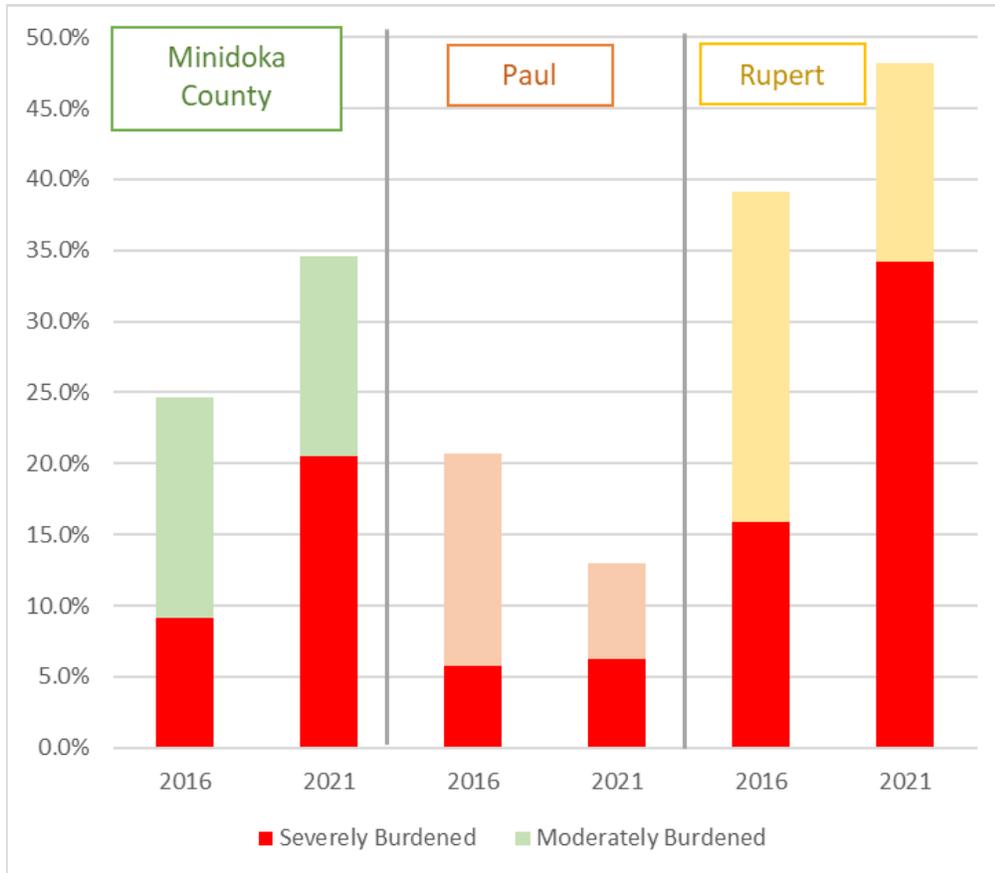
A moderately cost burdened rental household spends between 30 and 50% of their household income on gross rent (defined as monthly rent plus utilities expenses). A severely cost burdened renter household spends 50% or more of their household income on gross rent.

Examining how the share of renter households that are cost-burdened changes over time can help jurisdictions understand whether affordability problems are easing or worsening. In Minidoka County, the share of renter households that are moderately or severely cost burdened increased from 24.6% in 2016 to 34.6% in 2021, and remains significantly higher in Rupert.

Data on the percentage of households that are cost-burdened at the regional and national levels can provide a useful context for understanding the extent to which the jurisdiction's affordability challenges are more or less severe than these benchmarks. The share of renter households in Minidoka County that

were moderately or severely cost-burdened in 2021 (34.6%) was higher than the share in the region (Burley, ID Micro Area, 30.4%), but lower the share in the United States, (46.0%).

Figure 16. Share of Renter Households Moderately or Severely Cost Burdened



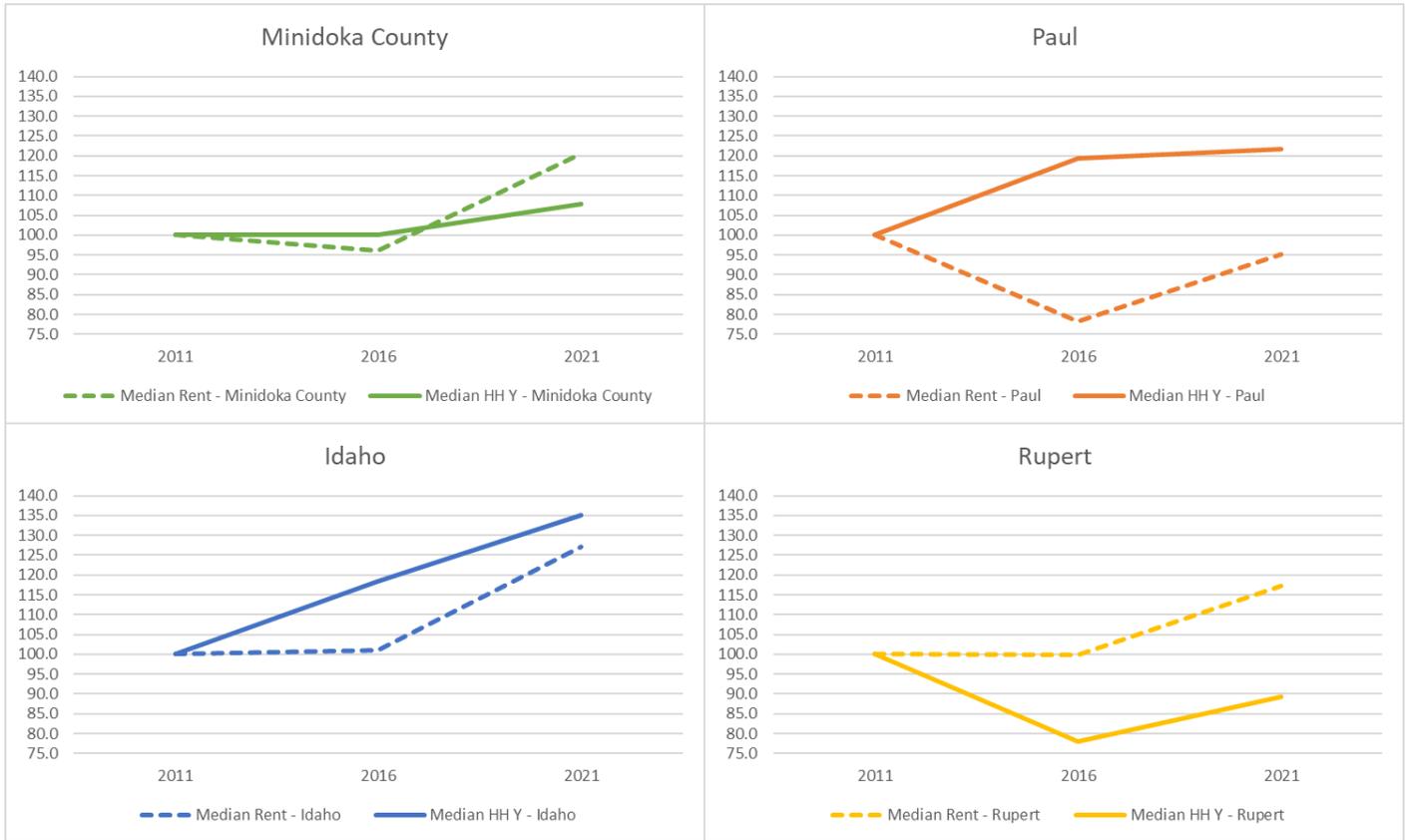
Source: U.S. Census, ACS 5-Year Estimates

As visualized below in the following figures, the data for both monthly median rent and annual median household income have been transformed into index numbers. This indexing process involves setting their respective values from the year 2011 as the baseline, represented by the index value of 100. This adjustment allows for a direct comparison of changes in rent and income over time, irrespective of the actual dollar values.

The median monthly rent in Minidoka County increased from \$657 in 2011 (adjusted for inflation to \$2021 dollars) to \$791 in 2021, marking a growth of 20%. In parallel, the annual median household income in Minidoka County experienced an 8% rise, also adjusted for inflation, during this timeframe. This disparity in the data highlights a trend where rent costs are escalating at a swifter pace compared to the growth in residents' earnings. This is even more noticeable in Rupert (see figures below).

In numerous regions across the nation, rental costs are advancing more rapidly than income levels, resulting in diminished affordability. This phenomenon is more pronounced for the inhabitants of Rupert compared to those of Paul. This discrepancy is partially attributed to the older age group that comprises renters in Rupert—approximately 36% of renters are aged 65 and above and subsist on fixed incomes.

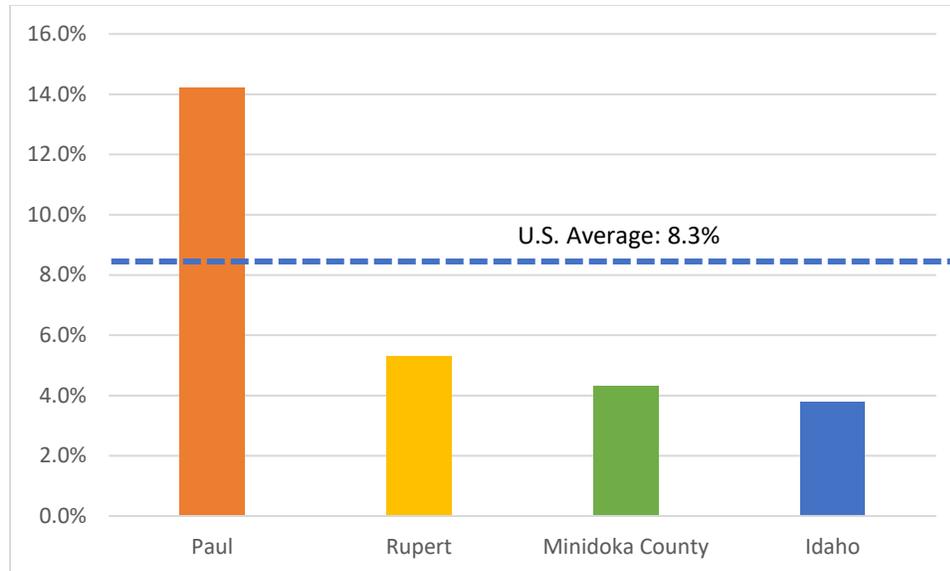
Comparison of Trends in Rent and Income (adjusted in \$2021 and indexed)



Source: U.S. Census, ACS 5-Year Estimates

No vehicle available = Public transportation

Figure 17. No Vehicle



Source: U.S. Census, ACS 5-Year Estimates

Conclusion—Housing

Housing construction in Minidoka County is driven by a growing population, replenishing housing stock, and creating affordable housing options. Housing units have slowly increased by 0.7% annually over a decade, paralleling population growth. The aging housing stock, particularly in Rupert, emphasizes the need for updated construction.

Most of the housing is single-family residences, except in Rupert, which has a higher proportion of multi-unit housing and lower-income renters, underscoring the demand for multi-family options.

Rising housing costs hinder young adults from homeownership. Median home values in Minidoka County have risen significantly since 2017, while median family income has seen a modest increase. Rent affordability is a concern, especially in Rupert, with a rise in cost-burdened renters.

The rental market is similar where median rent grew 20% from 2011 to 2021 in Minidoka County, while household income increased by only 8%. This imbalance is more pronounced in Rupert, affecting older fixed-income renters. Across regions, rental costs often outpace income growth, impacting affordability. Rupert faces a more acute situation due, in part, to an older renting population.

Agriculture

Introduction

This analysis relies on a variety of sources, including U.S. Department of Agriculture’s (USDA) Census of Agriculture and Idaho Department of Labor’s Farm Employment Estimates. Both sources were used because they are the most consistently updated sources and are only available at the county level. Therefore, they can be replicated for benchmarking purposes.

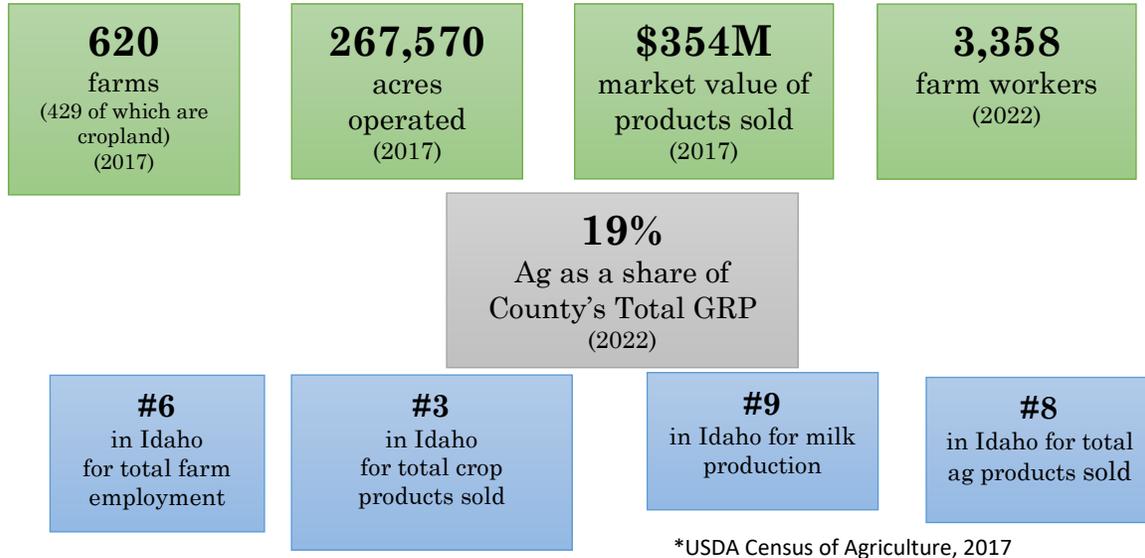
The Census of Agriculture, taken only once every five years, looks at land use and ownership, operator characteristics, production practices, income and expenditures. For farmers and ranchers, the Census of Agriculture is their voice, their future, and their opportunity. For comparison, this analysis illustrates the last two Census of Agriculture years, 2012 and 2017, the most current. The next Census of Agriculture is 2022 and data will not be released for public consumption until the spring/summer of 2024.

Consequently, the data in this analysis are the most recent data available from the 2017 Census.

However, some data are supplemented from USDA’s 2022 Agriculture Survey, where appropriate. The data and analysis are intended to elucidate agricultural trends in the Minidoka County economy to guide policy and should not be used for business or investment purposes.

All numbers summarized in the analysis are from the 2017 Census of Agriculture, unless otherwise noted.

Overview



Minidoka County and the surrounding region has built its economy around the successes of agricultural production. Large manufacturers, such as, Amalgamated Sugar (located in Paul) and potato and cheese processing (in Heyburn) require a central location with a well-developed transportation infrastructure, a low cost of doing business, and the availability of agricultural products for food processing. Minidoka and its neighboring counties offer businesses each of these attributes.

Minidoka County farmers are among some of the top agricultural producers in the state and play an integral role in the region’s economy, contributing 19% to the County’s total gross regional product (GRP—or production output).

The County encompasses 620 farms comprising 267,570 acres, averaging 430 acres per farm. While the number of farms has held constant, the amount of acreage operated increased nearly 10%, from roughly 244,000 acres in 2012. As shown in the map below, approximately 54% of land situated within Minidoka County is zoned for agricultural use.

Figure 18. Zoning, Minidoka County (2023)

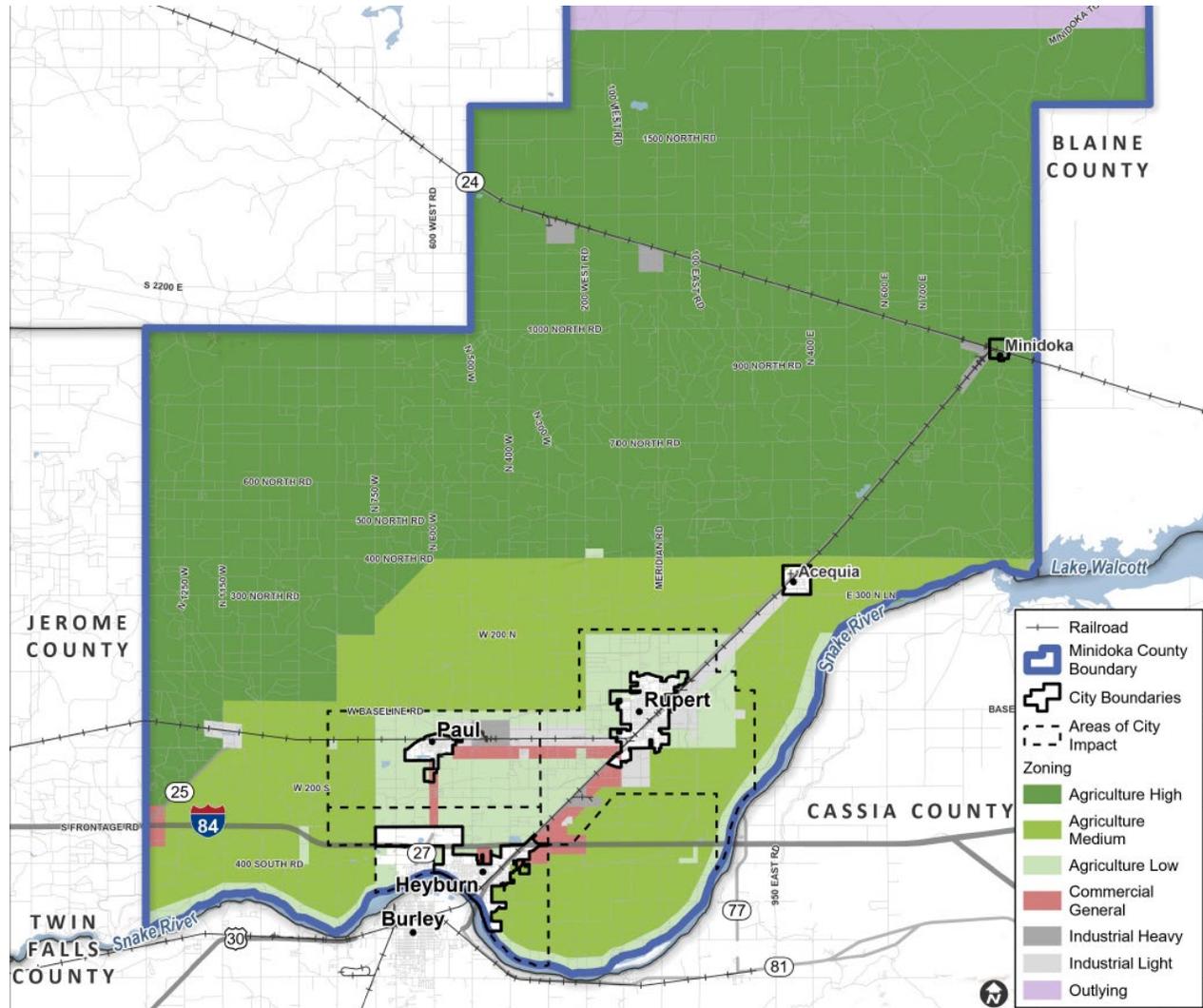


Table 4. Farm Size, Minidoka County (2012-2017)

	2012	2017	% change
Number of farms	622	620	-0.3%
Acres operated	244,094	267,567	9.6%
Average size in farm (acres)	392	432	10.2%

Source: USDA

The farm size has shifted as the number of small farms (<10 acres) and the number of large farms (>500 acres) have both increased, whereas the number of mid-size farms (10-499 acres) has declined—losing 56 mid-range farms.

5%
of Idaho's total
Agricultural Sales

Table 5. Number Farms by Size, Minidoka County (2017)

Farms by Size	2012	2017	Numeric Change	% Change
1 to 9 acres	149	176	27	18%
10 to 49 acres	169	145	-24	-14%
50 to 179 acres	94	86	-8	-9%
180 to 499 acres	123	99	-24	-20%
500 to 999 acres	33	58	25	76%
1,000+ acres	54	56	2	4%

Source: USDA

Share of Sales by Type

Crops **73%**
Livestock, poultry, and products **27%**

More and more dairies are expanding into Minidoka County and neighboring Cassia County. The market value of milk from cows sold jumped five percentage points from \$60.4M in 2012 (16.4% of total market value of agriculture products sold) to \$63.6M by 2017 (18% of total market value of ag products sold). As a result of the increase of dairies to the greater region, the amount of production for feed has also risen. The number of acres produced for barley jumped 47% from 2012 to 2017, while land used for hay and all haylage increased nearly 30%. With the addition of Amalgamated Sugar and Clif Bar (Twin Falls), 2,100 acres of land for sugarbeets for sugar were added in Minidoka County.

Table 6. Number of Farms and Acres by Crop and Livestock, Minidoka County (2017)

Farms by Crop Type	2012		2017		Numeric Change (2012-2017)	
	Farms	Acres	Farms	Acres	Farms	Acres
Corn for grain	5	1,837	4	---	-1	---
Corn for silage	22	7,772	29	8,032	7	260
Wheat for grain, all	101	40,107	103	31,969	2	-8,138
Durum wheat for grain	1	---	4	---	3	---
Other spring wheat for grain	63	21,299	82	21,087	19	-212
Winter wheat for grain	60	---	38	---	-22	---
Oats for grain			2	---	2	---
Barley for grain	119	32,132	129	47,296	10	15,164
Dry edible beans, excluding limas	46	3,809	29	4,471	-17	662
Forage - land used for all hay and all haylage, grass silage, and greenchop	321	37,499	296	48,697	-25	11,198
Sugarbeets for sugar	102	48,251	110	50,351	8	2,100
Vegetables harvested for sale	42	31,685	54	29,174	12	-2,511
Potatoes	37	31,547	42	28,861	5	-2,686

Source: USDA

Livestock, poultry, and products	2012		2017		Numeric Change (2012-2017)	
	Farms	Number	Farms	Number	Farms	Number
Cattle and calves inventory*	267	39,174	259	42,141	-8	2,967
Beef cows	194	4,905	214	5,622	20	717
Milk cows	24	13,662	21	15,116	-3	1,454
Cattle and calves sold	227	27,246	236	19,962	9	-7,284
Hogs and pigs inventory	8	123	8	58	0	-65
Hogs and pigs sold	9	121	9	101	0	-20
Sheep and lambs inventory	36	54,966	48	103,660	12	48,694
Layers inventory	49	---	50	502	1	---
Broilers and other meat-type chickens sold	4	90	3	180	-1	90

* The Cattle Inventory surveys provide basic inventory data that describe the nation's cattle herd. The reports provide estimates of the number of breeding animals for beef and milk production as well as the number of heifers being held for breeding herd replacement. Estimates of cattle and calves being raised for meat production are also included. The number of calves born during the previous year is also measured. Therefore, the number of beef and milk cows will not add up to total cattle and calves inventory.

Source: USDA

Table 7. Market Value of Agricultural Products Sold, Minidoka County (2017)

	Sales (\$1,000)	Rank in State	# Idaho Counties Producing Item	Rank in U.S.	# U.S. Counties Producing Item
Total	354,449	8	44	662	3,077
Crops	260,145	3	44	76	3,073
Grains, oilseeds, dry beans, dry peas	(D)	10	42	1,355	2,916
Tobacco	-	-	-	-	323
Cotton and cottonseed	-	-	-	-	647
Vegetables, melons, potatoes, sweet potatoes	102,283	4	41	31	2,821
Fruits, tree nuts, berries	(D)	2	37	(D)	2,748
Nursery, greenhouse, floriculture, sod	(D)	2	43	(D)	2,601
Cultivated Christmas trees, short rotation woody crops	-	-	14	-	1,384
Other crops and hay	99,137	2	44	11	3,040
Livestock, poultry, and products	94,304	12	44	548	3,073
Poultry and eggs	(D)	3	43	(D)	3,007
Cattle and calves	12,809	24	44	1,088	3,055
Milk from cows	63,570	9	35	128	1,892
Hogs and pigs	9	26	40	1,583	2,856
Sheep, goats, wool, mohair, milk	(D)	1	43	4	2,984
Horses, ponies, mules, burros, donkeys	91	30	44	1,498	2,970
Aquaculture	-	-	22	-	1,251
Other animals and animal products	(D)	4	42	(D)	2,878

Notes: (D) Withheld to avoid disclosing data for individual operations.

Source: USDA

Agricultural Workers

Many of the employment estimates available today are focused on estimating employment of nonfarm payrolls. The Farm Employment Estimates are a data set provided by the Idaho Department of Labor to help provide an employment picture for those who are interested in farm employment. The data set provides the estimate of operators, unpaid family workers and hired workers at a statewide level as well as county level.

2,985 farm workers (2022)
678 certified H2A workers (for 2023 season)
3,660 migrant seasonal farm workers (2022)
#6 in farm employment (of Idaho's 44 counties in 2022)

Source: Idaho Department of Labor

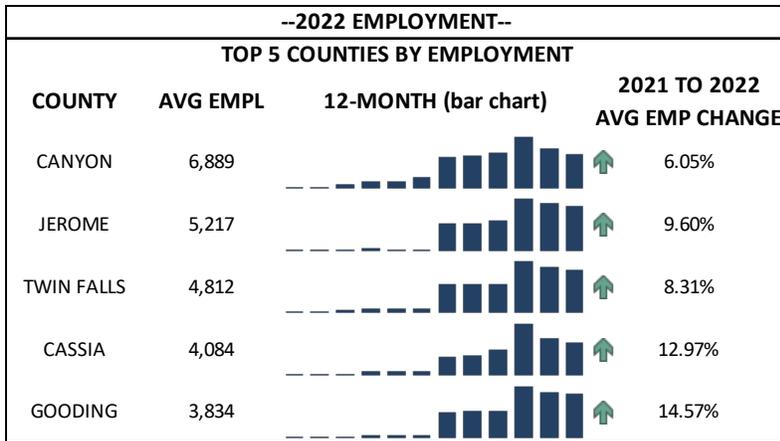
Due to the difficulty in estimating farm employment on a monthly basis, IDOL staff utilize data from a variety of sources that include the U.S. Department of Agriculture's Census of Agriculture, U.S. Census Bureau and the Idaho Department of Labor's Quarterly Census of Employment and Wages (QCEW) data.

Minidoka is the 6th largest farm-employing county in the state, comprising nearly 5% of the state's total farm employment. The top five counties employing farm workers reside in southern Idaho and are listed below. Farm employment has consistently increased over the past five years and continues to grow, averaging an annual increase of 7% per year.

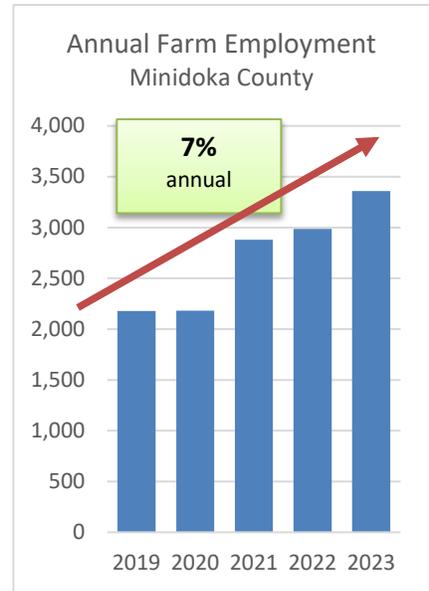
Figure 19. Annual Paid Farm Employment by County, Southcentral Idaho counties

	REGION	2019	2020	2021	2022	2023
	BLAINE	424	430	441	441	414
	CAMAS	242	247	252	258	245
	CASSIA	2,789	2,796	3,615	4,084	5,041
	GOODING	2,610	2,599	3,347	3,834	4,810
	JEROME	3,310	3,361	4,760	5,217	6,978
	LINCOLN	713	718	911	961	1,211
	MINIDOKA	2,177	2,182	2,879	2,985	3,358
	TWIN FALLS	3,401	3,404	4,443	4,812	5,977
	SOUTHCENTRAL	15,667	15,736	20,648	22,591	28,033

Source: Idaho Department of Labor

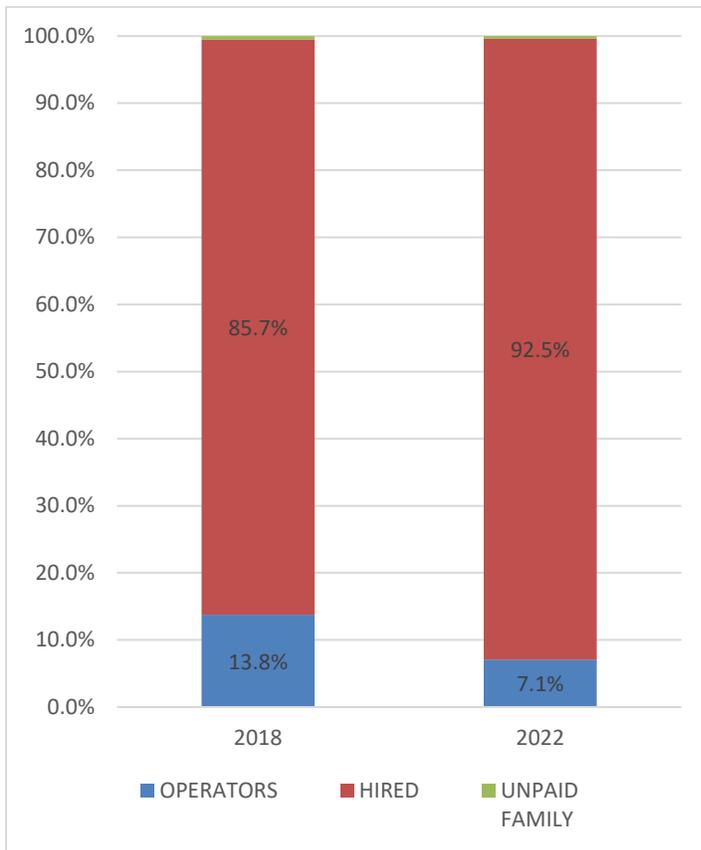


Source: Idaho Department of Labor



Of those working on farms in Minidoka County, nearly 93% are hired workers, another 7% operators, and less than 1% are unpaid family members. According to Idaho Department of Labor data, the number of hired workers nearly doubled from 2018 to 2023 in the County, while the number of operators remained relatively constant.

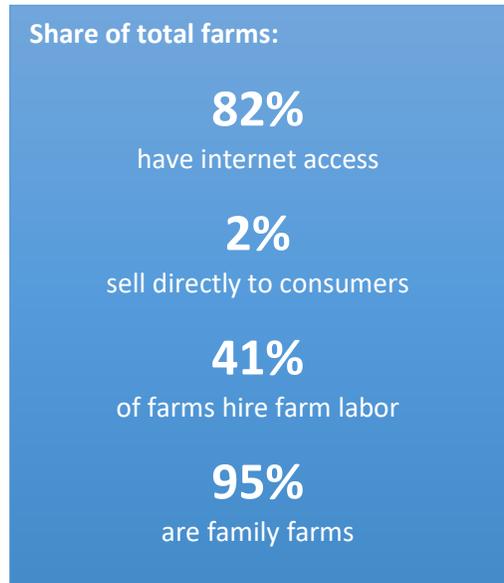
Figure 20. Farm Operations by Type, Minidoka County (2018 vs 2022)



The term producer designates a person who is involved in making decisions for the farm operation. Producers are synonymous with operators in USDA terms. Decisions may refer to topics such as planting, harvesting, livestock management, and marketing. The producer may be the owner, a member of the owner’s household, a hired manager, a tenant, a renter, or a sharecropper. If a person rents land to others or has land worked on shares by others, he/she is considered the producer only of the land which is retained for his/her own operation. The census collected information on the total number of male producers, the total number of female producers, and demographic information for up to four producers per farm. There were 1,051 producers in Minidoka County during the 2017 Ag Census. Of that, 32% are women and 26% are over the age of 65. There are a large number of new or novice farmers—29% of all producers—the same share as statewide.

Table 8. Farm Characteristics, Minidoka County

Total Producers	1,051
Sex	
Male	715
Female	336
Age	
<35	117
35 – 64	663
65 and older	271
Race	
American Indian/Alaska Native	-
Asian	5
Black or African American	-
Native Hawaiian/Pacific Islander	-
White	1,044
More than one race	2
Other characteristics	
Hispanic, Latino, Spanish origin	94
With military service	74
New and beginning farmers	309



Migrant Seasonal Farm Workers

Summary of Migrant Seasonal Farm Workers in Minidoka County

3,660 MSFW at peak (2022)
October peak month for MSFWs
72% of all hired workers during peak MSFW

The National Farmworker Jobs Program (NFJP) is a nationally directed program created by Congress in response to the chronic seasonal unemployment and underemployment experienced by migrant and seasonal farmworkers (MSFWs).

The NFJP provides funding to help migrant and seasonal farmworkers and their families achieve economic self-sufficiency by offering supportive services to them while they work in agriculture or by helping them to acquire new skills for jobs offering better pay.

2022 (JAN-DEC)		
Top 5 Counties: Most MSFW		
016	STATEWIDE	49,830
027	CANYON	6,436
053	JEROME	5,298
031	CASSIA	5,145
083	TWIN FALLS	4,432
047	GOODING	3,790
Top 5 Counties: Highest Percent of MSFW		
016	STATEWIDE	64
055	KOOTENAI	79
077	POWER	79
011	BINGHAM	73
031	CASSIA	72
067	MINIDOKA	72

The number of MSFWs quadrupled in Minidoka County from 913 in 2018 to 3,660 in 2022. Minidoka County is the 6th largest county for MSFW in the state with approximately 72% of all hired workers during the peak season were migrant seasonal farm workers.

Additionally, there are 678 H2-A workers in Minidoka County. The H2-A program allows employers who meet specific regulatory requirements to bring foreign nationals to the United States to fill temporary agricultural jobs. These workers are very important to areas such as Minidoka County that have a large agricultural base in order to help ag businesses achieve their business goals. Since they have a different structure of government and wage, these workers are not counted in IDOL’s farm employment, Census, or MSFW programs.

Conclusion—Agriculture

Minidoka County's economy is centered on successful agriculture, featuring major manufacturers like Amalgamated Sugar and cheese processors. The area benefits from strong transportation, cost-effective business conditions, and abundant agricultural resources. The county's 620 farms covering 267,570 acres contribute 19% to the local economy. The dairy industry's growth drives Minidoka County's milk sales to \$63.6M by 2017, prompting increased barley, hay, and haylage production. The addition of Amalgamated Sugar and Clif Bar led to 2,100 acres for sugarbeets.

Ranked 6th in farm employment, Minidoka County contributes nearly 5% to the state's total. Farm employment has grown 7% annually, while the number of hired workers doubled from 2018 to 2023. Minidoka County saw MSFWs rise from 913 in 2018 to 3,660 in 2022, with around 72% of peak-season hired workers being migrant seasonal farmworkers. Additionally, 678 H2-A workers are present, excluded from local employment counts due to structural differences.

Furthermore, the conflict between housing development and prime agricultural areas has become a pressing issue as urbanization and population growth continue to encroach upon fertile farmlands. The demand for housing, driven by expanding urban populations and changing lifestyles, often clashes with the preservation of productive agricultural lands. The tension arises from the intrinsic value of these agricultural areas for food production, environmental sustainability, and local economies, juxtaposed with the economic incentives for developers and local governments to convert these lands for housing.

These valuable agricultural lands become alluring targets for housing developers seeking to meet the growing housing demands of a burgeoning population. This phenomenon can lead to the loss of irreplaceable resources, as once these lands are developed, their agricultural productivity is often irreversibly compromised.

Local governments face the challenge of balancing economic growth through housing development with the need to sustain agricultural production and preserve the environment. The pressure to allow housing development in prime agricultural areas stems from factors such as increased property tax revenue, job creation in the construction sector, and short-term economic gains. However, these benefits must be weighed against the long-term consequences.

Efforts to find solutions involve implementing smart growth policies that encourage development in areas that are already urbanized or have lower agricultural value, while preserving prime agricultural lands for farming. This might involve zoning regulations that prioritize the protection of agricultural lands, incentives for farmers to continue their operations, and innovative urban planning strategies that accommodate housing needs without compromising food security and environmental sustainability. Ultimately, striking a balance between housing development and preserving prime agricultural areas requires a collaborative approach involving developers, policymakers, farmers, and communities to ensure the well-being of both present and future generations.

Economic Development

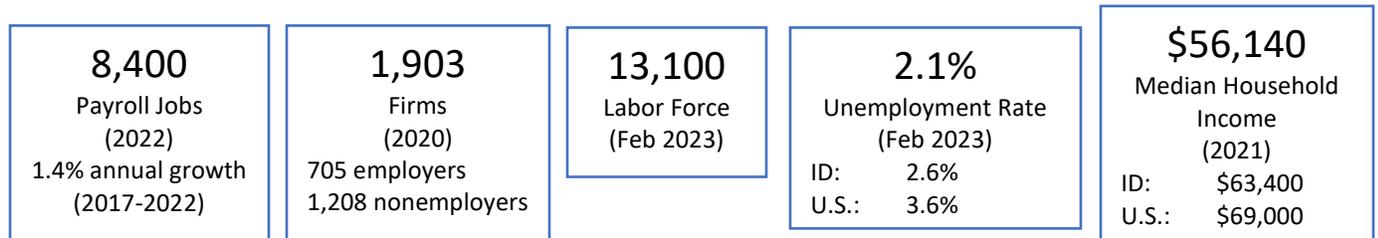
Introduction

Known as “America’s Most Diverse Food Basket,” southern Idaho is home to some of the top dairy farms in the country as well as a diverse range of other industries, including manufacturing, healthcare and manufacturing.



Minidoka County is strategically located 40 miles from Twin Falls, Idaho, 160 miles from Boise and 180 miles from Salt Lake City, Utah. The communities that serve Minidoka County are easily accessible to Interstate 84 making it a desirable location for companies to locate and ease of access to major metropolitan areas such as Boise, Salt Lake City, Portland, Seattle and north into Canada. The area is ideally positioned to reach major transportation corridors and markets in all directions.

Overview – Minidoka County



Minidoka County is home to over 1,900 establishments—63% of which are nonemployers (have no employees), or 1,200, and the remaining 36%, or 705, are employers (that have employees). Approximately 8,400 individuals are employed by the 705 employer establishments, with 49% being residents of Minidoka County.

Job growth has been clipping along at a steady pace in Minidoka County over the past decade. There was a spike in 2015 when Frulact came into production. Over the past five years, 2017 to 2022, Minidoka County businesses added 523 people to their payrolls—growing at an annual rate of 1.3%. This rate of growth is slightly lower than historical trends.

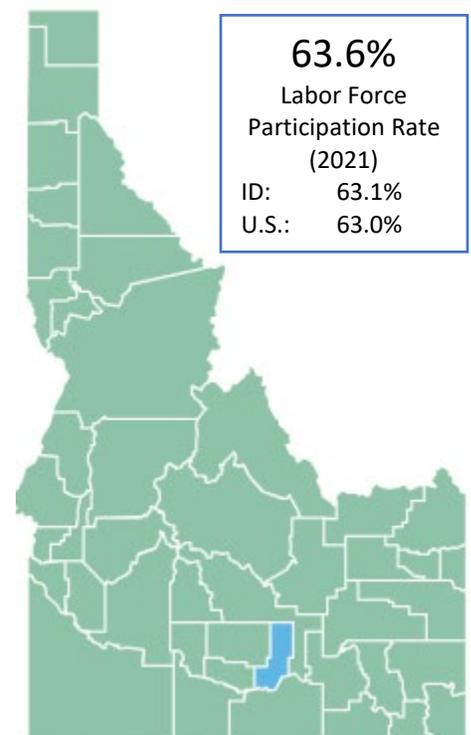
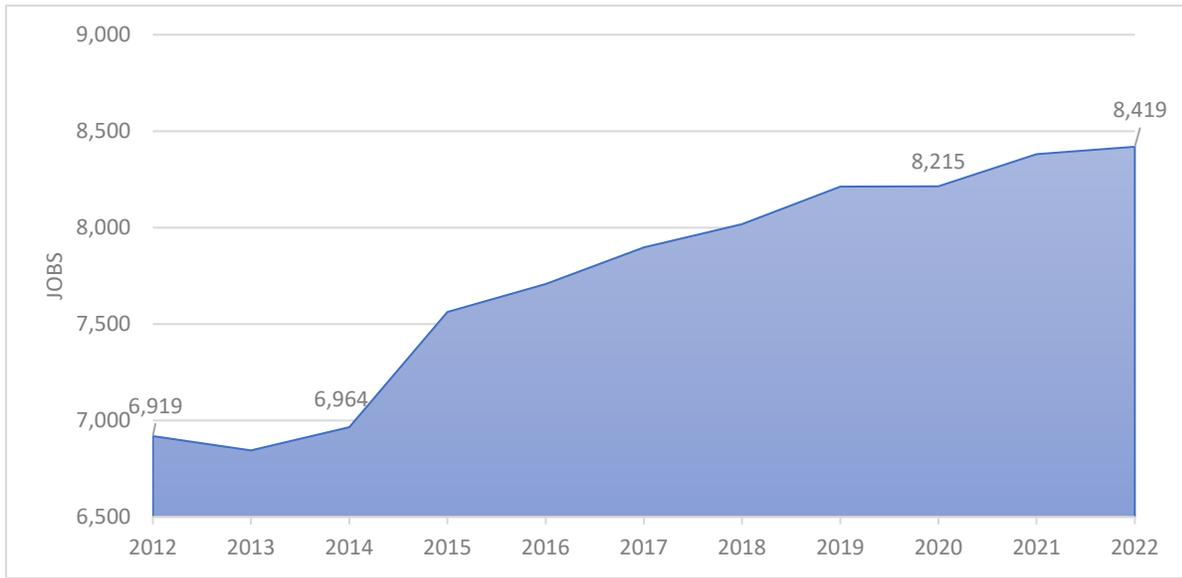


Figure 21. Job Trends, Minidoka County (2012-2022)



Source: BLS, QCEW

Like most businesses across Idaho, majority of businesses in Minidoka County are small. Of the 705 employers, 78% have fewer than 20 employees and 7% have more than 500. Several large employers (>100) are in the government sector but private businesses, such as Amalgamated Sugar and Progressive Behavior Systems, are among the largest (see Figure 23 below).

Figure 22. Share of Firms by Employment Size

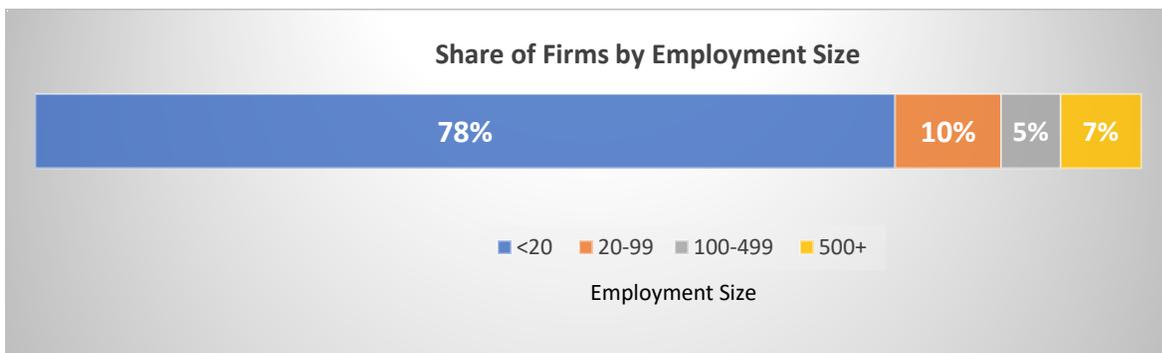


Figure 23. Largest Employers, Minidoka County

Employer	Ownership	Employment Range
Minidoka County Joint School District	Local Government	500 - 999
Amalgamated Sugar Company	Private	500 - 999
Progressive Behavior Systems	Private	250 - 499
Minidoka Memorial County Hospital	Local Government	250 - 499
Loves Travel Stops And Country Store	Private	100 - 249
Minidoka County	Local Government	100 - 249
City Of Rupert	Local Government	100 - 249
Best Western/perkins-burley	Private	050 - 099
The Sprinkler Shop	Private	050 - 099
Kloepfer	Private	050 - 099

NOTE: Only employers that have given the Department permission to release employment range data are listed.
 Source: Idaho Department of Labor- Quarterly Census of Employment Wages (QCEW)

Burley Heyburn Industrial Park houses a variety of industries from cheese production to cold storage. Gosner Foods produces Swiss cheese and shelf stable milk. Gem State Processing sources 18,000 acres of Idaho potatoes a year from a 150-mile radius.

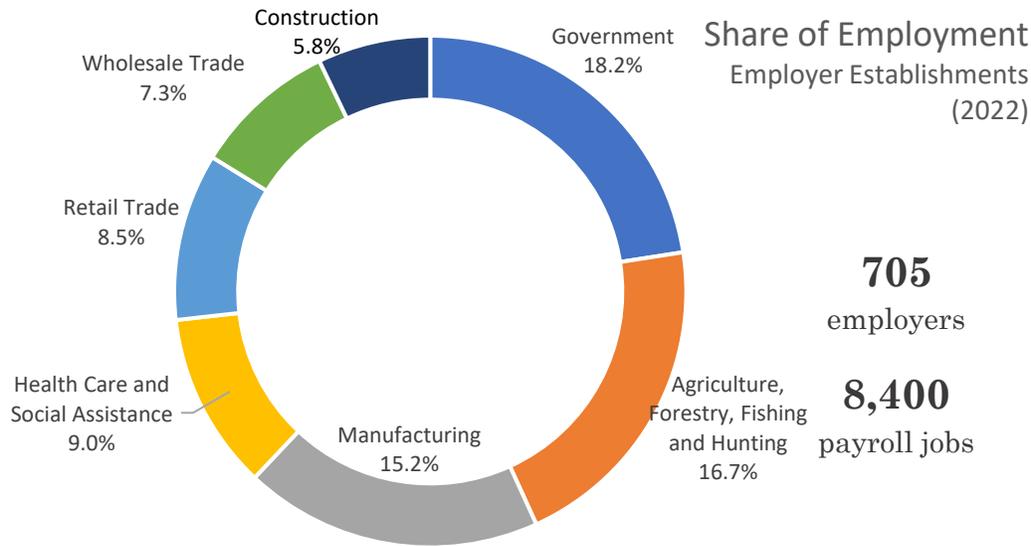
Government is the largest employing sector in Minidoka County, comprising over 18% of total employment (1,534 jobs). The agriculture industry closely follows, employing 1,406 in 2022 and contributing the most to the region’s economy. The composition of largest employing sectors slightly differs than other regions across the state and nation. Typically, health care is higher in its position and construction usually plays a larger part in economies. This illustrates the large role the agriculture sector plays in Minidoka County’s economy. Additional farm employment is captured in the agricultural section and addresses those

employed in the sector seasonally.

The topographic, geographic location, and seasonal variations make the region prime for all things food: agriculture, agri-business, food processing, food science/R&D, and related support services like warehousing and transportation. Southern Idaho is designated a key U.S. Manufacturing Community for food.

For decades, Rupert has been the location of major cheese production facilities, including Brewster West which produces 27 million lbs. of cheese that is sold to the Kellogg’s company.

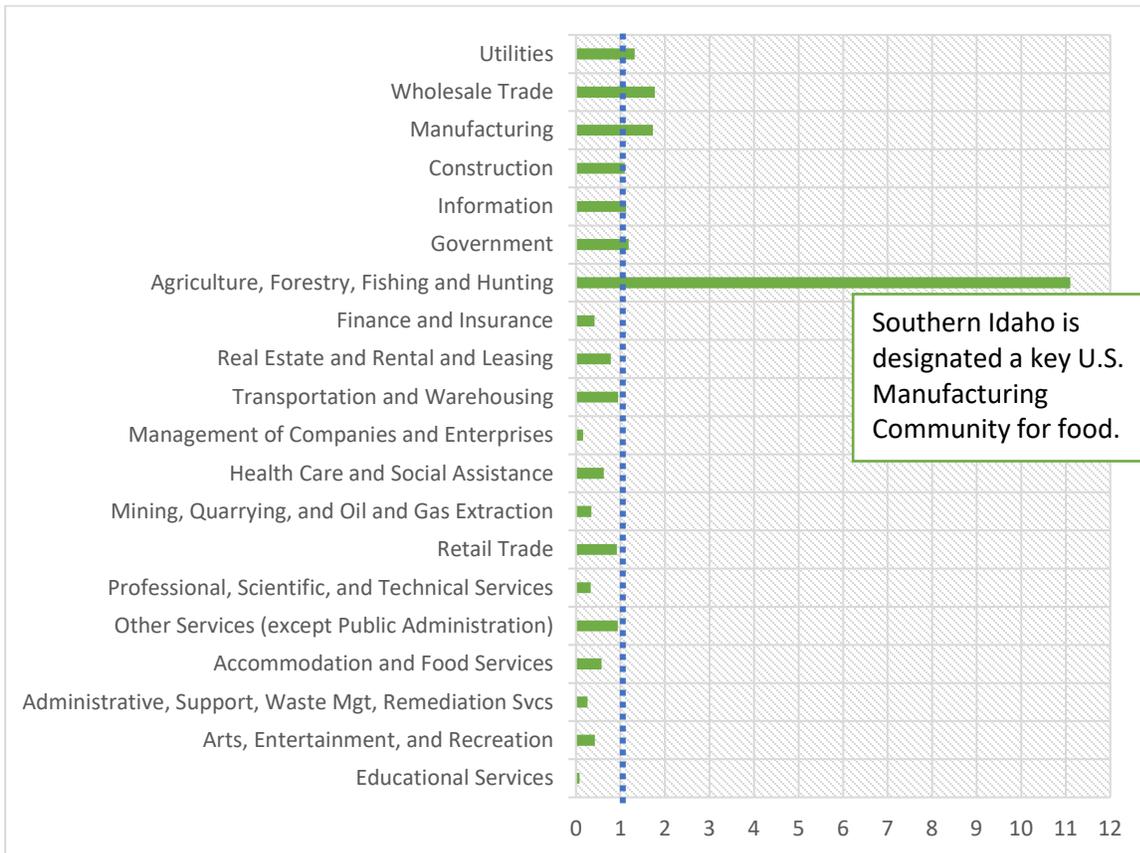
Other key sectors in the region include food and beverage, plastics, and green energy – the region is one of the few in the U.S. to generate energy in all five renewable sectors: hydro, wind, solar, biomass, and geothermal.



Source: BLS, QCEW

A location quotient, or LQ, explains how concentrated an industry is to Minidoka County. It identifies the industries that employ more workers in the region than the national average for that same industry. Anything above 1.0 indicates a higher concentration than the national average.

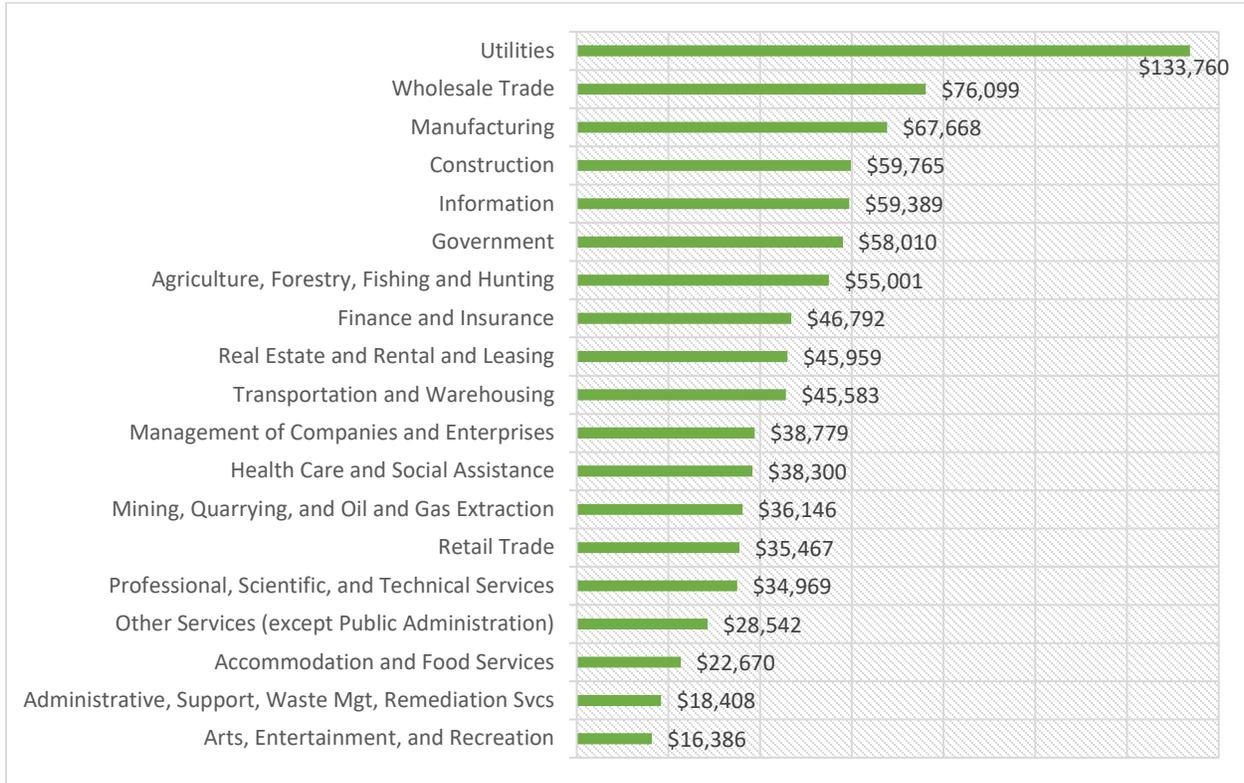
Figure 24. Industry Concentration (or Location Quotient—LQ), Minidoka County



Source: Lightcast

The average job in the County pays \$50,550 (covered wages), with utilities offsetting the curve, averaging \$134k.

Figure 25. Average Earnings per Job, Minidoka County (2022)

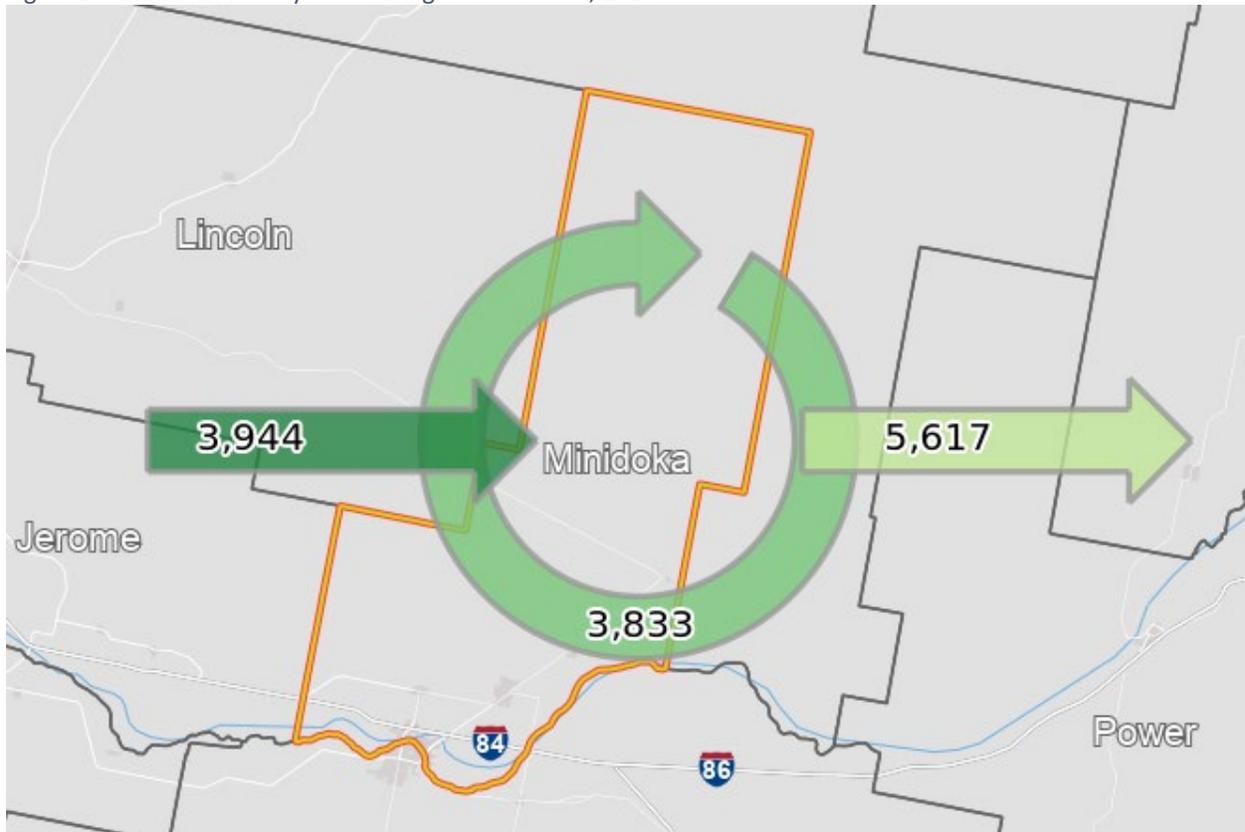


Source: BLS, QCEW

Commuting data allow economic development professionals to understand how many and which skills are leaving the area for work or vice versa. These data show the opportunities in the untapped segments of the labor pool.

According to Census Longitudinal Employer-Household Dynamics (LEHD) on the Map program, 60%, or 5,600, of Minidoka County residents commute outside the area for work. Despite this, there is a cross-haul of workforce as many are coming into Minidoka County to work as well—3,940. Nearly 51% of the jobs available in Minidoka County are being filled by people who live outside the County.

Figure 26. Minidoka County Commuting Pattern Flows, 2020



Source: Census LEHD on the Map, 2020

Table 9 below illustrates how many residents drive within a certain distance of Minidoka County. Over half commute less than 10 miles to work while only 10% drive 25 to 50 miles, or are remote workers. The 5,600 people leaving the County each day for work provides an opportunity to tap into a large segment of the labor pool.

Around 60% of residents in the County commute for work beyond its borders. This phenomenon is commonly observed in rural regions, where individuals often seek employment at considerable distances. Notably, this percentage is slightly elevated compared to neighboring counties, with the exception of Jerome County, which sees 62% of its residents working outside its boundaries (see Table 11).

Table 9. Distance Residents Drive to Work, 2020

	Count	Share
Total All Jobs	7,777	100.0%
Less than 10 miles	4,772	61.4%
10 to 24 miles	795	10.2%
25 to 50 miles	753	9.7%
Greater than 50 miles	1,457	18.7%

Source: Census LEHD on the Map, 2020

Job Counts by Distance/Direction in 2020
All Workers

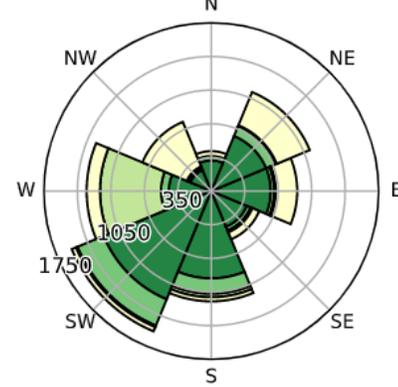


Table 10. Where Minidoka County residents work, 2020

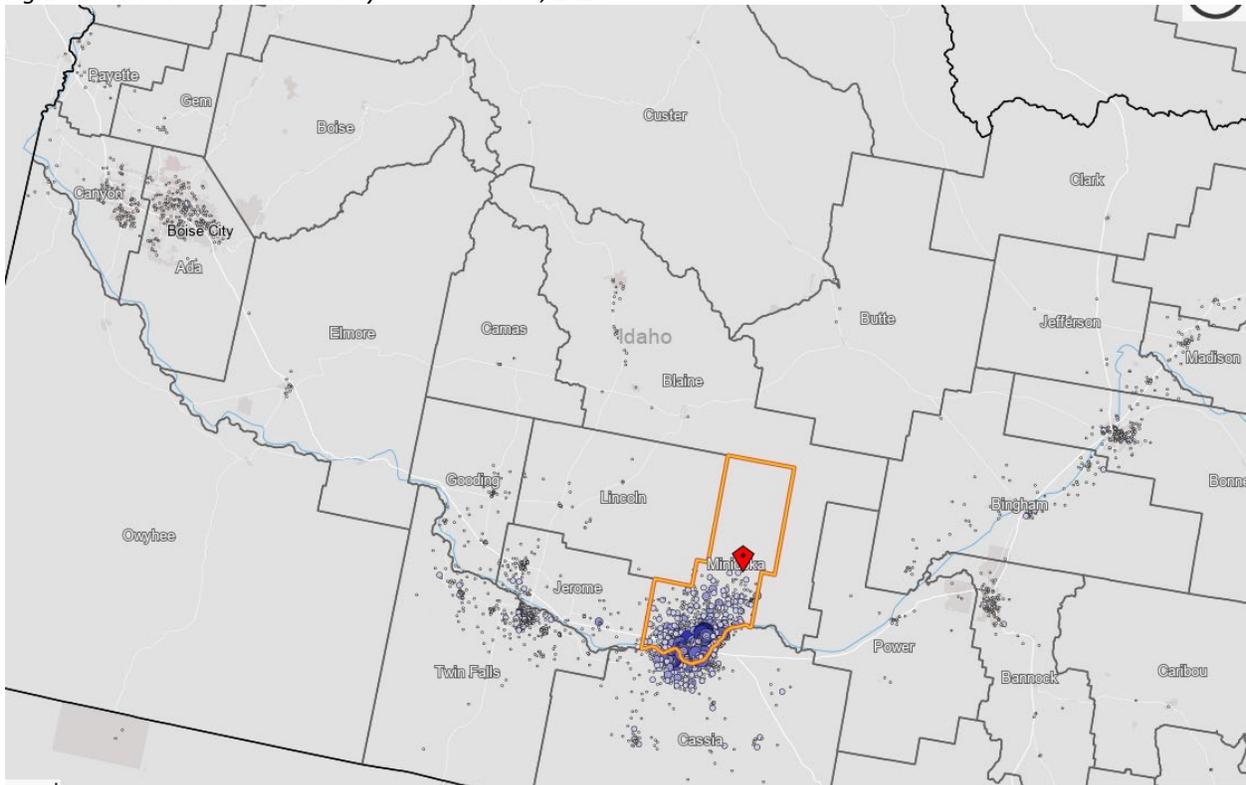
City	Count	Share
Burley	1,859	19.7%
Rupert	1,224	19.7%
Twin Falls	645	6.8%
Heyburn	424	4.5%
Boise	386	4.1%
Paul	280	3.0%
Acequia	141	1.5%
Pocatello	116	1.2%
Jerome	102	1.1%
Meridian	102	1.1%
All other locations	4,171	44.1%

Source: Census LEHD on the Map, 2020

Table 11. Commuting Comparison by Surrounding Counties

County	Residents Commuting Outside Own County
Jerome	61.5%
Minidoka	59.4%
Canyon	57.7%
Power	49.1%
Cassia	47.0%
Twin Falls	33.6%
Bannock	33.3%
Blaine	24.7%
Ada	17.5%

Figure 27. Where Minidoka County residents work, 2020



Source: Census LEHD on the Map, 2020

Economic Development Initiatives

Economic development efforts in Minidoka County and around the region are led by the following economic development organizations and initiatives.

Southern Idaho Development (SID)

The mission of the Southern Idaho Development is to facilitate a healthy economy for the Mini-Cassia area by providing assistance to our existing economic base industries for growth and expansion. Southern Idaho Development will also provide assistance to emerging, new, and relocating industries that will create employment that will sustain our workforce and improve our quality of life and environment.

KEY INDUSTRIES

“The region is fueled by thriving agribusiness, food science, transportation, logistics and green energy sectors.”

Agribusiness - Food Processing, Food Science & Agriculture

Dairy Processing

Manufacturing – Chemical, Plastics & Packaging

The Southern Idaho Development is the separately funded economic development division of the Mini-Cassia Chamber of Commerce. With the long-term mission of creating jobs, encouraging investment in the community, and maintaining a balanced quality of life, the Southern Idaho Development is actively involved in the economic vitality of the Mini-Cassia area and the Magic Valley.

Southern Idaho Economic Development Organization (SIEDO)

SIEDO is a joint venture of public and private sectors in the cities of Twin Falls, Jerome, Gooding, Minidoka County and Cassia County (Mini-Cassia area) which was formed to help diversify and strengthen the local economy by retaining and attracting businesses to the Southern Idaho region. SIEDO works closely with each of these communities to promote economic development through expansion of existing businesses and to implement a focused consistent program to attract new businesses to the region.

Business Plus III

The vision of BPIII is to act as a private funding vehicle for regional economic development. BPIII will partner with SIEDO, local Chambers of Commerce and Economic Development Councils and others. This proactive, cooperative and aggressive program will strive for regional business retention, expansion and recruitment, and will improve the economic performance and vitality of Southern Idaho. The new Southern Idaho region is defined as Cassia, Gooding, Jerome, Lincoln, Minidoka and Twin Falls Counties. Representatives from Chambers of Commerce, SIEDO, local Economic Development Organizations, the College of Southern Idaho, Cities, Counties and the Private Sector have agreed to collaborate in helping to build jobs, the tax base and wealth in the region.

Region IV Development

For more than four decades, Region IV Development Association (RIVDA) has been providing hands-on technical and lending assistance to communities throughout southern Idaho – from helping with basic infrastructure development (sewer, water, fire protection) to assisting with community building (training, visioning, and comprehensive economic development strategy planning).

Workforce Training

The College of Southern Idaho is a critical component of successful workforce development regionally. It is viewed as a vanguard in Idaho, assembling a popular dual-credit program that allows high school students the opportunity to achieve post-secondary credits and credentials. Southern Idaho Economic Development attracts business and talent to the region highlighting the area's business-friendly policies along with its recreational amenities. Its eight counties are known for collaboration in regional goals.

Burley Airport

Idaho airports, including the Burley Airport, not only support on-airport businesses and promote access to domestic and intrastate destinations, but also promote public health and safety and support the state's economy in a variety of ways. For instance, the wildland firefighting activities supported by Idaho airports help to protect people and property during wildfire events, and medical transportation flights mean that those living in rural communities have adequate access to emergency and non-emergency health care.

Furthermore, the Burley Airport actively contributes to the thriving agricultural sector of the region. This is achieved through agricultural spraying initiatives, fostering higher crop yields and aiding in crop preservation. Additionally, the airport plays a pivotal role in the efficient transportation of perishable

agricultural goods to distant markets. Beyond agriculture, the airports across Idaho serve as a platform for businesses across various sectors, thus augmenting their financial performance.

These ancillary benefits have a cascading effect, enriching the overall aviation system and promoting a diverse and resilient economy. While quantifiable economic impacts are pivotal, it is crucial to recognize the value of these supplementary advantages. In alignment with the Idaho Airport System Plan Update 2020, the Burley Airport significantly influences the regional economy, making a substantial annual contribution of \$12 million. This represents a substantial growth from the \$3.8 million reported in the previous assessment of 2010.

Renewable Energy

Just like Minidoka County's agricultural and manufacturing industries, wind energy can become a major economic contributor to the region and state to serve power markets in Idaho and across the West. Among the 12 renewable energy projects committed by the USDA in 2022, a notable seven (7) found their home in Minidoka County, collectively receiving a substantial Rural Development investment of \$307,500.

These projects are estimated to bring in tens of millions of dollars in labor income into south central Idaho through the construction phase. Ongoing operations will yield additional increases in employment providing around 40, well-paid, permanent jobs in Southern Idaho.

Conclusion—Economic Development

Minidoka County hosts a diverse range of businesses, totaling 1,900 establishments. These consist of 1,200 nonemployer entities and 705 employer enterprises. The latter provide jobs for approximately 8,400 individuals, with 49% of these employees being local residents. Despite maintaining a steady job growth rate of 1.3% annually from 2017 to 2022, the county's business landscape predominantly comprises small-scale operations, with 78% of employers having fewer than 20 workers. The government and agriculture sectors are the largest employers, highlighting the region's unique economic focus on food-related industries. Commuting patterns reveal that around 60% of Minidoka County residents seek employment outside the county, emphasizing the untapped potential of the local labor pool.

Minidoka County's economic landscape centers around its food-related industries due to favorable geographic and topographic conditions. This region has successfully diversified its energy sources, utilizing hydro, wind, solar, biomass, and geothermal energy. The average wage in the county is \$50,550, and while many residents commute to neighboring areas for work, there is a notable influx of commuters into Minidoka County. This phenomenon is common in rural regions, and the county has the opportunity to tap into its considerable labor pool to foster further economic growth.

Economic development serves as a catalyst for positive change, enabling individuals, communities, and nations to thrive, prosper, and achieve their full potential. This holds particularly true for the ongoing economic development endeavors within Minidoka County.

**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

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

TABLE OF CONTENTS

IDAHO REGULATORY TAKINGS LAWS.....	1
IDAHO CONSTITUTIONAL PROVISIONS	1
IDAHO STATUTORY PROVISIONS	1
ADVISORY MEMORANDUM.....	5
GENERAL BACKGROUND PRINCIPLES	6
ATTORNEY GENERAL’S RECOMMENDED PROCESS.....	7
ATTORNEY GENERAL’S CHECKLIST CRITERIA	8
APPENDIX A: SIGNIFICANT FEDERAL AND STATE	
CASES.....	A-1
SUMMARIES OF SIGNIFICANT FEDERAL “TAKINGS” CASES	A-1
SUMMARIES OF SIGNIFICANT IDAHO “TAKINGS” CASES	A-9
APPENDIX B: REQUEST FOR REGULATORY	
TAKING ANALYSIS.....	B-1
APPENDIX C: REGULATORY TAKINGS CHECKLIST.....	C-1

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.

Idaho Regulatory Takings Act Guidelines

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

Idaho Regulatory Takings Act Guidelines

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 offshore 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.

Idaho Regulatory Takings Act Guidelines

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

Idaho Regulatory Takings Act Guidelines
Appendix A: Significant Federal and State Cases

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.

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

Idaho Regulatory Takings Act Guidelines
Appendix A: Significant Federal and State Cases

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

Idaho Regulatory Takings Act Guidelines
Appendix A: Significant Federal and State Cases

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.

Idaho Regulatory Takings Act Guidelines
Appendix A: Significant Federal and State Cases

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.

Idaho Regulatory Takings Act Guidelines
Appendix A: Significant Federal and State Cases

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

Idaho Regulatory Takings Act Guidelines
Appendix A: Significant Federal and State Cases

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).

Summaries of Significant Idaho “Takings” Cases

REGULATORY TAKINGS UPDATES

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

Idaho Regulatory Takings Act Guidelines
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.

Idaho Regulatory Takings Act Guidelines
Appendix A: Significant Federal and State Cases

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.

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

Idaho Regulatory Takings Act Guidelines
Appendix A: Significant Federal and State Cases

\$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.

Idaho Regulatory Takings Act Guidelines
Appendix A: Significant Federal and State Cases

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.”

Idaho Regulatory Takings Act Guidelines
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.

Idaho Regulatory Takings Act Guidelines
Appendix A: Significant Federal and State Cases

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:

3. Description of Act in Question

a. Date Property was Affected:

b. Description of How Property was Affected:

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).

References

Minidoka County and City of Rupert Comprehensive Plan, 2013.

Minidoka County, Idaho. 2017 Census of Agriculture.

Region IV Economic Development District. (year, month day). *Comprehensive Economic Development Strategy*

Schorzman, Gary. *Acequia: Our Past May Surprise You*. 2013

Schorzman, Gary. *The Historical City of Rupert: The Way We Were*. 2013

State of Idaho. (2023, October). *Idaho's Hazard Mitigation Plan*.

https://ioem.idaho.gov/wp-content/uploads/2023/11/2023-SHMP-State-Mitigation-Final-11_15_23.pdf