



Future Filer: Comprehensive Plan 2045

Adopted July 7, 2025

Resolution No.654

ACKNOWLEDGEMENTS

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EXECUTIVE SUMMARY

The City of Filer is located just 7 miles west of the City of Twin Falls and is the fourth largest City in Twin Falls County, with a population of approximately 3,000. Filer has been the home of the County Fair and Rodeo for over 100 years. This largely residential community still retains much of its charm from its founding at the beginning of the 20th Century. The City was established from the prosperity that the Twin Falls Land and Water Company and the Oregon Short Line brought to the Magic Valley.

The City's Comprehensive Plan was last updated in 2010. Over time, Filer, Twin Falls County, and the state of Idaho have experienced population growth. To address requests for new development, the City began considering drafting a new Comprehensive Plan to establish Goals, Objectives and Strategies into the year 2045. The geographic extent of this plan includes the current city limits and Area of Impact (AOI).

This plan was shaped by the citizens of Filer with their insight and opinions of what makes Filer the community it is today and what it hopes for the future. With input from the community and review of existing conditions, the following three goals were created:

- Environmental: Grow sustainably, while preserving natural resources and amenities, and addressing public health and safety concerns.
- Place: Support a vibrant community by encouraging diverse land uses, friendly neighborhoods, an authentic historic downtown, and safe connections for all.
- Community: Provide excellent public services and facilities to support a community for all ages.

Objectives and strategies were developed with these goals in mind, drafted by a Community Planning Committee (CPC), and reviewed by the public. With the combined efforts of the community and local government, guided by these Goals, Objectives and Strategies, Filer will continue to thrive as a friendly, neighborly, and welcoming community.

Future Filer – Comprehensive Plan 2045 consists of six chapters and 3 appendices. Chapters 1 and 2 provide an introduction and background. Chapters 3, 4, and 5 present most of the plan components required under Idaho's State Local Land Use Planning Act. Maps, narrative and graphics describe existing conditions and future trends. Chapter 6 gathers all the strategies into an implementation chapter.

RESOLUTION NO. 654

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF FILER, IDAHO
ADOPTING THE AMENDMENTS TO THE 2009 CITY OF FILER COMPREHENSIVE
PLAN; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.**

WHEREAS, Section 67-6508 of the Idaho Code requires cities and counties to develop and review a general Comprehensive Land Use Plan; and

WHEREAS, Section 67-6508 of the Idaho Code states that all plans should generally address private property rights, population and growth, land use, transportation, community design, culture and historic sites, economic development, hazardous areas, park services, facilities and utilities, parks and recreation, school facilities and transportation, natural resources, housing, and implementation and polices; and,

WHEREAS, the City of Filer's Comprehensive Land Use Plan was adopted by the Mayor and City Council in 2009 by Resolution No. 587; and,

WHEREAS, over the course of the last eighteen months, the City of Filer has engaged with its citizens in conducting a complete review of the 2009 Comprehensive Land Use Plan, and has, together with public input, developed a complete revision of the 2009 Comprehensive Land Use Plan, which shall be referred to as "Future Filer: Comprehensive Plan 2045;" and

WHEREAS, the proposed amendments recognize changes that have occurred within the City of Filer, as they relate to land use, population growth, municipal service, schools, transportation, economic development, and other key, critical elements; and,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Filer, Idaho, that:

SECTION 1. ADOPTION OF "FUTURE FILER: COMPREHENSIVE PLAN 2045." Pursuant to Idaho Code section 67-6508 the Mayor and City Council hereby adopt the document attached hereto and incorporated herein by reference as Exhibit A and referred to as the "Future Filer: Comprehensive Plan 2045" as the Comprehensive Plan of the City of Filer, adopted in its entirety and superseding all previous, adopted versions.

SECTION 2. EFFECTIVE DATE. Resolution 654 shall be effective upon its passage as required by law.

Passed and approved this 1st day of July, 2025.


ROBERT E. TEMPLEMAN, Mayor

Attest:


EMILY DAUBNER, City Clerk

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ACRONYMS

AOI	Area of Impact
CC	City Council
CPC	Community Planning Committee
FLUM	Future Land Use Map
GIS	Geographic Information System
ITD	Idaho Transportation Department
P&Z	Planning and Zoning Department
PUD	Planned Unit Development
SISW	Southern Idaho Solid Waste

1. INTRODUCTION

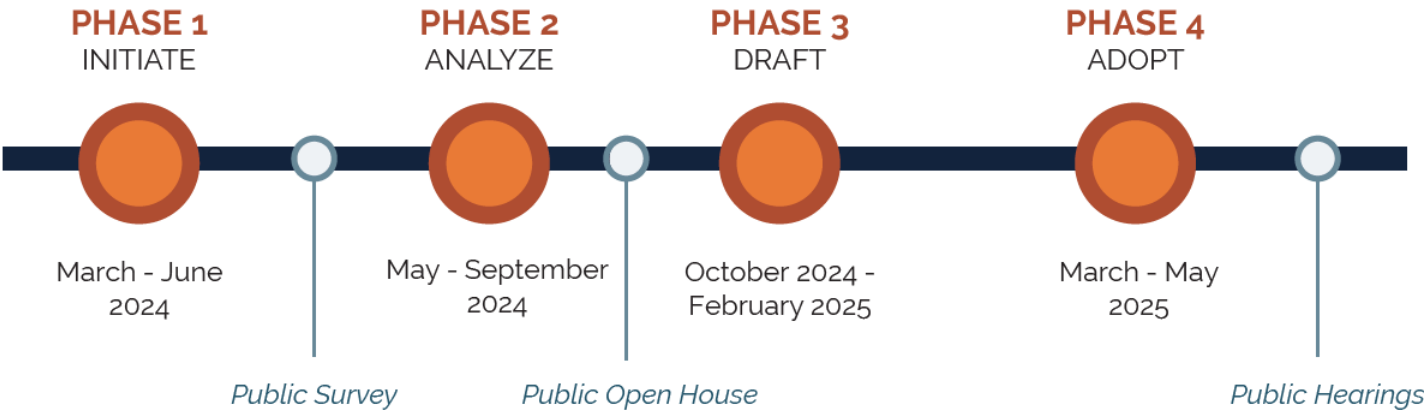
The City of Filer's Comprehensive Plan was updated in 2010. *Future Filer: Comprehensive Plan 2045* describes current conditions and addresses the community's future.



A. PROCESS

The City of Filer's Comprehensive Plan was last updated in 2010. In response to requests for new development requiring the extension of City services, the City Council decided it was time to update the Comprehensive Plan. This process involves public engagement to establish goals, objectives and strategies for the next 10 to 20 years. The plan focuses on properties within city limits but also considers the future of lands within the AOI (refer to [FIGURE 1](#)).

A Comprehensive Plan is a road map for the future of the City. While the focus of a Comprehensive Plan is to guide planning and zoning decisions, the scope of the Plan is much broader. Idaho State Code Section 67-6508 requires that all cities and counties must prepare and maintain a current comprehensive plan considering the existing and future trends associated with 17 different planning components encompassing many issues that impact City residents including public services, natural resources, housing, and transportation.



The City began a four-phase planning process, initiating a consultant contract in January 2024, to update their Comprehensive Plan by the end of spring 2025. During Phase 1, data was collected, Geographic Information System (GIS) maps were prepared, and a review of existing conditions occurred. Analysis of this information along with preparation of future population forecasts enabled development of a Future Land Use Map (FLUM). In Phase 3, preliminary draft documents were prepared. Phase 4 concluded the process with the adoption of a final plan.

Public Involvement

The City of Filer's priority was to involve the public from the outset of the planning process, ensuring residents had an opportunity to express their concerns and desires for the community. Continuous engagement throughout the planning process was crucial to ensure that ideas were discussed and considered by as many community representatives as possible.

APPENDIX A provides results of the various public involvement activities associated with the planning process.

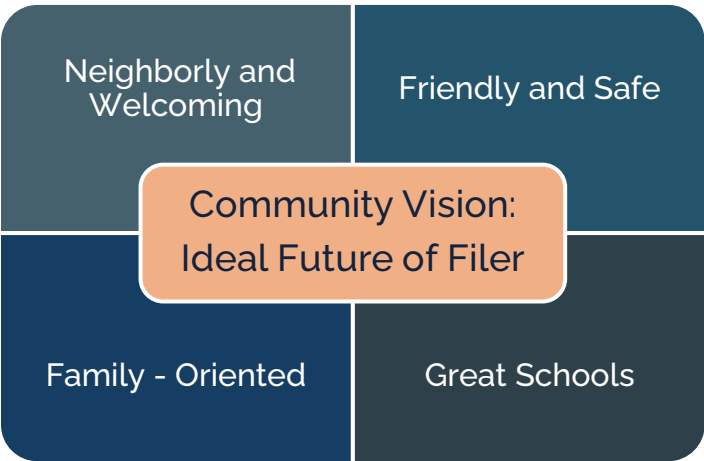
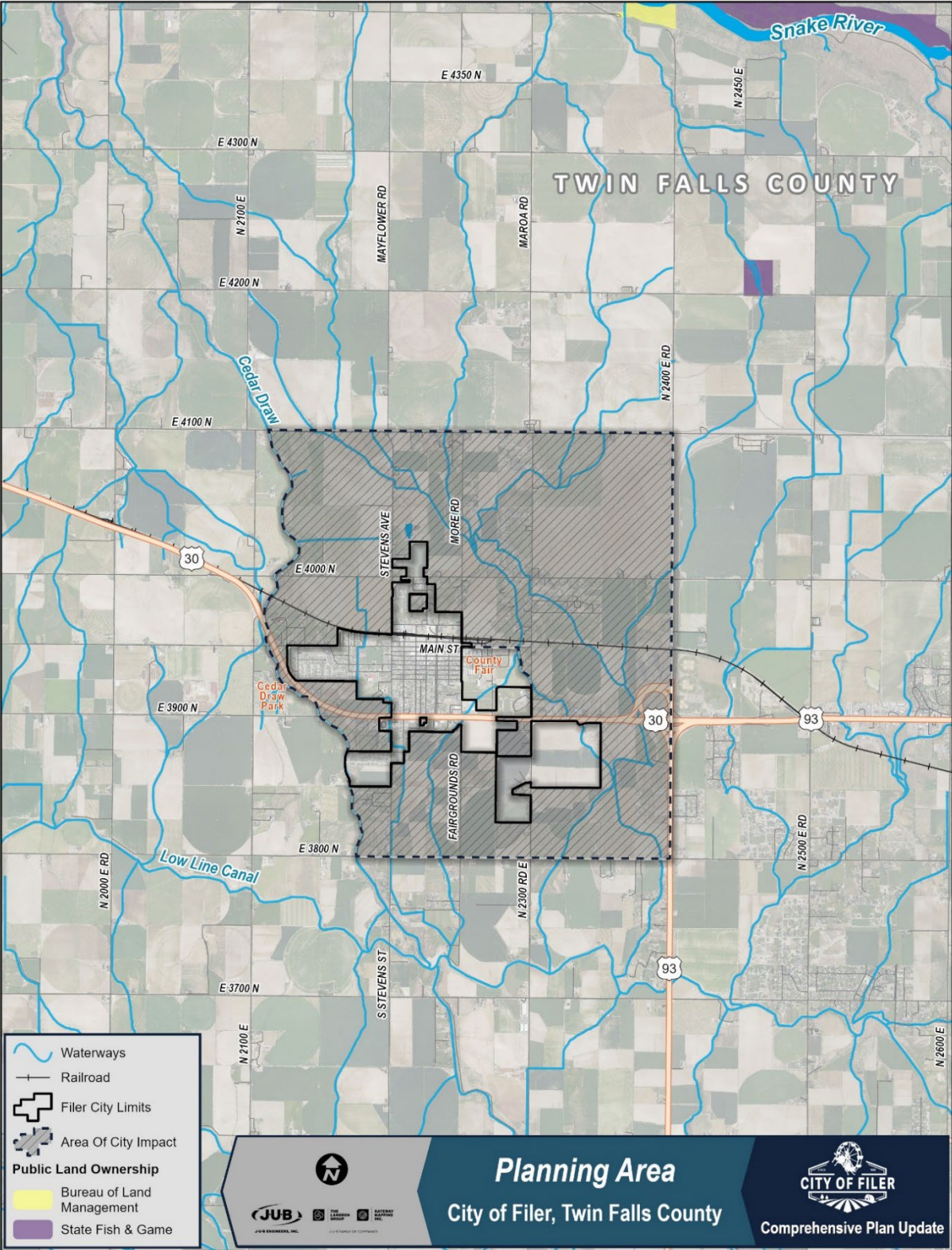


FIGURE 1 - FILER CITY LIMITS AND AREA OF CITY IMPACT

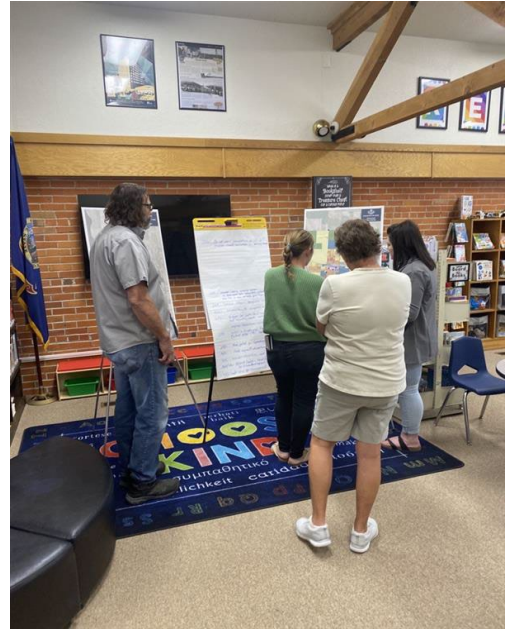


Specific methods used to achieve meaningful engagement included:

Community Planning Committee

Working closely with the planning consultants, the City formed a Community Planning Committee (CPC) ensuring various interests throughout the City would guide the planning process. The CPC met at key points throughout the process and received communication between meetings. Agendas and notes from these meetings may be found in [APPENDIX A](#).

The first CPC meeting occurred on March 12, 2024, at the Twin Falls County Fairgrounds. This meeting served as an introduction to the Comprehensive Plan, explaining its importance and the role of the CPC. Attendees participated in two activities: 1) review issue lists that were collected from the responders during the 2023 Twin Falls County Fair, and 2) discuss three maps (the existing Area of Impact, Downtown Filer, and Filer amenities). The members provided feedback and ideas on their vision for the City, as well as identifying areas best suited for different types of development.



Public Open House at Filer Library

The second CPC meeting occurred on June 25, 2024, at the HB Realty Office. The goal of this meeting was to review the results from the April survey (see below). These results were shared with the committee to review and were posted to the City's website for the public to see. The activity during this meeting consisted of CPC members working in three groups to discuss Existing Conditions, Goals, Objectives and Strategies, and the FLUM. The final CPC meeting occurred on November 6, 2024, at the City Council Chambers in Filer City Hall. The intent of this meeting was to review the summary on the September Open House, this included review of the Goals, Objectives and Strategies, the FLUM and transportation.

Website and Online Public Surveys

Two public surveys were conducted: one in April 2024 and the second in January 2025. The first survey aimed to identify the community's primary concerns and received 197 responses, providing initial insights into the citizens' main issues. These responses were analyzed and used to prepare goals and strategies for review and consideration by the CPC.

The second survey was conducted to gather feedback on the draft Future Land Use Map (FLUM) and key strategies. It ran from January 18 to February 18, 2025, and received 135 responses. These responses highlighted the highest priority strategies and suggested possible changes to the FLUM. The surveys and their results are detailed in [APPENDIX A](#).

Public Open House

On September 24, 2024, an open house was held at the Filer Public Library from 4:00-7:00pm. The interactive event aimed to gather feedback from residents on Comprehensive Plan Goals, Objectives and Strategies, fostering ongoing dialogue with residents, stakeholders, and other interested parties. Over 30 members of the community were in attendance. The event was widely publicized by the City and the library, on the project website, social media and the annual Twin Falls County Fair.

The Open House built upon the community survey conducted several months earlier. Participants were invited to provide feedback on Goals and Objectives, using star stickers to indicate agreement or prioritize certain strategies for the City. Participants could also leave comments on the draft FLUM. During the open house, 13 comments were submitted regarding the draft FLUM.

The Filer Transportation Master Plan was also discussed during the Open House. A map and comment station were dedicated to concerns related to transportation and areas for possible improvements. Full results from the open house can be found in [APPENDIX A](#).

Public Hearings

On May 9, 2025, the City website was updated to include a Draft Plan for public review. On June 9 a workshop was hosted by the Mayor and City Council where the draft comprehensive plan was reviewed and discussed. This workshop provided an opportunity for the mayor, council and public to provide feedback/corrections before the public hearing. On July 7, 2025, the City Council held a public hearing to consider the Draft Plan. The Council voted unanimously to adopt the plan with minor modifications and approve Resolution number 6544.1.



B. RELATED PLANS

There are several related plans and programs that are considered in the local comprehensive planning process, including other comprehensive plans, specific facility or management plans and programs. Several of these plans are referenced here, including Filer Transportation Master Plan, Twin Falls County Comprehensive Plan, and Twin Falls County All-Hazards Mitigation Plan.

Twin Falls County is preparing amendments to the AOI boundaries at the time of the writing of this document. Therefore, amendments to the maps presented herein may be anticipated before the end of 2025.

FILER TRANSPORTATION MASTER PLAN 2025

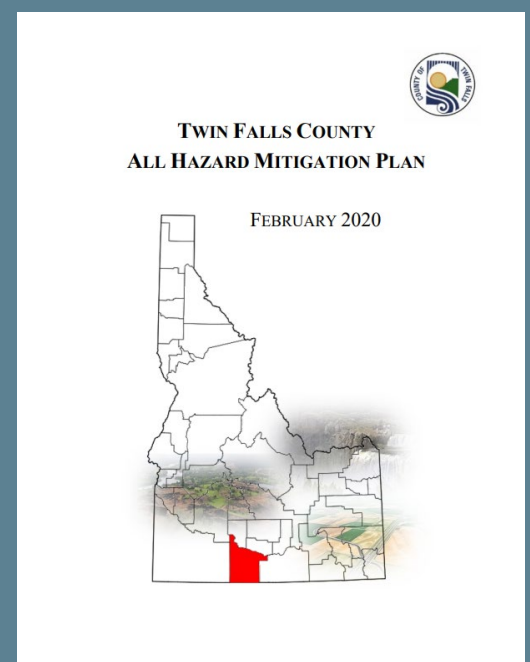
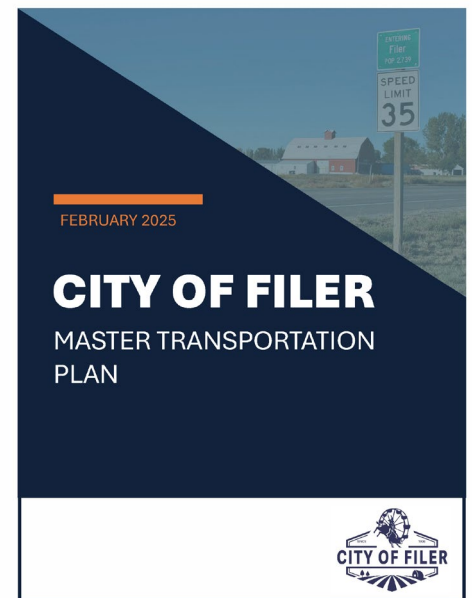
Provides an analysis of the existing transportation system and outlines projects, policies, and programs to meet both the current and future needs of the community. Guided by public input, this plan was prepared with City to focus and guide transportation solutions. Public involvement for this plan included survey results from the Comprehensive Plan update.

TWIN FALLS COUNTY COMPREHENSIVE PLAN 2020

Integrates the opinions of residents into a document that outlines how the County should grow and develop. This plan provided an abundance of information for the new Filer comprehensive plan. The county plan discusses shared history and setting and provides recent views and feedback from the county population. The City of Filer was included in the Twin Falls County comprehensive plan along with other cities in Twin Falls County.

TWIN FALLS COUNTY ALL-HAZARD MITIGATION PLAN 2020

Identifies the county's hazards, understand the vulnerabilities to those hazards, and craft solutions that, if implemented, will significantly reduce threats to life and property. This plan provided details for the hazardous areas and other sections of this plan. Items that were analyzed from this plan were drought, fire, weeds, canals and flooding.



C. How to Read This Plan

During the planning process, members of the community identified their priority concerns, and those led to the development of three goals:

- Environmental: Grow sustainably, while preserving natural resources and amenities, and addressing public health and safety concerns.
- Place: Support a vibrant community by encouraging diverse land uses, friendly neighborhoods, an authentic historic downtown, and safe connections for all.
- Community: Provide excellent public services and facilities to support a community for all ages.

Each of those goals has been assigned a chapter, and each chapter addresses a series of plan components required under Idaho Code Section 67-6508, as highlighted in the following chapter descriptions:

- Chapter 1 (Introduction) begins with the purpose of the plan, the public involvement process and related plans reviewed in the development of the Comprehensive Plan.
- Chapter 2 (About Filer) describes the setting and brief history of the area, as well as information on the demographic composition of the City, population forecast and a short private property rights discussion.
- Chapter 3 (Environment) presents existing conditions and future trends for Natural Resources, Hazardous Areas and Agriculture.
- Chapter 4 (Place) presents existing conditions and future trends for Land Use and Transportation. Community Design and Housing are addressed as part of Land Use while Public Airports are discussed in Transportation.
- Chapter 5 (Community) presents existing conditions and future trends for Public Services, Facilities and Utilities, Recreation, Schools and related transportation, and Economic Development. There are no National Electric Transmission Corridors in the City of Filer. Special Areas and Sites are discussed as part of Economic Development.
- Chapter 6 (Implementation) provides a prioritized list of all strategies, assigning responsible entities and possible partners to each strategy to facilitate plan implementation.
- Appendices present supporting documents used throughout the plan.

In Chapters 3, 4 and 5, summarized information on existing conditions is presented in a section titled "Filer Present" (more information may also be found in the existing condition report and reference list included as **APPENDIX C**). Future trends are summarized in a section titled "Future Filer." These sections were guided by feedback received from the community throughout the public engagement process. Each chapter concludes with Goals, Objectives and Strategies, which are further detailed in Chapter 6 (Implementation) and organized by priority.

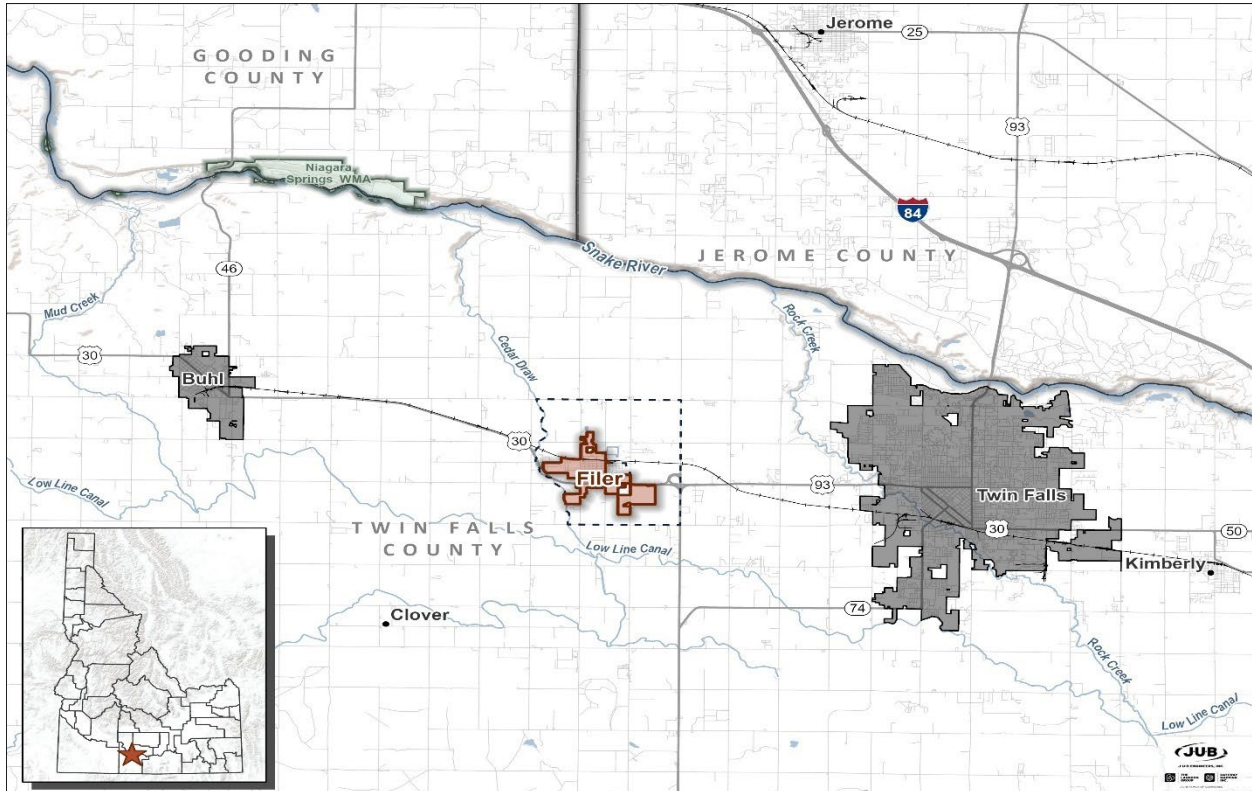
2. ABOUT FILER

The City of Filer is located just 7 miles west of the City of Twin Falls and is the fourth largest City in Twin Falls County with a population of approximately 3,000.



A. SETTING AND HISTORY

The City of Filer is situated in Twin Falls County in southern Idaho, west of the intersection of U.S. Highway 93 and U.S. Highway 30. Filer is beautifully sited on prime agricultural lands south of the mighty Snake River Canyon and east of the scenic Thousand Springs State Park, along the Thousand Springs Scenic Byway (Highway 30). Twin Falls is located about 8 miles east of Filer and offers a variety of amenities to Filer residents. The Nevada border is approximately 45 miles south of Filer and can be accessed using US-93.



Before the City of Filer was established in the Snake River Valley, the Shoshoni People, specifically the Nemme sostoni'ihnee'e (Shoshone Bannock) tribes, used the area for hunting and gathering. They called the sagebrush plains home long before settlers arrived.

In 1884, Ira Burton Perrine arrived in present-day Magic Valley. He found land at the bottom of the Snake River Canyon and started a successful cattle farm. Perrine realized he had access to water while those above him did not, leading him to envision a dam to bring water to the rim and a bridge for easy access across the canyon. He reached out to eastern investors Frank H. Buhl and Peter L. Kimberly to help make this vision a reality.

The 1894 Carey Act allowed private individuals to buy land at \$0.50 an acre from the government and \$35.00 an acre for water shares from the irrigation company. Under this act, Milner Dam was built and completed in 1905. The dam brought water throughout eight counties in southern Idaho,

transforming the landscape from high arid desert to productive farmland, earning the moniker "Magic Valley." This irrigation boom significantly contributed to the area's growth and agricultural prosperity.

In the mid-19th century, settlers started to arrive in present day Filer, enticed by the opportunity for land. In 1906, the Oregon Short Line railroad established a line to Filer which in turn made Filer a bustling hub for agriculture and marked the official founding of the City. The City was named after Walter G. Filer, the manager of the Twin Falls Water and Land Company. He came west as a mining engineer and surveyor who supervised the construction of the Milner Dam.

Throughout the 20th century, Filer was a placid community that retained its small-town character with an active industrial area on the rail line, a fine downtown area with a variety of commercial services, well-designed streets and modest homes. Filer remained anchored in the area's agricultural heritage, while benefitting by opportunities provided by being a near neighbor to the Magic Valley's largest City, Twin Falls. As Twin Falls has experienced growth, Filer has also grown. The dynamic development activity in the 21st century has increased the interest in residential development in Filer, thus increasing the demand for municipal services and community improvements.



Historic Filer Main Street

B. DEMOGRAPHICS

As of 2020, the population of Filer was 2,738 people with an average population increase of 1.17 per year, as shown in [TABLE 1](#). The median age in Filer is 30.2 which is slightly lower than the Idaho median age of 37.5. Almost 50% of the population are between the ages of 18 and 64, about 35% are under the age of 18, and the remaining 15% are older than 64. In Filer, 14.5% of the population live in poverty, which is higher than the Idaho average of 10.7%.

Population forecasts have been prepared with the assumption that the average population increase will continue by 1.17%, thus arriving at an increase of approximately 1,000 people over the course of the next 20 years. Assuming the household size remains at 2.73, the number of housing units is expected to increase by approximately 366 by 2045.

TABLE 1 - HISTORIC AND FUTURE POPULATION

Historic Population			Population Forecast	
1990	2000	2010	2023	2045
1,575	1,783	2,508	2,951	3,813

**Median Age**

30.2

**Total Households**

1,014

**Average Persons
per Household**

2.73

**Median Income**

\$48,559

**Unemployment**

3.2%

Median Household 2020

- The 2020 census states 2,738 people call Filer home. The median household income is \$48,559 which is significantly lower compared to Idaho median household income of \$74,636. Filer has an average Household size of 2.8 which is slightly higher than Idaho's 2.66 persons per household.

Race and Ethnicity 2020

- White: 2419
- Hispanic/Latino: 309
- Other races and ethnicities: 48

Projected 2045 Total Additional Households: 306

Filer residents work in a broad range of industries, however nearly a quarter (21.9%) of the population (21.9%) work in education, health care, or social assistance. While agriculture is an important part of the local economy, about 8.8% of Filer residents work in agriculture, forestry, fishing/hunting, or mining.

C. PRIVATE PROPERTY RIGHTS

The City of Filer respects the private property rights of its citizens and will continue to review policies and land use applications to ensure compliance with state regulatory taking guidelines. As stated in the 2010 Comprehensive Plan, it is not the purpose of this plan to "expand or reduce the scope of private property protections provided in the state and federal constitutions."

This plan was prepared with the intent of protecting and otherwise avoiding negative impacts to private property rights. The plan itself is not regulatory in nature and should not "adversely impact values or create unnecessary technical limitations on the use of property." (Idaho Code Section 67-6508 (a)). This document does include recommendations regarding land use policies and programs, therefore, should regulations, restrictions or conditions ensue during the implementation of this plan, the Office of the Attorney General's checklist for private property rights should be consulted (see **APPENDIX B**).

3. ENVIRONMENT

Grow sustainably, while preserving natural resources and amenities, and addressing public health and safety concerns



The Environment chapter addresses plan components related to Natural Resources, Hazardous Areas, and Agriculture.

A. FILER PRESENT

NATURAL RESOURCES

Natural resources that are present in or near the City of Filer include the Cedar Draw, and various irrigation ditches. The City is situated in a largely agricultural area as many croplands and farm operations are located around the City. As with any agricultural community, soil, soil type, and access to water play significant roles in successful production. **FIGURE 2** depicts waterways within the AOI. While the Snake River Canyon is nearby, the City of Filer does not benefit directly from the proximity of this important natural resource.

The Cedar Draw Park, located just west of Filer, is the closest public use area with water amenities, It is the only recreational spot in Filer that is on the Thousand Springs Scenic Byway (State Highway 30). Known primarily as a rest area or picnic spot, the park includes a stream, mature trees and ancient boulders. It was built and maintained by the State when Highway 30 was constructed and was later sold by the State to Twin Falls County and the City of Filer. The County granted their interest in the park to the City of Filer in 2004 (City of Filer Comprehensive Plan, 2010). The City has closed the park since 2020 due to vandalism and maintenance costs.

HAZARDOUS AREAS

Being part of the Magic Valley, Filer is surrounded by agricultural land and irrigation canals. The irrigation canals are the life blood of the agricultural lifestyle of Filer. However, with canals come danger, as many of the existing canals and ditches are open. Filer received a medium overall hazard ranking in the flooding category of the Twin Falls County All-Hazards Mitigation Plan. Historical flooding has been seen on the highway and other street sections throughout the City.

Acute Hazards	Chronic Stressors
• Flooding • Extreme Heat • Wildfire • Extreme Cold • Infrastructure Failure	• Erosion • Drought • Groundwater Threats • Aging Infrastructure • Poverty • Housing Instability

Highway 30 runs east to west through the southern portion of Filer. This road experiences high levels of vehicle, pedestrian, and bicycle traffic, particularly from students walking to and from nearby schools. Traffic hazards have been identified in several areas of the City, with intersections being a primary concern for citizens specifically the US-30/Stevens Ave. intersection. The City roads pose a problem for pedestrians due to insufficient street lighting, particularly in the downtown area.

Many areas of Idaho suffer from intense winds and droughts, and Filer is no exception. According to the Twin Falls County All-Hazards Mitigation Plan, Filer has a High overall hazard ranking for both drought and Severe Weather Hazard Evaluation (extreme heat, extreme cold, lightning, hail, straight line wind, tornado, and winter storm). Due to the area's dry conditions. wildfires are also a significant concern, with the City having a high wildfire hazard ranking.

AGRICULTURE

Agriculture is a primary economic base for Twin Falls County. It is important to preserve productive lands for agricultural purposes by identifying farmlands lying in those incorporated portions of the County not likely to undergo intensive urban development (refer to [Figure 2](#)).

While the agricultural workforce within Filer's city limits represents a small portion of the overall workforce, Filer remains an agricultural hub with numerous farms in the surrounding area. According to census data, the agricultural workforce has declined from 89 workers in 2020 to an estimated 35 in 2023.



Filer Fairgrounds building

The University of Idaho, College of Natural Resources Policy Analysis Group, evaluated Filer for its degree of natural resource dependency. The City was identified as an "Agriculture Only" dependent community. (*Source: Multi-Jurisdictional All Hazard Mitigation Plan*)

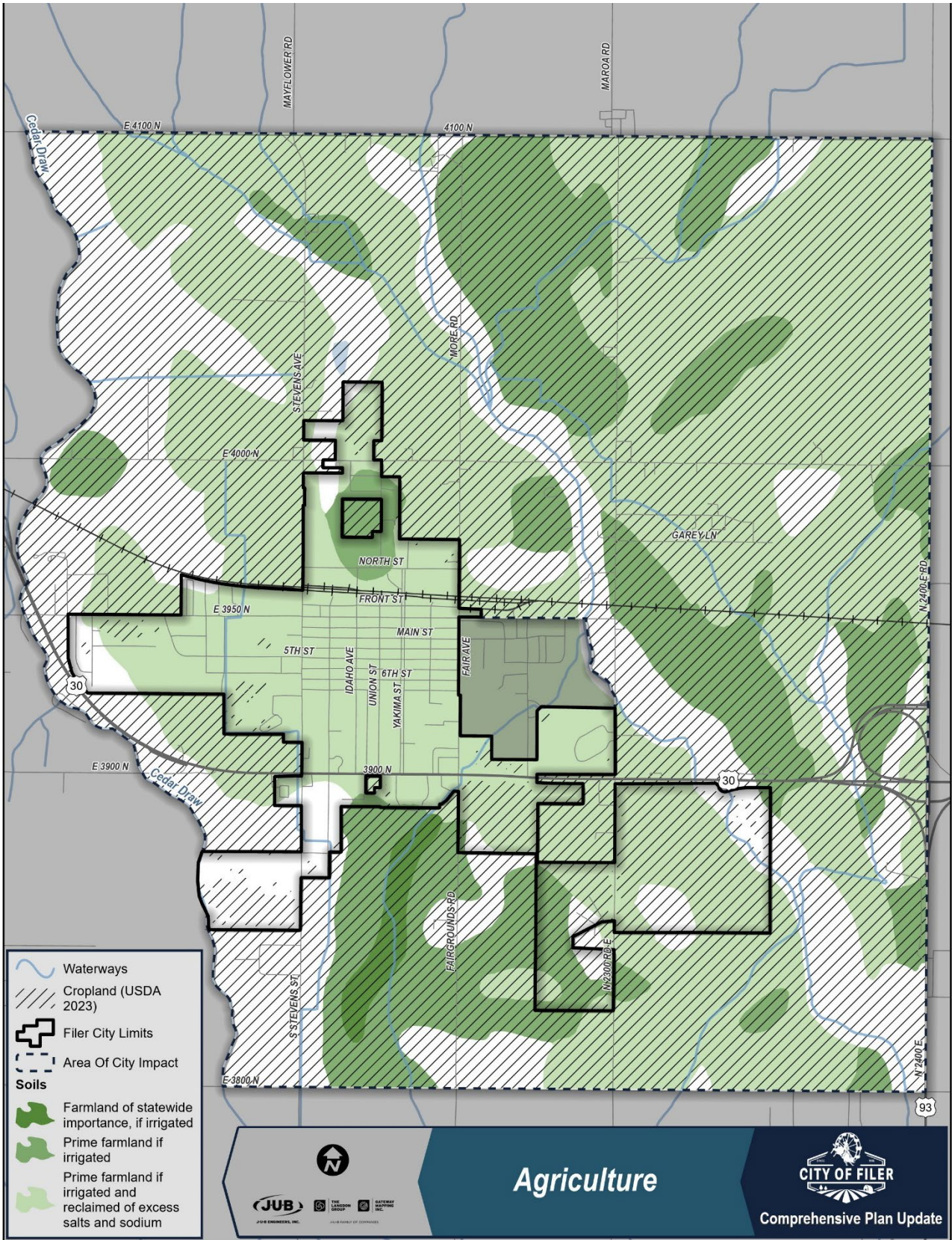
Although there are few farms within the city limits, the AOI outside the city limits is predominantly farmland. Over the past 10 years, croplands have slightly increased both within the city limits and the AOI. According to the USDA Agriculture Census, the top crops in Twin Falls County include forage, corn for silage, barley and wheat for grain, and dry edible beans. There is one cattle farm just inside the northern boundary of the AOI, however, there are no dairies or confined animal feeding operations within the Impact Area.

The Twin Falls County Fair is an important event for the farming community that is held every summer, welcoming thousands of people to Filer. Although the fair is located on Twin Falls County land, it is surrounded by Filer to the south and west. The fairgrounds are a large source of pride for the community and have been part of Filer's history since its first opening on September 20, 1916. The site consists of parking areas, buildings for exhibitions and meetings, as well as agricultural outbuildings dedicated to care and demonstration of animal husbandry, throughout the year.



Main Street Community Garden

FIGURE 2 - AGRICULTURE MAP



B. FILER FUTURE

Agricultural lands and other natural resources are integral to the local economy and quality of life. Careful management of these resources is essential. During the planning process, public comments strongly favored preserving and celebrating the local agricultural heritage, ensuring that development did not encroach on prime farmland. Agricultural lands offer valuable open space and contribute to the City's visual identity along its edges. Additionally, as the host of the Twin Falls County Fair, Filer will continue to be a key venue for celebrating agricultural excellence.

The City of Filer will continue to participate in the Twin Falls County Multi-Jurisdictional Hazard Mitigation Planning, particularly given the high wildfire rating. Wildfire fuel reduction and wildfire preparedness are key to mitigating future hazardous events.

Community members also discussed other hazards, such as safety on City streets and Highway 30, particularly for school-age children, and waste disposal. They emphasized the need for enhanced code enforcement to keep yards free of debris and unsightly storage, along with more waste disposal options, including recycling. Water quality was another concern raised by the public, with worries that new development, especially if not connected to urban services, would negatively impact water quality for Filer residents.

Agricultural creeks and irrigation corridors provide opportunities for flood protection and habitat for wildlife. Other natural resources such as the Cedar Draw, the Thousand Springs Scenic Byway, and nearby Snake River, may provide an important link to economic development opportunities. Agritourism activity is a burgeoning economic sector, and Filer is well positioned to join statewide efforts to enhance local economies in this way. However, the City is endeavoring to sell the Cedar Draw Park as it sits outside city limits and has proven costly to maintain.



Corn fields near Filer

C. GOAL, OBJECTIVES, AND STRATEGIES

Environmental GOAL: Grow sustainably, while preserving natural resources and amenities, and addressing public health and safety concerns

Objective	Strategies
3.1: Ensure that new development supports agricultural uses	3.1.a Continue to support existing agricultural uses within the City and Area of City Impact.
	3.1.b Implement zoning that directs new development to areas that will minimize impacts to prime farmland.
	3.1.c Participate in Idaho Transportation planning efforts to ensure that their facilities are serving local as well as statewide travelers.
3.2: Protect Filer residents from natural and human induced hazards.	3.2.a Hire a code enforcement officer to enhance code enforcement for compliance with weed maintenance and yard storage requirements.
	3.2.b Implement improved street lighting on Main Street and Yakima Avenue.
	3.2.c Continue to participate in County Wide All Hazard Mitigation planning.
3.3: Ensure clean soil, water, and air to provide Filer residents with a superior quality of life.	3.3.a Explore recycling options for Filer residents, local business and public uses.
	3.3.b Continue to support existing agricultural uses within the City and Area of Impact.
	3.3.c Evaluate canals and ditches for potential floods or hazards.
	3.3.d Evaluate impacts of new developments on water quality.

4. PLACE

Support a vibrant community by encouraging diverse land uses, friendly neighborhoods, an authentic historic downtown, and safe connections for all.



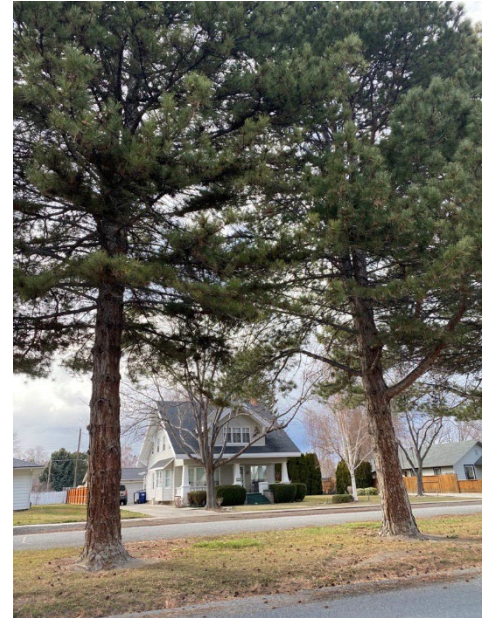
The Place chapter addresses plan components related to Land Use and Transportation. Community Design and Housing are addressed as part of Land Use, while Public Airports are discussed in Transportation.

A. FILER PRESENT

LAND USE

Within the City of Filer's approximately 1 square mile area, the predominant land use is single-family residential. Commercial and civic activities are centered on Main Street, Filer's historic core. This commercial hub is flanked by a traditional railroad-oriented industrial district to the north and older residential neighborhoods to the south. Highway 30, running east to west along the southern boundary, serves as the main commercial corridor. Schools and public spaces, including the County Fairgrounds and City parks, are located around the town center. The City's wastewater treatment facility is situated in the northwest, while the water treatment facility is centrally located. Agricultural lands are found within and along the edges of the city limits. Beyond the city limits, but within the AOI, agricultural lands dominate, particularly along Highway 93.

The *Filer Comprehensive Plan and Area of City Impact*, adopted in 2010, identified suitable land use areas for that period. The map created at that time was also utilized as the zoning map. To comply with Idaho's Local Land Use Planning Act, this plan includes a new Future Land Use Map (FLUM). This map will be implemented through a separately adopted zoning map to ensure that zoning aligns with the comprehensive plan.



Single Family Residence on Yakima Ave

Twin Falls County processes all zoning applications outside city limits in accordance with the County Code. The City and County coordinate on applications that may affect the City, due to proximity to City services or potential impact to City residents. The City of Filer currently has one planning and zoning manager but does not have a Planning and Zoning Commission. The City Council conducts public hearings for applications as required in the Filer City Code.

The City Code provides for the following zoning districts:

- Agricultural District (A) is intended to retain the economic base that identifies Twin Falls County by preserving the good productive lands for agricultural purposes by identifying farmlands lying in those incorporated portions of the County not likely to undergo intensive urban development.
- Residential Agricultural District (R-A) is intended to provide areas for low density residential development and continuation of farm uses where compatible with each other. It is appropriate to be applied to areas which have, by nature of use and land division activity, already begun a conversion from rural to urban use. This district is suitable in the rural-urban fringe areas where public facilities and services will be necessary before urbanization occurs, and in rural land with marginal suitability for agricultural production.

- R-1 Residential Single Household District (R-1) is intended to promote and preserve residential development and to provide a low-density residential environment to allow ample space for personal privacy, private open space and free from encroachment by commercial and industrial activities. The principal land use is single family dwellings and incidental or accessory uses. Centralized water and sewer facilities are required for lots under one acre.
- General Business District (C-1) intended to provide a range of commercial activities, from large retail stores to small specialty shops with residential opportunities that allow a work-live option.
- Industrial District (M-1) intended to provide industrial users ample room in the City to develop and expand without encroachment by noncompatible uses.

The Filer City Code includes design and development standards within the zoning code. Although the City code references a Design Review Committee, there is currently no active committee. In lieu of a Design Review Committee, the staff administrator (in consultation with the City Engineer, as needed) makes decisions based on criteria established in 10-2-3 of City Code, and the Commission may approve or deny designs that meet the criteria in 9-19-3. However, there are no specific processes for design review or special design guidelines.

Over the past decade, building permits have fluctuated, with an initial rise followed by a decline. In 2020 and 2021, the U.S. saw a migration of people from urban centers to rural communities due to the pandemic and the rise of remote work opportunities. Filer experienced this trend, as evidenced by the number of permits issued in 2021 (refer to [TABLE 2](#)). These permits may include approvals for minor improvements, such as re-roofing, as well as new residential construction or tenant improvements for commercial properties.



East Side City Hall looking south to Main Street

TABLE 2 - BUILDING PERMITS

2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024
41	44	39	49	54	36	60	82	46	52	19

Data from the 2020 Census indicates that Filer has 1,003 occupied household units and 64 unoccupied units. Of the units occupied, about 75% of them are owner-occupied. Furthermore, the census confirms that more than 80% of residential structures in Filer are intended for single family occupancy.

TRANSPORTATION

Filer's roadway system is typical of many small towns across the State, comprised of one minor arterial, a few collectors, and local roadways. State Highway 30 serves as the town's primary commercial street and is classified as a minor arterial. Unlike many other Idaho towns, the State Highway does not run through the center of town but instead is located about half a mile south of Main Street.

The City of Filer maintains all roadway facilities within city limits, while Filer Highway District maintains all roadways adjacent to city limits within the County, except for State Highway 30, which is owned by Idaho Transportation Department (ITD). [FIGURE 3](#) shows the transportation network within Filer city limits. The City's Transportation Master Plan is undergoing an update and will outline existing conditions and capital projects as well as strategies and funding mechanisms to successfully implement projects.



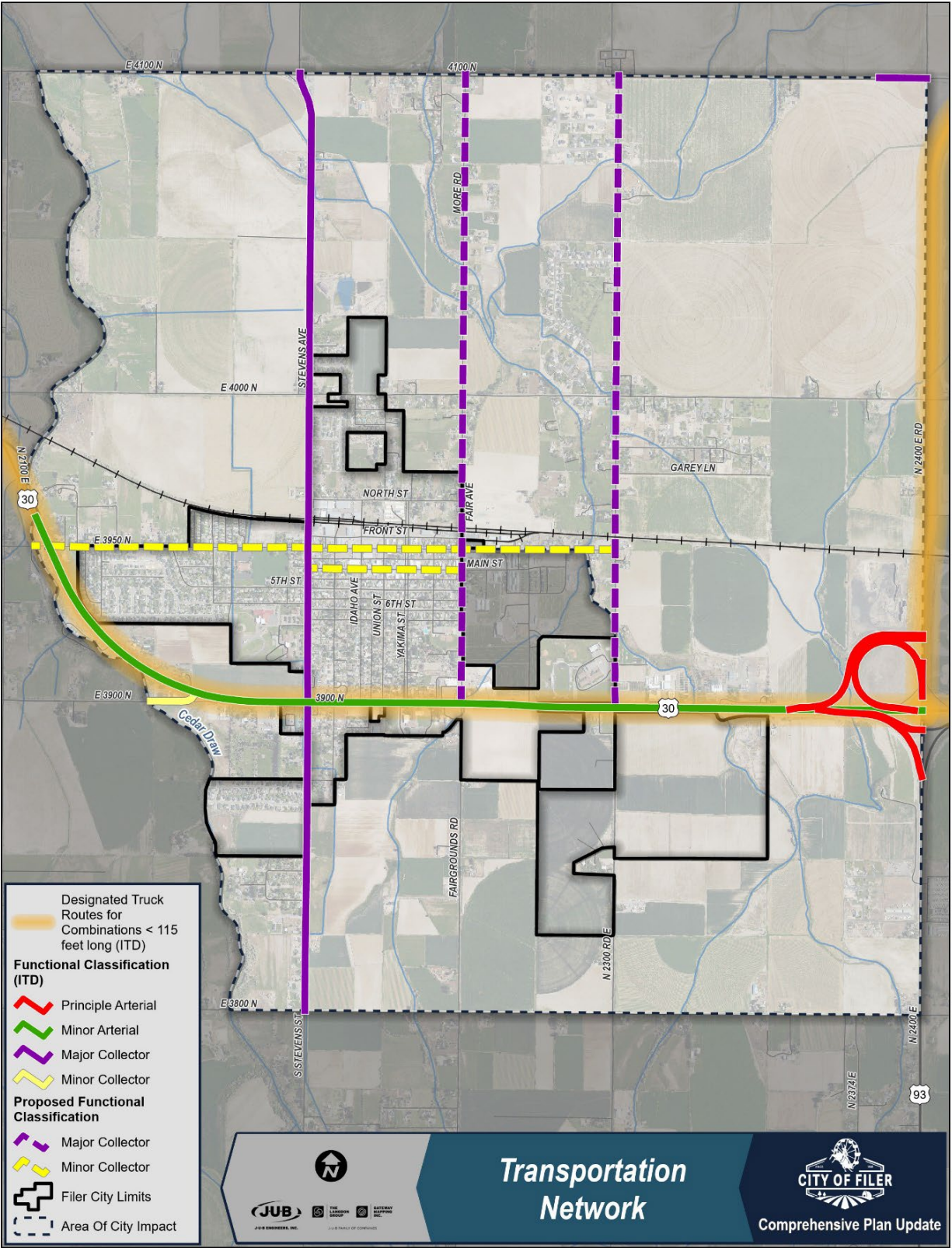
Filer has a rail line that runs east to west along the northern boundary of the city limits. The Eastern Idaho rail line runs through the City of Filer and provides connections to nearby cities such as Twin Falls and Buhl. Designated truck routes are State Highways 30 and 93.

Filer does not have an airport within its city limits, but the Magic Valley Regional Airport is located in nearby Twin Falls. The nearest major commercial airport is approximately 125 miles northwest of Filer, located in Boise, Idaho.



Main Street, 2024

FIGURE 3 - TRANSPORTATION NETWORK



B. FILER FUTURE

The Comprehensive Plan, adopted in 2010, identified suitable land use areas for that time, and the prepared land use map was also used as the zoning map. To comply with Idaho's Local Land Use Planning Act, a new Future Land Use Map (FLUM) was created with community input during the preparation of this plan. This FLUM will be implemented through a separately adopted zoning map.

In anticipation of a modest annual population increase (about 1,000 residents or about 306 new households in the next 20 years), the FLUM ([FIGURE 4](#)) has been prepared for areas within the city limits and the AOI. This map illustrates the anticipated types and distribution of land uses in the coming years, including slight densification of residential areas and an increase in commercial land areas. The land use categories detail the types and nature of development depicted on the FLUM ([TABLE 3](#)).

The land uses within city limits largely reflects existing development. During the planning process, the community highlighted the need for more diverse housing options to enable current residents to remain in the area with smaller, more convenient housing such as patio homes or apartments, whether owner-occupied or rental units. Higher density development near Highway 30 or adjacent to commercial areas could also be appealing for single residents or small families who choose to live in Filer and commute throughout the Magic Valley. To address the concerns related to housing diversity, a variety of residential densities have been created:

- Rural Residential 1 to 3 dwelling units per acre
- Residential Low 3 -6 dwelling units per acre
- Residential Medium 6 – 10 dwelling units per acre
- Residential High 10 or more dwelling units per acre

To properly implement the plan, the zoning code will be revised to account for this array of densities, replacing the one residential zone with three. Any proposed amendments to the City Code will be reviewed by the public and considered for adoption by the City Council.

During the planning process, comments were received regarding City processes. As the City grows the reinstatement of a planning and zoning commission may be appropriate. Upgrades to City permit processes using digital applications may also be desirable.



Filer Public Library

The community expressed a strong desire to enhance the downtown area by making it more walkable through sidewalk and street improvements, and by renovating historic buildings to attract new commercial and residential tenants. Additionally, the lack of maintenance and upkeep of private and public properties, along with vacant buildings, was cited as a reason for not frequenting the downtown area. Furthermore, downtown property owners indicated that the street, gutters, and sidewalks need substantial improvements to address drainage concerns.

However, with the Senior Center, Library, Post Office and City Hall all on Main Street, the community is eager to support improvements to the historic center, particularly if it results in more shopping and dining alternatives. The proximity of downtown to the fairgrounds and the entry along Yakima Avenue from Highway 30 provide the framework for a vital community center. To address these concerns and provide a framework for future public investment and private sector support, the FLUM depicts an expanded downtown area or Central Business District.

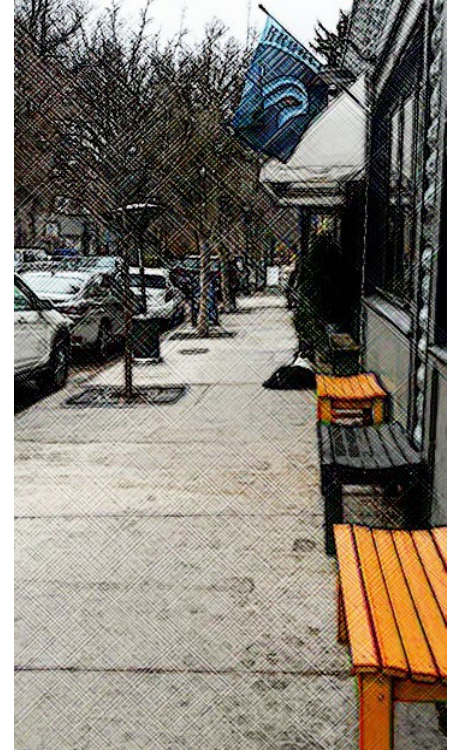
To implement this, an overlay district (depicted on [FIGURE 4](#)) should be established to accommodate cottage businesses, offices, and cafes within structures located south of Main Street. The overlay also extends north to encompass possible areas for redevelopment within the traditional industrial area. A master plan or downtown revitalization plan is recommended, to coordinate all actions related to the area, including transportation and economic development strategies.

Commercial areas on Highway 30 have also been added and more highway-centered businesses requiring more square footage and surface parking would be encouraged to locate in that vicinity.

Future growth is also visualized within the AOI, although the County retains planning and zoning authority over these areas. The City considers the FLUM as a guide to future development outside city limits. For the most part, the land use designations are suitable for agriculture and agricultural-related businesses, except for a large acreage at the Highway 93 intersection. As annexation requests are received adjacent to city limits, they will be evaluated to ensure that adequate public services and facilities are available, and that any new development is compatible with the surrounding urban uses.

The dynamics of housing in Filer are largely impacted by activity in surrounding communities. While this plan provides for more density overall that will not necessarily resolve all local housing concerns (availability, production, affordability, assistance etc.), the City should collaborate with Twin Falls County regarding this complex issue and consider reaching out to the Twin Falls Housing Authority. As Filer anticipates approximately 300 new households in the next 20 years, collaboration with the County and neighboring cities on their expectations is prudent.

The City of Filer has outlined future transportation projects and/or capital projects within the City's Master Transportation Plan. The Master Transportation Plan identifies future projects for various modes of transportation, in addition to vehicular improvements. Concerns raised frequently during the planning process related to school crossings and safety on Highway 30 are also addressed in the Master Transportation Plan.



Potential downtown streetscape improvement

FIGURE 4 - FUTURE LAND USE MAP

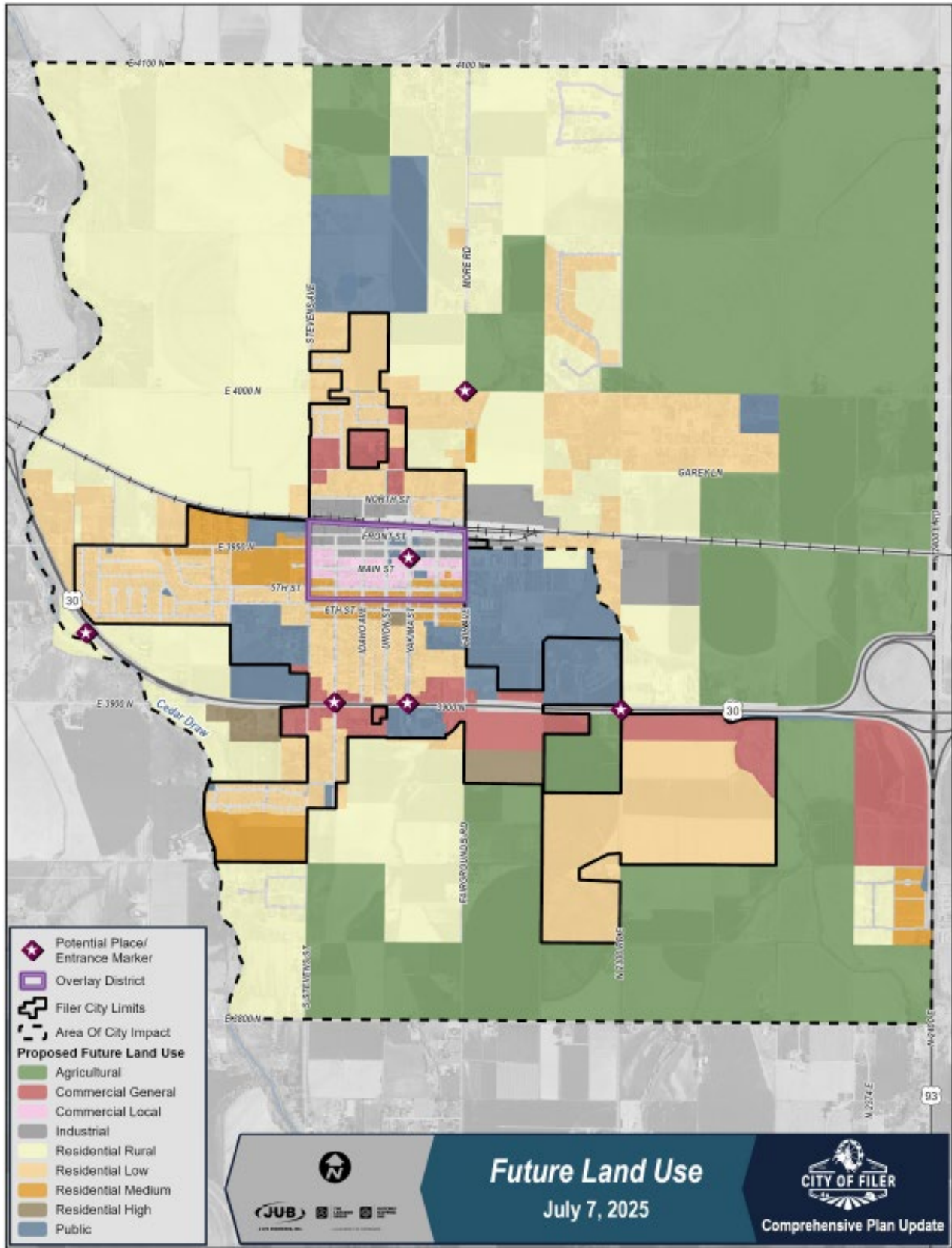


TABLE 3 - LAND USE DESCRIPTIONS

Agriculture	Commercial General
Areas outside city limits but inside the Area of Impact that are designated for farming and agricultural activities.	Areas adjacent to major transportation corridors, that provide for and encourage the grouping together of business, retail, public, quasi-public, and other related uses. These areas may include large retail enterprises, hospitality and entertainment use. Special permits, including Planned Unit Development (PUD) may be considered for more intense uses or to incorporate residential uses.
Commercial Local	Industrial
Areas in or near downtown or situated within or near residential areas, that encourage a more walkable commercial center and/or corridor. Businesses may include retail, office, and medical operations, restaurants and other uses that conveniently serve neighborhood areas.	Areas that encourage manufacturing, research facilities, and development such as warehousing, office industrial parks and distribution. Some incidental retail or wholesale activity may be expected. Industrial uses in these areas should be clean and free of hazardous or objectionable elements and should be operated entirely, within enclosed structures.
Residential Rural	Residential Low
Areas that allow for single family homes on large lots and a variety of agricultural uses, located further from the City center or within the Area of Impact. Density may range from 1-3 dwelling units per acre.	Areas for single family dwellings on a variety of lot sizes, located primarily in established neighborhoods and on town edges. Uses such as parks and places of worship may be allowed by special permit. PUDs may be considered for a combination of uses or increased density. Density may range from 3-6 dwelling units per acre.
Residential Medium	Residential High
Located adjacent to low density residential areas, these areas are intended for a mix of housing types, including small lot single family homes, duplexes, patio homes and townhouses. Density may range from 6-10 units per acre. Other uses may be considered, including places of worship, public assembly and care facilities as well as incidental commercial or office uses.	Areas adjacent to commercial land uses and major corridors, to encourage a mix of housing types, including duplexes and apartment buildings with density higher than 10 dwelling units per acre. This land use may also serve as a buffer for lower density residential areas. Other uses may be considered including public assembly and care facilities as well as incidental commercial or office uses.
Public	
Areas that are owned by government entities or intended principally for use by the public, including government offices, public safety buildings, schools, libraries, and post offices. Public areas often encourage recreation, education, community gathering spaces, and cultural amenities that contribute to the quality of life of residents. Areas specifically designated for parks and recreation facilities owned and/or operated by local government entities.	

C. GOAL, OBJECTIVES, AND STRATEGIES

Place GOAL: Support a vibrant community by encouraging diverse land uses, friendly neighborhoods, an authentic historic downtown, and safe connections for all

Objective	Strategies
4.1: Promote and encourage land uses that adequately serve residents and visitors.	4.1.a Amend the zoning code to implement the new comprehensive plan, including various residential zones (with a variety of lot sizes, dwelling types and densities), and design and development standards, and overlay districts.
	4.1.b Coordinate with Twin Falls County to establish a new Area of Impact.
	4.1.c Identify areas for infill development that are compatible with existing uses.
	4.1.d Evaluate opportunities for new public land uses (schools, government buildings, parks, trails) throughout the City.
	4.1.e Monitor building permit activity, as well as public usage of public utilities, to efficiently plan future extension of water and sewer facilities.
	4.1.f Collaborate with Twin Falls County on housing action planning to monitor potential opportunities to address community concerns.
	4.1.g Seek funding sources to implement the strategies within the Comprehensive Plan.
	4.1.h Explore option to reinstate a Planning and Zoning commission.
	4.1.i Provide incentives for residential units within the CBD, to develop above ground floor commercial spaces.
4.2: Provide an aesthetically pleasing community.	4.2.a Implement better street lighting and other improvements on Main Street and Yakima Avenue, to enhance walkability.
	4.2.b Connect pathways and sidewalks for cohesive and accessible walking routes and work collaboratively with developers to ensure adequate pathways and sidewalks occur as new development occurs.
	4.2.c Assess entry corridors and gateways for improvement and modifications.
	4.2.d Prepare a downtown revitalization plan, to implement the Comprehensive Plan.
	4.2.e Continue to enforce construction and design standards that preserve and enhance community integrity.
	4.2.f Develop uniform branding and signage policies.
	4.2.g Consider other appropriate zoning amendments to ensure new development supports an aesthetically pleasing environment.

5. COMMUNITY

Provide excellent public services and facilities to support a community of all ages.



The Community chapter addresses plan components related to Public Utilities, Services, and Facilities, Recreation, Schools and related transportation, and Economic Development. There are no National Electric Transmission Corridors in the City of Filer. Special Areas and Sites are discussed as part of Economic Development.

A. FILER PRESENT

Although the City is small, it still offers a full range of public utilities, services, and facilities. The City manages many of these services including water, sewer, and emergency response, but requires assistance for engineering and other public works services.

Water, Sewer and Waste

Water and sewer lines are presented on [FIGURE 5](#). The drinking water system consists of groundwater wells, an arsenic water treatment plant, storage tanks, pump stations, and a distribution system. The City of Filer staffs a Water Department that provides resources and programs to help conserve water, reduce pollution, and foster a sustainable water supply.

The City's wastewater system includes a collection system, Membrane Bioreactor (MBR) treatment plant, and reuse (land application) that serves approximately 2,800 people (mostly residential and commercial). They maintain all necessary permits including IPDES Permit (Non-Growing Season discharge to Cedar Draw) and Reuse Permit (Growing Season). At present, a new Wastewater Facilities Plan is being prepared to address new growth areas, issues related to the MBR Treatment Plant and plans for Reuse.

Other options for waste disposal are septic tanks on lands outside of city limits. The Southern Idaho Solid Waste (SISW) treatment site serves 7 counties – Blaine, Cassia, Gooding, Jerome, Lincoln, Minidoka, and Twin Falls Counties. They have 14 transfer stations throughout Southern Idaho including three in Twin Falls County.

Safety and Emergency Response

Filer has one police station located at 300 Main Street with a police department consisting of six full-time staff members and two volunteer reserve positions. The police department oversees the handling of all crimes in the City from major crimes to City code violations.

Filer currently does not have a fire department. Fire and rescue services are provided by the Filer Rural Fire Protection District. Fire and rescue services are provided for a 132-square-mile area and serve a population of about 8,000. The Fire/Rescue Division has an operating staff of 26 personnel that are all on "paid-on-call" status. The Fire Division operates with two Structure Engines, one Ladder Truck, one Urban Interface Structure Pumper, one Wild Land Engine, one Water Tender/Structure Engine, one Water Tender, one Rescue Structure Engine and two Command Vehicles.



Filer does not have medical facilities such as clinics or hospitals within city limits. Filer residents may utilize the medical facilities in Buhl to the west, or Twin Falls to the east.

Public Facilities and Communications

City Hall is located in the historic First National Bank building at 300 Main Street. The Mayor and four Council Members are elected and serve as uncompensated personnel. The City Council conducts bimonthly public meetings. City personnel include a City Clerk, City Treasurer, Utility Billing Clerk, and Planning and Zoning Administrator. Approximately 16 personnel work within the City Hall facility. While the number of employees has grown, the facility has not been upgraded in many years. The City Council chambers at the rear of the building is not large enough to conduct a sizeable public hearing.

The City of Filer has been served by a public library for a century. In 1988, the library moved from a small facility behind City Hall to its current location at 219 Main Street, a former lumber yard. The library director is a City employee, as are the director's 4 staff members. The library provides access to an array of books, historical records, widescreen television, internet access and several programs for children, teens, and young adults. The library hosts events and meetings within its facility throughout the year. City residents receive free library cards, while rural residents may purchase membership for fifteen dollars a year per household.

Filer is one of a few towns with its own telephone, high-speed internet, and broadband service provider, TruLeap Technologies. Filer has a U.S. Post office located at 413 Main Street.

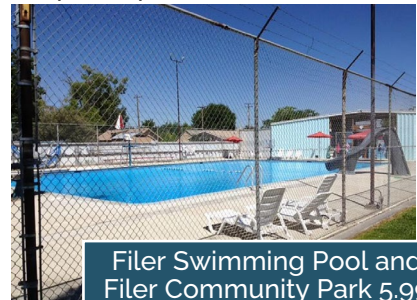
RECREATION

Healthy life habits are promoted through recreational activities such as parks, pools, trails, and pathways. Areas designated for recreation are a way to bring citizens together to enjoy what Filer has to offer.

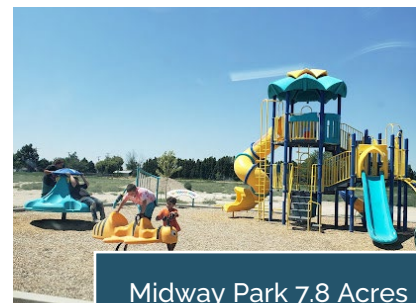
As development continues, the City has imposed requirements for future subdivision developments to provide pocket parks that can be utilized by the community. Currently, one additional park, Kiwanis Park, is proposed to be developed.

Filer Sports Recreation is a non-profit Recreation District that serves the community of Filer. They offer baseball, basketball, soccer, swimming lessons, football, and volleyball. The City of Filer has two parks: Community Park and Midway Park. Filer Swimming Pool is located within Filer Community Park along with facilities for tennis and other sports. The City of Filer previously had an RV park at Cedar Draw Park but is now closed.

Other recreational areas within the AOI include the Pebble Ponds Golf Course, a 9-hole Par 3 golf course, with a driving range, restaurant, bar and meeting venue. The Fairgrounds may also be considered an important recreation area with a large expanse of open space as well as venues for meetings and events. All parks are depicted on [FIGURE 6](#).

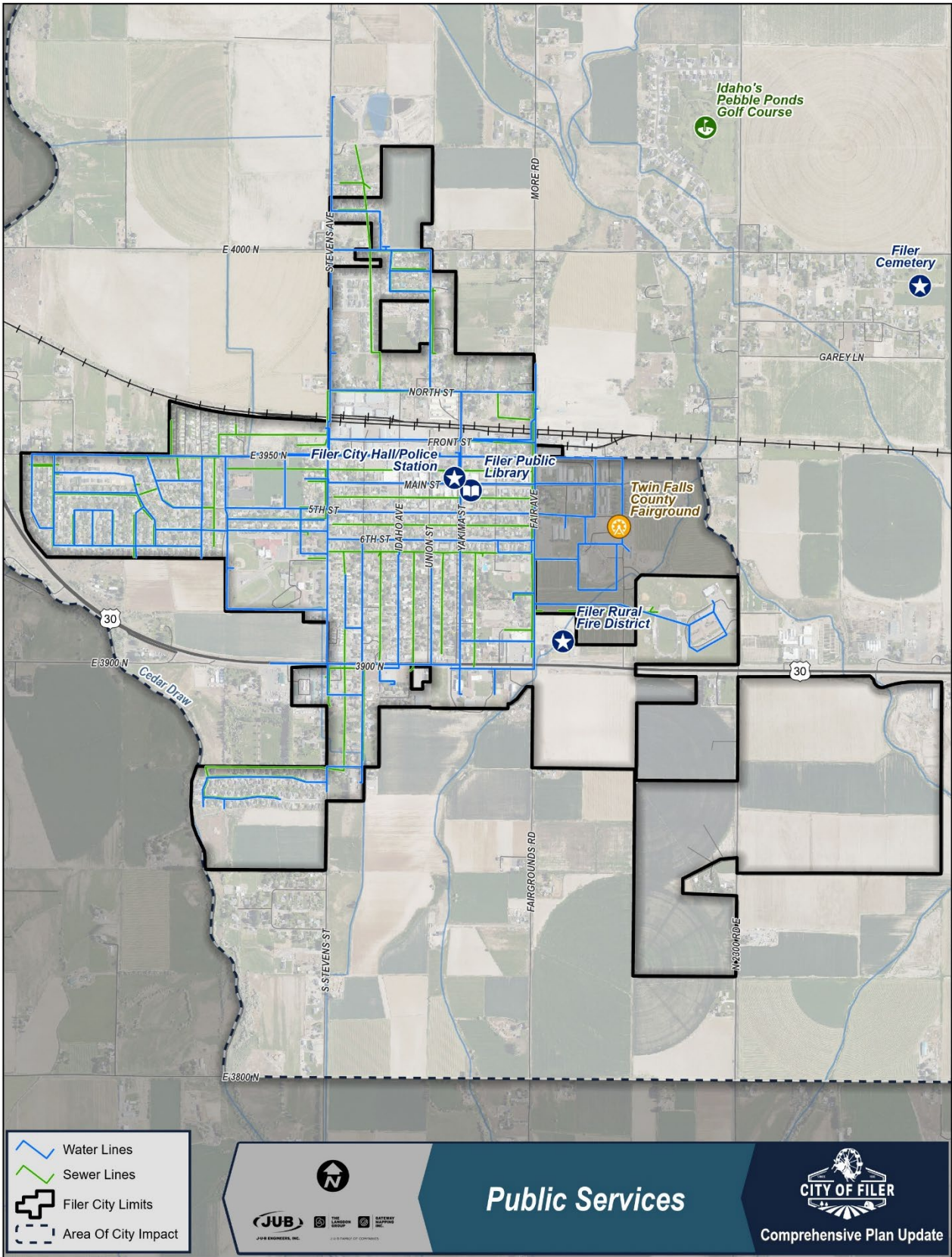


Filer Swimming Pool and
Filer Community Park 5.99
Acres



Midway Park 7.8 Acres

FIGURE 5 - PUBLIC SERVICES MAP



SCHOOL FACILITIES & TRANSPORTATION

Filer is served by Filer School District 413, which includes five schools catering to students from kindergarten to 12th grade. Within the city limits are Filer Elementary School, Filer Intermediate School, Filer Middle School and Filer High School. Hollister Elementary School, while part of the Filer School District, is located in Hollister Idaho, approximately 16.5 miles south of the City (refer to [Figure 6](#)).



Filer High School and Filer Middle School are both situated along Highway 30, which poses significant safety risks for students walking home and young drivers accessing the high school. Additionally, parking within school zones is challenging. To ensure safe pick-up and drop-off for students, school access needs to be addressed. The Filer School District operates 17 buses, with an average daily ridership of 370 students. The buses accessing Filer Middle School via Highway 30 have created hazardous conditions for the traveling public, necessitating frequent use of flaggers and other

traffic control measures. An inventory of existing schools can be found in on [TABLE 4](#).

In the Filer school district, 3 schools are over their max enrollment numbers. With an approximate 1,541 students enrolled in Filer School District 413, services are strained. It is recommended that the City collaborates with the school district to evaluate the current school inventory and consider expansions or additions of new facilities.

Those seeking further education may attend College of Southern Idaho, a community college located in nearby Twin Falls, as well as Idaho State University in Pocatello, and Boise State University in Boise.

TABLE 4 - SCHOOL INVENTORY

Schools	Enrollment 2023	Max Enrollment	Address
Filer Elementary School,	406	360	700 Stevens Dr. Filer, ID 83328
Hollister Elementary School	49	120	2463 Contact Ave. Hollister, Idaho 83301
Filer Intermediate School	332	312	833 6th St W. Filer, ID 83328
Filer Middle School	266	260	299 Highway 30 Filer, ID 83328
Filer High School	488	520	3915 N Wildcat Way Filer, Idaho 83328
<i>Source: National Center for Educational Statistics</i>			

ECONOMIC DEVELOPMENT

Filer has a range of business establishments within the City. Food and drink services, fueling and convenience stores, and industrial services, contribute to Filer's retail mix. As stated by the Chamber of Commerce website, Filer has approximately 460 businesses inside and outside its city limits (*Source: chamberofcommerce.com*).

Retail trade is the major employment sector in Filer, with numerous retail services available throughout the City. Construction and Manufacturing are the next largest employment sectors, and together, they provide more jobs than Retail Trade. These sectors collectively offer hundreds of jobs to the community.

While not sited in the City of Filer, trout farms are a significant part of the local economy. Trout farms throughout the Magic Valley are fed by drainage tunnels that connect to the Snake River. Magic Valley Steelhead Hatchery, run by the State of Idaho, is located north of Filer's AOI.

Major Employment Sectors	Employees
Retail trade	544
Construction	392
Manufacturing	380
Educational services, health care and social assistance	377
Arts, entertainment, recreation, and accommodation and food services	288
Agriculture, forestry, fishing and hunting, and mining	230
Professional, scientific, and management, and administrative and waste management services	218

Source: data.census.gov

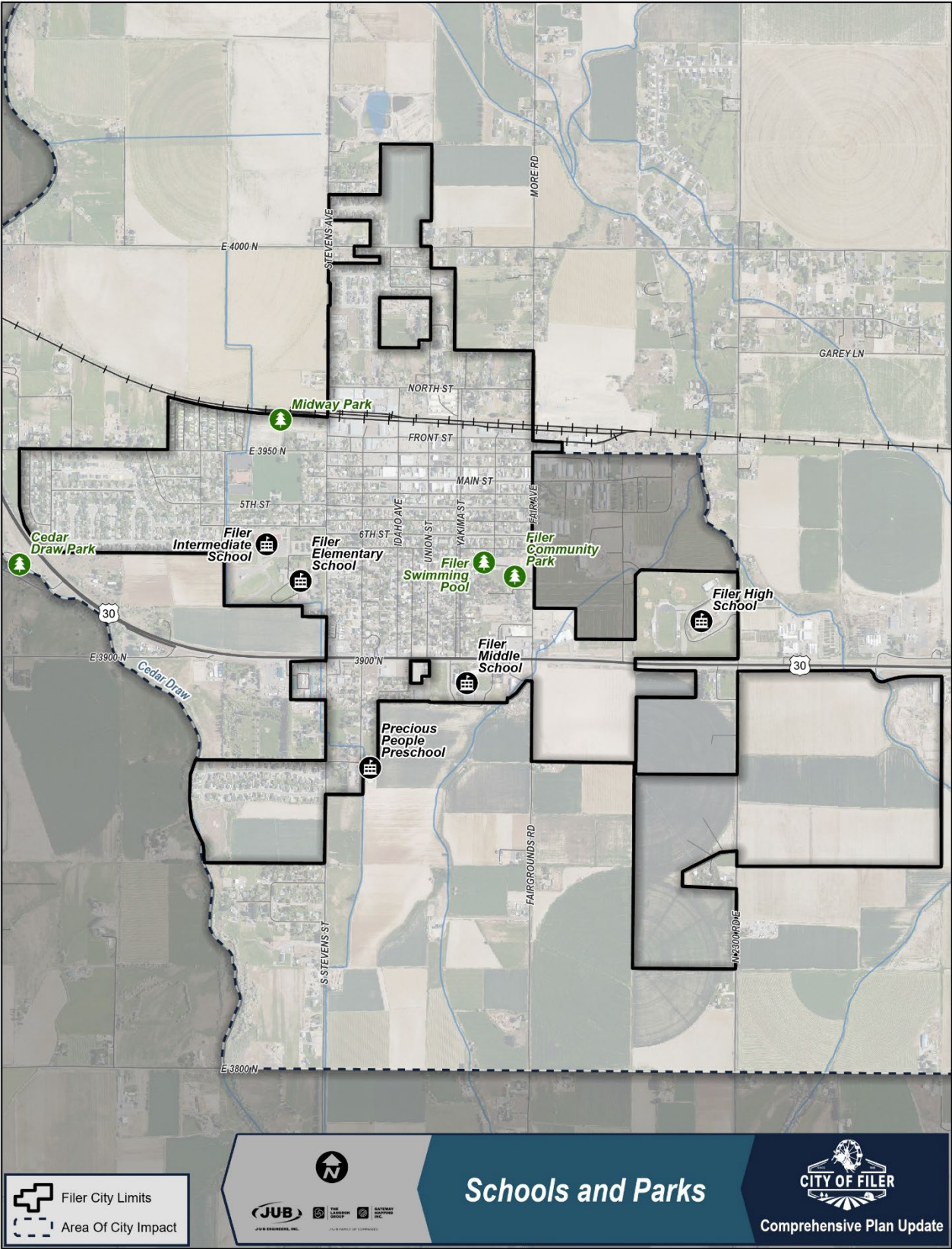
The Twin Falls County Fairgrounds provides many economic benefits to the City of Filer with yearly events such as the Fair, Rodeo, and other expositions and festivals. These events bring thousands of people into Filer; participants can also enjoy local amenities before and after the Fairground events.

The Fair typically runs for six days, starting in late August and ending in September, and offers a variety of attractions, including the Magic Valley Stampede PRCA Rodeo, which alone draws an average of 16,000 attendees over its three-day duration. The fairgrounds are equipped for RV enthusiasts with 80 spaces with full hook-ups (water, sewer, and 30- or 50-amp power) and 100 spaces with water and 30-amp power. When the Fair is not in session, the fairgrounds are used routinely for community events, expositions, and meetings of all sizes. The County Fair office is located on the fairground and includes 4 permanent staff members that administer the Fair and work with an appointed County Fair Board. Gordy's Highway 30 Music Fest is a four-day summer event that brings in all ages and raises funds for projects around the community.

Other historic properties exist in and around Filer including several buildings on Main Street that date from the early 20th Century. Some of the notable historic homes include the Lorain home north of the railroad tracks on Stevens Street and the Duquesne homes on the northeast and northwest corners of Stevens and Midway. Achille Duquesne also built the Elliot Building on Main Street. The Oddfellows Hall, built in 1908, is an icon situated on Main and Yakima Streets. The historic Idaho First National Bank is home to City Hall.

Southern Idaho: Success Starts Here "Filer Idaho" offers information for starting a business in Filer.

FIGURE 6 - SCHOOLS AND PARKS MAP



B. FUTURE FILER

In anticipation of a modest annual increase in population (about 1,000 residents or about 306 new households in the next 20 years), the City of Filer is endeavoring to prepare to serve the existing and future population. The City is preparing a Wastewater Facilities plan that will address future needs as outlined in this plan. Developer improvements will open areas south of Highway 30 for developments to install and connect more easily to City services.

The City is outgrowing the City Hall facility and will be looking for opportunities to address the need for additional administrative offices and a more suitable public meeting area. Ideally, this investment would support the revitalization of the downtown area.

The City of Filer and the Recreation District will continue to collaborate on recreation improvements including adequate areas for the community to enjoy the outdoors. The principal concern expressed by the public was improved pedestrian facilities to link existing parks, school fields, and the Fairground facility. These concerns are addressed in the Transportation Master Plan, as well as in this document, and should be a priority for the City of Filer. Active recreation amenities such as a skate park, splash pad, or pickleball court, within an existing or future park, are still important to the community if funding permits and the City should continue to pursue opportunities to expand recreational services.

A new school is anticipated at the corner of Stevens and Highway 30, with principal access to Stevens. The Master Transportation Plan describes and presents options to address some of the school transportation safety issues.

This plan recognizes the importance of renewed economic development efforts. The proposed FLUM designates adequate areas to generate sufficient tax revenues, to cover the annual costs of services for existing and proposed development. Furthermore, the objectives and strategies encourage fostering the unique opportunities associated with the Twin Falls County Fair and an intact historic downtown still complete with a full array of civic uses. A focused downtown revitalization plan would consider all elements necessary to achieve a successful destination for residents and visitors.



Options for businesses to locate on 5th street; converting residences to appropriate commercial uses

C. GOAL, OBJECTIVES, AND STRATEGIES

Community GOAL: Provide excellent public services and facilities to support a community for all ages.

Objective	Strategies
5.1: Prioritize public spaces to support a clean and welcoming City.	5.1.a Identify improvements for public spaces that encourage community gathering.
	5.1.b Evaluate opportunities for active recreation amenities such as a skate park, splash pad or pickleball court, within an existing or future park.
5.2: Provide more community-based resources and amenities such as public event venues, parks, walk bike ability/connectivity, and recreation centers	5.2.a Evaluate existing parks to allow for possible off leash dog areas.
	5.2.b Expand existing pathways and parks to create a walking trail connecting Fairgrounds to Downtown and linking other parks and school sites.
	5.2.c Explore funding for a recreation center to provide additional services for all members of the community.
5.3: Revitalize the historic downtown to leverage its potential as a shopping, entertainment, and civic center.	5.3.a Establish a Central Business District with appropriate use regulations and development standards.
	5.3.b Seek regional grant monies to fund development of a downtown master plan, support existing businesses, and recruit new businesses.
	5.3.c Incorporate historic structures in future community planning projects (relocation of civic buildings and other improvements).
	5.3.d Identify areas surrounding downtown for future complementary expansion of commercial, office, and residential uses.
	5.3.e Collaborate with the Twin Falls County Historical Society to host events and provide education on the region's history.
	5.3.f Collaborate with the Twin Falls County Fair to optimize the proximity of Filer's downtown.
5.4: Support the Filer School District to providing accessible educational opportunities.	5.4.a Support planning and construction of a future public school.
	5.4.b Ensure that bus routes are serving all Filer students.

6. Implementation

This chapter presents the actions, programs and other methods to provide for the timely execution of the various plan components.



This chapter compiles all the strategies from the previous three chapters (actions, programs and other methods) prioritizes and assigns them to appropriate entities, to provide for the timely execution of the various plan components.

During the planning process, three goals were established for the future of Filer:

- Environmental: Grow sustainably, while preserving natural resources and amenities, and addressing public health and safety concerns.
- Place: Support a vibrant community by encouraging diverse land uses, friendly neighborhoods, an authentic historic downtown, and safe connections for all.
- Community: Provide excellent public services and facilities to support a community for all ages.

Objectives were identified for each of these goals and were also applied to the production of a Future Land Use Map. For each objective, a series of implementation strategies were developed, intended to provide a series of steps for City personnel to follow to achieve each objective. This chapter has captured those strategies and sorted them by priority.

Priorities are separated between high, medium, low, and continued collaboration, each with their own timeline.

- High Priority – immediate action within the next 1 to 3 years
- Medium Priority – follow up action to high priority items or 3-to-5-year target dates
- Low Priority – action items for beyond 5 years
- Continued Collaboration – strategies that are on-going

Leads and partners were designated to identify who will assume the responsibility to ensure that strategies are addressed, and progress is made on plan implementation.

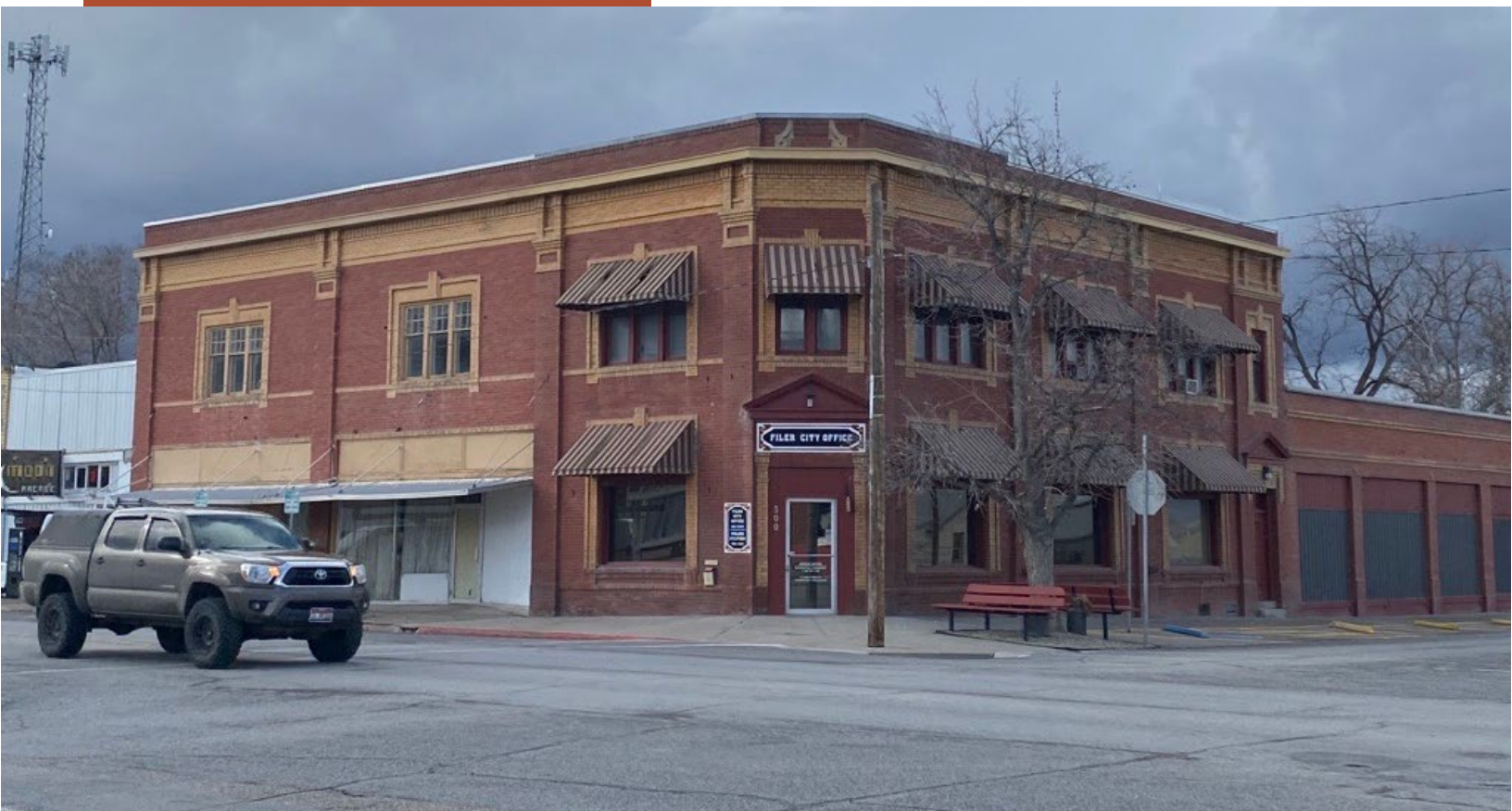
Upon adoption, City personnel should commence a systematic program of review and engagement in completing each implementation strategy. Furthermore, an annual review of the plan should be conducted, with regular updates at 5-year increments.

Number	Strategy	Leads/Partners
High Priority		
3.1.a, 3.3.b	Continue to support existing agricultural uses within the City and Area of Impact.	P&Z
3.3.d	Evaluate impacts of new developments on water quality.	Public Works
5.1.a	Identify improvements for public spaces that encourage community gathering.	Developer
5.3.b	Seek regional grant monies to fund development of a downtown master plan, support existing businesses, and recruit new businesses.	P&Z
5.3.d	Identify areas surrounding downtown for future complementary expansion of commercial, office, and residential uses.	P & Z/City Council
4.1.a	Amend the zoning code to implement the new comprehensive plan, including various residential zones (with a variety of lot sizes, dwelling types and densities), and design and development standards, and overlay districts.	P&Z Admin
4.1.b	Coordinate with Twin Falls County to establish a new Area of Impact.	P&Z Admin
4.1.g	Seek funding sources to implement the strategies within the Comprehensive Plan.	City Council
4.2.d	Prepare a downtown revitalization plan, to implement the Comprehensive Plan.	P&Z/City Council
Medium Priority		
3.1.c	Participate in Idaho Transportation planning efforts to ensure that their facilities are serving local as well as statewide travelers.	City Council/ITD
3.3.c	Evaluate canals and ditches for potential flood or hazards.	TF Canal/City Council
5.2.b	Expand existing pathways and parks to create a walking trail connecting Fairgrounds to Downtown and linking other parks and school sites.	City Parks & Rec/Rec District
5.3.a	Establish a Central Business District with appropriate use regulations and development standards.	P&Z/City Council/ Developers & Businesses
5.4.a	Support planning and construction of a future public school.	School District
4.2.c	Assess entry corridors and gateways for improvement and modifications.	Public Works
4.2.a, 3.2.b	Implement better street lighting on Main Street and Yakima Avenue.	City Engineer
4.2.b	Connect pathways and sidewalks for cohesive and accessible walking routes and work collaboratively with developers to ensure adequate pathways and sidewalks occur as new development occurs.	Public Works/ Engineer
4.1.h	Explore option to reinstate a Planning and Zoning Commission.	City Council
4.1.i	Provide incentives for residential units within the CBD, to develop above ground floor commercial spaces.	P&Z/City Council

Low Priority		
3.1.b	Implement zoning that directs new development to areas that will minimize impacts to prime farmland.	City Council
3.2.a	Hire a code enforcement officer to enhance code enforcement for compliance with weed maintenance and yard storage requirements.	Code Enforcement Officer/Police
3.3.a	Explore recycling options for Filer residents, local business and public uses.	City Clerk
3.2.c	Continue to participate in County Wide All Hazard Mitigation planning.	County Office of Emergency Management
5.2.a	Evaluate existing parks to allow for possible off leash dog areas.	Parks & Rec
5.1.b	Evaluate opportunity for active recreation amenities such as a skate park, splash pad or pickleball court, within an existing or future park.	Parks & Rec
5.2.c	Explore funding for a recreation center to provide additional services for all members of the community.	Rec District
5.3.c	Incorporate historic structures in future community planning projects (relocation of civic buildings and other improvements).	Property Owners City
5.3.e	Collaborate with the Twin Falls County Historical Society to host events and provide education on the region's history.	Twin Falls Hist. Society
4.2.f	Develop uniform branding and signage policies.	P&Z/ Public Works
Continued Collaboration		
5.4.b	Ensure that bus routes are serving all Filer students.	School District
4.1.c	Identify areas for infill development that are compatible with existing uses	P&Z Admin
4.1.d	Evaluate opportunities for new public land uses (schools, government buildings, parks, trails) throughout the City.	CC
4.1.e	Monitor building permit activity as well as public usage of public utilities to efficiently plan future extension of water and sewer facilities.	Public Works
4.2.e	Continue to enforce construction and design standards that preserve and enhance community integrity.	P&Z
5.3.f	Collaborate with the Twin Falls County Fair to optimize the proximity of Filer's downtown.	P&Z
4.1.f	Collaborate with Twin Falls County on housing action planning to monitor potential opportunities to address community concerns.	P&Z
4.2.g	Consider other appropriate zoning amendments to ensure new development supports an aesthetically pleasing environment.	P&Z

Appendices

Grow sustainably, while preserving natural resources and amenities, and addressing public health and safety concerns



APPENDIX A

Public Involvement Summary

City of Filer

Comprehensive Plan Update Public Involvement Summary

Introduction

Meaningful Public Involvement can be measured by the amount of involvement from the Community. The Public Involvement process should encourage stakeholders to bring their views to the table and provide input throughout the life of the planning process. This Public involvement Summary details how the City of Filer conducted public outreach and worked with the community on its Comprehensive Plan.

In order to conduct meaningful public involvement, efforts were made to provide public awareness and education while encouraging participation and feedback. This feedback from the public helped the planning team develop a Comprehensive Plan that addressed the character and future growth of Filer from the perspective of its residents.

Public Involvement Goals and Objectives

The goal of public outreach is to inform, educate, and receive input from the community about the City of Filer Comprehensive Plan Update.

Key objectives of the public outreach process included:

- ✓ Providing complete, accurate and timely information regarding the planning process.
- ✓ Facilitating fair and constructive communication between the public and the City.
- ✓ Offering meaningful and accessible opportunities for participation preparing the Plan.
- ✓ Ensuring all feedback is reflected in the Plan, through appropriate modifications and as a summary of the public outreach process.

Community Planning Committee Meetings

A Community Planning Committee (CPC) was organized by the City to help gather information and input for the Comprehensive Plan. The CPC acts in an advisory position to the project team throughout the planning process. Three CPC meetings were held throughout the planning process.

Each meetings has activities that encourage conversation between community members and city staff. The first meeting familiarized the committee with their roles and introduced them to the planning process. CPC members reviewed goals from the previous Comprehensive Plan and maps. During the scecond meeting CPC members reviewed the Future Land Use Map` FLUM and objectives and strategies. The third meeting focused further on strategies.

Public Events

J-U-B coordinated and facilitated an in-person public open house on September 24, 2024 at the Filer Public Library. The event had several displays that educated the community on the planning process, and a map activity for attendees to provide feedback on what they want to see in Filer as it grows. The event ran for 3 hours and had 30 attendees.

CITY OF FILER COMPREHENSIVE PLAN COMMUNITY PLANNING COMMITTEE MEETING 1

NOTES

03/12/2024 6:00 p.m. – 7:30 p.m.
Twin Falls County Fair Grounds – Youth Building

1 | INTRODUCTIONS

Meeting began with a welcome by Sheri Freemuth, J-U-B Senior Planner and Project Manager, followed by roundtable introductions from J-U-B Engineers, the City of Filer, and Community Planning Committee (CPC) members. See [Attendance List](#) on the last page of these notes for a full list of attendees.

2 | PLAN PROCESS

What is a Comprehensive Plan? – Sheri provided an overview of the comprehensive planning process. A Comprehensive Plan is a document which helps guide the growth of a city for 10-20 years. Although this is an update to the former plan, the plan will be almost entirely rewritten to meet the needs of the community today and to comply with Idaho Code. It will be prepared with the involvement of residents, businesses, non-profits, and public agencies, and reflect their issues and concerns.

Role of the Community Planning Committee – As a committee member, you are the eyes and ears of the community, you will act in an advisory role to the project team during the planning process to provide input on project objectives, expectations, and public outreach. Additionally, the CPC works with the project team to provide input on existing conditions data and maps provided to assist in the assessment of conditions that will be adapted into the various plan elements.

Intro Activity (Why Filer?) – Sheri Freemuth led the group through an introduction activity to learn why everyone chose to live and stay in Filer. See "[WhyFiler.pdf](#)" for responses to the activity.

3 | PROCESS

Sheri referred the group to the Work and Public Involvement Plan which provides details regarding the planning process including a plan outline (at the back of the document) which identifies the key plan components required by Idaho Code. The following is a brief overview of the process:

PHASE 1: INITIATE FEBRUARY – APRIL 2024

Kicks off the process with a Work/Public Involvement Plan. Milestones include formation of CPC, CPC meeting #1 and online survey opportunity.

PHASE 2: ANALYZE**MAY – AUGUST 2024**

collaborate and begin developing key components of the updated Plan. Includes development of future growth projections and CPC meeting #2.

PHASE 3: DRAFT**SEPTEMBER – DECEMBER 2024**

prepare the plan document to guide future decision making and inspire actionable implementation steps. J-U-B will use all the feedback and data collected in previous phases to draft a plan. The plan will be presented to the CPC to get feedback and comments.

PHASE 4: ADOPT**JANUARY – MARCH 2025**

incorporate public input on the draft and prepare a Final Draft Plan for City Council public hearings.

4 | PUBLIC INVOLVEMENT

Marika Panagiotou provided an overview of the public involvement process. There will be three CPC meetings throughout the planning process. Public involvement for the Comprehensive Plan began during the Twin Falls County Fair, where the City of Filer had a booth and collected feedback on what concerns people have about their city. The comments collected from the fair (and at a box at City Hall) and the feedback provided during this CPC meeting will be used to inform the upcoming online survey. (Refer to Appendix of the Work Plan.)

5 | PLANNING ACTIVITIES

Issue review and feedback – Community Planning Committee members reviewed the issues collected from the Twin Falls County Fair and added to the list. See "[CPCActivity1.pdf](#)" for activity responses.

Existing Land Use Map discussion – Community Planning Committee members reviewed three different maps; a map of the area of city impact, a map of Downtown Filer, and a map of amenities in Filer. They provided feedback and thoughts on what they would like to see in their city and which areas would be best suited for different kinds of development. See "[CPCActivity2.pdf](#)" for activity responses.

6 | NEXT STEPS AND MILESTONES

- a. Meeting notes – J-U-B
- b. Draft survey for CPC review – J-U-B
- c. Next CPC meeting (June – location to be determined) – City

ATTENDANCE LIST

Emily Daubner	City of Filer
Vera Pedrow-Nunez	City of Filer
Ruben Azevedo	Citizen
Richard Nicholson	Citizen
Jim Veenstra	City of Filer
David Farnes	Citizen
Judy Hoffman	Citizen
Debbie Carpenter	Library
Tracy Deluiso	City Council
Joe Durham	City Council
Travis Brewer	Filer Highway District
Cody Chandler	Filer Recreation
Mark Holtzen	J-U-B Engineers
Jessica Sutherland	HB Realty
Paul Fischer	Community Planning Committee
Jay Bevercombe	City of Filer
Creighton Knight	Citizen
Joe Maloney	Filer Schools
Marika Panagiotou	J-U-B Engineers
Addison Coffelt	J-U-B Engineers
Sheri Freemuth	J-U-B Engineers

Why Filer?

Community Planning Committee members answered the questions "Why did you choose to move to Filer and why do you like to live in Filer?" These are their answers:

- **Small Community**
- **Friendly**
- **Safe**
- **Convenient Location**
- **Supportive Community**
- **Small town feel**
- **Know your neighbors**
- **Feels like home**
- **I like the West End (of Twin Falls County)**
- **Familiarity**
- **Mountains and river**
- **Farming**
- **Historic**
- **Great schools**
- **Great fairgrounds.**

CPC Activity 1

CPC members reviewed a list of issues and made comments and additions. Their comments are provided in red. Red stars symbolize issues of high priority.

Land Use

- Allow smaller lot sizes (single family, multi family) Provided they can be served
Sewer, water, EMS, schools, roads
- Increase housing options Town houses
Allow large lot sizes with large homes.
- Overlay districts (downtown)
- More Commercial development

Economic Development

- Hotel and restaurant
- Lack of food options x5
- ★• Lack of businesses/ work for young people
- Gas station on Pole Line Road Not feasible
- ★• Revive Main Street
- Air BnB License permits

Agriculture

- Preserve farmland

Special Areas & Sites

- Downtown Revitalize
- Empty lot between Library and real estate building – possible future park site
- City Hall New City Hall
- Yakima Avenue Revitalize

Hazardous Areas

- Railroad
 - Canals
 - Busy Highway
- On street parking creating issues/ subs

Recreation

- Improve swimming pool
- Improve indoor recreation options
- Parks should be a requirement for all developments. This is a requirement
- Dog park
- Splash pad at the new park

Transportation

- Stop light - Wild Cat Way and Highway 30 ^{ITD issue}
- Turn Lanes on Pole Line Road
- Wider Roads x2 ^{On street parking creating issues/ subs}
- Enhanced Sidewalks x5 ^{Hwy 30, / Yakima / 5th / 6th / Main}
- Sidewalk needed north of Stevens and railroad track ^{Lack of connectivity}

Public Services, Utilities & Facilities

- More street lights x2
- ★ • Sewer on south side of Highway at 2250 E and Hwy 30 ^{Currently doing WWF Plan}
- ~~Too many stray cats~~
- Rec facilities / gym / ball parks (indoor).

Schools & Transportation

- Capacity and Access ^{parking and pick up}
^{New school -}
^{Middle school - Hollister kids}

CPC Activity 2

CPC Members reviewed a map of local amenities, a map of the Area of City Impact, and a map of Downtown Filer. They provided comments on what they would like to see in Filer.

Amenities Map



Ideas

- Potential location for a new school east of City Limits.
- Commercial strip along highway 30.
- High density housing south of Highway 30 that gradually tapers down to medium density and then single-family housing.
- Lack of daycares.
- More recreational opportunities for youth and elderly needed; Indoor recreation center, skatepark, or baseball field.
- Potential location for a dog park on the site of Midway Park.

Planning Area Map



Big Ideas

- Area of City Impact accurately reflects the needs and growth of the City.
- There should be water and sewer expansion to the southeast

Downtown Map



Ideas

- Revitalize downtown Main Street from Fair Avenue to Stevens Avenue.
- Provide gateways:
 - to the downtown from Highway 30 on Yakima Street.
 - from the fairgrounds to Main Street.
 - at the intersection of Yakima St. and Main St.
- Opportunities between library and American Legion Hall for gathering space/plaza (shared parking?)
- Loft living / mixed use development on Main Street.
- Challenges for downtown revitalization:
 - Street grade causes flooding / drainage issues
 - Ensuring sufficient downtown parking
 - Difficulty for restaurant development without liquor licenses.
- Expanding downtown area to 5th street? Encourage re-use of existing residential and incentivize mixed use, office/commercial.

CITY OF FILER COMPREHENSIVE PLAN

COMMUNITY PLANNING COMMITTEE MEETING 2

NOTES

06/25/2024 6:00 p.m. – 7:30 p.m.
HB Realty Office

1 | INTRODUCTIONS

a. City of Filer

Tracy Daluiso
Emily Daubner
Joe Durham
Vera Pedrow- Nunez
Jim Veenstra

b. Community Planning Committee (CPC)

Ruben Azevedo
Travis Brewer
Jeremy Callen
Debbie Carpenter
Megan Combe
David Farnes
Judy Hoffman
Peggy Humbert
Jim McLaughlin
Julie King
Nathan Murray
Brent Reinke
Jessica Sutherland

c. J-U-B Engineers, Inc.

Addison Coffelt
Sheri Freemuth
Mark Holtzen
Marika Panagiotou

2 | REVIEW SURVEY RESULTS

- a. Key themes and issues
- b. Group discussion

The group reviewed survey results. Survey results will be made shared with the Community Planning Committee and posted to the City's website for the public to see. Refer to attachment "Survey Summary" to see the full survey results.

3 | PLANNING ACTIVITIES

- a. Existing Conditions
- b. Goals, Objectives, and Strategies
- c. Working Draft Future Land Use Map

Community Planning Committee members were split up into three groups to discuss Existing Conditions, Goals, Objectives, and Strategies, and the Future Land Use Map. Notes from these discussions can be found in attachment "CPC Activities"

4 | NEXT STEPS AND MILESTONES

- a. Meeting notes
- b. Public Meeting (September, Filer Library?)
- c. Next CPC meeting (October)

Goals and Objectives Review

During the June 25 meeting, Community Planning Committee members discussed existing conditions within the community, as well as draft goals and objectives, using the results from the survey as a guide.

Please **revisit the feedback** provided and let us know if you have any additional comments, concerns, or suggestions.

ENVIRONMENTAL GOAL:

Ensure that Filer grows by preserving natural resources and amenities, such as agricultural areas and water resources, and addressing public health and safety concerns.

Natural Resources/ Special Areas & Sites:

Evaluate impacts of new development on water quality

Natural resources include the Canyon and Cedar Draw Canal

Special sites include Fairgrounds and trout farms

Pressurized irrigation would put less stress on wells

Keep “clean up days” and add recycling options

With annexation require connection to city water and sewer services

Hazardous Areas:

The biggest hazards in Filer are puncture weed and safe crossings for Filer High School and Filer Elementary School along Highway 30.

Make Filer a noxious weed free city. Need to have code enforcement for yards and weed maintenance.

Floods wiped out basements two years in a row (downtown). Street has been paved many times, raising the elevation

Floods on Midway (2017-2018)

Railroad is a barrier

Agriculture:

Preserve agricultural areas surrounding Filer.

Support continued farming inside city limits if possible.

Ensure new developments don't impede on farming land.

COMMUNITY GOAL:

Provide excellent public services and facilities to support a vital community for all ages.

Public Services, Facilities, and Utilities

Safe movement of children between facilities and home.

Improvements to waste management and maintaining a clean city.

Evaluate needs and capacity to enforce city laws that aren't criminal in nature (i.e. removing dilapidated or illegal signs, maintaining landscaping).

Enforce local code.

Explore recycle program.

Better lighting on Main Street

Recreation

Provide more community-based resources and amenities such as public event venues, parks, walk bike ability/connectivity, and recreation centers.

Options for Cedar Draw Park (RV use?)

Walking trail connecting Fairgrounds to Downtown, starting with existing pathways and parks.

Need a Dog Park.

Economic Development

Optimize fairgrounds, business strategies, and Main Street

Ensure that new development generates tax revenue to sustain our City infrastructure.

Provide opportunities for commercial near Fairgrounds.

Revitalize downtown and enforce maintenance of downtown buildings.

School Facilities and Transportation

Support Filer School District to support accessible education opportunities.

Address access at all schools to ensure safe pick up and parking areas.

Achieve safe ways for kids to get to school.

Support plan and construction of a future public school

PHYSICAL GOAL:

Support a vibrant community by encouraging diverse land uses, friendly neighborhoods, an authentic historic downtown and safe connections for all.

Land Use

Diversify land use and support infill projects.

More commercial development downtown (new or rejuvenated) that is walkable and family friendly

Desirable options for all ages.

Zoning ordinance modifications (ADU).

Provide downtown commercial (business district)

Provide buffers between land uses

Incentives to redevelop commercial and industrial park

Community Design

Realistic design standards so that businesses can prosper.

Community outreach to determine what they can support and would like to see.

Historic assessment and related design standards

Appropriate zoning

Encourage urban revitalization, uniform signage.

Beautification and markers at entryways, access points, wayfinding

Transportation

Easier access for elderly and youth to get around town.

Gateway/entryway corridors.

Increase connectivity.

Housing

Need more housing – not much available.

Diversify housing.

Mixed development, densify corridor.

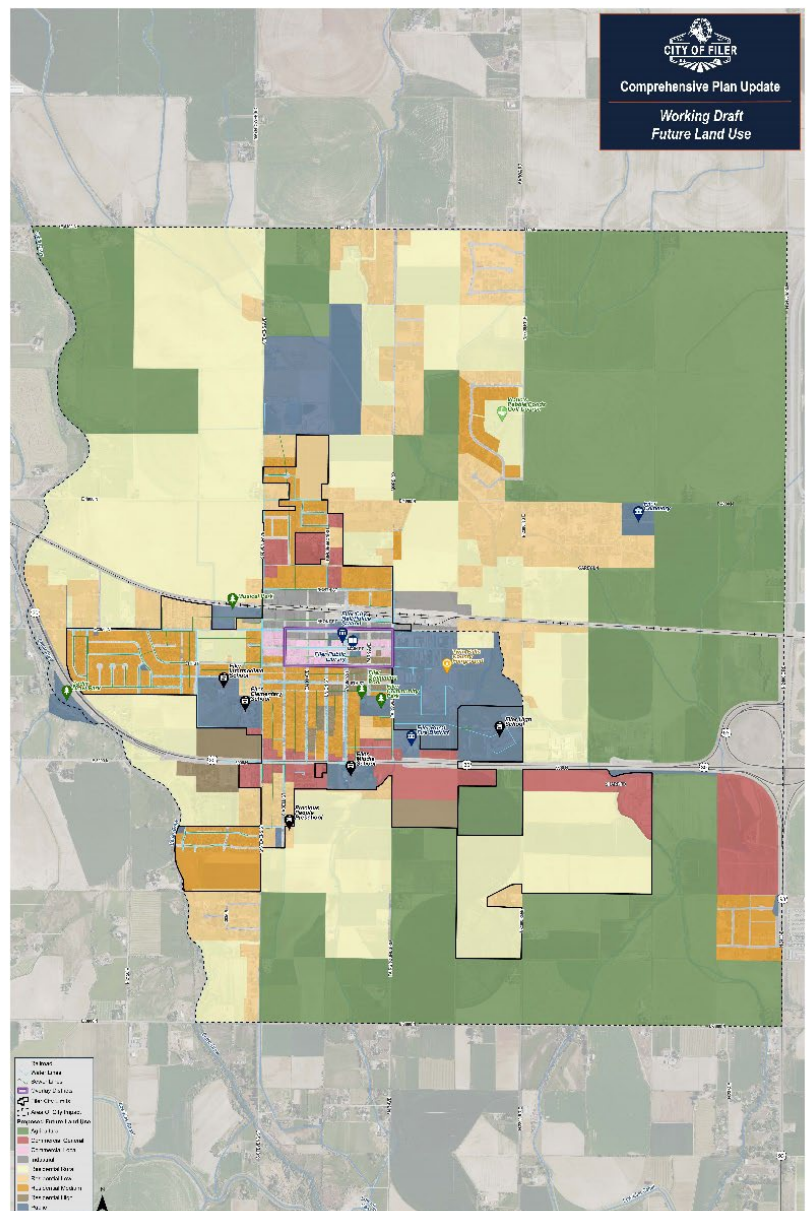
First time home buyers.

Future Land Use Maps

Community Planning Committee members continued the previous small group discussion by referring to a Working Draft Future Land Use Map (see below)

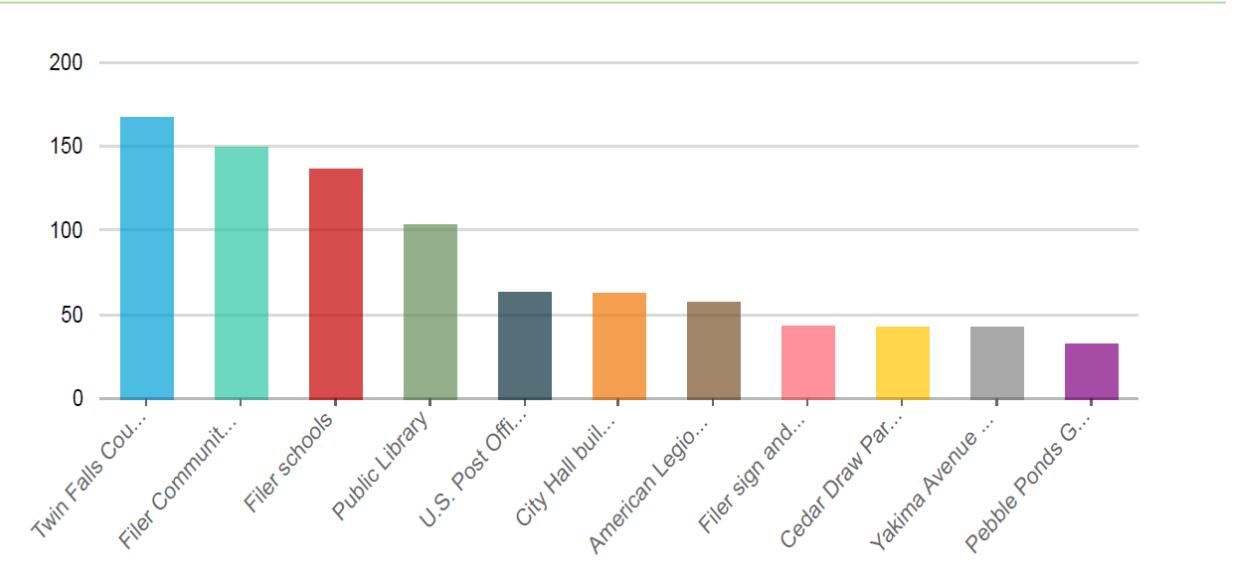
Conversation included the following:

- Need for signage directing people from Highway 30 to downtown/ Main Street.
- Heavy rains bring flooding to Midway.
- Main street is repaved so often, grading is too high.
- Optimize fairgrounds – make surrounding land commercial.
- Create walking paths and trails throughout the City.
- Enforce local code to mitigate blight and noxious weeds.
- Optimize school access to make for safe pick up and parking.
- More streetlights needed downtown.
- Potential school site south of Filer High School
- Potential RV Park site at Cedar Draw Park
- Potential industrial park site east of town.



In April 2024, a community survey opened to the public to gather resident input concerning various topics in Filer. The survey was available online and paper copies were available at City Hall for residents to pick up and return in person. The survey received 197 total responses.

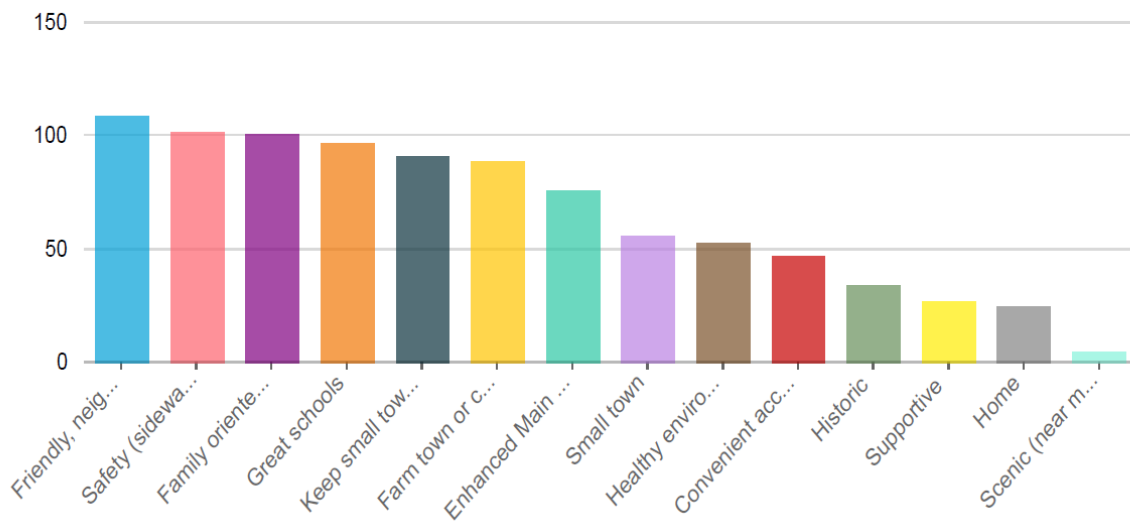
1) FILER LANDMARKS. From the list below check your 5 most important community sites.



Top 6

Answers	Count	Percentage
Twin Falls County Fairgrounds	168	85.28%
Filer Community Park and Pool	150	76.14%
Filer Schools	137	69.54%
Public Library	104	52.79%
U.S. Post Office	64	32.49%
City Hall Building	63	31.98%

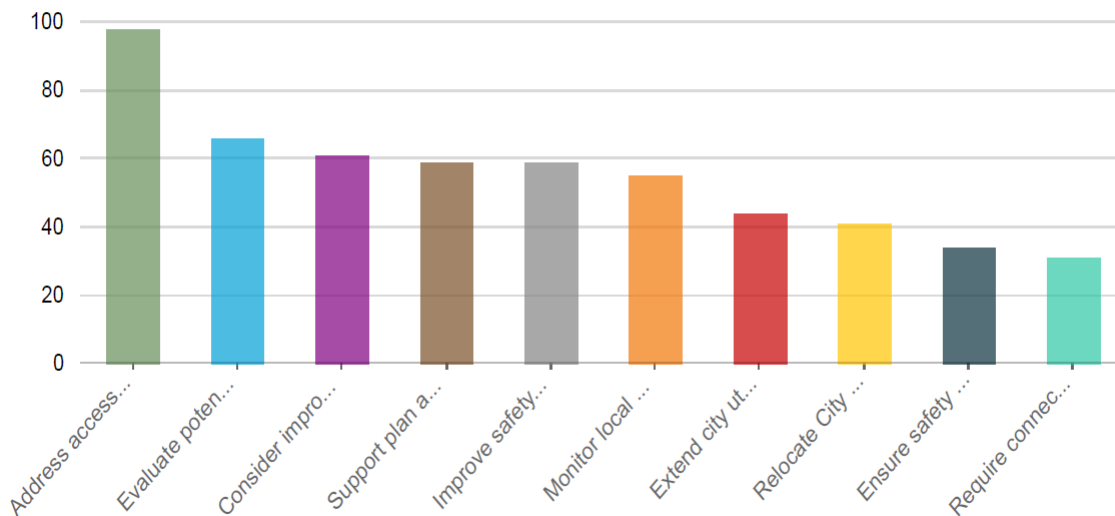
2) As filer grows, what word would you use to describe an ideal future filer?



Top 6

Answers	Count	Percentage
Friendly, neighborly, and welcoming	109	55.33%
Safety	102	51.78%
Family Oriented	101	51.27%
Great Schools	97	49.24%
Keep small town feel as we grow	91	46.19%
Farm town or Country Vibe	89	45.28%

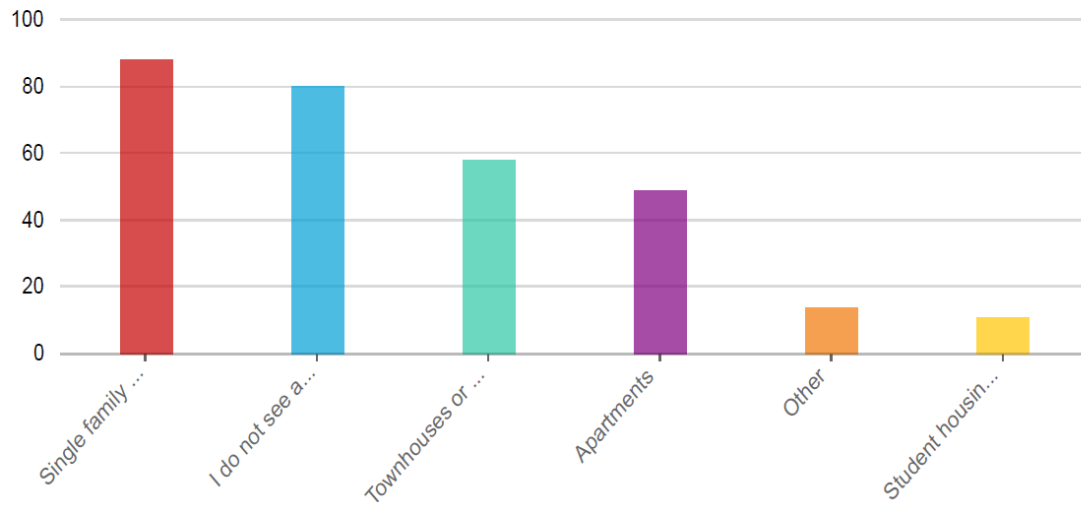
3) PUBLIC SERVICES AND FACILITIES. Check 3 that are of highest priority for you.



Top 6

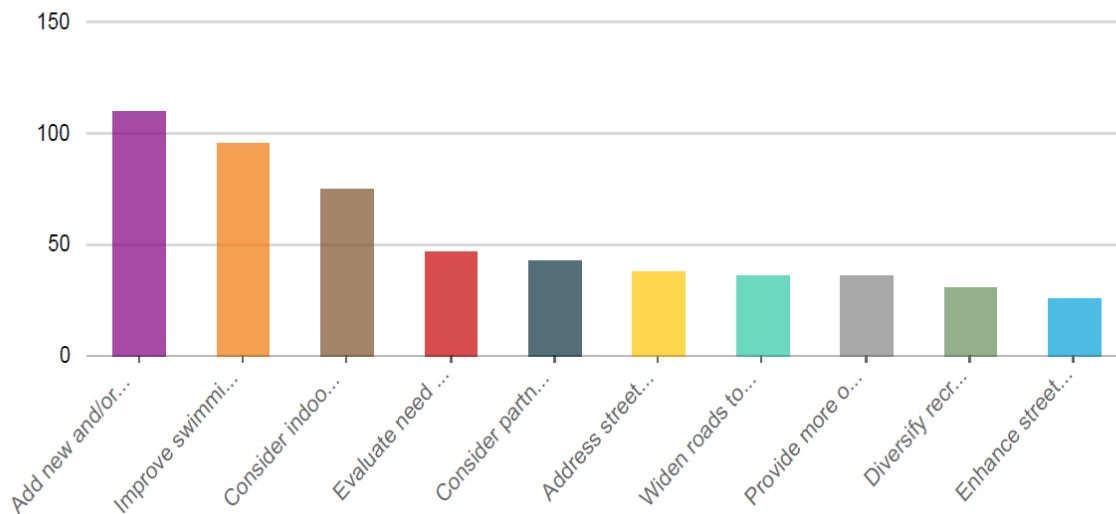
Answers	Count	Percentage
Address access at all schools to ensure safe pick up and parking areas	98	49.75%
Evaluate potential to keep City Hall downtown by assessing larger and more accessible public meeting spaces that could accommodate the needs for City Hall.	66	33.5%
Consider improvements to waste management and maintain a clean city	61	30.96%
Support plan and construction of a new public middle school.	59	29.95%
Improve safety and emergency services across Filer	59	29.95%
Monitor local school capacity and the distance between new development and schools	55	27.92%

4) Would you like to see any of the following types of Large-Scale Development?



Answer	Count	Percentage
Single family homes	88	44.67%
I do not see a need for this type of development	80	40.61%
Townhouses or Patio homes	58	29.44%
Apartments	49	24.87%
Other	14	7.11%
Student housing	11	5.58%

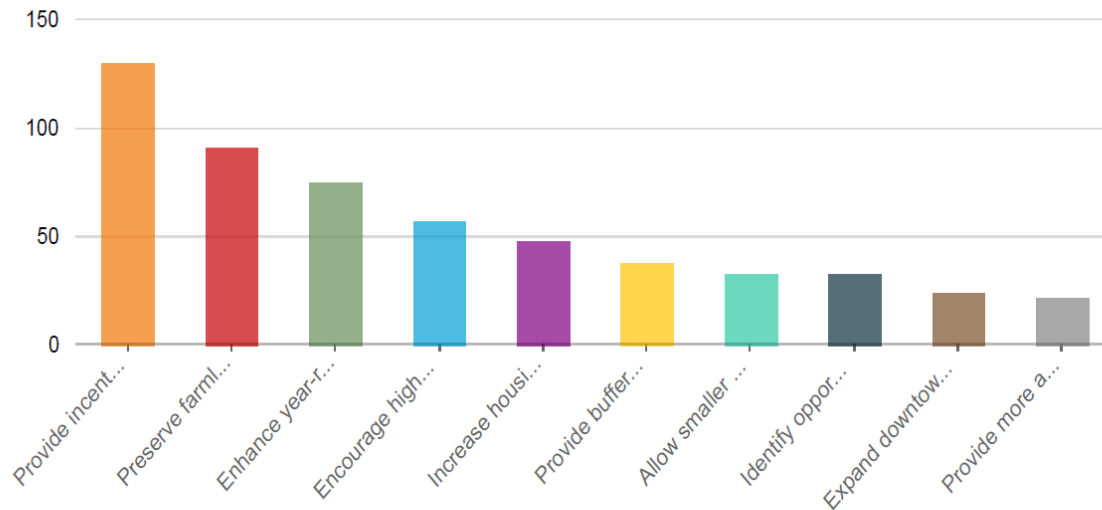
5) COMMUNITY CONNECTIONS. Check 3 that are of highest priority for you.



Top 6

Answer	Count	Percentage
Add new and/or improved sidewalks and/or bike lanes and designated pathways to connect schools, parks, and downtown.	110	55.84%
Improve swimming pool and sports fields.	96	48.73%
Consider indoor recreation options including sports fields and gymnasium.	75	38.07%
Evaluate need for signalized intersections at key locations	47	23.86%
Consider partnerships with other agencies to improve access to healthcare and other community services	43	21.83%
Address street grade issues on Main Street to resolve drainage concerns	38	19.29%

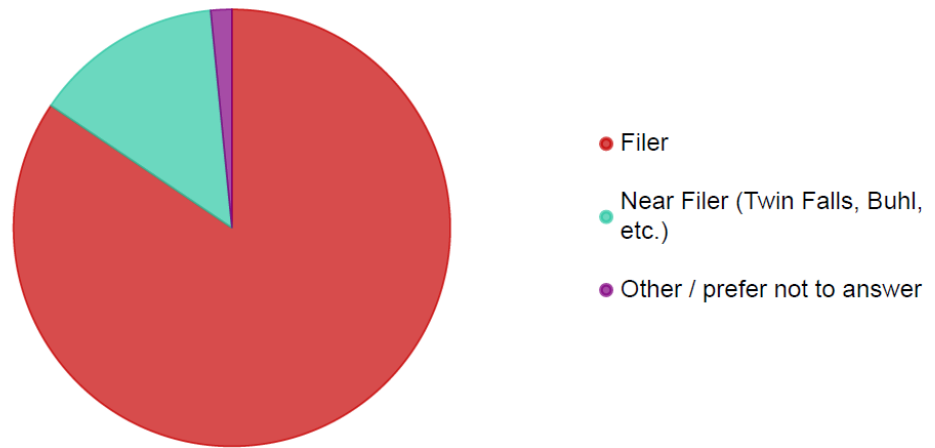
6) LAND USE. Check 3 that are of highest priority for you.



Top 6

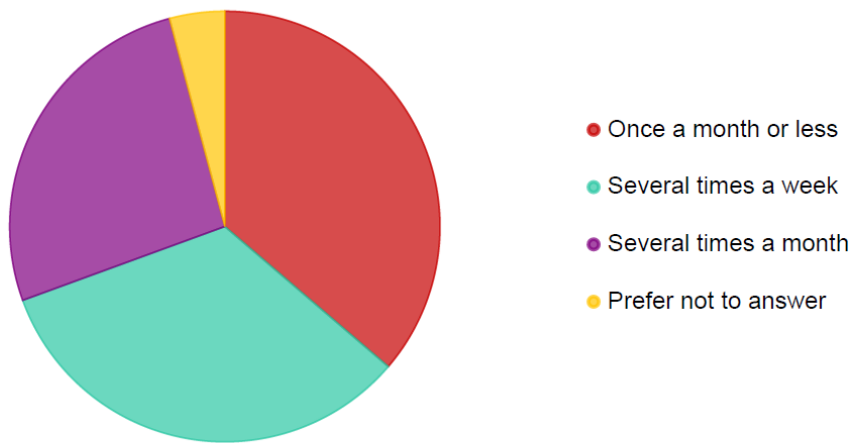
Answer	Count	Percentage
Provide incentives for reuse of historic buildings in downtown area, to encourage specialty retail and restaurants, as well as 2 nd floor residential uses and lofts.	130	65.99%
Preserve farmland until such time as city services can be feasibly extended.	91	46.19%
Enhance year-round use of the Fairgrounds and improve connections with Main Street businesses	75	38.07%
Encourage highway oriented commercial development, larger retail, and hospitality uses along Highway 30.	57	28.93%
Increase housing options to include small single-family homes for couples and young families, patio homes, and communal options for senior citizens, and larger residential homes for growing families.	48	24.37%
Provide buffers between uses such as commercial and residential areas, single family homes, and high-density residential development.	38	19.29%

9) Where do you live?



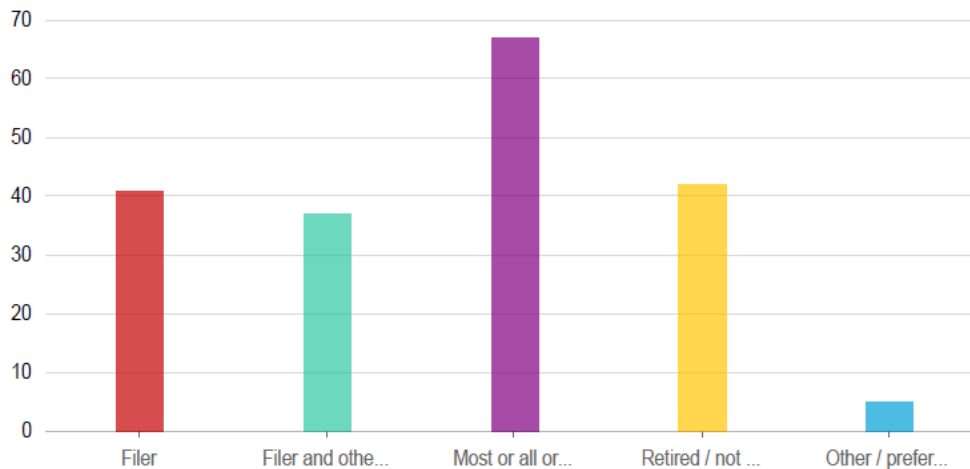
Answers	Count	Percentage
Filer	163	82.74%
Near Filer (Twin Falls, Buhl, etc.)	27	13.71%
Other / prefer not to answer	3	1.52%

10) How often do you shop, dine or recreate in Filer?



Answers	Count	Percentage
Once a month or less	70	35.53%
Several times a week	64	32.49%
Several times a month	51	25.89%
Prefer not to answer	8	4.06%

11) Where do you work?



Answers	Count	Percentage
Filer	41	20.81%
Filer and other places	37	18.78%
Most or all of the time outside of Filer	67	34.01%
Retired / not working at present	42	21.32%
Other / prefer not to answer	5	2.54%

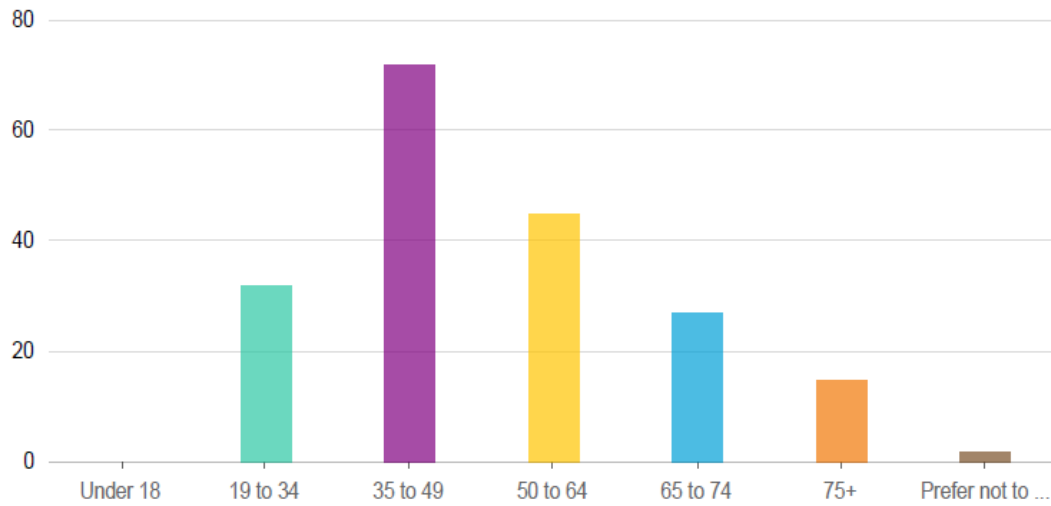
12) Name your favorite local shop or restaurant in Filer.



Top 6

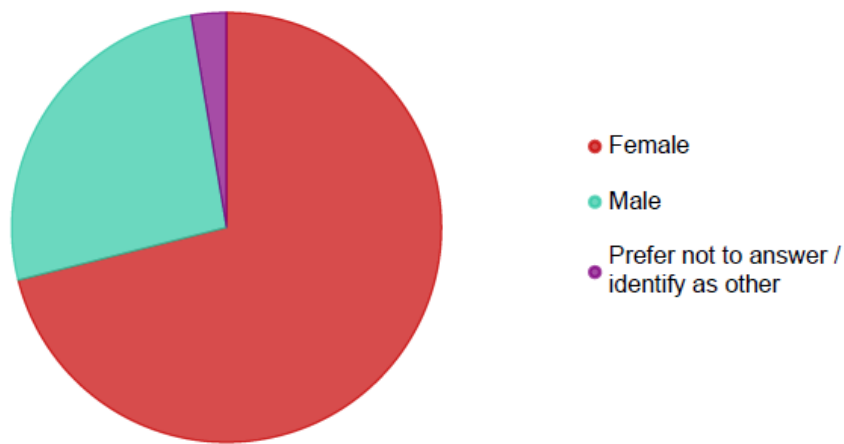
M&W	26
Magic Tea House	24
Pebble Ponds	13
Caffeination Station	12
Dazipop Cupcakes	13
Subway	8

12) What is your age?



Answers	Count	Percentage
Under 18	0	0%
19 to 34	32	16.24%
35 to 49	72	36.55%
50 to 64	45	22.84%
65 to 74	27	13.71%
75+	15	7.61%
Prefer not to answer	2	1.02%

13) Please indicate your gender.



Answers	Count	Percentage
Female	135	68.53%
Male	50	25.38%
Prefer not to answer / identify as other	5	2.54%

DEMOGRAPHIC

Item	Years
Area population	2,738
Population growth projections	2040 – 3,756 (1.17 average population increase per year)
Median Age	30.2
Sex	50.4% female Twin Falls County
Race and Ethnicity	77% White 18.2% Hispanic/Latino 1.6% Asian 1.4% American Indian/Alaskan Native 1% Black/African American
Median Household Income	\$48,559

EMPLOYMENT, EDUCATION AND ECONOMIC DEVELOPMENT

Item	Years
Employment Rate	50.9%
Unemployment	Twin Falls County 3.9% April 2024
Employment by industry sector	Education/ Health Care/ Social Assistance – 21.9% Retail – 12.1% Manufacturing – 10.4% Agriculture, forestry, fishing/hunting, mining – 8.8%
2Student Enrollment	Previous 10 years
Area Colleges and Technical Programs	College of Southern Idaho – Twin Falls Idaho State University Twin Falls University of Idaho Extension – Twin Falls

HOUSING

Item	Years
Homeownership rate	70.4%
Total households	1,104
Average household size	3.14
Median home price	\$385,060 2024 (Zillow)
Number of vacant housing units	64
Housing Inventory (occupied vs unoccupied)	1,003 Occupied units 64 Unoccupied units

TRANSPORTATION

Item	Years
Bike routes	
Pedestrian crossings	
Sidewalk coverage and map	
“Area trails and pathways	
Average Commute Time	21.6 minutes
Walk score	
Railroad	Buhl to Twin

CITY CHARACTER

Item	Years
Parks	Midway Park Filer Swimming Pool Filer Community Park Cedar Draw Park
Building permits	2014-41 2015-44 2016-39 2017-49 2018-54 2019-36 2020-60 2021-82 2022-46 2023-52 2024-4

INFRASTRUCTURE, GEOGRAPHY, AND LAND USE

Item	Years
Irrigation	Comes from Milner dam.
Telecommunication infrastructure (cell, wireless, fiber optics, cable)	Truleap
Power transmission infrastructure	Idaho Power
Waste Management	PSI & Western Waste

CITY OF FILER

Comprehensive Plan Update

TAKE SURVEY!

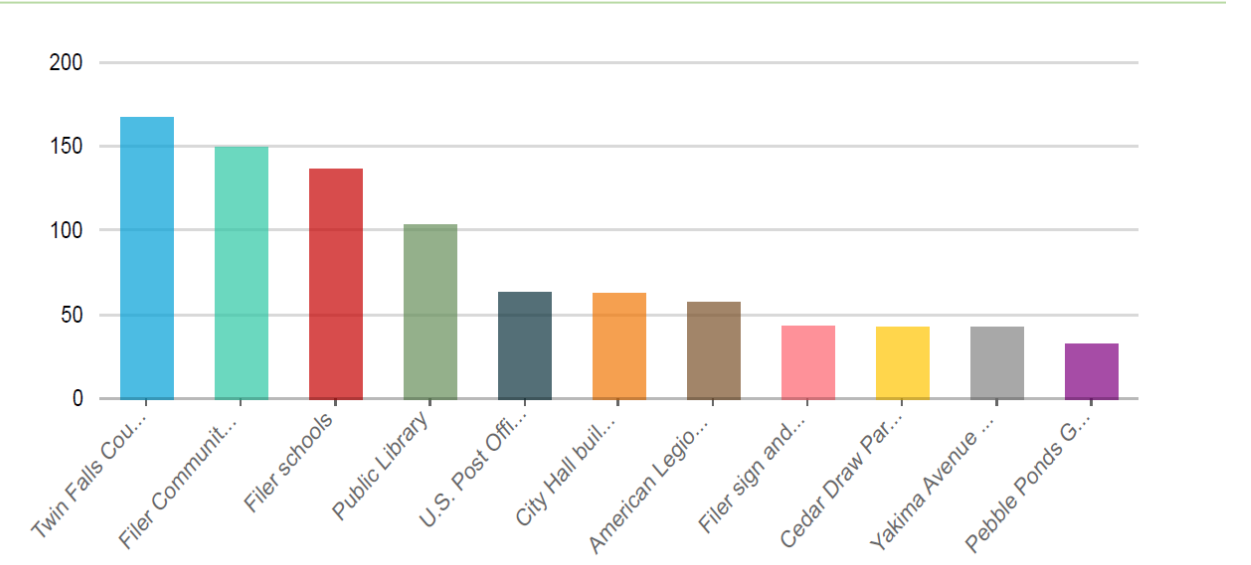


<http://bit.ly/FilerCompPlan>

Let us know what you want to
see in your community.

In April 2024, a community survey opened to the public to gather resident input concerning various topics in Filer. The survey was available online and paper copies were available at City Hall for residents to pick up and return in person. The survey received 197 total responses.

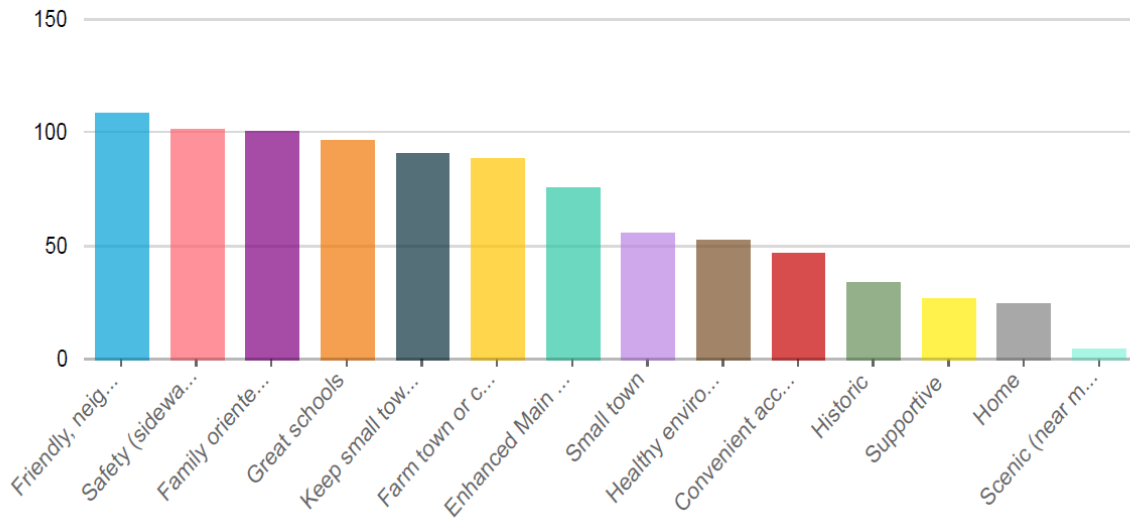
1) FILER LANDMARKS. From the list below check your 5 most important community sites.



Top 6

Answers	Count	Percentage
Twin Falls County Fairgrounds	168	85.28%
Filer Community Park and Pool	150	76.14%
Filer Schools	137	69.54%
Public Library	104	52.79%
U.S. Post Office	64	32.49%
City Hall Building	63	31.98%

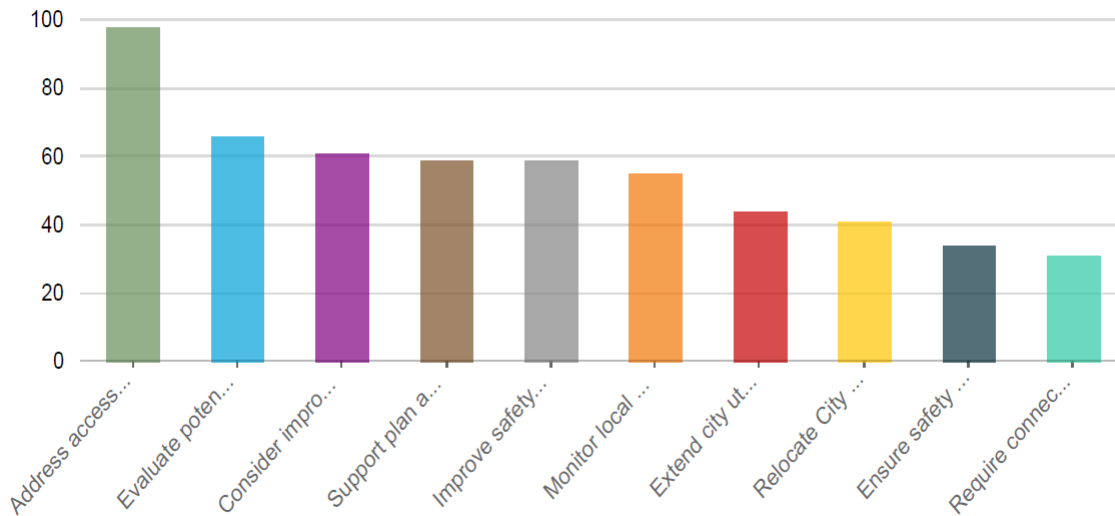
2) As filer grows, what word would you use to describe an ideal future filer?



Top 6

Answers	Count	Percentage
Friendly, neighborly, and welcoming	109	55.33%
Safety	102	51.78%
Family Oriented	101	51.27%
Great Schools	97	49.24%
Keep small town feel as we grow	91	46.19%
Farm town or Country Vibe	89	45.28%

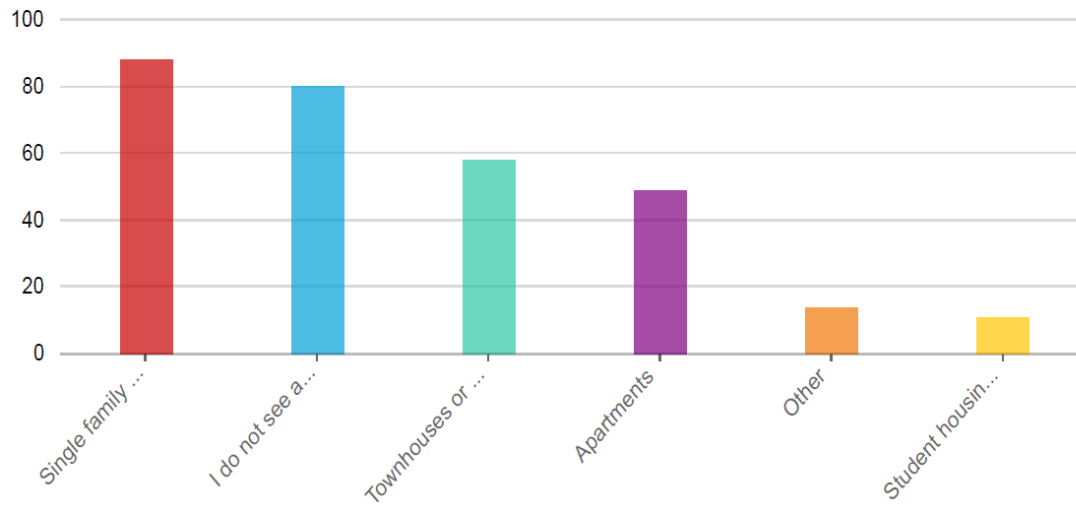
3) PUBLIC SERVICES AND FACILITIES. Check 3 that are of highest priority for you.



Top 6

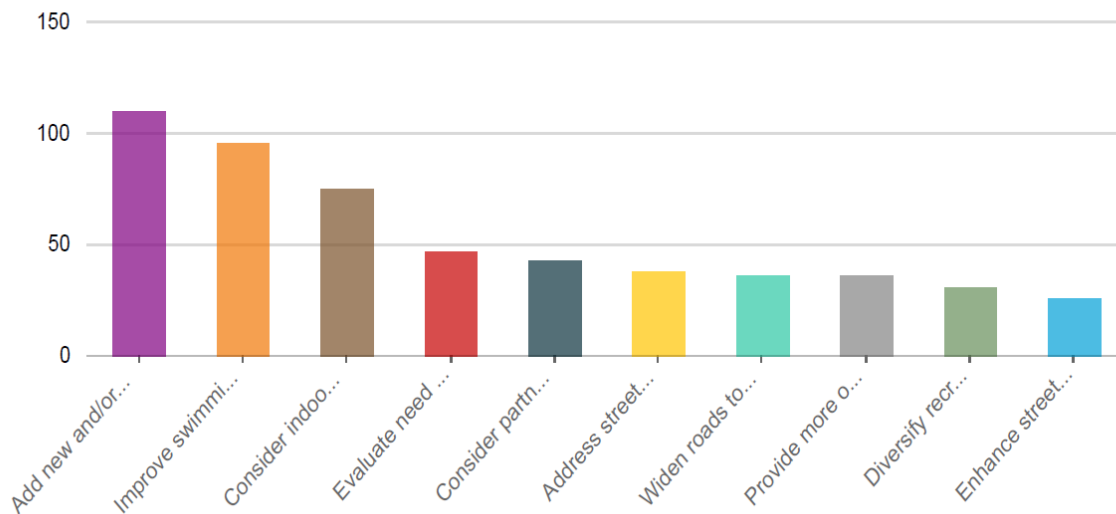
Answers	Count	Percentage
Address access at all schools to ensure safe pick up and parking areas	98	49.75%
Evaluate potential to keep City Hall downtown by assessing larger and more accessible public meeting spaces that could accommodate the needs for City Hall.	66	33.5%
Consider improvements to waste management and maintain a clean city	61	30.96%
Support plan and construction of a new public middle school.	59	29.95%
Improve safety and emergency services across Filer	59	29.95%
Monitor local school capacity and the distance between new development and schools	55	27.92%

4) Would you like to see any of the following types of Large-Scale Development?



Answer	Count	Percentage
Single family homes	88	44.67%
I do not see a need for this type of development	80	40.61%
Townhouses or Patio homes	58	29.44%
Apartments	49	24.87%
Other	14	7.11%
Student housing	11	5.58%

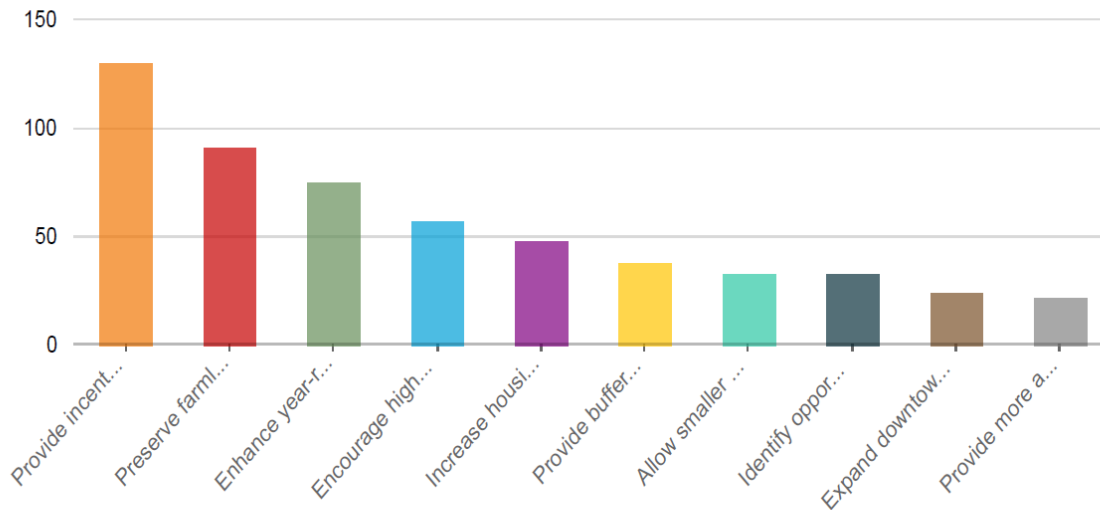
5) COMMUNITY CONNECTIONS. Check 3 that are of highest priority for you.



Top 6

Answer	Count	Percentage
Add new and/or improved sidewalks and/or bike lanes and designated pathways to connect schools, parks, and downtown.	110	55.84%
Improve swimming pool and sports fields.	96	48.73%
Consider indoor recreation options including sports fields and gymnasium.	75	38.07%
Evaluate need for signalized intersections at key locations	47	23.86%
Consider partnerships with other agencies to improve access to healthcare and other community services	43	21.83%
Address street grade issues on Main Street to resolve drainage concerns	38	19.29%

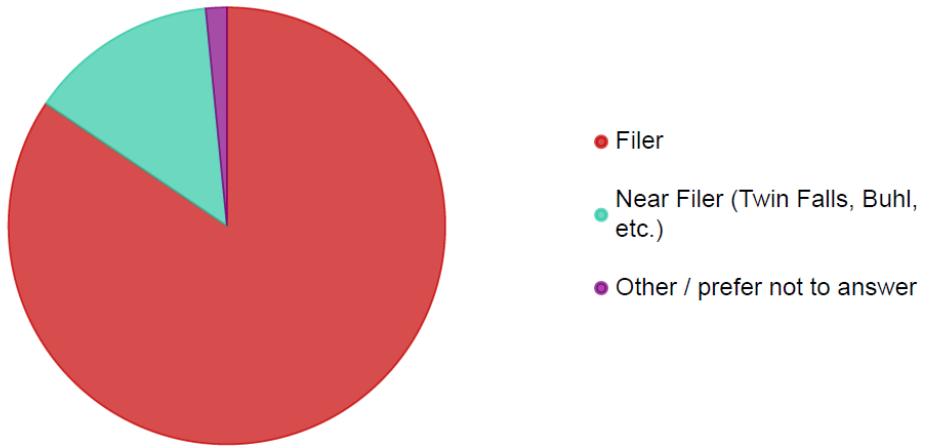
6) LAND USE. Check 3 that are of highest priority for you.



Top 6

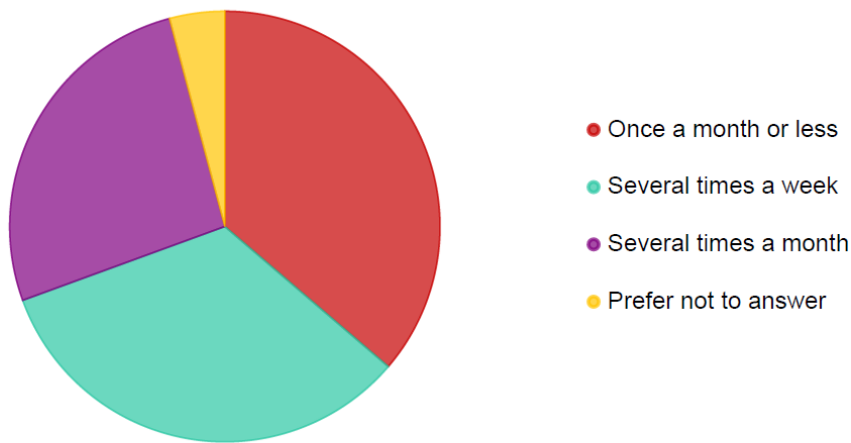
Answer	Count	Percentage
Provide incentives for reuse of historic buildings in downtown area, to encourage specialty retail and restaurants, as well as 2 nd floor residential uses and lofts.	130	65.99%
Preserve farmland until such time as city services can be feasibly extended.	91	46.19%
Enhance year-round use of the Fairgrounds and improve connections with Main Street businesses	75	38.07%
Encourage highway oriented commercial development, larger retail, and hospitality uses along Highway 30.	57	28.93%
Increase housing options to include small single-family homes for couples and young families, patio homes, and communal options for senior citizens, and larger residential homes for growing families.	48	24.37%
Provide buffers between uses such as commercial and residential areas, single family homes, and high-density residential development.	38	19.29%

9) Where do you live?



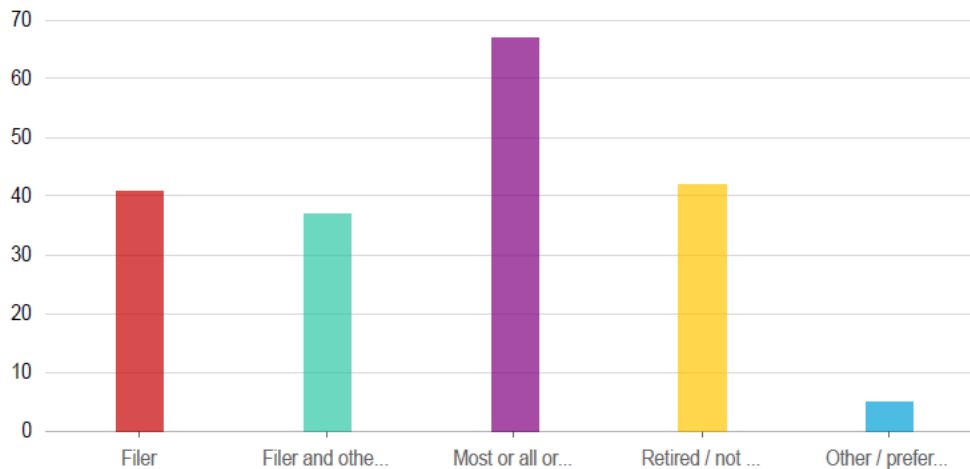
Answers	Count	Percentage
Filer	163	82.74%
Near Filer (Twin Falls, Buhl, etc.)	27	13.71%
Other / prefer not to answer	3	1.52%

10) How often do you shop, dine or recreate in Filer?



Answers	Count	Percentage
Once a month or less	70	35.53%
Several times a week	64	32.49%
Several times a month	51	25.89%
Prefer not to answer	8	4.06%

11) Where do you work?



Answers	Count	Percentage
Filer	41	20.81%
Filer and other places	37	18.78%
Most or all of the time outside of Filer	67	34.01%
Retired / not working at present	42	21.32%
Other / prefer not to answer	5	2.54%

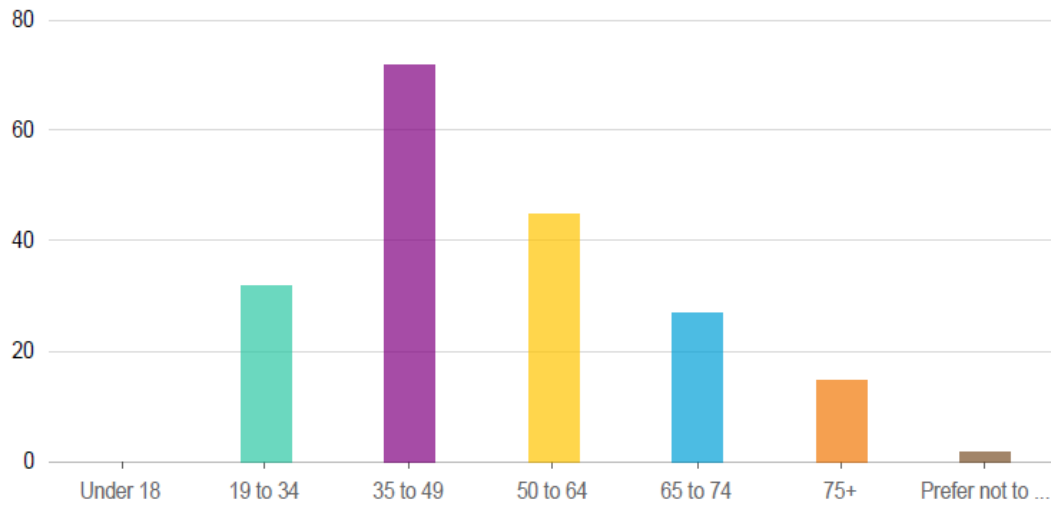
12) Name your favorite local shop or restaurant in Filer.



Top 6

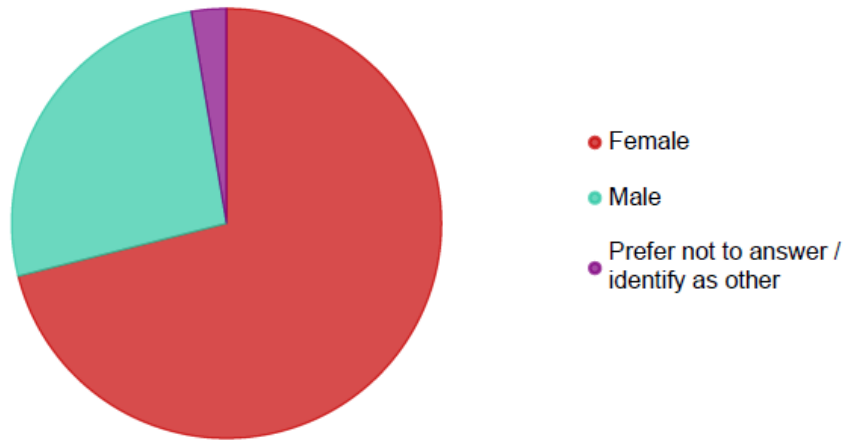
M&W	26
Magic Tea House	24
Pebble Ponds	13
Caffeination Station	12
Dazipop Cupcakes	13
Subway	8

12) What is your age?



Answers	Count	Percentage
Under 18	0	0%
19 to 34	32	16.24%
35 to 49	72	36.55%
50 to 64	45	22.84%
65 to 74	27	13.71%
75+	15	7.61%
Prefer not to answer	2	1.02%

13) Please indicate your gender.



Answers	Count	Percentage
Female	135	68.53%
Male	50	25.38%
Prefer not to answer / identify as other	5	2.54%

CITY OF FILER COMPREHENSIVE PLAN OPEN HOUSE

NOTES

An Open House was held on September 24, 2024 from 4:00-7:00pm at the Filer Public Library. The Open House combined both the Comprehensive Plan and Transportation Master Plan update for the City. The event was publicized extensively by the City and the Library. The Open House served as an extension of the community survey that went out several months prior. A Future Land Use Map and Goals and Objectives were created from the survey responses and the Open House offered an opportunity for the community to further comment these. There was also an opportunity for open comment and conversation with project staff to learn more about the Comprehensive Plan.

OPEN COMMENT

- 1)** Lower the elevation of Main St. and the alleys behind the business. The water runs into the buildings in the winter due to a combination of poor drainage and the elevation of the street and alleys behind the buildings.
Extend sewer lines across Highway 30 to service the properties across from the Fairgrounds so as to encourage business in that area.
- 2)** As a pivotal component of planning any building – public use that in the pre-planning the building is placed to allow for bus routes, bus pick-up, student pick up. Basically, the design takes into account for 'how' it will fit within the residential area. Not be a thorn.
- 3)** Thank you for making this meeting available to the community; and all the preparation and planning your team is doing to improve Filer for all of us.
- 4)** Fair Ave widening at Midway. May cause higher speeds on road north of the change. Need to consider something to keep speeds controlled north of the widened portion – perhaps a traffic circle at 4000 Rd and Fair?

GOALS, OBJECTIVES, AND STRATEGIES

Attendees were asked to provide feedback on Goals and Objectives. Stars meant they agree with objective and think it is a priority for Filer. A red dot meant they disagree or think it is not a priority. Some strategies were pre-written attendees also had the opportunity to write their own strategies. Strategies written by the public are in red font.

Goal: Grow sustainably, while preserving natural resources and amenities, and addressing public health and safety concerns.

Objective: Ensure that new development supports agricultural uses. ★★ ★

Objective: Protect Filer residents from natural and human induced hazards. ★★ ★★ ★

- Implement better street lighting on Main Street and Yakima Avenue ★
- Implement code enforcement for compliance with weed maintenance and yard storage requirements. ★★ ★
- Crosswalk with lights at Stevens and Highway 30! Speed bumps on 6th and on surrounding elementary school streets. My kind almost was hit two times in a 1 year. Slow traffic to 30 off of East bound corner.

Objective: Ensure clean soil, water, and air to provide Filer residents with superior quality of life. ★★

- Provide recycling options for filer residents. ★★ ★
- Evaluate impacts of new development on water quality. ★★
- Continue to participate in County-wide All Hazard Mitigation Planning. ★

Goal: Provide excellent public services and facilities to support a community for all ages.

Objective: Prioritize public spaces to sustain a clean and welcoming city. ★★

- Ensure that new development generates tax revenue to sustain city infrastructure. ★
- Restore sidewalks so that one can walk the city unencumbered. ★
- Utilize existing public areas to their highest potential. Invest in those areas to ensure they are utilized.

Objective: Provide more community-based resources and amenities such as public event venues, parks, and recreation centers. Objective: Revitalize the historic downtown to leverage its potential as a shopping, entertainment, and civic center. ★★ ★★ ★★ ★★ ★★ ★★ ★★ ★★

- Evaluate existing parks to allow for possible off-leash dog areas.
- Expand existing pathways and parks to create a walking trail connecting Fairgrounds to downtown. ★
- Place for kids and teens to skate and bike. ★

- Reopen rest area for park use. ★
- Community rec center! Free see other vibrant communities. Good for seniors also.

Objective: Revitalize the historic downtown to leverage its potential as a shopping, entertainment, and civic center. ★★★★★★★★★★

- Recruit new businesses using regional grant funding. ★
- Incorporate historic structures in future community planning projects (relocation of civic buildings and other improvements). ★

Objective: Optimize the Fairgrounds to create a vibrant, walkable commercial corridor connecting downtown to the Fairgrounds. ★★★★★

- Work with Twin Falls County to coordinate fairs, festivals, and other year-round events at the Fairgrounds. ★

Objective: Support the Filer School District to providing accessible educational opportunities.



Goal: Support a vibrant community be encouraging diverse land uses, friendly neighborhoods.

Objective: Encourage land uses that adequately serve residents and visitors.

- A free community rec center for youth to develop skills, interact with others physically in a positive environment.

Objective: Provide an aesthetically pleasing community. Objective: Provide safe, multi-modal infrastructure suitable for all users.

- Need crosswalk on Highway 30, signals at Fair, and Stevens

Objective: Ensure Filer's transportation system is adequate to meet the demand of all existing and future residents and development.

- Fix potholes and worn out roads. Stevens St., etc. ★

Objective: Promote increased opportunities for non-motorized travel, such as walking and biking. ★★★★★

- Bike path

Objective: Provide and maintain diverse, quality housing options. ★

- Monitor building permit activity as well as usage of public utilities to efficiently plan future extension of water and sewer facilities. ★★

FUTURE LAND USE MAP COMMENTS

Attendees were asked to make comments on a draft of the Future Land Use Map. The following comments were received from the activity:

- Consider adding entrance marker or street marker since this is Main entrance from Twin Falls/ West.
- Stevens/4100N dangerous intersection
- Stevens/Hwy 30 dangerous school crossing.
- Bigger Senior Center facility but definitely needs more Parking.
- Improve downtown with small restaurants
- Invest in downtown! Fix historic buildings! Extend Central Business District to Stevens.
- More patrol for speeding on Stevens.
- Need signal at intersection of 3900 N and N 2300 Road E.
- 3900 N and Fair Ave is the busiest intersection. Need signal.
- Extend Sewer – sewer water to serve for future development (Commercial) in south of town.
- Can't serve for commercial until services are across Highway 30
- Do we want commercial on 5th street? Maybe small businesses in existing homes?
- Signage for Cul-de-sacs about children at play. Slow Down – Not a Through Street. This is a city-wide concern.
- Orange Residential Medium area in the north should be/is higher density.

APPENDIX B

Idaho Attorney General Checklist

**Office of the
Attorney General**

Idaho Regulatory Takings Act Guidelines



JANUARY 2023

RAÚL R. LABRADOR
Attorney General
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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

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Idaho Regulatory Takings Guidelines

IDAHO REGULATORY TAKINGS LAWS

Idaho Constitutional Provisions

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

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

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

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

Idaho Statutory Provisions

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

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

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

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

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

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

67-8003. Protection of private property.

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

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

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

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

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

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

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

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

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

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

ADVISORY MEMORANDUM

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

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

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

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

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

General Background Principles

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

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

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

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

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

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

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

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

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

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

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

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

Attorney General’s Recommended Process

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

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

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

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

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

Attorney General's Checklist Criteria

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

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

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

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

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

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

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

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

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

In Koontz, the United States Supreme Court applied the same reasoning to a monetary condition on a land-use permit. The Court held that the regulatory takings analysis applied to a water management district’s conditioning a land-use permit on a landowner funding 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.

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APPENDIX A: SIGNIFICANT FEDERAL AND STATE CASES

Summaries of Significant Federal “Takings” Cases

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

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

Murr v. Wisconsin, ___ U.S. ___, 137 S. Ct. 1967 (2017).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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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.

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

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.

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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).

APPENDIX C

Existing Conditions Summary/References

DEMOGRAPHIC

Item	Years
Area population	2,738
Population growth projections	2040 – 3,756 (1.17 average population increase per year)
Median Age	30.2
Sex	50.4% female Twin Falls County
Race and Ethnicity	77% White 18.2% Hispanic/Latino 1.6% Asian 1.4% American Indian/Alaskan Native 1% Black/African American
Median Household Income	\$48,559

EMPLOYMENT, EDUCATION AND ECONOMIC DEVELOPMENT

Item	Years
Employment Rate	50.9%
Unemployment	Twin Falls County 3.9% April 2024
Employment by industry sector	Education/ Health Care/ Social Assistance – 21.9% Retail – 12.1% Manufacturing – 10.4% Agriculture, forestry, fishing/hunting, mining – 8.8%
2Student Enrollment	Previous 10 years
Area Colleges and Technical Programs	College of Southern Idaho – Twin Falls Idaho State University Twin Falls University of Idaho Extension – Twin Falls

HOUSING

Item	Years
Homeownership rate	70.4%
Total households	1,104
Average household size	3.14
Median home price	\$385,060 2024 (Zillow)
Number of vacant housing units	64
Housing Inventory (occupied vs unoccupied)	1,003 Occupied units 64 Unoccupied units

TRANSPORTATION

Item	Years
Bike routes	
Pedestrian crossings	
Sidewalk coverage and map	
“Area trails and pathways	
Average Commute Time	21.6 minutes
Walk score	
Railroad	Buhl to Twin

CITY CHARACTER

Item	Years
Parks	Midway Park Filer Swimming Pool Filer Community Park Cedar Draw Park
Building permits	2014-41 2015-44 2016-39 2017-49 2018-54 2019-36 2020-60 2021-82 2022-46 2023-52 2024-4

INFRASTRUCTURE, GEOGRAPHY, AND LAND USE

Item	Years
Irrigation	Comes from Milner dam.
Telecommunication infrastructure (cell, wireless, fiber optics, cable)	Truleap
Power transmission infrastructure	Idaho Power
Waste Management	PSI & Western Waste

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