

ADAMS COUNTY
ORDINANCE 2010-03

AN ORDINANCE OF ADAMS COUNTY, IDAHO, ENTITLED COUNCIL AREA OF CITY IMPACT; PROVIDING FOR THE ADOPTION OF THE COUNCIL AREA OF CITY IMPACT BOUNDARY; PROVIDING FOR SINGLE OWNERSHIP PROPERTIES DIVIDED BY THE COUNCIL AREA OF CITY IMPACT BOUNDARY TO ALLOW THE SMALLER PORTION OF THE PROPERTY TO BE INCLUDED IN THE JURISDICTION WHEREIN THE LARGER PORTION OF THE PROPERTY IS LOCATED; PROVIDING FOR THE ADAMS COUNTY COMPREHENSIVE PLAN, ZONING ORDINANCE AND SUBDIVISION ORDINANCE TO APPLY WITHIN THE COUNCIL AREA OF CITY IMPACT; PROVIDING FOR THE SUBMITTAL OF SUBDIVISION PLATS TO THE CITY OF COUNCIL FOR REVIEW; PROVIDING FOR THE PROCESSING OF LAND USE APPLICATIONS WITHIN THE AREA OF CITY IMPACT TO REQUIRE A FORTY-FIVE DAY NOTICE TO THE CITY OF COUNCIL PRIOR TO COUNTY PUBLIC HEARING ON SUCH APPLICATION, TO ALLOW THE CITY OF COUNCIL TO POSE WRITTEN QUESTIONS TO THE APPLICANT TWENTY DAYS PRIOR TO THE PUBLIC HEARING, AND TO REQUIRE THE APPLICANT TO ANSWER ANY SUCH WRITTEN QUESTIONS TEN DAYS PRIOR TO PUBLIC HEARING ON SAID APPLICATION; PROVIDING FOR THE APPLICATION OF THE ADAMS COUNTY STREET ADDRESS AND NUMBERING SYSTEM; PROVIDING FOR THE APPLICATION OF THE CITY OF COUNCIL OUTDOOR SPRINKLING ORDINANCE NO. 424; PROVIDING FOR THE APPLICATION OF THE CITY OF COUNCIL ORDINANCE NO. 410 RELATING TO WATER AND SEWER HOOK-UPS; PROVIDING FOR RENEGOTIATION AND AMENDMENTS; PROVIDING A REPEALER; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE GOVERNING BOARD OF ADAMS COUNTY, IDAHO, that the following area of city impact agreement is adopted:

Section 1: APPLICABILITY:

- 1-0** The City of Council/Adams County Impact Area Agreement ("Agreement") is being adopted and defined pursuant to Idaho Code §67-6526, together with any and all amendments thereto, pursuant to mutual agreement between the City and County. The purpose of this Agreement is to identify an area of impact surrounding the City with due consideration being given to such factors as trade area, geographic factors, and areas that can reasonably be expected to be annexed to the City in the future. The intent of this Agreement is to define the geographic area of impact; to set forth those ordinances, policies, and plans which will be applicable to the area of impact; and to comply with the applicable sections of Idaho Code, Title 67, Chapter 65, as set forth by the Idaho legislature.

Section 2: DEFINITIONS:

The following words when used herein shall have these meanings:

2-1 Area of Impact shall mean City of Council Area of City Impact;

2-2 Board shall mean the Board of Adams County Commissioners;

2-3 City shall mean City of Council;

2-4 County shall mean Adams County.

Section 3: CITY OF COUNCIL AREA OF IMPACT BOUNDARY:

3-1 The Council City area of impact is the unincorporated area designated on the Impact Area Boundary Map adopted by the County by Ordinance #2010-01 and City of Council Ordinance #476 ("Map") incorporated herein by reference and as may be amended from time to time, copies of which shall be made available at the Council City Hall and the Adams County Building Services department. Both entities shall keep that Map on file and available to members of the public at all times during regular business hours. The zoning districts recorded on the Map and in the legal description are the official designations for both City and County. Amendment of said Map will follow Idaho Code §67-6526 and will be done through separate ordinance amendment. Amendments to Impact Area boundaries adopted by separate ordinance will be added as an updated Attachment "A" of this title.

3-2 The Impact Area for the City of Council shall extend north of the City limits a distance of one (1) mile from the point where highway 95 intersects the City limits; south from the most southerly point of the City limits one and one half (1 ½) miles; east from the most easterly point of the City limits one quarter (1/4) mile; and west of the City limits one (1) mile from the most westerly point of the City limits. The north and westerly boundaries of the impact area shall encompass and extend west and north of the municipal airport 1/8 of a mile.

3-3 In case a property under single ownership is divided by the boundary line of the Council area of city impact, if such line divides such property so that one or both of the parts has a depth of three hundred feet (300') or less, such part may be included in the jurisdiction within which the remainder and larger portion of the property is located.

3-4 In accordance with Section 6 of this agreement, as development occurs within the area of impact and city limits are extended, the City and County shall renegotiate further expansion of the boundaries of the impact area by a quantity of land equal to the amount of property incorporated into the City pursuant to this Agreement provided that the County and City agree that the proposed expansion of property meets the factors identified in Idaho Code §67-6526 including trade areas, geographic factors, and reasonably anticipated areas to be annexed in the future.

Section 4: APPLICABLE PLAN POLICIES AND ORDINANCES:

4-1 Comprehensive Plan – County Comprehensive Plan

- (a) The officially adopted Adams County Comprehensive Plan shall apply to the land within the City area of impact.
- (b) Subsequent amendments to the aforesaid comprehensive plan shall apply within the city area of impact if City and County so agree.
- (c) Any proposed amendment to the County's comprehensive plan applicable within the City area of impact shall be forwarded to the City prior to any public hearing on any proposed amendment. When the County proposes an amendment to the comprehensive plan applicable within the City area of impact, County shall, within sixty (60) days, forward a copy of the proposed amendment to the City who shall either protest the amendment and request renegotiation of the City area impact ordinance / agreement, or shall direct its planning and zoning commission to schedule the amendment for public hearing for its comprehensive plan.
- (d) The officially adopted comprehensive plan for the County with any subsequent amendments thereto shall apply to the land adjacent to the city area of impact outside of any requirements of this Agreement.

4-2 Zoning Ordinances: County Zoning Ordinance Applicable

- (a) Presently zoned lands shall be allowed to develop in accordance with the County zoning ordinance.
- (b) The officially adopted zoning ordinance of the County specifically pertaining to the City area of impact together with any subsequent amendments thereto shall apply in the City area of impact.
 - (i) County zoning districts applicable within the City area of impact shall be in accordance with the adopted comprehensive plan identified in Section 4.1 of this Agreement.
- (c) The officially adopted zoning ordinance for the County with any subsequent amendments thereto shall apply to the land adjacent to the City area of impact.
- (d) Any proposed amendment to the County Zoning Ordinance applicable within the area of impact shall be forwarded to the City at least thirty (30) days prior to any public hearing on any proposed amendment. The City may provide comment as to whether or not such amendment is in conflict with the County's comprehensive plan. City may notify the County development services department in writing prior to or at such public hearing. When the County Board of Commissioners has adopted an amendment to the Adams County Zoning Ordinance, the County shall, within fifteen (15) days, forward a copy of the adopted amendment to the City along with a notice as to when the amendment will take effect in the County. Within thirty (30) days after the receipt of the amendment, the City shall either

protest the amendment requesting renegotiation of the area of impact ordinance / agreement or shall direct the City planning and zoning commission to schedule the amendment for public hearing as an amendment to its area of impact ordinance / agreement.

4-3 Subdivision Ordinance:

- (a) All applications pursuant to the County Subdivision Ordinance within the City area of impact including subdivision applications, PUD's, vacations, variances and other such applications shall comply with the County Subdivision Ordinance.
- (b) Applications pursuant to the County Subdivision Ordinance affecting specific property within the City area of impact shall be evaluated for conformance to the design and improvement standards contained in Section 6 and 7 of City Ordinance 228, the officially adopted subdivision ordinance of the City provided said standards are not inconsistent with County subdivision ordinance standards.
- (c) All applications pursuant to the County Subdivision Ordinance affecting property within the City area of impact shall be forwarded to the City at least thirty (30) days prior to any public hearing on said application in order for the City to provide a recommendation to the County planning and zoning commission and/or Board of County Commissioner meeting.
- (d) Any proposed amendment to the County's Subdivision Ordinance applicable within the City area of impact shall be forwarded to the City at least thirty (30) days prior to any public hearing on any proposed amendment in order to provide reasonable time for the City to provide comment. The City shall either protest the amendment and request renegotiation of the area city of impact ordinance / agreement, or shall direct its planning and zoning commission to schedule the amendment for public hearing as an amendment to the City Area of Impact Ordinance, if necessary.

4-4 Additional Standards: The following additional standards shall be applicable within the City area of impact:

- (a) **Street / Address System:** The County street and address numbering system, and ordinance (if applicable) shall apply to all property within the City area of impact. Street names and addresses shall be assigned by the County.
- (b) **City Ordinance #424 Outdoor Sprinkling:** City Ordinance #424 regulating outdoor sprinkling when utilizing city water shall be applicable within the City area of impact.
- (c) **Water and Sewer Hookup Fees:** City Ordinance #410 or such other subsequent ordinance setting the fee for water and sewer hookup to the City main or

distribution lines shall be applicable within the City area of impact for those applications seeking Municipal water and/or sewer.

Section 5: ADMINISTRATION AND ENFORCEMENT:

- 5-1 County Responsibility:** The responsibility for the administration and enforcement of all applicable ordinances within the City area of impact as outlined in this chapter shall remain with the County. All zoning, subdivision, conditional use, variance and other such applications in the City area of impact shall be processed by the County in accordance with the application and appeal procedures of the County.
- 5-2 City Participation:** Should an applicant seek a rezone, subdivision approval, variance, conditional use, or any use that requires a public hearing within the City area of impact, the City shall be provided forty five (45) days prior notice. City will be permitted to pose written questions to applicant at least twenty (20) days prior to hearing. Applicant will be required to answer in writing at least ten (10) days prior to hearing. At such public hearing, a representative from the City shall have the opportunity to appear and present testimony and information as would any affected person or adjoining landowner. At all such quasi-judicial public hearings affecting specific property within the City area of impact, the City Planning and Zoning Commission Chairman, or the Mayor in his absence, or a designee thereof, shall have a seat on the County Planning and Zoning Commission as a participating, non-voting Commissioner who may participate in the public hearing and subsequent deliberation.

Section 6: RENEGOTIATION:

- 6-1** In accordance with Idaho Code §67-6526(d), the City Council or the Board of Adams County Commissioners may request, in writing, the renegotiation of any provision of this chapter at any time. This written request shall set forth the changes in the agreement sought by the requesting party. Within thirty (30) days of receipt of such written request by either party, a meeting between the two (2) jurisdictions shall occur.
- 6-2** While renegotiation is occurring, all provisions of this chapter shall remain in effect until this chapter is amended or a substitute ordinance is adopted by City and County, in accordance with the notice and hearing procedures provided in Title 67, Chapter 65 of Idaho Code, or until a declaratory judgment from the district court is final. Provided, however, that this chapter or stipulated portions thereof shall be of no further force and effect if both jurisdictions so agree by mutually adopted resolution.
- 6-3 Additional Ordinances:** Nothing contained herein shall prevent either the City or County from amending, revising, promulgating or adopting additional ordinances for the purpose of zoning, subdivision, or the general health and welfare for the impact area herein created.

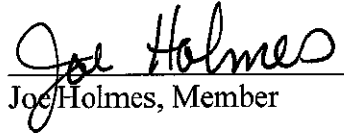
Section 7: All ordinances and parts of ordinances in conflict herewith are hereby repealed.

Section 8: This Ordinance shall be in full force and effect from and after its passage, approval and publication according to law.


Passed and approved by the Board of County Commissioners this 25th day of October, 2010.



Bill Brown, Chairman

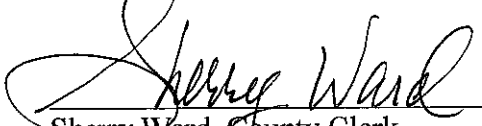


Joe Holmes, Member



Mike Paradis, Member

ATTEST:



Sherry Ward, County Clerk
[SEAL]



**CITY OF COUNCIL/ADAMS COUNTY AREA OF CITY IMPACT
AGREEMENT**

This AGREEMENT, dated this 19th day of April, 2010 by and between ADAMS COUNTY, a governmental subdivision of the State of Idaho, ("County") and the CITY OF COUNCIL, a municipal corporation of the State of Idaho, ("City") provides for an area of City Impact around the City.

WITNESSETH

WHEREAS, the "Local Planning Act" as enacted by the Idaho Legislature requires adoption of an "area of city impact" around each city; and

WHEREAS, Idaho Code 67-6526 grants the City, in conjunction with the County, to establish area of impact boundaries; and

WHEREAS, the City Council and County Board of County Commissioners, desire to change the Area of Impact Boundary surrounding the City for the mutual advantage of both entities and their constituents; and

WHEREAS, the City Council and the County Board of County Commissioners have the authority to enter into this Agreement pursuant to Idaho Code Title 67, Chapter 23 and Idaho Code Title 67, Chapter 65; and

WHEREAS, the City and County have active Planning and Zoning Commissions which have functioned since the land use planning act of 1975 was enacted; and

WHEREAS, the City and County have adopted Subdivision Ordinances, Zoning Ordinances, and Comprehensive Plans; and

WHEREAS, County and City have not, in the past, identified the boundaries or applicable regulations for an area of city impact; and

WHEREAS, County and City have convened in joint planning and zoning commission hearings, pursuant to Section 67-6526 (b) to recommend an area of city impact to the governing boards of the two entities; and

WHEREAS, County and City deem it in the public interest that development occurring in close proximity to City conform to negotiated land use planning within the area of impact for the benefit of the City and County citizens;

NOW THEREFORE, City and County hereby agree as follows:

SECTION 1. APPLICABILITY:

- 1.0 The City of Council/Adams County Impact Area Agreement ("Agreement") is being adopted and defined pursuant to Idaho Code, section 67-6526, together with any and all amendments thereto, pursuant to mutual agreement between the City and County. The purpose of this Agreement is to identify an area of impact surrounding the City with due consideration being given to such factors as trade area, geographic factors, and areas that can reasonably be expected to be annexed to the City in the future. The intent of this chapter is to define the geographic area of impact; to set forth those ordinances, policies, and plans which will be applicable to the area of impact; and to comply with the applicable sections of Idaho Code, title 67, chapter 65, as set forth by the Idaho legislature.

SECTION 2. DEFINITIONS

The following words when used herein shall have these meanings:

- 2.1. **Area of Impact** shall mean City of Council Area of City Impact;
- 2.2. **Board** shall mean the Board of Adams County Commissioners;
- 2.3. **City** shall mean City of Council;
- 2.4. **County** shall mean Adams County;

SECTION 3. CITY OF COUNCIL AREA OF IMPACT BOUNDARY

- 3.1. The Council City area of impact is the unincorporated area designated on the Impact Area Boundary Map adopted by the County by Ordinance # _____ and City by Ordinance # _____ ("Map") incorporated herein by reference and as may be amended from time to time, copies of which shall be made available at the Council City Hall and the Adams County Building Services department. Both entities shall keep that Map on file and available to members of the public at all times during regular business hours. The zoning districts recorded on the Map and in the legal description are the official designations for both City and County. Amendment of said Map will follow Idaho Code Section 67-6526 and will be done through separate ordinance amendment. Amendments to Impact Area boundaries adopted by separate ordinance will be added as an updated Attachment "A" of this title.

- 3-2. The Impact Area for the City of Council shall extend north of the City limits a distance of one (1) mile from the point where highway 95 intersects the City limits; south from the most southerly point of the City limits one and one half (1 ½) miles; east from the most easterly point of the City limits one quarter (1/4) mile; and west of the City limits one (1) mile from the most westerly point of the City limits. The north and westerly boundaries of the impact area shall encompass and extend west and north of the municipal airport 1/8 of a mile.

- 3-3. In case a property under single ownership is divided by the boundary line of the Council area of city impact, if such line divides such property so that one or both of the parts has a depth of three hundred feet (300') or less, such part may be included in the jurisdiction within which the remainder and larger portion of the property is located.

- 3-4. In accordance with Section 6 of this agreement, as development occurs within the area of impact and city limits are extended, the City and County shall renegotiate further expansion of the boundaries of the impact area by a quantity of land equal to the amount of property incorporated into the City pursuant to this Agreement provided that the County and City agree that the proposed expansion of property meets the factors identified in Idaho Code 67-6526 including trade areas, geographic factors, and reasonably anticipated areas to be annexed in the future.

SECTION 4. APPLICABLE PLAN POLICIES AND ORDINANCES:

4-1 Comprehensive Plan – City Comprehensive Plan?

- 4-1.1 The officially adopted Adams Comprehensive Plan shall apply to the land within the City area of impact.

- 4-1.2 Subsequent amendments to the aforesaid comprehensive plan shall apply within the city area of impact if City and County so agree.
- 4-1.3 Any proposed amendment to the County's comprehensive plan applicable within the City area of impact shall be forwarded to the City prior to any public hearing on any proposed amendment. When the County proposes an amendment to the comprehensive plan applicable within the City area of impact, County shall, within sixty (60) days, forward a copy of the proposed amendment to the City who shall either protest the amendment and request renegotiation of the City area impact ordinance / agreement, or shall direct its planning and zoning commission to schedule the amendment for public hearing for its comprehensive plan.
- 4-1.4 The officially adopted comprehensive plan for the county with any subsequent amendments thereto shall apply to the land adjacent to the city area of impact outside of any requirements of this Agreement.
- 4-2 Zoning Ordinances: County Zoning Ordinance Applicable**
- 4-2.1 Presently zoned lands shall be allowed to develop in accordance with the County zoning ordinance.
- 4-2.2 The officially adopted zoning ordinance of the County specifically pertaining to the City area of impact together with any subsequent amendments thereto shall apply in the City area of impact.
- 4-2.2.1 County zoning districts applicable within the City area of impact shall be in accordance with the adopted comprehensive plan identified in Section 4.1. of this Agreement.
- 4-2.3 The officially adopted zoning ordinance for the county with any subsequent amendments thereto shall apply to the land adjacent to the City area of impact.
- 4-2.4 Any proposed amendment to the County Zoning Ordinance applicable within the area of impact shall be forwarded to the City at least thirty days prior to any public hearing on any proposed amendment. The City may provide comment as to whether or not such amendment is in conflict with the County's comprehensive plan. City may notify the County development services department in writing prior to or at such public hearing. When the County Board of Commissioners has adopted an amendment to the Canyon County Zoning Ordinance, the County shall, within fifteen days, forward a copy of the adopted amendment to the City along with a notice as to when the amendment will take effect in the County. Within thirty days after the receipt of the amendment, the City shall either protest the amendment requesting renegotiation of the area of impact ordinance /

distribution lines shall be applicable within the City area of impact for those applications seeking Municipal water and/or sewer.

SECTION 5. ADMINISTRATION AND ENFORCEMENT:

- 5-1 County Responsibility:** The responsibility for the administration and enforcement of all applicable ordinances within the City area of impact as outlined in this chapter shall remain with the County. All zoning, subdivision, conditional use, variance and other such applications in the City area of impact shall be processed by the County in accordance with the application and appeal procedures of the County.
- 5-2 City Participation:** Should an applicant seek a rezone, subdivision approval, variance, conditional use, or any use that requires a public hearing within the City area of impact, the City shall be provided forty five (45) days prior notice. City will be permitted to pose written questions to applicant at least twenty days prior to hearing. Applicant will be required to answer in writing at least ten days prior to hearing. At such public hearing, a representative from the City shall have the opportunity to appear and present testimony and information as would any affected person or adjoining landowner. At all such quasi-judicial public hearings affecting specific property within the City area of impact, the City Planning and Zoning Commission Chairman, or the Mayor in his absence, or a designee thereof, shall have a seat on the County Planning and Zoning Commission as a participating, non-voting Commissioner who may participate in the public hearing and subsequent deliberation.

SECTION 6. RENEGOTIATION

- 6-1** In accordance with Idaho Code 67-6526(d), the City Council or the Board of Adams County Commissioners may request, in writing, the renegotiation of any provision of this chapter at any time. This written request shall set forth the changes in the agreement sought by the requesting party. Within thirty (30) days of receipt of such written request by either party, a meeting between the two (2) jurisdictions shall occur.
- 6-2** While renegotiation is occurring, all provisions of this chapter shall remain in effect until this chapter is amended or a substitute ordinance is adopted by City and County, in accordance with the notice and hearing procedures provided in title 67, chapter 65 of Idaho Code, or until a declaratory judgment from the district court is final. Provided, however, that this chapter or stipulated portions thereof shall be of no further force and effect if both jurisdictions so agree by mutually adopted resolution.
- 6-3** Additional Ordinances: Nothing contained herein shall prevent either the City or County from amending, revising, promulgating or adopting additional ordinances for the purpose of zoning, subdivision, or the general health and welfare for the impact area herein created.

IN WITNESS WHEREOF, the City, by and through its Mayor and City Clerk, and the County by and through the Chair member of the Board of the County Commissioners and the County Clerk have executed this agreement to be effective the day and year first above written.

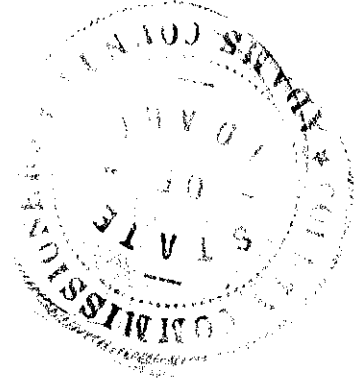
ADAMS COUNTY

By: [Signature]
Adams Co. Commissioner #1

By: Mike Parodi
Adams Co. Commissioner #2

By: Joe Halmos
Adams Co. Commissioner #3

Attest:
By: [Signature]
Adams County Clerk

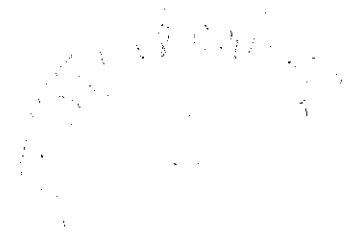


CITY OF COUNCIL

By: Bruce O. Gardner, Jr.
Mayor

Attest:

By: Hollie Russell
City Clerk



ORDINANCE # 471

AN ORDINANCE OF THE CITY OF COUNCIL, IDAHO, ADOPTING THE IMPACT AREA AGREEMENT; PROVIDING AN EFFECTIVE DATE; PROVIDING SEVERABILITY; PROVIDING FOR PUBLICATION BY SUMMARY.

WHEREAS, the "Local Planning Act" as enacted by the Idaho Legislature requires the adoption of an "area of city impact" around each city; and

WHEREAS, Idaho Code 67-6526 provides that after negotiations between a city and a county, those bodies have the authority to establish area of impact boundaries and establish regulations within that impact area; and

WHEREAS, the City Council of Council, Idaho, and the Board of County Commissioners of Adams County, Idaho have held public hearings and agreed upon an impact area and have entered into an impact area agreement; Now

THEREFORE;

BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF COUNCIL, IDAHO AS FOLLOWS:

Section 1. That Impact Area Agreement, dated April 19th, 2010, a copy of which is attached hereto and incorporated hereat as if set out in full verbatim, is hereby adopted by the City of Council as the Impact Area Agreement between the City of Council, Idaho and Adams County, Idaho for the area of impact surrounding Council, Idaho.

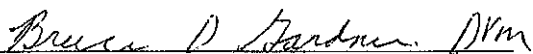
Section 2. This Ordinance shall be full effect after its passage and approval as required by law.

Section 3. If any portion of this ordinance is found to be invalid, the remaining portions shall be construed to constitute ordinance #471.

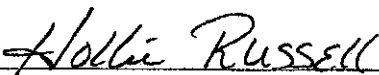
Section 4. This ordinance shall repeal any ordinances which are in conflict with the ordinance, but only insofar as the ordinance exists.

Section 5. This ordinance may be published by summary.

Passed and Approved this 14th day of September, 2010.


Bruce Gardner, Mayor

Attest:


Hollie Russell, City Clerk