Appendix A: Boise County AOI Agreements

Report 12-01

Economic Development Clinic
University of Idaho College of Law

Stephen R. Miller, Director

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COUNTY OF BOISE, IDAHO

ORDINANCE NO. 98-7

AN ORDINANCE FOR THE COUNTY OF BOISE, IDAHO, AMENDING SECTION 2 OF ORDINANCE NO. 85-2, AN ORDINANCE ADOPTING AN AREA OF IMPACT WITH THE CITY OF CROUCH, IDAHO,

BE IT ORDAINED by the Board of Commissioners of Boise County, Idaho, pursuant to the authority conferred under Idaho Code §67-6526.

SECTION 2. SUBDIVISION OF LAND WITHIN AREA OF IMPACT. Boise County Subdivision Ordinance shall apply to any subdivision of land located in whole or in part within the Crouch Area of Impact. Upon the filing of any pre-application or application for approval of a subdivision and/or plat located in whole or in part within the City of Crouch Area of Impact, Boise County shall forward a copy of such pre-application or application to the City of Crouch.

EFFECTIVE DATE. This ordinance shall be and is hereby declared to be in full force and effect upon its passage and publication as provided by law.

REGULARLY PASSED AND ADOPTED by the Board of County Commissioners of the County of Boise, State of Idaho, on this 7th day of July, 1998.

ATTEST!

Rosa A. Canody, Clerk to the Commissioners

John N. Hyer, Chairman

John S. Foard, Jr. Commissioner

Harold E. Raper, Commissioner
BOISE COUNTY ORDINANCE #2011-01

A BOISE COUNTY ORDINANCE SETTING FORTH A PURPOSE, ESTABLISHING A CITY OF HORSESHOE BEND AREA OF CITY IMPACT, DEFINING THE BOUNDARIES OF THE AREA OF CITY IMPACT, ESTABLISHING PROCEDURAL STANDARDS FOR MODIFICATION OF THE BOUNDARIES OF THE AREA OF CITY IMPACT, PROVIDING AN EFFECTIVE DATE, AND REPEALING ALL ORDINANCES IN CONFLICT HEREWITH.

BE IT ORDAINED BY THE BOISE COUNTY BOARD OF COMMISSIONERS, BOISE COUNTY, IDAHO as follows:

SECTION 1. STATEMENT OF PURPOSE AND RECITALS

The purpose of this ordinance shall be to establish the physical boundaries of an Area of City Impact for the City of Horseshoe Bend in cooperation with Boise County and to provide that Boise County’s ordinances will govern the Area of City Impact.

WHEREAS, provisions of Idaho Code 67-6526 allow the establishment of an Area of City Impact to accomplish coordinated planning between the City and County Governments, and

WHEREAS, representatives of the City of Horseshoe Bend and Boise County have met to develop mutually acceptable terms which will govern an Area of City Impact, and

WHEREAS, the governing bodies of these respective local governments have determined that the establishment of a mutually acceptable Area of City Impact will benefit the health, safety and welfare of their respective constituencies,

THEREFORE, the Area of City Impact defined by the boundaries established in this Ordinance is hereby established as an area wherein community planning efforts are undertaken on a cooperative basis. A companion ordinance adopted on November 17th, 2010 sets forth the particular land use regulations which shall govern the defined Area of City Impact.

SECTION 2. BOUNDARIES OF THE AREA OF CITY IMPACT

Pursuant to the above-referenced negotiations, the following described area is, and shall be, unless changed in accordance with the provisions of the Ordinance, the defined Area of City Impact for the City of Horseshoe Bend in Boise County, Idaho. The Area of City Impact for the City of Horseshoe Bend includes Sections 14, 15, 16, 20, 21, 22, 23, 26, 27, 28, 29, 32, 33, 34, and 35 of Township 7 North, Range 2 East, Boise Meridian, Boise County and Sections 2, 3, and 4 of Township 6 North, Range 2 East, Boise Meridian, Boise County. A map of the area

Ord 2011-01 HSB Area of City Impact
encompassed by said Area of City Impact is attached to this Ordinance and labeled Attachment A, which Attachment is incorporated herein by reference as is set forth in its entirety.

SECTION 3. GOVERNING PLAN AND ORDINANCES

Any Comprehensive Plan and subsequent amendment officially adopted by Boise County shall apply to the unincorporated portions of the Area of City Impact for the City of Horseshoe Bend. The Boise County Subdivision Ordinance, Zoning and Development Ordinance and other County land use ordinances now in place or as later adopted or amended by Boise County shall apply to the unincorporated portions of the Area of City Impact for the City of Horseshoe Bend. Any code and ordinance enforcement within the unincorporated portions of the Area of City Impact for the City of Horseshoe Bend shall be the responsibility of Boise County.

SECTION 4. MODIFICATION OF AREA IMPACT BOUNDARIES

The Area of City Impact boundaries established by this Ordinance may be modified at any time in accordance with the notice and hearing and other procedures set forth in the Idaho Code. Either jurisdiction may unilaterally request that the question of boundaries be reopened for negotiations. No modification of the Area of City Impact boundaries shall be effective unless or until the specific procedures required by the Idaho Code have been completed and agreement has been reached or an order obtained regarding new terms for the Area of City Impact.

SECTION 5. ENFORCEMENT

The provisions of this Ordinance may be enforced by either the City of Horseshoe Bend or Boise County by virtue of legal action initiated to require specific performance with the terms of this Ordinance.

SECTION 6. EFFECTIVE DATE

This Ordinance shall take effect and be in force from and after its passage, approval, and publication as required by law and upon the passage, approval, and publication by Boise County of a comparable ordinance. In lieu of publication of the entire Ordinance, a summary thereof in compliance with Section 50-901A, Idaho Code, may be published.

SECTION 7. REPEAL OF CONFLICTING ORDINANCES

Any ordinance of Boise County in conflict with the terms of this Ordinance is hereby repealed to the extent of such conflict.

APPROVED and ADOPTED in Open Session this 23rd day of May, 2011.
ORDINANCE NO. 3-2000

AN ORDINANCE OF BOISE COUNTY, A POLITICAL DIVISION OF THE STATE OF IDAHO SETTING FORTH A PURPOSE, DEFINING THE AREA OF CITY IMPACT FOR THE CITY OF IDAHO CITY, ADOPTING THE APPLICABLE PLANS AND ORDINANCES FOR SUCH AREA, PROVIDING FOR THE ENFORCEMENT OF SAID ORDINANCES, PROVIDING REFERRAL TO THE CITY FOR INPUT, PROVIDING FOR THE AMENDMENT AND SEVERABILITY OF THIS ORDINANCE AND THE REPEAL OF ORDINANCES IN CONFLICT THEREWITH AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to Idaho Code Section 67-6526, the City of Idaho City and Boise County, Idaho have conferred and negotiated in good faith upon an area of city impact for the City of Idaho City within the unincorporated area of Boise County; and

WHEREAS, Boise County, pursuant to public notice as required by law, held a public hearing on the proposed area of city impact; and

WHEREAS, the City of Idaho City and Boise County, in accordance with the procedure required by law, have mutually agreed upon an area of city impact for the City of Idaho City within the unincorporated area of Boise County, Idaho,

NOW THEREFORE BE IT ORDAINED by the Boise County Board of Commissioners:

SECTION 1. PURPOSE: The purpose of establishing the Idaho City area of city impact is to identify an urban fringe area in the unincorporated territory surrounding the city within which there is potential for development or changes in land use that must be planned for in an orderly and compatible manner in order to insure timely and economical provision of public services such as water supply, sanitary sewer collection and treatment, public safety services, other community service facilities, and to promote land use compatibility, street alignment and traffic flow objectives.

SECTION 2. AREAS OF CITY IMPACT DEFINED: The area of city impact shall consist of an area where development or use of land affects or may affect the City of Idaho City, in consideration of trade areas, geographic factors and areas that can reasonably be expected to be annexed to the city in the future. Within the area of city impact, certain county and city standards and hearing procedures set forth herein will be imposed.

Within that area, upon an application to the county or the county’s planning commission for a subdivision, comprehensive plan change, request for a special or conditional use permit, planned unit development, variance request, or similar land use request, written notice shall be provided to the City of Idaho City of any public hearing related to the application. The city shall have sufficient notice to be able to comment on such applications prior to public hearing.

Ordinance #3-2000
SECTION 3. GEOGRAPHIC AREAS OF CITY IMPACT ESTABLISHED AND DEFINED: The officially adopted area of city impact is identified by Boise County Ordinance 2-2000 and is officially made a part hereof by reference, said map being specifically adopted by Idaho City by Ordinance, and Boise County by Ordinance.

The Idaho City area of city impact shall be reevaluated by the city and Boise County at such times as they may agree upon to consider possible changes in the geographic area affected and/or other provisions of this ordinance including but not limited to applicable standards.

SECTION 4. STANDARDS: Upon adoption of an area of city impact by the city and county, the following standards shall apply whenever an agency, planning and/or zoning commission, hearing examiner or governing body of the city or county considers a zoning change, request for a special or conditional use permit, planned unit development, variance request or subdivision plat within the area of city impact. Within the area of city impact, the following standards shall apply:

1. Boise County Comprehensive Plan
2. Boise County Subdivision Ordinance
3. Boise County Zoning Ordinance; and
4. Boise County Building Permit Ordinance
5. Boise County Building Code Ordinance
6. Boise County Road Standards Ordinance
7. All other standards of and applicable Boise County codes and ordinances.

The City of Idaho City has voluntarily limited its annexation authority as set forth in Idaho Code Section 50-222 as follows:

The city will not annex property without a request for annexation by the owner of the property in question.

SECTION 5. ENFORCEMENT: Boise County shall be responsible for the administration and enforcement of the ordinances listed in Section 4 above within the area of city impact, and shall set fees for services performed to recapture direct costs of inspections, administration, legal publications, and any development fees for other costs arising from fulfilling the terms of each ordinance or regulation.

A certificate shall appear on the face of a final plat for execution by the City Engineer or City Council attesting to the plat’s conformance with municipal requirements and approval.

SECTION 6. STANDARD AMENDMENT AND NOTICE: Prior to amendment by the County of any of Boise County’s ordinances set forth above in Section 4, which are applicable in the area of city impact, the County shall forward the proposed change to the
city for review and comment at least thirty (30) days prior to the passage of such amendment.

SECTION 7. The provisions of this ordinance are severable and if any portion thereof is held illegal, invalid, or unconstitutional.

SECTION 8. All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 9. This ordinance shall be in full force and effect from and after its passage, approval and publication according to law.

ADOPTED AND APPROVED this 22nd day of November, 1999.

BOARD OF BOISE COUNTY COMMISSIONERS

John S. Foard, Jr., Chairman

John N. Dyer, Commissioner

Dale Hanson, Commissioner

Attest:

Rona A. Canody, Clerk to the Board

Ordinance #3-2000
ORDINANCE NO.95-5

AN ORDINANCE OF BOISE COUNTY, A POLITICAL DIVISION OF THE STATE OF IDAHO SETTING FORTH A PURPOSE, DEFINING THE AREA OF CITY IMPACT FOR CITY OF PLACERVILLE, ADOPTING THE APPLICABLE COMPREHENSIVE PLAN AND ZONING AND SUBDIVISION ORDINANCES FOR SUCH AREA, PROVIDING FOR THE ENFORCEMENT OF SAID ORDINANCES, PROVIDING HEARING PROCEDURES FOR LAND USE APPLICATIONS UNDER SAID ORDINANCES AND REFFERRAL TO THE CITY FOR INPUT, PROVIDING FOR THE AMENDMENT AND SEVERABILITY OF THIS ORDNANCE AND THE REPEAL OF ORDINANCES IN CONFLICT THEREWITH AND PROVIDING AN EFFECTIVE DATE

WHEREAS, pursuant to Idaho Code Section 67-6526, the City of Placerville and Boise County, Idaho have conferred and negotiated in good faith upon an area of city impact for the City of Placerville within the unincorporated area of Boise County; and

WHEREAS, the Boise County Board of Commissioners, pursuant to public notice as required by law, held a public hearing on the proposed area of city impact on January 25, 1995; and

WHEREAS, the City of Placerville and Boise County, in accordance with the procedure required by law, have mutually agreed upon an area of city impact for the City of Placerville within the unincorporated area of Boise County, Idaho, NOW THEREFORE,

BE IT ORDAINED, by the Boise County Board of Commissioners:

Section 1

PURPOSE: The purpose of establishing the Placerville area of city impact is to identify an urban fringe area in the unincorporated territory surrounding the city within which there is potential for development or changes in land use that must be planned for in an orderly and compatible manner in order to insure timely and economical provision of public services such as water supply, sanitary sewer collection and treatment, public safety services, other community service facilities, and to promote land use compatibility, street alignment and traffic flow objectives.

Section 2

AREAS OF CITY IMPACT DEFINED: The area of city impact shall consist of an area where development or use of land affects or may affect the City of Placerville, in consideration of trade areas, geographic factors and areas that can reasonably be expected to be annexed to the city in the future. Within the area of city impact, certain county and city standards and hearing procedures set forth herein will be imposed.
Within that area, upon an application to the county or the county's planning commission for a subdivision, subdivision plat, zone change, comprehensive plan change, request for a special or conditional use permit, planned unit development, variance request, or similar land use request, the applicant shall provide written notice to the Placerville City Clerk of any public hearing related to the application. The city shall have thirty (30) days after receipt of the notice but prior to any public hearing to comment on such application.

Section 3

GEOGRAPHIC AREAS OF CITY IMPACT ESTABLISHED AND DEFINED: The officially-adopted area of city impact is hereby established and shown on the map entitled "Placerville Area of City Impact" and is officially made a part hereof by reference, said map being specifically adopted by Placerville Municipal Ordinance No. 46, and Boise County Ordinance No. 95-4.

The Placerville area of city impact shall be reevaluated by the city and Boise County at such times as they may agree upon to consider possible changes in the geographic area affected and/or other provisions of this ordinance including but not limited to applicable standards.

Section 4

STANDARDS: Upon adoption of an area of city impact by the city and county, the following standards shall apply whenever an agency, planning and/or zoning commission, hearing examiner or governing body of the city or county considers a zone change, comprehensive plan change, request for a special or conditional use permit, planned unit development, variance request or subdivision plat within the area of city impact. Within the area of city impact, the following standards shall apply:

1. Boise County Comprehensive Plan
2. Boise County Subdivision Ordinance; and
3. Boise County Zoning Ordinance; and
4. All other standards of and applicable Boise County codes and ordinances.

Section 5

ENFORCEMENT: Boise County shall be responsible for the administration and enforcement of the ordinances listed in Section 4.1 through 4.4 within the area of city impact, and shall permit fees for inspections performed to recapture direct costs of inspections, administration, legal publications,
and any development fees for other costs arising from fulfilling the terms of each ordinance or regulation.

A certificate shall appear on the face of a final plat for execution by the City Engineer and/or City Council attesting to the plat's conformance with municipal requirements and approval.

Section 6

HEARING PROCEDURES WITHIN THE AREA OF CITY IMPACT:

A. All applications for subdivision plats and all other applications (e.g. zone changes, comprehensive plan amendments, variance, conditional use, etc.) within area of city impact shall be filed by the applicant with Boise County. All approvals and public hearings in the area of city impact shall be held as required by Idaho Code Section 67-6501, et seq. and Idaho Code Section 50-1301, et seq.

B. It is the intent of this section to maintain the status quo for the processing of subdivisions in process at the time of the adoption of this ordinance.

C. It is the intent of this Section that the processing of the subdivisions be administered by the County, but with the inclusion of City input.

Section 7

STANDARD AMENDMENT AND NOTICE: Prior to amendment by the County of any of Boise County's ordinances set forth above in Section 4, which are applicable in the area of city impact, the County shall forward the proposed change to the city for review and comment at least thirty (30) days prior to the first public hearing at which such amendment will be considered.

Section 8

The provisions of this ordinance are severable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid, or unconstitutional or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this ordinance or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this ordinance would have been adopted if such illegal, invalid or unconstitutional provision, clause sentence, subsection, word, or part had not been included therein, and if such person or circumstance to which the ordinance or part thereof is held inapplicable had been specifically exempted therefrom.
Section 9

Neither the adoption of this ordinance nor the repeal of any ordinance shall, in any manner, affect the prosecution for violation of such ordinance committed prior to the effective date of this ordinance or be construed as a waiver of any license or penalty due under any such ordinance or in any manner affect the validity of any action heretofore taken by the City of Placerville Council or the validity of any such action to be taken upon matters pending before the City Council on the effective date of this ordinance.

Section 10

All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

Section 11

This ordinance shall be in full force and effect from and after its passage, approval and publication according to law.

REGULARLY PASSED AND ADOPTED By the Board of County Commissioners of the County of Boise, State of Idaho this 24th day of April, 1991.

John N. Dyer, Commissioner District 1

Janice Dorey, Commissioner District 2

Harold E. Raper, Commissioner District 3

ATTEST:

Rora A. Canody, Clerk