Appendix A: Clearwater County AOI Agreements

Report 12-01

Economic Development Clinic
University of Idaho College of Law

Stephen R. Miller, Director

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University of Idaho
College of Law
ELK RIVER AREA OF CITY IMPACT

AN ORDINANCE CREATING A GEOGRAPHICAL AREA OF CITY IMPACT FOR ELK RIVER, IDAHO; DEFINING THE PURPOSE OF THE AREA OF CITY IMPACT; IDENTIFYING THE COMPREHENSIVE PLAN THAT SHALL APPLY; IDENTIFYING THE ZONING AND SUBDIVISION ORDINANCES THAT SHALL APPLY; PROVIDING FOR REVIEW AND COMMENT PROCEDURES BETWEEN JURISDICTIONS; AND ESTABLISHING AN EFFECTIVE DATE PURSUANT TO SECTION 67-6526, IDAHO CODE.

BE IT ORDAINED by the BOARD of COUNTY COMMISSIONERS, of CLEARWATER COUNTY, IDAHO.

SECTION 1. PURPOSE

The purpose of establishing an area of city impact is to identify a logical fringe area adjoining the City of Elk River. The fringe area includes the unincorporated area surrounding Elk River that has a potential for development that could affect the provision of public services or the quality of life in Elk River.

SECTION 2. GEOGRAPHIC AREA OF CITY IMPACT

The officially adopted geographic area of city impact is shown on the attached map entitled "Area of City Impact for Elk River, Idaho." This "Area of City Impact" includes all unincorporated land within one (1) statute mile of the present Elk River, Idaho corporate limits. All parcels of land lying all or part within the "Area of City Impact" shall be subject to the provisions of this ordinance.

Section 3. COMPREHENSIVE PLAN

The comprehensive plan and subsequent amendments thereto as officially adopted by the Board of County Commissioners, Clearwater County, Idaho, shall apply to the "Area of City Impact."

Section 4. ZONING AND SUBDIVISION ORDINANCES

The zoning and subdivision ordinances and subsequent amendments thereto as officially adopted by the Board of County Commissioners, Clearwater County, Idaho, shall apply to the "Area of City Impact."

Section 5. REVIEW AND COMMENT

Any request for development, zone change, conditional use permit, variance or subdivision within the "Area of City Impact
shall be referred to the City Council of Elk River, Idaho, for review and comment. The City Council shall have forty (40) days to consider the request and submit a reply to the Board of County Commissioners, Clearwater County, Idaho. If no reply is received by the Board within the forty (40) day period, the City Council forfeits its right to comment on the request, and processing shall continue under the Board's administration.

Section 6. EFFECTIVE DATE

This Ordinance shall be in full force and effect upon publication following passage and approval.

Passed under suspension of all rules and regulations upon which a roll call vote was taken and duly enacted and approved by the Board of County Commissioners of Clearwater County, Idaho, on this 

[Signature]

(Chairman)

ATTEST:

[Francois Chiquet]

(Clerk)
AREA OF CITY IMPACT
FOR
ELK RIVER, IDAHO
A CLEARWATER COUNTY ORDINANCE CREATING A GEOGRAPHICAL AREA OF CITY IMPACT FOR OROFINO, IDAHO; DEFINING THE PURPOSE OF THE AREA OF CITY IMPACT; DESIGNATING THE BOUNDARY OF THE AREA OF CITY IMPACT; IDENTIFYING THE COMPREHENSIVE PLAN, ZONING ORDINANCE, SUBDIVISION ORDINANCE AND BUILDING CODE THAT SHALL APPLY WITHIN THE AREA OF CITY IMPACT; PROVIDING FOR REVIEW AND COMMENT PROCEDURES; AND ESTABLISHING AN EFFECTIVE DATE PURSUANT TO SECTION 67-6526, IDAHO CODE.

BE IT ORDAINED by the Clearwater County Commissioners, Clearwater County, Idaho.

SECTION 1. PURPOSE – Idaho Code Section 67-6526 requires that the Clearwater County Commissioners adopt by ordinance a map identifying an area of City impact within the unincorporated area of the County surrounding said City.

SECTION 2. CONSIDERATION – The following factors were considered by the Planning and Zoning Commission and the County Commissioners in identifying the area of City Impact for Orofino, Clearwater County, Idaho:

A. Trade area;
B. Geographical factors;
C. Areas that can be reasonably expected to be annexed to the City in the future;
D. Areas where extension of City services are possible and reasonable;
E. Areas where growth is occurring or growth is anticipated to occur;
F. Areas in which to encourage or discourage particular types of growth and development; and in which the City may want to review future zoning;

SECTION 3. GEOGRAPHIC AREA OF CITY IMPACT – The official adopted geographic area of City Impact is as follows:

Starting at the SE corner of the NE1/4 NE1/4 Section 12 T36N, R1E B.M.; thence South to the common corner of Section 12 T36N, R1E B.M., Section 13 T36N, R1E B.M., Section 7 T36N, R2E B.M., Section 18 T36N, R2E B.M.; thence East to the SE corner of SW1/4 Section 10 T36N, R2E B.M.; thence North to the NE corner of NW1/4 of Section 34 T37N, R2E B.M.; thence West to the common corner of Section 31 T37N, R2E B.M., Section 30 T37N, R2E B.M., Section 36 T37N, R1E B.M., Section 25 T37N, R1E B.M.; thence South to the NE corner of the SE1/4 SE1/4 Section 36 T37N, R1E B.M.; thence West to the NW corner of the SW1/4 SW1/4 of Section 36 T37N, R1E B.M.; thence South to the high water line of the Southern side of the Clearwater River; thence traveling in a generally West by Northwesterly direction along the high water line of the Southern side of the Clearwater River to a point at which said high water line intersects with the section line separation Section 32 and Section 33 T37N, R1E B.M.; thence South to the SW corner of the NW1/4 NW1/4 Section 4 T36N, R1E B.M.; thence East to the SE corner of NE1/4 NE1/4 Section 4 T36N, R1E B.M.; thence South to the common corner of Section 3,4,9, and 10, T36N, R1E B.M.; thence East to NW corner of NE1/4 NE1/4 Section 12 T36N, R1E B.M.; thence South to the SW corner NE1/4 NE1/4 Section 12 T36N, R1E B.M.; thence to the point of beginning.
INCLUDING: all real property lying outside of the municipal boundaries of the City of Orofino, Idaho within the unincorporated area of Clearwater County, Idaho and lying within the following sections:

Section 12, T36N, R1E B.M. NENE
Section 01, T36N, R1E B.M. entire section
Section 02, T36N, R1E B.M. south of the Clearwater River
Section 03, T36N, R1 B.M. south to the Clearwater River
Section 04, T36N, R1 B.M. North ½ of the North ½
Section 33, T37N, R1E B.M. south of the Clearwater River
Section 36, T37N, R1E B.M. South ½ of the South ½
Section 31, T37N, R2E B.M. entire section
Section 32, T37N, R2E B.M. entire section
Section 33, T37N, R2E B.M. entire section
Section 34, T37N, R2E B.M. W1/2
Section 03, T36N, R2E B.M. W1/2
Section 10, T36N, R2E B.M. W1/2
Section 09, T36N, R2E B.M. entire section
Section 08, T36N, R2E B.M. entire section
Section 07, T36N, R2E B.M. entire section

Including:
Section 04, T36N, R2E B.M. entire section
Section 05, T36N, R2E B.M. entire section
Section 06, T36N, R2E B.M. entire section

SECTION 4. COMPREHENSIVE PLAN – The Comprehensive Plan and subsequent amendments thereof as officially adopted by Clearwater County apply to the unincorporated portion of Clearwater County, lying within the area of City impact.

SECTION 5. ZONING AND SUBDIVISION ORDINANCES – The Zoning and Subdivision Ordinances and subsequent amendments thereto as officially adopted by Clearwater County, shall apply to the unincorporated portion of Clearwater County, lying within the Area of City Impact.

SECTION 6. BUILDING CODE – The building code 1997 UBC edition and subsequent amendments thereto as officially adopted by Clearwater County, Idaho shall apply to the unincorporated portion of Clearwater County lying within the Area of City Impact.

SECTION 7. REVIEW AND COMMENT – Any request for development, zone change, conditional use permit, variance or subdivision in the unincorporated portion of Clearwater County lying within the Areas of City Impact shall be referred to the City Planning and Zoning Commission for review and comment. The City shall have a forty (40) day period within which to respond to any request set forth above. If the City does not respond within forty (40) days, the City forfeits its right to comment on the request and processing shall continue under the County’s administration.

SECTION 8. ADMINISTRATIVE JURISDICTION – The administrative jurisdiction and plans and ordinances which apply to the Area of City Impact delineated by the
map incorporated herein shall be the duty of Clearwater County, which shall apply the same plans and ordinances for the unincorporated areas of the County lying within the Areas of City Impact as those areas lying outside the Area of City Impact.

SECTION 9. EFFECTIVE DATE – This ordinance shall be in force and effect upon publication following passage and approval.

PASSED BY THE COUNTY COMMISSIONERS THIS 7TH DAY OF JANUARY, 2003.

[Signatures]

David L. Ponozzo, Chairman

ABSENT
J.P. "Pete" Curfman, Commissioner

John "Ric" Hood, Commissioners

ATTEST:

Robin Christensen, Clerk
A CLEARWATER COUNTY ORDINANCE AMENDING AND CREATING A REVISED GEOGRAPHICAL AREA OF CITY IMPACT, ESTABLISHING THE LEGAL BOUNDARIES THEREOF, AND PROVIDING FOR A MAP DEPICTING THE SAME AND ESTABLISHING AN EFFECTIVE DATE PURSUANT TO IDAHO CODE 67-6526.

BE IT ORDAINED by the Clearwater County Commissioners, Clearwater County, Idaho.

SECTION 1. PURPOSE - Idaho Code Section 67-6526 requires that the governing board of the County adopt by ordinance a map identifying an Area of City Impact within the unincorporated area of Clearwater County surrounding said City:

SECTION 2. CONSIDERATION - The following factors were considered by the Planning and Zoning Commission and the County Commissioners in identifying the geographical boundaries of the Area of City Impact for Orofino, Clearwater County, Idaho:

A. Trade area;
B. Geographical Factors;
C. Areas that can be reasonably expected to be annexed to the City in the future;
D. Areas where extension of City services are possible and reasonable;
E. Areas where growth is occurring or growth is anticipated to occur;
F. Areas in which to encourage or discourage particular types of growth and development; and in which the City may want to review future zoning;

SECTION 3. GEOGRAPHIC BOUNDARIES OF THE AREA OF CITY IMPACT

Starting at the SE corner of the NE1/4 NE1/4 Section 12 T36N, R1E B.M.; thence South to the common corner of Section 12 T36N, R1E B.M., Section 13 T36N, R1E B.M., Section 7 T36N, R2E B.M., Section 18 T36N, R2E B.M.; thence East to the SE corner of SW1/4 Section 10 T36N, R2E B.M.; thence North to the NE corner of NW1/4 of Section 34 T37N, R2E B.M.; thence West to the common corner of Section 31 T37N, R2E B.M., Section 30 T37N, R2E B.M., Section 36 T37N, R1E B.M., Section 25 T37N, R1E B.M.; thence South to the NE corner of the SE1/4 SE1/4 Section 36 T37N, R1E B.M.; thence West to the NW corner of the SW1/4 SW1/4 of Section 36 T37N, R1E B.M.; thence South to the high water line of the Southern side of the Clearwater River; thence traveling in a generally West by Northwesterly direction along the high water line of the Southern side of the Clearwater River to a point at which said high water line intersects with the section line separation Section 32 and Section 33 T37N, R1E B.M.; thence South to the SW corner of the NW1/4 NW1/4 Section 4 T36N, R1E B.M.; thence East to the SE corner of NE1/4 NE1/4 Section 4 T36N, R1E B.M.; thence South to the common corner of Section 3,4,9, and 10, T36N, R1E B.M.; thence East to NW corner of NE1/4 NE1/4 Section 12 T36N, R1E B.M.; thence South to the SW corner NE1/4 NE1/4 Section 12 T36N, R1E B.M.; thence to the point of beginning.

INCLUDING: all real property lying outside of the municipal boundaries of the City of Orofino, Idaho within the unincorporated are of Clearwater County, Idaho and lying within the following sections:
Section 12, T36N, R1E B.M. NENE
Section 01, T36N, R1E B.M. entire section
Section 02, T36N, R1E B.M. south of the Clearwater River
Section 03, T36N, R1 B.M. south to the Clearwater River
Section 04, T36N, R1E B.M. North ½ of the North ½
Section 33, T37N, R1E B.M. south of the Clearwater River
Section 36, T37N, R1E B.M. South ½ of the South ½
Section 31, T37N, R2E B.M. entire section
Section 32, T37N, R2E B.M. entire section
Section 33, T37N, R2E B.M. entire section
Section 34, T37N, R2E B.M. W1/2
Section 03, T36N, R2E B.M. W1/2
Section 10, T36N, R2E B.M. W1/2
Section 09, T36N, R2E B.M. entire section
Section 08, T36N, R2E B.M. entire section
Section 07, T36N, R2E B.M. entire section

**Including:**
Section 04, T36N, R2E B.M. entire section
Section 05, T36N, R2E B.M. entire section
Section 06, T36N, R2E B.M. entire section

**SECTION 4. MAP** - The map identifying the area of city impact attached hereto is incorporated herein as if set forth in full.

**SECTION 5. EFFECTIVE DATE** - This ordinance shall be in force and effect upon publication following passage and approval.

**PASSED BY THE COUNTY COMMISSIONERS THIS 7TH DAY OF JANUARY, 2003.**

[Signature]
David L. Ponozzo, Chairman

[Signature]
J.P. "Pete" Curfman, Commissioner

[Signature]
John "Ric" Hood, Commissioner

**ATTEST:**

[Signature]
Robin Christensen, Clerk
ORDINANCE NO. 6
CLEARWATER COUNTY
ORDINANCE NO. 627 - 377
PIERC\8 AREA OF CITY IMPACT

AN ORDINANCE CREATING A GEOGRAPHICAL AREA OF CITY IMPACT FOR PIERCE, IDAHO; DEFINING THE PURPOSE OF THE AREA OF CITY IMPACT; IDENTIFYING THE COMPREHENSIVE PLAN, ZONING AND SUBDIVISION ORDINANCES THAT SHALL APPLY WITHIN THE AREA OF CITY IMPACT; PROVIDING FOR APPLICABILITY OF COUNTY AUTHORITY; PROVIDING FOR REVIEW AND COMMENT, AND APPROVAL PROCEDURES; SPECIFYING ADMINISTRATIVE JURISDICTION; AND ESTABLISHING AN EFFECTIVE DATE PURSUANT TO SECTION 67-6526, IDAHO CODE.

BE IT ORDAINED by the CLEARWATER COUNTY BOARD OF COMMISSIONERS OROFINO, IDAHO.

Section I. PURPOSE

The purpose of establishing the Pierce Area of City Impact, hereinafter called Area of City Impact, is to identify a logical fringe area adjoining the City of Pierce, hereinafter called the City. The fringe area includes the unincorporated area surrounding the City that has a potential for development that could affect the provision of public services or the quality of life in the City.

Section II. GEOGRAPHICAL AREA OF CITY IMPACT

The officially adopted geographic Area of City Impact is shown on the attached map entitled "Area of City Impact for Pierce, Idaho." All parcels of land lying all or in part within the Area of City Impact shall be subject to provisions of this ordinance.

The Area of City Impact includes the following sections of land in Range 5 East of the Boise Meridian, excluding the City:

a. Township 36 North: West 3/4's of Sections I and II; Sections 2, 3, 10, and 11.

b. Township 37 North: South 1/2 of Sections 26 and 27; East 1/4 of Section 33; Sections 34 and 35; West 1/2 of Section 36.

Section III. COMPREHENSIVE PLAN, ZONING AND SUBDIVISION ORDINANCES

The Comprehensive Plan and Zoning Ordinances and subsequent amendments thereto, as officially adopted by the City Council, hereinafter called the Council, shall apply to the Area of City Impact, subject to the provisions of Section IV of this ordinance. The Subdivision Ordinance and subsequent amendments thereto as officially adopted by the Council shall apply to all plats situated within one (1) mile outside the City limits. The Subdivision Ordinance and
subsequent amendments thereto as officially adopted by the Board of County Commissioners, Clearwater County, Idaho, hereinafter called the Board, shall apply to all other plats situated within the Area of City Impact.

Section IV. APPLICABILITY OF COUNTY AUTHORITY

Upon passage of this Ordinance, the Comprehensive Plan and Zoning Ordinance as officially adopted by the Board shall apply to the Area of City Impact until such time the Council officially adopts a Comprehensive Plan and Zoning Ordinance pertaining to the Area of City Impact.

Section V. REVIEW AND COMMENT; APPROVAL

Any proposed Comprehensive Plan amendment or request for zone change, conditional use permit, or variance within the Area of City Impact shall be referred to the Board for review and comment. The Board shall have (40) days to consider the request and submit a reply to the Council. If no reply is received by the Council within the forty (40) day period, the Board forfeits its right to comment on the request and processing shall continue under the Council's administration. Subdivision approvals within the Area of City Impact shall be in accordance with IDAHO CODE 50-1306 and 50-1308.

Section VI. ADMINISTRATIVE JURISDICTION

The administration of plans and ordinances which apply to the Area of City Impact shall be the duty of the governing body which adopted the plans or ordinances originally.

Section VII. EFFECTIVE DATE

This ordinance shall be in full force and effect upon publication following passage and approval.

Passed under suspension of all rules and regulations upon which a roll call vote was taken and duly enacted and approved by Board of County Commissioners of Clearwater County, Idaho, on this 27 day of June 1977.

(Chairman)

ATTEST:

(County Clerk)
AREA OF CITY IMPACT
for Pierce, Idaho

area of city impact
section number
The City of Stanley, Idaho

Comprehensive Plan
but will not be able to be expanded nor replaced if more than 50% of the building has been destroyed or where the use was discontinued.

**AREA OF IMPACT**

The Area of Impact has been established to provide sufficient protection to the City of Stanley in reviewing and approving growth and development outside of city limits which might affect the community. These lands may reasonably be annexed in the future by the City. That Area of Impact is shown on the included maps, Figures 6.1, and 6.2.

With the adoption of the Area of Impact the City’s Comprehensive Plan and Ordinances apply.

Within the Area of Impact some federal land and federally regulated lands are included which protects open space and agriculture on the perimeter of the city limits. The Area of Impact includes all current city zones as well as the Utility Facility Zone, Airport Zone and Agriculture/Scenic Easement Zone.

The Area of Impact was accomplished through a judicial court ruling on January 30, 1997 after the City and the County were unable to reach agreement concerning the Area of Impact. This is the first ruling of its kind in the state of Idaho.
Figure 6.1 - General Land Use Map
Figure 6.2 - Zoning Map