Appendix A: Custer County AOI Agreements

Report 12-01

Economic Development Clinic
University of Idaho College of Law

Stephen R. Miller, Director

Students:

Marc Bybee
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CUSTER COUNTY ORDINANCE NO. 2010-02
CITY OF CHALLIS ORDINANCE NO. 502

AREA OF IMPACT AGREEMENT – CITY OF CHALLIS

AN ORDINANCE DEFINING AND ESTABLISHING AN AREA OF CITY IMPACT FOR THE CITY OF CHALLIS, IDAHO, ADOPTING THE PROVISIONS OF THE COMPREHENSIVE PLAN THAT SHALL APPLY WITHIN THE ESTABLISHED AREA OF CITY IMPACT; IDENTIFYING THE SUBDIVISION AND ZONING ORDINANCES THAT SHALL APPLY WITHIN THE ESTABLISHED AREA OF CITY IMPACT; IDENTIFYING METHODS AND PROCEDURES FOR APPLYING, ADMINISTERING, AND ENFORCING THE COMPREHENSIVE PLAN AND ORDINANCES THAT SHALL APPLY WITHIN THE ESTABLISHED AREA OF CITY IMPACT; ESTABLISHING AN EFFECTIVE DATE PURSUANT TO SECTION 67-6526, IDAHO CODE.

WHEREAS the City of Challis and Custer County, having given notice and held hearings as provided by law, have agreed upon an area of city impact within the unincorporated area of Custer County surrounding the City of Challis, and

WHEREAS the City of Challis and Custer County, having given notice and held hearings as provided by law, have approved boundaries of the area of city impact within the unincorporated area of Custer County surrounding the City of Challis,

NOW THEREFORE BE IT ORDAINED BY THE MAYOR AND THE COUNCIL OF THE CITY OF CHALLIS, IDAHO, COUNTY OF CUSTER, STATE OF IDAHO AND;

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS, CUSTER COUNTY, STATE OF IDAHO.

Section 1. Legislative Purpose: The purpose for establishing an Area of City Impact is to identify a logical urban fringe area adjoining the City of Challis, Idaho. The urban fringe area is realizing, or will realize, growth and development that must be planned and managed in an orderly fashion. The Area of City Impact recognizes trade area, geographic factors, and the potential delivery of public services as being associated with the City of Challis and comprised of areas that might reasonably be annexed to the City in the near and distant future or where growth might have impact upon the city.

Section 2. Geographic Area of City Impact: The officially adopted and agreed upon “Area of City Impact for Challis, Idaho” established by separate ordinance.

Section 3. Comprehensive Plan: The Comprehensive Plan and subsequent amendments thereto as officially adopted by the County of Custer, Idaho, shall apply to the Area of City Impact within the unincorporated area of Custer County, Idaho. Upon the adoption of this
ordinance both the City of Challis and Custer County shall amend their Comprehensive Plans to be consistent with this agreement, if required.

Section 4. Subdivision Ordinance: The Subdivision Ordinance and subsequent amendments thereto as officially adopted by Custer County, Idaho shall apply to the Area of City Impact within the unincorporated area of Custer County, Idaho. The Subdivision Ordinance of Custer County shall also prevail over any City of Challis’s ordinances pertaining to the division of original parcels of record, plat amendments, lot line adjustments, minor subdivisions, short plats or administrative lot splits.

Section 5. Zoning Ordinance: The Zoning Ordinance, Zoning Map and subsequent amendments thereto as officially adopted by Custer County shall apply to the Area of City Impact within the unincorporated area of Custer County, Idaho.

Section 6. Code and Ordinance Administration:

1. Custer County shall be responsible for the administration of the County’s ordinances listed in Section 3, 4, and 5 and shall receive all permit fees for inspection performed to recapture direct costs for inspections, administration, legal publications, and other costs arising from the process. Appeal and hearing procedures shall follow those adopted by Custer County presently and in the future.

2. Amendments to the Custer County Comprehensive Plan, requests for preliminary and final plats or the vacation thereof, and requests for zone changes involving property located in the Area of City Impact within the unincorporated area of Custer County being proposed for non-agricultural development of any type shall be submitted in writing to the City of Challis for review and recommendations by the City Council. Such written notice to the City shall be submitted by the County and will give ten (10) days from the date of the written notice for the City to respond. If a written response is not received by the County within the specified 10 day time period, it shall be presumed that the City is recommending approval of the application. Any written recommendation by the City Council shall be based upon standards for review as set forth under Title 67 and Title 50, Idaho Code. The County agrees to fully consider any written recommendation of the City prior to making a decision on the request.

3. Unless otherwise stipulated by written agreement, the maintenance of public streets, law enforcement, and fire service for lands within the Area of City Impact shall be the responsibility of Custer County until such time as they are annexed by the City of Challis pursuant to law.

Section 7. Enforcement: Enforcement of the Comprehensive Plan and land use ordinances within the Area City Impact shall be the responsibility of Custer County.
Section 8. Renegotiation: The Area of City Impact Agreement shall be reviewed by the City of Challis and Custer County at least once every ten years and shall be renegotiated at any time upon the request of either party hereto. Renegotiation shall begin 60 days after written request by either the City or County and shall follow procedures for the original negotiation, as set forth in Idaho Code, Section 67-6526.

Section 9. Effective Date: This ordinance shall be in full force and effect from and after its passage by both the City of Challis and the County of Custer as required by law.

Section 10. Repeal and Severability: Upon passage, publication, and effective date of this ordinance by both the City and the County all preceding ordinances of the City and the County in conflict with the provisions of this ordinance shall be and are repealed.

It is further provided that in the event any provision in this ordinance shall be deemed unconstitutional in violation of law, or unenforceable that provision shall be deemed stricken and the remaining provisions shall remain in full force and effect.

APPROVED BY THE MAYOR AND COUNCIL OF THE CITY OF CHALLIS this 13th day of April, 2010.

CITY OF CHALLIS, IDAHO

Mark Lister
Mayor

ATTEST

Betty L. Smith
City Clerk

APPROVED BY THE COMMISSIONERS OF THE COUNTY OF CUSTER this 28th day of April, 2010.

COUNTY OF CUSTER
BOARD OF COUNTY COMMISSIONERS

ATTEST

Cliff M. Hanson
Chairman

Barbara C. Sonney
Clerk of the Board of County Commissioners
AREA OF IMPACT AGREEMENT – CITY OF CHALLIS

AN ORDINANCE DEFINING AND ESTABLISHING A GEOGRAPHICAL AREA OF CITY IMPACT FOR THE CITY OF CHALLIS, IDAHO, ESTABLISHING AN EFFECTIVE DATE PURSUANT TO SECTION 67-6526, IDAHO CODE AND AS DEPICTED ON THE AREA OF CITY IMPACT MAP.

WHEREAS the City of Challis and Custer County, having given notice and held hearings as provided by law have agreed upon an area of city impact within the unincorporated area of Custer County surrounding the City of Challis, and

WHEREAS the City of Challis and Custer County, having given notice and held hearings as provided by law, have approved boundaries of the area of city impact within the unincorporated area of Custer County surrounding the City of Challis,

NOW THEREFORE BE IT ORDAINED BY THE MAYOR AND THE COUNCIL OF THE CITY OF CHALLIS IDAHO, COUNTY OF CUSTER, STATE OF IDAHO AND;

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS, CUSTER COUNTY, STATE OF IDAHO.

Section 1. Legislative Purpose: The purpose for establishing an Area of City Impact is to identify a logical urban fringe area adjoining the City of Challis, Idaho. The urban fringe area is realizing, or will realize, growth and development that must be planned and managed in an orderly fashion. The Area of City Impact recognizes trade area, geographic factors, and the potential delivery of public services as being associated with the City of Challis and comprised of areas that might reasonably be annexed to the City in the near and distant future or where growth might have impact upon the city.

Section 2. Geographic Area of City Impact: The officially adopted and agreed upon “Area of City Impact for Challis, Idaho” is established by this ordinance and is set forth herein on the attached map entitled Area of City Impact Map for the City of Challis, Idaho marked Exhibit A. Lines on the map along Garden Creek to Buster Lake shall follow the ridgelines on either side. The boundary shall extend to one mile past Buster Lake.

Section 3. Renegotiation: The Area of City Impact Agreement shall be reviewed by the city of Challis and Custer County at least once every ten years and shall be renegotiated at any time upon the request of either party hereto. Renegotiation shall begin 60 days after written request by either the City or County and shall follow procedures for the original negotiation, as set forth in Idaho Code, Section 67-6526.
Section 4. **Effective Date:** This ordinance shall be in full force and effect from and after its passage by both the City of Challis and the County of Custer as required by law.

Section 5. **Repeal and Severability:** Upon passage, publication, and effective date of this ordinance by both the City and County all preceding ordinances of the City and the County in conflict with the provisions of this ordinances shall be and are repealed.

It is further provided that in the event any provision in this ordinance shall be deemed unconstitutional in violation of law, or unenforceable that provision shall be deemed stricken and the remaining provision shall remain in full force and effect.

APPROVED BY THE MAYOR AND COUNCIL OF THE CITY OF CHALLIS THIS 13th day of April, 2010.

CITY OF CHALLIS, IDAHO

**Mark Lupker**
Mayor

**Betty Schmitz**
City Clerk

APPROVED BY THE COMMISSIONERS OF THE COUNTY OF CUSTER this 28th day of April, 2010.

COUNTY OF CUSTER
BOARD OF COUNTY COMMISSIONERS

**Cliff McLean**
Chairman

**Barbara C. Jesney**
Clerk of the Board of
County Commissioners
Ordinance No. 2006-01

An ordinance of Custer County, Idaho, providing for the plan and ordinances that apply to the area of city impact for the City of Mackay.

Idaho Code § 67-6526(a) (Supp. 2005), which is part of the Local Land Use Planning Act, requires the Board of Commissioners of Custer County to adopt by ordinance a map that identifies an area of city impact in the unincorporated area of the county for each city in the county. That statute also requires the Board to adopt a separate ordinance providing for the plan and ordinances that apply to those areas of city impact. Therefore—

Be it ordained by the Board of Commissioners of Custer County, Idaho:

§ 1. Plan and Ordinances

Under I.C. § 67-6526(a)(2), Custer County’s comprehensive plan and the ordinances it adopts under the Local Land Use Planning Act apply to the area of city impact for the City of Mackay.

§ 2. Effective date and duration

This ordinance will go into effect immediately after it is published as I.C. § 31-715 requires.

Passed by the Board of Commissioners of Custer County, Idaho, on January 9, 2006. Those voting “aye”: 3. Those voting “nay”: 0.

Signed on January 9, 2006.

[Signature]
Chairman of the Board of Commissioners

Ethel M. Peck
Custer County Clerk

Ordinance Providing for the Plan and Ordinances that Apply to the Mackay Area of City Impact