Appendix A: Gooding County AOI Agreements

Report 12-01

Economic Development Clinic
University of Idaho College of Law

Stephen R. Miller, Director

Students:

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City of Gooding 2-4-7: AREA OF CITY IMPACT DESIGNATED:

A. The designated area of City impact for the City of Gooding within the incorporated areas of the County of Gooding, State of Idaho, shall be as follows:

   Beginning at the Northeast corner of Section 32, Township 5 South, Range 15 E.B.M.;
   Thence West along the North boundary of Section 32 to the Big Wood River;
   Thence following the meander line of the Big Wood River westerly to its intersection with the West boundary line of Section 31, Township 5 South, Range 15 E.B.M.;
   Thence South to the Southwest corner of Section 7, Township 6 South, Range 15 E.B.M.;
   Thence West to the Southeast corner of Section 8, Township 6 South, Range 15 E.B.M.;
   Thence North to the Point of Beginning.

As of January 1, 1995 this area was also described by the following postal designations;

   Beginning at the corner of 1700 South 2000 East, Gooding County, Idaho;
   Then following the line of 1700 Southwest to the Big Wood River;
   Following the Big Wood River meandering to the West to a point intersecting Gooding County Road designate 1800 East;
   Thence South on the 1800 East extended South to road designated as 2000 South;
   Thence East to road designated as 2000 East;
   Thence North to the Point of Beginning. (Ord 594, 4-3-1995)

B. The plan of the City Planning Commission, and all amendments thereto are hereby made applicable to the area defined in subsection A above.

C. The Zoning and Subdivision Ordinances subsequent amendments thereto as officially adopted by the City of Gooding shall apply to the Area of City Impact as above defined. (Ord 485, 2-2-1976)
AN ORDINANCE OF THE COUNTY OF GOODING PROVIDING FOR THE APPLICATION OF THE COUNTY PLAN AND ORDINANCES ADOPTED UNDER CHAPTER 65 OF TITLE 67 OF THE IDAHO CODE TO THE AREA OF CITY IMPACT FOR THE CITY OF HAGERMAN; IDENTIFYING METHODS AND PROCEDURES FOR GIVING NOTICE TO THE CITY OF HAGERMAN; PROVIDING FOR REVIEW OF CITY IMPACT AREA; REPEALING CONFLICTING PROVISIONS OF COUNTY ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED by the Board of County Commissioners, Gooding County, State of Idaho:

SECTION 1. PURPOSE.

The purpose of establishing an Area of City Impact is to identify a logical urban fringe area adjoining the City of Hagerman, Idaho. The urban fringe area is realizing, or will realize, growth and development pressures 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 Hagerman and comprised of areas that may reasonably be annexed to the City in the near and distant future.

SECTION 2. ADOPTION OF GOODING COUNTY COMPREHENSIVE PLAN AND ORDINANCES.

Gooding County's Comprehensive Plan and Ordinances adopted under Chapter 65 of Title 67 of the Idaho Code and all amendments thereto are hereby made applicable to the City of Hagerman area of city impact as defined in Gooding County Ordinance No. 73 and the City of Hagerman Ordinance No. ______.

SECTION 3. ADMINISTRATION OF COMPREHENSIVE PLAN AND ORDINANCES.

Gooding County shall be responsible for administration and enforcement of the county's ordinances and shall receive all permit fees arising from the process in the Area of Impact for the City of Hagerman.

SECTION 4. NOTIFICATION TO THE CITY OF HAGERMAN

Amendments to the County of Gooding's 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 for the City of Hagerman and all other requests being proposed for development of any type with the exception of normal building permits allowed in the zone and residential development not
requiring any of the actions above shall be reviewed by the City Council prior to final approval by Gooding County in accordance with Title 67 and Title 50, Idaho Code. Gooding County shall send a copy of the application to the City giving at least twenty (20) days notice prior to any hearing. The City Council shall provide a recommendation of approval, denial or placement of special conditions to the County. If no recommendation is received from the City by the set date of the hearing, the County shall presume that the City has recommended approval.

Hearings may be held in Hagerman if issues directly affect the city. Each issue affecting Hagerman would be looked at separately and decided upon where the hearing should be held.

SECTION 5. REVIEW OF THE AREA OF CITY IMPACT.

The Area of City Impact Agreement shall be reviewed by the County of Gooding and the City of Hagerman at least once every five (5) years and shall be renegotiated at any time upon the request of either party hereto. Renegotiations shall begin thirty (30) days after written request after either the county or city and shall follow the procedures for the original negotiations as set forth in Idaho Code §67-6526, or as it may be amended.

SECTION 6. REPEAL OF CONFLICTING PROVISIONS.

The provisions of this Ordinance shall supersede and replace all provisions of previously adopted ordinances dealing with matters addressed by this Ordinance.

SECTION 7. EFFECTIVE DATE.

This ordinance shall be in full force and effect from and after its passage and publication as required by law.

Regularly passed and adopted by the Board of County Commissioners, Gooding County, Idaho, this 25 of February, 2002.

Rob Sauer, Commissioner

ATTEST: Helen Edwards, Clerk
ORDINANCE DESIGNATING AREA OF CITY IMPACT AND ADOPTING A MAP IDENTIFYING THE AREA OF THE CITY IMPACT FOR THE CITY OF HAGERMAN WITHIN THE UNINCORPORATED AREA OF THE COUNTY OF GOODING, STATE OF IDAHO; REPEALING CONFLICTING PROVISIONS OF COUNTY ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED by the Board of Commissioners of Gooding County, State of Idaho

SECTION 1. AREA OF CITY IMPACT MAP.

The County of Gooding does hereby adopt a map identifying the area of city impact for the City of Hagerman within the unincorporated area of the county. A copy of the map is attached hereto as Exhibit “A” and incorporated herein.

SECTION 2. DESCRIPTION OF AREA OF THE IMPACT AREA.

The Area of City Impact of the City of Hagerman within the unincorporated areas of the County of Gooding covered by the map shall be described as follows:

A tract of land within the following bounds:
Commencing at the center of Section 24, Township 7 South, Range 13 E.B.M.; thence North to the center of Section 12, Township 7 South; Range 13 E.B.M.; thence West to the West Quarter Corner of Section 11, Township 7 South, Range 13 E.B.M.; thence South to the West Quarter Corner of Section 23, Township 7 South, Range 13 E.B.M.; thence East to the Point of Beginning.

SECTION 3. REPEAL OF CONFLICTING PROVISIONS.

The provisions of this Ordinance shall supersede and replace all provisions of previously adopted ordinances dealing with matters addressed by this Ordinance.

SECTION 4. EFFECTIVE DATE.

This ordinance shall be in full force and effect from and after its passage and publication as required by law.

Regularly passed and adopted by the Board of County Commissioners, Gooding County, Idaho this 25 day of February 2003.

[Signatures of Commissioners]

ATTEST:  Helen Edwards, Clerk
Hagerman Area of City Impact
AREA OF IMPACT AGREEMENT BETWEEN JEFFERSON COUNTY AND THE CITY OF RIGBY

ORNIDANACE NO. 443

AREA OF IMPACT AGREEMENT - CITY OF RIGBY

AN ORDINANCE DEFINING AND ESTABLISHING A GEOGRAPHICAL AREA OF CITY IMPACT FOR THE CITY OF RIGBY, IDAHO, IDENTIFYING 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 IMPACT; IDENTIFYING METHODS AND PROCEDURES FOR APPLICATION, ADMINISTRATION AND ENFORCEMENT OF 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.

NOW THEREFORE BE IT ORDAINED BY THE MAYOR AND THE COUNCIL FOR THE CITY OF RIGBY, IDAHO, COUNTY OF JEFFERSON, STATE OF IDAHO, AND;

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 Rigby, Idaho. The urban fringe area is realizing, or will realize, growth and development pressures 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 Rigby and comprised of areas that may reasonably be annexed to the City in the near and distant future.

Section 2. Geographic Area of City Impact: The officially adopted and agreed upon "Area of City Impact for Rigby, Idaho" is established by Ordinance No. 442, Rigby, Idaho, and by Jefferson County, Idaho, and is set forth in description of the area, attached hereto as Exhibit "A".


Section 4. Subdivision Ordinance: The Subdivision Ordinance and subsequent amendments thereto as officially adopted by Jefferson County shall apply to the Area of City Impact within the unincorporated area of Jefferson County, Idaho.

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

Section 6. Code and Ordinance Administration and Enforcement:

1) Jefferson County shall be responsible for the administration and enforcement of the County's ordinances listed in Sections 3, 4, and 5 and shall receive all permit fees within the unincorporated area for inspection performed to recapture direct costs of inspections, administration, legal publications, and other costs arising from the process. Appeal and hearing procedures shall follow those adopted by the County of Jefferson presently and in the near future.

2) Amendments to Jefferson County Comprehensive Plan, requirements for preliminary and final plats or the vacation thereof, and request for zone changes involving property located in the Area of City Impact within the unincorporated area of Jefferson County.
County being proposed for non-agricultural development of any type shall be provided to the Rigby City Council for review prior to implementation.

3) The authority to enter into and execute development agreements with a subdivider and to accept required bonding or other form of security to guarantee construction of required street improvements involving plats located within the Area of City Impact within the unincorporated area of Jefferson County shall rest with Jefferson County. However, the City of Rigby shall be given notice of an application sufficient to provide input at any hearing.

4) Maintenance of public streets located in the unincorporated Area of City Impact shall be the exclusive responsibility of Jefferson County.

5) The City of Rigby shall appoint one (1) member to the Jefferson County Planning and Zoning Commission to represent the Area of City Impact. The representative shall reside within the Area of City Impact or City limits and shall be reappointed upon any vacancy by citizens also residing within the Area of City Impact or City of Rigby.

Section 7. Renegotiation: The Area of City Impact shall be reviewed by the City of Rigby and Jefferson County after one (1) year and shall be renegotiated at any time upon the request of either party hereto. Renegotiation shall begin 30 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 8. Notification: Both the City of Rigby and Jefferson County shall notify the other in writing at least once a month of any building permits issued within the City Impact so that proper action may be taken. Jefferson County shall notify the City of Rigby in writing fifteen (15) days prior to any action on: zoning changes, variances, or special use permits.

Section 9. Effective Date: This Ordinance shall be in full force and effect from and after its passage and publication as required by law, after December 31, 1994.

PASSED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF RIGBY this 20th day of December, 1994.

CITY OF RIGBY
Honorable Nile H. Hall
Mayor

ATTEST:
LaRae Rainey
City Clerk

Approved as to form:
Stephen J Clark, Esq.
City Attorney

EXHIBIT "A"
At a point beginning at the intersection of 200 North and 3800 East, thence North to 400 North, thence East to 3900 East, thence North to the dry bed of the Snake River, thence East following the dry bed to the Jefferson County Lake and exempting therefrom the Lake and associated properties, thence South from the intersection of the dry bed and U.S. 20, thence along U.S. 20 to the Lewisville canal, thence following said canal East to 4100 East, thence South to the Burgess Canal, thence West along the Canal to 4000 East; thence South along 4000 East to 200 North, thence West along 200 North to the point of beginning.