Appendix A: Jefferson County AOI Agreements

Report 12-01

Economic Development Clinic
University of Idaho College of Law

Stephen R. Miller, Director

Students:

Marc Bybee
Joan Callahan
Anna Garner
Jane Gordon
Nicholas Morgan
APPENDIX E
IMPACT AREA AGREEMENT
AREA OF IMPACT AGREEMENT
BETWEEN
JEFFERSON COUNTY AND THE CITY OF RIGBY

ORDINANCE 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.