Appendix A: Minidoka County AOI Agreements

Report 12-01

Economic Development Clinic
University of Idaho College of Law

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(A) Purpose: The purpose for establishing an area of City impact is to identify a logical urban fringe area adjoining the City. 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 and comprised of areas that may reasonably be annexed to the City in the near and distant future.

(B) Geographic Area Of City Impact: The officially adopted and agreed upon "Area of City Impact for Burley, Idaho" has been established by duly enacted ordinances in the City, establishing the following described area as the area of City impact:

The true Point of Beginning shall be the intersection of an extension of 200 West and the meander line of the Snake River in Cassia County, Idaho and;

Thence in a Southerly direction along 200 West to its intersection with 200 South;
Thence in an Easterly direction along 200 South to its intersection with 150 East;
Thence in a Northerly direction along 150 East to its intersection with 100 South;
Thence in an Easterly direction along 100 South to its intersection with 250 East;
Thence in a Northerly direction along 250 East and an extension thereof to the meander line of the Snake River;
Thence in a westerly direction along the meander line of the Snake River to the true Point of Beginning

All in Cassia County, State of Idaho.

(C) Comprehensive Plan: The Comprehensive Plan and subsequent amendments thereto as officially adopted by the City shall apply to the area of City impact within the unincorporated area of Cassia County, Idaho. Both the City and Cassia County shall amend their comprehensive plans to be consistent with this agreement, if required.

(D) Subdivision Ordinance: The Subdivision Ordinance and subsequent amendments thereto as officially adopted by the City shall apply to the area of City impact within the unincorporated area of Cassia County. The Subdivision Ordinance of the City shall also prevail over any Cassia County ordinances pertaining to the division of original parcels of record, plat amendments, lot line adjustments, minor subdivisions, short plats or administrative lot splits.

(E) Zoning Ordinance: The Zoning Ordinance, Zoning Map and subsequent amendments thereto as officially adopted by the City shall apply to the area of City impact within the unincorporated area of Cassia County.
(F) Code And Ordinance Administration And Enforcement:

1. The City shall be responsible for the administration and enforcement of the City's ordinances listed in subsections (C), (D) and (E) of this Section and shall receive all permit fees 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 City presently and in the future.

2. Amendments to the City Comprehensive Plan, requests 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 Cassia County being proposed for nonagricultural development of any type shall be considered by the City Council upon recommendation of the City Planning and Zoning Commission in accordance with title 67 and title 50 Idaho Code.

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 Cassia County shall rest jointly with the Burley Highway District, the City, and Cassia County.

4. Maintenance of public streets located in the area of City impact shall be the exclusive responsibility of the Burley Highway District, unless otherwise stipulated by written agreement between the Highway District and the City.

5. Law enforcement and fire services in the area of City impact shall remain the responsibility of the City and the Burley Fire Department unless otherwise stipulated by written agreement between the County and/or fire district and the City.

6. The City shall appoint a proportionate number of its Planning and Zoning Commission to represent the area of City impact. Those representatives shall reside within the area of City impact and shall be reappointed upon any vacancy by citizens also residing within the area of City impact.

(G) Renegotiation: The Area of City Impact Agreement shall be reviewed by the City and Cassia County at least once every five (5) years and shall be renegotiated at any time upon the request of either party hereto. Renegotiation shall begin thirty (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.

(Ord. 1112, 11-2-1998)
5-16-2: AREA OF CITY IMPACT/MINIDOKA COUNTY:link
(A) Purpose: The purpose of establishing an area of City impact is to identify a logical urban fringe area adjoining the City. The urban fringe area is realizing, or will realize, development pressure that must be planned for in an orderly manner. Section 67-6526, Idaho Code, requires that cities and counties negotiate an area of City impact.

(B) Consideration: The following factors were considered by the Planning Commission and the Council in the establishment of an area of City impact:

1. Trade area;
2. Geographic factors;
3. Areas that can reasonably be expected to be annexed to the City in the future; and
4. The Planning and Zoning Commission, after hearing, recommended the adoption of the proposed area.

(C) 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 Burley, Idaho", and particularly described as follows:

   Beginning at the NE corner of Section 17, Township 10 South, Range 23 East, Boise Meridian, being the true point of beginning; thence North along the East section line of Section 8, Township 10 South, Range 23 East Boise Meridian, to the South right-of-way of Interstate 80 North; thence West along the Southern right-of-way of Interstate 80 North to 700 West road; thence South to the Snake River; thence Northeasterly along the Snake River to the 600 West Road; thence North to the True Point of Beginning. EXCEPTING THEREFROM that portion of the abovedescribed lands presently within the City limits of the City of Burley, Idaho.

(D) Comprehensive Plan: The Comprehensive Plan and subsequent amendments thereto, as officially adopted by the City, shall apply to the area of City impact within the unincorporated area of Minidoka County, Idaho.

(E) Zoning And Subdivision Regulations: The zoning and subdivision regulations, and subsequent amendments thereto, as officially adopted by the City, shall apply to the area of City impact within the unincorporated area of Minidoka County, Idaho. (Ord. 919, 1978)

(F) Building Permits And Water Systems:

1. Where individual water system approval is required or where individual subsurface sewage disposal systems are needed, the necessary permits shall be
obtained from the Minidoka County Health Authority prior to the building permit being issued.

2. All building permits issued in the unincorporated area of the City of Burley Impact Area in Minidoka County, shall be issued by the Burley Building Inspector and all fees paid thereby shall be retained by the City. (Ord. 926, 12-18-1978)

MAP OF AREA OF CITY IMPACT/MINIDOKA COUNTY

Footnotes - Click any footnote link to go back to its reference.
Footnote 1: See Title 6 of this Code.
Footnote 2: Titles 5 and 6, respectively, of this Code.
AMENDED ORDINANCE NO. 361

AN ORDINANCE OF THE CITY OF HEYBURN, MINIDOKA COUNTY, IDAHO, CONFIRMING ADOPTION OF THE AREA OF IMPACT AND CORRECTING A MINISTERIAL ERROR ON EXHIBIT "A" OF THE ORIGINAL ORDINANCE, ADOPTING THE SAME UPON SUSPENSION OF RULES AFTER ONLY ONE READING AND PROVIDING FOR EFFECTIVE DATE.

WHEREAS, Idaho Code Section 67-6526 provides for and authorizes cities to adopt areas of impact within the county; and,

WHEREAS, the City of Heyburn Planning and Zoning Commission did hold a public hearing pursuant to notice as provided in Idaho Code Section 67-6509 on the 12th day of September 1994, on the proposed amendments to the area of impact of the City of Heyburn; and,

WHEREAS, the City of Heyburn City Council did hold a public hearing pursuant to notice as provided in Idaho Code Section 67-6509 on the 28th day of September 1994, on the proposed amendments to the area of impact of the City of Heyburn; and,

WHEREAS, the said Commission and Council, after taking public comment and due deliberation, did both find that adoption of the area of impact as herein set forth would serve in the best interests of the City and Minidoka County and that the defined area best suits the anticipated growth patterns of the City and its present needs all with due regard to the City's trade area; geographic factor effecting the City; and, areas that can reasonably be expected to be annexed to the City in the future; and,

WHEREAS, the original Ordinance Number 361, also sometimes denominated Number 94-361, was adopted by the City Council and approved by the Mayor on December 14, 1994; and,

WHEREAS, the area map attached in the original Ordinance 361, attached as Exhibit "A" to said ordinance, contained a ministerial error in the map by failing to make it more accurately follow the correct legal description set forth on Exhibit "A" of said original ordinance and the City is now adopting this amended ordinance to correct such error.
NOW THEREFORE, be it ordained by the Mayor and City Council of the City of Heyburn, Idaho, as follows:

Section 1: The attached revised map, attached as Exhibit "A", is a corrected map consistent with the description contained in Section 2 below which is the same description as contained in the original Ordinance 361, and is hereby adopted as the official map and a more accurate depiction of the City of Heyburn Area of Impact.

Section 2: The area described on Exhibit "A" is also more particularly described as set forth of Exhibit "B" also attached hereto.

Section 3: Upon motion and vote of the City Council to suspend the rule for three readings of an ordinance before passage, adoption, this ordinance shall be in full force and effect from and after its one and only reading, passage, approval and publication.

Passed this 14th day of February, 2001, by the City Council of the City of Heyburn.

Approved this 14th day of February, 2001, by the Mayor of the City of Heyburn.

Cleo K. Cheney, Mayor

Attest:

Ruth Davis, City Clerk
EXHIBIT "B"
HEYBURN AREA OF IMPACT

Beginning at the NE corner of Section 11, Township 10 South, Range 23 East of the Boise Meridian, which shall be the True Point of Beginning; Thence West along the North Section line of Sections 11, 10, 9 and 8 or the center line of the 300 South Road right-of-way to the NW corner of Section 8 or the center of the 700 West Road right-of-way; Thence South along the West Section line of Section 8 to the boundary of the Interstate 84 right-of-way; Thence East along Northern boundary of the Interstate 84 right-of-way to the West Section line of Section 9; Thence South along the West Section lines of Sections 9 and 16 to the Snake River; Thence Southeasterly along the Snake River to the East Section line of Section 26 or the center of the 300 West Road right-of-way; Thence North along the East Section lines of Section 26, 23, 14 and 11 to the True Point of Beginning.