Appendix A: Power County AOI Agreements

Report 12-01

Economic Development Clinic
University of Idaho College of Law

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Chapter 9
AOCI AREA OF CITY IMPACT ZONING DISTRICT

10-9-1: SCOPE; PURPOSE:

This Chapter provides for the zoning of the American Falls and Rockland areas of city impact. It places the areas of city impact in a single zoning district, within which the County will enforce the city's plans and ordinances. (Ord. 98-01, 7-13-1998)

10-9-2: COUNTY RETAINS JURISDICTION:

The County retains jurisdiction over the area of impact, except as provided in this Chapter.

A. American Falls: All applications for the approval of subdivisions, special use permits, and Zoning Map amendments, will be reviewed and approved by the City. The County retains jurisdiction over the area of American Falls area of City impact only as an appellate court.

B. Rockland: The County retains jurisdiction over the Rockland City area of City impact. It places the areas of City impact in a single zoning district, within which the County will enforce the City's plans and ordinances. (Ord. 98-01, 7-13-1998)

10-9-3: COUNTY ADOPTION OF CITY PLANS AND CODES:

A. American Falls: The County hereby adopts the "American Falls Comprehensive Plan" and "American Falls Development Code" by reference, as they apply to the American Falls area of City impact.

B. Rockland: The County hereby adopts the "Rockland Comprehensive Plan" and "Rockland Development Code" by reference, as they apply to the Rockland area of City impact. (Ord. 98-01, 7-13-1998)
10-9-4: JOINT REVIEW OF DEVELOPMENT PROPOSALS:

A. The City of American Falls shall be invited to appoint a member of the City Council to also serve as a member of the County Planning and Zoning Board for the purpose of serving as a liaison between the two (2) Boards.

B. All applications for the approval of subdivisions, special use permits, Zoning Map amendments, and all appeals from decisions of the Administrator, within the areas of the Rockland City impact area, shall be jointly reviewed by the Rockland City and the Power County Planning and Zoning Commissions, as shall all proposals to amend the Plans for those areas.

1. Public hearings on such proposals shall be conducted as a joint hearing of the Rockland City and Power County Planning and Zoning Commissions, with all members of both Commissions voting.

2. Public hearings shall be held in accordance to Idaho Law.
   a. The County Planning and Zoning Commission is responsible for calendaring the hearings.
   b. The County Planning and Zoning Commission chairperson shall preside and conduct the hearing.

3. Rockland City will pay the administrative expenses incurred from holding a public hearing in its behalf, excepting the Power County Planning and Zoning Board members' compensation when the hearing is held in conjunction with a regular County Planning and Zoning Board meeting at their normal meeting place and time.

4. The City and Power County Planning and Zoning Commissions may jointly grant a waiver of specified requirements of the American Falls or Rockland Development Codes, where compliance with those requirements is impractical, in advance of annexation, and annexation is not possible. (Ord. 98-01, 7-13-1998)

10-9-5: GOVERNING BODY REVIEW OF DEVELOPMENT PROPOSALS:

A. Except where jurisdiction is transferred prior to annexation, as provided below, all appeals from decisions in the area of city impact shall be taken by the BOCC, as provided in this Title.

B. The final plat of all subdivisions within the area of impact established by this Title must be approved by both governing bodies. Approval shall be based on compliance with the American
Falls or Rockland Development Code, and final plat approval shall be obtained from the city before requesting final approval from Power County. (Ord. 98-01, 7-13-1998)

10-9-6: TRANSFER OF JURISDICTION:

Any developer may, upon filing a complete and properly prepared petition for annexation to the City of American Falls or the City of Rockland, request that planning, zoning, and Building Code jurisdiction be immediately transferred to the city, in advance of the final approval of the annexation. This request shall be made, in writing, to the Administrator, who shall independently confirm that the request for annexation has been properly filed and notify the city of the transfer of jurisdiction. (Ord. 98-01, 7-13-1998)
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