Appendix A: Shoshone County AOI Agreements

Report 12-01

Economic Development Clinic
University of Idaho College of Law

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CHAPTER 1
KELLOGG AREA OF CITY IMPACT

SECTION:

8-1-1: Purpose
8-1-2: Area Defined
8-1-3: Geographic Areas Defined
8-1-4: Applicable Standards
8-1-5: Enforcement
8-1-6: Review And Comment By City
8-1-7: Standard Amendment And Notice

8-1-1: PURPOSE: The purpose of establishing the Kellogg area of city impact is to identify an area in the unincorporated territory surrounding the city of Kellogg within which there is potential for development or changes in land use that could have an impact on the city of Kellogg; could impact the timely or economical provision of public services such as water supply, storm sewage collection and treatment, public safety services, consistent/compatible land uses, and other community service facilities; or could impact the quality of life within the city of Kellogg. (Ord. 105, 3-24-1997)

8-1-2: AREA DEFINED: The area of city impact shall consist of an area where development or use of land affects or may affect the citizens of Kellogg.

A. Area One: Area 1 consists of areas where city standards will be imposed. Written notice will be sent to the city of Wardner and the county so that both entities may comment within fifteen (15) days prior to the city of Kellogg hearing date.

B. Area Two: Area 2 consists of areas where only county standards are imposed and administered by the county planning and zoning commission. Within Area 2, upon application to the county or the county planning and zoning commission for a zone change, comprehensive plan change, request for a special or conditional use permit, planned unit development, limited planned unit development,
8-1-2 variance request, subdivision, short plat, or similar land use request, the city of Kellogg shall be notified so that it may comment within fifteen (15) days of actual receipt by the city of notice of the request. (Ord. 105, 3-24-1997)

8-1-3: GEOGRAPHIC AREAS DEFINED: The officially adopted area of city impact is shown on the map entitled "Kellogg Area of City Impact" attached to Ordinance 106 as Exhibit A on file in the office of the clerk of the district court and is officially made a part hereof by reference.

A. Area One: The unincorporated portions of the county designated "Area 1" on the map constitute Area 1 of city impact. (Ord. 105, 3-24-1997; amd. 2001 Code)

B. Area Two: The unincorporated portions of the county constitute Area 2 on the map designated as "Area 2".

C. Evaluations: The Kellogg area of city impact shall be evaluated by the city and county at such times as they may agree upon or upon written notice by either party as allowed in Idaho Code subsection 67-6526(d), but in no event later than December 31, 1998, and every two (2) years thereafter to consider possible changes in the geographic area affected and/or other provisions of this chapter including but not limited to applicable standards. (Ord. 105, 3-24-1997)

8-1-4: APPLICABLE STANDARDS: Upon adoption by the county, the following standards, which shall be administered by the city of Kellogg, shall apply whenever any agency, planning, and zoning commission, or governing body of the city of Kellogg or the county considers a zone change, comprehensive plan change, request for a special or conditional use permit, planned unit development, limited planned unit development, variance request or subdivision plat within Area 1 of city impact:

A. Area One: Within Area 1 the following standards shall apply.

1. Article IV, part II of the city of Kellogg land use ordinance entitled "Major and Minor Subdivisions"; and

2. Article XIII, the city of Kellogg land use ordinance, entitled "Performance Standard Regulations", along with appendix A entitled

Shoshone County
"Specifications for Street Design and Construction". Appendix B entitled "Specifications on Driveway Entrances Highway Approaches - General Requirements"; and

3. Title IV, city of Kellogg code, including part II, adopting the Uniform Building Code; and

4. Title VII, city of Kellogg code, fire restrictions governed by the National Building Code; and

5. Article XV, city of Kellogg land use ordinance, entitled "Parking"; and

6. Article X, city of Kellogg land use ordinance, entitled "Zoning Districts and Zoning Maps"; and

7. The city of Kellogg comprehensive plan; and

8. Article XVI, city of Kellogg land use ordinance, entitled "Flood Hazard Prevention Regulations"; and

9. Appendix A, B, C, D, E, F, and Silver Mountain Use Guidelines of the city of Kellogg land use ordinance entitled "Guide for Landscaping"; and

10. Article XVIII, city of Kellogg land use ordinance, entitled "Signs"; and

11. City of Kellogg appendix F, "Stormwater".

12. All zone changes shall be submitted to the city of Kellogg for review and comment and the county planner and city of Kellogg planner shall make joint recommendations as to the proper zone classification.

13. Within Area 1, all planned unit developments and subdivisions shall be submitted to the county for signature, with respect to dedications to the county.

14. Any person aggrieved by a final decision of the city of Kellogg planning commission involving Area 1 matters may appeal to the city of Kellogg. Thereafter, any aggrieved party may file a further appeal, which shall be to a joint appeals board consisting of two (2) city of Kellogg council members, which may include the mayor, two (2) county commissioners, and one city or county representative, to be
mutually selected by city and county officials, which shall act as the final appeals board.

B. Area Two: Within Area 2, county standards shall apply and such area shall be administered by the county planning and zoning commission. (Ord. 105, 3-24-1997)

8-1-5: **ENFORCEMENT:** The city of Kellogg shall be responsible for the administration and enforcement of the above listed ordinances and all other applicable ordinances within Area 1 of city impact except as set forth in subsection A4, A12, A13 and A14 above. The city of Kellogg shall receive one hundred percent (100%) of permit fees in Area 1 and the county shall receive one hundred percent (100%) of permit fees for inspections in Area 2 performed to recapture direct costs of inspections, administration, and legal publications. (Ord. 105, 3-24-1997)

8-1-6: **REVIEW AND COMMENT BY CITY:** All applications for subdivision plats and planned unit developments within Area 1 of the area of city impact shall be referred to the city of Kellogg by the county for public hearing. Pursuant to this chapter and Idaho Code sections 50-1306 and 67-6526, all approvals and public hearings regarding subdivisions in the areas of city impact are to be held before and approved by the city of Kellogg planning commission, and appeals, if any, shall be pursuant to subsection 8-1-4A14 of this chapter. Upon approval by the same, the county shall be forwarded the application for its approval and signature. The county's review shall be limited to matters of compliance with this chapter and Idaho Code sections 50-1306 and 67-6526. No public or other hearing except for an appeal as provided for in subsection 8-1-4A14 of this chapter, shall be held before the county planning and zoning commission or the county commission. In the event of plat approval by the city of Kellogg and the county, the county and its agents and employees shall undertake such steps as are necessary to properly record the subdivision. (Ord. 105, 3-24-1997)

8-1-7: **STANDARD AMENDMENT AND NOTICE:** Prior to amendment by the county or city of Kellogg of any of the ordinances set forth above which are applicable in city impact areas, the county and the city of Kellogg shall forward the proposed change to each other for review and approval at least fifteen (15) days prior to the first public hearing at which such amendment will be considered. (Ord. 105, 3-24-1997)
Chapter 14
AREA OF CITY IMPACT

1-14-1: PURPOSE:

The purpose of establishing the Kellogg area of city impact is to identify an area in the unincorporated territory surrounding the city of Kellogg within which there is potential for development or changes in land use that could have an impact on the city of Kellogg; could impact the timely or economical provision of public services such as water supply, storm sewage collection and treatment, public safety services, consistent/compatible land uses, and other community service facilities; or could impact the quality of life within the city of Kellogg. (Ord. 416, 9-11-1996)

1-14-2: AREAS OF CITY IMPACT DEFINED:

The area of city impact shall consist of an area where development or use of land affects or may affect the citizens of Kellogg.

A. Area one consists of areas where city standards will be imposed. Written notice will be sent to the city of Wardner and Shoshone County so that both entities may comment within fifteen (15) days prior to the city of Kellogg hearing date.

B. Area two consists of areas where only Shoshone County standards are imposed and administered by the Shoshone planning commission. Within area two, upon an application to Shoshone County or the Shoshone County planning commission for a zone change, comprehensive plan change, request for a special or conditional use permit, planned unit development, limited planned unit development, variance request, subdivision, short plat, or similar land use request, the city of Kellogg shall be notified so that it may comment within fifteen (15) days of actual receipt by the city of notice of the request. (Ord. 427, 3-12-1997)

1-14-3: GEOGRAPHIC AREAS OF CITY IMPACT DEFINED:
The officially adopted area of city impact is shown on the map entitled "Kellogg Area Of City Impact" and is officially made a part hereof by reference.

A. The unincorporated portions of Shoshone County designated area "1" on the map constitute area one of city impact.

B. The unincorporated portions of Shoshone County constitute area two on the map designated as area "2". (Ord. 416, 9-11-1996)

C. The Kellogg area of city impact shall be evaluated by the city and Shoshone County at such times as they may agree upon, or upon written notice by either party as allowed in Idaho Code, section 67-6526(d), but in no event later than December 31 of 1998 and every two (2) years thereafter to consider possible changes in the geographic area affected and/or other provisions of this chapter including, but not limited to, applicable standards. (Ord. 427, 3-12-1997)

1-14-4: APPLICABLE STANDARDS:

Upon adoption by Shoshone County, the following standards, which shall be administered by the city of Kellogg, shall apply whenever any agency, planning, and/or zoning commission, or governing body of the city of Kellogg or Shoshone County considers a zone change, comprehensive plan change, request for a special or conditional use permit, planned unit development, limited planned unit development, variance request or subdivision plat within area one of city impact:

A. Within area one, the following standards shall apply:

1. Title 12, "Subdivisions", of this code; and

2. Title 11, chapter 6, "Performance Standards", of this code, along with appendix A, "Specifications For Street Design And Construction", appendix B, "Specifications On Driveway Entrances Highway Approaches - General Requirements", attached to ordinance 364 and on file in the office of the city clerk; and

3. Title 4, of this code, including section 4-1-1 of this code, adopting the building code; and

4. Title 7, of this code, fire restrictions governed by the building code; and
5. Title 11, chapter 9, "Parking", of this code; and

6. Title 11, chapter 4, "Zoning Districts And Zoning Maps", of this code; and

7. The city of Kellogg comprehensive plan; and

8. Title 13, chapter 1, "Flood Hazard Prevention Regulations", of this code; and

9. Landscaping guidelines of the city of Kellogg; and

10. Title 11, chapter 8, "Signs" of this code; and


12. All zone changes shall be submitted to the city of Kellogg for review and comment and the Shoshone County planner and city of Kellogg planner shall make joint recommendations as to the proper zone classification.

13. Within area 1, all planned unit developments and subdivisions shall be submitted to Shoshone County for signature, with respect to dedications to the county.

14. Any person aggrieved by a final decision of the city of Kellogg planning commission involving area 1 matters may appeal to the city of Kellogg. Thereafter, any aggrieved party may file a further appeal, which shall be to a joint appeals board consisting of two (2) city of Kellogg council members, which may include the mayor, two (2) Shoshone County commissioners, and one city or county representative, to be mutually selected by city and county officials, which shall act as the final appeals board.

B. Within area 2, Shoshone County standards shall apply and said area shall be administered by the Shoshone County planning commission. (Ord. 427, 3-12-1997)

1-14-5: ENFORCEMENT:

The city of Kellogg shall be responsible for the administration and enforcement of the above listed ordinances and all other applicable ordinances within the area 1 of city impact except as set forth in subsections 1-14-4A12, A13, and A14 of this chapter. The city of Kellogg shall receive one hundred percent (100%) of permit fees in area 1, and Shoshone County shall receive one hundred percent (100%) of permit fees for inspections in area 2 performed to recapture direct costs of inspections, administration, and legal publications. (Ord. 427, 3-12-1997)
1-14-6: REVIEW AND COMMENT BY THE CITY WITHIN THE AREAS OF CITY IMPACT:

All applications for subdivision plats and planned unit developments within area 1 of the area of city impact shall be referred to the city of Kellogg by Shoshone County for public hearing. Pursuant to this chapter and Idaho Code sections 50-1306 and 67-6526, all approvals and public hearings regarding subdivisions in the areas of city impact are to be held before and approved by the city of Kellogg planning commission and appeals, if any, shall be pursuant to subsection 1-14-4A14 of this chapter. Upon approval by the same, Shoshone County shall be forwarded the application for its approval and signature. Shoshone County's review shall be limited to matters of compliance with this chapter and Idaho Code sections 50-1306 and 67-6526. No public or other hearing, except for an appeal as provided for in subsection 1-14-4A14 of this chapter shall be held before the Shoshone County planning commission or the Shoshone County commission. In the event of plat approval by the city of Kellogg and Shoshone County, Shoshone County and its agents and employees shall undertake such steps as are necessary to properly record the subdivision. (Ord. 427, 3-12-1997)

1-14-7: STANDARD AMENDMENT AND NOTICE:

Prior to amendment by Shoshone County or city of Kellogg of any of the ordinances set forth above which are applicable in city impact areas, Shoshone County and the city of Kellogg shall forward the proposed change to each other for review and approval at least fifteen (15) days prior to the first public hearing at which such amendment will be considered. (Ord. 427, 3-12-1997)
CHAPTER 2
MULLAN AREA OF CITY IMPACT

SECTION:

8-2-1: Authority
8-2-2: Purpose
8-2-3: Consideration
8-2-4: Geographic Area
8-2-5: Comprehensive Plan
8-2-6: Zoning And Subdivision Ordinances
8-2-7: Review And Comment
8-2-8: Administrative Jurisdiction
8-2-9: Map

8-2-1: **AUTHORITY:** Section 67-6526, Idaho Code, requires that cities and counties negotiate an area of city impact. (Ord. 92, 11-1-1995)

8-2-2: **PURPOSE:** The purpose of establishing an area of city impact is to identify a logical fringe area adjoining the city of Mullan. The fringe area includes the unincorporated area surrounding Mullan that has a potential for development that could affect the provision of public services or the quality of life in Mullan, Idaho. (Ord. 92, 11-1-1995)

8-2-3: **CONSIDERATION:** The following factors were considered by the planning and zoning commission and board of county commissioners in identifying the area of city impact for Mullan, Idaho:

A. Trade areas.

B. Geographic factors.

C. Area that can reasonably be expected to be annexed into the city in the future.
D. Areas where extension of city services is possible and reasonable.

E. Areas where growth is occurring or where growth is anticipated.

F. Areas in which to encourage and discourage growth or that which the city wants some control over in the future. (Ord. 92, 11-1-1995)

8-2-4: GEOGRAPHIC AREA: The officially adopted geographic area of city impact for Mullan, Idaho, is identified by city of Mullan Ordinance 304. All parcels of land lying all or in part within the area of city impact as delineated by Ordinance 304 shall be subject to provisions of this chapter. (Ord. 92, 11-1-1995)

8-2-5: COMPREHENSIVE PLAN: The Shoshone County comprehensive plan and subsequent amendments thereof as officially adopted by the county shall apply to the unincorporated portions of the county lying within the Mullan area of city impact. (Ord. 92, 11-1-1995)

8-2-6: ZONING AND SUBDIVISION ORDINANCES¹: The Shoshone County zoning and subdivision ordinances and subsequent amendments thereto as officially adopted by the county shall apply to the unincorporated portion of the county lying within the Mullan area of city impact. (Ord. 92, 11-1-1995)

8-2-7: REVIEW AND COMMENT: Any request for development, zone change, conditional use permit, variance or subdivision in the unincorporated portion of the county lying within the Mullan area of city impact, shall be referred to the city of Mullan planning and zoning commission and the city council of Mullan, Idaho, for review and comment. The city of Mullan shall have a forty (40) day period within which to respond to any request as set forth above. If the city of Mullan does not respond within forty (40) days, the city of Mullan forfeits its right to comment on the request and processing shall continue under the county's administration. (Ord. 92, 11-1-1995)

¹. Titles 9 and 10 of this code.
8-2-8: **ADMINISTRATIVE JURISDICTION:** The administration of plans and ordinances which apply to the Mullan area of city impact shall be the duty of the county. (Ord. 92, 11-1-1995)

8-2-9: **MAP:** The area of city impact within the unincorporated area of the county is particularly described on Exhibit A attached to Ordinance 93 on file in the office of the clerk of the district court, and incorporated herein by reference. (Ord. 93, 11-1-1995; amd. 2001 Code)
CHAPTER 3
OSBURN AREA OF CITY IMPACT

SECTION:
8-3-1: Authority
8-3-2: Purpose
8-3-3: Consideration
8-3-4: Geographic Area
8-3-5: Comprehensive Plan
8-3-6: Zoning And Subdivision Ordinances
8-3-7: Review And Comment
8-3-8: Administrative Jurisdiction
8-3-9: Map

8-3-1: AUTHORITY: Section 67-6526, Idaho Code, requires that cities and counties negotiate an area of city impact. (Ord. 92, 11-1-1995)

8-3-2: PURPOSE: The purpose of establishing an area of city impact is to identify a logical fringe area adjoining the city of Osburn. The fringe area includes the unincorporated area surrounding Osburn that has a potential for development that could affect the provision of public services or the quality of life in Osburn, Idaho. (Ord. 86, 11-1-1995)

8-3-3: CONSIDERATION: The following factors were considered by the planning and zoning commission and board of county commissioners in identifying the area of city impact for Osburn, Idaho:

A. Trade areas.
B. Geographic factors.
C. Area that can reasonably be expected to be annexed into the city in the future.

Shoshone County
D. Areas where extension of city services is possible and reasonable.

E. Areas where growth is occurring or where growth is anticipated.

F. Areas in which to encourage and discourage growth or that which the city wants some control over in the future. (Ord. 86, 11-1-1995)

8-3-4: GEOGRAPHIC AREA: The officially adopted geographic area of city impact for Osburn, Idaho, is identified by city of Osburn Ordinance 211. All parcels of land lying all or in part within the area of city impact as delineated by Ordinance 211 shall be subject to provisions of this chapter. (Ord. 86, 11-1-1995)

8-3-5: COMPREHENSIVE PLAN: The Shoshone County comprehensive plan and subsequent amendments thereof as officially adopted by the county shall apply to the unincorporated portions of the county lying within the Osburn area of city impact. (Ord. 86, 11-1-1995)

8-3-6: ZONING AND SUBDIVISION ORDINANCES\(^1\): The Shoshone County zoning and subdivision ordinances and subsequent amendments thereto as officially adopted by the county shall apply to the unincorporated portion of the county lying within the Osburn area of city impact. (Ord. 86, 11-1-1995)

8-3-7: REVIEW AND COMMENT: Any request for development, zone change, conditional use permit, variance or subdivision in the unincorporated portion of the county lying within the Osburn area of city impact, shall be referred to the city of Osburn planning and zoning commission and the city council of Osburn, Idaho, for review and comment. The city of Osburn shall have a forty (40) day period within which to respond to any request as set forth above. If the city of Osburn does not respond within forty (40) days, the city of Osburn forfeits its right to comment on the request and processing shall continue under the county’s administration. (Ord. 86, 11-1-1995)

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1. Titles 9 and 10 of this code.
8-3-8:  **ADMINISTRATIVE JURISDICTION:** The administration of plans and ordinances which apply to the Osburn area of city impact shall be the duty of the county. (Ord. 86, 11-1-1995)

8-3-9:  **MAP:** The area of city impact within the unincorporated area of the county is particularly described on Exhibit A attached to Ordinance 87 on file in the office of the clerk of the district court, and incorporated herein by reference. (Ord. 87, 11-1-1995; amd. 2001 Code)

*Shoshone County*
Section 2

Starting at the mid-point of Section 11 and 2 of 48N03E and thence proceeding East to the common corner of Sections 8, 9, 16, and 17.

Thence South along the Section line to the common corner of Section 20, 21, 28 and 29 of 48N04E.

Thence West along the Section line to the common corner of 19 and 30 of 48N04E and 24 and 25 of 48N03E.

Thence North one Section to the opposite corner of 19 which is the common corner of Section 18 and 19 of 48N04E and 13 and 24 of 48N04E.

Thence West along the Section line to the mid point of Section 14 and 23 of 48N03E.

Thence to North to the mid-point of Section 11 and 2 of 48N03E the point of beginning.

Section 3

This Map is adopted in conjunction with Ordinance No. , and is intended to be an integral part of said Ordinance.

Section 4

The provisions of this Ordinance are severable and if any provision, clause, sentence, subsection, word, or part thereof is held illegal, invalid, or unconstitutional or inapplicable to any person or circumstance, such illegality, invalidity, or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words, or parts of this Ordinance or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Ordinance would have been adopted if such illegal, invalid or unconstitutional provision, clause sentence, subsection, word, or part had not been included therein, and if such person or circumstance to which the Ordinance or part thereof is held inapplicable had been specifically exempt therefrom.

Section 5

Neither the adoption of this Ordinance nor the repeal of any Ordinance shall, in any manner, affect the prosecution for violation of such Ordinance committed prior to the effective date of this Ordinance or be construed as a waiver of any license or penalty due under any such Ordinance or in any manner affect the validity of any action heretofore taken by the Board of County Commissioners of Shoshone County, Idaho, or the validity of any such action to be taken upon matters pending the
CHAPTER 4

PINEHURST AREA OF CITY IMPACT

SECTION:

8-4-1: Authority
8-4-2: Purpose
8-4-3: Consideration
8-4-4: Geographic Area
8-4-5: Comprehensive Plan
8-4-6: Zoning And Subdivision Ordinances
8-4-7: Review And Comment
8-4-8: Administrative Jurisdiction
8-4-9: Map

8-4-1: **AUTHORITY:** Section 67-6526, Idaho Code, requires that cities and counties negotiate an area of city impact. (Ord. 92, 11-1-1995)

8-4-2: **PURPOSE:** The purpose of establishing an area of city impact is to identify a logical fringe area adjoining the city of Pinehurst. The fringe area includes the unincorporated area surrounding Pinehurst that has a potential for development that could affect the provision of public services or the quality of life in Pinehurst, Idaho. (Ord. 88, 11-1-1995)

8-4-3: **CONSIDERATION:** The following factors were considered by the planning and zoning commission and board of county commissioners in identifying the area of city impact for Pinehurst, Idaho:

A. Trade areas.
B. Geographic factors.
C. Area that can reasonably be expected to be annexed into the city in the future.

D. Areas where extension of city services is possible and reasonable.

E. Areas where growth is occurring or where growth is anticipated.

F. Areas in which to encourage and discourage growth or that which the city wants some control over in the future. (Ord. 88, 11-1-1995)

8-4-4: GEOGRAPHIC AREA: The officially adopted geographic area of city impact for Pinehurst, Idaho, is identified by city of Pinehurst Ordinance 138. All parcels of land lying all or in part within the area of city impact as delineated by Ordinance 138 shall be subject to provisions of this chapter. (Ord. 88, 11-1-1995)

8-4-5: COMPREHENSIVE PLAN: The Shoshone County comprehensive plan and subsequent amendments thereof as officially adopted by the county shall apply to the unincorporated portions of the county lying within the Pinehurst area of city impact. (Ord. 88, 11-1-1995)

8-4-6: ZONING AND SUBDIVISION ORDINANCES¹: The Shoshone County zoning and subdivision ordinances and subsequent amendments thereto as officially adopted by the county shall apply to the unincorporated portion of the county lying within the Pinehurst area of city impact. (Ord. 88, 11-1-1995)

8-4-7: REVIEW AND COMMENT: Any request for development, zone change, conditional use permit, variance or subdivision in the unincorporated portion of the county lying within the Pinehurst area of city impact, shall be referred to the city of Pinehurst planning and zoning commission and the city council of Pinehurst, Idaho, for review and comment. The city of Pinehurst shall have a forty (40) day period within which to respond to any request as set forth above. If the city of Pinehurst does not respond within forty (40) days, the city of Pinehurst forfeits its right to comment on the request and processing shall continue under the county’s administration. (Ord. 88, 11-1-1995)

¹. Titles 9 and 10 of this code.
8-4-8: **ADMINISTRATIVE JURISDICTION:** The administration of plans and ordinances which apply to the Pinehurst area of city impact shall be the duty of the county. (Ord. 88, 11-1-1995)

8-4-9: **MAP:** The area of city impact within the unincorporated area of the county is particularly described on Exhibit A attached to Ordinance 89 on file in the office of the clerk of the district court, and incorporated herein by reference. (Ord. 89, 11-1-1995; amd. 2001 Code)
CHAPTER 5
SMELTERVILLE AREA OF CITY IMPACT

SECTION:

8-5-1: Authority
8-5-2: Purpose
8-5-3: Consideration
8-5-4: Geographic Area
8-5-5: Comprehensive Plan
8-5-6: Zoning And Subdivision Ordinances
8-5-7: Review And Comment
8-5-8: Administrative Jurisdiction
8-5-9: Map

8-5-1:  **AUTHORITY:** Section 67-6526, Idaho Code, requires that cities and counties negotiate an area of city impact. (Ord. 90, 11-1-1995)

8-5-2:  **PURPOSE:** The purpose of establishing an area of city impact is to identify a logical fringe area adjoining the city of Smelterville. The fringe area includes the unincorporated area surrounding Smelterville that has a potential for development that could affect the provision of public services or the quality of life in Smelterville, Idaho. (Ord. 90, 11-1-1995)

8-5-3:  **CONSIDERATION:** The following factors were considered by the planning and zoning commission and board of county commissioners in identifying the area of city impact for Smelterville, Idaho:

A. Trade areas.

B. Geographic factors.
C. Area that can reasonably be expected to be annexed into the city in the future.

D. Areas where extension of city services is possible and reasonable.

E. Areas where growth is occurring or where growth is anticipated.

F. Areas in which to encourage and discourage growth or that which the city wants some control over in the future. (Ord. 90, 11-1-1995)

8-5-4: GEOGRAPHIC AREA: The officially adopted geographic area of city impact for Smelterville, Idaho, is identified by city of Smelterville Ordinance 177. All parcels of land lying all or in part within the area of city impact as delineated by Ordinance 177 shall be subject to provisions of this chapter. (Ord. 90, 11-1-1995)

8-5-5: COMPREHENSIVE PLAN: The Shoshone County comprehensive plan and subsequent amendments thereof as officially adopted by the county shall apply to the unincorporated portions of the county lying within the Smelterville area of city impact. (Ord. 90, 11-1-1995)

8-5-6: ZONING AND SUBDIVISION ORDINANCES\(^1\): The Shoshone County zoning and subdivision ordinances and subsequent amendments thereto as officially adopted by the county shall apply to the unincorporated portion of the county lying within the Smelterville area of city impact. (Ord. 90, 11-1-1995)

8-5-7: REVIEW AND COMMENT: Any request for development, zone change, conditional use permit, variance or subdivision in the unincorporated portion of the county lying within the Smelterville area of city impact, shall be referred to the city of Smelterville planning and zoning commission and the city council of Smelterville, Idaho, for review and comment. The city of Smelterville shall have a forty (40) day period within which to respond to any request as set forth above. If the city of Smelterville does not respond within forty (40) days, the city of Smelterville forfeits its right to comment on the request and processing shall continue under the county’s administration. (Ord. 90, 11-1-1995)

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1. Titles 9 and 10 of this code.
8-5-8: **ADMINISTRATIVE JURISDICTION:** The administration of plans and ordinances which apply to the Smelterville area of city impact shall be the duty of the county. (Ord. 90, 11-1-1995)

8-5-9: **MAP:** The area of city impact within the unincorporated area of the county is particularly described on Exhibit A attached to Ordinance 91 on file in the office of the clerk of the district court, and incorporated herein by reference. (Ord. 91, 11-1-1995; amd. 2001 Code)
CHAPTER 6
WALLACE AREA OF CITY IMPACT

SECTION:

8-6-1: Authority
8-6-2: Purpose
8-6-3: Consideration
8-6-4: Geographic Area
8-6-5: Comprehensive Plan
8-6-6: Zoning And Subdivision Ordinances
8-6-7: Review And Comment
8-6-8: Administrative Jurisdiction
8-6-9: Map

8-6-1: **AUTHORITY:** Section 67-6526, Idaho Code, requires that cities and counties negotiate an area of city impact. (Ord. 94, 11-1-1995)

8-6-2: **PURPOSE:** The purpose of establishing an area of city impact is to identify a logical fringe area adjoining the city of Wallace. The fringe area includes the unincorporated area surrounding Wallace that has a potential for development that could affect the provision of public services or the quality of life in Wallace, Idaho. (Ord. 94, 11-1-1995)

8-6-3: **CONSIDERATION:** The following factors were considered by the planning and zoning commission and board of county commissioners in identifying the area of city impact for Wallace, Idaho:

A. Trade areas.

B. Geographic factors.

C. Area that can reasonably be expected to be annexed into the city in the future.

Shoshone County
D. Areas where extension of city services is possible and reasonable.
E. Areas where growth is occurring or where growth is anticipated.
F. Areas in which to encourage and discourage growth or that which the city wants some control over in the future. (Ord. 94, 11-1-1995)

8-6-4: GEOGRAPHIC AREA: The officially adopted geographic area of city impact for Wallace, Idaho, is identified by city of Wallace Ordinance 95-01. All parcels of land lying all or in part within the area of city impact as delineated by Ordinance 95-01 shall be subject to provisions of this chapter. (Ord. 94, 11-1-1995)

8-6-5: COMPREHENSIVE PLAN: The Shoshone County comprehensive plan and subsequent amendments thereof as officially adopted by the county shall apply to the unincorporated portions of the county lying within the Wallace area of city impact. (Ord. 94, 11-1-1995)

8-6-6: ZONING AND SUBDIVISION ORDINANCES: The Shoshone County zoning and subdivision ordinances and subsequent amendments thereto as officially adopted by the county shall apply to the unincorporated portion of the county lying within the Wallace area of city impact. (Ord. 94, 11-1-1995)

8-6-7: REVIEW AND COMMENT: Any request for development, zone change, conditional use permit, variance or subdivision in the unincorporated portion of the county lying within the Wallace area of city impact, shall be referred to the city of Wallace planning and zoning commission and the city council of Wallace, Idaho, for review and comment. The city of Wallace shall have a forty (40) day period within which to respond to any request as set forth above. If the city of Wallace does not respond within forty (40) days, the city of Wallace forfeits its right to comment on the request and processing shall continue under the county's administration. (Ord. 94, 11-1-1995)

1. Titles 9 and 10 of this code.
8-6-8: **ADMINISTRATIVE JURISDICTION:** The administration of plans and ordinances which apply to the Wallace area of city impact shall be the duty of the county. (Ord. 94, 11-1-1995)

8-6-9: **MAP:** The area of city impact within the unincorporated area of the county is particularly described on Exhibit A attached to Ordinance 100 on file in the office of the clerk of the district court, and incorporated herein by reference. (Ord. 100, 2-12-1996; amd. 2001 Code)
CHAPTER 7
WARDNER AREA OF CITY IMPACT

SECTION:

8-7-1: Purpose
8-7-2: Map
8-7-3: Legal Description

8-7-1: PURPOSE: This chapter is passed for the purpose of adopting a map identifying an area of city impact for Wardner, as required by Idaho Code section 67-6526. (Ord. 101, 2-12-1996)

8-7-2: MAP: The area of city impact within the unincorporated area of the county is particularly described in section 8-7-3 of this chapter and also set forth on the map attached as Exhibit A to Ordinance 101 on file in the office of the clerk of the district court, which map shall be in effect until amended or modified as allowed by law. (Ord. 101, 2-12-1996; amd. 2001 Code)

8-7-3: LEGAL DESCRIPTION: The geographic description of the impact boundary is provided on the county map. Description is listed as follows:

Township 48 North, Range 2 E.B.M.

Haystack Peak: Section 12: Northeast ¼, Northeast ¼; East ½, Northwest ¼, Northeast ¼; East ½, Southwest ¼, Northeast ¼; East ½ Northwest ¼, Southeast ¼, except the City of Wardner

Wardner Peak: All of Section 13, except the City of Wardner; all of Section 24, except the City of Wardner;

Shoshone County
Township 48 North, Range 3 E.B.M.

Slaughter House Gulch: All of Section 7, except the City of Wardner.

Section 18: North $\frac{1}{2}$, Northwest $\frac{1}{4}$; North $\frac{1}{2}$, Southwest $\frac{1}{4}$, Northwest $\frac{1}{4}$; North $\frac{1}{2}$, Southeast $\frac{1}{4}$, Northwest $\frac{1}{4}$.

(Ord. 101, 2-12-1996)