# TITLE 7
# ELMORE COUNTY
# ZONING and DEVELOPMENT ORDINANCE

## CHAPTER 2 – ELMORE COUNTY/GLENNS FERRY AREA OF CITY IMPACT AGREEMENT

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### Section 7-2-1 Glenns Ferry Area of City Impact Boundary:

A. Glenns Ferry Area of City Impact Boundary Map:

1. The Glenns Ferry Area of City Impact is the area designated on the Glenns Ferry Area of City Impact Boundary Map, hereby fully incorporated by reference, copies of which are available for inspection at the Growth and Development department.

2. Amendments to the map are as follows:

    a. Ordinance 95-5, December 27, 1995.

### Section 7-2-2 Purpose:

The purpose of establishing an Area of City Impact for the City of Glenns Ferry is to identify a logical urban fringe area adjoining the City of Glenns Ferry. 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.

**Section 7-2-3 Consideration:**

The following factors were considered by the Planning and Zoning Commissions of the Elmore County and the City of Glenns Ferry, plus the Elmore County Commissioners and the City of Glenns Ferry Mayor and City Council in establishing the Area of Impact.

A. Trade Area; and

B. Geographic factors; and

C. Areas that can reasonably be expected to be annexed in the future.

**Section 7-2-4 Glenns Ferry Area of City Impact Boundary:**

A. The Glenns Ferry Area of City Impact is the area designated on the Glenns Ferry Area of City Impact Boundary Map, attached hereto as Exhibit A and by this reference fully incorporated herein by this reference, copies of which are available for inspection and delivery at the county clerk's office. The Glenns Ferry Area of City Impact shall include all of the following lands:

Range 9 East, Township 5 South
All of section 25
All of sections 36 lying north of the Snake River
All of sections 26 and 35 lying east of the Snake River

Range 9 East, Township 6 South
All of Section 1 lying north of the Snake River

Range 10 East, Township 5 South
All of Sections 29 and 30
All of Sections 28 and 33 lying west of the Snake River
All of Sections 31 and 32 lying north of the Snake River

Range 10 East, Township 6 South
All of Section 6 lying north of the Snake River

B. In case a property under single ownership is divided by the boundary line of the Glenns Ferry Area of City Impact and the line divides such property so that one or both parts has a depth of three hundred (300') feet for less, such part may be included

in the jurisdiction within which the remainder and larger portion of the property is located.

**Section 7-2-5 Glenns Ferry Future Proposed Community Development Overlay Area:**

It is the intent of the City of Glenns Ferry and Elmore County to work together and with the citizens to develop a Glenns Ferry Aquifer Protection Community Development Overlay requirement that can be added to the Glenns Ferry Comprehensive Plan and the Elmore County Zoning and Development Ordinance at some point in the future. The purpose of this Community Development Overlay will be to identify an area outside of the Glenns Ferry Area of City Impact where special development requirements or procedures may be necessary to protect surface and groundwater quality.

**Section 7-2-6 Annexation in the Area of Impact**

The City of Glenns Ferry may annex any eligible land parcel within the Area of City Impact.

**Section 7-2-7 Comprehensive Planning and Ordinance Provisions Governing the Glenns Ferry Area of City Impact:**

The Area of City Impact as defined by the City of Glenns Ferry Ordinance #447 & Map # 448 and Elmore County Ordinance #95-5, or that area redefined by mutual agreement pursuant to the procedures set forth in said ordinances establishing boundaries shall be governed by the following ordinances authorized by Idaho Code Title 67, Chapter 65 and Idaho Code Title 50, Chapter 13.

A. ZONING: The Elmore County Zoning and Development Ordinance, applying the zoning requirements in effect at the time of adoption of this Ordinance, or as subsequently modified in accordance with this Ordinance, shall govern land use within the Area of City Impact. A copy of the Elmore County Zoning and Development Ordinance, and the sections of the official zoning map to which this area of City Impact refer, are attached to this Ordinance as Exhibits B & C, respectively, and are incorporated herein by reference as it is set forth in its entirety.

    1. The zoning pattern that applies to the Glenns Ferry Area of City Impact will be administered by Elmore County but it will be based upon the Glenns Ferry Comprehensive Plan. If the City changes the Comprehensive Plan, then Elmore County must initiate zone changes to accommodate the plan change.

B. SUBDIVISION REQUIREMENTS-The subdivision of land within the Area of City Impact shall occur only in conformance with the subdivision ordinance deemed applicable by virtue of provisions of the Area of City Impact Ordinance and state law.

1. Except as otherwise provided by this Ordinance, within the Area of City Impact Chapter 2, Subdivision Development Standards, of the Elmore County Zoning and Development Ordinance, as such now exists or as later amended, shall prevail in accordance with provisions of this Ordinance.

2. Within one mile of the then-current corporate limits of the city of Glenns Ferry, the Subdivision Ordinance of the City of Glenns Ferry, as such now exists or as later amended, shall prevail.

3. Within the Glenns Ferry Area of City Impact, all subdivision proposals shall be evaluated by Elmore County in accordance with the policies established by the Comprehensive Plan of the City of Glenns Ferry. The city of Glenns Ferry shall be entitled to notice of any subdivision request in the Area of City Impact comparable to that provided to adjoining landowners, but in no case less than thirty (30) days prior to action upon a subdivision request.

C. SPECIAL USE PERMITS, VARIANCES, PLANNED UNIT DEVELOPMENTS, ZONE CHANGE, SUBDIVISION AND RELATED LAND DEVELOPMENT OR USE PERMITS – Within the designated Area of City Impact, jurisdiction for issuance of any Special Use Permits, Variances, Planned Unit Development, Zone Change, Subdivision and Related Land Development or Use Permits or authorizations shall be vested in Elmore County. Elmore County shall notify the City of Glenns Ferry of receipt of a completed application for any of the aforementioned permits in the same manner that notice is provided to adjacent landowners, but in no case less than thirty (30) days prior to action upon a permit request.

D. COMPREHENSIVE PLAN – Within the Area of City Impact all zoning, subdivision review, consideration of discretionary permits, and regulation of development shall be evaluated in accordance with the Comprehensive Plan of the City of Glenns Ferry which is hereby adopted as the Comprehensive Planning document which shall govern the designated Area of City Impact.

E. SHARED PROTECTION OF SURFACE WATERS - To further the effectiveness of the Area of City Impact agreement which this Ordinance reflects, the City of Glenns Ferry will review surface water management proposals for land uses and development within the City and Impact area, to require that contaminated the surface not be allowed to infiltrate into aquifer recharge areas that supply drinking water to humans and livestock.

F. SHARED ANALYSIS OF TRAFFIC AND OTHER PUBLIC SERVICE IMPACTS To further the effectiveness of the Area of City Impact agreement which this ordinance reflects, the City of Glenns Ferry and the Glenns Ferry Highway District plus Elmore County, will review all land development proposals and change of land use projects, within the Glenns Ferry Area of City Impact to determine impacts to road capacity and traffic service. All other applicable public services will also be included in this shared impact analysis. The object of this shared analysis is to make

sure that roadway and other public services have sufficient capacity to handle growth and development in the community.

**Section 7-2-8 Essence of Review Authority:**

Within the Area of City Impact, Elmore County shall conduct public hearings to consider the merits of a development request. Approval by Elmore County will be necessary prior to issuing building permits.

**Section 7-2-9 Procedures for Joint Review and Time Lines for Action:**

Upon receipt of any development request, discretionary permit application, or discretionary actions provided or submitted to Elmore County for development action within the Glenns Ferry Area of City Impact, the County shall mail a copy of the complete application and supporting documents to the City of Glenns Ferry at least 30 days prior to any scheduled County public hearing or public meeting date for County action.

The City of Glenns Ferry will then have an opportunity to review, comment and provide a recommendation or opinion on the proposal to the County. If the City of Glenns Ferry chooses to submit comments or recommendations to the County, then the City must do so in writing on City letterhead and mail the comments to the County so that the County will receive the City's correspondence at least seven (7) days prior to the scheduled County hearing or meeting date on the proposed action.

All official communication between the City and County pertaining to a development proposal within the Glenns Ferry Area of City Impact shall be in writing. If the City chooses not to provide written comment on a particular proposal, then the County will consider the absence of written comments from the City as "No comments from the City of Glenns Ferry" and this wording will be entered into the official public record for the affected project.

The purpose of this guideline is to establish a formal, interagency working procedure between the City and County so citizens of Glenns Ferry and Elmore County can be assured of an efficient public involvement process and meeting schedules.

**Section 7-2-10 Modification of Area of City Impact Requirements**:

The Area of City Impact established by this Ordinance may be modified by mutual agreement in accordance with the notice and hearing procedures set forth in the Idaho Code at any time. In the absence of mutual agreement to modify the requirements of the Area of City Impact, either jurisdiction may unilaterally request that such requirements be reopened for negotiations in October of any calendar year. Any such request for change shall be based upon stated reason or reasons within the scope of the Agreement, which shall serve as the basis for any renegotiation. The stated reasons must address specific provisions of the Comprehensive Plan or Land Use Ordinances effective within

the Area of City Impact and cite the changed circumstances with respect to any such basis as grounds for renegotiation. No modification of the Area of City Impact requirements shall be effective unless or until the specific procedures required by this Ordinance and the Idaho State Code have been completed and agreement has been reached regarding new terms for the Area of City Impact.

**Section 7-2-11 Enforcement:**

The provisions of this Ordinance and the agreement to implement it may be enforced by either the City of Glenns Ferry or Elmore County through legal action initiated to require specific performance with the terms of this Ordinance or other appropriate legal action. Violation of this Ordinance by one subject to its jurisdiction shall be punishable by the penalties authorized to be imposed upon those found guilty of a misdemeanor crime, including the authorized fine, imprisonment or both. Violators may also be subject to civil legal action intended to compel compliance with the provision of this Ordinance.

**Section 7-2-12 Effective Date:**

This Ordinance shall be effective upon its passage and publication according to law.

**Section 7-2-13 Repeal of Conflicting Ordinances:**

Any Ordinances of Elmore County in conflict with the terms of this Ordinance is hereby repealed to the extent of such conflict.