

ORDINANCE NO. 95-2

AN ORDINANCE OF ELMORE COUNTY, IDAHO, SETTING FORTH A PURPOSE, ESTABLISHING AN AREA OF CITY IMPACT MAP, DEFINING THE BOUNDARIES OF AN AREA OF CITY IMPACT, ESTABLISHING PROCEDURAL STANDARDS FOR MODIFICATION OF THE BOUNDARIES OF THE AREA OF CITY IMPACT, PROVIDING AN EFFECTIVE DATE, AND REPEALING ALL ORDINANCES IN CONFLICT HEREWITH.

WHEREAS, Idaho Code § 67-6526 allows the establishment of an Area of City Impact to accomplish coordinated planning between county and city governments, and,

WHEREAS, representatives of Elmore County and the City of Mountain Home have met to develop mutually acceptable terms which will govern an Area of City Impact, and,

WHEREAS, the governing bodies of these respective local governments have determined that the establishment of a mutually acceptable Area of City Impact will benefit the health, safety and welfare of their respective constituencies, NOW, THEREFORE;

BE IT ORDAINED BY THE CHAIRMAN AND THE BOARD OF COUNTY COMMISSIONERS OF ELMORE COUNTY, IDAHO:

SECTION 1. STATEMENT OF PURPOSE. The purpose of this ordinance shall be to establish the physical boundaries of an Area of City Impact for the City of Mountain Home in cooperation with Elmore County.

SECTION 2. ESTABLISHMENT OF AREA OF CITY IMPACT. The Area of City Impact defined by the boundaries established in this Ordinance is hereby established as an area of shared jurisdiction whereby community planning efforts are undertaken on a cooperative basis. A companion ordinance shall set forth the particular land use regulations which shall govern the defined Area of City Impact.

SECTION 3. BOUNDARIES OF THE AREA OF CITY IMPACT. Pursuant to the above-referenced negotiations, the following described area is, and shall be, unless changed in accordance with the provisions of this Ordinance, the defined Area of City Impact for the City of Mountain Home in Elmore County, Idaho. A map of the area encompassed by said Area of City Impact is attached to this Ordinance and labeled Attachment A, which Attachment is incorporated herein by reference as if set forth in its entirety.

SECTION 4. MODIFICATION OF AREA OF CITY IMPACT BOUNDARIES. The Area of City Impact boundaries 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 boundaries of the Area of City Impact, either jurisdiction may unilaterally request that the question of boundaries be reopened for negotiations in October of any calendar year. Any such request for change shall be based upon a 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 boundaries shall be effective unless or until the specific procedures required by this Ordinance and the Idaho Code have been completed and agreement has been reached regarding new terms for the Area of City Impact.

SECTION 5. ENFORCEMENT. The provisions of this Ordinance may be enforced by either Elmore County or the city of Mountain Home by


virtue of legal action initiated to require specific performance with the terms of this Ordinance.

SECTION 6. EFFECTIVE DATE. This Ordinance shall be effective upon its passage and publication according to law.


SECTION 7. REPEAL OF CONFLICTING ORDINANCES. Any ordinance of Elmore County Zoning and Development Ordinance or Elmore County Comprehensive Plan in conflict with the terms of this Ordinance is hereby repealed to the extent of such conflict.

PASSED by the Board of County Commissioners of Elmore County, Idaho, this 27th day of February, 1995.

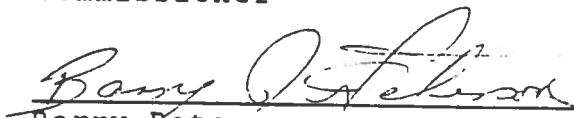
APPROVED by the Chairman of the Board of County Commissioners, Elmore County, Idaho, this 27th day of February, 1995.



JOHN W. SHRUM
Chairman of the Board of County Commissioners




CHARLES F. WHIPPLE
Commissioner



Barry Peterson
Commissioner

ATTEST:



Dolores Robison
Clerk of the Board of County Commissioners

1 Publication: April 26, 1995

EXHIBIT A

SECTION 3. BOUNDARIES OF THE AREA OF CITY IMPACT.

Pursuant to the above-referenced negotiations, the following described area is, and shall be, unless changed in accordance with the provisions of this Ordinance, the defined Area of City Impact for the City of Mountain Home in Elmore County, Idaho. A map of the area encompassed by said Area of City Impact is attached to this Ordinance and labeled Attachment A, which Attachment is incorporated herein by reference as if set forth in its entirety.

Commencing at a point marking the intersection of the Southwesterly Right-of-Way Line of Interstate 84 and the Meridional Center Line of Section 9, Township 3 South, Range 6 East, B.M., said point being the REAL POINT OF BEGINNING;

thence in a Southeasterly direction along the Southwesterly Right-of-Way Line of Interstate 84 to a point on the Meridional Center Line of Section 14, Township 3 South, Range 6 East, B.M.;

thence North along said Meridional Center Line to the North 1/16 Corner of Section 14, Township 3 South, Range 6 East, B.M.;

thence East along the North 1/16 Line of Sections 14 and 13 to the North 1/16 Corner on the East Line of Section 13, Township 3 South, Range 6 East, B.M.;

thence South along the East Line of Sections 13 and 24, Township 3 South, Range 6 East, B.M., to a point on the Northeasterly Right-of-Way Line of Interstate 84;

thence Southeasterly along the Northeasterly Right-of-Way Line of Interstate 84 to a point on the Latitudinal Center Line of Section 19, Township 3 South, Range 7 East, B.M.;

thence East along the Latitudinal Center Line of Section 19, Township 3 South, Range 7 East, to the East 1/4 Corner of said Section 19;

thence South along the East Line of Sections 19 and 30 of Township 3 South, Range 7 East, B.M., to a point on the Southwesterly Right-of-Way Line of Interstate 84;

thence Southeasterly along the Southwesterly Right-of-Way Line of Interstate 84 to a point on the Latitudinal Center Line of Section 32, Township 3 South, Range 7 East, B.M.;

thence West along the Latitudinal Center Line of Sections 32 and 31, of Township 3 South, Range 7 East, B.M. to the West 1/4 Corner of said Section 31;

thence South along the West Line of said Section 31 to the South 1/16th Corner on the West line of said Section 31;

thence West along the South 1/16th Line of Section 36 of Township 3 South, Range 6 East, B.M. to the South 1/16th Corner on the West Line of said Section 36;

thence South along the West Line of Section 36, Township 3 South, Range 6 East, B.M., to the Southwest 1/4 Corner of said Section 36;

thence West along the South Line of Section 35, Township 3 South, Range 6 East, B.M., to the Southwest 1/4 Corner of said Section 35;

thence North along the West Line of said Section 35 to the West 1/4 Corner of Said Section 35;

thence West along the Latitudinal Center Line of Section 34, Township 3 South, Range 6 East, B.M., to the West 1/4 Corner of Section 34;

thence North along the West Line of Sections 34, 27, 22, and 15 of Township 3 South, Range 6 East, B.M., to the South 1/16 Corner on the East Line of Section 16, Township 3 South, Range 6 East, B.M.;

thence Northwesterly to the Center 1/4 Corner of Said Section 16;

thence North along the Meridional Center Line of Sections 16 and 9, Township 3 South, Range 6 East, B.M. to the REAL POINT of BEGINNING.

In case a property under single ownership is divided by the boundary line of the Mountain Home Area of City Impact and the line divides such property so that one or both parts has a depth of three hundred feet (300') or less, such part may be included in the jurisdiction within which the remainder and larger portion of the property is located.

AREA OF CITY IMPACT MAP

Impact Area Procedure
(See Agreement for details)

Elmore County Zoning Ordinances shall govern.
City of Mt. Home Comprehensive Plan shall govern.

Subdivision Requirements:

Except as otherwise provided by this Ordinance, within the Area of City Impact the Subdivision Ordinance of Elmore County, shall apply in accordance with provisions of this Ordinance.

Within one-mile of the then current corporate limits of the City of Mountain Home the Subdivision Ordinance of the City of Mountain Home, shall prevail.

For said purpose the area within one mile of the City Limits shall be in the Area of City Impact, except other provisions of this Ordinance shall not apply to lands subject to this subparagraph unless said lands are expressly incorporated into the Area of City Impact on an independent basis.

All subdivision proposals shall be evaluated in accordance with the policies established by the Comprehensive Plan of the City of Mountain Home.

Special Areas

Any development in the area of influence of Mountain Home Waste Water Treatment Plant or the Mountain Home Municipal Airport shall be referred to the City of Mountain Home for review 30 days prior to issuance of any permit or development authorization.

County Overlay Zone/CDO

MAINTAIN HOME RURAL COMMUNITY DEVELOPMENT OVERLAY ZONE (CDO). All development proposals subject to Conditional use permit review procedures. City entitled to review of any such proceedings as if it were an adjoining property owner. Includes area of CDO which lies outside the Area of Impact.

Elmore County - CDO
Minimum lot Size - 5 Acres or legal lot of record at time of adoption of this Agreement.

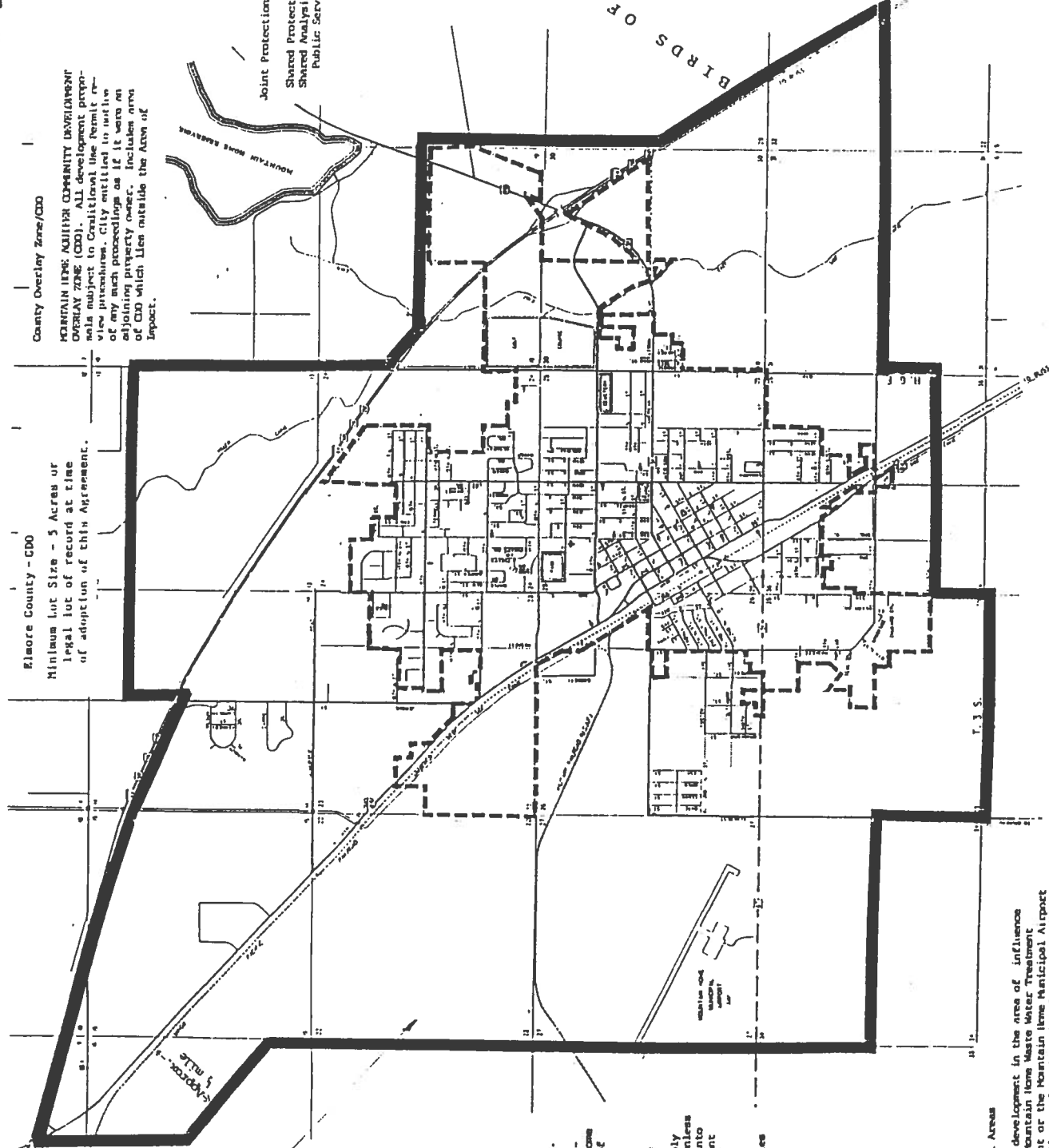
Joint Protection Agreements

Shared Protection of Surface Waters
Shared Analysis of Traffic and Other Public Service Impacts



AREA OF IMPACT
CITY OF
MOUNTAIN HOME
ELMORE COUNTY
IDAHO

BIRDS OF PREY AREA



STATE OF IDAHO
COUNTY OF ELMORE
SUMMARY OF ORDINANCE NO. 95-1
AMENDMENT TO THE ELMORE COUNTY FLOOD DAMAGE PREVENTION ORDINANCE

NOTICE IS HEREBY GIVEN That Ordinance No. 95-1 was passed by the Board of Elmore County Commissioners on February 27, 1995, amending Elmore County Flood Damage Prevention Ordinance No. 89-3 as per the requirements of the Federal Emergency Management Agency (FEMA) which governs a county resident's ability to acquire flood insurance. The portions of Ordinance No. 89-3 which were amended are as follows:

SECTION 3.2 BASIS FOR ESTABLISHING THE AREA OF SPECIAL FLOOD HAZARD . . . "The Flood Insurance Study for Elmore County, Idaho, Unincorporated Areas", [dated March 15, 1994], with accompanying Flood Insurance Maps [and any other subsequent revisions] is hereby adopted . . .

SECTION 5.0 PROVISIONS FOR FLOOD HAZARD REDUCTION . . . PART 5.3 [FLOODWAYS Located within areas of special flood hazard established in Section 3.2 are areas designated as floodways. since the floodway is an extremely hazardous area due to the velocity of waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

(1) Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

(2) If Section 5.3(1) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 5.0, PROVISIONS FOR FLOOD HAZARD REDUCTION.]

5.3.[.1] ENCROACHMENTS

The full text of this Ordinance is available at the Elmore County Clerk's Office, 150 South 4th East, Suite #3, Mountain Home, Idaho 83647.

I hereby certify that I have read the above summary, compared it to the text of Ordinance No. 95-1 and believe that this summary is true and complete and provides adequate notice to the public.



DOLORES ROBISON
CLERK
BOARD OF COMMISSIONERS
ELMORE COUNTY, IDAHO