

ORDINANCE NO. 99-8

AN ORDINANCE OF ELMORE COUNTY, IDAHO, SETTING FORTH PURPOSES, ESTABLISHING APPLICABILITY OF PLANNING AND ZONING REQUIREMENTS TO THE DESIGNATED MOUNTAIN HOME AREA OF CITY IMPACT, SETTING FORTH RESPONSIBILITY FOR IMPLEMENTATION, ESTABLISHING PROCEDURAL STANDARDS FOR MODIFICATION OF THE REQUIREMENTS GOVERNING THE AREA OF CITY IMPACT, PROVIDING FOR ENFORCEMENT, 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 city and county governments and to provide for management of land use in areas surrounding municipalities, and;

WHEREAS, the Governing Bodies of Elmore County and the City of Mountain Home have conducted public hearings concerning the proposed regulations to be made effective within the Area of City Impact in accordance with the Local Planning Act, and

WHEREAS, the Governing Bodies of Elmore County and the City of Mountain Home have each enacted ordinances to establish the boundaries of an Area of City Impact in accordance with the Local Planning Act and,

WHEREAS, the Governing Bodies of Elmore County and the City of Mountain Home have determined that the establishment of coordinated planning and land use regulations in the designated Area of City Impact will benefit the health, safety, and welfare of their respective constituencies, **NOW, THEREFORE;**

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

SECTION 1. STATEMENT OF PURPOSE. The purpose of establishing an Area of City Impact for the City of Mountain Home is to identify a logical urban fringe area adjoining the City of Mountain Home. The urban fringe area is realizing, or will realize, development pressure for which planning in an orderly manner is necessary. Idaho Code §67-6526 requires that cities and counties negotiate an Area of City Impact.

SECTION 2. CONSIDERATION. The following factors were considered by the Planning and Zoning Commissions and Governing Bodies of Elmore County and the City of Mountain Home in establishing the Area of City Impact:

- A. Trade area;
- B. Geographic factors; and,
- C. Areas that can reasonably be expected to be annexed in the future.

SECTION 3. ORDINANCES AND COMPREHENSIVE PLANNING PROVISIONS GOVERNING THE AREA OF CITY IMPACT. The Area of City Impact defined by the boundaries established in City of Mountain Home Ordinance _____ and Ordinance NO. _____ of Elmore County, 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 and as authorized by Title 67, Chapter 65, and Title 50, Chapter 13, of the Idaho Code.

- A. **ZONING.** The Zoning Ordinances 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. The County's zoning requirements, within the Mountain Home Area of City Impact, shall be based upon the Comprehensive Plan of the City of Mountain Home, in

effect at the time of adoption of this Ordinance, or as subsequently modified. A copy of the Elmore County Zoning Ordinance, sections of the official zoning map to which this Area of City Impact Agreement refers, and the City of Mountain Home Comprehensive Plan are attached to this Ordinance as Exhibits A B and C, respectively, and are incorporated herein by reference as if set forth in their entirety.

B. MOUNTAIN HOME AQUIFER COMMUNITY DEVELOPMENT

OVERLAY ZONE. The Area of City Impact is reliant upon the Mountain Home Aquifer Community Development Overlay (CDO) requirement included in Article VII of the Elmore County Zoning Ordinance. Essential parts of that CDO include the following requirements:

1. Minimum 5-acre lot size per single family dwelling unit in the Mountain Home Aquifer Recharge CDO zone;
2. Any development in the CDO with a density of greater than 1 dwelling unit per 5 acres shall be connected to an approved central sewer system as a condition of approval;
3. All development proposals in the CDO will be subject to Conditional Use Permit review procedures which will evaluate whether the proposed development would have adverse impacts on ground or surface water quality or quantity. The City will be entitled to notice of any such proceedings as if it were an adjoining property owner. If the County Zoning Administrator or the City Engineer believe in their professional opinion that the proposed development would have adverse impacts on ground or surface water quality or quantity or that the information

submitted is inadequate to properly assess impacts upon groundwater or surface water resources or that the characterization of the impact is incorrect, the County Zoning Administrator or the City Engineer may request that permit issuance or development authorization be delayed until the matter can be reviewed by the appropriate Elmore County Planning and Zoning Commission or the Elmore County Board of Commissioners or require that a professional study of the groundwater and subsurface waste water disposal proposals be made. For the purposes of this subparagraph a "development proposal" shall include any subdivision, building permit application for a commercial or multifamily residential building, any other commercial or industrial development, or lot split application;

4. Any development in the Area of City Impact which would increase or contribute surface drainage to the Mountain Home Reservoir is hereby prohibited;
5. There shall be no additional surface water runoff from any development that could contaminate any canal or waterway, ditch, or reservoir or the Mountain Home Reservoir. No development shall be allowed in the Area of City Impact which would adversely impact the Mountain Home Reservoir and irrigation systems;
6. The minimum lot size and central sewer system requirements of the Mountain Home Aquifer Community Development Overlay Zone shall not apply to existing lots of record at the time of the enactment of this

ordinance, if said lots or parcels meet all other land use requirements at the time of the enactment of this ordinance;

C. **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 the Subdivision Ordinance of Elmore County, as such now exists or as later amended, shall apply in accordance with provisions of this Ordinance;

2. Within the Area of City Impact, the Subdivision Ordinance of the City of Mountain Home, as such now exists or as later amended, shall prevail.

D. **CHANGES OF ZONING, CONDITIONAL USE PERMITS, VARIANCES, PLANNED UNIT DEVELOPMENTS, AND OTHER PERMITS.** Within the designated Area of City Impact, jurisdiction for issuance of any Changes of Zoning, Special Use (Conditional Use) Permits, Variances, Planned Unit Developments, or any other land use permits or authorizations other than building permits, shall be vested in Elmore County. Elmore County shall notify the City of Mountain Home of receipt of a completed application for any of the aforementioned requests, applications, or permits in the same manner that notice is provided to adjacent landowners, but in no case less than 15 days prior to action upon a permit request.

E. **SPECIAL AREAS.** In addition to the foregoing provisions, any request for permission to build or develop in the area of influence of the Mountain Home

AREA OF CITY IMPACT AGREEMENT - ORDINANCE NO. 99-8

Waste Water Treatment Plant, the Mountain Home Municipal Airport, and within five hundred (500) feet of the city water tower/tank, said areas being designated upon those sections of the Elmore County Zoning Map attached as Exhibit D, or any request to construct structures or develop other land uses in these designated Special Areas shall be referred to the City of Mountain Home for review and comment as least thirty (15) days prior to the issuance of any permit or development authorization. Notwithstanding any provisions of the Elmore County zoning Ordinance or Subdivision Ordinance to the contrary, no construction, development, or establishment of any use which would impair the usefulness, or materially harm the operating environment, of the Mountain Home Waste Water Treatment Plant or the Mountain Home Municipal Airport shall hereafter be permitted.

- F. **COMPREHENSIVE PLAN.** Within the Area of City Impact all zoning, subdivision review, consideration of permits, and regulation of development in special areas shall be evaluated in accordance with the Comprehensive Plan of the City of Mountain Home, which is hereby adopted as the comprehensive planning document which shall govern the designated Area of City Impact.
- G. **SHARED PROTECTION OF SURFACE WATERS.** To further the effectiveness of the Area of City Impact agreement which this Ordinance reflects, the City of Mountain Home will review surface water proposals for land uses and developments within the City, and to which the City Subdivision Ordinance is applicable, to require that surface water not be allowed to infiltrate irrigation facilities which cross the city and/or Area City Impact, unless design work is implemented to prevent adverse effects upon the quality of irrigation waters.

- H. **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 Mountain Home and the Mountain Home Highway District plus Elmore County, will review all land development proposals and change of land use projects 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 impact analysis is to make sure that roadways and other public services have sufficient capacity to handle growth and development.

SECTION 4. PROCEDURES FOR JOINT REVIEW AND TIME LINES FOR ACTION.

Upon receipt of any development request, permit application, change of zoning, or discretionary action provided or submitted to Elmore County for development action within the Mountain Home Area of City Impact, the County shall provide a copy of the complete application and supporting documents to the City of Mountain Home at least 15 days prior to any scheduled County public hearing or public meeting date for county action.

The City of Mountain Home will then have an opportunity to review, comment, and provide a recommendation or opinion on the proposal to the County. If the City of Mountain Home chooses to submit comments or recommendations to the County, then the City must do so in writing on city letterhead, and hand deliver the comments to the County at least seven (7) days prior to the scheduled County hearing or meeting date on the proposed action.

All official communication pertaining to a development proposal within the Mountain Home Area of City Impact between the County and the City 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 comment(s) from the City as "No comment(s) from the City of Mountain Home" 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 County and City so citizens of Elmore County and the City of Mountain Home can be assured of an efficient public involvement process and meeting schedules.

SECTION 5. MODIFICATION OF AREA OF CITY IMPACT REQUIREMENTS. The Area of City Impact requirements 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 a 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 the first quarter 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 renegotiations. The stated reasons must address specific provisions of the Comprehensive Plan or Land Use Ordinance effective within the Area of City Impact and cite the changed circumstances with respect to any such basis as grounds for renegotiations. No modification of the Area of City Impact requirement 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 6. ENFORCEMENT. The provisions of this Ordinance and the agreement to implement it may be enforced by either Elmore County or the City of Mountain Home 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,


including the authorized fine, imprisonment, or both. Violators may also be subject to civil legal action intended to compel compliance with the provisions of this Ordinance.

SECTION 7. EFFECTIVE DATE. This Ordinance shall be effective upon its passage and publication according to law.


SECTION 8. REPEAL OF CONFLICTING ORDINANCES. Elmore County Ordinance 95-3 and any other ordinance of Elmore County in conflict with the terms of this Ordinance are hereby repealed to the extent of such conflict.

PASSED by the Board of Commissioners of Elmore County, Idaho, this 27th day of September 1999.

BOARD OF ELMORE COUNTY COMMISSIONERS


Larry Rose, Chairman


Don Reynolds, Commissioner


Fred Prouty, Commissioner

Attest:


Gail Best, Clerk

1 Publication: October 27, 1999

Appendix A**BOUNDARIES OF THE AREA OF CITY IMPACT**

Pursuant to the previously 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 Elmore County/City of Mountain Home Area of City Impact. 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 Southwest Corner of Section 4, Township 4 South, Range 6 East, B.M., Elmore County, Idaho, which is the true point of beginning;

Thence, east along the south boundary of said Section 4 and continuing along the south boundary lines of Sections 3, 2, and 1, Township 4 South, Range 6 East, and Section 6, Township 4 South, Range 7 East, to the westerly State Highway 30 right-of-way;

Thence, northwesterly along the westerly State Highway 30 right-of-way in Section 6, Township 4 South, Range 7 East and Section 1, Township 4 South, Range 6 East to the south boundary line of Section 36, Township 3 South, Range 6 East;

Thence, east along the south boundary line of said Section 36 to the corners common to Section 1, Township 4 South, Range 6 East, Section 6, Township 4 South, Range 7 East, Section 36, Township 3 South, Range 6 East, and Section 31, Township 3 South, Range 7 East;

Thence, north along the west boundary line of said Section 31, Township 3 South, Range 7 East, to its west quarter corner;

Thence, east along the latitudinal center line of said Section 31 and Section 32, Township 3 South, Range 7 East to the westerly Interstate 84 right-of-way;

Thence, northwesterly along the westerly Interstate 84 right-of-way to the latitudinal centerline of Section 30, Township 3 South, Range 7 East;

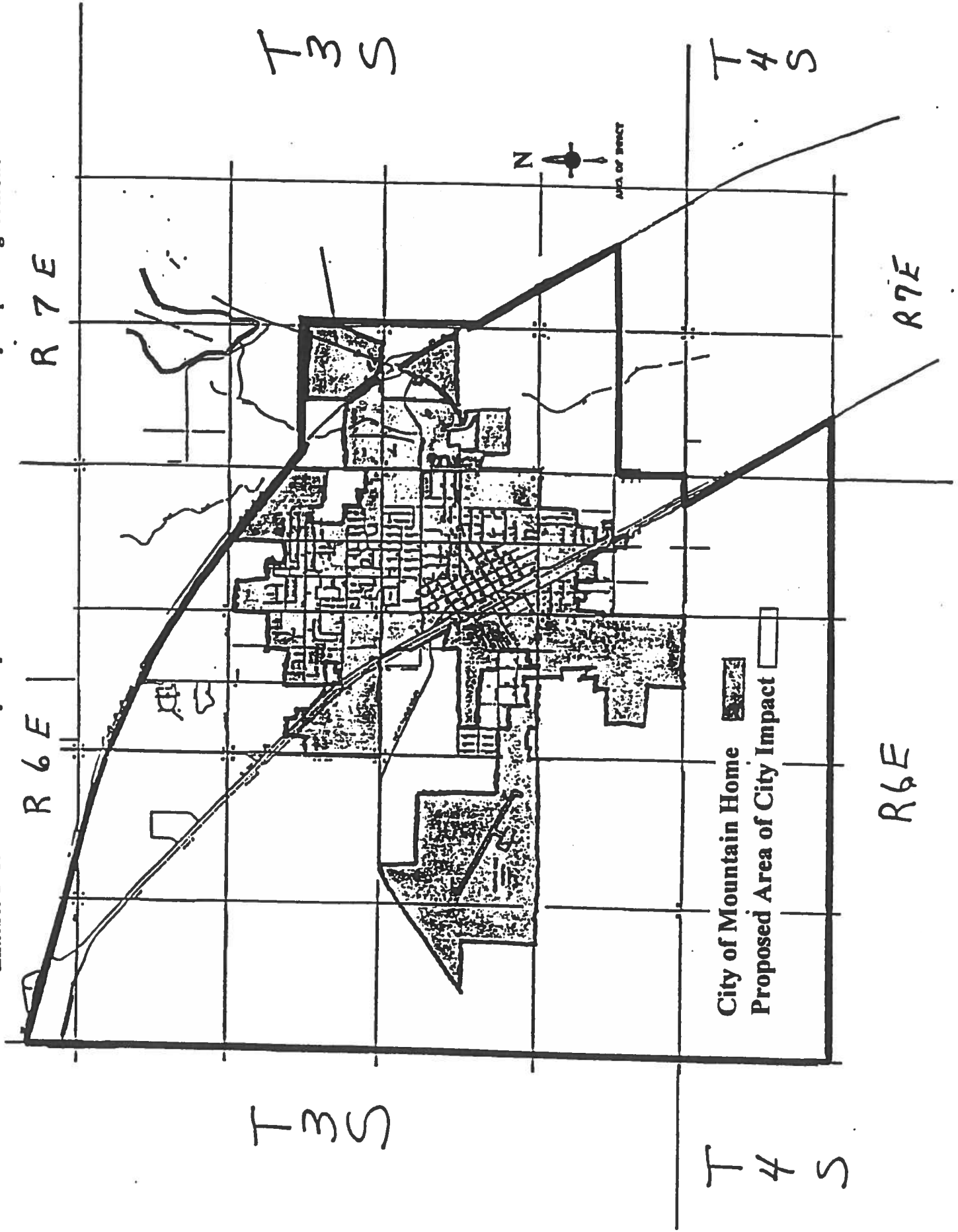
Thence, north along the east boundary line of said Section 30, Township 3 South, Range 7 East, to the east quarter corner of Section 19, Township 3 South, Range 7 East;

Thence, west along the latitudinal center line of said Section 19, Township 3 South, Range 7 East, to the west Interstate 84 right-of-way;

Thence, northwesterly along the west Interstate 84 right-of-way through Sections 19, Township 3 South, Range 7 East, and Sections 9, 10, 13, 14, 15, and 24, Township 3 South, Range 6 East, continuing northwesterly to the west boundary line of said Section 9;

Thence, south along the west boundary line of Section 9, 16, 21, 28, and 33, Township 3 South, Range 6 East to the south boundary line of Section 4, Township 4 South, Range 6 East, being the true point of beginning.

Exhibit D of Elmore County/City of Mountain Home Area of City Impact Agreement

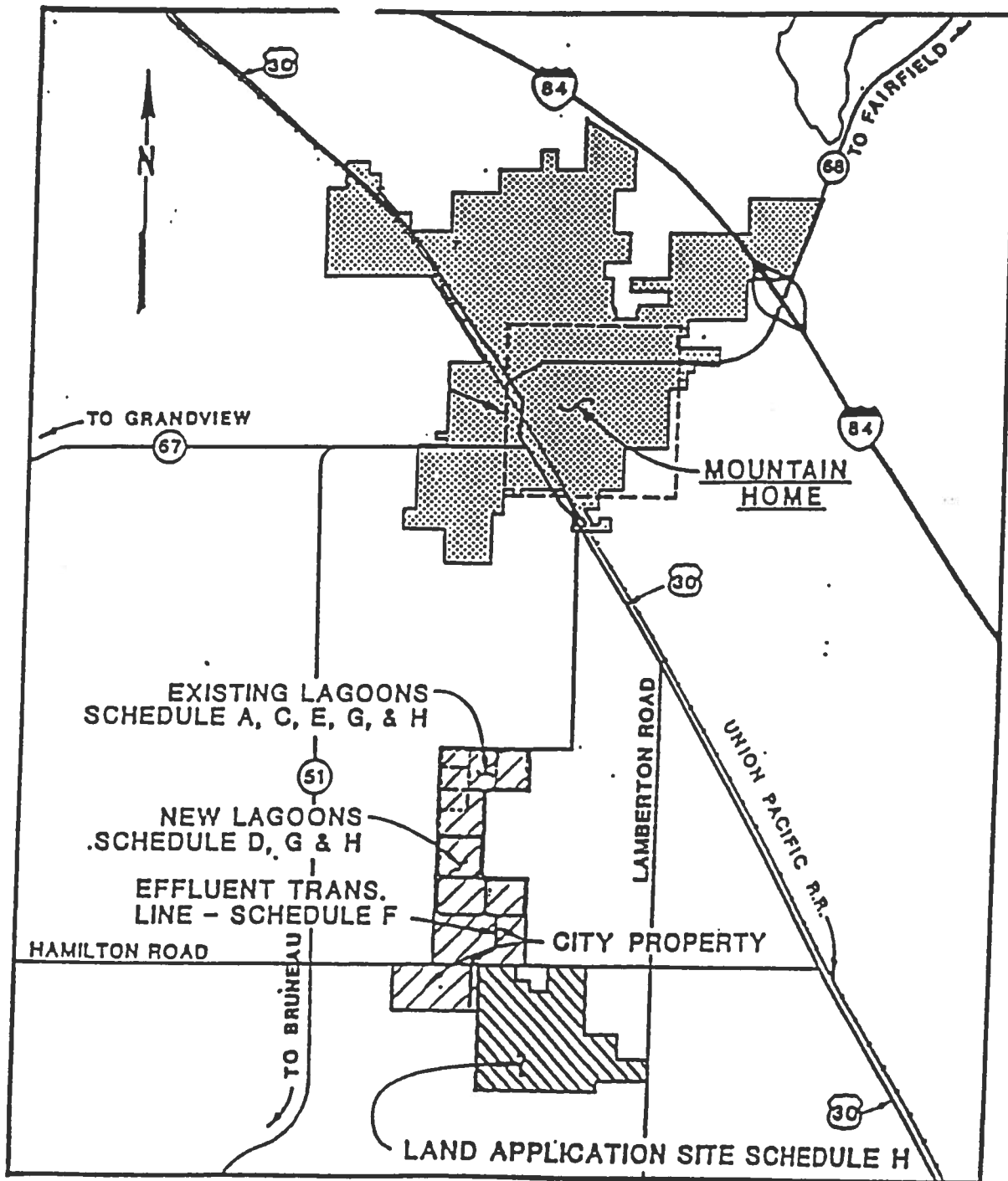


City of Mountain Home

Proposed Area of City Impact

Exhibit D

Exhibit D




CITY MOUNTAIN HOME
MOUNTAIN HOME WASTE WATER TREATMENT PLANT

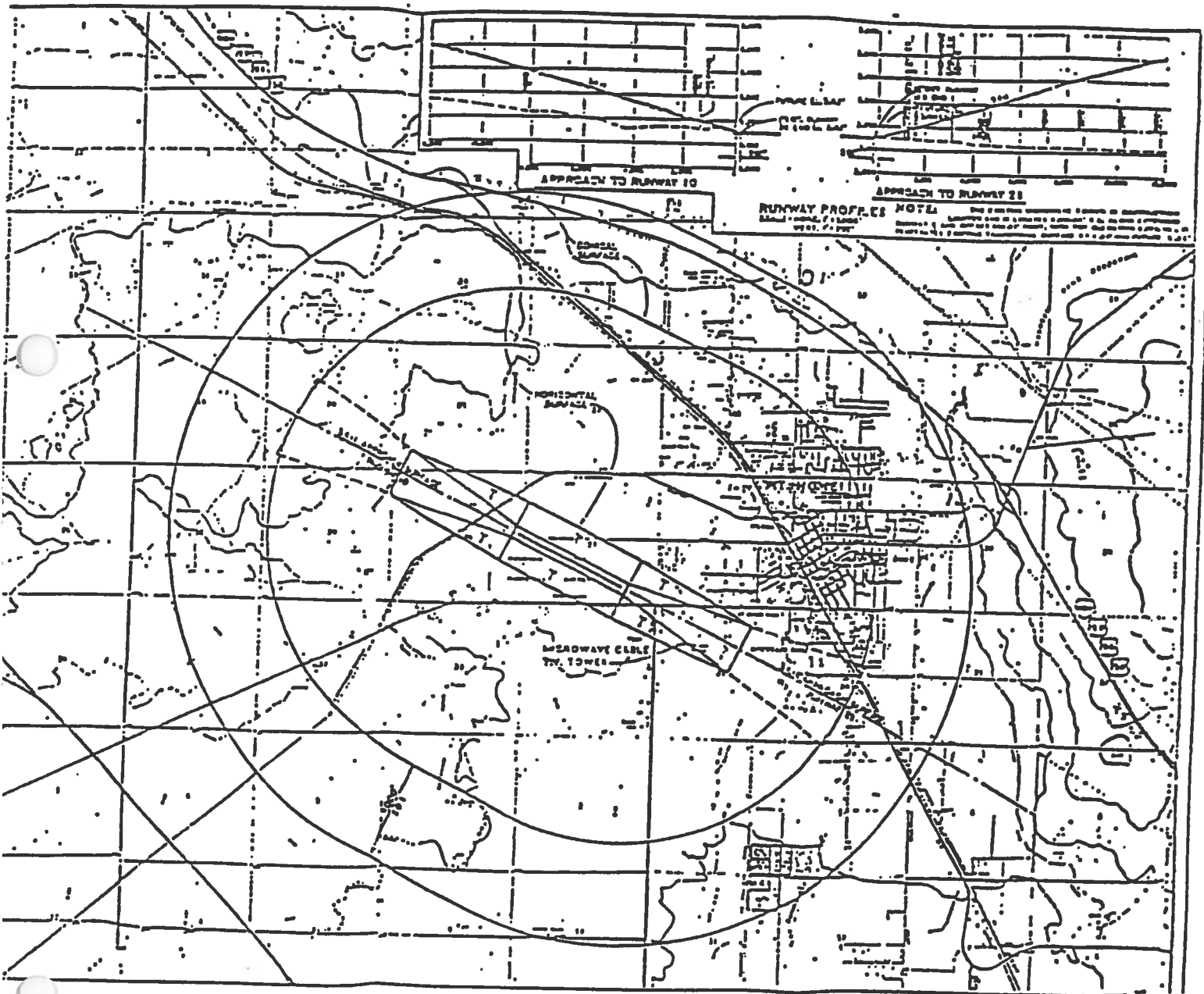
VICINITY MAP

Elmore County/Mountain Home Area of City Impact Agreement

Exhibit D

SHEET 5/200	 BELAWALKER ENGINEERS INC. SANTA FE, N.M. SHERMAN, OREGON	MOUNTAIN HOME MUNICIPAL AIRPORT AIRPORT MASTER PLAN MOUNTAIN HOME, OREGON	MOUNTAIN HOME AIRPORT APPROACH AND CLEAR ZONE PLAN
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MOUNTAIN HOME MUNICIPAL AIRPORT



City Impact Agreement

Exhibit D

Tax #15 Sec. 13 3South 6East

Commencing at a point North 0°02'45" West 2084 Ft.
and North 89°57'15" East
140 Ft. from the S. W. corner Sec. 13 twp.3South
rge. 6 E. B. M.

Tank

Thence	North 89°57' 15"	East	330 Ft.
"	North 0°02'45"	West	330 Ft.
"	South 89°57'15"	West	330 Ft.
"	South 0°02'45"	East	330 Ft. to

the P. O. B.

City of Mountain Home

Tax 22 83-84 Sec. 13 T3S R6E

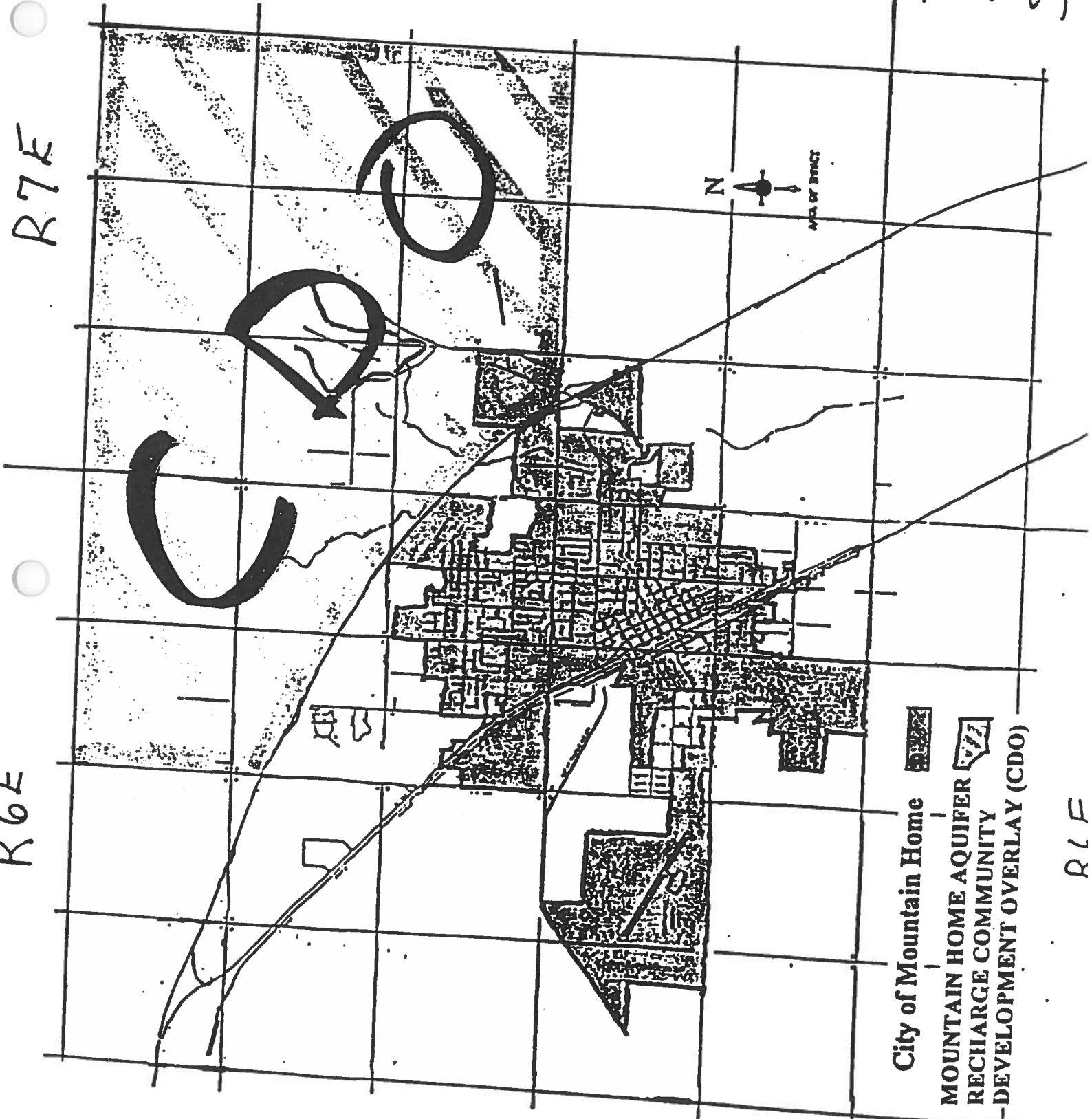
well

Commencing at the one-quarter corner common
to Sections Thirteen and Fourteen, Township
Three South, Range Six East, Boise Meridian,
Elmore County, Idaho, thence South 0°02'45"
East along the section line common to said
Sections Thirteen and Fourteen, 222.40 feet
to a point; thence North 89°57'15" East,
470.00 feet to the northeast corner of the
City of Mountain Home reservoir site; thence
South 43°18'35" East, 1744.52 feet to the
real point of beginning; thence North 1°04'
West, 100.00 feet to a point; thence North
88°56' East, 100.00 feet to a point; thence
South 1°04' East, 100.00 feet to a point;
thence South 88°56' West, 100.00 feet to the
real point of beginning. Said tract of land
contains 0.23 acres more or less, subject
to easements of record or in use.

T 3 S

T 4 S

R 7 E



City of Mountain Home
MOUNTAIN HOME AQUIFER RECHARGE COMMUNITY DEVELOPMENT OVERLAY (CDO)

R 1 E

T 3 S

T 4 S

K 6 E

Affidavit of Publication

FORTH PURPOSES, ESTABLISHING APPLICABILITY OF PLANNING AND ZONING REQUIREMENTS TO THE DESIGNATED MOUNTAIN HOME AREA OF CITY IMPACT, SETTING FORTH RESPONSIBILITY FOR IMPLEMENTATION, ESTABLISHING PROCEDURAL STANDARDS FOR MODIFICATION OF THE REQUIREMENTS GOVERNING THE AREA OF CITY IMPACT, PROVIDING FOR ENFORCEMENT, PROVIDING AN EFFECTIVE DATE, AND REPEALING ALL ORDINANCES IN CONFLICT HEREWITH.

WHEREAS, Idaho Code 67-5626 allows the establishment of an Area of City Impact to accomplish coordinated planning between city and county governments and to provide for management of land use in areas surrounding municipalities, and;

WHEREAS, the Governing Bodies of Elmore County and the City of Mountain Home have conducted public hearings concerning the proposed regulations to be made effective within the Area of City Impact in accordance with the Local Planning Act, and

WHEREAS, The Governing Bodies of Elmore County and the City of Mountain Home have each enacted ordinances to establish the boundaries of an Area of City Impact in accordance with the Local Planning Act, and.

WHEREAS, the Governing Bodies of Elmore County and the City of Mountain Home have determined that the establishment of coordinated planning and land use regulations in the designated Area of City Impact will benefit the health, safety, and welfare of their respective constituencies, NOW, THEREFORE:

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

The following is a list of sections contained in the Ordinance. A copy of the entire Ordinance is available on request at the Recorder's Office, Elmore County, Idaho.

- SECTION 1. Statement of Purpose
- SECTION 2. Consideration
- SECTION 3. Ordinances and Comprehensive Planning Provisions Governing the Area of City Impact. A. Zoning B. Mountain Home Aquifer Community Development Overlay Zone. C. Subdivision Requirements. D. Changes of Zoning, Conditional Use Permits, Variances, Planned Unit Developments, and Other Permits. E. Special Areas. F. Comprehensive Plan. G. Shared Protection of Surface Waters. H. Shared Analysis of Traffic and Other Public Service Impacts.
- SECTION 4. Procedures for Joint Review and Time Lines for Action.
- SECTION 5. Modification of Area of City Impact Requirements.
- SECTION 6. Enforcement.
- SECTION 7. Effective Date
- SECTION 8. Repeal of Conflicting Ordinances

GAIL BEST
CLERK
BOARD OF COMMISSIONERS
ELMORE COUNTY, IDAHO
One Publication October 27, 1999.

County of Elmore } ss.
STATE OF IDAHO }

I, Colleen W. Swenson, do solemnly swear that am the foreman, or publisher of the

Mountain Home News

a weekly newspaper of general circulation, published once a week at MOUNTAIN HOME, IDAHO that the notice attached hereto and which is a part of publication thereof; was published in said newspaper for

1 consecutive weeks, the first publication having been made on 27th day of October, 1999, and the last publication having been made on the 27th day of October, 1999; every Wednesday

issue of the paper during the period and time of publication and that the notice was published in the newspaper proper and not in a supplement thereof.

And I further swear that the said MOUNTAIN HOME NEWS has been continuously and uninterruptedly published in said Elmore County during a period of 78 consecutive weeks prior to the first publication of the attached notice.

Colleen W. Swenson

Subscribed and sworn to me this 27th day of October, 1999

Cynthia Roberson
Notary Public

Residing in Mountain Home, Elmore County, Idaho. My commission expires 09-09-2002.

