

ORDINANCE NO. 2010-01

AN ORDINANCE OF ELMORE COUNTY, IDAHO ESTABLISHING A NEW MOUNTAIN HOME AREA OF CITY IMPACT, ADOPTING THE MAP IDENTIFYING THE NEW MOUNTAIN HOME AREA OF CITY IMPACT AND THE LEGAL DESCRIPTION DESCRIBING THE MOUNTAIN HOME AREA OF CITY IMPACT; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE.

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 Planning and Zoning Commissions and Governing Bodies of both the City of Mountain Home (“City”) and Elmore County (“County”) have conducted public hearings concerning the establishment of a revised Mountain Home Area of City Impact; and

WHEREAS, after discussions and meetings between the City and the County various issues were identified, and considerations were made in establishing the Mountain Home Area of City Impact:

1. Most efficient use of utilities.
2. Best possible land use and growth patterns.
3. Protect the environment, particularly ground water quality.
4. Limit conflicts with airport, transportation corridors, wastewater disposal facilities, flood plain, and old landfill properties.
5. Minimize conflicts and encroachment issues between agricultural operations and residential growth especially as it relates to County approved Confined Animal Feeding Operations (CAFO’s) south of Hamilton Road and the City of Mountain Home’s farm where waste water is used for irrigation.
6. Promote infill development and urban renewal.
7. Preserve areas for industrial and commercial development with highway, rail, and airport access.
8. Address geographic factors and topographical features which influence the direction of development, i.e., soil suitability and topography suitable for development of streets and extension of public services.
9. Account for man-made barriers which may influence the direction of development, the limited access to development, or the type of development, i.e., railroad tracks, Interstate 84, and the municipal airport.
10. Protect the Mountain Home Air Force Base from future encroachment issues.

WHEREAS, after discussions and meetings between the City and the County it was recognized that a methodology was needed for the establishment of the boundary line. The considerations were set forth as follows:

The Mountain Home Area of City Impact Boundary would be a minimum of one-quarter mile outside the City Limit Boundary; and

- a. If the ACI boundary intersects a parcel of land, the boundary would be extended around the entire parcel.
- b. If the ACI boundary intersects a county subdivision, the boundary would be extended around the entire subdivision.
- c. The ACI boundary would be extended along road corridors an additional quarter mile outside the minimum boundary and would include all parcels having frontage on the road corridor.
- d. The ACI boundary would include the airport hazard or influence zone as approved by both the City Council and County Commission.
- e. The ACI boundary would be extended along the flood plain limits for a quarter-mile beyond the minimum boundary.
- f. To address the man made barrier of Interstate 84, the boundary would not be extended north of the interstate except for those areas at existing interchanges or areas identified for future interchanges.
- g. The City would consider the option to provide water and sewer service within the ACI with a development agreement. If contiguous, parcels would have to be annexed.

WHEREAS, the Governing Bodies of the City of Mountain Home and Elmore County have agreed upon a revised Area of City Impact for the City of Mountain Home;

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE ELMORE COUNTY BOARD OF COMMISSIONERS:

SECTION 1. AREA OF CITY IMPACT. That the revised Mountain Home Area of City Impact as shown on the map that is attached hereto as Exhibit A and as described in Exhibit B is hereby adopted as the Area of City Impact for the City of Mountain Home, Idaho, pursuant to Idaho Code §67-6526.

SECTION 2. REPEAL OF CONFLICTING ORDINANCES. Any ordinance of Elmore County, Idaho in conflict with the terms of this Ordinance is hereby repealed to the extent of such conflict.

SECTION 3. EFFECTIVE DATE. This Ordinance shall take effect and be in force after its passage, approval and publication as required by law. In lieu of publication of the entire Ordinance, a summary thereof in compliance with Idaho Code § 31-715A may be published.

Dated this 22nd day of November, 2010.

ELMORE COUNTY BOARD OF COMMISSIONERS

By: Connie M. Cruser

Connie Cruser, Chairperson

By: Larry E. Rose

Larry Rose, Commissioner

By: Arlen O. Shaw

Arlen O. Shaw, Commissioner



ATTEST:

Marsa Plummer

Marsa Plummer, Elmore County Clerk

Date(s) of publication:

Nov. 3, 2010

EXHIBIT "A"

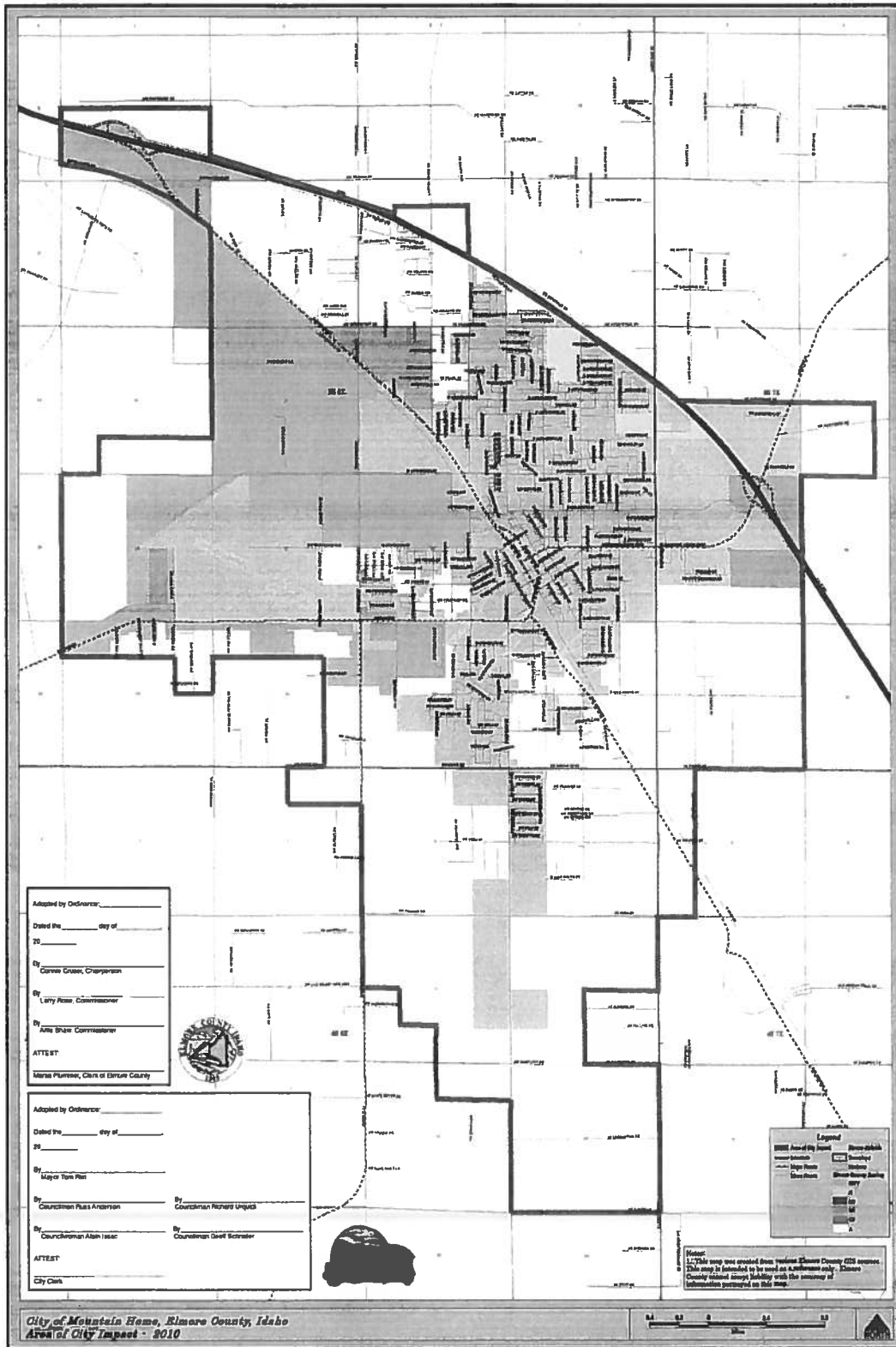


EXHIBIT "B"

Legal Description for Mountain Home, ID Area of City Impact

A description of land in Elmore County, ID described as follows:

Commencing at the southeast corner of Section 13, Township 4 South Range 6 East, B.M., which is the POINT OF BEGINNING; thence west to the southwest corner of Section 13, Township 4 South, Range 6 East, B.M.; thence north to the southwest corner of the northwest 1/4 of the northwest 1/4 of Section 13, Township 4 South, Range 6 East, B.M.; thence west to the southwest corner of the northwest 1/4 of the northeast 1/4 of Section 14, Township 4 South, Range 6 East, B.M.; thence north to the northeast corner of the southwest 1/4 of the southeast 1/4 Section 11, Township 4 South, Range 6 East, B.M.; thence west to the northeast corner of the southwest 1/4 of the southwest 1/4, Section 11, Township 4 South, Range 6 East, B.M.; thence north to the northeast corner of the northwest 1/4 of the southwest 1/4, Section 11, Township 4 South, Range 6 East, B.M.; thence west to the southwest corner of the southwest 1/4 of the northwest 1/4 section 11, Township 4 South, Range 6 East, B.M.; thence north approximately 1.25 miles to the southeast corner of the northeast 1/4 of the northeast 1/4, Section 3, Township 4 South, Range 6 East, B.M.; thence west to the southwest corner of the northwest 1/4 of the northeast 1/4, of Section 3, Township 4 South, Range 6 East, B.M.; thence north to the north quarter of Section 3, Township 4 South, Range 6 East, B.M.; thence east to southwest corner of the southwest 1/4 of the southeast 1/4 Section 34, Township 3 South, Range 6 East. B.M.; thence north to the southwest corner of the northeast 1/4 of the northeast 1/4, Section 34, Township 3 South, 6 East. B.M.; thence west to the southwest corner of the northwest 1/4 or the northwest 1/4, Section 34, Township 3 South, Range 6 East. B.M.; thence south to the east 1/4 of Section 33, Township 3 South, Range 6 East. B.M.; thence west to the southwest corner of the southeast 1/4 of the northeast 1/4 Section 33, Township 3 South, Range 6 East. B.M.; thence north to the southwest corner of the northeast 1/4 or the northeast 1/4, Section 33, Township 3 South, 6 East. B.M.; thence west to the southwest corner of the northwest 1/4 of the northwest 1/4 Section 33, Township 3 South, Range 6 East. B.M.; thence north approximately 1.25 miles to the northwest corner of Section 25, Township 3 South, 6 East B.M.; thence east to the southwest corner of the southeast 1/4 of the southwest 1/4 Section 21, Township 3 South, Range 6 East, B.M.; thence north to the southwest corner of the northeast 1/4 of the southwest 1/4 Section 21, Township 3 South, Range 6 East, B.M.; thence east to the southeast corner of the northeast 1/4 of the southeast 1/4 Section 21, Township 3 South, Range 6 East, B.M.; thence north approximately 1.5 miles to the centerline of Sunset Strip Rd. Thence northwesterly along Sunset Strip Rd. to the

intersection of Ditto Creek Rd. Thence northwesterly along Ditto Creek Rd. to the intersection with the east section line of Section 8, Township 3 South, Range 6 East, B.M.; thence north to the east 1/4 of Section 8, Township 3 South, Range 6 East, B.M.; thence west to the east 1/4 of Section 9, Township 3 South, Range 6 East, B.M.; thence south along said section line to the south right-of-way boundary of Interstate 84. Thence southeasterly along said south right-of-way boundary to the intersection of the East 1/16th line of Section 14, Township 3 South, Range 6 East, B.M.; thence north to the southwest corner of the northeast 1/4 of the northwest 1/4 of Section 14, Township 3 South, Range 6 East, B.M.; thence east to the southwest corner of the northeast 1/4 or the northeast 1/4 of Section 14, Township 3 South, Range 6 East, B.M.; thence south to the intersection of the southern right-of-way boundary of Interstate 84. Thence southeasterly along said right-of-way boundary to the intersection of east/west quarter line of Section 19, Township 3 South, Range 7 East, B.M.; thence east to the center of Section 20, Township 3 South, Range 7 East, B.M.; thence south to the south quarter of Section 20, Township 3 South, Range 7 East, B.M.; thence west to the southwest corner of Section 20, Township 3 South, Range 7 East, B.M.; thence south approximately 2 miles to the southwest corner of Section 32, Township 3 South, Range 7 East, B.M.; thence west to the northeast corner of the northeast 1/4 of the northwest 1/4 Section 6, Township 4 South, Range 7 East, B.M.; thence south approximately 1 mile to the southwest corner of the southeast 1/4 of the southwest 1/4 of Section 6, Township 4 South, Range 7 East, B.M.; thence west to the northwest corner of Section 7, Township 4 South, Range 7 East, B.M.; thence south to west 1/4 of Section 7, Township 4 South, Range 7 East, B.M.; thence east to the center of Section 12, Township 3 South, Range 6 East, B.M.; thence south to the south 1/4 of Section 12, Township 4 South, Range 6 East, B.M.; thence east to the northeast corner of Section 13, Township 4 South, Range 6 E. B.M.; thence south to the south corner of Section 13, Township 4 South Range 6 East, B.M.; which is the POINT OF BEGINNING.