

CITY OF NEW MEADOWS
ORDINANCE NO. 323-10

AN ORDINANCE ENTITLED NEW MEADOWS AREA OF CITY IMPACT; PROVIDING FOR THE AMENDMENT AND ADOPTION OF THE NEW MEADOWS AREA OF CITY IMPACT BOUNDARY; PROVIDING FOR SINGLE OWNERSHIP PROPERTIES DIVIDED BY THE NEW MEADOWS AREA OF CITY IMPACT BOUNDARY TO ALLOW THE SMALLER PORTION OF THE PROPERTY TO BE INCLUDED IN THE JURISDICTION WHEREIN THE LARGER PORTION OF THE PROPERTY IS LOCATED; PROVIDING FOR THE ADAMS COUNTY COMPREHENSIVE PLAN, ZONING ORDINANCE AND SUBDIVISION ORDINANCE TO APPLY WITHIN THE NEW MEADOWS CITY AREA OF CITY IMPACT; PROVIDING FOR THE SUBMITTAL OF SUBDIVISION PLATS TO THE CITY OF NEW MEADOWS FOR REVIEW; PROVIDING FOR THE PROCESSING OF LAND USE APPLICATIONS WITHIN THE AREA OF CITY IMPACT TO REQUIRE A FORTY-FIVE DAY NOTICE TO THE CITY OF NEW MEADOWS PRIOR TO COUNTY PUBLIC HEARING ON SUCH APPLICATION, TO ALLOW THE CITY OF NEW MEADOWS TO POSE WRITTEN QUESTIONS TO THE APPLICANT TWENTY DAYS PRIOR TO THE PUBLIC HEARING, AND TO REQUIRE THE APPLICANT TO ANSWER ANY SUCH WRITTEN QUESTIONS TEN DAYS PRIOR TO PUBLIC HEARING ON SAID APPLICATION; PROVIDING FOR THE APPLICATION OF THE ADAMS COUNTY STREET ADDRESS AND NUMBERING SYSTEM; PROVIDING FOR THE APPLICATION OF THE CITY OF NEW MEADOWS ORDINANCE NOS. 309-07 AND 310-07 RELATING TO WATER AND SEWER HOOKUP FEES; PROVIDING FOR RENEGOTIATION AND AMENDMENTS; PROVIDING A REPEALER; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEW MEADOWS, ADAMS COUNTY, IDAHO, that the following area of city impact agreement is adopted:

Section 1: **APPLICABILITY:**

1-0 The City of New Meadows/Adams County Impact Area Agreement ("Agreement") is being adopted and defined pursuant to Idaho Code §67-6526, together with any and all amendments thereto, pursuant to mutual agreement between the City and County. The purpose of this Agreement is to identify an area of impact surrounding the City with due consideration being given to such factors as trade area, geographic factors, and areas that can reasonably be expected to be annexed to the City in the future. The intent of this Agreement is to define the geographic area of impact; to set forth those ordinances, policies, and plans which will be applicable to the area of impact; and to comply with the applicable sections of Idaho Code, Title 67, Chapter 65, as set forth by the Idaho legislature.

Section 2: **DEFINITIONS:**

The following words when used herein shall have these meanings:

2-1 **Area of Impact** shall mean City of New Meadows Area of City Impact;

2-2 **Board** shall mean the Board of Adams County Commissioners;

2-3 **City** shall mean City of New Meadows;

2-4 **County** shall mean Adams County.

Section 3: CITY OF NEW MEADOWS AREA OF IMPACT BOUNDARY:

3-1 The New Meadows City area of impact is the unincorporated area designated on the Impact Area Boundary Map adopted by the County by Ordinance # _____ and City by Ordinance # 324-10 ("Map") incorporated herein by reference and as may be amended from time to time, copies of which shall be made available at the New Meadows City Hall and the Adams County Building Services department. Both entities shall keep that Map on file and available to members of the public at all times during regular business hours. The zoning districts recorded on the Map and in the legal description are the official designations for both City and County. Amendment of said Map will follow Idaho Code §67-6526 and will be done through separate ordinance amendment. Amendments to Impact Area boundaries adopted by separate ordinance will be added as an updated Attachment "A" of this title.

3-2 The Impact Area for the City of New Meadows shall extend generally one-half (1/2) mile from the existing city limits and is more particularly described as follows:

The land area in Township 19 North, Range 1 East of the Boise Meridian more particularly described as: the South ½ of Section 13; the southeast ¼ of Section 14; the east ½ of Section 23; all of section 24; the north ½ of Section 25; and the northeast ¼ of Section 26.

3-3 In case a property under single ownership is divided by the boundary line of the New Meadows area of city impact, if such line divides such property so that one or both of the 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.

3-4 In accordance with Section 6 of this agreement, as development occurs within the area of impact and city limits are extended, the City and County may renegotiate further expansion of the boundaries of the impact area by a quantity of land equal to the amount of property incorporated into the City pursuant to this Agreement provided that the County and City agree that the proposed expansion of property meets the factors identified in Idaho Code §67-6526 including trade areas, geographic factors, and reasonably anticipated areas to be annexed in the future.

Section 4: APPLICABLE PLAN POLICIES AND ORDINANCES:

4-1 **Comprehensive Plan – County Comprehensive Plan**

- (a) The officially adopted Adams County Comprehensive Plan shall apply to the land within the City area of impact.
- (b) Subsequent amendments to the aforesaid comprehensive plan shall apply within the city area of impact if City and County so agree.
- (c) Any proposed amendment to the County's comprehensive plan applicable within the City area of impact shall be forwarded to the City prior to any public hearing on any proposed amendment. When the County proposes an amendment to the comprehensive plan applicable within the City area of impact, County shall, within sixty (60) days, forward a copy of the proposed amendment to the City who shall either protest the amendment and request renegotiation of the City area impact ordinance / agreement, or shall direct its planning and zoning commission to schedule the amendment for public hearing for its comprehensive plan.
- (d) The officially adopted comprehensive plan for the County with any subsequent amendments thereto shall apply to the land adjacent to the city area of impact outside of any requirements of this Agreement.

4-2 Zoning Ordinances: County Zoning Ordinance Applicable

- (a) Presently zoned lands shall be allowed to develop in accordance with the County zoning ordinance.
- (b) The officially adopted zoning ordinance of the County specifically pertaining to the City area of impact together with any subsequent amendments thereto shall apply in the City area of impact.
 - (i) County zoning districts applicable within the City area of impact shall be in accordance with the adopted comprehensive plan identified in Section 4.1 of this Agreement.
- (c) The officially adopted zoning ordinance for the County with any subsequent amendments thereto shall apply to the land adjacent to the City area of impact.
- (d) Any proposed amendment to the County Zoning Ordinance applicable within the area of impact shall be forwarded to the City at least thirty (30) days prior to any public hearing on any proposed amendment. The City may provide comment as to whether or not such amendment is in conflict with the County's comprehensive plan. City may notify the County development services department in writing prior to or at such public hearing. When the County Board of Commissioners has adopted an amendment to the Adams County Zoning Ordinance, the County shall, within fifteen (15) days, forward a copy of the adopted amendment to the City

along with a notice as to when the amendment will take effect in the County. Within thirty (30) days after the receipt of the amendment, the City shall either protest the amendment requesting renegotiation of the area of impact ordinance / agreement or shall direct the City planning and zoning commission to schedule the amendment for public hearing as an amendment to its area of impact ordinance / agreement.

4-3 Subdivision Ordinance:

- (a) All applications pursuant to the County Subdivision Ordinance within the City area of impact including subdivision applications, PUD's, vacations, variances and other such applications shall comply with the County Subdivision Ordinance.
- (b) Applications pursuant to the County Subdivision Ordinance affecting specific property within the City area of impact shall be evaluated for conformance to the design and improvement standards contained in Articles 12-3 and 12-4 of the New Meadows Subdivision Ordinance No. 312-08 or in subsequent amendments thereto, the officially adopted subdivision ordinance of the City provided said standards are not inconsistent with County subdivision ordinance standards.
- (c) All applications pursuant to the County Subdivision Ordinance affecting property within the City area of impact shall be forwarded to the City at least thirty (30) days prior to any public hearing on said application in order for the City to provide a recommendation to the County planning and zoning commission and/or Board of County Commissioner meeting.
- (d) Any proposed amendment to the County's Subdivision Ordinance applicable within the City area of impact shall be forwarded to the City at least thirty (30) days prior to any public hearing on any proposed amendment in order to provide reasonable time for the City to provide comment. The City shall either protest the amendment and request renegotiation of the area city of impact ordinance / agreement, or shall direct its planning and zoning commission to schedule the amendment for public hearing as an amendment to the City Area of Impact Ordinance, if necessary.

4-4 Additional Standards: The following additional standards shall be applicable within the City area of impact:

- (a) **Street / Address System:** The County street and address numbering system, and ordinance (if applicable) shall apply to all property within the City area of impact. Street names and addresses shall be assigned by the County.
- (b) **Water and Sewer Hookup Fees:** City Ordinance Nos. 309-07 and 310-07, supporting Resolution No. 184, or any such other subsequent City ordinance or resolution setting the fee for water and sewer hookup to the City main or

distribution lines shall be applicable within the City area of impact for those applications seeking Municipal water and/or sewer services.

Section 5: ADMINISTRATION AND ENFORCEMENT:

- 5-1 County Responsibility:** The responsibility for the administration and enforcement of all applicable ordinances within the City area of impact as outlined in this chapter shall remain with the County. All zoning, subdivision, conditional use, variance and other such applications in the City area of impact shall be processed by the County in accordance with the application and appeal procedures of the County.
- 5-2 City Participation:** Should an applicant seek a rezone, subdivision approval, variance, conditional use, or any use that requires a public hearing within the City area of impact, the City shall be provided forty five (45) days prior notice. City will be permitted to pose written questions to applicant at least twenty (20) days prior to hearing. Applicant will be required to answer in writing at least ten (10) days prior to hearing. At such public hearing, a representative from the City shall have the opportunity to appear and present testimony and information as would any affected person or adjoining landowner. At all such quasi-judicial public hearings affecting specific property within the City area of impact, the City Planning and Zoning Commission Chairman, or the Mayor in his absence, or a designee thereof, shall have a seat on the County Planning and Zoning Commission as a participating, non-voting Commissioner who may participate in the public hearing and subsequent deliberation.

Section 6: RENEGOTIATION:

- 6-1** In accordance with Idaho Code §67-6526(d), the City Council or the Board of Adams County Commissioners may request, in writing, the renegotiation of any provision of this chapter at any time. This written request shall set forth the changes in the agreement sought by the requesting party. Within thirty (30) days of receipt of such written request by either party, a meeting between the two (2) jurisdictions shall occur.
- 6-2** While renegotiation is occurring, all provisions of this chapter shall remain in effect until this chapter is amended or a substitute ordinance is adopted by City and County, in accordance with the notice and hearing procedures provided in Title 67, Chapter 65 of Idaho Code, or until a declaratory judgment from the district court is final. Provided, however, that this chapter or stipulated portions thereof shall be of no further force and effect if both jurisdictions so agree by mutually adopted resolution.
- 6-3 Additional Ordinances:** Nothing contained herein shall prevent either the City or County from amending, revising, promulgating or adopting additional ordinances for the purpose of zoning, subdivision, or the general health and welfare for the impact area herein created.

Section 7: All ordinances and parts of ordinances in conflict herewith are hereby repealed.

Section 8: This Ordinance shall be in full force and effect from and after its passage, approval and publication according to law.

Passed by the New Meadows City Council and approved by the Mayor this 10th day of May, 2010.

/s/ Gale Stillman
Gale Stillman, Mayor

ATTEST:

/s/ Jacob Qualls
Jacob Qualls, City Clerk