

TITLE 7
CHAPTER 1
DRIGGS AREA OF CITY IMPACT ORDINANCE

SECTION:

7-1-1: Statute Authority

7-1-2: Purpose and Intent

7-1-3: Map and Legal Description

7-1-4: Application of Comprehensive Plan And Zoning And Subdivision Regulations; Conflicts

7-1-5: Administration and Enforcement

7-1-6: Amendments

7-1-1: **STATUTUE AUTHORITY:** The area of city impact is being adopted and defined pursuant to Idaho Code section 67-6526, together with any and all amendments thereto, pursuant to mutual agreement between the city and the county.

7-1-2: **PURPOSE AND INTENT:**

- A. Purpose: The purpose of this chapter 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.
- B. Intent: The intent of this chapter is to:
 - 1. Define the geographic area of impact;
 - 2. To set forth those ordinances which will be applicable to the area of impact; and
 - 3. To comply with the applicable sections of Idaho Code title 67, Chapter 65, as set forth by the Idaho legislature.

7-1-3: **MAP AND LEGAL DESCRIPTION:**

- A. The boundaries and zoning district classifications of the Driggs area of city impact are shown on the map entitled “Driggs Area of City Impact Zoning Map” dated February 17, 2011, a copy of which is on file in the City of Driggs Planning and Zoning office and the Teton County Planning and Zoning office. The map and all information shown thereon are by reference herein made a part of this chapter.

- B. The legal description of the Driggs area of city impact is stated in the document entitled “Driggs Area of City Impact Legal Description”, a copy of which is on file in the City of Driggs planning and zoning office and the Teton County planning and zoning office.
- C. The zoning districts recorded on the map are the official designations for both the city and the county.

7-1-4: **APPLICATION OF COMPREHENSIVE PLAN AND ZONING AND SUBDIVISION REGULATIONS; CONFLICTS:**

- A. The following plans and regulations shall apply to the land in the Driggs area of city impact:
 - 1. “City of Driggs Comprehensive Plan”, dated January 19, 2010, a copy of which is on file in the City of Driggs Planning and Zoning office and the Teton County Planning and Zoning office, is by reference herein made a part of this chapter. Where this Plan does not include land use recommendations for any parcel of land, the County Comprehensive Plan shall apply for such a parcel;
 - 2. “City of Driggs Zoning Regulations”, (Title 9, Driggs City Code, last amended by Ord. 315-10, 6-15-2010), and including the City of Driggs Commercial Design Standards and Guidelines, copies of which are on file in the City of Driggs Planning and Zoning office and the Teton County Planning and Zoning office, are by reference herein made a part of this chapter.
 - 3. “Teton County Subdivision Regulations”, (Title 9, Teton County Code), together with the Teton County Wildlife Habitat Overlay, and with the following exceptions and modifications when applied within the Driggs Area of City Impact:
 - a. The City of Driggs Subdivision Design Standards (Title 10, Chapter 4, Driggs City Code, last amended by Ord. 259-05, 10-4-2005) shall replace Section 9-4-1 of Teton County Code.
 - b. The City of Driggs Subdivision Improvement Requirements (Title 10, Chapter 5, Driggs City Code, last amended by Ord. 259-05, 10-4-2005) shall replace Section 9-4-2B of Teton County Code.
 - c. The City of Driggs Planned Unit Development Regulations (Title 10, Chapter 6, Article A, Driggs City Code, last amended by Or. 259-05, 10-4-2005) shall replace Chapter 9-5 of Teton County Code.
 - d. “Planning Commission” shall mean the joint Driggs-Teton County Planning Commission, established under Title 2, Chapter 4 of the Teton County Code.
 - e. “Comprehensive Plan” shall mean the applicable Comprehensive Plan as specified in Section 7-1-4-A above.

B. Conflicting Provisions:

1. When conflicts occur with regard to an application that includes adjacent land in both the impact area and county, the procedures outlined in subsection 7-1-5-A-2 shall be followed to determine the applicable plan and ordinances.
2. It is not intended by this chapter to impair or interfere with other regulations of the state, or local law, or with the private restrictions on the use of land, improvements and structures. Where this chapter imposes greater restrictions than that imposed by other law or private restrictions, this chapter shall prevail.

7-1-5: **ADMINISTRATION AND ENFORCEMENT:**

A. Administration: Any application required or provided for by the applicable regulations specified in Section 7-1-4 above that concerns land within or partially within the impact area shall be processed as follows:

1. Any application which concerns land one hundred percent (100%) within the impact area of the City shall be processed as follows:

a. Application Form and Filing: An application form, approved for use by both city and county planning departments shall be filed with the county planning and zoning administrator.

b. Fee: The City Council and Board of County Commissioners shall adopt, by resolution, fees to recover estimated costs associated with processing each type of zoning and subdivision application. The combined fee amount shall be collected by the county planning department at the time of application filing. The county shall forward the city's fee portion to the city at the time the application file is transmitted to the city.

c. Zoning Application Review Process:

(1) Application Completeness Review and File Transfer: The county Planning Administrator shall, within fourteen (14) days of an application being filed pursuant to the applicable zoning regulations, review such application and checklist of submittal items for completeness, and upon finding and certifying that an application is complete, shall transmit the complete file to the city Planning Administrator.

(2) Upon receiving a complete application required or provided for by the applicable zoning regulations, specified in Section 7-1-3 above, the City Planning Administrator shall process the application and schedule any required public hearings in accordance with said zoning regulations and shall forward the city's findings, conclusions and recommendations for all such applications to the county Planning Administrator along with the complete application file.

(3) If an application requires a noticed public hearing by the city, the county Planning Administrator shall, subsequent to receiving the city's findings, conclusions and recommendations for such an application, schedule a noticed

final public hearing with the Board of County Commissioners, which shall issue a final decision in accordance with the applicable zoning regulations specified in Section 7-1-3 above, and may attach additional approval conditions, or may remand the application back to the city for additional findings.

(4) If an application does not require a public hearing by the city, then the county Planning Administrator shall issue a final decision and may attach additional approval conditions, or may remand the application back to the city for additional findings. The county Planning and Zoning Administrator may also, before issuing a final decision, place the application on a consent agenda before the Board of County Commissioners.

d. Subdivision Application Review Process:

(1) The county Planning Department and county Planning Administrator shall process all subdivision applications filed for land 100% within the Driggs Area of City Impact according to the process established in Title 9 of the Teton County Code, with the following exceptions and modifications:

- i. City Planning Administrator Review Required: The city Planning and Zoning Administrator shall participate in all applicant conferences and meetings of the joint Driggs-Teton county Planning Commission and shall provide city reviews and reports to the joint Planning Commission covering at least all aspects of application conformance with the applicable city Plan, zoning regulations, subdivision design standards and subdivision improvement requirements, and additional reviews and reports as requested by the joint Planning Commission.
- ii. Water and Sewer Will Serve Letter Requirement: The County shall require any Concept Application proposing connection to the city's water or wastewater systems to include a Will Serve letter from the city approving such connection in order to be deemed a complete application.

2. Any application which concerns land partially within and outside of the Driggs area of city impact shall require a written determination between the county and city as to which jurisdiction shall process the application, and which ordinances shall be applied as more restrictive and stringent. The procedures below shall be followed:

- a. The planning administrators from each jurisdiction shall make recommendations to the City Council and Board of County commissioners as to which jurisdiction should process the application and which ordinances should be used to process the application. The recommendation shall consider such factors as the amount of land in each jurisdiction, trade area, geographic factors, possible current or future annexation to the city.
- b. Council and the Board shall approve, deny, or remand the recommendations back to the planning administrators for further negotiation and new recommendations.

c. After approval of the recommendations in subparagraph (a) above, the city or county shall proceed as follows:

(1) If the application is to the city it shall be processed in accordance with this section.

(2) If the application is to the county it shall be processed in accordance with the county ordinances.

3. Unresolved: All remaining administrative or procedural conflicts unresolved by mutual agreement shall be resolved, within sixty (60) days of receiving a completed application, by a combined board of resolution to be formed as follows: The Teton County commissioners shall appoint two (2) individuals residing in the county to form part of said board of resolution. The council of the city of Driggs shall appoint two (2) individuals residing in the city of Driggs to form part of said board of resolution. The four (4) appointed individuals shall then appoint a fifth member who is to be an individual residing within the Driggs area of city impact. Such board of resolution shall meet and resolve such issues by majority vote.

B. Enforcement: The County shall be responsible for the enforcement of all applicable ordinances in the area of impact.

7-1-6: **AMENDMENTS:**

A. Method: The method of amending the area of impact defined in this chapter and the boundaries thereof shall be governed by Idaho Code section 67-6526(d).

B. Additional Ordinances: Nothing contained in this chapter shall prevent either the city or the 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 created in this chapter; provided however, that any ordinance amendment that affects the impact area must be approved by the county Board of Commissioners.

CHAPTER 2

TETONIA

SECTION:

- 7-2-1: Purpose
- 7-2-2: Geographic Area
- 7-2-3: Comprehensive Plans
- 7-2-4: Subdivision Ordinances
- 7-2-5: Conflicts
- 7-2-6: Administration And Enforcement
- 7-2-7: Renegotiation

7-2-1: **PURPOSE:** The purpose for establishing an area of city impact is to identify a logical urban fringe area adjoining the city of Teton, Idaho. The urban fringe area is realizing, or will realize, growth and development pressures that must be planned and managed in an orderly fashion. The area of city impact recognizes trade area, geographic factors and the potential delivery of public services as being associated with the city of Teton and comprised of areas that may reasonably be annexed to the city in the near and distant future. (Ord. 95-081495, 8-14-1995)

7-2-2: **GEOGRAPHIC AREA:** The officially adopted and agreed upon area of city impact for Teton, Idaho, is established by ordinance 95-081495 dated June 26, 1995, Teton, Idaho, and by the county, as designated on the map attached as exhibit A, a copy of which is on file in the Teton County planning and zoning office, and incorporated herein by reference. (Ord. 95-081495, 8-14-1995; amd. 2001 Code)

7-2-3: **COMPREHENSIVE PLANS:** The comprehensive plan and subsequent amendments thereto as officially adopted by the city of Teton, and the comprehensive plan and subsequent amendments adopted by the county shall apply to the area of city impact within the unincorporated area of the county. (Ord. 95-081495, 8-14-1995)

7-2-4: SUBDIVISION ORDINANCES:

- A. **Applicability:** The subdivision ordinances and subsequent amendments thereto as officially adopted by the city of Tetonia, and the subdivision ordinances and subsequent amendments adopted by the county shall apply to the area of city impact within the unincorporated area of the county and shall be enforced for all new, replotted, or amended subdivisions located within the area of city impact within the incorporated area of the county.
- B. **Density:** The density allowed within the area of impact is set forth on the area of impact map attached to ordinance 95-081495 on file in the office of the clerk of the district court and incorporated herewith by reference.
- C. **Responsibility For Maintenance Of Public Streets:** Responsibility for maintenance of public streets located in the area of city impact within the unincorporated area of the county shall be by written agreement between the county, the city of Tetonia, and the developer.
- D. **Law Enforcement; Fire Services:** Law enforcement and fire services in the area of city impact within the unincorporated area of the county shall remain the responsibility of the county sheriff's department and county fire protection district unless otherwise stipulated by written agreement.
- E. **Joint Review:** Joint review of all subdivision applications for preliminary and final plat approval shall be by both the county and the city of Tetonia planning and zoning commissions. (Ord. 95-081495, 8-14-1995; amd. 2001 Code)

7-2-5: CONFLICTS: In carrying out the provisions of sections 7-2-3 and 7-2-4 of this chapter, if there is a conflict or contradiction in terms or provisions between city or county comprehensive plan or city ordinances, then the term or provision in the city or county comprehensive plan or city ordinance having the higher or more restrictive standard shall prevail. The provisions of either ordinance are severable. If any provision of either ordinance or the application of such provision to any person or circumstance is declared invalid for any reason, the declaration shall not affect the validity of the remaining portions of those ordinances. (Ord. 95-081495, 8-14-1995)

7-2-6: ADMINISTRATION AND ENFORCEMENT:

- A. Administration: The county shall be responsible for the administration and enforcement of the area of impact within the unincorporated area in Teton County, Idaho. This shall not prevent the city from bringing enforcement proceedings in its own behalf if the county refuses to enforce these provisions after being requested to do so by the city.
- B. Amendments: Amendments to either the city's or county's comprehensive plans or zoning ordinances or requests for preliminary and final plats or the vacation thereof and requests for zone changes involving property located in the area of city impact within the unincorporated area of the county relating to any nonagricultural development shall be reviewed and approved by both governing bodies upon recommendations from their respective planning and zoning commission in accordance with title 67 and title 50, Idaho Code. (Ord. 95-081495, 8-14-1995)

7-2-7: RENEGOTIATION: The area of city impact agreement shall be reviewed by the city of Teton and the county at least once every five (5) years and shall be renegotiated at any time upon the request of either party hereto. Renegotiation shall begin thirty (30) days after written request by either the city or county and shall follow procedures for the original renegotiation, as set forth in Idaho Code, section 67-6526. (Ord. 95-081495, 8-14-1995)

TITLE 7
CHAPTER 3
Victor Impact Area Agreement

- 7-3-1: Applicability
- 7-3-2: Boundary Definitions
- 7-3-3: Comprehensive Plans and Ordinance
- 7-3-4: Administration and Enforcement
- 7-3-5: Amendments

7-3-1: **APPLICABILITY:** This Impact Area agreement is being adopted and defined pursuant to Idaho Code, section 67-6526, together with any and all amendments thereto, pursuant to mutual agreement between the City of Victor and Teton County. The purpose of this chapter is to identify an area of impact surrounding the City of Victor 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 of Victor in the future. The intent of this chapter is to define the geographic area of impact; to set forth those ordinances that will be applicable to the impact area; and to comply with the applicable sections of Idaho Code, title 67, chapter 65, as set forth by the Idaho legislature.

7-3-2: **BOUNDARY DEFINITIONS:** The boundaries of the impact area are defined in Victor City Ordinance Title 8 and are shown on Exhibit A entitled Victor City Impact Area (hereinafter the “Impact Area”), a copy of which is also on file in the Teton County Planning, Building and GIS Department, and the City of Victor planning and zoning offices

7-3-3: **COMPREHENSIVE PLANS AND ORDINANCES:**

- A. **Applicability:** The officially adopted comprehensive plan and zoning ordinance of Teton County together with any subsequent amendments, as adopted pursuant to section 5 of this chapter, thereto shall apply to the land within the Impact Area, except as provided below.
- B. **Impact Study:** The City of Victor may request an impact study as per the Victor City Ordinance Title 10 Chapter VI, M. before final plat is given on any land in the Impact Area.

- C. **Responsibility for Maintenance:** Maintenance of public streets located in the Impact Area shall be agreed to in writing between the City, the County, and any developer. In the absence of any such agreement the County shall be responsible for the maintenance.

7-3-4: **ADMINISTRATION AND ENFORCEMENT:**

- A. Teton County shall be responsible for the administration and enforcement of all applicable county ordinances within the Area of Impact as outlined in this chapter.
- B. Review Process
 - 1. Impact Area: All development applications within the Area of Impact shall originate with the County.
 - 2. All development applications within the Impact Area shall be forwarded for review by the Victor Planning & Zoning Administrator. Those applications that may have an impact on current or future compatibility with easements, utility and roadway connectivity and compatibility with those of the City of Victor's easements, roadways and utilities shall be passed on to the Victor Planning & Zoning Commission for review and comment to the County Planning & Zoning Commission for their disposition. No planned unit developments are allowed in the area of impact.
 - 3. Urban Growth Boundary, (a part of the Impact Area):
 - a. All public roadways that are constructed within the Urban Growth Boundary shall be designed and built to City of Victor Standard, Specifications and Drawings, as amended.
 - b. The unannexed area within the Victor Urban Growth Boundary, as set forth on Exhibit A, shall remain under county zoning until such time as a subdivision of higher density than that allowed by county regulations is applied for at which time it shall request annexation, and if approved, fall within the zoning and subdivision ordinances of the City of Victor.
 - 4. Foothills Big Game Corridor and Seasonal Range: Development occurring within the eastern foothills area, generally indicated on the Teton County Natural Resource Overlay, and specifically indicated as eastern Big Game Migration Corridors and Seasonal Ranges Overlay, as depicted on Exhibit B shall be reviewed by the City of Victor under a

courtesy review process. Comments and recommendations shall be forwarded to the Board of County Commissioners.

5. FEES: The City Council and Board of County Commissioners shall adopt, by resolution, fees to recover estimated costs associated with processing each type of zoning and subdivision application. The combined fee amount shall be collected by the county planning department at the time of application filing. The county shall forward the city's fee portion to the city at the time the application file is transmitted to the city. In the event costs are incurred by the City of Victor as a result of the administration or enforcement of area of city impact matters, the City of Victor and County agree to proportionately share such expenses.

7-3-5: **AMENDMENTS:**

- A. The method of amending the Impact Area and the boundaries thereof shall be governed by Idaho Code, section 67-6526(d).
- B. Amendments to either the City or County comprehensive plans or zoning ordinances pertaining to the Impact Area, as well as requests for zoning changes within the Impact Area shall be reviewed and approved by both the City and the County.