

CHAPTER 10

AREA OF CITY IMPACT

SECTION:

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1-10-1: **STATUTE 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. (Ord. 325-11, 10-4-2011)

1-10-2: **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. (Ord. 325-11, 10-4-2011)

1-10-3: **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. (Ord. 325-11, 10-4-2011)

1-10-4: **APPLICATION OF COMPREHENSIVE PLAN AND ZONING AND SUBDIVISION REGULATIONS; CONFLICTS:**

- A. Plans And Regulations: 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 of this code, last amended by ordinance 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 of this code, last amended by ordinance 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 of this code, last amended by ordinance 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 of this code, last amended by ordinance 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 this code.

e. "Comprehensive plan" shall mean the applicable comprehensive plan as specified in this subsection.

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 1-10-5A2 of this chapter 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. (Ord. 325-11, 10-4-2011)

1-10-5: ADMINISTRATION AND ENFORCEMENT:

A. Administration: Any application required or provided for by the applicable regulations specified in section 1-10-4 of this chapter that concerns land within or partially within the impact area shall be processed as follows:

1. **Land Within Area Of City Impact:** 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) Application Process; Public Hearing; File Transfer: Upon receiving a complete application required or provided for by the applicable zoning regulations, specified in section 1-10-4 of this chapter, 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) Public Hearing And Final Decision: 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 1-10-4 of this chapter, and may attach additional approval conditions, or may remand the application back to the city for additional findings.

(4) Public Hearing Not Required; Decision; Consent Agenda: 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 one hundred percent (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:

(A) 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.

(B) 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. Land Partially Within And Outside Area Of City Impact: 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 subsection A2a of this section, 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. (Ord. 325-11, 10-4-2011)

1-10-6: **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. (Ord. 325-11, 10-4-2011)