

ORDINANCE NO. 37 94-12-1

AREA OF IMPACT AGREEMENT - CITY OF MALTA

AN ORDINANCE DEFINING AND ESTABLISHING A GEOGRAPHICAL AREA OF CITY IMPACT FOR THE CITY OF MALTA, IDAHO, IDENTIFYING THE COMPREHENSIVE PLAN THAT SHALL APPLY WITHIN THE ESTABLISHED AREA OF CITY IMPACT; IDENTIFYING THE SUBDIVISION AND ZONING ORDINANCES THAT SHALL APPLY WITHIN THE ESTABLISHED AREA OF IMPACT; IDENTIFYING METHODS AND PROCEDURES FOR APPLICATION, ADMINISTRATION AND ENFORCEMENT OF THE COMPREHENSIVE PLAN AND ORDINANCES THAT SHALL APPLY WITHIN THE ESTABLISHED AREA OF CITY IMPACT; ESTABLISHING AN EFFECTIVE DATE PURSUANT TO SECTION 67-6526, IDAHO CODE.

NOW THEREFORE BE IT ORDAINED BY THE MAYOR AND THE COUNCIL OF THE CITY OF MALTA, IDAHO, COUNTY OF CASSIA, STATE OF IDAHO AND;

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS, CASSIA COUNTY, IDAHO:

Section 1. Legislative Purpose: The purpose for establishing an Area of City Impact is to identify a logical urban fringe area adjoining the City of Malta, 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 Malta and comprised of areas that may reasonably be annexed to the City in the near and distant future.

Section 2. Geographic Area of City Impact: The officially adopted and agreed upon "Area of City Impact for Malta, Idaho" is established by this Ordinance and as set forth herein on the attached map marked Exhibit A.

Section 3. Comprehensive Plan: The Comprehensive Plan and subsequent amendments thereto as officially adopted by the County of Cassia, Idaho shall apply to the Area of City Impact within the unincorporated area of Cassia County, Idaho. Both the City of Malta and Cassia County shall amend their Comprehensive Plans to be consistent with this agreement, if required.

Section 4. Subdivision Ordinance: The Subdivision Ordinance and subsequent amendments thereto as officially adopted by the Cassia County, Idaho shall apply to the Area of City Impact within the unincorporated area of Cassia County, Idaho. The Subdivision Ordinance of the County of Cassia shall also prevail over any Cassia County ordinances pertaining to the division of original parcels of record, plat amendments, lot line adjustments, minor subdivisions, short plats or administrative lot splits.

Section 5. Zoning Ordinance: The Zoning Ordinance, Zoning Map and subsequent amendments thereto as officially adopted by the County of Cassia shall apply to the Area of City Impact within the unincorporated area of Cassia County, Idaho. The area within the area of impact shall be zoned RA-1 under the Cassia County Ordinance.

Section 6. Code and Ordinance Administration and Enforcement:

1) Cassia County shall be responsible for the administration and enforcement of the City's ordinances listed in Section 3,4, and 5 and shall receive all permit fees for inspection performed to recapture direct costs of inspections, administration, legal publications, and other costs arising from the process. Appeal and hearing procedures shall follow those adopted by the County of Cassia presently and in the future.

2) Amendments to the County Comprehensive Plan, 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 Cassia County being proposed for non-agricultural development of any type shall be considered by the Cassia Commissioners in accordance with Title 67 and Title 50, Idaho Code.

3) The authority to enter into and execute development agreements with a subdivider and to accept required bonding or other form of security to guarantee construction of required street improvements involving plats located within the Area of City Impact within the unincorporated area of Cassia County shall rest jointly with the Raft River Highway District, County of Cassia and the City of Malta.

4) Maintenance of public streets located in the Area of City Impact shall be the exclusive responsibility of the Raft River Highway District, unless otherwise stipulated by written agreement between the Highway District, the City of Malta, and Cassia County.

5) Law Enforcement and fire services in the Area of City Impact shall remain the responsibility of the County of Cassia and the Malta Fire District unless otherwise stipulated by written agreement between the county and/or fire district and the City of Malta.

6) The City of Malta shall appoint an appropriate number of it's Planning and Zoning Commission to represent the Area of City Impact. Those representatives shall reside within the Area of City Impact and shall be reappointed upon any vacancy by citizens also residing within the Area of City Impact.

Section 7. Renegotiation: The Area of City Impact Agreement shall be reviewed by the City of Malta and Cassia County at least once every five years and shall be renegotiated at any time upon the request of either party hereto. Renegotiation shall begin 30 days after written request by either the City or County and shall follow procedures for the original negotiation, as set forth in Idaho Code, Section 67-6526.

Section 8. Effective Date: This ordinance shall be in full force and effect from and after it's passage and publication as required by law.

PASSED BY THE CITY COUNCIL of the City of Malta this 14 day of November, 1994.

APPROVED BY THE MAYOR of the City of Malta this 14 day of November, 1994.

PASSES BY THE COUNTY COMMISSIONERS of the County of Cassia this 5 day of December, 1994.

ATTEST:

Marilyn Lightfoot
City Clerk

ATTEST:

Janet R. Kelly
County Clerk

State of Idaho }
County of Cassia } ss

I hereby certify that the foregoing instrument
is a full, true and correct copy of the original
as recorded in this office.

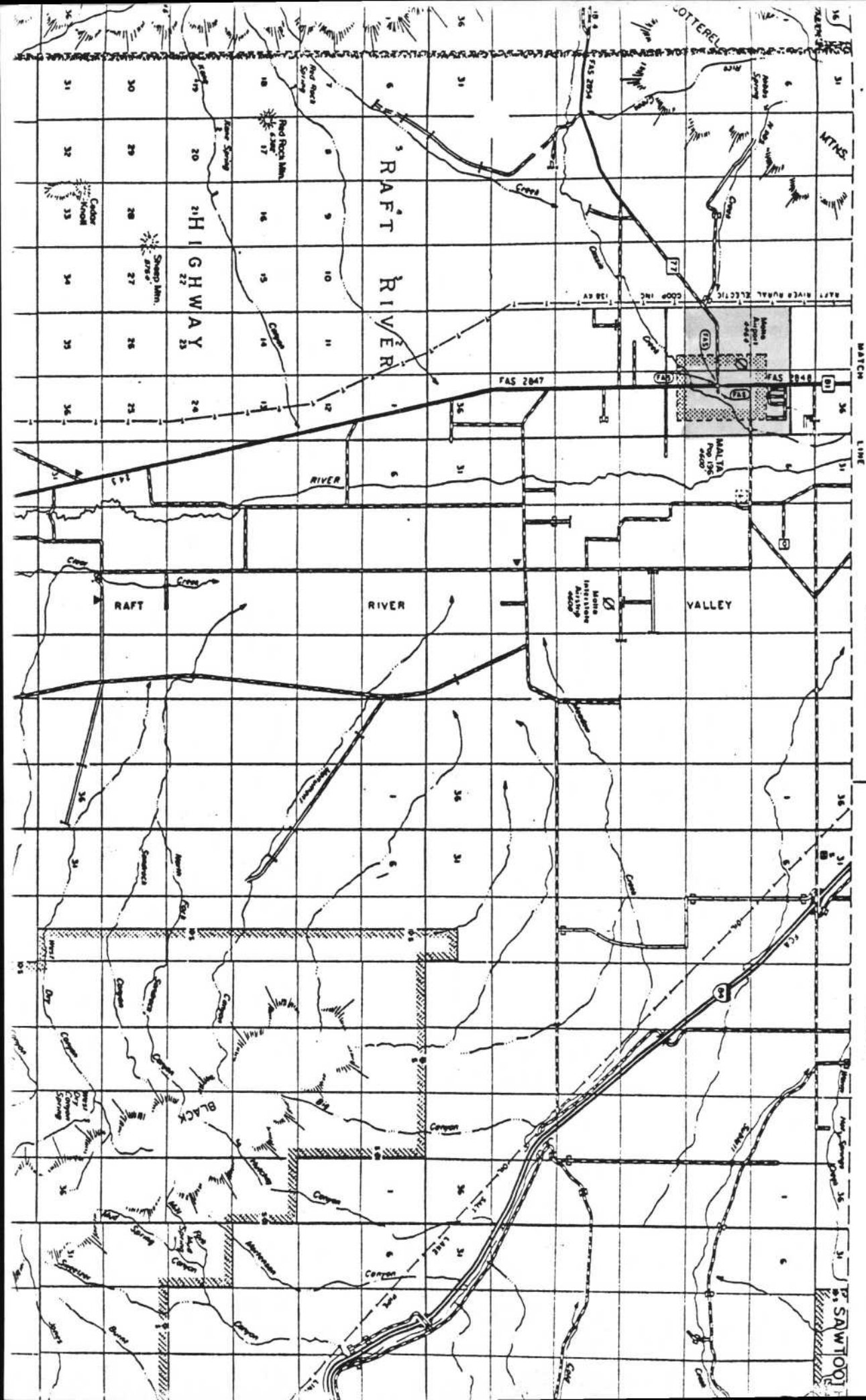
Dated December 6, 1994
E. Elbert

Sheet - 1

R.27 E.

115°15'

R. 28 E.



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PASSES BY THE COUNTY COMMISSIONERS of the County of Cassia this 5th day of December, 1994.

ATTEST:

/s/ Marilyn Lightfoot

City Clerk

ATTEST:

/s/ Darrell Roskelley

County Clerk

Published in the South Idaho Press on January 13, 1995.



Mailed back
11-15-94

COUNTY OF CASSIA

COURTHOUSE
BURLEY, IDAHO 83318

November 2, 1994

Mayor Bud Tracy
City of Malta
Malta, ID 83342

RE: Area of City Impact - Zoning

Mayor Tracy:

According to Section 67-6526 of the Idaho Code, the governing board of each city and county are required to adopt an ordinance identifying an area of city impact within the unincorporated area of the county.

Please look at the enclosed draft ordinance, which includes the impact area as it is now defined in the County Zoning Ordinance, and let me know of any changes you would like to see made. Since public hearings are required prior to adopting the ordinance, we would like to schedule a joint hearing if possible. Please contact my office with a proposed date for a joint hearing so that we can get it scheduled and have the Commissioners there.

Thank you for your support in this matter.

Sincerely,

Tim

Timothy A. Hurst
County Administrator