



**THE DRIGGS AREA OF CITY IMPACT AGREEMENT  
AN AMENDMENT TO TITLE 7  
THE TETON COUNTY CODE**

Staff Report:

Curt Moore

Prepared July 27 for the Planning & Zoning Commission  
Public Hearing of August 9, 2011

**APPLICANTS:** City of Driggs- Teton County

**REQUEST:** Amend Title 7, Chapter 1 to revise the Area of City Impact Agreement between Teton County and the City of Driggs.

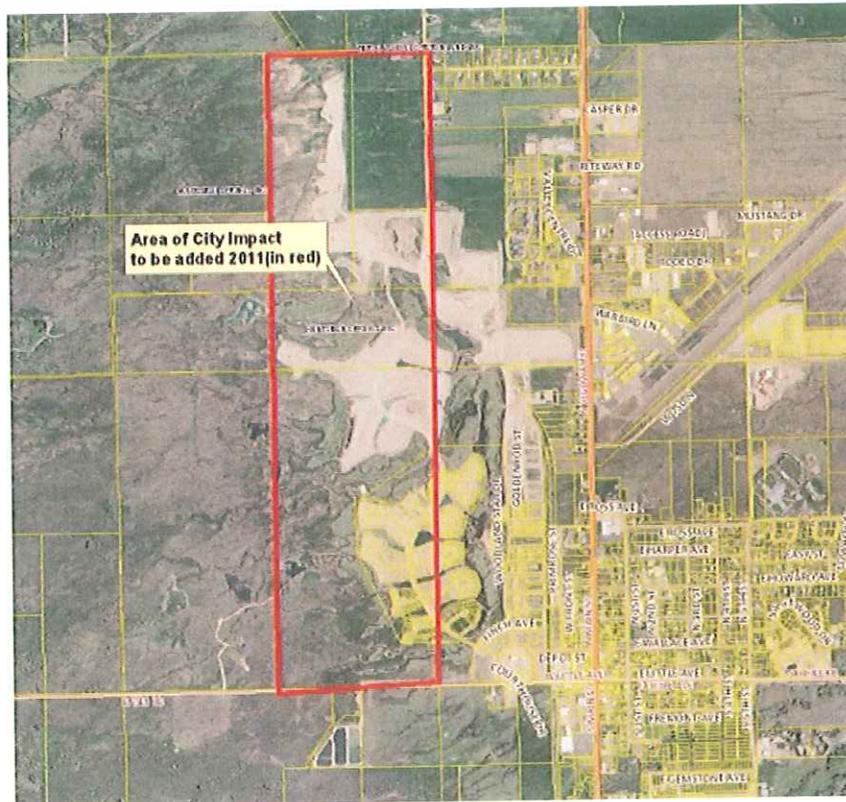
**BACKGROUND:**

- The Statutes for the State Of Idaho (Title 67 State Government and State Affairs, Chapter 65 Local Land Use Planning) makes provisions for cities and counties to coordinate their land development decision processes in those areas near the city by formally designating an area of city impact. Section 67-6526(a) outlines three possible arrangements the two governments can make to regulate development within a city impact area:
  - (1) Application of the city plan and ordinances; or
  - (2) Application of the county plan and ordinances; or
  - (3) Application of any mutually agreed upon plan and ordinances
- The Driggs Area of City Impact was originally adopted in 1995 along with an agreement defining which ordinances and plans would apply in that area.
- While city ordinances can apply to areas in the county designated as impact-areas, recent Idaho court cases have affirmed that the final decision makers for land use applications within the county and the Area of City Impact must be the Board of County Commissioners. Citizens who live in the Area of Impact elect County Commissioners and not City Councilors. Given this, the City Planning Commission and City Council hold public hearings and make recommendations about a particular development proposal, but the Board of County Commissioners render the final determination.
- The process for establishing or renegotiating the area of impact and the appurtenant regulations is spelled out in the following state statute:

*“Prior to negotiation or renegotiation of areas of city impact, plan, and ordinance requirements, the governing boards shall submit the questions to the planning, zoning, or planning and zoning commission for recommendation. Each commission shall have a reasonable time fixed by the governing board to make its recommendations to the governing board. The governing boards shall undertake a review at least every ten (10) years of the city impact plan and ordinance requirements to determine whether renegotiations are in the best interests of the citizenry”.*



- On March 13, 2011, the County Planning & Zoning Commission held a public hearing and they made a recommendation to enlarge the Driggs Area of City Impact area to include Huntsmans Springs. A map of the revised Area of City Impact that also depicts the Driggs zoning designations is attached to this staff report. This map depicts the area to which the newly revised Title 7, Chapter 1 would apply.



- In the spring of 2011 the City of Driggs Planning Administrator presented the attached City Ordinance 325-11 to the City Planning and Zoning Commission and it they reviewed it and sent it to City Council, which has held its first reading of the proposed ordinance. Ordinances are passed by City Council after three readings. Minutes from those hearings are attached to this report. After the County Planning & Zoning Commission public hearing of August 9, it is expected that the draft ordinance will be returned to City Council, with any revisions, for the second and third reading.
- The City of Driggs Ordinance 325-11 was adapted to the numbering system of the Teton County Code Title 7, Chapter 1; see the attached document with yellow highlights on the parts not included in the Teton County version.

**STAFF ANALYSIS:**

The Driggs Area of City Impact is governed by the following documents:

- The City of Driggs Comprehensive Plan, January 19, 2010 (County Comprehensive Plan



- applies for any parcels not covered under the City Comprehensive Plan)
- City of Driggs Zoning Regulations, last amended 6-15-2010
  - Teton County Subdivision Regulations, with exceptions and modifications found in the City's Design Standards, Improvement Standards, and PUD Regulations.

When a subdivision is applied for within the Area of City Impact, a joint planning commission shall hold a public hearing and make a recommendation to the Board of County Commissioners.

**FINDINGS:**

1. The State of Idaho Statues, Section 67-6526, makes provisions for the renegotiation of the Area of City Impact agreements between a county and a city. These agreements can determine mutual agreements setting forth the plans, regulations and decision-making processes for land development applications.
2. The City of Driggs duly noticed public hearings to modify the existing Area of City Impact Agreement and after taking public comment, the city Planning and Zoning Commission recommended that the existing agreement be modified and replaced with Driggs City Ordinance 325-11.
3. In accordance with state notification requirements, the County Planning and Zoning Commission scheduled a public hearing where public comment is taken in consideration of adopting a new Title 7, Chapter 1- Driggs Area of City Impact Ordinance.
4. The revised Driggs Area of City Impact Chapter provides for a more efficient subdivision review process because it stipulates that a joint city-county Planning & Zoning Commission be formed to hold public hearings and consider the subdivision applications.
5. The recommendations of both the City of Driggs and the Teton County Planning and Zoning Commission shall be sent forward to the Driggs City Council and the Teton County Board of County Commissioners for consideration of adopting a new Driggs Area of City Impact Agreement.

**PLANNING STAFF RECOMMENDATION:**

Planning Staff recommends that the Planning Commission recommend to the Board of County Commissioners that the existing Driggs Area of Impact Ordinance be replaced with the with the attached Draft of Title 7, Chapter 1.

Suggested motion:

*I recommend **approval** of the Driggs Area Of City Impact Ordinance, as presented in the August 9, 2011 Title 7 Chapter 1 Draft, having found that the public hearings have been properly noticed and the hearings held in accordance with state statue and having found that the revised ordinance provides for an improved process for citizens to apply for development applications within the Driggs Area of City Impact.*

Attachments:

- City of Driggs P&Z Commission Public Hearing minutes 12/14/2010
- City of Driggs City Council public hearing minutes, first reading, 6/8/2011
- City of Driggs Ordinance 325-11 Area of City Impact
- Teton County Title 7- Chapter 1 Draft Area Of City Impact Ordinance
- City of Driggs Area of City Impact Zoning Map 2/17/2011



**TETON COUNTY PLANNING AND ZONING COMMISSION**  
**Meeting Minutes from December 14, 2010**  
**County Commissioners Meeting Room, Driggs, ID**

**COMMISSIONERS PRESENT:** Mr. Dave Hensel, Mr. Bruce Arnold, Mr. Ryan Colyer, Ms. Alice Stevenson, Mr. Darryl Johnson, and Mr. Shawn Hill.

**DEPARTMENT HEADS PRESENT:** Ms. Angie Rutherford, Planner/GIS, Mr. Curt Moore, Planner.

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**PUBLIC HEARING: City of Driggs Area of Impact/Interest**

Mr. Moore commented he received a phone call from the County Attorney about concern over the Area of Interest, which is not in the statutes.

Mr. Doug Self, Driggs Planning & Zoning Administrator, stated he spoke to Ms. Spitzer before the hearing and she did not express any concern to him over the Area of Interest. The Area of Impact was originally adopted in 1995 along with an agreement defining which ordinances and plans apply in that area. It was decided both the City and County ordinances would apply to that area and whichever was the more restrictive ordinance would apply. He stated in 2004, after Targhee Ridge Estates was approved, land owners complained to the City so the density in that area was down zoned from R-1 to ADR (Average Density Residential). At the same time a new agreement was adopted stating that the City of Driggs Comprehensive Plan and ordinances would apply in the Area of Impact. Since that time, the City has adopted a Comprehensive Plan. Mr. Self read the section of the Comprehensive Plan that related to the Area of Impact. The intention was to direct growth to within the City proper. He discussed the proposed increase of the area of impact in order to prevent sprawl and possible rezoning by the County in these areas. On December 8, 2010 the Driggs Planning & Zoning Board recommended to the Driggs City Council to keep the existing impact area boundaries with the exception of adding Huntsman Springs and to exclude the old County landfill. He stated he has also discussed with Mr. Moore the possibility of having a two tiered area of impact in the future in order to keep the growth tight in the City and keep down the cost of maintaining infrastructure.

Mr. Hensel questioned if the City would provide water and sewer services to any area within the impact area proposed. Mr. Self stated that would be decided on a case by case basis on the sewer if a land owner wants to extend the lines, and water would need to be in the City limits or adjacent before allowing a hookup.

Mr. Colyer asked if Huntsman Springs contacted the City with their opinion. Mr. Self stated they have met with Huntsman Springs and they are in favor of being included in the proposed Area of Impact.

**Public Comment:**

Ms. Anna Trentadue, representing VARD, said she was in favor of having Huntsman Springs in the Area of Impact. She pointed out that over past two years, 42 building permits were issued in the County and only one in the City, so she felt development should be encouraged more within the City limits. Ms. Trentadue felt cooperative planning efforts are a positive move. She was concerned that people would perceive the Area of Impact was meant to be annexed into the City limits. She felt Plan B made more sense than the original Plan A proposed.

**Deliberation:**

Ms. Stevenson asked staff if they felt sending all information on applications within the area of interest would be a hardship. Mr. Moore commented there were two alternatives based on the impact of the application. If it was not a major impact, a letter advising about the application would be sufficient. For larger projects, a whole packet would be provided. Mr. Self agreed notifying the City on an application would allow them a chance to request more detailed information if they felt it pertinent, and that would be sufficient.

Mr. Hensel felt the second proposal was an improvement over the first and had no problem with it. Mr. Hill hoped this would be a precursor for a sense of cooperation between the City and the County, and emphasized the more both entities work together the better it is for the community. He hoped the spirit would reflect the intent of both to work together. Mr. Moore stated he is working with Mr. Self to make refinements to the impact area proposed that could be presented in the future.

**Motion:** Ms. Stevenson moved to recommend approval of the expanded City Area of Impact being proposed. The expansion includes only the Huntsman Springs area and excludes the old County landfill. Mr. Hill seconded the motion.

**Vote:** The motion was unanimously approved.

**Motion:** Ms. Stevenson moved to recommend the adoption of a Memorandum of Understanding with the City of Driggs regarding the proposed area of City interest. Mr. Hill seconded the motion.

**Vote:** The motion was unanimously approved.

**CITY OF DRIGGS PLANNING AND ZONING COMMISSION MEETING MINUTES**  
**December 8, 2010, 7:15pm**

**MEMBERS PRESENT:** Rene Lusser (conducting), Rick Baldwin, Delwyn Jensen, Chris Valiante, and Ralph Mossman. **OTHERS PRESENT:** Planning and Zoning Administrator Doug Self, Deputy Planning and Zoning Administrator Kreslyn Schuehler and various other community members.

**8) Public Hearing to Review the Area of City Impact Boundaries – 7:40pm**

Mr. Self stated that the Area of Interest would not be a formal adoption through the State Code, but an informal arrangement with the county. Since the last discussion, Mr. Self suggested that the only extension to add to the Area of Impact would be to include Huntsman Springs. All others should wait until the review of the Comprehensive Plan, as the planning and future land use map was not complete for those areas.

Commissioner Lusser opened the Public Hearing. Kathy Rinaldi, Teton County Commissioner, spoke to the Commission. She stated the county was looking for a process that would be simple and easy to deal with. She suggested one set of ordinances or a smaller area of impact boundary. Commissioner Jensen suggested that the county come up with the process for the area of impact. Ms. Rinaldi felt that would occur with the Comprehensive Plan.

Mr. Self felt that the process now was very simple and stated he met with the planner at the county to determine how the process should be improved for the applicant and the decision makers at the City and County. He felt that if the information were provided for both parties, it would remain very simple to understand that the City Ordinances are used in the Area of Impact.

Mr. Self explained the issues that should be reviewed when determining an area of impact, which included annexation areas, service areas and geographical factors.

Anna Trentadue spoke to the Commission. She stated there were minimal building permits in both the city and county in the last two years and the valley continued to have an abundant number of empty homes and vacant lots. She wanted to ensure this process would bring success to the city. She agreed that the area south and east of the current boundary should not be included in the area of impact. She also suggested taking some portions out of the impact area such as the area south of the creek.

Commissioner Mossman felt that the entire riparian area should be either in the city or county and not divided down the middle. Ms. Trentadue stated that several properties are on either side of the creek. Commissioner Jensen felt that the Commission spent too much time on the plan for 1000East and therefore did not want to see that area back in the control of the County. He didn't feel it was their place to bind future Commissions by making strict regulations. Commissioner Mossman felt that one reason for making the Area of Impact larger was to keep lands out of the control of the county.

Commissioner Mossman felt that the area should remain as is until the Comprehensive Plan was completed. Mr. Self suggested that the City should include those areas in their Comprehensive Plan. Commissioner Mossman felt that the Huntsman Springs should be included.

Commissioner Lusser closed the Public Hearing.

**Commissioner Delwyn Jensen made a motion to recommend that Huntsman Springs be added to the impact area and for the future to include the east boundary and south boundary be looked at one the Comprehensive Plan is in place. Commissioner Ralph Mossman seconded the motion. The motion passed with all in favor.**



## **Driggs Planning & Zoning Commission Public Hearing Minutes June 8, 2011**

Mr. Self explained the steps that each applicant in the area of city impact would follow. The agreement created a Joint County Commission for subdivision applications with two County Planning and Zoning Commissioners and three City Planning and Zoning Commissioners with 1 member from the Area of Impact. With this agreement, the county subdivision ordinance and the city Zoning Ordinance and Comprehensive Plan would apply. After it was adopted, Mr. Self stated, members for the new Commission could be determined.

Mr. Self explained the procedure if property straddled the impact line, stating that the administrators would make recommendations as to who would process the application. If this can not be agreed upon a special committee would resolve the conflict.

Commissioner Jensen suggested adding a time limit to the special committee so that conflicts were resolved in a timely manner. He felt that appointments made to the special committee should be done so in a reasonable time and suggested the entire process be complete within 30 days. Mr. Self suggested allowing 30 days to appoint members and 30 days to resolve the conflict.

Commissioner Valiante was concerned with using the county's subdivision ordinance by the city's standards for improvements. Mr. Self felt that it would be clearer and stated the county would include the city's codes for applicants.

**Commissioner Dewlyn Jensen made a motion to approve the Area of City Impact Agreement with the time limits included. Commissioner Ralph Mossman seconded the motion. The motion passed with all in favor.**

### **7:30pm PUBLIC HEARING – ORDINANCE 325-11 – AMENDING TITLE 1, CHAPTER 10: AREA OF CITY IMPACT**

Mr. Self explained that the information was now in ordinance form and that intentions were to set forth the exact process for handling and administering area of impact applications. The agreement created a Joint County Commission for subdivision applications with 2 County Planning and Zoning Commissioners and 3 City Planning and Zoning Commissioners with 1 member from the Area of Impact. With this agreement, the county subdivision ordinance and the city Zoning Ordinance and Comprehensive Plan would apply.

Mayor Powers opened the Public Hearing at 7:42pm. There were no public comments and the Public Hearing was closed.

Mr. Self suggested this ordinance be considered first read until the County had a chance to review it and make any changes before the final approval from the Council.

**Council Member Mosher made a motion to consider Ordinance 325-11 first read. Council Member Mazalewski seconded the motion. The motion passed with all in favor.**



# THE CITY OF DRIGGS IDAHO

## ORDINANCE 325-11

### AREA OF CITY IMPACT

AN ORDINANCE OF THE CITY OF DRIGGS, IDAHO REPLACING TITLE 1, CHAPTER 10 OF THE DRIGGS CITY CODE; SPECIFYING, PURSUANT TO IDAHO STATE STATUTE 67-6526, THE PLAN, ZONING REGULATIONS AND SUBDIVISION REGULATIONS IN EFFECT WITHIN THE DRIGGS AREA OF CITY IMPACT; ADOPTING THE BOUNDARY AND LEGAL DEFINITION OF THE DRIGGS AREA OF CITY IMPACT; REPEALING ALL SECTIONS OF THE DRIGGS CITY CODE, ORDINANCES, RESOLUTIONS OR PARTS THEREOF IN CONFLICT HEREWITH; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Driggs City Council and Teton County Board of County Commissioners have agreed upon the Plan, Zoning regulations and Subdivision regulations that will apply within the Driggs Area of City Impact, following recommendations from their respective Planning and Zoning Commissions; and

WHEREAS, the City of Driggs City Council and Teton County Board of County Commissioners have agreed upon the Boundary and Legal Definition of the Driggs Area of City Impact; and

WHEREAS, the City of Driggs City Council believes the following revised Area of City Impact Administrative Procedures improve the clarity and efficiency for all relevant parties;

THEREFORE,

**BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DRIGGS, IDAHO:**

**SECTION 1.** That the following text shall replace Title 1, Chapter 10 of the Driggs City Code, in its entirety:

SECTION:

- 1-10-1: Statute Authority
- 1-10-2: Purpose and Intent
- 1-10-3: Map and Legal Description
- 1-10-4: Application of Comprehensive Plan And Zoning And Subdivision Regulations; Conflicts

1-10-5: Administration and Enforcement

1-10-6: Amendments

1-10-1: **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.

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.

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.

1-10-4: **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 Driggs City Code.

e. "Comprehensive Plan" shall mean the applicable Comprehensive Plan as specified in Section 1-10-4-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 1-10-5A2 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.

1-10-5: **ADMINISTRATION AND ENFORCEMENT:**

A. Administration: Any application required or provided for by the applicable regulations specified in Section 1-10-4 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 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 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 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.

**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.

**SECTION 2.** That the following text shall be added to the Driggs City Code as Title 2, Chapter 4 – “Joint Driggs-Teton County Planning Commission”:

**2-4-1: CREATED:** A joint Driggs-Teton County Planning Commission is hereby established pursuant to Idaho Code 67-6526(g) for the sole purpose of reviewing subdivision applications concerning land within the Driggs Area of City Impact.

**2-4-2: COMPOSITION; APPOINTMENT; QUALIFICATIONS:**

A. The county Planning and Zoning Commission shall select and maintain two (2) designated sitting members from their commission to serve on the joint Driggs-Teton County Planning Commission.

B. The city Planning and Zoning Commission shall select and maintain three (3) designated sitting members from their commission to serve on the joint Driggs-Teton County Planning Commission. Two (2) of these members shall be residents of the City of Driggs and the third member shall be a resident of the Driggs area of city impact.

**2-4-3: RULES AND ADMINISTRATIVE PROCEDURE:** The general rules of administrative procedure established in Title 2 of the Teton County Code shall be followed by the joint Driggs-Teton County Planning Commission.

**SECTION 3.** All ordinances, resolutions or parts thereof in conflict herewith are hereby repealed, rescinded and annulled.

**SECTION 4.** This ordinance shall be in full force and effect from and after its passage, approval and publication, according to law.

**PASSED BY THE COUNCIL OF THE CITY OF DRIGGS, IDAHO, this \_\_\_\_\_ day of \_\_\_\_\_, 2011.**

**APPROVED BY THE MAYOR OF THE CITY OF DRIGGS, IDAHO, this \_\_\_\_\_ day of \_\_\_\_\_, 2011.**

\_\_\_\_\_  
Daniel J. Powers, Mayor

ATTEST: \_\_\_\_\_  
Sonya Adams, City Clerk



# DRAFT

**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 Suidivision 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 Driggs City Code.
    - e. “Comprehensive Plan” shall mean the applicable Comprehensive Plan as specified in Section 1-10-4-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 1-10-5A2 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 1-10-4 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 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 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 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:**

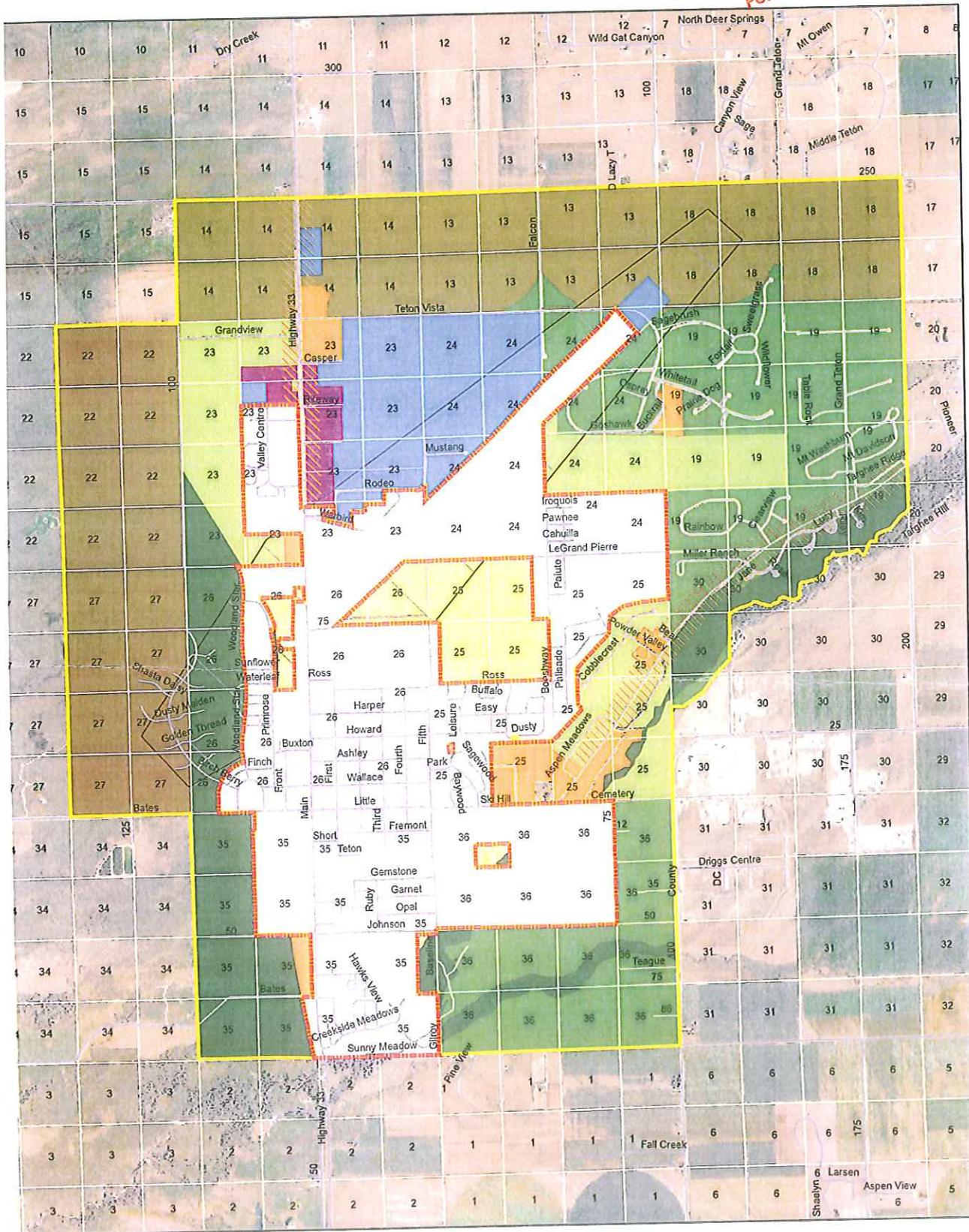
A. Method: The method of amending the area of impact defined in this chapter and the boundaries thereof shall be governed by Idaho Code section 67-6526(d).

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.



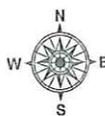
# CITY OF DRIGGS AREA OF CITY IMPACT ZONING MAP

**DRAFT FOR 2/17/11 PUBLIC HEARING**



- Impact Area Boundary
- City Limits
- 36 PLSS Quarter Sections
- Airport Vicinity Overlay
- Design Review Overlay
- A-2.5 Agricultural - 2.5 Acre Min. Lot Size
- A-20 Agricultural - 20 Acre Min. Lot Size
- ADR-0.5 0.5 Acre Avg Density Residential
- ADR-1.0 1.0 Acre Avg Density Residential
- ADR-2.5 2.5 Acre Avg Density Residential
- R-1 Single & Two-Family Residential
- R-2 Combined Residential
- R-3 Multiple-Family Residential
- C-2 Downtown Commercial
- C-3 Service & Highway Commercial
- M-1 Light Industrial

February 17, 2011



1 inch = 2,000 feet (11x17 only)

