THE VICTOR AREA OF CITY IMPACT AGREEMENT
AN AMENDMENT TO TITLE 7 CHAPTER 2
THE TETON COUNTY CODE

Staff Report:
Curt Moore
Prepared July 27for the Planning & Zoning Commission
Public Hearing of August 9, 2011

APPLICANTS: City of Victor- Teton County

REQUEST: Amend Title 7, Chapter 2 to revise the Area of City Impact Agreement between Teton County and the City of Victor.

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

- 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 June 7, 2011, the City of Victor Planning & Zoning Commission held a public hearing and they made a recommendation to amend the Victor Area of City Impact Agreement. The measure passed with no dissenting comments or votes.

- Title 8 of the City of Victor code was adapted to the numbering system of the Teton County Code Title 7, Chapter 2; see the attached document with yellow highlights.

STAFF ANALYSIS:

Impact Area Boundary:

A map of the Victor Impact Area is depicted on the City of Victor Land Use Map, which is attached to this staff report. There are no proposed changes to the Impact Area boundaries at this time.

Comprehensive Plans and Ordinances

The Victor Area o f City Impact Area is governed by the following documents:

- The Teton County Comprehensive Plan: A Guide for Development 2004-2010,
- Teton County Zoning Ordinance, with an exception that the City of Victor may request an impact study as described in the City Ordinance VI, M.
- In the case of a road maintenance, Victor has made a provision (8-1-3-C0 as to which governmental entity is responsible for the maintenance of public streets that are located in the Impact Area.

Administration and Enforcement

The County will continue to enforce the applicable county ordinances in the Impact Area.

Review Process

Applications for development projects shall be first submitted to the County and then forwarded to the Victor Planning and Zoning Administrator. The Administrator will pass on applications to the City Planning & Zoning Commission where there is a potential impact on the existing or future-planned roadways, easements, or utility connections. The City Planning & Zoning recommendations will be passed on to the County Planning & Zoning Commission and then on to the Board of County Commissioners for a final decision. Unlike Driggs, there is no provision for joint city-county Planning Commission considerations.

Urban Growth Boundary

All public roads constructed in the Area of Impact UGB shall be built to the City of Victor standards. The unannexed area within the UGB will remain under county zoning until a land use with a higher density than allowed under county zoning is applied for to the city.

Foothills Big Game Corridor

Victor is requesting that the County inform the City when applications are proposed in this area. The City may choose to comment on this area to the east, which is a key migration corridor for big game species.

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 Victor 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.

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 2- Victor Area of City Impact Ordinance.

4. The revision to the Teton County Code is the Victor Area of City Impact Agreement, Chapter 2 within Title 7; it provides for a review process that allows the City to evaluate roadway, easement and utility impacts in accordance with their plans for connectivity and in to have roads built in the Urban Growth Boundary to a standard more appropriate to an urban setting.

PLANNING STAFF RECOMMENDATION:
Planning Staff recommends that the Planning Commission recommend to the Board of County Commissioners that the existing Victor Area of City Impact Agreement be replaced with the with the attached Draft of Title 7, Chapter 2.

Suggested motion:
*I recommend **approval** of the Victor Area Of City Impact Ordinance, as presented in the August 9, 2011 Title 7 Chapter 2 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 is better suited to reviewing projects in close proximity to the developing urban environment within the Victor Area of City Impact.*

Attachments:
- City of Victor P&Z Commission Public Hearing minutes
- Teton County Title 7- Chapter 2 Draft Area Of City Impact Agreement
- City of Victor Land Use Map

Victor Planning & Zoning Commission
Meeting Minutes
7 June 2011
MinP&Z6_7_11

Present: Mike O"Neil, Zach Smith, Jeremy Besbris. Absent: Lynn Bagley

Impact Area Modifications
Bill gave a briefing on the modifications necessary to bring consistency to the impact area agreement. Mike commented that he had read he recommended modifications and that they were logical and acceptable to him. Jeremy and Zach both agreed. A motion was made by Zach to recommend approval of the changes, seconded by Jeremy and passed.

Title 8

vcimp5_11final

Victor Impact Area Agreement

The yellow high light areas will be renumbered to fit the County Code, Title 7, Chapter 2)

CHAPTER:

8-1-1:	Applicability	(County numbering = 7-2-1)
8-1-2:	Boundary Definitions	(7-2-2)
8-1-3:	Comprehensive Plans and Ordinances	(7-2-3)
8-1-4:	Administration and Enforcement	(7-2-4)
8-1-5:	Amendments	(7-2-5)

8-1-1: **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.

8-1-2: **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

8-1-3: **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.

8-1-4: 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:

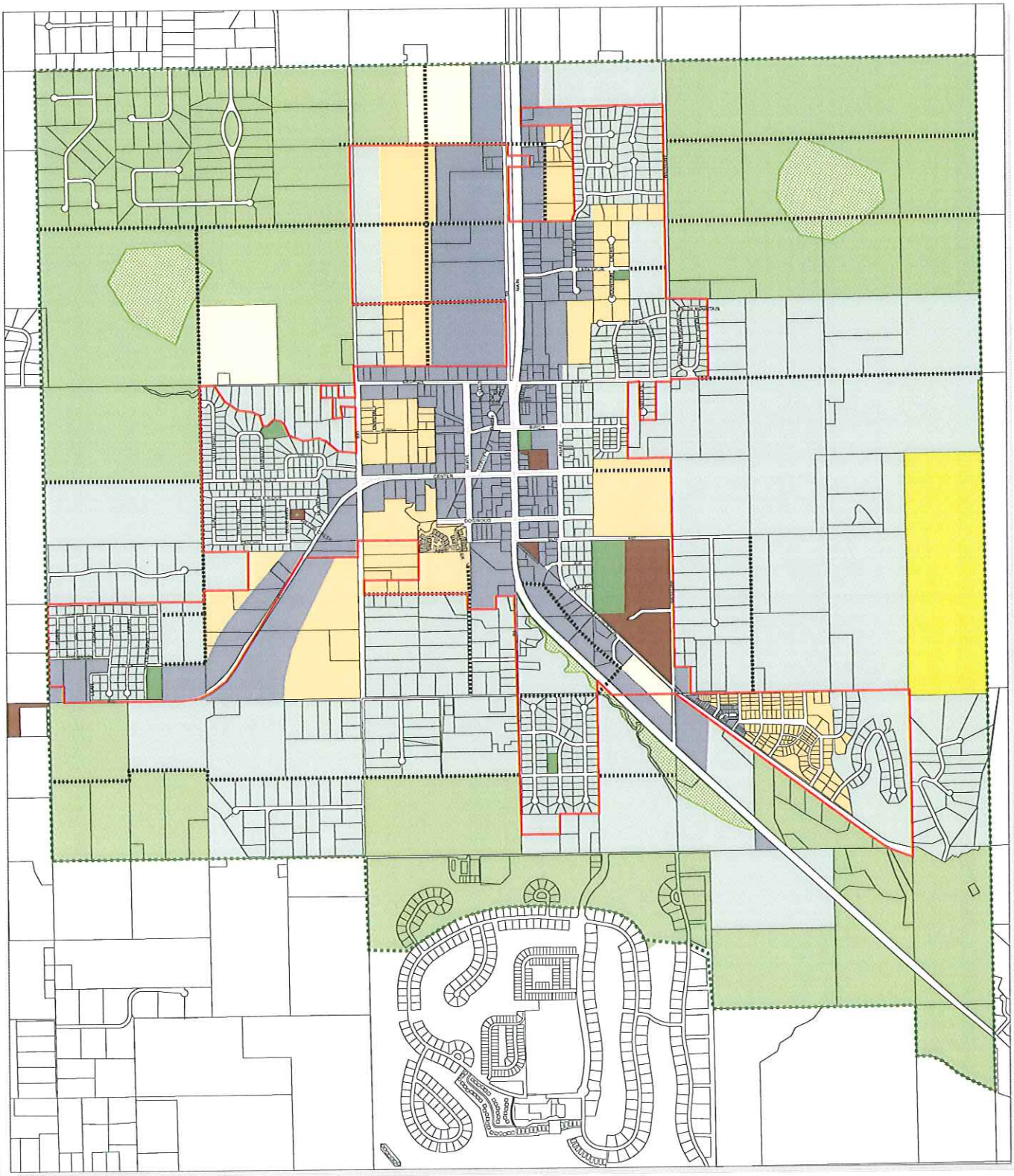
Development occurring within the eastern foothills area, generally indicated on the Teton County Natural Resource Overlay, and specifically indicated as eastern Big Game Migration Corridors and Seasonal Ranges Overlay, as depicted on Exhibit B shall be reviewed by the City of Victor under a courtesy review process. Comments and recommendations shall be forwarded to the Board of County Commissioners.

5. FEES: Fees authorized pursuant to this Ordinance and any requests for amendments to this Ordinance shall be set by the Mayor and City Council. In the Impact Area, all administrative fees associated with Section 4 shall be established by the city and paid to the city. These fees do not include building permit and inspection fees, zoning and subdivision fees where the county maintains sole administrative jurisdiction; such fees shall be established by the county and collected by the county. 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 share equally such expenses.

8-1-5: 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.



City of Victor Land Use Map

(Rev 11-7-05)

Mayor

Deputy Clerk

SUNRISE ENGINEERING