

CITY OF EMMETT

1-7-3: AREA OF CITY IMPACT

1-7-3-1: PURPOSE; CONSIDERATION:

- A. Purpose: The purpose of establishing an area of city impact for the city is to identify a logical urban fringe area adjoining the city. The urban fringe area is realizing, or will realize, development pressure that must be planned for in an orderly manner. Section 67-6526, Idaho Code, requires that cities and counties negotiate an area of city impact.
- B. Consideration: The following factors were considered by the planning and zoning commissions of Gem County and the city, plus the county commissioners and mayor and city council in establishing the area of impact:
1. Trade area,
 2. Geographic factors, and
 3. Areas that can reasonably be expected to be annexed in the future. (Ord. 898, 2-9-1999)

1-7-3-2: EMMETT AREA OF CITY IMPACT BOUNDARY:

- A. The Emmett area of city impact is the area designated on the city of Emmett future land use map of the 2007 Gem community joint comprehensive plan attached to the ordinance codified herein. By this reference it is fully incorporated herein. The Emmett area of city impact is generally described as follows:

Beginning at a Point on the eastern slope hillside which is at 2,700 feet above elevation due east of the intersection of Frozen Dog Road and Fuller Road;

then S along the eastern slope hillside, following the 2,700 foot elevation line S to Sand Hollow Road;

then continuing from Sand Hollow Road up to the 2,700 foot elevation line and SW to where the line meets State Highway 16;

then due W of State Highway 16 to alignment with Sales Yard Road;

then W on Sales Yard Road to the intersection of Airport Road;

then N along Airport Road alignment to the south bank of the Payette River;

then E along the south bank of the Payette River to a point near the Last Chance Ditch in alignment with Frozen Dog Road;

then E along said alignment of Frozen Dog Road to a Point on the eastern slope hillside

which is at 2,700 feet above elevation;

which is also the Point of Beginning.

- B. In case a property under single ownership is divided by the boundary line of the Emmett area of city impact and the line divides such property so that one or both parts has a depth of three hundred feet (300') or less, such part may be included in the jurisdiction within which the remainder and larger portion of the property is located. (Ord. O2007-13, 1-8-2008)

1-7-3-3: ORDINANCE AND COMPREHENSIVE PLANNING PROVISIONS GOVERNING THE AREA OF CITY IMPACT:

The city of Emmett, after considering the trade area, geographic factors, and areas that can reasonably be expected to be annexed to the city in the future, hereby adopt the following as the applicable plans and ordinances for the Emmett area of city impact:

- A. Zoning: The zoning ordinance of Gem County shall govern land use within the unincorporated areas of the Emmett area of city impact.
- B. Subdivision Requirements: The subdivision of land within the Emmett area of city impact shall occur only in conformance with the subdivision ordinance deemed applicable by virtue of provisions of this section and state law.
1. Except as otherwise provided by this section within the area of city impact the subdivision ordinance of Gem County, as such now exists or as later amended, shall apply in accordance with the provisions of this section.
 2. Within one mile of the corporate limits of the city of Emmett, but fully within the area of city impact, the subdivision ordinance of the city of Emmett, as such now exists or as later amended, shall apply. Gem County shall apply the city of Emmett subdivision ordinance for said areas. Except as otherwise authorized by the Emmett city council prior to any application being submitted to Gem County, subdivisions required to comply with this section shall install curb, gutter and sidewalk improvements in accordance with the adopted public works standards of the city at the time of subdivision construction (whether the property is able to be annexed or not). City of Emmett stormwater improvements may be waived by the city if an acceptable alternative design to manage stormwater is approved by the city engineer during the subdivision application process. Said alternative must still comply with all other state and federal rules.
 3. All subdivision proposals shall be evaluated in accordance with the policies established by the Gem community joint comprehensive plan. The city of Emmett shall be entitled to notice of any subdivision request in the area of city impact comparable to the notice provided to adjoining landowners, but in no case less than thirty (30) days prior to action upon the subdivision request.
 4. Any public street right of way dedications accepted by Gem County upon recording of subdivisions in the area of city impact will become the public right of way of the city of Emmett upon annexation, including all maintenance and related responsibilities. If

Gem County receives any type of fee or cash contribution in lieu of construction of a public street right of way improvement and said fees are obligated to be spent within the area of city impact yet remain unspent, the county and city shall annually review potential transfers of said unspent revenues from Gem County to the city for any annexed rights of way.

- C. Special Use Permits, Variances, Planned Unit Developments, And Other Discretionary Permits: Within the Emmett area of city impact, jurisdiction for issuance of any special use permits, variances, planned unit development, or any other discretionary land use permits or authorizations shall be vested in Gem County. However, where a planned unit development or special use permit for any application that changes the principal use of the property is proposed on property that is eligible to apply for annexation to the city of Emmett, said applicant must apply for annexation prior to any application being filed with Gem County. If the annexation application is denied, Gem County shall process the planned unit development in accordance with city of Emmett ordinances. Gem County shall notify the city of Emmett of receipt of a completed application for any of the aforementioned discretionary permits in the same manner that notice is provided to adjacent landowners, but in no case less than thirty (30) days prior to action upon a permit request.

- D. Private Roads: Unless otherwise approved by the Emmett city council, no new private roads will be approved by Gem County for development within the area of city impact, unless a private road is the only legal means of ingress/egress to said property.

- E. Special Areas: In addition to the foregoing provisions, any request for permission to build or develop in the area of influence of the Emmett wastewater treatment plant or the Emmett municipal airport shall be referred to the city of Emmett for review and comment at least thirty (30) days prior to issuance of any permit or development authorization. Notwithstanding any provisions of the Gem County zoning ordinance or subdivision ordinance to the contrary, no construction, development or establishment of any use which would impair the usefulness, or materially harm the operating environment, of the Emmett wastewater treatment plant or the Emmett municipal airport shall hereafter be permitted.

- F. Comprehensive Plan: Within the Emmett area of city impact all zoning, subdivision review, consideration of discretionary permits, and regulation of development in special areas shall be evaluated in accordance with the Gem community joint comprehensive plan, which is hereby adopted as the comprehensive planning document that shall govern in the Emmett area of city impact.

- G. Shared Protection Of Surface Waters: The city of Emmett will review surface water management proposals for land uses and developments within the city limits and to developments to which the city subdivision ordinance is applicable, to require that surface water will not be allowed to infiltrate irrigation facilities which cross the city limits

unless design work is implemented to minimize potential adverse effects upon the quality of irrigation waters.

H. Shared Analysis Of Traffic And Other Public Service Impacts: The city of Emmett and the Gem County road department will review all land development proposals to determine impacts to road capacity and traffic service. All other applicable public services will be requested to review the impacts of development on their ability to provide public services. The object of this shared analysis is to make sure that roadways and other public services have sufficient capacity to handle growth and development. (Ord. O2007-15, 12-18-2007)

1-7-3-4: ANNEXATION:

The city of Emmett may annex any eligible land parcel within the Emmett area of city impact in accordance with applicable law. (Ord. O2007-15, 12-18-2007)

1-7-3-5: ESSENCE OF REVIEW AUTHORITY:

Within the area of city impact, both Gem County and the city shall conduct public hearings to consider the merits of a development request. Approval by each entity will be necessary prior to issuing building permits. (Ord. 898, 2-9-1999)

1-7-3-6: PROCEDURES FOR JOINT REVIEW AND TIME LINES FOR ACTION:

Upon receipt of any development request, permit application or discretionary actions provided or submitted to Gem County for development action within the Emmett area of city impact, the county shall mail a copy of the complete application and supporting documents to the city of Emmett at least thirty (30) days prior to any scheduled county public hearing or public meeting date for county action.

The city of Emmett will then have an opportunity to review, comment and provide a recommendation or opinion on the proposal to the county. If the city of Emmett chooses to submit comments or recommendations to the county, then the city must do so in writing on city letterhead and hand deliver the comments to the county at least seven (7) days prior to the scheduled county hearing or meeting date on the proposed action.

All official communication pertaining to a development proposal within the Emmett area of city impact between the city and county shall be in writing. If the city chooses not to provide written comment on a particular proposal, then the county will consider the absence of written comments from the city as "No comments from the City of Emmett" and this wording will be entered into the official public record for the affected project. (Ord. O2007-15, 12-18-2007)

1-7-3-7: MODIFICATION:

The Emmett area of city impact and the applicable plans and ordinances may be modified in accordance with the procedures set forth by law. (Ord. O2007-15, 12-18-2007)

1-7-3-8: ENFORCEMENTS:

The provisions of this section [1-7-3](#) and the agreement to implement it may be enforced by either the city or Gem County through legal action initiated to require specific performance with the terms of this section [1-7-3](#) or other appropriate legal action. Violation of this section [1-7-3](#) by one subject to this jurisdiction shall be punishable by the penalties authorized to be imposed upon those found guilty of a misdemeanor crime, including the authorized fine, imprisonment or both. Violators may also be subject to civil legal action intended to compel compliance with the provision of this section [1-7-3](#). (Ord. 898, 2-9-1999)