

AN ORDINANCE AMENDING THE ADA COUNTY CODE, TITLE NINE, CHAPTER THREE, THE BOISE AREA OF CITY IMPACT; TO REMOVE SECTION 9-3-1B REGARDING DIVISION BY BOUNDARY LINE; TO AMEND SECTION 9-3-2 TO ALLOW CERTAIN ANNEXATIONS BY THE CITY UNDER IDAHO CODE; TO AMEND SECTION 9-3-3 AS TO SUBDIVISIONS AND REZONES BY REMOVING REQUIREMENTS FOR STREET AND UTILITY PLAN EASEMENTS, REMOVING REQUIREMENTS FOR DRY LINE SEWER AND WATER LINES, AND REMOVING LANGUAGE ALLOWING REZONES TO URBAN DENSITIES; TO AMEND SECTION 9-3-4 REGARDING TIMELINES AS TO COORDINATION OF PLAN AMENDMENTS, ORDINANCE AMENDMENTS, AND ZONING APPLICATIONS.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ADA COUNTY, IDAHO, THAT TITLE NINE, CHAPTER THREE, ADA COUNTY CODE, BOISE AREA OF CITY IMPACT IS HEREBY AMENDED IN ITS ENTIRETY AS FOLLOWS:

**9-3-1: BOISE CITY AREA OF CITY IMPACT BOUNDARY:**

A. Boise City Area of Impact Boundary Map:

1. The Boise City area of city impact is the area designated on the Boise City Area of City Impact Boundary map, hereby fully incorporated by reference, copies of which are available for inspection at the Ada County Development Services Department.
2. Amendments to the map are as follows:
  - a. Ordinance 158, November 26, 1986.
  - b. Ordinance 187, June 9, 1988.
  - c. Ordinance 245, April 2, 1992.
  - d. Ordinance 257, December 3, 1992.
  - e. Ordinance 282, December 1, 1994.
  - f. Ordinance 284, December 22, 1994.
  - g. Ordinance 285, January 26, 1995.
  - h. Ordinance 327, April 9, 1997.
  - i. Ordinance 354, March 11, 1998.
  - j. Ordinance 366, October 7, 1998.
  - k. Ordinance 425, May 23, 2001.
  - l. Ordinance 473, November 20, 2002.

~~B. Division by Boundary Line: In the case where a property under single ownership is divided by the boundary line of the Boise City area of city impact and any other area of city impact boundary, and the lines divide such property so that one or both of the parts has a depth of three hundred feet (300') or less, such part may be included in the jurisdiction within which the larger portion of the property is located.~~

~~Exception: In the case where a property under a single ownership is divided by the boundary line of the Boise City Area of City Impact only, the smaller portion of such property may, without the three hundred foot (300') limitation listed above, be~~

~~included in the jurisdiction within which the larger portion of the property is located. (Ord. 138, 11-30-1984; amd. Ord. 139, 11-30-1984; amd. Ord. 158, 11-26, 1986; amd. Ord. 245, 4-22-1992; amd. Ord. 257, 12-3-1992).~~

C.B. Annexation: Upon annexation of any portion of the area of city impact into Boise City, the provisions of this chapter shall no longer apply to such annexed areas. (Ord. 138, 11-30-1984; amd. Ord. 139, 11-30-1984; amd. Ord. 158, 11-26, 1986; amd. Ord. 245, 4-22-1992; amd. Ord. 257, 12-3-1992; amd. Ord. 260, 12-3-1992).

9-3-2: **ANNEXATIONS BY CITY TO OCCUR ONLY IN AREA OF CITY IMPACT:**  
Boise City shall limit its annexation to those lands within its area of city impact. If Boise City wishes to annex lands outside of its area of city impact, it shall renegotiate its area of city impact boundary with Ada County in accord with Idaho Code section 67-6526(d). except when the annexation occurs under the provisions of Idaho Code 50-222. (Ord. 139, 11-30-1984; amd. Ord. 245, 4-22-1992)

9-3-3: **APPLICABLE PLAN POLICIES AND ORDINANCES:**

A. The Boise City Comprehensive Plan, adopted by Boise as of January 21, 1997, and as amended on December 22, 1998, February 19, 2002 and February 11, 2003 including the Boise City Comprehensive Park and Recreation System Plan, shall apply within the unincorporated part of the Boise City Area of City Impact.

B. Title 8 of this code shall be used to implement this chapter. All land use applications shall also comply with the provision of this chapter.

~~C. All subdivision plat applications in the urban service planning area for land zone RUT (Rural Urban Transition) shall require a street and utility easement plan. Said plan shall provide for future resubdivision to urban densities and shall be included on the final plat. This requirement may be waived if a letter of waiver is submitted to the Director from the Boise City Council prior to preliminary plat approval by the Board.~~

~~D. A condition of approval for all subdivision plats in the urban service planning area of land zoned RUT (Rural Urban Transition) shall require that, prior to occupancy of the subdivision's first dwelling unit, dry line sewer and water lines shall be installed to accommodate the future resubdivision to urban densities. This requirement may be waived if a letter of waiver is submitted to the Director from the Boise City Council prior to preliminary plat approval by the Board.~~

~~E. All lands zoned RUT (Rural Urban Transition) and RP (Rural Preservation) may be considered by rezones to urban densities as urban services become available.~~

F.C. Title 4, Chapter 12 of the Boise City Code, known also as the Boise City Impact Fee Ordinance 5685, dated November 28, 1995, and as amended by Ordinance 6114 on December 11, 2001, shall be applicable within the Boise City Area of Impact.

G.D. The Boise City Uniform Street and Address Number Ordinance, Title 9, Chapter 6 of the Boise City Code, as may be amended from time to time, shall apply to all property within the Boise City Area of City Impact. Street names and addresses shall be assigned by Boise City. Existing street names and addresses in the Boise City Area of City Impact, not in compliance with the Boise City Uniform Street and Address number Ordinance at the time of this section goes into effect, shall not be changed until address changes are necessary for address continuity. (Ord. 139, 11-

30-1984; amd. Ord. 154, 7-23, 1986; amd. Ord. 158, 11-26, 1986; amd. Ord. 187, 6-9, 1988; amd. Ord. 245, 4-22-1992; amd. Ord. 260, 2-25-1993; amd. Ord. 289, 3-28-1995; amd. Ord. 334, 6-25-1997; amd. Ord. 346, 10-8-1997; amd. Ord. 373, 8-25-1999; amd. Ord. 387, 1-26-2000; eff. 2-28-2000)

9-3-4: **COORDINATION OF PLAN AMENDMENTS, ORDINANCE AMENDMENTS AND ZONING APPLICATIONS:**

- A. All county and city amendments to their respective comprehensive plans ~~and implementing ordinances~~ which apply within the Boise City Area of City Impact, shall be sent by the entity considering such amendment to the other entity ~~at least 15 days prior to the public hearing. A separate referral process agreement (Ada County resolution 416, Boise City resolution 8158) shall be adopted, by resolution, by each entity regarding procedures and time periods for, and the effect of, sending such amendments.~~
- ~~B. All subdivision, rezone, and conditional use permit applications within the Boise City Area of City Impact shall be sent to the city for comment at least 30 days prior to a public hearing. All county land use applications within the Boise City Area of City Impact to be considered by the Ada County Planning and Zoning Commission or the Board of Ada County Commissioners shall be sent to Boise City, in accordance with the referral process agreement cited in subsection A of this section.~~
- ~~C.B. Applications for planned developments, subdivisions and rezones within the Boise City Urban Service Planning Area of City Impact shall occur as a result of a request for annexation to Boise City; however, Ada County may consider such applications in those exceptions where annexation is not approve by Boise City or where the parcel on which such application is filed is not contiguous to Boise City, and therefore cannot be annexed.~~
- ~~D. All subdivision applications within the Boise City Area of City Impact shall comply with Boise City subdivision ordinance as well as the Ada County Zoning Ordinance.~~
- ~~E.C. Development of parks by Boise City with the Boise City Area of City Impact shall be subject to the provisions of the agreement for the collection of Boise City park impact fees for development in the Boise City Area of City Impact Agreement 2431, dated March 28, 1995, which is hereby adopted by Ada County and made a part hereof by the reference. (Ord. 139, 11-30-1984; amd. Ord. 187, 6-9, 1988; amd. Ord. 245, 4-22-1992; amd. Ord. 289, 3-28-1995; amd. Ord. 303, 5-22-1996; amd. Ord. 334, 6-25-1997)~~

9-3-5: **RENEGOTIATION**

- A. In accordance with Idaho Code Section 67-6526(d), the Boise City Council or the Board of Ada County Commissioners may request, in writing, to renegotiate any provision of this chapter at any time. Within thirty (30) days of receipt of such written requests by each party, a meeting between the two (2) jurisdictions shall occur.
- B. While renegotiation is occurring, the provisions of this chapter shall remain in effect until this chapter is amended or a substitute ordinance is adopted by Boise City and Ada County, in accordance with the notice and hearing procedures

provided an Ada County and Idaho Code, or until a declaratory judgment from the district court is final. Provided, however, that this chapter or stipulated portions thereof shall be of no further force and effect if both jurisdictions so agree by mutually adopted resolution. (Ord. 139, 11-30-1984; amd. Ord 245, 4-2-1992)

This ordinance shall be effective upon publication of the summary.

PASSED AND APPROVED by the Board of Ada County Commissioners this 10<sup>th</sup> day of December 2003.

BOARD OF COUNTY COMMISSIONERS

Rick Yzaguirre, Commissioner

Fred Tilman, Commissioner

ATTEST:

J. David Navarro, Ada County Clerk

PUBLISHED: 12/30/03