

**ORDINANCE NO. 539**

AN ORDINANCE AMENDING ADA COUNTY CODE TITLE 9, CHAPTER 2, ENTITLED EAGLE AREA OF CITY IMPACT AND ADA COUNTY CODE TITLE 9, CHAPTER 3, ENTITLED BOISE CITY AREA OF CITY IMPACT, TO WIT:

The Eagle Area of City Impact boundary is amended to include approximately 503 acres of land as more particularly described in Exhibit "A" and Exhibit "C" attached hereto and to exclude approximately 190 acres of land as more particularly described in Exhibit "B" attached hereto.

And

The Boise City Area of City Impact boundary is amended to include approximately 190 acres of land as more particularly described in Exhibit "B" attached hereto and to exclude approximately 503 acres of land as more particularly described in Exhibit "A" and Exhibit "C" attached hereto. The land in Exhibit "A" shall be considered a referral area for Boise City and be so designated on the Boise City Area of City Impact Map.

BE IT ORDAINED BY THE BOARD OF ADA COUNTY COMMISSIONERS, ADA COUNTY, IDAHO THAT ADA COUNTY CODE TITLE 9, CHAPTERS 2 AND 3 ARE AMENDED AS FOLLOWS:

Section 1: Ada County Code Section 9-2-1 is amended as follows:

**9-2-1: AREA OF CITY IMPACT BOUNDARY:**

- A. 1. Eagle Area of City Impact And Urban Service Planning Area Boundary Map: The Eagle area of city impact and urban service planning area are the areas designated on the Eagle area of city impact and urban service planning area boundary map, 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 199, May 25, 1989.
  - b. Ordinance 309, June 25, 1996.
  - c. Ordinance 355, March 25, 1998.

d. Ordinance 367, December 2, 1998.

e. Ordinance \_\_\_\_\_, \_\_\_\_\_, 2004.

B. Division by Boundary Line: In case a property under single ownership is divided by the boundary line of the Eagle area of city impact, if such line divides 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 remainder and larger portion of the property is located.

Section 2: Ada County Code Section 9-3-1 is amended as follows:

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

A. Boise City Area of City 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.
- m. Ordinance 508, September 24, 2003
- n. Ordinance \_\_\_\_\_, \_\_\_\_\_, 2004.

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.

C. 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.

Section 3: Ada County Code Section 9-3-4 is amended as follows:

**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. 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 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. Applications for planned developments, subdivisions, and rezones within the Boise urban service planning area 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 approved 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 area of city impact shall comply with Boise City subdivision ordinance as well as the Ada County zoning ordinance.
- E. Development of parks by Boise City within 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 this reference.

F. Referral Areas:

1. All land use applications within the referral area identified on the Boise City Area of City Impact map shall be submitted to Boise City at least thirty (30) days prior to any administrative decision or scheduled public hearing, as appropriate.

**Board of Ada County Commissioners**

Judy M. Peavey-Derr, Chairman

Rick Yzaguirre, Commissioner

Fred Tilman, Commissioner

ATTEST:

David Navarro, Ada County Clerk

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