

CITY OF MENAN ORDINANCE NO. 429
CITY OF LEWISVILLE ORDINANCE NO. 2020-1

CITY OF MENAN – CITY OF LEWISVILLE
IMPACT AREA AGREEMENT

AN ORDINANCE OF THE CITY OF MENAN AND AN ORDINANCE OF THE CITY OF LEWISVILLE, IDAHO, PURSUANT TO IDAHO CODE § 67-6526(c), AMENDING THE EXISTING GEOGRAPHICAL AREA OF EACH CITY'S ARE OF IMPACT.

WHEREAS, Idaho Code § 67-6526(c) provides that cities may negotiate the boundaries of their impact areas when the areas overlap and agree upon the common boundaries of their area of impact; and

WHEREAS, the City of Menan, Idaho and the City of Lewisville, Idaho have complied with the negotiation procedures as outlined in Idaho Code §67-6526(c); and

WHEREAS, the Menan City Council held a public hearing regarding the proposed changes to its area of impact on the 12th day of March, 2020; and the Lewisville City Council held a public hearing regarding the proposed changes to its area of impact on the 8th day of April, 2020;

THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF LEWISVILLE, IDAHO AND BY THE MAYOR AND CITY COUNCIL OF THE CITY OF MENAN, IDAHO:

The City of Menan Impact Area currently established as City of Menan Ordinance #399, attached hereto and incorporated herein as Exhibit A, and the City of Lewisville Impact Area currently established on October 24, 2020, attached hereto and incorporated herein as Exhibit B, are hereby modified by the following:

1. City of Menan and City of Lewisville Area of Impact Narrative Agreement (which is set forth hereinbelow).
2. Area of Impact Map. (Set forth in Exhibit C, attached hereto and incorporated herein)
3. Legal description of the Area of Impact. (Set forth in Exhibit D attached hereto and incorporated herein)

CITY OF MENAN AND CITY OF LEWISVILLE AREA OF IMPACT NARRATIVE AGREEMENT

SECTION 1: Definitions:

- 1.1 AGREEMENT shall mean this Agreement as adopted by the Ordinances of both the Mayor and City Council for the City of Lewisville, and the Mayor and City Council for the City of Menan.
- 1.2 CITY OF MENAN shall mean the incorporated City of Menan as currently constituted.
- 1.3 CITY OF LEWISVILLE shall mean the incorporated City of Lewisville as currently constituted.
- 1.4 EXHIBIT A shall mean the existing City of Menan Area of Impact Agreement, as it is currently constituted, attached hereto and incorporated herein as Exhibit A.
- 1.5 EXHIBIT B shall mean the existing City of Lewisville Area of Impact Agreement, as it is currently constituted, attached hereto and incorporated herein as Exhibit B.
- 1.6 EXHIBIT C shall mean the map of the negotiated area of impact created by this Agreement, attached hereto and incorporated herein as Exhibit C.
- 1.7 EXHIBIT D shall mean the Legal Description of the negotiated area of impact created by this Agreement, attached hereto and incorporated herein as Exhibit D.

SECTION 2: AREA OF IMPACT

- 2.1 The officially adopted and agreed upon changes to the Impact Area is established by this Ordinance, and is set forth in EXHIBIT C and is verbally defined in EXHIBIT D.
- 2.2 In the event of a discrepancy between the official map and the legal description, the map shall control, subject to any other provisions of this ordinance. In the event of any ambiguity, the map and description shall be read together to effectuate the will of the governing body.
- 2.3 In situations where the boundary is a road, the Impact Area shall only include those parcels of land that lie interior to the road boundary.

SECTION 3: RENEGOTIATION

- 3.1 This AGREEMENT shall be renegotiated at any time upon written request of either party in accordance with Idaho Code § 67-6526(c).

SECTION 4: SEVERABILITY

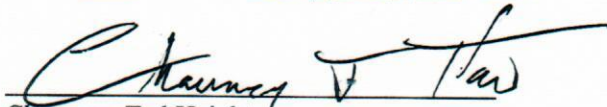
- 4.1 This AGREEMENT is severable, and in the event any portion of this ordinance is deemed unenforceable under the law for any reason, the remaining portions of this AGREEMENT not so affected shall remain in full force and effect.

SECTION 5: PRIOR ORDINANCES SUPERSEDED


- 5.1 This AGREEMENT shall be deemed to supersede all prior impact area agreements of the CITY OF LEWISVILLE and the CITY OF MENAN.

PASSED BY THE MENAN CITY COUNCIL AND APPROVED BY THE MAYOR

THIS 12 DAY OF March, 2020.



Chauncey Tad Haight
Mayor, City of Menan, Idaho

Attest:

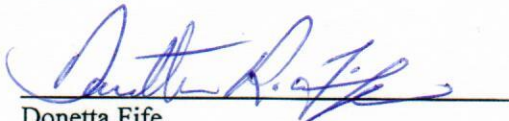

Allyson Pettingill
City Clerk, City of Menan, Idaho

PASSED BY THE LEWISVILLE CITY COUNCIL AND APPROVED BY THE MAYOR

THIS 8 DAY OF April, 2020.


George Judd
Mayor, City of Lewisville, Idaho

Attest:


Donetta Fife
City Clerk, City of Lewisville, Idaho

Instrument # 399782

1 of 4

RIGBY, JEFFERSON, IDAHO
8-28-2012 11:02:00 No. of Pages: 4
Recorded for : JEFFERSON COUNTY
C. TINE BOULTER Fee: 0.00
E. Recorder Deputy
Index to: ORDINANCE

CITY ORDINANCE NO. 399

COUNTY ORDINANCE NO. 2012-03

JEFFERSON COUNTY-CITY OF MENAN
IMPACT AREA AGREEMENT
(With County P&Z Recommendations Added)

AN ORDINANCE OF JEFFERSON COUNTY AND AN ORDINANCE OF THE CITY OF MENAN, IDAHO, PURSUANT TO IDAHO CODE, SECTION 67-6526, ESTABLISHING AND DEFINING A GEOGRAPHICAL AREA OF CITY IMPACT; ADOPTING AN APPLICABLE COMPREHENSIVE PLAN, SUBDIVISION, AND ZONING ORDINANCE; APPOINTING AN IMPACT AREA PLANNING AND ZONING COMMISSION; AND ADOPTING ADMINISTRATIVE PROCEDURES FOR SAID COMMISSION.

Preamble 1. Purpose

Whereas, Idaho Code, Section 67-6526 requires, among other things, that cities and counties negotiate and agree upon an area of City Impact. The purpose for establishing an area of impact is to identify an area of land adjacent to the current city limits wherein expected growth and development will extend. The Area of City Impact recognizes trade area, geographic factors, and the necessity for appropriate planning of public services as being associated with the City of Menan and comprised of areas that may be annexed into the City in the future. The creation and administration of the Impact Area provides an opportunity for Jefferson County and the City of Menan to jointly plan for growth and development around the city.

Preamble 2. / Jefferson County/City of Menan Statement of Negotiation

Whereas, the City Council for the City of Menan, Idaho and the Board of County Commissioners for the County of Jefferson, Idaho, have pursuant to the mandate of Idaho Code, Section 67-6526, entered into and have conducted negotiations regarding the Area of City Impact.

Preamble 3. Menan City and Jefferson County Planning and Zoning Statements of Recommendation

Whereas, the City Council for the City of Menan, Idaho and the County Commission for Jefferson County did submit to their respective Planning and Zoning Commissions the proposed area of impact. The Planning and Zoning Commission for the City of Menan, Idaho, and Jefferson County have made their recommendation known to the City Council for the City of Menan, Idaho and the County Commission of Jefferson County.

Preamble 4. Public Hearings

Whereas, the City Council for the City of Menan held a public hearing regarding the proposed Area of City Impact on the 12 day of April 2012, and the Jefferson County Commissioners held a public hearing regarding the Area of City Impact on the 27 day of Aug. 2012.

THEREFORE, BE IT ORDAINED BY JEFFERSON COUNTY AND BY THE MAYOR AND CITY COUNCIL OF THE CITY OF MENAN, IDAHO:

Section 1. Area of City Impact

Monday, July 9, 2012

Microfilm No. 400116

9-14-2012

At 1:35 O'Clock P M

C. TINE BOULTER

Jefferson Co. Recorder

Fee \$

Recorded at Request of

nc re Deputy

City of Menan

EXHIBIT

A

The officially adopted and agreed upon Impact Area for Menan, Idaho (Impact Area) is established by this Ordinance, and is set forth herein on the attached map marked "Exhibit A" and as described herein:

Beginning at the intersection of the Snake River dry bed and 3400 East, thence North to 800 North, thence East along 800 North to 3700 East, thence South along 3700 East to the Snake River dry bed, thence West along the course of the dry bed to the point of beginning.

~~In situations where the boundary is a road, the impact zone shall include housing adjoining and or contingent to either side of the road itself. Property on the outside of the impact area not adjoining the road shall not be considered as within the impact area.~~

Section 3. Conflict

In the event of a discrepancy between the official map and the legal description, the map shall control, subject to any other provisions of this ordinance. In the event of any ambiguity, the map and description shall be read together to effectuate the will of the governing body.

Section 4. Renegotiation

This Impact Area Agreement shall be reviewed by Jefferson County and the City of Menan every five years at a minimum; however, a request to revise the Area of City Impact Agreement from the Menan City Council or Jefferson County may occur one year after issuance of this ordinance or anytime thereafter. The renegotiation of this agreement shall begin within 30 days after written request by either the City of Menan or Jefferson County and shall follow procedures set forth in Idaho Code, Section 67-6526.

Anytime an area of annexation extends to the limit of, or into the impact zone, the Agreement shall be reviewed by the City of Menan. Review shall begin within 30 days after annexation of an area that meets these criteria.

Section 5. Ordinance Applicability

The Menan City Planning and Zoning Ordinance, Subdivision Ordinance, and Mobile Home Ordinance, and all amendments thereunto, shall be in full force and effect within the Impact Area and are hereby adopted by Jefferson County as those ordinances applicable inside the impact area. Approving or denying development requests within the Area of City Impact will be determined by the Jefferson County Commission after having received the recommendation of the Impact Area Planning and Zoning Commission.

Subpart A. Requirement to Connect to City of Menan Sewer System & Other Public Works

All subdivisions within the Area of City Impact shall be required to connect to the City of Menan sanitary sewer system. The developer shall bear the cost of all public works to include, but not be limited to, connection to the City of Menan sanitary sewer system within the subdivision and all costs to connect to the city sewer system from the boundary of the subdivision to the most appropriate connection point within the City of Menan as defined by the Menan City Council. Other public works may be defined by the Menan City Council such as open spaces, parks, walk paths and bridges, storm runoff, street lighting, etc. A Development Agreement is required for all said improvements that may include reimbursement criteria to the developer as future development connects to required infrastructure extensions.

Monday, July 9, 2012

Subpart C. Relation to Adjoining Street Systems

The arrangement of streets in new subdivisions shall make provision for the continuation of the existing streets in adjoining areas (or their proper protection where adjoining land is not subdivided) at the same or greater width (but in no case less than the required minimum width) unless the variations are deemed necessary by the planning and zoning commission for public requirements.

Subpart D. Administration and Enforcement

Jefferson County will issue building permits for the impact zone and will be responsible for construction inspections within the Impact Area. Jefferson County shall administer and enforce the hereby established Comprehensive Plan, Planning and Zoning Ordinance, Subdivision Ordinance, and Mobile Home Ordinance.

Subpart E. Coordination with Menan City Council

The Menan Impact Area Planning and Zoning Commission, as part of their fact-finding process, will submit all applications to the Menan City Council for review and comment. City recommendations must be integrated into the findings of fact prior to recommending an application to the County Commission.

Subpart E. Appeals

The Jefferson County Commissioners will hear any and all appeals to land use applications and issues inside the Impact Area. Jefferson County shall administer and enforce the established Comprehensive Plan, Planning and Zoning Ordinances, Subdivision Ordinances, and Mobile Home Ordinances as set forth by the City of Menan and adopted by Jefferson County.

Section 6. Planning and Zoning Commission Selection and Requirements for Area of City Impact.

Jefferson County, having sole jurisdiction in the Menan Impact Area, does hereby appoint the standing members of the Menan Planning and Zoning Commission to be the Jefferson County Menan Impact Area Planning and Zoning Commission to process all land use applications within said impact area. This Menan Impact Area Planning and Zoning Commission is hereby formed as a stand-alone county entity serving at the will and pleasure of the Jefferson County Commissioners on all land use applications that lie within Menan's Impact Area.

Representation on this county board shall include two members residing in the impact area and will be appointed as follows: One (1) member appointed by the Jefferson County Commission, and one (1) member appointed by the Jefferson County Commission from the recommendation of the Menan City Council. The remainder of the impact area board is comprised of the three to five commissioners previously appointed by the city from within the city limits. The length of term for all commissioners is the regular length of term as identified in city code and as hereby adopted by the Jefferson County Commissioners. The County Commissioners may approve additional terms. Unexpected vacancies will be filled in the same manner as the original appointment.

In matters pertaining to the Area of City Impact, a vote of the Planning and Zoning Commissioners residing within the Area of City Impact, shall have the same weight as the combined voting weight of the other three to five members of the commission residing within the city limits. In situations where the commissioners from the impact zone cancel each other's vote or there is a tie vote between the commissioners from the impact zone and the commissioners from the city, the issue shall be heard and decided by the County Commissioners.

Monday, July 9, 2012

Section 7. Severance.

In the event that any portion of this Ordinance shall be invalidated by a court of law, the remainder of this ordinance shall remain in full force and effect.

Section 8. Effective Date

This ordinance shall become effective upon its passage, approval, and publication.

PASSED BY THE MENAN CITY COUNCIL AND APPROVED BY THE MAYOR THIS 13
DAY OF September, 2012.



Mayor

ATTEST:



Stacy Scott, City Clerk

PASSED BY JEFFERSON COUNTY AND APPROVED BY THE COUNTY COMMISSIONERS
THIS 27 DAY OF Aug, 2011.



Chairman, Jefferson County Commission

ATTEST:



County Clerk

Monday, July 9, 2012

Figure 9-1 – Lewisville City Impact Zone

**ORDINANCE
AREA OF IMPACT AGREEMENT -
CITY OF LEWISVILLE**
AN ORDINANCE DEFINING AND
ESTABLISHING A GEOGRAPHICAL
AREA OF CITY IMPACT FOR THE
CITY OF LEWISVILLE, IDAHO,
ESTABLISHING AN EFFECTIVE DATE
PURSUANT TO SECTION 67-6526,
IDAHO CODE.

NOW, THEREFORE, BE IT
ORDAINED BY THE MAYOR AND THE
COUNCIL OF THE CITY OF
LEWISVILLE, JEFFERSON COUNTY,
IDAHO:

Section 1. Legislative Purpose. The
purpose for establishing an Area of City
Impact is to identify a logical urban
fringe area adjoining the City of
marked Exhibit "A", and as described
herein:

Beginning at the intersection of 400
EXHIBIT "A"

North and 3600 East, thence West
on 400 North to the Lewisville
Cemetery, it being the dead-end of
400 North, thence North along an
imaginary line to the dry bed of the
Snake River, thence following the
dry bed East to 3600 East, thence
South to 400 North, the point of
beginning.

Section 3. Renegotiation. The Area
of City Impact Agreement shall be
reviewed by the City of Lewisville at
least once every five years and shall be
Lewisville, Idaho. The urban fringe area
is realizing, or will realize, growth and
development pressures that must be
planned and managed in an orderly
fashion. The Area of City Impact recog-
nizes trade area, geographic factors,
and the potential delivery of public ser-
vices as being associated with the City
of Lewisville and comprised of areas
that may reasonably be annexed to the

City in the near and distant future.

**Section 2. Geographic Area of City
Impact.** The officially adopted and
agreed upon "Area of City Impact for
Lewisville, Idaho" is established by this
Ordinance, and is set forth herein on
the attached map entitled Area of City
Impact for Lewisville, Idaho, and
renegotiated at any time upon the
request of either party hereto.
Renegotiation shall begin 30 days after
written request by the City and shall fol-
low procedures for the original negotia-
tion, as set forth in Idaho Code, Section
67-6526, or as subsequently amended.

Section 4. Effective Date. This
Ordinance shall be in full force and
effect from and after its passage and
publication as required by law.

Section 5. Further Ordinances.
Promulgation and adoption of planning
and zoning ordinance, comprehensive
plan, and all other issues relating to
land use planning shall be set forth as
provided in Idaho Code Section 67-
6526 prior to January 1, 1995. In the
interim, the Planning and Zoning proce-
dures currently in effect shall remain
operational, until such time as modified
by future ordinance.

**Section 6. Property Adjoining
Roads.** In the situations where the
boundary is a road, the impact area
shall include housing adjoining and/or
contiguous to either side of the road
itself. Property on the outside of the
impact area not adjoining the road shall
not be considered as within the impact
area.

Section 7. Conflict. In the event of a
discrepancy between the official map
and the legal description, the map shall
control, subject to any other provisions
of this Ordinance. In the event of any
ambiguity, the map and description shall
be read together to effectuate the will of
the governing body.

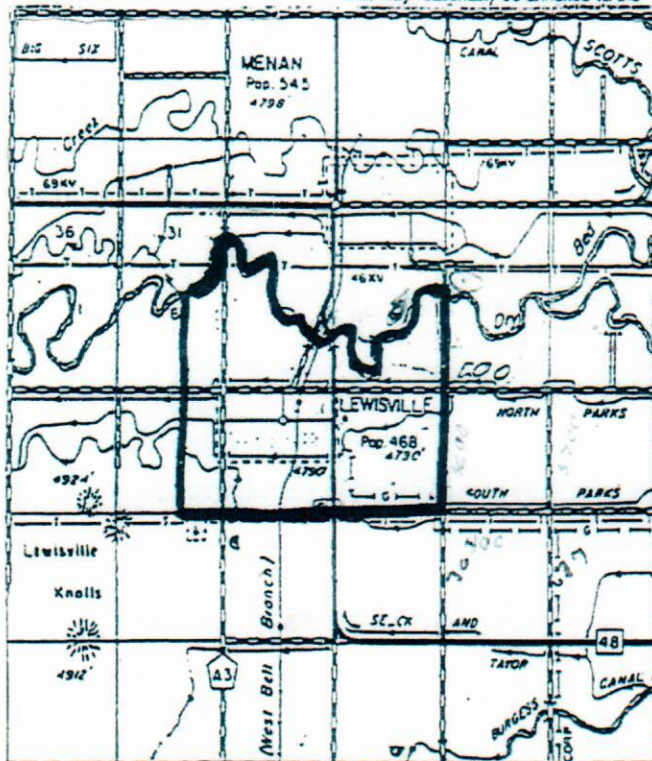
Section 8. Severance. In the event
that any portion of this Ordinance shall
be invalidated by a court of law, the
remainder of this Ordinance shall
remain in effect.

Passed by the City Council of the
City of Lewisville on the 24th day of
October, 1994.

CITY OF LEWISVILLE

/s/ Milton McIntier

by Milton McIntier, President of the
Lewisville City Council. By and for
Honorable Lynn Anderson, Mayor of
Lewisville, in his absence



Published in the Jefferson Star, Rigby, Idaho, October 26, 1994.

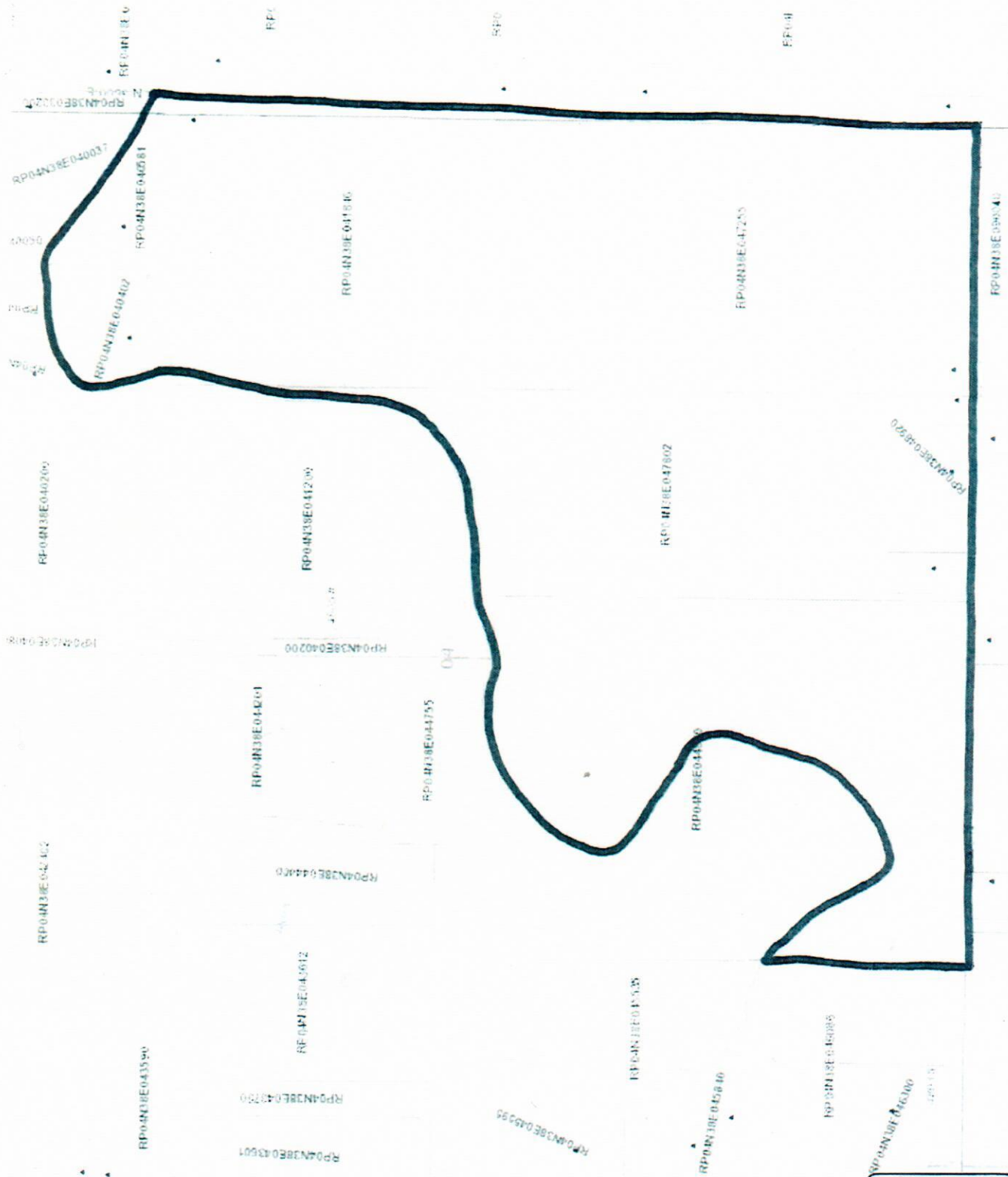


EXHIBIT
C

**IMPACT AREA DESCRIPTION
CITY OF MENAN**

SITUATED IN THE STATE OF IDAHO, COUNTY OF JEFFERSON, BEING PART OF SECTIONS 3 AND 4, TOWNSHIP 4 NORTH, RANGE 38 EAST, BOISE MERIDIAN:

BEGINNING AT A REBAR WITH AN ALUMINUM CAP MARKING THE SOUTHEAST CORNER OF SECTION 4;

THENCE NORTH 89°58'15" WEST, A DISTANCE OF 4,119.69 FEET TO A POINT;

THENCE NORTH 00°04'43" WEST, A DISTANCE OF 998.67 FEET TO A POINT ON THE NORTH BANK OF THE DRY BED;

THENCE FOLLOWING ALONG THE NORTH AND WEST BANK OF THE DRY BED, THE FOLLOWING (35) THIRTY-FIVE COURSES AND DISTANCES;

1. THENCE SOUTH 35°58'08" EAST, A DISTANCE OF 153.45 FEET TO A POINT;
2. THENCE SOUTH 48°17'39" EAST, A DISTANCE OF 118.09 FEET TO A POINT;
3. THENCE SOUTH 48°23'24" EAST, A DISTANCE OF 86.05 FEET TO A POINT;
4. THENCE SOUTH 25°45'44" EAST, A DISTANCE OF 245.48 FEET TO A POINT;
5. THENCE SOUTH 38°34'21" EAST, A DISTANCE OF 127.65 FEET TO A POINT;
6. THENCE SOUTH 67°38'10" EAST, A DISTANCE OF 100.41 FEET TO A POINT;
7. THENCE NORTH 73°02'13" EAST, A DISTANCE OF 129.15 FEET TO A POINT;
8. THENCE NORTH 44°07'00" EAST, A DISTANCE OF 445.13 FEET TO A POINT;
9. THENCE NORTH 09°35'42" EAST, A DISTANCE OF 185.76 FEET TO A POINT;
10. THENCE NORTH 16°52'31" EAST, A DISTANCE OF 118.48 FEET TO A POINT;
11. THENCE NORTH 47°36'40" EAST, A DISTANCE OF 79.27 FEET TO A POINT;
12. THENCE NORTH 08°56'55" EAST, A DISTANCE OF 69.26 FEET TO A POINT;
13. THENCE NORTH 22°58'11" WEST, A DISTANCE OF 109.90 FEET TO A POINT;
14. THENCE NORTH 35°48'42" WEST, A DISTANCE OF 126.24 FEET TO A POINT;
15. THENCE NORTH 60°02'41" WEST, A DISTANCE OF 260.18 FEET TO A POINT;
16. THENCE NORTH 55°06'27" WEST, A DISTANCE OF 239.74 FEET TO A POINT;
17. THENCE NORTH 34°25'49" WEST, A DISTANCE OF 96.28 FEET TO A POINT;
18. THENCE NORTH 01°03'58" EAST, A DISTANCE OF 128.21 FEET TO A POINT;
19. THENCE NORTH 16°45'18" EAST, A DISTANCE OF 152.91 FEET TO A POINT;
20. THENCE NORTH 29°45'53" EAST, A DISTANCE OF 134.39 FEET TO A POINT;
21. THENCE NORTH 47°47'37" EAST, A DISTANCE OF 207.03 FEET TO A POINT;
22. THENCE NORTH 53°20'55" EAST, A DISTANCE OF 221.68 FEET TO A POINT;
23. THENCE NORTH 75°53'17" EAST, A DISTANCE OF 190.41 FEET TO A POINT;
24. THENCE SOUTH 70°26'29" EAST, A DISTANCE OF 113.79 FEET TO A POINT;
25. THENCE NORTH 89°35'30" EAST, A DISTANCE OF 176.45 FEET TO A POINT;
26. THENCE NORTH 66°32'37" EAST, A DISTANCE OF 85.78 FEET TO A POINT;
27. THENCE NORTH 72°27'42" EAST, A DISTANCE OF 322.32 FEET TO A POINT;



28. THENCE SOUTH 87°12'22" EAST, A DISTANCE OF 426.10 FEET TO A POINT;
29. THENCE NORTH 70°05'10" EAST, A DISTANCE OF 250.42 FEET TO A POINT;
30. THENCE NORTH 52°19'44" EAST, A DISTANCE OF 218.58 FEET TO A POINT;
31. THENCE NORTH 35°00'42" EAST, A DISTANCE OF 122.71 FEET TO A POINT;
32. THENCE NORTH 08°24'37" EAST, A DISTANCE OF 257.50 FEET TO A POINT;
33. THENCE NORTH 00°22'32" EAST, A DISTANCE OF 273.76 FEET TO A POINT;
34. THENCE NORTH 01°08'56" EAST, A DISTANCE OF 204.49 FEET TO A POINT;
35. THENCE NORTH 06°50'44" EAST, A DISTANCE OF 405.58 FEET TO A POINT;

THENCE LEAVING THE WEST BANK OF THE DRY BED AND FOLLOWING THE CENTERLINE OF THE DRY BED THE FOLLOWING (14) FOURTEEN COURSES AND DISTANCES;

1. NORTH 89°55'25" EAST, A DISTANCE OF 79.51 FEET TO A POINT;
2. THENCE NORTH 10°07'22" WEST, A DISTANCE OF 120.00 FEET TO A POINT;
3. THENCE NORTH 22°07'24" WEST, A DISTANCE OF 200.00 FEET TO A POINT;
4. THENCE NORTH 01°07'24" WEST, A DISTANCE OF 90.00 FEET TO A POINT;
5. THENCE NORTH 30°34'38" EAST, A DISTANCE OF 78.34 FEET TO A POINT;
6. THENCE NORTH 41°02'09" EAST, A DISTANCE OF 87.44 FEET TO A POINT;
7. THENCE NORTH 66°52'36" EAST, A DISTANCE OF 135.00 FEET TO A POINT;
8. THENCE NORTH 77°52'38" EAST, A DISTANCE OF 265.00 FEET TO A POINT;
9. THENCE NORTH 89°52'36" EAST, A DISTANCE OF 86.64 FEET TO A POINT;
10. THENCE NORTH 89°52'36" EAST, A DISTANCE OF 93.36 FEET TO A POINT;
11. THENCE SOUTH 52°30'24" EAST, A DISTANCE OF 544.99 FEET TO A POINT;
12. THENCE SOUTH 62°16'37" EAST, A DISTANCE OF 115.89 FEET TO A POINT;
13. THENCE SOUTH 59°37'42" EAST, A DISTANCE OF 186.83 FEET TO A POINT;
14. THENCE SOUTH 63°48'13" EAST, A DISTANCE OF 115.69 FEET TO A POINT;

THENCE LEAVING THE CENTERLINE OF THE DRY BED SOUTH 01°49'36" WEST, A DISTANCE OF 102.67 FEET TO A REBAR WITH A PLASTIC CAP FOUND;

THENCE SOUTH 01°34'35" WEST, A DISTANCE OF 1,646.79 FEET TO A POINT;

THENCE SOUTH 89°57'26" WEST, A DISTANCE OF 59.00 FEET TO A POINT;

THENCE SOUTH 00°07'16" WEST, A DISTANCE OF 2,301.20 FEET TO A POINT, TO THE POINT OF BEGINNING. CONTAINING 264.76 ACRES OF LAND, MORE OR LESS.

THE ABOVE DESCRIPTION WAS PREPARED BY JEFFREY M. ROWE, PLS 13856 IN FEBRUARY 2020, AND IS SUBJECT TO EASEMENTS AND RIGHTS-OF-WAY OF RECORD.