

ORDINANCE 2024-12-23-C

AN ORDINANCE ESTABLISHING AN AREA OF IMPACT FOR THE **CITY OF PRESTON**: STATING PURPOSE; IDENTIFYING THE AUTHORITY REQUIRING ITS ADOPTION; ADOPTING A MAP OF IMPACT BOUNDARIES; IDENTIFYING THE SUBDIVISION THAT SHALL APPLY WITHIN THE ESTABLISHED AREA OF IMPACT; IDENTIFYING METHODS AND PROCEDURES FOR APPLICATION, ADMINISTRATION AND ENFORCEMENT OF THE COMPREHENSIVE PLAN AND ORDINANCES THAT SHALL APPLY WITHIN THE ESTABLISHED AREA OF CITY IMPACT; ESTABLISHING AN EFFECTIVE DATE PURSUANT TO, LOCAL LAND USE PLANNING ACT, IDAHO CODE SECTION 67-6526.

Be it ordained by the Mayor and City Council of the City of Preston, County of Franklin, and State of Idaho.

Be it ordained by the Board of County Commissioners, Franklin County, and State of Idaho.

Section 1: Purpose:

The purpose of this ordinance is to establish an Area of Impact for the City of Preston. This Action is required by laws to promote the health, safety and general welfare of the citizens of Preston and Franklin County by:

1. Ensuring that development in the established areas of impact of the City has no adverse impact on the municipal water supply and does not increase potential for flooding, contamination or damage to the City's wellhead and watershed protection area;
2. Ensuring that development in the established area of impact of the city limits does not impose an unnecessary fiscal burden on residents of the city, by generating demands for new and improved public facilities;
3. Ensuring that growth in the established area of impact of the city limits is planned and managed in an orderly fashion;
4. Ensuring that development in the established area of impact of the city does not unduly impact residents' enjoyment of their homes, create safety hazards, or necessitate major street improvements; and

Section 2: Geographic Area of City Impact and Wellhead and Watershed Protection Area:

The officially adopted and agreed upon areas of impact for the City of Preston is shown in the attached map. The area of impact will include ½ mile outside of the current city boundaries of the current Preston City limits. The area of Impact also includes the Cities water transmission lines and the area is identified as 25 feet on either side of the water transmission lines from the water sources and prohibits building structures that might prevent normal maintenance and replacement of the water transmission lines.

The wellhead protection area is identified on the attached map and description from the Preston City Source Water Protection Plan.

Section 3: Comprehensive Plan:

The Comprehensive Plan and subsequent amendments thereto as officially adopted by Franklin County shall apply to the area of impact within the unincorporated area of Preston. Both the City and County shall amend their Comprehensive Plans to be consistent with this agreement, if required.

Section 4: Subdivision Ordinance:

The Subdivision Ordinance and subsequent amendments thereto as officially adopted by Franklin County shall apply within the area of impact.

Section 5: Code and Ordinance Administration and Enforcement:

1. The County of Franklin shall be responsible for the administration and enforcement of the County's ordinance where they apply.
2. All proposed subdivisions development plats or any development requiring a building permit under County ordinances situated within the area of impact shown on the attached map shall be submitted to the City for review and comment at least fifteen (15) days before the first official decision regarding the subdivision or development is to be made by the County.
3. Maintenance of public streets located in the area of impact shall remain the responsibility of Franklin County and the State of Idaho, unless otherwise stipulated by written agreement between Franklin County, State of Idaho, and City of Preston.
4. Law enforcement and fire services in the area of impact shall remain the responsibility of Franklin County, unless otherwise stipulated by written agreement between the County and/or fire district and the City of Preston.

Section 6: Source Water Protection:

No permanent building or structure shall be placed within 25 feet of the Preston City water transmission line. The following development is not permitted within the Source Watershed Protection areas:

1. Animal Confinement Operations (ACO's) as defined by Franklin County Ordinance No. 2002-2.
2. Within the Source Water Protection Area as identified on the Source Water Protection Map, the minimum size for a parcel of land will be five (5) acres. If smaller parcels are proposed, the developer or property owner must perform a Nutrient-Pathogen Evaluation at their expense. The findings of the Nutrient-Pathogen Evaluation will be evaluated by the Idaho DEQ organization. If the Nutrient-Pathogen evaluation indicates a smaller parcel will not negatively affect the City of Preston's watershed, the City and County may agree to a smaller parcel for the specific project area studied in the Nutrient-Pathogen evaluation.

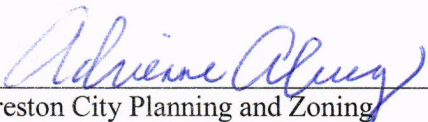
Section 7: Renegotiation:

The Area of Impact Agreement may be reviewed upon the request of either party hereto. Renegotiation shall begin 30 days after written request by either the City or County and shall follow procedures for the original negotiation, as set forth in Idaho Code, Section 67-6526.

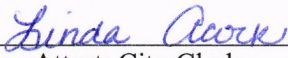
Section 8: Effective Date:

This ordinance shall be in full force and effect from and after its passage and publication as required by law.

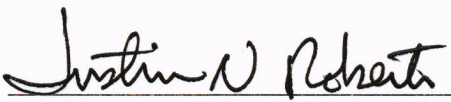
APPROVED AND PASSED BY THE PRESTON CITY COUNCIL AND FRANKLIN COUNTY COMMISSIONERS this _____ day of _____, 2024.



Preston City Planning and Zoning

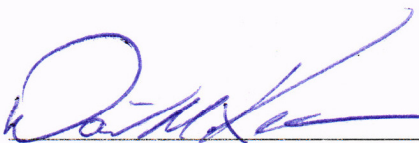


Attest: City Clerk

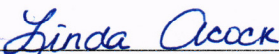


Franklin County Planning and Zoning

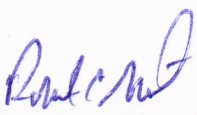
Attest: County Clerk



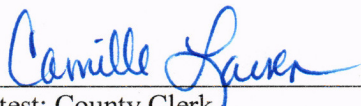
Preston City Mayor



Attest: City Clerk

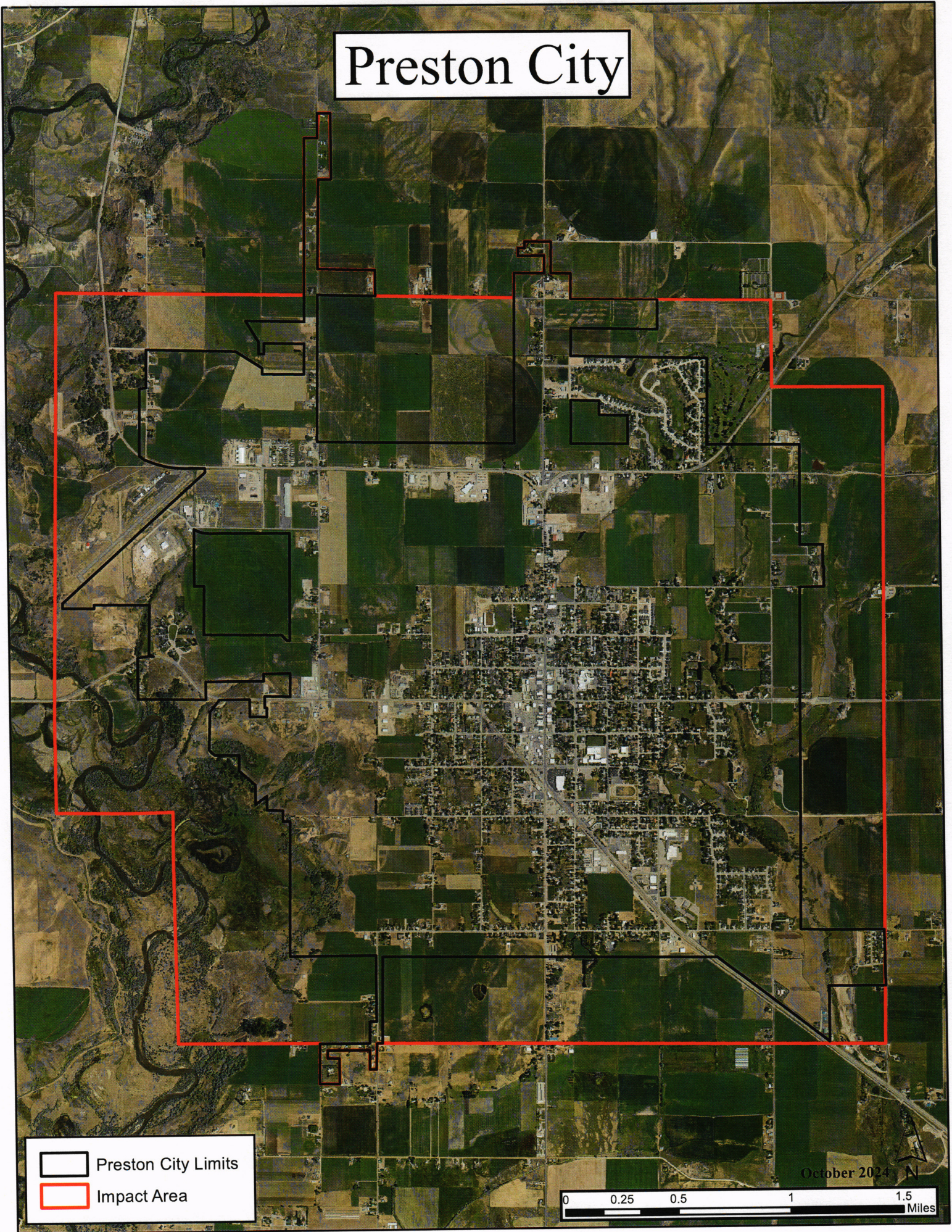


Chair, Franklin County Commissioners



Attest: County Clerk

Preston City



-  Preston City Limits
-  Impact Area

October 2024 N

0 0.25 0.5 1 1.5 Miles