

ORDINANCE NO. 86

AN ORDINANCE ESTABLISHING ZONING DISTRICT DESIGNATIONS FOR CERTAIN PARCELS OF REAL PROPERTY LOCATED IN SECTION 34, TOWNSHIP 7 SOUTH, RANGE 15 EAST, BOISE MERIDIAN, GOODING COUNTY, IDAHO, WHICH REAL PROPERTY HAS BEEN APPROVED FOR DE-ANNEXATION FROM THE CITY OF WENDELL; CONFIRMING THE EXISTING ZONING MAP WHICH IS PART OF GOODING COUNTY ZONING ORDINANCE NO. 78; AND PROVIDING AN EFFECTIVE DATE.

Whereas, by Ordinance No. 451 passed and approved on December 15, 2005, the City of Wendell annexed certain real property from within the City's impact area into the city limits, which annexation included the following described parcels of real property:

Tract A - 2.05 acres located in the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 34, Township 7 South, Range 15 East, Boise Meridian, Gooding County, Idaho, commencing at the southwest corner of said SW $\frac{1}{4}$ SW $\frac{1}{4}$; thence South 89°12'49" East a distance of 932.95 feet along the southerly boundary of said SW $\frac{1}{4}$ SW $\frac{1}{4}$; thence North 00°42'36" West a distance of 1165.03 feet; thence South 89°13'40" East a distance of 180.54 feet to the True Point of Beginning; thence North 00°30'00" East a distance of 241.27 feet; thence South 89°13'40" East a distance of 369.28 feet; thence South 00°13'20" West a distance of 241.28 feet; thence North 89°13'40" West a distance of 370.45 feet to the True Point of Beginning;

Tract B - 10.39 acres located in the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 34, Township 7 South, Range 15 East, Boise Meridian, Gooding County, Idaho, commencing at the southwest corner of said SW $\frac{1}{4}$ SW $\frac{1}{4}$; thence South 89°12'49" East a distance of 932.95 feet along the southerly boundary of said SW $\frac{1}{4}$ SW $\frac{1}{4}$; thence North 00°42'36" West a distance of 298.40 to the True Point of Beginning; thence South 82°27'20" West a distance of 302.32 feet; thence North 84°33'34" West a distance of 102.98 feet; thence North 53°55'04" West a distance of 209.40 feet; thence North 17°45'26" East a distance of 170.69 feet; thence North 00°17'31" West a distance of 449.83 feet; thence North 35°00'13" East a distance of 81.06 feet; thence North 24°28'43" East a distance of 110.03 feet; thence South 89°12'49" East a distance of 418.89 feet; thence South 00°42'36" East a distance of 866.63 feet to the True Point of Beginning; and

Tract C - 73.60 acres located in the NE $\frac{1}{4}$ of Section 4, Township 8 South, Range 15 East, Boise Meridian, Gooding County, Idaho, beginning at the southeast corner of said northeast quarter of Section 4; thence North 89° 25'11" West a distance of 2644.67 feet along the southerly boundary of said Northeast Quarter to the southwest corner of said Northeast Quarter; thence North 00°53'34" East a distance of 1068.70 feet along the westerly boundary of said Northeast Quarter to the southerly boundary of Interstate

84; thence along the southerly boundary of said Interstate 84 the following courses and distances: North 69°21'36" East a distance of 858.66, South 80°43'00" East a distance of 1157.09 feet, thence South 75°16'43" East a distance of 388.68 feet, thence South 57°08'21" East a distance of 236.02 feet, South 21°04'41" East a distance of 271.50 feet, South 89°28'39" East a distance of 22.25 feet to the easterly boundary of said Northeast Quarter; thence South 00°54'50" West a distance of 731.09 feet along the easterly boundary of said Northeast Quarter to the point of beginning;

Whereas, by Ordinance No. 465 passed and approved on December 27, 2006, the City of Wendell de-annexed the above-described parcels of real property from the city limits;

Whereas, prior to being annexed into the City of Wendell, the above-described tracts were zoned by Gooding County as follows: Tracts A and B as Low Density Residential District (R-1) and Tract C as Commercial District (C);

Whereas the Zoning Map which is part of the Gooding County Zoning Ordinance No. 78 was not amended following the annexation of the above-described tracts into the City of Wendell and still identifies Tracts A and B as Residential (R-1) and Tract C as Commercial (C);

Whereas, upon the de-annexation of said tracts by the City of Wendell, it would be consistent with the Gooding County Comprehensive Plan and the Gooding County Zoning Ordinance for the Board of County Commissioners of Gooding County to immediately designate a zoning district for each of said tracts;

Whereas the Gooding County Planning and Zoning Administrator has recommended to the Gooding County Planning and Zoning Commission that said tracts be rezoned by Gooding County with the same zoning designations said tracts had prior to annexation by the City of Wendell;

Whereas the Gooding County Planning and Zoning Commission held a public hearing on December 18, 2006, to take evidence and hear testimony regarding said recommendation of the Planning and Zoning Administrator;

Whereas, at said hearing, all testimony was in favor of the zoning district designations recommended by the Planning and Zoning Administrator;

Whereas, following said hearing, the Gooding County Planning and Zoning Commission forwarded its recommendation to the Board of County Commissioners that, upon de-annexation of said tracts by the City of Wendell, Tracts A and B be designated as Low Density Residential District (R-1) and Tract C be designated as Commercial District (C); and

Whereas Idaho Code § 67-6523 authorizes the Board of County Commissioners to adopt emergency ordinances when imminent peril to the public health, safety or welfare exists;

Whereas, given the goals, objectives and purposes of the Gooding County Comprehensive Plan and the purposes and requirements of the Gooding County Zoning Ordinance, imminent peril will generally exist to public health, safety or welfare, and particularly exist to residents and property owners in the City of Wendell and its impact area, if real property comes under the jurisdiction of Gooding County without any zoning designation because of the possibility of unregulated development or use;

Whereas emergency zoning of the above-described tracts as recommended by the Gooding County Planning and Zoning Administrator and the Gooding County Planning and Zoning Commission would give Gooding County the immediate authority to regulate or control the use and development of the above-described tracts in accordance with the goals, objectives and purposes of the Gooding County Comprehensive Plan and the purposes and requirements of the Gooding County Zoning Ordinance all of which have been adopted to protect the health, safety and general welfare of the residents of Gooding County;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF GOODING COUNTY, IDAHO, AS FOLLOWS:

Section 1. Authority and Purpose. This ordinance is adopted pursuant to the authority granted by the Local Land Use Planning Act, Idaho Code § 67-6501, *et seq.* The purpose of this ordinance is to immediately establish zoning district designations for the above-described real property (Tracts A, B and C), approved for de-annexation by the City of Wendell on December 27, 2006, to give Gooding County the immediate authority, upon the effective date of the de-annexation by the City of Wendell, or as soon thereafter as possible, to regulate or control the use and development of the above-described tracts in accordance with the goals, objectives and purposes of the Gooding County Comprehensive Plan and the purposes and requirements of the Gooding County Zoning Ordinance all of which have been adopted to protect the health, safety and general welfare of the residents of Gooding County.

Section 2. Zoning District Designations. The zoning district designations for Tracts A and B shall be Residential (R-1) and the zoning district designation for Tract C shall be Commercial (C).

Section 3. Zoning Map Confirmed. The Official Zoning Map, adopted as part of the Gooding County Zoning Ordinance No. 78, is confirmed without amendment, since the zoning districts designations established in Section 2 above for the real property described herein are already shown on the Official Zoning Map.

Section 4. Effective Date. Given the imminent peril requiring the immediate operation of this ordinance, it shall be in full force and effect, following passage and approval, upon its proclamation by posting in at least five (5) public places in the County and upon the effective date of the de-annexation of the real property described herein by the City of Wendell.

Passed and approved as an ordinance of Gooding County by the Gooding County Board of Commissioners this 2 day of January, 2007.

Approved

Helen P. Edwards
Helen P. Edwards, Chair

[Signature]
Tom Faulkner

[Signature]
Bob Morgado



Denise Gill
Denise Gill, Clerk

NOT COPY OR PRINT