

ORDINANCE NO. 87

AN ORDINANCE OF THE COUNTY OF GOODING, STATE OF IDAHO, PURSUANT TO SECTION 67-6524, IDAHO CODE, FINDING THE COMPREHENSIVE PLAN AND ZONING CLASSIFICATIONS IN THE AREA OF IMPACT OF THE CITY OF GOODING ARE INADEQUATE TO ADDRESS THE ORDERLY AND HEALTHY DEVELOPMENT OF THE AREA OF IMPACT AND THE FUTURE GROWTH OF THE CITY OF GOODING; RECOGNIZING THAT CHANGES IN THE COMPREHENSIVE PLAN AND ZONING ORDINANCE ARE BEING PREPARED FOR THE CITY OF GOODING AREA OF IMPACT AND STATING THE REASONS THEREFOR; ADOPTING AN INTERIM ORDINANCE THAT WILL PRECLUDE PROCESSING OF APPLICATIONS FOR REZONING, SUBDIVISION APPROVAL AND BUILDING PERMITS AND AMEND THE DEFINITION OF SUBDIVISION FOUND IN GOODING COUNTY ORDINANCE NO. 80 TO INCLUDE ALL DIVISIONS OF LAND IN THE CITY OF GOODING AREA OF IMPACT; SETTING A DURATION OF THE INTERIM ORDINANCE; AND, PROVIDING ENFORCEMENT, PENALTIES FOR VIOLATION AND AN EFFECTIVE DATE.

WHEREAS, the Gooding County Board of Commissioners have received information and a request from the City of Gooding concerning the inadequacy of the current Comprehensive Plan and land use regulations for the area of impact of the City of Gooding;

WHEREAS the Gooding County Board of Commissioners are knowledgeable of the development concerns relative to the orderly and safe development of growth of the area of impact of the City of Gooding;

WHEREAS the Gooding County Board of Commissioners have adopted the following findings as required under the Local Planning Act:

1. The City of Gooding and Gooding County are undergoing, but have not yet completed the process of updating their respective Comprehensive Plans, Zoning Ordinance and other land use ordinances to address growth management issues concerning the area of impact of the City of Gooding.
2. Continued growth and development, not controlled by updated Comprehensive Plans and Zoning Ordinances and other land use ordinances, will lead to a community that will be undesirable and unsafe to the welfare of the community due to uses that may not be consistent with the orderly and safe growth and development of the City of Gooding and Gooding County.
3. Due to a combination of the above and the increase in development that Gooding County is currently experiencing in the area of impact of the City of Gooding, the welfare and future way of life of it's citizens is being compromised and threatened such that there is imminent peril to the health, safety, and/or welfare of the citizens of the City of Gooding and the residents within Gooding County residing within the area of impact of the City of Gooding requiring the adoption of an interim moratorium.

**NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF GOODING, STATE OF IDAHO:**

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**SECTION 1, INTERIM MORATORIUM:** Based upon the findings above, an interim ordinance is hereby adopted precluding the acceptance and processing of applications for rezoning, subdivision approval and building permits for property located in the area of impact of the City of Gooding; provided, however, that application for such rezoning, subdivision approval and building permits filed with the county as of 5:00 p.m. the day prior to the effective date of this ordinance shall be processed.

**SECTION 2, AMENDED DEFINITION OF SUBDIVISION:** As applied to the area of impact of the City of Gooding only, the definition of subdivision found in Ordinance No. 80 of Gooding County, the Subdivision Ordinance, is hereby amended to read as follows:

Subdivision: A tract of land divided into two (2) or more lots, parcels, or sites for the purpose of transfer of ownership or development, whether immediate or future.

**SECTION 3, DURATION:** That this ordinance shall be in effect for 365 days, as allowed by Idaho Code, Section 67-6524, which shall begin upon publication of the ordinance and shall continue for 365 from the date of publication, unless otherwise terminated.

**SECTION 4, PENALTIES:** Penalties for failure to comply with the provisions of this ordinance shall be as follows:

Violation shall constitute a misdemeanor, as defined by Section 18-113, Idaho Code. Each day such violation continues shall be considered as a separate offense. The land owner, tenant, subdivider, builder, public official or any other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense. Nothing contained herein shall prevent the Board of Commissioners or any other public official or private citizen from taking such lawful action necessary to restrain or prevent any violation of this ordinance or other ordinances of Gooding County or the City of Gooding or the statutes of the State of Idaho.

**SECTION 5, SEVERABILITY:** If any word, phrase, clause, sentence, paragraph, section or other part of this ordinance is held invalid by a court of competent jurisdiction, such holding shall affect only that part so held invalid.

**SECTION 6, EFFECTIVE DATE:** This ordinance shall be in full force and effect from and after its passage, approval and publication according to law.

PASSED AND APPROVED this 2 day of January, 2008.

BOARD OF COMMISSIONERS OF GOODING COUNTY

Helen P. Edwards  
Helen P. Edwards, Chair

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*[Handwritten signature]*

Tom Faulkner

*[Handwritten signature]*

Robert Morgado

ATTEST

*[Handwritten signature]*  
Denise Gill, Clerk

DATE: 1-2-07

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