

**CITY OF IDAHO CITY, STATE OF IDAHO  
INTERIM MORATORIUM  
ORDINANCE NO. 366**

**AN ORDINANCE OF THE CITY OF IDAHO CITY, BOISE COUNTY, IDAHO, DECLARING AN INTERIM MORATORIUM ON THE ISSUANCE OF BUILDING PERMITS AND DEVELOPMENT APPLICATIONS THAT REQUIRE OR INVOLVE NEW CONNECTIONS TO THE CITY OF IDAHO CITY'S WATER SYSTEM FOR A PERIOD OF NOT MORE THAN ONE HUNDRED EIGHTY-TWO (182) DAYS DUE TO IMMINENT PERIL OF PUBLIC HEALTH, SAFETY, AND WELFARE; AND PROVIDING THIS ORDINANCE BE EFFECTIVE UPON ITS PASSAGE.**

WHEREAS, the City of Idaho City maintains and operates its own municipal water system and the provision of water services is a primary and essential service provided by the City to those customers within its service area now and in the future;

WHEREAS, the City was notified that its current and projected demand for water is beyond its current water right;

WHEREAS, the City's efforts to reduce water usage have not been sufficient to bring the City to within its water right;

WHEREAS, the City is undertaking discussions with the water district to secure additional water sourcing and rights; and

WHEREAS, the City Council finds that a foreseeable inability to provide water is an imminent peril to the public health, safety, and welfare of the citizens of Idaho City, such that an Emergency Moratorium should be placed on new connections to the water system.

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF IDAHO CITY, IDAHO:**

1. The City Council finds that the inadequacy of its current water right to meet its demand with certainty through its municipal water system is an imminent peril to the public health, safety, and welfare of the citizens of the City of Idaho City.

2. A moratorium on new building and development is the only way to avoid exacerbating the City's demand for water and further jeopardizing the City's ability to fulfill its obligations for the provision of water services.

3. Therefore, a moratorium is imposed upon the receipt, processing, and approval of applications for building permit or development plans, including preliminary plats, final plats, or site plans, that require, contemplate, or involve a new connection to the city water system.

4. This moratorium shall not apply to any permit that has already been issued or application for a building permit that is already complete and pending. Further, this moratorium

shall not apply to an application for a permit that is related to a previously approved plan or plat for which there is documentation of serviceability by the City, provided that mere location within the city limits or service area is not documentation of serviceability. These limitations shall not prohibit the Idaho City City Council, Planning and Zoning Commission, or Planning and Zoning Administrator from exercising the control it is otherwise authorized to exercise over any such permit, project, or development application.

5. This moratorium shall be in place for a period of one hundred and eighty-two (182) days following adoption of this moratorium.

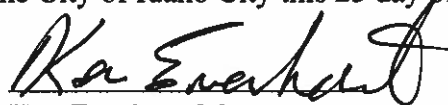
6. This moratorium shall be in full force and effect upon immediately upon the date of its passage.

7. This moratorium is hereby declared to be severable. The invalidity of a section shall not affect the validity of the remaining sections.

8. If a conflict exists between this moratorium and any other ordinance, resolution, or order of the City of Idaho City, this moratorium shall control until its expiration or termination by the City Council.

PASSED BY THE COUNCIL of the City of Idaho City this 23 day of February, 2022.

APPROVED BY THE MAYOR of the City of Idaho City this 23 day of February, 2022.

  
Ken Everhart, Mayor

ATTEST:

  
Nancy L. Ptak, City Clerk

**CITY OF IDAHO CITY, STATE OF IDAHO**  
**INTERIM ORDINANCE**  
**ORDINANCE NO. 366**

**AN INTERIM MORATORIUM OF THE CITY OF IDAHO CITY, BOISE COUNTY, IDAHO, EXTENDING THE MORATORIUM ON THE ISSUANCE OF BUILDING PERMITS AND DEVELOPMENT APPLICATIONS THAT REQUIRE OR INVOLVE NEW CONNECTIONS TO THE CITY OF IDAHO CITY'S WATER SYSTEM FOR A PERIOD OF NOT MORE THAN ONE YEAR DUE TO IMMINENT PERIL OF PUBLIC HEALTH, SAFETY, AND WELFARE; PROVIDING CERTAIN EXCEPTIONS; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the City of Idaho City passed Ordinance No. 364 on September 8, 2021, finding that an imminent peril to the public health, safety and welfare existed requiring adoption of an emergency moratorium, pursuant to Idaho Code Section 67-6523, upon the issuance of building permits and development applications that require or involve new connections to the City's water system;

WHEREAS, the City has made further efforts to mitigate its reliance on its water right, but such efforts are insufficient to bring the City within its current water right;

WHEREAS, the City has not yet secured sufficient additional water sourcing and rights;

WHEREAS, a public hearing on the proposed interim moratorium was held before the Planning and Zoning Commission on February 17, 2022, pursuant to a notice published in the Idaho World on February 2, 2022;

WHEREAS, the Planning and Zoning Commission and City Council find that a foreseeable inability to provide water is an imminent peril to the public health, safety, and welfare of the citizens of Idaho City, such that an Interim Moratorium should be continued on new connections to the water system; and

WHEREAS, pursuant to Idaho Code Section 67-6524, the City may adopt an interim moratorium on certain classes of permits for a period not to exceed one (1) year.

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF IDAHO CITY, IDAHO:**

1. The inadequacy of the City's current water right to meet its demand with certainty through its municipal water system is an imminent peril to the public health, safety, and welfare of the citizens of the City of Idaho City;
2. The Planning and Zoning Commission of the City of Idaho City is preparing changes to the comprehensive plan;

3. Continuing a moratorium on new building and development is the only way to avoid exacerbating the City's demand for water and further jeopardizing the City's ability to fulfill its obligations for the provision of water services;

4. Therefore, a moratorium is continued on the receipt, processing, and approval of applications for building permit or development plans, including preliminary plats, final plats, or site plans, that require, contemplate, or involve a new connection to the city water system;

5. This moratorium shall not apply to any permit that has already been issued or application for a building permit that is already complete and pending. Further, this moratorium shall not apply to an application for a permit that is related to a previously approved plan or plat for which there is documentation of serviceability by the City, provided that mere location within the city limits or service area is not documentation of serviceability. These limitations shall not prohibit the City Council, Planning and Zoning Commission or Planning and Zoning Administrator from exercising the control it is otherwise authorized to exercise over any such permit, project, or development application.

6. This moratorium shall be in place for a period of one year following adoption of this moratorium, unless otherwise lifted by action of the City Council.

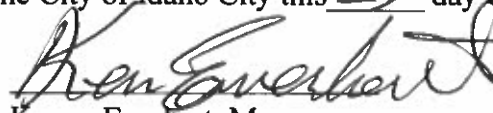
7. This moratorium is hereby declared to be severable. The invalidity of a section shall not affect the validity of the remaining sections.

8. This moratorium shall be in full force and effect upon the date of its publication as provided by law.

9. If a conflict exists between this moratorium and any other ordinance, resolution, or order of the City of Idaho City, this moratorium shall control until its expiration or termination by the City Council.

PASSED BY THE COUNCIL of the City of Idaho City this 23 day of February, 2022.

APPROVED BY THE MAYOR of the City of Idaho City this 23 day of February, 2022.

  
Kenny Everhart, Mayor

ATTEST:

  
City Clerk