ORDINANCE NO. 880

AN ORDINANCE OF THE CITY OF REXBURG, IDAHO, PURSUANT TO IDAHO CODE, SECTION 67-6526, ESTABLISHING AND DEFINING A GEOGRAPHICAL AREA OF CITY IMPACT FOR THE CITY OF REXBURG, IDAHO, BY ADOPTING A MAP IDENTIFYING SAID AREA OF IMPACT WITHIN THE UNINCORPORATED AREA OF MADISON COUNTY; AMENDING ORDINANCE NO. 769; AND PROVIDING FOR THE EFFECTIVE DATE.

WHEREAS, Idaho Code, Section 67-6526 requires, among other things, that cities and counties negotiate and agree upon an area of City impact, and;

WHEREAS, the City Council for the City of Rexburg, Idaho, and the Board of County Commissioners for the County of Madison, Idaho, have, pursuant to the mandate of Idaho Code, Section 67-6526, entered into and have conducted extensive negotiations regarding the area of impact, and;

WHEREAS, the aforementioned negotiations considered the following factors, among others: (1) Trade area; (2) Geographic factors; and (3) Areas that can reasonably be expected to be annexed into the City of Rexburg, Idaho, in the future, and;

WHEREAS, the City Council for the City of Rexburg, Idaho and the County Commission for Madison County did submit to their respective Planning and Zoning Commissions the question of area impact, and;

WHEREAS, the city and county appointed a committee of residents living within the proposed area of impact to study the matter and make recommendations to the City of Rexburg and Madison County, and;

WHEREAS, the Planning and Zoning Commissions for the City of Rexburg, Idaho, and Madison County have made their recommendations known to the City Council for the City of Rexburg, Idaho, and the County Commission of Madison County, and;

WHEREAS, THE City Council for the City of Rexburg, Idaho and Madison County Commissioners held a public hearing regarding the proposed area of City impact on the 09th day of July, 2002, and;

WHEREAS, this ordinance is predicated upon the Madison County Commissioners adopting and continuing in full force and effect an ordinance identical in substance as herein set forth;

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

SECTION 1. GEOGRAPHICAL AREA OF CITY IMPACT

There is hereby established and adopted a geographical area of City impact as shown of the attached map entitled "Area of City Impact for Rexburg, Idaho, July 09, 2002," which map is attached hereto and incorporated herein as if the same were sent out in full, and is hereby adopted as the official area of impact map.

SECTION 2.

The Rexburg City Planning and Zoning Ordinance, plus the Rexburg City Subdivision Ordinance and Rexburg Mobile Home Ordinance, and any and all amendments thereto, shall be in full force and effect within the area of city impact.

Instrument # 317762
REXBURG, MADISON, IDAHO
2005-02-18 10:15:00 No. of Pages: 8
Recorded for : CITY OF REXBURG
MARILYN R. RASMUSSEN Fee: 0.00
Ex-Officio Recorder Deputy

SECTION 3. EFFECTIVE DATE

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

PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR this 17th day of July, 2002.

Bruce Sutherland, Mayor

ATTEST:

Blair D. Kay

Blair D. Kay, City Clerk

(SEAL)

STATE OF IDAHO)
:ss)
County of Madison)

I, Blair D. Kay, City Clerk of the City of Rexburg, Idaho, do hereby certify: That the above and foregoing is a full, true and correct copy of the ordinance entitled:

AN ORDINANCE OF THE CITY OF REXBURG, IDAHO, PURSUANT TO IDAHO CODE, SECTION 67-6526, ESTABLISHING AND DEFINING A GEOGRAPHICAL AREA OF CITY IMPACT FOR THE CITY OF REXBURG, IDAHO, BY ADOPTING A MAP IDENTIFYING SAID AREA OF IMPACT WITHIN THE UNINCORPORATED AREA OF MADISON COUNTY; AMENDING
ORDINANCE 769; AND PROVIDING FOR THE EFFECTIVE DATE.

passed by the City Council and approved by the Mayor this 17th day of July, 2002.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said City of Rexburg, this 17th day of July, 2002.

Blair D. Kay
City Clerk

(SEAL)

ORDINANCE NO. 880

AN ORDINANCE OF THE CITY OF REXBURG, IDAHO, PURSUANT TO IDAHO CODE, SECTION 67-6526, ESTABLISHING AND DEFINING A GEOGRAPHICAL AREA OF CITY IMPACT FOR THE CITY OF REXBURG, IDAHO, BY ADOPTING A MAP IDENTIFYING SAID AREA OF IMPACT WITHIN THE UNINCORPORATED AREA OF MADISON COUNTY; AMENDING ORDINANCE NO. 769; AND PROVIDING FOR THE EFFECTIVE DATE.

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WHEREAS, the aforementioned negotiations considered the following factors, among others: (1) Trade area; (2) Geographic factors; and (3) Areas that can reasonably be expected to be annexed into the City of Rexburg, Idaho, in the future, and; WHEREAS, the City Council for the City of Rexburg, Idaho and the County Commission for Madison County did submit to their respective Planning and Zoning Commissions the question of area impact, and;

WHEREAS, the city and county appointed a committee of residents living within the proposed area of impact to study the matter and make recommendations to the City of Rexburg and Madison County, and;

WHEREAS, the Planning and Zoning Commissions for the City of Rexburg, Idaho, and Madison County have made their recommendations known to the City Council for the City of Rexburg, Idaho, and the County Commission of Madison County, and; WHEREAS, THE City Council for the City of Rexburg, Idaho and Madison County Commissioners held a public hearing regarding the proposed area of City impact on the 09th day of July, 2002, and;

WHEREAS, this ordinance is predicated upon the Madison County Commissioners adopting and continuing in full force and effect an ordinance identical in substance as herein set forth;

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

SECTION 1. GEOGRAPHICAL AREA OF CITY IMPACT

There is hereby established and adopted a geographical area of City impact as shown of the attached map entitled "Area of City Impact for Rexburg, Idaho, July 09, 2002," which map is attached hereto and incorporated herein as if the same were sent out in full, and is hereby adopted as the official area of impact map.

SECTION 2.

The Rexburg City Planning and Zoning Ordinance, plus the Rexburg City Subdivision Ordinance and Rexburg Mobile Home Ordinance, and any and all amendments thereto, shall be in full force and effect within the area of city impact.

SECTION 3. EFFECTIVE DATE

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

PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR this 17th day of July, 2002.

BRUCE SUTHERLAND
Mayor

Attest:
BLAIR D. KAY
City Clerk
(SEAL)

STATE OF IDAHO)
: ss)
County of Madison)

I, Blair D. Kay, City Clerk of the City of Rexburg, Idaho, do hereby certify: That the above and foregoing is a full, true and correct copy of the ordinance entitled:

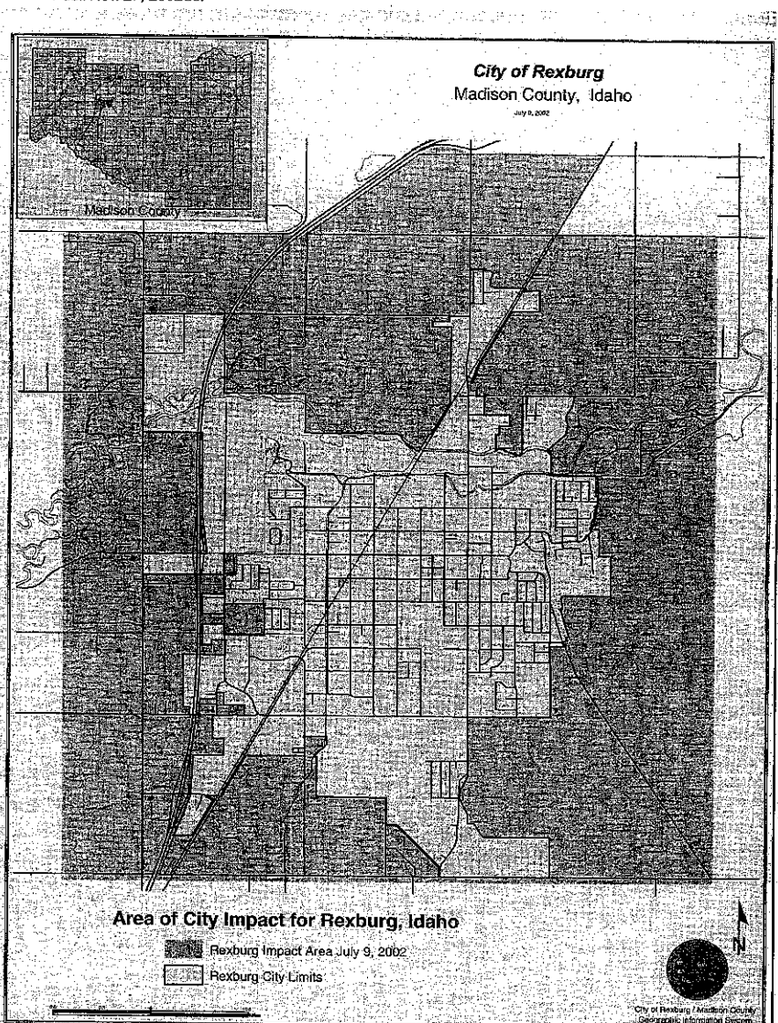
AN ORDINANCE OF THE CITY OF REXBURG, IDAHO, PURSUANT TO IDAHO CODE, SECTION 67-6526, ESTABLISHING AND DEFINING A GEOGRAPHICAL AREA OF CITY IMPACT FOR THE CITY OF REXBURG, IDAHO, BY ADOPTING A MAP IDENTIFYING SAID AREA OF IMPACT WITHIN THE UNINCORPORATED AREA OF MADISON COUNTY; AMENDING ORDINANCE 769; AND PROVIDING FOR THE EFFECTIVE DATE.

passed by the City Council and approved by the Mayor this 17th day of July, 2002.

WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said City of Rexburg, this 17th day of July, 2002.

BLAIR D. KAY
City Clerk

(SEAL)
Publ. Nov. 27, 2002SJ.



Publ. Nov. 27, 2002SJ.

Joint Madison County/City of Rexburg
Planning and Zoning Meeting
Impact Zone

July 09, 2002
7:00 P.M.

Those members present from Madison County: Mel Dewsnup Chairman, Brent McFadden, Ned Zollinger, Ralph Robison, Clinton Arnold, Bill Squires and Boyd Cardon. Staff – Stephen Zollinger Attorney, Blair Manwaring P&Z Administrator and DaNiel Jose P&Z Coordinator.

Those members present from the City of Rexburg: Winston Dyer Chairman, Mike Ricks, Glenn Walker, Steve McGary, Jerry Hastings, Jake Fullmer, Doug Smith and Ted Whyte. Staff John Millar PWD & Stephen Zollinger Attorney.

Introduction of the proposed Impact Zone Public Hearing. County staff explained the purpose for the Impact Zone and the reason for the expansion. City staff explained the process for growth within the Impact Zone and process for the Public Hearing.

Jay Fred Smith - 803 Barney Dairy Rd., Rexburg Idaho 83440 – Mr. Smith would like to propose that the Impact Zone boundary on the east should be on the Sugar City Cemetery road on 2000 East. This action will make the boundaries square. (Written comment on file as well)

Stephen Zollinger - (Public comment received at his office) – Mr. Zollinger indicated that he has received public comments from the Muir family on East 1200 North. Their concern is that the Impact Zone boundary will go directly through the middle of their farm. They propose that the east boundary should go to 1700 East.

The County Clerks' office comments are that the Impact Zone boundaries should be consistent with the established addressing box. (2000 East, 2000 South, 2000 West, 2000 North and the portion of land between Hwy. 20 and 2000 North)

Maggie McLaughlin, 5129 S 3300 W, Rexburg Idaho 83440 – Over the years she has noticed a few things and one of them is that development seems to be driving this area one example is the growth of Bear World, the other is the truly ugly signage at Rainbow Lake and the other is the on going problem with the bark plant. If growth is wanted here and encouraged without the intention to change the quality of life, we ought to visually look at the future. She moved here to live in a nice area and good community.

Ronald Martin, 1881 W 190 S, Rexburg Idaho 83440 – Mr. Martin is in favor of the Impact Zone, however, he had a few thoughts. He is not aware of the plans for the Impact Zone, but as he looks at the east side of Hwy. 20 and the area on 1500 West he sees a combination of townhouses, a few

residents and then storage units, as we expand the Impact Zone to the west we need to look at some proactive planning, rather then reacting to what has been taking place. He has seen some of the challenges that the city Planning and Zoning have faced, and a lot of the times it becomes spot zoning. So now we go to the west side of the highway and go to the development on the 1000 South and there are some multi family units and then one acre lots with homes, so I would suggest that we do some planning. Another question is what restrictions or future uses is the city looking at by way of controlling multi family units, trailer parks and those type of uses. If we take care of the planning then we can control those types of issues and looking out for property values.

Winston Dyer responded to Mr. Martin's comments. He agreed that point is valid and that the City of Rexburg Planning and Zoning commission has recognized that because of the announcement from the University and the fact that some of the zoning in our Comprehensive Plan was just created a few short years ago, trying best to reflect the existing land uses and good idea of what was going to happen in the future, there has been a need for some adjustments. Admittedly there has been more reactive planning recently because of that situation, we are very cognizant of that fact, our goal is to become more proactive and the mechanism that we use for that is our Comprehensive Plan, and to describe that we have a map that takes some broad generalizations showing the different uses. We have talked to the City Council about going through a revision of that plan, to create a vision of for the City of Rexburg into the fore, seeable future where we can revise that and set a standard that when a new proposal comes in we can compare the proposal with the plan to see if it will fit, if it will fit then it will be considered other wise it will not be considered.

Mr. Martin commented that maybe in the past it has been the county's responsibility in the past and now it will come to the city, but pretty soon as you start to develop higher density out in rural areas then you destroy both reasons of why people move there, you have higher density in agricultural, the agricultural are there because they wanted that and then all of a sudden you have restricted the agricultural. Then you hurt both by poor planning.

Doug Ladle, 1056 Barney Dairy Rd., Rexburg Idaho 83440 – (Letter on file) Mr. Ladle submitted written comment his comments are in his behalf as well as the neighbors in this area. (Barney Dairy Road and on 1000 East) This is a residential area and they would like to avoid a farm to market road through 1000 East, they recognize the need for a feeder road but would like to keep the use residential.

Craig Jones, 1175 N 2000 W, Rexburg Idaho 83440 – Mr. Jones lives directly west of the golf course. He is concerned with the long term effects of this change. He just returned from California and noticed that they have very extensive Planning and Zoning because of the fact that the land is more scarce. His concerns are, where will the roads be, will there be green areas, equestrian areas, walkways and what will this involve? He has two acres and would like to maintain the present use including having horses.

Kirby Forbush, 3800 W 1000 N, Rexburg Idaho 83440 – Mr. Forbush questioned the fact that when the Impact Zone was created between the city and the county, the city didn't give the county any say in the decisions in the Impact Zone, I realize that there are residents of the Impact Zone that sits on the City Planning and Zoning, but those people in the Impact Zone have no say. They don't vote for

the mayor or city council. That is not right.

Stephen Zollinger clarified Mr. Forbush's question – He indicated that the three members of the city Planning and Zoning that represent the Impact Zone have complete Veto power over all of the other Planning and Zoning member. The structure of our Impact Zone representation is the only one in the State that has survived all of the challenges that have been presented.

Public Hearing Closed

Glenn Walker questioned the boundaries on the 2000 South. The present Impact Zone goes two hundred feet beyond 2000 South, maybe we should consider extending it to the south further than shown on the maps.

Jerry Hasting asked if Sugar City's Impact Zone and the City of Rexburg's Impact Zone met. It was clarified that they do meet.

Ted Whyte asked about the annexation laws that are being discussed at the State level, in regards to Ada County. Stephen Zollinger indicated that properties must be contiguous to annex.

Steve McGary asked as we develop the Impact Zone, were identifying areas that will be annexed into the city, correct? With that have there been any staff studies on trends and development, annexations or population density. Are we looking at support services, can we manage these areas with infrastructure? Mr. McGary question that if these areas are agricultural will they still have the opportunity to continue the use?

Winston Dyer explained that the purpose to develop an Impact Zone is in recognition the fore, greater control and better planning of a given area, so by giving it this designation that give us a chance to do so. We have heard folks voice their opinion of this need. But in a sense this is a good thing because it gives us the opportunity to plan for the growth in these designated areas. As far as existing land uses that falls in these areas that are agricultural, our ordinance has provisions that will allow these uses to continue.

John Millar, explained that there are no published documents or studies, in regards to the need for infrastructure in these designated areas. At the present the city is taking the sewer under Hwy. 20 on 1000 South. As far as emergency services are provided, they will be unchanged due to the fact that they are a City/County service.

Stephen Zollinger indicated that another purpose for the Impact Zone is to have the abilities to control hazards such as a concentration of septic systems that may have an impact on the city's water quality.

– Deliberation –

Mike Ricks believes that the published boundaries are sufficient.

Jerry Hasting, quested the impact of splitting residents property with the Impact Zone?

Winston Dyer explained that current agricultural use will not be affected, however if the opportunity arises that an annexation or zone change or some other type of use may arise, then that may have an effect on the property.

John Millar said that the Impact Zone will be zoned under city zones. They will be agricultural or related zones. But as far as the Impact Zone having an effect on them it won't matter if the property is split.

The county's ordinance provides for a carry over provision which allows for the property owner to choose, if more than two thirds of the property is in a zone than they can choose the zone.

Bill Squires explained that he believes that the boundaries are sufficient for now and that in five years we will most likely have to rethink the boundaries, but we should look at the growth patterns first.

Ralph Robison indicated that the proposed boundaries on the west go directly through the river and the farms and he believes that this will be sufficient for growth for the next five to ten years. He agrees that growth is going to take place but it will not boom, it will be slow and steady growth, a manageable growth.

Boyd Cardon indicated that we may want to reconsider the boundaries to the south, the area has the potential for growth.

Glenn Walker asked about the change in the use, is there a limit on the change in use.

Stephen Zollinger explained the uses are as stated in the Cities Zoning Ordinance.

Mike Ricks indicated that we may try to make the lines uniform, but we will never be able to have a common line for the boundaries that will not split property.

Ralph Robison asked about the progress of taking the city sewer to the west side of Hwy. 20? Mr. Millar indicated that the project is under design and that the sewer will be in, in late fall or early spring.

Blair Manwaring made the comment that this is a managing process, and in the past we have had problems with the City of Sugar City and City of Rexburg. If you make the area too large to manage then you may run into problems.

Doug Smith made the motion to send the proposed Impact Zone change to City Council for their final approval with the boundaries as advertised. The motion was seconded by Jerry Hasting. The voting was unanimous. The motion passed.

Madison County Planning and Zoning – Brent McFadden made the motion to send the proposed

Impact Zone change as published to County Commissioners for their final approval. Ned Zollinger seconded the motion. The voting was unanimous. The motion passed.

Meeting Adjourned