CITY OF
REXBURG
America's Family Community

ORDINANCE NO. 1012

AN ORDINANCE ESTABLISHING DEFINITONS, GUIDELINES, AND CREATING A JOINT COMMISSION FOR AREAS OF CITY IMPACT WITHIN MADISON COUNTY.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MADISON COUNTY, IDAHO, AND THE CITY COUNCILS OF REXBURG, SUGAR CITY, TETON, AND NEWDALE, IDAHO AS FOLLOWS:

1. Madison County, Idaho, and the cities of Rexburg, Sugar City, Teton, and Newdale, Idaho hereby adopt the following Area of City Impact Governance Ordinance, as follows:

Area of City Impact Governing Ordinance

1.1 PURPOSE

Pursuant to Idaho Code §67-6526, all cities and towns in Idaho must identify an Area of City Impact within the unincorporated area of the county in which they reside. The local governments having Areas of City Impact falling entirely, or in part, within Madison County for purposes of this ordinance referred to as, "Local Governments" have prepared and adopted this ordinance to:

a. Define the purpose and intent of Areas of City Impact within the County;
b. Define the procedures for expansion or realignment of Areas of City Impact within the County; and
c. Establish an Area of City Impact Joint Commission to evaluate proposed Areas of City Impact renegotiations.

1.2 DEFINITIONS

Area of City Impact – An unincorporated area bordering a municipality, governed under coordinated standards, mutually agreed upon by all affected local governments, to:

1. Protect the health, safety, and welfare of Madison County residents;
2. Ensure protection for municipalities and landowners against adjacent, incompatible development;
3. Plan for orderly and consistent development where annexation is anticipated;
4. Guide the efficient and prudent expenditure of local governmental resources;
5. Organize and manage growth; and
6. Minimize undue environmental degradation and loss of open space.

Area of City Impact boundaries can accommodate changes in growth patterns and growth rates, natural and environmental constraints and concerns, and community interests.

Build Out (Built Out) – A measurement of the amount of land within a city or Area of City Impact that is developed and no longer available for potential development. Build out includes lands encumbered by constructed structures and site improvements reaching the maximum development allowed under current zoning. Build out includes parks and other lands protected as open space, but does not include vacant, platted lots of record, or bare ground.

Governing Boards – Pursuant to the statutory scheme found in Chapter 65, Title 67, Idaho Code, a governing board is a city council or a board of county commissioners.

Joint Commission – A joint planning and zoning commission established by the Governing Boards to advise the Governing Boards on decisions regarding renegotiations of Areas of City Impact located entirely, or in part, within Madison County.

Limited Developable Space – A measurement of the scarcity of lands available for development within existing Area of City Impact boundary, including lands within the existing city boundaries. Limited developable space is calculated as:

1. *Lands within the Area of City Impact boundaries are at least 70% built out.*

2. *Lands within the Area of City Impact boundaries are not sufficient to accommodate a maximum of 10 years of projected growth based on current zoning.* Population projections, data on average household size, and zoning densities should be used to determine expected geographic demand for new development. *See Exhibit A – Instructions for calculating development potential with an Area of City Impact.*

1.3 AREA OF CITY IMPACT DELINEATION

The following guidelines are intended to aid the Local Governments in their analysis of Areas of City Impact, and guide the Joint Commission in preparing recommendations to the Governing Boards regarding delineation and renegotiation of Area of City Impact boundaries.

1. In defining an Area of City Impact, the following factors shall be considered:
    i. Trade area, defined as the region from which a city can expect the primary demand for a specific product or service, and which may cross County boundary lines;
    ii. Geographic factors; and
    iii. Areas that can reasonably be expected to be annexed into the municipality within ten years or less, and where the city is prepared to provide for and maintain infrastructure.
2. Whenever reasonable, Area of City Impact boundary lines, at the discretion and negotiation of the affected governing bodies, should follow one or some combination of the following boundaries:
3. Natural and geographic boundaries (i.e. waterways, heavily wooded areas, geologic features);
4. Man-made boundaries (i.e. road, utility, train rights-of-way, survey section lines, private parcel lines); and
    i. Other similar clearly defined boundaries.

5. Pursuant to Idaho Code §67-6526, Area of City Impact boundaries shall remain fixed until all affected governing bodies agree to the renegotiated boundaries.
6. Expansion or realignment of an Area of City Impact may be considered under the following conditions:
    i. Limited Developable Space within existing Area of City Impact boundary, including lands within the existing city boundaries.
    ii. Regularly scheduled comprehensive plan update. Pursuant to Idaho Code, §67-6509, the land use map component of a comprehensive plan may be updated every six months.
        1. At the time of a regularly scheduled comprehensive plan update, an analysis of the available land for development within an impact area should be conducted. If limited developable space is found within the existing Area of City Impact boundary, including lands within the existing city boundaries, an expansion or realignment of the impact area boundaries may be appropriate.
7. Regularly scheduled Area of City Impact boundary update. The Local Governments agree to conduct a Build Out analysis and consider the need for realignment or renegotiation of Area of City Impact boundaries every three years.
8. At the time of a regularly scheduled Area of City Impact Boundary update, an analysis of the available land for development within an impact area should be conducted. If limited developable space is found within the existing Area of City Impact boundary, including lands within the existing city boundaries, an expansion or realignment of the impact area boundaries may be appropriate.
9. Request by a property owner to be included within an Area of City Impact, when the city feels that impacting will help implement the vision outlined in its Comprehensive Plan, and
10. When a city annexes up to an Area of City Impact boundary, resulting in municipal and Area of City Impact boundaries sharing the same boundary line.

1.4 ESTABLISHMENT OF AN AREA OF CITY IMPACT JOINT COMMISSION

The Local Governments agree to the establishment of an ad hoc Joint Commission with the purpose of considering and analyzing requests for renegotiation of Area of City Impact boundaries. The Joint Commission will be structured as follows:

1. Representation on the Joint Commission will include three (3) representatives of the Planning and Zoning Commissions of all affected Local Governments.
    i. Since the size of the Joint Commission will vary depending on the number of Local Governments affected, a quorum is considered to be the assembly of a simple majority, including at least one representative of each affected Local Government. Each affected Local Government shall have equal voting power.
2. Members of the Joint Commission will serve on an ad hoc basis, and at any given time the Joint Commission may include various individuals from the Local Governments' Planning and Zoning Commissions based on context and the specific conditions surrounding the proposed Area of City Impact boundary renegotiation.
3. The Joint Commission will meet at the following times:
    i. Any Local Government may call the assembly of the Joint Commission.
    ii. On a minimum three-year cycle, corresponding to the agreed upon regularly scheduled Area of City Impact boundary review.
    iii. As requests for Area of City Impact boundary realignments arise according

to the conditions outlined in section 1.3.D. of this ordinance.

1.5 AREA OF CITY IMPACT RENEGOTIATION

Adhering to the standards and guidelines in section 1.3 and 1.4 of this ordinance, the Local Governments agree to the following process for expansion or realignment of Areas of City Impact (*See Exhibit B - Joint Commission Diagram*):

1. Identification of a proposed expansion or realignment of an Area of City Impact by one or more Local Governments as part of a Comprehensive Plan Update or regularly scheduled Area of City Impact Boundary review.
2. Submission of questions by the Governing Boards to the Joint Commission for consideration.
3. Meeting of the Joint Commission to review the Governing Boards' questions.
4. Noticing and public hearing before the Joint Commission.
5. Recommendation by the Joint Commission to the Governing Boards on proposed Area of City Impact renegotiation.
6. Noticing and public hearing before the Governing Boards.
7. Adoption of ordinances by the Governing Boards adjusting the Area of City Impact boundaries.
8. Adoption of Comprehensive Plan and Zoning Ordinance updates, as applicable, by all affected Local Governments.

1.6 ANNEXATION

Adhering to the standards and guidelines in sections 1.3 and 1.4 of this ordinance, the Local Governments agree to the following process for expansion or realignment of Areas of City Impact.

1. The Local Governments agree to follow the requirements and procedures for annexation recorded in Idaho Code §50-222, §67-6525, and §67-6526.
2. Idaho Code §67-6526, states that, "Subject to the provisions of §50-222, an Area of City Impact must be established before a city may annex adjacent territory."
3. All affected municipalities shall limit their annexation to those lands within their Areas of City Impact. If a municipality wishes to annex lands outside of its Area of City Impact, it shall renegotiate its Area of City Impact boundary with Madison County in accordance with Idaho Code §67-6526(d) and the procedures outlined in this agreement. The Local Governments agree to renegotiate Area of City Impact boundaries for all annexations, including Category A annexations as described in Idaho Code §50-222, Annexation by Cities

1.7 DISPUTE RESOLUTION PROCESS

In the event that the Joint Commission cannot agree on realignment of an Area of City Impact boundary, disputes shall be resolved according to the dispute resolution process outlined in Idaho Code §67-6526.

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

PASSED THIS _____DAY OF_____ , 200___.

_____
RALPH ROBISON, CHAIR
BOARD OF COUNTY COMMISSIONERS
MADISON COUNTY, IDAHO

ATTEST:

_____
MARILYN R. RASMUSSEN, CLERK
MADISON COUNTY, IDAHO

SEAL

_____
SHAWN LARSEN
MAYOR, CITY OF REXBURG, IDAHO

ATTEST:

_____
BLAIR KAY, CLERK
CITY OF REXBURG, IDAHO

SEAL

GLENN W. DALLING
MAYOR, SUGAR CITY, IDAHO

ATTEST:

SHARON BELL, CLERK
SUGAR CITY, IDAHO

SEAL

PHIL SUTHRIN, MAYOR
CITY OF TETON, IDAHO

ATTEST:

BROOKE MACE, CLERK
CITY OF TETON, IDAHO

SEAL

SHAYNE HANSEN, MAYOR
CITY OF NEWDALE, IDAHO

ATTEST:

SUSAN LOTT, CLERK
CITY OF NEWDALE, IDAHO

SEAL

Exhibit A
Instructions for calculating development potential within Area of City Impact

Recognizing that input data is not always readily available, each Local Government shall use the following formula to calculate development potential within its community to the best to their ability. This formula simply calculates potential for additional dwelling units, and Local Governments should also consider the need for additional commercial or industrial acreage.

A = area in acres not Built Out within a particular zone
D = density of dwelling units per acre, based on current zoning
P = projected Population for city
S = average household size for city (from U.S. Census)
H = estimated number of additional households of city
N = number dwelling units allowed per zoning category
T = total number of potential dwelling units
Z = capacity for additional growth in terms of the number of households

1. Sum the area of all lands not Built Out for each zoning designation within the Area of City Impact.
   i.e.

R-1	640 acres available for development = A
R-1-8	200 acres available for development = A
...*n*	x acres available for development = A

2. Of the total acreage of land available for development within each zone, calculate the number of potential dwelling units allowed within each zoning category.

R-1	A x D = N
R-1-8	A x D = N
...*n*	A x D = N

3. Sum the number of potential dwelling units to calculate a total number of potential dwelling units.
   (N, R-1) + (N, R-1-8) + (N, ...*n*) = T

4. Divide the projected population by the average household size for city.
   P/S = H

5. Subtract the estimated number of new households from the total number of potential dwelling units to calculate capacity (surplus or deficiency) for additional growth.

   T - H = Z

Exhibit B
Area of City Impact Renegotiation Process Diagram

