Appendix A: Madison County AOI Agreements

Report 12-01

Economic Development Clinic
University of Idaho College of Law

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ARTICLE IV. - CITY OF NEWDALE AREA OF CITY IMPACT

Sec. 105-94. - Impact area boundary map.
(a) The City of Newdale impact area map, previously adopted by Newdale City Ordinance No. 2003-01, and County Ordinance No. 260, is hereby incorporated herein by reference, and attached to said ordinance, copies of which are available for inspection at the city office and the county planning and zoning office.
(b) In the case where a property under single ownership is divided by the boundary line of the City of Newdale impact area, and the line divides such property so that 1 or both of the parts have a depth of 300 feet or less, such part shall be included in the jurisdiction within which the larger portion of the property is located.
(c) Upon annexation of any portion of the impact area into the city, the provisions of this article shall no longer apply to such annexed areas.

(Ord. No. 275, § 2, 10-24-2005)

Sec. 105-95. - Applicable plan policies and ordinances.
(a) The City of Newdale Comprehensive Plan adopted by the City of Newdale as of April 1, 1998, shall apply within the City of Newdale impact area.
(b) The City of Newdale Development Code constituting the city's zoning ordinance, shall apply within the impact area. Accordingly, the impact area is hereby specifically zoned, in accordance with the applicable sections of the City Code:
   (1) The impact area shall be designated as containing 3 separate zones, namely: low-density residential, village center, and agricultural services.
   (2) The impact area zoning map, attached to the ordinance from which this article is derived, is hereby adopted as establishing the separate zoning districts within the impact area.
(c) The City of Newdale Municipal Code shall be used to implement and administer this article.
(d) Fremont County shall be responsible for the administration and enforcement of the ordinances within the impact area in Fremont County, and Madison County shall be responsible for administration and enforcement within the impact area in Madison County and each appropriate county shall receive all permit fees for inspections performed to recapture direct costs of inspections, administration, legal
publications, any development fees or other costs arising from fulfilling the terms of each ordinance or regulation.

(e) All subdivision plat applications in the impact area shall require a street and utility easement plan, providing for such streets and utilities to connect into and become a part of the existing city system. Said plan shall provide for future resubdividing to urban densities and shall be included on the final plat.

(f) City road widths and profiles found in the City of Newdale Municipal Code, including all amendments thereto, shall apply within the impact area, except where improved standards of the county differ from those of the city, the provisions imposing the highest level of improvements shall prevail.

(g) A condition of approval for all subdivision plats in the impact area shall require that prior to the sale of the subdivision’s first lot:

1. Sewer and water lines shall be installed to accommodate the future resubdivision to urban densities;
2. Development agreements be in place;
3. Roadways shall be constructed to city standards; and
4. All utilities be installed (gas, phone and electricity).

(h) All lands in the impact zone may be considered for rezoning to urban density as urban services become available.

(i) The county street and address numbering system, and ordinance (if applicable) shall apply to all property within the impact area. Street names and addresses shall be assigned by the county.

(j) All subdivision applications within the impact area shall comply with the City of Newdale Municipal Code governing subdivisions.

(k) A certificate shall appear on the face of each final plat within the impact area, for execution by the city engineer, attesting to the plat’s conformance with the city infrastructure standards.

(Ord. No. 275, § 3, 10-24-2005)

Sec. 105-96. - Amendments and zoning applications.

(a) Prior to amendment by the county of any of its ordinances, which are applicable in the impact area, the county shall forward the proposed change to the City of Newdale for review and comment at least 30 days prior to the first public hearing at which such amendment will be considered.

(b) Prior to amendment by the city of any of its ordinances, which are applicable in the impact area, the city shall forward the proposed change to the county for review and comment at least 30 days prior to the first public hearing at which such amendment will be considered.

(c) All county applications for planned developments, subdivisions, rezones, conditional use permits and private roads within the impact area shall be sent to the city, for review and comment at least 30 days prior to the public meeting at which such application will be considered.

(Ord. No. 275, § 4, 10-24-2005)
Sec. 105-97. - Hearing procedures within the impact area.

(a) All applications for subdivision plats and all other applications (e.g., zone change, Comprehensive Plan amendments, variance, conditional use, etc.) within the impact area shall be filed by the applicant with the county. All public hearings in the impact area shall be held before the county and the City of Newdale.

(b) It is the intent of this section that the processing of subdivisions be administered by the county, but with the inclusion of city infrastructure improvement standards, including but not limited to water, sewer and roads. City infrastructure standards shall apply to all subdivisions in the area of impact. In furtherance thereof, applicants for preliminary plat approval shall solicit comments and recommendations from the city in the same manner as they are required to solicit the same from other agencies and districts.

(c) Within the impact area, the county will provide the city notice of any public hearing related to an application to the county or the county's planning commission for a zone change, Comprehensive Plan change, request for a special or conditional use permit, planned united development, variance request, subdivision plat or similar land use request. The city shall have 15 days after receipt of the notice but prior to any public hearing to comment.

(d) The city and county may elect to jointly hear an application.

(Ord. No. 275, § 5, 10-24-2005)

Sec. 105-98. - Reevaluation and renegotiation.

(a) The area of impact shall be reevaluated by the city and county at such times as they may agree upon to consider possible changes in the geographic area affected and/or other provisions of this article, including, but not limited to applicable standards.

(b) In accordance with Idaho Code, § 67-6526(d), the city council of the City of Newdale or the board may request, in writing, to renegotiate any provision of this article at any time. Within 30 days of receipt of such written requests by each part, a meeting between the 2 jurisdictions shall occur.

(c) While renegotiation is occurring, the provisions of this article shall remain in effect until this article is amended or a substitute ordinance is adopted by the city and county, in accordance with the notice and hearing procedures provided in this Code and the state code, or until a declaratory judgment from the district court is final. Provided, however, that this article or stipulated portions thereof shall be of no further force and effect if both jurisdictions so agree by mutually adopted resolution.

(Ord. No. 275, § 6, 10-24-2005)

Secs. 105-99—105-124. - Reserved.
ARTICLE II. - CITY OF REXBURG AREA OF CITY IMPACT

Sec. 105-41. - Geographical area of city impact.

There is hereby established and adopted a geographical area of city impact as shown on the attached map entitled "Area of City Impact, Rexburg, Idaho, February 15, 1995," which map is set forth in this section and incorporated herein as if the same were set out in full, and is hereby adopted as the official area of City of Rexburg impact map.

CITY OF REXBURG

MADISON COUNTY, IDAHO

(Ord. No. 162, § 1, 2-13-1995)

Sec. 105-42. - Plans and ordinances applicable.

The Rexburg city planning and zoning ordinance as amended consistent with chapter 10 entitled "Rexburg City Zoning Ordinance Area of City Impact" and amendment to chapter 6, Rexburg city zoning ordinance, copies of which are attached hereto and incorporated by reference herein, plus the Rexburg city subdivision ordinance and Rexburg city mobile home ordinance in effect on February 13, 1995, as made applicable to the area of Rexburg city impact by the Rexburg city zoning ordinance, chapter 10, and amendment to chapter 6, referred to in this section, shall be in full force and effect within the area of Rexburg city impact, which area of city impact is established and identified in County Ordinance No. 162.

(Ord. No. 163, § 1, 2-13-1995)

Secs. 105-43—105-72. - Reserved.
ARTICLE III. - CITY OF SUGAR CITY AREA OF CITY IMPACT

Sec. 105-73. - Geographical area of city impact.

There is hereby established and adopted a geographical area of city impact as shown on the attached map entitled "Area of City Impact for Sugar City, Idaho," which map is set forth in this section and the legal description is set forth in section 105-74, is hereby adopted as the official area of impact map.

Sec. 105-74. - Impact zone boundary.

The metes and bounds description for the Sugar City impact zone is as set forth in this section. The area includes all of the area of Sugar City and the impact area. The following legal description is to exclude the area currently within the city limits for Sugar City:

Beginning at the SE corner of Section 9, Township 6N, Range 40E of the Boise Meridian; thence west to the SW corner of Section 9; thence continuing west along south boundary of Section 8 to easterly right-of-way line of State Highway 33; thence northeasterly along the easterly right-of-way line of State Highway 33 to its intersection with the north line of the SE¼ of Section 8; thence West along the center of section line to the W¼ corner of Section 8; thence north along the section line to the south right-of-way line of US Highway 20; thence in a northeasterly direction along the southerly right-of-way line of US Highway 20 to a point where the right-of-way line intersects a line that is 660.00 feet east and parallel to the west line of the NE¼ of Section 8; thence north along said line to the north line of Section 8; thence east along said section line to a point that is 990.00 feet west of the SE corner of Section 5; thence north along a line that is 990.00 feet west and parallel to the east line of Section 5; thence west along the north line of the SE¼ of Section 5, 330.00 feet to the SW corner of the SE¼ of the SE¼ of Section 5; thence north along the west boundary of the East½ of the NE¼ of Section 5 to a point on the north line of Section 5; thence north along the west line of the SE¼ of the SE¼ of Section 32, Township 7 North, Range 30 East, Boise Meridian, to the northwest corner of the SE¼ of the SE¼ of Section 32; thence west along the north line of the SW¼ of the SE¼ of Section 32 to the centerline of the north fork of the Teton River; thence in a general north and easterly direction along the centerline of the south fork of the Teton River to a point where the centerline of the north fork of the Teton River intersects the North line of the S½ of the SW¼ of Section 33, Township 7 North, Range 40 East, Boise Meridian; thence east along the North line of the S½ of the SW¼ and the S½ of the SE¼ of Section 33, to a point on the easterly right-of-way line of the railroad right-of-way owned by Eastern Idaho Railroad; thence southwesterly along the...
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easterly right-of-way line of the railroad right-of-way to a point that intersects the southerly right-of-way line of the railroad turn-around located in the SE¼ of the SE¼ Section 33; thence southeasterly along the southerly right-of-way line of the railroad turn-around to a point where it intersects an east-west line, that is 435.00 feet north of the south line of Section 33; thence east and parallel to the south line of Section 33 to a point on the east line of Section 33; thence south along the east line of Section 33 to the SE corner of Section 33; thence east along the north line of Section 3, Township 6 North, Range 40 East, Boise Meridian, to a point that is 740.00 feet west of the NE corner of Lot 3 in Section 3; thence south 450.00 feet; thence east 74.00 feet; thence south 26.00 feet; thence east 665.00 feet, to the east line of Lot 3, Section 3; thence south along the east line of Lot 3 and the east line of the SE¼ of the NW¼ and the east line of the NE¼ of the SW¼ of Section 3, to a point that is approximately 200.00 feet north of the NE corner of the SE¼ of the SW¼ of Section 3 at a point where the Teton Island Canal intersects the north-south centerline of the section line of Section 3; thence southwesterly along the centerline of the Teton Island Canal to the south line of Section 3; thence west along the south line of Section 3 to the NE corner of the W½ of the NW¼ of Section 10; thence south along the east line of the W½ of the NW¼ to the SE corner of the SW¼ of the NW¼ of Section 3; thence west along the ¼ section line to the west line of Section 10; thence south along the section line to the SW corner of Section 10, said point being the point of beginning.


Sec. 105-75. - Plans and ordinances applicable.

The Sugar City zoning ordinance, ordinance No. 196 which was passed and approved by the City of Sugar City on April 3, 1995, shall be in full force and effect within the area of City of Sugar City impact as made applicable to that area of city impact by said ordinance, which area of city impact is established and identified in the County Ordinance No. 164.

(Ord. No. 165, § 1, 5-30-1995)

Secs. 105-76—105-93. - Reserved.
ARTICLE V. - CITY OF TETON AREA OF CITY IMPACT

Sec. 105-125. - Impact area boundary map.
(a) The City of Teton impact area map, previously adopted by City of Teton Ordinance No. 306, is hereby incorporated herein by reference, and attached to the ordinance from which this article is derived, copies of which are available for inspection at the city office and the county planning and building office.
(b) In the case where a property under single ownership is divided by the boundary line of the City of Teton impact area, and the line divides such property so that 1 or both of the parts have a depth of 300 feet or less, such part shall be included in the jurisdiction within which the larger portion of the property is located.
(c) Upon annexation of any portion of the impact area into the city, the provisions of this article shall no longer apply to such annexed areas.
(Ord. No. 274, § 2, 10-24-2005)

Sec. 105-126. - Applicable plan policies and ordinances.
(a) The City of Teton Comprehensive Plan adopted by the City of Teton as of September 8, 2005, shall apply within the City of Teton impact area.
(b) The Teton Development Code constituting the city's zoning ordinance, shall apply within the impact area. Accordingly, the impact area is hereby specifically zoned, in accordance with the applicable sections of the City of Teton Code:

(1) The impact area shall be designated as containing 3 separate zones, namely: R-1, R-1A, and C-1.
(2) The impact area zoning map, attached to the ordinance from which this article is derived, is hereby adopted as establishing the separate zoning districts within the impact area.
(c) The City of Teton Municipal Code shall be used to implement and administer this article.
(d) The county shall be responsible for the administration and enforcement of the ordinances within the impact area, and shall receive all permit fees for inspections performed to recapture direct costs of inspections, administration, legal publications, any development fees or other costs arising from fulfilling the terms of each ordinance or regulation.
(e) All subdivision plat applications in the impact area shall require a street and utility easement plan,
providing for such streets and utilities to connect into and become a part of the existing city system. Said plan shall provide for future resubdividing to urban densities and shall be included on the final plat.

(f) City road widths and profiles found in the City of Teton Municipal Code, including all amendments thereto, shall apply within the impact area, except where improved standards of the county differ from those of the city, the provisions imposing the highest level of improvements shall prevail.

(g) A condition of approval for all subdivision plats in the impact area shall require that:

1. Prior to occupancy of the subdivision’s first dwelling unit, sewer and water lines shall be installed to accommodate the future resubdivision to urban densities; and

2. Development agreements be in place.

(h) All lands in the impact zone may be considered for rezoning to urban density as urban services become available.

(i) The county street and address numbering system, and ordinance (if applicable) shall apply to all property within the impact area. Street names and addresses shall be assigned by the county.

(j) All subdivision applications within the impact area shall comply with the City of Teton Code governing subdivisions.

(k) A certificate shall appear on the face of each final plat within the impact area, for execution by the city public work's director, attesting to the plat's conformance with the city infrastructure standards.

Sec. 105-127. - Amendments and zoning applications.

(a) Prior to amendment by the county of any of its ordinances, which are applicable in the impact area, the county shall forward the proposed change to the City of Teton for review and comment at least 30 days prior to the first public hearing at which such amendment will be considered.

(b) Prior to amendment by the city of any of its ordinances, which are applicable in the impact area, the city shall forward the proposed change to the county for review and comment at least 30 days prior to the first public hearing at which such amendment will be considered.

(c) All county applications for planned developments, subdivisions, rezones, conditional use permits and private roads within the impact area shall be sent to the city, for review and comment at least 30 days prior to the public meeting at which such application will be considered.

Sec. 105-128. - Hearing procedures within the impact area.

(a) All applications for subdivision plats and all other applications (e.g., zone change, Comprehensive Plan amendments, variance, conditional use, etc.) within the impact area shall be filed by the applicant with the county. All public hearings in the impact area shall be held before the county and the City of Teton.

(b) It is the intent of this section that the processing of subdivisions be administered by the county, but with the inclusion of city infrastructure improvement standards, including but not limited to water, sewer
and roads. City infrastructure standards shall apply to all subdivisions in the area of impact. In furtherance thereof, applicants for preliminary plat approval shall solicit comments and recommendations from the city in the same manner as they are required to solicit the same from other agencies and districts.

(c) Within the impact area, the county will provide the city notice of any public hearing related to an application to the county or the county's planning commission for a zone change, Comprehensive Plan change, request for a special or conditional use permit, planned unit development, variance request, subdivision plat or similar land use request. The city shall have 15 days after receipt of the notice but prior to any public hearing to comment.

(d) The city and county may elect to jointly hear an application.

(Ord. No. 274, § 5, 10-24-2005)

**Sec. 105-129. - Reevaluation and renegotiation.**

(a) The area of impact shall be reevaluated by the City of Teton and the county at such times as they may agree upon to consider possible changes in the geographic area affected and/or other provisions of this article, including, but not limited to applicable standards.

(b) In accordance with Idaho Code, § 67-6526(d), the city council or the board may request, in writing, to renegotiate any provision of this article at any time. Within 30 days of receipt of such written requests by each part, a meeting between the 2 jurisdictions shall occur.

(c) While renegotiation is occurring, the provisions of this article shall remain in effect until this article is amended or a substitute ordinance is adopted by the city and county, in accordance with the notice and hearing procedures provided in this Code and the state code, or until a declaratory judgment from the district court is final. Provided, however, that this article or stipulated portions thereof shall be of no further force and effect if both jurisdictions so agree by mutually adopted resolution.

(Ord. No. 274, § 6, 10-24-2005)