

**SUGAR CITY
ORDINANCE 390_2023**

MADISON COUNTY CITY OF SUGAR CITY IMPACT AREA AGREEMENT

AN ORDINANCE OF MADISON COUNTY AND AN ORDINANCE OF THE CITY OF SUGAR CITY, IDAHO, PURSUANT TO IDAHO CODE, SECTION 67-6526, ESTABLISHING AND DEFINING A GEOGRAPHICAL AREA OF THE CITY IMPACT; ADOPTING AN APPLICABLE COMPREHENSIVE PLAN, SUBDIVISION, AND ZONING ORDINANCE; APPOINTING AN IMPACT AREA PLANNING AND ZONING COMMISSION; AND ADOPTING ADMINISTRATIVE PROCEDURES FOR SAID COMMISSION.

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

WHEREAS, the City Council for the City of Sugar City, 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 negotiations regarding the Area of City Impact.

WHEREAS, the City Council for the City of Sugar City, Idaho and the County Commission for Madison County did submit to their respective Planning and Zoning Commissions the proposed Area of Impact. The planning and Zoning Commission for the City of Sugar City, Idaho, and Madison County have made their recommendation known to the City Council for the City of Sugar City, Idaho and the County Commission of Madison County.

WHEREAS, the City Council for the City of Sugar City held a public hearing regarding the proposed Area of City Impact on the 21st day of September, 2023, and the Madison County Commissioners held a public hearing regarding the Area of City Impact on the 13th day of September, 2023.

NOW THEREFORE, be it ordained by the Council of the Sugar City, in the State of Idaho, as follows: The officially adopted and agreed upon Impact Area for Sugar City, Idaho (Impact Area) is established by this Ordinance, and is set forth herein on the attached map marked "Exhibit A" and as described herein.

SECTION 1: **AMENDMENT** "9-8-1 PURPOSE" of the Sugar City Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

9-8-1 PURPOSE

The purpose of establishing the city impact area is to identify a logical fringe area in the unincorporated territory surrounding the city within which there is potential for development or changes in land use that could have an impact on the area and the city; could impact the timely or economical provision of public services such as water supply, sewage collection and treatment and community service facilities; or could impact the quality of life within the city.

AFTER AMENDMENT

9-8-1 PURPOSE

The purpose of establishing the city impact area is to identify a logical fringe area in the unincorporated territory surrounding the city within which there is potential for development or changes in land use that could have an impact on the area and the city; could impact the timely or economical provision of public services such as water supply, sewage collection and treatment and community service facilities; or could impact the quality of life within the city.

SECTION 2: **AMENDMENT** “9-8-3 CRITERIA FOR DEFINING AREA” of the Sugar City Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

9-8-3 CRITERIA FOR DEFINING AREA

The following criteria should be considered in defining the area of city impact:

- A. Trade Area: The area related to economic influences which could have an impact on the city; i.e., shopping facilities, employment and patterns of growth;
- B. Geographic Factors: Topographical features which influence the direction of development; i.e., waterways, soil suitability and topography suitable for development of streets and extension of public services; and
- C. Areas Considered For Annexation: Areas the city could reasonably be expected to provide services to within five (5) to ten (10) years, i.e., police, fire, central water or sewer facilities.

AFTER AMENDMENT

9-8-3 CRITERIA FOR DEFINING AREA

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of streets and extension of public services; and

- C. Areas Considered For Annexation: Areas the city could reasonably be expected to provide services to within five (5) to ten (10) years, i.e., police, fire, central water or sewer facilities.

SECTION 3: AMENDMENT “9-8-4 APPLICATION OF PLANS, ORDINANCES, PERMITS AND CODES” of the Sugar City Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

9-8-4 APPLICATION OF PLANS, ORDINANCES, PERMITS AND CODES

Unless otherwise provided in the city-county area of city impact agreement, the following shall apply:

- A. Flood Hazard Areas: The flood hazard ordinance meeting the requirements for participation in the federal flood insurance program adopted by the county shall apply within the area of city impact;
- B. Manufactured And Mobile Homes: Manufactured home and mobile home regulations of the city shall apply within the area of city impact;
- C. Subdivision Regulations: The subdivision title of the city, and any subsequent amendments thereto, shall apply within the area of city impact. Subdivision development outside the city limits shall receive due concern based on location, availability of services, etc.;
- D. Building Regulations: The building code and any subsequent amendments thereto, as adopted by the state shall apply within the area of city impact; and
- E. Administration And Enforcement: The county commission and city council shall be responsible for the administration and enforcement of the above listed regulations within the area of city impact.

AFTER AMENDMENT

9-8-4 APPLICATION OF PLANS, ORDINANCES, PERMITS AND CODES

Unless otherwise provided in the city-county area of city impact agreement, the following shall apply:

- A. Flood Hazard Areas: The flood hazard ordinance meeting the requirements for participation in the federal flood insurance program adopted by the county shall apply within the area of city impact;
- B. Manufactured And Mobile Homes: Manufactured home and mobile home regulations of the city shall apply within the area of city impact;
- C. Subdivision Regulations: The subdivision title of the city, and any subsequent amendments thereto, shall apply within the area of city impact. Subdivision

development outside the city limits shall receive due concern based on location, availability of services, etc.;

- D. Building Regulations: The building code and any subsequent amendments thereto, as adopted by the state shall apply within the area of city impact; and
- E. Administration And Enforcement: The county commission and city council shall be responsible for the administration and enforcement of the above listed regulations within the area of city impact.

SECTION 4: AMENDMENT “9-8A-3 ADOPTION OF CITY-COUNTY AGREEMENT AS TO THE CITY'S AREA OF IMPACT” of the Sugar City Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

9-8A-3 ADOPTION OF CITY-COUNTY AGREEMENT AS TO THE CITY'S AREA OF IMPACT

A. Impact Area Boundary Map:

1. The city of Sugar City impact area map, hereby adopted, is hereby incorporated herein by reference, and attached hereto, copies of which are available for inspection at the city of Sugar City office and the Madison County planning and building office. The map also is posted at each jurisdiction's website.
2. In the case where a property under single ownership is divided by the boundary line of the city impact area, and the line divides such property so that one or both of the parts have a depth of three hundred feet (300') or less, such part shall be included in the jurisdiction within which the larger portion of the property is located.
3. Upon annexation of any portion of the impact area into the city, the provisions of this chapter shall no longer apply to such annexed areas.

B. Applicable Comprehensive Plan Provisions, Policies And Ordinances:

1. The city of Sugar City comprehensive plan adopted by the city as of July 24, 2008, and as it may be amended in the future shall apply within the city impact area.
2. This chapter, constituting the city's zoning ordinance applicable to the area of impact, shall apply within the impact area. Accordingly, the impact area is hereby specifically zoned, in accordance with the applicable sections of this code as they may be amended from time to time:
 - a. The impact area shall be designated as able to contain as many as five (5) separate zoning districts, namely: agricultural district (A), residential-agriculture 1 (R-A), transitional agriculture 1 (TAG1), highway commercial district (HC), and manufacturing district (M).
 - b. The impact area zoning map, attached hereto, is hereby adopted as

establishing the current separate zoning districts within the impact area, and the schedule of uses in article B of this chapter is hereby

adopted as establishing allowable land uses in those districts.

3. Administrative procedures set forth in Madison County ordinances shall be used to implement this chapter.
4. Madison County shall be responsible for the administration and enforcement of the city's ordinances within the impact area.
5. 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.
6. City road widths and profiles found in this 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 as then agreed between the county and the city.
7. A condition of approval for all subdivision plats in the impact area shall require that:
 - a. Prior to the occupancy of the subdivision's first dwelling unit, sewer and water lines shall be installed to accommodate the future resubdivision to urban densities; and
 - b. Development agreements be in place.
8. All lands in the impact area may be considered for rezoning to urban density as urban services become available.
9. The Madison 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.
10. All subdivision applications within the impact area shall comply with this code governing subdivisions.
11. 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.

C. Amendments And Zoning Applications:

1. 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 for review and comment at least thirty (30) days prior to the first public meeting at which such proposed amendment will be considered and shall further comply with the requirements of the joint city-county agreement dated July 12, 2010.
2. 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 thirty (30) days prior to the first public meeting at which such amendment will be considered and shall further comply with the requirements of the joint city-county agreement dated July 12, 2010.
3. All county applications for planned developments, subdivisions, conditional

use permits and private roads within the impact area shall be sent to the city, for review and comment at least thirty (30) days prior to the public meeting at which such application will be considered.

AFTER AMENDMENT

9-8A-3 ADOPTION OF CITY-COUNTY AGREEMENT AS TO THE CITY'S AREA OF IMPACT

- A. **Impact Area Boundary Map:** See 9-8A-3-1 Impact Area Boundary Map. In situations where the boundary is a road, the impact area shall include housing adjoining and or contingent to either side of the road itself. Property on the outside of the impact area not adjoining the road shall not be considered as within the impact area
- ~~1. The city of Sugar City impact area map, hereby adopted, is hereby incorporated herein by reference, and attached hereto, copies of which are available for inspection at the city of Sugar City office and the Madison County planning and building office. The map also is posted at each jurisdiction's website.~~
- ~~A. In the case where a property under single ownership is divided by the boundary line of the city impact area, and the line divides such property so that one or both of the parts have a depth of three hundred feet (300') or less, such part shall be included in the jurisdiction within which the larger portion of the property is located.~~
- ~~1. Upon annexation of any portion of the impact area into the city, the provisions of this chapter shall no longer apply to such annexed areas.~~
- B. **Conflict:** In the event of a discrepancy between the official map and the legal description, the map shall control, subject to an other provisions of this Ordinance. In the event of any ambiguity, the map and description shall be read together to effectuate the will of the governing body. Upon the passage of this ordinance, it shall supersede and replace any and all prior impact agreements or maps related to the subject matter herein.
- C. **Renegotiation:** This Impact Area Agreement shall be reviewed by Madison County and the City of Sugar City every five years at a minimum; however, a request to revise the Area of City Impact Agreement from the Sugar City City Council or Madison County may occur one year after issuance of this ordinance or anytime thereafter. The renegotiation of this agreement shall begin within 30 days after written request by either the City of Sugar City or Madison County and shall follow procedures set forth in Idaho Code, Section 67-6526. Anytime an area of annexation extends to the limit of, or into the impact area, the Agreement shall be reviewed by the City of Sugar City. Review shall begin within 30 days after annexation of an area that meets these criteria.
- D. **Ordinance Applicability:** The City of Sugar City Planning and Zoning Ordinance, Subdivision Ordinance, and Mobile Home Ordinance, and all amendments thereunto, shall be in full force and effect within the Impact Area and are hereby adopted by Madison County as those ordinances applicable inside the impact area. Approving or denying development requests within the Area of City Impact will be determined by the Madison County Commission after having received the recommendation of the Impact Area Planning and Zoning Commission.

1. **Requirements to Connect City of Sugar City Sewer System & Other Public Works:** All subdivisions within the Area of City Impact, where bonafide engineering analysis shows financially feasible, shall be required to connect to the City of Sugar City sanitary sewer system. The developer shall bear the cost of all public works to include, but not be limited to, connection to the City of Sugar City sanitary sewer system within the subdivision and all costs to connect to the city sewer system from the boundary of the subdivision to the most appropriate connection point within the City of Sugar City as defined by the Sugar City Council. Other public works may be defined by the Sugar City Council such as open spaces, parks, walk paths and bridges, storm runoff, street lighting, etc. A Development Agreement is required for all said improvements that may include reimbursement criteria to the developer as future development connects to required infrastructure extensions.
 2. **Relation to Adjoining Street Systems:** The arrangement of streets in new subdivisions shall make provision for the continuation of the existing streets in adjoining areas (or their proper protection where adjoining land is not subdivided) at the same or greater width (but in no case less than the required minimum width) unless the variations are deemed necessary by the planning and zoning commission for public requirements.
 3. **Administration and Enforcement:** Madison County will issue building permits for the impact area and will be responsible for construction inspections within the Impact Area. Madison County shall administer and enforce the hereby established Comprehensive Plan, Planning and Zoning Ordinance, Subdivision Ordinance, and Mobile Home Ordinance.
 4. **Coordination with Sugar City Council:** The Sugar City Impact Area Planning and Zoning Commission, as part of their fact-finding process, will submit all applications to the Sugar City City Council for review and comment. City recommendations must be integrated into the findings of fact prior to recommending an application to the County Commission.
 5. **Appeals:** The Madison County Commissioners will hear any and all appeals to land use decisions and issues inside the Impact Area. Madison County shall administer and enforce the established Comprehensive Plan, Planning and Zoning Ordinances, Subdivision Ordinances, and Mobile Home Ordinances as set forth by the City of Sugar City and hereby adopted by Madison County.
- E. **Planning and Zoning Commission Selection and Requirements for Area of City Impact:** Madison County, having sole jurisdiction in the Sugar City Impact Area, does hereby appoint the standing members of the Sugar City Planning and Zoning Commission, whom are all eligible and qualified residents of the County, to be the Madison County Sugar City Impact Area Planning and Zoning Commission to process all land use applications within said impact area. This Sugar City Impact Area Planning and Zoning Commission is hereby formed as a stand-alone county entity serving at the will and pleasure of the Madison County Commissioners on all land use applications that lie within Sugar City's Impact Area.

Representation on this county board shall include two members residing in the impact area and will be appointed as follows: One (1) member appointed by the Madison County Commission, and one (1) member appointed by the Madison County Commission from the recommendation of the Sugar City Council. The remainder of the impact area board is comprised of the three to five commissioners previously appointed by the city from within the city limits. The length of term for all commissioners is the regular length of term as identified in city code and as hereby adopted by the Madison County Commissioners. The County Commissioners may approve additional terms. Unexpected vacancies will be filled in the same manner as the original appointment.

In matters pertaining to the Area of City Impact, a vote of the Planning and Zoning Commissioners residing within the Area of City Impact, shall have the same weight as the combined voting weight of the other three to five members of the commission residing within the city limits. In situations where the commissioners from the impact area cancel each other's vote or there is a tie vote between the commissioners from the impact area and the commissioners from the city, the issue shall be heard and decided by the County Commissioners.

- A. Applicable Comprehensive Plan Provisions, Policies And Ordinances:
- B. The city of Sugar City comprehensive plan adopted by the city as of July 24, 2008, and as it may be amended in the future shall apply within the city impact area.
- C. This chapter, constituting the city's zoning ordinance applicable to the area of impact, shall apply within the impact area. Accordingly, the impact area is hereby specifically zoned, in accordance with the applicable sections of this code as they may be amended from time to time:
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 - 2. ~~The impact area zoning map, attached hereto, is hereby adopted as establishing the current separate zoning districts within the impact area, and the schedule of uses in article B of this chapter is hereby adopted as establishing allowable land uses in those districts.~~

Administrative procedures set forth in Madison County ordinances shall be used to implement this chapter.

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PASSED AND ADOPTED BY THE SUGAR CITY COUNCIL SEPTEMBER 28, 2023.

	AYE	NAY	ABSENT	ABSTAIN
Councilmember Joy M Ball	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Councilmember Catherine Nielsen	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Councilmember Glenn Dayley	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Councilmember Daniel Baird	<u>X</u>	<u> </u>	<u> </u>	<u> </u>

Attest

Presiding Officer

Steven Adams, Mayor, Sugar City



Wendy McLaughlin, City Clerk, Sugar City

