

September 7, 2021

Dear Bingham County Planning and Zoning Commission,

I am writing to offer input into the revision of the Bingham County-City of Blackfoot Area of Impact Agreement.

The purpose of this agreement is to identify land adjacent to the current City limits where expected growth and development will extend. The goal of the agreement is to steer development in and around the City center while protecting agricultural land in the County. Currently the Agreement states in the Preamble<sup>1</sup>. Purpose that in order to protect the health and safety of the residents of the City and the County there exists and imperative goal of connecting to sanitary sewer and water services. The word imperative is very strong and if it truly is imperative then these services must be available to existing areas before annexation can take place. If they not imperative, there is no need to be in such a rush to include areas in the Impact agreement that are either distant from city services and or are separated by a natural boundary that will take considerable engineering and funding to cross.

#### Section 1. Area of Impact.

The area is described in legal terms and a map is provided. Unfortunately, the map does not identify the property with legal markers, such as section indicators, range indicators and other legal property descriptions. The map is so small, or in reality the area of impact is so big that you cannot print the map and have many road names and community labels that can be read.

#### Section 2. Conflict

This section addresses discrepancy between the map and the legal description. The legal description should always be the method of solving the discrepancy.

#### Section 4. Development Coordination

Coordination: This section discusses coordination of all parties and their agreement to proceed. There is no provision for one of the parties disagreeing. What will be their recourse without a disagreement provision?

#### Feasibility with City or District Systems:

The City is allowed the time of one year to project where essential services will be needed. One year is forever for a contractor who is ready and has the finances for a development. The city needs to be quicker and more receptive to the needs of a contractor and his timeline.

#### Section 5.

- A. Contiguous Development or Within 500 Feet of City Limits
  1. Blackfoot Standards Applicable:
    - a. Part of this paragraph reads, is less than 500 feet from the City Limits, certain City Ordinances shall hereby be adopted. Is there a reason that the "certain" City Ordinances are not names and described?
    - b. The word parcels is used enough times that the actual parcel affected is lost. This paragraph need to be written better with the goal of being clear and understood to everyone.

## 2: Development Agreement Required

- a. The last sentence about City infrastructure and rebuttable presumption needs date and goals for action to be taken and to be completed.

### Non-Contiguous Development or Greater than 500 Feet

2. County will require City styled Right-of-way:
  - a. It doesn't make sense that these items can be constructed initially not to city standards. What is the reasoning that not doing this correct the first time is the best way to do it. To help with the costs a provision should be added that allows extra time to construct improvements at City standards.
3. Developer may Consent to City standards:

This paragraph is roads and infrastructure developments. I read it that the County has to make certain that everything meets City standards before it is officially accepted. Is it not possible that the City and the County could jointly agree on the worthiness of the developments? I do not like the idea that the County has to satisfy the City.

### D: Infrastructure in the Area of City Impact.

1. Requirement of Connect...
  - c. Development agreements: Reimbursement may be included for some infrastructure improvement. Is there a reason that the improvements that might receive reimbursement are not listed?

### Section 6: Adopted Comprehensive Plan

The last sentence states that the County will accept the City's suggestions. Isn't this an area that mutual agreement is needed? Should not the City be willing to accept the County's suggestions?

In conclusion I will repeat some from the Idaho Statues 50-222.

That said city council shall not have the power to declare such land, lots or blocks a part of said city if they will be connected to such city only by a shoestring or strip of land which compromises a railroad or highway right-of-way.

There are pros and cons to annexation. This statement sums it all: It is vital for any annexation to be in the best interests of both the City and the property owner.

Sincerely,

Lance Gardner

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