

CITY ORDINANCE NO. _____

COUNTY ORDINANCE NO. _____

DRAFT CONCEPT
FEBRUARY 8, 2022

BINGHAM COUNTY-CITY OF BLACKFOOT
IMPACT AREA AGREEMENT

AN ORDINANCE OF BINGHAM COUNTY AND AN ORDINANCE OF THE CITY OF BLACKFOOT, IDAHO, PURSUANT TO IDAHO CODE, SECTION 67-6526, ESTABLISHING AND DEFINING A GEOGRAPHICAL AREA OF 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.

Preamble 1. Purpose

Whereas, Idaho Code, Section 67-6526 requires, among other things, that cities and counties negotiate and agree upon an area of City Impact. The purpose for establishing an area of impact is to identify an area of land adjacent to the current city limits wherein expected growth and development will extend. The Area of City Impact recognizes trade area, geographic factors, and the necessity for appropriate planning of public services as being associated with the City of Blackfoot and comprised of areas that may be annexed into the City in the future. The creation and administration of the Impact Area provides an opportunity for Bingham County and the City of Blackfoot to jointly plan for growth and development around the city.

Preamble 2. / Bingham County/City of Blackfoot Statement of Negotiation

Whereas, the City Council for the City of Blackfoot, Idaho and the Board of County Commissioners for the County of Bingham, Idaho, have pursuant to the mandate of Idaho Code, Section 67-6526, entered into and have conducted negotiations regarding the Area of City Impact.

Preamble 3. City of Blackfoot and Bingham County Planning and Zoning Statements of Recommendation

Whereas, the City Council for the City of Blackfoot, Idaho and the County Commission for Bingham County did submit to their respective Planning and Zoning Commissions the proposed area of impact. The Planning and Zoning Commission for the City of Blackfoot, Idaho, and Bingham County have made their recommendation known to the City Council for the City of Blackfoot, Idaho and the County Commission of Bingham County.

Preamble 4. Public Hearings

Whereas, the City Council for the City of Blackfoot held a public hearing regarding the proposed Area of City Impact on the ____ day of _____, 2017, and the Bingham County Commissioners held a public hearing regarding the Area of City Impact on the ____ day of _____, 2017.

THEREFORE, BE IT ORDAINED BY BINGHAM COUNTY AND BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BLACKFOOT, IDAHO:

Section 1. Area of City Impact

The officially adopted and agreed upon Impact Area for Blackfoot, Idaho (Impact Area) is established by this Ordinance, and is set forth herein on the attached map marked "Exhibit A" and as described herein:

(INSERT LEGAL DESCRIPTION OF THE IMPACT AREA BOUNDARY)

In situations where the boundary is a road, the impact zone 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.

Section 3. Conflict

In the event of a discrepancy between the official map and the legal description, the map shall control, subject to any 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.

Section 4. Renegotiation

This Impact Area Agreement shall be reviewed by Bingham County and the City of Blackfoot every five years at a minimum; however, a request to revise the Area of City Impact Agreement from the Blackfoot City Council or Bingham 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 Blackfoot or Bingham 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 zone, the Agreement shall be reviewed by the City of Blackfoot. Review shall begin within 30 days after annexation of an area that meets these criteria.

Section 5. Ordinance Applicability

The Blackfoot 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 Bingham 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 Bingham County Commission after having received the recommendation of the Impact Area Planning and Zoning Commission.

Subpart A. Requirement to Connect to City of Blackfoot Sewer System & Other Public Works

All subdivisions within the Area of City Impact shall be required to connect to the City of Blackfoot 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 Blackfoot 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 Blackfoot as defined by the Blackfoot City Council. Other public works may be defined by the Blackfoot 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.

Subpart C. 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.

Subpart D. Administration and Enforcement

Bingham County will issue building permits for the impact zone and will be responsible for construction inspections within the Impact Area. Bingham County shall administer and enforce the hereby established Comprehensive Plan, Planning and Zoning Ordinance, Subdivision Ordinance, and Mobile Home Ordinance.

Subpart E. Coordination with Blackfoot City Council

The Blackfoot Impact Area Planning and Zoning Commission, as part of their fact-finding process, will submit all applications to the Blackfoot 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.

Subpart E. Appeals

The Bingham County Commissioners will hear any and all appeals to land use decisions and issues inside the Impact Area. Bingham 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 Blackfoot and hereby adopted by Bingham County.

Section 6. Planning and Zoning Commission Selection and Requirements for Area of City Impact.

Bingham County, having sole jurisdiction in the Blackfoot Impact Area, does hereby appoint the standing members of the Blackfoot Planning and Zoning Commission to be the Bingham County Blackfoot Impact Area Planning and Zoning Commission to process all land use applications within said impact area. This Blackfoot Impact Area Planning and Zoning Commission is hereby formed as a stand-alone county entity serving at the will and pleasure of the Bingham County Commissioners on all land use applications that lie within Blackfoot'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 Bingham County Commission, and one (1) member appointed by the Bingham County Commission from the recommendation of the Blackfoot 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 Bingham 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 zone cancel each other's vote or there is a tie vote

between the commissioners from the impact zone and the commissioners from the city, the issue shall be heard and decided by the County Commissioners.

Section 7. Severance.

In the event that any portion of this Ordinance shall be invalidated by a court of law, the remainder of this ordinance shall remain in full force and effect.

Section 8. Effective Date

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

PASSED BY THE BLACKFOOT CITY COUNCIL AND APPROVED BY THE MAYOR THIS ____
DAY OF _____, 2022.

Paul Loomis, Mayor

ATTEST:

Suzanne McNeel, City Clerk

PASSED BY BINGHAM COUNTY AND APPROVED BY THE COUNTY COMMISSIONERS THIS
____ DAY OF _____, 2022.

Chairman, Bingham County Commission

ATTEST:

County Clerk