

**PROPOSAL NO. 2**

**CITY ORDINANCE NO.** \_\_\_\_\_

**COUNTY ORDINANCE NO.** \_\_\_\_\_

**BINGHAM COUNTY-CITY OF BLACKFOOT  
AREA OF CITY IMPACT 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.**

**Preamble 1. Purpose**

Whereas, Idaho Code, Section 67-6526 requires that Cities and Counties negotiate and agree upon an Area of City Impact. The purpose for establishing an Area of City 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 Area of City Impact provides an opportunity for Bingham County and the City of Blackfoot to jointly plan for growth and development around the City. The goal of the Agreement is to steer development in and around our City centers while protecting agricultural land in the County. Additionally the parties agree that in order to protect the health and safety of residents of the City and County there exists an imperative goal of connecting to sanitary sewer and water services in the Area of City Impact.

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

Whereas, the City Council for the City of Blackfoot, Idaho and the Bingham County Board of County Commissioners, 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 Bingham County Board of County Commissioners submitted to their respective Planning and Zoning Commissions the proposed Area of City Impact Agreement and Map. The Planning and Zoning Commissions for the City of Blackfoot, and Bingham County have made their recommendation known to the City Council for the City of Blackfoot and the Bingham County Board of County Commissioners.

#### **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 \_\_\_\_, 202\_\_, and the Bingham County Board of County Commissioners held a Public Hearing regarding the Area of City Impact on the \_\_\_\_ day of \_\_\_\_, 202\_\_.

THEREFORE, BE IT ORDAINED BY BINGHAM COUNTY BOARD OF COUNTY COMMISSIONERS 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 Area of City Impact for Blackfoot, Idaho is established by this Ordinance, and is set forth herein on the attached map marked “Exhibit A” and as described herein:

Part of Townships 2 and 3 South, Range 35 E.B.M. described as:  
Beginning at the intersection of the North Bank of the Blackfoot River and the West line of Section 17, T3S, R35 E.B.M. and running thence North along the West line of Sections 17, 8 and 5 in T3S and continuing North along the West line of Sections 32, 29 and 20 to the Northwest corner of Section 20, T2S, R35 E.B.M.; thence East along the North line of Sections 20, 21, 22, 23 and 24 to the Northeast corner of Section 24, T2S, R35 E.B.M.; thence South along the East line of Sections 24 and 25 to the Southeast corner of Section 25, T2S, R35 E.B.M.; thence West along the South line of said Section 25 to the Northeast corner of the West  $\frac{1}{2}$  of the West  $\frac{1}{2}$  of Section 36, T2S, R35 E.B.M.; thence South along the West  $\frac{1}{2}$  of the West  $\frac{1}{2}$  of Section 36, T2S, R35 E.B.M. to the Northeast corner of the West  $\frac{1}{2}$  of the West  $\frac{1}{2}$  of Section 1, T3S, R35 E.B.M. to the Northeast corner of the West  $\frac{1}{2}$  of the West  $\frac{1}{2}$  of Section 1, T3S, R35 E.B.M.; thence continuing South along the West  $\frac{1}{2}$  of the West  $\frac{1}{2}$  of Section 1, T3S, R35 E.B.M. to the Southwest corner of said West  $\frac{1}{2}$  of the West  $\frac{1}{2}$  of Section 1; thence East along the North line of Section 12, T3S, R35 E.B.M. to the Northeast corner of said Section 12; thence South along the East line of Sections 12 and 13, T3S, R35 E.B.M. to the Intersection point of the North bank of the Blackfoot River; thence Westerly along the North bank of the Blackfoot River through Sections 13, 14, 11, 10, 9, 8 and 17, T3S, R35 E.B.M. to the point of beginning.

#### **Section 2. 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 3. Renegotiation**

This Area of City Impact Agreement shall be reviewed by Bingham County (hereinafter referred to as the “County”) and the City of Blackfoot (hereinafter referred to as the “City”) every five (5) years at a minimum; however, a request to revise the Area of City Impact Agreement from the City Council or County Board of Commissioners may occur one (1) 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 or the County and shall follow procedures set forth in Idaho Code, Section 67-6526.

### **Section 4. Definitions**

For the purposes of this Agreement, development is defined as a Subdivision and excludes development of individual parcels or Short Plat Subdivisions (lots of 4 or less) as defined by Bingham County Code.

Other Jurisdictional Entities means the City of Blackfoot, Groveland Water and Sewer District, other Water and/or Sewer District(s), Canal Companies, Irrigation Companies, Utility Companies and the like.

### **Section 5. Development Coordination**

Coordination: Once a Subdivision Application is submitted to the County Planning and Development Department, a coordination meeting or correspondence shall occur between the Developer and the County and City’s Planning & Development and Public Works Directors, any other jurisdictional entities that exist within the AOI boundaries which provide services to the applicable Application, and other personnel as determined necessary, to ensure all parties understand and accept their respective roles and responsibilities and are in agreement in the enforcement of this Area of City Impact Agreement.

In the event the City receives inquiry or contact by a Developer or other person interested in developing or constructing upon any parcel in the County’s jurisdiction, the City shall refer said person(s) to the County Planning & Development Department.

### **Section 6. Applicable and Adopted Ordinance**

#### **A. Contiguous City Subdivision Development or Within 500 Feet of City Limits**

1. For any new Subdivision in the Area of City Impact that is contiguous to City limits, or is less than 500 feet from City limits, Bingham County shall apply the Blackfoot City Street Development Standards and Storm Water Codes.
2. If water and/or sewer is available and connection is within 500 feet of the Subdivision, the Developer shall connect to said systems, whether the delivery be via the City of Blackfoot or a Water and/or Sewer District. The Developer shall follow the Codes/regulations set forth by the connecting entity.

3. Bingham County Code shall still apply for land development, planning, and zoning regulations.

B. Non-Contiguous Subdivision Development or Greater than 500 Feet of City Limits

1. Any new Subdivision in the Area of City Impact that is not directly contiguous to City limits, or is greater than 500 feet from City limits, as identified in Section 6.A of this Agreement and ordinance, shall comply with Bingham County Planning and Zoning Ordinance, Subdivision Ordinance, and all amendments thereunto.
2. If sewer is available and connection is within 300 feet of the Subdivision, the Developer shall connect to said system, whether the delivery be via the City of Blackfoot or a Water and Sewer District. The Developer shall follow the Codes/regulations set forth by the connecting entity.
3. If water is available and connection is within 500 feet of the Subdivision, the Developer shall connect to said system, whether the delivery be via the City of Blackfoot or a Water and Sewer District. The Developer shall follow the Codes/regulations set forth by the connecting entity.
4. Feasibility with City or District Systems: If the Subdivision development is greater than the required connections in Section 6(B)(2) and (3) above, the Developer, via, an engineered study, shall include in its Application a detailed explanation of the current location of connections for water and sewer services and the feasibility of connecting to said infrastructure in its current location.

C. Additional Right-of-Way

- a. For all Subdivisions developed within the Area of City Impact, the Developer shall provide sufficient right of way to include curb, gutter sidewalks, lights, and hydrants for future potential upgrades to City standards (if and when annexed into City limits) but shall not be required to construct to City standards at the time of development.

D. 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 County Planning and Zoning Commission for public requirements.

**Section 7. Adopted Comprehensive Plan**

The County's Comprehensive Plan shall be in full force and effect in the Area of City Impact. All changes to the Comprehensive Plan in the Area of City Impact shall be

provided in writing to the City allowing for the opportunity for input and suggestion prior to any changes to the Comprehensive Plan.

**Section 8. Administration and Enforcement**

The County shall administer and enforce its Comprehensive Plan, Planning and Zoning Ordinance, and Subdivision Ordinance. Additionally, the County will issue building permits for development in the Area of City Impact and will be responsible for construction inspections within the same.

**Section 9. Coordination with City of Blackfoot**

The County’s Planning and Development Department, as part of their notice process, will submit notice of the Subdivision development, within the Area of Impact, to the City for review and comment. Any City recommendations received shall be integrated into the Staff Reports prior to presenting an application to the County Planning and Zoning Commission.

**Section 10. Appeals**

The Bingham County Commissioners will hear any and all appeals to land use decisions inside the Area of City Impact.

**Section 11. 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 12. 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 \_\_\_\_\_, 202\_\_\_\_.

\_\_\_\_\_  
\_\_\_\_\_, Mayor

ATTEST:

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Suzanne McNeel, City Clerk

PASSED BY BINGHAM COUNTY AND APPROVED BY THE COUNTY COMMISSIONERS  
THIS \_\_\_\_ DAY OF \_\_\_\_\_, 202\_\_.

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Whitney Manwaring, Chairman  
Bingham County Commission

ATTEST:

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Pam Eckhardt, County Clerk

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