Appendix A: Bingham County AOI Agreements

Report 12-01

Economic Development Clinic
University of Idaho College of Law

Stephen R. Miller, Director

Students:
Marc Bybee
Joan Callahan
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Nicholas Morgan
BINGHAM COUNTY ORDINANCE
2009-06

AN ORDINANCE AMENDING THE BINGHAM COUNTY COMPREHENSIVE PLAN TEXT AND
THE GENERAL BINGHAM COUNTY ZONING ORDINANCE AND ACCOMPANYING ZONING
MAP TO PROVIDE FOR A REDEFINED AREA OF CITY IMPACT FOR THE CITY OF BASALT
TO BE APPLIED IN THE AREA OF CITY IMPACT

BE IT ORDAINED by the Board of County Commissioners of Bingham County, Idaho, pursuant to
Idaho Code §§67-6526, as follows:

Section 1. Area of City Impact for the City of Basalt: The Bingham County Comprehensive
Plan Text and the General Bingham County Zoning Ordinance are hereby amended to include
the following described premises as the City Impact area for the City of Basalt:

Part of Sections 19, 20, 29, and 30, Township 1 South, Range 37 East of the Boise
Meridian, Bingham County, Idaho described as follows:

Beginning at the NW Corner of Section 20, T. 1 S., R. 37 E.B.M. and running thence East
2094.49 feet more or less to the West line of the Snake River Valley Canal, thence
following said West line of the Snake River Valley Canal the following fourteen (14)
courses more or less; (1) South 229.66 feet, (2) S.41°45'37"W. 344.82 feet; (3) thence
S.20°59'08"W. 718.24 feet; (4) S.2°51'45"E. 183.96 feet; (5) S.22°37'12"E. 358.27 feet;
(6) S.3°21'59"W. for 156.44 feet; (7) S.31°25'46"W. 581.36 feet; (8) S.3°17'21"W. 808.53
feet; (9) S.27°45'31"W. 197.24 feet; (10) S.15°12'38"W. 2065.80 feet; (11) S.33°41'24"E.
132.49 feet; (12) S.5°11'40"W. 202.93 feet; (13) S.29°50'45"W. 646.06 feet; (14)
S.12°15'53"W. 432.44 feet to a point on the centerline of 750 North extended; thence
West 3959.31 feet along said centerline to a point on the East line of the Reservation
Canal; thence following said Reservation Canal the following three (3) courses more
or less; (1) N.21°13'25"W. 1015.04 feet; (2) N.60°23'44"E. 484.89 feet; (3) N.40°14'11"E.
156.44 feet; thence West 918.63 feet more or less to the East right-of-way line of
Highway 91; thence along said right-of-way line N.29°22'02"E. 6071.56 feet more or less
to a point on the South line of Section 18; thence East 1358.41 feet more or less along
said East line to the Point of Beginning, containing 647 acres more or less.

Section 2. Applicability of Ordinance:

a. Bingham County Zoning Ordinance: The Zoning Ordinances of the County, as
amended from time to time, shall apply in the impact area.

b. Comprehensive Plan: The Comprehensive Plan of the County, as amended from
time to time, shall apply in the impact area.

c. Subdivision Ordinance: The substantive portions of the Subdivision Ordinances of
the County, as amended from time to time, shall apply in the impact area with City
review and comment prior to County approval.

d. Subdivision Procedure: The County's application and approval process for the
granting of subdivision approval shall apply. Nevertheless, to the extent that the
subdivision review process outlined in Paragraph 3 below differs from the County's
application and approval process, the procedures detailed in Paragraph 3 shall apply.

Instrument # 606870
BINGHAM COUNTY
5-19-2009 03:43:09 No. of Pages: 3
Recorded for: BINGHAM COUNTY
SARA J. STAUB
Ex-Officio Recorder Deputy
Fee: $9.00

ORDINANCE 2009-06 City of Basalt Impact Area Page 1
Section 3. Subdivision Review Process:

a. **Applications.** Potential sub-dividers shall make application to the appropriate County agency pursuant to the County's Ordinance and shall include the City as a reviewing agency for response.

b. **Application Fees.** Fee requirements of the County shall apply.

c. **Review of Applications by the City.** The City's Public Works Department shall review the application and forward comments and recommendations to the County Planning Office within 30 days of receipt of application. The County Planning and Zoning Director shall be invited to attend such review meeting.

d. **County Review.** Upon receiving comments and recommendations from the City, the County shall review the application pursuant to the procedures outlined in the County's Subdivision Ordinance.

e. **Public Hearings.** The County shall give written notice to the City of all public hearings held with respect to the application. The City may attend any public hearings as an interested party.

f. **Review by City of Preliminary Plats.** Prior to approval by the County of Preliminary Plats, the City's Public Works Department shall hold a review meeting and make formal written comments and recommendations to the County. The County Planning and Zoning Director shall be invited to attend such review meeting.

g. **Final Approval by County.** The County Planning and Zoning Commission and the Board of County Commissioners shall give due regard to the comments and recommendations of the City to the proposed Application and Preliminary Plats.

h. **Findings of Fact and Conclusions of Law.** All Findings of Fact and Conclusions of Law made by the County with respect to any application shall be in writing and forwarded to the City.

i. **Appeals.** Appeals of the decisions of the County shall be handled pursuant to the County's applicable Ordinances. The City, as an interested party in the development of the City impact area, shall have standing to appeal such decisions.

Section 4. Public Utilities: All subdivision approved in the impact area shall be required to connect to City sewer and water services if such are within 300 feet of existing facilities. The City's fees, rules, Ordinances, and regulations pertaining to such services shall apply.

Section 5. Commercial Development: Commercial development and industrial use developments in the impact area shall be implemented under applicable County Ordinance with comment and recommendations from the City. All commercial and industrial development shall be required to connect to City sewer and water services if such services are within 300 feet. The City's fees, rules, Ordinance, and regulations pertaining to such services shall apply.

Section 6. Amendments to Ordinances: The County and City shall provide 30 days notice to each governing board prior to amending, repealing, or adding provisions to any Ordinance that applies in the impact area. Each governing board shall take into consideration the recommendations and comments of the other governing board with respect to such changes to the Ordinance.
Section 7. **Enforcement:** The County shall enforce the applicable Ordinances in the impact area and shall give due regard and consideration to the wishes of the City with respect to such enforcement.

Section 8. **Enactment of Impact Area Ordinances:** The City and County shall adopt an agreement as an Ordinance in their respective governing board within 60 days of execution of this agreement.

Section 9. **Effective Date of Ordinance:** This Ordinance shall become effective upon its publication in the manner required by law.

Passed and approved by the Board of County Commissioners, County of Bingham, State of Idaho, this 18th day of May, 2009

BOARD OF COUNTY COMMISSIONERS
BINGHAM COUNTY, IDAHO

Cleone Jolley, Chairman

A. Ladd Carter, Commissioner

Donavan Harrington, Commissioner

ATTEST:

Sara J. Staull, Bingham County Clerk
BINGHAM COUNTY ORDINANCE 2002-08

AN ORDINANCE AMENDING THE BINGHAM COUNTY COMPREHENSIVE PLAN TEXT AND MAP AND THE GENERAL BINGHAM COUNTY ZONING ORDINANCE AND ZONING MAP TO PROVIDE FOR A REDEFINED AREA OF CITY IMPACT FOR THE CITY OF BLACKFOOT AND ADOPTION OF CERTAIN CITY OF BLACKFOOT ORDINANCES AND REQUIREMENTS TO BE APPLIED IN THE AREA OF CITY IMPACT

BE IT ORDAINED by the Board of County Commissioners of Bingham County, Idaho, pursuant to Idaho Code §67-6526, as follows:

Section 1. Area of city impact for the City of Blackfoot: The Bingham County Comprehensive Plan Text and Map and the General Bingham County Zoning Ordinance and Zoning Map are hereby amended to include the following described premises as the City Impact area for the City of Blackfoot:

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, 18 and 19 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 1/4 of the West 1/4 of Section 36, T2S, R35 E.B.M.; thence South along the West 1/4 of the West 1/4 of Section 36, T2S, R35 E.B.M. to the Northeast corner of the West 1/4 of Section 1, T3S, R35 E.B.M. to the Northeast corner of the West 1/4 of the West 1/4 of Section 1, T3S, R35 E.B.M.; thence continuing South along the West 1/4 of the West 1/4 of Section 1, T3S, R35 E.B.M. to the Southwest corner of said West 1/4 of the West 1/4 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 7, T3S, R35 E.B.M. to the point of beginning.

The area of city impact for the City of Blackfoot is further set out on the land use map attached hereto as Exhibit A, and made a part hereof by this reference.

Section 2. Applicability of Ordinance:

A. Bingham County Zoning Ordinance: With the exception of items discussed below, the Planning and Zoning Ordinance of Bingham County, as amended, shall apply to the impact area.

B. Adoption of City Subdivision Ordinance: The substantive portions of the Subdivision Ordinances of the City shall be adopted by the County to apply in the area of city impact. The County's procedural requirements and process for granting subdivision approval (as set forth in the County's Planning and Zoning Ordinance, as amended, and the Idaho Code) shall apply to all subdivision applications to be located in the area of city impact. The County shall enforce the substantive portions of the City's subdivision ordinance as it has been made a part of the County Planning and Zoning Ordinances.

ORDINANCE 2002-08
Page 1
C. **Subdivision Procedure:** The County's application and approval process for the granting of subdivision approval shall apply. Nevertheless, to the extent that the Subdivision Review Process outlined in Section 4, below differs from the County's application and approval process, the procedures detailed in Section 4, shall apply.

Section 3. **Subdivision Review Process:**

A. **Applications.** Applications to locate a subdivision within the area of city impact shall be made to the appropriate County agency pursuant to the County's Planning and Zoning Ordinance, as amended.

B. **Application Fees.** Fee requirements of the County shall apply to applications to locate a subdivision within the area of city impact.

C. **Referral of Applications by the County to the City.** Within three (3) days after filing of the application, the County shall forward a copy of the subdivision application to the City.

D. **Review of Application by City.** The City's Engineering department shall review the application and forward comments and recommendations to the County planning office within thirty (30) days of receipt of the application. The County Planning and Zoning Administrator, or designee, shall be invited to attend such review meeting.

E. **County Review.** Upon receiving comments and recommendations from the City, the County shall review the application pursuant to the procedures outlined in the County's Planning and Zoning Ordinance, as amended.

F. **Public Hearings.** The County shall give written notice to the City of all public hearings held with respect to the application. The City may attend any public hearings as an interested party.

G. **Review by City of Preliminary and Final Plats.** Prior to approval by the County of Preliminary or Final Plats, the City's Engineering Department shall hold a review meeting and make formal written comments and recommendations to the County. The County Planning and Zoning Administrator, or designee, shall be invited to attend such review meeting.

H. **Final Approval by County.** The County Planning and Zoning Commission and the Board of County Commissioners, in considering a proposed application, Preliminary Plat or Final Plats shall give due regard to the comments and recommendations of the City.

I. **Findings of Fact and Conclusions of Law.** All Findings of Fact and Conclusions of Law made by the County with respect to any application shall be in writing and forwarded to the City.

J. **Appeals.** Appeals of the decisions of the County shall be handled pursuant to the County's Planning and Zoning Ordinance, as amended, and applicable state laws. The City, as an interested party in the development of the City impact area, shall have standing to appeal such decisions.

Section 4. **Public Utilities:** All subdivisions approved in the area of city impact shall be required to connect to City sewer and water services if such are reasonably available. The City, as an
Interested party in the development of the City impact area, shall have standing to appeal such decisions.

Section 5. Commercial Development

A. Applicable Ordinances: Commercial development and industrial use development in the area of city impact shall be implemented under applicable County Planning and Zoning ordinances.

B. Review Process: The review and comment provisions set forth in Section 4 ("Subdivision Review Process") above shall apply to applications for commercial development and industrial use development in the area of city impact.

C. Public Utilities: All commercial and industrial use development shall be required to connect to City sewer and water services if such are reasonably available. The City's fees, rules, ordinances, and regulations pertaining to such services shall apply.

Section 6. Amendments to Ordinances: In the event that the County or City wish to amend, repeal, or add provisions to any comprehensive plan and/or ordinance which will have application in the area of city impact, then, notice shall be given to the other party at least thirty (30) days prior to adoption of such an amendment, repeal or addition. The City or County shall take into consideration recommendations and comments of the other with respect to any proposed changes to their comprehensive plans and/or ordinances. If the City or County cannot agree on the requested changes, then, the procedures set forth in Idaho Code §67-6528 shall be implemented to resolve the dispute.

Section 7. Enforcement: The County shall enforce the applicable planning and zoning ordinances in the area of city impact. In doing so, the County shall give due regard and consideration to the wishes of the City with respect to such enforcement. The County shall also give due consideration to the interpretations of the City regarding the provisions of the City's ordinances which are intended to be adopted by the County as part of this ordinance.

Section 8. Effective Date of Ordinance: This Ordinance shall become effective upon its publication in the manner required by law.

Passed and approved by the Board of County Commissioners, County of Bingham, State of Idaho, this 30th day of September, 2002.

BOARD OF COUNTY COMMISSIONERS
BINGHAM COUNTY, IDAHO

[Signatures]

[Seal]
The City of Firth, an Idaho municipal corporation, (hereafter sometimes referred to as the "City") and the County of Bingham, Idaho (hereafter sometimes referred to as the "County") hereby enter into this draft agreement to set forth the proposed area of city impact for the City of Firth and to set forth the procedures and ordinances that will apply in such impact area pursuant to Idaho Code §67-6526.

1. AREA OF PROPOSED CITY IMPACT.

The area of proposed city impact for the City of Firth shall be legally described and set forth in Exhibit "A", attached hereto and made a part of hereof by this reference.

2. APPLICABILITY OF ORDINANCES.

Zoning Ordinance. The Zoning Ordinances of the County, as amended from time to time, shall apply in the impact area.

Comprehensive Plan. The Comprehensive Plan of the County, as amended from time to time, shall apply in the impact area.

Subdivision Ordinance. The substantive portions of the Subdivision Ordinances of the County, as amended from time to time, shall apply in the impact area with City review and comment prior to County approval.

Subdivision Procedure. The County’s application and approval process for the granting of subdivision approval shall apply. Nevertheless, to the extent that the Subdivision Review Process outlined in Paragraph 3 below differ from the County’s application and approval process, the procedures detailed in Paragraph 3 shall apply.

3. SUBDIVISION REVIEW PROCESS.

a. Applications. Potential sub-dividers shall make application to the appropriate County agency pursuant to the County’s ordinances and shall include the City as a reviewing agency for response.

b. Application Fees. Fee requirements of the County shall apply.

c. Review of Application by City. The City’s Public Works Department shall review the application and forward comments and recommendations to the County planning office within 30 days of receipt of application. The County Planning and Zoning Director shall be invited to attend such review meeting.
d. **County Review.** Upon receiving comments and recommendations from the City, the County shall review the application pursuant to the procedures outlined in the County’s Subdivision Ordinance.

e. **Public Hearings.** The County shall give written notice to the City of all public hearings held with respect to the application. The City may attend any public hearings as an interested party.

f. **Review by City of Preliminary and Final Plats.** Prior to approval by the County of Preliminary or Final Plats, the City’s Public Works Department shall hold a review meeting and make formal written comments and recommendations to the County. The County Planning and Zoning Director shall be invited to attend such review meeting.

g. **Final Approval by County.** The County Planning and Zoning Commission and the Board of County Commissioners shall give due regard to the comments and recommendations of the City to the proposed Application and the Preliminary and Final Plats.

h. **Findings of Fact and Conclusions of Law.** All findings of Fact and Conclusion of Law made by the County with respect to any application shall be in writing and forwarded to the City.

i. **Appeals.** Appeals of the decisions of the County shall be handled pursuant to the County’s applicable ordinances. The City, as an interested party in the development of the City impact area, shall have standing to appeal such decisions.

4. **PUBLIC UTILITIES.** All subdivisions approved in the impact area shall be required to connect to City sewer and water services if such are reasonably available such as being within 1000 feet of existing services or in an annexable area. The City’s fees, rules, ordinances, and regulations pertaining to such services shall apply.

5. **COMMERCIAL DEVELOPMENT.** Commercial development and industrial use development in the impact area shall be implemented under applicable County ordinance with comment and recommendations from the City. All commercial and industrial development shall be required to connect to City sewer and water services if such are reasonably available such as being within 1000 feet of existing services or in an annexable area. The City’s fees, rules, ordinances, and regulations pertaining to such services shall apply.

6. **AMENDMENTS TO ORDINANCES.** The County and City shall provide 30 days notice to each governing board prior to amending, repealing, or adding provisions to any ordinance that applies in the impact area. Each governing board shall take into consideration the recommendations and comments of the other governing board with respect to such changes to the ordinances.
AREA OF CITY IMPACT FOR THE CITY OF FIRTH, IDAHO

Legal Description

A portion of Sections 31, 30 and 19, Township 1 South, Range 37 EBM; and Sections 23,24,25, 26, 35 and 36, Township 1 South, Range 36 EBM; Bingham County, Idaho described as follows:

Beginning at the E ¼ corner of Section 31, Township 1 South, Range 37 EBM; thence West approximately 2 ¼ miles along the East-West centerline of Section 31, Township 1 South, Range 37 EBM and Section 36 and 35 of Township 1 South, Range 36 EBM; to the center of said Section 35; thence North approximately 2 miles along the North-South centerline of Sections 35, 26 and 23, Township 1 South, Range 36 EBM to the Center of said Section 23; thence East along the East-West centerline of Sections 23 and 24, Township 1 South, Range 36 EBM and Section 19, Township 1 South, Range 37 EBM to the intersection point of the Centerline of US Highway 91; thence Southwesterly following the Centerline of US Highway 91 to the Intersection point of the centerline of 800 North (Goshen Road); thence East along the Centerline of 800 North to the intersection point of the Centerline of the Reservation Canal; thence Southerly following the Centerline of the Reservation Canal to the intersection point of the East-West Centerline of Section 30; thence East along said East-West Centerline to East ¼ corner of said Section 30; thence South along the East section line of Sections 30 and 31 of Township 1 South, Range 37 E.B.M. approximately 1 mile to the Point of Beginning.

EXHIBIT "A"
7. **ENFORCEMENT.** The County shall enforce the applicable ordinances in the impact area and shall give due regard and consideration to the wishes of the City with respect to such enforcement.

8. **ENACTMENT OF IMPACT AREA ORDINANCES.** The City and County shall adopt an agreement as an ordinance in their respective governing boards within sixty (60) days of execution of an agreement.

DATE: 2/13/2004

Bingham County Board of Commissioners

Wayne J. Brower
Commissioner Wayne Brower

DeVaughn Shipley
Commissioner DeVaughn Shipley

CM.001
Commissioner George Jolley

Attest: Sara J. Staub
Bingham County Clerk

DATE: August 12, 2003

City of Firth

Mike Kress, Mayor

**See Bingham County Resolution 2004-02, Recording Number 537498.**
The City of Shelley, an Idaho municipal corporation, (hereafter sometimes referred to as the "City") and the County of Bingham, Idaho (hereafter sometimes referred to as the "County") hereby enter into this Agreement to set forth the area of city impact for the City of Shelley and to set forth the procedures and ordinances that will apply in such impact area pursuant to Idaho Code §67-6526,

1. **Area of City Impact:** The area of city impact for the City of Shelley shall be as legally described and set forth in Exhibit A attached hereto and made a part hereof by this reference.

2. **Comprehensive Plan:** The parties agree that the Comprehensive Plan adopted by the City is appropriate and necessary for purposes of implementing the provision and intent of this Agreement. The parties understand that the County will need to undergo the required legal procedures for amending the County's Comprehensive Plan in order to bring it into conformity with that portion of the City's Comprehensive Plan which affects the area of city impact.

3. **Applicability of Ordinances:**
   a. **Bingham County Zoning Ordinance:** Bingham County shall apply Bingham County's Zoning Ordinance in the area of impact.

   b. **Zone Change Procedure:** Upon the County receiving an application for a zone change, special use permit, a variance or other applications related to zoning issues within the impact area, the County shall forward a copy of any such application to the City.
and the City shall have thirty (30) days from the City's receipt of the application to review and respond to any such application in writing to the County. The County shall then proceed with the processing of the application consistent with the County's procedures giving cue regard to the City's response, if any.

c. **Adoption of the City Subdivision Standards:**
The County agrees to require ALL NEW SUBDIVISIONS (residential, commercial, and industrial) located within ¼ (quarter) mile of the City of Shelley's City Limits or ALL NEW SUBDIVISIONS Located outside of the ¼ (quarter) mile of the City of Shelley's city limits if the developer connects to the City's infrastructure to include the following:

i. Curb

ii. Gutter

iii. 5' (five foot) Portland type concrete Sidewalk

iv. City Approved Street Lights – max distance 300' (three hundred feet). Monthly bill to be paid by the City of Shelley.

v. Municipal sewer and water, when accessible within 300' (three hundred feet)

vi. Reasonable Storm Water Drainage System

vii. Fire Hydrants – max distance 500’ (five hundred feet) if municipal system is available.

viii. Right-of-Way for future classification of street (measured from property line to property line) as set forth:

   Arterial – 80 feet
   Collector – 62 feet
   Minor/Local – 62 feet

ix. All Streets to be constructed to design standards as set for the in Exhibit B (attached hereto and made a part hereof by this reference)

x. Stub streets as needed for orderly future development
xi. 10' (ten foot) utility easement along the front of each property lot

xii. All structures must meet minimum setback requirements as set forth:

   Residential – (Single Family Dwelling)
   Front Property Line – 30 feet
   Back Property Line – 25 feet
   Side Property Line/Lot Line – 10 feet
   Side Property Line/ROW – 25 feet
   Side Street Property Line – 15 feet

   Residential – (Two Family Dwelling)
   Front Property Line – 30 feet
   Back Property Line – 25 feet
   Side Property Line – 8" for each foot of building height, but not less than 7.5 feet per side
   Side Street Property Line – 15 feet

   Residential – (Multiple Family Dwelling)
   Front Property Line – 20 feet
   Back Property Line – 20 feet
   Side Property Line – 8" for each foot of building height, but not less than 7.5 feet per side
   Side Street Property Line – 15 feet

Commercial

   Front Property Line – 30 feet
   Back Property Line – 0 feet/20 feet if the property abuts a residential zone,
   Side Property Line – 0 feet
   Side Street Property Line – 0 feet

Manufacturing/Industrial

   Front Property Line – 10 feet
   Side Property Line – 0 feet
   Side Street Property Line – 0 feet
xiii. Reasonable Irrigation System using non-culinary water i.e. pressurized irrigation system

d. **Subdivision Procedure:** The County's application and approval process for the granting of subdivision approval shall apply. Nevertheless, to the extent that the Subdivision Review Process outlined in Paragraph 4 below differs from the County's application and approval process, the procedures detailed in Paragraph 4 shall apply.

4. **Subdivision Review Process:**

a. **Applications:** Applications to locate a subdivision within the area of city impact shall be made to the appropriate County agency pursuant to the County's Planning and Zoning Ordinance.

b. **Application Fee:** Fee requirements of the County shall apply to applications to locate a subdivision within the area of city impact.

c. **Referral of Applications by the County to the City:** The County shall forward a copy of the proposed subdivision to the City within 10 (ten) days of receiving a completed application.

d. **Review of Application by the City:** The City shall review the application and forward comments and recommendations to the County Planning Office within thirty (30) days of the City's receipt of the application. The County Planning and Zoning Administrator, or their designee, may be invited to attend the City's review meeting.

e. **County Review:** Upon receiving comments and recommendations from the City, the County shall review the
application pursuant to the procedures outlined in the County's Planning and Zoning Ordinance.

f. Public Hearings: The County shall give written notice to the City of all public hearings held with respect to the application. The City may attend any public hearing as an interested party.

g. Final Approval by the County: The County Planning and Zoning Commission and the Board of County Commissioners, in considering a proposed application, Preliminary Plat and Final Plat shall give due regard to the comments and recommendations of the City.

h. Findings of Fact and Conclusions of Law: All Findings of Fact and Conclusions of Law made by the County with respect to any application shall be in writing and forwarded to the City.

5. Amendments to Area of Impact Agreement: In the event that the County or City wish to amend, repeal, or add provisions to any portion of this agreement, notice shall be given to the other party at least thirty (30) days prior to negotiation. The City or County shall take into consideration the recommendations and comments of the other with respect to any proposed changes to their comprehensive plans and/or ordinances. If the City or the County cannot agree on the requested changes, then, the procedures set forth in Idaho Code §67-6526 shall be implemented to resolve the dispute.

6. Enforcement: The County shall enforce the applicable planning and zoning ordinances in the area of city impact. In doing so, the County shall give due regard and consideration to the wishes of the City with respect to such enforcement.
7. **Enactment of Impact Area Ordinance:** The City and County shall begin holding appropriate public hearings to amend the comprehensive plans and applicable ordinances of the City and County and to adopt this agreement as an ordinance by their respective governing board within sixty (60) days of execution of this agreement.

DATED and signed this 1st day of August 2006.

**BINGHAM COUNTY**

WAYNE BROWER, Chairman  
Board of County Commissioners

ERROL COVINGTON, Member  
Board of County Commissioners

CLEONE JOLLEY, Member  
Board of County Commissioners

**CITY OF SHELLEY**

ERIC CHRISTENSEN, Mayor
Beginning at the intersection of the East Branch of the Snake River Valley Canal and 1200 North (Baseline Rd) thence heading West to the intersection with the Snake River; thence heading North and East follow the Snake River to the intersection of the Snake River and 700 East; thence North to the intersection of 1400 North (Country Club Rd.); thence East to the intersection of 750 East (Hanson Rd); thence North to the intersection of 1500 North (Canyon Rd); thence East to the intersection with the Snake River Valley Canal; thence Southeast following the Snake River Valley Canal to Highway 91; thence Southwest on Highway 91 to 1400 N (Country Club Rd); thence East on 1400 N to the intersection of the Snake River Valley Canal; thence South and West following the Snake River Valley Canal to the intersection of the East Branch of the Snake River Valley Canal; thence follow the East Branch of the Snake River Valley Canal South and East to the intersection of 1200 North (Baseline Rd) which was the point of beginning.