

BINGHAM COUNTY BOARD OF COUNTY COMMISSIONERS
PUBLIC HEARING DATE: DECEMBER 10, 2025 AT 2:30 P.M.

CITY OF BLACKFOOT AREA OF CITY IMPACT
STAFF REPORT
(issued 12/4/2025)

INTRODUCTION: During the 2024 legislative session, Senate Bill 1403 was passed and signed into law. This bill amended Idaho Code §67-6526, making several substantive changes to the regulation of Areas of Impact.

SUMMARY OF IDAHO CODE §67-6526: A copy of Idaho Code (IC) §67-6526 is attached hereto as *Exhibit CC-2*. A summary of the bill includes:

- Area of Impact Boundaries (IC§67-6526): Limits the maximum extent of a city's area of impact to areas that are very likely to be annexed to the city within the next five (5) years, and no more than two (2) miles beyond the existing city boundary. Counties retain discretion to establish smaller boundaries but cannot exceed the two-mile cap.

In confirming an area of impact, the following criteria shall be considered:

- ❖ Anticipated commercial and residential growth;
 - ❖ Geographic factors;
 - ❖ Transportation infrastructure and systems, including connectivity;
 - ❖ Areas where municipal or public sewer and water are expected to be provided within five (5) years; and
 - ❖ Other public service district boundaries.
- Jurisdiction of Establishing Areas of Impact (IC§67-6526): Clarifies that counties have primary jurisdiction to adopt and regulate areas of impact. Bingham County's Comprehensive Plan, Zoning, and Subdivision Ordinances shall apply in the area of impact.
 - Mandatory Periodic Review (IC§67-6526(a)): Requires areas of impact to be reviewed at least every five (5) years. All existing areas of impact must be reviewed for compliance with the new criteria by December 31, 2025.

CURRENT IMPACT AREA: The City of Blackfoot's Area of City Impact Ordinance and Map were adopted on September 30, 2002. The Map Area includes approximately 14,653 acres of land. A copy of the current Ordinance is attached hereto as *Exhibit CC-3*.

INITIATION OF IMPACT AREA: The following is a timeline of events in the negotiation of the Area of City Impact with the City of Blackfoot:

August 20, 2025

Bingham County Planning and Development Director Tiffany Olsen met with the Board of County Commissioners and Civil Attorney to review Idaho Code Section 67-6526.

October 10, 2025	Letter sent to Mayor Carroll requesting to negotiate the Area of Impact. (<i>Exhibit CC-4</i>)
October 29, 2025	Meeting with Board of County Commissioners, Public Works, and Planning and Development Services to review the proposed Impact Map, Ordinance, and regulations of Blackfoot Area of Impact Title 9 Chapter 1.
November 3, 2025	Meeting with Board of County Commissioners, Public Works, and Planning and Development Services to review the proposed Impact Map. (<i>Exhibit CC-5</i>)
November 7, 2025	Letter to Mayor Carroll providing the proposed Impact Map, Ordinance, and regulations of Blackfoot Area of Impact Title 9 Chapter 1. (<i>Exhibit CC-6</i>)

NOTICE OF PUBLIC HEARING: In accordance with Idaho Code §67-6526(2)(a):

- a. A Public Hearing Notice and proposed Impact Map were provided by the County to each owner of property located within the proposed boundary. Notice was sent to 95 property owners on November 20, 2025 (*Exhibit CC-7 Affidavit of Mailing*)
- b. A Public Hearing Notice was published in the Idaho State Journal and Post Register, on November 11, November 19, and November 28, 2025 (*Exhibit CC-8 Affidavit of Publication*)
- c. A Public Hearing Notice, Impact Map, and proposed ordinance amendments to Title 9 Chapter 1 titled *Blackfoot Area of City Impact* were mailed to the City on November 7, 2025 (*Exhibit CC-6 Letter to Mayor Carroll*)

TESTIMONY: As of the date this Staff Report was issued, there has been no written testimony received for the Board of County Commissioners Public Hearing.

BOARD OF COUNTY COMMISSIONERS DECISION: After reviewing the testimony provided before the Public Hearing, the testimony that may be received at the Public Hearing, and any other evidence submitted, the Board may approve or deny the Area of Impact Ordinance and Map.

MAP MOTION: The Board may modify or confirm the boundaries of the Blackfoot Area of Impact Map by Ordinance. The motion shall contain the reasoning, including application of the facts relied upon and the pertinent requirements, and the criteria to establish the Map Area. Should the area be modified by including additional parcels, republication and notice will be required.

ORDINANCE MOTION: The Board may approve, modify, or deny the Ordinance providing regulations and standards for development within Bingham County Code Title 9 Chapter 1, titled *Blackfoot Area of City Impact*.



Idaho Statutes

EXHIBIT
CC-2

Idaho Statutes are updated to the website July 1 following the legislative session.

TITLE 67

STATE GOVERNMENT AND STATE AFFAIRS

CHAPTER 65

LOCAL LAND USE PLANNING

67-6526. AREAS OF IMPACT. (1) Legislative findings and intent.

(a) The legislature finds that areas of impact are properly under the jurisdiction of the county because the elected representatives of citizens in areas of impact are county officials, not city officials. While cities should receive notice of, and may provide input on, applications brought to the county in an area of impact, cities do not govern or control decisions on those applications. County commissioners make the final determination regarding area of impact boundaries within their county.

(b) An area of impact is where growth and development are expected to occur. Areas of impact should be planned for growth and development and should not be used to stop growth and development that conforms to applicable plans and ordinances. Areas of impact should be established, modified, or confirmed based on the ability and likelihood of a city or cities to annex lands within that area of impact in the near future. A city may adopt a comprehensive plan and conduct infrastructure, capital improvement, and other planning activities that extend beyond its current area of impact. Counties and cities shall review their area of impact boundaries at least every five (5) years to determine if modifications are needed or to confirm existing boundaries and may pursue modification of an established area of impact more frequently than every five (5) years.

(c) Prior to conducting the public hearings required under this chapter to establish, modify, or confirm an area of impact, cities and counties should work together to develop a proposed area of impact to be considered at the public hearing.

(d) Decisions regarding the establishment, modification, or confirmation of areas of impact are legislative actions and are not subject to judicial review or challenge except as provided in subsection (5) of this section.

(2) Establishing an area of impact.

(a) Following the notice and hearing procedures provided in section 67-6509, Idaho Code, and in accordance with the provisions of subsection (4) of this section, the board of county commissioners of each county shall adopt by ordinance a map identifying the area of impact within the unincorporated area of the county for each city located in the county. Written notice of the hearing to be conducted under this subsection shall be provided by the county to each owner of property located within a proposed area of impact. If notice is also published pursuant to section 67-6509, Idaho Code, individual property owners may not challenge the proceeding on the basis that they did not actually receive notice by mail. The cost of the notice shall be

reimbursed to the county by the city whose area of impact is under consideration. The board of county commissioners is not required to receive a recommendation from the planning and zoning commission prior to enacting an ordinance establishing an area of impact. An area of impact must be established before a city may annex adjacent territory pursuant to the provisions of section 50-222, Idaho Code.

(b) If the requirements of paragraph (a) of this subsection are not met in establishing an area of impact, the city may demand compliance with this subsection by providing notice to the board of county commissioners of the demand for compliance. Once a demand has been made, a recommendation committee shall be established. The city and county shall each select a representative to participate on the committee within thirty (30) days of the demand for compliance and the process set forth in this paragraph shall commence.

(i) After the city and county representatives have been selected, they shall in turn select another city representative living within the applicable city and another county representative living in the county and not within any city to serve on the recommending committee. Meetings of the recommending committee may be hosted by the city or county and shall be conducted in accordance with Idaho open meetings law. These four (4) persons shall, by majority vote, provide a written recommendation to the board of county commissioners for an area of impact. The written recommendation shall be submitted to the governing boards within one hundred eighty (180) days after the selection of the recommending committee members.

(ii) If the board of county commissioners fails to enact an ordinance providing for an area of impact within ninety (90) days of receipt of the committee recommendation or expiration of the one hundred eighty (180) days for the committee to make its recommendation, the city may file a petition with the district court to identify the area of impact pursuant to subsection (5) of this section and in accordance with other applicable provisions of this section.

(3) Modification or confirmation of area of impact boundaries.

(a) Modification or confirmation of an existing area of impact boundary may be initiated by a city or cities or the county. If a county is initiating a modification or confirmation of an area of impact, the county shall provide at least thirty (30) days written notice to the applicable city or cities of the hearing on the proposed modification or confirmation. Any modifications to or confirmation of an area of impact boundary must be adopted by an ordinance approved by the board of county commissioners of the applicable county, following the notice and hearing procedures provided in section 67-6509, Idaho Code, and in accordance with the requirements for defining an area of impact as set forth in subsection (4) of this section. At least fifteen (15) days prior to the hearing, written notice of the hearing to be conducted under this paragraph shall be provided by the county to each owner of property located within the portion of the area of impact that is proposed to be modified. If notice is also published pursuant to section 67-6509, Idaho Code, individual property owners may not challenge the proceeding on the basis that they did not actually receive notice by mail. If the modification or confirmation

is proposed by a city, then the cost of the notice shall be reimbursed to the county by such city. If the county is pursuing the modification or confirmation, then the cost of notification shall be borne by the county. The board of county commissioners is not required to receive a recommendation from the planning and zoning commission prior to enacting an ordinance modifying or confirming an area of impact.

(b) Where areas of impact abut each other and adjustments are being proposed, or where areas of impact are proposed to abut each other, the cities involved shall negotiate boundary adjustments to be recommended to the respective city councils. The city council of each city must approve the area of impact or modifications thereto to be proposed to the board of county commissioners. These decisions by the city councils are proposals and not subject to judicial review or challenge. If the cities with impact area boundaries that abut or are proposed to abut each other reach agreement on the proposed boundaries or adjustments thereto, the requested boundaries or adjustments shall be collectively submitted by the cities to the county for consideration in accordance with paragraph (a) of this subsection. If the cities cannot reach agreement, then any or all of the cities involved may submit their requests to the board of county commissioners for consideration pursuant to paragraph (a) of this subsection. In either case, the county shall conduct at least one (1) consolidated public hearing where it considers all such requests together.

(c) The county may accept, reject, or modify a city's requested modification or confirmation regarding an impact area boundary, but if the county does not make a final decision on the request within ninety (90) days of submission of the request, the city may petition the court to make a determination on the request pursuant to subsection (5) of this section.

(4) Provisions applicable to areas of impact.

(a) In defining an initial area of impact or in modifying or confirming an existing area of impact, the criteria set forth in this subsection shall be considered:

- (i) Anticipated commercial and residential growth;
- (ii) Geographic factors;
- (iii) Transportation infrastructure and systems, including connectivity;
- (iv) Areas where municipal or public sewer and water are expected to be provided within five (5) years; and
- (v) Other public service district boundaries.

(b) In addition to the criteria set forth in paragraph (a) of this subsection, an area of impact shall not exceed the areas that are very likely to be annexed to the city within the next five (5) years. Except as otherwise provided in this paragraph, an area of impact shall not extend more than two (2) miles from existing city limits. An area of impact boundary shall not divide county recognized parcels of land. If only a portion of a recognized parcel falls within the two (2) mile limit, then the boundary may extend beyond two (2) miles on that parcel so that it encompasses the entire parcel. Adjustments to an area of impact may be proposed and considered at any time following the initial establishment of the area of impact.

(c) Areas of impact may cross county boundaries only by approval of the governing board of county commissioners after following the procedures and complying with the requirements for modification or confirmation of an area of impact boundary.

(d) Areas of impact shall not overlap.

(e) The applicable county's comprehensive plan and zoning and subdivision ordinances shall apply in the area of impact. The county may adopt individual county comprehensive plan and zoning and subdivision ordinance provisions regarding a specific area of impact.

(f) Following adoption of an area of impact, the board of county commissioners shall provide the city with written notice at least fifteen (15) days in advance of any county public hearings held pursuant to this chapter or to chapter 13, title 50, Idaho Code, involving land within that area of impact.

(g) Areas of impact shall remain fixed until modifications are made pursuant to subsection (3) of this section.

(h) Prior to considering a request to establish, modify, or confirm an area of impact, the governing boards may, but are not required to, submit the request to the planning, zoning, or planning and zoning commission for recommendation. Each commission shall have a reasonable time fixed by its governing board in compliance with all required timelines set forth in this section to make its recommendation to the governing board. The county and the city shall undertake a review of the area of impact at least once every five (5) years and shall consider whether adjustments are in the best interests of the citizenry.

(i) This section shall not preclude annexation or other growth and development in areas of any county within the state of Idaho that are not within the areas of impact provided for herein.

(j) The county's decision establishing, modifying, or confirming the boundaries for an area of impact shall be made in writing and shall contain the reasoning of the board of county commissioners, including application of the facts relied upon by the commissioners and the application of the pertinent requirements and criteria to establish or modify an area of impact.

(k) If the area of impact has been properly established, persons living within the delimited area of impact shall be entitled to representation on the planning, zoning, or the planning and zoning commission of the city of impact. Such representation shall as nearly as possible reflect the proportion of population living within the city as opposed to the population living within the areas of impact for that city. To achieve such proportional representation, membership of the planning, zoning or planning and zoning commission may exceed twelve (12) persons, notwithstanding the provisions of subsection (a) of section 67-6504, Idaho Code. In instances where a city has combined either or both of its planning and zoning functions with the county, representation on the resulting joint planning, zoning or planning and zoning commission shall as nearly as possible reflect the proportion of population living within the impacted city, the area of impact outside the city, and the remaining unincorporated area of the county. Membership on such a joint planning, zoning or planning and zoning commission may exceed twelve (12) persons, notwithstanding the provisions of section 67-6504(a), Idaho Code.

(5) Petitions for review of establishment, modification, or confirmation of area of impact. The decisions by the board of county commissioners regarding the establishment, modification, or confirmation of areas of impact are legislative actions and are not subject to judicial review, declaratory action, or other legal challenge, except as specifically provided in this subsection.

(a)(i) If a county has not complied with the provisions of subsection (2) or (3) of this section, the city seeking the establishment, modification, or confirmation of an area of impact may petition the district court to establish, modify, or confirm an area of impact that meets the criteria and requirements of subsection (4) of this section in accordance with the procedures provided in this subsection. If the modification of an area of impact boundary involves areas of impact boundaries that abut each other or that are proposed to abut each other, then any city whose area of impact abuts or is proposed to abut another area of impact boundary may file a petition challenging the county's determination regarding only those boundaries that abut or that are proposed to abut each other. Any petition regarding a proposed area of impact or portion thereof that is subject to challenge must be filed in the county in which the proposed area of impact or portion thereof is located.

(ii) Before a city may file a petition for review of an area of impact decision made by the county, as provided in paragraph (a)(i) of this subsection, it must first file a request for reconsideration with the board of county commissioners. Such request must be filed within fourteen (14) days of the issuance of the written decision by the board of county commissioners and must specify deficiencies in the decision of the board of county commissioners. Filing a timely request for reconsideration is a prerequisite to the city having standing to file a petition with the district court. The county shall act on and issue a written decision on the request for reconsideration within thirty (30) days of receipt of the request or the request shall be deemed denied. A petition challenging the decision of the county must be filed by the city within twenty-eight (28) days after the issuance of a decision by the county on the request for reconsideration or expiration of the thirty (30) day period for the county to act on the request.

(b) When filing a petition challenging the decision of the board of county commissioners with the clerk of the court, the petitioner shall pay a fee of one hundred dollars (\$100), which fee shall be in full for all clerk's fees except the regular fees provided by law for appeals. The court shall fix a time for the hearing on the petition to be held no less than thirty (30) days and no more than ninety (90) days from the filing of the petition. The petitioner shall serve or cause to be served a copy of the petition and notice of the hearing on the board of county commissioners or county clerk and the mayor or city clerk of such other city whose area of impact boundary is in question pursuant to paragraph (a) of this subsection at least twenty (20) days before the date of the hearing.

(c) No petition, objection, or reply authorized under this subsection need be verified.

(d) The hearing on a petition filed pursuant to this subsection shall be held within the county in which the area of impact or portion thereof is situated. The regular district court reporter shall reduce to writing the testimony and evidence introduced in the same manner as in a trial of civil actions. The judge of the court, either before or after the hearing, may view the lands pertaining to the proposed area of impact, lands on the outside of the city or cities in the same vicinity in which the lands sought to be included in the area of impact are situated, and other lands within the corporate limits of the city that might in any way be affected by the granting of the petition. The judge may consider such modifications as the judge finds in connection with the evidence introduced at the hearing, in making and arriving at a final decision and determination of the matter.

(e)(i) If the court finds that the board of county commissioners did not follow the notice and hearing requirements provided in this subsection, the court shall remand the matter back to the board of county commissioners to comply with the requirements and issue a new decision. If the court finds that the decision of the board of county commissioners was not arbitrary, capricious, or an abuse of discretion, the court shall affirm the decision of the board of commissioners. If the court finds that the decision of the board of county commissioners was arbitrary, capricious, or an abuse of discretion, the court may remand the matter to the board of county commissioners to correct its decision or the court may determine the appropriate boundaries of the area of impact in question before it. It shall not be necessary for the judge of the court to make written findings of fact or conclusions of law unless the court establishes the area of impact boundary. The court may award attorney's fees and costs to the prevailing party in such an action only if it finds that the other party or parties acted without a reasonable basis in fact or law.

(ii) If the court establishes the area of impact boundary, such boundary shall become the area of impact boundary as of the date of the decree establishing the boundary. Within twenty (20) days after the filing of the decree, the petitioner shall file or cause to be filed with the county recorder and with the city clerk a certified copy of the decree. The board of county commissioners shall adopt an ordinance consistent with the court decree within thirty (30) days of the entry of the decree or be subject to contempt and other sanctions or actions deemed appropriate by the court.

(f) Any city or county aggrieved by the decision of the court may appeal from the decision and judgment to the supreme court. The procedure of the appeal shall be the same as the procedure for appeals from final judgment in civil actions.

(6) Cities and counties shall review their existing areas of impact and shall reestablish the areas in conformance with the provisions of this section by December 31, 2025. Failure to timely conduct such review and reestablishment shall nullify the current area of impact boundaries and require the city and county to go through the process set forth in subsection (2) of this section.

History:

[67-6526, added 1975, ch. 188, sec. 2, p. 515; am. 1977, ch. 155, sec. 1, p. 396; am. 1979, ch. 87, sec. 1, p. 212; am. 1993, ch. 55, sec. 1, p. 150; am. 1995, ch. 118, sec. 97, p. 506; am. 1996, ch. 116, sec. 2, p. 428; am. 1999, ch. 251, sec. 1, p. 651; am. 2002, ch. 333, sec. 6, p. 947.; am. 2024, ch. 227, sec. 2, p. 796.]

How current is this law?

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, 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 ½ of the West ½ of Section 36, T2S, R35 E.B.M.; thence South along the West ½ of the West ½ of Section 36, T2S, R35 E.B.M. to the Northeast corner of the West ½ of the West ½ of Section 1, T3S, R35 E.B.M. to the Northeast corner of the West ½ of the West ½ of Section 1, T3S, R35 E.B.M.; thence continuing South along the West ½ of the West ½ of Section 1, T3S, R35 E.B.M. to the Southwest corner of said West ½ of the West ½ 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.

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

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**EXHIBIT
CC-3**

- 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 the 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 §67-6526 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

DeVaughn Shipley
DeVaughn Shipley, Chairman

Wayne T. Brower
Wayne T. Brower, Commissioner

Cleone Jolley
Cleone Jolley, Commissioner



ORDINANCE 2002-08

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RECORDED IN THE REQUEST OF
BINGHAM COUNTY

2002 OCT 10 AM 10:22

BINGHAM COUNTY RECORDER
BLACK COIL, IDAHO
FEE *Q* DEF *Q*

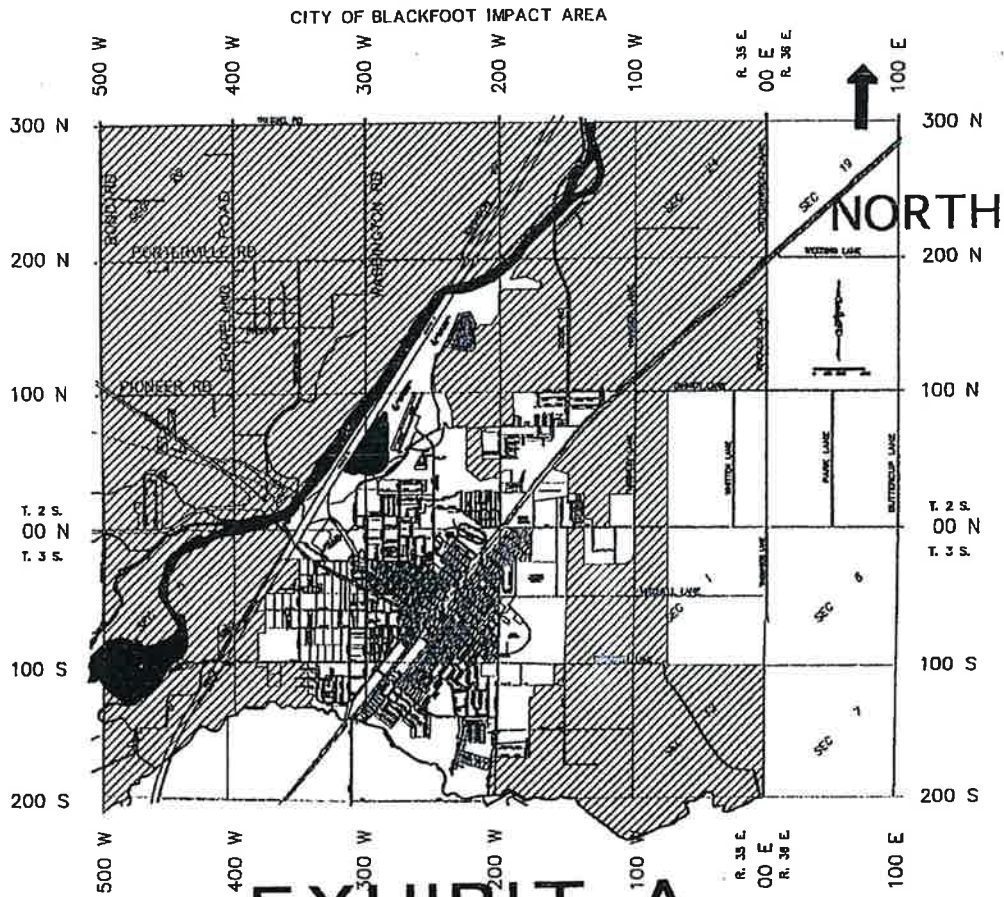


EXHIBIT A

517902



BINGHAM COUNTY PLANNING & DEVELOPMENT SERVICES

October 10, 2025

Dear Mayor Carroll,

As you are aware, the state legislature made modifications to the areas of city impact regulations this last session, effective July 1, 2024. Now, pursuant to Idaho Code, each Area of Impact Agreement shall be re-evaluated for compliance with the new criteria and re-adopted by the end of 2025, with initiation by either the county or the city.

The applicable criteria are summarized as follows:

- An area of impact shall not exceed the areas that are very likely to be annexed to the City within the next five (5) years.
- An area of impact shall not extend more than two (2) miles from existing city limits.
- An area of impact boundary shall not divide county-recognized parcels of land. If only a portion of a recognized parcel falls within the two (2) mile limit, then the boundary may extend beyond two (2) miles on that parcel so that it encompasses the entire parcel.
- Areas of impact shall not overlap.
- The applicable County's Comprehensive Plan and Zoning Ordinances shall apply in the area of impact.
- The County may adopt individual Comprehensive Plan and Zoning Ordinance provisions regarding a specific area of impact.
- In confirming an area of impact, the following criteria shall be considered:
 - ❖ Anticipated commercial and residential growth;
 - ❖ Geographic factors;
 - ❖ Transportation infrastructure and systems, including connectivity;
 - ❖ Areas where municipal or public sewer and water are expected to be provided within five (5) years; and
 - ❖ Other public service district boundaries.

In preparation for the review of the area boundaries, we have prepared maps of the current Impact Area boundary, including properties annexed into the City of Blackfoot in the last five (5) and ten (10) years. We ask that you provide the areas you plan to annex in the next five (5) years, the locations of where city services extend to within the county, and any other items that we should consider based on the criteria above as soon as possible. With this information, we will prepare a proposed map for further discussion.

To meet the publication deadlines associated with the ordinance, we hope to reach an agreement by November 7, 2025. Feel free to contact me with any questions or concerns.

Sincerely,

A handwritten signature in blue ink that reads "Tiffany G. Olsen".

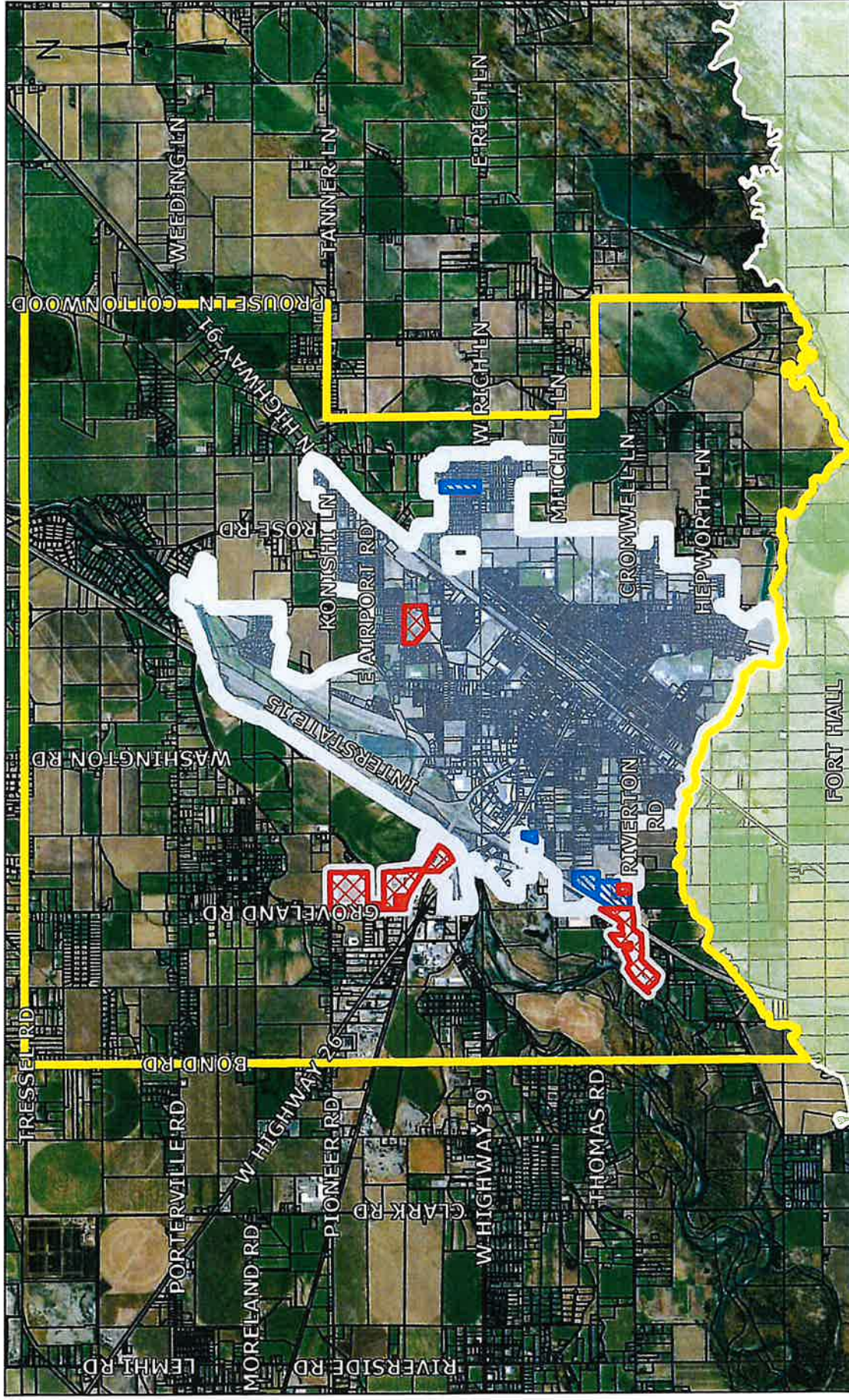
Tiffany G. Olsen
Director

Encl.





CC: Board of County Commissioners
Paul Rogers, County Civil Attorney

**EXHIBIT
CC-4**

BLACKFOOT AREA OF IMPACT WITH 5 & 10 YEAR ANNEXATIONS

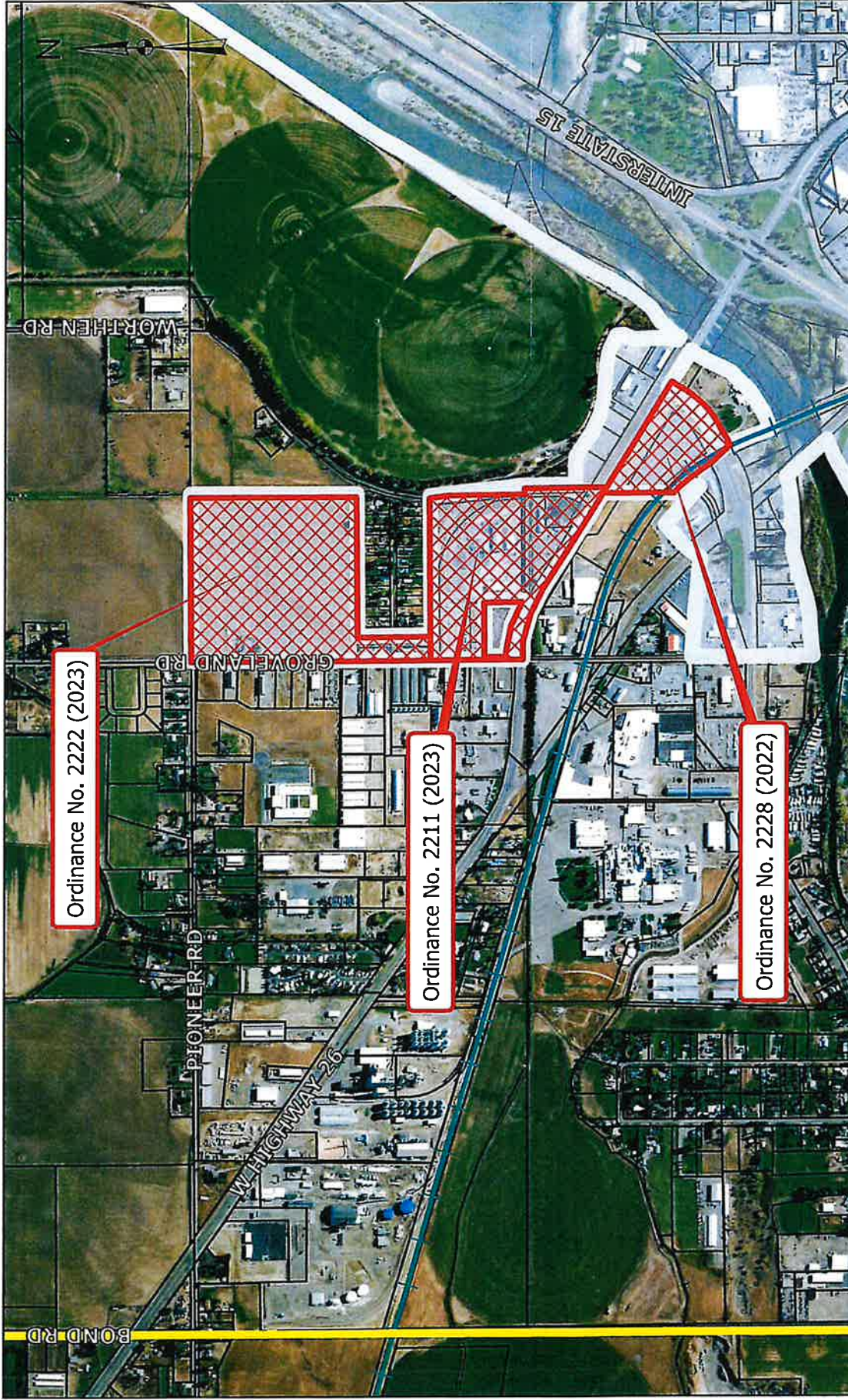


LEGEND

-  Last 5 Years Annexations
-  Last 10 Years Annexations
-  Parcels
-  Impact Area
-  City Boundary
-  Fort Hall Boundary



BLACKFOOT AREA OF IMPACT - WESTERN (GROVELAND AREA) ANNEXATIONS

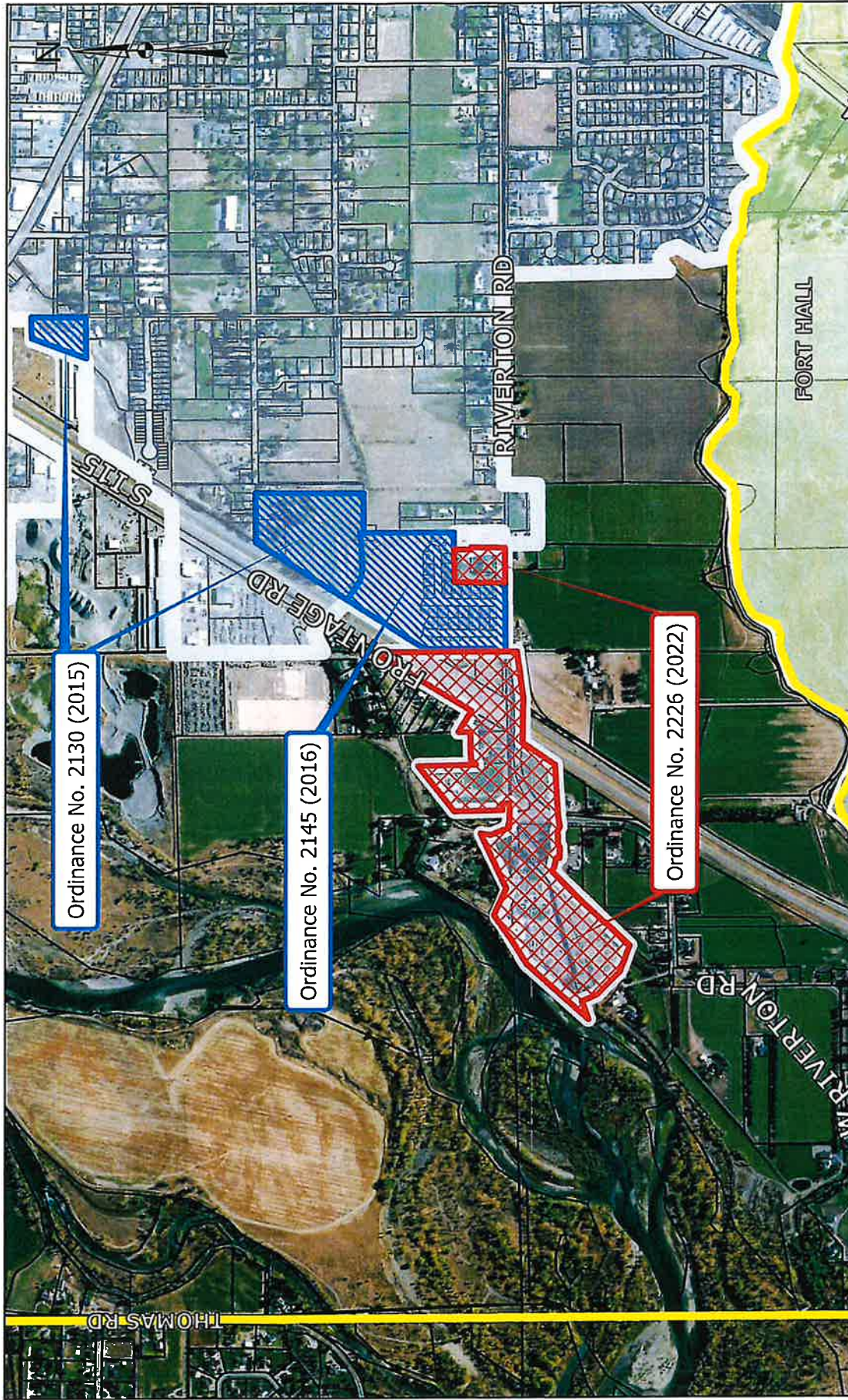


LEGEND




-  Last 5 Years Annexations
-  Railroad
-  Parcels
-  Impact Area
-  City Boundary

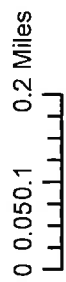


BLACKFOOT AREA OF IMPACT - SOUTHWESTERN ANNEXATIONS

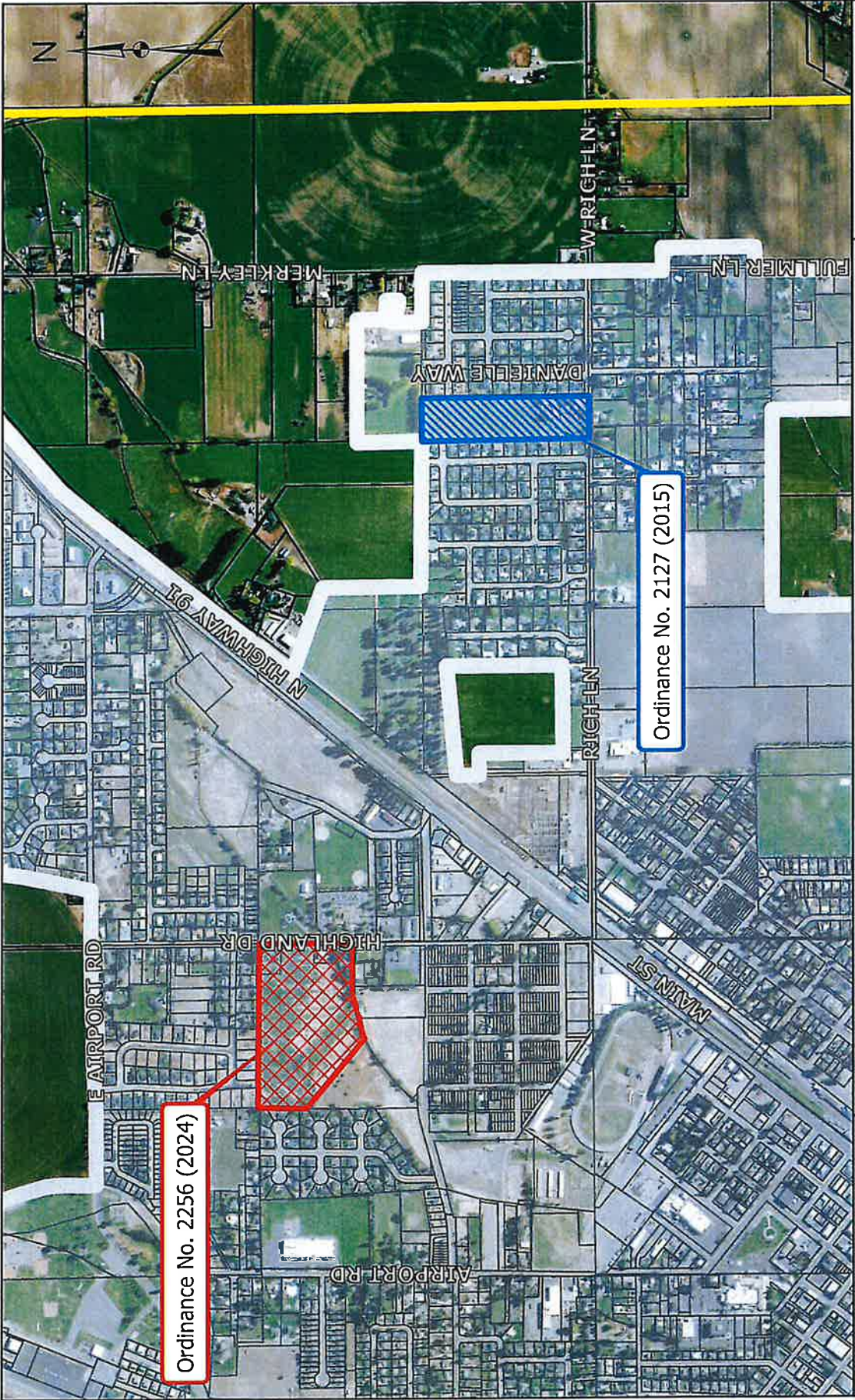


LEGEND

-  Last 10 Years Annexations
-  Last 5 Years Annexations
-  Parcels
-  Impact Area
-  City Boundary
-  Fort Hall Boundary



BLACKFOOT AREA OF IMPACT - NORTHEASTERN ANNEXATIONS





LEGEND

	Last 5 Years Annexations		Impact Area
	Last 10 Years Annexations		City Boundary
	Parcels		

0 0.050.1 0.2 Miles





Idaho Statutes

Idaho Statutes are updated to the website July 1 following the legislative session.

TITLE 67

STATE GOVERNMENT AND STATE AFFAIRS

CHAPTER 65

LOCAL LAND USE PLANNING

67-6526. AREAS OF IMPACT. (1) Legislative findings and intent.

(a) The legislature finds that areas of impact are properly under the jurisdiction of the county because the elected representatives of citizens in areas of impact are county officials, not city officials. While cities should receive notice of, and may provide input on, applications brought to the county in an area of impact, cities do not govern or control decisions on those applications. County commissioners make the final determination regarding area of impact boundaries within their county.

(b) An area of impact is where growth and development are expected to occur. Areas of impact should be planned for growth and development and should not be used to stop growth and development that conforms to applicable plans and ordinances. Areas of impact should be established, modified, or confirmed based on the ability and likelihood of a city or cities to annex lands within that area of impact in the near future. A city may adopt a comprehensive plan and conduct infrastructure, capital improvement, and other planning activities that extend beyond its current area of impact. Counties and cities shall review their area of impact boundaries at least every five (5) years to determine if modifications are needed or to confirm existing boundaries and may pursue modification of an established area of impact more frequently than every five (5) years.

(c) Prior to conducting the public hearings required under this chapter to establish, modify, or confirm an area of impact, cities and counties should work together to develop a proposed area of impact to be considered at the public hearing.

(d) Decisions regarding the establishment, modification, or confirmation of areas of impact are legislative actions and are not subject to judicial review or challenge except as provided in subsection (5) of this section.

(2) Establishing an area of impact.

(a) Following the notice and hearing procedures provided in section 67-6509, Idaho Code, and in accordance with the provisions of subsection (4) of this section, the board of county commissioners of each county shall adopt by ordinance a map identifying the area of impact within the unincorporated area of the county for each city located in the county. Written notice of the hearing to be conducted under this subsection shall be provided by the county to each owner of property located within a proposed area of impact. If notice is also published pursuant to section 67-6509, Idaho Code, individual property owners may not challenge the proceeding on the basis that they did not actually receive notice by mail. The cost of the notice shall be

reimbursed to the county by the city whose area of impact is under consideration. The board of county commissioners is not required to receive a recommendation from the planning and zoning commission prior to enacting an ordinance establishing an area of impact. An area of impact must be established before a city may annex adjacent territory pursuant to the provisions of section 50-222, Idaho Code.

(b) If the requirements of paragraph (a) of this subsection are not met in establishing an area of impact, the city may demand compliance with this subsection by providing notice to the board of county commissioners of the demand for compliance. Once a demand has been made, a recommendation committee shall be established. The city and county shall each select a representative to participate on the committee within thirty (30) days of the demand for compliance and the process set forth in this paragraph shall commence.

(i) After the city and county representatives have been selected, they shall in turn select another city representative living within the applicable city and another county representative living in the county and not within any city to serve on the recommending committee. Meetings of the recommending committee may be hosted by the city or county and shall be conducted in accordance with Idaho open meetings law. These four (4) persons shall, by majority vote, provide a written recommendation to the board of county commissioners for an area of impact. The written recommendation shall be submitted to the governing boards within one hundred eighty (180) days after the selection of the recommending committee members.

(ii) If the board of county commissioners fails to enact an ordinance providing for an area of impact within ninety (90) days of receipt of the committee recommendation or expiration of the one hundred eighty (180) days for the committee to make its recommendation, the city may file a petition with the district court to identify the area of impact pursuant to subsection (5) of this section and in accordance with other applicable provisions of this section.

(3) Modification or confirmation of area of impact boundaries.

(a) Modification or confirmation of an existing area of impact boundary may be initiated by a city or cities or the county. If a county is initiating a modification or confirmation of an area of impact, the county shall provide at least thirty (30) days written notice to the applicable city or cities of the hearing on the proposed modification or confirmation. Any modifications to or confirmation of an area of impact boundary must be adopted by an ordinance approved by the board of county commissioners of the applicable county, following the notice and hearing procedures provided in section 67-6509, Idaho Code, and in accordance with the requirements for defining an area of impact as set forth in subsection (4) of this section. At least fifteen (15) days prior to the hearing, written notice of the hearing to be conducted under this paragraph shall be provided by the county to each owner of property located within the portion of the area of impact that is proposed to be modified. If notice is also published pursuant to section 67-6509, Idaho Code, individual property owners may not challenge the proceeding on the basis that they did not actually receive notice by mail. If the modification or confirmation

is proposed by a city, then the cost of the notice shall be reimbursed to the county by such city. If the county is pursuing the modification or confirmation, then the cost of notification shall be borne by the county. The board of county commissioners is not required to receive a recommendation from the planning and zoning commission prior to enacting an ordinance modifying or confirming an area of impact.

(b) Where areas of impact abut each other and adjustments are being proposed, or where areas of impact are proposed to abut each other, the cities involved shall negotiate boundary adjustments to be recommended to the respective city councils. The city council of each city must approve the area of impact or modifications thereto to be proposed to the board of county commissioners. These decisions by the city councils are proposals and not subject to judicial review or challenge. If the cities with impact area boundaries that abut or are proposed to abut each other reach agreement on the proposed boundaries or adjustments thereto, the requested boundaries or adjustments shall be collectively submitted by the cities to the county for consideration in accordance with paragraph (a) of this subsection. If the cities cannot reach agreement, then any or all of the cities involved may submit their requests to the board of county commissioners for consideration pursuant to paragraph (a) of this subsection. In either case, the county shall conduct at least one (1) consolidated public hearing where it considers all such requests together.

(c) The county may accept, reject, or modify a city's requested modification or confirmation regarding an impact area boundary, but if the county does not make a final decision on the request within ninety (90) days of submission of the request, the city may petition the court to make a determination on the request pursuant to subsection (5) of this section.

(4) Provisions applicable to areas of impact.

(a) In defining an initial area of impact or in modifying or confirming an existing area of impact, the criteria set forth in this subsection shall be considered:

- (i) Anticipated commercial and residential growth;
- (ii) Geographic factors;
- (iii) Transportation infrastructure and systems, including connectivity;
- (iv) Areas where municipal or public sewer and water are expected to be provided within five (5) years; and
- (v) Other public service district boundaries.

(b) In addition to the criteria set forth in paragraph (a) of this subsection, an area of impact shall not exceed the areas that are very likely to be annexed to the city within the next five (5) years. Except as otherwise provided in this paragraph, an area of impact shall not extend more than two (2) miles from existing city limits. An area of impact boundary shall not divide county recognized parcels of land. If only a portion of a recognized parcel falls within the two (2) mile limit, then the boundary may extend beyond two (2) miles on that parcel so that it encompasses the entire parcel. Adjustments to an area of impact may be proposed and considered at any time following the initial establishment of the area of impact.

(c) Areas of impact may cross county boundaries only by approval of the governing board of county commissioners after following the procedures and complying with the requirements for modification or confirmation of an area of impact boundary.

(d) Areas of impact shall not overlap.

(e) The applicable county's comprehensive plan and zoning and subdivision ordinances shall apply in the area of impact. The county may adopt individual county comprehensive plan and zoning and subdivision ordinance provisions regarding a specific area of impact.

(f) Following adoption of an area of impact, the board of county commissioners shall provide the city with written notice at least fifteen (15) days in advance of any county public hearings held pursuant to this chapter or to chapter 13, title 50, Idaho Code, involving land within that area of impact.

(g) Areas of impact shall remain fixed until modifications are made pursuant to subsection (3) of this section.

(h) Prior to considering a request to establish, modify, or confirm an area of impact, the governing boards may, but are not required to, submit the request to the planning, zoning, or planning and zoning commission for recommendation. Each commission shall have a reasonable time fixed by its governing board in compliance with all required timelines set forth in this section to make its recommendation to the governing board. The county and the city shall undertake a review of the area of impact at least once every five (5) years and shall consider whether adjustments are in the best interests of the citizenry.

(i) This section shall not preclude annexation or other growth and development in areas of any county within the state of Idaho that are not within the areas of impact provided for herein.

(j) The county's decision establishing, modifying, or confirming the boundaries for an area of impact shall be made in writing and shall contain the reasoning of the board of county commissioners, including application of the facts relied upon by the commissioners and the application of the pertinent requirements and criteria to establish or modify an area of impact.

(k) If the area of impact has been properly established, persons living within the delimited area of impact shall be entitled to representation on the planning, zoning, or the planning and zoning commission of the city of impact. Such representation shall as nearly as possible reflect the proportion of population living within the city as opposed to the population living within the areas of impact for that city. To achieve such proportional representation, membership of the planning, zoning or planning and zoning commission may exceed twelve (12) persons, notwithstanding the provisions of subsection (a) of section 67-6504, Idaho Code. In instances where a city has combined either or both of its planning and zoning functions with the county, representation on the resulting joint planning, zoning or planning and zoning commission shall as nearly as possible reflect the proportion of population living within the impacted city, the area of impact outside the city, and the remaining unincorporated area of the county. Membership on such a joint planning, zoning or planning and zoning commission may exceed twelve (12) persons, notwithstanding the provisions of section 67-6504(a), Idaho Code.

(5) Petitions for review of establishment, modification, or confirmation of area of impact. The decisions by the board of county commissioners regarding the establishment, modification, or confirmation of areas of impact are legislative actions and are not subject to judicial review, declaratory action, or other legal challenge, except as specifically provided in this subsection.

(a)(i) If a county has not complied with the provisions of subsection (2) or (3) of this section, the city seeking the establishment, modification, or confirmation of an area of impact may petition the district court to establish, modify, or confirm an area of impact that meets the criteria and requirements of subsection (4) of this section in accordance with the procedures provided in this subsection. If the modification of an area of impact boundary involves areas of impact boundaries that abut each other or that are proposed to abut each other, then any city whose area of impact abuts or is proposed to abut another area of impact boundary may file a petition challenging the county's determination regarding only those boundaries that abut or that are proposed to abut each other. Any petition regarding a proposed area of impact or portion thereof that is subject to challenge must be filed in the county in which the proposed area of impact or portion thereof is located.

(ii) Before a city may file a petition for review of an area of impact decision made by the county, as provided in paragraph (a) (i) of this subsection, it must first file a request for reconsideration with the board of county commissioners. Such request must be filed within fourteen (14) days of the issuance of the written decision by the board of county commissioners and must specify deficiencies in the decision of the board of county commissioners. Filing a timely request for reconsideration is a prerequisite to the city having standing to file a petition with the district court. The county shall act on and issue a written decision on the request for reconsideration within thirty (30) days of receipt of the request or the request shall be deemed denied. A petition challenging the decision of the county must be filed by the city within twenty-eight (28) days after the issuance of a decision by the county on the request for reconsideration or expiration of the thirty (30) day period for the county to act on the request.

(b) When filing a petition challenging the decision of the board of county commissioners with the clerk of the court, the petitioner shall pay a fee of one hundred dollars (\$100), which fee shall be in full for all clerk's fees except the regular fees provided by law for appeals. The court shall fix a time for the hearing on the petition to be held no less than thirty (30) days and no more than ninety (90) days from the filing of the petition. The petitioner shall serve or cause to be served a copy of the petition and notice of the hearing on the board of county commissioners or county clerk and the mayor or city clerk of such other city whose area of impact boundary is in question pursuant to paragraph (a) of this subsection at least twenty (20) days before the date of the hearing.

(c) No petition, objection, or reply authorized under this subsection need be verified.

(d) The hearing on a petition filed pursuant to this subsection shall be held within the county in which the area of impact or portion thereof is situated. The regular district court reporter shall reduce to writing the testimony and evidence introduced in the same manner as in a trial of civil actions. The judge of the court, either before or after the hearing, may view the lands pertaining to the proposed area of impact, lands on the outside of the city or cities in the same vicinity in which the lands sought to be included in the area of impact are situated, and other lands within the corporate limits of the city that might in any way be affected by the granting of the petition. The judge may consider such modifications as the judge finds in connection with the evidence introduced at the hearing, in making and arriving at a final decision and determination of the matter.

(e)(i) If the court finds that the board of county commissioners did not follow the notice and hearing requirements provided in this subsection, the court shall remand the matter back to the board of county commissioners to comply with the requirements and issue a new decision. If the court finds that the decision of the board of county commissioners was not arbitrary, capricious, or an abuse of discretion, the court shall affirm the decision of the board of commissioners. If the court finds that the decision of the board of county commissioners was arbitrary, capricious, or an abuse of discretion, the court may remand the matter to the board of county commissioners to correct its decision or the court may determine the appropriate boundaries of the area of impact in question before it. It shall not be necessary for the judge of the court to make written findings of fact or conclusions of law unless the court establishes the area of impact boundary. The court may award attorney's fees and costs to the prevailing party in such an action only if it finds that the other party or parties acted without a reasonable basis in fact or law.

(ii) If the court establishes the area of impact boundary, such boundary shall become the area of impact boundary as of the date of the decree establishing the boundary. Within twenty (20) days after the filing of the decree, the petitioner shall file or cause to be filed with the county recorder and with the city clerk a certified copy of the decree. The board of county commissioners shall adopt an ordinance consistent with the court decree within thirty (30) days of the entry of the decree or be subject to contempt and other sanctions or actions deemed appropriate by the court.

(f) Any city or county aggrieved by the decision of the court may appeal from the decision and judgment to the supreme court. The procedure of the appeal shall be the same as the procedure for appeals from final judgment in civil actions.

(6) Cities and counties shall review their existing areas of impact and shall reestablish the areas in conformance with the provisions of this section by December 31, 2025. Failure to timely conduct such review and reestablishment shall nullify the current area of impact boundaries and require the city and county to go through the process set forth in subsection (2) of this section.

History:

[67-6526, added 1975, ch. 188, sec. 2, p. 515; am. 1977, ch. 155, sec. 1, p. 396; am. 1979, ch. 87, sec. 1, p. 212; am. 1993, ch. 55, sec. 1, p. 150; am. 1995, ch. 118, sec. 97, p. 506; am. 1996, ch. 116, sec. 2, p. 428; am. 1999, ch. 251, sec. 1, p. 651; am. 2002, ch. 333, sec. 6, p. 947.; am. 2024, ch. 227, sec. 2, p. 796.]

How current is this law?

CITY OF BLACKFOOT AREA OF IMPACT

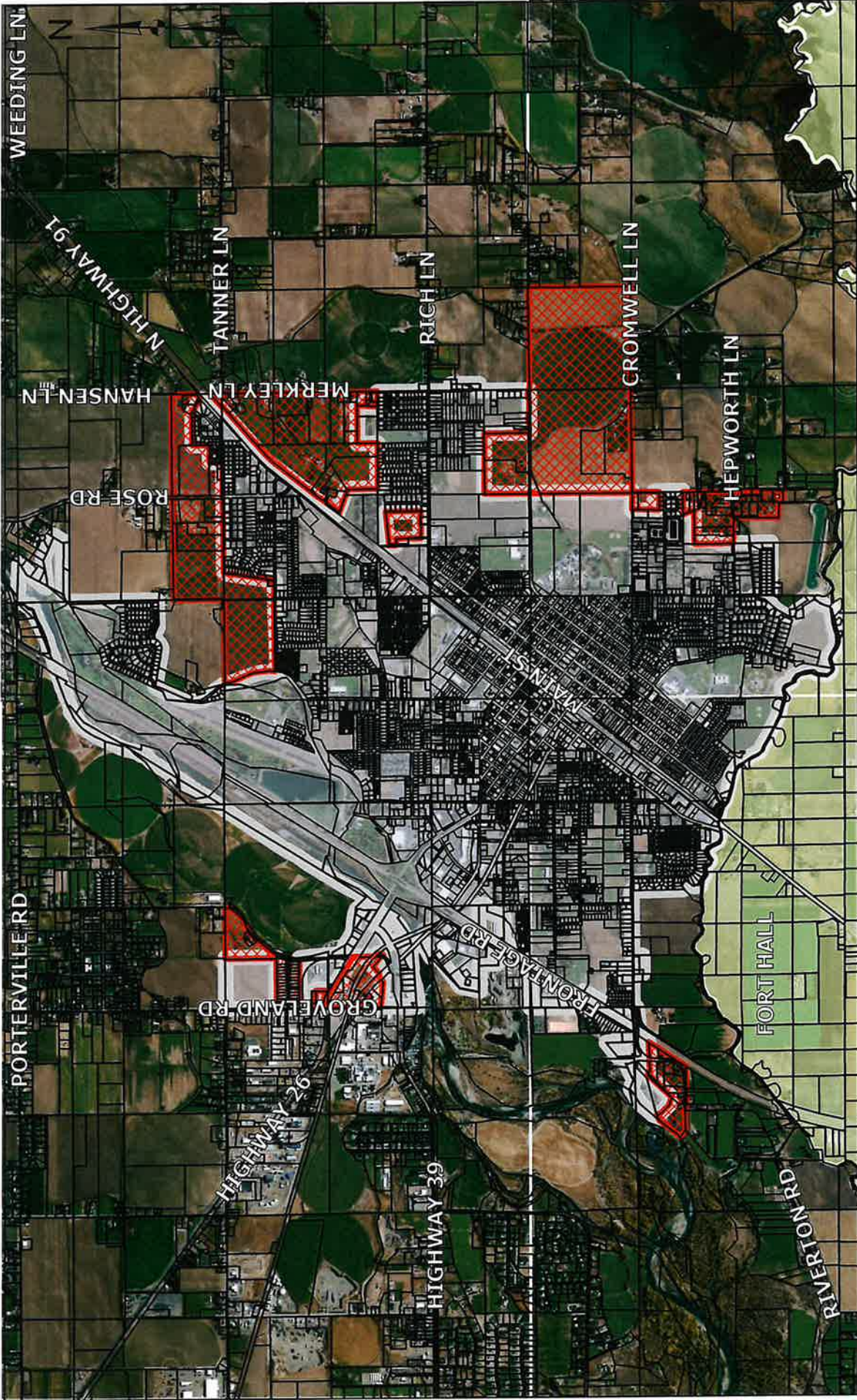
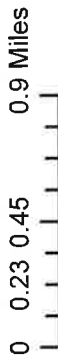


EXHIBIT
CC-5

LEGEND

- City of Blackfoot
- Area of Impact
- Parcels
- Fort Hall Boundary





BINGHAM COUNTY PLANNING & DEVELOPMENT SERVICES

November 7, 2025

Dear Mayor Carroll,

I am writing to follow up on the County's previous requests to initiate negotiations to amend the Area of Impact with the City of Blackfoot. Despite our outreach and efforts to engage in collaborative discussions, we have not been able to meet. Therefore, in accordance with Idaho Code Section 67-6526, and in the interest of meeting the ordinance adoption deadline, the County is preparing to propose Area of Impact boundaries independently.

We remain committed to working cooperatively with the City and would prefer to reach a mutually agreed-upon boundary through joint negotiation. However, in the absence of engagement, we will proceed with presenting a proposed boundary for public consideration at a Public Hearing. Enclosed with this letter is the Notice of Public Hearing set for December 10, 2025, and the County's proposed ordinance and boundary.

If you have any questions, please let me know.

Sincerely,

A handwritten signature in blue ink that reads "Tiffany G. Olsen".

Tiffany G. Olsen
Director

Encl.

CC: Board of County Commissioners
Paul Rogers, County Civil Attorney

EXHIBIT
CC-6

BINGHAM COUNTY ORDINANCE NO. 2025-__

AN ORDINANCE PROVIDING FOR THE IDENTIFICATION OF AN AREA WITHIN THE COUNTY OF BINGHAM AS AN IMPACT AREA FOR THE CITY OF BLACKFOOT; PROVIDING FOR THE ORDINANCES AND REGULATIONS TO APPLY WITHIN SUCH IDENTIFIED IMPACT AREA MAP; PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT OF SUCH ORDINANCES AND REGULATIONS; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR SEVERABILITY; PROVIDING THAT THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT AS OF ITS PASSAGE, APPROVAL, AND PUBLICATION ACCORDING TO LAW.

WHEREAS, the Idaho Code Section 67-6526 requires that Cities and Counties shall adopt an Area of Impact (AOI) as identified on a map wherein the AOI within the unincorporated area of the County is identified, and by separate ordinance, provide for the application of plans and ordinances within the AOI; and

WHEREAS, the City of Blackfoot ("City") and Bingham County ("County") entered into an Impact Area Agreement with a map on September 30, 2002; and

WHEREAS, the City and the County have agreed to negotiate the Agreement and map following the requirements of Idaho Code Section 67-6526; and

WHEREAS, such negotiations considered the following factors, among others:

1. Anticipated Growth;
2. Geographic Factors;
3. Areas that can reasonably be expected to be annexed into the City in the future;
4. Areas where municipal or public sewer and water services are expected to be provided within five (5) years; and
5. Other public service District boundaries.

WHEREAS, the County has held hearings on the proposed AOI in accordance with due and regular notice procedures of Idaho Code Sections 67-6509 and 67-6526 with notification to the City; and

WHEREAS, the Blackfoot Area of City Impact with a boundary map, is attached hereto and incorporated herein as Exhibit "A."

NOW THEREFORE, BE IT ORDAINED BY THE BINGHAM COUNTY BOARD OF COUNTY COMMISSIONERS, AS FOLLOWS:

SECTION 1: PURPOSE

The purpose of this ordinance is to establish an Area of Impact (AOI) and map for the City of Blackfoot as required by Idaho Code Section 67-6526. This ordinance ensures coordination

between Bingham County and the City of Blackfoot in planning and zoning matters while recognizing the County's jurisdiction over unincorporated areas.

SECTION 2: BOUNDARIES OF THE AREA OF IMPACT

The boundaries of the Area of Impact shall be depicted on the official map attached hereto as Exhibit "A" and incorporated herein by reference.

SECTION 3: APPLICABLE PLANS AND ORDINANCES

A. Comprehensive Plan: The Bingham County Comprehensive Plan, as amended and any subsequent amendments, shall apply within the AOI. The City of Blackfoot's Comprehensive Plan may be considered as an advisory document for planning purposes within the AOI.

B. Zoning Ordinance: The Bingham County zoning ordinances, zoning map, and subdivision ordinances, as amended and any subsequent amendments, shall apply within the AOI.

SECTION 4: NOTICE

Any application for a change in the Comprehensive Plan, zoning ordinances, conditional use permits, variances, or subdivision plats shall be submitted to the City at least thirty (30) days before any proposed action, with the City having the right to review plans and make recommendations for change or provide other evidence pertinent to the application, if desired.

SECTION 5: PUBLIC UTILITIES

All subdivisions and commercial or industrial developments approved in the AOI 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: REVIEW AND MODIFICATION

The AOI boundary map shall be reviewed at least once every five (5) years to determine if modifications are necessary. Any modifications shall follow the procedures as required in Idaho Code Section 67-6526.

SECTION 7: ENFORCEMENT

The County shall enforce the applicable ordinances, permits, and licenses in the AOI.

SECTION 8: SEVERABILITY

The provisions of this ordinance are severable, and in the event any provision hereof is determined to be unenforceable or invalid for any reason, such determination shall not affect the enforceability of the remaining provisions.

SECTION 9: EFFECTIVE DATE

This ordinance shall be in full force and effect from and after its passage, approval, and publication according to law.

PASSED AND APPROVED on this ____ day of _____, 2025.

BOARD OF COUNTY COMMISSIONERS
BINGHAM COUNTY, IDAHO

WHITNEY MANWARING, CHAIRMAN

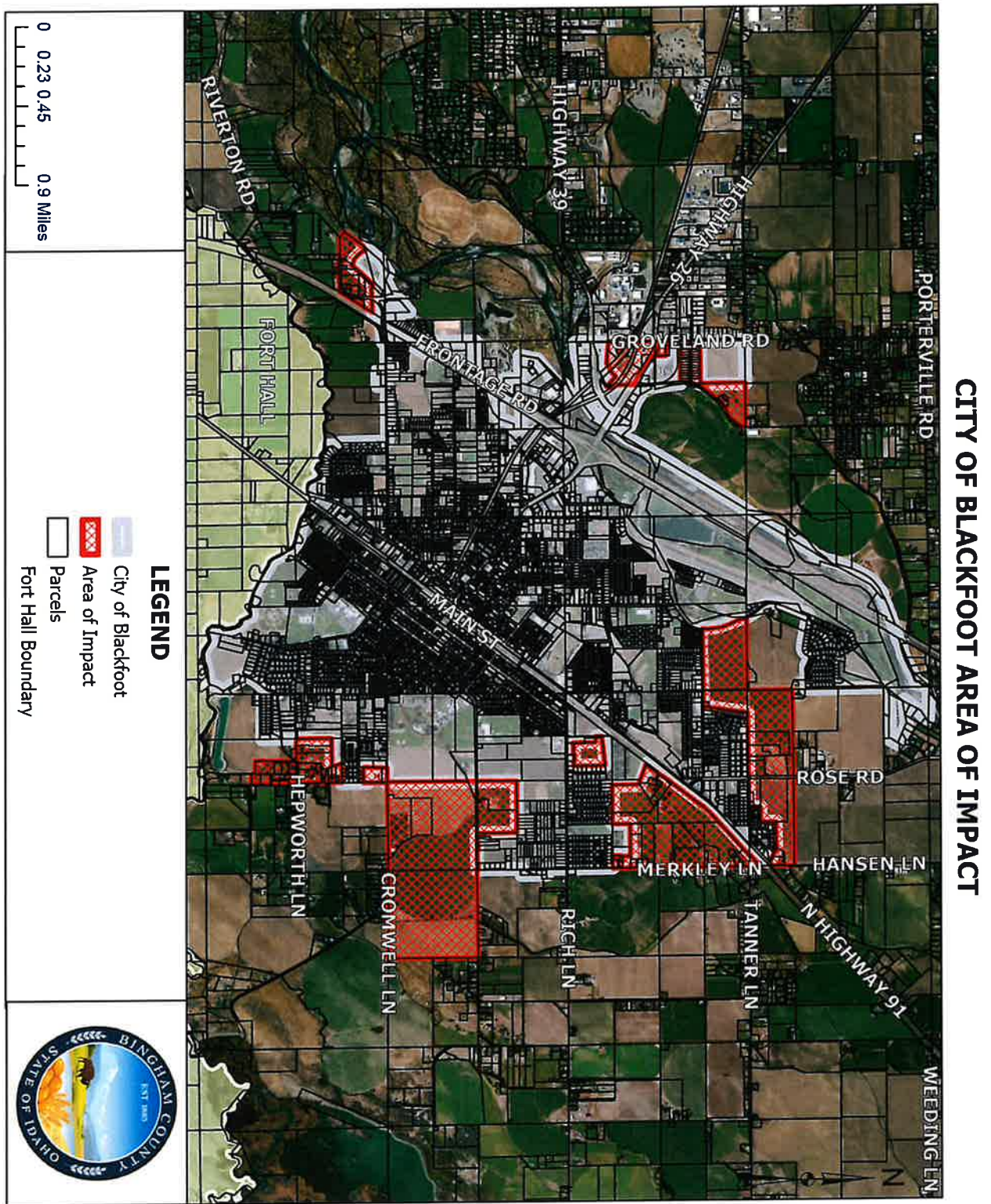
DREW JENSEN, COMMISSIONER

ERIC JACKSON, COMMISSIONER

BINGHAM COUNTY CLERK

Attest: _____
PAMELA W. ECKHARDT

EXHIBIT "A"
AREA OF IMPACT MAP
BINGHAM COUNTY / CITY OF BLACKFOOT



BINGHAM COUNTY ORDINANCE 2025-____

**TITLE 9 “AREAS OF IMPACT”
CHAPTER 1 “BLACKFOOT AREA OF IMPACT”**

AN ORDINANCE OF BINGHAM COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF IDAHO, REPEALING TITLE 9 CHAPTER 1 TITLED “BLACKFOOT AREA OF CITY IMPACT” AND ENACTING A NEW ORDINANCE WITH THE SAME TITLE THAT PROVIDES FOR THE ORDINANCES AND REGULATIONS THAT APPLY WITHIN SUCH IDENTIFIED IMPACT AREA MAP; PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT OF SUCH ORDINANCES AND REGULATIONS; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR SEVERABILITY; PROVIDING THAT THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT FROM AND AFTER ITS PASSAGE, APPROVAL, AND PUBLICATION ACCORDING TO LAW.

WHEREAS, the Idaho Code Section 67-6526 requires that Cities and Counties shall adopt an Area of Impact (AOI) as identified on a map wherein the AOI within the unincorporated area of the County is identified, and by separate ordinance, provide for the application of plans and ordinances within the AOI; and

WHEREAS, the City of Blackfoot (“City”) and Bingham County (“County”) entered into an Impact Area Agreement with a map on September 30, 2002; and

WHEREAS, the City and the County have agreed to negotiate the Agreement and map following the requirements of Idaho Code Section 67-6526; and

WHEREAS, such negotiations considered the following factors, among others:

1. Anticipated Growth;
2. Geographic Factors;
3. Areas that can reasonably be expected to be annexed into the City in the future;
4. Areas where municipal or public sewer and water services are expected to be provided within five (5) years; and
5. Other public service District boundaries.

WHEREAS, the County has held hearings on the proposed AOI in accordance with due and regular notice procedures of Idaho Code Sections 67-6509 and 67-6526 in coordination with the City; and

WHEREAS, the governing boards for the City and the County have each agreed to the Area of City Impact with a boundary map, attached hereto and incorporated herein as Exhibit “A for the City of Blackfoot.

NOW THEREFORE, BE IT ORDAINED BY THE BINGHAM COUNTY BOARD OF COUNTY COMMISSIONERS, AS FOLLOWS:

SECTION 1: That Title 9 Chapter 1 be repealed and replaced with the following:

9-1-1: PURPOSE

The purpose of this ordinance is to establish an Area of Impact (AOI) and map for the City of Blackfoot as required by Idaho Code Section 67-6526. This ordinance ensures coordination between Bingham County and the City of Blackfoot in planning and zoning matters while recognizing the County's jurisdiction over unincorporated areas.

9-1-2: BOUNDARIES OF THE AREA OF IMPACT

The boundaries of the Area of Impact shall be depicted on the official map identified as Exhibit A on file with the Bingham County Planning and Development Services Department and incorporated herein by reference.

9-1-3: APPLICABLE PLANS AND ORDINANCES

A. Comprehensive Plan: The Bingham County Comprehensive Plan, as amended and any subsequent amendments, shall apply within the AOI. The City of Blackfoot's Comprehensive Plan may be considered as an advisory document for planning purposes within the AOI.

B. Zoning Ordinance: The Bingham County zoning ordinances, zoning map, and subdivision ordinances, as amended and any subsequent amendments, shall apply within the AOI.

9-1-4: NOTICE

Any application for a change in the Comprehensive Plan, zoning ordinances, conditional use permits, variances, or subdivision plats shall be submitted to the City at least thirty (30) days before any proposed action, with the City having the right to review plans and make recommendations for change or provide other evidence pertinent to the application, if desired.

9-1-5: PUBLIC UTILITIES

All subdivisions and commercial or industrial developments approved in the AOI 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.

9-1-6: REVIEW AND MODIFICATION

The AOI boundary map shall be reviewed at least once every five (5) years to determine if modifications are necessary. Any modifications shall follow the procedures as required in Idaho Code Section 67-6526.

9-1-7: ENFORCEMENT

The County shall enforce the applicable ordinances, permits, and licenses in the AOI.

SECTION 2: That all other portions of Ordinance No. 84-2 not herein amended shall remain in full force and effect.

SECTION 3: This Ordinance shall be in full force and effect from and after its passage, approval, and publication according to law.

PASSED AND APPROVED on this ____ day of _____, 2025.

BOARD OF COUNTY COMMISSIONERS
BINGHAM COUNTY, IDAHO

WHITNEY MANWARING, CHAIRMAN

DREW JENSEN, COMMISSIONER

ERIC JACKSON, COMMISSIONER

BINGHAM COUNTY CLERK

Attest: _____
PAMELA W. ECKHARDT

**AREA OF CITY IMPACT - CITY OF BLACKFOOT
PROPERTY OWNERS LIST**

OWNER (Last Name/First Name)	ADDRESS	CITY STATE ZIP
ACEVEDO CLAUDIA	P.O. BOX 2474	IDAHO FALLS ID 83403-2474
ALLEN CLARK H ROBINSON LORA L	2058 HEPWORTH LN	BLACKFOOT ID 83221-0000
ANDERSON JESSICA	56 N 100 W	BLACKFOOT ID 83221-0000
ANDERSON THAIN JOSEPH	418 W RIVERTON RD	BLACKFOOT ID 83221-0000
A-OK STORAGE UNITS LLC	PO BOX 322	BLACKFOOT ID 83221-0000
APD INVESTMENTS LLC	40 N 400 W	BLACKFOOT ID 83221-0000
ARRIAGA ANTONIO ARRIAGA MARIA	384 W 70 N	BLACKFOOT ID 83221-0000
BARRERA ALEJANDRO		
BARRERA ZENAIDA	721 W QUAIL CIR	BLACKFOOT ID 83221-0000
BASIC AMERICAN POTATO CO INC	415 W COLLINS RD	BLACKFOOT ID 83221-0000
BLACKFOOT CITY OF	157 N BROADWAY	BLACKFOOT ID 83221-0000
BLACKFOOT LIVESTOCK AUCTION INC	P.O. BOX 830	BLACKFOOT ID 83221-0000
BOTT GUNNER BOTT BROOKE SARA	94 N 100 W	BLACKFOOT ID 83221-0000
BOTTLES SHARON R	76 N 100 W	BLACKFOOT ID 83221-0000
BROACH KYLE ANDERSON RYLEIGH	901 SEEFRIED LN	BLACKFOOT ID 83221-0000
CARDENAS ERIKA	1210 S BROADWAY	BLACKFOOT ID 83221-0000
CHAPPELL M SCOTT	96 N 100 W	BLACKFOOT ID 83221-0000
CHAPPELL MELVIN SCOTT	96 N 100 W	BLACKFOOT ID 83221-0000
CHAVEZ GREGORIO N	P.O. BOX 112	MORELAND ID 83256-0000
CHRISTENSEN REBECCA L	2196 HEPWORTH LN	BLACKFOOT ID 83221-0000
CLEVERLEY RODNEY IAN JARDINE		
WHITNEY GENE	374 W 70 N	BLACKFOOT ID 83221-0000
COLSON CLEVE COLSON BROOKE	59 N HWY 91	BLACKFOOT ID 83221-0000
COLSON ROBERT G COLSON DIANE B	61 N HIGHWAY 91	BLACKFOOT ID 83221-5890
COLSON ROBERTS GRIFF COLSON		
DIANA B	61 N HWY 91	BLACKFOOT ID 83221-0000
DAYTON DIANNA LE WIXOM LINDA	1367 SEEFRIED LN	BLACKFOOT ID 83221-0000
DENNEY DENNIS BLAIR	325 SEEFRIED LN	BLACKFOOT ID 83221-0000
DUSTIN WESLEY A	40 N 100 W	BLACKFOOT ID 83221-0000
ELLEFSON ZEKE THOMAS	32 N 100 W	BLACKFOOT ID 83221-0000
ERICKSON DOUGLAS EDWARD	1442 EL RANCHO BLVD	POCATELLO ID 83201-0000

**Exhibit
CC-7**

**AREA OF CITY IMPACT - CITY OF BLACKFOOT
PROPERTY OWNERS LIST**

FOSTER KELLY LEE FOSTER CATHLEEN H	405 W RIVERTON RD	BLACKFOOT ID 83221-0000
G & M INVESTMENTS LLC	P.O. BOX 537	BLACKFOOT ID 83221-0000
GANNON ELIZABETH	390 W 70 N	BLACKFOOT ID 83221-0000
GEORGE PARLEY J	PO BOX 95 BANNOCK STATION	POCATELLO ID 83204-1149
GERMAN ROBERT D GERMAN NAM T	2080 BORRESON	BLACKFOOT ID 83221-0000
GONZALEZ YVETTE	389 W 70 N	BLACKFOOT ID 83221-1149
HANSEN DENNIS HANSEN GLORIA J	205 N 90 W	BLACKFOOT ID 83221-0000
HERBST VON E/BARBARA LIVING TRUST HERBST VON E TRUSTEE	2254 HEPWORTH	BLACKFOOT ID 83221-0000
HERNANDEZ VICTORIA	379 W 70 N	BLACKFOOT ID 83221-0000
HIGH GREGORY LEO HIGH CANDACE MARIE	78 N 100 W	BLACKFOOT ID 83221-1400
HIGH LEO F	94 N 100 W	BLACKFOOT ID 83221-0000
HOGE MICHAEL HOGE KARINNE	2187 HEPWORTH LN	BLACKFOOT ID 83221-0000
HORROCKS CHARLES MICHAEL HORROCKS Nanci	345 E RICH LN	BLACKFOOT ID 83221-0000
HUAYNATE RAUL	375 W 70 N	BLACKFOOT ID 83221-0000
HULL KARI ANN K	35470 S RINCON RD	WICKENBURG AZ 85390-0000
IDAHO DEPT OF LANDS IDAHO DIVISION OF VETERANS SVC	300 N 6TH ST STE 103	BOISE ID 83702-0000
IDAHO STATE OF	PO BOX 400	BLACKFOOT ID 83221-3620
JENSEN CARMA LYNN	891 SEEFRIED	BLACKFOOT ID 83221-0000
JENSEN KAREN F	P.O. BOX 332	BLACKFOOT ID 83221-0000
JOHNSON CHEYENNE JOHNSON MICHAEL	1625 SEEFRIED LN	BLACKFOOT ID 83221-6229
KAUFFMAN MATTHEW JEFFREY JTC ORTON HEIDI JTC	22 N 100 W	BLACKFOOT ID 83221-0000
KELLY DONALD G	370 W 70 N	BLACKFOOT ID 83221-1149
LEAVITT KABRINA	42 N 100 W	BLACKFOOT ID 83221-0000
LEAVITT KEVIN LEAVITT TIFFANY	434 W RIVERTON RD	BLACKFOOT ID 83221-0000
LIBERTY GOLD POTATO CO LLC	P.O. BOX 550	BLACKFOOT ID 83221-0000
MADRIGAL JORGE ACEVEDO LUZ	394 W 70 N	BLACKFOOT ID 83221-0000
MARTINEZ MARTIN R SILVA MARIA	382 W 70 N	BLACKFOOT ID 83221-0000
MATAMOROS DAVID	763 W TERN DR	KUNA ID 83634-2997
MCDERMOTT TERREL K MCDERMOTT CARMA B	1041 SEEFRIED RD	BLACKFOOT ID 83221-0000

AREA OF CITY IMPACT - CITY OF BLACKFOOT
PROPERTY OWNERS LIST

MILES REED L	1445 SADIE LN	BLACKFOOT ID 83221-0000
MILES REED LAWSON MILES NARI SHAN HERNANDEZ	1445 SADIE LN	BLACKFOOT ID 83221-0000
MILLS SAM	386 W 70 N	BLACKFOOT ID 83221-0000
MOFFAT REX T MOFFAT LORNA JEAN	911 SEEFRIED LN	BLACKFOOT ID 83221-1022
MOULTON JASON MOULTON KELLY	231 RICH LN	BLACKFOOT ID 83221-0000
NONPAREIL PROCESSING CORP	411 W COLLINS RD	BLACKFOOT ID 83221-0000
ORTIZ JOSE RODRIGUEZ	411 W RIVERTON RD	BLACKFOOT ID 83221-0000
PACHECO LUIS PACHECO MARGARITA	378 W 70 N	BLACKFOOT ID 83221-0000
PATRICK JAMES W	2005 HEPWORTH LN	BLACKFOOT ID 83221-1022
PATTEN COURTNEY G PATTEN RAELEN	51 N HWY 91	BLACKFOOT ID 83221-0000
PHELPS KALEB PHELPS LISA	1459 N 625 E	SHELLEY ID 83274
POMMACHACK KONGSAMAY POMMACHACK NANG	383 W 70 N	BLACKFOOT ID 83221-1149
RAMIREZ FRANCISCO MENDOZA MARIA	381 W 70 N	BLACKFOOT ID 83221-0000
RAMIREZ JORGE (AKA) CERDA JORGE (AKA)	392 W 70 N	BLACKFOOT ID 83221-0000
RAMSDELL GREGORY L RAMSDELL KAREN DEANN	38 N 100 W	BLACKFOOT ID 83221-1400
REEVES AUDRA H REEVES CAROL ANN	372 W 70 N	BLACKFOOT ID 83221-0000
ROBISON THOMAS JOEL ROBISON TIFFANY JEAN	85 W 100 N	BLACKFOOT ID 83221-0000
ROSE GARDEN UTILITIES ASSOCIATION INC	374 W 70 N	BLACKFOOT ID 83221-0000
ROUND RODNEY J	53 N HWY 91	BLACKFOOT ID 83221-0000
ROUND RODNEY J ROUND SHERYL A	53 N HWY 91	BLACKFOOT ID 83221-0000
RUEDA REYNALDO	412 W RIVERTON	BLACKFOOT ID 83221-0000
SALLEE AUBREY BOMAN KEGAN	78 N 350 W	BLACKFOOT ID 83221-0000
SCHIELKE KEVIN	388 W 70 N	BLACKFOOT ID 83221-0000
SIMPLIT COMPANY J R	PO BOX 27	BOISE ID 83707-0000
SKINNER ELLIS SKINNER SHAUN W	1228 S SHILLING	BLACKFOOT ID 83221-0000
STARK DAVID R STARK DENISE C	410 W RIVERTON RD	BLACKFOOT ID 83221-0000
STEADMAN JEFFERY W STEADMAN JULIE D	349 E 200 N	BLACKFOOT ID 83221-5904

AREA OF CITY IMPACT - CITY OF BLACKFOOT

PROPERTY OWNERS LIST

SWEITZER SUSAN E	430 W RIVERTON RD	BLACKFOOT ID 83221-0000
TILLOTSON WHITNEY J	377 W 70 N	BLACKFOOT ID 83221-0000
TRANter DONNELL FOY	424 W RIVERTON RD	BLACKFOOT ID 83221-0000
TURNMIRE STEPHEN HAYES(SURV) TURNMIRE TWILA L(SURV)	1855 HEPWORTH LN	BLACKFOOT ID 83221-0000
VILLALOBOS PROPERTIES LLLP	235 CASTLEROCK LN	IDAHO FALLS ID 83404-0000
WAGNER EDWARD	428 W RIVERTON RD	BLACKFOOT ID 83221-0000
WALTERS KENNETH VILLIE DEE	50 N 100 W	BLACKFOOT ID 83221-0000
WELLS ERROL MARK WELLS SHIRLEY ANN Z	1935 HEPWORTH LANE	BLACKFOOT ID 83221-6146
WILHELM RANDIE JO	13920 N LAUGHRAN RD	POCATELLO ID 83202-0000
WIXOM JASON DOUGLAS WIXOM STEFNEY M	1341 SEEFRIED LN	BLACKFOOT ID 83221-0000
WIXOM LINDA	1059 SEEFRIED LN	BLACKFOOT ID 83221-1022

95 PROPERTY OWNERS

NOTICE OF MAILING

I hereby certify on November 20, 2025 I, Tiffany G. Olsen, personally prepared the Notice of Public Hearing for the Area of City Impact for delivery by postmarked U.S. Regular Mail to the above named property owners who are proposed to be within the Area of City Impact boundary for the City of Blackfoot, Idaho.



Tiffany G. Olsen
Planning & Development Director

BINGHAM COUNTY COMMISSIONERS

Whitney Manwaring, Chairman

Eric Jackson

Drew Jensen



Lindsey Gluch, Commission Clerk
501 N. Maple Room 204
Blackfoot, ID 83221
Phone (208) 782-3013
Fax (208) 785-4131

BINGHAM COUNTY NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Bingham County Board of County Commissioners will hold a Public Hearing on **December 10, 2025 at 2:30 pm** at the Bingham County Courthouse in Commission Chambers, located at 501 North Maple Street, Blackfoot, Idaho. The purpose of the Public Hearing is to amend the Blackfoot Area of City Impact, in accordance with Idaho Code Section 67-6526, by adopting an ordinance with a map area, and adopting Bingham County Code Title 9 Chapter 1 titled *Blackfoot Area of City Impact*.

Public comments and testimony are welcome at the Public Hearing. The verbiage may be subject to change after testimony is received and discussion is held during the Public Hearing. You may send testimony by mail to 501 N. Maple, Box 204, Blackfoot, ID 83221 or email to lgluch@binghamid.gov. Individuals who need accessible communications or other accommodations in order to participate are invited to make their needs known to the Bingham County Clerk, 3 to 5 days in advance. ADA/504 Compliance.

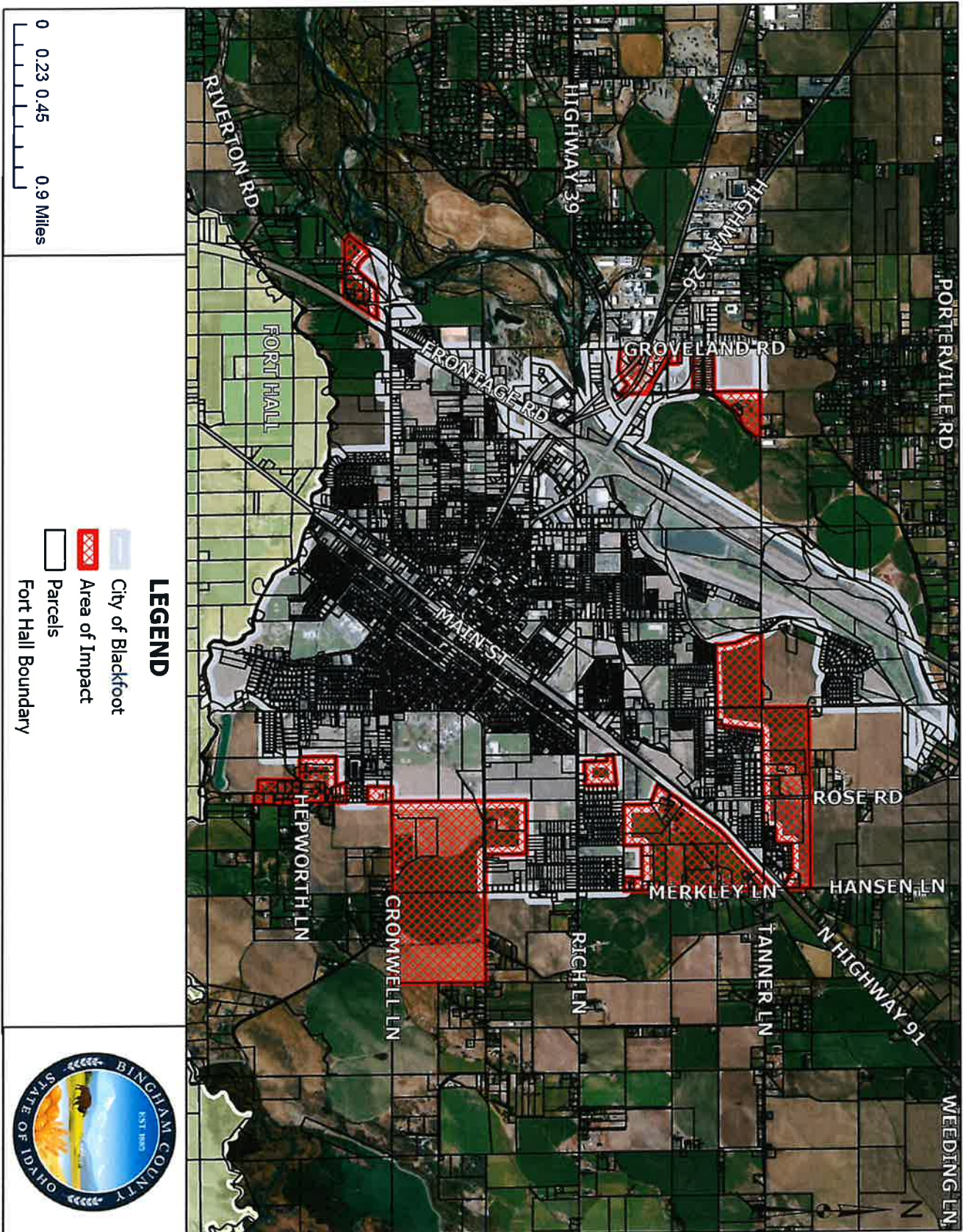
Dated this 3rd day of November, 2025.

Lindsey Gluch
Commission Clerk

“Potato Capital”

AREA OF IMPACT MAP BINGHAM COUNTY / CITY OF BLACKFOOT

CITY OF BLACKFOOT AREA OF IMPACT



For more information, please visit our website at www.binghamid.gov/publicnotices



PROOF OF PUBLICATION Idaho State Journal and Post Register

State of Idaho
County of Bingham

I, Collins Crapo first being duly sworn, depose and say: That I am the Processing Clerk employed by Adams Publishing Group of the Rockies LLC, publishers of The Idaho State Journal and Post Register, a newspaper of general circulation, published 4 days, Tuesday, Wednesday, Friday and Saturday, at Potomac and Idaho Falls, Idaho.

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Idaho State Journal and Post Register and on IdahoPublicNotices.com for 4 day(s), first publication having been made on 11/11/2025 last publication having been made on 11/28/2025, and that the said notice was published in the regular and entire issue of said papers on the respective dates of publication, and that such notice was published in the newspaper and not in a supplement.

_____ attached jurat _____

STATE OF IDAHO

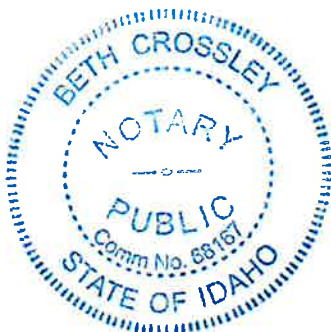
ss.

COUNTY OF BINGHAM

On this 1st day of December, 2025 before me, the undersigned, a Notary public for said state, personally appeared Collins Crapo, Processing Clerk employed by Adams Publishing Group of the Rockies LLC, publishers of The Idaho State Journal and Post Register, a newspaper of general circulation, known or identified to me to be the person whose name is subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he/she/they executed the same,

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Notary Public for APG of the Rockies
Residing: Idaho Falls, Idaho
Commission expires: 7/28/2028



**BINGHAM COUNTY
NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that the Bingham County Board of County Commissioners will hold Public Hearings on **December 10, 2025** at the Bingham County Courthouse in Commission Chambers, located at 501 North Maple Street, Blackfoot, Idaho, in accordance with Idaho Code Section 67-6526, and shall include:

December 10, 2025

2:00 p.m. City of Aberdeen: Establish an Area of Impact by adopting an ordinance with a map area and adopting Bingham County Code Title 9 Chapter 5 titled *Aberdeen Area of City Impact*.

2:15 p.m. City of Basalt: Amend an Area of Impact by adopting an ordinance with a map area and adopting Bingham County Code Title 9 Chapter 4 titled *Basalt Area of City Impact*.

2:30 p.m. City of Blackfoot: Amend an Area of Impact by adopting an ordinance with a map area and adopting Bingham County Code Title 9 Chapter 1 titled *Blackfoot Area of City Impact*.

2:45 p.m. City of Firth: Amend an Area of Impact by adopting an ordinance with a map area and adopting Bingham County Code Title 9 Chapter 2 titled *Firth Area of City Impact*.

3:00 p.m. City of Shelley: Amend an Area of Impact by adopting an ordinance with a map area and adopting Bingham County Code Title 9 Chapter 3 titled *Shelley Area of City Impact*.

Public comments and testimony are welcome at the Public Hearing. The verbiage may be subject to change after testimony is received and discussion is held during the Public Hearing. You may send testimony by mail to 501 N. Maple, Box 204, Blackfoot, ID 83221 or email to lgluch@binghamid.gov. Individuals who need accessible communications or other accommodations in order to participate are invited to make their needs known to the Bingham County Clerk, 3 to 5 days in advance, ADA/504 Compliance.

Dated this 3rd day of November, 2025.

Lindsey Gluch
Commission Clerk

Published: November 11, 19, 28, 2025 (PR/ISJ26290-689291)

BINGHAM COUNTY COMMISSIONERS

Whitney Manwaring, Chairman

Eric Jackson

Drew Jensen



Lindsey Dalley, Commission Clerk

501 N. Maple Room 204

Blackfoot, ID 83221

Phone (208) 782-3013

Fax (208) 785-4131

BINGHAM COUNTY NOTICE OF PUBLIC HEARING

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December 10, 2025

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- 2:15 p.m.** City of Basalt: Amend an Area of Impact by adopting an ordinance with a map area and adopting Bingham County Code Title 9 Chapter 4 titled *Basalt Area of City Impact*.
- 2:30 p.m.** City of Blackfoot: Amend an Area of Impact by adopting an ordinance with a map area and adopting Bingham County Code Title 9 Chapter 1 titled *Blackfoot Area of City Impact*.
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- 3:00 p.m.** City of Shelley: Amend an Area of Impact by adopting an ordinance with a map area and adopting Bingham County Code Title 9 Chapter 3 titled *Shelley Area of City Impact*.

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Dated this 3rd day of November, 2025.

Lindsey Gluch
Commission Clerk

Publish:

“Potato Capital”