

BINGHAM COUNTY ORDINANCE 2025-_____

**TITLE 9 “AREAS OF IMPACT”
CHAPTER 3 “SHELLEY AREA OF IMPACT”**

AN ORDINANCE OF BINGHAM COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF IDAHO, REPEALING TITLE 9 CHAPTER 3 TITLED “SHELLEY 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 Shelley (“City”) and Bingham County (“County”) entered into an Impact Area Agreement with a map on August 11, 2006; 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 Shelley.

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

SECTION 1: That Title 9 Chapter 3 be repealed and replaced with the following:

9-3-1: PURPOSE

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

9-3-2: 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.

9-3-3: 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 Shelley'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.

C. Adoption of the City Subdivision Development Standards: The County and the City hereby agree that when a new subdivision (residential, commercial, or industrial) is located within one-quarter (1/4) mile from the City of Shelley's City limits, or is located greater than one-quarter (1/4) mile from the City of Shelley's City limits but is connecting to the City's infrastructure, the following City subdivision development standards and regulations shall apply:

1. Curb.
2. Gutter.
3. Five-foot (5') Portland-type concrete sidewalk.
4. City-approved street lights - maximum distance three hundred feet (300'), monthly bill to be paid by the City of Shelley.
5. Municipal sewer and water, when accessible within three hundred feet (300').
6. Reasonable stormwater drainage system.
7. Fire hydrants - maximum distance five hundred feet (500') if Municipal system is available.
8. Right-of-way for future classification of street (measured from property line to property line) as set forth:
 - a. Arterial - Eighty feet (80').

- b. Collector - Sixty-two feet (62').
- c. Minor/local- Sixty-two feet (62').

9. All streets to be constructed to design standards as outlined in Exhibit B (on file with the Bingham County Planning and Development Services Department and incorporated herein by reference).

10. Stub streets as needed for orderly future development.

11. Fifteen-foot (15') utility easement along the front of each property lot.

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

a. Residential - (Single-Family Dwelling):

- i. Front property line: Thirty feet (30').
- ii. Back property line: Twenty-five feet (25').
- iii. Side property line/lot line: Ten feet (10').
- iv. Side property line/ROW: Twenty-five feet (25').
- v. Side street property line: Fifteen feet (15').

b. Residential - (Two-Family Dwelling):

- i. Front property line: Thirty feet (30').
- ii. Back property line: Twenty-five feet (25').
- iii. Side property line: Eight inches (8") for each foot of building height, but not less than seven and one-half feet (7.5') per side.
- iv. Side street property line: Fifteen feet (15').

c. Residential - (Multiple-Family Dwelling):

- i. Front property line: Twenty feet (20').
- ii. Back property line: Twenty feet (20').
- iii. Side property line: Eight inches (8") for each foot of building height, but not less than seven and one-half feet (7.5') per side.
- iv. Side street property line: Fifteen feet (15').

d. Residential – (Residential Estate):

- i. Front property line: Forty-five feet (45') minimum with sixty-five feet (65') maximum.
- ii. Back property line: Twenty-five feet (25').

- iii. Side property line/lot line: Twenty feet (20').
 - iv. Side property line/ROW: Thirty-five feet (35').
 - v. Side street property line: Twenty-five feet (25').
- e. Heavy Commercial:
 - i. Front property line: Thirty feet (30').
 - ii. Back property line: Zero feet (0')/twenty feet (20') if the property abuts a residential zone.
 - iii. Side property line: Zero feet (0').
 - iv. Side street property line: Zero feet (0').
- f. Manufacturing/Industrial:
 - i. Front property line: Ten feet (10').
 - ii. Side property line: Zero feet (0').
 - iii. Side street property line: Zero feet (0').
- g. Central Business:
 - i. Front property line: Thirty feet (30').
 - ii. Back property line: Ten feet (10'). Twenty feet (20') if property abuts a residential zone:
 - iii. Side property line/lot line: Ten feet (10').
 - iv. Side property line/ROW: Twenty-five feet (25')
 - v. Side street property line: Fifteen feet (15').

13. 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 section 9-3-4 of this chapter differs from the County's application and approval process, the procedures detailed in section 9-3-4 of this chapter shall apply.

9-3-4: 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.

9-3-5: 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.

9-3-6: 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