

Instrument # 491901

RIGBY, JEFFERSON, IDAHO

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COLLEEN C. POOLE

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Ex-Officio Recorder Deputy

Index to: AGREEMENT

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**Jefferson County
City of Roberts
Area of Impact Agreement**

Ordinance No. 2025-01

June 2, 2025

Planning, Zoning & Building

Jefferson County Ordinance 2025-01

**Jefferson County – City of Roberts
Impact Area Agreement**

An Ordinance of Jefferson County Pursuant to Idaho Code § 67-6526, establishing and defining a geographical area of city impact; adopting an applicable plan and ordinance requirements; and adopting administrative procedures for said organizations.

WHEREAS, Idaho Code § 67-6526 requires that cities and counties negotiate and agree upon an Area of City Impact (“Impact Area”) to identify an area of land adjacent to the current city limits wherein expected growth and development could occur;

WHEREAS, Jefferson County (“County”) and the City of Roberts (“City”) recognize the necessity for appropriate planning of any expansion of City infrastructure and urban services for areas that may be annexed into the City in the future;

WHEREAS, the County and the City desire to enter into this agreement to jointly plan for growth and development around the city and to recognize the division of responsibilities between the County and the City;

WHEREAS, the City of Roberts, Idaho and the County Commissioners for the County of Jefferson, Idaho, have complied with the negotiation procedures outlined in Idaho Code §67-6526;

WHEREAS, the City Council for the City of Roberts, Idaho and the Board of County Commissioners for Jefferson County have agreed to implement and update the following plan regarding the City of Roberts’s Impact Area; and

WHEREAS, the City Council for the City reviewed and approved the draft language and map for the proposed area of impact submitting a letter April 08, 2025. The Jefferson County Board of County Commissioners held a public hearing regarding the area of City Impact, Plan, and Ordinance Requirements on the June 2, 2025;

Therefore, be it ordained by the County of Jefferson, State of Idaho:

The City of Roberts Impact Area currently established as City of Roberts Ordinance #496 and Jefferson County Idaho Ordinance #07-06, is hereby replaced as follows:

1. City of Roberts Area of Impact Narrative Agreement (as set forth herein below);
2. City of Roberts Area of Impact Map (as set forth in “Exhibit A”, attached hereto and incorporated by reference);
3. Legal description of the Area of Impact (as set forth in “Exhibit B”, attached hereto and incorporated by reference);

4. The current City development standards to be enforced by Jefferson County in the Impact Area (attached hereto as "Exhibit C" and incorporated by reference).

City of Roberts Area of Impact Narrative Agreement

Section 1. The following words shall have the meanings given herein:

- 1.1 Agreement: this Area of Impact Agreement as adopted by the Ordinances of the Jefferson County Board of County Commissioners and the Mayor and City Council of the City of Roberts.
- 1.2 Board: the Jefferson County Board of County Commissioners.
- 1.3 City: the body politic and corporate of the City of Roberts, a political subdivision of the state of Idaho, and its officers and agents.
- 1.4 County: the body politic and corporate of Jefferson County, Idaho, a political subdivision of the state of Idaho, and its officers and agents.
- 1.5 Developer: a person, whether individual or corporate, who develops real estate by preparing a site for residential or commercial use.
- 1.6 Impact Area: The County land adjacent to the current city limits of the City of Roberts wherein expected growth and development could occur, necessitating appropriate planning of any expansion of City infrastructure and urban services for such areas that may be annexed into the City in the future, and which County land is identified specifically in Exhibit B of this Agreement.
- 1.7 Land Division: any type of application for the division of land pursuant to Jefferson County Code, including but not limited to applications for divisions of property, administrative divisions, short plats, and subdivisions.
- 1.8 Map: the diagrammatic depiction of the roads and other physical or geographical elements that represent the boundaries of the Impact Area. (See Exhibit A to this Agreement.).

Section 2. Area of Impact:

- 2.1 The officially adopted and agreed upon Impact Area is established by this ordinance, and is set forth visually in Exhibit A and is legally described in Exhibit B.
- 2.2 In the event of a discrepancy between the official map and the legal description, the map shall control, subject to any other provisions of this ordinance. In the event of any ambiguity, the map and description shall be read together to effectuate the will of the governing body.
- 2.3 In situations where the boundary is a road, the Impact Area shall only include those parcels of land that lie within the depicted and described road boundaries.
- 2.4 When a property under a single ownership is divided by the boundary line between the County and the Roberts Impact Area, the part located outside of the impact area may be included in the Roberts Impact Area as long as it is smaller in size than the property located within the Impact Area.

Section 3. Governing Plan and Ordinances:

- 3.1 The Jefferson County Comprehensive Plan adopted by Jefferson County Commissioners, or as they may be amended from time to time, shall apply to all unincorporated properties located within the Roberts Impact Area boundary to enable the collection of impact fees to support the cost-effective delivery of public services.
- 3.2 The Jefferson County ordinances/codes as are enacted and adopted from time to time by Jefferson County and in addition to those as listed in Exhibit C, attached hereto and incorporated herein, shall also apply in the Roberts Impact Area boundary.
- 3.3 All Land Divisions in the Impact Area shall be submitted to the City for recommendation, in addition to the County, as provided in Idaho Code section 50-1306.
- 3.4 All Land Divisions in the Impact Area shall require a street and utility easement plan. Said plan shall provide for future plat amendment to City densities and shall be included on the final plat.
- 3.5 A condition of approval for all Land Divisions in the Impact Area shall require that, prior to occupancy of the first dwelling unit thereon, dry line sewer and water lines shall be installed to accommodate the future plat amendment to City densities.
- 3.6 Requirements of this section may be waived with a letter submitted to the County from the City prior to the County's first official decision on the application.

Section 4. Administration of the Area of City Impact:

- 4.1 The County shall administer the governing plan and ordinances for the Impact Area, as identified in Section 3.1 of this Agreement, and will decide or make recommendations to the Board regarding applications and inquiries involving real property within the Impact Area.
- 4.2 All applications, requests for permits, and inquiries regarding property located within the Impact Area, which are made pursuant to the ordinances adopted under this Agreement, shall be made to the County. The County shall receive all fees associated with administration of the Impact Area. This includes but is not limited to items such as permit fees, costs of inspection, administration, and legal publications. This does not include fees to be charged for the connection to city services that will be paid to the City.
- 4.3 The County shall issue all building permits and shall be responsible for construction inspections within the Impact Area.
- 4.4 Maintenance of public roads located wholly within the Impact Area shall be the exclusive responsibility of the County. The City shall be responsible to maintain the full length of public roads within the Impact Area if any portion of said public road has been annexed by the City.
- 4.5 The authority to enter into and execute development agreements with a Developer, pursuant to Idaho Code § 67-6511A, and to accept required bonding or other forms of security to guarantee construction requirements in the Impact Area, shall rest with the County.

Section 5. Amendment to Comprehensive Plans and Ordinances:

- 5.1 All proposed amendments to the County's comprehensive plan and/or the County's zoning ordinance shall be forwarded by the Jefferson County planning, zoning & building administrator to the City's city clerk at least thirty (30) days prior to any public hearing on any such proposed amendment(s). The City's council and/or the City's planning and zoning commission shall determine whether such amendment is in conflict with one or more of the goals, objectives, policies or provisions of the City's comprehensive plan, or the City's zoning and/or subdivision ordinances. The City's city council shall notify the County's planning, zoning & building department of such determination in writing prior to or at such public hearing. Such input from the city shall not be binding or controlling on the county but shall be treated as documentary evidence.
- 5.2 The Jefferson County Commissioners shall notify the City, in writing, of the County's action on such amendment within fifteen (15) days following a final decision on such matter along with notice as to when the amendment will take effect in the county. Any appeals from such action shall follow the appeals process outlined in the Jefferson County Zoning Code.

Section 6. Processing Land Use Application in the Impact Area

- 6.1 Forty (40) days prior to any County public hearing on any land use application for property within the Impact Area, the County planning, zoning & building administrator shall notify the City clerk of the land use application to be considered by the County planning and zoning commission or the County Commissioners. The City may provide prior to or at the hearing, a recommendation to the County Planning and Zoning Department on such application, citing the applicable adopted Comprehensive Plan policies, goals, objectives or provisions applicable to such recommendation. Any recommendation from the City shall not be binding or controlling on the County but shall be treated as documentary evidence in the hearing record and be given due consideration.
- 6.2 Neither the County commissioners nor the County planning and zoning commission shall hold a public hearing on such application until the recommendation of the City has been received, or the 40 days in which the County should have received the City's recommendations, specified above, has passed.
- 6.3 The County planning, zoning, & building department will notify the City clerk in writing of the County planning and zoning commission or County commissioners' action on land use applications located within the City's Impact Area within fifteen (15) days following a final action by the appropriate County agency on such matter.

Section 7. Appeals Process:

- 7.1 The County shall administer and enforce this Impact Area Agreement ordinance.
- 7.2 Final decisions by Commissioners made under this Agreement shall be subject to judicial review, and any appeals from such action shall follow the appeals process outlined in the Jefferson County Zoning Code.

Section 8. Enforcement:

- 8.1 The County Planning and Zoning department in conjunction with the City, will identify violations of land use regulations within the Impact Area and will demand compliance with the applicable land use regulations and ordinances, including this Agreement.
- 8.2 The County Prosecuting Attorney may take legal action to enforce land use regulations within the Impact Area. The City will make its staff available and will fully cooperate with the County's enforcement efforts.

Section 9. Impact Area Renegotiation:

- 9.1 This Agreement may be renegotiated at any time upon written request of either party in accordance with Idaho Code § 67-6526(3).
- 9.2 While renegotiation is occurring, all provisions of this chapter shall remain in effect until this chapter is amended or a substitute ordinance is adopted by the city of Roberts and Jefferson County, in accordance with the notice and hearing procedures provided in Jefferson County and Idaho codes, or until a declaratory judgment from the district court is final. Provided, however, that this chapter or stipulated portions thereof shall be of no further force and effect if both jurisdictions so agree by mutually adopted resolution.
- 9.3 It is the intent of the parties that the City and the County shall, at least every five (5) years, undertake a review of this Agreement to determine whether modifications are in the best interests of constituents of the City and County.

Section 10. Severability:

- 10.1 This Agreement is severable, and in the event any portion of this Agreement is deemed unenforceable under the law for any reason, the remaining portions of this Agreement not so affected shall remain in full force and effect.

Section 11. Prior Agreement Ordinances Superseded:

- 11.1 This Impact Area Agreement Ordinance shall be deemed to supersede all prior Impact Area Agreement Ordinances of the City and County.

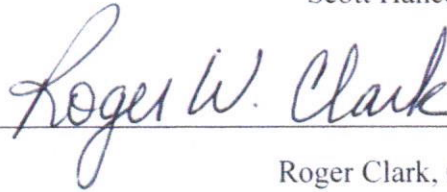
Section 12: Effective Date:

- 12.1 This Ordinance shall be in full force and effect upon its passage and publication of the ordinance or ordinance summary in one (1) issue of The Jefferson Star newspaper.
- 12.2 Regularly considered, passed and approved as an ordinance of Jefferson County, Idaho done this 2nd day of June, 2025 upon the following roll call vote:

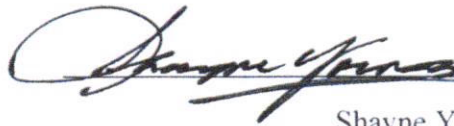
Board of County Commissioners, Jefferson County, Idaho:



Scott Hancock, Chairman



Roger Clark, Commissioner



Shayne Young, Commissioner

Attest:



Colleen Poole, County Clerk

Exhibit B

Legal Description for the Proposed Area of Impact

*SW Quarter Section 28 Twp 5 North Range 37 East;
South Half Section 29 Twp 5 North Range 37 East;
Section 32 Twp 5 North Range 37 East; excepting the City of Roberts
West Half Section 33 Twp 5 North Range 37 East;
North Half Section 5 Twp 4 North Range 37 East;
NW Quarter Section 4 Twp 4 North Range 37 East;
All in Jefferson County, Idaho.*

Exhibit C

All roads shall be developed to maintain the grid system, which utilizes the survey system established within the State of Idaho. More specifically, developers shall ensure that road shall be placed to either further develop roads or connect with existing roads on the section and quarter section lines.

All sewer and water lines shall be developed in such a manner that they shall easily connect to any existing water and sewer system lines.

All Developers shall install water and sewer collection lines that connect to each lot developed. The water and sewer collection lines shall be in compliance with State laws and regulations and shall be developed in such a way that the entire subdivision shall be able to be connected to the City's water and sewer collection system at one location. That one location connection shall be developed in such a way that it shall be immediately adjacent to the easement set up for public utilities next to a public road.