

ORDINANCE NO. 2005-02A

AN ORDINANCE FOR FREMONT COUNTY, IDAHO, CREATING A NEW CHAPTER; INCORPORATING THE ISLAND PARK AREA OF IMPACT BOUNDARY MAP; PROVIDING FOR JURISDICTION OVER REAL PROPERTY FOR PURPOSES OF INCLUSION IN THE AREA OF IMPACT; PROVIDING FOR REMOVING REAL PROPERTY FROM THE AREA OF IMPACT UPON ANNEXATION THEREIN; ESTABLISHING THAT THE FREMONT COUNTY COMPREHENSIVE PLAN AND DEVELOPMENT CODE WILL BE THE APPLICABLE ZONING LAWS WITHIN THE AREA OF IMPACT; PROVIDING THAT FREMONT COUNTY WILL ADMINISTER THE APPLICATION OF ZONING LAWS WITHIN THE AREA OF IMPACT; PROVIDING THAT FREMONT COUNTY LAWS REGARDING ROAD WIDTH, ADDRESSING, AND SUBDIVISIONS WILL APPLY WITHIN THE AREA OF IMPACT; PROVIDING THAT NOTICE WILL BE GIVEN TO THE CITY OF ISLAND PARK IN THE EVENT OF CHANGES OR AMENDMENTS TO THE FREMONT COUNTY COMPREHENSIVE PLAN OR DEVELOPMENT CODE AS THEY APPLY TO THE AREA OF IMPACT; PROVIDING THAT NOTICE WILL BE GIVEN TO FREMONT COUNTY IN THE EVENT OF CHANGES OR AMENDMENTS TO ISLAND PARK CITY ORDINANCES AS THEY MAY APPLY WITHIN THE AREA OF IMPACT; ESTABLISHING HEARING PROCEDURES FOR PUBLIC HEARING ON MATTERS INVOLVING THE AREA OF IMPACT; PROVIDING FOR REVIEW AND RENEGOTIATION OF THE AREA OF IMPACT BOUNDARIES OR THIS ORDINANCE; AND, ESTABLISHING THE EFFECTIVE DATE HEREOF.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF FREMONT COUNTY, IDAHO, AS FOLLOWS:

1. New Chapter:

A new chapter 18 is hereby created in the Fremont County Development Code, which chapter shall be known as the Island Park Area of Impact for the City of Island Park, Idaho.

2. Island Park Area of Impact Boundary Map:

- A. The Island Park Area of Impact Map, previously adopted by Island Park City Ordinance No. 61-04, and Fremont County Ordinance No. 2005-02A, is hereby incorporated herein by reference, and attached hereto, copies of which are available for inspection at the Island Park City Office and the Fremont County Planning and Building Office.
- B. In the case where a property under single ownership is divided by the boundary line of the Island Park Area of Impact, and the line divides such property so that one or both of the parts have a depth of three hundred feet (300=) or less, such part shall be included in the jurisdiction

within which the larger portion of the property is located. In the event that a property is evenly split, it shall be considered as being in the Island Park Area of Impact.

- C. Upon annexation of any portion of the Island Park Area of Impact into the City, the provisions of this Chapter shall no longer apply to such annexed areas.

3. Applicable Plan Policies and Ordinances:

- A. The Fremont County Comprehensive Plan shall apply within the City of Island Park Impact Area.
- B. The Fremont County Development Code shall be used to implement and administer this Chapter.
- C. Fremont County shall be responsible for the administration and enforcement of the ordinances within the Island Park Area of Impact, and shall receive all permit fees for inspections performed to recapture direct costs of inspections, administration, legal publications, any development fees or other costs arising from fulfilling the terms of each ordinance or regulation.
- D. County road widths and profiles found in the County Development Code or other County Ordinances, including all amendments thereto, shall apply within the Island Park Area of Impact.
- E. The Fremont County street and address numbering system, and ordinance (if applicable) shall apply to all property within the Island Park Area of Impact. Street names and addresses shall be assigned by the County.
- F. All subdivision applications within the Island Park Area of Impact shall comply with the Fremont County Code governing subdivisions.

4. Amendments and Zoning Applications:

- A. Prior to amendment by the County of any of its ordinances, which are applicable in the Island Park Area of Impact, the County shall forward the proposed change to the City for review and comment at least 15 days prior to the first public hearing at which such amendment will be considered.
- B. Prior to amendment by the City of any of its ordinances, which are applicable in the Island Park Area of Impact, the City shall forward the proposed change to the County for review and comment at least 15 days

prior to the first public hearing at which such amendment will be considered.

5. Hearing Procedures within the Island Park Area of Impact:

- A. All applications for subdivision plats and all other applications within the Island Park Area of Impact shall be filed by the applicant with Fremont County. All public hearings in the Island Park Area of Impact shall be held before the County, with the City of Island Park receiving proper notification and opportunity to comment at said public hearing.
- B. Within the Island Park Area of Impact, the County will provide the City notice of any public hearing related to an application to the County or the County's Planning Commission for a Comprehensive Plan change, planned unit development, subdivision plat or similar land use request. The City shall have fifteen (15) days after receipt of the notice but prior to any public hearing to comment.

6. Review and Renegotiation:

- A. The Island Park Area of Impact shall be reviewed by the City and County at such times as they may agree upon to consider possible changes in the Geographic area affected and/or other provisions of this Chapter, including, but not limited to applicable standards.
- B. In accordance with Idaho Code 67-6526(d), the City Council or the Board of County Commissioners may request, in writing, to renegotiate any provision of this Chapter at any time. Within thirty (30) days of receipt of such written requests by each part, meeting between the two jurisdictions shall occur.
- C. While renegotiation is occurring, the provisions of this Chapter shall remain in effect until this chapter is amended or a substitute ordinance is adopted by the City and County, in accordance with the notice and hearing procedures provided in the County and State 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.

7. Effective Date.

This ordinance shall be in full force and effect, from and after its passage and publication, all as provided by law.

PASSED BY THE BOARD OF COUNTY COMMISSIONERS OF FREMONT  
COUNTY, IDAHO, THIS 8<sup>th</sup> DAY OF November, 2004.

Bill Forbush  
BILL FORBUSH, CHAIRMAN

ATTEST:

Abbie Mace  
ABBIE MACE, CLERK

SUMMARY OF FREMONT COUNTY ORDINANCE NO. 2004-02A  
AND THE CITY OF ISLAND PARK ORDINANCE NO. 2004-61

Fremont County Ordinance No. 2004-02A, which was adopted by the Board of County Commissioners of Fremont County, Idaho, on the 8<sup>th</sup> day of November, 2004, and The City of Island Park Ordinance No. 2004-61, which was adopted by the Island Park City Council, of Island Park, Fremont County, Idaho, on the 28 day of October, 2004, may be summarized for publication as follows:

An ordinance for Fremont County, Idaho, and an ordinance for The City of Island Park, Idaho, creating a new chapter; incorporating the Island Park Area of Impact boundary map; providing for jurisdiction over real property for purposes of inclusion in the area of impact; providing for removing real property from the area of impact upon annexation therein; establishing that the Fremont County Comprehensive Plan and Development Code will be the applicable zoning laws within the area of impact; providing that Fremont County will administer the application of zoning laws within the area of impact; providing that Fremont County laws regarding road width, addressing, and subdivisions will apply within the area of impact; providing that notice will be given to The City of Island Park in the event of changes or amendments to the Fremont County Comprehensive Plan or Development Code as they apply to the area of impact; providing that notice will be given to Fremont County in the event of changes or amendments to Island Park City ordinances as they may apply within the area of impact; establishing hearing procedures for public hearing on matters involving the area of impact; providing for review and renegotiation of the area of impact boundaries or this ordinance; and, establishing the effective date hereof.

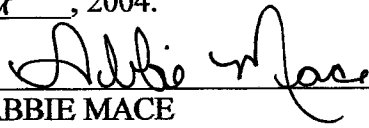
The full text of Fremont County Ordinance No. 2004-02A is kept on file at the Fremont County Clerk=s Office and may be reviewed or purchased at the Fremont County Clerk=s Office, located at 151 W. 1<sup>st</sup> N., St. Anthony, Idaho, during regular business hours.

The full text of The City of Island Park Ordinance No. 2004-61 is kept on file at Island Park City Hall and may be reviewed or purchased at The City of Island Park Clerk=s Office, located at 3416 North Highway 20, Island Park, Idaho, during regular business hours.

CLERK=S STATEMENT

I, Abbie Mace, the County Clerk of Fremont County, Idaho, hereby state that I have read the foregoing Summary of Fremont County Ordinance No. 2004-02A, which summary is true and complete and provides adequate notice to the public.

Dated this 8<sup>th</sup> day of November, 2004.

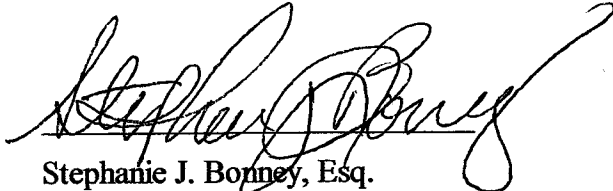
  
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ABBIE MACE  
COUNTY CLERK

I, Vada Roberts, the Clerk for the City of Island Park, Idaho, hereby state that I have read the foregoing Summary of The City of Island Park Ordinance No. 2004- 61, which summary is true and complete and provides adequate notice to the public.

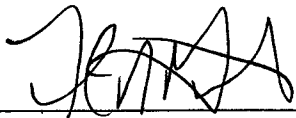
Dated this 28th day of October, 2004.

  
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VADA ROBERTS  
CITY CLERK

I, Stephanie J. Bonney, as legal advisor to the City of Island Park, Fremont County, Idaho hereby certify that I have read the attached SUMMARY OF THE CITY OF ISLAND PARK ORDINANCE NO. 2004- 61 and that the same is a true and complete summary of this ordinance as passed by the City of Island Park and such summary provides adequate notice to the public.

  
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Stephanie J. Bonney, Esq.  
Idaho Falls, Idaho

I, Trent Grant, as legal advisor to the County of Fremont, Idaho hereby certify that I have read the attached SUMMARY OF FREMONT COUNTY ORDINANCE NO. 2004- 02A and that the same is a true and complete summary of this ordinance as passed by the County of Fremont and such summary provides adequate notice to the public.

  
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Trent Grant, Esq.  
St. Anthony, Idaho