

ORDINANCE NO. 2009- 04

AN ORDINANCE FOR FREMONT COUNTY, REPEALING ORDINANCE 2003-05; PROVIDING FOR DIVISION OF PROPERTY AND ANNEXATION OF PROPERTY; ESTABLISHING THE APPLICABLE PLANS AND POLICIES, INCLUDING ESTABLISHING ZONING DISTRICTS WITHIN THE IMPACT AREA; PROVIDING FOR AMENDMENTS AND ZONING APPLICATIONS; SETTING FORTH HEARING PROCEDURES; LISTING THE PROCEDURE FOR REEVALUATION AND RENEGOTIATION; AND, ESTABLISHING THE EFFECTIVE DATE HEREOF.

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

Repeal:

Repeal of Ordinance 2003-04. The St. Anthony Area of Impact, previously adopted by Fremont County Ordinance 2003-04, is hereby repealed in it's entirety.

Impact Area:

- A. In the case where a property under single ownership is divided by the boundary line of the City of St. Anthony Impact Area, 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.
- B. Upon annexation any part of the Impact Area into the City, the provisions of this Chapter shall no longer apply to such annexed areas.

Applicable Plan Policies and Ordinances:

- A. The City of St. Anthony Comprehensive Plan adopted by the City of St. Anthony as of September 10, 2008, shall apply within the City of St. Anthony Impact Area.
- B. Sections 16, 17.04, and 17.08 through 17.56 of the City of St. Anthony Municipal Code, constituting the City's Zoning Ordinance, shall apply within the Impact Area. Accordingly, the Impact Area is hereby specifically zoned, in accordance with the applicable sections of the City Code:
 - 1) The Impact Area shall be designated as able to contain as many as seven (7) separate zones, namely R-1, R-1A, R-2, C-1, C-2, C-3, and PSD.
 - 2) The Impact Area Zoning Map adopted through Ordinance No. _____ is hereby adopted as establishing the current separate zoning districts within the Impact Area.

- C. The City of St. Anthony Municipal Code shall be used to implement and administer this Chapter.
- D. Fremont County shall be responsible for the administration and enforcement of the ordinances within the Impact Area, 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.
- E. All subdivision plat applications in the Impact Area shall require a street and utility easement plan, providing for such streets and utilities to connect into and become a part of the existing City system. Said plan shall provide for future re-subdividing to urban densities and shall be included on the final plat.
- F. City road width and profiles found in the City Municipal Code, including all amendments thereto, shall apply with the Impact Area, except where improved standards of the County differ from those of the City, the provisions imposing the highest level of improvements shall prevail.
- G. A condition of approval for all subdivision plats in the Impact Area shall require that: 1) prior to occupancy of the subdivision's first dwelling unit, sewer and water lines shall be installed to accommodate the future resubdivision to urban densities; and 2) development agreements be in place.
- H. All lands in the Impact Zone may be considered for rezoning to urban density as urban services become available.
- I. The Fremont County street and address numbering system, and ordinance (if applicable) shall apply to all property within the Impact Area. Street names and addresses shall be assigned by the County.
- J. All subdivision applications within the Impact Area shall comply with the City Code governing subdivisions.
- K. A certificate shall appear on the face of each final plat within the Impact Area, for execution by the City Public Works Director, attesting to the plat's conformance with the City infrastructure standards.

Amendments and Zoning Applications:

- A. Prior to Amendment by the County of any of its ordinances, which are applicable in the Impact Area, the County shall forward the proposed change to the City for review and comment at least 30 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 Impact Area, the City shall forward the proposed change to the County for review and comment at least 30 days prior to the first public hearing at which such amendment will be considered.
- C. All County applications for planned developments, subdivisions, rezones, conditional use permits and private roads within the Impact Area shall be sent to the City for review and comment at least 30 days prior to the public meeting at which such application will be considered.

Hearing Procedures within the Impact Area:

- A. All applications for subdivision plats and all other applications (e.g., zone change, Comprehensive Plan amendments, variance, conditional use, etc.) within the Impact Area shall be filed by the applicant with Fremont County. All public hearings in the Impact Area shall be held before the County and City.
- B. It is the intent of this section that the processing of subdivisions be administered by the County, but with the inclusion of City infrastructure improvement standards, including but not limited to water, sewer and roads. City infrastructure standards shall apply to all subdivisions in the Area of Impact. In furtherance thereof, applicants for preliminary plat approval shall solicit comments and recommendations from the City in the same manner as they are required to solicit comments and recommendations from other agencies and districts.
- C. Within the Impact Area, the County will provide the City notice of any public hearing related to an application to the County or the County's Planning Commissioner for a zone change, Comprehensive Plan change, request for a special or conditional use permit, planned united development, variance request, 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.
- D. The City and County may elect to jointly hear an application.

Reevaluation and Renegotiation:


- A. The Area of Impact shall be reevaluated 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 provision of this Chapter, including but not limited to applicable standards.
- B. In accordance with Idaho Code 67-6526(d), the City Counsel or the Board of County Commissioners may request, in writing, to renegotiate any provisions of this Chapter at any time. Within thirty (30) days of receipt of such written requests by each part, a meeting between the two jurisdictions shall occur.

- C. While renegotiation is occurring, the provisions of this Chapter shall remain in effect until the 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.

Effective Date:

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

PASSED AND APPROVED BY THE BOARD OF FREMONT COUNTY COMMISSIONERS, IDAHO, THIS 11 DAY OF May, 2009.



PAUL ROMRELL
Chairman

ATTEST:



ABBIE MACE, CLERK