

Ordinance No. 2018-02

AN ORDINANCE FOR FREMONT COUNTY, IDAHO/THE CITY OF ST. ANTHONY, IDAHO, REPEALING COUNTY ORDINANCE 2009-04/ST. ANTHONY MUNICIPAL CODE CHAPTER 17.04 AND ENACTING A NEW COUNTY ORDINANCE/ A NEW CHAPTER 17.04 OF THE ST. ANTHONY MUNICIPAL CODE; ADOPTING AN IMPACT AREA BOUNDARY MAP; 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 REEVALUATING AND RENEGOTIATION; AND, ESTABLISHING THE EFFECTIVE DATE HEREOF.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF FREMONT COUNTY, IDAHO/MAYOR AND CITY COUNCIL OF THE CITY OF ST. ANTHONY, IDAHO, AS FOLLOWS:

I. TITLE AND REPEAL:

- A. TITLE: The title of this Ordinance is the St. Anthony Area of City Impact Agreement (“Agreement”).
- B. REPEAL: The previous St. Anthony Area of Impact Agreement, adopted by Fremont County Ordinance 2009-04/St. Anthony Municipal Code, Chapter 17.04, is/are hereby repealed in its/their entirety.

II. BOUNDARY AND PURPOSES:

- A. Fremont County (“County”) and the City of St. Anthony (“City”) enter into this agreement for the purpose of providing regulations in the unincorporated area surrounding the City, so that the pattern of development in that area is made compatible with the reasonably likely future expansion of the City – or of services provided by the City – into that area.
- B. Boundary: The boundary of the St. Anthony Area of City Impact is set forth on the map attached to this ordinance as “Exhibit A”.
 - 1. The City’s reasons for selecting these boundaries are:
 - a. The boundaries of the Area of Impact in this ordinance are the current boundaries of the Area of Impact in which the City has continued to grow and see urban development. The current area of impact should be sufficient to accommodate the growth expected by the City in the next ten to twenty years

b. The City expects the area within the proposed boundaries to develop as residential and other uses which should be compatible with the natural growth of the city and its infrastructure and services.

c. The area within the proposed boundaries is within the natural trade area for the City.

d. The area within the proposed boundaries is that area most likely to ensure that adequate public facilities and services are provided to residents at reasonable costs.

e. The availability of the land within the proposed boundaries will most directly encourage urban development within and adjacent to the City.

2. The County, by entering into this agreement, accepts the City's rationale for the agreed upon boundaries.

C. 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 of 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.

D. Upon annexation of any part of the Impact Area into the City, the provisions of this Chapter shall no longer apply to such annexed area.

III. APPLICATION PLAN, POLICIES, AND ORDINANCES:

A. The County shall be responsible for the administration and enforcement of the plan, policies, and 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 of regulation.

B. The City's Comprehensive plan, adopted by the City of St. Anthony (Ord. 2012-01), shall apply within the City of St. Anthony Impact Area.

C. Title 16 - Subdivisions, and Title 17 – Zoning, of the City's Municipal Code, as adopted at the time of this agreement, shall apply in the Impact Area.

1. Accordingly, the Impact Area is hereby zoned, in accordance with the applicable sections of the City Code:

a. The Impact Area shall be designated as able to contain some or all of the following zones: LDR1, HDR1, RC1, HIC1, HIC2, MU1, MU2, OS1, PL1, PL2, DC1.

- b. The Impact Area Zoning Map adopted through City of St. Anthony Ordinance No. 2015-1 is hereby adopted as establishing the current separate zoning districts within the Impact Area.
- D. City road widths and profiles, as found in the City's Municipal Code at the time of this agreement, shall apply within the Impact Area.
 - 1. Exception: when the adopted standards of the County differ from those of the City, the provision imposing the highest level of improvements shall govern.
- E. When approving subdivision plats within the Impact Area, the County shall require:
 - 1. 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.
 - 2. Sewer and water lines shall be installed to accommodate future resubdivision to urban densities prior to the occupancy of the subdivision's first dwelling unit.
 - 3. Development agreements – as required by the City – shall be in place.
 - 4. 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.
- F. 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.
- G. Notwithstanding any other provision, in the event of a conflict between the policies and procedures contained in this Agreement and the plans and codes adopted by it, the policies and procedures contained in this agreement shall govern.

IV. DEVELOPMENT APPLICATIONS:

- A. All applications for planned developments, subdivisions, conditional use permits and private roads within the Impact Area shall be filed by the application with the County. The County will send a copy of the application to the City for review and comment at least 45 days prior to the first public meeting at which such

application will be considered. The City shall have fifteen (15) days after the date of the next meeting of the St. Anthony Planning and Zoning Commission following receipt of notice but prior to any public hearing to comment.

1. 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.

V. REZONING:

- A. All applications for rezoning within the Impact Area shall be filed by the applicant with the County. The County will send a copy of the application to the City for review and comment at least 45 days prior to the public meeting at which such application will be considered. The City shall have fifteen (15) days after the date of the next meeting of the St. Anthony Planning and Zoning Commission following receipt of notice, but prior to any public hearing to comment.
- B. All lands in the Impact Zone may be considered for rezoning to urban density as urban services become available.

VI. HEARING AND PROCEDURES WITHIN THE IMPACT AREA:

- A. Public hearings for development applications shall be held before the County, following the procedures found in the City's ordinances adopted by this Agreement, and subject to the notice and comment requirements of this Agreement.
- B. Public hearings for rezoning, or the amendment of any of the rules adopted in this agreement by reference, shall be held before both the City and the County.
 1. The City and the County may elect to hold these hearings jointly.

VII. AMENDMENTS, REEVALUATION, AND RENEGOTIATION:

- 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 45 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 45 days prior to the first public hearing at which such amendment will be considered.

- C. 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 the Agreement, including but not limited to applicable standards.
- D. In accordance with Idaho Code 67-6526(d), the City Council or the Board of County Commissioners may request, in writing, to renegotiate any provisions of this Agreement at any time. Within thirty (30) days of receipt of such written requests by either party, a meeting between the two jurisdictions shall occur.
 - 1. During renegotiation, the provisions of this Agreement shall remain in effect until 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.

VIII. EFFECTIVE DATE:

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

Passed and approved by the Board of Fremont County Commissioners/City Council of the City of St. Anthony, Idaho, this 13th day of September, 2018.

CITY OF ST. ANTHONY, IDAHO


DONALD POWELL, MAYOR

ATTEST:


PATTY UNRUH PARKINSON, CITY CLERK

