

ORDINANCE NO. 208

AN ORDINANCE OF KOOTENAI COUNTY, IDAHO, PURSUANT TO IDAHO CODE SECTION 67-6526, DEFINING A PURPOSE; IDENTIFYING, ESTABLISHING, AND DEFINING AN AREA OF CITY IMPACT FOR THE CITY OF ATHOL, IDAHO, WITHIN THE UNINCORPORATED AREA OF KOOTENAI COUNTY, IDAHO; DEFINING THE GEOGRAPHIC AREAS OF CITY IMPACT; ADOPTING STANDARDS; PROVIDING FOR ENFORCEMENT; PROVIDING FOR ANNEXATIONS; ESTABLISHING HEARING PROCEDURES WITHIN THE AREA OF CITY IMPACT; AND PROVIDING FOR STANDARD AMENDMENT AND NOTICE OF ANY OF THE ORDINANCES SET FORTH ABOVE WHICH ARE APPLICABLE IN THE AREA OF CITY IMPACT; PROVIDING FOR SEVERABILITY; PROVIDING FOR SAVINGS; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE HEREOF.

WHEREAS, pursuant to Idaho Code Section 67-6526, the City of Athol and Kootenai County, Idaho, have conferred and negotiated in good faith upon an Area of City Impact for the City of Athol within the unincorporated area of Kootenai County; and

WHEREAS, a public hearing, pursuant to public notice as required by law, was held by the duly-constituted Planning and Zoning Commission of Kootenai County, Idaho, on November 2, 1994, on the proposed Area of City Impact, following which hearing said Commission made a recommendation to the Board of County Commissioners of Kootenai County, Idaho; and

WHEREAS, the Board of County Commissioners, pursuant to public notice as required by law, held a public hearing on the proposed Area of City Impact on December 7, 1994; and

WHEREAS, the City of Athol and Kootenai County, in accordance with the procedure required by law, have mutually agreed upon an Area of City Impact for the City of Athol within the unincorporated area of Kootenai County, Idaho;

NOW, THEREFORE, BE IT ORDAINED, by the Board of County Commissioners of Kootenai County, Idaho:

Section 1

PURPOSE: The purpose of establishing the Area of City Impact is to identify an urban fringe area in the unincorporated territory surrounding the City within which there is potential for development or changes in land use that must be planned in an orderly and compatible manner in order to insure timely or economical provision of public services such as water supply, sanitary and storm sewage collection and treatment, public

safety services, other community service facilities, and to promote land use compatibility, street alignment, and traffic flow objectives.

Section 2

AREAS OF CITY IMPACT DEFINED: The Area of City Impact shall consist of an area where development or use of land affects or may affect the City of Athol in consideration of trade areas, geographic factors, and areas that can reasonably be expected to be annexed to the City in the future.

Section 3

GEOGRAPHIC AREAS OF CITY IMPACT ESTABLISHED AND DEFINED: The officially-adopted Area of City Impact is hereby established and shown on the map entitled "Athol Area of City Impact" and is officially made a part hereof by reference, said map being specifically adopted by Athol Municipal Ordinance No. 233, and Kootenai County Ordinance No. 207.

Section 4

STANDARDS: The following standards shall apply whenever an agency, Planning and/or Zoning Commission, Hearing Examiner, or governing body of the City or County considers a zone change, comprehensive plan change, request for a special or conditional use permit, planned unit development, limited planned unit development, variance request, or subdivision plat within the Area of City Impact.

- A. Within the Area of City Impact, the following standards shall apply:
1. Kootenai County Comprehensive Plan, and;
 2. Kootenai County Subdivision Ordinance; and
 3. Kootenai County Zoning Ordinance; and
 4. Kootenai County Stormwater Management Ordinance; and
 5. Except as set forth above, all other standards of applicable Kootenai County codes and ordinances; and
 6. City of Athol Subdivision Ordinance; and
 7. Except as set forth above, all other standards of applicable special districts having jurisdiction within the identified Area of City Impact.

Section 5

ENFORCEMENT:

A. Kootenai County shall be responsible for the administration and enforcement of the County's Ordinances listed in Section 4.A.1 through 4.A.5 within the Area of City Impact, and shall receive all permit fees for inspections performed to recapture direct costs of inspections, administration, legal publications, any development fees such as parkland dedication fees or other costs arising from fulfilling the terms of each Ordinance or regulation.

B. The City of Athol and special districts shall be responsible for administration and enforcement of their respective regulations listed in Section 4.A.6 and 4.A.7 within the Area of City Impact, and shall receive all permit fees for inspections performed to recapture direct costs of inspections, administration, legal publications, or other costs arising from fulfilling the terms of each Ordinance or regulation.

Section 6

RENEGOTIATION: In accordance with Idaho Code Section 67-6526(d), the Athol City Council or the Board of County Commissioners may request, in writing, renegotiation of any provisions of this Ordinance at any time. Within thirty (30) days of receipt of such written request by either party, a meeting between the two (2) jurisdictions shall occur.

While renegotiation is occurring, all provisions of this Ordinance shall remain in effect until the Ordinance is amended or a substitute ordinance is adopted by Athol and Kootenai County, in accordance with the notice and hearing procedures provided in Idaho Code, or until a declaratory judgement from the District Court is final. Provided, however, that this Ordinance or stipulated portions thereof shall be of no further force and effect if both jurisdictions so agree by mutually adopted resolution or ordinance.

Section 7

ANNEXATION:

A. Annexation by the City of Athol shall be limited to those lands lying within the Area of Impact and being contiguous to the city limits of the City of Athol. Upon annexation, the provisions of this ordinance, which is the agreement between the City of Athol and Kootenai County, shall no longer apply to the annexed area.

B. Prior to any annexation by the City of Athol, the City shall forward a copy of the annexation proposal to the County for review and comment at least thirty (30) days prior to the first public hearing on the annexation request.

Section 8

COORDINATION OF PLAN AMENDMENTS, ORDINANCE AMENDMENTS AND ZONING APPLICATIONS:

A. All applications for amendment of Kootenai County Comprehensive Plan and implementing ordinances which apply within the Athol Area of City Impact shall be sent by Kootenai County to the City of Athol for review

B. All Kootenai County land use applications and Public Notice within the Athol Area of City Impact shall be sent to the Athol City Council for review and comment. The city shall have thirty (30) days after receipt of the notice prior to the public hearing to comment.

Section 9

The provisions of this Ordinance are severable and if any provision, clause, sentence, subsection, word, or part thereof is held illegal, invalid, or unconstitutional or inapplicable to any person or circumstance, such illegality, invalidity, or unconstitutionality or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words, or parts of this Ordinance or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Ordinance would have been adopted if such illegal, invalid or unconstitutional provision, clause, sentence, subsection, word, or part had not been included therein, and if such person or circumstance to which the Ordinance or part thereof is held inapplicable had been specifically exempt therefrom.

Section 10

Neither the adoption of this Ordinance nor the repeal of any Ordinance shall, in any manner, affect the prosecution for violation of such Ordinance committed prior to the effective date of this ordinance or be construed as a waiver of any license or penalty due under any such Ordinance or in any manner affect the validity of any action heretofore taken by the Board of County Commissioners of Kootenai County, Idaho, or the validity of any such action to be taken upon matters pending before the Board of County Commissioners on the effective date of this Ordinance.

Section 11

All Ordinances and parts of Ordinances in conflict with this Ordinance are hereby repealed.

Section 12

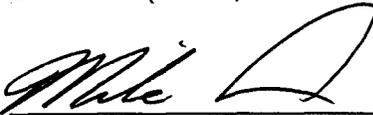
This Ordinance shall take effect and be in full force upon its passage, approval and publication in one (1) issue of the Coeur d'Alene Press, a newspaper of general circulation within Kootenai County, Idaho.

DATED this 21st day of December 1994.

KOOTENAI COUNTY
BOARD OF COMMISSIONERS



Bob Macdonald, Chairman



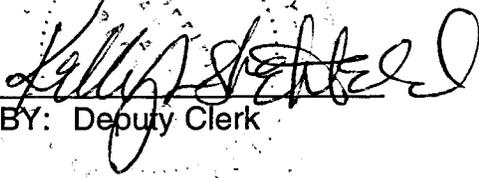
Mike Anderson, Commissioner



Dick Compton, Commissioner

ATTEST:

TOM TAGGART, CLERK



BY: Deputy Clerk