

ORDINANCE NO. 211

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 HARRISON, IDAHO, WITHIN THE UNINCORPORATED AREA OF KOOTENAI COUNTY, IDAHO; AND ADOPTING A MAP IDENTIFYING THE AREA OF CITY IMPACT; DEFINING THE GEOGRAPHIC AREAS OF CITY IMPACT; ADOPTING STANDARDS; PROVIDING FOR ENFORCEMENT; 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 Harrison, Idaho and Kootenai County, Idaho, have conferred and negotiated in good faith upon an Area of City Impact for the City of Harrison 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 29, 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 19, 1994; and

WHEREAS, the City of Harrison and Kootenai County, in accordance with the procedure required by law, have mutually agreed upon an Area of City Impact for the City of Harrison 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 Harrison Area of City Impact is to identify an urban fringe area adjoining the City of Harrison, Idaho. The urban fringe area is realizing, or will realize, growth and development pressures that must be planned and managed in an orderly fashion. The Area of City Impact recognizes trade area, geographic factors, and the potential delivery of public services as being associated with

the City of Harrison and comprised of areas that may reasonably be annexed to the City in the near and distant future.

## **Section 2**

**GEOGRAPHIC AREAS OF CITY IMPACT ESTABLISHED AND DEFINED:** The officially-adopted and agreed upon "Area of City Impact for Harrison, Idaho" is established by City of Harrison Ordinance No. 330, and Kootenai County Ordinance No. 211, and is set forth therein on the attached map entitled Harrison Area of City Impact.

## **Section 3**

**COMPREHENSIVE PLAN:** The Comprehensive Plan and subsequent amendments thereto as officially adopted by the County Kootenai, Idaho shall apply to the Area of City Impact within the unincorporated area of Kootenai County, Idaho. The City of Harrison shall amend its Comprehensive Plan to be consistent with the Kootenai County Comprehensive Plan, if in conflict.

## **Section 4**

**SUBDIVISION ORDINANCE:** The Subdivision Ordinance and subsequent amendments thereto as officially adopted by the County of Kootenai, Idaho shall apply to the Area of City Impact within the unincorporated area of Kootenai County, Idaho. The Subdivision Ordinance of the County shall also prevail over any City Ordinances pertaining to the division of original parcels of record, plat amendments, lot line adjustments, minor subdivisions, short plats, or administrative lot splits.

## **Section 5**

**ZONING ORDINANCE:** The Zoning Ordinance, Zoning Map, and subsequent amendments thereto as officially adopted by the County shall apply to the Area of City Impact within the unincorporated area of Kootenai County, Idaho.

## **Section 6**

**REVIEW:** The County acknowledges that the City of Harrison is currently working on a Subdivision and Zoning Ordinance and may wish to reopen this agreement upon completion of those ordinances to review whether they should be applied within the Area of Impact.

## Section 7

### CODE AND ORDINANCE ADMINISTRATION AND ENFORCEMENT:

1) Kootenai County shall be responsible for the administration and enforcement of the Plan and Ordinances listed in Sections 3, 4, and 5, 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.

2) Amendments to the Kootenai County Comprehensive Plan, requests for preliminary and final plats or the vacation thereof, requests for zone changes or any other type of development applications, with the exception of building permits or development applications for agricultural purposes, involving property located in the Area of City Impact within the unincorporated area of Kootenai County being proposed shall be reviewed by the City Council upon recommendation of the City Planning and Zoning Commission in accordance with Title 67 and Title 50, Idaho Code, who will give a recommendation to the County for approval, disapproval, or the placement of certain conditions.

The County shall notify the City within 20 days of receiving an application for development of any type within the Area of City Impact. Copies of such application shall be forwarded to the City with notification. The City shall return a recommendation within 30 days of receipt of the application but at least 15 days prior to any public hearing set for the matter. The City agrees to return a response, even if they have no comment on the application, to acknowledge receipt of the application. If no acknowledgement is received within the time period, the County agrees to confirm that notice was received by the City.

3) The City agrees not to annex any property outside of their established Area of City Impact, even if receiving a petition from such property owner, but reserves the right to renegotiate the Area of City Impact boundaries in the future. Upon a request for annexation within the Harrison Area of City Impact, the City agrees to notify the County and allow the County 30 days to comment on such request. The County agrees to return a response even if they have no comment on the application. If no acknowledgement is received within the time period, the City agrees to confirm that notice was received by the County.

4) Maintenance of public streets located in the Area of City Impact shall be the exclusive responsibility of the East Side Highway District unless stipulated by written agreement between the Highway District and the City of Harrison.

5) Law enforcement and fire services in the Area of City Impact shall remain the responsibility of Kootenai County, the East Side Fire Protection District, and the

St. Maries Rural Fire District unless otherwise stipulated by written agreement between the County and/or Fire District and the City of Harrison.

6) The City of Harrison shall appoint a member on its Planning and Zoning Commission to represent the Area of City Impact. This representative shall reside within the Area of City Impact and shall be reappointed, upon any vacancy, by citizens also residing within the Area of City Impact.

### **Section 8**

RENEGOTIATION: The Area of City Impact Agreement shall be reviewed by the City of Harrison and Kootenai County at least once every five (5) years and shall be renegotiated at any time upon the request of either party hereto. Renegotiation shall begin thirty (30) days after written request by either the City or County and shall follow procedures for the original negotiation, as set forth in Idaho Code, Section 67-6526.

### **Section 9**

SEVERABILITY: 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**

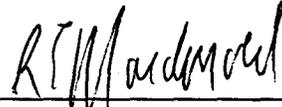
All Ordinances and parts of Ordinances in conflict with this Ordinance are hereby repealed.

Section 12

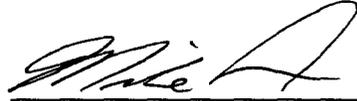
This Ordinance shall take effect and be in full force upon its passage, approval and publication in one (1) issue of the Coeur d'Alene Press, a newspaper of general circulation within Kootenai County, Idaho.

DATED this 28<sup>th</sup> day of December 1994.

KOOTENAI COUNTY  
BOARD OF COMMISSIONERS



Bob Macdonald, Chairman



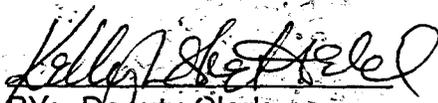
Mike Anderson, Commissioner



Dick Compton, Commissioner

ATTEST:

TOM TAGGART, CLERK



BY: Deputy Clerk