

ORDINANCE NO. 215

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 DALTON GARDENS, 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 Dalton Gardens, Idaho, and Kootenai County, Idaho, have conferred and negotiated in good faith upon an Area of City Impact for the City of Dalton Gardens 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 Dalton Gardens and Kootenai County, in accordance with the procedure required by law, have mutually agreed upon an Area of City Impact for the City of Dalton Gardens 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 Dalton Gardens Area of City Impact is to identify an urban fringe area adjoining the City of Dalton Gardens, 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 Dalton Gardens 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 Dalton Gardens, Idaho" is established by City of Dalton Gardens Ordinance No. 130, and Kootenai County Ordinance No. 214, and is set forth therein on the attached map entitled "Dalton Gardens Area of City Impact."

Section 3

COMPREHENSIVE PLAN: The Comprehensive Plan 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 City of Dalton Gardens 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

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, denial, or the placement of special 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 the City does not respond within that time period, it shall be presumed that they approve the application.

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 Impact boundaries in the future. This shall apply, with the exception of 40 feet south of the south boundary of the Dalton Gardens City limits, from 16th Street to 18th Street (right-of-way for Dalton Avenue). Upon a request for annexation within the Area of City Impact, the City agrees to notify the County and allow the County 30 days to comment on such request.

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

5) The City of Dalton Gardens 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 7

RENEGOTIATION: The Area of City Impact Agreement shall be reviewed by the City of Dalton Gardens 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 8

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 9

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 10

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

Section 11

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 11th day of January 1995.

KOOTENAI COUNTY
BOARD OF COMMISSIONERS



Dick Compton, Chairman



Bob Macdonald, Commissioner



Richard C. Panabaker, Commissioner

ATTEST:

TOM TAGGART, CLERK



BY: Deputy Clerk

Publish: January 16, 1995