

ORDINANCE NO. 226

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 SPIRIT LAKE, 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 Spirit Lake, Idaho, and Kootenai County, Idaho, have conferred and negotiated in good faith upon an Area of City Impact for the City of Spirit Lake within the unincorporated area of Kootenai County; and

WHEREAS, as per Idaho Code Section 67-6526(b), a nine member committee was formed by the City of Spirit Lake and Kootenai County to recommend to the City of Spirit Lake and Kootenai County governing boards; and

WHEREAS, a public hearing, pursuant to public notice as required by law, was held by the Spirit Lake City Council and the Kootenai County Board of Commissioners on March 20, 1995, on the proposed Area of City Impact; and

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

WHEREAS, the City of Spirit Lake and Kootenai County agree to an Area of City Impact Boundary as Area 1 and the Watershed Notification Area Boundary as Area 2; and

WHEREAS, the City of Spirit Lake and Kootenai County adopt the following Goals of Section 1 as their statement for the Area of City Impact.

GOALS:

The City of Spirit Lake and Kootenai County desire to adopt an Area of City Impact to enhance and encourage planned, orderly growth and development where urban services can be most efficiently and economically provided.

The City of Spirit Lake and Kootenai County desire to preserve and enhance the quality of life within the Area of City Impact.

The City of Spirit Lake and Kootenai County recognize a mutual intent to protect the Spirit Lake Watershed Area from further pollution.

The City of Spirit Lake and Kootenai County recognize a mutual intent to protect the investments of both present and future property owners in the Area of City Impact and to minimize the disruptive impacts of uncoordinated growth upon those property owners.

The City of Spirit Lake and Kootenai County recognize a mutual intent to make efficient use of local tax dollars through the policies encouraging development within the Area of City Impact;

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

Section 1

PURPOSE: The purpose of establishing the Spirit Lake Area of City Impact is to identify an urban fringe area adjoining the City of Spirit Lake, 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 Spirit Lake 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 Spirit Lake, Idaho" is established by City of Spirit Lake Ordinance No. 395, and Kootenai County Ordinance No. 225, and is set forth therein on the attached map entitled "Spirit Lake Area of City Impact." The Area of City Impact shall be known as Area 1. The map also defines the Spirit Lake Watershed Notification Area, which shall be known as Area 2.

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, Area 1, and Area 2, within the unincorporated area of Kootenai County, Idaho. The City of Spirit Lake 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 Area 1 and Area 2 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

OTHER ORDINANCES: The Zoning Ordinance, Zoning Map, other County ordinances, and subsequent amendments thereto, as officially adopted by the County shall apply to Area 1 and Area 2 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, involving property located in Area 1 or Area 2 within the unincorporated area of Kootenai County being proposed shall be reviewed by the City in accordance with Title 67 and Title 50, Idaho Code, who will give comments and/or a recommendation to the County for approval, denial, or the placement of special conditions.

3) Upon application to the County for a land use request, the County shall provide written notice and a copy of the application to the City. The City shall have thirty (30) days to comment after receipt of the notice, prior to any public hearing on said request. 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 the time period, it shall be presumed that they approve the application. The Kootenai County Planning Department shall notify the City of Spirit Lake, in writing, of the County's recommendations and actions on said applications within the Spirit Lake Area of City Impact within thirty (30) days following a recommendation or action on such matter.

4) The City agrees not to annex any property outside of Area 1 of their established Area of City Impact, even if a petition from such property owner has been

received, but reserves the right to renegotiate the Area of City Impact, Area 1 and Area 2 boundaries in the future.

5) Upon receiving a request for annexation within the Area of City Impact, the City agrees to notify the County and allow the County thirty (30) days to comment on such request prior to any public hearing on the request.

6) The City of Spirit Lake shall appoint a member on its Planning and Zoning Commission to represent the Area of City Impact. This representative shall reside within Area 1 of the Area of City Impact and shall be reappointed, upon any vacancy, by citizens also residing within Area 1 of the Area of City Impact.

Section 7

RENEGOTIATION: In accordance with Idaho Code 67-6526(d), the City of Spirit Lake or Kootenai County may request in writing to renegotiate any provision of this agreement at any time. Within thirty (30) days of receipt of such request by either party, a meeting between the two jurisdictions shall occur. While renegotiation is occurring, all provisions of the adopted Area of City Impact Ordinance shall remain in effect until said adopted Ordinance is amended or a substitute Ordinance is adopted by the City of Spirit Lake and Kootenai County, in accordance with the Notice and Hearing procedures provided in Title 67, Chapter 65 of Idaho Code or until a declaratory judgment from the District Court is final. Provided, however, that the adopted Ordinance or stipulated portions thereof shall be of no further force and effect if both jurisdictions so agree in writing.

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 19th day of April 1995.

KOOTENAI COUNTY
BOARD OF COMMISSIONERS



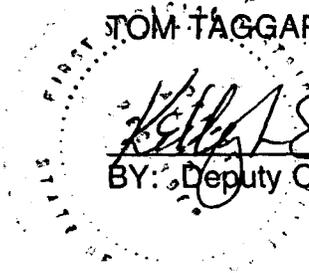
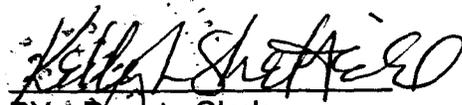
Dick Compton, Chairman

ATTEST:

TOM TAGGART, CLERK



Bob Maddonald, Commissioner

BY: Deputy Clerk



Richard C. Panabaker, Commissioner

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