

ORDINANCE NO. 389
CASE NO. OA-117-05
HAYDEN LAKE AREA OF CITY IMPACT

AN ORDINANCE OF KOOTENAI COUNTY, STATE OF IDAHO, PURSUANT TO *IDAHO CODE* SECTION 67-6526, DEFINING A PURPOSE; IDENTIFYING, ESTABLISHING, AND DEFINING AN AREA OF CITY IMPACT FOR THE CITY OF HAYDEN LAKE, IDAHO, WITHIN THE UNINCORPORATED AREA OF KOOTENAI COUNTY, IDAHO; AND ADOPTING A MAP IDENTIFYING THE AREA OF CITY IMPACT; DEFINING THE GEOGRAPHIC AREA 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 HEREIN WHICH ARE APPLICABLE IN THE AREA OF CITY IMPACT; PROVIDING FOR SEVERABILITY; PROVIDING FOR SAVINGS; REPEALING ALL ORDINANCES AND THOSE PORTIONS OF ORDINANCES IN CONFLICT HERewith; AND PROVIDING AN EFFECTIVE DATE HEREOF.

WHEREAS, pursuant to *Idaho Code* Section 67-6526, the City of Hayden Lake, Idaho, and Kootenai County, Idaho, have heretofore adopted an Area of City Impact pursuant to Ordinance No. 228, adopted by the Kootenai County on June 21, 1995; and

WHEREAS, during the ensuing years, the area in and around the Area of City Impact has continued to develop and traffic congestion and speed has continued to increase along streets within the city that are used by new residents for access to the new development; and

WHEREAS, the parties now wish to renegotiate said Area of City Impact to address the issues of development and traffic on city streets and have conferred and negotiated in good faith upon a new Area of City Impact for the City of Hayden Lake within the unincorporated area of Kootenai County; and

WHEREAS, the Kootenai County Planning and Zoning Commission, pursuant to public notice as required by law, held a public hearing on the proposed new Area of City Impact on July 14, 2006; and

WHEREAS, the Board of County Commissioners, pursuant to public notice as required by law, held a public hearing on the proposed new Area of City Impact on September 7, 2006; and

WHEREAS, the City of Hayden Lake and Kootenai County, in accordance with the procedure required by law, have mutually agreed upon a new Area of City Impact of the City of Hayden Lake within the unincorporated area of Kootenai County, Idaho.

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF KOOTENAI COUNTY, STATE OF IDAHO:

Section 1

PURPOSE: The purpose of establishing the new Hayden Lake 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 with the adopted Comprehensive Plan of the City and to ensure timely or economical provision of public service, and to protect and sustain existing public services and residential communities, and to promote traffic flow objectives, conform with the Comprehensive Plan and zoning regulations of the City of Hayden Lake, and protect the safety of all users of city streets affected by increased traffic from land use

decisions in the Hayden Lake Area of City Impact. Traffic safety, bicycling safety and pedestrian safety are substantial governmental goals furthered by this Ordinance.

Section 2

AREAS OF CITY IMPACT DEFINED: The new Area of City Impact shall consist of an area where development or use of land affects or may affect the City of Hayden Lake 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 THE CITY IMPACT ESTABLISHED AND DEFINED: The officially-adopted Area of City Impact is hereby established and shown on the map entitled "Hayden Area of City Impact" and is officially made a part hereof by reference, said map being specifically adopted by Hayden Lake Ordinance No. 215, and Kootenai County Ordinance No. 391.

Section 4

STANDARDS: Upon adoption by the City and County, the following standards shall apply wherever 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, other land use decision, or subdivision plat within the Area of City Impact.

- A. Kootenai County Comprehensive Plan, and;
- B. Kootenai County Subdivision Ordinance, and;
- C. Kootenai County Zoning Ordinance as amended for application within the Area of City Impact, and;
- D. Kootenai County Site Disturbance Ordinance; and
- E. Except as set forth above, all other standards of applicable Kootenai County codes and ordinances; and
- F. The City of Hayden Lake standards for street, bicycle access, pedestrian usage and traffic calming devices, which may include dedication requirements and provisions for future street improvements.
- G. Except as set forth above, all other standards of applicable special districts having jurisdiction within the identified Area of City Impact.

No application for a preliminary plat within the Area of City Impact shall be accepted by the County as complete until the City of Hayden Lake City Engineer attests in writing that either traffic flow from the subdivision will not impact city streets or that appropriate measures have been addressed by the applicant to improve traffic, bicycling and pedestrian safety along affected city streets, or that the Applicant and the City have not come to an agreement on appropriate measures to improve traffic, bicycling and pedestrian safety along affected city streets, the City shall provide review and comment to the Applicant in a timely manner.

Section 5

ENFORCEMENT: Kootenai County shall be responsible for the administration and enforcement of the County Ordinances and regulations within the Area of City Impact and shall, except as otherwise provided, 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.

The City of Hayden Lake shall receive its adopted applicable fees with the Area of City Impact, for design review and inspections performed in evaluating traffic flow and inspecting, designing and implementing traffic calming devices and other street improvements to address traffic, bicycling and pedestrian safety.

Section 6

HEARING PROCEDURES WITHIN THE AREA OF CITY IMPACT: All applications for subdivision plats, zone change, comprehensive plan amendment, variances, conditional use, planned unit development, and limited planned unit development within the Area of City Impact shall be heard by Kootenai County. Upon receipt of an application, the County shall forward to the City a copy of the application and related material. The City shall have thirty (30) days after receipt of the same, but prior to the scheduling of any public hearing, to comment on such application.

Prior to amendment by the County of any ordinance within is applicable in the Area of City Impact, the County shall forward the proposed change to the City for review and comment at least thirty (30) days prior to the first public hearing at which such amendment will be considered. The City shall have thirty (30) days after receipt of the same to comment on such amendment.

Prior to amendment by the City of any ordinance which is applicable in the Area of City Impact or any annexation, the City shall forward the proposed change or request for annexation to the County for review and comment at least thirty (30) days prior to the first public hearing at which such amendment or annexation will be considered. The County shall have fifteen (15) days after receipt of the same for comment.

Section 7

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

Section 8

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 part 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 constructed as a waiver of any license or penalty due under any such Ordinance or in any manner affect the validity of any action theretofore taken by the Board of County Commissioners of Kootenai County, Idaho or the validity or any such action to be taken upon matters pending before the Board of County Commissioners on the effective date of this Ordinance.

Section 10

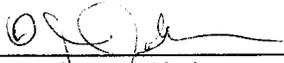
All Ordinances and parts of Ordinances in conflict with this Ordinance, specifically Ordinances 227 and 228 are hereby repealed.

Section 11

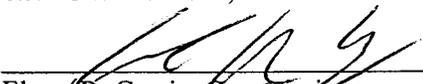
This Ordinance shall take effect and be in full force upon its passage, approval, and publication in one (1) issue of the *Coeur d'Alene Press*, a newspaper of general circulation within Kootenai County, Idaho.

DATED this 14th day of September, 2006.

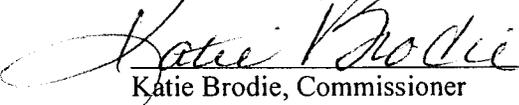
KOOTENAI COUNTY
BOARD OF COMMISSIONERS



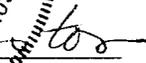
S.J. "Gus" Johnson, Chairman



Elmer R. Currie, Commissioner



Katie Brodie, Commissioner

CLERK OF 1ST DISTRICT
OFFICE OF THE CLERK OF 1ST DISTRICT
AUDITOR AND RECORDER
DANIEL ENGLISH
BY: 

CLERK

Publication Date: 9-19-06