

ORDINANCE NO. 557
Case No. ORA13-0002
AREA OF CITY IMPACT AGREEMENT WITH THE CITY OF HAUSER

AN ORDINANCE OF KOOTENAI COUNTY, IDAHO, A POLITICAL SUBDIVISION OF THE STATE OF IDAHO, RELATING TO THE ADOPTION OF AN AREA OF CITY IMPACT FOR THE CITY OF HAUSER, IDAHO, WITHIN THE UNINCORPORATED AREA OF KOOTENAI COUNTY, IDAHO, PURSUANT TO SECTION 67-6526, IDAHO CODE; PROVIDING A PURPOSE AND GOALS; ESTABLISHING AND DEFINING THE AREA OF CITY IMPACT (ACI), INCLUDING AREAS WITHIN THE ACI FOR POTENTIAL DELIVERY OF PUBLIC SERVICES AND AREAS REASONABLY EXPECTED TO BE ANNEXED INTO THE CITY OF HAUSER, THE GEOGRAPHIC FACTORS OF HAUSER LAKE AND ITS WATERSHED, AND THE CITY OF HAUSER TRADE AREA; PROVIDING THAT THE KOOTENAI COUNTY COMPREHENSIVE PLAN, SUBDIVISION REGULATIONS, AND OTHER LAND USE REGULATIONS SHALL APPLY WITHIN THE ACI; PROVIDING FOR CODE AND ORDINANCE ADMINISTRATION AND ENFORCEMENT, INCLUDING DISTRIBUTION OF FEES; PROVIDING PROCEDURES FOR RENEGOTIATION; ADOPTING A LEGAL DESCRIPTION OF THE ACI, INCLUDING EACH AREA DESCRIBED ABOVE, AND ADOPTING A MAP ILLUSTRATING THE ACI, INCLUDING EACH AREA DESCRIBED ABOVE; PROVIDING FOR SEVERABILITY; PROVIDING FOR SAVINGS; REPEALING ALL ORDINANCES AND THOSE PORTIONS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to Section 67-6526, Idaho Code, the City of Hauser, Idaho, and Kootenai County, Idaho, had adopted an Area of City Impact pursuant to Ordinance No. 289, adopted by Kootenai County on October 27, 1999; and

WHEREAS, during the ensuing years, administration and enforcement of land use regulations in the Area of City Impact has proven to be highly problematic, and often leading to confusion as to which entity has jurisdiction, which entity's zoning applies and which regulations apply; and

WHEREAS, the parties desired to renegotiate said Area of City Impact to address these issues, and they have conferred and negotiated in good faith upon a new Area of City Impact for the City of Hauser within the unincorporated area of Kootenai County; and

WHEREAS, the Hauser Joint 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 August 18, 2020; 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 October 22, 2020; 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 November 5, 2020; and

WHEREAS, the City of Hauser and Kootenai County, in accordance with the procedure required by law, have mutually agreed upon a new Area of City Impact for the City of Hauser 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 AS FOLLOWS:

SECTION 1. That Title 8, Chapter 10, Article 10.6, Kootenai County Code, shall be, and the same is hereby repealed.

SECTION 2. That a new Title 8, Chapter 10, Article 10.6, Kootenai County Code, shall be, and the same is hereby added as follows:

Article 10.6 Hauser

8.10.601: PURPOSE: The purpose of establishing the City of Hauser Area of City Impact is to identify a fringe area adjoining the City of Hauser, Idaho. The fringe area is realizing, or will realize, growth and development pressures that must be anticipated, planned for 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 Hauser and comprised of areas that may reasonably be annexed to the City in the future.

8.10.602: GOALS: The City of Hauser and Kootenai County:

- A. Desire to adopt an Area of City Impact where urban services can be most efficiently and economically provided for orderly growth and development;
- B. Desire to see the quality of life within the Area of City Impact maintained or improved;
- C. Recognize a mutual intent to protect the Hauser Lake Watershed Area from further environmental pollution; and
- D. Recognize a mutual intent to minimize the disruptive impacts of uncoordinated growth.

8.10.603: GEOGRAPHIC AREA OF CITY IMPACT ESTABLISHED AND DEFINED: The officially adopted and agreed upon “Area of City Impact for Hauser, Idaho” is hereby established, and is set forth on the map entitled “City of Hauser Area of City Impact” in Illustration 10-601 of this article. The City of Hauser Area of City Impact is broken down into three (3) areas. The area defining the City of Hauser trade area shall be known as Area 1. The area defining the geographic factors of Hauser Lake and its watershed shall be known as Area 2. The area for potential delivery of public services and areas reasonably expected to be annexed into the City shall be known as Area 3.

8.10.604: COMPREHENSIVE PLAN: The Kootenai County Comprehensive Plan, and subsequent amendments thereto, shall apply within the Area of City Impact, including Area 1, Area 2, and Area 3 thereof. The City of Hauser Comprehensive Plan, and subsequent amendments thereto, shall continue to apply within the city limits of the City of Hauser.

8.10.605: SUBDIVISION ORDINANCE: The subdivision regulations set forth in this title, and subsequent amendments thereto, shall apply within the Area of City Impact, including Area 1, Area 2, and Area 3 thereof. The subdivision regulations set forth in this title 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 outside of the City's boundaries and within the Area of City Impact. The Hauser City Code shall govern over lands within the City's boundaries.

8.10.606: OTHER ORDINANCES: The zoning regulations set forth in this title, zoning map, other applicable provisions of this code, and subsequent amendments thereto, shall apply outside of the City's boundaries and within the Area of City Impact, including Area 1, Area 2, and Area 3 thereof. The zoning regulations set forth in the Hauser City Code shall apply within the City's boundaries.

8.10.607: CODE AND ORDINANCE ADMINISTRATION AND ENFORCEMENT:

A. The County shall be responsible for the administration and enforcement of its Comprehensive Plan and this title. Fees shall be charged pursuant to the then-current County fee resolution and distributed as follows:

Fiscal Year	City of Hauser	Kootenai County
2020	90%	10%
2021	80%	20%
2022	70%	30%
2023	60%	40%
2024 and later	50%	50%

All fees collected by the County and to be distributed to the City shall be disbursed on or before September 30 of each year.

B. 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, Area 2, or Area 3 within the unincorporated area of Kootenai County being proposed shall be reviewed by the City in accordance with titles 50 and 67, Idaho Code, who will give comments and/or a recommendation to the County for approval, denial, or the placement of special conditions. The City's Comprehensive Plan and subsequent amendments thereto shall apply to areas within the City's boundaries.

C. 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 it approves the application. Kootenai County Community Development shall notify the City of

Hauser, in writing, of the County's recommendations and actions on said applications within the Hauser Area of City Impact within thirty (30) days following a recommendation or action on such matter.

D. The City agrees not to annex any property outside of its established Area of City Impact, even if a petition from such property owner has been received, but reserves the right to renegotiate the boundaries of the Area of City Impact.

E. 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.

8.10.608: RENEGOTIATION: In accordance with subsection 67-6526(d), Idaho Code, the City of Hauser or the County may request in writing to renegotiate any provision of this article 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 this article shall remain in effect until this article is amended or a substitute ordinance is adopted by the City of Hauser and Kootenai County, in accordance with the notice and hearing procedures provided in title 67, chapter 65, Idaho Code or until a declaratory judgment from the District Court is final. Provided, however, that this article or stipulated portions thereof shall be of no further force and effect if both jurisdictions so agree in writing.

8.10.609: LEGAL DESCRIPTION; PRECEDENCE:

A. Legal Description.

1. The Area of City Impact for the City of Hauser is hereby legally described as follows:

Commencing at the Northwest Corner of Government Lot 4 of Section 25 (Township 51 North, Range 6 West), said point being the REAL POINT OF BEGINNING,

thence along the northerly line of said Government Lot 4, the northerly line of the South 1/2 of the East 1/2 of the Southwest 1/4 and the northerly line of the South 1/2 of the Southeast 1/4 of said Section 25 and its easterly projection thereof East a distance of 4700 feet, more or less, to a point on the southerly line of Bonneville Power Administration, Washington Water Power and Pacific Gas and Transmission easements as they cross Section 30 (Township 51 North, Range 5 West),

thence leaving said easterly projection along the southerly line of said easements northeasterly a distance of 4600 feet, more or less, to a point on the southerly line of the North 1/2 of the Northeast 1/4 of said Section 30,

thence leaving said southerly easement line along said southerly line East a distance of 1400 feet, more or less, to the Southeast Corner of said North 1/2,

thence leaving said southerly line along the easterly line of said Section 30 a distance of 1320 feet, more or less, to a point on the Northeast Corner of said section 30, also being the Northwest Corner of Section 29 (Township 51 North, Range 5 West),

thence leaving said easterly line along the northerly line of said Section 29 a distance of 2640 feet, more or less, to a point on the North $\frac{1}{4}$ Corner of said Section 29,

thence leaving said northerly line along the North-South Center of Section line of Section 20 (Township 51 North, Range 5 West) North a distance of 4550 feet, more or less, to a point on the center line of State Highway 53,

thence leaving said North-South Center of Section along said center line northeasterly a distance of 3500 feet, more or less, to a point on the easterly line of Section 17 (Township 51 North, Range 5 West),

thence leaving said center line along the easterly line of said Section 17 North a distance of 1175 feet, more or less, to a point on the East $\frac{1}{4}$ Corner of said Section 17;

thence leaving said easterly line along the East-West Center of Section line of said Section 17 West a distance of 2660 feet, more or less, to a point at the Center of Section 17;

thence leaving said East-West Center of Section along the North-South Center of Section line of said Section 17 North a distance of 2645 feet, more or less, to the Northeast Corner of said Section 17;

thence leaving said North-South Center of Section along the northerly line of said Section 17 West, a distance of 1340 feet, more or less, to a point on the Southeast Corner of the West $\frac{1}{2}$ of the West $\frac{1}{2}$ of Section 8 (Township 51 North, Range 5 West);

thence leaving said northerly line along the easterly line of the West $\frac{1}{2}$ of the West $\frac{1}{2}$ of said Section 8 North a distance of 5280 feet, more or less, to a point on the northerly line of said Section 8;

thence leaving said easterly line along the northerly line of said Section 8 West a distance of 1375 feet, more or less, to the Northwest Corner of said Section 8, also being the Southeast Corner of Section 6 (Township 51 North, Range 5 West),

thence leaving said northerly line along the easterly line of said Section 6 North a distance of 1320 feet, more or less, to the Northeast Corner of the Northeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of said Section 6;

thence leaving said easterly line along the southerly line of the Northwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 5 (Township 51 North, Range 5 West) East a distance of 1360 feet, more or less, to the Southeast Corner of the Northwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of said Section 5;

thence leaving said southerly line along the easterly line of the Northwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 5 North a distance of 1325 feet, more or less, to a point on the East-West Center of Section line of said Section 5;

thence leaving said easterly line along the East-West Center of Section line of said Section 5 East a distance of 1340 feet, more or less, to a point at the Center of said Section 5;

thence leaving said East-West Center of Section along the North-South Center of Section line of said Section 5 North a distance of 2660 feet, more or less, to the North $\frac{1}{4}$ Corner of said Section 5;

thence leaving said North-South Center of Section along the northerly line of said Section 5 West a distance of 2700 feet, more or less, to the Northwest Corner of said Section 5, also being the Southeast Corner of Section 31 (Township 52 North, Range 5 West),

thence leaving the northerly line of said Section 5 along the easterly line of said Section 31 North a distance of 5280 feet, more or less, to the Northeast Corner of said Section 31, said Corner being on the southerly line of Section 30 (Township 52 North, Range 5 West),

thence leaving said easterly line along the southerly line of said Section 30 East a distance of 250 feet, more or less, to the Southeast Corner of said Section 30,

thence leaving said southerly line along the boundary of said Section 30 the following courses:

North a distance of 5280 feet, more or less, to the Northeast Corner of said Section 30,

thence West a distance of 5280 feet, more or less, to the Northwest Corner of said Section 30,

thence South 5280 feet, more or less, to the Southwest Corner of said Section 30 being also the Northwest Corner of Section 31 (Township 52 North, Range 5 West),

thence leaving the boundary of said Section 30 along the westerly line of said Section 31 South a distance of 5280 feet, more or less, to the Southwest Corner of said Section 31 being also the Northeast Corner of Section 1 (Township 51 North, Range 6 West),

thence leaving the westerly boundary of said Section 31 along the northerly boundary of said Section 1, West a distance of 4400 feet, more or less, to a point on the westerly boundary of the State of Idaho,

thence leaving the northerly line of said Section 1 along said westerly boundary South a distance of 22,910 feet, more or less, to the Northwest Corner of Government Lot 4 of said Section 25 (Township 51 North, Range 6 West), said point being the REAL POINT OF BEGINNING.

2. Area 1 shall be defined as that area within the Area of City Impact described in paragraph 1 of this subsection located to the south of a line described as follows:

COMMENCING at a point on the Southwest Corner of Section 13, Township 51 North, Range 6 West Boise Meridian, Kootenai County, Idaho, which point is located on the

Idaho-Washington State Line, and said point being the POINT OF BEGINNING for this description;

Thence along the southerly line of said Section 13 East 4590 feet, more or less, to the Southeast Corner of said Section 13, being also the Southwest Corner of Section 18, Township 51 North, Range 5 West;

Thence continuing along the southerly line of said Section 18 East 5210 feet, more or less, to a point on the Southeast Corner of said Section 18, being also the Southwest Corner of Section 17, Township 51 North, Range 5 West;

Thence continuing along the southerly line of said Section 17 East 2655 feet, more or less, to a point on the Southeast Corner of the Southwest $\frac{1}{4}$ of said Section 17, being also the Northeast Corner of the Northwest $\frac{1}{4}$ of Section 20, Township 51 North, Range 5 West;

Thence leaving the southerly line of said Section 17 along the North-South Center of Section line of said Section 20 South 750 feet, more or less, to a point on the center line of State Highway 53, said point being the POINT OF TERMINATION for this description.

3. Area 2 shall be defined as that area within the Area of City Impact described in paragraph 1 of this subsection that is located to the north of a line described as follows:

COMMENCING at a point on the Southwest Corner of Section 1, Township 51 North, Range 6 West Boise Meridian, Kootenai County, Idaho, said point being located on the Idaho-Washington State Line, and said point being the POINT OF BEGINNING for this description;

Thence along the southerly line of said Section 1 East 4410 feet, more or less, to the Southeast Corner of said Section 1, being also the Southwest Corner of Section 6, Township 51 North, Range 5 West;

Thence continuing along the southerly line of said Section 6 East 5320 feet, more or less, to a point on the Southeast Corner of said Section 6, said point being the POINT OF TERMINATION for this description.

4. Area 3 shall be defined as that area within the Area of City Impact described in paragraph 1 of this subsection that is located to the north of the line described in paragraph 2 of this subsection and south of the line described in paragraph 3 of this subsection.

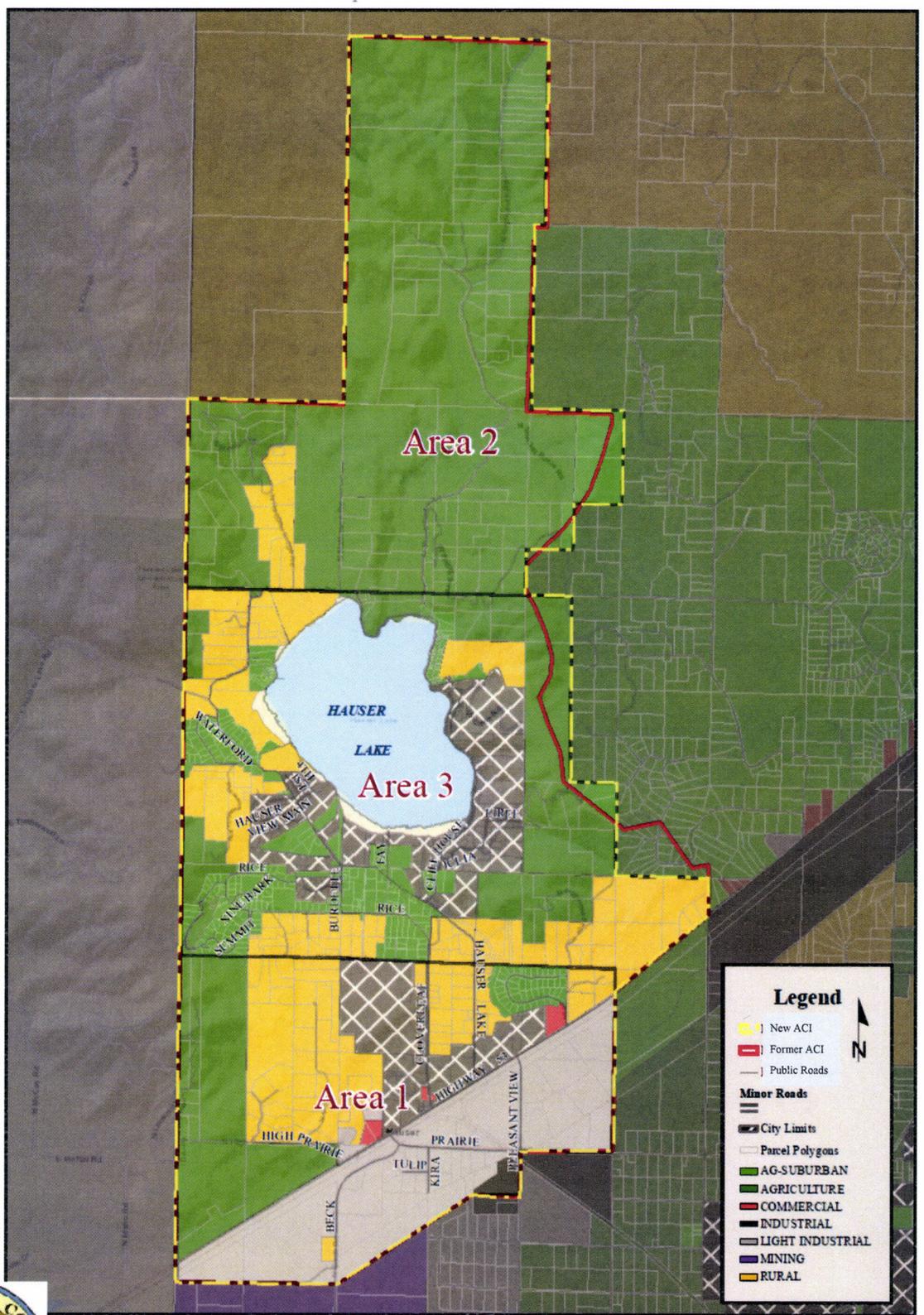
B. Precedence. In the event of any conflict between this map and the legal description contained in this section, the legal description shall take precedence.

SECTION 3. That Illustration 10-601 contained in Title 8, Chapter 10, Article 10.6, Kootenai County Code, shall be, and is hereby repealed.

SECTION 4. That a new Illustration 10-601, to be contained in Title 8, Chapter 10, Article 10.6, Kootenai County Code, shall be, and the same is hereby added as follows:

[Illustration 10-601 begins on next page]

Illustration 10-601 Hauser Area of City Impact Map



0 0.325 0.65 1.3 1.95 2.6
Miles

1 inch = 0.7 miles

Kootenai County, Idaho, Planning and Economic Development Department
1000 W. Main Street, Suite 200, Kootenai County Courthouse Building, Coeur d'Alene, ID 83814
Phone: (208) 765-3000, Fax: (208) 765-3001, Email: kootenai@kootenai.gov

SECTION 5. If any section, subsection, sentence, clause, phrase or portion of this chapter is, for any reason, held to be invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION 6. 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 Kootenai County Board of Commissioners or the validity of any such action to be taken upon matters pending before the Kootenai County Board of Commissioners on the effective date of this Ordinance.

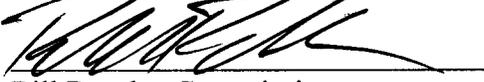
SECTION 7. The provisions of this Ordinance shall take effect and be in full force upon passage and approval of this Ordinance by Kootenai County and passage and approval of a corresponding ordinance by the City of Hauser, and publication of a Notice of Adoption of each respective ordinance in the *Coeur d'Alene Press*.

ADOPTED this 12th day of November, 2020.

**KOOTENAI COUNTY
BOARD OF COMMISSIONERS**


Chris Fillios, Chairman


Leslie Duncan, Commissioner


Bill Brooks, Commissioner

ATTEST:
JIM BRANNON, CLERK

By: 
Sandi Gilbertson, Deputy Clerk



Publication Date: November 17, 2020

C: Community Development, Prosecuting Attorney (Civil Division), Sheriff, City of Hauser, American Legal Publishing, Ordinance File