

**BOARD OF COUNTY COMMISSIONERS SIGNING**

MINUTES DATE: November 30, 2006  
CASE NAME: Area of City Impact Agreement  
CASE NUMBER: Ordinance No. 392/OA-127-06

COMMISSIONERS PRESENT:  
Commissioner Brodie  
Commissioner Currie  
Chairman Johnson

CONFLICT(S): None

CHANGES: Case No. CV-4379-06P, an appeal by Douglas Mayo, was pulled from the agenda.

PRESENT: Mark Mussman, John Cafferty, Staci Armes, Mel Palmer, Sandi Gilbertson

Motion by Commissioner Brodie, seconded by Commissioner Currie, to approve the signing of **Ordinance No. 392/Case No. OA-127-06**, An Ordinance of Kootenai County, Idaho, enacted cooperatively with the Cities of Post Falls, Rathdrum and Hayden, Idaho, setting forth the cooperative bases for such enactment, establishing an effective date and term of duration, describing lands made subject to a two-tiered Area of City Impact, providing that this ordinance and its companion ordinance addressing the substance of any Area of City Impact Agreement among the parties shall be deemed to supersede all prior Area of City Impact Ordinances of the respective participating public entities.

The vote was as follows:

Commissioner Brodie: Aye  
Commissioner Currie: Aye  
Chairman Johnson: Aye

Secretary's Signature: Sandi Gilbertson  
Date: November 30, 2006

NOTICE OF ORDINANCE ADOPTION

The Board of Commissioners of Kootenai County, Idaho, hereby gives notice of the adoption of Kootenai County Ordinance No. 392. The full text of the ordinance addresses the following subject:

AN ORDINANCE OF KOOTENAI COUNTY, IDAHO, ENACTED COOPERATIVELY WITH THE CITIES OF POST FALLS, RATHDRUM AND HAYDEN, IDAHO, SETTING FORTH THE COOPERATIVE BASES FOR SUCH ENACTMENT, ESTABLISHING AN EFFECTIVE DATE AND TERM OF DURATION, DESCRIBING LANDS MADE SUBJECT TO A TWO-TIERED AREA OF CITY IMPACT, PROVIDING THAT THIS ORDINANCE AND ITS COMPANION ORDINANCE ADDRESSING THE SUBSTANCE OF ANY AREA OF CITY IMPACT AGREEMENT AMONG THE PARTIES SHALL BE DEEMED TO SUPERSEDE ALL PRIOR AREA OF CITY IMPACT ORDINANCES OF THE RESPECTIVE PARTICIPATING PUBLIC ENTITIES.

The full text of Ordinance No. 392 is available at the Kootenai County Building and Planning Department, 451 Government Way, Coeur d'Alene, Idaho 83814, weekdays, from 7 a.m. to 4 p.m.

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*.

ADOPTED this 30th day of November 2006

KOOTENAI COUNTY  
BOARD OF COMMISSIONERS

  
S.J. "Gus" Johnson, Chairman

ATTORNEY AT LAW  
DANIEL J. ENGLISH, CLERK  
By:   
Deputy Clerk



Publication Date: December 7, 2006

**ORDINANCE NO. 392**  
CASE NO. OA-127-06  
COUNTY COORDINATED AREA OF CITY IMPACT AGREEMENT

AN ORDINANCE OF KOOTENAI COUNTY, IDAHO, ENACTED COOPERATIVELY WITH THE CITIES OF POST FALLS, RATHDRUM AND HAYDEN, IDAHO, SETTING FORTH THE COOPERATIVE BASES FOR SUCH ENACTMENT, ESTABLISHING AN EFFECTIVE DATE AND TERM OF DURATION, DESCRIBING LANDS MADE SUBJECT TO A TWO-TIERED AREA OF CITY IMPACT, PROVIDING THAT THIS ORDINANCE AND ITS COMPANION ORDINANCE ADDRESSING THE SUBSTANCE OF ANY AREA OF CITY IMPACT AGREEMENT AMONG THE PARTIES SHALL BE DEEMED TO SUPERSEDE ALL PRIOR AREA OF CITY IMPACT ORDINANCES OF THE RESPECTIVE PARTICIPATING PUBLIC ENTITIES.

NOW, THEREFORE, Be it ordained by the Kootenai County Board of Commissioners as follows:

**1. RECITALS OF PREMISES OF COOPERATION**

WHEREAS, Kootenai County and the cities of Rathdrum, Post Falls and Hayden are mutually facing the pressures and benefits of shared growth; and

WHEREAS, each of these public agencies shares jurisdiction regarding development and management of public services and facilities on lands within parts of the Rathdrum Prairie; and

WHEREAS, the Rathdrum Prairie has provided a land resource for private development that has added to the geographic area of the cities of Rathdrum, Post Falls and Hayden; and

WHEREAS, the Rathdrum Prairie Aquifer has served as a source of clean, available water to sustain life, health and economic development; and

WHEREAS, the Rathdrum Prairie has traditionally supplied open spaces that contribute to the overall quality of life upon and around it environs; and

WHEREAS, development of private lands on the Rathdrum Prairie has been subject to planning and regulation by one or more of the public agencies referenced above; and

WHEREAS, continued political pressure and ongoing litigation are challenging the viability of current agricultural practices, and owners of agricultural lands are seeking viable options for their future; and

WHEREAS, a regional approach to serving the Rathdrum Prairie with cooperative wastewater disposal options would be prudent and worthy of further study; and

WHEREAS, such cooperation among the parties may result in an area-wide wastewater master plan that includes the potential for land application of treated wastewater, thereby enabling options to sustain agriculture or to preserve open space on parts of the Rathdrum Prairie; and

WHEREAS, continuing agriculture on the Prairie holds significant potential to aid in preserving greenspace that will otherwise be lost if an affordable means for preservation cannot be found; and

WHEREAS, each of the parties hereto recognizes the need to protect the common water resource and to integrate means of transportation and provision of other public services in developing areas; and

WHEREAS, the parties recognize that the rate of urbanization for the communities that are a party to this Agreement will be different from one community to another; and

WHEREAS, Idaho law provides tools to allow the cooperation of counties and cities in public planning and implementation; and

WHEREAS, since the adoption of the Area of City Impact Agreements and Ordinances for the cities of Rathdrum, Post Falls and Hayden there have been significant changes while growth continues to be strong and sustained, thereby supporting amendment of the current Area of City Impact Agreements for the cities; and

WHEREAS, the parties share common goals and desire to engage in a shared, cooperative effort to chart a meaningful intergovernmental plan and implementation strategy for the Rathdrum Prairie.

NOW, THEREFORE, the parties hereto agree that a Coordinated Area of City Impact Agreement for the Cities of Rathdrum, Post Falls and Hayden is hereby adopted with the following terms and conditions:

## **2. EFFECTIVE DATE**

This Agreement/Ordinance shall be effective with respect to Kootenai County and each respective city referenced herein upon the latter day of the date of publication of this ordinance after passage or the date of publication of a companion ordinance enacted by each cooperating city. This Ordinance establishing Area of City Impact boundaries for each of the respective cities referenced herein shall not become effective with respect to each respective city until said city passes and publishes an Area of City Impact Ordinance consistent with the provisions of this Ordinance.

## **3. TERM- EARLY TERMINATION**

The term of this Ordinance shall be for a period of five (5) years from the initial effective date set forth above. The parties further agree to begin renegotiation of their respective Area of City Impact Agreements no later than three and one-half (3½) years after the initial effective date set forth above. If the parties are unable to agree upon a replacement for this Agreement within five (5) years from its initial effective date, this Agreement shall remain in full force and effect with each party thereafter authorized to seek a two-party Area of City Impact Agreement with Kootenai County that would supersede this Agreement with respect to that city. Any participating city that elects to terminate participation as set forth herein prior to expiration of the five-year term, or before mutual agreement upon a superseding cooperative agreement, whichever comes first, shall be entitled to 15 days prior notice of any special use, subdivision or rezoning proposals within an area ½ mile from its corporate boundary as such boundary existed on the initial effective date of this Ordinance. Otherwise, regular County standards and procedures would apply.

## **4. TWO-TIERED AREA OF CITY IMPACT**

A. By separate ordinance adopted on the same date as this Ordinance, the parties agree that the Area of City Impact for each of the cities signatory hereto shall consist of two tiers. The exclusive tiers of Area of City Impact for the respective cities are hereby described as follows:

For the City of Hayden lands not within the City limits, but situated within the following legal description, shall fall within the exclusive Area of City Impact for the City of Hayden:

**1. Exclusive Tier- City of Hayden**

The exclusive tier for the City of Hayden shall consist of all of Sections 1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 15, 16, 21, 22, and 23, Township 51 North, Range 4 West Boise Meridian; a part of Sections 24, 25, and 26, Township 51 North, Range 4 West Boise Meridian; and a part of Sections 7, 19, and 30, Township 51 North, Range 3 West Boise Meridian, Kootenai County, Idaho; more particularly described as follows:

BEGINNING at the Southwest corner of said Section 21, Township 51 North, Range 4 West B. M., being the intersection of Huetter Road and Prairie Avenue;

THENCE East along the South lines of said Sections 21, 22, and 23 to the Easterly right-of-way line of U.S. Highway 95 in said Section 23;

THENCE South  $5^{\circ} 51'$  West, 630 feet, more or less, along said Easterly right-of-way line to Highway right-of-way monument P.T. 153+44.70;

THENCE 347.38 feet along said Easterly right-of-way line on the arc of a 28,537.9 foot radius curve left, said curve having a chord bearing South  $5^{\circ} 28'06''$  West, 347.38 feet to the Northerly right-of-way line of Aqua Avenue;

THENCE South  $88^{\circ} 57'32''$  East, 1275.35 feet along said Northerly right-of-way line to its intersection with the Westerly right-of-way line of Government Way (a.k.a. Old Highway 95);

THENCE continuing South  $88^{\circ} 57'32''$  East, 60.00 feet, and leaving said Westerly right-of-way line to the Easterly right-of-way line of said Government Way and the Westerly line of the City of Dalton Gardens;

THENCE North  $1^{\circ} 04'06''$  East, 989.24 feet (of record as North) along said Easterly right-of-way line and the Northerly projection thereof, and said Westerly line of the City of Dalton Gardens to a point on the South line of said Section 24 on the centerline of Prairie Avenue, said point also being the Northwest corner of the City of Dalton Gardens;

THENCE East 3930.00 feet, more or less, along the South line of said Section and the Northerly line of the City of Dalton Gardens to the East 1/16 section corner common to said Sections 24 and 25;

THENCE along the Northwesterly boundary of that certain right-of-way easement granted from Charles Finucane and Marion Finucane to the Dalton Gardens Irrigation District on the 13th day of March 1954, as Instrument Number 284140, records of said County, and described as follows:

"a strip of land 11 feet in width situated in the Southeast Quarter of Section 24, Township 51 North, Range 4 West Boise Meridian, Kootenai County, Idaho, the centerline of said strip of land being parallel with and 12 feet to the left of the following described line:

BEGINNING at the Southwest corner of the Southeast Quarter of the Southeast Quarter of said Section 24;

North  $34^{\circ} 44'$  East, 750.0 feet;

thence North 31° 20' East, 241.4 feet;

thence along a curve to the right, 190.0 feet;

thence North 69° 20' East, 618.6 feet to a point on the East line of said Southeast Quarter of Section 24, said point being 129.0 feet South of the Northeast corner of the Southeast Quarter of the Southeast Quarter of Section 24, all in Kootenai County, Idaho";

THENCE South (from said point, being 129.0 feet South of the Northeast corner of the SE 3 of the SE 3 of said section, which point is also North 47° 41'00" East, 1740.97 feet from the East 1/16 section corner common to said Sections 24 and 25), along the East line of said Section 24 to the corner common to said Sections 24 and 25, Township 51 North, Range 4 West and said Sections 19 and 30, Township 51 North, Range 3 West;

THENCE South 89° 00'11" East, 30.0 feet along the North line of said Section 30;

THENCE South 0° 46'08" East, 239.76 feet;

THENCE South 89° 29'17" East, 170.0 feet;

THENCE South 31° 28'59" East, 450.19 feet to the Northwest corner of Lot 1, Block 2, WOODLAND HEIGHTS, according to the plat on file in Book E of Plats at page 129;

THENCE traversing the northerly line of Block 2 of said WOODLAND HEIGHTS, as follows:

South 49° 39'15" East, 647.74 feet;

thence South 64° 21'30" East, 415.97 feet;

thence South 83° 51'30" East, 158.91 feet;

thence North 82° 20'15" East, 52.47 feet to the Northeast corner of Lot 7, Block 2 of said Plat;

THENCE leaving said plat of WOODLAND HEIGHTS, North 68° 42'25" East, 1660.00 feet (of record as North 66° East, 1657 feet, more or less) along the Southerly line of WOODLAND HEIGHTS 5th ADDITION, according to the plat on file in Book G of Plats at page 64, and said Southerly line extended;

THENCE North 86° 59'57" East, 150.00 feet (of record as North 87° East, 150 feet, more or less);

THENCE South 47° 00'03" East, 575.00 feet (of record as South 47° East, 575 feet, more or less);

THENCE South 89° 59'57" East, 475.00 feet (of record as East, parallel with the North line of said Section 30, a distance of 475 feet, more or less), to a point on the East line of the NW 3 of the NE 3 of said Section 30, said point being South 0° 10'56" East, 975.00 feet from the Northeast corner of said NW 3 of the NE 3;

THENCE South, along the East line of said NW 3 of the NE 3 to the Southeast corner thereof;

THENCE East along the South line of the NE 3 of the NE 3 of said Section 30, to the Southeast corner thereof;

THENCE North along the East line of said NE 3 of the NE 3 to the Northeast corner of said Section 30 (corner to said Sections 19, 20, 29, and 30);

THENCE North along the East line of said Section 19 to the shoreline of Hayden Lake;

THENCE Westerly, Northerly, and Easterly along the mean high water line of Hayden Lake to the Southeast corner of Tax Number 1560, according to Book 91 of Deeds at page 514;

THENCE West along the Southerly line of said Tax Number, also being along the Southerly line of the Village of Hayden Lake, according to said Book 91 of Deeds at page 514, and also being along said Southerly line extended to the Westerly right-of-way line of Chalet Road;

THENCE Northerly along said Westerly right-of-way line to the Southerly line of a parcel recorded in Book 76 of Deeds at page 425, as Instrument Number 16016;

THENCE West along said Southerly line, parallel with the North line of the NW 3 of said Section 19, a distance of 1265.9 feet, more or less, to the West line of said NW 3;

THENCE North along said West line to the Northwest corner of said Section 19, at Hayden Avenue;

THENCE North along the East lines of said Sections 13 and 12 to the 3 section corner common to said Section 12, Township 51 North, Range 4 West, and said Section 7, Township 51 North, Range 3 West, being on the centerline of Strahorn Road;

THENCE North 0° 03'45" East, 770.8 feet along the West line of the NW 3 of said Section 7 and also being the centerline of Strahorn Road;

THENCE Northeasterly along said centerline to the North line of said Section 7;

THENCE West along the North line of said Section 7 to the Northwest corner thereof (corner to said Sections 1, 12, 6, and 7);

THENCE North along the East line of said Section 1 to the Northeast corner thereof (corner common to Sections 1, 6, 31, and 36);

THENCE West along the North line of said Section 1 and the North lines of Sections 2, 3, and 4, Township 51 North, Range 4 West Boise Meridian, to the Northwest corner of said Section 4;

THENCE South along the West line of Sections 4, 9, 16, and 21, Township 51 North, Range 4 West Boise Meridian, to the Southwest corner of said Section 21, the POINT OF BEGINNING.

## **2. Exclusive Tier for City of Post Falls**

For the City of Post Falls lands not within the City limits, but situated within the following legal description, shall fall within the exclusive Area of City Impact for the City of Post Falls:

The exclusive tier for the City of Post Falls shall consist of all of Sections 25, 26, 27, 28, 32, 33, 34, 35, and 36, Township 51 North, Range 5 West Boise Meridian; a part of Sections 22, 23, 24, and 31, Township 51 North, Range 5 West Boise Meridian; all of Sections 19, 29, 30, 31, and 32, Township 51 North, Range 4 West Boise Meridian; all of Sections 5 and 6, Township 50 North, Range 4 West Boise Meridian; that part of Sections 7 and 8, Township 50 North, Range 4 West Boise Meridian lying North of the Spokane River; all of Sections 1, 2, and 6, Township 50 North, Range 5 West Boise Meridian; part of Sections 3, 4, 5, 7, 8, 11, and 12, Township 50 North, Range 5 West Boise Meridian; and part of Sections 1 and 12, Township 50 North, Range 6 West Boise Meridian, Kootenai County, Idaho; more particularly described as follows:

BEGINNING at the Northwest corner of Section 28, Township 51 North, Range 5 West, Boise Meridian;

THENCE Easterly along the North section line to the Northeast corner of said Section 28, also being the Southwest corner of Section 22, Township 51 North, Range 5 West;

THENCE Northerly along the West section line of the Southwest quarter of Section 22 to the West quarter corner of said section;

THENCE Easterly along the north line of the South ½ of said Section 22, to the east quarter corner;

THENCE continuing Easterly along the north line of the South ½ of Sections 23 and 24 to the east quarter corner of said Section 24;

THENCE continuing Easterly along the North line of the Southwest ¼ of Section 19, Township 51 North, Range 4 West, to the center of said section;

THENCE Southerly along the East line of the Southwest ¼ of Section 19 to the South quarter corner of said section;

THENCE Easterly along the North section line of Section 30 and Section 29, Township 51 North, Range 4 West, to the Northeast corner of said Section 29;

THENCE Southerly along the centerline of Huetter Road to the Southeast corner of Section 5, Township 50 North, Range 4 West;

THENCE Southerly along the East line of Section 8, Township 50 North, Range 4 West, to a point on the North bank of the Spokane River;

THENCE Westerly along the North bank of the Spokane River and existing city limits to a point on the East right-of-way line of Spokane Street where it meets the river;

THENCE Southerly along the East side of the Spokane Street bridge across the Spokane River and along the East line of Spokane Street to the north side of Park Way Drive, also being the North line of Section 10, Township 50 North, Range 5 West;

THENCE Westerly along the North line of Section 10, Township 50 North, Range 5 West, to the Northwest corner of said section;

THENCE Northerly along the East line of Section 4, Township 50 North, Range 5 West, to a point on the South bank of the South channel of the Spokane River;

THENCE Westerly along the South bank of the South channel of the Spokane River to the main channel and continuing Westerly along the centerline of the Spokane River to the Washington State line;

THENCE Northerly along the Washington State line to a point on the South right-of-way line of Seltice Way;

THENCE Northeasterly along the Southeast boundary of the City of Stateline to where it intersects with the North right-of-way line of Seltice Way;

THENCE Easterly along Seltice Way to a point that is the Northwest corner of the Northeast quarter of the Northeast quarter of Section 6, Township 50 North, Range 5 West;

THENCE Northerly to a point that is the Northwest corner of the Northeast quarter of the Northeast quarter of Section 31, Township 51 North, Range 5 West;

THENCE Easterly along the North section line of Sections 31 and 32, Township 51 North, Range 5 West, to the Northeast corner of said Section 32;

THENCE Northerly along the West section line of Section 28, Township 51 North, Range 5 West, to the Northwest corner of said Section, being the POINT OF BEGINNING.

### **3. Exclusive Tier for City of Rathdrum**

For the City of Rathdrum lands not within the City limits, but situated within the boundaries of the following described area, shall fall within the exclusive Area of City Impact for the City of Rathdrum:

The exclusive tier for the City of Rathdrum shall consist of all of Sections 5 and 6, and portions of Sections 2, 7, 8 and 10, Township 51 North, Range 4 West, Boise Meridian, together with all of Sections 1, 11 and 12, Township 51 North, Range 5 West, Boise Meridian, together with all of Sections 19, 29, 30, 31 and 32, and portions of Sections 20 and 21, Township 52 North, Range 4 West, Boise Meridian, together with all of Sections 23, 24, 25, 26, 35 and 36, Township 52 North, Range 5 West, Boise Meridian, all in Kootenai County, Idaho, and being more particularly described as follows:

BEGINNING at the Southwest corner of Section 10, Township 51 North, Range 5 West;

THENCE along the West line of said Section 10, Northerly, 790 feet, more or less, to the centerline of State Highway No. 53, as it now exists;

THENCE along the centerline of State Highway No. 53, as it now exists, Northeasterly, 13,220 feet, to a point of intersection with the Southerly extension of the East boundary line of that parcel of land described in the Warranty Deed recorded as Instrument No. 1715425, hereinafter referred to as the "1715425 Parcel";

THENCE along said East boundary line of said "1715425 Parcel", Northerly, 430.37 feet, more or less, to the Northeast corner thereof;

THENCE Northerly, 564.88 feet, more or less, to the Southwest corner of Block 1, of the plat of "Raging Bull", recorded in Book J of Plats, Page 141;

THENCE along the West boundary line of said Block 1, Northerly, 375.88 feet, more or less, to an angle point in said Block 1;

THENCE continuing along said West boundary line of Block 1, Westerly, 150 feet, more or less, to an angle point;

THENCE continuing along said West boundary line of Block 1, Northerly, 868.36 feet, more or less, to the Northwest corner thereof;

THENCE along the Northerly extension of said West boundary line of Block 1, being coincidental with the West boundary line of that parcel of land described in the document recorded as Instrument No. 1417172, Northerly, 108.46 feet, more or less, to a point of intersection with the North line of the Southeast Quarter of the Southeast Quarter of Section 35, Township 52 North, Range 5 West;

THENCE along said North line of the Southeast Quarter of the Southeast Quarter of Section 35, Easterly, 809.92 feet, more or less, to the Northeast corner thereof, on the East line of said Section 35;

THENCE along said East line of Section 35, Northerly, 3,960 feet, more or less, to the Northeast corner thereof, being coincidental with the Southeast corner of Section 26, Township 52 North, Range 5 West;

THENCE along the North line of said Section 35, being coincidental with the South line of said Section 26, Westerly, 5,280 feet, more or less, to the Northwest corner of said Section 35, being coincidental with the Southwest corner of said Section 26;

THENCE along the West line of Sections 26, Township 52 North, Range 5 West, Northerly, 5,280 feet, more or less, to the Northwest corner thereof;

THENCE along the North line of said Section 26, being coincidental with the South line of Section 22 Township 52 North, Range 5 West, Easterly, to the Southeast corner of said Section 22, being coincidental with the Southwest corner of Section 23, Township 52 North, Range 5 West;

THENCE along the West line of said Section 23, Northerly, 5,280 feet, more or less, to the Northwest corner thereof;

### **Line of Demarcation**

The Line of Demarcation for the City of Rathdrum lies within or adjacent to portions of Sections 19 and 30, Township 52 North, Range 4 West, and also portions of Sections 25, 35 and 36, Township 52 North, Range 5 West, and also a portion of Section 2, Township 51 North, Range 5 West, Boise Meridian, Kootenai County, Idaho, said Line of Demarcation being more particularly described as follows:

BEGINNING at the Southeast corner of that parcel of land described in the Warranty Deed recorded as Instrument No. 1715425, located upon the Northerly line of the Right-of-Way for State Highway No. 53, as it now exists;

THENCE along said Northerly line of the Right-of-Way for State Highway No. 53, 4700 feet, more or less, to a point of intersection with the East line of the Southwest Quarter of Section 36, Township 52 North, Range 5 West;

THENCE along said East line of the Southwest Quarter of Section 36 and the West line of the Northeast Quarter of said Section 36, Northerly, 3150 feet, more or less, to the Northwest corner of said Northeast Quarter of Section 36, being coincidental with the Southwest corner of the Southeast Quarter of Section 25, Township 52 North, Range 5 West;

THENCE along the South line of said Section 25, Easterly, 1320 feet, more or less, to the Southwest corner of the Southeast Quarter of the Southeast Quarter of said Section 25;

THENCE along the West line of said Southeast Quarter of the Southeast Quarter of said Section 25, Northerly, 1320 feet, more or less, to the Northwest corner thereof;

THENCE along the North line of said Southeast Quarter of the Southeast Quarter of Section 25, Easterly, 1320 feet, more or less, to the Northeast corner thereof, on the East line of said Section 25, being coincidental with the West line of Section 30, Township 52 North, Range 5 West;

THENCE along said West line of Section 30, Northerly, 1320 feet, more or less, to the Southwest corner of the West Half of the Northwest Quarter of said Section 30;

THENCE along the South line of said West Half of the Northwest Quarter of said Section 30, Easterly, 1320 feet, more or less, to the Southeast corner thereof;

THENCE along the East line of said West Half of the Northwest Quarter of said Section 30, Northerly, to the Northwest corner of the parcel of land described in the Quitclaim Deed recorded as Instrument No. 1539659, said parcel being the South 660 feet of the North 868.71 feet of the Northeast Quarter of the Northwest Quarter of said Section 30 and being hereinafter referred to as the "1539659 Parcel";

THENCE along the North boundary line of said "1539659 Parcel", Easterly, 1320 feet, more or less, to the Northeast corner thereof, on the East line of said Northeast Quarter of the Northwest Quarter of Section 30;

THENCE along said East line of said Northeast Quarter of the Northwest Quarter of Section 30, and along the West line of the Southwest Quarter of the Southeast Quarter of Section 19, Township 52 North, Range 4 West, Northerly, 1320 feet, more or less, to the Northwest corner of said Southwest Quarter of the Southeast Quarter of Section 19;

THENCE along the North line of said Southwest Quarter of the Southeast Quarter of Section 19, Easterly, 1320 feet, more or less, to the Northeast corner thereof, being coincidental with the Southwest corner of the Northeast Quarter of said Southeast Quarter of Section 19;

THENCE along the West line of said Northeast Quarter of said Southeast Quarter of Section 19, Northerly, 1320 feet, more or less, to the Northwest corner thereof;

THENCE along the North line of said Northeast Quarter of said Southeast Quarter of Section 19, Easterly, 1320 feet, more or less, to the Northeast corner thereof, located on the East line of said Section 19, and being the Terminus of the described Line of Demarcation.

## **B. SHARED TIER**

The shared tier shall generally constitute the balance of the Rathdrum Prairie that is not within the corporate limits of any other city and not within an exclusive Area of City Impact of any other city

established by this Ordinance or of any other city established by prior Ordinance and located within the area enclosed by the Washington State line to the west, Highway 53 to the North, Highway 95 to the East, and Interstate 90 to the South that is not within the Exclusive Tier of Area of City Impact. The Shared Tier is more particularly described as follows:

The shared tier for this Area of City Impact shall consist of all of Sections 17, 18, and 20 Township 51 North, Range 4 West; a portion of Sections 7, 8, and 19, Township 51 North, Range 4 West; all of Sections 13, 14, 15, and 21, Township 51 North, Range 5 West; a portion of Sections 16, 17, 20, 22, 23, 24, 30, and 31, Township 51 North, Range 5 West; all of Section 36 and a portion of Section 25, Township 51 North, Range 6 West; a portion of Section 6, Township 50 North, Range 5 West Boise Meridian; and a portion of Section 1, Township 50 North, Range 6 West Boise Meridian, Kootenai County, Idaho; more particularly described as follows:

BEGINNING at the Southeast corner of said Section 20, Township 51 North, Range 4 West B. M., being the intersection of Huetter Road and Prairie Avenue;

THENCE Northerly along the East section line of Sections 20, and 17, Township 51 North, Range 4 West, to the Northeast corner of said Section 17;

THENCE continuing Northerly along the east line of the Southeast quarter of Section 8, Township 51 North, Range 4 West, to the East quarter corner of said Section 8;

THENCE Westerly along the North line of the South 1/2 of Section 8 to the West quarter corner thereof, being also the Northeast corner of the Southeast quarter of Section 7, Township 51 North, Range 4 West;

THENCE continuing Westerly along the North line of the Southeast quarter of said Section 7, to the center quarter corner thereof;

THENCE Southerly along the East line of the Southwest Quarter of said Section 7 to the South quarter corner thereof;

THENCE Westerly along the South line of said Southwest Quarter of Section 7, to the Southwest corner thereof;

THENCE continuing Westerly along the South line of Sections 12, 11, and 10 to the Southwest corner of said Section 10, Township 51 North, Range 5 West;

THENCE continuing Westerly along the North line of Section 16, Township 51 North, Range 5 West, to a point on the center line of State Highway 53;

THENCE Southwesterly along the center line of State Highway 53 to a point on the East section line of Section 17, Township 51 North, Range 5 West;

THENCE continuing along the center line of State Highway 53 to a point on the South section line of Section 17, Township 51 North, Range 5 West;

THENCE continuing along the center line of State Highway 53 to a point on the North-South center section line of Section 20, Township 51 North, Range 5 West;

THENCE Southerly on the North-South center section line of said section 20, 4550 feet, more or less, to the South quarter corner of said section;

THENCE continuing Southerly along the East line of the North ½ of the Northwest ¼ of Section 29 Township 51 North, Range 5 West to the Southeast corner of said North ½ of the Northwest ¼;

THENCE Westerly along the South line of said North ½ of the Northwest ¼ of Section 29 to the southwest corner of said North ½ of the Northwest ¼;

THENCE continuing Westerly along the South line of the North ½ of the Northeast ¼ of Section 30 a distance of 1400 feet, more or less, to a point on the Southerly line of Bonneville Power Administration, Avista (a.k.a. Washington Water Power), and Pacific Gas and Transmission easements as they cross Section 30, Township 51 North, Range 5 West;

THENCE Southwesterly along the Southerly line of said easements a distance of 4600 feet, more or less, to a point on the West section line of Section 30, also being the Northeast corner of the South ½ of the Southeast ¼ of Section 25, Township 51 North, Range 6 West;

THENCE Westerly along the North line of said South ½ of the Southeast ¼ of Section 25;

THENCE continuing Westerly along the North line of the South ½ of the Southwest ¼ of said Section 25 to a point on the Idaho State line;

THENCE Southerly along the State line to the Northwest corner of the City of Stateline;

THENCE Northerly and Easterly along the North boundary of the City of Stateline to where it intersects with the North right-of-way line of Seltice Way;

THENCE Easterly along Seltice Way to a point that is the Northwest corner of the Northeast quarter of the Northeast quarter of Section 6, Township 50 North, Range 5 West;

THENCE Northerly to a point that is the Northwest corner of the Northeast quarter of the Northeast quarter of Section 31, Township 51 North, Range 5 West;

THENCE Easterly along the North section line of Section 31, Township 51 North, Range 5 West, to the Northeast corner of said Section 31;

THENCE Easterly along the North section line of Section 32, Township 51 North, Range 5 West, to the Northeast corner of said Section 32;

THENCE Northerly along the West section line of Section 28, Township 51 North, Range 5 West, to the Northwest corner of said Section;

THENCE Easterly along the North section line to the Northeast corner of said Section 28, also being the Southwest corner of Section 22, Township 51 North, Range 5 West;

THENCE Northerly along the West section line of the Southwest quarter of Section 22 to the West quarter corner of said section;

THENCE Easterly along the North line of the South ½ of said Section 22, to the East quarter corner;

THENCE continuing Easterly along the North line of the South ½ of Sections 23 and 24 to the East quarter corner of said Section 24;

THENCE continuing Easterly along the North line of the Southwest ¼ of Section 19, Township 51 North, Range 4 West, to the center of said section;

THENCE Southerly along the East line of the Southwest ¼ of Section 19 to the South quarter corner of said section;

THENCE Easterly along the North section line of Section 30 and Section 29, Township 51 North, Range 4 West, to the Northeast corner of said Section 29, said corner also being the Southeast corner of Section 20, Township 51 North, Range 4 West B. M., the intersection of Huetter Road and Prairie Avenue and the POINT OF BEGINNING.

**5. PRIOR ORDINANCES SUPERSEDED**

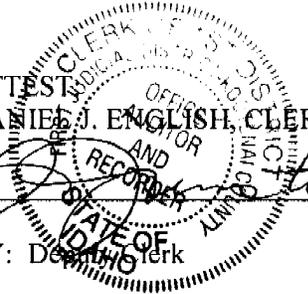
This Ordinance and its companion Ordinance addressing the substantive regulations governing the Area of City Impact shall be deemed to supersede all prior Area of City Impact Ordinances of the respective participating public entities upon compliance with all contingencies set forth herein.

**10. EFFECTIVE DATE**

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*.

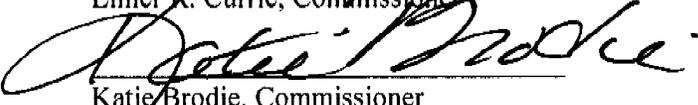
DATED this 30th day of November, 2006.

ATTEST  
DANIEL J. ENGLISH, CLERK  
OFFICE OF THE CLERK OF DISTRICT COURT  
AND  
RECORDS  
STATE OF IDAHO  
BY:  Clerk



  
S.J. "Gus" Johnson, Chairman

  
Elmer R. Currie, Commissioner

  
Katie Brodie, Commissioner

Publication Date: December 7, 2006

BOARD OF COUNTY COMMISSIONERS  
MINUTES OF PUBLIC HEARING  
OA-127-06 Rathdrum Area of City Impact  
October 12, 2006

Commissioners Present: Commissioner Katie Brodie, Chairman S.J. "Gus" Johnson

Commioner Absent: Commissioner Elmer R. Currie

Staff Present: John Cafferty, Mark Mussman, Staci Armes, Sandi Gilbertson



The Kootenai County Board of Commissioners met in a continuation of the regular meeting of the second Monday of October 2006.

The purpose of the meeting was for the Board to conduct a public hearing as advertised in the *Coeur d'Alene Press*. Chairman Johnson called the hearing to order at 10:00 a.m. The members were polled for conflicts of interest. No conflicts were expressed.

**Request: Case No. OA-127-06.** An ordinance of Kootenai County, Idaho, enacted cooperatively with the Cities of Post Falls, Rathdrum and Hayden, Idaho, setting forth the cooperative bases for such enactment, establishing an effective date and term of duration, describing lands made subject to a two-tiered Area of City Impact, providing that this ordinance and its companion ordinance addressing the substance of any Area of City Impact agreement among the parties shall be deemed to supersede all prior Area of City Impact ordinances of the respective participating public entities. The Planning Commission heard this request at a public hearing on August 24, 2006 and recommended denial.

**Staff Presentation:** Mark Mussman presented this ordinance. He discussed the Coordinated Area of City Impact Agreement and explained this proposed map amendment is within the City's Exclusive Tier. This proposal is to remove the Hidden Valley area and identify a "Line of Demarcation." The City is able to adjust their Exclusive Tier without the consent of the other Cities because this is in the exclusive, not shared tier. The City has determined it will not annex this area in the near future; therefore, sewer will not become available. Mr. Mussman submitted a map of the City of Rathdrum's proposed Area of City Impact. The portion in green was out of the ACI, the area in orange was the watershed and viewscape protection area, and the portion in yellow is the area where services will be provided.

**Public Testimony:** A total of 1 Comment Sheet was submitted: 1 – In favor. The name and address of the person submitting a comment sheet is part of the record. Chris Riffe, planner for the City of Rathdrum, gave a brief history on the Area of City Impact. He said the coordinated ACI and the exclusive tier came next. He added that this impacted some of the Area of City Impact that was not intended. Mr. Riffe said there have been several workshops held last year followed by public hearings this year and the concensus was for approval of this ordinance. This has been adopted by the Rathdrum City Council and the Planning and Zoning Commission of Rathdrum.

**Exhibits:** Exhibit B-1000 – Mark Mussman submitted a City of Rathdrum map with the proposed Area of City Impact.

**Motion** by Commissioner Brodie, seconded by Chairman Johnson, to close the public hearing at 10:15 a.m.

The vote was as follows:	Commissioner Brodie	Aye
	Commissioner Currie	Absent
	Chairman Johnson:	Aye

Case No. OA-127-06  
BOCC Hearing  
October 12, 2006

**Motion** by Commissioner Brodie, second by Chairman Johnson, to approve **OA-127-06**, an ordinance of Kootenai County, Idaho, enacted cooperatively with the Cities of Post Falls, Rathdrum and Hayden, Idaho, setting forth the cooperative bases for such enactment, establishing an effective date and term of duration, describing lands made subject to a two-tiered Area of City Impact, providing that this ordinance and its companion ordinance addressing the substance of any Area of City Impact agreement among the parties shall be deemed to supersede all prior Area of City Impact ordinances of the respective participating public entities.

The vote was as follows:	Commissioner Brodie	Aye
	Commissioner Currie	Absent
	Chairman Johnson:	Aye

**Decision:**                 **Approve**

The meeting adjourned for this case at 10:17 a.m.

Submitted by:



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Sandi Gilbertson, Recording Secretary