

ORDINANCE NO. 194

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 COEUR D'ALENE, 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 Coeur d'Alene and Kootenai County, Idaho, have conferred and negotiated in good faith upon an Area of City Impact for the City of Coeur d'Alene 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 May 25, 1993, June 23, 1993, and July 21, 1993, 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 October 12, 1993; and

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

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

Section 1

PURPOSE: The purpose of establishing the Coeur d'Alene 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 in order to insure timely or economical provision of public services such as water supply, sanitary and storm sewage collection and treatment, public safety services, other community service facilities, and to promote land use compatibility, street alignment and traffic flow objectives.

Section 2

AREAS OF CITY IMPACT DEFINED: The Area of City Impact shall consist of an area where development or use of land affects or may affect the City of Coeur d'Alene 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 CITY IMPACT ESTABLISHED AND DEFINED: The officially-adopted Area of City Impact is hereby established and shown on the map entitled "Coeur d'Alene Area of City Impact" and is officially made a part hereof by reference, said map being specifically adopted by Coeur d'Alene Municipal Ordinance No. 2563, and Kootenai County Ordinance No. 193.

A. The Coeur d'Alene Area of City Impact shall be reevaluated by the City of Coeur d'Alene and Kootenai County at such times as they may agree upon to consider possible changes in the geographic area affected and/or other provisions of this Ordinance including but not limited to applicable standards.

Section 4

STANDARDS: Upon adoption by the City and County, the following standards shall apply whenever 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 or subdivision plat within the Area of City Impact.

A. Within the Area of City Impact, the following standards shall apply:

1. Kootenai County Subdivision Ordinance and provisions for future utility infrastructure set forth in Title 16 of the Coeur d'Alene Municipal Code; and
2. City road widths and profiles found in Title 16, Coeur d'Alene Municipal Code, except that where improvement standards of the Associated Highway Districts differ from those of the City, the provisions imposing the highest level of improvements shall prevail; and
3. Kootenai County Zoning Ordinance; and
4. Kootenai County Stormwater Management Ordinance; and
5. Except as set forth above, all other standards of applicable Kootenai County codes and ordinances; and

6. Except as set forth above, all other standards of applicable special districts having jurisdiction within the identified Area of City Impact.

B. Within unincorporated areas not in Area of City Impact, only County standards shall apply.

Section 5

ENFORCEMENT: Kootenai County shall be responsible for the administration and enforcement of the County's Ordinances listed in Section 4.A within the Area of City Impact, and shall 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.

A. The City of Coeur d'Alene and special districts shall be responsible for administration and enforcement of their respective regulations listed in Section 4.A within the Area of City Impact, and shall receive all permit fees for inspections performed to recapture direct costs of inspections, administration, legal publications, and any development fees such as parkland dedication fees or other costs arising from fulfilling the terms of each Ordinance or regulation.

B. A certificate shall appear on the face of the final plat for execution by the City Engineer attesting to the plat's

conformance with municipal infrastructure standards set forth in Section 4.A.

Section 6

HEARING PROCEDURES WITHIN THE AREA OF CITY IMPACT:

A. All applications for subdivision plats and all other applications (e.g. zone change, comprehensive plan amendment, variance, conditional use, etc.) within the Area of City Impact shall be filed by the applicant with Kootenai County. All public hearings in the Area of City Impact shall be held only before the County.

B. It is the intent of this Section that the processing of subdivisions be administered by the County, but with the inclusion of City infrastructure improvement standards, including but not limited to water, sewer, and roads. Unless expressly waived by the City, in accord with the City's deviation provisions, municipal infrastructure standards shall apply to all subdivisions in the Area of City Impact. In furtherance thereof, applicants for preliminary plat approval shall solicit comments and recommendations from the City of Coeur d'Alene in the same manner as they are required to solicit same from other agencies and districts.

C. Within the Area of City Impact, upon an application to the County or the County's Planning Commission for a zone change, comprehensive plan change, request for a special or conditional use

permit, planned unit development, limited planned unit development, variance request, or similar land use request, the applicant shall provide written notice to the Coeur d'Alene City Clerk of any public hearing related to the application. The City shall have thirty (30) days after receipt of the notice but prior to any public hearing to comment on such application.

D. Within the unincorporated areas outside an Area of City Impact, the County will provide the City notice of any public hearing related to an application to the County or the County's Planning Commission for a zone change, comprehensive plan change, request for a special or conditional use permit, planned unit development, limited planned unit development, variance request, subdivision plat or similar land use request. The City shall have fifteen (15) days after receipt of the notice but prior to any public hearing to comment.

E. The City and the County may elect to jointly hear an application.

Section 7

STANDARD AMENDMENT AND NOTICE:

A. Prior to amendment by the County of any of Kootenai County's Ordinances set forth above in Sections 4.A.1 and 4.A.3 through .5, which are 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.

B. Prior to amendment by the City of any of the City Ordinances set forth above in Sections 4.A.1 and .2, which are applicable in the Area of City Impact, the City shall forward the proposed change to the County for review and comment at least thirty (30) days prior to the first public hearing at which such amendment will be considered.

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 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 published within the City of Coeur d'Alene, Kootenai County, Idaho, and the official newspaper thereof.

DATED this 28th day of October, 1993.

KOOTENAI COUNTY
BOARD OF COMMISSIONERS



Kent Helmer, Chairman

ATTEST:

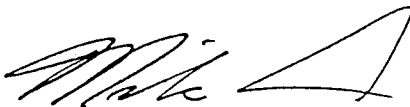
TOM TAGGART, CLERK



Bob Macdonald, Commissioner



BY: Deputy Clerk



Mike Anderson, Commissioner