

ORDINANCE NO. 223

AN ORDINANCE OF KOOTENAI COUNTY, IDAHO, PURSUANT TO IDAHO CODE SECTION 67-6526, DEFINING A PURPOSE; DEFINING AND ESTABLISHING A GEOGRAPHICAL AREA OF CITY IMPACT FOR THE CITY OF WORLEY, IDAHO, WITHIN THE UNINCORPORATED AREA OF KOOTENAI COUNTY, IDAHO; IDENTIFYING THE COMPREHENSIVE PLAN THAT SHALL APPLY WITHIN THE ESTABLISHED AREA OF CITY IMPACT; IDENTIFYING THE SUBDIVISION AND ZONING ORDINANCES THAT SHALL APPLY WITHIN THE ESTABLISHED AREA OF CITY IMPACT; IDENTIFYING METHODS AND PROCEDURES FOR APPLICATION, ADMINISTRATION, AND ENFORCEMENT; PROVIDING FOR RENEGOTIATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR SAVINGS; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, pursuant to Idaho Code Section 67-6526, the City of Worley, Idaho, and Kootenai County, Idaho, have conferred and negotiated in good faith upon an Area of City Impact for the City of Worley within the unincorporated area of Kootenai County; 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 March 22, 1995; and

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

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

Section 1

LEGISLATIVE PURPOSE: The purpose for establishing an Area of City Impact is to identify a logical urban fringe area adjoining the City of Worley, Idaho. The urban fringe area has the potential to 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 feasibility of public services associated with the City of Worley and is comprised of areas that may reasonably be annexed to the City in the future.

Section 2

GEOGRAPHIC AREA OF CITY IMPACT: The officially adopted and agreed upon "Area of City Impact for Worley Idaho" is established by City of Worley Ordinance No. 189, and by Kootenai County Ordinance No. 222 and is set forth therein on the map entitled "City of Worley Impact Area Boundary," dated February 16, 1995.

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 within the unincorporated area of Kootenai County, Idaho. The City of Worley 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 the Area of City Impact 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

ZONING ORDINANCE: The Zoning Ordinance, Zoning Map, and subsequent amendments thereto as officially adopted by the County shall apply to the Area of City Impact within the unincorporated area of Kootenai County, Idaho.

Section 6

REVIEW: The County acknowledges that it is the City of Worley's intent to prepare a Subdivision and Zoning Ordinance and may wish to reopen this Agreement upon completion of those Ordinances in order to review whether they should be applied within the Area of City Impact.

Section 7

CODE AND ORDINANCE ADMINISTRATION AND ENFORCEMENT:

A. The 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, and other costs arising from the process.

B. Amendments to the Kootenai County Comprehensive Plan, requests for preliminary and final plats or vacation thereof, requests for zone changes or any other type of development applications, with the exception of building permits or development applications for agricultural purposes, involving property located in the Area of City Impact within the unincorporated area of Kootenai County being proposed shall be reviewed by the City Council acting as the City Planning and Zoning Commission in accordance with Title 50 and Title 67, Idaho Code, and will give a recommendation to the County for approval, disapproval, or the placement of certain conditions.

The County shall notify the City within 20 days of receiving an application for development of any type within the Area of City Impact. Copies of such application shall be forwarded to the City with notification. The City shall return a recommendation within 30 days of receipt of the application but at least 15 days prior to any public hearing set for the matter. The City agrees to return a response, even if they have no comment on the application, to acknowledge receipt of the application. If no acknowledgement is received within the time period, the County agrees to confirm that notice was received by the City.

C. The City agrees not to annex any property outside of their established Area of City Impact, even if receiving a petition from such property owner, but reserves the right to renegotiate the Area of Impact boundaries in the future. Upon a request for annexation within the Worley Area of City Impact, the City agrees to notify the County and allow the County 30 days to comment on such request. The County agrees to return a response even if they have no comment on the application. If no acknowledgement is received within the time period, the City agrees to confirm that notice was received by the County.

D. Maintenance of public streets located in the Area of City Impact shall be the exclusive responsibility of the Worley Highway District unless otherwise stipulated by written agreement between the Highway District and the City of Worley.

E. Law enforcement and fire services in the Area of City Impact shall remain the responsibility of Kootenai County and the Worley Fire Protection District unless otherwise stipulated by written agreement between the County and/or fire district and the City of Worley.

F. The City of Worley shall appoint a member of the City Council to represent the Area of City Impact. This representative shall be reappointed upon any vacancy.

Section 8

RENEGOTIATION: The Area of City Impact Agreement shall be reviewed by the City of Worley and Kootenai County at least once every five (5) years and shall be renegotiated at any time upon the request by either party. Renegotiation shall begin thirty (30) days after written request by either the City or County and shall follow the procedures of the original negotiation, as set forth in Idaho Code, Section 67-6526.

Section 9

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 10

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 11

All Ordinances and parts of Ordinances in conflict with this Ordinance are hereby repealed.

Section 12


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, a newspaper of general circulation within Kootenai County, Idaho.

DATED this 29th day of March 1995.

KOOTENAI COUNTY
BOARD OF COMMISSIONERS



Dick Compton, Chairman



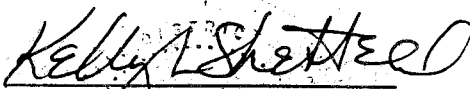
Bob Macdonald, Commissioner



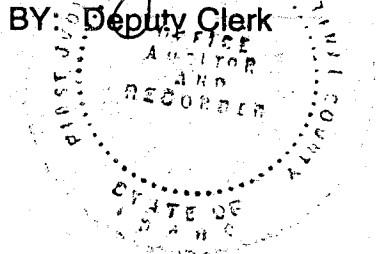
Richard C. Panabaker, Commissioner

ATTEST:

TOM TAGGART, CLERK



BY: Deputy Clerk



Publish April 4, 1995

Ordinance No. 223 (Worley Area of City Impact)