

ORDINANCE NO. 213

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 HAYDEN, 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 Hayden, Idaho, and Kootenai County, Idaho, have conferred and negotiated in good faith upon an Area of City Impact for the City of Hayden 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 November 29, 1994, 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 December 19, 1994; and

WHEREAS, the City of Hayden and Kootenai County, in accordance with the procedure required by law, have mutually agreed upon an Area of City Impact for the City of Hayden 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

PURPOSE: The purpose of establishing the Hayden 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 Hayden 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 "Hayden Area of City Impact" and is officially made a part hereof by reference, said map being specifically adopted by Hayden Municipal Ordinance No. 239, and Kootenai County Ordinance No. 212.

## 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 Comprehensive Plan, and;
  - 2. All Kootenai County codes and ordinances; and
  - 3. City of Hayden infrastructure improvement standards; and
  - 4. 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 the Area of City Impact, only County standards shall apply.
- C. Within the Area of City Impact, the County shall not accept or allow a developer to install a sewage facility other than individual septic systems without the approval of the City of Hayden.

D. Major development shall require an infrastructure impact study including but not limited to traffic and sewer. Major development shall be considered any development which will employ fifty (50) or more people or a subdivision of more than four (4) lots.

#### Section 5

ENFORCEMENT: Kootenai County shall be responsible for the administration and enforcement of the County's Ordinances 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.

#### 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 Hayden in the same manner as they are required to solicit same from other agencies and districts having jurisdiction.

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 Hayden 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.

F. Annexation by the City of Hayden shall be limited to those lands lying within the Area of Impact and being contiguous to the city limits of the City of Hayden. Prior to any annexation, the City shall forward a copy of the annexation proposal to the County for review and comment at least thirty (30) days prior to the first public hearing on the annexation request.

### Section 7

#### STANDARD AMENDMENT AND NOTICE:

A. Prior to amendment by the County of any of Kootenai County's Ordinances set forth in Section 4 above, 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 of the City's Infrastructure Standards which are applicable in the Area of City Impact, the City shall forward the proposed changes 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

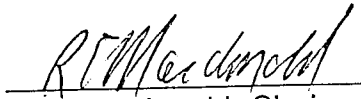
All Ordinances and parts of Ordinances in conflict with this Ordinance are hereby repealed.

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 within Kootenai County, Idaho.

DATED this 28th day of December 1994.

KOOTENAI COUNTY  
BOARD OF COMMISSIONERS

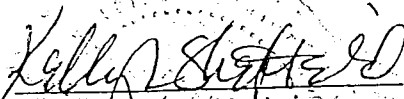
  
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Bob Macdonald, Chairman

  
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Mike Anderson, Commissioner

  
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Dick Compton, Commissioner

ATTEST:

TOM TAGGART, CLERK

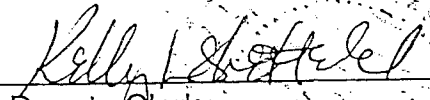
  
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BY: Deputy Clerk

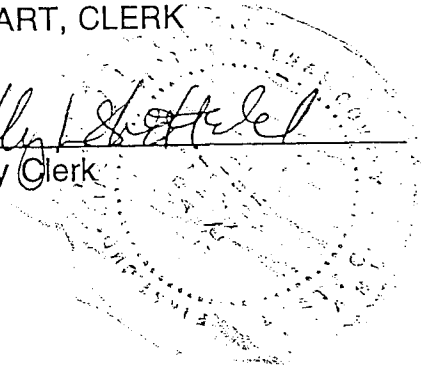
CERTIFICATION

I hereby certify that the attached Notice of Ordinance Adoption contains a true and complete summary of Ordinance No. 213 of Kootenai County, Idaho, and that the attached summary provides adequate notice to the public of the contents of said Ordinance.

TOM TAGGART, CLERK

BY:

  
Deputy Clerk



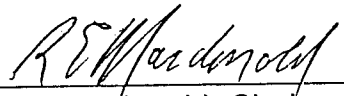
NOTICE OF ORDINANCE ADOPTION

The Board of Commissioners of Kootenai County, Idaho, hereby gives notice of the adoption of Kootenai County Ordinance Number 213 (Hayden Area of City Impact). The full text of the ordinance addresses the following subjects:

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 HAYDEN, 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.

The full text of Ordinance 213 is available at the Kootenai County Courthouse, 501 Government Way, Suite 202, Coeur d'Alene, Idaho 83814, weekdays, from 9 a.m. to 5 p.m.

KOOTENAI COUNTY  
BOARD OF COMMISSIONERS

  
\_\_\_\_\_  
Bob Macdonald, Chairman

ATTEST:

TOM TAGGART, CLERK

BY:   
Deputy Clerk

Publication Date: December 30, 1994