

HUETTER AREA OF CITY IMPACT

Ordinance No. 72, Kootenai County, Idaho

AN ORDINANCE ESTABLISHING GOALS AND OBJECTIVES OF THE HUETTER AREA OF CITY IMPACT; ESTABLISHING THE BOUNDARY OF THE HUETTER AREA OF CITY IMPACT; ESTABLISHING TERMS OF THE HUETTER AREA OF CITY IMPACT; ESTABLISHING A REFERRAL PROCESS AGREEMENT; AND PROVIDING SEPARABILITY AND AN EFFECTIVE DATE.

WHEREAS, Idaho Code Section 67-6526 (a) provides that cities and counties must negotiate the boundaries of an Area of City Impact; and

WHEREAS, Idaho Code Section 67-6526 (a) provides that cities and counties must negotiate the application of comprehensive plans and land use ordinances within an Area of City Impact; and

WHEREAS, Idaho Code 67-6526 requires the establishment of a map which identifies the Areas of City Impact within Counties; and

WHEREAS, Idaho Code 67-6526 requires that cities and counties provide for the application of plans and ordinances for the Area of City Impact; and

WHEREAS, as per Idaho Code Section 67-6526 (b), a nine member committee was formed by the City of Huetter and Kootenai County to recommend to the City of Huetter and Kootenai County governing boards; and

WHEREAS, the nine (9) member committee has engaged in negotiations and has reached unanimous agreement and submitted its recommendations to the Kootenai County Board of Commissioners; and

WHEREAS, the notice and hearing provision of Idaho Code Section 67-6509 has been complied with and said Area of City Impact presented for public review and comment at a public hearing held by the Kootenai County Board of Commissioners; and

WHEREAS, the Kootenai County Board of Commissioners at its regular meeting of November 21, 1984 accepted the recommendation of the nine (9) member committee and approved the Huetter Area of City Impact.

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE KOOTENAI COUNTY BOARD OF COMMISSIONERS that Kootenai County and the City of Huetter adopt the following Goals and Objectives of Section 1 as their statement of intent for the Area of City Impact. Be it further resolved that Kootenai County and the City of Huetter agree to an Area of City Impact Boundary as described in Section 2 and as shown on the attached map. Be it further resolved that Kootenai County and City of Huetter agree to the terms of the Area of City Impact as described in Section 3. Be it further resolved that Kootenai County and City of Huetter agree to the terms of the referral process agreement as described in Section 4.

SECTION 1

GOALS AND OBJECTIVES

GOALS:

Kootenai County and the City of Huetter desire to adopt an Area of City Impact to enhance and encourage planned, orderly growth and development where urban services can be most efficiently and economically provided.

Kootenai County and the City of Huetter desire to preserve and enhance the quality of life within the Area of City Impact.

Kootenai County and the City of Huetter recognize a mutual intent to protect the Rathdrum Prairie Aquifer from further pollution.

Kootenai County and the City of Huetter recognize a mutual intent to protect the investments of both present and future property owners in the Area of City Impact and to minimize the disruptive impacts of uncoordinated growth upon those property owners.

Kootenai County and City of Huetter recognize a mutual intent to make efficient use of local tax dollars through policies encouraging development within the Area of City Impact.

OBJECTIVES:

To accomplish the above goals, Kootenai County and the City of Huetter agree to the following objectives as a means of accomplishing the foregoing goals:

Encourage and contain urban development within the City of Huetter and its Area of Impact and preserve farmland and open space by discouraging development outside the Area of City Impact.

Provide, through the use of joint planning powers, for continuity and consistency between city and county developments within the Area of City Impact.

Develop a plan for the orderly annexation of land within the Area of City Impact.

Provide, through land use planning, for the orderly extension of urban services such as sewerage disposal, urban roads and streets, domestic water, refuse disposal, storm drainage and public safety services (urban fire protection, law enforcement and emergency medical services).

Develop appropriate policies, ordinances, and techniques to enhance and protect the public health, safety, comfort and general welfare.

Review the Area of City Impact boundary annually and adjust as necessary.

SECTION 2

GEOGRAPHIC AREA OF CITY IMPACT

The City of Huetter Area of City Impact is legally described as follows:

Beginning at a point where the south right-of-way boundary of the Interstate 90 freeway intersects a line on the east side of the NW 1/4 of the SW 1/4 of Section 4, Twp. 50N., R. 4W., B.M., thence, South along said line to the mean high water line lying on the north side of the Spokane River in Section 9, Twp. 50N., R. 4W., B.M., thence, west along said mean high water line to a point intersecting a line on the west side of the NE 1/4 of the NE 1/4 of Section 8, Twp. 50N., R. 4W., B.M., thence north along said line to a point on the south right-of-way boundary of the Interstate 90 freeway in Section 5, Twp. 50N., R. 4W., B.M., thence east along said right-of-way boundary to the POINT OF BEGINNING.

- A. The City of Huetter Area of City Impact is the area heretofore legally described and is the area designated on the attached map and incorporated herein by reference.
- B. If a property under single ownership is divided by the boundary line of the Huetter Area of City Impact and that said line divides the property so that one (1) or both of the parties has a depth of (300) feet or less, the remainder or larger portion of the property may be negotiated with the City of Huetter and Kootenai County to be included in the Huetter Area of City Impact.
- C. In accordance with Idaho Code 67-6526(d), the City of Huetter or Kootenai County may request in writing to re-negotiate any provision of this agreement at any time. Within thirty (30) days of receipt of such request by either party, a meeting between the two (2) jurisdictions shall occur. While re-negotiation is occurring, all provisions of the adopted Area of City Impact Ordinance shall remain in effect until said adopted Ordinance is amended or a substitute Ordinance is adopted by the City of Huetter and Kootenai County, in accordance with the Notice and Hearing procedures provided in Title 67, Chapter 65 of Idaho Code or until a declaratory judgment from the District Court is final. Provided, however, that the adopted Ordinance or stipulated portions thereof shall be of no further force and effect if both jurisdictions so agree in writing.

SECTION 3

TERMS OF THE AREA OF CITY IMPACT

- A. Upon annexation of any portion of the Area of City Impact into the City of Huetter, the provisions of this agreement shall no longer apply to such annexed areas.
- B. The City of Huetter shall limit its annexation to those lands within its Area of City Impact. If the City of Huetter wishes to annex lands outside of its Area of City Impact, it shall re-negotiate its Area of City Impact boundary with Kootenai County in accordance with Idaho Code 67-6526(d).
- C. The Comprehensive Plan for Kootenai County, adopted and amended by Kootenai County as of April 6, 1978, shall apply within the unincorporated lands within the Huetter Area of City Impact.
- D. The Kootenai County Zoning Ordinance and the Kootenai County Subdivision Ordinance shall apply within the unincorporated lands within the Huetter Area of City Impact.
- E. All zoning, planning and development applications of County shall be sent to the City of Huetter in accordance with the Referral Process Agreement as included in Section 4.

SECTION 4

REFERRAL PROCESS AGREEMENT

A. AMENDMENT OF COUNTY COMPREHENSIVE PLAN AND COUNTY ZONING AND SUBDIVISION ORDINANCE

All amendments to the Kootenai County Comprehensive Plan and to the text of the Kootenai County Zoning and Subdivision Ordinance shall be received by the City of Huetter for comment at least twenty (20) days prior to any County public hearing on said amendments. Any comment by the City of Huetter on said amendments shall be made to Kootenai County Planning and Zoning Department in writing prior to or at said County public hearing. Kootenai County Planning and Zoning shall notify the City of Huetter, in writing, of the County's recommendation and action on said amendments within the Huetter Area of City Impact within twenty (20) days following a recommendation or action on such matter.

B. PROCESSING COUNTY PLANNING, ZONING AND DEVELOPMENT APPLICATIONS
IN THE HUETTER AREA OF CITY IMPACT

1. The Department Head of Kootenai County Planning and Zoning shall coordinate the implementation of the Kootenai County Zoning and Subdivision Ordinances within the Huetter Area of City Impact with the City of Huetter so that applications are administered as consistently as possible with the two (2) jurisdictions.
2. All County zone change, conditional use, variance, subdivisions, planned unit development and comprehensive plan amendment applications sent to the City of Huetter shall be received by the City Council of Huetter twenty (20) days prior to any County public hearing on said applications. The City Council of Huetter shall make recommendations to Kootenai County on said applications in writing. Said recommendations shall be received by Kootenai County Planning and Zoning Department no later than fifteen (15) days after the City Council of Huetter has received said applications.
3. The Board of Commissioners, the County Planning and Zoning Commission and the Board of Adjustment shall not hold a public hearing on said applications until the recommendation of the City Council of Huetter has been received or the date of County receipt of the City Council's recommendation, specified above, has passed.
4. The Kootenai County Planning and Zoning Department shall notify the City of Huetter in writing of the County's recommendations and actions on said applications within the Huetter Area of City Impact within twenty (20) days following a recommendation or action on such matter.

SECTION 5

Should any provision of this Ordinance be declared by the Courts to be unconstitutional or invalid, said decision shall not affect the validity of this Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.


EFFECTIVE DATE: This Ordinance shall become effective and be in full force upon its passage, approval and publication in one (1) successive issue of the Coeur d'Alene Press, a newspaper of general circulation within Kootenai County, Idaho, and published and printed at Coeur d'Alene, Idaho; said publication date being: December 4, 1984

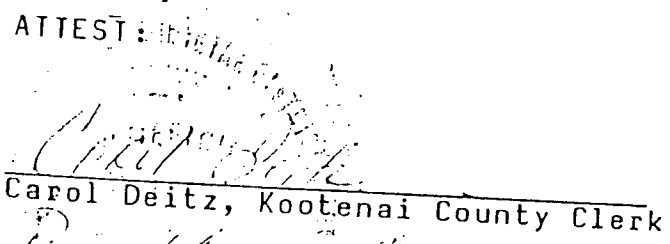
PASSED upon a roll call vote and duly enacted as an Ordinance of Kootenai County, State of Idaho, this 21st day of November, 1984, which is a continuation of regular meeting of the Board of County Commissioners held on the 12th day of November, at 10:00 a.m. o'clock a.m.

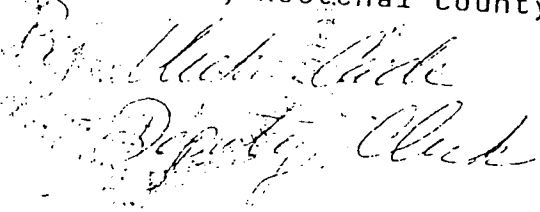
BOARD OF COMMISSIONERS

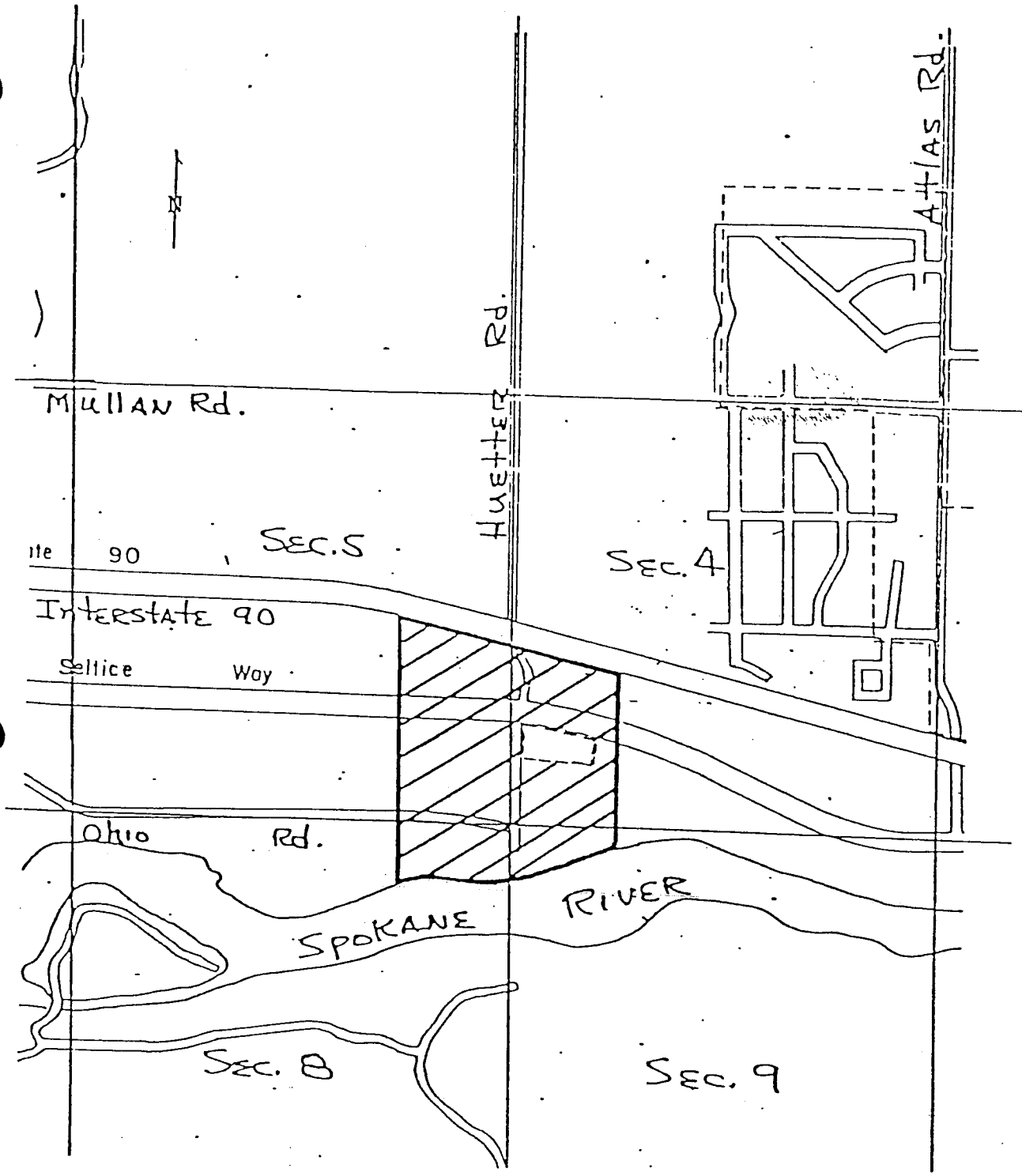

Glenn R. Jackson


Michael B. McFarland


Frank N. Henderson

ATTEST: 
Carol Deitz, Kootenai County Clerk


Deputy Clerk



[---] City of Huetter

[Hatched] Huetter Area of City Impact

Scale: 2½ inches=1 mile