

ORDINANCE # 130 (S/B No. 133)

AREA OF IMPACT AGREEMENT - CITY OF DALTON GARDENS

AN ORDINANCE DEFINING AND ESTABLISHING A GEOGRAPHICAL AREA OF CITY IMPACT FOR THE CITY OF DALTON GARDENS, 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 IMPACT; IDENTIFYING METHODS AND PROCEDURES FOR APPLICATION, ADMINISTRATION AND ENFORCEMENT OF THE COMPREHENSIVE PLAN AND ORDINANCES THAT SHALL APPLY WITHIN THE ESTABLISHED AREA OF CITY IMPACT; ESTABLISHING AN EFFECTIVE DATE PURSUANT TO SECTION 67-6526, IDAHO CODE

NOW THEREFORE BE IT ORDAINED BY THE MAYOR AND THE COUNCIL OF THE CITY OF DALTON GARDENS, IDAHO, COUNTY OF KOOTENAI, STATE OF IDAHO AND;

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 Dalton Gardens, Idaho. The urban fringe area is realizing, or will 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 potential delivery of public services as being associated with the City of Dalton Gardens and comprised of areas that may reasonably be annexed to the City in the near and distant future.

Section 2. Geographic Area of City Impact: The officially adopted and agreed upon "Area of City Impact for Dalton Gardens, Idaho" is established by Ordinance #~~130~~133 Dalton Gardens, Idaho and by Kootenai County, Idaho and is set forth therein on the attached map entitled Area of City Impact for Dalton Gardens, Idaho dated December 19, 1994 and marked Exhibit A.

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 Dalton Gardens 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 of Kootenai 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 of Kootenai shall apply to the Area of City Impact within the unincorporated area of Kootenai County, Idaho.

Section 6. Code and Ordinance Administration and Enforcement:

1) The County shall be responsible for the administration and enforcement of the ordinances listed in Sections 3, 4, and 5 and shall receive all permit fees for inspection performed to recapture direct costs of inspections, administration, legal publications, and other costs arising from the process.

2) Amendments to the County of Kootenai's Comprehensive Plan, requests for preliminary and final plats or the vacation thereof, and requests for zone changes or any other type of development with the exception of building permits involving property located in the Area of City Impact within the unincorporated area of Kootenai County shall be reviewed by the City Council upon recommendation of the City Planning and Zoning Commission in accordance with Title 67 and Title 50, Idaho Code. The City shall provide a recommendation to the County of approval, denial or the placement of special 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 applications shall be forwarded to the City upon 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. If the City does not respond within that time period, it shall be presumed that they approve the application.

3) The City agrees not to annex any property outside of their established Area of City Impact, even if receiving a petition from such from the property owner, but reserves the right to renegotiate the Area of City Impact boundaries in the future. This apply with the exception of 40 feet south of the south boundary of the Dalton Gardens city limits from 16th Street to 18th Street (right of way for Dalton Avenue). Upon a request for annexation within the Area of City Impact the City agrees to notify the County and allow the County 30 days to comment on such request. *Applies*

4) Maintenance of public streets located in the Area of City Impact shall be the exclusive responsibility of the Lakes Highway District unless otherwise stipulated by written agreement between the Highway District and the City of Dalton Gardens.

5) Law enforcement and fire services in the Area of City Impact shall remain the responsibility of Kootenai County and the Kootenai County Fire District #1 unless otherwise stipulated by written agreement between the county and/or fire district and the City of Dalton Gardens.

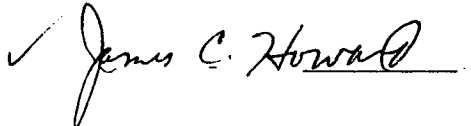
6) The City of Dalton Gardens shall appoint one member on it's Planning and Zoning Commission to represent the Area of City Impact. This representative shall reside within the Area of City Impact and shall be reappointed upon any vacancy by citizens also residing within the Area of City Impact.

Section 7. Renegotiation: The Area of City Impact Agreement shall be reviewed by the City and County at least once every five years and shall be renegotiated at any time upon the request of either party hereto. Renegotiation shall begin 30 days after written request by either the City or County and shall follow procedures for the original negotiation, as set forth in Idaho Code, Section 67-6526.

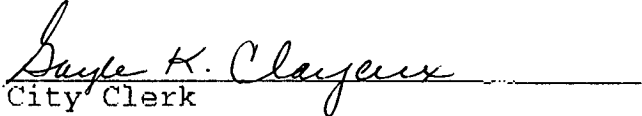
Section 8. Effective Date: This ordinance shall be in full force and effect from and after it's passage and publication as required by law.

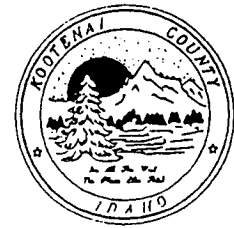
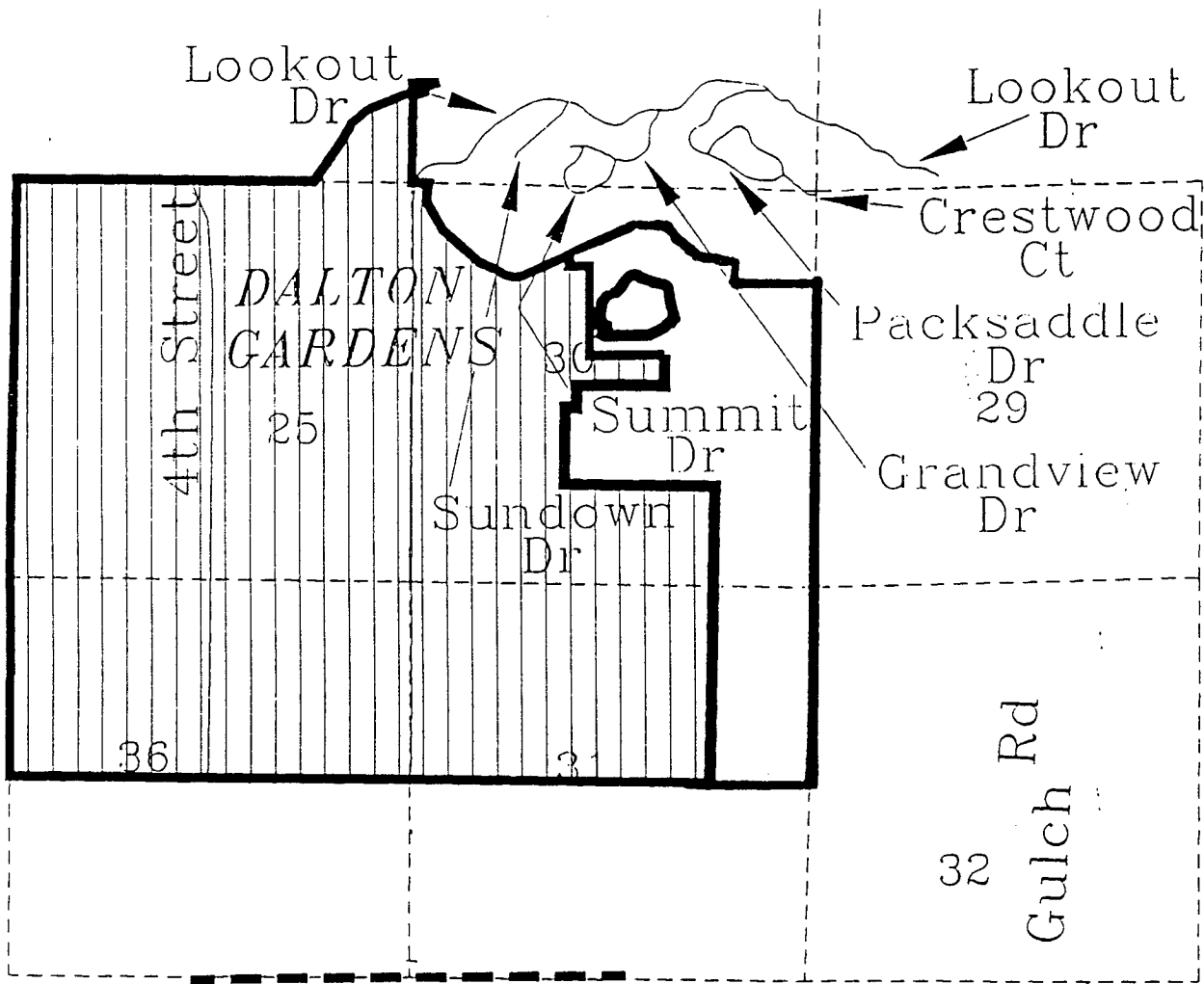
PASSED BY THE CITY COUNCIL of the City of Dalton Gardens this 19th day of December 1994.

APPROVED BY THE MAYOR of the City of Dalton Gardens this 19th day of December, 1994.



ATTEST:


City Clerk



CARTOGRAPHY BY:
 KOOTENAI COUNTY
 GEOGRAPHIC INFORMATION SERVICE
 November 17, 1994

DALTON
 GARDENS

S/B #133

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,
County of Kootenai, } ss.

Ken Alexander

being first duly sworn

upon oath deposes and says:

1. I am now and at all times hereinafter mentioned was a citizen of the United States, resident of the State of Idaho, over the age of twenty-one years and not a party of the above entitled action.

2. I am now and at all times hereinafter mentioned was the printer (principal clerk) of the "Coeur d'Alene Press," a newspaper printed and published daily except Sunday in Coeur d'Alene, Kootenai County, Idaho, and having a general circulation in said county.

3. The *Legal Notice*

of which the annexed is a printed copy, was published in the regular *Sat.* issue of said newspaper for *1* consecutive *day* commencing on the *31st* day of *December*, 19*94*, and ending on the *31st* day of *December*, 19*94*, and such publication was made as often during said period as said *daily* newspaper was regularly issued.

4. That said newspaper has been continuously and uninterruptedly published in said Kootenai County, during a period of more than seventy-eight consecutive weeks immediately prior to the first publication of said notice.

Ken Alexander

Subscribed and sworn to before me this *31st* day of *December*, 19*94*

Roberta Manley
Notary Public for the State of Idaho,
residing at Coeur d'Alene, Idaho.

ROBERTA MANLEY
my commission expires 5.5.99