

ORDINANCE NO. [REDACTED]
Case No. ORA21-00 [REDACTED]

**AMENDMENT TO AREA OF CITY IMPACT AGREEMENT
WITH THE CITY OF HAUSER RE: ELIGIBILITY FOR PERMITS**

AN ORDINANCE OF KOOTENAI COUNTY, IDAHO, A POLITICAL SUBDIVISION OF THE STATE OF IDAHO, RELATING TO THE AREA OF CITY IMPACT (ACI) FOR THE CITY OF HAUSER, IDAHO, WITHIN THE UNINCORPORATED AREA OF KOOTENAI COUNTY, IDAHO, PURSUANT TO SECTION 67-6526, IDAHO CODE; PROVIDING THAT NO PARCEL WITHIN THE HAUSER ACI SHALL BE DEEMED INELIGIBLE FOR PERMIT ISSUANCE SOLELY BY VIRTUE OF ADOPTION OF COUNTY LAND USE REGULATIONS AND ZONING DESIGNATIONS WITHIN THE ACI; PROVIDING FOR SEVERABILITY; PROVIDING FOR SAVINGS; REPEALING ALL ORDINANCES AND THOSE PORTIONS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to Section 67-6526, Idaho Code, the City of Hauser, Idaho, and Kootenai County, Idaho, adopted a new Area of City Impact (ACI) Agreement, which was adopted by the City on October 13, 2020 and by the County via the enactment of Ordinance No. 557 on November 12, 2020 and; and

WHEREAS, on November 12, 2020, Kootenai County also adopted Ordinance No. 558, which amended the Official Zoning Map of Kootenai County by changing the zoning classification of all parcels located within the Hauser ACI; and

WHEREAS, it has come to light that the new ACI Agreement's adoption of County land use regulations and zoning designations within the ACI has caused certain individual parcels which had been eligible for permit issuance under City of Hauser land use regulations and zoning designations, which had governed parcels located within the ACI prior to the adoption of the new ACI agreement, to no longer be eligible for permit issuance; and

WHEREAS, the parties desire to amend the Hauser ACI Agreement to allow such parcels to continue to be eligible for permit issuance even though they would not otherwise be eligible for permit issuance under applicable County land use regulations and zoning designations;

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF KOOTENAI COUNTY, STATE OF IDAHO AS FOLLOWS:

SECTION 1. That a new Section 8.10.610, Kootenai County Code, shall be, and the same is hereby added as follows:

8.10.610: ELIGIBILITY FOR PERMITS: Any parcel located within the Area of City Impact that has been determined to have been legally created and was eligible for permit issuance under City of Hauser land use regulations and zoning designations as of November 12, 2020 shall not be deemed ineligible for permit issuance solely by virtue of the adoption of Kootenai County land use regulations and zoning designations within the Area of City Impact on that date.

SECTION 5. If any section, subsection, sentence, clause, phrase or portion of this chapter is, for any reason, held to be invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION 6. 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 Kootenai County Board of Commissioners or the validity of any such action to be taken upon matters pending before the Kootenai County Board of Commissioners on the effective date of this Ordinance.

SECTION 7. The provisions of this Ordinance shall take effect and be in full force upon passage and approval of this Ordinance by Kootenai County and passage and approval of a corresponding ordinance by the City of Hauser, and publication of a Notice of Adoption of each respective ordinance in the *Coeur d'Alene Press*.

ADOPTED this _____ day of _____, 2022.

**KOOTENAI COUNTY
BOARD OF COMMISSIONERS**

Chris Fillios, Chairman

Leslie Duncan, Commissioner

Bill Brooks, Commissioner

ATTEST:
JIM BRANNON, CLERK

By: _____
Sandi Gilbertson, Deputy Clerk

Publication Date: _____, 2021

C: Community Development, Prosecuting Attorney (Civil Division), Sheriff, City of Hauser, American Legal Publishing, Ordinance File