

720184

ORDINANCE NO. 487

DOVER AREA OF CITY IMPACT AGREEMENT

FILED BY  
*B. planning*  
2007 JAN -21 A 10: 54  
*h2ee*  
MARIE SCOTT  
BONNER COUNTY RECORDER  
*dt* DEPUTY

AN ORDINANCE OF BONNER COUNTY, IDAHO, CITING ITS AUTHORITY, AND PROVIDING FOR THE ADOPTION OF AN AREA OF CITY IMPACT AGREEMENT BETWEEN BONNER COUNTY AND DOVER, IDAHO, FOR THOSE UNINCORPORATED AREAS OF BONNER COUNTY LYING WITHIN THE DOVER AREA OF CITY IMPACT; SETTING FORTH THE PURPOSE OF THE AREA OF CITY IMPACT; SPECIFYING THE FACTORS CONSIDERED IN IDENTIFYING THE AREA OF CITY IMPACT; IDENTIFYING THE COMPREHENSIVE PLAN, ZONING ORDINANCES AND SUBDIVISION ORDINANCES WHICH SHALL APPLY WITHIN THE AREA OF IMPACT; PROVIDING FOR REVIEW AND COMMENT PROCEDURES BETWEEN JURISDICTIONS; PROVIDING FOR ADMINISTRATIVE JURISDICTION WITHIN THE AREA OF CITY IMPACT; PROVIDING FOR SEVERABILITY, PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

**WHEREAS**, the City of Dover and Bonner County desire to establish an agreement for the application of plans and ordinances within the area of city impact pursuant to the provisions of Idaho Code §67-6526; and

**WHEREAS**, the City of Dover, and Bonner County, pursuant to a "Memorandum of Understanding and Settlement Agreement," dated May 24, 2001, established an Area of City Impact, which was enacted by the Bonner County Board of Commissioners January 2, 2007, at Ordinance No. 486, recorded at Instrument No. 720183, records of Bonner County, Idaho; and

**WHEREAS**, the purpose of establishing an Area of City Impact is to identify a logical fringe area adjoining the City of Dover. The fringe area includes the unincorporated area surrounding Dover that has a potential for development that could affect the provision of public services or the quality of life in Dover, Idaho;

**NOW, THEREFORE, BE IT ORDAINED**, by the Board of County Commissioners that the following be and is hereby adopted as an ordinance of Bonner County, Idaho:

**SECTION 1: AUTHORITY AND PURPOSE**

This ordinance is adopted pursuant to authority granted to Bonner County at Chapter 65 of Title 67, Idaho Code and pursuant to the provisions of the Areas of City Impact Negotiation Procedures of Idaho Code §67-6526.

**SECTION 2: CONSIDERATION**

The following factors were considered by Bonner County and the City of Dover in identifying the Area of City Impact for Dover:

1. Trade areas.
2. Geographic factors.

3. Area that can reasonably be expected to be annexed to the city in the future.
4. The "Memorandum of Understanding and Settlement Agreement," dated May 24, 2001, resulting from First District Court Civil Case No. CV95-01111.

### **SECTION 3. GEOGRAPHIC AREA OF IMPACT**

The area governed by this agreement is located within the officially adopted Dover Area of City Impact, identified by the legal description and map provided with Ordinance No. \_\_\_\_\_, recorded January 2, 2007, at Instrument No. \_\_\_\_\_, records of Bonner County, Idaho.

### **SECTION 4. ADMINISTRATIVE JURISDICTION**

That the administrative jurisdiction of the plans and ordinances which apply to the Dover Area of City Impact shall be the duty of Bonner County, as follows:

1. **COMPREHENSIVE PLAN:** The Comprehensive Plan and subsequent amendments thereto as officially adopted by Bonner County, Idaho, shall apply to the unincorporated portions of Bonner County, Idaho, lying within the Dover Area of City Impact.

2. **ZONING AND SUBDIVISION ORDINANCES:** The zoning and subdivision ordinances and subsequent amendments thereto as officially adopted by Bonner County, Idaho, shall apply to the unincorporated portion of Bonner County lying within the Dover Area of City Impact.

### **SECTION 5. REVIEW AND COMMENT PROCEDURES**

Any request for development, zone change, conditional use permit, variance or subdivision in the unincorporated portion of Bonner County, Idaho, lying within the Dover Area of City Impact, shall be referred to Dover, Idaho, for review and comment. Dover shall have thirty (30) days to consider the request and submit a reply to Bonner County. If no response is submitted by Dover to Bonner County within the thirty (30) day period, processing shall continue under Bonner County's administration.

### **SECTION 6. SEVERABILITY CLAUSE:**

The provisions of this Ordinance are hereby declared to be individually severable. Should any provision of this ordinance be declared invalid by a court of competent jurisdiction, such declaration shall not affect the validity of the remaining provisions.

### **SECTION 7. PUBLICATION EFFECTIVE DATE:**

This Ordinance shall be in full force and effect upon its passage and publication in one (1) issue of the Bonner County Daily Bee newspaper.

Regularly considered, passed and approved as an ordinance of Bonner County, Idaho,  
done this 2nd day of January, 2007, upon the following roll call vote:

Chairman Joseph E. Young:

✓

Commissioner Karl J. Dye:

✓

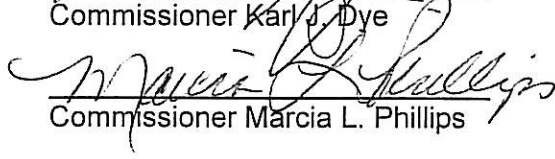
Commissioner Marcia L. Phillips:

✓

BONNER COUNTY BOARD OF COMMISSIONERS

  
Chairman Joseph E. Young

  
Commissioner Karl J. Dye

  
Commissioner Marcia L. Phillips

ATTEST:

  
Marie Scott, Clerk

1-2-07  
Date

720183

FILED BY  
*B. Planning*  
2001 JAN -2 A 10: 52  
*No fee*  
MARIE SCOTT  
BONNER COUNTY RECORDER

ORDINANCE NO. 486

DOVER AREA OF CITY IMPACT MAP *AK* DEPUTY

AN ORDINANCE OF BONNER COUNTY, IDAHO, CITING ITS AUTHORITY, AND PROVIDING FOR THE ADOPTION OF AND LEGAL DESCRIPTION FOR THE DOVER AREA OF CITY IMPACT WITHIN THE UNINCORPORATED AREA OF BONNER COUNTY, PROVIDING FOR SEVERABILITY, PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

**WHEREAS**, the cities of Dover, Sandpoint and Bonner County desire to establish areas of city impact pursuant to the provisions of Idaho Code §67-6526; and

**WHEREAS**, the City of Dover, City of Sandpoint, and Bonner County were engaged in litigation to establish the City of Dover Area of City Impact (First District Court Civil Case No. CV 95-01111) due to overlapping interests; and

**WHEREAS**, the parties entered into a "Memorandum of Understanding and Settlement Agreement," dated May 24, 2001, to resolve the boundary lines of the areas of city impact; and

**WHEREAS**, the parties stipulated to certain maps designated as exhibits which are to govern the establishment of the boundaries of the disputed areas of the Areas of City Impact for Dover and Sandpoint; and

**WHEREAS**, the cities have delivered to Bonner County legal descriptions and maps depicting the stipulated boundaries of the areas of city impact and Bonner County desires to adopt ordinances creating the boundaries consistent with the settlement agreement.

**NOW, THEREFORE, BE IT ORDAINED**, by the Board of County Commissioners that the following be and is hereby adopted as an ordinance of Bonner County, Idaho:

#### **SECTION 1: AUTHORITY AND PURPOSE**

This ordinance is adopted pursuant to authority granted to Bonner County at Chapter 65 of Title 67, Idaho Code and pursuant to the provisions of the Areas of City Impact Negotiation Procedures of Idaho Code §67-6526(b) and the terms of the settlement agreement to identify an area that has the potential for development that could affect the provisions of service or quality of life in Dover, Idaho.

#### **SECTION 2: ESTABLISHING THE DOVER AREA OF CITY IMPACT**

The official Dover Area of City Impact Map is hereby adopted, providing an area of city impact map to include within the unincorporated area of Bonner County the following described lands:

**LEGAL DESCRIPTION OF DOVER AREA OF CITY IMPACT:**

A Tract of land lying in a portion of Sections 19, 20, 21, 28, 29, 30 31, 32 and 33 of Township 57 North, Range 2 West, Boise Meridian, and Sections 1, 12, 13, 14, 22, 23, 24, 25, 26, 27, 35 and 36 of Township 57 North, Range 3 West, Boise Meridian, all in Bonner County, Idaho, more particularly described as follows:

**BEGINNING** at the Southwest Corner of Section 27 of Township 57 North, Range 3 West, Boise Meridian; Thence, **North 00°23'55" East, 5346.18 feet**, along the West Line of said Section 27, to the Northwest Corner thereof, said Corner also being the Southwest Corner of the above-mentioned Section 22;

Thence, **North 00°17'57" East, 5276.92 feet**, along the West Line of said Section 22, to the Northwest Corner thereof;

Thence, **South 89°33'03" East, 5301.33 feet**, along the North Line of said Section 22, to the Northeast Corner thereof, said Corner also being the Southwest Corner of the above-mentioned Section 14;

Thence, **North 00°06'11" East, 5247.97 feet**, along the West Line of said Section 14, to the Northwest Corner thereof;

Thence, **South 89°26'35" East, 5190.60 feet**, along the North Line of said Section 14, to the Northeast Corner thereof, said Corner also being the Southwest Corner of the above-mentioned Section 12;

Thence, **North 00°20'40" East, 5244.14 feet**, along the West Line of said Section 12, to the Northwest Corner thereof, said Corner also being the Southwest Corner of the above-mentioned Section 1;

Thence, **North 00°19'24" East, 3934.81 feet**, along the West Line of said Section 1, to the Southwest Corner of Government Lot 5 of said Section 1;

Thence, **South 89°29'03" East, 5295.00 feet**, along the South Line of Government Lots 5, 6, 7, and 8, of said Section 1, to the Southeast Corner of said Government Lot 8;

Thence, **South 00°20'57" West, 3987.17 feet**, along the East Line of said Section 1, to the Southeast Corner thereof, said Corner also being the Northeast Corner of the above-mentioned Section 12;

Thence, **South 00°09'48" West, 5241.35 feet**, along the East Line of said Section 12, to the Southeast Corner thereof, said Corner also being the Northeast Corner of the above-mentioned Section 13;

Thence, **South 00°39'21" West, 5308.92 feet**, along the East Line of said Section 13, to the Southeast Corner thereof, said Corner also being the Northwest Corner of the above-mentioned Section 19, Township 57 North, Range 2 West;

Thence, **North 89°34'01" East, 2444.12 feet**, along the North Line of said Section 19, to the North Quarter (N¼) Corner of said Section 19;

Thence, **North 89°19'48" East, 2616.64 feet**, along the North Line of said Section 19, to the Northeast Corner thereof, said Corner also being the Northwest Corner of the above-mentioned Section 20;

Thence, **South 00°12'56" West, 1318.78 feet**, along the West Line of said Section 20, to the Northwest Corner of the Southwest Quarter of the Northwest Quarter (SW¼NW¼) of said Section 20;

Thence, **South 89°28'15" East, 330.59 feet**, along the North Line of said SW¼NW¼, to the Northeast Corner thereof, said Corner being on the existing Boundary of the Corporate Limits of the City of Dover;

Thence, Southerly, Easterly, Northerly and Westerly, along said Boundary Line, the following seventy-one (71) described courses:

1. South 00°08'40" West, 650.78 feet,
2. South 89°51'20" East, 327.70 feet,
3. South 00°08'40" West, 619.10 feet,
4. North 89°16'21" West 656.68 feet,
5. North 00°04'13" East, 1265.42 feet,
6. Thence North 89°47'04" West, 313.81 feet on the South Line of West Pine Street,
7. Thence along a non-tangent 1965.68 foot radius curve (the chord of which bears South 82°19'15" West, 414.49 feet) through a central angle of 12°06'15" an arc distance of 415.26 feet,
8. South 63°00'19" West, 54.55 feet,
9. Thence along a 300.85 foot radius curve (the chord of which bears South 27°31'47" West, 218.49 feet) through a central angle of 42°35'00", an arc distance of 223.60 feet,
10. Thence along a reverse 310.61 foot radius curve (the chord of which bears South 71°00'03" West, 215.41 feet) through a central angle of 45°05'52" an arc distance of 220.27 feet,
11. Thence along a compound 791.46 foot radius curve (the chord of which bears South 73°42'01" West, 607.00 feet) through a central angle of 39°41'55" an arc distance of 622.96 feet,
12. Thence along a reverse 154.01 foot radius curve (the chord of which bears South 79°16'40" West, 60.03 feet) through a central angle of 22°28'34" an arc distance of 60.42 feet,
13. South 60°13'39" West, 249.10 feet,
14. South 07°03'53" East, 489.59 feet,
15. South 89°28'46" West, 845.46 feet,
16. North 00°02'54" West, 1288.63 feet,
17. North 89°47'05" West, 1253.77 feet,
18. South 00°12'56" West, 1308.19 feet,
19. South 89°19'30" West, 1196.19 feet,
20. South 00°35'08" West, 2603.36 feet,
21. North 88°59'24" East, 1096.93 feet,
22. South 01°16'13" East, 596.09 feet,
23. South 89°55'40" West, 105.48 feet,
24. South 05°18'01" East, 33.12 feet,
25. South 02°26'14" East, 300.56 feet,
26. South 29°18'05" East, 88.02 feet,
27. Thence along a 362.24 foot radius curve (the chord of which bears South 35°01'46" East, 86.11 feet) through a central angle of 13°39'29" an arc distance of 86.32 feet,
28. South 41°19'58" East, 133.68 feet,

29. Thence along a non-tangent 324.98 foot radius curve (the chord of which bears South 24°07'05" East, 191.43 feet) through a central angle of 34°15'30" an arc distance of 194.31 feet,
30. South 10°32'55" East, 133.41 feet,
  31. South 89°55'39" West, 1296.49 feet,
  32. South 00°17'05" East, 1179.30 feet,
  33. North 89°38'12" East, 974.00 feet,
  34. South 01°20'14" East, 1546.73 feet,
  35. North 89°55'40" East, 138.79 feet,
  36. South 00°04'20" East, 190.70 feet,
  37. South 89°10'39" West, 133.13 feet,
  38. South 00°04'20" East, 614.85 feet,
  39. South 89°10'39" West, 626.33 feet,
  40. South 00°09'09" East, 1361.88 feet,
  41. South 85°18'08" East, 213.70 feet,
  42. South 72°09'09" East, 666.66 feet,
  43. South 44°27'11" East, 466.66 feet,
  44. South 87°18'07" East, 400.00 feet,
  45. South 51°27'09" East, 399.99 feet,
  46. North 85°17'52" East, 466.66 feet,
  47. South 48°18'10" East, 399.99 feet,
  48. South 63°09'08" East, 799.99 feet,
  49. North 80°59'51" East, 433.32 feet,
  50. South 40°27'10" East, 399.99 feet,
  51. South 71°27'07" East, 599.99 feet,
  52. South 14°18'28" East, 66.67 feet,
  53. South 77°08'54" West, 200.00 feet,
  54. South 17°59'53" West, 200.00 feet,
  55. North 74°50'51" East, 66.66 feet,
  56. North 70°53'54" East, 312.14 feet,
  57. North 48°56'02" East, 277.76 feet,
  58. South 79°01'50" East, 725.99 feet,
  59. North 85°25'15" East, 1122.00 feet,
  60. North 29°58'05" East, 198.00 feet,
  61. North 08°07'16" East, 263.99 feet,
  62. North 14°01'40" West, 131.99 feet,
  63. North 31°28'38" West, 475.00 feet,
  64. North 06°58'08" East, 792.01 feet,
  65. North 02°57'18" East, 181.44 feet,
  66. North 47°07'11" East, 1518.00 feet,
  67. North 65°44'36" East, 1254.76 feet,
  68. South 65°52'20" East, 1107.23 feet,
  69. North 05°30'45" East, 1017.04 feet,
  70. North 30°36'00" East, 785.82 feet,
  71. North 67°26'59" East, 485.22 feet,

Thence, **South 00°00'00" East, 3376.78 feet**, to a point on the Centerline of Pend Oreille River;

Thence, Westerly, along the Centerline of said Pend Oreille River, the following Thirty-Four (34) described courses:

1. South 81°36'32" West, 198.16 feet,
2. South 32°03'02" West, 601.72 feet,



3. North 80°07'14" West, 731.22 feet,
4. South 42°10'12" West, 1282.48 feet,
5. South 65°46'35" West, 1333.43 feet,
6. South 31°44'04" West, 1156.50 feet,
7. North 83°13'33" West, 1069.82 feet,
8. North 88°23'52" West, 1147.89 feet,
9. North 70°06'11" West, 544.81 feet,
10. North 48°16'30" West, 522.01 feet,
11. North 41°39'16" West, 348.39 feet,
12. North 89°54'00" West, 508.95 feet,
13. North 55°51'04" West, 1312.23 feet,
14. South 89°38'38" West, 545.66 feet,
15. North 57°10'39" West, 359.26 feet,
16. South 87°37'51" West, 340.26 feet,
17. North 54°01'53" West, 488.61 feet,
18. North 73°22'33" West, 481.58 feet,
19. North 64°14'03" West, 860.24 feet,
20. North 86°47'38" West, 759.84 feet,
21. North 48°18'51" West, 704.51 feet,
22. South 85°08'44" West, 458.25 feet,
23. North 81°38'45" West, 1635.77 feet,
24. South 59°05'57" West, 214.50 feet,
25. North 63°25'14" West, 1165.26 feet,
26. South 83°36'31" West, 329.67 feet,
27. North 62°35'05" West, 2519.12 feet,
28. North 59°03'07" West, 642.17 feet,
29. North 75°28'41" West, 848.02 feet,
30. North 51°47'12" West, 797.06 feet,
31. South 76°50'49" West, 1034.88 feet,
32. South 57°28'15" West, 1456.63 feet,
33. South 32°29'58" West, 526.55 feet,
34. South 63°07'47" West, 227.16 feet, to a point of Intersection with the South Line of Section 27 of Township 57 North, Range 3 West;

Thence, leaving the Centerline of said Pend Oreille River, **North 89°08'26" West, 3592.65 feet**, along the South Line of said Section 27, to the **TRUE POINT OF BEGINNING**, containing approximately 7,061 acres.

**TOGETHER WITH** a parcel of land in the Southwest Quarter of section 20 and the Northwest Quarter of section 29 more particularly describe as follows:

**Beginning** at the Southwest corner of section 20, **North 00°06'02" East, 1325.94 feet**, along the West line of said section 20,

Thence, **South 89°41'28" East, 2627.25 feet**, to the Northeast corner of the Southeast Quarter of the Southwest Quarter of said section 20,

Thence, **South 89°42'15" East, 1962.89 feet**,

Thence, **South 00°01'08" East, 1191.06 feet**, to the Northwest corner of Lot 1 of the Plat of Indian Ridge,



Thence, Northerly, Easterly, and Southerly, along the Boundary Line of said Plat, the following six (6) described courses:

1. **South 89°51'20" East, 179.58 feet,**
2. **North 00°08'40" East, 123.91 feet, to a point on the South line of said section 20,**
3. **Thence along said section line, South 89°49'49" East, 59.71 feet,**
4. **Thence leaving said section line, North 00°08'40" East, 187.84 feet,**
5. **South 89°51'20" East, 362.55 feet,**
6. **South 00°21'55" East, 188.00 feet, to a point on the South line of said section 20;**

Thence, **South 89°49'49" East, 60.40 feet,** along said south line to the Southeast corner of said section 20,

Thence, **South 01°02'40" East, 1241.93 feet,** along the East line of section 29 to the Northeast corner of Southeast Quarter of the Northeast Quarter of said section 29,

Thence, **South 89°25'48" West, 5266.26 feet,** to the Southwest corner of the Northwest Quarter of the Northwest Quarter of said section 29,

Thence, **North 00°34'16" West, 1309.39 feet,** along the West line of said section 29, to the Northwest corner of said section 29, to the **TRUE POINT OF BEGINNING**, containing approximately 295.31 acres.

*Total acreage for the ACI is approximately 7,356.31 acres.*

### **SECTION 3. EFFECT OF ADOPTION OF MAP**

That the Dover Area of City Impact within the unincorporated area of Bonner County, Idaho as particularly described in Section 2 above and also set forth on the map attached as Exhibit A, "Area of City Impact Boundary for City of Dover," and incorporated herein by reference shall be in effect until amended or modified as allowed by law.

### **SECTION 4. ADMINISTRATIVE JURISDICTION**

That the administrative jurisdiction of the plans and ordinances which apply to the Dover Area of City Impact delineated by the map incorporated herein shall be the duty of Bonner County, Idaho, which shall apply the same plans and ordinances for the unincorporated areas of the County lying within the area of city impact as those areas lying outside the area of city impact, until amended or modified as allowed by law.

### **SECTION 5. SEVERABILITY CLAUSE:**

The provisions of this Ordinance are hereby declared to be individually severable. Should any provision of this ordinance be declared invalid by a court of competent jurisdiction, such declaration shall not affect the validity of the remaining provisions.

**SECTION 6. PUBLICATION EFFECTIVE DATE:**

This Ordinance shall be in full force and effect upon its passage and publication in one (1) issue of the Bonner County Daily Bee newspaper.

Regularly considered, passed and approved as an ordinance of Bonner County, Idaho, done this 2nd day of January, 2007, upon the following roll call vote:

Chairman Joseph E. Young:

✓

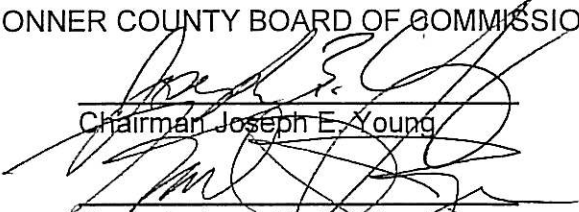
Commissioner Karl J. Dye:

✓

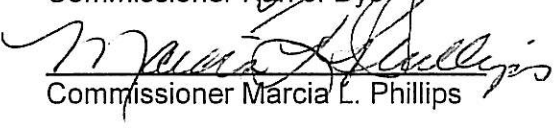
Commissioner Marcia L. Phillips:

✓

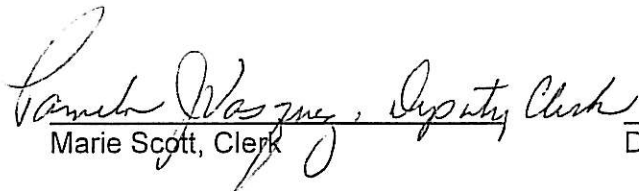
**BONNER COUNTY BOARD OF COMMISSIONERS**

  
Chairman Joseph E. Young

  
Commissioner Karl J. Dye

  
Commissioner Marcia L. Phillips

**ATTEST:**

  
Marie Scott, Clerk

1-2-07  
Date