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FILED BY *BCC*

ORDINANCE NO. 261

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SANDPOINT AREA OF CITY IMPACT AGREEMENT

Marie Scott
MARIE SCOTT

BONNER COUNTY, IDAHO

RECORDER OF BONNER
COUNTY BY *DE* DEP

AN ORDINANCE DEFINING THE PURPOSE OF THE AREA OF CITY IMPACT FOR THE CITY OF SANDPOINT; SPECIFYING THE FACTORS CONSIDERED IN IDENTIFYING THE AREA OF CITY IMPACT; IDENTIFYING THE COMPREHENSIVE PLAN THAT SHALL APPLY WITHIN THE UNINCORPORATED PORTION OF BONNER COUNTY, IDAHO LYING WITHIN THE AREA OF IMPACT; IDENTIFYING THE ZONING AND SUBDIVISION ORDINANCES THAT SHALL APPLY WITHIN THE UNINCORPORATED PORTIONS OF BONNER COUNTY, IDAHO LYING WITHIN THE AREA OF CITY IMPACT; PROVIDING FOR REVIEW AND COMMENT PROCEDURES BETWEEN JURISDICTIONS; PROVIDING FOR ADMINISTRATIVE JURISDICTION WITHIN THE AREA OF CITY IMPACT; ESTABLISHING AN EFFECTIVE DATE PURSUANT TO SECTION 67-6526, IDAHO CODE.

WHEREAS, Section 67-6526 Idaho Code, requires that the governing board identify an Area of City Impact and adopt by Ordinance an agreement providing for the application of plans and ordinances within said Area of City Impact; and

WHEREAS, the City of Sandpoint, Idaho has requested to add to the existing Area of City Impact agreement with Bonner County; and

WHEREAS, the Bonner County Planning and Zoning Commission held a duly noticed public hearing on September 22, 1994 and continued said hearing to October 13, 1994 on the request and recommended approval of the same; and

WHEREAS, the Bonner County Board of Commissioners held a duly noticed public hearing on November 1, 1994;

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

SECTION 1. AUTHORITY AND PURPOSE

Section 67-6526, Idaho Code, requires that Cities and Counties negotiate an Area of City Impact.

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

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SECTION 2. CONSIDERATION

The following factors were considered by the Planning and Zoning Commission and Board of County Commissioners in identifying the Area of City Impact for Sandpoint, Idaho.

1. Trade areas.
2. Geographic factors.
3. Area that can reasonably be expected to be annexed into the City in the future.
4. Areas where extension of city services is possible and reasonable.
5. Areas where growth is occurring or where growth is anticipated.
6. Areas in which to encourage and discourage growth or that which the city wants some control over in the future.

SECTION 3. GEOGRAPHIC AREA OF CITY IMPACT

The officially adopted geographic Area of City Impact for Sandpoint, Idaho is identified by Ordinance No. 262. All parcels of land lying all or in part within the Area of City Impact as delineated by Ordinance No. 262 shall be subject to provisions of this ordinance.

SECTION 4. COMPREHENSIVE PLAN

The Comprehensive Plan and subsequent amendments thereof as officially adopted by Bonner County, Idaho, shall apply to the unincorporated portions of Bonner County, Idaho, lying within the Sandpoint Area of City Impact.

SECTION 5. 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, Idaho lying within the Sandpoint Area of City Impact.

SECTION 6. REVIEW AND COMMENT

Any request for development, zone change, conditional use permit, variance or subdivision in the unincorporated portion of Bonner County, Idaho, lying within the Sandpoint Area of City Impact, shall be referred to the Planning and Zoning Commission and the City Council of Sandpoint, Idaho, for review and comment. The City of Sandpoint shall have a forty (40) day period within which to respond to any request as set forth above. If the City of Sandpoint does not respond within forty (40) days, the City of Sandpoint forfeits its right to comment on the request and processing shall continue under the County's administration.

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SECTION 7. ADMINISTRATIVE JURISDICTION

The administration of plans and ordinances which apply to the Sandpoint Area of City Impact shall be the duty of Bonner County.

SECTION 8. SEVERABILITY CLAUSE

If any section, paragraph, sentence or provisions hereof or the application thereof to any particular circumstances shall ever become invalid or unenforceable, such holding shall not affect the remainder hereof, which shall continue in full force and effect and applicable to all circumstances to which it may validly apply.

SECTION 9. EFFECTIVE DATE

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

Regularly passed and approved as an Ordinance of Bonner County, Idaho, done this 21st day of December, 1994, upon the following roll call vote:

Chairman Eugene Brown	Aye <u> X </u>	Nay <u> </u>
Commissioner Susan MacLeod	Aye <u> X </u>	Nay <u> </u>
Commissioner Wayne Newcomb	Aye <u> X </u>	Nay <u> </u>

Eugene Brown
Eugene Brown, Chairman

Susan MacLeod
Susan MacLeod, Commissioner

Wayne Newcomb
Wayne Newcomb, Commissioner

ATTEST:

MARIE SCOTT, CLERK

Bucky Witte, Dep Clerk

720182

ORDINANCE NO. 485

SANDPOINT AREA OF CITY IMPACT MAP *SR* DEPUTY

FILED BY
BC Planning
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Napa
MARIE SCOTT
BONNER COUNTY RECORDER

AN ORDINANCE OF BONNER COUNTY, IDAHO, CITING ITS AUTHORITY, AND PROVIDING FOR THE ADOPTION OF AN AMENDED MAP AND LEGAL DESCRIPTION FOR THE SANDPOINT AREA OF CITY IMPACT WITHIN THE UNINCORPORATED AREA OF BONNER COUNTY, REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREIN, 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

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.

SECTION 2: AMENDING THE SANDPOINT AREA OF CITY IMPACT

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

LEGAL DESCRIPTION OF SANDPOINT AREA OF CITY IMPACT:

The legal description of the Sandpoint Area of City Impact shall be:

Beginning at a point that is 50 feet north of the section line between Sections 10 and 3 and the thread of Sand Creek, Township 57 North, Range 2 West, Boise Meridian. This being the true point of beginning and the current intersection of the City limits of Sandpoint and Ponderay.

Thence northerly along said thread of Sand Creek to the north line of Section 3, Township 57 North, Range 2 West, Boise Meridian.

Thence continuing northerly along said thread of Sand Creek to the intersection of the north section line of Section 26, Township 58 North, Range 2 West, Boise Meridian.

Thence west along said north section line to the northwest corner of the east half of the northwest quarter of Section 26, Township 58 North, Range 2 West, Boise Meridian.

Thence south to the southwest corner of the east half of the northwest quarter.

Thence west to the center of Section 27, Township 58 North, Range 2 West, Boise Meridian.

Thence south to the south quarter corner of Section 34, Township 58 North, Range 2 West, Boise Meridian.

Thence west to the northwest corner of Section 5, Township 57 North, Range 2 West, Boise Meridian.

Thence south along the west line of said Section 5 to the southwest corner of Section 5.

Thence west along the north line of Section 7 to the northwest corner of Section 7, Township 57 North, Range 2 West, Boise Meridian.

Thence south along the west line of said Section 7 to the southwest corner of Section 18, Township 57 North, Range 2 West, Boise Meridian.

Thence east along the south line of said Section 18 to the southeast corner of Section 18 and the northwest corner of Section 20, Township 57 North, Range 2 West, Boise Meridian.

Thence south along the west line of said Section 20 to the southwest corner of the northwest quarter of the northwest quarter of Section 20.

Thence east to the southeast corner of the northwest quarter of the northwest quarter.

Thence south to the southwest corner of the southeast quarter of the northwest quarter.

Thence south 25 feet more or less to the south right-of-way line of Pine Street.

Thence east 1,780 feet more or less along said right-of-way line to a point on the northwest corner of a lot described as a warranty deed dated May 9, 1974 recorded as Bonner County instrument #157391.

Thence south 0 degrees 5 minutes east 264.4 feet according to a warranty deed dated May 9, 1974 recorded as Bonner County instrument #157391.

Thence south 25 degrees 5 minutes east a distance of 81.3 feet, according to a warranty deed dated May 9, 1974 recorded as Bonner County instrument #157391.

Thence south 0 degrees 5 minutes east a distance of 50 feet according to a warranty deed dated May 9, 1974 recorded as Bonner County instrument #157391.

Thence south 0 degrees 5 minutes east a distance of 300 feet according to a warranty dated October 18, 1976 recorded as Bonner County instrument #180423.

Thence south 89 degrees 54 minutes east a distance of 182.6 feet according to a warranty deed dated October 18, 1976 recorded as Bonner County instrument #180423.

Thence south 0 degrees 5 minutes east a distance of 180 feet according to a warranty dated March 2, 1987 recorded as Bonner County instrument #331854.

Thence south 44 degrees 0 minutes east a distance of 250.8 feet according to a warranty dated March 2, 1987 recorded as Bonner County instrument #331854.

Thence south 89 degrees 54 minutes east a distance of 248.7 feet according to a warranty dated March 2, 1987 recorded as Bonner County instrument #331854.

Thence on a 500 foot radius curve to the right a distance of 314.6 feet. Thence north 13 degrees 13 minutes west a distance of 403.3 feet. Thence on a 400 foot radius curve to the left a distance of 224.9 feet. Thence North 45 degrees 26 minutes west a distance of 81.7 feet. Thence on a 90 foot radius curve to the right a distance of 139.1 feet. Thence north 43 degrees 9 minutes west 22.5 feet to the south right-of-way line of Pine Street.

Thence east along the south right-of-way line of Pine Street to a point 25 feet south of the northeast corner of the southeast quarter of Section 20, Township 57 North, Range 2 West, Boise Meridian.

Thence south along the east line of said Section 20 to the southeast corner of the northeast quarter of the northeast quarter of the southeast quarter of Section 20.

Thence west along the south line of the north half of the northeast quarter to the center of the northeast quarter of the southeast quarter of said Section 20.

Thence north to the northeast corner of the south half of the northwest quarter of the northeast quarter of the southeast quarter of said Section 20.

Thence west to the southwest corner of the north half of the northwest quarter of the northeast quarter of the southeast quarter according to a warranty deed dated March 12, 1998 instrument #520603.

Thence south along the north south centerline of the southeast quarter of said Section 20 approximately 690 feet to the northeast corner of the City of Sandpoint Water Tank property, according to a Correction Deed dated August 14, 1979 Instrument #218119.

Thence west 174.90 feet; thence south 200 feet; thence east 25 feet to the northwest corner of Syringa Heights Water Association property as recorded on Page 112, book 128 Deeds Bonner County, Idaho.

Thence south 100 feet to the east/west centerline of the southeast quarter of Section 20, Township 57 North, Range 2 West, Boise Meridian.

Thence east to the north/south centerline of the east half of the southeast quarter of said Section 20.

Thence south along said centerline to the northwest corner of Lot 1 of the Indian Ridge Subdivision to Bonner County according to a plat recorded March 27, 1973 as Instrument #147961, on Page 77 Book #3 of Plats.

Thence south 89 degrees 57 minutes 32 seconds east 180.1 feet along north line of said Lot 1 of the Indian Ridge Subdivision to the northeast corner of said Lot 1.

Thence south 0 degrees 18 minutes 26 seconds east 120.8 feet to the southeast corner of said Lot 1.

Thence north 89 degrees 57 minutes 32 seconds east 60.00 feet according to plat recorded as Bonner county Instrument #147961 to the southwest corner of Lot 2 of said Indian Ridge Subdivision.

Thence north 0 degrees 18 minutes 26 seconds west 181.5 feet to the northwest corner of said Lot 2.

Thence north 89 degrees 57 minutes 32 seconds east 420 feet to the east line of said Section 20.

Thence north along said section line to a point that is 200 feet south of the east/west centerline of the southwest quarter of Section 21, Township 57 North, Range 2 West, Boise Meridian.

Thence east 300 feet to a point which is 200 feet south of the of the east/west center line of the southwest quarter of said Section 21, according to a warranty deed dated August 13, 1981 recorded as Bonner county instrument #245990.

Thence north 200 feet to the east/west centerline of the southwest quarter of said Section 21, according to a warranty deed dated August 13, 1981 recorded as Bonner county instrument #245990.

Thence east along said line to the north /south centerline of the southwest quarter of said Section 21.

Thence north to a point which is 25 feet south of the east/west centerline of said Section 21, which is the south right-of-way line of Pine Street.

Thence east along said right-of-way line the intersection of the thread of Big Chuck's Slough.

Thence south along said thread of Big Chuck's Slough to the intersection of the existing City of Sandpoint limits.

And

Beginning at a point which is north 508 feet more or less from the south section line of Section 21, Township 57 North, Range 2 West, Boise Meridian and the intersection of the thread of Big Chuck's Slough and the existing City of Sandpoint limits.

Thence in a southerly direction along the thread of Big Chucks Slough to the meander line of the Pend Oreille River.

Thence along the meander line in an easterly direction to the north/south centerline of Section 28, Township 57 North, Range 2 West, Boise Meridian. This being the current City limits of Sandpoint.

SECTION 3. EFFECT OF ADOPTION OF MAP

That the Sandpoint 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, "Sandpoint Area of City Impact," 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 Sandpoint 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, as set forth in Ordinance No. 261, adopted December 28, 1994 and recorded at Instrument #457823, records of Bonner County, Idaho, until amended or modified as allowed by law.

SECTION 5. REPEALER CLAUSE:

That Bonner County Ordinance No. 262 setting forth the geographic boundaries of the Sandpoint Area of City Impact, recorded December 28, 1994, at Instrument #457824, records of Bonner County, Idaho, is repealed in its entirety and all other ordinances and parts of ordinances in conflict with this Ordinance are hereby repealed to the extent of such conflict.

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

Joseph E. Young
Chairman Joseph E. Young

Karl J. Dye
Commissioner Karl J. Dye

Marcia L. Phillips
Commissioner Marcia L. Phillips

ATTEST:

Marie Scott, Clerk

Date

1-2-07