



To: Chair Taylor and Members of the Planning and Zoning Commission
From: Donna Phillips, GISP, Community Development Director
Date: April 14, 2025

STAFF EXECUTIVE SUMMARY

Amendment to the Area of Impact

Introduction:

In accordance with [Idaho State Code Section 67-6526](#), cities across Idaho are reviewing and updating their City's Area of Impact (AI) formerly referred to as the Area of City Impact (ACI). The proposed modification seeks to align the AI boundary with the guidelines set forth in the new state law, which limit such areas to regions that are highly likely to be annexed within five (5) years and generally within two (2) miles of existing city limits.

A hearing will be held during the May 5, 2025, Planning and Zoning Commission meeting, to receive public comment on the proposed changes and for the Commission to deliberate on a recommendation to the City Council regarding adoption of the revised AI boundary.

Description/Background:

Cities and Counties follow the Local Land Use Planning Act, otherwise known as LLUPA, which is the State enabling legislation found in Idaho State Law, Title 67, Chapter 65 and provides requirements for cities and counties to engage in land use planning at the local level. A component of land use planning involves the adoption of the Comprehensive Plan (§67-6508) that includes and plans for the entirety of property within the jurisdiction. Cities also plan for those areas outside their jurisdictional boundaries which are anticipated to be annexed for growth and development in the future as established in §67-6526. These areas are called Areas of Impact (formerly Areas of City Impact) and are proposed by cities through legislative acts by counties. Counties retain authority of land use planning within these areas until such time as annexation occurs. The City of Hayden's current Area of City Impact was created by the County on October 12, 2004 concurrent with the City of Rathdrum and the City of Post Falls, when the Shared Tier was also created.

Under the new state law the Shared Tier is no longer able to exist and no Area of Impact is allowed to be overlapped. Therefore, City Staff met with the following Cities when reviewing possible changes to the AI: Coeur d'Alene, Dalton Gardens, Hayden Lake, Post Falls, and Rathdrum.

The current Area of City Impact encompasses approximately 8.64 square miles of unincorporated land adjacent to Hayden's city limits. Historically, this area has included areas which are enclaved or nearly surrounded by the city limits including the Coeur d'Alene Airport area, areas which are more urbanized, and areas which were anticipated to annex at some point in the future for orderly development. Legislative changes enacted in 2024 require that areas of impact be limited to land that can feasibly be annexed and serviced within five years.

Proposed Area of Impact:

The revised AI boundary, as illustrated in Map B, proposes the following changes to the areas within the Exclusive Tier and the Shared Tier:

- 1) Within the Exclusive Tier, a reduction in area east of Loch Haven PUD, south of Hayden Lake, and North of Dalton Gardens Area of City Impact by 0.56 square miles as this area is fully served by other service providers for water, sewer, and transportation;
- 2) Within the Shared Tier (as shown within the 2040 Comprehensive Plan), a reduction in area
 - a. North of West Wyoming Avenue and West of North Huetter Road of 0.40 square miles as this area is anticipated to be served by the City of Rathdrum; and
 - b. North of West Prairie Avenue and West of North Huetter Road of 0.075 square miles as this area was annexed into the City of Hayden;
- 3) Within the Shared Tier (as shown within the 2040 Comprehensive Plan), as the Shared Tier will no longer exist, 1.93 square miles is proposed to be added to Hayden's Area of Impact.

Therefore, the total Area of City Impact (Exclusive and Shared Tiers of the 2040 Comprehensive Plan) provided for an area of 8.64 square miles, and the proposed Area of Impact provides for 7.60 square miles or a decrease of 1.04 square miles. No areas included in the proposed AI are not already in our existing Area of City Impact including the Exclusive and Shared Tiers.

Compliance with Idaho State Code

Idaho State Code Section 67-6526 mandates that an area of impact:

1. Shall not exceed areas very likely to be annexed within the next five (5) years.
2. Shall not extend more than two (2) miles from existing city limits, except under special conditions.

Notice Provided: Newspaper/Website/PSA: April 18 & 25, and May 2, 2025



Hearing Date(s): PZC: May 5, 2025

Planning and Zoning Commission Memo (Attachments):

- Map A is the currently adopted Area of City Impact (Exclusive Tier and Shared Tier) of the 2040 Comprehensive Plan
- Map B is the proposed Area of Impact Boundary (no Shared Tier)
- Current Hayden, Post Falls, Rathdrum, and Kootenai County Area of City Impact Agreement
- Notice of Hearing

Public Comments received as a result of noticing for hearing shall be provided under separate memo in Boardbook.

Staff Recommendation:

City Attorneys, City Administrators, and Planning Staff reviewed the Shared Tier and how to best meet Idaho State Code Section 67-6526 with respect to a variety of items to include but not be limited to: other service jurisdictions (to include but not be limited to school districts, airports, water providers, etc.), proximity of existing City boundaries, proximity of utility infrastructures, road infrastructure and removed overlap of proposed AI areas. City Staff then met with City jurisdictions along other existing AI boundaries and addressed the same items with each. In accordance with this statute, staff believes the proposed AI boundary provided in Map B addresses those areas likely to be annexed within the next five years.

Staff further recommends that if the AI modification is approved by the City Council, negotiations with Kootenai County proceed promptly to formalize the agreement and incorporate the changes into Hayden's 2040 Comprehensive Plan Update and Hayden's planning framework.

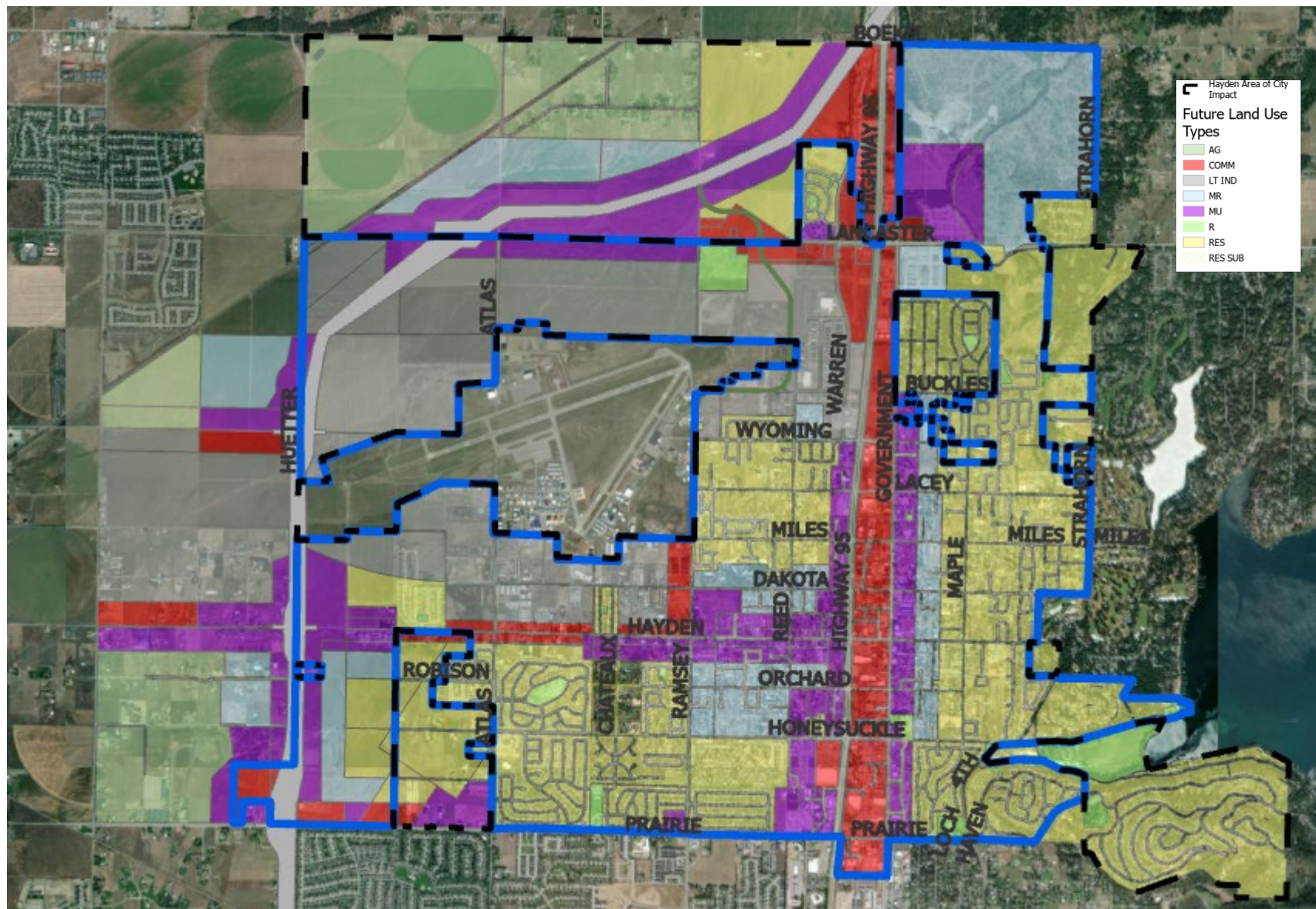
Next Steps:

Upon recommendation by the Planning & Zoning Commission, the proposal will proceed to the Hayden City Council for review. If the City Council approves the proposal, the next step involves negotiation with Kootenai County for formal adoption of the new AI boundary. In cases where disagreements exist between cities regarding overlapping AI boundaries, the board of county commissioners will consider the respective requests and determine the final boundary placement per Idaho State Code Section 67-6526 (3).

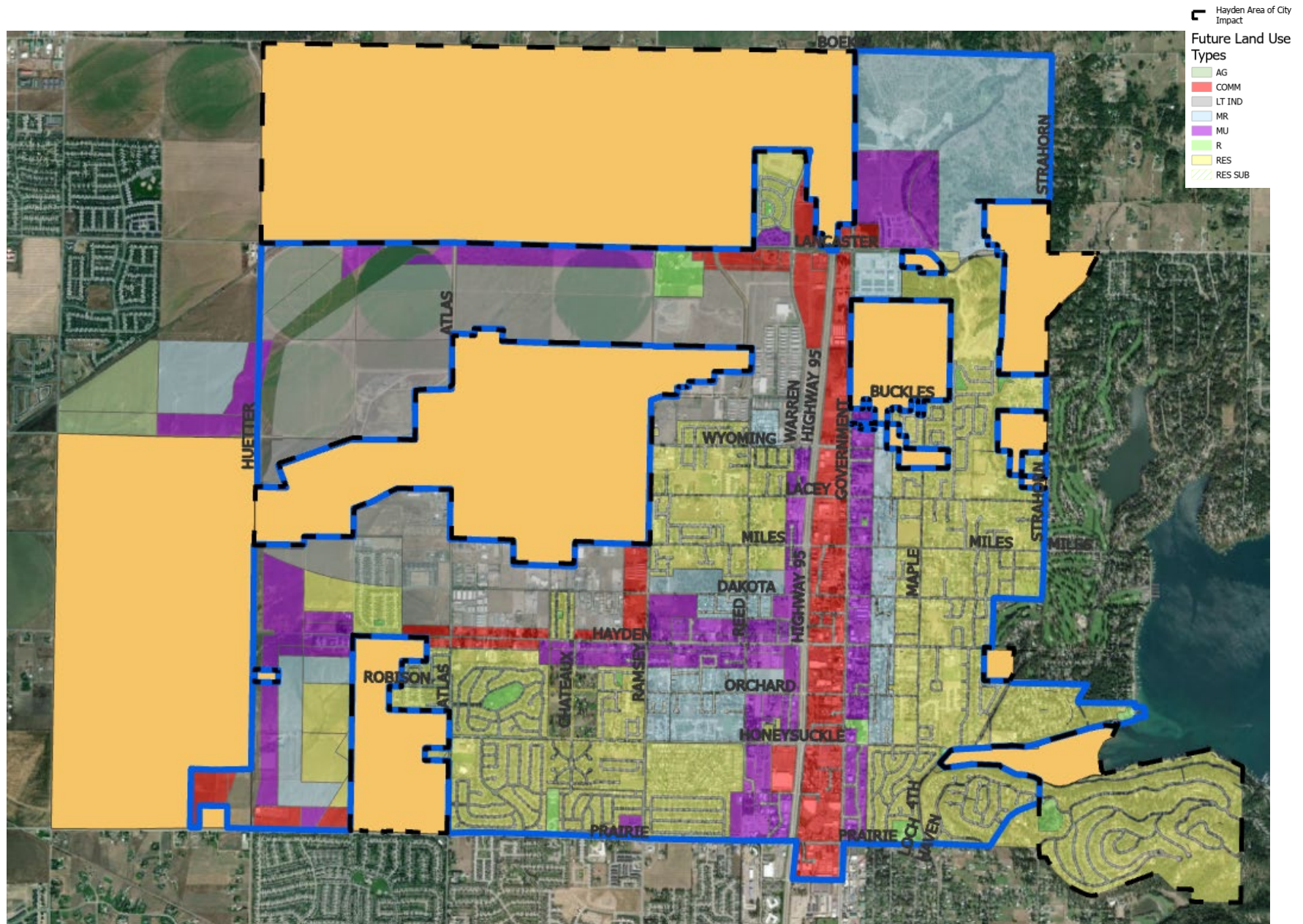
Once approved, the revised AI boundary will be incorporated into Hayden's comprehensive planning framework and zoning regulations in coordination with Kootenai County.

Possible Motions of Planning and Zoning Commission:

- **Motion to Approve** – I move to recommend approval of the amendment to the Area of Impact boundary as presented in Map B, based upon testimony received at the Planning and Zoning Commission Public Hearing and the record of the request.
- **Motion to Continue** – I move to continue this hearing to {date specific} to address concerns related to _____.
- **Motion to Deny** – I move to recommend denial of the amendment to the Area of Impact boundary as presented in Map B, based upon testimony received at the Planning and Zoning Commission Public Hearing and the record of the request for the following reasons: _____.



Map A: Existing Area of City Impact and anticipated area of impact within Shared Tier to the west.



Map B: Anticipated Area of Impact shown in orange most notably in the southeastern, northwestern, and western areas of the AI.

AREA OF CITY IMPACT DESCRIPTION ORDINANCE
ORDINANCE NO. 375

AN ORDINANCE OF THE CITY OF HAYDEN, IDAHO, ENACTED COOPERATIVELY WITH THE CITIES OF RATHDRUM AND POST FALLS, IDAHO, AND KOOTENAI COUNTY, IDAHO SETTING FORTH THE COOPERATIVE BASES FOR SUCH ENACTMENT, ESTABLISHING AN EFFECTIVE DATE AND TERM OF DURATION, DESCRIBING LANDS MADE SUBJECT TO A TWO-TIERED AREA OF CITY IMPACT, PROVIDING THAT THIS ORDINANCE AND ITS COMPANION ORDINANCE ADDRESSING THE SUBSTANCE OF ANY AREA OF CITY IMPACT AGREEMENT AMONG THE PARTIES SHALL BE DEEMED TO SUPERSEDE ALL PRIOR AREA OF CITY IMPACT ORDINANCES OF THE RESPECTIVE PARTICIPATING PUBLIC ENTITIES, AND PROVIDING AN EFFECTIVE DATE.

NOW, THEREFORE, Be it ordained by the Mayor and City Council of the city of Hayden, Idaho as follows:

1. RECITALS OF PREMISES OF COOPERATION.

WHEREAS, Kootenai County and the cities of Rathdrum, Post Falls and Hayden are mutually facing the pressures and benefits of shared growth; and

WHEREAS, each of these public agencies shares jurisdiction regarding development and management of public services and facilities on lands within parts of the Rathdrum Prairie; and

WHEREAS, the Rathdrum Prairie has provided a land resource for private development that has added to the geographic area of the cities of Rathdrum, Post Falls and Hayden; and

WHEREAS, the Rathdrum Prairie Aquifer has served as a source of clean, available water to sustain life, health and economic development; and

WHEREAS, the Rathdrum Prairie has traditionally supplied open spaces that contribute to the overall quality of life upon and around it environs; and

WHEREAS, development of private lands on the Rathdrum Prairie has been subject to planning and regulation by one or more of the public agencies referenced above; and

WHEREAS, continued political pressure and ongoing litigation are challenging the viability of current agricultural practices, and owners of agricultural lands are seeking viable options for their future; and

WHEREAS, a regional approach to serving the Rathdrum Prairie with

cooperative wastewater disposal options would be prudent and worthy of further study; and

WHEREAS, such cooperation among the parties may result in an area-wide wastewater master plan that includes the potential for land application of treated wastewater, thereby enabling options to sustain agriculture or to preserve open space on parts of the Rathdrum Prairie; and

WHEREAS, continuing agriculture on the Prairie holds significant potential to aid in preserving greenspace that will otherwise be lost if an affordable means for preservation cannot be found; and

WHEREAS, each of the parties hereto recognizes the need to protect the common water resource and to integrate means of transportation and provision of other public services in developing areas; and

WHEREAS, the parties recognize that the rate of urbanization for the communities that are a party to this Agreement will be different from one community to another; and

WHEREAS, Idaho law provides tools to allow the cooperation of counties and cities in public planning and implementation; and

WHEREAS, since the adoption of the Area of City Impact Agreements and Ordinances for the cities of Rathdrum, Post Falls and Hayden there have been significant changes while growth continues to be strong and sustained, thereby supporting amendment of the current Area of City Impact Agreements for the cities; and

WHEREAS, the parties share common goals and desire to engage in a shared, cooperative effort to chart a meaningful intergovernmental plan and implementation strategy for the Rathdrum Prairie.

NOW, THEREFORE, the parties hereto agree that a Coordinated Area of City Impact Agreement for the cities of Rathdrum, Post Falls and Hayden is hereby adopted with the following terms and conditions:

2. EFFECTIVE DATE

This Ordinance/Agreement shall be effective with respect to the city of Hayden and each respective agency referenced herein upon the latter day of the date of publication of this ordinance after passage or the date of publication of a companion ordinance enacted by each cooperating city. This ordinance establishing area of city impact boundaries for the city of Hayden shall not become effective with respect to each respective city until said city passes and publishes an area of city impact ordinance consistent with the provisions of this ordinance.

3. TERM – EARLY TERMINATION

The term of this ordinance shall be for a period of five (5) years from the initial effective date set forth above. The parties further agree to begin renegotiation of their respective area of city impact agreements no later than three and one-half (3 1/2) years after the initial effective date set forth above. If the parties are unable to agree upon a replacement for this agreement within five (5) years from its initial effective date, this agreement shall remain in full force and effect with each party thereafter authorized to seek a two-party area of city impact agreement with Kootenai County that would supersede this Agreement with respect to that city. Any participating city that elects to terminate participation as set forth herein prior to expiration of the five-year term, or before mutual agreement upon a superseding cooperative agreement, whichever comes first, shall be entitled to 15 days prior notice of any special use, subdivision or rezoning proposals within an area ½ mile from its corporate boundary as such boundary existed on the initial effective date of this ordinance. Otherwise, regular county standards and procedures would apply.

4. TWO-TIERED AREA OF CITY IMPACT.

A. Exclusive Tier for Hayden

By separate ordinance adopted on the same date as this ordinance, the parties agree that the area of city impact for each of the cities signatory hereto shall consist of two tiers. The exclusive tier of area of city impact for the city of Hayden is hereby described as follows:

For the city of Hayden lands not within the city limits, but situate within the following legal description, shall fall within the exclusive area of city impact for the city of Hayden: The exclusive tier for the City of Hayden shall consist of all of Sections 1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 15, 16, 21, 22, and 23, Township 51 North, Range 4 West Boise Meridian; a part of Sections 24, 25, and 26, Township 51 North, Range 4 West Boise Meridian; and a part of Sections 7, 19, and 30, Township 51 North, Range 3 West Boise Meridian, Kootenai County, Idaho; more particularly described as follows:

BEGINNING at the Southwest corner of said Section 21, Township 51 North, Range 4 West B. M., being the intersection of Huetter Road and Prairie Avenue;

THENCE East, along the South lines of said Sections 21, 22, and 23 to the easterly right-of-way line of U.S. Highway 95 in said Section 23;

THENCE South 5E51' West, 630 feet, more or less, along said easterly right-of-way line to Highway right-of-way monument P.T. 153+44.70;

THENCE 347.38 feet along said easterly right-of-way line on the arc of a 28,537.9 foot radius curve left, said curve having a chord bearing South 5E28'06" West, 347.38 feet to the northerly right-of-way line of Aqua Avenue;

THENCE South 88E57'32" East, 1275.35 feet along said northerly right-of-way line to its intersection with the westerly right-of-way line of Government Way (a.k.a. Old Highway 95);

THENCE continuing South 88E57'32" East, 60.00 feet, and leaving said westerly right-of-way line to the easterly right-of-way line of said Government Way and the westerly line of the City of Dalton Gardens;

THENCE North 1E04'06" East, 989.24 feet (of record as North) along said easterly right-of-way line and the northerly projection thereof, and said westerly line of the City of Dalton Gardens to a point on the South line of said Section 24 on the centerline of Prairie Avenue, said point also being the Northwest corner of the City of Dalton Gardens;

THENCE East, 3930.00 feet, more or less, along the South line of said Section and the northerly line of the City of Dalton Gardens to the East 1/16 section corner common to said Sections 24 and 25;

THENCE along the northwesterly boundary of that certain right-of-way easement granted from Charles Finucane and Marion Finucane to the Dalton Gardens Irrigation District on the 13th day of March 1954, as Instrument Number 284140, records of said County, and described as follows:

"a strip of land 11 feet in width situated in the Southeast Quarter of Section 24, Township 51 North, Range 4 West Boise Meridian, Kootenai County, Idaho, the centerline of said strip of land being parallel with and 12 feet to the left of the following described line:

BEGINNING at the Southwest corner of the Southeast Quarter of the Southeast Quarter of said Section 24;

North 34E44' East, 750.0 feet;

thence North 31E20' East, 241.4 feet;

thence along a curve to the right, 190.0 feet;

thence North 69E20' East, 618.6 feet to a point on the East line of said Southeast Quarter of Section 24, said point being 129.0 feet South of the Northeast corner of the Southeast Quarter of the Southeast Quarter of Section 24, all in Kootenai County, Idaho";

THENCE South, (from said point, being 129.0 feet South of the Northeast corner of the SE 3 of the SE 3 of said section, which point is also North 47E41'00" East, 1740.97 feet from the East 1/16 section corner common to said Sections 24 and 25), along the East line of said Section 24 to the corner common to said Sections 24 and 25, Township 51 North, Range 4 West and said Sections 19 and 30, Township 51 North, Range 3 West;

THENCE South 89E00'11" East, 30.0 feet along the North line of said Section 30;

THENCE South 0E46'08" East, 239.76 feet;

THENCE South 89E29'17" East, 170.0 feet;

THENCE South 31E28'59" East, 450.19 feet to the Northwest corner of Lot 1, Block 2, WOODLAND HEIGHTS, according to the plat on file in Book E of Plats at page 129;

THENCE traversing the northerly line of Block 2 of said WOODLAND HEIGHTS, as follows:

South 49E39'15" East, 647.74 feet;

thence South 64E21'30" East, 415.97 feet;

thence South 83E51'30" East, 158.91 feet;

thence North 82E20'15" East, 52.47 feet to the Northeast corner of Lot 7, Block 2 of said Plat;

THENCE leaving said plat of WOODLAND HEIGHTS, North 68E42'25" East, 1660.00 feet (of record as North 66E East, 1657 feet, more or less) along the southerly line of WOODLAND HEIGHTS 5th ADDITION, according to the plat on file in Book G of Plats at page 64, and said southerly line extended;

THENCE North 86E59'57" East, 150.00 feet (of record as North 87E East, 150 feet, more or less);

THENCE South 47E00'03" East, 575.00 feet (of record as South 47E East, 575 feet, more or less);

THENCE South 89E59'57" East, 475.00 feet (of record as East, parallel with the North line of said Section 30, a distance of 475 feet, more or less), to a point on the East line of the NW 3 of the NE 3 of said Section 30, said point being South 0E10'56" East, 975.00 feet from the Northeast corner of said NW 3 of the NE 3;

THENCE South, along the East line of said NW 3 of the NE 3 to the Southeast corner thereof;

THENCE East, along the South line of the NE 3 of the NE 3 of said Section 30, to the Southeast corner thereof;

THENCE North, along the East line of said NE 3 of the NE 3 to the Northeast corner of said Section 30 (corner to said Sections 19, 20, 29, and 30);

THENCE North, along the East line of said Section 19 to the shoreline of Hayden Lake;

THENCE westerly, northerly, and easterly along the mean high water line of Hayden Lake to the Southeast corner of Tax Number 1560, according to Book 91 of Deeds at page 514;

THENCE West, along the southerly line of said Tax Number, also being along the southerly line of the Village of Hayden Lake, according to said Book 91 of Deeds at page 514, and also being along said southerly line extended to the westerly right-of-way line of Chalet Road;

THENCE northerly, along said westerly right-of-way line to the southerly line of a parcel recorded in Book 76 of Deeds at page 425, as Instrument Number 16016;

THENCE West, along said southerly line, parallel with the North line of the NW 3 of said Section 19, a distance of 1265.9 feet, more or less, to the West line of said NW 3;

THENCE North, along said West line to the Northwest corner of said Section 19, at Hayden Avenue;

THENCE North, along the East lines of said Sections 13 and 12 to the 3 section corner common to said Section 12, Township 51 North, Range 4 West, and said Section 7, Township 51 North, Range 3 West, being on the centerline of Strahorn Road;

THENCE North 0E03'45" East, 770.8 feet along the West line of the NW 3 of said Section 7 and also being the centerline of Strahorn Road;

THENCE northeasterly, along said centerline to the North line of said Section 7;

THENCE West, along the North line of said Section 7 to the Northwest corner thereof (corner to said Sections 1, 12, 6, and 7);

THENCE North, along the East line of said Section 1 to the Northeast corner thereof (corner common to Sections 1, 6, 31, and 36);

THENCE West, along the North line of said Section 1 and the North lines of Sections 2, 3, and 4, Township 51 North, Range 4 West Boise Meridian, to the Northwest corner of said Section 4;

THENCE South, along the West line of Sections 4, 9, 16, and 21, Township 51 North, Range 4 West Boise Meridian, to the southwest corner of said Section 21, the POINT OF BEGINNING.

B. SHARED TIER

The shared tier shall constitute the balance of the Rathdrum Prairie that is not within the corporate limits of any other city and not within an exclusive area of city impact of any other city established by this ordinance or of any other city established by prior ordinance and located within the area enclosed by the Washington state line to the west, Highway 53 to the north, Highway 95 to the east, and Interstate 90 to the south that is not within the Exclusive Tier of area of city impact. The Shared Tier is described as follows:

The shared tier for this Area of City Impact shall consist of all of Sections 17, 18, and 20 Township 51 North, Range 4 West; a portion of Sections 7, 8, and 19, Township 51 North, Range 4 West; all of Sections 13, 14, 15, and 21, Township 51 North, Range 5 West; a portion of Sections 17, 20, 22, 23, 24, 30, and 31, Township 51 North, Range 5 West; all of Section 36 and a portion of Section 25, Township 51 North, Range 6 West; and a portion of Section 1, Township 50 North, Range 6 West Boise Meridian, Kootenai County, Idaho; more particularly described as follows:

BEGINNING at the Southeast corner of said Section 20, Township 51 North, Range 4 West B. M., being the intersection of Huetter Road and Prairie Avenue;

THENCE Northerly, along the East section line of Sections 20, and 17, Township 51 North, Range 4 West, to the Northeast corner of said Section 17;

THENCE continuing northerly along the east line of the Southeast quarter of Section 8, Township 51 North, Range 4 West, to the east quarter corner of said Section 8;

THENCE westerly along the North line of the South 1/2 of Section 8 to the west quarter corner thereof, being also the Northeast corner of the Southeast quarter of Section 7, Township 51 North, Range 4 West;

THENCE continuing westerly along the North line of the Southeast quarter of said Section 7, to the center quarter corner thereof;

THENCE Southerly along the east line of the Southwest Quarter of said Section 7 to the South quarter corner thereof;

THENCE Westerly along the South line of said Southwest Quarter of Section 7, to the Southwest corner thereof;

THENCE continuing Westerly along the South line of Sections 12, 11, and 10 to the Southwest corner of said Section 10, Township 51 North, Range 5 West;

THENCE continuing Westerly along the North line of Section 16, Township 51 North, Range 5 West, to a point on the center line of State Highway 53;

THENCE southwesterly along the center line of State Highway 53 to a point on the East section line of Section 17, Township 51 North, Range 5 West;

THENCE continuing along the center line of State Highway 53 to a point on the south section line of Section 17, Township 51 North, Range 5 West;

THENCE continuing along the center line of State Highway 53 to a point on the north-south center section line of Section 20, Township 51 North, Range 5 West;

THENCE southerly on the North-South center section line of said section 20, 4550 feet, more or less, to the South quarter corner of said section;

THENCE continuing southerly along the East line of the North $\frac{1}{2}$ of the Northwest $\frac{1}{4}$ of Section 29 Township 51 North, Range 5 West to the southeast corner of said North $\frac{1}{2}$ of the Northwest $\frac{1}{4}$;

THENCE westerly along the South line of said North $\frac{1}{2}$ of the Northwest $\frac{1}{4}$ of Section 29 to the southwest corner of said North $\frac{1}{2}$ of the Northwest $\frac{1}{4}$;

THENCE continuing westerly along the South line of the North $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ of Section 30 a distance of 1400 feet, more or less, to a point on the southerly line of Bonneville Power Administration, Avista (a.k.a. Washington Water Power), and Pacific Gas and Transmission easements as they cross Section 30, Township 51 North, Range 5 West;

THENCE southwesterly along the southerly line of said easements a distance of 4600 feet, more or less, to a point on the West section line of Section 30, also being the Northeast corner of the South $\frac{1}{2}$ of the Southeast $\frac{1}{4}$ of Section 25, Township 51 North, Range 6 West;

THENCE westerly along the north line of said South $\frac{1}{2}$ of the Southeast $\frac{1}{4}$ of Section 25;

THENCE continuing westerly along the north line of the South $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ of said Section 25 to a point on the Idaho State line;

THENCE southerly along the State line to the Northwest corner of the City of Stateline;

THENCE northerly and easterly along the north boundary of the City of Stateline to where it intersects with the north right-of-way line of Seltice Way;

THENCE Easterly along Seltice Way to a point that is the northwest corner of the northeast quarter of the northeast quarter of Section 6, Township 50 North, Range 5 West;

THENCE Northerly to a point that is the northwest corner of the northeast quarter of the northeast quarter of Section 31, Township 51 North, Range 5 West;

THENCE Easterly along the North section line of Section 31, Township 51 North, Range 5 West, to the northeast corner of said Section 31;

THENCE Easterly along the North section line of Section 32, Township 51 North, Range 5 West, to the northeast corner of said Section 32;

THENCE Northerly along the West section line of Section 28, Township 51 North, Range 5 West, to the Northwest corner of said Section;

THENCE Easterly along the North section line to the northeast corner of said Section 28, also being the southwest corner of Section 22, Township 51 North, Range 5 West;

THENCE Northerly along the West section line of the Southwest quarter of Section 22 to the west quarter corner of said section;

THENCE Easterly along the north line of the South $\frac{1}{2}$ of said Section 22, to the east quarter corner;

THENCE continuing easterly along the north line of the South $\frac{1}{2}$ of Sections 23 and 24 to the east quarter corner of said Section 24;

THENCE continuing easterly along the North line of the southwest $\frac{1}{4}$ of Section 19, Township 51 North, Range 4 West, to the center of said section;

THENCE Southerly along the east line of the Southwest $\frac{1}{4}$ of Section 19 to the south quarter corner of said section;

THENCE Easterly along the North section line of Section 30 and Section 29, Township 51 North, Range 4 West, to the Northeast corner of said Section 29, said corner also being the Southeast corner of Section 20, Township 51 North, Range 4 West B. M., the intersection of Huetter Road and Prairie Avenue and the POINT OF BEGINNING

5. PRIOR ORDINANCES SUPERSEDED

This ordinance and its companion ordinance addressing the substantive regulations governing the area of impact shall be deemed to supersede all prior area of city impact ordinances of the respective participating public entities upon compliance with all contingencies set forth herein.

APPROVED by the Hayden City Council on the 12th day of October,
2004, to be effective on the date herein written.

Ronald B McIntire
Ronald McIntire, Mayor

ATTEST:

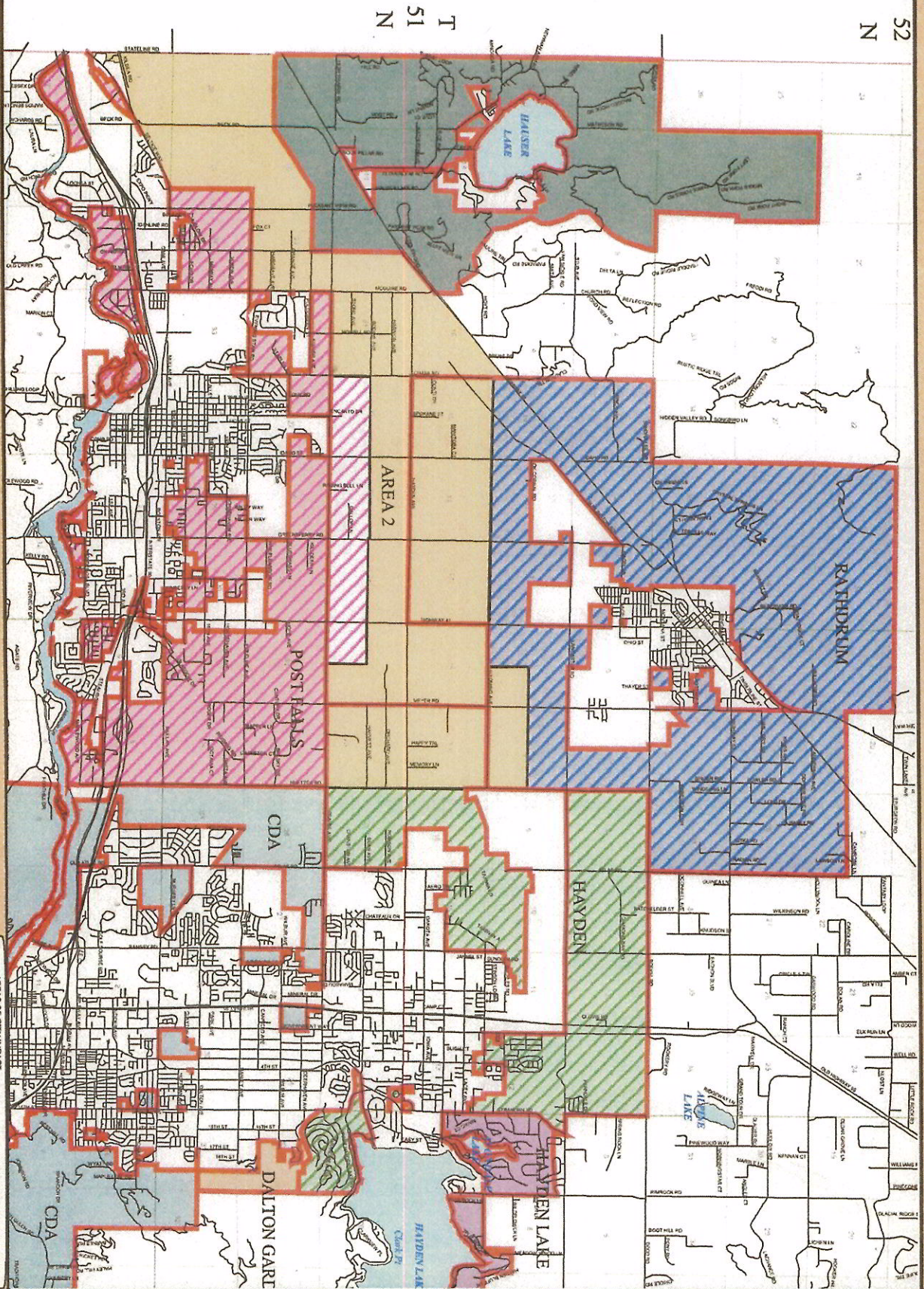
Janet E Fisher
Janet Fisher, City Clerk





MODIFIED AREA OF CITY IMPACT

Ord. # 375
Ord. # 371



Kootenai County GIS

Prepared for: **Public**
Prepared by: **Williams County GIS**
Issue Date: **3/4/04**
Project File: **publicinput2004.aprx**

AREA OF CITY IMPACT ORDINANCE
ORDINANCE NO. 376

AN ORDINANCE OF THE CITY OF HAYDEN, KOOTENAI COUNTY, IDAHO, ENACTED COOPERATIVELY WITH THE CITIES OF RATHDRUM AND POST FALLS, IDAHO, AND KOOTENAI COUNTY SETTING FORTH THE COOPERATIVE BASES FOR SUCH ENACTMENT, ESTABLISHING AN EFFECTIVE DATE AND TERM OF DURATION, CREATING A TWO-TIERED AREA OF CITY IMPACT, SETTING FORTH PROCEDURAL AND DEVELOPMENT REQUIREMENTS WITHIN THE RESPECTIVE AREAS OF CITY IMPACT AND WITHIN A SHARED TIER OF AREA OF CITY IMPACT, PROVIDING AGREEMENT THAT WASTEWATER SERVICE PROVIDERS WILL COOPERATE TO STUDY PROVISION OF PUBLIC WASTEWATER SERVICES FOR THE AREA OF CITY IMPACT DESIGNATED IN A COMPANION ORDINANCE, PROVIDING FURTHER THAT SAID SERVICE PROVIDERS WILL SUBSEQUENTLY NEGOTIATE WITH ONE ANOTHER TO DELINEATE FUTURE WASTEWATER SERVICE PROVISION, SETTING FORTH THE RIGHTS OF ANY CITY WITHDRAWING HEREFROM AND PROVIDING THAT THIS ORDINANCE AND ITS COMPANION ORDINANCE ADDRESSING THE AREAS TO BE ENCOMPASSED SHALL BE DEEMED TO SUPERSEDE ALL PRIOR AREA OF CITY IMPACT ORDINANCES OF THE RESPECTIVE PARTICIPATING PUBLIC ENTITIES.

NOW, THEREFORE, Be it ordained by the Mayor and City Council of the city of Hayden as follows:

1. RECITALS OF PREMISES OF COOPERATION.

WHEREAS, Kootenai County and the cities of Rathdrum, Post Falls and Hayden are mutually facing the pressures and benefits of shared growth; and

WHEREAS, each of these public agencies shares jurisdiction regarding development and management of public services and facilities on lands within parts of the Rathdrum Prairie; and

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WHEREAS, such cooperation among the parties may result in an area-wide wastewater master plan that includes the potential for land application of treated wastewater, thereby enabling options to sustain agriculture or to preserve open space on parts of the Rathdrum Prairie; and

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WHEREAS, the parties share common goals and desire to engage in a shared, cooperative effort to chart a meaningful intergovernmental plan and implementation strategy for the Rathdrum Prairie.

NOW, THEREFORE, the parties hereto agree that a Coordinated Area of City Impact Agreement for the cities of Rathdrum, Post Falls and Hayden and Kootenai County is hereby adopted with the following terms and conditions:

2. EFFECTIVE DATE

This Ordinance/Agreement shall be effective with respect to the city of Hayden and each respective jurisdiction referenced herein upon the latter day of the date of publication this ordinance after passage or the date of publication of a companion ordinance enacted by each cooperating city and Kootenai County. This ordinance establishing area of city impact requirements for each of the respective cities referenced herein shall not become effective with respect to each respective city until said city passes and publishes an area of city impact ordinance consistent with the provisions of this ordinance.

3. TERM – EARLY TERMINATION

The term of this Ordinance/Agreement shall be for a period of five (5) years from the initial effective date set forth above. The parties further agree to begin renegotiation of their respective area of city impact agreements no later than three and one-half (3 1/2) years after the initial effective date set forth above. If the parties are unable to agree upon a replacement for this Agreement/Ordinance within five (5) years from its initial effective date, this Agreement/Ordinance shall remain in full force and effect with each party thereafter authorized to seek a two-party Area of City Impact Agreement with Kootenai County that would supersede this Agreement with respect to that city. Any participating city that elects to terminate participation as set forth herein prior to expiration of the five-year term, or before mutual agreement upon a superseding cooperative agreement, whichever comes first, shall be entitled to 15 days notice of any special use, subdivision or rezoning proposals within an area ½ mile from its corporate boundary as such boundary existed on the initial effective date of this ordinance. Otherwise, regular county standards and procedures would apply.

4. TWO-TIERED AREA OF CITY IMPACT.

The parties agree that the area of city impact for each of the cities signatory hereto shall consist of two tiers.

A. **EXCLUSIVE TIER:** The first tier of the area of city impact shall be an area exclusive to each respective city as set forth in a companion ordinance to enacted concurrently with this ordinance as depicted on the reference map that is attached hereto (and labeled as Exhibit 1). The parties agree that the exclusive tier geographic area may be modified for any individual city after consultation among all parties and showing that community development needs would best be addressed by such modification. Any such subsequent modification shall require concurrence by the respective city councils of each cooperating city.

B. **SHARED TIER:** The shared tier shall constitute the balance of the Rathdrum Prairie that is not within the corporate limits of any other city and not within an exclusive area of city impact of any other city established by this ordinance or of any other city established by prior ordinance and located within the area enclosed by the Washington state line to the west, Highway 53 to the north, Highway 95 to the east, and Interstate 90 to the south

that is not within the Exclusive Tier of area of city impact. The Shared Tier shall be managed jointly by the parties to this Agreement in accordance with the terms and conditions set forth in this ordinance.

5. APPLICABLE REGULATIONS WITHIN AREAS OF CITY IMPACT

The following regulations shall be applicable in the respective tiers of area of city impact for each of the signatory cities:

A. EXCLUSIVE TIER:

1. The County agrees to apply infrastructure and subdivision development standards identical to those from the respective cities to all development within the exclusive tier of area of city impact.
2. The County agrees that no new subdivisions, or re-subdivision of existing large lot developments, will be allowed unless the development will be served by municipal sewer and the sewer system installed is continued to the exterior property boundaries of the subdivision in the direction where subsequent development is likely to occur.
3. The County agrees to zone land within the exclusive tier at a density that will be compatible with the respective cities' comprehensive plan. Said obligation will not require any change to existing zoning.
4. The County agrees to require all development to use public sewer and public water systems and to meet the fire flow requirements of the respective cities or of the International Fire Code.

B. SHARED TIER:

1. The County agrees, for the duration of this Agreement, that County will not hereafter rezone Agricultural zoned land to any other zone unless Kootenai County provides at least thirty (30) days notice to each of the cooperating cities prior to the initial public hearing concerning a rezoning request. If any party to this agreement expresses concerns or objections to a proposed rezoning of land currently zoned Agricultural, the Board of County Commissioners agrees it will not approve any such rezoning request unless it makes an express finding that the proposed rezone will not adversely affect the provision of or potential for provision of public wastewater collection and treatment to the lands that are the subject of the rezoning application or to lands that would be collaterally affected thereby.
2. County agrees not to allow special/conditional use permits within any zone except in accordance with the notice and finding procedures provided above.

6. COMPREHENSIVE STUDIES

The parties agree to promptly embark upon cooperative comprehensive studies of wastewater collection and disposal, transportation and circulation, and open space preservation within the first three (3) years of this Agreement. These studies shall culminate in an array of options for wastewater collection and treatment, open space preservation and roadway and pathway designation and responsibility.

7. IMPLEMENTATION OF STUDIES

Upon completion of the studies, the parties shall enter into negotiations, pursuant to Section 3 (TERM) above, to provide a long-term Area of City Impact Agreement, either shared or independent, to supersede this Agreement.

8. LIMITATION ON ANNEXATION

The cities agree that during the term of this Agreement that no annexation of land within the Shared Tier will occur without the concurrence of all of the cities that are a party to this Agreement. Such concurrence shall be provided unless an objective planning concern addressed by this ordinance is invoked. The Board of County Commissioners agrees to attempt to mediate any such dispute concerning annexation and the respective cities agree to accept their efforts in this regard.

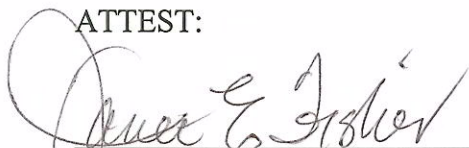
9. PRIOR ORDINANCES SUPERSEDED

This ordinance and its companion ordinance addressing the areas to be encompassed shall be deemed to supersede all prior area of city impact ordinances of the respective participating public entities upon compliance with all contingencies set forth herein.

APPROVED by the Hayden City Council on the 12th day of October, 2004, to be effective on the date herein written.


Ronald McIntire, Mayor

ATTEST:


Janet Fisher, City Clerk



NOTICE OF PUBLIC HEARING
AREA OF IMPACT REQUEST

NOTICE IS HEREBY GIVEN that the City of Hayden Planning and Zoning Commission will conduct a public hearing on **Monday, May 5, 2025 at 5:30 p.m.** at Hayden City Hall Council Chambers, 8930 N. Government Way, Idaho, to consider **an amendment to the City's Area of Impact (AI) formerly referred to as the Area of City Impact (ACI)** in accordance with Idaho State Code Section 67-6526.

The Staff Executive Summary is completed and will be available on the City's website at www.haydenid.gov under "Upcoming Public Hearings".

Written testimony may be sent to the City of Hayden, Community Development Department, 8930 N Government Way, Hayden, Idaho 83835, via the City's website at www.haydenid.gov under "Upcoming Public Hearings", or emailed to planning@haydenid.gov. Written testimony must be submitted no later than **5:00 p.m. on Monday, April 28, 2025**. Written testimony should include the signature, email address and mailing address of the submitter; should address the issue at hand; and should not be personally derogatory. If the written testimony and exhibits are part of a group presentation, the group representative should provide copies for distribution to the applicant, Planning Staff and members of the Planning and Zoning Commission. If written testimony or an exhibit fails to meet these requirements, the Chairman may declare such testimony inadmissible.

Individual testimony is limited to 5 minutes per person. Anyone who intends to appear as a representative of a group (spokesperson) should contact the Planning Department at (208) 209-2021 a minimum of five days prior to the hearing.

The agenda will be posted at City Hall and on the City's website at www.haydenid.gov 48 hours before the meeting date.

If you require special accommodation, please contact the Community Development Department at (208) 209-2022 at least 24-hours prior to the date of the hearing.

Publish on April 18, April 25 and May 2, 2025