



Agenda for ACI Joint Workshop: Planning & Zoning with City Council

Thursday, April 3, 2025 @ 6:00 PM

**Location: DALTON GARDENS CITY HALL,
6360 N 4th St., Dalton Gardens, ID**

**The meeting will be conducted in person and with online access using ZOOM:
<https://us02web.zoom.us/j/88275465844?pwd=jGFNLOuG3p29xrxFvDiiJXmhDKQly.1>**

Number: 1-669-900-6833 or 1-346-248-7799 or 1-253-215-8782

Webinar ID 882 7546 5844; Passcode: 146117

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. DISCUSSION OF ACI AGREEMENT**
- 4. ADJOURN- ACTION ITEM**

Original Posting: March 27, 2025

The purpose of the Agenda is to assist the Commission and interested citizens in the conduct of the public meeting. Careful review of the Agenda is encouraged. Testimony from the public will be solicited for any item or issue listed under the category of Public Hearings. Any individual who wishes to address the Commission on any other subject should plan to speak when Item: Public Comments is identified by the Chairman. The Chairman and Commission will not normally allow audience participation at any other time. Please no repetitive or abusive comments. Workshops are for Commission Members discussion only on a topic, no action or decisions occur at this time. No Public Comment is taken during Workshops. Assistance for persons with disabilities will be provided upon 24-hour notice prior to the meeting by calling, City Clerk at (208) 772-3698 x102.

Article 10.3 Dalton Gardens

8.10.301: PURPOSE:

The purpose of establishing the Dalton Gardens Area of Impact is to identify an urban fringe area in the unincorporated territory surrounding the City within which there is potential for development or changes in land use that must be planned in an orderly and compatible manner in order to insure timely or economical provision of public services such as water supply, sanitary and storm sewage collection and treatment, public safety services, other community service facilities, and to promote land use compatibility, street alignment, and traffic flow objectives.~~The purpose of establishing the Dalton Gardens Area of City Impact is to identify an 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 areas, 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.~~

8.10.302: AREA OF IMPACT DEFINED:

The Area of Impact shall consist of an area where development or use of land affects or may affect the City of Dalton Gardens in consideration of trade areas, geographic factors, and areas that can reasonably be expected to be annexed to the City in the near future.

8.10.303: STANDARDS:

The following standards shall apply whenever an agency, Planning and/or Zoning Commission, Hearing Examiner, or governing body of the City or County considers a land use application for a zone change, comprehensive plan change, request for a special or conditional use permit, planned unit development, limited planned unit development, variance request, or subdivision plat within the Area of Impact:

- A. The Kootenai County Comprehensive Plan;
- B. The subdivision regulations set forth in chapter 6 of this title;
- C. The zoning regulations set forth in this title;
- D. The stormwater management regulations set forth in chapter 7, article 7.1 of this title;
- E. Except as set forth above, all other applicable standards set forth in this code;
- F. Except as set forth above, all other standards of applicable special districts having jurisdiction within the identified Area of Impact.

~~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.~~

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~~8.10.303: SUBDIVISION ORDINANCE: The subdivision regulations set forth in chapter 6 of this title 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 regulations set forth in chapter 6 of this title 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.~~

~~8.10.304: ZONING ORDINANCE: The zoning regulations set forth in this title, zoning map, and subsequent amendments thereto, as officially adopted by the County shall apply to the Area of City Impact within the unincorporated area of Kootenai County, Idaho.~~

8.10.304: ENFORCEMENT:

~~A. Kootenai County shall be responsible for the administration and enforcement of the County's ordinances listed in subsections A through E of section 8.10.303 of this article within the Area of Impact, and shall receive all permit fees for inspections performed to recapture direct costs of inspections, administration, legal publications, any development fees such as parkland dedication fees or other costs arising from fulfilling the terms of each ordinance or regulation.~~

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~~B. Special districts shall be responsible for the administration and enforcement of their respective regulations listed in subsection F of section 8.10.303 of this article within the Area of Impact, and shall receive all permit fees for inspections performed to recapture direct costs of inspections, administration, legal publications, or other costs arising from fulfilling the terms of each ordinance or regulation.~~

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8.10.305: RENEGOTIATION:

~~In accordance with subsection 67-6526(d), Idaho Code, the Dalton Gardens City Council or the Board may request, in writing, renegotiation of any provisions of this article at any time. Within thirty (30) days of receipt of such written request by either party, a meeting between the two (2) jurisdictions shall occur.~~

~~While renegotiation is occurring, all provisions of this article shall remain in effect until this article is amended or a substitute ordinance is adopted by the City of Dalton Gardens and Kootenai County, in accordance with the notice and hearing procedures provided in Idaho Code, or until a declaratory judgment from the District Court is final. Provided, however, that this article or stipulated portions thereof shall be of no further force and effect if both jurisdictions so agree by mutually adopted resolution or ordinance.~~
~~**8.10.305: CODE AND ORDINANCE ADMINISTRATION AND ENFORCEMENT:**~~

~~A. Kootenai County shall be responsible for the administration and enforcement of the Plan and ordinances listed in sections 8.10.302, 8.10.303 and 8.10.304 of this article, and shall receive all permit fees for inspections performed to recapture direct costs of inspections, administration, legal publications, or other costs arising from fulfilling the terms of each ordinance or regulation.~~

~~B. Amendments to the Kootenai County Comprehensive Plan, requests for preliminary and final plats or the vacation thereof, requests for zone changes or any other type of development applications, with the exception of building permits or development applications for agricultural~~

purposes, involving property located in the Area of City Impact within the unincorporated area of Kootenai County being proposed shall be reviewed by the City Council upon recommendation of the City Planning and Zoning Commission in accordance with titles 50 and 67, Idaho Code, who will give a recommendation to the County for approval, denial, or the placement of special conditions.

C. The City agrees not to annex any property outside of its established Area of City Impact, even if receiving a petition from such property owner, but reserves the right to renegotiate the Area of Impact boundaries in the future. This shall apply, with the exception of forty (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 thirty (30) days to comment on such request.

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

Commented [BT1]: Not sure this needs to be included in the County AOI agreement.

E. The City of Dalton Gardens shall appoint a member on its 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.

~~**8.10.306: RENEGOTIATION:** The Area of City Impact Agreement shall be reviewed by the City of Dalton Gardens and Kootenai County at least once every five (5) years and shall be renegotiated at any time upon the request of either party hereto. Renegotiation shall begin thirty (30) days after written request by either the City or County and shall follow procedures for the original negotiation, as set forth in section 67-6526, Idaho Code.~~

8.10.306: ANNEXATION:

A. Annexation by the City of Dalton Gardens shall be limited to those lands lying within the Area of Impact and being contiguous to the city limits of the City of Dalton Gardens. Upon annexation, the provisions of this ordinance, which is the agreement between the City of Dalton Gardens and Kootenai County, shall no longer apply to the annexed area.

B. Prior to any annexation by the City of Dalton Gardens, the City shall forward a copy of the annexation proposal to the County for review and comment at least thirty (30) days prior to the first public hearing on the annexation request.

8.10.307: COORDINATION OF PLAN AMENDMENTS, ORDINANCE AMENDMENTS AND LAND USE APPLICATIONS:

A. All land use applications within the Area of Impact shall be filed by the applicant with Kootenai County.

B. All applications for amendment of the Kootenai County Comprehensive Plan and implementing ordinances which apply to the Dalton Gardens Area of Impact shall be sent by Kootenai County to the City of Dalton Gardens for review.

C. All Kootenai County land use applications and public notice within the Dalton Gardens Area of Impact shall be sent to the Dalton Gardens City Council for review and comment. The City shall have thirty (30) days after receipt of the notice prior to the public hearing to comment.

D. Kootenai County shall not approve any land use application, as referenced in 8.10.303 above, without the express approval of the Dalton Gardens City Council.

8.10.3037: GEOGRAPHIC AREA OF ~~CITY~~-IMPACT DEFINED AND ESTABLISHED:

A. Establishment. The officially adopted and agreed upon “Area of ~~City~~-Impact for Dalton Gardens, Idaho” is established and shown on the map entitled “Dalton Gardens Area of ~~City~~ Impact” as set forth in Illustration 10-301 of this article.

B. Legal Description. The Area of ~~City~~-Impact for the City of Dalton Gardens is hereby legally described as follows:

BEGINNING at the point of intersection of the East right-of-way line of Government Way (a.k.a. Old U.S. Highway 95), and the East-West centerline of Section 36, Township 51 North, Range 4 West, Boise Meridian, Kootenai County, Idaho, said beginning point being 30 feet East of the West Quarter corner of said Section 36;

thence East along said East-West centerline of Section 36 and continuing along the East-West centerline of Section 31, Township 51 North, Range 3 West, Boise Meridian, to the East Quarter corner of said Section 31;

thence North along the East line of Sections 31 and 30, to the Northeast corner of the Southeast Quarter of the Northeast Quarter of Section 30 being a point on the southerly line of the Hayden Lake Recreational Water and Sewer District as defined in Exhibit B, Case No. 34668, First District Court, State of Idaho;

thence northwesterly and westerly along said line as follows:

West along the North line of said Southeast Quarter of the Northeast Quarter to the Northwest corner thereof;

thence North, 345 feet, more or less, along the East line of the Northwest Quarter of the Northeast Quarter of said Section 30;

thence North 89° 59'57" West, 475.00 feet (of record as West, parallel with the North line of said Section 30, a distance of 475 feet, more or less);

thence North 47° 00'03" West, 575.00 feet (of record as North 47° West, 575 feet, more or less);

thence South 86° 59'57" West, 150.00 feet (of record as South 87° West, 150 feet, more or less);

thence South 68° 42'25" West, 1660.00 feet (of record as South 66° West, 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 to the Northeast corner of Lot 7, Block 2, WOODLAND HEIGHTS, according to the plat on file in Book E of Plats at page 129;

thence along the northeasterly line of Block 2 of said WOODLAND HEIGHTS as follows:

South 82° 20'15" West, 52.47 feet;

thence North 83° 51'30" West, 158.91 feet;

thence North 64° 21'30" West, 415.97 feet;

thence North 49° 39'15" West, 647.74 feet, to the Northwest corner of Lot 1, said Block 2;

thence North 31° 28'59" West, 450.19 feet;

thence North 89° 29'17" West, 170.00 feet;

thence North 0° 46'08" West, 239.76 feet, to the North line of said Section 30;

thence North 89° 00'11" West, 30.0 feet along said North line to the corner common to Sections 24 and 25, Township 51 North, Range 4 West and said Sections 19 and 30, Township 51 North, Range 3 West;

thence North, 1139.26 feet along the West line of Section 19, Township 51 North, Range 3 West, Boise Meridian, to the Southwest corner of the Dalton Water Association tract;

thence along the southerly line of said tract as follows:

North 69° 20' East, 187.00 feet;

thence North 20° 40' West, 50.00 feet;

thence North 69° 20' East, 197 feet, more or less, to the North line of the Southwest Quarter of the Southwest Quarter of said Section 19;

thence West, 342 feet, more or less, along said North line to the Northwest corner of said Southwest Quarter of the Southwest Quarter;

thence South, 115.12 feet along the West line of said Section 19 and the East line of Section 24, Township 51 North, Range 4 West, Boise Meridian, to the Northeast corner of Tax Number 10001 (Book 82, page 933);

thence southwesterly along the northwesterly line of Tax Number 10001 as follows:

South 68° 28'06" West, 633.85 feet;

thence South 51° 52'34" West, 263.29 feet;

thence South 28° 47'04" West, 269.98 feet;

thence South 33° 08'44" West, 319.38 feet;

thence South 35° 06'49" West, 340.48 feet to the North line of Section 25;

thence along the North line of Section 25, Township 51 North, Range 4 West, Boise Meridian, to a point on the East right-of-way line of Government Way (a.k.a. Old U.S. Highway 95), said point being 30.00 feet East of the Northwest corner of said Section 25;

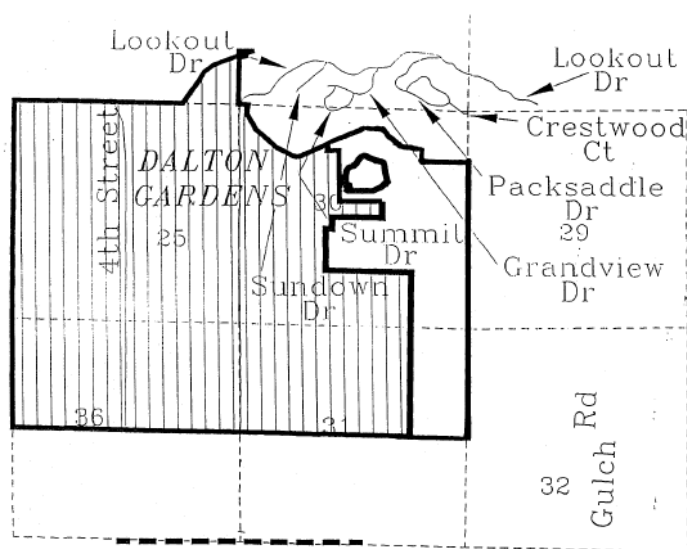
thence South along the East right-of-way line of U.S. Highway 95, to the POINT OF BEGINNING.

C. Interpretation of Area of Impact Boundary. In case a property under single ownership is divided by the boundary line of the Dalton Gardens Area of Impact and the line divides such property so that one or both of the parts has a depth of three hundred feet (300') or less, such part may be included in the jurisdiction within which the remainder and larger portion of the property is located.

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D. Precedence. In the event of any conflict between this map and the legal description contained in this section, the legal description shall take precedence.

Illustration 10-301
Dalton Gardens Area of City Impact Map



Area of Impact Notes:

1. BOCC shall determine the boundary of the AOI.
2. Boundaries shall be reviewed every 5 years and determine if changes are necessary.
3. Boundaries shall not exceed what is likely to be annexed within the next 5 years.
4. Boundaries shall not exceed two miles from existing city limits, except as allowed.
5. County Comp Plan and ordinances shall apply to areas within AOI. The County may adopt a new Comp Plan or ordinance specifically for each AOI.

Dalton Gardens Area of Impact Negotiation Points 2025

The Ask	City Code/Ordinance Section (if applicable)	County Code Section (if applicable)
1. Access is granted on a per lot basis. And is only granted to the ORIGINAL parcel. One application is needed for each lot upon application for any permit on the property.	City Ordinance 165 (2012) City Ordinance 19 (1966)	
2. Notification: Automatic notice from Kootenai County to the City of Dalton Gardens upon request for any development permit, including but not limited to building permits, site disturbance, lot line adjustments, subdivisions, and pre-development/preapplication meetings regarding property within the AOI		
3. Dark Skies provisions. Dalton Gardens standards apply	Ordinance Number 272 5-1-4 Light Pollution Definitions Code Section 5-5-10. A - C	
4. Road Standards. Feeder roads must comply with county road standards OR Meet road standards Kootenai; Lakes Highway District; Dalton; road standards compatibility		Kootenai Code 8.4-201 A 1 (b?) Private Roads. Newly constructed major subdivision/minor subdivision or condominiums or which connect to nearest public road must comply with 8.6-707 of the same title
5. Identify Confirmed Water Supply – water source for both potable water and fire fighting purposes		8.6.704 Utility & Service Standards
6. Fire Suppression		8.6.704 Utility & Service Standards
7. Verify of Lot creation/legality		
8. No Multiple Open Applications for the Same Property		
9. Define Sensitive Areas, requirements		

Dalton Gardens Area of Impact Negotiation Points 2025

10. All developments in sensitive areas, restrictions always applied; so all cuts must be visually mitigated.		Cuts: 8.7.103 grading
11. Adopt Soil District soil map, mitigate mud slides		
12. Cultural review conducted by and sign off by the CDA tribe		
13. Risk Assessment study (independent) re development of Canfield.		Geotechnical Analysis 8.7.109 Risk Assessment 8-7-117
14. Limited amount of clearing, identify impact on hydrology; carrying capacity of Canfield in ACI before more development.		Risk Assessment 8-7-117
15. Stormwater detention and storage capacity		Section 8.7.105 Stormwater Detention and Conveyance Section 8.7.106 Stormwater Treatment Section 8.7.108 Down-Gradient Analysis
16. Noxious weed control plan during construction & maintenance thereafter.	Idaho Code requirement 7-8A-3 Nuisances on real properties	
17. Panhandle Health review the sufficiency of septic systems, pump every 5 years as per Dalton Gardens SMA with Panhandle Health.	7-4-1 Operation & Maintenance requirements for all properties	
18. Site assessment for all development (not just subdivisions)		
19. Endangered Species Survey (Bunnies & Bugs)		
20. Identify building envelopes for clearing limitations for development on Canfield Mountain		
21. Nuisance –create ordinance to address blasting, construction noise		
22. Identify how Wildfire protection/fire protection will be adequately addressed. Firefighting abilities		
23. Easements not only along the roadways but through properties to address the changes in drainage that will occur due to development		

Dalton Gardens Area of Impact Negotiation Points 2025

26. Address environmentally sensitive <ul style="list-style-type: none">➤ Light➤ Noise➤ Landslides/landslide risk➤ soils		
27. Maintain temporary and permanent erosion and sediment control measures and soil stabilization measures.		8.7.115



Idaho Statutes

Idaho Statutes are updated to the website July 1 following the legislative session.

TITLE 67

STATE GOVERNMENT AND STATE AFFAIRS

CHAPTER 65

LOCAL LAND USE PLANNING

67-6526. AREAS OF IMPACT. (1) Legislative findings and intent.

(a) The legislature finds that areas of impact are properly under the jurisdiction of the county because the elected representatives of citizens in areas of impact are county officials, not city officials. While cities should receive notice of, and may provide input on, applications brought to the county in an area of impact, cities do not govern or control decisions on those applications. County commissioners make the final determination regarding area of impact boundaries within their county.

(b) An area of impact is where growth and development are expected to occur. Areas of impact should be planned for growth and development and should not be used to stop growth and development that conforms to applicable plans and ordinances. Areas of impact should be established, modified, or confirmed based on the ability and likelihood of a city or cities to annex lands within that area of impact in the near future. A city may adopt a comprehensive plan and conduct infrastructure, capital improvement, and other planning activities that extend beyond its current area of impact. Counties and cities shall review their area of impact boundaries at least every five (5) years to determine if modifications are needed or to confirm existing boundaries and may pursue modification of an established area of impact more frequently than every five (5) years.

(c) Prior to conducting the public hearings required under this chapter to establish, modify, or confirm an area of impact, cities and counties should work together to develop a proposed area of impact to be considered at the public hearing.

(d) Decisions regarding the establishment, modification, or confirmation of areas of impact are legislative actions and are not subject to judicial review or challenge except as provided in subsection (5) of this section.

(2) Establishing an area of impact.

(a) Following the notice and hearing procedures provided in section 67-6509, Idaho Code, and in accordance with the provisions of subsection (4) of this section, the board of county commissioners of each county shall adopt by ordinance a map identifying the area of impact within the unincorporated area of the county for each city located in the county. Written notice of the hearing to be conducted under this subsection shall be provided by the county to each owner of property located within a proposed area of impact. If notice is also published pursuant to section 67-6509, Idaho Code, individual property owners may not challenge the proceeding on the basis that they did not actually receive notice by mail. The cost of the notice shall be

reimbursed to the county by the city whose area of impact is under consideration. The board of county commissioners is not required to receive a recommendation from the planning and zoning commission prior to enacting an ordinance establishing an area of impact. An area of impact must be established before a city may annex adjacent territory pursuant to the provisions of section 50-222, Idaho Code.

(b) If the requirements of paragraph (a) of this subsection are not met in establishing an area of impact, the city may demand compliance with this subsection by providing notice to the board of county commissioners of the demand for compliance. Once a demand has been made, a recommendation committee shall be established. The city and county shall each select a representative to participate on the committee within thirty (30) days of the demand for compliance and the process set forth in this paragraph shall commence.

(i) After the city and county representatives have been selected, they shall in turn select another city representative living within the applicable city and another county representative living in the county and not within any city to serve on the recommending committee. Meetings of the recommending committee may be hosted by the city or county and shall be conducted in accordance with Idaho open meetings law. These four (4) persons shall, by majority vote, provide a written recommendation to the board of county commissioners for an area of impact. The written recommendation shall be submitted to the governing boards within one hundred eighty (180) days after the selection of the recommending committee members.

(ii) If the board of county commissioners fails to enact an ordinance providing for an area of impact within ninety (90) days of receipt of the committee recommendation or expiration of the one hundred eighty (180) days for the committee to make its recommendation, the city may file a petition with the district court to identify the area of impact pursuant to subsection (5) of this section and in accordance with other applicable provisions of this section.

(3) Modification or confirmation of area of impact boundaries.

(a) Modification or confirmation of an existing area of impact boundary may be initiated by a city or cities or the county. If a county is initiating a modification or confirmation of an area of impact, the county shall provide at least thirty (30) days written notice to the applicable city or cities of the hearing on the proposed modification or confirmation. Any modifications to or confirmation of an area of impact boundary must be adopted by an ordinance approved by the board of county commissioners of the applicable county, following the notice and hearing procedures provided in section 67-6509, Idaho Code, and in accordance with the requirements for defining an area of impact as set forth in subsection (4) of this section. At least fifteen (15) days prior to the hearing, written notice of the hearing to be conducted under this paragraph shall be provided by the county to each owner of property located within the portion of the area of impact that is proposed to be modified. If notice is also published pursuant to section 67-6509, Idaho Code, individual property owners may not challenge the proceeding on the basis that they did not actually receive notice by mail. If the modification or confirmation

is proposed by a city, then the cost of the notice shall be reimbursed to the county by such city. If the county is pursuing the modification or confirmation, then the cost of notification shall be borne by the county. The board of county commissioners is not required to receive a recommendation from the planning and zoning commission prior to enacting an ordinance modifying or confirming an area of impact.

(b) Where areas of impact abut each other and adjustments are being proposed, or where areas of impact are proposed to abut each other, the cities involved shall negotiate boundary adjustments to be recommended to the respective city councils. The city council of each city must approve the area of impact or modifications thereto to be proposed to the board of county commissioners. These decisions by the city councils are proposals and not subject to judicial review or challenge. If the cities with impact area boundaries that abut or are proposed to abut each other reach agreement on the proposed boundaries or adjustments thereto, the requested boundaries or adjustments shall be collectively submitted by the cities to the county for consideration in accordance with paragraph (a) of this subsection. If the cities cannot reach agreement, then any or all of the cities involved may submit their requests to the board of county commissioners for consideration pursuant to paragraph (a) of this subsection. In either case, the county shall conduct at least one (1) consolidated public hearing where it considers all such requests together.

(c) The county may accept, reject, or modify a city's requested modification or confirmation regarding an impact area boundary, but if the county does not make a final decision on the request within ninety (90) days of submission of the request, the city may petition the court to make a determination on the request pursuant to subsection (5) of this section.

(4) Provisions applicable to areas of impact.

(a) In defining an initial area of impact or in modifying or confirming an existing area of impact, the criteria set forth in this subsection shall be considered:

- (i) Anticipated commercial and residential growth;
- (ii) Geographic factors;
- (iii) Transportation infrastructure and systems, including connectivity;
- (iv) Areas where municipal or public sewer and water are expected to be provided within five (5) years; and
- (v) Other public service district boundaries.

(b) In addition to the criteria set forth in paragraph (a) of this subsection, an area of impact shall not exceed the areas that are very likely to be annexed to the city within the next five (5) years. Except as otherwise provided in this paragraph, an area of impact shall not extend more than two (2) miles from existing city limits. An area of impact boundary shall not divide county recognized parcels of land. If only a portion of a recognized parcel falls within the two (2) mile limit, then the boundary may extend beyond two (2) miles on that parcel so that it encompasses the entire parcel. Adjustments to an area of impact may be proposed and considered at any time following the initial establishment of the area of impact.

(c) Areas of impact may cross county boundaries only by approval of the governing board of county commissioners after following the procedures and complying with the requirements for modification or confirmation of an area of impact boundary.

(d) Areas of impact shall not overlap.

(e) The applicable county's comprehensive plan and zoning and subdivision ordinances shall apply in the area of impact. The county may adopt individual county comprehensive plan and zoning and subdivision ordinance provisions regarding a specific area of impact.

(f) Following adoption of an area of impact, the board of county commissioners shall provide the city with written notice at least fifteen (15) days in advance of any county public hearings held pursuant to this chapter or to chapter 13, title 50, Idaho Code, involving land within that area of impact.

(g) Areas of impact shall remain fixed until modifications are made pursuant to subsection (3) of this section.

(h) Prior to considering a request to establish, modify, or confirm an area of impact, the governing boards may, but are not required to, submit the request to the planning, zoning, or planning and zoning commission for recommendation. Each commission shall have a reasonable time fixed by its governing board in compliance with all required timelines set forth in this section to make its recommendation to the governing board. The county and the city shall undertake a review of the area of impact at least once every five (5) years and shall consider whether adjustments are in the best interests of the citizenry.

(i) This section shall not preclude annexation or other growth and development in areas of any county within the state of Idaho that are not within the areas of impact provided for herein.

(j) The county's decision establishing, modifying, or confirming the boundaries for an area of impact shall be made in writing and shall contain the reasoning of the board of county commissioners, including application of the facts relied upon by the commissioners and the application of the pertinent requirements and criteria to establish or modify an area of impact.

(k) If the area of impact has been properly established, persons living within the delimited area of impact shall be entitled to representation on the planning, zoning, or the planning and zoning commission of the city of impact. Such representation shall as nearly as possible reflect the proportion of population living within the city as opposed to the population living within the areas of impact for that city. To achieve such proportional representation, membership of the planning, zoning or planning and zoning commission may exceed twelve (12) persons, notwithstanding the provisions of subsection (a) of section 67-6504, Idaho Code. In instances where a city has combined either or both of its planning and zoning functions with the county, representation on the resulting joint planning, zoning or planning and zoning commission shall as nearly as possible reflect the proportion of population living within the impacted city, the area of impact outside the city, and the remaining unincorporated area of the county. Membership on such a joint planning, zoning or planning and zoning commission may exceed twelve (12) persons, notwithstanding the provisions of section 67-6504(a), Idaho Code.

(5) Petitions for review of establishment, modification, or confirmation of area of impact. The decisions by the board of county commissioners regarding the establishment, modification, or confirmation of areas of impact are legislative actions and are not subject to judicial review, declaratory action, or other legal challenge, except as specifically provided in this subsection.

(a)(i) If a county has not complied with the provisions of subsection (2) or (3) of this section, the city seeking the establishment, modification, or confirmation of an area of impact may petition the district court to establish, modify, or confirm an area of impact that meets the criteria and requirements of subsection (4) of this section in accordance with the procedures provided in this subsection. If the modification of an area of impact boundary involves areas of impact boundaries that abut each other or that are proposed to abut each other, then any city whose area of impact abuts or is proposed to abut another area of impact boundary may file a petition challenging the county's determination regarding only those boundaries that abut or that are proposed to abut each other. Any petition regarding a proposed area of impact or portion thereof that is subject to challenge must be filed in the county in which the proposed area of impact or portion thereof is located.

(ii) Before a city may file a petition for review of an area of impact decision made by the county, as provided in paragraph (a) (i) of this subsection, it must first file a request for reconsideration with the board of county commissioners. Such request must be filed within fourteen (14) days of the issuance of the written decision by the board of county commissioners and must specify deficiencies in the decision of the board of county commissioners. Filing a timely request for reconsideration is a prerequisite to the city having standing to file a petition with the district court. The county shall act on and issue a written decision on the request for reconsideration within thirty (30) days of receipt of the request or the request shall be deemed denied. A petition challenging the decision of the county must be filed by the city within twenty-eight (28) days after the issuance of a decision by the county on the request for reconsideration or expiration of the thirty (30) day period for the county to act on the request.

(b) When filing a petition challenging the decision of the board of county commissioners with the clerk of the court, the petitioner shall pay a fee of one hundred dollars (\$100), which fee shall be in full for all clerk's fees except the regular fees provided by law for appeals. The court shall fix a time for the hearing on the petition to be held no less than thirty (30) days and no more than ninety (90) days from the filing of the petition. The petitioner shall serve or cause to be served a copy of the petition and notice of the hearing on the board of county commissioners or county clerk and the mayor or city clerk of such other city whose area of impact boundary is in question pursuant to paragraph (a) of this subsection at least twenty (20) days before the date of the hearing.

(c) No petition, objection, or reply authorized under this subsection need be verified.

(d) The hearing on a petition filed pursuant to this subsection shall be held within the county in which the area of impact or portion thereof is situated. The regular district court reporter shall reduce to writing the testimony and evidence introduced in the same manner as in a trial of civil actions. The judge of the court, either before or after the hearing, may view the lands pertaining to the proposed area of impact, lands on the outside of the city or cities in the same vicinity in which the lands sought to be included in the area of impact are situated, and other lands within the corporate limits of the city that might in any way be affected by the granting of the petition. The judge may consider such modifications as the judge finds in connection with the evidence introduced at the hearing, in making and arriving at a final decision and determination of the matter.

(e) (i) If the court finds that the board of county commissioners did not follow the notice and hearing requirements provided in this subsection, the court shall remand the matter back to the board of county commissioners to comply with the requirements and issue a new decision. If the court finds that the decision of the board of county commissioners was not arbitrary, capricious, or an abuse of discretion, the court shall affirm the decision of the board of commissioners. If the court finds that the decision of the board of county commissioners was arbitrary, capricious, or an abuse of discretion, the court may remand the matter to the board of county commissioners to correct its decision or the court may determine the appropriate boundaries of the area of impact in question before it. It shall not be necessary for the judge of the court to make written findings of fact or conclusions of law unless the court establishes the area of impact boundary. The court may award attorney's fees and costs to the prevailing party in such an action only if it finds that the other party or parties acted without a reasonable basis in fact or law.

(ii) If the court establishes the area of impact boundary, such boundary shall become the area of impact boundary as of the date of the decree establishing the boundary. Within twenty (20) days after the filing of the decree, the petitioner shall file or cause to be filed with the county recorder and with the city clerk a certified copy of the decree. The board of county commissioners shall adopt an ordinance consistent with the court decree within thirty (30) days of the entry of the decree or be subject to contempt and other sanctions or actions deemed appropriate by the court.

(f) Any city or county aggrieved by the decision of the court may appeal from the decision and judgment to the supreme court. The procedure of the appeal shall be the same as the procedure for appeals from final judgment in civil actions.

(6) Cities and counties shall review their existing areas of impact and shall reestablish the areas in conformance with the provisions of this section by December 31, 2025. Failure to timely conduct such review and reestablishment shall nullify the current area of impact boundaries and require the city and county to go through the process set forth in subsection (2) of this section.

History:

[67-6526, added 1975, ch. 188, sec. 2, p. 515; am. 1977, ch. 155, sec. 1, p. 396; am. 1979, ch. 87, sec. 1, p. 212; am. 1993, ch. 55, sec. 1, p. 150; am. 1995, ch. 118, sec. 97, p. 506; am. 1996, ch. 116, sec. 2, p. 428; am. 1999, ch. 251, sec. 1, p. 651; am. 2002, ch. 333, sec. 6, p. 947.; am. 2024, ch. 227, sec. 2, p. 796.]

How current is this law?



E DEERHAVEN AVE

E SUNDOWN DR
E WOODLAND DR

HAYDEN
Area of City Impact

N 4TH ST

E WILBUR AVE

N 15TH ST

N MULHOLLAND DR

DALTON_GARDENS
Area of City Impact

VE

N DAVENPORT ST

N MT CARROL ST

E TOTTEN LN

N SNOWBERRY ST

E ERYC SKYSON DR

E HANLEY AVE

N 16TH ST

N 17TH ST

N 18TH ST

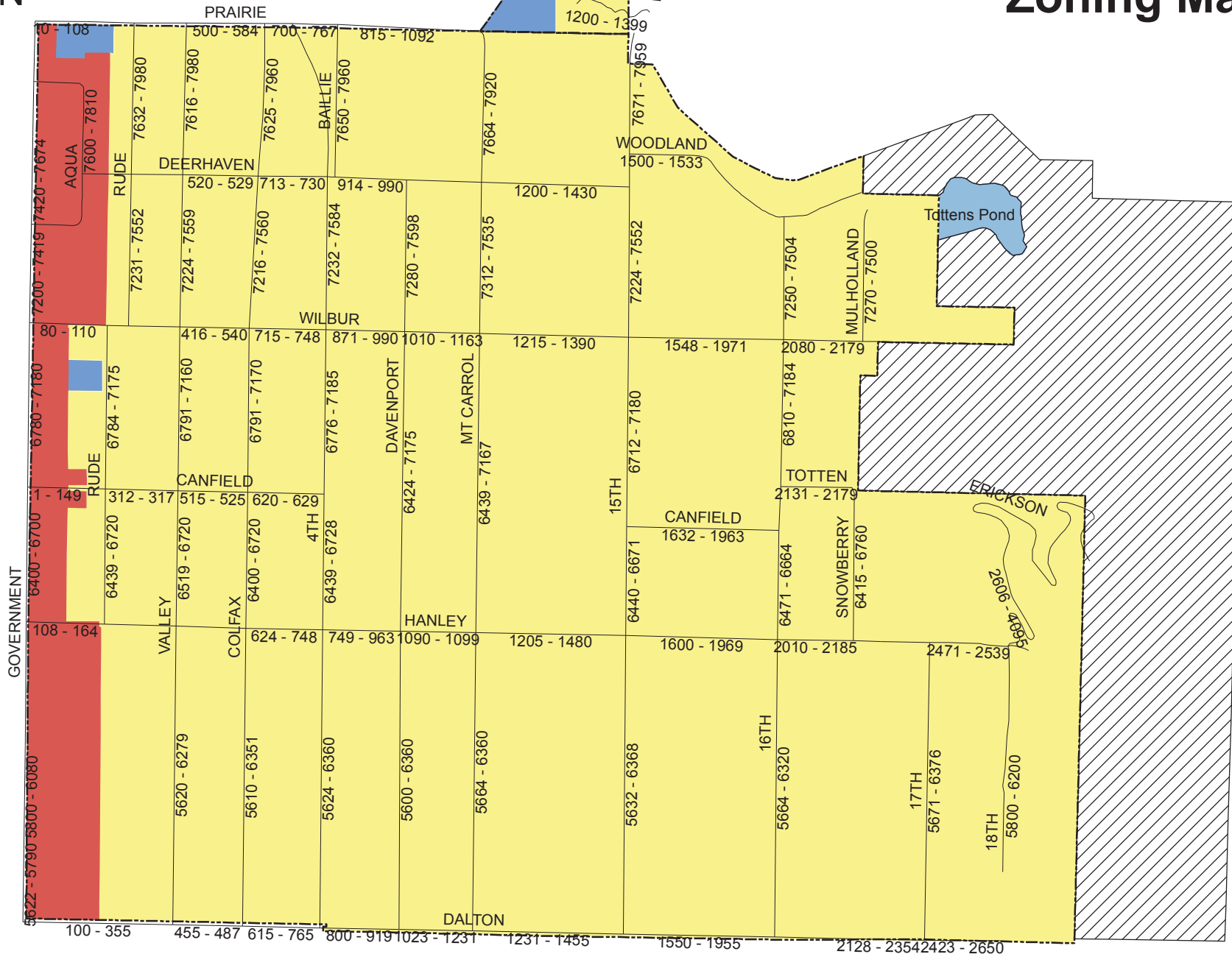
0.3mi

E DALTON AVE

CDA
Area of City Impact



City of Dalton Gardens Zoning Map



Legend

- City Limits
- City Impact Area
- Commercial
- Residential
- Utilities

Source: Kootenai Co GIS, City of Dalton Gardens GIS
Date: July 23, 2009

Z:\Shared Resources\Maps\2009_DG_Zoning_Map

ACCESS

Access ordinance

ORD. 19 (1966)

ORD. 191 (2006)

ORD. 198 (2008)

ORD. 268 (2020)

Erickson Drive

Lots In City

AIN	LOT	ADDRESS	OWNER	SIZE	STATUS
301551	8470	NO ADDRESS	Haunschild	8.09 A	VACANT
145312	7125	No Address	Haunschild	5.82 A	VACANT
149445	8450	NO ADDRESS	Haunschild	13.28 A	VACANT

Lots In County

AIN	LOT	ADDRESS	OWNER	SIZE	STATUS
255330	9500	No Address	Rowe Trust	2.57 A	Vacant
253804	7540	No Address	Carlson F Trust	1.76 A	Vacant
239363	9240	4095 Erickson	Haunschild	2.29 A	SFR
253803	7530	No Address	Carlson F Trust	1.30 A	Vacant
253805	7550	No Address	Hamilton	2.13 A	Vacant
257550	9800	No Address	Carlson F Trust	1.76 A	VACANT
313959	7340	No Address	Carlson F Trust	10.0 A	Vacant
323245	9125	No Address	Carlson F Trust	8.01 A	Vacant
323246	9340	No Address	Carlson F Trust	1.77 A	VACANT
323247	9370	3808 Erickson	Haunschild	7.8 A	Pole bldg

148885	0300	In county	Jordan	40.0 A	vacant

Permits issued

LOT	NUMBER	TYPE	DATE	COMPLETED	
9240					
9250	30333	c SFR building	3/31/1999		
	33471	c Site Disturbance	07/10/2001		stormwater mitigation for existing house. Parent parcel 9300
9300		c site disturbance	3/25/2003		see #35968
9370					

Hanley

AIN	LOT	ADDRESS	OWNER	SIZE	STATUS
135083	7100	2323 E Hanley	Frantz	1.18 A	SFR+
120139	8775	2471 E Hanley	Haunschild	2.64 A	SFR+
116871	7150	2379 E Hanley	Straub Liv Trust	0.92 A	SFR
146141	8825	2491 E Hanley	Reagan	1.08 A	SFR+
248992	8830	2495 E Hanely	Castellan Liv Trust	1.045 A	SFR+
108357	8575	2515 E Hanley	Lucker	2.92 A	SFR
167275	8460	2531 E Hanley	Freier	1.7 A	SFR
112706	8750	2523 E Hanley	Jeske F Trust	2.06 A	SFR+
11420	8475	2539 E Hanley	Shannon	0.98 A	SFR+
340304	001A	2750 E Hanley	Jordan	10.3 A	
148885	0300	In county	Jordan	40.00	vacant

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135083	7100	2323 E Hanley	Frantz	1.18 A	SFR+
PERMIT NUMBER	TYPE		ISSUED DATE		
	DWELL		1971		
	POLE BLDG		2020		
	PAVING		2000		
	ATTACHED GARAGE		1971		

120139	8775	2471 E Hanley	Haunschild	2.64 A	SFR+
PERMIT NUMBER	TYPE		ISSUED DATE		
	DWELL		1992		
	PAVING		2005		
	RESIDENT GARAGE		1992		
	DETACHED GARAGE		1992		
	POLE BLDG		1984		
	MECH, etc.		4/9/2024		

116871	7150	2379 E Hanley	Straub Liv Trust	0.92 A	SFR
PERMIT NUMBER	TYPE		ISSUED DATE		
	DWELL		1972		
	ATT GAR		1972		

146141	8825	2491 E Hanley	Reagan	1.08 A	SFR+
PERMIT NUMBER	TYPE		ISSUED DATE		
	DWELL		2005		
	POOL		2006		
	ATT GAR		2005		
	PAV		2005		

167275	8460	2531 E Hanley	Freier	1.7 A	SFR
PERMIT NUMBER	TYPE		ISSUED DATE		
	DWELL		1985		

	ATT GAR	1985	

112706	8750	2523 E Hanley	Jeske F Trust	2.06 A	SFR+
PERMIT NUMBER	TYPE	ISSUED DATE			
	DWELL	1978			
	POLE BLDG	2016			
	PAV	2000			
	ATT GAR	1978			

11420	8475	2539 E Hanley	Shannon	0.98 A	SFR+
PERMIT NUMBER	TYPE	ISSUED DATE			
	DWELL	1978			
	POLE BLDG	2016			
	PAV	2000			
	ATT GAR	1978			

248992	8830	2495 E Hanely	Castellan Liv Trust	1.045 A	SFR+
PERMIT NUMBER	TYPE	ISSUED DATE			
	DWELL	1978			
	DETGAR	2014			
	POLEBLDG	2005			
	PAV	1995			
	ATTGAR	1978			

108357	8575	2515 E Hanley	Lucker	2.92 A	SFR
PERMIT NUMBER	TYPE	ISSUED DATE			
	DWELL	1966			
	PAV	2005			

340304	001A	2750 E Hanley	Jordan	10.3 A	
PERMIT NUMBER	TYPE	ISSUED DATE			
	DWELL	2023			
	ATTGAR	2023			
	DETGAR	2020			
	PAV	2020			

	PAV	1987	
	SHEDGP	1986	
	DETGAR	1920	

18th St

AIN	LOT	ADDRESS	OWNER	SIZE	STATUS
178462	07AA	5760 N 18 th	Brown	2.5 A	SFR+

178462	07AA	5760 N 18 th	Brown	2.5 A	SFR+
PERMIT NUMBER	TYPE		ISSUED DATE		
	DWELL		2005		
	PAV		2006		
	ATTGAR		2005		
	PAV		2005		
	POLEBLDG		2005		

This property has an easement that runs to the ACI

Dalton: properties with easements to ACI

AIN	LOT	ADDRESS	OWNER	SIZE	STATUS
126322	08AA	2615 E Dalton	Edwards	4.14 A	SFR+
144423	9300	No Address	Cancourse LLC	78.05	VACANT

126322	08AA	2615 E Dalton	Edwards	4.14 A	SFR+
PERMIT NUMBER	TYPE		ISSUED DATE		
	DWELL		1991		

	POLE BLDG	2003	
	PAVING	1991	

Snowberry/Totten: county or access to ACI

AIN	LOT	ADDRESS	OWNER	SIZE	STATUS
316734	001A	2185 E Totten	Boyd	4.0 A	SFR+
316736	003A	No Address	Bathey	2.0 A	PAV
31637	0040	2177 E Totten	Bathey	4.17	SFR+
114989	6625	6752 N Snowberry	Black	7.19 A	SFR+

316734	001A	2185 E Totten	Boyd	4.0 A	SFR+
PERMIT NUMBER	TYPE		ISSUED DATE		
	DWELL		2020		
	POOL		2022		
	ATT GAR		2020		
	PAV		2000		

316736	003A	No Address	Bathey	2.0 A	PAV
PERMIT NUMBER	TYPE		ISSUED DATE		
	PAVING				2000

31637	0040	2177 E Totten	Bathey	4.17	SFR+
PERMIT NUMBER	TYPE		ISSUED DATE		
	DWELL		2003		
	POLE BLDG		2019		
	ATT GAR		2003		
	PAVING		2003		
	SHEDGP		2003		

114989	6625	6752 N Snowberry	Black	7.19 A	SFR+
PERMIT NUMBER	TYPE		ISSUED DATE		

	DWELL	1966	
	PAV	2000	
	QUONSET	1978	
	ATTGAR	1966	

Mulholland/Woodland

AIN	LOT	ADDRESS	OWNER	SIZE	STATUS
137655	4700	7270 N Mulholland	Wroe	1.47 A	SFR+
139697	4650	7350 N Mulholland	DeLong	7.73 A	SFR+
109608	4225	7500 N Mulholland	Gatten	8.77 A	SFR+
143225	1550		Gatten	4.5 A	VACANT
162227	6000		Gatten	4.21 A	VACANT
163594	1900		Gatten	40.0A	VACANT
192421	0005		Gatten	22.99A	UTILITY BLDG
331800	1700		Gatten	10.0A	VACANT
339017	4350		Gatten	1.0 A	VACANT
200246	1050	1550 E Woodland	Radobenko	1.0	SFR

137655	4700	7270 N Mulholland	Wroe	1.47 A	SFR+
PERMIT NUMBER	TYPE		ISSUED DATE		
	DWELL		1976		
	PAV		2000		
	DETGAR		1976		
	SHEDGP		1976		

139697	4650	7350 N Mulholland	DeLong	7.73 A	SFR+
PERMIT NUMBER	TYPE		ISSUED DATE		
	DWELL		1991		
	DETGAR		2016		
	POOL		2004		
	PAV		2000		
	POLEBLDG		1996		

192421	0005	7500 N Mulholland	Gatten	22.99	UTILITY BLDG
PERMIT NUMBER	TYPE		ISSUED DATE		
	LEANTO		1971		
	POLE BLDG		1971		
	POLE BLDG		1971		
	POLE BLDG		1971		

109608	4225	7500 N Mulholland	Gatten	8.77 A	SFR+
PERMIT NUMBER	TYPE		ISSUED DATE		
	DWELL		1971		
	POLE BLDG		2005		
	SHEDGP		2005		
	BARBQ		2004		
	SITEIMP		2004		

200246	1050	1550 E Woodland	Radobenko	1.0	SFR
PERMIT NUMBER	TYPE		ISSUED DATE		
	DWELL		1995		
	POLE BLDG		2000		
	ATTGAR		1995		

PERMIT NUMBER	TYPE		ISSUED DATE		
	DWELL				
	POLE BLDG				
	PAV				
	ATTGAR				

Wilbur

SFR+AIN	LOT	ADDRESS	OWNER	SIZE	STATUS
177536	4800	2380 E Wilbur	Walsh Liv Trust	2.20 A	SFR+
134250	1600	2387 E Wilbur	Maclean	6.67 A	SFR+
175728	7950	2390 E Wilbur	Jackson	5.0 A	UTILITY BLDG

232380	8000	2390 E Wilbur	Jackson	5.0 A	SFR+
106752	8100	No Address	Jackson	30.0 A	VACANT

177536	4800	2380 E Wilbur	Walsh Liv Trust	2.20 A	SFR+
PERMIT NUMBER	TYPE		ISSUED DATE		
	DWELL		1954		
	DETGAR		2004		
	PAV		1985		
	DETGAR		1967		

134250	1600	2387 E Wilbur	Maclean	6.67 A	SFR+
PERMIT NUMBER	TYPE		ISSUED DATE		
	DWELL		1974		
	DETGAR		1993		
	PAV		1993		
	SITEIMP		1993		

175728	7950	2390 E Wilbur	Jackson	5.0 A	UTILITY BLDG
PERMIT NUMBER	TYPE		ISSUED DATE		
	LEANTO		1991		
	LEANTO		1991		
	POLEBLDG		1991		

232380	8000	2390 E Wilbur	Jackson	5.0 A	SFR+
PERMIT NUMBER	TYPE		ISSUED DATE		
	DWELL		1994		
	DETGAR		1998		

