



Planning & Zoning Meeting

Thursday, July 10, 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/84488043977?pwd=binwJf8AKixRoh3JweoHbaugO0rIO1.1>

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

Webinar ID 844 8804 3977; Passcode: 533398

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF JUNE 5, 2025, COMMISSION MEETING MINUTES-**ACTION ITEM**
4. PUBLIC COMMENT(S)-Each speaker will be allowed a maximum of three (3) minutes to address the Planning & Zoning Commission on matters relating to City of Dalton Garden government business. Comments related to public hearings should be held for that public hearing. Please address comments to the Commission only and not the audience. Be advised that the Planning & Zoning Commission can only take official action this evening for those items already listed on the agenda.
5. COMMISSION COMMENTS
6. CITY PLANNER REPORT
7. APPROVAL OF AREA OF IMPACT FOR SUBMISSION TO COUNCIL-**ACTION ITEM**
8. DISCUSSION OF FENCING
9. DISCUSSION OF ORDINANCE 252 & 256
10. AGENDA ITEMS FOR NEXT COMMISSION MEETING
11. ADJOURN- **ACTION ITEM**

Original Posting: July 2, 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.

DALTON GARDENS P&Z REGULAR MEETING MINUTES

Thursday, June 5, 2025

1. **Call to Order:** The Chairman called the meeting to order at 6:00 p.m.
2. **Roll Call**
 - Present:* Chairman Mike Becker, Commissioner Melissa Cleveland, Caitlin O'Brien & Ron Sampert
 - Absent:* Commissioner Chad Haunschild
 - Staff Present:* City Clerk Sandy McFarland
3. **Approval of Minutes (Action Item)**
 - Moved by Cleveland and seconded by Sampert to approve the consent calendar as presented.
 - Result: Passed**
 - AYES:** Cleveland, Sampert & O'Brien
 - NAYS:** None
 - ABSTAIN:** None
 - RECUSE:** None
4. **Public Comment**
 - None
5. **Commission Comments**
 - None
6. **City Planner Report**
 - Jill Ainsworth reported that she had spoken with Scott Cranston regarding a potential special use permit application for an accessory building. She also met with the owners of Selkirk Pickleball to discuss changes to their certificate of occupancy. No updates have been received from Walker's Furniture concerning their upcoming remodel. Jill also asked the Commission to consider revisiting the ordinance related to mesh fencing.
7. **Approval of Area of Impact for Submission to Council**
 - Moved by O'Brien, seconded by Cleveland, to table the item until the 7/10/2025 meeting.
 - Result: Passed**
 - AYES:** Cleveland, Sampert & O'Brien
 - NAYS:** None
 - ABSTAIN:** None
 - RECUSE:** None
8. **Agenda Items for Next Commission Meeting**
 - Mesh Fence
 - Special Use Permit
9. **Adjournment**
 - Moved by O'Brien and seconded by Cleveland to adjourn.
 - Result: Passed**
 - AYES:** Cleveland, Sampert & O'Brien
 - NAYS:** None
 - ABSTAIN:** None
 - RECUSE:** None

The Chairman adjourned the meeting at 6:40 p.m.

Passed this on ____ day of July.

Mike Becker, Chairman

ATTEST:

Sandy McFarland, City Clerk



City of Dalton Gardens

6360 N Fourth Street, Dalton Gardens,
 ID 83815 Phone: (208) 772-3698 Fax:
 (208) 772-3698

Monthly Planning/Code Compliance Report May 16, 2025 -June 13, 2025

June 16, 2025

Code amendments

I would like to request the Short-Term Rental proposed code be for consideration at a public hearing before the City Council in July.

Variances / Special Use Permits (SUP)

John Cranston had contacted the city to discuss submitting a SUP for building an accessory structure on a lot without a principal dwelling, but it has not been submitted.

Subdivisions

None

Lot Line Adjustments

The pending lot line adjustment to address a fence line placement between parcels located at 6824 N 15th Street and 6872 N 15th Street has not yet been applied for by the applicants at time of writing.

Predevelopment Conferences

None during May.

Permits

According to OpenGov, between May 16 and June 13, 2025, forty six new records have been created, fifty two inspections completed, and thirty one permits have been issued. A total of \$19,686.64 in fees have been collected. A snapshot of those permits is below.

April 21 through May 15, 2025

| Permit Type | New | Issued | Inspections | Revenue Collected |
|-----------------------------|-----|--------|-------------|-------------------|
| Commercial Business License | 24 | 8 | 3 | \$1,100 |
| Home Business License | 1 | 0 | 0 | 0 |
| Alcohol License | 0 | 0 | 0 | 0 |
| Building Permit | 5 | 10 | 31 | \$14,202.64 |
| Mechanical | 2 | 4 | 7 | \$774 |
| Roof | 4 | 4 | 7 | \$800.00 |
| Right of Way | 3 | 4 | 1 | \$1,185 |
| Predevelopment App | 0 | 0 | 0 | 0 |
| Sign Permit | 1 | 1 | 2 | \$200 |
| Site Disturbance | 1 | 0 | 0 | \$1,275 |

| | | | | |
|-------------------|---|-----|-----|-------|
| Facility Requests | 5 | n/a | n/a | \$150 |
|-------------------|---|-----|-----|-------|

Noteworthy:

- BP-25-27, 7924 N Mount Carroll Street. An application for a building permit was submitted for this lot. Research determined that this lot was not created through the subdivision process outlined in Ordinance No 221 adopted Nov 1, 2012; rather it was created by deed in 2013. It underwent lot line adjustments thereafter and changed hands as well. To date, the lot meets the City of Dalton Gardens minimum lot size and has the minimum lot frontage but was not created via the subdivision process as required by Title 6 and Ordinance 221. The parcels; the parent parcel and the child parcel, will have to be formally subdivided to become buildable legal lots, per Dalton City Code.

Planning Commission

The Planning Commission met on June 5 at 6 pm at City Hall for their monthly meeting. They continued to refine the previously discussed list of code sections to include within the proposed AOI Ordinance and requested the commission to see if there were further sections that were relative. The Commissioners were reminded that this is a five-year plan; and discussed there may be areas that should be excluded from the AOC. The Commissioners would like to have the City Attorney present at the July meeting to discuss the ramifications of not paring back the AOC. They will also be looking at amending the fencing section of the code to address “mesh” fence definitions.

Code Enforcement

For budgetary reasons I was asked to not pursue code enforcement during May.

Respectfully submitted,

Gill Ainsworth

City Planner/Code Enforcement

Article 10.3 [Dalton Gardens]

8.10.301 PURPOSE:

The purpose of establishing the COOG Area of Impact is to identify an urban fringe area in the unincorporated territory surrounding the City within which growth and development are expected to occur.

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 DG in consideration of anticipated commercial and residential growth, geographic factors, transportation infrastructure and systems, including connectivity, areas where municipal or public sewer and water are expected to be provided within five (5) years, other public service district boundaries, and areas that are very likely to be annexed into the City in the next five (5) years.

8.10.303 STANDARDS:

The following standards shall apply wherever an agency, the Planning and Zoning Commission, a Hearing Examiner, or the Board of County Commissioners 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: Building Permit / Community development Permit

- 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;

[insert any city-specific standards here and delete or modify A-D above as needed]

- X. Except as set forth above, all other applicable standards set forth in this code;
- Y. Except as set forth above, all other standards of applicable special districts having jurisdiction within the identified Area of Impact.

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 8.10.803 of this article within the Area of Impact, and shall receive all permit fees and all other fees duly imposed to recapture direct costs of inspections, administration, legal publications, development review, or other costs arising from fulfilling the terms of each ordinance or regulation.

B. Special districts shall be responsible for the administration and enforcement of their respective regulations listed in subsection F of section 8.10.803 of this article within the Area of Impact, and shall receive all permit fees and all other fees duly imposed to recapture direct costs of inspections, administration, legal publications, or other costs arising from fulfilling the terms of each ordinance or regulation.

8.10.305 RENEGOTIATION:

In accordance with subsection 67-6526(3), Idaho Code, the COOQ City Council or the Board may request, in writing, renegotiation of any provisions of this article at any time.

While renegotiation is occurring, all provisions of this article shall remain in effect until this article is amended in accordance with Idaho Code § 67-6526(3).

8.10.306 ANNEXATION:

A. Upon annexation, the provisions of this article, which is the agreement between the City of DC and Kootenai County, shall no longer apply to the annexed area.

B. Prior to any annexation by the City of DC, 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 COOQ Area of Impact shall be sent by Kootenai County to the City of DC for review.

C. All Kootenai County land use applications and public notice within the COOQ Area of Impact shall be sent to the COOQ 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 8.10.803 above, without notifying the COOQ City Council in accordance with this Section.

8.10.308 GEOGRAPHIC AREAS OF IMPACT DEFINED AND ESTABLISHED:

A. Establishment. The officially adopted Area of Impact is hereby established and shown on the map entitled "COOQ Area of Impact" as set forth in Illustration 10-801 of this article.

B. Legal Description. The Area of Impact for the City of COOQ is hereby legally described as follows:

[insert AOI legal description here]

EXCEPTING THEREFROM, all parcels within the city limits of the City of *[Name of City]*.

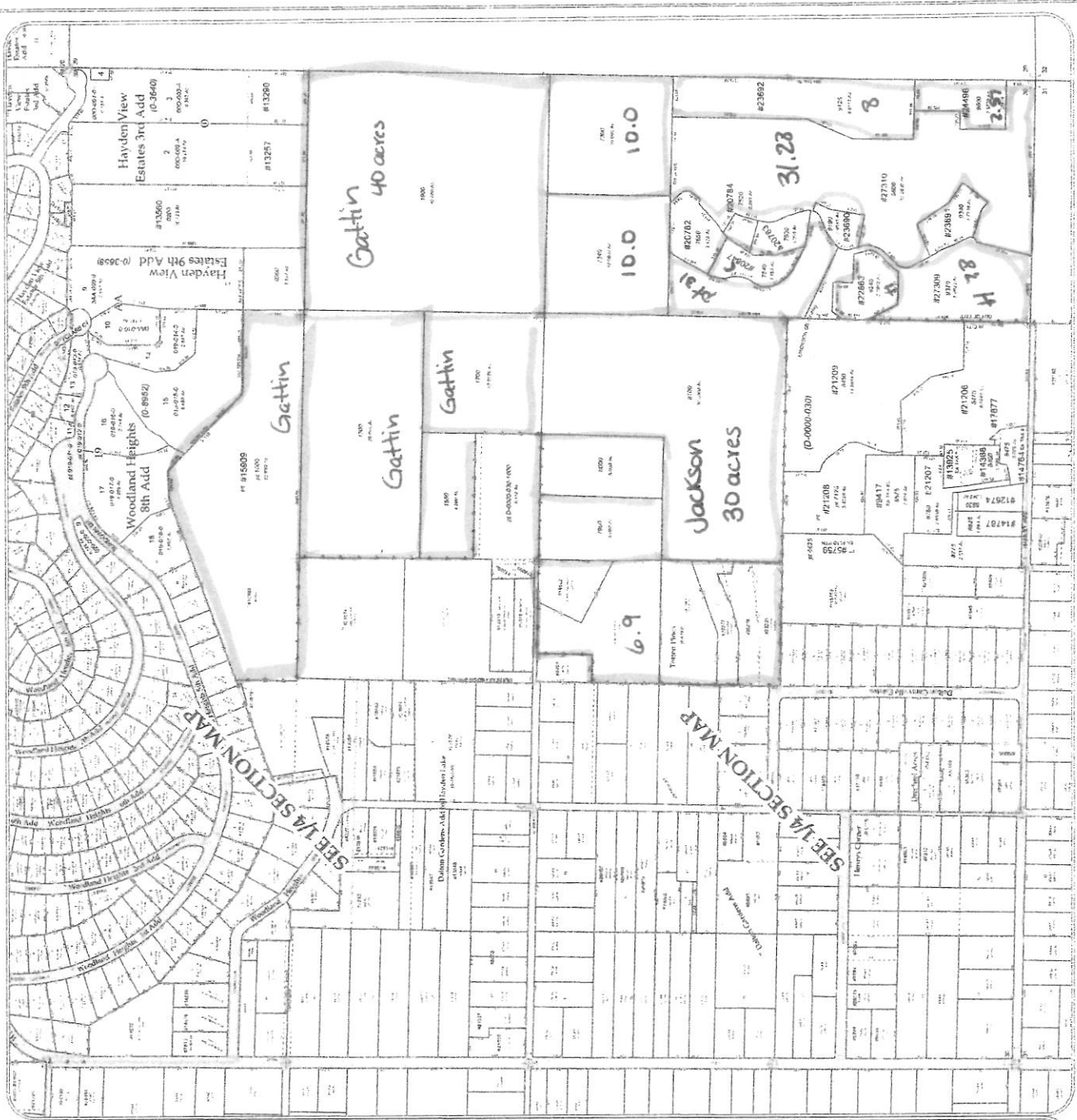
C. Interpretation of Area of Impact Boundary. In case a property under single ownership is divided by the boundary line of the *COG* / Area of Impact and the line divides such property so that one or both of the parts has a depth of three hundred feet (300') or less, such part may be included in the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

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-xxx
***[Name of City]* Area of Impact Map**

[Insert Illustration 10-xxx here]

1 mile = 5,280'



Sec. 30 Twp 51 N. R. 3 W. B. M.

Kootenai County, Idaho



THIS DRAWING IS TO BE USED FOR REFERENCE PURPOSES ONLY. THE COUNTY IS NOT RESPONSIBLE FOR ANY INACCURACIES CONTAINED HEREIN.

Map Revisions

- 03/01/16 - B
Pin of 51N03W-30-0240 reclassified as Tax#22883, 0250 ac of 9340 as remainder (11)
- 05/19/11 - CB
Pin of 51N03W-30-01 (C) reclassified as Tax#2297-2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 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2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2

Kootenai County, Idaho



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|---|---|---|---|---|---|---|---|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|

THIS DRAWING IS TO BE USED FOR REFERENCE PURPOSES ONLY. THE COUNTY IS NOT RESPONSIBLE FOR ANY INACCURACIES CONTAINED HEREIN.

Map Revisions

- 08/03/08 - VMW
- 51N03W31-1700 out of 8000 as Tax #22032 1950 out of 9000 as Tax #22065 (09)
- 10/29/08 - VMW
- 51N03W31-2000 out of 1950 as Tax #27-05, 1950 reabsorbed as Tax #27-06 (09)
- 01/22/09 - JB
- 51N03W31-1800 and 9700 combined w/ 9300 (09)
- 07/29/09 - ET
- 51N03W31-2900 acreage reclassified (10)
- 11/09/09 - ET
- 51N03W31-1550 reabsorbed as Tax#22489 (10)
- Remainder 51N03W31-1000 combined w/ 9300 (10)
- 01/27/10 - JCB
- 51N03W31-1700 combined w/ 1950 reabsorbed as Tax #22860 (10)
- 01/26/12 - VMW
- 51N03W31-1800 out of 1950 & 9300 (12)
- 02/17/12 - VMW
- D-1400-31-015-4C reabsorbed as Tax#23146 from 1998 (12)
- 08/13/12 - ET
- 51N03W31-1550 combined w/ 9300 (13)
- 10/29/13 - GP
- PL-D-1400-31-012-2AA & PL-D-1400-31-012-2AB out to RW (14)
- 02/08/15 - TH
- D-1400-31-015-4A & 015-4B reabsorbed as Tax#23840 & #23840 (15)
- 01/08/17 - TH
- D-1400-31-015-4A reabsorbed as Tax#24641 (17)
- 09/09/16 - JP
- D-1400-31-001-1AA divided into JORDAN RANCH ESTATES (20)
- 12/02/16 - AB
- DAL315001003.0 combined w/ 001-0 (now A) & subdivided as Tax#27182 (23)

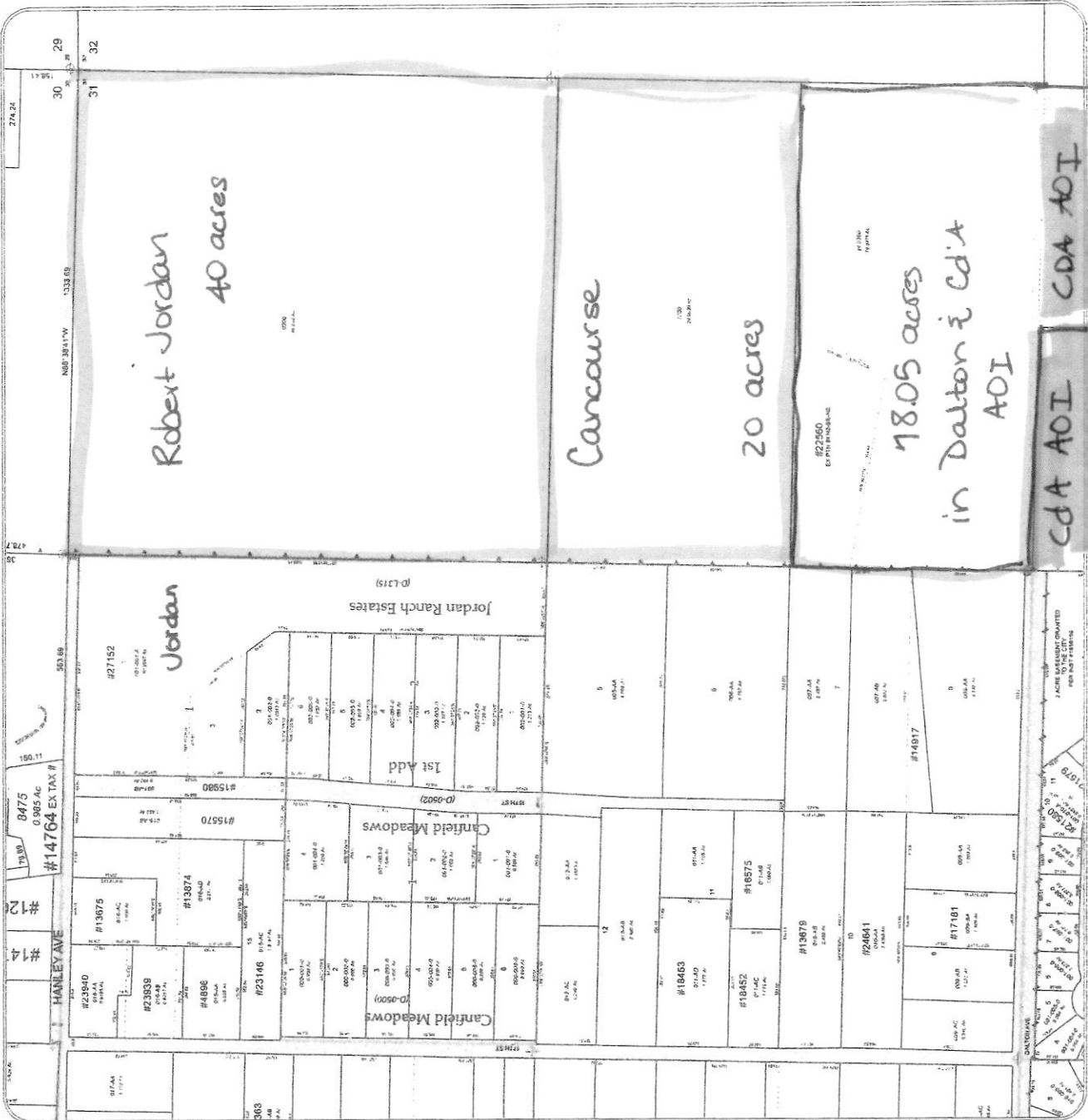
Parcel areas have been calculated by the area shown which sufficient information has been available. Area shown is not Assessable Area. Highways, water, wetlands, etc. are not shown. Distances and curve lengths less than 30' may not be shown due to scale limitations. Dimensions to structures include interior unless noted for Easements.

LOCATION OF R/W'S SHOWN ARE BASED ON ADDRESSABLE ROAD INFORMATION AND MAY OR MAY NOT BE PUBLIC.

Parcel Identification Number (PIN) are computed as follows:
 Header: Block and Parcel ID's as C-3310 and 03-080C
 Footer: Tract type and Parcel ID's as 51N03W31-1950 - 1950 - 03-080C or 51N03W31-1950

Legend

- (C-5357) Sub-code
- Tax Parcels
- Private Roads
- City Limits
- 001-001-A Parcel ID# (PIN)
- Legal Areas
- Plat Boundaries
- GCDB_Corners
- Road RW
- Railroad
- GCDB_Lines



NE Sec. 31 Twp 51 N. R. 3 W. B. M.

Mapfile: 51N03W31NE



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

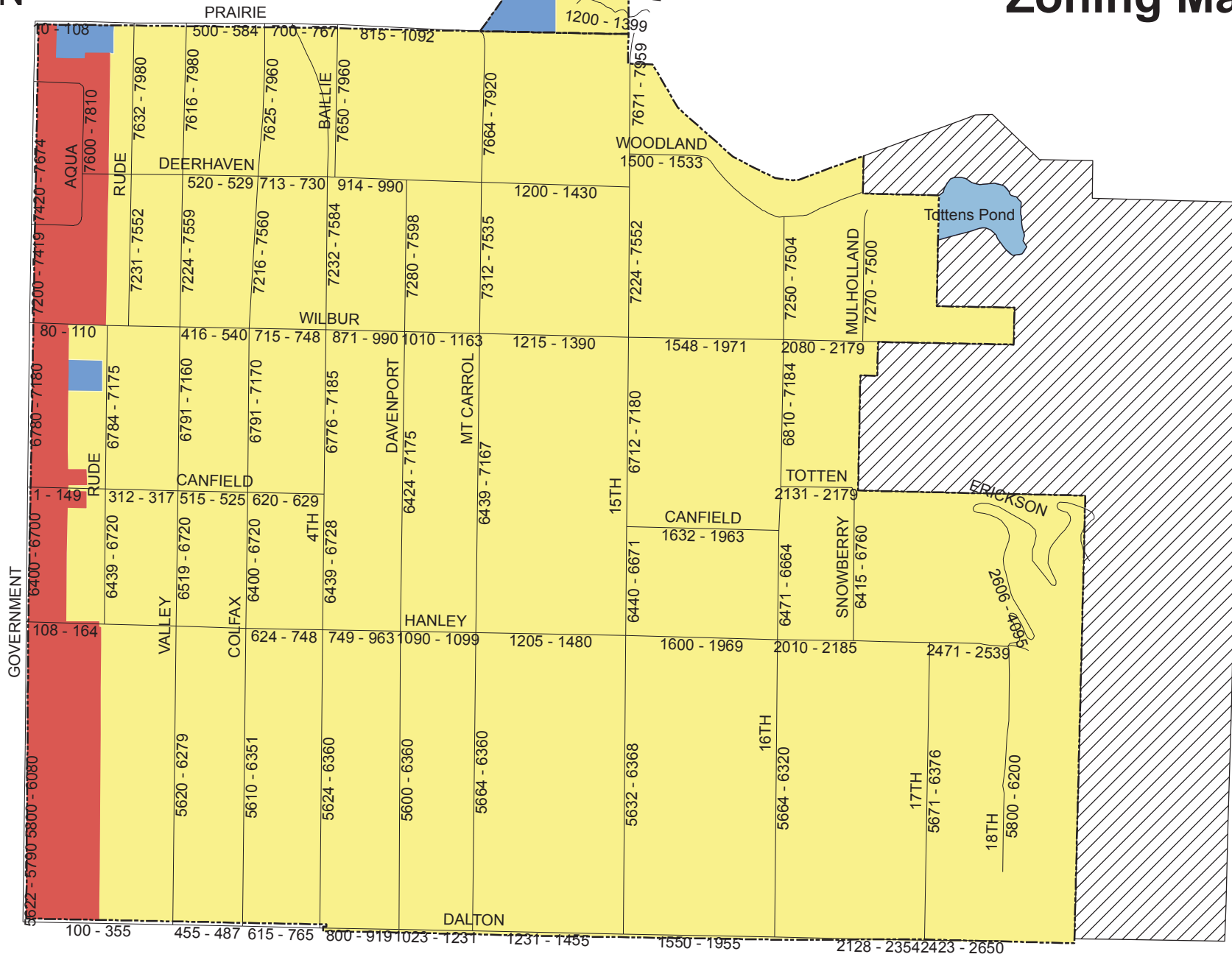
0.3mi

E DALTON AVE

CDA
Area of City Impact



City of Dalton Gardens Zoning Map



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

Legend

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

The Ask

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.

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 ACI~~

3. Dark Skies provisions. Dalton Gardens standards apply

4. Road Standards. Feeder roads must comply with county road standards OR Meet road standards Kootenai; Lakes Highway District; Dalton; road standards compatibility

5. Identify Confirmed Water Supply – water source for both potable water and fire fighting purposes

6. Fire Suppression

7. Verify of Lot creation/legality

8. No Multiple Open Applications for the Same Property

9. Define Sensitive Areas, requirements

10. All developments in sensitive areas, restrictions always applied;
~~so all cuts must be visually mitigated.~~

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.~~

14. Limited amount of clearing, identify impact on hydrology; carrying capacity of Canfield in ACI ~~before more development.~~

15. Stormwater detention and storage capacity

| |
|--|
| 16. Noxious weed control plan during construction & maintenance thereafter. |
| 17. Panhandle Health review the sufficiency of septic systems, pump every 5 years as per Dalton Gardens SMA with Panhandle Health. |
| 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 |
| 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 |

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|--|
| County Code Section (if applicable) |
| |
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| |
| <p>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</p> |
| <p>8.6.704 Utility & Service Standards</p> |
| <p>8.6.704 Utility & Service Standards</p> |
| |
| |
| <p>Cuts: 8.7.103 grading</p> |
| |
| |
| <p>Geotechnical Analysis 8.7.109</p> |
| <p>Risk Assessment 8-7-117</p> |
| <p>Risk Assessment 8-7-117</p> |
| <p>Section 8.7.105 Stormwater Detention and Conveyance</p> |
| <p>Section 8.7.106 Stormwater Treatment</p> |
| <p>Section 8.7.108 Down-Gradient Analysis</p> |

CODG Request from KC with Justification

Can KC change zoning in AOI from Surburban Ranch to 2Ac per DU.? New development should have their own access and should not be permitted to use a old logging road that does not meet driveway

Can CODG be included as "Other Agency" when an application is entered into KC system? Can CODG be invited to comment on any preliminary or predevelopment meetings? Ask to remove LLA exemptions?

Ask KC to consider adopting a Dark Skies Ordinance or model around CODG. This will reduce the pollution for rural and less dense urban

Does KC Code limit 4 ERUs per common driveway? Since impacting CODG roads, should'nt highway district standards apply. Do they match CODG road standards. Can CODG have say in Traffic Impact Studies?

Public Water supply and distribution vs. private well not CODG issue. Fire fighting water falls under the Fire Department Authority.

Not CODG Issue

Can 1 application per parcel only be allowed?

Does AOI have sensitive Areas defined?

Define limits on disturbance areas. Can Building Envelopes be shown and regulated on Site Plans?

Can BMPs be enforced?

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| |
| Can new developments complete an N-P Analysis of the impact down gradeint of each proposed DU. No communbity LSAS should be permitted. How does this impact the SMA? |
| |
| N/A |
| See #14 |
| |
| |
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| The Ask | City Code/Ordinance Section (if applicable) | County Code Section (if applicable) | CODG Request from KC with Justification |
|---|--|--|---|
| 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) | | Can KC change zoning in AOI from Suburban Ranch to 2Ac per DU? New development should have their own access and should not be permitted to use a old logging road that does not meet |
| 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 applications. | | | Can CODG be included as "Other Agency" when an application is entered into KC system? Can CODG be invited to comment on any preliminary or predevelopment meetings? Ask to remove LLA exemptions? |
| 3. Dark Skies provisions. Dalton Gardens standards apply | Ordinance Number 272 5-1-4 Light Pollution Definitions Code Section 5-5:10, A-C | | Ask KC to consider adopting a Dark Skies Ordinance or model around CODG. This will reduce the pollution for rural and less dense urban areas. |
| 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.(b2) 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 | Does KC Code limit 4 ERUs per common driveway? Since impacting CODG roads, should highway district standards apply. Do they match CODG road standards. Can CODG have say in Traffic Impact Studies? |
| 5. Identify Confirmed Water Supply – water source for both potable water and fire fighting purposes | | 8.6.704 Utility & Service Standards | Public Water supply and distribution vs. private well not CODG issue. Fire fighting water falls under the Fire Department Authority. |
| 6. Fire Suppression | | 8.6.704 Utility & Service Standards | Not CODG Issue |
| 7. Verify of Lot creation/legality | | | |
| 8. No Multiple Open Applications for the Same Property | | | Can 1 application per parcel only be allowed? |
| 9. Define Sensitive Areas, requirements | | | Does AOI have sensitive Areas defined? |
| 10. All developments in sensitive areas, restrictions always applied: so all sites 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 Title | | | |
| 13. Risk Assessment study (independent) re development of Canfield | | Geotechnical Analysis 8.7.109 Risk Assessment 8.7.117 | Define limits on disturbance areas. Can Building Envelopes be shown and regulated on Site Plans? |
| 14. Limited amount of clearing, identify impact on hydrology; carrying capacity of Canfield in ACI before more development | | Risk Assessment 8.7.117 | Can BMPs be enforced? |
| 15. Stormwater detention and storage capacity | | Section 8.7.105 Stormwater Detention and Conveyance Section 8.7.106 Stormwater Treatment Section 8.7.108 Downed Gradient Analysis | |
| 16. Noxious weed control plan during construction & maintenance thereafter | Idaho Code requirement 7-516-3. Nuisances on rural properties 7-4-1. Operation & Maintenance requirements for all properties | | |
| 17. Panhandle Health review the sufficiency of septic systems, pump every 5 years as per Dalton Gardens SMA with Panhandle Health. | | | Can new developments complete an N-P Analysis of the impact down gradient of each proposed DU. No community LSAS should be permitted. How does this impact the SMA? |
| 18. Site assessment for all development (not just subdivisions) | | | |
| 19. Endangered Species Survey (Bunnies & Bugs) | | | N/A |
| 20. Identify building envelopes for clearing limitations for development on Canfield Mountain | | | See #14 |
| 21. Nuisance –create ordinance to address blasting, construction noise | | | |
| 22. Identify how wildfire protection/fire protection will be adequately addressed, identification abilities | | | |
| 23. Easements not only along the roadways but through properties to address the changes in drainage that will occur due to development | | | |
| 26. Address environmentally sensitive | | | |
| > Light | | | |
| > Noise | | | |
| > Landslides/landslide risk | | | |
| 27. Maintain temporary and permanent erosion and sediment control measures and soil stabilization | | 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?

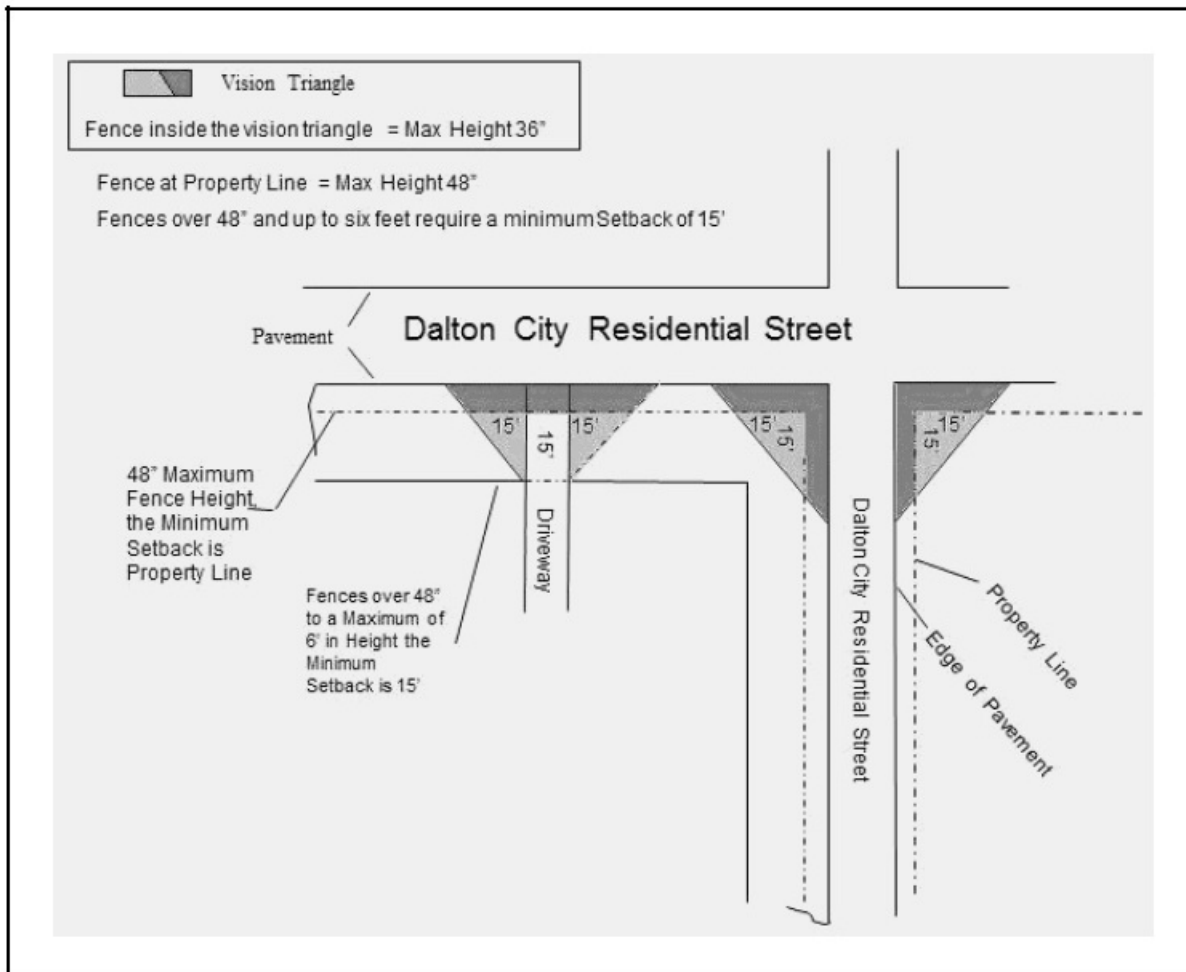
5-5-7: FENCING:

A. General:

1. **Setback Requirement.** Any fence exceeding six feet (6') in height is prohibited, except as specifically permitted herein.
2. **Materials For Fences And Walls:** Fences and walls may be of any material commonly used in construction of fences, provided that said fence or wall meets any criteria for sturdiness and construction as established in other City regulations.
3. **Measurement Of Heights:** The height of fences and walls shall be measured from the top of the fence or wall at its highest point to the finished grade of the lot or parcel adjacent to the fence. If the fence or wall is built on a mound or is otherwise constructed on a level above the average finished grade of the parcel or lot, the height of the mound shall be included in the overall height of the fence or wall. Where parking, loading or other similar areas are constructed adjacent to a fence or wall and are constructed above the finished grade of the parcel, the height of fences or walls shall be measured from the top of the parking/loading surface.
4. **Fences For Swimming Pools:** Swimming pools shall be enclosed by buildings or fences or walls in accordance with the provisions of the International Building Code, as adopted, and other applicable provisions of this Code.

B. Residential Fencing:

1. **Height And Setback Standards:** Fences shall comply with the following height and setback standards:
 - a. Fences erected in the area in front of the primary structure (defined by a perpendicular line from the closest corner of the primary structure to the side property line on each side) shall be no more than four feet (4') in height, and shall not be required to meet any setback requirements. Fences located rear-ward of those lines may be up to 6 feet in height and shall not be required to meet any setback requirements. Wire or rail type fences used to enclose large livestock, i.e., horses, cows, etc., may be 5 feet high as a permitted use. Fencing for livestock enclosures may be permitted within the front yard setback.
 - b. **Exception to height requirements:** Wire mesh fencing may be constructed up to eight (8') feet in height. Such wire mesh fences shall not be sight obscuring and shall not have privacy slats installed. Such fences shall be located rearward of the front corner of the primary structure or at least seventy-five feet (75') from any property line that is adjacent to a public street, except where that public street serves as the flanking street for a corner lot. For such corner lots, no setback from the flanking street side is required.
 - c. All fences shall meet vision triangle standards so to not obstruct views from street or driveway.



C. Trees To Be Trimmed: All trees located within twenty five feet (25') of the property lines of any property at an intersection of one or more public streets within the City shall have all foliage, including leaves and branches, trimmed to a point eight feet (8') above the level of the street under or near said trees. (Ord. 238, 8-7-2014; amd. Ord. 252, 4-5-2018; Ord. 272, 9-14-2021)