



# Agenda for the Regular Meeting of the City Council

**Thursday, November 9, 2023**

Location: DALTON GARDENS CITY HALL, 6360 N 4<sup>th</sup> St., Dalton Gardens, ID

Meeting will be conducted in person and via Zoom.

Please use this link to join the webinar via computer/smartphone:

<https://us02web.zoom.us/j/82080591053?pwd=OWVwaUVtY3llenZzaXlma1MyRDVuZz09>

**Webinar ID:** 820 8059 1053; **Passcode:** 231719

## 1. CALL TO ORDER

## 2. ROLL CALL

## 3. PLEDGE OF ALLEGIANCE

## 4. APPROVAL CONSENT CALENDAR- **ACTION**

- a. Minutes from the Regular Meeting October 12, 2023
- b. Ratification of Bills from October 1-31, 2023
- c. Monthly Financial Statement October 1-31, 2023

## 5. CITY REPORTS

- a. City Engineer
- b. City Planner
- c. City Attorney
- d. KCSO

## 6. PUBLIC COMMENT PERIOD: Each speaker will be allowed a maximum of three (3) minutes to address the City Council on matters that relate to City government business. Comments related to future public hearings should be held for that public hearing. Please be advised that the City Council can only take official action this evening for those items already listed on the agenda.

## 7. CITY BUSINESS

- a. Consideration of Lot Line Adjustment Ordinance Revisions - **ACTION**
- b. Consideration of Fee Schedule Amendment - **ACTION**
- c. Consideration of Appeal for BP 23-18 - **ACTION**
- d. Consideration of Transfer Agreement with Dalton Gardens Irrigation District- **ACTION**
- e. Discussion of December Agenda Items

## 8. EXECUTIVE SESSION Idaho Statute 74-206-(b) To consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, a public officer employee, staff member or individual agent, or public-school student - **ACTION**

## 9. ADJOURNMENT- **ACTION**

Original Posting: 11/6/2023

The purpose of this Agenda is to assist the Council 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 Council on any other subject should plan to speak when Item: Public Comments is identified by the Mayor. The Mayor and Council will not normally allow audience participation at any other time. Please, no repetitive or abusive comments. Workshops are for Council Members discussion only on a topic, no action or decisions occur at that 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 the City Clerk at (208) 772-3698 ext 102.

**City of Dalton Gardens**  
**Regular City Council Meeting Minutes**  
**Thursday October 12, 2023**  
*4:30 PM Fee Schedule Workshop*  
*5:00 PM Joint P&Z Workshop for Lot Line Adjustment Ordinance*  
*6:00 PM City Council Meeting*  
Meeting conducted via teleconference and in person.

1. **CALL TO ORDER FEE SCHEDULE WORKSHOP:** Opened 4:33 PM  
City Planner reviewed the 5 options presented and reminded Council that if fee increases are under 5%, then no public hearing is needed.  
Clerk reminded Council that the Building Inspector has had 2 fee increases since the last City Fee schedule approval.  
Council requested Table 1 Fees to be increased from \$108 in valuation lines \$1-\$2,000 from \$108 to \$129.00 and in valuation line \$2,001-\$25,000 to \$129 for 1<sup>st</sup> \$2,000.  
Fee Schedule will be an action item on the November agenda.
2. **CALL TO ORDER JOINT P&Z WORKSHOP -lot line adjustment ordinance:** Opened 5:11 PM; Closed 5:52 PM- Vicki Klemm, Surveyor for HMH Engineering present for questions.  
City Planner gave an overview of the P&Z's work on the LLA Ordinance. P&Z asked Council what their objections were to the original draft ordinance that was presented to them. Councilmember Wuest brought his own draft ordinance to the September Council meeting that was not a redline of the original ordinance draft presented by P&Z. This caused confusion for Council and led to today's workshop. P&Z also expressed their confusion as to why they were give Councilmember Wuest's draft that was not a redline of their proposal.  
Questions were raised about the difference between Boundary Line Adjustments "BLA" and Lot Line Adjustments "LLA". In Kootenai County a BLA=a non-buildable lot; a LLA= buildable. P&Z asked the Council to read the P&Z meeting minutes after they are published. P&Z also called out that residents had multiple public hearing opportunities with P&Z to voice their concerns or questions with LLA ordinance proposal. Surveyor stated the proposed ordinance is consistent with most local codes.
3. **CALL TO ORDER REGULAR CITY COUNCIL MEETING:** Opened 6:02 PM
4. **ROLL CALL:** Councilmembers Aaron O'Brien , Robert Wuest, Tyler Drechsel, Scott Jordan, and Mayor Edwards were physically present; Also present: Teresa Janzen-City Clerk/Treasurer, Candi Baker-Deputy Clerk, Ryan Hughes-City Planner, and Chris Gabbert- City Attorney.
3. **PLEDGE OF ALLEGIANCE:** Lead by Tyler Drechsel- Council President
4. **AMENDED AGENDA TO INCLUDE CHILD PEDESTRIAN SAFETY GRANT ADDITION:**  
City Engineer gave an update that the Child Pedestrian Safety grant was completed and training on programming the beacons has been completed. During the beacon training, it was discovered that having the ability to set and change the beacon schedule remotely would be most efficient. TrafficCalm has a new program to allow remote control of beacons. We have just over \$31,000 left unspent in the CPS grant. RPI sent in a proposed change order for an additional \$26,000 approximately. This includes software, installation, and 10 year service package. \$5,174 will remain in the CPS grant.

**TDreschel made a motion to approve the amended agenda proposal to include the Child Pedestrian Safety Grant addition as the cost of the amendment was received within 48 hours of the meeting. SJordan seconded.**

**SJordan: yes RWuest: yes TDrechsel: yes AO'Brien: yes Motion carries.**

**RWuest made a motion to approve the contract change order to purchase and install TrafficCalm system to allow remote scheduling of the new beacons for approximately \$26,000. TDrechsel seconded.**

**SJordan: yes RWuest: yes TDrechsel: yes AO'Brien: yes Motion carries.**

## **5. APPROVAL OF CONSENT CALENDAR:**

- a. Minutes from the Regular Meeting September 14, 2023
- b. Ratification of Bills from September 1-30, 2023
- c. Monthly Financial Statement September 1-30, 2023
- d. Quarterly Treasurer Report September 30, 2023

**AO'Brien made a motion to approve the consent calendar items a through d. TDrechsel seconded.**

**SJordan: yes RWuest: yes TDrechsel: yes AO'Brien: yes Motion carries.**

## **6. CITY REPORTS**

- a. **City Engineer:** Christine Baker gave an update that Child Pedestrian Safety Grant- part of the wrap up will be to submit photos to LHTAC- they were included in the Council packet. Still waiting on direction from Council on FY24 roads to be chip sealed to receive the best pricing.

**SJordan clarified that we are ahead of schedule-** CBaker agreed and stated that if we kept pact, FY24 would be just Hanley Ave.

- b. **City Planner:** Ryan Hughes updated the Council on the P&Z priorities and the progress of the commercial engagement and intent to distribute letters to engage and seek feedback. Possible Dalton Market flexibility or zone updates for that property.
- c. **City Attorney:** No report.
- d. **KCSO:** Paper report given to the council. The Clerk reported 19 citations were issued in September and introduced Deputy Matt Creighton.

Deputy Creighton has recommendation on potential code amendments to including items such as, transient, loitering, disturbing the peace, and other public safety additions. Deputy Creighton will get the codes that he wrote for the City of Hayden for Council to review.

- e. **Code Enforcement:** No report.
- f. **City Clerk:** The City Clerk gave a summary of the September picnic that included and attendance of over 300 people, and donations of \$750 in cash, \$7,800 in goods, including amazing raffle prizes. The Clerks were able to meet many of the local Dalton business owners and invite them to participate as well as create sponsorship levels so the businesses can plan for participation next year. The City awarded the first donation from the annual Mayors Walking Challenge to Dalton Elementary in the amount of \$500 to be used to promote activity in our local

youth. The City also rededicated the Ward Newcomb park with the refurbished park arch and had many of Ward Newcomb's family in attendance. Additionally, CW Wraps donated a custom dedication plaque for the last remaining original apple tree in the Ward Newcomb park. The Clerk thanked Mayor Edwards, Council President Drechsel, and Deputy Clerk Baker for their tremendous efforts towards making the annual gathering such a success.

**7. PUBLIC COMMENT:** Opened 6:39 PM - Closed 6:44 PM

Carrie Chase 7512 N 4<sup>th</sup> St- Thanked Councilmember Wuest for his participation in the City picnic. Asked Council to be aware of any potential cost to the commercial district for any commercial corridor improvements. Expressed concern about speeding traffic on 4<sup>th</sup> Street. Feels 19 citations in a month is too low and would like the Deputy should be ticketing 3x as much.

Gary Sonnen 7447 N Valley St- enjoyed having the picnic time slot moved to the afternoon and felt the picnic was very well done. Not in favor of council's suggestion last month to pay for an enforcement patrol to alter the traffic study.

**8. CITY BUSINESS:**

**a. Consideration of parking lot proposal by HMM Engineering**

City Engineer called out that pricing was reflected in monthly report. TDrechsel questioned if parking lot project required an engineer. Approximately \$180K to redo the parking lot.

SJordan and RWuest had talked about removing existing light pole in the middle of the parking lot and running 230' of double conduit from the shop to the NE corner of the City Hall. The City could purchase the conduit from SJordan's warehouse contractor directly and he would volunteer his services to install

City Attorney talked about Title 54-12-18, could not find anything specific about parking lot repaving. Applies to the City doing their own public works projects, not hiring a contractor.

**RWuest made a motion to table until spring 2024 when the 2 new Councilmembers and new Mayor are in office. Died for lack of a 2<sup>nd</sup>.**

**SJordan made a motion to proceed with topo service (\$4,000) and engineered design (\$8,000) for the parking lot not to exceed \$12,000. TDrechsel seconded.**

**SJordan: yes RWuest: yes TDrechsel: yes AO'Brien: yes Motion carries.**

Funds will be taken from ARPA funds.

***COUNCIL TOOK A BREAK AT THE REQUEST OF THE CITY PLANNER 6:58 PM -7:00 PM***

**b. Discussion of BP 23-18 for 'Lawn Art' windmill**

CGabbert advised that the administrative appeal process need to be followed and that the City should not step in until it reaches them at the appeal level. Mrs. Wilson was directed to meet with the City Clerk if she wanted help in completing an appeal.

**c. Consideration of draft Fee Schedule amendment and direction to staff**

**d. Discussion of estimate from KSCO for increased Deputy patrol**

Removed from discussion items on the advice of the City Attorney.

**e. Consideration Resolution 2023-04 for FY23 designated roll-over funds**

**TDrechsel made motion to approve Resolution 2023-04 to internally designate and roll over unused funds inside the General Fund from FY2023 to FY2024 as follows:**

**401-08 Community Events (Picnic) \$2,700.35**

**402-05 Code Enforcement Wages \$8,780.00**

**402-08 Special Law Enforcement \$20,999.96**

**404-000 Parks \$5,739.86**

**SJordan seconded.**

**SJordan: yes RWuest: yes TDrechsel: yes AO'Brien: yes Motion carries.**

**f. Discussion of Code Enforcement position**

City Clerk reviewed that a couple of years ago, Code Enforcement was moved to a contractor position instead of an employee position. She recommends moving it back to a staff position with limitations of working no more than 19.5 hours a week and not eligible for City benefits as listed in the personnel policy. The request to realign the position is so that it complies with the State of Idaho Department of Labor more clearly.

SJordan proposed a minimum of \$25/hour and potentially moving to \$30/hour after 6 months and an acceptable performance review. Would like to make sure the Code Enforcement Officer understands the correct chain of command.

CGabbert reminded that chain of command begins and ends with the Mayor for administrative actions.

RWuest asked for this item to be tabled until the new Mayor and 2 new councilmembers are seated in January 2024.

**TDrechsel made motion to make the Code Enforcement position a part-time staff position with no more than 19.5 hours per week to be worked and subject to all Personnel Policy provisions for a part-time staff position under 20 hours per week. SJordan seconded.**

**SJordan: yes RWuest: yes TDrechsel: yes AO'Brien: yes Motion carries.**

**g. Consideration of Contract for Copier Purchase**

Clerk gave overview of need for new copier and how the contract proposals lined out. She suggests the Konica Minolta copier purchase through Konica Minolta directly.

RWuest clarified that the funds for this purchase are coming from ARPA funds.

**AO'Brien made a motion to approve the contract for Copier Purchase and maintenance with Konica Minolta in the amount of \$5,233.28 and direct the Mayor to sign the contract. SJordan seconded.**

**SJordan seconded.**

**SJordan: yes RWuest: yes TDrechsel: yes AO'Brien: yes Motion carries.**

**h. Consideration of Dalton Water request for hydrant on 15<sup>th</sup> Street**

RWuest stated that Dalto Water has already done the work and the stated potential cost is no longer valid.

Clerk informed Council that she was approached by DWA that they planned to relocate the hydrant on the westside of N 15<sup>th</sup> Street right before you go up the hill and was asked for Council to consider sharing the cost.

TDrechsel asked if the fire district has approved the relocation of the hydrant per the fire code. He also called out the potentially the applicant/entity that is asking to move it should cover the full cost.

**TDrechsel made a motion to table the Dalton Water request to share costs for their movement of the fire hydrant on 15<sup>th</sup> Street at the base of the hill. SJordan seconded. SJordan: yes RWuest: yes TDrechsel: yes AO'Brien: yes Motion carries.**

**i. Discussion of November Agenda Items**

**LLA Ordinance**

**Fee Schedule**

**Meeting Dates for 2024**

**Potential ordinance regarding archery on public property**

**Winter Road Care Plan**

**8. EXECUTIVE SESSION-none**

**9. ADJOURNMENT: SJordan made motion to adjourn. TDrechsel seconded. All in favor. Adjourned 9:35 PM**

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Dan Edwards, Mayor

ATTEST:

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Teresa Janzen, City Clerk/ Treasurer

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**To:** Mayor Edwards, City of Dalton Gardens

**From:** HMH Engineering

**Date:** November 1, 2023

**Re:** November Engineering Update

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1. Child Pedestrian Safety Project – Change order 2, which included the work to upgrade the school zone beacons to remote programming capabilities was executed October 25, 2023.
2. Speed Study – We are currently in the process of collecting traffic counts & speed data on 4<sup>th</sup> Street, and 15<sup>th</sup> Streets. We will be continuing the data collection on other streets throughout November, and hope to have all data collected and processed by December.
3. City Hall Parking Lot – The topographic survey field work was completed on October 26, 2023. Next steps include processing the topo data, creating an existing conditions exhibit, and beginning the design.
4. 2024 Chip Seal Project

Estimated Project Costs:

Hanley Ave. (Government Way to 15<sup>th</sup> St.) – \$205,000.00

Davenport St. (Dalton Ave. to Deerhaven Ave.) – \$130,000.00



# City of Dalton Gardens

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

## Monthly Planner Activity Report

**October 31, 2023**

### Code amendments

As their October meeting, the Planning and Zoning (P&Z) Commission discussed next steps in the commercial district vision outreach and engagement project. They agreed that Commission members would be hand delivering engagement letters personally to business operators along the Commercial District. A joint study session with City Council and the P&Z Commission was held in October to review of the recommended Lot Line Adjustment Code Amendment. The joint session proved helpful in bringing ideas and professional advice to the attention of each legislative body. City Council is expected to take action on the recommended LLA Code Amendment at their November meeting. No code amendments are currently under review by the P&Z Commission. However, the Commission continued discussion on objectives for creating zoning provisions for the lot occupied by the Dalton Market.

### Fee Schedule

City Council revised the proposed Fee Schedule at their October study session. City Council is expected to take action on the updated Fee Schedule at their November meeting.

### Variances / Special Use Permits

No new special use permits requests have been submitted.

### Subdivisions

No new subdivision requests have been submitted.

### Building Permits

The City continues to receive and manage a variety permit request. Building permits are received weekly and are reviewed on a rolling basis. Other permit types include home based business permits, commercial business licenses and others. The City consistently receives permit applications for both accessory structures and new home construction.

### Code enforcement

The City has an extensive backlog of code compliance cases logged in OpenGov. Without additional staffing resources, only priority cases (per the Code Compliance Policy Manual) are currently being reviewed. This includes issuing Notice of Violations on unpermitted Accessory Dwelling Units. Staff recommends that a dedicated code compliance staff member is hired and trained to ensure timely processing.

Respectfully submitted,

Ryan Hughes,  
City Planner



# Kootenai Co Sheriff's Office

## Law Total Incident Report, by Agency, Nature

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Agency: KOOTENAI CO SHERIFF'S OFFICE

<u>Nature of Incident</u>	<u>Total Incidents</u>
Abuse	1
Traffic Accident w/ Damage	1
RESIDENTIAL ALARM	2
Loose Animals	1
General Public Assistance	8
DIRECTED PATROL AREA	90
DISABLED VEHICLE	1
Game Violations	1
Found Property	1
Harassment	1
Suspicious Person/Circumstance	1
Traffic Violation	1
Traffic Stop	40
TRESPASSING	1
Warrant Service	1
Welfare Check	1
<b>Total Incidents for This Agency</b>	<b>152</b>

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Total reported: 152

TOTAL CITATIONS: 17

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### Report Includes:

All dates between `00:00:00 10/01/23` and `23:59:59 10/31/23`, All agencies matching `KCSD`, All natures, All locations matching `33`, All responsible officers matching `M.CREIGHTON`, All dispositions, All clearance codes, All observed offenses, All reported offenses, All offense codes, All circumstance codes

**CITY OF DALTON GARDENS, IDAHO**

**ORDINANCE NO. \_\_\_\_**

AN ORDINANCE OF THE CITY OF DALTON GARDENS, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; AMENDING TITLE 6, CHAPTER 3, SECTION 6 TO REMOVE LOT LINE ADJUSTMENTS; AMENDING TITLE 6 CHAPTER 3 TO ADD SECTION 8 LOT LINE ADJUSTMENTS; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR THE PUBLICATION OF A SUMMARY OF THIS ORDINANCE AND AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DALTON GARDENS, IDAHO:

**SECTION 1: AMENDMENT TO TITLE 6, CHAPTER 3, SECTION 6.**

**6-3-6: LOTS:**

~~H. Lot Line Adjustment: A lot line adjustment is adjustment of an existing lot line.~~

~~1. Lot line adjustments are allowed only under the following conditions:~~

~~a. Does not result in the creation of any additional building sites.~~

~~b. A parcel of land that is not buildable because it does not conform to municipal code regulations, or was created improperly, cannot be converted to a buildable parcel through a lot line adjustment.~~

~~c. Lot line adjustments require review and approval by the city. Adjustments are accomplished by recording a deed of conveyance for the property that will be transferred, and then, for the receiving parcel, recording a second deed describing the new, exterior parcel boundaries (so that an additional parcel of land is not inadvertently created). Deeds shall be submitted to the city for review and approval prior to recordation.~~

~~2. The following shall require replatting or filing an amended plat and shall not be considered a lot line adjustment:~~

~~a. A change in a lot line that results in a change in the location of an approach, utilities, easements and/or septic tank or drain field.~~

~~b. An increase or decrease in any lot size of more than twenty percent (20%).~~

~~c. Any adjustments between a platted lot and an unplatted lot.~~

~~d. An increase or reduction in the number of lots within a subdivision.~~

## SECTION 2: AMENDMENT TO TITLE 6, CHAPTER 3

### **6-3-8: LOT LINE ADJUSTMENTS**

- A. **Purpose And Intent:** It is the purpose and intent of this section to establish the requirements for adjustment of lot lines of platted lots. Lot line adjustments will not be approved for lots that were not legally created. An application for a lot line adjustment may be submitted to adjust a single common boundary between two (2) or more adjoining legal lots if the proposed lot line adjustment does not:
1. Result in the creation of any additional lots;
  2. Include any lots or parcels which are not legal lots, as defined by City Code;
  3. Impair existing access or easements, or create the need for new easements or access to any adjacent lots; and
  4. Create any lot which does not conform with this Code.
- B. **Application:** An application for a lot line adjustment must be filed with the Planning Administrator for administrative review along with such other information as may be required. The application must include:
1. Written consent for such adjustment by all record owners of the properties,
  2. A current title report for the affected properties,
  3. Draft deeds of conveyance. Adjustments are accomplished by recording a deed of conveyance for the property that will be transferred, and then, for the receiving parcel, recording a second deed describing the new, exterior parcel boundaries so that an additional parcel of land is not inadvertently created. Deeds shall be submitted to the city for review and approval prior to recordation. New legal descriptions must be created for each new lot.
  4. A scaled drawing or site plan prepared by an Idaho Professional Land Surveyor (PLS) of the proposed adjustment showing the following:
    - i. All existing and proposed lot lines and lot areas of the affected lots;
    - ii. All existing structures with dimensions and distances to existing and proposed boundaries;
    - iii. Existing septic system and drain field, sewer (if applicable) and water services to the affected lots;
    - iv. Existing and proposed easements;
    - v. Existing street frontages and accesses of each lot.
- C. **Approval:** The Planning Administrator will approve the lot line adjustment only after determining that all of the following conditions have been met:

1. Only one common lot line between two (2) lots or parcels is being adjusted;
2. Both lots were legally created;
3. No additional lots have been created;
4. The resultant parcels meet the minimum requirements for area, frontage and width for the existing zone;
5. The accompanying deeds accurately describe the properties by metes and bounds descriptions;
6. No existing easements or access have been impaired nor has the need for new easements or access to the subject lots or adjacent lots been created;
7. Lots shall not be adjusted so that they do not, or cannot, have on-site septic, sewer (if applicable) and water services that conform to applicable City policies and standards;
8. The scaled drawing or site plan prepared by an Idaho PLS has been prepared by an Idaho licensed surveyor in conformance with the requirements of Idaho state statutes and this chapter;
9. All new property corners have been monumented as generally required by this title and Idaho Code;

Upon determining that all of the above requirements have been met, the City will affix its certificate of approval to the scaled drawing or site plan prepared by an Idaho PLS.

**D. Issuance Of Building Permits:** No building permits will be issued on lots or parcels whose boundaries have been adjusted without the approval of the City, nor will they be issued on lots or parcels whose boundaries are being adjusted until all the requirements of this section have been met and the scaled drawing or site plan prepared by an Idaho PLS and deeds have been recorded. A copy of the scaled drawing or site plan prepared by an Idaho PLS and deeds shall be provided to the City.

**E. Plat required.** The following shall require replatting or filing an amended plat and shall not be considered a lot line adjustment:

1. A change in a lot line that results in a change in the location of an approach, utilities, easements and/or septic tank or drain field.
2. Any adjustments between a platted lot and an unplatted lot.
3. An increase or reduction in the number of lots within a subdivision.

### **SECTION 3. SEVERABILITY.**

If any provision of this chapter, or its application to any person or circumstances, be declared unconstitutional or invalid for any reason by a Court of competent jurisdiction, such decision

shall not affect the validity of the remaining portions of this chapter or the application of the provisions to other persons or circumstances.

Nothing in this chapter shall be construed as preventing the adoption of more restrictive provisions set forth in other sections of the Dalton Gardens Municipal Code. The more restrictive provisions of the code shall control.

**SECTION 4. REPEAL OF CONFLICTING PROVISIONS.**

All provisions of the ordinances of the City of Dalton Gardens which conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

**SECTION 6. EFFECTIVE DATE.**

Upon passage and approval and publication in one (1) issue of the Coeur d'Alene Press, the official newspaper of the City of Dalton Gardens, Idaho, this Ordinance shall be in full force and effect.

PASSED under suspension of the rules at which a roll call vote was taken at regular meeting of the city council of the City of Dalton Gardens, Kootenai County, Idaho, this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

ATTEST:

\_\_\_\_\_  
DAN EDWARDS, Mayor

\_\_\_\_\_  
TERESA JANZEN, Clerk

SUMMARY OF DALTON GARDENS ORDINANCE NO. \_\_\_\_

AN ORDINANCE OF THE CITY OF DALTON GARDENS, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; AMENDING TITLE 6, CHAPTER 3, SECTION 6 TO REMOVE LOT LINE ADJUSTMENTS; AMENDING TITLE 6, CHAPTER 3 TO ADD SECTION 8 LOT LINE ADJUSTMENTS; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH AND A SEVERABILITY CLAUSE. THE ORDINANCE SHALL BE EFFECTIVE UPON PUBLICATION OF THIS SUMMARY. THE FULL TEXT OF THE SUMMARIZED ORDINANCE NO. \_\_\_\_ IS AVAILABLE AT DALTON GARDENS CITY HALL, 6360 N. 4<sup>th</sup> STREET, DALTON GARDENS, ID 83815 IN THE OFFICE OF THE CITY CLERK.

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Teresa Janzen, City Clerk

DRAFT

**STATEMENT OF LEGAL ADVISOR**

I, Christopher Gabbert, am the City Attorney for the City of Dalton Gardens, Idaho. I have examined the attached summary of the City of Dalton Gardens Ordinance No. \_\_\_\_\_ and find it to be a true and complete summary of said ordinance which provides adequate notice to the public of the context thereof.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_

DRAFT

# City of Dalton Gardens - Fee Schedule

ADOPTED Month, Day,  
Year

## Building Permit Fees Based on Valuation – Table 1

Total Valuation	Fee
\$1.00 to \$2,000.00	<u>\$108.00</u> + <u>\$129.00</u> per inspection
\$2,001.00 to \$25,000.00	<u>\$129.00</u> for 1 <sup>st</sup> \$2,000 + <u>\$16.00</u> /ea. add'l \$1,000.00 or fraction thereof, to and including \$25,000.00
\$25,001.00 to \$50,000.00	<u>\$458.00</u> for 1 <sup>st</sup> \$25,000 + <u>\$11.00</u> /ea. add'l \$1,000.00 or fraction thereof, to and including \$50,000.00
\$50,001.00 to \$100,000.00	<u>\$729.00</u> for first \$50,000 + <u>\$8.00</u> /ea. add'l \$1,000.00 or fraction thereof, to and including \$100,000.00
\$100,001.00 to \$500,000.00	<u>\$1,109.00</u> for 1 <sup>st</sup> \$100,000.00 + <u>\$6.60</u> /ea. add'l \$1,000.00 or fraction thereof, to and including \$500,000.00
\$500,001.00 to \$1,000,000.00	<u>\$3,542.00</u> for 1 <sup>st</sup> \$500,000.00 + <u>\$5.75</u> /ea. add'l \$1,000.00 or fraction thereof, to and including \$1,000,000.00
\$1,000,001.00 and up	<u>\$6,120.00</u> for 1 <sup>st</sup> \$1,000,000.00 + <u>\$4.65</u> /ea. add'l \$1,000.00 or fraction thereof.

**Required Permits** – All land use, development and construction permits described herein this fee scheduled are required pursuant to the Dalton Gardens City Code.

**Building Valuation** – Unless a per square foot or per unit price is specified in the “building valuation data based on local information” below, building and structural valuations, for fee purposes, shall be set by the Building Official based on the most current building valuation data sheet published by the International Code Council. This data sheet is updated regularly.

### Building Valuation Data based on local information

Single Family Residential – values per square foot	
Addition – No Plumbing	75% of ICC building valuation data sheet
Finished Basement	75% of ICC building valuation data sheet
Unfinished Basement	ICC building valuation data sheet

Complete Unfinished Basement	50% of ICC BVD R-3
Interior Remodel	50% of ICC BVD R-3
Residential Garage – Attached/Detached	ICC building valuation data sheet
Carport / Lean to	ICC BVD (U) Utility for shell only buildings
Enclose Existing Carport	<u>40% of ICC BVD (U) Utility</u>
Pole Building / Shop	ICC building valuation data sheet
Deck	35% of ICC (U) Utility
Deck with Cover	35% of ICC (U) Utility
Patio/Deck Cover Only	35% of ICC (U) Utility
Enclosed Deck/Patio w/Cover	50% of ICC (U) Utility
Commercial and other Non-Residential	
Interior Remodel	20% of Sq. Ft. Construction Cost
Miscellaneous Fees – residential and non-residential	
Change out windows (when there is a structural change), install egress windows (no permit for like for like change out)	Use Table 1 with Contract Price, or based on number of inspections required (whichever is greater)
Swimming Pools	Use Table 1 at \$9.00 Per Cubic Ft. or Contract Price (greater of the two)
Re-siding (for damage or structural purposes only)	\$129.00 per inspection
Moving (per DGCC 4-1-7)	\$200.00
Re-roof (overlay or tear-off)	\$200.00 plus \$129.00 per inspection if more than 2 inspections are required
Re-roof (with new rafters or trusses)	Use Table 1 at \$8.40 per sq. ft. plus plan check fee
Foundation (if done separate from permit for upper structure)	10% of Building Permit
All other building permits	Use Table 1 and building valuation data sheet
Fence over 73” in height (requires building permit)	Minimum \$129.00, Use Table 1 with Contract Price (whichever is greater)
Sign Permit - Each Pole Monument sign 8 feet or higher	\$400.00 (includes permit and zoning review)
Sign permit – All Other Signs, per type of sign per site	\$200.00 per type
Sign permit – political signs REMOVAL	\$20.00 per sign
Solar panel installation permit	\$450.00 plus \$129.00 per inspection if more than 2 inspections are required
Re-inspection or special inspection	\$129.00 per inspection
Inspections for which no fee is specifically indicated (Building or Mechanical)	\$129.00 per inspection

Plan Review Fee	\$180.00 (to be paid at time of permit application)
Additional building plan review required by changes, additions or revisions to plan	\$180.00
For use of outside consultants for plan checking and inspections or both (other than KCFR)	Actual Cost plus 20% for admin.
Permit fee when work is started prior to obtaining permit	Double the base permit fee (not including plan check and admin fees)
Permit reactivation	50% of original permit (within 45 days after permit expiration)
Filing for permit extension <sup>1</sup> (up to 180 days)	20% of original permit (prior to expiration)

### Building Code Appeals – Uniform Codes

IBC, IRC, ICC Codes, etc.	\$225.00
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NOTE: This does not apply to appeals involving construction of low and moderate income housing as the same is defined by the State of Idaho and the U.S. Dept. of Housing and Urban Development.

### Demolition Permits

Demolition	\$129.00 per required inspection
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### Manufactured Home/Setting Permit

Permit Fee	\$200.00/Section + Plan Check Fee
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### Mechanical Permits

Permit fee based on number of mechanical inspections required	\$129.00 per inspection
HVAC System Plan Review, New Construction - Residential	\$250.00-plus required inspections
HVAC System Plan Review, New Construction – Commercial	\$350.00-plus required inspections

### Code Enforcement

First compliance inspection	\$0.00
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<sup>1</sup> The 180-day permit expiration is counted from date of last inspection. If no inspections have been conducted, then expiration is counted from the date of permit issuance.

Second or subsequent inspections	\$150.00
Rescind notice to title	\$250.00

## Engineering

All engineering expenses	Actual cost plus 20% for Administration
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## Streets / Encroachments

Encroachment within right of way – installation of utilities or other improvement (traffic obstructions, landscaping, utilities, etc.)	\$200.00 plus cost of city engineer
Road approach permit	\$200.00 plus cost of city engineer
Encroachment with pavement cut	\$400.00 plus cost of city engineer
Special load limit permit (overweight vehicle)	\$50.00 per vehicle per round trip plus cost of city engineer, if required
Penalty: Work in right of way before / after permit day	\$200.00 per day
Penalty: Work in right of way with no permit	\$1,000.00 per day

## Municipal Services

Photocopies – over 100 pages	\$1.00 /page
Labor Costs	Actual labor costs associated with locating and copying documents (over 2 hours)
Copy of records onto a flash drive	\$10.00 or actual cost whichever is lower
Non-sufficient fund returned check fee	\$30.00
Outsourced copying – documents that cannot be copied at City Hall	Actual cost from vendor plus staff time at \$40/hour

## Business Licenses

Commercial business license - Initial Application	\$50.00
Commercial business license - Annual Renewal	\$50.00
Door To Door Solicitation License	\$100.00
Pawnbroker license	\$100.00 plus the cost of criminal history check (in addition to standard business license)
Home-based business permit - New	\$25.00
Home –based business permit – Annual renewal	\$25.00
License or renewal for retail sale of alcohol (all types)	In accordance with State law
Assignment/transfer of license to sell alcohol	In accordance with State law

## City Facility reservations <sup>1</sup>

City Hall – reservation fee	\$50.00 per ½ day
City Hall – Cleaning / damage deposit (to be refunded in full if no damage occurs and no cleanup is required)	\$350.00
City Hall – Staff time (if required to monitor event or open/close building)	\$45.00 per hour
Ward Newcomb Park – gazebo reservation fee	\$50.00 per ½ day
Ward Newcomb Park – Cleaning / damage deposit (to be refunded in full if no damage occurs and no cleanup is required)	\$350.00
Horse Complex – reservation fee (resident of Dalton Gardens)	\$50.00 per day
Horse Complex – reservation fee (non-resident)	\$50.00 per day
Horse Complex – cleaning / damage deposit (to be refunded in full if no damage occurs and no cleanup is required)	\$350.00

## Public assembly / event

Public assembly permit / event (for groups of 50 or larger)	\$200.00 (plus applicable reservation fee and cleaning/damage deposit as listed above)
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## Planning & Zoning

### Design Review Fees

Site Disturbance permit review (stand-alone permit)	\$80.00 plus the cost of the city engineer if required
Site Disturbance plan re-review (of revised submittal)	\$75.00
Residential building permits (review only) – zoning and design standard	\$75.00
Commercial building permit (review only) - zoning, site disturbance, landscaping, parking	\$400.00
Commercial building permit (review only) - review of revised site, landscaping, parking, etc.	\$100.00 for each additional review
Commercial building permit (review only) – no new parking, landscaping or site dist. improvements req'd	\$80.00
Commercial project review meeting	\$300.00
Pre-application meeting	\$300.00
Special inspection by city planner	\$150.00

<sup>1</sup> All facility rental reservations require a signed statement of responsibility for any damaged or lost items, cleanup, or

door key non-returned (by 9 a.m. the following day).

Hillside development permit	\$300 + engineering expenses (actual cost plus 20% for administration)
Telecommunication permit	\$300 + Special Use Permit (if required) + all costs related to use of outside consultants (actual costs plus 20% for administration)

**Zoning & Annexation Administration Fees**

Administrative Appeal/ request for reconsideration	\$300.00
Comprehensive Plan Amendment	\$1000.00
Special Use Permit Request	\$600.00
Variance Request	\$600.00
Zone Change	\$1000.00
Annexation Request with initial zoning	\$500.00 plus the cost of city attorney, engineer, planner or other consultants (\$1,500 deposit required at time of application in addition to application fee)
Substantial amendments to applications and/or resubmittals	½ of original fee
Plat or right of way vacation	\$600.00
De-annexation Request	\$600.00
Municipal Code text amendment	\$500.00 plus the cost of city attorney, engineer, planner or other consultants (\$1,500 deposit required at time of application in addition to application fee)
Subdivision Request (preliminary approval)	\$1200.00
Subdivision Time Extension	\$300.00
Subdivision (final plat approval)	\$600.00
Short Subdivision (1 - 4 lots)	\$1,000.00
Condominium Plat	\$1200.00
Lot Line Adjustment	\$200.00 plus the cost of city planner

**Mailing & Publication Fees**

Public Notice Mailings	\$10.00/mailing per parcel requiring notice
Published Notices in local newspaper	Actual cost of notice plus 20% for administration

**BEFORE THE CITY COUNCIL, CITY OF DALTON GARDENS, IDAHO**  
**Staff Report on Appeal of Building Permit BP-23-18**

**IN THE MATTER OF THE APPEAL  
OF BUILDING PERMIT BP-23-18**

**COURSE OF PROCEEDINGS,  
FINDINGS OF FACT, APPLICABLE  
LEGAL STANDARDS, STAFF  
ANALYSIS, CONCLUSIONS OF  
LAW AND DECISION**

***I. COURSE OF PROCEEDINGS***

- 1.01 An application for a building permit was submitted to the City by Eileen Wilson on or about April 24, 2023.
- 1.02 Administrative Review was approved on May 19, 2023.
- 1.03 Two inspections were performed 1) Footing and setback and 2) Frame and final. Inspections were final as of July 13, 2023.
- 1.04 Post inspection final administrative review was completed July 14, 2023.
- 1.05 An appeal of BP-23-18 was received by the City Clerk at City Hall on October 20, 2023
- 1.06 The matter has been placed on the City Council's agenda for their November 9, 2023 regular meeting.

***II. FINDINGS OF FACT***

- 2.01 **Applicant/Owner.** Wilson Family 1993 Trust, 7454 N Valley St, Dalton Gardens, ID 83815
- 2.02 **Request.** The Appellant is requesting a refund of the fees associated with BP 23-18, the Appeal fee, and for the City to provide for Yard Art in the City's Fee Schedule. (See appeal application).
- 2.03 **Location / Parcel No. / Legal Description.** The property is located at 7454 N Valley St. This is approximately 380 feet south of the intersection of N. Valley St. and Deerhaven Ave. The parcel number is D-9800-00-201-20. It is described as SCHLOSS ADD, LT 12 BLK 2.
- 2.04 **Physical Characteristics and Lot Size.** The site is level and contains use characterized by residential uses in the city's residential zone.

- 2.05 **Zoning and Building Site Dimension Requirements.** The property is zoned Residential. Per DGCC 5-5-3, the minimum side yard setbacks for accessory structures are 10 feet unless the structure is greater than 75 feet from the properties front. In this case, a 5-foot setback is required.
- 2.06 **Surrounding Land Use.** The site is in an area of single-family residences.
- 2.07 **Comprehensive Plan.** The property is within the “Residential” designation of the City’s current comprehensive plan.

**III. APPLICABLE LEGAL STANDARDS**

- 3.01 Dalton Gardens Municipal Code, Title 4, Chapter 1. This Chapter adopts the nationally recognized codes for the City of Dalton Gardens.
- 3.02 Dalton Gardens Municipal Code, Title 1, Chapter 11. This Chapter outlines the provisions for an appeal of administrative determinations.

**IV. PROCEDURES IN REVIEWING AN APPEAL OF ADMINISTRATIVE DECISIONS**

Dalton Gardens Municipal Code Section 1-11-1(A)(2) contains the following procedures necessary in review of appeals of administrative decisions.

**DGCC 1-11-1(A)(2):** Procedures: Appeals shall be filed within a reasonable time not to exceed thirty (30) days from occurrence of the action being appealed. by filing with the City Clerk a written notice of appeal specifying the grounds thereof and relief sought. The Council shall decide the same within a reasonable time following the hearing. At the hearing, any affected party may appear in person, by agent or attorney.

- a. Appeals must be in writing, filed with the clerk, specify the action, order, or decision appealed from, and state the relief sought.
- b. Upon receipt of an appeal, the clerk shall:
  - i. Collect any required fees;
  - ii. Set the matter to be heard by the council within a reasonable time;
  - iii. Fix a reasonable time for the hearing of the appeal;
  - iv. Give notice of the hearing;
  - v. Notify any affected parties, including but not limited to the appellant and the employee whose action is the subject of the appeal, or the commission when a final order or decision of the

commission is the subject of the appeal, of the time and place of the hearing before the Council.

## **V. STAFF ANALYSIS**

Upon receipt of the appeal, all procedures have been met.

In the matter of BP-23-18, staff considered the proposal and its risk to health, safety and general welfare. Staff found it appropriate to require application and issuance of a Building Permit in accordance with Dalton Gardens City Code (DGCC) 4-1-4.

The International Building Code outlines work that is exempt from a building permits in IBC 105.2. No exemption provisions are made in the IBC which would justify an exemption of permit BP-23-18.

Neither the current City Code nor the city's fee schedule provides exemptions or special considerations for yard art. Staff recommends denial of the of the appeal.

## **VI. DECISION BY THE COUNCIL**

Based on the Findings of Fact and Conclusions of Law set forth in this document, the Council hereby **APPROVES / DENIES** the appeal of BP 23-18.

### *If DENIED*

Per Idaho Code 67-6535, the Applicant has the following options regarding any denial of a request for a site specific application:

1. The applicant has a right to request a regulatory taking analysis pursuant to section 67-8003, Idaho Code.
2. The council's decision may be appealed or requested to be reconsidered to the City Council under Title 1, Chapter 1, Section 1 of the Municipal Code.
3. An applicant denied an application or aggrieved by a final decision concerning matters identified in section 67-6521(1)(a), Idaho Code, may, within twenty-eight (28) days after all remedies have been exhausted under local ordinance, seek judicial review under the procedures provided by chapter 52, title 67, Idaho Code.

Respectfully submitted,  
City Planner

RECEIVED

OCT 20 2023



APPEAL APPLICATION & PETITION FOR RECONSIDERATION

STAFF USE ONLY
Date Submitted: 10/20 Received by: C Baker Fee paid: \$300.00 #2457 SU/Permit # BP-23-18

REQUIRED SUBMITTALS:

- Administrative Decision Appeal Fee: \$300.00 made payable to The City of Dalton Gardens in the form of exact change cash or check.
A COMPLETE APPLICATION, is required at time of submittal. Application forms can be obtained at www.daltongardens.com

DEADLINES FOR SUBMITTALS:

The completed form and fee payment must be submitted to the City Clerk's office not later than thirty (30) days following the date of the decision, administrative action, or interpretation to be appealed.

- Completed application form
Information that may be required to facilitate review
Fee \$300.00

NATURE OF APPEAL:

Applicant Name: Eileen Wilson
Property Address: 7454 N Valley, Dalton Gardens, Id
Item(s) to be appealed: Decision for windmill permit
Determination being appealed: defined as accessory structure + cost
Date of decision: 5/19/2023

- Appeal of administrative decision
Appeal of Planning Commission's decision
Appeal of City Council decision (14 days)
City Clerk's office permit or imposition of set permit conditions DGCC 1-11-1

**APPELLANT INFORMATION:**

\*Please attest that you have standing to appeal the project. This means that you are: 1) a resident of the City of Dalton Gardens; 2) a person having legal interest in real property in the City of Dalton Gardens.

Name: Eileen Wilson		
Mailing Address: 7454 N Valley, <del>DALTON G</del>		
City: Dalton Gardens	State: Id	Zip: 83815
Phone: (208) 772-5841	Email: 2eileenwilson@gmail.com	

**APPLICATION INFORMATION:**

Property Owner: Wilson Family 1993 Trust		
Property Address: 7454 N Valley		
City: Dalton Gardens	State: Id	Zip: 83815
Phone: 208-772-5841	Email: 2eileenwilson@gmail.com	

**OTHER AFFECTED PARTIES:**

Name(s): Thomas Wilson		
Address: 7454 N Valley		
City: Dalton Gardens	State: Id	Zip: 83815
Phone: 208-772-5841	Email: <del>thomas</del> tomnwilson@gmail.com	

State how other parties have or might have been affected:

owner of property

**APPEAL JUSTIFICATION:**

State specifically the nature of the appeal.

You must state specifically your objection(s) to the decision or other action, stating whether you believe there was an abuse of discretion and/or whether you believe the decision or other action was not supported by the evidence. You must include any information that supports the appeal in order to facilitate review. Please fill out all boxes below and attach any documents necessary to support your claim.

**1. State the basis of your appeal(abuse of discretion, lack of evidence, etc.):**

There is no provision in the City Fee Schedule for "Yard Art". It was decided to classify the windmill as an Accessory Structure. I believe that the decision to require a Building Permit for an "Accessory Structure" is wrong ----- <https://www.fema.gov/glossary/accessory-structure> -----  
--Accessory Structure: An accessory structure is a structure which is on the same parcel of property as a principal structure and the use of which is incidental to the use of the principal structure. For example a residential structure may have a detached garage or storage shed for garden tools as accessory structures. Other examples of accessory structures include gazebos, picnic pavilions, boathouses, small pole barns, storage sheds, and similar buildings. --- Also, I believe the fee for the Building Permit was too high. The windmill is only 17.36 square feet.

[Empty box for handwritten notes]

**2. Identify the decision or action you believe was in error:**

There is no provision in the City Fee Schedule for "Yard Art". Because of that, it was decided to call the windmill an accessory structure and a decision was made as to what fees would be charged.

**3. State the basis of your appeal(abuse of discretion, lack of evidence, etc.):**

I believe that a wrong decision was made to require a Building Permit for an "Accessory Structure". Also, the fee for the Building Permit was excessive for "Yard Art".

**4. Identify the decision or action you believe was in error:**

A permit was required and the fees were more than the whole value of the Yard Art Windmill. The Windmill is only 17.36 square feet and less than 25 feet tall.

**5. State the information that supports your appeal (e.g., evidence of record that does not support the decision, findings, etc.):**

A Building Permit for an "Accessory Structure" is wrong. ----- <https://www.fema.gov/glossary/accessory-structure> -----  
Accessory Structure: An accessory structure is a structure which is on the same parcel of property as a principal structure and the use of which is incidental to the use of the principal structure. For example a residential structure may have a detached garage or storage shed for garden tools as accessory structures. Other examples of accessory structures include gazebos, picnic pavilions, boathouses, small pole barns, storage sheds, and similar buildings. --- Because there is no Fee Schedule for "Yard Art", those were the numbers that were used.

**6. State the remedy or relief sought:**

Refund or partial refund of fees, including the cost of the Appeal, and make a provision in the Fee Schedule for Yard Art.


7. Additional attachments provided: (circle one)  Yes  No  
If yes, list here:

Fee Schedule, Narrative, Permit Contents

I would like to thank the City Officials and City Council for considering this Appeal. I also thank them for creating this Appeal Application so that I could file this Appeal. I will probably not be able to attend the City Council Meeting to discuss this because I will be taking care of Family Matters.

Wanting my home in Dalton Gardens to have an old time rural atmosphere, I installed a Yard Art Windmill that is 17.36 square feet at the base (50" x 50") and under 25' tall. There is no electricity or plumbing to the windmill. It has an engineered cement foundation. This Windmill is strictly for Yard Art.

There is no provision in the City Fee Schedule for Yard Art. I could not find anything that tells at what height a Permit is required. Before getting the permit, I originally asked if I could take the bottom part of the tower legs off and only make the Windmill 9 feet tall, but was told by Inspector Mike Bass that the City would still require a Building Permit. I do not believe that I should have had to get a Building Permit to begin with, but I got one because I was told that I needed it. I believe that I was overcharged for the permit. I was charged \$635. The Fee Schedule is very hard to understand and I still have not figured out how the cost of \$635 was decided on. I valued the windmill on the Permit, including the foundation, at \$600. The Permit Fee is more than the value of the whole windmill. For example, there was a \$180 fee just for the Plan Review. That is the same price that is charged for a \$1,000,000 house. There were 2 inspections. One was to check the footings and one was to say that it was finished. I do not want the City to loose money, but it seems like the city is making money on this project, not just covering costs.

Thank You, Eileen Wilson

# City of Dalton Gardens - Fee Schedule

ADOPTED APRIL 14, 2022

**Building Permit Fees Based on Valuation – Table 1**

Total Valuation	Fee
\$1.00 to \$2,000.00	<b>\$108.00</b>
\$2,001.00 to \$25,000.00	\$108.00 for 1 <sup>st</sup> \$2,000 + \$16.00 /ea. add'l \$1,000.00 or fraction thereof, to and including \$25,000.00
\$25,001.00 to \$50,000.00	\$458.00 for 1 <sup>st</sup> \$25,000 + \$11.00 /ea. add'l \$1,000.00 or fraction thereof, to and including \$50,000.00
\$50,001.00 to \$100,000.00	\$729.00 for first \$50,000 + \$8.00 /ea. add'l \$1,000.00 or fraction thereof, to and including \$100,000.00
\$100,001.00 to \$500,000.00	\$1,109.00 for 1 <sup>st</sup> \$100,000.00 + \$6.60 /ea. add'l \$1,000.00 or fraction thereof, to and including \$500,000.00
\$500,001.00 to \$1,000,000.00	\$3,542.00 for 1 <sup>st</sup> \$500,000.00 + \$5.75 /ea. add'l \$1,000.00 or fraction thereof, to and including \$1,000,000.00
\$1,000,001.00 and up	\$6,120.00 for 1 <sup>st</sup> \$1,000,000.00 + \$4.65/ea. add'l \$1,000.00 or fraction thereof.

**Building Valuation** – Unless a per square foot or per unit price is specified in the “building valuation data based on local information” below, building and structural valuations, for fee purposes, shall be set by the Building Official based on the most current building valuation data sheet published by the International Code Council. This data sheet is updated regularly.

## Building Valuation Data based on local information

Single Family Residential – values per square foot	
Addition – No Plumbing	75% of ICC building valuation data sheet
Finished Basement	75% of ICC building valuation data sheet
Unfinished Basement	ICC building valuation data sheet
Complete Unfinished Basement	50% of ICC BVD R-3
Interior Remodel	50% of ICC BVD R-3
Residential Garage – Attached/Detached	ICC building valuation data sheet
Carport / Lean to	ICC BVD (U) Utility for shell only buildings
Enclose Existing Carport	40% of ICC BVD (U) Utility

Pole Building / Shop	ICC building valuation data sheet
Deck	35% of ICC (U) Utility
Deck with Cover	35% of ICC (U) Utility
Patio/Deck Cover Only	35% of ICC (U) Utility
Enclosed Deck/Patio w/Cover	50% of ICC (U) Utility
Commercial and other Non-Residential	
Interior Remodel	20% of Sq. Ft. Construction Cost
Miscellaneous Fees – residential and non-residential	
Change out windows (when there is a structural change), install egress windows (no permit for like for like change out)	Use Table 1 with Contract Price, or based on number of inspections required (whichever is greater)
Swimming Pools	Use Table 1 at \$9.00 Per Cubic Ft. or Contract Price (greater of the two)
Re-siding (for damage or structural purposes only)	\$129.00 per inspection
Moving (per DGCC 4-1-7)	\$200.00
Re-roof (overlay or tear-off)	\$200.00 plus \$129.00 per inspection if more than 2 inspections are required
Re-roof (with new rafters or trusses)	Use Table 1 at \$8.40 per sq. ft. plus plan check fee
Foundation (if done separate from permit for upper structure)	10% of Building Permit
All other building permits	Use Table 1 and building valuation data sheet
Fence over 73" in height (requires building permit)	Minimum \$129.00, Use Table 1 with Contract Price (whichever is greater)
Sign Permit - Each Pole Monument sign 8 feet or higher	\$400.00 (includes permit and zoning review)
Sign permit – All Other Signs, per type of sign per site	\$200.00 per type
Sign permit – political signs REMOVAL	\$20.00 per sign
Re-inspection or special inspection	\$129.00 per inspection
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Additional building plan review required by changes, additions or revisions to plan	\$180.00
For use of outside consultants for plan checking and inspections or both (other than KCFR)	Actual Cost plus 20% for admin.

### City Facility reservations <sup>1</sup>

City Hall – reservation fee	\$50.00 per ½ day
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Horse Complex – reservation fee (non-resident)	\$50.00 per day
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### Public assembly

Public assembly permit (for groups of 50 or larger)	\$200.00 (plus applicable reservation fee and cleaning/damage deposit as listed above)
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### Planning & Zoning

#### Design Review Fees

Site Disturbance permit review (stand-alone permit)	\$80.00 plus the cost of the city engineer if required
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Commercial building permit - zoning, site disturbance, landscaping, parking	\$400.00
Commercial building permit - review of revised site, landscaping, parking, etc.	\$100.00 for each additional review
Commercial building permit – no new parking, landscaping or site dist. improvements req'd	\$80.00
Commercial project review meeting	\$300.00
Pre-application meeting	\$300.00
Special inspection by city planner	\$100.00

<sup>1</sup> All facility rental reservations require a signed statement of responsibility for any damaged or lost items, cleanup, or door key non-returned (by 9 a.m. the following day).



City of Dalton Gardens, ID

Oct 19, 2023

BP-23-18

### Permit Fee

Building Permit

**Status:** Paid

**Invoice:** 18266

**Became Active:** May 19, 2023

**Completed:** May 19, 2023

### Applicant

Eileen Wilson  
2eileenwilson@gmail.com  
7454 N Valley St  
Dalton Gardens, ID 83815  
208-664-7369

### Primary Location

7454 N VALLEY ST  
DALTON GARDENS, ID 83815

### Owner:

WILSON FAMILY 1993 TRUST  
7454 N VALLEY ST DALTON GARDENS, ID  
83815

### Fees

Deposit Credit	\$-180.00
Other Fee	\$400.00
Plan Check Fee	\$180.00
Zoning Review Fee	\$55.00
<b>Total Fees</b>	<b>\$455.00</b>

*180.00*  
\$635.00

### Payments

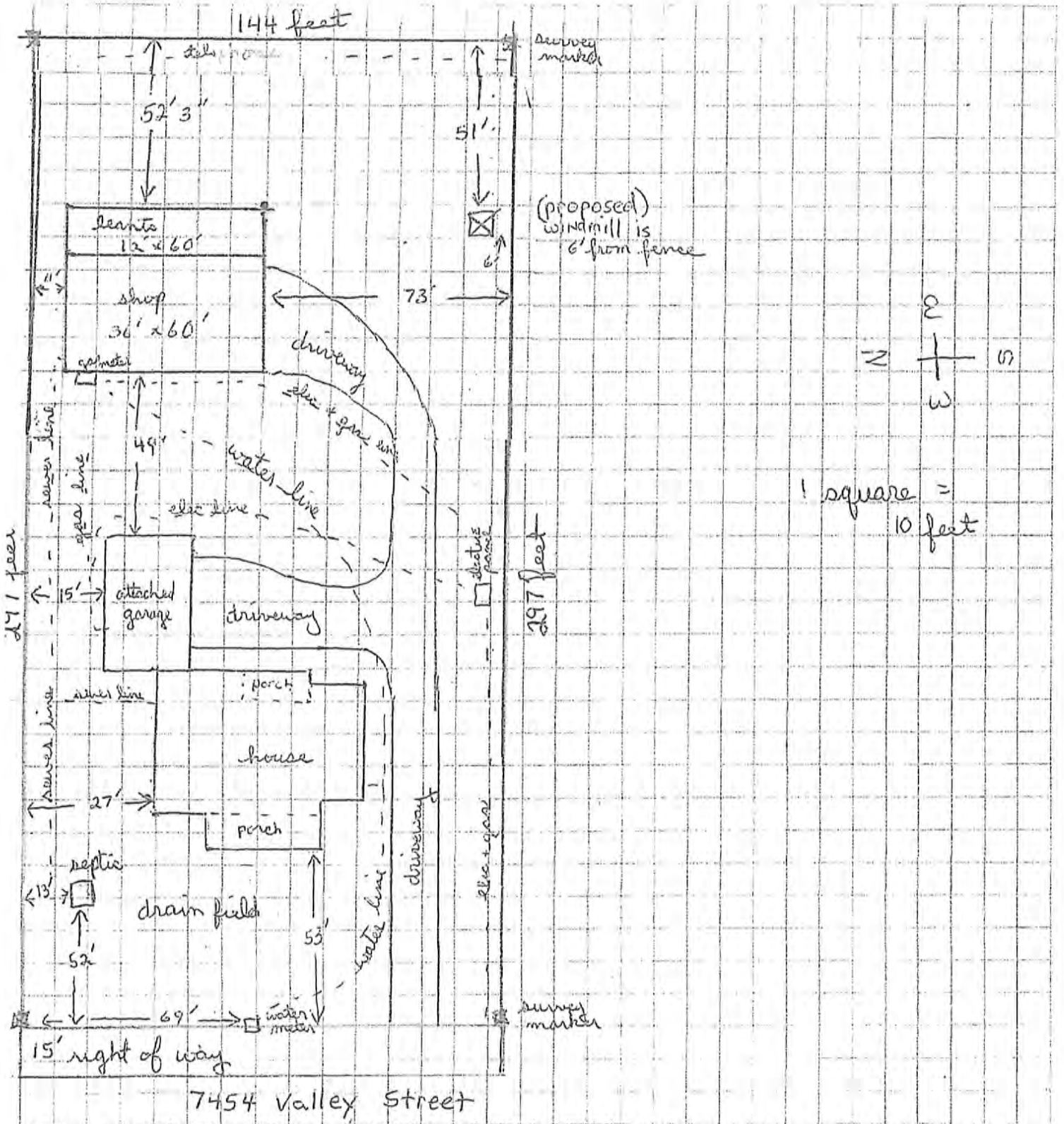
Date	Method	Note	Amount
May. 19, 2023	Check #2452	Physically paid in City Hall	\$455.00

We are proposing to install our yard art windmill/ flag holder. We believe it is from 1886 because that is the number that is embossed into it. It will be 6 feet from the side property line, 51 feet from the back property line, and 25 feet tall. The tower is 21 feet and the total width of the blades are 8 feet, making it 25 feet. We replaced the bushings and serviced it so that it is quiet. After Ryan, the City Planner, took a look at it, he wanted it a minimum of 5 feet from the property line and not more than 25 feet tall. We have had engineered plans drawn up for the foundation.

Thank you, Tom and Eileen Wilson  
7454 N Valley Street, Dalton Gardens

# SITE PLAN

PERMIT# \_\_\_\_\_



$$\frac{2}{10} = \frac{1}{5}$$
 1 square = 10 feet

I/We certify that the proposed construction will conform to the dimensions and uses shown above and that no changes will be made without first obtaining approval.  
 I/We certify that the proposed construction, alteration and/or repair will conform to the local planning and zoning requirements that will be in effect on the date of the granting of the building permit.

Owner Name \_\_\_\_\_ Site Address 7454 N Valley Street

Signature Edgar C Wilson Date 4/21/2023

**COOPERATIVE AGREEMENT BETWEEN  
THE CITY OF DALTON GARDENS AND THE DALTON GARDENS IRRIGATION DISTRICT  
RE: TRANSFER OF PERSONAL PROPERTY**

THIS COOPERATIVE AGREEMENT (“**Agreement**”) is entered into this 9<sup>th</sup> day of November, 2023, by and between the Dalton Gardens Irrigation District, (“Dalton Irrigation”), and the city of Dalton Gardens, municipal corporation of the State of Idaho (“Dalton Gardens”). Dalton Irrigation and Dalton Gardens collectively may be referred to herein as the “**Parties**” and individually as a “**Party.**”

***RECITALS:***

- A. Dalton Gardens is a municipal corporation of the state of Idaho created pursuant to Idaho Code, Chapter 1, Title 50.
- B. Dalton Garden Irrigation District is an irrigation district of the state of Idaho created pursuant to Idaho Code, Chapter 1, Title 43.
- C. The Parties desire to cooperate in the transfer of certain personal property (as described below) from Dalton Gardens to Dalton Gardens Irrigation District, the purpose of which is for Dalton Irrigation to use the same for its office and administrative purposes.
- D. Such property is deemed to have a value of \$1,500.00 or less and may be transferred without notice or public hearing.

**AGREEMENT**

NOW THEREFORE, the Parties agree as follows:

- 1. The Recitals set forth above are a part of this Agreement and not mere recitals.
- 2. Dalton Gardens agrees to transfer to Dalton Irrigation, and Dalton Irrigation agrees to accept, the following described personal property:
  - 2-U Shaped office desks formerly in the City Clerk and Deputy Clerk’s offices.
- 3. Dalton Irrigation and Dalton Gardens agree that the desks shall be transferred “AS IS” and Dalton Gardens does not in any way, expressly or impliedly, give any warranties. **DALTON GARDENS EXPRESSLY DISCLAIMS ANY IMPLIED WARRANTIES OF MERCHANTABILITY OR OF FITNESS FOR A PARTICULAR USE.**
- 4. Dalton Irrigation shall pay all governmentally imposed transfer fees incident to the transfer of the property, if any, and shall reimburse Dalton Gardens if Dalton Gardens pays such fees.

5. Each Party to this Agreement shall provide to the other Party the minutes or other documents evidencing that each Party's governing board has ratified this Agreement, the same to be provided within fourteen (14) days after the date of the meeting wherein each governing board respectively ratified this Agreement.

6. The Parties shall in all instances cooperate and act in good faith in compliance with the terms, covenants and conditions of this Agreement and each shall deal fairly with the other.

7. The duration of this Agreement shall be until such time as the desks have been transferred to Dalton Irrigation; all transfer fees, if any, have been paid or reimbursed by Dalton Irrigation; and the other terms and conditions of this Agreement have been fulfilled; provided, however, that Section 3 of this Agreement shall survive the term of this Agreement indefinitely.

8. Upon termination of this Agreement, Dalton Irrigation shall own the desks outright, to use and dispose of same in compliance with applicable statutory authority.

9. Miscellaneous:

(a) Each Party represents and warrants that each person executing this Agreement on behalf of such Party is, at the time of such execution, duly authorized to do so by such Party's governing body and is fully vested with the authority to bind such Party in all respects.

(b) If any provision of this Agreement is held invalid, illegal, or unenforceable, the remainder shall be construed to conform to the intent of the Parties and shall survive the severed provisions.

(c) This Agreement constitutes the entire Agreement between Dalton Irrigation and Dalton Gardens concerning the subject matter hereof. The provisions of this Agreement shall be construed as a whole and not strictly for or against any Party.

(d) The captions and headings in this Agreement are for reference only and shall not be deemed to define or limit the scope or intent of any of the terms, covenants, conditions or agreements contained herein.

(e) This Agreement is not intended to create, nor shall it in any way be interpreted or construed to create, any third-party beneficiary rights in any person not a party hereto.

(f) This Agreement shall be binding on the Parties, and their successors and assigns.

(g) This Agreement may be executed in counterparts and such counterparts shall constitute one agreement binding on the Parties. Facsimile transmission of any signed original of this Agreement, and retransmission of any signed facsimile transmission, shall be the same as delivery of an original and shall be binding upon the Parties.

*[Signature Page to Follow]*

IN WITNESS THEREOF, the Parties hereto have caused this Agreement to be executed as of the date so indicated.

DALTON IRRIGATION

CITY OF HAYDEN

By: \_\_\_\_\_  
Paul Montreuil, President

By: \_\_\_\_\_  
Dan Edwards, Mayor

DATE: \_\_\_\_\_

DATE: \_\_\_\_\_

ATTEST:

ATTEST:

\_\_\_\_\_  
Lue Franklin, Office Manager

\_\_\_\_\_  
Teresa Janzen, City Clerk