

CITY COUNCIL WORKSHOP ON FEE SCHEDULE

5:00 pm

City of Dalton Gardens Regular Council Meeting

Thursday, October 1, 2020, 6:00 p.m.

Meeting will be conducted via teleconference

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

<https://us02web.zoom.us/j/86806021699?pwd=ellRmp6T2JtYW5LZzJNSExFdjl1QT09>

Password: 881304

PHONE NUMBER: 1 669 900 6833 OR 1 346 248 7799

WEBINAR ID: 870 6799 3180, PASSWORD: 881304

CALL THE MEETING TO ORDER

ROLL CALL

PLEDGE OF ALLIGENCE

PUBLIC COMMENT PERIOD

Each speaker will be allowed a maximum of three 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.

1. ACTION ITEM - CONSENT CALENDAR APPROVAL

- A. Minutes of the Regular Meeting September 3, 2020 and Special Meeting September 22, 2020.
- B. Financial Statement from September 1, 2020 to September 30, 2020 and the claims so listed.

2. ACTION ITEM - ADMINISTRATIVE APPEAL PURSUANT TO 1-11-1A BROUGHT BY BOBBI PLUMLEE FOR APPEAL OF A NOTICE OF VIOLATION ISSUED BY THE PLANNING ADMINISTRATOR. THE ALLEGED VIOLATION IS RELATED TO BUILDING SETBACKS ON AN ACCESSORY BUILDING AT 6872 N. 15TH STREET

3. ACTION ITEM – ADMINISTRATIVE APPEAL PURSUANT TO 1-11-1A BROUGHT BY MIKE WHITE FOR APPEAL OF A NOTICE OF VIOLATION ISSUED BY THE PLANNING ADMINISTRATOR. THE ALLEGED VIOLATION IS RELATED TO AN ALU AT 6263 N. 17TH STREET

4. ACTION ITEM - APPROVAL OF AMENDING TITLE 9, CHAPTER 1, SECTION 1 OF DALTON GARDENS MUNICIPAL CODE TO CLARIFY REQUIREMENTS FOR APPROACHES TO PRIVATE PROPERTY

5. ACTION ITEM – APPROVAL OF POE ASPHALT INC. TO DO PATCH WORK IN THE CITY

6. ACTION ITEM – APPROVAL OF A PURCHASING RESOLUTION FOR CITY OF DALTON GARDENS

7. ACTION ITEM – ADJOURN



City of Dalton Gardens

6360 N Fourth Street, Dalton Gardens, ID 83815

Phone: (208) 772-3698 Fax: (208) 762-5156

MEMORANDUM

TO: Mayor and City Council

FROM: Rand Wichman, City Planner

DATE: September 4, 2020

RE: AMENDMENTS TO DRAFT FEE RESOLUTION

The City Council met in a workshop on July 15, 2020 to discuss the City's fee structure and evaluate recommendations from staff and Councilman Wuest. At that meeting, there was substantial discussion on several aspects and the Council requested staff obtain additional information on some of those areas. That information has been gathered, and the staff recommended fee schedule has been edited to reflect the findings. This memo is intended to explain those changes.

As a reminder, there are a few rules for municipalities charging fees. In simplified form, they are:

1. The City can charge fees for the services it provides;
2. The fees must be "reasonably related" to the service provided or cost of enforcing a regulation. Courts often look for justification on how the calculation of the fee was reached. It cannot be arbitrary;
3. The City cannot double dip and charge duplicate fees for the same service; and
4. The fees cannot be used to generate revenue, they must only relate to the City's cost in providing the service. If a fee is used to generate revenue, it will be considered a tax which is illegal. The City could be forced to refund fees that are found to be inappropriate, not just for the individual that challenged it, but for everyone who paid the fee.

Another consideration for Dalton Gardens is the way that the City provides some of the services for which it is charging fees. The City contracts with Kootenai County Fire and Rescue (KCFR) for building permit review and inspection, although it handles much of the administration and enforcement of this program "in-house." That is meaningfully different than jurisdictions that have building department employees on staff. With the City's KCFR contract, the City's actual costs for providing certain services are more obvious and that constrains how fees can be charged for such services.

The significant changes from staff's prior draft fee schedule are highlighted in yellow. Other items that warrant explanation for why they are edited, unchanged or not in this draft are as follows:

1. Various building-related plan check fees. The City pays KCFR a single \$150 plan review fee for reviewing a residential or commercial building permit. That review includes the review for mechanical aspects and energy code compliance. Staff believes it is appropriate to add the standard 20% administrative upcharge to the \$150 that the City is charged by KCFR, as we do for numerous other fees that pass through costs from the fire district. Staff does not believe it is legally defensible to charge a separate fee for residential plan review, mechanical plan review and energy code review because the City is not providing 3 separate reviews. (Remember, we cannot charge a fee for a service we do not provide.)

Secondly, basing the plan review fee on a percentage of the building permit fee cannot be legally justified in our particular circumstance because our costs for providing that specific service are fixed and not based on the valuation of the proposed structure. This discrepancy would be obvious to anyone wanting to challenge the City's fee structure and would not likely withstand a legal challenge.

2. Mechanical permit fees. For mechanical permits, the fire district does not want to have to inventory the various types of mechanical equipment involved in a project so we can set the fee accordingly. That adds work without a discernable benefit. KCFR charges the City based on the number of mechanical inspections they have to do, not on the number of mechanical devices. It is hard to justify a City fee system that is not based on the City's costs. Basing the fee on number of inspections is far simpler for both the district and the City and legally justifiable. It also ensures that the City doesn't lose money on small permits. The draft fee schedule reflects this simpler approach.

3. After-hours inspections. There was a recommendation that we have a section to charge fees for inspections that are outside of regular business hours. The City does not provide this service. If there is a fire or some other incident that requires a building to be immediately evaluated, the fire district does that as part of their fire department duties. They do not charge the City for those services. Again, the City cannot charge a fee for a service that the City does not provide.

4. Park and arena reservations. Staff has removed the fees for park and arena reservations. The City needs a set of policies and procedures in order to administer a reservation program. Once those policies are in place, the City can modify the fee schedule accordingly.

5. Childcare facilities. There was a recommendation for a fee for licensing childcare facilities. The City only permits such facilities in the Commercial Zone as a special use permit. The City has a fee for special use permits. The City does not license them annually, so no annual license fee is warranted. A code amendment would be required to require annual licensing.

6. Mobile vendors. There was a recommendation for a fee for mobile vendors such as food trucks and the like. Title 3, Chapter 4 of the Code appears to attempt to prohibit them, although it is very poorly written. Staff believes this section needs to be re-written before we can start charging fees for anything other than a business license for such uses.

7. Kennel licenses. There was a recommendation for a fee for kennel licenses. The code does not contain a requirement for kennel licensing. Kennels are permitted only as a special use permit in the Commercial zone and the fee schedule includes a fee for that permit. Annual licensing would require an amendment to the code. Staff is unaware of any kennels that exist within the City.

8. **Snow and ice removal.** There was a recommendation to include an enforcement penalty for pushing snow out into the city street. While the City is in the process of amending the code to make this activity a clear violation (the pending amendments were approved by the Planning Commission and are awaiting council action). Those amendments do not include any special provision for a monetary penalty for violations of that provision. The code amendment specifically authorizing such a penalty is needed before this item can be included in the fee schedule.

9. **Sign permits.** There was a recommendation to charge a fee for temporary signs. The code does not require a permit for temporary signs, so no fee can be charged for them.

For permanent signs, there was a recommendation to base the permit fee for those on value of the sign. Such an approach is hard to justify as the City's costs are fixed and generally unrelated to the cost of the sign. A system based on sign costs is also more complicated to administer and puts staff in a difficult situation as applicants frequently lie about the value of their project to reduce the cost of the permit. A fixed fee based on the number of inspections required (almost always 2) plus the 20% administrative fee is a far better approach for this jurisdiction.

City of Dalton Gardens - Fee Schedule

DRAFT 8-28-20

Building Permit Fees Based on Valuation – Table 1

Total Valuation	Fee
\$1.00 to \$2,000.00	\$92.00
\$2,001.00 to \$25,000.00	\$92.00 for 1 st \$2,000 + \$14.00/ea. add'l \$1,000.00 or fraction thereof, to and including \$25,000.00
\$25,001.00 to \$50,000.00	\$414.00 for 1 st \$25,000 + \$10.00/ea. add'l \$1,000.00 or fraction thereof, to and including \$50,000.00
\$50,001.00 to \$100,000.00	\$664.00 for first \$50,000 + \$7.00/ea. add'l \$1,000.00 or fraction thereof, to and including \$100,000.00
\$100,001.00 to \$500,000.00	\$1014.00 for 1 st \$100,000.00 + \$5.60/ea. add'l \$1,000.00 or fraction thereof, to and including \$500,000.00
\$500,001.00 to \$1,000,000.00	\$3,254.00 for 1 st \$500,000.00 + \$4.75/ea. add'l \$1,000.00 or fraction thereof, to and including \$1,000,000.00
\$1,000,001.00 and up	\$5,629.00 for 1 st \$1,000,000.00 + \$3.65/ea. add'l \$1,000.00 or fraction thereof.

Building Valuation – Building and structural valuations, for fee purposes, shall be set by the Building Official based on local information and the most current building valuation data sheet published by the International Code Council.

Building Valuation Data based on local information

Single Family Residential – values per square foot	
Addition	\$80.39
Finished Basement	\$80.39
Unfinished Basement	\$53.59
Complete Unfinished Basement	\$27.00
Interior Remodel	\$20.00
Residential Garage – Attached/Detached	\$36.55
Carport / Lean to	\$18.00
Enclose Existing Carport	\$8.00
Pole Building	\$21.00

Deck	\$12.00
Deck with Cover	\$20.00
Patio/Deck Cover Only	\$18.00
Enclosed Deck/Patio w/Cover	\$21.00
Plan Review Fee	\$180.00 (KCFR charge +20%)
Commercial and other Non-Residential	
Plan Review	\$180.00 (KCFR charge +20%)
Interior Remodel	20% of Sq. Ft. Construction Cost
Miscellaneous Fees	
Change Out Windows and Doors	Use Table 1 with Contract Price
Swimming Pools	Use Table 1 at \$7.11 Per Cubic Ft. or Contract Price (whichever is less)
Siding	80% of fee from Table 1 using Contract Price
Moving	\$92.00
Re-roof (overlay or tear-off)	\$200.00
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 Table 2
Fence permit (fence up to 6 ft in height)	\$50.00
Fence over 6' in height (requires building permit)	Minimum \$92.00, Use Table 1 with Contract Price
Sign Permit	\$184.00 (in addition to design review fee)
Permit renewal or extension	\$100.00
Inspections for which no fee is specifically indicated (Building or Mechanical)	\$92.00 per inspection
Additional 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. and overhead
Permit fee when work is started prior to obtaining permit	Double the permit fee (not including plan check and admin fees)

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	\$92.00
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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	\$92.00 per inspection
HVAC System Plan Review, New Construction Flat Fee	\$200.00

Code Enforcement

First compliance inspection	\$0.00
Second or subsequent inspections	\$100.00
Rescind notice to title	\$250.00

Engineering

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

Encroachment (basic work within street right-of-way)	\$ 80.00
Encroachment within right of way – installation of utilities or other improvement (traffic obstructions, landscaping, utilities, etc.)	\$100.00 plus cost of city engineer
Encroachment with Street Cut	\$200.00 plus cost of city engineer
Special load limit permit (overweight vehicle)	\$25 per vehicle

Municipal Services

Photocopies – over 100 pages	\$.05/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

Business Licenses

Initial Application	\$50.00
Annual Renewal	\$50.00
Door To Door Solicitation License	\$100.0
Pawnbroker license	\$100.00 (in addition to standard business license)
New home-based business license	\$25.00
Annual for renewal of home –based license	\$25.00
License for retail sale of alcohol (all types)	In accordance with State law
Assignment/transfer of license to sell alcohol	In accordance with State law

Parades / public assembly

Parade/ public assembly permit	\$100.00
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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 (review of revised submittal)	\$50.00
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
Special inspection by city planner	\$100.00
Sign (review for compliance with City Code)	\$100.00

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	\$1200.00
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

Mailing & Publication Fees

Public Notice Mailings	\$10.00/mailing per parcel requiring notice
Published Notices in local newspaper	\$100.00

**MINUTES OF THE REGULAR MEETING OF THE
CITY OF DALTON GARDENS SEPTEMBER 3, 2020
VIA TELECONFERENCE @ 6:00 PM**

Meeting was called to order by Mayor Edwards at 6:00 PM.

ROLL CALL:

Present were: Councilmembers Chase, O'Brien - absent, Wuest and Craft. Also present were Attorney Caitlin Kling, Rand Wichman – City Planner and Valerie Anderson, City Clerk.

The pledge was recited and led by Rand Wichman.

PUBLIC COMMENT PERIOD

Lila Tatum – 7080 N. Valley – She thanked Councilmember Craft for his hard work on the construction of 4th Street and stated that it really looks great. She also thanked Councilmember Chase for following through on her efforts to reduce traffic in Dalton Gardens.

Vicki Rutherford – 7168 N. Rude Street – She asked why the City Office was closed last Thursday and Friday afternoon of the last week of August. She stated that the hours of operation are posted on the door and that they are to be open for the public. She stated that residents who wanted to do permits were unable to get service and that this is not acceptable.

CONSENT CALENDAR APPROVAL

Councilmember Wuest made a motion to approve the minutes of the Regular Meeting August 6, 2020 and Special Meeting of August 20, 2020. Councilmember Chase seconded the motion. Roll call vote: Councilmember Chase - yes, Councilmember Wuest - yes, Councilmember Craft - yes. Motion carried.

Councilmember Wuest made a motion to approve the financial statement from August 1, 2020 thru August 31, 2020 and the claims so listed. Councilmember Craft seconded the motion. Roll call vote: Councilmember Chase - yes, Councilmember Wuest - yes, Councilmember Craft – yes. Motion carried.

APPROVAL OF LEASE FOR DALTON WATER

Councilmember Craft made a motion to approve the lease with Dalton Water for the period of October 1, 2020 thru September 30, 2021. Councilmember Chase seconded the motion. Roll call vote: Councilmember Chase - yes, Councilmember Wuest - abstained, Councilmember Craft - yes. Motion carried.

APPROVAL OF LEASE FOR DALTON IRRIGATION

Councilmember Chase made a motion to approve the lease with Dalton Irrigation for the period of October 1, 2020 thru September 30, 2021. Councilmember Craft seconded the motion. Roll call vote: Councilmember Chase - yes, Councilmember Wuest - abstained, Councilmember Craft - yes. Motion carried.

APPROVAL OF BUILDING MAINTENANCE CONTRACT WITH KUBIK BUILDING MAINTENANCE

Councilmember Chase made a motion to approve the building maintenance contract with Kubik Building Maintenance for the period of October 1, 2020 thru September 30, 2021. Councilmember Wuest

seconded the motion. Roll call vote: Councilmember Chase - yes, Councilmember Wuest - yes, Councilmember Craft - yes. Motion carried.

ADMINISTRATIVE APPEAL PURSUANT TO 1-11-1A BROUGHT BY BOBBI PLUMLEE FOR APPEAL OF A NOTICE OF VIOLATION ISSUED BY THE PLANNING ADMINISTRATOR. THE ALLEGED VIOLATION IS RELATED TO BUILDING SETBACKS ON AN ACCESSORY BUILDING AT 6872 N. 15TH STREET

The following Administrative Appeal was tabled until the next regular meeting on October 1, 2020 due to the documentation not completed for the Notice to Title.

APPROVAL OF AMENDING TITLE 9, CHAPTER 1, SECTION 1 OF DALTON GARDENS MUNICIPAL CODE TO CLARIFY REQUIREMENTS FOR APPROACHES TO PRIVATE PROPERTY

The council discussed several other changes to the ordinance which will be done by the City Attorney and it will be put on the October 1st, 2020 agenda for approval.

DISCUSSION OF LOAD LIMITS ON CITY STREETS

Councilmember Chase explained her reason for putting this on the agenda is to reduce the heavy loaded trucks going through Dalton Gardens. The other councilmember suggested that this be done in a workshop with the engineer and the council.

Councilmember made a motion to direct the City Engineer to do a load limit study based on the potential road life of road conditions. The motion died due to no seconded.

DISCUSSION OF REDUCTION OF THRU TRAFFIC IN DALTON

Councilmember Chase explained her reason for putting this on the agenda is to direct our engineer to come up with a plan to reduce the traffic going through the City. The council stated that they would like to discuss this in a workshop at a later date.

Councilmember Chase made a motion to direct the city engineer to submit plans for reduction of through traffic on our highest volume streets and that these plans are implemented on a one year bases to determine the effectiveness and to develop mitigation plan for any increase accruing on our residential streets. Motion died due to no second.

DISCUSSION OF SPECIAL MEETING DATE IN SEPTEMBER

The council discussed the dates for a Special Meeting in September and came to the consciences to not have a Special Meeting and just meet on October 1, 2020 for a workshop at 5:00 PM followed by their Regular Meeting at 6:00 PM.

Councilmember Wuest made a motion to adjourn the meeting at 7:35. Councilmember Craft seconded the motion. Motion carried.

Dan Edwards, Mayor

Valerie S. Anderson, City Clerk

**MINUTES OF THE SPECIAL MEETING OF THE
CITY OF DALTON GARDENS
SEPTEMBER 22, 2020 @ 10:00 AM**

Meeting was called to order by Mayor Edwards at 10:00 AM.

ROLL CALL:

Present were: Councilmembers Chase, O'Brien - absent, Wuest and Craft. Also present was Attorney Caitlin Kling, and Valerie Anderson, City Clerk.

Pledge was led by Mayor Edwards.

EXECUTIVE SESSION pursuant to Idaho Code 74-206(1)(f): To communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated.

EXECUTIVE SESSION pursuant to Idaho Code – 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;

Councilmember Chase made a motion to enter into Executive Session pursuant to Idaho Code 74-206(1)(f) and Idaho Code 74-206 (b) at 10:05. Councilmember Craft seconded the motion. Roll Call Vote: Councilmember Chase - yes, Councilmember Wuest - yes, Councilmember Craft – yes, Councilmember O'Brien - absent.

The council came out of Executive Session at 11:55 with no discussion.

DISCUSSION/APPROVAL OF RPI INVOICE FOR \$127,759.39

Councilmember Wuest made a motion to approve the payment of the Road Products, Inc. invoice in the amount of \$49,981.75 on the patch work which was done in the city and to have the Mayor, City Engineer and Councilmember Craft work on the remainder of the invoice for the overage of the bill. Councilmember Chase seconded the motion. Roll Call Vote: Councilmember Chase - yes, Councilmember Wuest - yes, Councilmember Craft – yes, Councilmember O'Brien - absent.

Councilmember Chase made a motion to adjourn the meeting. Councilmember Wuest seconded the motion. Motion carried.

Dan Edwards, Mayor

Valerie S. Anderson, City Clerk

**NO FINANCIAL STATEMENTS AVAILABLE UNTIL
OCTOBER 1, 2020 IN AFTERNOON**

**Recording Requested By and
When Recorded Return to:**

City of Dalton Gardens
Attn: Valerie Anderson, City Clerk
6360 N. Fourth Street
Coeur d'Alene, Idaho 83815

SPACE ABOVE THIS LINE FOR RECORDER'S USE ONLY

NOTICE TO TITLE

Regarding Nonconforming Use

Owner(s): Bobbie B. Plumlee and Patricia J. Plumlee Living Trust

Property Address: 6872 N. 15th Street, Dalton Gardens, ID 83815

Legal Description: The North Half of the West two-fifths of Tract 73, Dalton Gardens Addition to Hayden Lake Irrigated Lands, according to the plat filed in Book B of Plats at Page 151, Records of Kootenai County, Idaho.

This Notice to Title is to provide notice regarding the nonconforming use that exists on 6872 N. 15th Street ("Premises") as generally depicted on **Exhibit "A"** attached hereto and made a part hereof.

The Premises currently contains an addition in the form of a Lean To shed attached to the garage. Said Lean To is an unpermitted addition to the garage and has been in existence for approximately thirty (30) years. By this Notice, the Lean To shall be considered a nonconforming use that may not be enlarged or expanded. In addition, should the Lean To be damaged by fire, flood, explosion, earthquake, snow, riot, or act of God to an extent greater than 50 percent, it shall not be reconstructed and shall be removed.

The Owner shall accrue no fines related to the existence of the lien arising from the Notice of Violation issued by the City's planning staff. Further, the Owner is entitled to building permits unrelated to the Lien To for other legal structures on the parcel.

The Notice to Title is the resolution of an appeal by the Owners for a Notice of Violation issued by the City's planning staff.

This Notice shall run with the land, and shall inure to the benefit of, and be binding upon, the Owner(s) of the Premises and its respective heirs, successors and assigns.

[Signature Page Follows]

DATED this ____ day of _____, 2020.

Owner(s):

City of Dalton Gardens

Bobbie B. Plumlee and Patricia J. Plumlee
Living Trust

By _____
Dan Edwards, Mayor

By _____
Bobbie B. Plumlee, Trustee

ATTEST:

By _____
Patricia J. Plumlee, Trustee

Valerie Anderson, City Clerk

STATE OF IDAHO)
) ss.
County of Kootenai)

This record was acknowledged before me on _____, 2020 by
Bobbie B. Plumlee as Trustee of Bobbie B. Plumlee and Patricia J. Plumlee Living Trust.

Notary Public
Residing at: _____
Commissioner Expires: _____

STATE OF IDAHO)
) ss.
County of Kootenai)

This record was acknowledged before me on _____, 2020 by
Patricia J. Plumlee as Trustee of Bobbie B. Plumlee and Patricia J. Plumlee Living Trust.

Notary Public
Residing at: _____
Commissioner Expires: _____

STATE OF IDAHO)
) ss.
County of Kootenai)

This record was acknowledged before me on _____, 2020 by
Dan Edwards as Mayor of the City of Dalton Gardens.

Notary Public
Residing at: _____
Commissioner Expires: _____



City of Dalton Gardens

6360 N Fourth Street, Dalton Gardens, ID 83815

Phone: (208) 772-3698 Fax: (208) 762-5156

MEMORANDUM

TO: Mayor and City Council

FROM: Rand Wichman, City Planner

A handwritten signature in black ink, appearing to read 'Rand Wichman', is placed to the right of the 'FROM:' line.

DATE: September 14, 2020

RE: APPEAL FROM MIKE WHITE REGARDING ADMINISTRATIVE
DECISION ON CERTIFICATE OF OCCUPANCY

Background

In August of 2018, a contractor representing Mike White started seeking a building permit to construct a new house on his property at 6263 N. 17th Street. The contractor admitted that Mr. White had an unpermitted living unit on the property. He indicated that the owner wanted to live in that unit until the new house was completed.

The City determined that some additional requirements had to be met before the unpermitted living unit could be legally occupied. Those issues were resolved over several months and the unit was approved for residential use. It was made clear in numerous emails with the owner's contractor in the process of permitting this structure that it would need to be removed or otherwise brought into compliance with the Municipal Code prior to issuance of the Certificate of Occupancy for the new residence that was being proposed.

Construction proceeded on the new home. In September of 2019, I received an email from Mr. White's contractor, letting me know that he was not going to be working on the project any longer. He requested some information from the City and warned that Mr. White would likely resist the requirement to bring the Accessory Living Unit into compliance at the end of construction on the house (see Exhibit A, Dixon email). Construction of the house was completed sometime in the Spring of 2020.

In late April, 2020, the Deputy Clerk sent an email to Mr. White again outlining the requirement to bring the ALU into compliance with the City's requirements prior to issuance of the Certificate of Occupancy for the new house. On May 15, 2020, Mike Bass, the city's contracted building inspector, inspected the Accessory Living Unit. He found that the shower had been boarded over, and stove had been removed from the kitchen. He believed (incorrectly) that these

measures were sufficient to meet the Municipal Code requirements so it would not be considered an Accessory Living Unit.

City staff consulted with me prior to issuing the Certificate of Occupancy, as they always do when there are conditions placed on permits, especially with regard to issuing the CO. I spoke with Mr. Bass regarding what he saw on his inspection. Based on that conversation, I sent an email to Mr. White's attorney on May 27, 2020, denying the request for a Certificate of Occupancy because the ALU did not comply with the code, and offering to conduct my own inspection to see if I was misunderstanding the situation (**see Exhibit B, 5/27/2020 email**). In subsequent conversations with the owner's attorney, it was made clear that the owner did not want me to conduct another inspection. They believed that Mike Bass' determination was final, and that I had no authority to override his recommendation on the CO.

At my direction, the Certificate of Occupancy was never issued.

On July 20, 2020, 54 days after the first denial of the Certificate of Occupancy, the City received a demand letter from the owner's attorney, Paul Daugharty demanding issuance of the Certificate of Occupancy and threatening litigation if the City failed to comply (**see Exhibit C, July 20, 2020 letter with attachments**). The letter was forwarded to me to respond.

I provided a written response with a letter dated July 27, 2020, which again outlined the reasons for denial of the CO (**see Exhibit D, July 27, 2020 letter**). Mr. Daugharty subsequently appealed that denial with his letter received by the City on August 25, 2020. Fees for the appeal were submitted on August 28, 2020.

Code Provisions for Appeals

The Dalton Gardens Municipal Code provisions for appeals were recently amended by Ordinance No. 264. This is an appeal of an administrative determination related to a code enforcement action. The code requires that appeals must be filed within a reasonable time not to exceed 30 days from the action being appealed, and the appeal must specify the grounds of the appeal and the relief sought.

Mr. Daugharty is appealing the City's denial of their request to issue the Certificate of Occupancy. That denial was done by letter dated July 27, 2020. Mr. Daugharty's appeal letter was delivered to the City 29 days after the denial letter. Fees for the appeal were not submitted until August 28, 2020, 32 days after the action being appealed. Staff defers to legal counsel as to the question of whether a complete appeal request was filed within the time limitations of the code.

Code Provisions for Accessory Living Units

There are a number of sections of the Municipal Code that address Accessory Living Units:

Section 5-1-4 provides the following definition:

"ACCESSORY LIVING UNIT: A building or portion(s) of a building, located on the same lot, but separate from the principal dwelling with habitable space and any combination of sink, toilet, kitchen, or bathing facility that could enable the residential occupation of the structure or portion

of the structure. A garage, shop or storage building with a toilet and a sink shall not be considered an accessory living unit."

Section 5-5-1 provides the following under Allowed Uses in the Residential Zone:

"The usual accessory buildings commonly appurtenant to a single-family dwelling. No accessory buildings are allowed without a primary single-family dwelling already constructed on site (except as permitted by special use permit). Accessory living units are prohibited. No cooking and/or bathing facilities are allowed in accessory buildings. Toilets and sinks are allowed in accessory buildings."

Section 7-4-1 provides the following, regarding the use of subsurface sewage disposal systems:

"A. Residential units shall not exceed one single-family dwelling per acre. Accessory living units are prohibited. An "accessory living unit" is considered above and beyond a single-family dwelling and is defined as a building or portion(s) of a building, located on the same lot, but separate from the principal dwelling, with habitable space. "Habitable space" is defined as any enclosed area with cooking and bathing facilities. Toilets and sinks are allowed in accessory structures."

Staff Evaluation

In the August 25, 2020 appeal letter, Mr. Daugharty claims that I have no authority to deny issuance of the Certificate of Occupancy, and that the act of doing so was arbitrary, capricious and an abuse of discretion.

In retaining me as a consultant, the City gave me the role of Planning Administrator for the City. That position is defined in the code at Section 1-10-1 as follows:

"A. The planning administrator is a person designated by the city with the authority to conduct long and short range planning activities, including, but not limited to, comprehensive planning, assisting the public in understanding the applicability and requirements of this code, reviewing permit applications, site plans, stormwater applications and plans, interpreting this code and approving or disapproving such applications, and preparing reports on zoning applications.

B. The planning administrator assists the clerk, commission and city council in setting meeting agendas and providing proper notice of public hearings required by this code, issuing orders and certificates of compliance based on site inspections, enforcing the provisions of permits, licenses and development agreements and assisting the code enforcement officer to investigate and resolve possible violations of this code." (underline added for emphasis)

The City has also tasked me with acting as the Building Official for the City to supervise the building permit and inspection process. Mike Bass is an employee of Kootenai County Fire and Rescue. They are contracted with the City to provide plan review and building inspection services. They do not administer the City's building code program; they handle a portion of the program (albeit a significant portion).

In the role of Planning Administrator and Building Official, I have the clear authority and duty to overrule the inspector or others that assist in the administration of the building and zoning provisions of the code when they have erred in their interpretation of the code. In this case, the CO was never issued. The determination of whether a CO is appropriate to issue is made by the Planning Administrator and Building Official.

The appeal also alleges that the City Code on this matter is “vague, ambiguous, uncertain, and indefinite” and therefore unconstitutional. While the code addresses the issue slightly differently in 3 different locations, none of the sections support the appellant’s position that the living unit is somehow allowable. As applied to this circumstance, the code is clear that the living space is not allowed. It is undisputed that the unit has a “combination of sink, toilet, kitchen, or bathing facility that could enable the residential occupation of the structure or portion of the structure.”

Lastly, the City and Panhandle Health District negotiated a new sewage management plan agreement (SMPA) in 2018 that also addressed the issue of accessory living units. The SMPA refers to the prohibition on accessory living units that is found in Section 5-5-1 of the Municipal Code and also references the definition of an ALU found in Section 5-1-4. Failure to provide proper enforcement of the provisions of the SMPA could have substantial negative implications for the City related to this agreement.

Exhibit A – Dixon email

From: jamesd@creativecustomhomescda.com [<mailto:jamesd@creativecustomhomescda.com>]

Sent: Monday, September 23, 2019 1:39 PM

To: planner@daltongardens.com

Subject: White Res.

Good Moring Rand,

Hope you're doing well?

I wanted to reach out to you this morning in regards to Mike White Res. Located at 6263 N. 17th street in Dalton, this is the project I got involved and begged the city for mercy on behalf of the owner for permitting their new home.

Taking you back, they installed an ALU unit inside a shop they had built in 2018 and did not get a final on the shop, nor did they get approval to put living quarters inside.

I have unfortunately with many struggles found myself between a rock and a hard place with Mr. Mike White. We are currently going through a Contractual Dissolution due to a very large balance he carries with my company on materials and labor that have been performed that he is refusing to pay.

I am currently finishing up on some items we have been paid on and then we will clean up and exit the site. I would like to get my hands on the documents he signed way back when he permitted for his shop stating the Ordinance/code below will be a code violation if ignored. (I would like to use this document as illustration for character building piece of information.)

7.4.1A

Residential units will not exceed one (1) single family living dwelling per acre in a residential zone. Accessory living units are prohibited. An accessory living unit is considered above and beyond a single family dwelling and is defined as a building or portion(s) of a building, located on the same lot, but separate from the principal dwelling, with habitable space. Habitable space is defined as any enclosed area with cooking and bathing facilities. Toilets and sinks are allowed in accessory structures.

I usually am a good judge of character but I ignored the fact he flat lied to the city or so it had appeared. My lack of listening to my heart has lead me to the first time in 24 years of business have to exit a project and looking down the barrel of legal actions.

He made a statement that he was going to sew the city after the house was done for making him decommissioning the ALU. I truly thought he was joking but after being around him for a year now, I wouldn't put that past him.

I am by no mean trying to stir a pot for you guys just giving you a heads up, it was brought to my attention of his bull dog legal council

Not going to lie, im a wee bit concerned. But I have not done anything fraudulent or shady so I'm hopeful justice will prevail...

Your thoughts??



James A. Dixon
(208) 964-4904

jamesd@creativecustomhomescda.com

Exhibit B – 5/27/20 email

From: Rand Wichman [mailto:randwplan@gmail.com]
Sent: Wednesday, May 27, 2020 3:17 PM
To: Paul Daugharty <paul@pdaughartylaw.com>
Cc: 'Caitlin Kling' <CKling@hawleytroxell.com>; mwhite@mikewhitefordcda.com
Subject: Mike White certificate of occupancy

Paul –

I've talked to Mike Bass and Caitlin Kling about the Certificate of Occupancy for the new house at 6263 N. 17th Street in Dalton Gardens, owned by Mike White.

As we discussed, when the building permit was issued for this house, Mr. White was made aware of that the Dalton Gardens Municipal Code prohibited Accessory Living Units (ALU), and that the existing ALU would need to be removed prior to issuance of the Certificate of Occupancy for the new house.

Mike Bass conducted an inspection of the ALU last week and determined that the stove in the kitchen of the ALU had been removed and the shower had been boarded over. As the City's Building Official and Planning Administrator, I have determined that those measures are not adequate to change the characterization of the space in question as an accessory living unit under the Municipal Code. For the record, I require removal of all kitchen facilities, not just the stove, and removal of the shower, including plumbing for it.

Today, I contacted Mr. White to see if there was a time when we could meet to do an inspection of the ALU. He then indicated that you would be calling me. I'm happy to work with either of you on this issue.

The City cannot issue a certificate of occupancy while we have a code compliance issue on the property. I am ready to conduct an inspection to see that the accessory living unit has been appropriately dismantled at Mr. White's convenience.

Please contact me or Caitlin if you have questions on it.

Rand Wichman
Planner / Building Official
208-755-7024

City of Dalton Gardens
6360 N. 4th Street
Dalton Gardens, ID 83815



City of Dalton Gardens

6360 N Fourth Street, Dalton Gardens, ID 83815

Phone: (208) 772-3698 Fax: (208) 762-5156

July 27, 2020

Paul W. Daugharty
Daugharty Law Group
505 E. Front Ave., Suite 301
Coeur d'Alene, ID 83814

RE: CERTIFICATE OF OCCUPANCY FOR MIKE WHITE, PERMIT NO. 3680

Dear Paul:

I've reviewed a copy of your July 20, 2020 letter to Mayor Edwards and City Attorney Kling demanding issuance of the Certificate of Occupancy for your client's new home, built under building permit 3680. As we have discussed on the phone, the Certificate of Occupancy cannot be issued until the conditions on the permit have been satisfied and the property is in compliance with Dalton Gardens Municipal Code. As the Planning Administrator and Building Official for the City, I have determined that the requirement to remove the accessory living unit (ALU) on the property has not been satisfied.

Dalton City Code § 5-1-4 defines an ALU as: A building or portion(s) of a building, located on the same lot, but separate from the principal dwelling with habitable space **and any combination of sink, toilet, kitchen, or bathing facility that could enable the residential occupation of the structure or portion of the structure.** A garage, shop or storage building with a toilet and a sink shall not be considered an accessory living unit. Further, Dalton City Code § 5-5-1 states that in the Residential District, no building or land located therein shall be used, nor any structure hereafter erected or altered, except for the following purposes:

...

The usual accessory buildings commonly appurtenant to a single-family dwelling. No accessory buildings are allowed without a primary single-family dwelling already constructed on site (except as permitted by special use permit). **Accessory living units are prohibited. No cooking and/or bathing facilities are allowed in accessory buildings.** Toilets and sinks are allowed in accessory buildings.

Mike Bass works for Kootenai County Fire and Rescue, with whom the City has a contract to provide building plan review and inspection services. While they provide the day to day inspection and administration of the building code, it is my role as the

Planning Administrator and Building Official for the City to supervise these activities, provide interpretations of the Municipal Code, and make final determinations of code compliance where necessary.

As I commonly do in circumstances such as these, I spoke by phone with Mr. Bass after his inspection of the accessory living unit in question. He described the measures taken by Mr. White to demonstrate compliance. Mr. Bass believed the measures were marginally adequate to demonstrate compliance. I informed him that my interpretation of the code resulted in a different conclusion and that the ALU such as it was at the time of Mr. Bass' inspection was still considered an ALU. In short, I overruled the decision he made during his final inspection. Keeping an open mind on the matter, I offered to Mr. White to do an inspection of the property myself to determine if the situation was different than I understood it to be based on Mr. Bass' explanation. Your client refused that inspection. Because this issue remains unresolved, no Certificate of Occupancy has been issued.

You may consider this letter a formal denial of your request for a Certificate of Occupancy. This decision can be appealed to the City Council in accordance with Section 1-11-1 of Ordinance 264 (not yet codified).

Feel free to contact me or the City Attorney if you'd like to discuss this matter in person or over the phone, or if you have questions on the appeal process.

Sincerely,

A handwritten signature in black ink, appearing to read "Rand Wichman", with a long horizontal flourish extending to the right.

Rand Wichman
Planning Administrator / Building Official

Cc: Mayor Edwards (by email)
City Attorney Kling (by email)

Daugharty Law Group

PAUL W. DAUGHARTY, P.A.

A Professional Services Corporation | Licensed in Idaho & Washington

July 20, 2020

Via Email: mavor@daltongardens.com

Mr. Dan Edwards
Mayor – Dalton Gardens
6360 North Fourth Street
Dalton Gardens, Idaho 83815

Via Email: ckling@hawlextroxell.com

Ms. Caitlin Kling
City Attorney – City of Hayden
HAWLEY TROXELL
250 NW Boulevard, Suite 204
Coeur d'Alene, Idaho 83814

Re: Certificate of Occupancy
Mike White
6263 N. 17th Street
Dalton Gardens, Idaho

Dear Mayor Edwards and Ms. Kling:

I represent Mike White (“White”) concerning the failure of Dalton Gardens to issue a Certificate of Occupancy at the above-described address. Demand is hereby made upon Dalton Gardens to issue the Certificate of Occupancy.

Attached hereto as Exhibit A are true and correct copies of the permit information provided by Rand Wichman on or about May 29, 2020. This information establishes that inspector Mike Bass conducted a final inspection of the temporary ALU and approved the steps taken by White concerning the same. The inspection records for Permit No. 3680 clearly show that Mr. Bass approved the condition of White’s property and indicated that a Certificate of Occupancy should be issued.¹

I have researched the issue and have found no authority which allows Dalton Gardens to continue to deny issuance of the Certificate of Occupancy. The failure of Dalton Gardens to take action has denied White his constitutionally protected right to due process. Furthermore, White is converting his construction financing to a conventional loan, and this is causing him substantial harm.

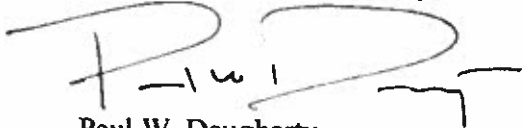
¹ See Inspection Record #3680 provided with Exhibit A attached hereto.

Dalton Gardens
July 20, 2020
Page 2

I would respectfully request that Dalton Gardens issue the Certificate of Occupancy for White's residence without further delay. White does not wish to litigate the issue but is prepared to do so if necessary. I would hope for all involved that result could be avoided.

Sincerely,

DAUGHARY LAW GROUP



Paul W. Daugharty

RICOH

Ricoh USA Program provided by
Wells Fargo Vendor Financial Services, LLC

For Correspondence Only:

WELLS FARGO VENDOR FINANCIAL
SERVICES, LLC
PO BOX 650073
DALLAS, TX 75265-0073

07/13/2020

Customer Service:
800-595-1011



RJD&S INVESTMENTS LLC
ATTN: ACCOUNTS PAYABLE
110 E WALLACE AVE
COEUR D ALENE ID 83814-2948

DEMAND WITHOUT PREJUDICE

RE: Agreement between RJD&S INVESTMENTS LLC and WELLS FARGO VENDOR FINANCIAL SERVICES, LLC (the contract)
Account Number: 1580607-3591853
PAST DUE AMOUNT: \$1,490.71

Dear Valued Customer:

This letter is to inform you that as of the above date, RJD&S INVESTMENTS LLC is seriously delinquent on its payment obligations and is in default of the Contract.

Because this account is in default, we hereby demand that the Past Due Amount of \$1,490.71 be remitted within ten (10) days of the date of this letter.

Please note that if you fail to remit the Past Due Balance of \$1,490.71 or contact us to discuss alternative payment arrangements within ten (10) days, we shall exercise the rights and remedies available to us under the Contract, at law or in equity, including without limitation, acceleration of all of the remaining payments due under the Contract.

Sincerely,

Collections
PH: 800-595-1011
FAX: 855-804-9673

*** IN ORDER TO HELP US PROPERLY PROCESS YOUR PAYMENT, PLEASE RETURN THIS FORM WITH YOUR PAYMENT ***

Return To:

WELLS FARGO VENDOR FINANCIAL SERVICES, LLC
PO BOX 650073
DALLAS, TX 75265-0073

RJD&S INVESTMENTS LLC
Account Number: 1580607-3591853

Amount Paid:

Did you know we now offer online account management ?
View your account history, make payments online, and Go Green with our invoice E Delivery program.
Visit www.getmyaccounts.com to get started today

Owner
75DA -COL - 5

Residential

Commercial

*** PLANS ***

PERMIT # 3680

BUILDING PERMIT APPLICATION

Ref: ALW # 3685

CITY OF DALTON GARDENS

772-3698

Applicant to complete numbered spaces only.

D-1400-31-018-AA

CHECKS WRITTEN ON ACCOUNTS WITH INSUFFICIENT FUNDS WILL VOID AND NULLIFY THIS BUILDING PERMIT.

OWNER
JOB ADDRESS
6263 N 17th St
WHITE

1	CLASS OF WORK	<input checked="" type="checkbox"/> NEW	<input type="checkbox"/> ADDITION	<input type="checkbox"/> ACCESSORY	<input type="checkbox"/> MECHANICAL	<input type="checkbox"/> ROOF	<input type="checkbox"/> DEMO	<input type="checkbox"/> OTHER
2	JOB ADDRESS	<u>6263 N 17th St</u>						
3	OWNER	MAIL ADDRESS	ZIP	PHONE				
4	CONTRACTOR	MAIL ADDRESS	PHONE	LICENSE NO.				
5	ARCHITECT OR DESIGNER	MAIL ADDRESS	PHONE	LICENSE NO.				
6	ENGINEER	MAIL ADDRESS	PHONE	LICENSE NO.				
7	OWNER EMAIL	CONTRACTOR EMAIL						
8	USE / CHANGE OF BUILDING	<u>SFD</u>						
9	DESCRIBE WORK	<u>New Construction</u>						
10	VALUATION OF WORK \$	<u>\$700,000</u>						

MECHANICAL FEE	ADMIN	SITE DIST. FEE	INSPEC	BLDG PERMIT FEE	PLAN CHECK FEE	PERMIT FEE
\$125	607.55	\$100	490	3,037.75	\$150 Pd 10/18	4,510.30
SPECIAL CONDITIONS:				Type of Const.	Occupancy Group	Division
<u>The spa can not have a hot tub in kitchen!</u>				<u>VB</u>	<u>R3</u>	
				Size of Bldg. (Total) Sq. Ft.	No. of Stories	Max Occ. Load
				<u>4115</u>	<u>2</u>	
				Fire Zone	Use Zone	Fire Sprinklers Required <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
				No. of Dwelling Units	OFFSTREET PARKING SPACES:	
				<u>one</u>	Covered	Uncovered

DATE:	PLANS CHECKED BY:	APPROVED FOR ISSUANCE BY:	Special Approvals
	<u>11/6/18</u>	<u>11/6/18</u>	ZONING
NOTICE			CODE ENFORCEMENT
SEPARATE PERMITS ARE REQUIRED FOR ELECTRICAL, PLUMBING, HEATING, VENTILATING OR AIR CONDITIONING.			FIRE DEPT.
THIS PERMIT BECOMES NULL AND VOID IF WORK OR CONSTRUCTION AUTHORIZED IS NOT COMMENCED WITHIN 60 DAYS, OR IF CONSTRUCTION OR WORK IS SUSPENDED OR ABANDONED FOR A PERIOD OF 120 DAYS AT ANY TIME AFTER WORK IS COMMENCED.			PHD
I HEREBY CERTIFY THAT I HAVE READ AND EXAMINED THIS APPLICATION AND KNOW THE SAME TO BE TRUE AND CORRECT. ALL PROVISIONS OF LAWS AND ORDINANCES GOVERNING THIS TYPE OF WORK WILL BE COMPLIED WITH WHETHER SPECIFIED HEREIN OR NOT. THE GRANTING OF A PERMIT DOES NOT PRESUME TO GIVE AUTHORITY TO VIOLATE OR CANCEL THE PROVISIONS OF ANY OTHER STATE OR LOCAL LAW REGULATING CONSTRUCTION OR THE PERFORMANCE OF CONSTRUCTION.			SEPTIC
<u>See attached</u>			ACRES
SIGNATURE OF CONTRACTOR OR AUTHORIZED AGENT	(DATE)		CO ISSUED * SEE PERMIT 3685 *
			PAYMENT AMOUNT
			<u>4510.30</u>
			DATE
			<u>4360.30 - 150</u>
			CHECK # / CASH
			<u>4360.30</u>

email contact 11/29 + 12/4

*** PLANS ***

#5561 RH

**City Of Dalton Gardens
2012 International Building Code
Requirement Checklist
Date: 11/5/2018
Call 811 before you dig!**

Plan Check Number 3680
Project: White Residence
Job Address: 6263 N 17th
Type of Construction: VN
Main Floor : 3208sqft
Upper Floor: 580sq
Covered Porch: 1239sqft
Garage: 911 sq ft
Inspections: 7

The following comments are based on the 2012 edition of the International Building Code should be resolved before a permit is issued. This correction list is not a building permit. The approval of plans and specifications does not permit the violation of any section of the International Building Code or any Federal, State or Local codes.

Residential units will not exceed one (1) single family living dwelling per acre in a residential zone. Accessory living units are prohibited. An accessory living unit is considered above and beyond a single family dwelling and is defined as a building or portion(s) of a building, located on the same lot, but separate from the principal dwelling, with habitable space. Habitable space is defined as any enclosed area with cooking and bathing facilities. Toilets and sinks are allowed in accessory structures.

All building plans submitted must be reviewed and approved with an architect or engineer stamp.

THE PLANS FOR THIS OCCUPANCY HAVE BEEN APPROVED WITH THE UNDERSTANDING THAT ALL CHANGES MARKED ON THE PLANS WILL BE COMPLETED.

Jeryl Archer



Code Official
City of Dalton Gardens

#31080

INSPECTION RECORD

	DATE	REMARKS	INSPECTOR
SETBACKS			
FOOTINGS	2/18/19	OK	[Signature]
STEM WALL	2/20/19	OK	[Signature]
WALL / ROOF SHEETING	4/3/19	OK	[Signature]
FRAMING	4/10/19	Framing Mech. A/C Test OK	DME
INSULATION	4/14/19	OK	DME
DRYWALL	4/24/19	OK	[Signature]
MECHANICAL	02.19.20	Meter unlock	M Ben
PLUMBING FINAL	04.15.20	OK	M Ben
ELECTRICAL FINAL	04.16.20	OK	M Ben
FINAL	04.15.20	OK	M Ben
CERTIFICATE OF OCCUPANCY		<input checked="" type="checkbox"/> YES - DATE 01/15/20	<input type="checkbox"/> N/A

Residential Commercial

PERMIT # 3685
 Ref: House # 3680

BUILDING PERMIT APPLICATION

CITY OF DALTON GARDENS
 772-3698

Applicant to complete numbered spaces only.

D-1400-31-018-AA

1	CLASS OF WORK <input type="checkbox"/> NEW <input type="checkbox"/> ADDITION <input type="checkbox"/> ACCESSORY <input type="checkbox"/> MECHANICAL <input type="checkbox"/> ROOF <input type="checkbox"/> DEMO <input checked="" type="checkbox"/> OTHER	OWNER	JOB ADDRESS
2	JOB ADDRESS <u>6263 N 17th St</u>	OWNER	JOB ADDRESS
3	OWNER <u>Mike White</u>	MAIL ADDRESS	ZIP
4	CONTRACTOR <u>CCIT INC</u>	MAIL ADDRESS	PHONE
5	ARCHITECT OR DESIGNER	MAIL ADDRESS	PHONE
6	ENGINEER	MAIL ADDRESS	PHONE
7	OWNER EMAIL	CONTRACTOR EMAIL <u>James@CreativeCustomHomes.com</u>	
8	USE / CHANGE OF BUILDING		
9	DESCRIBE WORK <u>inspect ALU for safety after house complete -</u>		
10	VALUATION OF WORK \$		

OWNER: WHITE
 JOB ADDRESS: 6263 N 17th St

initial
 start with inspection - end with removal inspect
 ↓
MORE MAY BE REQUIRED

CHECKS WRITTEN ON ACCOUNTS WITH INSUFFICIENT FUNDS WILL VOID AND NULLIFY THIS BUILDING PERMIT.

MECHANICAL FEE <u>Admin</u> <u>See # 2597</u>	SITE DIST. FEE	INSPECTION <u>140-</u>	BLDG PERMIT FEE	PLAN CHECK FEE	PERMIT FEE
SPI	DATE <u>11-28-18</u>	Type of Const.	Occupancy Group	Division	
PERMIT # <u>3685</u>	<u>FINAL</u>	Size of Bldg. (Total) Sq. Ft.	No. of Stories	Max Occ. Load	
<u>DALTON</u>	<u>HAYDEN LAKE</u>	Fire Zone	Use Zone	Fire Sprinklers Required <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<u>HUETTER</u>		No. of Dwelling Units	OFFSTREET PARKING SPACES: Covered Uncovered		
DATE	APPROVED FOR ISSUANCE BY:	Special Approvals			
		ZONING			
		CODE ENFORCEMENT			
		FIRE DEPT			
		PHD			
		SEPTIC			
		ACRES			
		CO ISSUED			
		PAYMENT AMOUNT	<u>\$140</u>		
		DATE	<u>11/9/18</u>		
		CHECK/CASH	<u>5517</u>		

NOTICE
 SEPARATE PERMITS ARE REQUIRED FOR ELECTRICAL, PLUMBING, HEATING, VENTILATING OR AIR CONDITIONING.
 THIS PERMIT BECOMES NULL AND VOID IF WORK OR CONSTRUCTION AUTHORIZED IS NOT COMMENCED WITHIN 60 DAYS, OR IF CONSTRUCTION OR WORK IS SUSPENDED OR ABANDONED FOR A PERIOD OF 120 DAYS AT ANY TIME AFTER WORK IS COMMENCED.

I HEREBY CERTIFY THAT I HAVE READ AND EXAMINED THIS APPLICATION AND KNOW THE SAME TO BE TRUE AND CORRECT. ALL PROVISIONS OF LAWS AND ORDINANCES GOVERNING THIS TYPE OF WORK WILL BE COMPLIED WITH WHETHER SPECIFIED HEREIN OR NOT. THE GRANTING OF A PERMIT DOES NOT PRESUME TO GIVE AUTHORITY TO VIOLATE OR CANCEL THE PROVISIONS OF ANY OTHER STATE OR LOCAL LAW REGULATING CONSTRUCTION OR THE PERFORMANCE OF CONSTRUCTION.

SIGNATURE OF CONTRACTOR OR AUTHORIZED AGENT: [Signature] DATE: 11/9/18
 SIGNATURE OF OWNER (IF OWNER BUILDER) _____ (DATE) _____

2170-1-0 11/13

[Signature]

31085

AFFIDAVIT

To be attached to all building, sign and fence permit applications

STATE OF IDAHO)

ss.

County of Kootenai)

I, MICHAEL WHITE (Property Owner), being first duly sworn on oath, deposes and says:

1. That the undersigned is the owner of the property described in the Permit Application to which this Affidavit is attached.
2. That the undersigned has been advised, and thus agrees, that it is the responsibility of the property owner to locate and determine property corners and property lines for all permits. As part of the application process, it is the responsibility of the property owner to accurately depict on the site plan property lines and accurate dimensions, locations and measurements associated with setbacks from property lines.
3. The property owner indemnifies and holds harmless the City of Dalton Gardens from any action related to property lines associated with any aforementioned permit.
4. That the undersigned has been advised, and thus agrees, that any outbuilding, pole building, barn, garage or other storage building shall not be used as a residence. An "accessory living unit" is considered in addition to, above and beyond a single-family dwelling and is defined as a building or portion(s) of a building, located on the same lot, but separate from the principal dwelling, with habitable space. "Habitable space" is defined as any enclosed area with cooking and/or bathing facilities. Toilets and sinks are allowed in accessory structures.
5. That the undersigned acknowledges that he/she has been informed, and thus agrees, that he/she shall not use any building in the Residential zoning district for business, commercial purpose, or monetary gain, unless owner of property applies for and is granted a Home Based Business License to operate a business within the residence, or if operating a business within an accessory building, a Restricted Home Based Business License which requires a Special Use Permit from the City of Dalton Gardens (Municipal Code Title 3, Chap 6, Title 5 Chapter 7).
6. That the undersigned acknowledges that he/she has been informed, and thus agrees, that prior to completion of construction of the pole building (permit #3498) the following Code Violations (Municipal Code Title 7, Chapter 8A, Section 3) will be dealt with:
 - all debris, litter, garbage, etc will be cleaned up;
 - all weeds and unkempt landscaping will be removed;
 - and the portable shed NW of the house will be demolished and removed.

Failure to do so could result in Nuisance proceedings according to Municipal Code Title 7, Chapter 8A, Section 4.

#3685

[Signature]
Property Owner

Subscribed and sworn to before me this 19th day of May, 2017

[Signature]

Notary Public for Idaho residing at

Kootenai County

My Commission Expires: 02/14/2023



#3085

INSPECTION RECORD

	DATE	REMARKS	INSPECTOR
SETBACKS			
FOOTINGS			
STEM WALL			
WALL / ROOF SHEETING			
FRAMING			
INSULATION			
DRYWALL			
MECHANICAL	11/15/18	Needs to be done	DR [Signature]
PLUMBING FINAL			
ELECTRICAL FINAL			
FINAL	11/17/18		[Signature]
CERTIFICATE OF OCCUPANCY		<input type="checkbox"/> YES - DATE _____	<input type="checkbox"/> N/A



State of Idaho *Spot OK For COVER*
Division of Building Safety
800-955-3044 dbs.idaho.gov *Alca*

APPROVED FOR COVER
To be removed only by authorized person.

ELECTRICAL PLUMBING HVAC

WEB 1711 - 0988

Permit Number

11/17/10
Date

[Signature]
Inspector

Miller Electric

Residential • Commercial

208-762-4506

Work, On Time...Every Time



State of Idaho
Division of Building Safety
800-955-3044 dbs.idaho.gov

FINAL
4/5/18

FINAL INSPECTION

To be removed only by authorized person.

ELECTRICAL PLUMBING HVAC

PLB 1710-00205

Permit Number

1-25-18 GW

Date

Inspector



- Permits**
- Search Permits
- Pay Fees
- Licenses**
- Search Trade Licenses
- Search Public Works
- Inspections**
- Schedule
- Cancel
- Elevators**
- Search Elevators
- Violations**
- Search
- Shopping Cart**
- Pay All Fees
- Paid Items
- Contact**
- Contact us

PERMIT Search

Permit Number	Permit Type	Site Address	Site City	Site Zip Code	Site Parcel Number	Applicant Name
PLB1710-00205	PLUMBING	263 N 17TH ST	DALTON GARDENS	83815	TMP183341	FREDS FLUMS

< >

First Prev Page 1 of 1 Next Last

Details - Permit# PLB1710-00205

Permit

- Permit Info
- Site Info
- Fees \$145.00
- Inspections (3)
- Reviews

Type	Result	Scheduled Date	Time	Completed	Time	More info
**PLB FINAL	PASS	1/25/2018		1/25/2018		More info
PLB-ROUGH IN	PASS	11/15/2017		11/15/2017		More info
PLB-GROUND WORK	PASS	10/24/2017		10/24/2017		More info

Permits

Search Permits
Pay Fees

Licenses

Search Trade Licenses
Search Public Works

Inspections

Schedule
Cancel

Elevators

Search Elevators

Violations

Search

Shopping Cart

Pay All Fees
Paid Items

Contact

Contact Us

PERMIT Search

Search Again

Download Results

Printable view

WEB1708-00097	ELECTRICAL	6263 N 17th ST	DALTON GARDENS	83815	TMP159311	PREMIER E
WEB1711-01988	ELECTRICAL	6263 N 17th ST	DALTON GARDENS	83815	TMP159311	PREMIER E

<

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First Prev

Page 1 of 1

Next Last

Details - Permit# WEB1711-01988

Permit

Permit Info	Site Info	Fees \$433.00	Inspections (4)	Reviews
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Type	Result	Scheduled Date	Time	Completed	Time	View Info
*ELE-FINAL	PASS	1/25/2018		1/25/2018		View Info
ELE-ENERGIZE SERVICE	PASS	12/12/2017		12/12/2017		View Info
ELE-ROUGH IN	PASS	11/17/2017		11/17/2017		View Info
ELE-ROUGH IN COVER	PASS	11/16/2017		11/16/2017		View Info

Rebecca Harshaw

From: Jeryl Archer <jeryla@kootenaifire.com>
Sent: Monday, November 05, 2018 12:10 PM
To: jamesd@creativecustomhoescda.com; Rand Wichman; deputyclerk@daltongardens.com
Cc: Dan Ryan
Subject: 6263 N 17th

Mr. Dixon,

Good Morning,

I am completing a plan review on the recently submitted house plans for a project referred to as the White Residence in which you are listed as the builder. I wanted to give you a heads up that I will be completing my review today and returning the completed review packet to the City of Dalton tomorrow. I will however, be instructing the City not issue the permit until an inspection of the shop is conducted. I believe that there were elements of the shop that were completed after a final was issued on the structure. Due to a Dalton City Ordinance that is driven by Panhandle Health requirements I must ensure that no cooking or bathing facility exist in the shop before issuing the permit for the house.

7.4.1A

Residential units will not exceed one (1) single family living dwelling per acre in a residential zone. Accessory living units are prohibited. An accessory living unit is considered above and beyond a single family dwelling and is defined as a building or portion(s) of a building, located on the same lot, but separate from the principal dwelling, with habitable space. Habitable space is defined as any enclosed area with cooking and bathing facilities. Toilets and sinks are allowed in accessory structures.

Please contact the City or my office if you have any questions,

Respectfully,

Jeryl Archer

Battalion Chief
Fire Marshal
Code Official
Kootenai County Fire & Rescue
1390 E Selice Way
P.O. Box 2001
Dalton, ID 83501
ph: (208) 777-3500
fax: (208) 777-1569
jeryla@kootenaifire.com

Rebecca Harshaw

From: Rebecca Harshaw <deputyclerk@daltongardens.com>
Sent: Wednesday, November 07, 2018 12:01 PM
To: 'jamesd@creativecustomhomescda.com'
Cc: Rand Wichman; Jeryl Archer (jeryla@kootenaifire.com); Michelle (michellel@kootenaifire.com)
Subject: 6260 N 17th St - New Residence permit

At the direction of the city planner and building inspector I have assigned a separate permit for the unpermitted ALU. The initial permit fee will be \$140 which will cover 2 inspections. Any additional inspections will be charged at \$70/ inspection and will need to be paid prior to issuing the house permit.

The \$140 must be cash or check payable to the City of Dalton Gardens. Once paid, the permit will be issued, and at that time you can contact Kootenai Co Fire and Rescue to set an appointment to have the ALU inspected for safety and compliance. The ALU must pass inspections for habitability prior to the city issuing the building permit for the new residence. When the residence is complete, the ALU will need to be removed and inspected for compliance with city code prior to issuing a certificate of occupancy for the house.

If you have any questions, feel free to contact myself or City Planner, Rand Wichman (copied)

Rebecca Harshaw, Deputy Clerk
City of Dalton Gardens
6360 N 4th Street
Dalton Gardens, ID 83815
Phone 208-772-3698
Fax 208-762-5156
www.DaltonGardens.com



Rebecca Harshaw

From: Rebecca Harshaw <deputyclerk@daltongardens.com>
Sent: Thursday, November 29, 2018 9:15 AM
To: 'jamesd@creativecustomhomescda.com'
Subject: White permit - 6263 N 17th St

The permit for Mike White has been approved with the condition that the Accessory Living Unit be removed and inspected for code compliance following the final inspection of the house. The fee is \$4510.30 minus the \$150 paid on 10/18, leaving a **total due of \$4360.30** payable with cash or check made out to City of Dalton Gardens. Office hours are Mon-Thur 9-5 and Fri 9-4.

Rebecca Harshaw, Deputy Clerk
City of Dalton Gardens
6360 N 4th Street
Dalton Gardens, ID 83815
Phone 208-772-3698
Fax 208-762-5156
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SEWER MANAGEMENT PLAN AGREEMENT

This **AGREEMENT** made this 13th day of April, 2018 between the City of Dalton Gardens, a municipal corporation organized under the laws of the State of Idaho and situated in the County of Kootenai, State of Idaho, hereinafter referred to as "**MUNICIPALITY**" and Panhandle Health District 1, a health district organized under Title 39, Chapter 4, Idaho Code, with its principal office in the City of Hayden, County of Kootenai, State of Idaho, hereinafter referred to as "**HEALTH DISTRICT.**"

WHEREAS, the Health District has legal responsibility for the protection and preservation of the public health under Idaho Code 39-414 and the protection of the Rathdrum Prairie Aquifer from contamination:

WHEREAS, the parties hereto desire to maintain orderly population growth in such a manner as to prevent possible contamination to the Rathdrum Prairie Aquifer from septic tank effluent;

WHEREAS, the Municipality has the responsibility to protect the health and welfare of its citizens, the Municipality is obligated to meet all applicable local, State of Idaho, and Federal laws, rules, regulation and standards to realize this responsibility.

WHEREAS, the Panhandle Health District has adopted Rules and Regulations governing Sewage Disposal on the Rathdrum Prairie effective October 11, 1977 (Modified September 18, 1990):

WHEREAS, the parties find need for an agreement that will describe responsibilities and process for implementing public sewer connection to properties in the commercial district.

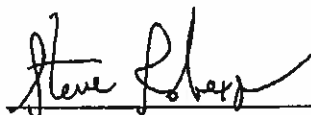
WHEREAS, Section 41.01.01.100 of the Environmental Code of District No. 1 provides for adoption of a "sewage management plan agreement";

NOW THEREFORE, in consideration of the foregoing and of the mutual covenants and undertaking herein set forth, the parties covenant and agree as follows:


1. The Municipality shall assume responsibility for monitoring and enforcing certain aspects of septic systems use and public sewer connections within its legal boundaries. In particular, the Municipality agrees to fulfill this responsibility in accordance with the provisions of **APPENDIX A**.
2. The Municipality shall not issue any building permits to an applicant until such application is first submitted to the Health District for its approval and is so approved by the Health District. The approval shall be given by the Health District when the application complies with IDAPA 58.01.03 and IDAPA 41.01.01.100 & 110, except as noted in #3 below.


3. In consideration of the foregoing, the Health District agrees to refrain from taking any action in law or equity against the Municipality to enforce Section 41.01.01.110.04c of the Environmental Code of District No.1. In the event the Municipality fails to perform any of its obligations under this AGREEMENT, the Health District may proceed promptly in any county of jurisdiction to seek enforcement against the Municipality.
4. The Parties agree to meet at least every fifth year and upon written request of either party, through duly authorized representatives to reexamine this AGREEMENT and make recommendations to the governing board of each party as to any modification in the AGREEMENT which would be in the public interest. If this AGREEMENT is not reviewed every fifth year, then it automatically renews until a review is called for by either party.
5. The Municipality shall provide a map to the Panhandle Health District outlining the city limits as of the date of this agreement, and the area in which the AGREEMENT is in effect.
6. Each of the Parties heretofore mentioned recognized its governmental agencies are regulated by the statutes of the State of Idaho. None of the sections are designed to exceed the powers intended; nor shall any particular section be binding if the same is determined to be invalid.
7. This instrument, including APPENDIX A, contains the entire AGREEMENT between the Parties, and no statement, promise, or inducement made by either Party or Agent of either Party that is not contained in this written contract, including APPENDIX A, shall be valid or binding; this contract may not be enlarged, modified, or altered except in writing signed by the parties and endorsed hereon.

IN WITNESS WHEREOF, the Parties have executed this AGREEMENT effective the day and year first above written.



Steve Roberge, Mayor

 Chair
Panhandle Health District I
April 26, 2018

ATTEST: 
Valerie S. Anderson, City Clerk

APPENDIX A

The City of Dalton Gardens shall maintain ordinances concerning the operation and maintenance of subsurface sewage disposal systems and ordinances governing connection to public sewer in the commercial district, within the Municipality's legal boundaries. The ordinance or ordinances shall substantially include the following and may set forth requirements which may exceed these provisions:

Regarding Subsurface Sewage Disposal:

1. Residential units shall not exceed one single family dwelling per acre when served by on-site subsurface sewage disposal. Accessory living units are strictly prohibited, in accordance with Section 5-5-1 of the Dalton Gardens Municipal Code. The intent behind this restriction is to limit sewage flow on a single acre to that from a single, immediately related family unit, or to a single rental unit as allowed by the municipal code. Accessory living units are specifically defined in Section 5-1-4 of the Dalton Gardens Municipal Code, and are generally considered to be a separate structure from the principal dwelling with any combination of habitable space, restrooms, bathing and kitchen facilities that would allow for residential occupation of a structure.
2. Notice shall be sent to all property owners requiring them to pump their sewage systems every five years.
3. At the time a septic tank pumping, commercial property owners shall assure that all tank manholes are extended to the surface grade with risers. All new commercial septic systems shall be constructed with tank risers to the surface. If odors may be a concern, care should be taken to use air tight lid construction. Residential property owners with existing systems will be encouraged to install a manhole riser to within six inches of the surface at the time of pumping. The installers of new residential septic systems shall install a manhole riser to within six inches of the surface.
4. All septic pumpers pumping tanks in Dalton Gardens must report to the City the condition, location, size and type of tank and disposal system and date of pumping.
5. Non-domestic wastewater disposal onto the ground or into the ground subsurface is prohibited. Non domestic wastewater is defined as any wastewater that is not produced as sanitary wastewater from restroom facilities, showers or kitchens. Critical materials disposal onto the ground or into the ground subsurface is prohibited. Critical materials are defined as any liquid, semi-liquid, flow able or water soluble solid that is listed on the most current Superfund Amendments and Reauthorization Act, Title III (SARA III) List of Lists published by the Office of Toxic Substances, US Environmental Protection Agency, Washington, DC or is required by the US Occupational Safety and Health Administration to have a material safety data sheet (MSDS).

6. Wastewater flow from commercial properties on a subsurface sewage disposal will not be allowed to exceed 250 gallons per day per acre. Unless a more direct method approved by the Health District is used, flows will be determined by using the winter domestic water meter readings provided by Dalton Water Association.
7. The following enforcement procedures will be utilized in the Commercial District to address wastewater quantity overage issues. Note: It is the property owners and the business license holder's responsibility to correct wastewater quantity overage issues.
 - 7.a. All commercial property owners and business license holders/applicants who own or lease commercially zoned property within Dalton Gardens shall sign a copy of the wastewater restriction document at every new application or renewal. Each property owner and business license holder/applicant shall receive a copy of the water conservation methods brochure. The wastewater restriction document explains the requirements of the Sewage Management Plan Agreement (SMPA) that the Municipality has with Panhandle Health District.
 - 7.b. Wastewater quantity must be in compliance by July 1st of each year for the City to be able to issue the standard business license.
 - 7.c. The Municipality will contact commercial property owners and business license holders in writing following the March flow reading, but not later than May 15th to inform them of any wastewater quantity overage. It is up to the property owner and business license holders to determine the cause of the wastewater quantity overage. The notice will state that the commercial property is currently in violation of the SMPA and that it is the property owner's and business license holders' responsibility to rectify the wastewater quantity overage and that if not rectified by July 1st, the business license holders on the property will be unable to renew their business license and the property owner will be required to summarily connect all wastewater flows to available public sewer, unless the property owner has complied with Section 15 below regarding an extension. The notice shall also contain a copy of the signed wastewater agreement and water conservation methods flyer. NOTE: The Municipality shall notify the Panhandle Health District of any non-compliant commercial property owners.
 - 7.d. Once the commercial property owner has determined the cause of the wastewater quantity overage, the said property owner and business license holders shall take steps to resolve the issue.
 - 7.e. The commercial property owner shall maintain regular contact with the Municipality during the period of determining compliance.
 - 7.f. Once the commercial property owner believes that they have resolved the issue and achieved compliance, the said property owner shall provide proof of wastewater quantity compliance to the Municipality. Proof may be, but is not limited to receipts of plumbing (leaks repaired) or daily/weekly water meter readings. The Municipality shall forward a report to the Panhandle Health District on the progress of the commercial property owner compliance with the regulations. If compliance has been achieved, and all other health district regulations have been met, the Health District will "sign off" on the business license application or renewal.

- 7.g. If the commercial property owner has not achieved compliance by June 15th, the said property owner has the option of requesting an extension to achieve compliance. The extension request shall be in writing and considered by the City Council at their July meeting.
8. The Municipality shall enact ordinances setting forth sanctions for non-compliance by a commercial property owner or business license holder; which sanctions shall include, but are not limited to, withholding or refusal to renew a business license until compliance is achieved.
9. All appeals of the interpretation of the Municipality regarding wastewater quantity overage shall adhere to the procedural requirements of Dalton Gardens Municipal Code Title 5, Chapter 10.

Regarding Connection to Public Sewer:

1. The Municipality shall maintain and enforce ordinances describing when and how connection to public sewer must occur in the commercial district.
2. Specific conditions requiring summary connection of all wastewater flows on a commercial property to the available public sewer shall include the following:
 - a. A failing septic system as defined in IDAPA 58.01.03.003.13.
 - b. The actual or proposed generation of non-domestic wastewater on the parcel.
 - c. Actual or proposed wastewater flow over 250 gallons/day/acre, subject to the provisions contained herein.
 - d. A new structure with plumbing built on the property.
 - e. Parcel subdivision.
 - f. Expiration of the 15 year period for connection: or September 30, 2027 for the commercial district South of Hanley Avenue.
3. The Municipality will invite the Health District to project review meetings. When application for building permit or sewer connection are made, the Health District must receive for file, a site plan and plumbing plan showing all waste water streams connected to public sewer. The Municipality will forward building permit applications to the Health District for signature. The Health District will sign the building permit once they are satisfied that all wastewater streams are shown to be connected on the plan.
4. The Municipality will provide the Health District with a copy of the completed inspection sign-off card and the certificate of occupancy for the project.
5. The Municipality will maintain a complete and accurate record of properties that have been shown to be connected with the positive proof of a signed plumbing inspection card.
6. All connection to public sewer must be followed by abandonment of any unused septic tanks. Abandonment will be administered by the Health District and will consist of the following:
 - a. Disconnection of the inlet and outlet piping.

- b. Pumping of the seepage, with approved disposal.**
- c. Filling the tank with earthen material, or**
- d. Physically destroying or removing the tank from the ground.**

ORDINANCE NO ____

AN ORDINANCE OF THE CITY OF DALTON GARDENS, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, AMENDING TITLE 9, CHAPTER 1, SECTION 1 OF DALTON GARDENS MUNICIPAL CODE TO CLARIFY REQUIREMENTS FOR APPROACHES TO PRIVATE PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED by the Mayor and City Council of the city of Dalton Gardens, Kootenai County, Idaho, that Title 9, Chapter 1, Section 1: Access from Private Property to Public Ways and Private Streets; Approach is hereby amended as follows:

Section 1. Dalton Gardens Municipal Code Title 9, Chapter 1, Section 9-1-1 is hereby amended as follows:

9-1-1: ACCESS FROM PRIVATE PROPERTY TO PUBLIC WAYS AND PRIVATE STREETS; APPROACH:

A. Definitions:

APPROACH: A point of vehicular access from private property onto a public right-of-way.

DRIVEWAY, COMMERCIAL: A means of vehicular access from private property that is zoned commercial or a business that carries an active business license within the City that services one or more lots or parcels onto a public or private road or street.

~~DRIVEWAY, COMMON: A means of vehicular access from private property that serves two (2) or more lots or parcels onto a public or private road or street.~~

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~~DRIVEWAY, RESIDENTIAL, COMMUNITY OR PUBLIC: A means of vehicular access from private residential, community (schools, community centers or churches) or public (property owned by the government) property onto a public or private road or street to a point within an individual lot.~~

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PUBLIC RIGHT-OF-WAY: A right-of-way open to the public and under the jurisdiction of a public agency, where the public agency has no obligation to construct or maintain said right-of-way for vehicular traffic, nor shall there be any liability for any injury or damage for failure to maintain it or any highway signs.

RIGHT-OF-WAY: A parcel of land dedicated or reserved for use as a public way, which normally includes streets, sidewalks, utilities or other service functions.

B. Permit Required:

1. All vehicular approaches (private, common, commercial or public driveways) shall obtain require an approach permit prior to construction of the approach.

~~2. A single aApproaches for one single family dwelling a residential parcel is are exempt from the requirement for a separate approach permit, when shown on the site plan and submitted as part of a building permit issued by the City for a primary structure. All the requirements of the approach standards shall continue to apply. The number of approaches serving an individual lot or parcel may be restricted to a single two-way approach, and in some cases, common driveways serving two (2) or more lots may be required. The width of an approach shall be determined according to this Code and shall meet the requirements of the local fire protection district.~~

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~~3. The City Council may approve annual approach permit agreements with utility companies having existing franchise agreements with the City or regulated by the Idaho Public Utilities Commission.~~

C. Permit Application:

~~1. Commercial and shared commercial approaches. No approach permit for a commercial or shared commercial approach under this chapter shall be issued unless a written application for the issuance of an approach permit is submitted to the City. The application shall be reviewed by the City. Prior to permit issuance, the applicant shall stake mark the driveway location for a site inspection by the City. The City, per the Local Highway Technical Assistance Council's "Manual for Use of Public Right of Way, Standard Approach Policy" has the right to may require a traffic study studies to determine impacts and applicable mitigation to of impacts. The City Clerk shall issue the permit only after all application items have been completed or satisfactorily addressed, all reviews have been completed and all fees have been paid.~~

~~2. Approaches to individual residential properties. No approach permit for an approach to individual residential parcel under this chapter shall be issued unless a written application for the issuance of an approach permit is submitted to the City. The application shall be reviewed by the City. Prior to permit issuance, the applicant shall mark the driveway location for a site inspection by the City. The City may accept photos in lieu of a site inspection. The City Clerk shall issue the permit only after all application items have been completed or satisfactorily addressed, all reviews have been completed and all fees have been paid.~~

D. Approach Standards:

~~1. No residential parcel located outside of the incorporated city limits of Dalton Gardens shall be eligible for an approach onto a right of way owned by the city of Dalton Gardens, unless that is the only access to the parcel. Such parcels shall not be eligible for more than one approach. All vehicular approaches shall be located, designed and constructed according to this code, as amended, and the local highway technical assistance council's "Manual For Use Of Public Right Of Way, Standard Approach Policy", as amended and adopted by reference to the extent it is not in conflict with this code, with the exception of application fees as set forth in section F of said manual.~~

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~~2. The width of a single private driveway approach shall be determined according to this code and shall meet the requirements of the local fire protection district. At a minimum, the width of the private driveway shall be twenty feet (20') with a driving surface of twelve feet (12') for residential properties.~~

~~3. Common residential driveways or approaches that access two (2) or more lots or parcels, eCommercial accesses and other off street parking areas shall have a minimum width of 20 feet, and a maximum width of 28 feet, be laid out and designed according to the local highway technical assistance council's "Manual For Use Of Public Right Of Way, Standard Approach~~

Policy", as amended and adopted by reference to the extent it is not in conflict with this code, with the exception of application fees as set forth in section F of said manual and meet the following additional requirements:

a. ~~Approach Widths: The minimum driveway and approach widths shall be determined from the operating speed and the classification of the street providing access, the volume of traffic being generated, the potential for truck use, and fire protection requirements. The maximum two-way approach and driveway width shall be forty feet (40') where it can be demonstrated that generated traffic warrants a separate left turn lane for exiting vehicles. A forty foot (40') wide approach may also be considered where heavy truck use prevails.~~

b. ~~Pavement Markings: Pavement markings for persons with disabilities, pathways, crosswalks, stop bars, delineations, turning arrows, bicycles, etc., may be required.~~

~~E. Permit Fees: An approach permit fee based on the application shall be charged by the city for issuance of an approach permit under this chapter and to pay for the cost of inspection of the work by the city, according to a schedule of charges to be adopted by resolution and policy of the city council. Fees for an approach permit and inspections related to such permits shall be as set forth in the duly adopted fee resolution for the City.~~

Section 2. Severability. This ordinance is hereby declared to be severable. Should any portion of this ordinance be declared invalid by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect and shall be read to carry out the purpose(s) of the ordinance before the declaration of partial invalidity.

Section 3. Repeal of Conflicting Provisions. All provisions of the current Dalton Gardens Municipal Code, or 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 4. Effective Date. This Ordinance shall be in full force and effect from and after its passage, approval, and publication according to law.

PASSED by the City Council as an Ordinance of the city of Dalton Gardens upon roll call vote on the ___ day of ~~September~~October, 2020.

APPROVED by the Mayor on this ___ day of ~~September~~October, 2020.

CITY OF DALTON GARDENS, IDAHO

By: _____
Dan Edwards, Mayor

ATTEST:

Valerie Anderson, City Clerk



Budget 2021

PATCHING WORK ORDER

DATE: 9-3-2020

JOB #: _____

CUSTOMER NAME: <u>Dalton Gardens</u>	JOB NAME: <u>Dalton Gardens Patching</u>
ATTENTION: <u>Jim Wuest</u>	JOB SITE ADDRESS: <u>Dalton Gardens</u>
BILLING ADDRESS: <u>City of Dalton Gardens</u>	CUSTOMER PO #: _____
EMAIL ADDRESS: _____	
PHONE NUMBER: <u>208-659-9683</u>	

PATCH INFORMATION

PRICE PER SQ FEET: _____

PROJECT SQ FEET: _____

SQ FEET PRICE TOTAL: \$	_____
MOBILIZATION:	<u>\$ 1500.00</u>
SUB TOTAL:	<u>\$ 18,723.50</u>
EXTRA:	<u>TC \$2500.00 SAW CUT \$ 1100.00</u>
TAX RATE _____ %:	_____
TOTAL PRICE: \$	<u>\$ 18,723.50</u>

NOTES / COMMENTS
 252 SQ FT @ \$ 8.00 / 653 SQ FT @ \$ 13.00 / 693 SQ FT @ \$ 4.50. Traffic control \$ 2500.00 / Saw cutting \$ 1100.00 / Saw cut remove and replace asphalt to existing depth, Haul off ex material, Tack and sand all finished edges,

Scot Fuhman
POE REPRESENTATIVE

CUSTOMER SIGNATURE DATE

ASPHALT ONLY yes

REMOVE & REPLACE yes

SAW CUT yes

ADD BASE ROCK no

An Equal Opportunity Employer

City of Dalton Gardens
Asphalt Patching

Hanley at Govt Way on Hanley by US Bank 4'x15'
Canfield Ave by A to Z Rental 5'x14' and
another small one East of there on same
side of Road 1'x3'

Rude Street across from 7960 Rude 4'x7'
Prarie Ave at Rude street 3'x13' and
a 6'x7' around 3 water valves.

Valley at Prarie 2 radius patching No cut
Tac and Fill 2'x18' 2'x15'

4th Street near Prarie Northbound Lane near
Stop Sign No cut Tac and Fill 3'x23'

1271 Wilbur 1'x6' No cut Tac and Fill

2215 Wilbur 14'x14' cut out

8'x8' 15th at Hanley Radius Southeast Corner Tac and Fill

16th at Hanley on 16th No cut 6'x1'

15th at Dalton Ave 3'x6' in intersection

6175 17th cut out 6'x17'

6016 and 6120 17th Tac and Fill 1'x2'

2016 16th Street Possible tree Root 21'x33'

1527 Woodland Possible tree Root 15'x10'

Deer Haven Near 15th Shoulder Tac and Fill

City Hall Lot 5'x13'

RESOLUTION NO. 2020-___

A RESOLUTION ESTABLISHING A PURCHASING POLICY FOR THE CITY OF DALTON GARDENS

WHEREAS, it is the desire of the City Council to adopt a policy to guide decisions regarding all City purchases made by City employees or other designees, and

WHEREAS, adherence to a purchasing policy helps to ensure that the City maintains a sound purchasing position and that credit quality is protected,

NOW THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Dalton Gardens that the purchasing policy for the City be adopted as follows:

1. PURCHASES UP TO \$3,500: The Mayor can authorize purchases up to \$3,500 without competitive bidding or a formal contract, as long as the expenditure is within the budget.
2. PURCHASES OF PERSONAL PROPERTY OR PROCURING SERVICES BY PURCHASE OR LEASE \$3,500 to 50,000: A purchase order can be approved without competitive bidding, but must be approved by City Council and signed by the Mayor. A contract shall be required for such purchase and shall be approved by City Council and signed by the Mayor.
3. PURCHASES OF PERSONAL PROPERTY OR PROCURING SERVICES BY PURCHASE OR LEASE \$50,000 to \$100,000: Unless an exemption under Idaho Code Sections 67-2803 or 67-2808 applies, a purchase order requires the informal bidding requirements in compliance with Idaho Code Section 67-2806. A purchase order must be approved by City Council and signed by the Mayor. A contract shall be required for such purchase and shall be approved by City Council and signed by the Mayor.
4. PURCHASES OF PERSONAL PROPERTY OR PROCURING SERVICES BY PURCHASE OR LEASE GREATER THAN \$100,000: Unless an exemption under Idaho Code Sections 67-2803 or 67-2808 applies, a purchase order must go through a formal bid process in compliance with Idaho Code Section 67-2806. A purchase order must be approved by City Council and signed by the Mayor. A contract shall be required for such purchase and shall be approved by City Council and signed by the Mayor.
5. PUBLIC WORKS CONSTRUCTION WITH AN ESTIMATED COST OF \$3,500 to \$50,000: Such public works projects do not require either the informal or formal bid process, but must be approved by City Council. A contract shall be required for such projects and shall be approved by City Council and signed by the Mayor.

6. PUBLIC WORKS CONSTRUCTION WITH AN ESTIMATED COST OF \$50,000 to \$200,000: Unless an exemption under Idaho Code Sections 67-2803 or 67-2808 applies, such public works projects require the informal bid process be followed in compliance with Idaho Code Section 67-2805, and must be approved by City Council. A contract shall be required for such projects and shall be approved by City Council and signed by the Mayor.
7. PUBLIC WORKS CONSTRUCTION WITH AN ESTIMATED COST OF GREATER THAN \$200,000: Unless an exemption under Idaho Code Sections 67-2803 or 67-2808 applies, such public works projects require the formal bid process be followed in compliance with Idaho Code Section 67-2805, and must be approved by City Council. A contract shall be required for such projects and shall be approved by City Council and signed by the Mayor.
8. ACQUISITION OF PERSONAL SERVICES PROFESSIONAL ENGINEERING, ARCHITECTURAL, LANDSCAPE ARCHITECTURE, CONSTRUCTION MANAGEMENT AND PROFESSIONAL LAND SURVEYING SERVICES WITH AN ESTIMATED COST OF GREATER THAN \$25,000: Such acquisition shall comply with the requirements set forth in Idaho Code Section 67-2320. A contract shall be required for such services and shall be approved by City Council and signed by the Mayor.

Dan Edwards, Mayor

ATTEST:

Valerie Anderson, City Clerk



CONTRACT CITY REPORT

CITY OF DALTON

AUGUST 2020

SERVICE HOURS	MONTH	YTD
PATROL DIVISION		
Patrol Deputies (Including Sergeants)	328.5	1,834.5
District Deputies	7.5	182.5
Animal Control Section	5.0	62.5
Community Service Section	16.5	91.0
TOTAL PATROL DIVISION	357.5	2,170.5
DETECTIVE DIVISION	90.5	461.0
TOTAL SERVICE HOURS	448.0	2,631.5
TOTAL C.O.P.P.S HOURS	0.0	0.0
TOTAL SCLP HOURS	0.0	0.0

ACTIVITY

Law Enforcement Calls	137	762.0
Accidents	1	11.0
Traffic Citations	41	168.0
Total Reports	13	73.0
Arrests	0	8.0

Respectfully Submitted,
Benton Wolfinger, Sheriff

