



Planning & Zoning Public Hearing Meeting

Thursday, November 6, 2025 @ 6:00 PM

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

The meeting will be conducted in person and with online access using ZOOM:

<https://us02web.zoom.us/j/82540716944?pwd=zZuw9lhBCnMeH1mkdwMU3etgHjQWUs.1>

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

Webinar ID 825 4071 6944; Passcode: 709362

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF OCTOBER 2, 2025, COMMISSION MEETING MINUTES-**ACTION ITEM**
4. PUBLIC COMMENT(S)-Each speaker will be allowed a maximum of three (3) minutes to address the Planning & Zoning Commission on matters relating to City of Dalton Garden government business. Comments related to public hearings should be held for that public hearing. Please address comments to the Commission only and not the audience. Be advised that the Planning & Zoning Commission can only take official action this evening for those items already listed on the agenda.
5. COMMISSION COMMENTS
6. CITY PLANNER REPORT
7. PUBLIC HEARING FOR SU-25-2 AT 5624 N GOVERNMENT WAY-**ACTION ITEM**
8. PUBLIC HEARING FOR SU-25-3 AT 6280 N GOVERNMENT WAY-**ACTION ITEM**
9. CONSIDERATION OF P&Z 2026 MEETING SCHEDULE- **ACTION ITEM**
- 10.AGENDA ITEMS FOR NEXT COMMISSION MEETING
- 11.ADJOURN- **ACTION ITEM**

Original Posting: October 30, 2025

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

DALTON GARDENS P&Z REGULAR MEETING MINUTES
Thursday, October 2, 2025

1. **Call to Order:** The Commissioner called the meeting to order at 6:00 p.m.

2. **Roll Call**

Present: Commissioner Chad Haunschild, Melissa Cleveland, Ron Sampert & Caitlin O'Brien joined via zoom

Absent: Chairman Mike Becker

Commissioner Staff Present: City Clerk Sandy McFarland & City Planner Jill Ainsworth

3. **Approval of Minutes (Action Item)**

Moved by Sampert and seconded by Haunschild to approve the Meeting Minutes as presented.

Result: Passed

AYES: Haunschild, Cleveland, Sampert & O'Brien

NAYS: None

ABSTAIN: None

RECUSE: None

4. **Public Comment**

None

5. **Commission Comments**

None

6. **City Planner Report**

The City Planner provided an update on the Kanes' special use permit and informed the Commission that the next P&Z meeting is expected to include three special use permits and one variance permit.

7. **Public Hearing For Fence Ordinance 290**

The Planner presented the ordinance to the Commission and explained the proposed changes. A brief discussion followed.

Moved by Haunschild and seconded by Sampert to approve Fence Ordinance 290.

Result: Passed

AYES: Haunschild, Cleveland, Sampert & O'Brien

NAYS: None

ABSTAIN: None

RECUSE: None

Public Hearing Opened at 6:10 p.m. & Closed Public Hearing at 6:13 p.m.

8. **Agenda Items for Next Commission Meeting**

*Public Hearing for SU-25-2 and SU-25-3

*Information on Dalton Gardens Christmas Party

9. Adjournment

Moved by Haunschild and seconded by Sampert to adjourn.

Result: Passed

AYES: Haunschild, Cleveland, Sampert & O'Brien

NAYS: None

ABSTAIN: None

RECUSE: None

The Commissioner adjourned the meeting at 6:18 p.m.

Passed this on ____ day of November.

Melissa Cleveland, Commissioner

ATTEST:

Sandy McFarland, City Clerk



City of Dalton Gardens

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

Monthly Planning/Code Compliance Report Sept. 25, 2025 – Oct. 27, 2025

October 27, 2025

Area of Impact

Kootenai County Community Development Department has a draft of the AOI which is subject to discussion and action this evening, Wednesday, Oct 29th. Mayor Jernigan and I met with Development Director Dave Callahan, Craig Davidson, and Ben Tarbutton. Changes from tonight's meeting will be incorporated into the draft, and a final version will be forwarded to the County by Friday, October 31st. The City of Dalton Gardens will be scheduled with other cities in the second round for public hearings at the County level. There is a chance we could be included in the first round, since they have a draft, and barring any substantial changes within the document.

Code amendments

The Planning Commission has not heard any code amendments, other than the additions to Code Section 5-5-7.B "Residential Fencing" to further describe mesh fencing and that no fence can be within the right of way. The City Council has this on their agenda at the October 29th meeting.

Variances / Special Use Permits (SUP)

SU-25-2 was submitted by Lake City Massage on Oct 2nd. It would appear that the massage parlor is an adult entertainment service and/or entertainment as defined by Section 5-13-14, "Appendix 1 Activity Groups" and will require a special use permit to continue at that location. Staff has been working with Emily, the daughter of the business owner and the only one fluent in English to assist her in the SUP process. The Special Use Permit public hearing is scheduled before the Planning Commission on November 6th at 6 PM.

SU-25-3 was submitted on October 2nd. 2025 for the property at 6280 N Government Way owned by Wimlie, LLC, formerly owned by William and Evelyn Huender Living Trust. The request is to locate automotive repair businesses on the site. The location was occupied by Rod's Transmission, which predated the requirement of an automotive repair shop requiring a SUP (see section 5-3-1.2 of the city code and Ordinance 221). However, Rod's Transmission has retired and left the location almost 3 years ago, rendering the building to no longer contain a non-conforming use (City Code Section 5-6-6), which states if a non-conforming use is gone for more than 1 year, it may not continue. This request will be heard before the Planning Commission at a public hearing on November 6th @ 6 pm.

A variance was submitted by Brent Douglas on October 21st to request a reduction in the front yard setback for a dwelling located at 5736 N 15th Street, which had been brought down to studs, remodeled and an addition added. The foundation of the structure is measured to be 25' to the front property line. The plans they submitted show the deck addition to be 30' from the property line. It is not. They are requesting a variance to allow a 20' setback to construct the new front 207 square foot deck (

approximately 5' x 40'). There was an existing small porch stoop approximately 5' x 8' which had been removed entirely. Code allows an existing non-conformity to remain but not be enlarged. (See code section 5-6-8, Nonconforming Use; Repairs and Alterations of Facilities and section 5-6-7, Nonconforming Use Damage or Destruction of Facilities.)

Subdivisions

-No update on the Bart North/Schrieber subdivision.

Lot Line Adjustments

No update on the McCorkle's and the Kiefer's lot line adjustment for the properties located at 6928 N 4th Street and 6904 N 4th Street. Mr. Kiefer has contacted staff to assist in the LLA process. It is expected that an application will be forthcoming soon.

Predevelopment Conferences

None.

Permits

According to OpenGov, between September 25th and October 27th, thirty two (32) new records have been created, seventy-five (75) inspections completed, and twenty-seven (27) permits have been issued. A total of \$ 21,835.32 in fees have been collected, which is \$ 981.83 less than last month's report and is \$16,611.32 more than the same period in 2024. A snapshot of those permits is below.

September 24th through October 27th

Permit Type	New	Issued	Inspections	Revenue Collected
Commercial Business License	1	6	7	\$50
Home Business License	0	0	0	\$0
Alcohol License	0	0	0	\$0
Building Permit	4	6	48	\$15,410.32
Mechanical	11	7	10	\$3,209.00
Roof	2	2	8	\$400.00
Special Use Permit/Variance	3	0	n/a	\$1,800.00
Right of Way- Driveway	1	0	0	\$0
Right of Way Utilities	2	0	6	\$765.00
Predevelopment App	0	0	0	\$0
Sign Permit	1	0	1	\$200.00
Site Disturbance	0	0	0	\$0
Facility Requests	3	n/a	0	\$0
Short Plat	0	0	n/a	\$0
Approach Permit	0	0	0	\$0
Demolition Permit	0	0	0	\$0

Code Enforcement:

CE-25-23, 6719 N 15th St, ALU; letter of Voluntary Compliance sent on Sept 4; response date Sept 11 that they bought the property like that and this was discussed 15 yrs ago. Research has not produced any non-conformance certificate of the property. Response letter prepared and sent.

Research and multiple conversations re Haining approach. He will need a temporary construction approach.

Visit to 6280 N Govt Way, sign in line of sight at intersection of Govt Way and driveway. HotRod freestanding sign.

CE-25-31 6608 N 4th Street. Visited site re: sign/use "RV & Boat Storage" and spoke to James Watson, requested he take the sign out of the ROW and advised storage is a commercial use in the residential zone. There was no outdoor storage of RVs or boats visible from roadway.

CE-25-25 7787 N 4th Street (storage containers on site) emails and conversation regarding building a new structure to eliminate the containers. Building permit pending submission. Has questions on setbacks.

CE-25-33

No record #, researched IMS records of Kootenai County and responded to Natalie Priebe complaint about work on Canfield Mtn.

Visit to Walkers Furniture three times because of complaints by council person re parking in swale, parking in right of way. Advised ticketing/and or towing is next step.

CE-25-33, complaint of dead deer on residential property; 6640 N 15th. No violation was found, closed.

CE-25-34 2507 E Dalton Avenue. Loud music being played by construction workers. Addressed and closed.

Review and determine remaining CBL's that are outstanding and have not completed their CBL.

CE-25-5, businesses at 5624 N Government Way do not have CB. Lake City Massage is the last business at that location to need CBL. Application will be heard by P&Z for a special use on Nov 6th. Pending the outcome of this hearing, a CBL can be issued.

CE-25-29, Corner of Deerhaven/4th, trees in ROW inspected.

CE-25-32, 6351 N Colfax, no ROW permit for new approach. Spoke to contractor and a ROW permit was applied for that day. No permit was necessary for siding. Completed/closed.

CE-25-27, 6640 N 15th St. site visit and photos taken. Trailers still appear to be occupied. Letter prepared for Notice of Violation.

CE-25-26, Jensen 6975 N Davenport; will need to prepare a notice to title. They have not paid for an appeal, building permits do not justify use of tractor trailer storage containers and they have not been removed.

CE-25-24, 5621 N Valley St. alleged ALU. This was the subject of a complaint many years ago and it was determined then that they have living space, but not an independent unit.

Planning Commission

The Planning Commission is set to meet on November 6th @ 6 PM to hear to special use permits, SU-25-3 and SU-25-3 (see above descriptions).met on September 4th and heard consideration of Ordinance 291, an amendment to the Fence section of code, 5-5-7 to include a definition of mesh, and to add a clause that fences cannot be located within the road right of way. On September 16th the Planning Commission held a special meeting to consider the Short Plat application of Justine and Angie Kane on the corner of Prairie Avenue and Mt. Carrol to rectify a parcel created outside the subdivision ordinance. At the public hearing, the application was approved with conditions.

The next Planning and Zoning Commission meeting is on October 2nd at 6 PM.

Respectfully submitted,

Gill Cinsworth

City Planner/Code Enforcement

ORDINANCE NO. 289

AN ORDINANCE OF THE CITY OF DALTON GARDENS, KOOTENAI COUNTY, IDAHO, ADOPTING A NEW CHAPTER 8 TO TITLE 3 “BUSINESS AND LICENSE REGULATION” ENTITLED “MASSAGE FACILITIES AND SPAS,” REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR THE PUBLICATION OF A SUMMARY OF THIS ORDINANCE AND AN EFFECTIVE DATE HEREOF.

WHEREAS, after recommendation by the City Clerk and City Attorney, it is deemed by the Mayor and City Council to be in the best interests of the City of Dalton Gardens that Chapter 8 of Dalton Gardens Municipal Code Title 3 be adopted.

NOW, THEREFORE,

BE IT ORDAINED, by the Mayor and City Council of the City of Dalton Gardens:

CHAPTER 8 MASSAGE FACILITIES AND SPAS

SECTION:

- 3-8-1: Purpose and Intent
- 3-8-2: Definitions
- 3-8-3: Massage Facility or Spa License Required; Exceptions
- 3-8-4: Massage Facility and Spa License Application
- 3-8-5: Massage Facility and Spa Minimum Requirements
- 3-8-6: Approval of Massage Facility or Spa License
- 3-8-7: Display of Licenses; Student Notices
- 3-8-8: License; Term; Renewal
- 3-8-9: Denial, Suspension or Revocation of Massage Facility or Spa License
- 3-8-10: Appeal
- 3-8-11: Records Required; Records Retention; Inspection
- 3-8-12: Prohibited Conduct
- 3-8-13: License Transfer Prohibited
- 3-8-14: Altering License
- 3-8-15: Advertising Prohibited
- 3-8-16: Relocation of Massage Facility or Spa
- 3-3-8-17: Massage Facility; Hours
- 3-8-18: Massage Facility; Minimum Age of Employees
- 3-8-19: Alcoholic Beverages And Drugs Prohibited
- 3-8-20: Violation; Penalty

3-8-1: PURPOSE AND INTENT

The City recognizes the health and wellness benefits of massage and reflexology, acknowledging that these businesses serve a legitimate and beneficial purpose in the community. The City also recognizes that some businesses, which hold themselves out as massage or reflexology businesses,

employ unlicensed individuals to provide massage and uncertified individuals to provide reflexology, failing to follow state health and licensing requirements. These individuals lack the proper training required to obtain a state license or certification. In addition, businesses that employ unlicensed or uncertified persons to provide massage and reflexology can be used to facilitate the commission of various criminal acts, including but not limited to human trafficking and prostitution. The businesses that permit unlicensed or uncertified persons to perform massage and reflexology, or that permit the commission of unlawful acts, threaten the business and reputation of legitimate and licensed businesses and practitioners, and present a threat to public health, safety, and welfare. This Chapter is intended to inhibit the ability of individuals or businesses to engage in the practice of providing unlicensed massage and reflexology, and support the legitimate provision of these services by licensed massage practitioners and reflexologists.

3-8-2: DEFINITIONS

The following words and terms, as used in this chapter, shall be held and construed to have the following meanings:

CITY: Means the City of Dalton Gardens.

EMPLOYEE: Means a person who performs services for, gives baths to, or attends in any way the patrons of a Massage Facility or Spa, or who supervises the work of such person, or who acts in a managerial capacity within a Massage Facility or Spa, whether compensated by wages, profit sharing, or otherwise.

MASSAGE and MASSAGE THERAPY: Means and includes the method, art, or science of treating the human body for hygienic, remedial, or relaxation purposes, or for the purpose of reducing or contouring the human body, by pressure, friction, rubbing, stroking, rocking, kneading, tapping, percussion, rolling or manipulating the human body or any portion thereof with the hands or any mechanical or electrical apparatus or other agency or instrumentality, including the external application of water, heat, cold, lubricants, and other topical preparations; provided, the definition of Massage or Massage Therapy as used herein shall not be deemed to include any activity which is lewd, disorderly, or dissolute. For purposes of this Chapter, Massage and Massage Therapy include the manipulation of the hands, feet or ears, and the practice of using touch to affect the energy systems, acupoints or qi meridians, or channels of energy of the human body, such as polarity, polarity therapy, polarity bodywork therapy, Asian bodywork therapy, acupressure, jin shin do®, qi gong, reiki, shiatsu, or similar modalities.

MASSAGE FACILITY: Any building, room, place, or establishment where a Massage Therapist or any other person engages in, carries on, or permits to be engaged in, conducted, or carried on the business of providing Massage Therapy for compensation. The facility of a regularly licensed hospital or medical clinic, or of a licensed physician or surgeon, shall not be considered a Massage Facility for purposes of this Chapter.

MASSAGE THERAPIST: Any person who engages in, conducts, or carries on the business of providing Massage Therapy for compensation or who holds himself or herself out as a Massage Therapist, licensed by the state of Idaho.

SPA: Means and includes any place or portion thereof where hot tubs, saunas, or baths by water,

steam, vapor, or hot air, or like treatments are made available for compensation; provided, however, that such term shall not include any place providing only ordinary tub or shower baths where no attendant is present.

3-8-3: MASSAGE FACILITY, OR SPA LICENSE REQUIRED; EXCEPTIONS

It is unlawful for any person to operate, conduct, carry on or maintain a Massage Facility or Spa or to engage in the business of Massage Therapy in the City without first obtaining a City license. The following persons shall be exempt from this chapter:

A. Persons licensed in the state of Idaho to practice medicine, surgery, osteopathy, chiropractic, physical therapy, physical therapy, chiropractic, cosmetology, esthetics, or podiatry, provided the services rendered are within the scope of the license.

Registered or licensed nurses, registered athletic trainers, and licensed physical therapists, provided the services rendered are within the scope of the license.

3-8-4: MASSAGE FACILITY AND SPA LICENSE APPLICATION

An application for a Massage Facility or Spa license shall be filed with the City Clerk together with the fee established by Resolution of City Council upon the application form provided by the City Clerk. Each application shall be signed under oath, or by certification or declaration under penalty of perjury consistent with Idaho Code § 9-1406, by the person(s) who will conduct, operate, or maintain such establishment. Any applicant who receives a Massage Facility or Spa license under this Chapter will be deemed to have made any and all statements in the application

under oath, and shall be bound by such statements for all purposes. City is authorized to obtain criminal history information from the Idaho State Police and the Federal Bureau of Investigation for the purpose of evaluating the fitness of applicants for licensing. As required by state and federal law, further dissemination or other use of the criminal history information is prohibited. To determine the number of prospective applicants for licensing with the City, applicants must provide the necessary information and fingerprints to obtain criminal history information from the Idaho State Police and the Federal Bureau of Investigation. Pursuant to section Idaho Code § 67-3008 and Public Law 92-544, the City shall submit a set of fingerprints obtained from the applicant and the required fees to the Idaho State Police Bureau of Criminal Identification for a criminal records check of state and national databases. The submission of fingerprints and the information required by this section shall be on forms prescribed by the Idaho State Police. In the event the applicant is a corporation, the information required by this section shall also be provided for each officer and director of the corporation. Failure to meet or comply with the application requirements shall result in a denial of the license.

Each application shall include the following:

1. The name, home address, telephone number, and email address of the applicant and of all persons named included under subsections 3, 4, and 5 of this section; and

2. The business name, business address and telephone number of the establishment or proposed establishment, and a labeled floor plan showing all rooms, a description of the facility in which said business will be conducted, including the number of and size of treatment rooms, provisions for sanitation and laundry, exits, and residential arrangements, if any;
3. The names and addresses of all persons having a financial interest of any kind in such business or proposed business, and whether such business will be conducted as a sole proprietorship, partnership or corporation. If a partnership, provide the names of all persons sharing in the profits of said business. If a corporation, provide the names of its officers and directors, and the title of each, and all corporate stockholders;
4. The names and addresses of all persons who will act as proprietor, manager, or person in charge of such business or proposed business, and an emergency contact phone number for the business;
5. The names and addresses of all persons who will be performing Massage at the business and a copy of the State Massage Therapist license, with issue and expiration dates. The Massage Facility or Spa is required to notify the City Clerk of any changes to the licensed Therapist;
6. The residence addresses and period of occupancy for the previous five (5) years of the applicant and of all persons required to be named under subsections 3, 4, and 5 of this section;
7. The age, date of birth and social security number of the applicant and of all persons required to be named under subsections 3, 4, and 5 of this section;
8. Whether the applicant or any person named under subsections 3, 4, and 5 of this section has ever been convicted of any crime or has ever forfeited a bond to appear in court for any crime, excluding minor traffic offenses, and whether such person is the subject of any outstanding warrant or pending criminal charge, and, if so, stating the charge, the court issuing the warrant or in which charges are pending, date of conviction or forfeiture and the circumstances and disposition of the case;
9. Whether the applicant or any person named under subsections 3, 4 and 5 of this section have ever been denied a massage therapy, massage therapist, or spa license, or whether the massage therapy, massage therapist, or spa licenses has been revoked, and, if so, the date of the denial or revocation, the reason(s) therefor, the jurisdiction which denied or revoked the license, and whether the license was thereafter issued or reinstated.
10. The occupation, business name, and business address of all the prior employers of the applicant and of all other persons required to be named under subsections 3, 4, and 5 of this section during the previous ten (10) years, and the nature of the work performed for each employer;
11. All assumed names or aliases which have been or are used by the applicant and by all persons required to be named under subsections 3, 4, and 5 of this section;

12. Two (2) color photographs of the owner of the facility, two inches by two inches (2"x2") in size, taken within three months preceding the filing of the application and showing the whole face of the applicant. One (1) photograph shall be affixed to the license, and the other shall be affixed to the application retained in the City records;

13. The fee established by Resolution of the City Council; said fee shall not be refunded if the business license is denied or revoked; and

14. Such other information as the City Clerk and/or the Kootenai County Sheriff's Department may reasonably require for the administration of this Chapter.

3-8-5: MASSAGE FACILITY AND SPA MINIMUM REQUIREMENTS

A. Each new Massage Facility and Spa, as well as each licensed Massage Facility or Spa that relocates to a different location, shall be inspected by the Fire Department and must comply with all applicable provisions of the Fire Code. The Fire Department shall be permitted further inspections at reasonable times and upon reasonable notice to ensure continued compliance with the Fire Code.

B. Each new Massage Facility and Spa and each licensed Massage Facility or Spa that moves to a different location shall be inspected by the City and shall be required to comply with all applicable provisions of the Building Code. The City shall be permitted further inspections at reasonable times and upon reasonable notice to ensure continued compliance with the Building Code.

C. No Massage Facility or Spa license shall be issued unless the City affirms that it constitutes an allowed use in the zoning district and that all other provisions of the Zoning Code are met. If a Massage Facility or Spa moves to a different location, it shall be required to comply with the Zoning Code then in effect.

D. Every Massage Facility and Spa licensed under this Chapter shall have a person who is conversant in the English language present on the licensed premises, or readily available by telephone, at all times the Massage Facility or Spa is open for business.

E. Hot and cold running water, with soap and/or detergent, shall be available in the Massage Facility or Spa for patrons and employees.

F. Sufficient equipment shall be available and in good working order for the purpose of disinfecting and/or sterilizing any instruments used in the Massage Facility or Spa for Massage Therapy.

G. Restroom facilities shall be available for patrons and employees as required by the current Building Code.

H. Closable cabinets shall be provided for the storage of clean linen and supplies.

I. A schedule of services available, and the name and telephone number of the manager of the Massage Facility or Spa, shall be posted in plain view near the customer entry door to the business.

3-8-6: APPROVAL OF MASSAGE FACILITY OR SPA LICENSE

Upon receipt of a completed application, the results of the background check, payment of the fee adopted by Resolution, and completion of any necessary investigation, the City Clerk shall issue a license to a qualified applicant.

3-8-7: DISPLAY OF LICENSES; STUDENT NOTICES

A. Every Massage Facility or Spa licensed pursuant to the provisions of this Chapter shall display in a manner so as to be easily seen by customers the current Massage Facility or Spa license and the current Idaho state license for any Massage Therapist employee performing Massage Therapy at the Massage Facility or Spa. In addition, a notice listing all students enrolled in a board-approved course of instruction while completing a clinical requirement or supervised massage therapy fieldwork experience for graduation, performed under the supervision of a person licensed under this Chapter, shall be displayed in a form that can easily be read by persons entering the premises.

B. It is unlawful for any owner, proprietor, manager, or person in charge of a Massage Facility or Spa to allow any person to act as a Massage Therapist or a Spa employee who has not obtained the required license from the state of Idaho Board of Occupational Licensing.

3-8-8: LICENSE TERM; RENEWAL

A Massage Facility license issued pursuant to this Chapter shall be valid from the time it is issued and may be renewed by filing an application for renewal with the City Clerk or authorized representative designee, together with the renewal fee established by Resolution of Council.

3-8-9: DENIAL, SUSPENSION OR REVOCATION OF MASSAGE FACILITY OR SPA LICENSE

The City Clerk may refuse to issue any Massage Facility or Spa license, and may suspend or revoke upon a finding after such investigation as deemed necessary, that:

A. Such license was issued illegally or by mistake or inadvertence, or was procured by fraud, misrepresentation, false or misleading statements, evasions or suppressions of material facts, or that any of the material facts contained in the application for such license have become false; or

B. Any person owning an interest or sharing in the profits of such business, or any corporate stockholders, or officers, or directors thereof, or any persons acting as proprietor, manager or person in charge of such business:

1. Has, within the previous five (5) years, been convicted of, or forfeited a bond to appear in court for, any felony, misdemeanor, or other violation of any federal, state or local law relating to sex offenses or to the possession, use or sale of drugs, controlled

substances, alcoholic beverages, or of any crime involving moral turpitude, or has forfeited a bond to appear in court for any of the foregoing offenses; or

2. Has violated any provision of this Chapter or committed any misconduct or improper, fraudulent, or wrongful behavior relating to the giving of massages or baths, or to the management of a Massage Facility or Spas, or the fitness of such person to engage in such business, or committed any act which is discreditable to such business or which is lewd or dissolute; or

3. Is not of good moral character; or

4. Previously shared in the profits of any Massage Facility or Spa or acted as an officer or director thereof, or acted as proprietor, manager or person in charge of such business at a time when any license issued pursuant to this Chapter for such business was revoked; or

C. Any servant, agent, employee or representative of such business has committed any act in violation of this Chapter or failed to act in a manner required by this Chapter, or committed any misconduct or improper, fraudulent or wrongful behavior relating to the giving of massages or baths which bears on the fitness of such person to engage in such business, or committed any act or default which is discreditable to such business or which is lewd or dissolute; if:

1. The circumstances surrounding such acts or tend to establish a lack of adequate supervision or control over a servant, agent, employee, or representative of the business ; or

2. The circumstances establish that the acts or omissions of the servant, agent, employee, or representative were knowingly allowed by any person sharing in the profits of said business, any officer or director thereof, or of any person acting as proprietor, manager or person in charge of such business;

D. Denial, suspension or revocation is necessary to protect the safety, morals, or welfare of the public, or the operation of such business would be in violation of any federal, state, or local law;

E. The holder of any Massage Facility license or Spa license and all persons owning an interest or sharing in the profits of such business, including any officers and directors thereof, and all persons acting as proprietor, manager or person in charge of such business shall be held strictly responsible for the acts and omissions of each other and for any the acts and omissions of any servant, agent, employee, or representative of such business if the circumstances establish a lack of adequate supervision or control, or the acts or omissions were knowingly allowed, or an act or omission occurred three (3) or more times within the previous two (2) years.

3-8-10: APPEAL

A. An applicant whose application for a license has been denied, or any person holding a license which is suspended or revoked, may file a written notice of appeal with the City Clerk

within ten (10) business days following mailing of the notification of the denial, suspension, or revocation. The City Clerk may grant a stay of the suspension or revocation of a license, after consultation with the City Attorney and any agency that has made any criminal charge, upon a showing of good cause that continued operation of the facility during the pendency of the appeal would not harm the public safety, morals, or welfare.

B. The written notice of appeal shall state the grounds for the appeal, identifying the specific objections to the decision, any abuse of discretion that occurred, or where the evidence did not support the decision. The appeal shall be accompanied by such evidence as the appellant deems necessary to support the appeal.

C. The City Clerk shall fix the time for a hearing before the City Council, which shall occur (15) and forty (40) days after filing the notice of appeal. An extension of up to thirty (30) days shall be granted upon request by the appellant or the City. At least ten (10) days prior to the hearing date, written notice shall be given to the appellant of the time and place of the hearing. The hearing shall be *de novo*, and all credible evidence bearing on the questions of whether the denial, suspension, or revocation was proper may be received. The applicant shall bear the burden of showing that the denial, suspension, or revocation was contrary to the law or not supported by the evidence. The City Council shall consider the purpose and intent, as well as the language, of the pertinent provisions of the Code.

D. Following the hearing, the City Council may affirm or reverse the denial, suspension, or revocation of the license, and shall provide written Findings of Fact and Conclusions of Law to the applicant.

3-8-11: RECORDS REQUIRED; RECORDS RETENTION; RECORDS INSPECTION

A. Every Massage Facility or Spa shall keep a written record of the date and hour of the services provided, identifying the name of the person providing the service, the length of the appointment, and a general description of the services provided, to include the part(s) of the body treated. All records, including but not limited to customer or patron lists, service logs, and transaction receipts, must be legible and in English to enable inspection by the City. In addition, for each employee, the following written records must be kept by the Massage Facility or Spa:

1. Full legal name, date of birth, home address and telephone number, job title or description, dates of commencement of employment and termination of employment; and
2. State Massage Therapist license number, date of issuance, and date of expiration.

B. The required records must be retained for at least one (1) year after the services were provided.

C. The records required by this Chapter are subject to inspection by the City or its designated agents, including law enforcement personnel, during normal business hours. Upon reasonable notice, inspection shall be allowed outside normal business hours.

D. The Kootenai County Sheriff's Department shall have the power, at all times, to inspect any Massage Facility for which a license is granted hereunder for the purpose of determining compliance with this Chapter.

3-8-12: PROHIBITED CONDUCT:

It is unlawful for any employee of a Massage Facility or Spa, or any person providing Massage Therapy at a Massage Facility or Spa licensed by the City to:

A. Knowingly provide or offer to provide any service intended to arouse, appeal to, or gratify sexual desires; or

B. Knowingly ask or direct a patron to touch their own anus, genitals or breasts; or touch the anus, genitals or breasts of any person on the premises, or expose his or her genitals, anus or breasts to any person on the premises with the intention of appealing to the prurient interest of the Massage Therapist or the Massage Facility or Spa client; or

C. Knowingly place any part of the body of a patron in direct or indirect contact with the anus, genitals or breasts of any other person on the premises; or

D. Knowingly offer any service or engage in conduct that violates any federal, Idaho state, or City law.

3-8-13: LICENSE TRANSFER PROHIBITED:

A license issued pursuant to this Chapter may not be assigned or transferred. Upon a change in ownership of the Massage Facility or Spa, a new license will be required.

3-8-14: ALTERING LICENSE:

It is unlawful to alter or tamper in any way with a license which has been issued pursuant to the provisions of this Chapter.

3-8-15: ADVERTISING PROHIBITED:

It is unlawful to place an advertisement for a Massage Facility or Spa unless the Massage Facility or Spa, and its employees are licensed, if required by law.

3-8-16: RELOCATION OF MASSAGE FACILITY OR SPA

A Massage Facility or Spa license is valid only for the premises identified in the City records. If a Massage Facility or Spa intends to relocate, the City Clerk shall be notified in writing of the relocation at least ten (10) days in advance thereof. Any required Fire, Building, or Planning inspections must be completed before the relocation.

3-8-17: MASSAGE FACILITY; HOURS

It is unlawful to conduct business in a Massage Facility or Spa between the hours of ten o'clock (10:00) P.M. and six o'clock (6:00) A.M.

3-8-18: MASSAGE FACILITY; MINIMUM AGE OF EMPLOYEES

It is unlawful for any Massage Facility or Spa to employ any person who is not at least eighteen (18) years of age, unless such employee acts solely as a receptionist or janitor, in which case the employee must be at least sixteen (16) years of age.

3-8-19: ALCOHOLIC BEVERAGES AND DRUGS PROHIBITED:

A. It is unlawful to consume any alcoholic beverages or liquor, or possess an open container of any alcoholic beverage or liquor, on the premises of any Massage Facility or Spa.

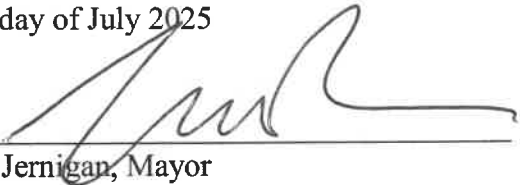
B. It is unlawful for the proprietor, manager, or person in charge of any Massage Facility or Spa, or any employee to allow the consumption of alcoholic beverages or liquor on such premises. Provided, however, that the provisions contained herein relating to alcoholic beverages or liquor shall not apply to premises which are duly licensed by the Idaho State Liquor Control Board and the City.

3-8-20: VIOLATION; PENALTY

Any person who commits, attempts to commit, conspires to commit, offers or agrees to commit, or aids or abets in the commission of any act or omission that violates any of the provisions of this Chapter is guilty of a misdemeanor punishable as provided in section 1-1-1 of this Code. Each and every day a violation of this Chapter exists constitutes a separate and distinct offense, and shall be subject to a separate citation.

Passed under suspension of rules upon which a roll call vote was duly taken and duly enacted an Ordinance of the City of Dalton Gardens at a regular session of the City Council on July 30, 2025.

APPROVED, ADOPTED and SIGNED this 31st day of July 2025



Curt Jernigan, Mayor


ATTEST:



Sandy McFarland, City Clerk

SUMMARY OF DALTON GARDENS ORDINANCE NO. 289
Adding Chapter 8 entitled "Massage Facilities and Spas"

AN ORDINANCE OF THE CITY OF DALTON GARDENS, KOOTENAI COUNTY, IDAHO, AMENDING DALTON GARDENS MUNICIPAL CODE TITLE 3 AND ADDING CHAPTER 8, ENTITLED "MASSAGE FACILITIES AND SPAS;" REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR THE PUBLICATION OF A SUMMARY OF THIS ORDINANCE AND AN EFFECTIVE DATE HEREOF. THE FULL TEXT OF THE SUMMARIZED ORDINANCE NO. 289 IS AVAILABLE AT DALTON GARDENS CITY HALL, 6360 NORTH 4TH STREET, DALTON GARDENS, IDAHO 83815 IN THE OFFICE OF THE CITY CLERK.



Sandy McFarland, City Clerk

STATEMENT OF LEGAL ADVISOR

I, Susan P. Weeks, am the City Attorney for the City of Dalton Gardens, Idaho. I have examined the attached summary of Dalton Gardens Ordinance No. 289, adding Chapter 3, to Title 3, and find it to be a true and complete summary of said ordinance, which provides adequate notice to the public of the context thereof.

DATED this 31st day of January 2025.



Susan P. Weeks

CITY OF DALTON GARDENS
6360 N 4th Street Dalton Gardens, Idaho 83815

NOTICE OF PUBLIC HEARING

Thursday, November 6, 2025 @ 6 PM

To consider any and all testimony on Special Use Permit (SU-25-2)

In accordance with Idaho Code 67-6512, the Dalton Gardens Planning and Zoning Commission will conduct a Public Hearing and take oral and written public testimony for the special use permit application request **SU-25-2** submitted by Shaobin Wu, doing business as Lake City Massage, to be represented by Steve Chen. The applicant requests a special use permit to locate an **adult entertainment sales and service** business at **5624 N Government Way, Suite 3, Dalton Gardens, Idaho** within the **Commercial zone**. The subject property location is on the northeast corner of the intersection of Dalton Avenue and North Government Way. The **parcel number is D140036297AB**. The property is owned by Nguy Family Trust, for which the applicant has submitted a letter of authorization from the property owner to move forward on this request. Adult Entertainment Sales and Services are allowed by Special Use Permit under **Dalton City Code Title 5, Section 5-3-1.B.3**.

The public hearing will be held at the Dalton Gardens City Hall, 6360 N. 4th Street, Dalton Gardens, Idaho on November 6, 2025, at 6:00 p.m.

All interested persons are invited to appear and show cause, if any, why such item should or should not be approved. Copies of the application packet is available at City Hall during regular office hours (7:00 am to 5:00 pm, Monday through Thursday closed 1 -2 for lunch). **Written comments should be received no later than 5PM Wednesday, November 5th**. Comments can be emailed to clerk@daltongardens.com, mailed directly to Dalton Gardens City Hall at 6360 N 4th Street, Dalton Gardens, ID 83815, or delivered in person to City Hall during regular business hours of 7 AM - 1 PM and 2 PM - 5 PM, Monday through Thursday. Please reference SU-25-2 in your comments. City hall is accessible to persons with disabilities. Anyone desiring accommodations for disabilities related to these documents or to the hearing can contact the City Clerk, 772-3698 at least 48 hours prior to the public hearing.

Publish: CDA Press

Publish **WEDNESDAY OCTOBER 22, 2025**

Attest:

Sandy McFarland
City Clerk

Lake City Massage Therapy's site plan

Unit 1
Fifth
Avenue

Salon, unit 2

unit 3
Lake City
Massage Therapy

unit 4
Caribbean Tan

unit 5
Mi Jalisco
Tavernia

unit 6
Role Goddess

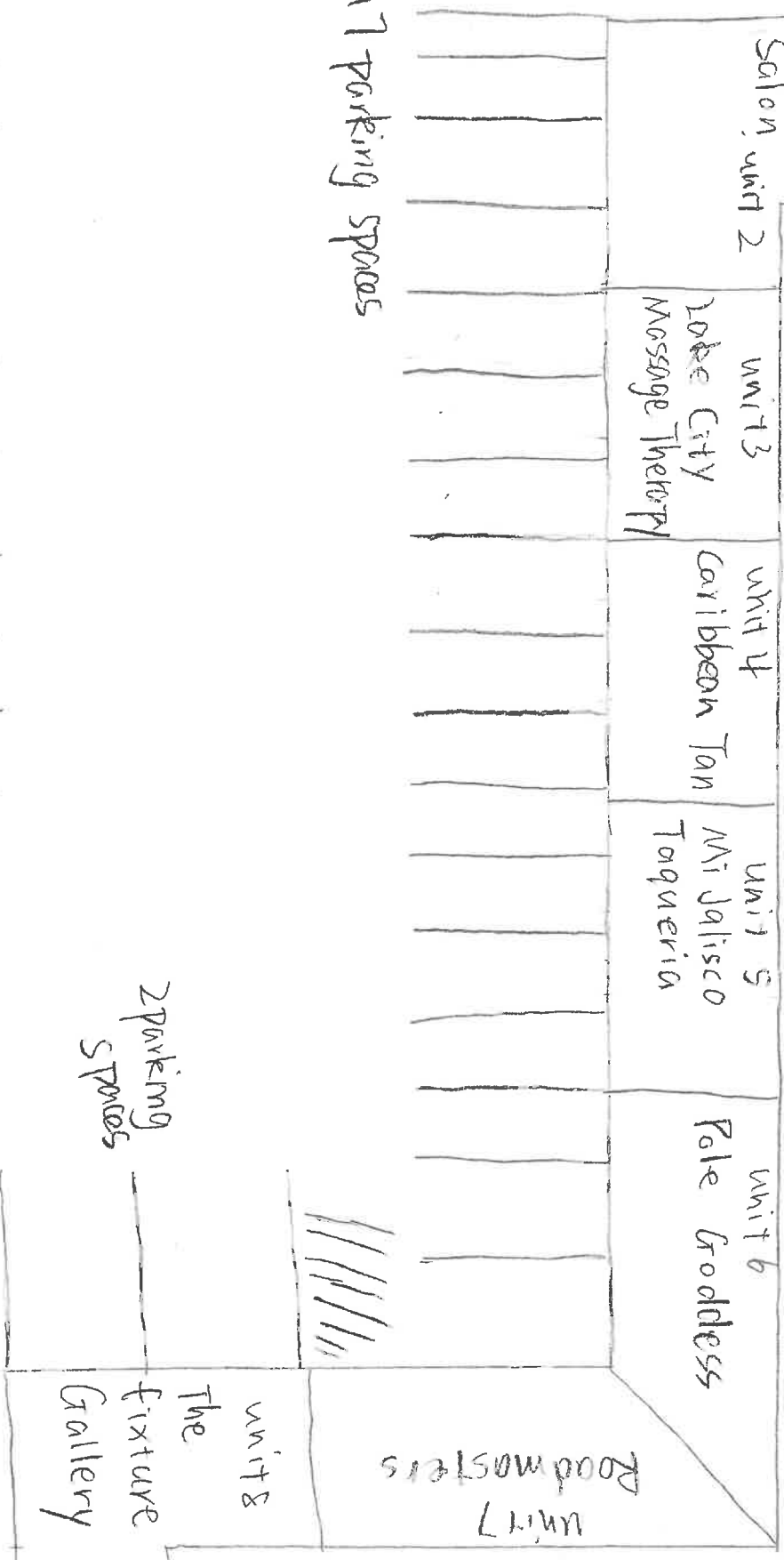
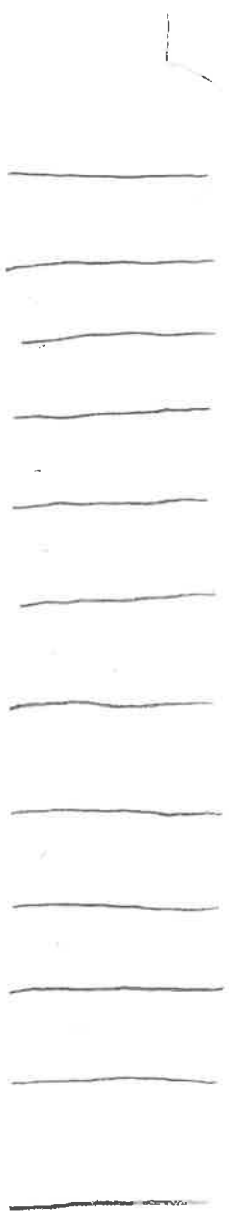
unit 7
Roadmasters

units
The
fixture
Gallery

17 parking spaces

2 parking
spaces

11 parking spaces



Lake City Massage Therapy

Project Narrative / Special Use Permit Application

Business Name: Lake City Massage Therapy

Address: 5624 N Government Wy #3, Dalton Gardens, ID 83815

Type of Business: Licensed massage therapy business (full-body massage and foot massage)

1. Business Description

Lake City Massage Therapy is a licensed massage therapy business that provides professional full-body and foot massage services in a safe, sanitary, and controlled environment. The business fully complies with state and local regulations for massage therapy services.

2. Effect on Adjoining Properties

The operation of Lake City Massage Therapy is expected to have minimal impact on surrounding properties. Services are conducted indoors, and the business does not generate significant noise, glare, odor, fumes, or vibration. Customer traffic is moderate and typical for a small professional service, and ample parking is available on-site to prevent interference with neighboring businesses.

3. Environmental Considerations

- Noise: All services are conducted indoors with minimal noise impact.
- Glare: Lighting is standard for indoor office space and does not affect neighboring properties.
- Odor/Fumes: Massage oils and lotions used are safe, non-toxic, and contained within the facility, producing no offensive odors to adjoining properties.
- Vibration: No vibration-producing equipment is used.

4. Compatibility with Adjacent Properties

Lake City Massage Therapy is compatible with the surrounding commercial and professional properties. The business provides a professional service that complements other businesses in the area and is consistent with the character of the neighborhood.

5. Conclusion

The proposed operation of Lake City Massage Therapy at 5624 N Government Wy #3 is consistent with City Code requirements, has negligible impact on neighboring properties, and is generally compatible with the surrounding area. Approval of the Special Use Permit

will allow the business to operate in a safe and compliant manner, benefiting the local community by providing a professional wellness service.



Authorization Letter

I, Shaobin Wu, hereby authorize Steve Chen to act as my representative.

Date: September 19, 2025

Signature: Shaobin Wu

9/23/2025

To whom it may concern,

This is Johnathon Nguy, the owner of the building at 5624 N Government Way in Dalton Garden, Idaho 83815. I leased the 1,000 Square foot Suite #3 in the aforementioned building to Shuangyan Tang for the purpose of massage therapy and no other purposes.

Regards,





SU-25-2

Special Use and
Variance Application
Status: Active
Submitted On: 10/1/2025

Primary Location

5624 N GOVERNMENT
WAY
DALTON GARDENS, ID
83815

Owner

NGUY FAMILY TRUST
[REDACTED]
COEUR D ALENE, ID 83815


Applicant

Shaobin Wu
 [REDACTED]
 [REDACTED]
 5624 N Government Way
Ste 3
Dalton Gardens, ID 83815

STEPS TO COMPLETE YOUR VARIANCE/SPECIAL USE PROJECT

- 1) If necessary for your project schedule a pre-application conference with the City Planner by emailing planner@daltongardens.com. At the meeting, the process will be fully explained. Ask questions and make sure you completely understand the timeline and the requirements needed to complete your application. This meeting may be in person or over the phone depending upon the project.
- 2) Read the applicable City Code carefully. (<http://www.daltongardens.com>) You bear the burden of proof to “pitch” your project to the City.
- 3) If someone will be speaking on your behalf at the public hearing, be sure to complete the Affidavit of Representation included in this packet.
- 4) Contact a Title Company for an adjacent property owners list and 2 sets of mailing labels of all surrounding properties within 300 feet of your property lines. You will need your tax number or parcel number in order to obtain this. *NOTE: There are costs associated with this.
- 5) Prepare your site plan and narrative. You may need help from a planning professional or attorney. Take at least 4 photos of your parcel, one from each direction at the property line facing in.
- 6) Fees must be paid when the application is submitted for review and are non-refundable. Other fees may apply as well, depending upon the complexity of the project.
- 7) Submit your completed application including labels, narrative, site plan, photos, fees, and affidavit of representation (if applicable) in the online portal. Labels from the Title Company need to be physically brought to City Hall.
- 8) Contact City Hall (208-772-3698) with any questions and if you need clarification on the public hearing process.
- 9) Following the public hearing a final decision may be made on your project that same day. However, the Planning & Zoning Commission has up to thirty days to render a final decision after the hearing.

I have read, and understand the steps to complete my application.*

 Shaobin Wu
Sep 15, 2025

Application Information

Application For*

Special Use

Property Owner Phone Number *

[REDACTED]

Property Owner Email*

[REDACTED]

Parcel Identification Number

DALTON GARDENS ADD HL IRR
LANDS, S 135 FT-W2-TR 297 EX RW

Legal Description of Property*

Dalton gardens addition Hayden likes

Current Zoning *

Business

Comprehensive Plan Designation *

Business

Request*

Requesting special use permit to operate a massage store.

**Number of Properties within 300 feet of property lines
as disclosed by a Title Company***

13

Signature

Burden of proof and compliance with City of Dalton Gardens City Code are the responsibility of the Applicant. All fees associated with the application are nonrefundable.

I attest that the application, attachments and exhibits are true and complete to the best of my knowledge.

Digital Signature *

✔ Shaobin Wu
Sep 18, 2025












Staff Only Section

🔒 Check if Physical Property Notification is needed

Attachments

	Project Narrative Project_Narrative_Massage_Shop.docx Uploaded by Shaobin Wu on Sep 18, 2025 at 9:10 PM	REQUIRED
	Site Plan Site Plan.pdf Uploaded by Shaobin Wu on Sep 19, 2025 at 11:26 AM	REQUIRED
	List of Adjacent Property Owner's List of Adjacent Property Owner's.xlsx Uploaded by Shaobin Wu on Sep 18, 2025 at 8:58 PM	REQUIRED
	Affidavit of Representation Affidavit of representative.pdf Uploaded by Shaobin Wu on Oct 1, 2025 at 2:59 PM	REQUIRED

REQUIRED

-  **Photos of the Site**
Site.pdf
Uploaded by Shaobin Wu on Oct 1, 2025 at 3:02 PM
 -  **Affidavit of representative.pdf**
Affidavit of representative.pdf
Uploaded by City Clerk on Oct 2, 2025 at 10:12 AM
 -  **Site.pdf**
Site.pdf
Uploaded by City Clerk on Oct 2, 2025 at 10:12 AM
 -  **List of Adjacent Property Owner's.xlsx**
List of Adjacent Property Owner's.xlsx
Uploaded by City Clerk on Oct 2, 2025 at 10:12 AM
 -  **Project_Narrative_Message_Shop.docx**
Project_Narrative_Message_Shop.docx
Uploaded by City Clerk on Oct 2, 2025 at 10:13 AM
 -  **Lake City Massage Therapy .pdf**
Lake City Massage Therapy .pdf
Uploaded by City Clerk on Oct 2, 2025 at 10:13 AM
 -  **Notice of public hearing SU-25-2.doc**
Notice of public hearing SU-25-2.doc
Uploaded by Jill Ainsworth on Oct 16, 2025 at 11:36 AM
 -  **SU 25 2_Receipt for postage 1.pdf**
SU 25 2_Receipt for postage 1.pdf
Uploaded by City Clerk on Oct 21, 2025 at 7:41 AM
 -  **SU 25 2 _Reciepts for postage 2.pdf**
SU 25 2 _Reciepts for postage 2.pdf
Uploaded by City Clerk on Oct 21, 2025 at 7:41 AM
 -  **SU 25 2_Mailer Info.pdf**
SU 25 2_Mailer Info.pdf
Uploaded by City Clerk on Oct 21, 2025 at 7:46 AM
 -  **pics for Su 25 2_sign placement.docx**
pics for Su 25 2_sign placement.docx
Uploaded by City Clerk on Oct 22, 2025 at 3:49 PM
-

Record Activity

Shaobin Wu started a draft Record	09/15/2025 at 3:24 pm
Shaobin Wu added file List of Adjacent Property Owner's.xlsx	09/18/2025 at 8:58 pm
Shaobin Wu added file Project_Narrative_Message_Shop.docx	09/18/2025 at 9:10 pm
Shaobin Wu added file Site Plan.pdf	09/19/2025 at 11:26 am
Shaobin Wu added file Affidavit of representative.pdf	10/01/2025 at 2:59 pm
Shaobin Wu added file Site.pdf	10/01/2025 at 3:02 pm
Shaobin Wu submitted Record SU-25-2	10/01/2025 at 3:02 pm
OpenGov system altered payment step Application Fees (Non-Refundable), changed status from Inactive to Active on Record SU-25-2	10/01/2025 at 3:02 pm
OpenGov system completed payment step Application Fees (Non-Refundable) on Record SU-25-2	10/02/2025 at 9:48 am
OpenGov system altered approval step Intake Review, changed status from Inactive to Active on Record SU-25-2	10/02/2025 at 9:48 am
OpenGov system assigned approval step Intake Review to City Clerk on Record SU-25-2	10/02/2025 at 9:48 am
City Clerk added file Affidavit of representative.pdf to Record SU-25-2	10/02/2025 at 10:12 am
City Clerk added file Site.pdf to Record SU-25-2	10/02/2025 at 10:12 am
City Clerk added file List of Adjacent Property Owner's.xlsx to Record SU-25-2	10/02/2025 at 10:12 am
City Clerk added file Project_Narrative_Message_Shop.docx to Record SU-25-2	10/02/2025 at 10:13 am
City Clerk added file Lake City Massage Therapy .pdf to Record SU-25-2	10/02/2025 at 10:13 am
City Clerk approved approval step Intake Review on Record SU-25-2	10/02/2025 at 10:15 am

OpenGov system altered approval step Zoning Review & Identify Public Hearing, changed status from Inactive to Active on Record SU-25-2	10/02/2025 at 10:15 am
City Clerk assigned approval step Zoning Review & Identify Public Hearing to Jill Ainsworth on Record SU-25-2	10/02/2025 at 10:15 am
City Clerk added approval step KCSO to Record SU-25-2	10/02/2025 at 10:29 am
City Clerk added approval step KCFR to Record SU-25-2	10/02/2025 at 10:29 am
City Clerk added approval step Panhandle Health to Record SU-25-2	10/02/2025 at 10:29 am
Jill Ainsworth added file Notice of public hearing SU-25-2.doc to Record SU-25-2	10/16/2025 at 11:36 am
City Clerk altered approval step KCFR, changed status from Inactive to Active on Record SU-25-2	10/16/2025 at 4:23 pm
City Clerk altered approval step Panhandle Health, changed status from Inactive to Active on Record SU-25-2	10/16/2025 at 4:23 pm
Ted Siegford approved approval step Panhandle Health on Record SU-25-2	10/20/2025 at 7:09 am
City Clerk added file SU 25 2_Receipt for postage 1.pdf to Record SU-25-2	10/21/2025 at 7:41 am
City Clerk added file SU 25 2 _Reciepts for postage 2.pdf to Record SU-25-2	10/21/2025 at 7:41 am
City Clerk added file SU 25 2_Mailer Info.pdf to Record SU-25-2	10/21/2025 at 7:46 am
City Clerk added file pics for Su 25 2_sign placement.docx to Record SU-25-2	10/22/2025 at 3:49 pm
Seth Hohenstreet reassigned approval step KCFR from KCFR Inspections to Seth Hohenstreet on Record SU-25-2	10/29/2025 at 9:52 am
Seth Hohenstreet approved approval step KCFR on Record SU-25-2	10/29/2025 at 9:52 am

Timeline

Label	Activated	Completed	Assignee	Due Date	Status
💰 Application Fees (Non-Refundable)	10/1/2025, 3:02:45 PM	10/2/2025, 9:48:53 AM	Shaobin Wu	-	Completed
✓ Intake Review	10/2/2025, 9:48:54 AM	10/2/2025, 10:15:23 AM	City Clerk	-	Completed
✓ Zoning Review & Identify Public Hearing	10/2/2025, 10:15:25 AM	-	Jill Ainsworth	-	Active
✓ KCSO	-	-	-	-	Inactive
✓ KCFR	10/16/2025, 4:23:55 PM	10/29/2025, 9:52:41 AM	Seth Hohenstreet	-	Completed
✓ Panhandle Health	10/16/2025, 4:23:58 PM	10/20/2025, 7:09:27 AM	Ted Siegford	-	Completed
💰 Notice/Amendment Fees	-	-	Shaobin Wu	-	Inactive
✓ Schedule Public Hearing	-	-	-	-	Inactive
✓ Public Hearing	-	-	-	-	Inactive
✓ Administrative Review	-	-	-	-	Inactive
✓ Update on Zoning Order of Decision	-	-	-	-	Inactive

**BEFORE THE PLANNING COMMISSION, CITY OF DALTON GARDENS, IDAHO
Staff Report for Special Use Permit (SU-25-2)**

**IN THE MATTER OF THE APPLICATION
OF SHAOBIN WU, BUSINESS OWNER
REPRESENTED BY STEVEN CHEN, FOR A
SPECIAL USE PERMIT TO ALLOW AN
ADULT ENTERTAINMENT/MASSAGE
PARLOR IN THE COMMERCIAL ZONE**

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

I. COURSE OF PROCEEDINGS

- 1.01 An application for a special use permit was submitted by the applicant on October 1, 2025, assisted by Emily Wu, daughter of the owner.
- 1.02 The City Clerk issued a Notice of Public Hearing for the permit application with a public hearing to be held on November 6, 2025, at 6 PM. The notice was published in the Coeur d'Alene Press. City Clerk sent a Notice of Public Hearing by certified mail on October 20, 2025, to property owners within 300'. On October 20, 2025, the site was posted.
- 1.03 Files and exhibits relative to this application will be available for review at the Planning Commission meeting and are available for review at the City Hall during office hours.

II. FINDINGS OF FACT

- 2.01 **Applicant/Owner.** An application has been submitted by Shaobin Wu, owner of the business, Lake City Massage, a tenant at 5624 North Government Way, Unit 3. The subject property is owned by Nguy Family Trust, 5431 N Martha Loop, Coeur d'Alene, Id 83815. Mr. Nguy has provided an authorization for the applicant to make this application.
- 2.02 **Request.** The Applicant is requesting a special use permit to allow the location of an Adult Entertainment Use, specifically Lake City Massage, within the Commercial Zone per Section 5-3-1.B.3 of Dalton Gardens City Code. Section 5-3-14, Appendix 1, Activity Group states, "Adult entertainment. Activities, whether conducted intermittently or full time, that primarily involve the display, exhibition, or viewing of people and/or materials distinguished or characterized by an emphasis on matter depicting, describing, or relating to human sex acts or by emphasis on male or female genitals, buttocks or female breasts; typical of adult motion picture theaters, adult mini-motion picture theaters, and adult motion picture arcades, and including massage parlors and bathhouses."**(See Exhibits application, narrative, site plan, photos).**

- 2.03 **Location / Parcel No. / Legal Description.** The subject property is addressed within the City limits of Dalton Gardens at 5624 N Government Way, Dalton Gardens, Idaho. The specific business location is within the multi-tenanted structure and identified as Suite 3. The property can be described as located on the northeastern corner of E. Dalton Ave and N Government Way. The site can be further identified as Assessor's parcel number D140036297AA with the legal description DALTON GARDENS ADD HL IRR LANDS, W2-TR 297 EX S 135 FT EX RW.
- 2.04 **Parcel size and frontage.** The parcel is 1.21 acres in size and meets the City's lot size requirements. It has approximately 116 feet of public street frontage on N Government Way and 288' on E Dalton Avenue.
- 2.05 **Zoning and Comprehensive Plan.** The property is in the Commercial zoned district of the Dalton Gardens Zoning Map. City Code Title 5 Chapter 3, Section 5-3-1.3 speaks to uses allowed by Special Use Permit, to include Adult Entertainment Sales and Service as described in Section [5-3-14](#), "Appendix 1 Activity Groups"; "Adult entertainment. Activities, whether conducted intermittently or full time, that primarily involve the display, exhibition, or viewing of people and/or materials distinguished or characterized by an emphasis on matter depicting, describing, or relating to human sex acts or by emphasis on male or female genitals, buttocks or female breasts; typical of adult motion picture theaters, adult mini-motion picture theaters, and adult motion picture arcades, and **including massage parlors** and bathhouses."

The Comprehensive Plan future land use designation is also Commercial. The Goals and Policies are as follows:

ECONOMIC DEVELOPMENT GOALS AND POLICIES

GOAL 1: Support business development in the City's Commercial District.

GOAL 2: Enhance land use compatibility between activities permitted in the commercial corridor.

POLICIES:

- 1. Clearly define and delineate allowed, prohibited, and special uses within all zoning.**
2. Regulate signs and parking, contributing to a more ordered image along the corridor and stimulating increased investment.
3. Encourage the "small town" theme by paying attention to building size, height, intensity, lighting, and landscaping.
- 4. Strictly enforce the business license regulations which require adherence to zoning standards.**

5. Strictly enforce standards and regulations for outside storage and screening of equipment, materials.
6. Maintain agreements with Dalton Water Association regarding water consumption issues.
7. Strictly enforce performance standards to eliminate nuisances by requiring adequate buffering and enhanced noise restrictions.
8. Clearly define industrial uses and ensure that all non-conforming industrial uses have been certified as legal non-conforming.
9. Ensure that the City tracks discontinuance of active operation of industrial uses.
10. Strictly enforce buffering standards between non-residential and residential zones.
11. Create a Neighborhood Commercial district to allow Dalton Market to flourish while retaining their existing scale.
12. Consider opportunities to align trails through buffer areas and in community green belts.
13. Develop a utility undergrounding standard.
14. Review and evaluate existing ordinances, resolutions, and standards, and ensure that the provisions and regulations regarding community image goals are met.

LAND USE GOALS AND POLICIES

GOAL 2: Promote a wide variety of land uses, design and standards within the Commercial District that complement the rural residential lifestyle of Dalton Gardens.

GOAL 3: Create a lively, active, and dynamic place along the Government Way corridor that encourages social interaction.

POLICIES:

1. Ensure that any development along the commercial corridor is developed to minimize negative impact on nearby residential areas.
2. Respect the rights of property owners with nonconforming uses or structures and work with them to manage offsite impacts and improve land use compatibility.
3. Provide effective buffering between residential and non-residential uses, and apply design guidelines and standards to commercial and light industrial uses to minimize the adverse impacts of noise, traffic, vibration, and lighting.
4. Permit intensification of commercial uses along the Government Way corridor within the constraints of available sewer service.
5. Manage development of light industrial and service commercial uses within the commercial corridor, provided design and operations of such uses do not negatively impact nearby residential neighborhoods.

6. Manage commercial development within the commercial corridor to provide a wide variety of retail, dining, office, service, and entertainment uses, ensuring compatibility with nearby residential neighborhoods.

7. Prohibit residential land uses in the commercial district.

2.06 **Physical Characteristics.** The parcel is rectangular in shape, approximately 306 feet deep and 140 feet wide. The site is improved with an “L” shaped 13,200 square foot multi-tenanted commercial building and associated parking for 30 vehicles including handicap parking, and a pole sign.

2.07 **Surrounding Uses.** On the subject site within the multi tenanted building the surrounding business suites include but are not limited to a hair /nail salon, tanning salon, eat-in/take-out Mexican restaurant, interior design office, and a plumbing fixture supply store; the business subject to this request occupies suite 3 which is approximately North of the subject site is 5648 N Government Way; a 1.21 acre commercial parcel improved with commercial structures to include Coeur d’Alene Lighting, a retail store, and Rumour Boutique a retail store. To the west of the subject site is a .4 acre property within the city limits of Coeur d’Alene. The last use on this property was used car sales, which is now defunct. To the east of the subject site is an unaddressed .78 acre property owned Acorn Investments, which stores supplies for Consolidated Supply, a wholesale/retail plumbing supply business addressed at 155 E Dalton Avenue. To the south of the subject site is the City of Coeur d’Alene city limits, and the Kootenai County Sheriff’s Department building with associated offices and the Kootenai County Jail.

2.08 **Water Service.** The property is served by the Dalton Water Association.

2.09 **Wastewater.** The property is connected to sewer. Panhandle Health District had no comment, as the site does not contain hazardous or critical materials and is connected to Coeur d’Alene city sewer.

2.10 **Access.** The subject site corners on two improved public rights of way; North Government Way to the west and East Dalton Avenue to the south. Traffic may access the subject site via both road frontages. North Government Way is improved with sidewalks; East Dalton Avenue is not.

III. APPLICABLE LEGAL STANDARDS

- 3.01 Dalton Gardens Municipal Code Title 5 Chapter 3 - Commercial District
- 3.02 Dalton Gardens Municipal Code Title 5, Chapter 7 - Special Use Permits
- 3.03 Dalton Gardens 2019 Comprehensive Plan
- 3.04 Idaho Code Title 67 Chapter 6512 - Special Use Permits
- 3.05 Idaho Code Title 67 Chapter 6535 - Reasoned Statement of Facts

IV. REQUIRED FINDINGS TO APPROVE A SPECIAL USE PERMIT

Dalton Gardens Municipal Code Section 5-7-4 states that a special use permit may be approved if it:

- a.) Will, in fact, constitute a special use as established on the conditional use schedule for the zoning district involved.
- b.) Will be harmonious with and in accordance with the general objectives or with any specific objective of the comprehensive plan and/or this title.
- c.) Will be designed, constructed, operated, and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area.
- d.) Will not be hazardous or disturbing to existing or future neighboring uses.
- e.) Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer and schools, or that persons or agencies responsible for the establishment of the proposed use will be able to provide adequately any such services.
- f.) Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
- g.) Will not involve uses, activities, processes, materials, equipment, and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors.
- h.) Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.
- i.) Will not result in the destruction, loss, or damage of a natural, scenic, or historical feature of major importance.

V. STAFF ANALYSIS

- The procedures outlined in the municipal code for processing special use permits have been followed. The required notices have been sent to surrounding property owners and published in the Coeur d'Alene Press.

- The applicant stated in their commercial business license application CBL-25-54 that there is only 1 full time employee and no part time employees. However, there are six massage areas identified on their submitted site plan. (See Exhibit, CBL 25-54, “Details”)
- Ordinance 289, an ordinance related to Massage Facilities and Spas was approved by the Dalton Gardens City Council on July 30, 2025, and published within the Coeur d’Alene Press on September 17,2025. The applicant had submitted their request for a commercial business license on July 11, 2025, prior to the adoption of said ordinances. However, since Lake City Massage submitted their request for a special use permit after the adoption of Ordinance 289, a condition to comply with Ordinance 289, Title 3 Chapter 8, of Dalton City Code can be included as a condition of approval of this special use permit request. (See Exhibit, Ordinance 289)
- The applicant stated in their Commercial Business License CBL-25-54 that Lake City Massage Therapy is an LLC, however a search of the Idaho Secretary of State’s website did not reveal a LLC in the name of Lake City Massage Therapy, rather as STW, LLC . This LLC was opened on August 28, 2024, with the Registered Agent being Shao Bin Wu. The Registered Agent changed to Shuan Gyan Tang on January 16, 2025, and currently still listed as the RA.
- The subject business and applicant/associates are currently a part of an investigation by the Kootenai County Sheriff’s office Case # 25-19254, with nine supplemental reports added. In May 2025 Shuan Gyan Tan was arrested for by Kootenai County Sheriff for [Idaho Code Title 18, Chapter 56, 18-5608](#), place of commercial sexual activity; and [Idaho Code Title 18, Chapter 56 18-5606](#) receiving proceeds of illegal sexual activity. Concerns of suspected sex trafficking and undocumented immigrants were also noted. The FBI, Idaho State Police Detective Klitch, and the US Postal Inpectors were/are investigating the facility. A copy of the complete case has been requested via public records request with KCSO. Currently the Kootenai County Prosecutors office has not moved forward on the case and is considered an active case.
- The city has received multiple anonymous complaints from adjacent businesses stating concerns of inappropriate activities, concerns of personal safety, and concerns of impact on their business because of activities. Code enforcement has not acted upon these complaints as per the Code Enforcement Policies, due to the fact that they were anonymous.

VI. RECOMMENDED CONDITIONS OF APPROVAL

- 6.01 The applicant shall keep the Commercial Business License updated with the licenses of those individuals who are providing services for as long as this business is located within the city limits of Dalton Gardens.

- 6.02 The Applicant shall follow and remain in compliance with Ordinance 289 approved by the City Council on July 30, 2025, "Massage Facilities and Spas".
- 6.04 This special use permit approval shall be null and void when and if the ownership of the business changes; and/or the business closes at this location. This approval does not transfer with the ownership of the business, nor does it transfer to a new business location.
- 6.05 This special use permit approval shall be null and void if the business owner, and/or business associates, and/or employees are found guilty in a court of law of the current and /or new allegations and charges by Kootenai County Sheriff, Idaho State Police, Federal Bureau of Investigations or the United Postal Service Inspectors related to sex trafficking, illegal sexual activity, harboring prostitutes, human trafficking, and similar related charges.
- 6.06 Reserved for Planning Commission, if needed.

VII. FINDINGS AND CONCLUSIONS

The proposal as presented does / does not warrant approval for the following reasons:

- 7.01 The application does / does not meet the minimum requirements for a special use permit.
- 7.02 The use will / will not be harmonious with and in accordance with the general goals and policies of the Comprehensive Plan.
- 7.03 The use will / will not be hazardous or disturbing to existing or future neighboring uses.
- 7.04 The use will / will not be served adequately by essential public facilities and services.
- 7.05 The use will / will not create a public cost that will be detrimental to the welfare of the community.
- 7.06 The use will / will not generate excessive traffic, noise, smoke, fumes, glare, or odors.
- 7.07 The use will / will not have vehicular approaches to the property which will not interfere with traffic on surrounding streets.
- 7.08 The use will / will not result in the destruction, loss, or damage of a natural, scenic, or historical feature of major importance.

VIII. DECISION BY THE COMMISSION

Based on the Findings of Fact and Conclusions of Law set forth in this document, the Planning Commission APPROVES / APPROVES WITH CONDITIONS / DENIES the application for a special use permit to locate an adult entertainment/resale use in the Commercial zone at 5624 N Government Way, Dalton Gardens, Idaho, parcel number D140036297AA.

IF DENIED:

Per Dalton Gardens City Code (DGCC 5-7-6), Appeals of the commission decision shall be forwarded to the city council for public hearing and determination in accordance with Section 1-11-1.

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

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

Respectfully submitted,

Jill Ainsworth
City Planner

CITY OF DALTON GARDENS
6360 N 4th Street Dalton Gardens, Idaho 83815

NOTICE OF PUBLIC HEARING

Thursday, November 6, 2025 @ 6 PM

To consider any and all testimony on Special Use Permit (SU-25-3)

In accordance with Idaho Code 67-6512, the Dalton Gardens Planning and Zoning Commission will conduct a Public Hearing and take oral and written public testimony for the special use permit application request **SU-25-3** submitted by Mark Heunder, 15273 N Singer Road, Rathdrum, Idaho, registered agent for Wimlie LLC. The applicant requests a special use permit to locate an **automobile repair and cleaning** business at **6280 N Government Way, Units 1, 2, 3 and 4, Dalton Gardens, Idaho** within the **Commercial zone**. The subject property is located on the east side of N Government Way, one parcel south of the intersection of N Government Way and Hanley Avenue. The **parcel number is D140036303AA**, and described as Dalton Gardens Addition Hayden Lake Irrigated Lands, TR 303, ex S 99ft, ex RW. The property is owned by Wimlie LLC, 6280 N Government Way, Dalton Gardens, ID for which the applicant has submitted documentation he is the registered agent for Wimlie LLC. Automotive repair and cleaning are allowed by Special Use Permit under **Dalton City Code Title 5, Section 5-3-1.B.3**.

The public hearing will be held at the Dalton Gardens City Hall, 6360 N. 4th Street, Dalton Gardens, Idaho on November 6, 2025, at 6:00 p.m.

All interested persons are invited to appear and show cause, if any, why such item should or should not be approved. Copies of the application packet is available at City Hall during regular office hours (7:00 am to 5:00 pm, Monday through Thursday closed 1 -2 for lunch). **Written comments should be received no later than 5PM Wednesday, November 5th**. Comments can be emailed to clerk@daltongardens.com, mailed directly to Dalton Gardens City Hall at 6360 N 4th Street, Dalton Gardens, ID 83815, or delivered in person to City Hall during regular business hours of 7 AM - 1 PM and 2 PM - 5 PM, Monday through Thursday. Please reference SU-25-3 in your comments. City hall is accessible to persons with disabilities. Anyone desiring accommodations for disabilities related to these documents or to the hearing can contact the City Clerk, 772-3698 at least 48 hours prior to the public hearing.



Publish: CDA Press

Publish [(Day name) MONTH DAY, 2025]

Attest:

Sandy McFarland

City Clerk

Site Plan Narrative

- 1.) Describe the request in detail. Wimlie LLC is asking that a special use permit be granted for 6280 N. Government Way #1,#2,#3 and #4 for use as automotive repair shops. Previously the following automotive shops have occupied these shops. Rods Transmission 1984-2022, Dons Automotive 1991-2012, The Speed Shop 2013-2022, Automatic Transmission Exchange 1985-1989 and currently Mr. Injector occupies unit #4. Because of updated codes, we have been asked to update the classification of these units.
- 2.) How will the land use request benefit the public? It will allow the public additional businesses to choose from for there automotive needs.
- 3.) Will the use have an adverse effect on the public interest? There will be no adverse effects on the public.



SITE PLAN

SCALE 1/20-ft

Parcel ID
D140036303A

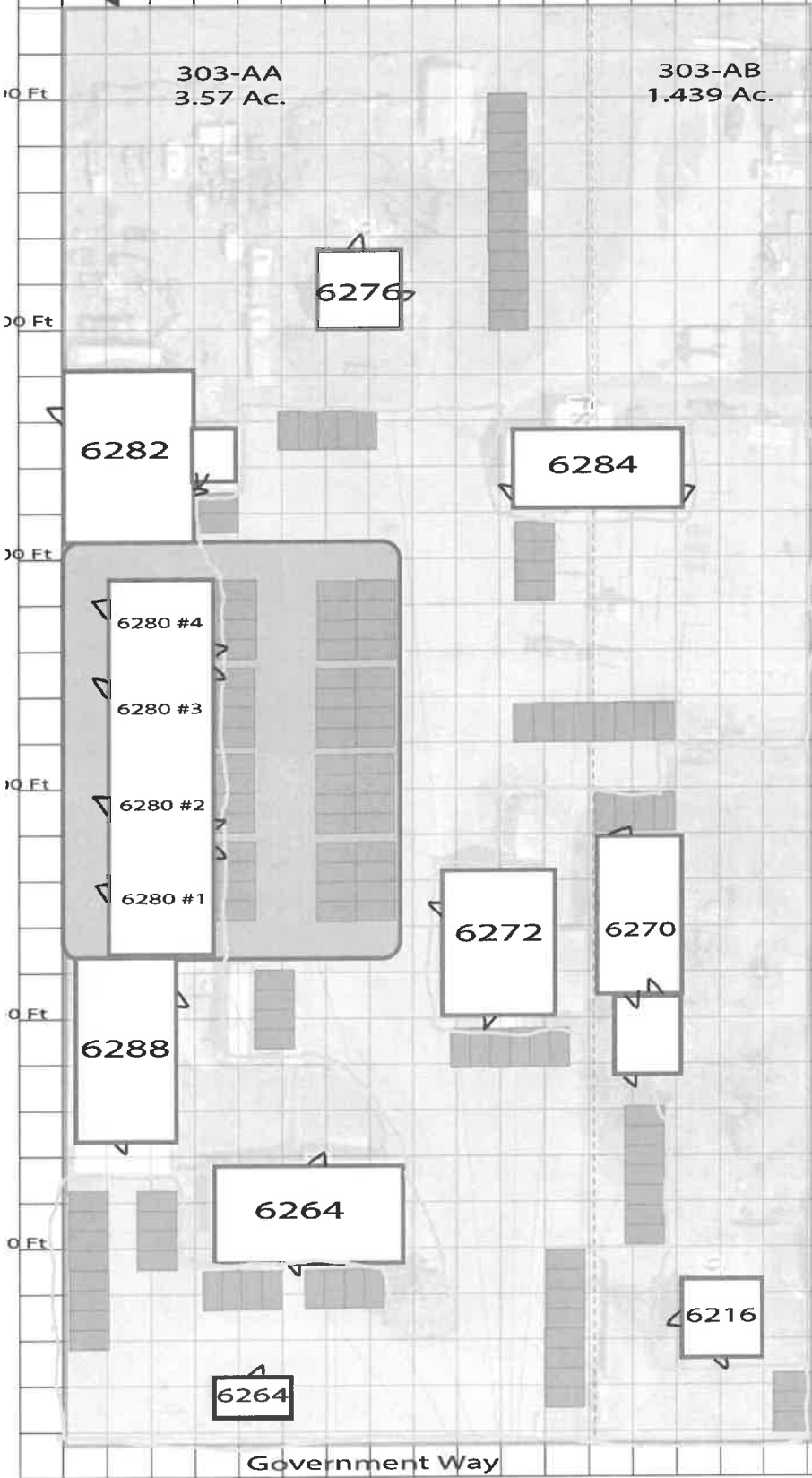
AIN#
107616

Lot Size 620x326

Water ID #51552

Sewer ID #136383

GreenParking
Spaces
Dimensions In
9x18ft each



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

Owner Name Wimlie LLC Site Address 6280 N. Government Way 1,2,3 and 4

Signature Mark Huender

Date 9-29-25





SU-25-3

Special Use and Variance Application

Status: Active

Submitted On: 10/2/2025

Primary Location

6280 N GOVERNMENT WAY Unit 6280
DALTON GARDENS, ID 83815

Owner

Wimlie LLC MGR- Mark Huender
[REDACTED]

Applicant

 Mark Huender

 [REDACTED]

 [REDACTED]

 [REDACTED]

[REDACTED]

STEPS TO COMPLETE YOUR VARIANCE/SPECIAL USE PROJECT

- 1) If necessary for your project schedule a pre-application conference with the City Planner by emailing planner@daltongardens.com. At the meeting, the process will be fully explained. Ask questions and make sure you completely understand the timeline and the requirements needed to complete your application. This meeting may be in person or over the phone depending upon the project.
- 2) Read the applicable City Code carefully. (<http://www.daltongardens.com>) You bear the burden of proof to “pitch” your project to the City.
- 3) If someone will be speaking on your behalf at the public hearing, be sure to complete the Affidavit of Representation included in this packet.
- 4) Contact a Title Company for an adjacent property owners list and 2 sets of mailing labels of all surrounding properties within 300 feet of your property lines. You will need your tax number or parcel number in order to obtain this. *NOTE: There are costs associated with this.
- 5) Prepare your site plan and narrative. You may need help from a planning professional or attorney. Take at least 4 photos of your parcel, one from each direction at the property line facing in.
- 6) Fees must be paid when the application is submitted for review and are non-refundable. Other fees may apply as well, depending upon the complexity of the project.
- 7) Submit your completed application including labels, narrative, site plan, photos, fees, and affidavit of representation (if applicable) in the online portal. Labels from the Title Company need to be physically brought to City Hall.
- 8) Contact City Hall (208-772-3698) with any questions and if you need clarification on the public hearing process.
- 9) Following the public hearing a final decision may be made on your project that same day. However, the Planning & Zoning Commission has up to thirty days to render a final decision after the hearing.

I have read, and understand the steps to complete my application.*

 Mark Anthony Huender
Sep 28, 2025

Application Information

Application For*

Special Use

Property Owner Phone Number *

[REDACTED]

Property Owner Email*

[REDACTED]

Parcel Identification Number

D140036303aa

Legal Description of Property*

Description
DALTON GARDENS ADD HL IRR LANDS, TR 303 EX S 99 FT EX RW
Section 36 Township 51N Range 04W

Current Zoning *

441- Mixed Use Comm/Ind

Comprehensive Plan Designation *

Mixed Use Comm/Ind/automotive repair

Request*

Special Use Permit – Automotive repair shops for 6280 N. Government Way, Dalton Gardens, Idaho 83815 Units #1,#2,#3 and #4

Number of Properties within 300 feet of property lines as disclosed by a Title Company*

12

Signature

Burden of proof and compliance with City of Dalton Gardens City Code are the responsibility of the Applicant. All fees associated with the application are nonrefundable.

I attest that the application, attachments and exhibits are true and complete to the best of my knowledge.



Digital Signature *


✔ Mark A Huender
Sep 29, 2025

Staff Only Section


🔒 Check if Physical Property Notification is needed

Attachments


	Project Narrative text.txt Uploaded by Mark Huender on Sep 29, 2025 at 4:58 PM	REQUIRED
	Site Plan Commercial_Site_Plan 6280 N. Govt Way.pdf Uploaded by Mark Huender on Sep 29, 2025 at 4:36 PM	REQUIRED

- 


List of Adjacent Property Owner's
 Mailing List Wimlie LLC.pdf
 Uploaded by Mark Huender on Sep 29, 2025 at 4:36 PM


REQUIRED
- 


Affidavit of Representation
 4039C1E4-64D4-4428-AD3A-D1B87796B0C3.jpeg
 Uploaded by Mark Huender on Oct 2, 2025 at 9:32 AM


REQUIRED
- 


Photos of the Site
 2687E365-8F06-48AC-B343-18775A25CF50.jpeg
 Uploaded by Mark Huender on Oct 2, 2025 at 9:25 AM


REQUIRED
- 


65BB307B-5DDF-4506-AAE5-B0EC3796E36B.jpeg
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 Uploaded by Mark Huender on Oct 2, 2025 at 9:26 AM
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 Uploaded by Mark Huender on Oct 2, 2025 at 9:26 AM
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 Uploaded by Mark Huender on Oct 7, 2025 at 9:01 PM
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 FCFBD5BB-608D-423A-B7B1-6401BCA00B75.jpeg
 Uploaded by Mark Huender on Oct 8, 2025 at 7:24 PM
- 

Notice of public hearing SU-25-3.doc
 Notice of public hearing SU-25-3.doc
 Uploaded by Jill Ainsworth on Oct 16, 2025 at 12:03 PM
- 

Updated Mailing Labels.pdf
 Updated Mailing Labels.pdf
 Uploaded by City Clerk on Oct 21, 2025 at 7:51 AM
- 

SU 25 3_Mailer Info.pdf
 SU 25 3_Mailer Info.pdf
 Uploaded by City Clerk on Oct 21, 2025 at 7:52 AM
- 

pics for Su 25 3_sign placement.docx
 pics for Su 25 3_sign placement.docx
 Uploaded by City Clerk on Oct 22, 2025 at 3:52 PM
- 

SU 25 3_Proof of mailing.pdf
 SU 25 3_Proof of mailing.pdf
 Uploaded by City Clerk on Oct 23, 2025 at 9:27 AM

Record Activity

- Mark Huender started a draft Record
09/28/2025 at 2:45 pm
- Mark Huender added file Commercial_Site_Plan 6280 N. Govt Way.pdf
09/29/2025 at 4:36 pm
- Mark Huender added file Mailing List Wimlie LLC.pdf
09/29/2025 at 4:36 pm
- Mark Huender added file text.txt
09/29/2025 at 4:58 pm

Mark Huender added file O2A260A1-5E64-4C46-9CCA-574F8EC56404.jpeg	10/02/2025 at 9:23 am
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Mark Huender added file 2687E365-8F06-48AC-B343-18775A25CF50.jpeg	10/02/2025 at 9:25 am
Mark Huender added file 65BB307B-5DDF-4506-AAE5-B0EC3796E36B.jpeg	10/02/2025 at 9:26 am
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Mark Huender added file 4039C1E4-64D4-4428-AD3A-D1B87796B0C3.jpeg	10/02/2025 at 9:32 am
Mark Huender submitted Record SU-25-3	10/02/2025 at 9:35 am
OpenGov system altered payment step Application Fees (Non-Refundable), changed status from Inactive to Active on Record SU-25-3	10/02/2025 at 9:35 am
OpenGov system completed payment step Application Fees (Non-Refundable) on Record SU-25-3	10/02/2025 at 9:40 am
OpenGov system altered approval step Intake Review, changed status from Inactive to Active on Record SU-25-3	10/02/2025 at 9:40 am
OpenGov system assigned approval step Intake Review to City Clerk on Record SU-25-3	10/02/2025 at 9:40 am
City Clerk added approval step Panhandle Health to Record SU-25-3	10/02/2025 at 11:08 am
City Clerk added approval step Dalton Water to Record SU-25-3	10/02/2025 at 11:08 am
City Clerk added approval step Dalton Irrigation to Record SU-25-3	10/02/2025 at 11:08 am
City Clerk added approval step KCFR to Record SU-25-3	10/02/2025 at 11:08 am
City Clerk approved approval step Intake Review on Record SU-25-3	10/02/2025 at 11:09 am
OpenGov system altered approval step Zoning Review & Identify Public Hearing, changed status from Inactive to Active on Record SU-25-3	10/02/2025 at 11:09 am
City Clerk assigned approval step Zoning Review & Identify Public Hearing to Jill Ainsworth on Record SU-25-3	10/02/2025 at 11:09 am
Mark Huender added file 1C1C457A-539F-478F-A0B2-867EEA5AC114.jpeg to Record SU-25-3	10/07/2025 at 9:01 pm
Mark Huender added file FCFBD5BB-608D-423A-B7B1-6401BCA00B75.jpeg to Record SU-25-3	10/08/2025 at 7:24 pm
Jill Ainsworth added file Notice of public hearing SU-25-3.doc to Record SU-25-3	10/16/2025 at 12:03 pm
City Clerk altered approval step Panhandle Health, changed status from Inactive to Active on Record SU-25-3	10/16/2025 at 4:24 pm
City Clerk altered approval step Dalton Water , changed status from Inactive to Active on Record SU-25-3	10/16/2025 at 4:24 pm
City Clerk altered approval step Dalton Irrigation , changed status from Inactive to Active on Record SU-25-3	10/16/2025 at 4:24 pm
City Clerk altered approval step KCFR, changed status from Inactive to Active on Record SU-25-3	10/16/2025 at 4:24 pm

Da Meyer approved approval step Dalton Water on Record SU-25-3	10/16/2025 at 4:31 pm
Ted Siegford approved approval step Panhandle Health on Record SU-25-3	10/20/2025 at 7:09 am
Lue Franklin approved approval step Dalton Irrigation on Record SU-25-3	10/20/2025 at 9:38 am
City Clerk added file Updated Mailing Labels.pdf to Record SU-25-3	10/21/2025 at 7:51 am
City Clerk added file SU 25 3_Mailer Info.pdf to Record SU-25-3	10/21/2025 at 7:52 am
City Clerk added file pics for Su 25 3_sign placement.docx to Record SU-25-3	10/22/2025 at 3:52 pm
City Clerk added file SU 25 3_Proof of mailing.pdf to Record SU-25-3	10/23/2025 at 9:27 am

Timeline

Label	Activated	Completed	Assignee	Due Date	Status
💰 Application Fees (Non-Refundable)	10/2/2025, 9:35:40 AM	10/2/2025, 9:40:53 AM	Mark Huender	-	Completed
✓ Intake Review	10/2/2025, 9:40:54 AM	10/2/2025, 11:09:14 AM	City Clerk	-	Completed
✓ Zoning Review & Identify Public Hearing	10/2/2025, 11:09:15 AM	-	Jill Ainsworth	-	Active
✓ Panhandle Health	10/16/2025, 4:24:19 PM	10/20/2025, 7:09:00 AM	Ted Siegford	-	Completed
✓ Dalton Water	10/16/2025, 4:24:24 PM	10/16/2025, 4:31:14 PM	Da Meyer	-	Completed
✓ Dalton Irrigation	10/16/2025, 4:24:28 PM	10/20/2025, 9:38:07 AM	Lue Franklin	-	Completed
✓ KCFR	10/16/2025, 4:24:31 PM	-	KCFR Inspections	-	Active
💰 Notice/Amendment Fees	-	-	Mark Huender	-	Inactive
✓ Schedule Public Hearing	-	-	-	-	Inactive
✓ Public Hearing	-	-	-	-	Inactive
✓ Administrative Review	-	-	-	-	Inactive
✓ Update on Zoning Order of Decision	-	-	-	-	Inactive

**BEFORE THE PLANNING COMMISSION, CITY OF DALTON GARDENS, IDAHO
Staff Report for Special Use Permit (SU-25-3)**

**IN THE MATTER OF THE APPLICATION
OF MARK HUENDER, AGENT FOR WIMLIE
LLC, OWNER, TO REQUEST A
SPECIAL USE PERMIT TO ALLOW AN
AUTOMOTIVE REPAIR SERVICE
IN THE COMMERCIAL ZONE**

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

I. COURSE OF PROCEEDINGS

- 1.01 An application for a special use permit to allow an automotive repair shop in the commercial zone was submitted by the applicant, Mark Huender, 15273 N Singer Rd, Rathdrum, Id 83858 as Registered Agent on behalf of the property owner Wimlie, LLC on October 2, 2025.
- 1.02 The City Clerk issued a Notice of Public Hearing for the permit application with a public hearing to be held on November 6, 2025, at 6 PM. The notice was published in the Coeur d'Alene Press. City Clerk sent a Notice of Public Hearing by certified mail on October 20, 2025, to property owners within 300'. On October 20, 2025, the site was posted.
- 1.03 Files and exhibits relative to this application will be available for review at the Planning Commission meeting and are available for review at the City Hall during office hours.

II. FINDINGS OF FACT

- 2.01 **Applicant/Owner.** An application was received, Mark Huender, 15273 N Singer Rd, Rathdrum, Id 83858 as Registered Agent on behalf of the property owner Wimlie, LLC also on October 2, 2025.
- 2.02 **Request.** The Applicant is requesting a special use permit to allow an automotive repair shop as allowed with a special use permit per City of Dalton Gardens Code Sectio 5-3-1.B.3, Special Uses. The site location was previously occupied by Rod's Transmission and predated the need for a special use. Rod's vacated the premise more than 1 year ago, thereby losing the non-conforming status of the use. **(See Exhibits application, narrative, site plan, photos).**
- 2.03 **Location / Parcel No. / Legal Description.** The subject property is addressed within the City limits of Dalton Gardens at 6280 N Government Way, Dalton Gardens, Idaho. The specific business location is within the multi-tenanted structure at the northwest corner of the property. The property can be described

being located on the east side of N. Government Way 1 parcel south of the corner of N Government Way and Hanley Avenue. The site can be further identified as Assessor's parcel number D140036303AA with the legal description of DALTON GARDENS ADD HL IRR LANDS, TR 303 EX S 99 FT EX RW

- 2.04 **Parcel size and frontage.** The parcel is 3.27 acres in size and meets the City's lot size requirements. It has approximately 232.6 feet of public street frontage on N Government Way.
- 2.05 **Zoning and Comprehensive Plan.** The property is in the Commercial zoned district of the Dalton Gardens Zoning Map. City Code Title 5 Chapter 3, Section 5-3-1.3 speaks to uses allowed by Special Use Permit, to include Automobile Repair and Cleaning. As described in Section [5-3-14](#), "Appendix 1 Activity Groups"; "Automotive Repair and Cleaning is defined as "Activities that include the major repair or painting of motor vehicles, including bodywork and installation of major accessories as well as the washing and polishing of motor vehicles."

The Comprehensive Plan future land use designation is also Commercial. The Goals and Policies are as follows:

ECONOMIC DEVELOPMENT GOALS AND POLICIES

GOAL 1: Support business development in the City's Commercial District.

GOAL 2: Enhance land use compatibility between activities permitted in the commercial corridor.

POLICIES:

1. Clearly define and delineate allowed, prohibited, and special uses within all zoning.
2. Regulate signs and parking, contributing to a more ordered image along the corridor and stimulating increased investment.
3. Encourage the "small town" theme by paying attention to building size, height, intensity, lighting, and landscaping.
4. Strictly enforce the business license regulations which require adherence to zoning standards.
5. Strictly enforce standards and regulations for outside storage and screening of equipment, materials.
6. Maintain agreements with Dalton Water Association regarding water consumption issues.
7. Strictly enforce performance standards to eliminate nuisances by requiring adequate buffering and enhanced noise restrictions.
8. Clearly define industrial uses and ensure that all non-conforming industrial uses have been certified as legal non-conforming.
9. Ensure that the City tracks discontinuance of active operation of industrial uses.

10. Strictly enforce buffering standards between non-residential and residential zones.
11. Create a Neighborhood Commercial district to allow Dalton Market to flourish while retaining their existing scale.
12. Consider opportunities to align trails through buffer areas and in community green belts.
13. Develop a utility undergrounding standard.
14. Review and evaluate existing ordinances, resolutions, and standards, and ensure that the provisions and regulations regarding community image goals are met.

LAND USE GOALS AND POLICIES

GOAL 2: Promote a wide variety of land uses, design and standards within the Commercial District that complement the rural residential lifestyle of Dalton Gardens.

GOAL 3: Create a lively, active, and dynamic place along the Government Way corridor that encourages social interaction.

POLICIES:

1. Ensure that any development along the commercial corridor is developed to minimize negative impact on nearby residential areas.
2. Respect the rights of property owners with nonconforming uses or structures and work with them to manage offsite impacts and improve land use compatibility.
3. Provide effective buffering between residential and non-residential uses, and apply design guidelines and standards to commercial and light industrial uses to minimize the adverse impacts of noise, traffic, vibration, and lighting.
4. Permit intensification of commercial uses along the Government Way corridor within the constraints of available sewer service.
5. Manage development of light industrial and service commercial uses within the commercial corridor, provided design and operations of such uses do not negatively impact nearby residential neighborhoods.
6. Manage commercial development within the commercial corridor to provide a wide variety of retail, dining, office, service, and entertainment uses, ensuring compatibility with nearby residential neighborhoods.
7. Prohibit residential land uses in the commercial district.

- 2.06 **Physical Characteristics.** The parcel is rectangular in shape, totaling 3.27 acres. The site has 232' of frontage on N. Government Way. The site is improved with 6 (six) separately addressed buildings, some being multiple tenanted. The Kootenai County Assessor's Office indicates there are 5,408 square feet of general retail building space (2 buildings); 216 sq ft coffee stand; 6,156 sq ft of light commercial building space; and 9,780 square feet of storage/warehouse.

Most of the site applicant not paved; with exception to the very front of the site along N Government Way. There is a sidewalk along the frontage. Two pole signs are also at the frontage. The applicant is seeking permission to locate an automotive repair shop at 6280 N Government Way.



2.07 Surrounding Uses. On the subject site there are multiple businesses to include but not limited to October Country Muzzleloading at 6272 N Government Way; Silverhorn Coffee is located at the front of the site; Honeydew Handyman and Hot Rod and Boats Upholstery at 6288 N Government Way; at 6264 N Government Way is Frame It and Brick and Mortar Vintage Shop.

North of the subject site is 6376 N Government Way, a bank; 108 E Hanley Avenue, a transmission repair shop; 132 E Hanley Avenue, unknown use; 164 E Hanley, a CrossFit gym and storage units, all zoned Commercial.

South of the subject site is also owned by the applicant and is a 1.4 acre parcel, zoned Commercial, with 3,174 light commercial buildings; 5104 sq ft of general office space and a 650 sq ft a residential dwelling use, per the Kootenai County Assessor's office.

To the west of the subject site is a vacant retail building at 6265 N government Way (was a farm store); and Inland Mobile Recycling at 6303 N Government Way both within the city limits of Coeur d'Alene.

To the east of the subject site are three residential properties, 6279, 6255 and 6223 N Valley Street ranging in size of 1.18 acres and 1.85 acres. Each with single family dwellings and associated out buildings.

- 2.08 **Water Service.** The Dalton Water Association serves the property. The Dalton Water Association had no comments on this application request.
- 2.09 **Wastewater.** The property is not connected to sewer. Although Panhandle Health District had no comment, there may be requirements that need to be met. The site is allowed to generate up to 250 gallons of wastewater per day per acre, or a total of 817.5 gallons for a 3.27 acre parcel. There has not been any water overages related to this site for the 2024-25 year.
- 2.10 **Access.** The subject site has access to N. Government Way via two separate approach areas.
- 2.11 **Commenting Agencies.** The following agencies were requested to comment on this request:
- Panhandle Health District: No Comment. Completed 10/20/25.
Dalton Water Association: No Comment. Completed 10/16/25.
Kootenai County Fire District: Pending
Dalton Irrigation District: No Comment. Completed 10/20/25.

III. APPLICABLE LEGAL STANDARDS

- 3.01 Dalton Gardens Municipal Code Title 5 Chapter 3 - Commercial District
3.02 Dalton Gardens Municipal Code Title 5, Chapter 7 - Special Use Permits
3.03 Dalton Gardens 2019 Comprehensive Plan
3.04 Idaho Code Title 67 Chapter 6512 - Special Use Permits
3.05 Idaho Code Title 67 Chapter 6535 - Reasoned Statement of Facts

IV. REQUIRED FINDINGS TO APPROVE A SPECIAL USE PERMIT

Dalton Gardens Municipal Code Section 5-7-4 states that a special use permit may be approved if it:

- a.) Will, in fact, constitute a special use as established on the conditional use schedule for the zoning district involved.
- b.) Will be harmonious with and in accordance with the general objectives or with any specific objective of the comprehensive plan and/or this title.
- c.) Will be designed, constructed, operated, and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area.

- d.) Will not be hazardous or disturbing to existing or future neighboring uses.
- e.) Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer and schools, or that persons or agencies responsible for the establishment of the proposed use will be able to provide adequately any such services.
- f.) Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
- g.) Will not involve uses, activities, processes, materials, equipment, and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors.
- h.) Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.
- i.) Will not result in the destruction, loss, or damage of a natural, scenic, or historical feature of major importance.

V. STAFF ANALYSIS

- The procedures outlined in the municipal code for processing special use permits have been followed. The required notices have been sent to surrounding property owners and published in the Coeur d'Alene Press, and the site was posted.
- The location once had an automotive repair shop which predated the special use permit requirements. That shop has left the site, and three years have passed since their departure, effectively losing the non-conforming status it one enjoyed per [Dalton City Code 5-6-6](#). To locate a new automotive repair shop, the special use permit is required.
- Staff recommends that the applicant be required to comply with all critical material requirements of Panhandle Health District, which may be necessary for on-site safety.
- The special use permit is tied to a parcel, not an address. Staff suggests the Planning & Zoning Commission could limit the number of automotive repair uses/businesses to be conducted on this parcel. It would be tracked by how many Commercial Business Licenses are attached to this parcel of that use.
- None of the driveway/access way and parking at the rear of the property is paved, it is all dirt/gravel.

VI. RECOMMENDED CONDITIONS OF APPROVAL

- 6.01 The applicant shall require that all tenants' commercial business licenses be maintained in a current status each year. Per 3-1-10, prior to a change of use on a property or a structure, the property owner, business owner, or representative shall notify the city at least ten (10) days prior to the proposed change and provide the city adequate information to determine compliance of applicable codes. Adequate information will include, but is not limited to, a detailed description of the new use. A review by the city shall be conducted prior to the change of use for review of applicable codes to determine compliance. If the use complies with the municipal codes, the city shall provide a notice of compliance that accompanies the business license.
- 6.02 The applicant shall comply with any and all requirements of the Panhandle Health District for critical material management on the site relative to automotive repair uses.
- 6.04
- 6.05
- 6.06 Reserved for Planning Commission, if needed.

VII. FINDINGS AND CONCLUSIONS

The proposal as presented does / does not warrant approval for the following reasons:

- 7.01 The application does / does not meet the minimum requirements for a special use permit.
- 7.02 The use will / will not be harmonious with and in accordance with the general goals and policies of the Comprehensive Plan.
- 7.03 The use will / will not be hazardous or disturbing to existing or future neighboring uses.
- 7.04 The use will / will not be served adequately by essential public facilities and services.
- 7.05 The use will / will not create a public cost that will be detrimental to the welfare of the community.
- 7.06 The use will / will not generate excessive traffic, noise, smoke, fumes, glare, or odors.

- 7.07 The use will / will not have vehicular approaches to the property which will not interfere with traffic on surrounding streets.
- 7.08 The use will / will not result in the destruction, loss, or damage of a natural, scenic, or historical feature of major importance.

VIII. DECISION BY THE COMMISSION

Based on the Findings of Fact and Conclusions of Law set forth in this document, the Planning Commission APPROVES / APPROVES WITH CONDITIONS / DENIES the application for a special use permit to located automotive repair shops on the parcel D-140036303AA located in the Commercial zone and addressed as 6280 N. Government Way.

IF DENIED:

Per Dalton Gardens City Code (DGCC 5-7-6), Appeals of the commission decision shall be forwarded to the city council for public hearing and determination in accordance with Section 1-11-1.

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

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

Respectfully submitted,

Jill Ainsworth
City Planner

City of Dalton Gardens 2026 Meeting Schedules

CITY COUNCIL	PLANNING & ZONING
Last Wednesday of the Month	1st Thursday of the Month
01/28/2026	01/8/2026* **2nd Thursday
02/25/2026	02/5/2026
03/25/2026	03/5/2026
04/29/2026	04/2/2026
05/27/2026	05/7/2026
06/24/2026	06/4/2026
07/29/2026	07/2/2026
08/26/2026	08/6/2026
09/30/2026	09/3/2026
10/28/2026	10/1/2026
11/18/2026* **3rd Wednesday	11/5/2026
12/30/2026	12/3/2026

All City meetings are open to the Public. Assistance for persons with disabilities will be provided upon 24-hour notice prior to the meeting by calling the City Clerk at (208) 772-3698.

January

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