



# Planning & Zoning Public Hearing Meeting

Thursday, October 2, 2025 @ 6:00 PM

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

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

<https://us02web.zoom.us/j/81228908890?pwd=hGagQt0pjluzahKlJL8UhcG5bsJrG.1>

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

Webinar ID 812 2890 8890; Passcode: 331476

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF SEPTEMBER 4, 2025 & SEPTEMBER 16, 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 FENCE ORDINANCE 290-**ACTION ITEM**
8. AGENDA ITEMS FOR NEXT COMMISSION MEETING
9. ADJOURN- **ACTION ITEM**

Original Posting: September 18, 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, September 4, 2025

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

*Present:* Chairman Mike Becker, Commissioner Chad Haunschild, Melissa Cleveland & Caitlin O'Brien

*Absent:* Commissioner Ron Sampert

*Commissioner Staff Present:* City Clerk Sandy McFarland & City Planner Jill Ainsworth
3. **Approval of Minutes (Action Item)**

Moved by Cleveland and seconded by O'Brien to approve the Meeting Minutes as presented.

**Result: Passed**

**AYES:** Haunschild, Cleveland & O'Brien

**NAYS:** None

**ABSTAIN:** None

**RECUSE:** None
4. **Public Comment**

None
5. **Commission Comments**

Commissioner Haunschild provided an update to the commission regarding the picnic scheduled for September 13, 2025, from 11:30 AM to 2:00 PM.
6. **City Planner Report**

The City Planner updated the Commission on Mr. Hainey's Special Use Permit and his building permit for the adjacent property. She also provided an update on the Kane residence subdivision application and requested that the Commission consider holding a special Planning & Zoning meeting to approve the application. Additionally, she informed the Commission of a potential subdivision application for 6848 N Government Way (Silver Lake Square) and 71 Canfield. The City Planner also reported on code enforcement efforts, noting that 33 code compliance letters had been sent out.
7. **Public Hearing Ordinance 289**

The public hearing did not proceed after the City Clerk conveyed clarification from the City Attorney that the ordinance passed by the City Council on July 30, 2025, was not under the jurisdiction of Planning & Zoning.
8. **Discussion of Fencing Ordinance**

The City Planner presented the updated fence ordinance to the Commission and explained the proposed changes. The Commission agreed to schedule a public hearing for Fence Ordinance 290 on October 2, 2025.
9. **Discussion of Temporary Occupancy**

Tabled discussion
11. **Agenda Items for Next Commission Meeting**
  - Public Hearing Fence Ordinance 290
  - SP-25-1 (Special Meeting)
  - Appeal from Bart North 6848 North Government Way

**12. Adjournment**

Moved by Haunschild and seconded by Cleveland to adjourn.

**Result: Passed**

**AYES:** Haunschild, Cleveland & O'Brien

**NAYS:** None

**ABSTAIN:** None

**RECUSE:** None

The Chairman adjourned the meeting at 6:45 p.m.

Passed this on \_\_\_\_ day of October.

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Mike Becker, Chairman

ATTEST:

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Sandy McFarland, City Clerk

## DALTON GARDENS P&Z SPECIAL MEETING MINUTES

Tuesday, September 16, 2025

1. **Call to Order:** The Chairman called the meeting to order at 8:00 a.m.

2. **Roll Call**

*Present:* Chairman Mike Becker, Commissioner Melissa Cleveland & Ron Sampert

*Absent:* Commissioner Chad Haunschuld & Caitlin O'Brien

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

3. **Approval of Short Plat Application (SP-25-1)-Kane Residence**

The Planner gave a brief overview of Short Plat application SP-25-1, noting that the parcel had been illegally subdivided, though not due to any fault of the current owners. She then presented her findings and conclusions regarding the property. The Commission reviewed the materials and posed questions to Mrs. Kane, Troy James, and their surveyor, Jason MacLeod.

Motion by Cleveland, seconded by Sampert, to approve Short Plat application SP-25-1. Based on the Findings of Fact and Conclusions of Law set forth in this document, the Planning Commission **APPROVES WITH CONDITIONS** the short plat application.

**Conditions of Approval:**

- 7.01 DGCC 5-5-4(B) states: "...accessory building(s) more than seventy-five feet (75') from the front property line shall have a side yard not less than five feet (5'). The 115 square foot shed (16' x 7') located on Lot 2, Block 1 is 1' 7" from the property line and will become a non-conforming structure with the subdivision. When said building is removed it may not be replaced at that location, it shall comply with the setbacks in effect. Applicant Jelmsberg may seek a non-conforming certificate for that structure.
- 7.02 The applicant shall obtain a "will serve" letter from Dalton Water Association that indicates that they have the capacity and willingness to serve water to the unimproved lot within subdivision and outlines any system improvements that are required. Anywater system improvements, other than the setting of meters, required by the Dalton Water Association to provide water services to the lots of this subdivision shall be completed prior to submission of the final plat to the City for signature.
- 7.03 The applicant shall comply with the requirements of the Panhandle Health District and shall have the sanitary restriction lifted prior to submission of the final plat to the City for signature.
- 7.04 Lot 1, Block 1 is prohibited access to the E Prairie Avenue unimproved right of way located at the north boundary of said parcel until such time the right of way is improved to the City's Road standard and any necessary approach/access permits have been approved by the City.
- 7.05 Water service to that parcel of land adjacent to the subject site, being the west half of Tract 81, Dalton Gardens Addition to Hayden Lake Irrigated Lands runs through Lot 1, Block 1 of this plat. It is the responsibility of the Applicant in coordination with the beneficiary of the water service line to relocate the water service line prior to or during house construction and same shall

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prepare and record an easement for any portion of said water service that remains within this plat once it is recorded.

7.06 Applicants shall remove the large growth tree that is located on the right of way line, of N Mt. Carrol Street fronting Lot 1, Block 1 within 90 days of subdivision approval.

7.07 The drain field serving Lot 2, Block 1 is located on Lot 1, Block 1 within an easement shown on the plat. Upon replacement of said drain field due to failure or other reasons, the owners of Lot 2 shall construct the new drainfield on Lot 2 in the replacement drainfield area shown on the face of the plat. At that time the drainfield easement shall return to the owners of Lot 1, Block 1. Prior to recording the plat, Applicants shall amend the plat to show drainfield replacement area on Lot 2 prior to recordation.

**Result: Passed**

**AYES:** Cleveland & Sampert

**NAYS:** None

**ABSTAIN:** None

**RECUSE:** None

**4. Adjournment**

Moved by Sampert and seconded by Becker to adjourn.

**Result: Passed**

**AYES:** Cleveland & Sampert

**NAYS:** None

**ABSTAIN:** None

**RECUSE:** None

The Chairman adjourned the meeting at 8:56 a.m.

Passed this on \_\_\_\_ day of October.

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Mike Becker, Chairman

ATTEST:

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Sandy McFarland, City Clerk

## ORDINANCE NO. 290

AN ORDINANCE OF THE CITY OF DALTON GARDENS, KOOTENAI COUNTY, IDAHO, AMENDING SUBSECTION 5-5-7 “FENCING” BY ADDING SUBSECTIONS 5-5-7.A.1.a AND 5-5-7.A.2.a WITHIN TITLE 5, “ZONING” SECTION 5-5-7, ENTITLED “FENCING”. 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 5 SUBSECTION 5-5-7, FENCING

#### 5-5-7: FENCING:

##### A. General:

1. Setback Requirement. Any fence exceeding six feet (6') in height is prohibited, except as specifically permitted herein.
  - a. No fence may be installed within the unimproved portion of the public right of way.
2. Materials For Fences And Walls: Fences and walls may be of any material commonly used in construction of fences, provided that said fence or wall meets any criteria for sturdiness and construction as established in other City regulations.
  - a. A wire mesh fence shall be a transparent fence that is defined as at least 75% visibility opacity.
3. Measurement Of Heights: The height of fences and walls shall be measured from the top of the fence or wall at its highest point to the finished grade of the lot or parcel adjacent to the fence. If the fence or wall is built on a mound or is otherwise constructed on a level above the average finished grade of the parcel or lot, the height of the mound shall be included in the overall height of the fence or wall. Where parking, loading or other similar areas are constructed adjacent to a fence or wall and are constructed above the finished grade of the parcel, the height of fences or walls shall be measured from the top of the parking/loading surface.

4. Fences For Swimming Pools: Swimming pools shall be enclosed by buildings or fences or walls in accordance with the provisions of the International Building Code, as adopted, and other applicable provisions of this Code.

B. Residential Fencing:

1. Height And Setback Standards: Fences shall comply with the following height and setback standards:

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

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 \_\_\_\_\_ day of \_\_\_\_\_, 2025

\_\_\_\_\_  
Curt Jernigan, Mayor

ATTEST:

\_\_\_\_\_  
Sandy McFarland, City Clerk

SUMMARY OF DALTON GARDENS ORDINANCE NO. 290

AN ORDINANCE OF THE CITY OF DALTON GARDENS, KOOTENAI COUNTY, IDAHO, AMENDING SUBSECTION 5-5-7 ENTITLED “FENCING” BY ADDING SUBSECTIONS 5-5-7.A.1.a AND 5-5-7.A.2.a WITHIN TITLE 5, ENTITLED “ZONING” 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. 290 IS AVAILABLE AT DALTON GARDENS CITY HALL, 6360 NORTH 4<sup>TH</sup> STREET, DALTON GARDENS, IDAHO 83815 IN THE OFFICE OF THE CITY CLERK.

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Sandy McFarland, Deputy 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. 290, adding subsections 5-5-7.A.1.a and 5-5-7.2.a to Chapter 5, to Section 5-5-7, Title 5, and find it to be a true and complete summary of said ordinance, which provides adequate notice to the public of the context thereof.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2025

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Susan P. Weeks