



# Agenda

## Bonner County Commissioners

### **Bonner County Board of Commissioners** Meeting with Planning Department & Prosecutor's Office

June 10, 2024, 1:30 p.m.  
County Administration Building  
Third Floor, Board Meeting Room

#### **Open Session:**

1. Updates on Planning Department Activities
  - a. Monthly Planning Related Meetings
  - b. Monthly Stats
    1. Title 11 Applications
    2. Title 12 Applications
    3. Title 11 Compliance
    4. Title 12 Compliance
    5. Public Record Request
  - c. Department Updates
    1. Energov/Munis, Deckard/Rentalscape
    2. Staffing
    3. Financial – Revenue and Expenses YTD
  - d. Enforcement
  - e. Pending/Proposed Ordinance Changes
    1. Title 11
    2. Title 12
  - f. Comprehensive Plan
2. **Discussion/Decision** – Senate Bill 1403 and ACI/AI agreement modification process.
3. **Discussion/Decision** – Publishing public comments on the Planning Department website.
4. **Discussion/Decision** – International fire code vs the Idaho fire code, should the County adopt either?
5. **Discussion/Decision** – Zoning Boundary Interpretation of RP54N04W107050A via BCRC 12-315 (H) and (I).

#### **Executive Session:**

1. Pending Litigation  
Action Item: Discussion/Decision - Placing/Lifting of Notice to Title



## Bonner County Planning Department

*"Protecting property rights and enhancing property value"*

1500 Highway 2, Suite 208, Sandpoint, Idaho 83864

Phone (208) 265-1458 - Fax (866) 537-4935

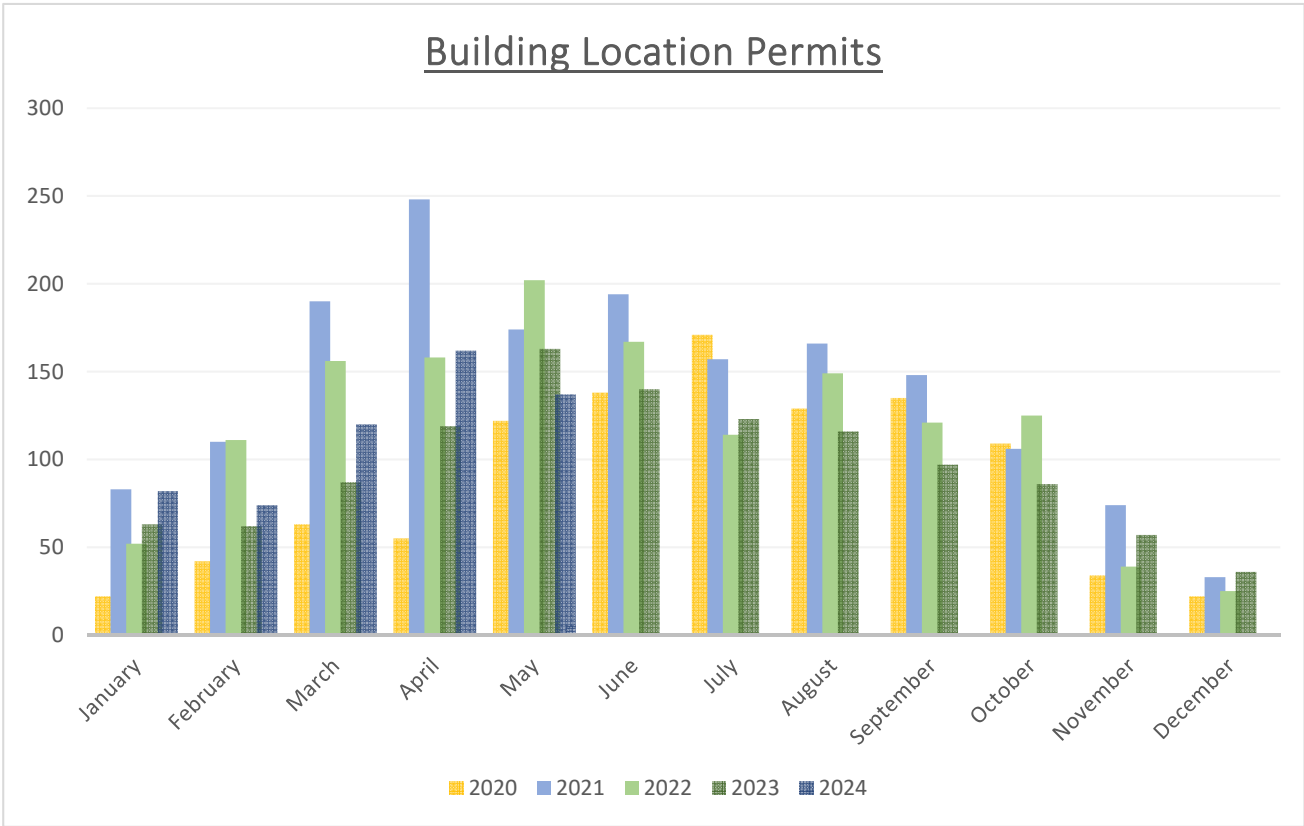
Email: [planning@bonnercountyid.gov](mailto:planning@bonnercountyid.gov) - Web site: [www.bonnercountyid.gov](http://www.bonnercountyid.gov)

### List of Planning Related Meetings – June 2024

June 4	Planning Commission @4:30 pm
June 5	Hearing Examiner @1:30 pm
June 10	BOCC/Planning Update @1:30 pm
June 12	BOCC Hearing @1:30 pm
June 13	BOCC Hearing @1:00 pm
June 17	Hearing Examiner @1:30 pm
June 17	BOCC & Planning Commission Workshop @2:30 pm
June 18	Planning Commission @4:30 pm
June 20	Zoning Commission @5:30 pm
June 24	BOCC Hearing @1:00 pm

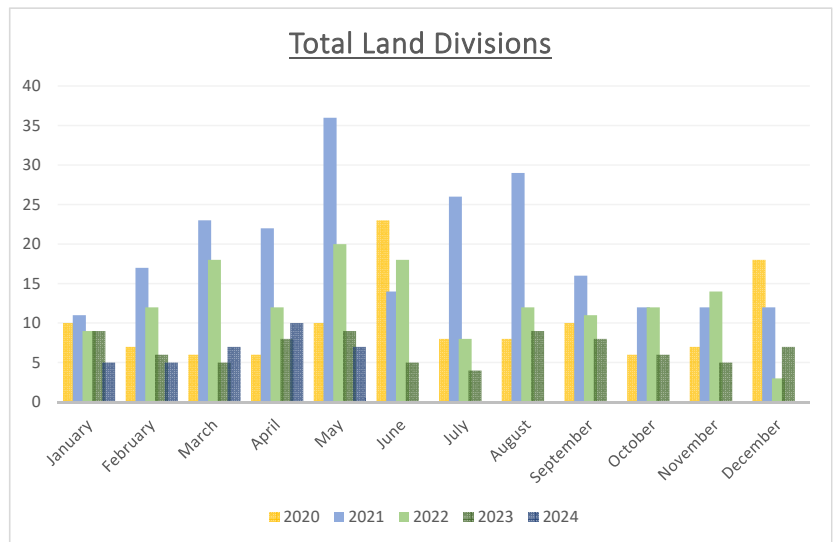
Building Location Permit Application Report by Month

	2020	2021	2022	2023	2024
January	22	83	52	63	82
February	42	110	111	62	74
March	63	190	156	87	120
April	55	248	158	119	162
May	122	174	202	163	137
June	138	194	167	140	
July	171	157	114	123	
August	129	166	149	116	
September	135	148	121	97	
October	109	106	125	86	
November	34	74	39	57	
December	22	33	25	36	
Total	1042	1683	1419	1149	575

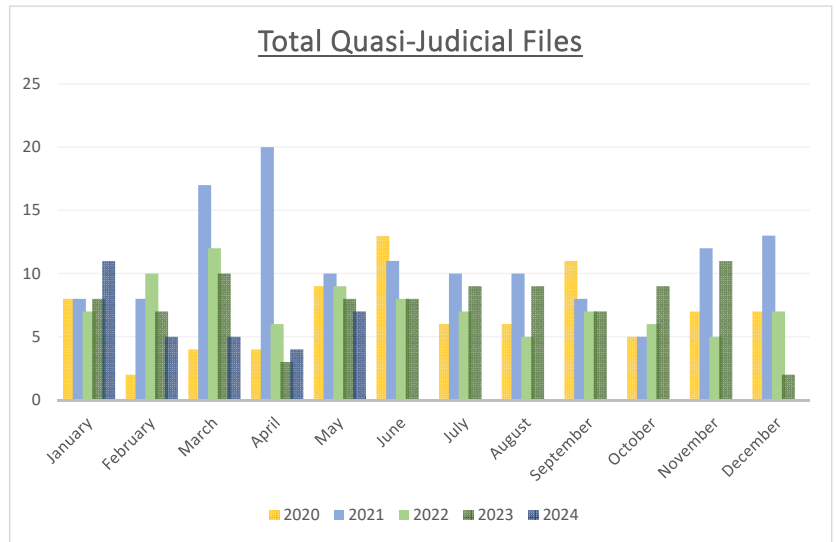


## Planning Applications Report by Month

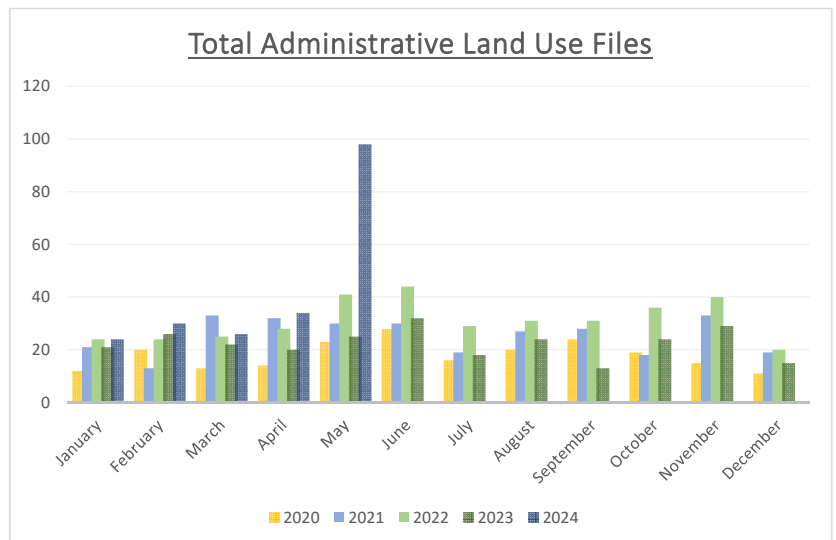
	Total Land Divisions				
	2020	2021	2022	2023	2024
January	10	11	9	9	5
February	7	17	12	6	5
March	6	23	18	5	7
April	6	22	12	8	10
May	10	36	20	9	7
June	23	14	18	5	0
July	8	26	8	4	0
August	8	29	12	9	0
September	10	16	11	8	0
October	6	12	12	6	0
November	7	12	14	5	0
December	18	12	3	7	0
<b>Total</b>	<b>119</b>	<b>230</b>	<b>149</b>	<b>81</b>	<b>34</b>



	Total Quasi-Judicial Files				
	2020	2021	2022	2023	2024
January	8	8	7	8	11
February	2	8	10	7	5
March	4	17	12	10	5
April	4	20	6	3	4
May	9	10	9	8	7
June	13	11	8	8	0
July	6	10	7	9	0
August	6	10	5	9	0
September	11	8	7	7	0
October	5	5	6	9	0
November	7	12	5	11	0
December	7	13	7	2	0
<b>Total</b>	<b>82</b>	<b>132</b>	<b>89</b>	<b>91</b>	<b>32</b>



	Total Administrative Land Use Files				
	2020	2021	2022	2023	2024
January	12	21	24	21	24
February	20	13	24	26	30
March	13	33	25	22	26
April	14	32	28	20	34
May	23	30	41	25	98
June	28	30	44	32	0
July	16	19	29	18	0
August	20	27	31	24	0
September	24	28	31	13	0
October	19	18	36	24	0
November	15	33	40	29	0
December	11	19	20	15	0
<b>Total</b>	<b>137</b>	<b>236</b>	<b>311</b>	<b>240</b>	<b>189</b>



## Planning Applications Report by File Type and by Month

### Land Divisions

Subdivision (11+ Lots)						Short Plat (5-10 Lots)						Minor Land Division (2-4 Lots)						Family Exemptions (2-4 Parcels)					
2020	2021	2022	2023	2024		2020	2021	2022	2023	2024		2020	2021	2022	2023	2024		2020	2021	2022	2023	2024	
January	0	0	0	0	0	January	0	1	0	2	1	January	10	10	9	6	3	January	0	0	0	1	1
February	0	2	0	0	1	February	1	1	2	0	0	February	5	12	9	5	4	February	1	2	1	1	0
March	0	0	2	0	1	March	0	0	0	0	0	March	6	18	13	5	6	March	0	5	3	0	0
April	0	0	1	0	0	April	1	0	1	0	0	April	5	20	9	6	9	April	0	2	1	2	1
May	1	0	1	2	2	May	0	0	1	0	0	May	8	35	17	7	5	May	1	1	1	0	0
June	0	0	1	0	0	June	0	2	0	0	0	June	23	11	12	4		June	0	1	5	1	
July	0	1	0	0		July	1	1	0	0		July	6	24	7	2		July	1	0	1	2	
August	0	0	0	0		August	0	1	0	0		August	7	28	11	6		August	1	0	1	3	
September	0	0	1	0		September	1	0	2	0		September	7	15	5	6		September	2	1	3	2	
October	0	0	0	0		October	1	0	0	0		October	4	11	11	6		October	1	1	1	0	
November	0	1	0	0		November	0	1	3	0		November	5	9	10	5		November	2	1	1	0	
December	0	1	0	1		December	1	1	0	0		December	16	10	3	6		December	1	0	0	0	
Total	1	5	6	3	4	Total	6	8	9	2	1	Total	102	203	116	64	27	Total	10	14	18	12	2

### Quasi-Judicial Files

Amendments						Zone Change						Conditional Use Permit						Variance						Modifications						Road Vacation / Validation					
2020	2021	2022	2023	2024		2020	2021	2022	2023	2024		2020	2021	2022	2023	2024		2020	2021	2022	2023	2024		2020	2021	2022	2023	2024		2020	2021	2022	2023	2024	
January	3	0	2	3	1	January	2	2	3	2	2	January	0	3	1	2	3	January	3	2	1	0	4	January	0	0	0	1	1	January	0	1	0	0	0
February	2	1	2	2	0	February	0	2	3	0	0	February	0	2	1	1	2	February	0	2	4	2	3	February	0	0	0	0	0	February	0	1	0	2	0
March	1	5	1	2	1	March	2	5	4	2	0	March	0	3	4	1	1	March	1	3	2	5	2	March	0	0	1	0	0	March	0	1	0	0	1
April	1	6	2	1	1	April	0	5	0	0	2	April	2	5	2	1	0	April	1	2	2	1	1	April	0	0	0	0	0	April	0	2	0	0	0
May	1	2	1	1	0	May	1	5	2	2	1	May	1	2	3	2	3	May	6	1	1	3	2	May	0	0	2	0	1	May	0	0	0	0	0
June	1	0	2	3		June	1	3	3	0		June	1	3	0	3		June	6	2	2	1		June	4	0	0	0		June	0	3	1	1	
July	1	4	2	2		July	1	0	1	1		July	0	1	1	3		July	4	4	2	2		July	0	0	0	1		July	0	1	1	0	
August	4	2	0	0		August	1	6	1	2		August	0	0	2	2		August	1	2	2	2		August	0	0	0	3		August	0	0	0	0	
September	2	0	1	0		September	2	1	1	2		September	0	2	1	0		September	4	5	4	5		September	0	0	0	0		September	3	0	0	0	
October	0	0	4	1		October	0	1	0	0		October	2	3	1	3		October	2	1	1	4		October	0	0	0	1		October	1	0	0	0	
November	0	2	1	1		November	1	3	0	3		November	0	2	1	3		November	4	5	1	4		November	0	0	2	0		November	2	0	0	0	
December	1	3	1	0		December	1	3	1	0		December	3	4	0	1		December	2	2	2	1		December	0	0	1	0		December	0	1	2	0	
Total	17	25	19	16	3	Total	12	36	19	14	5	Total	9	30	17	22	9	Total	34	31	24	30	12	Total	4	0	6	6	2	Total	6	10	4	3	1

### Administrative Land Use Files

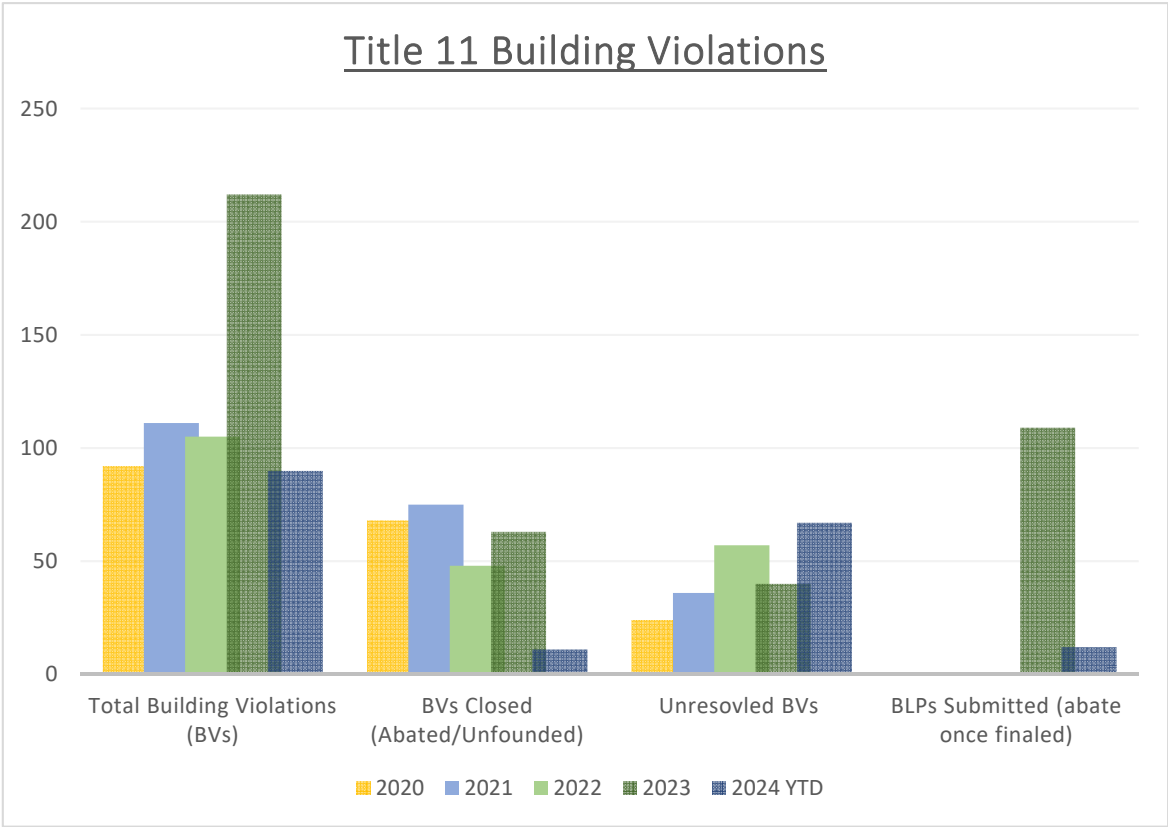
Boundary Line Adjustment						Lot Line Adjustments						Home Occupation Permits						Stormwater Permit						Vacation Rental Permit					
2020	2021	2022	2023	2024		2020	2021	2022	2023	2024		2020	2021	2022	2023	2024		2020	2021	2022	2023	2024		2020	2021	2022	2023	2024	
January	0	5	4	2		January	2	3	4	4	1	January	0	0	0	1	1	January	0	1	2	2	0	January	7	6	6	2	11
February	0	2	6	4		February	3	3	3	3	5	February	1	1	0	3	0	February	0	1	0	1	0	February	8	1	11	3	13
March	0	3	4	3		March	0	3	2	4	5	March	0	1	0	1	0	March	0	3	0	1	0	March	6	15	9	8	12
April	0	0	1	6		April	0	7	1	2	2	April	0	0	0	0	0	April	0	0	2	1	3	April	2	9	15	13	12
May	0	3	0	4		May	1	0	3	1	5	May	2	0	3	3	0	May	1	2	2	1	0	May	3	15	19	13	79
June	0	6	5			June	3	7	3	3		June	5	3	0	0		June	2	1	1	1		June	12	5	24	10	
July	0	6	3			July	3	1	2	2		July	1	0	0	3		July	0	2	2	3		July	5	5	8	3	
August	1	3	3			August	1	5	2	4		August	1	0	0	0		August	1	0	1	1		August	6	11	16	7	
September	3	4	0			September	1	3	6	3		September	2	0	2	1		September	0	0	4	1		September	7	7	5	3	
October	1	1	4			October	4	2	3	9		October	0	0	0	0		October	0	0	0	0		October	4	6	22	11	
November	5	6	2			November	0	4	8	2		November	0	0	1	1		November	0	1	0	2		November	6	12	14	14	
December	2	2	3			December	3	4	4	1		December	0	2	1	0		December	1	1	1	0		December	4	6	6	9	
Total	0	12	41	35	19	Total	21	42	41	38	18	Total	12	7	7	13	1	Total	5	12	15	14	3	Total	70	98	155	96	127

Administrative Exception						Administrative Variance						Floodplain Development Permit						Certificate of Compliance					
2020	2021	2022	2023	2024		2020	2021	2022	2023	2024		2020	2021	2022	2023	2024		2020	2021	2022	2023	2024	
January	0	0	1	0	2	January	1	3	2	4	3	January	2	7	4	4	4	January	0	1	0	0	0
February	1	0	4	1	1	February	0	1	1	2	2	February	6	6	2	7	5	February	1	0	1	0	0
March	0	1	0	0	2	March	4	3	5	3	2	March	1	7	6	1	1	March	2	0	0	0	1
April	2	4	2	0	2	April	1	5	4	2	2	April	8	7	4	1	4	April	1	0	0	0	3
May	0	4	2	1	3	May	3	4	2	1	2	May	11	5	7	5	4	May	2	0	0	0	1
June	2	2	1	3		June	1	6	3	5		June	2	5	6	2		June	1	1	0	3	
July	0	0	3	0		July	2	2	4	3		July	4	7	4	0		July	1	2	0	1	
August	1	2	1	3		August	1	4	3	5		August	8	3	5	0		August	1	1	0	1	
September	3	5	3	1		September	2	4	0	3		September	8	5	6	0		September	1	1	1	1	
October	0	2	3	0		October	1	4	3	0		October	8	2	4	0		October	2	1	0	0	
November	1	2	4	3		November	1	5	1	3		November	7	4	3	0		November	0	0	3	2	
December	0	1	0	0		December	2	1	0	1		December	2	6	0	0		December	1	0	0	1	
Total	10	23	24	12	10	Total	19	42	28	32	11	Total	65	60	57	20	18	Total	13	7	5	9	5

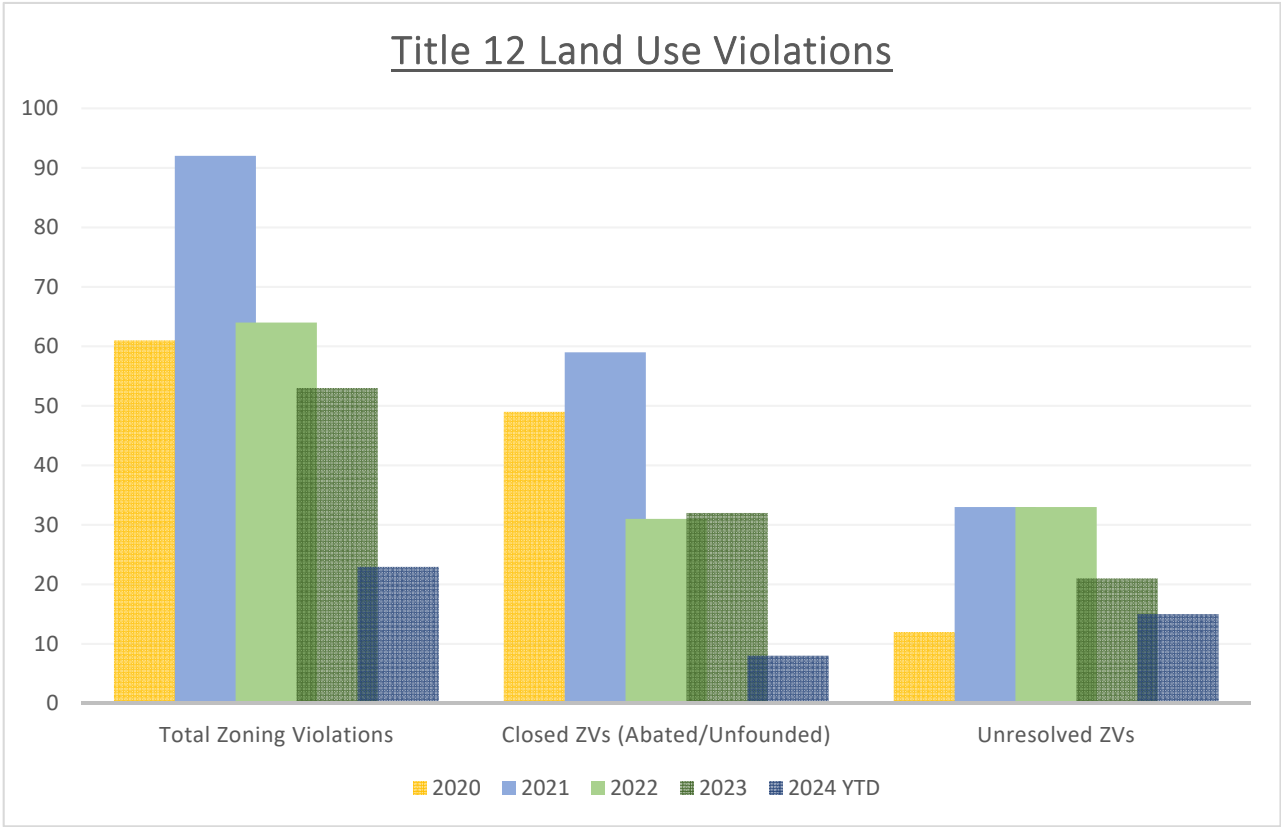
Title 11 Building Violations by Year

	2020	2021	2022	2023	2024 YTD
Total Building Violations (BVs)	92	111	105	212	90
BVs Closed (Abated/Unfounded)	68	75	48	63	11
Unresovled BVs	24	36	57	40	67
BLPs Submitted (abate once finaled)				109	12



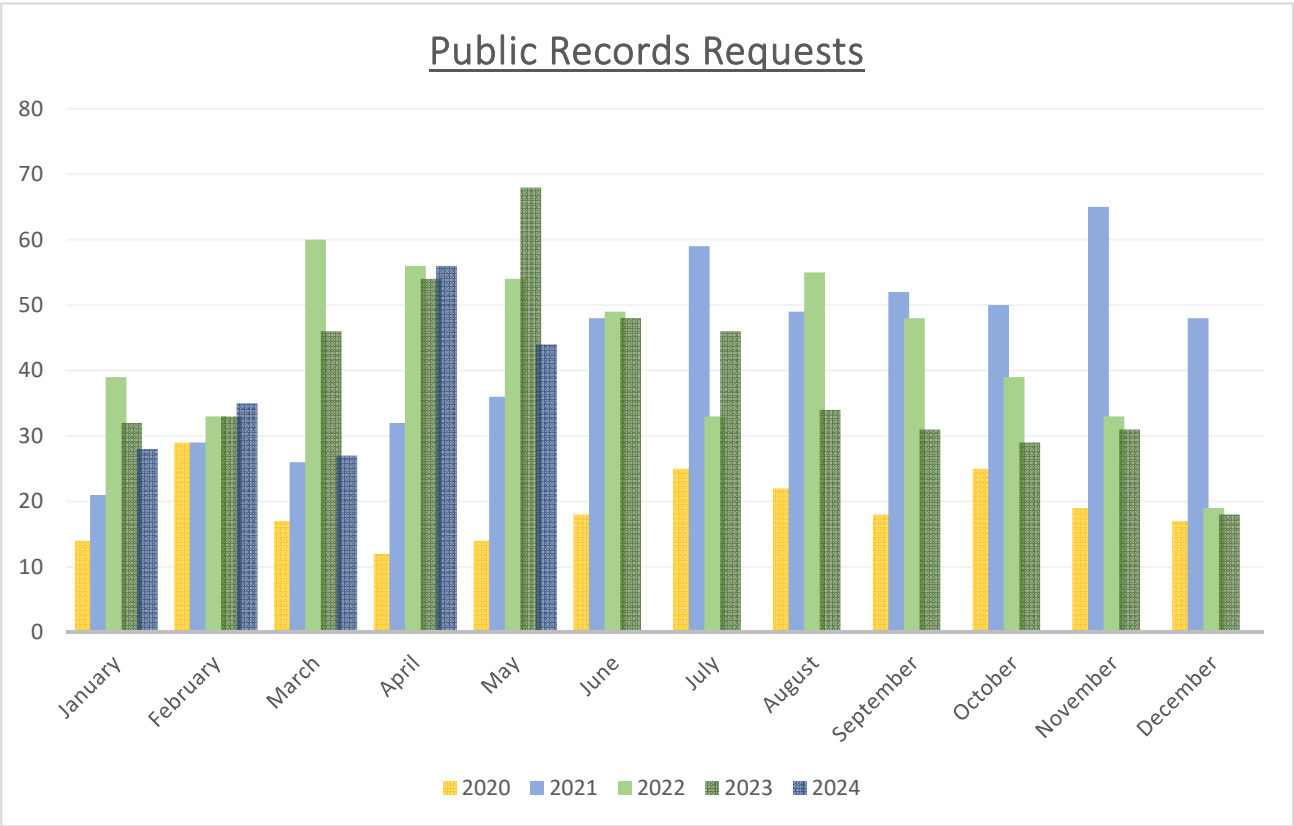
Title 12 Land Use Violations by Year

	2020	2021	2022	2023	2024 YTD
Total Zoning Violations	61	92	64	53	23
Closed ZVs (Abated/Unfounded)	49	59	31	32	8
Unresolved ZVs	12	33	33	21	15



# Public Records Requests by Month

	2020	2021	2022	2023	2024
January	14	21	39	32	28
February	29	29	33	33	35
March	17	26	60	46	27
April	12	32	56	54	56
May	14	36	54	68	44
June	18	48	49	48	
July	25	59	33	46	
August	22	49	55	34	
September	18	52	48	31	
October	25	50	39	29	
November	19	65	33	31	
December	17	48	19	18	
<b>Total</b>	<b>230</b>	<b>515</b>	<b>518</b>	<b>470</b>	<b>190</b>



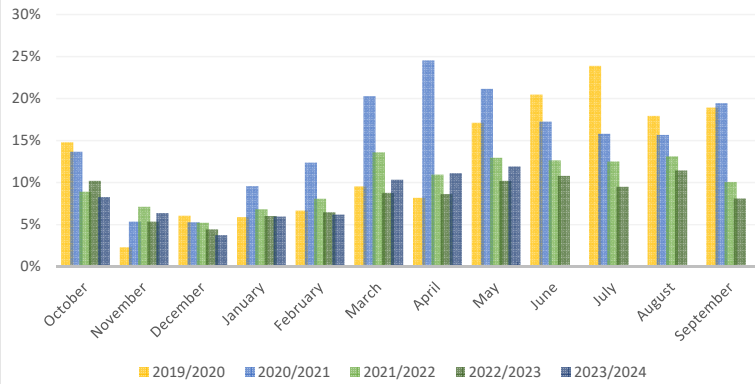


### Planning Department Financial Analysis

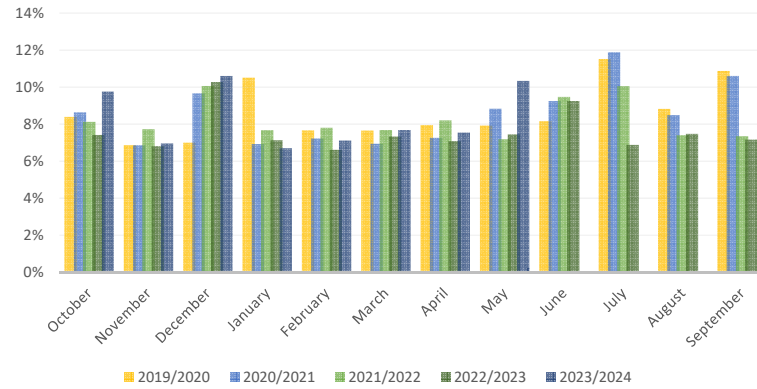
		1	2	3	4	5	6	7	8	9	10	11	12			Budget	Actual
		October	November	December	January	February	March	April	May	June	July	August	September	Total	Budget	Re/Ex	Re/Ex
2023/2024	Revenue	\$ 85,881	\$ 65,958	\$ 38,971	\$ 61,772	\$ 64,130	\$ 107,106	\$ 115,295	\$ 123,490					\$ 662,604	\$1,035,822	65%	63%
	Expense	\$ 154,691	\$ 110,356	\$ 168,282	\$ 106,312	\$ 112,940	\$ 121,930	\$ 119,778	\$ 163,874					\$ 1,058,162	\$1,584,923		
	R % of Budget	8%	6%	4%	6%	6%	10%	11%	12%	0%	0%	0%	0%	64%			
	E % of Budget	10%	7%	11%	7%	7%	8%	8%	10%	0%	0%	0%	0%	67%			
2022/2023	Revenue	\$ 105,692	\$ 55,423	\$ 46,004	\$ 62,304	\$ 67,097	\$ 90,972	\$ 89,324	\$ 105,816	\$ 111,939	\$ 98,481	\$ 118,510	\$ 84,112	\$ 1,035,674	\$1,035,822	64%	71%
	Expense	\$ 119,867	\$ 110,137	\$ 165,872	\$ 115,217	\$ 106,919	\$ 118,407	\$ 114,510	\$ 120,463	\$ 149,508	\$ 111,165	\$ 120,838	\$ 115,838	\$ 1,468,741	\$1,614,594		
	R % of Budget	10%	5%	4%	6%	6%	9%	9%	10%	11%	10%	11%	8%	100%			
	E % of Budget	7%	7%	10%	7%	7%	7%	7%	7%	9%	7%	7%	7%	91%			
2021/2022	Revenue	\$ 85,977	\$ 68,619	\$ 50,324	\$ 65,836	\$ 77,795	\$ 131,067	\$ 105,661	\$ 124,919	\$ 121,878	\$ 120,728	\$ 126,508	\$ 97,131	\$ 1,176,443	\$ 964,250	66%	81%
	Expense	\$ 119,124	\$ 113,228	\$ 147,522	\$ 112,478	\$ 114,433	\$ 112,594	\$ 120,260	\$ 105,252	\$ 138,907	\$ 147,215	\$ 108,644	\$ 107,724	\$ 1,447,381	\$1,464,471		
	R % of Budget	9%	7%	5%	7%	8%	14%	11%	13%	13%	13%	13%	10%	122%			
	E % of Budget	8%	8%	10%	8%	8%	8%	8%	7%	9%	10%	7%	7%	99%			
2020/2021	Revenue	\$ 82,062	\$ 32,162	\$ 31,675	\$ 57,540	\$ 74,310	\$ 121,772	\$ 147,203	\$ 126,851	\$ 103,614	\$ 94,902	\$ 94,096	\$ 116,739	\$ 1,082,926	\$ 600,100	48%	85%
	Expense	\$ 107,770	\$ 85,737	\$ 120,514	\$ 86,477	\$ 90,232	\$ 86,713	\$ 90,623	\$ 110,299	\$ 115,442	\$ 148,225	\$ 105,950	\$ 132,262	\$ 1,280,244	\$1,247,444		
	R % of Budget	14%	5%	5%	10%	12%	20%	25%	21%	17%	16%	16%	19%	180%			
	E % of Budget	9%	7%	10%	7%	7%	7%	7%	9%	9%	12%	8%	11%	103%			
2019/2020	Revenue	\$ 68,519	\$ 10,711	\$ 28,030	\$ 27,279	\$ 30,899	\$ 44,207	\$ 37,884	\$ 79,248	\$ 94,770	\$ 110,552	\$ 83,020	\$ 87,619	\$ 702,738	\$ 462,850	48%	70%
	Expense	\$ 81,050	\$ 66,281	\$ 67,615	\$ 101,379	\$ 74,040	\$ 73,969	\$ 76,804	\$ 76,476	\$ 78,731	\$ 111,085	\$ 85,161	\$ 104,829	\$ 997,420	\$ 964,336		
	R % of Budget	15%	2%	6%	6%	7%	10%	8%	17%	20%	24%	18%	19%	152%			
	E % of Budget	8%	7%	7%	11%	8%	8%	8%	8%	8%	12%	9%	11%	103%			

## Planning Department Financial Analysis

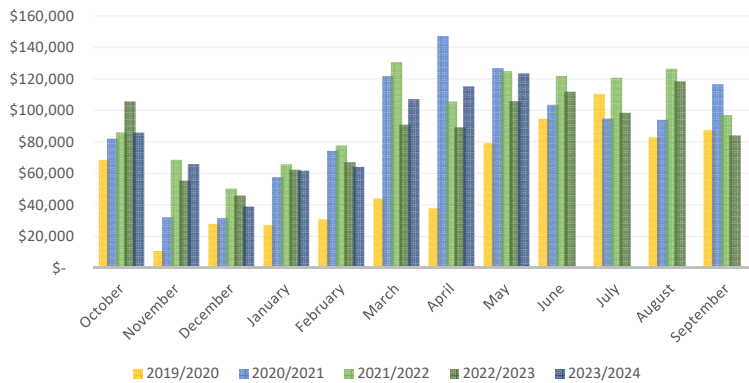
### Revenue/Budget By Year



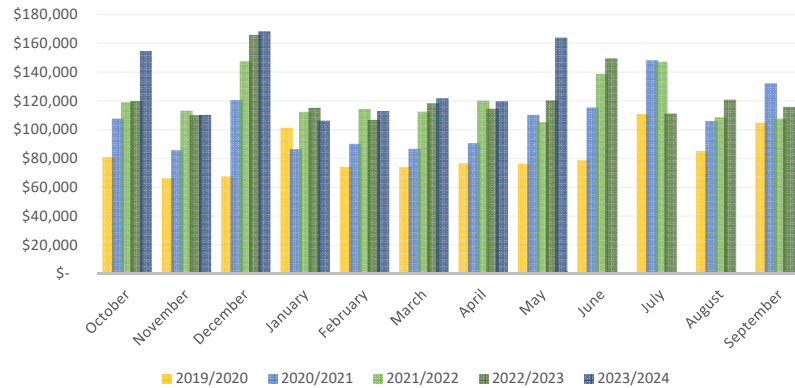
### Expense/Budget By Year



### \$ Revenue By Year



### \$ Expense By Year



# **Bonner County Area of Impact Update Process**

## **General Information**

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Senate Bill 1403 was adopted in the 2024 regular legislated session with an effective date of July 1, 2024. This bill made significant changes to Idaho Code 67-6509 (Recommendation and Adoption, Amendment, and Repeal of the Plan), and Idaho Code 67-6526 (Area of Impact).

The changes to Idaho Code 67-6526 require the county and cities to revised current Area of City Impact (ACI), now called Areas of Impact (AI), boundaries. The new code states "...an area of impact shall not exceed the areas that are very likely to be annexed to the city within the next five (5)." and "shall not extend more than two (2) miles for the existing city limits". The new code also requires the county and cities to review and area of impact at least once every five years. The new Areas of Impact must be reviewed and reestablished as Areas of Impact no later than the end of 2025.

The Bonner County Planning Commission help a public workshop shop and had an open discussion with representatives of each city with an Area of City Impact within Bonner County. The conversation was focused on land use, comprehensive plan designations, and zoning within these areas, but Senate Bill 1403 was also discussed.

Bonner County GIS has mapped each city limit, current ACI boundary, and a two mile radius from the current city boundaries. The maps have been provided to the cities and included below for review.

The cities have some initial questions regarding the county process:

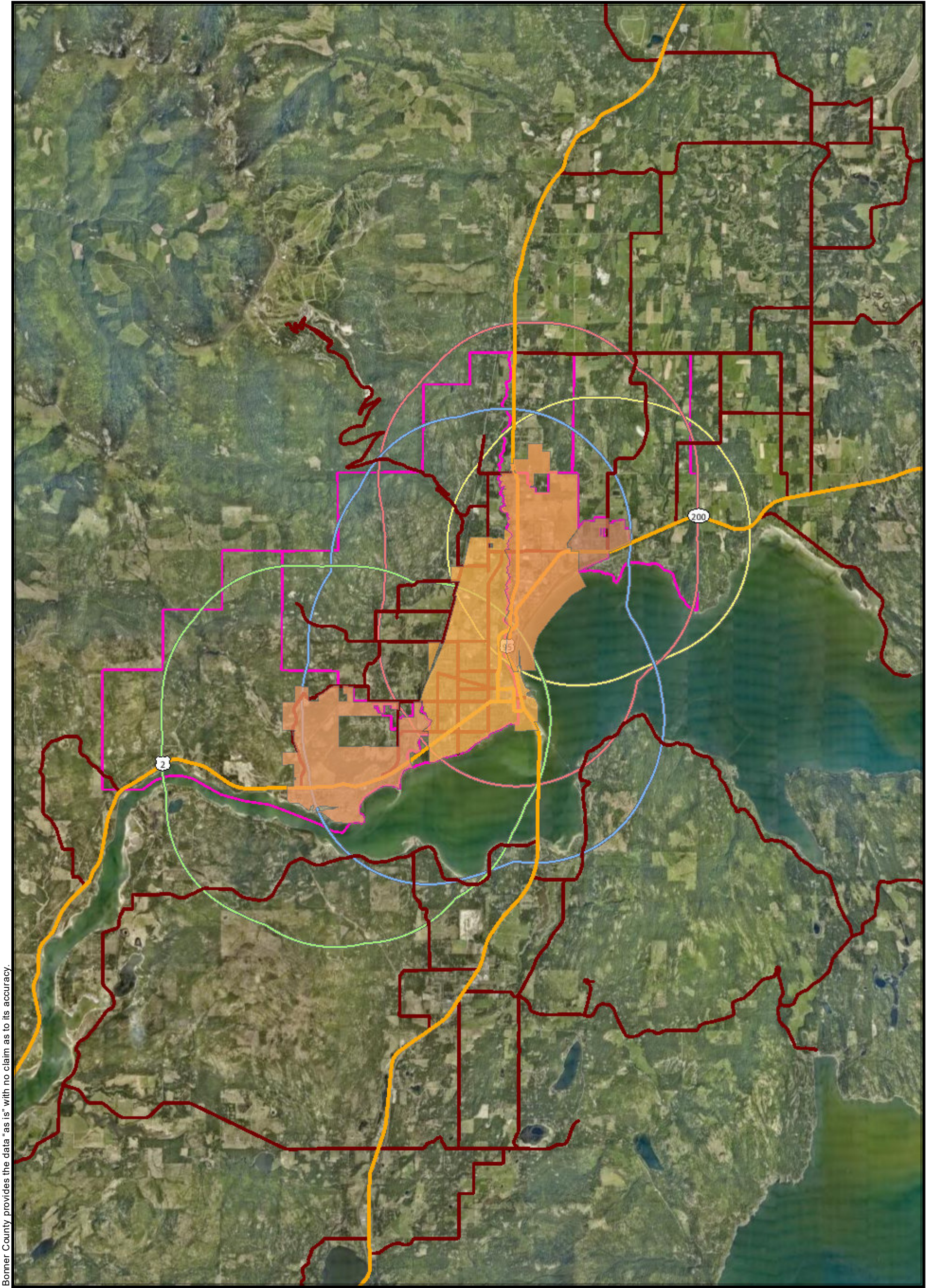
- What is the county's timeline for drafting boundaries for consideration at a future public hearing?
- How will the county continue to work with the cities as the boundary determinations are proposed?
- How will the cities with overlapping areas of interest work with the county to resolve each other's interests?
- Will the county and each of the cities need to repeal existing agreements and ordinances?
- Who will map the new boundaries?
- Will the county agree with cities that want to dissolve all boundaries and have no AI?
- Will the county in the future still provide courtesy notice of pending land use hearings?

### **Cities with an Area of Impact / Area of City Impact in unincorporated Bonner County:**

Clark Fork, Dover, East Hope, Hope, Kootenai, Oldtown, Ponderay, Priest River, Sandpoint, and Spirit Lake.











# Max ACI - Sandpoint, Dover, Kootenai, & Ponderay

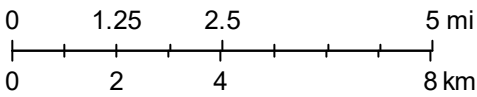


Bonner County provides the data "as is" with no claim as to its accuracy.

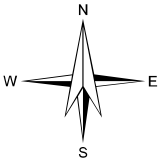
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1:144,448

Cities		Road Centerlines			
	Dover		Primary		Dover
	Kootenai		Secondary		East Hope
	Ponderay		Local; Ramp		Hope
	Sandpoint	<b>Area City Impact (Max)</b>			Kootenai
			Clark Fork		Oldtown
					Ponderay
					Priest River
					Sandpoint
					Spirit Lake
					Area of City Impact



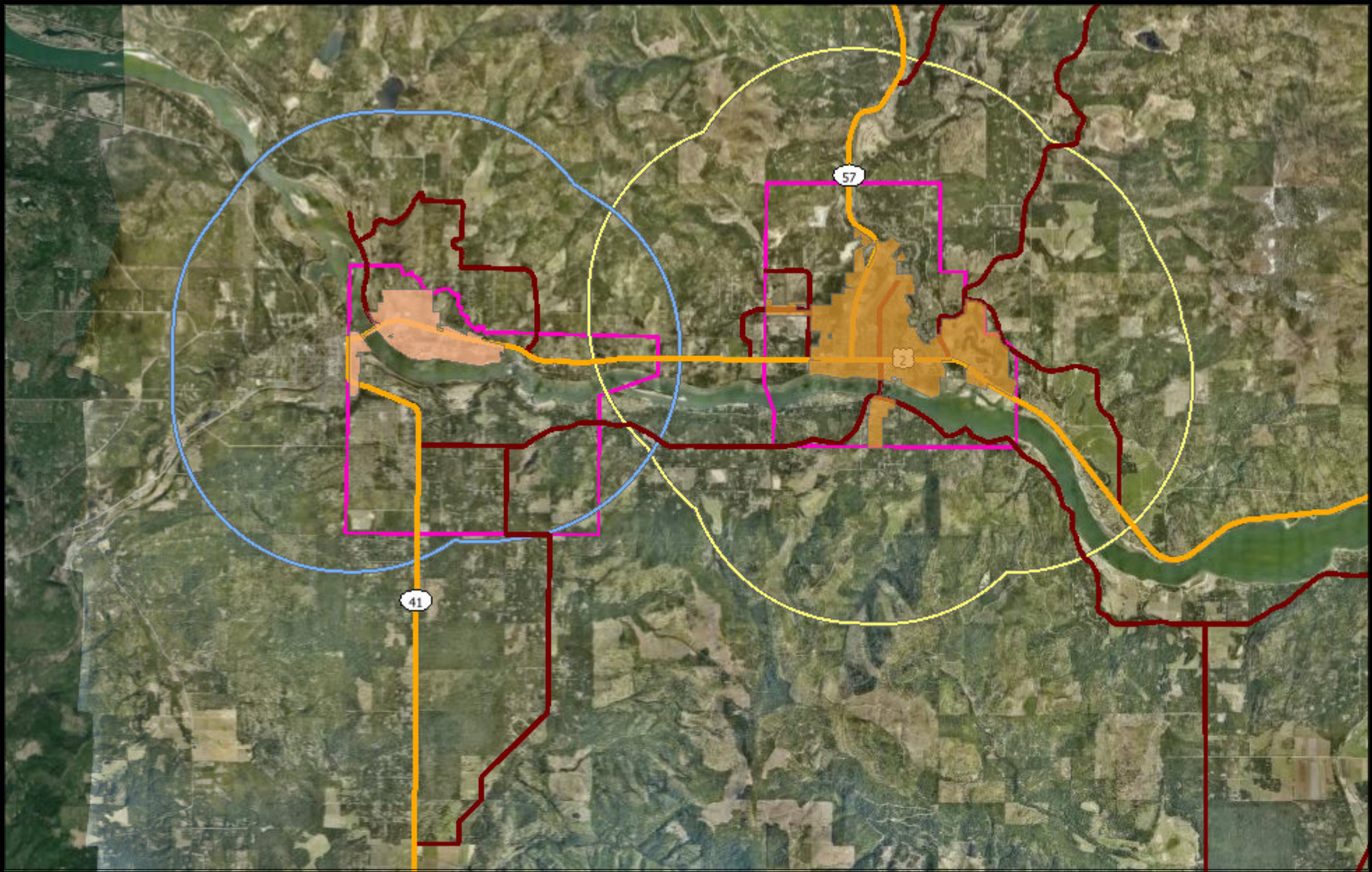
Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community





Max ACI - Priest River & Oldtown

Bonner County provides the data "as is" with no claim as to its accuracy.



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**Cities**

Oldtown

Priest River

**Road Centerlines**

Primary

Secondary

Local; Ramp

**Area City Impact (Max)**

Clark Fork

Dover

East Hope

Hope

Kootenai

Oldtown

Ponderay

Priest River

Sandpoint

Spirit Lake

Area of City Impact

1:144,448

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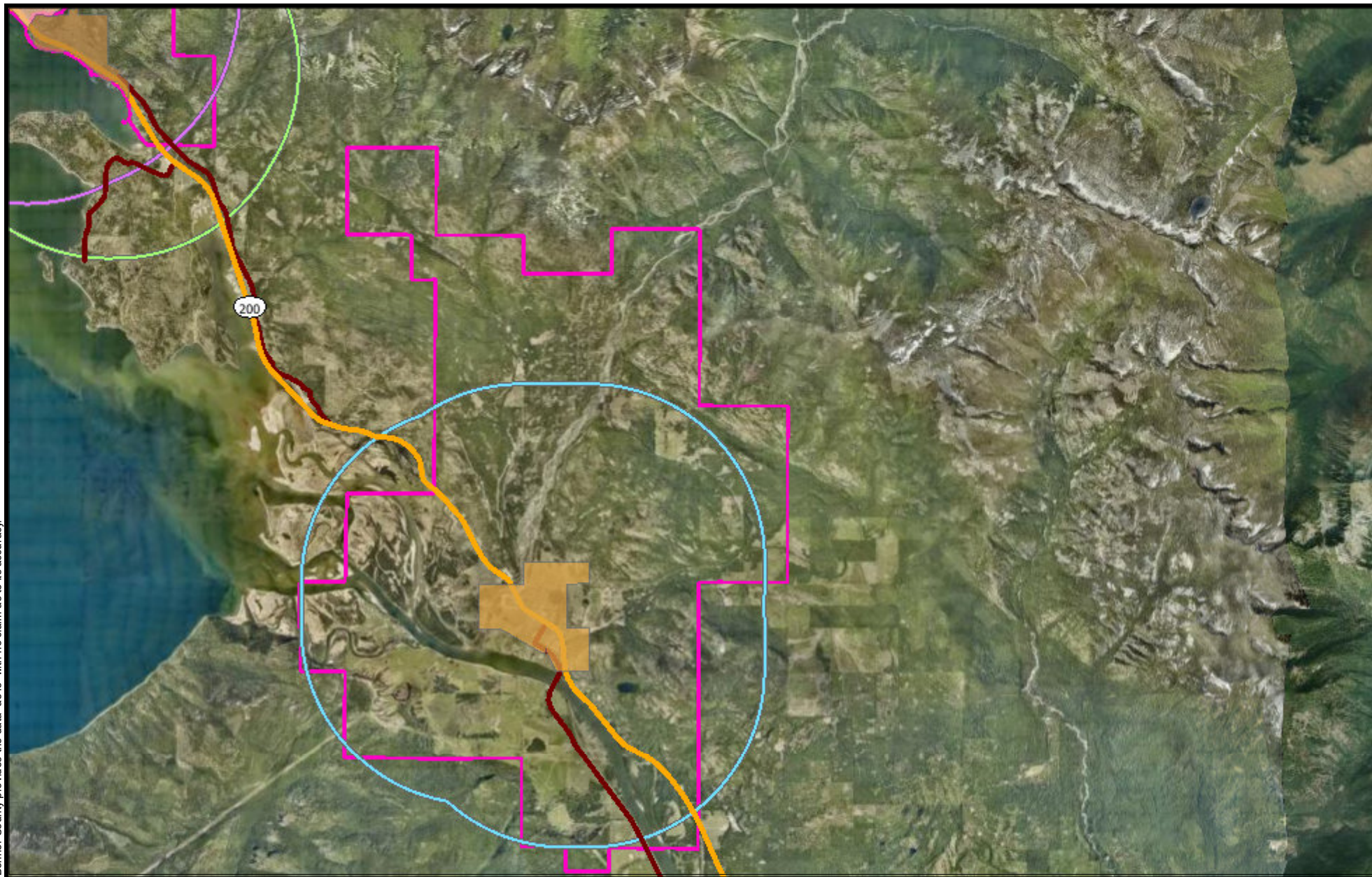
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Source: Esri, Maxar, Earthstar Geographics, and the Bonner County Planning Earthstar Geographics



# Max ACI - Clark Fork

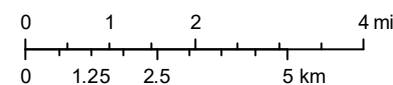
Bonner County provides the data "as is" with no claim as to its accuracy.



6/5/2024, 1:44:40 PM

Cities	Road Centerlines	Area City Impact (Max)	Hope	Priest River
Clark Fork	Primary	Clark Fork	Kootenai	Sandpoint
East Hope	Secondary	Dover	Oldtown	Spirit Lake
Hope	Local; Ramp	East Hope	Ponderay	Area of City Impact

1:144,448



Source: Esri, Maxar, Earthstar Geographics, and the Bonner County Planning Earthstar Geographics



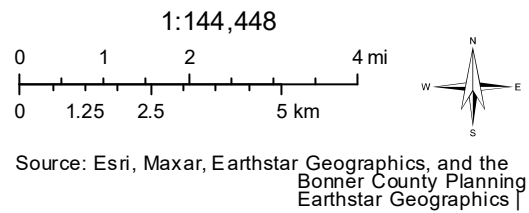
# Max ACI - Hope & East Hope

Bonner County provides the data "as is" with no claim as to its accuracy.



6/5/2024, 1:45:39 PM

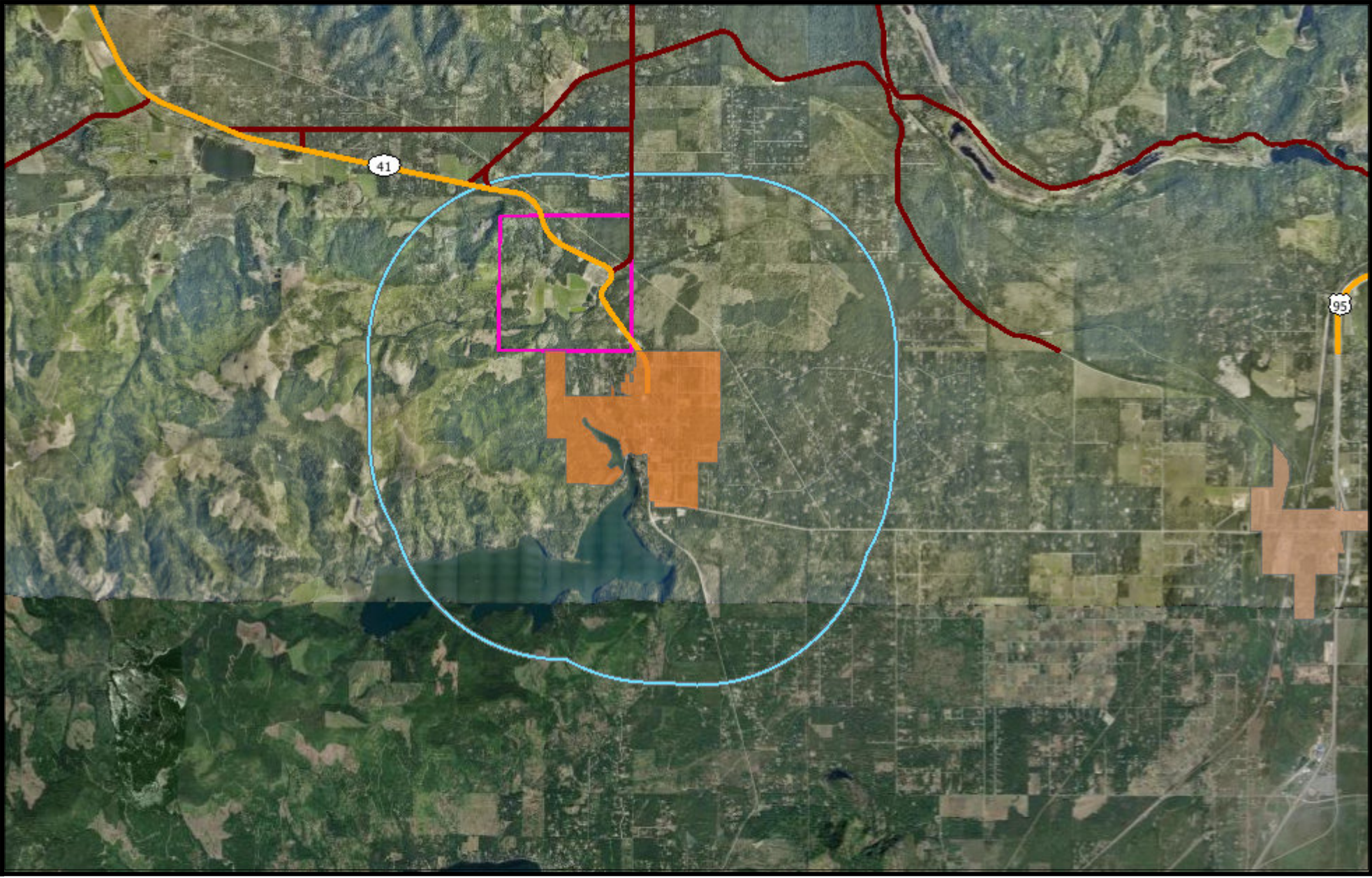
Cities	Road Centerlines	Area City Impact (Max)	Hope	Priest River
East Hope	Primary	Clark Fork	Kootenai	Sandpoint
Hope	Secondary	Dover	Oldtown	Spirit Lake
	Local; Ramp	East Hope	Ponderay	Area of City Impact





Max ACI - Spirit Lake

Bonner County provides the data "as is" with no claim as to its accuracy.



6/5/2024, 1:52:24 PM

Cities	Road Centerlines	Area City Impact (Max)		
Athol	Primary	Clark Fork	Hope	Priest River
Spirit Lake	Secondary	Dover	Kootenai	Sandpoint
	Local; Ramp	East Hope	Oldtown	Spirit Lake
			Ponderay	Area of City Impact

1:144,448

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mi

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km

Source: Esri, Maxar, Earthstar Geographics, and the Bonner County Planning Earthstar Geographics



LEGISLATURE OF THE STATE OF IDAHO  
Sixty-seventh Legislature Second Regular Session - 2024

IN THE SENATE

SENATE BILL NO. 1403

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO PLANNING AND ZONING; AMENDING SECTION 67-6509, IDAHO CODE, TO  
REVISE PROVISIONS REGARDING COMPREHENSIVE PLANS; AMENDING SECTION  
67-6526, IDAHO CODE, TO REVISE PROVISIONS REGARDING AREAS OF IMPACT;  
AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 67-6509, Idaho Code, be, and the same is hereby  
amended to read as follows:

67-6509. RECOMMENDATION AND ADOPTION, AMENDMENT, AND REPEAL OF THE  
PLAN. ~~(a)~~ (1) The planning or planning and zoning commission, prior to rec-  
ommending the plan, amendment, or repeal of the plan to the governing board,  
shall conduct at least one (1) public hearing in which interested persons  
shall have an opportunity to be heard. At least fifteen (15) days prior to  
the hearing, notice of the time and place and a summary of the plan to be  
discussed shall be published in the official newspaper or paper of general  
circulation within the jurisdiction. The commission shall also make avail-  
able a notice to other papers, radio, and television stations serving the  
jurisdiction for use as a public service announcement. Notice of intent to  
adopt, repeal, or amend the plan shall be sent to all political subdivisions  
providing services within the planning jurisdiction, including school dis-  
tricts and the manager or person in charge of the local public airport, at  
least fifteen (15) days prior to the public hearing scheduled by the com-  
mission. Following the commission hearing, if the commission recommends a  
material change to the proposed amendment to the plan ~~which~~ that was con-  
sidered at the hearing, it shall give notice of its proposed recommendation  
and conduct another public hearing concerning the matter if the governing  
board will not conduct a subsequent public hearing concerning the proposed  
amendment. If the governing board will conduct a subsequent public hear-  
ing, notice of the planning and zoning commission recommendation shall be  
included in the notice of public hearing provided by the governing board. A  
record of the hearings, findings made, and actions taken by the commission  
shall be maintained by the city or county.

~~(b)~~ (2) The governing board, as provided by local ordinance, prior to  
adoption, amendment, or repeal of the plan, may conduct at least one (1) pub-  
lic hearing, in addition to the public hearing ~~(s)~~ or hearings conducted by  
the commission, using the same notice and hearing procedures as the commis-  
sion. The governing board shall not hold a public hearing, give notice of a  
proposed hearing, nor take action upon the plan, amendments, or repeal un-  
til recommendations have been received from the commission. ~~Following con-~~  
~~sideration by the governing board, if the governing board makes a material~~  
~~change in the recommendation or alternative options contained in the rec-~~  
~~ommendation by the commission concerning adoption, amendment or repeal of~~

1 a plan, further notice and hearing shall be provided before the governing  
2 board adopts, amends or repeals the plan.

3 ~~(e)~~ (3) No plan shall be effective unless adopted by resolution by the  
4 governing board. A resolution enacting or amending a plan or part of a plan  
5 may be adopted, amended, or repealed by definitive reference to the specific  
6 plan document. A copy of the adopted or amended plan shall accompany each  
7 adopting resolution and shall be kept on file with the city clerk or county  
8 clerk.

9 ~~(d)~~ (4) Any person may petition the commission or, in absence of a com-  
10 mission, the governing board, for a plan amendment at any time, unless the  
11 governing board has established by resolution a minimum interval between  
12 consideration of requests to amend, which interval shall not exceed six (6)  
13 months. The commission may recommend amendments to the comprehensive plan  
14 and to other ordinances authorized by this chapter to the governing board at  
15 any time.

16 SECTION 2. That Section 67-6526, Idaho Code, be, and the same is hereby  
17 amended to read as follows:

18 67-6526. AREAS OF CITY IMPACT -- ~~NEGOTIATION PROCEDURE.~~ (1) ~~(a) The~~  
19 ~~governing board of each county and each city therein shall adopt by ordinance~~  
20 ~~following the notice and hearing procedures provided in section 67-6509,~~  
21 ~~Idaho Code, a map identifying an area of city impact within the unincorpo-~~  
22 ~~rated area of the county. A separate ordinance providing for application of~~  
23 ~~plans and ordinances for the area of city impact shall be adopted. Subject~~  
24 ~~to the provisions of section 50-222, Idaho Code, an~~ Legislative findings and  
25 intent.

26 (a) The legislature finds that areas of impact are properly under the  
27 jurisdiction of the county because the elected representatives of citi-  
28 zens in areas of impact are county officials, not city officials. While  
29 cities should receive notice of, and may provide input on, applications  
30 brought to the county in an area of impact, cities do not govern or con-  
31 trol decisions on those applications. County commissioners make the  
32 final determination regarding area of impact boundaries within their  
33 county.

34 (b) An area of impact is where growth and development are expected to  
35 occur. Areas of impact should be planned for growth and development and  
36 should not be used to stop growth and development that conforms to ap-  
37 plicable plans and ordinances. Areas of impact should be established,  
38 modified, or confirmed based on the ability and likelihood of a city or  
39 cities to annex lands within that area of impact in the near future. A  
40 city may adopt a comprehensive plan and conduct infrastructure, capi-  
41 tal improvement, and other planning activities that extend beyond its  
42 current area of impact. Counties and cities shall review their area of  
43 impact boundaries at least every five (5) years to determine if modifi-  
44 cations are needed or to confirm existing boundaries and may pursue mod-  
45 ification of an established area of impact more frequently than every  
46 five (5) years.

47 (c) Prior to conducting the public hearings required under this chapter  
48 to establish, modify, or confirm an area of impact, cities and counties

should work together to develop a proposed area of impact to be considered at the public hearing.

(d) Decisions regarding the establishment, modification, or confirmation of areas of impact are legislative actions and are not subject to judicial review or challenge except as provided in subsection (5) of this section.

(2) Establishing an area of impact.

(a) Following the notice and hearing procedures provided in section 67-6509, Idaho Code, and in accordance with the provisions of subsection (4) of this section, the board of county commissioners of each county shall adopt by ordinance a map identifying the area of impact within the unincorporated area of the county for each city located in the county. Written notice of the hearing to be conducted under this subsection shall be provided by the county to each owner of property located within a proposed area of impact. If notice is also published pursuant to section 67-6509, Idaho Code, individual property owners may not challenge the proceeding on the basis that they did not actually receive notice by mail. The cost of the notice shall be reimbursed to the county by the city whose area of impact is under consideration. The board of county commissioners is not required to receive a recommendation from the planning and zoning commission prior to enacting an ordinance establishing an area of impact. An area of city impact must be established before a city may annex adjacent territory pursuant to the provisions of section 50-222, Idaho Code. This separate ordinance shall provide for one (1) of the following:

(1) Application of the city plan and ordinances adopted under this chapter to the area of city impact; or

(2) Application of the county plan and ordinances adopted under this chapter to the area of city impact; or

(3) Application of any mutually agreed upon plan and ordinances adopted under this chapter to the area of city impact.

Areas of city impact, together with plan and ordinance requirements, may cross county boundaries by agreement of the city and county concerned if the city is within three (3) miles of the adjoining county.

(b) If the requirements of section 67-6526(a), Idaho Code, have not been met, either the city or the county may demand compliance with this section by providing written notice to the other of said demand for compliance. Once a demand has been made, the city shall select its representative as hereinafter provided, within thirty (30) days of said demand, and the process set forth in this subsection shall commence. The county commissioners for the county concerned, together with three (3) elected city officials designated by the mayor of the city and confirmed by the council, shall, within thirty (30) days after the city officials have been confirmed by the council, select three (3) city or county residents. These nine (9) persons shall, by majority vote, recommend to the city and county governing boards an area of city impact together with plan and ordinance requirements. The recommendations shall be submitted to the governing boards within one hundred eighty (180) days after the selection of the three (3) members at large and shall be acted upon by the governing boards within sixty (60) days of receipt. If the city or county fails to enact ordinances providing for an area

1 of city impact, plan, and ordinance requirements, either the city or county  
 2 may seek a declaratory judgment from the district court identifying the area  
 3 of city impact, and plan and ordinance requirements. In defining an area  
 4 of city impact, the following factors shall be considered: (1) trade area;  
 5 (2) geographic factors; and (3) areas that can reasonably be expected to be  
 6 annexed to the city in the future.

7 (b) If the requirements of paragraph (a) of this subsection are not  
 8 met in establishing an area of impact, the city may demand compliance  
 9 with this subsection by providing notice to the board of county com-  
 10 missioners of the demand for compliance. Once a demand has been made,  
 11 a recommendation committee shall be established. The city and county  
 12 shall each select a representative to participate on the committee  
 13 within thirty (30) days of the demand for compliance and the process set  
 14 forth in this paragraph shall commence.

15 (i) After the city and county representatives have been se-  
 16 lected, they shall in turn select another city representative  
 17 living within the applicable city and another county representa-  
 18 tive living in the county and not within any city to serve on the  
 19 recommending committee. Meetings of the recommending committee  
 20 may be hosted by the city or county and shall be conducted in accor-  
 21 dance with Idaho open meetings law. These four (4) persons shall,  
 22 by majority vote, provide a written recommendation to the board  
 23 of county commissioners for an area of impact. The written rec-  
 24 ommendation shall be submitted to the governing boards within one  
 25 hundred eighty (180) days after the selection of the recommending  
 26 committee members.

27 (ii) If the board of county commissioners fails to enact an or-  
 28 dinance providing for an area of impact within ninety (90) days  
 29 of receipt of the committee recommendation or expiration of the  
 30 one hundred eighty (180) days for the committee to make its rec-  
 31 ommendation, the city may file a petition with the district court  
 32 to identify the area of impact pursuant to subsection (5) of this  
 33 section and in accordance with other applicable provisions of this  
 34 section.

35 (c) ~~If areas of city impact overlap, the cities involved shall negoti-~~  
 36 ~~ate boundary adjustments to be recommended to the respective city councils.~~  
 37 ~~If the cities cannot reach agreement, the board of county commissioners~~  
 38 ~~shall, upon a request from either city, within thirty (30) days, recommend~~  
 39 ~~adjustments to the areas of city impact which shall be adopted by ordinance~~  
 40 ~~by the cities following the notice and hearing procedures provided in sec-~~  
 41 ~~tion 67-6509, Idaho Code. If any city objects to the recommendation of the~~  
 42 ~~board of county commissioners, the county shall conduct an election, sub-~~  
 43 ~~ject to the provisions of section 34-106, Idaho Code, and establish polling~~  
 44 ~~places for the purpose of submitting to the qualified electors residing in~~  
 45 ~~the overlapping impact area, the question of which area of city impact the~~  
 46 ~~electors wish to reside. The results of the election shall be conclusive~~  
 47 ~~and binding, and no further proceedings shall be entertained by the board~~  
 48 ~~of county commissioners, and the decision shall not be appealable by either~~  
 49 ~~city involved. The clerk of the board of county commissioners shall by ab-~~  
 50 ~~stract of the results of the election, certify that fact, record the same and~~

1 ~~transmit copies of the original abstract of the result of the election to the~~  
2 ~~clerk of the involved cities.~~

3 (3) Modification or confirmation of area of impact boundaries.

4 (a) Modification or confirmation of an existing area of impact boundary  
5 may be initiated by a city or cities or the county. If a county is ini-  
6 tiating a modification or confirmation of an area of impact, the county  
7 shall provide at least thirty (30) days written notice to the applicable  
8 city or cities of the hearing on the proposed modification or confirma-  
9 tion. Any modifications to or confirmation of an area of impact bound-  
10 ary must be adopted by an ordinance approved by the board of county com-  
11 missioners of the applicable county, following the notice and hearing  
12 procedures provided in section 67-6509, Idaho Code, and in accordance  
13 with the requirements for defining an area of impact as set forth in sub-  
14 section (4) of this section. At least fifteen (15) days prior to the  
15 hearing, written notice of the hearing to be conducted under this para-  
16 graph shall be provided by the county to each owner of property located  
17 within the portion of the area of impact that is proposed to be modi-  
18 fied. If notice is also published pursuant to section 67-6509, Idaho  
19 Code, individual property owners may not challenge the proceeding on  
20 the basis that they did not actually receive notice by mail. If the mod-  
21 ification or confirmation is proposed by a city, then the cost of the  
22 notice shall be reimbursed to the county by such city. If the county  
23 is pursuing the modification or confirmation, then the cost of notifi-  
24 cation shall be borne by the county. The board of county commissioners  
25 is not required to receive a recommendation from the planning and zon-  
26 ing commission prior to enacting an ordinance modifying or confirming  
27 an area of impact.

28 (b) Where areas of impact abut each other and adjustments are being  
29 proposed, or where areas of impact are proposed to abut each other, the  
30 cities involved shall negotiate boundary adjustments to be recommended  
31 to the respective city councils. The city council of each city must  
32 approve the area of impact or modifications thereto to be proposed to  
33 the board of county commissioners. These decisions by the city councils  
34 are proposals and not subject to judicial review or challenge. If the  
35 cities with impact area boundaries that abut or are proposed to abut  
36 each other reach agreement on the proposed boundaries or adjustments  
37 thereto, the requested boundaries or adjustments shall be collectively  
38 submitted by the cities to the county for consideration in accordance  
39 with paragraph (a) of this subsection. If the cities cannot reach  
40 agreement, then any or all of the cities involved may submit their re-  
41 quests to the board of county commissioners for consideration pursuant  
42 to paragraph (a) of this subsection. In either case, the county shall  
43 conduct at least one (1) consolidated public hearing where it considers  
44 all such requests together.

45 (c) The county may accept, reject, or modify a city's requested modi-  
46 fication or confirmation regarding an impact area boundary, but if the  
47 county does not make a final decision on the request within ninety (90)  
48 days of submission of the request, the city may petition the court to  
49 make a determination on the request pursuant to subsection (5) of this  
50 section.

1       (4) Provisions applicable to areas of impact.

2       (a) In defining an initial area of impact or in modifying or confirming  
3 an existing area of impact, the criteria set forth in this subsection  
4 shall be considered:

5           (i) Anticipated commercial and residential growth;

6           (ii) Geographic factors;

7           (iii) Transportation infrastructure and systems, including con-  
8 nectivity;

9           (iv) Areas where municipal or public sewer and water are expected  
10 to be provided within five (5) years; and

11           (v) Other public service district boundaries.

12       (b) In addition to the criteria set forth in paragraph (a) of this  
13 subsection, an area of impact shall not exceed the areas that are very  
14 likely to be annexed to the city within the next five (5) years. Except  
15 as otherwise provided in this paragraph, an area of impact shall not  
16 extend more than two (2) miles from existing city limits. An area of  
17 impact boundary shall not divide county recognized parcels of land.  
18 If only a portion of a recognized parcel falls within the two (2) mile  
19 limit, then the boundary may extend beyond two (2) miles on that parcel  
20 so that it encompasses the entire parcel. Adjustments to an area of  
21 impact may be proposed and considered at any time following the initial  
22 establishment of the area of impact.

23       (c) Areas of impact may cross county boundaries only by approval of the  
24 governing board of county commissioners after following the procedures  
25 and complying with the requirements for modification or confirmation of  
26 an area of impact boundary.

27       (d) Areas of impact shall not overlap.

28       (e) The applicable county's comprehensive plan and zoning and subdivi-  
29 sion ordinances shall apply in the area of impact. The county may adopt  
30 individual county comprehensive plan and zoning and subdivision ordi-  
31 nance provisions regarding a specific area of impact.

32       (f) Following adoption of an area of impact, the board of county com-  
33 missioners shall provide the city with written notice at least fifteen  
34 (15) days in advance of any county public hearings held pursuant to this  
35 chapter or to chapter 13, title 50, Idaho Code, involving land within  
36 that area of impact.

37       ~~(d) Areas of city impact, plan, and ordinance requirements shall remain~~  
38 ~~fixed until both governing boards agree to renegotiate. In the event the~~  
39 ~~city and county cannot agree, the judicial review process of subsection (b)~~  
40 ~~of this section shall apply. Renegotiations shall begin within thirty (30)~~  
41 ~~days after written request by the city or county and shall follow the proce-~~  
42 ~~dures for original negotiation provided in this section.~~

43       ~~(e) Prior to negotiation or renegotiation of areas of city impact,~~  
44 ~~plan, and ordinance requirements, the governing boards shall submit the~~  
45 ~~questions to the planning, zoning, or planning and zoning commission for~~  
46 ~~recommendation. Each commission shall have a reasonable time fixed by the~~  
47 ~~governing board to make its recommendations to the governing board. The gov-~~  
48 ~~erning boards shall undertake a review at least every ten (10) years of the~~  
49 ~~city impact plan and ordinance requirements to determine whether renegoti-~~  
50 ~~ations are in the best interests of the citizenry.~~

(g) Areas of impact shall remain fixed until modifications are made pursuant to subsection (3) of this section.

(h) Prior to considering a request to establish, modify, or confirm an area of impact, the governing boards may, but are not required to, submit the request to the planning, zoning, or planning and zoning commission for recommendation. Each commission shall have a reasonable time fixed by its governing board in compliance with all required timelines set forth in this section to make its recommendation to the governing board. The county and the city shall undertake a review of the area of impact at least once every five (5) years and shall consider whether adjustments are in the best interests of the citizenry.

~~(f)~~ (i) This section shall not preclude annexation or other growth and development in areas of any county within the state of Idaho which that are not within the areas of city impact provided for herein.

(j) The county's decision establishing, modifying, or confirming the boundaries for an area of impact shall be made in writing and shall contain the reasoning of the board of county commissioners, including application of the facts relied upon by the commissioners and the application of the pertinent requirements and criteria to establish or modify an area of impact.

~~(g)~~ (k) If the area of impact has been delimited pursuant to the provisions of subsection (a) (1) of this section properly established, persons living within the delimited area of impact shall be entitled to representation on the planning, zoning, or the planning and zoning commission of the city of impact. Such representation shall as nearly as possible reflect the proportion of population living within the city as opposed to the population living within the areas of impact for that city. To achieve such proportional representation, membership of the planning, zoning or planning and zoning commission, may exceed twelve (12) persons, notwithstanding the provisions of subsection (a) of section 67-6504, Idaho Code. In instances where a city has combined either or both of its planning and zoning functions with the county, representation on the resulting joint planning, zoning or planning and zoning commission shall as nearly as possible reflect the proportion of population living within the impacted city, the area of city impact outside the city, and the remaining unincorporated area of the county. Membership on such a joint planning, zoning or planning and zoning commission may exceed twelve (12) persons, notwithstanding the provisions of subsection (a) of section 67-6504(a), Idaho Code.

(5) Petitions for review of establishment, modification, or confirmation of area of impact. The decisions by the board of county commissioners regarding the establishment, modification, or confirmation of areas of impact are legislative actions and are not subject to judicial review, declaratory action, or other legal challenge, except as specifically provided in this subsection.

(a) (i) If a county has not complied with the provisions of subsection (2) or (3) of this section, the city seeking the establishment, modification, or confirmation of an area of impact may petition the district court to establish, modify, or confirm an area of impact that meets the criteria and requirements of subsection

(4) of this section in accordance with the procedures provided in this subsection. If the modification of an area of impact boundary involves areas of impact boundaries that abut each other or that are proposed to abut each other, then any city whose area of impact abuts or is proposed to abut another area of impact boundary may file a petition challenging the county's determination regarding only those boundaries that abut or that are proposed to abut each other. Any petition regarding a proposed area of impact or portion thereof that is subject to challenge must be filed in the county in which the proposed area of impact or portion thereof is located.

(ii) Before a city may file a petition for review of an area of impact decision made by the county, as provided in paragraph (a) (i) of this subsection, it must first file a request for reconsideration with the board of county commissioners. Such request must be filed within fourteen (14) days of the issuance of the written decision by the board of county commissioners and must specify deficiencies in the decision of the board of county commissioners. Filing a timely request for reconsideration is a prerequisite to the city having standing to file a petition with the district court. The county shall act on and issue a written decision on the request for reconsideration within thirty (30) days of receipt of the request or the request shall be deemed denied. A petition challenging the decision of the county must be filed by the city within twenty-eight (28) days after the issuance of a decision by the county on the request for reconsideration or expiration of the thirty (30) day period for the county to act on the request.

(b) When filing a petition challenging the decision of the board of county commissioners with the clerk of the court, the petitioner shall pay a fee of one hundred dollars (\$100), which fee shall be in full for all clerk's fees except the regular fees provided by law for appeals. The court shall fix a time for the hearing on the petition to be held no less than thirty (30) days and no more than ninety (90) days from the filing of the petition. The petitioner shall serve or cause to be served a copy of the petition and notice of the hearing on the board of county commissioners or county clerk and the mayor or city clerk of such other city whose area of impact boundary is in question pursuant to paragraph (a) of this subsection at least twenty (20) days before the date of the hearing.

(c) No petition, objection, or reply authorized under this subsection need be verified.

(d) The hearing on a petition filed pursuant to this subsection shall be held within the county in which the area of impact or portion thereof is situated. The regular district court reporter shall reduce to writing the testimony and evidence introduced in the same manner as in a trial of civil actions. The judge of the court, either before or after the hearing, may view the lands pertaining to the proposed area of impact, lands on the outside of the city or cities in the same vicinity in which the lands sought to be included in the area of impact are situated, and other lands within the corporate limits of the city that might in any way be



1 affected by the granting of the petition. The judge may consider such  
2 modifications as the judge finds in connection with the evidence intro-  
3 duced at the hearing, in making and arriving at a final decision and de-  
4 termination of the matter.

5 (e) (i) If the court finds that the board of county commission-  
6 ers did not follow the notice and hearing requirements provided  
7 in this subsection, the court shall remand the matter back to the  
8 board of county commissioners to comply with the requirements and  
9 issue a new decision. If the court finds that the decision of the  
10 board of county commissioners was not arbitrary, capricious, or  
11 an abuse of discretion, the court shall affirm the decision of  
12 the board of commissioners. If the court finds that the decision  
13 of the board of county commissioners was arbitrary, capricious,  
14 or an abuse of discretion, the court may remand the matter to the  
15 board of county commissioners to correct its decision or the court  
16 may determine the appropriate boundaries of the area of impact in  
17 question before it. It shall not be necessary for the judge of the  
18 court to make written findings of fact or conclusions of law unless  
19 the court establishes the area of impact boundary. The court may  
20 award attorney's fees and costs to the prevailing party in such an  
21 action only if it finds that the other party or parties acted with-  
22 out a reasonable basis in fact or law.

23 (ii) If the court establishes the area of impact boundary, such  
24 boundary shall become the area of impact boundary as of the date of  
25 the decree establishing the boundary. Within twenty (20) days af-  
26 ter the filing of the decree, the petitioner shall file or cause to  
27 be filed with the county recorder and with the city clerk a certi-  
28 fied copy of the decree. The board of county commissioners shall  
29 adopt an ordinance consistent with the court decree within thirty  
30 (30) days of the entry of the decree or be subject to contempt and  
31 other sanctions or actions deemed appropriate by the court.

32 (f) Any city or county aggrieved by the decision of the court may ap-  
33 peal from the decision and judgment to the supreme court. The procedure  
34 of the appeal shall be the same as the procedure for appeals from final  
35 judgment in civil actions.

36 (6) Cities and counties shall review their existing areas of impact  
37 and shall reestablish the areas in conformance with the provisions of this  
38 section by December 31, 2025. Failure to timely conduct such review and  
39 reestablishment shall nullify the current area of impact boundaries and re-  
40 quire the city and county to go through the process set forth in subsection  
41 (2) of this section.

42 SECTION 3. An emergency existing therefor, which emergency is hereby  
43 declared to exist, this act shall be in full force and effect on and after  
44 July 1, 2024.



***RUEN-YEAGER & ASSOCIATES, INC.***  
*ENGINEERS ♦ PLANNERS ♦ SURVEYORS*

**MEMO**

To: Bonner County Commissioners, Bonner County Planning Commission & Planning Department  
From: Clare Marley, AICP, and Tessa Vogel, City Planners  
Date: May 21, 2024  
Re: **"Areas of Interest" boundary discussion**

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Ruen-Yeager & Associates, Inc. provides planning services and represents four Bonner County cities: Clark Fork, East Hope, Kootenai, and Dover. Each of these communities has had a chance to discuss the implications of the new "Areas of Impact" (AI) law (Senate Bill 1403) that goes into effect July 1<sup>st</sup> and completely alters the way cities and the county interact when it comes to land use decision making.

The new law, while it gives full authority to the counties to establish AI boundaries, also encourages cities and counties to work together to develop the area of impact before any public hearings. With that in mind, the cities have offered the following to Bonner County:

**Clark Fork:** After City Council consideration of the new law at the May 13<sup>th</sup> regular meeting, the Mayor advises that Clark Fork has no interest in establishing any Area of Interest under the new law. The City advises that it does not plan to annex any area in the near future and an area of impact provides no benefit to the City in terms of providing greater ability to receive notice, comment, or influence land use decision in unincorporated Bonner County. The City asks that the current ACI boundaries be dissolved. Clark Fork does not have a planning or zoning commission. Attached for reference is the current ACI boundary map with land use designations. The currently adopted ACI agreement provides that Bonner County's comprehensive plan and land use laws govern.

**East Hope:** The City Council reviewed the new law and current city ACI boundaries at its May 14<sup>th</sup> regular council meeting. The City advised that has no interest in any "involuntary" annexations of land. The greatest interest the City has is in protecting its watershed to the north of East Hope. Lands to the east of the city and along the highway south and east of the city are not expected to be annexed in the near future. East Hope does not want to expend funds to pay the county for noticing any areas for which the City does not want an AI established. East Hope does not have a planning or zoning commission. Attached for reference is the current ACI boundary map with land use designations. The currently adopted ACI agreement provides that Bonner County's comprehensive plan and land use laws govern.

**Kootenai:** The City Council reviewed Senate Bill 1403 with city planners. Because the City Council did not meet in May, additional recommendations from the city leaders are pending. The City shares a boundary with the City of Ponderay, and would like time to review areas of interest with that city. Kootenai is bordered on the south and east by developed or developing higher density, urban-like residential subdivisions. Kootenai does not have a planning or zoning commission. Attached for

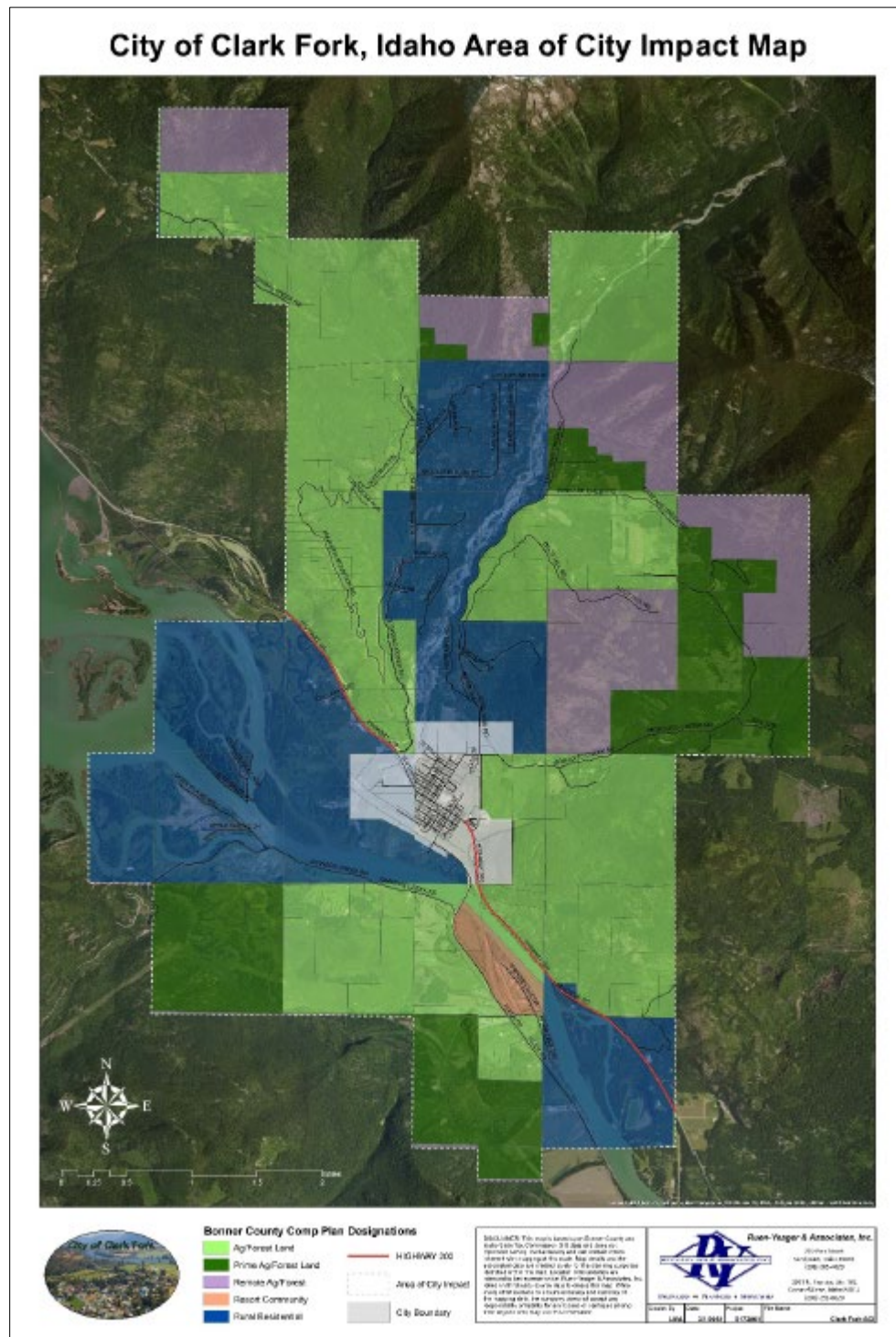
reference is the current ACI boundary map with land use designations. The currently adopted ACI agreement provides that Bonner County's comprehensive plan and land use laws govern.

**Dover:** Dover is in the midst of a comprehensive plan update to its 2017 adopted plan. Both the City Council and Planning and Zoning Commission have reviewed with city planners the new AI law and the implications for Dover. The City is aware that its current ACI boundaries, which extend in some instances beyond the 2-mile limit, need to be trimmed. The adopted comprehensive plan calls for Dover to renegotiate and reduce its Area of City Impact boundaries. The Council and Planning and Zoning Commission have recommended Dover first review potential overlapping areas of interest with the City of Sandpoint prior to providing comment to the county. Dover and Sandpoint share city limit boundaries and back-to-back ACI boundaries that were established by District Court in the 1990s. Each city has a Planning and Zoning Commission. Dover has requested a meeting with Sandpoint staff and mayor to discuss the boundaries of interest. The meeting is pending. Attached for reference is the current ACI boundary map with land use designations. The currently adopted ACI agreement provides that Bonner County's comprehensive plan and land use laws govern.

The cities have some initial questions regarding the county process:

- What is the county's timeline for drafting boundaries for consideration at a future public hearing?
- How will the county continue to work with the cities as the boundary determinations are proposed?
- How will the cities with overlapping areas of interest work with the county to resolve each other's interests?
- Will the county and each of the cities need to repeal existing agreements and ordinances? (Presumably so.)
- Who will map the new boundaries?
- Will the county agree with cities that want to dissolve all boundaries and have no AI?
- Will the county in the future still provide courtesy notice of pending land use hearings?

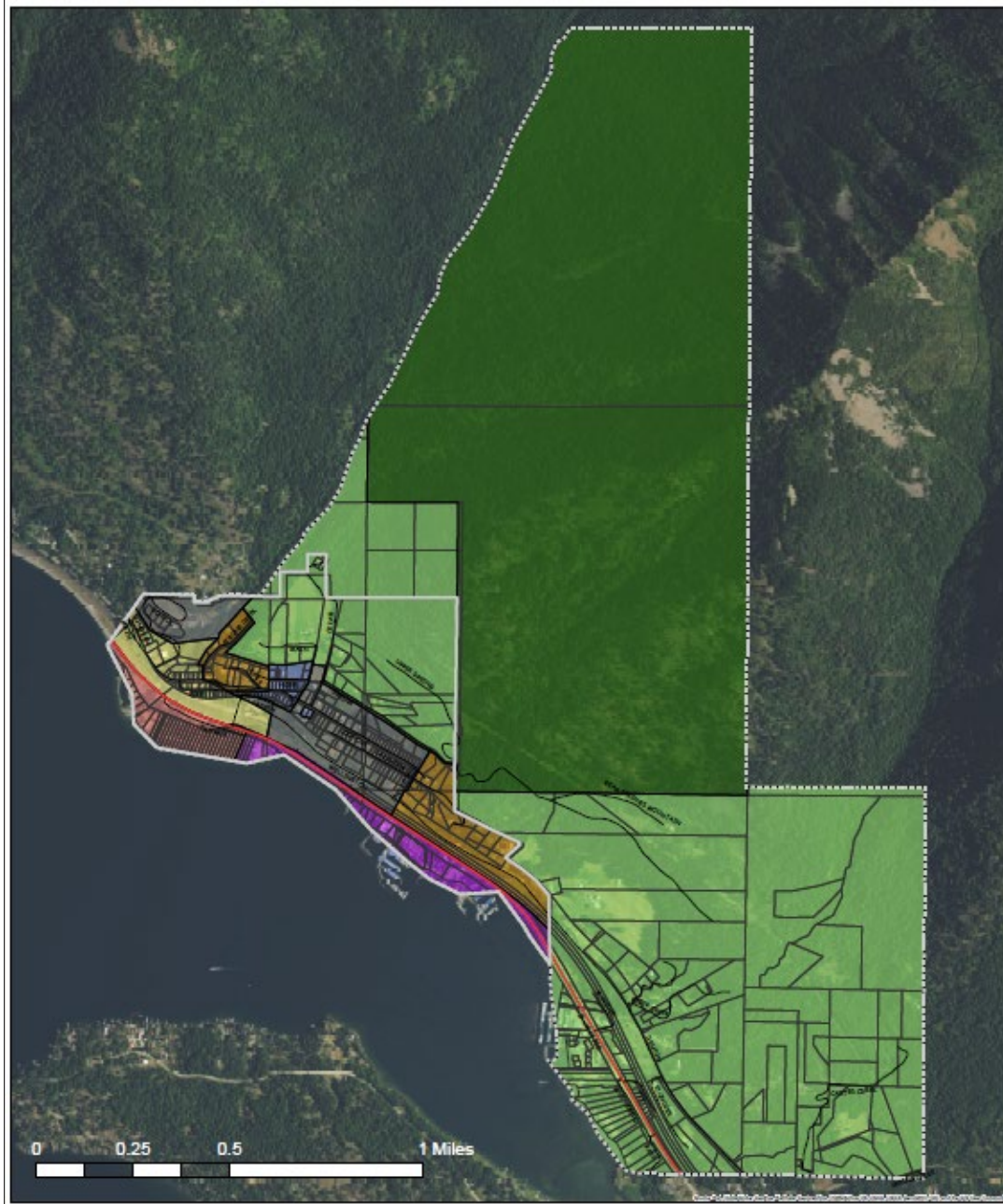
Clark Fork:





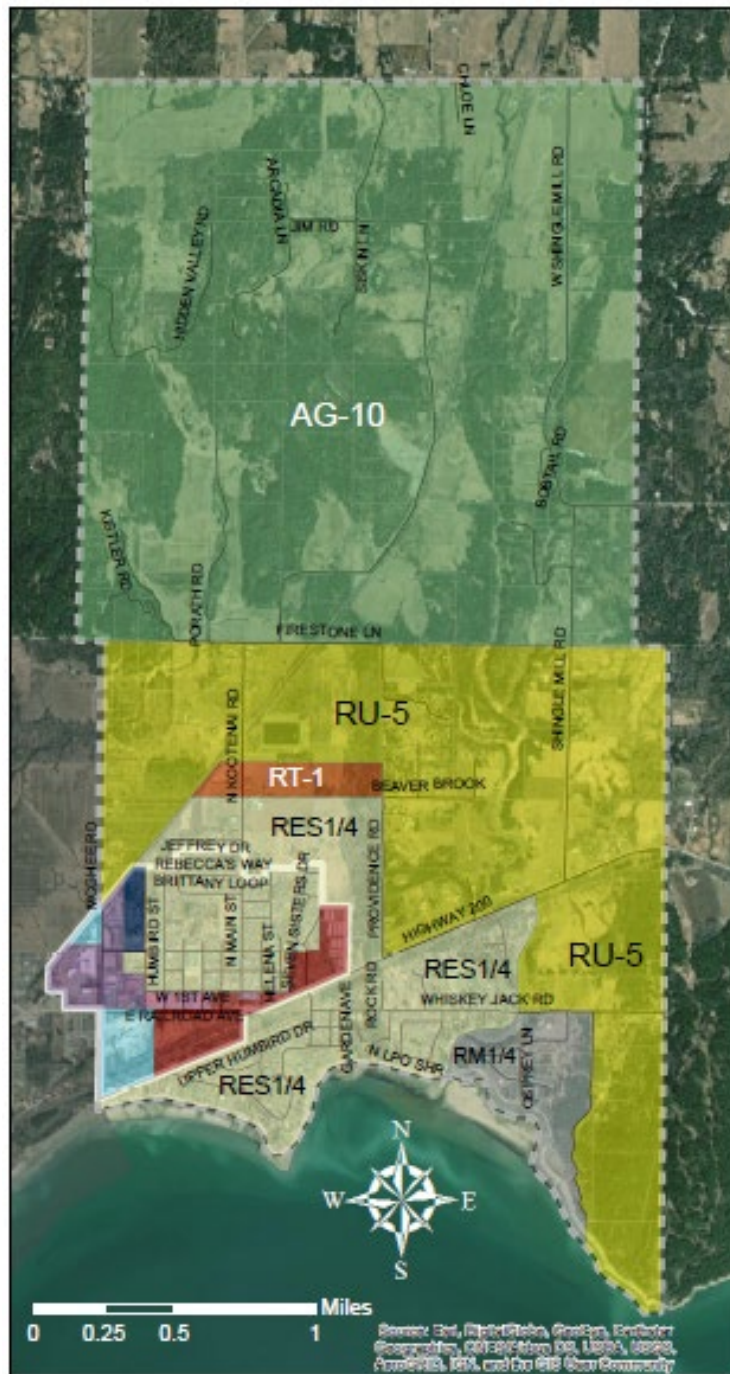
**East Hope:**

**City of East Hope, Idaho Projected Land Use Map, October 10, 2017**



**Forest Preserve (dark green).** The land within the East Hope Area of City Impact north and east of the incorporated city boundaries that lies within the Kaniksu National Forest are designated for forest land and open space preservation. The city's watershed is within this area, and the forest cover provides significant benefits to the city in its undeveloped state. The city map designation proposes 40 acre or larger minimum parcel sizes, which is in accord with Bonner County's "Remote Ag/Forest 40+ Acres" comprehensive plan map designation.

**Residential – Low Density (light green).** Larger tracts of land in the northern portion of the city contain timber/agricultural lands, with level to steeper terrain. Because of the rural, working lands, proximity to the National Forest, potential erosion concerns, and limited access to municipal services and transportation routes, this area is designated for single-family residential uses, small-scale agricultural pursuits, and relatively lower density lot sizes that could range from 2½ acres and larger.

**Kootenai:**

**AG-10 - Forest/Farmland/Residential:** The uses in this designation include rural-residential one- and two-family homesite development, small ranches, agricultural and forestry production, opportunities for on-site sales of agricultural products, and through special use permits certain community facilities such as schools, churches, daycares, and parks. The general lot sizes are 10 acres and larger.

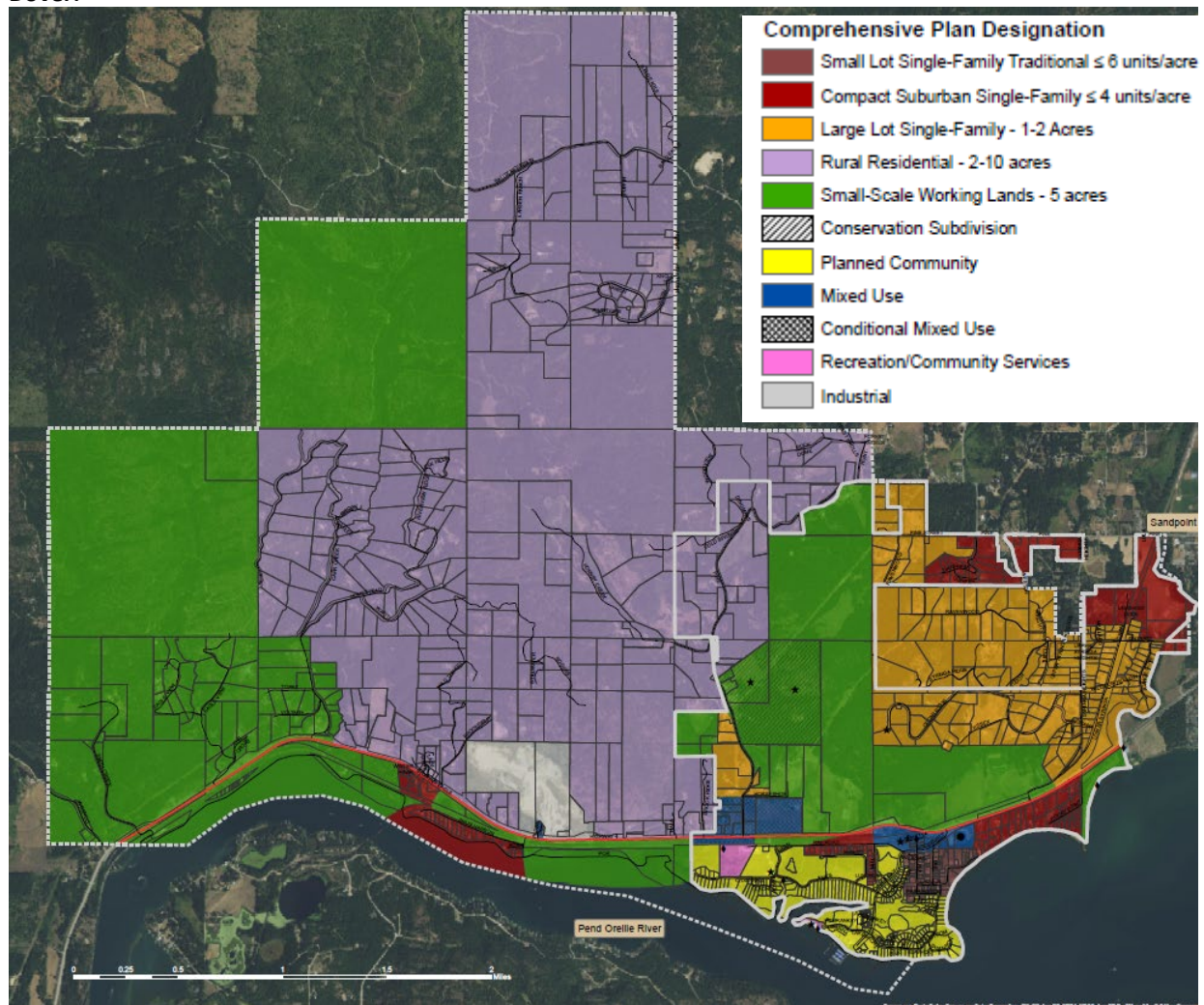
**RU-5-Rural/Forest/Farmland:** The Rural map designation is similar to the Agricultural designation, allowing larger tracts of land and farm and forestland uses, with general community facilities allowed through special use permitting. General lot sizes range from 5 to 10 acres.

**RT-1 - Rural Transition:** This area serves as a transition between rural and more urbanized residential densities and uses. One- and two-family dwellings and associated residential uses and community facilities are permitted in areas designated Rural-Suburban Transition. Lot sizes of 1 acre and larger and appropriate in this transition area.

**RES $\frac{1}{4}$  - Residential:** One- and two-family residential housing units and uses associated with residential development, such as accessory dwelling units, daycares, schools, parks, public utilities, and community facilities are expected in this mapping designation. General lot size minimums are about  $\frac{1}{4}$  acre and larger. This mapping designation includes the historic 50-foot-wide Kootenai Townsite platted lots of about 0.15 of an acre.

**RM $\frac{1}{4}$  - Recreational Mixed:** This map designation is established for areas where waterfront access, existing private resorts, trails, or other land and development features provide an opportunity for a mix of housing and commercial uses related to recreational activities. Use of conservation development designs and dedication of open space/green belts to protect sensitive environmental features and reduce infrastructure costs are encouraged. The anticipated uses in this map designation include single-family housing, community facilities, and public parks. Through special use permits, resort/recreational facilities and limited commercial uses associated with recreational ventures could be permitted. Lot sizes may vary from  $\frac{1}{4}$  acre to 1 acre.



**Dover:**

**Small-scale working lands - 5 acres.** The Dover hillside north of the highway and the westerly bounds of the Area of City Impact provide suitable lands for low-density residential development paired with agricultural and forestry uses. Most of this land is not served by municipal services and paved roads. Opportunities for trailheads, conservation subdivisions, and conservation easements are presented with these lands.

**Rural residential - 2 to 10 acres.** The Rural residential 2- to 10-acre single-family residential designation represents the largest portion of the mapped area within the Area of City Impact, and includes a small portion of lands at the northwestern edge of the city limits. The map designation is similar to the Rural Residential designation assigned by Bonner County's comprehensive plan map. These lands generally do not have access to municipal services, and rely upon individual wells, septic/drainfield systems, and gravel roads. This area comprises some of the steepest terrain within the city and Area of City Impact. Seasonal and year-round streams course through the mostly forested area. Given the limited access to services and transportation and terrain challenges, this area is designated for lower density residential development and agriculture/forestry pursuits.

**Industrial.** The Industrial designation provides for light and heavy industrial uses, manufacturing, and mining. This map designation is limited to the Peak rock quarry, Portland cement plant, and the State of Idaho gravel quarry. The approximately 110 acres are located about ½ mile west of the city limits and within the Area of City Impact. Bonner County has mapped this area as Rural Residential in its comprehensive plan. A portion of the site is zoned conditional Industrial; the remainder is zoned Rural.

**Compact suburban single-family – up to 4 units per acre.** This map designation covers areas on the northeastern edge of the city and portions of the waterfront, where higher density residential development has occurred or where suitable land exists for higher density development or redevelopment. This single-family residential classification recognizes lands that are accessible to paved roads, municipal water and sewer services, and other utilities. The lands are generally level to gently sloping, with some inclusions of hillsides with benched or terraced areas.



Jacob Gabell <jacob.gabell@bonnercountyid.gov>

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## Public comment

6 messages

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**Asia Williams** <asia.williams@bonnercountyid.gov>

Tue, May 21, 2024 at 10:06 AM

To: Bonner County Planning <planning@bonnercountyid.gov>, Jacob Gabell <jake.gabell@bonnercountyid.gov>, Suzanne Glasoe <suzanneglasoe@yahoo.com>

Can we upload the public comments to the system so that the public can have access to them without doing a public records request.

Respectfully

Asia Williams SSBB, LPN, MBA  
Bonner County Commissioner District 2  
Office: (208) 265-1438  
Cell (208) 946-3738  
Fax: (208) 265-1460  
[asia.williams@bonnercountyid.gov](mailto:asia.williams@bonnercountyid.gov)

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**Jake Gabell** <jake.gabell@bonnercountyid.gov>

Tue, May 21, 2024 at 10:12 AM

To: Asia Williams <asia.williams@bonnercountyid.gov>

Cc: Bonner County Planning <planning@bonnercountyid.gov>, Suzanne Glasoe <suzanneglasoe@yahoo.com>

I think this would be another good agenda item that should be added to the next planning update meeting and discussed with the BOCC and a decision made if needed.

**Jake Gabell, Director**

Bonner County Planning Department  
1500 Highway 2, Suite 208  
Sandpoint, ID 83864  
Phone: 208-265-1458

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**Suzanne Glasoe** <suzanneglasoe@yahoo.com>

Tue, May 21, 2024 at 12:30 PM

Reply-To: Suzanne Glasoe <suzanneglasoe@yahoo.com>

To: Jake Gabell <jake.gabell@bonnercountyid.gov>, Asia Williams <asia.williams@bonnercountyid.gov>

Cc: Bonner County Planning <planning@bonnercountyid.gov>

Thank you both.

It's just that I have a one track logic brain, and I get stuck in the middle, sometimes.

If available on FOIA, and is used in the hearing determination, seems like it should be part of the public file.

I appreciate just having the discussion.

Thank you again

Happy voting day!!!

Suzanne Glasoe

[Yahoo Mail: Search, Organize, Conquer](#)

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**Asia Williams** <asia.williams@bonnercountyid.gov>

Tue, May 21, 2024 at 1:42 PM

To: Suzanne Glasoe <suzanneglasoe@yahoo.com>



Cc: Jake Gabell <jake.gabell@bonnercountyid.gov>, Bonner County Planning <planning@bonnercountyid.gov>

Are you not willing to share your opinion on this issue at this time.

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**Jake Gabell** <jake.gabell@bonnercountyid.gov>

Tue, May 21, 2024 at 1:59 PM

To: Asia Williams <asia.williams@bonnercountyid.gov>

Cc: Suzanne Glasoe <suzanneglasoe@yahoo.com>, Bonner County Planning <planning@bonnercountyid.gov>

Commissioner Williams,

I'm happy to share my opinion on the matter. I think that on the surface, the idea is sound but it does raise a lot of questions and that a discussion with the BOCC would be beneficial. For example, at what point do we publish public comments, as they are received or after the staff report has been published? If the rationale is that it will save staff time in completing public records requests then how many records requests do we receive for public comment vs how much staff time will it take to upload all the comments? Are they uploaded individually or as a group? Do we publish public comments for all land use files or just those going to a public hearing?

Respectfully,

**Jake Gabell, Director**

Bonner County Planning Department

1500 Highway 2, Suite 208

Sandpoint, ID 83864

Phone: 208-265-1458

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**Suzanne Glasoe** <suzanneglasoe@yahoo.com>

Tue, May 21, 2024 at 9:14 PM

Reply-To: Suzanne Glasoe <suzanneglasoe@yahoo.com>

To: jake.gabell@bonnercountyid.gov, Asia Williams <asia.williams@bonnercountyid.gov>

Cc: Bonner County Planning <planning@bonnercountyid.gov>

The substance is that if the comments are part of the review and determination, just as agency comments are, why would the public comments be withheld from the public? The emails and letters are received and distributed to commissioners, hearing examiner, or Board, depending on who is hearing it.

If public is allowed to come make comment, shouldn't they have all of the information that the deciding party is reviewing?

Thank you

Suzanne

[Yahoo Mail: Search, Organize, Conquer](#)

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Jacob Gabell <jacob.gabell@bonnercountyid.gov>

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## Fire Code

3 messages

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**Asia Williams** <asia.williams@bonnercountyid.gov> Tue, May 21, 2024 at 10:08 AM  
To: Jacob Gabell <jake.gabell@bonnercountyid.gov>, Suzanne Glasoe <suzanneglasoe@yahoo.com>

Ms. Glasoe brought forth concerns regarding the international fire code vs the Idaho fire code combined with the lack of listening to safety measures from the codes. Is it reasonable that Bonner county officially recognize one of these codes as it relates to your department. If yes, which one and how do we proceed? If not, why not.

Thank you in advance for your response.

Asia Williams SSBB, LPN, MBA  
Bonner County Commissioner District 2  
Office: (208) 265-1438  
Cell (208) 946-3738  
Fax: (208) 265-1460  
[asia.williams@bonnercountyid.gov](mailto:asia.williams@bonnercountyid.gov)

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**Jake Gabell** <jake.gabell@bonnercountyid.gov> Tue, May 21, 2024 at 10:11 AM  
To: Asia Williams <asia.williams@bonnercountyid.gov>  
Cc: Suzanne Glasoe <suzanneglasoe@yahoo.com>

I think this would be a good agenda item that should be added to the next planning update meeting and discussed with the BOCC and a decision made if needed.

**Jake Gabell, Director**  
Bonner County Planning Department  
1500 Highway 2, Suite 208  
Sandpoint, ID 83864  
Phone: 208-265-1458

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**Suzanne Glasoe** <suzanneglasoe@yahoo.com> Tue, May 21, 2024 at 12:32 PM  
Reply-To: Suzanne Glasoe <suzanneglasoe@yahoo.com>  
To: Jake Gabell <jake.gabell@bonnercountyid.gov>, Asia Williams <asia.williams@bonnercountyid.gov>

Thank you again.

It opens the discussion.  
I think if not adopted, for a good reason, at least listen to the fire department recommendation that is in line with safety for all, regardless, if they cite IFC. Safety is important.

Thank you again for being open and receptive to talking.

Happy Voting Day

Suzanne Glasoe

[Yahoo Mail: Search, Organize, Conquer](#)

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Jacob Gabell <jacob.gabell@bonnercountyid.gov>

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## International Fire Code and International Building Code

4 messages

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**Jake Gabell** <jake.gabell@bonnercountyid.gov>  
To: Bill Wilson <bill.wilson@bonnercoid.gov>

Thu, May 16, 2024 at 10:11 AM

Hey Bill,

I have been mulling over some of the state codes the pertain to the fire code and the building code. As you know, the state adopted the International Building Code via 39-4109 but then gave the right to adopt it or not to via 39-4116. The confusion I have is in how the state adopted the International Fire Code, see 41-253. At first glance, it appears that the state makes reference to the fire code throughout some of Title 39 Chapter 41, but it never calls back to Title 41 when it gives the County the ability to not adopt the building code. Does that mean that the state has adopted the fire code for everyone and has not expressly given the right to the county not to adopt it?

41-253 - Adoption of International Fire Code

<https://legislature.idaho.gov/statutesrules/idstat/Title41/T41CH2/SECT41-253/>

"These sections are intended to prescribe regulations consistent with nationally recognized good practice for the safeguarding of life and property from hazards of fire and explosion arising from the storage, handling and use of hazardous substances, materials, and devices, and from conditions hazardous to life or property in the use or occupancy of buildings or premises, and there is hereby adopted the "International Fire Code," 2000 edition, with appendices thereto, published by the International Code Council, Inc. and such later editions as may be so published and adopted by the state fire marshal, as the minimum standards for the protection of life and property from fire and explosions in the state of Idaho."

39-4109 Application of Codes

<https://legislature.idaho.gov/statutesrules/idstat/Title39/T39CH41/SECT39-4109/>

39-4116 - Idaho Building Code Act, Local Government adoption and Enforcement of Building Codes

<https://legislature.idaho.gov/statutesrules/idstat/Title39/T39CH41/SECT39-4116/>

"Local governments that have not previously instituted and implemented a code enforcement program prior to the effective date of this act may elect to implement a building code enforcement program by passing an ordinance evidencing the intent to do so."

Does this mean that a county may not elect to enforce? That's the way I read it.

**Jake Gabell, Director**

Bonner County Planning Department  
1500 Highway 2, Suite 208  
Sandpoint, ID 83864  
Phone: 208-265-1458

---

**Bill Wilson** <bill.wilson@bonnercoid.gov>  
To: Jake Gabell <jake.gabell@bonnercountyid.gov>

Thu, May 16, 2024 at 11:54 AM

I can see the source of your confusion, but the clearest expression of intent as it relates to counties is in IC 49-4116. The use of the word "may" in that statute shows that counties aren't compelled to enact their own ordinance. Harmonizing the two statutes, I think if a county does choose to enact its own rules, they can be stricter than those adopted by the state, but not less. However, that doesn't impact the initial decision to create them in the first place.

William S. Wilson, Esq.  
Civil Deputy Prosecutor  
Bonner County Prosecutor's Office

Boundary County Prosecutor's Office  
[bill.wilson@bonnercoid.gov](mailto:bill.wilson@bonnercoid.gov)

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**From:** Jake Gabell <[jake.gabell@bonnercountyid.gov](mailto:jake.gabell@bonnercountyid.gov)>  
**Sent:** Thursday, May 16, 2024 10:11 AM  
**To:** Bill Wilson <[bill.wilson@bonnercoid.gov](mailto:bill.wilson@bonnercoid.gov)>  
**Subject:** International Fire Code and International Building Code

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**Jake Gabell** <[jake.gabell@bonnercountyid.gov](mailto:jake.gabell@bonnercountyid.gov)>  
To: Bill Wilson <[bill.wilson@bonnercoid.gov](mailto:bill.wilson@bonnercoid.gov)>

Thu, May 16, 2024 at 12:48 PM

So does the adoption of the IFC in 41-253 apply to counties or only the state fire marshall?

**Jake Gabell, Director**  
Bonner County Planning Department  
1500 Highway 2, Suite 208  
Sandpoint, ID 83864  
Phone: 208-265-1458

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**Bill Wilson** <[bill.wilson@bonnercoid.gov](mailto:bill.wilson@bonnercoid.gov)>  
To: Jake Gabell <[jake.gabell@bonnercountyid.gov](mailto:jake.gabell@bonnercountyid.gov)>

Thu, May 16, 2024 at 1:37 PM

I read it as only applying to the state fire marshal

William S. Wilson, Esq.  
Civil Deputy Prosecutor  
Bonner County Prosecutor's Office  
Boundary County Prosecutor's Office  
[bill.wilson@bonnercoid.gov](mailto:bill.wilson@bonnercoid.gov)

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**From:** Jake Gabell <[jake.gabell@bonnercountyid.gov](mailto:jake.gabell@bonnercountyid.gov)>  
**Sent:** Thursday, May 16, 2024 12:48 PM  
**To:** Bill Wilson <[bill.wilson@bonnercoid.gov](mailto:bill.wilson@bonnercoid.gov)>  
**Subject:** Re: [EXT SENDER] Re: International Fire Code and International Building Code

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# Idaho Statutes

Idaho Statutes are updated to the website July 1 following the legislative session.

TITLE 41  
INSURANCE  
CHAPTER 2

THE DEPARTMENT OF INSURANCE

41-253. STATEMENT OF PURPOSE — ADOPTION OF INTERNATIONAL FIRE CODE. (1) The purpose of sections 41-253 through 41-269, Idaho Code, is to protect human life from fire, and to prevent fires. These sections are intended to prescribe regulations consistent with nationally recognized good practice for the safeguarding of life and property from hazards of fire and explosion arising from the storage, handling and use of hazardous substances, materials, and devices, and from conditions hazardous to life or property in the use or occupancy of buildings or premises, and there is hereby adopted the "International Fire Code," 2000 edition, with appendices thereto, published by the International Code Council, Inc. and such later editions as may be so published and adopted by the state fire marshal, as the minimum standards for the protection of life and property from fire and explosions in the state of Idaho.

(2) A detached single family dwelling, to be constructed upon lands of five (5) acres or more outside an incorporated city and not within a designated area of city impact, shall be exempt from the water supply and access requirements of the adopted version of the International Fire Code unless a county land use or subdivision ordinance requires such compliance. A county adopted ordinance may expand the foregoing exemption applicable to detached single family dwellings by reducing the minimum parcel area requirement after first conducting a public hearing subject to public notice that complies with the requirements set forth in section 67-6509, Idaho Code, and after providing notice by mail to all fire agencies providing services to areas outside an incorporated city and not within a designated area of city impact that might be affected by any such proposal at least twenty-one (21) days prior to such public hearing.

(3) Assistants to the state fire marshal, as provided in section 41-256, Idaho Code, shall apply a reasonable interpretation to the International Fire Code as adopted by the state fire marshal, and rules of the state fire marshal, when undertaking any enforcement action.

(4) For the purposes of sections 41-253 through 41-269, Idaho Code, the "International Fire Code" shall mean the publications as adopted under subsection (1) of this section.

History:

[(41-253) 39-3501 added 1970, ch. 190, sec. 1, p. 547; am. and redesig. 1982, ch. 120, sec. 1, p. 338; am. 2002, ch. 86, sec. 5, p. 198; am. 2008, ch. 402, sec. 1, p. 1106; am. 2010, ch. 219, sec. 1, p. 492.]

How current is this law?



# Idaho Statutes

Idaho Statutes are updated to the website July 1 following the legislative session.

TITLE 39  
HEALTH AND SAFETY  
CHAPTER 41

IDAHO BUILDING CODE ACT

39-4109. APPLICATION OF CODES. (1) The following codes are hereby adopted for the state of Idaho division of occupational and professional licenses and shall only be applied by local governments as prescribed by section 39-4116, Idaho Code:

(a) The 2006 International Building Code shall be in effect, until such time as a subsequent version is adopted by the Idaho building code board, at which time the subsequent versions of the International Building Code as adopted and amended by the Idaho building code board through the negotiated rulemaking process as established in section 67-5221, Idaho Code, and as further provided in subsection (5) of this section and in accordance with subsections (2) and (3) of this section shall be in effect:

(i) Including appendices thereto pertaining to building accessibility;

(ii) Excluding the incorporated electrical codes, mechanical code, fuel gas code, plumbing codes, fire codes or property maintenance codes other than specifically referenced subjects or sections of the International Fire Code; and

(iii) Including the incorporated Idaho residential code, parts I, II, III and IX; Idaho energy conservation code; and rules promulgated by the board to provide equivalency with the provisions of the Americans with disabilities act accessibility guidelines and the fair housing act accessibility guidelines shall be included.

(b) The version of the International Residential Code adopted by the Idaho building code board, together with the amendments, revisions or modifications adopted by the Idaho building code board through the negotiated rulemaking process, except for parts IV, V, VI, VII and VIII, as they pertain to energy conservation, mechanical, fuel gas, plumbing and electrical requirements, shall collectively constitute and be named the Idaho residential code. The Idaho residential code shall be in effect until such time as a subsequent version is adopted by the Idaho building code board, at which time the subsequent version of the Idaho residential code, as adopted and amended by the Idaho building code board through the negotiated rulemaking process provided in this section, shall be in effect. Any amendments, revisions or modifications made to the Idaho residential code by the board shall be made by administrative rules promulgated by the board;

(c) The 2018 Idaho energy conservation code, as amended, revised, or modified by the Idaho building code board and approved by the legislature pursuant to section 39-9701, Idaho Code; and

(d) The 2006 International Existing Building Code as published by the International Code Council shall be in effect until such time as a subsequent version is adopted by the Idaho building code board, at which time the subsequent versions of the International Existing Building Code, as adopted and amended by the Idaho building code board through the negotiated rulemaking process provided in this section, shall be in effect.

(2) No amendments to the accessibility guidelines shall be made by the Idaho building code board that provide for lower standards of accessibility than those published by the International Code Council.

(3) No amendments to the Idaho residential building code shall be made by the Idaho building code board that provide for standards that are more restrictive than those published by the International Code Council.

(4) Any edition of the building codes adopted by the board will take effect on January 1 of the year following its adoption.

(5) In addition to the negotiated rulemaking process set forth in section 67-5221, Idaho Code, the board shall conduct a minimum of two (2) public hearings, not less than sixty (60) days apart. Express written notice of such public hearings shall be given by the board to each of the following entities not less than five (5) days prior to such hearing: associated general contractors of America, associated builders and contractors, association of Idaho cities, Idaho association of building officials, Idaho association of counties, Idaho association of REALTORS®, Idaho building contractors association, American institute of architects Idaho chapter, Idaho fire chiefs association, Idaho society of professional engineers, Idaho state independent living council, southwest Idaho building trades, Idaho building trades, and any other entity that, through electronic or written communication received by the administrator not less than twenty (20) days prior to such scheduled meeting, requests written notification of such public hearings.

History:

[39-4109, added 2002, ch. 345, sec. 13, p. 971; am. 2004, ch. 272, sec. 3, p. 759; am. 2004, ch. 359, sec. 2, p. 1074; am. 2007, ch. 184, sec. 1, p. 532; am. 2009, ch. 173, sec. 2, p. 552; am. 2009, ch. 279, sec. 1, p. 841; am. 2010, ch. 79, sec. 14, p. 143; am. 2014, ch. 248, sec. 1, p. 623; am. 2018, ch. 338, sec. 1, p. 769; am. 2022, ch. 302, sec. 2, p. 957.]

How current is this law?



# Idaho Statutes

Idaho Statutes are updated to the website July 1 following the legislative session.

TITLE 39  
HEALTH AND SAFETY  
CHAPTER 41

IDAHO BUILDING CODE ACT

39-4116. LOCAL GOVERNMENT ADOPTION AND ENFORCEMENT OF BUILDING CODES. (1) Local governments enforcing building codes shall do so only in compliance with the provisions of this section. Local governments that have not previously instituted and implemented a code enforcement program prior to the effective date of this act may elect to implement a building code enforcement program by passing an ordinance evidencing the intent to do so. Local governments may contract with a public or private entity to administer their building code enforcement program.

(2) Local governments that issue building permits and perform building code enforcement activities shall, by ordinance effective January 1 of the year following the adoption by the Idaho building code board, adopt the following codes as published by the International Code Council together with any amendments or revisions set forth in section 39-4109, Idaho Code, including subsequent versions of the International Building Code as adopted and amended by the Idaho building code board through the negotiated rulemaking process provided in this chapter:

(a) International Building Code, including all rules promulgated by the board to provide equivalency with the provisions of the Americans with disabilities act accessibility guidelines and the federal fair housing act accessibility guidelines;

(b) Idaho residential code, parts I-III and IX; and

(c) 2018 Idaho energy conservation code, pursuant to chapter 97, title 39, Idaho Code.

Local governments are not required by this chapter to adopt the other referenced codes in the International Building Code. Local jurisdictions shall not adopt provisions, chapters, sections or parts of subsequent versions of the International Residential Code or residential provisions of the International Energy Conservation Code, or subsequent versions in their entirety, that have not been adopted by the Idaho building code board except as provided in subsection (4) of this section.

(3) All single family homes and multiple family dwellings up to two (2) units are hereby exempted from the provisions of the International Fire Code, the International Building Code and the Idaho residential code that require such dwellings to have automatic fire sprinkler systems installed. Nothing in this section shall prevent any person from voluntarily installing an automatic fire sprinkler system in any residential dwelling.

(4) Except as provided in this subsection, local governments may amend by ordinance the adopted codes or provisions of referenced codes to reflect local concerns, provided such amendments establish at least an equivalent level of protection to that of the adopted building code. A local jurisdiction shall not have the authority to amend any accessibility



provision pursuant to section 39-4109, Idaho Code, except as provided in this subsection.

(a) A local jurisdiction shall not have the authority to amend any accessibility provision pursuant to section 39-4109, Idaho Code.

(b) A local jurisdiction shall not adopt any provision, chapter, section or part of the International Residential Code or residential provisions of the International Energy Conservation Code, or subsequent versions in their entirety, that have not been adopted or that have been expressly rejected or exempted from the adopted version of those codes by the Idaho building code board through the negotiated rulemaking process as provided in section 39-4109, Idaho Code.

(c) Local jurisdictions may amend by ordinance the following provisions of the Idaho residential code to reflect local concerns:

(i) Part I, Administrative;

(ii) Part II, Definitions;

(iii) Part III, Building Planning and Construction, Section R 301, Design Criteria; and

(iv) Part IX, Appendices.

(d) Local jurisdictions may amend the remainder of Part III of the Idaho residential code if they find that good cause for building or life safety exists for such an amendment to such codes and that such amendment is reasonably necessary. Amendments shall be adopted by ordinance in accordance with the provisions of chapter 9, title 50, Idaho Code, or chapter 7, title 31, Idaho Code, and provided further that such local jurisdiction shall conduct a public hearing and, provided further, that notice of the time and place of the public hearing shall be published in the official newspaper or paper of general circulation within the jurisdiction and written notice of each of such public hearing and the proposed language shall be given by the local jurisdiction to the local chapters of the entities identified in section 39-4109(5), Idaho Code, not less than thirty (30) days prior to such hearing. In the event that there are no local chapters of such entities identified in section 39-4109(5), Idaho Code, within the local jurisdiction holding the hearings, the notice shall be provided to the state associations of the respective entities.

(5) Local governments shall exempt agricultural buildings from the requirements of the codes enumerated in this chapter and the rules promulgated by the board. A county may issue permits for farm buildings to assure compliance with road setbacks and utility easements, provided that the cost for such permits shall not exceed the actual cost to the county of issuing the permits.

(6) Permits shall be governed by the laws in effect at the time the permit application is received.

(7) The division shall retain jurisdiction for in-plant inspections and installation standards for manufactured or mobile homes and for in-plant inspections and enforcement of construction standards for modular buildings and commercial coaches.

History:

[39-4116, added 2002, ch. 345, sec. 21, p. 973; am. 2004, ch. 272, sec. 4, p. 760; am. 2009, ch. 173, sec. 3, p. 553; am. 2009, ch. 219, sec. 2, p. 683; am. 2009, ch. 279, sec. 2, p. 841; am. 2010, ch. 79, sec. 15, p. 144; am. 2014, ch. 248, sec. 2, p. 625; am. 2018, ch. 338, sec. 2, p. 770; am. 2022, ch. 302, sec. 3, p. 958.]

## **SUBCHAPTER 3.1 - ZONING MAP AND INTERPRETATION**

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### **12-310: OFFICIAL ZONING DISTRICT MAP:**

A. The official zoning district map shall be made available in an electronic format for the public to view. The official map shall be updated on a continuous basis as zone changes are approved by the board and upon publication. The official, electronic zone map shall be made available for public review during the Bonner County Planning Department's normal business hours. Changes to the official zone map shall be listed in an electronic format on the official zoning map. One or more physical reproductions of the official zoning map shall be located in office of the Bonner County Planning Department. Any reproductions of the official zoning map shall be true and correct reproductions of the official zoning map to the greatest extent possible (with the exception of signatures), but any such reproductions shall not be considered official. (Ord. 501, 11-18-2008; amd. Ord. 680, 10-12-2022)

### **12-311: ADOPTION OF OFFICIAL ZONING MAP, CERTIFICATION, AMENDMENTS TO BE SHOWN:**

A. Official Zoning District Map: The county is divided into zones or districts, as shown on the official zoning district map, which, with all explanatory matter thereon, is adopted by reference and declared to be a part of this title. The official zoning map shall be identified by the signature of the chairperson of the board, attested by the county clerk:

*This is to certify that this is the official zoning district map referred to in section 12-311 of the Bonner County Revised Code, of Bonner County, Idaho.*

B. Amendments: If, in accordance with the provisions of this title, changes are made in district or zone boundaries, or other matter portrayed on the official zoning district map, changes shall be entered on the official zoning district map promptly after the amendment has been approved by the board, with the entry on the official zoning district map specifying the file number, ordinance number, and effective date. Amendments to the zoning map are to become effective immediately upon publication.

C. Conformance with Procedures: No changes of any nature shall be made in the official zoning district map or matter shown thereon except in conformity with the procedures set forth in this title. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this title and punishable under sections 12-132 and 12-133 of this title. (Ord. 501, 11-18-2008; amd. Ord. 680, 10-12-2022)

### **12-312: REPLACEMENT OF OFFICIAL ZONING MAP, CERTIFICATION:**

A. If the official zoning district map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the board may by resolution adopt a new official zoning district map which shall supersede the prior official zoning district map. The new official zoning district map may correct drafting or other errors or omissions in the prior official zoning district map, but no correction shall have the effect of amending the original official zoning district map or any subsequent amendment thereof. The new official zoning district map shall be identified by the signature of chairperson of the board, and shall state:

*This is to certify that this official zoning district map supersedes and replaces the official zoning district map adopted (date of adoption of map being replaced) as part of title 12, Bonner County Revised Code of Bonner County, Idaho.*

B. Unless the prior official zoning district map has been lost or totally destroyed, the prior map or any significant parts thereof remaining shall be preserved, together with all available records pertaining to its adoption or amendment. (Ord. 501, 11-18-2008; amd. Ord. 680, 10-12-2022)

### **12-314: APPLICATION OF DISTRICT OR ZONE REGULATIONS:**

A. The regulations set by this title within each district or zone shall be minimum regulations and shall apply uniformly to each class or kind of structure or land use.

B. No building, structure or land shall hereafter be used or occupied, and no building or structure, or part thereof, shall be erected, subject to provisions of subchapter 3.4 of this chapter, constructed, reconstructed, moved or structurally altered, except in conformity with all of the regulations specified for the district or zone in which it is located. (Ord. 501, 11-18-2008)

**12-315: RULES FOR INTERPRETATION OF ZONING DISTRICT BOUNDARIES:**

Where uncertainty exists as to the boundaries of zones or districts as shown on the official zoning district map, the following rules shall apply:

A. Boundaries indicated as approximately following the centerlines of streets, highways or alleys shall be construed to follow the centerlines.

B. Boundaries indicated as approximately following platted lot lines shall be construed as following those lines.

C. Boundaries indicated as approximately following city limits shall be construed as following city limits.

D. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.

E. Boundaries indicated as following shorelines shall be construed to follow those shorelines and legally established meander lines. In the event of change in the shoreline, boundaries shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes or other bodies of water shall be construed to follow those centerlines.

F. Boundaries indicated as parallel to, or extensions of features indicated in subsections A through E of this section shall be so construed. Distances not specifically indicated on the official zoning district map shall be determined by the scale of the map.

G. Boundaries indicated as following section or township lines shall be construed as following those section or township lines.

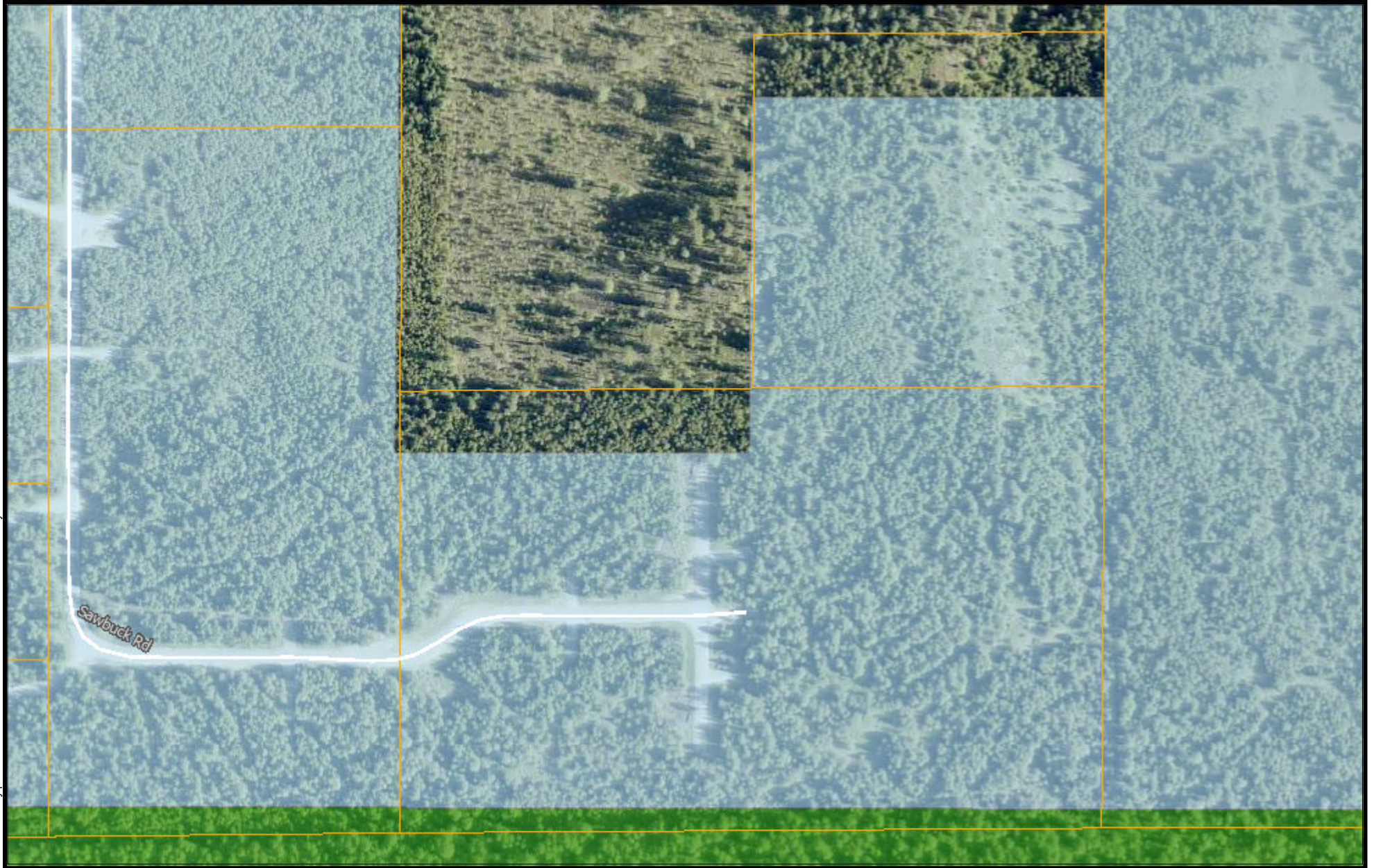
H. Where physical or cultural features existing on the ground are at variance with those shown on the official zoning district map, or in other circumstances not covered by subsections A through G of this section, the board shall interpret the district or zone boundaries.

I. Where a district or zone boundary line divides a lot which was in single ownership at the time of passage of this section, the board may permit, as a special exception, the extension of the regulations for either portion of the lot not to exceed fifty feet (50') beyond the district or zone line into the remaining portion of the lot. (Ord. 501, 11-18-2008)



# Bonner County Map

Bonner County provides the data "as is" with no claim as to its accuracy.



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## Road Centerlines

- Primary
- Secondary
- Local; Ramp

Parcels

