

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@bonnercountvid.gov - Web site: www.bonnercountvid.gov



Board of County Commissioners

Staff Report for June 16, 2025

Amendment Title

Area of Impact – City of Ponderay

File Number, Type:

AM0007-25; Modification to the Area of Impact for the City of Ponderay

Proposal:

Bonner County has proposed to modify the Area of Impact (AOI) for the City of Ponderay pursuant to Idaho Code §67-6509 and §67-6526. The AOI is a planning tool used to help the city project future growth planning. Idaho law requires each city to identify an area where it expects to grow over time. The AOI helps guide that planning efforts and it does not grant the city any governing authority over properties within the AOI.

Applicants:

City of Ponderay

Notice Provided:

Agency Notice: May 29, 2025

Published in Newspaper: May 29, 2025

Notice to Properties Owners: May 29, 2025

Notice of the public hearing to consider the proposal has been provided at least 15 days prior to the hearing to the political subdivisions providing services in Bonner County, to area newspapers, radio and television stations, incorporated cities within Bonner County, and the school districts, consistent with Idaho Code §67-6509.

Appendices

Appendix A – Notice of Public Hearing & Record of Mailing

Appendix B – Agency Comments

Appendix C – Proposal from the City of Ponderay

Appendix D – Draft Ordinance

Appendix E – Idaho Code §67-6526 (Area of Impact)

Project Authority:

This Ordinance is proposed under the authority granted at Idaho Code:

- §31-714 through §31-716 (Board of County Commissioners)
- §31-801 (Powers And Duties Of Board Of Commissioners);
- §67-6526 (Areas of Impact)

Public and Agency Comment:

Agency Review

A notice was provided to public agencies and political subdivisions in accordance with Idaho Code 67-6509, see Appendix A for a complete agency notification list.

The following agencies replied:

Idaho Department of Environmental Quality

No other agency comments were received.

Public Comments: As of the date of this staff report, public comments were received regarding the proposal.

Historical Context and Legislative Changes:

The current Area of City Impact (ACI) agreement was adopted on December 28, 1994, via Ordinance 263. The ACI map was established on December 28, 1994 via Ordinance 264. These ordinances established the agreement between the County and the City and designated the geographic area of the ACI in accordance with Idaho Code §67-6526.

During the 2024 legislative session, Senate Bill 1403 was passed and signed into law. This bill amended Idaho Code §67-6526, making several substantive changes to the regulation of Areas of Impact.

Summary of Changes – Senate Bill 1403 (2024)

- The Area of Impact Boundaries (Idaho Code §67-6526): Limits the maximum extent of a city's area of impact to areas that are very likely to be annexed to the city within the next five (5) years, and no more than two (2) miles beyond the existing city boundary. Counties retain discretion to establish smaller boundaries but cannot exceed the two-mile cap.
- Jurisdiction for Establishing Areas of Impact (Idaho Code §67-6526): Clarifies that counties have primary jurisdiction to adopt and regulate areas of impact.
- Mandatory Periodic Review (Idaho Code §67-6526(a)): Requires areas of impact to be reviewed at least every five (5) years. All existing areas of impact must be reviewed for compliance with the updated statute by December 31, 2025.

Proposed Area of Impact:

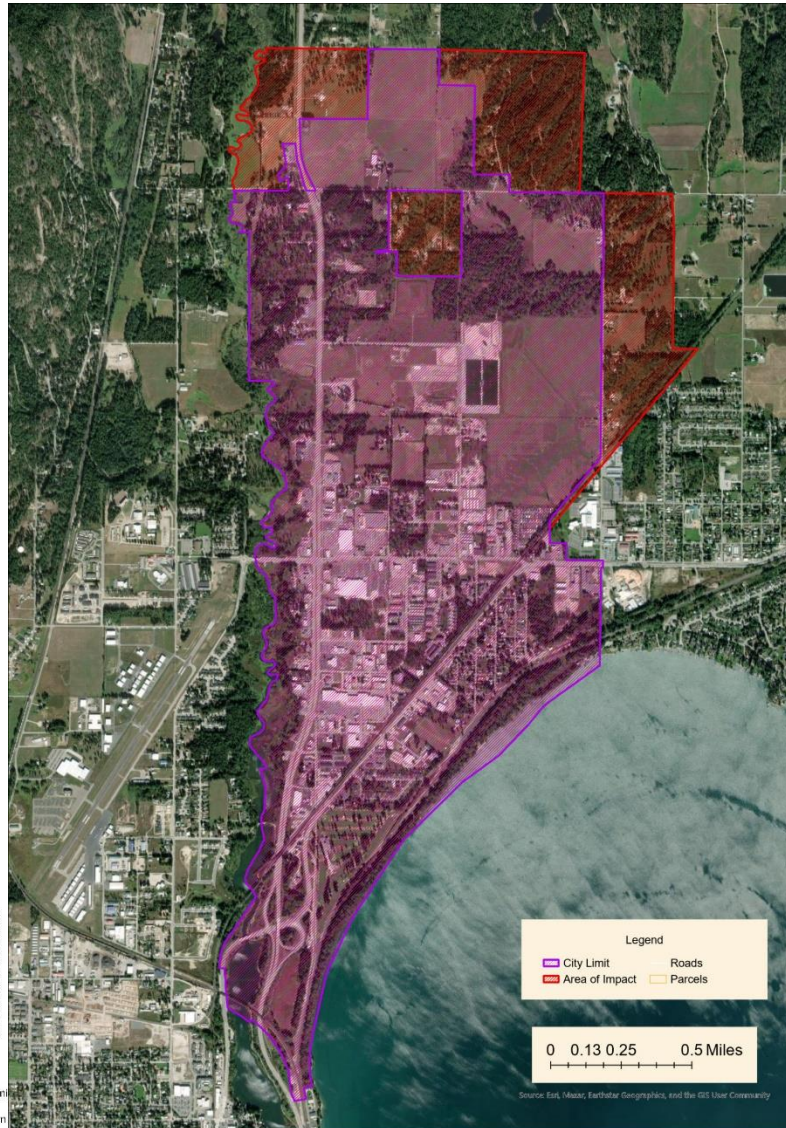
Kootenai ACI/AOI Map



Cities
 Kootenai
 Ponderay
 Road Centerlines
 Primary
 Secondary
 Local; Ramp
 Parcels
 AOI Proposed 2025
 Kootenai
 Ponderay
 Area of City Impact

1:36,112
 0 0.28 0.55 mi
 0 0.45 0.9 km

Bonner County Planning



**Ponderay City Limit
 and City Impact**



Legend
 City Limit
 Area of Impact
 Roads
 Parcels
 Spatial Reference
 Name: NAD 1983 StatePlane Idaho West FIPS 1103 Feet
 GCS: GCS North American 1983
 Datum: North American 1983
 Projection: Transverse Mercator

Public Notice Analysis:

Idaho Code §67-6526, as amended, requires that notice for a public hearing on a proposed Area of Impact boundary adjustment follow the procedures outlined in Idaho Code §67-6509. In addition, it requires that “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.”

Upon receipt of the proposal from the City of Ponderay, Planning Staff collaborated with the GIS Department to map the geographic boundary of the proposed Area of Impact. Using this boundary, a list of property owners within the proposed AOI was generated based on records from the County Assessor’s Office. The list of property owners, along with a draft notice, was sent to the City of Ponderay’s planning staff for review and verification. Following this review, written notice was mailed to all property owners of record within the proposed Area of Impact boundary. The public notice, agency notice, and record of mailing can be found in Appendix A of this staff report.

Staff Analysis of the City Proposal:

Review of City of Ponderay Area of Impact Proposal for Compliance with Idaho Code § 67-6526

The City of Ponderay submitted a formal request to update its Area of Impact (AOI) boundary on April 10, 2025, in accordance with Idaho Code § 67-6526. The proposal was approved by the Ponderay City Council on April 7, 2025. The proposal can be found in Appendix C of this staff report.

Under Idaho Code §67-6526(1), a city’s AOI may not extend more than two (2) miles beyond its incorporated boundaries. Ponderay’s proposed AOI reflects a reduction from the previous boundary and is limited to areas adjacent to the existing city limits. Based on review by Planning and GIS staff, the proposed AOI appears to comply with the two-mile limit.

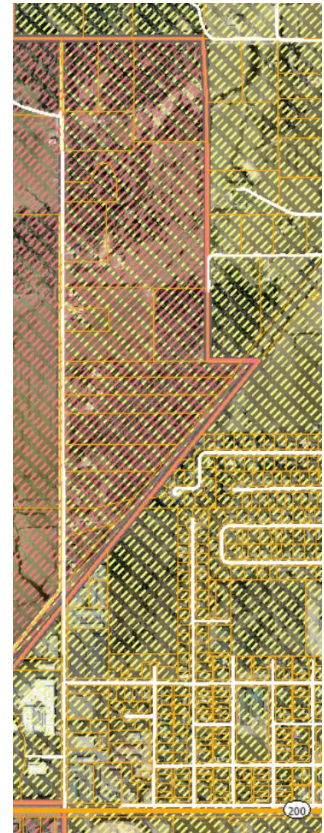
The statute also requires that the AOI boundary include only areas that are “very likely to be annexed within the next five (5) years.” Ponderay’s proposal reduces the AOI footprint and concentrates on properties with direct access or immediate proximity to existing city infrastructure and city limits. In the past ten (10) years, the City of Ponderay has annexed three adjacent properties totaling approximately 5.76 acres along Highway 95, as well as a portion of McGhee Road right-of-way. In addition to these approved annexations, the city has conducted several public hearings to consider additional annexation requests that were ultimately not approved, demonstrating considerations to expand the city’s boundaries in a manner consistent with state law. The proximity of annexation activities to existing city limits and the continued development along major transportation corridors indicates active and deliberate planning for near-term annexation.

Ponderay’s proposal also references significant infrastructure investments, including over \$10 million in improvements to the Field of Dreams recreation complex, installation of pedestrian pathways along McGhee Road, and future transportation plans that integrate the proposed AOI area into the city’s growth framework. Collectively, these efforts suggest a

pattern of growth and infrastructure extension supportive of near-term annexation potential.

Idaho Code §67-6526 also requires that cities with abutting boundaries negotiate in good faith to recommend AOI boundaries. Ponderay's submittal states that the city coordinated with neighboring jurisdictions, including the City of Kootenai and the City of Sandpoint. Ponderay and Kootenai identified an area of overlap involving approximately 18 properties on the east side of McGhee Road, north of the Union Pacific railroad tracks. Ponderay contends that these properties have stronger existing and future connections to its infrastructure and planning network, citing road maintenance responsibilities, pedestrian improvements, and future transportation plans that integrate these parcels into the city's growth framework. Idaho Code §67-6526(3) provides that, where cities cannot reach agreement on overlapping AOI boundaries, the Board of County Commissioners is responsible for determining the final boundary.

Idaho Code §67-6526(a) provides that cities should receive notice of, and may provide input on, applications brought to the county within an Area of Impact. The draft ordinance includes a provision for notification at least thirty (30) days prior to any public hearing concerning land use applications within the AOI. The draft ordinance can be found in Appendix D of this staff report.



Planner's Initials: JG

Date: June 9, 2025

Note: The final decision rests with the governing body after the completion of the public hearing and consideration of all relevant oral and written testimony and evidence.

Motion by the Governing Body:

BOARD OF COUNTY COMMISSIONERS

MOTION TO APPROVE: I move to approve this FILE AM0007-25 to adopt, Area of Impact for the City of Ponderay pursuant finding that it **is** in accord with Idaho Code §67-6526, Areas of Impact. This decision is based upon the evidence submitted up to the time the Staff Report was prepared and testimony received at this hearing. I further move to adopt the findings of fact as set forth in the Staff Report (or as amended during this hearing) and direct staff planning to draft written findings and conclusions to reflect this motion, have the Chair sign, and transmit to all interested parties. This action does not result in a taking of private property.

BOARD MOTION TO ADOPT ORDINANCE (Roll Call Vote): I move to approve an Ordinance of Bonner County, Idaho, the number to be assigned, citing its authority, and providing for the adoption the Area of Impact for the City of Ponderay as presented or amended in this hearing, and providing for an effective date.

MOTION TO DENY: I move to deny this FILE AM0007-25 to adopt , Area of Impact for the City of Ponderay pursuant finding that it **is not** in accord with Idaho Code §67-6526, Areas of Impact. This decision is based upon the evidence submitted up to the time the Staff Report was prepared and testimony received at this hearing. I further move to adopt the findings of fact as set forth in the Staff Report (or as amended during this hearing) and direct planning staff to draft written findings and conclusions to reflect this motion, have the Chair sign, and transmit to all interested parties. This action does not result in a taking of private property.

Findings of Fact:

1. In 2024, the Idaho Legislature adopted Senate Bill 1403, which amended Idaho Code §67-6526, "Areas of Impact," revising the requirements for establishing and maintaining Areas of Impact.
2. Idaho Code §67-6526, as amended, requires that each city and the Board of County Commissioners adopt an updated Area of Impact by December 31, 2025, and review the agreement at least once every five (5) years thereafter.
3. The Bonner County Board of Commissioners has initiated the process to comply with the updated requirements of Idaho Code § 67-6526.
4. On April 10, 2025, the City of Ponderay submitted a formal request for an updated Area of Impact boundary, including a proposed map and supporting documentation. The proposal was approved by the Ponderay City Council on April 7, 2025.
5. The proposed Area of Impact submitted by the City of Ponderay reflects a reduction from the previous boundary and is limited to areas adjacent to the existing city limits.
6. Planning and GIS staff reviewed the City of Ponderay's proposed Area of Impact boundary and determined that it does not extend more than two (2) miles beyond the existing city limits, consistent with the limitations set forth in Idaho Code §67-6526(1).
7. Idaho Code §67-6526(1)(b) requires that areas included within an Area of Impact be very likely to be annexed into the city within the next five (5) years.
8. Historical annexation activity over the past ten (10) years shows that the City of Ponderay has annexed three adjacent properties totaling approximately 5.76 acres along Highway 95, as well as a portion of McGhee Road right-of-way. The city has also held additional public hearings to consider annexation requests that were ultimately not approved.
9. Ponderay has made significant infrastructure investments, including improvements to the Field of Dreams recreation complex, installation of pedestrian pathways along McGhee Road, and transportation planning efforts designed to support future growth and annexation.
10. The City of Ponderay coordinated with neighboring jurisdictions, including the City of Kootenai and the City of Sandpoint, to discuss proposed Area of Impact boundaries. An area of overlap was identified between Ponderay and Kootenai involving approximately 18 properties on the east side of McGhee Road.
11. Idaho Code §67-6526(3) provides that, where cities cannot reach agreement on overlapping Areas of Impact, each city may submit a proposal and the Board of County Commissioners is responsible for determining the final boundary.

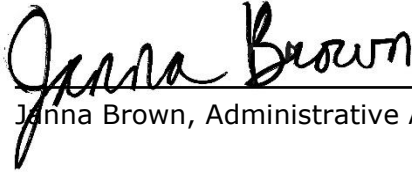
The complete file is available for review in the Planning Department, 1500 Highway 2, Suite #208, Sandpoint, ID. Staff reports are available online prior to the scheduled hearing at www.bonnercountyid.gov Bonner County Revised Code (BCRC) is available at the Planning Department or online.

Appendix A – Notice of Public Hearing Record of Mailing

NOTICE OF PUBLIC HEARING



I hereby certify that a true and correct copy of this "Notice of Public Hearing" was digitally transmitted or mailed (postage prepaid) on this **29th** day of **May, 2025**.


Janna Brown, Administrative Assistant III

This notice was mailed to political subdivisions and the media on **Thursday, May 29, 2025**.

NOTICE IS HEREBY GIVEN that the Bonner County Commissioners will hold a public hearing beginning at **11:00 a.m. on Monday, June 16, 2025**, in the Bonner County Administration Building, 1500 Highway 2, Sandpoint, Idaho, by Zoom teleconference, and YouTube Livestream to consider the following requests:

File AM0007-25 – Modification to the Area of Impact for the City of Ponderay

Bonner County has proposed to modify the Area of City Impact (AOI) for the City of Ponderay pursuant to Idaho Code §§ 67-6509 and 67-6526. The AOI is a planning tool used to help the city project future growth planning. Idaho law requires each city to identify an area where it expects to grow over time. The AOI helps guide that planning efforts and it does not grant the city any governing authority over properties within the AOI.

For details regarding this application, Zoom teleconference, or YouTube livestream, visit the Planning Department web site at www.bonnercountyid.gov/departments/Planning. Staff reports are available online or may be viewed at the planning department approximately a week before the scheduled hearing.

Written statements must be submitted to the planning department record no later than seven (7) days prior to the public hearing. Written statements not exceeding one standard letter sized, single spaced page may be submitted at the public hearing. Statements can be sent to the Bonner County Planning Department at 1500 Highway 2, Suite 208, Sandpoint, Idaho 83864; faxed to 866-537-4935 or e-mailed to planning@bonnercountyid.gov. The referenced start time stated above reflects the beginning of the hearing. Specific file start time and hearing duration vary.

During the hearing for this application, the public will be given an opportunity to provide testimony and/or evidence regarding how the proposal does or does not comply with the applicable state statutes. At the close of the public hearing, the governing board will make a decision on the proposal that may include, but is not limited to, approval, denial, or continuance of the public hearing. Any person needing special accommodations to participate in the public hearing should contact the Bonner County Planning Department at (208)265-1458 at least 48 hours prior to the scheduled hearing.

If you have no comment or response, you may indicate below and return this form to the Planning Department.

NO COMMENT _____
Name

Date

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Bonner County has proposed to modify the Area of City Impact (AOI) for the City of Ponderay pursuant to Idaho Code §§ 67-6509 and 67-6526. The proposed AOI modification has been initiated as a result of recent changes to Idaho Code, which requires initial AOI modifications to be completed by December 31, 2025 and updated every 5 years thereafter. This notice is provided to inform you that your property lies within the boundaries of the proposed AOI.

The AOI is a planning tool used to help the city project future growth planning. Idaho law requires each city to identify an area where it expects to grow over time. The AOI helps guide planning efforts but **it does not grant the city any governing authority over your property.**

Being within the AOI **does not mean your property is being annexed into the city.** Being within the AOI **does not** change your property's zoning or current land use regulations, and it **does not affect your taxes.**

For details regarding this application, Zoom teleconference, or YouTube livestream, visit the Planning Department web site at www.bonnercountyid.gov/departments/Planning. Staff reports are available online or may be viewed at the planning department approximately a week before the scheduled hearing.

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Date

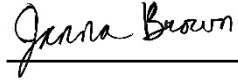
RECORD OF MAILING

Page 1 of 1

File No.: AM0007-25

Record of Mailing Approved By: 

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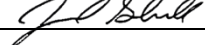
Janna Brown, Administrative Assistant III

Assessor - Email	Avista Utilities - Email
Bay Drive Recreation District - Email	Bayview Water & Sewer - Email
Bonner County Airport Manager - Email	BONNER COUNTY DAILY BEE - U.S. Mail
Bonner County EMS - Email	Bonner County Floodplain Review - Email
Bonner County Road & Bridge - Email	Bonner County Sheriff - Email
Bottle Bay Water & Sewer District - Email	City of Clark Fork - Email
City of Dover - Email	City of East Hope - Email
City of Hope - Email	City of Kootenai - Email
City of Oldtown - Email	City of Ponderay - Email
City of Priest River - Email	City of Sandpoint - Email
City of Spirit Lake - Email	Coolin Sewer District - Email
Coolin-Cavanaugh Bay Fire District - Email	Drainage District #7 - Email
East Bonner Library - Email	East Priest Lake Fire District - Email
Ellisport Bay Sewer - Email	Garfield Bay Water & Sewer District - Email
GEM STATE MINER - U.S. Mail	Granite Reeder Water & Sewer District - Email
Idaho Department of Environmental Quality (DEQ) - Email	Idaho Department of Fish & Game - Email
Idaho Department of Lands - CDA - U.S. Mail	Idaho Department of Lands - Coolin - Email
Idaho Department of Lands - Navigable Waters & Mining - Email	Idaho Department of Lands - Sandpoint - Email
Idaho Department of Water Resources - IDWR - Email	Idaho Transportation Department (Aeronautics) - U.S. Mail
Idaho Transportation Department- District I - Email	Independent Highway District - Email
Kalispel Bay Sewer & Water - U.S. Mail	Kootenai-Ponderay Sewer District - Email
KPBX-FM 91 SPOKANE PUBLIC RADIO - U.S. Mail	KSPT-KPND-KIBR RADIO - U.S. Mail
Laclede Water District - Email	Lake Pend Oreille School District, #84 (Admin Office) - Email
Lake Pend Oreille School District, #84 (Transportation) - Email	Lakeland Joint School District, #272 - Email
Little Blacktail Ranch Water Association - U.S. Mail	North of the Narrows Fire District - Email
Northern Lights, Inc. - Email	Northland/Vyve Cable Television - Email
Northside Fire District - Email	Outlet Bay Sewer District - Email
Panhandle Health District - Email	Pend Oreille Hospital District - Email
Priest Lake Public Library District - Email	Priest Lake Translator District - Email
Sagle Valley Water & Sewer - Email	Sam Owen Fire District - Email
Schweitzer Fire District - Email	SELKIRK ASSOCIATION OF REALTORS - U.S. Mail
Selkirk Fire, Rescue & EMS - Email	Selkirk Recreation District -Email
Southside Water & Sewer District - Email	Spirit Lake Fire District - Email
Spokesman-Review - U.S. Mail	State Historical Society - Email
Swan Shores Sewer District - U.S. Mail	Syringa Heights Water Association - Email
Tamarack Village Water & Sewer - U.S. Mail	Timber Lake Fire District - Email
Trestle Creek Sewer District - Email	U.S. Army Corps of Engineers - Email
U.S. Fish & Wildlife Service - Email	U.S. Forest Service - U.S. Mail
West Bonner County Cemetery District - Email	West Bonner County School District, #83 - Email
West Bonner Library - Email	West Bonner Water & Sewer District - Email
West Pend Oreille Fire District - Email	West Priest Lake Fire District - Email

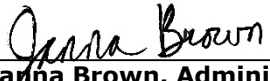
Record of Mailing **Property Owners within 300 Feet**

Page 1 of 3

File Number: AM0007-25

Record of Mailing Approved By: 

I hereby certify that a true and correct copy of the "Notice of Agency Review" was digitally transmitted or mailed (postage prepaid) on this 29th day of May 2025.


Jana Brown, Administrative Assistant III

name	owner1	mailing	City	State	Zip
RP00079000007AA	Hayes, Cindy M Blair, Bob M	330 E Bronx Rd	Sandpoint	ID	83864
RP00079000007BA	Knowles, Michael D & Debra	51 Craigs Ct	Sandpoint	ID	83864
RP00079000007CA	Chaffin, Alanna J	151 Craigs Ct	Sandpoint	ID	83864
RP00079000008AA	Kuster, Stephan & Nancy M	2390 Bottle Bay Rd	Sagle	ID	83860
RP000790000090A	Kuster, Stephan & Nancy M	2390 Bottle Bay Rd	Sagle	ID	83860
RP000790000100A	Kuster, Stephan & Nancy	2390 Bottle Bay Rd	Sagle	ID	83860
RP000790000110A	Neider, John De Lima, Amanda	Po Box 144	Hope	ID	83836
RP000790000120A	Thompson, Jason & Lorri	323 Remington Court	Sandpoint	ID	83864
RP000790000130A	Chaffin, Alanna	151 Craigs Ct	Sandpoint	ID	83864
RP000790000140A	Chaffin, Alanna J	151 Craigs Ct	Sandpoint	ID	83864
RP000790000170A	Golomb, Susan G 2020 Revocable Trust	5627 Northumberland St	Pittsburgh	PA	15217-1237
RP000790000180A	Lamarsh, Cade W & Melanie R	316 Craigs Ct	Sandpoint	ID	83864-9047
RP000790000190A	Golomb, Susan G 2020 Revocable Trust	5627 Northumberland St	Pittsburgh	PA	15217-1237
RP000790000200A	Nena Llc	9294 Ansley Ct	Las Vegas	NV	89148
RP037660000010A	Beek, Levi & Michaela Beek, Susan C	1125 Mc Ghee Rd	Sandpoint	ID	83864
RP0376600002A0A	Christoferson, Eric & Jennifer Christoferson, John C Christoferson, Penelope D	1059 Mc Ghee Rd	Sandpoint	ID	83864-6412
RP03803000001AA	Meshberg, Jason & Kristen	951 Mc Ghee Rd	Sandpoint	ID	83864
RP038950000010A	Franck, Terry D & Wendy S	487 Mc Ghee Rd	Sandpoint	ID	83864
RP038950000020A	Hansen, Janice	429 Mc Ghee Rd	Sandpoint	ID	83864
RP039520000040A	Liggett, Kelby & Olivia	343 Poppy Ln	Sandpoint	ID	83864-7625
RP045160000020A	Shuman, Melissa	130 E Llama Ln	Sandpoint	ID	83864
RP045160000030A	Van Eaton, Gary R & Cheryl L	146 E Llama Ln	Sandpoint	ID	83864-9474
RP045160000040A	Iverson, Jacob R & April M	Po Box 123	Ponderay	ID	83852
RP045160000050A	Ferguson, William & Sandra	Po Box 76	Ponderay	ID	83852
RP045160000060A	Richmond, Lisen 1/2 Int Gustafson, Anders 1/2 Int	217 Holland Thompson Dr	Carbondale	CO	81623-3113
RP045160000070A	Maushardt, Christopher & Emily	452 E Llama Ln	Sandpoint	ID	83864
RP045160000080A	Medlicott, Betty B	Po Box 2504	Sandpoint	ID	83864
RP045160000090A	Mc Kenzie, Judith J	616 E Llama Ln	Sandpoint	ID	83864
RP045160000100A	Grosvenor, Monakea Sahleen, Jacob	664 E Llama Ln	Sandpoint	ID	83864

					-5007
RP045520000010A	Nichols, Jack G	Po Box 961	Sandpoint	ID	83864-0853
RP57N02W013003A	Cosky, Christie A & Timothy S	1187 Mc Ghee Rd	Sandpoint	ID	83864
RP57N02W013006A	Thornton, Stephen L & Wendy L	Po Box 201	Sandpoint	ID	83864
RP57N02W013010A	Cosky, Christie A & Timothy S	1187 Mc Ghee Rd	Sandpoint	ID	83864
RP57N02W013150A	Laude, John & Norma	843 Mc Ghee Rd	Sandpoint	ID	83864
RP57N02W013200A	Laude, John & Norma	843 Mc Ghee Rd	Sandpoint	ID	83864
RP57N02W013453A	Mc Ghee Llc	Po Box 305	Ponderay	ID	83852
RP57N02W013600A	Friedmann, David E & Marie D	737 Mc Ghee Rd	Sandpoint	ID	83864-9007
RP57N02W013650A	Kalb, Douglas P & Pauline A	713 Mc Ghee Rd	Sandpoint	ID	83864
RP57N02W013725A	Redwood, Chelsea Orr, Robert W	Po Box 914	Sandpoint	ID	83864-0852
RP57N02W013850A	Idaho Panhandle Habitat For Humanity Inc	Po Box 1191	Sandpoint	ID	83864
RP57N02W013960A	Mc Ghee Trust	1715 N Vista Rd	Apache Junction	AZ	85119-1938
RP57N02W013981A	Mc Ghee, Thomas N & Frances C	517 Mc Ghee Rd	Sandpoint	ID	83864
RP58N02W357702A	Hoyle, Julie	Po Box 234	Sagle	ID	83860
RP58N02W357790A	Northern Lights Inc	Po Box 269	Sagle	ID	83860
RP58N02W359021A	Wsm Holdings Llc	Po Box 2507	Sandpoint	ID	83864
RP58N02W359052A	Finney, Scott A & Tracie D	157 W Bronx Rd	Sandpoint	ID	83864
RP58N02W359513A	Finney Trust Finney, Judith S Trustee	299 W Bronx Rd	Sandpoint	ID	83864
RP58N02W359600A	Jones, Kenneth A & Jeanette L	Po Box 27	Sandpoint	ID	83864
RP58N02W359700A	Mc Linden, Anthony L	89 W Bronx Rd	Sandpoint	ID	83864
RP58N02W365401A	Cox, Donald J & Kim M	Po Box 182	Sandpoint	ID	83864-0182
RP58N02W365851A	Cafferty, Frank S & Jean	478715 Hwy 95 N	Sandpoint	ID	83864
RP58N02W367200A	State Of Idaho Idaho Deparmtent of Lands	2550 Highway 2	Sandpoint	ID	83864

Appendix B – Agency Comments



Janna Brown <janna.brown@bonnercountyid.gov>

[EXT SENDER] RE: Bonner County Planning - AM0007-25 Agency Review - Modification to the Area of Impact for the City of Ponderay

1 message

DEQ Comments <deqcomments@deq.idaho.gov>
To: Bonner County Planning <planning@bonnercountyid.gov>

Thu, Jun 5, 2025 at 3:47 PM

Good Afternoon,

Thank you for providing the opportunity to comment. DEQ has no environmental impact comments for the project listed above at this stage of development.

Thank you,

Idaho Department of Environmental Quality
2110 Ironwood Parkway, Coeur d'Alene, Idaho 83814
Office Line: 208.769.1422

www.deq.idaho.gov

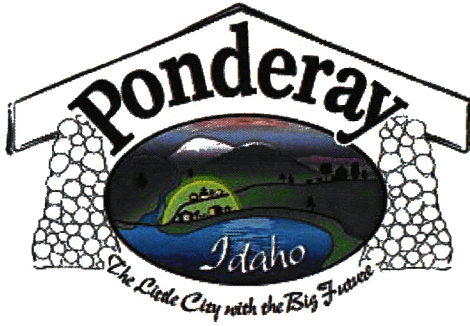
Our mission: To protect human health and the quality of Idaho's air, land, and water.

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

Sent: Thursday, May 29, 2025 4:07 PM

To: Alan Brinkmeier <alan.brinkmeier@bonnercountyid.gov>; Amber Burgess <clerk@ebsewerdistrict.com>; Army Corps of Engineers <CENWW-RD-CDA@usace.army.mil>; Avista Copr - Jay West <jay.west@avistacorp.com>; Avista Corp - Peggy George <peggy.george@avistacorp.com>; Becky Meyer <becky.meyer@lposd.org>; Bill Berg <billb@bbsewer.org>; Bonner County Assessors <assessorsgroup@bonnercountyid.gov>; BONNER COUNTY HISTORICAL SOCIETY AND MUSEUM <DIRECTOR@bonnercountyhistory.org>; Brenna Garro <Brenna.Garro@oer.idaho.gov>; Bryan Quayle <quaylelanduseconsulting@gmail.com>; Bell, Chace <Chace.Bell@idwr.idaho.gov>; Chief Debbie Carpenter <chief@spiritleakefire.com>; City of Clark Fork <city@clarkforkidaho.org>; City of Dover <cityclerk@cityofdoveridaho.org>; City of East Hope Franck <easthope.city@gmail.com>; City of Hope <hopecityclerk@gmail.com>; City of Oldtown <cityofoldtown@hotmail.com>; City of Priest River <layers@priestriver-id.gov>; City of Sandpoint Planning <cityplanning@sandpointidaho.gov>; cityclerk@spiritleakeid.gov; Colleen Johnson <CJohnson@kootenaiponderaysewerdistrict.org>; Coolin-Cavanaugh Bay Fire Protection District <coolinfirechief@gmail.com>; Craig Hill <craighill@hillsresort.com>; D1Permits <D1Permits@itd.idaho.gov>; dbrown@idl.idaho.gov; Dan McCracken <Dan.McCracken@deq.idaho.gov>; Dan Scholz <dan.scholz@nli.coop>; Dave Schuck

Appendix C – Proposal from the City of Ponderay



City of Ponderay

208-265-5468 • Fax: 208-265-4357

288 Fourth Street • P.O. Box 500

Ponderay, ID 83852

www.cityofponderay.org

April 10, 2025

Bonner County Commissioners
C/O Jake Gabell
Bonner County Planning
1500 Highway 2, Suite 208
Sandpoint, Idaho 83864

Subject: Ponderay Revised Area of Impact Boundary Proposal

Dear Commissioners:

Please accept Ponderay's proposal for the revised 2025 Ponderay Area of Impact boundaries for your consideration. The proposed boundaries were approved by the Ponderay City Council on April 7, 2025. In review you will notice that our proposal greatly reduces our current area of impact boundaries to comply with the Idaho Code §67-6526.


Prior to this submission Ponderay has met with our neighboring jurisdictions of Kootenai and Sandpoint regarding the proposed boundaries. Through our collaboration we have identified one area of overlap between the Ponderay and Kootenai proposals, involving ± 18 properties on the east side of McGhee Road, north of the Union Pacific railroad tracks. The identified properties access from McGhee Road currently or appear likely to access from McGhee Road at the time of development. For the following reasons we believe it is most appropriate to place the parcels in question within the Ponderay Area of Impact:

1. McGhee Road currently borders Ponderay's jurisdictional boundaries along the west side north of the Union Pacific railroad line.
2. There are approximately 229 acres of undeveloped land within the Ponderay City limits that are undeveloped or underdeveloped that directly abut McGhee Road west of the properties in question. The properties in question would be impacted by the development of this land within Ponderay's jurisdiction.
3. Ponderay is emerging as a recreational hub and has invested over \$10 million dollars into the first phase of the Field of Dreams recreation complex. As the ± 229 acres abutting McGhee Road is developed and the east west streets are constructed (see number 7 below) the residents in this corridor will have both vehicle and pedestrian access to this amenity.
4. Currently Bonner County Road and Bridge is responsible for the maintenance of Bronx Road north of the railroad tracks. During previous project reviews in this area Bonner County staff has expressed a desire to transfer ownership and maintenance responsibility of this portion of McGhee Road to Ponderay should the property abutting to the west be developed.

5. Ponderay has installed a pedestrian path along McGhee Road north of the railroad tracks within the McGhee Road right-of-way.
6. Future planning efforts in Ponderay provide for connection from McGhee Road directly to US Highway 95 and to the retail core of Ponderay. Additionally, the will provide for a secondary way in and out of the area. Adopted Ponderay planning documents include:
 - a. Ponderay Draft Comprehensive Plan, Future Land Use Map (Rewrite underway in 2024/2025) (Exhibit A). This plan identifies three "future major transportation routes" and extension of one "existing major transportation route" connecting McGhee Road, north of the Union Pacific (UP) Railroad tracks to the existing Ponderay transportation system. Additionally, it depicts several additional north to south "future major transportation routes" connecting this area to the retail core of Ponderay without the need to cross the UP tracks. These connections will also provide direct routes to US Highway 95.
 - b. Ponderay Comprehensive Plan, Adopted June 2005
 - i. Land Use Component, Future Land Use Map (Exhibit B). This plan identifies four "proposed future streets" as well as north to south "proposed future streets" connecting McGhee Road, north of the Union Pacific (UP) Railroad tracks to the existing Ponderay transportation system.
 - ii. Transportation Component, Capital Improvement List (Exhibit C) and Capital Improvement Map (Exhibit D). See proposed construction of streets H, J, K, L, M and N and descriptions in the attached exhibits.
 - c. Ponderay Transportation Development Impact Fee Study, Transportation Analysis Zones, Adopted in 2015 (Exhibit E). This plan identifies the same four "proposed major collectors" that are identified in the 2005 Comprehensive Map were identified in this plan. However, in this version one of the connections appears to be miss labeled as a as an existing major collector rather than proposed.
 - d. Triangle Access and Circulation Study, dated June 18, 2012 (Exhibit F). This plan identifies a boulevard extending from McGhee Road to US Highway 95 as well as two additional east to west collectors which connect to McGhee Road north of the UP line.
7. Ponderay is the commercial hub of Bonner County. It supplies retail, restaurants and other essential services for the Bonner County area including the properties in question. Ponderay bears the burden of street maintenance and construction costs for the busy streets providing access to the essential services.

For the above reasons, Ponderay believes that the properties in question are currently substantially dependent on Ponderay's resources. They will benefit from future transportation improvements and are more substantially impacted by decisions made by the City of Ponderay. Thank you in advance for your consideration of this proposal.

Respectfully,



Steve Geiger
Mayor



Kayleigh Miller
Planning Director

Exhibit A

Draft Future Land Use Vision Map

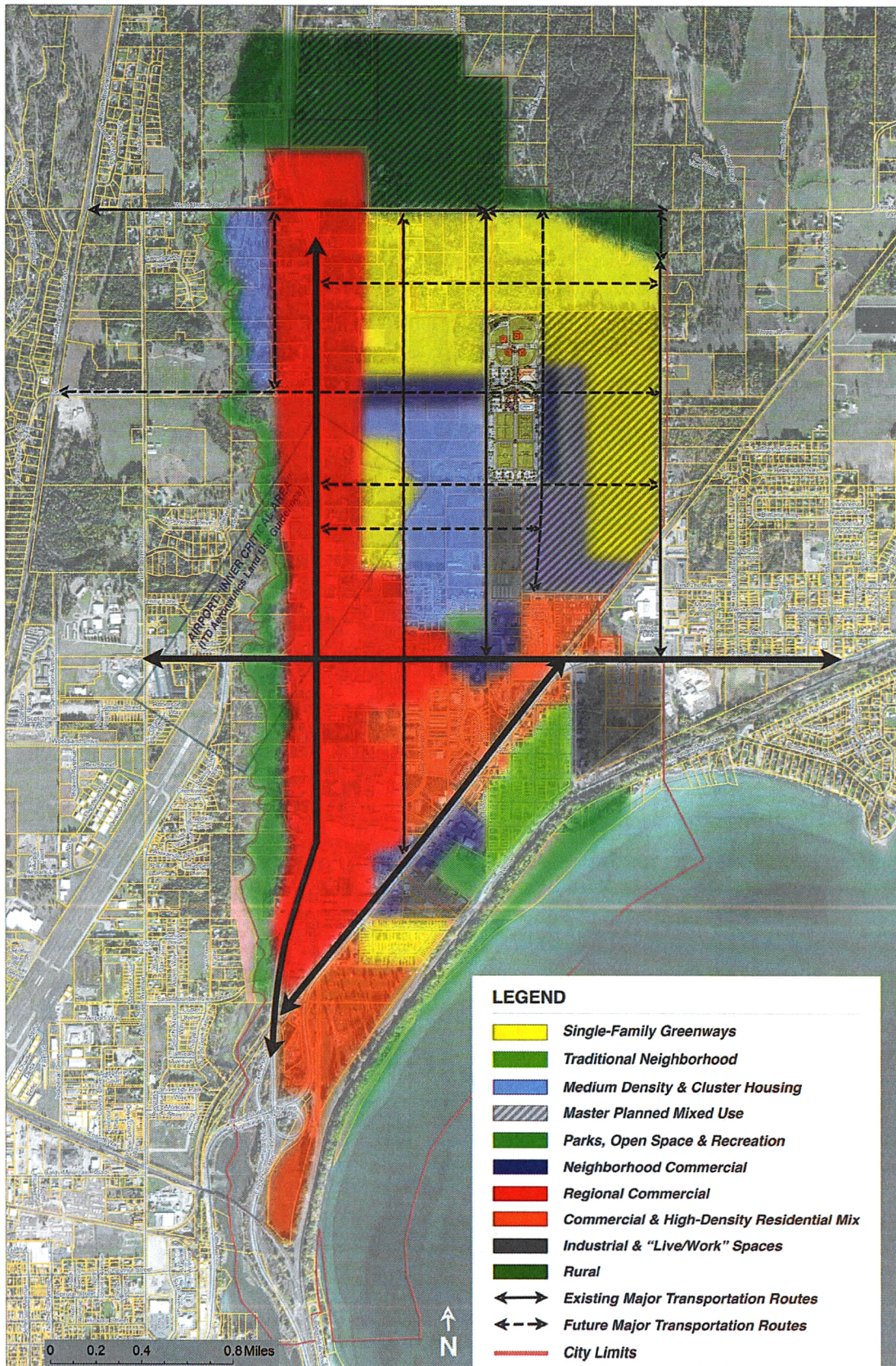


Exhibit B

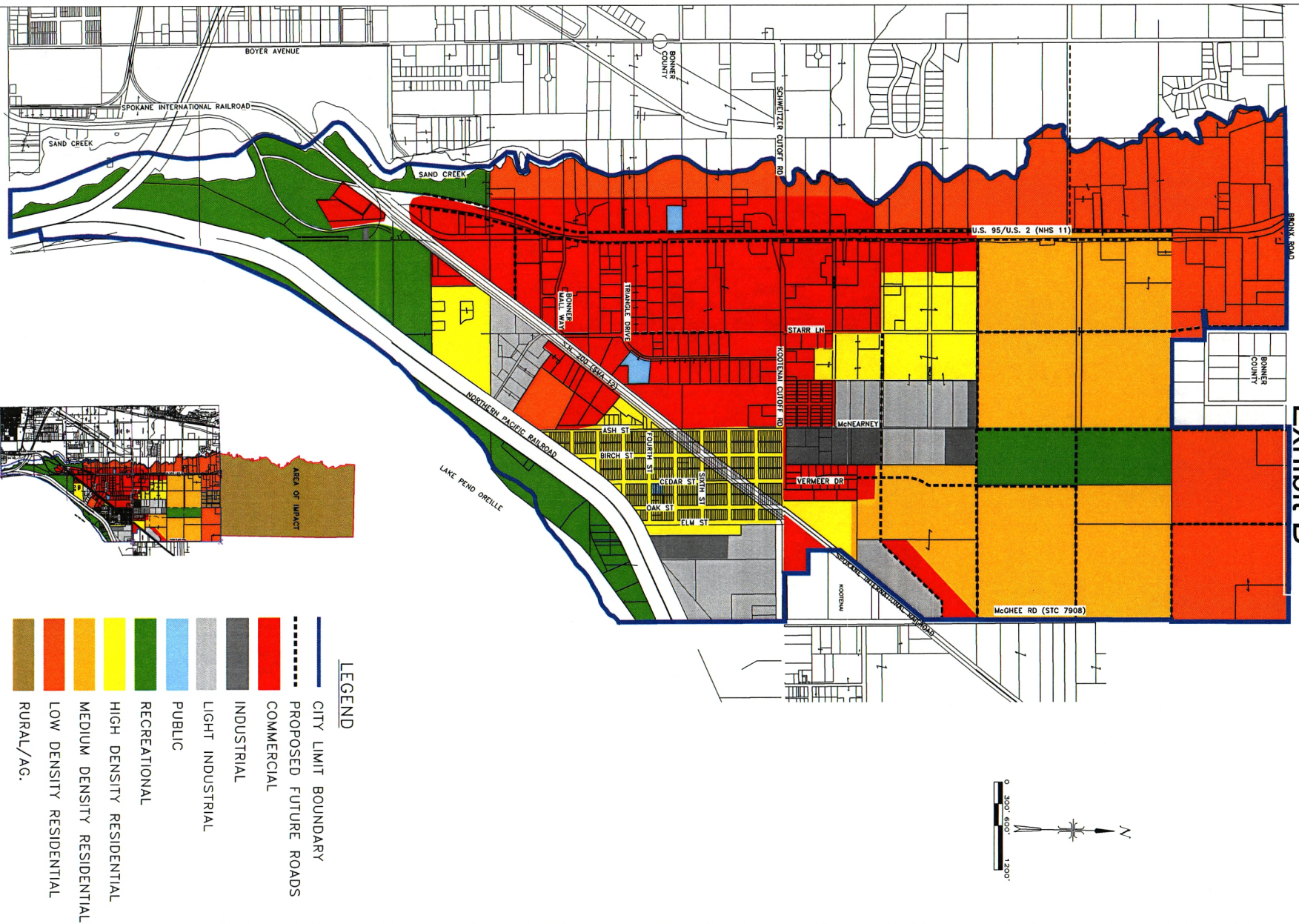


Exhibit C

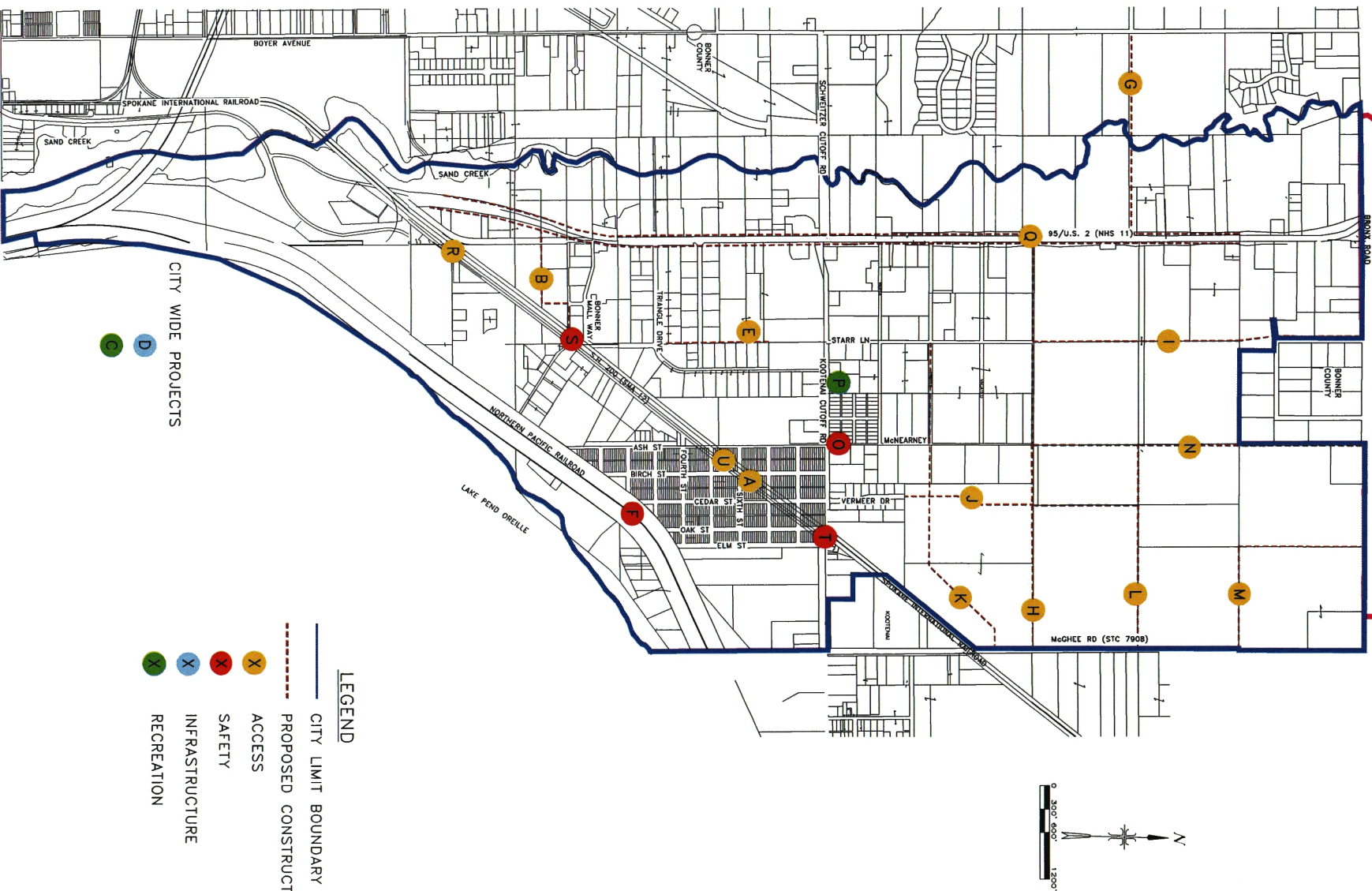


Exhibit D

CITY OF PONDERAY CAPITAL IMPROVEMENT PROJECT LIST

THIS LIST IS FOR LONG RANGE PLANNING PURPOSES AND IS SUBJECT TO ANNUAL REVISIONS BY PONDERAY CITY COUNCIL

2005	2006	2007	2008	2009
A. S.H. 200 CORRIDOR STUDY T. WAYSIDE CORNER IMPROVEMENTS CO-OP PROJECT WITH ITD CITY CONTRIBUTED APPROX \$360,000 (MONEY SAVED FROM PREVIOUS YEARS) D. STORM WATER MASTER PLAN DEVELOP CITY WIDE PLAN	A. S.H. 200 CORRIDOR STUDY B. STP-URBAN INCENTIVE APPLICATION APPLY FOR PHASE 2 CONNECTOR ROAD PHASE 1 COMPLETED BY ITD IN 2005 BUDGET UP TO \$10,000 C. ENHANCEMENT FUNDING APPLICATION IDENTIFY & APPLY FOR 2009 PROJECT FOR PEDESTRIAN FACILITIES BUDGET UP TO \$10,000 D. STORM WATER MASTER PLAN SEARCH/APPLY FOR GRANTS POSSIBLE ARMY CORPS OF ENGR. OR DEQ <			

Exhibit E

Figure A-1. City of Ponderay Transportation Analysis Zones (TAZs)

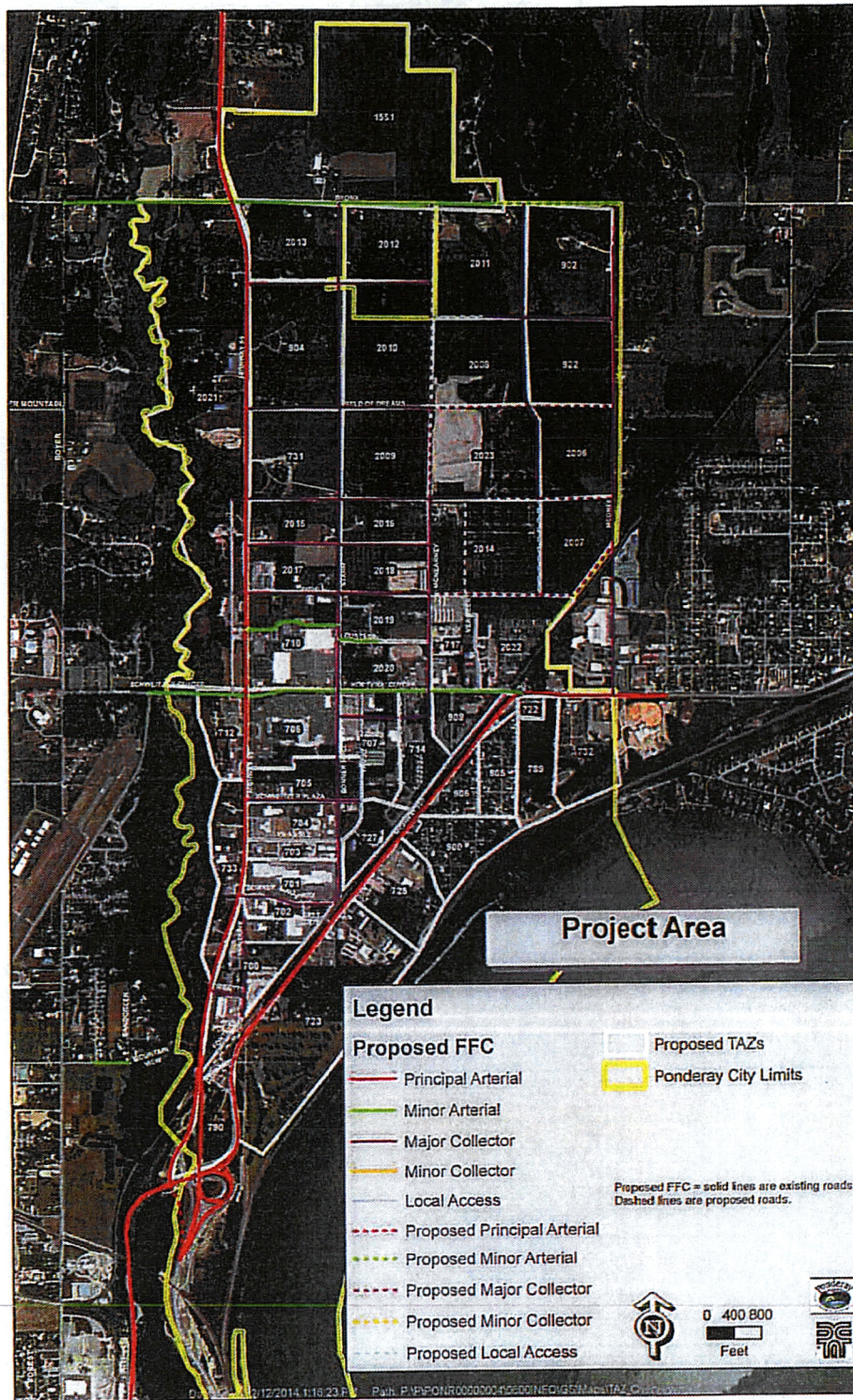
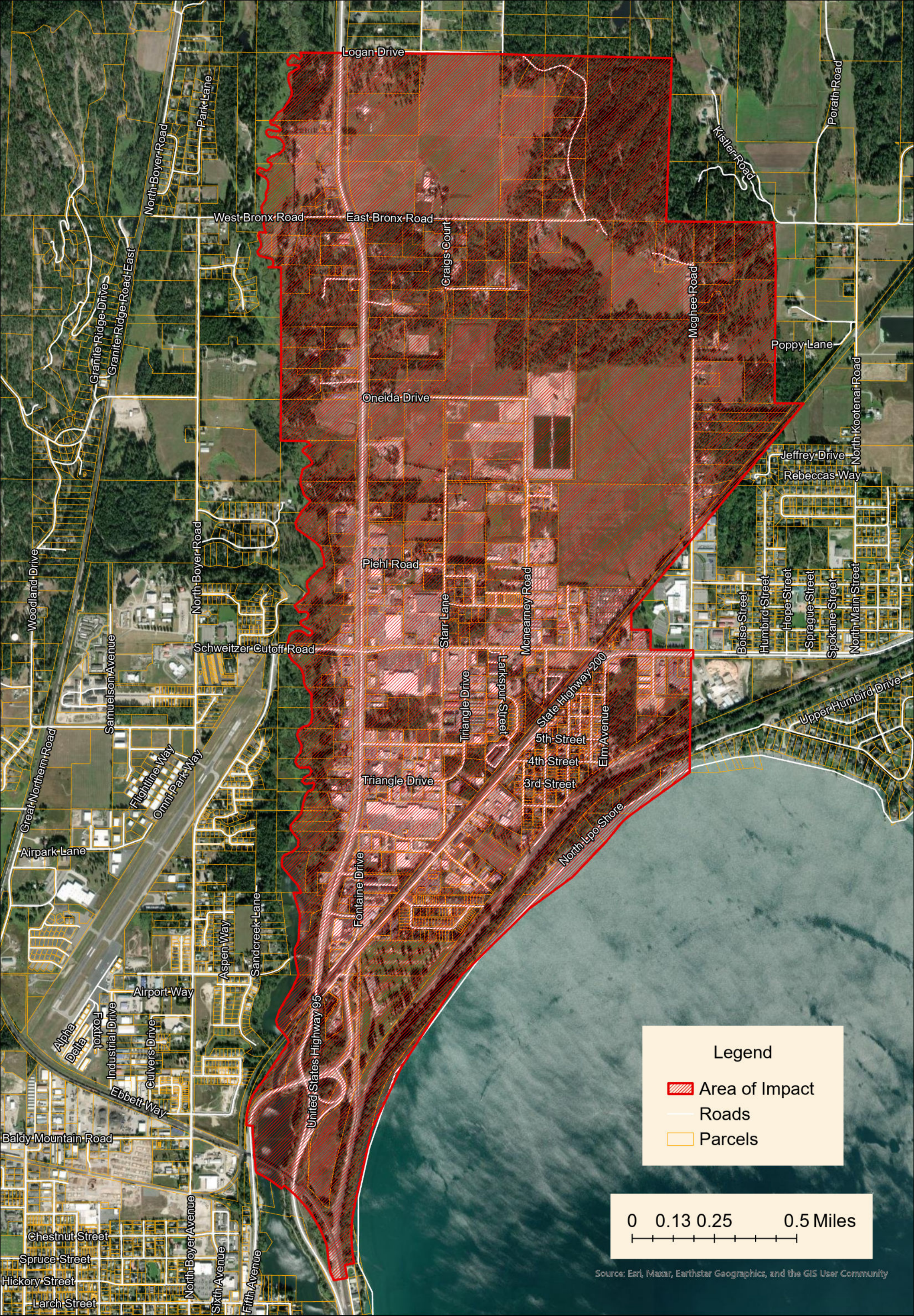


Figure 13. Proposed Roadway Typical Sections



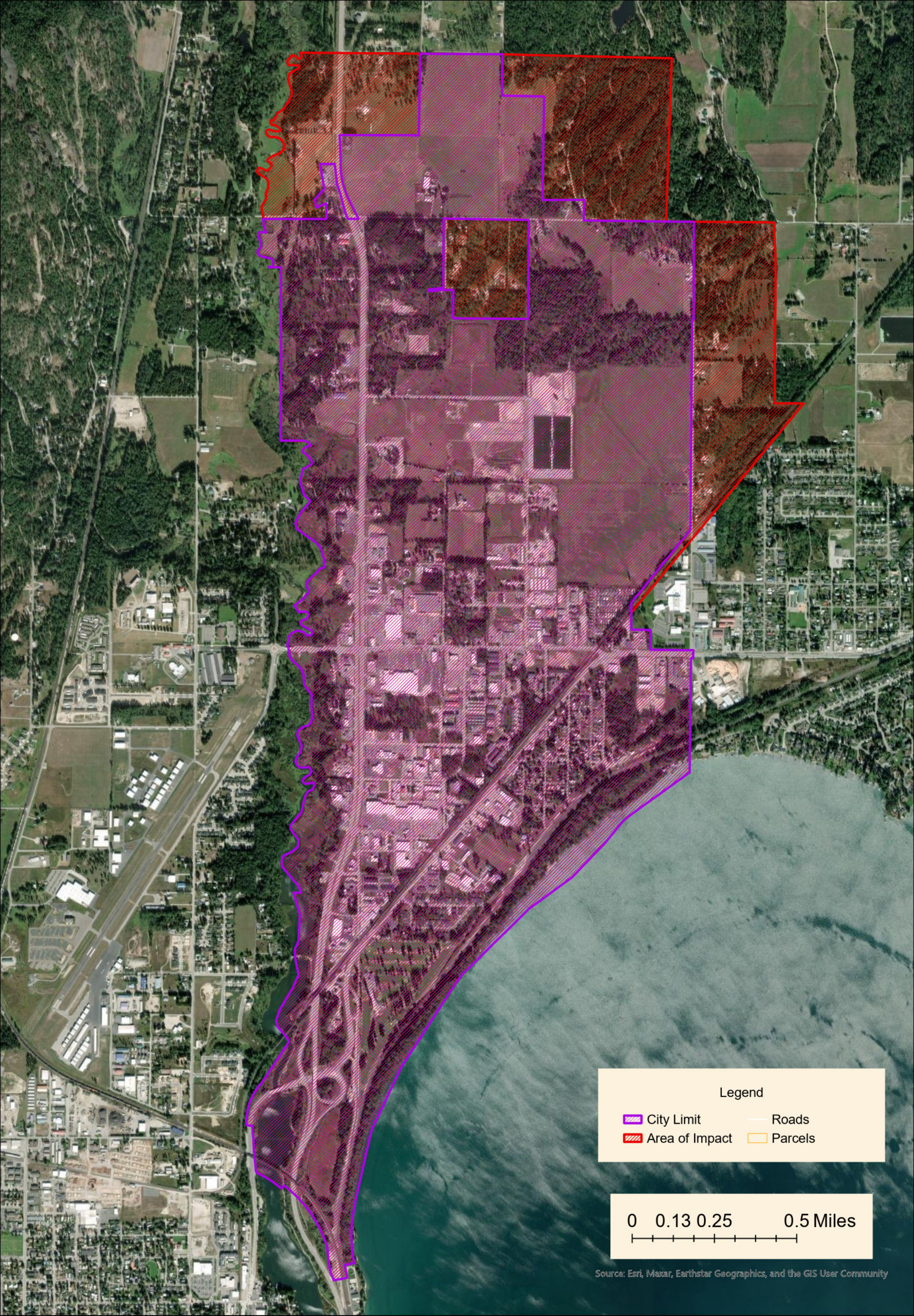


Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

Ponderay Area of City Impact

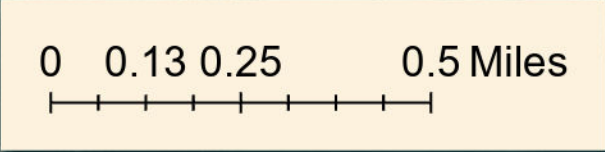


Spatial Reference
Name: NAD 1983 StatePlane Idaho West FIPS 1103 Feet
GCS: GCS North American 1983
Datum: North American 1983
Projection: Transverse Mercator



Legend

 City Limit	 Roads
 Area of Impact	 Parcels



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

Ponderay City Limit and City Impact



Spatial Reference
Name: NAD 1983 StatePlane Idaho West FIPS 1103 Feet
GCS: GCS North American 1983
Datum: North American 1983
Projection: Transverse Mercator

Appendix D – Draft Ordinance

Ordinance No. _____

**City of Ponderay Area of Impact Agreement
Bonner County Idaho**

AN ORDINANCE OF BONNER COUNTY, IDAHO, ESTABLISHING AN AREA OF IMPACT FOR THE CITY OF PONDERAY; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Whereas, the Board of Bonner County Commissioners, pursuant to Idaho Code §67-6526, is authorized to establish an area of impact; and

Whereas, the Board of County Commissioner held a duly noticed public hearing on June 16, 2025; and

Whereas, this Ordinance is required by Idaho Code 67-6526;

NOW, THEREFORE BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BONNER COUNTY, IDAHO:

SECTION 1. PURPOSE

The purpose of this ordinance is to establish an Area of Impact for the City of Ponderay as required by Idaho Code § 67-6526. This ordinance ensures coordination between Bonner County and the City of Ponderay in planning and zoning matters while recognizing the county's jurisdiction over unincorporated areas.

SECTION 2. BOUNDARIES OF THE AREA OF IMPACT

The boundaries of the Area of Impact for the City of Ponderay shall be as depicted on the official map attached hereto as Exhibit A and incorporated herein by reference. The AOI boundary shall not exceed two (2) miles from the current city limits of Ponderay, except where necessary to include entire parcels of land or where geographic, infrastructure, or growth considerations warrant.

SECTION 3. CRITERIA FOR ESTABLISHING THE AREA OF CITY IMPACT

In establishing the AOI boundaries, the following criteria were considered in compliance with Idaho Code § 67-6526(4):

1. **Anticipated Growth:** The AOI includes areas likely to experience residential and commercial growth within the next five (5) years.
2. **Geographic Factors:** The AOI considers topographical features, natural barriers, and other geographic constraints.
3. **Transportation Infrastructure:** The AOI encompasses areas with existing or planned transportation systems that connect to the City of Ponderay.
4. **Public Services:** The AOI includes areas where municipal or public sewer and water services are anticipated to be extended within five (5) years.
5. **Other Public Service District Boundaries:** The AOI aligns with existing public service district boundaries where applicable.

SECTION 4. APPLICABLE PLANS AND ORDINANCES

The Bonner County Comprehensive Plan and zoning and subdivision ordinances shall apply within the AOI. The county may adopt specific provisions for the AOI in coordination with the City of Ponderay. The City of Ponderay comprehensive plan may be considered as an advisory document for planning purposes within the AOI.

SECTION 5. ADMINISTRATION

1. **Public Hearings:** The Board of County Commissioners shall notify the City of Ponderay at least thirty (30) days prior to any public hearing concerning land use applications within the AOI. As part of such public hearing process, the City of Ponderay shall be provided an opportunity to submit written comments or provide other evidence pertinent to the application.
2. **Review and Modification:** The AOI boundaries shall be reviewed at least once every five (5) years to determine if modifications are necessary. Any modifications shall follow the procedures outlined in Idaho Code § 67-6526(3).
3. **Representation: Repealer Clause:** All ordinances in conflict with this ordinance are hereby repealed in their entireties, including Bonner County Ordinance #263 recorded at Instrument #457825 and Ordinance #264 recorded at #457826, records of Bonner County, Idaho.

SECTION 6. SEVERABILITY

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

SECTION 7. EFFECTIVE DATE

This ordinance shall be in full force and effect upon its passage, approval, and publication as provided by law.

ADOPTED as a ordinance of the Board of County Commissioners of Bonner County, Idaho, done this 16th day of June, 2025 upon a majority vote.

BONNER COUNTY BOARD OF COMMISSIONERS

Asia Williams, Chair

Brian Domke, Commissioner

Ron Korn, Commissioner

ATTEST: Michael W. Rosedale, Clerk

By Deputy Clerk

Date

Legal: _____

EXHIBIT A: OFFICIAL MAP OF THE AREA OF IMPACT

Appendix E – Idaho Code §67-6526 (Area of Impact)



Idaho Statutes

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

TITLE 67

STATE GOVERNMENT AND STATE AFFAIRS

CHAPTER 65

LOCAL LAND USE PLANNING

67-6526. AREAS OF IMPACT. (1) Legislative findings and intent.

(a) The legislature finds that areas of impact are properly under the jurisdiction of the county because the elected representatives of citizens in areas of impact are county officials, not city officials. While cities should receive notice of, and may provide input on, applications brought to the county in an area of impact, cities do not govern or control decisions on those applications. County commissioners make the final determination regarding area of impact boundaries within their county.

(b) An area of impact is where growth and development are expected to occur. Areas of impact should be planned for growth and development and should not be used to stop growth and development that conforms to applicable plans and ordinances. Areas of impact should be established, modified, or confirmed based on the ability and likelihood of a city or cities to annex lands within that area of impact in the near future. A city may adopt a comprehensive plan and conduct infrastructure, capital improvement, and other planning activities that extend beyond its current area of impact. Counties and cities shall review their area of impact boundaries at least every five (5) years to determine if modifications are needed or to confirm existing boundaries and may pursue modification of an established area of impact more frequently than every five (5) years.

(c) Prior to conducting the public hearings required under this chapter 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 impact must be established before a city may annex adjacent territory pursuant to the provisions of section 50-222, Idaho Code.

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

(i) After the city and county representatives have been selected, they shall in turn select another city representative living within the applicable city and another county representative living in the county and not within any city to serve on the recommending committee. Meetings of the recommending committee may be hosted by the city or county and shall be conducted in accordance with Idaho open meetings law. These four (4) persons shall, by majority vote, provide a written recommendation to the board of county commissioners for an area of impact. The written recommendation shall be submitted to the governing boards within one hundred eighty (180) days after the selection of the recommending committee members.

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

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

(a) Modification or confirmation of an existing area of impact boundary may be initiated by a city or cities or the county. If a county is initiating a modification or confirmation of an area of impact, the county shall provide at least thirty (30) days written notice to the applicable city or cities of the hearing on the proposed modification or confirmation. Any modifications to or confirmation of an area of impact boundary must be adopted by an ordinance approved by the board of county commissioners of the applicable county, following the notice and hearing procedures provided in section 67-6509, Idaho Code, and in accordance with the requirements for defining an area of impact as set forth in subsection (4) of this section. At least fifteen (15) days prior to the hearing, written notice of the hearing to be conducted under this paragraph shall be provided by the county to each owner of property located within the portion of the area of impact that is proposed to be modified. 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. If the modification or confirmation

is proposed by a city, then the cost of the notice shall be reimbursed to the county by such city. If the county is pursuing the modification or confirmation, then the cost of notification shall be borne by the county. The board of county commissioners is not required to receive a recommendation from the planning and zoning commission prior to enacting an ordinance modifying or confirming an area of impact.

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

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

(4) Provisions applicable to areas of impact.

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

- (i) Anticipated commercial and residential growth;
- (ii) Geographic factors;
- (iii) Transportation infrastructure and systems, including connectivity;
- (iv) Areas where municipal or public sewer and water are expected to be provided within five (5) years; and
- (v) Other public service district boundaries.

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

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

(d) Areas of impact shall not overlap.

(e) The applicable county's comprehensive plan and zoning and subdivision ordinances shall apply in the area of impact. The county may adopt individual county comprehensive plan and zoning and subdivision ordinance provisions regarding a specific area of impact.

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

(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.

(i) This section shall not preclude annexation or other growth and development in areas of any county within the state of Idaho that are not within the areas of 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.

(k) If the area of impact has been 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 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 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 affected by the granting of the petition. The judge may consider such modifications as the judge finds in connection with the evidence introduced at the hearing, in making and arriving at a final decision and determination of the matter.

(e)(i) If the court finds that the board of county commissioners did not follow the notice and hearing requirements provided in this subsection, the court shall remand the matter back to the board of county commissioners to comply with the requirements and issue a new decision. If the court finds that the decision of the board of county commissioners was not arbitrary, capricious, or an abuse of discretion, the court shall affirm the decision of the board of commissioners. If the court finds that the decision of the board of county commissioners was arbitrary, capricious, or an abuse of discretion, the court may remand the matter to the board of county commissioners to correct its decision or the court may determine the appropriate boundaries of the area of impact in question before it. It shall not be necessary for the judge of the court to make written findings of fact or conclusions of law unless the court establishes the area of impact boundary. The court may award attorney's fees and costs to the prevailing party in such an action only if it finds that the other party or parties acted without a reasonable basis in fact or law.

(ii) If the court establishes the area of impact boundary, such boundary shall become the area of impact boundary as of the date of the decree establishing the boundary. Within twenty (20) days after the filing of the decree, the petitioner shall file or cause to be filed with the county recorder and with the city clerk a certified copy of the decree. The board of county commissioners shall adopt an ordinance consistent with the court decree within thirty (30) days of the entry of the decree or be subject to contempt and other sanctions or actions deemed appropriate by the court.

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

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

History:

[67-6526, added 1975, ch. 188, sec. 2, p. 515; am. 1977, ch. 155, sec. 1, p. 396; am. 1979, ch. 87, sec. 1, p. 212; am. 1993, ch. 55, sec. 1, p. 150; am. 1995, ch. 118, sec. 97, p. 506; am. 1996, ch. 116, sec. 2, p. 428; am. 1999, ch. 251, sec. 1, p. 651; am. 2002, ch. 333, sec. 6, p. 947.; am. 2024, ch. 227, sec. 2, p. 796.]

How current is this law?