

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 - Web site: www.bonnercountyid.gov



Board of County Commissioners Staff Report for June 16, 2025

Amendment Title

Area of Impact – City of Clark Fork

File Number, Type:

AM0011-25; Modification to the Area of Impact for the City of Clark Fork

Proposal:

Bonner County has proposed to modify the Area of Impact (AOI) for the City of Clark Fork 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 Clark Fork

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 East Hope

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, one public comment was received regarding the proposal.

Historical Context and Legislative Changes:

The current Area of City Impact (ACI) agreement was adopted on September 9, 1994, via Ordinance 249-A. The ACI map was established on September 9, 1994 via Ordinance 249. 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.

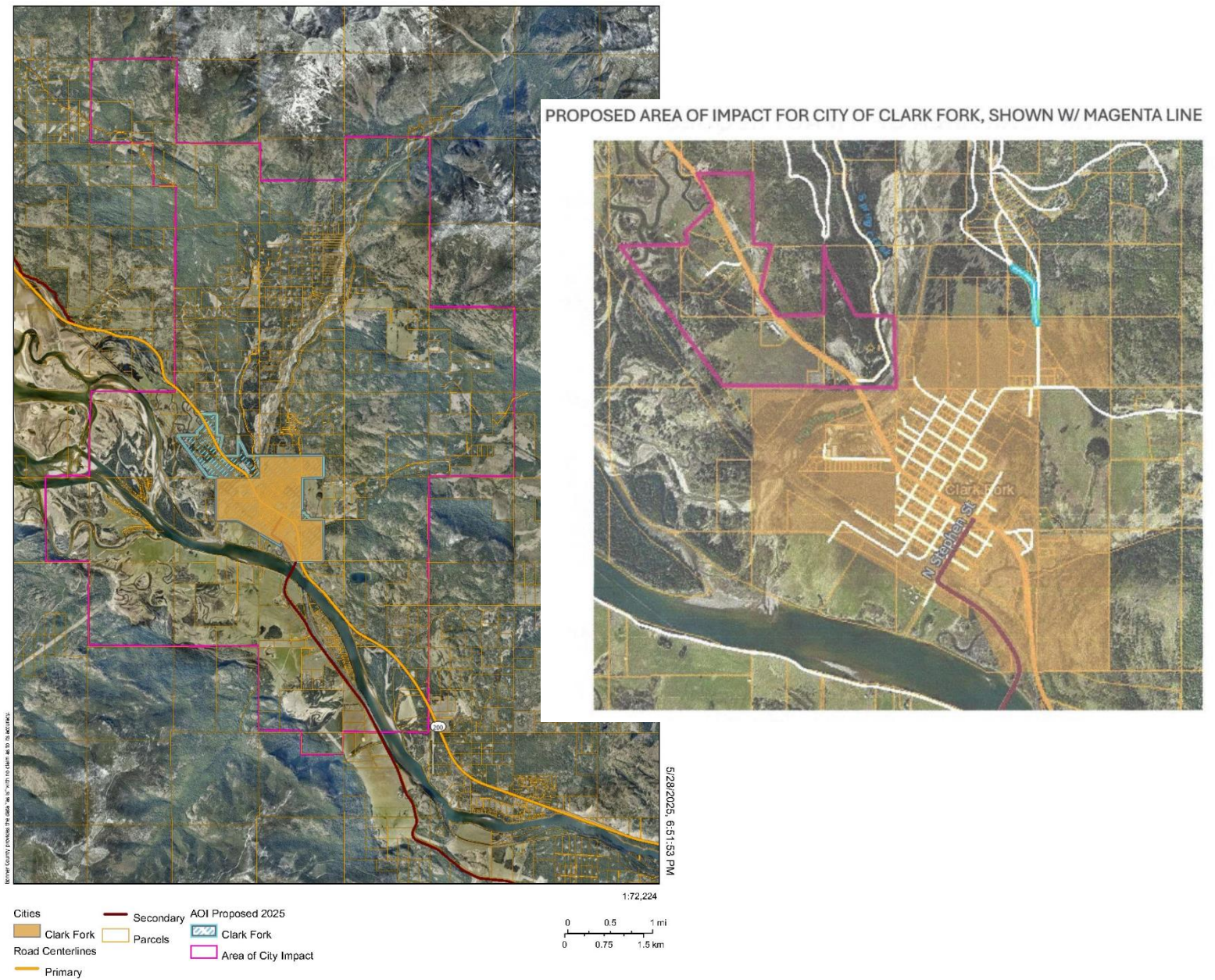
During the 2024 legislative session, Senate Bill 1403 was passed and signed into law. This bill amended Idaho Code §67-6526, making several substantive changes to the regulation of Areas of Impact.

Summary of Changes – Senate Bill 1403 (2024)

- **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:

Clark Fork ACI/AOI Map



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 Clark Fork, 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 Clark Fork’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 Clark Fork of Impact Proposal for Compliance with Idaho Code §67-6526

The City of Clark Fork submitted a formal request on April 16, 2025, to update its Area of Impact (AOI) boundary in accordance with Idaho Code §67-6526. The request was approved by the Clark Fork City Council and submitted for consideration by the Board of County Commissioners. The proposal and corresponding boundary map are provided in Appendix C of this staff report.

Under Idaho Code §67-6526(1), an AOI may not extend more than two (2) miles beyond a city’s incorporated boundaries. Planning and GIS staff reviewed the proposed boundary and confirmed that the City of Clark Fork’s proposed AOI does not exceed this statutory distance limitation.

Idaho Code §67-6526(1)(b) requires that the AOI boundary include only areas “very likely to be annexed within the next five (5) years.” The City of Clark Fork has not annexed any properties within the past ten (10) years. However, the City’s proposal represents a significant reduction from the existing Area of City Impact, focusing on properties immediately adjacent to the city, primarily those with existing commercial and industrial uses. These areas are consistent with the City’s potential future annexation patterns and the County’s pending recommendations for mixed-use future land use map designations.

The reduction in the AOI boundary appears to align the boundary more closely with the practical municipal growth and land use considerations, emphasizing areas near city limits that are more likely to experience annexation and urban development.

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.

Based on the review of the submitted materials, the City of Clark Fork's proposal appears to meet the statutory requirements for AOI boundary designation and reflects the intent of Idaho Code §67-6526 to align AOI boundaries with areas likely to experience annexation or hold municipal growth interest.

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 AM0011-25 to adopt, Area of Impact for the City of Clark Fork 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 Clark Fork as presented or amended in this hearing, and providing for an effective date.

MOTION TO DENY: I move to deny this FILE AM0011-25 to adopt, Area of Impact for the City of Clark Fork 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. Planning and GIS staff reviewed the City of Clark Fork's proposed AOI 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).
4. The City of Clark Fork has not annexed any properties within the past ten (10) years.
5. The City of Clark Fork's proposal represents a significant reduction from the existing Area of City Impact, limiting the AOI to areas near the city limits generally characterized by existing commercial and industrial land uses.
6. The proposed AOI is consistent with Bonner County's pending recommendations for future land use map designations as mixed-use.
7. Idaho Code §67-6526(a) states that cities should receive notice of, and may provide input on, applications brought to the County within an Area of Impact. The City of Clark Fork has requested that the County's ordinance include a notice provision to facilitate collaboration on land use decisions within the AOI.


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 AM0011-25 – Modification to the Area of Impact for the City of Clark Fork

Bonner County has proposed to modify the Area of City Impact (AOI) for the City of Clark Fork 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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File AM0011-25 – Modification to the Area of Impact for the City of Clark Fork

Bonner County has proposed to modify the Area of City Impact (AOI) for the City of Clark Fork 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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Name

Date

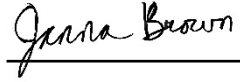
RECORD OF MAILING

Page 1 of 1

File No.: AM0011-25

Record of Mailing Approved By: 

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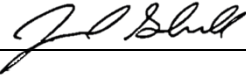
Janna Brown, Administrative Assistant III

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 17

File Number: AM0011-25

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.


Janna Brown, Administrative Assistant III

name	owner1	owner2	owner3	owner4	owner5	owner6	mailing
RP024110000010A	Cabinet Mtn Calvary Fellowship Inc						Po Box 461, Clark Fork, ID, 83811
RP02411000002AA	Wold, Kris & Sherry						Po Box 370, Clark Fork, ID, 83811
RP024290010010A	Chowning, Terry						Po Box 268, Hope, ID, 83836
RP024290010020A	Pura Vida Idaho Llc						Po Box 334, Hope, ID, 83836
RP024290010030A	Pura Vida Idaho Llc						Po Box 334, Hope, ID, 83836
RP56N02E344505A	Komanec, Paul D & Tai A						Po Box 237, Clark Fork, ID, 83811
RP56N02E344700A	Harp, William L & Donna R						Po Box 377, Clark Fork, ID, 83811-0377
RP56N02E344900A	Harp, Carole Ann Revocable Trust						Po Box 121, Clark Fork, ID, 83811
RP56N02E345145A	Wold, Kris & Sherry						Po Box 370, Clark Fork, ID, 83811
RP56N02E345185A	Cavanaugh-Bafus, Chris	Arvidson, Kristin					Po Box 74, Clark Fork, ID, 83811
RP56N02E345250A	Hockett, Danny & Linda						Po Box 447, Clark Fork, ID, 83811
RP56N02E345403A	Florence Llc						1890 E Jabbra Ave, Coeur D'alene, ID, 83815-9176
RP56N02E348200A	Bonner County						1500 Hwy 2 - Ste 304, Sandpoint, ID, 83864
RP56N02E348400A	Archer, Robert H & Jeanette G						Po Box 393, Clark Fork, ID, 83811-0393
RP56N02E348603A	B2h Inc						Po Box 454, Clark Fork, ID, 83811
RP56N02E348990A	Washington Water Power Co						Address Not Provided, , ,
RP56N02E349002A	Hewitt Estates Llc						Po Box 280, Clark Fork, ID, 83811
RP56N02E349140A	City Of Clark Fork						Po Box 10, Clark Fork, ID, 83811
RP56N02E349351A	Conn, William M & Debra W						Po Box 556, Clark Fork, ID, 83811-0556
RP56N02E349401A	Wright, Steven M						Po Box 633, Clark Fork, ID, 83811
RP56N02E349900A	State Of Idaho Department Of Lands						Address Not Provided, , ,

Appendix B – Agency Comments



Janna Brown <janna.brown@bonnercountyid.gov>

[EXT SENDER] RE: Bonner County Planning - AM0011-25 Agency Review - Modification to the Area of Impact for the City of Clark Fork

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 4:15 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 Clark Fork

City of Clark Fork

P.O. Box 10

Clark Fork, ID 83811

208-266-1315

Fax 208-266-1278

city@clarkforkidaho.org

4/16/25

Bonner County Board of Commissioners

Bonner County Planning Director Jacob Gabell

Re: City of Clark Fork Area of Impact Request

Dear Board of Commissioners and Planning Director:

Pursuant to Idaho Code § 67-6526, "Areas of Impact," the City of Clark Fork hereby submits its formal request to the Board of County Commissioners for establishment of certain boundaries for the Clark Fork Area of Impact (AOI).

As the County is well aware, newly adopted legislation by the state of Idaho modified a number of criteria which define an AOI, including definitional changes which now state that an AOI should include only those areas which are "very likely to be annexed to the city within the next five (5) years." As a result, the Clark Fork City Council has reviewed where potential modifications to the current Area of City Impact (ACI) may be needed in order to comport with this new legislation. The City has concluded the current ACI boundary should be reduced to include only those portions of land immediately west of the city limits as shown in the attached map. Consistent with Idaho Code § 67-6526(3)(a), the City hereby submits its request to the Board of County Commissioners for an Area of Impact (AOI) boundary consistent with the attached map.

The following statements provide evidence in support the Clark Fork AOI request:

- The proposed boundary reflects a reduction of land from the currently adopted ACI.
- None of the requested land within the AOI exceeds the 2-mile limit set by the newly enacted legislation.

- The proposed boundaries are consistent with Bonner County's pending recommendations for the comprehensive plan future land use map designations of mixed use for the properties indicated on the attached map.

The City is also in receipt of the preliminary draft of the County's AOI establishment ordinance. The City recognizes that an underlying intent of the new AOI legislation is to standardize processes while ensuring that government entities can continue to collaborate on matters of growth and development which affect the citizens within their jurisdiction. A crucial component of this collaboration should include dialogue between the County and its cities regarding properties lying within an AOI boundary. To facilitate this, the City respectfully requests that any ordinance establishing an AOI within Bonner County include a requirement to notify an affected city of pending development within the area of impact, providing an opportunity for meaningful input and discourse to ensure compatibility in future land use planning decisions. To accomplish this, such ordinance language should include notification to affected cities when there are proposed county zoning and comprehensive plan amendments, subdivisions, conditional use permits, and variances. Adding this requirement to the County's forthcoming ordinance will ensure the continuation of this practice and support of said ordinance by the City of Clark Fork.

Please advise if additional mapping or AOI boundary details are needed, or if the County desires further explanation on the need for inclusion of notice language within its proposed ordinance. Otherwise, the City looks forward to working together with the County to ensure a smooth adoption process of AOI boundaries and develop an ordinance which can protect the interests of both County and City processes.

Sincerely,

A handwritten signature in black ink, appearing to read "Russell Schenck". The signature is fluid and cursive, with a large initial "R" and "S".

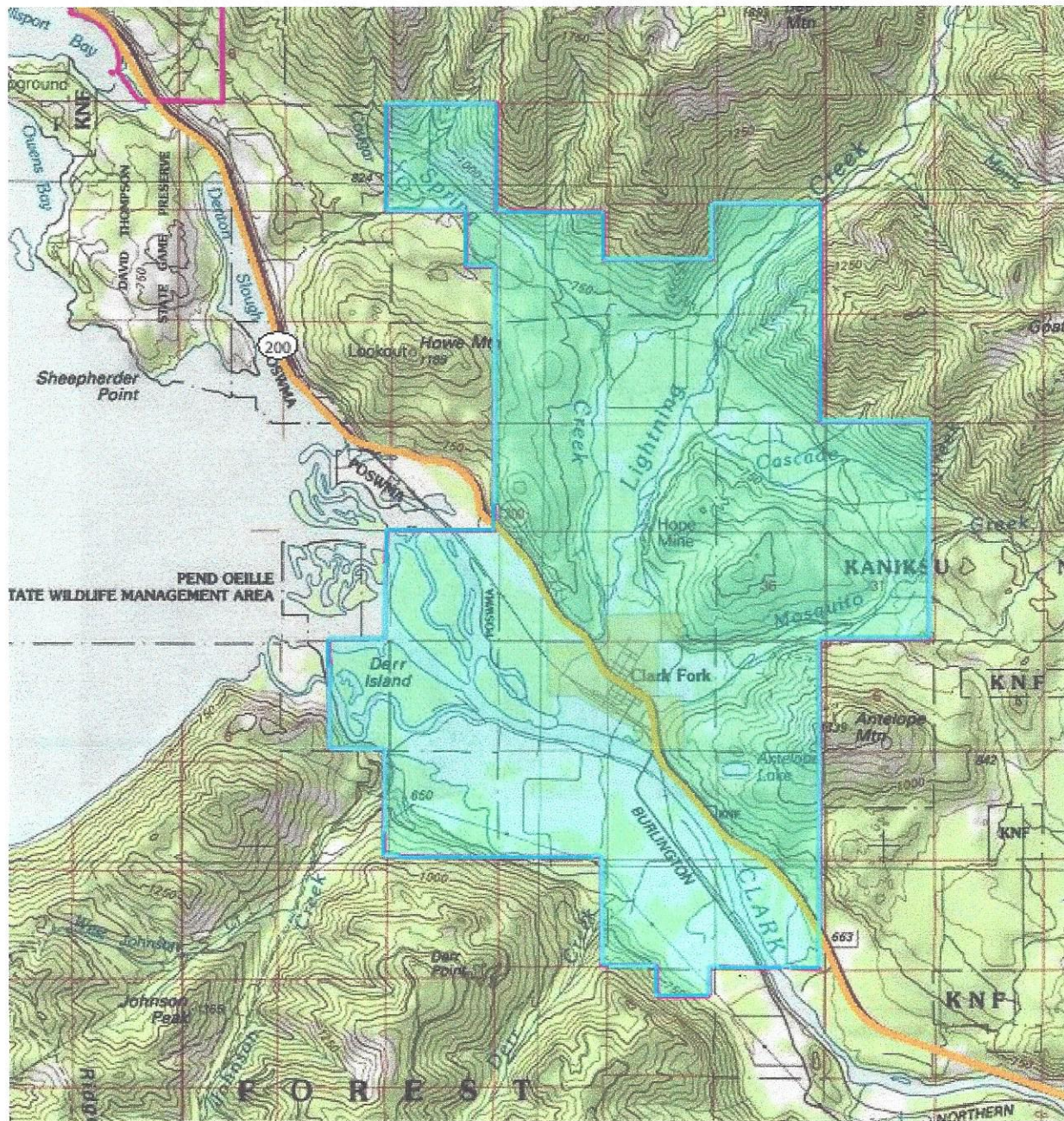
Clark Fork Mayor Russell Schenck

Attachment: City of Clark Fork Area of Impact Draft Map

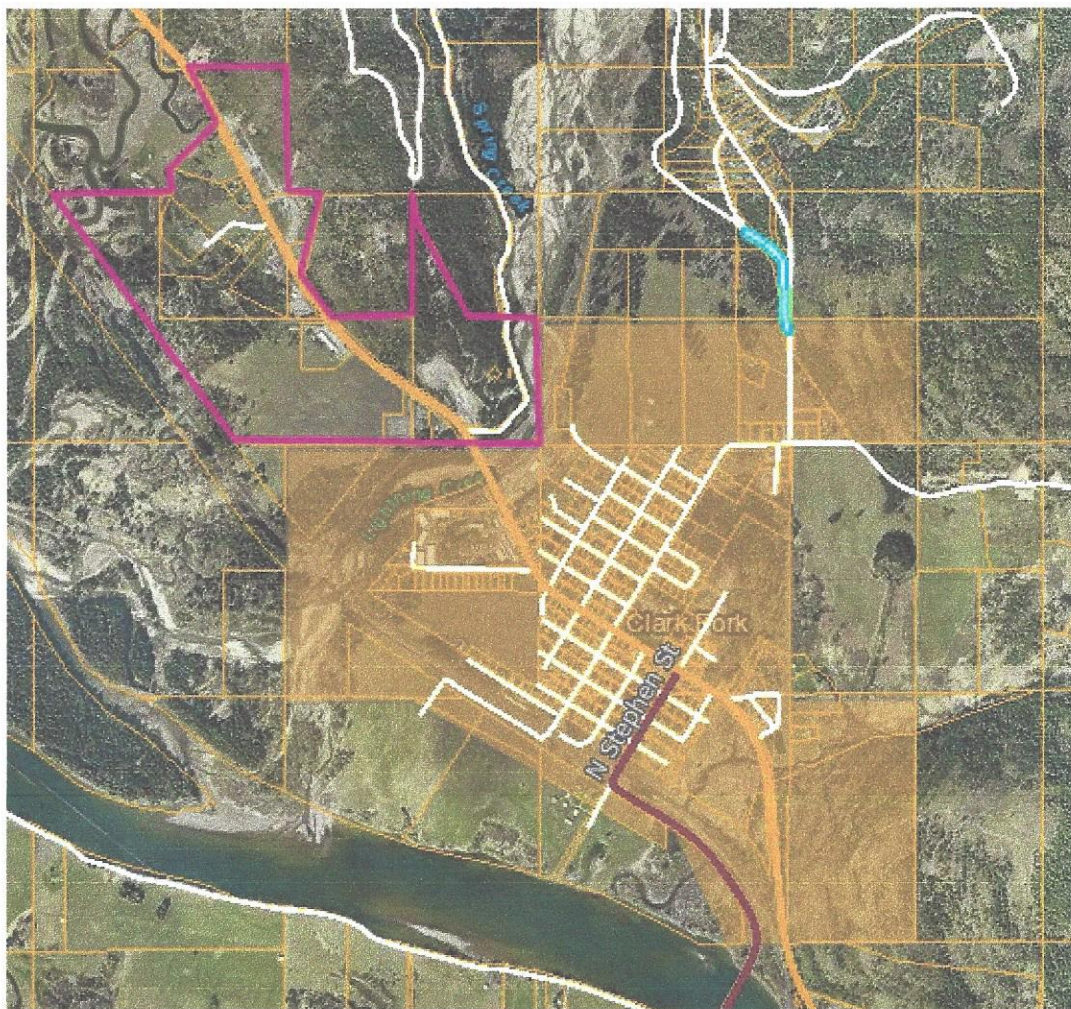
c: *City Planners*
 City Attorney
 City Engineers

CLARK FORK AREA OF IMPACT REQUEST

CURRENT CITY LIMITS, WITH CURRENT AREA OF CITY IMPACT SHOWN:



PROPOSED AREA OF IMPACT FOR CITY OF CLARK FORK, SHOWN W/ MAGENTA LINE



Appendix D – Draft Ordinance

Ordinance No. _____

**City of Clark Fork Area of Impact Agreement
Bonner County Idaho**

AN ORDINANCE OF BONNER COUNTY, IDAHO, ESTABLISHING AN AREA OF IMPACT FOR THE CITY OF CLARK FORK; 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 (AOI) for the City of Clark Fork as required by Idaho Code § 67-6526. This ordinance ensures coordination between Bonner County and the City of Clark Fork 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 Clark Fork 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 Clark Fork 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 Clark Fork.
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 Clark Fork. The City of Clark Fork's comprehensive plan may be considered as an advisory document for planning purposes within the AOI. When not directly in conflict with Bonner County ordinances, land use ordinances in effect within the City of Clark Fork may be considered by the Bonner County Planning & Zoning Department when making discretionary decisions.

SECTION 5. ADMINISTRATION

1. **Public Hearings:** The Board of County Commissioners shall notify the City of Clark Fork 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 Clark Fork 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. **Repealer Clause:** All ordinances in conflict with this ordinance are hereby repealed in their entireties, including Bonner County Ordinance #249 recorded at Instrument #453283 and Ordinance #249-A recorded at #453284, 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?