

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 November 13, 2025

Amendment Title

Area of Impact – City of Dover

File Number, Type:

AM0005-25; Modification to the Area of Impact for the City of Dover

Proposal:

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

Notice Provided:

Agency Notice: October 28, 2025

Published in Newspaper: October 28, 2025

Notice to Properties Owners: October 28, 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 – Original Proposal from the City of Dover

Appendix D – Amended Proposal from the City of Dover

Appendix E – Draft Ordinance

Appendix F– 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 Water Resources

The following agencies replied with "No Comment":

Idaho Department of Fish and Game

Kootenai-Ponderay Sewer District

Panhandle Health District

No other agency comments were received.

Public Comments: As of the date of this staff report, public comments have been received regarding the proposed amendment.

Historical Context and Legislative Changes:

The current Area of City Impact (ACI) was adopted on January 2, 2007, via Ordinances 486 and 487. 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.

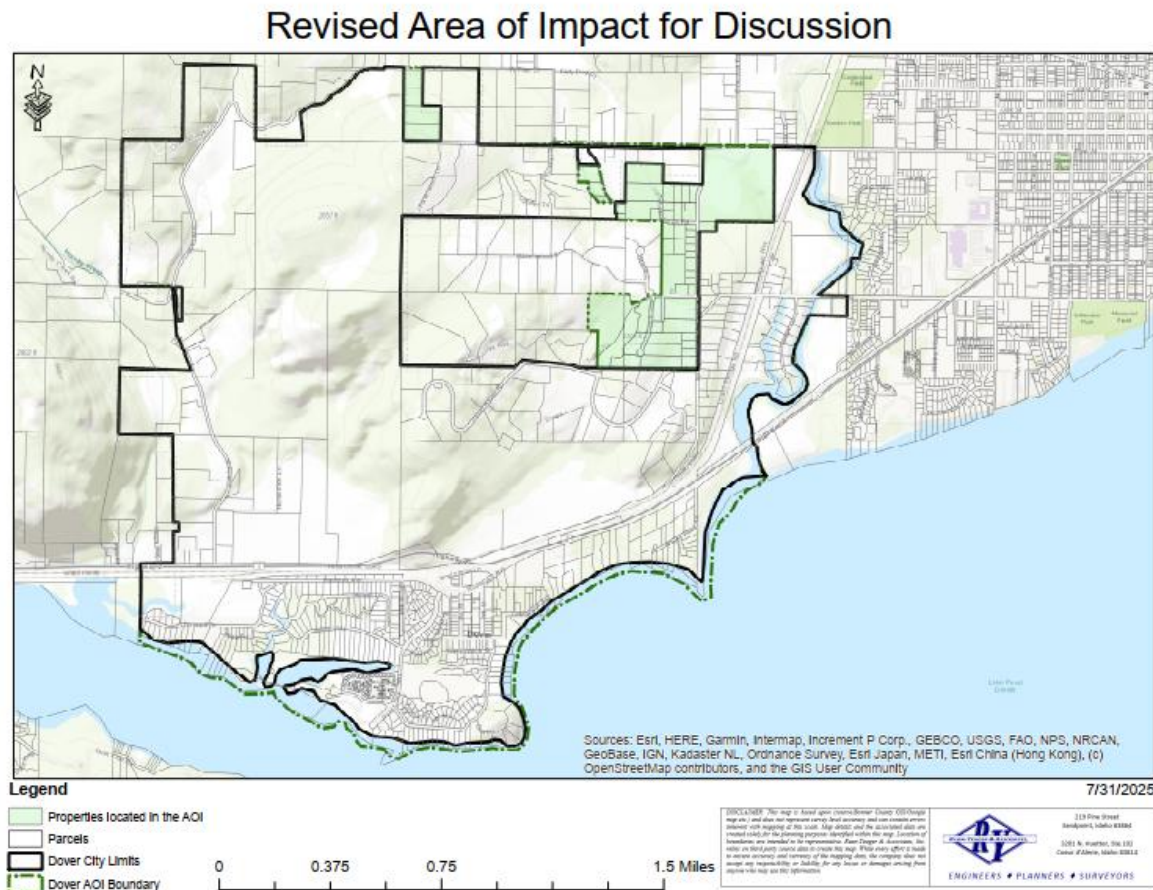
During the 2024 legislative session, Senate Bill 1403 was passed and signed into law. This bill amended Idaho Code §67-6526, making several substantive changes to the regulation of Areas of Impact.

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:



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 Dover, 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 Dover’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 Dover Area of Impact Proposal for Compliance with Idaho Code § 67-6526

The City of Dover submitted a formal request for an updated Area of Impact (AOI) boundary on February 27, 2025, pursuant to Idaho Code §67-6526. The Area of City Impact was originally adopted on January 2, 2007, through Ordinances 486 and 487. Dover’s current request is intended to update the boundaries consistent with the changes enacted through Senate Bill 1403 (2024). At the June 16, 2025 hearing, the Board remanded the original proposal back to the City for further consideration. The updated proposal was provided to the Planning Department on August 22, 2025. The updated proposal can be found in Appendix D 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. In its submittal, the City of Dover indicates that none of the proposed area exceeds this two-mile limit. Planning staff, in collaboration with GIS staff, verified that the proposed AOI boundary complies with the statutory distance requirement. The original proposal reflected a reduction of approximately 3,800 acres compared to the current ACI boundary. In the updated proposal, the proposed area has been substantially reduced further.

The City of Dover amended their proposal to include the following changes: removes disputed area along Chuck Slough originally included in Dover and Sandpoint’s proposals, eliminates all properties west of the current city limits, removes Ravenwood and Snug Harbor areas, retains area where different city services have been extended or where services have been requested, if annexed, retains areas where annexation requests or inquiries have been identified and where logical extensions of city services are evident for the future, and adjacent shoreline of the City.

A critical requirement under Idaho Code §67-6526(1)(b) is that an AOI must be limited to areas “very likely to be annexed into the city within the next five (5) years.” Dover’s original proposal references the availability of municipal services, including updates to its wastewater treatment master plan and a completed water service master plan, both of which assess future capacity needs. Dover’s wastewater system has been extended in prior years to portions of the Syringa Heights area outside city limits, although the City currently does not extend sewer or water services to new areas unless annexation occurs. The updated 2025 wastewater collection system facilities plan prepared by J-U-B Engineers projects a 3% annual growth rate and demonstrates planned capacity improvements designed to accommodate future growth in the proposed AOI.

Additionally, Dover’s sewer service planning identifies specific infrastructure expansions along West Pine Street, Pine Street, and Syringa Heights to serve properties within the proposed AOI. The system improvements reflect an intent to serve the AOI and support a pattern of future annexation, particularly in areas north of the highway where growth potential is highest.

While Dover’s historical annexation activity over the past ten (10) years includes two annexations totaling approximately 4.35 acres, the new infrastructure planning and capacity expansion efforts indicate a more deliberate planning framework for accommodating future annexation within the proposed AOI.

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: AF

Date: November 6, 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 AM0005-25 to adopt, Area of Impact for the City of Dover 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 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.

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 Dover as presented or amended in this hearing, and providing for an effective date.

MOTION TO DENY: I move to deny this FILE AM0005-25 to adopt, Area of Impact for the City of Dover 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. On February 27, 2025, the City of Dover submitted a formal request for an updated Area of Impact boundary, including a proposed map and supporting documentation. The proposal was approved by the Dover City Council. An amended proposal was submitted on August 22, 2025.
4. The proposed Area of Impact submitted by the City of Dover includes areas where the city currently provides municipal services such as water and sewer extensions and plans for future service expansion.
5. Dover updated its wastewater treatment master plan and completed a water service master plan to forecast capacities and needed improvements to serve lands within the city limits and the proposed Area of Impact.
6. The 2025 Wastewater Collection System Facilities Plan, prepared by J-U-B Engineers, projects a 3% annual growth rate for the City of Dover and outlines planned infrastructure expansions along West Pine Street, Pine Street, and Syringa Heights to serve the proposed Area of Impact.
7. Historical annexation activity over the past ten (10) years shows that the City of Dover has completed two annexations: a 2.49-acre property located on West Pine Street and a 1.86-acre right-of-way annexation along Cedar Ridge Road.

8. The City of Dover has no contended areas within their proposed boundary with other cities.
9. Idaho Code § 67-6526(3) provides that, in the event cities cannot reach an 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.
10. At the June 13, 2025 hearing, the Board remanded the proposal back to the City of Dover for further consideration.

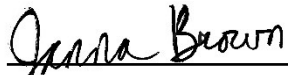
The complete file is available for review in the Planning Department, 1500 Highway 2, Suite #208, Sandpoint, ID. Staff reports are available online prior to the scheduled hearing at www.bonnercountyid.gov Bonner County Revised Code (BCRC) is available at the Planning Department or online.

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 **28th** day of **October, 2025**.


Janna Brown, Administrative Assistant III

This notice was mailed to political subdivisions and the media on **Tuesday, October 28, 2025**.

NOTICE IS HEREBY GIVEN that the Bonner County Commissioners will hold a public hearing beginning at **1:00 p.m.** on **Thursday, November 13, 2025**, in the Bonner County Administration Building, 1500 Highway 2, Sandpoint, Idaho, by Zoom teleconference, and YouTube Livestream to consider the following requests:

File AM0005-25 – Modification to the Area of Impact for the City of Dover

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

RECORD OF MAILING

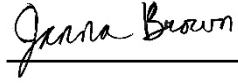
Page 1 of 1

File No.: AM0005-25

Record of Mailing Approved By:



I hereby certify that a true and correct copy of the "Notice of Public Hearing" was digitally transmitted or mailed (postage prepaid) on this **28th** day of **October 2025**.



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

Appendix B – Agency Comments



Janna Brown <janna.brown@bonnercountyid.gov>

[EXT SENDER] RE: Bonner County Planning - File AM0005-25 Agency Review

1 message

Horsmon, Merritt <merritt.horsmon@idfg.idaho.gov>

Wed, Oct 29, 2025 at 10:47 AM

To: Bonner County Planning Department <planning@bonnercountyid.gov>

Hi Dylan,

The Idaho Department of Fish and Game does not have any comments to submit for this application.

Thank you for the opportunity to review and comment,

Merritt Horsmon

Regional Technical Assistance Manager

Panhandle Region

2885 W. Kathleen Ave.

Coeur d'Alene, ID 83815

208.769.1414 office

208.251.4509 mobile

merritt.horsmon@idfg.idaho.gov**From:** Bonner County Planning Department <planning@bonnercountyid.gov>**Sent:** Tuesday, October 28, 2025 12:38 PM**To:** Jack Schenck <Jack.schenck@vyvebb.com>; Midas Water <midaswatercorp@gmail.com>; kbsd sewer <kbsdpl@hotmail.com>; Priest Lake Public Library District <plplibrary@hotmail.com>; Kim Spacek <kimspacek@sd83.org>; City of Kootenai <cityclerk@cityofkootenai.org>; City of Sandpoint Planning <cityplanning@sandpointidaho.gov>; Army Corps of Engineers <CENWW-RD-CDA@usace.army.mil>; City of Hope <hopecityclerk@gmail.com>; Navy - Glynis Casey <glynis.casey@navy.mil>; School District 84 Transportation - James Koehler <james.koehler@lposd.org>; Dave Schuck <dave.schuck@bonnercountyid.gov>;

Teresa Decker <huckbayutilities01@gmail.com>; Dan Scholz <dan.scholz@nli.coop>; SCHWEITZER FIRE DISTRICT <SchweitzerFireDistrict@gmail.com>; Tim Ventress <chventresswplvfd@hotmail.com>; Jessie Roe <BWSD637@gmail.com>; City of Oldtown <cityofoldtown@hotmail.com>; Bates, Luke <Luke.Bates@idwr.idaho.gov>; DEQ Comments <deqcomments@deq.idaho.gov>; Bonner County Assessors <assessorsgroup@bonnercountyid.gov>; Timberlake Fire District <Kwright@timberlakefire.com>; Tom Renzi <epfldchief@gmail.com>; ITD - Stacy Simkins <stacy.simkins@itd.idaho.gov>; Southside Water and Sewer <southsidewaterandsewer@swsdidaho.org>; Symone.legg@itd.idaho.gov; North of the Narrows Fire District <northofthenarrowsfire@gmail.com>; dbrown@idl.idaho.gov; meagan <meagan@westbonnerlibrary.org>; Gavin Gilcrease <ggilcrease@sandpointidaho.gov>; Fritz Broschet <outletbaysewer@gmail.com>; Bryan Quayle <quaylelanduseconsulting@gmail.com>; Sagle Valley Water and Sewer District <saglewatersewer@gmail.com>; Sam Owen Fire Rescue Sam Owen Fire Rescue <sofd@wow-tel.net>; East Bonner Library <Amanda@ebonnerlibrary.org>; Jordan Brooks <coolinsewer@gmail.com>; TC Energy / TransCanada <US_crossings@tcenergy.com>; US Fish & Wildlife Services <fw1idahoconsultationrequests@fws.gov>; City of Priest River <layers@priestriver-id.gov>; Northside Water and Syringa Heights Water Association <allwater49@outlook.com>; Kim Hoodenpyle <kjh5345@gmail.com>; Oden Water Association - Carla Poelstra <odenwater@gmail.com>; BONNER COUNTY HISTORICAL SOCIETY AND MUSEUM <DIRECTOR@bonnercountyhistory.org>; Dean Davis <deandavis@sd83.org>; City of Clark Fork <city@clarkforkidaho.org>; Sarah Gilmore <sgilmore@sandpointidaho.gov>; KayLeigh Miller <klmiller@ponderay.org>; Janice Best <janicesb@televar.com>; Lakeland Joint School District #272 <cpursley@lakeland272.org>; Frankie Dunn <frankiejdunn@hotmail.com>; Robert Beachler <robert.beachler@itd.idaho.gov>; Craig Hill <craighill@hillsresort.com>; Jason Kimberling <jason.kimberling@itd.idaho.gov>; joekren@sd83.org; West Pend Oreille Fire District <wpofd1@gmail.com>; Superintendent School Dist 84 <kelly.fisher@lposd.org>; Ken Flint <ken_flint@tcenergy.com>; Road & Bridge - Matt Mulder <matt.mulder@bonnercountyid.gov>; Natural Resource Conservation Service - Greg Becker <greg.becker@id.usda.gov>; Avista Copr - Jay West <jay.west@avistacorp.com>; East Priest Lake Fire District <eastpriestlakefd@gmail.com>; PHD <EHapplications@phd1.idaho.gov>; Dan Everhart <Dan.Everhart@ishs.idaho.gov>; Coolin-Cavanaugh Bay Fire Protection District <coolinfirechief@gmail.com>; Jason Johnson <jason.johnson@bonnercountyid.gov>; Richard Hash <Rich.hash2022@gmail.com>; Jamie Brown <jamieb@inlandpower.com>; Amber Burgess <clerk@ebsewerdistrict.com>; Erik Sjoquist <esjoquist@idl.idaho.gov>; Chief Debbie Carpenter <chief@spiritleakefire.com>; Mike Schacht <firedept@clarkforkidaho.org>; Steve Elgar <selgar@mac.com>; Independent Hwy Dist - Julie Bishop <ihdclerk@gmail.com>; Ryan Zandhuisen <rzandhuisen@idl.idaho.gov>; Pend Oreille Hospital District <kim.kichenmaster@bonnergeneral.org>; Colleen Johnson <CJohnson@kootenaiponderaysewerdistrict.org>; Bonner County Solid Waste <solidwaste@bonnercountyid.gov>; Kenny Huston <kenny.huston@oer.idaho.gov>; Bill Berg <billb@bbsewer.org>; cityclerk@spiritleakeid.gov; Lisa Rosa <hr@ebonnerlibrary.org>; Carrol Stejer <CASTEJER@gmail.com>; Selkirk Recreation District <elgar@whoi.edu>; Becky Meyer <becky.meyer@lposd.org>; Kimberly Hobson <Kimberly.Hobson@itd.idaho.gov>; Mike Ahmer <mahmer@idl.idaho.gov>; Garfield Bay Water and Sewer District Clerk <garfieldbaywsd@hotmail.com>; Selkirk Association of Realtors <danielle@selkirkaor.com>; Northern Lights <kristin.mettke@nli.coop>; Sagle Valley Water & Sewer District <markc@smartplugs.com>; City of Dover <cityclerk@cityofdoveridaho.org>; Brenna Garro <Brenna.Garro@oer.idaho.gov>; Jeff Lindsey <jeff.lindsey@bonnercountyid.gov>; Karen Quenell <kquenell@northsidefire.org>; Matt Diel <matt.diel@lposd.org>; Alan Brinkmeier <alan.brinkmeier@bonnercountyid.gov>; Northern Info <northerninfo@idwr.idaho.gov>; Teresa Zamora <utilities@stoneridgeidaho.com>; SOURDOUGH POINT OWNERS ASSOCIATION <sourdoughpoint@hotmail.com>; Horsmon,Merriitt <merriitt.horsmon@idfg.idaho.gov>; Laclede Water District <info@lactedewaterdistrict.org>; Sam Ross <sam.ross@nli.coop>; D1Permits <D1Permits@itd.idaho.gov>; Theresa Wheat <theresa@kootenai.org>; Federal Aviation Administration <Heather.pate@faa.gov>; Avista Corp - Peggy George <peggy.george@avistacorp.com>; City of East Hope Franck <easthope.city@gmail.com>; Sheryl Austin <granitereeder@gmail.com>; Northern Lights - Clint Brewing <clint.brewington@nli.coop>

Subject: Bonner County Planning - File AM0005-25 Agency Review

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

Please review the application relative to your agency's area of expertise and include any recommended conditions of approval and supporting code sections. Please see attached for details.

Dylan Young

Bonner County Planning Department

Hearing Coordinator

208-265-1458

Now Live: Apply for Your Building Location Permit Online!

We're making building easier! You can now apply for your **Building Location Permit** quickly and securely through our **new citizen online portal**, available 24/7 from the comfort of your home or office. You can also apply on one of the kiosks provided in the Planning Department office, located in the County Administrative Building, Suite 208.

Fast & easy application process

Track your permit status in real time

Upload documents directly

Online Application Guide

Visit <https://bonnercountyid-energovweb.tylerhost.net/apps/selfservice#/home> to get started today!

Effective July 1, 2025, all Building Location Permits must be applied for through the online citizen portal and we will no longer be accepting applications sent via email or printed paper applications. Have questions? Call 208-265-1458, our team is ready to help.

Build smarter. Apply online.



Janna Brown <janna.brown@bonnercountyid.gov>

[EXT SENDER] RE: Bonner County Planning - File AM0005-25 Agency Review

1 message

Bates, Luke <Luke.Bates@idwr.idaho.gov>

Tue, Oct 28, 2025 at 1:23 PM

To: Bonner County Planning Department <planning@bonnercountyid.gov>

REF: AM0005-25

TO: Dylan Young – Bonner County Planning Department Hearing Coordinator

Good afternoon,

Idaho Department of Water Resources (IDWR) – Northern Regional Office offers the following comments pertaining to AM0005-25:

- IDWR requests that City's municipal provider(s) update their water system boundary map(s) if any changes occur that expand service area boundaries. The map changes do not result in changes from established recorded water rights on record but update IDWR of any changes to maintain current records on file.
- This potential update of records **does not constitute a condition of approval for proposed changes** to the Area of Impact for the City of Dover as detailed in application AM0005-25.

Thank you for the opportunity to comment,

**From:** Bonner County Planning Department <planning@bonnercountyid.gov>**Sent:** Tuesday, October 28, 2025 12:38 PM

To: Jack Schenck <Jack.schenck@vyvebb.com>; Midas Water <midaswatercorp@gmail.com>; kbsd sewer <kbsdpl@hotmail.com>; Priest Lake Public Library District <plplibrary@hotmail.com>; Kim Spacek <kimspacek@sd83.org>; City of Kootenai <cityclerk@cityofkootenai.org>; City of Sandpoint Planning <cityplanning@sandpointidaho.gov>; Army Corps of Engineers <CENWW-RD-CDA@usace.army.mil>; City of Hope <hopecityclerk@gmail.com>; Navy - Glynis Casey <glynis.casey@navy.mil>; School District 84 Transportation - James Koehler <james.koehler@lposd.org>; Dave Schuck <dave.schuck@bonnercountyid.gov>; Teresa Decker <huckbayutilities01@gmail.com>; Dan Scholz <dan.scholz@nli.coop>; SCHWEITZER FIRE DISTRICT <SchweitzerFireDistrict@gmail.com>; Tim Ventress <chventresswplvfd@hotmail.com>; Jessie Roe

<BWSD637@gmail.com>; City of Oldtown <cityofoldtown@hotmail.com>; Bates, Luke <Luke.Bates@idwr.idaho.gov>; DEQ Comments <deqcomments@deq.idaho.gov>; Bonner County Assessors <assessorsgroup@bonnercountyid.gov>; Timberlake Fire District <Kwright@timberlakefire.com>; Tom Renzi <epfldchief@gmail.com>; ITD - Stacy Simkins <stacy.simkins@itd.idaho.gov>; Southside Water and Sewer <southsidewaterandsewer@swsdidaho.org>; Symone.legg@itd.idaho.gov; North of the Narrows Fire District <northofthenarrowsfire@gmail.com>; dbrown@idl.idaho.gov; meagan <meagan@westbonnerlibrary.org>; Gavin Gilcrease <ggilcrease@sandpointidaho.gov>; Fritz Broschet <outletbaysewer@gmail.com>; Bryan Quayle <quaylelanduseconsulting@gmail.com>; Sagle Valley Water and Sewer District <saglewatersewer@gmail.com>; Sam Owen Fire Rescue Sam Owen Fire Rescue <sofd@wow-tel.net>; East Bonner Library <Amanda@ebonnerlibrary.org>; Jordan Brooks <coolinsewer@gmail.com>; TC Energy / TransCanada <US_crossings@tcenergy.com>; US Fish & Wildlife Services <fw1idahoconsultationrequests@fws.gov>; City of Priest River <layers@priestriver-id.gov>; Northside Water and Syringa Heights Water Association <allwater49@outlook.com>; Kim Hoodenpyle <kjh5345@gmail.com>; Oden Water Association - Carla Poelstra <odenwater@gmail.com>; BONNER COUNTY HISTORICAL SOCIETY AND MUSEUM <DIRECTOR@bonnercountyhistory.org>; Dean Davis <deandavis@sd83.org>; City of Clark Fork <city@clarkforkidaho.org>; Sarah Gilmore <sgilmore@sandpointidaho.gov>; KayLeigh Miller <klmiller@ponderay.org>; Janice Best <janicesb@televar.com>; Lakeland Joint School District #272 <cpursley@lakeland272.org>; Frankie Dunn <frankiejduhn@hotmail.com>; Robert Beachler <robert.beachler@itd.idaho.gov>; Craig Hill <craighill@hillsresort.com>; Jason Kimberling <jason.kimberling@itd.idaho.gov>; joekren@sd83.org; West Pend Oreille Fire District <wpofd1@gmail.com>; Superintendent School Dist 84 <kelly.fisher@lposd.org>; Ken Flint <ken_flint@tcenergy.com>; Road & Bridge - Matt Mulder <matt.mulder@bonnercountyid.gov>; Natural Resource Conservation Service - Greg Becker <greg.becker@id.usda.gov>; Avista Copr - Jay West <jay.west@avistacorp.com>; East Priest Lake Fire District <eastpriestlakefd@gmail.com>; PHD <EHapplications@phd1.idaho.gov>; Dan Everhart <Dan.Everhart@ishs.idaho.gov>; Coolin-Cavanaugh Bay Fire Protection District <coolinfirechief@gmail.com>; Jason Johnson <jason.johnson@bonnercountyid.gov>; Richard Hash <Rich.hash2022@gmail.com>; Jamie Brown <jamieb@inlandpower.com>; Amber Burgess <clerk@ebsewerdistrict.com>; Erik Sjoquist <esjoquist@idl.idaho.gov>; Chief Debbie Carpenter <chief@spiritleakefire.com>; Mike Schacht <firedept@clarkforkidaho.org>; Steve Elgar <selgar@mac.com>; Independent Hwy Dist - Julie Bishop <ihdclerk@gmail.com>; Ryan Zandhuisen <rzandhuisen@idl.idaho.gov>; Pend Oreille Hospital District <kim.kichenmaster@bonnergeneral.org>; Colleen Johnson <CJohnson@kootenaiponderaysewerdistrict.org>; Bonner County Solid Waste <solidwaste@bonnercountyid.gov>; Kenny Huston <kenny.huston@oer.idaho.gov>; Bill Berg <billb@bbsewer.org>; cityclerk@spiritleakeid.gov; Lisa Rosa <hr@ebonnerlibrary.org>; Carrol Stejer <CASTEJER@gmail.com>; Selkirk Recreation District <elgar@whoi.edu>; Becky Meyer <becky.meyer@lposd.org>; Kimberly Hobson <Kimberly.Hobson@itd.idaho.gov>; Mike Ahmer <mahmer@idl.idaho.gov>; Garfield Bay Water and Sewer District Clerk <garfieldbaywsd@hotmail.com>; Selkirk Association of Realtors <danielle@selkirkaor.com>; Northern Lights <kristin.mettke@nli.coop>; Sagle Valley Water & Sewer District <markc@smartplugs.com>; City of Dover <cityclerk@cityofdoveridaho.org>; Brenna Garro <Brenna.Garro@oer.idaho.gov>; Jeff Lindsey <jeff.lindsey@bonnercountyid.gov>; Karen Quenell <kquenell@northsidefire.org>; Matt Diel <matt.diel@lposd.org>; Alan Brinkmeier <alan.brinkmeier@bonnercountyid.gov>; Northern Info <northerninfo@idwr.idaho.gov>; Teresa Zamora <utilities@stoneridgeidaho.com>; SOURDOUGH POINT OWNERS ASSOCIATION <sourdoughpoint@hotmail.com>; Horsmon, Merritt <merritt.horsmon@idfg.idaho.gov>; Laclede Water District <info@lactedewaterdistrict.org>; Sam Ross <sam.ross@nli.coop>; D1Permits <D1Permits@itd.idaho.gov>; Theresa Wheat <theresa@kootenai.org>; Federal Aviation Administration <Heather.pate@faa.gov>; Avista Corp - Peggy George <peggy.george@avistacorp.com>; City of East Hope Franck <easthope.city@gmail.com>; Sheryl Austin <granitereeder@gmail.com>; Northern Lights - Clint Brewing <clint.brewington@nli.coop>

Subject: Bonner County Planning - File AM0005-25 Agency Review

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

Please review the application relative to your agency's area of expertise and include any recommended conditions of approval and supporting code sections. Please see attached for details.

Dylan Young

Bonner County Planning Department

Hearing Coordinator

208-265-1458

Now Live: Apply for Your Building Location Permit Online!

We're making building easier! You can now apply for your **Building Location Permit** quickly and securely through our **new citizen online portal**, available 24/7 from the comfort of your home or office. You can also apply on one of the kiosks provided in the Planning Department office, located in the County Administrative Building, Suite 208.

Fast & easy application process

Track your permit status in real time

Upload documents directly

Online Application Guide

Visit <https://bonnercountyid-energovweb.tylerhost.net/apps/selfservice#/home> to get started today!

Effective July 1, 2025, all Building Location Permits must be applied for through the online citizen portal and we will no longer be accepting applications sent via email or printed paper applications. Have questions? Call 208-265-1458, our team is ready to help.

Build smarter. Apply online.

 **Bates_ Luke.vcf**
2K



Janna Brown <janna.brown@bonnercountyid.gov>

File AM0005-25 Modification

1 message

'Colleen Johnson' via Mail-Planning <planning@bonnercountyid.gov>
Reply-To: Colleen Johnson <CJohnson@kootenaiponderaysewerdistrict.org>
To: Bonner County Planning <planning@bonnercountyid.gov>

Tue, Oct 28, 2025 at 3:17 PM

Good Afternoon:

Attached is the District's response to the above-named file.

NOTICE OF CHANGE IN HOURS: THE OFFICE WILL BE CLOSED ON FRIDAYS. WE WILL BE OPEN NORMAL HOURS MONDAY THRU THURSDAY.

Colleen Johnson

Business Office Manager

Kootenai-Ponderay Sewer District

208-263-0229 Fax – 208-265-5326 Mobile: 208-304-5820

511 Whiskey Jack Road Sandpoint, Idaho 83864

P.O. Box 562, Kootenai, ID 83840

“Dance with Life”



 **25_10_BC_AM0005_25Modification.pdf**
94K

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 **28th** day of **October, 2025**.

Janna Brown
Janna Brown, Administrative Assistant III

This notice was mailed to political subdivisions and the media on **Tuesday, October 28, 2025**.

NOTICE IS HEREBY GIVEN that the Bonner County Commissioners will hold a public hearing beginning at **1:00 p.m.** on **Thursday, November 13, 2025**, in the Bonner County Administration Building, 1500 Highway 2, Sandpoint, Idaho, by Zoom teleconference, and YouTube Livestream to consider the following requests:

File AM0005-25 – Modification to the Area of Impact for the City of Dover

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

Frederick-Fondray, Suver District *10/28/25*
Out of District Boundaries



Janna Brown <janna.brown@bonnercountyid.gov>

[EXT SENDER] V0028-25-VARIANCE, CUP0011-24-CONDITIONAL USE PERMIT, AMD0006-25-MODIFICATION, AM0019-25-MODIFICATION, AM0005-25-MODIFICATION

1 message

Denis Twohig <dtwohig@phd1.idaho.gov>
To: Bonner County Planning <planning@bonnercountyid.gov>

Fri, Oct 31, 2025 at 4:35 PM



Public Health
Prevent. Promote. Protect.
Panhandle Health District

Denis Twohig | Technical Records Specialist 1

2101 W Pine St. Sandpoint, ID 83864

P: 208.265.6384

E: ehapplications@phd1.idaho.govW: Panhandlehealthdistrict.org

IMPORTANT: The information contained in this email may be privileged, confidential or otherwise protected from disclosure.

All persons are advised that they may face penalties under state and federal law for sharing this information with unauthorized individuals.

If you received this email in error, please reply to the sender that you received this information in error.

Also, please delete this email after replying to the sender.

5 attachments**V0028-25-VARIANCE-PROPERTY LINE SETBACK.pdf**
955K**CUP0011-24-CONDITIONAL USE PERMIT-COMMUNICATION TOWER.pdf**
973K**AMD0006-25-MODIFICATION TO THE AREA OF IMPACT FOR THE CITY OF SANDPOINT.pdf**
1068K**AM0019-25-MODIFICATION TO THE AREA OF IMPACT TO THE CITY OF PRIEST RIVER.pdf**
1063K**AM0005-25-MODIFICATION TO THE AREA OF IMPACT FOR CITY OF DOVER.pdf**
946K

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 **28th** day of **October, 2025**.

Janna Brown
Janna Brown, Administrative Assistant III

This notice was mailed to political subdivisions and the media on **Tuesday, October 28, 2025**.

NOTICE IS HEREBY GIVEN that the Bonner County Commissioners will hold a public hearing beginning at **1:00 p.m.** on **Thursday, November 13, 2025**, in the Bonner County Administration Building, 1500 Highway 2, Sandpoint, Idaho, by Zoom teleconference, and YouTube Livestream to consider the following requests:

File AM0005-25 – Modification to the Area of Impact for the City of Dover

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

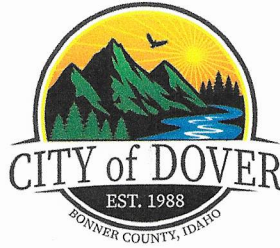
Name

Amelia PHD

Date

10/31/25

Appendix C – Original Proposal from the City of Dover



February 27, 2025

Via U.S. Mail and email

Bonner County Board of Commissioners
Bonner County Planning Director Jacob Gabell

Re: City of Dover Area of Impact Request

Dear Board of Commissioners and Planning Director:

Pursuant to Idaho Code §67-6526, "Areas of Impact," the City of Dover requests the Board of County Commissioners establish the boundaries of the Dover Area of Impact, as shown on the attached map.

Dover staff and officials have met with the City of Sandpoint to review where city boundaries and potential areas of impact abut. These reviews were conducted in accord with the Areas of Impact law, which requires abutting cities to conduct negotiations and make recommendations to the respective city councils. However, after these negotiations, the City of Dover determined that the cities cannot reach agreement on certain areas of interest along the Ontario Street/Chuck Slough boundaries. Therefore, Dover hereby submits its separate request to the Board of County Commissioners pursuant to paragraph (a) of subsection §67-6526 (3) of Idaho Code.

In addition to the area of impact boundary proposal, Dover also requests that the future ordinance include a requirement to notify the city of pending development within the area of impact. Dover requests Bonner County continue to provide the city with notifications and the ability to comment on proposed county zoning and comprehensive plan text amendments, subdivisions, zone changes, conditional use permits, and variances. While the City of Dover acknowledges the County's authority to govern within the unincorporated areas, Dover values the right to receive notice and comment on county proposals within its area of impact. The newly enacted Areas of Impact law states cities should receive notice and be able to provide comment on pending development within the area of impact. Adding this requirement to the County's forthcoming ordinance will ensure the continuation of this practice.

The following statements provide evidence supporting the Dover Area of Impact request:

- The proposed boundary reflects a reduction of nearly 3,800 acres of land within the currently adopted Area of City Impact.

P.O. Box 115, 699 Lakeshore Ave., Dover, ID 83825

Phone: 208-265-8339 Fax: 208-265-9035

www.cityofdover.id.gov

- None of the requested area exceeds the 2-mile limit set by the newly enacted Areas of Impact law.
- Dover has current water and sewer service capacities and has updated master plans for these services.
- City sewer services have been extended to portions of unincorporated lands within the general Syringa area already.
- Dover has a new, enlarged U.S. Post Office to adequately serve the greater Dover area within the proposed impact boundaries.
- The westerly boundary of the proposed Area of Impact includes lands owned by the City of Dover.
- Based upon the extension of existing sewer services and requests for extensions, Dover does anticipate the potential for commercial or residential growth within these areas.
- The boundaries follow the logical shoreline extensions of the Pend Oreille River to the south, the Sandpoint city limits to the east, and excludes the steeper areas of Carr Creek to the west and Baldy Road to the north.
- Transportation/connectivity: West Pine Street to the north forms a connection for incorporated Dover. U.S. Highway 2 is the major transportation connection from the east to the west boundary of the area of interest.
- Dover has an innovative conservation subdivision ordinance to allow development of properties within sensitive wetlands and floodplain areas, while protecting natural resources.

Dover will further augment its area of impact request with details regarding transportation, services, and growth potential prior to the public hearing. Meanwhile, Dover is willing to assist the County with future mapping and public notices. Please advise if additional mapping details are needed at this time.

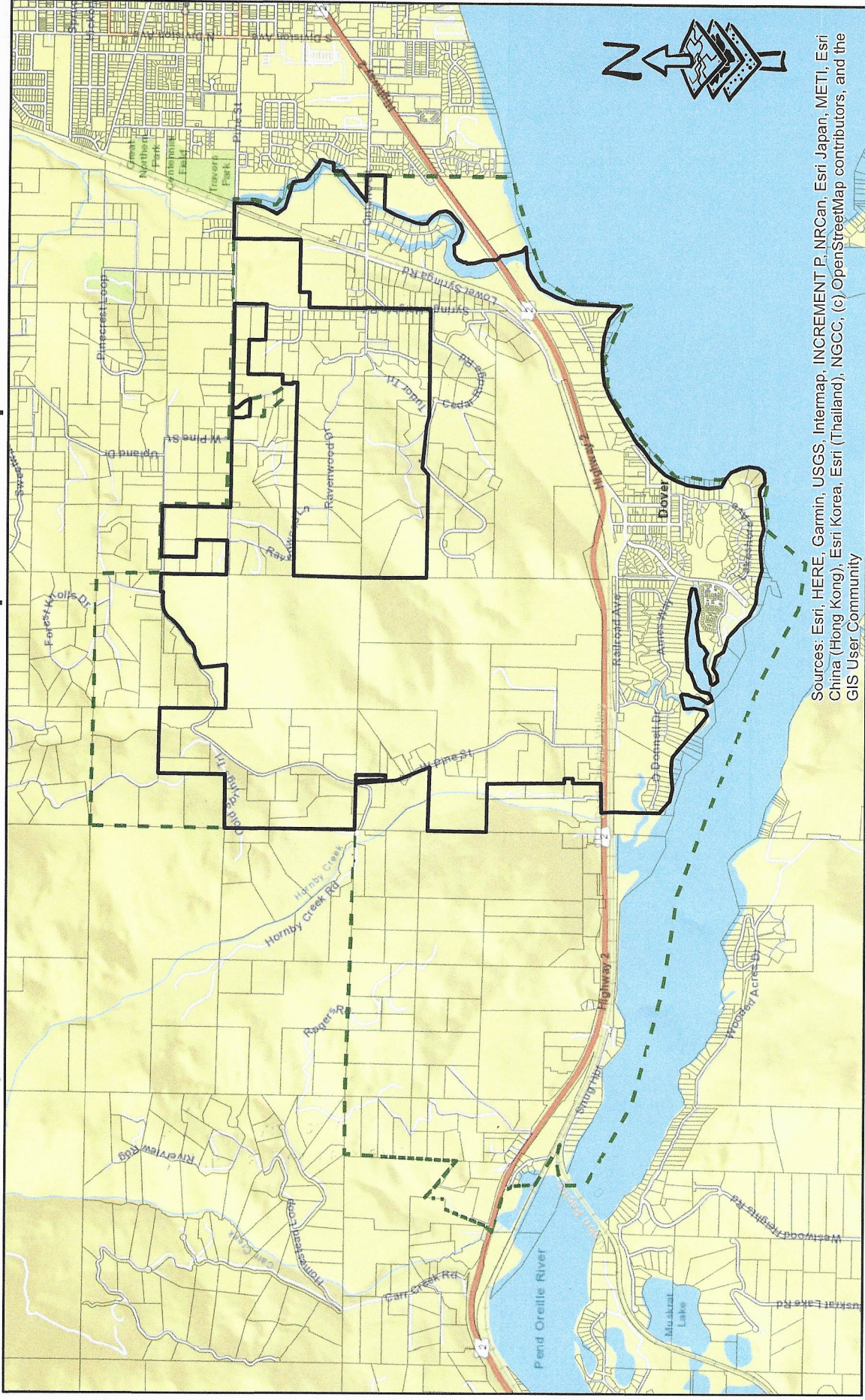
Sincerely,


Dover Mayor George E. Eskridge

Attachment: City of Dover Area of Impact Draft Map

c: City Planners
 City Attorney
 City Engineers

City of Dover Area of Impact Proposal



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

Legend

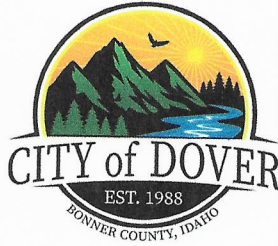
-  Parcels
-  Dover City Limits
-  Dover's Proposed Area of Impact

1.7 Miles

0 0.425 0.85

February 25, 2025

Appendix D – Amended Proposal from the City of Dover



August 22, 2025

Via U.S. Mail and email

Bonner County Board of Commissioners
Bonner County Planning Director Jacob Gabell

Re: City of Dover Area of Impact Revised Request, File #AM005-25

Dear Board of Commissioners and Planning Director:

Pursuant to the Bonner County Board of Commissioners' decision letter to the City of Dover dated July 2, 2025, regarding Dover's proposed Area of Impact (AOI), please be advised of the following:

- Dover City Council voted unanimously on August 14, 2025, to submit a revised AOI map, as attached to this letter, that:
 - Removes the Rocky Point Investment Company properties south of Ontario Street and north of the Pend Oreille River, as requested by the Commissioners following the June 16, 2025, public hearing.
 - Eliminates all properties west of the current city limits of Dover.
 - Removes Ravenwood Subdivision and the Snug Harbor areas.
 - Retains areas where city sewer services have been extended or where city water or sewer services have been requested if annexed.
 - Retains areas where the city has received verbal or written requests or inquiries for annexation and where logical extensions of the city services are evident in the near future.
 - Includes the adjacent shoreline of the city.
- The Council and I would like to express our disappointment that the new state law narrowed the Area of Impact discussion to "areas that are very likely to be annexed to the city within the next five years." Attention is not adequately given to other impact factors, such as anticipated city or county commercial and residential growth, geographic factors, transportation, infrastructure, city-county connectivity, and other public service needs.

P.O. Box 115, 699 Lakeshore Ave., Dover, ID 83825

Phone: 208-265-8339 Fax: 208-265-9035

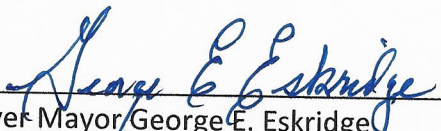
www.cityofdover.id.gov

- Perhaps most disappointing is the loss of the meaning of "Area of Impact" in the new state law. For the previous nearly five decades, the Area of City Impact has been a mutually agreed upon area where city and county interests focused on growth, planning, transportation, and services on the edges of the city limits. Now, the focus seems to be an "Area of Annexation," with little focus on our mutual needs and desires. Dover has consistently answered the county's invitations to comment on development projects and has worked with the neighboring development proposals, such as the nearby mining operation, to recognize and address impacts to Dover citizens. This attitude of cooperation seems to have vanished with the new "Areas of Impact" law.

The attached map represents the City's reasonable AOI boundaries, consistent with the county's directions. Dover requests that the county schedule a public hearing as soon as reasonably possible to consider this request. Please advise Dover of the time and place for the hearing.

Please let us know if you need any additional information prior to scheduling this request to hearing. Thank you for your considerations.

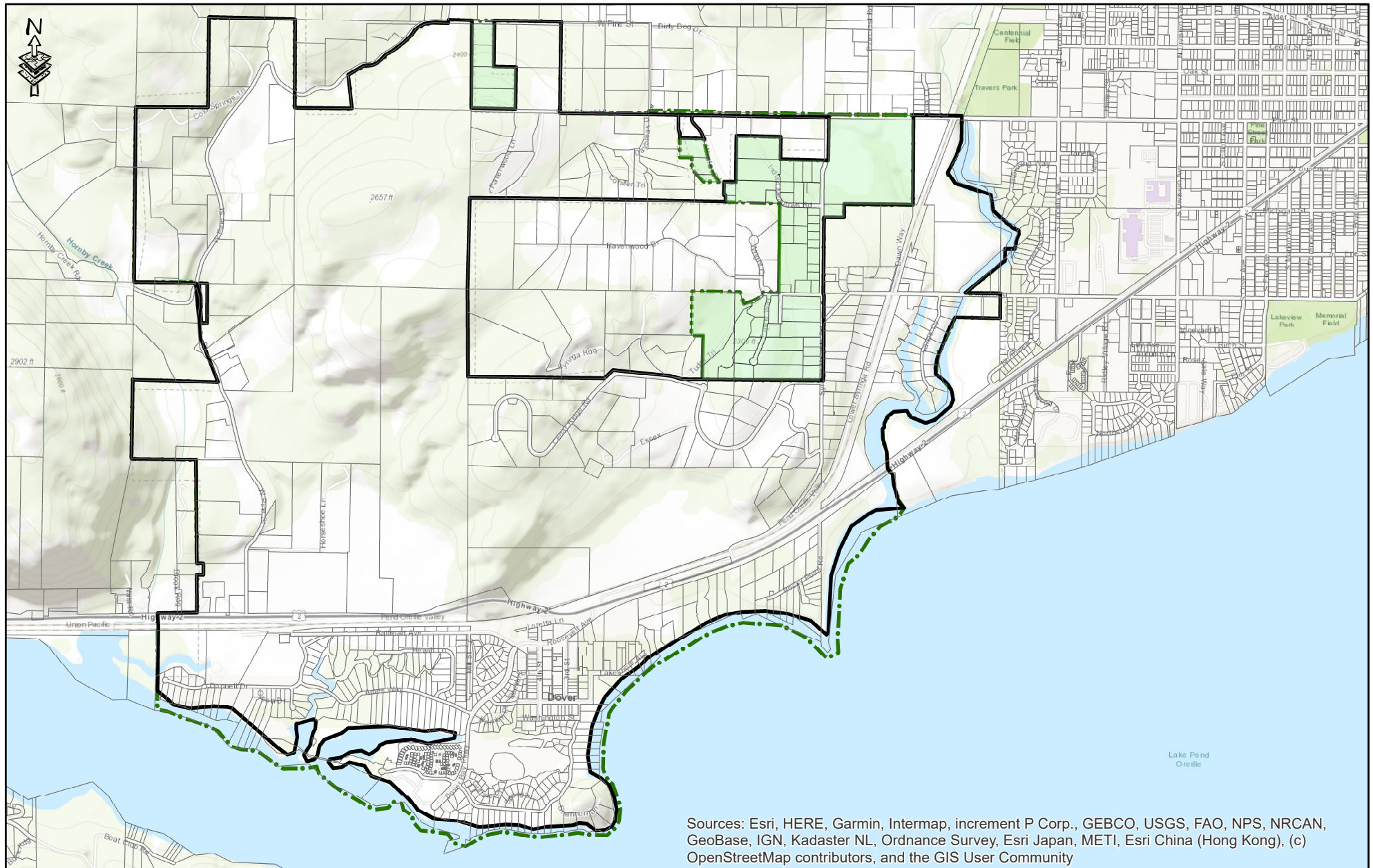
Sincerely,


Dover Mayor George E. Eskridge

Attachment: City of Dover Area of Impact Draft Map

c: City Planners
 City Attorney
 City Engineers
 Dover area State Legislators

Revised Area of Impact for Discussion



Legend

- Properties located in the AOI
- Parcels
- Dover City Limits
- Dover AOI Boundary

0 0.375 0.75 1.5 Miles

DISCLAIMER: This map is based upon (source Bonner County GIS/Google map etc.) and does not represent survey level accuracy and can contain errors inherent with mapping at this scale. Map details and the associated data are created solely for the planning purposes identified within this map. Location of boundaries are intended to be representative. Ruon-Young & Associates, Inc. relies on third party source data to create this map. While every effort is made to ensure accuracy and currency of the mapping data, the company does not accept any responsibility or liability for any losses or damages arising from anyone who may use this information.



ENGINEERS ♦ PLANNERS ♦ SURVEYORS

219 Pine Street
Sandpoint, Idaho 83864

3201 N. Huettner, Ste. 102
Coeur d'Alene, Idaho 83814

7/31/2025

Appendix E – Draft Ordinance

Ordinance No. _____

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

AN ORDINANCE OF BONNER COUNTY, IDAHO, ESTABLISHING AN AREA OF IMPACT FOR THE CITY OF DOVER; 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 November 13, 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 Dover as required by Idaho Code § 67-6526. This ordinance ensures coordination between Bonner County and the City of Dover 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 Dover 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 Dover, 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 Dover.
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 Dover. The City of Dover 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 Dover 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 Dover 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 #486 recorded at Instrument #720183 and Ordinance #487 recorded at #720184, 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 13th day of November, 2025 upon a majority vote.

BONNER COUNTY BOARD OF COMMISSIONERS

Brian Domke, Chair

Asia Williams, Commissioner

Ron Korn, Commissioner

ATTEST: Michael W. Rosedale, Clerk

By Deputy Clerk

Date

Legal: _____

EXHIBIT A: OFFICIAL MAP OF THE AREA OF IMPACT

DRAFT

Appendix F – 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?