

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 December 10, 2025

Amendment Title	Area of Impact – City of Oldtown
File Number, Type:	AM0021-25; Modification to the Area of Impact for the City of Oldtown
Proposal:	<p>Bonner County has proposed to modify the Area of Impact (AOI) for the City of Oldtown 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.</p>
Applicants:	City of Oldtown
Notice Provided:	<p>Agency Notice: November 25, 2025 Published in Newspaper: November 25, 2025 Notice to Properties Owners: November 25, 2025</p> <p>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.</p>
Appendices	<p>Appendix A – Notice of Public Hearing & Record of Mailing Appendix B – Agency Comments Appendix C – Proposal from the City of Oldtown Appendix D – Draft Ordinance Appendix E – Idaho Code §67-6526 (Area of Impact)</p>

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 "No Comment":

Idaho Department of Fish and Game, Panhandle Health District.

No other agency comments were received.

Public Comments: As of the date of this staff report, no public comments have been received regarding the proposed amendment.

Historical Context and Legislative Changes:

The current Area of City Impact (ACI) was adopted on June 28, 1978, via Ordinances 131 and 132. 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.

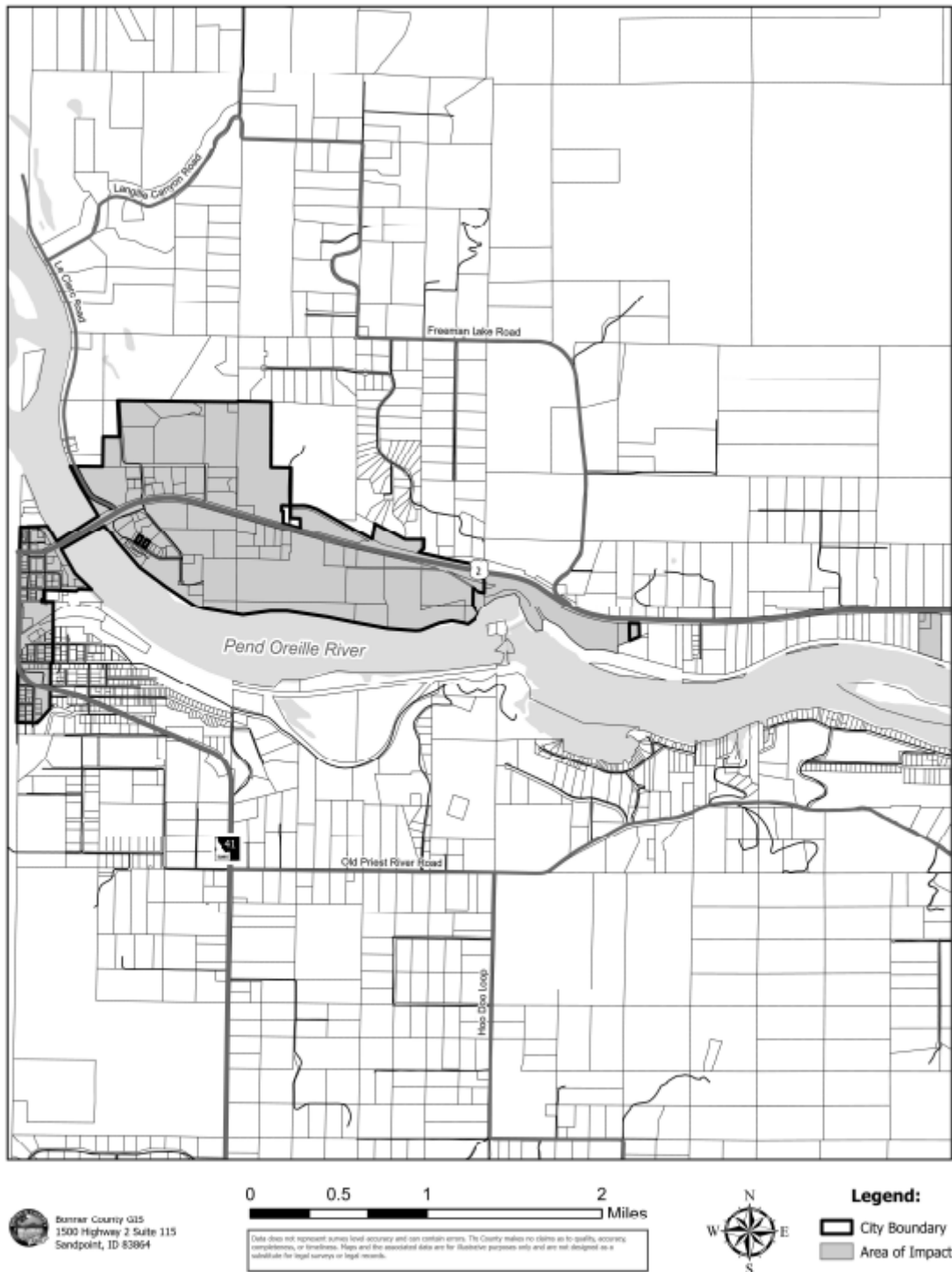
Summary of Changes – Senate Bill 1403 (2024)

- **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.

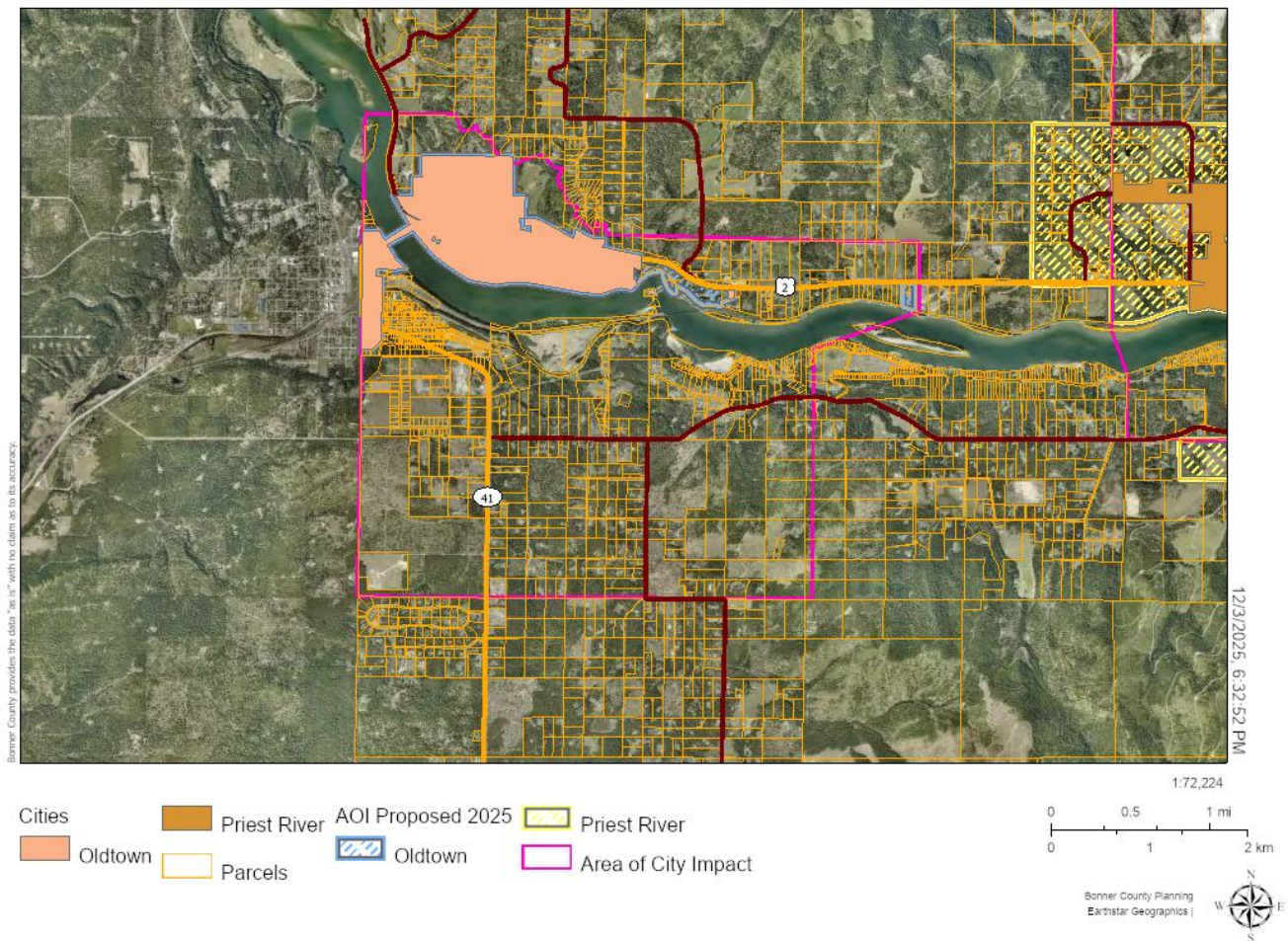
- Mandatory Periodic Review (Idaho Code §67-6526(a)): Requires areas of impact to be reviewed at least every five (5) years. All existing areas of impact must be reviewed for compliance with the updated statute by December 31, 2025.

Proposed Area of Impact:

Oldtown Area of Impact



Bonner County 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 Oldtown, 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 Oldtown'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 Oldtown Area of Impact Proposal for Compliance with Idaho Code § 67-6526

The City of Oldtown submitted a formal request for an updated Area of Impact (AOI) boundary on October 23, 2025, pursuant to Idaho Code §67-6526. The Area of City Impact was originally adopted on June 29, 1978, through Ordinances 131 and 132. Oldtown's current request is intended to update the boundaries consistent with the changes enacted through Senate Bill 1403 (2024). The proposal can be found in Appendix C of this staff report.

Under Idaho Code §67-6526(1), a city's AOI may not extend more than two (2) miles beyond its incorporated boundaries. In its submittal, the City of Oldtown 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 proposal also reflects a reduction of approximately 4,200 acres compared to the current ACI boundary.

The statute further requires that cities with abutting boundaries negotiate in good faith to recommend AOI boundaries. Oldtown's submittal documents indicate that there are no areas of contention with any other 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." The City of Oldtown included only 3 parcels that are outside of their city limits in their proposal, all of which belong to the US Government; the parcel that houses the Albeni Falls Dam. The City has provided no information as to why the US Government land would be reasonably annexed within the 5 years.

When reviewing the proposed map, and the GIS images, it appears that there are some areas that may not be contiguous to the city limits. Oldtown's city limits are not contiguous, as a result of a type of annexations that have since been disallowed. However, per the City, there are parcels that are not shown to be in the city limits on GIS that have been annexed into the city limits. Per the City of Oldtown and GIS, this discrepancy is with the Idaho State Tax Commission, who holds the GIS data for taxing districts, including cities. It appears that the area proposed is contiguous to city limits.

The photo on the following page shows the parcels with Oldtown-coded parcel numbers that are not shown in their city limits, marked with stars.



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: December 3, 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 AM0021-25 to adopt, Area of Impact for the City of Oldtown 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 Oldtown as presented or amended in this hearing, and providing for an effective date.

MOTION TO DENY: I move to deny this FILE AM0021-25 to adopt, Area of Impact for the City of Oldtown 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 October 23, 2025, the City of Oldtown submitted a formal request for an updated Area of Impact boundary, including a proposed map and supporting documentation. The proposal was submitted by the City Planner of Oldtown.
4. The proposed Area of Impact submitted by the City of Oldtown includes that are not contiguous to the main area of Oldtown city limits, and some areas that are a part of the city that are not shown to be.
5. The City of Oldtown does not have any areas of contention with neighboring cities.


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

RECORD OF MAILING

Page 1 of 1

File Number: File AM0021-25

Record of Mailing Approved By: 

Hearing Date: 12.10.25

I hereby certify that a true and correct copy of the "Notice of Public Hearing" was digitally transmitted or mailed (postage prepaid) on this **25th** day of **November 2025**.



Jeannie Welter, Systems Technician

Assessor - Email

Bay Drive Recreation District - Email

Bonner County Airport Manager - Email

Bonner County EMS - Email

Bonner County Road & Bridge - Email

Bottle Bay Water & Sewer District - Email

City of Dover - Email

City of Hope - Email

City of Oldtown - Email

City of Priest River - Email

City of Spirit Lake - Email

Coolin-Cavanaugh Bay Fire District - Email

East Bonner Library - Email

Ellisport Bay Sewer - Email

GEM STATE MINER - U.S. Mail

Idaho Department of Environmental Quality (DEQ) - Email

Idaho Department of Lands - CDA - U.S. Mail

Idaho Department of Lands - Navigable Waters & Mining - Email

Idaho Department of Water Resources - IDWR - Email

Idaho Transportation Department- District I - Email

Kalispel Bay Sewer & Water - U.S. Mail

KPBX-FM 91 SPOKANE PUBLIC RADIO - U.S. Mail

Laclede Water District - Email

Lake Pend Oreille School District, #84 (Transportation) - Email

Little Blacktail Ranch Water Association - U.S. Mail

Northern Lights, Inc. - Email

Northside Fire District - Email

Panhandle Health District - Email

Priest Lake Public Library District - Email

Sagle Valley Water & Sewer - Email

Schweitzer Fire District - Email

Selkirk Fire, Rescue & EMS - Email

Southside Water & Sewer District - Email

Spokesman-Review - U.S. Mail

Swan Shores Sewer District - U.S. Mail

Tamarack Village Water & Sewer - U.S. Mail

Trestle Creek Sewer District - Email

U.S. Fish & Wildlife Service - Email

West Bonner County Cemetery District - Email

West Bonner Library - Email

West Pend Oreille Fire District - Email

Avista Utilities - Email

Bayview Water & Sewer - Email

BONNER COUNTY DAILY BEE - U.S. Mail

Bonner County Floodplain Review - Email

Bonner County Sheriff - Email

City of Clark Fork - Email

City of East Hope - Email

City of Kootenai - Email

City of Ponderay - Email

City of Sandpoint - Email

Coolin Sewer District - Email

Drainage District #7 - Email

East Priest Lake Fire District - Email

Garfield Bay Water & Sewer District - Email

Granite Reeder Water & Sewer District - Email

Idaho Department of Fish & Game - Email

Idaho Department of Lands - Coolin - Email

Idaho Department of Lands - Sandpoint - Email

Idaho Transportation Department (Aeronautics) - U.S. Mail

Independent Highway District - Email

Kootenai-Ponderay Sewer District - Email

KSPT-KPND-KIBR RADIO - U.S. Mail

Lake Pend Oreille School District, #84 (Admin Office) - Email

Lakeland Joint School District, #272 - Email

North of the Narrows Fire District - Email

Northland/Vyve Cable Television - Email

Outlet Bay Sewer District - Email

Pend Oreille Hospital District - Email

Priest Lake Translator District - Email

Sam Owen Fire District - Email

SELKIRK ASSOCIATION OF REALTORS - U.S. Mail

Selkirk Recreation District - Email

Spirit Lake Fire District - Email

State Historical Society - Email

Syringa Heights Water Association - Email

Timber Lake Fire District - Email

U.S. Army Corps of Engineers - Email

U.S. Forest Service - U.S. Mail

West Bonner County School District, #83 - Email

West Bonner Water & Sewer District - Email

West Priest Lake Fire District - Email

Appendix B – Agency Comments



Jeannie Welter <jeannie.welter@bonnercountyid.gov>

[EXT SENDER] RE: Bonner County Planning - File AM0021-25 Agency Review - Oldtown AOI

1 message

Horsmon, Merritt <merritt.horsmon@idfg.idaho.gov>
To: Bonner County Planning Department <planning@bonnercountyid.gov>

Tue, Dec 2, 2025 at 1:56 PM

Hi Jeannie,

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, November 25, 2025 10:33 AM**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



Janna Brown <janna.brown@bonnercountyid.gov>

[EXT SENDER] RE: Bonner County Planning - File AM0021-25 Agency Review - Oldtown AOI

1 message

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

Tue, Nov 25, 2025 at 11:01 AM

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

REF: AM0021-25

TO: Bonner County Planning Department

Good afternoon,

Idaho Department of Water Resources (IDWR) – Northern Regional Office offers the following comments pertaining to AM0021-25:

- 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 Oldtown as detailed in AM0021-25.

Thank you for the opportunity to comment,

Luke Bates – Sr Water Resource Agent

Idaho Department of Water Resources

Northern Regional Office

7600 N Mineral Dr Suite 100 Coeur D Alene ID 83815-7763

From: Bonner County Planning Department <planning@bonnercountyid.gov>**Sent:** Tuesday, November 25, 2025 10:33 AM**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>; Bonner County Solid Waste <solidwaste@bonnercountyid.gov>;



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 **25th** day of **November, 2025**.

Dylan Young, Hearing Coordinator

This notice was mailed to political subdivisions and the media on **Tuesday, November 25, 2025**.

NOTICE IS HEREBY GIVEN that the Bonner County Commissioners will hold a public hearing beginning at **10:00 a.m.** on **Wednesday, December 10, 2025**, in the Bonner County Administration Building, 1500 Highway 2, Sandpoint, Idaho, by Zoom teleconference, and YouTube Livestream to consider the following requests:

File AM0021-25 – Modification to the Area of Impact for the City of Oldtown: Bonner County has proposed to modify the Area of City Impact (AOI) for the City of Oldtown 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.

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

11/25/25

Appendix C – Proposal from the City of Oldtown



Alexander Feyen <alexander.feyen@bonnercountyid.gov>

[EXT SENDER] Oldtown AOI

Bryan Quayle <quaylelanduseconsulting@gmail.com>
To: Alex Feyen <alexander.feyen@bonnercountyid.gov>
Cc: Alicia Ehrmantrout <cityofoldtown@hotmail.com>

Thu, Oct 23, 2025 at 10:56 AM

Alex,

Per yesterday's conversation, this email will serve as notice to Bonner County that the City Council of Oldtown does not choose to pursue an Area of Impact at this time. The city limits will serve as the AOI boundary.

Since there is no AOI, is a map still needed or can the ordinance just reference city limits and no external AOI boundary? Please let me know if you need additional information or materials.

Thanks for your assistance,

Bryan Quayle
P & Z Administrator

Virus-free.www.avg.com



Alexander Feyen <alexander.feyen@bonnercountyid.gov>

Fwd: [EXT SENDER] Re: Following up - Ordinance No. 6 (Oldtown)

1 message

Chad Chambers <chadr.chambers@bonnercountyid.gov>
To: Alexander Feyen <alexander.feyen@bonnercountyid.gov>

Fri, Nov 21, 2025 at 12:07 PM

Hi Alex,

Here are the other emails related to city ordinances Bryan provided our office to map (to check against our cadastral parcel data). The areas highlighted in green (as shown in the prior email) are the mapped legal descriptions corresponding from those ordinances.

Best,

Chad

Chad Chambers
GIS Tech. II | GIS Department
Bonner County Assessor's Office

(208) 265-1469

----- Forwarded message -----

From: **Chad Chambers** <chadr.chambers@bonnercountyid.gov>
Date: Thu, May 4, 2023 at 10:58 AM
Subject: Fwd: [EXT SENDER] Re: Following up - Ordinance No. 6 (Oldtown)
To: Michael Bolling <michael.bolling@bonnercountyid.gov>

Mike,

Not sure as to where you want me to take this project next, but there are still missing pieces as to when those parcels were annexed into the City of Oldtown. Let me know if you'd like me to keep digging for answers. This project may take some time since it's a bit of a mystery (still) as to how those shoe string properties were annexed into Oldtown.

Best,

Chad

Chad Chambers
GIS Tech | Bonner County GIS

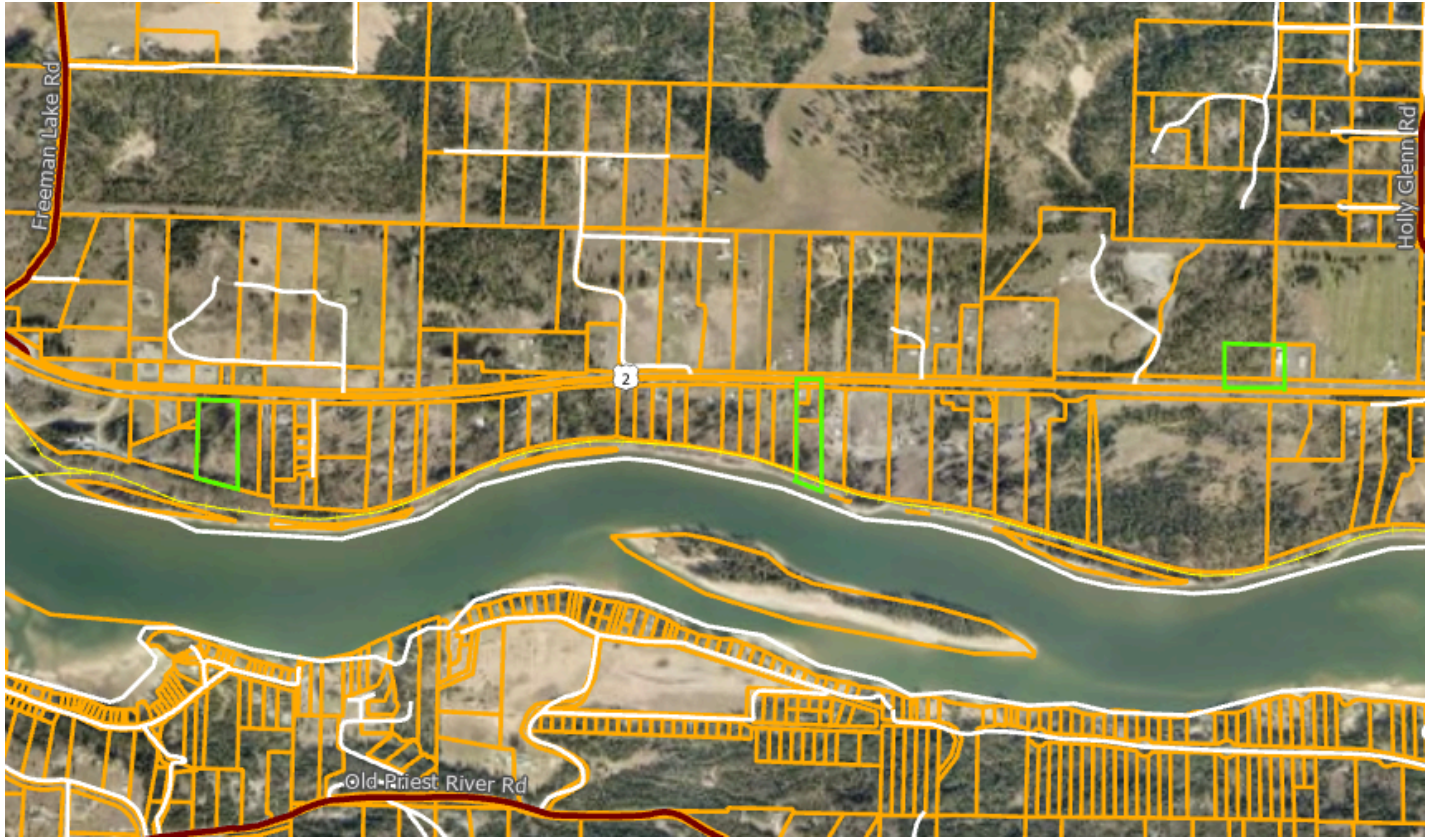
(208) 265-1469

----- Forwarded message -----

From: **Chad Chambers** <chadr.chambers@bonnercountyid.gov>
Date: Thu, May 4, 2023 at 10:56 AM
Subject: Re: [EXT SENDER] Re: Following up - Ordinance No. 6 (Oldtown)
To: Bryan Quayle <quaylelanduseconsulting@gmail.com>

Good Morning Bryan,

I have mapped out the legal description you provided to me. This is what I got:



From what I can tell, part of Parcel RPN0003000012CA, RPN0003000012AA and RPN0003000012BA are described in the second legal description of the Ordinance you provided. That said, the first legal description maps out part of parcel RP56N05W290750A and the third legal description maps part of parcel RP56N05W226600A, both of which are identified in our parcel dataset as unincorporated Bonner County. Since this is the case, I am going to assume that these properties may have been subsequently de-annexed at a later date (post May 1947)?

Nevertheless, I hope this helps. Right now, it only provides insight into some of the properties.

Best,

Chad

Chad Chambers
GIS Tech | Bonner County GIS

(208) 265-1469

On Tue, Apr 25, 2023 at 10:17 AM Bryan Quayle <quaylelanduseconsulting@gmail.com> wrote:
Thanks Chad!



Virus-free. www.avg.com

On Tue, Apr 25, 2023 at 9:50 AM Chad Chambers <chadr.chambers@bonnercountyid.gov> wrote:
Hi Bryan,

I heard you stopped by the other day. Sorry, I was out sick yesterday. I have not yet mapped the legal description that you gave me. I will try to do that sometime this week or early next week. I'll be in touch soon.

Thank you,

Chad

Chad Chambers
GIS Tech | Bonner County GIS

(208) 265-1469



Alexander Feyen <alexander.feyen@bonnercountyid.gov>

Fwd: Legal Descriptions - City of Oldtown

Chad Chambers <chadr.chambers@bonnercountyid.gov>
To: Alexander Feyen <alexander.feyen@bonnercountyid.gov>

Fri, Nov 21, 2025 at 12:06 PM

Alex,

Here is some correspondence between me and Bryan regarding properties in Oldtown and mapping legal descriptions. I cite city ordinances in this email (for reference).

Best,

Chad

Chad Chambers
GIS Tech. II | GIS Department
Bonner County Assessor's Office

(208) 265-1469

----- Forwarded message -----

From: **Chad Chambers** <chadr.chambers@bonnercountyid.gov>
Date: Wed, May 29, 2024 at 1:17 PM
Subject: Re: Legal Descriptions - City of Oldtown
To: Bryan Quayle <quaylelanduseconsulting@gmail.com>
Cc: Michael Bolling <michael.bolling@bonnercountyid.gov>

On Wed, May 29, 2024 at 1:17 PM Chad Chambers <chadr.chambers@bonnercountyid.gov> wrote:

Good Afternoon Bryan,

I am reviewing the legal descriptions for the City of Oldtown, Ord. No. 17 appears to annex part of parcel # RP56N05W290080A, but Ord. No. 97-1 de-annexes that property entirely.

Ordinance No. 6 was previously mapped by me (it is the same ordinance, legal descriptions, etc.); in other words, it's just a duplicate of what I previously sent you, except the latest version you sent me has date(s) with the 'clerk attest', etc.

As to Ordinance No. VIII (Dam), this is what I got:



This ordinance annexes Govt. Lot 7, which is already recognized by the Idaho State Tax Commission, from what I've gathered.

If there are additional legal descriptions you'd like me to map, I'll need to ask my director, Michael Bolling (cc'd in this email) for permission to do so.

Hope this helps, Bryan.

Best,

Chad

Chad Chambers
GIS Tech | Bonner County GIS

(208) 265-1469



Alexander Feyen <alexander.feyen@bonnercountyid.gov>

Re: Oldtown - Annex/De-Annex Ordinances (Scanned)

Chad Chambers <chadr.chambers@bonnercountyid.gov>
To: Alexander Feyen <alexander.feyen@bonnercountyid.gov>

Fri, Nov 21, 2025 at 12:30 PM

Hi Alex,

Here are all of the ordinances Bryan Quayle provided to our office for annexations and de-annexations in the City of Oldtown.

There is mention of the Albeni Dam (I believe) which may be why he wanted to include part of the parcel(s) into the city AOI, but I don't want to speak for him.

Please let me know if you have any questions about the mapped legal descriptions and other emails I forwarded to you.

Best,

Chad

Chad Chambers
GIS Tech. II | GIS Department
Bonner County Assessor's Office

(208) 265-1469

 **Oldtown - Annex & DeAnnex Ordinances.pdf**
603K



Alexander Feyen <alexander.feyen@bonnercountyid.gov>

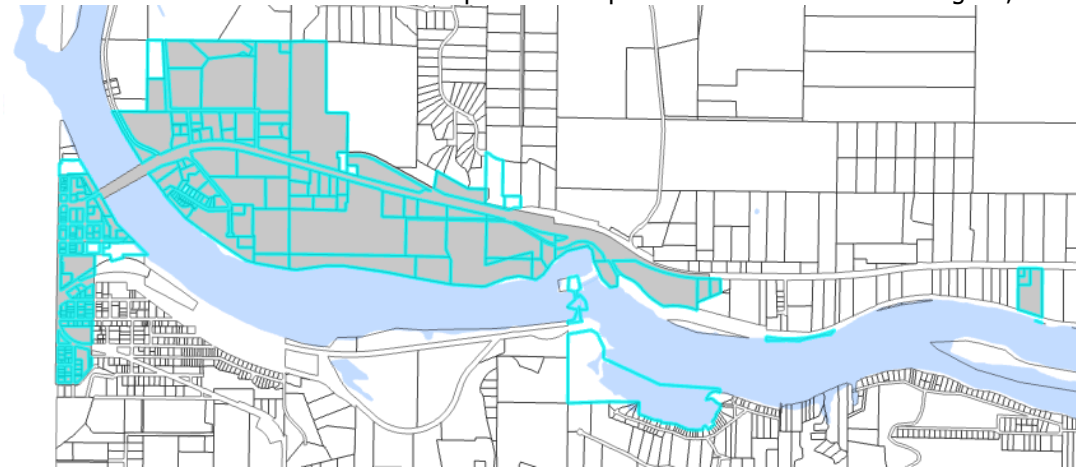
Re: Oldtown AOI - Mailing

Chad Chambers <chadr.chambers@bonnercountyid.gov>
To: Alexander Feyen <alexander.feyen@bonnercountyid.gov>

Wed, Nov 5, 2025 at 10:39 AM

Hi Alex,

Please see attached. Here is a screen capture of the parcels selected for the mailing list, too:



Please note that I did sort the excel sheet for you and highlighted tax parcels that are designated as unincorporated (Bonner County) or RPN (Oldtown), but are not currently located in city limits. There are some addresses missing, etc. (none of the missing addresses, etc. have been highlighted in this spreadsheet) so the planning department will need to work in conjunction with Oldtown to correct this. The GIS department cannot guarantee this list is accurate.

Thank you,

Chad

Chad Chambers
GIS Tech. II | GIS Department
Bonner County Assessor's Office

(208) 265-1469

**Oldtown_AOI_Mailing.xlsx**

32K

Widdowson
Cain
Henke

Annex —
Jack Persyn and Fred Pulford were absent.

Meeting was presided over by C. E. Widdowson, chairman.

There were no reports of officers and no committee reports.

Written resignations of Jack Persyn and Fred Pulford were submitted and accepted. Jack Hayden and Wm. Jackson were nominated by Mr. Widdowson to fill the vacancies of the two resigning trustees. There were objections to those nominations by Fred Cain and Henry Henke and the question of the appointment of new councilmen tabled until the next meeting.

Ordinance No. 6 was presented to the council and read by the clerk in its entirety. It was moved and duly seconded that the ordinance be passed on its first reading. A roll call vote was taken with all members voting "aye". It was then moved that all rules interfering with the passage of ordinance No. 6 be suspended. A roll call vote was thereupon taken with all members of the council voting "aye". The chairman thereupon declared the rules suspended. It was moved and duly seconded that ordinance No. 6 be passed under suspension of the rules. A roll call vote was taken and found all members voting "aye". The Chairman thereupon declared the ordinance passed.

ORDINANCE NO. 6 *MANGY MOOSE*

AN ORDINANCE TO ADD TO THE CORPORATE LIMITS OF THE VILLAGE OF OLDTOWN, IDAHO CERTAIN TERRITORY ADJACENT THERETO.

BE IT ORDAINED, by the Chairman and Board of Trustees of the Village of Oldtown, Idaho.

Section 1. That under and by virtues of the laws of the State of Idaho, the following described territory adjacent to the corporate limits of the Village of Oldtown, County of Bonner, State of Idaho, is hereby annexed, added to, and included within the corporate limits of said Village, to-wit:

Beginning at a point on the West line of Lot Six (6) Section Twenty-nine (29) Township Fifty-six (56) North Range Five (5) WBM and 26 feet North of Meander Line to Pend Oreille River and on North R/W Line of Great Northern Railroad; Thence South Easterly along North right of way of Great Northern Railroad for 328.3'; Thence North 728.4 feet South R/W Line of State Highway No. 195; Thence Westerly along South R/W line of said Highway 312 feet to West Line of Lot Six (6) Section Twenty-nine (29) Township Fifty-six (56) North Range Five (5) WBM; Thence South along West line of Lot Six (6) 637 feet to place of beginning.

Beginning at Southwest Corner of Lot 12 of Albany Falls Orchard Tracts and on the Meander Line of Pend Oreille River; Thence Easterly along the Meander line for 241.8 feet; Thence

North 1011.5 feet; Thence Westerly 225 feet to Northwest Corner of Lot Twelve (12); Thence South 922.9 feet to place of beginning.

Beginning at a point on East line of Southwest Quarter of Southeast Quarter (SW1/4SE1/4) of Section 22 Township Fifty-six (56) North Range Five (5) NBM 1367 feet North of the Meander Line of Pend Oreille River and on North right of way Line of State Highway No. 195. Thence North 400.0 feet; Thence North 88o28' West -544.5 feet; Thence South 400.0 feet to North right of way line of Highway No. 195; Thence Easterly along North Right of Way line 544.5 feet to place of beginning.

Section 2. This Ordinance shall be in full force and effect from and after its publication, as provided by law, in the Priest River Times, a weekly newspaper of general circulation in the Village of Oldtown, which is hereby designated as the official newspaper of the Village for the publications of this Ordinance.

Passed under suspension of the statutes and rules and duly enacted as an Ordinance of the Village of Oldtown at a regular meeting of the Board of Trustees of the Village of Oldtown, held on the 12th day of May, 1947.

C.E. WIDDOWSON (Sgd)
Chairman

ATTEST:

FRANCES KUKST (Sgd)
Clerk

The motion was made and duly seconded that current bills be paid. The amount of ten hundred and twenty-eight dollars and one cent (\$1028.01), to attorneys Glen E. Bandelin and Everett E. Hunt for legal representation

ORDINANCE NO. 6

*draw
legal*

AN ORDINANCE TO ADD TO THE CORPORATE LIMITS OF THE VILLAGE CERTAIN TERRITORY ADJACENT THERETO.

BE IT ORDAINED, by the Chairman and Board of Trustees c
Oldtown, Idaho.

Section 1. That under and by virtue of the laws of the State of Idaho, the following described territory adjacent to the corporate limits of the Village of Oldtown, County of Bonner, State of Idaho, is hereby annexed, added to, included within the corporate limits of said Village, to-wit:

Beginning at a point on the West line of Lot Six (6) Section Twenty-nine (29) Township Fifty-six (56) North Range Five (5) WBM and 26 feet North of Meander Line to Pend Oreille River and on North R/W Line of Great Northern Railroad; Thence South Easterly along North right of way of Great Northern Railroad for 328.3 feet; Thence North 728.4 feet to South right of way line of State Highway No. 195, Thence Westerly along South right of way line of said Highway 312 feet to West Line of Lot Six (6) Section Twenty-nine (29) Township Fifty-six (56) North Range Five (5) WBM; Thence South along West line of Lot Six (6) 637 feet to the place of beginning.

Beginning at Southwest Corner of Lot 12 of Albany Falls Orchard Tracts and on the Meander Line of Pend Oreille River; Thence Easterly along the Meander Line for 241.8 feet; Thence North 1011.5 feet; Thence Westerly 225 feet to Northwest corner of Lot Twelve (12); Thence South 922.9 feet to place of beginning.

Beginning at a point on East line of Southwest Quarter of Southeast Quarter (SW1/4SE1/4) of Section 22 Township Fifty-six (56) North Range Five (5) WBM. 1367 feet North of the Meander line of Pend Oreille River and on North right of way line of State Highway No 195. Thence North 400.0 feet; Thence North 88 degrees 28 minutes West 544.5 feet; Thence South 400.0 feet to North right of way line of Highway No 195; Thence Easterly along North Right of Way line 544.5 feet to place of beginning.

Section 2. This ordinance shall be in full force and effect from and after its publication, as provided by law, in the Priest River Times, a weekly newspaper of general circulation in the Village of Oldtown, which is hereby designated as the official newspaper of the Village for the publication of this ordinance.

Passed under suspension of the statutes and rules and duly enacted as an Ordinance of the Village of Oldtown at a regular meeting of the Board of Trustees of the Village of Oldtown, held on the 12th day of May, 1947.

Village of Oldtown

by C. E. Widdowson
Chairman of the Board of Trustees

ATTEST:

Francis Kukst

Annexation

tion of Petitions, Remonstrances and Communications: None

Ordinances: At this time the current bills were presented and upon motion duly made, seconded and carried were allowed.

then discussed a new ordinance which was presented to the council. It was moved and duly seconded that the council vote on this ordinance. The motion was unanimously carried. The motion was made that all rules be suspended to permit three readings of the proposed ordinance all on this one night. The Ordinance No. 17 was then read in its entirety by the clerk. A vote was taken with four members voting "aye" and one member voting "No". The clerk then read the proposed ordinance again. A vote was taken with four members voting "Aye" and one member voting "No". The clerk then read the proposed ordinance for the third time. A Vote was taken with three members voting "Aye" and two members voting "No". As the ~~voting was~~ ^{was} ~~unanimous~~ majority of the votes were "Ayes", the Chairman thereupon declared the ordinance passed.

ORDINANCE NO. 17 TROTTER

AN ORDINANCE TO ADD TO THE CORPORATED LIMITS OF THE VILLAGE OF OLDTOWN, IDAHO CERTAIN TERRITORY ADJACENT THERETO.

BE IT ORDAINED, by the Chairman and Board of Trustees of the Village of Oldtown, Idaho

Section 1. That under and by virtue of the laws of the State of Idaho, the following described territory adjacent to the corporate limits of the Village of Oldtown, County of Bonner, State of Idaho, is hereby annexed, added to, and included within the corporate limits of said Village, to-wit:

Beginning at a point on the East line of Lot Six (6) Section Twenty-Nine (29) Township Fifty-six (56) North Range Five (5) WBM and 26 feet North of Meander Line to Pend Oreille River and on North R/W line of Great Northern Railroad; Thence westerly along North R/W line of ~~State Highway 195~~ ^{State Highway 195}; Thence Great Northern Railroad for 112 feet, Thence North approximately 728.4 feet south R/W Line of State Highway 195, Thence Easterly along South R/W Line of said Highway 112 feet to East Line of Lot 6 Section 29, Township 56 North, Range 5 WBM, Thence South along East Line of Lot 6 approximately 728.4 feet to place of beginning.

Section 2. This Ordinance shall be in full force and effect from and after its publication, as provided by law, in the Priest River Times, a weekly newspaper of general circulation in the Village of Oldtown, which is hereby designated as the official newspaper of the Village for the publication of this ordinance.

Passed under suspension of the Statutes and rules and duly enacted as an Ordinance of the Village of Oldtown at a regular meeting of the Board of Trustees of the Village of Oldtown, held on the 11th day of April, 1949.

C. E. WIDDOWSON
Chairman

ATTEST:

Ryllis G. Wilson
Village Clerk

less, from the Point of Beginning; thence North 54 degrees 28'15" East 482 feet, more or less; thence North 25 degrees 28'01" West 149.77 feet to the Point of Beginning. (See Record of Survey Instrument No. 454885 and 287960).

TRACT 3: Beginning at the Northwesterly corner of "Albeni Falls Mill Addition", an existing pipe; thence North 31 degrees 50'34" East 78.82 feet to the Southerly line of existing powerline easement; thence North 0 degrees 26'28" East 100.01 feet to its intersection with the Northerly line of said existing powerline easement; thence South 88 degrees 55'07" East along the Northerly line of said powerline easement, 156.63 feet, thence North 48 degrees 59'29" east 120.00 to its intersection with the Westerly line of "Diamond Lumber Road" at a point which bears S 41 degrees 00'31" East 67.19 feet from an existing rebar (by RLS No. 882); thence South 41 degrees 00'31" East along said Westerly line of "Diamond Lumber Road", 226.58 feet; thence South 48 degrees 59'29" West 307.33 feet to its intersection with the Northerly line of "Albeni Falls Mill Addition"; thence North 57 degrees 59'17" West along said Northerly line of "Albeni Falls Mill Addition", 244.15 feet to the Point of Beginning. (See Record of Survey Instrument No. 454885 and 287960).

TRACT 4: Beginning at a point of the Northerly line of "Albeni Falls Mill Addition", said point being South 57 degrees 59'17" East 244.15 feet from the Northwesterly corner, an existing pipe, of said "Albeni Falls Mill Addition"; thence North 48 degrees 59'29" East 307.33 feet to its intersection with the Southerly line of "Diamond Lumber Road"; thence South 41 degrees 00'31" East along said Southerly line of "Diamond Lumber Road", 378.57 feet to an existing rebar at the Northeasterly corner of a tract of land known as Tax No. 31, said rebar (RLS No. 882) bears South 38 degrees 19'28" West 2003.33 feet from the East Quarter corner of said Section 24; thence West along the Northerly line of said Tax No. 31, 157.62 feet to a rebar at the Northwesterly corner of said Tax No. 31; thence South 0 degrees 11' West 38.36 feet to a rebar at the Northeasterly corner of Lot 1 of "Albeni Falls Mill Addition"; thence north 89 degrees 07' West, along the North line of said Lot 1, 80.57 feet; thence South 28 degrees 41' West 25.63 feet to an existing pipe at the corner between Lots 1 and 2; thence North 57 degrees 59'17" West along the Northerly line of "Albeni Falls Mill Addition", 270.91 feet to the Point of Beginning. (See Record of Survey, Instrument No. 454885 and 287960).

Passed by the City Council of the City of Oldtown the 11th day of March, 1996.

ORDINANCE NO. 97-1

A *De-*
S *Annexation*
B
C

ING CERTAIN REAL PROPERTY WHICH IS DESCRIBED AS BEING
9, TOWNSHIP 56 NORTH, RANGE 5 WEST OF THE BOISE MERIDIAN,
FROM THE CITY OF OLDTOWN, BONNER COUNTY, IDAHO.

City Council and the Mayor of the City of Oldtown have
in the best interest of said City to disannex from the
said City of Oldtown certain real property which is described as follows:

The North 170.5 feet, more or less, which shall be that part of the said real estate lying North of a line which is 25 feet South of the business building and parallel with the South side of Highway No. 195, more commonly referred to as U.S. 2, of the East 125 feet of Tax 16, in Section 29, Township 56 North, Range 5, W.B.M., in Bonner County, Idaho, said Tax 16 being more particularly described as follows:

All that portion of Government Lot 6 in Section 29, Township 56 North, Range 5 West, Boise Meridian, Bonner County, Idaho, more particularly described as follows: Beginning 279 feet due South of the Northeast corner of said Government Lot 6; thence West 696 feet along the South side of Highway 195; thence South to the Great Northern Railroad right of way; thence in a Southeasterly direction along said right of way to a point due South of the place of beginning; thence due North to the place of beginning.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF OLDTOWN, BONNER COUNTY, IDAHO:

Section 1. That the aforementioned real property is disannexed from the City of Oldtown.

Section 2. That the City Clerk shall cause one (1) copy of the legal description and map which shall plainly and clearly designate the boundaries as altered (the property less the disannexed portion), to be filed with the Bonner County Recorder, Bonner County Assessor, Bonner County Treasurer and the State Tax Commission within ten (10) days following the effective date of this ordinance.

Section 3. From and after the effective date of this ordinance, the real property disannexed herein shall not be subject to the statutes pertaining to the City of Oldtown, and its ordinances, resolutions, police regulations, taxation and other powers of the City of Oldtown. All persons and property within the territory so disannexed shall no longer be entitled to all benefits and rights as are the persons and property presently within the corporate territorial limits of the City of Oldtown.

Section 4. This Ordinance shall be in full force and effect from and after its passage, approval and publication as required by law.

PASSED by the City Council and approved by the Mayor of the City of Oldtown, Bonner County, Idaho, this 14th day of April, 1997.

ORDINANCE NO. 2001-2

DISREGARD —
XING TO AND DECLARING TO BE A PART OF THE CITY OF OLDTOWN, ALLY DESCRIBED TRACT OF LAND IN THE NORTHEAST QUARTER OF THE AND GOVERNMENT LOT 5, SECTION 24 TOWNSHIP 56 NORTH, RANGE 6 MERIDIAN, BONNER COUNTY, IDAHO; REPEALING ALL ORDINANCES AND ES IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE

Mr. W. O. Bocher reported that the fire department of Newport, Washington will come from Newport, in the event of fire, at the cost of two dollars per hour for each man required. He also reported that lights can be installed at the cost of eighteen dollars (\$18.00) per year per light. A motion was made that the Mountain States Power Company be authorized to install fifteen street lights at the price quoted. A motion was made that the Village Clerk be instructed to notify the Mountain States Power Company to install these lights. The motion was made, seconded and unanimously carried as so ordered.

Ordinance no. 8 was presented to the council and read by the clerk in its entirety. It was moved and duly seconded that the ordinance be passed on its first reading. A roll call vote was taken with all members voting "aye". It was then moved that all rules interfering with the passage of ordinance no. 8 be suspended. A roll call vote was thereupon taken with all members of the council voting "aye". The chairman thereupon declared the rules suspended. It was moved and duly seconded that ordinance no. 8 be passed under suspension of the rules. A roll call vote was taken and found all members voting "aye". The Chairman thereupon declared the ordinance passed.

ORDINANCE NO. VIII

DAM

Annex -
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BE
OF
WITHIN AND ADD TO THE CORPORATE LIMITS OF THE
NO, CERTAIN TERRITORY CONTIGUOUS AND ADJOINING
TORY IS MORE PARTICULARLY DESCRIBED IN THIS
AIRMAN AND BOARD OF TRUSTEES OF THE VILLAGE

Section 1. That under and by virtue of the laws of the State of Idaho, the following described territory contiguous or adjacent to the corporate limits of the Village of Oldtown, in the County of Bonner, State of Idaho, is hereby annexed added to, and included within the corporate limits of said Village, to-wit:

Beginning at a point on the west line of Lot Seven (7) in Section Twenty-nine (29) Township Fifty-six (56) North, Range Five (5) WBM where west line intersects meander line of the Pend Oreille River; Thence in a south-easterly direction along the said meander line to the East line of said Lot Seven (7); Thence North on said line of Lot Seven (7) to the Quarter corner of the North line of Section Twenty-nine (29); Thence West approximately 1500 feet to the West line of Lot Seven (7); Thence South on the West line of Lot Seven (7) to the meander line of the Pend Oreille River the place of the beginning.

Section 2. This Ordinance shall be in full force and effect from and after its publication, as provided by law, in the Priest River Times, a weekly newspaper of general circulation in the Village of Oldtown, which is hereby designated as the official newspaper of the Village for the publication of this Ordinance.

Passed under suspension of the statutes and rules and duly enacted as an Ordinance of the Village of Oldtown at a regular meeting of the Board of Trustees of the Village of Oldtown, held on the 9th day of June, 1947.

C. E. WIDDOWSON (Sgd)
Chairman

ATTEST:

FRANCES KUKST (Sgd)
Village Clerk

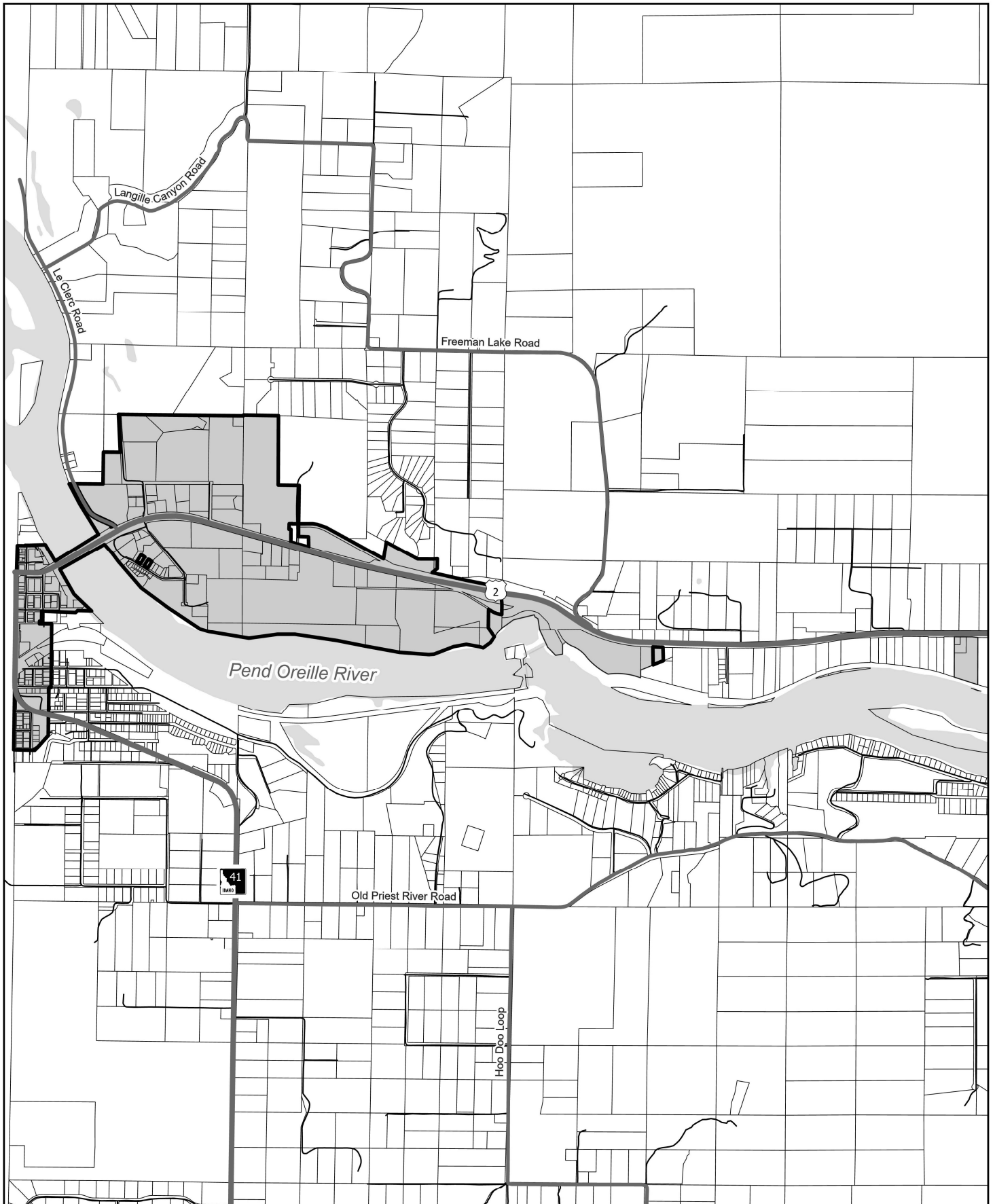
The motion was in order that the expenses for the Village be approved. \$12,400.00, to cover all expenses such as lights, salaries, incorporation costs and etc.

ESTIMATE OF EXPENSES
VILLAGE OF OLDTOWN

Estimate of the probable amount of money necessary to be raised for all purposes in the Village of Oldtown, Bonner County, Idaho, during the fiscal year beginning the first Tuesday in May, 1947, and ending the first Tuesday in May, 1948, is hereby made this 9th day of June, 1947, by the Board of Trustees of the Village of Oldtown, and ordered to be entered at length upon the minutes kept by the Trustees of the said Village of Oldtown, and to be published two (2) weeks in the Priest River Times, being a newspaper of general circulation in the Village of Oldtown. The purpose for which said money is required are as follows, to-wit:

Incorporation Costs.....	\$ 1,200.00
Attorney & Legal.....	500.00
City Roads.....	3,000.00
City Lights.....	1,000.00
Welfare Work.....	1,000.00

Oldtown Area of Impact



Bonner County GIS
1500 Highway 2 Suite 115
Sandpoint, ID 83864

0 0.5 1 2 Miles

Data does not represent survey level accuracy and can contain errors. The County makes no claims as to quality, accuracy, completeness, or timeliness. Maps and the associated data are for illustrative purposes only and are not designed as a substitute for legal surveys or legal records.



Legend:

- City Boundary
- Area of Impact

Appendix D – Draft Ordinance

Ordinance No. _____

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

AN ORDINANCE OF BONNER COUNTY, IDAHO, ESTABLISHING AN AREA OF IMPACT FOR THE CITY OF OLDTOWN; 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 Oldtown as required by Idaho Code § 67-6526. This ordinance ensures coordination between Bonner County and the City of Oldtown 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 Oldtown 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 Oldtown, 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 Oldtown.
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 Oldtown. The City of Oldtown 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 Oldtown 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 Oldtown 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 #131 recorded at Instrument #201832 and Ordinance #132 recorded at #201833, 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 an ordinance of the Board of County Commissioners of Bonner County, Idaho, done this 10th day of December, 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 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?