



## BOUNDARY COUNTY PLANNING AND ZONING

Street address: 6452 Kootenai St Bonners Ferry, ID 83805 Mailing address: PO Box 419, Bonners Ferry, ID 83805  
Phone (208) 267-7212 [www.boundarycountyid.org](http://www.boundarycountyid.org) (web page)

### STAFF REPORT BOUNDARY COUNTY BOARD OF COUNTY COMMISSIONERS FILE #25-0044, REGARDING CITY OF MOYIE SPRINGS AREA OF IMPACT

<b>Prepared By:</b>	Clare Marley, Senior Planner, AICP Ruen-Yeager & Associates, Inc	
<b>Project Description:</b>	At the request of the City of Moyie Springs, the Boundary County Commissioners will consider an ordinance confirming that no Area of Impact (AOI) will be created for the City of Moyie Springs and repealing all county ordinances that established the Moyie Springs Area of City Impact (ACI). The City formally advised the County that it is not seeking an Area of Impact, as required by Idaho Code §67-6526. The new state code required counties to adopt Areas of Impact by December 31, 2025. The purpose of the ordinance is to affirm that an AOI will not be created for Moyie Springs because it cannot meet the criteria of state law and to repeal the ordinances that created the now-defunct ACI for the City.	
<b>Applicants:</b>	Boundary County and the City of Moyie Springs.	
<b>Date Application Initiated:</b>	Original Submittal: July 09, 2025 Revised: November 05, 2025	
<b>Hearing Date:</b>	Board of County Commissioners	02/10/2026
<b>Legal Notice Provided:</b>	Newspaper: Site Posting: Mailed to media & taxing districts:	01/22/2026 N/A 01/20/2026
<b>Staff Report Attachments</b>	Legal notice, draft ordinance, draft ordinance summary, City of Moyie Springs letter	

## **Project Summary**

The purpose of the February 10<sup>th</sup> public hearing regarding the City of Moyie Springs is to acknowledge through ordinance that there will be no Area of Impact established for Moyie Springs and to repeal the County's existing Area of City Impact ordinances.

Boundary County Board of Commissioners conducted a public hearing September 9, 2025, to consider the establishment of an Area of Impact (AOI) for the City of Moyie Springs. All Idaho counties were required by new state law §67-6526 to establish Areas of Impact to replace all Areas of City Impact (ACIs) by December 31, 2025. The Moyie ACI has been in place since at least October of 1994. (The last recorded County ordinance is No. 95-01.)

Initially, Moyie Springs requested the County create a new AOI that basically retained the same boundaries as the then-existing Area of City Impact. The County mailed notice of the hearing to 182 landowners within the proposed AOI. At the public hearing, the Board of Commissioners read and heard numerous landowner objections to being included within the AOI. Following the hearing, the Board of Commissioners denied the city request as presented and issued a written decision remanding the AOI proposal to Moyie Springs. The Board found that the proposal was not in accord with the authority granted to the County by the State of Idaho under the standards of Idaho Code §67-6526 because of the lack of a 5-year growth plan for sewer and water services and an unrealistic expectation of annexation.

Moyie Springs Mayor Geoff Hollenbeck then advised the Boundary County Board of Commissioners in a letter dated November 5, 2025, that the City of Moyie Springs intends to repeal its Area of (City) Impact and advised that the proposed Area of Impact "no longer serves the best interests of our residents or aligns with our long-term planning objectives." The City is not seeking any Area of Impact.

## **Authority**

The authority for counties to adopt Areas of Impact for cities within their boundaries is provided at Idaho Code §67-6526.

The authority for counties to adopt ordinances is provided at Idaho Code §31-714.

## **AGENCY/PUBLIC COMMENTS**

Notice of the proposed ordinance was published in the official newspaper of record a minimum of 15 days prior to the public hearing (on January 22, 2026) and was mailed to public agencies, taxing districts, and the media on January 20, 2026. Planning staff advised Moyie Springs of the hearing date via email and regular mail.

No public comment or public agency comment was received for the proposed ordinance as of the date of this report.

## **REVIEW BY COUNTY CIVIL COUNSEL:**

Planning staff provided county civil counsel with a draft AOI ordinance and ordinance summary. No further revisions or additions were requested. The county attorney approved the draft ordinance and draft ordinance summary on January 26, 2026.

State law eliminated all existing Areas of City Impact on December 31, 2025. The draft ordinance includes the repeal of the existing Boundary County ordinances establishing the ACI agreement and mapping for Moyie

Springs. The repeal is included to avoid any future conflicts or confusion over previously adopted ACIs and their applicability now that these area are defunct by state law.

Each land use decision requires a reasoned statement from the governing body. Below is a draft analysis and reasoned statements that could be adopted for this ordinance if the Board of Commissioners agrees with the statements.

#### **STANDARDS OF REVIEW FOR REASONED STATEMENT**

*Idaho Code §67-6535 (2): The approval or denial of any application required or authorized pursuant to this chapter shall be in writing and accompanied by a reasoned statement that explains the criteria and standards considered relevant, states the relevant contested facts relied upon, and explains the rationale for the decision based on the applicable provisions of the comprehensive plan, relevant ordinance and statutory provisions, pertinent constitutional principles and factual information contained in the record.*

<b>IC §67-6526 (4)</b>	<b>4. (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:</b> (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 (v) Other public service district boundaries
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*Boundary County Commissioners on September 9, 2025, remanded the Moyie Springs initial AOI request finding that it was not in accord with the authority granted to the County by the State of Idaho under the standards of Idaho Code §67-6526 because of the lack of a 5-year growth plan for sewer and water services and an unrealistic expectation of annexation.*

*The Board of Commissioners remanded the AOI proposal to Moyie Springs in a written decision dated September 15, 2025.*

*Moyie Springs did not submit a revised AOI proposal to the County by December 31, 2025.*

*The City of Moyie Springs advised in writing on November 5, 2025, that it intends to repeal its Area of (City) Impact ordinances and stated the Area of Impact no longer serves the best interests of its residents and planning objectives.*

*No Area of Impact is being established by Boundary County for the City of Moyie Springs by this proposed ordinance.*

#### **DRAFT FINDINGS:**

1. Idaho Code §67-6526 governs the establishment of Areas of Impact and sets the criteria for AOI boundaries.
2. Idaho Code §67-6526 paragraph (6) requires the county to adopt Areas of Impact for its cities by December 31, 2025.
3. The Board of Commissioners conducted a duly notice public hearing on September 9, 2025, to consider the Area of City Impact for Moyie Springs pursuant to the procedures of Idaho Code §67-6509.
4. The Boundary County Board of Commissioners remanded the Area of Impact proposal to the City of Moyie Springs following the September 9<sup>th</sup> hearing, finding it was not in accord with the authority granted to the County by the State of Idaho under the standards of Idaho Code §67-6526 because of

the lack of a 5-year growth plan for sewer and water services and an unrealistic expectation of annexation.

5. The City of Moyie Springs advised Boundary County Board of Commissioners in writing on November 5, 2025, that it is repealing its Area of (City) Impact and an Area of Impact “no longer serves the best interests” of the city.
6. The City of Moyie Springs did not submit a revised AOI request to the County.

**Draft Motions, Board of County Commissioners**

<b>Motion to Approve</b>	I move to approve Ordinance #2026-1 that confirms no Area of Impact is being created for the City of Moyie Springs and repealing all previous ordinances establishing the City of Moyie Springs Area of City Impact, finding that the proposal <b>IS</b> in accord with the authority granted to the County by the State of Idaho under IC §67-6526 and IC §31-714, and based upon the findings as written in the staff report ( <i>or as amended</i> ) and the draft reasoned statement as written ( <i>or as amended and read into the record</i> ).
<b>Motion to Table</b>	I move to table or continue the hearing to <i>[insert date, time and place]</i> to allow further consideration of the proposed amendment or to allow review and approval of written findings and decision.
<b>Motion to Deny</b>	I move to deny <i>[or modify]</i> proposed Ordinance #2026-1 that confirms no Area of Impact is being created for the City of Moyie Springs and repealing all previous ordinances establishing the City of Moyie Springs Area of City Impact, finding that the proposal <b>IS NOT</b> in accord with the authority granted to the County by the State of Idaho under IC §67-6526 and IC §31-714, and based upon the findings as written in the staff report ( <i>or as amended</i> ) and the draft reasoned statement as written ( <i>or as amended and read into the record</i> ). I further move to direct staff to prepare a revised draft ordinance for further consideration by the Board of Commissioners.