



# Agenda

## Bonner County Commissioners

---

### **Bonner County Board of Commissioners**

Meeting with Planning Department & Prosecutor's Office

June 13, 2023, 2:30 p.m.

County Administration Building  
Third Floor, Board Meeting Room

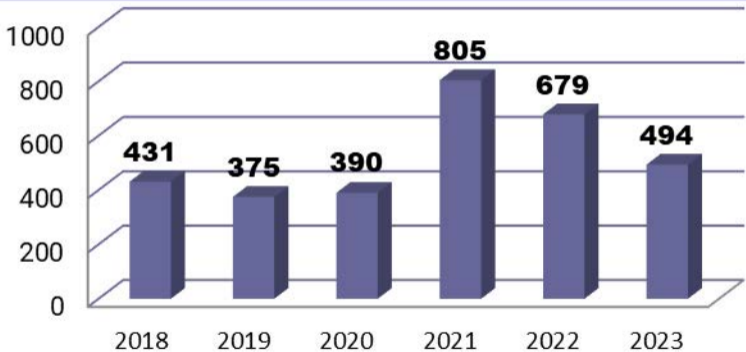
#### **Open Session:**

1. Update on Planning Department Activities
  - a. Department updates
    1. Zoning Stats, Staffing, etc.
    2. Operations – EnerGov
    3. Revenue and Expenses YTD
  - b. Code/Ordinance updates
    1. Title 12
  - c. Comprehensive Plan
    1. Update on Planning Commission progress and timeline
  - d. Enforcement
    1. Compliance Update

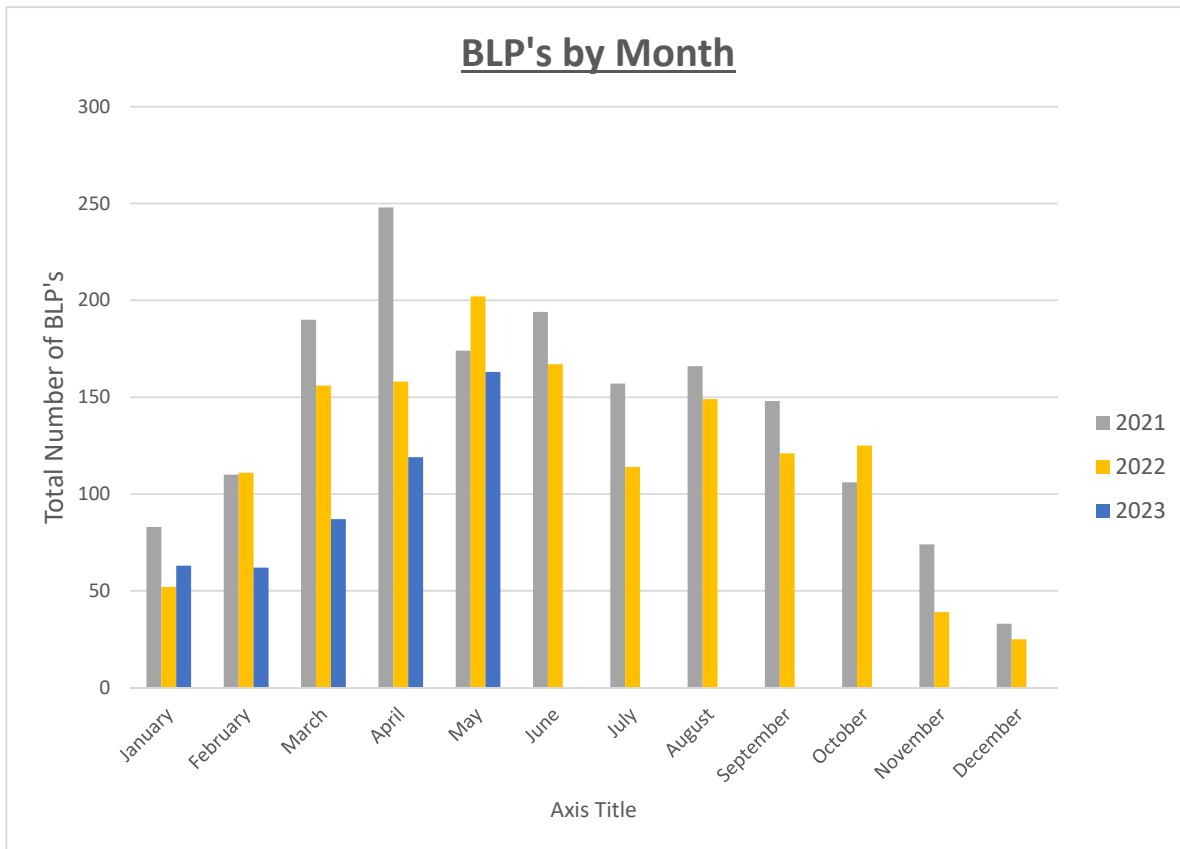
#### **Executive Session:**

1. Pending Litigation  
Action Item: Discussion/Decision Placing/Lifting of Notice to Title

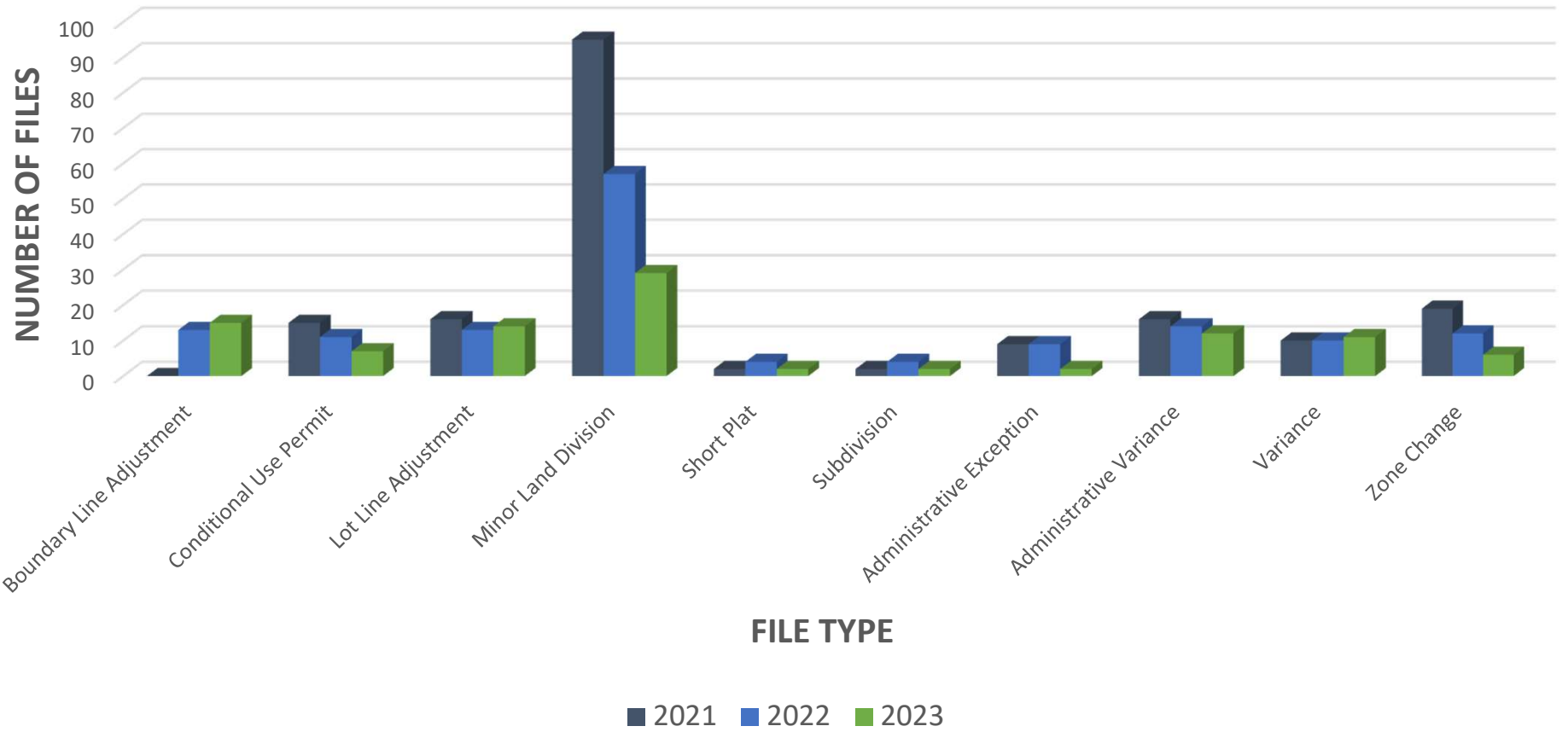
# Building Location Permit



2021		2022		2023	
Month	BLP's	Month	BLP's	Month	BLP's
January	83	January	52	January	63
February	110	February	111	February	62
March	190	March	156	March	87
April	248	April	158	April	119
May	174	May	202	May	163
June	194	June	167	June	
July	157	July	114	July	
August	166	August	149	August	
September	148	September	121	September	
October	106	October	125	October	
November	74	November	39	November	
December	33	December	25	December	



# MAY - YTD





## 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](mailto:planning@bonnercountyid.gov) - Web site: [www.bonnercountyid.gov](http://www.bonnercountyid.gov)

June 7, 2023

From: Planning Commission

To: Bonner County Commission

Subject: File AM0005-23 – Text Amendment

The Planning Commission at the June 6, 2023, public hearing recommended approval of the referenced application.

**MOTION TO RECOMMEND APPROVAL:** Commissioner Linscott moved to recommend approval of this FILE AM0005-23 to amend subchapters two (2), four (4), six (6) and eight (8) of Title 12, Bonner County Revised Code, to the Board of County Commissioners, finding that it is in accord with the general and specific objectives of the Bonner County Comprehensive Plan as enumerated in the following findings of fact and conclusions of law. This decision is based upon the evidence submitted up to the time the Staff Report was prepared and testimony received at this hearing. Commissioner Linscott further moved to adopt the findings of fact and conclusions of law 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 Chairman sign, and transmit to all interested parties. This action does not result in a taking of private property.

Commissioner Stolz seconded the motion

**Voted** upon and the Chair declared the Motion passed, unanimously.

---

### Findings of Fact:

---

1. The Bonner County Planning Department has reviewed the proposed changes against Idaho Code and made amendments to better comply with the Idaho Code, specifically Title 67 Chapter 65, Local Land Use Planning.
2. The Board of County Commissioners is authorized by Idaho Code, Chapter 7, Title 31, to adopt ordinances, rules and regulations "...not repugnant to law, necessary for carrying into effect or discharging the powers and duties conferred by the laws of the state of Idaho, and such as are necessary or proper to provide for the safety, promote the health and prosperity, improve

the morals, peace and good order, comfort and convenience of the county and the inhabitants thereof, and for the protection of property therein...”

The proposed ordinance making the above changes adds to the clarity intended in the interpretation of the Bonner County Revised Code and Bonner County Comprehensive Plan. These actions will further balance the provision of safety, health and prosperity while maintaining the protection of property, peace, good order, comfort and convenience of the county and its inhabitants.

3. The proposed changes provide clarification of the regulations, enabling the public and the staff to achieve the best results leading to greater understanding and use of the zoning ordinance.

---

### **Conclusions of Law:**

---

Conclusion 1: The proposed amendment **is** in accord with Idaho Code, Title 31, Chapter 7.

Conclusion 2: The proposed amendment **is** in accord with Idaho Code Title 67, Chapter 65.

Conclusion 3: The proposed amendment **is** in accord with the general and specific objectives of the Bonner County Comprehensive Plan.

Please contact the Planning Department if you have any questions.

Sincerely,



Allan Songstad, Chair  
Bonner County Planning Commission

c: Planning Department

## Appendix A

### Summary of Proposed Title 12 Updates:

#### **12-215: APPLICATIONS FOR ZONE CHANGES AND COMPREHENSIVE PLAN MAP AMENDMENTS, CONTENTS:**

Proposed modification of section “A” removing some site plan requirements from a zone change request. This modification was recommend from legal, and conforms to how the county has always processed zone change requests. These site plan requirements appear to have been copied from the CUP site plan requirements in section 12-222 I.

#### **12-225: APPROVAL, DISAPPROVAL, APPEAL OF DECISION:**

The Hearing Examiner’s power and authority to make decision on CUP files is established in BCRC section 12-127. BCRC 12-223 was modified earlier this year to clarify the CUP code, this code section should have been updated at the same time but was missed.

#### **12-621: LOT AND PARCEL DESIGN:**

Currently, the MLD code, BCRC section 12-660 (D) (2) (g), restricts the creation of lots from being “divided by boundary of any city, county, zoning designation, railroad right-of-way, or public right-of-way”. This proposed change would apply this code to the remainder of land divisions or lot/parcel adjustments, to include subdivisions, lot line adjustments, boundary line adjustments, family exemptions, etc. Update to the submerged lands standard as it relates to lot or parcel design, removing submerged lands when calculating the depth to width standard.

#### **12-661: ADMINISTRATIVE REVIEW OF MINOR LAND DIVISION:**

Update to the MLD code changing the code which requires staff to make an administrative decision within 30 days to 90 days.

The other minor change is to clean up code section “C” to better align and clarify the final plat procedures if an MLD application is approved.

#### **12-812: DEFINITIONS - L: LOT MEASUREMENTS**

#### **12-621: LOT AND PARCEL DESIGN, RATIO UPDATE**

#### **12-660: MINOR LAND DIVISION PROCEDURE, RATIO UPDATE**

The proposed change to BCRC 12-812 is to avoid the misuse of the code as currently written. The proposed changes to the ratio calculations allows for a similar property shape creation as is currently allowed in the code.

#### **12-804: DEFINITIONS - D: Driveway**

A proposed change to the definition of a Driveway to avoid creating future non-conforming properties.

#### **12-818: DEFINITIONS – R: RECREATIONAL VEHICLE (RV) PARK**

Proposed change to the definition of a RV Park. There is conflicting Title 12 code as to when a CUP is required for an RV Park. This change clarifies and supports other code sections, specifically BCRC 12-496.

#### **12-819: DEFINITIONS – S: STREET**

A proposed change to the definition of a Street align with the Road and Bridge department, and GIS department street definition.

## Appendix B

Below are the proposed amendments to each specific section and the description of the changes. The language in red and underlined is recommended as additions to the existing code. Those words in ~~red and strike through~~ would be deleted from the ordinance.

### **12-215: APPLICATIONS FOR ZONE CHANGES AND COMPREHENSIVE PLAN MAP AMENDMENTS, CONTENTS:**

An applicant for a zone or comprehensive plan map change shall submit the following:

A. A plan of the proposed site, drawn to scale, ~~showing the location of all buildings, parking and loading areas, traffic access and circulation, undisturbed areas, open spaces, landscaping, refuse and service areas, utilities, signs and yards.~~

### **12-225: APPROVAL, DISAPPROVAL, APPEAL OF DECISION:**

A. Following the public hearing, the Zoning Commission or Hearing Examiner shall consider the application and may approve or deny the conditional use permit.

B. If the Zoning Commission or Hearing Examiner denies the conditional use permit, the Zoning Commission or Hearing Examiner shall state in writing the reasons for the decision and shall specify any actions the applicant could take to obtain approval.

C. The final decision of the Zoning Commission or Hearing Examiner on a conditional use permit may be appealed to the board as set forth at section 12-262 of this chapter.

### **12-621: LOT AND PARCEL DESIGN:**

A. All proposed lots or parcels which are three hundred feet (300') or less in width shall maintain a depth to width ratio of not greater than three point two to one (3.2:1); and lots which are more than three hundred feet (300') in width shall maintain a depth to width ratio of not greater than four point two to one (4.2:1).

B. All proposed lots or parcels one hundred feet (100') or less in width shall be designed so that the angle of intersection of the side lot lines with the fronting road is between eighty five (85) and ninety five degrees (95°), for a distance of not less than fifty feet (50') from the point of intersection.

C. Submerged lands are not to be included when determining the depth to width calculation, exempt from the requirements herein.

D. Resulting lots or parcels shall not be divided by boundary of any city, county, zoning designation, railroad right-of-way, or public right-of-way.

### **12-660: MINOR LAND DIVISION PROCEDURE:**

D. Application: The application for a minor land division shall include:

1. Application: Prior to recordation of a deed or MLD plat, each application for a minor land division shall be submitted on a form provided by the Planning Department with appropriate fees approved by the Board of County Commissioners.

2. Design Criteria: The MLD shall conform to the following design criteria:



a. Any new and existing easements or roads showing access to each property, considering alignment with existing or planned roads.

b. All proposed lots which are three hundred feet (300') or less in width shall maintain a depth to width ratio of not greater than three point two to one (3.2:1); and lots which are more than three hundred feet (300') in width shall maintain a depth to width ratio of not greater than four point two to one (4.2:1). All proposed lots one hundred feet (100') or less in width shall be designed so that the angle of intersection of the side lot lines with the fronting road is between eighty five (85) and ninety five degrees (95), for a distance of not less than fifty feet (50') from the point of intersection. Submerged lands are exempt from the requirements herein.

## **12-661: ADMINISTRATIVE REVIEW OF MINOR LAND DIVISION:**

Upon receipt and review of completeness, the planning and zoning department shall:

A. Review the MLD plat and supplemental information to determine compliance with these ordinances and prepare its report, which shall include comments received from other departments.

B. Distribute the application to the county surveyor, the Assessor, the road and bridge department, GIS and floodplain administrator for review and compliance.

C. Based on the above findings, the planning director shall approve, conditionally approve, or deny the application within ninety (90) ~~thirty (30)~~ days, from the date a completed application was stamped received.

D. If administratively approved once the director has made a recommendation, the final plat MLD plat map and the legal descriptions shall be signed as approved and transmitted to the board of county commissioners at the next business meeting for review and possible approval.

## **12-812: DEFINITIONS - L:**

LOT MEASUREMENTS: ~~A. The depth of a lot shall be considered the horizontal distance from the midpoint of the front lot line to the midpoint of the rear lot line or the most distant point of another lot line if there is no rear lot line.~~

A. The depth of a lot, parcel, or tract shall be a measurement of the distance between the furthest two points along the boundary of the lot, parcel, or tract.

B. The width of a lot, parcel or tract shall be calculated in feet by dividing the area of the lot, parcel or tract measured in square feet by the length depth of the lot, parcel or tract, as measured according to the depth calculation instructions above.

## **12-818: DEFINITIONS – R:**

RECREATIONAL VEHICLE (RV) PARK: Any premises designed for the rental of ~~two (2)~~ three (3) or more recreational vehicle parking stalls or spaces.

**12-819: DEFINITIONS – S:**

STREET: A travelway - excepting driveways and trails (as defined in BCRC 12-820) - which provides vehicular access to adjacent properties, including the following:

A. Legal Access: A public or recorded easement or right of way thoroughfare which affords ~~a primary means of~~ access to one or more properties adjoining properties. ~~A recorded thoroughfare may be a recorded~~ Legal access may be a recorded easement for ingress or egress or a platted street right of way used ~~as a thoroughfare~~ for access to abutting property, but for which Assumption of maintenance by the county is not necessary for legal access. ~~the county assume no responsibility for maintenance. A thoroughfare not recorded with the county recorder shall not be considered legal access.~~

B. Local Roads: A public or recorded easement or right of way thoroughfare which primarily affords ~~primary~~ access to adjoining property and connects to collectors or arterials. ~~A local road may be a recorded easement for ingress and egress or a platted street which provides access to abutting property.~~

C. Minor Collector: A public or recorded private easement or right of way thoroughfare which affords access to adjoining property and connects local access roads to roads of higher classification.

D. Major Collector: A public easement or right of way thoroughfare that links minor collectors and local roads access routes with routes of higher classification. Frontage and access is limited.

E. Minor Arterial: A public easement or right of way thoroughfare that serves less dense population concentrations. Minor arterials may connect to principal arterials or provide intermediate routes. Frontage and access is limited.

~~E. Minor Collector: A public or recorded private thoroughfare which affords access to adjoining property and connects local access roads to roads of higher classification.~~

F. Principal Arterial: A public easement or right of way thoroughfare that connects a network of continuous routes. Serves to primarily provide mobility to large intercounty population concentrations and is designed to carry heavy traffic loads. Frontage and access is limited.

G. State Highway: A public easement or right of way as designated by the State of Idaho thoroughfare that serves interstate and intrastate populations. These highways are designed to carry maximum traffic loads. Frontage and access is restricted to Idaho transportation department department of transportation standards.

~~The term "street" shall not mean a private easement or travelway that provides access to two (2) or fewer single family residential lots or parcels beyond the subject lot or parcel.~~

**12-804: DEFINITIONS - D:**

DRIVEWAY: ~~A private path giving access from a street. A private easement or travelway that provides access to two (2) or fewer single-family residential lots or parcels.~~

Below are the proposed amendments to each specific section and the description of the changes. The language in red and underlined is recommended as additions to the existing code. Those words in ~~red and strike through~~ would be deleted from the ordinance.

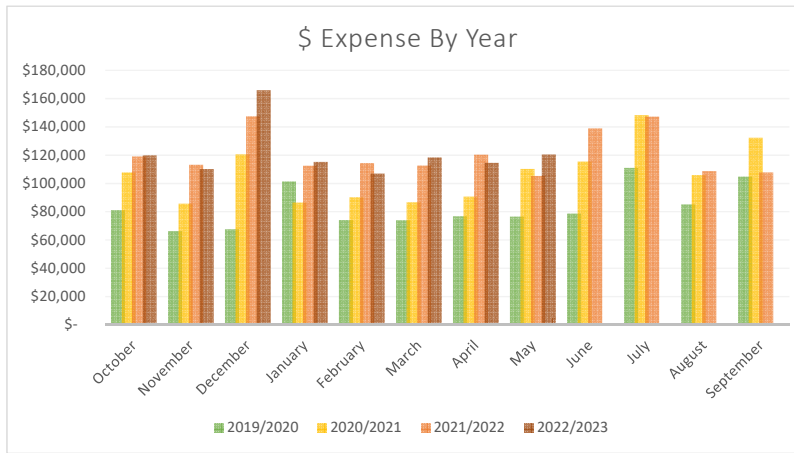
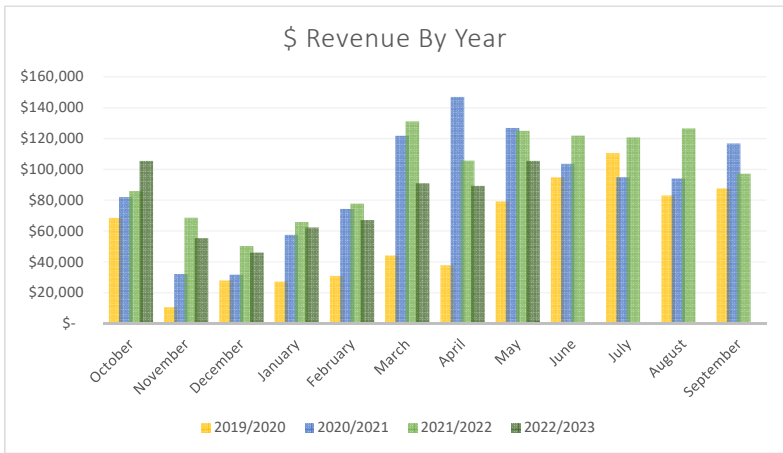
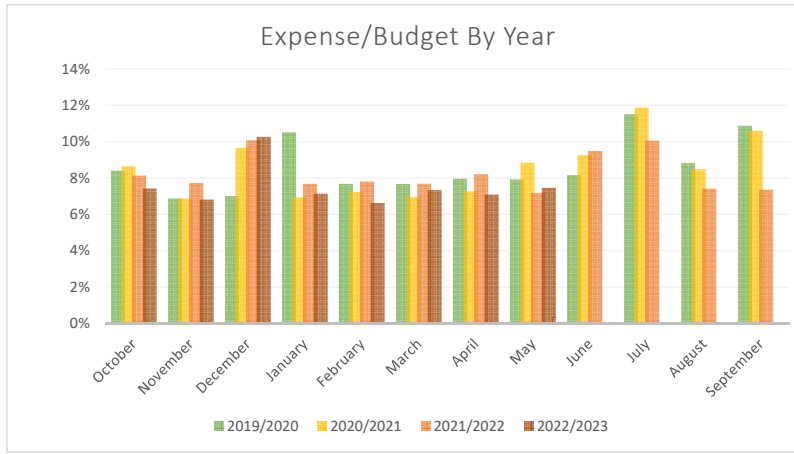
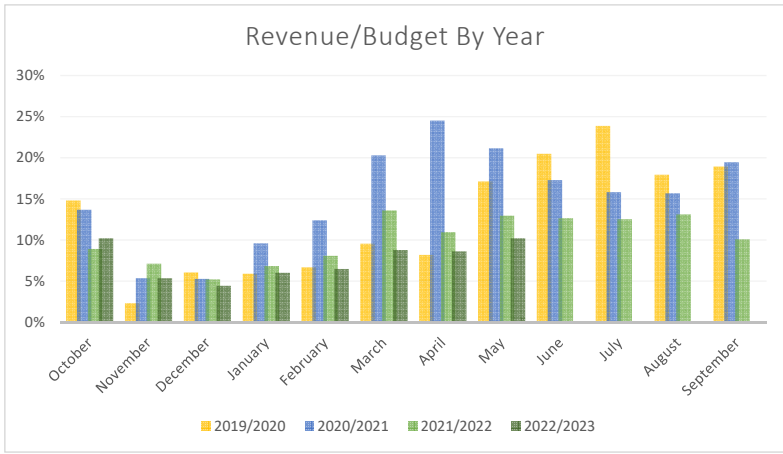
**11-119: NOTICE OF COMPLETION; NOTICE OF OCCUPANCY:**

Prior to the occupancy or use of any structure for its intended purposes, the owner or owner's representative shall provide to the Bonner County Planning Department notice confirming completion of work and readiness to occupy. The notice confirming completion shall include the following:

- A. An acknowledgment from Panhandle Health District or applicable sewer district that wastewater disposal requirements have been met.
- B. A final inspection completed by Bonner County Compliance.

Failure to provide notice pursuant to this section will result in additional inspections and may be subject to fees and fines as provided by this Code or Idaho Code. Once Bonner County has performed a site inspection to confirm compliance with the terms of the approved building location permit, this title and title 12 of this code, a copy of the final site inspection report shall be provided by the planning department to the assessor's office. Prior to occupancy of the structure, where plans and inspections were required for construction within the floodplain or floodway, the landowner shall provide to the planning department a copy of the inspection report certified by an International Code Council (ICC) certified building inspector confirming compliance with flood damage prevention standards of Title 14 of this code. Where applicable, the landowner shall provide to the planning department a final elevation certificate prior to occupancy.

		1	2	3	4	5	6	7	8	9	10	11	12	Total	Budget	Budget	Actual
		October	November	December	January	February	March	April	May	June	July	August	September			Re/Ex	Re/Ex
2022/2023	Revenue	\$ 105,692	\$ 55,423	\$ 46,004	\$ 62,304	\$ 67,097	\$ 90,972	\$ 89,324	\$ 105,816					\$ 622,632	\$ 1,035,822	64%	64%
	Expense	\$ 119,867	\$ 110,137	\$ 165,872	\$ 115,217	\$ 106,919	\$ 118,407	\$ 114,510	\$ 120,463					\$ 971,393	\$ 1,614,594		
	R % of Budget	10%	5%	4%	6%	6%	9%	9%	10%	0%	0%	0%	0%	60%			
	E % of Budget	7%	7%	10%	7%	7%	7%	7%	7%	0%	0%	0%	0%	60%			
2021/2022	Revenue	\$ 85,977	\$ 68,619	\$ 50,324	\$ 65,836	\$ 77,795	\$ 131,067	\$ 105,661	\$ 124,919	\$ 121,878	\$ 120,728	\$ 126,508	\$ 97,131	\$ 1,176,443	\$ 964,250	66%	81%
	Expense	\$ 119,124	\$ 113,228	\$ 147,522	\$ 112,478	\$ 114,433	\$ 112,594	\$ 120,260	\$ 105,252	\$ 138,907	\$ 147,215	\$ 108,644	\$ 107,724	\$ 1,447,381	\$ 1,464,471		
	R % of Budget	9%	7%	5%	7%	8%	14%	11%	13%	13%	13%	13%	10%	122%			
	E % of Budget	8%	8%	10%	8%	8%	8%	8%	7%	9%	10%	7%	7%	99%			
2020/2021	Revenue	\$ 82,062	\$ 32,162	\$ 31,675	\$ 57,540	\$ 74,310	\$ 121,772	\$ 147,203	\$ 126,851	\$ 103,614	\$ 94,902	\$ 94,096	\$ 116,739	\$ 1,082,926	\$ 600,100	48%	85%
	Expense	\$ 107,770	\$ 85,737	\$ 120,514	\$ 86,477	\$ 90,232	\$ 86,713	\$ 90,623	\$ 110,299	\$ 115,442	\$ 148,225	\$ 105,950	\$ 132,262	\$ 1,280,244	\$ 1,247,444		
	R % of Budget	14%	5%	5%	10%	12%	20%	25%	21%	17%	16%	16%	19%	180%			
	E % of Budget	9%	7%	10%	7%	7%	7%	7%	9%	9%	12%	8%	11%	103%			
2019/2020	Revenue	\$ 68,519	\$ 10,711	\$ 28,030	\$ 27,279	\$ 30,899	\$ 44,207	\$ 37,884	\$ 79,248	\$ 94,770	\$ 110,552	\$ 83,020	\$ 87,619	\$ 702,738	\$ 462,850	48%	70%
	Expense	\$ 81,050	\$ 66,281	\$ 67,615	\$ 101,379	\$ 74,040	\$ 73,969	\$ 76,804	\$ 76,476	\$ 78,731	\$ 111,085	\$ 85,161	\$ 104,829	\$ 997,420	\$ 964,336		
	R % of Budget	15%	2%	6%	6%	7%	10%	8%	17%	20%	24%	18%	19%	152%			
	E % of Budget	8%	7%	7%	11%	8%	8%	8%	8%	8%	12%	9%	11%	103%			



DATE	WS FOR COMM. DISCUSSION	WS W PUBLIC COMMENT	PC HEARING
9.6.22			
9.20.22	Property Rights Recreation		
10.4.22	Community Design Special Areas or Sites School Facilities and Transportation	Property Rights Recreation	
10.18.22	School Facilities and Transportation Transportation	Community Design Special Areas or Sites	
11.1.22	School Facilities & Transportation Transportation	Hazardous Areas Community Design Special Areas or Sites	Property Rights Recreation
11.15.22	Agriculture	School Facilities & Transportat Transportation	Community Design
12.6.22	Public Airports Population	Agriculture	Hazardous Areas Special Areas or Sites
1.17.23	Economic Development	Public Airports Population Agriculture	School Facilities & Transportation Transportation
2.7.23	Economic Development Housing	Agriculture	
2.21.23	Housing	Economic Development Agriculture	Public Airports Population
3.7.23	Housing	Economic Development Public Airport Facilities	
3.21.23	Housing		Public Airport Facilities
4.4.23	Housing		Agriculture
4.18.23		Housing	Economic Development
5.2.23	Natural Resources - Chapters 1-3 Natural Resources - Meeting with IDFG		
5.16.23	Natural Resources - Meeting with IDEQ Natural Resources - Meeting with IDL		
6.6.23	Natural Resources - Meeting with IDWR (No response till 05.31.2023) Natural Resources - Meeting with USDA/ NRCS		Housing
6.20.23	Natural Resources - Meeting with USACE (No response till 05.31.2023) Natural Resources - Meeting with USFWS		
7.4.23	Natural Resources - Meeting with Agency Natural Resources - Meeting with Agency		



Component	PC Hearing	BOCC Adoption Date
Property Rights	November 1, 2022	December 7, 2022
Population	February 21, 2023	April 12, 2023
School Facilities and Transportation	January 17, 2023	March 22, 2023
Economic Development	April 18, 2023	May 24, 2023
Land Use		
Natural Resources		
Hazardous Areas	December 6, 2022	February 22, 2023
Public Services, Facilities, and Utilities		
Transportation	January 17, 2023	March 22, 2023
Recreation	November 1, 2022	December 7, 2022
Special Areas or Sites	December 6, 2022	February 22, 2023
<b>Housing</b>	June 6, 2023	<b>July 26, 2023</b>
Community Design	November 15, 2022	February 22, 2023
Agriculture	April 4, 2023	May 24, 2023
National Interest Electric Transmission Corridors	N/A	N/A
Public Airport Facilities	March 21, 2023	April 12, 2023
Implementation	September 20, 2022	December 21, 2022