

Appendix A

Summary of Proposed Title 12 Updates:

Chapter 4

12-412 - Removes the Requirements or Exceptions 19 from Table 4-2.

Chapter 6

Complete rewrite of most subchapters of Chapter 6 with major revisions to include: moves land division definitions to chapter 8, removes the Minor Land Division type, establishes a Final Plat subchapter,

12-610 – Updates to the naming conventions.

12-611 – Removes the definitions and added them to Chapter 8.

12-612, 12-613 – Updated code reference, moves unplatted land divisions and adjustments to 12-613 which is renamed to “Other Land Divisions & Adjustment Processes.” Expands the potential receivers of a Family Divisions property to additional familiar types, adds a PHD review requirement,

12-614 – Updates to the naming conventions and code references.

12-615 – Updates to the naming conventions and code references.

12-623 – Adds a requirement for all new lots created through any land division to contain a sanitary restriction lift. Also, modifies the fire protection requirements.

12-625 – Removes requirements for Trails and retains only requirements for Public Access, Parks and Facilities.

12-6.4 – Updates to the naming conventions to “Long Subdivision.”

12-640 – Updates to the naming conventions to “Long Subdivision” and code references.

12-641 – Updates to the naming conventions to “Long Subdivision.”

12-642 – Updates to the naming convention and adds an application requirement for proposed subdivisions that fall within an Area of Impact to request annexation to the applicable city. Adds a reference to 12-6.2 to ensure compliance with that subchapter.

12-643 – Updates to the naming conventions to “Long Subdivision.” Replaces “Zoning Commission” with “hearing body” throughout the section. Removes the requirement for

a preliminary plat to receive BOCC approval. Extends the timeline for how long a preliminary plat approval shall be valid for, from two years to three years.

12-644 – Extends the timeline for how long a surety agreement approval shall be valid for, from two years to three years.

12-645 – Updates to the naming convention and replaces “Zoning Commission” with “hearing body.”

12-646 – Removes the “Final Plat, Contents” section in its entirety and moves the section to 12-6.6. Adds a reference to the new Final Plat, Contents section.

12-647 – Removes the section in its entirety and moves the section to 12-6.6.

12-648 – Removes the section in its entirety and moves the section to 12-6.6.

12-649 – Removes this section in its entirety.

12-6.5 – Updates to the naming conventions to “Short Subdivision” throughout the entire section.

12-650 – Updates the number of properties to conform to proposed definitions. Adds a provision to restrict contiguous short subdivisions. Adds a reference to 12-6.2 to ensure compliance with that subchapter.

12-651 – Updates the noticing standards. Extends the timeline for how long a preliminary plat approval shall be valid for, from two years to three years. Updates the extension request process to reference 12-266.1. Updates the appeal process to reference 12-261.

12-652 – Removes the “Final Plat, Contents” section in its entirety and moves the section to 12-6.6. Adds a reference to the new Final Plat, Contents section.

12-6.6 – Removes the Minor Land Division as a land division application type. Establishes a Final Plat subchapter.

12-671 – Updates code references.

12-673 – Removes the “Final Plat, Contents” section in its entirety and moves the section to 12-6.6. Adds a reference to the new Final Plat, Contents section.

Chapter 8

12-818 – Establishes a definition for “Remainder” as it pertains to plats.

12-819 – Modifies the definition for “Subdivision.” Adds a definition for “Subdivision, Long” and “Subdivision, Short.”

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

12-412: DENSITY AND DIMENSIONAL STANDARDS; SUBURBAN, COMMERCIAL, INDUSTRIAL, RURAL SERVICE CENTER, RECREATION AND ALPINE VILLAGE ZONES:

TABLE 4-2

DENSITY AND DIMENSIONAL STANDARDS

Standard	Zoning District					
	S	C	I	RSC	REC	AV
Urban water only (19)	1 acre (4)	1 acre	1 acre	1 acre	1 acre (4)	1 acre (4)
Community LSAS and urban water (19) , (20)	1 acre (4)	1 acre	1 acre	1 acre	1 acre (4)	1 acre (4)
Community drainfield and individual well (19) , (20)	1 acre (4)	1 acre	1 acre	1 acre	1 acre (4)	1 acre (4)

Requirements Or Exceptions:

~~(19) Reserved New lots created through any land division process shall include the sanitary restriction lift.~~

**CHAPTER 6
SUBDIVISIONS**

SECTION:

12-600: Purpose

Subchapter 6.1 - General Provisions

12-610: Applicability, Qualifications

12-611: Definitions (Reserved)

12-612: Additional Requirements

12-613: ~~Notice Of Land Division, Procedure~~ Other Land Division & Adjustment Processes

12-614: Prohibitions

12-615: Remedies

12-616: Certificate Of Compliance, Conditional Certificate Of Compliance

Subchapter 6.2 - Design Standards

12-620: General

12-621: Lot And Parcel Design

12-622: Submerged Lands

12-623: Services And Utilities

12-624: Roads And Access

12-625: Trails And Parks

12-626: Environmental Features

12-627: Subdivisions In The Commercial And Rural Service Center Districts

Subchapter 6.3 - Conservation Subdivisions

12-630: Purpose

12-631: Description And Definitions

12-632: Applicability, Procedures And Preapplication Review

12-633: Standards And Guidelines For All Conservation Subdivisions

12-634: Standards For Conservation Subdivisions In Agricultural/Forestry-20 District

12-635: Standards For Conservation Subdivisions In Agricultural/Forestry-10 And Rural Districts

12-636: Standards For Conservation Subdivisions In Suburban, Recreation And Alpine Village Districts

12-637: Density Bonuses For Conservation Subdivisions

Subchapter 6.4 – Long Subdivision Preliminary Plat Procedures

12-640: Processing Of Long Subdivision Applications, General

12-641: Long Subdivisions, Preapplication Review

12-642: ~~Preliminary Plat~~, Contents Of Application

12-643: Long Subdivisions, Procedure For Processing Preliminary Plat

12-644: Improvement Plan Required, Contents

12-645: Standards For Review ~~Of Applications For Preliminary Plats Of All Subdivisions~~

12-464 Long Subdivision, Contents Of Final Plat, Procedure For Approval Of Final Plat

~~12-646: Final Plat, Contents~~

~~12-647: Endorsements To Be Shown On Final Plat~~

~~12-648: Procedure For Final Plat Review And Approval~~

~~12-649: Digital Submission Of Final Plat~~

Subchapter 6.5 - Short ~~Plats~~ Subdivisions, ~~Procedures~~

12-650: Contents Of Application ~~Application/Contents Of Preliminary Plats For Short Procedure~~

12-651: Short ~~Plat~~ Subdivision, Procedure For Processing Preliminary Plat ~~Procedure For Approval Of Preliminary Short Plat~~

12-652: Short ~~Plat~~ Subdivision, Contents Of Final Plat, Procedure For Approval Of Final Plat

Subchapter 6.6 – Final Plat

12-660: Final Plat, Contents

12-661: Endorsements To Be Shown On Final Plat

12-662: Procedure For Final Plat Review And Approval

~~Subchapter 6.6 — Minor Land Divisions~~

~~12-660: Minor Land Division Procedure~~

~~12-661: Administrative Review Of Minor Land Division~~

Subchapter 6.7 - Lot Line Adjustments

12-670: Readjustment Of Lot Lines Within Platted Subdivision

12-671: Applications For Adjustment Of Lot Lines, Minor Notational Changes

12-672: Procedure For Administrative Review And Approval Of Adjustments Of Lot Lines, Minor Notational Changes

12-673: Final Plat For Lot Line Adjustments/Notational Changes To Be Drawn, Time For Filing, Signing

12-600: PURPOSE:

A. To provide standards and procedures for subdivisions and other land divisions ~~and adjustment procedures, and lot line adjustments.~~

B. To establish subdivision and land division standards consistent with the goals and policies of the comprehensive plan.

C. It is unlawful for a person or group of persons acting in concert to attempt to avoid this article by acting in concert to divide, create, or transfer a parcel of land or sell divided lands subdivision lots by using a series of owners or conveyances or by any other method that ultimately results in the division of the lands into a long subdivision ~~or the sale of subdivided land~~. (Ord. 501, 11-18-2008; amd. Ord. 634, 8-4-2021)

SUBCHAPTER 6.1 - GENERAL PROVISIONS

12-610: APPLICABILITY, QUALIFICATIONS:

A. The provisions of this chapter shall apply to “subdivisions” and “short subdivisions.” as defined in section 12-~~614~~ 819 of this ~~subchapter~~ title, lot line adjustments as set forth at section 12-~~660~~670 of this chapter, and all other applications and processes authorized by this chapter.

B. Parcels or lots created in conformance with the provisions of this title which are uniquely described on any recorded plat or other legal instrument of conveyance as of the effective date hereof shall retain individual status and eligibility for sale, lease, financing, gift, building, construction or other transfer of ownership, as so described. (Ord. 501, 11-18-2008; amd. Ord. 634, 8-4-2021)

12-611: RESERVED DEFINITIONS:

MINOR LAND DIVISION (MLD):

~~Any division of land into four (4) or fewer lots or parcels. Exception: those lots under common ownership, and limited in use to common open space or agricultural pursuits, need not be counted as a lot for purposes of determining applicable land division procedures only. A minor land division shall not be used contiguously to avoid the regular subdivision process. (See BCRC 12-600 C.)~~

SHORT PLAT SUBDIVISION:

~~Any division of land into five (5) to ten (10) or fewer lots or parcels.~~

SUBDIVISION:

~~Any division of land into eleven (11) or more lots or parcels or divisions of those parcels that do not qualify for a Minor Land Division or Short Plat Subdivision.~~

~~The term “subdivision” shall not include:~~

~~A.—The lease of agricultural lands for agriculture or agricultural purposes.~~

~~B.—The lease or conveyance of land to a governmental agency, quasi-public or public entity, political subdivision, or private or public utility. The portion conveyed to the previously mentioned entities need not meet minimum acreage standards, however, any~~

~~other portion or remainder that remains in private ownership shall meet minimum acreage standards.~~

~~C. Mineral, oil or gas leases.~~

~~D. A lot line adjustment or minor notational change.~~

~~E. Land within a recognized cemetery which has been divided into lots or plats for the purpose of burial only.~~

~~F. The financing or leasing of any commercial or industrial lot or parcel, or portion thereof, in conjunction with the construction of commercial or industrial buildings on a single lot or parcel.~~

~~G. The financing or leasing of existing separate commercial or industrial buildings on a single lot or parcel.~~

~~H. The financing or leasing of apartments, offices, stores or similar space with apartment buildings, industrial buildings, commercial buildings or mobile home parks, so long as each unit or space is not separately owned.~~

~~I. Minor Land Divisions. (Ord. 557, 11-10-2016; amd. Ord. 591, 10-23-2019; Ord. 634, 8-4-2021)~~

(Reserved)

12-612: ADDITIONAL REQUIREMENTS:

A. Replatting Required:

1. Any division of land that has been platted shall not be divided again without replatting.

B. Recorded Survey Required:

1. Any division of land created pursuant to ~~subsection C of this section~~ 12-613.A must be surveyed and the survey recorded with the County Recorder if any one parcel in the division is less than five (5) acres, or a 1/128 aliquot division of a section.

12-613: OTHER LAND DIVISION & ADJUSTMENT PROCESSES:

~~GA.~~ Family Division: The following division of land is exempt from platting: A division of unplatted land which is made for the purpose of a single gift or sale to the landowner's spouse, parent, child, sibling, grandparent or grandchild; provided, that the division complies with all of the following:

1. A division of unplatted land made for the purpose of a single gift or sale from the ~~landowner's~~ landowner to their spouse, parent, step-parent, child, step-child, sibling, step-sibling, grandparent, step-grandparent, grandchild or step-grandchild;

2. The landowner has not previously been exempt from platting requirements by a gift or sale of another single parcel to the same person;

3. An individual may only receive one parcel by gift or sale created pursuant to this exemption after November 18, 2008. For Example: An individual may receive by gift or sale a single parcel from his father through the exemption process, but may not again receive from any other family member another parcel through the exemption process;

Examples:

~~—— a. If a husband owns two (2) different parcels in Bonner County and wishes to divide both parcels under the provisions described in this subsection C, he can give his wife only one of the divided parcels. However, he can give or sell the second parcel created by the other land division to his child, sibling, grandparent or grandchild.~~

4. The parcel created and any remaining parcel meets the minimum zoning district requirements for the district in which the parcel is located;

5. The parcels created conform with the design criteria set forth in section 12-621, subsections 12-623 A and B, sections 12-624 A, D, and E, 12-625, and subsections 12-626 A and C of this chapter;

a. An acknowledgment from Panhandle Health District indicating that a location (on the subject property, or on a nearby property by easement) has been identified and approved that can meet the wastewater disposal requirements for the proposed parcel(s).

6. The applicant shall file an application for exemption from platting with the Planning Department, along with the supporting documents for those divisions of land set forth at subsection 12-613.A of this subchapter. The application shall contain the legal descriptions of the parcels created and any other information deemed necessary for consideration of the application;

a. The Planning Director shall examine the application and supporting documents for compliance with the applicable provisions of sections 12-612 and 12-613.A of this subchapter. Upon a determination that the application is in compliance, the Planning Director is authorized to sign the notice of land division or affix the notice of land division to deeds prepared for recording. A copy of the recorded notice or deed shall be retained by the Planning Department.

b. A "Notice of Family Division" is recorded in accordance with the provisions set forth for all parcels and remainder parcel created.

c. Limited to the creation of ten (10) parcels total, to include the property retained by the grantor.

~~6. A "notice of land division" is recorded in accordance with the provisions set forth for all parcels and remainder parcel created; and~~

~~—— a. The applicant shall file an application for exemption from platting with the Planning Department, along with the supporting documents for those divisions of land set forth at subsection 12-612C of this subchapter. The application shall contain the legal descriptions of the parcels created and any other information deemed necessary for consideration of the application.~~

~~—b. The Planning Director or designee shall examine application and the supporting documents for compliance with the applicable provisions of section 12-612 of this subchapter. Upon a determination that the application is in compliance, the Planning Director is authorized to sign the notice of land division or affix the notice of land division to deeds prepared for recording. A copy of the recorded notice or deed shall be retained by the Planning Department.~~

~~—7. Limited to the creation of 4 parcels total.~~

DB. Financing of a Lot or Parcel: The following is exempt from platting: The financing of any portion of a single lot or parcel; provided, that:

1. The portion separated for financing purposes and any remaining portion meet the minimum zoning district lot size requirements for the district in which the single lot or parcel is located; and
2. The single lot or parcel remains in one ownership.

EC. Reservation of a Life Estate: The following is exempt from platting: The reservation of a life estate; provided, that the single lot or parcel remains in one ownership.

FD. Waiver Of Land Division Requirements: The Director may waive ~~minor land division~~, short plat subdivision and regular long subdivision requirements on parcels to be created that have legal access, meets the requirements of 12-621 and 12-622, and the resulting parcel size is not less than twenty (20) acres or can be described as a one thirty-second (1/32) aliquot description or larger. Exception: resulting parcels within the Forest 40 Zoning District must be at least forty (40) acres or can be described as a one sixteenth (1/16) aliquoted description or larger. This waiver may be granted upon review of the proposed legal descriptions and a map of the proposed division prior to recording.

GE. Boundary Line Adjustment: A change in location of the property line between two (2) or more existing adjacent parcels, where the land taken from one parcel is added to an adjacent parcel. Further defined as a combining of one or more parcels to create fewer parcels and where no greater number of parcels than originally existed is thereby created. No boundary adjusted parcel may be reduced below the minimum parcel size for the zoning district in which the parcel is located, except that if a parcel is already below the minimum parcel size, the boundary line adjustment shall not create any parcels that are smaller than the smallest original parcel in the subject configuration.

1. The applicant shall file an application for Boundary Line Adjustment with the Planning Department, along with the supporting documents. The application shall contain the legal descriptions of the parcels created and any other information deemed necessary for consideration of the application.

2. The Planning Director or designee shall examine application and the supporting documents for compliance with the applicable provisions of section 12-621, 12-622, 12-623, 12-624 A, D, and E of this subchapter. Upon a determination that the application is in compliance, the Planning Director is authorized to sign the notice of land division or

affix the notice of land division to deeds prepared for recording. A copy of the recorded notice or deed shall be retained by the Planning Department.

3. No application submitted pursuant to this subsection shall be deemed complete nor any deed recorded, until all fees set forth at section 12-265 of this title have been paid, unless waived by the board.

4. Those existing, non-conforming features shall not be made more non-conforming. (Ord. 577, 5-23-2018;amd. Ord. 634, 8-4-2021; Ord. 681, 10-12-2022; Ord. 682, 10-12-2022)

F. ~~Boundary Line Adjustment~~ Notice of Land Division, Procedure:

~~12-613: NOTICE OF LAND DIVISION, PROCEDURE:~~

A.1. The applicant shall file an application for exemption from platting with the Planning Department, along with the supporting documents for those divisions of land set forth at subsection ~~12-612C~~ 12-613.A of this subchapter. The application shall contain the legal descriptions of the parcels created and any other information deemed necessary for consideration of the application.

B.2. The Planning Director or designee shall examine application and the supporting documents for compliance with the applicable provisions of sections 12-612 and 12-613 of this subchapter. Upon a determination that the application is in compliance, the Planning Director is authorized to sign the notice of land division or affix the notice of land division to deeds prepared for recording. A copy of the recorded notice or deed shall be retained by the Planning Department. (Ord. 501, 11-18-2008).

12-614: PROHIBITIONS:

A. Except where exempt from the definition of "long subdivision" or "short subdivision," as provided for in ~~this chapter 12-819~~, or until a final plat or notice of land division in full compliance with the provisions of this chapter and Idaho Code, where applicable, has been recorded with the Bonner County Recorder, no person shall:

1. Sell, lease, finance or gift any lot or parcel of real property or portion thereof;
2. Commence the construction of any building for sale, lease, financing or gift;
3. Allow occupancy of any lot or parcel of real property, or portion thereof, for which a final plat or notice of land division is required pursuant to this chapter.

B. The conveyance of any part of a division of land for which a final plat or notice of land division is required pursuant to this chapter shall not be made by lot or parcel number, letter or other designation until a final plat or notice of land division has been recorded with the Bonner County Recorder.

C. This section shall not apply to any lot or parcel created in conformance with the provisions of this title which is uniquely described on any recorded plat or legal instrument of conveyance as of the effective date hereof. Said lot or parcel shall retain

individual status and eligibility for sale, lease, financing, gift, building construction or other transfer of ownership, as so described. (Ord. 501, 11-18-2008)

12-615: REMEDIES:

A. The provisions of this section shall not apply to the conveyance of any lot or parcel of real property:

1. Exempt from the definition of "long subdivision" or "short subdivision," as provided for in ~~this chapter~~ BCRC 12-819;
2. Described in a certificate of compliance filed pursuant to section 12-616 of this subchapter;
3. Identified in a recorded final plat or notice of land division pursuant to this chapter, from and after the date of recording.

B. This section shall not bar any legal, equitable or summary remedy to which the County or other public agency or any person may otherwise be entitled. The County or other public agency or any person may file suit to restrain or enjoin any attempted or proposed subdivision for sale, lease, financing or gift of any lot or parcel, or portion thereof, contrary to the provisions of this title. The provisions of this section shall not limit or affect in any way the rights of a grantee or successor in interest under any other provision of law.

C. The County shall not issue a permit or grant any approval necessary to develop or use any lot or parcel which has been divided, or which has resulted from a division, contrary to the provisions of this title. The authority to deny a permit or approval shall apply whether the applicant was the owner of the lot or parcel at the time of the division, or whether the applicant is the current owner of the lot or parcel with, or without, actual or constructive knowledge of the division at the time of the acquisition of interest in the lot or parcel. (Ord. 501, 11-18-2008)

(No proposed changes to sections 12-616)

(No proposed changes to sections 12-620, 12-621, 12-622)

12-623: SERVICES AND UTILITIES:

A. Where proposed lots are smaller than one acre in area, exclusive of any ingress or egress easements, all "urban services", as defined in section 12-821 of this title, shall be provided. Lots in conservation subdivisions shall be exempt from this requirement, provided all other requirements of this title are met.

B. A water supply shall be provided per at least one of the following:

1. Lots to be served by an individual well on each lot: Applicants shall demonstrate how the aquifer proposed for water supply has sufficient production capability to provide drinking water to all applicable lots and that a location is available within each lot for installation of a well without conflicting with proposed sewage systems on or adjacent to the proposed lot.

2. Lots to be served by a new water system serving from two (2) to nine (9) lots: Documentation by an Idaho licensed professional engineer or professional geologist that the sources proposed for water supply have sufficient production capability to provide drinking water to the lots in the proposed subdivision.

3. Lots to be served by a new public drinking water system: Division of environmental quality written approval of an engineering report prepared by an Idaho licensed professional engineer demonstrating that an adequate water supply is available to meet the estimated demand for water from the lots in the proposed subdivision.

4. Lots to be served by connection to an existing public or private water system: A letter from the owner of the system indicating it has sufficient reserve production capacity to supply water to the lots in the proposed subdivision.

C. ~~A sewage disposal method for all building sites, as approved by the Panhandle health district and/or the state of Idaho, may be provided. New lots created through any land division process shall include the sanitary restriction lift.~~

D. All proposed lots shall be designed by the applicant to provide a fire protection plan for the proposed lots to provide, at a minimum, an assessment of fire risk and plans to reduce the risk, and provisions for defensible space, where material capable of allowing a fire to spread unchecked will be treated, cleared or modified to slow the rate and intensity of an advancing wildfire and to create an area for fire suppression operations to occur, and for at least one of the following:

1. Prior to final plat, an approved water and fire hydrant system capable of providing one thousand (1,000) gallons per minute for a minimum of two (2) hours where a community water system exists or is proposed as part of the development and is capable of delivering the pressurized water supply necessary for delivering fire flows as prescribed by the international fire code, as adopted by the state fire marshal, and such later editions as may be so published and adopted by the state fire marshal, or as amended, modified or superseded, and incorporated herein by reference with a copy on file with the office of the clerk of the board of county commissioners, and hereinafter referred to as IFC.

~~—2. A note on the final subdivision plat stating: "At the time of building location permit or building permit, the lot owner shall install a minimum two thousand (2,000) gallon water storage system, meeting IFC standards". Refill on demand is not required to meet IFC standards.~~

2 3. A note on the final subdivision plat stating: "The installation of an approved IFC residential fire suppression sprinkler system is required in all newly constructed residences".

~~3~~ 4. Prior to final plat, a manmade or natural water source with a dry hydrant capable of delivering adequate water supply as prescribed by IFC.

~~4~~ 5. A note on the final subdivision plat stating: "At the time of building permit or building location permit, the lot owner shall install an approved fire suppression method to the satisfaction of Bonner County". (Ord. 501, 11-18-2008; amd. Ord. 607, 7-22-2020)

(No proposed changes to Section 12-624)

12-625: TRAILS AND PARKS:

A. Trails Public Access, Parks and Facilities:

~~—1. Implementing Bonner County Trails Plan: New subdivisions should be integrated with, and expand upon, existing and planned trail network per the Bonner County trails plan adopted by the Bonner County board of county commissioners. Subdivisions on land featuring proposed trails per the Bonner County trails plan are required to construct the trail as part of the subdivision approval. The Bonner County trails plan shall be used as a guide to determine the appropriate alignment and design any public trails or pathways (where applicable).~~

~~—2. Public Access To Trails: All public trails shall be provided within public rights of way (when approved by the entity having jurisdiction over the right of way), designated common open space or within a trail easement dedicated or conveyed to Bonner County, or to the entity that will provide maintenance as approved by the board. The width of the common open space or easement shall be sufficient to provide for trail maintenance activities. When future access may be needed to adjacent parcels of land, trail easements and/or rights of way shall extend to the property line of the subdivision.~~

~~—3. Sidewalks/Pathways In Residential Subdivisions: All residential subdivisions featuring average residential lot sizes of less than twelve thousand (12,000) square feet shall provide a sidewalk/pathway system that connects all residential lots in the subdivision. Conservation subdivisions in the rural or A/F districts are exempt, except where there are more than ten (10) contiguous residential lots averaging less than twelve thousand (12,000) square feet in size.~~

~~—4. Developing Design Standards For Trails: Trail width and design standards and guidelines shall be developed in accord with the adopted trails plan.~~

~~—B. Public Access, Parks And Facilities:~~ Public access easements or the conveyance of land for public access, parks or facilities may be required for subdivisions that are contiguous to: 1) public lands; 2) public streams, lakes, ponds, wetlands or similar areas; or 3) for areas designated in a county facilities acquisition plan. If so required, the property owner shall be paid fair market value for the easement or land, or may qualify for a density bonus as part of a conservation subdivision set forth in section 12-637 of this chapter. (Ord. 501, 11-18-2008)

(No proposed changes to Sections 12-626 and 12-627)

(No proposed changes to Subchapter 12-6.3)

SUBCHAPTER 6.4 - ~~PRELIMINARY PLAT~~ LONG SUBDIVISION PROCEDURES

12-640: PROCESSING OF LONG SUBDIVISION APPLICATIONS, GENERAL:

The requirements and procedures set forth ~~at sections 12-641 through 12-648 of in~~ this subchapter shall apply to the processing of all applications for long subdivisions to which this chapter is applicable, except for applications which are eligible for processing as short ~~plats subdivisions~~ (as set forth in section ~~12-660 12-6.5~~ of this chapter), or for processing as lot line adjustments (as set forth in subchapter 6.7 of this chapter), ~~or for processing condominium projects (as set forth in subchapter 6.8 of this chapter).~~ (Ord. 501, 11-18-2008)

12-641: LONG SUBDIVISIONS, PREAPPLICATION REVIEW:

A. Any person contemplating a long subdivision is encouraged to contact the planning department prior to the submission of the application for discussion of the procedures, standards and criteria which are applicable to the proposed subdivision.'

B. The preapplication review shall include a general description of the proposed subdivision, and a sketch map of sufficient scale to convey the scope and layout of the proposed subdivision.

C. Discussions may include the concept, the applicable regulations and standards, ~~comprehensive plan objectives~~ and specific problems with the proposed subdivision, such as impacts on roads, schools or potential conflicts with surrounding land uses. (Ord. 501, 11-18-2008)

12-642: ~~PRELIMINARY PLAT~~, CONTENTS OF APPLICATION:

A. Application form, available in the planning department to be completely filled out, including legal owner's signature (or a letter from the holder of legal title authorizing the application to file for the subdivision), and a copy of purchasing agreement.

B. If the proposed land division is located within an Area of Impact (AOI), the applicant must provide proof that an attempt to annex into the applicable city was made and rejected by the city.

C B. One print of a preliminary plat prepared by an Idaho licensed surveyor showing the parcel or parcels to be divided clearly and legibly drawn at a scale suitable to ensure

the clarity of all lines, bearings and dimensions. This ~~application plat~~ shall include the following:

1. Subdivision name, geographic grid (township, range and tier section number and location within the section), north arrow, and vicinity map showing location and boundary of the proposed tract and existing road pattern in the vicinity.
2. Boundary lines of the tract to be subdivided drawn to scale, together with intersecting property lines, abutting public and private roads, and the status of adjoining property (name of subdivision or unplatted area). ~~names and addresses of adjoining owners shown in their respective places of ownership on the plat.~~
3. The location, dimensions and area (in acres) of proposed lots. All proposed lots shall be numbered or in a systematic order.
4. The location, dimensions and tentative names of proposed streets and roads.
5. Sufficient contours to show the shape of the land and extending at least one hundred feet (100') beyond the subdivision limits (use of USGS map acceptable).
6. Location of all watercourses, floodplains as delineated on flood insurance rate maps or base flood elevations, the elevations derived from flood insurance rate maps, and approximate areas subject to inundation of stormwater overflow.
7. Existing wells, springs, wetland boundaries as depicted on national wetlands inventory maps or as delineated by a professional authorized by the U.S. army corps of engineers to perform wetland delineations, drainage channels, overhead and underground utility lines, structures, sanitary sewers and culverts within the tract and immediately adjacent thereto.
8. Proposed method of water supply, sewage disposal and solid waste disposal.
9. All easements of record, including sufficient recording data to identify the conveyance.
10. All parcels of land intended to be dedicated for public use or reserved for the use of all property owners with the purpose indicated.
11. A statement setting forth the intended land use of the parcels, i.e., residential, agricultural, commercial, industrial or other appropriate land use classifications.

D.G. The application shall be accompanied by the following:

1. Application fee as set forth at section 12-265 of this title.
2. Preliminary subdivision road design plan and profile, prepared, stamped and signed by an Idaho licensed engineer demonstrating ability to comply with the minimum applicable road standards for all new or reconstructed roads proposed to serve the subdivision.
3. Any other information required by this title or necessary for consideration of the application. (Ord. 501, 11-18-2008; amd. Ord. 681, 10-12-2022; Ord. 682, 10-12-2022)

E. All proposed long subdivisions must meet the design standards found in subchapter 12-6.2 of this chapter.

12-643: LONG SUBDIVISIONS, PROCEDURE FOR PROCESSING PRELIMINARY PLAT:

A. The applicant shall file an application for a preliminary plat with the planning department, pursuant to the procedures of section 12-268 of this title.

B. The hearing body Zoning Commission shall hold the public hearing on the application for preliminary plat, in accord with the procedures set forth in subchapter 2.6 of this title. The hearing body Commission shall consider the application for the preliminary plat, any comments received, the facts on the record and may:

1. Recommend approval of Approve the application for preliminary plat, as presented;
2. Recommend approval of Approve the application for preliminary plat, as modified in any particular;
3. Continue the public hearing on the preliminary plat pending changes to be made in the application, the subdivision design or the receipt of additional information; or
4. Recommend denial of Deny the application for preliminary plat.

C. The hearing body Zoning Commission shall make its recommendation to the board decision, at the close of the public hearing, in accordance with Idaho Code 67-6535 explaining the reasons for its recommendation and citing the ordinance standards and comprehensive plan provisions used in making its recommendation and findings and conclusions in support of its recommendation.

~~—D.— Upon receipt of the Zoning Commission recommendation, the planning director shall proceed to schedule the application for preliminary plat for the next available public hearing date before the board, allowing sufficient time for published public notice at least fifteen (15) days prior to the date of the public hearing in one issue of the official county newspaper, and mailed notification to landowners as required at section 12-217 of this title. Such notices shall contain the applicant's name, a description of the proposed subdivision, its general location and the date, time and place of the public hearing.~~

~~—E.— The board shall hold the public hearing on the application for preliminary plat, in accord with the procedures set forth in subchapter 2.6 of this title. The board shall consider the facts of the application, any comments received, the facts on the record, the relevant ordinance standards and comprehensive plan provisions, testimony and evidence received at the public hearing conducted by the Zoning Commission, the recommendation of the Zoning Commission, and any action taken by an affected city council.~~

~~—F.— The board may:~~

- ~~—1. Approve the application for preliminary plat, as presented;~~
- ~~—2. Approve the application as modified in any particular;~~
- ~~—3. Continue the public hearing on the preliminary plat pending changes to be made in the application, the subdivision design or the receipt of additional information; or~~
- ~~—4. Deny the application for preliminary plat.~~
- ~~—G. The board shall set forth its decision in writing explaining the reasons for its decision, and citing the ordinance standards and comprehensive plan provisions used in making its decision and findings of fact and conclusions in support of its decision. If the board denies the application for preliminary plat, the board shall also set forth in writing the actions (if any) the applicant could take to obtain approval.~~

DH. As a part of its decision approving an application for a preliminary plat, the board hearing body may require the completion of improvements (such as roads, utilities or stormwater management controls) prior to final plat approval. Improvements not completed prior to final plat approval are subject to surety agreements pursuant to section 12-644 of this subchapter. In addition to the standards set forth in this chapter, the board hearing body may stipulate conditions to be placed on the final plat, provided evidence of record is sufficient to so warrant, which may include:

1. Minimizing adverse impacts on adjacent properties;
2. Designating the exact location and nature of development;
3. Requiring the provision of on or off site public facilities or services;
4. Assuring the development is maintained properly;
5. Provisions for setbacks that are greater than the minimum standards set forth in this title to mitigate effects of the development on wildlife, fisheries, wetlands, adjoining properties, or to reduce hazards due to floodplain, floodways, steep slopes or other physical constraints of the land, provided evidence is deemed sufficient to warrant greater setbacks;
6. Safeguards to protect adjoining properties.

EI. The preliminary plat shall be valid for a period not to exceed three (3) two (2) years from the date of approval. At any time prior to the expiration date of the preliminary plat, an applicant may make a written request to the planning director for a single extension of the preliminary plat for a period up to three (3) two (2) years. The extension request shall be processed in accordance with 12-266.1 of this title. The board may consider such request for extension at any regular business meeting. The extension request must be approved or denied prior to the expiration date of the preliminary plat. (Ord. 501, 11-18-2008; amd. Ord. 661, 3-18-2022)

12-644: IMPROVEMENT PLAN REQUIRED, CONTENTS:

A. After the preliminary plat is approved, the subdivider shall have an improvement plan for the subdivision prepared by a registered civil engineer. Two (2) copies of the improvement plan shall be filed with the county engineer. This plan shall include the following:

1. The subdivision name and number, geographic grid (township, range and tier, section number and location within the section), north arrow, date and scale no smaller than one hundred feet to the inch (1" = 100').

2. The plan and profile of all proposed roads showing final grades and cross sections of roads in accord with the requirements contained in title 2 of this code.

3. The plan and profile of proposed sanitary and stormwater systems with grades and sizes indicated. Drain calculations may be required.

4. A grading plan, showing stormwater drainage for each lot.

5. Any other improvements such as curbs, gutters, sidewalks, bridges, lift stations, fire hydrants, streetlighting, etc., as required, and in accord with the requirements contained in title 2 of this code.

B. The county engineer, or his representative, shall check inspection reports of the applicant's engineer and shall perform a final inspection and additional inspections (if called for). Construction and inspection of road improvements shall be completed in accord with the requirements contained in title 2 of this code or [appendix A](#) of this title.

C. In lieu of completing all improvements as required before final plat recording, the subdivider shall enter into a surety agreement with the board agreeing to complete the improvements in accordance with surety agreement conditions and preliminary and final plat approvals. A cash deposit, certificate of deposit, corporate surety bond written by an insurance company licensed in Idaho having a rating from AM Best & Company of "A" or better, letter of credit issued and backed by a federal or state chartered bank, is required equivalent to one hundred fifty percent (150%) of the project engineer's estimated cost of construction of the improvements for the purpose of guaranteeing completion of the work and repair of any defects in improvements which occur within one year of the first acceptance of the completed work by the board. Sureties guaranteeing the work and repair of any defects in improvements which occur within one year after first acceptance of the completed work by the board may be reduced by the board by one-half ($\frac{1}{2}$) for that one year. The surety agreement shall be valid for a period not to exceed ~~three (3) two (2)~~ calendar years from the date of approval. At any time prior to the expiration date of the surety agreement, the subdivider may make a written request to the planning director for a single extension of the surety agreement for a period up to ~~three (3) two (2)~~ years. The board may consider such request for extension at any regular business meeting. The extension request must be approved or denied by the board prior to the expiration date of the surety agreement. (Ord. 501, 11-18-2008)

12-645: STANDARDS FOR REVIEW ~~OF APPLICATIONS FOR PRELIMINARY PLATS OF ALL SUBDIVISIONS:~~

The ~~hearing body Zoning Commission~~ shall apply the following standards in making its ~~recommendation, and the board shall apply the following standards in rendering its~~ decision on all applications for preliminary plat:

- A. The proposed subdivision is in accord with the purposes of this title and of the zone district in which it is located.
- B. The site is physically suitable for the proposed development.
- C. The design of the proposed subdivision will not adversely impact Bonner County's natural resources, as identified in the comprehensive plan. Any adverse impacts or potential for impacts shall be mitigated as a condition of approval.
- D. The public and private services, including, but not limited to, water, sewer services, solid waste, fire protection, emergency services, and school facilities and transportation, which will serve the proposed subdivision are adequate for the needs of future residents or users.
- E. The proposed subdivision will not cause circumstances to exist that will cause future residents or the public at large to be exposed to hazards to health or safety.
- F. The design of the proposed subdivision or related improvements will provide for coordinated access with the county system of roads and with adjacent properties, and will not impede the use of public easements for access to, or through the proposed subdivision. The proposed transportation system is designed to adequately and safely serve the future residents or users without adversely impacting the existing transportation system by reducing the quality or level of service or creating hazards or congestion.
- G. The proposed subdivision is designed to comply with the design criteria for subdivisions set forth in subchapter 6.2 of this chapter. (Ord. 501, 11-18-2008; amd. Ord. 661, 3-18-2022)

12-646: LONG SUBDIVISION, CONTENTS OF FINAL PLAT, PROCEDURE FOR APPROVAL OF FINAL PLAT:

A. The contents and procedure for processing the final plat for long subdivisions are set forth in subchapter 12-6.6 of this chapter.

12-646: FINAL PLAT, CONTENTS:

~~The final plat shall conform with the following items:~~

- ~~—A. A distinct subdivision name, consistent with the provisions of Idaho Code section 50-1307. For the purposes of this section, the subdivision name shall be considered distinct if the exact name, either pronounced the same or similarly spelled, has not been used previously.~~
- ~~—B. Names of the subdivider and the engineer or surveyor.~~

~~—C. The "initial point" and description thereof, shall be indicated on the drawing and the location and description in conformance with Idaho Code.~~

~~—D. Street lines of all existing or recorded streets, principal property lines, patent lines, Township lines or section lines, intersecting, crossing or contiguous to the subdivision (which should be mathematically tied to the lines of the subdivision by distances and bearings) and the status of adjoining property shall be indicated (name of subdivision or unplatted area).~~

~~—E. The accurate location and description and filing of all monuments shall be in accordance with the Corner Perpetuation and Filing Act, Idaho Code title 55, chapter 46.~~

~~—F. The length and bearings of the lines of all lots, streets, alleys and easements as laid out, length of arc, points of curvature, radii and tangent bearings in the case of curved lines (the system of lengths and bearings of the boundary lines).~~

~~—G. All lots shall be numbered consecutively in each block, and each block lettered or numbered as set forth at Idaho Code section 50-1304. Unique block numbers shall be assigned for lots separated by streets, public land, railroad rights-of-way, waterways or any other barriers to the continuity of the development. All streets shall bear the street or road name as it appears on the official road name list.~~

~~—H. The accurate outline of all property that is offered for dedication for public use, with the purpose indicated thereon and all property owners in the subdivision and conform with Idaho Code.~~

~~—I. Private restrictions, if any.~~

~~—J. North point, graphic scale and date.~~

~~—K. A certificate of a licensed engineer or surveyor of the State to the effect that the plat represents a survey made by him that all of the monuments, shown thereon, actually exist and that their positions are as shown.~~

~~—L. Location of all watercourses, base flood elevations, the elevations derived from flood insurance rate maps, and approximate areas subject to inundation of stormwater overflow.~~

~~—M. Wetland boundaries and any proposed easements or easements of record for drainage, channels, overhead and underground utility lines, sanitary sewers and water systems within the tract. (Ord. 501, 11-18-2008; amd. Ord. 590, 6-12-2019)~~

~~12-647: ENDORSEMENTS TO BE SHOWN ON FINAL PLAT:~~

~~The final plat shall also contain the following information:~~

~~—A. Owner's certificate. A notarized description of the property encompassed by the plat, dedications and restrictions.~~

~~—B. A place for the Planning Director's approval.~~

- ~~—C. A place for the County Surveyor's approval.~~
- ~~—D. A place for Panhandle Health District approval or the Sanitary Restriction as allowed by I.C. 50-1326.~~
- ~~—E. A place for Board approval.~~
- ~~—F. A place for the County Treasurer's approval.~~
- ~~—G. A place for the Recorder's signature.~~
- ~~—H. A place for city approval acknowledgement, if within an Area of City Impact.~~
- ~~—I. A place for the lienholder's approval. The lienholder's approval may be excluded from any plat that does not contain dedications of land to the public, provided the landowner proves the lienholder has received notice by certified mail of the pending subdivision. (Ord. 501, 11-18-2008; amd. Ord. 524, 1-11-2012; Ord. 607, 7-22-2020)~~

~~12-648: PROCEDURE FOR FINAL PLAT REVIEW AND APPROVAL:~~

- ~~—A. Upon the payment of final plat check fees, as set forth at section [12-265](#) of this title, and receipt of a copy of a current preliminary title report, and one blueprint copy of the proposed final plat, the Planning Director shall cause a review of the proposed final plat to verify conformance with the provisions of this title and the conditions of preliminary plat approval.~~
- ~~—B. The applicant shall prepare a final plat which conforms to the requirements for final plats set forth at Idaho Code section 50-1304, bearing the endorsement certificates as required at section [12-647](#) of this subchapter and Idaho Code title 50, chapter 13.~~
- ~~—C. Upon receipt of such plat, and the payment of the plat checking fee as set forth at section [12-265](#) of this title, the Planning Director shall cause an examination of such plat by endorsing agencies and a licensed surveyor, registered in the State of Idaho for checking in accordance with the requirements of Idaho Code section 50-1305. When such agencies have signed the plat and all plat certificates, except those of the Board, Recorder and Planning Director have been endorsed, the Planning Director shall place the request for final plat approval on the agenda for the next available meeting of the Board of County Commissioners.~~
- ~~—D. The Board shall approve the final plat when:~~
 - ~~—1. The final plat conforms to the requirements of Idaho Code and this Code; and~~
 - ~~—2. The final plat conforms with the approved preliminary plat; and~~
 - ~~—3. The conditions of preliminary and final plat approval have been completed or financially guaranteed pursuant to the provisions of this chapter.~~
- ~~—E. The Board may continue consideration of the final plat approval to a date and time certain to allow receipt of additional information regarding any aspect of the final plat or its conditions of approval. (Ord. 501, 11-18-2008)~~

~~12-649: DIGITAL SUBMISSION OF FINAL PLAT:~~

~~—A. In addition to the hard copy final plat submitted for recordation, applicants are required to submit a digital copy of the subdivision plat. The digital copy submission shall not substitute for any contents of the final plat listed above. The digital copy submission will expedite the subdivision process as well as provide economies in maintaining an accurate Countywide parcel base map in geographic information systems. The following are required:~~

~~—1. Digital files should be submitted in AutoCAD or other approved computer-aided drafting (CAD) software format with a submission form or directly to the Geographic Information Systems Department via e-mail.~~

~~—2. The digital files should be named according to naming conventions.~~

~~—3. The digital file should include all appropriate layers.~~

~~—4. There shall be an indication of whether the submission is tied to control and to which control.~~

~~—5. If projected, the projection parameters should be provided with the file. (Ord. 572, 10-25-2017)~~

SUBCHAPTER 6.5 - SHORT ~~PLATS SUBDIVISION, PROCEDURES~~

~~12-650: CONTENTS OF APPLICATION APPLICATION/CONTENTS OF PRELIMINARY PLATS SUBDIVISIONS FOR SHORT PLAT PROCEDURE:~~

A. Purpose: To define the procedures for which an administrative approval may be granted for the development of land into ~~five (5) to~~ ten (10) or fewer lots or parcels; to encourage small scale development which conforms to the intent and scope of the Bonner County comprehensive plan by providing a means for land development other than the regular subdivision process; and to expedite the subdivision approval of developments that conform with ~~the comprehensive plan and~~ this chapter. The procedures of a regular subdivision apply to the short ~~plat subdivision~~ with the exceptions as outlined in this section.

B. ~~Application:~~ Applications for short ~~plats subdivisions~~ which contain ~~five (5) to~~ ten (10) or fewer contiguous lots or ~~parcels~~ under common ownership may be processed as "short ~~plats subdivisions~~" as set forth in sections 12-651 through 12-652 of this subchapter.

C. ~~Permit Required:~~ ~~Lots created by a short plat subdivision, shall only be eligible for one short plat subdivision for a period of not less than two (2) years. Land divisions done prior to the end of the two (2) year period shall be processed as a subdivision. Lands divided using a short subdivision are not eligible for further division by the short subdivision process. This restriction shall be noted on the plat. Future divisions of any lot created by short subdivision must proceed through the Subdivision process.~~

D. ~~Contents:~~ The contents of the preliminary short plat subdivision shall include all of the items set forth in subchapter ~~6-2~~ 12-642 of this chapter. (Ord. 557, 11-10-2016; amd. Ord. 607, 7-22-2020)

E. All proposed short subdivisions must meet the design standards found in subchapter 12-6.2 of this chapter.

12-651: SHORT PLAT SUBDIVISION, PROCEDURE FOR PROCESSING PRELIMINARY PLAT PROCEDURE FOR APPROVAL OF PRELIMINARY SHORT PLAT:

A. The applicant shall file an application for a preliminary short plat subdivision with the planning department, pursuant to the procedures of section 12-268 of this title.

B. Upon the determination of the planning director that an application is complete, the planning department shall:

1. Send ~~copies of the application, by first class mail, to~~ public agencies and entities, pursuant to section 12-268 of this title, a notice that a short subdivision application has been made, and a means for the agency to review it.

2. Provide notice of the proposed short plat subdivision by first class mail to all property owners of record, following the standards of 12-268 of this title within three hundred feet (300') of the external boundaries of the land being considered. The notice shall, at a minimum, include the applicant's name, a description of the proposed short plat subdivision and the general location of the property. The notice shall advise of a thirty (30) day written comment period beginning the day after notice is mailed.

3. Provide notice to the official county newspaper of record. The notice shall provide a summary of the proposal and advise of the thirty (30) day comment period.

4. When a short plat subdivision is in an area of ~~city~~ impact (~~ACI~~ AOI) the notice requirement shall be in accordance with the applicable area of impact agreement forty (40) days.

C. At the close of the comment and review period and upon a determination by the planning director that the agency review comments have been addressed by the applicant, the planning department shall issue a staff report containing, at a minimum, proposed findings, conclusions and conditions of approval and a recommendation for action. Any response to the staff report by the applicant or interested parties shall be received by the planning department not later than ten (10) days after the issuance of the report.

D. Following the ten (10) day response period, the planning director shall consider the application for the preliminary short plat subdivision, any comments received, the facts on the record and the standards for considering the short plat subdivision at application and may:

1. Approve the preliminary short plat subdivision, as presented;

2. Approve the preliminary short plat subdivision, as modified in any particular;

3. Continue action on the short plat subdivision to a date certain, pending changes to be made in the application, the short plat subdivision design or the receipt of additional information;

4. Deny the application for preliminary short plat subdivision;

5. Recommend ~~the board~~ a hearing body conduct a public hearing pursuant to the public hearing noticing requirements and procedures set forth in subchapter 2.6 of this title, based upon the extent of public comment or other contested factors in the case which warrant a full hearing ~~before the board~~. This option may be selected at any time following the initiation of the review and comment period when evidence of the record supports it, to ensure prompt processing of the application for hearing.

E. The planning director shall render a decision in accordance with Idaho Code 67-6535 ~~writing, setting forth the ordinance provisions and standards used, all comments received from the neighbors and agencies, the facts of the application and such conclusions as support the decision~~. If the planning director denies the preliminary short plat subdivision, the planning director shall specify in the decision the actions, if any, which the applicant could take to obtain approval.

F. As a part of its decision approving an application for a preliminary plat, the planning director may require the completion of improvements (such as roads, utilities or stormwater management controls) prior to final plat approval. Improvements not completed prior to final plat approval are subject to surety agreements pursuant to section 12-644 of this chapter. In addition to the standards set forth in this chapter, the planning director may stipulate conditions to be placed on the final plat provided evidence of record is sufficient, which may include:

1. Minimizing adverse impacts on adjacent properties.
2. Designating the exact location and nature of development.
3. Requiring the provision of on or off site public facilities or services.
4. Assuring the development is maintained properly.

5. Provisions for setbacks that are greater than the minimum standards set forth in this title to mitigate effects of the development on wildlife, fisheries, wetlands, adjoining properties, or to reduce hazards due to floodplain, floodways, steep slopes or other physical constraints of the land, provided evidence is deemed sufficient to warrant greater setbacks.

6. Safeguards to protect adjoining properties.

G. The preliminary short plat subdivision shall be valid for a period not to exceed ~~three (3)~~ two (2) calendar years from the date of approval. At any time prior to the expiration date of the preliminary short plat subdivision, an applicant may make a written request to the planning director for an extension of the preliminary short plat subdivision for a period up to ~~three (3)~~ two (2) years, finding that conditions or applicable regulations have not changed so substantially as to warrant reconsideration

of the proposed subdivision with respect to the public health, safety, and general welfare. The extension request shall be processed in accordance with 12-266.1 of this Title. ~~The planning director may recommend such request for extension at any regular business meeting of the board of commissioners.~~ The extension request must be approved or denied prior to the expiration date of the preliminary short plat.

H. Any determination made by the planning director in the administration of this section may be appealed in accordance with 12-261 of this Title. ~~to the board by notifying the planning director in writing of the intent to appeal within ten (10) calendar days from the date of the determination. Upon receipt of the appeal, the planning director shall schedule the application for a public hearing before the board, allowing sufficient time for notice. The board shall conduct a public hearing and consider the application, in accord with the procedures set forth in subchapter 2.6 of this title.~~

(Ord. 557, 11-10-2016)

12-652: SHORT PLAT SUBDIVISION, CONTENTS OF FINAL PLAT, PROCEDURE FOR APPROVAL OF FINAL PLAT:

~~—A. The contents of the final plat for short plats processed under the short plat procedure shall be as set forth in section 12-646 of this chapter.~~

~~—B. The procedure for processing final plats of short plats utilizing the short plat procedure shall be as set forth in section 12-648 of this chapter.~~

A. The contents and procedure for processing the final plat for short subdivisions are set forth in subchapter 12-6.6 of this chapter.

SUBCHAPTER 6.6 – FINAL PLAT MINOR LAND DIVISIONS

12-660: FINAL PLAT, CONTENTS:

The final plat shall conform with the following items:

A. A distinct subdivision name, consistent with the provisions of Idaho Code section 50-1307. For the purposes of this section, the subdivision name shall be considered distinct if the exact name, either pronounced the same or similarly spelled, has not been used previously.

B. Names of the subdivider and the engineer or surveyor.

C. The "initial point" or "point of beginning" and description thereof, shall be indicated on the drawing and the location and description in conformance with Idaho Code.

D. Street lines of all existing or recorded streets, principal property lines, patent lines, Township lines or section lines, intersecting, crossing or contiguous to the subdivision (which should be mathematically tied to the lines of the subdivision by distances and bearings) and the status of adjoining property shall be indicated (name of subdivision or unplatted area).

E. The accurate location and description and filing of all monuments shall be in accordance with the Corner Perpetuation and Filing Act, Idaho Code title 55, chapter 16.

F. The length and bearings of the lines of all lots, streets, alleys and easements as laid out, length of arc, points of curvature, radii and tangent bearings in the case of curved lines (the system of lengths and bearings of the boundary lines).

G. All lots shall be numbered consecutively in each block, and each block lettered or numbered as set forth at Idaho Code section 50-1304. Unique block numbers shall be assigned for lots separated by streets, public land, railroad rights-of-way, waterways or any other barriers to the continuity of the development. All streets shall bear the street or road name as it appears on the official road name list.

H. The accurate outline of all property that is offered for dedication for public use, with the purpose indicated thereon and all property owners in the subdivision and conform with Idaho Code.

I. Private restrictions, if any.

J. North point, graphic scale and date.

K. A certificate of a licensed engineer or surveyor of the State to the effect that the plat represents a survey made by him that all of the monuments, shown thereon, actually exist and that their positions are as shown.

L. Location of all watercourses, base flood elevations, the elevations derived from flood insurance rate maps, and approximate areas subject to inundation of stormwater overflow.

M. Wetland boundaries and any proposed easements or easements of record for drainage, channels, overhead and underground utility lines, sanitary sewers and water systems within the tract. (Ord. 501, 11-18-2008; amd. Ord. 590, 6-12-2019)

12-661: ENDORSEMENTS TO BE SHOWN ON FINAL PLAT:

The final plat shall also contain the following information:

A. Owner's certificate. A notarized description of the property encompassed by the plat, dedications and restrictions.

B. A place for the Planning Director's approval.

C. A place for the County Surveyor's approval.

D. A place for Panhandle Health District approval, if applicable.

E. A place for Board approval.

F. A place for the County Treasurer's approval.

G. A place for the Recorder's signature.

H. A place for city acknowledgement, if within an Area of Impact (AOI), if applicable.

I. A place for the lienholder's approval, if applicable. The lienholder's approval may be excluded from any plat that does not contain dedications of land to the public, provided the landowner proves the lienholder has received notice by certified mail of the pending subdivision.

12-662: PROCEDURE FOR FINAL PLAT REVIEW:

A. Upon the payment of final plat check fees, as set forth at section 12-265 of this title, and receipt of a copy of a current preliminary title report, and one blueprint copy of the proposed final plat, the Planning Director shall cause a review of the proposed final plat to verify conformance with the provisions of this title and the conditions of preliminary plat approval.

B. The applicant shall prepare a final plat which conforms to the requirements for final plats set forth at Idaho Code section 50-1304, bearing the endorsement certificates as required at section 12-647 of this subchapter and Idaho Code title 50, chapter 13.

C. Upon receipt of such plat, and the payment of the plat checking fee as set forth at section 12-265 of this title, the Planning Director shall cause an examination of such plat by endorsing agencies and a licensed surveyor, registered in the State of Idaho for checking in accordance with the requirements of Idaho Code section 50-1305. When such agencies have signed the plat and all plat certificates, except those of the Board, Recorder and Planning Director have been endorsed, the Planning Director shall place the request for final plat approval on the agenda for the next available meeting of the Board of County Commissioners.

D. The Board shall approve the final plat when:

1. The final plat conforms to the requirements of Idaho Code and this Code; and
2. The final plat conforms with the approved preliminary plat; and
3. The conditions of preliminary and final plat approval have been completed or financially guaranteed pursuant to the provisions of this chapter.

E. The Board may continue consideration of the final plat approval to a date and time certain to allow receipt of additional information regarding any aspect of the final plat or its conditions of approval. (Ord. 501, 11-18-2008)

12-660: MINOR LAND DIVISION PROCEDURE:

~~—A. Purpose: To ensure that land divisions comply with the applicable zoning regulations; to establish a ministerial review of all land divisions; and to expedite the process for those small divisions of land that conform to the existing zone regulations in which the division lies.~~

~~—B. Procedure: Applications for a minor land division which contain four (4) or fewer contiguous lots under common ownership may be processed as “minor land divisions” as set forth in this section and section 12-661 of this subchapter; provided, that no planned unit development is requested to accommodate the proposed lot sizes.~~

~~—C. Permit Required: Lots created by a minor land division, shall only be eligible for one minor land division for a period of not less than two (2) years. Land divisions done prior to the end of the two (2) year period shall be processed as a subdivision or short plat.~~

~~—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 ration 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.~~

~~——c. Lands below the applicable natural or ordinary water mark, or the applicable artificial high water mark, of any lake, river, stream, channel or other body of public water shall not be counted in the calculations for determining the maximum density for a subdivision. For example, if a forty (40) acre parcel in the R-5 zoning district contains thirty (30) acres submerged under Lake Pend Oreille's artificial high water mark, then the parcel contains ten (10) “usable” acres for the purpose of determining the maximum density in a subdivision.~~

~~——d. The division shall be designed around identified natural hazards (highly erosive soils on steep slopes, landslide areas, rock falls, areas of subsidence, floodplains) to protect building sites and roads from damage from such hazards.~~

~~——e. All plats shall include the sanitary restriction or the sanitary restriction lift per Idaho Code 50-13266.~~

~~——f. The lot size minimum shall be appropriate for the zone in which the division is located.~~

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

~~—3. MLD Plat: The legal description and MLD plat shall be prepared by an Idaho State registered land surveyor and shall include the plat certifications, descriptions, approvals and comments as set forth in sections 12-646, 12-647 and 12-649 of this chapter.~~

~~(Ord. 501, 11-18-2008; amd. Ord. 557, 11-10-2016; Ord. 581, 10-24-2018; Ord. 591, 10-23-2019; Ord. 696, 7-12-2023)~~

~~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) days, from the date of a completed application was stamped as received.~~

~~—D. If administratively approved, the final plat shall be transmitted to the board of county commissioners at the next business meeting for review and possible approval.~~

~~(Ord. 557, 11-10-2016; amd. Ord. 591, 10-23-2019; Ord. 696, 7-12-2023)~~

SUBCHAPTER 6.7 - LOT LINE ADJUSTMENTS

(No proposed changes to Section 12-670)

12-671: APPLICATIONS FOR ADJUSTMENT OF LOT LINES, MINOR NOTATIONAL CHANGES:

A. All applications made pursuant to this section shall be submitted to the Bonner County planning department. Any person contemplating a lot line adjustment/minor notational change is encouraged to contact the planning director prior to submission of the application for discussion of procedures, standards and criteria which are applicable to the proposed application.

B. All applications for readjustments of lot lines and minor notational changes shall include:

1. Paper copies of the final plat prepared by an Idaho licensed professional land surveyor containing the minimum information required at subsection ~~12-642B3~~ C 3 and ~~subchapter 6.6 sections 12-646 and 12-647~~ of this chapter, the requirements for plats set forth in Idaho Code title 50, chapter 13, and depicting the location of existing structures and wells.

2. Additional information reasonably required for a thorough review of the application as may be requested by the planning director.

3. A copy of the current preliminary title report.

C. Applications shall additionally include one copy of the plat currently recorded marked to clearly indicate the proposed changes to the plat.

D. No application submitted pursuant to this subsection shall be deemed complete nor any plat recorded, until all fees set forth at section 12-265 of this title have been paid, unless waived by the board.

E. Applications for lot line adjustments shall conform to the design criteria for subdivisions as set forth in sections 12-620 and 12-621, 12-622, 12-623 and subsections 12-624 A, D, and E of this chapter. (Ord. 501, 11-18-2008; amd. Ord. 591, 10-23-2019; Ord. 607, 7-22-2020; Ord. 681, 10-12-2022; Ord. 682, 10-12-2022)

(No proposed changes to Section 12-672)

12-673: FINAL PLAT FOR LOT LINE ADJUSTMENTS/NOTATIONAL CHANGES TO BE DRAWN, TIME FOR FILING, SIGNING:

A. The contents and procedure for processing the final plat for a lot line adjustment or notational change are set forth in subchapter 12-6.6 of this chapter.

~~Upon approval of the paper copy of the final plat, the applicant shall cause a final plat to be drawn, suitable for recording and in compliance with the requirements for plats set forth at Idaho Code title 50, chapter 13, and the requirements for final plats set forth in this chapter. The chairperson of the board shall be authorized to sign the final plat upon the receipt of a statement from the planning director confirming that:~~

~~—A. The final plat conforms to the requirements of Idaho Code and this code; and~~

~~—B. The final plat conforms with the approved application; and~~

~~—C. The conditions of approval have been completed or financially guaranteed pursuant to the provisions of this chapter.~~

~~(Ord. 501, 11-18-2008; amd. Ord. 591, 10-23-2019)~~

12-818: DEFINITIONS - R:

REMAINDER:

The portion of a property that remains after a land division has been approved and recorded. A remainder may only be created pursuant to BCRC 12-613 and must meet the waiver of land division requirements as set forth in that subchapter.

12-819: DEFINITIONS - S:

SUBDIVISION:

Any division of land into one or more platted lot(s) or tracts.

The term “subdivision” shall not include:

A. The lease of agricultural lands for agriculture or agricultural purposes.

B. The lease or conveyance of land to a governmental agency, quasi-public or public entity, political subdivision, or private or public utility at the request or acceptance of such agency, entity, political subdivision, or utility. The portion conveyed to the previously mentioned entities need not meet minimum acreage standards, however, any other portion or remainder that remains in private ownership shall meet minimum acreage standards.

C. Mineral, oil or gas leases.

D. A lot line adjustment or minor notational change.

E. Land within a recognized cemetery which has been divided into lots or plats for the purpose of burial only.

F. The financing or leasing of any commercial or industrial lot or parcel, or portion thereof, in conjunction with the construction of commercial or industrial buildings on a single lot or parcel.

G. The financing or leasing of existing separate commercial or industrial buildings on a single lot or parcel.

H. The financing or leasing of apartments, offices, stores or similar space with apartment buildings, industrial buildings, commercial buildings or mobile home parks, so long as each unit or space is not separately owned.

I. Land divisions which are exempt under 12-613 of this title.

SUBDIVISION, LONG:

Any division of land into eleven (11) or more platted lots or tracts or divisions of those parcels that do not qualify for a Short Subdivision.

SUBDIVISION, SHORT:

Any division of land into ten (10) or fewer platted lots or tracts.