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Index to: COUNTY ORDINANCES



BC

Ordinance No. 721

Title 12 Land Use Regulations

AN ORDINANCE OF BONNER COUNTY, IDAHO, ESTABLISHING A MORATORIUM ON MINOR LAND DIVISION LAND USE APPLICATIONS; REMOVING THE RELATED SECTIONS FROM THE BONNER COUNTY REVISED CODE; MAKING FINDINGS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Whereas, the Board of Bonner County Commissioners, pursuant to Idaho Code §67-6523, is authorized to establish an emergency moratorium via ordinance when an imminent peril to public health, safety, or welfare exists; and

Whereas, Bonner County has adopted land use regulations under Title 12, Chapter 1.1 of the Bonner County Revised Code (BCRC) to ensure orderly development and the protection of public interests; and

Whereas, Idaho Code, Title 67, Chapter 65 requires local governments to adopt land use policies that protect property rights, public infrastructure, emergency services, and environmental quality; and

Whereas, Idaho Code §67-6518 grants counties the authority to adopt standards for public and private development to safeguard public health, safety, and welfare; and

Whereas, BCRC 12-600 and 12-611 contain provisions intended to prevent the sequential or contiguous use of Minor Land Divisions (MLDs) to avoid subdivision regulations; however, a conflict between these provisions and the two-year restriction in BCRC 12-6.6 has led to inconsistent interpretation and application, creating uncertainty in land use decisions; and

Whereas, this inconsistency has resulted in unpredictable land division approvals, making it difficult to ensure that infrastructure, emergency access, and fire protection standards are consistently applied across Bonner County; and

Whereas, the existing Minor Land Division processes have contributed to challenges in road access, fire safety, emergency response, and drainage infrastructure, particularly in rural and high-risk areas; and

Whereas, unresolved conflicts between BCRC 12-600, 12-611, and 12-6.6 have led to challenges in enforcing subdivision requirements, necessitating a temporary moratorium to assess and revise land use regulations to ensure clarity, consistency, and compliance with long-term planning goals; and

Whereas, the removal of these provisions will allow Bonner County to establish a more consistent regulatory framework that aligns with infrastructure standards, public safety needs, and sustainable growth policies; and

Whereas, in accordance with Idaho Code §67-6523, the Board of County Commissioners finds that an imminent peril to public health, safety, or welfare exists due to the continued approval of Minor Land Division applications without a clear and enforceable regulatory framework; and

Whereas, at a duly advertised public hearing on April 21, 2025, the Board of County Commissioners approved the moratorium ordinance with an effective date of May 19, 2025.

Now, therefore, be it ordained by the Board of County Commissioners of Bonner County, Idaho that the following be and is hereby adopted as an ordinance of Bonner County:

SECTION 1: Authority

This Ordinance is adopted pursuant to the authority granted at Chapter 65, Title 67, Idaho Code, and pursuant to the procedural requirements contained at Section 67-6523, Idaho Code.

SECTION 2: Amending Bonner County Revised Code, Chapter 6 subchapters 12-111, 12-112, and 12-6.6.

The following sections of the Bonner County Revised Code (BCRC) are hereby repealed in their entirety:

1. BCRC 12-6.6 – Minor Land Division Procedure

Upon adoption of this Ordinance, no new Minor Land Division applications shall be accepted, reviewed, or approved by Bonner County.

12-611: 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:	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. 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)

SUBCHAPTER 6.6 – ~~Reserved MINOR LAND DIVISIONS~~

~~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 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.

~~— 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)~~

SECTION 3: Moratorium Period

A moratorium on all Minor Land Division applications is hereby enacted for a period not exceeding 182 days from the effective date of this Ordinance, in accordance with Idaho Code §67-6523.

During this period, Bonner County shall:

- Evaluate and adopt new land use regulations that ensure proper infrastructure, emergency access, and environmental protections.

- Conduct public hearings to develop a long-term framework for responsible land division. The moratorium shall expire on October 1, 2025, unless otherwise repealed or extended pursuant to Idaho Code §67-6523.

SECTION 4: Severability

The provisions of this Ordinance are hereby declared to be individually severable. Should any provision of this ordinance be declared invalid by a court of competent jurisdiction, such declaration shall not affect the validity of the remaining provisions.

SECTION 5: Effective Date

This Ordinance shall be in full force and effect on May 19, 2025 and publication of the ordinance or ordinance summary in one (1) issue of the Bonner County Daily Bee Newspaper.

ADOPTED as a ordinance of the Board of County Commissioners of Bonner County, Idaho, done this 21st day of April, 2025 upon a majority vote.

BONNER COUNTY BOARD OF COMMISSIONERS




Asia Williams, Chair



Brian Domke, Commissioner

Ron Korn, Commissioner

ATTEST: Michael W. Rosedale, Clerk



By Deputy Clerk

5-13-2025

Date

Legal: 
