

Bonner County Planning Department

"Protecting property rights and enhancing property value"

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Short Plat Administrative Decision Letter

March 18, 2022

MPCP Family, LP
3641 E. Quiet Ridge Cir.,
Sandy, Utah 84092

**Subject: Short Plat SS0005-21, Cozy Cottage 1 (Lots 1-7):
Preliminary Plat Administrative Decision Letter**

Encl: A copy of Approved Preliminary Plat

Dear MPCP Family, LP,

The referenced application is hereby administratively approved with conditions as of the date of this letter.

The applicant or interested parties had 10 days from the date of the issuance of the staff report to provide written comment in response. As of the date of this decision letter no responses have been received in opposition of this project in the ten-day comment period since the release of the staff report. The ordinance and standards used in evaluating the application, the Findings of Facts, the Conclusions of Law and the Conditions of Approval imposed are as follows:

Applicable Bonner County Revised Code Standards:

The following sections of BCRC, Title 12, apply to this project:

BCRC 12-2.6	Abandonments, Appeals, Complaints, Exceptions, Fees, Modifications, Public Hearings, Application Processing
BCRC 12-264	Administrative Exceptions
BCRC 12-268	Application Process, General Provisions
BCRC 12-412	Density and Dimensional Standards: Suburban, Commercial, Industrial, Rural Service Center, Recreation and Alpine Village Zones
BCRC 12-610	Applicability/ Qualifications
BCRC 12-611	Definitions
BCRC 12-612.A	Replatting Required
BCRC 12-620	Design Standards: General
BCRC 12-621	Design Standards: Lot Design
BCRC 12-623	Design Standards: Services and Utilities
BCRC 12-624	Design Standards: Roads and Access
BCRC 12-625	Design Standards: Trails and Parks
BCRC 12-626	Design Standards: Environmental Features
BCRC 12-627	Subdivisions in the Commercial and Rural Service Center Districts

BCRC 12-640	Subdivisions, Processing of Subdivision Applications, General
BCRC 12-641	Subdivisions, Pre-application review
BCRC 12-642	Preliminary Plat, Contents of Application
BCRC 12-644	Improvement Plan Required, Contents
BCRC 12-645	Standards for review of Applications for Preliminary Plat of all Subdivisions
BCRC 12-646	Final Plat, Contents
BCRC 12-647	Endorsements to be shown on Final Plat
BCRC 12-648	Procedure for Final Plat Review and Approval
BCRC 12-649	Digital Submission of Final Plat
BCRC 12-650	Application/ Contents of Preliminary Plats for Short Plat Procedure
BCRC 12-651	Short Plat, Procedure for approval of Preliminary Plat
BCRC 12-652	Short Plat, Contents of Final Plat, Procedure for Approval of Final Plat
BCRC 12-7.1	Shorelines
BCRC 12-7.2	Grading, Storm water Management and Erosion Control
BCRC 12-7.3	Wetlands
BCRC 12-7.4	Wildlife
BCRC 12-7.5	Flood Damage Prevention
BCRC 12-7.6	Hillsides

Findings of Facts:

1. The applicant is requesting to replat Lot 1 of Block 1 of Ponderosa Home Sites subdivision, as recorded through Instrument No. 79030 on Page 75 of Book 2 of Plats of Bonner County, Idaho, to create 7 new lots, ranging in area from 11,400 sf. (0.26 acres) to 11,999 sf. (0.28 acres).
2. The submitted application was supported by the following documents indicating that the development has the potential to be served by urban services.
 - a. Garfield Bay Water and Sewer District with an intent and a will to provide sewer service to the proposed project of seven (7) single family units, as per BCRC 12-623.A.
 - b. A water availability report prepared by Reeve and Associates, Inc., Idaho licensed professionals was submitted as part of the application, as required by BCRC 12-623.B.
 - c. A letter from Northern Lights, Inc. was received indicating the potential for the development to be served by electrical services provided the applicant complies with the agency's regulations.
3. The subject property is zoned Recreation and the land use designation is Resort Community. The current zoning of the property permits creation of lots 12,000 square feet or larger, provided both urban water and urban sewer services are provided.
4. As per BCRC 12-264, a five percent (5%) exception to parcel/ lot size may be granted by administrative action. The applicant has submitted an Administrative Exception application, VE0001-22 to request a 5% exception to the minimum required lot size. See Conditions of Approval.
5. The site has direct access and frontage on:
 - Garfield Bay Road, a County owned and maintained public right-of-way, with a speed limit of 35 miles per hour and paved with cold mix asphalt.
 - West Garfield Bay Road, a County owned maintained public right-of-way, with a speed limit of 25 miles per hour and treated gravel surface.

- Honeycutt Road, a County owned and privately maintained public right-of-way.
6. The site contains slopes of less than 30% grade. (USGS)
 7. Site does not contain mapped wetlands. (USFWS)
 8. Site does not contain any river, streams or fronts on any waterbodies. (NHD)
 9. Site is located within Flood Zone D, per FIRM panel 16017C0975E, effective 11/18/2009.
 10. The intended purpose of the lots is to develop them with single family residential structures.
 11. The proposal has been reviewed against the applicable standards of review and has been found to be consistent with the Bonner County Revised Code subject to Conditions of Approval, based on the evidence submitted up to the time the staff report was prepared, with the addition of the Findings of Facts and the Conclusions of Law.

Conclusions of Law:

Based upon the findings of fact, the following conclusions of law are adopted:

- Conclusion 1:** The proposed subdivision **is** in accord with the purposes of this Title and of the zoning district in which it is located.
- Conclusion 2:** The site **is** physically suitable for the proposed development.
- Conclusion 3:** 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.
Staff: See Conditions of Approval.
- Conclusion 4:** 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.
Staff: See Conditions of Approval.
- Conclusion 5:** 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.
- Conclusion 6:** 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.
Staff: See Conditions of Approval.

Conclusion 7: The proposed subdivision **is** designed to comply with the design criteria for subdivisions set forth in Subchapter 6.2 of this chapter.

Conclusion 8: The proposed subdivision **is** in accord with the Bonner County Comprehensive Plan.

Conditions of Approval:

1. As per BCRC 12-264, the applicant requested an Administrative Exception (Planning File No. VE0001-22) to the minimum permitted lot size in the Recreation District where all urban services are provided, for a 5% reduction in the minimum required lot sizes from 12,000 square feet to 11,400 square feet for all proposed lots. The exception to the lot sizes must be approved and issued before recording of the final plat.
2. As per BCRC 12-623.D, a Fire Mitigation Plan was submitted as part of this application. In addition to that, one of the following conditions shall be satisfied:
 - a. 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.
 - b. 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.
 - c. 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".
 - d. Prior to final plat, a manmade or natural water source with a dry hydrant capable of delivering adequate water supply as prescribed by IFC.
 - e. 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".
3. As per BCRC 12-642.B.1, update the subdivision name on the plat to match the submitted application or amend the application to match the submitted plat. The name of the subdivision stated on the application is Cozy Cottage 1.
4. As per BCRC 12-642.B.3, update lot numbers to say "Lot 1", "Lot 2" and so on. This should be done to make sure that lot numbers are not mistaken for Block numbers.
5. As per BCRC 12-642.B.8, proposed method of water supply has been included in the plat notes. Include proposed method of sewage and solid waste disposal in the plat notes.
6. As per BCRC 12-642.B.11, include a statement for the intended use of parcels in the plat notes.
7. As per BCRC 12-644.A, an improvements plan for the subdivision shall be submitted after the approval of the preliminary plat. The contents of the plan shall include the following:

- a. 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').
 - b. A road design and profile for improving the Honeycutt Road surface to widen it to 20 feet and meet the current standards for a privately maintained public road. The plan should show final grades and cross sections of the road in accord with the requirements contained in title 2 of this code.
 - c. Plan and profile for sanitary and storm water systems with grades and sizes indicated. Drain calculations may be required.
 - d. A grading plan showing stormwater drainage for each lot.
 - e. Plan and profile of proposed sewer extension to the subject site.
 - f. Improvements for the proposed shared well.
 - g. Plan and profile of electrical line extension or improvements to the subject site if required.
 - h. Any other improvements such as a fire hydrants, etc. as required, and in accordance with the requirements contained in BCRC Title 2.
8. As per BCRC 12-644.B, applicant's engineer shall provide inspection reports for County Engineer's review and final inspections.
 9. As per BCRC 12-644.C, the subdivider may enter into a surety agreement with the Board in lieu of completing all improvements as required before final plat recording, agreeing to complete the improvements in accordance with surety agreement conditions and preliminary and final plat approvals. See this section of the code for more details.
 10. As per BCRC 12-646, update the plat to show/include the following before final plat submission:
 - a. Subdivision name. See Condition of Approval No. 3 above.
 - b. Lot numbers to be updated as per Condition of Approval No. 4 above.
 11. As per BCRC 12-647, all endorsements as listed in this section shall be denoted on the final plat.
 12. As per BCRC 12-648.A, the applicant shall submit final plat check fees, current preliminary title report and one blueprint copy of the proposed final plat. Instead of submitting one blueprint copy, the applicant may submit a pdf copy of the final blueline plat.
 13. As per BCRC 12-648.B, final plat must conform to the final plat requirements of Idaho Code Section 50-1304 and BCRC 12-647.
 14. As per BCRC 12-649, a digital copy of the final plat shall be submitted to the Planning Department. The digital copy submission shall not substitute for any contents of the final plat listed above.
 15. As per BCRC 12-651.G, the preliminary short plat shall be valid for a period not to exceed two (2) calendar years from the date of approval. At any time prior to the expiration date of the preliminary short plat, an applicant may make a written request to the planning director for an extension of the preliminary short plat for a period up to 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

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.

16. As per BCRC 12-7.2, the applicant submitted a Stormwater Pollution Prevention as part of the application. The plan was approved by the County Engineer. The final plat shall be accompanied by an improvements plan showing stormwater systems with grades and sizes, drain calculations if applicable and a grading plan showing stormwater drainage for each lot as per Condition of Approval No. 7 above.
 17. As per the comments received from Bonner County Road and Bridge Department, the agency makes recommendations regarding dedication 5 feet of right-of-way along the frontage of Garfield Bay Road, dedication of 15 feet easement for drainage and utilities along the north side of the frontage of Honeycutt Road and recommended improvements to widen it to 20 feet meeting the current standards for a privately maintained public road. These conditions as stated in the agency's letter or subsequently modified by the Bonner County Road and Bridge Department upon further review of the project, should be met before the final plat approval.
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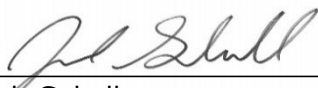
NOTE: Any determination made by the Planning Director or his designee in the administration of this decision may be appealed to the Board of County Commissioners by notifying the Planning Director in writing of the intent to appeal within ten (10) calendar days from the date of this determination. (BCRC 12-653(h)).

Following any final decision concerning a site-specific land use request, the applicant has a right to request a regulatory taking analysis pursuant to Section 67-8003, Idaho Code (*Idaho Code §67-6535(3)*).

Please contact this department if you have any questions.

NOTE: Following any final decision concerning a site-specific land use request, the applicant has a right to request a regulatory taking analysis pursuant to Section 67-8003, Idaho Code (*Idaho Code §67-6535(c)*).

Sincerely,



Jacob Gabell,
Assistant Planning Director

March 18, 2022

Date