



Bonner County Planning Department

"Protecting property rights and enhancing property value"

1500 Highway 2, Suite 208, Sandpoint, Idaho 83864

Phone (208) 265-1458 - Fax (208) 265-1463

Email: planning@bonnercountyid.gov - Web site: www.bonnercountyid.gov

June 25, 2024

Memorandum

To: Board of County Commissioners

From: Jake Gabell, Bonner County Planning Director

Re: Zoning Boundary Interpretation of RP54N04W107050A via BCRC 12-315

The property owner of the subject property has applied for a short plat. Given the zoning as shown on the digital zoning map on the GIS parcel layer and zoning layer, the property appears to be split zoned R-5, Forest 40, and AF/20, see the attached map for more details. The short plat cannot be processed and create the 5 acre properties given the zoning discrepancies on the property.

The property owner has requested that the BOCC interpret the zoning map via BCRC 12-315.

Distribution:

Jake Gabell

(Recommendation)

Staff makes no recommendation.

Motion to interpret as zoned Rural 5:

Mr. Chairman, based on the information before us I move the Board of County Commissioners exercise its authority via BCRC 12-315 H to interpret the zoning boundary on RP54N04W107050A to be entirely zoned Rural 5 and that there are mapping discrepancies that will be correct by the County in the future.

Motion to interpret as split zoned:

Mr. Chairman, based on the information before us I move the Board of County Commissioners exercise its authority via BCRC 12-315 H to interpret the zoning boundary on RP54N04W107050A to be zoned R-5, Forest 40, and AF/20 as shows on the official zone map.

Approved: ☒ Yes ☐ No

Handwritten signature of Luke Omodt in blue ink.

Date: 6/25/24

Commissioner Luke Omodt, Chairman

Bonner County Map



SUBCHAPTER 3.1 - ZONING MAP AND INTERPRETATION

12-310: OFFICIAL ZONING DISTRICT MAP:

A. The official zoning district map shall be made available in an electronic format for the public to view. The official map shall be updated on a continuous basis as zone changes are approved by the board and upon publication. The official, electronic zone map shall be made available for public review during the Bonner County Planning Department's normal business hours. Changes to the official zone map shall be listed in an electronic format on the official zoning map. One or more physical reproductions of the official zoning map shall be located in office of the Bonner County Planning Department. Any reproductions of the official zoning map shall be true and correct reproductions of the official zoning map to the greatest extent possible (with the exception of signatures), but any such reproductions shall not be considered official. (Ord. 501, 11-18-2008; amd. Ord. 680, 10-12-2022)

12-311: ADOPTION OF OFFICIAL ZONING MAP, CERTIFICATION, AMENDMENTS TO BE SHOWN:

A. Official Zoning District Map: The county is divided into zones or districts, as shown on the official zoning district map, which, with all explanatory matter thereon, is adopted by reference and declared to be a part of this title. The official zoning map shall be identified by the signature of the chairperson of the board, attested by the county clerk:

This is to certify that this is the official zoning district map referred to in section 12-311 of the Bonner County Revised Code, of Bonner County, Idaho.

B. Amendments: If, in accordance with the provisions of this title, changes are made in district or zone boundaries, or other matter portrayed on the official zoning district map, changes shall be entered on the official zoning district map promptly after the amendment has been approved by the board, with the entry on the official zoning district map specifying the file number, ordinance number, and effective date. Amendments to the zoning map are to become effective immediately upon publication.

C. Conformance with Procedures: No changes of any nature shall be made in the official zoning district map or matter shown thereon except in conformity with the procedures set forth in this title. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this title and punishable under sections 12-132 and 12-133 of this title. (Ord. 501, 11-18-2008; amd. Ord. 680, 10-12-2022)

12-312: REPLACEMENT OF OFFICIAL ZONING MAP, CERTIFICATION:

A. If the official zoning district map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the board may by resolution adopt a new official zoning district map which shall supersede the prior official zoning district map. The new official zoning district map may correct drafting or other errors or omissions in the prior official zoning district map, but no correction shall have the effect of amending the original official zoning district map or any subsequent amendment thereof. The new official zoning district map shall be identified by the signature of chairperson of the board, and shall state:

This is to certify that this official zoning district map supersedes and replaces the official zoning district map adopted (date of adoption of map being replaced) as part of title 12, Bonner County Revised Code of Bonner County, Idaho.

B. Unless the prior official zoning district map has been lost or totally destroyed, the prior map or any significant parts thereof remaining shall be preserved, together with all available records pertaining to its adoption or amendment. (Ord. 501, 11-18-2008; amd. Ord. 680, 10-12-2022)

12-314: APPLICATION OF DISTRICT OR ZONE REGULATIONS:

A. The regulations set by this title within each district or zone shall be minimum regulations and shall apply uniformly to each class or kind of structure or land use.

B. No building, structure or land shall hereafter be used or occupied, and no building or structure, or part thereof, shall be erected, subject to provisions of subchapter 3.4 of this chapter, constructed, reconstructed, moved or structurally altered, except in conformity with all of the regulations specified for the district or zone in which it is located. (Ord. 501, 11-18-2008)

12-315: RULES FOR INTERPRETATION OF ZONING DISTRICT BOUNDARIES:

Where uncertainty exists as to the boundaries of zones or districts as shown on the official zoning district map, the following rules shall apply:

A. Boundaries indicated as approximately following the centerlines of streets, highways or alleys shall be construed to follow the centerlines.

B. Boundaries indicated as approximately following platted lot lines shall be construed as following those lines.

C. Boundaries indicated as approximately following city limits shall be construed as following city limits.

D. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.

E. Boundaries indicated as following shorelines shall be construed to follow those shorelines and legally established meander lines. In the event of change in the shoreline, boundaries shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes or other bodies of water shall be construed to follow those centerlines.

F. Boundaries indicated as parallel to, or extensions of features indicated in subsections A through E of this section shall be so construed. Distances not specifically indicated on the official zoning district map shall be determined by the scale of the map.

G. Boundaries indicated as following section or township lines shall be construed as following those section or township lines.

H. Where physical or cultural features existing on the ground are at variance with those shown on the official zoning district map, or in other circumstances not covered by subsections A through G of this section, the board shall interpret the district or zone boundaries.

I. Where a district or zone boundary line divides a lot which was in single ownership at the time of passage of this section, the board may permit, as a special exception, the extension of the regulations for either portion of the lot not to exceed fifty feet (50') beyond the district or zone line into the remaining portion of the lot. (Ord. 501, 11-18-2008)