

**BONNER COUNTY PLANNING and ZONING COMMISSION
PUBLIC HEARING MINUTES
THURSDAY, APRIL 1, 2021**

PLEDGE OF ALLEGIANCE

CALL TO ORDER: Chair Bailey called the Bonner County Planning and Zoning Commission hearing to order at 5:30 p.m. in the 1st Floor Conference Room, of the Bonner County Administration Building, 1500 Highway 2, Sandpoint, Idaho, via Zoom webinar, and YouTube live streaming.

PRESENT: Commissioners Chair Brian Bailey; Don Davis; Taylor Bradish; Dave Frankenbach; Sheryl Reeve; and Suzanne Glasoe

ABSENT: None

ALSO PRESENT: Planning Director Milton Ollerton; Assistant Planning Director Josh Pilch; Planner II Jason Johnson; Administrative Manager Jeannie Welter; and Administrative Assistant III Kelcey Utt-Boss

CONSENT AGENDA:

APPROVAL OF MINUTES: The Chair requested the Commissioners declare if they had any corrections or changes to the approval of minutes as written for: March 18, 2021. Hearing no changes or objections, the Chair declared the minutes approved as written.

PUBLIC HEARINGS:

CONDITIONAL USE PERMIT

CALL FOR VISUAL, HEARING OR OTHER IMPAIRMENT REQUIRING ASSISTANCE: The Chair asked whether anyone needed special assistance to hear, see or participate in these proceedings. Hearing no response, the Chair continued with the public hearing.

File CUP0002-21 – Conditional Use Permit - Gun/Rifle Range – Melodie Yoshida is requesting a Conditional Use Permit to construct a Gun/Rifle Range to provide a training area for firearms safety classes and for test firing of custom projects. The property is 20 acres and zoned Rural 5 (R-5). The project is located off Satchel Dr, a private road that is not county maintained, in Section 27, Township 54 North, Range 4 West, Boise-Meridian.

CONFLICT OF INTEREST/DISCLOSURE DECLARATIONS: The Chair requested the Commissioners declare any conflicts of interest or disclosures. The Chair noted that there were no disclosures or conflicts.

STAFF PRESENTATION: Planner II Jason Johnson presented a PowerPoint summary of the project and previously circulated staff report, concluding this project is consistent with Bonner County Revised Code.

APPLICANT PRESENTATION: Applicants Melodie Yoshida & David Hayashi gave a summary of the proposed project stating the plan would be beneficial to the community. They stated the range would be for lessons, not open to public.

PUBLIC/AGENCY TESTIMONY: The following individuals spoke on the record in opposition of the project siting concerns regarding safety: Dina Ruth, Lisa Moline submitted exhibits A-E, Dale Routh submitted exhibit A, Jim Stalnicker, and Alison Lawhead

APPLICANT REBUTTAL: The applicants responded to public comments stating when application was submitted, there were no dwellings. They stated they are open to working with neighbors and communities.

COMMISSION DELIBERATION: The Chair closed the hearing to public testimony. The Commission discussed Findings and Conclusions.

MOTION: Commissioner Davis moved to deny this project FILE CUP0002-21, a gun/rifle range to provide a training area for firearms safety classes and for test firing of custom projects, based upon the following conclusions: Conclusion 1 - The proposed conditional use permit **is not** in accord with the Bonner County comprehensive plan relating to Hazard Areas, Community Design and Land Use and Conclusion 3 - The proposed use **will** create a hazard or will be dangerous to persons on or adjacent to the property. The decision is based upon the evidence submitted up to the time the Staff Report was prepared and testimony received at this hearing. Commissioner Davis further moved to adopt the following findings of fact and conclusions of law as amended. This action does not result in a taking of private property. Commissioner Glasoe seconded the motion. The action that could be taken, if any, to obtain the conditional use permit is to:

- 1) File a new application with the Planning Department and meet the standards required by Bonner County Revised Code; or
- 2) Appeal the Planning and Zoning Commission's decision to the County Commissioners.

VOTED upon and the Chair declared the motion carried, unanimously.

Background:

A. Site data: [acreage, # of lots, site use. etc.]

- The site currently contains a 4150 sq ft residence, a 20'x40' workshop, and a 8'x12' storage shed
- Unplatted Parcel
- Size: 20 Acres
- Zone: Rural 5 (R-5)
- Land Use: Rural Residential (5-10 AC)

B. Access:

- Access is provided by Satchel Drive, a private road that is not county maintained.

C. Environmental factors:

- Site contains one small area of mapped slopes. (USGS)
- Site does not contain mapped wetlands. (USFWS)
- Site does not contain a river/stream/frontage on lake.
- Parcel is within SFHA Zone X, per FIRM Panel 16017C1350E, Effective Date 11/18/2009 & FIRM Panel 16017C1125E, Effective Date 11/18/2009, and so no further floodplain review is required on this proposal.
- Site features a combination of timber and clearings.

D. Services:

- Water: Individual well
- Sewage: Individual septic
- Fire: Spirit Lake Fire
- Power: Northern Lights
- School District: Bonner School #83

E. Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Land Use & Density
Site	Rural Residential (5-10 AC)	Rural 5 (R-5)	Residential and Home Occupation
North	Rural Residential (5-10 AC)	Rural 5 (R-5)	Currently Vacant
East	Rural Residential (5-10 AC)	Rural 5 (R-5)	Currently Vacant
South	Rural Residential (5-10 AC)	Rural 5 (R-5)	Currently Vacant
West	Rural Residential (5-10 AC)	Rural 5 (R-5)	Currently Vacant

F. Standards review

BCRC 12-223 specifies that the Commission shall review the particular facts and circumstances of each proposal. To grant a conditional use permit, the Commission must find there is adequate evidence showing the proposal is in accord with the general and specific objectives of the comprehensive plan and Title 12 and the proposed use will neither create a hazard nor be dangerous to persons on or adjacent to the property.

- BCRC 12-220, et seq, conditional use permit, application and standards
- BCRC 12-333, Commercial Use Table, Gun clubs and rifle ranges
 - (10)To ensure that the facilities will be designed and operated with full consideration to the safety factors involved with such a use and to minimize the noise, smoke, dust and other nuisance factors to nearby land uses, the range use will be conditioned to be designed, built and operated consistent with the guidelines and recommendations contained in the current edition of the NRA Range Source Book.

- Gun clubs and rifle ranges shall have a minimum area of 5 acres. Target areas shall be at least 600 feet from any existing dwelling, except that of the owner or caretaker. The proposed site meets this standard.
- Access is provided by Satchel Drive, a private road that is not county maintained. This access is not adequate. A condition has been added that the permit for the range use shall not be issued until the access to the site is located within a recorded easement or public right of way, and until this access is constructed to provide adequate emergency vehicle access (including, but not limited to, fire, medical, and law enforcement). It will be the responsibility of the applicant to demonstrate that this standard has been met.
- BCRC 12-4.2, Performance standards for all uses
 - To ensure that the use does not create dangerous, injurious, noxious or otherwise objectionable conditions which could adversely affect the surrounding areas or adjoining premises, the range use will be conditioned to be designed, built and operated consistent with the guidelines and recommendations contained in the current edition of the NRA Range Source Book.
- BCRC 12-4.3, Parking standards
 - No parking plan was submitted. The range use will be conditioned that this permit shall not be issued until the applicant has submitted a parking plan and an amended site plan to demonstrate sufficient off-street parking for the stated plan of up to 30 patrons and 6 employees.
- BCRC 12-4.4, Sign standards
 - The applicant has proposed a sign, but has submitted no detailed plans, nor a Building Location Permit (BLP) for the sign. The sign will require a BLP, and under this application, the sign will be reviewed for compliance with the signage standards of BCRC Title 11 and this section.
- BCRC 12-4.5, Design standards
 - No parking plan was submitted. The range use will be conditioned that this permit shall not be issued until the applicant has submitted a parking plan and an amended site plan to demonstrate sufficient off-street parking for the stated plan of up to 30 patrons and 6 employees.
 - No new lighting is proposed for the use.
 - No new buildings are proposed for the use.
- BCRC 12-4.6, Landscaping and screening standards
 - No landscaping plan was included. Standard Bonner County landscaping requirements, when applicable, generally call for visual screening of uses, usually through vegetation.
 - Screening a range could be safety hazard. As stated on the NRA's website at <https://gunsafetyrules.nra.org/>, a fundamental rule of firearm safety is to "know your target and what is beyond." Visual screening requirements could interfere with this goal, contributing to safety hazards.
 - As stated in BCRC 12-111, the purpose of Bonner County Revised Code is to promote the health, safety and general welfare of the people of Bonner County. Landscaping requirements interfere with this purpose in this case.

- Therefore, a landscaping plan has not been required. Instead, conditions have been added to ensure that the proposed range will be designed, built and operated consistent with the guidelines and recommendations contained in the current edition of the NRA Range Source Book. This will ensure that the facility will be designed, built and operated with full consideration to the safety factors involved with such a use and to minimize the noise, smoke, dust and other nuisance factors to nearby land uses.
- BCRC 12-7.2, Grading, stormwater management and erosion control
 - The applicant proposes to disturb 220 x 45 yards of area, or 9,900 square yards (89,100 square feet) of area, and to construct berms indeterminate size.
 - No grading, stormwater management and erosion control plan was included for the project.
 - A condition has been added that the permit for the range use shall not be issued until the applicant has submitted an engineered grading, stormwater management and erosion control plan for the project, consistent with BCRC 12-7.2.

G. Comprehensive Plan Land Use Designation: The comprehensive plan designation of Rural Residential provides for residential development in areas where urban services are not available and slopes may vary up to 30%. These areas include hazard areas and critical wildlife habitats, where lower densities reduce potential impacts to resources and exposures to loss of property or lives. Small-scale agricultural uses and residential development are permitted.

H. Stormwater plan: A stormwater management plan is required pursuant to BCRC 12-7.2. The applicant proposes to disturb 220 x 45 yards of area, or 9,900 square yards (89,100 square feet) of area, and to construct berms indeterminate size. No grading, stormwater management, and erosion control plan was included for the project. A condition has been added that the permit for the range use shall not be issued until the applicant has submitted an engineered grading, stormwater management and erosion control plan for the project, consistent with BCRC 12-7.2.

I. Agency Review: The application was routed to the following agencies for review:

Panhandle Health District
 Idaho Department of Environmental Quality
 Spirit Lake Fire District
 Northern Lights Utility Company
 Applicable School District #83
 Bonner County Schools – Transportation
 Idaho Department of Fish and Game

Idaho Department of Water Resources
 Federal Aviation Admin
 Bonner County Road Department
 U.S. Forest Service
 U.S. Fish and Wildlife Service
 Idaho Department of Lands (Sandpoint)

The following agencies commented:

March 8, 2021 - Spirit Lake Fire District, Chief John DeBernardi:

In regards to the shooting range, the design appears to show the range facing east to west in section 27. There are homes in section 29 on Ediah, Krupp, and Kohler roads.

Quail Ridge subdivision is to the northwest with higher end homes being built. Also, to the northeast, there are the Leo Lane and Rebel Ridge subdivisions along with multiple individual 5- and 10-acre homes on Clagstone Road. Furthermore, this is 1 mile south of Treeport in Bonner County and Spirit Lake East. If this is a rifle range, there could be a potential noise problem in this dense population area. There is also ATV activity in section 28.

Staff: Conditions have been added to ensure that the proposed range will be designed, built and operated consistent with the guidelines and recommendations contained in the current edition of the NRA Range Source Book. This will ensure that the facility will be designed, built and operated with full consideration to the safety factors involved with such a use and to minimize the noise, smoke, dust and other nuisance factors to nearby land uses.

All other agencies did not reply.

J. Public Notice & Comments: Over 400 public comments, both for and against, have been received on this proposal. These comments are included in the record.

Findings of Fact

- 1. Rifle and gun ranges are a conditionally allowed use in the Rural-5 Zone.
- 2. Access to the site is not currently located within a recorded easement or public right of way, and the access to the site is not currently constructed to provide adequate emergency vehicle access (including, but not limited to, fire, medical, and law enforcement); see conditions below.
- 3. No parking plan was submitted; see conditions below.
- 4. No engineered grading, stormwater management and erosion control plan was submitted for the project; see conditions below.

Conclusions of Law:

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

Conclusion 1

The proposed conditional use permit **is not** in accord with the Bonner County comprehensive plan.

- Property Rights
- Economic Development
- Hazardous Areas
- Recreation
- Community Design
- Population
- Land Use
- Public Services
- Special Areas or Sites
- Implementation
- School Facilities, Transportation
- Natural Resources
- Transportation
- Housing

Conclusion 2

This proposal was reviewed for compliance with the criteria and standards set forth at BCRC Chapter 4, Title 12, Subchapter 2.2, environmental standards of Chapter 7, Title 12, and storm water management criteria and standards set forth in Chapter 7, Title 12, Bonner County Revised Code.

Conclusion 3

The proposed use **will** create a hazard or will not be dangerous to persons on or adjacent to the property.

MODIFICATION

CALL FOR VISUAL, HEARING OR OTHER IMPAIRMENT REQUIRING ASSISTANCE: The Chair asked whether anyone needed special assistance to hear, see or participate in these proceedings. Hearing no response, the Chair continued with the public hearing.

File MOD0001-21 – Modification of a PUD – Willow Brook Landing, LP is requesting a modification of a planned unit development, file C818-05, to create a lot from Tract D, a 2.79 acre common area. The property is zoned Recreation. The project is located off Dawson Avenue in Section 1, Township 55 North, Range 4 West, Section 36, Township 56 North, Range 4 West, Boise-Meridian.

CONFLICT OF INTEREST/DISCLOSURE DECLARATIONS: The Chair requested the Commissioners declare any conflicts of interest or disclosures. The Chair noted that there were no disclosures or conflicts.

STAFF PRESENTATION: Director Ollerton presented a PowerPoint summary of the project and previously circulated staff report, concluding this project is consistent with Bonner County Revised Code.

APPLICANT PRESENTATION: Applicant Representative Travis Haller presented taking common space and turning it into a residential lot. Milton Drake presented that clubhouse was not meant to be in original sales pitch, offered sale to homeowners, homeowners declined.

PUBLIC/AGENCY TESTIMONY: The following individuals spoke on the record in opposition of the project: David Rea, Lynn Van Trieste, Bert Quick, Ron Rae submitted exhibit A, Marilee Conley, Judd Conley, Paul Mckew, Tina Rae Submitted exhibit B, Mike Hansen

APPLICANT REBUTTAL: Travis Haller rebutted that application meets criteria for modification.
Milton Drake rebutted that they can't control previous marketing.

COMMISSION DELIBERATION: The Chair closed the hearing to public testimony. The Commission discussed Findings and Conclusions.

MOTION: Commissioner Davis moved to continue this project, FILE MOD0001-21 to a date and time certain of April 15, 2021 at 5:30 to fully consider the terms and conditions of the original file C818-05. Commissioner Reeve seconded the motion.

VOTED upon and the Chair declared the motion carried, unanimously.

Background:

A. Site data:

- 2.793 acres
 - i. New lot: 2.073 acres
 - ii. Remainder of Tract D: 0.720 acres
- Tract D (common area) of The Crossing
- Zone: Recreation
- Land Use: Resort Community

B. Access:

- Dawson Avenue
 - i. Road Class: Local
 - ii. Road Owner: Private
 - iii. County Maintained: No

C. Environmental factors:

- Site does not contain mapped slopes. (USGS)
- Site does not contain mapped wetlands. (USFWS)
- Site fronts on Lake Pend Oreille to the north.
- Per Bonner County CFM, Jason Johnson, *The existing and proposed new lots are within SFHA Zone X and Zone AE, per FIRM panel 16017C0895E, effective date 11/18/2009. This is a proposal to create a new lot. Any new development within the SFHA on this new lot will require a Floodplain Development Permit (FDP) and must be accomplished in compliance with current Bonner County flood codes. No further floodplain review is required on this proposal.*

D. Services:

- Water: Dufort Water Association
- Sewage: Proposed community septic system
- Fire: Selkirk Fire District
- Power: Northern Lights, Inc.

E. Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Land Use & Density
Site	Resort Community	Recreation	Residential
North	Lake Pend Oreille		
East	Resort Community	Recreation	Residential
South	Resort Community	Recreation Rural-5	Common Open Space Residential
West	Resort Community	Recreation	Residential

F. Standards Review

BCRC 12-223 specifies that the Commission shall review the particular facts and circumstances of each proposal. To grant a conditional use permit, the Commission must find there is adequate evidence showing the proposal is in accord with the general and specific objectives of the comprehensive plan and Title 12 and the proposed use will neither create a hazard nor be dangerous to persons on or adjacent to the property

- **BCRC 12-256: Design Standards for Planned Unit Developments; Common Open Space**
 - *At least ten percent (10%) of the gross land area of a residential PUD shall be reserved as common open space, exclusive of streets, parking areas, and utility easements and other improvements which would detract from the function of the "common open space", as defined below. The required common open space must fall into one or more of the following categories:*
 - *Wildlife habitat or wildlife corridors, as identified by the Idaho department of fish and game or U.S. fish and wildlife service. These areas might be stream corridors, waterways subject to artificial high water marks, as defined, which shall not exceed fifty percent (50%) of the total required common open space, waterways, wetlands, grasslands, stands of mature timber, areas with snags, wintering areas, nesting and roosting sites, waterfront areas and travel corridors between habitat blocks and sources of food and water.*
 - *Areas with native vegetation, including native grassland, unique vegetative communities as identified by the Idaho conservation data center.*
 - *Recreational areas, including trails, sports courts and wildlife viewing areas, and other similar recreational uses.*
 - *Historic or culturally significant areas as determined by the Idaho state historical society.*
 - *Areas within a scenic byway.*
 - *Actively managed pasture, farm or timbered land in the A/F and rural districts. Accessory agricultural structures are allowed within the common open space.*
 - The only modification to file C0818-05, the original conditional use permit for a large scale planned unit development (PUD), that the applicant is requesting is to remove 2.073 acres from the total +40 acres of common open space, specifically 'Tract D', to create a residential lot that will be consistent with the terms and conditions of the original PUD. The remaining common open space will be approximately 38 acres or 22% of the original 24%.

G. Comprehensive Plan Land Use Designation: The comprehensive plan designation of Resort Community provides for urban-like densities for areas centered around the recreational areas developed for winter and water sports, golf and hiking, where urban services are provided.

H. Stormwater Plan: A stormwater management plan was not required, pursuant to BCRC 12-720.3(K) because the proposal does not result in the creation of additional impervious surface, as defined.

I. Agency Review: The application was routed to the following agencies on March 2, 2021.

Bonner County GIS Department
Bonner County Road & Bridge Department
Dufort Water Association
Idaho Department of Environmental Quality – No comment
Idaho Department of Lands – Navigable Water
Idaho Department of Lands – Sandpoint
Idaho Department of Water Resources
Northern Lights, Inc.
Panhandle Health District – No Comment
Selkirk Fire District
U.S. Army Corps of Engineers

J. Public Notice & Comments: The application was routed to property owners within 300’ of the subject property and posted in the newspaper on March 2, 2021. At time of the staff report, staff have received three written comments.

Findings of Fact

1. The subject site is 'Tract D', a portion of common open space, in The Crossing plat.
2. The lot has a Comprehensive Plan land use designation of Resort Community and is zoned Recreation.
3. The site is accessed off Dawson Avenue, a private road.
4. 2.073 acres is proposed to be removed from the approximately 40 acres of common open space to create one (1) residential lot.
5. Originally, 24% of the land was dedicated as common open space and the removal of 2.073 acres will leave approximately 22% of common open space left.
6. The site will be served by Dufort Water Association and a proposed community sewer system, allowing the lot size minimum to be 12,000.
7. The Selkirk Fire District and Northern Lights, Inc. will also serve the proposed residential lot.
8. The original PUD, file C0818-05, was recommended for approval with conditions by the Bonner County Planning & Zoning Commission on June 09, 2005 and was then approved by the Board of County Commissioners on July 13, 2005.

Conclusions of Law:

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

Conclusion 1

The proposed conditional use permit **is** in accord with the Bonner County comprehensive plan.

- Property Rights
- Economic Development
- Hazardous Areas
- Recreation
- Community Design

- Population
- Land Use
- Public Services
- Special Areas or Sites
- Implementation

- School Facilities, Transportation
- Natural Resources
- Transportation
- Housing
- Agriculture

Conclusion 2

This proposal was reviewed for compliance with the criteria and standards set forth at BCRC Chapter 4, Title 12, Subchapter 2.2, environmental standards of Chapter 7, Title 12, and storm water management criteria and standards set forth in Chapter 7, Title 12, Bonner County Revised Code.

Conclusion 3

The proposed use **will not** create a hazard or will not be dangerous to persons on or adjacent to the property.

Conditions of Approval:

Standard continuing permit conditions. To be met for the life of the use:

- A-1** The use shall be developed and shall be operated in accordance with the approved site plan.
- A-2** The Conditional Use Permit shall not supersede deed restrictions.
- A-3** All county setbacks shall be met.
- A-4** The Conditional Use Permit shall expire if not issued within four (4) calendar years from the date of approval, or once issued, if the use has not commenced within four (4) calendar years from the date of issuance. At any time prior to the expiration date of the Conditional Use Permit, the applicant may make a written request to the Planning Director for an extension of the Conditional Use Permit for a period up to four (4) years. The Planning and Zoning Commission may consider such request for extension at any public hearing. The extension request must be approved or denied prior to the expiration date of the Conditional Use Permit.
- A-5** All terms and conditions of file C0818-05 shall be complied with EXCEPT for those modified or removed by file MOD0001-21.
- A-6** A land division application shall be submitted to the Bonner County Planning Department for review and approval to create the proposed residential lot.

ZONE CHANGE

CALL FOR VISUAL, HEARING OR OTHER IMPAIRMENT REQUIRING ASSISTANCE: The Chair asked whether anyone needed special assistance to hear,

see or participate in these proceedings. Hearing no response, the Chair continued with the public hearing.

File ZC0002-21 – Zone Change – AG/Forest 20 to AG/Forest 10 – Morton Slough Estates, LLC is requesting a zone change from Agricultural/Forestry-20 to Agricultural/Forestry-10 on four (4) parcels totaling approximately 204 acres. The 204 acres has a comprehensive plan land use designation of Ag/Forest Land (10-20 AC). The project is located off Ledges Drive in Section 15, Township 56 North, Range 3 West, Boise-Meridian.

CONFLICT OF INTEREST/DISCLOSURE DECLARATIONS: The Chair requested the Commissioners declare any conflicts of interest or disclosures. The Chair noted that there were no disclosures or conflicts.

STAFF PRESENTATION: Director Ollerton presented a PowerPoint summary of the project and previously circulated staff report, concluding this project is consistent with Bonner County Revised Code.

APPLICANT PRESENTATION: Applicant representative, Travis Haller, presented description of lots.

PUBLIC/AGENCY TESTIMONY: The following individuals spoke on the record regarding this project: John Ennis and Dion Stonehalker

APPLICANT REBUTTAL: None.

COMMISSION DELIBERATION: The Chair closed the hearing to public testimony. The Commission discussed Findings and Conclusions.

MOTION TO RECOMMEND APPROVAL: Commissioner Bradish moved to recommend approval to the Board of County Commissioners on this project, FILE ZC0002-21, requesting a zone change from Agricultural/Forestry-20 to Agricultural/Forestry-10, finding that it is in accord with the general and specific objectives of the Bonner County Comprehensive Plan and Bonner County Revised Code as enumerated in the following conclusions of law, and based upon the evidence submitted up to the time the Staff Report was prepared and testimony received at this hearing. Commissioner Bradish further moved to adopt the following findings of fact and conclusions of law as written. This action does not result in a taking of private property. Commissioner Glasow seconded the motion.

VOTED upon and the Chair declared the motion carried, unanimously.

Background:

A. Site data:

- Use: Vacant
- Unplatted
- Size: ~204 acres in total
- Zone: Agricultural/Forestry-20

- Land Use: Ag/Forest Land

B. Access:

- Ledges Drive
 - i. Road Class: Local
 - ii. Road Owner: Private
 - iii. County Maintained: No
- Additional private easement are planned for access to back parcels per the applicant.

C. Environmental factors:

- Site does contain mapped slopes. (USGS)
- Site does contain mapped freshwater forested/shrub wetlands. (USFWS)
- Site does not contain waterfront or streams. (NHD)
- Per Bonner County Planning Department CFM, Jason Johnson, *Parcels RP56N03W159150A, RP56N03W158850A, RP56N03W150005A and RP56N03W157650A are all within SFHA Zone X, per FIRM panel 16017C0925E, effective date 11/18/2009. No further floodplain review is required on this proposal.*
- Soils –
 1. Dufort-Rock outcrop complex
 - Not prime farmland
 - Well drained
 2. Pend Oreille silt loam
 - Not prime farmland
 - Well drained
 3. Lenz-Rock outcrop association
 - Not prime farmland
 - Well drained

D. Services:

- Water: Individual Well
- Sewage: Individual Septic
- Fire: Selkirk Fire District
- Power: Northern Lights, Inc.
- School District: Bonner County Schools #84

E. Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Land Use & Density
Site	Ag/Forest Land	A/F-20	Vacant
North	Rural Residential	Rural-10	Residential
East	Ag/Forest Land	A/F-20	Vacant
South	Rural Residential	Rural-10	U.S. Federal Land
West	Rural Residential	Rural-10	Residential, Vacant

F. Standards Review: Bonner County Revised Code

- **12-215:** Applications for Zone Changes and Comprehensive Plan Map Amendments, Contents

- The application was considered complete and routed to agencies accordingly.
- **12-216: Evaluation of Amendment Proposals**
 - Staff and the governing bodies shall review the particular facts and circumstances of each proposal submitted and shall determine whether there is adequate evidence that the proposal is in accordance with the general and specific objectives of the comprehensive plan. (Ord. 501, 11-18-2008)
- **Comprehensive Plan:**
 - The **Ag/Forest Land** designation recognizes areas where steeper slopes prevail (30% or greater) and transportation is provided by private roads or U.S. Forest Service or state roads. Urban services are not available and residential development challenges are present due to slope, poor soil conditions, hazard areas and lack of police or fire services.
- **Existing Zone: BCRC 12-322 Agricultural/Forestry District (A/F-20)**
 - The agricultural/forestry district is established to provide for agricultural and forestry pursuits, including livestock production, forestry, horticulture, floriculture, viticulture, and necessary accessory uses for treating, storing and processing agricultural products. The purpose of the A/F district is to preserve, protect and maintain areas that are rural in character and the integrity of the forest/woodland areas where viable agricultural pursuits can be feasible and to avoid fragmentation of forests and farms. These purposes are accomplished by:
 - Establishing residential density limits and conservation development standards to retain areas sized for efficient farming.
 - Allowing for uses related to agricultural production and limiting nonagricultural uses to those compatible with agriculture, or requiring close proximity for the support of agriculture.
 - Use of this zone is appropriate in areas designated by the comprehensive plan as follows:
 - A/F-20 in all areas designated as prime ag/forest land in the comprehensive plan. The A/F-20 zone is also appropriate in areas designated ag/forest land in the comprehensive plan that also feature:
 - a. Prime agricultural soils.
 - b. Are characterized by agricultural or forestry uses.
 - c. Areas where one or more of the following apply: limited services; characterized by slopes steeper than thirty percent (30%); where access may be absent or limited to substandard road systems or where large tracts of land may be devoted to ag/forest production.
- **Proposed Zone: BCRC 12-322 Agricultural/Forestry District (A/F-10)**

- The proposal is to stay within the Agricultural/Forestry zoning district but to rezone from A/F-20 to A/F-10.
- BCRC 12-322(B): Use of this zone is appropriate in areas designated by the comprehensive plan as follows:
 - BCRC 12-322(B)(2): **A/F-10** in areas designated as ag/forest land in the comprehensive plan that do not feature prime agricultural soils, where agricultural and forestry pursuits remain viable. These areas may be within or adjacent to areas of city impact or where lands are afforded fire protection, access to standard road and other services.

G. Stormwater plan: A stormwater management plan was required pursuant to BCRC 12-720.3(K) due to the proposal not resulting in the creation of additional “impervious surface”, as defined in section 12-809 of this title.

H. Agency Review: The application was routed to agencies and all taxing districts for comment on March 2, 2021.

Bonner County GIS Department:

Bonner County Road & Bridge Department:

Bonner County Schools #84 – Transportation:

Idaho Department of Environmental Quality: No Comments

Idaho Department of Fish & Game:

Idaho Department of Lands – Sandpoint:

Idaho Department of Water Resources:

Norther Lights, Inc.:

Panhandle Health District: No Comment

Selkirk Fire District: The Selkirk Fire District objects to this zone change. The road to the property provided by the developer is too steep, too narrow and the turning radius is too small for our fire apparatus to navigate. This road does not meet the state fire code. Then recently evaluated for FD access, staff found the road was impassable due to a rockslide.

Allowing the requested reduction in lot size will provide more inaccessible development lots on a steep, west facing slope. West facing slopes are drier and burn more readily because of their sun exposure.

We are unaware of any other existing for these lots. So, this road access serves the residents for exiting and for FD emergency access. Clearly a conflict given the condition of the road and conflicts of personal vehicles passing FD apparatus during emergency conditions.

U.S. Army Corps of Engineers:

U.S. Fish & Wildlife Service:

U.S. Forest Service:

*All Taxing Districts

I. Public Notice & Comments: The application was routed to property owners within 300’ of the subject property and published in the newspaper on March 2, 2021.

Zone Change Findings of Fact

1. The entire 204 acres of the four parcels involved are proposed to be rezoned from Agricultural/Forestry-20 to Agricultural/Forestry-10.
2. The sites are vacant per Bonner County Assessor records
3. There are no building permits, building location permits, or land use files on file with the Bonner County Planning Department for the subject properties.
4. The existing parcels are designated Ag/Forest Land in the Bonner County Comprehensive Plan.
5. The sites are accessed off Ledge Drive, a 60' wide easement with a private road.
6. Parcels and lots adjacent to and within the vicinity of the subject properties have a Comprehensive Plan land use designation of Ag/Forest Land to the east and Rural Residential to the north, west, and south while the zoning districts are Agricultural/Forestry-20 to the east and Rural-10 to the north, west, and south. These parcels are a mix of vacant, residential and federal land.
7. The sites are served by individual well, individual septic, Northern Lights, Inc., the Selkirk Fire District, and Bonner County Schools #84.
8. The sites have mapped steep slopes of 15-29% and 30% or greater.
9. The sites have mapped freshwater forested/shrub wetlands. Per the NWI dataset.

Zone Change Conclusions of Law:

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

Conclusion 1

The proposal **is** in accord with the following elements of the Bonner County Comprehensive Plan:

Property Rights	Population	School Facilities
Community Design	Implementation	Transportation
Land Use	Natural Resources	Economic Development
Public Services	Transportation	Hazardous Areas
Special Areas or Sites	Housing	Recreation

Conclusion 2

This proposal was reviewed for compliance with Title 12, Bonner County Revised Code, and **was** found to be in compliance.

Conclusion 3

The proposal **is** in accord with the purpose of the Agricultural/Forestry-10 zoning district, provided at Chapter 3, Title 12, Bonner County Revised Code.

Notational recommendation:

The governing boards have determined that future divisions of land within the rezone boundaries warrant roads that are built to the standards in BCRC Title 12 Appendix A, and absent the development agreement opportunity, the following notation is required to be placed within the rezone ordinance in lieu of Conditional approval.

"Future divisions of land within the rezone boundaries described herein shall be developed with roadways meeting the 'low volume private road' standard set forth in Bonner County Revised Code, Title 12, Appendix A, Section 2.5A."

AMENDMENT

CALL FOR VISUAL, HEARING OR OTHER IMPAIRMENT REQUIRING ASSISTANCE: The Chair asked whether anyone needed special assistance to hear, see or participate in these proceedings. Hearing no response, the Chair continued with the public hearing.

File AM0016-20 - Bonner County Revised Code Title 12- Text Amendment- Bonner County is requesting a text amendment to Title 12 to include the following proposed changes: 1) Amend Title 12 Chapter 6 in its entirety. Some of the amendments are housekeeping in nature including reorganization of subchapters, deletion of entire processes such as Short Plat and Condominium procedures, amending Minor Land Division and other processes as shown in the proposal up to and including the following subchapters: a. 6.1 – General Provisions; b. 6.2 – Design Standards and Final Plat Contents; c. 6.3 – Lot line adjustments and Minor Notational Changes; d. 6.4 – Minor Land Divisions; e. 6.5 – Preliminary Plat; f. 6.6 – Conservation Subdivisions; g. 6.7 - Intentionally left blank; h. Adding 6.8 – Vacation, Total or Partial, of a Recorded Subdivision Plat; 2) Amending definitions associated with this Section; 3) Adding Appendix C: Development Agreements.

STAFF/APPLICANT PRESENTATION: Director Ollerton presented a summary of the proposed ordinance changes and previously circulated staff report, concluding this project is consistent with the Bonner County Comprehensive Plan and Bonner County Revised Code.

PUBLIC/AGENCY TESTIMONY: Commissioner Bradish moved to open agency testimony to Panhandle Health District. Commissioner Reeve seconded the motion. Voted upon and the motion passed unanimously.

Chair Bailey invited Panhandle Health District representative Kathryn Kolberg to comment on the record for clarification regarding septic permitting issues.

COMMISSION DELIBERATION: The Chair closed the hearing to public testimony. The Commission discussed Findings and Conclusions.

Katherine Colbert presented information on how processes (site evaluations) change between owners of land, potentially causing future issues for landowner.

MOTION: Commissioner Frankenbach move to recommend approval to the County Commissioners this project FILE AM0016-20 to amend the sections of Title 12, Bonner County Revised Code, as amended in this hearing, finding that it is in accord with the general and specific objectives of the Bonner County Comprehensive Plan as enumerated in the following findings of fact and conclusions of law, and based upon the evidence submitted up to the time the Staff Report was prepared and testimony received at this hearing. Commissioner Frankenbalk further move to adopt the following findings of fact and conclusions of law as written. This action does not result in a taking of private property. Commissioner Reeve seconded the motion.

VOTED upon and the Chair declared the motion carried, unanimously.

Findings of Fact:

1. The Planning and Zoning Commission, per Idaho Code Chapter 65, Title 67, may recommend a zoning ordinance.
2. The Bonner County Planning Department has reviewed the proposed changes against Idaho Code and made amendments to better comply with the Idaho Code, specifically Title 67 Chapter 65.
3. The Board of County Commissioners is authorized by Idaho Code, Chapter 7, Title 31, to adopt ordinances, rules and regulations "...not repugnant to law, necessary for carrying into effect or discharging the powers and duties conferred by the laws of the state of Idaho, and such as are necessary or proper to provide for the safety, promote the health and prosperity, improve the morals, peace and good order, comfort and convenience of the county and the inhabitants thereof, and for the protection of property therein..."

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

4. This proposed change provides further clarifying standards enabling the public and the staff to achieve the best results leading to greater understanding and use of the zoning ordinance.
5. Updating the Subdivision Ordinance and initiating more review and oversight for boundary line adjustments and minor land divisions is consistent with Bonner County's Comprehensive Plan Goals and Policies.

Conclusions of Law:

Conclusion 1

The proposed amendments to Title 12 **IS** in accord with Idaho Code, Chapter 7, Title 31.

Conclusion 2

The proposed amendments to Title 12 **IS** in accord with Idaho Code Chapter 67 Title 65.

Conclusion 3

The proposed amendments **IS** in accord with the Bonner County comprehensive plan.

Property Rights	•Population	•School Facilities, Transportation
•Economic Development	•Land Use	•Natural Resources
•Hazardous Areas	•Public Services	•Transportation
•Recreation	•Special Areas or Sites	•Housing
•Community Design	•Implementation	

The words in **red and red strikethrough** are the proposed changes for review and edit.

The proposed changes from the Planning Commission are in **blue**.

The comments from the Planning Commission included in the document are **green**.

Chapter 6: SUBDIVISIONS

Subchapter 6.1 – General Provisions

12-600: Purpose

12-610: APPLICABILITY, QUALIFICATIONS:

12-611: DEFINITIONS:

12-612: ADDITIONAL REQUIREMENTS:

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

~~12-613 12-614: PROHIBITIONS:~~

~~12-614 12-615: REMEDIES:~~

~~12-615 12-616: CERTIFICATE OF COMPLIANCE, CONDITIONAL CERTIFICATE~~

OF COMPLIANCE:

Subchapter 6.2 – Design Standards & Final Plat Contents

12-620: General

12-621: Lot 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

~~12-628: Final Plat, Contents~~

~~12-628.1: Endorsements To Be Shown On The Final Plat~~

~~12-629: Digital Submission Of Final Plat~~

Subchapter ~~6.3 6-7~~ – Lot Line Adjustments & Minor Notational Changes

~~12-630 12-670: Readjustment Of Lot Lines Within Platted Subdivision~~

~~12-631 12-671: Applications For Adjustment Of Lot Lines, Minor Notational Changes~~

~~12-632 12-672: Procedure For Administrative Review And Approval Of Adjustments Of Lot Lines, Minor Notational Changes~~

~~12-633 12-673: Final Plat For Lot Line Adjustments/Notational Changes To Be Drawn,~~

Time For Filing, Signing

Subchapter 6.4 ~~6.6~~ - Minor Land Divisions

~~12-640 12-660~~: MINOR LAND DIVISION PROCEDURE:

~~12-641 12-661~~: ADMINISTRATIVE REVIEW OF MINOR LAND DIVISION:

Subchapter 6.5 ~~6.4~~ - Preliminary Plat ~~Short Plats, Procedures~~

~~12-650 12-640~~: Processing Of Subdivision Applications, General

~~12-651 12-641~~: Subdivisions, Preapplication Review

~~12-652 12-642~~: Preliminary Plat, Contents Of Application

~~12-653 12-643~~: Subdivisions, Procedure For Processing Preliminary Plat

~~12-654 12-644~~: Improvement Plan Required, Contents

~~12-655 12-645~~: Standards For Review Of Applications For Preliminary Plats Of All

Subdivisions

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

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

~~12-656 12-648~~: Procedure For Final Plat Review And Approval

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

Subchapter 6.6 ~~6.3~~ – Conservation Subdivisions

~~12-660 12-630~~: Purpose

~~12-661 12-631~~: Description And Definitions

~~12-662 12-632~~: Applicability, Procedures And Preapplication Review

~~12-663 12-633~~: Standards And Guidelines For All Conservation Subdivisions

~~12-664 12-634~~: Standards For Conservation Subdivisions In Agricultural/Forestry-20

District

~~12-665 12-635~~: Standards For Conservation Subdivisions In Agricultural/Forestry-10

And Rural Districts

~~12-666 12-636~~: Standards For Conservation Subdivisions In Suburban, Recreation And

Alpine Village Districts

~~12-667 12-637~~: Density Bonus For Conservation Subdivisions

Subchapter 6.7 – Intentionally left blank

Subchapter 6.8 - VACATION, TOTAL OR PARTIAL, OF A RECORDED SUBDIVISION PLAT

~~Subchapter 6.5—Short Plats, Procedures~~

~~Subchapter 6.8—Condominium Projects~~

12-802: DEFINITIONS - B:

~~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.~~

12-812: DEFINITIONS - L:

LOT MEASUREMENTS: A. The depth of a lot shall be considered the **longest** horizontal distance from the midpoint of **a the front** lot line to ~~the midpoint of the rear lot line or~~ the most distant **midpoint point** of another lot line ~~if there is no rear lot line~~. For lots with 3 sides only, the depth of a lot shall be considered the longest horizontal distance from the midpoint of a lot line to the most distant point of the lot.

B. The width of a lot shall be calculated by dividing the lot area measured in square feet by the **depth length** of the lot.

Subchapter 6.1 - General Provisions

12-600: Purpose

12-610: APPLICABILITY, QUALIFICATIONS:

12-611: DEFINITIONS:

12-612: ADDITIONAL REQUIREMENTS:

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

~~**12-613-12-614: PROHIBITIONS:**~~

~~**12-614-12-615: REMEDIES:**~~

~~**12-615-12-616: CERTIFICATE OF COMPLIANCE, CONDITIONAL CERTIFICATE OF COMPLIANCE:**~~

12-600: PURPOSE:

- A. To provide standards and procedures for subdivisions and other land divisions, **and** lot line adjustments ~~and condominium projects~~.
- B. To establish subdivision and land division standards consistent with the goals and policies of the comprehensive plan. (Ord. 501, 11-18-2008)
- 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 a parcel of land or sell 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 subdivision or the sale of subdivided land.

12-610: APPLICABILITY, QUALIFICATIONS:

- A. The provisions of this chapter shall apply to "subdivisions", as defined in section 12-611 of this subchapter, lot line adjustments as set forth at section 12-660 of this chapter, and all other **applications permits** 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.
- C. ~~Land which is uniquely described on any recorded plat or other legal instrument of conveyance as one lot or parcel shall be considered one lot or parcel, even if there are roads, streets, road easements or rights-of-way, or railroad easements or rights-of-way, within or through the lot or parcel. (Ord. 501, 11-18-2008)~~

The Planning Commission is recommending the BOCC leave the MLD process in place as it currently exists with a division of up to 4 lots. Also, to leave the Short Plat process in place as it exists for land divisions of 5-10 lots. The Planning Commission recommends the increased oversight on land divisions creating 5 to 10 lots.

12-611: DEFINITIONS:

MINOR LAND DIVISION (MLD): Any division of land into ~~four (4)~~ **ten (10)** 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.**

~~SHORT PLAT: Any division of land into five (5) to ten (10) 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, for the purpose of sale, lease, financing, gift or building construction, whether immediate or future.

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, ~~for utility placement or right-of-way purposes.~~ **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. (Ord. 557, 11-10-2016)
- I. Minor Land Divisions

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 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.

C. 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 spouse, parent, child, sibling, grandparent or 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 ever within Bonner County**. 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.
 - b. 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.
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 12-623A through BC, sections 12-624, 12-625, and subsections 12-626A and C of this chapter;
6. A "notice of land division" is recorded in accordance with the provisions set forth **herein at section 12-613 of this subchapter** 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. Parcels created pursuant to this subsection that are not retained by the grantee for a period of two (2) years from the date of recording are subject to the platting standards contained within~~

~~this title. For any remaining parcel which has legal access and is not less than ten (10) acres, the two (2) year holding period shall not apply.~~

8. Limited to the creation of 4 parcels total.

D. 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.

~~3. The legal to be recorded shall have language clearly stating the purpose of the document is for financial purposes and does not constitute a legal lot or parcel on its own.~~

~~4. A tax segregation form and the proposed legal descriptions shall be submitted to the Bonner County Planning Department for review against the above mentioned standards.~~

~~5. A copy of the approved tax segregation form from the assessors and copy of the recorded legal descriptions shall be submitted to the Bonner County Planning Department.~~

E. 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.

F. Waiver Of Land Division Requirements: The Director may waive minor land division, **short plat** and regular subdivision requirements on parcels to be created that have legal access 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. This waiver may be granted upon review of the proposed legal descriptions prior to recording. (Ord. 577, 5-23-2018)

G. **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.**

a. 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.

b. The Planning Director or designee shall examine application and the supporting documents for compliance with the applicable provisions of section 12-621, 12-622, 12-624A, C & D 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.

c. 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.

d. Those existing, non-conforming features shall not be made more non-conforming.

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

~~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. (Ord. 501, 11-18-2008)~~

~~12-613-12-614: PROHIBITIONS:~~

A. Except where exempt from the definition of "subdivision", as provided for in this chapter, 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)

~~12-614-12-615: 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 "subdivision", as provided for in this chapter;

2. Described in a certificate of compliance filed pursuant to section 12-615 616 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)

D. Any decision or determination made by the planning director in the administration of the provisions of this chapter may be appealed to the board as set forth at section 12-261 of this title.

12-615-12-616: CERTIFICATE OF COMPLIANCE, CONDITIONAL CERTIFICATE OF COMPLIANCE:

A. Any person owning a lot or parcel may apply for a certificate of compliance, on an application form provided by the Planning Department, requesting the Planning Director to determine whether the lot or parcel resulting from a division of land complies with the applicable provisions of this Code in effect at the time the division occurred. The fee for applying for a certificate of compliance shall be as set forth in section 12-265 of this title.

B. If the Planning Director, upon reviewing the application, determines that the lot or parcel resulting from a division of land complies with the applicable provisions of this Code in effect at the time the division occurred, and upon the effective date of the determination pursuant to this section, the Planning Director shall record, on a form provided by the Planning Department, a certificate of compliance with the Bonner County Recorder. The certificate of compliance shall identify the lot or parcel, and shall state that the lot or parcel resulting from a division of land complies with the applicable provisions of this Code in effect at the time the division occurred.

C. If the Planning Director, upon reviewing the application, determines that the lot or parcel resulting from a division of land did not comply with the applicable provisions of this Code in effect at the time the division occurred, and upon the effective date of the determination pursuant to this section, the Planning Director shall record, on a form provided by the Planning Department, a conditional certificate of compliance with the Bonner County Recorder. The conditional certificate of compliance shall identify the lot or parcel, and shall state that the lot or parcel resulting from a division of land will comply with the applicable provisions of this Code in effect at the time the division occurred upon completing only those conditions which would have been applicable to the lot or parcel at the time the division occurred. The conditional certificate of compliance shall list those conditions. Compliance with the conditions listed shall be required prior to the issuance of any permit for the development or use of the property. The Planning Director shall record a certificate of compliance upon the applicant completing the listed conditions. A recorded final plat

or notice of land division pursuant to this chapter constitutes a certificate of compliance with respect to the lot or parcel described therein.

- D. If the Planning Director, upon reviewing a permit for the development or use of any lot or parcel, determines that the lot or parcel resulting from a division of land did not comply with the applicable provisions of this Code in effect at the time the division occurred, and upon the effective date of the determination pursuant to this section, the Planning Director shall record, on a form provided by the Planning Department, a conditional certificate of compliance with the Bonner County Recorder. The conditional certificate of compliance shall identify the lot or parcel and shall state that the lot or parcel resulting from a division of land will comply with the applicable provisions of this Code in effect at the time the division occurred upon completing only those conditions which would have been applicable to the lot or parcel at the time the division occurred. The conditional certificate of compliance shall list those conditions. Compliance with the conditions listed shall be required prior to the issuance of any permit for the development or use of the lot or parcel. The Planning Director shall record a certificate of compliance on the application completing the listed conditions. ~~A recorded final plat or notice of land division pursuant to this chapter constitutes a certificate of compliance with respect to the lot or parcel described therein.~~ A conditional certificate of compliance recorded pursuant to this subsection shall include as a condition the fee as set forth at section [12-265](#) of this title. (Ord. 501, 11-18-2008)
- E. For the purposes of the administration of this section, the following shall be considered to be in compliance:
1. Any lot or parcel which is described on a recorded legal instrument of conveyance prior to November 18, 2008;
 2. Any lot or parcel for which a valid building permit or building location permit has been issued by Bonner County since November 18, 2008, whereon development has occurred and a use has been established in reliance on that permit;
 3. ~~A recorded final plat or notice of land division pursuant to this chapter constitutes a certificate of compliance with respect to the lot or parcel described therein.~~
 4. ~~When an original parcel or lot is divided by a r-o-w as a result of some kind of governmental action (e.g. the construction of a road or railway through a parcel or lot, thereby dividing it), each of the two resulting parcels or lots shall be deemed original parcels or lots and shall have an origination date equal to that of the governmental action.~~
- ~~F. Any determination made by the Planning Director in the administration of this section shall be appealable 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 the determination. Upon receipt of an appeal, the Planning Director shall schedule a meeting with the Board within ten (10) working days to hear the appeal and shall provide written notice to the appellant of the time and place of the meeting. The Planning Director and appellant shall be provided an opportunity to present the relevant issues to the Board at that meeting. The Board's decision shall be final, and further recourse of the appellant shall be as provided by Idaho Code. If no appeal is filed, the Planning Director's decision will be deemed effective and the certificate of compliance or conditional certificate of compliance shall be recorded. (Ord. 551, 3-9-2016)~~

Subchapter 6.2 - Design Standards & Final Plat Contents

12-620: General

12-621: Lot 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

12-628.1: Final Plat, Contents

12-628.2: Endorsements To Be Shown On The Final Plat

12-629: Digital Submission Of Final Plat

12-620: GENERAL:

Any easements, specific constraints on building placement, other than easements, and land areas reserved, be shown and plainly marked on the plats. (Ord. 501, 11-18-2008)

12-621: LOT DESIGN:

- A. All proposed lots **or parcels** which are three hundred feet (300') or less in width shall maintain a depth to width ratio of not greater than three to one (3:1); and lots which are more than three hundred feet (300') in width shall maintain a depth to width ratio of not greater than four to one (4:1). All proposed lots **or parcels** one hundred feet (100') or less in width shall be designed so that the angle of intersection of the **property lines converging towards the street-side property lines 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. (Ord. 501, 11-18-2008)
- B. The lot or parcel size minimum shall be appropriate for the zone in which the division is located.
- C. Resulting lots and parcels shall not be divided by boundary of any city, county, zoning designation, railroad right of way, or public right of way.
- D. Common lots reserved for common services, such as utilities, sewage disposal, water supply, and other similar uses, are exempt from the lot design standards above provided that:
 - 1. Residential development and accessory residential development are prohibited within the common lot.
 - 2. Development within the common lot is limited to installation of services as described in 12-621 (D), and accessory structures supporting the services.

12-622: SUBMERGED LANDS:

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 **lot or parcel 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 lot or parcel contains ten (10) "usable" acres for the purpose of determining the maximum density in for a lot or parcel subdivision. (Ord. 501, 11-18-2008)

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.~~

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

1. Proposed Individual Well. (Renummer the rest of the section accordingly.)

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. ~~Additionally, it shall be certified, per Idaho Statute 50-1334, that the system will have sufficient contributed capital to allow the system to be constructed.~~

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. ~~Additionally, it shall be certified, per Idaho Statute 50-1334, that the system will have sufficient contributed capital to allow the system to be constructed.~~

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.

The planning commission recommends the language here should not allow the sanitary restriction and only allow the sanitary restriction lift due to the concern that septic capability should be determined prior to dividing a piece of land.

~~BC. A disposal method for all building sites, as approved by the Panhandle health district and/or the state of Idaho, may be provided. All plats may/shall include the Sanitary Restriction or the Sanitary Restriction Lift as allowed by I.C. 50-1326.~~

CD. 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 ~~to the satisfaction of Bonner County~~ or the fire district in which the plat is located:

1. Prior to final plat, [for parcels smaller than five \(5\) acres](#), 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: "[For lots smaller than five \(5\) acres](#), 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.
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".
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.
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 [or the fire district in which the plat is located](#)". (Ord. 501, 11-18-2008)

12-624: ROADS AND ACCESS:

- A. All new roads created for **plats subdivisions** shall be designated by unique road names, unless such roads are determined to be and are designed to be extensions of existing roads.
- B. **Private R**road networks shall be designed and constructed to private road standards set forth in appendix A of this title, except as otherwise noted herein. Road networks shall be designed to provide for a continuous transportation system to adjacent properties, where topographical conditions warrant.
- C. Legal access shall be provided to each proposed lot, which shall be [designed developed](#) for ingress and egress, providing for ready access [for](#) meeting the standards in subsection B of this section. (Ord. 501, 11-18-2008)
- D. All proposed lots less than five (5) acres gross shall have direct frontage on, and direct access to, a public right of way. Cluster lots less than five (5) acres gross in a conservation subdivision within the rural, agricultural/forestry and forestry districts are exempt from this requirement. ~~Right of way offered for dedication in any zoning district shall be developed with a road constructed to the standards set forth in [title 2](#) of this code. Such road may be maintained privately or by a public highway agency.~~ Exceptions to the direct frontage and access requirements to allow for private frontage or interior roads may be granted in [all the commercial, industrial, or rural service center](#) districts provided such access meets the applicable private road standards of this title. (Ord. 524, 1-11-2012)
- E. Right of way offered for [roads to be dedicated dedication](#) to the public in any zoning district shall be developed with a road constructed to the standards set forth in [title 2](#) of this code. Such road may be maintained privately or by a public highway agency.

12-625: TRAILS AND PARKS:

A. Trails:

1. Implementing Bonner County Trails Plan: New **plats 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. **Plats Subdivisions** on land featuring proposed trails per the Bonner County trails plan are required to construct the trail as part of the **plat 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 **Plats Subdivisions**: All residential **plats 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 plat 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 12-667 637 of this chapter. (Ord. 501, 11-18-2008)

12-626: ENVIRONMENTAL FEATURES:

- A. The **plat subdivision** 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.
- B. The **plat subdivision** shall meet the requirements of chapter 7, "Environmental Standards", of this title.
- C. All **plats subdivisions** containing waterfront property shall conform to the following standards:
1. New lots or parcels on sites in the forestry, agricultural/forestry, rural and other zoning districts where all urban services are not available, shall maintain an average width (as measured parallel to the shoreline) of at least two hundred feet (200') for all portions of the lot or parcel within one hundred feet (100') of the shoreline. The total depth of the lot (as measured from the shoreline to the opposite end of the lot or parcel) must be deep enough to allow development to meet

applicable vegetation conservation and building setback requirements per subchapter 7.1 in this title.

2. New lots or parcels not in the forestry, agricultural/forestry or rural zoning districts and containing all urban services, shall maintain an average width (as measured parallel to the shoreline) of at least one hundred feet (100') for all portions of the lot within one hundred feet (100') of the shoreline. The total depth of the lot (as measured from the shoreline to the opposite end of the lot or parcel) must be deep enough to allow development to meet applicable vegetation conservation and building setback requirements per subchapter 7.1 in this title. (Ord. 501, 11-18-2008)

12-627: SUBDIVISIONS IN THE COMMERCIAL AND RURAL SERVICE CENTER DISTRICTS:

Subdivision applicants in both districts shall demonstrate how the proposed lots are appropriate for applicable residential and/or nonresidential uses where permitted in sections 12-332 through 12-336 (tables 3-2 through 3-6) of this title. Individual lots shall be sized appropriately to accommodate permitted uses in the district, or may be designed to accommodate a particular set of permitted uses (for example, townhouses, which feature common walls and zero lot lines). The board may place conditions on the lots that restrict uses and the exact location and nature of development. (Ord. 501, 11-18-2008)

12-628.1 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 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. (Ord. 501, 11-18-2008)
- 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. 590, 6-12-2019)
- N. Shoreline vegetation buffer management areas shall be delineated on the final plat. Applicants for shore land subdivisions may be required to plant vegetation as provided in appendix B of this title in shoreline vegetation buffer management areas prior to final plat approval. Exceptions may be made for areas that contain no cultivatable soil, such as pebble beach areas or rock outcroppings.

12-628.2 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 Sanitary Restriction or the Sanitary Restriction Lift as allowed by I.C. 50-1326.

[1. All plats proposing lots below 2.5 acres shall have the sanitary restriction lifted. A sanitary restriction lift is required for parcels below 2.5 acres](#)
- 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 if within an Area of City Impact. **Exception: For land divisions not defined as a subdivision per BCRC 12-611, this endorsement shall not be required.**(Ord. 501, 11-18-2008)

- 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. 524, 1-11-2012)
- J. A place for notice of right of board to total or partial vacation of the recorded plat as authorized by Title 12, Chapter 6 if within a subdivision or minor land division, where applicable.

12-629 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 6.3 6-6 - Lot Line Adjustments & Minor Notational Changes

12-630 12-660: Readjustment Of Lot Lines Within Platted Subdivision

12-631 12-664: Applications For Adjustment Of Lot Lines, Minor Notational Changes

12-632 12-662: Procedure For Administrative Review And Approval Of Adjustments Of Lot Lines, Minor Notational Changes

12-633 12-663: Final Plat For Lot Line Adjustments/Notational Changes To Be Drawn, Time For Filing, Signing

12-630 12-660: READJUSTMENT OF LOT LINES WITHIN PLATTED SUBDIVISION:

- A. The procedures set forth in sections 12-6361 through 12-6363 of this subchapter shall be used to process applications for "minor notational changes", as defined in section 12-813 of this title, and any adjustment of platted lot lines between two (2) or more existing adjacent lots or parcels where land taken from one lot or parcel is added to an adjacent lot or parcel, but not to include readjustments where public right of way is proposed for dedication. Where dedication is proposed, the procedures for **minor land divisions short-plats**, as set forth in this chapter, shall be followed. Applications for readjustment may include:
 1. The combining of two (2) or more lots.

2. Any adjustment of lot lines where no additional lots or parcels than originally existed are created; and where no lot or parcel is reduced below the minimum lot or parcel size for the zoning district in which the lots or parcels are located, except that if a lot or parcel is already below the minimum lot or parcel size, the lot or parcel shall not be further reduced in size and none of the reconfigured lots shall be smaller than the smallest original lot or parcel.

B. The board shall retain the authority to make a final determination when any question should arise as to whether the provisions of this section are applicable under any particular circumstance. (Ord. 501, 11-18-2008)

12-631 ~~12-664~~: 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~~ adjustments 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 ~~12-654~~2B3 and sections ~~12-62846~~ and ~~12-628.147~~ 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.

~~3-2~~. Additional information reasonably required for a thorough review of the application as may be requested by the planning director.

~~4-3~~. 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~~, and subsections ~~12-624~~B, C and D of this chapter. (Ord. 501, 11-18-2008)

12-632 ~~12-662~~: PROCEDURE FOR ADMINISTRATIVE REVIEW AND APPROVAL OF ADJUSTMENTS OF LOT LINES, MINOR NOTATIONAL CHANGES:

A. The applicant shall file an application for an ~~an~~ adjustment of lot lines or minor notational change with the planning director, who shall have reasonable time to examine the application to determine its completeness, with regard to the requirements for said application as set forth at section ~~12-631664~~ of this subchapter. If the application is determined to be incomplete, the planning director shall inform the applicant in writing of additional items or information necessary to complete the application.

- B. Upon the determination of the planning director that an application is complete, the planning director shall cause a report to be made specifying whether the application is in conformance with the provisions of this chapter, and if not, the changes that could be made in the application to bring it into conformance.
- C. The planning director shall consider the facts of the application and the relevant ordinance standards and shall approve the application as presented or subject to specific modifications upon finding adequate evidence that:
 - 1. No additional lots are being created and no lot is being reduced below the minimum lot size required by zoning; and
 - 2. The proposed lot line adjustment is in accord with the purposes of this title and of the zone district in which it is located.
- D. The planning director shall set forth the decision in writing explaining the reasons for the decision, and citing the ordinance standards used in making the decision and findings of fact and conclusions in support of the decision. If the planning director denies the application, the planning director shall also set forth in writing the actions, if any, the applicant could take to obtain approval.
- E. Changes in an approved application, resulting in the modification of the terms and conditions of approval, may be approved by the planning director upon a written request by the applicant provided:
 - 1. No additional lots are created;
 - 2. The changes are consistent, and substantially conform, with the original preliminary plat approval; and
 - 3. The changes do not result in any violation of the provisions of this title.
- ~~F. Any decision or determination made by the planning director in the administration of the provisions of this section may be appealed to the board as set forth at section 12-261 of this title.~~
- FG. The lot line adjustment application approval shall be valid for a period not to exceed two (2) calendar years from the date of approval. Within two (2) years of the approval, the applicant shall submit the final plat to the planning director. At any time prior to the expiration date of the application approval, an applicant may make a written request to the planning director for a single extension of the application approval for a period up to two (2) years. The planning director may consider such request for extension. The extension request must be approved or denied prior to the expiration date of the approval.
- GH. Upon approval of the lot line adjustment/notational change application, the planning director shall cause a review of the paper copy of the final plat by endorsing agencies to verify conformance with the provisions of this title, conditions of application approval and provisions of Idaho Code title 50, chapter 13. (Ord. 501, 11-18-2008)

12-633 12-663: FINAL PLAT FOR LOT LINE ADJUSTMENTS/NOTATIONAL CHANGES TO BE DRAWN, TIME FOR FILING, SIGNING:

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)

Subchapter 6.4 – Minor Land Divisions

12-640660: 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. (Ord. 557, 11-10-2016)

B. Procedure: Applications for a minor land division which contain ~~ten (10)~~ **four (4)** or fewer contiguous lots under common ownership may be processed as "minor land divisions" as set forth in this section and section ~~12-641661~~ of this subchapter; ~~provided, that no planned unit development is requested to accommodate the proposed lot sizes.~~ (Ord. 581, 10-24-2018)

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.

~~a. 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.~~

2. Design Criteria: The MLD shall conform to the following design criteria: Sections 12-621 (Lot Design), 12-622 (Submerged Lands), 12-623 (Services and Utilities), 12-624 (Roads and Access) A, C, and D.

~~a. New or existing private roads and easements shall be a minimum of 40 feet wide within the bounds of the subdivision MLD.~~

~~b. New or existing public roads shall have a minimum of 60-foot wide right-of-way within the bounds of the subdivision MLD.~~

- c. All roads shall be designed to allow for future connectivity to surrounding lands and roads to the satisfaction of Bonner County to prevent bottlenecking of traffic and provide adequate emergency access.
- 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 to one (3:1); and lots which are more than three hundred feet (300') in width shall maintain a depth to width ratio of not greater than four to one (4:1). 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. (Ord. 501, 11-18-2008)~~
- e. ~~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. (Ord. 501, 11-18-2008)~~
- 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 50-1326.~~
- 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. (Ord. 557, 11-10-2016)~~

3. MLD Plat: The legal descriptions 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 12-628.1646, 12-628.2647 and 12-629649 of this chapter.

12-641664: 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 thirty (30) days, from the date a completed application was stamped received.
- D. Once the director has made a recommendation, the MLD plat map and the legal descriptions shall be signed as approved and transmitted to the board of county commissioners at the next business meeting for review and possible approval. (Ord. 557, 11-10-2016)
- E. The minor land division application approval shall be valid for a period not to exceed two (2) calendar years from the date of approval. Within two (2) years of the approval, the applicant shall submit the final plat to the planning director. At any time prior to the expiration date of the application approval, an applicant may make a written request to the planning director for a single extension of the application approval for a period up to two (2) years. The planning director may consider such request for extension. The extension request must be approved or denied prior to the expiration date of the approval.

Subchapter ~~6.5~~ 6.4 - Preliminary Plat Procedures

12-650 ~~12-640~~: Processing Of Subdivision Applications, General

12-651 ~~12-641~~: Subdivisions, Preapplication Review

12-652 ~~012-642~~: Preliminary Plat, Contents Of Application

12-653 ~~12-643~~: Subdivisions, Procedure For Processing Preliminary Plat

12-654 ~~12-644~~: Improvement Plan Required, Contents

12-655 ~~12-645~~: Standards For Review Of Applications For Preliminary Plats Of All Subdivisions

12-646: Final Plat, Contents

12-647: Endorsements To Be Shown On Final Plat

12-656 ~~12-648~~: Procedure For Final Plat Review And Approval

12-649: Digital Submission Of Final Plat:

12-650 ~~12-640~~: PROCESSING OF SUBDIVISION APPLICATIONS, GENERAL:

The requirements and procedures set forth ~~in at sections 12-641 through 12-648 of~~ this subchapter shall apply to the processing of all applications for subdivisions to which this chapter is applicable, except for applications which are eligible for processing as ~~minor land divisions short plats~~ (as set forth in section ~~12-640 12-650~~ of this chapter), or for processing as lot line adjustments (as set forth in subchapter ~~6.36~~ of this chapter), ~~or for processing condominium projects (as set forth in subchapter 6.7 of this chapter).~~ (Ord. 501, 11-18-2008)

12-651 ~~12-641~~: SUBDIVISIONS, PREAPPLICATION REVIEW:

- A. Any person contemplating a 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)

12-652 12-642: PRELIMINARY PLAT, CONTENTS OF APPLICATION:

A complete application shall include the following:

- 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 a representative application to file for the subdivision), and a copy of purchasing agreement.
- 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 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 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 easements, 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.
- C. 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.
- D. The applicant is not required to have a land survey performed on the proposed subdivision until after approval of the preliminary map by the governing body. (Ord. 501, 11-18-2008)

12-653 12-643: 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.

The planning commission recommends requiring a public hearing for preliminary plats. The hearing shall be heard by the planning commission and the application will not require another hearing with the BOCC for the preliminary plat. The preliminary plat is appealable per BCRC 12-262.

- B. Upon the determination of the planning director that an application is complete, the planning department shall:
1. Schedule the subdivision for public hearing with the commission in accord with the procedures set forth in subchapter 2.6 of this Title.
 2. Send copies of the application, by first class mail, to public agencies and entities pursuant to section 12-268 of this title.

The planning commission is recommending increasing the notice requirement to 1500 feet for rural, ag zones (zones R-5,R-10,A/F-10, A/f-20) and 500 feet for smaller lot zones (S, Rec, AV,) as many of these land divisions are in areas of large lots. In many instances, 300 feet only notices the immediate neighbor around the property.

2. Provide notice of the proposed plat by first class mail to all property owners of record within ~~three hundred feet (300')~~ one thousand feet (1,000') in Rural and Agricultural Districts, 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 plat 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.~~
 - a. The applicant's name.
 - b. The general location of the property.
 - c. A description of the proposed plat.
 - d. The decision criteria of the proposed subdivision
 - e. An invitation to provide written comments on the decision criteria.

- ~~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 plat is in an area of city impact (ACI) the notice requirement shall be 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 thirty (30) ten (10) days after the issuance of the report.~~
- D. ~~Following a public hearing on the application the thirty (30) ten (10) day response period, the commission~~ planning director shall consider the application for the preliminary plat, any comments received, the facts on the record and the standards for considering the plat application and may:
1. Approve the preliminary plat, as presented;
 2. Approve the preliminary plat, as modified in any particular;
 3. Continue action on the plat to a date certain, pending changes to be made in the application, the plat design or the receipt of additional information;
 4. Deny the application for preliminary plat;
- ~~5. Any decision made by the commission may be appealed per Title 12-262. Recommend the board 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 ~~commission~~ planning director shall render a decision in 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, following the standards applied in 12-655. If the ~~commission~~ planning director denies the preliminary plat, the ~~commission~~ 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 ~~commission~~ 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 ~~commission~~ 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 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 plat, an applicant may make a written request to the [commission planning director](#) for an extension of the preliminary 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 [commission 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 plat.
- ~~B. The 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 commission shall consider the application for the preliminary plat, any comments received, the facts on the record and may:~~
- ~~1. Recommend approval of the application for preliminary plat, as presented;~~
 - ~~2. Recommend approval of 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 the application for preliminary plat.~~
- ~~C. The commission shall make its recommendation to the board, at the close of the public hearing, 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 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 commission, the recommendation of the 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.~~

~~H. As a part of its decision approving an application for a preliminary plat, the board 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 12-654 12-644 of this subchapter. In addition to the standards set forth in this chapter, the board 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.~~

~~I. The preliminary plat shall be valid for a period not to exceed 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 two (2) years. 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)~~

12-654 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. **By signing the surety agreement the subdivider, and any subsequent owners of the conditionally granted final plat, consents to having the final plat vacated, in whole or in part, upon failure to comply with the terms and/or conditions set out in the surety agreement. All deeds that transfer ownership, including deeds of sale or conveyance, for any lots within the subdivision shall expressly reference the right of the board to vacate the final plat until such a time as all the conditions of the surety agreement are completed by subdivider.** A cash deposit, certificate of deposit, corporate surety bond written by an insurance company licensed in Idaho, **guaranteed by the subdivider as principal**, 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 (1/2) for that one year. The surety agreement shall **be recorded upon approval and** 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 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 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. **Any approved extensions shall be recorded. All recording fees to be payable by subdivider.** (Ord. 501, 11-18-2008)

D. **Corporate surety bond(s) to maintain compliance with the requirements of subchapter 6.5 until the completion of the improvements specified in the surety agreement and the full release of the surety bond by the board. It is hereby made the Subdivider's duty to monitor, and report to the Treasurer in writing at 6-month intervals or immediately upon learning of noncompliance, corporate surety bond issuer's ongoing eligibility. The subdivider shall respond within three (3) business days to any request to verify compliance as requested by the director, the Treasurer, or the board. Subdivider shall provide a replacement bond which complies with Bonner County**

Ordinances within a reasonable time, as determined at the sole and exclusive discretion of the board, if:

1. The issuer of the corporate surety bond(s):
 - a. loses its "A" rating from A. M. Best & Company; or
 - b. becomes unable to meet its financial obligations as and when they become due and owing; or
 - c. enters into any form of liquidation, receivership or bankruptcy proceeding, whether voluntary or involuntary; or
 - d. ceases to be licensed to do business in Idaho
2. The corporate surety bond(s) lapse(s).

E. The Bonner County Planning Department is hereby empowered to and shall petition the board for a total or partial vacation of any recorded plat granted according to Subchapter 6.5 upon:

1. Failure of subdivider and/or Homeowners Association to maintain compliance with the final plat including but not limited to recorded notes, conditions or restrictions as determined by the Planning Department, or
2. Failure of subdivider to comply with the requirements of the surety agreement

The Planning Department shall provide a notice of intent to seek vacation of final plat to the subdivider and all owners of subdivision lots before petitioning the board for partial or total vacation of the final plat, the notice shall at a minimum include:

- a. a description of the final plat subject to vacation proceedings, and
- b. basis of noncompliance with the final plat or surety agreement, and
- c. an opportunity for subdivider and all owners of subdivision lots to demonstrate compliance through competent evidence, and
- d. the right of subdivider and all owners of subdivision lots to request a review of the Planning Department's findings with the director
- e. required action by subdivider to cure noncompliance, and
- f. the date when the vacation petition will be filed with the board unless noncompliance is cured, and
- g. a description of the vacation process

Vacation shall be processed in accord with the regulations set forth in Idaho Code section 50-1306A and recorded in accord with the regulations set forth in Idaho Code section 50-1324. Except that subdivider and/or owners of subdivision lots shall, upon request, have a right to a hearing in front of the board to provide testimony and be provided a reasonable opportunity to cure and/or demonstrate

compliance with the recorded plat and surety agreement, as determined at the sole and exclusive discretion of the board, before a public hearing is scheduled and the required notices mailed.

12-655 12-645: STANDARDS FOR REVIEW OF APPLICATIONS FOR PRELIMINARY PLATS OF ALL SUBDIVISIONS:

The ~~commission~~ planning director shall apply the following standards in making the decision on approval or denial of a preliminary plat. ~~its recommendation, and~~ The board shall confirm ~~apply~~ the following standards in rendering its decision on all applications for final 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)

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 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. (Ord. 501, 11-18-2008)~~
- ~~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. 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.~~
- ~~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 if within an Area of City Impact. (Ord. 501, 11-18-2008)

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. 524, 1-11-2012)

12-656 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 [check print 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 [12-628.1 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 ~~6.6~~ **6.3** - Conservation Subdivisions

~~12-660~~ **630**: PURPOSE:

- A. Encourage creative and flexible site design that is sensitive to the land's natural features and adapts to the natural topography;
- B. Protect environmentally sensitive areas of a development site and preserve on a permanent basis open space, natural features and prime agricultural lands;
- C. Minimize water quality impacts by reducing the amount of impervious surfaces in site development;
- D. Promote cost savings in infrastructure installation and maintenance by such techniques as reducing the distance over which utilities, such as water and sewer lines, need to be extended, or by reducing the width or length of streets; and
- E. Provide opportunities walking and hiking in open space areas. (Ord. 501, 11-18-2008)

~~12-661~~ **631**: DESCRIPTION AND DEFINITIONS:

A "conservation subdivision" is a subdivision where lots are clustered in specific areas to allow the remaining land to be used for recreation, open space, agriculture and/or preservation of features and/or structures with environmental, historical, cultural or other significance. "Conservation subdivisions" may include the following terms:

CLUSTER LOT: A cluster lot is a lot in a conservation subdivision (typically smaller than the minimum lot size for the applicable zoning district) in which residential development can occur.

COMMON OPEN SPACE: A part of a conservation subdivision that is set aside in perpetuity as open space. This area may include freshwater wetlands, floodplains or flood hazard areas, stream corridors, recreational areas, prime agricultural lands, wildlife habitat, scenic views, historical or cultural features, archaeological sites, or other land to be protected from development, as well as easements for public utilities.

CONSERVATION LOT: A large (larger than the minimum lot size for the applicable zoning district) privately owned (not common) lot in a conservation subdivision. Such lot may incur a dwelling unit, but it will count against the overall density of a subdivision. A conservation lot may be an alternative to common open space. For example, a property owner can subdivide a portion of property into a number of smaller cluster lots and retain most of the acreage for him or herself.

DEVELOPMENT RESERVE LOT: A. An area in a conservation subdivision that is set aside for future development opportunities. For example, owners of suburban zoned land that do not yet have all urban services may choose to create a conservation subdivision to cluster lots and create a development reserve lot that allows for future development once urban water and sewer services are provided on the land.

B. Property owners can choose to utilize a combination of lot types. For instance, it is possible to have both a conservation lot and common open space in a conservation subdivision.

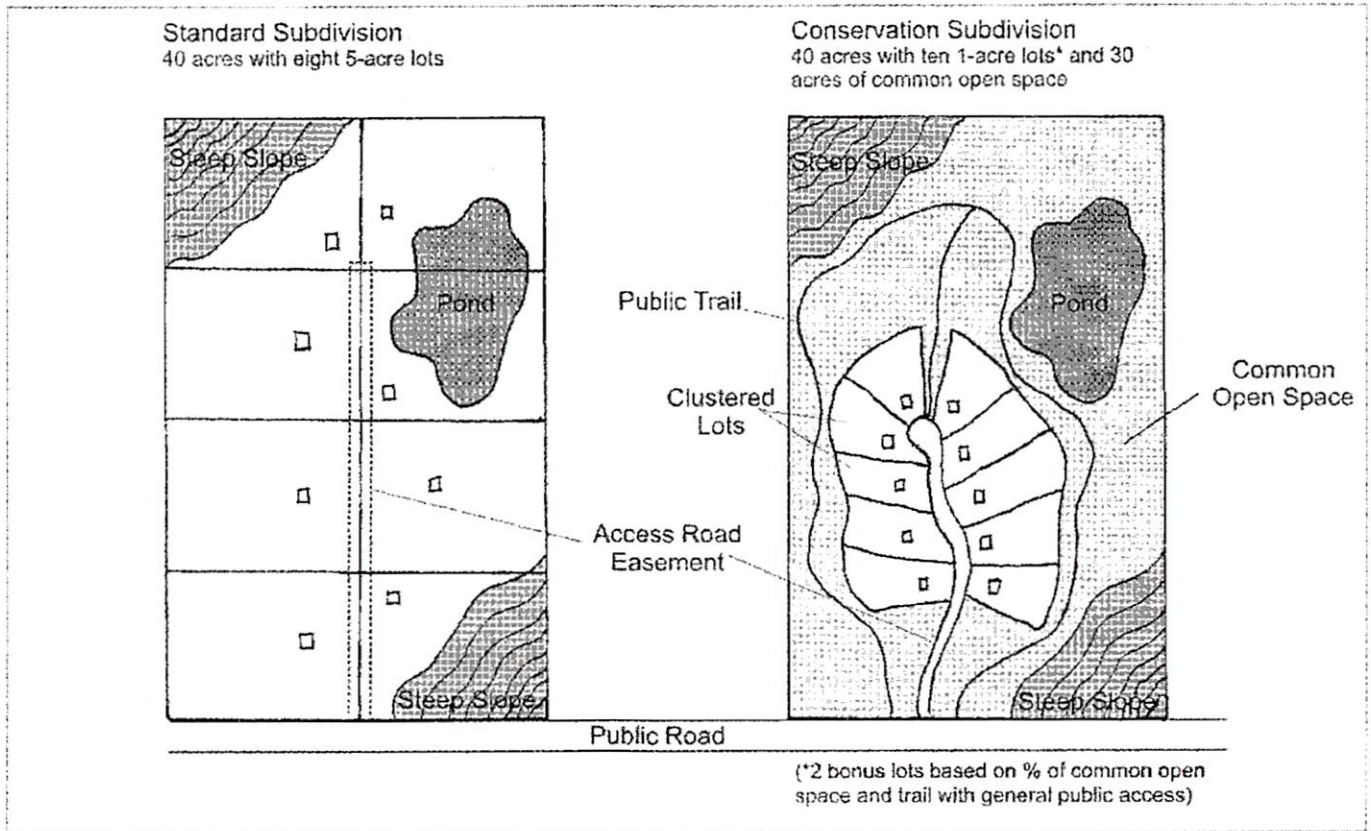


FIGURE 6-1
COMPARING A STANDARD SUBDIVISION TO A CONSERVATION SUBDIVISION

(Ord. 501, 11-18-2008)

12-662 632: APPLICABILITY, PROCEDURES AND PREAPPLICATION REVIEW:

- A. Applicability: A conservation subdivision shall be permitted as of right in any zoning district.
- B. Procedures: Conservation subdivisions are subject to the standard preliminary plat procedures set forth in subchapter 6.5 6.4 of this chapter and the conditional use permit procedures set forth in subchapter 2.2 of Title 12.
- C. Preapplication Review Required: The developer or developer's representative for a conservation subdivision shall meet with the planning director or designee, prior to submitting an application. The purpose of this meeting is to discuss early and informally with the developer, the purpose and qualifying provisions of this chapter along with any known constraints in order to assist the applicant in determining the feasibility of the proposal. 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. 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)

12-663 633: STANDARDS AND GUIDELINES FOR ALL CONSERVATION SUBDIVISIONS:

- A. Uses: All principal and accessory uses authorized in the applicable zoning districts shall be allowed in the conservation subdivision. Uses not authorized by chapter 3 of this title will not be permitted in conservation subdivisions.
- B. Development Standards: Development standards in chapter 4 of this title for the applicable zoning district shall apply to all lots in a conservation subdivision, except where otherwise noted in this chapter.
- C. Design Standards: Conservation subdivisions are subject to subchapter 6.2 of this title, design standards, except where otherwise noted.
- D. Minimum Lot Size: Cluster lots may be smaller than the minimum lot size for the applicable zoning district, provided the following requirements are met:
 - 1. The minimum lot size for lots containing both individual wells and septic within the boundaries of the lot shall be two and one-half (2^{1/2}) acres.
 - 2. The minimum lot size for lots containing either individual wells or septic (but not both) within the boundaries of the lot shall be one acre.
 - 3. Lots may be smaller than the minimum sizes in subsections D1 and D2 of this section, provided water and sewage disposal provisions are provided within common areas via utility easements.
- E. Suitable Land: Cluster lots are encouraged to be located on land most suitable for residential development. For example, where the site contains floodplains and/or wetlands, such floodplains and/or wetlands are encouraged to be designated as common open space.
- F. Further Subdivision Of Cluster Lots: Cluster lots in a conservation subdivision may not be further subdivided except where in compliance with this title. For example, if a forty (40) acre conservation subdivision in the R-10 zoning district contains 4 two (2) acre lots and a thirty two (32) acre common open space is rezoned to R-5, each of the four (4) cluster lots may be split into two (2) lots to achieve maximum density per the R-5 standards, pursuant to the procedures set forth in this chapter. However, notes on the final plat as approved by the board may include other restrictions on future subdivision of the lots.
- G. Wells, Sewage Disposal Facilities Within Common Open Space: Individual and/or common wells and sewage disposal facilities may be provided within designated common open space areas to allow for maximum efficiency of cluster lot design and minimize potential negative impacts to the environment. Applicable easements for the facilities shall be shown on the final plat.
- H. Preservation Of Common Open Space: Common open space shall be preserved as permanent open space, except where otherwise noted in this title, and subject to the following standards:
 - 1. A management plan is required for the designated common open space. The plan shall be submitted and approved with the preliminary plat application. The plan shall include all of the following items:

a. Details concerning ownership, tax liability and responsible parties for maintenance of open space.

b. Use of the designated common open space shall be in accordance with this title.

c. Details concerning permanent protection of open space.

d. Details on maintenance of the open space, including control of noxious weeds.

e. Any construction activities (trails, fencing, agricultural buildings) and vegetative clearing that may occur on site.

2. All subsequent activities must be conducted in conformance with the approved open space management plan. Open space management plans may be modified through amendment procedures for a plat alteration, but in no case shall perpetually dedicated open space be revoked.

3. The open space management plan, as described above, shall be referenced on the face of the final plat and shall be filed as a title notice.

I. Unavailable Urban Services: For conservation subdivisions in the suburban, commercial, industrial, recreation, rural service center or alpine village zoning districts where all urban services are not available, land may be set aside for future development as a "development reserve lot" if and when the applicable urban services become available. Such a lot may be privately owned or collectively owned by the owners of all subdivision lots. See subsection [12-667 637A2](#) of this subchapter for related density bonus provisions. Specific requirements for development reserve lots:

1. For such conservation subdivisions, the following title notice shall be filed on the property and adjacent properties within the plat and the wording shall additionally be placed on the face of the plat:

Lot , Block , of is a development reserve lot reserved for future development when urban services become available. Future development of this parcel may include uses permitted in the applicable zoning district. The lot is not intended to be preserved in perpetuity as open space, as indicated by the consent(s) to plat recorded at Instrument #.

2. Applicants shall submit a sketch of a prospective future street system and lot layout on development reserve lots to demonstrate that the land can be subdivided in conformance with the design standards of this title.

J. Conservation Lot As Alternative: As an alternative to designated common open space, applicants may choose to include a large "conservation lot" that is privately owned and maintained. A conservation lot may incur a dwelling unit, provided it counts against the overall density of the subdivision.

K. Buffering, Clustering: Clustered lots shall be accessed by interior road systems. To the maximum extent possible, cluster lots shall be located so that common open space provides a buffer between the cluster lots and adjacent properties and/or right of way. When this is not possible, the development shall be designed to provide at a minimum one of the following:

1. Cluster lots that abut surrounding properties or right of way shall be at least seventy five percent (75%) of the minimum lot size standard for the subject parcel.

2. Cluster lots that abut surrounding properties or right of way shall be separated from adjacent properties or right of way by a minimum buffer strip of one hundred feet (100'). At a minimum, proposed or existing landscaping and vegetation within the buffer strip shall be of sufficient size and type to provide a buffer of vegetation six feet (6') in height and fifty percent (50%) opaque year round within three (3) years of planting. New landscaping materials shall consist of a combination of native trees and shrubs, as provided in appendix B of this title. Variations to these standards may be permitted where the applicant can demonstrate that unique topographic conditions provide sufficient buffering, such as intervening waterways, ridges or ravines or other land features. (Ord. 501, 11-18-2008)

12-664 634: STANDARDS FOR CONSERVATION SUBDIVISIONS IN AGRICULTURAL/FORESTRY-20 DISTRICT:

All conservation subdivisions in the A/F-20 zoning district shall use the conservation subdivision design standards set forth below:

- A. Cluster lots shall be located on land least suitable FOR commercial agricultural or forestry purposes based on soil types, slopes, adjacent uses or other unique existing conditions.
- B. For all lands within the A/F-20 district, cluster lots shall maintain an adequate area to accommodate applicable setbacks and sufficient separation for water and sewage disposal facilities.
- C. Conditions may be placed on cluster lot development to minimize impacts to nearby agricultural uses and maintain the agricultural character of the area. To accomplish this, building envelopes, no disturbance zones, driveway location, and planting or retaining vegetation may be required. At minimum, building envelopes for cluster lots shall provide for a minimum setback of one hundred feet (100') to any property adjacent to the parent tract.
- D. More than one conservation lot may be created, provided they are at least thirty (30) acres in size.
- E. The envelope area for residential development on the conservation lot shall be authorized on the plat and shall be limited to no more than one acre in size and located to maximize opportunities for agricultural use on the lot.
- F. The maximum number of lots in a cluster shall be four (4), except where lots are clustered at least one hundred feet (100') from an existing road. The minimum separation of clusters of lots shall be three hundred feet (300'). (Ord. 501, 11-18-2008)

12-665 635: STANDARDS FOR CONSERVATION SUBDIVISIONS IN AGRICULTURAL/FORESTRY-10 AND RURAL DISTRICTS:

Cluster subdivisions in the A/F-10 and rural districts shall have the flexibility to create common open space and/or a conservation lot or lots, depending on unique site characteristics and/or interests of the applicant, provided the following requirements are met:

- A. The maximum number of lots in a cluster shall be four (4), except where lots are clustered at least one hundred feet (100') from an existing road. The minimum separation of clusters of lots shall be three hundred feet (300').
- B. At minimum, building envelopes for cluster lots shall provide for a minimum setback of one hundred feet (100') to any property adjacent to the parent tract.

C. Multiple dwelling units may be included on individual lots, provided the subdivision meets applicable density requirements and other requirements in this title. (Ord. 501, 11-18-2008)

12-666 636: STANDARDS FOR CONSERVATION SUBDIVISIONS IN SUBURBAN, RECREATION AND ALPINE VILLAGE DISTRICTS:

Conservation subdivisions in these districts shall have the flexibility to create common open space, a conservation lot or lots, and/or development reserve lots, depending on unique site characteristics and/or interests of the applicant, provided the following requirements are met:

- A. Minimum Lot Size: There is no minimum lot size for cluster lots, provided the subdivision meets the density requirements specified in this title. However, cluster lots shall be sized sufficiently to meet applicable setbacks and other requirements in this title, unless otherwise noted herein.
- B. Development Reserve Lots: All subdivisions that do not contain urban services are encouraged to use clustering techniques that allow for future development at urban densities. To accomplish this, applicants may designate an area or areas "development reserve lot" that can be further subdivided when urban services become available. See subsection 12-663 633 of this subchapter for related development reserve lot requirements. See subsection 12-667 637A2 of this subchapter for related density bonus provisions.
- C. Reduction In Setbacks: ~~Front, side and/or rear yard~~ Property line and street setbacks may be reduced to accomplish design objectives for the development, provided other applicable standards in this title are met.
- D. Multiple Dwelling Units: Multiple dwelling units may be included on individual lots, provided the subdivision meets applicable density requirements and other requirements in this title.
- E. Common Open Space: Applicants are encouraged to set aside at least twenty percent (20%) of the land as common open space, or recreational facilities for the residents of the subdivision. (Ord. 501, 11-18-2008)

12-667 637: DENSITY BONUSES FOR CONSERVATION SUBDIVISIONS:

- A. Exceptions To Qualifying Subdivisions: All conservation subdivisions shall qualify for bonuses, except:
 - 1. Sites within the F and I districts.
 - 2. Sites within the S, REC and AV districts where all urban services are not available may qualify for density bonuses only under the following conditions:
 - a. Lots are clustered in a way that allows for the future resubdivision at urban densities and/or permanent common open space. See subsection 12-663 633 of this subchapter for requirements for development reserve lots, and subsections B through D of this section.
 - b. Dry line sewer and water lines servicing all lots less than one acre in size shall be installed prior to occupancy of the applicable lot's first dwelling unit.
 - c. A sewer management agreement must be incorporated into the final plat requiring that applicable lots be connected to sewer and water systems should those systems be extended to the boundaries of the subdivision. Applicable septic systems and wells must be abandoned once the urban sewer and/or water services are operational.

3. Sites where more than fifty percent (50%) of the land includes floodways and wetlands (as determined from a professional wetlands delineation or from the U.S. fish and wildlife service national wetland inventory maps).

B. Common Open Space:

TABLE 6-1
DENSITY BONUS FOR COMMON OPEN SPACE

Numbers in parentheses refer to additional standards located below the table.

Amount Of Common Open Space (Percent Of Site) (2)	Maximum Percentage Increase In Approved Building Lots (1)	
	A/F-10, R-5 (3)	A/F-20 And R-10 Districts S, AV, C, REC And RSC Districts (4)
.10 percent - 19 percent	0 percent	0 percent
.20 percent - 29 percent	10 percent	Bonus percentage increase equal to percentage of common open space.
.30 percent - 39 percent	20 percent	
.40 percent - 49 percent	30 percent	
.50 percent - 79 percent	40 percent	
.80 percent or more	50 percent	

Standards:

1. To qualify for the full bonus percentages here, the common open space must comply with applicable requirements of subsection 12-256A of this title.
2. Common open space percentages may be rounded off to the nearest whole percentage.
3. Planned unit development subdivisions shall not exceed 150 percent of the density allowed by the underlying zoning district through provision of common open space percentages and other density bonus actions listed in table 6-2 below. For example, an applicant with 40 acres in the R-5 district [normally allowed a maximum of 8 lots] may qualify for up to 12 lots via common open space and other bonus actions.
4. Planned unit development subdivisions shall not exceed 200 percent of the density allowed by the underlying zoning district through provision of common open space percentages and other density bonus actions listed in table 6-2 below. For example, an applicant with 40 acres in the R-5 district

[normally allowed a maximum of 8 lots] may qualify for up to 16 lots via common open space and other bonus actions.

C. Density Bonus For Other Actions:

TABLE 6-2
DENSITY BONUS FOR OTHER ACTIONS

Density Bonus Action	Maximum Percentage Increase In Approved Building Lots
1. Provide subdivision residents with usable access to adjacent lakes, streams or public lands. The access must meet the minimum trail/pathway design standards specified in section <u>12-625</u> of this chapter.	5 percent
2. Provide general public with usable access to common open space, adjacent lakes, streams or public lands. (Note: This option is in lieu of, not in addition to, action 1.) The access must meet the minimum trail/pathway design standards specified in section <u>12-625</u> of this chapter.	15 percent
3. Provide a sidewalk or pathway system that connects each lot in the subdivision per the design standards in section <u>12-625</u> of this chapter.	5 percent if open only to subdivision residents. 15 percent if open to the general public.
4. Provide other public amenities. The board may approve bonus lots for other improvements and amenities, both on and off site, where the applicant can successfully demonstrate that the proposed improvements/amenities benefit the public. See subsections D and E of this section for examples and requirements. Improvements required to mitigate impacts shall not be used to earn bonus lots.	Up to 25 percent
5. Bonus for urban sewer (where not required to achieve given density) (i.e., suburban using "urban sewer" to get to smaller acres)	25 percent

D. Public Amenities: Below are public amenities that can be provided to obtain a density bonus. All are subject to approval by the board:

1. Construct recreational improvements that are available for the use by the general public. Improvements may include, but are not limited to, play fields, picnic shelters, children play areas and indoor recreational facilities. Applicants must successfully demonstrate that the improvements are safe, accessible and desirable to the general public.
2. Construct public facilities such as schools, fire stations or libraries. To qualify, the land and/or facilities must be accepted by the applicable public agency. The land itself set aside for such public use shall be considered as common open space for the purposes of obtaining a density bonus.
3. Pave roadways (where they are not required to be paved).
4. Provide environmental improvements as certified by wetlands, plant or other biologists having expert knowledge of the specific environmental feature. An example could be replacement of nonnative vegetation with native vegetation in common open space areas. Such improvements are particularly desirable in and around wetland areas and designated critical wildlife habitat.
5. Provide off site road improvements (above and beyond what is required by board for subdivision approval).

The applicant shall include a cost estimate for the proposed public amenity improvements prepared by a professional construction estimator, registered general contractor, engineer, architect or landscape architect, which shall be submitted with the application. The cost estimate shall be limited to physical improvements, labor and utility costs associated with the proposed public amenity feature.

E. Requirements For Density Bonus: To qualify for a density bonus, the proposed public amenity must meet the following requirements:

1. Applicants must successfully demonstrate how the improvements benefit the public.
2. The percentage of density bonus shall be commensurate with the cost of the applicable improvements per the following scale:

Cost of proposed improvements = \$Y

Density bonus = Extra lot or lots* valued at the equivalent of two (2) times the cost of proposed improvements (2 x Y) up to a maximum density bonus of twenty five percent (25%).

Subchapter 6.8 - VACATION, TOTAL OR PARTIAL, OF A RECORDED SUBDIVISION PLAT

12-680: VACATION, TOTAL OR PARTIAL, OF A RECORDED SUBDIVISION PLAT:

An applicant, owner, or the Bonner County Planning Department may petition the board for a total or partial vacation of a recorded subdivision plat, including easements. Vacation shall be processed in accord with the regulations set forth in Idaho Code section 50-1306A and recorded in accord with the regulations set forth in Idaho Code section 50-1324 and appeal rights in Idaho Code section 50-1322.

Appendix C. DEVELOPMENT AGREEMENTS

0: PURPOSE

1: APPLICABILITY

2: PROCESS

A. Development Agreement Creation, Form, Approval, And Consent

B. Review And Enforcement

C. Modification: A development agreement may be modified, in whole or in part, as follows

D. Termination

0: PURPOSE:

To exercise the authority granted the board in section 67-6511A, Idaho Code; to provide for the creation, form, recording, modification, enforcement and termination of development agreements; and to require as a condition of a zoning ordinance map amendment approval that an owner of land make a written commitment concerning the use and/or development of that land.

1: APPLICABILITY:

It shall be a precondition of approval for all applications for a zoning ordinance map amendment by, or on behalf of, an owner that the owner enter into a development agreement acceptable to the board as part of receiving board approval of the zoning ordinance map amendment.

2: PROCESS:

A. Development Agreement Creation, Form, Approval, And Consent:

1. Within three (3) business days after the commission has made a recommendation on an application for a zoning ordinance map amendment by, or on behalf of, an owner, the director shall forward a request to the Bonner County prosecuting attorney's office to create a development agreement using the appropriate model form as approved by the board. The director's request shall include all the necessary documents pertaining to the zoning ordinance map amendment application and the creation of a development agreement, such as, but not limited to: the legal description of the land subject to the zoning ordinance map amendment application; deed(s); preliminary plat; and any proposed conditions of approval.

2. Once the Bonner County prosecuting attorney's office has drafted the development agreement, the development agreement with any attachments shall be returned to the director. The director shall forward it to the applicant.

3. Approval of the zoning ordinance map amendment application by the board shall be contingent upon the board and owner of the land signing a mutually acceptable development agreement.

4. By signing the development agreement the owner, and any subsequent owners, consents to having the zoning ordinance map amendment reversed, in whole or in part, upon failure to comply with the terms and/or conditions set out in the development agreement.

B. Review And Enforcement:

The director shall monitor the owner's compliance with the terms and/or conditions of the development agreement. The director shall review the status of the development every two (2) years from the date the development agreement is signed. A more frequent review may be undertaken by the director at the director's discretion or at the request of the board. During a review the owner, or any subsequent owner, must demonstrate that they are in compliance with the terms and/or conditions of the development agreement. If the director determines that the terms and/or the conditions of the development agreement are not being complied with, and such lack of compliance

is not immediately resolved by the owner, the director shall recommend that the board enforce the terms of the development agreement by modification or termination.

C. Modification: A development agreement may be modified, in whole or in part, as follows:

1. Modification In Whole Or In Part For Failure To Comply With Terms And/Or Conditions: The board may modify a development agreement and/or reverse the zoning designation of the land or any undeveloped portion of the land upon the failure of the owner or subsequent owners to comply with the terms and/or conditions of the development agreement. Prior to modifying a development agreement for failure to comply with the terms and/or conditions the owner or subsequent owners shall have a reasonable time as determined in the sole discretion of the board to come into compliance with the terms and/or conditions. Prior to modifying a development agreement the board shall hold a public hearing in accordance with the notice and hearing provisions of Idaho Code section 67-6509.

2. Modification By Mutual Consent: The board and the owner or subsequent owners of the land may mutually agree to modify a development agreement and reverse the zoning map amendment, in whole or in part. Prior to modifying the development agreement by mutual consent, the board shall hold a public hearing in accordance with the notice and hearing procedures of Idaho Code section 67-6509.

D. Termination:

1. Termination For Failure To Comply With Terms And/Or Conditions: The board may terminate a development agreement and reverse the zoning designation of the land or any undeveloped portion of the land upon the failure of the owner or subsequent owners to comply with the terms and/or conditions of the development agreement. Prior to terminating a development agreement for failure to comply with the terms and/or conditions the owner or subsequent owners shall have a reasonable time as determined by the board to come into compliance with the terms and/or conditions. Prior to terminating the development agreement for failure to comply, the board shall hold a public hearing in accordance with the notice and hearing procedures of Idaho Code section 67-6509.

2. Termination By Mutual Consent: The board and the owner or subsequent owners of the land may mutually agree to terminate a development agreement and reverse the zoning map amendment, in whole or in part. Prior to terminating the development agreement by mutual consent, the board shall hold a public hearing in accordance with the notice and hearing procedures of Idaho Code section 67-6509.

3. Termination At Owner's Discretion: The owner of land subject to a development agreement may terminate the development agreement as to any remaining undeveloped land if the board modifies the development agreement without mutual consent. In the event the owner chooses to terminate the development agreement under these circumstances, the board may reverse the zoning designation of any undeveloped portion of the land.

4. Termination When Owner Has Complied With And/Or Completed All Terms And/Or Conditions: A development agreement terminates when the owner has complied with and/or completed all the terms and/or conditions of the development agreement.

E. Recording: Approved development agreements, any subsequent modification(s) thereof, or termination of a development agreement shall be recorded in the office of the Bonner County recorder. The applicant shall pay all recording fees.

F. Fees: The board shall establish a fee for conducting reviews.

COMMISSIONER & STAFF UPDATES:

Appointment of Don Davis to facilitate planning staff with Comp Plan updates.

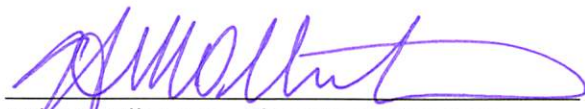
Commissioner Bradshaw moved to appoint Commissioner Don Davis to facilitate planning staff with Comp Plan updates. Commissioner Reeve seconded the motion.

VOTED upon and the Chair declared the motion carried, unanimously.

Milton Ollerton gave a staff update to the commissioners. Subarea updates Priest Lake, Sagle.

At 9:13 p.m., the Chair declared the hearing adjourned until April 15, 2021.

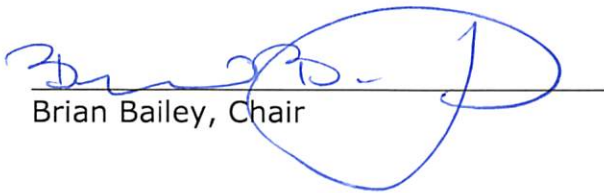
Respectfully submitted,



Milton Ollerton, Planning Director

The above Minutes are hereby approved this 29th day of April 2021.

Bonner County Planning and Zoning Commission



Brian Bailey, Chair