



Agenda

Bonner County Board of Commissioners Planning Department Update Meeting

Bonner County Board of Commissioners Meeting with Planning Department & Prosecutor's Office

September 10, 2025, 10:00 a.m.
County Administration Building
Third Floor, Board Meeting Room

Open Session:

1. Public Comments
2. Announcements
3. Updates on Planning Department Activities
 - a. Monthly Planning Related Meetings
 - b. Monthly Application Reports
 1. Title 11
 2. Title 12
 3. Public Record Request
 - c. Department Updates
 1. Software – Energov, Munis, Deckard, etc.
 2. Staffing – Staffing or Org Chart Changes
 3. Financial – Revenue and Expenses YTD
 - d. Compliance and Enforcement
 1. Title 11 Compliance
 2. Title 12 Compliance
 3. Action Item: Discussion/Decision - Lifting of Notice to Title
 - e. Pending/Proposed Ordinance Changes
 1. Title 12 – Land Use Regulations
 - i. Review AM0012-25, Changes to Chapters 4, 6, and 8
 - ii. Review AM0013-25, Changes to Chapters 1 and 2
 - f. Comprehensive Plan Update
4. Review and feedback on land use staff reports for previously heard files.
5. Public Hearing, Action Item, Discussion/Decision:

File AM0014-25 – Update to Title 16, Agricultural Protection Area (APA)

The Planning Department and APA Commission have drafted updates to Title 16, Agricultural Protection Areas, Bonner County Revised Code, in response to



Agenda

Bonner County Board of Commissioners Planning Department Update Meeting

the changes to Idaho Code 67-97 via Senate Bill 1133E1. These updates include:

16-104, Applications Requirements: Minor update to change "land use maps" to "APA Map."

16-105, Review and Approval Procedure: Update to the decision maker on APA applications from the BOCC to the Planning Director. Remove the public hearing requirement and established the decision-making process for the Planning Director.

16-106, Appeal: Replaces the reconsideration process with an appeal to the BOCC. Established an appeal timeline.

16-110, Prohibition of Uses: Aligns prohibited uses with the changes to Idaho Code 67-9710(4), prohibiting specific uses.

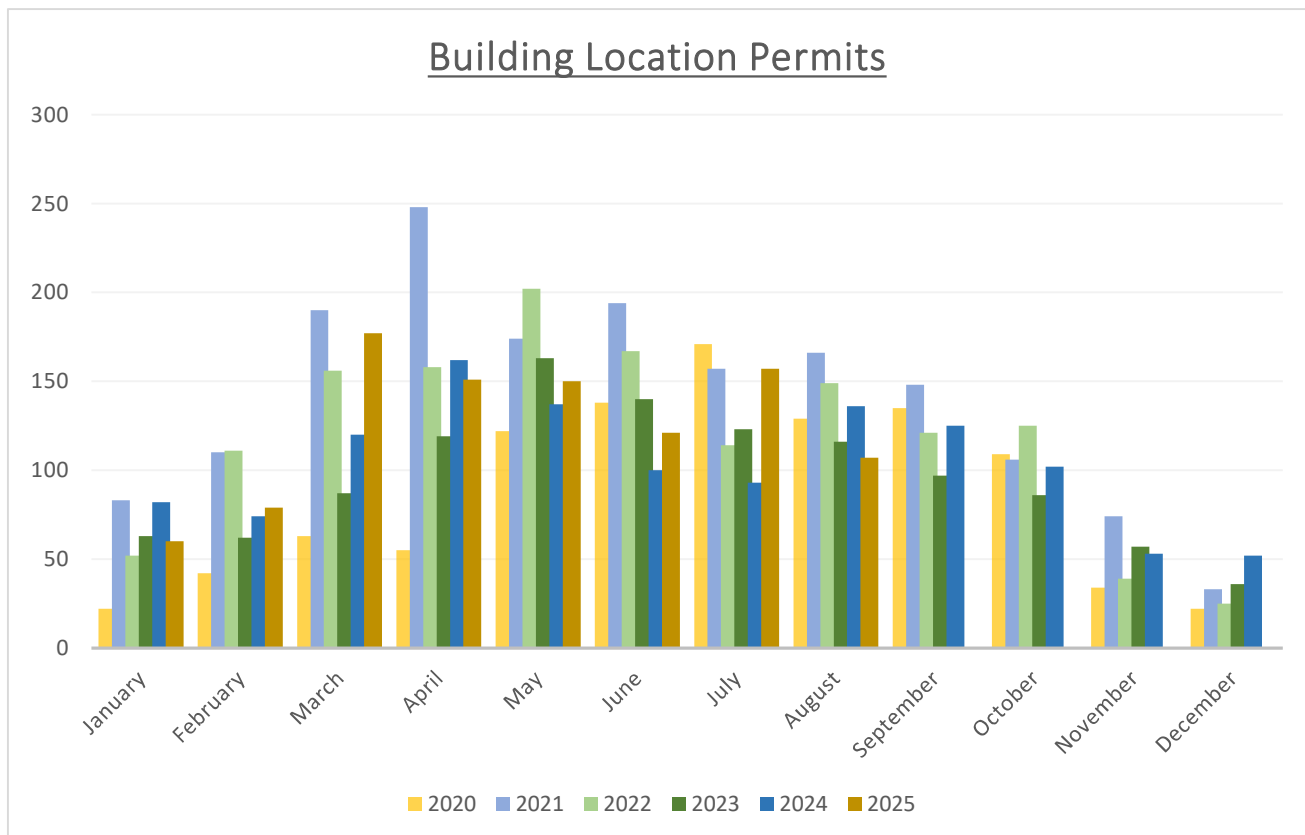
Executive Session:

Pending Litigation

1. Action Item: Discussion/Decision - Placing Notice to Title

Building Location Permit Application Report by Month

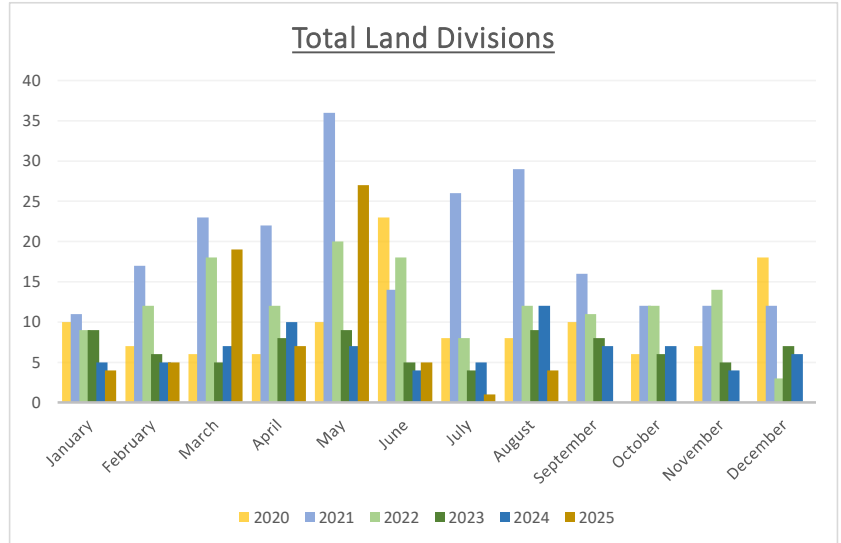
| | 2020 | 2021 | 2022 | 2023 | 2024 | 2025 |
|--------------|-------------|-------------|-------------|-------------|-------------|-------------|
| January | 22 | 83 | 52 | 63 | 82 | 60 |
| February | 42 | 110 | 111 | 62 | 74 | 79 |
| March | 63 | 190 | 156 | 87 | 120 | 177 |
| April | 55 | 248 | 158 | 119 | 162 | 151 |
| May | 122 | 174 | 202 | 163 | 137 | 150 |
| June | 138 | 194 | 167 | 140 | 100 | 121 |
| July | 171 | 157 | 114 | 123 | 93 | 157 |
| August | 129 | 166 | 149 | 116 | 136 | 107 |
| September | 135 | 148 | 121 | 97 | 125 | |
| October | 109 | 106 | 125 | 86 | 102 | |
| November | 34 | 74 | 39 | 57 | 53 | |
| December | 22 | 33 | 25 | 36 | 52 | |
| Total | 1042 | 1683 | 1419 | 1149 | 1236 | 1002 |



Planning Applications Report by Month

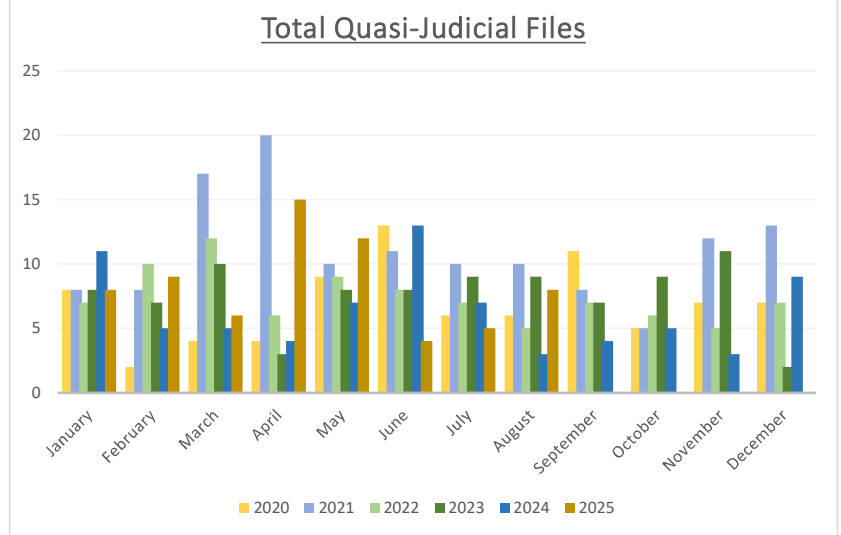
Total Land Divisions

| | 2020 | 2021 | 2022 | 2023 | 2024 | 2025 |
|--------------|------------|------------|------------|-----------|-----------|-----------|
| January | 10 | 11 | 9 | 9 | 5 | 4 |
| February | 7 | 17 | 12 | 6 | 5 | 5 |
| March | 6 | 23 | 18 | 5 | 7 | 19 |
| April | 6 | 22 | 12 | 8 | 10 | 7 |
| May | 10 | 36 | 20 | 9 | 7 | 27 |
| June | 23 | 14 | 18 | 5 | 4 | 5 |
| July | 8 | 26 | 8 | 4 | 5 | 1 |
| August | 8 | 29 | 12 | 9 | 12 | 4 |
| September | 10 | 16 | 11 | 8 | 7 | 0 |
| October | 6 | 12 | 12 | 6 | 7 | 0 |
| November | 7 | 12 | 14 | 5 | 4 | 0 |
| December | 18 | 12 | 3 | 7 | 6 | 0 |
| Total | 119 | 230 | 149 | 81 | 79 | 72 |



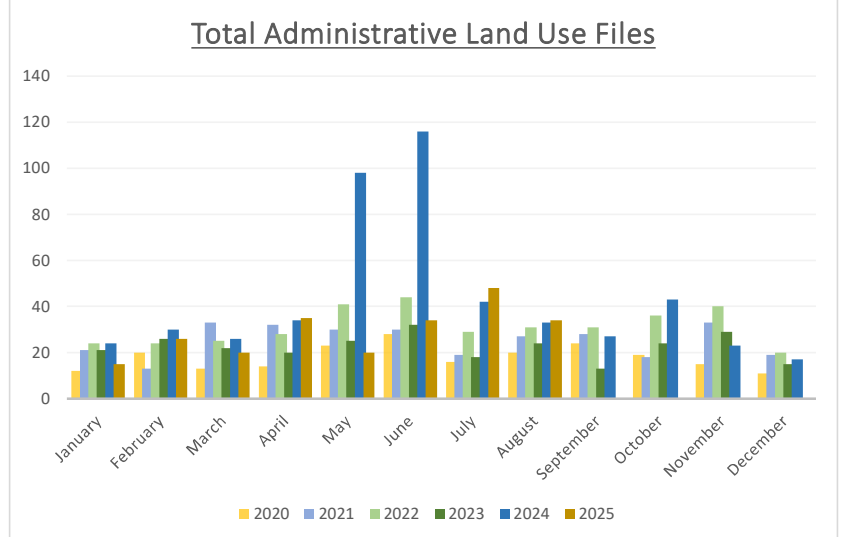
Total Quasi-Judicial Files

| | 2020 | 2021 | 2022 | 2023 | 2024 | 2025 |
|--------------|-----------|------------|-----------|-----------|-----------|-----------|
| January | 8 | 8 | 7 | 8 | 11 | 8 |
| February | 2 | 8 | 10 | 7 | 5 | 9 |
| March | 4 | 17 | 12 | 10 | 5 | 6 |
| April | 4 | 20 | 6 | 3 | 4 | 15 |
| May | 9 | 10 | 9 | 8 | 7 | 12 |
| June | 13 | 11 | 8 | 8 | 13 | 4 |
| July | 6 | 10 | 7 | 9 | 7 | 5 |
| August | 6 | 10 | 5 | 9 | 3 | 8 |
| September | 11 | 8 | 7 | 7 | 4 | 0 |
| October | 5 | 5 | 6 | 9 | 5 | 0 |
| November | 7 | 12 | 5 | 11 | 3 | 0 |
| December | 7 | 13 | 7 | 2 | 9 | 0 |
| Total | 82 | 132 | 89 | 91 | 76 | 67 |



Total Administrative Land Use Files

| | 2020 | 2021 | 2022 | 2023 | 2024 | 2025 |
|--------------|------------|------------|------------|------------|------------|------------|
| January | 12 | 21 | 24 | 21 | 24 | 15 |
| February | 20 | 13 | 24 | 26 | 30 | 26 |
| March | 13 | 33 | 25 | 22 | 26 | 20 |
| April | 14 | 32 | 28 | 20 | 34 | 35 |
| May | 23 | 30 | 41 | 25 | 98 | 20 |
| June | 28 | 30 | 44 | 32 | 116 | 34 |
| July | 16 | 19 | 29 | 18 | 42 | 48 |
| August | 20 | 27 | 31 | 24 | 33 | 34 |
| September | 24 | 28 | 31 | 13 | 27 | 0 |
| October | 19 | 18 | 36 | 24 | 43 | 0 |
| November | 15 | 33 | 40 | 29 | 23 | 0 |
| December | 11 | 19 | 20 | 15 | 17 | 0 |
| Total | 215 | 303 | 373 | 269 | 513 | 232 |



Planning Applications Report by File Type and by Month

Land Divisions

| Subdivision (11+ Lots) | | | | | | Short Plat (5-10 Lots) | | | | | | Minor Land Division (2-4 Lots) | | | | | | Family Exemptions (2-4 Parcels) | | | | | |
|------------------------|------|------|------|------|------|------------------------|------|------|------|------|------|--------------------------------|------|------|------|------|------|---------------------------------|------|------|------|------|------|
| | 2021 | 2022 | 2023 | 2024 | 2025 | | 2021 | 2022 | 2023 | 2024 | 2025 | | 2021 | 2022 | 2023 | 2024 | 2025 | | 2021 | 2022 | 2023 | 2024 | 2025 |
| January | 0 | 0 | 0 | 0 | 0 | January | 1 | 0 | 2 | 1 | 0 | January | 10 | 9 | 6 | 3 | 3 | January | 0 | 0 | 1 | 1 | 1 |
| February | 2 | 0 | 0 | 1 | 1 | February | 1 | 2 | 0 | 0 | 0 | February | 12 | 9 | 5 | 4 | 4 | February | 2 | 1 | 1 | 0 | 0 |
| March | 0 | 2 | 0 | 1 | 0 | March | 0 | 0 | 0 | 0 | 1 | March | 18 | 13 | 5 | 6 | 14 | March | 5 | 3 | 0 | 0 | 4 |
| April | 0 | 1 | 0 | 0 | 0 | April | 0 | 1 | 0 | 0 | 0 | April | 20 | 9 | 6 | 9 | 6 | April | 2 | 1 | 2 | 1 | 1 |
| May | 0 | 1 | 2 | 2 | 1 | May | 0 | 1 | 0 | 0 | 1 | May | 35 | 17 | 7 | 5 | 24 | May | 1 | 1 | 0 | 0 | 1 |
| June | 0 | 1 | 0 | 0 | 1 | June | 2 | 0 | 0 | 0 | 3 | June | 11 | 12 | 4 | 4 | 0 | June | 1 | 5 | 1 | 0 | 1 |
| July | 1 | 0 | 0 | 1 | 0 | July | 1 | 0 | 0 | 0 | 0 | July | 24 | 7 | 2 | 4 | 0 | July | 0 | 1 | 2 | 0 | 1 |
| August | 0 | 0 | 0 | 0 | 1 | August | 1 | 0 | 0 | 0 | 3 | August | 28 | 11 | 6 | 12 | 0 | August | 0 | 1 | 3 | 0 | 0 |
| September | 0 | 1 | 0 | 0 | | September | 0 | 2 | 0 | 0 | | September | 15 | 5 | 6 | 7 | | September | 1 | 3 | 2 | 0 | |
| October | 0 | 0 | 0 | 0 | | October | 0 | 0 | 0 | 1 | | October | 11 | 11 | 6 | 6 | | October | 1 | 1 | 0 | 0 | |
| November | 1 | 0 | 0 | 0 | | November | 1 | 3 | 0 | 1 | | November | 9 | 10 | 5 | 2 | | November | 1 | 1 | 0 | 1 | |
| December | 1 | 0 | 1 | 0 | | December | 1 | 0 | 0 | 1 | | December | 10 | 3 | 6 | 5 | | December | 0 | 0 | 0 | 0 | |
| Total | 5 | 6 | 3 | 5 | 4 | Total | 8 | 9 | 2 | 4 | 8 | Total | 203 | 116 | 64 | 67 | 51 | Total | 14 | 18 | 12 | 3 | 9 |

Quasi-Judicial Files

| | Amendments | | | | | | Zone Change | | | | | | Conditional Use Permit | | | | | | Variance | | | | | | Modifications | | | | | | Vacation / Validation | | | | |
|-----------|------------|------|------|------|------|-----------|-------------|------|------|------|------|-----------|------------------------|------|------|------|------|-----------|----------|------|------|------|------|-----------|---------------|------|------|------|------|-----------|-----------------------|------|------|------|------|
| | 2021 | 2022 | 2023 | 2024 | 2025 | | 2021 | 2022 | 2023 | 2024 | 2025 | | 2021 | 2022 | 2023 | 2024 | 2025 | | 2021 | 2022 | 2023 | 2024 | 2025 | | 2021 | 2022 | 2023 | 2024 | 2025 | | 2021 | 2022 | 2023 | 2024 | 2025 |
| January | 0 | 2 | 3 | 1 | 0 | January | 2 | 3 | 2 | 2 | 0 | January | 3 | 1 | 2 | 3 | 3 | January | 2 | 1 | 0 | 4 | 3 | January | 0 | 0 | 1 | 1 | 1 | January | 1 | 0 | 0 | 0 | 1 |
| February | 1 | 2 | 2 | 0 | 1 | February | 2 | 3 | 0 | 0 | 4 | February | 2 | 1 | 1 | 2 | 0 | February | 2 | 4 | 2 | 3 | 3 | February | 0 | 0 | 0 | 0 | 1 | February | 1 | 0 | 2 | 0 | 0 |
| March | 5 | 1 | 2 | 1 | 0 | March | 5 | 4 | 2 | 0 | 1 | March | 3 | 4 | 1 | 1 | 1 | March | 3 | 2 | 5 | 2 | 3 | March | 0 | 1 | 0 | 0 | 1 | March | 1 | 0 | 0 | 1 | 0 |
| April | 6 | 2 | 1 | 1 | 2 | April | 5 | 0 | 0 | 2 | 3 | April | 5 | 2 | 1 | 0 | 0 | April | 2 | 2 | 1 | 1 | 9 | April | 0 | 0 | 0 | 0 | 0 | April | 2 | 0 | 0 | 0 | 1 |
| May | 2 | 1 | 1 | 0 | 8 | May | 5 | 2 | 2 | 1 | 1 | May | 2 | 3 | 2 | 3 | 0 | May | 1 | 1 | 3 | 2 | 2 | May | 0 | 2 | 0 | 1 | 0 | May | 0 | 0 | 0 | 0 | 1 |
| June | 0 | 2 | 3 | 2 | 1 | June | 3 | 3 | 0 | 4 | 0 | June | 3 | 0 | 3 | 0 | 1 | June | 2 | 2 | 1 | 6 | 2 | June | 0 | 0 | 0 | 0 | 0 | June | 3 | 1 | 1 | 1 | 0 |
| July | 4 | 2 | 2 | 1 | 0 | July | 0 | 1 | 1 | 2 | 2 | July | 1 | 1 | 3 | 0 | 1 | July | 4 | 2 | 2 | 2 | 1 | July | 0 | 0 | 1 | 1 | 1 | July | 1 | 1 | 0 | 1 | 0 |
| August | 2 | 0 | 0 | 1 | 2 | August | 6 | 1 | 2 | 0 | 1 | August | 0 | 2 | 2 | 0 | 0 | August | 2 | 2 | 2 | 2 | 2 | August | 0 | 0 | 3 | 0 | 3 | August | 0 | 0 | 0 | 0 | 0 |
| September | 0 | 1 | 0 | 0 | | September | 1 | 1 | 2 | 0 | | September | 2 | 1 | 0 | 0 | 1 | September | 5 | 4 | 5 | 1 | | September | 0 | 0 | 0 | 0 | | September | 0 | 0 | 0 | 2 | |
| October | 0 | 4 | 1 | 0 | | October | 1 | 0 | 0 | 0 | | October | 3 | 1 | 3 | 2 | | October | 1 | 1 | 4 | 2 | | October | 0 | 0 | 1 | 0 | | October | 0 | 0 | 0 | 1 | |
| November | 2 | 1 | 1 | 0 | | November | 3 | 0 | 3 | 0 | | November | 2 | 1 | 3 | 1 | | November | 5 | 1 | 4 | 1 | | November | 0 | 2 | 0 | 1 | | November | 0 | 0 | 0 | 0 | |
| December | 3 | 1 | 0 | 2 | | December | 3 | 1 | 0 | 0 | | December | 4 | 0 | 1 | 1 | | December | 2 | 2 | 1 | 5 | | December | 0 | 1 | 0 | 1 | | December | 1 | 2 | 0 | 0 | |
| Total | 25 | 19 | 16 | 9 | 14 | Total | 36 | 19 | 14 | 11 | 12 | Total | 30 | 17 | 22 | 14 | 6 | Total | 31 | 24 | 30 | 31 | 25 | Total | 0 | 6 | 6 | 5 | 7 | Total | 10 | 4 | 3 | 6 | 3 |

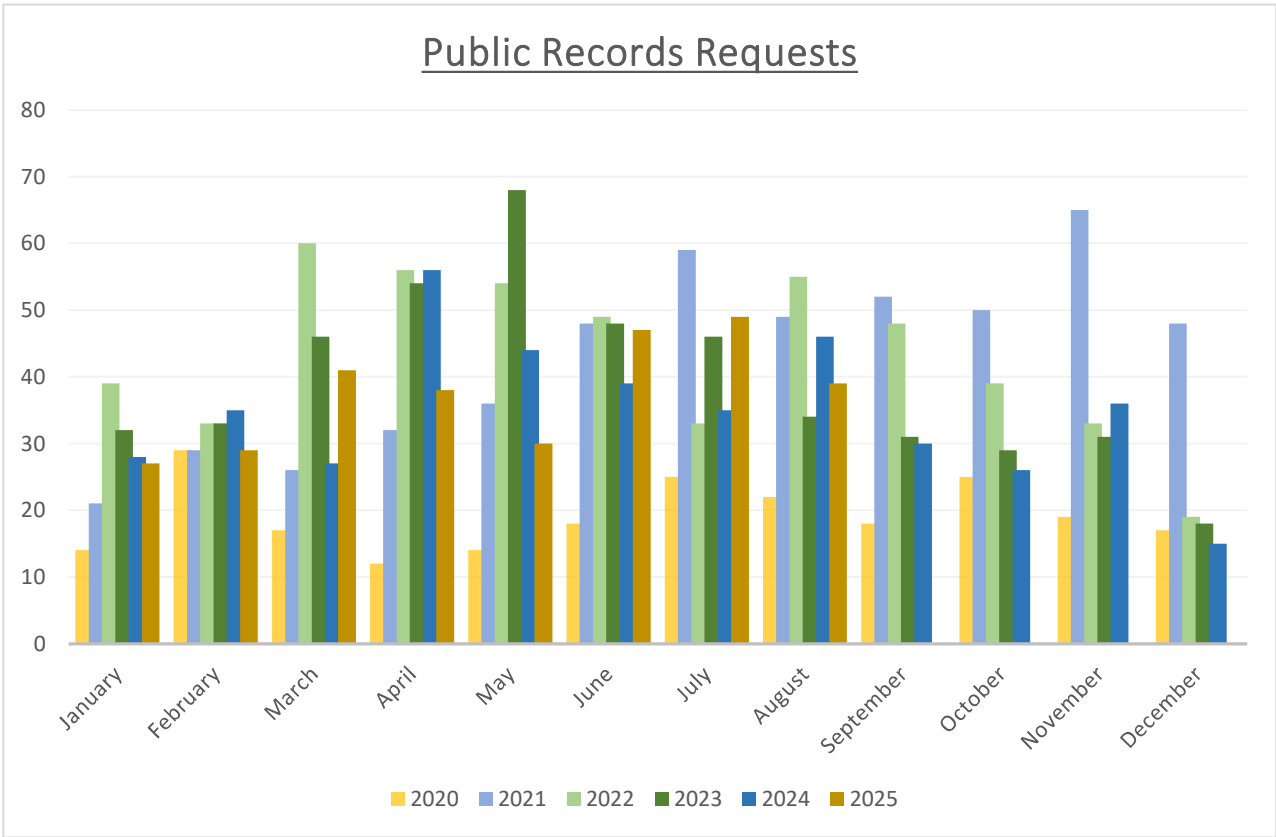
Administrative Land Use Files

| Boundry Line Adjustment | | | | | | Lot Line Adjustments | | | | | Home Occupation Permits | | | | | Stormwater Permit | | | | | Vacation Rental Permit | | | | | | | | |
|-------------------------|------|------|------|------|------|----------------------|------|------|------|------|-------------------------|-----------|------|------|------|-------------------|------|-----------|------|------|------------------------|------|------|-----------|------|------|------|------|------|
| | 2021 | 2022 | 2023 | 2024 | 2025 | | 2021 | 2022 | 2023 | 2024 | 2025 | | 2021 | 2022 | 2023 | 2024 | 2025 | | 2021 | 2022 | 2023 | 2024 | 2025 | | 2021 | 2022 | 2023 | 2024 | 2025 |
| January | 0 | 5 | 4 | 2 | 2 | January | 3 | 4 | 4 | 1 | 2 | January | 0 | 0 | 1 | 1 | 0 | January | 1 | 2 | 2 | 0 | 0 | January | 6 | 6 | 2 | 11 | 7 |
| February | 0 | 2 | 6 | 4 | 3 | February | 3 | 3 | 3 | 5 | 8 | February | 1 | 0 | 3 | 0 | 0 | February | 1 | 0 | 1 | 0 | 0 | February | 1 | 11 | 3 | 13 | 7 |
| March | 0 | 3 | 4 | 3 | 2 | March | 3 | 2 | 4 | 5 | 1 | March | 1 | 0 | 1 | 0 | 2 | March | 3 | 0 | 1 | 0 | 2 | March | 15 | 9 | 8 | 12 | 8 |
| April | 0 | 0 | 1 | 6 | 5 | April | 7 | 1 | 2 | 2 | 2 | April | 0 | 0 | 0 | 0 | 0 | April | 0 | 2 | 1 | 3 | 0 | April | 9 | 15 | 13 | 12 | 16 |
| May | 0 | 3 | 0 | 4 | 0 | May | 0 | 3 | 1 | 5 | 3 | May | 0 | 3 | 3 | 0 | 0 | May | 2 | 2 | 1 | 0 | 0 | May | 15 | 19 | 13 | 79 | 9 |
| June | 0 | 6 | 5 | 4 | 1 | June | 7 | 3 | 3 | 2 | 2 | June | 3 | 0 | 0 | 0 | 0 | June | 1 | 1 | 1 | 0 | 2 | June | 5 | 24 | 10 | 103 | 24 |
| July | 0 | 6 | 3 | 10 | 5 | July | 1 | 2 | 2 | 4 | 2 | July | 0 | 0 | 3 | 0 | 1 | July | 2 | 2 | 3 | 0 | 1 | July | 5 | 8 | 3 | 21 | 21 |
| August | 1 | 3 | 3 | 3 | 3 | August | 5 | 2 | 4 | 6 | 3 | August | 0 | 0 | 0 | 1 | 0 | August | 0 | 1 | 1 | 1 | 1 | August | 11 | 16 | 7 | 11 | 21 |
| September | 3 | 4 | 0 | 0 | | September | 3 | 6 | 3 | 7 | | September | 0 | 2 | 1 | 2 | | September | 0 | 4 | 1 | 2 | | September | 7 | 5 | 3 | 7 | |
| October | 1 | 1 | 4 | 10 | | October | 2 | 3 | 9 | 7 | | October | 0 | 0 | 0 | 0 | | October | 0 | 0 | 0 | 4 | | October | 6 | 22 | 11 | 7 | |
| November | 5 | 6 | 2 | 6 | | November | 4 | 8 | 2 | 3 | | November | 0 | 1 | 1 | 0 | | November | 1 | 0 | 2 | 0 | | November | 12 | 14 | 14 | 6 | |
| December | 2 | 2 | 3 | 2 | | December | 4 | 4 | 1 | 2 | | December | 2 | 1 | 0 | 1 | | December | 1 | 1 | 0 | 1 | | December | 6 | 6 | 9 | 9 | |
| Total | 12 | 41 | 35 | 54 | 21 | Total | 42 | 41 | 38 | 49 | 23 | Total | 7 | 7 | 13 | 5 | 3 | Total | 12 | 15 | 14 | 11 | 6 | Total | 98 | 155 | 96 | 291 | 113 |

| Administrative Exception | | | | | | Administrative Variance | | | | | Floodplain Development Permit | | | | | Certificate of Compliance | | | | | | | |
|--------------------------|------|------|------|------|------|-------------------------|------|------|------|------|-------------------------------|-----------|------|------|------|---------------------------|------|-----------|------|------|------|------|------|
| | 2021 | 2022 | 2023 | 2024 | 2025 | | 2021 | 2022 | 2023 | 2024 | 2025 | | 2021 | 2022 | 2023 | 2024 | 2025 | | 2021 | 2022 | 2023 | 2024 | 2025 |
| January | 0 | 1 | 0 | 2 | 0 | January | 3 | 2 | 4 | 3 | 2 | January | 7 | 4 | 4 | 4 | 2 | January | 1 | 0 | 0 | 0 | 0 |
| February | 0 | 4 | 1 | 1 | 0 | February | 1 | 1 | 2 | 2 | 2 | February | 6 | 2 | 7 | 5 | 6 | February | 0 | 1 | 0 | 0 | 0 |
| March | 1 | 0 | 0 | 2 | 1 | March | 3 | 5 | 3 | 2 | 2 | March | 7 | 6 | 1 | 1 | 2 | March | 0 | 0 | 0 | 1 | 0 |
| April | 4 | 2 | 0 | 2 | 0 | April | 5 | 4 | 2 | 2 | 6 | April | 7 | 4 | 1 | 4 | 5 | April | 0 | 0 | 0 | 3 | 1 |
| May | 4 | 2 | 1 | 3 | 1 | May | 4 | 2 | 1 | 2 | 4 | May | 5 | 7 | 5 | 4 | 3 | May | 0 | 0 | 0 | 1 | 0 |
| June | 2 | 1 | 3 | 2 | 0 | June | 6 | 3 | 5 | 1 | 4 | June | 5 | 6 | 2 | 3 | 1 | June | 1 | 0 | 3 | 1 | 0 |
| July | 0 | 3 | 0 | 0 | 0 | July | 2 | 4 | 3 | 3 | 4 | July | 7 | 4 | 0 | 4 | 12 | July | 2 | 0 | 1 | 0 | 2 |
| August | 2 | 1 | 3 | 3 | 1 | August | 4 | 3 | 5 | 4 | 3 | August | 3 | 5 | 0 | 2 | 2 | August | 1 | 0 | 1 | 2 | 0 |
| September | 5 | 3 | 1 | 1 | | September | 4 | 0 | 3 | 1 | | September | 5 | 6 | 0 | 6 | | September | 1 | 1 | 1 | 1 | |
| October | 2 | 3 | 0 | 1 | | October | 4 | 3 | 0 | 6 | | October | 2 | 4 | 0 | 6 | | October | 1 | 0 | 0 | 2 | |
| November | 2 | 4 | 3 | 1 | | November | 5 | 1 | 3 | 0 | | November | 4 | 3 | 0 | 5 | | November | 0 | 3 | 2 | 2 | |
| December | 1 | 0 | 0 | 0 | | December | 1 | 0 | 1 | 1 | | December | 2 | 6 | 0 | 1 | | December | 0 | 0 | 1 | 0 | |
| Total | 23 | 24 | 12 | 18 | 3 | Total | 42 | 28 | 32 | 27 | 27 | Total | 60 | 57 | 20 | 45 | 33 | Total | 7 | 5 | 9 | 13 | 3 |

Public Records Requests by Month

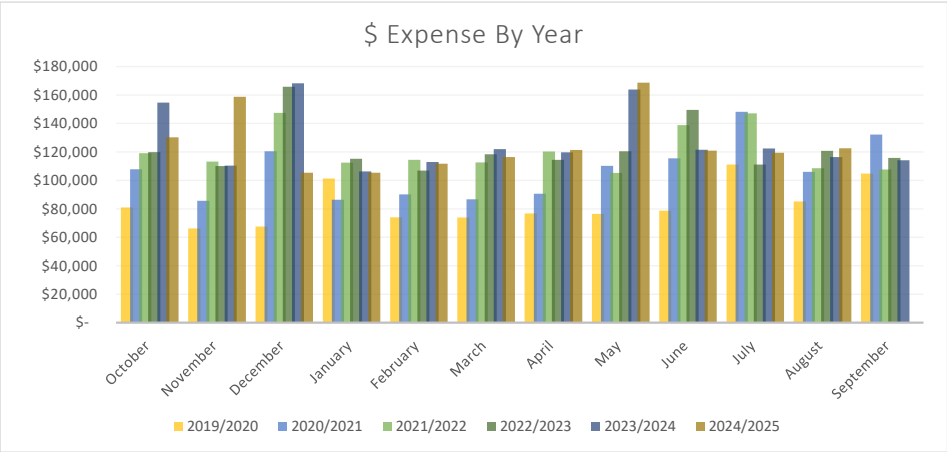
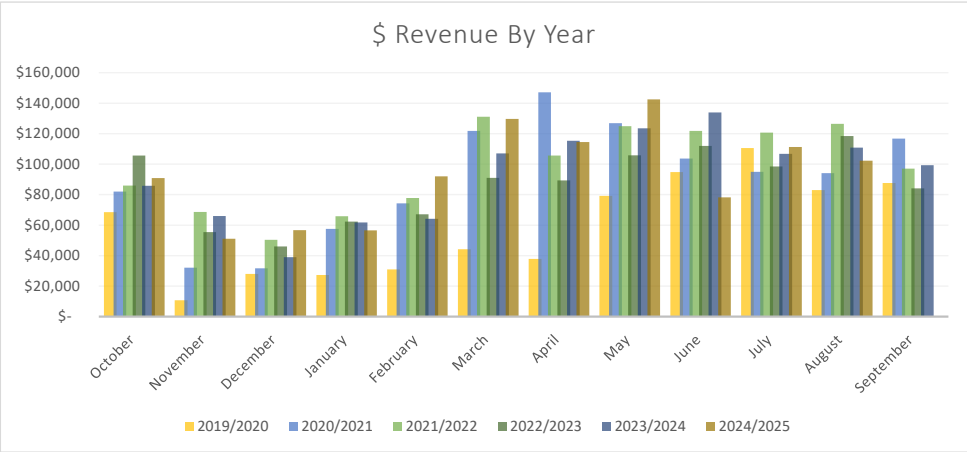
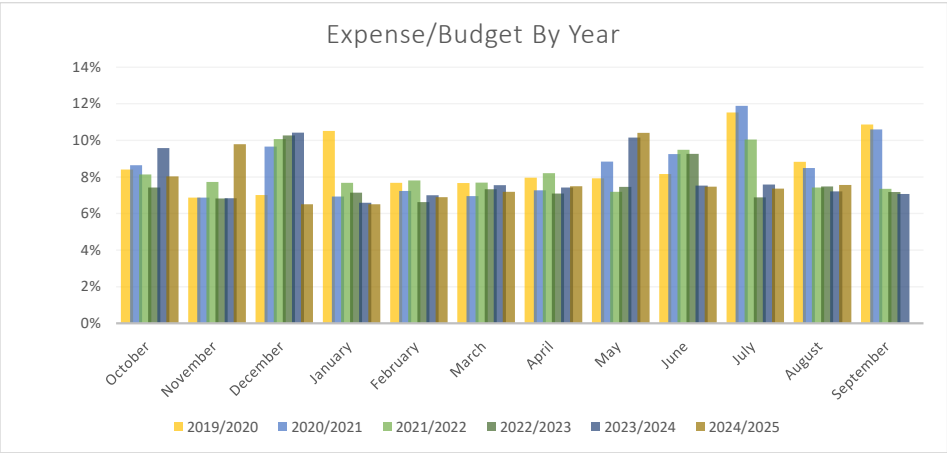
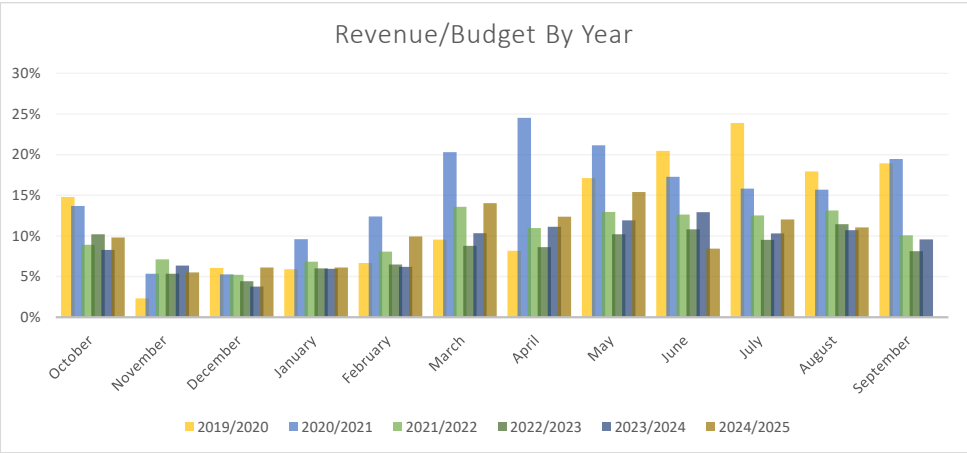
| | 2020 | 2021 | 2022 | 2023 | 2024 | 2025 |
|-----------|------|------|------|------|------|------|
| January | 14 | 21 | 39 | 32 | 28 | 27 |
| February | 29 | 29 | 33 | 33 | 35 | 29 |
| March | 17 | 26 | 60 | 46 | 27 | 41 |
| April | 12 | 32 | 56 | 54 | 56 | 38 |
| May | 14 | 36 | 54 | 68 | 44 | 30 |
| June | 18 | 48 | 49 | 48 | 39 | 47 |
| July | 25 | 59 | 33 | 46 | 35 | 49 |
| August | 22 | 49 | 55 | 34 | 46 | 39 |
| September | 18 | 52 | 48 | 31 | 30 | |
| October | 25 | 50 | 39 | 29 | 26 | |
| November | 19 | 65 | 33 | 31 | 36 | |
| December | 17 | 48 | 19 | 18 | 15 | |
| Total | 230 | 515 | 518 | 470 | 417 | 300 |



Planning Department Financial Analysis

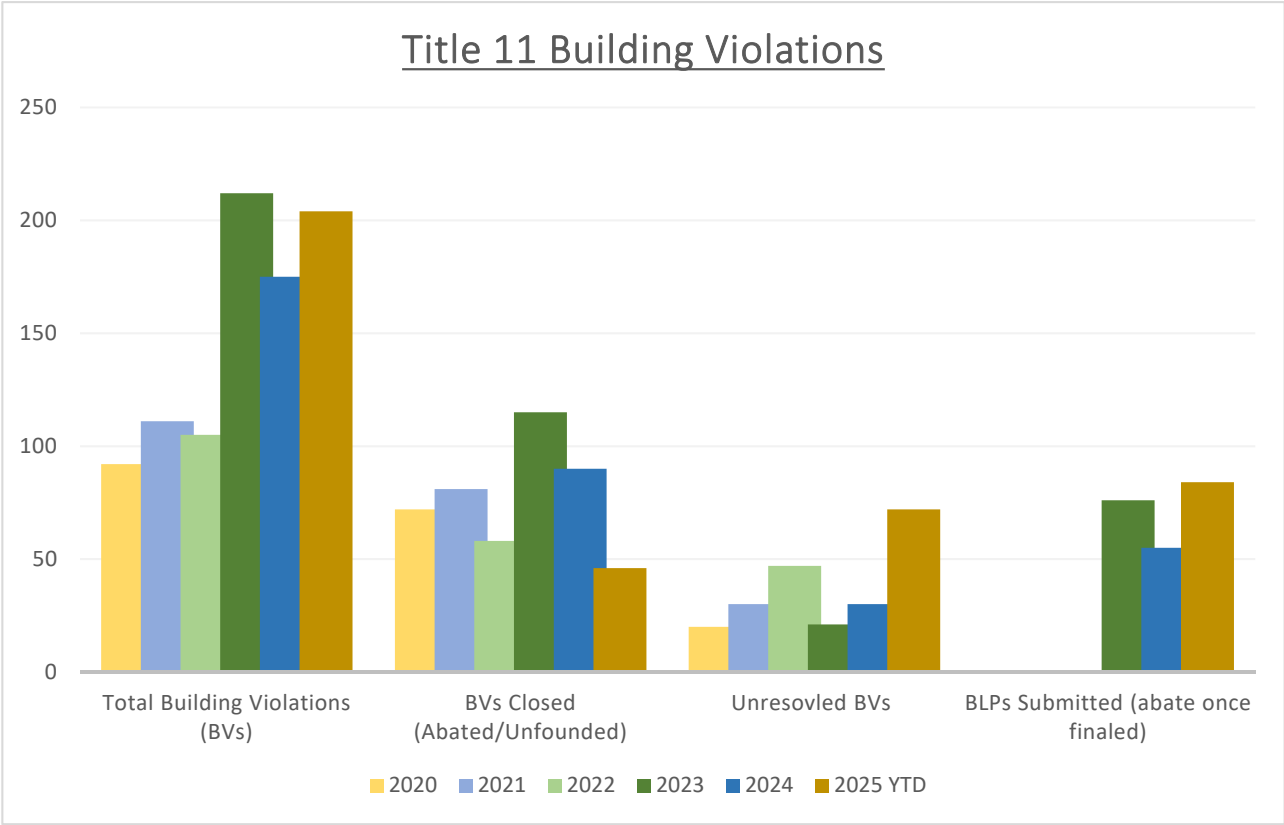
| | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | | | Budget | Actual |
|------------------|---------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|--------------|--------------|--------|--------|
| | | October | November | December | January | February | March | April | May | June | July | August | September | Total | Budget | Re/Ex | Re/Ex |
| 2024/2025 | Revenue | \$ 90,882 | \$ 51,047 | \$ 56,711 | \$ 56,552 | \$ 92,057 | \$ 129,733 | \$ 114,437 | \$ 142,534 | \$ 78,168 | \$ 111,259 | \$ 102,323 | \$ - | \$ 1,025,702 | \$ 925,338 | 57% | 74% |
| | Expense | \$ 130,226 | \$ 158,764 | \$ 105,396 | \$ 105,447 | \$ 111,802 | \$ 116,455 | \$ 121,429 | \$ 168,675 | \$ 120,969 | \$ 119,403 | \$ 122,552 | \$ - | \$ 1,381,119 | \$ 1,620,789 | | |
| | R % of Budget | 10% | 6% | 6% | 6% | 10% | 14% | 12% | 15% | 8% | 12% | 11% | 0% | 111% | | | |
| | E % of Budget | 8% | 10% | 7% | 7% | 7% | 7% | 7% | 10% | 7% | 7% | 8% | 0% | 85% | | | |
| 2023/2024 | Revenue | \$ 85,881 | \$ 65,958 | \$ 38,971 | \$ 61,772 | \$ 64,130 | \$ 107,106 | \$ 115,295 | \$ 123,490 | \$ 133,904 | \$ 106,789 | \$ 110,889 | \$ 99,277 | \$ 1,113,463 | \$ 1,035,822 | 64% | 73% |
| | Expense | \$ 154,691 | \$ 110,356 | \$ 168,282 | \$ 106,312 | \$ 112,940 | \$ 121,930 | \$ 119,778 | \$ 163,874 | \$ 121,478 | \$ 122,434 | \$ 116,469 | \$ 114,102 | \$ 1,532,646 | \$ 1,613,923 | | |
| | R % of Budget | 8% | 6% | 4% | 6% | 6% | 10% | 11% | 12% | 13% | 10% | 11% | 10% | 107% | | | |
| | E % of Budget | 10% | 7% | 10% | 7% | 7% | 8% | 7% | 10% | 8% | 8% | 7% | 7% | 95% | | | |
| 2022/2023 | Revenue | \$ 105,692 | \$ 55,423 | \$ 46,004 | \$ 62,304 | \$ 67,097 | \$ 90,972 | \$ 89,324 | \$ 105,816 | \$ 111,939 | \$ 98,481 | \$ 118,510 | \$ 84,112 | \$ 1,035,674 | \$ 1,035,822 | 64% | 71% |
| | Expense | \$ 119,867 | \$ 110,137 | \$ 165,872 | \$ 115,217 | \$ 106,919 | \$ 118,407 | \$ 114,510 | \$ 120,463 | \$ 149,508 | \$ 111,165 | \$ 120,838 | \$ 115,838 | \$ 1,468,741 | \$ 1,614,594 | | |
| | R % of Budget | 10% | 5% | 4% | 6% | 6% | 9% | 9% | 10% | 11% | 10% | 11% | 8% | 100% | | | |
| | E % of Budget | 7% | 7% | 10% | 7% | 7% | 7% | 7% | 7% | 9% | 7% | 7% | 7% | 91% | | | |
| 2021/2022 | Revenue | \$ 85,977 | \$ 68,619 | \$ 50,324 | \$ 65,836 | \$ 77,795 | \$ 131,067 | \$ 105,661 | \$ 124,919 | \$ 121,878 | \$ 120,728 | \$ 126,508 | \$ 97,131 | \$ 1,176,443 | \$ 964,250 | 66% | 81% |
| | Expense | \$ 119,124 | \$ 113,228 | \$ 147,522 | \$ 112,478 | \$ 114,433 | \$ 112,594 | \$ 120,260 | \$ 105,252 | \$ 138,907 | \$ 147,215 | \$ 108,644 | \$ 107,724 | \$ 1,447,381 | \$ 1,464,471 | | |
| | R % of Budget | 9% | 7% | 5% | 7% | 8% | 14% | 11% | 13% | 13% | 13% | 13% | 10% | 122% | | | |
| | E % of Budget | 8% | 8% | 10% | 8% | 8% | 8% | 8% | 7% | 9% | 10% | 7% | 7% | 99% | | | |
| 2020/2021 | Revenue | \$ 82,062 | \$ 32,162 | \$ 31,675 | \$ 57,540 | \$ 74,310 | \$ 121,772 | \$ 147,203 | \$ 126,851 | \$ 103,614 | \$ 94,902 | \$ 94,096 | \$ 116,739 | \$ 1,082,926 | \$ 600,100 | 48% | 85% |
| | Expense | \$ 107,770 | \$ 85,737 | \$ 120,514 | \$ 86,477 | \$ 90,232 | \$ 86,713 | \$ 90,623 | \$ 110,299 | \$ 115,442 | \$ 148,225 | \$ 105,950 | \$ 132,262 | \$ 1,280,244 | \$ 1,247,444 | | |
| | R % of Budget | 14% | 5% | 5% | 10% | 12% | 20% | 25% | 21% | 17% | 16% | 16% | 19% | 180% | | | |
| | E % of Budget | 9% | 7% | 10% | 7% | 7% | 7% | 7% | 9% | 9% | 12% | 8% | 11% | 103% | | | |
| 2019/2020 | Revenue | \$ 68,519 | \$ 10,711 | \$ 28,030 | \$ 27,279 | \$ 30,899 | \$ 44,207 | \$ 37,884 | \$ 79,248 | \$ 94,770 | \$ 110,552 | \$ 83,020 | \$ 87,619 | \$ 702,738 | \$ 462,850 | 48% | 70% |
| | Expense | \$ 81,050 | \$ 66,281 | \$ 67,615 | \$ 101,379 | \$ 74,040 | \$ 73,969 | \$ 76,804 | \$ 76,476 | \$ 78,731 | \$ 111,085 | \$ 85,161 | \$ 104,829 | \$ 997,420 | \$ 964,336 | | |
| | R % of Budget | 15% | 2% | 6% | 6% | 7% | 10% | 8% | 17% | 20% | 24% | 18% | 19% | 152% | | | |
| | E % of Budget | 8% | 7% | 7% | 11% | 8% | 8% | 8% | 8% | 8% | 12% | 9% | 11% | 103% | | | |

Planning Department Financial Analysis



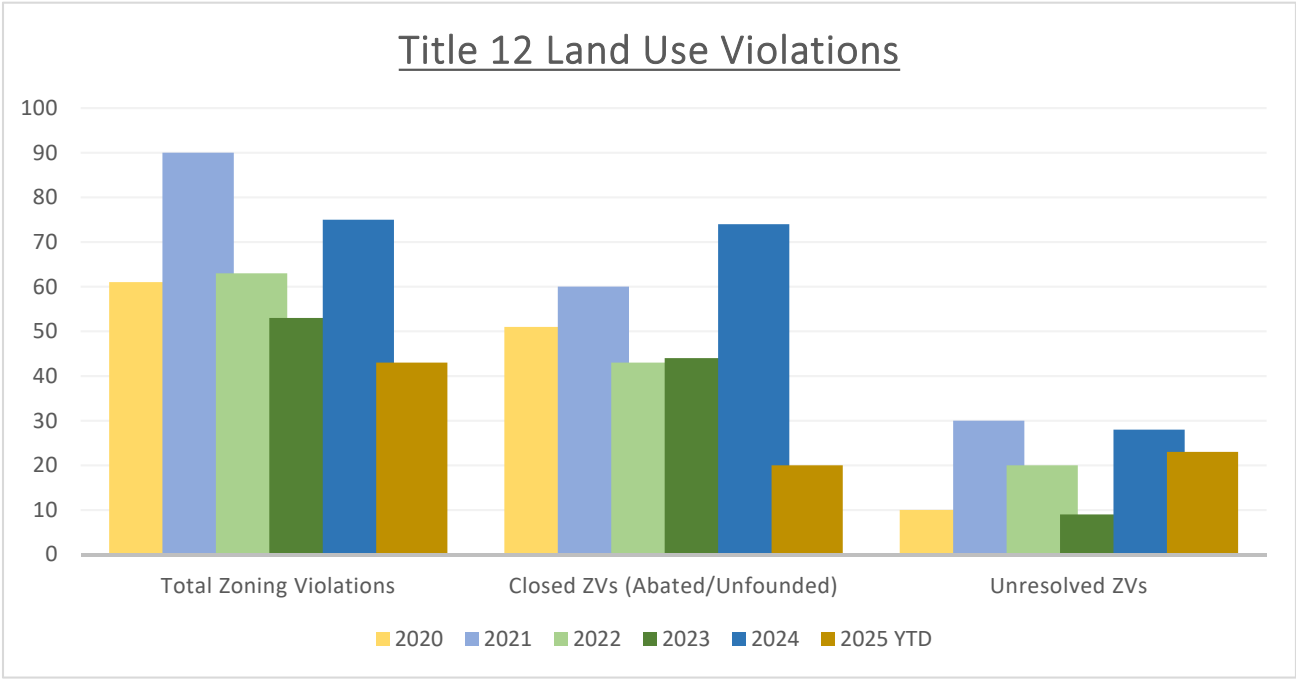
Title 11 Building Violations by Year

| | 2020 | 2021 | 2022 | 2023 | 2024 | 08/2025 | 2025 YTD |
|-------------------------------------|------|------|------|------|------|---------|----------|
| Total Building Violations (BVs) | 92 | 111 | 105 | 212 | 175 | 16 | 204 |
| BVs Closed (Abated/Unfounded) | 72 | 81 | 58 | 115 | 90 | 11 | 46 |
| Unresovled BVs | 20 | 30 | 47 | 21 | 30 | | 72 |
| BLPs Submitted (abate once finaied) | | | | 76 | 55 | 5 | 84 |



Title 12 Land Use Violations by Year

| | 2020 | 2021 | 2022 | 2023 | 2024 | 08/2025 | 2025 YTD |
|-------------------------------|------|------|------|------|------|---------|----------|
| Total Zoning Violations | 61 | 90 | 63 | 53 | 75 | 5 | 43 |
| Closed ZVs (Abated/Unfounded) | 51 | 60 | 43 | 44 | 74 | 1 | 20 |
| Unresolved ZVs | 10 | 30 | 20 | 9 | 28 | - | 23 |



Appendix A

Summary of Proposed Title 12 Updates:

Chapter 4

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

Chapter 6

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

12-610 – Updates to the naming conventions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12-649 – Removes this section in its entirety.

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

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

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

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

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

12-671 – Updates code references.

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

Chapter 8

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

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

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

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

TABLE 4-2

DENSITY AND DIMENSIONAL STANDARDS

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

Requirements Or Exceptions:

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

**CHAPTER 6
SUBDIVISIONS**

SECTION:

12-600: Purpose

Subchapter 6.1 - General Provisions

12-610: Applicability, Qualifications

12-611: Definitions (Reserved)

12-612: Additional Requirements

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

12-614: Prohibitions

12-615: Remedies

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

Subchapter 6.2 - Design Standards

12-620: General

12-621: Lot And Parcel Design

12-622: Submerged Lands

12-623: Services And Utilities

12-624: Roads And Access

12-625: Trails And Parks

12-626: Environmental Features

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

Subchapter 6.3 - Conservation Subdivisions

12-630: Purpose

12-631: Description And Definitions

12-632: Applicability, Procedures And Preapplication Review

12-633: Standards And Guidelines For All Conservation Subdivisions

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

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

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

12-637: Density Bonuses For Conservation Subdivisions

Subchapter 6.4 – Long Subdivision Preliminary Plat Procedures

12-640: Processing Of Long Subdivision Applications, General

12-641: Long Subdivisions, Preapplication Review

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

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

12-644: Improvement Plan Required, Contents

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

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

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

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

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

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

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

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

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

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

Subchapter 6.6 – Final Plat

12-660: Final Plat, Contents

12-661: Endorsements To Be Shown On Final Plat

12-662: Procedure For Final Plat Review And Approval

~~Subchapter 6.6 — Minor Land Divisions~~

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

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

Subchapter 6.7 - Lot Line Adjustments

12-670: Readjustment Of Lot Lines Within Platted Subdivision

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

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

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

12-600: PURPOSE:

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

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

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

SUBCHAPTER 6.1 - GENERAL PROVISIONS

12-610: APPLICABILITY, QUALIFICATIONS:

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

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

12-611: RESERVED DEFINITIONS:

MINOR LAND DIVISION (MLD):

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

SHORT PLAT SUBDIVISION:

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

SUBDIVISION:

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

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

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

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

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

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

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

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

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

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

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

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

(Reserved)

12-612: ADDITIONAL REQUIREMENTS:

A. Replatting Required:

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

B. Recorded Survey Required:

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

12-613: OTHER LAND DIVISION & ADJUSTMENT PROCESSES:

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

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

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

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

Examples:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12-614: PROHIBITIONS:

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

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

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

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

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

12-615: REMEDIES:

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

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

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

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

(No proposed changes to sections 12-616)

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

12-623: SERVICES AND UTILITIES:

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

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

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

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

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

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

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

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

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

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

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

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

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

(No proposed changes to Section 12-624)

12-625: TRAILS AND PARKS:

A. Trails Public Access, Parks and Facilities:

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

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

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

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

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

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

(No proposed changes to Subchapter 12-6.3)

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

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

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

12-641: LONG SUBDIVISIONS, PREAPPLICATION REVIEW:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~—F.— The board may:~~

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

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

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

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

12-644: IMPROVEMENT PLAN REQUIRED, CONTENTS:

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

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

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

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

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

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

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

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

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

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

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

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

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

12-646: FINAL PLAT, CONTENTS:

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

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

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

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

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

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

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

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

~~—I. Private restrictions, if any.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

- ~~—1. Digital files should be submitted in AutoCAD or other approved computer-aided drafting (CAD) software format with a submission form or directly to the Geographic Information Systems Department via e-mail.~~
- ~~—2. The digital files should be named according to naming conventions.~~
- ~~—3. The digital file should include all appropriate layers.~~
- ~~—4. There shall be an indication of whether the submission is tied to control and to which control.~~
- ~~—5. If projected, the projection parameters should be provided with the file. (Ord. 572, 10-25-2017)~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4. Deny the application for preliminary short plat subdivision;

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

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

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

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

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

6. Safeguards to protect adjoining properties.

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

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

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

(Ord. 557, 11-10-2016)

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

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

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

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

SUBCHAPTER 6.6 – FINAL PLAT MINOR LAND DIVISIONS

12-660: FINAL PLAT, CONTENTS:

The final plat shall conform with the following items:

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

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

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

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

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

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

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

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

I. Private restrictions, if any.

J. North point, graphic scale and date.

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

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

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

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

The final plat shall also contain the following information:

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

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

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

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

E. A place for Board approval.

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

G. A place for the Recorder's signature.

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

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

12-662: PROCEDURE FOR FINAL PLAT REVIEW:

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

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

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

D. The Board shall approve the final plat when:

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

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

12-660: MINOR LAND DIVISION PROCEDURE:

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

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

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

~~—D. Application: The application for a minor land division shall include:~~

~~——1. Application: Prior to recordation of a deed or MLD plat, each application for a minor land division shall be submitted on a form provided by the Planning Department with appropriate fees approved by the Board of County Commissioners.~~

~~——2. Design Criteria: The MLD shall conform to the following design criteria:~~

~~——a. Any new and existing easements or roads showing access to each property, considering alignment with existing or planned roads.~~

~~——b. All proposed lots which are three hundred feet (300') or less in width shall maintain a depth to width ratio of not greater than three point two to one (3.2:1); and lots which are more than three hundred feet (300') in width shall maintain a depth to width ration of not greater than four point two to one (4.2:1). All proposed lots one hundred feet (100') or less in width shall be designed so that the angle of intersection of the side lot lines with the fronting road is between eighty-five (85) and ninety-five degrees (95), for a distance of not less than fifty feet (50') from the point of intersection. Submerged lands are exempt from the requirements herein.~~

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

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

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

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

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

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

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

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

~~Upon receipt and review of completeness, the planning and zoning department shall:~~

~~—A. Review the MLD plat and supplemental information to determine compliance with these ordinances and prepare its report, which shall include comments received from other departments.~~

~~—B. Distribute the application to the county surveyor, the Assessor, the road and bridge department, GIS and floodplain administrator for review and compliance.~~

~~—C. Based on the above findings, the planning director shall approve, conditionally approve, or deny the application within ninety (90) days, from the date of a completed application was stamped as received.~~

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

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

SUBCHAPTER 6.7 - LOT LINE ADJUSTMENTS

(No proposed changes to Section 12-670)

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

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

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

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

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

3. A copy of the current preliminary title report.

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

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

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

(No proposed changes to Section 12-672)

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

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

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

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

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

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

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

12-818: DEFINITIONS - R:

REMAINDER:

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

12-819: DEFINITIONS - S:

SUBDIVISION:

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

The term “subdivision” shall not include:

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

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

C. Mineral, oil or gas leases.

D. A lot line adjustment or minor notational change.

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

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

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

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

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

SUBDIVISION, LONG:

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

SUBDIVISION, SHORT:

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

Appendix A

Summary of Proposed Title 12 Updates:

12-122 (Planning Commission): Expands and clarifies the Planning Commission's jurisdiction to include holding quasi-judicial hearings for applicant-initiated Comprehensive Plan map amendments. Previously, the Commission's authority was limited to legislative actions such as recommending amendments to the Comprehensive Plan, zoning map, and land use ordinances.

12-123 (Zoning Commission): The proposed change removes language allowing the Zoning Commission to appoint a Hearing Examiner, clarifying that appointments to that role are made by the Board of County Commissioners. The Zoning Commission retains responsibility for quasi-judicial hearings for applicant-driven land use requests.

12-131 (Complaints of Violation): Establishes that all zoning complaints must be submitted on a standard form provided by the Planning Department. This helps formalize the complaint intake process, ensures consistency in documentation, and provides clear guidance on how to initiate enforcement actions.

12-214, 12-217, 12-224, 12-235, 12-247 (Noticing Procedures): Revises public notice language across these sections to reference Section 12-268 ensuring consistent application of notice standards.

12-232 (Variance Definitions): Clarifies the definition and scope of a variance, aligning it with bulk, placement, and parcel standards only.

12-238 (Administrative Variances): Revises the threshold for administrative variances from 30% to 20%, narrowing the scope of what can be approved without a public hearing. It also updates noticing procedures to follow Section 12-268.

12-247 (Special Use Permits): Aligns public hearing notice procedures with Section 12-268 and clarifies that the review of special use permits is conducted by the appropriate decision-making body, such as the Zoning Commission or Hearing Examiner. This provides consistency in how such applications are processed and reviewed.

12-261 (Administrative Appeals): Adds clarity to the process and timeframes for appealing administrative decisions made by the Planning Director. It formalizes the procedure for scheduling appeal hearings before the Board of County Commissioners.

12-262 (Appeals from Final Decisions): Expands the procedural framework for appealing final decisions from the Zoning Commission or Hearing Examiner. New

language addresses how to handle tie votes or lack of quorum, specifying that failure to take affirmative action results in denial of the appeal and affirms the underlying decision.

12-263 (Reconsideration): New language addresses how to handle tie votes or lack of quorum, specifying that failure to take affirmative action results in denial of the appeal and affirms the underlying decision.

12-266 (Modification of Terms): Clarifies noticing standards and decision timelines to ensure consistent decision making and notice standards.

12-268 (Application Process): Centralizes all public notice and application processing standards into one section. It incorporates Idaho Code 67-6509 and 67-6511 by reference, requires an additional 15 days of notice beyond state minimums, and introduces a zone-specific mailing radius table to ensure proportional outreach. The section also adds a 45-working-day timeline for the County to issue written decisions after final action.

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

12-122: PLANNING COMMISSION:

A. Establishment: The Bonner County Planning Commission is hereby established as provided for by Idaho Code section 67-6504. This commission shall be composed of seven (7) members assigned to positions A through G.

B. Organization: The Planning Commission shall elect a Chair~~man~~ and Vice Chair~~man~~. This commission shall abide by the provisions of this title, the Local Land Use Planning Act, and shall also adopt bylaws as required.

C. Terms of Office: Positions A, B, and C shall first expire September 30, 2025, and then every three (3) years thereafter. Positions D and E shall expire September 30, 2024, and every three (3) years thereafter. Positions F and G shall expire September 30, 2023, and every three (3) years thereafter. Appointment to complete the term of a vacated position or appointment to a new term shall be done by motion and order of the Board of Bonner County Commissioners.

D. Jurisdiction: The Planning Commission shall be responsible for recommending legislative amendments of the Bonner County Comprehensive Plan, Comprehensive Plan map, and land use ordinances, and zoning map to the Board of Bonner County Commissioners. The Planning Commission shall also hold quasi-judicial hearings for applicant-initiated Comprehensive Plan map amendments. However, it shall not consider other site-specific land use applications that are deemed quasi-judicial proceedings. The Planning Commission shall not consider amendments which are deemed to be quasi-judicial proceedings.

12-123: ZONING COMMISSION:

A. Establishment: The Bonner County Zoning Commission is hereby established as provided for by Idaho Code section 67-6504. This commission shall be composed of five (5) members assigned to positions A through E.

B. Organization: The Zoning Commission shall elect a Chair~~man~~ and Vice Chair~~man~~. This commission shall abide by the provisions of this title, the Local Land Use Planning Act, and shall also adopt bylaws as required.

C. Terms of Office: Position A shall first expire September 30, 2023, and then every three (3) years thereafter. Positions B and C shall expire September 30, 2024, and every three (3) years thereafter. Positions D and E shall expire September 30, 2025, and every three (3) years thereafter. Appointment to complete the term of a vacated position or appointment to a new term shall be done by motion and order of the Board of Bonner County Commissioners.

D. Jurisdiction: The Zoning Commission shall be responsible for holding quasi-judicial hearings required by this title and Idaho Code for applicant initiated land use requests. ~~When requested by staff, by a majority of the Zoning Commission members, or by the Board of Bonner County Commissioners, the Zoning Commission or Board of Bonner County Commissioners may appoint a hearings examiner in accordance with Idaho Code section 67-6520 upon approval by the Board of Bonner County Commissioners.~~

12-131: COMPLAINTS OF VIOLATION

When a violation of this title occurs, or is alleged to have occurred, any person may file a written complaint on a form provided by the department. The form may be submitted electronically or in person to the Planning Department. The complaint shall state fully the causes and basis for the complaint and shall be filed with the planning director. The planning director has the authority to investigate and take actions on the complaint as provided in this title. The planning director may also dismiss the complaint based upon a finding that there is insufficient evidence that a violation exists.

12-214: PROCEDURES FOR AMENDMENTS TO THIS TITLE:

B. ~~Notices and public hearings shall be provided in accordance with section 12-268 of this chapter. At least twenty two (22) days prior to the hearing, notice of the time and place of the hearing and a summary of the proposed amendment shall be published in the official newspaper or paper of general circulation within the jurisdiction. Notice shall also be made available to other papers, radio and television stations serving the jurisdiction for use as a public service announcement. A record of the hearing, the findings made, and actions taken shall be maintained.~~

C. When a hearing is required before the Planning Commission as prescribed in this section, the Planning Commission shall produce written findings and recommendations and transmit them to the Board of County Commissioners. ~~within thirty (30) working days of the date of the hearing. This time limit may be extended or modified by written consent of the Board of County Commissioners. Failure of the Planning Commission to issue a decision within the time period prescribed in this section shall be deemed a denial or a recommendation of denial. The Board of County Commissioners, prior to taking action on the amendment, may conduct a public hearing using the same notice and hearing procedures as the Planning Commission.~~ The Board of County Commissioners shall not hold a public hearing, give notice of a proposed hearing nor take action on the proposed amendment until recommendations have been received from the Planning Commission. ~~or thirty (30) working days have passed and the Planning Commission has failed to transmit its findings and recommendations to the Board. If the Board fails to act within twenty (20) working days of the first day it could take action, such inaction shall be deemed an approval of the Planning Commission's recommendation.~~

D. If the Board of County Commissioners approves an amendment, the amendment shall then be made a part of this title by passage of an appropriate ordinance.

E. When a hearing is required before the Zoning Commission as prescribed in this section, the Zoning Commission shall produce written findings and recommendations and transmit them to the Board of County Commissioners ~~within thirty (30) working days of the date of the hearing. This time limit may be extended or modified by written consent of the Board of County Commissioners. Failure of the Commission to issue a decision within the time period prescribed in this section shall be deemed a denial or a recommendation of denial.~~ The Board of County Commissioners, prior to taking action on the amendment, may conduct a public hearing using the same notice and hearing procedures as the Planning Zoning Commission. ~~The Board of County Commissioners shall not hold a~~

~~public hearing, give notice of a proposed hearing nor take action on the proposed amendment until recommendations have been received from the Zoning Commission or thirty (30) working days have passed and the Planning Commission has failed to transmit its findings and recommendations to the Board. If the Board fails to act within twenty (20) working days of the first day it could take action, such inaction shall be deemed an approval of the Zoning Commission's recommendation.~~

12-217: PUBLIC HEARINGS, NOTICE OF:

Notices and public hearings shall be provided in accordance with section 12-268 of this chapter. ~~pursuant to Idaho Code section 67-6512. When notice is required to two hundred (200) or more property owners or purchasers of record, in lieu of the mail notification, three (3) notices in the official newspaper or paper of general circulation is sufficient; provided, that the third notice appears no later than ten (10) days prior to the public hearing.~~

12-224: PUBLIC HEARINGS AND NOTICES:

Notices and public hearings shall be provided in accordance with section 12-268 of this chapter. ~~pursuant to Idaho Code section 67-6512. When notice is required to two hundred (200) or more property owners or purchasers of record, in lieu of the mail notification, three (3) notices in the official newspaper or paper of general circulation is sufficient; provided, that the third notice appears no later than ten (10) days prior to the public hearing.~~

12-232: GENERAL PROVISIONS:

A variance is a modification of the bulk and placement requirements of this title as to lot or parcel size, lot coverage, width, depth, ~~front yard, side yard, rear yard,~~ setbacks, parking space size, ~~height of buildings,~~ or other provisions of this title affecting the size or shape of a structure or the placement of a structure upon a lot or parcel, or the size of the lot or parcel.

12-235: PUBLIC HEARING AND NOTICES:

Notices and public hearings shall be provided in accordance with section 12-268 of this chapter. ~~pursuant to Idaho Code section 67-6512. When notice is required to two hundred (200) or more property owners or purchasers of record, in lieu of the mail notification, three (3) notices in the official newspaper or paper of general circulation is sufficient; provided, that the third notice appears no later than ten (10) days prior to the public hearing.~~

12-238: ADMINISTRATIVE VARIANCES:

A. The Director may grant a variance, as an administrative decision, of up to twenty percent (20%)~~thirty percent (30%)~~ of a modification of the bulk and placement requirements of this title as to lot or parcel size, lot coverage, width, depth, ~~front yard, side yard, rear yard,~~ setbacks, parking space size, ~~height of buildings,~~ or other provisions

of this title affecting the size or shape of a structure or the placement of a structure upon a lot or parcel, or the size of the lot or parcel.

B. The applicant shall submit an application for administrative variance along with the appropriate fee.

C. The application shall be processed as follows:

1. Application And Administrative Requirements: A site plan and application shall be submitted for review together with all appropriate fees as established by the adopted fee schedule. The burden of proof lies upon the applicant to show whether characteristics of the site conform to the standards in section 12-234 of this subchapter.

2. Area Of ~~City~~ Impact: If the property is located in an area of ~~city~~ impact, the County shall notify the affected city and allow the required amount of time for a response.

3. Notifications: Upon acceptance of an application, and while in an Area of Impact AGI review, if appropriate, the Director shall provide notification in accordance with section 12-268 of this chapter. ~~by mail of the variance request to the owners of parcels within three hundred feet (300') of the external boundaries of the parcel and shall provide such individuals a period of twenty one (21) calendar days from the date of the mailing to submit comments concerning the proposed variance.~~

4. Action On Application: Based on the comments from staff, agency, and those from affected property owners, the Planning Director shall review the proposed request and shall either approve, approve subject to conditions, or deny the application per section 12-234 of this subchapter within ~~seven (7)~~ ten (10) working days from the end of the ~~twenty one (21) day~~ comment period. Alternatively, the Planning Director may, at any time during this review, forward the application to the Zoning Commission for a public hearing and decision in accordance with the public hearing process in section 12-267 of this chapter. In considering comments, the ~~p~~Planning ~~d~~Director shall evaluate whether granting the variance will be consistent with the standards listed in section 12-234, ~~“Variances, Standards For Review Of Applications”~~, of this subchapter.

12-247: PROCEDURE FOR REVIEW OF SPECIAL USE PERMIT:

A. On receipt of a completed application for a special use permit, the planning director shall schedule a public hearing before the Hearing Examiner or Zoning Commission board for the next available meeting, allowing time for the requirement for notice and staff and agency review.

B. Notices and public hearings shall be provided in accordance with section 12-268 of this chapter. ~~At a minimum, the planning director shall provide public hearing notice to adjacent property owners as set forth in subsection 12-244E of this subchapter, notifying them of the public hearing. These letters shall be sent by U.S. mail, at least fifteen (15) days prior to the date of the hearing and shall include a description of the proposed special use, and the date, time and place of the public hearing. The planning director shall also send the public hearing notice to be sent to those public agencies that may be affected by the proposed special use.~~

~~—C. The planning director shall have notice of the public hearing published in one issue of the official county newspaper at least fifteen (15) days prior to the date of the public hearing. This notice shall contain a description of the proposed special use, and the date, time and place of the public hearing. The planning director shall have the notice of public hearing posted in a prominent place on the property at least one week prior to the date of the public hearing.~~

12-261: ADMINISTRATIVE APPEALS:

A. Any determination made by the Planning Director in the administration of the provisions of this title may be appealed to the Board by paying the required fee and notifying the Planning Director in writing of the intent to appeal within ten (10) working days from the date of the determination. Within ten (10) working days of receipt of an appeal, the Planning Director shall schedule a meeting with the Board to hear the appeal and shall provide written notice to the appellant of the time and place of the meeting. The meeting shall be held no sooner than fifteen (15) and no later than forty five (45) calendar days of receipt of the appeal. The Planning Director and appellant shall be provided an opportunity to present the relevant issues to the Board at that meeting. The appellant bears the burden of proof and may be responsible for costs incurred for producing such proof, including engineering or surveying documents or other evidence. The Board's decision shall be final, and further recourse of the appellant shall be as provided by Idaho Code. If no appeal to the Board is filed, the Planning Director's decision shall be deemed final.

~~—B. An administrative appeal shall not be granted if it would function as a grant of special privilege or provide an exception to the regulations contained within this title.~~

12-262: APPEALS FROM FINAL DECISION OF ZONING COMMISSION/HEARING EXAMINER:

A. Presentation Of Appeal: Any “affected person”, as defined by Idaho Code title 67, chapter 65, may appeal to the Board any final decision by the Zoning Commission/hearing examiner.

B. Filing Time Limit; Fee: Any affected person may file an appeal of the final decision of the Zoning Commission/hearing examiner with the Planning Director within twenty eight (28) days after the final written decision of the Zoning Commission/hearing examiner has been issued. The appellant shall pay the fee required by this title upon filing the appeal. An appeal shall not be considered to be filed until such fee has been paid. Failure to file the appeal within the time limits shall cause automatic dismissal of the appeal.

C. Notice of Appeal Contents: The notice of appeal shall be detailed in writing and shall provide the grounds for the appeal. The grounds for appeal shall be that the decision of the commission or hearing examiner was at a minimum one of the following:

1. In violation of constitutional or statutory provisions;
2. In excess of the statutory authority of the commission or hearing examiner;
3. Made upon unlawful procedure;
4. Arbitrary, capricious or an abuse of discretion; or

5. Not supported by substantial evidence on the record as a whole.

D. Procedures For Consideration Of Appeal:

1. Within sixty (60) days of the receipt of the appeal, the Board shall conduct a public hearing. The Board shall be conducted in the same manner using the same standards, as if the Board had original jurisdiction to hear the application.

affirm, reverse, or modify the decision of the Zoning Commission/hearing examiner, after compliance with applicable procedural standards.

3. The decision of the Board shall be final, and any further recourse shall be as provided by law.

E. Applicability: The appeal process shall be coordinated with administration of land use ordinances. The procedures for appeal set forth herein shall be applied in a manner which is consistent with the zoning, subdivision and related land use ordinances of Bonner County.

F. Decision: In the event of a tie vote or inability to gain a quorum due to a conflict of interest or abstention, the failure to gain an affirmative action by the Board is considered a final decision of denial of the appeal and the underlying decision shall be deemed the final decision of the Board.

12-263: RECONSIDERATION:

A. Reconsideration: Every applicant or affected person seeking judicial review of the Board's final decision must first file with the Board a motion for reconsideration of the Board's decision, specifying deficiencies in the decision within fourteen (14) days of the date of the decision, along with the applicable fee. A failure to seek reconsideration is also a failure to exhaust administrative remedies.

B. Initial Decision: The Board may consider the reconsideration motion as scheduled on an open business meeting agenda and determine whether to grant or deny the request. If the Board grants reconsideration in whole or in part, a hearing before the Board will be scheduled to address the specific deficiencies identified by the applicant or affected person and to allow interested persons to have an opportunity to be heard. If the Board denies the request for reconsideration, it shall promptly notify the parties in writing.

C. Public Notice On Hearing: Notice of the public hearing on the reconsideration, identifying the specific deficiencies alleged in the reconsideration request, will be provided as follows, including:

1. Notice To Agencies And Political Subdivisions: At least fifteen (15) days prior to the public hearing, the Director shall send notice to all political subdivisions providing services with the planning jurisdiction, including school districts and the manager or person in charge of the local public airport.

2. Legal Notice: At least fifteen (15) days prior to the public hearing, the Director shall publish a notice of the time and place in the official newspaper or paper of general circulation in the County.

3. Radius Notice: Will be provided in the same manner as originally provided on the application.

D. Decision: Following the hearing on the reconsideration, the Board may affirm, reverse or modify its prior decision and shall provide a written decision to the applicant and the affected person(s) within sixty (60) days of receipt of the request for reconsideration. If the Board fails to timely decide, the original decision of the Board will stand. In the event of a tie vote or inability to gain a quorum due to a conflict of interest or abstention, the failure to gain an affirmative action by the Board is considered a final decision of denial of the appeal and the underlying decision shall be deemed the final decision of the Board.

12-266: MODIFICATION OF TERMS AND CONDITIONS OF PERMIT APPROVAL:

A. The terms and conditions of the approval of any permit authorized or required in this title may be modified only by the Planning Director, Zoning Commission and/or Board as established in this section. This section applies to modifications of approved permits, including, but not limited to, conditional use permits, special use permits, variances, preliminary plats, final plats, lot line adjustments and planned unit developments.

B. Application for a modification of terms and conditions of approval shall be made to the Planning Department, on forms provided by the department, and accompanied by the fee specified in section [12-265](#) of this subchapter.

C. If applicable, a public hearing shall be scheduled and notice provided in accordance with the requirements for [in section 12-268 of this subchapter](#) ~~the original permit issuance.~~

D. The Planning Director, Zoning Commission and/or Board shall consider the proposed modification in accordance with the requirements for the original permit application and shall confine the review to the proposed modification.

E. The Planning Director, Zoning Commission and/or Board shall render a decision in writing on the proposed modification [in accordance with section 12-268 of this subchapter](#) ~~within five (5) working days~~ after consideration of the proposal, and the decision shall conform to the procedures, standards and requirements pertaining to the original permit.

12-268: APPLICATION PROCESS, GENERAL PROVISIONS:

Applications submitted for action under the provisions of this title shall be processed as follows:

A. All applications shall be submitted with their required fees to the Planning Department.

B. The Planning Department shall have thirty (30) days to examine the application to determine its completeness, based on the requirements provided in this title for each type of application. The Board, by resolution, may extend the thirty (30) day time period when extenuating circumstances merit an extension.

C. The Planning Director shall inform the applicant in writing if the application is incomplete and specify the items or information necessary to complete the application.

D. Applications which involve broadband infrastructure shall be processed in accordance with Idaho Code 67-6540.

~~—D. When the Planning Director has determined the application is complete and in compliance with this title, the Planning Director shall send copies of the application to public agencies and entities that may be affected by the proposal, including, but not limited to, the Health District, fire districts, irrigation or drainage districts, sewer and water districts, school districts, solid waste and transportation agencies and fish and wildlife agencies. The notice shall be sent at least twenty two (22) days prior to the public hearing.~~

~~E. When the Planning Director has determined the application is complete and in compliance with this title, the Planning Director shall provide public hearing notice in accordance with the requirements of Idaho Code 67-6509 and 67-6511. Notice shall include publication, posting, and mailed notice to property owners or purchasers of record within the land being considered, within the distance specified in Table E-1 below, based on the zoning designation of the subject property. In addition to the minimum noticing requirements of Idaho Code, the County shall provide an additional fifteen (15) calendar days of notice prior to the public hearing.~~

Table E-1: Mailed Notice Distance Requirements Based on Subject Property Zoning

| <u>Zoning Districts</u> | <u>Mailed Notice Distance</u> |
|------------------------------|-------------------------------|
| <u>Forestry</u> | <u>2800 feet</u> |
| <u>Agricultural/Forestry</u> | <u>2800 feet</u> |
| <u>Rural</u> | <u>1400 feet</u> |
| <u>Suburban</u> | <u>300 feet</u> |
| <u>Commercial</u> | <u>300 feet</u> |
| <u>Industrial</u> | <u>300 feet</u> |
| <u>Rural Service Center</u> | <u>300 feet</u> |
| <u>Recreation</u> | <u>300 feet</u> |
| <u>Alpine Village</u> | <u>300 feet</u> |

~~E E.~~ Applications for permits within an Area of ~~City~~ Impact shall be noticed in accordance with the provisions of this subchapter and according to the ~~agreements applicable area of impact agreement for the individual community.~~

~~—F. Reserved.~~

G. Any permit application which relates to a public school facility or public emergency facility shall receive priority consideration and shall be reviewed at the earliest reasonable time, regardless of the timing of its submission, relative to other applications.

H. The Governing Body may consider related permits concurrently at a single public hearing for the convenience of the applicants and the public.

I. When the Governing Body has made a final decision on an application, the Planning Director shall provide notice to applicants of the final decision in writing within forty-five (45) working days of the date of the decision, unless otherwise specified by other provisions of this Title.

Bonner County Planning Department

"Protecting property rights and enhancing property value"

1500 Highway 2, Suite 208, Sandpoint, Idaho 83864

Phone (208) 265-1458 - Fax (866) 537-4935

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



Board of County Commissioners

Staff Report for September 10, 2025

| | |
|---|---|
| Amendment Title | Amendment of Title 16, Agriculture Protection Area |
| File Number, Type: | AM0014-25; Title 16 Text Amendment |
| Proposal: | <p><u>Title 16, Agriculture Protection Area</u></p> <ol style="list-style-type: none">1. 16-104, Applications Requirements: Minor update to change "land use maps" to "APA Map."2. 16-105, Review and Approval Procedure: Update to the decision maker on APA applications from the BOCC to the Planning Director. Remove the public hearing requirement and established the decision-making process for the Planning Director.3. 16-106, Appeal: Replaces the reconsideration process with an appeal to the BOCC. Established an appeal timeline.4. 16-110, Prohibition of Uses: Aligns prohibited uses with the changes to Idaho Code 67-9710(4), prohibiting specific uses. |
| Applicants: | Bonner County 1500 Highway 2, Suite 208 Sandpoint, ID 83864 |
| Project Representative: | Bonner County Planning Department |
| Notice of Text Amendment Provided: | Agency Notice: August 19, 2025 Published in Newspaper: August 19, 2025 |
| Enclosure | Notice of the public hearing to consider the amendment to Title 12 has been provided at least 15 days prior to the hearing to the political subdivisions providing services in Bonner County, to area newspapers, radio and television stations, incorporated cities within Bonner County, and the school districts, consistent with Idaho Code §67-6509. Appendix A – Notice of Public Hearing Record of Mailing Appendix B – Agency Comments Appendix C – Senate Bill 1133, As Amended |

Project Authority:

This Ordinance is proposed under the authority granted at Idaho Code:

- §31-714 through §31-716 (Board of County Commissioners)
- §31-801 (Powers And Duties Of Board Of Commissioners);
- §67-97 (Agriculture Protection Area Act)

Public and Agency Comment:

Agency Review

A notice was provided to public agencies and political subdivisions in accordance with Idaho Code 67-6509, see Appendix A for a complete agency notification list.

The following agencies replied with “no comment”:

Idaho Department of Fish and Game
Southside Water and Sewer District
Idaho Department of Environmental Quality

No other agency comments were received.

Public Comments: As of the date of this staff report, no public comments have been received in regard to the proposed amendment.

Proposed Code:

Typically, when code amendments are presented the proposed modifications are outlined in red and underlined. This proposal is to create a new title, Title 16, as found below, which currently does not exist in Bonner County Revised Code. The Agriculture Protection Areas Act, Idaho Code 67-97 was enacted by the Idaho Legislator, became effective on July 1, 2024, and required each County in Idaho to create an Agriculture Protection Area ordinance.

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

Title 16 Agricultural Protection Areas

BCRC TITLE 16, CHAPTER 1: PURPOSE, APPLICATION, AND PROCEDURES

16-101: PURPOSE:

The purpose of this title is to provide for a voluntary process through which agricultural and timber producers located within Bonner County may make application to commit lands actively devoted to agriculture for long-term future agricultural use. The Agricultural Protection Area (APA) designation process aims to protect productive farmland, rangeland, and forest land; promote farm viability; support the local agricultural economy; and provide for long-term planning stability. This title sets out the process for creation of Agricultural Protection Areas.

16-102 APPLICABILITY:

The provisions of this title shall apply to any person or legal entity that owns five (5) contiguous acres or more of land which has been in active agricultural or forest production for the previous three (3) consecutive years, consistent with the provisions of Idaho Code section 63-604 or section 63-1701 as applicable, and who voluntarily applies for that land to be designated as an agricultural protection area.

16-103 CREATION AND DESIGNATION OF APA:

An Agriculture Protection Area shall be designated as an "APA." An APA designation is a voluntary land use designation available to landowners who wish to protect their agricultural land from future nonagricultural development. To qualify for an APA designation, the land must be:

- A. At least five (5) contiguous acres,
- B. Actively devoted to an agricultural or forest purpose,
- C. Assessed as agriculture or forest land, and
- D. Located within a zone that allows for agricultural or forest use.

16-104 APPLICATION REQUIREMENTS:

Landowners wishing to establish an APA must submit an application to the Planning Department. At a minimum, the application shall include the following:

- A. Application Form: A completed application form must be submitted with the property owner's signature, or with the applicant's signature together with a notarized letter from the property owner authorizing the applicant to file the permit application.
- B. Fees: An application fee shall be required to cover administrative costs, including, but not limited to, reviewing materials, conducting public meetings and hearings, processing and recording documents, and updating ~~the county APA land-use~~ maps. The application fee shall not exceed the actual costs of processing the application, in compliance with Section 67-9704(e) of Idaho Code. Fees as adopted by resolution of the Board of County Commissioners.
- C. Site Plan: A site plan must be submitted which is drawn to scale showing a north arrow, lot boundaries, location of all structures and utilities, the location, dimension and purpose of existing easements, the location of future structures, and other relevant information regarding the site and the request.
- D. Proof of property ownership.
- E. A legal description of the property proposed to be included in the APA.
- F. A narrative which describes in detail the existing conditions of the property and the nature of the proposal, including the following:
 - 1. A statement outlining the current contiguous acreages of land, land use, agricultural productivity, and other relevant characteristics of the land to be included in the APA.
 - 2. The number of years the land has been in agricultural or forest production, the types of agricultural or forest commodities produced, and the applicant's plan to continue using the land for agricultural or forest purposes.
 - 3. The reasons for seeking an APA designation.
 - 4. Any other information that may be relevant to the application.
- G. Relevant soil surveys, documentation of water rights, and any other environmental assessments which have been completed with respect to that property.

16-105 REVIEW AND APPROVAL PROCEDURE:

- A. Upon receipt of a complete and sufficient application, the APA commission shall review the proposal and make a recommendation to the ~~Planning Director Board of County Commissioners~~ within sixty (60) days after the application has been determined to be complete and sufficient.
- B. Evaluation of the application shall be based on the following criteria:

1. The total contiguous acreage of the property is at least five (5) acres in size and is actively devoted to agricultural or forest production.
2. Whether the property that is the subject of the application is within or adjacent to an existing area of city impact.
3. Possible conflicts with existing city annexation or development plans or agreements.
4. Proximity to existing public rights of way.
5. Proximity to planned transportation corridors or future public rights of way.
6. Proximity to planned airport expansion or development.
7. Proximity to planned development with existing entitlements.
8. Agricultural production capability of the land within the proposed APA.
9. Other local impacts relevant to the proposed APA.

C. Within sixty (60) days of receiving a recommendation from the agricultural protection area commission to support or reject an application, the planning director shall approve or deny the application to include land in an agricultural protection area in a written decision. The decision shall specify, at a minimum:

1. The ordinance and standards used in evaluating the application;
2. The agricultural protection area commission's recommendation;
3. A reasoned explanation for the decision reached by the administrator or other administrative officer, if appointed; and
4. If applicable, the actions, if any, that the applicant could take to obtain approval.

D. If the planning director fails to issue a written decision within sixty (60) days of receiving a recommendation from the agricultural protection area commission, the recommendation of the agricultural protection area commission shall become the decision of the administrator or other administrative officer, if appointed.

~~C. The Board of County Commissioners shall hold a public hearing and issue its decision within sixty (60) days after the APA commission issues its recommendation to the Board of County Commissioners. Notice of the hearing shall be published in a newspaper of general circulation in Bonner County at least fourteen (14) days before the hearing date. Written comments on the application may be accepted at any time before the hearing and at the hearing. The hearing on the request for APA designation shall be conducted in accordance with Idaho Code section 67-6509.~~

~~D. Failure to make a decision shall render the APA commission's recommendation final.~~

- ~~E. The Board of County Commissioners' order of decision shall cite the applicable legal standards, state the evidence and conclusions on which the decision was based, and explain any relevant contested facts and its evaluation of those facts.~~
- ~~F. The Board of County Commissioners may place conditions of approval of an APA designation, including, but not limited to, setbacks from existing public rights of way, setbacks from existing public structures, or a review of the land's APA designation after twenty (20) years. Decisions of approval shall include any conditions of approval.~~
- ~~G. Upon making a decision of approval, the Board of County Commissioners shall:~~
- ~~1. Record the order of decision approving the APA designation, including a legal description of the area within the designated APA, with the office of the Bonner County Recorder, at the property owner's expense, within ten (10) days after issuance of the order of decision;~~
 - ~~2. Direct the amendment of the future land use map in the County Comprehensive Plan to reflect the boundaries of the APA; and~~
 - ~~3. Notify relevant public officials and agencies of the designation.~~

16-106 RECONSIDERATION APPEAL:

- A. An aggrieved applicant may appeal the decision to the Board of County Commissioners within thirty (30) days of receiving the written decision pursuant to subsection (1) of this section or recommendation that has become final pursuant to subsection (3) of this section.
- B. Within sixty (60) days of receiving an appeal, the Board of County Commissioners shall hold a public hearing in accordance with the notice and hearing procedures described in section Idaho Code 67-6509 regarding the appeal.
- C. In reviewing an appeal, the Board of County Commissioners shall consider the recommendation of the agricultural protection area commission, the written decision of the Planning Director, all written and oral public comment received at the public hearing, and any other information the Board of County Commissioners determines to be relevant.
- D. Within sixty (60) days of the close of the public hearing, the Board of County Commissioners shall issue a final decision approving or denying the agricultural protection area application. If the Board of County Commissioners fails to act within the sixty (60) day period, the decision of the administrator or other administrative officer, if appointed, shall become the final decision of the board of county commissioners.
- E. The Board of County Commissioners' final decision shall be subject to judicial review.
- F. If the agricultural protection area application is approved, the agricultural protection area shall be created.

- ~~A. Reconsideration: Every applicant or affected person seeking judicial review of the Board of County Commissioners' final decision must first file with the Board of County Commissioners a motion for reconsideration of the Board of County Commissioners' decision, specifying deficiencies in the decision within fourteen (14) days of the date of the decision, along with the applicable fee. A failure to seek reconsideration is also a failure to exhaust administrative remedies.~~
- ~~B. Initial Decision: The Board of County Commissioners may consider the reconsideration motion as scheduled on an open business meeting agenda and determine whether to grant or deny the request. If the Board of County Commissioners grants reconsideration in whole or in part, a hearing before the Board of County Commissioners will be scheduled to address the specific deficiencies identified by the applicant or affected person and to allow interested persons to have an opportunity to be heard. If the Board of County Commissioners denies the request for reconsideration, it shall promptly notify the parties in writing.~~
- ~~C. Public Notice On Hearing: Notice of the public hearing on the reconsideration, identifying the specific deficiencies alleged in the reconsideration request, will be provided as follows, including:~~
- ~~a. Notice To Agencies And Political Subdivisions: At least fifteen (15) days prior to the public hearing, the Planning Director shall send notice to all political subdivisions providing services with the planning jurisdiction, including school districts and the manager or person in charge of the local public airport.~~
 - ~~b. Legal Notice: At least fifteen (15) days prior to the public hearing, the Planning Director shall publish a notice of the time and place in the official newspaper or paper of general circulation in the County.~~
 - ~~c. Radius Notice: Will be provided in the same manner as originally provided on the application.~~
- ~~D. Decision: Following the hearing on the reconsideration, the Board of County Commissioners may affirm, reverse or modify its prior decision and shall provide a written decision to the applicant and the affected person(s) within sixty (60) days of receipt of the request for reconsideration. If the Board of County Commissioners fails to timely decide, the original decision of the Board of County Commissioners will stand.~~

16-107 EXPANSION OR MODIFICATION OF AN APA:

- A. An expansion, modification, or removal of an existing APA shall comply with the same application, review, and hearing procedures outlined in this title.
- B. Any expansion of an APA shall be contiguous to an existing APA.

16-108 RENEWAL OR TERMINATION OF AN APA:

Twenty (20) years after the creation of an agricultural protection area, if the landowner desires to continue with the agricultural protection area, no action on the part of the

landowner is necessary and the board of county commissioners shall automatically renew the agricultural protection area for another twenty (20) years, in accordance with Idaho Code 67-9708.

If the landowner desires to terminate the agricultural protection area, written notice to the Board of County Commissioners, along with the applicable fee, are required at least ninety (90) days prior to the expiration of the agricultural protection area before the board of county commissioners terminates the designation, in accordance with Idaho Code 67-9708.

Early termination of the APA may be requested via application and the applicable fee, in accordance with Idaho Code 67-9709, and shall only be approved upon proof of a hardship by clear and convincing evidence. The owner seeking to terminate an APA shall bear the burden of proof, including the burden of going forward with evidence and the burden of persuasion. The request for early termination shall be in accordance with Idaho Code 67-9709.

16-109 DURATION OF DESIGNATION:

Lands designated as an APA shall remain so designated for a period of no less than twenty (20) years unless terminated pursuant to section 16-108 of this title. A property owner who intends to end an approved APA designation after twenty (20) years must notify the Planning Department in writing prior to the end of the then-current period. Failure of the owner to so notify the Planning Department will result in the continuation of the APA designation for another period of twenty (20) years.

16-110 PROHIBITION OF USES ~~AND ENFORCEMENT~~:

A. Unless otherwise approved by the Board of County Commissioners, the following land uses shall be prohibited within an APA:

- ~~1. The siting of large confined animal feeding operations (CAFOs);~~
 - ~~2. The siting of residential, commercial, manufacturing, industrial, solar energy, wind energy, or battery storage structures; or~~
 - ~~3. Any other nonagricultural land uses.~~
1. The siting of residential, commercial, manufacturing, industrial, solar or wind energy structures, or any other non-agricultural land use on lands included within an agricultural protection area shall be prohibited unless such uses are also contributing to agricultural production. Such non-agricultural uses are subject to applicable county zoning ordinances.

(No Changes are Proposed for Title 16, Chapter 2)

(No Changes are Proposed for Title 16, Chapter 3)

Staff Analysis and Conclusion:

Senate Bill 1133 amended Idaho Code Chapter 97, Title 67 (Agricultural Protection Areas) by revising §67-9704 and §67-9710, replacing §67-9706 with a new section that establishes

an administrative decision and appeal framework, and updating §67-9709 on amendments to APAs.

Purpose of the local amendment. The proposed edits to BCRC Title 16 align the County's APA ordinance with these state-level changes by:

- Updating references to mapping so the County maintains a dedicated APA planning map rather than integrating APAs into the general land use maps. The state text expressly shifts from "future land use planning maps" to "a planning map" and from "creating or updating county land use maps" to "a map of agricultural protection areas."
- Moving the initial decision on APA applications from a BOCC hearing to an administrative decision by the Planning Director within sixty days, with a reasoned written explanation and a default rule that the APA Commission's recommendation becomes the decision if the administrator does not act.
- Establishing a direct appeal to the BOCC with mandatory timelines: file within thirty days, hearing within sixty days, and a final BOCC decision within sixty days of the close of hearing, after which judicial review is available.
- Clarifying that non-agricultural uses within APAs are prohibited unless they directly contribute to agricultural production, and that such uses remain subject to applicable county planning and building codes.

Given these changes, The Planning Department and GIS Department will maintain a single APA planning map. Creating or updating this APA map does not require a rezone, a comprehensive plan amendment, or edits to other comprehensive planning maps, which reduces legislative overhead while keeping APA boundaries visible to staff and the public.

The APA Commission will continue to evaluate and make recommendations, but the Planning Director now issues the initial written decision rather than the BOCC. The written decision must include the standards applied, the commission's recommendation, and a reasoned explanation.

Applicants gain a defined path and timetable to BOCC appeal, followed by judicial review.

The County's prohibition standard pivots to whether a non-agricultural use "contributes to agricultural production." Staff should update internal review checklists to document that nexus when accessory or mixed uses are proposed.

The Bonner County Agricultural Protection Area Commission considered these draft changes at its June 30, 2025 meeting and recommended no additional edits.

Planner's Initials: JG

Date: September 2, 2025

Note: The final decision rests with the governing body after the completion of the public hearing and consideration of all relevant oral and written testimony and evidence.

Motion by the Governing Body:

BOARD OF COUNTY COMMISSIONERS

MOTIONS TO ADOPT/DENY THE TITLE 16 TEXT:

MOTION TO APPROVE: I move to approve this FILE AM0014-25 an amendment to Title 16, Bonner County Revised Code, finding that it **is** in accord with Idaho Code 67-97, The Agriculture Protection Area Act. This decision is based upon the evidence submitted up to the time the Staff Report was prepared and testimony received at this hearing. I further move to adopt the findings of fact and conclusions of law as set forth in the Staff Report (or as amended during this hearing) and direct planning staff to draft written findings and conclusions to reflect this motion, have the Chairman sign, and transmit to all interested parties. This action does not result in a taking of private property.

BOARD MOTION TO ADOPT ORDINANCE (Roll Call Vote): I move to approve an Ordinance of Bonner County, Idaho, the number to be assigned, citing its authority, and providing for the amendment of Title 16, Bonner County Revised Code as presented or amended in this hearing, and providing for an effective date.

MOTION TO DENY: I move to approve this FILE AM0014-24 an amendment to Title 16, Bonner County Revised Code, finding that it **is not** in accord with Idaho Code 67-97, The Agriculture Protection Area Act. This decision is based upon the evidence submitted up to the time the Staff Report was prepared and testimony received at this hearing. I further move to adopt the findings of fact and conclusions of law as set forth in the Staff Report (or as amended during this hearing) and direct planning staff to draft written findings and conclusions to reflect this motion, have the Chairman sign, and transmit to all interested parties. This action does not result in a taking of private property.

Findings of Fact:

1. In 2024, the Idaho Legislature adopted House Bill 608, as amended in the Senate, adding a new chapter to Idaho Code, Title 67, Chapter 97, known as the Agricultural Protection Area Act.
2. The Agricultural Protection Area Act requires each Board of County Commissioners to establish an agricultural protection area ordinance in accordance with the notice and hearing procedures in Idaho Code section 67-6509.
3. The Bonner County Board of County Commissioners desires to promote the long-term use of lands for agricultural and timber production consistent with the legislative intent stated in Idaho Code section 67-9702.
4. Bonner County adopted Title 16, Agricultural Protection Areas, in accordance with the provisions of Idaho Code Title 67, Chapter 97.
5. In 2025, the Idaho Legislature adopted Senate Bill 1133, which amended, repealed, and added provisions within Idaho Code Title 67, Chapter 97, requiring local ordinances to be updated for consistency.

6. On June 30, 2025, the Bonner County Agricultural Protection Area Commission considered the proposed amendment and recommended no additional edits.
7. The Board of County Commissioners held a duly noticed public hearing on September 10, 2025, in accordance with Idaho Code section 67-6509.

The complete file is available for review in the Planning Department, 1500 Highway 2, Suite #208, Sandpoint, ID. Staff reports are available online prior to the scheduled hearing at www.bonnercountyid.gov Bonner County Revised Code (BCRC) is available at the Planning Department or online.

Appendix A – Notice of Public Hearing Record of Mailing



NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Board of County Commissioners will hold a public hearing beginning at **10:00 a.m.** on **Wednesday, September 10, 2025**, in the Bonner County Administration Building, 1500 Highway 2, Sandpoint, Idaho, by Zoom teleconference, and YouTube Livestream to consider the following requests:

File AM0014-25 – Update to Title 16, Agricultural Protection Area (APA)

The Planning Department and APA Commission have drafted updates to Title 16, Agricultural Protection Areas, Bonner County Revised Code, in response to the changes to Idaho Code 67-97 via Senate Bill 1133E1. These updates include:

- 16-104, Applications Requirements: Minor update to change "land use maps" to "APA Map."
- 16-105, Review and Approval Procedure: Update to the decision maker on APA applications from the BOCC to the Planning Director. Remove the public hearing requirement and established the decision-making process for the Planning Director.
- 16-106, Appeal: Replaces the reconsideration process with an appeal to the BOCC. Established an appeal timeline.
- 16-110, Prohibition of Uses: Aligns prohibited uses with the changes to Idaho Code 67-9710(4), prohibiting specific uses.

**** Written statements must be submitted to the planning department record no later than seven (7) days prior to the public hearing.** Written statements not exceeding one standard letter sized, single spaced page may be submitted at the public hearing. Comments can be sent to the Bonner County Planning Department at 1500 Highway 2, Suite 208, Sandpoint, Idaho 83864; faxed to (208) 265-1463 or e-mailed to planning@bonnercountyid.gov. Additional information is available at the planning department. Staff reports are available at the planning department or may be viewed at www.bonnercountyid.gov prior to the scheduled hearing.

During the hearing for this application, the public will be given an opportunity to provide testimony and/or evidence regarding how the proposal does or does not comply with the applicable approval criteria of the Bonner County Revised Code. At the close of the public hearing, the Board of County Commissioners will make a decision on the application that may include, but is not limited to, approval, denial, remand, or continuance of the public hearing.

If interested in participating, please visit our website for details at: bonnercountyid.gov/departments/planning/public-hearings/meetings

Please be advised the referenced start time stated above reflects the beginning of the hearings. File start times and hearing durations will vary.

Any person needing special accommodations to participate in the public hearing should contact the Bonner County Planning Department at (208) 265-1458 at least 48 hours prior to the scheduled hearing.

I hereby certify that a true and correct copy of the foregoing "Notice of Public Hearing" was mailed (postage prepaid) on this **20th** day of **August 2025**.

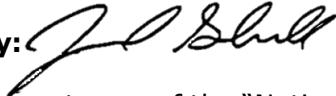
Dylan Young, Hearing Coordinator

RECORD OF MAILING

Page 1 of 1

File No.: AM0014-25

Record of Mailing Approved By:



I hereby certify that a true and correct copy of the "Notice of Public Hearing" was digitally transmitted or mailed (postage prepaid) on this **20th** day of **August 2025**.



Dylan Young, Hearing Coordinator

| | |
|---|---|
| Assessor - Email | Avista Utilities - Email |
| Bay Drive Recreation District - Email | Bayview Water & Sewer - Email |
| Bonner County Airport Manager - Email | BONNER COUNTY DAILY BEE - U.S. Mail |
| Bonner County EMS - Email | Bonner County Floodplain Review - Email |
| Bonner County Road & Bridge - Email | Bonner County Sheriff - Email |
| Bottle Bay Water & Sewer District - Email | City of Clark Fork - Email |
| City of Dover - Email | City of East Hope - Email |
| City of Hope - Email | City of Kootenai - Email |
| City of Oldtown - Email | City of Ponderay - Email |
| City of Priest River - Email | City of Sandpoint - Email |
| City of Spirit Lake - Email | Coolin Sewer District - Email |
| Coolin-Cavanaugh Bay Fire District - Email | Drainage District #7 - Email |
| East Bonner Library - Email | East Priest Lake Fire District - Email |
| Ellisport Bay Sewer - Email | Garfield Bay Water & Sewer District - Email |
| GEM STATE MINER - U.S. Mail | Granite Reeder Water & Sewer District - Email |
| Idaho Department of Environmental Quality (DEQ) - Email | Idaho Department of Fish & Game - Email |
| Idaho Department of Lands - CDA - U.S. Mail | Idaho Department of Lands - Coolin - Email |
| Idaho Department of Lands - Navigable Waters & Mining - Email | Idaho Department of Lands - Sandpoint - Email |
| Idaho Department of Water Resources - IDWR - Email | Idaho Transportation Department (Aeronautics) - U.S. Mail |
| Idaho Transportation Department- District I - Email | Independent Highway District - Email |
| Kalispel Bay Sewer & Water - U.S. Mail | Kootenai-Ponderay Sewer District - Email |
| KPBX-FM 91 SPOKANE PUBLIC RADIO - U.S. Mail | KSPT-KPND-KIBR RADIO - U.S. Mail |
| Laclede Water District - Email | Lake Pend Oreille School District, #84 (Admin Office) - Email |
| Lake Pend Oreille School District, #84 (Transportation) - Email | Lakeland Joint School District, #272 - Email |
| Little Blacktail Ranch Water Association - U.S. Mail | North of the Narrows Fire District - Email |
| Northern Lights, Inc. - Email | Northland/Vyve Cable Television - Email |
| Northside Fire District - Email | Outlet Bay Sewer District - Email |
| Panhandle Health District - Email | Pend Oreille Hospital District - Email |
| Priest Lake Public Library District - Email | Priest Lake Translator District - Email |
| Sagle Valley Water & Sewer - Email | Sam Owen Fire District - Email |
| Schweitzer Fire District - Email | SELKIRK ASSOCIATION OF REALTORS - U.S. Mail |
| Selkirk Fire, Rescue & EMS - Email | Selkirk Recreation District -Email |
| Southside Water & Sewer District - Email | Spirit Lake Fire District - Email |
| Spokesman-Review - U.S. Mail | State Historical Society - Email |
| Swan Shores Sewer District - U.S. Mail | Syringa Heights Water Association - Email |
| Tamarack Village Water & Sewer - U.S. Mail | Timber Lake Fire District - Email |
| Trestle Creek Sewer District - Email | U.S. Army Corps of Engineers - Email |
| U.S. Fish & Wildlife Service - Email | U.S. Forest Service - U.S. Mail |
| West Bonner County Cemetery District - Email | West Bonner County School District, #83 - Email |
| West Bonner Library - Email | West Bonner Water & Sewer District - Email |
| West Pend Oreille Fire District - Email | West Priest Lake Fire District - Email |

Appendix B – Agency Comments

Public Comment - File AM0014-25

File AM0014-25 -T16 - APA Update

Email *

southsidewaterandsewer@swsdidaho.org

Your Name: *

Southside Water and Sewer

Your Address: *

PO Box D, Sandpoint, ID 83864

Your Opinion: *

⌵ Dropdown

Neutral



Enter your comment regarding the above referenced file *

Southside Water and Sewer has no comment. Thank you!

This form was created inside of Bonner County.



Janna Brown <janna.brown@bonnercountyid.gov>

[EXT SENDER] RE: Bonner County Planning - File AM0014-25 Agency Review

1 message

DEQ Comments <deqcomments@deq.idaho.gov>

Thu, Aug 21, 2025 at 2:02 PM

To: Bonner County Planning Department <planning@bonnercountyid.gov>

Good Afternoon,

Thank you for providing the opportunity to comment. DEQ has no environmental impact comments for the project listed above at this stage of development.

Thank you,

Idaho Department of Environmental Quality
2110 Ironwood Parkway, Coeur d'Alene, Idaho 83814
Office Line: 208.769.1422

www.deq.idaho.gov

Our mission: To protect human health and the quality of Idaho's air, land, and water.

From: Bonner County Planning Department <planning@bonnercountyid.gov>

Sent: Tuesday, August 19, 2025 11:36 AM

To: Alan Brinkmeier <alan.brinkmeier@bonnercountyid.gov>; Amber Burgess <clerk@ebsewerdistrict.com>; Army Corps of Engineers <CENWW-RD-CDA@usace.army.mil>; Avista Copr - Jay West <jay.west@avistacorp.com>; Avista Corp - Peggy George <peggy.george@avistacorp.com>; Becky Meyer <becky.meyer@lposd.org>; Bill Berg <billb@bbsewer.org>; Bonner County Assessors <assessorsgroup@bonnercountyid.gov>; BONNER COUNTY HISTORICAL SOCIETY AND MUSEUM <DIRECTOR@bonnercountyhistory.org>; Brenna Garro <Brenna.Garro@oer.idaho.gov>; Bryan Quayle <quaylelanduseconsulting@gmail.com>; Carrol Stejer <CASTEJER@gmail.com>; Bell, Chace <Chace.Bell@idwr.idaho.gov>; Chief Debbie Carpenter <chief@spiritleakefire.com>; City of Clark Fork <city@clarkforkidaho.org>; City of Dover <cityclerk@cityofdoveridaho.org>; City of East Hope Franck <easthope.city@gmail.com>; City of Hope <hopecityclerk@gmail.com>; City of Kootenai <cityclerk@cityofkootenai.org>; City of Oldtown <cityofoldtown@hotmail.com>; City of Priest River <layers@priestriver-id.gov>; City of Sandpoint Planning <cityplanning@sandpointidaho.gov>; cityclerk@spiritleakeid.gov; Colleen Johnson <CJohnson@kootenaiponderaysewerdistrict.org>; Coolin-Cavanaugh Bay Fire Protection District <coolinfirechief@gmail.com>; Craig Hill <craighill@hillsresort.com>; D1Permits <D1Permits@itd.idaho.gov>; dbrown@idl.idaho.gov; Dan McCracken <Dan.McCracken@deq.idaho.gov>; Dan Scholz <dan.scholz@nli.coop>; Dave Schuck <dave.schuck@bonnercountyid.gov>; Dean Davis <deandavis@sd83.org>; Kristie May <Kristie.May@deq.idaho.gov>; East Bonner Library <Amanda@ebonnerlibrary.org>; East Priest Lake Fire District <eastpriestlakefd@gmail.com>; Erik Sjoquist <esjoquist@idl.idaho.gov>; Federal Aviation Administration <Heather.pate@faa.gov>; Frankie Dunn <Frankiejedunn@hotmail.com>; Fritz Broschet <outletbaysewer@gmail.com>; Garfield Bay Water and Sewer District Clerk <garfieldbaywsd@hotmail.com>; Gavin Gilcrease <ggilcrease@sandpointidaho.gov>; Dan Everhart <Dan.Everhart@ishs.idaho.gov>; DEQ Comments <deqcomments@deq.idaho.gov>; Independent Hwy Dist - Julie Bishop <ihdclerk@gmail.com>; Robert Beachler <robert.beachler@itd.idaho.gov>; ITD - Stacy Simkins <stacy.simkins@itd.idaho.gov>; Jack Schenck <Jack.schenck@vyvebb.com>; Jamie Brown <jamieb@inlandpower.com>;

Janice Best <janicesb@televar.com>; Jason Johnson <jason.johnson@bonnercountyid.gov>; Jason Kimberling <jason.kimberling@itd.idaho.gov>; Jeff Lindsey <jeff.lindsey@bonnercountyid.gov>; Jessie Roe <BWSD637@gmail.com>; joekren@sd83.org; Jordan Brooks <coolinsewer@gmail.com>; Karen Quenell <kquenell@northsidefire.org>; Kayleigh Miller <kimiller@ponderay.org>; kbsd sewer <kbsdpl@hotmail.com>; Ken Flint <ken_flint@tcenergy.com>; Kenny Huston <kenny.huston@oer.idaho.gov>; Kim Hoodenpyle <kjh5345@gmail.com>; Kim Spacek <kimspacek@sd83.org>; Kimberly Hobson <Kimberly.Hobson@itd.idaho.gov>; Laclede Water District <info@lacedewaterdistrict.org>; Lakeland Joint School District #272 <cpursley@lakeland272.org>; Lisa Rosa <hr@ebonnerlibrary.org>; Matt Diel <matt.diel@lposd.org>; Horsmon, Merritt <merritt.horsmon@idfg.idaho.gov>; Midas Water <midaswatercorp@gmail.com>; Mike Ahmer <mahmer@idl.idaho.gov>; Mike Schacht <firedept@clarkforkidaho.org>; Natural Resource Conservation Service - Greg Becker <greg.becker@id.usda.gov>; Navy - Glynis Casey <glynis.casey@navy.mil>; North of the Narrows Fire District <Huckbay2501@gmail.com>; Northern Lights <kristin.mettke@nli.coop>; Northern Lights - Clint Brewing <clint.brewington@nli.coop>; Northside Water and Syringa Heights Water Association <allwater49@outlook.com>; Oden Water Association - Carla Poelstra <odenwater@gmail.com>; Pend Oreille Hospital District <kim.kichenmaster@bonnergeneral.org>; PHD <EApplications@phd1.idaho.gov>; Priest Lake Public Library District <plplibrary@hotmail.com>; Richard Hash <Rich.hash2022@gmail.com>; Road & Bridge - Matt Mulder <matt.mulder@bonnercountyid.gov>; Ryan Zandhuisen <rzandhuisen@idl.idaho.gov>; Sagle Valley Water & Sewer District <markc@smartplugs.com>; Sagle Valley Water and Sewer District <saglewatersewer@gmail.com>; Sam Owen Fire Rescue Sam Owen Fire Rescue <sofd@wow-tel.net>; Sam Ross <sam.ross@nli.coop>; Sarah Gilmore <sgilmore@sandpointidaho.gov>; School District 84 Transportation - James Koehler <james.koehler@lposd.org>; SCHWEITZER FIRE DISTRICT <SchweitzerFireDistrict@gmail.com>; Selkirk Association of Realtors <danielle@selkirkaor.com>; Selkirk Recreation District <elgar@whoi.edu>; Sheryl Austin <granitereeder@gmail.com>; SOURDOUGH POINT OWNERS ASSOCIATION <sourdoughpoint@hotmail.com>; Southside Water and Sewer <southsidewaterandsewer@swsdidaho.org>; Steve Elgar <selgar@mac.com>; Superintendent School Dist 84 <kelly.fisher@lposd.org>; Symone.legg@itd.idaho.gov; TC Energy / TransCanada <US_crossings@tcenergy.com>; Teresa Decker <Huckleberryhoa@gmail.com>; Teresa Decker <huckbayutilities01@gmail.com>; Teresa Zamora <utilities@stoneridgeidaho.com>; Theresa Wheat <theresa@kootenai.org>; Tim Ventress <chventresswplvfd@hotmail.com>; Timberlake Fire District <Kwright@timberlakefire.com>; Tom Renzi <eplfdchief@gmail.com>; US Fish & Wildlife Services <fw1idahoconsultationrequests@fws.gov>; West Bonner Library <meagan@westbonnerlibrary.org>; West Pend Oreille Fire District <wpofd1@gmail.com>

Subject: Bonner County Planning - File AM0014-25 Agency Review

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Dylan Young

Bonner County Planning Department

Hearing Coordinator

208-265-1458

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Dylan Young <dylan.young@bonnercountyid.gov>

Bonner County Planning - File AM0014-25 Agency Review

Horsmon, Merritt <merritt.horsmon@idfg.idaho.gov>
To: Bonner County Planning Department <planning@bonnercountyid.gov>

Mon, Aug 25, 2025 at 12:49 PM

Hi Dylan,

The Idaho Department of Fish and Game does not have any comments to submit for this application.

Thank you for the opportunity to review and comment,

Merritt Horsmon

Regional Technical Assistance Manager

Panhandle Region

2885 W. Kathleen Ave.

[Coeur d'Alene, ID 83815](#)

208.769.1414 office

208.251.4509 mobile

merritt.horsmon@idfg.idaho.gov



From: Bonner County Planning Department <planning@bonnercountyid.gov>

Sent: Tuesday, August 19, 2025 11:36 AM

To: Alan Brinkmeier <alan.brinkmeier@bonnercountyid.gov>; Amber Burgess <clerk@ebsewerdistrict.com>; Army Corps of Engineers <CENWW-RD-CDA@usace.army.mil>; Avista Copr - Jay West <jay.west@avistacorp.com>; Avista Corp - Peggy George <peggy.george@avistacorp.com>; Becky Meyer <becky.meyer@lposd.org>; Bill Berg <billb@bbsewer.org>; Bonner County Assessors <assessorsgroup@bonnercountyid.gov>; BONNER COUNTY HISTORICAL SOCIETY AND MUSEUM <DIRECTOR@bonnercountyhistory.org>; Brenna Garro <Brenna.Garro@oer.idaho.gov>; Bryan Quayle <quaylelanduseconsulting@gmail.com>; Carrol Stejer <CASTEJER@gmail.com>; Bell, Chace

<Chace.Bell@idwr.idaho.gov>; Chief Debbie Carpenter <chief@spiritlakefire.com>; City of Clark Fork <city@clarkforkidaho.org>; City of Dover <cityclerk@cityofdoverydaho.org>; City of East Hope Franck <easthope.city@gmail.com>; City of Hope <hopecityclerk@gmail.com>; City of Kootenai <cityclerk@cityofkootenai.org>; City of Oldtown <cityofoldtown@hotmail.com>; City of Priest River <layers@priestriver-id.gov>; City of Sandpoint Planning <cityplanning@sandpointidaho.gov>; cityclerk@spiritlakeid.gov; Colleen Johnson <CJohnson@kootenaiponderaysewerdistrict.org>; Coolin-Cavanaugh Bay Fire Protection District <coolinfirechief@gmail.com>; Craig Hill <craighill@hillsresort.com>; D1Permits <D1Permits@itd.idaho.gov>; dbrown@idl.idaho.gov; Dan McCracken <Dan.McCracken@deq.idaho.gov>; Dan Scholz <dan.scholz@nli.coop>; Dave Schuck <dave.schuck@bonnercountyid.gov>; Dean Davis <deandavis@sd83.org>; Kristie May <Kristie.May@deq.idaho.gov>; East Bonner Library <Amanda@ebonnerlibrary.org>; East Priest Lake Fire District <eastpriestlakefd@gmail.com>; Erik Sjoquist <esjoquist@idl.idaho.gov>; Federal Aviation Administration <Heather.pate@faa.gov>; Frankie Dunn <Frankiejduhn@hotmail.com>; Fritz Broschet <outletbaysewer@gmail.com>; Garfield Bay Water and Sewer District Clerk <garfieldbaywsd@hotmail.com>; Gavin Gilcrease <ggilcrease@sandpointidaho.gov>; Dan Everhart <Dan.Everhart@ishs.idaho.gov>; DEQ Comments <deqcomments@deq.idaho.gov>; Independent Hwy Dist - Julie Bishop <ihdclerk@gmail.com>; Robert Beachler <robert.beachler@itd.idaho.gov>; ITD - Stacy Simkins <stacy.simkins@itd.idaho.gov>; Jack Schenck <Jack.schenck@vyvebb.com>; Jamie Brown <jamieb@inlandpower.com>; Janice Best <janicesb@televar.com>; Jason Johnson <jason.johnson@bonnercountyid.gov>; Jason Kimberling <jason.kimberling@itd.idaho.gov>; Jeff Lindsey <jeff.lindsey@bonnercountyid.gov>; Jessie Roe <BWSD637@gmail.com>; joekren@sd83.org; Jordan Brooks <coolinsewer@gmail.com>; Karen Quenell <kquenell@northsidefire.org>; KayLeigh Miller <klmiller@ponderay.org>; kbsd sewer <kbsdpl@hotmail.com>; Ken Flint <ken_flint@tcenergy.com>; Kenny Huston <kenny.huston@oer.idaho.gov>; Kim Hoodenpyle <kjh5345@gmail.com>; Kim Spacek <kimspacek@sd83.org>; Kimberly Hobson <Kimberly.Hobson@itd.idaho.gov>; Laclede Water District <info@lacedewaterdistrict.org>; Lakeland Joint School District #272 <cpursley@lakeland272.org>; Lisa Rosa <hr@ebonnerlibrary.org>; Matt Diel <matt.diel@lposd.org>; Horsmon, Merritt <merritt.horsmon@idfg.idaho.gov>; Midas Water <midaswatercorp@gmail.com>; Mike Ahmer <mahmer@idl.idaho.gov>; Mike Schacht <firedept@clarkforkidaho.org>; Natural Resource Conservation Service - Greg Becker <greg.becker@id.usda.gov>; Navy - Glynis Casey <glynis.casey@navy.mil>; North of the Narrows Fire District <Huckbay2501@gmail.com>; Northern Lights <kristin.mettke@nli.coop>; Northern Lights - Clint Brewing <clint.brewington@nli.coop>; Northside Water and Syringa Heights Water Association <allwater49@outlook.com>; Oden Water Association - Carla Poelstra <odenwater@gmail.com>; Pend Oreille Hospital District <kim.kichenmaster@bonnergeneral.org>; PHD <EHApplications@phd1.idaho.gov>; Priest Lake Public Library District <plplibrary@hotmail.com>; Richard Hash <Rich.hash2022@gmail.com>; Road & Bridge - Matt Mulder <matt.mulder@bonnercountyid.gov>; Ryan Zandhuisen <rzandhuisen@idl.idaho.gov>; Sagle Valley Water & Sewer District <markc@smartplugs.com>; Sagle Valley Water and Sewer District <saglewatersewer@gmail.com>; Sam Owen Fire Rescue Sam Owen Fire Rescue <sofd@wow-tel.net>; Sam Ross <sam.ross@nli.coop>; Sarah Gilmore <sgilmore@sandpointidaho.gov>; School District 84 Transportation - James Koehler <james.koehler@lposd.org>; SCHWEITZER FIRE DISTRICT <SchweitzerFireDistrict@gmail.com>; Selkirk Association of Realtors <danielle@selkirkaor.com>; Selkirk Recreation District <elgar@whoi.edu>; Sheryl Austin <granitereeder@gmail.com>; SOURDOUGH POINT OWNERS ASSOCIATION <sourdoughpoint@hotmail.com>; Southside Water and Sewer <southsidewaterandsewer@swsdidaho.org>; Steve Elgar <selgar@mac.com>; Superintendent School Dist 84 <kelly.fisher@lposd.org>; Symone.legg@itd.idaho.gov; TC Energy / TransCanada <US_crossings@tcenergy.com>; Teresa Decker <Huckleberryhoa@gmail.com>; Teresa Decker <huckbayutilities01@gmail.com>; Teresa Zamora <utilities@stoneridgeidaho.com>; Theresa Wheat <theresa@kootenai.org>; Tim Ventress <chventresswplvfd@hotmail.com>; Timberlake Fire District <Kwright@timberlakefire.com>; Tom Renzi <epfldchief@gmail.com>; US Fish & Wildlife Services <fw1idahoconsultationrequests@fws.gov>; West Bonner Library <meagan@westbonnerlibrary.org>; West Pend Oreille Fire District <wpofd1@gmail.com>

Subject: Bonner County Planning - File AM0014-25 Agency Review

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[Quoted text hidden]

Appendix C – Senate Bill 1133, As Amended

IN THE SENATE

SENATE BILL NO. 1133, As Amended

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO THE AGRICULTURAL PROTECTION AREA ACT; AMENDING SECTION 67-9704, IDAHO CODE, TO REVISE A PROVISION REGARDING AGRICULTURAL PROTECTION AREAS; REPEALING SECTION 67-9706, IDAHO CODE, RELATING TO REVIEW AND ACTION ON AGRICULTURAL PROTECTION AREA APPLICATIONS; AMENDING CHAPTER 97, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-9706, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING REVIEW AND ACTION ON AGRICULTURAL PROTECTION AREA APPLICATIONS; AMENDING SECTION 67-9709, IDAHO CODE, TO REVISE A PROVISION REGARDING ADDING LAND TO AND REMOVING LAND FROM AN AGRICULTURAL PROTECTION AREA; AMENDING SECTION 67-9710, IDAHO CODE, TO REVISE PROVISIONS REGARDING LIMITATIONS ON LOCAL REGULATIONS; AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 67-9704, Idaho Code, be, and the same is hereby amended to read as follows:

67-9704. AGRICULTURAL PROTECTION AREAS. (1) ~~No later than January 1, 2025, each~~ Each board of county commissioners shall establish an agricultural protection area ordinance in accordance with the notice and hearing procedures in section 67-6509, Idaho Code. At a minimum, the ordinance shall:

(a) Establish a process through which agricultural lands may be placed in agricultural protection areas for a minimum of twenty (20) years;

(b) Establish the application requirements, including but not limited to information about the landowner; a description of the parcels, structures, and facilities proposed to be included in an agricultural protection area; and the current uses of lands proposed to be included in an agricultural protection area;

(c) Establish clear and objective standards for evaluating applications for inclusion in an agricultural protection area;

(d) Establish the timeline for reviewing and making decisions on agricultural protection area applications; and

(e) Establish an application fee ~~to cover the~~ not to exceed the cost of covering administrative costs of expenses for processing applications, including but not limited to reviewing application materials, holding public meetings and hearings, providing public notice, recording applicable documents, and creating or updating county land use maps, provided that such fee shall not exceed the actual costs of processing the application a map of agricultural protection areas. Additional fees may be required if an appeal is filed pursuant to section 67-9706, Idaho Code, provided that such additional fees shall not exceed the actual cost of holding a public hearing.

1 (2) ~~No later than January 1, 2025, each~~ Each board of county commission-
 2 ers shall establish by resolution or ordinance an agricultural protection
 3 area commission pursuant to section 67-9705, Idaho Code.

4 (3) ~~Agricultural protection areas shall be designated on future land~~
 5 ~~use planning maps~~ a planning map to serve as a voluntary and expeditious tool
 6 ~~for working landowners while also informing~~ to inform planners, commis-
 7 sions, county officials, and citizens at large on how to proactively plan for
 8 agriculture. Such map designation shall not require a rezone, comprehensive
 9 plan amendment, or amendments to other comprehensive planning maps.

10 (4) The designations of specific parcels of land as agricultural pro-
 11 tection areas shall not impact other parcels of land not designated as agri-
 12 cultural protection areas.

13 (5) Nothing shall restrict an applicant, as defined in section 67-9703,
 14 Idaho Code, from being able to apply for agricultural protection areas in-
 15 side or outside of an area of impact established pursuant to section 67-6526,
 16 Idaho Code.

17 (6) Agricultural protection areas shall not be changed to another land
 18 use designation unless:

19 (a) The agricultural protection area expires and the landowner chooses
 20 not to renew the agricultural protection area's designation; or

21 (b) The landowner chooses to remove land from an agricultural protec-
 22 tion area pursuant to section 67-9709, Idaho Code.

23 SECTION 2. That Section 67-9706, Idaho Code, be, and the same is hereby
 24 repealed.

25 SECTION 3. That Chapter 97, Title 67, Idaho Code, be, and the same is
 26 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
 27 ignated as Section 67-9706, Idaho Code, and to read as follows:

28 67-9706. REVIEW AND ACTION ON AGRICULTURAL PROTECTION AREA APPLICA-
 29 TION. (1) Within sixty (60) days of receiving a recommendation from the agri-
 30 cultural protection area commission to support or reject an application, the
 31 planning and zoning administrator or other administrative officer appointed
 32 by the board of county commissioners shall approve or deny the application to
 33 include land in an agricultural protection area in a written decision.

34 (2) The decision shall specify, at minimum:

35 (a) The ordinance and standards used in evaluating the application;

36 (b) The agricultural protection area commission's recommendation;

37 (c) A reasoned explanation for the decision reached by the administra-
 38 tor or other administrative officer, if appointed; and

39 (d) If applicable, the actions, if any, that the applicant could take to
 40 obtain approval.

41 (3) If the administrator or other administrative officer, if ap-
 42 pointed, fails to issue a written decision within sixty (60) days of receiv-
 43 ing a recommendation from the agricultural protection area commission, the
 44 recommendation of the agricultural protection area commission shall become
 45 the decision of the administrator or other administrative officer, if ap-
 46 pointed.

47 (4) (a) An aggrieved applicant may appeal the decision to the board of
 48 county commissioners within thirty (30) days of receiving the written

1 decision pursuant to subsection (1) of this section or recommendation
2 that has become final pursuant to subsection (3) of this section.

3 (b) Within sixty (60) days of receiving an appeal, the board of county
4 commissioners shall hold a public hearing in accordance with the notice
5 and hearing procedures described in section 67-6509, Idaho Code, re-
6 garding the appeal.

7 (c) In reviewing an appeal, the board of county commissioners shall
8 consider the recommendation of the agricultural protection area com-
9 mission, the written decision of the administrator or other admin-
10 istrative officer, if appointed, all written and oral public comment
11 received at the public hearing, and any other information the board of
12 county commissioners determines to be relevant.

13 (d) Within sixty (60) days of the close of the public hearing, the
14 board of county commissioners shall issue a final decision approving
15 or denying the agricultural protection area application. If the board
16 of county commissioners fails to act within the sixty (60) day period,
17 the decision of the administrator or other administrative officer, if
18 appointed, shall become the final decision of the board of county com-
19 missioners.

20 (5) The board of county commissioners' final decision shall be subject
21 to judicial review.

22 (6) If the agricultural protection area application is approved, the
23 agricultural protection area shall be created.

24 SECTION 4. That Section 67-9709, Idaho Code, be, and the same is hereby
25 amended to read as follows:

26 67-9709. ADDING LAND TO AND REMOVING LAND FROM AN AGRICULTURAL PRO-
27 TECTION AREA. (1) A landowner may add land to an existing agricultural pro-
28 tection area by filing an application with the board of county commission-
29 ers. The board of county commissioners shall review an application to add
30 land to an existing agricultural protection area in accordance with section
31 67-9706, Idaho Code.

32 (2) An owner of land within an agricultural protection area may remove
33 any or all of the land from the agricultural protection area by filing a peti-
34 tion for removal with the board of county commissioners.

35 (a) The board of county commissioners shall acknowledge receipt of the
36 petition for removal in writing; and

37 (b) Confirm the removal date as ten (10) years from the date of peti-
38 tion for removal, or upon expiration of the designation, whichever is
39 sooner.

40 (3) The board of county commissioners shall establish a process by
41 which an owner of land within an agricultural protection area may remove
42 any or all of the land from the agricultural protection area for reasons of
43 hardship, as defined in this chapter.

44 (4) The board of county commissioners may charge an administrative fee
45 ~~to cover not to exceed the cost of covering administrative costs expenses~~
46 associated with processing changes to an agricultural protection area, in-
47 cluding but not limited to updating ~~land use maps~~ the agricultural protec-
48 tion area map, recording documents, and reasonable staff time for process-
49 ing the request, ~~provided that such administrative fee shall not exceed the~~

1 ~~actual cost of processing changes to an agricultural protection area.~~ The
2 clerk of the board of county commissioners shall record the renewal of an
3 agricultural protection area pursuant to section 67-9708, Idaho Code.

4 SECTION 5. That Section 67-9710, Idaho Code, be, and the same is hereby
5 amended to read as follows:

6 67-9710. LIMITATIONS ON LOCAL REGULATIONS. (1) A board of county com-
7 missioners having created an agricultural protection area shall encourage
8 the continuity, development, and viability of agricultural use within the
9 specific boundaries designated in the agricultural protection area by not
10 enacting a local law, ordinance, or regulation that would restrict a farm
11 structure or farming practice within the boundaries of the agricultural pro-
12 tection area, unless such farm structure or farming practice does not comply
13 with generally recognized farming practices or the farm structure or land
14 use is in conflict with the current agricultural land use classification or
15 agricultural zoning designation of the area.

16 (2) The board of county commissioners shall not change the current
17 agricultural land use classification or agricultural zoning designation
18 for parcels of land within an agricultural protection area without written
19 permission from the landowner.

20 ~~(3) The board of county commissioners shall amend applicable land use~~
21 ~~planning maps to reflect the boundaries of designated agricultural protec-~~
22 ~~tion areas and their benefits as provided in sections 67-9711 and 67-9712,~~
23 ~~Idaho Code, and shall comply with the provisions of section 67-6508, Idaho~~
24 ~~Code.~~

25 ~~(4) (3)~~ (3) Nothing in this section shall prevent a board of county com-
26 missioners from regulating the siting of large confined animal feeding op-
27 erations and facilities pursuant to section 67-6529, Idaho Code; ~~the sit-~~
28 ~~ing of residential, commercial, manufacturing, industrial, solar energy, or~~
29 ~~wind energy structures; or other nonagricultural land uses on lands included~~
30 ~~within an agricultural protection area.~~

31 (4) The siting of residential, commercial, manufacturing, industrial,
32 solar or wind energy structures, or any other non-agricultural land use on
33 lands included within an agricultural protection area shall be prohibited
34 unless such uses are also contributing to agricultural production. Such
35 non-agricultural uses are subject to applicable county planning and zoning
36 ordinances and building codes.

37 SECTION 6. An emergency existing therefor, which emergency is hereby
38 declared to exist, this act shall be in full force and effect on and after its
39 passage and approval.