



# Agenda

## Bonner County Board of Commissioners Planning Department Update Meeting

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

October 9, 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 Application Reports
    1. Title 11
    2. Title 12
    3. Public Record Request
  - b. Department Updates
    1. Software – Energov, Munis, Deckard, etc.
    2. Staffing – Staffing or Org Chart Changes
    3. Financial – Revenue and Expenses YTD
  - c. Compliance and Enforcement
    1. Title 11 Compliance
    2. Title 12 Compliance
  - d. Pending/Proposed Ordinance Changes
    1. Title 11 – Building Regulations
      - i. **Action Item:** Discussion/Decision: Direction on changes to BCRC 11-110.
    2. 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
  - e. Comprehensive Plan Update
    1. **Action Item:** Discussion/Decision: Direction on workshops and hearing date.
4. Review and feedback on land use staff reports for previously heard files.



# Agenda

## Bonner County Board of Commissioners Planning Department Update Meeting

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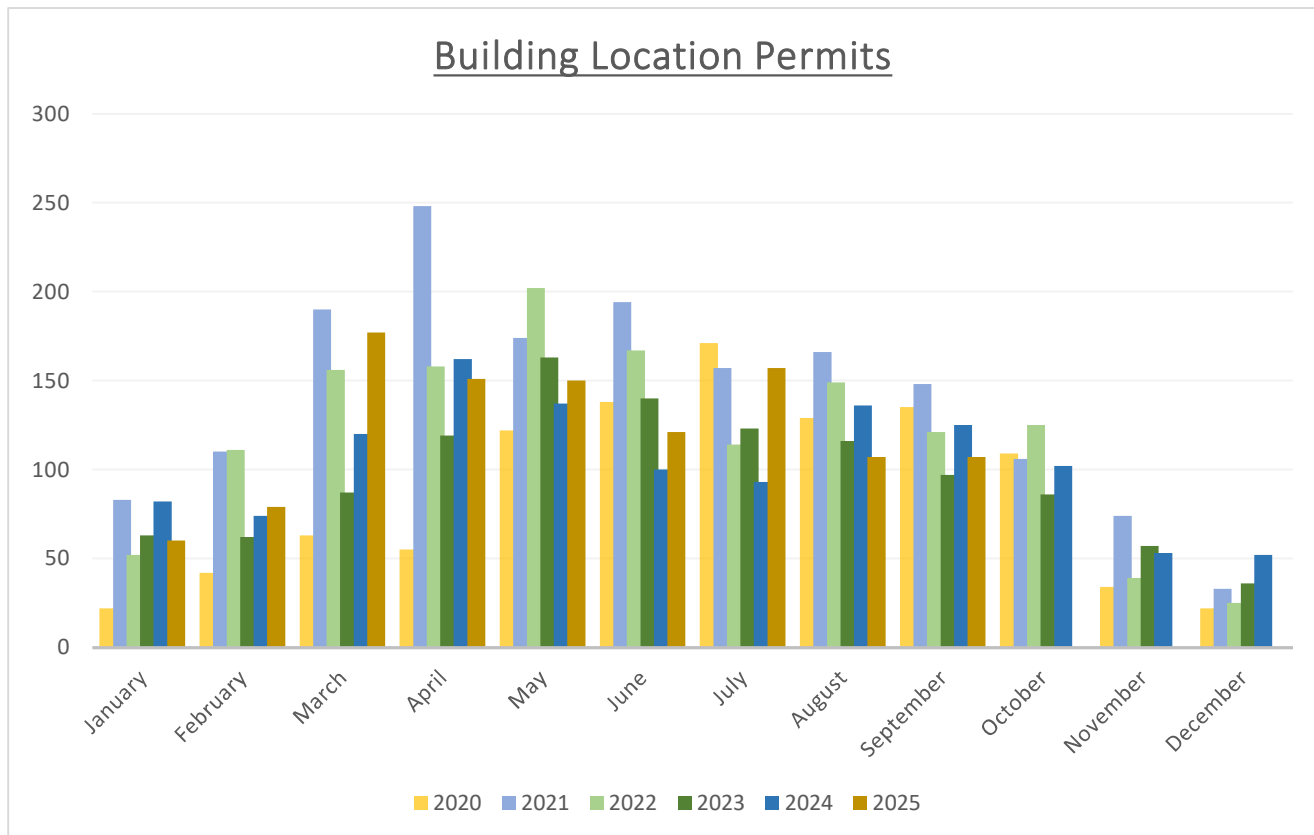
### **Executive Session:**

Pending Litigation

1. **Action Item: Discussion/Decision** – Reconsideration Request

## Building Location Permit Application Report by Month

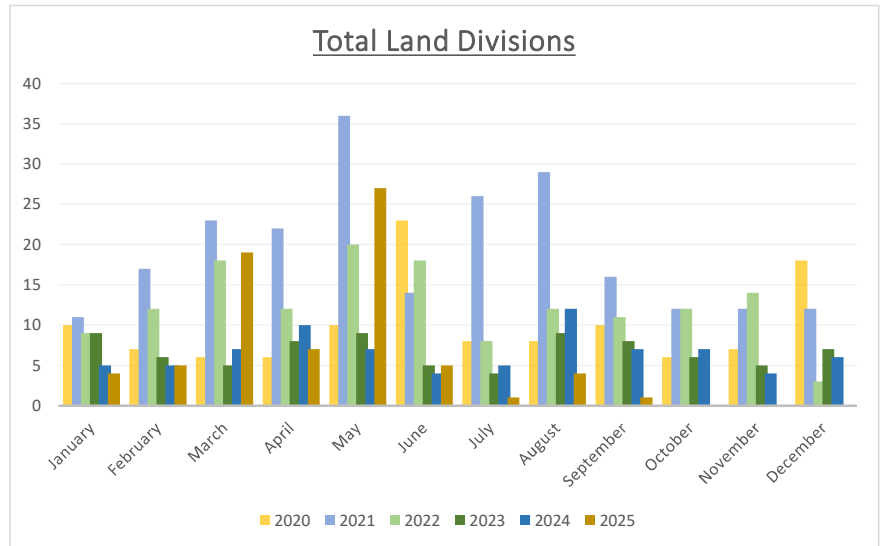
	2020	2021	2022	2023	2024	2025
January	22	83	52	63	82	60
February	42	110	111	62	74	79
March	63	190	156	87	120	177
April	55	248	158	119	162	151
May	122	174	202	163	137	150
June	138	194	167	140	100	121
July	171	157	114	123	93	157
August	129	166	149	116	136	107
September	135	148	121	97	125	107
October	109	106	125	86	102	
November	34	74	39	57	53	
December	22	33	25	36	52	
<b>Total</b>	<b>1042</b>	<b>1683</b>	<b>1419</b>	<b>1149</b>	<b>1236</b>	<b>1109</b>



## Planning Applications Report by Month

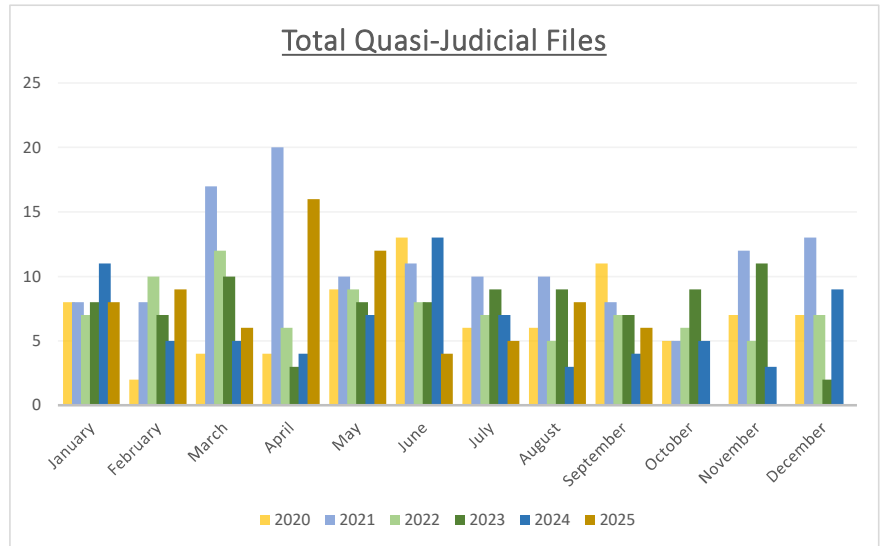
**Total Land Divisions**

	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	1
October	6	12	12	6	7	0
November	7	12	14	5	4	0
December	18	12	3	7	6	0
<b>Total</b>	<b>119</b>	<b>230</b>	<b>149</b>	<b>81</b>	<b>79</b>	<b>73</b>



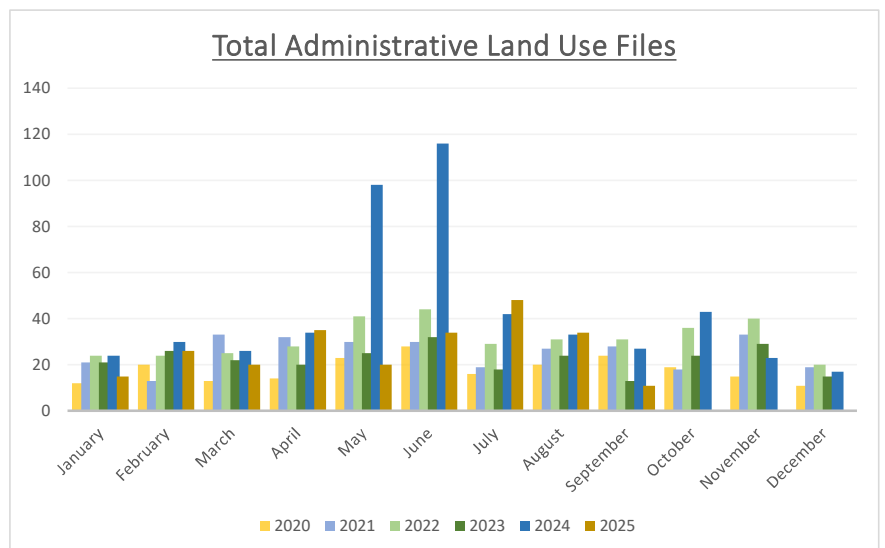
**Total Quasi-Judicial Files**

	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	16
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	6
October	5	5	6	9	5	0
November	7	12	5	11	3	0
December	7	13	7	2	9	0
<b>Total</b>	<b>82</b>	<b>132</b>	<b>89</b>	<b>91</b>	<b>76</b>	<b>74</b>



**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	11
October	19	18	36	24	43	0
November	15	33	40	29	23	0
December	11	19	20	15	17	0
<b>Total</b>	<b>215</b>	<b>303</b>	<b>373</b>	<b>269</b>	<b>513</b>	<b>243</b>



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	0	September	0	2	0	0	0	September	15	5	6	7	0	September	1	3	2	0	1
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	10

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	1	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	0	September	1	1	2	0	1	September	2	1	0	1	0	September	5	4	5	1	4	September	0	0	0	0	0	September	0	0	0	2	1
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	13	Total	30	17	22	14	6	Total	31	24	30	31	29	Total	0	6	6	5	8	Total	10	4	3	6	4

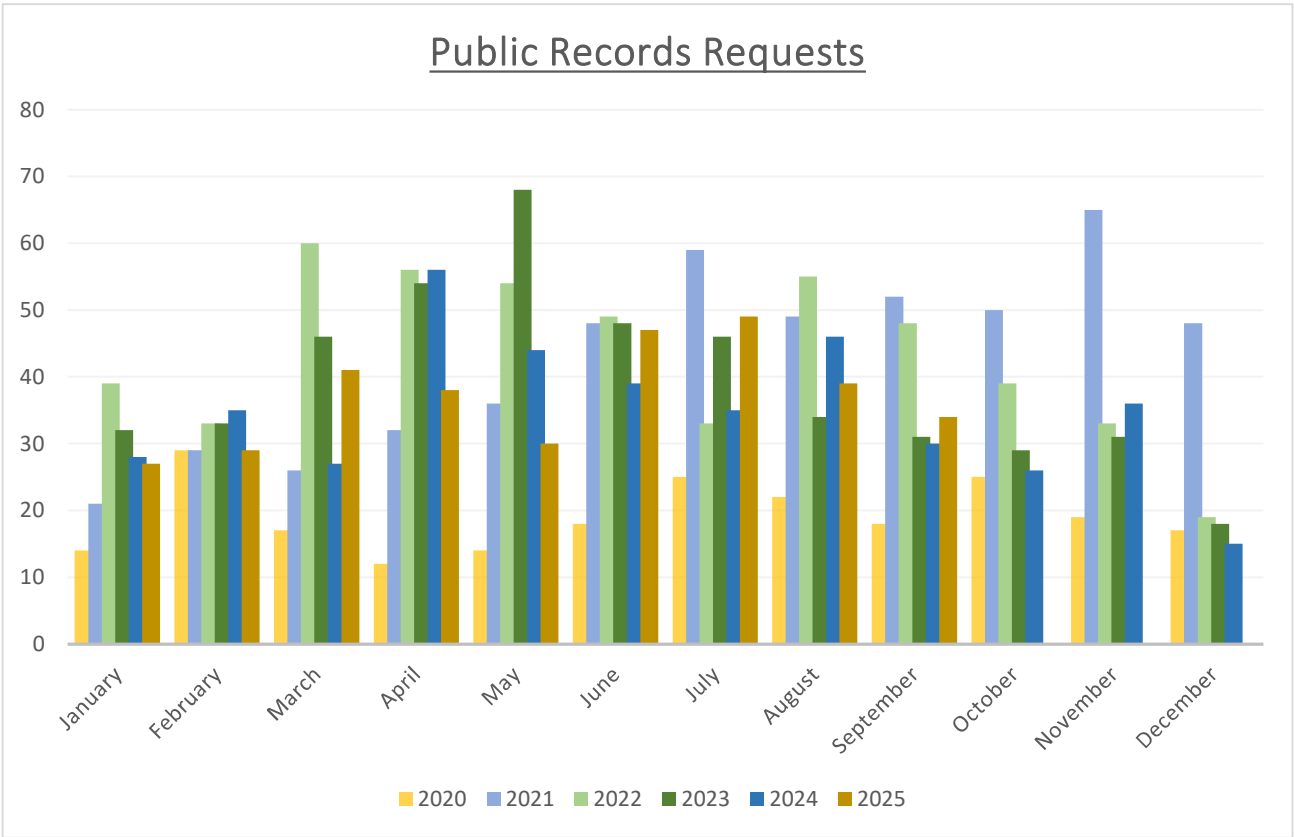
Administrative Land Use Files

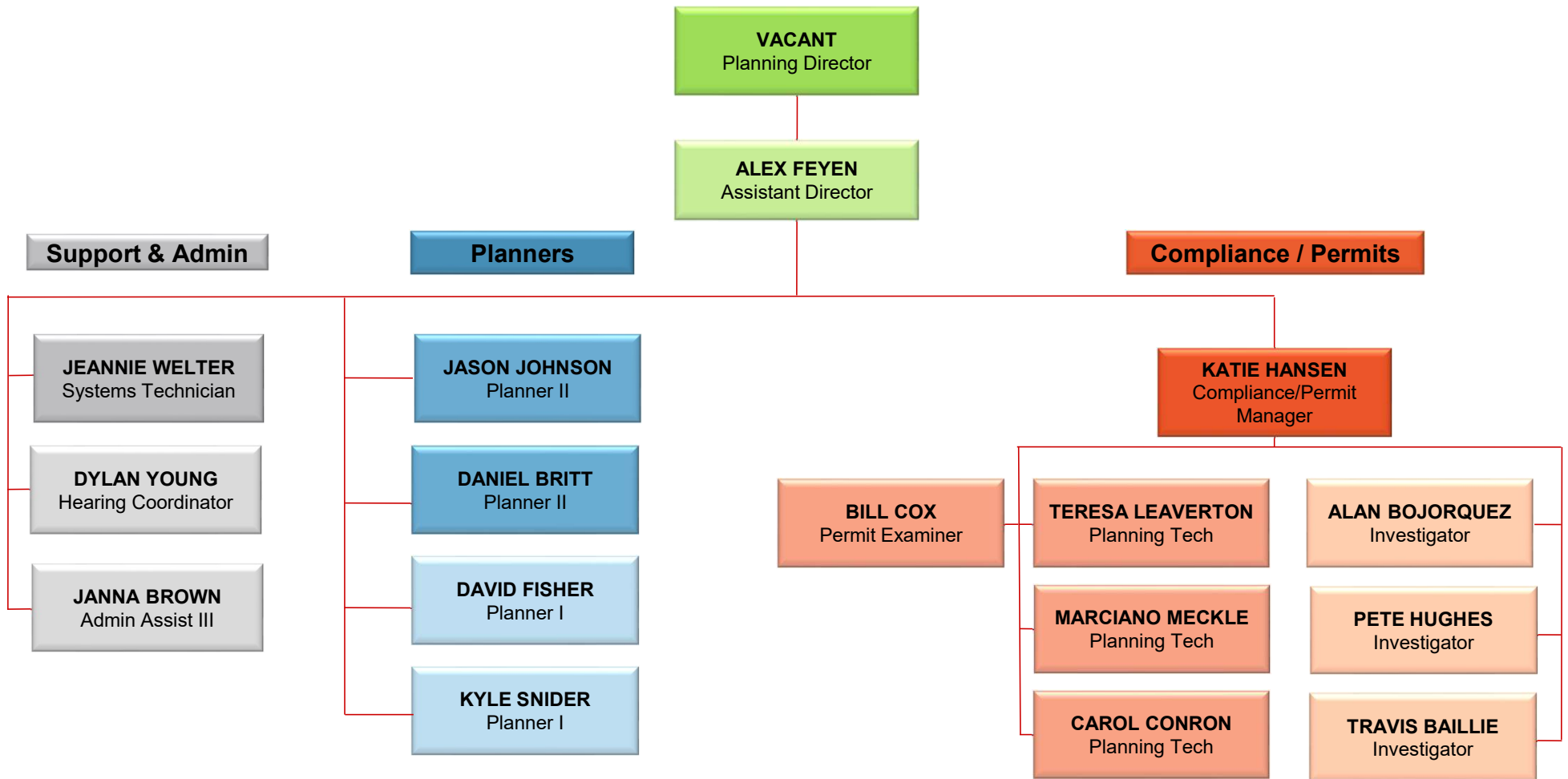
Boundry Line Adjustment						Lot Line Adjustments						Home Occupation Permits						Stormwater Permit						Vacation Rental Permit					
2021	2022	2023	2024	2025		2021	2022	2023	2024	2025		2021	2022	2023	2024	2025		2021	2022	2023	2024	2025		2021	2022	2023	2024	2025	
January	0	5	4	2	2	January	3	4	4	1	2	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	3	September	3	6	3	7	1	September	0	2	1	2	2	September	0	4	1	2	1	September	7	5	3	7	12
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	24	Total	42	41	38	49	24	Total	7	7	13	5	5	Total	12	15	14	11	7	Total	98	155	96	291	125

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	1	September	4	0	3	1	1	September	5	6	0	6	2	September	1	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	4	Total	42	28	32	27	28	Total	60	57	20	45	35	Total	7	5	9	13	4

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	34
October	25	50	39	29	26	
November	19	65	33	31	36	
December	17	48	19	18	15	
Total	230	515	518	470	417	334

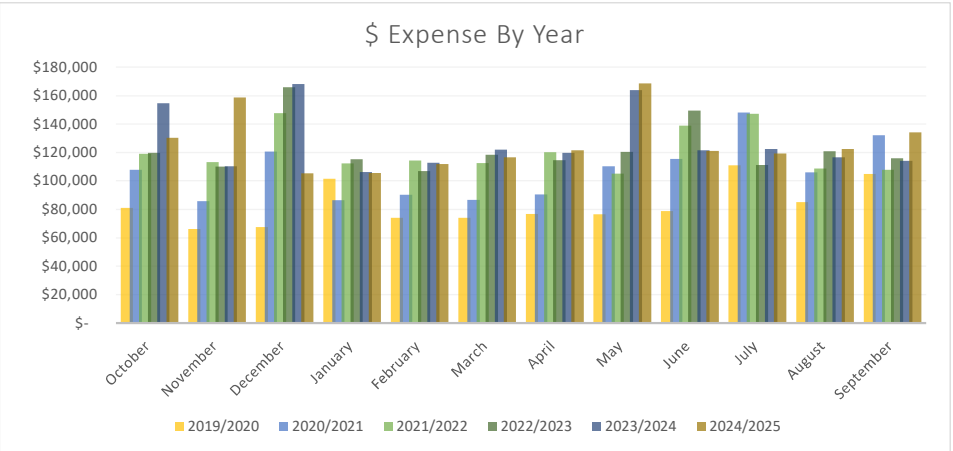
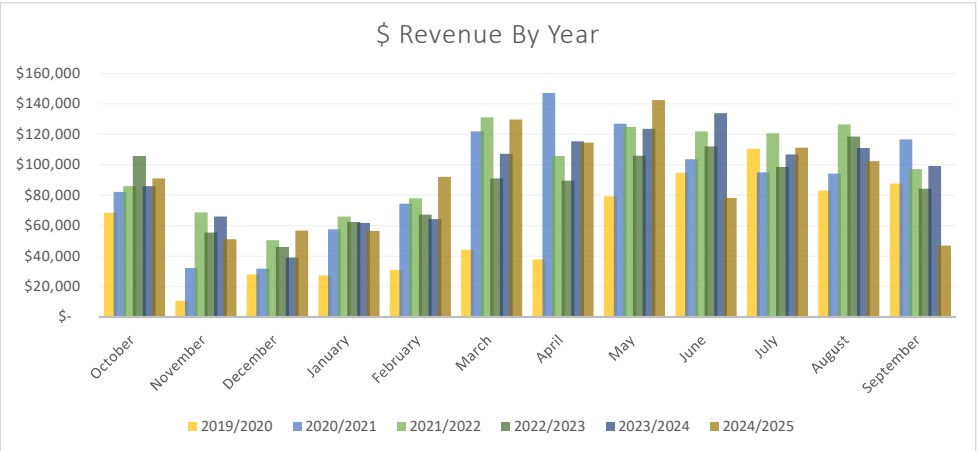
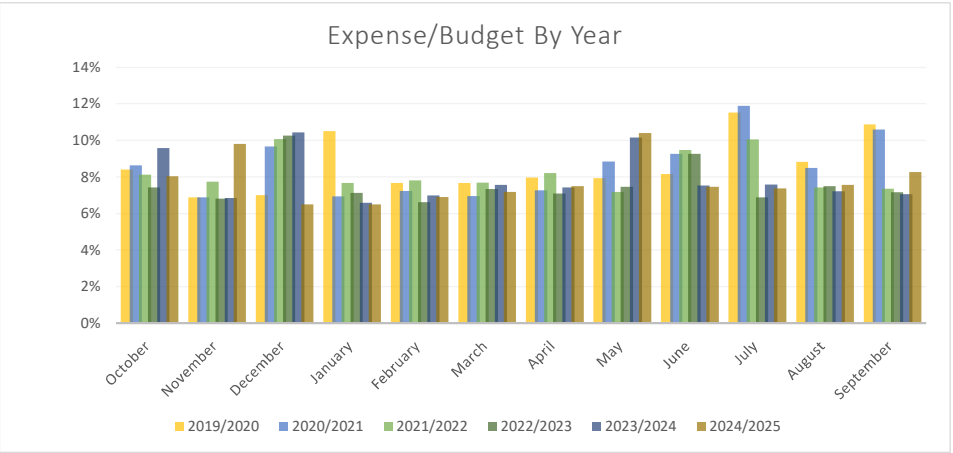
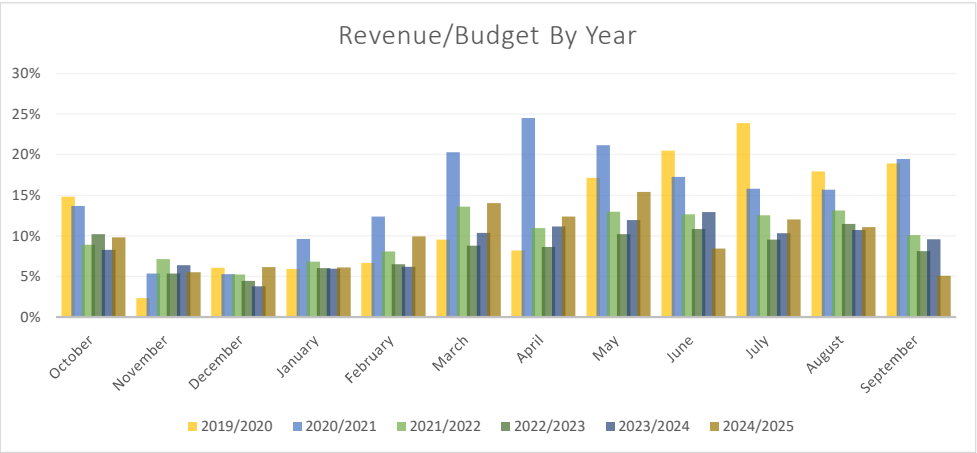




Planning Department Financial Analysis																	
		1	2	3	4	5	6	7	8	9	10	11	12			Budget	Actual
		October	November	December	January	February	March	April	May	June	July	August	September	Total	Budget	Re/Ex	Re/Ex
2024/2025	Revenue	\$ 90,882	\$ 51,047	\$ 56,711	\$ 56,552	\$ 92,057	\$ 129,733	\$ 114,437	\$ 142,534	\$ 78,168	\$ 111,259	\$ 102,323	\$ 46,820	\$ 1,072,522	\$ 925,338	57%	71%
	Expense	\$ 130,226	\$ 158,764	\$ 105,396	\$ 105,447	\$ 111,802	\$ 116,455	\$ 121,429	\$ 168,675	\$ 120,969	\$ 119,403	\$ 122,552	\$ 134,088	\$ 1,515,207	\$ 1,620,789		
	R % of Budget	10%	6%	6%	6%	10%	14%	12%	15%	8%	12%	11%	5%	116%			
	E % of Budget	8%	10%	7%	7%	7%	7%	7%	10%	7%	7%	8%	8%	93%			
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%			

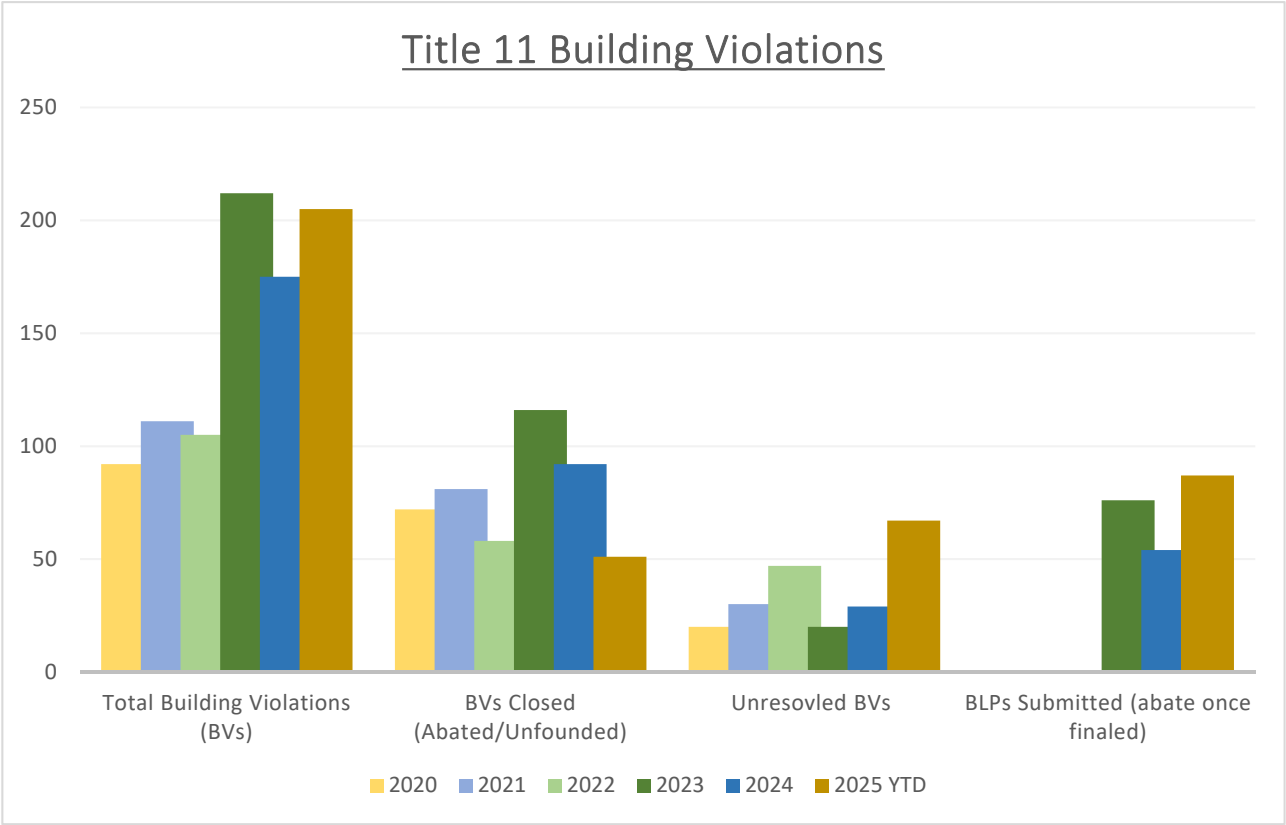


Planning Department Financial Analysis



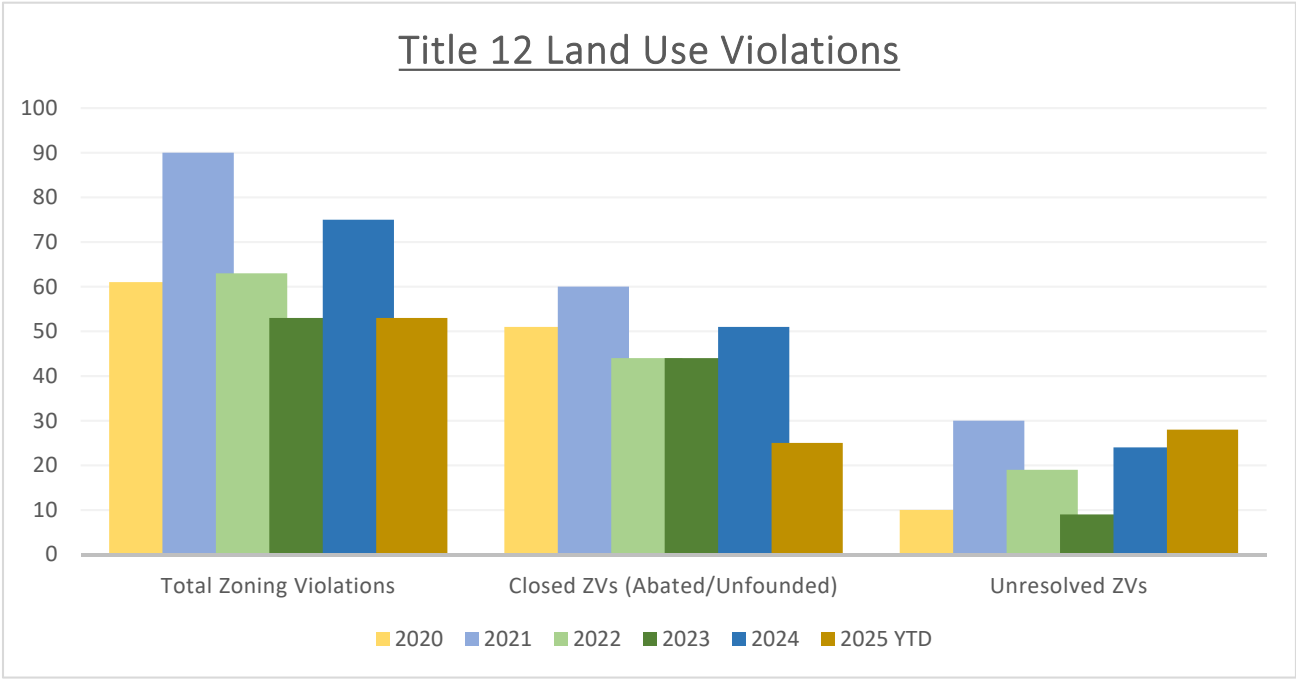
Title 11 Building Violations by Year

	2020	2021	2022	2023	2024	09/2025	2025 YTD
Total Building Violations (BVs)	92	111	105	212	175	1	205
BVs Closed (Abated/Unfounded)	72	81	58	116	92	5	51
Unresovled BVs	20	30	47	20	29		67
BLPs Submitted (abate once finaied)				76	54	5	87



Title 12 Land Use Violations by Year

	2020	2021	2022	2023	2024	09/2025	2025 YTD
Total Zoning Violations	61	90	63	53	75	10	53
Closed ZVs (Abated/Unfounded)	51	60	44	44	51	5	25
Unresolved ZVs	10	30	19	9	24	-	28



#### 11-110: AGENCY AUTHORIZATIONS:

A. No building location permit shall be issued for the construction, placement, installation, enlargement or extension of any building, residence or structure unless approval has first been obtained from the agency having jurisdiction over the access serving the subject site. Where access is from a private road, confirmation shall be provided that the travelway is not within the jurisdiction of the public.

B. No building location permit shall be issued for the construction, placement, installation, enlargement or extension of any commercial, residential, industrial or public building or structure, or multi-family residence, unless approval has first been obtained from the applicable fire district and the applicable sewer district.

C. Where the designated authority of a fire district has explicitly waived the need for residential fire safety review, in writing and on record with the Bonner County Planning Department, the residential fire safety requirements ~~on-a-plat~~ need not be satisfied.

D. No building location permit shall be issued for the construction, placement, installation, enlargement or extension of any building, residence or structure without a comment letter from Panhandle Health indicating they have reviewed the file, or the comment period has passed, whichever occurs first. Upon receipt of the completed building location permit application, Panhandle Health shall review the application and provide a comment letter within ten (10) working days. (Ord. 554, 6-21-2016; amd. Ord. 640, 9- -2021; Ord. 654, 1-5-2022; Ord. 683, 1-5-2022)

## **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	1 acre (4)	1 acre	1 acre	1 acre	1 acre (4)	1 acre (4)
Community LSAS and urban water, (20)	1 acre (4)	1 acre	1 acre	1 acre	1 acre (4)	1 acre (4)
Community drainfield and individual well, (20)	1 acre (4)	1 acre	1 acre	1 acre	1 acre (4)	1 acre (4)

Requirements Or Exceptions:

(19) Reserved

**CHAPTER 6  
SUBDIVISIONS**

SECTION:

12-600: Purpose

Subchapter 6.1 - General Provisions

12-610: Applicability, Qualifications

12-611: Reserved

12-612: Additional Requirements

12-613: 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

12-640: Processing Of Long Subdivision Applications, General

12-641: Long Subdivisions, Preapplication Review

12-642: Contents Of Application

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

12-644: Improvement Plan Required, Contents

12-645: Standards For Review

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

Subchapter 6.5 - Short Subdivisions



12-650: Contents Of Application

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

12-652: Short 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 6.7 - 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.

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 divided lands 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. (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 12-819 of this ~~subchapter~~ title, lot line adjustments as set forth at section 12-670 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**

(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 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;

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

5. The parcels to be 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 that can meet the wastewater disposal requirements for the proposed parcel(s).
- b. In lieu of an acknowledgment, a deed restriction shall be placed on the created parcel(s) to require Panhandle Health District approval prior to submittal of a Building Location Permit application.

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.

**B.** 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.

**C.** 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.

**D.** Waiver Of Land Division Requirements: The Director may waive short subdivision and 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.

**E.** 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. Notice of Land Division, Procedure:

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 12-613.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.

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 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 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. New lots created through any land division process shall include a sanitary restriction, unless such restriction is satisfied or lifted in accordance with Idaho Code 50-1326 through 50-1329.

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: "The installation of an approved IFC residential fire suppression sprinkler system is required in all newly constructed residences".

**3.** 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.** 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. 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 - LONG SUBDIVISION**

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

The requirements and procedures set forth 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 subdivisions (as set forth in section 12-6.5 of this chapter), or for processing as lot line adjustments (as set forth in subchapter 6.7 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, 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: 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. 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 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).

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. 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 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 shall consider the application for the preliminary plat, any comments received, the facts on the record and may:

1. Approve the application for preliminary plat, as presented;

2. 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. Deny the application for preliminary plat.

C. The hearing body shall make its decision, at the close of the public hearing, in accordance with Idaho Code 67-6535.

**D.** As a part of its decision approving an application for a preliminary plat, the 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 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.

**E.** The preliminary plat shall be valid for a period not to exceed three (3) 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) years. The extension request shall be processed in accordance with 12-266.1 of this title. 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 \(3\)](#) 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 \(3\)](#) 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:**

The [hearing body](#) shall apply the following standards in making 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.

### **SUBCHAPTER 6.5 - SHORT SUBDIVISION**

#### **12-650: CONTENTS OF APPLICATION:**

A. Purpose: To define the procedures for which an administrative approval may be granted for the development of land into 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 this chapter. The procedures of a regular subdivision apply to the short **subdivision** with the exceptions as outlined in this section.

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

C. 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. 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 SUBDIVISION, PROCEDURE FOR PROCESSING PRELIMINARY PLAT:**

A. The applicant shall file an application for a preliminary short 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 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. The notice shall, at a minimum, include the applicant's name, a description of the proposed short 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 (AGI AOI) the notice requirement shall be in accordance with the applicable area of impact agreement.

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 subdivision, any comments received, the facts on the record and the standards for considering the short subdivision at application and may:

1. Approve the preliminary short subdivision, as presented;

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

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

4. Deny the application for preliminary short subdivision;

5. Recommend 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. 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. If the planning director denies the preliminary short 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 subdivision shall be valid for a period not to exceed three (3) calendar years from the date of approval. At any time prior to the expiration date of the preliminary short subdivision, an applicant may make a written request to the planning director for an extension of the preliminary short subdivision for a period up to three (3) 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 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.

(Ord. 557, 11-10-2016)

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

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**

### **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)

## **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 [12-642 C 3](#) and [subchapter 6.6](#) 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.

**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 hearings for applicant-initiated Comprehensive Plan map amendments. 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.

2. Upon consideration, the Board may 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, 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, 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 reconsideration 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 67-6512. 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.

## Land Use Component Workshop and Hearing Schedule (As of 10/2/2025)

10/9/2025 – Workshop @ 1 PM

10/23/2025 – Workshop @ 1 PM

11/6/2025 – Workshop @ 10 AM

11/12/2025 – Public Hearing @ 1:30 PM