



Bonner County

Board of Commissioners

Brian Domke

Asia Williams

Ron Korn

Public Hearing Minutes

Planning

Date: March 17, 2025
Location: 1500 Hwy 2, Suite 338
Sandpoint, ID 83864
Convene at: 8:30 AM

COMMISSIONERS: Domke – Present Williams – Absent Korn – Present
OTHERS PRESENT: Planning Department: Jake Gabell, Alex Feyen, Jessica
Montgomery and Dave Fisher; Tiffanie Espe

Purpose/Topic Summary: Appeal of File MLD0063-24

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Commissioner Korn opened the hearing at 8:32 a.m. and noted Commissioner Williams is not present. Commissioner Korn asked if anyone needed assistance for this hearing, there were no requests. Commissioners Domke and Korn advised that they had no conflicts with this file.

Appeal of File MLD0063-24 – Minor Land Division – Deere Acres

The applicant is seeking to divide one (1) 10.61-acre lot into one (1) 5.53-acre lot and one (1) 5.08-acre lot. The site is zoned Rural 5. The project site is located off Happy Meadows Road in Section 26, Township 54 North, Range 3 West, Boise-Meridian. This file was administratively denied by the Planning Director on February 25, 2025.

Staff Report Presented By: Dave Fisher

- Please see attached packet

Commissioner Domke questioned the depth to width ratio on the lots. Dave Fisher noted that their response was that their surveyor believed the calculations were correct. He thought they agreed with what he was telling them and after the appealed they said they felt their calculations were correct. They have applied for a variance but as of the end of last week they did not want to pay or pursue yet, still some argument on how to measure.

Applicant Presented:

- Tiffanie Espe – the first issue is the accusation that this is circumventing a subdivision process; and a depth to width ratio. Want to point to the dates mentioned 2021/2022 those from previous 3 subdivisions all where approved dates and would be irrelevant to code changing in 2021 and the only relevant date is application date and we didn't apply for those subdivisions. Just based on first 2 minor plats they would have been applied before this code change and cannot comment on the short plat as she didn't know how long that project took; that was a 10 lot plat so he wasn't circumventing, and he wasn't doing any consecutive minor subdivisions at that time by applying for that short plat. Only relevant date is application date which we don't see in this timeline. The fact that the Planning Commission approved the minor plats leads her to believe that they were applied before that code change.

The 2nd issue with the depth to width there was miscommunication in a chain of emails where she stated our surveyor has been adamant that his depths are correct, it is allowed in code and there is no need for a variance. We wish we could have resolved it before it got to this point and we are still in disagreement with how Planning is coming up with their formula. Based on code, calculations need to be along a boundary and Planning is using a diagonal and should be along not across. The parcel design refers to the based-on depth with of 3.2:1 and it should actually be 4.2:1. We are contending both items.

There was a discussion regarding lot measurements and the dimensions the planning staff used and how the code reads.

Public Comment Opened at 9:03 a.m.

- Opposed - none
- Neutral
 - Matt Linscott commented that when MLD's adopted 12.600 C that code does not represent a retro affect. MLD in any kind of application vest upon time of application, not approval. Must look at the time dates of application and not dates of approval for that contiguous language. Subdivision is defined as 11 or more lots per BC code. If we have 2 certified surveyors coming up with different interpretations on how that can be or should be addressed, seems that it could be clarified better, as the code must be somewhat ambiguous in how it can be applied.
- Favor - none

Public Comment Closed at 9:07 a.m.

Staff Rebuttal - None

Deliberation and Discussion among the Board:

- Commissioner Korn asked staff to clarify the date the new ordinance went into effect and then how many applications applied after that date for MLD's. Dave Fisher noted that the ordinance went into effect on August 6, 2021, with 2 files after that date. Previous files were not brought up as those were approved. Discussion regarding code that the same land that was divided under an MLD cannot be divided again for 2 years. As far as contiguous, side-by-side MLD's there is no time limit it just says you cannot do those. Spoke of the measurements and how they are bound to the 3.2.
- Commissioner Domke brought attention to the map on page 8 of 14, it shows different MLD and plat numbers; it appears SS007-21 applied for after the ordinance change is contiguous and overlaps 0063-24. It was noted as contiguous not overlapping.

A discussion ensued amongst Commissioners regarding the depth to width ratio. Alex Feyen drew out a diagram to explain how a depth/width ratio is derived.

Commissioner Domke made a motion to affirm the Planning Director's decision of denial as written in the Administrative Staff Report Decision for this project File MLD0063-24. The decision is based upon the evidence submitted up to the time the Staff Memo was prepared and testimony received at this meeting/hearing. This action does not result in the taking of private property. Commissioner Korn stepped down from the chair and seconded the motion. Roll call vote: Commissioner Domke – Yes; Commissioner Korn – Yes. The motion carries.

Note: The Board's decision shall be final, and further recourse of the appellant shall be as provided by Idaho Code.

Adjourned at 9:31 a.m.

Deputy Clerk: Jennifer Ralls

BOCC/Planning Hearing

Minutes – **March 17, 2025**