

City of Priest River Planning & Zoning Department

P.O. Box 415

552 High Street Priest River, ID 83856

(208) 448-2123

Email: jgabell@priestriver-id.gov - Web site: www.priestriver-id.gov



Priest River City Council Staff Report for October 20, 2025

Project Name: Title 10, Chapter 10 Amendments

File No./ Type: 2025-009, Amendment

Staff is proposing the following amendments to Title 10, Chapters 2 and 10:

10-2-2: SPECIFIC DEFINITIONS:

The proposed change adds a definition for "Small Subdivision" and modifies the definition for "Subdivision."

Proposal:

10-10-2: Lot Line Adjustment/Minor Notational Change:

The proposed change removes the provisions for the creation of three (3) lots via this land use action, removes the public notice requirement, and updates the appeal process.

10-10-3: Small Subdivision: (New Section)

The proposed change adds a new section of the subdivision code for small subdivisions to include provision for: application contents, procedures, appeals, and final plat. This file type is proposed to be administratively approved.

Applicant: City of Priest River

Application filed: September 26, 2025

Mail/Email: September 26, 2025

Published in newspaper: October 1, 2025

Notice provided:

Notice of the public hearing to consider the amendment to Title 10 has been provided at least 15 days prior to the hearing to the political subdivisions providing services in Bonner County, to area newspapers, radio and television stations, incorporated cities within Bonner County, and the school districts, consistent with Idaho Code §67-6509.

Appendices:

Appendix A: Notice of Public Hearing and Record of Mailing

Appendix B: Agency and Public Comments

Appendix C: Draft Ordinance

Applicable Codes:

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

- §50-301 (Municipal Corporations)
- §67-6509 (Procedural requirements, Recommendation and adoption, amendment, and repeal of the plan)
- §67-6511 (Zoning ordinance)
- §67-6518 (Local Land Use Planning – Standards)
- §67-8003 (Takings Analysis)

And Priest River City Code (PRCC):

- PRCC Title 10 Chapter 17

Agency and Public Comments:

Public Agencies were provided the public notice on September 26, 2025, see Appendix A for a complete list of agencies.

The following agencies replied with substantive comments:

None

The following agencies provided “no comment” replies:

Idaho Department of Environmental Quality

Idaho Department of Water Resources

No other agencies responded as of the date this report was published.

No public comments were received regarding this application.

Proposed Code Amendments:

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.

Staff: The proposed amendments to Title 10, Chapter 10 of the Priest River City Code introduce several important changes that clarify subdivision procedures, create a streamlined review pathway for small-scale projects, and bring the City’s processes into closer alignment with Idaho law.

10-2-2: SPECIFIC DEFINITIONS

SMALL SUBDIVISION:

The result of an act of dividing an original lot, tract or parcel of land into two (2) to four (4) lots for sale, lease, financing, gift or building construction, whether immediate or future.

SUBDIVISION:

The result of an act of dividing an original lot, tract or parcel of land into ~~two (2)~~ five (5) or more lots or parcels for sale, lease, financing, gift or building construction, whether immediate or future.

(No proposed changes to the remainder of the Section)

Staff: This amendment adds clarity by distinguishing between a "Small Subdivision" and a "Subdivision." A small subdivision is defined as the division of land into four or fewer lots, while a subdivision applies when land is divided into five or more lots. This distinction is necessary to support the creation of a simplified process for small subdivisions, which will be handled administratively by the Administrator. Subdivisions, by contrast, remain subject to City Council review. Establishing thresholds ensures greater predictability for applicants, staff, and decision-makers, and aligns Priest River's code with practices commonly used in other jurisdictions to encourage infill and small-scale development.

10-10-2: LOT LINE ADJUSTMENT/MINOR NOTATIONAL CHANGE ~~/AND DIVISION OF LANDS INTO FOUR (4) LOTS OR FEWER:~~

A. Lot Line Adjustment Within Platted Subdivisions: The procedures set forth in this section shall be used to process applications for minor notational changes as defined, and any adjustment of platted lot lines between two (2) or more existing lots or parcels, where land taken from one lot or parcel is added to an adjacent lot or parcel. Applications for lot line adjustments may include:

1. The combining of two (2) or more lots;
2. Any adjustment of existing subdivision plat lot lines where lots are eliminated ~~or no more than three (3) additional lots or parcels than originally existed are created;~~ and where no lot or parcel is reduced below the minimum lot or parcel size for zoning district in which the lots or parcels are located; and which no new public roads or City utility main line extensions are required; and when notice of such division has been supplied to landowners as elsewhere provided for in this Chapter.

C. Procedures For Administrative Review And Approval Of Lot Line Adjustment/Minor Notational Changes:

1. The applicant shall file an application for a lot line adjustment or minor notational change with the Administrator, who shall have thirty (30) days to examine the application to determine its completeness. If the application is determined to be incomplete, the Administrator shall inform the applicant in writing of additional items or information necessary to complete the application.

2. Upon the determination of the Administrator that an application is complete, the Administrator shall cause a report to be made specifying whether the application is in conformance with the provisions of this section, and if not, the changes that could be made in the application to bring it into conformance.

3. The Administrator shall consider the facts of the application and relevant Code standards and shall approve the application as submitted or subject to specific modifications upon finding adequate evidence that:

- a. No additional lots are being created and no lot is being reduced below the minimum lot size required by zoning; and

- b. The proposed lot line adjustment is in accord with the purpose of this chapter and of the zone district in which it is located.

~~4. The Administrator shall provide due notice to adjacent property owners and publish notice in the newspaper of record.~~

4 5. The Administrator shall set forth the decision in writing explaining the reasons for the decision, and the City Code standards used in making the decision and findings of fact and conclusions in support of the decision. If the Administrator denies the application, the Administrator shall also set forth in writing the actions, if any, the applicant could take to obtain approval.

5 6. Changes in an approved application, resulting in the modification of the terms and conditions of approval may be approved by the Administrator upon a written request by the applicant, provided:

- a. No additional lots are created;
- b. The changes are consistent, and substantially conform, with the original preliminary plat approval; and
- c. The changes do not result in any violation of this Code.

6 7. Any decision or determination made by the Administrator in the administration of this section may be appealed to the City Council. The appeal must be submitted to the City Council, in accordance with Section 10-16-1 of this Title. ~~within ten (10) days from such decision or determination.~~

(No proposed changes to the remainder of the Section)

Staff: The proposed changes streamline the treatment of lot line adjustments and minor notational changes, clarifying that these actions are limited to boundary shifts between existing lots and do not create new lots or uses. Because such applications do not increase development potential, the amendment eliminates the requirement for mailed and published public notices, which are not required under state statute. The amendment also removes duplicative appeal language and instead references the general appeal provisions in Section 10-16-1. This provides consistency across the code and simplifies administration. Importantly, the Administrator must still issue a written decision supported by findings of fact and standards, which ensure transparency and defensibility. These changes improve efficiency while preserving accountability and protecting the integrity of subdivision procedures.

(NEW SECTION)

10-10-3: SMALL SUBDIVISION

A. Small Subdivision Purpose: The procedures set forth in this section shall be used to process applications for small subdivisions as defined, an applicant may use the small subdivision process when the proposed application:

1. Will contain four (4) or fewer lots and all lots will meet minimum standards in size as set forth in this title,
2. Lands divided using a small subdivision are not eligible for further division by the small subdivision process. This restriction shall be noted on the plat. Future divisions of any lot created by small subdivisions must proceed through the Subdivision process as found in 10-10-1 of this Chapter.
3. No new public roads or City utility main line extensions are required.
4. The procedure may not be used where it creates or expands nonconformity with land use pursuant to this title or any applicable Land Use Ordinances.

B. Application for Small Subdivisions: All applications made pursuant to this section shall be submitted to the City Planning and Zoning Department. Any person contemplating a small subdivision is encouraged to contact the Administrator prior to submission of the

application for discussion of procedures, standards and criteria which are applicable to the proposed application.

1. All applications for small subdivision shall include:

a. Two (2) full sized copies and one reduced "11x17" copy of the final plat, prepared and stamped by an Idaho licensed professional land surveyor and containing:

(1) The location of existing structures;

(2) Location, dimensions and area (in acres) of proposed lots. All proposed lots shall be numbered in a systematic order;

(3) Name of the larger subdivision or tract of which it forms a part;

(4) Names of the subdivider and surveyor;

(5) The "initial point" and description thereof, shall be indicated on the drawing in conformance with Idaho Code;

(6) Street lines of all existing or recorded streets, principal property lines, Township lines, or section lines, intersecting, crossing or contiguous to the subdivision, and the status of adjoining property shall be indicated (name of subdivision or un-platted area);

(7) The accurate location and description and filing of all monuments shall be in accordance with "the Corner Perpetuation Act", title 55, chapter 16, Idaho Code;

(8) 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);

(9) All lots shall be numbered consecutively in each block, and each block lettered or numbered as set forth at 50-1304, Idaho Code. All streets shall bear the street or road name as it appears on the official road name list;

(10) 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 division;

(11) Private restrictions, if any;

(12) North point, graphic scale and date (whether true north or magnetic north shall be indicated);

(13) A certificate of a licensed engineer or surveyor of the State of Idaho to the effect that the plat represents a survey made by him that all the monuments, shown thereon, actually exist and that their positions are shown;

(14) Location of all watercourses, base flood elevations, the elevations derived from flood insurance rate maps, and approximate area subject to inundation of stormwater overflow;

(15) Wetland boundaries as depicted on national wetland inventory maps or as delineated by a professional authorized by the U.S. Army Corps of Engineers to perform wetland delineations, and any proposed easements or easements of record for drainage channels, overhead and underground utility lines, sanitary sewers, and water systems within the tract;

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

(17) All plat certificates required by this Code.

b. A copy of the preliminary title report;

c. A copy of the current recorded deed for the subject property;

d. Applications shall additionally include one copy of the plat, currently recorded, marked with distinguishable lines as to clearly indicate the existing and proposed lot lines;

e. A letter from Panhandle Health District or the City stating the requirements for sanitary restrictions are not affected by the small subdivision; and

f. Additional information reasonably required for a thorough review of the application, as may be asked by the Administrator.

No application submitted pursuant to this subsection B shall be deemed complete nor any plat recorded, until all fees have been paid.

C. Procedures for Administrative Review of a Small Subdivision:

1. The applicant shall file an application for a small subdivision with the Administrator, who shall have thirty (30) days to examine the application to determine its completeness. If the application is determined to be incomplete, the Administrator shall inform the applicant in writing of additional items or information necessary to complete the application.

2. Upon the determination of the Administrator that an application is complete, the city shall:

a. Send public agencies and entities, pursuant to Idaho Code 67-6509, a notice that the small subdivision application has been made, and a means for the agency to review it;

b. provide notice to the official city newspaper of record. The notice shall provide a summary of the proposal and advise of the fifteen (15) day comment period;

c. At the close of the comment and review period the Administrator shall cause a report to be made specifying whether the application is in conformance with the provisions of this section, and if not, the changes that could be made in the application to bring it into conformance.

3. The Administrator shall consider the facts of the application and relevant Code standards and shall approve the application as submitted or subject to specific modifications upon finding adequate evidence that:

a. The proposed lots meet the required standards of the applicable zone;

b. The request is in accord with the purpose of this chapter and of the zone district in which it is located;

c. All proposed lots will be served by city water and sewer with individual utility connection to each lot, in accordance with Title 8 of this code; and

d. The application meets the standards and provision of this section.

4. The Administrator shall set forth the decision in writing explaining the reasons for the decision, and the City Code standards used in making the decision and findings of fact and conclusions in support of the decision. If the Administrator denies the application, the Administrator shall also set forth in writing the actions, if any, the applicant could take to obtain approval.

5. Changes to an approved application, resulting in the modification of the terms and conditions of approval, may be approved by the Administrator upon a written request by the applicant, provided:

a. The changes are consistent, and substantially conform with the original preliminary plat approval; and

b. The changes do not result in any violation of this Code.

6. Any decision or determination made by the Administrator in the administration of this section may be appealed to the City Council, in accordance with Section 10-16-1 of this Title.

7. The small subdivision application approval shall be valid for a period not to exceed two calendar years from the date of approval. Within two years of the approval, the applicant shall submit the final plat to the Administrator. At any time prior to the expiration of the application approval, an applicant may make a written request to the Administrator for a single extension of the application approval for a period of up to two years. The Administrator may consider such request for extension. The extension request must be approved or denied prior to the expiration date of the approval.

D. Final Plat for Small Subdivisions to be Drawn, Time for Filing, Signing: Upon approval of the paper copy of the final plat, the applicant shall cause a final plat to be drawn, suitable

for recording and in compliance with the requirements for plats set forth at title 50, chapter 13, Idaho Code. The Administrator shall be authorized to sign the final plat upon the confirmation that:

1. The final plat conforms to the requirements of Idaho Code and this Code;
2. The final plat conforms with the approved application; and
3. The conditions of approval have been completed.

The final plat shall be transmitted to the City Council for review and possible approval at a future Council meeting.

Staff: The most significant proposed amendment is the creation of a new section establishing procedures for "Small Subdivisions." This process applies when a land division results in four or fewer lots, all lots comply with zoning standards, no new public roads or utility main extensions are required, and no nonconformities are created or expanded. To prevent abuse, lots created through this process cannot be further divided by another small subdivision; future divisions must proceed through the full subdivision process.

Applications must include a professionally prepared plat, title documentation, Panhandle Health confirmation, and other supporting information. Once an application is deemed complete, the Administrator circulates the proposal to reviewing agencies and publishes notice in the newspaper of record, followed by a 15-day comment period. The Administrator then issues a written decision with findings addressing zoning compliance, availability of water and sewer connections, and alignment with the purposes of the chapter. Approved applications remain valid for two years, with one possible two-year extension. Final plats must comply with Idaho Code Title 50, Chapter 13 before they may be transmitted to the City Council for review.

This section creates a proportional, streamlined review pathway for smaller-scale applications while ensuring adequate safeguards against misuse. It balances efficiency with accountability, reduces burdens on both applicants and the City Council, and enhances compliance with the Local Land Use Planning Act by requiring standards-based findings and agency coordination.

Standards Review:

PRCC Title 10 Chapter 17 – Amendments

This chapter establishes that zoning amendments (including text amendments) may be initiated by staff, City Council, or a property owner. In this case, staff has initiated the amendment to resolve deficiencies in Chapter 10 regarding the handling of small subdivisions. While the City Code outlines procedural authority, it does not provide evaluation criteria. Therefore, staff relies on the Local Land Use Planning Act (LLUPA) to frame the standards for review.

Idaho Code §67-6509 - Recommendation and adoption, amendment, and repeal of the plan

This statute outlines notice and hearing procedures for legislative actions, including zoning text amendments. For this file, the City issued notice to applicable state agencies and political subdivisions and published notice in the newspaper of record, consistent with §67-6509 requirements.

Idaho Code §67-6511 - Zoning ordinance

This statute sets the standards for review for text amendments and requires that zoning ordinances and text amendments must be “not in conflict with the policies of the adopted comprehensive plan.”

Staff:

The proposed amendments to Title 10, Chapter 10 of the Priest River City Code are consistent with the goals and policies of the Priest River Comprehensive Plan (2013).

The Property Rights component emphasizes that land use policies should not violate private property rights, adversely impact property values, or create unnecessary technical limitations

By introducing clear thresholds between subdivisions and small subdivisions, the amendments improve predictability and proportionality in land division procedures. Property owners benefit from a streamlined pathway for small projects without facing the costs or delays associated with full subdivision review. This balance protects property rights while ensuring safeguards against misuse.

The Land Use component of the Plan stresses orderly growth and compatibility among land uses. The new small subdivision process directly supports this goal by requiring compliance with zoning standards, prohibiting the creation of new nonconformities, and preventing piecemeal development through restrictions on successive small subdivisions. This ensures that land divisions occur in an orderly manner consistent with the City's long-term vision.

The Public Facilities, Utilities, and Services element emphasizes the need to match development with available infrastructure. The proposed amendments require all lots in a small subdivision to be served by individual City water and sewer connections and prohibit subdivisions that require new public road or utility main extensions. This ensures new development is scaled appropriately to existing service capacity and does not create unfunded infrastructure liabilities.

The Economic Development element promotes policies that encourage business growth and reinvestment while maintaining community character. By simplifying the process for small-scale land divisions, the amendments reduce barriers to investment in infill and redevelopment projects. This approach supports local economic activity without compromising the standards applied to larger developments.

Finally, the Community Design element calls for an orderly, attractive community shaped by well-planned neighborhoods, transportation corridors, and natural areas. The amendments further these objectives by reinforcing consistency between subdivisions and existing zoning, encouraging clustering of growth within serviced areas, and requiring compliance with Idaho Code standards for plats and dedications.

Idaho Code § 67-6518 – Standards

This statute not only authorizes but expressly anticipates that cities will adopt standards tailored to their land use context. By adopting standards specific to small subdivisions, the City is exercising that authority in a way that balances efficiency with oversight

Staff: The proposed ordinance creates a clear and enforceable framework for small subdivisions that is distinct from the subdivision process. These standards limit the

process to four lots or fewer, prohibit successive use of the small subdivision pathway, restrict eligibility where new public roads or utility main extensions are required, and ensure all lots are served by individual water and sewer connections. Applications must also conform to zoning requirements and the purposes of the chapter.

By codifying these standards and requiring written findings for each administrative decision, the amendment directly fulfills the authority granted in §67-6518. This improves transparency, strengthens legal defensibility, and ensures that small subdivision decisions are consistent and predictable.

Staff Conclusion:

Collectively, these amendments modernize Priest River’s subdivision regulations by clarifying definitions, simplifying administrative review for minor land divisions, and creating a structured pathway for small subdivisions. The changes ensure that decisions are tied to objective standards, improve efficiency in processing applications, and strengthen the legal defensibility of City actions. Adoption of these amendments will improve the City’s ability to administer land division requests consistently, effectively, and in alignment with state law.

Based on the staff analysis included in this report, and the conditions of approval, the proposed project satisfies the applicable criteria and standards, and staff recommends approval of this application.

Administrator’s Initials: JG Date: October 14, 2025

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

Decision by the Governing Body:

MOTION TO APPROVE:

I move to **approve** File 25-009, finding that it **is** in accord with the Priest River City Code as enumerated in the following conclusions of law:

- Conclusion 1:** The proposed amendment **is** in accord with Idaho Code, Title 31, Chapter 7.
- Conclusion 2:** The proposed amendment **is** in accord with Idaho Code Title 67, Chapter 65.
- Conclusion 3:** The proposed amendment **is not** in conflict with the policies of the Comprehensive Plan.

This decision is based upon the evidence submitted up to the time the Staff Report was prepared and testimony received at this hearing. I further move to adopt the analysis as set forth in the Staff Report (or as amended during this hearing) and direct the Administrator to draft written findings and conclusions to reflect this motion, have the Mayor sign, and transmit to all interested parties. This action does not result in a taking of private property.

ORDINANCE MOTION:

I move to adopt Ordinance 642 under suspension of the rules, citing its authority, and providing for the amendment to Title 10, Priest River City Code as presented or amended during this hearing, and providing for an effective date.

MOTION TO DENY:

I move to **deny** File 25-009, finding that it **is / is not** in accord with the Priest River City Code as enumerated in the following conclusions of law:

Conclusion 1: The proposed amendment **is/is not** in accord with Idaho Code, Title 31, Chapter 7.

Conclusion 2: The proposed amendment **is/ is not** in accord with Idaho Code Title 67, Chapter 65.

Conclusion 3: The proposed amendment **is not/ is** in conflict with the policies of the Comprehensive Plan.

This decision is based upon the evidence submitted up to the time the Staff Report was prepared and testimony received at this hearing. I further move to adopt the analysis as set forth in the Staff Report (or as amended during this hearing) and direct the Administrator to draft written findings and conclusions to reflect this motion, have the Mayor sign, and transmit to all interested parties. This action does not result in a taking of private property.

Findings of Fact:

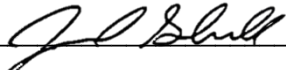
1. The Priest River City Council has reviewed the proposed changes against Idaho Code and made amendments to better comply with the Idaho Code, specifically Title 67 Chapter 65, Local Land Use Planning.
2. The City Council is authorized by Idaho Code Title 67 Chapter 65, Local Land Use Planning, to adopt zoning ordinances, rules and regulations.
3. The amendments create distinct and specific standards for small subdivisions, consistent with Idaho Code §67-6518.
4. The proposed ordinance making the above changes adds to the clarity intended in the interpretation of the Priest River City Code and Priest River Comprehensive Plan. These actions will further balance the provision of safety, health and prosperity while maintaining the protection of property, peace, good order, comfort and convenience of the county and its inhabitants.
5. The proposed changes are intended to provide clarification of the regulations, enabling the public and the staff to achieve the best results leading to greater understanding and use of the zoning ordinance.

Appendix A: Notice of Public Hearing Record of Mailing

PUBLIC HEARING NOTICE



I hereby certify that a true and correct copy of this "Notice of Public Hearing" was digitally transmitted or mailed (postage prepaid) on this **26th** day of **September 2025**.



Jake Gabell, Planning and Zoning Administrator

This notice was mailed to political subdivisions, property owners within 300 feet of the subject property, and the media.

THE CITY OF PRIEST RIVER CITY COUNCIL will hold a Public Hearing on Monday, October 20, 2025, at 5:30PM at the Priest River City Hall Council Chambers, 552 High Street, Priest River, ID to consider and to receive testimony on the following Planning and Zoning application:

File 25-009 – AM – Title 10, Chapter 10 Amendments

10-2-2: SPECIFIC DEFINITIONS:

The proposed change adds a definition for "Small Subdivision" and modifies the definition for "Subdivision."

10-10-2: Lot Line Adjustment/Minor Notational Change:

The proposed change removes the provisions for the creation of three (3) lots via this land use action, removes the public notice requirement, and updates the appeal process.

10-10-3: Small Subdivision: (New Section)

The proposed change adds a new section of the subdivision code for small subdivisions to include provision for: application contents, procedures, appeals, and final plat. This file type is proposed to be administratively approved.

The file for this application may be reviewed at Priest River City Hall, 552 High Street, during regular business hours.

Written statements must be submitted to the planning and zoning department no later than 5:00 pm, one (1) business day prior to the public hearing. Written comments may be submitted at the public hearing. Statements can be delivered or sent to the Priest River City Hall at PO Box 415, Priest River, ID 83856; or emailed to layers@priestriver-id.gov. The referenced start time stated above reflects the beginning of the hearing. Specific file start time and hearing duration vary.

If you have no comment or response, you may indicate below and return this form to the Planning and Zoning Department.

No Comment _____

Name

Date

The City of Priest River encourages participation in public hearings. Information regarding the public hearing can be obtained by contacting the City Clerk at (208) 448-2123 or PO Box 415, Priest River, ID, 83856. Individuals with special needs of access to or participation in the public hearing should contact the City Clerk as soon as possible.

RECORD OF MAILING



Page 1 of 1

File: 25-009-AM, Chapter 10 Update

I hereby certify that a true and correct copy of the "Notice of Public Hearing" was digitally transmitted or mailed (postage prepaid) on this 26th day of September 2025.

Jake Gabell, Planning and Zoning Administrator

Emailed to Agencies

Army Corps of Engineers
Avista
Bonner County Airport Manager
Bonner County EMS
Bonner County Historical Society and Museum
Bonner County Road & Bridge
Federal Aviation Administration
Idaho Department of Environmental Quality
Idaho Department of Fish & Game
Idaho Department of Lands
Idaho Department of Water Resources

Idaho Department of Water Resources
Idaho Transportation Department
MiFiber
Panhandle Health District
School District #83
US Fish & Wildlife Services
West Bonner County Cemetery District
West Bonner Library
West Bonner School District 83
West Pend Oreille Fire District
Bonner County Daily Bee

US First Class Mail to Media/Agencies

Gem State Miner
KPBX-FM Spokane Public Radio
KSPT-KPND-KIBR Radio
Spokesman-Review

Priest River Departments

City Clerk – Laurel Thomas
Utility Ops – Paul Sifford
Police Chief – Drew McLain
Public Works – Chad Coleman

Appendix B: Agency and Public Comments

RE: File 25-009-AM Chapter 10 Update

From DEQ Comments <deqcomments@deq.idaho.gov>

Date Thu 10/9/2025 2:12 PM

To Jacob Gabell <jgabell@priestriver-id.gov>

Good Afternoon,

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

Thank you,

Idaho Department of Environmental Quality
2110 Ironwood Parkway, Coeur d'Alene, Idaho 83814
Office Line: 208.769.1422
www.deq.idaho.gov

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

From: Jacob Gabell <jgabell@priestriver-id.gov>

Sent: Friday, September 26, 2025 2:26 PM

To: CENWW-RD-CDA@usace.army.mil; lijah.manus@avistacorp.com; don.petrerson@avistacorp.com; dave.schuck@bonnercountyid.gov; alan.brinkmeier@bonnercountyid.gov; jeff.lindsey@bonnercountyid.gov; DIRECTOR@BONNERCOUNTYHISTORY.ORG; matt.mulder@bonnercountyid.gov; Heather.pate@faa.gov; DEQ Comments <deqcomments@deq.idaho.gov>; Horsmon,Merritt <merritt.horsmon@idfg.idaho.gov>; Mike Ahmer <mahmer@idl.idaho.gov>; Northern Info <northerninfo@idwr.idaho.gov>; rzandhuisen@idl.idaho.gov; esjoquist@idl.idaho.gov; Bates, Luke <Luke.Bates@idwr.idaho.gov>; D1Permits@itd.idaho.gov; jason.kimberling@itd.idaho.gov; stacy.simkins@itd.idaho.gov; Kimberly.Hobson@itd.idaho.gov; denny@corefiber.com; EHapplications@phd1.idaho.gov; deandavis@sd83.org; fw1idahoconsultationrequests@fws.gov; frankiejdunn@hotmail.com; meagan <meagan@westbonnerlibrary.org>; kinspaceck@sd83.org; wpofd1.jamie@gmail.com

Cc: Laurel Thomas <lthomas@priestriver-id.gov>; Lynda Ayers <layers@priestriver-id.gov>

Subject: File 25-009-AM Chapter 10 Update

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

Good afternoon,

Per Idaho Code §67-6509, the City is required to provide notice of public hearing to political subdivisions and service providers that offer services within the city limits of Priest River for any land use action requiring a public hearing.

Attached you will find the public hearing notice and application materials for a city-initiated amendment to the subdivision code.

If you have any questions or would like to provide comments, please don't hesitate to contact me directly.

Respectfully,

Jake Gabell
Planning & Zoning Administrator
208-448-2123, Ext 130
www.priestriver-id.gov

[EXTERNAL] This message originated outside of City of Priest River. Do not click links or open attachments unless you recognize the sender, are expecting something from them, and know the content is safe. Please report malicious emails to the ExBabylon Managed Service Team.



RE: File 25-009-AM Chapter 10 Update

From Bates, Luke <Luke.Bates@idwr.idaho.gov>

Date Tue 9/30/2025 8:28 AM

To Jacob Gabell <jgabell@priestriver-id.gov>

 1 attachment (2 KB)

Bates_ Luke.vcf;

REF: File 25-009-AM Chapter 10 Update

TO: Jake Gabell – Planning and Zoning Administrator

Good morning.

Idaho Department of Water Resources (IDWR) – Northern Regional Office has no comments as the changes are not within IDWR jurisdiction.

Thank you for the opportunity to comment,



From: Jacob Gabell <jgabell@priestriver-id.gov>

Sent: Friday, September 26, 2025 2:26 PM

To: CENWW-RD-CDA@usace.army.mil; lijah.manus@avistacorp.com; don.petrerson@avistacorp.com; dave.schuck@bonnercountyid.gov; alan.brinkmeier@bonnercountyid.gov; jeff.lindsey@bonnercountyid.gov; DIRECTOR@BONNERCOUNTYHISTORY.ORG; matt.mulder@bonnercountyid.gov; Heather.pate@faa.gov; DEQ Comments <deqcomments@deq.idaho.gov>; Horsmon,Merritt <merritt.horsmon@idfg.idaho.gov>; Mike Ahmer <mahmer@idl.idaho.gov>; Northern Info <northerninfo@idwr.idaho.gov>; rzandhuisen@idl.idaho.gov; esjoquist@idl.idaho.gov; Bates, Luke <Luke.Bates@idwr.idaho.gov>; D1Permits@itd.idaho.gov; jason.kimberling@itd.idaho.gov; stacy.simkins@itd.idaho.gov; Kimberly.Hobson@itd.idaho.gov; denny@corefiber.com; EHapplications@phd1.idaho.gov; deandavis@sd83.org; fw1idahoconsultationrequests@fws.gov; frankiejdunn@hotmail.com; meagan <meagan@westbonnerlibrary.org>; kinspacek@sd83.org; wpofd1.jamie@gmail.com

Cc: Laurel Thomas <lthomas@priestriver-id.gov>; Lynda Ayers <layers@priestriver-id.gov>

Subject: File 25-009-AM Chapter 10 Update

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

Good afternoon,

Per Idaho Code §67-6509, the City is required to provide notice of public hearing to political subdivisions and service providers that offer services within the city limits of Priest River for any land use action requiring a public hearing.

Attached you will find the public hearing notice and application materials for a city-initiated amendment to the subdivision code.

If you have any questions or would like to provide comments, please don't hesitate to contact me directly.

Respectfully,

Jake Gabell
Planning & Zoning Administrator
208-448-2123, Ext 130
www.priestriver-id.gov

[EXTERNAL] This message originated outside of City of Priest River. Do not click links or open attachments unless you recognize the sender, are expecting something from them, and know the content is safe. Please report malicious emails to the Exbabylon Managed Service Team.

Appendix C: Draft Ordinance

ORDINANCE NO. 642

Title 10, Land Use Regulations Priest River City Code

An Ordinance of the City of Priest River, Idaho, setting forth its authority; amending Priest River City Code Title 10 (Land Use Regulations), to make the following changes to Chapter 2, and to Chapter 10. The changes are detailed in this ordinance.

Whereas, The City of Priest River has previously adopted Municipal Code provisions, rules, regulations, and procedures in the City of Priest River; and,

Whereas, Idaho Code, Title 67, Chapter 65, provides for the adoption of land use standards for the purposes of protecting property rights and enhancing property values, together with the purposes of promoting the health, safety, and general welfare of the people; and

Whereas, Idaho Code, Title 67, Chapter 65, Section 6518 authorizes governing boards to adopt standards for public and private development; and

Whereas, The City Council has adopted a comprehensive plan to guide development within the incorporated area of Priest River; and

Whereas, the City Council did hold a public hearing on October 20, 2025, and did find the proposed amendment to the land use codes in accord with the Priest River Comprehensive Plan and Idaho Code.

Now, therefore be it ordained by the City Council of Priest River, Idaho that the following be and is hereby adopted as an ordinance of the City of Priest River:

SECTION 1: Authority

This Ordinance is adopted pursuant to the authority granted at Chapter 65, Title 67, Idaho Code, and pursuant to the procedural requirements contained at Section 67-6509, Idaho Code.

SECTION 2: Amending Priest River City Code, Chapter 2 and Chapter 10.

PRCC CHAPTER 2 DEFINITIONS

10-2-2: SPECIFIC DEFINITIONS

SMALL SUBDIVISION:

The result of an act of dividing an original lot, tract or parcel of land into two (2) to four (4) lots for sale, lease, financing, gift or building construction, whether immediate or future.

SUBDIVISION:

The result of an act of dividing an original lot, tract or parcel of land into five (5) or more lots or parcels for sale, lease, financing, gift or building construction, whether immediate or future.

(No additional changes to the remainder of the Section)

PRCC CHAPTER 10: SUBDIVISIONS

10-10-2: LOT LINE ADJUSTMENT/MINOR NOTATIONAL CHANGE:

A. Lot Line Adjustment Within Platted Subdivisions: The procedures set forth in this section shall be used to process applications for minor notational changes as defined, and any adjustment of platted lot lines between two (2) or more existing lots or parcels, where land taken from one lot or parcel is added to an adjacent lot or parcel. Applications for lot line adjustments may include:

1. The combining of two (2) or more lots;
2. Any adjustment of existing subdivision plat lot lines where lots are eliminated and where no lot or parcel is reduced below the minimum lot or parcel size for zoning district in which the lots or parcels are located; and which no new public roads or City utility main line extensions are required; and when notice of such division has been supplied to landowners as elsewhere provided for in this Chapter.

B. Application For Adjustment Of Lot Lines/Minor Notational Changes: All applications made pursuant to this section shall be submitted to the City Planning and Zoning Department. Any person contemplating a lot line adjustment/minor notational change is encouraged to contact the Administrator prior to submission of the application for discussion of procedures, standards and criteria which are applicable to the proposed application.

1. All applications for adjustment of lot lines and minor notational changes shall include:

a. Two (2) full sized copies and one reduced 11"x17" copy of the final plat, prepared and stamped by an Idaho licensed professional land surveyor and containing:

- (1) The location of existing structures;
- (2) Location, dimensions and area (in acres) of proposed lots. All proposed lots shall be numbered in a systematic order;
- (3) Name of the larger subdivision or tract of which it forms a part;
- (4) Names of the subdivider and surveyor;
- (5) The "initial point" and description thereof, shall be indicated on the drawing in conformance with Idaho Code;
- (6) Street lines of all existing or recorded streets, principal property lines, Township lines, or section lines, intersecting, crossing or contiguous to the subdivision, and the status of adjoining property shall be indicated (name of subdivision or un-platted area);
- (7) The accurate location and description and filing of all monuments shall be in accordance with "the Corner Perpetuation Act", title 55, chapter 16, Idaho Code;
- (8) 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);
- (9) All lots shall be numbered consecutively in each block, and each block lettered or numbered as set forth at 50-1304, Idaho Code. All streets shall bear the street or road name as it appears on the official road name list;
- (10) 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 division;

- (11) Private restrictions if any;
 - (12) North point, graphic scale and date (whether true north or magnetic north shall be indicated);
 - (13) A certificate of a licensed engineer or surveyor of the State of Idaho to the effect that the plat represents a survey made by him that all the monuments, shown thereon, actually exist and that their positions are shown;
 - (14) Location of all watercourses, base flood elevations, the elevations derived from flood insurance rate maps, and approximate area subject to inundation of stormwater overflow;
 - (15) Wetland boundaries as depicted on national wetland inventory maps or as delineated by a professional authorized by the U.S. Army Corps of Engineers to perform wetland delineations, and any proposed easements or easements of record for drainage channels, overhead and underground utility lines, sanitary sewers, and water systems within the tract;
 - (16) Owner's certificate. A notarized description of the property encompassed by the plat, dedications and restrictions; and
 - (17) All plat certificates required by this Code.
 - b. A copy of the preliminary title report;
 - c. A copy of the current recorded deed for the subject property;
 - d. Applications shall additionally include one copy of the plat, currently recorded, marked with distinguishable lines as to clearly indicate the existing and proposed lot lines;
 - e. A letter from Panhandle Health District or the City stating the requirements for sanitary restrictions are not affected by the adjustment of the lot lines; and
 - f. Additional information reasonably required for a thorough review of the application, as may be asked by the Administrator.
- No application submitted pursuant to this subsection B shall be deemed complete nor any plat recorded, until all fees have been paid.

C. Procedures For Administrative Review And Approval Of Lot Line Adjustment/Minor Notational Changes:

- 1. The applicant shall file an application for a lot line adjustment or minor notational change with the Administrator, who shall have thirty (30) days to examine the application to determine its completeness. If the application is determined to be incomplete, the Administrator shall inform the applicant in writing of additional items or information necessary to complete the application.
- 2. Upon the determination of the Administrator that an application is complete, the Administrator shall cause a report to be made specifying whether the application is in conformance with the provisions of this section, and if not, the changes that could be made in the application to bring it into conformance.
- 3. The Administrator shall consider the facts of the application and relevant Code standards and shall approve the application as submitted or subject to specific modifications upon finding adequate evidence that:
 - a. No additional lots are being created and no lot is being reduced below the minimum lot size required by zoning; and
 - b. The proposed lot line adjustment is in accord with the purpose of this chapter and of the zone district in which it is located.

4. The Administrator shall set forth the decision in writing explaining the reasons for the decision, and the City Code standards used in making the decision and findings of fact and conclusions in support of the decision. If the Administrator denies the application, the Administrator shall also set forth in writing the actions, if any, the applicant could take to obtain approval.

5. Changes in an approved application, resulting in the modification of the terms and conditions of approval may be approved by the Administrator upon a written request by the applicant, provided:

- a. No additional lots are created;
- b. The changes are consistent, and substantially conform, with the original preliminary plat approval; and
- c. The changes do not result in any violation of this Code.

6. Any decision or determination made by the Administrator in the administration of this section may be appealed to the City Council. The appeal must be submitted to the City Council, in accordance with Section 10-16-1 of this Title.

D. Final Plat For Lot Line Adjustments, Notational Changes To Be Drawn, Time For Filing, Signing: Upon approval of the paper copy of the final plat, the applicant shall cause a final plat to be drawn, suitable for recording and in compliance with the requirements for plats set forth at title 50, chapter 13, Idaho Code. The Administrator shall be authorized to sign the final plat upon the confirmation that:

1. The final plat conforms to the requirements of Idaho Code and this Code;
2. The final plat conforms with the approved application; and
3. The conditions of approval have been completed.

E. Property Line Adjustment Within Un-Platted Lands: The procedure for property line adjustments for un-platted lands shall be the same as platted lands except that a record of survey shall be used when no additional parcels or lots are created. When additional parcels or lots are created with un-platted lands the properties shall be divided as a platted subdivision as is elsewhere provided for in the City Municipal Code.

(NEW SECTION)

10-10-3: SMALL SUBDIVISION

A. Small Subdivision Purpose: The procedures set forth in this section shall be used to process applications for small subdivisions as defined, an applicant may use the small subdivision process when the proposed application:

1. Will contain four (4) or fewer lots and all lots will meet minimum standards in size as set forth in this title,
2. Lands divided using a small subdivision are not eligible for further division by the small subdivision process. This restriction shall be noted on the plat. Future divisions of any lot created by small subdivisions must proceed through the Subdivision process as found in 10-10-1 of this Chapter.
3. No new public roads or City utility main line extensions are required.
4. The procedure may not be used where it creates or expands nonconformity with land use pursuant to this title or any applicable Land Use Ordinances.

B. Application for Small Subdivisions: All applications made pursuant to this section shall be submitted to the City Planning and Zoning Department. Any person contemplating a small subdivision is encouraged to contact the Administrator prior to submission of the application for discussion of procedures, standards and criteria which are applicable to the proposed application.

1. All applications for small subdivision shall include:

a. Two (2) full sized copies and one reduced "11x17" copy of the final plat, prepared and stamped by an Idaho licensed professional land surveyor and containing:

(1) The location of existing structures;

(2) Location, dimensions and area (in acres) of proposed lots. All proposed lots shall be numbered in a systematic order;

(3) Name of the larger subdivision or tract of which it forms a part;

(4) Names of the subdivider and surveyor;

(5) The "initial point" and description thereof, shall be indicated on the drawing in conformance with Idaho Code;

(6) Street lines of all existing or recorded streets, principal property lines, Township lines, or section lines, intersecting, crossing or contiguous to the subdivision, and the status of adjoining property shall be indicated (name of subdivision or un-platted area);

(7) The accurate location and description and filing of all monuments shall be in accordance with "the Corner Perpetuation Act", title 55, chapter 16, Idaho Code;

(8) 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);

(9) All lots shall be numbered consecutively in each block, and each block lettered or numbered as set forth at 50-1304, Idaho Code. All streets shall bear the street or road name as it appears on the official road name list;

(10) 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 division;

(11) Private restrictions, if any;

(12) North point, graphic scale and date (whether true north or magnetic north shall be indicated);

(13) A certificate of a licensed engineer or surveyor of the State of Idaho to the effect that the plat represents a survey made by him that all the monuments, shown thereon, actually exist and that their positions are shown;

(14) Location of all watercourses, base flood elevations, the elevations derived from flood insurance rate maps, and approximate area subject to inundation of stormwater overflow;

(15) Wetland boundaries as depicted on national wetland inventory maps or as delineated by a professional authorized by the U.S. Army Corps of Engineers to perform wetland delineations, and any proposed easements or easements of record for drainage channels, overhead and underground utility lines, sanitary sewers, and water systems within the tract;

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

(17) All plat certificates required by this Code.

b. A copy of the preliminary title report;

- c. A copy of the current recorded deed for the subject property;
- d. Applications shall additionally include one copy of the plat, currently recorded, marked with distinguishable lines as to clearly indicate the existing and proposed lot lines;
- e. A letter from Panhandle Health District or the City stating the requirements for sanitary restrictions are not affected by the small subdivision; and
- f. Additional information reasonably required for a thorough review of the application, as may be asked by the Administrator.

No application submitted pursuant to this subsection B shall be deemed complete nor any plat recorded, until all fees have been paid.

C. Procedures for Administrative Review of a Small Subdivision:

1. The applicant shall file an application for a small subdivision with the Administrator, who shall have thirty (30) days to examine the application to determine its completeness. If the application is determined to be incomplete, the Administrator shall inform the applicant in writing of additional items or information necessary to complete the application.

2. Upon the determination of the Administrator that an application is complete, the city shall:

- a. Send public agencies and entities, pursuant to Idaho Code 67-6509, a notice that the small subdivision application has been made, and a means for the agency to review it;

- b. provide notice to the official city newspaper of record. The notice shall provide a summary of the proposal and advise of the fifteen (15) day comment period;

- c. At the close of the comment and review period the Administrator shall cause a report to be made specifying whether the application is in conformance with the provisions of this section, and if not, the changes that could be made in the application to bring it into conformance.

3. The Administrator shall consider the facts of the application and relevant Code standards and shall approve the application as submitted or subject to specific modifications upon finding adequate evidence that:

- a. The proposed lots meet the required standards of the applicable zone;

- b. The request is in accord with the purpose of this chapter and of the zone district in which it is located;

- c. All proposed lots will be served by city water and sewer with individual utility connection to each lot, in accordance with Title 8 of this code; and

- d. The application meets the standards and provision of this section.

4. The Administrator shall set forth the decision in writing explaining the reasons for the decision, and the City Code standards used in making the decision and findings of fact and conclusions in support of the decision. If the Administrator denies the application, the Administrator shall also set forth in writing the actions, if any, the applicant could take to obtain approval.

5. Changes to an approved application, resulting in the modification of the terms and conditions of approval, may be approved by the Administrator upon a written request by the applicant, provided:

- a. The changes are consistent, and substantially conform with the original preliminary plat approval; and

b. The changes do not result in any violation of this Code.

6. Any decision or determination made by the Administrator in the administration of this section may be appealed to the City Council, in accordance with Section 10-16-1 of this Title.

7. The small subdivision application approval shall be valid for a period not to exceed two calendar years from the date of approval. Within two years of the approval, the applicant shall submit the final plat to the Administrator. At any time prior to the expiration of the application approval, an applicant may make a written request to the Administrator for a single extension of the application approval for a period of up to two years. The Administrator may consider such request for extension. The extension request must be approved or denied prior to the expiration date of the approval.

D. Final Plat for Small Subdivisions to be Drawn, Time for Filing, Signing: Upon approval of the paper copy of the final plat, the applicant shall cause a final plat to be drawn, suitable for recording and in compliance with the requirements for plats set forth at title 50, chapter 13, Idaho Code. The Administrator shall be authorized to sign the final plat upon the confirmation that:

1. The final plat conforms to the requirements of Idaho Code and this Code;
2. The final plat conforms with the approved application; and
3. The conditions of approval have been completed.

The final plat shall be transmitted to the City Council for review and possible approval at a future Council meeting.

SECTION 3: Severability

The provisions of this Ordinance are hereby declared to be individually severable. Should any provision of this ordinance be declared invalid by a court of competent jurisdiction, such declaration shall not affect the validity of the remaining provisions.

SECTION 4: Effective Date

This Ordinance shall be in full force and effect upon its passage and publication of the ordinance or ordinance summary in one (1) issue of the Bonner County Daily Bee Newspaper.

SECTION 5: Adoption of Ordinance

Any provision of any Ordinance or Code section of the City of Priest River in conflict herewith, or contrary hereto, is hereby repealed.

Passed by the City Council and approved by the Mayor, under suspension of the rules, as an Ordinance of the City of Priest River, Bonner County, Idaho, at a regular meeting of the Priest River City Council held on the 20th day of October, 2025.

Jeff Connolly
Mayor

ATTEST:

Laurel Thomas, CMC
City Clerk/Treasurer

**SUMMARY OF
ORDINANCE NO. 642**

AN ORDINANCE OF THE CITY OF PRIEST RIVER, IDAHO, AMENDING CHAPTERS 1-7 OF TITLE 10 OF THE REVISED AND AMENDED MUNICIPAL CODE OF THE CITY OF PRIEST RIVER AND PROVIDING FOR PUBLICATION AND EFFECTIVE DATE OF THIS ORDINANCE.

SECTION 1: Authority – This section cites the ordinance authority within state statute.

SECTION 2: Amending Priest River City Code, Chapter 2 and Chapter 10.

PRCC 10-2-2: SPECIFIC DEFINITIONS:

The amendment adds a definition for “Small Subdivision” and modifies the definition for “Subdivision.”

PRCC 10-10-2: Lot Line Adjustment/Minor Notational Change:

The amendment removes the provisions for the creation of three (3) lots via this land use action, removes the public notice requirement, and updates the appeal process.

PRCC 10-10-3: Small Subdivision: (New Section)

The amendment adds a new section of the subdivision code for small subdivisions to include provision for: application contents, procedures, appeals, and final plat. This file type is an administrative decision.

SECTION 3: Severability – this section establishes the severability parameters of the ordinance.

SECTION 4: Effective Date – this section established the effective date of the ordinance.

SECTION 5: Adoption of Ordinance – Repeals any provision of the Priest River City Code found to be inconsistent.

THE FULL TEXT OF THIS ORDINANCE IS AVAILABLE IN THE CITY CLERK’S OFFICE AT CITY HALL, 552 HIGH STREET, PRIEST RIVER, IDAHO AND IS IN FULL FORCE AND EFFECT UPON THE PUBLICATION OF THIS SUMMARY.

/s/LAUREL THOMAS, CITY CLERK

ORDINANCE NO. 642
SUMMARY CERTIFICATION

The undersigned City of Priest River legal advisor, having reviewed Ordinance No. 642 and the summary for Ordinance No. 642, believes the summary of Ordinance No. 642 is true and complete and that it provides adequate notice to the public of the identity and principal provisions of the ordinance.

CITY OF PRIEST RIVER

Katie Elsaesser, City Attorney

Dated this ____ day of October 2025.