



CITY OF BONNERS FERRY

7232 Main Street
P.O. Box 149
Bonners Ferry, Idaho 83805
Phone: 208-267-3105 Fax: 208-267-4375

STAFF REPORT FOR MINOR SUBDIVISION AMENDMENTS AMENDMENT FILE- CITY COUNCIL #AM04-16

Prepared by: Lisa M. Ailport, AICP
City Planner

Project Description: The city has initiated a public hearing to consider changes to Title 12, Chapter 5 Minor Subdivisions. The purpose of the change is to stream line review of minor subdivisions by removing the requirement for a public hearing; to provide additional applicability language; to provide for clarity in the exemption standards; to provide administrative procedures for reviewing and entitling minor subdivisions; and to remove further division of land standards.

Publication: August 25, 2016
November 3, 2016

Political Subdivisions: August 30, 2016
October 28, 2016

Hearing Dates: Planning and Zoning: September 15, 2016
City Council: December 6, 2016

Hearing Packet: Staff Report
Notice
Draft ordinance language (9/15/2016 Ver.)

PROJECT BACKGROUND/SUMMARY

In a review of the minor subdivision language after a recent two lot subdivision request, the City Administrator and Planner reviewed the wording to determine if a more streamlined process could be developed.

Currently, minor subdivisions are processed very similar to regular subdivisions, but are defined differently and given separate chapters within Title 12, the subdivision title of Bonners Ferry

City Code. However, the process to entitlement of the preliminary plat is not much different between minor and regular plats. Below is a summary of how a plat tracks through the entitlement processes.

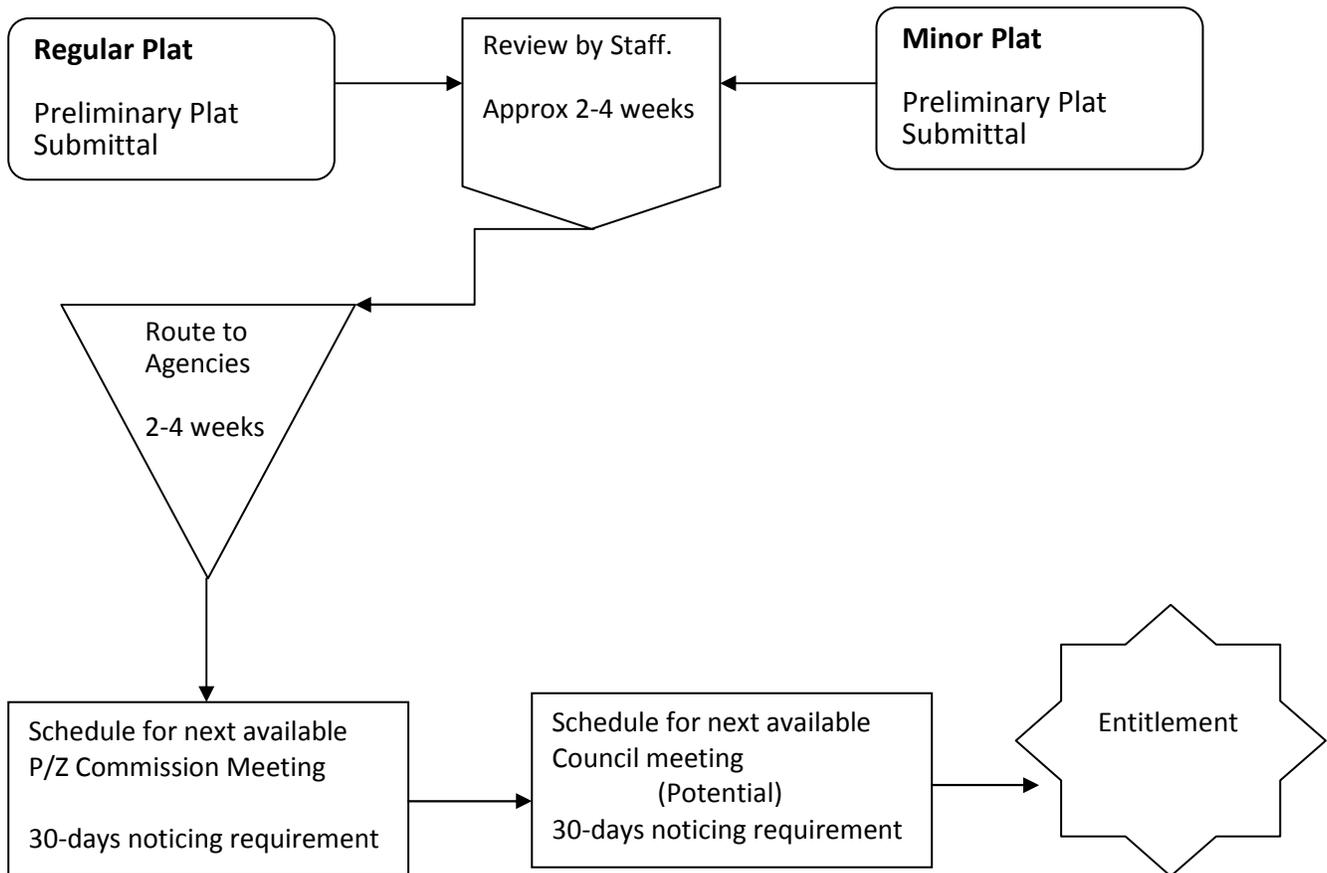
Plat Process:

Under section 12-3-4(B & C) a regular plat is reviewed by certain agencies for comment and the city for completeness before it is considered for a public hearing before the next available Planning and Zoning commission meeting.

Staff accepts the application for plat in at the front desk and completes review of the application to determine its completeness before sending it to agencies for review and comment. Typical response times for agencies to comment range from 2-4 weeks depending on availabilities of staff and when a specialized committee can meet (for example Traffic Safety).

For minor subdivision, at section 12-5-4 A-C, staff reviews the minor subdivision for completeness and then routes to agencies and jurisdictions which, in the judgment of staff may be affected by the proposal. Then, once the file has completed these steps, it is forwarded to the Planning and Zoning commission for review and a public hearing then to city council for final approval.

The flow chart may help illustrate how both of these files are processed under current language.

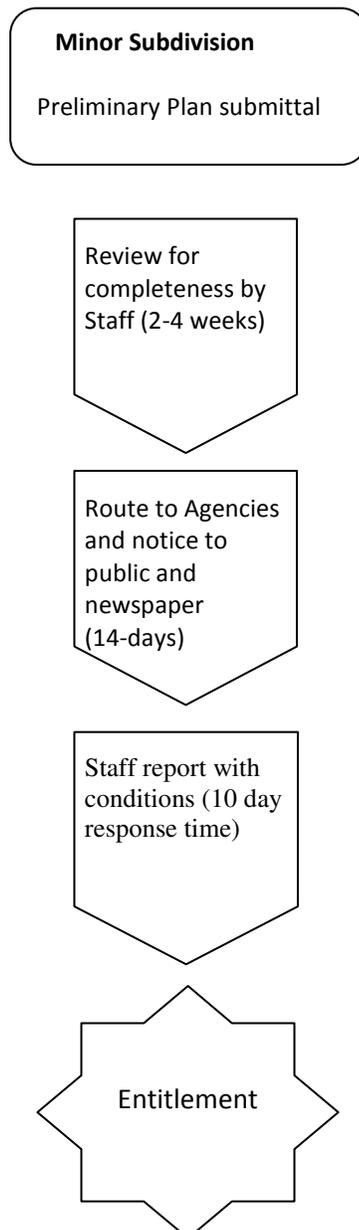


The absolute minimum timing for getting through the existing set up is no different if the applicant is applying for a minor subdivision or a regular subdivision.

This is where staff felt a change could be made to speed up review time and change the procedures.

In order to reduce the amount of processing time, staff looked into language that would support minor subdivisions as an administrative entitlement process rather than requiring it go to a public hearing. We also proposed raising the applicability standards for when a division of land meets the standards of a minor subdivision.

With the new language, the public and affected agencies would still be noticed of the future divisions, but the final decision would land with the City Administrator with rights of appeal going to City Council. This new process eliminates the Planning and Zoning Commission from holding a public hearing and combines the agency review and the public notice into one process. The new process could potentially reduce the minimum timing from 4 months down to 30-60 days.



PLANNING AND ZONING RECOMMENDATIONS:

The Planning and Zoning Commission held a public hearing on September 15, 2016 in accordance with Idaho Code 67-6511 and unanimously recommended approval of the language as presented.

ORDINANCE REVIEW/SUMMARY

New language has been provided in below. Staff has prepared the language to show proposed new text as underlined and removed text as ~~stricken~~, with remaining text shown as is.

12-5-1: APPLICABILITY:

The division of land into four (4) or fewer contiguous lots, parcels, tracts or sites may be considered a minor subdivision provided it meets all criteria outlined in this section. If any one of the following criteria is not met, the developer must file a regular subdivision plat as outlined in this title. A minor subdivision shall be subject to all development standards established by this title. The proposed minor subdivision and all of the proposed development shall meet the following criteria:

A. Comply with all minimum standards and requirements of the zoning ordinance, and shall not require a zone change.

B. All lots shall ~~have maintain frontage on and access onto an existing public street or a private street acceptable by city and generally~~ meeting the city street standards and the standards contained herein. Dedication of additional right of way for future improvements may be required as a condition of approval. (Ord. 495, 12-20-2005)

C. At the time of preliminary plat submittal, all lots shall have adequate sewer and water services available to the subdivision.

D. The subdivision does not require extensions or improvements to sewer or water mains other than individual lateral connections to serve the future lots. Including installation of booster stations, pressure mains, and lift stations.

12-5-2: EXEMPTIONS:

The provisions of this chapter shall not apply to the following:

A. The transfer of land between two (2) adjacent property owners, which does not result in the creation of any additional ~~building site~~ lot or parcel.

B. Any division of land made by testamentary provision or the laws of descent. Parcels of land so created must comply with lot size, frontage, and other standards established by this code and other applicable laws to be eligible for a building permit or to qualify for establishment of a regulated land use

C. Any acquisition or division of land by a public agency for public right of way purposes. (Ord. 495, 12-20 2005)

12-5-3: APPLICATION:

An application for a minor subdivision must be submitted to the city with the following:

~~A. Each application shall be accompanied by a fee if an amount is established by resolution of the council~~
A fee, if an amount is established by resolution of the council;

B. Proof of ownership and consent from any lien holder granting authorization to subdivide the property;

~~C. A list, prepared by a title company licensed to do business in the state of Idaho, of the names and mailing addresses of all property owners whose property is adjacent to the property being proposed for development and others as required by the city. Such list shall be provided on self-adhesive labels in the number of copies necessary for the hearing(s) scheduled;~~

~~D. Legal description and tax parcel number of the parcel being divided;~~

C. One full sized copy of the proposed plat, one eleven inch by seventeen inch (11" x 17") copy of the proposed plat, ~~plus one copy of the proposed minor subdivision drawn in ink on a reproducible material eighteen inches by twenty seven inches (18" x 27") in size~~ and one digital copy of the proposed minor subdivision, prepared by a surveyor licensed in the state of Idaho, and which shall contains all applicable items listed at section 12-3-4(A) of this Title and shall be prepared in accordance with Title 50, Chapter 13 of the Idaho Code as it now exists or is subsequently amended.

12-5-4: PROCEDURES:

~~A. Upon receipt of a completed minor subdivision application, city staff will review the application to determine if it is complete and if it meets the criteria for a minor subdivision, and shall schedule a minor subdivision review with the developer.~~

~~B. The city will provide copies of submitted documents, as necessary, to outside agencies and jurisdictions, which, in the judgment of staff, may be affected by the proposal. In addition, the city will provide written notice to adjacent property owners. The notice shall provide a plan of the minor subdivision, general information concerning the proposal, and the time frame for submitting written comments. The period of time for comment or response shall not be less than fourteen (14) days from the date of notice.~~

~~C. The city staff shall then forward the minor subdivision review to the planning and zoning commission for review and public hearing and then to city council for approval.~~

~~D. A public hearing is not required unless such requirement is requested by the city council. (Ord. 495A, 5-16-2006)~~

12-5-4: PROCEDURE FOR APPROVAL OF MINOR PRELIMINARY PLAT:

A. The applicant shall file an application for a preliminary minor plat with the city, pursuant to the procedures of this title.

B. Upon the determination of by the administrator that an application is complete, the city shall:

1. Provide copies of submitted documents, as necessary, by first class mail to agencies, departments and jurisdictions, which, in the judgment of staff, may be affected by the proposal, allowing not less than fourteen (14) days for response.
2. Provide notice of the proposed subdivision by first class mail to all property owners of record within three hundred feet (300') of the external boundaries of the land being considered. The notice shall, at a minimum, include the applicant's name, a description of the proposed subdivision and the general location of the property. The notice shall advise of a fourteen- (14) day written comment period beginning the day after notice is postmarked.
3. Provide notice to the official county newspaper of record. The notice shall provide a summary of the proposal and advise of the fourteen-(14) day comment period.

C. At the close of the comment and review period and upon a determination by the administrator that the agency review comments have been addressed by the applicant, the administrator shall issue a staff report containing, at a minimum, proposed findings, reasoned decision 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 city not later than ten (10) days after the issuance of the report.

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

1. Approve the preliminary minor plat, as presented;
2. Approve the preliminary minor plat, as modified;
3. Continue action on the minor plat, pending changes to be made in the application, the subdivision design or the receipt of additional information;
4. Deny the application for preliminary minor plat;
5. Recommend the council hold a public hearing pursuant to the public hearing noticing requirements and procedures set forth in Idaho Code 67-6509, based upon the extent of public comment or other contested factors in the case which warrant a full hearing before the council. 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 administrator shall render a written decision, setting forth the ordinance provisions and standards as provided for at section 12-3-4H, the facts of the application and such conclusions that support the decision. If the administrator denies the preliminary minor plat, the administrator shall specify in the decision the actions, if any, which the applicant could take to obtain approval.

F. As a part of the decision for approving an application for a preliminary plat, the administrator 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.

G. The preliminary minor plat shall be valid for a period not to exceed two (2) calendar years from the date of

approval. At any time prior to the expiration date of the preliminary minor plat, an applicant may make a written request to the administrator for an extension of the preliminary minor plat for a period up to two (2) years. The administrator shall consider such request for extension and the request must be approved or denied prior to the expiration date of the preliminary plat.

H. Any determination made by the administrator in the administration of this section may be appealed to the council by notifying the city in writing of the intent to appeal within ten (10) calendar days from the date of the written determination. Upon receipt of the appeal, the administrator shall schedule the application for a public hearing before the council, allowing sufficient time for notice. The council shall conduct a public hearing and consider the application, in accordance with the noticing procedures set forth in Idaho Code 67-6509.

~~12-5-5: FURTHER DIVISION OF LAND:~~

~~Any parcel of land used for a minor subdivision, the plat of which has been approved previously, will be reviewed by the city staff to determine if the applicant will use the minor subdivision or the subdivision method. (Ord. 495, 12-20-2005)~~

12-5-5 MINOR PLAT, CONTENTS OF FINAL PLAT, AND PROCEDURES FOR APPROVAL OF FINAL PLAT:

A. The contents of the final plat for minor subdivisions processed under the minor plat procedure shall be as set forth in Chapter 4 of this title.

B. The procedure for processing final plats of minor subdivisions utilizing the minor plat procedure shall be as set forth in Chapter 4 of this title.

PUBLIC COMMENTS

Staff forwarded the draft language to the surveying companies in town and had not heard any formal response regarding the draft language.

The draft language has also been placed on the City Website.

No other public comments have been received regarding the proposed changes to the minor subdivision language.

COMPREHENSIVE PLAN ANALYSIS / STAFF ANALYSIS

Idaho Code 67-6511, authorizes cities to make changes to zoning ordinances after considering the comprehensive plan. A review of the comprehensive plan provides for the following sections of compatibility:

1.2.7 New Growth: "...At the project review level, development generating new service demands can only approved if adequate public facilities and services are available to meet the needs of the development, or are funded by the developer."

Staff comment: The proposed modification will ensure through the applicability section that all public services will be existing prior to preliminary plat submittal. Therefore, only those areas of the city where infrastructure is already present will be applicable to this section of the subdivision chapter.

6.0 Land Use, Goal 9:

Input from citizens shall be encouraged at every level of land use decision making.

City approval for new development, both residential and businesses, should occur only after sufficient planning for rights-of-way, improvement and access have been evaluated accommodating increase traffic volumes

Staff comment: The original processes provided notification within 300 feet of property being subdivided; this new process will still maintain the public's opportunity to comment prior to the administrator making the final decision.

The applicability section requires that access to the future lots be available prior to preliminary plat submission that meets the city's street standards. This ensures that future minor subdivisions are occurring in areas that can already support additional levels of traffic and on roads that are already meeting city standards.

9.0 Public Services, Facilities and Utilities:

"...[the city should plan] to ensure that our existing and future citizens are provided with a safe and ample supply of water [and sewer].

Staff comment: Future divisions of land will need to show how no extension of services are necessary to completing the plat. All lot shall have services available to them at the time of preliminary plat.

13.0 Housing

Goal 1: Maintain and / or improve the quality of housing and residential development.

Staff comment: With the revised language, developers and or builders can quickly plat new parcels of land to add additional housing to quickly and more affordable than a development that requires additional roads, extension of water or sewer or new electrical lines brought to the property.

AUTHORITY

This ordinance amendment is proposed under the authority granted at Section 50-903, and 67-6509, 67-6511 and is subject to procedural requirements contained at section 67-6509 section 1-1-3, 2-1-5B and 11-6 et all of the Bonners Ferry City Code.

PUBLIC NOTICE/ PUBLIC COMMENTS

Staff sent notice of the proposed ordinance amendments to all taxing districts in the city and county Airport facility, pursuant to I.C. 67-6509 (see official notice list for taxing districts). Notice has also been provided to media outlets in the area and region. To date, no comments a have been received from either public agencies or the public.

MOTIONS BY THE GOVERNING BODY:

Motion to Approve: I move to approve this file AM04-16, to make changes to Title 12, Chapter

5 City of Bonners Ferry Code modifying them minor subdivisions chapter by removing the requirement for a public hearing; by providing additional applicability language; by providing for clarity in the exemption standards; by providing administrative procedures for reviewing and entitling minor subdivisions; and by removing further division of land standards, finding that it is in accordance with the general and specifics goals and standards of the City of Bonners Ferry comprehensive plan, as enumerated in the findings and reasoned statements below and based upon testimony received at this hearing.

I further move to adopt the following reasoned statement and conditions of approval as written (or as amended).

Motion to Deny: I move to deny this file AM04-16, to make changes to Title 12, Chapter 5 City of Bonners Ferry Code modifying them minor subdivisions chapter by removing the requirement for a public hearing; by providing additional applicability language; by providing for clarity in the exemption standards; by providing administrative procedures for reviewing and entitling minor subdivisions; and by removing further division of land standards, finding that it is not in accordance with the general and specifics goals and standards of the City of Bonners Ferry comprehensive plan, as enumerated in the findings and reasoned statements below and based upon testimony received at this hearing.

I further move to adopt the following findings and reasoned statement as written (or as amended), because [SPECIFY WHAT OR WHY THE STANDARDS DON'T MEET THE NEEDS OF THE CITY]. Furthermore, I move to adopt the following reasoned statements: (READ STATEMENTS, SPECIFYING WHETHER THE PROJECT MEETS OR FAILS TO MEET THE STANDARDS, BASED UPON THE FINDINGS OF RECORD).

REASONED STATEMENTS

Reasoned Statements: *The staff report and subsequent evidence in the record are the basis for the findings required in order to reach a reasoned decision. Based upon those findings, the following reasoned decisions are adopted by the Bonners Ferry Planning & Zoning Commission/City Council:

1. The amendment **IS/IS NOT** supported by the City of Bonners Ferry Comprehensive Plan.

Community Design	Special Areas and Sites
Natural Resource	Recreation
Population	Housing
Economic Development	Land Use
Hazardous Areas	Public Services, Facilities and Utilities
Transportation	Implementation
Property Rights	

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BONNERS FERRY, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, REPEALING AND REPLACING BONNERS FERRY CITY CODE TITLE TWELVE, CHAPTER FIVE, CONCERNING MINOR SUBDIVISIONS IN ORDER TO PROVIDE APPLICABILITY LANGUAGE; PROVIDING FOR CLARITY IN EXMPTIONS STANDARDS; PROVIDING FOR ADMINISTRATIVE PROCEDURES FOR REVIEWING AND APPROVING MINOR SUDIVISIONS; PROVIDING FOR FINAL PLAT PROCEDURES; PROVIDING SEVERABILITY; PROVIDING THAT THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT FROM AND AFTER ITS PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

WHEREAS, the Planning and Zoning Commission held a duly noticed public hearing in accordance with Idaho Code 67-6509 and Idaho Code 67-6511 on September 15, 2016; and

WHEREAS, the City Council held a public hearing in accordance with Idaho Code 67-6509 and Idaho Code 67-6511 on _____; and

WHEREAS, the Mayor and City Council have deemed it in the public interest to enact new provisions within Bonners Ferry City Code Title Twelve, Chapter five, for the purpose of providing minor subdivision to be administratively reviewed and approved;

NOW THEREFORE, Be it ordained by the Mayor and the Council of the City of Bonners Ferry, Idaho, as follows:

Section 1: That Bonners Ferry City Code Chapter 5, Title 12 is hereby repealed in its entirety.

Section 2: That Chapter 5, Title 12, Bonners Ferry Code is herby replaced to read as follows:

12-5-1: APPLICABILITY

The division of land into four (4) or fewer contiguous lots, parcels, tracts or sites may be considered a minor subdivision provided it meets all criteria outlined in this section. If any one of the following criteria is not met, the developer must file a regular subdivision plat as outlined in this title. A minor subdivision shall be subject to all development standards established by this title. The proposed minor subdivision and all of the proposed development shall meet the following criteria:

A. Comply with all minimum standards and requirements of the zoning ordinance, and shall not require a zone change;

B. All lots shall maintain frontage on and access onto an existing public street meeting the city street standards and the standards contained herein. Dedication of additional right of way for future improvements may be required as a condition of approval; (Ord. 495, 12-20-2005)

C. At the time of preliminary plat submittal, all lots shall have adequate sewer and water services available to the subdivision;

D. The subdivision does not require extensions or improvements to sewer or water mains other than individual lateral connections to serve the future lots. Including installation of booster stations, pressure mains, and lift stations.

12-5-2: EXEMPTIONS:

The provisions of this chapter shall not apply to the following:

A. The transfer of land between two (2) adjacent property owners, which does not result in the creation of any additional lot or parcel.

B. Any division of land made by testamentary provision or the laws of descent. Parcels of land so created must comply with lot size, frontage, and other standards established by this code and other applicable laws to be eligible for a building permit or to qualify for establishment of a regulated land use

C. Any acquisition or division of land by a public agency for public right of way purposes. (Ord. 495, 12-20 2005)

12-5-3: APPLICATION:

An application for a minor subdivision must be submitted to the city with the following:

A. A fee if an amount is established by resolution of the council;

B. Proof of ownership and consent from any lien holder granting authorization to subdivide the property;

D. One full sized copy of the proposed plat, one eleven inch by seventeen inch (11" x 17") copy of the proposed plat, and one digital copy of the proposed minor subdivision, prepared by a surveyor licensed in the state of Idaho, and which shall contains all applicable items listed at section 12-3-4(A) of this Title and shall be prepared in accordance with Title 50, Chapter 13 of the Idaho Code as it now exists or is subsequently amended.

12-5-4: PROCEDURE FOR APPROVAL OF MINOR PRELIMINARY PLAT:

A. The applicant shall file an application for a preliminary minor plat with the city, pursuant to the procedures of this title.

B. Upon the determination of by the administrator that an application is complete, the city shall:

1. Provide copies of submitted documents, as necessary, by first class mail to agencies, departments and jurisdictions, which, in the judgment of staff, may be affected by the proposal, allowing not less than fourteen (14) days for response.
2. Provide notice of the proposed subdivision by first class mail to all property owners of record within three hundred feet (300') of the external boundaries of the land being considered. The notice shall, at a minimum, include the applicant's name, a description of the proposed subdivision and the general location of the property. The notice shall advise of a fourteen- (14) day written comment period beginning the day after notice is postmarked.

3. Provide notice to the official county newspaper of record. The notice shall provide a summary of the proposal and advise of the fourteen-(14) day comment period.

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

1. Approve the preliminary minor plat, as presented;
2. Approve the preliminary minor plat, as modified;
3. Continue action on the minor plat, pending changes to be made in the application, the subdivision design or the receipt of additional information;
4. Deny the application for preliminary minor plat;
5. Recommend the council hold a public hearing pursuant to the public hearing noticing requirements and procedures set forth in Idaho Code 67-6509, based upon the extent of public comment or other contested factors in the case which warrant a full hearing before the council. 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 administrator shall render a written decision, setting forth the ordinance provisions and standards as provided for at section 12-3-4H, the facts of the application and such conclusions that support the decision. If the administrator denies the preliminary minor plat, the administrator shall specify in the decision the actions, if any, which the applicant could take to obtain approval.

F. As a part of the decision for approving an application for a preliminary plat, the administrator 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.

G. The preliminary minor plat shall be valid for a period not to exceed two (2) calendar years from the date of approval. At any time prior to the expiration date of the preliminary minor plat, an applicant may make a written request to the administrator for an extension of the preliminary minor plat for a period up to two (2) years. The administrator shall consider such request for extension and the request must be approved or denied prior to the expiration date of the preliminary plat.

H. Any determination made by the administrator in the administration of this section may be appealed to the council by notifying the city in writing of the intent to appeal within ten (10) calendar days from the date of the written determination. Upon receipt of the appeal, the administrator shall schedule the application for a public hearing before the council, allowing sufficient time for notice. The council shall conduct a public hearing and consider the application, in accordance with the noticing procedures set forth in Idaho Code 67-6509.

12-5-5 MINOR PLAT, CONTENTS OF FINAL PLAT, PROCEDURE FOR APPROVAL OF FINAL PLAT:

A. The contents of the final plat for minor subdivisions processed under the minor plat procedure shall be as set forth in Chapter 4 of this title.

B. The procedure for processing final plats of minor subdivisions utilizing the minor plat procedure shall be as set forth in Chapter 4 of this title.

Section 3: PROVISIONS SEVERABLE: The provisions of this Ordinance are hereby declared to be severable and if any provision of this Ordinance or application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of remaining portions of this Ordinance.

Section 4: EFFECTIVE DATE: This ordinance shall be effective upon its passage and publication in the manner provided by law.

APPROVED by the Mayor and City Council of the City of Bonners Ferry this _____ day of _____, 201__.

CITY OF BONNERS FERRY, IDAHO

BY: _____
Mayor

Attest:

Clerk, City of Bonners Ferry

Boundary County
PO Box 419
Bonners Ferry, ID 83805

BCSD # 101
7188 Oak St.
Bonners Ferry, ID 83805

SPOKESMAN-REVIEW
608 NORTHWEST BLVD., STE. 103
COEUR D'ALENE, IDAHO 83814

KSPT-KPND-KIBR RADIO
327 MARION
SANDPOINT, IDAHO 83864

City of Moyie Springs
PO Box 573
Moyie Springs, ID 83845

Boundary Volunteer Ambulance
PO Box 441
Bonners Ferry, ID 83805

Paradise Valley Fire
PO Box 3213
Bonners Ferry, ID 83805

South Boundary Fire
PO Box 148
Naples, ID 83847

Boundary County Road & Bridge
PO Box 1418
Bonners Ferry, ID 83805

Boundary County Library
PO Box Y
Bonners Ferry, ID 83805

City of Bonners Ferry
PO Box 149
Bonners Ferry, ID 83805

Cabinet Mountain Water
PO Box 1223
Bonners Ferry, ID 83805

Three Mile Water
PO Box 906
Bonners Ferry, ID 83805

Idaho Transportation Dept.
600 W. Prairie Ave.
Coeur d' Alene, ID 83815

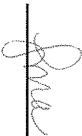
Bonners Ferry Herald
PO Box 539
Bonners Ferry, ID 83805

Northern Air
64602 US Hwy 2
Bonners Ferry, ID 83805-5211

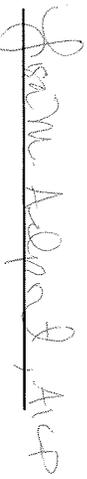
FILE NO.: AMM04-16

HEARING DATE: December 6, 2016

PAGE 1 OF 1

RECORD OF MAILING APPROVED BY: 

I hereby certify that a true and correct copy of the "Notice of Public Hearing" was mailed to the entities listed above, on this October 28, 2016.



Lisa M. Allport, City Planner