

**BONNER COUNTY PLANNING DEPARTMENT  
BOARD OF COUNTY COMMISSIONERS  
STAFF REPORT FOR August 28, 2024**

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**Project Name:**                **Crossingham, Zone Change**

**File Number, Type:**   **ZC0003-24, Zone Change**

**Request:**                      The applicant is requesting a zone change from Rural 10 to Rural 5 on one parcel.

**Legal Description:**        27-57N-3W TAX 19 LESS TAX 21

**Location:**                    65 The Cross Road Sandpoint, ID

**Parcel Number(s):**        RP57N03W272075A

**Parcel Size:**                Approximately 10.00-acres

**Applicant:**                    Aaron Crossingham

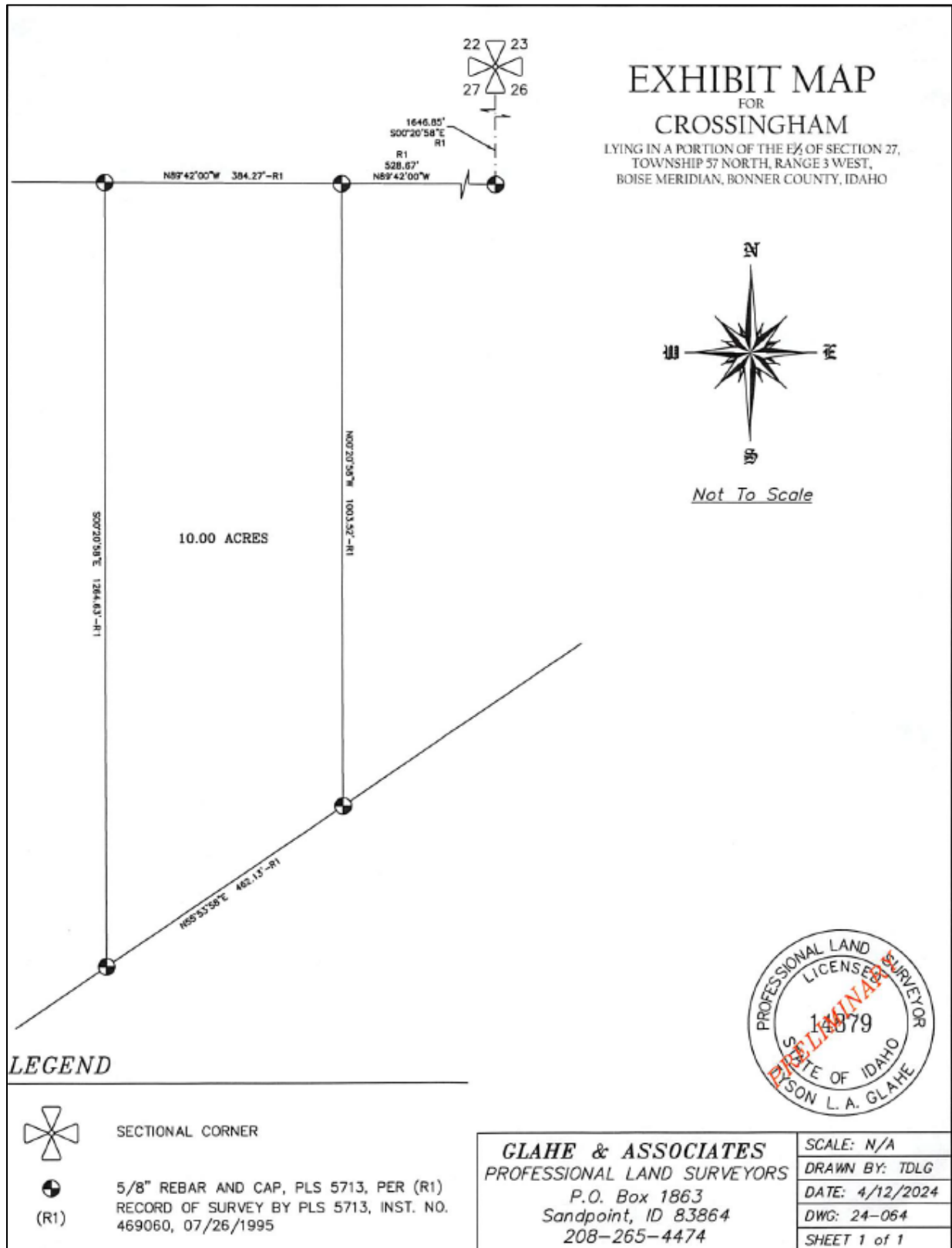
**Project  
Representative:**            Alex Crossingham

**Application filed:**         May 1, 2024

**Notice provided:**           Mail: July 31, 2024  
Site Posting: August 8, 2024  
Published in newspaper: July 31, 2024

**Enclosure:**                  Annex A – Complete List of Agencies Routed

# SITE PLAN



## VICINITY MAP



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### Project summary:

The applicants are requesting a zone change from Rural 10 to Rural 5 on one (1) parcel approximately 10.00-acres. The project is located off The Cross Road in Section 27 Township 57 North, Range 03 West, Boise-Meridian. The comprehensive plan designation is Rural Residential.

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### Applicable laws:

The following sections of BCRC, Title 12, apply to this project:

- BCRC 12-210 et seq, Title Amendments, Comprehensive Plan Amendments and Zone Changes
- BCRC 12-111: Purpose et seq, health, safety, and general welfare
- BCRC 12-320.1 – Zoning districts and map designation, purpose
- BCRC 12-320.2 – Zoning districts and map designations established
- BCRC 12-323 – Rural District
- BCRC 12-800 et seq., Definitions

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### Background:

#### A. Site data:

- Use: Residential
- Unplatted
- Size: Approximately 10-acres
- Zone: Rural-10
- Land Use: Rural Residential

#### B. Access:

- The parcel is accessed from The Cross Road a privately owned and maintained road, via Highway 2, a State of Idaho owned and maintained public right-of-way.

#### **C. Environmental factors:**

- Site does contain mapped slopes of 0-30+%. (USGS)
- Site does not contain mapped wetlands. (USFWS)
- Site does not contain any frontage to a mapped waterbody or stream. (NHD)
- Parcel RP57N03W272075A is within SFHA Zone X per FIRM Panel Number 16017C0695E, Effective Date 11/18/2009.
- Three Soil Types:
  - Description: Dufort-Rock outcrop complex, 5 to 45 percent slopes
    - i. Type: Complex
    - ii. Drainage: Well Drained
    - iii. Classification: Not Prime Farmland
  - Description: Pend Oreille silt loam, 5 to 45 percent slopes
    - i. Type: Consociation
    - ii. Drainage: Well Drained
    - iii. Classification: Not prime farmland
  - Description: Bonner silt loam, cool, 0 to 4 percent slopes
    - i. Type: Consociation
    - ii. Drainage: Well Drained
    - iii. Classification: All Areas are Prime Farmland

#### **D. Services:**

- Water: Individual well
- Sewage: Individual septic
- Fire: Westside Fire District
- Power: Northern Lights, Inc
- School District: Lake Pend Oreille School District #84

#### **E. Comprehensive Plan, Zoning and Current Land Use**

<b>Compass</b>	<b>Comp Plan</b>	<b>Zoning</b>	<b>Current Land Use &amp; Density</b>
<b>Site</b>	Rural Residential	Rural-10	Residential -10-acres
<b>North</b>	Rural Residential	Rural-10	Residential-10-acres
<b>East</b>	Rural Residential	Rural-10	Residential- 10-acres
<b>South</b>	Rural Residential	Rural-10	Residential- 4.846 acres
<b>West</b>	Rural Residential	Rural-10	Residential- 14-acres

#### **F. Standards for review: Bonner County Revised Code**

- **12-111: PURPOSE**
  - The zoning regulations and districts for the unincorporated areas of Bonner County, as herein established, have been made in accordance with a comprehensive plan and Idaho Code for the purpose of promoting the health, safety and general welfare of the people of Bonner County.
- **12-215:** Applications for Zone Changes and Comprehensive Plan Map Amendments, Contents

- The application was considered complete and routed to agencies accordingly.
- **12-216:** Evaluation of Amendment Proposals
  - Staff and the governing bodies shall review the particular facts and circumstances of each proposal submitted and shall determine whether there is adequate evidence that the proposal is in accordance with the general and specific objectives of the comprehensive plan. (Ord. 501, 11-18-2008)
- **12-320.1:** Zoning Districts and Map Designation, Purpose:
  - The purpose statements for each zone and map designation set forth in the following sections shall be used to guide the application of the zones and designations to all lands in unincorporated Bonner County. The purpose statements also shall guide interpretation and application of land use regulations within the zones and designations, and any changes to the range of permitted uses within each zone through amendments to this title. (Ord. 501, 11-18-2008)
- **12-320.2:** Zoning Districts and Map Designations Established:
  - In accordance with the provisions of Idaho Code and the objectives set forth in this code, all land in the unincorporated areas of Bonner County is hereby classified according to the following zoning designations and zoning map symbols, which shall be applied as shown on the official zoning district map.

## **EXISTING COMPREHENSIVE PLAN DESIGNATION:**

### **Rural Residential:**

The Rural Residential area provides for residential development in areas where urban services are not available, and slopes may vary up to 30%. These areas include hazard areas and critical wildlife habitats, where lower densities reduce potential impacts to resources and exposures to loss of property or lives. Small-scale agricultural uses and residential development are permitted.

## **Comprehensive Plan Analysis:**

### **Property Rights**

#### **Goal:**

1. Protect property rights and enhance property values through conscientious land use planning that complies with state law relevant to all county land use actions.

#### **Objective:**

1. Private property should not be taken for public uses without just compensation or due process of law.
2. Impacts to other properties should be taken into account when considering land use proposals, policies and codes.

**Staff:** The application was routed to neighbors 300' from the property line, informing neighbors of the proposed zone change. As of the date of this staff report, Bonner County has received public comments. This proposal appears to be aligned with

objectives 1 and 2 as no impacts through this zone change have been brought forward from neighbors or agencies.

## **Population**

### **Goal:**

1. Ensure that the impact of demographic changes including generational issues and economic diversity are identified and considered during planning activities and decisions

### **Objective:**

1. Maintain current and projected county population estimates and utilize this information when making land use decisions.

**Staff:** Bonner County, according to 2022 population estimates census data, has seen a 9.1% increase in population since the 2020 census was performed; increasing from 47,105 to an estimated 51,414. With the increase in the population, there is upward pressure on housing needs in Bonner County, both in the unincorporated portion of the County, and in the incorporated cities. The purpose of this Zone Change application, per the applicant, is to have the ability to subdivide the property between family members.

## **School Facilities & Transportation**

### **Goal:**

1. Preserve the county's commitment to and ability to provide quality education to the current and future students of Bonner County.

### **Objective:**

1. Ensure that the proposed developments and county land use decisions do not adversely impact the local school districts and their ability to provide adequate school facilities and transportation systems.
2. The county should encourage school districts to proactively review development applications to determine particular school needs and concerns.
3. Bonner County roads, trails and bicycle paths should be designed and maintained to allow safe passage of students to schools.
4. Long-term consequences of land use proposals should be considered, including the adequacy of existing facilities and the siting of future schools.

**Staff:** The Lake Pend Oreille School District #84 and Lake Pend Oreille School Transportation that serves the property were notified of the proposed zone change. Lake Pend Oreille School District did not comment as to how an increase in density and development would or would not adversely impact the district's ability to provide adequate school services (and facilities) for new and existing students. The Transportation department did not provide a comment.

## **Economic Development**

**Goal:**

1. Support and encourage economic development.

**Objective:**

1. Support small businesses such as markets, restaurants, recreational activities, campgrounds, and marinas that provide services which support resort residents and visitors in their local communities.
2. Enable development of small-scale cottage industries and home-based occupations while protecting the surrounding areas from adverse impacts.
3. Policies regarding economic development activities should seek to mitigate the impacts of such factors as noise, light glare, odors, fumes and vibrations on the surrounding community.
4. Support local economic development by increasing support for outdoor recreation in Bonner County. Encourage and protect public access to public lands and water, campgrounds, and recreational areas.
5. Support local businesses by enabling development of workforce housing in proximity to commercial, industrial and agricultural uses.

**Staff:** The property is accessed by a suitable transportation system, State Highway 2. Per the applicant, the proposed zone change is not intended for industrial or commercial uses, only for residential uses. The development of new residences in the area could provide more employment for many different businesses and could attract more members of the workforce to the area. Further, the proposed zone change from Rural-10 to Rural-5 will be consistent with the zoning in the area. Rural 5 is intended to allow for small farming operations and has the opportunity to impact the local agriculture industry positively.

**Land Use****Goal:**

1. Bonner County intends to balance and integrate its land use policies and proposed land use map with the components of the comprehensive plan to enable the community to grow while retaining its rural character and protecting its unique natural resources.

**Objective:**

1. Bonner County should develop and maintain a future land use map and land use codes that acknowledge and protect its agricultural, timber and mining lands, protects the water and wildlife resources, identifies and avoids hazard areas, provides areas for economic growth, encourages affordable housing and centers growth in areas where adequate public and private services can be provided.
2. Encourage clustered development for medium and large scale commercial and industrial uses.

3. Commercial and industrial uses should be located and operated in a manner to ensure the protection of our natural resources including clean air and water, dark skies, and overall environmental quality and rural character of Bonner County.

**Staff:** The proposed zone change from Rural-10 to Rural-5 is compatible with surrounding land uses. Additionally, the property will not adversely impact natural resources as Bonner County Code requires that setbacks be met to all mapped wetlands, streams or other environments features that might be found on the property. In addition, the comprehensive land use designation is Rural Residential, which supports both Rural-10 and Rural-5 zoning districts. See zoning district comparison and analysis below.

## **Natural Resources**

### **Goal:**

1. Protect, enhance and maintain the County's natural resources such as air, water, forest, minerals, plants and wildlife for long-term benefits to the public.
2. Acknowledge and consider agency comments regarding natural resources.

### **Objective:**

1. Bonner County's system of lakes and waterways is one of its greatest assets, and Bonner County should strive to preserve both the quality and quantity of its water resources.
2. Bonner County values its productive agricultural lands and forests, mining lands, its fisheries, wildlife, wetlands and aquifer recharge areas and should provide measures to protect and maintain these natural features.
3. Bonner County should protect its water resources by requiring adequate sewer treatment systems based on soil, density, and intensity of use to reduce impacts to water resources.

**Staff:** Impacts to natural resources were not identified by any agency. Agricultural uses exist on the land and anticipated to be maintained. The Rural Residential land use designation encourages small-scale agricultural uses and residential development. Both are protected and maintained with this proposal.

## **Hazardous Areas**

### **Goal:**

1. Bonner County's system of lakes and waterways is one of its greatest assets, and Bonner County should strive to preserve both the quality and quantity of its water resources.



2. Bonner County values its productive agricultural lands and forests, mining lands, its fisheries, wildlife, wetlands and aquifer recharge areas and should provide measures to protect and maintain these natural features.
3. Bonner County should protect its water resources by requiring adequate sewer treatment systems based on soil, density, and intensity of use to reduce impacts to water resources.

**Objective:**

1. Bonner County intends to regulate the location and density of new development in floodplain to reduce the potential for the loss of lives and property within flood hazard areas.
2. Future development should be designed to reduce exposure to wildland fire and to provide for emergency and escape routes for residents.
3. Development within areas of excessive slopes, unstable areas and avalanche zones should be discouraged.

**Staff:** The subject properties are not located in a mapped floodplain. Potential damage to property or people due to soil erosion or avalanches are minimal. Furthermore, the property is provided with emergency services.

**Public Services, Facilities & Utilities**

**Goal:**

1. Future development approvals should require adequate services and should not adversely impact the services or utilities of the utility provider.
2. Require adequate public services, facilities, and utilities in future development approvals.

**Objective:**

1. New development should be adequately served by fire protection, roads, sewer, schools, law enforcement, ambulance, power and emergency services, water and other public or private services.
2. Require the developers to provide infrastructure, utilities or financial support to offset the capital costs of expansion of services, required by the proposed development.
3. Bonner County shall require adequate provisions for future utility services in areas of commercial, industrial, residential or other similar uses.

**Staff:** Any future development to this parcel should not affect service as currently there is a well and septic system. The parcel has services, including electricity provided by Northern Lights, Inc, Bonner County EMS & Sheriff, and West Side Fire District. Any expansions to these services or others, the applicant will need to obtain proper permitting through the appropriate agencies that govern these services.

## **Transportation**

### **Goal:**

1. Provide a transportation system that is safe, uncongested, and well maintained.

### **Objective:**

1. Future development should not adversely impact the existing transportation system by reducing the quality or level of service or creating hazards or congestion.
2. Roads within new development should be built to county standards and at the expense of the developer.
3. Roads within new development should provide adequate access for fire and emergency vehicles as well as routes of escape.
4. Future access roads should be designed and built to integrate with the state and county system of roads without overburdening the transportation system.
5. To reduce transportation costs, road building and environmental impacts, cluster development should be encouraged.
6. Bonner County intends for certain intense land use developments to provide paved roads.
7. Bike ways and pedestrian paths should be considered in development plans to provide an integrated community transportation system wherever possible.
8. To communicate and work cooperatively with other jurisdictions within the county to ensure the best possible flow of traffic county-wide.

**Staff:** The applicant's properties are currently within a network of public and private roads; The Cross Road, a privately owned and maintained road, and Highway 2, a State of Idaho owned and maintained public right-of-way. A zone change is not development by definition, however, if the land was to be subdivide into 5 or more lots, these objectives would be met as Bonner County has public and private road standards and requirements.

## **Recreation**

### **Goal:**

1. Protect and encourage public and private recreational opportunities as an important asset that supports a key segment of the County's economy.

### **Objective:**

1. Ensure public legal recreational accesses and amenities are not obstructed or adversely impacted by future development.

**Staff:** Current recreational opportunities for the general public that are available in Bonner County are anticipated to remain the same with this zone change.

## **Special Areas or Sites**

**Goal:**

1. To protect, preserve and maintain special areas and sites both natural and manmade in relation to land use.

**Objective:**

1. Future developments should not adversely affect or destroy culturally or ecologically sensitive sites.

**Staff:** This goal appears unaffected by this application.

**Housing****Goal/ Objective:**

1. Provide an environment that enables opportunities for diverse housing needs.

**Staff:** The application is consistent with the housing component of the comprehensive plan as the rezone may result in more opportunities for different housing options in Bonner County.

**Community Design****Goal:**

1. To enable a variety of lifestyles while maintaining the rural character in the future development of Bonner County.

**Objective:**

1. New development should be located in areas with similar densities and compatible uses.
2. The adverse impacts of new development on adjacent areas should be minimized.
3. Consider the protection of natural resources, rural features and surrounding uses of the community in the design and location of new development.

**Staff:** This request is not for development; however, the proposal is in keeping of the Rural Residential designation for maintaining small-scale agricultural uses and residential development. The area has several parcels in proximity to this proposal that either meet or could meet the Rural 5 designation. The community design appears to be maintained with the surrounding area.

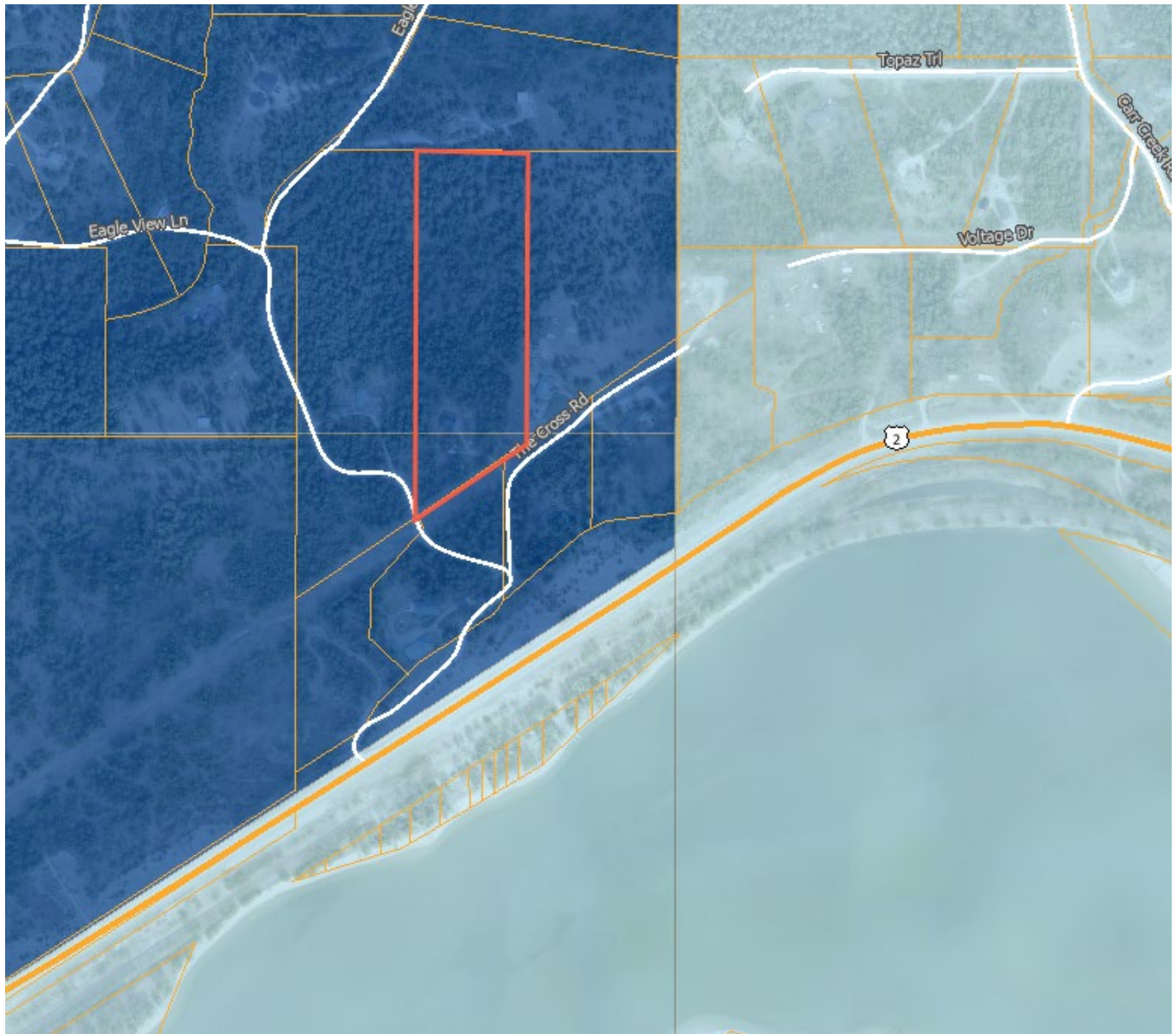
**Agriculture****Goals/Objectives:**

1. Protect the rural character and agricultural heritage of Bonner County by retaining large- and small-scale commercial agriculture and hobby farms as viable uses.

2. Support the local economy by encouraging production, distribution, and retail sales of locally grown food and other agricultural products.
3. Develop policies to discourage fragmentation of very large productive agricultural lands.

**Staff:** This goal appears to be unaffected, as farming and agricultural pursuits remain viable and are encouraged in the Rural zoning districts.

### Existing Zoning:



**BCRC 12-323: RURAL DISTRICT (B-1, Rural-10):**

A. The rural district is established to allow low density residential uses that are compatible with rural pursuits. The purpose can be accomplished by:

1. Limiting residential densities and permitted uses to those that are compatible with rural character and nearby resource production districts and sites and can be adequately supported by rural service levels.
2. Allowing small scale farming and forestry activities, and tourism and recreation uses that can be supported by rural service levels and are compatible with rural character.
3. Encouraging conservation development configurations that create permanent open space or farming areas, protect sensitive environmental features, reduce infrastructure costs and/or enhance recreational opportunities.

B. Use of this zone is appropriate in areas designated by the comprehensive plan as follows:

1. R-10 in areas designated as rural residential in the comprehensive plan that meet one or more of the following criteria:
  - a. Characterized by slopes that are steeper than thirty percent (30%).
  - b. Located within critical wildlife habitat as identified by federal, state or local agencies.
  - c. Contain prime agricultural soils.
  - d. Served by a network of public and/or private roadways that generally do not meet applicable roadway standards set forth in title 2 (public roads) of this code or [appendix A](#) (private roads) of this title or are absent.
  - e. Within the floodway.
  - f. Contain limited access to public services.

**Proposed Zoning:****BCRC 12-323 RURAL DISTRICT (B-2, Rural-5):**

A. The rural district is established to allow low density residential uses that are compatible with rural pursuits. The purpose can be accomplished by:

1. Limiting residential densities and permitted uses to those that are compatible with rural character and nearby resource production districts and sites and can be adequately supported by rural service levels.
2. Allowing small scale farming and forestry activities, and tourism and recreation uses that can be supported by rural service levels and are compatible with rural character.
3. Encouraging conservation development configurations that create permanent open space or farming areas, protect sensitive environmental features, reduce infrastructure costs and/or enhance recreational opportunities.

B. Use of this zone is appropriate in areas designated by the comprehensive plan as follows:

2. R-5 in areas designated rural residential in the comprehensive plan that are already developed at or near the one dwelling unit per five (5) acre density and/or do not meet the criteria for R-10 above. (Ord. 501, 11-18-2008)

### **G. Agency Review:**

A full list of the agencies and taxing districts routed for comment can be found in attached Annex A.

#### **The following agencies provided comment:**

Idaho Transportation Department, Panhandle Health District, City of Dover

#### **The following agencies replied "No Comment":**

Kootenai-Ponderay Sewer District, TC Energy, Idaho Department of Environmental Quality

**All other agencies did not reply.**

### **Public Notice & Comments**

Public comments were received at the time that the staff report was written.

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### **Staff Analysis:**

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Comparisons of the Rural-10 and Rural-5 for the parcel.

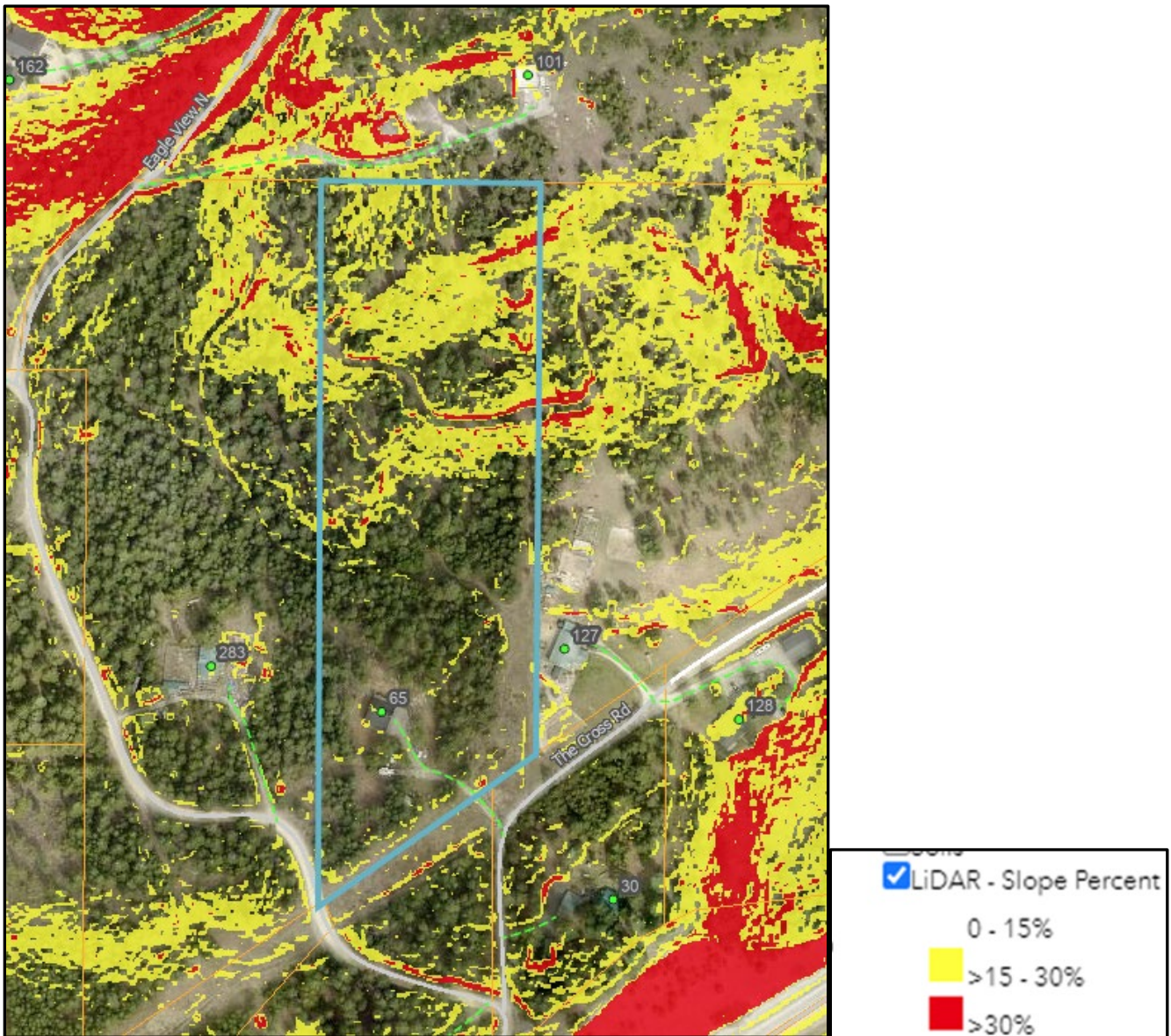
<b>Rural-10 Standards</b>	<b>Rural-5 Standards</b>
<ul style="list-style-type: none"><li>• Characterized by slopes steeper than 30%</li><li>• Located within critical wildlife habitat</li><li>• Contain prime agricultural soils</li><li>• Served by a network of public and/or private roadways that generally do not meet applicable roadway standards Within the floodway</li><li>• Contain limited access to public services</li></ul>	<ul style="list-style-type: none"><li>• Developed at or near the one dwelling unit per five (5) acres and/or</li><li>• Does not meet the criteria for R-10</li></ul>

### **Rural 10:**

#### **Characterized by slopes steeper than 30%:**

The parcel is not characterized by slopes steeper than 30% (as shown as red below, see legend). The parcel has mostly areas on the southern portion of the parcel and in some areas on the northern portion, but generally consists of areas with slopes that range between 0% and up to 30% grade. According to the land use portion of the comprehensive plan for density ranges, properties that are level to moderately slopes are appropriately sized to be 5-10 acres. This property is not characterized by steep slopes, see below.





**Located within critical wildlife habitat:**

No critical wildlife area was determined by any agency.

**Contains prime agricultural soils:**

The parcel contains three types of soil, Dufort-Rock outcrop complex, 5 to 45 percent slopes, Pend Oreille silt loam, 5 to 45 percent slopes and Bonner silt loam, cool, 0 to 4 percent slopes. According to the Natural Resources component of the Bonner County Comprehensive Plan, Dufort-Rock outcrop complex and Pend Oreille Silt Loam are considered "Not Prime Farmland". Not Prime Farmland is considered as: "All other soil types not classified as Prime Farmland or Farmland of Statewide Importance are classified as Not-Prime Farmland", per the Natural Resources component of the Bonner County Comprehensive Plan. The Rural Residential land use designation, and the Rural zoning district encourages agricultural pursuits. Agricultural pursuits are still viable with not-prime farmland soils; the type of crops grown may be limited.

Bonner silt loam, cool, 0 to 4 percent slopes, is considered "Prime Farmland". According to the Bonner County Comprehensive Plan Land Use Component, this is categorized as a "Class 4.e" soil, if it is not irrigated. Class 4 soils "have very severe limitations that restrict the choice of plants, require very careful management, or both". Subclass "e" is "made up of soils for which the susceptibility to erosion is the dominant problem or hazard affecting their use. Erosion susceptibility and past erosion damage are the major soil factors that affect soils in this subclass." With the increased potential for erosion in these areas, the severe limitations of the choice of plants to be grown in this area, and the absence of an irrigation district in Bonner County, it appears that farming or agricultural pursuits would be extremely limited.

**Served by a network of public and/or private roadways that generally do not meet applicable roadway standards:**

Access to the parcel is by way of a combination of State of Idaho owned and maintained roads as well as a privately owned and maintained road. Idaho Transportation Department stated there were no objections to the Zone Change. However, no information has been provided to the Planning Department as to whether The Cross Road does or does not meet the criteria for Appendix A, Private Road Standards.

**Within the floodway:**

The risk of flooding of the parcels are nominal as they are not within a mapped floodplain or floodway.

**Contain limited access to public services:**

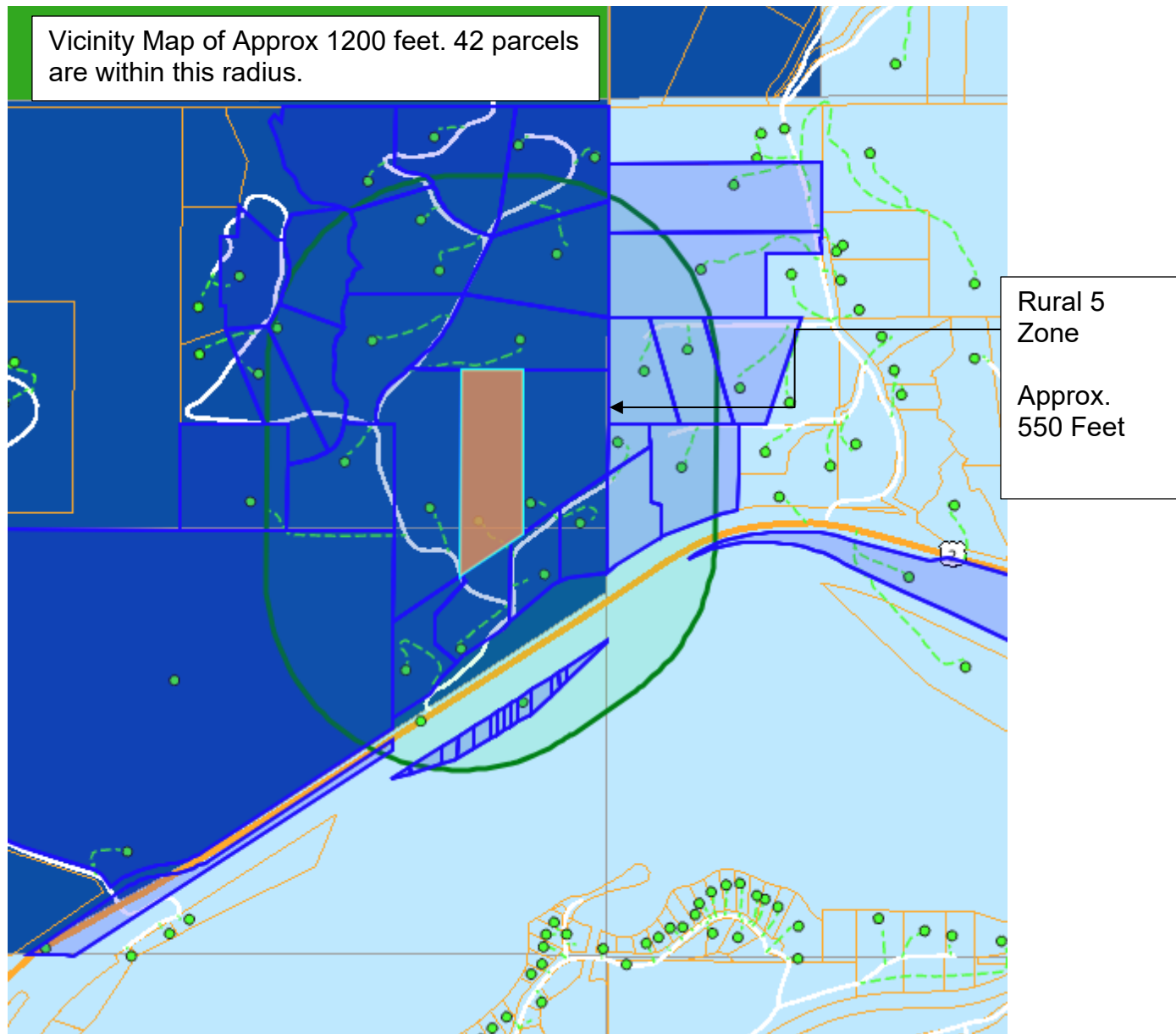
The parcels have access to public services. Public services that are available for these properties include: fire protection, emergency services and power. Other amenities are a private well and individual well.

**Rural 5:**

**Developed at or near the one dwelling unit per five (5) acres:**

Within 1200 feet for the subject parcel, there are 42 individual parcels or lots. It appears most surrounding properties in the immediate area are developed at 5+ acres. There are thirty (30) parcels within 1,200 feet of this project that are developed with one dwelling unit per 5 acres or are below 10-acres. Fifteen (15) of those thirty (30) parcels have not been developed with residential dwelling units. The closest Rural 5 zoning district area is approximately 550 feet to the East, as the crow flies.





and/or

**Does not meet the criteria for R-10:**

The property is not characterized by steep slopes of 30+% or greater, it does not have any identified critical wildlife habitat, it is not within a floodway, and it does have access to public services, and it does contain soils classified as "prime farmland", however, there are severe limitations that make farming or agriculture difficult. It does meet the "Served by a network of public and/or private roadways that generally do not meet applicable roadway standards" criteria for Rural-10, as it is served by Highway 2, a State of Idaho owned and maintained public right-of-way, and The Cross Road, a privately owned and maintained road. However, no information has been provided to the Planning Department as to whether The Cross Road does or does not meet the criteria for Appendix A, Private Road Standards.

**Planner's Initials:** AF

**Date:** August 19, 2024

**Zoning Commission Recommendation:** APPROVE

**Date:** July 18, 2024

**Vote:** 4-0

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.

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## **Zone Change - Motion by the Governing Body:**

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### **BOARD OF COUNTY COMMISSIONERS**

**MOTION TO APPROVE:** I move to approve this project, FILE ZC0003-24, requesting a zone change from Rural-10 to Rural-5, finding that it is in accord with the general and specific objectives of the Bonner County Comprehensive Plan and Bonner County Revised Code as enumerated in the following **conclusions of law**:

#### Conclusion 1

The proposal **is** in accord with the elements of the Bonner County Comprehensive Plan.

#### Conclusion 2

This proposal was reviewed for compliance with Title 12, Bonner County Revised Code, and **was** found to be in compliance.

#### Conclusion 3

The proposal **is** in accord with the purpose of the Rural 5 zoning district, provided at Chapter 3, Title 12, Bonner County Revised Code.

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

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## **Zone Change Findings of Fact**

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1. The parcel does contain some mapped slopes that range from 15-29% grade, and some slopes that are 30% or greater. The parcel is not characterized by slopes steeper than 30%.
2. The parcel is not within critical wildlife habitat as identified by federal, state, or local agencies.
3. The parcel contains three soil types, Dufort-Rock outcrop complex and Pend Oreille Silt Loam are considered "Not Prime Farmland", per the Bonner County

- Comprehensive Plan. Bonner Silt Loam is considered “prime farmland” but it has severe limitations that could make farming or agricultural pursuits difficult.
4. The parcel is accessed via a network of public and private roads Highway 2, a State of Idaho owned and maintained road and The Cross Road, a privately owned and maintained road.
  5. The parcel is not within a mapped floodplain or floodway.
  6. According to the application, fire protection is provided by West Side Fire District.
  7. Power is provided by Northern Lights Inc.
  8. The parcel has an individual well and septic system.
  9. The parcel is located near other parcels that are currently developed at or near five (5) acres.
  10. On July 18, 2024, the Bonner County Zoning Commission recommended approval of this file to the Board of County Commissioners, with a 4-0 vote.

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### **Zone Change Ordinance Motion: Roll Call Vote**

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I move to approve an Ordinance of Bonner County, Idaho, the number to be assigned, citing its authority, and providing for the amendment of the Official Zoning Map of Bonner County by the classification of lands located in Section 27, Township 57 North, Range 3 West, Boise Meridian, Bonner County, Idaho to Rural-5, and providing for an effective date.

## **BOARD OF COUNTY COMMISSIONERS**

**MOTION TO DENY:** I move to deny this project, FILE ZC0003-24, requesting a zone change from Rural-10 to Rural-5, based upon the following **conclusions of law**:

### **Conclusion 1**

The proposal **is/is not** in accord with the elements of the Bonner County Comprehensive Plan.

### **Conclusion 2**

This proposal was reviewed for compliance with Title 12, Bonner County Revised Code, and **was/was not** found to be in compliance.

### **Conclusion 3**

The proposal **is/is not** in accord with the purpose of the Rural 5 zoning district, provided at Chapter 3, Title 12, Bonner County Revised Code.

The decision is based upon the evidence submitted up to the time the Staff Report was prepared, and testimony received at this hearing. I further move to adopt the findings of fact and conclusions of law as set forth in the Staff Report as amended during the hearing and direct planning staff to draft written findings and conclusions to reflect this motion, have the Chairman sign, and transmit to all interested parties. This action does not result in a taking of private property. The action that could be taken, if any, to obtain the zone change is to:

- 1) File a new application with the Planning Department and meet the standards required by Bonner County Revised Code; or

2) Pursue such remedies as may be applicable at Title 67, Chapter 65, Idaho Code.

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

## **ANNEX A- Notice of Public Hearing Record of Mailing**

## **RECORD OF MAILING**

**Page 1 of 1**

**File No.: ZC0003-24**

**Record of Mailing Approved By:**

**Hearing Date: August 28, 2024**

I hereby certify that a true and correct copy of the "Notice of Public Hearing" was digitally transmitted or mailed (postage prepaid) on this **31st** day of **July 2024**.



Jenna Crone, Hearing Coordinator

Assessor - Email

Bay Drive Recreation District - Email

Bonner County Airport Manager - Email

Bonner County EMS - Email

Bonner County Road & Bridge - Email

Bottle Bay Water & Sewer District - Email

City of Dover - Email

City of Hope - Email

City of Oldtown - Email

City of Priest River - Email

City of Spirit Lake - Email

Coolin-Cavanaugh Bay Fire District - Email

East Bonner Library - Email

Ellisport Bay Sewer - Email

GEM STATE MINER - U.S. Mail

Idaho Department of Environmental Quality (DEQ) - Email

Idaho Department of Lands - CDA - U.S. Mail

Idaho Department of Lands - Navigable Waters & Mining - Email

Idaho Department of Water Resources - IDWR - Email

Idaho Transportation Department- District I - Email

Kalispel Bay Sewer & Water - U.S. Mail

KPBX-FM 91 SPOKANE PUBLIC RADIO - U.S. Mail

Laclede Water District - Email

Lake Pend Oreille School District, #84 (Transportation) - Email

Lakes Highway District - U.S. Mail

North of the Narrows Fire District - Email

Northside Fire District - Email

Panhandle Health District - Email

Priest Lake Public Library District - Email

Sagle Valley Water & Sewer - Email

Schweitzer Fire District - Email

Selkirk Fire, Rescue & EMS - Email

Southside Water & Sewer District - Email

Spokesman-Review - U.S. Mail

Swan Shores Sewer District - U.S. Mail

Tamarack Village Water & Sewer - U.S. Mail

Trestle Creek Sewer District - Email

U.S. Fish & Wildlife Service - Email

West Bonner County Cemetery District - Email

West Bonner Library - Email

West Pend Oreille Fire District - Email

Avista Utilities - Email

Bayview Water & Sewer - Email

BONNER COUNTY DAILY BEE - U.S. Mail

Bonner County Floodplain Review - Email

Bonner County Sheriff - Email

City of Clark Fork - Email

City of East Hope - Email

City of Kootenai - Email

City of Ponderay - Email

City of Sandpoint - Email

Coolin Sewer District - Email

Drainage District #7 - Email

East Priest Lake Fire District - Email

Garfield Bay Water & Sewer District - Email

Granite Reeder Water & Sewer District - Email

Idaho Department of Fish & Game - Email

Idaho Department of Lands - Coolin - Email

Idaho Department of Lands - Sandpoint - Email

Idaho Transportation Department (Aeronautics) - U.S. Mail

Independent Highway District - Email

Kootenai-Ponderay Sewer District - Email

KSPT-KPND-KIBR RADIO - U.S. Mail

Lake Pend Oreille School District, #84 (Admin Office) - Email

Lakeland Joint School District, #272 - Email

Little Blacktail Ranch Water Association - U.S. Mail

Northern Lights, Inc. - Email

Outlet Bay Sewer District - Email

Pend Oreille Hospital District - Email

Priest Lake Translator District - Email

Sam Owen Fire District - Email

SELKIRK ASSOCIATION OF REALTORS - U.S. Mail

Selkirk Recreation District - Email

Spirit Lake Fire District - Email

State Historical Society - Email

Syringa Heights Water Association - Email

Timber Lake Fire District - Email

U.S. Army Corps of Engineers - Email

U.S. Forest Service - U.S. Mail

West Bonner County School District, #83 - Email

West Bonner Water & Sewer District - Email

West Priest Lake Fire District - Email