

**BONNER COUNTY PLANNING DEPARTMENT
ZONING COMMISSION
STAFF REPORT FOR AUGUST 15, 2024**



Project Name: **McPherson**

File Number, Type: **ZC0007-24, Zone Change**

Request: The applicant is requesting a zone change from Rural 10 to Rural 5 on three parcels.

Legal Description: 15-59N-1W NWSWSW, 15-59N-1W NESWSW S2SWSW, 15-59N-1W NWSW LESS TAX 1

Location: Jenkins Road, Sandpoint, Idaho

Parcel Number(s): RP59N01W156150A, RP59N01W156001A, RP59N01W155402A

Parcel Size: Approximately 79.445-acres total

Applicant: Gail McPherson

Project Representative: Tessa Vogel, Ruen-Yeager & Associates

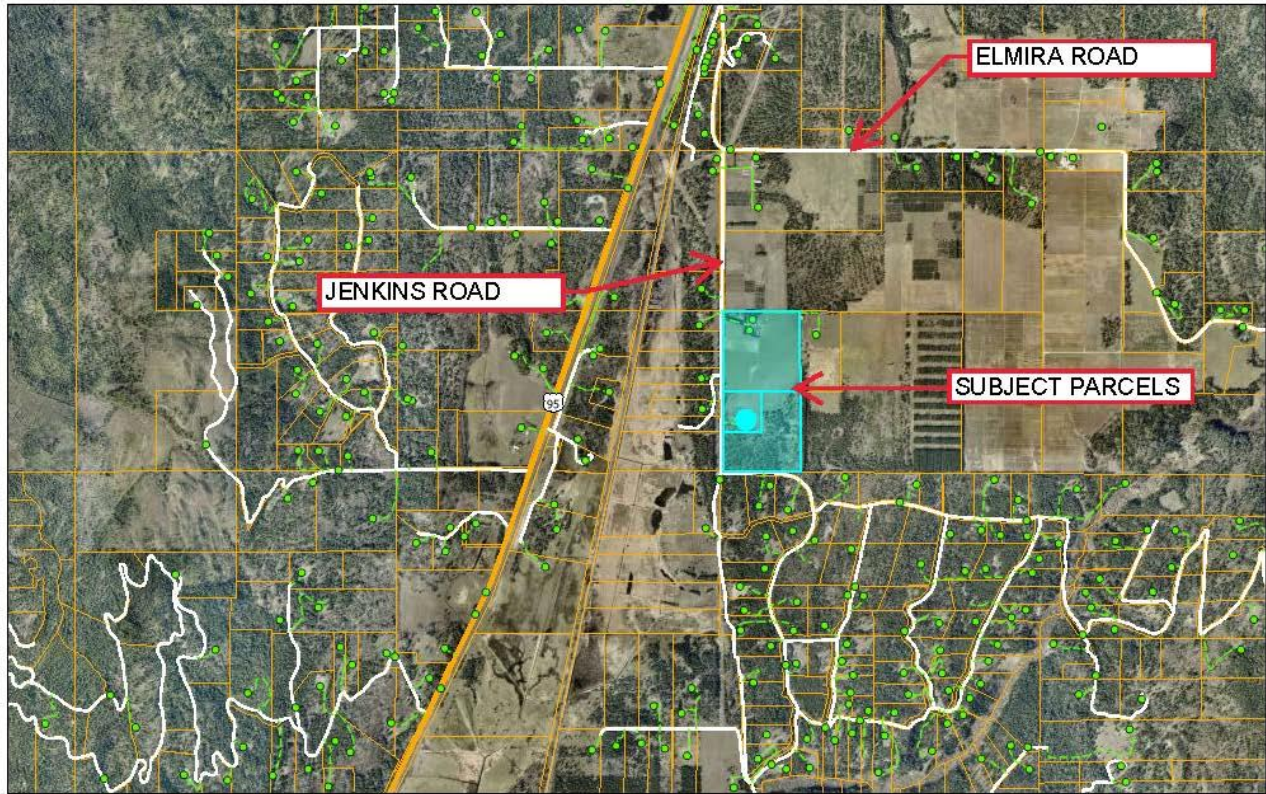
Application filed: June 6, 2024

Notice provided: Mail: July 17, 2024
Site posting: July 25, 2024
Published in newspaper: July 19, 2024

Attachment: Annex A – complete list of agencies routed

Vicinity Map

Bonner County Map



1:36,112

Legend

Driveway

Site

Road Centerlines

Primary

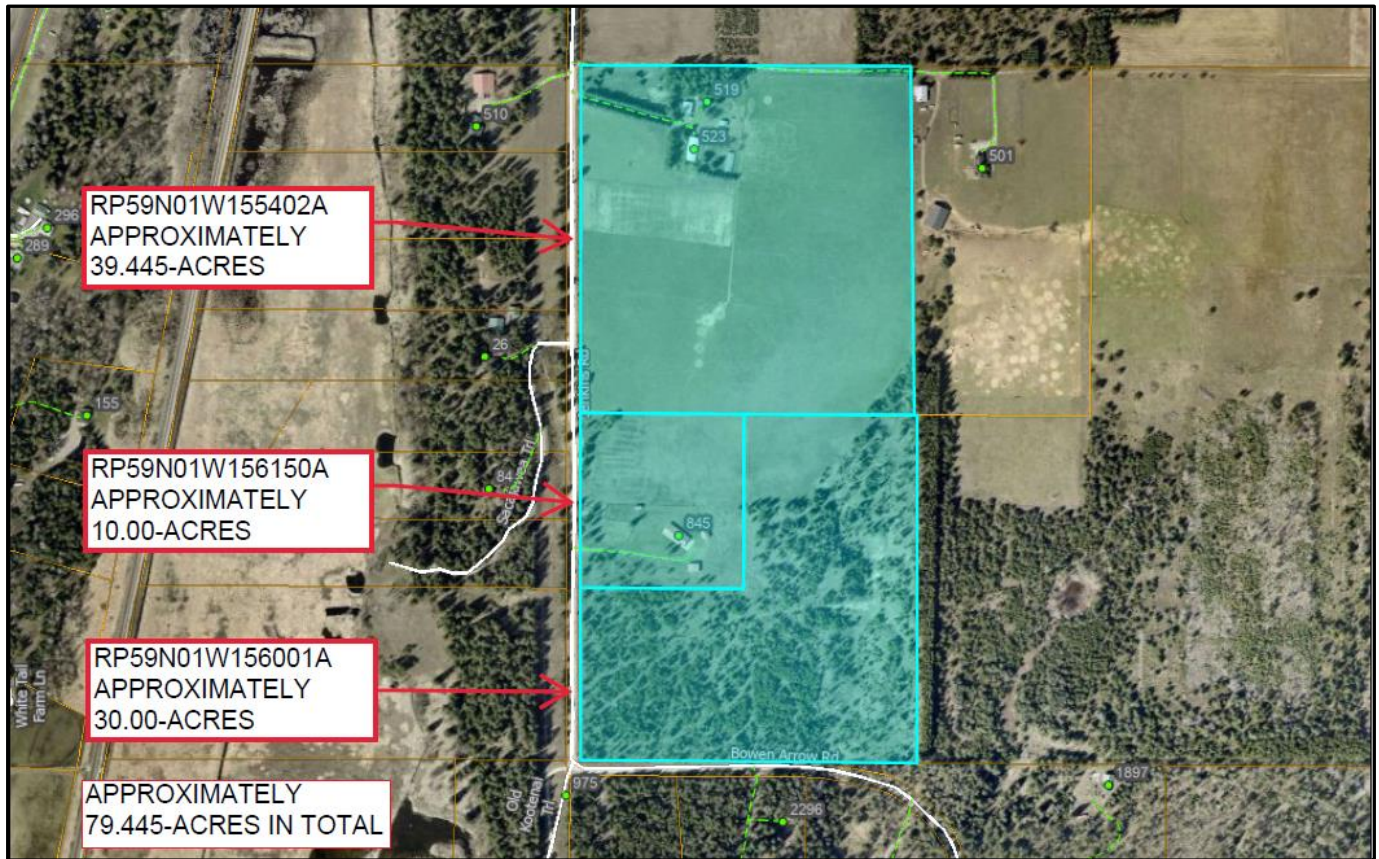
Local; Ramp

Parcels

0 0.2 0.4 0.8 mi
0 0.33 0.65 1.3 km



Site Plan



Project summary:

The applicants are requesting a zone change from Rural 10 to Rural 5 on three (3) parcels consisting of approximately 79.445-acres. The project is located off Jenkins Road in Section 15, Township 59 North, Range 1 West, Boise-Meridian. The comprehensive plan designation is Rural Residential.

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

Background:

A. Site data:

- Use: Reserved for residential use
- Unplatted
- Size: Approximately 79.445.00-acres
- Zone: Rural-10
- Land Use: Rural Residential

B. Access:

- The parcels are accessed from Jenkins Road, a Bonner County owned and privately maintained gravel right-of-way along the western boundary of the subject parcels

C. Environmental factors:

- The site does contain few mapped slopes of 0-30+%. (USGS)
- The site does not contain mapped wetlands. (USFWS)
- The site does not contain river/stream/frontage on a lake. (NHD)
- The site is within SFHA Zone X per FIRM Panel Number 16017C0505E, Effective Date 11/18/2009.
- Soil Types:
 - Description: Mission silt loam, 2 to 12 percent slopes
 - i. Type: Consociation
 - ii. Drainage: Somewhat poorly drained
 - iii. Classification: Farmland of statewide importance, if drained
 - Description: Haploxeralfs and Xerochrepts, 30 to 55 percent slopes
 - i. Type: Undifferentiated group
 - ii. Drainage: Well drained
 - iii. Classification: Not prime farmland

D. Services:

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

E. Comprehensive Plan, Zoning and Current Land Use

| Compass | Comp Plan | Zoning | Current Land Use & Density |
|----------------|-------------------|---------------|--|
| Site | Rural Residential | Rural-10 | Residential – 49.445-acres Vacant – 30.00-acres |
| North | Rural Residential | Rural-10 | Residential - 140.00-acres |
| East | Rural Residential | Rural-10 | Residential – 20.55-acres Vacant – 140-acres |
| South | Rural Residential | Rural-5 | Vacant – 10.10-acres Residential - 8.00-acres Residential – 7.74-acres |
| West | Rural Residential | Rural-5 | Residential – 9.35-acres Vacant – 10.155-acres Vacant – 8.36-acres Residential – 8.71-acres Vacant – 6.38-acres Residential – 6.50-acres Vacant – 9.17-acres Vacant – 24.66-acres |

F. Standards 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 July 30, 2024, Bonner County has not received any public comments.

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.

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. The Lake Pend Oreille School District #84 provided a comment stating that they were opposed to the zone change due to the negative impact that additional students may place on Northside Elementary, Farmin Stidwell Elementary and Sandpoint Middle and High School.

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 suitable transportation systems. 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 potential to impact the local agriculture industry in a positive manner.

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.

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. Further, the subject site does not have any wetlands. The soils identified are not of prime farmlands as they are not well drained.

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: Potential damage to property or people due to soil erosion or avalanches are minimal as the project parcel is mostly flat with a small portion of the property containing 30+% slopes and are not located in a mapped floodplain. Furthermore, the property is afforded 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 the parcels are served by wells and septic systems. The parcel has services, including electricity provided by Northern Lights, Inc., Bonner County EMS & Sheriff, and the Northside Fire District.

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 property is bordered on the west by Jenkins Road, a Bonner County owned, privately maintained gravel right-of-way; on the south by Bowen Arrow Road, a Bonner County owned, privately maintained gravel right-of-way. Bonner County Road & Bridge Department was routed on this zone change. They did not provide any response. The Idaho Transportation Department (ITD) was also routed for comment on this project. ITD stated that they had no objection to the proposed zone change.

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 access and amenities are not obstructed or adversely impacted by future development.

Staff: Re-zoning this property from Rural-10 to Rural-5 will not affect any existing recreational activities.

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: Rezoning the property may result in increased density, but that increase in development will not compromise the existing character of the community as most properties surrounding the property are already zoned either Rural-10 or Rural-5. Additionally, the proposal is in keeping with the community design as the properties are maintaining their Rural Residential land use plan designation which guides how development will happen.

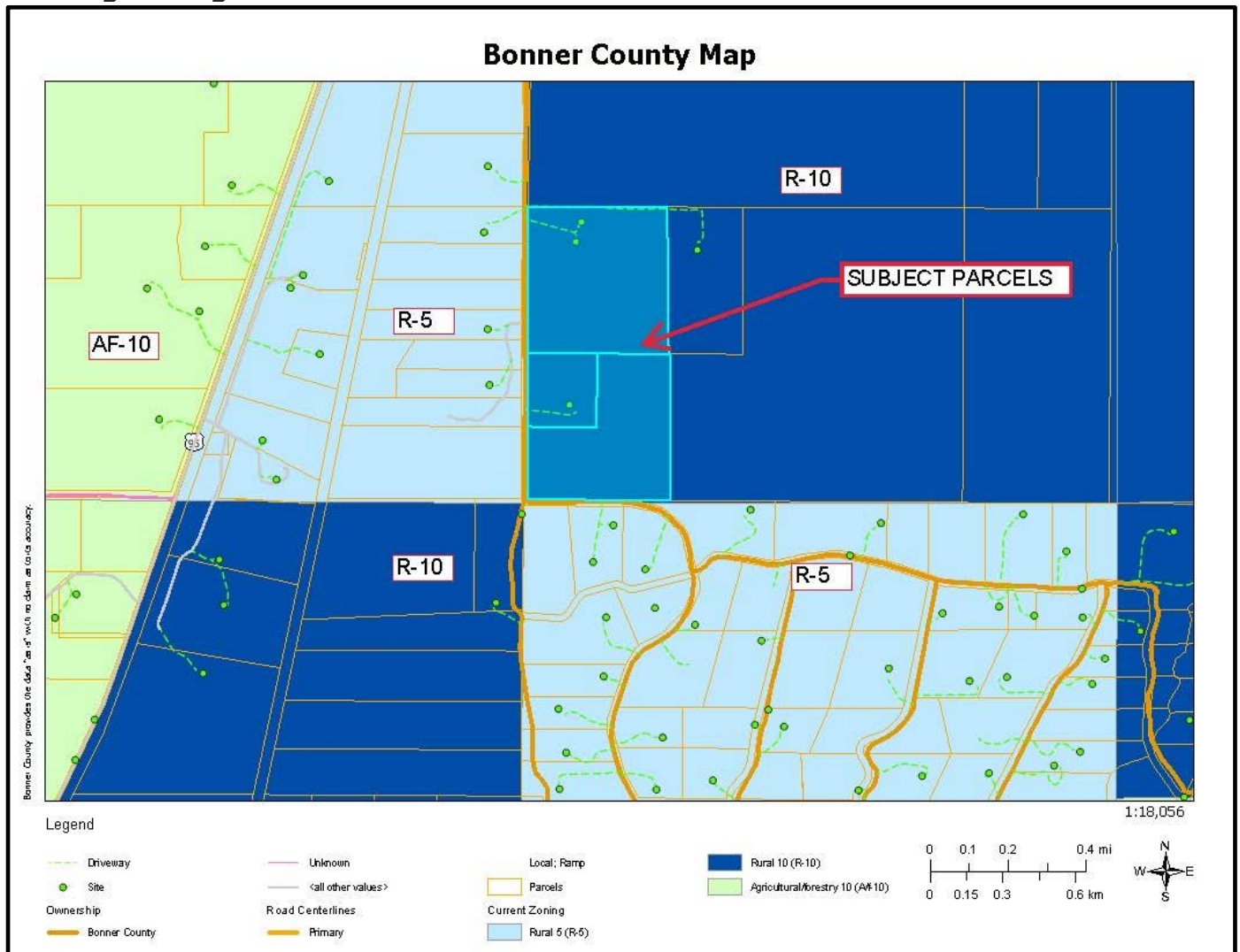
Agriculture

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 proposal has the potential to create approximately sixteen additional lots, if approved. The current comprehensive plan land use is Rural Residential and allows for small scale farming and forestry activities. This is not proposed to change.

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:

Refer to Annex A for the complete list of agencies that were routed for comment.

The following agencies provided comment:

Lake Pend Oreille School District #84
Idaho Transportation Department

The following agencies replied "No Comment":

Idaho Department of Environmental Quality
Northside Fire District

All other agencies did not reply.

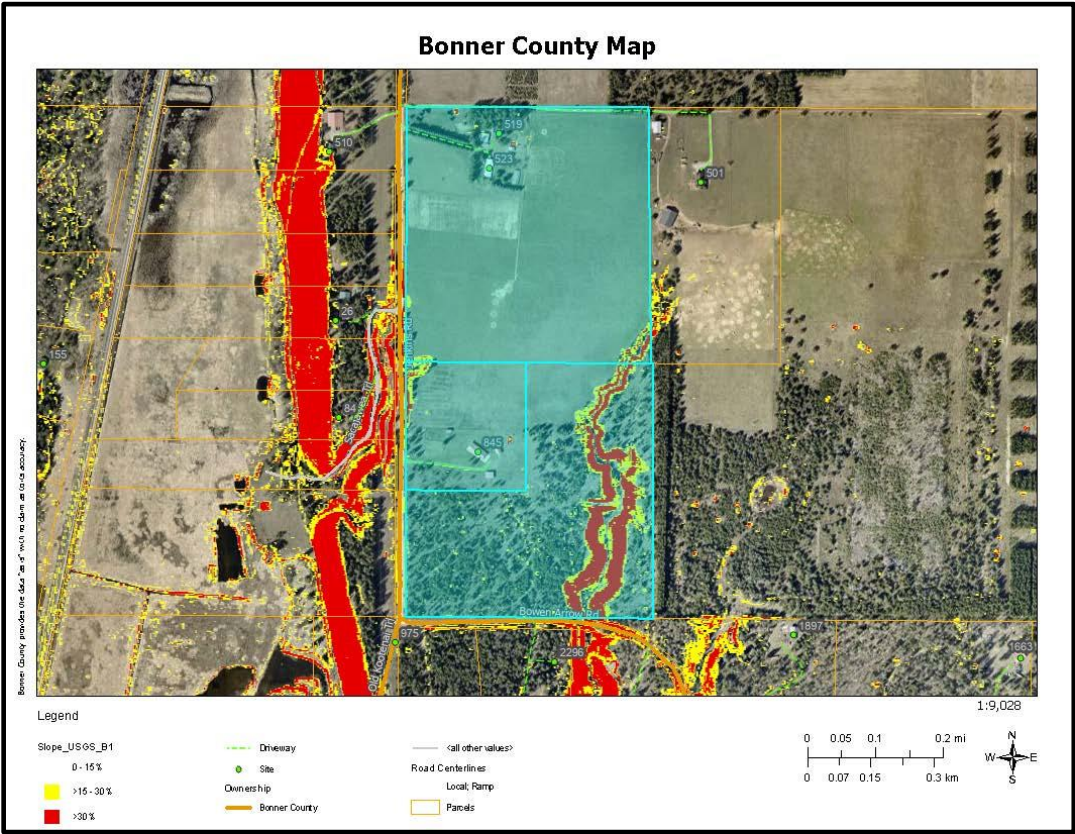
Public Notice & Comments

No public comments were received at the time that this staff report was written.

Staff Analysis:

Comparisons of the current zoning, Rural-10 to the proposed zoning, Rural-5

| Rural-10 Standards | Rural-5 Standards |
|--|--|
| <ul style="list-style-type: none">• Characterized by slopes steeper than 30%• Located within critical wildlife habitat• Contain prime agricultural soils• Served by a network of public/private roads that do not meet applicable roadway standards set forth in title 2 (public roads)• Within the floodway• Contain limited access to public services | <ul style="list-style-type: none">• Developed at or near the one dwelling unit per five (5) acres and/or• Does not meet the criteria for R-10 |



Characterized by slopes steeper than 30%:

The parcels are not characterized by slopes steeper than 30%. The parcels are relatively flat with few slopes that exceed 30% grade in the southeast corner. According to the land use

portion of the comprehensive plan for density ranges, properties that are level to moderately sloped are appropriate to be sized between 5 and 10 acres.

Located within critical wildlife habitat:

No critical wildlife area was determined by any agency.

Contain prime agricultural soils:

The parcels contain soils that are considered "Farmland of statewide importance, if drained". Bonner County does not have a drainage district that encompasses these parcels. These parcels do not fall under the classification of "Prime agriculture soils" per NRCS.

Served by a network of public/ private roads that do not meet applicable roadway standards set forth in title 2 (public roads):

Access to the parcels is by way of Jenkins Road and Bowen Arrow Road. Both of these roads are Bonner County owned, privately maintained roads.

Within the floodway:

The risk of flooding of the parcel is minimal as it is within Special Flood Hazard Zone X and is not within a mapped floodplain or floodway.

Contain limited access to public services:

The parcel is not limited in terms of 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.

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

The parcels are adjacent to R-5 zoned properties on the west and south property boundaries.

and/or

Does not meet the criteria for R-10:

The parcels are not characterized by slopes greater than 30%, are not located within a critical wildlife area, do not contain prime agricultural soils, are accessed by Bonner County owned roads, are not located within the floodway, do not contain limited access to public services and are adjacent to areas developed at or near one dwelling unit per five acres. In summary, the current zoning of R-10 is not supported because none of the parcels meet any of the criteria for Rural-10.

Staff: The proposed zone change is consistent with Bonner County Revised Code

Planner's Initials: RW

Date: July 30, 2024

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.

Zone Change - Motion by the Governing Body:

ZONING COMMISSION

MOTION TO RECOMMEND APPROVAL: I move to recommend approval to the Board of County Commissioners on this project, FILE ZC0007-24, 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, 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.

MOTION TO RECOMMEND DENIAL: I move to recommend denial to the Board of County Commissioners this project, FILE ZC0007-24, requesting a zone change from Rural-10 to Rural-5, based upon the following conclusions: [REFER TO FOLLOWING CONCLUSIONS OF LAW AND SPECIFY WHICH CONCLUSIONS THE PROJECT MEETS AND FAILS TO MEET]. 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 actions that could be taken are:

- 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.

Zone Change Conclusions of Law:

Based upon the findings of fact, the following conclusions of law are adopted:

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.

Zone Change Findings of Fact

1. The parcels do contain very few mapped slopes that range from 15-30+% grade. Therefore, the parcel is not characterized by slopes steeper than 30%.
2. The parcels are not within a critical wildlife habitat as identified by federal, state, or local agencies.
3. The parcels contain soils classified as "Farmland of statewide importance, if drained". Bonner County does not have a drainage district for these parcels.
4. The parcels are accessed via Jenkins Road, a Bonner County owned, privately maintained right-of-way.
5. The parcels are not within a floodplain or floodway.
6. Services are provided by individual well, individual septic system, Northern Lights, Inc. and Northside Fire District.
7. The parcels are located near other parcels that are currently developed at or near five (5) acres.

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 Bonner County Revised Code (BCRC) is available at the Planning Department or online.