

**BONNER COUNTY PLANNING DEPARTMENT
ZONING COMMISSION
STAFF REPORT FOR OCTOBER 17, 2024**



Project Name: Feist, Zone Change

File Number, Type: ZC0010-24, Zone Change

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

Legal Description: 18-56N-1W W2 GOV LOT 1, N 132FT OF W2 OF GOV LOT 2

Location: 867 Upper Rocky Rd, Sagle, ID

Parcel Number(s): RP56N01W183150A

Parcel Size: Approximately 21.20-acres

Applicant: Peter & Linda Feist

Project Representative: Provolt Land Surveying

Application filed: July 2, 2024

Notice provided: Mail: September 17, 2024
Site Posting: September 16, 2024
Published in newspaper: September 17, 2024

Enclosure: Annex A – Complete List of Agencies Routed

SITE PLAN

EXHIBIT

SECTION 18, TOWNSHIP 56 NORTH, RANGE 1 WEST, BOISE MERIDIAN, BONNER COUNTY, IDAHO

BASIS OF BEARING

BASIS OF BEARING IS THE RECORD OF SURVEY BY PLS 5087, RECORDED AT INST. NO. 369261, RECORDS OF BONNER COUNTY, IDAHO.

SURVEYOR'S NOTE

THIS SURVEY WAS PERFORMED USING REAL TIME KINEMATIC (RTK) GLOBAL POSITIONING SYSTEM (GPS) EQUIPMENT. THE LINEAR ERROR OF CLOSURE MEETS OR EXCEEDS REQUIREMENTS OF THE STATE OF IDAHO.

SURVEY REFERENCES

1. RECORD OF SURVEY INST. NO. 369261
2. RECORD OF SURVEY INST. NO. 1016226

PURPOSE OF SURVEY/NARRATIVE

TO SHOW THE BOUNDARIES OF A PARCEL DESCRIBED IN DEED INSTRUMENT NO. 678262 FOR A ZONE CHANGE APPLICATION.



SCALE 1" = 200'

200' 100' 0' 200'

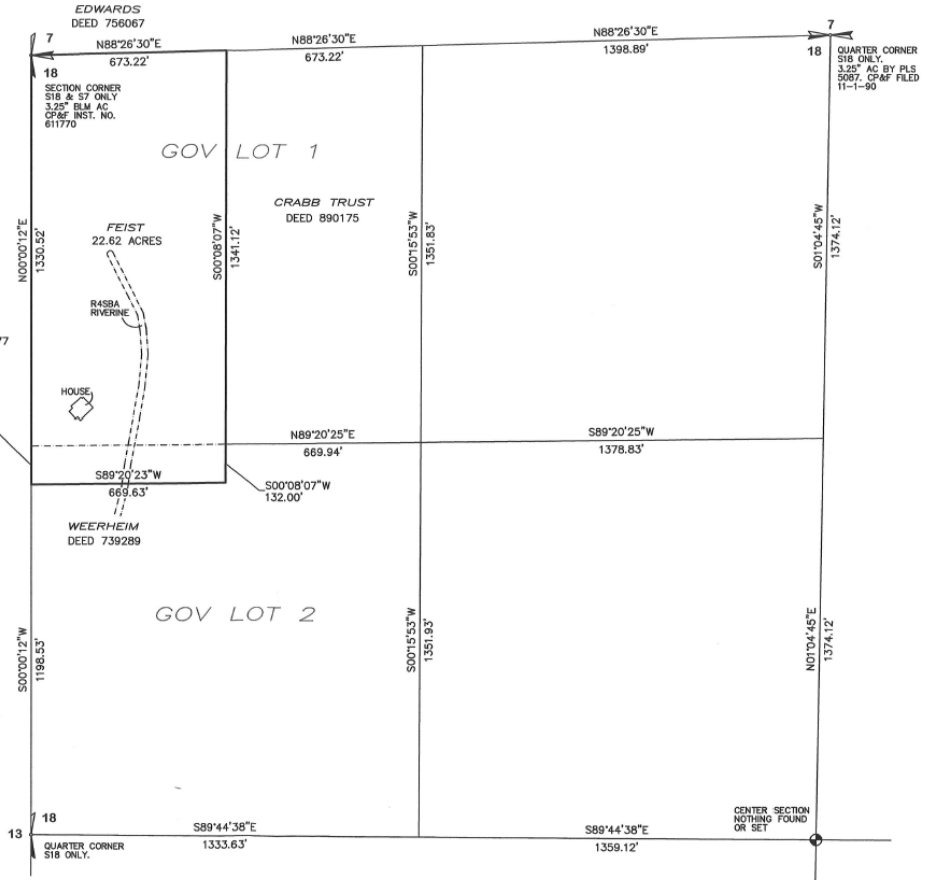
SURVEYOR'S CERTIFICATE

I, DAN I. PROVOLT, IDAHO LAND SURVEYOR NO. 7079, DO HEREBY CERTIFY THAT THE PLAT HEREON IS A TRUE AND CORRECT REPRESENTATION OF A SURVEY MADE BY ME OR UNDER MY SUPERVISION IN CONFORMANCE WITH THE LAWS OF THE STATE OF IDAHO (IDAHO CODE 31-2709, 1973) AND ACCEPTED METHODS AND PROCEDURES OF SURVEYING.

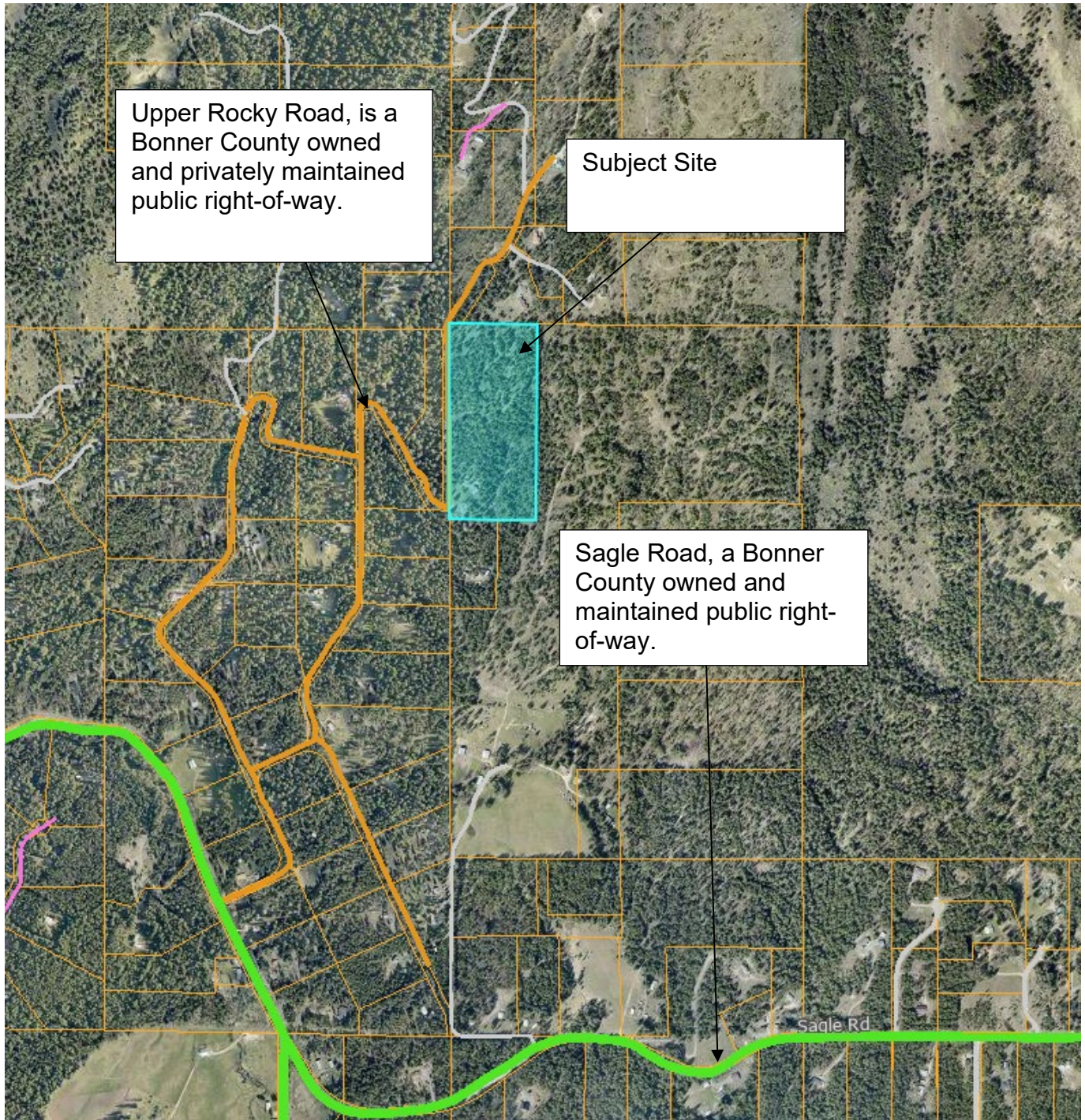
NOTE: THIS DRAWING DOES NOT ATTEMPT TO SHOW ALL EASEMENTS OF RECORD, PRESCRIPTIVE EASEMENTS, OR PHYSICAL FEATURES OF THE PROPERTY. I MAKE NO INVESTIGATION AS TO THE LEGAL OWNERSHIP OF THE PROPERTY.



EXHIBIT	RAW 07-01-24
	SCALE 1"=200'
PROVOLT LAND SURVEYING, INC	PROV. NO. 15-22-29
PO. BOX 580 PONDERAY, ID. 83852	SHT. 1 OF 1
(208) 290-1725	



VICINITY MAP



Project summary:

The applicants are requesting a zone change from Rural 10 to Rural 5 on one (1) parcel approximately 21.20-acres. The project is located off Upper Rocky Road in Section 18 Township 56 North, Range 01 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: Residential
- Unplatted
- Size: Approximately 21.20-acres
- Zone: Rural-10
- Land Use: Rural Residential

B. Access:

- The parcel is accessed from Upper Rocky Road a Bonner County owned and privately maintained public right-of-way, via Rocky Road a Bonner County owned and privately maintained public right-of-way. Rocky Road is accessed via Sagle Road, a County owned and maintained public right-of-way.

C. Environmental factors:

- Site does contain mapped slopes of 0-30+%. (USGS)
- Site does contain mapped wetlands. (USFWS)
- Site does contain frontage to an intermittent stream. (NHD)
- Parcel RP56N01W183150A is within SFHA Zone X per FIRM Panel Number 16017C0950E, Effective Date 11/18/2009.
- Two Soil Types:
 - Description: Dufort silt loam, 5 to 45 percent slopes
 - i. Type: Consociation
 - 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

D. Services:

- Water: Individual well
- Sewage: Individual septic
- Fire: Sagle Fire District
- Power: Avista Utilities
- 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 21.2-acres
North	Ag/Forest Land	A/F-10	Residential 5-acres
East	Rural Residential	Rural-5	Residential 124.46-acres
South	Rural Residential	Rural-10 / Rural-5	Residential 5.00-acres/124-acres
West	Rural Residential	Rural-5	Residential 4.92-acres

F. 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:

Bonner County Road & Bridge, Panhandle Health District.

The following agencies replied "No Comment":

Idaho Transportation Department
Idaho Department of Fish and Game

All other agencies did not reply.

Public Notice & Comments

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

G. 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 not in conflict with the policies of the comprehensive plan, as found in the adopted Implementation Component. For

zone change proposals, the request shall be evaluated against chapter 12 subchapter 3.2 or as hereafter amended.

- **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

Policies:

1. Bonner County should follow the attorney general's checklist, proscribed at Idaho Code §67-8003 and provided in the "Property Rights" component of the county's comprehensive plan, for all land use decisions.
2. For all land use decisions, findings of fact and conclusions of law should be adopted that reflect the justifications for exactions, conditions and restrictions and should confirm that a taking of private property has not occurred.
3. The property rights of the applicant, adjoining and nearby landowners and future generations should be considered, as well as the short-term and long-term consequences of decisions.
4. Bonner County should review all rezoning requests (down-zoning and up-zoning) pursuant to the Idaho State Code, Title 67, Chapter 65 – Local Land Use Planning Act. The approval of conditional rezoning or denial of a request for rezoning may be subject to the regulatory taking analysis provided for by Idaho Code Section 67-8003.

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 no public comments. This proposal has been reviewed for compliance with Bonner County Revised Code and findings of fact will be adopted with the decision and recommendation of this project. This proposal does not appear to be in conflict with the policies of this component.

Population

Policies:

1. Population projections should be analyzed regularly to determine if changes need to be made to the Comprehensive Plan goals, objectives and policies and/or the Zoning Ordinance to ensure that the public and community needs are being met through land use decisions.
2. Population forecasts and census data should be used to evaluate housing and school needs, and impacts to the transportation system and other county services.
3. Bonner County should cooperate with its incorporated cities and neighboring counties to address growth challenges within the ACI areas and coordinate planning efforts whenever possible.

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. This proposal is not within any Areas of City Impact and does not appear to be in conflict with the policies of this component.

School Facilities & Transportation

Policies:

1. Current data regarding school capacity and transportation issues as provided by the School Districts will be included in the assessment of all land use proposals.
2. Bonner County should examine the impacts of land use proposals to the school system and should seek mitigation from developers such as providing facilities, safety features, fees or other measures as permitted by Idaho Code, to address the impact of the proposals.

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. This project does not appear to conflict with this component.

Economic Development

Policies:

1. Small scale cottage businesses and home occupations should be allowed in all areas of the county. Reasonable conditions on such uses should be set to minimize adverse impacts to the neighborhood based on factors including, but not limited to, hours of operation and traffic volume generated by the business.
2. Develop land use regulations to allow Bonner County's agricultural heritage to be maintained by enabling local food production, distribution, congregation, and retail sales. Examples include community gardens, school gardens, farm related education programs, farmers or public markets, and other small-scale, collaborative initiatives.
3. Develop standards for commercial and industrial development that are appropriate for the surrounding community, including: appropriate site sizes, use types, buffering and design standards that encourage both attractive and efficient function, while protecting the environment.
4. Review and update land use regulations for employee housing to support the goal of enabling this use in proximity to commercial, industrial and agricultural uses.

Staff: The proposed zone change does not appear to conflict with policies of this component.

Land Use

Policies:

1. Commercial and industrial uses, in areas identified in the Comprehensive plan suitable for such development, should be unconditionally permitted. Evaluation of suitability should be based on availability of urban services, adequate access to hard surfaced publicly maintained roads and other factors that may impact the surrounding community.
2. Commercial and industrial uses may be conditionally permitted in areas not identified for such uses in the Comprehensive Plan if a critical review of the proposed use determines that with appropriate conditions the use will not adversely impact the surrounding area.

Staff: The proposed zone change from Rural-10 to Rural-5 does not appear to conflict with the policies of this component. The Rural zone does allow for some commercial and industrial uses, either unconditionally or conditionally permitted, per BCRC 12-3.3.

Natural Resources

Policies:

1. Watershed standards should be employed in land use codes to protect water quality.
2. Best management practices for waterway setbacks should be instituted to reduce erosion and sedimentation into waterways.
3. Development standards should be designed to encourage clustered development resulting in the preservation of open space and wildlife habitat.
4. Bonner County should recognize its critical wildlife habitat and create development standards to protect these areas and mitigate development impacts to these habitats.
5. Protect water quality by creating standards for development in close proximity to shorelines.
6. Productive farmland, timberland and mining lands should be identified and protected from adverse effects of adjoining developments.

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**Policies:**

1. Flood mitigation standards should be adopted that meet or exceed the National Flood Insurance Program minimum requirements.
2. Residential, commercial or industrial development within the floodway should be discouraged.
3. Fill within the floodplain should be discouraged.
4. The county's wildland fire, urban/wildland interface policies and plans should be integrated into development standards.
5. Excessive slopes should be identified and development discouraged by providing lower densities within these areas.
6. Multiple points of ingress/egress should be considered for large developments
7. Development should be avoided in avalanche zones.

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. This project does not appear to be in conflict with the policies of this component.

Public Services, Facilities & Utilities

Policies:

1. Encourage high-density development to take place within the boundaries of existing sewer and water areas.
2. Bonner County should seek comment from existing service providers on their ability to serve future developments without adversely impacting the ability of the utility providers to serve current users.
3. Bonner County should provide adequate facilities for responsible disposal of solid waste to protect the health and welfare of the public as well as the County's natural resources.

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 Avista Utilities, Bonner County EMS & Sheriff, and Sagle Fire District; all of which were routed for comment and did not respond as to how this zone change could affect their services. Any expansions to these services or others, the applicant will need to obtain proper permitting through the appropriate agencies that govern these services.

Transportation

Policies:

1. A long-term transportation system plan should be developed and regularly updated to ensure reasonable levels of service can be maintained in the future, and that needs for future road extensions or transportation corridors are identified as early as possible.
2. Development in areas that are not served by county standard roads or where transportation is inadequate should be discouraged.
3. Bike and pedestrian trails should be considered in development proposals to connect the communities with existing and planned bike and walking paths wherever possible.

Staff: The proposal does not appear to be in conflict with the policies of this component.

Recreation

Policies:

1. Bonner County is encouraged to develop a waterways and park access program to preserve and develop access to public recreational lands and waterways. The program should include retaining access parcels that may be acquired from tax sales or private donations.
2. A plan for a system of green belts and pathways (bike and pedestrian) should be considered as areas develop, so that a connected system can be developed and preserved.
3. Under no circumstances, will Bonner County require access easements on private property as a condition of development. This policy does not preclude providing voluntary incentives to developers in return for access easements.

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

Policies:

1. A generalized map of the known pre-historic and historic sites should be developed so that future developments are aware of special areas of concern and are connected with the historical society and Native American tribes for appropriate preservation and protection.
2. Bonner County should implement road side development standards for recognized scenic byways to protect the view sheds.
3. Special areas should be recognized and addressed when development is proposed in these areas.

Staff: The project appears to not conflict with the policies of this component.

Housing

Policies:

1. Encourage development of a variety of housing options including mobile home parks, tiny home communities and recreational vehicle parks located in areas that are compatible with their density.
2. Work with municipalities and private parties to find solutions for all types of housing projects and developments.
3. Clustering of housing in developments to save on infrastructure and transportation costs should be encouraged through mechanisms such as density bonuses.
4. Bonner County recognizes opportunities should be made for assisted living and group shelters.

5. Enable workforce housing in direct proximity to agricultural, commercial and industrial uses.

Staff: The Rural zoning district allows for a variety of housing types including, but not limited to, single family dwellings, accessory dwelling units, duplexes, RV dwelling units, mobile home and RV parks, workforce housing, and campgrounds.

Community Design

Policies:

1. To promote and preserve the natural features and rural atmosphere of the community, the county should enact development standards that address development within scenic byways and design standards that account for waterfront setbacks, wildlife corridors, commercial and industrial landscaping, requirements for reduced lighting, cluster development, rural rather than urban setback standards and other design objectives aimed at preserving the rural, natural character of the community.
2. Allow unique and flexible design standards such that new development within older neighborhoods and historic settlements is compatible with those unique neighborhoods.
3. Allow particularized design standards to address waterfront and mountaintop developments which may differ from standard design objectives.

Staff: This proposal does not appear to conflict with the policies of this component.

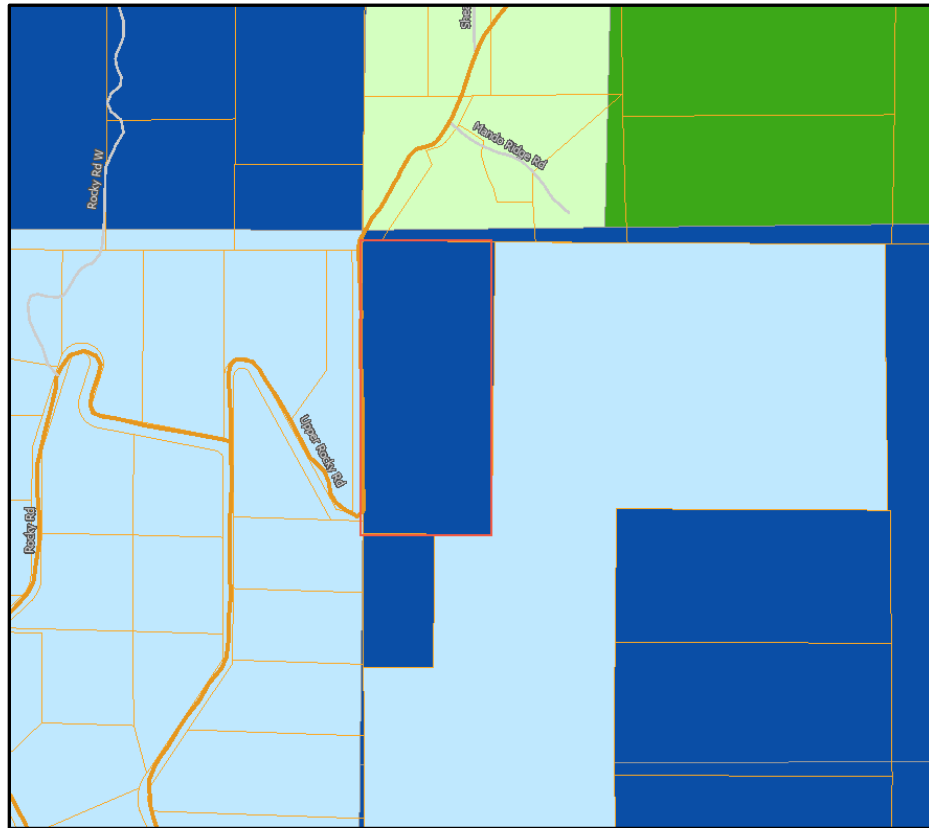
Agriculture

Policies:

1. Residential uses should continue being permitted in Agricultural zoning districts.
2. Protect agricultural uses and activities from land use conflicts or interference created by residential, commercial or industrial development
3. Land use regulations should support home occupations, cottage industries and farm-based family businesses on agricultural parcels. Examples include farm stands and other agri-business pursuits.
4. Bonner County acknowledges the provisions of Idaho State's Right to Farm Act. Those shall be considered in the land use decisions.

Staff: This proposal does not appear to conflict with the policies of this component, 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)

Staff Analysis:

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

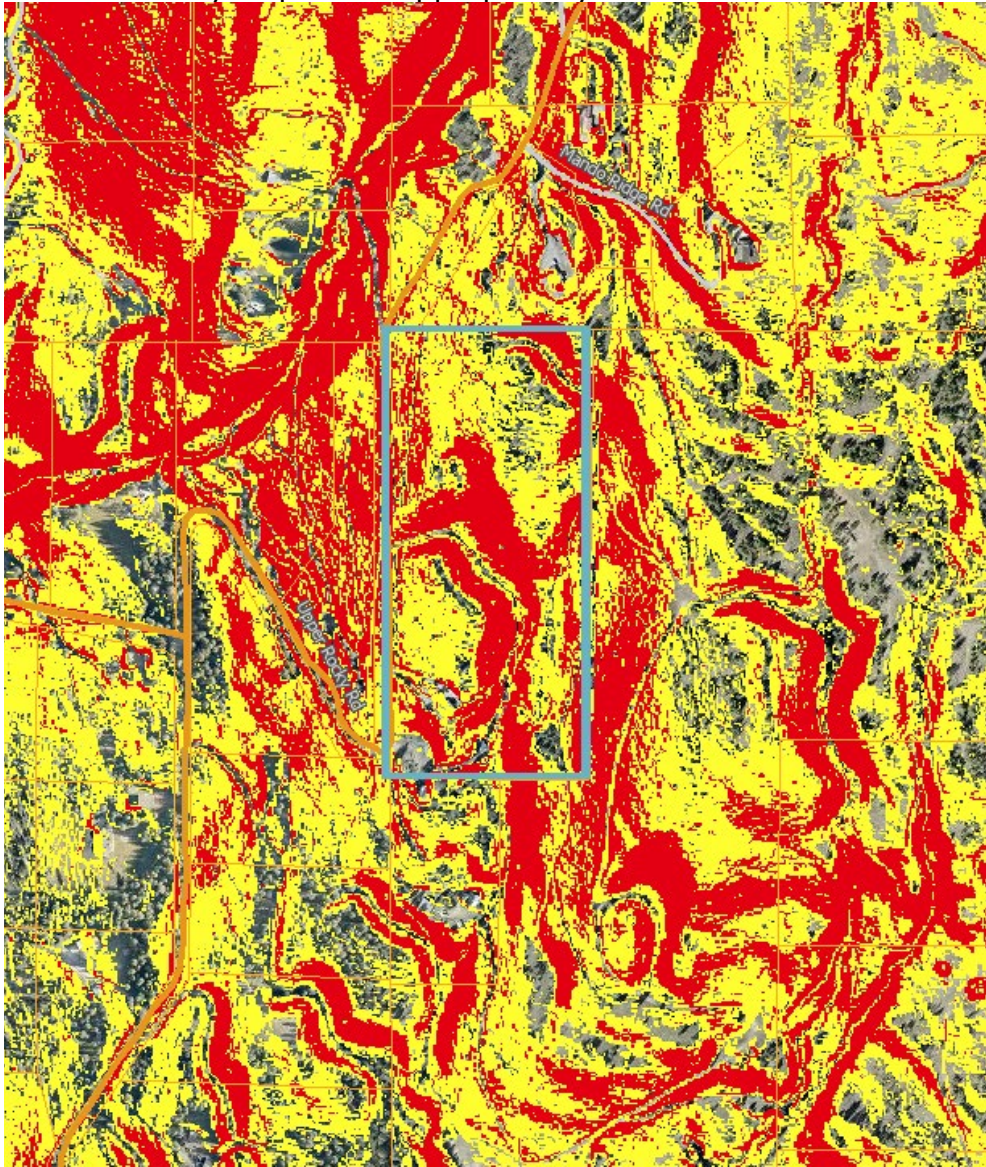
Rural-10 Standards	Rural-5 Standards
<ul style="list-style-type: none"> Characterized by slopes steeper than 30% Located within critical wildlife habitat Contain prime agricultural soils Served by a network of public and/or private roadways that generally do not 	<ul style="list-style-type: none"> Developed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

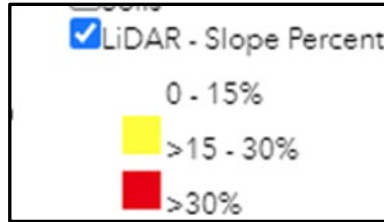
meet applicable roadway standards Within the floodway • Contain limited access to public services	
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Rural 10:

Characterized by slopes steeper than 30%:

The parcel does contain slopes steeper than 30% (as shown as red below, see legend). The parcel has mostly areas of 0-29.9% grade (approximately 13-acres), and contains approximately 8.2-acre of areas with slopes that are approximately 30% grade or steeper. 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.





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 silt loam, 5 to 45 percent slopes, and Pend Oreille silt loam, 5 to 45 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.

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 Bonner County-owned public right-of-ways, Upper Rocky Road, which is privately maintained, and Sagle Road, which is publicly maintained. Bonner County Road & Bridge stated there were no objections to the Zone Change, as Sagle Road is constructed to withstand heavy traffic; there was no comment by Road & Bridge on the construction of Upper Rocky Road.

Within the floodway:

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

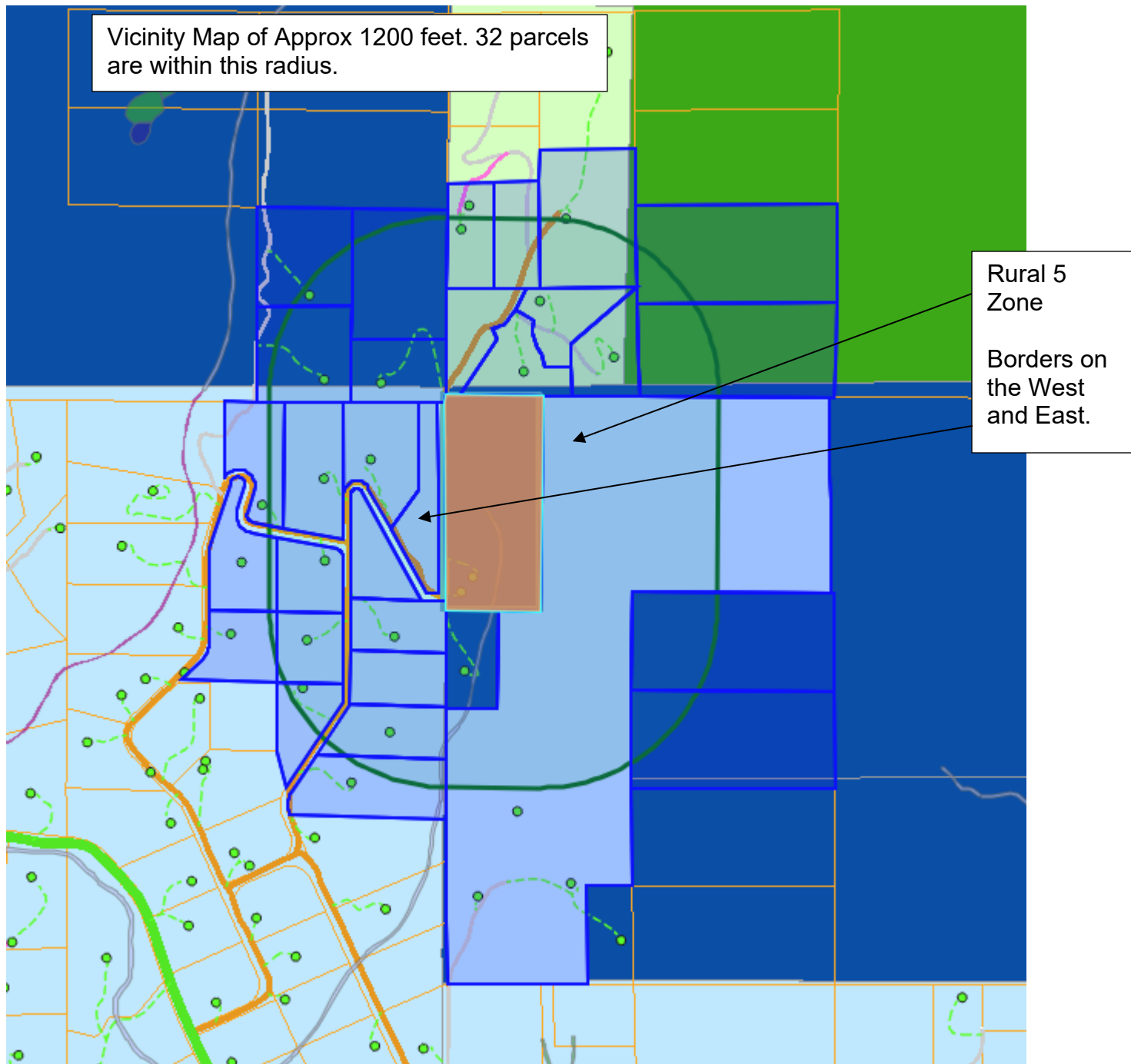
Contain limited access to public services:

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 32 individual parcels or lots. It appears most surrounding properties in the immediate area are developed at 5+ acres. There are twenty-one (21) parcels or lots within 1,200 feet of this project that are developed with one dwelling unit per 5 acres or are below 10-acres. The closest Rural 5 zoning district area is borders the property on the eastside and the westside.



and/or

Does not meet the criteria for R-10:

The property does not appear to be 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 not contain soils classified as "prime farmland". It does not 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 Sagle Road, a Bonner County owned and maintained public right-of-way, and Upper Rocky Road, a Bonner County owned and privately maintained road. However, no information has been provided to the Planning Department as to whether Upper Rocky Road does or does not meet the criteria for Title 2, Public Road Standards.

Planner's Initials: AF

Date: October 7, 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 APPROVE: I move to recommend approval of this project, FILE ZC0010-24, requesting a zone change from Rural-10 to Rural-5, to the Board of County Commissioners, finding that it is not in conflict with the policies of the Bonner County Comprehensive Plan and is in accord with Bonner County Revised Code as enumerated in the following **conclusions of law:**

Conclusion 1

The proposal **is not** in conflict with the policies 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.

Zone Change Findings of Fact

1. The parcel does contain some mapped slopes that range from 15-29% grade, and 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 two soil types, Dufort silt loam and Pend Oreille Silt Loam, both are considered "Not Prime Farmland", per the Bonner County Comprehensive Plan.
4. The parcel is accessed via a network of public roads Upper Rocky Road, a Bonner County owned and privately maintained public right-of-way and Sagle Road, a Bonner County owned and maintained public right-of-way.
5. The parcel is not within a mapped floodplain or floodway.
6. According to the application, fire protection is provided by Sagle Fire District.
7. Power is provided by Avista Utilities.

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.

ZONING COMMISSION

MOTION TO DENY: I move to recommend denial of this project, FILE ZC0010-24, requesting a zone change from Rural-10 to Rural-5, to the Board of County Commissioners, based upon the following **conclusions of law**:

Conclusion 1

The proposal **is not/ is** in conflict with the policies 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.

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.

Annex A-List of Agencies and Taxing Districts Routed

RECORD OF MAILING

Page 1 of 1

Hearing Date: October 17, 2024

File No.: ZC0010-24

Record of Mailing Approved By:



I hereby certify that a true and correct copy of the "Notice of Public Hearing" was digitally transmitted or mailed (postage prepaid) on this **17th day of September 2024.**



Jessica Montgomery, 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

Department of Environmental Quality (DEQ) - Email

Department of Lands - CDA - U.S. Mail

Department of Lands - Navigable Waters & Mining - Email

Idaho Department of Water Resources - IDWR - Email

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

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

Idaho Department of Fish & Game - Email Idaho

Idaho Department of Lands - Coolin - Email Idaho

Idaho Department of Lands - Sandpoint - Email

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

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 Lake

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