

# Bonner County Planning Department

*"Protecting property rights and enhancing property value"*

1500 Highway 2, Suite 208, Sandpoint, Idaho 83864

Phone (208) 265-1458 - Fax (866) 537-4935

Email: [planning@bonnercountyid.gov](mailto:planning@bonnercountyid.gov) - Web site: [www.bonnercountyid.gov](http://www.bonnercountyid.gov)



## Board of County Commissioners

### Staff Report for September 10, 2025

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<b>Amendment Title</b>	<b>Amendment of Title 16, Agriculture Protection Area</b>
<b>File Number, Type:</b>	<b>AM0014-25; Title 16 Text Amendment</b>
<b>Proposal:</b>	<p><u>Title 16, Agriculture Protection Area</u></p> <ol style="list-style-type: none"><li>1. 16-104, Applications Requirements: Minor update to change "land use maps" to "APA Map."</li><li>2. 16-105, Review and Approval Procedure: Update to the decision maker on APA applications from the BOCC to the Planning Director. Remove the public hearing requirement and established the decision-making process for the Planning Director.</li><li>3. 16-106, Appeal: Replaces the reconsideration process with an appeal to the BOCC. Established an appeal timeline.</li><li>4. 16-110, Prohibition of Uses: Aligns prohibited uses with the changes to Idaho Code 67-9710(4), prohibiting specific uses.</li></ol>
<b>Applicants:</b>	Bonner County 1500 Highway 2, Suite 208 Sandpoint, ID 83864
<b>Project Representative:</b>	Bonner County Planning Department
<b>Notice of Text Amendment Provided:</b>	Agency Notice: August 19, 2025 Published in Newspaper: August 19, 2025
<b>Enclosure</b>	Notice of the public hearing to consider the amendment to Title 12 has been provided at least 15 days prior to the hearing to the political subdivisions providing services in Bonner County, to area newspapers, radio and television stations, incorporated cities within Bonner County, and the school districts, consistent with Idaho Code §67-6509. Appendix A – Notice of Public Hearing Record of Mailing Appendix B – Agency Comments Appendix C – Senate Bill 1133, As Amended

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## **Project Authority:**

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

- §31-714 through §31-716 (Board of County Commissioners)
- §31-801 (Powers And Duties Of Board Of Commissioners);
- §67-97 (Agriculture Protection Area Act)

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## **Public and Agency Comment:**

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### **Agency Review**

A notice was provided to public agencies and political subdivisions in accordance with Idaho Code 67-6509, see Appendix A for a complete agency notification list.

### **The following agencies replied with “no comment”:**

Idaho Department of Fish and Game  
Southside Water and Sewer District  
Idaho Department of Environmental Quality

### **No other agency comments were received.**

**Public Comments:** As of the date of this staff report, no public comments have been received in regard to the proposed amendment.

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## Proposed Code:

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Typically, when code amendments are presented the proposed modifications are outlined in red and underlined. This proposal is to create a new title, Title 16, as found below, which currently does not exist in Bonner County Revised Code. The Agriculture Protection Areas Act, Idaho Code 67-97 was enacted by the Idaho Legislator, became effective on July 1, 2024, and required each County in Idaho to create an Agriculture Protection Area ordinance.

Below are the proposed amendments to each specific section and the description of the changes. The language in red and underlined is recommended as additions to the existing code. Those words in ~~red and strike through~~ would be deleted from the ordinance.

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## Title 16 Agricultural Protection Areas

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### BCRC TITLE 16, CHAPTER 1: PURPOSE, APPLICATION, AND PROCEDURES

#### 16-101: PURPOSE:

The purpose of this title is to provide for a voluntary process through which agricultural and timber producers located within Bonner County may make application to commit lands actively devoted to agriculture for long-term future agricultural use. The Agricultural Protection Area (APA) designation process aims to protect productive farmland, rangeland, and forest land; promote farm viability; support the local agricultural economy; and provide for long-term planning stability. This title sets out the process for creation of Agricultural Protection Areas.

#### 16-102 APPLICABILITY:

The provisions of this title shall apply to any person or legal entity that owns five (5) contiguous acres or more of land which has been in active agricultural or forest production for the previous three (3) consecutive years, consistent with the provisions of Idaho Code section 63-604 or section 63-1701 as applicable, and who voluntarily applies for that land to be designated as an agricultural protection area.

#### 16-103 CREATION AND DESIGNATION OF APA:

An Agriculture Protection Area shall be designated as an "APA." An APA designation is a voluntary land use designation available to landowners who wish to protect their agricultural land from future nonagricultural development. To qualify for an APA designation, the land must be:

- A. At least five (5) contiguous acres,
- B. Actively devoted to an agricultural or forest purpose,
- C. Assessed as agriculture or forest land, and
- D. Located within a zone that allows for agricultural or forest use.

#### 16-104 APPLICATION REQUIREMENTS:

Landowners wishing to establish an APA must submit an application to the Planning Department. At a minimum, the application shall include the following:

- A. Application Form: A completed application form must be submitted with the property owner's signature, or with the applicant's signature together with a notarized letter from the property owner authorizing the applicant to file the permit application.
- B. Fees: An application fee shall be required to cover administrative costs, including, but not limited to, reviewing materials, conducting public meetings and hearings, processing and recording documents, and updating ~~the county APA land-use~~ maps. The application fee shall not exceed the actual costs of processing the application, in compliance with Section 67-9704(e) of Idaho Code. Fees as adopted by resolution of the Board of County Commissioners.
- C. Site Plan: A site plan must be submitted which is drawn to scale showing a north arrow, lot boundaries, location of all structures and utilities, the location, dimension and purpose of existing easements, the location of future structures, and other relevant information regarding the site and the request.
- D. Proof of property ownership.
- E. A legal description of the property proposed to be included in the APA.
- F. A narrative which describes in detail the existing conditions of the property and the nature of the proposal, including the following:
  - 1. A statement outlining the current contiguous acreages of land, land use, agricultural productivity, and other relevant characteristics of the land to be included in the APA.
  - 2. The number of years the land has been in agricultural or forest production, the types of agricultural or forest commodities produced, and the applicant's plan to continue using the land for agricultural or forest purposes.
  - 3. The reasons for seeking an APA designation.
  - 4. Any other information that may be relevant to the application.
- G. Relevant soil surveys, documentation of water rights, and any other environmental assessments which have been completed with respect to that property.

#### **16-105 REVIEW AND APPROVAL PROCEDURE:**

- A. Upon receipt of a complete and sufficient application, the APA commission shall review the proposal and make a recommendation to the ~~Planning Director Board of County Commissioners~~ within sixty (60) days after the application has been determined to be complete and sufficient.
- B. Evaluation of the application shall be based on the following criteria:

1. The total contiguous acreage of the property is at least five (5) acres in size and is actively devoted to agricultural or forest production.
2. Whether the property that is the subject of the application is within or adjacent to an existing area of city impact.
3. Possible conflicts with existing city annexation or development plans or agreements.
4. Proximity to existing public rights of way.
5. Proximity to planned transportation corridors or future public rights of way.
6. Proximity to planned airport expansion or development.
7. Proximity to planned development with existing entitlements.
8. Agricultural production capability of the land within the proposed APA.
9. Other local impacts relevant to the proposed APA.

C. Within sixty (60) days of receiving a recommendation from the agricultural protection area commission to support or reject an application, the planning director shall approve or deny the application to include land in an agricultural protection area in a written decision. The decision shall specify, at a minimum:

1. The ordinance and standards used in evaluating the application;
2. The agricultural protection area commission's recommendation;
3. A reasoned explanation for the decision reached by the administrator or other administrative officer, if appointed; and
4. If applicable, the actions, if any, that the applicant could take to obtain approval.

D. If the planning director fails to issue a written decision within sixty (60) days of receiving a recommendation from the agricultural protection area commission, the recommendation of the agricultural protection area commission shall become the decision of the administrator or other administrative officer, if appointed.

~~C. The Board of County Commissioners shall hold a public hearing and issue its decision within sixty (60) days after the APA commission issues its recommendation to the Board of County Commissioners. Notice of the hearing shall be published in a newspaper of general circulation in Bonner County at least fourteen (14) days before the hearing date. Written comments on the application may be accepted at any time before the hearing and at the hearing. The hearing on the request for APA designation shall be conducted in accordance with Idaho Code section 67-6509.~~

~~D. Failure to make a decision shall render the APA commission's recommendation final.~~

- ~~E. The Board of County Commissioners' order of decision shall cite the applicable legal standards, state the evidence and conclusions on which the decision was based, and explain any relevant contested facts and its evaluation of those facts.~~
- ~~F. The Board of County Commissioners may place conditions of approval of an APA designation, including, but not limited to, setbacks from existing public rights of way, setbacks from existing public structures, or a review of the land's APA designation after twenty (20) years. Decisions of approval shall include any conditions of approval.~~
- ~~G. Upon making a decision of approval, the Board of County Commissioners shall:~~
  - ~~1. Record the order of decision approving the APA designation, including a legal description of the area within the designated APA, with the office of the Bonner County Recorder, at the property owner's expense, within ten (10) days after issuance of the order of decision;~~
  - ~~2. Direct the amendment of the future land use map in the County Comprehensive Plan to reflect the boundaries of the APA; and~~
  - ~~3. Notify relevant public officials and agencies of the designation.~~

#### **16-106 RECONSIDERATION APPEAL:**

- A. An aggrieved applicant may appeal the decision to the Board of County Commissioners within thirty (30) days of receiving the written decision pursuant to subsection (1) of this section or recommendation that has become final pursuant to subsection (3) of this section.
- B. Within sixty (60) days of receiving an appeal, the Board of County Commissioners shall hold a public hearing in accordance with the notice and hearing procedures described in section Idaho Code 67-6509 regarding the appeal.
- C. In reviewing an appeal, the Board of County Commissioners shall consider the recommendation of the agricultural protection area commission, the written decision of the Planning Director, all written and oral public comment received at the public hearing, and any other information the Board of County Commissioners determines to be relevant.
- D. Within sixty (60) days of the close of the public hearing, the Board of County Commissioners shall issue a final decision approving or denying the agricultural protection area application. If the Board of County Commissioners fails to act within the sixty (60) day period, the decision of the administrator or other administrative officer, if appointed, shall become the final decision of the board of county commissioners.
- E. The Board of County Commissioners' final decision shall be subject to judicial review.
- F. If the agricultural protection area application is approved, the agricultural protection area shall be created.

- ~~A. Reconsideration: Every applicant or affected person seeking judicial review of the Board of County Commissioners' final decision must first file with the Board of County Commissioners a motion for reconsideration of the Board of County Commissioners' decision, specifying deficiencies in the decision within fourteen (14) days of the date of the decision, along with the applicable fee. A failure to seek reconsideration is also a failure to exhaust administrative remedies.~~
- ~~B. Initial Decision: The Board of County Commissioners may consider the reconsideration motion as scheduled on an open business meeting agenda and determine whether to grant or deny the request. If the Board of County Commissioners grants reconsideration in whole or in part, a hearing before the Board of County Commissioners will be scheduled to address the specific deficiencies identified by the applicant or affected person and to allow interested persons to have an opportunity to be heard. If the Board of County Commissioners denies the request for reconsideration, it shall promptly notify the parties in writing.~~
- ~~C. Public Notice On Hearing: Notice of the public hearing on the reconsideration, identifying the specific deficiencies alleged in the reconsideration request, will be provided as follows, including:~~
- ~~a. Notice To Agencies And Political Subdivisions: At least fifteen (15) days prior to the public hearing, the Planning Director shall send notice to all political subdivisions providing services with the planning jurisdiction, including school districts and the manager or person in charge of the local public airport.~~
  - ~~b. Legal Notice: At least fifteen (15) days prior to the public hearing, the Planning Director shall publish a notice of the time and place in the official newspaper or paper of general circulation in the County.~~
  - ~~c. Radius Notice: Will be provided in the same manner as originally provided on the application.~~
- ~~D. Decision: Following the hearing on the reconsideration, the Board of County Commissioners may affirm, reverse or modify its prior decision and shall provide a written decision to the applicant and the affected person(s) within sixty (60) days of receipt of the request for reconsideration. If the Board of County Commissioners fails to timely decide, the original decision of the Board of County Commissioners will stand.~~

## **16-107 EXPANSION OR MODIFICATION OF AN APA:**

- A. An expansion, modification, or removal of an existing APA shall comply with the same application, review, and hearing procedures outlined in this title.
- B. Any expansion of an APA shall be contiguous to an existing APA.

## **16-108 RENEWAL OR TERMINATION OF AN APA:**

Twenty (20) years after the creation of an agricultural protection area, if the landowner desires to continue with the agricultural protection area, no action on the part of the

landowner is necessary and the board of county commissioners shall automatically renew the agricultural protection area for another twenty (20) years, in accordance with Idaho Code 67-9708.

If the landowner desires to terminate the agricultural protection area, written notice to the Board of County Commissioners, along with the applicable fee, are required at least ninety (90) days prior to the expiration of the agricultural protection area before the board of county commissioners terminates the designation, in accordance with Idaho Code 67-9708.

Early termination of the APA may be requested via application and the applicable fee, in accordance with Idaho Code 67-9709, and shall only be approved upon proof of a hardship by clear and convincing evidence. The owner seeking to terminate an APA shall bear the burden of proof, including the burden of going forward with evidence and the burden of persuasion. The request for early termination shall be in accordance with Idaho Code 67-9709.

#### **16-109 DURATION OF DESIGNATION:**

Lands designated as an APA shall remain so designated for a period of no less than twenty (20) years unless terminated pursuant to section 16-108 of this title. A property owner who intends to end an approved APA designation after twenty (20) years must notify the Planning Department in writing prior to the end of the then-current period. Failure of the owner to so notify the Planning Department will result in the continuation of the APA designation for another period of twenty (20) years.

#### **16-110 PROHIBITION OF USES ~~AND ENFORCEMENT~~:**

A. Unless otherwise approved by the Board of County Commissioners, the following land uses shall be prohibited within an APA:

- ~~1. The siting of large confined animal feeding operations (CAFOs);~~
  - ~~2. The siting of residential, commercial, manufacturing, industrial, solar energy, wind energy, or battery storage structures; or~~
  - ~~3. Any other nonagricultural land uses.~~
1. The siting of residential, commercial, manufacturing, industrial, solar or wind energy structures, or any other non-agricultural land use on lands included within an agricultural protection area shall be prohibited unless such uses are also contributing to agricultural production. Such non-agricultural uses are subject to applicable county zoning ordinances.

**(No Changes are Proposed for Title 16, Chapter 2)**

**(No Changes are Proposed for Title 16, Chapter 3)**

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### **Staff Analysis and Conclusion:**

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Senate Bill 1133 amended Idaho Code Chapter 97, Title 67 (Agricultural Protection Areas) by revising §67-9704 and §67-9710, replacing §67-9706 with a new section that establishes



an administrative decision and appeal framework, and updating §67-9709 on amendments to APAs.

Purpose of the local amendment. The proposed edits to BCRC Title 16 align the County's APA ordinance with these state-level changes by:

- Updating references to mapping so the County maintains a dedicated APA planning map rather than integrating APAs into the general land use maps. The state text expressly shifts from "future land use planning maps" to "a planning map" and from "creating or updating county land use maps" to "a map of agricultural protection areas."
- Moving the initial decision on APA applications from a BOCC hearing to an administrative decision by the Planning Director within sixty days, with a reasoned written explanation and a default rule that the APA Commission's recommendation becomes the decision if the administrator does not act.
- Establishing a direct appeal to the BOCC with mandatory timelines: file within thirty days, hearing within sixty days, and a final BOCC decision within sixty days of the close of hearing, after which judicial review is available.
- Clarifying that non-agricultural uses within APAs are prohibited unless they directly contribute to agricultural production, and that such uses remain subject to applicable county planning and building codes.

Given these changes, The Planning Department and GIS Department will maintain a single APA planning map. Creating or updating this APA map does not require a rezone, a comprehensive plan amendment, or edits to other comprehensive planning maps, which reduces legislative overhead while keeping APA boundaries visible to staff and the public.

The APA Commission will continue to evaluate and make recommendations, but the Planning Director now issues the initial written decision rather than the BOCC. The written decision must include the standards applied, the commission's recommendation, and a reasoned explanation.

Applicants gain a defined path and timetable to BOCC appeal, followed by judicial review.

The County's prohibition standard pivots to whether a non-agricultural use "contributes to agricultural production." Staff should update internal review checklists to document that nexus when accessory or mixed uses are proposed.

The Bonner County Agricultural Protection Area Commission considered these draft changes at its June 30, 2025 meeting and recommended no additional edits.

**Planner's Initials: JG**

**Date: September 2, 2025**

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

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## **Motion by the Governing Body:**

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### **BOARD OF COUNTY COMMISSIONERS**

#### **MOTIONS TO ADOPT/DENY THE TITLE 16 TEXT:**

**MOTION TO APPROVE:** I move to approve this FILE AM0014-25 an amendment to Title 16, Bonner County Revised Code, finding that it **is** in accord with Idaho Code 67-97, The Agriculture Protection Area Act. This decision is based upon the evidence submitted up to the time the Staff Report was prepared and testimony received at this hearing. I further move to adopt the findings of fact and conclusions of law as set forth in the Staff Report (or as amended during this 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.

**BOARD MOTION TO ADOPT ORDINANCE** (Roll Call Vote): I move to approve an Ordinance of Bonner County, Idaho, the number to be assigned, citing its authority, and providing for the amendment of Title 16, Bonner County Revised Code as presented or amended in this hearing, and providing for an effective date.

**MOTION TO DENY:** I move to approve this FILE AM0014-24 an amendment to Title 16, Bonner County Revised Code, finding that it **is not** in accord with Idaho Code 67-97, The Agriculture Protection Area Act. This decision is based upon the evidence submitted up to the time the Staff Report was prepared and testimony received at this hearing. I further move to adopt the findings of fact and conclusions of law as set forth in the Staff Report (or as amended during this 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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## **Findings of Fact:**

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1. In 2024, the Idaho Legislature adopted House Bill 608, as amended in the Senate, adding a new chapter to Idaho Code, Title 67, Chapter 97, known as the Agricultural Protection Area Act.
2. The Agricultural Protection Area Act requires each Board of County Commissioners to establish an agricultural protection area ordinance in accordance with the notice and hearing procedures in Idaho Code section 67-6509.
3. The Bonner County Board of County Commissioners desires to promote the long-term use of lands for agricultural and timber production consistent with the legislative intent stated in Idaho Code section 67-9702.
4. Bonner County adopted Title 16, Agricultural Protection Areas, in accordance with the provisions of Idaho Code Title 67, Chapter 97.
5. In 2025, the Idaho Legislature adopted Senate Bill 1133, which amended, repealed, and added provisions within Idaho Code Title 67, Chapter 97, requiring local ordinances to be updated for consistency.

6. On June 30, 2025, the Bonner County Agricultural Protection Area Commission considered the proposed amendment and recommended no additional edits.
7. The Board of County Commissioners held a duly noticed public hearing on September 10, 2025, in accordance with Idaho Code section 67-6509.

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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.

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## **Appendix A – Notice of Public Hearing Record of Mailing**



# NOTICE OF PUBLIC HEARING

**NOTICE IS HEREBY GIVEN** that the Board of County Commissioners will hold a public hearing beginning at **10:00 a.m.** on **Wednesday, September 10, 2025**, in the Bonner County Administration Building, 1500 Highway 2, Sandpoint, Idaho, by Zoom teleconference, and YouTube Livestream to consider the following requests:

**File AM0014-25 – Update to Title 16, Agricultural Protection Area (APA)**

The Planning Department and APA Commission have drafted updates to Title 16, Agricultural Protection Areas, Bonner County Revised Code, in response to the changes to Idaho Code 67-97 via Senate Bill 1133E1. These updates include:

- 16-104, Applications Requirements: Minor update to change "land use maps" to "APA Map."
- 16-105, Review and Approval Procedure: Update to the decision maker on APA applications from the BOCC to the Planning Director. Remove the public hearing requirement and established the decision-making process for the Planning Director.
- 16-106, Appeal: Replaces the reconsideration process with an appeal to the BOCC. Established an appeal timeline.
- 16-110, Prohibition of Uses: Aligns prohibited uses with the changes to Idaho Code 67-9710(4), prohibiting specific uses.

**\*\* Written statements must be submitted to the planning department record no later than seven (7) days prior to the public hearing.** Written statements not exceeding one standard letter sized, single spaced page may be submitted at the public hearing. Comments can be sent to the Bonner County Planning Department at 1500 Highway 2, Suite 208, Sandpoint, Idaho 83864; faxed to (208) 265-1463 or e-mailed to [planning@bonnercountyid.gov](mailto:planning@bonnercountyid.gov). Additional information is available at the planning department. Staff reports are available at the planning department or may be viewed at [www.bonnercountyid.gov](http://www.bonnercountyid.gov) prior to the scheduled hearing.

During the hearing for this application, the public will be given an opportunity to provide testimony and/or evidence regarding how the proposal does or does not comply with the applicable approval criteria of the Bonner County Revised Code. At the close of the public hearing, the Board of County Commissioners will make a decision on the application that may include, but is not limited to, approval, denial, remand, or continuance of the public hearing.

**If interested in participating, please visit our website for details at:** [bonnercountyid.gov/departments/planning/public-hearings/meetings](http://bonnercountyid.gov/departments/planning/public-hearings/meetings)

**Please be advised the referenced start time stated above reflects the beginning of the hearings. File start times and hearing durations will vary.**

Any person needing special accommodations to participate in the public hearing should contact the Bonner County Planning Department at (208) 265-1458 at least 48 hours prior to the scheduled hearing.

I hereby certify that a true and correct copy of the foregoing "Notice of Public Hearing" was mailed (postage prepaid) on this **20<sup>th</sup>** day of **August 2025**.

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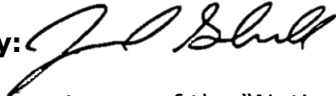
Dylan Young, Hearing Coordinator

## **RECORD OF MAILING**

**Page 1 of 1**

**File No.: AM0014-25**

**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 **20<sup>th</sup>** day of **August 2025**.



Dylan Young, Hearing Coordinator

Assessor - Email	Avista Utilities - Email
Bay Drive Recreation District - Email	Bayview Water & Sewer - Email
Bonner County Airport Manager - Email	BONNER COUNTY DAILY BEE - U.S. Mail
Bonner County EMS - Email	Bonner County Floodplain Review - Email
Bonner County Road & Bridge - Email	Bonner County Sheriff - Email
Bottle Bay Water & Sewer District - Email	City of Clark Fork - Email
City of Dover - Email	City of East Hope - Email
City of Hope - Email	City of Kootenai - Email
City of Oldtown - Email	City of Ponderay - Email
City of Priest River - Email	City of Sandpoint - Email
City of Spirit Lake - Email	Coolin Sewer District - Email
Coolin-Cavanaugh Bay Fire District - Email	Drainage District #7 - Email
East Bonner Library - Email	East Priest Lake Fire District - Email
Ellisport Bay Sewer - Email	Garfield Bay Water & Sewer District - Email
GEM STATE MINER - U.S. Mail	Granite Reeder Water & Sewer District - Email
Idaho Department of Environmental Quality (DEQ) - Email	Idaho Department of Fish & Game - Email
Idaho Department of Lands - CDA - U.S. Mail	Idaho Department of Lands - Coolin - Email
Idaho Department of Lands - Navigable Waters & Mining - Email	Idaho Department of Lands - Sandpoint - Email
Idaho Department of Water Resources - IDWR - Email	Idaho Transportation Department (Aeronautics) - U.S. Mail
Idaho Transportation Department- District I - Email	Independent Highway District - Email
Kalispel Bay Sewer & Water - U.S. Mail	Kootenai-Ponderay Sewer District - Email
KPBX-FM 91 SPOKANE PUBLIC RADIO - U.S. Mail	KSPT-KPND-KIBR RADIO - U.S. Mail
Laclede Water District - Email	Lake Pend Oreille School District, #84 (Admin Office) - Email
Lake Pend Oreille School District, #84 (Transportation) - Email	Lakeland Joint School District, #272 - Email
Little Blacktail Ranch Water Association - U.S. Mail	North of the Narrows Fire District - Email
Northern Lights, Inc. - Email	Northland/Vyve Cable Television - Email
Northside Fire District - Email	Outlet Bay Sewer District - Email
Panhandle Health District - Email	Pend Oreille Hospital District - Email
Priest Lake Public Library District - Email	Priest Lake Translator District - Email
Sagle Valley Water & Sewer - Email	Sam Owen Fire District - Email
Schweitzer Fire District - Email	SELKIRK ASSOCIATION OF REALTORS - U.S. Mail
Selkirk Fire, Rescue & EMS - Email	Selkirk Recreation District -Email
Southside Water & Sewer District - Email	Spirit Lake Fire District - Email
Spokesman-Review - U.S. Mail	State Historical Society - Email
Swan Shores Sewer District - U.S. Mail	Syringa Heights Water Association - Email
Tamarack Village Water & Sewer - U.S. Mail	Timber Lake Fire District - Email
Trestle Creek Sewer District - Email	U.S. Army Corps of Engineers - Email
U.S. Fish & Wildlife Service - Email	U.S. Forest Service - U.S. Mail
West Bonner County Cemetery District - Email	West Bonner County School District, #83 - Email
West Bonner Library - Email	West Bonner Water & Sewer District - Email
West Pend Oreille Fire District - Email	West Priest Lake Fire District - Email

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## **Appendix B – Agency Comments**

# Public Comment - File AM0014-25

## File AM0014-25 -T16 - APA Update

Email \*

southsidewaterandsewer@swsdidaho.org

Your Name: \*

Southside Water and Sewer

Your Address: \*

PO Box D, Sandpoint, ID 83864

Your Opinion: \*

⌵ Dropdown

Neutral



Enter your comment regarding the above referenced file \*

Southside Water and Sewer has no comment. Thank you!

This form was created inside of Bonner County.





Janna Brown &lt;janna.brown@bonnercountyid.gov&gt;

## [EXT SENDER] RE: Bonner County Planning - File AM0014-25 Agency Review

1 message

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

Thu, Aug 21, 2025 at 2:02 PM

To: Bonner County Planning Department &lt;planning@bonnercountyid.gov&gt;

Good Afternoon,

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

Thank you,

Idaho Department of Environmental Quality  
2110 Ironwood Parkway, Coeur d'Alene, Idaho 83814  
Office Line: 208.769.1422

[www.deq.idaho.gov](http://www.deq.idaho.gov)

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

**From:** Bonner County Planning Department <planning@bonnercountyid.gov>

**Sent:** Tuesday, August 19, 2025 11:36 AM

**To:** Alan Brinkmeier <alan.brinkmeier@bonnercountyid.gov>; Amber Burgess <clerk@ebsewerdistrict.com>; Army Corps of Engineers <CENWW-RD-CDA@usace.army.mil>; Avista Copr - Jay West <jay.west@avistacorp.com>; Avista Corp - Peggy George <peggy.george@avistacorp.com>; Becky Meyer <becky.meyer@lposd.org>; Bill Berg <billb@bbsewer.org>; Bonner County Assessors <assessorsgroup@bonnercountyid.gov>; BONNER COUNTY HISTORICAL SOCIETY AND MUSEUM <DIRECTOR@bonnercountyhistory.org>; Brenna Garro <Brenna.Garro@oer.idaho.gov>; Bryan Quayle <quaylelanduseconsulting@gmail.com>; Carrol Stejer <CASTEJER@gmail.com>; Bell, Chace <Chace.Bell@idwr.idaho.gov>; Chief Debbie Carpenter <chief@spiritleakefire.com>; City of Clark Fork <city@clarkforkidaho.org>; City of Dover <cityclerk@cityofdoveridaho.org>; City of East Hope Franck <easthope.city@gmail.com>; City of Hope <hopecityclerk@gmail.com>; City of Kootenai <cityclerk@cityofkootenai.org>; City of Oldtown <cityofoldtown@hotmail.com>; City of Priest River <layers@priestriver-id.gov>; City of Sandpoint Planning <cityplanning@sandpointidaho.gov>; cityclerk@spiritleakeid.gov; Colleen Johnson <CJohnson@kootenaiponderaysewerdistrict.org>; Coolin-Cavanaugh Bay Fire Protection District <coolinfirechief@gmail.com>; Craig Hill <craighill@hillsresort.com>; D1Permits <D1Permits@itd.idaho.gov>; dbrown@idl.idaho.gov; Dan McCracken <Dan.McCracken@deq.idaho.gov>; Dan Scholz <dan.scholz@nli.coop>; Dave Schuck <dave.schuck@bonnercountyid.gov>; Dean Davis <deandavis@sd83.org>; Kristie May <Kristie.May@deq.idaho.gov>; East Bonner Library <Amanda@ebonnerlibrary.org>; East Priest Lake Fire District <eastpriestlakefd@gmail.com>; Erik Sjoquist <esjoquist@idl.idaho.gov>; Federal Aviation Administration <Heather.pate@faa.gov>; Frankie Dunn <Frankiejedunn@hotmail.com>; Fritz Broschet <outletbaysewer@gmail.com>; Garfield Bay Water and Sewer District Clerk <garfieldbaywsd@hotmail.com>; Gavin Gilcrease <ggilcrease@sandpointidaho.gov>; Dan Everhart <Dan.Everhart@ishs.idaho.gov>; DEQ Comments <deqcomments@deq.idaho.gov>; Independent Hwy Dist - Julie Bishop <ihdclerk@gmail.com>; Robert Beachler <robert.beachler@itd.idaho.gov>; ITD - Stacy Simkins <stacy.simkins@itd.idaho.gov>; Jack Schenck <Jack.schenck@vyvebb.com>; Jamie Brown <jamieb@inlandpower.com>;

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**Subject:** Bonner County Planning - File AM0014-25 Agency Review

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**Dylan Young**

**Bonner County Planning Department**

**Hearing Coordinator**

**208-265-1458**

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Dylan Young <dylan.young@bonnercountyid.gov>

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## Bonner County Planning - File AM0014-25 Agency Review

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**Horsmon, Merritt** <merritt.horsmon@idfg.idaho.gov>  
To: Bonner County Planning Department <planning@bonnercountyid.gov>

Mon, Aug 25, 2025 at 12:49 PM

Hi Dylan,

The Idaho Department of Fish and Game does not have any comments to submit for this application.

Thank you for the opportunity to review and comment,

### Merritt Horsmon

Regional Technical Assistance Manager

Panhandle Region

2885 W. Kathleen Ave.

[Coeur d'Alene, ID 83815](#)

208.769.1414 office

208.251.4509 mobile

[merritt.horsmon@idfg.idaho.gov](mailto:merritt.horsmon@idfg.idaho.gov)



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**From:** Bonner County Planning Department <[planning@bonnercountyid.gov](mailto:planning@bonnercountyid.gov)>

**Sent:** Tuesday, August 19, 2025 11:36 AM

**To:** Alan Brinkmeier <[alan.brinkmeier@bonnercountyid.gov](mailto:alan.brinkmeier@bonnercountyid.gov)>; Amber Burgess <[clerk@ebsewerdistrict.com](mailto:clerk@ebsewerdistrict.com)>; Army Corps of Engineers <[CENWW-RD-CDA@usace.army.mil](mailto:CENWW-RD-CDA@usace.army.mil)>; Avista Copr - Jay West <[jay.west@avistacorp.com](mailto:jay.west@avistacorp.com)>; Avista Corp - Peggy George <[peggy.george@avistacorp.com](mailto:peggy.george@avistacorp.com)>; Becky Meyer <[becky.meyer@lposd.org](mailto:becky.meyer@lposd.org)>; Bill Berg <[billb@bbsewer.org](mailto:billb@bbsewer.org)>; Bonner County Assessors <[assessorsgroup@bonnercountyid.gov](mailto:assessorsgroup@bonnercountyid.gov)>; BONNER COUNTY HISTORICAL SOCIETY AND MUSEUM <[DIRECTOR@bonnercountyhistory.org](mailto:DIRECTOR@bonnercountyhistory.org)>; Brenna Garro <[Brenna.Garro@oer.idaho.gov](mailto:Brenna.Garro@oer.idaho.gov)>; Bryan Quayle <[quaylelanduseconsulting@gmail.com](mailto:quaylelanduseconsulting@gmail.com)>; Carrol Stejer <[CASTEJER@gmail.com](mailto:CASTEJER@gmail.com)>; Bell, Chace

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Please review the application relative to your agency's area of expertise and include any recommended conditions of approval and supporting code sections. Please see attached for details.

[Quoted text hidden]

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## **Appendix C – Senate Bill 1133, As Amended**

IN THE SENATE

SENATE BILL NO. 1133, As Amended

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO THE AGRICULTURAL PROTECTION AREA ACT; AMENDING SECTION 67-9704, IDAHO CODE, TO REVISE A PROVISION REGARDING AGRICULTURAL PROTECTION AREAS; REPEALING SECTION 67-9706, IDAHO CODE, RELATING TO REVIEW AND ACTION ON AGRICULTURAL PROTECTION AREA APPLICATIONS; AMENDING CHAPTER 97, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-9706, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING REVIEW AND ACTION ON AGRICULTURAL PROTECTION AREA APPLICATIONS; AMENDING SECTION 67-9709, IDAHO CODE, TO REVISE A PROVISION REGARDING ADDING LAND TO AND REMOVING LAND FROM AN AGRICULTURAL PROTECTION AREA; AMENDING SECTION 67-9710, IDAHO CODE, TO REVISE PROVISIONS REGARDING LIMITATIONS ON LOCAL REGULATIONS; AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 67-9704, Idaho Code, be, and the same is hereby amended to read as follows:

67-9704. AGRICULTURAL PROTECTION AREAS. (1) ~~No later than January 1, 2025, each~~ Each board of county commissioners shall establish an agricultural protection area ordinance in accordance with the notice and hearing procedures in section 67-6509, Idaho Code. At a minimum, the ordinance shall:

(a) Establish a process through which agricultural lands may be placed in agricultural protection areas for a minimum of twenty (20) years;

(b) Establish the application requirements, including but not limited to information about the landowner; a description of the parcels, structures, and facilities proposed to be included in an agricultural protection area; and the current uses of lands proposed to be included in an agricultural protection area;

(c) Establish clear and objective standards for evaluating applications for inclusion in an agricultural protection area;

(d) Establish the timeline for reviewing and making decisions on agricultural protection area applications; and

(e) Establish an application fee ~~to cover the~~ not to exceed the cost of covering administrative costs of expenses for processing applications, including but not limited to reviewing application materials, holding public meetings and hearings, providing public notice, recording applicable documents, and creating or updating county land use maps, provided that such fee shall not exceed the actual costs of processing the application a map of agricultural protection areas. Additional fees may be required if an appeal is filed pursuant to section 67-9706, Idaho Code, provided that such additional fees shall not exceed the actual cost of holding a public hearing.



1       (2) ~~No later than January 1, 2025, each~~ Each board of county commission-  
 2       ers shall establish by resolution or ordinance an agricultural protection  
 3       area commission pursuant to section 67-9705, Idaho Code.

4       (3) ~~Agricultural protection areas shall be designated on future land~~  
 5       ~~use planning maps~~ a planning map to serve as a voluntary and expeditious tool  
 6       ~~for working landowners while also informing~~ to inform planners, commis-  
 7       sions, county officials, and citizens at large on how to proactively plan for  
 8       agriculture. Such map designation shall not require a rezone, comprehensive  
 9       plan amendment, or amendments to other comprehensive planning maps.

10       (4) The designations of specific parcels of land as agricultural pro-  
 11       tection areas shall not impact other parcels of land not designated as agri-  
 12       cultural protection areas.

13       (5) Nothing shall restrict an applicant, as defined in section 67-9703,  
 14       Idaho Code, from being able to apply for agricultural protection areas in-  
 15       side or outside of an area of impact established pursuant to section 67-6526,  
 16       Idaho Code.

17       (6) Agricultural protection areas shall not be changed to another land  
 18       use designation unless:

19       (a) The agricultural protection area expires and the landowner chooses  
 20       not to renew the agricultural protection area's designation; or

21       (b) The landowner chooses to remove land from an agricultural protec-  
 22       tion area pursuant to section 67-9709, Idaho Code.

23       SECTION 2. That Section 67-9706, Idaho Code, be, and the same is hereby  
 24       repealed.

25       SECTION 3. That Chapter 97, Title 67, Idaho Code, be, and the same is  
 26       hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
 27       ignated as Section 67-9706, Idaho Code, and to read as follows:

28       67-9706. REVIEW AND ACTION ON AGRICULTURAL PROTECTION AREA APPLICA-  
 29       TION. (1) Within sixty (60) days of receiving a recommendation from the agri-  
 30       cultural protection area commission to support or reject an application, the  
 31       planning and zoning administrator or other administrative officer appointed  
 32       by the board of county commissioners shall approve or deny the application to  
 33       include land in an agricultural protection area in a written decision.

34       (2) The decision shall specify, at minimum:

35       (a) The ordinance and standards used in evaluating the application;

36       (b) The agricultural protection area commission's recommendation;

37       (c) A reasoned explanation for the decision reached by the administra-  
 38       tor or other administrative officer, if appointed; and

39       (d) If applicable, the actions, if any, that the applicant could take to  
 40       obtain approval.

41       (3) If the administrator or other administrative officer, if ap-  
 42       pointed, fails to issue a written decision within sixty (60) days of receiv-  
 43       ing a recommendation from the agricultural protection area commission, the  
 44       recommendation of the agricultural protection area commission shall become  
 45       the decision of the administrator or other administrative officer, if ap-  
 46       pointed.

47       (4) (a) An aggrieved applicant may appeal the decision to the board of  
 48       county commissioners within thirty (30) days of receiving the written

1 decision pursuant to subsection (1) of this section or recommendation  
2 that has become final pursuant to subsection (3) of this section.

3 (b) Within sixty (60) days of receiving an appeal, the board of county  
4 commissioners shall hold a public hearing in accordance with the notice  
5 and hearing procedures described in section 67-6509, Idaho Code, re-  
6 garding the appeal.

7 (c) In reviewing an appeal, the board of county commissioners shall  
8 consider the recommendation of the agricultural protection area com-  
9 mission, the written decision of the administrator or other admin-  
10 istrative officer, if appointed, all written and oral public comment  
11 received at the public hearing, and any other information the board of  
12 county commissioners determines to be relevant.

13 (d) Within sixty (60) days of the close of the public hearing, the  
14 board of county commissioners shall issue a final decision approving  
15 or denying the agricultural protection area application. If the board  
16 of county commissioners fails to act within the sixty (60) day period,  
17 the decision of the administrator or other administrative officer, if  
18 appointed, shall become the final decision of the board of county com-  
19 missioners.

20 (5) The board of county commissioners' final decision shall be subject  
21 to judicial review.

22 (6) If the agricultural protection area application is approved, the  
23 agricultural protection area shall be created.

24 SECTION 4. That Section 67-9709, Idaho Code, be, and the same is hereby  
25 amended to read as follows:

26 67-9709. ADDING LAND TO AND REMOVING LAND FROM AN AGRICULTURAL PRO-  
27 TECTION AREA. (1) A landowner may add land to an existing agricultural pro-  
28 tection area by filing an application with the board of county commission-  
29 ers. The board of county commissioners shall review an application to add  
30 land to an existing agricultural protection area in accordance with section  
31 67-9706, Idaho Code.

32 (2) An owner of land within an agricultural protection area may remove  
33 any or all of the land from the agricultural protection area by filing a peti-  
34 tion for removal with the board of county commissioners.

35 (a) The board of county commissioners shall acknowledge receipt of the  
36 petition for removal in writing; and

37 (b) Confirm the removal date as ten (10) years from the date of peti-  
38 tion for removal, or upon expiration of the designation, whichever is  
39 sooner.

40 (3) The board of county commissioners shall establish a process by  
41 which an owner of land within an agricultural protection area may remove  
42 any or all of the land from the agricultural protection area for reasons of  
43 hardship, as defined in this chapter.

44 (4) The board of county commissioners may charge an administrative fee  
45 ~~to cover not to exceed the cost of covering administrative costs expenses~~  
46 associated with processing changes to an agricultural protection area, in-  
47 cluding but not limited to updating ~~land use maps~~ the agricultural protec-  
48 tion area map, recording documents, and reasonable staff time for process-  
49 ing the request, ~~provided that such administrative fee shall not exceed the~~

1 ~~actual cost of processing changes to an agricultural protection area.~~ The  
 2 clerk of the board of county commissioners shall record the renewal of an  
 3 agricultural protection area pursuant to section 67-9708, Idaho Code.

4 SECTION 5. That Section 67-9710, Idaho Code, be, and the same is hereby  
 5 amended to read as follows:

6 67-9710. LIMITATIONS ON LOCAL REGULATIONS. (1) A board of county com-  
 7 missioners having created an agricultural protection area shall encourage  
 8 the continuity, development, and viability of agricultural use within the  
 9 specific boundaries designated in the agricultural protection area by not  
 10 enacting a local law, ordinance, or regulation that would restrict a farm  
 11 structure or farming practice within the boundaries of the agricultural pro-  
 12 tection area, unless such farm structure or farming practice does not comply  
 13 with generally recognized farming practices or the farm structure or land  
 14 use is in conflict with the current agricultural land use classification or  
 15 agricultural zoning designation of the area.

16 (2) The board of county commissioners shall not change the current  
 17 agricultural land use classification or agricultural zoning designation  
 18 for parcels of land within an agricultural protection area without written  
 19 permission from the landowner.

20 ~~(3) The board of county commissioners shall amend applicable land use~~  
 21 ~~planning maps to reflect the boundaries of designated agricultural protec-~~  
 22 ~~tion areas and their benefits as provided in sections 67-9711 and 67-9712,~~  
 23 ~~Idaho Code, and shall comply with the provisions of section 67-6508, Idaho~~  
 24 ~~Code.~~

25 ~~(4) (3)~~ (3) Nothing in this section shall prevent a board of county com-  
 26 missioners from regulating the siting of large confined animal feeding op-  
 27 erations and facilities pursuant to section 67-6529, Idaho Code; ~~the sit-~~  
 28 ~~ing of residential, commercial, manufacturing, industrial, solar energy, or~~  
 29 ~~wind energy structures; or other nonagricultural land uses on lands included~~  
 30 ~~within an agricultural protection area.~~

31 (4) The siting of residential, commercial, manufacturing, industrial,  
 32 solar or wind energy structures, or any other non-agricultural land use on  
 33 lands included within an agricultural protection area shall be prohibited  
 34 unless such uses are also contributing to agricultural production. Such  
 35 non-agricultural uses are subject to applicable county planning and zoning  
 36 ordinances and building codes.

37 SECTION 6. An emergency existing therefor, which emergency is hereby  
 38 declared to exist, this act shall be in full force and effect on and after its  
 39 passage and approval.