

# 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)



## Hearing Examiner Staff Report for March 6, 2024

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**Project Name:** River Ranch Subdivision

**File Number, Type:** S0003-23, Subdivision

**Request:** The applicant is requesting to divide one (1) 51.870-acre parcel into nineteen (19) lots ranging in acreage from 2.5-acres to 2.76-acres.

**Legal Description:** 26-56N-5W TAX 7

**Location:** The subject property is located off U.S. Highway 2, East of the City of Priest River.

**Parcel Number:** RP56N05W263150A

**Parcel Size:** Approximately 51.870 acres of unplatted land

**Applicant/  
Landowner:** Clagstone Land LLC, C/O Nathan Hester  
1826 Vay Road  
Priest River, ID 83856

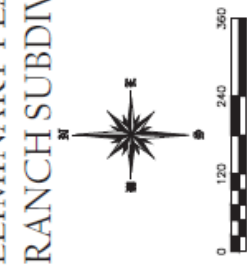
**Project Representative:** 7B Engineering, C/O Dan Larson  
414 Church Street  
Sandpoint, ID 83864

**Application filed:** December 5, 2023

**Notice provided:** Mail: February 5, 2024  
Site Posting: February 7, 2024  
Published in newspaper: February 8, 2024

# PRELIMINARY PLAT RIVER RANCH SUBDIVISION

LYING IN A PORTION OF THE NW 1/4 OF SECTION 26,  
TOWNSHIP 56 NORTH, RANGE 5 WEST, BOISE MERIDIAN,  
BONNER COUNTY, IDAHO



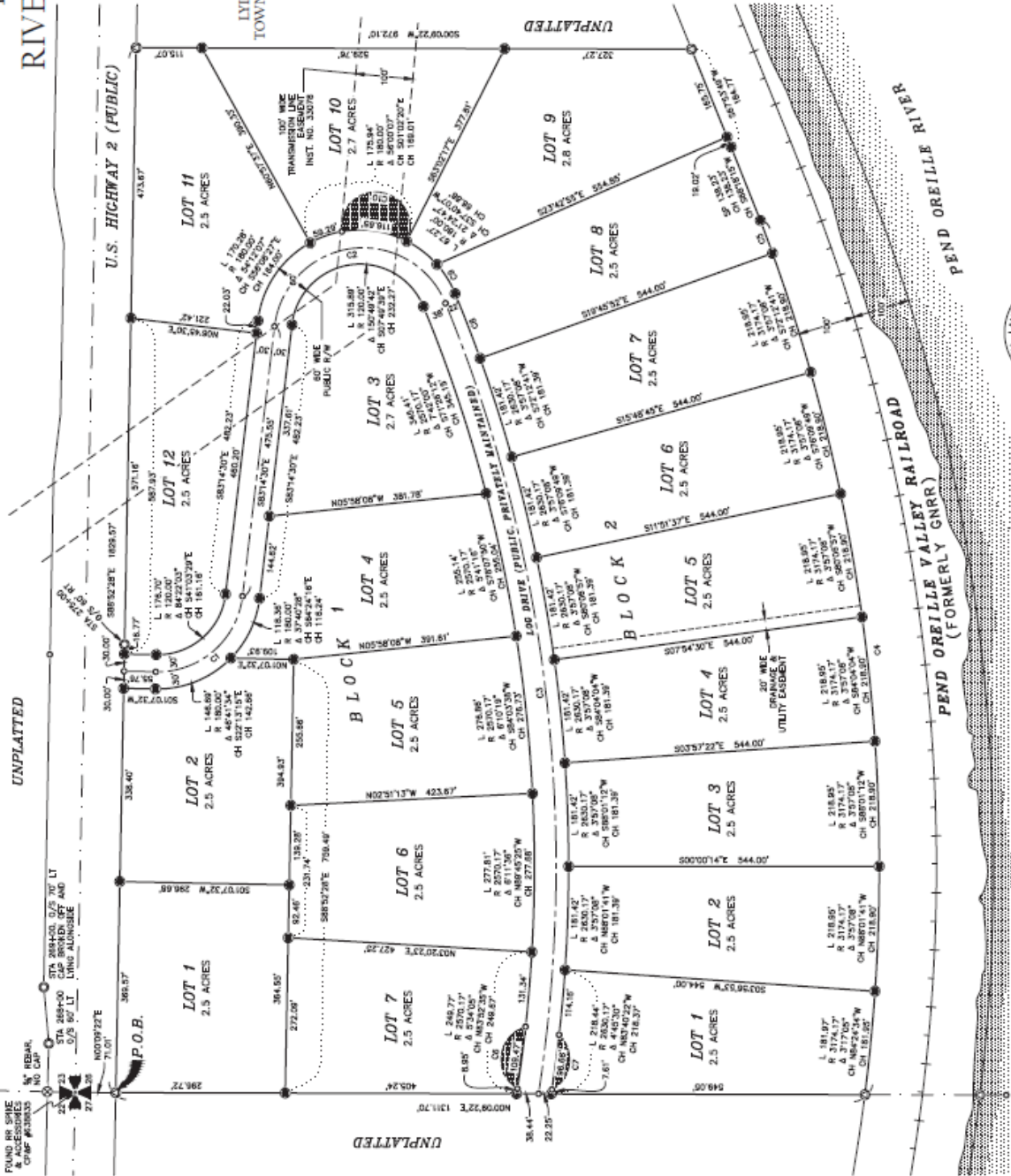
COURSE	ARC	RADIUS	DELTA	CHORD	CHORD BEARING
C1	220.87	190.00	84.7203	201.45	S41.0329°E
C2	110.43	380.00	169.4406	402.90	S82.0658°E
C3	110.43	380.00	169.4406	402.90	S82.0658°E
C4	110.43	380.00	169.4406	402.90	S82.0658°E
C5	110.43	380.00	169.4406	402.90	S82.0658°E
C6	110.43	380.00	169.4406	402.90	S82.0658°E
C7	110.43	380.00	169.4406	402.90	S82.0658°E
C8	110.43	380.00	169.4406	402.90	S82.0658°E
C9	110.43	380.00	169.4406	402.90	S82.0658°E
C10	110.43	380.00	169.4406	402.90	S82.0658°E

### DOCUMENTS AND EASEMENTS OF RECORD

- THIS PLAT IS SUBJECT TO THE FOLLOWING DOCUMENTS OF RECORD PER THE PUBLIC RECORDS OF BONNER COUNTY, IDAHO:
- RESERVATIONS AND EXCEPTIONS IN A U.S. PATENT, IN R. 3 SEEDS, PG. 376, NOT. NO. 292, 4/29/1988.
  - PUBLIC RIGHT OF WAY AND ALL MATTERS CONTAINED IN GRANT OF WAY DEED, NOT. NO. 2400, 4/12/1928, 25 FT. WIDE STRIP FALLS WITHIN EXISTING HWY. RIGHT OF WAY.
  - A TRANSMISSION LINE RIGHT OF WAY GRANTED TO THE T.E. U.S.A., INST. NO. 33078, 11/22/1946, AS SHOWN HEREIN.
  - PUBLIC RIGHT OF WAY AND ALL MATTERS CONTAINED IN WARRANTY DEED, INST. NO. 52920, 4/28/1985, STRIP OF LAND FALLS WITHIN EXISTING HWY. RIGHT OF WAY.
  - A PUBLIC UTILITIES EASEMENT GRANTED TO PACIFIC POWER & LIGHT CO., INST. NO. 100562, 7/5/1981, EXACT LOCATION NOT SPECIFIED - NOT SHOWN HEREON.

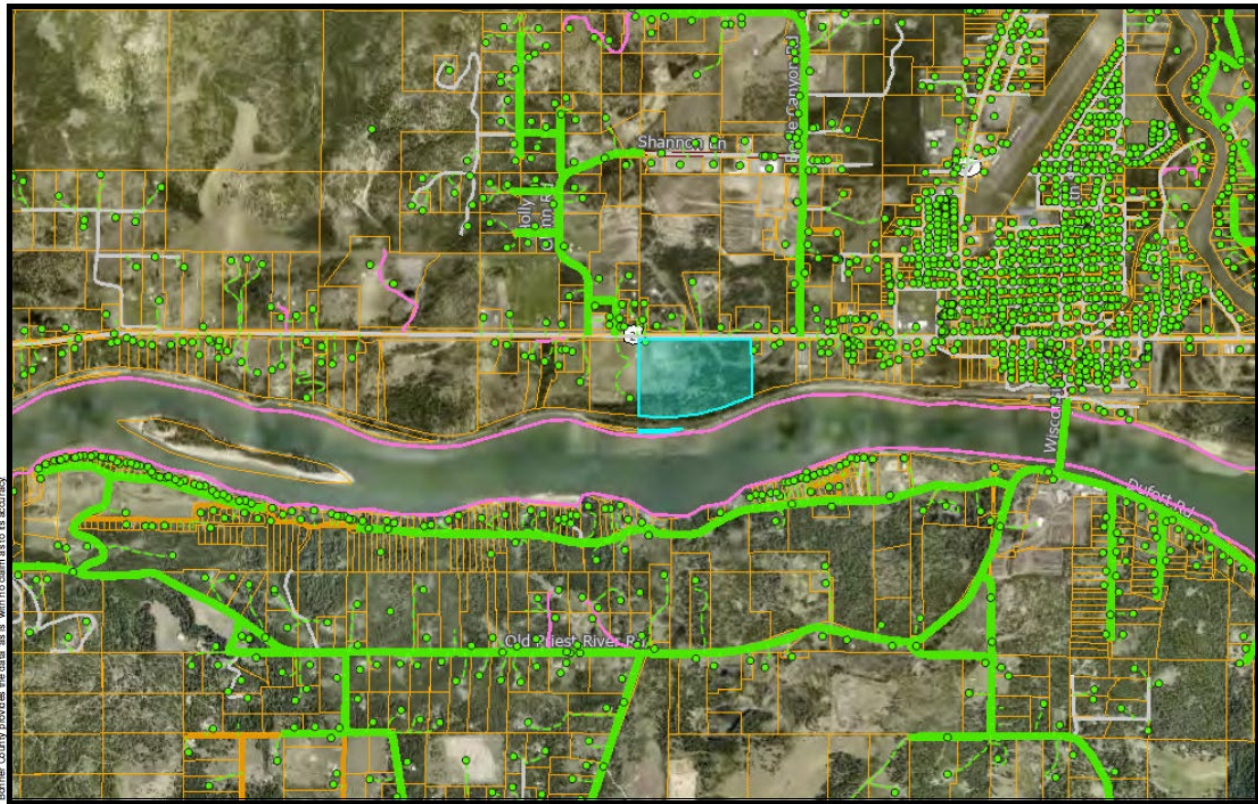
### LEGEND

- SECTION CORNER AS NOTED
- SET 5/8" X 24" REBAR AND CAP, PLS 13548
  - SET PREVIOUSLY, 5/8" X 24" REBAR AND CAP, PLS 13548
  - FOUND CONCRETE POST WITH 3-1/4" BRASS CAP MARKED "STATE OF IDAHO DEPT OF PUBLIC WORKS BOUNDARY STATE RIGHT-OF-WAY" AND STA./05 AS NOTED
  - FOUND 5/8" REBAR & CAP, PLS 12110
  - FOUND ADJUDICATION, AS NOTED.
  - CALCULATED POINT, NOTHING FOUND ON SET
  - CH 1-5-65 (EAS. DIST. THROUGH) AND LOT 1 & 10, BLOCK 2, AND LOT 7, BLOCK 1 IS HEREBY GRANTED FOR PUBLIC INTEREST, EGRESS, & UTILITIES



		<b>RIVER RANCH SUBDIVISION</b> GALE & ASSOCIATES PROFESSIONAL LAND SURVEYORS 363 Church Street Sandpoint, Idaho 83864 208-885-4874
Scale: $1" = 120'$ Drawn By: [Signature] Title: [Title] Date: 11/4/2023 Sheet: 2 of 4	26 N W 56 5 26 N W 56 5	PROJECT: 23-003 TO 23-003-003 PLAT DRAWING NAME: 23-003 TO 23-003-003 PLAT

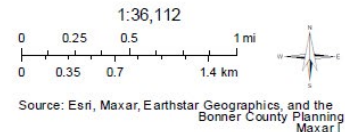
### S0003-23 Site Location



Bonner County provides the data "as is" with no claim as to its accuracy.

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- |                   |                    |                         |         |
|-------------------|--------------------|-------------------------|---------|
| Site              | <b>Ownership</b>   | <b>Road Centerlines</b> | Parcels |
| Driveway          | Bonner County      | Primary                 |         |
| County Maintained | Unknown            | Secondary               |         |
|                   | <all other values> | Local; Ramp             |         |



## Project Summary:

The applicant is requesting to plat an approximately 51.870-acre unplatted parcel into nineteen (19) residential lots ranging in area from 2.5-acres to 2.76-acres.

The site has direct access and frontage on U.S. Highway 2, located in Section 26, Township 56 North, Range 5 West, Boise Meridian, Idaho. The site is located within the Area of City Impact of the City of Priest River. The property is zoned Suburban and has a land use designation of Transition. The site adjoins commercial zoning to the East, Rural 5 to the West, Suburban to the North, and the Pend Oreille River to the South, respectively.

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## **Applicable Laws:**

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

BCRC 12-2.6	Abandonments, Appeals, Complaints, Exceptions, Fees, Modifications, Public Hearings, Application Processing
BCRC 12-268	Application Process, General Provisions
BCRC 12-412	Density and Dimensional Standards: Suburban, Commercial, Industrial, Rural Service Center, Recreation and Alpine Village Zones
BCRC 12-610	Applicability/ Qualifications
BCRC 12-611	Definitions
BCRC 12-620	Design Standards: General
BCRC 12-621	Design Standards: Lot Design
BCRC 12-623	Design Standards: Services and Utilities
BCRC 12-624	Design Standards: Roads and Access
BCRC 12-626	Design Standards: Environmental Features
BCRC 12-640	Subdivisions, Processing of Subdivision Applications, General
BCRC 12-641	Subdivisions, Pre-application review
BCRC 12-642	Preliminary Plat, Contents of Application
BCRC 12-643	Subdivisions, Procedure for processing Preliminary Plats
BCRC 12-644	Improvement Plan Required, Contents
BCRC 12-645	Standards for review of Applications for Preliminary Plat of all Subdivisions
BCRC 12-7.1	Shorelines
BCRC 12-7.2	Grading, Storm water Management and Erosion Control
BCRC 12-7.3	Wetlands
BCRC 12-7.4	Wildlife
BCRC 12-7.5	Flood Damage Prevention
BCRC 12-7.6	Hillsides

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## **Background:**

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### **A. Site Data:**

- Use: The property currently exists as vacant land with several historic structures of unknown condition or character.
- Property Type: Unplatted
- Size: Approximately 51.87-acres
- Zone: Suburban
- Land Use: Transition

### **B. Access:**

- The site has direct access and frontage on U.S. Highway 2, an Idaho Transportation Department owned and maintained right-of-way.
- The project proposes one new road, "Log Drive" which will be publicly owned and privately maintained, in order to access many of the proposed interior lots. The proposed roadway will be a 28-foot wide travel surface within a 60-foot wide right of way.

**C. Environmental Factors:**

- Majority of the site contains slopes of less than 15% grade. Site contains slopes of over 30%+ grade along the entire southern property boundary abutting the BNSF Railway Right of Way and the Pend Oreille River. (US Geological Survey)(Provided Topographic Survey)
- Site does not contain mapped wetlands. (National Wetland Inventory, US Fish and Wildlife Service)
- Site does not contain any mapped waterbodies, streams, lakes or rivers. (National Hydrography Dataset, US Geological Survey)
- Site contains the following types of soils: (US Department of Agriculture)
  - Bonner Gravelly Silt Loam, 30 to 65 percent slopes with a drainage classification of "well drained". This soil coincides with the >30% slopes at the southern property boundary.
  - Bonner Gravelly Ashy Silt Loam - classified as "prime farmland" with a drainage classification of "well drained".
  - Hoodoo Silt Loam, 0 to 1 percent slopes makes up a very small percentage of the subject site. It has a farmland classification of "prime farmland if drained" and a drainage classification of "poorly drained".
- Parcel is located within Flood Zone X and is not located within a floodway, per FIRM Panel 16017C0866E, effective date 11/18/2009. FEMA defines Zone X as "The areas of minimal flood hazard, which are the areas outside the SFHA and higher than the elevation of the 0.2-percent-annual-chance flood." No further floodplain review is required for this project.
- No local, state or federal agencies have identified any critical wildlife habitats on or within the vicinity of the subject property.

**D. Services:**

- Water: Individual Well
- Sewer: Individual Septic
- Power: Northern Lights Inc.
- Fire: West Pend Oreille Fire District
- School District: Bonner County School District #83
- Ambulance District: Bonner County Ambulance District
- Hospital District: Site is not located within a mapped hospital district.

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

<b>Compass</b>	<b>Land Use</b>	<b>Zoning</b>	<b>Current Use &amp; Density</b>
<b>Site</b>	Transition	Suburban	Vacant
<b>North</b>	Transition	Suburban	Residential
<b>East</b>	Transition	Commercial/Suburban	Residential Parcel and Commercial Parcel
<b>South</b>	Rural Residential	R-5	Pend Oreille River
<b>West</b>	Rural Residential	R-5	Residential Parcel

### S0003-23 Wetlands Map



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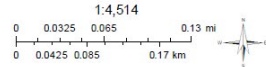
**Wetlands**

- Freshwater Emergent Wetland
- Lake
- Site

- Ownership**
- County Maintained
  - Bonner County

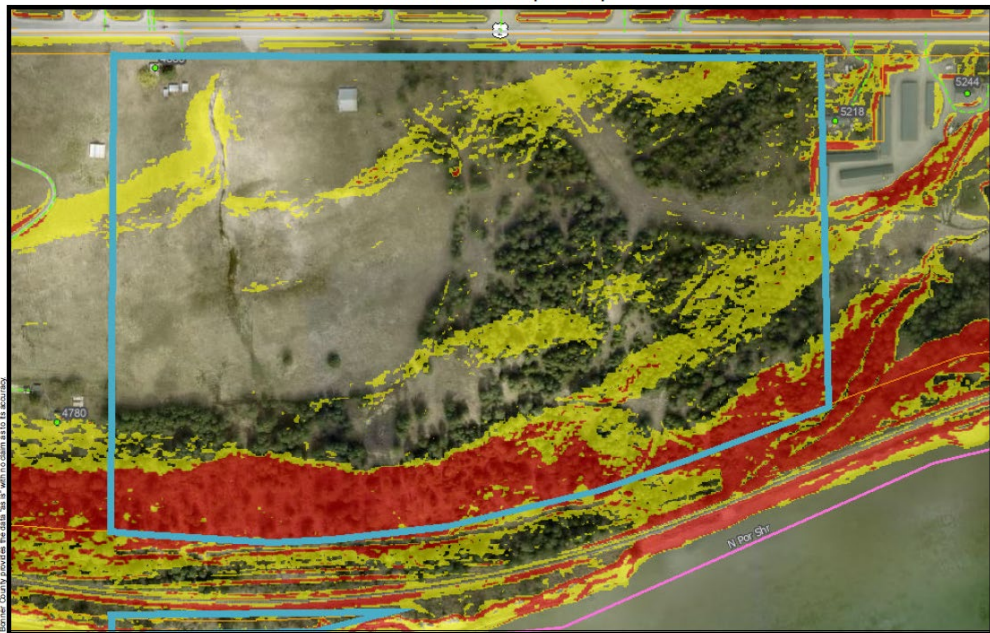
- Road Centerlines**
- Unknown
  - <all other values>
  - Primary

- Secondary
- Local; Ramp
- Parcels



1:4,514  
Source: Esri, Maxar, Earthstar Geographics, and the Bonner County Maxar

### S0003-23 Slope Map



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**Site**

- Site
- Driveway
- County Maintained

**Ownership**

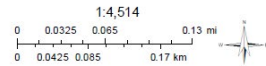
- Bonner County
- Unknown
- <all other values>

**Road Centerlines**

- Primary
- Secondary
- Local; Ramp

**Parcels**

- Parcels
- Slope\_USGS\_B1
- 0 - 15%
- >15 - 30%
- >30%



1:4,514  
Source: Esri, Maxar, Earthstar Geographics, and the Bonner County Maxar

## Agency and Public Comments:

The application was routed to the following public agencies for their comment on January 19, 2024.

Panhandle Health District	Bonner County Road and Bridge Department
Northern Lights Inc	Idaho Department of Environmental Quality
BNSF Railway	Idaho Department of Water Resources
West Pend Oreille Fire District	Idaho Department of Fish and Game
Area of City Impact: Priest River	U.S. Fish and Wildlife Service
Bonner County School District #83	Idaho Transportation Department
Bonner County Schools – Transportation	Idaho Department of Lands: Sandpoint
Idaho Department of Lands, Nav. Waters	

### The following agencies replied with comments:

- Bonner County GIS 1/16/2024 (An approved road name will be required.) (See Comment)
- Bonner County Road & Bridge (Encroachment permits will be required for individual lots.) (See Comment)
- Idaho Transportation Department 1/19/2024 (See Comment)
- Idaho Department of Water Resources 1/23/2024 (See Comment)
- Idaho Department of Fish & Game 2/8/2024 (Comment includes recommendations on landscaping, fencing, and wildlife human interaction. See Comment)
- Panhandle Health District 2/21/2024 (Comment reflected in conditions for the sanitary restriction lift. See Comment)

No other agencies commented.

### The public comments received on the file list are related to the following themes:

- No public comments have been received at the time of this staff report.

## Standards Review:

BCRC Code	Standard for	Required	Provided
12-268	Application Process, General Provisions	Agency Routing	Application routed to Public Agencies on January 19, 2024.
12-412 Density & Dimensional Standards for Suburban Zoning.	Conformance with BCRC Title 12	Minimum Lot Size required is 2.5 acre for Suburban District where no urban services are available.	The subdivision is proposed to be served by individual septic systems for sewage disposal and individual wells for water services.  The sanitary restriction lift has been added to the preliminary plat and shall be signed by Panhandle Health District at the time of final plat.

			All proposed lots are 2.5-acres or larger as required of lots with no urban services in Suburban Zoning.
12-620	General	Easements, constraints, reserved land areas to be shown and marked on the plats.	See Conditions of Approval.
12-621	Lot Design	Depth to width ratio of not more than 3.2:1 for lots less than 300 feet wide; and not more than 4.2:1 for lots more than 300 feet wide. Angle of intersections with fronting road between 85 – 95 degrees for lots with less than 100 feet width.	The proposed lots meet the required depth to width ratios of 3.2:1 and angles of intersection.
12-622	Submerged Lands	Submerged lands not to be counted towards density calculations.	The subject parcel has no submerged lands. Not Applicable.
12-623.A	Urban services	For lots 2.5-acres or greater, no urban services are required.	Not applicable to the proposed subdivision as all lots are at or above the 2.5-acre size minimum for lots without any urban services.
12-623.B	Water supply	Lots to be served by individual wells	The Idaho Department of Water Resources does not have a current application for any proposed wells on this property. See Conditions of Approval.
12-623.C	Sewage disposal	Sewage disposal method for all building sites, as approved by the Panhandle health district and/or the state of Idaho, may be provided.	The proposed subdivision holds the sanitary restriction lift which must be signed by Panhandle Health District. The proposed lots must satisfy the Panhandle Health District requirements for individual septic availability and capacity. See Conditions of Approval.
12-623.D	Fire Plan/Fire risk assessment	Assessment of fire risk Fire protection plan Defensible space plan	All proposed lots shall be designed by the applicant to provide a fire protection plan for the proposed lots to provide, at a minimum, an assessment of fire risk and plans to reduce the risk, and provisions for defensible space, where material capable of allowing a fire to spread unchecked will be treated, cleared or modified to slow the rate and intensity of an



			advancing wildfire and to create an area for fire suppression operations to occur. Prior to final plat, an approved fire plan/fire risk assessment shall be obtained, meeting the requirements of BCRC 12-623.D. <b>See Conditions of Approval.</b>
12-624.A	Road name	Unique road names for new roads.	Log Drive is a new proposed public owned and privately maintained road. An approved road name will be required. <b>See Conditions of Approval.</b>
12-624.B	Road standards	Road to be designed to meet private road standards of BCRC Title 12, Appendix A.	The project proposes no private roads within the subdivision. These standards are not applicable. Road will be publicly owned and privately maintained.
12-624.C	Legal access	Legal access to each proposed lot	All lots are proposed to have direct frontage and access on roads proposed to be dedicated to the public. Project complies.
12-624.D	Public road frontage	For lots less than 5 acres in size, direct frontage and direct access to public roads required.	Project complies. All roads proposed within the subdivision shall be dedicated to the public. <b>See Conditions of Approval.</b>
12-625	Trails and Parks	Bonner County Trails Plan Public Access, Parks and Facilities	Not Applicable.
12-626.A	Natural Hazards	Subdivision to be designed around identified natural hazards	The site does contain slopes of over 15% grade to 30% and greater. The areas with slope are identified on the topographic survey. All lots are designed with building areas not located in 30% or greater slope. <b>See Conditions of Approval.</b>
12-626.B	Conformance with BCRC 12-7	Conformance with environmental standards.	The project has been reviewed to meet the requirements of Title 12, Chapter 7. See below.
12-642.A	Application Content	Application form	Proposal complies.
12-642.B	Application Content	Preliminary Plat, prepared by Idaho licensed surveyor, showing parcels to be created.	Proposal complies.

12-642.B.1	Plat Content	Subdivision name, geographic grid, north arrow, and vicinity map, vicinity road pattern.	Proposal complies.
12-642.B.2	Plat Content	Boundary line of tract to be subdivided, intersection property lines, abutting roads, names and addresses of adjoining owners shown in their respective places of ownership on the plat.	Proposal complies.
12-642.B.3	Plat Content	Location, dimensions and area of proposed lots. Lot numbering.	Proposal complies.
12-642.B.4	Plat Content	Location, dimensions and tentative names of proposed streets and roads.	Proposal complies.
12-642.B.5	Plat Content	Sufficient contours to show the shape of the land and extending at least one hundred feet beyond the subdivision limits.	Proposal Complies.
12-642.B.6	Plat Content	Location of water courses, floodplains per FIRMs with BFEs.	Parcel is within SFHA Zone X per FIRM Panel Number 16017C0866E, Effective Date 11/18/2009. No further floodplain review is required on this proposal.
12-642.B.7	Plat Content	Existing wells, springs, wetland boundaries, wetland delineations, drainage channels, overhead and underground utility lines, structures, sanitary sewers and culverts within the tract.	Project complies.
12-642.B.8	Plat Content	Proposed method of water supply, sewage and solid waste disposal.	Project complies.
12-642.B.9	Plat Content	All easements of record, including sufficient data to identify conveyance.	Please specify who the cul-de-sac easement is granted to. <b>See Conditions of Approval.</b>
12-642.B.10	Plat Content	Purpose indication for parcels reserved for public dedication or common use of property owners.	No parcel or lots are proposed for public dedication.
12-642.B.11	Plat Content	Statement for intended use of parcels.	Please include a statement on the plat for the intended use of

			all lots. <a href="#">See Conditions of Approval.</a>
12-642.C.2	Road design and profile	Preliminary road design and profile prepared, stamped and signed by Idaho licensed engineer.	A preliminary road design and profile plan, prepared by 7B Engineering dated December 1, 2023, was submitted as part of the application. The plans shall be reviewed and approved by the Bonner County Engineering Department or other agencies with jurisdiction over the proposed roads. <a href="#">See Conditions of Approval.</a>
12-643.A	Application filed	In accord with 12-268	Proposal complies
12-643.B	Public hearing	In accord with Subchapter 2.6	Proposal complies
12-643.I	Validity of Preliminary Plat		Proposal shall comply. <a href="#">See Conditions of Approval.</a>
12-644	Improvements Plan	Plan to be prepared by a registered civil engineer. Two copies to be provided.	<a href="#">See Conditions of Approval.</a>
12-645	Standards for Review		<a href="#">See Conclusions of Law.</a>
12-646	Final Plat, Contents		Not applicable at this stage of the project. <a href="#">See Conditions of Approval.</a>
12-647	Endorsements on Final Plat		Not applicable at this stage of the project. <a href="#">See Conditions of Approval.</a>
12-7.1	Shorelines		The subject property does not front or contain any water bodies. Not Applicable.
12-7.2	Grading, Stormwater Management and Erosion Control	Applicability: All new subdivisions subject to the provisions of chapter 6 of this title, as amended, and all new planned unit developments subject to the provisions of chapter 2, subchapter 2.5 of this title, as amended, except as provided for in subsection 12-720.3.J of this subchapter.	The applicant submitted a stormwater management and erosion control plan, dated December 1, 2023, prepared by an Idaho licensed engineer, Dan Larson. The plans have been reviewed by the Bonner County Engineering Department (See preliminary improvement plan review memo) <a href="#">See Conditions of Approval.</a>
12-7.3	Wetlands	Wetland Delineation, Wetland Buffer and Setbacks.	Per National Wetland Inventory maps, no wetlands currently exist on the site. Project complies.

12-7.4	Wildlife		No local, state or federal agency has identified presence of any critical wildlife habitats on the site.
12-7.5	Flood Damage Prevention	Development to occur as per BCRC, Title 14.	Parcel is located within Flood Zone X and is not located within a floodway, per FIRM Panel 16017C0866E, effective date 11/18/2009. No further floodplain review is required for this project.
12-7.6	Hillsides	Geotechnical Survey Requirement	Site contains slopes of 30% or greater at the southern boundary. Any construction on these slopes will require a geotechnical analysis at the time of building location permit application. <b>See Conditions of Approval.</b>

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## Staff Analysis:

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**Staff finds that the project (with suggested Conditions of Approval) complies with the standards of the Bonner County Revised Code.**

**Planner's Initials: TL    Date: February 26, 2024**

**Note:** This is neither a recommendation, nor a decision. 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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## Decision by the Governing Body:

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### HEARING EXAMINER

#### DECISION TO APPROVE:

I approve project FILE S0003-23, River Ranch Subdivision, requesting the creation of 19 residential lots on an approximately 51.87-acre property zoned Suburban and located in Section 26, Township 56 North, Range 5 West, Boise Meridian, Bonner County, Bonner County, Idaho, finding that it is in accord with the Bonner County Revised Code as enumerated in the following conclusions of law:

**[Hearing examiner to insert the Conclusions of Law that the project meets.]**

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 adopt the findings of fact as set forth in the Staff Report (or as amended during this hearing) and direct the planning staff to draft written findings and conclusions to reflect this decision and transmit to all interested parties. This action does not result in a taking of private property. The action that could be taken to obtain the approval of preliminary plat is to complete the Conditions of Approval as adopted.

## **DECISION TO DENY:**

I deny FILE S0003-23, River Ranch Subdivision, requesting the creation of 19 residential lots on an approximately 51.87-acre property zoned Suburban and located in Section 26, Township 56 North, Range 5 West, Boise Meridian, Bonner County, Bonner County, Idaho, based upon the following conclusions:

**[Hearing examiner to insert the Conclusions of Law that the project meets and/or 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 adopt the findings of fact as amended in this hearing and direct planning staff to draft written findings and conclusions to reflect this decision, 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 approval of preliminary plat is to:

- 1) File a new application with the Planning Department and meet the standards required by Bonner County Revised Code; or
- 2) Pursue such remedies as may be applicable at Title 67, Chapter 65, Idaho Code.

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## **Recommendation by the Governing Body:**

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### **HEARING EXAMINER**

## **RECOMMENDATION TO APPROVE:**

I recommend approval of project FILE S0003-23, River Ranch Subdivision, requesting the creation of 19 residential lots on an approximately 51.87-acre property zoned Suburban and located in Section 26, Township 56 North, Range 5 West Boise Meridian, Bonner County, Bonner County, Idaho, finding that it is in accord with the Bonner County Revised Code as enumerated in the following conclusions of law:

**[Hearing examiner to insert the Conclusions of Law that the project meets.]**

The recommendation is based upon the evidence submitted up to the time the Staff Report was prepared and testimony received at this hearing. I further recommend adoption of the findings of fact as set forth in the Staff Report (or as amended during this hearing) and direct the planning staff to draft written findings and conclusions to reflect this recommendation and transmit to all interested parties. This action does not result in a taking of private property. The action that could be taken to obtain the approval of preliminary plat is to complete the Conditions of Approval as adopted.

## **RECOMMENDATION TO DENY:**

I recommend denial of project FILE S0003-23, River Ranch Subdivision, requesting the creation of 19 residential lots on an approximately 51.87-acre property zoned Suburban

and located in Section 26, Township 56 North, Range 5 West, Boise Meridian, Bonner County, Bonner County, Idaho, based upon the following conclusions:

**[Hearing examiner to insert the Conclusions of Law that the project meets and/or fails to meet.]**

The recommendation is based upon the evidence submitted up to the time the Staff Report was prepared, and testimony received at this hearing. I further recommend adoption of the findings of fact as amended in this hearing and direct planning staff to draft written findings and conclusions to reflect this recommendation, 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 approval of preliminary plat is to:

- 1) File a new application with the Planning Department and meet the standards required by Bonner County Revised Code; or
- 2) Pursue such remedies as may be applicable at Title 67, Chapter 65, Idaho Code.

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## **Findings of Facts:**

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1. The subject site exists as a vacant unplatted parcel of land.
2. The area of the site is approximately 51.870 acres.
3. The site is zoned Suburban and has a land use designation of Transition.
4. The site fronts on and has a direct access to U.S. Highway 2, an Idaho Transportation Department owned and maintained road.
5. Majority of the site contains no slopes or slopes of less than 15% grade. Site contains some slopes of over 30% grade along the southern boundary. (US Geological Survey)
6. Site does not contain mapped wetlands. (National Wetland Inventory, US Fish and Wildlife Service)
7. Site does not contain any mapped waterbodies, streams, lakes or rivers. (National Hydrography Dataset, US Geological Survey)
8. Site contains the following types of soils: (US Department of Agriculture)
  - a. Bonner gravelly silt loam, 30 to 65 percent slopes – classified as “not prime farmland” with a drainage classification of “well drained”.
  - b. Bonner gravelly ashy silt loam, 0 to 4 percent slopes – classified as “all areas are prime farmland” with a drainage classification of “well drained”.
  - c. Hoodoo Silt Loam, 0 to 1 percent slopes makes up a very small percentage of the subject site. It has a farmland classification of “prime farmland if drained” and a drainage classification of “poorly drained”.
9. Parcel is within SFHA Zone X per FIRM Panel Number 16017C0866E, Effective Date 11/18/2009.

- 10.No local, state or federal agencies have identified any critical wildlife habitats on or within the vicinity of the subject property.
- 11.The project is proposed to be served by individual septic systems for sewer services.
- 12.The project is proposed to be served by Northern Lights Inc.
- 13.The site is located within the area of service of West Pend Oreille Fire District.
- 14.The site is located within Bonner School District #83.
- 15.Per BCRC 12-412, the minimum required lot size required is 2.5-acres, within Suburban District where no urban services are available.

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## Conclusions of Law:

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

**Conclusion 1:** The proposed subdivision **is/ is not** in accord with the purposes of this Title and of the zoning district in which it is located.

**Conclusion 2:** The site **is/ is not** physically suitable for the proposed development.

**Conclusion 3:** The design of the proposed subdivision **will not/ will** adversely impact Bonner County's natural resources, as identified in the comprehensive plan. Any adverse impacts or potential for impacts shall be mitigated as a condition of approval.

**Conclusion 4:** The public and private services, including but not limited to water, sewer services, solid waste, fire protection, emergency services, and school facilities and transportation, which will serve the proposed subdivision **are/ are not** adequate for the needs of future residents or users.

**Conclusion 5:** The proposed subdivision **will not/ will** cause circumstances to exist that will cause future residents or the public at large to be exposed to hazards to health or safety.

**Conclusion 6:** The design of the proposed subdivision or related improvements **will/ will not** provide for coordinated access with the county system of roads and with adjacent properties and **will not/ will** impede the use of public easements for access to, or through the proposed subdivision. The proposed transportation system **is/ is not** designed to adequately and safely serve the future residents or users without adversely impacting the existing transportation system by reducing the quality or level of service or creating hazards or congestion.

**Conclusion 7:** The proposed subdivision **is/ is not** designed to comply with the design criteria for subdivisions set forth in Subchapter 6.2 of this chapter.

**Conclusion 8:** The proposed subdivision **is/ is not** in accord with the Bonner County Comprehensive Plan.

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## Conditions of Approval:

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1. The project is proposed to be served by individual septic systems. The preliminary plat indicates that Panhandle Health will be signing the sanitary restriction lift on the endorsements page of the final plat. At the time of final plat, the sanitary restriction lift shall be endorsed by Panhandle Health District or the sanitary restriction shall be noted on the final plat.
2. Per BCRC 12-620, any easements, specific constraints on building placement, other than easements, and land areas reserved, shall be shown and plainly marked on the plats.
3. Per BCRC 12-623.B (1), Lots to be served by an individual well on each lot: Applicants shall demonstrate how the aquifer proposed for water supply has sufficient production capability to provide drinking water to all applicable lots and that a location is available within each lot for installation of a well without conflicting with proposed sewage systems on or adjacent to the proposed lot.
4. Per BCRC 12-623.D et.seq.

All proposed lots shall be designed by the applicant to provide a fire protection plan for the proposed lots to provide, at a minimum, an assessment of fire risk and plans to reduce the risk, and provisions for defensible space, where material capable of allowing a fire to spread unchecked will be treated, cleared or modified to slow the rate and intensity of an advancing wildfire and to create an area for fire suppression operations to occur, and for at least one of the following:

- a. Prior to final plat, an approved water and fire hydrant system capable of providing one thousand (1,000) gallons per minute for a minimum of two (2) hours where a community water system exists or is proposed as part of the development and is capable of delivering the pressurized water supply necessary for delivering fire flows as prescribed by the international fire code, as adopted by the state fire marshal, and such later editions as may be so published and adopted by the state fire marshal, or as amended, modified or superseded, and incorporated herein by reference with a copy on file with the office of the clerk of the board of county commissioners, and hereinafter referred to as IFC.
- b. A note on the final subdivision plat stating: "At the time of building location permit or building permit, the lot owner shall install a minimum two thousand (2,000) gallon water storage system, meeting IFC standards". Refill on demand is not required to meet IFC standards.
- c. A note on the final subdivision plat stating: "The installation of an approved IFC residential fire suppression sprinkler system is required in all newly constructed residences".
- d. Prior to final plat, a manmade or natural water source with a dry hydrant capable of delivering adequate water supply as prescribed by IFC.



- e. A note on the final subdivision plat stating: "At the time of building permit or building location permit, the lot owner shall install an approved fire suppression method to the satisfaction of Bonner County".
5. Per BCRC 12-624.A, all new roads created for subdivisions shall be designated by unique road names, unless such roads are determined to be and are designed to be extensions of existing roads. Upon further review of the project, the proposed road names will be verified for uniqueness. Road names will require a modification if not found to be unique.
6. Per BCRC 12-624.D, all proposed lots less than five (5) gross acres shall have direct frontage on, and direct access to, a public right of way. Right of way offered for dedication in any zoning district shall be developed with a road constructed to the standards set forth in title 2 of this code.

Preliminary road design plans, prepared by 7B Engineering, were submitted as part of the application. The plans have been reviewed by Bonner County Road and Bridge Department per the department's letter dated January 12, 2024. The applicant shall meet all conditions listed in this letter in addition to any further modifications of these conditions by the Bonner County Road and Bridge Department upon further review of the project or based on the site conditions.

The application for the project has been reviewed by Idaho Transportation Department. The agency's letter received February 20, 2024 outlines the following:

- The subject parcel RP56N05W263150A has two unpermitted approaches on to US-2 on the western portion of the parcel. The project proposes to construct a new access onto US-2 directly east of an existing barn. This proposed approach shall be placed directly across from an existing approach on parcel RP56N05W236351A. The two existing approaches on the western approaches shall be removed and the ditch line reestablished.
  - The new proposed approach on US-2 will require that the project proponent apply for and obtain a Right-of-Way Encroachment for Approaches and Public Streets (ITD Form 2109) from the Idaho Transportation Department. The project proponent will also be required to construct the proposed approach to meet the Department's Standard Specifications for Highway Construction (2023 Edition).
  - The speed limit of this section of US-2 is 55 mph and Annual Average Daily Traffic in 2022 is 8,400 vehicles per day with summertime peak volumes of 10,471 vehicles per day. The Department is concerned that turning movements into the proposed subdivision has the potential to increase crashes without the addition of turn bays.
  - Future widening of US-2 due to increased traffic volumes or crashes caused by turning movements would impact lots adjacent to the highway. There should be significant setbacks to keep any structures, wells, drain fields, etc. out of the way in case of a ROW acquisition." (See Letter)
7. Per BCRC 12-642.B.9, please specify who the grantee of the cul-de-sac easement is.

8. Per BCRC 12-642.B.11, please include a statement on the plat for the intended use of the lots.
9. Per BCRC 12-643.I, the preliminary plat shall be valid for a period not to exceed two (2) years from the date of approval. At any time prior to the expiration date of the preliminary plat, an applicant may make a written request to the planning director for a single extension of the preliminary plat for a period up to two (2) years. The board may consider such request for extension at any regular business meeting. The extension request must be approved or denied prior to the expiration date of the preliminary plat.
10. Per BCRC 12-644, after the preliminary plat is approved, the subdivider shall have an improvement plan for the subdivision prepared by a registered civil engineer. Two (2) copies of the improvement plan shall be filed with the county engineer. This plan shall include the following:
  - a. The subdivision name and number, geographic grid (township, range and tier, section number and location within the section), north arrow, date and scale no smaller than one hundred feet to the inch (1" = 100').
  - b. The plan and profile of all proposed roads showing final grades and cross sections of roads in accord with the requirements contained in title 2 of this code.
  - c. The plan and profile of proposed sanitary and stormwater systems with grades and sizes indicated. Drain calculations may be required.
  - d. A grading plan, showing stormwater drainage for each lot.
  - e. Any other improvements such as curbs, gutters, sidewalks, bridges, lift stations, fire hydrants, street lighting, etc., as required, and in accord with the requirements contained in title 2 of this code.
11. After the approval of the improvement plans has been obtained from Bonner County, the subdivider may begin construction of improvements on site as approved. After the completion of the improvements on site, the applicant's engineer shall submit inspection reports of the built improvements to the County for review.

Per BCRC 12-644.B, the county engineer, or his representative, shall check inspection reports of the applicant's engineer and shall perform a final inspection and additional inspections (if called for). Construction and inspection of road improvements shall be completed in accord with the requirements contained in Title 2 of the Bonner County Revised Code or Appendix A of Title 12 of the Bonner County Revised Code.

12. Per BCRC 12-644.C, in lieu of completing all improvements as required before final plat recording, the subdivider shall enter into a surety agreement with the board agreeing to complete the improvements in accordance with surety agreement conditions and preliminary and final plat approvals. A cash deposit, certificate of deposit, corporate surety bond written by an insurance company licensed in Idaho having a rating from AM Best & Company of "A" or better, letter of credit issued and backed by a federal or state chartered bank, is required equivalent to one hundred fifty percent (150%) of the project engineer's estimated cost of construction of the

improvements for the purpose of guaranteeing completion of the work and repair of any defects in improvements which occur within one year of the first acceptance of the completed work by the board. Sureties guaranteeing the work and repair of any defects in improvements which occur within one year after first acceptance of the completed work by the board may be reduced by the board by one-half (1/2) for that one year. The surety agreement shall be valid for a period not to exceed two (2) calendar years from the date of approval. At any time prior to the expiration date of the surety agreement, the subdivider may make a written request to the planning director for a single extension of the surety agreement for a period up to two (2) years. The board may consider such request for extension at any regular business meeting. The extension request must be approved or denied by the board prior to the expiration date of the surety agreement.

13. The final plat shall conform to Bonner County Revised Code sections BCRC 12-646, BCRC 12-647 and BCRC 12-648.
14. Per BCRC 12-7.2, the applicant submitted a stormwater management and grading plan, dated December 1, 2023, prepared by an Idaho licensed engineer, Dan Larson. The plan has been reviewed by the Bonner County Engineering Department against the standards of the Bonner County Revised Code, Title 12, Chapter 7, per review memo dated January 16, 2024.

The plan shall be updated and re-submitted to Bonner County to meet the conditions as noted in the aforementioned review memo. The project shall further comply with any subsequent modifications of these conditions by the Bonner County Engineering Department upon further review of the project or based on the site conditions.

15. Per BCRC 12-7.6 et. seq., a geotechnical analysis shall be required for proposed building sites, roads, driveways or other development, where any of the following conditions apply:
  - a. Where the natural slope equals or exceeds thirty percent (30%);
  - b. Where soils are highly erodible, or where there are scarps, slumps, seeps or other geologic features exist that may be unstable, as determined by the Planning Director, Hearing Examiner, Zoning Commission or Board;
  - c. Where there is historic knowledge of sloughing, landslides, slumps or other hazardous geological features.

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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 before the hearing at [www.bonnercountyid.gov](http://www.bonnercountyid.gov). Bonner County Revised Code (BCRC) is available at the Planning Department or online.