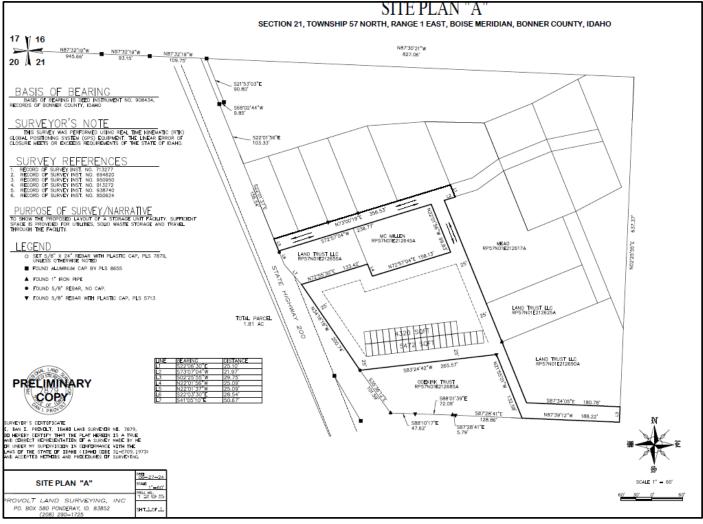
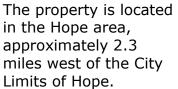
# **BONNER COUNTY PLANNING DEPARTMENT** Bonner County Planning Commission STAFF REPORT FOR AUGUST 6, 2024



Project Name:	Snowmass Enterprises LLC, Comprehensive Plan Map Amendment		
File Number, Type:	AM0004-24 Comprehensive Plan Map Amendment		
Request:	The applicants are requesting a comprehensive land use plan map amendment from Rural Residential to Resort Community.		
Legal Description:	21-57N-1E GOV LOT 1 NWNENW N & E OF HWY & RR LESS TAX NOS		
Location:	42425 State Highway 200, Hope		
Parcel Number(s):	RP57N01E212431A		
Parcel Size:	Approx. 1.81-acres		
Applicant:	Snowmass Enterprises LLC		
Project Representative:	Dan Provolt, Provolt Land Surveying		
Application filed:	June 3, 2024		
Noticing:	Mail: July 2, 2024 Site Posting: July 16, 2024 Published in newspaper: July 9, 2024		
Attachment:	Annex A – List of Agencies Routed		









Highway 200

Creekside Lane

#### Project summary:

The applicant is requesting a Comprehensive Plan Map Amendment from Rural Residential to Resort Community. The 1.81-acre property is zoned Rural 5. The project site is located off Creekside Lane and Highway 200 in Section 21, Township 57 North, Range 1 East, Boise-Meridian.

#### **Applicable Laws:**

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

- BCRC 12-210 et seq., Title Amendments, Comprehensive Plan Amendments and Zone Changes
- BCRC 12-800 et seq., Definitions

#### Background:

#### A. Site data:

- Unplatted
- Size: 1.81-acres.
- Zone: Rural 5
- Land Use: Rural Residential

#### **B. Access:**

- Highway 200 is a State of Idaho-owned and maintained public right of way.
- Creekside Lane is a privately owned and maintained road.

#### C. Environmental factors:

- The sites do contain mapped slopes ranging from 0 and 29.9% grade. (USGS)
- The sites does not contain mapped wetlands. (USFWS)
- The sites does not contain mapped waterbodies. (NHD)
- Parcel RP58N02W222400A is within SFHA Zone A, per FIRM Panel Number 16017C0775E, Effective Date 11/18/2009.

#### Soils:

- 1) Bonner silt loam, cool, 0 to 4 percent slopes
  - Type: Consociation
  - Classification: All areas are prime farmland
  - Drainage: Well drained
- 2) Treble-Rock outcrop, 20 to 65 percent slopes
  - Type: Association
  - Classification: Not prime farmland
  - Drainage: Well drained

#### **D. Services**

- Water: Individual Well
- Sewage: Individual Septic System
- Fire: Sam Owen Fire District
- Power: Avista Utilities
- School District: Lake Pend Oreille School District #84

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

Compass	Comp Plan	Zoning	Current Land Use & Density
Site	Rural Residential	Rural 5	Vacant- 1.81-acres
North	Rural Residential	Rural 5	Residential- 0.37-acres Residential- 0.24-acres
East	Rural Residential	Rural 5	Residential- 1.22-acres Residential- 0.42-acres
South	Rural Residential	Rural 5	Vacant- 0.55-acres RV Park- 4.78-acres
West	Resort Community	Rural 5	RV/Motor Home Park- 16.14-acres

#### F. Agency Review:

A comprehensive list of all agencies that were notified of this request is attached as Annex A.

#### The following agencies provided comment:

Lake Pend Oreille School District #84- see letter for details

## All other agencies did not reply

As of July 29, 2024, public comments were not received for this file.

#### **Standards Review and Staff Analysis:**

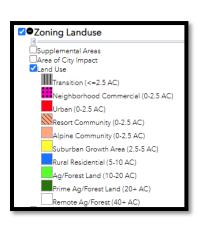
• **12-215**: Applications for Zone Changes and Comprehensive Plan Map Amendments, Contents

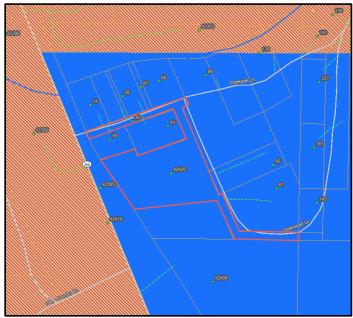
**Staff:** The application was considered complete and routed to agencies accordingly.

• **12-216**: Evaluation of Amendment Proposals

Staff and the governing bodies shall review the particular facts and circumstances of each proposal submitted and shall determine whether there is adequate evidence that the proposal is in accordance with the general and specific objectives of the comprehensive plan. (Ord. 501, 11-18-2008)

## **Comprehensive Plan Land Use Designation: Current**





## **Rural Residential**

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

## **Comprehensive Plan Land Use Designation: Proposed**

#### **Resort Community**

The Resort Community provides for urban-like densities for areas centered around the recreational areas developed for winter and water sports, golf and hiking, where urban services are provided.

**Staff:** The parcel is in Hope, near other Resort Community designated parcels. Hope and the East Hope areas have several parks, public marinas, restaurants, and resorts. Recreational opportunities could continue to grow in this area. This property is 1.81-acres, which could be considered an "urban-like density", as it is below the lot size minimum for higher-density zones (Recreation, Suburban, etc.). This property is currently not being served by urban water or sewer service, but is located within the Trestle Creek Sewer District, and the applicant has not provided a will-serve letter for service to this parcel.

In addition to this application, the applicants have applied for a Zone Change on the same property from Rural-5 to Recreation to allow for the potential for additional recreational and other uses as allowed under the BCRC Title 12, Chapter 3 Use Tables. In the higher-density zoning districts, such as Recreation, the lot size minimum is 2.5-acres when no urban services are provided, and 20,000 sq. ft. (0.46-acres) when only urban sewer is provided.

#### **Comprehensive Plan Analysis:**

#### **Property Rights**

Goal: File: AM0004-24 1. Protect property rights and enhance property values through conscientious land use planning that complies with state law relevant to all county land use actions.

### **Objective:**

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

**Staff:** The application was routed to neighbors 300' from the property line, informing neighbors of the proposed map amendment. As of July 29, 2024, Bonner County Planning has not received comments on how this amendment could have an impact on their property rights.

## Population

#### Goal:

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

#### **Objective:**

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

**Staff:** Bonner County has received the results of the 2020 census. The data indicates the demand for housing and jobs will continue to trend upward in both the unincorporated and incorporated areas of Bonner County.

## School Facilities & Transportation

#### Goal:

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

#### **Objective:**

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

 Staff: Lake Pend Oreille School District #84 did comment as to how an increase in density and development could affect the schools and how future funding could benefit

 File: AM0004-24
 August 6, 2024

the school system. Lake Pend Oreille School Transportation that serves the property was notified of the proposed map amendment and did not comment. **SEE LPOSD #84 LETTER FOR COMPLETE COMMENTS** 

## **Economic Development**

## Goal:

1. Support and encourage economic development.

## **Objective:**

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

**Staff:** The proposed amendment could lead to economic growth in Bonner County. This proposal, while not a proposal for development, is a necessary step towards development. Any development on these properties could potentially bring new and diverse industries to this area, in addition to potentially bringing new jobs to local businesses. The applicant has indicated that they will be pursuing a zone change and a Conditional Use Permit for mini-storage on this parcel.

#### Land Use

#### Goal:

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

#### **Objective:**

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

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

**Staff:** The proposed map amendment is in keeping with the vision of this goal as this proposal is in an area that provides for a mixture of land uses, in an area that includes higher density residential uses, commercial uses, and recreational opportunities in an established recreational area.

## **Natural Resources**

#### Goal:

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

## **Objective:**

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

**Staff:** The properties do not contain mapped water features, and do not contain critical wildlife habitats. Per the applicant, there will be no affect on natural resources. Furthermore, Bonner County Revised Code has requirements to ensure that natural resources are protected.

#### Hazardous Areas

#### Goal:

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

#### **Objective:**

1. Bonner County intends to regulate the location and density of new development in floodplain to reduce the potential for the loss of lives and property within flood

hazard areas.

- 2. Future development should be designed to reduce exposure to wildland fire and to provide for emergency and escape routes for residents.
- 3. Development within areas of excessive slopes, unstable areas and avalanche zones should be discouraged.

**Staff:** The subject property is located in a mapped floodplain. Potential damage to property or people due to avalanches is unlikely due to the lack of slopes on the property, however, Bonner Silt Loam soil is prone to erosion, per the Bonner County Comprehensive Plan. Furthermore, the property is provided with emergency services from Bonner County EMS, Bonner County Sheriff, and Sam Owen Fire District.

## Public Services, Facilities & Utilities

## Goal:

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

#### **Objective:**

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

**Staff:** This proposal is not for development. However, the proposal is currently developed with services including fire, police, EMS, and it is within the Lake Pend Oreille School District. There are currently no urban services serving the property, however, it is within the service area of Trestle Creek Sewer District. Any expansions to these services the applicant will need to obtain proper permitting through the appropriate agencies that govern these services.

## Transportation

#### Goal:

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

#### **Objective:**

1. Future development should not adversely impact the existing transportation system by reducing the quality or level of service or creating hazards or congestion.

- 2. Roads within new development should be built to county standards and at the expense of the developer.
- 3. Roads within new development should provide adequate access for fire and emergency vehicles as well as routes of escape.
- 4. Future access roads should be designed and built to integrate with the state and county system of roads without overburdening the transportation system.
- 5. To reduce transportation costs, road building and environmental impacts, cluster development should be encouraged.
- 6. Bonner County intends for certain intense land use developments to provide paved roads.
- 7. Bike ways and pedestrian paths should be considered in development plans to provide an integrated community transportation system wherever possible.
- 8. To communicate and work cooperatively with other jurisdictions within the county to ensure the best possible flow of traffic county-wide.

**Staff:** The applicant's property is currently within a network of public roads that are constructed and maintained the Idaho Transportation Department, and a privately owned and maintained road. Any additional roads, trails, or paths may be subjected to additional permitting from Bonner County or the State of Idaho.

#### Recreation

#### Goal:

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

#### **Objective:**

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

**Staff:** Current recreational opportunities for the public that are available in Bonner County are proposed to remain the same. This proposal does not appear to adversely affect the future development of any public or private recreation areas.

#### **Special Areas or Sites**

#### Goal:

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

#### **Objective:**

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

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

## Housing

## Goal/ Objective:

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

**Staff:** Approval of this request could allow for the possibility to create additional housing in Bonner County, assuming the property is served by urban services and receives approval of a zone change to the Recreation District, as proposed in ZC0006-24. However, the applicant plans to submit a Conditional Use Permit application for ministorage.

## **Community Design**

#### Goal:

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

#### **Objective:**

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

**Staff:** This request is not for development; however, the proposal is in keeping of the Resort Community designation. The area has several parcels in proximity to this proposal that either meet or could meet the Resort Community designation.

## Agriculture

#### **Goals/ Objectives:**

- 1. Protect the rural character and agricultural heritage of Bonner County by retaining large and small scale commercial agriculture and hobby farms as viable uses.
- 2. Support the local economy by encouraging production, distribution, and retail sales of locally grown food and other agricultural products.
- 3. Develop policies to discourage fragmentation of very large productive agricultural lands.

**Staff:** This goal appears to be unaffected by this proposal.

The proposal was reviewed against the implementation component of the comprehensive plan as found above.

#### Staff Analysis:

Staff concludes that this project **is** consistent with Bonner County Revised Code, based upon the information found in the 'Background' portion of this staff report, the comprehensive plan implementation section, and the land use section of the comprehensive plan.

## Planner's Initials: <u>AF</u> Date: <u>July 29, 2024</u>

**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.

## PLANNING COMMISSION

**MOTION TO RECOMMEND APPROVAL**: I move to recommend approval of this project, FILE AM0004-24, requesting a comprehensive plan amendment from Rural Residential to Resort Community, to the Board of County Commissioners, on approximately 1.81 acres generally located in Sections 21, Township 57 North, Range 1 East, Boise Meridian, Bonner County, Idaho, finding that it is in accord with the general and specific objectives of the Bonner County Comprehensive Plan and Bonner County Revised Code as enumerated in the following conclusions of law:

#### Conclusion 1

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

#### Conclusion 2

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

#### Conclusion 3

The proposal **is** in accord with the purpose of the Resort Community comprehensive land use designation.

and based upon the evidence submitted up to the time the Staff Report was prepared and testimony received at this hearing. I further move to adopt the findings of fact and conclusions of law as set forth in the Staff Report (or as amended during 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.

**MOTION TO RECOMMEND DENIAL**: I move to recommend denial of this project, FILE AM0004-24, requesting a comprehensive plan amendment from Rural Residential to Resort Community, to the Board of County Commissioners, on approximately 1.81 acres generally located in Sections 21, Township 57 North, Range 1 East, Boise Meridian, Bonner County, Idaho, based upon the following conclusions:

#### Conclusion 1

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

#### Conclusion 2

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

## Conclusion 3

The proposal **is/is not** in accord with the purpose of the Resort Community comprehensive land use designation.

The decision is based upon the evidence submitted up to the time the Staff Report was prepared, and testimony received at this hearing. I further move to adopt the findings of fact and conclusions of law as set forth in the Staff Report (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. The actions that could be taken are:

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

## **Comprehensive Plan Amendment Findings of Fact:**

- 1. The parcel will be served by an individual well and septic system.
- 2. The parcel is located within the Trestle Creek Sewer District but has not shown proof of service or a will-serve letter.
- 3. The parcel is below the lot size minimum for the higher-density zones, at 1.81-acres with no urban services.
- 4. The parcel is located near existing public and private recreational areas such as resorts, boat launches, marinas, and restaurants.
- 5. Access to the parcel is currently part of a network of developed public right-of-way and a privately owned and maintained road. The parcel is accessed from Highway 200, a State of Idaho owned and maintained paved public right-of-way and Creekside Lane, a privately owned and maintained gravel road.
- 6. The proposal does not contain mapped streams or wetlands.
- 7. The proposal is not within a mapped critical wildlife habitat.
- 8. The proposal is located within FEMA SFHA Zone A, per Bonner County Floodplain Manager.
- 9. Electricity is provided by Avista Utilities.
- 10. The property is within the Sam Owen Fire District.
- 11. Law enforcement and emergency services are provided by Bonner County Sheriff's Department and Bonner County EMS.

The complete file is available for review in the Planning Department, 1500 Highway 2, Suite #208, Sandpoint, ID. Staff reports are available online prior to the scheduled hearing at

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

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

## **RECORD OF MAILING**

## Page 1 of 1 File No.: <u>AM0004-24</u> Record of Mailing Approved By:

Hearing Date: August 6, 2024

I hereby certify that a true and correct copy of the "Notice of Public Hearing" was digitally transmitted or mailed (postage prepaid) on this **2nd** day of **July 2024**.

crone

Jenna Crone, Hearing Coordinator

Assessor - Email Bay Drive Recreation District - Email BONNER COUNTY DAILY BEE - U.S. Mail Bonner County Floodplain Review - Email Bonner County Sheriff - Email City of Clark Fork - Email City of East Hope - Email City of Kootenai - Email City of Ponderay - Email City of Sandpoint - Email Coolin Sewer District - Email Drainage District #7 - Email East Priest Lake Fire District - Email Garfield Bay Water & Sewer District - Email Granite Reeder Water & Sewer District - Email Idaho Department of Fish & Game - Email Idaho Department of Lands - Coolin - Email Idaho Department of Lands - Sandpoint - Email Idaho Transportation Department (Aeronautics) - U.S. Mail Independent Highway District - Email Kootenai-Ponderay Sewer District - Email KSPT-KPND-KIBR RADIO - U.S. Mail Lake Pend Oreille School District, #84 (Admin Office) - Email Lakeland Joint School District, #272 - Email North of the Narrows Fire District - Email Northland/Vyve Cable Television - Email Outlet Bay Sewer District - Email Pend Oreille Hospital District - Email Priest Lake Translator District - Email Sagle Valley Water & Sewer - Email Schweitzer Fire District - Email Selkirk Fire, Rescue & EMS - Email Southside Water & Sewer District - Email Spokesman-Review - U.S. Mail Swan Shores Sewer District - U.S. Mail Tamarack Village Water & Sewer - U.S. Mail Trestle Creek Sewer District - Email U.S. Fish & Wildlife Service - Email West Bonner County Cemetery District - Email West Bonner Library - Email West Pend Oreille Fire District - Email

Avista Utilities - Email Bayview Water & Sewer - Email Bonner County EMS - Email Bonner County Road & Bridge - Email Bottle Bay Water & Sewer District - Email City of Dover - Email City of Hope - Email City of Oldtown - Email City of Priest River - Email City of Spirit Lake - Email Coolin-Cavanaugh Bay Fire District - Email East Bonner Library - Email Ellisport Bay Sewer - Email GEM STATE MINER - U.S. Mail Idaho Department of Environmental Quality (DEQ) - Email Idaho Department of Lands - CDA - U.S. Mail Idaho Department of Lands - Navigable Waters & Mining - Email Idaho Department of Water Resources - IDWR - Email Idaho Transportation Department- District I - Email Kalispel Bay Sewer & Water - U.S. Mail KPBX-FM 91 SPOKANE PUBLIC RADIO - U.S. Mail Laclede Water District - Email Lake Pend Oreille School District, #84 (Transportation) - Email Little Blacktail Ranch Water Association - U.S. Mail Northern Lights, Inc. - Email Northside Fire District - Email Panhandle Health District - Email Bonner County Airport Manager - Email Priest Lake Public Library District - Email Sam Owen Fire District - Email SELKIRK ASSOCIATION OF REALTORS - U.S. Mail Selkirk Recreation District - Email Spirit Lake Fire District - Email State Historical Society - Email Syringa Heights Water Association - Email Timber Lake Fire District - Email U.S. Army Corps of Engineers - Email U.S. Forest Service - U.S. Mail West Bonner County School District, #83 - Email West Bonner Water & Sewer District - Email West Priest Lake Fire District - Email