

**BONNER COUNTY PLANNING DEPARTMENT
ZONING COMMISSION
STAFF REPORT FOR APRIL 18, 2024**



Project Name: **Davis, Zone Change**

File Number, Type: **ZC0001-24: Zone Change**

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

Legal Description: 20-57N-4W NENW LYING SOUTHERLY, WESTERLY,
EASTERLY OF PRIEST RIVER SHORELINE

20-57N-4W N 375FT OF GOV LOT 2 1998 GOLDEN WEST 27
X 66 RP

20-57N-4W GOV LOT 2 LESS N 375FT

Location: 625 & 376 Still Meadows Lane, Priest River, ID 83856

Parcel Number(s): RP57N04W204350A, RP57N04W202700A, RP57N04W204434A

Parcel Size: 8.412, 8.6, 11.5-Acres (±28.512-Acres Total)

Applicant: Troy Davis & Buck (Bucky) Davis
625/376 Still Meadows Lane, Priest River, ID 83856

**Project
Representative:** Glahe & Associates Inc.
303 Church Street
Sandpoint, ID
83864

Application filed: January 26, 2024

Notice provided: Mail: March 12, 2024
Site Posting: March 14, 2024
Published in newspaper: March 12, 2024

Enclosures Annex A – Notice of Public Hearing Record of Mailing



Project summary:

The applicant is proposing a zone change from Rural 10 to Rural 5 for the purpose of bringing a non-conforming structure into compliance and the ability to construct two additional dwellings. The parcels are located off Still Meadow Lane. The three parcels total ±28.512-Acres. The current comprehensive plan land use designation is Rural Residential which allows for Rural 5 zoning.

Applicable Laws:

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

- BCRC 12-111: Purpose et seq, health, safety, and general welfare
- BCRC 12-210 et seq, - Title Amendments, Comprehensive Plan Amendments and Zone Changes
- BCRC 12-320.1 – Zoning districts and map designation, purpose
- BCRC 12-320.2 – Zoning districts and map designations established
- BCRC 12-323 – Rural District
- BCRC 12-800 et seq., Definitions

Background:

A. Site data:

- Three Unplatted Parcels
- Size: ±28.512-Acres Total
- Zone: R-10
- Land Use: Rural Residential (5-10AC)

B. Access:

- The parcels are accessed by Still Meadows Lane, a privately owned and maintained road.

C. Environmental factors:

- Site does contain a small amount of mapped slopes of over 15% grade and over 30%. (USGS)
- Site contains mapped wetlands. (USFWS)
 - i. Freshwater Forested/Shrub Wetland
 - ii. Riverine
 - iii. Freshwater Emergent Wetland
- Site contains waterfront on Priest River (NHD)
- Parcel is within SFHA Zone AE per FIRM Panel Number 16017C0665E, Effective Date 11/18/2009. Also, .2% Annual Chance Flood Hazard Zone.
- Soils:
 - Description: Cape horn silt loam, 0 to 2 percent slopes
 - Type: Consociation
 - Drainage: Poorly Drained
 - Classification: Farmland of statewide importance, if drained and either protected from flooding or not frequently flooded during the growing season
- Description: Mission silt loam, 2 to 12 percent slopes
 - Type: Consociation
 - Drainage: Somewhat poorly drained
 - Classification: Farmland of statewide importance, if drained
- Description: Pywell-Hoodoo complex, 0 to 1 percent slopes
 - Type: Complex
 - Drainage: Very poorly drained
 - Classification: Prime farmland if drained

D. Services:

- Water: Individual well
- Sewage: Individual septic system
- Fire: West Pend Oreille Fire District
- Power: Northern Lights Inc
- School District: Bonner County School District #83

E. Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Land Use & Density
Site	Rural Res	R-10	Residential →1 Dwelling Per ±10-acres
North	Rural Res	R-10	Vacant Riparian→Property ±155-acres
East	AG/Forest	AF-20	Vacant Riparian Property ±20-acres
South	Rural Res	R-10	Residential→1 Dwelling Per ±10-acres
West	Rural Res	R-10	Residential →1 Dwelling Per ±20-acres

F. Agency Review:

The application was routed to agencies for comment on March 12, 2024.

The following agencies provided comment:

Bonner County Road & Bridge Department (No Concern, See Comment)

The following agencies replied no comment:

Idaho Department of Environmental Quality 3/19/24

Independent Highway District 3/14/24

Idaho Department of Transportation 3/12/24

Kootenai Ponderay Sewer District /13/24

No other agencies responded.

G. Public Notice & Comments: No public comments were received at the time of this staff report.

Standards Review and Staff Analysis:

12-111: PURPOSE

- The zoning regulations and districts for the unincorporated areas of Bonner County, as herein established, have been made in accordance with a comprehensive plan and Idaho Code for the purpose of promoting the health, safety and general welfare of the people of Bonner County.

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

- The application was considered complete and routed to agencies accordingly.

12-216: Evaluation of Amendment Proposals

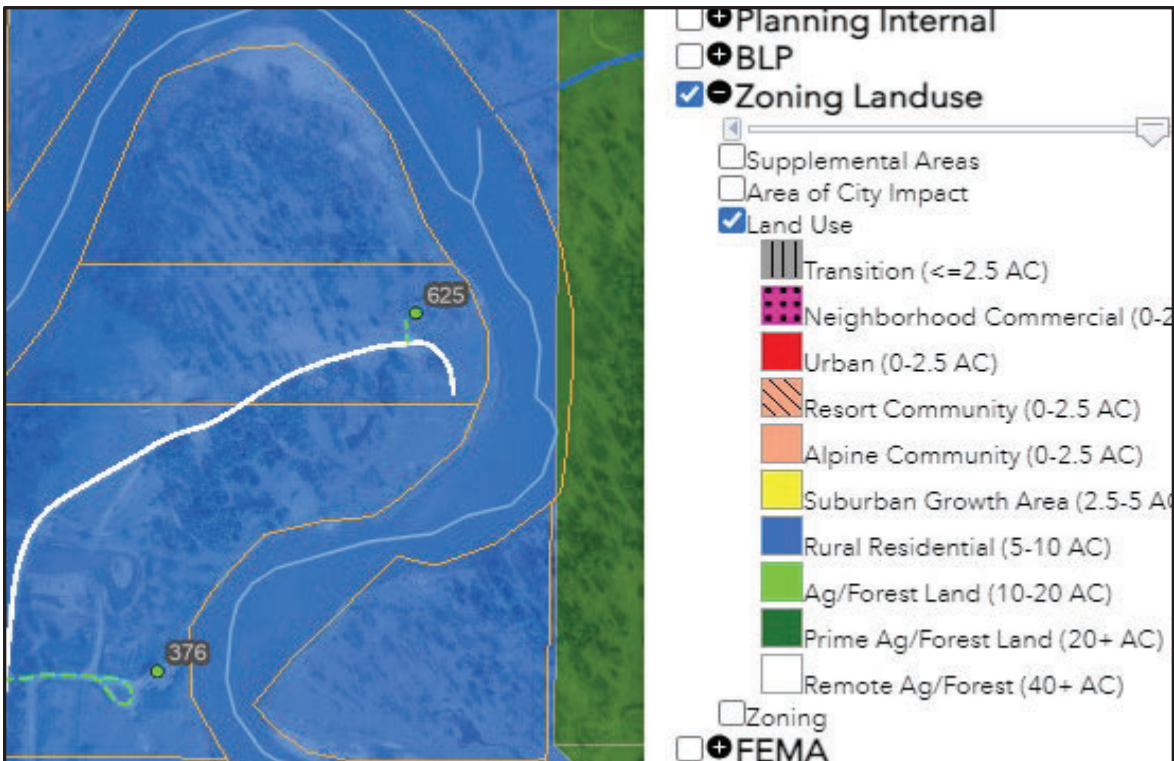
- Staff and the governing bodies shall review the particular facts and circumstances of each proposal submitted and shall determine whether there is adequate evidence that the proposal is in accordance with the general and specific objectives of the comprehensive plan.

12-320.1: Zoning Districts and Map Designation, Purpose:

- The purpose statements for each zone and map designation set forth in the following sections shall be used to guide the application of the zones and designations to all lands in unincorporated Bonner County. The purpose statements also shall guide interpretation and application of land use regulations within the zones and designations, and any changes to the range of permitted uses within each zone through amendments to this title.

12-320.2: Zoning Districts and Map Designations Established:

- In accordance with the provisions of Idaho Code and the objectives set forth in this code, all land in the unincorporated areas of Bonner County is hereby classified according to the following zoning designations and zoning map symbols, which shall be applied as shown on the official zoning district map.



Existing Comprehensive Plan Designation:

BCRC 12-323: Rural District

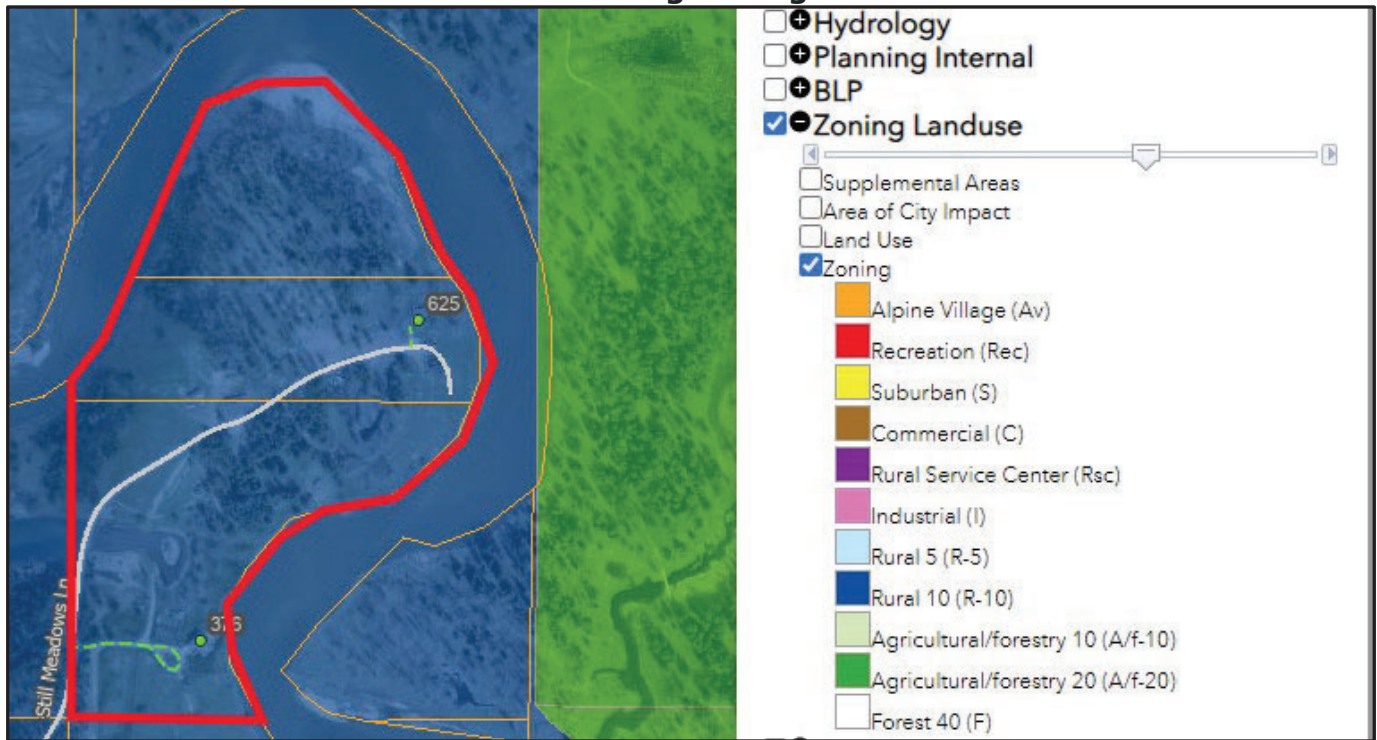
The rural district is established to allow low density residential uses that are compatible with rural pursuits.

1. Limiting residential densities and permitted uses to those that are compatible with rural character and nearby resource production districts and sites and can be adequately supported by rural service levels.
2. Allowing small scale farming and forestry activities, and tourism and recreation uses that can be supported by rural service levels and are compatible with rural character.
3. Encouraging conservation development configurations that create permanent open space or farming areas, protect sensitive environmental features, reduce infrastructure costs and/or enhance recreational opportunities.

Use of this zone is appropriate in areas designated by the comprehensive plan as follows:

1. R-10 in areas designated as rural residential in the comprehensive plan that meet one or more of the following criteria:
 - a. Characterized by slopes that are steeper than thirty percent (30%).
 - b. Located within critical wildlife habitat as identified by federal, state or local agencies.
 - c. Contain prime agricultural soils.
 - d. Served by a network of public and/or private roadways that generally do not meet applicable roadway standards set forth in title 2 (public roads) of this code or appendix A (private roads) of this title or are absent.
 - e. Within the floodway.
 - f. Contain limited access to public services.
2. R-5 in areas designated rural residential in the comprehensive plan that are already developed at or near the one dwelling unit per five (5) acre density and/or do not meet the criteria for R-10 above. (Ord. 501, 11-18-2008)

Existing Zoning:



Comparison: R-10 Criteria & R-5 Criteria

R-10 Zoning Standards	Rural-5 Zoning Standards
<ul style="list-style-type: none"> • Comprehensive Plan Designation: Rural Residential 5-10AC 1. R-10 in areas designated as rural residential in the comprehensive plan that meet one or more of the following criteria: <ol style="list-style-type: none"> a. Characterized by slopes that are steeper than thirty percent (30%). b. Located within critical wildlife habitat as identified by federal, state or local agencies. c. Contain prime agricultural soils. d. Served by a network of public and/or private roadways that generally do not meet applicable roadway standards set forth in title 2 (public roads) of this code or appendix A (private roads) of this title or are absent. e. Within the floodway. f. Contain limited access to public services. 	<ul style="list-style-type: none"> • Comprehensive Plan Designation: Rural Residential 5-10AC 1. R-5 in areas designated rural residential in the comprehensive plan that are already developed at or near the one dwelling unit per five (5) acre density and/or do not meet the criteria for R-10 above.

Adequate sewage disposal:

The subject properties have individual septic systems. Permits were found for one system, it is unclear as to the character of other systems on the subject properties.

Water supply:

The applicant has indicated there is individual well currently on the parcel. If any further expansion is proposed, then the applicant will need to obtain permitting for the proper agencies.

Roads:

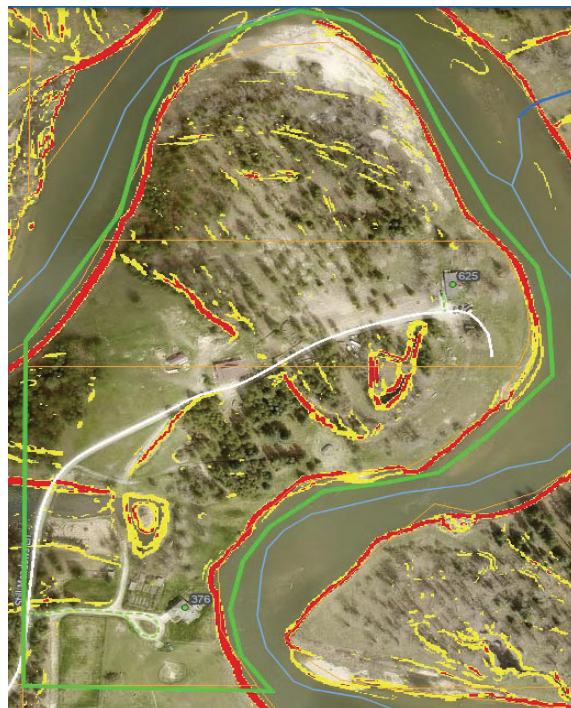
The subject properties are accessed by a privately owned and maintained road Still Meadows Lane.

Public facilities and services:

The parcel is afforded public services through Bonner County Sheriff’s Office and West Pend Oreille Fire District. Northern Lights Inc Utilities serves the property. Priest River is a public body of water that offers riparian recreation opportunities within the waterway.

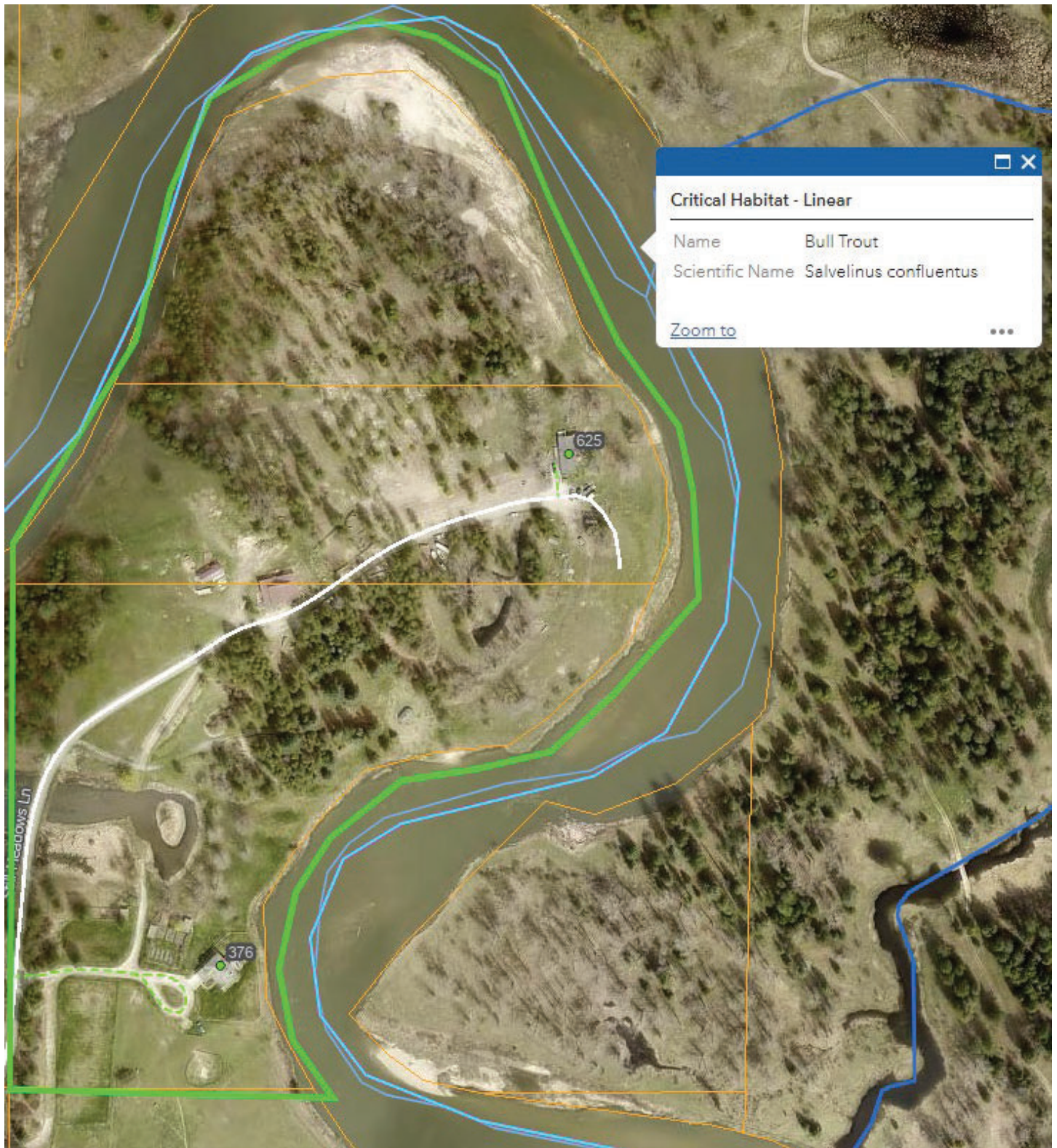
Properties Are Predominantly Characterized by >30% Slopes:

(Green Outline is Not The Property Boundary)



Staff: While there are visible threads of 30% or greater slopes per USGS, the percentage of the properties with slope of 30% or greater is not such that the properties are characterized by slopes of 30% or greater.

Presence of Critical Wildlife Habitat:



Staff: Bull Trout Critical Habitat is present in the Priest River, the subject properties do not contain submerged lands within this habitat. Bonner County does not have jurisdictional authority to regulate submerged lands.

Comprehensive Plan Analysis:

Property Rights

Goal:

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:

Private property should not be taken for public uses without just compensation or due process of law.

Impacts to other properties should be taken into account when considering land use proposals, policies and codes.

Staff: The application was routed to neighbors 300' from the property line, informing neighbors of the proposed zone change. As of March 12, 2024, Bonner County Planning has not received any comments on how this use could impact their property rights.

Population

Goal:

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

Objective:

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

Staff: Bonner County, according to 2022 population estimates census data, has seen a 9.1% increase in population since the 2020 census was performed; increasing from 47,105 to an estimated 51,414. With the increase in the population, there is upward pressure on housing needs in Bonner County, both in the unincorporated portion of the County, and in the incorporated cities.

School Facilities & Transportation

Goal:

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

Objective:

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.

The county should encourage school districts to proactively review development applications to determine a particular school needs and concerns.

Bonner County roads, trails and bicycle paths should be designed and maintained to allow safe passage of students to schools.

Long-term consequences of land use proposals should be considered, including the adequacy of existing facilities and the siting of future schools.

Staff: Bonner County School District #83 and Bonner County School Transportation that serves the property was notified of the proposed zone change and did not comment as to how an increase in density and development would or would not adversely impact the district's ability to provide adequate school services (and facilities) for new and existing students.

Economic Development

Goal:

Support and encourage economic development.

Objective:

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.

Enable development of small-scale cottage industries and home-based occupations while protecting the surrounding areas from adverse impacts.

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.

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.

Support local businesses by enabling development of workforce housing in proximity to commercial, industrial, and agricultural uses.

Staff: The proposed zone change to R-5 is in accord with the economic development section of the comprehensive plan. The parcel is in an area that currently contributes the economic diversity of Bonner County.

Land Use

Goal:

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:

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.

Encourage clustered development for medium and large scale commercial and industrial uses.

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

Staff: The proposed zone change from R-10 to R-5 allows the an increase in density within a mapped floodplain which could increase the exposure to a hazardous area. The proposed change from 10-acre minimum lot/parcel size to 5-acre minimums is not representative of the vicinity to the subject properties. A 1-mile radius of the subject properties contains approximately 31 parcels/lots developed at or below 1 dwelling unit per 5 acres regardless of zoning requirements. The majority of these properties at or below 5-acres are legal non-conforming properties created prior to the 2008 zoning ordinance.

Natural Resources

Goal:

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.

Acknowledge and consider agency comments regarding natural resources.

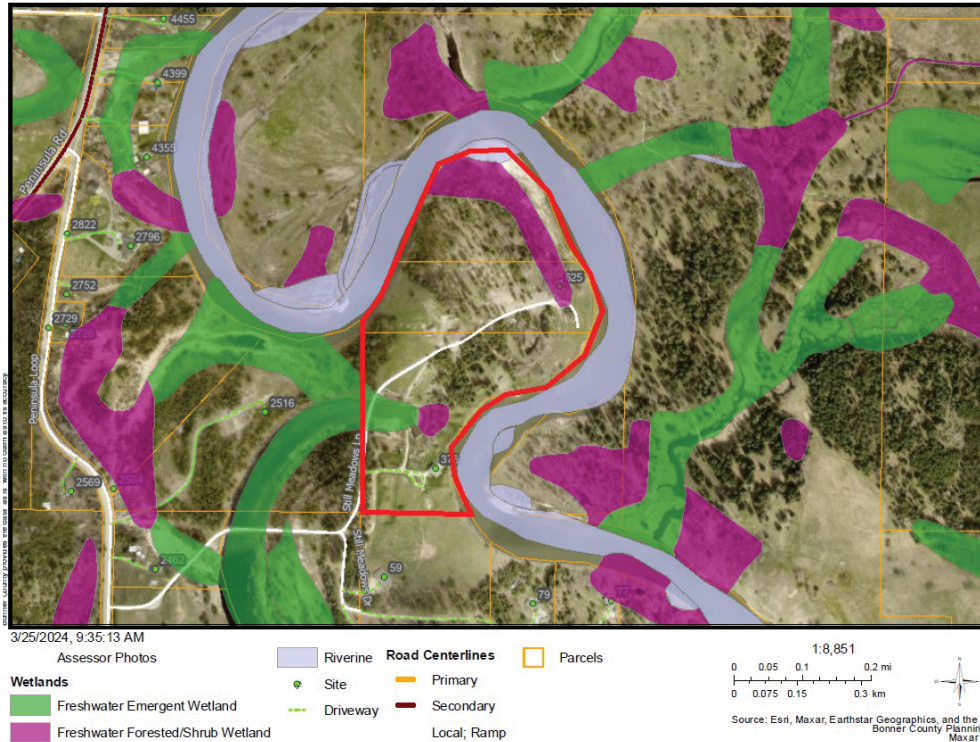
Objective:

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.

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.

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 current proposal for a zone change does not impact this component at this stage. The proposal could add additional dwellings and land disturbance which could lead to pollution of Priest River.



Hazardous Areas

Goal:

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.

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.

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.

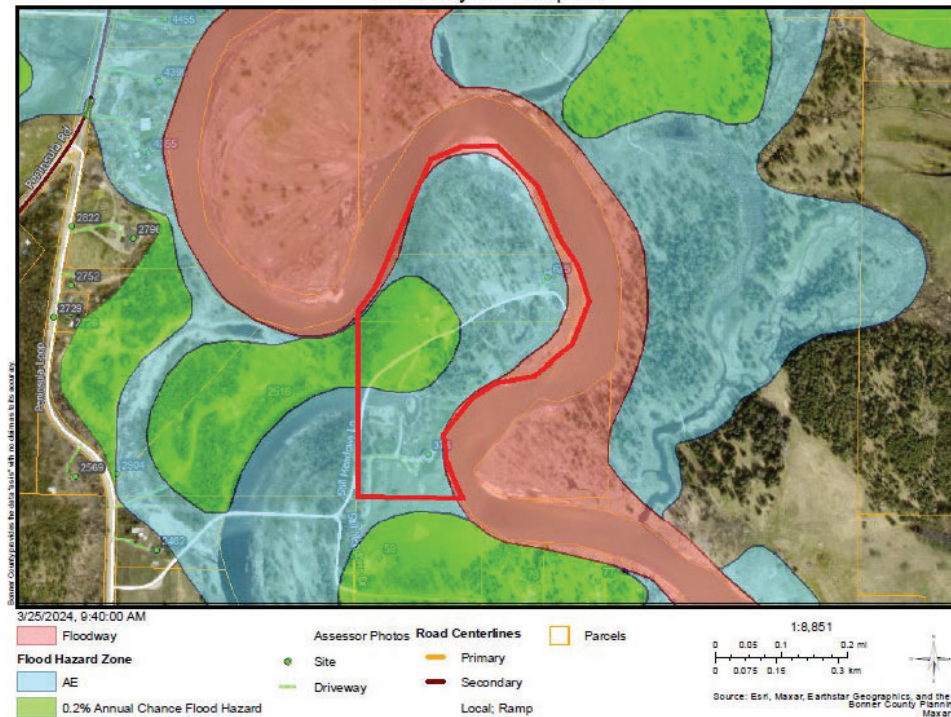
Objective:

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.

Future development should be designed to reduce exposure to wildland fire and to provide for emergency and escape routes for residents.

Development within areas of excessive slopes, unstable areas and avalanche zones should be discouraged.

Staff: The subject properties contain mapped floodplain, floodway, and wetlands. Potential damage to property or people due to soil erosion is possible with Priest River’s flow eroding cutbanks and channels. Flooding is possible on the subject properties. Dwelling units currently exist on the subject properties within the floodplain. There is currently only one way in or out of the subject property through Still Meadows Lane. The properties are afforded emergency services in the event of a flood.



Public Services, Facilities & Utilities

Goal:

Future development approvals should require adequate services and should not adversely impact the services or utilities of the utility provider.

Require adequate public services, facilities, and utilities in future development approvals.

Objective:

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.

Require the developers to provide infrastructure, utilities or financial support to offset the capital costs of expansion of services, required by the proposed development.

Bonner County shall require adequate provisions for future utility services in areas of commercial, industrial, residential or other similar uses.

Staff: The properties are currently within taxing districts that provide public services. Any expansions to these services the applicant will need to obtain proper permitting through the appropriate agencies that govern these services.

Transportation

Goal:

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

Objective:

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

Roads within new development should be built to county standards and at the expense of the developer.

Roads within new development should provide adequate access for fire and emergency vehicles as well as routes of escape.

Future access roads should be designed and built to integrate with the state and county system of roads without overburdening the transportation system.

To reduce transportation costs, road building and environmental impacts, cluster development should be encouraged.

Bonner County intends for certain intense land use developments to provide paved roads.

Bike ways and pedestrian paths should be considered in development plans to provide an integrated community transportation system wherever possible.

To communicate and work cooperatively with other jurisdictions within the county to ensure the best possible flow of traffic county-wide.

Staff: The subject properties are accessed by a privately owned and maintained road Still Meadows Lane. The proposal does not have a meaningful impact on Bonner County Transportation.

Recreation

Goal:

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

Objective:

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

Staff: Current recreational opportunities for the general public that are available in Bonner County are anticipated to remain the same with this zone change.

Special Areas or Sites

Goal:

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

Objective:

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

Staff: This proposal is not for any new construction that would interfere with any identified special areas or sites.

Housing

Goal/ Objective:

Provide an environment that enables opportunities for diverse housing needs.

Staff: This zone change to R-5 could provide housing opportunities for Bonner County.

Community Design

Goal:

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

Objective:

New development should be located in areas with similar densities and compatible uses.

The adverse impacts of new development on adjacent areas should be minimized.

Consider the protection of natural resources, rural features and surrounding uses of the community in the design and location of new development.

Staff: This proposal is in alignment with the community design within the vicinity or zone.

Staff: No recommendation.

Planner's Initials: TL

Date: April 5, 2024

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

Zone Change - Motion by the Governing Body:

ZONING COMMISSION

MOTION TO RECOMMEND APPROVAL: I move to recommend to the Board of County Commissioners, approval of this project, FILE ZC0001-24, requesting a zone change from Rural-10 to Rural-5, finding that it is in accord with the general and specific objectives of the Bonner County Comprehensive Plan and Bonner County Revised Code as enumerated in the following conclusions of law, and based upon the evidence submitted up to the time the Staff Report was prepared, and testimony received at this hearing. I further move to adopt the findings of fact and conclusions of law as set forth in the Staff Report (or as amended during the hearing) and direct the planning staff to draft written findings and conclusions to reflect this motion, have the Chairman sign, and transmit to all interested parties. This action does not result in a taking of private property.

Zone Change Findings of Fact:

- The current land use designation on all three parcels is Rural Residential (5-10 AC). This designation allows for rural pursuits.
- The parcels are accessed by Still Meadows Lane, a privately owned and maintained road.
- Emergency services is provided by Bonner County Sheriff and West Pend Oreille Fire District.
- Power is provided by Northern Lights Inc.
- The properties are served by individual septic systems and individual wells.
- The parcels are currently ±8.412, ±8.6, and ±11.50-acres. The total acreage for the proposed zone change is ±28.512-acres.

Zone Change Conclusions of Law:

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

Conclusion 1

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

Conclusion 2

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

Conclusion 3

The proposal **is / is not** in accord with the purpose of the Rural-5 zoning district, provided at Chapter 3, Title 12, Bonner County Revised Code.

ZONING COMMISSION

MOTION TO RECOMMEND DENIAL: I move to recommend denial to the Board of County Commissioners this project, FILE ZC0001-24, requesting a zone change from Rural-10 to Rural-5, based upon the following conclusions: [REFER TO FOLLOWING CONCLUSIONS OF LAW AND SPECIFY WHICH CONCLUSIONS THE PROJECT MEETS AND FAILS TO MEET]. The decision is based upon the evidence submitted up to the time the Staff Report was prepared, and testimony received at this hearing. I further move to adopt the findings of fact and conclusions of law as set forth in the Staff Report as amended during the hearing and direct planning staff to draft written findings and conclusions to reflect this motion, have the Chairman sign, and transmit to all interested parties. This action does not result in a taking of private property.

The 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.

RECORD OF MAILING

Page 1 of 1
File No.: ZC0001-24

Hearing Date: April 18, 2024

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 **12th** day of **March 2024**.



Jenna Crone, 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
Lakes Highway District - U.S. Mail	Little Blacktail Ranch Water Association - U.S. Mail
North of the Narrows Fire District - Email	Northern Lights, Inc. - 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