



# RUEN-YEAGER & ASSOCIATES, INC.

ENGINEERS ♦ PLANNERS ♦ SURVEYORS

## McPHERSON ZONE CHANGE

### ZONING CRITERIA BREAKDOWN – BCRC 12-323 (Rural District)

**EXPLAIN WHY THE ZONE CHANGE IS NECESSARY:** The subject parcels conform more with the Rural 5 zoning designation than the current Rural 10 zoning designation and the landowner would like to have the correct zoning reflected for the properties

**IS THE COMPREHENSIVE PLAN MAP DESIGNATION FOR THIS SITE CONSISTENT WITH THE PROPOSED ZONING?:** Yes

### HOW DOES THE PROPOSAL MEET THE SPECIFIC CRITERIA OF THE PROPOSED ZONING DISTRICT?

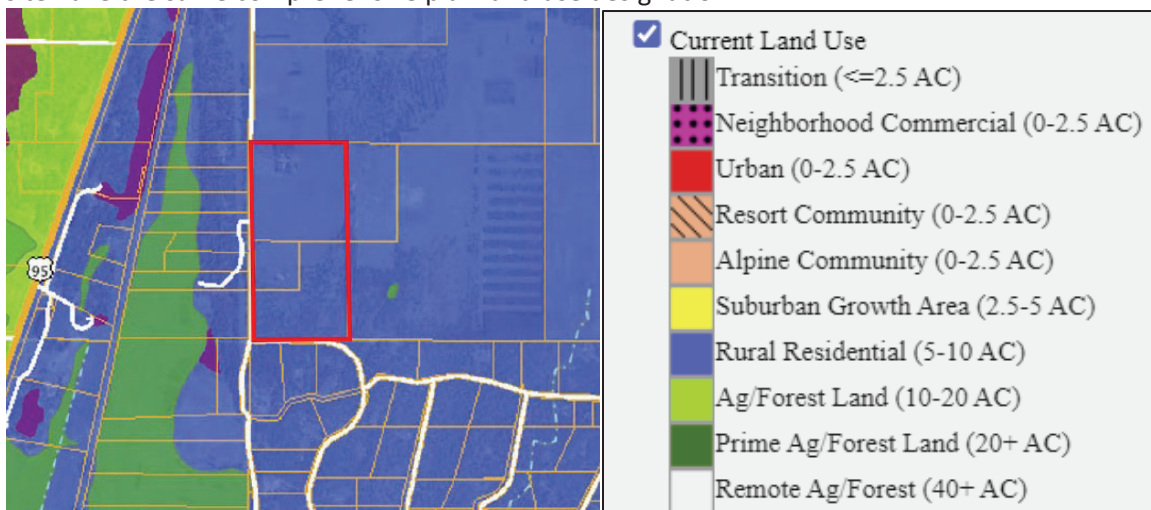
DESCRIPTION	RURAL-10 ZONE	RURAL-5 ZONE	SUBJECT SITE
Comp Plan designation of Rural Residential	Yes	Yes	Yes
Slopes steeper than 30%	Yes	No	No
Within critical wildlife habitat	Yes	No	Yes*
Contain prime agricultural soils	Yes	No	No & Yes*
Served by a network of public and/or private roadways that generally do not meet applicable roadway standards (Title 2 or appendix A, Title 12)	Yes	No	No
Within a floodway	Yes	No	No
Contains limited access to public services	Yes	No	No*

\*See the following explanations

### COMPREHENSIVE PLAN DESIGNATION OF 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 agriculture uses and residential development are permitted.*

The site has a comprehensive plan land use designation of Rural Residential and properties surrounding the site have the same comprehensive plan land use designation.





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## **SLOPES STEEPER THAN 30% PRESENT**

There are no slopes that exceed even 15% except for a ridge in the eastern portion of parcel RP59N01W156001A and the southern corner of parcel RP59N01W155402A.

## **LOCATED WITHIN CRITICAL WILDLIFE HABITAT**

While the "critical wildlife habitat" map does show some areas in this section, the map has not been updated since 04/25/2002 and the area has been cleared of timber and is used in an agricultural manner.

## **CONTAIN PRIME AGRICULTURAL SOILS**

The properties have a majority of Mission Silt Loam soil (only considered farmland of statewide importance if drained - also found in the Rural 5-zoned areas south of the sites) with small portions of Haploxeralfs & Xerochrepts soils (not prime farmland - located on the ridge areas).

## **SERVED BY A NETWORK OF PUBLIC AND/OR PRIVATE ROADWAYS THAT GENERALLY DO NOT MEET APPLICABLE ROADWAY STANDARDS OF TITLE 2 OR APPENDIX A OF TITLE 12**

The sites are served by Jenkins Road and Broken Arrow Road which are both Bonner County public roads which should meet the applicable standards for public roads.

## **WITHIN A FLOODWAY**

The site has no floodplains or floodway present on site or within its vicinity. The site is in the Special Flood Hazard Area Zone X under panel 16017C0505E per FEMA d-FIRM maps.

## **CONTAINS LIMITED ACCESS TO PUBLIC SERVICES**

The parcels are within the North Side Fire District but are not within any water or sewer district just like the southern Rural 5-zoned properties. The access point to Highway 95 is within 1 ½ miles of the sites and the City of Ponderay is ~16 miles from the sites where elementary and high school institutions reside.

**EXPLAIN HOW THE PROPOSED ZONE CHANGE WILL EFFECT ELEMENTS SUCH AS NOISE, LIGHT GLARE, ODOR, FUMES AND VIBRATIONS ON ADJOINING PROPERTY:** There would be no effect from noise, light glare, odors, fumes, or vibrations as the zone change is not development. If developed in the future with Rural 5 zoning, there is potential for a moderate increase in density which will be similar to that already in the adjoining Rural 5 and Rural 10-zoned properties in the vicinity.

## **HOW HAS THE PROPOSAL BEEN DESIGNED TO BE COMPATIBLE WITH THE ADJOINING LAND USES?:**

Lands directly west and south of the sites, which are zoned Rural 5, are at the 5-acre minimum density allowance as are parcels located in the Rural 10 zoning southwest, east and north of the sites. Most parcels adjacent to the subject sites have already been developed with at least one dwelling. The proposed zone change would not change the character of the area as any potential lots created if the zone change were to be approved would be a minimum of 5 acres in size, no smaller.

## **WHAT EXTENSIONS OF WATER OR SEWER LINES, ROADS OR OTHER PUBLIC OR PRIVATE SERVICES WOULD BE NECESSARY IF THIS ZONE CHANGE WERE APPROVED?:**

No extensions of services are proposed or necessary as two of the three sites have already been developed with wells and septic systems.



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## **McPHERSON ZONE CHANGE COMPREHENSIVE PLAN REVIEW**

### **PROPERTY RIGHTS**

The rezoning of the site would not infringe upon the rights of the neighboring properties or current/future landowners as the proposal is compatible with the adjoining land uses, will have no effect on elements such as noise, light glare, odor, fumes and vibrations on those adjoining lands more than the site would currently with its allowed uses, and does not show a potential for a taking per the Attorney General's checklist criteria below.

- Physical Occupation: *Does the regulation or action result in a permanent or temporary physical occupation of private property?*
  - No physical occupation of private property of any kind is to occur.
- Property Dedication: *Does the regulation or action require a property owner to dedicate a portion of property or to grant an easement?*
  - All three sites direct front on Bonner County roads Jenkins Road or Bowen Arrow Road. No dedication of a portion of a property or a granting of an easement is required for the rezone.
- Viable Use: *Does the regulation deprive the owner of all economically viable uses of the property?*
  - The regulation of the Rural-10 zoning does not fit the three physical characteristics of the three parcels and restricts the owner of their ability to subdivide the land at the appropriate zoning density. All other uses permitted in the Rural-5 zone are also permitted in the Rural-10 zone.
- Economic Interest: *Does the regulation have a significant impact on landowner's economic interest?*
  - Without the rezone, the owners would not be able to subdivide the land at the 5-acre density which would restrict the owners' heirs ability to divide the land fairly. Other than that, there would not be a significant impact on the owners' economic interests.
- Fundamental Ownership Attributes: *Does the regulation deny a fundamental attribute of ownership?*
  - The rezone would not cause a denial of a fundamental attribute of ownership.
- Nexus: *Does the regulation serve the same purpose that would be served by directly prohibiting the use or action; and does the condition imposed substantially advance that purpose?*
  - Other than being able to subdivide the parcel if rezoned to Rural-5, the Rural-5 and Rural-10 zones serve the same purpose, and no other uses nor uses of higher impact would be permitted if rezoned to Rural-5.

### **POPULATION**

The only change to population would come if any additional development occurs on site after being divided. There would be no large influx of people to the area.

### **SCHOOL FACILITIES & TRANSPORTATION**

The site is within Bonner School #84 school district but is also close to the Boundary school district #101 to the north in Boundary County where Naples Elementary is only 9 miles away and Bonners Ferry High School is 17 miles away. Compared to the closest elementary school and high school in Bonner County, Southside Elementary School is 17 miles away and Sandpoint High School is 30 miles away. There is a



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possibility that any children that were to reside on site would have a minimal to no impact on the local school district.

## **ECONOMIC DEVELOPMENT**

There is no anticipated impact on the economic development of the county or its residents.

## **LAND USE**

The site has a comprehensive plan land use designation of Rural Residential which states; *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 agriculture uses and residential development are permitted.*

The site is currently used in a residential and agricultural manner similar to the adjoining properties, except for the state parcel. No timber or agricultural-type uses are proposed.

## **NATURAL RESOURCES**

- No mapped wetlands present on site per the National Wetlands Inventory Map.
- No bodies of water are present on site.
- While the "critical wildlife habitat" map does show some areas in this section, the map has not been updated since 04/25/2002 and the area has been cleared of timber and is used in an agricultural manner.
- The properties have a majority of Mission Silt Loam soil (only considered farmland of statewide importance if drained - also found in the Rural 5-zoned areas south of the sites) with small portions of Haploxeralfs & Xerochrepts soils (not prime farmland - located on the ridge areas).

## **HAZARDOUS AREAS**

- No floodplains or floodway present per FEMA d-FIRM maps.
  - Zone X in panel 16017C0505E.
- There are no slopes that exceed even 15% except for a ridge in the eastern portion of parcel RP59N01W156001A and the southern corner of parcel RP59N01W155402A.

## **PUBLIC SERVICES**

- Water: Shared private wells or individual wells – on site/proposed
  - Nearest public water is Colburn Water District – 4 miles away
- Sewer: Private septic – on site
  - Nearest public sewer is Kootenai-Ponderay Sewer District – 16 miles away
- Power: Northern Lights, Inc. – on site
- Fire: North Side Fire District – within district boundaries but 16 miles from fire house
- Solid Waste: Colburn Site, 9 miles away
- County Road: Jenkins Road and Bowen Arrow Road – on site
- State Highway: Highway 95 – just over 1.5 mile away



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## **TRANSPORTATION**

The site is accessed via Jenkins Road with the potential for access from Bowen Arrow Road as well. Both roads are Bonner County public roads that encroach off encroaches Elmira Road another Bonner County public road from Highway 95. There should be no effect on the local transportation routes, buses, or individual drivers due to the proposal.

## **RECREATION**

There is no anticipated adverse impact on recreational opportunities due to the proposal.

## **SPECIAL AREAS OR SITES**

There are no known special areas or sites on the parcel.

## **HOUSING**

Two of the three sites have dwellings and outbuildings on site, with the southern-most parcel being vacant. As the sites are zoned now as Rural-10, there are a variety of residential, commercial, industrial, public, resource, and accessory uses permitted outright or through a conditional use permits/special use permits. With either zoning, Rural-10 or Rural-5, the same uses are permitted, the density minimum just changes from 10 acres to 5 acres.

## **COMMUNITY DESIGN**

Lands directly west and south of the sites, which are zoned Rural 5, are at the 5-acre minimum density allowance as are parcels located in the Rural 10 zoning southwest, east and north of the sites. Most parcels adjacent to the subject sites have already been developed with at least one dwelling. The proposed zone change would not change the character of the area as any potential lots created if the zone change were to be approved would be a minimum of 5 acres in size, no smaller.

## **AGRICULTURE**

Parcel RP59N01W156001A is heavily timbered and no agricultural uses are proposed on that parcel. The other two parcels have open fields able to be used in an agricultural manner if desired. The proposal is not anticipated to have an effect on agricultural uses in the area.

## **IMPLEMENTATION – N/A**