

**BONNER COUNTY PLANNING DEPARTMENT  
ZONING COMMISSION  
STAFF REPORT FOR OCTOBER 17, 2024**



**Project Name:** LeDrew, Zone Change

**File Number, Type:** ZC0011-24, Zone Change

**Request:** The applicant is requesting a zone change from Agricultural/Forestry 20 to Agricultural/Forestry 10 on one parcel.

**Legal Description:** 26-58N-1W E2SENW

**Location:** 453 Thimbleberry Lane, Sandpoint, ID

**Parcel Number(s):** RP58N01W264200A

**Parcel Size:** Approximately 20-acres

**Applicant:** LeDrew Trust

**Project Representative:** Provolt Land Surveying

**Application filed:** July 30, 2024

**Notice provided:** Mail: September 17, 2024  
Site Posting: September 16, 2024  
Published in newspaper: September 17, 2024

**Enclosure:** Annex A – Complete List of Agencies Routed

# SITE PLAN

## SITE PLAN-LE DREW

SECTION 26 TOWNSHIP 58 NORTH, RANGE 1 WEST,  
BOISE MERIDIAN, BONNER COUNTY, IDAHO

### BASIS OF BEARING

BASIS OF BEARING IS THE RECORD OF SURVEY BY RLS 974, INST. NO. 231174, RECORDS OF BONNER COUNTY, IDAHO

### SURVEYOR'S NOTE

THIS SURVEY WAS PERFORMED USING REAL TIME KINEMATIC (RTK) GLOBAL POSITIONING SYSTEM (GPS) EQUIPMENT. THE LINEAR ERROR OF CLOSURE MEETS OR EXCEEDS REQUIREMENTS OF THE STATE OF IDAHO.

### SURVEY REFERENCES

1. RECORD OF SURVEY INST. NO. 231174
2. RECORD OF SURVEY INST. NO. 784590

### PURPOSE OF SURVEY/NARRATIVE

TO SHOW BOUNDARY LINES AND SITE PLAN FOR PROPOSED ZONE CHANGE AREA



SCALE 1" = 200'  
200' 100' 0' 200'

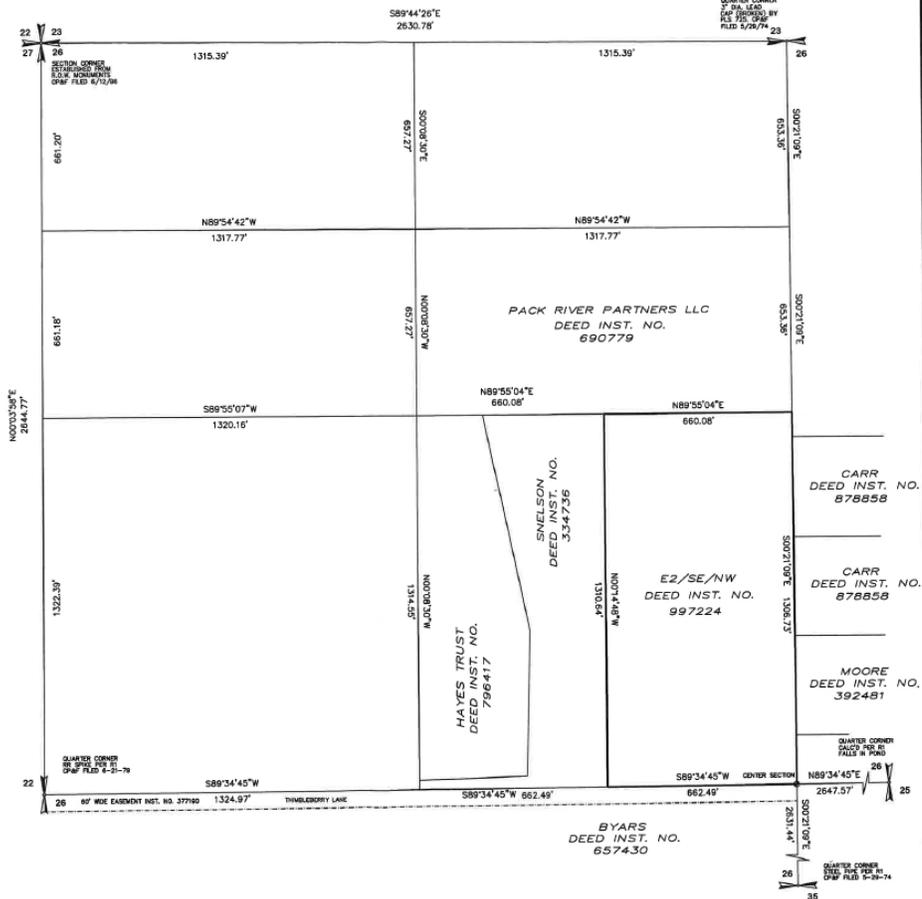


NOTE: THIS DRAWING DOES NOT ATTEMPT TO SHOW ALL EASEMENTS OF RECORD, PRESCRIPTIVE EASEMENTS, OR PHYSICAL FEATURES OF THE PROPERTY. I MAKE NO INVESTIGATION AS TO THE LEGAL OWNERSHIP OF THE PROPERTY.

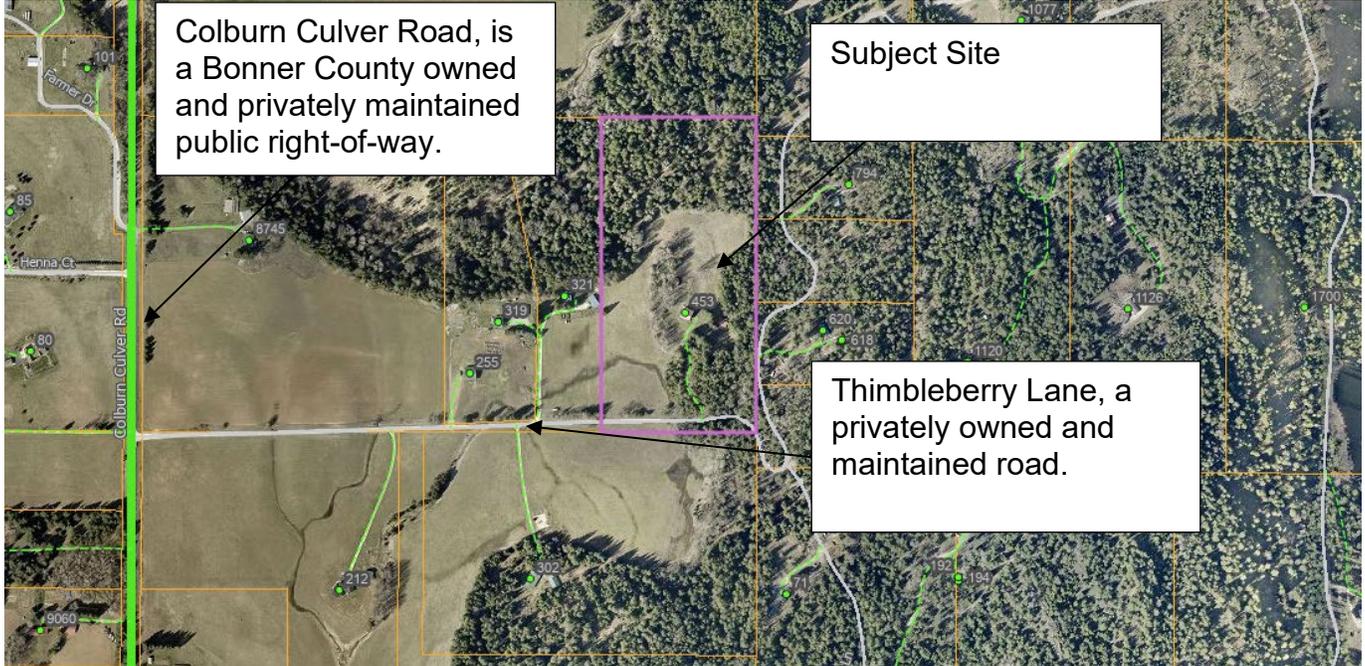
#### SITE PLAN - LE DREW

DATE: 10-24  
SCALE: 1"=200'  
SHEET: 1 OF 1  
SHT\_LOF\_1

PROVOLT LAND SURVEYING, INC  
P.O. BOX 580 PONDERAY, ID. 83852  
(208) 290-1725



## VICINITY MAP



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### Project summary:

The applicants are requesting a zone change from Agricultural/Forestry 20 to Agricultural/Forestry 10 on one (1) parcel approximately 20.00-acres. The project is located off Thimbleberry Lane in Section 26 Township 58 North, Range 01 West, Boise-Meridian. The comprehensive plan designation is Ag/Forest Land.

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### 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 12-111: Purpose et seq, health, safety, and general welfare
- BCRC 12-320.1 – Zoning districts and map designation, purpose
- BCRC 12-320.2 – Zoning districts and map designations established
- BCRC 12-322 – Agricultural/Forestry District
- BCRC 12-800 et seq., Definitions

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### Background:

#### A. Site data:

- Use: Residential
- Unplatted
- Size: Approximately 20-acres
- Zone: Agricultural/Forestry 20
- Land Use: Ag/Forest Land

#### B. Access:

- The parcel is accessed from Thimbleberry Lane, a privately owned and maintained road, via Colburn Culver Road, a Bonner County owned and maintained public right-of-way.

**C. Environmental factors:**

- Site does contain mapped slopes of 0-30+%. (USGS)
- Site does not contain mapped wetlands. (USFWS)
- Site does not contain frontage to a mapped waterbody. (NHD)
- Parcel RP58N01W264200A is within SFHA Zone X per FIRM Panel Number 16017C0735E, Effective Date 11/18/2009.
- Four Soil Types:
  - Description: Haploxeralfs and Xerochrepts, 30 to 55 percent slopes
    - i. Type: Undifferentiated
    - ii. Drainage: Well Drained
    - iii. Classification: Not Prime Farmland
  - Description: Pend Oreille Rock outcrop complex, 5 to 45 percent slopes
    - i. Type: Complex
    - ii. Drainage: Well Drained
    - iii. Classification: Not prime farmland
- Description: Selle fine sandy loam, 0 to 8 percent slopes
  - i. Type: Consociation
  - ii. Drainage: Well Drained
  - iii. Classification: All areas are prime farmland
- Description: Mission silt loam, 2 to 12 percent slopes
  - i. Type: Consociation
  - ii. Drainage: Somewhat poorly drained
  - iii. Classification: Farmland of statewide importance, if drained

**D. Services:**

- Water: Individual well
- Sewage: Individual septic
- Fire: Sagle Fire District
- Power: Avista Utilities
- School District: Lake Pend Oreille School District #84

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

| <b>Compass</b> | <b>Comp Plan</b> | <b>Zoning</b> | <b>Current Land Use &amp; Density</b> |
|----------------|------------------|---------------|---------------------------------------|
| <b>Site</b>    | Ag/Forest Land   | A/F-20        | Residential 20-acres                  |
| <b>North</b>   | Ag/Forest Land   | A/F-10        | Vacant 80-acres                       |
| <b>East</b>    | Ag/Forest Land   | A/F-20        | Residential four (4) ~5-acres         |
| <b>South</b>   | Ag/Forest Land   | A/F-20        | Residential 30.28-acres               |
| <b>West</b>    | Ag/Forest Land   | A/F-20        | Residential 10-acres                  |

**F. Agency Review:**

A full list of the agencies and taxing districts routed for comment can be found in attached Annex A.

**The following agencies provided comment:**

None

**The following agencies replied “No Comment”:**

Idaho Transportation Department, Northside Fire District

**All other agencies did not reply.**

**Public Notice & Comments**

No public comments were received at the time that the staff report was written.

**G. Standards for review: Bonner County Revised Code**

- **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 not in conflict with the policies of the comprehensive plan, as found in the adopted Implementation Component. For zone change proposals, the request shall be evaluated against chapter 12 subchapter 3.2 or as hereafter amended.
- **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. (Ord. 501, 11-18-2008)
- **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:**

**Ag/Forest Land:**

The Ag/Forest Land designation recognizes areas where steeper slopes prevail (30% or greater) and transportation is provided by private roads or U.S. Forest Service or state roads. Urban services are not available and residential development challenges are present due to slope, poor soil conditions, hazard areas and lack of police or fire services.

**Comprehensive Plan Analysis:****Property Rights****Policies:**

1. Bonner County should follow the attorney general’s checklist, proscribed at Idaho Code §67-8003 and provided in the “Property Rights” component of the county’s comprehensive plan, for all land use decisions.
2. For all land use decisions, findings of fact and conclusions of law should be adopted that reflect the justifications for exactions, conditions and restrictions and should confirm that a taking of private property has not occurred.
3. The property rights of the applicant, adjoining and nearby landowners and future generations should be considered, as well as the short-term and long-term consequences of decisions.
4. Bonner County should review all rezoning requests (down-zoning and up-zoning) pursuant to the Idaho State Code, Title 67, Chapter 65 – Local Land Use Planning Act. The approval of conditional rezoning or denial of a request for rezoning may be subject to the regulatory taking analysis provided for by Idaho Code Section 67-8003.

**Staff:** The application was routed to neighbors 300’ from the property line, informing neighbors of the proposed zone change. As of the date of this staff report, Bonner County has received public comments. This proposal has been reviewed for compliance with Bonner County Revised Code and findings of fact will be adopted with the decision and recommendation of this project. This proposal does not appear to be in conflict with the policies of this component.

**Population****Policies:**

1. Population projections should be analyzed regularly to determine if changes need to be made to the Comprehensive Plan goals, objectives and policies and/or the Zoning Ordinance to ensure that the public and community needs are being met through land use decisions.
2. Population forecasts and census data should be used to evaluate housing and school needs, and impacts to the transportation system and other county services.

3. Bonner County should cooperate with its incorporated cities and neighboring counties to address growth challenges within the ACI areas and coordinate planning efforts whenever possible.

**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. This proposal is not within any Areas of City Impact and does not appear to be in conflict with the policies of this component.

## **School Facilities & Transportation**

### **Policies:**

1. Current data regarding school capacity and transportation issues as provided by the School Districts will be included in the assessment of all land use proposals.
2. Bonner County should examine the impacts of land use proposals to the school system and should seek mitigation from developers such as providing facilities, safety features, fees or other measures as permitted by Idaho Code, to address the impact of the proposals.

**Staff:** The Lake Pend Oreille School District #84 and Lake Pend Oreille School Transportation that serves the property were notified of the proposed zone change. Lake Pend Oreille School District 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. The Transportation department did not provide a comment. This project does not appear to conflict with this component.

## **Economic Development**

### **Policies:**

1. Small scale cottage businesses and home occupations should be allowed in all areas of the county. Reasonable conditions on such uses should be set to minimize adverse impacts to the neighborhood based on factors including, but not limited to, hours of operation and traffic volume generated by the business.
2. Develop land use regulations to allow Bonner County's agricultural heritage to be maintained by enabling local food production, distribution, congregation, and retail sales. Examples include community gardens, school gardens, farm related education programs, farmers or public markets, and other small-scale, collaborative initiatives.
3. Develop standards for commercial and industrial development that are appropriate for the surrounding community, including: appropriate site sizes, use types, buffering and design standards that encourage both attractive and efficient function, while protecting the environment.

4. Review and update land use regulations for employee housing to support the goal of enabling this use in proximity to commercial, industrial and agricultural uses.

**Staff:** The proposed zone change does not appear to conflict with policies of this component.

## Land Use

### Policies:

1. Commercial and industrial uses, in areas identified in the Comprehensive plan suitable for such development, should be unconditionally permitted. Evaluation of suitability should be based on availability of urban services, adequate access to hard surfaced publicly maintained roads and other factors that may impact the surrounding community.

2. Commercial and industrial uses may be conditionally permitted in areas not identified for such uses in the Comprehensive Plan if a critical review of the proposed use determines that with appropriate conditions the use will not adversely impact the surrounding area.

**Staff:** The proposed zone change from Agricultural/Forestry 20 to Agricultural/Forestry 10 does not appear to conflict with the policies of this component. The Agricultural/Forestry zone does allow for some commercial and industrial uses, either unconditionally or conditionally permitted, per BCRC 12-3.3.

## Natural Resources

### Policies:

1. Watershed standards should be employed in land use codes to protect water quality.
2. Best management practices for waterway setbacks should be instituted to reduce erosion and sedimentation into waterways.
3. Development standards should be designed to encourage clustered development resulting in the preservation of open space and wildlife habitat.
4. Bonner County should recognize its critical wildlife habitat and create development standards to protect these areas and mitigate development impacts to these habitats.
5. Protect water quality by creating standards for development in close proximity to shorelines.
6. Productive farmland, timberland and mining lands should be identified and protected from adverse effects of adjoining developments.

**Staff:** Impacts to natural resources were not identified by any agency. Agricultural uses exist on the land and anticipated to be maintained. The Ag/Forest land use

designation encourages protecting agricultural uses and limiting higher density residential development. Both are protected and maintained with this proposal.

## **Hazardous Areas**

### **Policies:**

1. Flood mitigation standards should be adopted that meet or exceed the National Flood Insurance Program minimum requirements.
2. Residential, commercial or industrial development within the floodway should be discouraged.
3. Fill within the floodplain should be discouraged.
4. The county's wildland fire, urban/wildland interface policies and plans should be integrated into development standards.
5. Excessive slopes should be identified and development discouraged by providing lower densities within these areas.
6. Multiple points of ingress/egress should be considered for large developments
7. Development should be avoided in avalanche zones.

**Staff:** The subject properties are not located in a mapped floodplain. Potential damage to property or people due to soil erosion or avalanches are minimal. Furthermore, the property is provided with emergency services. This project does not appear to be in conflict with the policies of this component.

## **Public Services, Facilities & Utilities**

### **Policies:**

1. Encourage high-density development to take place within the boundaries of existing sewer and water areas.
2. Bonner County should seek comment from existing service providers on their ability to serve future developments without adversely impacting the ability of the utility providers to serve current users.
3. Bonner County should provide adequate facilities for responsible disposal of solid waste to protect the health and welfare of the public as well as the County's natural resources.

**Staff:** The parcel has services, including electricity provided by Avista Utilities, Bonner County EMS & Sheriff, and Northside Fire District; all of which were routed for comment and did not respond as to how this zone change could affect their services. Any expansions to these services or others, the applicant will need to obtain proper permitting through the appropriate agencies that govern these services.

## Transportation

### Policies:

1. A long-term transportation system plan should be developed and regularly updated to ensure reasonable levels of service can be maintained in the future, and that needs for future road extensions or transportation corridors are identified as early as possible.
2. Development in areas that are not served by county standard roads or where transportation is inadequate should be discouraged.
3. Bike and pedestrian trails should be considered in development proposals to connect the communities with existing and planned bike and walking paths wherever possible.

**Staff:** The proposal does not appear to conflict with the policies of this component.

## Recreation

### Policies:

1. Bonner County is encouraged to develop a waterways and park access program to preserve and develop access to public recreational lands and waterways. The program should include retaining access parcels that may be acquired from tax sales or private donations.
2. A plan for a system of green belts and pathways (bike and pedestrian) should be considered as areas develop, so that a connected system can be developed and preserved.
3. Under no circumstances, will Bonner County require access easements on private property as a condition of development. This policy does not preclude providing voluntary incentives to developers in return for access easements.

**Staff:** The parcel does not adjoin public lands or provide access to public lands. Current recreational opportunities for the general public that are available in Bonner County are anticipated to remain the same with this zone change. The proposal does not appear to be in conflict with the policies of this component.

## Special Areas or Sites

### Policies:

1. A generalized map of the known pre-historic and historic sites should be developed so that future developments are aware of special areas of concern and are connected with the historical society and Native American tribes for appropriate preservation and protection.
2. Bonner County should implement road side development standards for recognized scenic byways to protect the view sheds.

3. Special areas should be recognized and addressed when development is proposed in these areas.

**Staff:** The project appears to not conflict with the policies of this component.

## **Housing**

### **Policies:**

1. Encourage development of a variety of housing options including mobile home parks, tiny home communities and recreational vehicle parks located in areas that are compatible with their density.
2. Work with municipalities and private parties to find solutions for all types of housing projects and developments.
3. Clustering of housing in developments to save on infrastructure and transportation costs should be encouraged through mechanisms such as density bonuses.
4. Bonner County recognizes opportunities should be made for assisted living and group shelters.
5. Enable workforce housing in direct proximity to agricultural, commercial and industrial uses.

**Staff:** The Agricultural/Forestry zoning district allows for a variety of housing types including, but not limited to, single family dwellings, accessory dwelling units, duplexes, RV dwelling units, mobile home and RV parks, workforce housing, and campgrounds.

## **Community Design**

### **Policies:**

1. To promote and preserve the natural features and rural atmosphere of the community, the county should enact development standards that address development within scenic byways and design standards that account for waterfront setbacks, wildlife corridors, commercial and industrial landscaping, requirements for reduced lighting, cluster development, rural rather than urban setback standards and other design objectives aimed at preserving the rural, natural character of the community.
2. Allow unique and flexible design standards such that new development within older neighborhoods and historic settlements is compatible with those unique neighborhoods.
3. Allow particularized design standards to address waterfront and mountaintop developments which may differ from standard design objectives.

**Staff:** This proposal does not appear to conflict with the policies of this component.

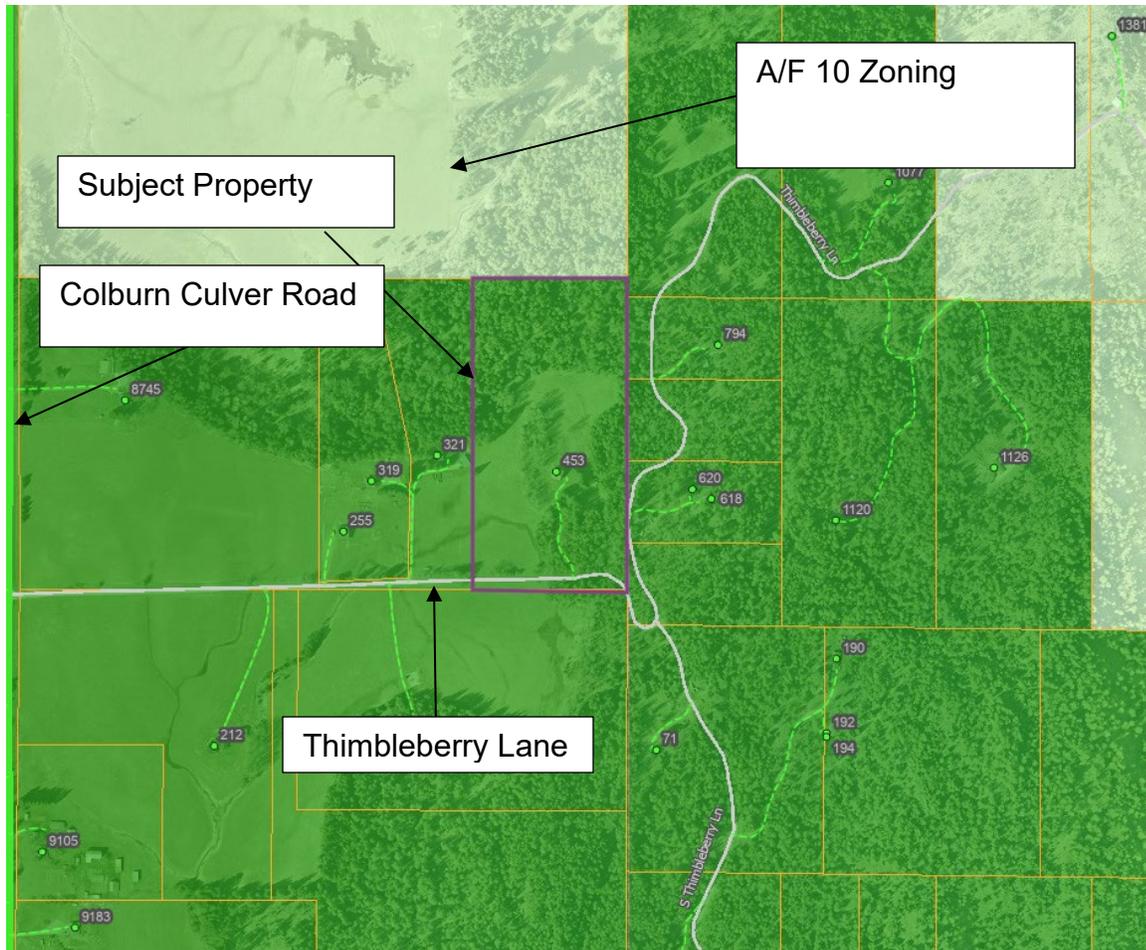
## **Agriculture**

### **Goals/Objectives:**

1. Residential uses should continue being permitted in Agricultural zoning districts.
2. Protect agricultural uses and activities from land use conflicts or interference created by residential, commercial or industrial development
3. Land use regulations should support home occupations, cottage industries and farm-based family businesses on agricultural parcels. Examples include farm stands and other agri-business pursuits.
4. Bonner County acknowledges the provisions of Idaho State's Right to Farm Act. Those shall be considered in the land use decisions.

**Staff:** This proposal does not appear to be in conflict with the policies of this component, as farming and agricultural pursuits remain viable and are encouraged in the Agricultural/Forestry zoning districts, Ag/F-20 and Ag/F-10.

## **Existing Zoning:**



**12-322: AGRICULTURAL/FORESTRY DISTRICT (A/F-20):**

A. The agricultural/forestry district is established to provide for agricultural and forestry pursuits, including livestock production, forestry, horticulture, floriculture, viticulture, and necessary accessory uses for treating, storing and processing agricultural products. The purpose of the A/F district is to preserve, protect and maintain areas that are rural in character and the integrity of the forest/woodland areas where viable agricultural pursuits can be feasible and to avoid fragmentation of forests and farms. These purposes are accomplished by:

1. Establishing residential density limits and conservation development standards to retain areas sized for efficient farming.
2. Allowing for uses related to agricultural production and limiting nonagricultural uses to those compatible with agriculture, or requiring close proximity for the support of agriculture.

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

1. A/F-20 in all areas designated as prime ag/forest land in the comprehensive plan. The A/F-20 zone is also appropriate in areas designated ag/forest land in the comprehensive plan that also feature:

- a. Prime agricultural soils.
- b. Are characterized by agricultural or forestry uses.
- c. Areas where one or more of the following apply: limited services; characterized by slopes steeper than thirty percent (30%); where access may be absent or limited to substandard road systems or where large tracts of land may be devoted to ag/forest production.

**Proposed Zoning:**

**12-322: AGRICULTURAL/FORESTRY DISTRICT (A/F-10):**

A. The agricultural/forestry district is established to provide for agricultural and forestry pursuits, including livestock production, forestry, horticulture, floriculture, viticulture, and necessary accessory uses for treating, storing and processing agricultural products. The purpose of the A/F district is to preserve, protect and maintain areas that are rural in character and the integrity of the forest/woodland areas where viable agricultural pursuits can be feasible and to avoid fragmentation of forests and farms. These purposes are accomplished by:

- 1. Establishing residential density limits and conservation development standards to retain areas sized for efficient farming.
- 2. Allowing for uses related to agricultural production and limiting nonagricultural uses to those compatible with agriculture, or requiring close proximity for the support of agriculture.

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

- 2. A/F-10 in areas designated as ag/forest land in the comprehensive plan that do not feature prime agricultural soils, but where agricultural and forestry pursuits remain viable. These areas may be within or adjacent to areas of city impact or where lands are afforded fire protection, access to standard roads and other services. (Ord. 501, 11-18-2008)

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**Staff Analysis:**

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Comparisons of the Agricultural/Forestry-20 & Agricultural/Forestry-10 for the parcel.

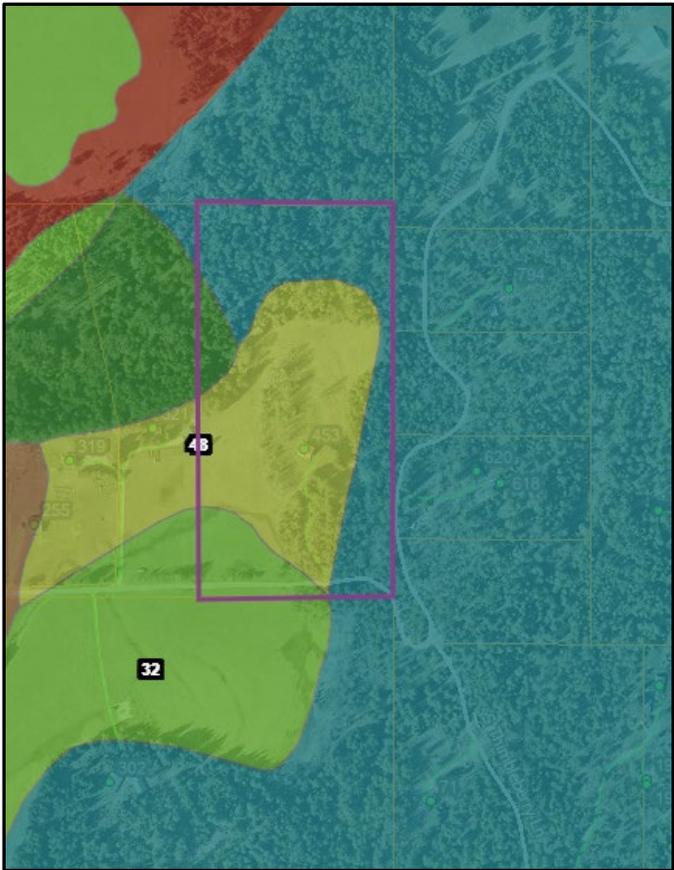
| <b>Agricultural/Forestry-20 Standards</b>   | <b>Agricultural/Forestry-10 Standards</b>   |
|---|---|
| <ul style="list-style-type: none"> <li>• Prime Agricultural Soils</li> <li>• Characterized by Agricultural or Forestry Uses</li> <li>• One or More of the Following:</li> <li>• Characterized by Slopes of 30% or greater.</li> <li>• Access may be absent or limited to substandard road systems</li> <li>• Large Tracts of land may be devoted to ag/forest production</li> </ul> | <ul style="list-style-type: none"> <li>• Ag/Forest Comp Plan Designation</li> <li>• Do not feature prime agricultural soils, but where ag/forest pursuits remain viable</li> <li>• Within or adjacent to ACI</li> <li>• Afforded fire protection services</li> <li>• Access to standard roads and other services</li> </ul> |

**Agricultural/Forestry 20:**

**Contains prime agricultural soils:**

The parcel contains four types of soil: Pend Oreille-Rock outcrop complex, 5 to 45 percent slopes, Selle fine sandy loam, 0 to 8 percent slopes, Haploxeralfs and Xerochrepts, 30 to 55 percent slopes, Mission silt loam, 2 to 12 percent slopes. According to the Natural Resources component of the Bonner County Comprehensive Plan, Haploxeralfs and Xerochrepts, 30 to 55 percent slopes (dark green) and Pend Oreille-Rock outcrop complex, 5 to 45 percent slopes (blue) are considered "Not Prime Farmland"; these soils make up approximately 5-acres of the project site. Not Prime Farmland is considered as: "All other soil types not classified as Prime Farmland or Farmland of Statewide Importance are classified as Not-Prime Farmland", per the Natural Resources component of the Bonner County Comprehensive Plan.

Selle silt loam (gold) and Mission silt loam (light green) are considered "All areas are prime farmland" and "Farmland of statewide importance, if drained", respectively. Selle silt loam is classified as "4e" if it is not irrigated. "4e" classification is described as "Class IV (4) soils have very severe limitations that restrict the choice of plants, require very careful management, or both." And "Subclass e is made up of soils for which the susceptibility to erosion is the dominant problem or hazard affecting their use. Erosion susceptibility and past erosion damage are the major soil factors that affect soils in this subclass."

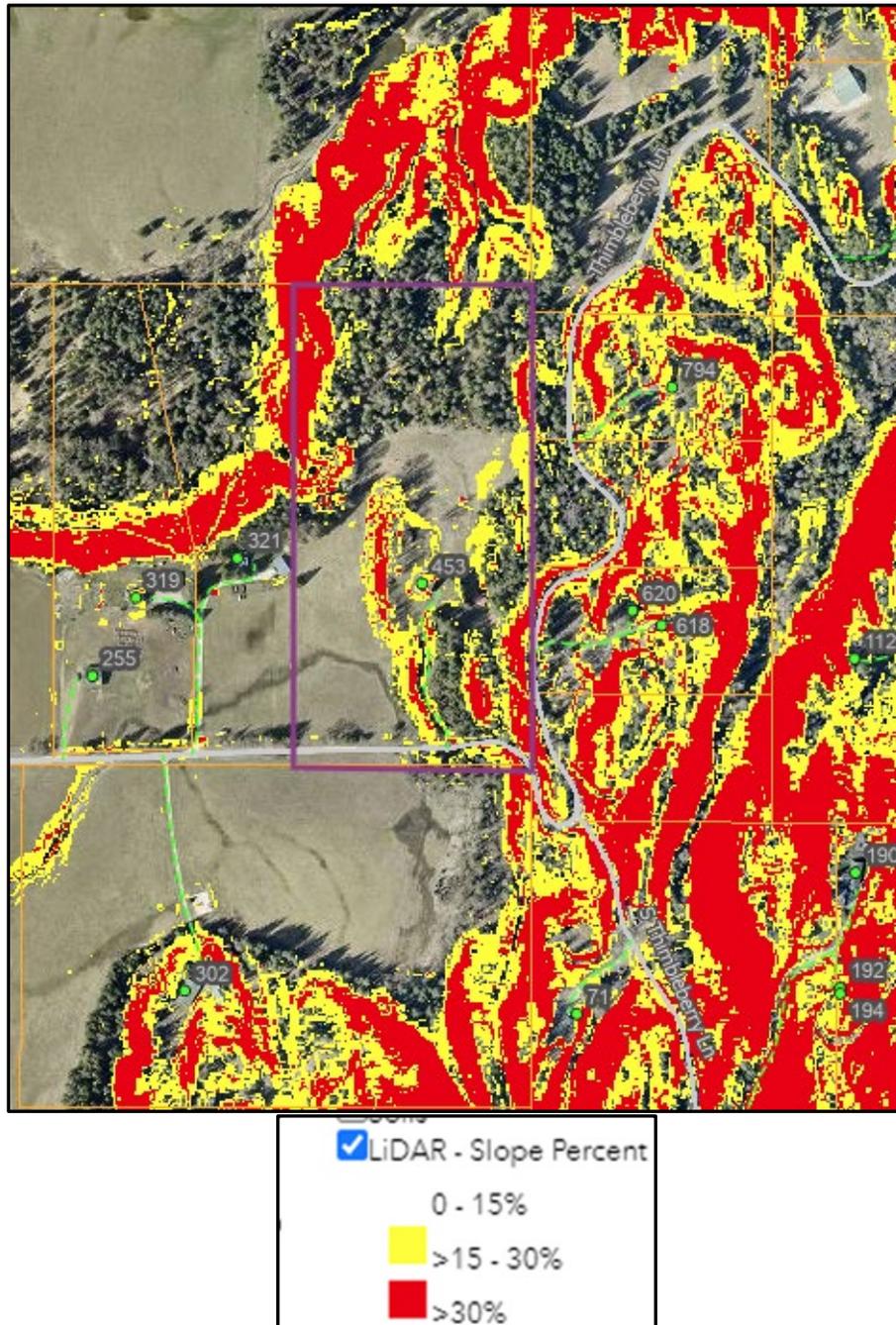


**Characterized by Agricultural or Forestry Uses**

According to Bonner County Assessor data, the parcel is currently receiving an agricultural/timber tax exemption on approximately 19-acres of the property. The surrounding areas appear to have similar tax exemptions.

**Characterized By Slopes Steeper Than 30%:**

The parcel does contain slopes steeper than 30% (as shown as red below, see legend). The parcel has mostly areas of 0-29.9% grade (approximately 18-acres), and contains approximately 2-acres of areas with slopes that are approximately 30% grade or steeper. According to the land use portion of the comprehensive plan for density ranges, properties that are level to moderately slopes are appropriately sized to be 5-10 acres.



**Access May Be Absent Or Limited To Substandard Road Systems**

Access to the parcel is by way of Thimbleberry Lane, a privately owned and maintained road and Colburn Culver, a Bonner County owned and maintained public right-of-way. Bonner

County Road & Bridge did not comment as to the construction of Colburn Culver Road, and there has been no information provided to the construction and quality of Thimbleberry Road.

### **Large Tracts of land may be devoted to ag/forest production**

Within 1200 feet of this property, there are 19 properties. 11 of these properties, including the project site, are sized at 20-acres or larger; ranging from 20-80-acres. These larger parcels all appear to have the capability to be devoted to ag/forest production or are currently being used for ag/forest production.

### **Agricultural/Forestry 10:**

#### **Comprehensive Plan Designation:**

The property has a comprehensive plan designation of Ag/Forest Land, which is devoted to properties of 10-20 acres in size.

#### **Do Not Feature Prime Agricultural Soils, But Where Agricultural and Forestry Pursuits Remain Viable**

As stated above, the property contains soils that are considered to be “non prime farmland”, Haploxeralfs and Xerochrepts, 30 to 55 percent slopes and Pend Oreille-Rock outcrop complex, 5 to 45 percent slopes. These soils make up approximately 5-acres (25%) of the property, while the remaining soils on the property are considered to be “prime agricultural soil” and “Farmland of statewide importance, if drained”. This property is currently receiving a agricultural and forest tax exemption on 19-acres of the 20-acre parcel, per Bonner County Assessor data.

#### **Within Or Adjacent To Area of City Impact (ACI)**

This property is not located within an Area of City Impact, but it is located approximately 2.4-miles, as the crow flies, from the City of Kootenai’s Area of City Impact.

#### **Afforded Fire Protection Services**

This property is located within the service area of the Northside Fire District. Additionally, this parcel is afforded other services including Bonner County EMS, Bonner County Sheriff, Avista Utilities provides power, an individual well and an individual septic system.

#### **Access To Standard Roads and Other Services**

Access to the parcel is by way of Thimbleberry Lane, a privately owned and maintained road and Colburn Culver, a Bonner County owned and maintained public right-of-way. Bonner County Road & Bridge did not comment as to the construction of Colburn Culver Road, and there has been no information provided to the construction and quality of Thimbleberry Road.

Planner's Initials: AF

Date: October 7, 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.**

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**Zone Change - Motion by the Governing Body:**

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**ZONING COMMISSION**

**MOTION TO APPROVE:** I move to recommend approval of this project, FILE ZC0011-24, requesting a zone change from Agricultural/Forestry-20 to Agricultural/Forestry-10, to the Board of County Commissioners, finding that it is not in conflict with the policies of the Bonner County Comprehensive Plan and Bonner County Revised Code as enumerated in the following **conclusions of law:**

Conclusion 1

The proposal **is not** in conflict with the policies of the Bonner County Comprehensive Plan.

Conclusion 2

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

Conclusion 3

The proposal **is** in accord with the purpose of the Agricultural/Forestry 10 zoning district, provided at Chapter 3, Title 12, Bonner County Revised Code.

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 planning staff to draft written findings and conclusions to reflect this motion, have the Chairman sign, and transmit to all interested parties. This action does not result in a taking of private property.

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**Zone Change Findings of Fact**

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1. The parcel does contain some mapped slopes that range from 15-29% grade, and some slopes that are 30% or greater. The parcel is not characterized by slopes steeper than 30%.
2. The parcel contains four soil types, Pend Oreille-Rock outcrop complex, 5 to 45 percent slopes, and Haploxeralfs and Xerochrepts, 30 to 55 percent slopes are considered "Not Prime Farmland". Selle fine sandy loam, 0 to 8 percent slopes, Mission silt loam, 2 to 12 percent slopes are considered to be "prime agricultural soil" and "farmland of statewide importance, if drained" per the Bonner County Comprehensive Plan.

3. The parcel is accessed via Thimbleberry Lane, a privately owned and maintained road which is accessed by Colburn Culver Road, a Bonner County owned and maintained public right-of-way.
4. The parcel is not within a mapped floodplain or floodway.
5. According to the application, fire protection is provided by Northside Fire District.
6. Power is provided by Avista Utilities.
7. The parcel has an individual well and septic system.
8. The parcel is located approximately 2.4-miles from the City of Kootenai's Area of City Impacy boundary.
9. The parcel is currently receiving an agricultural/forestry tax exemption.
10. The parcel has a Comprehensive Plan Land Use Designation of Ag/Forest Land.

## **ZONING COMMISSION**

**MOTION TO DENY:** I move to recommend denial of this project, FILE ZC0011-24, requesting a zone change from Agricultural/Forestry-20 to Agricultural/Forestry-10, to the Board of County Commissioners, based upon the following **conclusions of law:**

### **Conclusion 1**

The proposal **is/is not** in conflict with the policies 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 Agricultural/Forestry 10 zoning district, provided at Chapter 3, Title 12, Bonner County Revised Code.

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 action that could be taken, if any, to obtain the zone change 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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The complete file is available for review in the Planning Department, 1500 Highway 2, Suite #208, Sandpoint, ID. Staff reports are available online prior to the scheduled hearing at [www.bonnercountyid.gov](http://www.bonnercountyid.gov) Bonner County Revised Code (BCRC) is available at the Planning Department or online.

## **ANNEX A-List of Agencies and Taxing Districts Routed**

# RECORD OF MAILING

Page 1 of 1

Hearing Date: **October 17, 2024**

File No.: **ZC0011-24**

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 **17th** day of **September 2024**.

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**Jessica Montgomery, Hearing Coordinator**

Assessor - Email  
Bay Drive Recreation District - Email  
Bonner County Airport Manager - 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  
Department of Environmental Quality (DEQ) - Email  
Department of Lands - CDA - U.S. Mail  
Department of Lands - Navigable Waters & Mining - Email  
Idaho Department of Water Resources - IDWR - Email  
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  
Pend Oreille School District, #84 (Transportation) - Email  
Lakes Highway District - U.S. Mail  
North of the Narrows Fire District - Email  
Northside Fire District - Email  
Panhandle Health District - Email  
Priest Lake Public Library 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 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  
Idaho Department of Fish & Game - Email Idaho  
Idaho Department of Lands - Coolin - Email Idaho  
Idaho Department of Lands - Sandpoint - Email  
Idaho Transportation Department (Aeronautics) - U.S. Mail Idaho  
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 Lake  
Lakeland Joint School District, #272 - Email  
Little Blacktail Ranch Water Association - U.S. Mail  
Northern Lights, Inc. - Email  
Outlet Bay Sewer District - Email  
Pend Oreille Hospital District - Email  
Priest Lake Translator 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