

Bonner County Planning Director

RE: Variance to minimum parcel size AF/20 RP58N01W033001A & RP58N01W040002A

This application arises from the intersection of two provisions of the Bonner County Revised Code and the very real circumstances of two long-standing local families. BCRC §12-612(C) expressly recognizes and permits family divisions of land between parents, children, siblings, and grandchildren — a rural tradition that allows land to remain within families across generations. At the same time, the A/F-20 zoning designation imposes a twenty (20) acre minimum lot size that makes such family transfers impractical under present land values. The Coon family has seven children. The Vincent family has five. In both cases, these are not abstract numbers — they represent sons and daughters who were raised on this land and who now face the reality of inheritance and succession. The variance authority provided under BCRC §12-231 through §12-234 exists precisely for circumstances like this — where strict application of a dimensional standard frustrates the Code's broader intent and creates hardship unique to the property and family. The Vincent and Coon families respectfully seek to use that lawful variance mechanism so that modest family divisions can occur without forcing the sale of land that has defined their family history for decades.

Requested Relief

The Vincent family requests approval to create a ten (10) acre homestead parcel from RP58N01W033001A to encompass the existing residence fronting Colburn Culver Road, while retaining the balance of the family lands intact.

The Coon family requests approval to divide RP58N01W040002A (39.8 acres) into four (4) approximately ten (10) acre parcels for purposes of equitable estate planning and continued family occupancy.

Family Division Context – BCRC §12-612(C)

These families are attempting what the Code itself recognizes as a legitimate rural practice: division of land among immediate family members. BCRC §12-612(C) provides an exemption from platting for family divisions, allowing transfers between spouses, parents, children, siblings, grandparents, and grandchildren. However, the exemption requires that resulting parcels comply with minimum zoning standards.

In the A/F-20 district, that minimum is twenty (20) acres. While the Code anticipates and permits family transfers, the current minimum lot size prevents these families from carrying out reasonable estate planning consistent with modern land values.

From a technical standpoint, the requested variances meet the approval criteria set forth in BCRC §12-234. The subject properties exhibit conditions not generally applicable to other parcels in the area, including large size, their multigenerational ownership, established residential use, and location in an area where surrounding parcelization patterns and land characteristics more closely resemble A/F-10 conditions. The hardship is not self-created, but instead arises from the combined effect of the 20-acre minimum lot size and current market conditions, which prevent reasonable family division as contemplated under §12-612(C). Granting the variance will not be detrimental to public health, safety, or welfare, as the parcels are served by County roads, have adequate access, and are not characterized by prime agricultural soils, steep slopes, or other constraints typically warranting strict A/F-20 application under §12-322(B)(1). The resulting parcel configuration remains rural in scale, consistent with the surrounding area, and preserves the overall agricultural and forestry character of the land.

Variance Standards – BCRC §12-234

Under §12-234, the decision-making body must find:

A. Unique Conditions Apply

The unique condition is generational transition. The Vincent family is administering an estate following the passing of Darlene Vincent. The Coon family, with parents now in their 80s, seeks proactive estate planning to keep children rooted on the land. These are not speculative development scenarios but natural generational transfers.

B. Conditions Not Self-Created

The hardship arises from zoning changes adopted in 2008 and from dramatic escalation in rural land values. Many long-time rural landowners were not actively subdividing property at that time and did not anticipate that future generational transfers would be constrained by a 20-acre minimum. They should not be penalized today for failing to employ specialized estate planning strategies nearly two decades ago.

C. No Detriment to Public Health, Safety, or Welfare

The properties are served by a hard-surfaced County road with excellent access. Soil sampling confirms the lands are not prime agricultural soils. The parcels do not exhibit steep slopes, limited services, or characteristics requiring strict A/F-20 preservation under §12-322(B)(1). Eight (8) of the nine (9) surrounding parcels near the Coon property are below twenty (20) acres, and both properties border A/F-10 zoning.

Consequences of Denial – Community and Generational Impact

If the requested variances are denied, the practical outcome is not preservation of agriculture, but forced compliance through subdivision into twenty (20) acre tracts followed by sale on the open market. In today's economic climate, those parcels are far more likely to be purchased by outside buyers or speculative investors than retained by family members.

For the Vincent family, a sibling living in the homestead could not reasonably afford to purchase a full 20-acre parcel at current market values. A nearby 50-acre parcel is listed for approximately

\$1,125,000, and a separate 5-acre parcel on Samuels Road is listed for approximately \$345,000. Those listings reflect the economic reality facing rural families. Without variance relief, the property would likely need to be sold, forcing a child into a housing market that has largely priced out many local residents.

For the Coon family, denial would likely result in the land being divided into two 20-acre parcels and sold to equitably distribute assets. The land would leave family stewardship not because it failed agriculturally, but because the regulatory framework leaves no practical alternative.

The broader consequence is gradual displacement of multigenerational rural families. Land that has been farmed, cared for, and passed down through decades becomes fragmented not for agricultural efficiency, but for compliance with a rigid standard. This accelerates transition from family-held ground to market-driven ownership patterns.

Much of the current zoning framework was implemented in 2008. At that time, many rural landowners were unaware that future family transfers would be constrained in this way. Some did not have access to sophisticated legal counsel to preemptively structure subdivisions before regulatory changes took effect. It would be inequitable to hold them today to a standard that effectively punishes them for not anticipating regulatory impacts nearly twenty years ago.

The requested variances are modest in scope. They do not introduce urban density or undermine agricultural viability. They allow ten-acre family homesteads while retaining the majority of acreage intact. Granting relief preserves stewardship, respects generational continuity, and aligns with the stated purpose of the Agricultural/Forestry district to maintain rural character.

Respectfully submitted,



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