

**PLANNING DEPARTMENT  
PUBLIC HEARING DECISION MINUTES  
JANUARY 15, 2019**

**CALL TO ORDER:** Chair Connolly called the Bonner County Commissioners' hearing to order at 1:00 p.m. in the 1<sup>st</sup> Floor Conference Room of the Bonner County Administration Building, 1500 Highway 2, Sandpoint, Idaho.

**PRESENT:** Commissioners Chair Jeff Connolly; Vice Chair Dan McDonald; and Steve Bradshaw

**ABSENT:** None

**ALSO PRESENT:** Planning Director Milton Ollerton; Planner I Halee Sabourin; Emily Aerni Administrative Assistant II, and Office Manager Jeannie Welter

**PUBLIC HEARINGS:**

**PRELIMINARY PLAT**

**CALL FOR VISUAL, HEARING OR OTHER IMPAIRMENT REQUIRING ASSISTANCE:** The Chair asked whether anyone needed special assistance to hear, see or participate in these proceedings. Hearing no response, the Chair continued with the public hearing.

**File S1994-18 – Preliminary Plat Subdivision – Quail Ridge 2<sup>nd</sup> Addition, Replat of Lot 4, Block 2, Quail Ridge 1<sup>st</sup> Addition – Spirit Lake North, LLC** is requesting a subdivision of 80 acres of land creating 16 individual lots, and a 10 acre parcel into 2 individual lots. The project is located 2.5 miles Northeast of the city of Spirit Lake, east of Cardinal Lane off of Peregrine road in Section 21, Township 54 North, Range 4 West of the B.M. Proposed zoning at time of subdivision will be 5 acre minimums. The Planning & Zoning Commission, at the public hearing on December 20, 2018, recommended approval of this project to the Board of County Commissioners. At the public hearing on January 11, 2019 the Board of County Commissioners continued this file to January 15, 2019 at 1:00 p.m.

**CONFLICT OF INTEREST/DISCLOSURE DECLARATIONS:** The Chair requested the Commissioners declare any conflicts of interest or disclosures. The Chair noted that there were no disclosures or conflicts.

**STAFF PRESENTATION:** Planner I Halee Sabourin presented a PowerPoint summary of the project and previously circulated staff report, concluding this project is consistent with Bonner County Revised Code.

**APPLICANT PRESENTATION:** Marty Taylor, Certified Landuse Planner with James A. Sewell & Associates stated this is the next phase in the Quail Ridge project. The Board has already heard this project for the previous phases.

**PUBLIC/AGENCY TESTIMONY:** None.

**APPLICANT REBUTTAL:** None.

**BOARD DELIBERATION:** The Chair closed the hearing to public testimony. The Board discussed Findings and Conclusions.

**MOTION TO APPROVE:** Commissioner McDonald moved to approve this project FILE S1994-18, Quail Ridge 2<sup>st</sup> Addition and Replat of Lot 4, Block 2, Quail Ridge 1<sup>st</sup> Addition, finding that it is in accord with 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. Commissioner McDonald further moved to approve the following findings of fact, conclusions of law and conditions of approval. The action that could be taken to obtain the plat is to complete the Conditions of Approval as adopted. This action does not result in a taking of private property. Commissioner Bradshaw seconded the motion.

**VOTED** upon and the Chair declared the motion carried, unanimously.

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**Background:**

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**A. Site data:** Parcel size: Parent parcel is ±80 acres, all 16 lots proposed to be ±5 acres in size. Additionally, the parent parcel, per Quail Ridge 1<sup>st</sup> Addition, is ±10 acres, proposed to be two (2) ±5 acre parcels. Current zoning: Rural five (5) acre minimums.

**B. Access:** Peregrine Road crosses Idaho Department of Lands property in Section 20 and intersects Section 21 about 1320 feet north of the south line of Section 20. This roadway benefits all lands within Section 21 (Instrument 667186). Peregrine Road and Cardinal Lane also access the subject property via a 60 foot wide ingress, egress and utility easement (Book 8, Plats, Page 134). In order to accommodate the Quail Ridge 1<sup>st</sup> Addition and the Replat thereof, Goldfinch Lane was extended northerly and Barn Owl Drive was extended southerly via an existing 60 foot wide ingress, egress and utility easement (Instrument 863854). Roads were paved associated with the Replat of Quail Ridge 1<sup>st</sup> Addition (file S1943-18). According to AM162-18 and ZC365-18 additional road construction is required, specifically applicant shall improve all roads within the subdivision to low volume road standards in accord with appendix A, in addition shall be paved. This requirement was recorded with the zoning ordinance. *Proposed Songbird Way road construction and paving necessary to accommodate this additional plat within the easement set forth in Instrument #926123.*

**C. Environmental factors:** The property has no significant slope mapped by the county GIS mapping system. The properties are not within any special flood hazard zone (Zone-X, DFIRM- 1125E). Wetlands are not present on site as indicated by the mapping application. Soils consist of gravelly silt loam. The building site is moderately forested.

**D. Services:** Water is to be provided by individual wells, water is available at a range of 15-60 gallons per minute according to application, at a depth of 236-420 feet. Sewage disposal will be provided by individual subsurface sewage disposal system and leach field as approved by Panhandle Health District. The property is located within Spirit Lake Fire district and Bonner School (#83) district.

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

Compass	Comp Plan	Zoning	Current Land Use & Density
Site	Rural residential	R-5	Undeveloped
North	Ag/Forest Land	AF-20, R-10, R-5	Residential
East	Ag/Forest Land	AF-20	Undeveloped/ State land
South	Ag/Forest Land	AF-20	Undeveloped/ State Land
West	Ag/Forest Land	AF-20, R-5	Single Family Dwellings

**F. Standards review**

	Required	Provided
Minimum Lot Size (BCRC 12-411)	5 acres	5+ acres
Depth to width, BCRC 12-621	3:1	Meets requirements
Urban services, BCRC 12-623(a)	N/A	N/A
Water supply, BCRC 12-623(b)	Demonstrate sufficient production capability	Well logs indicate sufficient production at an average flow rate of 29.8 GPM.
Sewage disposal, BCRC 12-623(c)	Adequate sewage disposal method as approved by PHD and/or the state of Idaho	Individual system to be installed as regulated by Panhandle Health Department.
Fire risk assessment, BCRC 12-623(d)	Fire risk assessment	The applicant has provided a preliminary plat fire hazard rating form with a total hazard rating of 28, which indicates a Moderate.
Fire plan, BCRC 12-623(d)	Fire Protection Plan	A fire protection plan has <u>not</u> been provided in the preliminary plat application. See conditions of approval B-3.

	Required	Provided
Legal access, BCRC 12-624(c)	Shall be provided	Access to the property is provided Gold Finch Lane (Inst# 863854), Barn Owl Drive (Inst# 863854 & 926123), and Songbird Way (Inst# 926123)
Natural hazards, BCRC 12-626(a)	N/A	Not located in mapped SFHA
Wetlands, BCRC 12-730	N/A	N/A
Stormwater plan requirement BCRC 12-720.2(a)	N/A	N/A
Preliminary plat requirements, BCRC 12-642	Plat contents	Planning staff deemed the application complete on October 11, 2018.

**G. Stormwater plan:** A stormwater management plan was not required, pursuant to BCRC 12-720.3 (J).

**H. Agency Review:** The application was routed to the following agencies for comment on October 11, 2018

Panhandle Health District	Dept. of Water Resources
Bonner County Road Dept.	Fish and Wildlife Service
Spirit Lake Fire District	Forest Service
School District #83	Inland Power and Light
Dept. of Fish and Game	Dept. of Env. Quality
Dept. of Lands (Sandpoint)	Dept. of Transportation
Bonner County Schools – Transportation	

**Department of Environmental Quality: Email November 9, 2018**

Faye Beller commented on means and methods of preserving the air quality. See comments for further details.

**I. Public Notice & Comments:** No Public Comments were received.

**Findings of Fact**

1. The subject lots are ± 5 acres in a 5 acre zone.
2. The proposed use will use individual well and septic.
3. The proposed location for the plat contains slopes between 1% and 2%.

4. Access to the proposed lots is from Goldfinch Lane through Barn Owl Drive and Songbird Lane via a 60 foot wide ingress, egress easement as described in instrument #925123 and #926123.
5. Proposed Songbird Way shall be constructed to standards set forth in ZC365-18, Appendix A of Title 12 Bonner County Revised Code and paved.
6. The subject property is located within the Spirit Lake Fire District.
7. The property contains X areas of special flood hazard (DFIRM Panel 1125E, Zone X).
8. The property does not contain delineated wetlands.

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**Conclusions of Law:**

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

Conclusion 1

This proposal was reviewed and **is** in compliance with the criteria and standards set forth in the Bonner County Revised Code: 12-621, Lot Design, 12-623, Services and utilities, 12-624, Roads and Access, 12-626, Environmental Features, 12-645, Standards for review of applications for preliminary plat, 12-7.2, et seq., Grading, Stormwater Management and Erosion Control, 12-730, et seq., Wetlands, 12-741, Wildlife protection standards for new subdivisions, 12-616(d), Certificate of Compliance, Conditional Certificate of Compliance, 12-660(b), Readjustments of lot lines within a platted subdivision.

Conclusion 2

The proposed Subdivision being in accord with the ordinances stated above, **is** therefore aligned with the Bonner County comprehensive plan.

- |                       |                         |                                    |
|-----------------------|-------------------------|------------------------------------|
| •Property Rights      | •Population             | •School Facilities, Transportation |
| •Economic Development | •Land Use               | •Natural Resources                 |
| •Hazardous Areas      | •Public Services        | •Transportation                    |
| •Recreation           | •Special Areas or Sites | •Housing                           |
| •Community Design     | •Implementation         |                                    |

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**Conditions of approval:**

**Required plat notes:**

The following notes shall be recorded on the face of the final plat:

- A-1** All easements and instrument numbers for ingress, egress and utility, pertaining to this subdivision shall be shown on the face of the plat.

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**Standard and site-specific plat conditions:**

- B-1** A final plat shall be recorded.

- B-2** The preliminary plat shall be valid for a period not to exceed two (2) calendar years from the date of approval. At any time prior to the expiration date of the preliminary plat, the applicant may make a written request to the Planning Director for an extension of the preliminary plat for a period up to two (2) years. The Board of County Commissioners may consider such request for extension at any regular business meeting. The extension request must be approved or denied prior to the expiration date of the preliminary plat.

- B-3** The applicant shall provide one of the following for all proposed lots:

(a) Prior to final plat, an approved water and fire hydrant system capable of providing one thousand (1,000) gallons per minute for a minimum of two (2) hours, where, a community water system exists or is proposed as part of the development and is capable of delivering the pressurized water supply necessary for delivering fire flows as prescribed by International Fire Code, as adopted by the state fire marshal, and such later editions as may be so published and adopted by the state fire marshal, or as amended, modified or superseded, and incorporated herein by reference with a copy on file with the office of the clerk of the Board of County Commissioners, and herein after referred to as IFC, Or as approved by the fire district.

(b) A note on the final subdivision plat stating: "At the time of Building Location Permit or Building Permit, the lot owner shall install a minimum two thousand (2,000) gallon water storage system, meeting IFC standards." Refill on demand is not required to meet IFC standards, Or as approved by the fire district.

(d) Prior to final plat, a man-made or natural water source with a dry hydrant capable of delivering adequate water supply as prescribed by International Fire Code.

(e) A note on the final subdivision plat stating: "At the time of building permit or building location permit, the lot owner shall install an approved fire suppression method to the satisfaction of Bonner County, Or as approved by the fire district.

- B-4** Roads providing access to the proposed subdivision shall be constructed in accord with recommendations within AM162-18 & ZC365-18. Recommendations state the need for roads to be constructed to Title 12 Appendix A, low volume private road standards, and shall have a paved surface.

- B-5** Prior to final plat applicant shall submit to the planning department engineered stamped plans outlining paved road construction schematics, in accord with the Appendix A Title 12 requirements.

**ZONE CHANGES**

**CALL FOR VISUAL, HEARING OR OTHER IMPAIRMENT REQUIRING ASSISTANCE:** The Chair asked whether anyone needed special assistance to hear, see or participate in these proceedings. Hearing no response, the Chair continued with the public hearing.

**File ZC369-18 – Zone Change – Rural-10 to Rural 5 – Dorothy Eich Living Trust** is requesting to rezone 60 acres from Rural-10 to Rural-5 in the Rural Residential Comprehensive Plan designation. The property is located at 2980 South Sagle Road in a portion of Section 34, Township 56 North, Range 2 West, Boise Meridian. The Planning & Zoning Commission at the public hearing on December 6, 2018 recommended approval of this project to the Board of County Commissioners. At the public hearing on January 11, 2019 the Board of County Commissioners continued this file to January 15, 2019 at 1:00 p.m.

**CONFLICT OF INTEREST/DISCLOSURE DECLARATIONS:** The Chair requested the Commissioners declare any conflicts of interest or disclosures. The Chair noted that there were no disclosures or conflicts.

**STAFF PRESENTATION:** Planning Director Milton Ollerton presented a summary of the project and previously circulated staff report, concluding this project is not consistent with Bonner County Revised Code.

**APPLICANT PRESENTATION:** Project representative Dan Provolt stated the property is surrounded on three sides by county maintained roads.

**PUBLIC/AGENCY TESTIMONY:** None.

**APPLICANT REBUTTAL:** None.

**BOARD DELIBERATION:** The Chair closed the hearing to public testimony. The Board discussed Findings and Conclusions.

**BOARD OF COUNTY COMMISSIONERS**

**MOTION TO APPROVE:** Commissioner Bradshaw moved to approve this project, FILE ZC369-18, 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. Commissioner Bradshaw further moved to adopt the following findings of fact and conclusions of law as written. This action does not result in a taking of private property. Commissioner McDonald seconded the motion.

**VOTED** upon and the Chair declared the motion carried, unanimously.

**Zone Change Ordinance Motion:**

**MOTION TO APPROVE:** Commissioner McDonald moved to approve an Ordinance of Bonner County, Idaho, the number to be assigned, citing its authority, and providing for the amendment of the Official Zoning Map of Bonner County by the reclassification of lands generally located in Section 34, Township 56N, Range 2 West, Boise Meridian from Rural-10 to Rural-5, and providing for an effective date. Commissioner McDonald further moved to authorize the Chair to sign the official supplementary zoning map upon publication of the ordinance. Commissioner Bradshaw seconded the motion.

**VOTED** upon and the Chair declared the motion carried, unanimously.

**Background:**

**A. Site data:** There is approximately 60 acres of an original 160 acre parcel.

**B. Access:** The parcel is located on the northeast corner of Dufort and Sagle roads.

**C. Environmental factors:**

FEMA DFIRM Panel: 16017C0950E, Zone X.

The parcel does contain mapped wetlands and a seasonal drainage, Westmond Creek running through the western portion of the proposed area as shown below. The wetland is colored purple, while the blue dotted line is the drainage. Source: USFWS

The site is generally flat with a small sloping in the south end of the western portion of the proposed area as shown on the map below in the pink color. Source: USGS

**D. Services:**

- Water: Individual well.
- Septic: Residential/Individual. Septic tank and leach field.
- Fire District: Selkirk Fire
- Power: Northern Lights
- School: Bonner School District #84.

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

Compass	Comp Plan	Zoning	Current Land Use & Density
Site	Rural Residential	Rural-10	Single family residence; 20-acre parcels
North	Rural Residential	Rural-5	Large acreage – Idaho Fish and Game
East	Rural Residential	Rural-10	Six Lakes Subdivision – Twelve 5-acre lots.
South	Rural Residential	Rural-10	20-acre residential parcels
West	Rural Residential	Rural-5	5-acre residential parcels

**F. Standards review**

Section 12-216 of BCRC specifies that "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." Idaho Code stipulates that zoning districts "shall be in accordance with the policies set forth in the adopted comprehensive plan." (I.C., §67-6511).

**BCRC 12-215 APPLICATIONS FOR ZONE CHANGES AND COMPREHENSIVE PLAN MAP AMENDMENTS, CONTENTS:**

A: Site plan drawn to scale: Please see attached maps

B: A narrative statement that addresses:

1. The effects of elements such as noise, light glare, odors, fumes and vibrations on adjoining property.

Staff: The proposal is requesting to change the zoning from 10-acre to 5-acre parcels. This will potential double the use on the proposed parcel. These will be residential lots and the change in impact will be those typical with residential homes and small farms and forestry activities.

2. The compatibility of the proposal with the adjoining land uses.

STAFF: The current adjoining uses are residential and small scale farming or forestry activities. This proposal will increase the adjoining Rural-5 zoning by 60 acres. The property is adjacent on the east side to existing 5-acre lots. The property is bounded on the north side by Dufort Road and the east side by Sagle road. The proposed zone change area is also bounded on the western side by five-acre parcels westerly along Dufort road.

3. The relationship of the proposal to the comprehensive plan/zoning district.

STAFF: The property is currently designated Rural Residential which declares that Rural-10 acres and Rural-5 acres are appropriate for this plan designation.

**Comprehensive Plan Map Designation review**

Comprehensive Plan Designation	Provided
Rural residential provides for residential development in areas where urban services are not available and slopes may vary up to 30%. These areas include hazards 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.	<ul style="list-style-type: none"> <li>• Slopes vary slightly in southern portion 15%-29%, according to the County mapping system</li> <li>• Property borders Dufort and Sagle roads</li> <li>• Individual systems will be utilized</li> <li>• There is no flood plain present</li> <li>• Wetlands are present following the seasonal drainage of Westmond Creek</li> <li>• Five-acre parcels, larger acre parcels and subdivisions neighbor the parcels</li> </ul>

**Zone Change Review**

Zone District	Provided
The rural district is established to allow low density residential uses that are compatible with rural pursuits. Such as limiting residential densities and permitted uses to those compatible with rural character; small scale farming, forestry activities, tourism and recreation activities than can be supported by rural services levels and are compatible with rural character. (BCRC12-323A)	<ul style="list-style-type: none"> <li>• The property is adjacent to a five-acre subdivisions on the east and five acre lots along the west</li> <li>• No urban water or sewer services in the area</li> <li>• Rural densities exist that are compatible with R-5 zoning</li> </ul>

**G. Land Capability Report**

A land capability report was prepared by TO engineers, in accordance with BCRC 12-222(j), which states:

- The 60-acre site is capable of supporting residences on 5-acre.

**H. Stormwater plan:** A stormwater management plan was not required, pursuant to BCRC 12-720.3(k) because the proposal does not result in the creation of additional impervious surface, as defined.

**I. Agency Review:** The application was routed to agencies for comment on September 28, 2018. The following agencies commented:

**Department of Environmental Quality** – If property is developed, storm water controls will need to be developed that adequately protect surface waters and ground water from being impacted during and after construction.

Road and Bridge: "Road & Bridge has no concerns regarding the proposed zone change."

**J. Public Notice & Comments**

Patricia Steffen. Received November 28, 2018. Concerns include:

- Seasonal creek flows
- Condition of Dufort and Sagle road
- Floodplain on the property
- Aquifer capacity and septic sustainability
- Increased population

**Findings of Fact**

1. The subject property is designated as Rural Residential by the Bonner County Comprehensive Plan.
2. The proposed zone change area is adjacent to Rural-5 zoning on the south and west sides.
3. Six Lakes Estates, a five-acre subdivision, adjoins the proposed zone change area across Sagle road on the east.
4. TO Engineering, submitted a land capability report concluding the property is adequately suited for the Rural-5 zone district.
5. Future sewage disposal will be handled through individual systems.
6. Water will be provided by individual wells.
7. The property fronts Dufort and Sagle roads. As the property is developed additional roads will be addressed through the subdivision process
8. The property is located within the Selkirk Fire District.
9. Surrounding properties are large vacant lots and/or single-family residences on 5-acre lots.
10. The property contains some wetlands, no flood hazard area, and a small portion of slopes.

**Conclusions of Law:**

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

Conclusion 1

The proposed zone change **is** in accord with the Bonner County comprehensive plan.

- |                       |                         |                                    |
|-----------------------|-------------------------|------------------------------------|
| •Property Rights      | •Population             | •School Facilities, Transportation |
| •Economic Development | •Land Use               | •Natural Resources                 |
| •Hazardous Areas      | •Public Services        | •Transportation                    |
| •Recreation           | •Special Areas or Sites | •Housing                           |

- Community Design
- Implementation

Conclusion 2

This proposal was reviewed for compliance with the Comprehensive plan map change criteria and standards set forth at Sections 12-212, 12-215, and 12-216, Bonner County Revised Code, and **was** found to be in compliance.

Conclusion 3

The proposal is in accord with the purpose of the intended zoning district, provided at Chapter 3, Bonner County Revised Code.

**CALL FOR VISUAL, HEARING OR OTHER IMPAIRMENT REQUIRING ASSISTANCE:** The Chair asked whether anyone needed special assistance to hear, see or participate in these proceedings. Hearing no response, the Chair continued with the public hearing.

**File ZC370-18 – Zone Change – A/F-20 to A/F-10 – Leonard & Naomi Wood** are requesting to rezone ~63 acres from A/F-20 to A/F-10 in the Ag/Forest Land Comprehensive Plan designation. The property is located along Highway 95 beginning at Creekfront Drive in a portion of Section 23, Township 58 North, Range 2 West, Boise Meridian. The Planning & Zoning Commission, at the public hearing on December 20, 2018, recommended approval of this project to the Board of County Commissioners. At the public hearing on January 11, 2019 the Board of County Commissioners continued this file to January 15, 2019 at 1:00 p.m.

**CONFLICT OF INTEREST/DISCLOSURE DECLARATIONS:** The Chair requested the Commissioners declare any conflicts of interest or disclosures. The Chair noted that there were no disclosures or conflicts.

**STAFF PRESENTATION:** Planning Director Milton Ollerton presented a summary of the project and previously circulated staff report, concluding this project is consistent with Bonner County Revised Code.

**APPLICANT PRESENTATION:** Leonard Wood stated the west side of the property is legally land locked as the railroad coming in took out the access. The future plan for the property is to do a lot line adjustment with parcels coming off of Scotts Lane. He stated there was a verbal agreement for an access coming off of Hawkeye Drive.

**PUBLIC/AGENCY TESTIMONY:** None.

**APPLICANT REBUTTAL:** None.

**BOARD DELIBERATION:** The Chair closed the hearing to public testimony. The Board discussed Findings and Conclusions.

**MOTION TO APPROVE:** Commissioner Bradshaw moved to approve this project, FILE ZC370-18, a zone change from A/F-20 to A/F-10 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. Commissioner Bradshaw further moved to adopt the following findings of fact and conclusions of law as written (or as amended). This action does not result in a taking of private property. Commissioner McDonald seconded the motion.

**VOTED** upon and the Chair declared the motion carried, unanimously.

**Zone Change Ordinance Motion:**

**MOTION TO APPROVE:** Commissioner McDonald moved to approve an Ordinance of Bonner County, Idaho, the number to be assigned, citing its authority, and providing for the amendment of the Official Zoning Map of Bonner County by the reclassification of lands generally located in Section 23, Township 58N, Range 2 West, Boise Meridian from A/F-20 to A/F-10, and providing for an effective date. Commissioner McDonald further moved to authorize the Chair to sign the official supplementary zoning map upon publication of the ordinance. Commissioner Bradshaw seconded

**VOTED** upon and the Chair declared the motion carried, unanimously.

**Background:**

**A. Site data:** The proposed zone change is one parcel approximately 62.98 acres in size.

**B. Access:** The parcel is located on Highway 95 and Creek Front Road.

**C. Environmental factors:**

FEMA DFIRM Panel: 16017C0710E, Zone X and Zone AE.

The parcel does contain mapped wetlands. Sand Creek runs through the property north to south with Swede Creek and Spring Jack Creek end at Sand Creek. See the environmental map below. The red and pink is sloping, while the purple is wetland. The blue dots show the floodplain. Source: USFWS

The site is generally flat with a small sloping in the south end of the western portion of the proposed area as shown on the map below in the pink color. Source: USGS

**D. Services:**

- Water: Individual well.
- Septic: Residential/Individual. Septic tank and leach field.
- Fire District: Northside Fire

- Power: Northern Lights
- School: Bonner School District #84.

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

Compass	Comp Plan	Zoning	Current Land Use & Density
Site	Agricultural Forestry	A/F-20	Single family residence; 20-acre parcels
North	Agricultural Forestry	A/F-10	Schweitzer Resort Tracts; Large acre parcels
East	Agricultural Forestry	A/F-20	Large acre parcels
South	Agricultural Forestry	A/F-10	Hawkeye Estates and Shimmering Creek Estates
West	Agricultural Forestry	A/F-20	Large acre parcels

**F. Standards review**

Section 12-216 of BCRC specifies that "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." Idaho Code stipulates that zoning districts "shall be in accordance with the policies set forth in the adopted comprehensive plan." (I.C., §67-6511).

**BCRC 12-215 APPLICATIONS FOR ZONE CHANGES AND COMPREHENSIVE PLAN MAP AMENDMENTS, CONTENTS:**

A: Site plan drawn to scale: Please see attached maps

B: A narrative statement that addresses:

1. The effects of elements such as noise, light glare, odors, fumes and vibrations on adjoining property.

Staff: The proposal is requesting to change the zoning from 20-acre to 10-acre parcels. This will potentially double the use on the proposed parcel. If divided, the parcels would be 10-acre residential lots designed around environmental factors limiting the use and development on the lots. These will be residential lots and the change in impact will be those typical with residential homes with small farms or forestry activities.

2. The compatibility of the proposal with the adjoining land uses.

STAFF: The property is currently bounded on the north and south with subdivisions varying from 1.5-acre lots to 5-acre lots. The applicant is requesting to maintain the 10-acre minimum designing appropriate with the environmental factors on the property

3. The relationship of the proposal to the comprehensive plan/zoning district.

STAFF: The property is currently designated Agricultural Forestry allowing for 10 and 20 acre parcels. The proposed zone must provide access to fire and standard roads. While the parcel has current access through varying means, further division will require a review of those

**Comprehensive Plan Map Designation Change review**

Comprehensive Plan Designation	Provided
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.	<ul style="list-style-type: none"> <li>• A portion of steep slopes on the northwest portion of the property.</li> <li>• Property borders Hwy 95 and Creek Front Drive</li> <li>• Individual systems will be utilized</li> <li>• There is some flood plain present</li> <li>• Wetlands are present following the sand creek as it flows through the property.</li> <li>• Small acre lots border the north and south property lines.</li> <li>• Hwy 95 borders the east portion.</li> </ul>

**Zone Change Review**

Zone District	Provided
The Agricultural/Forestry District provides for agricultural and forestry pursuits. The area is characterized by slopes steeper than 30%, Prime agricultural soils and 10-acre zoning is appropriate in areas that do not feature prime agricultural soils, and where lands are accessible for fire service, standard roads and other services.	<ul style="list-style-type: none"> <li>• The property is adjacent to a 1.5-acre to 3-acre lots on the north and five-acre lots to the south.</li> <li>• No urban water or sewer services in the area</li> <li>• Property has access from Creek Front Road, Hawkeye Road, Highway 95 directly and Scott Lane.</li> </ul>

**G. Land Capability Report**

A land capability report was prepared by Terry Oliver, Legacy Consulting, in accordance with BCRC 12-222(j), which states:

- The site is capable of withstanding any activity or disturbance, being rezoned as A/F-10, that is allowable in A/F-20.

**H. Stormwater plan:** A stormwater management plan was not required, pursuant to BCRC 12-720.3(k) because the proposal does not result in the creation of additional impervious surface, as defined.

**I. Agency Review:** The application was routed to agencies for comment on October 11, 2018. The following agencies commented:

**Road and Bridge:** "Road & Bridge has no comments regarding the proposed zone change. The parcel(s) are accessed off of private roads which connect to Highway 95."

**J. Public Notice & Comments**

- The public comment received to date included concerns over the access to the parcels and legal access for potential land divisions in the future. The access off Creek Front Road may require specific review for legal access and road maintenance or improvements.

**Findings of Fact**

1. The subject property is designated as Agricultural Forestry by the Bonner County Comprehensive Plan.
2. The proposed zone change area is adjacent to A/F-10 zoning on the south and north sides.
3. Shimmering Creek Estates, Hawkeye Estates and Schweitzer Resort Tracts each the proposed development on the south and north.
4. The property is abutted on the east by Highway 95 and the property is accessed in two places off Highway 95.
5. Terry Oliver, Legacy Consulting, submitted a land capability report concluding the property is adequately suited for the A/F-10 zone district.
6. Future sewage disposal will be handled through individual systems.
7. Water will be provided by individual wells.
8. The property is accessed off Scott Lane, Creek Front Drive and Highway 95. As the property develops, the access off Creek Front Drive will need to be addressed as to bridge maintenance.
9. The property is located within the Northside Fire District.
10. Surrounding properties are large vacant lots and/or single-family residences on 1.3 to 5-acre lots.
11. The property contains some wetlands, and flood hazard area along Sand Creek as it flows north to south through the property. There are some steep slopes present along the western border of the property.



**Conclusions of Law:**

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

Conclusion 1

The proposed zone change **is** in accord with the Bonner County comprehensive plan.

- |                       |                         |                                    |
|-----------------------|-------------------------|------------------------------------|
| •Property Rights      | •Population             | •School Facilities, Transportation |
| •Economic Development | •Land Use               | •Natural Resources                 |
| •Hazardous Areas      | •Public Services        | •Transportation                    |
| •Recreation           | •Special Areas or Sites | •Housing                           |
| •Community Design     | •Implementation         |                                    |

Conclusion 2

This proposal was reviewed for compliance with the Comprehensive plan map change criteria and standards set forth at Sections 12-212, 12-215, and 12-216, Bonner County Revised Code, and **was** found to be in compliance.

Conclusion 3

The proposal is in accord with the purpose of the intended zoning district, provided at Chapter 3, Bonner County Revised Code.

The Chair declared the hearing adjourned at 1:41 p.m.

Respectfully submitted, this 13<sup>th</sup> day of September 2019,



Milton Ollerton, Planning Director