

**BONNER COUNTY PLANNING and ZONING COMMISSION  
PUBLIC HEARING MINUTES  
FEBRUARY 21, 2019**

**CALL TO ORDER:** Chair Davis called the Bonner County Planning and Zoning Commission hearing to order at 5:30 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 Don Davis; Vice Chair Brian Bailey; Taylor Bradish; Trevor Kempton; Sheryl Reeve; Suzanne Glasoe; and Matt Linscott

**ABSENT:** None

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

**CONSENT AGENDA:**

**APPROVAL OF MINUTES:** The Chair requested the Commissioners declare if they had any corrections or changes to the approval of minutes as written for: February 7, 2019. Hearing no changes or objections, the Chair declared the minutes approved as written.

**PUBLIC HEARINGS:**

**CONDITIONAL USE PERMIT**

**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 CUP0001-18 – Conditional Use Permit – Church Facility – Sam Wray**

is requesting a conditional use permit to use an existing structure as a church. This is located on Selle Road in a portion of Section 22, Township 58 North, Range 1 West, Boise Meridian.

**CONFLICT OF INTEREST/DISCLOSURE DECLARATIONS:** The Chair requested the Commissioners declare any conflicts of interest or disclosures. Commissioner Bailey stated he bought concrete from Jeremy Wray but that does not create any conflicts for him. Commissioner Bradish stated he has done work in the past with Wray Plumbing but it does not create a conflict for him. The Chair noted that there were no additional disclosures or conflicts.

**STAFF PRESENTATION:** Planner I Caitlyn Reeves presented a PowerPoint summary of the project and previously circulated staff report, concluding this project is consistent with Bonner County Revised Code. Ms. Reeves stated that an additional condition needs to be added to the permit. (Condition B-3)

**APPLICANT PRESENTATION:** The applicant Sam Wray stated that they were currently meeting in Naples at the firehouse community building. He spoke about the comments on record from the Department of Environmental Quality. He stated the use they are requesting is for temporary use only as they are currently seeking a more permanent situation. Due to the temporary nature of the request they are trying to limit costs.

**PUBLIC/AGENCY TESTIMONY:** None.

**APPLICANT REBUTTAL:** None.

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

**MOTION TO APPROVE:** Commissioner Linscott moved to approve this project FILE CUP0001-18, for the conversion of an existing structure to a church, 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 Linscott further moved to adopt the following findings of fact and conclusions of law as amended to include condition B-3. The action that could be taken to obtain the conditional use permit is to complete the Conditions of Approval as adopted. This action does not result in a taking of private property. Commissioner Glasoe seconded the motion.

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

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**Background:**

- A.** The site is a ±10.00 acre parcel zoned agricultural/forestry-10 currently developed with a single family dwelling and an accessory building.
- B. Access:** Access to the property is provided by Selle Road a county maintained public right of way.
- C. Environmental factors:**
  - Topography: Site does not contain mapped slopes. Source: USGS
  - Wetlands: Site does not contain mapped wetlands. Source: USFWS NWI
  - Hydrography: No hydrologic features present on site. Source: NHD
  - Floodplain: Site does not contain Special Flood Hazard Area. Flood Hazard Zone; X DFIRM: 16017C0730E. Effective 11/17/2009. Source: FEMA
- D. Services:**
  - Water: Individual well.
  - Sewage: Subsurface Sewage Disposal System (Septic).
  - Fire District: North Side Fire
  - Power: Northern Lights
  - School: Bonner School #84

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

Compass	Comp Plan	Zoning	Current Land Use & Density
Site	Ag/ Forestry-10/20	Agricultural/ Forestry-10	Rural Residential
North	Ag/ Forestry-10/20	Agricultural/ Forestry-10	Rural Residential
East	Ag/ Forestry-10/20	Agricultural/ Forestry-10	Rural Residential
South	Ag/ Forestry-10/20	Agricultural/ Forestry-10	Rural Residential
West	Ag/ Forestry-10/20	Agricultural/ Forestry-10	Rural Residential

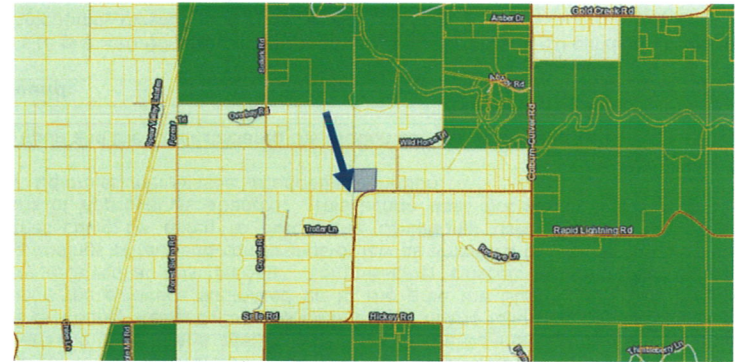
**F. Standards review:** BCRC 12-223 specifies that the Commission shall review the particular facts and circumstances of each proposal. To grant a conditional use permit, the Commission must find there is adequate evidence showing the proposal is in accord with the general and specific objectives of the comprehensive plan and Title 12 and the proposed use will neither create a hazard nor be dangerous to persons on or adjacent to the property.

Applicable Standard/Code	Required	Provided
BCRC 12-220, Et seq, conditional use permit, application and standards	Application contents	Determined complete on January 30, 2019
Public Use: Churches, grange halls, public or private community facilities (BCRC 12-335)	CUP	CUP
General Standards (BCRC 12-420)	See code section	Condition A-3
Performance Standards (BCRC 12-421)	See code section	Condition A-4
Parking Requirements (BCRC 12-431)	72 spaces calculated at 1 space per 50 square feet of gross floor area.	Condition A-5
Sign Standards (BCRC 12-4.4)	See code section	Signage not proposed as part of this project.
BCRC 12-335 (3), Public Use Table	See code section	Condition B-2
Landscaping and screening standards (BCRC 12-4.6)	See code section	Condition A-7

**G. Comprehensive Plan Land Use Designation:** The subject property is designated is designated Agricultural/Forestry on the comprehensive plan map. The Agricultural/Forestry designation provides for larger acreage minimums, urban services are not available.



Comprehensive Plan Map – Ag/Forestry 10-20



Zoning Map – Ag/Forestry – 10

**H. Stormwater plan:** A stormwater management plan was not required, pursuant to BCRC 12-720.3(k) due to the proposal resulting in no new additional impervious surface, as defined.

**I. Agency Review:** The application was routed to agencies for comment on January 30, 2019. Please see attached for the following agencies comment:

- Panhandle Health District, Comment January 31, 2019
- Bonner County Road and Bridge Department, Comment February 1, 2019
- Northside Fire District, No Comment
- Bonner County School District #84, No Comment
- Avista Utilities, No Comment
- Idaho Department of Environmental Quality, No Comment
- Idaho Department of Water Resources, No Comment

Comment received from Panhandle Health District stated January 31, 2019:  
"PHD has received the Agency Routing Memo related to CUP0001-18. The applicant will need to contact PHD in order to resolve their on-site sewage disposal permit related to this property prior to converting their shop into a church."

Comment received from Bonner County Road and Bridge stated February 1, 2019:  
"The existing driveway does not appear to have an encroachment permit on file, and needs to be upgraded from a residential driveway to a commercial driveway to accommodate the new use. The applicant shall file for a commercial driveway encroachment permit. Road & Bridge staff will then inspect the existing driveway to determine if any upgrades are necessary to meet the commercial standards."

**J. Public Notice & Comments:** Dr. Robert Bash, February 6, 2019 in favor of the project.

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#### **Findings of Fact**

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1. The subject parcel is ±10.00 acres in an agriculture/forestry-10 zone.
2. The site serviced by an individual well.
3. The site is serviced by an individual septic system.
4. The site is serviced by Northside Fire District.
5. The site contains an existing 3,500 square foot single family dwelling and a 3,600 square foot existing accessory building.

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#### **Conclusions of Law:**

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##### Conclusion 1

The proposed conditional use permit **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 criteria and standards set forth at BCRC Chapter 4, Title 12, Subchapter 2.2, environmental standards of Chapter 7, Title 12, and stormwater management criteria and standards set forth in Chapter 7, Title 12, Bonner County Revised Code.

##### Conclusion 3

The proposed use **will not** create a hazard or will not be dangerous to persons on or adjacent to the property.

##### Conclusion 4

The proposed use **will not** adversely affect properties in the vicinity.

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#### **Conditions of approval:**

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##### **Standard continuing permit conditions. To be met for the life of the use:**

- A-1** The use shall be developed and shall be operated in accordance with the approved site plan.
- A-2** The Conditional Use Permit shall expire if not issued within two (2) calendar years from the date of approval, or once issued, if the use has not commenced within two (2) calendar years from the date of issuance. At any time prior to the expiration date of the Conditional Use Permit, the applicant may make a written request to the Planning Director for an extension of the Conditional Use Permit for a period up to two (2) years. The Planning and Zoning Commission may consider such request for extension at any public hearing. The extension request must be approved or denied prior to the expiration date of the Conditional Use Permit.
- A-3** The project shall conform to the standards set forth in BCRC 12-420 et seq.
- A-4** The project shall conform to the standards set forth in BCRC 12-421 et seq.
- A-5** The applicant shall install parking area consistent with BCRC 12-431: Parking Standards equaling seventy two (72) spaces.
- A-6** The applicant shall conform to standards set forth by Panhandle Health District for a commercial structure.
- A-7** The applicant shall maintain the existing vegetative buffer consistent with BCRC 12-464: Landscaping Types.

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#### **Conditions to be met prior to issuance of the permit:**

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- B-1** Prior to issuance of the conditional use permit, a building location permit must be obtained consistent with the standards for BCRC 11-105(R).
- B-2** Prior to issuance of the conditional use permit, the applicant shall obtain a commercial encroachment permit from the Bonner County Road and Bridge Department.
- B-3** The applicant shall conform to applicable rules set forth by IDAPA 58.01.16 and 58.01.03 as regulated and approved by Idaho Department of Environment Quality.

#### **VARIANCE**

#### **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 V0001-19 – Lot Size Minimum Variance – Regina Wagoner & Roman Lara** are requesting a lot size minimum for a 20 acre parcel for the purpose of subdividing the existing parcel into two equal parcels. The project is located off of Flume Creek Road in Section 13, Township 58 North, Range 1 East, Boise-Meridian.

**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. Ms. Sabourin noted a typo in the Staff Report under the Conclusions of Law, number 3, changing the word "is" in conflict to "is not" in conflict.

**APPLICANT PRESENTATION:** Roman Lara stated that he is trying to help the owner sell her property. He stated once this project is approved, he will obtain a permit. He wants to bring everything up to code.

**PUBLIC/AGENCY TESTIMONY:** None.

**APPLICANT REBUTTAL:** None.

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

**MOTION TO APPROVE:** Commissioner Bradish moved to approve this project FILE V0001-19 for a lot size minimum to allow for the subdivision of the existing property into two equal parcels, finding that it is in accord with the 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 Bradish further moved to adopt the following findings of fact and conclusions of law as amending the typo noted by staff in number 3. The action that could be taken to obtain the variance is to complete the Conditions of Approval as adopted. This action does not result in a taking of private property. Commissioner Bailey seconded the motion.

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

**Background:**

**A. Site data:** The subject property is a

- Residential Use
- Unplatted
- Size: 20 acres
- Agricultural/Forestry-20 zone

**B. Access:**

- Access is provided by Flume Creek Road, a private, gravel, 16-18' wide road.

**C. Environmental factors:**

- Site does contain mapped slopes. (USGS)
- Site does contain mapped wetlands. (USFWS)
- Site does contain a river/stream.
- Site is not located in a Special Flood Hazard Area (DFIRM Panel # 0545E, Zone X – 0.2% annual chance of flood hazard) (FEMA)

**D. Services:**

- Water: Individual Well/Creek fed cistern and holding system
- Sewage: Septic Tank (1000 gal.) – maintenance to be performed as needed
- Fire: Northside Fire District (Not in district, just near district)
- Power: Northern Lights

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

Compass	Comp Plan	Zoning	Current Land Use & Density
Site	A/F (10-20 Acres)	A/F-20	Residential
North	A/F (10-20 Acres)	A/F-20	Vacant
East	A/F (10-20 Acres)	A/F-20	Residential
South	A/F (10-20 Acres)	A/F-20	Vacant
West	A/F (10-20 Acres)	A/F-20	Vacant

**F. Standards review:** BCRC 12-234 specifies that "Staff, the commission and/or board shall review the particular facts and circumstances of each proposal submitted and shall find adequate evidence showing that:

- (a) **Conditions apply to the property that do not apply generally to other properties in the same zone or vicinity, which conditions are a result of lot size, shape, topography, or other circumstances over which the applicant has no control.**

*Applicant: "The undue hardship that exists is that the parcel is zoned with a 20-acre minimum. Currently, the parcel is not capable of being subdivided due to this designation. This hardship is undue as other parcels within the same zone and vicinity are 10-acres in size and feature the same characteristics that would warrant a 20-acre zoning designation. These characteristics are specifically defined in BCRC 12-322. This zoning designation that does not allow the property to be subdivided is a condition over which we have no control."*

- (b) **Special conditions and circumstances do not result from the actions of the applicant.**

*Applicant: "The special condition does not result from our actions as applicants as the parcel was designated with a 20-acre minimum by the Bonner County Planning Dept. in 2008. This designation occurred regardless of the 10-acre parcels that surround our property and was not done by us."*

- (c) **The granting of the variance is not in conflict with the public interest in that it will not be detrimental to the public health, safety, or welfare, or**



**materially injurious to properties or improvements in the vicinity of the subject parcel or lot.**

*Applicant: "There will be no obstruction of public access/interest. The granting of this variance will not be in conflict with public interest because the surrounding properties have been split into 10-acre parcels. We are only pursuing conformance with the surrounding properties."*

**G. Stormwater plan:** A stormwater management plan was not required pursuant to BCRC 12-720.3. Application does not result in the creation of additional impervious surface.

**H. Agency Review:** The application was routed to the following agencies for comment on September 27, 2018:

Panhandle Health District  
Bonner County Road & Bridge  
North Side Fire District  
Northern Lights  
School District #84  
Idaho Dept. of Fish and Game  
Idaho Dept. of Env. Quality  
Idaho Department of Transportation

Idaho Dept. of Water Resources  
Army Corps (Coeur d'Alene)  
Fish and Wildlife Service  
Bonner County Schools - Transportation  
Dept. of Lands (Sandpoint)  
BNSF Railway  
Forest Service  
Idaho Department of Nav. Waters

**The following agencies replied "No Comment":**

Bonner County Road & Bridge  
Idaho Department of Transportation  
Dept. of Lands (Sandpoint)

**The Following Agencies replied:**

Northern Lights: Kristin Mettke, January 30, 2019

*"Please ensure that NLI would have a 20" easement for underground power and access or a 40' easement for overhead power and access across the southern proposed parcel to the northern proposed parcel."*

Panhandle Health District: Chris Irvin, February 6, 2019

*"PHD has reviewed the agency routing memo regarding the lot size minimum variance. PHD did not find valid septic permits for the structures on the lot. IDAPA 58.01.03 requires all structures that produce flows to have a valid sewage disposal permit. All structures related to this variance and/or future subdivision will require valid sewage disposal permits."*

**All other agencies did not reply.**

**I. Public Notice & Comments:** As of February 7, 2019, no public comments have been formally submitted.

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**Findings of Fact**

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1. The parcel is a ±20 acre area.
2. The parcel is zoned Agricultural/Forestry 20.
3. The parcel is located on Flume Creek road.
4. The parcel is served by individual septic.
5. The parcel is serviced by individual well/creek fed cistern and holding system for water.
6. Second home has a building violation for not obtaining a building location permit as required per BCRC.

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**Conclusions of Law:**

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

Conclusion 1

Conditions apply to the property that **do** apply generally to other properties in the same zone or vicinity, which conditions are a result of lot size, shape, topography, or other circumstances over which the applicant has no control.

Conclusion 2

Special conditions and circumstances **do not** result from the actions of the applicant.

Conclusion 3

The granting of the variance **is not** in conflict with the public interest in that it will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity of the subject parcel or lot. (Ord. 559, 1-4-2017)

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**Conditions of approval:**

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**Standard permit conditions:**

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- A-1** The use shall be developed and shall be operated in accordance with the approved site plan.
- A-2** The variance shall expire if not issued within two (2) calendar years from the date of approval, or once issued, if the use has not commenced within two (2) calendar years from the date of issuance. At any time prior to the expiration date of the variance, the applicant may make a written request to the Planning Director for an extension of the variance for a period up to two (2) years. The Planning and Zoning Commission may consider such request for extension at any public hearing. The extension request must be approved or denied prior to the expiration date of the variance.

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**Standard and site-specific conditions:**

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- B-1** The applicant shall address and satisfy all agency requirements per the submitted comments.
- B-2** The applicant must obtain a building location permit and resolve the building violation.
- B-3** Upon a land division, the note on the plat shall state that the original dwellings may be repaired or reconstructed but that no additional dwelling units may be added to either lot without first obtaining a zone change.

**AMENDMENT & ZONE CHANGE****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 AM0001-19 & ZC0001-19 – Comp Plan Map Amendment AG/Forest to Rural Residential & ZC0001-19 Zone Change A/F10 to Rural 5– Holly Moore** is requesting a comprehensive plan map amendment from Ag/Forest to Rural Residential and a zone change from A/F-10 to R-5. The project is located on Highway 200 in a portion of Section 4, Township 57 North, Range 1 West, Boise Meridian.

**CONFLICT OF INTEREST/DISCLOSURE DECLARATIONS:** The Chair requested the Commissioners declare any conflicts of interest or disclosures. Commissioner Linscott disclosed he was involved with a real estate sale on the subject property approximately twenty years ago. He further stated he has no knowledge of the existing owners and this does not create a conflict for him. The Chair noted that there were no disclosures or conflicts.

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

**APPLICANT PRESENTATION:** Project representative Natalie Thompson stated the purpose of the project was to split the property in order to build a house for her family.

**PUBLIC/AGENCY TESTIMONY:** Helen Baker spoke on the record in opposition of the project.

**APPLICANT REBUTTAL:** Project representative Natalie Thompson stated that due to health reasons her mom can't maintain the property by herself. She further stated she and her family are caring for her mother on a daily basis and they currently drive from town to do so. They believe they will be better served to live in closer proximity to her mother.

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

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**Comprehensive Plan Amendment - Motion by the governing body:**

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**MOTION TO APPROVE:** Commissioner Linscott moved to recommend approval to the Board of County Commissioners on this project, FILE AM0001-19, requesting a comprehensive plan amendment for the subject property from Ag/Forest Land to Rural Residential, 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 Linscott 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 Glasoe seconded the motion

**VOTED** upon and the Chair declared the motion carried, with a vote of 5-1. Commissioners Linscott, Glasoe, Bradish, Kempton, and Reeve voted in favor of the motion. Commissioner Bailey voted in opposition of the motion.

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**Background:**

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**A. Site data:**

- Acreage: 10.6 acres (approximately)
- Structures: (1) single family dwelling, various accessory structures
- Access:
  - Highway 200
    - State highway
    - Principal arterial roadway
    - Public R-O-W
- Environmental:
  - Flood hazard area:
    - X – 0.2% Annual Chance Flood Hazard
  - Wetlands: N/A
  - Hydrography: N/A
  - Slope: <15%
- Services:
  - Water:
    - Individual well
  - Sewage:
    - Individual septic
  - Fire:
    - Northside Fire
  - School:
    - Bonner School #84

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

Compass	Comp Plan	Zoning	Current Land Use & Density
Site	Ag/Forest Land (10-20 acres)	A/F-10	Residential, (1) SFD
North	Ag/Forest Land (10-20 acres)	A/F-10	Non-irrigated ag land, vacant
East	Ag/Forest Land (10-20 acres)	A/F-10	Residential, AG, (1) SFD

Compass	Comp Plan	Zoning	Current Land Use & Density
South	Rural Residential (5-10 acres)	R-5	Irrigated AG land, vacant
West	Ag/Forest Land (10-20 acres)	A/F-10	Residential, AG, (1) SFD

**C. Standards review: Bonner County Revised Code**

- **12-215:** Applications for Zone Changes and Comprehensive Plan Map Amendments, Contents
  - The application was considered complete and routed to agencies accordingly.
- **12-216:** Evaluation of Amendment Proposals
  - Staff and the governing bodies shall review the particular facts and circumstances of each proposal submitted and shall determine whether there is adequate evidence that the proposal is in accordance with the general and specific objectives of the comprehensive plan. (Ord. 501, 11-18-2008)
- **Comprehensive Plan Map Amendment:**
  - **Ag/Forest Land:** The Ag/Forest Land designation recognizes areas where steeper slopes prevail (30% Land Use Component Bonner County Comprehensive Plan CHAPTER 6-4 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.
    - Staff: The subject parcel does not feature steeper slopes (USGS <15%). Access is provided by Highway-200, and the parcel is afforded fire protection via Northside Fire.
  - **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 agricultural uses and residential development are permitted.
    - Staff: The subject parcel does not feature steeper slopes (USGS <15%). Access is provided by Highway-200, and the parcel is afforded fire protection via Northside Fire. Surrounding properties feature agricultural uses.
  - Conclusion: Existing densities, environmental features, access and services indicate that the subject property conforms to the Rural Residential Designation.
- **Zone Change:**
  - **Rural District:** The rural district is established to allow low density residential uses that are compatible with rural pursuits. The purpose can be accomplished by:
    - Limiting residential densities and permitted uses to those that are compatible with rural character and nearby resource production districts and sites and can be adequately supported by rural service levels.
    - Allowing small scale farming and forestry activities, and tourism and recreation uses that can be supported by rural service levels and are compatible with rural character.
    - Encouraging conservation development configurations that create permanent open space or farming areas, protect sensitive

environmental features, reduce infrastructure costs and/or enhance recreational opportunities.

- Use of this zone is appropriate in areas designated by the comprehensive plan as follows:
  - R-10 in areas designated as rural residential in the comprehensive plan that meet one or more of the following criteria:
    - Characterized by slopes steeper than thirty percent (30%).
    - Located within critical wildlife habitat as identified by federal, state or local agencies.
    - Contain prime agricultural soils.
    - Served by a network of public and/or private roadways that generally do not meet applicable roadway standards set forth in title 2 (public roads) of this code or appendix A (private roads) of this title or are absent.
    - Within the floodway.
    - Contain limited access to public services.
  - R-5 in areas designated rural residential in the comprehensive plan that are already developed at or near the one dwelling unit per five (5) acre density and/or do not meet the criteria for R-10 above. (Ord. 501, 11-18-2008)
- Staff: The subject parcel does not feature slopes in excess of 15% (USGS). NRCS indicates that the farmland is prime if it is drained. Access is provided by Highway 200, a principal arterial roadway. The parcel does not feature any special flood hazard areas or floodway. The parcel has access to public services such as Northside Fire.

**D. 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.

**E. Agency Review:** The application was routed to agencies for comment on January 30, 2019.

- The following agencies responded:
  - Idaho Transportation Department – January 31, 2019

"...ITD will not grant an additional approach to future subdivided parcels and will require the applicant to apply for a new joint use approach with an easement granting access to the parcels at the existing approach."

**F. Public Notice & Comments:** There were no public comments received.

**Findings of Fact**

- The parcel is 10.6 acres (approximately).
- Adjacent properties are designated 'Rural Residential' and are used similarly.
- The parcel features individual utilities and is afforded fire protection.
- The parcel is accessed by Highway 200.
- The parcel does not feature steep slopes.

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**Conclusions of Law:**

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

**Conclusion 1**

The proposal **is** in accord with the following elements of the Bonner County Comprehensive Plan:

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

**Conclusion 2**

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

**Conclusion 3**

The proposal **is** in accord with the Rural Residential Land Use Designation.

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

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**MOTION TO APPROVE:** Commissioner Linscott moved to recommend approval of this project, FILE ZC0001-19, requesting a zone change from Ag/Forest-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 Linscott further move 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 Kempton seconded the motion.

**VOTED** upon and the Chair declared the motion carried, with a vote of 5-1. Commissioners Linscott, Glasoe, Bradish, Kempton, and Reeve voted in favor of the motion. Commissioner Bailey voted in opposition of the motion.

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**Zone Change Findings of Fact**

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- The parcel is 10.6 acres (approximately).
- Adjacent properties are designated 'Rural Residential' and are used similarly.
- The parcel features individual utilities and is afforded fire protection.
- The parcel is accessed by Highway 200.
- The parcel does not feature steep slopes.

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**Zone Change Conclusions of Law:**

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

**Conclusion 1**

The proposal **is** in accord with the following elements of the Bonner County Comprehensive Plan:

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

**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 Rural-5 zoning district, provided at Chapter 3, Title 12, Bonner County Revised Code.

**OPEN LINE DISCUSSION:**

Discussion - Area of City Impact

Fred Omodt, Chair of Selle-Samuels spoke on behalf of the committee regarding shrinking the ACI.

Planning staff will come up with some dates to meet with city officials and planners.

At 7:56 p.m., the Chair declared the hearing adjourned until March 7, 2019.

Respectfully submitted,



Milton Ollerton, Planning Director

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The above Minutes are hereby approved this 7<sup>th</sup> day of March, 2019.

Bonner County Planning and Zoning Commission



Don Davis, Chair