

**PLANNING DEPARTMENT  
PUBLIC HEARING DECISION MINUTES  
WEDNESDAY, APRIL 21, 2021**

**CALL TO ORDER:** Chair McDonald called the Bonner County Commissioners' hearing to order at 1:30 p.m. in the 3rd floor meeting room, Suite 338 of the Bonner County Administration Building, 1500 Highway 2, Sandpoint, Idaho, via Zoom webinar, and YouTube live streaming.

**PRESENT:** Commissioners Chair Dan McDonald and Jeff Connolly

**ABSENT:** Vice Chair Steve Bradshaw

**ALSO PRESENT:** Planning Director Milton Ollerton; Administrative Manager Jeannie Welter; and Administrative Assistant III Kelcey Utt-Boss

**PUBLIC HEARING:**

**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 ZC0012-20 – Zone Change – Rural-10 to Rural-5 – Lloyd & Tamara Jacobson** are requesting a zone change from Rural-10 to R-5 for a 20-acre property. The property is zoned Rural-10. The project is located off Garfield Bay Cutoff in Section 15, Township 56 North, Range 1 West, Boise-Meridian. The Planning & Zoning Commission, at the regularly scheduled public hearing on March 18, 2021 recommended approval of this file to the Board of County Commissioners.

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

**APPLICANT PRESENTATION:** None.

**PUBLIC/AGENCY TESTIMONY:** None.

**APPLICANT REBUTTAL:** None.

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

**MOTION:** Commissioner Connolly moved to approve this project, FILE ZC0012-20, requesting 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 Connolly 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 stepped down from the chair and seconded the motion.

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

**ORDINANCE MOTION:** Commissioner Connolly 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 located in Section 15, Township 56 North, Range 1 West, Boise Meridian, Bonner County, Idaho from Rural-10 to Rural-5, and providing for an effective date. Commissioner Connolly further move to authorize the Chair to sign the official supplementary zoning map upon publication of the ordinance. Commissioner McDonald stepped down from the chair and seconded the motion.

**ROLL CALL VOTE:**

Commissioner McDonald	AYE
Commissioner Connolly	AYE
Commissioner Bradshaw	Not Present

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

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**Background:**

**A. Site data:**

- Use: Vacant
- Unplatted
- Size: 20 acres
- Zone: Rural-10
- Land Use: Rural Residential

**B. Access:**

- Garfield Bay Cutoff
  - i. Road Class: Local
  - ii. Road Owner: Bonner County
  - iii. County Maintained: Yes

**C. Environmental factors:**

- Site does contain mapped slopes. (USGS)
- Site does not contain mapped wetlands. (USFWS)
- Site does not contain waterfront or streams. (NHD)

- Per Bonner County CFM, Jason Johnson, *The parcel is within SFHA Zone X, per FIRM panel 16017C0975E, effective date 11/18/2009. No further floodplain review is required on this proposal.*
- Soil: Pend Orelle-Hoodoo silt loams
  - Not prime farmland
  - Well drained

**D. Services:**

- Water: Individual Well
- Sewage: Individual Septic
- Fire: Selkirk Fire District
- Power: Northern Lights, Inc.
- School District: Bonner County Schools #84

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

Compass	Comp Plan	Zoning	Current Land Use & Density
Site	Rural Residential	Rural-10	Vacant Forest Land
North	Rural Residential	Rural-10	Residential
East	Rural Residential	Rural-10	Vacant & GBSD Lagoon
South	Rural Residential	Rural-10	Garfield Bay Sewer Lagoon
West	Rural Residential	Rural-10	Vacant & Forested

**F. 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:**
  - 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.
  - The requested zone change would be in compliance with the comprehensive land use designation.

• **Existing Zoning: BCRC 12-323 Rural District (Rural-10)**

- The rural district is established to allow low density residential uses that are compatible with rural pursuits. The purpose can be accomplished by:
  1. 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.
  2. 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.
  3. 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:
  1. **R-10** in areas designated as rural residential in the comprehensive plan that meet one or more of the following criteria:
    - Characterized by slopes that are 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 of appendix A (private roads) of this title or are absent.
    - Within the floodway.
    - Contain limited access to public services.

• **Proposed Zoning: BCRC 12-323 Rural District (Rural-5)**

- The proposal is to stay within the Rural zoning district but to rezone from Rural-10 to Rural-5.
- BCRC 12-323(B): Use of this zone is appropriate in areas designated by the comprehensive plan as follows:
  1. BCRC 12-323(B)(2): **R-5** in areas designated rural residential in the comprehensive plan that are already developed at or near the one dwelling per five (5) acre density and/or do not meet the criteria for the R-10 zone.

**G. Stormwater Plan:** A stormwater management plan was not required, pursuant to BCRC 12-720.3(K) due to the proposal not resulting in the creation of additional "impervious surface", as defined in section 12-809 of this title.

**H. Agency Review:** The application was routed to the following agencies and all taxing districts for comment on **February 16, 2021**.

Bonner County GIS Department: *No foreseeable issues with road naming or addressing.*

Bonner County Road & Bridge Department:

Bonner County Schools #84 – Transportation:

Idaho Department of Environmental Quality: *DEQ has no environmental impact comments for the project listed above.*

Idaho Department of Water Resources:

Northern Lights, Inc.:

Panhandle Health District: *Thank you for the opportunity to comment on the proposed zone change. While Panhandle Health District has no comment regarding the proposal, it would like to remind the applicant that a subdivision application must be submitted prior to the land being subdivided, septic permits applied for and septic approved prior to dwellings or a church are to be utilized.*

Selkirk Fire District:

\*All Taxing Districts

Department of Aeronautics: no comment

Independent Highway District: *The subject property is outside of the boundaries of*

*the Independent Highway District.*

Pend Oreille Hospital District: no comment

Spirit Lake Fire District: no comment

**I. Public Notice & Comments:** The application was routed to property owners within 300' of the subject property and posted in the newspaper on **February 16, 2021**. No public comments were received at the completion of this staff report.

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### Zone Change Findings of Fact

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1. The entire 20 acre parcel is proposed to be rezoned from Rural-10 to Rural-5.
2. The site's Comprehensive Plan land use designation is Rural Residential.
3. The site is vacant per Bonner County Assessor records.
4. There are no building permits, building location permits or land use file except for file ZC0012-20, on file with the Bonner County Planning Department.
5. The site is accessed off Garfield Bay Cutoff, a local, Bonner County owned and maintained road. This road divides the existing parcel.
6. Parcels and lots adjacent to and within the vicinity of the subject property have a Comprehensive Plan land use designation of Rural Residential and a zoning district of Rural-10. These properties are a mix of vacant properties, residential uses, and sewer lagoons for the Garfield Bay Water & Sewer District.
7. The site is served by individual septic, individual well, Northern Lights, Inc., and the Selkirk Fire District.
8. The site has mapped slopes of 15-29% and 30% or greater.
9. The site has no mapped wetlands or surface water and contain no floodplains or floodways.
10. There is no critical wildlife habitat present on site.

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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	Agriculture

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.

The Chair declared the hearing adjourned at 1:38 p.m.

Respectfully submitted, this 21<sup>st</sup> day of April, 2021,

  
Milton Ollerton, Planning Director