

**PLANNING DEPARTMENT
PUBLIC HEARING DECISION MINUTES
WEDNESDAY, JUNE 23, 2021**

CALL TO ORDER: Chair McDonald called the Bonner County Commissioners' hearing to order at 1:30 p.m. in the 1st Floor Conference Room of the Bonner County Administration Building, 1500 Highway 2, Sandpoint, Idaho, via Zoom webinar, and YouTube live streaming.

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

ABSENT: None

ALSO PRESENT: Planning Director Milton Ollerton; Planner II Jason Johnson; Planner I Chad Chambers; Administrative Manager Jeannie Welter; and Administrative Assistant III Janna Berard

PUBLIC HEARINGS:

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 ZC0011-21 – Zone Change – Ada Robertson & Donna Bellant are requesting a zone change from Rural-10 to Rural-5 on a 21.33-acre parcel. The property is zoned Rural 10. The project is located off East Dufort Road in Section 35, Township 56 North, Range 2 West, Boise-Meridian. The Planning & Zoning Commission, at the May 20, 2021 public hearing, 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: Planner II Jason Johnson presented a PowerPoint summary of the project and previously circulated staff report, concluding this project is consistent with Bonner County Comprehensive Plan and Bonner County Revised Code.

APPLICANT PRESENTATION: Project Representative Dan Provolt stated staff covered the application well. He stated the property borders county-maintained roads. He further stated there are other properties in the area that are currently R-5 zoning.

PUBLIC/AGENCY TESTIMONY: James Robertson spoke on the record in favor of the project. He is the son of the landowner and gave a brief history of the property.

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 ZC0011-21, requesting a zone change from Rural-10 to Rural-5 for the parcel noted in the staff report, 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 Connolly seconded the motion.

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

Zone Change 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 35, Township 56 North, Range 2 West, Boise-Meridian, Bonner County, Idaho from Rural-10 Zone to Rural-5 Zone, and providing for an effective date. Commissioner Connolly further moved to authorize the Chair to sign the official supplementary zoning map upon publication of the ordinance. Commissioner Bradshaw seconded the motion.

Roll Call Vote:

Commissioner McDonald:	AYE
Commissioner Connolly:	AYE
Commissioner Bradshaw:	AYE

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

Zone Change Findings of Fact

- This site is mostly flat and contains no slopes greater than thirty percent (30%). The only sloped area is less than 30% grade is confined to a small area of mapped slopes at the south end of the property.
- No local, state, or federal agencies commented on this proposal, except for the standard five-page recommendation document from Idaho DEQ.
- This site does not contain prime agricultural soils.
- Access to the site is provided via East Dufort Road, a county owned treated gravel road.

- This Site is not within a floodplain.
- This Site is served by Bonner School #84, Selkirk Fire, Bonner Co Ambulance District, and Avista Utilities.
- Much of the area surrounding the parcel in question is developed at or near one dwelling unit per five (5) acre density.

Zone Change Conclusions of Law:

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.

Background:

A. Site data:

- Use: Vacant
- Unplatted parcel
- Size: ~21.33 acres
- Zone: Rural 10 (R-10)
- Land Use: Rural Residential (5-10 AC)
- Legal per: Parcel size and deed date

B. Access:

- Access to the site is provided via East Dufort Road, a county owned treated gravel road.

C. Environmental factors:

- Site does contain a small area of mapped slopes (<30%) on the south end.
- There are two small mapped wetland areas on the property. (USFWS)
- Site does not contain waterfront or streams. (NHD)

- Parcel is within SFHA Zone X, per FIRM Panel 16017C0950E, Effective Date 11/18/2009. No further floodplain review is required on this proposal.
- Soil:
 - Classification: Pend Oreille silt loam, 5 to 45 percent slopes
 - Type: Not prime farmland
 - Drainage: Well drained

D. Services:

- Water: Individual well
- Sewage: Septic system
- Fire: Selkirk Fire District
- Power: Avista Utilities
- School District: Bonner School District #84

E. Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Land Use & Density
Site	Rural Residential (5-10 AC)	Rural 10 (R-10)	Vacant
North	Rural Residential (5-10 AC)	Rural 5 (R-5)	Vacant land and residential
East	Rural Residential (5-10 AC)	Rural 10 (R-10)	Vacant
South	Rural Residential (5-10 AC)	Rural 10 (R-10)	Vacant
West	Rural Residential (5-10 AC)	Rural 10 (R-10)	Residential

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.
- **Comprehensive Plan - 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.

- **12-323: RURAL DISTRICT (R-10):**
- 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 or appendix A (private roads) of this title or are absent.
 - Within the floodway.
 - Contain limited access to public services.
- **12-323: RURAL DISTRICT (R-5):**
 - 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.

G. Stormwater plan: A stormwater management plan was not required, pursuant to BCRC 12-720.3 because the proposal does not result in the creation of new impervious surface.

H. Agency Review: The application was routed to agencies for comment on April 20, 2021.

Panhandle Health District	Idaho Department of Water Resources
Avista	Northern Lights
Selkirk Fire District	Bonner County Road & Bridge
U.S. Fish and Wildlife Service	U.S. Army Corps (Coeur d'Alene)
Idaho Department of Lands (Coeur d'Alene)	U.S. Forest Service
Idaho Department of Environmental Quality	Idaho Department of Lands, Nav. Waters
Idaho Department of Fish and Game	Idaho Transportation Department
	(All Taxing Districts)

Idaho Department of Environmental Quality does not review projects on a project-specific basis and sent the standard five-page recommendation document.

All other agencies either replied "No Comment" or did not reply.

I. Public Notice & Comments

No public comments were received on this proposal.

Zone Change Findings of Fact

- This site is mostly flat and contains no slopes greater than thirty percent (30%). The only sloped area is less than 30% grade is confined to a small area of mapped slopes at the south end of the property.
- No local, state, or federal agencies commented on this proposal, except for the standard five-page recommendation document from Idaho DEQ.
- This site does not contain prime agricultural soils.
- Access to the site is provided via East Dufort Road, a county owned treated gravel road.
- This Site is not within a floodplain.
- This Site is served by Bonner School #84, Selkirk Fire, Bonner Co Ambulance District, and Avista Utilities.
- Much of the area surrounding the parcel in question is developed at or near one dwelling unit per five (5) acre density.

Zone Change Conclusions of Law:

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.

AMENDMENT & 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 AM0005-21 & ZC0013-21 - Comprehensive Plan Map Amendment & Zone Change - Robert & Melanie Cofrances are requesting a Comprehensive Plan

map change from Rural Residential and Ag/Forest to Rural Residential and a Zone change from Rural-5 and A/F-10 to Rural-5. The property is located off Roop Road in Sections 13 and 24, Township 55 North, Range 3 West, Boise-Meridian. The Planning & Zoning Commission, at the May 20, 2021 public hearing, 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. Commissioner Bradshaw disclosed he know the applicants and will recuse himself from this hearing. The Chair noted that there were no additional disclosures or conflicts.

STAFF PRESENTATION: Planner I Chad Chambers presented a summary of the project and previously circulated staff report, concluding this project is consistent with Bonner County Comprehensive Plan and Bonner County Revised Code.

APPLICANT PRESENTATION: Project Representative Travis Haller stated

PUBLIC/AGENCY TESTIMONY: None.

APPLICANT REBUTTAL: None.

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

Comprehensive Plan Map Amendment Motion:

MOTION TO APPROVE: Commissioner Connolly moved to approve this project, FILE AM0005-21, requesting a comprehensive plan amendment for a property designated as Ag/Forest and Rural Residential 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 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, after stepping down from the Chair, seconded the motion.

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

Comprehensive Plan Map Resolution Adoption:

Commissioner Connolly moved to approve resolution #21-53 amending the Bonner County Projected Land Use Map. Commissioner McDonald, after stepping down from the Chair, seconded the motion.

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

Comprehensive Plan Amendment Findings of Fact

- The site has no prevailing steep slopes.
- The site has no floodways present.
- The site is accessible by Cocolalla loop.
- The southern half of the property is adjacent to a property owned by Idaho Dept of Fish & Game land.
- The site is within the Sagle Fire District dba Selkirk Fire District.
- The soils on site include Sagle silt loam, 5 to 30 percent slopes (47), which is not prime farmland, whereas the southern half of the parcel contains Bonner gravelly ashy silt loam (2) which is prime farmland soil.
- The site will be served by Individual well and individual septic system.
- There is an existing home, a shop, and other detached structures on the property.

Comprehensive Plan Amendment Conclusions of Law:

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
Transportation	Community Design	Implementation
Economic Development	Land Use	Natural Resources
Hazardous Areas	Public Services	Agriculture
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 and is in accord with the Rural-5 zone.

Zone Change Motion:

MOTION TO APPROVE: Commissioner Connolly moved to APPROVE this project, FILE ZC0013-21, requesting a zone change from A/F-10 and Rural-5 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, after stepping down from the Chair, seconded the motion.

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

Zone Change Ordinance Motion: Roll Call Vote

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 24, Township 55 North, Range 3 West, Boise Meridian, Bonner County, Idaho from Agriculture Forestry-10 & Rural-5 to Rural-5, and providing for an effective date. Commissioner Connolly further moved to authorize the Chair to sign the official supplementary zoning map upon publication of the ordinance. Commissioner McDonald, after stepping down from the Chair, seconded the motion.

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

Roll Call Vote:

Commissioner McDonald: AYE
Commissioner Connolly: AYE

Zone Change Findings of Fact

1. The site has no prevailing steep slopes.
2. The site has no floodways present.
3. The site is accessible by Cocolalla loop.
4. The southern half of the property is adjacent to property owned by Idaho Dept of Fish & Game land.
5. The site is within the Sagle Fire District dba Selkirk Fire District.
6. The soils on site include Sagle silt loam, 5 to 30 percent slopes (47), which is not prime farmland, whereas the southern half of the parcel contains Bonner gravelly ashy silt loam (2) which is prime farmland soil.
7. The site will be served by individual well and individual septic.
8. There is an existing home, a shop, and other detached structures on the property.
9. The site has a land use designation of Rural Residential.

Zone Change Conclusions of Law:

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 purpose of the RURAL 5 zoning district, provided at Chapter 3, Title 12, Bonner County Revised Code.

Background:

B. Site Data:

- Use: Residence
- Size: 22.47 acre unplatted parcel
- Zone: Split – Rural 5 (R-5); Agricultural/forestry (A/f-10)
- Land Use: Split – Rural Residential (5-10AC); Agricultural/forest land (10-20AC)

B. Access:

- Road: Roop Road
- County maintained: yes

G. Environmental Factors:

- Site does contain mapped slopes. (USGS)
- Site does contain mapped wetlands. (USFWS)
 - i. There is a mapped Freshwater Forested/shrub Wetland that runs through North-South on the west periphery of the parcel.
- Site does contain waterfront or streams. (NHD)
 - i. There is a stream that runs along the south along the periphery of the parcel.
- Soil type(s):
 - i. Sagle silt loam, 5 to 30 percent slopes (47)
 1. Not prime farmland
 2. Somewhat poorly drained
 - ii. Bonner gravelly ashy silt loam (2)
 1. All Areas are prime farmland
 2. Well drained

H. Services:

- Water: Individual well
- Sewage: Private septic
- Fire: Sagle Fire District dba Selkirk Fire, Rescue & EMS
- Power: Northern Lights Inc.
- School District: Bonner School District #84

I. Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Land Use & Density
Site	Rural Residential 5-10AC; Ag/Forest Land 10-20AC	Rural 5 (R-5); Ag/forestry 10 (A/f-10)	Residential
North	Rural Residential 5-10AC	Rural 5 (R-5)	Residential
East	Rural Residential 5-10AC; Ag/Forest Land 10-20AC	Rural 5 (R-5); Ag/forestry 10 (A/f-10)	Residential
South	Ag/Forest Land 10-20AC	Ag/forestry 10 (A/f-10)	Forested land
West	Rural Residential 5-10AC; Ag/Forest Land 10-20AC	Rural 5 (R-5); Ag/forestry 10 (A/f-10)	Forested land

J. 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 Proposal
 - Staff and the governing bodies shall review the particular facts and circumstances of the 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)

Current Split 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."
- **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."

Proposed Comprehensive Plan Designation: Rural Residential*

- **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."

Current Split Zoning Designation:

Rural-5 (R-5): "areas designated rural residential in the comprehensive plan that are already developed at or near the one dwelling unity per five (5) acre density and/or do not meet the criteria for R-10 (Ord. 501 11-19-2008)"

BCRC 12-323 Rural District – defined:

- A. 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.

B. 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:
 - a. Characterized by slopes that are steeper than thirty percent (30%).
 - b. Located within critical wildlife habitat as identified by federal, state or local agencies.
 - c. Contain prime agricultural soils.
 - d. 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.
 - e. Within the floodway.
 - f. Contain limited access to public services.

BCRC 12-321 Forestry District – defined:

A. The forestry district is established to preserve the forest land base; to conserve and protect the long-term productivity of forest lands; and to restrict

uses unrelated to or incompatible with forestry. These purposes are accomplished by:

1. Applying the F zone to large contiguous areas where a combination of site, soil and climatic characteristics make it possible to sustain timber growth and harvests over time.

2. Limiting residential, recreational, commercial and industrial uses to those uses that are compatible with forestry, to minimize the potential hazards of damage from fire, pollution and land use conflicts.

3. Providing for compatible outdoor recreation uses and for conservation and protection of municipal watersheds and fish and wildlife habitats.

B. Use of this zone is appropriate in areas designated as remote ag/forest land in the comprehensive plan. The remote agricultural/forest land is located on mountaintops and remote areas of the county where few or no access roads have been constructed. Included in these areas are most of the state and federal lands, which are managed for forest production or recreation. (Ord. 501, 11-18-2008)

Proposed Zoning Designation:

Rural-5 (R-5): "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 (Ord. 501 11-19-2008")

G. Stormwater Plan: A stormwater management plan was not required, pursuant to BCRC 12-720.3(K) because the proposal does not result in additional impervious surface.

H. Agency Review: The application was routed to agencies and all taxing districts for comment on **April 20, 2021**.

Panhandle Health District	Idaho Department of Water Resources
Spirit Lake Fire District	Bonner County Road Department
Inland Power LLC	U.S. Fish and Wildlife Service
Bonner School District #83	Bonner County Schools - Transportation
Idaho Department of Environmental Quality	Idaho Department of Fish and Game
State Historical Society	U.S. Forest Service
Independent Highway District	(All Taxing Districts)

Agency comments:

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

Agency – no comment:

Idaho Department of Fish & Game: no comment – rec'd May 4, 2021

Idaho Department of Environmental Quality: no specific comments related to zone change and comp plan amendment – rec'd May 11, 2021

All other agencies did not respond:

I. Public Notice & Comments: The application was routed to property owners within 300' of the subject property and published in the newspaper on **April 20, 2021**. As of the date of this staff report, there have been no comments received.

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 AM0006-21 & ZC0004-21 – Comprehensive Plan Map Amendment & Zone Change – Cornelson Trust is requesting a comprehensive plan map change from Ag/Forestry 20 to Rural-5 acre and a zone change from Ag/Forest Land 10-20 acre to Rural-Residential 5-10 acre. The project is located off Goldfinch Lane and Barn Owl Drive in Section 21, Township 54 North, Range 4 West, Boise-Meridian. The Planning & Zoning Commission, at the June 3, 2021, public hearing, 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: Planner I Chad Chambers presented a summary of the project and previously circulated staff report, concluding this project is consistent with Bonner County Comprehensive Plan and Bonner County Revised Code.

APPLICANT PRESENTATION: Applicant Lee Cornelson gave a history of the project and surrounding subdivision pertaining to the zoning. He responded to public comments received during the review process of this project relating to paving.

PUBLIC/AGENCY TESTIMONY: Gina Hoyt spoke on the record in favor of the project.

The following individuals spoke on the record in opposition of the project: Kevin Savisky, Phil Grosswiler, Steve Roach, and Elsbeth Roach.

The following individual spoke on the record neutral to the project, but in favor of paving of the road.

APPLICANT REBUTTAL: Applicant responded to the public comments relating to paving.

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

Comprehensive Plan Map Amendment Motion:

MOTION TO APPROVE: Commissioner Bradshaw moved to approve this project File AM0006-21 for a comprehensive plan amendment 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 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 Connolly seconded the motion.

Comprehensive Plan Map Resolution Adoption:

Commissioner Bradshaw moved to approve resolution #2021-54 amending the Bonner County Projected Land Use Map. Commissioner Connolly seconded the motion.

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

Comprehensive Plan Amendment Findings of Fact

- The site has some slopes 30% or greater in the northeast corner of parcel no. RP54N04W210750A.
- There are no wetlands or floodways present on the property.
- The site is accessible by Goldfinch Lane, a private 60' easement.
- Each property is served by an individual well, septic system, Inland Power LLC, and is within the Spirit Lake Fire District.
- The soil(s) present on site include:
 - a. Bonner gravelly ashy silt loam (2), 0 to 4 percent slopes
 - b. Kootenai gravelly ashy silt loam (23), 0 to 4 percent slopes
 - c. Bonner gravelly silt loam (3), 30 to 65 percent slopes

Comprehensive Plan Amendment Conclusions of Law:

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

Zone Change Motion:

MOTION TO APPROVE: Commissioner Connolly moved to approve this project File ZC0004-21 for a zone change from Ag/Forestry-20 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 Bradshaw seconded the motion.

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

Zone Change Ordinance Motion: Roll Call Vote

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 21, Township 54 North, Range 4 West, Boise Meridian, Bonner County, Idaho from Agriculture/Forestry-20 to Rural-5, and providing for an effective date. Commissioner Connolly further moved to authorize the Chair to sign the official supplementary zoning map upon publication of the ordinance. Commissioner Bradshaw seconded the motion.

Roll Call Vote:

Commissioner McDonald:	AYE
Commissioner Connolly:	AYE
Commissioner Bradshaw:	AYE

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

Zone Change Findings of Fact

1. The site has some slopes 30% or greater in the northeast corner of PIN: RP54N04W210750A.

2. There are no wetlands or floodways present on the property.
3. The site is accessible by Goldfinch Lane, a private 60' easement.
4. Each property is served by an individual well, septic system, Inland Power LLC, and is within the Spirit Lake Fire District.
5. The soil(s) present on site include:
 - d. Bonner gravelly ashy silt loam (2), 0 to 4 percent slopes
 - e. Kootenai gravelly ashy silt loam (23), 0 to 4 percent slopes
 - f. Bonner gravelly silt loam (3), 30 to 65 percent slopes

Zone Change Conclusions of Law:

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 purpose of the RURAL 5 zoning district, provided at Chapter 3, Title 12, Bonner County Revised Code.

Background:

A. Site Data:

- Use: Rural-Residences
- Unplatted
- Size: Three (3) twenty (20) acre parcels
- Zone: Agricultural/Forestry-20 (A/f-20)
- Land Use: Ag/Forest Land 10-20 AC

B. Access:

- Goldfinch Lane
 - i. Road class: local
 - ii. Road width: ≈20' wide
 - iii. Road owner: private
 - iv. County maintained: no

C. Environmental Factors:

- Site does contain mapped slopes. (USGS)
- Site does not contain mapped wetlands. (USFWS)
- Site does not contain waterfront or streams. (NHD)
- JRJ, 5.24.2021: Parcels RP54N04W210750A, RP54N04W212400A, & RP54N04W211350A are all within SFHA Zone X, per FIRM Panel 16017C1125E, Effective Date 11/18/2009.

D. Soil(s):

- Bonner gravelly ashy silt loam (2), 0 to 4 percent slopes
 - i. All areas are prime farmland
 - ii. Well drained
- Kootenai gravelly ashy silt loam (23), 0 to 4 percent slopes
 - i. Prime Farmland if Irrigated
- Bonner gravelly silt loam (3), 30 to 65 percent slopes
 - i. Not prime farmland
 - ii. Well drained

E. Services:

- Water: Individual Well, 350-400' deep, ~20-25 gallons /min capacity
- Sewage: Individual Septic
- Fire: Spirit Lake Fire District
- Power: Inland Power LLC
- School District: Bonner County Schools #83

F. Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Land Use & Density
Site	Ag/Forest Land (10-20 AC)	Agricultural/forestry (A/f-20)	Agricultural/forested land & residential
North	Ag/Forest Land (10-20 AC)	Agricultural/forestry (A/f-20)	State Land
East	Ag/Forest Land (10-20 AC)	Agricultural/forestry (A/f-20)	Agricultural/forested land & residential
South	Rural-Residential (5-10 AC)	Rural 5 (R-5)	Residential
West	Ag/Forest Land (10-20 AC)	Agricultural/forestry (A/f-20)	Agricultural/forested land & residential

G. 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 Proposal
 - Staff and the governing bodies shall review the particular facts and circumstances of the 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)

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.

Proposed Comprehensive Plan Designation: 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.

H. Stormwater Plan: A stormwater management plan was not required since the proposed comprehensive land use plan and zone change is not applicable to BCRC 12-720.3.

I. Agency Review: The application was routed to agencies and all taxing districts for comment on May 4, 2021.

Panhandle Health District	Idaho Department of Water Resources
Spirit Lake Fire District	Bonner County Road Department
Inland Power LLC	U.S. Fish and Wildlife Service
Bonner School District #83	Bonner County Schools - Transportation
Idaho Department of Environmental Quality	Idaho Department of Fish and Game
State Historical Society	U.S. Forest Service
Independent Highway District	(All Taxing Districts)

I. The following agencies commented:

- Spirit Lake Fire Protection District: April 20, 2021

- "Per Chief DeBernardi: In reviewing the said property in the Quail Ridge subdivision, the Spirit Lake Fire District will require the 2018 IFC code. The current density of the Quail Ridge subdivision does not meet access/egress standards for the 2018 IFC Code. The current road infrastructure does not meet 2018 IFC standards. For any additional 5-acre, 10-acre or 20-acre splits, or other minor subdivision changes, there will have to be improvements made to access/egress to meet density standards in the code."
- Spirit Lake Fire Protection District, May 6, 2021
 - "In review of the Qual Ridge project concerning Goldfinch and Barn Owl, the current density is at a maximum capacity per 2018 IFC fire code. This fire code addresses access/egress standards. Currently, there is not adequate access/egress to this area. Additional lots, to increase the home density would surpass this standard. Furthermore, Goldfinch is graveled and would need to be paved and a secondary egress point from the subdivision would be required. Spirit Lake Fire does not recommend this zone change"
- Independent Highway District: May 5, 2021
 - "The subject property is outside of the boundaries of the Independent Highway District"
- Idaho Department of Fish & Game: May 21, 2021
 - "Following any future development in the area, wildlife may be displaced but will likely still use available corridors through this section for travel and migration. With State of Idaho forest land near to the proposed application area, there will continue to be plentiful wildlife habitat in close proximity to any further development. Deer, elk, and turkey will remain in the area and may be problematic to residents. Moose, black bear, and mountain lions are also present, and create the potential for human-wildlife conflicts if residential development occurs."
 - "In summary, wildlife use will likely be negatively impacted within the immediate areas where conversion of forest to further subdivision and development occur. While the habitat, and many of the species, are currently common and similar resources are available nearby, continued development will change the abundance, diversity, and distribution of wildlife within Bonner County."

II. The following agencies responded "no comment":

- City of Clark Fork, May 11, 2021
- Pend Oreille Hospital District, May 10, 2021
- Kootenai-Ponderay Sewer District, May 25, 2021

III. All other agencies did not respond.

IV. Public Comments:

- Concerns, broadly conceived, are focused on the quality, safety & cost Goldfinch Lane.

Quality concerns:

- Paved roads required for previous 5-acre development
- Concerns over public hearing before Goldfinch Lane is paved
- Previous developer of Qual Ridge Subdivision "(Spirit Lake North LLC) was forced to pave all roads that would front 5 acre parcels"
- "Please look at File AM162-18 and File ZC365-18
- Under Staff Input
 - Mr. Cornelison comments and others as to why the roads should be paved"
 - "File S1994-18 Qual Ridge 2nd Addition and 1st Addition Preliminary plat
 - Please look at the Standard and site-specific plat conditions"

File S1994-18 – Quail Ridge 2nd Addition, Replat of Lot 4, Block 2, Quail Ridge 1st Addition

- "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 stamp plans outlining paved roads construction schematics, in accord with the Appendix A Title 12 requirements"

Safety concerns:

- "Goldfinch Lane is a gravel road that is NOT suitable to the amount of traffic that could potentially result if the 20-acre parcels are permitted to rezone to 5 acres. It is not wide enough in some places for two vehicles to pass each other without one of them pulling off into the ditch. Both the residents of Quail Ridge and the Spirit Lake Fire Marshal have expressed serious and valid concerns about the fact that our community is one way in, one way out with no secondary egress for emergency evacuation. Allowing this rezoning will exponentially increase this risk for all residents of Quail Ridge. Allowing this rezoning without requiring improvements be made to the roadway would be

absolutely irresponsible, hazardous and potentially DEADLY for all of the residents of Goldfinch Lane."

Maintenance cost concerns:

- "Last year, the Quail Ridge Home Owners Association budgeted \$2,000 to resurface the last half of the graveled portion of Goldfinch Lane, as it hadn't been done for a couple of years...Due to severe damage over the winter (2020/2021) the money set aside for repair of the second half of Goldfinch Lane was redirected to repairing the first half, confidentially covering the area from the end of the asphalt to the front of the properties asking for the map/zone change. Our concern is that by doubling the number of properties serviced by this gravel road, the severity of the damage will increase dramatically, leading to increased frequency and scope of repairs."
- "We further feel it would be unfair to ask neighboring homeowners, many of whom are retired, to shoulder increased financial responsibility while leaving the parties developing their property with no responsibility to provide for the suitable infrastructure their development requires."

Concerns about preferential treatment:

- "It appears as through preferential treatment is being given, previously required steps are being skipped and that precedent is not being followed in this particular application. We are aware that Mr. Cornelison is an employee of Bonner County and likely a friend to those in charge of making this determination. We sincerely hope that the implication of this decision is given the same scrutiny and critical analysis as those previously brought forth and that his affiliations and relationships do not outweigh the safety and the lives of those that could be very deeply impacted."

The Chair declared the hearing adjourned at 3:01 p.m.

Respectfully submitted, this 29th day of June 2021,



Milton Ollerton, Planning Director