

**PLANNING DEPARTMENT
PUBLIC HEARING DECISION MINUTES
JULY 14, 2021**

CALL TO ORDER: Chair McDonald called the Bonner County Commissioners' hearing to order at 1:30 p.m. in the 1st Floor Conference 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; Assistant Planning Director Jacob Gabell; Planner II Jason Johnson; Planner I Swati Rastogi; Planner I Chad Chambers; Planner I Daniel Britt; Administrative Manager Jeannie Welter; Administrative Assistant III Kelcey Utt-Boss and Administrative Assistant III Janna Berard

PUBLIC HEARINGS:

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 ZC0005-21 – Zone Change – Lucas Wingert & Shannon Foley are requesting a Zoning change from Rural-10 to Rural-5 on a 10-acre parcel. The property is zoned Rural 10. The project is located off South Sagle Road in Section 35, Township 56 North, Range 2 West, Boise-Meridian. The Planning and Zoning Commissioner at the public hearing on May 20, 2021, recommended approval of this project 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 Lance Miller presented information regarding the other properties in the area.

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 Bradshaw moved to approve this project, FILE ZC0005-21, 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.

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 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.

Background:

A. Site data:

- Use: SFD and outbuildings
- Unplatted parcel
- Size: ~10 acres
- Zone: Rural 10 (R-10)
- Land Use: Rural Residential (5-10 AC)

B. Access:

- Access to the site is provided via South Sagle Road, a county owned and maintained gravel road, and a 60 foot wide ingress, egress and utility easement, gravel driveway, inst. #379139, 873034, 943901 and Book 3 of Plats Page 185.

C. Environmental factors:

- Site does contain a very small area of mapped slopes (<30%), in the southeastern corner. (USGS)
- Site does contain a small area of mapped wetlands, in the southern portion. (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: Existing 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)	Residential
North	Rural Residential (5-10 AC)	Rural 10 (R-10)	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. (Ord. 501, 11-18-2008)

• **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

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 very small area of mapped slopes, in the southeastern corner.
- No local, state, or federal agencies commented on this proposal.
- This site does not contain prime agricultural soils.
- Access to the site is provided via South Sagle Road, a county owned and maintained gravel road, and a 60 foot wide ingress, egress and utility easement, gravel driveway, inst. #379139, 873034, 943901 and Book 3 of Plats Page 185.
- 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.

File ZC0009-21 – Zone Change – Ag/Forest-20 to Ag/Forest-10 – Jacob Farley

is requesting a zoning change from Agricultural/Forestry 20 to Agricultural/Forestry 10 on a 20-acre parcel. The property is zoned Agricultural/Forestry 20. The project is located off Beare Road and Rustic Way in Section 7, Township 54 North, Range 4 West, Boise-Meridian. The Planning & Zoning Commission, at the May 27, 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 Applicant Jacob Farley stated the reason why they are requesting the zone change.

PUBLIC/AGENCY TESTIMONY: The following individuals spoke on the record: Daphne Taylor and Matt Linscott.

APPLICANT REBUTTAL: Project Applicant Jacob Farley responded to comments regarding other properties and specific zoning.

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 ZC0009-21, requesting a zone change from Agricultural/forestry 20 (A/f-20) to Agricultural/forestry 10 (A/f-10) 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 Connolly further moved to recommend adoption of 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.

Ordinance Motion:

Commissioner Bradshaw 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 7, Township 54 North, Range 4 West, Boise-Meridian, Boise Meridian, Bonner County, Idaho from Agricultural/forestry 20 (A/f-20) to Agricultural/forestry 10 (A/f-10), and providing for an effective date. Commissioner Bradshaw further moved to authorize the Chair to sign the official supplementary zoning map upon publication of the ordinance. Commissioner Connolly 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.

Background:

A. Site data:

- Use: Vacant
- Unplatted parcel
- Size: ~20 acres
- Zone: Agricultural/forestry 20 (A/f-20)
- Land Use: Ag/Forest Land (10-20 AC)
- Legal per: Parcel size

B. Access:

- Access to the site is provided via Beare Rd, a county-owned and county maintained gravel road on the east side of the property, and via Rustic Way, a private local road on the west side of the property.

C. Environmental factors:

- Site contains a few slopes of less than 30% in the southeast corner.
- There are no mapped wetland areas on the property. (USFWS)
- Site does not contain waterfront or streams. (NHD)
- Parcel is within SFHA Zone X, per FIRM Panel 16017C1100E, 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: Spirit Lake Fire District
- Power: Northern Lights
- School District: Bonner School District #83

E. Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Land Use & Density
Site	Ag/Forest Land (10-20 AC)	Agricultural/forestry 20 (A/f-20)	Vacant
North	Ag/Forest Land (10-20 AC)	Agricultural/forestry 20 (A/f-20)	Residential
East	Ag/Forest Land (10-20 AC)	Agricultural/forestry 20 (A/f-20)	Residential
South	Ag/Forest Land (10-20 AC)	Agricultural/forestry 20 (A/f-20)	Residential
West	Ag/Forest Land (10-20 AC)	Agricultural/forestry 20 (A/f-20)	Vacant

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 - Ag/Forest Land:**
 - 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.
- **12-322: AGRICULTURAL/FORESTRY DISTRICT (A/F-20):**
 - The Agricultural/forestry district is established to provide for agricultural and forestry pursuits, including livestock production, forestry, horticulture, floriculture, viticulture, and necessary accessory uses for treating, storing

and processing agricultural products. The purpose of the A/F district is to preserve, protect and maintain areas that are rural in character and the integrity of the forest/woodland areas where viable agricultural pursuits can be feasible and to avoid fragmentation of forests and farms. These purposes are accomplished by:

- o Establishing residential density limits and conservation development standards to retain areas sized for efficient farming.
 - o Allowing for uses related to agricultural production and limiting nonagricultural uses to those compatible with agriculture, or requiring close proximity for the support of agriculture.
 - o Use of this zone is appropriate in areas designated by the comprehensive plan as follows:
 - o A/F-20 in all areas designated as prime ag/forest land in the comprehensive plan. The A/F-20 zone is also appropriate in areas designated ag/forest land in the comprehensive plan that also feature:
 1. Prime agricultural soils.
 2. are characterized by agricultural or forestry uses.
 3. Areas where one or more of the following apply: limited services; characterized by slopes steeper than thirty percent (30%); where access may be absent or limited to substandard road systems or where large tracts of land may be devoted to ag/forest production.
- **12-323: AGRICULTURAL/FORESTRY DISTRICT (A/F-10):**
- o A/F-10 in areas designated as ag/forest land in the comprehensive plan that do not feature prime agricultural soils, but where agricultural and forestry pursuits remain viable. These areas may be within or adjacent to areas of city impact or where lands are afforded fire protection, access to standard roads and other services.

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 27, 2021.

Panhandle Health District	Idaho Department of Water Resources
Selkirk Fire District	Bonner County Road & Bridge
Northern Lights	U.S. Army Corps (Coeur d'Alene)
Bonner School District #83	U.S. Fish and Wildlife Service
Bonner County Schools – Transportation	Idaho Department of Lands (Sandpoint)
Idaho Department of Fish and Game	U.S. Forest Service
Idaho Department of Environmental Quality	Idaho Department of Lands, Nav. Waters

The following comments were received:

IDWR: *The Idaho Department of Water Resources has reviewed your proposal for Zoning Change. IDWR administers Well Construction and Water Rights programs for the state. Your proposal indicates a well as a source of water, but does not provide information whether each parcel would have their own well or if there would be a shared well. In the case of a shared well a Water Right is required. If each parcel will have their own well then you may choose to apply for a water right, but are not required to. However, each well would have limits of home, stock water and no more than 1/2 acre of irrigation (yard, garden and green space).*

Spirit Lake Fire, Per Chief DeBernardi: *In review of the zone change to 10-acre parcels, this will increase home density in this area. This area was not designed for increased density. Beare Road is a long, narrow, steep road with limited access/egress routes. This does not allow for increased traffic load. During inclement weather, emergency vehicle access is limited. It also has heavily treed parcels. Wildland fire mitigation should be considered in this area. With all these factors in consideration, in the event of an emergency, this could potentially become problematic for evacuation of the residents.*

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

- The site is mostly flat with a few slopes of less than 30% in the southeast corner.
- This site features only a very small area of prime agricultural soils (~10,000 square feet).
- There are no mapped wetland areas on the property.
- This site is not within a floodplain.
- The site is surrounded by A/f-20 zoning on all sides.
- Most of the twenty acres in question is currently forested.
- This site is served by Bonner School #83, Spirit Lake Fire, Bonner Co Ambulance District, and Northern Lights.
- Access to the site is provided via Beare Rd, a county-owned and county maintained gravel road on the east side of the property, and via Rustic Way, a private local road on the west side of the property.
- Per Spirit Lake Fire Chief DeBernardi, this site has limited access due to a road conditions, particularly in inclement weather. This leads to limited emergency service availability, including limited fire protection and potentially limited evacuation capability in the event of an emergency.

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 Agricultural/forestry 10 (A/f-10) zoning district, provided at Chapter 3, Title 12, Bonner County Revised Code.

File ZC0007-21 – Zone Change – Rural-10 to Rural-5 – Lou & Eugene Dillon are requesting a zone change from Rural-10 to Rural-5 for a 10.67-acre parcel. The project is zoned Rural-10. The project is located off Dumire Road, a private gravel road which runs south through the northwest corner of the property in Section 32, Township 56 North, Range 5 West, Boise-Meridian. The Planning & Zoning Commission, at the May 27, 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 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: None

PUBLIC/AGENCY TESTIMONY: Rod Vanleu spoke and submitted Exhibit A, aerial map on the record in opposition of the project.

APPLICANT/STAFF REBUTTAL: Mr. Chambers stated the details about the zoning.

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

MOTION: Commissioner Bradshaw moved to approve this project, FILE ZC0007-21, 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 Bradshaw further moved to recommend adoption of 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.

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 32, Township 56 North, Range 5 West, Boise Meridian, Bonner County, Idaho from Rural 10-acre to Rural 5-acre, 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.

Background:

A. Site data:

- Use: Residential
- Unplatted
- Size: 10.67
- Zone: Rural-10
- Land Use: Rural-Residential

B. Access:

- Dumire Road
 - o Road Class: Local
 - o Road Owner: Private

- o County Maintained: No

C. Environmental factors:

- Site does contain mapped slopes between 15-29%. (USGS)Site does not contain mapped wetlands. (USFWS)
- Site does not contain waterfront or streams. (NHD)
- Per Bonner County CFM: JRJ, 4.20.2021: Parcel is within SFHA Zone X and Zone D, per FIRM Panel 16017C0865E, Effective Date 11/18/2009.
- No further floodplain review is required on this proposal.

Soils

- Pend Oreille silt loam (35)
 - o 5-45% slopes
 - o Not prime farmland
 - o Well drained
- Bonner gravelly ashy silt loam (2)
 - o 0-4% slopes
 - o All areas are prime farmland
 - o Well drained

D. Services:

- Water: Individual well (25 gals per minute)
- Sewage: Individual septic (installed in 1978)
- Fire: West Pend Oreille Fire
- Power: Avista
- School District: Bonner County Schools #83

E. Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Land Use & Density
Site	Rural Residential	Rural-10	Rural Residential
North	Rural Residential	Rural-10	Rural Residential
East	Rural Residential	Rural-10	Currently Vacant, Rural Residential
South	Rural Residential	Rural-5	Rural Residential
West	Rural Residential	Rural-10	Rural Residential

F. Standards of review: Bonner County Revised Code

- **12-215:** Applications for Zone Changes and Comprehensive Plan Map Amendments, Contents

A. The application was considered complete and routed to agencies accordingly.

- **12-216:** Evaluation of Amendment Proposals

A. 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)

G. Agency Review: The application was routed to the following agencies for comment on **April 27, 2021.**

Panhandle Health District	Idaho Department of Water Resources
West Pend Oreille Fire	Bonner County Road Department
Bonner School District #83	U.S. Army Corps (Coeur d'Alene)
Bonner County Schools – Transportation	U.S. Fish and Wildlife Service
Idaho Department of Environmental Quality	Idaho Department of Fish and Game

The following agencies commented:

Idaho, Department of Environmental Quality, May 18, 2021

“DEQ has no environmental impact comments at this stage of the project.”

The following agencies replied “no comment”:

“The Idaho Department of Fish and Game does not have any comments to submit for this application.” – May 11, 2021
All other agencies did not respond.

As of July 7, 2021, no public comments were received for this file.

12-323: RURAL DISTRICT:

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.

2. 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).
 - **Proposed Zoning: BCRC 12-323 Rural District (Rural-5)**
 - o The applicants are proposing a zone change from Rural-10 acre to Rural-5 acre.
 - o BCRC 12-323(B): Use of this zone is appropriate in areas designated by the comprehensive plan as follows:
 - o BCRC 12-323(B)(2): **Rural-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 R-10 above.

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 in section 12-809 of Title 12.

I. Public Notice & Comments: The application was routed to property owners within 300' of the subject property and posted in the newspaper on **April 27, 2021**. No public comments were received for this file.

Zone Change Findings of Fact:

1. The entire acre parcel is proposed to be rezoned from Rural-10 to Rural-5.
2. The existing parcel is designated Rural Residential in the Bonner County Comprehensive Plan.
3. The site is accessed by Dumire Road, a road neither owned nor maintained by the county.
4. Parcels adjacent (north, east, west) to the property are zoned as Rural 10 acre, and parcels south of the property as zoned Rural 5 acre.

5. The property contains no slopes greater than 30%, is served by an individual well and septic system, West Pend Orellle Fire District, and Avista.
6. There are no mapped wetlands or floodways on the property, but there is a flood zone D in the northern half of the parcel which means the flood risk is unknown.

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	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.

File ZC0012-21 – Zone Change Rural-10 to Rural-5 – Mirror Lake, LLC is requesting to rezone the property from Rural-10 to Rural-5. The parcel, RP55N03W051500A is approximately 60 acres located in the Rural Residential land use designation in the comprehensive plan. The project is located just past the start of Jewell Lake off Jewell Lake Road in a portion of Section 5, Township 55 North Range 3 West, Boise-Meridian. The Planning & Zoning Commission, at the May 27, 2021, public hearing, recommended denial 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 Daniel Britt 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 Jake Weimer presented details regarding the slope.

PUBLIC/AGENCY TESTIMONY: Sheldon Lynne spoke and submitted Exhibit A, written comments opposing zone change; Wayne Crabb spoke and submitted Exhibits B,C,D,E, photos of the property, Charles Bell spoke on the record in favor of the project.

APPLICANT REBUTTAL: Project Representative Jake Weimer stated the rural residential zoning and physical details of the property.

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 ZC0012-21, 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 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.

Ordinance Motion:

Commissioner Bradshaw 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 12, Township 57 North, Range 3 West, Boise Meridian, Bonner County, Idaho from Rural-10 to Rural-5, and providing for an effective date. Commissioner Bradshaw further moved to authorize the Chair to sign the official supplementary zoning map upon publication of the ordinance. Commissioner Connolly 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.

Background:

A. Site data:

- Vacant land
- Unplatted
- Size: 60 acres
- Zone: Rural 10
- Land Use: Rural Residential
- Legal per: The NW ¼ of the SE ¼ of Section 5, Township 55N, Range 3W, Boise Meridian and the S1/2 of the SW ¼ of the NE ¼ of Section 5 Township 55N, Range 3W, Boise Meridian.

B. Access:

- Property is accessed off Jewel Lake Road which is a gravel road with a 60' ROW
-

C. Environmental factors:

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

Classification:

1. Treble-Rock outcrop association, 20% to 65% slope
 Not prime farmland
 Well Drained
2. Pend Oreille silt loam, 5% to 45% slope
 Not prime farmland
 Well Drained

D. Services:

- Water: Individual well
- Sewage: Individual septic
- Fire: Selkirk Fire
- Power: Northern Lights
- School District: Bonner County # 84

E. Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Land Use & Density
Site	Rural Residential	Rural 10	Vacant
North	Rural Residential	Rural 10	Residential
East	Rural Residential	Rural 10	Vacant & Residential
South	Rural Residential	Rural 10	Residential
West	Rural Residential	Rural 10	Vacant

F. Standards review: Bonner County Revised Code

- **12-215:** Applications for Zone Changes and Comprehensive Plan Map Amendments, Contents
 - o The application was considered complete and routed to agencies accordingly.
- **12-216:** Evaluation of Amendment Proposals
 - o 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:**

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.

Existing Zoning: 12-323: RURAL DISTRICT:

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.

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

- o The proposal is to stay within the Rural zoning district but to rezone from Rural-10 to Rural-5.
- o **BCRC 12-323(B):** Use of this zone is appropriate in areas designated by the comprehensive plan as follows:
 - **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(J) because the proposal does not result in the creation of additional "impervious surface", as defined in BCRC 12-809.

H. Agency Review: The application was routed to agencies for comment on April 27, 2021.

Panhandle Health District	Idaho Department of Environmental Quality
Selkirk Fire	Bonner County Road and Bridge
Northern Lights	Idaho Department of Lands - CDA
School District #84	Idaho Department of Fish and Game
US Forest Service	Idaho Transportation Department
Idaho Dept of Water Resources	Bonner County Schools Transportation

The following agencies provided comment:

DEQ May 18, 2021- provided Idaho Environmental Guide and advised a thorough review of the document.

IDFG May 12, 2021 – Provided comment and guidance on further development. IDFG encourages a buffer between "developable areas and lands open to public use."

IDL April 29, 2021 – No comment on the proposal

All other agencies did not reply.

I. Public Notice & Comments

There were three public comment letters received discussing the following concerns:

- Septic systems
- Soil types
- Tree coverage

Zone Change Findings of Fact:

- The parcels have a land use designation of Rural Residential.
- The project is in the Selkirk Fire District and is served by Northern Lights.
- The parcels will be served by individual wells and septic.
- The project is accessed off Jewel Lake Road.
- The parcels generally have grades from 15% to 30% grades.
- There are no streams or other water bodies on the property.
- The application was noticed in the paper and sent to the neighbors in accordance with BCRC 12-267.

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.

AMENDMENTS & 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 AM0002-21 & ZC0006-21 – Comprehensive Plan Map Amendment & Zone Change – Rockstarr Land, LLC is requesting a Comprehensive Plan map amendment from Agricultural/Forest Land to Rural Residential and a Zone Change from Agricultural/Forestry 20 District (A/F-20) to Rural 5 District (R-5). The property area is approximately 22 acres. It is located off Saunders Road in Section 1, Township 54 North, Range 6 West, Boise-Meridian. The Planning and Zoning Commissioner at the public hearing on May 20, 2021, recommended approval of this project 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 Swati Rastogi 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 Applicant Christian Starr responded to the Spirit Lake Fire District comment regarding farming and road use stating he is 'the' farmer.

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 Amendment

MOTION: Commissioner Bradshaw moved to approve this project, FILE AM0002-21, requesting a comprehensive plan amendment from Agricultural/Forest Land (10-20 acres) to Rural Residential (5-10 acres), on a 22.00 acres parcel generally located to the west of Saunders Road and north of Akre Drive, in southwest Bonner County and addressed as South 870.00 feet of the East 1150.00 feet of the Southeast Quarter of Section 1, Township 54 North, Range 6 West, Boise Meridian, Bonner County, Idaho, 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.

Comprehensive Plan Map Resolution Adoption:

Commissioner Connolly moved to approve resolution #2021-58 amending the Bonner County Projected Land Use Map. Commissioner Bradshaw seconded the motion.

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

Zone Change

MOTION: Commissioner Bradshaw moved to approve this project, FILE ZC0006-21, requesting a zone change from Agricultural/Forestry District 20 (A/F-20) to Rural 5 District (R-5) on a 22.00 acres parcel generally located to the west of Saunders Road and north of Akre Drive, in southwest Bonner County and addressed as South 870.00 feet of the East 1150.00 feet of the Southeast Quarter of Section 1, Township 54 North, Range 6 West, Boise Meridian, Bonner County, Idaho, 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.

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 1, Township 54 North, Range 6 West, Boise Meridian, Bonner County, Idaho from Agricultural/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.

Background:

A. Site data:

- Use: Barren Forest Land
- Unplatted property
- Size: 22 acres
- Zone: Agricultural/ Forestry 20 District (A/F-20)
- Land Use: Agricultural/ Forest Land

B. Access:

- The property has access from County owned and maintained Saunders Road, designated as a local road by the Bonner County Road and Bridge Department. The road is paved with treated gravel with a speed limit of 35 miles per hour.

C. Environmental factors:

- Site does not show mapped slopes at or above 15%. (US Geological Survey)
- Site does not contain mapped wetlands. (US Fish and Wildlife Service)
- Site does not contain waterfront or streams. (National Hydrography Dataset, US Geological Survey)
- Soil: Stapaloo-Kaniksu, dry complex, 8 to 25 percent slopes
 - o Classification: Farmland of statewide importance
 - o Type: Complex
 - o Drainage Class: Well drained
- Parcel is located within SFHA Zone X, per FIRM Panel 16017C1075E, Effective Date 11/18/2009. No further floodplain review is required on this proposal as per Jason Johnson, Certified Floodplain Manager.
- Site does not contain any critical wildlife habitats, as per the Critical Wildlife Habitat map (2002) created from field validated data collected by Idaho Department of Fish and Game.
- Parcel is located within SFHA Zone X, per FIRM Panel 16017C1075E, Effective Date 11/18/2009. The proposal would not require any further floodplain review.

D. Services:

- Water: Individual Well System
- Sewage: Individual Septic System
- Fire: Spirit Lake District
- Power: Avista Utilities
- School District: Bonner School #83

E. Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Land Use & Density
Site	Agricultural/Forest Land	Agricultural/Forestry 20	Bare Forest Land
North	Rural Residential	Rural 5	Residential
East	Agricultural/Forest Land	Agricultural/Forestry 20	County Road
South	Rural Residential	Rural 5	Non Irrigated Agricultural Land
West	Agricultural/Forest Land	Agricultural/Forestry 20	Bare Forest Land

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)
- **Current Comprehensive Plan Designation: Agriculture/ Forest Land (10-20 ac.)**
 - 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.
- **Current Zoning: Agricultural/ Forest District (A/F-20).**

A/F-20 in all areas designated as prime ag/forest land in the comprehensive plan. The A/F-20 zone is also appropriate in areas designated ag/forest land in the comprehensive plan that also feature:

 - Prime agricultural soils.
 - Are characterized by agricultural or forestry uses.
 - Areas where one or more of the following apply: limited services; characterized by slopes steeper than thirty percent (30%); where access may be absent or limited to substandard road systems or where large tracts of land may be devoted to ag/forest production.
- **Proposed Zoning: Rural District (R-5)**

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.

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. Storm water plan: A stormwater management plan was not required, pursuant to BCRC 12-720.3 because the proposal does not result in creation of any additional impervious surfaces.

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

All Taxing Districts	Idaho Department of Water Resources
Bonner County Schools – Transportation	Idaho Department of Environmental Quality
Avista Utilities	Idaho Department of Fish and Game
U.S. Forest Service	U.S. Fish and Wildlife Service

The following agencies provided comment:

Idaho Department of Environmental Quality, April 20, 2021
The agency does not review projects on a project-specific basis but encourage the applicant to review their environmental guide for local governments.

Panhandle Health District, May 10, 2021
The agency has not completed a current site assessment for septic suitability. It is the owner's responsibility to ensure compliance with IDAPA 58.01.03 Idaho Subsurface Sewage Disposal Rules, prior to discharging wastewater. The landowners should contact PHD for additional information.

Spirit Lake Fire Protection District, May 06, 2021
In review of the change from A/F-20 to R-5 parcels: This area is zoned for A/F-20's. During summer, heavy farming machinery travels both Saunders and Roberts Road. This limits access/egress during peak farming times. If the area home/population density increases, this will lead to traffic congestion in these areas.

The following agencies replied "No Comment":

Independent Highway District, April 22, 2021
Pend Oreille Hospital District, April 26, 2021
Idaho Department of Fish and Game, May 04, 2021
BONNER COUNTY COMMISSIONERS PUBLIC HEARING MINUTES - JULY 14, 2021
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All other agencies did not reply.

I. Public Notice & Comments

The following public comments were received: *None.*

Comprehensive Plan Amendment Findings of Fact

- The site is currently barren forest land.
- Site shows presence of Stapaloo-Kaniksu, dry complex soil that is well-drained and has been classified as Farmland of statewide importance.
- Site does not show mapped slopes at or above 15%. (US Geological Survey)
- Fire and Power services available to the site. The site will be served by Spirit Lake Fire District and Avista Utilities Power Company.
- The site is directly accessible by Saunders Road, a county owned and maintained, treated gravel road in Blanchard with a speed limit of 35 miles per hour.
- The site is not located within critical wildlife habitat areas designated by federal, state or local agencies.
- The site will be served by Individual Septic and Drain field System as well as Individual Well System. As per the applicant, the output from the wells in the area exceeds 30 gallons per minute and the average depth of the wells is 150 feet.
- Parcel is located within SFHA Zone X, per FIRM Panel 16017C1075E, Effective Date 11/18/2009. The proposal would not require any further floodplain review.
- Additionally, parcels adjacent to the subject property and located to the north are currently developed at or near the density of 1 dwelling unit per 5 acres. As per BCRC 12-323, this analysis alone, makes R-5 zoning appropriate for the subject 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
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.

Zone Change Findings of Fact

- The site is currently barren forest land.
- Site shows presence of Stapaloo-Kaniksu, dry complex soil that is well-drained and has been classified as Farmland of statewide importance.
- Site does not show mapped slopes at or above 15%. (US Geological Survey)
- Fire and Power services available to the site. The site will be served by Spirit Lake Fire District and Avista Utilities Power Company.
- The site is directly accessible by Saunders Road, a county owned and maintained, treated gravel road in Blanchard with a speed limit of 35 miles per hour.
- The site is not located within critical wildlife habitat areas designated by federal, state or local agencies.
- The site will be served by Individual Septic and Drain field System as well as Individual Well System. As per the applicant, the output from the wells in the area exceeds 30 gallons per minute and the average depth of the wells is 150 feet.
- Parcel is located within SFHA Zone X, per FIRM Panel 16017C1075E, Effective Date 11/18/2009. The proposal would not require any further floodplain review.
- Additionally, parcels adjacent to the subject property and located to the north are currently developed at or near the density of 1 dwelling unit per 5 acres. As per BCRC 12-323, this analysis alone, makes R-5 zoning appropriate for the subject property.

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.

File AM0003-21 & ZC0010-21 – Comprehensive Plan Map Amendment & Zone Change – Mulgrew Capital, LLC is requesting a comprehensive plan map amendment from Rural Residential to Suburban and a zoning change from Rural 5 to Suburban. The project is located off Thistle Down Lane in Section 29, Township 56 North, Range 3 West, Boise-Meridian. The Planning & Zoning Commission, at the May 27, 2021, public hearing, recommended approval of this project 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 Swati Rastogi presented a PowerPoint summary of the project and previously circulated staff report, concluding this project is consistent with Conner County Comprehensive Plan and Bonner County Revised Code.

APPLICANT PRESENTATION: Project Representative Jeremy Grimm presented a PowerPoint presentation of the project (Exhibit A).

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 Resolution Adoption:

MOTION: Commissioner Connolly moved to approve this project, FILE AM0003-21, requesting a comprehensive plan amendment from Rural Residential to Suburban Growth Area on 5.18 acres of land platted as Lot 2 of Thistle Down Acres Subdivision in Section 29, Township 56 North, Range 3 West, Boise Meridian, Bonner County, Idaho, 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 recommend adoption of 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.

Comprehensive Plan Map Resolution Adoption:

Commissioner Bradshaw moved to approve resolution #2021-59 amending the Bonner County Projected Land Use Map. Commissioner Connolly seconded the motion.

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

Zone Change – Motion by the Governing Body:

MOTION: Commissioner Connolly moved to approve this project, FILE ZC0010-21, requesting a zone change from Rural 5 District (R-5) to Suburban District (S) on 5.18 acres of land platted as Lot 2 of Thistle Down Acres Subdivision in Section 29, Township 56 North, Range 3 West, Boise Meridian, Bonner County, Idaho, 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 recommend adoption of 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.

Ordinance Motion:

Commissioner Bradshaw 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 29, Township 56 North, Range 3 West, Boise Meridian, Bonner County, Idaho from Rural 5 District (R-5) to Suburban District (S), and providing for an effective date. Commissioner Bradshaw further moved to authorize the Chair to sign the official supplementary zoning map upon publication of the ordinance. Commissioner Connolly 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.

Background:

- A. Site data:**
- Use: Vacant land

- Platted land – Lot 2 of Thistle Down Acres Subdivision
- Size: 5.18 acres
- Zone: Rural 5 (R-5)
- Land Use: Rural Residential

B. Access:

- The property has access from Highway 2 via an existing 30 feet wide private easement. 16 feet width of the private easement has been paved as hard surface.

C. Environmental factors:

- Site does not show mapped slopes at or above 30%. (US Geological Survey)
- Site does not contain mapped wetlands. (US Fish and Wildlife Service)
- Site fronts on Pend Oreille River on the northwest side. (National Hydrography Dataset, US Geological Survey)
- Soil: Mission silt loam, 0 to 2 percent slopes
 - Classification: Prime land if drained
 - Type: Consociation
 - Drainage Class: Somewhat poorly drained
- Parcel is located within SFHA Zone AE, per FIRM Panel 16017C0925E, Effective Date 11/18/2009.
- Critical Wildlife Habitat: Mule deer wintering area. This information is based on the map created from the field validated data collected by Idaho Department of Fish and Game and U.S Fish and Wildlife Service personnel. The map was created in 2002.

D. Services:

- Water: The property owner is in the process of having preliminary discussions with Laclede Water District. While no board action has been taken, the water district is agreeable to a petition for extension of water service to the site. The owner may elect to develop a shared well.
- Sewage: Thistle Down Acres Subdivision includes a developed community drain field on Lot 1 benefitting remainder of the lots up to 7 additional residential hookups. This information is recorded in at Page 89 of Book 12 of Bonner County Book of Plats, through Instrument #915057.
- Fire: West Side Fire District
- Power: Northern Lights
- School District: Bonner School #83

E. Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Land Use & Density
Site	Rural Residential (5-10 acres)	Rural 5 (R-5)	Vacant land
Northeast	Rural Residential (5-10 acres)	Rural 5 (R-5)	Vacant land

Northwest	Rural Residential (5-10 acres)	Rural 5 (R-5)	Residential across Railroad and Highway 2
Southeast	Pend Oreille River	Pend Oreille River	Pend Oreille River
Southwest	Rural Residential (5-10 acres)	Suburban	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. (Ord. 501, 11-18-2008)
- **Existing 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.
- **Proposed Comprehensive Plan Designation: Suburban Growth Area**
 - The Suburban Growth Area is located on the edges of the incorporated cities or higher density developed communities or areas, where urban sewer and water services may not be available or are not likely to be extended. Access to primary transportation routes and a system of hard-surfaced roads are expected.
- **Existing Zoning: Rural 5 District (R-5)**

Purpose: Established to allow low density residential uses that are compatible with rural pursuits. This 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.

• **Existing Zoning: Suburban District (S)**

Purpose: To promote the development of residential uses located on the edges of the incorporated cities or other developed communities or areas, where urban sewer and water services are either available or have the potential to become available in the near future by reason of their inclusion in service districts, city service areas, or are adjacent to those areas or areas of city impact. Access to primary transportation routes and a system of hard surfaced roads are expected.

G. Storm water plan: A stormwater management plan was not required, pursuant to BCRC 12-720.3 because the proposal does not result in creation of any additional impervious surfaces.

H. Agency Review: The application was routed to agencies for comment on May 04, 2021.

Panhandle Health District
School District #83
Selkirk Fire District
Northern Lights Utility Company
Idaho Department of Fish and Game
Idaho Department of Environmental Quality
BNSF Railway
Idaho Department of Lands, Nav. Waters

Idaho Department of Water Resources
Laclede Water District
Bonner County Road Department
U.S. Army Corps (Coeur d'Alene)
Army Corps (Newport)
U.S. Fish and Wildlife Service
Idaho Department of Lands (Sandpoint)
All Taxing Districts

The following agencies provided comment:

Idaho Department of Water Resources, April 30, 2021

"These lots would utilize the drain field on Lot 1 that is 250 feet away from an existing well on Lot 1. Should water be supplied from a common well then a water right would need to be applied for and approved."

Panhandle Health District, May 17, 2021

"PHD notes that if the drainfield lots are available, the lots would be limited to construct a home with the appropriate sizing of the drainfield dedicated to it. If these drainfield lots are not available, it does not appear the lot can contain a subsurface sewage system. PHD recommends that the applicant contact PHD to assess septic feasibility"

Idaho Department of Environmental Quality, May 18, 2021

"DEQ does not review projects on a project-specific basis but encourages agencies to review and utilize the Idaho Environmental Guide to assist in addressing project-specific conditions that may apply."

The following agencies replied "No Comment":

Kootenai Ponderay Sewer District, April 28, 2021

Independent Highway District, April 31, 2021
Pend Oreille Hospital District, May 03, 2021
Idaho Department of Fish and Game, May 11, 2021

All other agencies did not reply.

I. Public Notice & Comments: None.

Comprehensive Plan Amendment Findings of Fact

- Site is located adjacent to urbanizing and developing areas of Laclede. The adjacent properties to the southwest of the subject property are zoned Suburban District and are mostly developed with residential development consistent with the principles of Suburban Growth Area land use designation and Suburban District zone.
- The property has access from Highway 2 via an existing 30 feet wide private easement. 16 feet width of the private easement has been paved as hard surface.
- Site does not contain over slopes of over 30%, as per U.S. Geological Survey and is thus, suitable for residential development.
- Site shows presence of somewhat poorly drained soil - Mission silt loam. This soil type is classified as Prime farmland only if the soil is drained. The site is suitable for residential purposes, however, it is not suitable for small-scale agricultural uses as proposed in Rural Residential land use designation and Rural 5 District.
- Urban services are either available or have the potential to be extended to the site, as applicable in the proposed Suburban Growth Area land use designation and Suburban District.
 - Water: The property owner is in the process of having preliminary discussions with Laclede Water District. While no board action has yet been taken, the water district is agreeable to a petition for extension of water service to the site. The owner may elect to develop a shared well.
 - Sewage: Thistle Down Acres Subdivision includes a developed community drain field on Lot 1 benefitting remainder of the lots up to 7 additional residential hookups. This information is recorded in at Page 89 of Book 12 of Bonner County Book of Plats, through Instrument #915057.
- The site will be served by West Side Fire District and Northern Lights Utility Company. Presence of these services makes the site suitable to be designated as Suburban Growth Area and to be zoned as Suburban District.
- Site contains Mule Deer wintering area critical wildlife habitat. However, this information is based on the map created in 2002 (approximately 20 years ago) from the field validated data collected by Idaho Department of Fish and Game and U.S Fish and Wildlife Service personnel. Additionally, Idaho Department of Fish and Game replied with no comments on this proposal.

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
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 SUBURBAN GROWTH AREA Land Use Designation.

Zone Change Findings of Fact

- Site is located adjacent to urbanizing and developing areas of Laclede. The adjacent properties to the southwest of the subject property are zoned Suburban District and are mostly developed with residential development consistent with the principles of Suburban Growth Area land use designation and Suburban District zone.
- The property has access from Highway 2 via an existing 30 feet wide private easement. 16 feet width of the private easement has been paved as hard surface.
- Site does not contain over slopes of over 30%, as per U.S. Geological Survey and is thus, suitable for residential development.
- Site shows presence of somewhat poorly drained soil - Mission silt loam. This soil type is classified as Prime farmland only if the soil is drained. The site is suitable for residential purposes, however, it is not suitable for small-scale agricultural uses as proposed in Rural Residential land use designation and Rural 5 District.
- Urban services are either available or have the potential to be extended to the site, as applicable in the proposed Suburban Growth Area land use designation and Suburban District.
 - Water: The property owner is in the process of having preliminary discussions with Laclede Water District. While no board action has yet been taken, the water district is agreeable to a petition for extension of water service to the site. The owner may elect to develop a shared well.
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residential hookups. This information is recorded in at Page 89 of Book 12 of Bonner County Book of Plats, through Instrument #915057.

- The site will be served by West Side Fire District and Northern Lights Utility Company. Presence of these services makes the site suitable to be designated as Suburban Growth Area and to be zoned as Suburban District.
- Site contains Mule Deer wintering area critical wildlife habitat. However, this information is based on the map created in 2002 (approximately 20 years ago) from the field validated data collected by Idaho Department of Fish and Game and U.S Fish and Wildlife Service personnel. Additionally, Idaho Department of Fish and Game replied with no comments on this proposal.

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 SUBURBAN zoning district, provided at Chapter 3, Title 12, Bonner County Revised Code.

The Chair declared the hearing adjourned at 3:28 p.m.

Respectfully submitted, this 15th day of July 2021,


Milton Ollerton, Planning Director