

**PLANNING DEPARTMENT
PUBLIC HEARING DECISION MINUTES
SEPTEMBER 8, 2021**

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

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

ABSENT: None

ALSO PRESENT: Planning Director Milton Ollerton; Assistant Planning Director Jacob Gabell; Planner I Chad Chambers; Planner I Daniel Britt; Administrative Assistant III Janna Berard and Administrative Assistant III Da Niel Scott.

PUBLIC HEARINGS:

AMENDMENT & ZONE CHANGE

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

File AM0013-21 & ZC0022-21 – Comprehensive Plan Map Amendment & Zone Change – Rick & Tracy Bowers are requesting a Comprehensive Plan Map Amendment 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 split zoned Agricultural/forestry 20 (A/f-20) and Rural 5 (R-5). The property is approximately 21.25 acres. The project is located off Kelso Lake Road in Section 3/10, Township 54 North, Range 4 West, Boise-Meridian. The Planning & Zoning Commission, at the July 1, 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 presentation 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: The following individuals spoke on the record:
Jake Wiemer

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 AM0013-21 for a comprehensive plan amendment from Ag/Forest Land 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 Bradshaw further moved to adopt the findings of fact and conclusions of law as set forth in the Staff Report and direct the Planning Director to transmit this decision to all interested parties. 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:

MOTION: Commissioner Connolly moved to approve resolution 2021-78 amending the Bonner County Projected Land Use Map. Commissioner Bradshaw seconded the motion.

Zone Change:

MOTION: Commissioner Bradshaw moved to approve this project File ZC0022-21 for a zone change from Ag/Forestry 20-acre and Rural 5-acre to Rural 5-acre 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 set forth on the Staff Report and direct the Planning Director to transmit this decision to all interested parties as written. This action does not result in a taking of private property. 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:

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

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lands located in Section 3 and 10, Township 54 North, Range 4 West, Boise Meridian, Bonner County, Idaho from Agriculture/Forestry-20 and 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 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: Rural-Residences
- Size: 21.25-acre parcel
- Zone: Split – Agricultural/Forestry-20 & Rural 5-acre
- Land Use: Split – Ag/Forest Land & Rural Residential

B. Access:

- Kelso Lake Road
 - Road class: Secondary
 - Road owner: County
 - County maintained: Yes

C. Environmental Factors:

- Site does not contain mapped slopes. (USGS)
- Site does not contain mapped wetlands. (USFWS)
- Site does not contain waterfront or streams. (NHD)
- JRJ, 5.25.2021: Parcel is within SFHA Zone X, per FIRM Panel 16017C1125E, Effective Date 11/18/2009. No further floodplain review is required on this proposal.

D. Soil(s):

Soil Type	Farmland Classification	Drainage Class
Kootenai gravelly ashy silt loam	Prime farmland if irrigated	Well drained

E. Services:

- Water: individual private well
- Sewage: PHD approved conventional septic tank
- Fire: Spirit Lake Fire District
- Power: Northern Lights Inc.
- 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 & Rural-Residential	Agricultural/forestry 20-acre & Rural 5-acre	Rural residential
North	Ag/Forest Land	Agricultural/forestry 20-acre	Agricultural/forested land & residential
East	Ag/Forest Land & Rural-Residential	Agricultural/forestry & Rural 5-acre	Agricultural/forested land & residential
South	Rural-Residential	Rural 5 (R-5)	Vacant
West	Rural-Residential	Rural 5-acre	Rural 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 & Rural Residential

- 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.
- 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

- 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 June 1, 2021.

Panhandle Health District	Idaho Department of Water Resources
Spirit Lake Fire	Bonner County Road Department
Northern Lights Inc.	Applicable School District #83
Bonner County Schools - Transportation	U.S. Fish and Wildlife Service
Idaho Department of Fish and Game	Idaho Department of Lands (Sandpoint)
Idaho Department of Environmental Quality	U.S. Forest Service
Idaho Department of Lands, Nav. Waters	(All Taxing Districts)

I. The following agencies commented:

- Independent Highway District, June 4, 2021
 - "The subject property is outside of the boundaries of the Independent Highway District."
- Idaho Department of Environmental Quality, June 24, 2021
 - "DEQ does not review projects on a project-specific basis"

II. The following agencies responded "no comment":

- Pend Orelle Hospital District, June 07, 2021
- Idaho Department of Fish and Game, June 22, 2021

III. All other agencies did not respond.

IV. Public Comments:

- As of August 23, 2021, no public comments were received for this file.

Comprehensive Plan Amendment Findings of Fact:

1. The site contains no mapped slopes 15% or greater. Steeper slopes do not prevail on the property.
2. There are no wetlands or floodways on the property.
3. The site is accessible by Kelso Lake Road, a County owned and maintained road.

4. The property is served by an individual well and septic system, Northern Lights Inc. for power, and is in the Spirit Lake Fire District.

5. The soil on site includes:

Soil Type	Farmland Classification	Drainage Class
Kootenai gravelly ashy silt loam	Prime farmland if irrigated	Well drained

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.

Zone Change Findings of Fact:

1. Steeper slopes do not prevail on the property.
2. There are no wetlands or floodways present on the property.
3. The site is accessed by Kelso Lake Road, a County owned and maintained road.
4. The property is served by an individual well and septic system, Northern Lights Inc. for power, and is within the Spirit Lake Fire District.
5. The soil on site includes:

Soil Type	Farmland Classification	Drainage Class
Kootenai gravelly ashy silt loam	Prime farmland if irrigated	Well drained

6. The Agricultural/Forestry Zoning District is characterized "as 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.” The subject property is accessed by a County owned and maintained road (Kelso Lake Road), does not have steeper slopes, and is not devoted to agricultural/forest production but rather small farming pursuits.

- 7. The property has been developed in a way that meets the criteria for the Rural 5-acre zoning district because it does not contain a floodway or mapped slopes, is accessed by a County owned and maintained road, and has 4 addresses associated with different structures on the 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.

ZONE CHANGES

File ZC0024-21 - Zone Change - Rural-10 to Rural-5 - Jeffery Eich is requesting a zone change from Rural-10 to Rural-5. The Comprehensive Plan designation is Rural Residential. The 10-acre parcel is located off Westmond Road in Section 34, Township 56 North, Range 2 West, Boise-Meridian. The Planning & Zoning Commission, at the July 15, 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 Revised Code.

APPLICANT PRESENTATION: Project Representative Dan Provalt provided details on seasonal creek, wetland set-backs, Westman road, adjacent R-5 zoning, and agricultural soils.

PUBLIC/AGENCY TESTIMONY: None

APPLICANT REBUTTAL: None.

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

MOTION: Commissioner Connolly moved to approve this project FILE ZC0024-21, 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 Connolly further moved to adopt the following findings of fact and conclusions of law as set forth on the Staff Report and direct the Planning Director to transmit this decision to all interested parties 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 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 34, Township 56 North, Range 2 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: Currently vacant
- Unplatted
- Size: ≈10-acres
- Zone: Rural-10
- Land Use: Rural Residential

B. Access:

- Westmond Road
 - Road Class: Secondary
 - Road Owner: Bonner County
 - County Maintained: Yes

C. Environmental factors:

- Site does not contain mapped slopes. (USGS)
- Site does contain a mapped Freshwater Emergent wetland. (USFWS)
- Site does contain Westmond Creek, an intermittent stream that runs through the southeast corner of the property. (NHD)
- Per Bonner County JRJ, 6.10.2021: 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 Type	Farmland Classification	Drainage Class
Dufort silt loam (10)	Not prime farmland	Well drained
Hoodoo silt loam (15)	Prime farmland if drained	Poorly drained

D. Services:

- Water: Individual well
- Sewage: Drainfields
- Fire: Selkirk Fire District
- Power: Northern Lights Inc.
- School District: Bonner School #84

E. Comprehensive Plan, Zoning and Current Land Use

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

Current Zoning: BCRC 12-323 Rural District (Rural-10)

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:

Characterized by slopes that are steeper than thirty percent (30%).

- * **Staff:** the property is not characterized by slopes 30% or greater. There are no mapped slopes between 15-29%, nor are there slopes 30% or greater on the property.

Located within critical wildlife habitat as identified by federal, state or local agencies.

- ✓ **Staff:** see letter from the Idaho Department of Fish and Game.

Contain prime agricultural soils.

- ✓ **Staff:** there are two soil type(s) on the property, one [Hoodoo silt loam] of which is prime farmland if drained, but the soil is poorly drained in general.

Soil Type	Farmland Classification	Drainage Class
Dufort silt loam	Not prime farmland	Well drained
Hoodoo silt loam	Prime farmland if drained	Poorly drained

Served by a network of public and/or private roadways that generally do not meet applicable roadway standards set forth in title 2 (public roads) of this code of appendix A (private roads) of this title or are absent.

- * **Staff:** the property is accessed by Westmond Road, a County owned and maintained road.

Within the floodway.

- * **Staff:** the subject property is not within a floodway.

Contain limited access to public services.

- * **Staff:** the property is afforded protection by the Sagle dba Selkirk Fire District and the Bonner Co. Ambulance District.

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

The proposal is to stay within the Rural zoning district but to rezone from Rural-10 to Rural-5.

BCRC 12-323(B)(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.

- * **Staff:** the subject property does not meet the criteria for Rural 10 zoning because steeper slopes do not prevail, one of the two soil(s) on site are not prime farmland, and the property is not within a floodway.

G. 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.

H. Agency Review: The application was routed to the following agencies and all taxing districts for comment on **June 15, 2021**.

Panhandle Health District	Idaho Department of Water Resources
Selkirk Fire District	Bonner County Road Department
Northern Lights Inc.	U.S. Army Corps (Coeur d'Alene)
School District #84	Army Corps (Newport)
Bonner County Schools - Transportation	U.S. Fish and Wildlife Service
Idaho Department of Fish and Game	Idaho Department of Environmental Quality
Idaho Department of Lands, Nav. Waters	

The following agencies commented:

Idaho Department of Environmental Quality – rec'd July 7, 2021

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

Idaho Department of Fish and Game – rec'd July 6, 2021

"The area surrounding the applicants property has lots ranging from 2 -37 acres. The property in question borders Westmond Creek in a small area of the southeast corner of the property and contains a portion of a 207.44 acre freshwater emergent wetland mapped by the USFWS wetland mapper. Westmond Creek is a small tributary to Cocolalla Creek with a mean annual flow of 2.86 cfs according to the USGS Stream Stat statistics. It originates in a small pond surrounded by wetlands and flows to the lake. The wetlands to the south of the pond are within a portion of the Pend Oreille Wildlife Management Area and are managed by IDFG. It is unknown if the stream is fish bearing but may be used seasonally in the lower reaches for spawning. Section 4.2 of the natural resources section of the Bonner County Comprehensive Plan states that "Impacts to fisheries from development are typically associated with modifications to floodplains, riparian areas, and stream banks which in turn affect stream channel stability, shade cover and other features which create fish habitat (Thurow 1988, Liknes and Graham 1988, Riemann and Apperson 1989).

We recommend that any future building plans follow all local and federal guidelines on stream and wetland setbacks to protect both Westmond Creek and the wetlands on the property. Small streams, especially those flowing through wetlands, are valuable habitat for many species in Idaho.

In the general habitat section of the Bonner County Comprehensive Plan, it states that while some species may actually benefit by rural residential disturbance, many highly valued fish and wildlife species are sensitive to disturbance and habitat alteration associated with rural development. While this request may be small, we are concerned about the cumulative effects of similar requests and the subsequent development that occurs if they are approved. The Comprehensive Plan states "While

any one development proposal will have limited impacts on wildlife, those impacts will add cumulatively to impacts associated with past and future developments to ultimately reduce the capacity of the County to support many wildlife species." The reduction of wildlife and available habitat will affect Idahoans who enjoy wildlife and wildlife based recreation.

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."

I. Public Notice & Comments: The application was routed to property owners within 300' of the subject property and posted in the newspaper on **August 10, 2021**. A summary of the public comments received are listed below.

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

Zone Change Findings of Fact:

1. The applicant is proposing to re-zone the entire ≈10-acre parcel from Rural 10-acre to Rural 5-acre.
2. The subject property is within the Rural Residential comprehensive land use plan designation which allows for both Rural 10 and Rural 5-acre zoning.
3. The site is currently vacant.
4. The site is accessed by Westmond Road, a county owned and maintained road.
5. Parcels adjacent to the property west and north are zoned Rural 5-acre and properties east and south are zoned Rural 10-acre.
6. The site is served by the Sagle dba Selkirk Fire District.
7. The site does not contain mapped slopes between either 15-29% or 30% grade or greater.
8. The site does contain a mapped Freshwater emergent wetland on the eastern part of the property.
9. Westmond Creek, an intermittent stream runs through the southeast corner of the 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	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 ZC0023-21- Zone Change - A/F-10 & A/F-20 to A/F-10 - Sarah & Thomas Shaw, Stephanie Heltz, and Joanne Maclaine are requesting a Zone Change from A/F-10 & A/F-20 to A/F-10 to eliminate the split zoning on two adjacent 23.05-acre & 22.95-acre parcels. The property is zoned A/F-10 & A/F-20. The project is located off Kelso Lake Road in Section 24/25, Township 54 North, Range 4 West, Boise-Meridian. The Planning & Zoning Commission, at the July 1, 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 Daniel Britt presented a PowerPoint summary of the project and previously circulated staff report, concluding this project is consistent with Bonner County Revised Code.

APPLICANT PRESENTATION: Applicant Joanne Maclaine provided comments on zoning change request.

PUBLIC/AGENCY TESTIMONY: None

APPLICANT REBUTTAL: None

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

Zone Change:

MOTION: Commissioner Bradshaw moved to approve this project, FILE ZC0023-21, requesting a zone change Agricultural/Forestry-10 & Agricultural/Forestry-20 to Agricultural/Forestry-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 Bradshaw further moved to adopt the following findings of fact and conclusions of law as set forth on the Staff Report and direct the Planning Director to transmit this decision to all interested parties 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:

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 12, Township 57 North, Range 3 West, Boise Meridian, Bonner County, Idaho Agricultural/Forestry-20 & Agricultural/Forestry-10 to Agricultural/Forestry-10, 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:

- Unplatted
- Size: 23.05 & 22.95
- Zone: A/F-10 & A/F-20
- Land Use: A/F Land (10-20 acre)
- Legal per: Instrument #876881 & #934296

B. Access:

- Kelso Lake Road is a Bonner County maintained gravel road with a 50' right-of-away which is the primary access for the two parcels

C. Environmental factors:

- Site does not contain mapped slopes. (USGS)
- Site does not contain mapped wetlands. (USFWS)
- Site does not contain waterfront or streams. (NHD)
- The parcels ate SFHA Zone X, per FIRM panel #16017C1125E & #16017C1125E effective date 11/18/2009
- Soil:
 - o Classification: Rathdrum silt loam, 0 to 2% slope
 - o Type: Consociation
 - o Drainage: Well Drained
 - o Classification: Bonner gravelly ashy silt loam 0 to 4% slopes
 - o Type: Consociation
 - o Drainage: Well Drained
 - o Classification: Kootenal-Bonner gravelly silt loams, 0 to 20 percent slopes
 - o Type: Complex
 - o Drainage: Well Drained

D. Services:

- Water: Individual well
- Sewage: Individual septic
- Fire: Selkirk Fire
- 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	Ag/F Land (10-20 AC)	A/F-10 & A/F-20	Residential/ Vacant
North	Ag/F Land (10-20 AC)	A/F-10	Vacant
East	Ag/F Land (10-20 AC)	A/F-10 & A/F-20	Residential/ Vacant
South	Ag/F Land (10-20 AC)	A/F-20	Residential
West	Ag/F Land (10-20 AC)	A/F-10	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)

Existing Comprehensive Plan Designation:

Ag/Forest Land- The Ag/Forest Land designation recognizes areas where steeper slopes prevail (30% 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.

Existing Zoning:

12-322: AGRICULTURAL/FORESTRY DISTRICT:

A. 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:

1. Establishing residential density limits and conservation development standards to retain areas sized for efficient farming.
2. 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.

B. Use of this zone is appropriate in areas designated by the comprehensive plan as follows:

1. 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:

- a. Prime agricultural soils.
- b. Are characterized by agricultural or forestry uses.
- c. 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:

12-322 AGRICULTURAL/FORESTRY DISTRICT:

A. 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:

1. Establishing residential density limits and conservation development standards to retain areas sized for efficient farming.
2. 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.

B. Use of this zone is appropriate in areas designated by the comprehensive plan as follows:

2. 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(K)... the creation of additional "impervious surface", as defined in section 12-809 of this title.

H. Agency Review: The application was routed to agencies for comment on June 1, 2021.

Panhandle Health District	Idaho Department of Water Resources
Idaho Department of Environmental Quality	U.S. Forest Service
Selkirk Fire District	Bonner County Road Department
Northern Lights Utility Company	U.S. Fish and Wildlife Service
Bonner School District #83	Idaho Department of Lands (Sandpoint)
Bonner County Schools - Transportation	(All Taxing Districts)
Idaho Department of Fish and Game	

The following agencies provided comment:

DEQ- "does not review projects on a project-specific basis" 6/24/21

The following agencies replied "No Comment":

- Independent Highway District- 6/7/2021
- Kootenai Ponderay Sewer District- 6/16/2021
- Pend Oreille Hospital District-6/7/2021
- Idaho Department of Fish and Game- 6/22/2021

All other agencies did not reply.

I. Public Notice & Comments:

None

Zone Change Findings of Fact:

1. The parcels are comprehensive planned Agricultural/ Forestry Land (10-20ac)
2. The parcels have prime and not prime farmland soils that are well drained
3. Adjacent properties lie within the Agricultural/ Forestry-10 and Agricultural/ Forestry-20
4. The parcels are within the Selkirk Fire district
5. The parcels have an individual well
6. The parcels have an individual septic
7. The rezone will not negatively affect Kelso Lake Road
8. The parcels do not have any slope, surface water, wetlands, floodplains, or floodways

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 A/F-10 zoning district, provided at Chapter 3, Title 12, Bonner County Revised Code.

File ZC0025-21 – Zone Change – Ag/F-20 to Ag/F-10 – Julie Louise Behrens is requesting a Zone change from Agricultural/Forestry-20 to Agricultural/ Forestry-10. The property area is approximately 20 acres. The project is located off Spirit Lake Cutoff Road in Section 10, Township 55 North, Range 4 West, Boise-Meridian. The Planning & Zoning Commission, at the July 15, 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 Daniel Britt presented a PowerPoint summary of the project and previously circulated staff report, concluding this project is consistent with Bonner County Revised Code.

APPLICANT PRESENTATION: Owner/owner representative not present.

PUBLIC/AGENCY TESTIMONY: No public/agency comment.

APPLICANT REBUTTAL: No Rebuttal

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

Zone Change:

MOTION: Commissioner Connolly moved to approve this project, FILE ZC0025-21, requesting a zone change Agricultural/Forestry-20 to Agricultural/Forestry-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 adopt the findings of fact and conclusions of law as set forth in the Staff Report and direct the Planning Director to transmit this decision to all interested parties 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:

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 Agricultural/Forestry-20 to Agricultural/Forestry-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: Residential
- Unplatted
- Size: 20 acres
- Zone: A/F- 20
- Land Use: Ag/Forest Land
- Legal per: #937342

B. Access:

- Access is off Spirit Lake Cutoff Road, a county paved road.
- Hot Rod Lane is a gravel easement.

C. Environmental factors:

- Site does not contain mapped slopes. (USGS)
- Site does not contain mapped wetlands. (USFWS)
- Site does not contain waterfront or streams. (NHD)
- Soil:
 - Classification: Pend Oreille-Highfalls complex, 0 to 6 % slopes
 - Type: Complex
 - Drainage: Well Drained
 - Prime farmland

D. Services:

- Water: Individual well
- Sewage: Individual septic
- Fire: West Pend Oreille Fire
- 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	A/F Land	A/F-20	Residential 20 acres
North	A/F Land	A/F-20	Residential 20 acres
East	A/F Land	A/F-20	Residential 10 acres
South	A/F Land	A/F-20	Vacant 20 acres
West	A/F Land	A/F-20	Residential 40 acres

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:

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.

Existing Zoning:

12-322: AGRICULTURAL/FORESTRY DISTRICT:

A. 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:

1. Establishing residential density limits and conservation development standards to retain areas sized for efficient farming.
2. 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.

B. Use of this zone is appropriate in areas designated by the comprehensive plan as follows:

1. 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:

- a. Prime agricultural soils.
- b. Are characterized by agricultural or forestry uses.
- c. 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.

"The Idaho Department of Fish and Game does not have any comments to submit for this application." July 6, 2021

BCRC 12-322: AGRICULTURAL/FORESTRY DISTRICT:

A. 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:

1. Establishing residential density limits and conservation development standards to retain areas sized for efficient farming.
2. 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.

B. Use of this zone is appropriate in areas designated by the comprehensive plan as follows:

2. 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. (Ord. 501, 11-18-2008)

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 June 15, 2021.

Panhandle Health District	Idaho Department of Water Resources
Idaho Department of Fish and Game	Idaho Department of Environmental Quality
West Pend Oreille Fire District	Bonner County Road Department
Northern Lights Utility Company	U.S. Forest Service
Bonner School District #83	Idaho Department of Lands
Bonner County Schools - Transportation	U.S. Fish and Wildlife Service
(All Taxing Districts)	

The following agencies provided comment:

DEQ "has no environmental impact comments at this stage of the project." July 6, 2021

The following agencies replied "No Comment": None.

All other agencies did not reply.

I. Public Notice & Comments

The following public comments were received: None.

Zone Change Findings of Fact:

- The parcel is comprehensive planned Ag/ Forest Land
- The parcel is will not negatively affect Spirit Lake Cutoff or Hot Rod Lane
- Residential neighborhoods will not be impacted negatively
- The parcel lies within West Pend Oreille Fire District
- The parcel has an individual well
- The parcel will be on individual septic system
- The parcel does not feature any slope, surface water, wetlands, floodplains, or floodways
- Adjacent properties lie within the A/F-20 zoning and feature the same soil types
- The acreage of properties in the vicinity are similar in size as the proposed zone change. Parcels range from 3 to 20+/- acres

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 A/F-10 zoning district, provided at Chapter 3, Title 12, Bonner County Revised Code.

File ZC0026-21 – Zone Change – R-10 to R-5 - Evergreen Electric & HVAC, INC. is requesting a Zone change from Rural-10 to Rural-5 to create 5-acre parcels. The property is approximately 20.07 acres. The project is located off Hunter Road in Section 16, Township 54 North, Range 5 West, Boise-Meridian. The Planning & Zoning Commission, at the July 15, 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 Daniel Britt presented a PowerPoint summary of the project and previously circulated staff report, concluding this project is consistent with Bonner County Revised Code.

APPLICANT PRESENTATION: Applicant Byron Hatley presented himself for questions from the commissioners.

PUBLIC/AGENCY TESTIMONY: None

APPLICANT REBUTTAL: None

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

Zone Change:

MOTION: Commissioner Bradshaw moved to approve this project, FILE ZC0026-21, requesting a zone change 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 findings of fact and conclusions of law as set forth in the Staff Report and direct the Planning Director to transmit this decision to all interested parties as written (or as amended). 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:

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 12, Township 57 North, Range 3 West, Boise Meridian, Bonner County, Idaho 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: Vacant
- Unplatted
- Size: 20 acres
- Zone: Rural 10
- Land Use: Rural Residential
- Legal per: #980572

B. Access:

- Property is accessed off Hunter Road a gravel road with a 30 foot right of way. The nearest major road is Highway 41 a paved road.

C. Environmental factors:

- Site does not contain mapped slopes. (USGS)
- Site does not contain mapped wetlands. (USFWS)
- Site does not contain waterfront or streams. (NHD)
- Parcel is within SFHA Zone X per FRIM Panel 16017C1100E, Effective Date 11/18/2009
- Soil:
 - Classification: Rathdrum-Bonner ashy silt loams, 0 to 8% slopes
 - Type: Complex
 - Drainage: Well Drained
 - Prime Farmland

D. Services:

- Water: Individual well
- Sewage: Individual septic
- Fire: West Pend Oreille Fire District
- Power: Inland Power
- School District: School District #83

E. Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Land Use & Density
Site	Rural Residential	Rural-10	Vacant 20 acres
North	Ag/ Forest Land	A/F-20	Vacant 320 acres
East	Rural Residential	Rural-10	Vacant 40 acres
South	Rural Residential	Rural-5	Vacant 20 acres
West	Rural Residential	Rural-5	Vacant 5 acres

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.

BCRC 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.

BCRC 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-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)

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 June 15, 2021

Panhandle Health District	Idaho Department of Water Resources
Idaho Department of Environmental Quality	Bonner County Road Department
West Pend Oreille Fire District	U.S. Fish and Wildlife Service
Inland Utility Company	Idaho Department of Lands

Bonner School District #83	U.S. Forest Service
Bonner County Schools – Transportation (All Taxing Districts)	Idaho Department of Fish and Game

The following agencies provided comment: None.

The following agencies replied "No Comment":

*Idaho Department of Fish and Game
Inland Power Company
DEQ*

All other agencies did not reply.

I. Public Notice & Comments

The following public comments were received: None.

Zone Change Findings of Fact:

- The parcel is comprehensive planned Rural Residential
- The parcel is will not negatively affect Hunter Road
- Residential neighborhoods will not be impacted negatively
- The parcel lies within West Pend Oreille Fire District
- The parcel has an individual well
- The parcel will be on individual septic system
- The parcel does not feature any slope, surface water, wetlands, floodplains, or floodways
- Adjacent properties lie within the A/F-20 zoning and feature the same soil types
- The acreage of properties in the vicinity are similar in size as the proposed zone change. Parcels range from 5 to 20+/- acres

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.

The Chair declared the hearing adjourned at 2:27p.m.
Respectfully submitted, this 9th day of September 2021.

Milton Ollerton, Planning Director