

**PLANNING DEPARTMENT
BOARD OF COUNTY COMMISSIONERS' DECISION MINUTES
APRIL 27, 2022**

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

PRESENT: Commissioners Chair Dan McDonald and Jeff Connolly

ABSENT: Steve Bradshaw

ALSO PRESENT: Planning Director Milton Olferton; Assistant Planning Director Jacob Gabell; Planner I Daniel Britt; and Hearing Coordinator Jenna Crone

PUBLIC HEARINGS:

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 AM0023-21/ZC0033-21 – Comprehensive Plan Map Amendment & Zone Change – Hill's Holding Company LLC – The applicants are requesting a comprehensive plan map change from Rural Residential to Resort Community and a zone change from Rural to Recreation. The 0.54-acre property is zoned Rural 5. The project is located off Luby Bay road in Section 24, Township 60 North, Range 5 West, Boise-Meridian. The Planning & Zoning Commission, at the March 3, 2022 public hearing, recommended approval of this file to the Board of County Commissioners.

CONFLICT OF INTEREST/DISCLOSURE DECLARATIONS: The Chair requested the Commissioners declare any conflicts of interest or disclosures. Commissioner Connolly has known one of the applicants well but does not have a conflict. The Chair noted that there were no other 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: Craig Hill, Applicant, shared his plans for creating employee housing.

PUBLIC/AGENCY TESTIMONY: None

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

Comprehensive Plan Amendment – Motion by the Governing Body:

MOTION TO APPROVE: Commissioner Connolly moved to approve this project, FILE AM0023-21, for a comprehensive plan amendment from Rural Residential to Resort Community, 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 planning staff to draft written findings and conclusions to reflect this motion, have Chairman sign, and transmit to all interested parties. This action does not result in a taking of private property.

Commissioner McDonald stepped down from Chair and seconded the Motion.

Roll Call Vote:
Commissioner McDonald Aye
Commissioner Connolly Aye

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

Comprehensive Plan Map Resolution Adoption:

Commissioner Connolly moved to approve resolution #2022-36 amending the Bonner County Projected Land Use Map.

Commissioner McDonald stepped down from Chair and seconded the Motion.

Roll Call Vote:
Commissioner McDonald Aye
Commissioner Connolly Aye

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

Comprehensive Plan Amendment Findings of Fact

- Slopes are absent on the property.
- Critical wildlife habitat was not identified by Idaho Fish & Game.
- Urban services are available to this parcel.
- Recreational activities are surrounding this area.
- Most surrounding parcels are sub 5 acres.

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
Community Design
Land Use
Public Services
Special Areas or Sites

Population
Implementation
Natural Resources
Transportation
Housing

School Facilities, Transportation
Economic Development
Hazardous Areas
Recreation

Conclusion 2

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

Conclusion 3

The proposal is in accord with the RURAL RESIDENTIAL Land Use Designation.

Zone Change - Motion by the Governing Body:

MOTION TO APPROVE: Commissioner Connolly moved to approve this project, FILE ZC0033-21, requesting a zone change from Rural-5 to Recreation, 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 planning staff to draft written findings and conclusions to reflect this motion, have Chairman sign, and transmit to all interested parties. This action does not result in a taking of private property.

Commissioner McDonald stepped down from Chair and seconded the Motion.

Roll Call Vote:

Commissioner McDonald Aye
Commissioner Connolly Aye

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

Zone Change Ordinance Motion: Roll Call Vote

Commissioner Connolly moved to approve an Ordinance of Bonner County, Idaho, the number to be assigned, citing its authority, and providing for the amendment of the Official Zoning Map of Bonner County by the reclassification of lands located in Section 24, Township 60 North, Range 5 West, Boise Meridian, Bonner County, Idaho from Rural-5 to Recreation, and providing for an effective date. Commissioner Connolly further moved to authorize the Chair to sign the official supplementary zoning map upon publication of the ordinance.

Commissioner McDonald stepped down from Chair and seconded the Motion.

Roll Call Vote:

Commissioner McDonald Aye
Commissioner Connolly Aye

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

Zone Change Findings of Fact

- The parcel is within the Kalispell Bay Water & Sewer District
- Access is on a paved Bonner County owned and maintained travel way.
- Fire protection is provided by West Priest Lake Fire.
- Northern Lights is the utility services provider.
- Recreational activities are in proximity of the parcel. Those amenities are golf, Priest Lake access, restaurants, convenience stores and retail stores.
- Soil on the property is classified as not prime farmland.
- The parcel is not within a floodway.
- Slopes are absent on the property.
- Most properties surrounding this parcel are sub 5 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
Community Design
Land Use
Public Services
Special Areas or Sites

Population
Implementation
Natural Resources
Transportation
Housing

School Facilities, Transportation
Economic Development
Hazardous Areas
Recreation

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

Background:

A. Site data:

- Use: Two single family dwellings
- Unplatted
- Size: 0.54 acres
- Zone: Rural 5
- Land Use: Rural Residential

B. Access:

- The property has access from Luby Bay Road a Bonner County owned paved and maintained travel way.

C. Environmental factors:

- Site does not contain mapped slopes. (USGS)
- Site does not contain mapped wetlands. (USFWS)
- Site does not contain any water courses. (NHD)
- Parcel is within SFHA Zone D per Firm Panel 16017C0200F Effective date 7/7/2014
- Soil:
 - Description: Caribouridge-Stien families complex, outwash plains of mixed geology
 - Type: Complex
 - Drainage: Well Drained
 - Classification: Not Prime farmland

D. Services:

- Water: Kalispell Bay Water & Sewer District
- Sewage: Kalispell Bay Water & Sewer District
- Fire: West Priest Lake District
- Power: Northern Lights Utility Company
- School District: Bonner School #83

E. Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Land Use & Density
Site	Rural Residential	Rural 5	(2) Residents/ 0.54 acres
North	Rural Residential	Rural 5	Residents/ 3.57 acres
East	Rural Residential	Rural 5	Residents/ 1.56 acres Residents/ 1.02 acres
South	Rural Residential	Rural 5	Residents/ 0.87 acres
West	Rural Residential	Rural 5	Vacant/ 429.90 acres

F. Standards review Bonner County Revised Code

- **12-111** The zoning regulations and districts for the unincorporated areas of Bonner County, as herein established, have been made in accordance with a comprehensive plan and Idaho Code for the purpose of promoting the health, safety and general welfare of the people of Bonner County (Ord. 501, 11-18-2008)
- **12-112(C):** Interpretation, Relation to other Ordinances:

The provisions of this title shall be interpreted to carry out the purpose and intent of the zone district as shown on the official zoning maps on file in the planning department office, this title as adopted, and the Bonner County comprehensive plan.

The use of the following words shall apply:

- "Shall" and "must" are mandatory and not discretionary.
- "May" is permissive.
- "Should" refers to a guideline that is encouraged, but not mandatory.

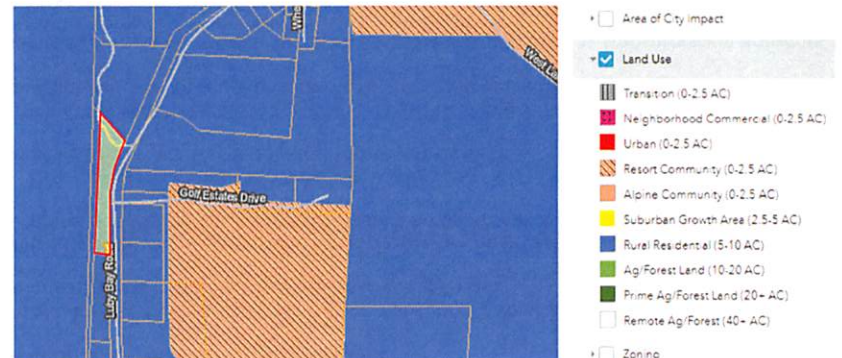
- **12-215:** Applications for Zone Changes and Comprehensive Plan Map Amendments, Contents

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).
- **12-320.1:** Zoning Districts and Map Designation
 - The purpose statements for each zone and map designation set forth in the following sections shall be used to guide the application of the zones and designations to all lands in unincorporated Bonner County. The purpose statements also shall guide interpretation and application of land use regulations within the zones and designations, and any changes to the range of permitted uses within each zone through amendments to this title. (Ord. 501, 11-18-2008)
- **12-320.2:** Zoning Districts and Map Designations Established:
 - In accordance with the provisions of Idaho Code and the objectives set forth in this code, all land in the unincorporated areas of Bonner County is hereby classified according to the following zoning designations and zoning map symbols, which shall be applied as shown on the official zoning district map

• **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: Resort Community**

The Resort Community provides for urban-like densities for areas centered around the recreational areas developed for winter and water sports, golf and hiking, where urban services are provided.

Comprehensive Plan Analysis:

Section 2.1 – Property Rights

Goal: The issue of property rights is a “two-way street” and the property rights of the applicant, adjoining landowners and future generations shall be considered, as well as the short-term consequences of decisions.

Objective: Private property shall not be taken for public uses without just compensation or due process of law.

Impacts to other properties shall be taken into account when considering land use proposals, policies and codes.

Staff: The application was routed to neighbors 300’ from the property line, informing neighbors of the proposed comprehensive map amendment and zone change. As of April 15, 2022, Bonner County received no objections from the neighbors that the proposal would impact their private property rights.

Section 2.2 – Population

Goal: Multi-generational, multi-economic diversity shall be encouraged within Bonner County.

Objective: Bonner County shall keep current with the county census data, population estimates and projections and shall use the data to analyze community needs and project impacts.

Staff: Bonner County is awaiting results for 2020 census data, including population estimates. However, there is upward pressure on housing needs in Bonner County, both in the unincorporated portion of the County, and in the incorporated cities.

Section 2.3 – School Facilities & Transportation

Goal: Full consideration shall be given to the county’s ability to provide quality education to the current and future students of Bonner County.

Objective: Proposed developments and county land use decisions shall not adversely impact the local school districts and their ability to provide adequate school facilities and transportation systems.

Staff: Bonner School District #83 and Bonner County School Transportation that serves the property was notified of the proposed zone change and did not comment as to how an

increase in density and development would or would not adversely impact the district’s ability to provide adequate school services (and facilities) for new and existing students.

Section 2.4 – Economic Development

Goal: Bonner County shall encourage economic diversity for the financial health of the community and maintenance of its rural atmosphere.

Objective: Bonner County shall provide areas for the growth of businesses, professional and technical services without adversely impacting the integrity of residential neighborhoods.

Future commercial and industrial developments shall provide adequate public/private services and access to suitable transportation systems.

Commercial and industrial areas shall be located in defined areas which encourage clustered development and discourage sprawl and strip development.

Bonner County’s highway systems shall be viewed primarily as transportation corridors for the efficient flow of traffic and shall not be viewed merely as frontage roads for commercial development.

Bonner County shall consider the impact of commercial and industrial development on natural resources.

Staff: This proposal is not for commercial or industrial development, but the proposal will add to the population which can positively add to the tax base.

Section 2.5 – Land Use

Goal: Bonner County intends to balance and integrate its land use policies and proposed land use map with the components of the comprehensive plan to encourage the community to grow while retaining its rural character and protecting its unique natural resources.

Objective: Bonner County will develop and maintain a future land use map and land use codes that acknowledge the values of its agricultural and timber land, protects the water and wildlife resources, identifies and avoids hazard areas, provides areas for economic growth, encourages affordable housing and centers growth in areas where adequate public and private services can be provided.

Staff: This proposal is in line with the land use portion of the comprehensive plan as it allows for growth and affordable housing options. The property has access to public services such as water, sewer, and fire protection.

Section 2.6 – Natural Resources

Goal: Bonner County places a high value on its natural resources and amenities and desires to protect these features that make the county unique place to live, work and play. The county recognizes that natural resources, such as pure water, clean air and diverse wildlife,

are important to preserve and once lost, they may not be recovered. Bonner County will strive to manage its natural resources to attain the greatest long term public benefit.

Objective: Bonner County's system of lakes and waterways is one of its greatest assets, and Bonner County will strive to preserve both the quality and quantity of its water resources.

Bonner County values its productive agricultural lands and forests, its fisheries, wildlife and wetlands, and will provide measures to protect and maintain these natural features.

Bonner County will protect its water resources by requiring adequate sewer treatment systems based on soil, density, and intensity of use to reduce impacts to water resources.

Bonner County intends to consider wetlands and aquifer recharge areas in the location and density of future development.

Bonner County intends to maintain or enhance its fish and wildlife resource

Staff: Measures are currently in place that protect the natural resources of the county. The proposal is within a water and sewer district and is utilizing these services.

Section 2.7 – Hazardous Areas

Goal: Bonner County desires to protect its community from the loss of lives and property and to reduce public and private financial losses due to flood, fire, mass wasting, avalanches and excessive slopes by setting standards for development within hazard areas and discouraging development in high hazard areas.

Objective: Bonner County intends to regulate the location and density of new development in floodplain to reduce the potential for the loss of lives and property within flood hazard areas.

Future development shall be designed to reduce exposure to wildland fire and to provide for emergency and escape routes for residents.

Development within areas of excessive slopes, unstable areas and avalanche zones shall be discouraged.

Staff: The subject property is does not have any environmental features could cause flooding or avalanches. Furthermore, the property is afforded fire protection by the West Priest Lake Fire District and has access to a network of public and private roads that can be used in case of an emergency.

Section 2.8 – Public Services, Facilities & Utilities

Goal: Future development shall provide adequate services and should not adversely impact the services or utilities of present-day users.

Objective: Bonner County intends for new development to offset the capital costs of expanding services to its area by requiring the developer to provide infrastructure, utilities or financial support for services generated by the proposed development.

New development shall not unduly overburden the current system.

New development should be adequately served by fire protection, roads, sewer, schools, law enforcement, ambulance and emergency services, water and other public/private services.

Full urban services and provisions for continued operation and maintenance of the systems shall be provided for urban and suburban densities.

Staff: Services are already present on the property for the exiting structures. Services won't be negatively effected by this request as the property already utilizing these services.

Section 2.9 – Transportation

Goal: Bonner County intends to provide a transportation system that is safe, uncongested, and well maintained.

Objective: Future development shall not adversely impact the existing transportation system by reducing the quality or level of service or creating hazards or congestion.

Roads within new development shall be built to county standards and at the expense of the developer.

Roads within new development shall provide adequate access for fire and emergency vehicles and routes of escape.

Future access roads shall be developed to integrate with the state and county system of roads without overburdening the transportation system.

To reduce transportation costs, road building and environmental impacts, cluster development shall be encouraged.

Bonner County intends for certain intense land use developments to provide paved roads.

Bike ways and pedestrian paths shall be included in development plans to provide an integrated community transportation system wherever possible.

Staff: The applicant's property is accessed by a County owned and maintained road. Due to the general density in the area, staff does not anticipate that the changes to the property being zoned at a higher density will create the conditions for hazards or congestion.

Section 2.10 - Recreation

Goal: Public and private recreational opportunities are recognized as a major county asset to be protected and encouraged

Objective: Public recreational accesses and amenities shall not be obstructed or adversely impacted by future development.

Staff: This proposal will not affect current recreational opportunities in Bonner County. The property is close to a variety of recreational opportunities as it sits today.

Section 2.11 – Special Areas or Sites

Goal: Bonner County will attempt to protect special archeological and historical sites and unique visual and ecological features of the region.

Objective: Future developments shall not adversely affect or destroy culturally or ecologically sensitive sites.

Staff: Rezoning the property is not an application for development. Thus, the potential for a rezone to disturb any special archeological and historical sites is null.

Section 2.12 – Housing

Goal/ Objective: Bonner County recognizes diverse housing needs are to be addressed to provide adequate shelter for all, regardless of age, income or physical abilities.

Staff: The proposal will allow for affordable housing for local employee.

Section 2.13 - Community Design

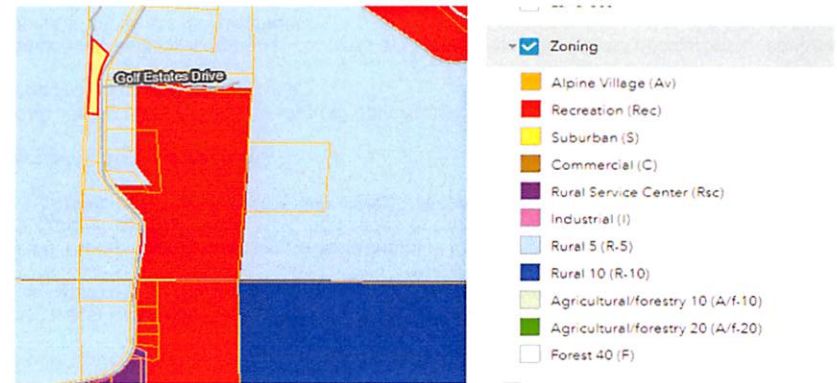
Goal: Bonner County’s goal is to maintain a variety of lifestyles and a rural character in the future development of Bonner County.

Objective: Bonner County intends for new development to locate in areas with similar densities and compatible uses.

Bonner County intends for new development to minimize the adverse impacts on adjacent areas.

Bonner County intends to consider the protection of natural resources and the rural features and surrounding uses of the community in the design and location of new development.

Staff: The request may result in an increased development, but that increase will not compromise the existing character of the community as most properties surrounding the property are already below the current zoning minimum acreage and could be better suited to be within the proposed land designation and zoning.



• Existing Zoning: 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:

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

Proposed Zoning: Recreation

B. Use of this zone is appropriate in areas designated as transition, neighborhood commercial, urban growth area and resort community with the following conditions:

1. Land is physically suitable to accommodate a broad range of residential and recreational uses.
2. Sites are served by adequate sewage disposal service, water supply, roads and other needed public facilities and services.

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 January 25, 2022.

Panhandle Health District	Idaho Department of Water Resources
Outlet Bay Water & Sewer District	Bonner County Road & Bridge Department
West Priest Lake Fire District	U.S. Fish and Wildlife Service
Northern Lights Utility Company	Idaho Department of Lands (Coolin)
Bonner School District #83	U.S. Forest Service
Bonner County Schools – Transportation	Idaho Department of Environmental Quality
Idaho Department of Fish and Game	Idaho Transportation Department
(All Taxing Districts)	

The following agencies provided comment:

DEQ- see attached letter for comments and recommendations

The following agencies replied "No Comment":

- City of Clark Fork
- Idaho Fish & Game
- Independent Highway District
- Idaho Transportation Department
- Kootenai Ponderay Sewer District
- Panhandle Health District
- Pend Oreille Hospital District

All other agencies did not reply.

I. Public Notice & Comments

As of April 15, 2022, no comments have been received.

Staff Analysis:

Staff concluded this project is consistent with Bonner County Revised Code and with the general and specific objectives of the Bonner County Comprehensive Plan based upon the information found in the 'Background' portion of this staff report, and as demonstrated by the findings of fact, conclusions of law, and conditions of approval below.

The Comprehensive Plan Map Amendment request is consistent with the principles of Resort Community land use designation of the Comprehensive Plan, based on the following facts-

Rural Residential	Resort Community
<ul style="list-style-type: none"> • The Rural Residential area provides for residential development in areas 	<ul style="list-style-type: none"> • The Resort Community provides for urban-like densities for areas centered around the recreational 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.	developed for winter and water sports, golf and hiking, where urban services are provided.
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- Slopes are absent on the property.
- Critical wildlife habitat was not identified by Idaho Fish & Game.
- Urban services are available to this parcel.
- Recreational activities are surrounding this area.
- Most surrounding parcels are sub 5 acres.

The request for Zone Change is consistent with the principles of Recreation District zoning, as described in the Bonner County Revised Code, based on the following facts-

Rural-5 Standards	Recreation Standards
<ul style="list-style-type: none"> • 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 	<ul style="list-style-type: none"> • Land is physically suitable to accommodate a broad range of residential and recreational uses • Adequate sewage disposal services • Water Supply • Roads • Other Public facilities and services

- The parcel is within the Kallispell Bay Water & Sewer District
- Access is on a paved Bonner County owned and maintained travel way.
- Fire protection is provided by West Priest Lake Fire.
- Northern Lights is the utility services provider.
- Recreational activities are in proximity of the parcel. Those amenities are golf, Priest Lake access, restaurants, convenience stores and retail stores.
- Soil on the property is classified as not prime farmland.
- The parcel is not within a floodway.
- Slopes are absent on the property.
- Most properties surrounding this parcel are sub 5 acres.

Conclusion: The Resort Community comprehensive plan designation and the Recreation District zoning is appropriate based upon the known facts.

File ZC0039-21 – Zone Change – Ag/Forest 20 to Ag/Forest 10 – David & Katharine Luers – The applicants are requesting a zone change from AF-20 to AF-10. The approximately 52 acres of property is located off Mosquito Creek Road in Section 1, Township 55 North, Range 2 East, Boise-Meridian. The Planning & Zoning Commission, at the March 3, 2022 public hearing, recommended approval of this file to the Board of Commissioners.

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: Travis Haller, Glahe and Associates, Applicant Representative presented a PowerPoint (Exhibit A) of the property and background information for current zoning.

PUBLIC/AGENCY TESTIMONY: None

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

Zone Change - Motion by the Governing Body:

MOTION TO APPROVE: Commissioner Connolly moved to approve this, FILE ZC0039-21, requesting a zone change from Agricultural/ Forestry-20 to Agricultural/ Forestry-10, 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 planning staff to draft written findings and conclusions to reflect this motion, have the Chairman sign, and transmit to all interested parties. This action does not result in a taking of private property.

Commissioner McDonald stepped down from Chair and seconded the Motion.

Roll Call Vote:
Commissioner McDonald Aye
Commissioner Connolly Aye

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

Zone Change Ordinance Motion: Roll Call Vote

Commissioner Connolly moved to approve an Ordinance of Bonner County, Idaho, the number to be assigned, citing its authority, and providing for the amendment of the Official Zoning Map of Bonner County by the reclassification of lands located in Section 1, Township 55 North, Range 2 East, Boise Meridian, Bonner County, Idaho from Agricultural/ Forestry-20 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 McDonald stepped down from Chair and seconded the Motion.

Roll Call Vote:
Commissioner McDonald Aye
Commissioner Connolly Aye

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

Zone Change Findings of Fact

- All parcels have a land use designation of Agriculture Forest Land. As per Bonner County Revised Code, Agricultural/ Forestry-10 zoning district is suitable for areas with this land use designation.
- Approximately 14 acres are classified as prime farmland, 38 acres is not prime farmland soils.
- Agricultural or Forestry pursuits remain viable for the parcels.
- The parcels are within the area of city impact of Clark Fork.
- The parcels are accessed by Bonner County owned and maintained gravel surfaced travel ways.
- Parcels do contain slopes greater than 30%.
- The parcels do contain streams and wetlands.
- The parcel lies within Clark Fork Fire Department boundary.
- The parcel can be served by an individual well and septic system.
- Power is provided from Avista Utilities.

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

Conclusion 2: This proposal was reviewed for compliance with Title 12, Bonner County Revised Code, and is found to be in compliance.

Conclusion 3: The proposal is in accord with the purpose of the Rural 5 zoning district, provided at Chapter 3, Title 12, Bonner County Revised Code.

Background:

A. Site data:

- Use: The parcels are either developed with residences or are vacant.
- All three parcels are unplatted.
- Total land area of all three parcels: ±52 acres
- Zone: Agricultural/ Forestry 20
- Land Use: Agriculture Forest Land
- Legal per: #911871, #883694, #911871

B. Access:

- Mosquito Creek Road, Bonner County owned and maintained gravel surfaced, public right-of-way with a speed limit of 25 miles per hour.
- Lower Mosquito Creek Road, Bonner County owned and maintained gravel surfaced, public right-of-way with a speed limit of 25 miles per hour.

C. Environmental factors:

- **Slopes (USGS):**
 - The northern parcel is characterized by slopes 30% or greater.
 - The central parcel does not contain any slopes.
 - The southern parcel contains approximately 20% of slopes between 15-30% or over. The remaining parcel area does not show presence.
- **Wetlands (USFW):**
 - The northern parcel does not contain any wetlands.
 - The central and southern parcels show presence of wetlands:
 - PEM1C, Freshwater Emergent Wetlands
 - PSS1C, Freshwater Forested/ Shrub Wetland
- **Waterfront/ Streams (NHD):**
 - The southern parcel shows presence of Mosquito Creek, classified as a Stream or River-perennial.
 - The other two parcels show no presence of any water bodies.
- **Floodplain and Floodway (FEMA):**
 - All parcels are located within SFHA Zone X, per FIRM Panels 16017C1018E and 16017C1019E, Effective Date 11/18/2009. The parcels are not located within Floodways either.
- **Soils**
 - Classification: Pepon-Newbell families-Rock outcrop complex, glaciated steep scoured mountain slopes, belt geology, south aspects
 - Type: Complex
 - Drainage: Well drained
 - Not prime farmland

 - Classification: Bonner silt loam, cool, 0 to 4 percent slopes
 - Type: Consociation
 - Drainage: Well drained
 - All areas prime farmland

 - Classification: Hoodoo silt loam, 0 to 1 percent slopes
 - Type: Consociation
 - Drainage: Poorly Drained
 - Prime farmland if drained

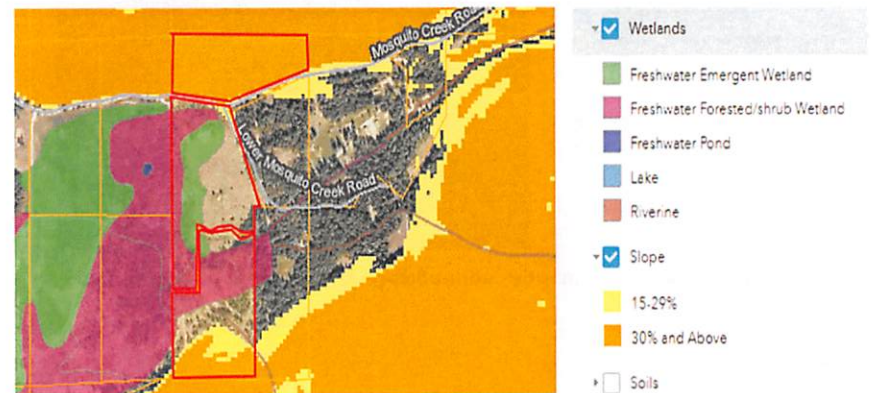
- Classification: Pearsoncreek-Highfalls families, complex, steep glaciated mountain slopes, belt geology, north aspects 40 to 75 percent slopes
- Type: Complex
- Drainage: Well drained
- Not prime farmland
- Classification: Pearsoncreek-Highfalls families, complex, dissected steep glaciated mountain slopes, belt geology, north aspects
- Type: Complex
- Drainage: Well drained
- Not prime farmland

D. Services:

- Water: Individual well.
- Sewage: Individual septic system.
- Fire: As per the applicant, fire services are provided by the City of Clark Fork Fire Department.
- Power: Avista Utilities
- School District: Lake Pend Oreille School District #84

E. Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Land Use & Density
Site	Agriculture Forest Land	Agricultural/Forestry 20	Residential/ ±52 acres
North	Remote Agriculture Forest Land	Forest 40	Vacant/ 480 acres
East	Agriculture Forest Land	Agricultural/Forestry 20	Resort Use/ 12-15 acres
South	Agriculture Forest Land	Forest 40	Vacant /527 acres
West	Agriculture Forest Land	Agricultural/Forestry 10	Vacant/ 40 acres



F. Standards Review: Bonner County Revised Code

BCRC 12-111: The zoning regulations and districts for the unincorporated areas of Bonner County, as herein established, have been made in accordance with a comprehensive plan and Idaho Code for the purpose of promoting the health, safety and general welfare of the people of Bonner County.

BCRC 12-112(C): Interpretation, Relation to other Ordinances:

The provisions of this title shall be interpreted to carry out the purpose and intent of the zone district as shown on the official zoning maps on file in the planning department office, this title as adopted, and the Bonner County comprehensive plan.

The use of the following words shall apply:

1. "Shall" and "must" are mandatory and not discretionary.
2. "May" is permissive.
3. "Should" refers to a guideline that is encouraged, but not mandatory.

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

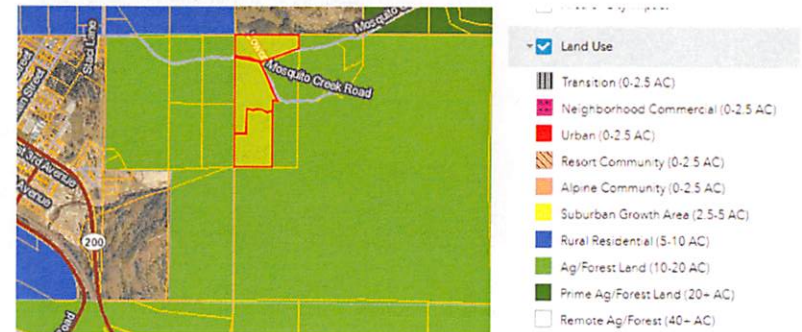
The application was considered complete and routed to agencies accordingly.

BCRC 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)

BCRC 12-320.1: The purpose statements for each zone and map designation set forth in the following sections shall be used to guide the application of the zones and designations to all lands in unincorporated Bonner County.

Existing Comprehensive Plan Designation: Agriculture Forest Land



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.

Staff: The land use designation of the subject parcels is Agriculture Forest Land. This land use designation allows for both the existing A/F-20 zoning as well as the proposed A/F-10 zoning. The applicant is not requesting a change to the existing Comprehensive Plan land use designation. This request remains in compliance with the Comprehensive Plan Land Use Designation.

Section 2.5 Land Use

Goal: Bonner County intends to balance and integrate its land use policies and proposed land use map with the components of the comprehensive plan to encourage the community to grow while retaining its rural character and protecting its unique natural resources.

Objective: Bonner County will develop and maintain a future land use map and land use codes that acknowledge the values of its agricultural and timber land, protects the water and wildlife resources, identifies and avoids hazard areas, provides areas for economic growth, encourages affordable housing and centers growth in areas where adequate public and private services can be provided.

Staff: These parcels are situated within the area of city impact of Clark Fork where economic growth and affordable housing can be achieved. Public and private service are already being utilized for these parcels.

Section 2.6 Natural Resources

Goal: Bonner County places a high value on its natural resources and amenities and desires to protect these features that make the county unique place to live, work and play. The county recognizes that natural resources, such as pure water, clean air and diverse wildlife, are important to preserve and once lost, they may not be recovered. Bonner County will strive to manage its natural resources to attain the greatest long term public benefit.

Objective: Bonner County values its productive agricultural lands and forests, its fisheries, wildlife and wetlands, and will provide measures to protect and maintain these natural features.

Staff: With the guidance from Idaho Fish & Game, Army Corps of Engineers and Bonner County on this proposal, these natural features will be protected and maintained.

Section 2.7 Hazardous Areas

Goal: Bonner County desires to protect its community from the loss of lives and property and to reduce public and private financial losses due to flood, fire, mass wasting, avalanches and excessive slopes by setting standards for development within hazard areas and discouraging development in high hazard areas

Objective: Development within areas of excessive slopes, unstable areas and avalanche zones shall be discouraged.

Staff: Though there is excessive slopes found on the parcels there are areas which will be safe to develop. This allows hazardous areas to be avoided.

Section 2.8 Public Services, Facilities & Utilities

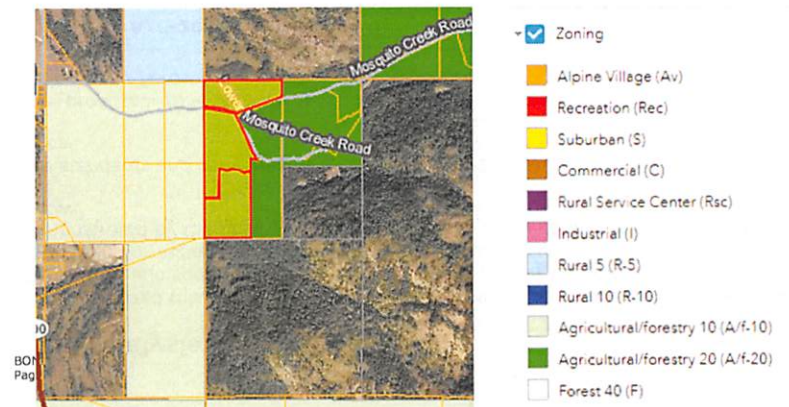
Goal: Future development shall provide adequate services and should not adversely impact the services or utilities of present-day users.

Objective: New development should be adequately served by fire protection, roads, sewer, schools, law enforcement, ambulance and emergency services, water and other public/private services

Staff: This proposal has demonstrated that adequate fire protection, roads, water and sewer and other services are available for these parcels.

**Existing Zoning: Agricultural/ Forestry 20
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:
 - 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.



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)

BCRC 12-7.2 Stormwater Management and Erosion Control

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.

G. Agency Review:

The application was routed to the following agencies for comment on January 25, 2022 except for the City of Clark Fork (routed on January 07, 2022) and Lake Pend Orelle School District #84 (routed on February 09, 2022).

US Army Corps of Engineers	Bonner County Road and Bridge
Idaho Department of Environmental Quality	US Forest Service
Idaho Department of Fish and Game	Idaho Department of Lands – CDA
US Fish and Wildlife Service	Idaho Department of Lands – Sandpoint
Bonner County Floodplain Review	Panhandle Health District
Avista Utilities	West Bonner County School District #83
City of Clark Fork Fire	

The following agencies provided comment:

- Corps of Engineers- see attached letter of recommendations for the project.
- DEQ "has no environmental comments at this stage of the project"
- Idaho Fish & Game- see attached letter of recommendations for the project.
- Panhandle Health District- see attached letter of recommendations for the project.

The following agencies replied "No Comment":

- City of Clark Fork "No comment"
- All other agencies did not reply.

H. PUBLIC NOTICE & COMMENTS

As of February 23, 2022, no public comments were received.

Staff Analysis:

Staff concluded this project is consistent with Bonner County Revised Code and with the general and specific objectives of the Bonner County Comprehensive Plan based upon the information found in the 'Background' portion of this staff report, and as demonstrated by the findings of fact, conclusions of law, and conditions of approval below.

The standards and comparisons for both the A/F-20 and A/F-10 zones are listed below.

The proposed zone change is consistent with the comprehensive plan for the Agricultural/ Forestry designation (See Appendix A):

A/F-20 Standards	A/F-10 Standards
<ul style="list-style-type: none"> • Prime agricultural soils • Characterized by agricultural or forestry uses • Limited services • Characterized by slopes steeper than 30% • Absent or limited to substandard road system or • Where large tracts devoted to ag/forest production. 	<ul style="list-style-type: none"> • Do not feature prime agricultural soils • Where agricultural and forestry pursuits remain viable • Within or adjacent to areas or city impact • Where lands are afforded fire protection • Access to standard roads • Other services

Prime Agricultural Soils:

- Five different soil types are found on the ±52 acres, one is classified as "prime farmland" soils, one is classified as "prime farmland if drained" soils and three are classified as "not prime farmland" soils.
- Approximately 14 acres of prime farmland soils are found on the parcels. Only one parcel is characterized by prime farmland soils. That parcel is ±17.95 acres and of that, approximately ±12 acres is prime farmland.

Characterized by Agricultural or Forestry Uses:

- The state of Idaho characterizes agricultural/ forestry pursuits as, the total area of such land, including the home site, is more than five (5) contiguous acres and is actively devoted to profitable agriculture or forestry activities. The general area of this proposal is characterized by agricultural, and forestry uses. Since this request is not altering the nature of land use on the properties, these pursuits will remain viable for these parcels.

Within or adjacent to Areas of City Impact:

- All three parcels are all within the Area of City Impact of Clark Fork.

Limited Services:

- Available public services for the parcels are, City of Clark Fork Fire Department, Avista Utilities. Onsite services are individual wells and individual septic systems. Therefore, services are not limited to the parcels.

Characterized by slopes steeper than 30%:

- The northern parcel is characterized by slopes 30% or greater. The central parcel does not contain any slopes. The southern parcel contains slopes between 15-30% or greater slope but the parcel is not characterized by those slopes.

Absent or limited to substandard road system:

- The northern and central parcels are accessed by Bonner County owned and maintained gravel surfaced travel ways. The southern parcel is accessed by a private easement. Highway 200 is approximately 1.5 miles away, which is a state paved owned and maintained travel surface. For those reasons none of the parcels are accessed by substandard road system.

Where large tracts devoted to agriculture/ forest production:

- Though these parcels are not large tracts of land they are neighboring two parcels that are, respectively the parcels are 480 acres and 527 acres.

The Chair declared the hearing adjourned at 2:08 p.m.

Respectfully submitted, this 3rd day of May 2022,



Milton Ollerton, Planning Director