

**BONNER COUNTY PLANNING and ZONING COMMISSION
PUBLIC HEARING MINUTES
FEBRUARY 4, 2021**

PLEDGE OF ALLEGIANCE

CALL TO ORDER: Chair Bailey called the Bonner County Planning and Zoning Commission hearing to order at 5:30 p.m. in the 3rd Floor BOCC meeting room, Ste. 338, of the Bonner County Administration Building, 1500 Highway 2, Sandpoint, Idaho, via Zoom webinar, and YouTube live streaming.

PRESENT: Commissioners Chair Brian Bailey; Vice Chair Matt Linscott; Don Davis; Taylor Bradish; Dave Frankenbach; Sheryl Reeve; and Suzanne Glasoe

ABSENT: None

ALSO PRESENT: Planning Director Milton Ollerton; Assistant Planning Director Josh Pilch; Planner II Halee Sabourin; Planner II Tessa Vogel; Administrative Manager Jeannie Welter; and Administrative Assistant III Jenna Mickelson

CONSENT AGENDA:

APPROVAL OF MINUTES: The Chair requested the Commissioners declare if they had any corrections or changes to the approval of minutes as written for: January 21, 2021. Hearing no changes or objections, the Chair declared the minutes approved as written.

PUBLIC HEARINGS

VARIANCE

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 V0032-20 - Lot Size Minimum Variance – Sheryl Newman is requesting a lot size minimum variance of 6.75 acres where 10 acres is required. The property is zoned Agricultural/Forestry-10. The project is located off Tanglewood Drive, Priest River, ID in Section 8, Township 58 North, Range 4 West, Boise-Meridian.

CONFLICT OF INTEREST/DISCLOSURE DECLARATIONS: The Chair requested the Commissioners declare any conflicts of interest or disclosures. The Chair noted that there were no disclosures or conflicts.

STAFF PRESENTATION: Planner II Halee Sabourin presented a PowerPoint summary of the project and previously circulated staff report, concluding this project is consistent with Bonner County Revised Code.

APPLICANT PRESENTATION: Charles Holbert stated he was given permission from the landowner to speak on her behalf.

PUBLIC/AGENCY TESTIMONY: The following spoke on the record about an easement to the river: Carmela Conroy

APPLICANT REBUTTAL: Charles Holbert addressed the easement question and that it is not something looked at by the Planning and Zoning Commission.

COMMISSION DELIBERATION: The Chair closed the hearing to public testimony. The Commission discussed Findings and Conclusions.

MOTION TO APPROVE: Commissioner Bradish moved to approve this project FILE V0032-20 requesting a lot size minimum variance of 6.75 acres where 10 acres is required, finding that it is in accord with the 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 Bradish further moved to adopt the following findings of fact and conclusions of law as written. The action that could be taken to obtain the variance is to complete the Conditions of Approval as adopted. This action does not result in a taking of private property. Commissioner Reeve seconded the motion.

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

Background:

A. Site data:

- Residential
- Unplatted
- Size: 16.89 acres assessed, 18.26 acres surveyed
- Zone: Agricultural/Forestry - 10
- Land Use: Ag/Forest Land (10-20 AC)

B. Access:

- The property is accessed off Tanglewood Drive, a private easement.

C. Environmental factors:

- Site does contain mapped slopes. (USGS)
- Site does contain mapped wetlands. (USFWS)
- Site does contain a river frontage on Priest River
- Parcel contains SFHA Zone X, hatched Zone X, Zone AE, and Zone AE Floodway, per FIRM Panel 16017C0440E, Effective Date 11/18/2009.

D. Services:

- Water: Individual Well
- Sewage: Individual septic

- Fire: Not within a District
- School District: Bonner School #83

E. Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Land Use & Density
Site	Ag/Forest Land (10-20 AC)	Agricultural/Forestry - 10	Residential
North	Ag/Forest Land (10-20 AC)	Agricultural/Forestry - 10	Vacant
East	Ag/Forest Land (10-20 AC)	Agricultural/Forestry - 10	Priest River Waterfront
South	Ag/Forest Land (10-20 AC)	Agricultural/Forestry - 10	Residential
West	Ag/Forest Land (10-20 AC)	Agricultural/Forestry - 10	Residential

F. Standards review

BCRC 12-234 specifies that "Staff, the commission and/or board shall review the particular facts and circumstances of each proposal submitted and shall find adequate evidence showing that:

- (a) **Conditions apply to the property that do not apply generally to other properties in the same zone or vicinity, which conditions are a result of lot size, shape, topography, or other circumstances over which the applicant has no control.**

Applicant: "The existing parcel is approximately 18.26 acres. The parcel is currently R10. The surrounding parcels range from 4.15 acres (one parcel to the north) to 5.82 acres (one parcel to the south). The lots to the west are approximately 5 acres. The client's existing 18.26 acre parcel is irregularly large for the surrounding area. It is proposed to divide the existing lot into a 6.75 acre lot to the west, and a 11.51 acre lot to the east which would be divided by Tanglewood Drive. Dividing the oversized lot would create consistency with the surrounding parcels, and the newly created parcel would have access through Tanglewood Drive. Splitting the existing 18.26 acre lot requires a variance due to the R10 Zoning, however it would better match the current parcel sizes in the immediate area."

Staff: How the surrounding area is developed is not a special condition or circumstance that requires the property to be divided or be viewed as separate parcels. However, the current property has a natural divide from Tanglewood Drive.

- (b) **Special conditions and circumstances do not result from the actions of the applicant.**

Applicant: "The size of the surrounding parcels was not due to any action of the applicant, nor is the relative oversizing of their existing 18.26 acre parcel."

Staff: How the surrounding area is developed is not a special condition or circumstance that requires the property to be divided or be viewed as separate parcels. However, Tanglewood Drive's placement appears to be influenced by

the existing wetlands and flood hazard zones. These natural hazards and protected areas are not due to the actions of the applicant.

- (c) **The granting of the variance is not in conflict with the public interest in that it will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity of the subject parcel or lot.**

Applicant: "The zoning variance would allow for creation of a new parcel of similar size to the surrounding area. The proposed variance will have minimal effects on the adjoining properties. Most of the surrounding parcels are not yet developed, and the size and shape of the created parcel would allow for the same level of privacy as the neighboring parcels." [See additional responses to the Comprehensive Plan Goals and Objectives.]

Staff: The proposed division will reflect a similar density to the surrounding areas. Additionally, there were not comments against this variance from the public and agencies did not provide comment against this development.

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.

H. Agency Review

The application was routed to agencies for comment on January 5, 2021.

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| Panhandle Health District | Idaho Department of Water Resources |
| Avista | Bonner County Road Department |
| Inland Power & Light | Northern Lights |
| Bonner County Schools - Transportation | U.S. Army Corps (Coeur d'Alene) |
| Idaho Department of Fish and Game | U.S. Fish and Wildlife Service |
| Idaho Department of Environmental Quality | Idaho Department of Lands (Sandpoint) |
| Idaho Transportation Department | Idaho Department of Lands, Nav. Waters |

The following agencies commented:

Panhandle Health District - January 5, 2021

"Panhandle Health District (PHD) does not have a comment on the lot size minimum variance, however, PHD notes that the application states there is to be individual septic provided for the new lot. PHD has no record of a septic evaluation for the proposed property split. We recommend the applicant contact PHD to assess the septic feasibility of the new lot."

The following agencies replied "No Comment":

Inland Power & Light - January 7, 2021

All other agencies did not reply.

I. Public Notice & Comments

The following public comments were received:

Received one comment in support of the variance.

Findings of Fact

1. The project is located off Tanglewood Drive, Priest River, ID in Section 8, Township 58 North, Range 4 West, Boise-Meridian.
2. The property is 16.89 acres assessed and 18.26 acres surveyed.
3. The property is zone Agricultural/Forestry – 10.
4. The property is divided by Tanglewood Drive.
5. The property contains slopes, wetlands, river frontage, and flood hazard zones.
6. The property contains residential development.
7. The applicant obtained the property on May 1, 1979.

Conclusions of Law:

Based upon the findings of fact, the following conclusions of law are adopted:

Conclusion 1

Conditions apply to the property that **do not** apply generally to other properties in the same zone or vicinity, which conditions are a result of lot size, shape, topography, or other circumstances over which the applicant has no control.

Conclusion 2

Special conditions and circumstances **do not** result from the actions of the applicant.

Conclusion 3

The granting of the variance **is not** in conflict with the public interest in that it **will not** be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity of the subject parcel or lot. (Ord. 559, 1-4-2017)

Conditions of approval:

Standard permit conditions:

A-1 Only the development highlighted on the site plan has been reviewed for variance standards. All other development shown must comply with Bonner County Revised Code.

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 AM0018-20/ZC0015-20 - Comprehensive Plan Amendment & Zone Change – Daum Construction, LLC is requesting a Comprehensive Plan Amendment from Agriculture/Forestry 10-20 to Rural Residential 5-10, and a Zone Change from Agricultural/Forestry-10 to Rural-5. The 160 acre property is currently zoned A/F-10. The project is located off Spirit Lake Cutoff in Section 27, Township 55 North, Range 4 West, Boise-Meridian.

CONFLICT OF INTEREST/DISCLOSURE DECLARATIONS: The Chair requested the Commissioners declare any conflicts of interest or disclosures. The Chair noted that there were no disclosures or conflicts.

STAFF PRESENTATION: Planner II Tessa Vogel presented a PowerPoint summary of the project and previously circulated staff report, concluding this project is not consistent with Bonner County Revised Code and The Bonner County Comprehensive Plan.

APPLICANT PRESENTATION: Project Representative Tiffany Espe addressed traffic concerns and rural character of the area.

PUBLIC/AGENCY TESTIMONY: The following individuals spoke on the record regarding traffic, water quality/loss, limited medical assistance, an increase in school buses, privacy issues, rural character, well issues, road safety concern, and quality of life: Bill Batdorf, Mike Greg, Wayne Martin, Doug Patterson, Denise Dickinson, Brooke Siemers, Maya Starbright, Arlin Robb, Tom Paulsgrove, and Michael Hogan

APPLICANT REBUTTAL: None

COMMISSION DELIBERATION: The Chair closed the hearing to public testimony. The Commission discussed Findings and Conclusions.

COMPREHENSIVE PLAN AMENDMENT MOTION

MOTION: Commissioner Bradish moved to recommend denial to the Board of County Commissioners this project FILE AM0018-20, requesting a comprehensive plan amendment from AG/FOREST LAND to RURAL RESIDENTIAL, based upon the following conclusions: Conclusion 1, the proposal is not in accord with the following elements of the Bonner County Comprehensive Plan: Transportation, Population, Community Design, Land Use, and Public Services. The decision is based upon the evidence submitted up to the time the Staff Report was prepared and testimony received at this hearing. Commissioner Bradish further moved to adopt the following findings of fact and conclusions of law as amended. This action does not result in a

taking of private property. The action that could be taken, if any, to obtain the zone change is to: 1) File a new application with the Planning Department and meet the standards required by Bonner County Revised Code; or 2) Pursue such remedies as may be applicable at Title 67, Chapter 65, Idaho Code. This action does not result in a taking of private property. Commissioner Frankenbach seconded the motion.

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

ZONE CHANGE MOTION

MOTION: Commissioner Bradish moved to recommend denial to the Board of County Commissioners this project FILE ZC0015-20, requesting a zone change from AGRICULTURAL/FORESTRY 10 (A/F-10) to RURAL-5 (R-5), based upon the following conclusions: Conclusion 1, the proposal is not in accord with the following elements of the Bonner County Comprehensive Plan: Transportation, Community Design, and Land Use. Conclusion 2, this proposal was review for compliance with Title 12, Bonner County Revised Code, and was not found to be in compliance. Conclusion 3, the proposal is not in accord with the purpose of the RURAL-5 zoning district, provided at Chapter 13, Title 12, Bonner County Revised Code. The decision is based upon the evidence submitted up to the time the Staff Report was prepared and testimony received at this hearing. Commissioner Bradish further moved to adopt the following findings of fact and conclusions of law as amended. This action does not result in a taking of private property. The action that could be taken, if any, to obtain the zone change is to 1) File a new application with the Planning Department and meet the standards required by Bonner County Revised Code; or 2) Pursue such remedies as may be applicable at Title 67, Chapter 65, Idaho Code. This action does not result in a taking of private property. Commissioner Reeve seconded the motion.

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

Background:

A. Site data:

- Use: Vacant
- Unplatted
- Size: 160 acres
- Zone: Agricultural/Forestry 10 (A/F-10)
- Land Use: Ag/Forest Land (10-20 AC)

B. Access:

- **Applicant:** *Spirit Lake Cutoff provides access to this property to an existing private road. If development took place, a new private road would be built to provide individuals access.*
- Spirit Lake Cutoff
 - i. Road Class: Collector
 - ii. Road Owner: Bonner County
 - iii. County Maintained: Yes

C. Environmental Factors:

- Site does contain mapped slopes of up to 15-29% in grade on a small portion of the parcel. (USGS)
- Site does not contain mapped wetlands. (USFWS)
- Site does not contain waterfront or streams. (NHD)
- Per Bonner County CFM, Jason Johnson, *The parcel is within SFHA Zone X, per FIRM panel 16017C1125E, effective date 11/18/2009. No further floodplain review is required on this proposal.*
- Soil #1: Rathdrum-Bonner ashy silt loams, 0 to 8 percent slopes
 - Classification: All areas are prime farmland
 - Type: Complex
 - Drainage: Well drained
- Soil #2: Pend Oreille-Highfalls outwash terraces, complex, 0 to 6 percent slopes
 - Classification: All areas are prime farmland
 - Type: Complex
 - Drainage: Well drained
- Soil #3: Kootenai gravelly silt loam, 0 to 4 percent slopes
 - Classification: Prime farmland if irrigated
 - Type: Consociation
 - Drainage: Well drained

D. Services:

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

E. Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Land Use & Density
Site	Ag/Forest Land (10-20 AC)	A/F-10	Vacant, Timber
North	Ag/Forest Land (10-20 AC)	A/F-20	Government owned land, large parcel
East	Ag/Forest Land (10-20 AC)	A/F-20	Varied lot sizes, from 6-40 acres
South	Ag/Forest Land (10-20 AC)	A/F-10	Government owned property & Northeast unrecorded plat of Hoodoo Valley with smaller lot sizes
West	Ag/Forest Land (10-20 AC)	A/F-10	Varied lot sizes from 10-160 acres, residential

F. Standards review: Bonner County Revised Code

- **12-215:** Applications for Zone Changes and Comprehensive Plan Map Amendments, Contents
 - The application was considered complete and routed to agencies accordingly.
- **12-216:** Evaluation of Amendment Proposals
 - Staff and the governing bodies shall review the particular facts and circumstances of each proposal submitted and shall determine whether

there is adequate evidence that the proposal is in accordance with the general and specific objectives of the comprehensive plan. (Ord. 501, 11-18-2008)

- **Existing Comprehensive Plan Designation:**

- **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.
- The Bonner County Comprehensive Plan's natural resources section's goal states that *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.* Specific to this goal and the AM0018-20 and ZC0015-20 files, the objectives of Bonner County state: 1) *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;* and 2) *Bonner County intends to consider wetlands and aquifer recharge areas in the location and density of future development.* With this, Bonner County has set policies within the natural resources section that state: 1) *Development standards should be designed to encourage clustered development and the preservation of open space and wildlife habitat;* and 2) *Productive farmland and timberland shall be identified and protected from adverse effects of adjoining developments.*
 - The subject property shows to have productive agricultural lands through the soils present on site which include: Pend Oreille-Highfalls outwash terraces (classified as prime farmland and is well drained), Rathdrum-Bonner ashly silt loams (classified as prime farmland and is well drained), and Kootenai gravelly silt loam (classified as prime farmland if irrigated and is well drained). As stated above, Bonner County values productive farmland and according to the goals, objectives and policies contained in the Comprehensive Plan, productive farmlands and open spaces shall be preserved. This also takes into consideration the protection of adjoining productive farmland from adverse effects of adjoining development. Taking into consideration the concern of the local aquifer and how it would be impacted by increased density and development on the subject property is an objective of the Bonner County Comprehensive Plan and would need to be addressed as well.
- The Bonner County Comprehensive Plan's transportation section's goal states that *Bonner County intends to provide a transportation system that is safe, uncongested, and well maintained.* Specific to this goal and

the AM0018-20 and ZC0015-20 files, the objective of Bonner County states that *future development shall not adversely impact the existing transportation system by reducing the quality or level of service or creating hazards or congestion.* With this, Bonner County has a policy that states *the county should review opportunities to offset the impacts to current users from future users of the transportation systems.*

- The subject property fronts along Spirit Lake Cutoff, a Bonner County owned and maintained road that has a right-of-way width of 60' and a built road width of 24' which is asphalt per the Bonner County Road & Bridge Department. The Spirit Lake Fire District voiced concerns over the amendment and zone change and stated that the area (subject property) would need to have two points of access/egress, a traffic analysis should be conducted on Spirit Lake Cutoff due to the increase in density, that there has been a 10% increase in vehicle crashes both injury and non-injury related, and that due to the current traffic load, the Spirit Lake Fire District's emergency response has been hampered in these areas. The Bonner County Planning Department has received multiple public comments voicing their concerns over the potential increase in traffic, traffic accidents, and the quality of Spirit Lake Cutoff and what an increase in density means for it.
- The Bonner County Comprehensive Plan's community design section states that *Bonner County's goal is to maintain a variety of lifestyles and a rural character in the future development of Bonner County.* Specific to this goal and the AM0018-20 and ZC0015-20 files, the objectives of the community design section state that 1) *Bonner County intends for new development to locate in areas with similar densities and compatible uses;* 2) *Bonner County intends for new development to minimize the adverse impacts on adjacent areas;* and 3) *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.* With this, Bonner County has a policy that states that *to promote and preserve the natural features and rural atmosphere of the community, the county should enact development standards that address building heights and view sheds, ridge-top development, development within scenic byways and design standards that account for waterfront setbacks, wildlife corridors, commercial and industrial landscaping, reduced lighting requirements, cluster development, rural rather than urban setback standards and other design objectives aimed at preserving the rural, natural character of the community.*
 - The subject parcel is located adjacent to and within the vicinity of areas where agricultural and forestry pursuits remain viable (federal and state land and private property). The sizes of the adjacent parcels range in size from 10 acres to approximately 650 acres. Agricultural operations of varying sizes existing within the vicinity of the subject property and private property owners, through their public comments submitted to the Bonner County

Planning Department, have expressed concern over the potential impacts of an increase in density on their rural lifestyles, agricultural pursuits and the federal and state lands that have already been impacted by development in the area.

- o The Bonner County Comprehensive Plan's agricultural section's goal states that *Bonner County seeks to promote the retention of agriculture lands by implementing planning strategies that facilitate agricultural productivity and agribusiness activities.*
 - The subject property has three types of prime farmland soils and is adjacent to agricultural, forestry and residential uses. Within the vicinity of the subject parcel there are agribusinesses and properties that are agriculturally productive. The area of the subject property is agricultural in nature.
- **Proposed Comprehensive Plan Designation:**
 - o **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 exposure to loss of property or lives. Small-scale agricultural uses and residential development are permitted.
 - o The site does not have urban services available, has no steep slopes except for a small portion of 15-29% slopes, and has no hazardous areas or critical wildlife habitat present. The residential properties adjacent to the subject property and in the same vicinity are 10 acres in size or greater with an exception of a few parcels located to the northeast of the subject property that range in size from 5.15 acres and greater.
- **Existing Zone Ordinance:**
 - 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)**
- The zoning district of a property depends on the land use designation of the property. Where the land use designation of Ag/Forest Land is appropriate, the Agricultural/Forestry 10 and Agricultural/Forestry 20 zones are appropriate. The subject property's current land use designation is Ag/Forest Land and the current zoning district is Agricultural/Forestry 10.

- **Proposed Zone Ordinance:**

- A. The rural district is established to allow low density residential uses that are compatible with rural pursuits. The purpose can be accomplished by:
 - 1. Limiting residential densities and permitted uses to those that are compatible with rural character and nearby resource production districts and sites and can be adequately supported by rural service levels.
 - 2. Allowing small scale farming and forestry activities, and tourism and recreation uses that can be supported by rural service levels and are compatible with rural character.
 - 3. Encouraging conservation development configurations that create permanent open space or farming areas, protect sensitive environmental features, reduce infrastructure costs and/or enhance recreational opportunities.
- B. Use of this zone is appropriate in areas designated by the comprehensive plan as follows:
 - 1. R-10 in areas designated as rural residential in the comprehensive plan that meet one or more of the following criteria:
 - a. Characterized by slopes that are steeper than thirty percent (30%).
 - b. Located within critical wildlife habitat as identified by federal, state or local agencies.
 - c. Contain prime agricultural soils.
 - d. Served by a network of public and/or private roadways that generally do not meet applicable roadway standards set forth in title 2 (public roads) of this code or appendix A (private roads) of this title or are absent.
 - e. Within the floodway.
 - f. Contain limited access to public services.

2. **R-5** in areas designated rural residential in the comprehensive plan that are already developed at or near the one dwelling unit per five (5) acre density and/or do not meet the criteria for R-10 above. (Ord. 501, 11-18-2008)
 - o The zoning district of a property depends on the land use designation of the property. Where the land use designation of Rural Residential is appropriate, the Rural 10 and Rural 5 zones are appropriate. The subject property's current land use designation is Ag/Forest Land and the current zoning district is Agricultural/Forestry 10. The applicant is proposing to do a Comprehensive Land Use Map Amendment from Ag/Forest Land to Rural Residential and a Zone Change from Agricultural/Forestry 10 to Rural 5. The proposals would have to meet the requirements of the Bonner County Comprehensive Plan and the Bonner County Revised Code to allow for the approval of the proposals.

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

H. Agency Review: The application was routed to agencies, including all taxing districts, for comment on **January 05, 2021**.

Avista Utilities: no response

Bonner County Road & Bridge Department: no response

Bonner School District #83: no response

Idaho Department of Environmental Quality: *DEQ has no environmental impact comments for the project(s).*

Idaho Department of Lands (Sandpoint): no response

Idaho Department of Water Resources: no response

Idaho Panhandle National Forest: no response

Panhandle Health District: *Panhandle Health District (PHD) does not have a comment on the comprehensive plan amendment and zone change. PHD notes that the application states there is to be individual septic provided for each new lot. PHD has no record of septic approval for the property. We recommend the applicant contact PHD to assess the septic feasibility.*

Spirit Lake Fire District: *In consideration of splitting the zoned Ag/Forest Land from 10 acres to 5 acres, there are deficiencies in the current infrastructure that should be addressed prior to approving a split.*

- *This area needs to have 2 points of access/egress.*
- *A traffic analysis should be conducted on Spirit Lake Cutoff Road due to the increase in home density.*
- *There has been a 10% increase in vehicle crashes (injury and non-injury).*
- *Due to the current traffic load, our emergency response has been hampered in those areas.*

U.S. Forest Service: no response

Union Pacific Railroad (Spokane International): no response

***All Taxing Districts –** those who responded are listed below

City of Clark Fork: no comment

Independent Highway District: no comment

I. Public Notice & Comments: The application was routed to property owners within 300' of the subject property for comment on **January 05, 2021**.

Summaries of Public Comments Received In Opposition of the Proposals

- People move to North Idaho specifically for the 10-acre minimum lot subdivision size to escape over-crowded roads, noise, pollution, and crime.
- People want to make as much money as possible on their real estate investments but wealth should not come at the expense of the quality of life for people who chose to live here for the way things are currently managed.
- If it is the desire of the Bonner County planning board to mimic California and all of its problems, then allowing for this high-density project to continue will certainly expedite that result.
- How will doubling the amount of homes affect the aquifer and other home owners in the area?
- How will property values be affected?
- How will this affect the Hoodoo Creek and watershed from non-point source pollution?
- Concerns about noise and light pollution.
- Concern over a bigger potential for forest fires in the area because of more residents.
- Spirit Lake Cutoff is already a very dangerous road to travel and there are concerns about road infrastructure issues and additional drivers on the road.
- Ziplay has zero internet ports left to provide service on this end of the cutoff. Many residents are forced to use their phones as hotspots or worse yet satellite. With the added stress on the wireless system, residents could potentially not be able to work from home anymore.
- Prior to the clearing of the subject property, residents routinely saw whitetail deer, turkey and elk transition from the subject property out to the fields on the west side of the cutoff. How will this proposal to double the amount of homes affect the wildlife corridor?
- Subdividing the farmland will be harmful to the current agricultural uses in the valley.
- Current road conditions for Vay Road are less than most in the valley and high traffic use would only cause a worsen affect.
- There is a concern of the possibility of light commercial and industrial activities permitted in the Rural-5 zone causing a significant increase in traffic and noise and air pollution on neighboring properties.
- The Economic Development Policy of "Historic natural-resource based industries such as mining, timber production, woodworking plants and agribusiness are recognized as viable components of Bonner County's economic health and shall be retained and encouraged to develop" would be undermined by the proposed residential subdivision.
- Maintaining a land use map (and by extension zoning) that values agricultural land, as stated in the Bonner County Comprehensive Plan, can only be achieved if prime farmland remains zoned for agricultural uses. Converting agricultural land that is currently and intentionally zoned to support farming practices into a pocket of dense residential use violates this Comprehensive Plan objective.

- The AM0018-20 Comprehensive Plan Map Amendment application must be denied due to the conflicts it would create with the Objectives and Policies of the Bonner County Comprehensive Plan.
- The infrastructure and services that rural owners desire and expect when buying smaller acreage are not available.
- The fire and electrical services of the area will be over taxed with the increased density.
- The change will have a huge impact on the local wildlife.
- Spirit Lake Cutoff already has high amounts of traffic that travel at excessive speeds over the posted 45 mph, there have been numerous accidents, and allowing the potential for this increase in density on an already dangerous road will worsen the road conditions.
- There are no walkways or adequate bike trails for residents who walk along the roadway, which is already dangerous.
- Noise complaints from the existing parcels are occurring and allowing 5 acre lots will increase these complaints.
- Adding additional people to an already low-lighted area will bring additional crime to a community that has until recently been fairly quiet.
- The state and federal lands in the area have already been vandalized my motorcycles and four-wheelers
- There is an existing problem with trash along the sides of Spirit Lake Cutoff and additional people will increase this. As there are no clean-up days in Bonner County who will take care of this?
- An increase in the number of septic systems will pollute the Hoodoo Creek.
- The school district will not be able to handle the larger influx of more students.
- The water table will be stressed from the increase in homes and wells.
- There is a concern over the possibility of the loss of forestry and agriculture tax exemptions to residential. This area is still heavily forested and used for agriculture, particularly hay for livestock.
- The effect of allowing the smaller acreage home sites is an undue burden on current residents when their taxes rise while the value of their property may remain stable. These developments skew the taxes in unfair ways to current landowners.
- Smaller acreages increase the population density and discourage small scale farming and animal husbandry that are suitable uses for the 10/20 acre lots.
- Increased density will lead to roads having to be paved, schools needing to be built, and an increase in emergency services.
- Converting this land from Ag/Forestry to Rural-5 goes against the foundation of the Hoodoo Valley's history.
- Preserving agricultural zoned land for agricultural land use, as its goals state, should be a top priority of Planning and Zoning.
- Water running off Hoodoo Mountain, down past the Bluebird Lane area into the Curtis Creek drainage consistently overflows as ground water, flooding the hay fields owned by Carl Berkenkamp, and then draining into the subject parcel. The parcel is essentially part of the drainage district.
- Additional septic systems will most certainly further contaminate well water.

Summary of Comments Received In Favor of the Proposals

- While appreciating the arguments against this proposal, I recognize the need for additional housing opportunities in our community.

A petition titled Protect the Hoodoo Valley Aquifer and Preserve Our Agriculture and Community which states, *We the undersigned object to the Zone Change and Comprehensive Plan Map Amendment Application by Daum Construction LLC for Parcel #RP55N04W-27-0001A, since it would reduce land areas which are prime for agricultural use within Bonner County which are rather limited and diminishing. According to Chapter 14 of the Bonner County Comprehensive Plan, agriculture is something to be protected. Please refer to comments 1-15 of the attachment. Also, we feel it will cause an increase in soil erosion, poor drainage, decreased water quality and reduced productivity. Please refer to the comments 1-15 of the attachment.* 111 people signed the petition.

Comprehensive Plan Amendment Findings of Fact

- The site has no steep slopes of 30%+, but does have a small portion of 15-29% slopes present.
- The site is served by Spirit Lake Cutoff, a Bonner County owned and maintained road.
- The site has no known hazards.
- The site has no known critical wildlife habitat as identified by any federal, state or local agencies.
- The site has no floodplain or floodway.
- The site is within the Spirit Lake Fire District.
- The site has prime farmland soils.
- The site does not have access to urban water or urban sewer.

Comprehensive Plan Amendment Conclusions of Law:

Based upon the findings of fact, the following conclusions of law are adopted:

Conclusion 1

The proposal **is not** 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 not** found to be in compliance.

Conclusion 3

The proposal **is not** in accord with the RURAL RESIDENTIAL Land Use Designation

Zone Change Findings of Fact

- The site has no steep slopes of 30%+, but does have a small portion of 15-29% slopes present.
- The site is served by Spirit Lake Cutoff, a Bonner County owned and maintained road.
- The site has no known hazards.
- The site has no known critical wildlife habitat as identified by any federal, state or local agencies.
- The site has no floodplain or floodway.
- The site is within the Spirit Lake Fire District.
- The site has prime farmland soils.
- The site does not have access to urban water or urban sewer.

Zone Change Conclusions of Law:

Based upon the findings of fact, the following conclusions of law are adopted:

Conclusion 1

The proposal **is not** 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 not** found to be in compliance.

Conclusion 3

The proposal **is not** in accord with the purpose of the RURAL-5 zoning district, provided at Chapter 3, Title 12, Bonner County Revised Code.

PUBLIC WORKSHOP

COMMITTEE MEMBERS PRESENT: Chair Lee Cornelison; Brett VanBuskirk, Ron Smith, Andrew Scott, Jim Boyer, Dan Lethco, Karen Jones, Troy Westfall

Southwest Bonner County (SWBC) Sub-Area Plan The Southwest Bonner County Plan Committee present the final draft of their Sub-Area Plan. On November 17, 2020 the committee presented their final draft to the residents and property owners of the Southwest Bonner County area.

COMMITTEE PRESENTATION: Committee Chairman Lee Cornelison presented the SWBC Plan to the Planning and Zoning Commission.

DISCUSSION:

The Committee and the Planning and Zoning Commission discussed density within the SWBC sub-area.

COMMISSIONER & STAFF UPDATES:

Subdivision Ordinance
Conditional Zoning
Staffing

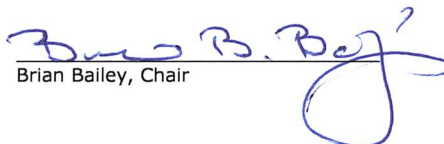
At 8:23 p.m., the Chair declared the hearing adjourned until February 18, 2021.

Respectfully submitted,


Milton Ollerton, Planning Director

The above Minutes are hereby approved this 18th day of February, 2021.

Bonner County Planning and Zoning Commission


Brian Bailey, Chair