

**BONNER COUNTY PLANNING and ZONING COMMISSION
PUBLIC HEARING MINUTES
THURSDAY, MAY 27, 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 1st Floor Conference Room, of the Bonner County Administration Building, 1500 Highway 2, Sandpoint, Idaho, via Zoom webinar, and YouTube live streaming.

PRESENT: Commissioners Chair Brian Bailey; Vice Chair 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 Jason Johnson; Planner I Swati Rastogi; Planner I Chad Chambers; ; Administrative Manager Jeannie Welter; and Administrative Assistant III Kelcey Utt-Boss / Janna Berard

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: May 20, 2021. Hearing no changes or objections, the Chair declared the minutes approved as written.

PUBLIC HEARINGS:

CONDITIONAL USE PERMIT

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 CUP0010-21 – Conditional Use Permit – RV Park – Teresa Stevens is requesting to install a 21 space RV Park with power and water hookups on a portion of parcel RP56N01E20160A. The property is zoned Recreation. The project is located off Highway 200 in a portion of Section 12, Township 56 North, Range 1 East, Boise-Meridian.

CONFLICT OF INTEREST/DISCLOSURE DECLARATIONS: The Chair requested the Commissioners declare any conflicts of interest or disclosures. 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. Director Ollerton gave further details regarding the project.

APPLICANT PRESENTATION: Applicant Teresa Stevens presented the project with explanation.

PUBLIC/AGENCY TESTIMONY: The following individuals spoke on the record in favor of the project: Rebecca Green.

The following individuals spoke on the record in opposition of the project: Joseph Taylor submitted a personal letter and petition with signatures (Exhibit A), and Greg Fields.

APPLICANT REBUTTAL: Applicant Teresa Stevens responded to the public comments relating to the sewage disposal.

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

MOTION: Commissioner Bradish moved to approve this project FILE CUP0010-21 for a 21 space RV Park, 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 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 conditional use permit is to complete the Conditions of Approval as adopted. 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.

Background:

A. Site data: [acreage, # of lots, site use. etc.]

- Unplatted
- Size: 13.41
- Zone: Recreation
- Land Use: Resort Community

B. Access:

- Highway 200 is a paved 100' ROW

C. Environmental factors: [floodplain, vegetation, soils, wetlands, slopes, aquifer, fish and wildlife, potential hazards, effects on historical, archaeological or ecologically sensitive features; air quality, ground water protection etc.]

- Site does not contain mapped slopes. (USGS)
- Site does contain mapped wetlands. (USFWS)
- Site does not contain a river/stream/frontage on lake
- Entire parcel is within SFHA Zone X, per FIRM Panel 16017C1000E, Effective Date 11/18/2009

D. Services:

- Water: Individual well
- Sewage: Individual septic system
- Fire: Sam Owen
- Power: Avista Utilities
- School District: Bonner County School #84

E. Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Land Use & Density
Site	Resort Community	Recreation	Residential
North	Resort Community	Rural 5	Residential
East	Resort Community	Rural 5	Vacant
South	Resort Community	Rural 5	Residential & Vacant
West	Resort Community	Recreation	Residential

F. Standards review

BCRC 12-223 specifies that the Commission shall review the particular facts and circumstances of each proposal. To grant a conditional use permit, the Commission must find there is adequate evidence showing the proposal is in accord with the general and specific objectives of the comprehensive plan and Title 12 and the proposed use will neither create a hazard nor be dangerous to persons on or adjacent to the property

- BCRC 12-220, et seq, conditional use permit, application and standards
The application was considered complete and routed to agencies on April 27, 2021
- BCRC 12-333 Commercial Use Table, Recreational vehicle parks/
Campgrounds(8)(21)

(8) Adequate water supplies for drinking and fire suppression, as well as approval of sewage disposal sites and methods by the Panhandle health district and/or the state of Idaho, must be demonstrated as appropriate.

Staff: Water will be supplied by an individual well. The applicant indicates that the well has a 100+ gallon per minute capacity. There will be no sewage disposal offered. The nearest dump station is 2 miles away.

(21) Refer to Section [12-497](#) of this Title for RV Parks/Campground standards. Site requirements for RV parks include at least 25 percent tree canopy coverage and a maximum of 25 percent impervious surface.

Staff: The site plan shows trees on the south end migrating towards the center of the property.

- BCRC 12-4.2, Performance standards for all uses

Staff: The application was reviewed against these standards and no special requests were made.

- BCRC 12-4.3, Parking standards: Table 4.3 minimum off street parking requirements: 1.25 spaces/unit.

Staff: The application indicates each RV pad will limit each pad to 2 parking spaces in addition to the 21 RV pads. To meet this requirement of the ordinance, the applicant is required to have 26 parking spaces. **See Condition A-7**

- BCRC 12-4.4, Sign standards

Staff: The application indicates a sign 4ft. by 8ft. will be located on the southside of Highway 200. This meets the requirements of this section. Building Location Permit required

- BCRC 12-4.5, et seq, Design standards
- BCRC 12-452: Site and building plans.

Staff: A building location permit will be required for the development of the RV Park.

- BCRC 12-453: Standards (reviewing only those applicable standards)

Staff: Walking paths will be included in the park to connect the RV pads to common area and other amenities. **See Condition A-8**

- BCRC 12-4.6, Landscaping and screening standards

Staff: A landscaping plan showing compliance with this section will be required with Building Location Permit. **See Condition A-9**

- BCRC 12-497: RV Parks/ Campgrounds
 - A. Density: Required 5 units per acre, dimensions of spaces and spacing
Staff: The application is for 21 units on 13.41 acres. Each RV pad should be 1800 sq. ft. with a minimum of 24ft. width. **See Condition A-10**
 - B. Yards and Spacing: Required 25 feet from property lines and 10 feet from other RV's with 5 feet for accessory buildings
Staff: Based on the site plan, it appears these standards are met
 - C. Access: County, State or Appendix A private roads
Staff: Access is off Highway 200, a State maintained paved highway
 - D. Parking: Meet requirements of BCRC 12-4.3
Staff: See above analysis
 - E. Park Site Design:
Staff: The site plan and application indicate these requirements have been followed
 - F. Landscaping: Meet requirements of BCRC 12-4.6
Staff: See above analysis
 - G. Water and Sewer:
Staff: Water and Sewer are provided as indicated in the site plan, application and included septic permit
 - H. Refuse Collection:
Staff: Will have onsite dumpsters maintained by Waste Management
 - I. Signs:
Staff: Sign will be 4ft. by 8ft. at the entrance, building location permit required
 - J. Permits Required:
Staff: A building location permit will be required for construction of the site
 - K. Site Plan:
Staff: Site plan as provided
- BCRC 12-7.2, Grading, stormwater management and erosion control
Staff: A stormwater management plan and erosion control will be provided at time of building location permit. **See Condition A-11**
- BCRC 12-7.3, Wetlands
Staff: Setback standards apply to this site per BCRC 12-733. **See Condition A-12**

G. Comprehensive Plan Land Use Designation

The comprehensive plan designation of Resort Community provides 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.

H. Stormwater plan: A Stormwater management plan and erosion control will be provided at time of building location permit.

I. Agency Review

Panhandle Health District	Idaho Department of Environmental Quality
Sam Owen Fire District	Bonner County Road Department
Avista	Idaho Department of Lands - CDA
School District #84	Idaho Department of Fish and Game
US Forest Service	Idaho Transportation Department
Idaho Dept of Water Resources	

The following agencies commented:

Sam Owen Fire District May 12, 2021" Suggested that a 20,000 tank system with dry hydrant connections be installed to meet the fire flow requirements near the entry to the park."

Department of Environmental Quality- May 18, 2021" DEQ has not completed a thorough review of the documents provided, therefore, the following general comments should be applied as appropriate to the specific project"...see file comment

Panhandle Health District- May 18, 2021- "Per the CUP application, it appears the proposal is for the wastewater from the RV's to be disposed of at an approved RV dump station or be pumped out by a licensed septage pumper. These are suitable methods for wastewater disposal from RV's in Idaho"see file for further comment

Idaho Department of Fish & Game- May 13, 2021 "We recommend that the applicant use lighting fixtures that shield the lights source downward to minimize glare to the surrounding area."see file for further comment.

The following agencies replied "No Comment":

Idaho Department of Lands has no comment- April 29, 2021

All other agencies did not reply.

J. Public Notice & Comments

Richard & Joan Hanson- May 5, 2021- concerns about the size of septic tanks

Findings of Fact

1. The property is zoned Recreation. RV parks are conditionally allowed in this zone upon having met the required standards.
2. The property is acceded by Highway 200, a state-maintained highway.

3. The property has been reviewed against the required standards of BCRC 12-497 with conditions added to ensure full compliance with this code.
4. The site is serviced by Sam Owen Fire district and Avista utilities.
5. The site has an existing well and septic system.
6. The proposal is for 21 RV unit park.
7. The site is 13.41 acres.
8. The site has a completed wetland delineation survey.

Conclusions of Law:

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

Conclusion 1

The proposed conditional use permit **is** in accord with the Bonner County comprehensive plan.

- | | | |
|-----------------------|-------------------------|------------------------------------|
| •Property Rights | •Population | •School Facilities, Transportation |
| •Economic Development | •Land Use | •Natural Resources |
| •Hazardous Areas | •Public Services | •Transportation |
| •Recreation | •Special Areas or Sites | •Housing |
| •Community Design | •Implementation | |

Conclusion 2

This proposal was reviewed for compliance with the criteria and standards set forth at BCRC Chapter 4, Title 12, Subchapter 2.2, environmental standards of Chapter 7, Title 12, and storm water management criteria and standards set forth in Chapter 7, Title 12, Bonner County Revised Code.

Conclusion 3

The proposed use **will not** create a hazard or will not be dangerous to persons on or adjacent to the property.

Conditions of approval:

Standard continuing permit conditions. To be met for the life of the use:

- A-1** The use shall be developed and shall be operated in accordance with the approved site plan.
- A-2** The Conditional Use Permit shall not supersede deed restrictions.
- A-3** All county setbacks shall be met.

- A-4** The Conditional Use Permit shall expire if not issued within two (2) calendar years from the date of approval, or once issued, if the use has not commenced within two (2) calendar years from the date of issuance. At any time prior to the expiration date of the Conditional Use Permit, the applicant may make a written request to the Planning Director for an extension of the Conditional Use Permit for a period up to two (2) years. The Planning and Zoning Commission may consider such request for extension at any public hearing. The extension request must be approved or denied prior to the expiration date of the Conditional Use Permit.
- A-5** The applicant shall install prior to ground disturbing activities all temporary erosion control measures as designed and approved. The applicant shall provide to the Planning Department prior to ground disturbing activities a signed statement from the project engineer or design professional stating that these measures have been installed as per the design specifications as approved. The applicant shall install upon completing ground disturbing activities and shall maintain thereafter all permanent erosion control and stormwater management measures as designed and approved. The applicant shall provide to the Planning Department upon completing ground disturbing activities a signed statement from the project engineer or design professional stating that these measures have been installed as per the design specifications as approved.
- A-6** Prior to issuance of a building location permit, the owner of the proposed multi-family structure shall obtain an address for the dwelling from Bonner County that meets the provisions of Bonner County Revised Code, Title 13. (For multi-family CUPs)
- A-7** At time of Building Location Permit, adequate parking spaces will be added and shown on the site plan.
- A-8** Walking paths will be included in the park to connect the RV pads to the common area and other amenities.
- A-9** A landscaping plan showing compliance with this section will be required with the Building Location permit.
- A-10** The project will be designed to the standards in BCRC 12-497 A. 1800 square feet per space
- A-11** A stormwater and erosion control plan will be required at the time of building location permit for this project
- A-12** Building setbacks to wetlands of a minimum of forty feet (40'), unless it can be demonstrated by the wetlands professional that the wetlands are of a low quality, have low levels of function as wetlands and are heavily disturbed, as

determined by the U.S. Army Corps of Engineers or the applicant's certified wetland delineator. Setbacks to low quality wetlands may be reduced to not less than twenty feet (20').

ZONE CHANGES

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

File ZC0012-21 – Zone Change Rural-10 to Rural-5 – Mirror Lake, LLC is requesting to rezone the property from Rural-10 to Rural-5. The parcel, RP55N03W051500A is approximately 60 acres located in the Rural Residential land use designation in the comprehensive plan. The project is located just past the start of Jewell Lake off Jewell Lake Road in a portion of Section 5, Township 55 North Range 3 West, Boise-Meridian.

CONFLICT OF INTEREST/DISCLOSURE DECLARATIONS: The Chair requested the Commissioners declare any conflicts of interest or disclosures. Commissioner Bradish disclosed that he works with the applicant, but it will cause no conflict. 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 with Bonner County Revised Code.

APPLICANT PRESENTATION: Applicant Representative Jake Weimer presented a summary of the project.

PUBLIC/AGENCY TESTIMONY: The following individuals spoke on the record in opposition of the project: Karen Hodges, Wayne Crabb, Keith Johnson, and Mary Reindahler.

APPLICANT REBUTTAL: Applicant Jake Weimer responded to the public comments relating to the timber and sewage disposal.

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

MOTION: Commissioner Davis moved to recommend to the Board of County Commissioners, denial this project FILE ZC0012-21, requesting a zone change from R10 to R-5, based upon the following conclusions: Conclusion 1: Land Use, Conclusion 2 and Conclusion 3. The decision is based upon the evidence submitted up to the time the Staff Report was prepared and testimony received at this hearing. Commissioner Davis further moved to recommend adoption the following findings of

fact and conclusions of law as amended. This action does not result in a taking of private property. Commissioner Reeve seconded the motion. 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.

VOTED upon and the Chair declared the motion carried 3-1. Commissioners Davis, Reeve, and Frankenbach voted in favor of the motion. Commissioner Bradish voted in opposition of the motion.

Background:

A. Site data:

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

B. Access:

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

C. Environmental factors:

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

Classification:

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

D. Services:

- Water: Individual well
- Sewage: Individual septic
- Fire: Selkirk Fire
- Power: Northern Lights

- School District: Bonner County # 84

E. Comprehensive Plan, Zoning and Current Land Use

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

F. Standards review: Bonner County Revised Code

- **12-215:** Applications for Zone Changes and Comprehensive Plan Map Amendments, Contents
 - The application was considered complete and routed to agencies accordingly.
- **12-216:** Evaluation of Amendment Proposals
 - Staff and the governing bodies shall review the particular facts and circumstances of each proposal submitted and shall determine whether there is adequate evidence that the proposal is in accordance with the general and specific objectives of the comprehensive plan. (Ord. 501, 11-18-2008)
- **Comprehensive Plan:**

Rural Residential: The Rural Residential area provides for residential development in areas where urban services are not available and slopes may vary up to 30%. These areas include hazard areas and critical wildlife habitats, where lower densities reduce potential impacts to resources and exposures to loss of property or lives. Small-scale agricultural uses and residential development are permitted.

Existing Zoning: 12-323: RURAL DISTRICT:

A. The rural district is established to allow low density residential uses that are compatible with rural pursuits. The purpose can be accomplished by:

1. Limiting residential densities and permitted uses to those that are compatible with rural character and nearby resource production districts and sites and can be adequately supported by rural service levels.
2. Allowing small scale farming and forestry activities, and tourism and recreation uses that can be supported by rural service levels and are compatible with rural character.
3. Encouraging conservation development configurations that create permanent open space or farming areas, protect sensitive environmental features, reduce infrastructure costs and/or enhance recreational opportunities.

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

1. R-10 in areas designated as rural residential in the comprehensive plan that meet one or more of the following criteria:

- a. Characterized by slopes that are steeper than thirty percent (30%).
- b. Located within critical wildlife habitat as identified by federal, state or local agencies.
- c. Contain prime agricultural soils.
- d. Served by a network of public and/or private roadways that generally do not meet applicable roadway standards set forth in title 2 (public roads) of this code or appendix A (private roads) of this title or are absent.
- e. Within the floodway.
- f. Contain limited access to public services.

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

- The proposal is to stay within the Rural zoning district but to rezone from Rural-10 to Rural-5.
- **BCRC 12-323(B):** Use of this zone is appropriate in areas designated by the comprehensive plan as follows:
 - **BCRC 12-323(B)(2):** R-5 in areas designated rural residential in the comprehensive plan that are already developed at or near the one dwelling per five (5) acre density and/or do not meet the criteria for the R-10 zone.

G. Stormwater plan: A stormwater management plan was not required, pursuant to BCRC 12-720.3(J) because the proposal does not result in the creation of additional "impervious surface", as defined in BCRC 12-809.

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

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

The following agencies provided comment:

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

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

IDL April 29, 2021 – No comment on the proposal

All other agencies did not reply.

I. Public Notice & Comments

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

- Septic systems
- Soil types
- Tree coverage

Zone Change Findings of Fact

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

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

File ZC0007-21 – Zone Change – Rural-10 to Rural-5 - Lou & Eugene Dillon

are requesting a zone change from Rural-10 to Rural-5 for a 10.67-acre parcel. The project is zoned Rural-10. The project is located off Dumire Road, a private gravel road which runs south through the northwest corner of the property in Section 32, Township 56 North, Range 5 West, Boise-Meridian.

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: None

PUBLIC/AGENCY TESTIMONY: None

APPLICANT REBUTTAL:

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

MOTION: Commissioner Bradish moved to recommend approval to the Board of County Commissioners on this project, FILE ZC0007-21, requesting a zone change from Rural-10 to Rural-5, finding that it is in accord with the general and specific objectives of the Bonner County Comprehensive Plan and Bonner County Revised Code as enumerated in the following conclusions of law, and based upon the evidence submitted up to the time the Staff Report was prepared and testimony received at this hearing. Commissioner Bradish further moved to recommend adoption of the following findings of fact and conclusions of law as written. This action does not result in a taking of private property. Commissioner Davis seconded the motion.

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

Background

A. Site data:

- Use: Residential
- Unplatted
- Size: 10.67
- Zone: Rural-10
- Land Use: Rural-Residential (5-10 AC)

B. Access:

- Dumire Road

- Road Class: Local
- Road Owner: Private
- County Maintained: No

C. Environmental factors:

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

Soils

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

D. Services:

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

E. Comprehensive Plan, Zoning and Current Land Use

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

F. Standards of review: Bonner County Revised Code

- **12-215:** Applications for Zone Changes and Comprehensive Plan Map Amendments, Contents
 - A. The application was considered complete and routed to agencies

accordingly.

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

- A. Staff and the governing bodies shall review the particular facts and circumstances of each proposal submitted and shall determine whether there is adequate evidence that the proposal is in accordance with the general and specific objectives of the comprehensive plan. (Ord. 501, 11-18-2008)

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

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

The following agencies commented:

Idaho, Department of Environmental Quality, May 18, 2021

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

The following agencies replied “no comment”:

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

All other agencies did not respond.

12-323: RURAL DISTRICT:

- A. The rural district is established to allow low density residential uses that are compatible with rural pursuits. The purpose can be accomplished by:
 - 1. Limiting residential densities and permitted uses to those that are compatible with rural character and nearby resource production districts and sites and can be adequately supported by rural service levels.
 - 2. Allowing small scale farming and forestry activities, and tourism and recreation uses that can be supported by rural service levels and are compatible with rural character.
 - 3. Encouraging conservation development configurations that create permanent open space or farming areas, protect sensitive environmental features, reduce infrastructure costs and/or enhance recreational opportunities.

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

1. R-10 in areas designated as rural residential in the comprehensive plan that meet one or more of the following criteria:
 - a. Characterized by slopes that are steeper than thirty percent (30%).
 - b. Located within critical wildlife habitat as identified by federal, state or local agencies.
 - c. Contain prime agricultural soils.
 - d. Served by a network of public and/or private roadways that generally do not meet applicable roadway standards set forth in title 2 (public roads) of this code or [appendix A](#) (private roads) of this title or are absent.
 - e. Within the floodway.
 - f. Contain limited access to public services.

2. R-5 in areas designated rural residential in the comprehensive plan that are already developed at or near the one dwelling unit per five (5) acre density and/or do not meet the criteria for R-10 above. (Ord. 501, 11-18-2008).

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

- The applicants are proposing a zone change from Rural-10 acre to Rural-5 acre.
- BCRC 12-323(B): Use of this zone is appropriate in areas designated by the comprehensive plan as follows:
 - BCRC 12-323(B)(2): **Rural-5** in areas designated rural residential in the comprehensive plan that are already developed at or near the one dwelling per five (5) acre density and/or do not meet the criteria for R-10 above.

H. Stormwater plan: A stormwater management plan was not required, pursuant to BCRC 12-720.3(K) because the proposal does not result in the creation of additional "impervious surface", as defined in section 12-809 of Title 12.

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

Zone Change Findings of Fact

1. The entire acre parcel is proposed to be rezoned from Rural-10 to Rural-5.
2. The existing parcel is designated Rural Residential in the Bonner County Comprehensive Plan.
3. The site is accessed by Dumire Road, a road neither owned nor maintained by the county.
4. Parcels adjacent (north, east, west) to the property are zoned as Rural 10 acre, and parcels south of the property as zoned Rural 5 acre.
5. The property contains no slopes greater than 30%, is served by an individual well and septic system, West Pend Oreille Fire District, and Avista.
6. There are no mapped wetlands or floodways on the property, but there is a flood zone D in the northern half of the parcel which means the flood risk is unknown.

Zone Change Conclusions of Law

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

Conclusion 1

The proposal **is** in accord with the following elements of the Bonner County Comprehensive Plan:

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

Conclusion 2

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

Conclusion 3

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

File ZC0009-21 – Zone Change – Ag/Forest-20 to Ag/Forest-10 – Jacob Farley is requesting a zoning change from Agricultural/Forestry 20 to Agricultural/Forestry 10 on a 20-acre parcel. The property is zoned Agricultural/Forestry 20. The project is located off Beare Road and Rustic Way in Section 7, Township 54 North, Range 4 West, Boise-Meridian.

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

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

APPLICANT PRESENTATION: Applicant Jacob Farley presented details of the project.

PUBLIC/AGENCY TESTIMONY: The following individuals spoke on the record in opposition of the project: Amber Casonari, Marilyn Jaquith, Rob Taylor, Thomas Trexler, Leroy Mosbrucker, Glenn Trexler, Jim Engle, & Gary Jaquith.

APPLICANT REBUTTAL: Applicant Jacob Farley responded to the public comments relating to parcel size and roads.

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

MOTION: Commissioner Frankenbach moved to recommend approval to the Board of County Commissioners on this project, File ZC0009-21, requesting a zone change from Agricultural/forestry 20 (A/f-20) to Agricultural/forestry 10 (A/f-10) for the parcel noted in the staff report, finding that it is in accord with the general and specific objectives of the Bonner County Comprehensive Plan and Bonner County Revised Code as enumerated in the following conclusions of law, and based upon the evidence submitted up to the time the Staff Report was prepared and testimony received at this hearing. Commissioner Frankenbach further moved to recommend adoption of the following findings of fact and conclusions of law as written. This action does not result in a taking of private property. Commissioner Davis seconded the motion.

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

Background:

A. Site data:

- Use: Vacant
- Unplatted parcel
- Size: ~20 acres

- Zone: Agricultural/forestry 20 (A/f-20)
- Land Use: Ag/Forest Land (10-20 AC)
- Legal per: Parcel size

B. Access:

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

C. Environmental factors:

- Site contains a few slopes of less than 30% in the southeast corner.
- There are no mapped wetland areas on the property. (USFWS)
- Site does not contain waterfront or streams. (NHD)
- Parcel is within SFHA Zone X, per FIRM Panel 16017C1100E, Effective Date 11/18/2009. No further floodplain review is required on this proposal.
- Soil:
 - Classification: Pend Oreille silt loam, 5 to 45 percent slopes
 - Type: Not prime farmland
 - Drainage: Well drained

D. Services:

- Water: Individual well
- Sewage: Septic system
- Fire: Spirit Lake Fire District
- Power: Northern Lights
- School District: Bonner School District #83

E. Comprehensive Plan, Zoning and Current Land Use

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

F. Standards review: Bonner County Revised Code

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

- **12-216: Evaluation of Amendment Proposals**
 - Staff and the governing bodies shall review the particular facts and circumstances of each proposal submitted and shall determine whether there is adequate evidence that the proposal is in accordance with the general and specific objectives of the Comprehensive Plan. (Ord. 501, 11-18-2008)
- **Comprehensive Plan - Ag/Forest Land:**
 - Ag/Forest Land The Ag/Forest Land designation recognizes areas where steeper slopes prevail (30% Land Use Component Bonner County Comprehensive Plan CHAPTER 6-4 or greater) and transportation is provided by private roads or U.S. Forest Service or state roads. Urban services are not available and residential development challenges are present due to slope, poor soil conditions, hazard areas and lack of police or fire services.
- **12-322: AGRICULTURAL/FORESTRY DISTRICT (A/F-20):**
 - The Agricultural/forestry district is established to provide for agricultural and forestry pursuits, including livestock production, forestry, horticulture, floriculture, viticulture, and necessary accessory uses for treating, storing and processing agricultural products. The purpose of the A/F district is to preserve, protect and maintain areas that are rural in character and the integrity of the forest/woodland areas where viable agricultural pursuits can be feasible and to avoid fragmentation of forests and farms. These purposes are accomplished by:
 - Establishing residential density limits and conservation development standards to retain areas sized for efficient farming.
 - 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.
 - Use of this zone is appropriate in areas designated by the comprehensive plan as follows:
 - A/F-20 in all areas designated as prime ag/forest land in the comprehensive plan. The A/F-20 zone is also appropriate in areas designated ag/forest land in the comprehensive plan that also feature:
 1. Prime agricultural soils.
 2. are characterized by agricultural or forestry uses.
 3. Areas where one or more of the following apply: limited services; characterized by slopes steeper than thirty percent (30%); where access may be absent or limited to substandard road systems or where large tracts of land may be devoted to ag/forest production.
- **12-323: AGRICULTURAL/FORESTRY DISTRICT (A/F-10):**

- A/F-10 in areas designated as ag/forest land in the comprehensive plan that do not feature prime agricultural soils, but where agricultural and forestry pursuits remain viable. These areas may be within or adjacent to areas of city impact or where lands are afforded fire protection, access to standard roads and other services.

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

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

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

The following comments were received:

IDWR: The Idaho Department of Water Resources has reviewed your proposal for Zoning Change. IDWR administers Well Construction and Water Rights programs for the state. Your proposal indicates a well as a source of water, but does not provide information whether each parcel would have their own well or if there would be a shared well. In the case of a shared well a Water Right is required. If each parcel will have their own well then you may choose to apply for a water right, but are not required to. However, each well would have limits of home, stock water and no more than ½ acre of irrigation (yard, garden and green space).

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

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

I. Public Notice & Comments

No public comments were received on this proposal.

Zone Change Findings of Fact

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

Zone Change Conclusions of Law:

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

Conclusion 1

The proposal **is** in accord with the following elements of the Bonner County Comprehensive Plan:

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

Conclusion 2

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

Conclusion 3

The proposal **is** in accord with the purpose of the Agricultural/forestry 10 (A/f-10) zoning district, provided at Chapter 3, Title 12, Bonner County Revised Code.

AMENDMENT

File AM0003-21 & ZC0010-21 – Comprehensive Plan Map Amendment & Zone Change – Mulgrew Capital, LLC is requesting a comprehensive plan map amendment from Rural Residential to Suburban and a zoning change from Rural 5 to Suburban. The project is located off Thistle Down Lane in Section 29, Township 56 North, Range 3 West, Boise-Meridian.

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: Staff 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 Jeremy Grimm presented a detailed PowerPoint presentation of the project.

PUBLIC/AGENCY TESTIMONY: None

APPLICANT REBUTTAL: None

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

MOTION: Commissioner Frankenbach moved to recommend approval to the Board of County Commissioners on this project, FILE AM0003-21, requesting a comprehensive plan amendment from Rural Residential to Suburban Growth Area on 5.18 acres of land platted as Lot 2 of Thistle Down Acres Subdivision in Section 29, Township 56 North, Range 3 West, Boise Meridian, Bonner County, Idaho, finding that it is in accord with the general and specific objectives of the Bonner County Comprehensive Plan and Bonner County Revised Code as enumerated in the following conclusions of law, and based upon the evidence submitted up to the time the Staff Report was prepared and testimony received at this hearing. Commissioner Frankenbach further moved to recommend adoption of the following findings of fact and conclusions of law as written. This action does not result in a taking of private property. Commissioner Reeve seconded the motion.

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

MOTION: Commissioner Franckenbach moved to recommend approval to the Board of County Commissioners on this project, FILE ZC0010-21, requesting a zone change from Rural 5 District (R-5) to Suburban District (S) on 5.18 acres of land platted as Lot 2 of Thistle Down Acres Subdivision in Section 29, Township 56 North, Range 3 West, Boise Meridian, Bonner County, Idaho, finding that it is in accord with the

general and specific objectives of the Bonner County Comprehensive Plan and Bonner County Revised Code as enumerated in the following conclusions of law, and based upon the evidence submitted up to the time the Staff Report was prepared and testimony received at this hearing. Commissioner Frankenbach further moved to recommend adoption of the following findings of fact and conclusions of law as written. This action does not result in a taking of private property. Commissioner Reeve seconded the motion.

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

Background:

A. Site data:

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

B. Access:

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

C. Environmental factors:

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

D. Services:

- Water: The property owner is in the process of having preliminary discussions with Laclede Water District. While no board action has been taken, the water district is agreeable to a petition for extension of water service to the site. The owner may elect to develop a shared well.
- Sewage: Thistle Down Acres Subdivision includes a developed community drain field on Lot 1 benefitting remainder of the lots up to 7 additional

residential hookups. This information is recorded in at Page 89 of Book 12 of Bonner County Book of Plats, through Instrument #915057.

- Fire: West Side Fire District
- Power: Northern Lights
- School District: Bonner School #83

E. Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Land Use & Density
Site	Rural Residential (5-10 acres)	Rural 5 (R-5)	Vacant land
Northeast	Rural Residential (5-10 acres)	Rural 5 (R-5)	Vacant land
Northwest	Rural Residential (5-10 acres)	Rural 5 (R-5)	Residential across Railroad and Highway 2
Southeast	Pend Oreille River	Pend Oreille River	Pend Oreille River
Southwest	Rural Residential (5-10 acres)	Suburban	Residential

F. Standards review: Bonner County Revised Code

- **12-215:** Applications for Zone Changes and Comprehensive Plan Map Amendments, Contents
 - The application was considered complete and routed to agencies accordingly.
- **12-216:** Evaluation of Amendment Proposals
 - Staff and the governing bodies shall review the particular facts and circumstances of each proposal submitted and shall determine whether there is adequate evidence that the proposal is in accordance with the general and specific objectives of the comprehensive plan. (Ord. 501, 11-18-2008)
- **Existing Comprehensive Plan Designation: Rural Residential**
 - The Rural Residential area provides for residential development in areas where urban services are not available and slopes may vary up to 30%. These areas include hazard areas and critical wildlife habitats, where lower densities reduce potential impacts to resources and exposures to loss of property or lives. Small-scale agricultural uses and residential development are permitted.
- **Proposed Comprehensive Plan Designation: Suburban Growth Area**
 - The Suburban Growth Area is located on the edges of the incorporated cities or higher density developed communities or areas, where urban sewer and water services may not be available or are not likely to be extended. Access

to primary transportation routes and a system of hard-surfaced roads are expected.

- **Existing Zoning: Rural 5 District (R-5)**

Purpose: Established to allow low density residential uses that are compatible with rural pursuits. This purpose can be accomplished by:

- Limiting residential densities and permitted uses to those that are compatible with rural character and nearby resource production districts and sites and can be adequately supported by rural service levels.
- Allowing small scale farming and forestry activities, and tourism and recreation uses that can be supported by rural service levels and are compatible with rural character.

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

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

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

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

Panhandle Health District

School District #83

Selkirk Fire District

Northern Lights Utility Company

Idaho Department of Fish and Game

Idaho Department of Environmental Quality

BNSF Railway

Idaho Department of Lands, Nav. Waters

Idaho Department of Water Resources

Laclede Water District

Bonner County Road Department

U.S. Army Corps (Coeur d'Alene)

Army Corps (Newport)

U.S. Fish and Wildlife Service

Idaho Department of Lands (Sandpoint)

All Taxing Districts

The following agencies provided comment:

Idaho Department of Water Resources, April 30, 2021

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

Panhandle Health District, May 17, 2021

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

Idaho Department of Environmental Quality, May 18, 2021

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

The following agencies replied "No Comment":

Kootenai Ponderay Sewer District, April 28, 2021

Independent Highway District, April 31, 2021

Pend Oreille Hospital District, May 03, 2021

Idaho Department of Fish and Game, May 11, 2021

All other agencies did not reply.

G. Public Notice & Comments: None.

Comprehensive Plan Amendment Findings of Fact

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

- Sewage: Thistle Down Acres Subdivision includes a developed community drain field on Lot 1 benefitting remainder of the lots up to 7 additional residential hookups. This information is recorded in at Page 89 of Book 12 of Bonner County Book of Plats, through Instrument #915057.
- The site will be served by West Side Fire District and Northern Lights Utility Company. Presence of these services makes the site suitable to be designated as Suburban Growth Area and to be zoned as Suburban District.
- Site contains Mule Deer wintering area critical wildlife habitat. However, this information is based on the map created in 2002 (approximately 20 years ago) from the field validated data collected by Idaho Department of Fish and Game and U.S Fish and Wildlife Service personnel. Additionally, Idaho Department of Fish and Game replied with no comments on this proposal.

Comprehensive Plan Amendment Conclusions of Law:

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

Conclusion 1

The proposal **is** in accord with the following elements of the Bonner County Comprehensive Plan:

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

Conclusion 2

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

Conclusion 3

The proposal **is** in accord with the SUBURBAN GROWTH AREA Land Use Designation.

Zone Change Findings of Fact

- Site is located adjacent to urbanizing and developing areas of Laclede. The adjacent properties to the southwest of the subject property are zoned Suburban District and are mostly developed with residential development consistent with the principles of Suburban Growth Area land use designation and Suburban District zone.
- The property has access from Highway 2 via an existing 30 feet wide private easement. 16 feet width of the private easement has been paved as hard surface.
- Site does not contain over slopes of over 30%, as per U.S. Geological Survey and is thus, suitable for residential development.

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

Zone Change Conclusions of Law:

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

Conclusion 1

The proposal **is** in accord with the following elements of the Bonner County Comprehensive Plan:

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

Conclusion 2

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

Conclusion 3

The proposal **is** in accord with the purpose of the SUBURBAN zoning district, provided at Chapter 3, Title 12, Bonner County Revised Code.

COMMISSIONER & STAFF UPDATES:

At 8:45 p.m., the Chair declared the hearing adjourned until June 3, 2021.

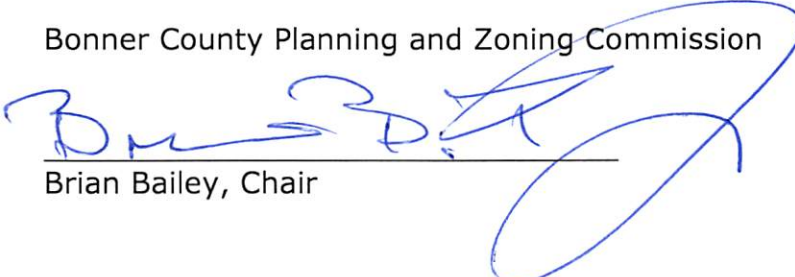
Respectfully submitted,



Milton Ollerton, Planning Director

The above Minutes are hereby approved this 17th day of June 2021.

Bonner County Planning and Zoning Commission



Brian Bailey, Chair