

**BONNER COUNTY PLANNING and ZONING COMMISSION
PUBLIC HEARING MINUTES
THURSDAY, JULY 1, 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; Dave Frankenbach; and Sheryl Reeve

ABSENT: Taylor Bradish & Suzanne Glasoe

ALSO PRESENT: Planning Director Milton Ollerton; Assistant Planning Director Jacob Gabell; Planner I Swati Rastogi; Planner I Chad Chambers; Administrative Manager Jeannie Welter; Administrative Assistant III Kelcey Utt-Boss; and Administrative Assistant III Janna Berard

CHANGES IN AGENDA:

Minutes for the June 24, 2021 hearing are not available for this meeting.

PUBLIC HEARINGS:

AMENDMENT AND 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 AM0010-21 and ZC0018-21 - Comprehensive Plan Map Amendment and Zone Change – Bolser Family Trust is requesting a Comprehensive Plan Map Amendment from Agricultural/Forest Land to Rural Residential Land and a Zone Change from Agricultural/Forest 20 (A/F-20) to Rural 10 (R-10). The property is approximately 20.42 acres. The project is located off Bodie Canyon Road, a local road, in Section 15, 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: Staff Planner Swati Rastogi presented a PowerPoint summary of the project and previously circulated staff report, concluding this project is consistent with Bonner County Comprehensive Plan and Bonner County Revised Code.

APPLICANT PRESENTATION: Project Representative Dan Provolt stated the zoning designations surrounding the parcel. He stated the applicant owns additional property that surrounds the subject property.

PUBLIC/AGENCY TESTIMONY: The following individuals spoke on the record in opposition of the project: Roger Rismer, Randy Porter, George Garrett, Loretta Ballard

APPLICANT REBUTTAL: Mr. Provolt responded to public comments regarding subdividing the property, roads concerns, annexing into the city of Priest River, critical habitat, Panhandle Health District.

Staff Planner Swati Rastogi responded to the comments pertaining to Idaho Fish & Wildlife.

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

MOTION TO RECOMMEND APPROVAL: Commissioner Davis moved to recommend approval, to the Board of County Commissioners on this project, FILE AM0010-21, requesting a comprehensive plan amendment from Agricultural/Forest Land (10-20 acres) to Rural Residential (5-10 acres), on a 20.42 acres parcel generally located in Section 15, Township 56 North, Range 5 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 Davis further moved to adopt the following findings of fact and conclusions of law as written. This action does not result in a taking of private property. No second the motion died.

MOTION TO RECOMMEND DENIAL: Commissioner Reeve moved to recommend denial to the Board of County Commissioners this project FILE AM0010-21, requesting a comprehensive plan amendment from Agricultural/Forest Land (10-20 acres) to Rural Residential (5-10 acres), on a 20.42 acres parcel generally located in Section 15, Township 56 North, Range 5 West, Boise Meridian, Bonner County, Idaho, based upon the following conclusions: Conclusions 1, 2, & 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 Reeve 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.

Commissioner Frankenbach seconded the motion.

VOTED upon and the Chair declared the motion carried, 2-1. Commissioners Reeve and Frankenbach voted in favor of the motion. Commissioner Davis voted in opposition of the motion.

MOTION TO RECOMMEND DENIAL: Commissioner Reeve moved to recommend denial to the Board of County Commissioners this project FILE ZC0018-21, requesting a zone change from Agricultural/Forestry District 20 (A/F-20) to Rural 10 District (R-10) on a 20.42 acres parcel generally located in Section 15, Township 56 North, Range 5 West, Boise Meridian, Bonner County, Idaho, based upon the following conclusions: Conclusions 1, 2 & 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 Reeve 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.

Commissioner Frankenbach seconded the motion.

VOTED upon and the Chair declared the motion carried, 2-1. Commissioners Reeve and Frankenbach voted in favor of the motion. Commissioner Davis voted in opposition of the motion.

Background:

A. Site data:

- Use: Vacant
- Unplatted property
- Size: 20.42 acres
- Zone: Agricultural/ Forestry 20 District (A/F-20)
- Land Use: Agricultural/ Forest Land

B. Access:

- The property has access from County owned and maintained Bodie Canyon Road that is paved with treated gravel and has a speed limit of 25 miles per hour.

C. Environmental factors:

- Majority of the site is characterized by slopes that are less than 15% in grade. North-eastern corner of the site shows presence of slopes greater than 30%. The southern, northwestern and northeastern corners also show slopes between 15-30%. (US Geological Survey)
- Site contains the following wetlands. (US Fish and Wildlife Service)
 - i. Freshwater Emergent Wetland
 - ii. Freshwater Forested/ Shrub Wetland
 - iii. Riverine
- Site shows the presence of streams or river intermittent. (National Hydrography Dataset, US Geological Survey)

- Site consists of the following soils-
 - i. Lenz-Rock outcrop association
 - Not prime farmland
 - Well drained
 - ii. Vay-Ardtoo association
 - Not prime farmland
 - Well drained
 - iii. Ardtoo gravelly sandy loam
 - Not prime farmland
 - Well drained
 - iv. Vay gravelly silt loam
 - Not prime farmland
 - Well drained
 - v. Bonner silt loam
 - All areas are prime farmland
 - Well drained
- Parcel is located within SFHA Zone X, per FIRM Panel 16017C0855E, Effective Date 11/18/2009. No further floodplain review is required on this proposal.
- Site contains Moose Range and Elk Wintering Area, as per the Critical Wildlife Habitat map (2002) created from field validated data collected by Idaho Department of Fish and Game.

D. Services:

- Water: Individual Well System
- Sewage: Individual Septic System
- Fire: West Pend Oreille Fire District
- Power: Northern Lights Utility Company
- School District: Bonner School #83
- Ambulance District: Bonner Co Ambulance District

E. Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Land Use & Density
Site	Agricultural/Forest Land (10-20 acres)	Agricultural/ Forestry 20 (A/F-20)	Vacant
North	Agricultural/Forest Land (10-20 acres)	Agricultural/ Forestry 20 (A/F-20)	Vacant
East	Rural Residential (5-10 acres)	Rural 5 (R-5)	Residential
South	Agricultural/Forest Land (10-20 acres)	Agricultural/ Forestry 20 (A/F-20)	Vacant state land
West	Agricultural/Forest Land (10-20 acres)	Agricultural/ Forestry 20 (A/F-20)	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: Agriculture / Forest Land (10-20 acres)**
 - The Ag/Forest Land designation recognizes areas where steeper slopes prevail (30% or greater) and transportation is provided by private roads or U.S. Forest Service or state roads. Urban services are not available and residential development challenges are present due to slope, poor soil conditions, hazard areas and lack of police or fire services.
- **Proposed Comprehensive Plan Designation: Rural Residential**
 - The Rural Residential area provides for residential development in areas where urban services are not available and slopes may vary up to 30%. These areas include hazard areas and critical wildlife habitats, where lower densities reduce potential impacts to resources and exposures to loss of property or lives. Small-scale agricultural uses and residential development are permitted.

Current Zoning: Agricultural/ Forest District (A/F-20).

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

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

• **Proposed Zoning: Rural District (R-10)**

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

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

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

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

Panhandle Health District
West Pend Oreille Fire District
Northern Lights Utility Company
Bonner County Road and Bridge Department
Idaho Department of Fish and Game
Idaho Department of Environmental Quality

Bonner School District #83
U.S. Army Corps (Coeur d'Alene)
Army Corps (Newport)
U.S. Forest Service
U.S. Fish and Wildlife Service
All Taxing Districts

The following agencies replied "No Comment":

Independent Highway District, June 04, 2021
Panhandle Health District, June 07, 2021

All other agencies did not reply.

I. Public Notice & Comments

The following public comments were received: None.

Comprehensive Plan Amendment Findings of Fact

- North-eastern corner of the site shows presence of slopes greater than 30%. The southern, north-western and north-eastern corners also show slopes between 15-30%.
- Site is accessible by Bodie Canyon Road, a Bonner County owned and maintained public right-of-way.
- Site primarily consists of Bonner Silt Loam Soil that is classified as well drained prime farmland soil. The site also shows presence of some other types of soils such as Lenz- Rock Outcrop Association, Vay-Ardtoo Association, Ardtoo Gravelly Sandy Loam and Vay Gravelly Silt Loam. These soils are classified as well drained not prime farmland soils.
- Site has access to urban services such as West Pend Oreille Fire District, Northern Lights Utility Company, Bonner School District #83.
- As per the Critical Habitat Wildlife map (2002), site contains Moose Range and Elk Wintering Area.

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
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Community Design
Land Use
Public Services
Special Areas or Sites

Implementation
Natural Resources
Transportation
Housing

Economic Development
Hazardous Areas
Recreation

Conclusion 2

This proposal was reviewed for compliance with Title 12, Bonner County Revised Code, and **is 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

- Site primarily consists of Bonner Silt Loam Soil that is classified as well drained prime farmland soil.
- Site contains Moose Range and Elk Wintering Area, as per the Critical Wildlife Habitat map that was created from field validated data collected by Idaho Department of Fish and Game in 2002.
- Majority of the site is characterized by slopes that are less than 15% in grade. North-eastern corner of the site shows presence of slopes greater than 30%. The southern, northwestern and northeastern corners also show slopes between 15-30%.
- Site is accessed by Bodie Canyon Road, a Bonner County owned and maintained public right-of-way that is paved with treated gravel and has a speed limit of 25 miles per hour.
- The site is located within Flood Hazard Zone X and is not located within a floodway.
- Site is serviced by individual well and septic system, West Pend Oreille Fire District Northern Lights Utility Company, Bonner School #83 and Bonner Co Ambulance District.

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
Community Design
Land Use
Public Services
Special Areas or Sites

Population
Implementation
Natural Resources
Transportation
Housing

School Facilities, Transportation
Economic Development
Hazardous Areas
Recreation

Conclusion 2

This proposal was reviewed for compliance with Title 12, Bonner County Revised Code, and **is 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 AM0012-21 & ZC0020-21 – Comprehensive Map Plan Amendment & Zone Change – McClintock and Saddler are requesting a Comprehensive Plan Map Amendment from Prime Ag/Forest Land (20+ AC) to Rural Residential (5-10 AC) and a Zone Change from Agricultural/Forestry 20 (A/f-20) to Rural 5 (R-5). The property is zoned Agricultural/Forestry 20 (A/f-20). The project is located off Road 32 in Section 3, Township 54 North, Range 3 East, 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: Planning Director Milton Ollerton presented a PowerPoint summary of the project and previously circulated staff report, concluding this project is consistent with Bonner County Comprehensive Plan and Bonner County Revised Code.

APPLICANT PRESENTATION: Project Representative Dan Provolt stated the review completed by Planning staff is very in depth. He commented on the age of the Wildlife maps. He further stated if Fish & Game had issues, they would comment and let us know. He commented on the commission's statements regarding soils. He commented regarding depth of wells in the area. He stated the roads are in place with gravel surface. He stated this project does meet Bonner County Code.

PUBLIC/AGENCY TESTIMONY: The following individuals spoke on the record in opposition of the project: Tim Petroff submitted exhibits A, B, C, & D (letter, petition w/ signatures, & two photos, Loretta Ballard, Lane Mathews, Katherine Span, George Garrett, Theresa Hammel, and Jean Smart.

The following individual spoke on the record in favor of the project: Paul Turnell

APPLICANT REBUTTAL: Mr. Provolt responded to public comments pertaining to subdivision, wildlife, sewage issues, road easement, etc.

Applicant Mr. McClintock responded to sewage issues.

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

MOTION TO RECOMMEND APPROVAL: Commissioner Davis moved to recommend approval to the Board of County Commissioners on this project, FILE AM0012-21, requesting a comprehensive plan amendment from Prime Ag/Forest Land to Rural Residential, finding that it is in accord with the general and specific objectives of the Bonner County Comprehensive Plan and Bonner County Revised Code as enumerated in the following conclusions of law, and based upon the evidence

submitted up to the time the Staff Report was prepared and testimony received at this hearing. Commissioner Davis further moved to adopt the following findings of fact and conclusions of law as written. This action does not result in a taking of private property. Commissioner Frankenbach seconded the motion.

VOTED upon and the Chair declared the motion carried, 2-1.

MOTION TO RECOMMEND DENIAL: Commissioner Davis moved to recommend denial to the Board of County Commissioners on this project, FILE ZC0020-21, requesting a zone change from Ag/Forest-20 to Rural-5, based upon the following conclusions: Conclusions 1, Natural resources & Transportation, 2, & 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 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.

Commissioner Reeve seconded the motion.

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

Background:

A. Site data:

- Use: Residential use and vacant land, parcels are unplatted
- Size: ~20.05 acres; ~20.05 acres; ~14.98 acres
- Zone: Agricultural/forestry 20 (A/f-20)
- Land Use: Prime Ag/Forest Land (20+ AC)
- Legal: 3-54N-3E W 708.73FT OF GOV LOT 3 1993 SKYLINE 14 X 48 MH; 3-54N-3E W 84.98FT GOV LOT 2,E 624.53FT GOV LOT 3; 3-54N-3E W 533.02FT OF GOV LOT 2 LESS R/W

B. Access:

- Applicant: "County Road 32, gravel surface, 50' wide easement."
- The project is located at the end of Road 32, a local county-owned road in Section 3, Township 54 North, Range 3 East, Boise-Meridian. Road 32 is the road seen branching to the right in the photo below:

C. Environmental factors:

- Site does not contain mapped slopes. (USGS)
- Site does contain mapped wetlands. They are mapped primarily in the center of parcel RP54N03E032401A. (USFWS)
- Parcel is within SFHA Zone D, per FIRM Panel 16017C1255E, Effective Date 11/18/2009; FIRM Panel 16017C1260E, Effective Date 11/18/2009 & FIRM

Panel 16017C1275E, Effective Date 11/18/2009. No further floodplain review is required on this proposal.

- The site features no mapped watercourses or water bodies.
- The Comp Plan Amendment application states that there is 59-acre freshwater pond on the southwest section of the west parcel. The Zone Change application states that this pond is 0.59 acres. This water body is not mapped into the National Hydrography Dataset and is not visible in county aerial photography.
- Soils:
 - Cabinet silt loam, 2 to 12 percent slopes
 - Farmland of statewide importance, if drained &
 - Pearsoncreek-Marblecreek families, complex, alluvial fans on glaciated landscapes
 - Not prime farmland

D. Services:

- Water: Well
- Sewage: Existing septic system
- Fire: Clark Fork Fire
- Power: Northern Lights
- School District: Bonner School #84

E. Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Land Use & Density
Site	Prime Ag/Forest Land (20+ AC)	Agricultural/forestry 20 (A/f-20)	Residential & Vacant Land
North	Rural Residential (5-10 AC)	Rural 10 (R-10)	Residential
East	Prime Ag/Forest Land (20+ AC)	Agricultural/forestry 20 (A/f-20)	Residential
South	Remote Ag/Forest (40+ AC)	Forest 40 (F)	Vacant
West	Prime Ag/Forest Land (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)

- **Existing Comprehensive Plan Designation:**

- Prime Ag/Forest Land (20+ AC): The prime agricultural/forest land is designed to preserve the productive farm and ranch land and timber land to promote its important economic and environmental contributions to the County. This area may have a range of road systems serving it and is generally served by individual sewer and water systems. These areas generally have prime agricultural land soils and soils of recognized state importance and active farm and ranch operations.

- **Proposed Comprehensive Plan Designation:**

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

- **12-322 - Agricultural/Forestry District:**

- 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.
 - 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.

- **12-323 – Rural District:**

- The rural district is established to allow low density residential uses that are compatible with rural pursuits. The 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.
 - Encouraging conservation development configurations that create permanent open space or farming areas, protect sensitive environmental features, reduce infrastructure costs and/or enhance recreational opportunities.
- Use of this zone is appropriate in areas designated by the comprehensive plan as follows:
 - R-10 in areas designated as rural residential in the comprehensive plan that meet one or more of the following criteria:
 1. Characterized by slopes that are steeper than thirty percent (30%).
 2. Located within critical wildlife habitat as identified by federal, state or local agencies.
 3. Contain prime agricultural soils.
 4. Served by a network of public and/or private roadways that generally do not meet applicable roadway standards set forth in BCRC Title 2 (public roads) of this code or Appendix A (private roads) of this title or are absent.
 5. Within the floodway.
 6. Contain limited access to public services.
 - R-5 in areas designated rural residential in the comprehensive plan that are already developed at or near the one dwelling unit per five (5) acre density and/or do not meet the criteria for R-10 above.

G. Stormwater plan: A stormwater management plan was not required, pursuant to BCRC 12-720.2 – Applicability.

H. Agency Review: The application was routed to agencies for comment on August 18, 2020.

Panhandle Health District	Idaho Department of Water Resources
Idaho Department of Environmental Quality	Bonner County Road Department
Clark Fork Fire District	U.S. Army Corps (Coeur d'Alene)
Northern Lights	U.S. Forest Service
School District #84	U.S. Fish and Wildlife Service
Bonner County Schools – Transportation	Idaho Department of Lands (Sandpoint)
Idaho Department of Fish and Game	(All Taxing Districts)

All agencies replied "No comment" or provided no response.

I. Public Notice & Comments

No public comments were received.

Comprehensive Plan Amendment Findings of Fact

- Site does not contain mapped slopes.
- Site does contain mapped wetlands. They are mapped primarily in the center of parcel RP54N03E032401A.
- The site is not within the floodplain.
- The site has no known hazard areas.
- The site features no mapped watercourses or water bodies.
- Based on the analysis contained in this report, the site does not contain prime agricultural land soils or soils of recognized state importance.
- The site in question does not have access to urban sewer or urban water.
- No agency responded to these applications identifying this site as critical wildlife habitat
- The site has no known active farm and ranch operations.
- The site does not have limited services.
- The site is served by a road that does not appear to meet the applicable roadway standards set forth in BCRC title 2 (public roads) or Appendix A (private roads) of BCRC Title 12.

Comprehensive Plan Amendment Conclusions of Law:

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

Conclusion 1

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

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

Conclusion 2

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

Conclusion 3

The proposal **is** in accord with the Rural Residential Land Use Designation.

Zone Change Findings of Fact

- Site does not contain mapped slopes.
- Site does contain mapped wetlands. They are mapped primarily in the center of parcel RP54N03E032401A.
- The site is not within the floodplain.
- The site has no known hazard areas.
- The site features no mapped watercourses or water bodies.
- Based on the analysis contained in this report, the site does not contain prime agricultural land soils or soils of recognized state importance.
- The site in question does not have access to urban sewer or urban water.
- No agency responded to these applications identifying this site as critical wildlife habitat
- The site has no known active farm and ranch operations.
- The site does not have limited services.
- The site is served by a road that does not appear to meet the applicable roadway standards set forth in BCRC title 2 (public roads) or Appendix A (private roads) of BCRC Title 12.

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.

File AM0013-21 & ZC0022-21 – Comprehensive Plan Map Amendment & Zone Change – Rick & Tracy Bowers are requesting a Comprehensive Plan Map Amendment from Rural-Residential and Ag/Forest to Rural-Residential and a zone change from Rural-5 and A/F-10 to Rural-5. The property is split zoned Agricultural/forestry 20 (A/f-20) and Rural 5 (R-5). The property is approximately 21.25 acres. The project is located off Kelso Lake Road in Section 3/10, Township 54 North, Range 4 West, Boise-Meridian.

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 planner Chad Chambers presented a PowerPoint summary of the project and previously circulated staff report, concluding this project is consistent with Bonner County Comprehensive Plan and Bonner County Revised Code.

APPLICANT PRESENTATION: Project Representative Glen Cash stated staff presented the project very well and stated he is available to answer any questions.

Applicant Rick Bowers spoke on the record and gave a brief summary of the project and current uses of the property.

PUBLIC/AGENCY TESTIMONY: None.

APPLICANT REBUTTAL: None.

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

MOTION TO RECOMMEND APPROVAL: Commissioner Frankenbach moved to recommend approval to the Board of County Commissioners this project File AM0013-21 for a comprehensive plan amendment from Ag/Forest Land and Rural Residential to Rural Residential, finding that it is in accord with the general and specific objectives of the Bonner County Comprehensive Plan and Bonner County Revised Code as enumerated in the following conclusions of law, and based upon the evidence submitted up to the time the Staff Report was prepared and testimony received at this hearing. Commissioner Frankenbach further move to adopt the following findings of fact and conclusions of law as written. This action does not result in a taking of private property. Commissioner Davis seconded the motion.

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

MOTION TO RECOMMEND APPROVAL: Commissioner Frankenbach moved to recommend approval to the Board of County Commissioners this project File ZC0022-21 for a zone change from Ag/Forestry 20-acre (A/f-20) and Rural 5-acre (R-5) to Rural 5-acre (R-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 Frankenbach further move to adopt the following findings of fact and conclusions of law as written. This action does not result in a taking of private property. Commissioner Reeve seconded the motion.

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

Background:

A. Site Data:

- Use: Rural-Residences
- Size: 21.25-acre parcel
- Zone: Split – Agricultural/Forestry-20 & Rural 5-acre
- Land Use: Split – Ag/Forest Land & Rural Residential

B. Access:

- Kelso Lake Road
 - i. Road class: Secondary
 - ii. Road owner: County
 - iii. County maintained: Yes

C. Environmental Factors:

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

D. Soil(s):

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

E. Services:

- Water: individual private well
- Sewage: PHD approved conventional septic tank
- Fire: Spirit Lake Fire District
- Power: Northern Lights Inc.
- School District: Bonner County Schools #83

F. Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Land Use & Density
Site	Ag/Forest Land & Rural-Residential	Agricultural/forestry 20-acre & Rural 5-acre	Rural residential
North	Ag/Forest Land	Agricultural/forestry 20-acre	Agricultural/forested land & residential
East	Ag/Forest Land & Rural-Residential	Agricultural/forestry & Rural 5-acre	Agricultural/forested land & residential
South	Rural-Residential	Rural 5 (R-5)	Vacant
West	Rural-Residential	Rural 5-acre	Rural residential

G. Standards Review: Bonner County Revised Code

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

Existing Comprehensive Plan Designation: Ag/Forest Land & Rural Residential

- The Ag/Forest Land designation recognizes areas where steeper slopes prevail (30% or greater) and transportation is provided by private roads or U.S. Forest Service or state roads. Urban services are not available and residential development challenges are present due to slope, poor soil conditions, hazard areas and lack of police or fire services.
- The Rural Residential area provides for residential development in areas where urban services are not available, and slopes may vary up to 30%. These areas include hazard areas and critical wildlife habitats, where lower densities reduce potential impacts to resources and exposures to loss of property or lives. Small-scale agricultural uses and residential development are permitted.

Proposed Comprehensive Plan Designation: Rural Residential

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

H. Stormwater Plan: A stormwater management plan was not required since the proposed comprehensive land use plan and zone change is not applicable to BCRC 12-720.3.

I. Agency Review: The application was routed to agencies and all taxing districts for comment on June 1, 2021.

Panhandle Health District	Idaho Department of Water Resources
Spirit Lake Fire	Bonner County Road Department
Northern Lights Inc.	Applicable School District #83
Bonner County Schools – Transportation	U.S. Fish and Wildlife Service
Idaho Department of Fish and Game	Idaho Department of Lands (Sandpoint)

Idaho Department of Environmental Quality	U.S. Forest Service
Idaho Department of Lands, Nav. Waters	(All Taxing Districts)

I. The following agencies commented:

- Independent Highway District: June 4, 2021
 - "The subject property is outside of the boundaries of the Independent Highway District."

II. The following agencies responded "no comment":

- Pend Oreille Hospital District, June 07, 2021

III. All other agencies did not respond.

IV. Public Comments:

- As of June 17, 2021, no public comments were received for this file.

Comprehensive Plan Amendment Findings of Fact

- The site contains no mapped slopes 15% or greater. Steeper slopes do not prevail on the property.
- There are no wetlands or floodways on the property.
- The site is accessible by Kelso Lake Road, a County owned and maintained road.
- The property is served by an individual well and septic system, Northern Lights Inc. for power, and is in the Spirit Lake Fire District.
- The soil on site includes:

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

Comprehensive Plan Amendment Conclusions of Law:

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

Conclusion 1

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

Property Rights	Population	School Facilities, Transportation
Transportation	Community Design	Implementation
Economic Development	Land Use	Natural Resources

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Hazardous Areas
Recreation

Public Services
Special Areas or Sites

Agriculture
Housing

Property Rights
Community Design
Land Use
Public Services
Special Areas or Sites

Population
Implementation
Natural Resources
Transportation
Housing

School Facilities, Transportation
Economic Development
Hazardous Areas
Recreation

Conclusion 2

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

Conclusion 3

The proposal **is** in accord with the Rural Residential Land Use Designation.

Zone Change Findings of Fact

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

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

- The Agricultural/Forestry Zoning District is characterized "as areas where one or more of the following apply: limited services; characterized by slopes steeper than thirty percent (30%); where access may be absent or limited to substandard road systems or where large tracts of land may be devoted to ag/forest production". The subject property is accessed by a County owned and maintained road (Kelso Lake Road), does not have steeper slopes, and is not devoted to agricultural/forest production but rather small farming pursuits.
- The property is being developed in a way that meets the criteria for the Rural 5-acre zoning district because it does not contain a floodway or mapped slopes, is accessed by a County owned and maintained road, and has 3 addresses associated with different structures on the property.

Zone Change Conclusions of Law:

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

Conclusion 1

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

Conclusion 2

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

Conclusion 3

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

File ZC0023-21- Zone Change – A/F-10 & A/F-20 to A/F-10 – Shaw, Heitz, MacLaine are requesting a Zone Change from A/F-10 & A/F-20 to A/F-10 to eliminate the split zoning on two adjacent 23.05-acre & 22.95-acre parcels. The property is zoned A/F-10 & A/F-20. The project is located off Kelso Lake Road in Section 24/25, Township 54 North, Range 4 West, Boise-Meridian.

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: Planning Director Milton Ollerton presented a PowerPoint summary of the project and previously circulated staff report, concluding this project is consistent with Bonner County Comprehensive Plan and Bonner County Revised Code.

APPLICANT PRESENTATION: Joni MacLaine spoke on the record regarding the reason she is requesting this change.

PUBLIC/AGENCY TESTIMONY: None.

APPLICANT REBUTTAL: None.

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

MOTION TO RECOMMEND APPROVAL: Commissioner Davis moved to recommend approval to the Board of County Commissioners on this project, FILE ZC0023-21, requesting a zone change from Agricultural/Forestry-10 and Agricultural/Forestry-20 to Agricultural/Forestry-10 zoning, 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 Davis further moved to adopt the following findings of fact and conclusions of law as written. This action does not result in a taking of private property. Commissioner Reeve seconded the motion.

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

Background:

A. Site data:

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

B. Access:

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

C. Environmental factors:

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

D. Services:

- Water: Individual well
- Sewage: Individual septic
- Fire: Selkirk Fire
- Power: Northern Lights
- School District: Bonner School #83

E. Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Land Use & Density
Site	Ag/F Land (10-20 AC)	A/F-10 & A/F-20	Residential/ Vacant
North	Ag/F Land (10-20 AC)	A/F-10	Vacant
East	Ag/F Land (10-20 AC)	A/F-10 & A/F-20	Residential/ Vacant

South	Ag/F Land (10-20 AC)	A/F-20	Residential
West	Ag/F Land (10-20 AC)	A/F-10	Vacant

F. Standards review: Bonner County Revised Code

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

The application was considered complete and routed to agencies accordingly.

12-216: Evaluation of Amendment Proposals

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

Existing Comprehensive Plan Designation:

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

Existing Zoning:

12-322: AGRICULTURAL/FORESTRY DISTRICT:

A. The agricultural/forestry district is established to provide for agricultural and forestry pursuits, including livestock production, forestry, horticulture, floriculture, viticulture, and necessary accessory uses for treating, storing and processing agricultural products. The purpose of the A/F district is to preserve, protect and maintain areas that are rural in character and the integrity of the forest/woodland areas where viable agricultural pursuits can be feasible and to avoid fragmentation of forests and farms. These purposes are accomplished by:

1. Establishing residential density limits and conservation development standards to retain areas sized for efficient farming.
2. Allowing for uses related to agricultural production and limiting nonagricultural uses to those compatible with agriculture or requiring close proximity for the support of agriculture.

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

1. A/F-20 in all areas designated as prime ag/forest land in the comprehensive plan. The A/F-20 zone is also appropriate in areas designated ag/forest land in the comprehensive plan that also feature:
 - a. Prime agricultural soils.
 - b. Are characterized by agricultural or forestry uses.

c. Areas where one or more of the following apply: limited services; characterized by slopes steeper than thirty percent (30%); where access may be absent or limited to substandard road systems or where large tracts of land may be devoted to ag/forest production.

Proposed Zoning:

12-322 AGRICULTURAL/FORESTRY DISTRICT:

A. The agricultural/forestry district is established to provide for agricultural and forestry pursuits, including livestock production, forestry, horticulture, floriculture, viticulture, and necessary accessory uses for treating, storing and processing agricultural products. The purpose of the A/F district is to preserve, protect and maintain areas that are rural in character and the integrity of the forest/woodland areas where viable agricultural pursuits can be feasible and to avoid fragmentation of forests and farms. These purposes are accomplished by:

1. Establishing residential density limits and conservation development standards to retain areas sized for efficient farming.
2. Allowing for uses related to agricultural production and limiting nonagricultural uses to those compatible with agriculture or requiring close proximity for the support of agriculture.

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

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

G. Stormwater plan: A stormwater management plan was not required, pursuant to BCRC 12-720.3(K)....the creation of additional "impervious surface", as defined in section 12-809 of this title

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

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

The following agencies provided comment: None.

The following agencies replied "No Comment":

Independent Highway District- 6/7/2021
Kootenai Ponderay Sewer District- 6/16/2021

Pend Oreille Hospital District-6/7/2021

All other agencies did not reply.

H. Public Notice & Comments: None

Zone Change Findings of Fact

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

Zone Change Conclusions of Law:

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

Conclusion 1

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

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

Conclusion 2

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

Conclusion 3

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

COMMISSIONER & STAFF UPDATES:

Permit stats, staffing updates, Comprehensive Plan updates, agency review,

At 9:03 p.m., the Chair declared the hearing adjourned until July 15, 2021

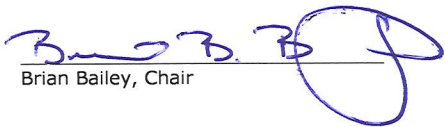
Respectfully submitted,



Milton Ollerton, Planning Director

The above Minutes are hereby corrected and approved this 5th day of August 2021.

Bonner County Planning and Zoning Commission



Brian Bailey, Chair