

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

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

PLEDGE OF ALLEGIANCE

PRESENT: Commissioners Chair Brian Bailey, Vice Chair Don Davis, Dave Frankenbach, Sheryl Reeve, Suzanne Glasoe, Kevin Hatcher, and Jennifer Casey

ABSENT: None

ALSO PRESENT: Planning Director Milton Ollerton, Planner I Swati Rastogi, Planner I Chad Chambers, Administrative Assistant III Da Niel Scott and Administrative Assistant III 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 October 21, 2021. Hearing no changes or objections, the Chair declared the minutes approved as written.

PUBLIC HEARINGS:

CALL FOR VISUAL, HEARING OR OTHER IMPAIRMENT REQUIRING

ASSISTANCE: The Chair asked whether anyone needed special assistance to hear, see or participate in these proceedings. Hearing no response, the Chair continued with the public hearing.

CONDITIONAL USE PERMIT

File CUP0019-21 - Conditional Use Permit - Water Distribution System - Gerald & Patricia Lewis are requesting a Conditional use Permit to bring a water distribution & sampling facility into compliance and expand its services. The 15.29-acre parcel is zoned Suburban. The project is located off Bottle Bay Road in Section 2, Township 56 North, Range 2 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 the Bonner County Revised Code.

APPLICANT PRESENTATION: None

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 APPROVE: Commissioner Reeve moved to approve this project FILE CUP0019-21 to permit the existing use and expansion of a water testing and distribution site, 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 Reeve further moved to adopt the findings of fact and conclusions of law as set forth in the Staff Report and direct planning staff to draft written findings and conclusions to reflect this motion and transmit to all interested parties. 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 Hatcher seconded the motion.

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

Background:

A. Site data:

- ≈15.29-acre parcel
- Zone: Split between Suburban and Rural 5-acre
- Land Use: Split between Transition and Rural-Residential

B. Access:

- The property is accessed by Bottle Bay Road, a county owned and maintained road.

C. Environmental factors:

- Site does contain mapped slopes. (USGS)
- Site does not contain mapped wetlands. (USFWS)
- Site does contain an intermittent stream.
- JRJ, 8.25.2021: Parcel is within SFHA Zone X, per FIRM Panel 16017C0950E, Effective Date 11/18/2009. No further floodplain review is required on this proposal.

D. Services:

- Water: Mountain Springs Water Corporation (for testing only)
- Sewage: "no sewage involved"
- Fire: Sagle dba Selkirk Fire District

- Power: Avista
- School District: Bonner School District #84

E. Comprehensive Plan, Zoning and Current Land Use:

Compass	Comp Plan	Zoning	Current Land Use & Density
Site	Transition	Suburban	Residential; suburban
North	Transition	Suburban	Residential; suburban
East	Rural-Residential	Rural 5-acre	Currently vacant; no addresses present
South	Transition	Suburban	Currently vacant; no addresses present
West	Transition	Suburban	Currently vacant; no addresses present

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 12-223: CONDITIONAL USE PERMITS, STANDARDS FOR REVIEW OF APPLICATIONS, PROCEDURES:

BCRC 12-335 Public Use Table

- ✓ Public Utility Facility (3) – see table below:

Use	Zoning District									
	F	A/F	R	S	C	I	RSC	REC	AV	
						(10)				
Park	P	P	P	P	P	P	P	P	P	P
Public utility facility (6), (11)	C	C (3)	C (3)	C	C	C	C	C	C	C
Sanitary landfills (12), (13)		C (3)	C (3)							
Schools, public and private (9)		C (3)	C (3)	C	C		C	C	C	
Service center facilities					P	P	P			
Solid waste collection facilities (12)	C	C (3)	C (3)	C	C	C	C	C	C	C

- ✓ The subject property appears to be split zoned Suburban and Rural 5-acre. The proposed use and expansion of the water distribution facility (a public utility facility) is conditionally permitted in the Suburban and Rural 5-acre zoning district.

(3) Where access to the site is by road, the road shall be located within a recorded easement or public right-of-way, and constructed to the appropriate standard set forth in title 2 of this Code or appendix A of this title, except where subject to the terms of an approved special use permit issued by a State or Federal agency.

- ✓ The property is accessed by Bottle Bay Road, a County owned and maintained road.

BCRC 12-4.2, Performance standards for all uses (A-F; H)

- ✓ **Staff:** the existing use (and proposed expansion) of the water distribution and sampling system and proposed expansion was reviewed for the above referenced standards. No objectionable noise, glare, light, pollution, fire hazards or radioactivity or electrical disturbance was noted in the application.

12-4.2 G. Water Pollution: Any use must be operated and maintained to conformance with the minimum water pollution control standards and regulations established by the health authority.

- ✓ According to the narrative statement, the applicants are operating the existing water distribution facility in compliance with the Idaho Department of Environmental Quality (DEQ).

“This building has been used for a water distribution system for the Mountain Springs Water Corporation, a DEQ public water system since Jan..1994.”

12-4.2 I. Measurement Procedures: Methods and procedures for the determination of the existence of any dangerous and objectionable elements shall conform to applicable standard measurement procedures published by the American Standards Institute, New York; the Manufacturing Chemists’ Association, Inc., Washington, D.C.; the United States bureau of mines; and the health authority. (Ord. 501, 11-18-2008)

- ✓ The applicants wrote that “the closest dwelling is 300 yards away and we do not produce light glare, odor or fumes. We have 2 small pumps for injection. It is not loud and has been in use the past 75 years, never a complaint.”

BCRC 12-4.3, Parking standards

- ✓ There are no parking requirements for a public utility facility. Per the site plan, only one parking space was proposed adjacent to existing structures on the property.

BCRC 12-4.4, Sign standards

- ✓ No advertising signs were proposed for the project.

BCRC 12-4.5, Design standards

The standards in section 12-453 of this chapter shall apply to all new development in the commercial, industrial where commercial uses and services are proposed, and rural service center districts and all other commercial, multi-family, public and industrial development in other zoning districts unless otherwise noted. (Ord. 512, 1-6-2010)

12-451: APPLICABILITY: The standards in section 12-453 of this chapter shall apply to all new development in the commercial, industrial where commercial uses and services are proposed, and rural service center districts and all other commercial, multi-family, public and industrial development in other zoning districts unless otherwise noted. (Ord. 512, 1-6-2010)

- * Design standards do not apply to the proposed land use project. The applicant is applying for a conditional use permit to permit the use and expansion of a water treatment/testing facility. The property is zoned suburban and the use of the land falls under the 'public utility facility' which is not characterized as a commercial or industrial use per BCRC 12-335.

BCRC 12-4.6, Landscaping and screening standards

12-461: APPLICABILITY: The standards in this subchapter shall apply to all new development in the commercial, industrial and rural service center districts and all other commercial, multi-family, public and industrial development in other districts unless otherwise noted. For remodels or additions, the standards in this subchapter shall apply where the value of the additions equals or exceeds fifty percent (50%) of the market value of the existing structure and/or site improvements as determined by the Bonner County assessor's office over any five (5) year time period. For other additions or remodels, the landscaping standards shall only apply to the specific areas being improved. For instance, if a commercial use is adding additional parking, the new parking area must feature landscaping per the standards in this subchapter. (Ord. 512, 1-6-2010)

- * The application is for the use and expansion of an existing a public utility facility. Since the property is zoned Suburban, the design standards are not applicable for the subject property and proposed use.

G. Comprehensive Plan Land Use Designation

Transition – “The Transition classification is reserved for those areas of the County where a mixture of land uses can occur which may include higher density residential uses, commercial, industrial and light industrial uses. Due to the intensity of land use, these areas require primary transportation routes, urban-like water and sewer services, fire and police services.”

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 agriculture uses and residential development are permitted.”

- ✓ The use of the property is consistent with the transition and rural residential land use designation.

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.

I. Agency Review

Panhandle Health District	Idaho Department of Water Resources
Selkirk Fire, Rescue & EMS	Mountain Springs Water Corporation
Avista	Bonner County Road Department
Bonner School District #84	U.S. Army Corps (Coeur d’Alene)
Bonner County Schools – Transportation	U.S. Fish and Wildlife Service
Idaho Department of Fish and Game	BNSF Railway
Idaho Department of Environmental Quality	Idaho Department of Lands, Nav. Waters

The following agencies commented:

Bonner County Road & Bridge – rec’d 10.07.21. “The Road & Bridge Department has no concerns regarding this proposed CUP.”
Mountain Springs Water Co – rec’d 10.12.21. “No problems/go for it”

The following agencies replied “No Comment:”

Idaho Department of Fish and Game – rec’d 10.05.21
“The Idaho Department of Fish and Games does not have any comments to submit for this application.”

All other agencies did not reply.

J. Public Notice & Comments. As of October 25, 2021, no public comments were received for this file.

Findings of Fact

1. The property appears to be split zoned Suburban and Rural 5-acre.
2. The property appears to be split between the transition and rural residential comprehensive land use designations.

3. An intermittent stream runs through the northeast section of the subject property. A mapped riverine also runs through that same section per the National Wetlands Inventory Map on the GIS web map.
4. The property is afforded fire protection by the Sagle dba Selkirk Fire, Rescue and EMS fire district, and is powered by Avista Utilities.

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.

Conclusion 4

The proposed use **will not** adversely affect properties in the vicinity.

Conclusion 5

The proposed use **is** a public convenience and is a necessary facility.

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.
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ZONE CHANGES

File ZC0034-21 – Zone Change Request from AF-20 to AF-10 – Phil & Carol Sellards are requesting a zone change from AF-20 to AF-10. This 20-acre parcel is located off Bear Paw Road in Section 17, Township 57 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 Chad Chambers presented a PowerPoint summary of the project and previously circulated staff report, concluding this project is consistent with the Bonner County Comprehensive Plan and the Bonner County Revised Code.

APPLICANT PRESENTATION: Project Representative Travis Haller, Glahe & Associates, Inc., submitted Exhibit A (PowerPoint presentation) and provided comments on zoning distinctions, rezoning only the 20-acre parcel, Bonner County Revised Code requirements, topography, road systems, soils, and Bonner County Comprehensive Plan.

Landowner Phil Sellards provided additional information and details on the project.

PUBLIC/AGENCY TESTIMONY: The following individuals spoke on the record: Leonard Meyers, John Nelson, Gary Mickelson, Lon Shook, Jeff Emmert, Alan Galloway, Garrett Powell, Anita Mc Gee, Rick Mc Gee, George Gehrig, Corky Cook, Janet Hagat, Jim Tank, Will Busenbark, Ashley Kruger, Lorinda Cook, and Dave Bowman

APPLICANT REBUTTAL: Staff Planner Chad Chambers responded to public comment regarding the Bonner County Comprehensive Plan.

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

MOTION TO RECOMMEND APPROVAL: Commissioner Glasoe moved to recommend to the Board of County Commissioners approval of this project FILE ZC0034-21, zone change from Agricultural/Forestry 20-acre to Agricultural/Forestry

10-acre, finding that it is in accord with the Bonner County Comprehensive Plan and the Bonner County Revised Code as enumerated in the following conclusions of law, and based upon the evidence submitted up to the time the Staff Report was prepared, and testimony received at this hearing. Commissioner Glasoe further moved to adopt the findings of fact and conclusions of law as set forth in the Staff Report (or as amended during this hearing) and direct planning staff to draft written findings and conclusions to reflect this motion and transmit to all interested parties. The decision is based upon the evidence submitted up to the time the Staff Report was prepared, and testimony received at this hearing. This action does not result in a taking of private property.

Commissioner Hatcher seconded the motion.

VOTED upon and the Chair declared the motion carried 5 – 2. Commissioners Hatcher, Glasoe, Bailey, and Frankenbach voted in favor. Commissioners Davis and Reeve voted opposed.

Background:

A. Site data:

- The site is currently vacant.
- ≈20-acre parcel
- Zone: Agricultural/Forestry 20
- Land Use: Ag/Forest Land

B. Access:

- Access is provided by Bar Paw Road, which is both County owned or maintained.

C. Environmental factors:

- Site does not contain any mapped slopes.
- Site does contain a mapped Freshwater Emergent wetland. (USFWS)
- Site does not contain a river, stream, or frontage on a lake.
- There are two different soil types on the property, Boulder creek (not prime farmland) and Zee (farmland of statewide importance).
- Parcel is within SFHA Zone X and Zone A, per FIRM Panel 16017C0625E, Effective Date 11/18/2009 & FIRM Panel 16017C0640E, Effective Date 11/18/2009.

D. Services

- Water: individual well
- Sewage: on-site drain field
- Fire: West Pend Oreille Fire
- Power: Northern Lights Inc.
- School District: Bonner School District #83

Soil Type	Farmland Classification	Drainage Class
Zee (119)	Farmland of Statewide Importance	Well Drained

Bouldercreek (562)	Not prime farmland	Well Drained
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E. Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Land Use & Density
Site	Ag/Forest Land	Agricultural/forestry 10/20	Residential
North	Remote Ag/Forest Land	Forestry 40	Public Land
East	Ag/Forest Land	Agricultural/forestry 10/20	Residential
South	Ag/Forest Land	Agricultural/forestry 10/20	Residential
West	Prime Ag/Forest	Agricultural/forestry 20	Vacant land

F. Standards of review

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:
- Prime agricultural soils. Neither of the two soils (Boulder creek and Zee) on the property are characterized as not prime farmland. Zee is classified as "Farmland of Statewide Importance", but only makes up approximately 2.3 acres.
- Are characterized by agricultural or forestry uses. Per the applicant, the property will be used for residential purposes.

4) 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. There are no mapped slopes on the property. Bear Paw road is a County owned and maintained road.

5) A/F-10 in areas designated as ag/forest land in the comprehensive plan that do not feature prime agricultural soils, but where agricultural and forestry pursuits remain viable. These areas may be within or adjacent to areas of city impact or where lands are afforded fire protection, access to standard roads and other services. (Ord. 501, 11-18-2008)

a) The property does not contain prime agriculture soils; but does have soils categorized as "Farmland of Statewide Importance" with a size of approximately 2.3 acres. Per County GIS imagery, the property is mostly wooded; agriculture and forestry pursuits remain viable. The property is served by West Pend Oreille Fire district and power is provided by Northern Lights. Access is granted on a county owned and maintained road, Bear Paw Road. The property is not adjacent to or within an area of city impact.

H. Agency Review. The application was routed to the following agencies for comment on October 5, 2021.

Panhandle Health District	Idaho Department of Water Resources
West Pend Oreille Fire District	U.S. Army Corps (Coeur d'Alene)
Northern Lights Inc.	U.S. Fish and Wildlife Service
West Bonner County School District #83	Idaho Department of Lands (Coolin)
Idaho Department of Fish and Game	U.S. Forest Service
Idaho Department of Environmental Quality	

The following agencies commented:

Idaho Department of Fish and Game – October 5, 2021
 "The Idaho Department of Fish and Game does not have any comments to submit for this application."

Panhandle Health District – October 14, 2021
 "Panhandle Health District (PHD) notes that the application states that is to be individual septic provide for each lot. PHD has record of one septic permit. We recommend the applicant contact PHD to assess the septic feasibility of the proposed lot. Depending on the split of this this property, one parcel may be limited in septic operations due to wetlands and streams on the property."

All other agencies did not reply.

I. Public Notice & Comments. Public comments included concerns about rezoning, urban sprawl, maintaining rural culture, water table draw down, negative impacts of increased housing, loss of agriculture, loss of and forestry, unwanted

traffic, increased noise, increased light, reduced water table, uncontrolled wildfires, shrinking animal habitats, and increase in air pollution.

Findings of Fact

1. The property is situated in the Ag/Forest comprehensive land use designation and is currently zoned Agricultural Forestry 20-acre.
2. The property is served by West Pend Oreille Fire district and power is provided by Northern Lights.
3. Access is granted on a county owned and maintained road, Bear Paw Road.
4. There are no mapped slopes on the site.
5. The property will be used for residential purposes.
6. The property contains two soil types, Zee and Boulder creek.

Zone Change Conclusions of Law:

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

Conclusion 1

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

- Property Rights
- Community Design
- Land Use
- Public Services
- Special Areas or Sites
- Population
- Implementation
- Natural Resources
- Transportation
- Housing
- School Facilities, Transportation
- Economic Development
- Hazardous Areas
- Recreation
- 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 Agricultural/Forestry 10 zoning district, provided at Chapter 3, Title 12, Bonner County Revised Code.

File ZC0035-21 - Zone Change Request from R-10 to R-5 – Richard & Kathy Zech are requesting a zone change from R-10 to R-5. This 19.91-acre parcel is currently split-zoned as R-5 and R-10. The project is located off Blue Sky Road, in Section 30, Township 56 North, Range 2 West, Boise-Meridian.

CONFLICT OF INTEREST/DISCLOSURE DECLARATIONS: The Chair requested the Commissioners declare any conflicts of interest or disclosures. Commissioner Bailey declared he works with and knows one of the individuals that lives on the property and is recusing himself from the file. Commissioner Davis will Chair.

STAFF PRESENTATION: Staff Planner Swati Rastogi presented a PowerPoint summary of the project and previously circulated staff report, concluding this project is consistent with the Bonner County Comprehensive Plan and the Bonner County Revised Code.

APPLICANT PRESENTATION: Project Representative Dick Staples, J.R.S. Surveying, Inc., provided comments on the conclusiveness of the staff report, and that half of the property is already zoned R-5.

PUBLIC/AGENCY TESTIMONY: George Gehrig spoke on the record.

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 to the Board of County Commissioners, approval of the project FILE ZC0035-21, requesting a Zone Change from R-10 to R-5 on 19.55 acres of unplatted land, located off Blue Sky Road in Section 30, Township 56 North, Range 2 West, Boise Meridian, 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 adopt the findings of fact and conclusions of law as set forth in the Staff and direct planning staff to draft written findings and conclusions to reflect this motion and transmit to all interested parties. This action does not result in a taking of private property.

Commissioner Casey seconded the motion.

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

Background:

A. Site data:

- Use: Site is currently developed with a dwelling, an attached garage and a carport built in 1975.
- The property is currently unplatted.
- Size: 19.55 acres
- Zone: Rural 10 and Rural 5 District
- Land Use: Rural Residential

B. Access:

- Property is accessed off Blue Sky Road, a private road.

C. Environmental factors:

- Most of the site does not contain slopes of over 15%. A minimal portion of the site contains slopes between 15-29% and over 29% (USGS)
- Wetlands/ Waterbody: Site does not contain any wetlands or waterbody. (USFWS)
- Soils: Site contains the following soils
 1. Dufort-Rock outcrop complex; not prime farmland; well drained
 2. Bonner gravelly ashy silt loam; all areas are prime farmland; well drained
- Critical Wildlife Habitat: None as identified by any local, state or federal agencies.
- Floodway: Most of the site is within Flood Hazard Zone X. No further floodplain review would be required on this property.

D. Services:

- Water: The site is served by an individual well located at the north end of the property at a depth of 300 feet providing 300 gallons per minute.
- Sewage: The site is currently served by an individual septic drain field.
- Fire: Selkirk Fire and Rescue - Sagle
- Power: Northern Lights Utility Company
- School District: Bonner County #84
- Ambulance District: Bonner County Ambulance District
- Hospital District: Pend Oreille Hospital District

E. Comprehensive Plan, Zoning and Current Land Use

Compass Site	Comp Plan	Zoning	Current Land Use
	Rural Residential	Rural 10 and Rural 5	Residential
North	Rural Residential	Rural 10	60 acres - residence and outbuildings, scattered timber
East	Rural Residential	Rural 10 and Rural 5	168 acres - residence and outbuildings
South	Rural Residential	Rural 5	10 acres - undeveloped - scattered timber
West	Rural Residential	Rural 10 and Rural 5	5 acres - residence; 5 acres - residence; 10 acres - residence

F. Standards of review: Bonner County Revised Code

- **12-215: Applications for Zone Changes and Comprehensive Plan Map Amendments, Contents**
 - o The application was considered complete and routed to agencies accordingly.
- **12-216: Evaluation of Amendment Proposals**

- o 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:**

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

- **Existing Zoning: BCRC 12-323: 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:

- o Characterized by slopes that are steeper than thirty percent (30%).
- o Located within critical wildlife habitat as identified by federal, state or local agencies.
- o Contain prime agricultural soils.
- o 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 Title 12 or are absent.
- o Within the floodway.
- o Contain limited access to public services.

- **Proposed Zoning: BCRC 12-323: Rural District (R-5):** 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 storm water 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 October 05, 2021.

Panhandle Health District	Idaho Dept. of Water Resources
Selkirk Fire District	Idaho Department of Fish and Game
Northern Lights Utility Company	Idaho Department of Lands (Sandpoint)
Bonner School District #84	U.S. Fish and Wildlife Services
Bonner County Schools - Transportation	Idaho Department of Environmental Quality

The following agencies replied: Panhandle Health District – October 14, 2021

The following agencies replied with “no comments:”

Idaho Department of Fish and Game – October 05, 2021

All other agencies did not reply.

I. Public Notice & Comments. None.

Zone Change Findings of Fact

- The site is in an area designated for Rural Residential Land uses by the Comprehensive Plan.
- A minimal portion of the site contains slopes greater than 30%.
- The site does not contain critical wildlife habitat, as identified by any local, state or federal agencies.
- Majority of the site is served by Blue Sky Road, a private road.
- The site is not located within floodway.
- Site has access to the following public services – Sagle Fire District, Northern Lights Utility Company, Bonner School District #84, Bonner County Ambulance District and Pend Oreille Hospital District.
- The adjacent area to the east and the south is developed with a density of approximately 1 dwelling unit per 5 acres of land.

Zone Change Conclusions of Law:

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

Conclusion 1

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

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

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 Rural 5 zoning, provided at Chapter 3, Title 12, Bonner County Revised Code.

PUBLIC MEETING WORKSHOP

Commissioners and Staff discussed plans to amend the Comprehensive Plan including schedule, facilitation, and initial assignment to review current

Comprehensive Plan components. Priest Lake asked to be back on the agenda. Commissioners and Staff determined 4:30 – 6:00pm December 2, 2021.

Scheduling time to review the Comprehensive Plan with Planners Chad and Swati on Friday's.

COMMISSIONER & STAFF UPDATES:

Milton Ollerton provided updates on Building Location Permit numbers, looking a code changes/updates, shoreline management codes discussions, area noticing requirements for of rights-of-way, Title 11 updates to BOCC. Chair requested security for November 18, 2021 Hearing.

The Chair opened for public comment and Susan Drumheller spoke on the record.

At 8:49p.m., the Vice Chair declared the hearing adjourned until November 18, 2021

Respectfully submitted,


Milton Ollerton, Planning Director

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

Bonner County Planning and Zoning Commission


Brian Bailey, Chair