

**BONNER COUNTY PLANNING COMMISSION
PUBLIC HEARING MINUTES
APRIL 19, 2022**

PLEDGE OF ALLEGIANCE

CALL TO ORDER: Chair Bailey called the Bonner County Planning 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; Debby Trinen; Wayne Benner; Don Davis; Dave Frankenbach; Josh Pilch; and

Via zoom: Vice Chair Allan Songstad

ABSENT: None

ALSO PRESENT: Planning Director Milton Ollerton; Assistant Planning Director Jacob Gabell; Planner II Jason Johnson; Planner I Swati Rastogi; Planner I Chad Chambers; Planner I Daniel Britt; and Hearing Coordinator Jenna Crone

CONSENT AGENDA: The Commissioners discussed and approved the proposed 2022 Planning Hearing Schedule.

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.

APPROVAL OF MINUTES: The Chair requested the Commissioners declare if they had any corrections or changes to the approval of minutes as written for April 5, 2022. Hearing no changes or objections, the Chair declared the minutes approved as written.

File AM0025-21 – Comprehensive Plan Map Amendment – Lund are requesting a Comprehensive Plan Land Use Designation Change from Rural Residential to Transition for a 5.3 acre parcel. The property is zoned Rural 5. The project is located on Highway 95 north of Dufort Road in Section 29, 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: Planner II Jason Johnson presented a PowerPoint summary of the project and previously circulated staff report concluding that it is not

in accord with the general and specific objectives of the Bonner County Comprehensive Plan and Bonner County Revised Code.

APPLICANT REPRESENTATIVE: Jeremy Grimm, Whiskey Rock Planning, submitted Exhibit A (PowerPoint) and provided information on the zoning of surrounding parcels.

PUBLIC/AGENCY TESTIMONY: None

COMMISSION DELIBERATION: The Commission discussed Findings and the Conclusion.

MOTION TO RECOMMEND APPROVAL: Commissioner Songstad moved to recommend approval to the Board of County Commissioners on this project, FILE AM0025-21, requesting a comprehensive land use plan amendment from Rural Residential to Transition. Commissioner Songstad further directed staff to prepare appropriate findings and conclusions of law to reflect this motion, have the Chairman sign, and transmit to all interested parties. This action does not result in a taking of private property.

Commissioner Trinen seconded the motion.

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

Comprehensive Plan Amendment Findings of Fact

- The parcel is unplatted and ~5.3 acres in total size.
- The property has direct access onto Highway 95.
- Per the submitted application, the eastern portion of parcel (where the buildings sit) is flat. The parcel begins to slope down towards the lake approximately 15' west of the westernmost commercial building. The slope on the parcel is estimated to be between 15-29%.
- The parcel contains mapped wetlands near and adjacent to Algoma Lake. (USFWS)
- The parcel is within SFHA Zone X and Zone A, per FIRM Panel 16017C0950E Effective Date 11/18/2009. This is not a proposal for development as defined in BCRC Title 14. No further floodplain review is required on this proposal.
- The southern portion of Algoma Lake sits along the western edge of the parcel.
- The soil types on the parcel are mostly considered prime farmland or prime farmland if irrigated.
- There is no water or sewer service on the parcel currently. An individual well and septic system are present on the site.
- The parcel is served by Selkirk Fire, Northern Lights (per application), and Bonner School District #84.
- The area of the parcel mapped as having prime farmland soils is the area currently developed with a single-family home and four commercial storage buildings as well as graveled driveways and parking areas for both the home and the storage buildings.

- Because of the existing development, the area mapped as having prime farmland soil is not currently usable for farming.
- Putting any of the prime farmland soils on this parcel to agricultural use would require the demolition of development currently located on the parcel.
- The parcel in question is designated as Rural Residential and surrounded by Rural Residential designated land.
- The parcel in question does meet the definition standard for Transition designated land as contained in the Land Use element of the Bonner County Comprehensive Plan.
- The proposal is consistent with the Goals, Objectives and Policies of the Bonner County Comprehensive Plan.

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 Transition Land Use Designation.

Background:

A. Site data:

- Use: Residential & commercial
- Size: ~5.3 acres
- Zone: Rural 5
- Land Use: Rural Residential
- Legal: 29-56N-2W TAX 7

B. Access:

- The property has direct access onto Highway 95.

C. Environmental factors:

- Per the submitted application, the eastern portion of parcel (where the buildings sit) is flat. The parcel begins to slope down towards the lake

approximately 15' west of the westernmost commercial building. The slope on the parcel is estimated to be between 15-29%.

- Parcel contains mapped wetlands near and adjacent to Algoma Lake. (USFWS)
- Parcel is within SFHA Zone X and Zone A, per FIRM Panel 16017C0950E Effective Date 11/18/2009. This is not a proposal for development as defined in BCRC Title 14. No further floodplain review is required on this proposal.
- The southern portion of Algoma Lake is along the western edge of the parcel.
- Soil types:
 - Bonner gravelly ashy silt loam, 0 to 4 percent slopes, classed as prime farmland.
 - Pywell-Hoodoo complex, 0 to 1 percent slopes

D. Services:

- Water: Well service on site, per application.
- Sewage: Individual septic, per application.
- Fire: Selkirk Fire
- Power: Northern Lights (per application)
- School District: Bonner School #84

E. Comprehensive Plan, Zoning and Current Land Use

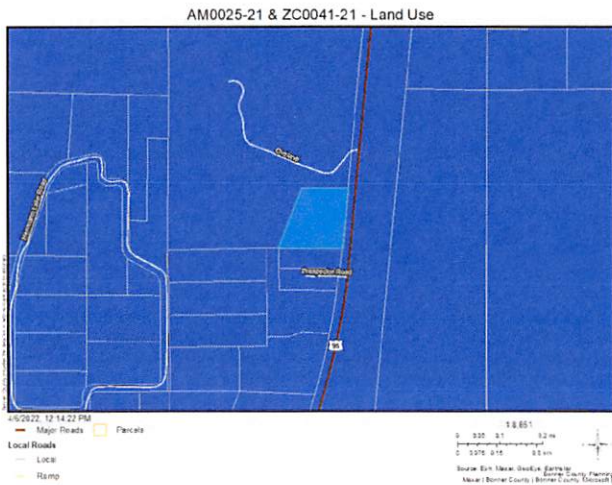
Compass	Comp Plan	Zoning	Current Land Use & Density
Parcel	Rural Residential (5-10 AC)	Rural 5 (R-5)	Residential & commercial
North	Rural Residential (5-10 AC)	Rural 5 (R-5)	Residential
East	Rural Residential (5-10 AC)	Rural 5 (R-5)	Highway, timbered parcels beyond
South	Rural Residential (5-10 AC)	Commercial (C)	Residential & commercial
West	Rural Residential (5-10 AC)	Rural 5 (R-5)	Residential

F. Standards review: Comprehensive Plan & 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.

o **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.



o **Proposed Comprehensive Plan 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.

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

H. Agency & Public Notice, Comments

These applications were routed to the following agencies for comment on November 16, 2021:

Panhandle Health District	Idaho Department of Water Resources
Montana Rail Link	Applicable Water District
Selkirk Fire District	Bonner County Road & Bridge
Avista	U.S. Army Corps (Coeur d’Alene)

School District #84	State Historical Society
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	BNSF Railway
Idaho Transportation Department	U.S. Forest Service
Idaho Department of Lands, Nav. Waters	Northern Lights

All agencies responded with “no comment” or did not respond as of the date of the preparation of the staff report.

No public comments were received as of the date of the preparation of the staff report.

I. Applicant Narrative:

Applicant Narrative, AM0025-21 Comprehensive Plan Map Amendment:

The owner of Parcel #RP56N02W291700A is requesting a Comprehensive Plan amendment from Rural Residential to Transition and a subsequent zone change from Rural 5 (R-5) to Commercial (C). This parcel is ideally situated along a primary transportation route – Highway 95, is served by an individual well and septic system, and has excellent access to fire and police services. The northernmost structure on this parcel is a single-family home while the rest of the structures on the southern end of the parcel are commercial that have been used as such since their creation (see site plan for more details). These commercial structures are currently used as commercial storage. The goal here is to bring the parcel more in line with how most of its buildings are being utilized (commercial) and to better fit in with the character of surrounding properties. Further, the owner desires more flexibility to use the existing commercial structures for different small-scale commercial or light industrial uses as the market demands.

An amendment to the Comprehensive Plan is appropriate because the current designation for this parcel is Rural Residential. The parcels along the corridor to the south are already zoned Commercial and have had commercial or non-residential uses on them for decades (see attached vicinity map). Further, the Bonner County Multi Use Facility was recently constructed in this commercially zoned area further cementing the commercial nature of this stretch of Highway 95. The comprehensive plan designation of this parcel should reflect both its current primary use (commercial) and that of the area and thus we are asking to change the designation to Transition. This corridor is already starting to see changes to the land use map as evidenced by parcel #RP56N02W321041A about ¼ mile to the south, which went through a comprehensive plan change to Transition and subsequent zone change to Commercial to conditionally allow for a RV Park in 2016 (Bonner County File #ZC357-16).

This proposal also meets the description of the Commercial District as outlined in Bonner County code §12-325:

- A) *The commercial district is established to promote a range of commercial uses to serve the needs of the immediate area, surrounding rural communities and visitors without adversely affecting adjacent residential neighborhoods. The commercial district is also intended to provide opportunities for a variety of affordable housing types that are within walking distance of commercial services. Intensive large scale commercial development is not appropriate due to the limited density of surrounding unincorporated areas. Access to primary transportation routes and a system of hard surfaced roads are expected and consideration is given to the potential public transportation access. These purposes are accomplished by:*
- 1) *Providing for a wide range of small to medium scaled retail, professional, governmental and personal service uses.*
 - 2) *Allowing for mixed use buildings (housing over office or retail) and a range of housing types, including cottage housing, townhouses, apartments and mobile home parks where sufficient services are provided.*
 - 3) *Allowing for light industrial uses where activities are conducted primarily indoors and impacts to adjacent uses can be mitigated.*
 - 4) *Excluding commercial uses with extensive outdoor storage.*
 - 5) *Excluding large scale commercial uses that would be more effectively located in incorporated cities.*
 - 6) *Applying simple design standards that enhance pedestrian access and improve the character of the area.*
- B) *Use of this zone is appropriate in areas designated as neighborhood commercial, urban growth area or transition by the comprehensive plan and community plans and that are served at the time of development by adequate sewage disposal services, water supply, roads and other needed public facilities and services. Expansion of existing commercial districts or the creation of new commercial districts may be considered only if the expansion will not negatively impact the safety and function of a state highway or other roadway.*

Namely, the use of this parcel is in line with the description that "intensive large scale commercial development is not appropriate due to the limited density of surrounding unincorporated areas." The parcel in question only has smaller commercial structures that fit in with the scale of the surrounding area and the parcel is not large enough to support large-scale commercial development. Access to a primary transportation route, Highway 95, is also present.

Per Bonner County Code §12-215(b), comprehensive plan amendments and zone changes must address the following:

1. *Effects of elements such as noise, light glare, odors, fumes and vibrations on adjoining property;*
2. *Compatibility of the proposal with the adjoining land uses; and*
3. *Relationship of the proposal to the comprehensive plan.*

This proposal has the potential to minimally alter the noise, light glare, odors, fumes or vibrations on adjoining property. First, the primary purpose of this

application is to bring into conformance existing commercial uses of the buildings located on the southern portion of the parcel. Second, while the zone change would effectively allow more uses on the parcel the buildings and the parcel itself are situated in such a way that impact to adjoining properties would be minimal.

This proposal is compatible with adjoining and surrounding land uses. An excavation business lies on a parcel approximately 170' to the south of here and most of the parcels further to the south are either commercial businesses or County or state-owned non-residential uses. The adjoining parcel to the northwest is used as single family residential but it is 90 acres and its nearest building to the subject parcel is approximately 750' away. A variety of non-residential property along this corridor and in the vicinity of the subject parcel is shown on the attached vicinity map.

This proposal fits in nicely with the nearby zoning of the area because it lies north of an adjacent approximately 1,200' long strip of Commercial zoning along Highway 95 corridor. The approval of this application would simply result in the extension of this zoning classification 500' further to the north.

This zone change application is in accordance with the following elements of the Bonner County Comprehensive Plan:

● **Property Rights:**

This zone change conforms with the property rights goal and represents a balance between conforming to County Code and respecting the private property rights of the applicant. The applicant desires to rezone the parcel so that a wider variety of use options are available for the existing commercial structures.

● **Population:**

Population within the County has been growing according to every metric, including the current comprehensive plan. Approving a zone change here would still provide the option for the owner to construct a variety of housing options.

● **School Facilities & Transportation:**

This parcel is adjacent to Highway 95, relatively close to Southside Elementary, and has adequate access to transportation infrastructure and would not put any undue burden on school facilities.

● **Economic Development:**

This zone change application will have no detrimental effect on the County's economic development. This proposal has the potential to boost the County's economy by providing structures that could be used for a variety of commercial or light industrial ventures.

● **Land Use:**

This proposal is consistent with the Land Use component. Specifically, the zoning immediately adjacent to the south is Commercial and much of the land further south along the corridor is currently being used as either commercial or as County

facilities. Changing this parcel to the Transition Comprehensive Plan designation is logical here: it has access to Highway 95, it is in an area with a significant amount of other non-residential uses and has access to the required services.

● **Natural Resources:**

This application is not inconsistent with the natural resources chapter of the plan. While the parcel is identified as potentially having prime agricultural soils on it, the only flat area with these soils is immediately adjacent to the highway and on soils in excess of 6%. For further discussion of these soils see the Agriculture component below.

● **Hazardous Areas:**

The only potentially hazardous areas on this parcel are those on the western edge of it near the water which houses a small portion of Zone A of the floodplain. If the owner decided to develop in the floodplain areas structures would be constructed to the necessary floodplain standards as adopted by Bonner County. This parcel is ideally situated for development and would not place additional burden on the Fire Department.

● **Public Services:**

A zone change here would not place additional burden on public services and response times. The nearby right of way is ideal in delivering adequate public services to any future development on this parcel.

● **Transportation:**

This parcel is ideally situated on the Highway 95 corridor thus providing adequate access to the transportation network. A zone change here would not create undue stress on this transportation network.

● **Recreation:**

A zone change here would not adversely impact the recreational opportunities in the area.

● **Special Areas or Sites:**

This site is not adversely impacting any special areas or sites as identified in the comprehensive plan.

● **Housing:**

The comprehensive plan identifies the need for additional and diverse housing stock in the County. This zone change could allow for additional workforce/affordable housing in the future.

● **Agriculture:**

The soil on this parcel is identified as Bonner gravelly silt loam which is classified as prime farmland soil. However, only less than 2 acres of this soil lies on land that is level and most of this land is already developed with driveways, parking areas, and structures. The rest of the parcel with this prime soil is sloped downward toward the water on slopes between approximately 15-29%. Note that the Comprehensive

Plan states that slopes in excess of 6% do not constitute prime farmland (Bonner County Comprehensive Plan, Natural Resources Component, Chapter 3-2).

J. Staff Analysis:

Staff Analysis:

Staff concluded this project is **not** consistent with the goals, policies and objectives of the Bonner County Comprehensive Plan and is **not** consistent with the Land Use Element of the Bonner County Comprehensive Plan based upon the information found in the 'Background' and 'Staff Analysis' portions of this staff report, and as demonstrated by the findings of fact and conclusions of law below.

The standards and comparisons for the Rural Residential Land Use Designation and the Transition Land Use Designation are analyzed below:

Staff Analysis – AM0025-21 Comprehensive Plan Map Amendment:

Review of 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.

Staff Review: Per the submitted application, the parcel currently features both residential and commercial uses, including a single-family home and four commercial storage buildings. The southern portion of Algoma Lake is along the western edge of the parcel. Per the submitted application, there is a well on the north end of the parcel.

Access is directly provided by Highway 95.

Per the submitted application, the eastern portion of parcel (where the buildings sit) is flat. The parcel begins to slope down towards the lake approximately 15' west of the westernmost commercial building. The slope on the parcel is estimated to be between 15-29%.

Most of the parcel is mapped as having prime farmland soils. The area of the parcel mapped as having prime farmland soils is the area currently developed with a single-family home and four commercial storage buildings, as well as graveled driveways and parking areas for both the home and the storage buildings. Because of this, the area mapped as having prime farmland soil is not currently usable for farming. Putting any of the prime farmland soils on this parcel to agricultural use would require the demolition of development currently located on the parcel.

The only feature on the property that may make it potentially incompatible with the current land use designation of Rural Residential is the existence of the commercial

storage buildings on the property. Commercial storage is not directly addressed in the Comprehensive Plan.

Review of Proposed Comprehensive Plan 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.

Staff Review: The parcel in question is directly served by Highway 95 and is served by fire and police service.

Most of the parcel is mapped as having prime farmland soils. The area of the parcel mapped as having prime farmland soils is the area currently developed with a single-family home and four commercial storage buildings, as well as graveled driveways and parking areas for both the home and the storage buildings. Because of this, the area mapped as having prime farmland soil is not currently usable for farming. Putting any of the prime farmland soils on this parcel to agricultural use would require the demolition of development currently located on the parcel.

This parcel in question does not have urban-like water or sewer service and is instead served by septic and well. Individual wells and septic systems are the standard methods for acquiring water and disposing of sewage on rural lands throughout Bonner County and the State of Idaho. Merriam-Webster's Dictionary defines urban as "of, relating to, characteristic of, or constituting a city." Merriam-Webster's Dictionary further defines "like" as "having the characteristics of" or "similar to." Individual wells and septic systems are not characteristic of or similar to the services found in a city.

The use of the phrase "Due to the intensity of land use, these areas require... urban-like water and sewer services..." makes clear that urban-like water and sewer services are a prerequisite for Transition designated land and are not optional. Staff is compelled by this language to review this application consistent with the language used in the Comprehensive Plan. The word "require" means that urban-like water and sewer services are mandatory and are not discretionary in the Transition land use designation. To conclude otherwise would be to render meaningless the language cited above in the Comprehensive Plan.

The parcel in question directly abuts the water body of Algoma Lake. The land use designation of Transition allows for the most intense land uses permitted under Bonner Revised County Code. If the clearly stated requirement for urban-like water and sewer services noted above does not apply to a parcel situated directly on a lakefront, staff struggles to imagine any circumstance under which this expressly stated requirement would apply.

The parcel in question does not meet the requirement for urban-like water and sewer services. Further, the application states that there is no plan to meet this requirement, should this application be approved.

Staff Analysis – Bonner County Comprehensive Plan; Implementation Element; Goals, Objectives and Policies Review:

The goals, objectives and policies of the Comprehensive Plan are reasoning and justification for the specific requirements and definitions contained in the Plan. The goals, objectives and policies of the Comprehensive Plan are also reasoning and justification for language and requirements contained in the definition of the Transition designation at question in this review.

Implementation Element, Section 2.4 - Economic Development:

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

STAFF: The requirement, noted above, that lands designated as Transition must have urban-like water and sewer services is implementing language to ensure that adequate public/private services are provided for the parcel in question. The absence of urban-like water and sewer services on the parcel means that the proposal in question is counter to this objective.

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

STAFF: The requirement, noted above, that lands designated as Transition must have urban-like water and sewer services is implementing language to consider and mitigate potential impacts of commercial and industrial development on natural resources. The absence of urban-like water and sewer services on the parcel means that the proposal in question is counter to this objective.

Policy: *Bonner County supports the development of industrial, commercial and rural service areas in locations where services and transportation networks are readily available and it will work to develop business and industrial parks where land-use designations and services have been pre-planned.*

STAFF: This proposal does not meet this policy expectation. Adequate services in the form of urban-like water and sewer services, as required under the Comprehensive Plan definition for the Transition land use designation, have not been pre-planned for the parcel in question.

Section 2.5 - Land Use:

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

STAFF: Protection of county natural resources is a goal of the Comprehensive Plan. One important method for the protection of natural resources from the impacts of

intense land uses is provided for by requiring Transition designated lands to have urban-like water and sewer services. This proposal does not meet this requirement and is therefore inconsistent with this goal.

Section 2.6 - Natural Resources

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

STAFF: Protection of natural resources from the impacts of intense land uses, including those allowed in the Transition designation, is a goal of the Comprehensive Plan. One important method for the protection of natural resources from the impacts of intense land uses is provided for by requiring Transition designated lands to have urban-like water and sewer services. This proposal does not meet this requirement and is therefore inconsistent with this goal.

Section 2.6 - Natural Resources

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

STAFF: Protection of water resources from the impacts of the intense land uses found in the Transition designation is a goal of the Comprehensive Plan. One method for the protection of water resources is the requirement for Transition designated lands to have urban-like water and sewer services. This requirement serves to preserve both the quality and quantity of water resources in the county. As stated above, if the clearly stated requirement for urban-like water and sewer services does not apply to a parcel situated directly on a lakefront, staff struggles to imagine any circumstance under which this requirement would apply.

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

STAFF: Requiring Transition designated lands to have urban-like water and sewer services is a measure to protect fisheries, wildlife and wetlands. As stated above, if the clearly stated requirement for urban-like water and sewer services does not apply to a parcel situated directly on a lakefront, staff struggles to imagine any circumstance under which this requirement would apply.

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

STAFF: The comprehensive plan definition for the Transition land use designation in the Comprehensive Plan makes clear what is an adequate sewer treatment system for the Transition designation: That is an urban-like sewer and water system. This is intended to protect water resources. As stated above, if the clearly stated requirement for urban-like water and sewer services does not apply to a parcel situated directly on a lakefront, staff struggles to imagine any circumstance under which this requirement would apply.

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

STAFF: The comprehensive plan definition for the Transition land use designation in the Comprehensive Plan makes clear what is required to maintain or enhance county fish and wildlife resources in the Transition designation: That is an urban-like sewer and water system. This is intended to protect water and fish resources. As stated above, if the clearly stated requirement for urban-like water and sewer services does not apply to a parcel situated directly on a lakefront, staff struggles to imagine any circumstance under which this requirement would apply.

The protection of water quality, water quantity, water resources, wetlands, fish and wildlife habitat, fisheries, lakes and waterways, and natural resources are all called out as priorities for protection by the Comprehensive Plan. Additionally, the requirement for adequate sewage disposal systems and services is also a priority.

In failing to provide for urban-like water and sewer services for the parcel in question, this proposal is inconsistent with all the Natural Resources Goals, Policies, and Objectives found in the Implementation section of the Bonner County Comprehensive Plan.

File AM0003-22 - Comprehensive Plan Map Amendment - Adams are requesting a Comprehensive Plan Map Amendment from Agricultural/ Forestry Land to Rural Residential to correct the split land designation. The parcel is 56.64 acres. The property is zoned A/F-20 and Rural-5. The project is located off Kelso Lake Road in Section 3, Township 54 North, Range 4 West, Boise-Meridian.

STAFF PRESENTATION: Planner I Daniel Britt presented a PowerPoint summary of the project and previously circulated staff report concluding that it is in accord with the general and specific objectives of the Bonner County Comprehensive Plan and Bonner County Revised Code.

APPLICANT REPRESENTATIVE: Glen Cash, Applicant's Representative provided information on property.

COMMISSION DELIBERATION: The Commission discussed Findings and the Conclusion.

MOTION TO RECOMMEND APPROVAL: Commissioner Davis moved to recommend approval to the Board of County Commissioners on this project, FILE

AM0003-22, requesting a comprehensive plan amendment from Agricultural/Forestry Land to Rural Residential, on a 56.64 acres parcel generally located in Section 3, Township 54 North, Range 4 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 move to adopt the findings of fact and conclusions of law as set forth in the Staff Report and direct planning staff to draft written findings and conclusions to reflect this motion, have the Chairman sign, and transmit to all interested parties. This action does not result in a taking of private property.

Comprehensive Plan Amendment Findings of Fact

- The parcel is not characterized by slopes steeper than 30%.
- Kelso Lake Road is a Bonner County owned and maintained gravel travel way.
- Critical wildlife habitats were not identified by any agency.
- An individual well and septic system are currently on the property.
- The parcel is within the Spirit Lake Fire District.
- Law enforcement service is provided by Bonner County Sheriff.
- Agricultural use can be pursued and are viable in the Rural Residential designation.
- Residential development is possible on the parcel.

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 purpose of the Recreational zoning district, provided at Chapter 3, Title 12, Bonner County Revised Code.

Background:

B. Site data:

- Size: 56.64 acres
- Zone: A/F-20 and Rural 5
- Land Use: Ag/F Land and Rural Residential
- Legal Description: Instrument #944214

B. Access:

- The property is accessed by Kelso Lake Road a Bonner County owned and maintained gravel road.

G. Environmental factors:

- Site does contain mapped slopes. (USGS)
- Site does not contain mapped wetlands. (USFWS)
- Site does not contain waterfront or streams. (NHD)
- Parcel is within SFHA Zone X, per FIRM Panel 16017C1125E, Effective Date 11/18/2009
- Soil:
 - Description: Kootenai gravelly ashy silt loam, 0 to 40 percent slopes
 - Type: Consociation
 - Drainage: Well Drained
 - Classification: Prime farmland if irrigated
- Description: Bonner gravelly silt loam, 30 to 65 percent slopes
 - Type: Consociation
 - Drainage: Well drained
 - Classification: Not prime farmland

H. Services:

- Water: Individual well
- Sewage: Individual septic
- Fire: Spirit Lake Fire District
- Power: Northern Lights Inc.
- School District: West Bonner School District #83

I. Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Land Use & Density
Site	Ag/Forest Land	A/F-20 & Rural-5	Residential/ 56.64
North	Ag/Forest Land	A/F-20	Residential/ 22 acres
East	Remote Ag/ Forest	A/F-20	Vacant/ .39 acres
South	Rural Residential	Rural-5	Residential / 21.25 acres
West	Ag/Forest Land/ Rural Residential	A/F-20 & Rural-5	Vacant/ 360 acres

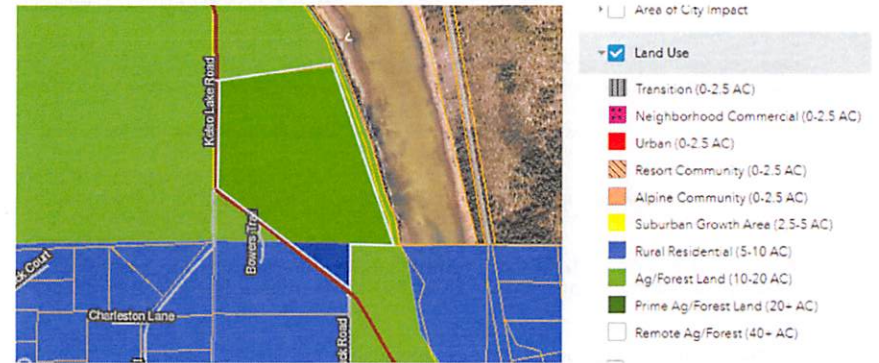
J. Review standards BCRC:

- **12-216:** Evaluation of Amendment Proposals
 - Staff and the governing bodies shall review the particular facts and circumstances of each proposal submitted and shall determine whether there is adequate evidence that the proposal is in accordance with the general and specific objectives of the comprehensive plan. (Ord. 501, 11-18-2008)
- **12-320.1:** Zoning Districts and Map Designation, Purpose:
 - The purpose statements for each zone and map designation set forth in the following sections shall be used to guide the application of the zones and designations to all lands in unincorporated Bonner County. The purpose statements also shall guide interpretation and application of land use regulations within the zones and designations, and any changes to the range of permitted uses within each zone through amendments to this title. (Ord. 501, 11-18-2008)
- **12-320.2:** Zoning Districts and Map Designations Established:
 - In accordance with the provisions of Idaho Code and the objectives set forth in this code, all land in the unincorporated areas of Bonner County is hereby classified according to the following zoning designations and zoning map symbols, which shall be applied as shown on the official zoning district map

Existing Comprehensive Plan Designation:

Ag/Forest Land: The Ag/Forest Land designation recognizes areas where steeper slopes prevail (30% or greater) and transportation is provided by private roads or U.S. Forest Service or state roads. Urban services are not available and residential development challenges are present due to slope, poor soil conditions, hazard areas and lack of police or fire services.

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:

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.

Comprehensive Plan Analysis:

Section 2.1 – Property Rights

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

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

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

Staff: The application was routed to neighbors 300’ from the property line, informing neighbors of the proposed comprehensive plan map amendment. As of April 12, 2022, Bonner County Planning has received one response to application, it did not contain a statement on how the application would impact their private property rights.

Section 2.2 – Population

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

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

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

Section 2.3 – School Facilities & Transportation

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

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

Staff: Bonner School District #83 and Bonner County School Transportation that serves the property was notified of the proposal and did not comment as to how an increase in density and development would or would not adversely impact the district's ability to provide adequate school services (and facilities) for new and existing students.

Section 2.4 – Economic Development

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

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

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

Commercial and industrial areas shall be located in defined areas which encourage clustered development and discourage sprawl and strip development. Bonner County's highway systems shall be viewed primarily as transportation corridors for the efficient flow of traffic and shall not be viewed merely as frontage roads for commercial development.

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

Staff: The proposed comprehensive plan map amendment is in accord with the goal and objectives of economic development as the property is accessed by suitable transportation systems.

Section 2.5 – Land Use

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

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

Staff: The proposed change is compatible with surrounding land uses. Additionally, the property will not adversely impact natural resources as agricultural and forestry pursuits are viable option under the current land use designation as well as the proposed designation. This proposal could encourage affordable housing options and currently has public and private services to the property.

Section 2.6 – Natural Resources

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

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

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

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

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

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

Staff: Impacts to critical wildlife was not identified by any agency. Idaho Fish & Game did mention that increase in density would cause wildlife to seek new corridors to travel.

Section 2.7 – Hazardous Areas

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

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

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

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

Staff: The subject property is not located in a mapped floodplain. In addition, the subject property does not have excessive slopes which may result in potential damage to property or people due to soil erosivity or avalanches.

Section 2.8 – Public Services, Facilities & Utilities

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

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

New development shall not unduly overburden the current system.

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

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

Staff: Any future development to this parcel should not affect service as currently there is a well and septic system. Furthermore, the property is afforded emergency services and has multiple point of ingress/ egress in the event of an emergency through public roads.

Section 2.9 – Transportation

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

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

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

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

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

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

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

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

Staff: The applicant's property is accessed by a Bonner County owned and maintained road.

Section 2.10 - Recreation

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

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

Staff: Bringing the parcel into compliance with the comprehensive plan under one land use designation will not impact existing recreational opportunities in Bonner County.

Section 2.11 – Special Areas or Sites

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

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

Staff: A Comprehensive Map Amendment of the property is not an application for development. Thus, the potential to disturb any special archeological and historical sites is null.

Section 2.12 – Housing

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

Staff: The application is consistent with the housing component of the comprehensive plan as the application for the comprehensive map amendment may result in more opportunities for different housing options in Bonner County.

Section 2.13 - Community Design

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

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

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

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

Staff: A comprehensive plan map amendment to the property may result in increased density, but that increase in density will not compromise the existing character of the community, as most properties surrounding the property already have a land use designation of Rural Residential. Also a portion of the parcel has already been deemed by the comprehensive plan as Rural Residential.

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 March 11, 2022

Panhandle Health District	Idaho Department of Water Resources
Spirit Lake Fire District	U.S. Forest Service
Northern Lights Utility Company	Bonner County Road and Bridge Department
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	BNSF Railway
Idaho Department of Environmental Quality	Bonner County Sheriff
Idaho Department of Lands, Nav. Waters	(All Taxing Districts)

The following agencies provided comment:

Idaho Fish & Game- See attached letter for project recommendations

DEQ- See attached letter for project recommendations

The following agencies replied "No Comment":

Idaho Department of Lands

All other agencies did not reply.

I. Public Notice & Comments

One written comment was received. See attached letter

Staff Analysis:

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

The standards and comparisons for both the Agricultural/ Forestry Land to Rural Residential designation are listed below.

Agricultural/ Forestry Land	Rural Residential
Slopes steeper than 30% or greater Roads are either private or, state roads, or U.S. Forest Service Urban Services are not available Residential development challenges are present due to slope, poor soil conditions, hazard areas Lack of police or fire service	Urban services are not available. Slopes may vary up to 30%. Hazard areas. Critical wildlife habitats. Lower densities reduce potential impacts to resources and exposures to loss of property or lives. Small-scale agricultural uses and residential development are permitted

The proposed change is consistent with the comprehensive plan for the Rural Residential:

- The parcel is not characterized by slopes steeper than 30%.
- Kelso Lake Road is a Bonner County owned and maintained gravel travel way.
- Critical wildlife habitats were not identified by any agency.
- An individual well and septic system are currently on the property.
- The parcel is within the Spirit Lake Fire District.
- Law enforcement service is provided by Bonner County Sheriff.
- Agricultural use can be pursued and are viable in the Rural Residential designation.
- Residential development is possible on the parcel.

COMMISSIONER & STAFF UPDATES:

Planning Director Milton Ollerton encouraged the Planning Commissioners to start studying the Sub-Area Plans and the current Comprehensive Plan to be more informed when Comp Plan discussions begin on May 3, 2022. The agenda for the Comprehensive Plan Workshops will be mapped out to help facilitate the meeting.

At 7:12 p.m., the Chair declared the hearing adjourned until May 3, 2022


Respectfully submitted,



Milton Ollerton, Planning Director

The above Minutes are hereby approved this 3rd day of May 2022.

Bonner County Planning Commission



Allan Songstad, Vice Chair