

see or participate in these proceedings. Hearing no response, the Chair continued with the public hearing.

File ZC0002-21 – Zone Change – AG/Forest 20 to AG/Forest 10 – Morton Slough Estates, LLC is requesting a zone change from Agricultural/Forestry-20 to Agricultural/Forestry-10 on four (4) parcels totaling approximately 204 acres. The 204 acres has a comprehensive plan land use designation of Ag/Forest Land (10-20 AC). The project is located off Ledges Drive in Section 15, Township 56 North, Range 3 West, Boise-Meridian.

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

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

APPLICANT PRESENTATION: Applicant representative, Travis Haller, presented description of lots.

PUBLIC/AGENCY TESTIMONY: The following individuals spoke on the record regarding this project: John Ennis and Dion Stonehalker

APPLICANT REBUTTAL: None.

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

MOTION TO RECOMMEND APPROVAL: Commissioner Bradish moved to recommend approval to the Board of County Commissioners on this project, FILE ZC0002-21, requesting a zone change from Agricultural/Forestry-20 to Agricultural/Forestry-10, finding that it is in accord with the general and specific objectives of the Bonner County Comprehensive Plan and Bonner County Revised Code as enumerated in the following conclusions of law, and based upon the evidence submitted up to the time the Staff Report was prepared and testimony received at this hearing. Commissioner Bradish further moved to adopt the following findings of fact and conclusions of law as written. This action does not result in a taking of private property. Commissioner Glasow seconded the motion.

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

Background:

A. Site data:

- Use: Vacant
- Unplatted
- Size: ~204 acres in total
- Zone: Agricultural/Forestry-20

- Land Use: Ag/Forest Land

B. Access:

- Ledges Drive
 - i. Road Class: Local
 - ii. Road Owner: Private
 - iii. County Maintained: No
- Additional private easement are planned for access to back parcels per the applicant.

C. Environmental factors:

- Site does contain mapped slopes. (USGS)
- Site does contain mapped freshwater forested/shrub wetlands. (USFWS)
- Site does not contain waterfront or streams. (NHD)
- Per Bonner County Planning Department CFM, Jason Johnson, *Parcels RP56N03W159150A, RP56N03W158850A, RP56N03W150005A and RP56N03W157650A are all within SFHA Zone X, per FIRM panel 16017C0925E, effective date 11/18/2009. No further floodplain review is required on this proposal.*
- Soils –
 1. Dufort-Rock outcrop complex
 - Not prime farmland
 - Well drained
 2. Pend Oreille silt loam
 - Not prime farmland
 - Well drained
 3. Lenz-Rock outcrop association
 - Not prime farmland
 - Well drained

D. Services:

- Water: Individual Well
- Sewage: Individual Septic
- Fire: Selkirk Fire District
- Power: Northern Lights, Inc.
- School District: Bonner County Schools #84

E. Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Land Use & Density
Site	Ag/Forest Land	A/F-20	Vacant
North	Rural Residential	Rural-10	Residential
East	Ag/Forest Land	A/F-20	Vacant
South	Rural Residential	Rural-10	U.S. Federal Land
West	Rural Residential	Rural-10	Residential, Vacant

F. Standards Review: Bonner County Revised Code

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

- The application was considered complete and routed to agencies accordingly.
- **12-216: Evaluation of Amendment Proposals**
 - Staff and the governing bodies shall review the particular facts and circumstances of each proposal submitted and shall determine whether there is adequate evidence that the proposal is in accordance with the general and specific objectives of the comprehensive plan. (Ord. 501, 11-18-2008)
- **Comprehensive Plan:**
 - 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.
- **Existing Zone: BCRC 12-322 Agricultural/Forestry District (A/F-20)**
 - The agricultural/forestry district is established to provide for agricultural and forestry pursuits, including livestock production, forestry, horticulture, floriculture, viticulture, and necessary accessory uses for treating, storing and processing agricultural products. The purpose of the A/F district is to preserve, protect and maintain areas that are rural in character and the integrity of the forest/woodland areas where viable agricultural pursuits can be feasible and to avoid fragmentation of forests and farms. These purposes are accomplished by:
 - Establishing residential density limits and conservation development standards to retain areas sized for efficient farming.
 - Allowing for uses related to agricultural production and limiting nonagricultural uses to those compatible with agriculture, or requiring close proximity for the support of agriculture.
 - Use of this zone is appropriate in areas designated by the comprehensive plan as follows:
 - A/F-20 in all areas designated as prime ag/forest land in the comprehensive plan. The A/F-20 zone is also appropriate in areas designated ag/forest land in the comprehensive plan that also feature:
 - 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 Zone: BCRC 12-322 Agricultural/Forestry District (A/F-10)**

- The proposal is to stay within the Agricultural/Forestry zoning district but to rezone from A/F-20 to A/F-10.
- BCRC 12-322(B): Use of this zone is appropriate in areas designated by the comprehensive plan as follows:
 - BCRC 12-322(B)(2): **A/F-10** in areas designated as ag/forest land in the comprehensive plan that do not feature prime agricultural soils, 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 road and other services.

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

H. Agency Review: The application was routed to agencies and all taxing districts for comment on March 2, 2021.

Bonner County GIS Department:

Bonner County Road & Bridge Department:

Bonner County Schools #84 – Transportation:

Idaho Department of Environmental Quality: No Comments

Idaho Department of Fish & Game:

Idaho Department of Lands – Sandpoint:

Idaho Department of Water Resources:

Norther Lights, Inc.:

~~Panhandle Health District: No Comment~~

Selkirk Fire District: The Selkirk Fire District objects to this zone change. The road to the property provided by the developer is too steep, too narrow and the turning radius is too small for our fire apparatus to navigate. This road does not meet the state fire code. Then recently evaluated for FD access, staff found the road was impassable due to a rockslide.

Allowing the requested reduction in lot size will provide more inaccessible development lots on a steep, west facing slope. West facing slopes are drier and burn more readily because of their sun exposure.

We are unaware of any other existing for these lots. So, this road access serves the residents for exiting and for FD emergency access. Clearly a conflict given the condition of the road and conflicts of personal vehicles passing FD apparatus during emergency conditions.

U.S. Army Corps of Engineers:

U.S. Fish & Wildlife Service:

U.S. Forest Service:

*All Taxing Districts

I. Public Notice & Comments: The application was routed to property owners within 300’ of the subject property and published in the newspaper on March 2, 2021.

Zone Change Findings of Fact

1. The entire 204 acres of the four parcels involved are proposed to be rezoned from Agricultural/Forestry-20 to Agricultural/Forestry-10.
2. The sites are vacant per Bonner County Assessor records
3. There are no building permits, building location permits, or land use files on file with the Bonner County Planning Department for the subject properties.
4. The existing parcels are designated Ag/Forest Land in the Bonner County Comprehensive Plan.
5. The sites are accessed off Ledge Drive, a 60' wide easement with a private road.
6. Parcels and lots adjacent to and within the vicinity of the subject properties have a Comprehensive Plan land use designation of Ag/Forest Land to the east and Rural Residential to the north, west, and south while the zoning districts are Agricultural/Forestry-20 to the east and Rural-10 to the north, west, and south. These parcels are a mix of vacant, residential and federal land.
7. The sites are served by individual well, individual septic, Northern Lights, Inc., the Selkirk Fire District, and Bonner County Schools #84.
8. The sites have mapped steep slopes of 15-29% and 30% or greater.
9. The sites have mapped freshwater forested/shrub wetlands. Per the NWI dataset.

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 Agricultural/Forestry-10 zoning district, provided at Chapter 3, Title 12, Bonner County Revised Code.

Notational recommendation:

The governing boards have determined that future divisions of land within the rezone boundaries warrant roads that are built to the standards in BCRC Title 12 Appendix A, and absent the development agreement opportunity, the following notation is required to be placed within the rezone ordinance in lieu of Conditional approval.

"Future divisions of land within the rezone boundaries described herein shall be developed with roadways meeting the 'low volume private road' standard set forth in Bonner County Revised Code, Title 12, Appendix A, Section 2.5A."

AMENDMENT

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 AM0016-20 - Bonner County Revised Code Title 12- Text Amendment- Bonner County is requesting a text amendment to Title 12 to include the following proposed changes: 1) Amend Title 12 Chapter 6 in its entirety. Some of the amendments are housekeeping in nature including reorganization of subchapters, deletion of entire processes such as Short Plat and Condominium procedures, amending Minor Land Division and other processes as shown in the proposal up to and including the following subchapters: a. 6.1 – General Provisions; b. 6.2 – Design Standards and Final Plat Contents; c. 6.3 – Lot line adjustments and Minor Notational Changes; d. 6.4 – Minor Land Divisions; e. 6.5 – Preliminary Plat; f. 6.6 – Conservation Subdivisions; g. 6.7 - Intentionally left blank; h. Adding 6.8 – Vacation, Total or Partial, of a Recorded Subdivision Plat; 2) Amending definitions associated with this Section; 3) Adding Appendix C: Development Agreements.

STAFF/APPLICANT PRESENTATION: Director Ollerton presented a summary of the proposed ordinance changes and previously circulated staff report, concluding this project is consistent with the Bonner County Comprehensive Plan and Bonner County Revised Code.

PUBLIC/AGENCY TESTIMONY: Commissioner Bradish moved to open agency testimony to Panhandle Health District. Commissioner Reeve seconded the motion. Voted upon and the motion passed unanimously.

Chair Bailey invited Panhandle Health District representative Kathryn Kolberg to comment on the record for clarification regarding septic permitting issues.

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

Katherine Colbert presented information on how processes (site evaluations) change between owners of land, potentially causing future issues for landowner.