



BOUNDARY COUNTY PLANNING AND ZONING

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**STAFF REPORT
 BOUNDARY COUNTY BOARD OF COMMISSIONERS
 FILE #25-0017, BARTON SUBDIVISION
 JAMIE & PAMELA BARTON
 SHORT PLAT, RURAL SUBDIVISION**

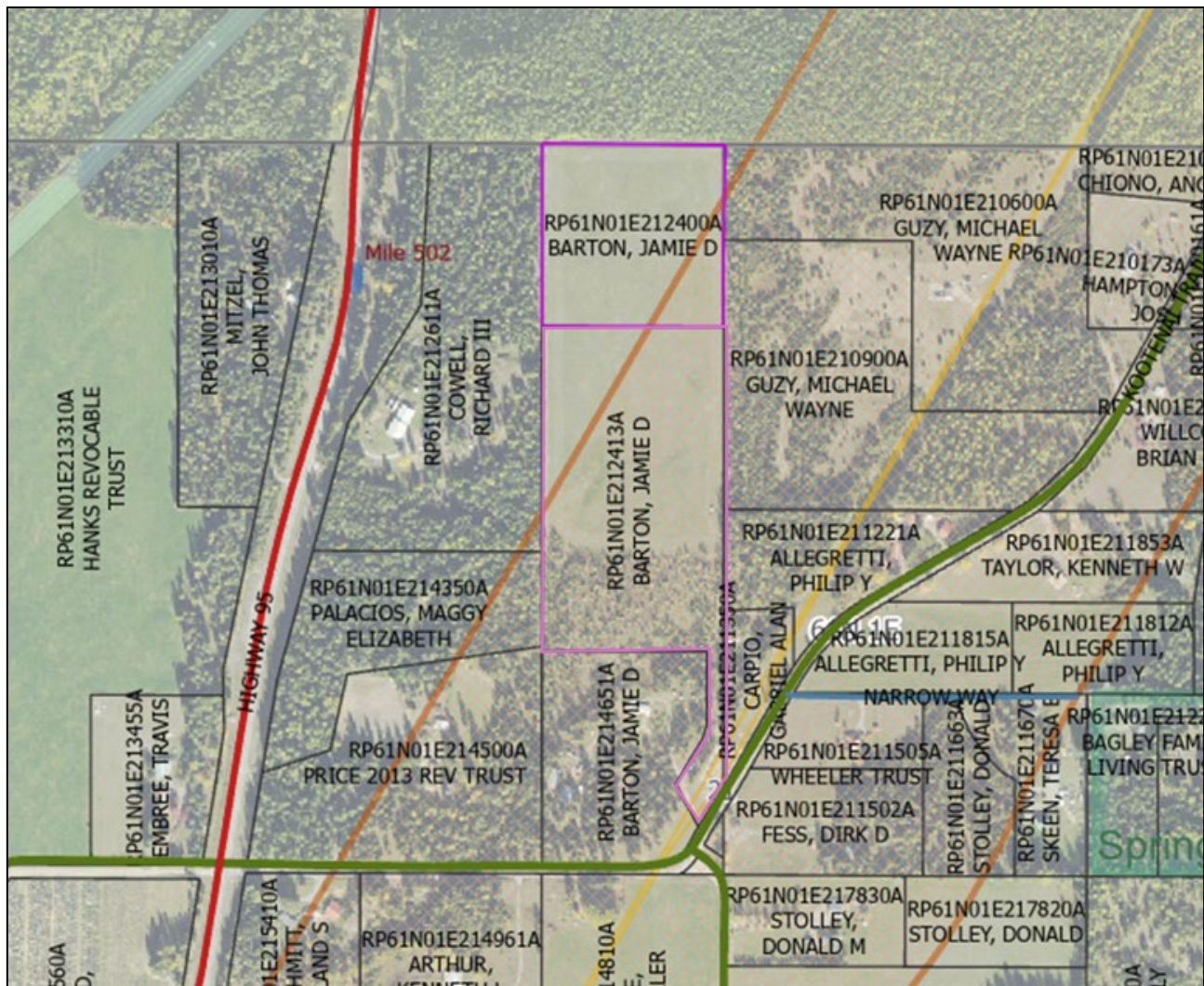
Prepared By:	Tess Vogel, Associate Contract Planner Ruen-Yeager & Associates, Inc.
Project Description:	Requesting preliminary plat approval of Barton Subdivision to divide two parcels totaling 28.59 acres, into five residential lots ranging between 5 and 7.897 acres.
Project Location:	Two tracts off Kootenai Trail Road
Parcel Number:	RP61N01E212413A; RP61N01E212400A
Legal Description:	E2E2NW4 LESS: NE4NE4NW4 & TAX 21; NE4NE4NW4 both in SECTION 21 TOWNSHIP 61 NORTH RANGE 1 EAST
Zoning Designation:	Rural Residential
Applicants: Representative:	Jamie & Pamela Barton Highland Surveying
Date Application Completed:	11/25/2024
Hearing Date:	Board of County Commissioners: 01/14/2025
Legal Notice Provided:	Newspaper: 12/26/2024 Site Posting: 01/03/2025 Mailed to owners w/in 300' taxing districts & media: 12/23/2024
Staff Report Attachments	Legal notices, application, preliminary plat

PROJECT SUMMARY

Jamie & Pamela Barton are requesting preliminary plat approval of Barton Subdivision to divide two parcels totaling 28.59 acres, into five residential lots ranging between 5 and 7.897 acres. The parcels are located off Kootenai Trail Road in the Rural Residential zone, which requires a 5-acre density minimum. The properties will use private wells and septic systems and are identified as Assessor’s Parcels RP61N01E212413A and RP61N01E212400A in Section 21, Township 61 North, Range 1 East, B.M. The sites are proposed to be served by individual wells, septic, Northern Lights, Inc. and is located within the Paradise Valley Fire District boundaries.

A Rural Subdivision is described at Section 11.3.6.1. of the County Code Ordinance 2023-1 as a “short plat,” but does not provide the maximum number of lots that can be considered under a short plat process. Short plats are heard by the Board of County Commissioners only.

A rural subdivision via short plat is required due to the number of proposed lots. The proposed land division is not eligible for a simple or primitive parcel division application.



AERIAL VIEW OF PROPERTIES

PROJECT SETTING

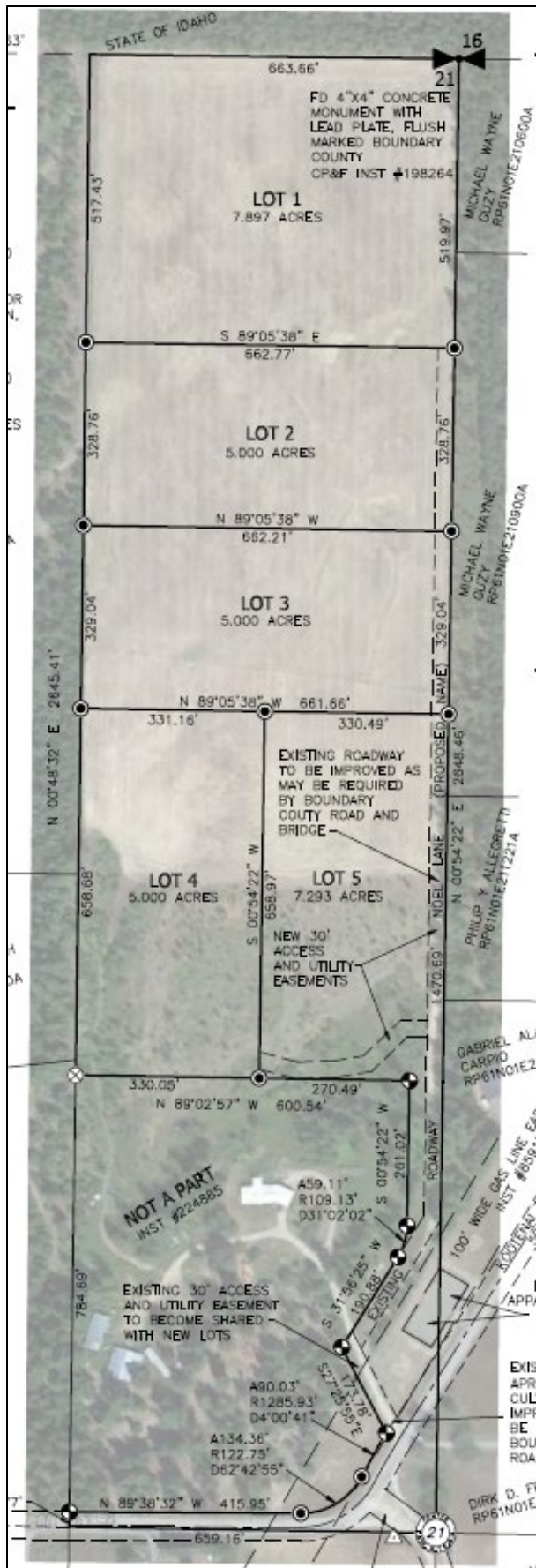
Access	Kootenai Trail Road (county); Noel Lane (30' wide easement proposed private easement – name not yet approved)
Current & proposed uses	Vacant; Residential
Hazardous Areas	Special Flood Hazard Area Zone X, Panel 1602070575B, no floodplain/floodway
Zoning overlays or special areas	Mapped Riverine wetlands present; TC Pipeline present
Comprehensive Plan & Zoning designation of site	Rural Residential
Surrounding Comp Plan & Zoning designations	Rural Residential, Prime Forestry
Surrounding uses	Vacant; State land; Residential; Timberland; Agricultural land

AUTHORITY

- Idaho Code §67-6513 authority of local subdivision ordinances and the processing of applications
- Idaho Code §50, Chapter 13, platting standards
- Boundary County Land Use Ordinance 9B18LOV2, Section 11.3.6.1; standards of rural subdivision
- Boundary County Land Use Ordinance 9B18LOV2, Section 11; platted subdivisions
- Boundary County Land Use Ordinance 9B18LOV2, Section 15.10.; Rural Residential zone
- Boundary County Land Use Ordinance 9B18LOV2, Section 16.3.; Wetland overlay



NATIONAL WETLAND INVENTORY MAP
BLUE AREA = MAPPED RIVERINE WETLAND



PRELIMINARY PLAT PROPOSED LOT CONFIGURATION

AGENCY/STAFF COMMENTS

The following agencies were routed for comment on November 25, 2024, and December 23, 2024: Boundary County Addressing, Ambulance, Assessor, Commissioners, Library, Road & Bridge, Boundary School #101, Cabinet Mountains Water District, Idaho Department of Environmental Quality, Panhandle Health District, Paradise Valley Fire District, and TC Energy.

Boundary Co. Addressing: *There is no application on file for Noel Lane. An application for a road name needs to be submitted prior to putting the name on the survey.*

Boundary Co. Assessor: *The parcel map will be updated and new parcel numbers assigned subsequent to the final plat being approved, finalized, and recorded.*

Idaho Dept. of Environmental Quality: *Thank you for providing the opportunity to comment. DEQ has no environmental impact comments for the project at this stage of development.*

Panhandle Health District: *PHD does not have a sewage disposal application for parcels RP61N01E212412A and RP61N01E212400A. It is unknown what is and is not approvable here. Any dwelling construction that creates new or increases wastewater flows must have an approved location for the wastewater to go. Any request for sanitary restrictions to be lifted for a land development must have a land application submitted and evaluation done by PHD.*

TC Energy: *Approved with comments. OK to proceed. For the road crossing, we will need a plan and profile drawing show the separation between the pipe and the top of the ground. Any ground disturbance in the ROW requires a TC Energy technician to be on site. (Staff: See draft condition #8).*

PUBLIC COMMENTS:

Landowners within 300’ of the site were mailed notices on December 23, 2024, and notice was published in the Bonners Ferry Herald on December 26, 2024. No written public comments were submitted to the record at the time of the completion of this staff report.

<u>STANDARDS OF ANALYSIS & EVIDENCE OF APPLICABLE CODES AND COMPREHENSIVE PLAN</u>	
I.C. §67-6513, Subdivision Ordinance	
<i>Provides authority for local ordinances to include mitigation measures for impacts of subdivision and for collection of fees. Denial of a subdivision permit or approval of a subdivision permit with conditions unacceptable to the landowner may be subject to the regulatory taking analysis provided for by section 67-8003, Idaho Code, consistent with the requirements established thereby.</i>	
Boundary County Land Use Ordinance, Section 11.3.6.	
<i>Rural subdivision by short plat to create lots primarily intended for residential development where each lots meets or exceeds the density of the zone district in which it lies.</i>	
Staff:	The subject parcels are zoned Rural Residential (minimum density of 5 acres) (15.10.1.). All five proposed lots will be 5 acres or greater.
Boundary County Land Use Ordinance, Section 11.3.6.1.	
<i>Roads intended for adoption by Boundary County shall be built and surfaced to standards established by the current Boundary County Road Standards Manual to serve all lots created. Where roads are to remain under private ownership and maintenance, the subdivision created shall be served by defined access and utility easements to an existing public road, to meet width and slope requirements established by the current Boundary County Road Standards Manual. All lots shall be served by roads surfaced to a standard sufficient to allow all-weather access by emergency vehicles, actual surface notwithstanding. Where four or fewer lots are proposed, road width and slope requirements may be waived.</i>	
Staff:	A 30-foot-wide private road exists and is proposed to be improved. Per the Addressing Coordinator, the road name Noel Lane is not yet approved, and a road name needs to be applied for and approved.
Boundary County Land Use Ordinance, Section 11.3.6.2.	
<i>Each lot created is or can be served by a water district association, approved community water system, or by private well.</i>	
Staff:	The lots are proposed to be served by individual wells. The sites fall within the Cabinet Mountains Water District boundaries.
Boundary County Land Use Ordinance, Section 11.3.6.3.	
<i>A sewer or a Panhandle Health District-approved septic system can serve each lot.</i>	

Staff: Per the application and preliminary plat, the lots are proposed to be served by individual septic systems. The Health District indicated that no application has been submitted for subsurface sewage disposal yet.

Boundary County Land Use Ordinance, Section 11.6.3.4.

Electrical service sufficient for residential use can be brought to each lot.

Staff: Per the application, the are proposed to be served by Northern Lights, Inc. This shall be noted on the final plat.

Boundary County Land Use Ordinance, Section 11.3.6.5.

Will serve letters are required for each lot for water or sewer service, where required by the State of Idaho.

Staff: No will-serve is required since water service is to be by individual wells and sewer service to be by individual septic systems.

Boundary County Land Use Ordinance, Section 11.6.1.3.

At the conclusion of the public hearing and based on materials included in the application, the staff analysis and comment received through public hearing, the board of county commissioners will hold discussion to reach a reasoned decision and consider terms and conditions sufficient to allow the administrator to prepare written findings and decision.

Boundary County Land Use Ordinance, Section 11.6.1.4.

When considering an application for a lot line adjustment or short plat, the Board of County Commissioners should determine, at minimum:

- **11.6.1.4.1.** *Whether the proposed plat is in accord with applicable provisions of this ordinance.*
- **11.6.1.4.2.** *Whether adequate public services are or can be made available.*
- **11.6.1.4.3.** *Whether the proposed subdivision is designed so as to reduce or eliminate adverse impact on adjacent properties or land uses.*
- **11.6.1.4.4.** *Whether the proposed subdivision is suited so as to avoid potentially hazardous or sensitive areas or sites.*
- **11.6.1.4.5.** *Whether access is sufficient to accommodate increase that might result from the subdivision proposed.*

Boundary County Land Use Ordinance, Section 11.6.1.5.

In considering approval of a lot line adjustment or short plat, the Board of County Commissioners may consider the imposition of terms and conditions as a means of addressing concerns, to mitigate potential adverse effects, to protect the public interest or to ensure that the burden of providing necessary infrastructure does not fall to the general public. Terms and conditions may include, but are not limited to:

- **11.6.1.5.1.** *Control the sequence and timing of development.*
- **11.6.1.5.2.** *Establish provisions for perpetual maintenance of public areas, facilities or utilities, to include roads.*
- **11.6.1.5.3.** *Require the installation of essential infrastructure, to include requiring a guarantee of installation and surety pursuant to Section 5 of the Boundary County Land Use Code.*
- **11.6.1.5.4.** *Require landscaping, fencing or other such measures to reduce potential adverse impacts or to maintain aesthetics.*
- **11.6.1.5.5.** *Require specific security measures, such as traffic signs, traffic and school bus turnouts, fencing, gating or lighting to protect the public safety.*
- **11.6.1.5.6.** *Require specific endorsement on the face of the plat sufficient to inform potential buyers of levels or lack of services to be provided, potential nuisances to expect or other information deemed appropriate to reasonably assure that buyers are aware of any limitations in what they are buying.*

Staff: Draft conditions of approval and proposed reasoned statements are listed at the end of this staff report for review, discussion and adoption/amendment by the Boundary County Board of Commissioners.

Staff Information Regarding Lot Layout/Design

Boundary County has no lot/parcel design criteria for parcel divisions and subdivisions.

FINAL DECISION OF THE BOARD OF COUNTY COMMISSIONERS

MOTION TO APPROVE	I move to approve the preliminary plat for Barton Subdivision, a proposed rural subdivision, File #25-0017, and direct staff to prepare written findings, a reasoned decision, and terms
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	and conditions of approval, finding that the preliminary plat IS in accord with the applicable zoning and subdivision standards of the Boundary County Land Use Ordinance, based upon the findings and conditions as written [<i>or amended – list amendments</i>] and based upon the following reasons [<i>state reasons from standards of file – reasoned statement</i>]. This action does not result in a taking of private property.
MOTION TO TABLE	I move to table or continue the hearing to [<i>insert date, time and place</i>] to allow further consideration of the proposal or to allow review and approval of written findings and decision.
MOTION TO DENY	I move to deny the preliminary plat for Barton Subdivision, a proposed rural subdivision, File #25-0017, and direct staff to prepare written findings and a reasoned decision, finding that the preliminary plat IS NOT in accord with the applicable zoning and subdivision standards of the Boundary County Land Use Ordinance, based upon the findings and conclusions as written [<i>or amended – list amendments</i>] and based upon the following reasons [<i>state reasons from standards of file – reasoned statement</i>]. This action does not result in a taking of private property.

DRAFT FINDINGS FOR DISCUSSION/ADOPTION:

1. The applicant is requesting preliminary plat approval of Barton Subdivision to divide two parcels totaling 28.59 acres, into five residential lots ranging between 5 and 7.897 acres.
2. A rural subdivision and its standards are found at Section 11.3.6.1. of the County Code Ordinance 2023-1.
3. Five (5) lots are proposed.
4. The sites have a comprehensive plan land use and zoning designation of Rural Residential.
5. The Rural Residential zone has a density minimum of 5 acres.
6. Parcels currently meet the zoning density minimum and will continue to meet the density minimum after the division of land.
7. The sites will be accessed off Kootenai Trail Road, a county road, and an existing private internal 30-foot-wide road. The private road is to be constructed to the all-weather access standards of Section 11.3.6.1
8. The sites are proposed to be served by individual wells, individual septic systems, Northern Lights, Inc. and the Paradise Valley Fire District but is also within the boundaries of the Cabinet Mountains Water District.
9. The sites are not located within any area of city impact.
10. The sites are not located within the Airport Overlay Area.
11. No special flood hazard areas are located on any of the sites.
12. Mapped Riverine wetlands are present on site.
13. The TC Energy pipeline easement is present on site.

DRAFT CONDITIONS OF APPROVAL FOR DISCUSSION/ADOPTION:

1. A final plat shall be recorded within two (2) years of the issuance date of this short plat (11.6.1.6.1.1.2.) or the preliminary plat approval shall expire (11.6.1.6.1.1.2.2.).
2. In the event the final plat cannot be recorded within two (2) years from the issuance of this permit, a one (1) year extension may be requested by the developer no more than ninety (90) days prior to the established default date for recording the final plat. This extension, if granted, extends the original recording date by one (1) full year. (11.6.1.6.1.1.2.1.)
3. The final plat shall conform to all applicable final plat requirements of Section 11.7.
4. Prior to recording of the final plat, applicants shall reimburse Boundary County for first class mailings and advertisements required for public notification.
5. The final plat shall note the following:
 - a. The level of services for utilities, including electrical power.
 - b. Special purpose districts that are within the subdivision boundaries.

6. All existing and proposed roads shall conform with the following:
 - a. Be correctly labeled in accord with the official road name list, to the satisfaction of Boundary County Road and Bridge. Any required, new private road name shall be applied for with the Boundary County Addressing Coordinator prior to submitting for final plat approval.
 - b. Include the lengths, easement widths, travelway widths, maximum slopes, and type of road surfacing material.
 - c. Be dedicated in the owner's certificate, where newly created easements are proposed, and be properly labeled as to recorded easements where served by existing easements.
7. All roads within the subdivision shall be developed and improved in accordance with Section 11.3.6.1. of Boundary County Ordinance 2023-1. Prior to final plat, the applicants shall provide written confirmation to the Boundary County Planning Department that the road serving the lots is built to the standards of Section 11.3.6.1.
8. The TC Energy gas pipeline easement shall be depicted on the final plat. Prior to final plat approval, the applicant shall provide to TC Energy a plan and profile for the proposed road crossing, showing the separation between the pipe and the top of the ground. Any ground disturbance in the pipeline right-of-way requires a TC Energy technician to be on site. The applicant shall provide written proof of the completion of this condition to Boundary County Planning Department from the pipeline company prior to final plat approval.