



BOUNDARY COUNTY PLANNING AND ZONING

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STAFF REPORT

BOUNDARY COUNTY BOARD OF COMMISSIONERS

FILE #24-0056, DEER PARK RANCH SUBDIVISION

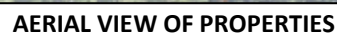
LAUREL & ROBERT MARTIN

SHORT PLAT, RURAL SUBDIVISION

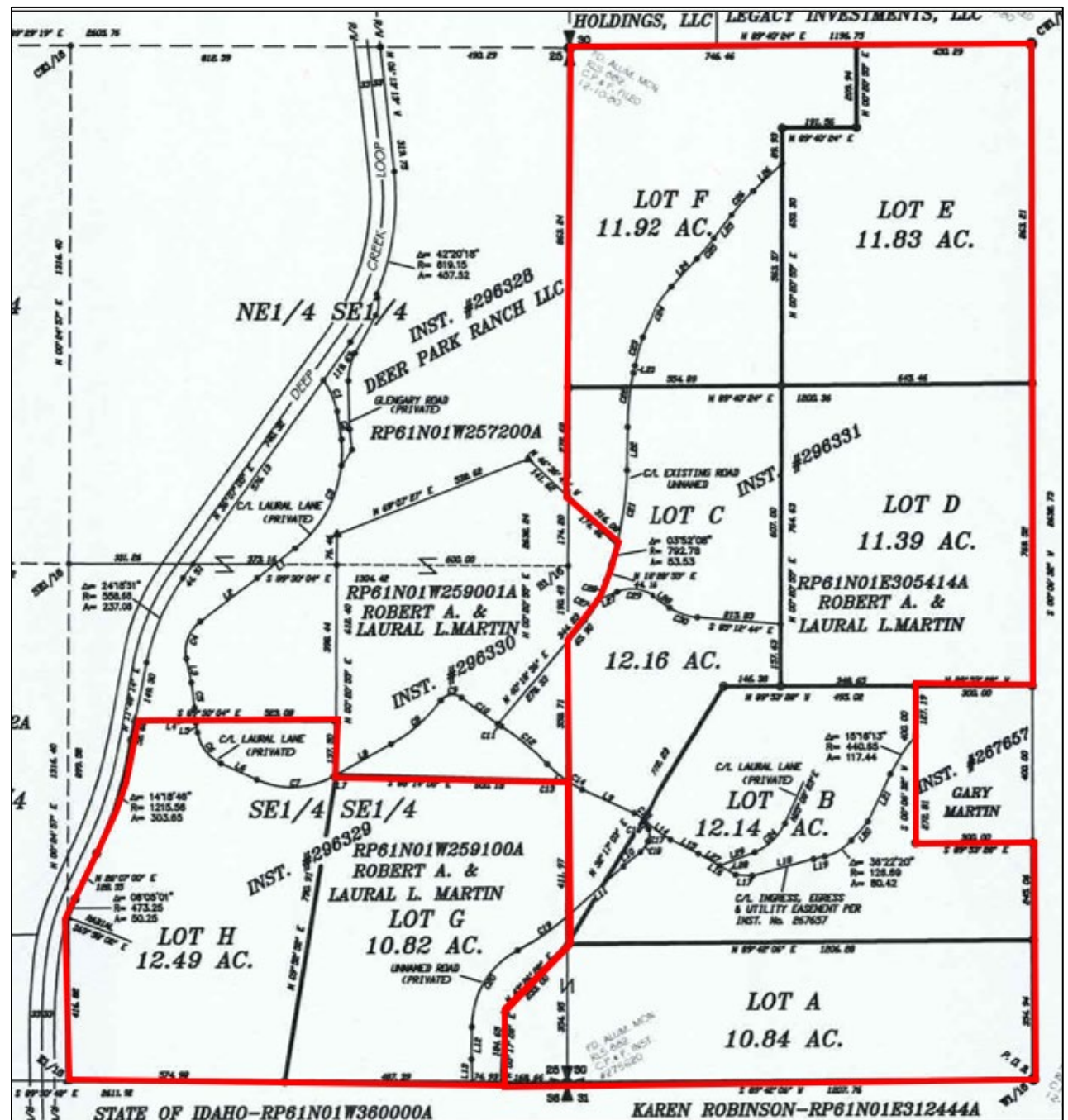
Prepared By:	Tessa Vogel, Associate Contract Planner Ruen-Yeager & Associates, Inc.	
Project Description:	Requesting preliminary plat approval of Deer Park Ranch Subdivision, a rural subdivision via short plat to divide two parcels totaling 93.59 acres into eight lots ranging from 10.82 acres to 12.49 acres.	
Project Location:	Two tracts off 582 Laural Lane	
Parcel Number:	RP61N01W259100A; RP61N01E305414A	
Legal Description:	All of SE4SE4 E of HWY 95 less N 51' of E 600' in SEC25 T61N R1W; Lots 3 & 4 less Tax 36 in Sec 30 T61N R1E	
Zoning Designation:	Ag/Forestry	
Applicants: Representative:	Laurel & Robert Martin JRS Surveying	
Date Application Completed:	02/27/2024	
Hearing Date:	Board of County Commissioners:	04/02/2024
Legal Notice Provided:	Newspaper:	03/14/2024
	Site Posting:	03/21/2024
	Mailed to owners w/in 300' taxing districts & media:	03/13/2024
Staff Report Attachments	Legal notices, application, preliminary plat	

Laurel & Robert Martin are requesting preliminary plat approval of Deer Park Ranch Subdivision to divide two parcels totaling 93.59 acres, into eight residential lots ranging between 10.82 and 12.49 acres. The parcels are located off Laural Lane in the Ag/Forestry zone, which requires a 10-acre lot size minimum. The properties will use private wells and septic systems and are identified as Assessor's Parcels RP61N01W259100A and RP61N01E305414A in Sections 25 and 30, Township 61 North, Ranges 1 West and 1 East, B.M. The sites are to be served by individual wells, septic systems, Northern Lights, Inc., and the South Boundary Fire District.

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.



PROJECT SETTING	
Access	Laural Lane (private)
Current & proposed uses	Vacant and Residential
Hazardous Areas	Special Flood Hazard Area Zone X, Panel 1602070710B, no floodplain/floodway
Zoning overlays or special areas	None
Comprehensive Plan & Zoning designation of site	Ag/Forestry
Surrounding Comp Plan & Zoning designations	Ag/Forestry
Surrounding uses	Vacant; Timberland; Residential, State land, Tribal land



PRELIMINARY PLAT PROPOSED LOT CONFIGURATION

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 15.9.; Ag/Forestry zone.

AGENCY/STAFF COMMENTS

The following agencies were routed for comment on February 27, 2024, and March 13, 2024: BNSF Railway, Boundary County Addressing (R&B), Ambulance, Assessor, Commissioners, Library, Road & Bridge, Boundary School #101, Cabinet Mountains Water District, Idaho Department of Environmental Quality, Panhandle Health District, and South Boundary Fire District.

Boundary Co. Addressing: *A road name will be required to accommodate addresses to Lots C-F.*

Boundary Co. Assessor: *Will the final plat show easements to each lot (some currently shown as road centerlines but not easements)? Has topography been considered for access location/easements? Could the private road connection to Sandy Ridge be an easement for emergency egress (pending future agreement/easement with Sandy Ridge parcels)? The parcel map will be updated and new parcel numbers assigned subsequent to the final plat being approved, finalized, and recorded.*

Panhandle Health District: *PHD does not have a sewage disposal application for parcels RP61N01W259100A or RP61N01E30541A. 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. Any request for sanitary restrictions to be lifted for a land development must have a land application submitted and evaluation done by PHD.*

PUBLIC COMMENTS:

Landowners within 300' of the site were mailed notices on March 13, 2024, and notice was published in the Bonners Ferry Herald on March 14, 2024. No written public comments were submitted to the record at the time of the completion of this staff report.

STANDARDS OF ANALYSIS & EVIDENCE OF APPLICABLE CODES AND COMPREHENSIVE PLAN

I.C. §67-6513, Subdivision Ordinance

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.

Boundary County Land Use Ordinance, Section 11.3.6.

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.

Staff: The subject parcels are zoned Ag/Forestry, which has a minimum density (lot size minimum) of 10 acres (15.9.1.). All 8 proposed lots will be 10 acres or greater.

Boundary County Land Use Ordinance, Section 11.3.6.1.

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, and 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.

Staff: Internal private roads exist and are proposed, but shown without widths that shall be shown on the final plat. Per the Addressing Coordinator, road names are required for the unnamed internal roads.

Boundary County Land Use Ordinance, Section 11.3.6.2.

Each lot created is or can be served by a water district association, approved community water system, or by private well.

Staff: Per the application and preliminary plat, the sites will be served by individual wells. The properties do fall within the Cabinet Mountains Water District boundaries.

Boundary County Land Use Ordinance, Section 11.3.6.3.

A sewer or a Panhandle Health District-approved septic system can serve each lot.

Staff: Per the application and preliminary plat, the sites currently are and will be served by individual septic systems.

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 sites currently are and will 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: N/A – water service to be individual wells and sewer service to be 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 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 Deer Park Ranch Subdivision, a proposed rural subdivision, File #24-0056, and direct staff to prepare written findings, a decision, and terms 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, conclusions, and conditions as written [<i>or amended – list amendments</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 Deer Park Ranch Subdivision, a proposed rural subdivision, File #24-0056, and direct staff to prepare written findings and a 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 – state which findings/conclusions do not meet the standards</i>]. This action does not result in a taking of private property.

DRAFT FINDINGS AND CONCLUSIONS FOR DISCUSSION/ADOPTION:

1. The applicant is requesting preliminary plat approval of Deer Park Ranch Subdivision, a rural subdivision via short plat to divide two parcels totaling 93.59 acres into eight lots ranging from 10.82 acres to 12.49 acres.
2. A rural subdivision and its standards are found at Section 11.3.6.1. of the County Code Ordinance 2023-1.
3. Eight (8) lots are proposed.
4. The sites have a comprehensive plan land use and zoning designation of Ag/Forestry.
5. The Ag/Forestry zone has a density (lot size minimum) of 10 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 Deep Creek Loop, a county road by multiple existing and proposed private internal roads. The private roads are to be constructed to the all-weather access standards of Section 11.3.6.1
8. The sites are served by individual wells, individual septic systems, Northern Lights, Inc. and the South Boundary 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. No mapped wetlands are located on any of the sites.

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 the recording of the final plat and be properly labeled on the final plat.
 - 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. The applicants shall provide written confirmation to the Boundary County Planning Department that the road serving the lots is built to those standards prior to final plat.