



BOUNDARY COUNTY PLANNING AND ZONING

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**STAFF REPORT
BOUNDARY COUNTY BOARD OF COMMISSIONERS
FILE #25-0018, GARLAND ESTATES
NAUMANN REV INTER VIVOS TRUST
SHORT PLAT – PRIMITIVE SUBDIVISION**

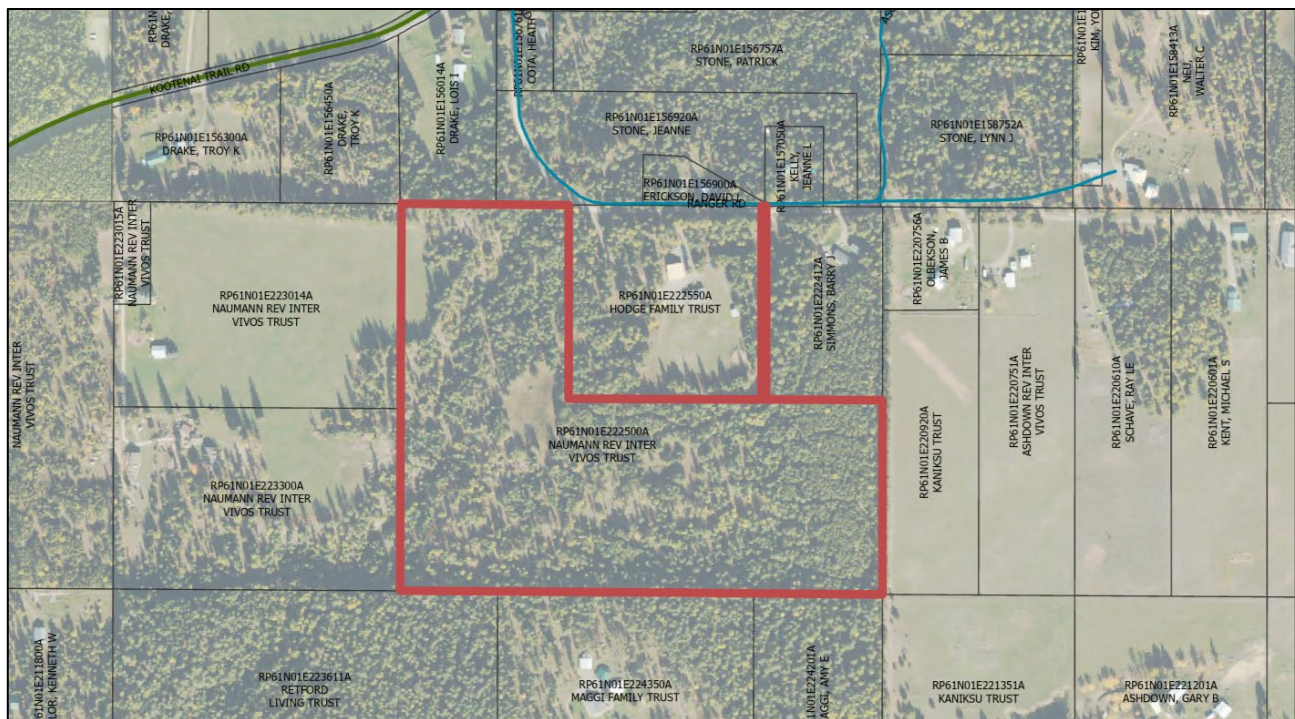
Prepared By:	Ben Jones, Planner Boundary County Planning & Zoning Department
Project Description:	Requesting the preliminary plat approval of Garland Estates to divide a 33.60-acre parcel into a 10-acre lot and a 23.60-acre lot.
Project Location:	A parcel of land located on Ranger Road (private) which originates off of Kootenai Trail Road (county).
Parcel Number:	RP61N01E222500A
Legal Description:	N2NW4, LESS W2NW4NW4 & W2E2NW4NW4 & TAX 11 & TAX 38 in SEC22 T61N R1E
Zoning District:	Agriculture/Forestry
Applicants/Landowners:	Naumann Rev Inter Vivos Trust
Date Complete Application Received:	12/05/2024
Hearing Date:	Board of County Commission: 01/14/2025
Legal Notice Provided:	Newspaper: 12/26/2024 Site Posting: 01/03/2025 Mailed: To landowners within 300' & Taxing Districts: 12/23/2024
Staff Report Attachments:	Legal notice, application, preliminary plat, issuance and final record of survey for file #22-0022, primitive parcel division.

PROJECT SUMMARY

The Naumann Rev Inter Vivos Trust is requesting preliminary plat approval of the creation of Garland Estates, a 10-acre lot and a 23.60-acre lot, from a 33.60-acre parcel with no existing structures. The parcel is located on Ranger Road, off of Kootenai Trail Road, and is identified as RP61N01E222500A in Section 22, Township 61 North, Range 1 East, B.M. The sites would be served by individual wells (unless Cabinet Mountain Water becomes available), Northern Lights, Inc., Avista Natural Gas, and the Paradise Valley Fire District.

A primitive subdivision is required to further divide the site since the subject parcel was created through a primitive parcel division, File #22-0022, in 2022. This division split 6.02 acres from the initial 39.62 acre parcel. Another primitive parcel division cannot be made on a parcel created from a primitive parcel division per Section 20.4.3. which states, *if a primitive parcel division is approved and a subsequent application is made for further subdividing the original parcel, then platting will be required, and must include any unsold parcels previously divided by primitive parcel division.* Since the subject parcel was originally divided off using a primitive parcel division, a plat (subdivision) is required. *(Under the subdivision exemption section 11.2, any parcel created that is 20 acres or larger can be exempt from the platting process. The 23.60-acre tract could be shown as “not a part” or included in the subdivision plat.)*

Per Section 11.3.5., a Primitive Subdivision: *Subdivision by short plat to create subdivisions primarily intended for residential development, or where each lot meets or exceeds the density of the zone district in which it lies, but are not less than five acres, and not more than two lots, and which makes limited or no provision for the construction or installation of basic utilities, to include roads, water, septic or electrical service. Primitive subdivisions will accurately disclose the level of services or lack thereof on the face of the plat, and each lot so created will have, at minimum, defined access and easements meeting width requirements established by the current Boundary County Road Standards Manual from an existing public road.*



AERIAL OF PROPERTY

PROJECT SETTING	
Access	Ranger Road (private)
Current & proposed uses	Bare land
Hazardous Areas	Special Flood Hazard Area Zone X, Panel 1602070575B, no floodplain/floodway.
Zoning overlays or special areas	Mapped Riverine wetlands present
Comprehensive Plan & Zoning designation of site	Agriculture/Forestry
Surrounding Zoning & Comp Plan designations	Rural Residential, Agriculture/Forestry
Surrounding uses	Residential, Agriculture, Timberland

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, Section 11, Subdivisions
- Boundary County Land Use Ordinance, Section 15.9, Agriculture/Forestry Zone
- Boundary County Land Use Ordinance, Section 16.3, Wetlands/Riparian Area

AGENCY/STAFF COMMENTS

The following agencies were routed for comments on December 9, 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, Paradise Valley Fire District, and Panhandle Health District.

Boundary Co. Addressing: *No addressing concerns. Ranger Road is correct on the survey.*

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

Assessment information/reminder only: Parcel is currently valued as Forestland in the Bare land and Yield category. Deferred taxes may become subject to recapture upon a change in use, or ownership unless the new owner timely redesignates on a qualifying parcel.

Boundary Co. Road & Bridge: *No Concerns from Road and Bridge.*

Panhandle Health District: *Panhandle Health District (PHD) does not have a sewage disposal application for parcel RP61N01E222500A. 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. Contact PHD for sewage application and further information.*

Any request for sanitary restrictions to be lifted for a land development must have a land application submitted and evaluation done by PHD. Contact PHD for sewage application and further information.

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

PUBLIC COMMENTS

Landowners within 300' of the subject property were notified of the proposal on December 23, 2024, and notice was provided in the Bonners Ferry Herald on December 26, 2024. No written public comments were submitted to the record up to the completion of this staff report.

STANDARDS ANALYSIS & EVIDENCE OF APPLICABLE CODES & COMPREHENSIVE PLAN

Idaho Code §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 11.3.5.

1. Primitive subdivision by short plat to create subdivisions primarily intended for residential development, or where each lot meets or exceeds the density of the zone district in which it lies.
2. Is not less than five acres.
3. Is not more than two lots.
4. Makes limited or no provision for the construction or installation of basic utilities, to include roads, water, septic, or electrical service.
5. Will accurately disclose the level of services or lack thereof on the face of the plat.
6. Each lot created shall provide, at minimum, defined access and easements meeting width requirements established by the current Boundary County Road Standards Manual from an existing public road.

Staff:

1. A short plat for a primitive subdivision was applied for and the proposed lots meet or exceed the density minimum of 10 acres for the Agriculture/Forestry zone.
2. The smallest lots proposed is 10 acres in size.
3. Only two lots are proposed. The preliminary plat makes no note that services will be constructed or installed but does list the services of electricity, gas, water, and sewer proposed to be used for the lots.
4. The preliminary plat notes that the sites will be served by individual wells unless Cabinet Mountains Water District becomes available, Northern Lights, Inc., Avista Natural Gas, and individual septic systems. No new roads are proposed as both lots front on private road, Ranger Road. The sites are also within the boundaries of the Paradise Valley Fire District and Boundary School District #101.
5. Both proposed lots front along Ranger Road, a private road off Kootenai Trail Road.

Boundary County Land Use Ordinance, Section 11.5.

Preliminary plats submitted for consideration are reviewed by staff for compliance with Section 11.5, "Preliminary Plat Requirements." The plat is in compliance with these standards, with the following staff observations or exceptions.

Staff: The ground topography is referenced in the sheet with the general characteristics of the area.

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 of Garland Estates, a proposed primitive subdivision, File #25-0018, 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 Zoning and Subdivision Ordinance, based upon the findings, conclusions 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 of Garland Estates, a proposed primitive subdivision, File #25-0018, 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 Zoning and Subdivision Ordinance, based upon the findings and conclusions as written [<i>or amended – list amendments</i>]. [<i>state which findings/conclusions do not meet the standards</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 applicants are requesting preliminary plat approval of Garland Estates, a short plat primitive subdivision to divide 33.60 acres into a 10-acre lot and a 23.60-acre lot.
2. A primitive subdivision is defined at Section 11.3.5. and is processed via short plat.
3. Two lots are proposed.
4. The site has a comprehensive plan land use and zoning designation of Agriculture/Forestry.
5. The Agriculture/Forestry zone has a density minimum allowance of 10 acres. (15.9.1.)
6. Both proposed lots meet or exceed the density minimum of the Agriculture/Forestry zone.
7. The proposed lots are to be accessed off Ranger Road (private) and served by individual wells, unless Cabinet Mountains Water District becomes available, private septic, Northern Lights, Inc., and the Paradise Valley Fire District.
8. The site has no special flood hazard areas present.
9. There are mapped Riverine wetlands on the subject site’s western edge.
10. The site is not within any City’s area of city impact.
11. The site is not within the Airport Overlay Area.

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.).
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. The final plat shall disclose the level of services or lack thereof.
5. Prior to recording of the final plat, applicants shall reimburse Boundary County for first class mailings and advertisements required for public notification.