



BOUNDARY COUNTY PLANNING AND ZONING

*Street address: 6447 Railroad St., Suite D, Bonners Ferry, ID 83805 Mailing address: PO Box 419, Bonners Ferry, ID 83805
Phone (208) 267-7212 www.boundarycountyid.org (web page)*

**STAFF REPORT
BOUNDARY COUNTY BOARD OF COMMISSIONERS
FILE #25-0040, UNDERHILL SUBDIVISION
PINETOP MEADOWS, LLC
SHORT PLAT, RURAL SUBDIVISION**

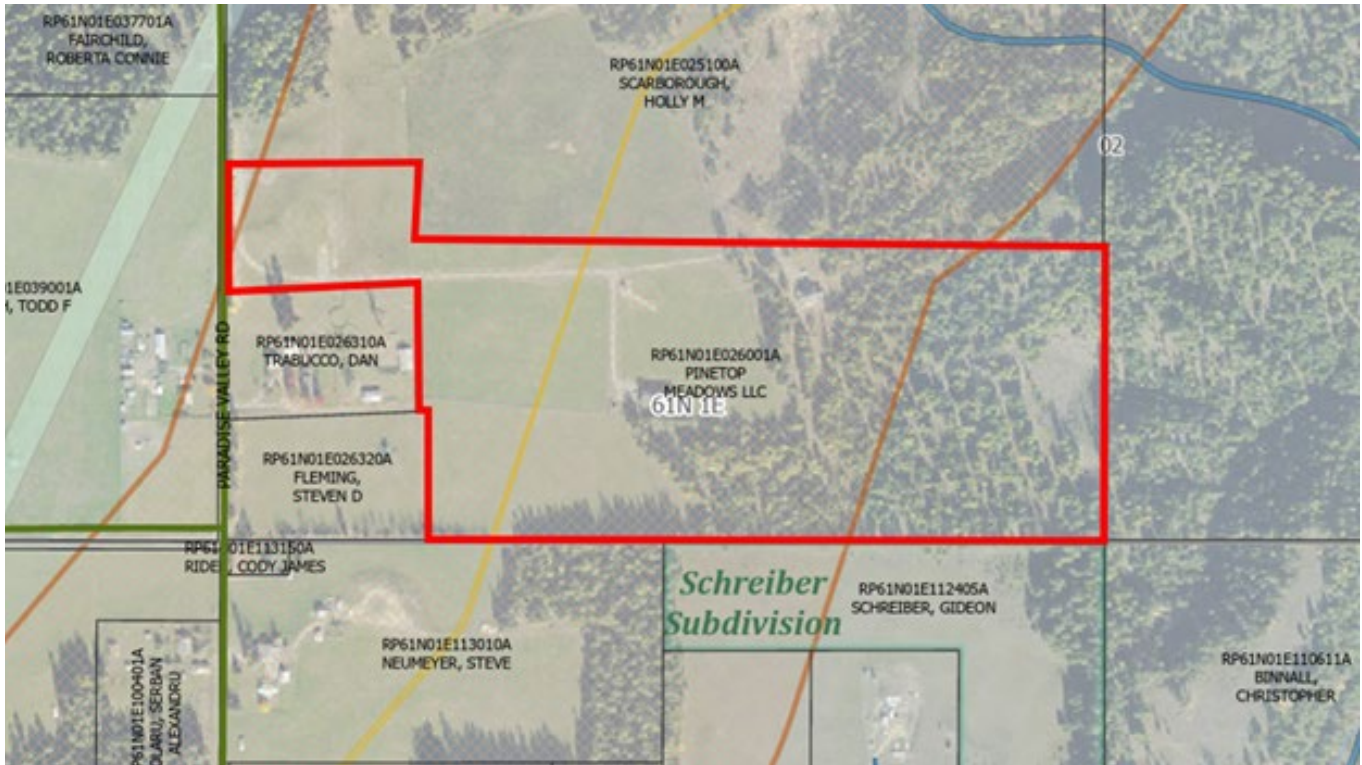
Prepared By:	Tess Vogel, Associate Contract Planner Ruen-Yeager & Associates, Inc.
Project Description:	Requesting preliminary plat approval of Underhill Subdivision to divide a 46.04-acre parcel into nine (9) lots ranging between 5 acres and 5.66 acres in size.
Project Location:	1775 Paradise Valley Road
Parcel Number:	RP61N01E026001A
Legal Description:	TAX 28, SUBJECT TO COUNTY ROAD R-O-W in SECTION 2 TOWNSHIP 61 NORTH RANGE 1 EAST
Zoning Designation:	Rural Residential
Applicants: Representative:	Pinetop Meadows, LLC JRS Surveying
Date Application Completed:	01/23/2025
Hearing Date:	Board of County Commissioners: 03/04/2025
Legal Notice Provided:	Newspaper: 02/13/2025 Site Posting: 02/24/2025 Mailed to owners w/in 300' taxing districts & media: 02/12/2025
Staff Report Attachments	Legal notices, application, preliminary plat

PROJECT SUMMARY

Pinetop Meadows, LLC is requesting preliminary plat approval of Underhill Subdivision to divide a 46.04-acre parcel into nine (9) lots ranging between 5 acres and 5.66 acres in size. The parcel is located 1775 Paradise Valley Road in the Rural Residential zone, which requires a 5-acre density minimum. The property will use private wells or Cabinet Mountains Water District and septic systems and is identified as Assessor’s Parcel RP61N01E026001A in Section 2 Township 61 North, Range 1 East, B.M. The sites are to be served by wells and Cabinet Mountains Water District, private septic systems, Northern Lights, Inc., and the Paradise Valley Fire District.

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.

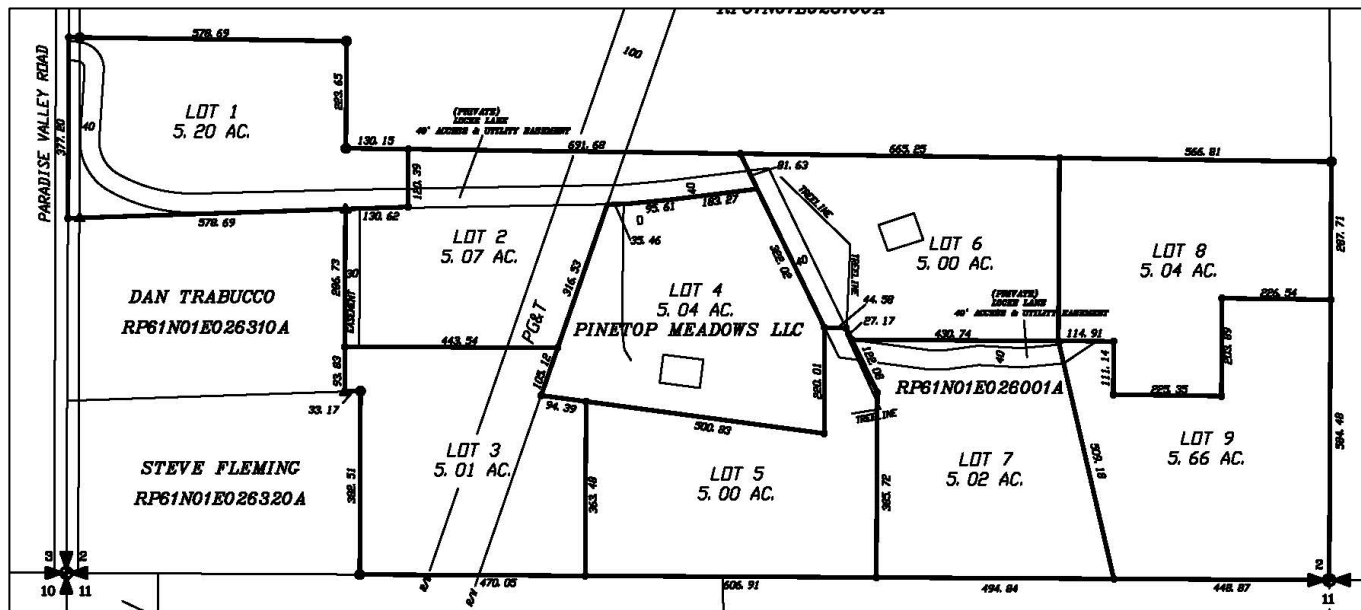


AERIAL VIEW OF PROPERTIES

PROJECT SETTING	
Access	Paradise Valley Road (county); Locke Lane (40’ wide easement proposed private easement)
Current & proposed uses	Residential
Hazardous Areas	Special Flood Hazard Area Zone X, Panel 1602070575B, no floodplain/floodway
Zoning overlays or special areas	TC Pipeline present
Comprehensive Plan & Zoning designation of site	Rural Residential
Surrounding Comp Plan & Zoning designations	Rural Residential
Surrounding uses	Vacant; 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



PRELIMINARY PLAT PROPOSED LOT CONFIGURATION

AGENCY/STAFF COMMENTS

The following agencies were routed for comment on January 23, 2025, February 03, 2025 (revised application), and February 12, 2025: 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: *Locke Lane has been approved for the private road in this subdivision. The address 1775 Paradise Valley Road will need to be changed after the road has been established.*

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

Boundary Co. Road & Bridge: *The farm approach was constructed under permit #20-0041. Permit 22046 was issued for the approach and voided several other permits. The approach will need to be constructed to meet the 2020-2 Ordinance for road standards for private roadway approaches. Road and Bridge requests the approach be paved.*

Idaho Dept. of Environmental Quality: *DEQ has no environmental impact comments for the project listed above at this stage of development.*

Panhandle Health District: *Any request for sanitary restrictions to be lifted for a land development must have a land application submitted and evaluation done by PHD. PHD has not received a land development application for parcel RP61N01E026001A. There are two (2) systems currently permitted on the property – permit #22-11-02901 for one, 4-bedroom single-family dwelling, and permit #23-11-04609 for one, 4-bedroom single-family dwelling.*

PUBLIC COMMENTS:

Landowners within 300’ of the site were mailed notices on February 12, 2025, and notice was published in the Bonners Ferry Herald on February 13, 2025. 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 lot meets or exceeds the density of the zone district in which it lies.

Staff: The subject parcels are zoned Rural Residential (minimum density of 5 acres) (15.10.1.). All nine proposed lots will be 5 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. 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: A 40-foot-wide private road is proposed. Per the Addressing Coordinator, the road name Locke Lane is an approved road name. Per the Road & Bridge Department, the approach from Paradise Valley Road for Locke Lane shall be paved.

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 lots are proposed to be served by individual wells or Cabinet Mountains Water District. No comments were received from the Cabinet Mountains Water District.

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 lots are proposed to be served by individual septic systems. Panhandle Health District indicated two septic permits are on file, each for one, 4-bedroom single-family dwelling.

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 and preliminary plat, the lots are proposed to be served by Northern Lights, Inc.

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 due to the density minimum of five (5) acres not requiring the confirmation.

Staff Information Regarding Lot Layout/Design

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

STANDARDS OF REVIEW FOR REASONED STATEMENT

Idaho Code §67-6535 (2): The approval or denial of any application required or authorized pursuant to this chapter shall be in writing and accompanied by a reasoned statement that explains the criteria and standards considered relevant, states the relevant contested facts relied upon, and explains the rationale for the decision based on the applicable provisions of the comprehensive plan, relevant ordinance and statutory provisions, pertinent constitutional principles and factual information contained in the record.

SECTION 11.6.1.4. & IC §67-6513, CONSIDERATIONS FOR LOT LINE ADJUSTMENTS & PLATS

Prior to approving a lot line adjustment, short plat or long plat, the governing body shall review the particular facts and circumstances of each proposed rural subdivision in terms of the following standards and shall find adequate evidence showing that such use at the proposed location is consistent with these standards.

IC §67-6513	Provide 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.
--------------------	---

BC 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.
---------------------	---

BC 11.6.1.4.1. Whether the proposed plat is in accord with applicable provisions of this ordinance.	
YES	NO
List the evidence from the <u>record</u> that supports your conclusion and the rationale for the conclusion.	

BC 11.6.1.4.2. Whether adequate public services are or can be made available.	
YES	NO
List the evidence from the <u>record</u> that supports your conclusion and the rationale for the conclusion.	

BC 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.	
YES	NO
List the evidence from the <u>record</u> that supports your conclusion and the rationale for the conclusion.	

BC 11.6.1.4.4. Whether the proposed subdivision is situated so as to avoid potentially hazardous or sensitive areas or sites.	
YES	NO
List the evidence from the <u>record</u> that supports your conclusion and the rationale for the conclusion.	

BC 11.6.1.4.5. Whether access is sufficient to accommodate increases that might result from the subdivision proposed.	
YES	NO
List the evidence from the <u>record</u> that supports your conclusion and the rationale for the conclusion.	

TERMS AND CONDITIONS ALLOWANCES

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.

FINAL DECISION OF THE BOARD OF COUNTY COMMISSIONERS

MOTION TO APPROVE	I move to approve the preliminary plat for Underhill Subdivision, a proposed rural subdivision, File #25-0040, and direct staff to prepare written findings, a reasoned 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 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 Underhill Subdivision, a proposed rural subdivision, File #25-0040, 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 Underhill Subdivision to divide a 46.04-acre parcel into nine (9) lots ranging between 5 acres and 5.66 acres in size.
2. A rural subdivision and its standards are found at Section 11.3.6.1. of the County Code Ordinance 2023-1.
3. Nine (9) 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 Paradise Valley Road, a county road, and Locke Lane, a proposed private internal 40-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 or the Cabinet Mountains Water District, individual septic systems, Northern Lights, Inc. and the Paradise Valley Fire 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. The TC Energy gas pipeline easement is present on site.
13. A residential placement permit, file #22-0052, was issued on March 01, 2022, for a primary single-family dwelling addressed at 1775 Paradise Valley Road. The total square footage of the living area is 2,880 square feet per Boundary County Assessor records. File #22-0052 notes the living area would only be 2,551 square feet.
14. A second single-family dwelling was built in 2024 without any placement permit. The total square footage of the living area is unknown but Boundary County Assessor records show a first level of 2,400 square feet and a new second level of 900 square feet of living space.

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, water and sewage disposal.
 - b. The following special purpose districts are located within the subdivision boundaries. (*List all special purpose district serving these lots.*)
 - c. The TC Energy Pipeline and Right-of-Way is located on the lots, as shown herein.
 - d. Any ground disturbance within the TC Energy Pipeline Right-of-Way shall require approval from TC Energy.
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 and Addressing Coordinator.
 - 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 & Zoning Department that the road serving the lots is built to the standards of Section 11.3.6.1.
8. Per the Boundary County Road & Bridge Department, the access from Paradise Valley Road for Locke Lane shall be paved prior to the final plat approval.
9. The TC Energy gas pipeline easement right-of-way shall be depicted on the final plat. Prior to construction of the private subdivision road, the applicant shall obtain written approval from TC Energy for any road construction within the pipeline easement. The applicant shall provide a copy of the TC Energy approval to the Boundary County Planning & Zoning Department prior to final plat approval.