

**PLANNING DEPARTMENT
PUBLIC HEARING DECISION MINUTES
JANUARY 23, 2019**

CALL TO ORDER: Chair Connolly called the Bonner County Commissioners' hearing to order at 1:30 p.m. in the 3rd floor meeting room, Suite 338 of the Bonner County Administration Building, 1500 Highway 2, Sandpoint, Idaho.

PRESENT: Commissioners Chair Jeff Connolly; Vice Chair Dan McDonald; and Steve Bradshaw

ABSENT: None

ALSO PRESENT: Planning Director Milton Ollerton; Administrative Assistant II Emily Aerni, and Office Manager Jeannie Welter

PUBLIC HEARING:

AMENDMENT & ZONE CHANGE

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 AM169-18 & ZC371-18 – Comprehensive Plan Map Amendment – Rural Residential to Resort Community & Zone Change – Rural-10 to Recreation – Timber Basin Airpark is requesting to amend the County Comprehensive Plan Map designation from Rural Residential to Resort Community, and requesting the Rural-10 zone be changed to a Recreation Zone consistent with the grandfathered uses of the property. The property is located on Timber Basin Road in a portion of Sections 4 and 9, Township 56 North, Range 1 West, Boise Meridian. The Planning & Zoning Commission at the public hearing on January 3, 2019 recommended approval of this project to the Board of County Commissioners.

CONFLICT OF INTEREST/DISCLOSURE DECLARATIONS: The Chair requested the Commissioners declare any conflicts of interest or disclosures. Commissioner Bradshaw stated he is familiar with the property and close friends with some of the members. He further stated this does not create a conflict of interest for him. The Chair noted there were no additional disclosures or conflicts.

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

APPLICANT PRESENTATION: No comment.

PUBLIC/AGENCY TESTIMONY: None.

APPLICANT REBUTTAL: None.

BOARD DELIBERATION: The Chair closed the hearing to public testimony. The Board discussed Findings and Conclusions.

Comprehensive Plan Amendment Motion by the governing body:

MOTION TO APPROVE: Commissioner McDonald moved to approve this project, FILE AM169-18, requesting a comprehensive plan amendment for the subject property from Rural Residential to Resort Community, 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 McDonald further moved to approve the following findings of fact and conclusions of law as written. This action does not result in a taking of private property. Commissioner Bradshaw seconded the motion.

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

Comprehensive Plan Map Resolution Adoption:

Commissioner Bradshaw moved to approve resolution #19-11 amending the Bonner County Projected Land Use Map. Commissioner McDonald seconded the motion.

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

Zone Change Motion by the Governing Body:

MOTION TO APPROVE: Commissioner McDonald moved to approve project, FILE ZC371-18, requesting a zone change from Rural-10 to Recreation, 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 McDonald further moved to approve the following findings of fact and conclusions of law as written. This action does not result in a taking of private property. Commissioner Bradshaw seconded the motion.

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

Zone Change Ordinance Motion:

Commissioner Bradshaw moved to approve an Ordinance of Bonner County, Idaho, the number to be assigned, citing its authority, and providing for the amendment of the Official Zoning Map of Bonner County by the reclassification of lands located in Section 4/9, Township 56 North, Range 1 West, Boise Meridian, Bonner County, Idaho from Rural-10 to Recreation, and providing for an effective date. Commissioner

Bradshaw further moved to authorize the Chair to sign the official supplementary zoning map upon publication of the ordinance. Commissioner McDonald seconded the motion.

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

ROLL CALL VOTE

Commissioner McDonald AYE
 Commissioner Connolly AYE
 Commissioner Bradshaw AYE

Background:

A. Site data: The parcel is ±33 acres. There are two parcels: RP56N01W049007A – 15.463 acres and RP56N01W090002A – 17.845 acres.

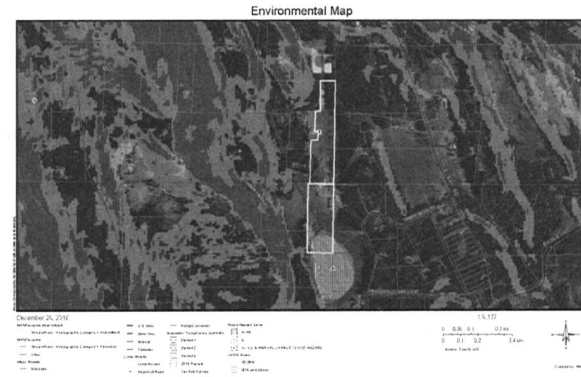
B. Access: The property is accessed off Bottle Bay Road on to Timber Basin Road for approximately a half mile to Timber Basin Airpark.

C. Environmental factors: Providence Lake, a fresh water lake takes in a portion of the southern end of parcel 2. The lake is fed by two intermittent streams shown on the map below. There are some wetlands present on both parcels. There are also some slopes on the most southern portion of parcel 2.

D. Services: Sewer is provided by onsite septic systems. Water is provided by onsite wells. Avista Utilities provides the power.

E. Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Land Use & Density
Site	Rural Residential	Rural-10	11 hangars, 6 cabins, airstrip on 33 acres
North	Resort Community and Rural Residential	Rural-10 and Recreation	Bottle Bay Sewer ponds. Bottle Bay recreational area.
East	Rural Residential	Rural-10	Residential parcels ranging from 1.0 to 40 acres. Emerald Acres Subdivision
South	Rural Residential	Rural-10	Residential lots – 5.0 plus acre parcels
West	Rural Residential	Rural-10	Large acre residential parcels



F. Standards review

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

The application was considered complete and routed to agency review on November 9, 2018.

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)

The applicant submitted a response to the specific objectives of the comprehensive plan. (Please see application provided). The applicant is requesting a comprehensive plan map amendment from Rural Residential to Resort Community. From the Land Use Chapter of the Comprehensive Plan.

Remote Ag/Forest Land: The Rural Residential area provides for residential development in areas where urban services are not available and slopes may vary up to 30%. These areas include hazard areas and critical wildlife habitats, where lower densities reduce potential impacts to resources and exposures to loss of property or lives. Small-scale agricultural uses and residential development are permitted.

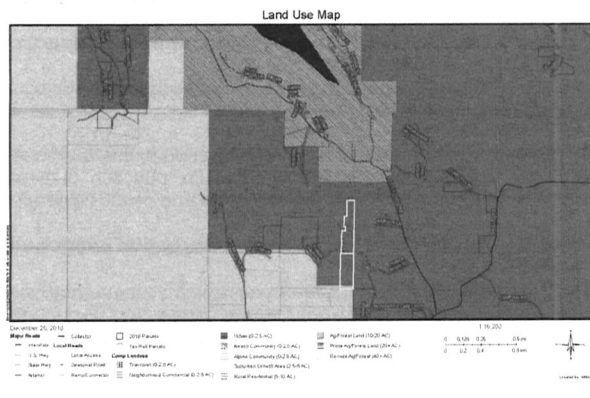
Staff: This property is located adjacent to the Bottle Bay Sewer ponds. The sewer ponds separate this parcel from being adjacent to the Resort Community land use designation. There are minimal steep slopes on the property. The mapping does show more extensive wetlands that will need to be analyzed as structures are considered for this site. There are roads constructed providing access to the property. The property has been used as an airstrip and RV Park since the 1970's.

The area provides a unique use centered on a recreational area, Providence Lake. The current use contrasts the neighboring uses of larger acre residential lots with the exception of Emerald Acres, a 1.0 acre lot subdivision.

The Resort Community designation is described below:

Resort Community: The Resort Community provides for urban-like densities for areas centered around the recreational areas developed for winter and water sports, golf and hiking, where urban services are provided.

Comprehensive Plan Amendment:



Zone Change Request

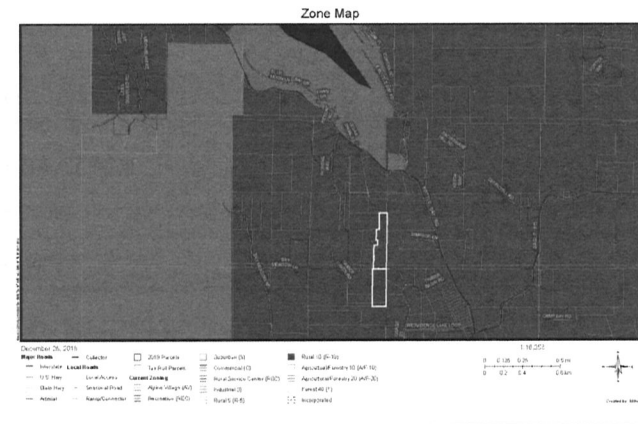
The applicant is requesting a zone change from Rural-10 to Recreation bringing the actual use of the property into compliance with the zoning. The neighborhood on three sides is zoned Rural-10 with the northern property being adjacent to Bottle Bay sewer ponds and Recreation zoning. The property has been used as an airstrip and RV Park consistent with Recreational zoning since the 1970's. The property is currently using an onsite well and septic. Access is provided off Timber Basin Road. The property is limited to its 14 shareholders.

12-328 Recreation District

A. The recreation district is established to provide a wide range of recreational uses in areas where if access is by road rather than solely by waterways, the road shall be located within a recorded easement or public right of way, except where subject to the terms of an approved special use permit or a state or federal agency, adequate water and sewer services and fire services. Consideration shall also be given to access to potential public transportation systems. The recreation district is intended to provide for a range of housing types and uses

that are accessory and complementary to recreational and residential uses. These purposes are accomplished by:

1. Allowing for a range of housing types provided adequate services are available.
 2. Providing for commercial and private resorts which contain provisions for a range of recreational activities.
 3. Excluding uses that are not compatible with the desired recreational character of the area.
 4. Encouraging conservation development configurations that create permanent open space, protect sensitive environmental features, reduce infrastructure costs and/or enhance recreational opportunities.
 5. Applying simple design standards that enhance the recreational opportunities and character of the area.
- B. Use of this zone is appropriate in areas designated as transition, neighborhood commercial, urban growth area and resort community with the following conditions:
1. Land is physically suitable to accommodate a broad range of residential and recreational uses.
 2. Sites are served by adequate sewage disposal service, water supply, roads and other needed public facilities and services. (Ord. 501, 11-18-2008)



G. Land Capability Report: Alpine Engineering provided a land capability report. "Since it (the airport) has been in existence for 46 years and has operated successfully, the zoning and comprehensive plan amendment changes will simply make the zoning more compatible with how the property has been and will be used."

H. Stormwater plan: A stormwater management plan was not required, pursuant to BCRC 12-720.3(k) because the proposal does not result in the creation of additional impervious surface, as defined.

I. Agency Review: The application was routed to the following agencies for comment on November 9, 2018

Forest Service Bonner County Road and Bridge Selkirk Fire District School District #84 Avista Utilities Department of Fish and Game Department of Environmental Quality	Department of Water resources Fish and Wildlife Service Army Corps (Coeur d'Alene) Department of Lands, Coeur d'Alene Panhandle Health District
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Idaho Department of Water Resources, email dated November 20, 2018. IDWR did not take a position on the land use amendment and rezone application. IDWR provided comment on the needed permits for water usage on the property. IDWR requested this requirement be attached to further permitting on the property.

Bonner County Road and Bridge responded on November 9, stating no comments.

Panhandle Health replied on December 4th with a no comment response regarding the proposed land use and zone change application. However, PHD did indicate additional permitting would be required as the project moves forward.

Selkirk Fire responded on December 10 with several recommendations regarding the future buildings and proposed use of the property.

Idaho Department of Lands replied with "no comment" on November 16.

J. Public Notice & Comments: There were no public comments received.

Findings of Fact

1. The parcel is ±33 acres with an existing 11 hangars and 6 cabins.
2. The neighboring properties range in size from 1.0 to 40+ acres.
3. The parcel is surrounded by the Rural Residential land use designation with adjacency to Resort Community on the north, separated only by the Bottle Bay Sewer ponds.

4. The proposed amendment is near Resort Community Designation.
5. The subject property appears to be consistent with the Resort Community designation.
6. Sewer and water are provided onsite for the current density used.
7. Access is provided to the area by Timber Basin Road and by air, which is the more common access.
8. The property is a recreational site for the 14 current shareholders.

Conclusions of Law:

Based upon the findings of fact, the following conclusions of law are adopted:

Conclusion 1

The proposed comprehensive plan map amendment is in accord with the Bonner County comprehensive plan.

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|-----------------------|-------------------------|------------------------------------|
| •Property Rights | •Population | •School Facilities, Transportation |
| •Economic Development | •Land Use | •Natural Resources |
| •Hazardous Areas | •Public Services | •Transportation |
| •Recreation | •Special Areas or Sites | •Housing |
| •Community Design | •Implementation | |

Conclusion 2

The proposal is in accord with the purpose of the Resort Community land use designation, provided in the Land Use section of the Bonner County Comprehensive Plan.

Conclusion 3

The proposal is appropriate for the area based on the existing and grandfathered uses as a recreation area for winter and summer activities.

Zone Change Findings of Fact

1. The parcel is ±33 acres with an existing 11 hangars and 6 cabins.
2. The neighboring properties range in size from 1.0 to 40+ acres.
3. The parcel is surrounded by Rural-10 zoning with adjacency to the Recreation zone on the north, separated only by the Bottle Bay Sewer ponds.
4. The proposed amendment is near Resort Community Designation.
5. The subject property uses appear to be consistent with the Recreation zone.
6. Sewer and water are provided onsite for the current density used.

7. Access is provided to the area by Timber Basin Road and by air, which is the more common access.
8. The property is a recreational site for the 14 current shareholders.
9. The property is proposed to be designated Resort Community.

Zone Change Conclusions of Law:

Based upon the findings of fact, the following conclusions of law are adopted:

Conclusion 1

The proposed zone change **is** in accord with the Bonner County comprehensive plan.

Conclusion 2

This proposal was reviewed for compliance with the zone change criteria and standards set forth at Sections 12-212, 12-215, and 12-216, Bonner County Revised Code, and **was** found to be in compliance.

Conclusion 3

The proposal **is** in accord with the purpose of the Recreation zoning district, provided at Chapter 3, Bonner County Revised Code.

Conclusion 4

The proposal **is** appropriate for the area based on the existing uses as a recreation area for winter and summer activities.

The Chair declared the hearing adjourned at 1:48 p.m.

Respectfully submitted, this 23rd day of January, 2019.



Milton Ollerton, Planning Director