

**PLANNING DEPARTMENT
PUBLIC HEARING DECISION MINUTES
WEDNESDAY, APRIL 24, 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; Planner II Sam Ross; and Administrative 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 AM0001-19 & ZC0001-19 – Comp Plan Map Amendment AG/Forest to Rural Residential & ZC0001-19 Zone Change A/F10 to Rural 5– Holly Moore is requesting a comprehensive plan map amendment from Ag/Forest to Rural Residential and a zone change from A/F-10 to R-5. The project is located on Highway 200 in a portion of Section 4, Township 57 North, Range 1 West, Boise Meridian. The Planning & Zoning Commission at the public hearing on February 21, 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. The Chair noted that there were no disclosures or conflicts.

STAFF PRESENTATION: Planner II Sam Ross presented a PowerPoint summary of the project and previously circulated staff report, concluding this project is consistent with Bonner County Revised Code.

APPLICANT PRESENTATION: Project Representative Natalie Thompson stated she helps take care of the property and being able to build a home out there would facilitate the care taking a great deal.

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: Commissioner McDonald moved to approve this project, FILE AM0001-19, requesting a comprehensive plan amendment for the subject property from Ag/Forest Land to Rural Residential, 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 adopt 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:

MOTION: Commissioner McDonald moved to approve resolution #~~19-49~~, amending the Bonner County Projected Land Use Map. Commissioner Bradshaw seconded the motion.

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

Zone Change - Motion by the Governing Body:

MOTION: Commissioner Bradshaw moved to approve this project, FILE ZC0001-19, requesting a zone change from Ag/Forest-10 to Rural-5, 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 Bradshaw further moved to adopt the following findings of fact and conclusions of law as written. This action does not result in a taking of private property. Commissioner McDonald seconded the motion.

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

Zone Change Ordinance Motion:

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 generally located in Section 4, Township 57 North, Range 4 West, Boise Meridian from Agriculture/Forestry-10 to Rural-5, 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:

- Acreage: 10.7 acres (approximately)
- Structures: (1) single family dwelling, various accessory structures
- Access:
 - Highway 200
 - State highway
 - Principal arterial roadway
 - Public R-O-W
- Environmental:
 - Flood hazard area:
 - X – 0.2% Annual Chance Flood Hazard
 - Wetlands: N/A
 - Hydrography: N/A
 - Slope: <15%
- Services:
 - Water:
 - Individual well
 - Sewage:
 - Individual septic
 - Fire:
 - Northside Fire
 - School:
 - Bonner School #84

B. Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Land Use & Density
Site	Ag/Forest Land (10-20 acres)	A/F-10	Residential, (1) SFD
North	Ag/Forest Land (10-20 acres)	A/F-10	Non-irrigated ag land, vacant
East	Ag/Forest Land (10-20 acres)	A/F-10	Residential, AG, (1) SFD
South	Rural Residential (5-10 acres)	R-5	Irrigated AG land, vacant
West	Ag/Forest Land (10-20 acres)	A/F-10	Residential, AG, (1) SFD

C. Standards review: Bonner County Revised Code

- **12-215:** Applications for Zone Changes and Comprehensive Plan Map Amendments, Contents
 - The application was considered complete and routed to agencies accordingly.
- **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)
- **Comprehensive Plan Map Amendment:**
 - **Ag/Forest Land:** The Ag/Forest Land designation recognizes areas where steeper slopes prevail (30% Land Use Component Bonner County Comprehensive Plan CHAPTER 6-4 or greater) and transportation is provided by private roads or U.S. Forest Service or state roads. Urban services are not available and residential development challenges are present due to slope, poor soil conditions, hazard areas and lack of police or fire services.
 - Staff: The subject parcel does not feature steeper slopes (USGS <15%). Access is provided by Highway-200, and the parcel is afforded fire protection via Northside Fire.
 - **Rural Residential:** 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: The subject parcel does not feature steeper slopes (USGS <15%). Access is provided by Highway-200, and the parcel is afforded fire protection via Northside Fire. Surrounding properties feature agricultural uses.
 - Conclusion: Existing densities, environmental features, access and services indicate that the subject property conforms to the Rural Residential Designation.
- **Zone Change:**
 - **Rural District:** The rural district is established to allow low density residential uses that are compatible with rural pursuits. The purpose can be accomplished by:
 - Limiting residential densities and permitted uses to those that are compatible with rural character and nearby resource production districts and sites and can be adequately supported by rural service levels.
 - Allowing small scale farming and forestry activities, and tourism and recreation uses that can be supported by rural service levels and are compatible with rural character.
 - Encouraging conservation development configurations that create permanent open space or farming areas, protect sensitive

environmental features, reduce infrastructure costs and/or enhance recreational opportunities.

- Use of this zone is appropriate in areas designated by the comprehensive plan as follows:
 - R-10 in areas designated as rural residential in the comprehensive plan that meet one or more of the following criteria:
 - Characterized by slopes steeper than thirty percent (30%).
 - Located within critical wildlife habitat as identified by federal, state or local agencies.
 - Contain prime agricultural soils.
 - Served by a network of public and/or private roadways that generally do not meet applicable roadway standards set forth in title 2 (public roads) of this code or appendix A (private roads) of this title or are absent.
 - Within the floodway.
 - Contain limited access to public services.
 - R-5 in areas designated rural residential in the comprehensive plan that are already developed at or near the one dwelling unit per five (5) acre density and/or do not meet the criteria for R-10 above. (Ord. 501, 11-18-2008)

- Staff: The subject parcel does not feature slopes in excess of 15% (USGS). NRCS indicates that the farmland is prime if it is drained. Access is provided by Highway 200, a principal arterial roadway. The parcel does not feature any special flood hazard areas or floodway. The parcel has access to public services such as Northside Fire.

D. 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.

E. Agency Review: The application was routed to agencies for comment on January 30, 2019.

- The following agencies responded:
 - Idaho Transportation Department – January 31, 2019
“...ITD will not grant an additional approach to future subdivided parcels and will require the applicant to apply for a new joint use approach with an easement granting access to the parcels at the existing approach.”

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

G. Planning and Zoning Commission: The project was heard by the P&Z Commission during a public hearing held on February 21, 2019.

- The project was approved 5-1.
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Findings of Fact

- The parcel is 10.7 acres (approximately).
- Adjacent properties are designated 'Rural Residential' and are used similarly.
- The parcel features individual utilities and is afforded fire protection.
- The parcel is accessed by Highway 200.
- The parcel does not feature steep slopes.

Conclusions of Law:

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

Conclusion 1

The proposal **is** in accord with the following elements of the Bonner County Comprehensive Plan:

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

Conclusion 2

This proposal was reviewed for compliance with Title 12, Bonner County Revised Code, and **is** found to be in compliance.

Conclusion 3

The proposal **is** in accord with the Rural Residential Land Use Designation.

Zone Change Findings of Fact

- The parcel is 10.7 acres (approximately).
- Adjacent properties are designated 'Rural Residential' and are used similarly.
- The parcel features individual utilities and is afforded fire protection.
- The parcel is accessed by Highway 200.
- The parcel does not feature steep slopes.

Zone Change Conclusions of Law:

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

Conclusion 1

The proposal **is** in accord with the following elements of the Bonner County Comprehensive Plan:

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Transportation	Community Design	Implementation
Economic Development	Land Use	Natural Resources
Hazardous Areas	Public Services	Transportation
Recreation	Special Areas or Sites	Housing

Conclusion 2

This proposal was reviewed for compliance with Title 12, Bonner County Revised Code, and **was** found to be in compliance.

Conclusion 3

The proposal **is** in accord with the purpose of the Rural-5 zoning district, provided at Chapter 3, Title 12, Bonner County Revised Code.

The Chair declared the hearing adjourned at 1:45 p.m.

Respectfully submitted, this 24th day of April, 2019.



Milton Ollerton, Planning Director