

**PLANNING DEPARTMENT
PUBLIC HEARING DECISION MINUTES
WEDNESDAY, MAY 22, 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 and Vice Chair Dan McDonald

ABSENT: Steve Bradshaw

ALSO PRESENT: Planning Director Milton Ollerton; Planner II Sam Ross; and Administrative Manager Jeannie Welter

PUBLIC HEARING:

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 ZC0002-19 – Zone Change A/F-20 to A/F-10 – Grant Dorman is requesting a zone change from Agriculture/Forestry-20 to Agriculture/Forestry-10. The project site, totaling 40 acres, is located off of Center Valley Road in Section 18, Township 58 North, Range 1 West, Boise-Meridian. The Planning & Zoning Commission at the public hearing on April 18, 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: Staff Planner Sam Ross presented a summary of the project and previously circulated staff report, concluding this project is consistent with Bonner County Revised Code.

APPLICANT PRESENTATION: Applicant Grant Dorman stated he and his family currently live on the property. He stated the main two reasons for requesting this zone change are to bring the parcel into compliance, and eventually do a family spilt to allow his children to have a place to live and build homes, if they decide to reside permanently in Sandpoint.

PUBLIC/AGENCY TESTIMONY: None.

APPLICANT REBUTTAL: None.

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

MOTION: Commissioner McDonald moved to approve this project, FILE ZC0002-19, requesting a zone change from Ag/Forest-20 to Ag/Forest-10, 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 move to adopt the following findings of fact and conclusions of law as written (or as amended). This action does not result in a taking of private property. Upon stepping down from the Chair, Commissioner Connolly seconded the motion.

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

MOTION: Commissioner McDonald 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 18, Township 58 North, Range 1 West, Boise Meridian from Agriculture/Forestry-20 to Agriculture/Forestry -10, and providing for an effective date. Commissioner McDonald further moved to authorize the Chair to sign the official supplementary zoning map upon publication of the ordinance. Upon stepping down from the Chair, Commissioner Connolly seconded the motion.

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

ROLL CALL VOTE

Commissioner McDonald	AYE
Commissioner Connolly	AYE
Commissioner Bradshaw	ABSENT

Background:

A. Site data:

- Acreage: ±40.03 acres
 - RP58N01W180005A:
 - 10.0 acres; legal per BCRC 12-616(E)(2): BLP 2008-0659
 - RP58N01W180153A
 - 20.0 acres; legal per BCRC 12-612(F)
 - RP58N01W180160A
 - 0.03 acres; legal as documented: CC293-17
 - RP04439000010A
 - 10.00 acres; platted as "Center Valley Acres – Lot 1" Bk 13, Pg 3.
- Structures: (1) single family dwelling, (1) ADU, various accessory structures and out buildings.
- Access:
 - Center Valley Road / S Center Valley Road

- County owned/maintained
- 26' wide travelway, gravel surface
- 50' Public R-O-W
- Environmental:
 - Flood hazard area:
 - X – 0.2% Annual Chance Flood Hazard
 - Wetlands: Riverine & Freshwater Emergent following intermittent stream
 - Hydrography: Intermittent stream flowing through northern parcels.
 - Slope: <30%, generally <15%.
 - Soil: Mission Silt Loam, 2 To 12 Percent Slopes
- Services:
 - Water:
 - Individual well
 - Sewage:
 - Individual septic
 - Fire:
 - Northside Fire
 - School:
 - Bonner School #84

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.

• **Zone Change:**

1. The agricultural/forestry district is established to provide for agricultural and forestry pursuits, including livestock production, forestry, horticulture, floriculture, viticulture, and necessary accessory uses for treating, storing and processing agricultural products. The purpose of the A/F district is to preserve, protect and maintain areas that are rural in character and the integrity of the forest/woodland areas where viable agricultural pursuits can be feasible and to avoid fragmentation of forests and farms. These purposes are accomplished by:
 - a. Establishing residential density limits and conservation development standards to retain areas sized for efficient farming.
 - b. Allowing for uses related to agricultural production and limiting nonagricultural uses to those compatible with agriculture, or requiring close proximity for the support of agriculture.
 2. Use of this zone is appropriate in areas designated by the comprehensive plan as follows:
 - a. A/F-20 in all areas designated as prime ag/forest land in the comprehensive plan. The A/F-20 zone is also appropriate in areas designated ag/forest land in the comprehensive plan that also feature:
 - i. Prime agricultural soils.
 - ii. Are characterized by agricultural or forestry uses.
 - iii. Areas where one or more of the following apply: limited services; characterized by slopes steeper than thirty percent (30%); where access may be absent or limited to substandard road systems or where large tracts of land may be devoted to ag/forest production.
 3. A/F-10 in areas designated as ag/forest land in the comprehensive plan that do not feature prime agricultural soils, but where agricultural and forestry pursuits remain viable. These areas may be within or adjacent to areas of city impact or where lands are afforded fire protection, access to standard roads and other services. (Ord. 501, 11-18-2008)
- Staff:
 - Agriculture/Forestry (A/F) Districts allow for a variety of densities to allow for various agriculture and forestry uses. These density minimums are observed to be 10 and 20 acres. A/F-10 is appropriate in areas that are afforded fire protection, areas that have access via standard roads, and areas that do not feature prime agricultural soils, but where ag/forestry practices are still viable.
 - Conclusion: The A/F-10 zoning is appropriate based upon the known facts. The subject parcels are accessed off of standard, county maintained, roads. The subject parcels are afforded fire protection, and features Mission Silt Loam soils which are somewhat poorly drained. Per NRCS these areas are

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-20	Ag/Timber w/ Residential
North	Ag/Forest Land (10-20 acres)	A/F-10	Ag/Timber w/ Residential
East	Ag/Forest Land (10-20 acres)	A/F-10	Ag/Timber w/ Residential
South	Ag/Forest Land (10-20 acres)	A/F-20	Ag/Timber w/ Residential
West	Ag/Forest Land (10-20 acres)	A/F-20	Ag/Timber w/ Residential

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:**
 - Ag/Forest Land: The Ag/Forest Land designation recognizes areas where steeper slopes prevail (30% Land Use Component Bonner

used for hay and pasture, cultivated crops, livestock grazing, wildlife habitat, and home site development. This particular soil classification is observed in the vicinity, specifically in areas that feature A/F-10 zoning.

D. Stormwater plan: A stormwater management plan was not required, pursuant to BCRC Title 12, Chapter 7.

E. Agency Review

- The application was routed to agencies for comment on March 21, 2019.
 - Bonner County Road & Bridge – March 22, 2019
 - "Section 6.5 of the Bonner County Roads Standards Manual identifies the common widths for new roads as 60ft for local access roads and 60 to 80ft for collector roads. Both of these adjacent roads are classified as collectors and the existing 50ft width restricts the ability of Bonner County to maintain and improve these roads to current standards, especially in regards to having proper shoulders, ditches, and room for storing plowed snow."
 - "Given the language in Title 12 regarding access to standard roads for the A/F-10 zoning, Road & Bridge requests that an additional 5ft of right-of-way be dedicated along Center Valley Rd & South Center Valley Rd to allow for a future width of 60ft if/when dedication also occurs on the far side of the roads."

F. Public Notice & Comments: There were no public comments received prior to April 4, 2019.

G. Planning & Zoning Recommendation

- On April 18, 2019 the Bonner County Planning and Zoning Commission voted to recommend approval to the Board of County Commissioners.
- The vote passed unanimously.

Zone Change Findings of Fact

- Adjacent properties lie within the A/F-10 district and feature the same soil types.
- The parcels lie within the Northside Fire district.
- The parcels are cornered by two (2) public, county maintained roads.
- The parcels generally do not feature in excess of 15%.

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:

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 **was** found to be in compliance.

Conclusion 3

The proposal **is** in accord with the purpose of the Agriculture/Forestry-10 zoning district, provided at Chapter 3, Title 12, Bonner County Revised Code.

The Chair declared the hearing adjourned at 1:50 p.m.

Respectfully submitted, this 22nd day of May, 2019.

Milton Ollerton, Planning Director