

**PLANNING DEPARTMENT  
PUBLIC HEARING DECISION MINUTES  
WEDNESDAY, JUNE 12, 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; Floodplain Manager Jason Johnson; and Administrative Assistant II Emily Aerni

**PUBLIC HEARINGS:**

**ADMINISTRATIVE VARIANCE**

**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 VA0001-19 – Administrative Lot Size Minimum Variance Appeal – Michael D. Bennett** is requesting an administrative variance for less than 30% deviation in lot size minimum. The request is for an equal split of a 3 – acre parcel in a Suburban zone to create two 1.5 acre lots, where 2 acres is required. The property is located on Arrowhead Drive in the Cocolalla Lake area in a portion of Section 18, Township 55N, Range 2 West, Boise Meridian. A written administrative decision, denying this project, was provided to the applicant on April 3, 2019. An appeal was received by the Planning department requesting this file be forwarded to the Board of County Commissioners for consideration.

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

**APPLICANT PRESENTATION:** Project Representative Joel Andring with Glahe & Associates Land Surveyors presented exhibits to the commissioners. Mr. Andring stated there was a long history of both structures being on the subject property prior to the applicant purchasing the property.

**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 VA0001-19, which allows for a lot size minimum variance creating the lot size of 1.5 acres where 2 acres is required; finding that it **is** in accord with the Bonner County Revised Code as enumerated in the following conclusions of law. The decision is 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. The action that could be taken to obtain the variance is to complete the Conditions of Approval as adopted. 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.

**Background:**

**A. Site data:** The parcel is 3.0 acres, located on Cocolalla Lake in a portion of Section 18, Township 55North, range 2 West, Boise Meridian, Bonner County, Idaho.

**B. Access:** The property is accessed off Cocolalla Loop Rd onto Arrowhead Drive.

**C. Environmental factors:** Moderately sloping from west to east toward Cocolalla Lake. Elevation varies from 2290 AMSL in the west to 2200 AMSL in the east. Cocolalla Lake borders on the east. Only the easterly edge of the proposed lot 2 lies in the floodplain.

**D. Services:** Sewer is provided by the Granite-Reeder Water and Sewer District. Water is provided by individual well. Power is provided by Northern Lights and served by the West Priest Lake Fire Department.

**E. Comprehensive Plan, Zoning and Current Land Use**

Compass	Land Use	Zoning	Current Use
Site	Suburban Growth Area	Suburban	Residential
North	Suburban Growth Area	Suburban	Platted lot, Residential 2.9 acres
East			Cocolalla Lake
South	Suburban Growth Area	Suburban	2.11 acres, residential
West	Suburban Growth Area	Suburban	2 platted 2.11 acre lots, residential.

**F. Standards review**

BCRC 12-234 specifies that "Staff, the commission and/or board shall review the particular facts and circumstances of each proposal submitted and shall find adequate evidence showing that:"

- A. **Conditions apply to the property that do not apply generally to other properties in the same zone or vicinity, which conditions are a result of lot size, shape, topography, or other circumstances over which the applicant has no control.**

**Applicant:**

*Existing buildings comply with current setback standards. Two existing homes have been there for many decades. Proposed layout will still comply with current setback standards. Other parcels in the vicinity are less than the 2-acre minimum.*

**Staff:** Applicant provided a detailed site plan showing location of existing homes, septic tanks and field. Applicant also provided additional documentation showing long time existence of the structures.

- B. **Special conditions and circumstances do not result from the actions of the applicant.**

**Applicant:** Applicant purchased the property this way.

**Staff:** The applicant provided additional evidence showing the long term existence of the structures and their individual uses.

- C. **The granting of the variance is not in conflict with the public interest in that it will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity of the subject parcel or lot. (Ord. 559, 1-4-2017)**

**Applicant:** *No obstruction of public access or other safety hazards will occur from approval. There are no changes to current buildings or existing roadways.*

**Staff:** The applicant shortened the width of the proposed easement to from 75 feet to 25 feet. This makes the proposal more in the interest of the public as well as creates more useable land for the Lot 2 property.

**G. 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.

**H. Agency review:** The application was routed to the follow agencies for comment on April 3, 2018:

- |                               |                                     |
|-------------------------------|-------------------------------------|
| Bonner County Road and Bridge | School District #84                 |
| Selkirk Fire District         | Northern Lights Power Company       |
| Department of Fish and Game   | Department of Environmental Quality |
| Cocolalla Lake Association    | Department of Water resources       |
| Pan Handle Health District    |                                     |

Northern Lights requested a 50 foot easement for underground power indicating that the proposed 20 foot easement was not enough. The new site plan shows the 50 foot easement for this request.

PHD requested that the permitting process be completed with their agency. Those applications are currently being worked through.

**J. Public comments:** No written comments received. A couple phone calls from neighbors were taken with questions about the project.

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**Conclusions of Law:**

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

This proposal was reviewed for compliance with the criteria and standards set forth at 12-233 and 12-234, Bonner County Revised Code, and variance criteria and standards set forth at Section 67-6516, Idaho Code.

Conclusion 1

Conditions apply to the property that do not apply generally to other properties in the same zone or vicinity, which conditions are a result of lot size, shape, topography, or other circumstances over which the applicant has no control.

Conclusion 2

Special conditions and circumstances do not result from the actions of the applicant.

Conclusion 3

The granting of the variance is not in conflict with the public interest in that it will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity of the subject parcel or lot. (Ord 559, 1-4-2017)

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**Findings of Fact**

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1. Property was purchased in 1991 with current existing conditions
2. Urban water is provided by the Arrowhead Ranch Water Company
3. Sewer is provided by two existing septic tanks and leach fields.
4. Property is zoned Suburban
5. Property land use designation is Urban Growth Area 1-5 acres
6. BLP2000-0381 was for the rebuilding of the home that burned on the property

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**Conditions of approval:**

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**Standard permit conditions:**

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**A-1** The use shall be developed and shall be operated in accordance with the approved site plan.

**A-2** The variance shall expire if not issued within two (2) calendar years from the date of approval, or once issued, if the use has not commenced within two (2) calendar years from the date of issuance. At any time prior to the expiration date of the variance, the applicant may make a written request to the Planning Director for an extension of the variance for a period up to two (2) years. The Planning and Zoning Commission may consider such request for extension at any public hearing. The extension request must be approved or denied prior to the expiration date of the variance.

**A-3** The applicant is required to file for a Minor Land Division in order to divide the properties into two separate lots of 1.5 acres each.

#### **CERTIFICATE OF COMPLIANCE**

**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 CC0001-19 – Certificate of Compliance – The Coolin Company** filed an appeal of an administrative decision made by the Planning Director regarding a certificate of compliance for a portion of land in Section 2, Township 59 North, Range 4 West, Boise Meridian, containing approximately 10 acres.

**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 Jason Johnson presented a summary of the project and previously circulated staff report, concluding this project is in accordance with Section 12-616 with Bonner County Revised Code.

**APPLICANT PRESENTATION:** Applicant Dallas Gray presented an exhibit to the commissioners containing deed information. Mr. Gray stated his intention was to have a 30 acre parcel and a 10 acre parcel.

**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 **overturn** the administrative decision issued on May 22, 2019 on Certificate of Compliance FILE CC0001-19, finding that this administrative decision is not in accord with the Bonner County Revised Code based upon the evidence submitted up to the time the Staff Report was prepared and testimony received at this hearing. This decision is 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 find that the parcel in question will be corrected by recording a corrected deed and will then be legal and conforming under Bonner County Revised Code. 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.

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#### **Background:**

**A. Comprehensive Plan Designation:** Rural Residential (5-10 AC)

**B. Zone:** Rural 5 (R-5)

**C. Access:** The site fronts along Cavanaugh Bay Rd

**D. Services:** The site is currently undeveloped.

**The subject property has not been reviewed by Bonner County for:**

- 1) Sewage disposal suitability or availability
- 2) Domestic water availability
- 3) Legal, developed access
- 4) Recorded surveys
- 5) Setback limitations
- 6) Impervious surface standards and limitations

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#### **Parcel history:**

An opportunity for landowners to determine whether a parcel was created in compliance with zoning and subdivision codes in effect at the time of the parcel creation is provided at Section 12-616, BCRC. A chain of title, as required by this section, has been provided by North Idaho Title dated April 5, 2019. Based on the chain of title the following is a history of the parcel's creation:

**Warranty Deed recorded December 19, 2013 as Instrument #854317**

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#### **Deed Analysis:**

**Instrument #854317 – December 19, 2013, Warranty Deed**

The Coolin Company convey unto The Coolin Company. This instrument is the first time this unique portion of land is described in the provide chain of title. Previous deeds in the provided chain of title describe different portions of land from what is described in this deed. Description is as follows:

*The Southwest Quarter of the Southeast Quarter of the Southwest Quarter of the Northwest Quarter AND the Southwest Quarter of the Southwest Quarter of the Northwest Quarter, excepting therefrom the Southwest Quarter of the Southwest Quarter of the Southwest Quarter of the Northwest Quarter, all in*

Section 2, Township 59 North, Range 4 West, Boise Meridian, containing approximately 10 acres. A part of Assessors [sic] Parcel No. RP59N04W023450A.

Per BCRC 12-614.A, except where exempt from the definition of "subdivision", as provided for in this chapter, or until a final plat or notice of land division in full compliance with the provisions of this chapter and Idaho Code, where applicable, has been recorded with the Bonner County Recorder, no person shall:

1. Sell, lease, finance or gift any lot or parcel of real property or portion thereof;
2. Commence the construction of any building for sale, lease, financing or gift;
3. Allow occupancy of any lot or parcel of real property, or portion thereof, for which a final plat or notice of land division is required pursuant to this chapter.

Further, per BCRC 12-614.B, the conveyance of any part of a division of land for which a final plat or notice of land division is required pursuant to this chapter shall not be made by lot or parcel number, letter or other designation until a final plat or notice of land division has been recorded with the Bonner County Recorder.

Per BCRC 12-610, the entirety of the provisions of BCRC 12-61, including those provisions called out above, apply to the portion of land described in Instrument #854317.

The portion of land described in Instrument #854317 was transferred in a manner contrary to the provisions above.

Per BCRC 12-615.C, the County shall not issue a permit or grant any approval necessary to develop or use any lot or parcel which has been divided, or which has resulted from a division, contrary to the provisions of BCRC Title 12. The authority to deny a permit or approval shall apply whether the applicant was the owner of the lot or parcel at the time of the division, or whether the applicant is the current owner of the lot or parcel with, or without, actual or constructive knowledge of the division at the time of the acquisition of interest in the lot or parcel.

The division of land described in Instrument #854317 was contrary to the provisions of BCRC Title 12 and contrary to the code above.

Per BCRC 12-612.F, the creation of lots or parcels smaller than 20 acres or one thirty-second (1/32) of a Section must comply with all applicable requirements of BCRC 12-6, including platting requirements.

Instrument #854317 created a parcel of approximately ten (10) acres, so platting was required for this action. Platting was not done in this case.

In conclusion, the portion of land described in Instrument #854317 is not currently compliant with county platting and subdivision requirements. Building Location Permits and other land use permits would not be approved on this portion of land until this situation is remedied.

This noncompliance may be remedied as detailed below in Conditions of Approval.

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#### Conditions of approval:

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1. The portion of land described in Instrument #854317 must be platted according to the standards set forth by the Bonner County Planning Department prior to the issuance of any permit for the development or use of the property. The specific remedy in this case appears to be a Minor Land Division in accord with BCRC 12-65. Final determination of appropriate remedy will be made by the Planning Department at the time of application.

#### AMENDMENT

**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 AM0002-19 – BCRC Text Amendment to Title 12: 12-238 (A), 12-238 (C), 12-267 (C), 12-268 (D), 12-214 (B), 12-268 (I), 12-484 (C.7.e.), 12-646 (M), 12-127: (A.1, 2, 3), 12-762 – Bonner County** is initiating changes to Bonner County Revised Code **BCRC 12-238 A.:** Administrative Variances: Update variance description to match the definition of variance. **BCRC 12-238 C.:** Change the requirement from letter of interest to application. **BCRC 12-267 C:** Public hearings: Update second sentence in section C to read: Written statements containing more than one standard letter-sized, single spaced page shall be submitted to the planning department record no later than five (5) ~~seven~~ (7) days prior to the public hearing. **BCRC 12-268 D.** Amend the second sentence to read: The notice shall be sent at least fifteen (15) ~~twenty-two~~ (22) days prior to the public hearing. **BCRC 12-214 B.** Amend the first sentence to read: At least fifteen (15) ~~twenty-two~~ (22) days prior to the hearing, notice of the time and place of the hearing and a summary of the proposed amendment shall be published in the official newspaper or paper of general circulation within the jurisdiction. **BCRC 12-268 I.** Amend to read: When the Governing Body has made a final decision on an application, the Planning Director shall provide notice to applicants of the final decision in writing by first class mail within five (5) working days of the date of the decision. **BCRC 12-484 C.7.e.:** The number of off-street parking spaces provided on the property, and the maximum number of vehicles allowed to be parked on the property. **BCRC 12-646 M.:** Wetland boundaries and setbacks as set forth in subchapter 7.3 of this title and any proposed easements or easements of record for drainage, channels, overhead and underground utility lines, sanitary sewers and water systems within the tract. **BCRC 12-127: A.1, 2, 3.:** 1. ~~Subdivisions~~ Preliminary plats of four (4) or fewer lots not otherwise eligible for short platting; 2. Variances; 3. Conditional Use Permits, including Planned Unit Developments and Tier III home occupations. 4. Special Use Permits. **BCRC 12-762 GEOTECHNICAL ANALYSIS REQUIRED A.** Amend the first sentence to read: A geotechnical analysis shall be required for proposed building

sites, roads, driveways or other development, where any of the following conditions apply. The Planning & Zoning Commission at the public hearing on May 16, 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/APPLICANT PRESENTATION:** Planning Director Milton Ollerton presented a PowerPoint summary of the project and previously circulated staff report, concluding this project is consistent with Bonner County Revised Code.

**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 Bradshaw moved to APPROVE this FILE AM0002-19, amending the sections of Title 12, Bonner County Revised Code, as presented or amended in this hearing, based upon the evidence submitted up to the time the Staff Report was prepared, and testimony received at this hearing. 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.

**BOARD MOTION TO ADOPT ORDINANCE:** Commissioner McDonald moved to adopt an Ordinance of Bonner County, Idaho, the number to be assigned, citing its authority, and providing for the amendment of Title 12, Bonner County Revised Code, Sections 12-238, 12-267 C., 12-268 D & I, 12-214 B., 12-484, 12-646, 12-127, and 12-762, providing for publication and an effective date. Commissioner Bradshaw seconded the motion.

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

#### **12-238: ADMINISTRATIVE VARIANCES**

A. The Director may grant a variance, as an administrative decision, of up to thirty percent (30%) of the following requirements: ~~lot size, lot width or depth, structure height, setback distances for the front, back, or side yards, or parking space. a modification of the bulk and placement requirements of this title as to lot or parcel size, lot coverage, width, depth, front yard, side yard, rear yard, setbacks, parking space size, height of buildings, or other provisions of this title affecting the size or shape of a structure or the placement of a structure upon a lot or parcel, or the size of the lot or parcel.~~

C. The application shall be processed as follows:

1. Application And Administrative Requirements: A site plan and application letter-of

intent shall be submitted for review together with all appropriate fees as established by the adopted fee schedule. The burden of proof lies upon the applicant to show whether characteristics of the site conform to the standards in section 12-234 of this subchapter.

**STAFF:** This change is proposed to bring the definition of variance consistent throughout the code. The definition included with the administrative variance is different than the definition for variance used throughout the code leading to confusion. This makes the ordinance consistent.

The change in letter C is to clarify application versus a letter of intent.

#### **BCRC 12-267 C. PUBLIC HEARINGS**

Written statements, plans, drawings and similar materials offered in support of statements at a public hearing are part of the hearing record, and shall be marked with an exhibit number and shall be retained by the county. ~~Written statements containing more than one standard letter sized, single spaced page shall be submitted to the planning department record no later than five (5) seven (7) days prior to the public hearing. Written statements not exceeding one standard letter sized, single spaced page may be submitted at the public hearing. The chair may request the document be read into the record. All written statements shall include the name, signature and address of the person submitting the document. The chair may rule as inadmissible any written document that fails to meet these standards. Nothing contained herein prohibits the chair or governing body from extending the written comment period as provided by this title.~~

**STAFF:** The proposed change to public hearings to not allow for public comment seven (7) days prior to the hearing. This is to allow the staff, Planning Commission and Board the necessary time to process, read and properly consider the public comments prior to a hearing.

In order to ensure the public adequate time to comment on a project, State Statute requires fifteen (15) days notice prior to a hearing. As this change does not allow public comment seven (7) days prior to a hearing, seven (7) days have been added to the notice requirement for public comment increasing the notice time to twenty-two (22) days. This change is noted below.

#### **BCRC 12-268 D. MODIFICATION OF TERMS AND CONDITIONS OF PERMIT APPROVAL**

When the Planning Director has determined the application is complete and in compliance with this title, the Planning Director shall send copies of the application to public agencies and entities that may be affected by the proposal, including, but not limited to, the Health District, fire districts, irrigation or drainage districts, sewer and water districts, school districts, solid waste and transportation agencies and fish and wildlife agencies. The notice shall be sent at least ~~fifteen (15) twenty-~~ two (22) days prior to the public hearing.

**BCRC 12-268 I.** When the Governing Body has made a final decision on an application, the Planning Director shall provide notice to applicants of the final decision in writing by first class mail within five (5) working days of the date of the decision.

**BCRC 12-214 B. PROCEDURES FOR AMENDMENTS TO THIS TITLE**

At least fifteen ~~(15)~~ twenty-two (22) days prior to the hearing, notice of the time and place of the hearing and a summary of the proposed amendment shall be published in the official newspaper or paper of general circulation within the jurisdiction. Notice shall also be made available to other papers, radio and television stations serving the jurisdiction for use as a public service announcement. A record of the hearing, the findings made, and actions taken shall be maintained.

**BCRC 12-484 VACATION RENTALS**

C. 7. e. The number of off-street parking spaces provided on the property, and the ~~maximum number of vehicles allowed to be parked on the property.~~

**STAFF:** The term "maximum" was confusing to the permit process as the purpose of the ordinance was to identify the number of required parking spaces based on the number of occupants. The ordinance requires a parking space for every four (4) people and the property may have room for more parking spaces. The word maximum appeared to limit the number of parking spaces where more may be available.

**BCRC 12-646 FINAL PLAT, CONTENTS**

M. Wetland boundaries and setbacks as set forth in subchapter 7.3 of this title and any proposed easements or easements of record for drainage, channels, overhead and underground utility lines, sanitary sewers and water systems within the tract.

**STAFF:** Removing the requirement to show the setbacks on the plat removes the potential confusion that may exist from either setbacks changing over the years, variance requests or wetland modifications that may occur.

**BCRC 12-127: POWER AND DUTIES OF HEARING EXAMINER:**

A. For any application, the hearing examiner shall provide notice, conduct public meetings, consider applications and render written final decisions based on the standards and procedures provided in this title for the board and commission. The hearing examiner may recommend the commission conduct a public hearing pursuant to the public hearing noticing requirements and procedures of subchapter 2.6 of this title, based upon the extent of public comment or other contested factors in the case which warrant a hearing before the commission. The hearing examiner is authorized to consider the following:

1. ~~Subdivisions Preliminary plats of four (4) or fewer lots not otherwise eligible for short platting;~~
2. Variances;

3. Conditional Use Permits, including Planned Unit Developments and Tier III home occupations.

4. Special Use Permits

**STAFF:** The purpose of this change is to indicate the applications that are more quasi-judicial and could be approved under a hearing examiner per Idaho Code 67-6520. The statute lists subdivisions, variances, special use permits, and zone changes as possible files the hearing examiner could hear.

**BCRC 12-762 GEOTECHNICAL ANALYSIS REQUIRED**

A. A geotechnical analysis shall be required for proposed building sites, roads, driveways or other development, where any of the following conditions apply:  
1. Where the natural slope equals or exceeds thirty percent (30%);  
2. Where soils are highly erodible, or where there are scarps, slumps, seeps or other geologic features exist that may be unstable, as determined by the Planning Director, Hearing Examiner, commission or board;  
3. Where there is historic knowledge of sloughing, landslides, slumps or other hazardous geological features.

**STAFF:** The ordinance lists three conditions which may trigger a geotechnical analysis on a building site. The ordinance, currently written, may lead one to believe that all three conditions must exist simultaneously in order to trigger this analysis. However, even if only one of the conditions exist, it still needs to be confirmed whether the site is safe for development. This proposed change clarifies the ordinance with the current interpretation of the code.

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**Public Comment:**

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A public comment was received from the City of Kootenai.

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**Authority**

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The ordinance amendment is proposed under the authority granted at Idaho Code, Chapter 7, Title 31; Chapter 8, Title 31; and Chapter 65, Title 67; and Article XII, Section 2, of the Idaho Constitution.

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**Findings of Fact:**

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1. The Planning and Zoning Commission, per Idaho Code Chapter 65, Title 67, unanimously recommended approval at their May 16, 2019 hearing.
2. The Bonner County Planning Department has reviewed the proposed changes against Idaho Code and made amendments to better comply with the Idaho Code, specifically Title 67 Chapter 65.
3. The Board of County Commissioners is authorized by Idaho Code, Chapter 7, Title 31, to adopt ordinances, rules and regulations "...not repugnant to law, necessary for carrying into effect or discharging the powers and duties conferred by the laws of the state of Idaho, and such as are necessary or



proper to provide for the safety, promote the health and prosperity, improve the morals, peace and good order, comfort and convenience of the county and the inhabitants thereof, and for the protection of property therein..."

The proposed ordinance making the above changes adds to the clarity intended in the interpretation of the Bonner County Revised Code and Bonner County Comprehensive Plan. These actions will further balance the provision of safety, health and prosperity while maintaining the protection of property, peace, good order, comfort and convenience of the county and its inhabitants

4. Further clarifying standards enabling the public and the staff to achieve the best results leading to greater understanding and use of the zoning ordinance.

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**Conclusions of Law:**

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1. The proposed amendments to Title 12 **IS** in accord with Idaho Code, Chapter 7, Title 31.
2. The proposed amendments to Title 12 **IS** in accord with Idaho Code Chapter 67 Title 65.

The Chair declared the hearing adjourned at 2:25 p.m.

Respectfully submitted, this 13<sup>th</sup> day of September 2019.



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Milton Ollerton, Planning Director