

**PLANNING DEPARTMENT
PUBLIC HEARING DECISION MINUTES
WEDNESDAY, JANUARY 8, 2020, 1:30 P.M.**

CALL TO ORDER: Chair McDonald 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 Dan McDonald and Steve Bradshaw

ABSENT: Jeff Connolly

ALSO PRESENT: Planning Director Milton Ollerton; Planning Operations Manager Josh Pilch; Planner I Tessa Vogel; Administrative Manager Jeannie Welter; and Administrative Assistant II Emily Aerni

PUBLIC HEARINGS:

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 SS0002-19 – Preliminary Short Plat - Harrison Heights - Benjamin Milbrath is requesting a Preliminary Short Plat, allowing for the subdivision of a 1.897-acre lot into 8 lots. The property is zoned Suburban. The project is located off Harrison Lane in Section 29, Township 58 North, Range 2 West, Boise-Meridian. An appeal of the administrative decision was received by the Planning department on November 29, 2019 requesting this file be forwarded to the Board of County Commissioners for consideration.

MOTION: Commissioner Bradshaw moved to remove file SS0002-19 from the agenda. Commissioner McDonald, after stepping down from the Chair, seconded the motion.

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

Files AM0008-19 & ZC0007-19 – Comprehensive Plan Map Amendment & Zone Change – Bonner County is initiating a Comprehensive Land Use Map Amendment from Agricultural/Forest to Transition and a Zone Change from Rural Service Center and Agricultural/Forestry-10 to Commercial. The project is located off Highway 95 at the intersections of Highway 95 and Samuels Road and Upper Pack River Road in a portion of Section 29 and 32, Township 56 North, Range 1 West, Boise-Meridian. The Planning & Zoning Commission at the public hearing on December 5, 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.

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 Bradshaw moved to approve this project, FILE AM0008-19, requesting a comprehensive plan amendment for the subject property from Agricultural Forest to Transition, 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, after stepping down from the Chair, seconded the motion.

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

Comprehensive Plan Map Resolution Adoption:

Commissioner Bradshaw moved to approve resolution #20-03 amending the Bonner County Projected Land Use Map. Commissioner McDonald, after stepping down from the Chair, 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 ZC0007-19, requesting a Zone Change from Rural Service Center and A/F-10 to Commercial, 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, after stepping down from the Chair, 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 located in Section 1, Township 54 North, Range 6 West, Boise Meridian, Bonner County, Idaho from Rural Service Center and A/F-10 to Commercial, 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, after stepping down from the Chair, seconded the motion.

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

ROLL CALL VOTE

Commissioner McDonald AYE
Commissioner Bradshaw AYE

Background:

A. Site data: The parcel is ±68 acres. There are six parcels.

B. Access: The property is accessed off Highway 95.

C. Environmental factors: The Upper Pack River is near these properties with a little flood plain showing on the mill site parcel.

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

E. Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Land Use & Density
Site	Agricultural Forest	A/F-10 and Rural Service Center	Gas Station, mini mart and restaurant. Mill site with Rail road spur, vacant land, duplex and residential uses.
North	Agricultural Forest	A/F-10	Residential uses on large acre parcels
East	Agricultural Forest	A/F-10	Residential uses on large acre parcels
South	Agricultural Forest	A/F-10	Residential uses on large acre parcels
West	Agricultural Forest	A/F-10	Residential uses on large acre parcels

F. Standards review

Amendment Request:

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

The application was considered complete and routed to agency review on November 5, 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)

From the Land Use Chapter of the Comprehensive Plan.

Agricultural Forest: The Ag/Forest Land designation recognizes areas where steeper slopes prevail (30% 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.

Transition: The Transition classification is reserved for those areas of the County where a mixture of land uses can occur which may include higher density residential uses, commercial, industrial and light industrial uses. Due to the intensity of land use, these areas require primary transportation routes, urban-like water and sewer services, fire and police services.

Zone Change Request

The applicant is requesting a zone change from A/F-10 and Rural Service Center to Commercial. The standards for those districts are below:

12-322: AGRICULTURAL/FORESTRY DISTRICT:

A. 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:

1. Establishing residential density limits and conservation development standards to retain areas sized for efficient farming.
2. 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.

B. Use of this zone is appropriate in areas designated by the comprehensive plan as follows:

1. 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:

a. Prime agricultural soils.

b. Are characterized by agricultural or forestry uses.

c. 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.

2. 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)

12-327: RURAL SERVICE CENTER DISTRICT:

A. The rural service center district is established to promote the development of local commercial services in small communities to meet the needs of rural residents as well as limited tourist commercial services and limited light industrial uses consistent with the maintenance of the rural character of the area. The rural service center district is also intended to provide opportunities for a variety of affordable housing types that are within walking distance of commercial services. These purposes are accomplished by:

1. Providing for a range of small scale retail and rural service uses.

2. Allowing for mixed use buildings (housing over office or retail) and a range of housing types, including detached single-family dwelling units, cottage housing, townhouses, apartments and mobile home parks where sufficient services are provided.

3. Allowing for light industrial uses where activities are conducted primarily indoors and impacts to adjacent uses are mitigated.

4. Excluding commercial uses with extensive outdoor storage.

5. Excluding large scale commercial uses that would be more effectively located in incorporated cities.

6. Applying simple design standards that enhance pedestrian access and improve the character of the area. (Ord. 501, 11-18-2008)

B. Use of this zone is appropriate in areas designated as neighborhood commercial, resort community or transition by the comprehensive plan and community plans and that are served at the time of development by adequate sewage disposal services, water supply, roads and other needed public facilities and services. Expansion of existing rural service center districts or the creation of new rural service center districts may be considered only if the expansion will not negatively impact the safety and function of a state highway or other roadway. (Ord. 512, 1-6-2010)

12-325: COMMERCIAL DISTRICT:

A. The commercial district is established to promote a range of commercial uses to serve the needs of the immediate area, surrounding rural communities and visitors without adversely affecting adjacent residential neighborhoods. The commercial district is also intended to provide opportunities for a variety of affordable housing types that are within walking distance of commercial services. Intensive large scale commercial development is not appropriate due to the limited density of surrounding unincorporated areas. Access to primary transportation routes and a system of hard surfaced roads are expected and consideration is given to the potential public transportation access. These purposes are accomplished by:

1. Providing for a wide range of small to medium scaled retail, professional, governmental and personal service uses.

2. Allowing for mixed use buildings (housing over office or retail) and a range of housing types, including cottage housing, townhouses, apartments and mobile home parks where sufficient services are provided.

3. Allowing for light industrial uses where activities are conducted primarily indoors and impacts to adjacent uses can be mitigated.

4. Excluding commercial uses with extensive outdoor storage.

5. Excluding large scale commercial uses that would be more effectively located in incorporated cities.

6. Applying simple design standards that enhance pedestrian access and improve the character of the area.

B. Use of this zone is appropriate in areas designated as neighborhood commercial, urban growth area or transition by the comprehensive plan and community plans and that are served at the time of development by adequate sewage disposal services, water supply, roads and other needed public facilities and services. Expansion of existing commercial districts or the creation of new commercial districts may be considered only if the expansion will not negatively impact the safety and function of a state highway or other roadway. (Ord. 501, 11-18-2008)

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 following agencies for comment on November 9, 2018

All Taxing Districts	Dept. of Water Resources
Bonner County Road and Bridge	Army Corps (Coeur d'Alene)
Northern Lights	Forest Service
Dept. of Fish and Game	Dept. of Lands, Nav. Waters
Dept. of Env. Quality	Bonner County Schools – Transportation
Idaho Transportation Department	Dept. of Lands (Sandpoint)
BNSF Railway	

No agencies commented on the proposed changes.

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

Findings of Fact

1. The proposed area contains over 60 acres.
2. The neighboring properties are large lots with residential uses consistent with the Agricultural/Forest designation.
3. The existing and grandfathered uses are consistent with the Transition land use designation.
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 uses.
7. Access is provided by Highway 95, Upper Pack River Road and Samuels Road.

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.

•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 Transition 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 commercial uses.

Zone Change Findings of Fact

1. The properties are well known for its existing uses of gas station, restaurant, and mill site.

2. The proposed area is located on the transportation corridor of Highway 95 at the major intersections of Samuels Road and Upper Pack River Road.
3. The parcel is surrounded by A/F-10 zoning helping establish the proposed commercial zone as a center for the Samuels area.
4. The existing subject property uses are consistent with the Commercial zone.
5. Sewer and water are provided onsite for existing uses.
6. The property is proposed to be designated Transition in the Comp Plan.

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 Commercial 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 gas station, restaurant and mill site.

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 ZC0005-19 – Zone Change – Jonathan & Chelsea Mowery are requesting a Zone Change from Agricultural/Forestry 20 to Agricultural/Forestry 10 for the purpose of dividing the twenty (20) acre parcel into two ten (10) acre lots. The project is located off Grouse Creek Cutoff Road in Section 2, Township 58 North, Range 1 West, Boise-Meridian. The Planning & Zoning Commission at the public hearing on December 5, 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: 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.

APPLICANT PRESENTATION: Project Representative Bryan Quayle gave a summary of the project, including topographical features, road access, and services. Mr. Quayle also submitted a map of the surrounding area (Exhibit A).

PUBLIC/AGENCY TESTIMONY: The following individuals spoke on the record in opposition of the file: Kirk and Debbie Westfall, Richard Euleess, Robin McNeal Ross, and Tanner Van Pelt.

The following individual spoke on the record neutral of the file: Alicia Abbott.

APPLICANT REBUTTAL: Bryan Quayle rebutted public comments stating the applicant was asking for one more property/parcel to be created so that a landowner can have a residence on it. He stated the current ordinance already allows for another residence to be added, so the zone change would not increase impact. Mr. Quayle stated the proposed 40-foot easement provides plenty of snow storage room to the west. He also stated that many land owners keep multiple properties instead of 1 large piece for asset management and retaining the ability to sell their properties or deed them off.

BOARD DELIBERATION: During public testimony Commissioner McDonald responded to public comments to correct inaccuracies. The Chair closed the hearing to public testimony. The Board discussed Findings and Conclusions.

Zone Change Motion by the Governing Body:

MOTION: Commissioner Bradshaw moved to approve this project, FILE ZC0005-19, requesting a zone change from Ag/Forest-20 to Ag/Forest-10 for the purpose of dividing the twenty (20) acre parcel into two ten (10) acre lots, 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, after stepping down from the Chair, 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 located in Section 2, Township 58 North, Range 1 West, Boise Meridian, Bonner County, Idaho from A/F-20 to A/F-10, 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, after stepping down from the Chair, seconded the motion.

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

ROLL CALL VOTE

Commissioner McDonald	AYE
Commissioner Bradshaw	AYE

Background:

A. Site data:

- Residential use
- Unplatted
- Size: 20 acres
- Zone: Rural-10
- Land Use: Ag/Forest Land (10-20 AC)
- Legal per: exempt from platting per BCRC 12-612 (F)

B. Access:

- Property fronts on Grouse Creek Cutoff, a county maintained, 24' wide, paved road.

C. Environmental factors:

- Site does not contain mapped slopes. (USGS)
- Site does not contain mapped wetlands. (USFWS)
- Site does not contain waterfront or streams. (NHD)
- Entire parcel is SFHA Zone X, per FIRM Panel #16017C0520E, Effective Date 11/18/2009.
- Soil: Colburn Very Fine Sandy Loam, 0 To 4 Percent Slopes
 - Classification: All Areas Are Prime Farmland
 - Type: Consociation
 - Drainage: Somewhat Poorly Drained

D. Services:

- Water: Individual Well
- Sewage: Individual Septic
- Fire: Northside Fire District
- Power: Northern Lights
- School District: Bonner School #84

E. 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	Residential & Farming
North	Ag/Forest Land (10-20 acres)	A/F-10	Vacant 5 acre lots
East	Ag/Forest Land (10-20 acres)	A/F-20	Residential pasture land
South	Ag/Forest Land (10-20 acres)	A/F-20	Vacant
West	Ag/Forest Land (10-20 acres)	A/F-10	Vacant 10 acre lots

F. 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 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.
- **12-322 Agricultural/Forestry District:**
 - 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.
 - 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.
- 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)

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

H. Agency Review: The application was routed to agencies for comment on November 7, 2019.

*All Taxing Districts
Bonner County Road and Bridge
Northern Lights
Bonner County Schools – Transportation*

*Dept. of Water Resources
Dept. of Fish and Game
Dept. of Env. Quality*

No agencies commented on the proposed changes.

I. Public Notice & Comments

- Kirk & Debbie Westfall November 14, 2019 & November 16, 2019
 - Against – Concerned splitting and rezoning will negatively impact the ability of the land for agricultural purposes, will set a precedent for future rezoning in the area, and encourage more complaints regarding the shared fence and agricultural pursuits.

J. Planning and Zoning Recommendation

- On December 5, 2019 the Bonner County Planning and Zoning Commission voted to recommend approval to the Board of County Commissioners.
- The vote passed unanimously.
 - Comprehensive plan is Agricultural/Forestry (10-20 acres) ✓

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 subject parcels are accessed off of standard, county maintained, roads (major collector).
- The parcel features Colburn Very Fine Sandy Loam and supports ag/forestry pursuits.
- The parcels generally do not feature slopes in excess of 15%.
- Adjacent to A/F-10 zones and surrounding lands are not consistently large acre parcels devoted to ag/forest production

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.

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 ZC0006-19 – Zone Change – Jerry Lamar is requesting a Zone Change from Rural Service Center to Commercial. The project is currently a vacant lot located at the corner of Highway 95 and Westmond Road in a portion of Section 5, Township 55 North, Range 2 West, Boise-Meridian. The Planning & Zoning Commission at the public hearing on December 5, 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: 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 Bryan Quayle stated they were not trying to become a large-scale commercial development due to size limitations and county setbacks restrictions, and that the westerly third of the property will not be occupied by any structure. He also addressed the fencing issue from Idaho Fish & Game, as well as the encroachment issue for Idaho Transportation Department.

PUBLIC/AGENCY TESTIMONY: None.

APPLICANT REBUTTAL: None.

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

Zone Change Motion by the Governing Body:

MOTION: Commissioner Bradshaw moved approve this project, FILE ZC0006-19, requesting a zone change from Rural Service Center to Commercial, 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, after stepping down from the Chair, 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 located in Section 5, Township 55 North, Range 2 West, Boise Meridian, Bonner County, Idaho from Rural Service Center to Commercial, 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, after stepping down from the Chair, seconded the motion.

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

ROLL CALL VOTE

Commissioner McDonald AYE
Commissioner Bradshaw AYE

Background:

A. Site data:

- Unknown use (single storage building)
- Unplatted
- Size: 1.8 acres
- Zone: Rural Service Center
- Land Use: Transition (<=2.5 AC)
- Legal per: Instrument #760924

B. Access:

- Property is located on the corner of Highway 95, and Westmond road, a county maintained, 24' wide, paved road.

C. Environmental factors:

- Site does not contain mapped slopes. (USGS)
- Site does not contain mapped wetlands. (USFWS)
- Site does not contain waterfront or streams. (NHD)
- Entire parcel is SFHA Zone X, per FIRM Panel # 16017C0950E, Effective Date 11/18/2009.
- Soil: Bonner Gravelly Silt Loam, 0 To 4 Percent Slopes
 - Classification: All Areas Are Prime Farmland
 - Type: Consociation
 - Drainage: Well Drained

D. Services:

- Water: Individual Well
- Sewage: Individual Septic
- Fire: Selkirk Fire District
- Power: Northern Lights
- School District: Bonner School #84

E. Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Land Use & Density
Site	Transition (<=2.5 AC)	Rural Service Center	Vacant with one outbuilding
North	Transition (<=2.5 AC)	Rural Service Center	Residential, tire shop and storage
East	Transition (<=2.5 AC)	Rural Service Center	RV park
South	Transition (<=2.5 AC)	Rural Service Center	Chevron gas station, bar, laundry mat
West	Transition (<=2.5 AC)	Rural Service Center	Highway 95

F. 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:**
 - Transition: The Transition classification is reserved for those areas of the County where a mixture of land uses can occur which may include higher density residential uses, commercial, industrial and light industrial uses. Due to the intensity of land use, these areas require primary transportation routes, urban-like water and sewer services, fire and police services.
- **12-325 Commercial District:**
 - The commercial district is established to promote a range of commercial uses to serve the needs of the immediate area, surrounding rural communities and visitors without adversely affecting adjacent residential neighborhoods. The commercial district is also intended to provide opportunities for a variety of affordable housing types that are within walking distance of commercial services. Intensive large scale commercial development is not appropriate due to the limited density of surrounding unincorporated areas. Access to primary transportation routes and a system of hard surfaced roads are expected and consideration is given to the potential public transportation access. These purposes are accomplished by:
 1. Providing for a wide range of small to medium scaled retail, professional, governmental and personal service uses.
 2. Allowing for mixed use buildings (housing over office or retail) and a range of housing types, including cottage housing, townhouses, apartments and mobile home parks where sufficient services are provided.
 3. Allowing for light industrial uses where activities are conducted primarily indoors and impacts to adjacent uses can be mitigated.
 4. Excluding commercial uses with extensive outdoor storage.
 5. Excluding large scale commercial uses that would be more effectively located in incorporated cities.
 6. Applying simple design standards that enhance pedestrian access and improve the character of the area.

- o Use of this zone is appropriate in areas designated as neighborhood commercial, urban growth area or transition by the comprehensive plan and community plans and that are served at the time of development by adequate sewage disposal services, water supply, roads and other needed public facilities and services. Expansion of existing commercial districts or the creation of new commercial districts may be considered only if the expansion will not negatively impact the safety and function of a state highway or other roadway. (Ord. 501, 11-18-2008)

• **12-327: RURAL SERVICE CENTER DISTRICT:**

- o The rural service center district is established to promote the development of local commercial services in small communities to meet the needs of rural residents as well as limited tourist commercial services and limited light industrial uses consistent with the maintenance of the rural character of the area. The rural service center district is also intended to provide opportunities for a variety of affordable housing types that are within walking distance of commercial services. These purposes are accomplished by:
 1. Providing for a range of small scale retail and rural service uses.
 2. Allowing for mixed use buildings (housing over office or retail) and a range of housing types, including detached single-family dwelling units, cottage housing, townhouses, apartments and mobile home parks where sufficient services are provided.
 3. Allowing for light industrial uses where activities are conducted primarily indoors and impacts to adjacent uses are mitigated.
 4. Excluding commercial uses with extensive outdoor storage.
 5. Excluding large scale commercial uses that would be more effectively located in incorporated cities.
 6. Applying simple design standards that enhance pedestrian access and improve the character of the area. (Ord. 501, 11-18-2008)
- o Use of this zone is appropriate in areas designated as neighborhood commercial, resort community or transition by the comprehensive plan and community plans and that are served at the time of development by adequate sewage disposal services, water supply, roads and other needed public facilities and services. Expansion of existing rural service center districts or the creation of new rural service center districts may be considered only if the expansion will not negatively impact the safety and function of a state highway or other roadway. (Ord. 512, 1-6-2010)

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

- A stormwater management plan was submitted showing the storage facility proposal and serves as the site plan.

H. Agency Review: The application was routed to agencies for comment on November 5, 2019.

*All Taxing Districts
Bonner County Road Dept.
Northern Lights
BNSF Railway*

*Bonner County Schools – Transportation
Dept. of Fish and Game
Dept. of Env. Quality*

The following agencies provided comment:

Idaho Transportation Department – William Roberson November 18, 2019

"Although the Department is not opposed to the requested change in zoning, based on the provided Grading, Stormwater Management & Erosion Control Plan; the encroachment (approach) onto the highway system north of Westmond Rd. is not permitted, and based on Idaho Administrative Code (IDAPA) does not meet spacing requirement from Westmond Rd. The Department recommends access to the highway system be from Westmond Rd. as indicated in IDAPA. If you have any questions please contact me."

No other agencies commented on the proposed changes.

I. Public Notice & Comments: None provided at this time.

Zone Change Findings of Fact

- Adjacent properties are Rural Service Center. In the near vicinity Commercial parcels and Rural-5 and suburban zones can be found.
- The parcels lie within the Northside Fire district.
- The subject parcel is accessed off of standard, county maintained, roads (major collector).
- The parcels do not feature slopes 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
Transportation
Economic Development
Hazardous Areas
Recreation

Population
Community Design
Land Use
Public Services
Special Areas or Sites

School Facilities
Implementation
Natural Resources
Transportation
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 Commercial zoning district, provided at Chapter 3, Title 12, Bonner County Revised Code.

The Chair declared the hearing adjourned at 3 p.m.

Respectfully submitted, this 16th day of January, 2020.



Milton Ollerton, Planning Director