

**PLANNING DEPARTMENT/BOARD OF COUNTY COMMISSIONERS
PUBLIC HEARING DECISION MINUTES
NOVEMBER 9, 2022**

CALL TO ORDER: Chair McDonald called the Bonner County Commissioners' hearing to order at 1:30 p.m. in the 3rd Floor Conference Room of the Bonner County Administration Building, 1500 Highway 2, Sandpoint, Idaho, via Zoom webinar, and YouTube live streaming.

PRESENT: Chair Dan McDonald, Vice Chair Steve Bradshaw, and Jeff Connolly

ABSENT: None

ALSO PRESENT: Planning Director Jacob Gabell; Assistant Director Travis Haller, Planner I Daniel Britt, Planner II Jason Johnson, and Hearing Coordinator Jenna Crone.

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.

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.

File AM0011-22 – Yount – Comprehensive Land Use Plan Map Amendment.

The applicants are requesting a comprehensive land use plan map amendment from Rural-Residential to Neighborhood Commercial on a ≈7.19-acre lot. The property is zoned Rural 5-acre. The project is located off HWY 41 in Section 24, Township 55 North, Range 6 West, Boise Meridian, Bonner County, Idaho. The Planning Commission, at the October 4, 2022, public hearing, recommended approval of this file to the Board of County Commissioners.

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

APPLICANT PRESENTATION: Katie Keeney, Glahe & Associates, presented Exhibit A indicating what is being proposed and how it meets the goals and objectives of the Comprehensive Plan.

PUBLIC/AGENCY TESTIMONY: None

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

MOTION TO APPROVE: Commissioner Connolly moved to approve this project, FILE AM0011-22, for a comprehensive plan map amendment from Rural Residential to Neighborhood 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 Connolly further moved to adopt the findings of fact and conclusions of law as set forth in the Staff Report and direct planning staff to draft written findings and conclusions to reflect this motion, have Chairman sign, and transmit to all interested parties. This action does not result in a taking of private property.

Commissioner Bradshaw seconded the motion

Roll Call Vote:

Commissioner McDonald	AYE
Commissioner Connolly	AYE
Commissioner Bradshaw	AYE

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

Comprehensive Plan Map Resolution Adoption:

Commissioner Connolly moved to approve resolution #2022-94 amending the Bonner County Projected Land Use Map.

Commissioner Bradshaw seconded the motion

Roll Call Vote:

Commissioner McDonald	AYE
Commissioner Connolly	AYE
Commissioner Bradshaw	AYE

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

Comprehensive Plan Amendment Findings of Fact

1. The subject property is currently in the Rural Residential comprehensive land use plan designation.
2. The site does not contain slopes over 30% or greater.
3. The site contains one soil type, Bonner gravelly ashy silt loam (all areas are prime farmland, well drained).
4. The site is served by Battle Drive, a privately owned and maintained road which has a direct connection to HWY 41.

5. The site is not located in SFHA Zone A, AE or D, nor is it in a mapped floodway.
6. Per the applicant, the site will be served by individual wells, septic systems, and Avista Utilities for power.
7. The property is in the Spirit Lake Fire Protection Taxing District.

Comprehensive Plan Amendment 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:

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 Neighborhood Commercial comprehensive land use plan designation.

File VS0001-22 – Hidden Valley Road – Title 40 Vacation. The petitioner is requesting to vacate a portion of Hidden Valley Road, a public Right-of-Way, under Title 40 of Idaho Code. The property is zoned Agricultural/Forestry 20. The project is located off Pinehaven Rd in Section 12, Township 54 North, Range 5 West, Boise-Meridian. **This file is being continued from October 26, 2022.**

APPLICANT REPRESENTATIVE: Jeremy Grimm, Whiskey Rock Planning, discussed the letter received from Idaho Department of Lands stating no concerns over the road vacation.

PUBLIC/AGENCY TESTIMONY: None

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

MOTION TO APPROVE: Commissioner Bradshaw moved to approve this petition, FILE #VS0001-22, to vacate a portion of Hidden Valley Road based upon the following conclusions. The decision is 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 findings of fact and conclusions of law as set forth in the Staff Report and direct planning staff to draft written findings and

conclusions to reflect this motion and transmit to all interested parties. The action that could be taken to obtain the vacation is to complete the Conditions of Approval as adopted. This action does not result in a taking of private property.

Commissioner Connolly seconded the motion

Roll Call Vote:

Commissioner McDonald	AYE
Commissioner Connolly	AYE
Commissioner Bradshaw	AYE

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

Resolution Adoption:

Commissioner Bradshaw moved to approve resolution #2022-95 vacating a portion of Hidden Valley Road located as shown on the submitted site plan and legal description.

Commissioner Connolly seconded the motion

Roll Call Vote:

Commissioner McDonald	AYE
Commissioner Connolly	AYE
Commissioner Bradshaw	AYE

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

Findings of Fact:

- The applicant is requesting to vacate a portion of Hidden Valley Road located on Parcels RP54N05W127950A, RP54N05W128550A, RP54N05W128400A, RP54N05W124800A.
- The applicant is requesting to vacate about 2823 feet (per legal description) feet of an existing Right-of-Way.
- Based on materials submitted in this application, it does not appear that parcel RP54N05W123750A, owned by the State of Idaho, would have access to an established highway or public right-of-way if this vacation were to be approved. County GIS does not identify Zenith Drive as owned by Bonner County. County GIS does identify Hidden Valley Rd as owned by Bonner County.
- Staff has received feedback from Bonner County Road & Bridge that opposes the proposed vacation because it would eliminate an existing public right-of-way to access public lands.
- Staff agrees that the proposed vacation would eliminate an existing public right-of-way providing access to public lands, based upon the material in the record.
- Vacation of this right-of-way will not extinguish any rights-of-way or easements for the continued use of existing sewer, gas, water, or similar pipelines and

appurtenances, or other underground facilities as defined in section 55-2202, Idaho Code, for ditches or canals and appurtenances, and for electric, telephone and similar lines and appurtenances.

- Evidence in the record shows that this public right-of-way is not abandoned.

Conclusions of Law:

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

Conclusion 1

This proposal was reviewed for compliance with the vacation criteria and standards set forth at Idaho Code, 40-203.

Conclusion 2

Bonner County **has** received objections to the petition or application to vacate the described area.

Conclusion 3

The abandonment of the public right-of-way **is not** in the public interest.

Conclusion 4

The landowner or landowners abutting said right-of-way **do not** have access to his, her or their property from some other public street, public right-of-way or private road.

Conclusion 5

The public right-of-way **has** been opened or used by the public for a period of at least five years.

Recommended conditions of approval:

1. The vacation of the above-described right-of-way shall be effective upon the recording of a resolution by the Bonner County Commissioners granting the vacation.
2. The costs for legal advertisements and recording fees shall be borne by the applicant and shall be paid prior to the recording of the resolution vacating the right-of-way.
3. The petitioner shall provide for easements for continued use of any existing sewer, gas, water, or similar pipelines and appurtenances, or other underground facilities as defined in section 55-2202, Idaho Code, for ditches or canals and appurtenances, and for electric, telephone and similar lines and appurtenances pursuant to Idaho Code §40-203(3).

File ZC0011-22 - Zone Change – Hatcher. The applicants are requesting a zone change from Rural-5 to Suburban on 9.23 acres. The property is zoned Rural-5. The project is located off Cocolalla Loop in Section 5, Township 55 North, Range 2 West, Boise-Meridian. The Zoning Commission at the September 1, 2022, public hearing recommended approval of this file to the Board of County Commissioners.

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

APPLICANT PRESENTATION: Janet Hatcher answered questions from the Commissioners regarding road maintenance and

PUBLIC/AGENCY TESTIMONY: None

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

MOTION TO APPROVE: Commissioner Connolly moved to approve this project, FILE ZC0011-22, requesting a zone change from Rural-5 to Suburban, 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 Connolly further moved to adopt the findings of fact and conclusions of law as set forth in the Staff Report and direct planning staff to draft written findings and conclusions to reflect this motion, have Chairman sign, and transmit to all interested parties. This action does not result in a taking of private property.

Commissioner McDonald stepped down from the Chair and seconded the motion

Roll Call Vote:

Commissioner McDonald	AYE
Commissioner Connolly	AYE
Commissioner Bradshaw	Abstain

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

Zone Change Ordinance Motion: Roll Call Vote

Commissioner Connolly 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-5 to Suburban, and providing for an effective date. Commissioner Connolly further moved to authorize the Chair to sign the official supplementary zoning map upon publication of the ordinance.

Commissioner McDonald stepped down from the Chair and seconded the motion

Roll Call Vote:

Commissioner McDonald AYE
Commissioner Connolly AYE
Commissioner Bradshaw Abstain

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

Zone Change Findings of Fact:

- This parcel current land use designation is Transition. This designation allows for higher density residential development.
- The parcel is connected to a network of roads that are either Idaho State or Bonner County owned and paved maintained travel surfaces.
- Emergency services is provided by Bonner County Sheriff and Selkirk Fire District.
- Power is provided by Northern Lights Inc.
- The parcel currently has a permitted induvial well and septic system.
- The parcel is currently 9.23 acres

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 Suburban zoning district, provided at Chapter 3, Title 12, Bonner County Revised Code.

The Chair declared the hearing adjourned at 2:09 p.m.