

**PLANNING DEPARTMENT/BOARD OF COUNTY COMMISSIONERS  
PUBLIC HEARING DECISION MINUTES  
September 7, 2022**

**CALL TO ORDER:** Chair McDonald called the Bonner County Commissioners' hearing to order at 1:30 p.m. in the 3<sup>rd</sup> 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; Senior Planner Swati Rastogi, Planner I Daniel Britt and Hearing Coordinator Jenna Crone.

**CHANGES IN AGENDA:**

**File AM0013-22 – Text Amendment – Bonner County Revised Code Title 12 – Bonner County** is requesting a text amendment to various subchapters of Chapters two (2) and six (6) of the Bonner County Revised Code.

Due to noticing requirements not being met, AM0013-22 will be renoticed and continued to a date uncertain.

**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 S0001-22 The Woods at Priest Lake (Subdivision).** The applicants are requesting to replat existing Lot 4 of Priest Lake West subdivision into 19 residential lots ranging in area from 0.279 acres to 2.071 acres. The subject property is zoned Recreation and is located off of Mandy Lane in Section 19, Township 61 North, Range 4 West, Boise-Meridian. The Zoning Commission at the August 4, 2022, public hearing, recommended approval of this file 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:** Senior Planner Swati Rastogi presented a PowerPoint summary of the project and previously circulated staff report, concluding this project is consistent with Bonner County Revised Code.

**APPLICANT REPRESENTATIVE:** Travis Haller, Glahe and Associates, presented a PowerPoint presentation discussing the project and the steps that will be taken to comply with Conditions of Approval.

**APPLICANT PRESENTATION:** Chase Bennett, Landowner, answered questions from the Commissioners regarding sewer/septic.

**PUBLIC/AGENCY TESTIMONY:** The following members of the public spoke on the record: Mary Olin, Ty Broyles, and Scott Olin.

**APPLICANT REBUTTAL:** Chase Bennett, Landowner, and Travis Haller, applicant representative addressed comments and concerns brought up during public testimony regarding easements and answered questions from the Commissioners.

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

**MOTION TO APPROVE:** Commissioner Bradshaw moved to approve project FILE S0001-22, requesting re-platting of an approximately 10.28 acres of platted land, zoned Recreation, into 19 residential lots, located in Section 19, Township 61 North, Range 4 West, Boise Meridian, Bonner County, Idaho, finding that it is in accord with the 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 findings of fact and conclusions of law as set forth in the Staff Report (or as amended during this hearing) and direct the planning staff to draft written findings and conclusions to reflect this motion, have the Chairman sign, and transmit to all interested parties. This action does not result in a taking of private property. The action that could be taken to obtain the preliminary plat is to complete the Conditions of Approval as adopted.

Commissioner Connolly stepped seconded the Motion.

**Roll Call Vote:**

<b>Commissioner McDonald</b>	<b>AYE</b>
<b>Commissioner Connolly</b>	<b>AYE</b>
<b>Commissioner Bradshaw</b>	<b>AYE</b>

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

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**Findings of Facts:**

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1. The subject site exists as Lot 4 of Priest Lake West subdivision as recorded through Instrument No. 994337 in records of Bonner County, Idaho.
2. The site is zoned Recreation and has a land use designation of Resort Community.
3. The area of the site is approximately 10.28 acres.

4. Site currently has access from Mandy Lane, a public right-of-way that is privately maintained.
5. Recreation zoning permits creation of 12,000 sf. or larger lots provided both urban water and urban sewer services are provided. In this project, 13 lots are proposed to be served by both urban water and urban sewer systems. Remaining 6 lots are proposed to be served by only urban sewer system. The minimum required lot size for the lots only to be served by urban sewer system is 20,000 sft.
6. The proposed plat requests creation of 19 residential lots in two phases – Phase 1 (9 lots) and Phase 2 (10 lots).
7. The proposed use of single-family residential development is permitted by right in the Recreation zoning district.
8. Granite Reeder and Water and Sewer District has provided a will-serve letter to currently provide sewer service to 14 lots in the proposed subdivision.
9. A water availability report prepared by Thomas F. Mullen, an Idaho State licensed professional geologist (Northwest Groundwater Consultants, LLC), was submitted as part of the application. 13 of the proposed lots are to be served by a shared well system while 6 of the proposed lots will be served by individual wells.
10. Northern Lights, Inc. has provided a will-serve letter to provide power service to the proposed subdivision.
11. The site is served by West Priest Lake Fire District, West Bonner School District #83, Bonner County Ambulance District and Pend Oreille Hospital District.
12. The site does not seem to contain slopes of over 30% grade. A grading/erosion control plan prepared by an Idaho licensed engineer was submitted as part of the application.
13. All proposed lots have direct frontage and direct access to the proposed public right of way, Mandy Lane.
14. The proposed preliminary plat meets the standards of Bonner County Revised Code as indicated in Standards Review and Conditions of Approval.
15. It is the intent of the applicant to maintain the 1953 ingress, egress and utilities easement in such a way that it connects to the current easement past the applicant's property and continues providing access to the properties to the south.

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### **Conclusions of Law:**

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

**Conclusion 1:** The proposed subdivision **is** in accord with the purposes of this Title and of the zoning district in which it is located.

**Conclusion 2:** The site **is** physically suitable for the proposed development.

**Conclusion 3:** The design of the proposed subdivision **will not** adversely impact Bonner County's natural resources, as identified in the comprehensive plan. Any adverse impacts or potential for impacts shall be mitigated as a condition of approval.

**Conclusion 4:** The public and private services, including but not limited to water, sewer services, solid waste, fire protection, emergency services, and school facilities and transportation, which will serve the proposed subdivision **are** adequate for the needs of future residents or users.

**Conclusion 5:** The proposed subdivision **will not** cause circumstances to exist that will cause future residents or the public at large to be exposed to hazards to health or safety.

**Conclusion 6:** The design of the proposed subdivision or related improvements **will** provide for coordinated access with the county system of roads and with adjacent properties and **will not** impede the use of public easements for access to, or through the proposed subdivision. The proposed transportation system **is** designed to adequately and safely serve the future residents or users without adversely impacting the existing transportation system by reducing the quality or level of service or creating hazards or congestion.

**Conclusion 7:** The proposed subdivision **is** designed to comply with the design criteria for subdivisions set forth in Subchapter 6.2 of this chapter.

**Conclusion 8:** The proposed subdivision **is** in accord with the Bonner County Comprehensive Plan.

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### **Conditions of Approval:**

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1. Show all easements of record including sufficient recording data to identify conveyance. See BCRC 12-620 and BCRC 12-642.B.9.
2. The Sanitary Restriction, per Idaho Code §50-1326, shall be denoted on the plat. See BCRC 12-623.C.
3. Currently, Granite Reeder Water and Sewer District has provided a will-serve letter to serve the proposed subdivision with 14 sewer connections. As per Granite Reeder Water and Sewer District's letter, the remaining 5 connections may or may not be available in the future.

Therefore, the applicant is requesting to phase the plat according to the availability of sewer connections and complete the final plat process in two stages – Phase 1 and Phase 2, after the approval of the Preliminary Plat. The site improvements pertinent of each phase shall be completed prior to the recording of the final plat of the respective phase of the project. For instance, the applicant shall provide an updated will-serve letter from Granite Reeder Water and Sewer District confirming availability and capacity to serve the remaining five lots prior to the final platting the remaining five lots.

In case, availability of sewer connections to the remaining five lots is not

confirmed, the plat shall be modified to reduce the number of proposed lots/ increase the lot sizes to comply with BCRC 12-412.

4. A fire hazard rating and suppression plan was submitted as part of this application. In addition, one of the following conditions shall be satisfied. See BCRC 12-623.D.
  - a. Prior to final plat, an approved water and fire hydrant system capable of providing one thousand (1,000) gallons per minute for a minimum of two (2) hours where a community water system exists or is proposed as part of the development and is capable of delivering the pressurized water supply necessary for delivering fire flows as prescribed by the international fire code, as adopted by the state fire marshal, and such later editions as may be so published and adopted by the state fire marshal, or as amended, modified or superseded, and incorporated herein by reference with a copy on file with the office of the clerk of the board of county commissioners, and hereinafter referred to as IFC.
  - b. A note on the final subdivision plat stating: "At the time of building location permit or building permit, the lot owner shall install a minimum two thousand (2,000) gallon water storage system, meeting IFC standards". Refill on demand is not required to meet IFC standards.
  - c. A note on the final subdivision plat stating: "The installation of an approved IFC residential fire suppression sprinkler system is required in all newly constructed residences".
  - d. Prior to final plat, a manmade or natural water source with a dry hydrant capable of delivering adequate water supply as prescribed by IFC.
  - e. A note on the final subdivision plat stating: "At the time of building permit or building location permit, the lot owner shall install an approved fire suppression method to the satisfaction of Bonner County".
5. Show dimensions of all lots. The line and curve dimension tables do not show the dimensions of all the lines and curves. See BCRC 12-642.B.3.
6. Note proposed method of water supply, sewage and solid waste disposal. See BCRC 12-642.B.8.
7. A statement setting forth the intended land use of the parcels, i.e., residential, agricultural, commercial, industrial or other appropriate land use classifications shall be noted on the plat. See BCRC 12-642.B.11.
8. A preliminary road design and profile plan was submitted as part of the application. The plan has been reviewed by Bonner County Road and Bridge Department. The road and road-related improvements shall be made as required by the agency prior to the recording of the final plat. The conditions as noted in the agency's letter may be modified by the agency on subsequent

review of the project. See BCRC 12-642.C.

9. The preliminary short plat shall be valid for a period not to exceed two (2) calendar years from the date of approval. Within two (2) years of the approval of the preliminary plat, the applicant shall submit the final plat to the Planning Director. At any time prior to the expiration date of the preliminary plat, an applicant may make a single written request to the Planning Director for an extension of the preliminary plat for a period of up to two (2) years. The board may consider such request for extension at any regular business meeting. The extension request must be approved or denied prior to the expiration date of the preliminary plat. See BCRC 12-643.I.
10. An improvements plan for the subdivision shall be submitted after the approval of the preliminary plat. The contents of the plan shall include the following. See BCRC 12-644.A.
  - a. The subdivision name and number, geographic grid (township, range and tier, section number and location within the section), north arrow, date and scale no smaller than one hundred feet to the inch (1" = 100').
  - b. The plan and profile of all proposed roads showing final grades and cross sections of roads in accord with the requirements contained in title 2 of this code.
  - c. The plan and profile of proposed sanitary and stormwater systems with grades and sizes indicated. Drain calculations may be required.
  - d. A grading plan, showing stormwater drainage for each lot.
  - e. Any other improvements such as curbs, gutters, sidewalks, bridges, lift stations, fire hydrants, street lighting, etc., as required, and in accord with the requirements contained in title 2 of this code.
11. Applicant's engineer shall provide inspection reports for County Engineer's review and final inspections. See BCRC 12-644.B.
12. The subdivider may enter into a surety agreement with the Board in lieu of completing all improvements as required before final plat recording, agreeing to complete the improvements in accordance with surety agreement conditions and preliminary and final plat approvals. See BCRC 12-644.C for more details.
13. The final plat shall comply with all conditions as listed in BCRC 12-464 and shall show the following on the plat –
  - a. Names of the subdivider and the engineer or surveyor. (BCRC 12-646.B)
  - b. The "initial point" and description thereof, shall be indicated on the drawing and the location and description in conformance with Idaho Code. (BCRC 12-646.C)

- c. Township lines or section lines, intersecting, crossing or contiguous to the subdivision (which should be mathematically tied to the lines of the subdivision by distances and bearings) and the status of adjoining property shall be indicated (name of subdivision or unplatted area). (BCRC 12-646.D)
  - d. A certificate of a licensed engineer or surveyor of the State to the effect that the plat represents a survey made by him that all of the monuments, shown thereon, actually exist and that their positions are as shown. (BCRC 12-646.K)
  - e. Any proposed easements or easements of record for drainage, channels, overhead and underground utility lines, sanitary sewers and water systems within the tract. (BCRC 12-646.M)
14. All endorsements shall be shown on the final plat per BCRC 12-647.
15. A grading/stormwater management plan, prepared by 7B Engineering was submitted as part of the application. The plans have been reviewed by Bonner County Engineering Department. These plans shall be resubmitted and approved by Bonner County Engineering Department prior to the recording of the final plat.
16. Site contains mapped wetlands. However, no land disturbing activities have been proposed in the area of the mapped wetlands. Wetland delineation may be required at the time of obtaining Building Location Permits if the proposed construction is within the mapped wetlands.
17. After the approval of the preliminary plat, a final plat shall be prepared in conformance with BCRC 12-646, BCRC 12-647 and submitted to the Planning Department for review. The applicant shall also submit a copy of a current preliminary title report along with the final plat, as per BCRC 12-648.
18. A digital copy of the final plat shall be submitted to the Bonner County Planning Department satisfying the requirements of BCRC 12-649.

**File S0003-22 Subdivision – Poirier 4<sup>th</sup> and 5<sup>th</sup> Addition.** The applicants are requesting to plat 80 acres of unplatted land into 16 five-acre parcels. The property is zoned Rural 5. The project is located Hunter Road, a public right-of-way in Section 16, Township 54 North, Range 5 West, Boise-Meridian. The Zoning Commission at the August 4, 2022, public hearing, recommended approval of this file to the Board of County Commissioners.

**STAFF PRESENTATION:** Senior Planner Swati Rastogi presented a PowerPoint summary of the project and previously circulated staff report, concluding this project is not consistent with Bonner County Revised Code.

**APPLICANT REPRESENTATIVE:** Steve Srycle, Tri-State Engineering discussed the project and answered questions from the Commissioners regarding Hunter Road.

**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 project FILE S0003-22, requesting platting of an approximately 80 acres of unplatted land, zoned Rural 5, into 16 residential lots, located in Sections 16 and 17, Township 54 North, Range 5 West, Boise Meridian, Bonner County, Bonner County, Idaho, finding that it is in accord with the 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 (or as amended during this hearing) and direct planning staff to draft written findings and conclusions to reflect this motion, have the Chairman sign, and transmit to all interested parties. This action does not result in a taking of private property. The action that could be taken to obtain the preliminary plat is to complete the Conditions of Approval as adopted.

Commissioner Bradshaw stepped seconded the Motion.

**Roll Call Vote:**

<b>Commissioner McDonald</b>	<b>AYE</b>
<b>Commissioner Connolly</b>	<b>AYE</b>
<b>Commissioner Bradshaw</b>	<b>AYE</b>

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

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**Findings of Facts:**

1. The subject site exists as two unplatted parcels of land, each containing an area of approximately 40 acres.
2. The site is zoned Rural 5 and has a land use designation of Rural Residential.
3. The area of the subject site is approximately 80 acres.
4. Subject parcels are currently accessed from Hunter Road, a Bonner County owned public right-of-way, privately maintained.
5. Rural 5 zoning permits creation of 5 acre or larger lots with individual well and individual septic systems on site. In this project, all 16 lots are proposed to be served by individual wells and septic systems.
6. The proposed plat requests creation of 16 residential lots.
7. The proposed use of single-family residential development is permitted by right in the Rural 5 zoning district.
8. A groundwater quantity report prepared by Thomas F. Mullen, an Idaho State licensed professional geologist (Northwest Groundwater Consultants, LLC),



was submitted as part of the application. All proposed lots will be served by individual wells.

9. The site is served by Spirit Lake Fire District, West Bonner School District #83, Bonner County Ambulance District and Pend Oreille Hospital District.
10. An improvements plan prepared by an Idaho licensed engineer was submitted as part of the application.
11. All proposed lots will have direct access and frontage on the proposed private road – East Poirier Court.
12. The proposed preliminary plat meets the standards of Bonner County Revised Code as indicated in Standards Review and Conditions of Approval.

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**Conclusions of Law:**

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

**Conclusion 1:** The proposed subdivision **is** in accord with the purposes of this Title and of the zoning district in which it is located.

**Conclusion 2:** The site **is** physically suitable for the proposed development.

**Conclusion 3:** The design of the proposed subdivision **will not** adversely impact Bonner County's natural resources, as identified in the comprehensive plan. Any adverse impacts or potential for impacts shall be mitigated as a condition of approval.

**Conclusion 4:** The public and private services, including but not limited to water, sewer services, solid waste, fire protection, emergency services, and school facilities and transportation, which will serve the proposed subdivision **are** adequate for the needs of future residents or users.

**Conclusion 5:** The proposed subdivision **will not** cause circumstances to exist that will cause future residents or the public at large to be exposed to hazards to health or safety.

**Conclusion 6:** The design of the proposed subdivision or related improvements **will** provide for coordinated access with the county system of roads and with adjacent properties and **will not** impede the use of public easements for access to, or through the proposed subdivision. The proposed transportation system **is** designed to adequately and safely serve the future residents or users without adversely impacting the existing transportation system by reducing the quality or level of service or creating hazards or congestion.

**Conclusion 7:** The proposed subdivision **is** designed to comply with the design criteria for subdivisions set forth in Subchapter 6.2 of this chapter.

**Conclusion 8:** The proposed subdivision **is** in accord with the Bonner County Comprehensive Plan.

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**Conditions of Approval:**

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1. The Sanitary Restriction, per Idaho Code §50-1326, shall be denoted on the plat. See BCRC 12-623.C.
2. A fire suppression and mitigation plan was submitted. In addition, one of the following conditions shall be satisfied. See BCRC 12-623.D.
  - a. Prior to final plat, an approved water and fire hydrant system capable of providing one thousand (1,000) gallons per minute for a minimum of two (2) hours where a community water system exists or is proposed as part of the development and is capable of delivering the pressurized water supply necessary for delivering fire flows as prescribed by the international fire code, as adopted by the state fire marshal, and such later editions as may be so published and adopted by the state fire marshal, or as amended, modified or superseded, and incorporated herein by reference with a copy on file with the office of the clerk of the board of county commissioners, and hereinafter referred to as IFC.
  - b. A note on the final subdivision plat stating: "At the time of building location permit or building permit, the lot owner shall install a minimum two thousand (2,000) gallon water storage system, meeting IFC standards". Refill on demand is not required to meet IFC standards.
  - c. A note on the final subdivision plat stating: "The installation of an approved IFC residential fire suppression sprinkler system is required in all newly constructed residences".
  - d. Prior to final plat, a manmade or natural water source with a dry hydrant capable of delivering adequate water supply as prescribed by IFC.
  - e. A note on the final subdivision plat stating: "At the time of building permit or building location permit, the lot owner shall install an approved fire suppression method to the satisfaction of Bonner County".
3. A preliminary road design and profile plan was submitted as part of the application. The plan is in review by the Bonner County Engineering Department and Bonner County Road and Bridge Department for conformance with private road standards of Title 12, Appendix A and Bonner County Revised Code Title 2. The road design plans shall be approved and the related improvements shall be completed as required by Bonner County prior to the recording of the final plat. The conditions as noted in the Bonner County Engineering and Bonner County Road and Bridge Department's letters may be modified on subsequent review of the project. New conditions may be added as well. See BCRC 12-642.C.
4. The preliminary short plat shall be valid for a period not to exceed two (2) calendar years from the date of approval. Within two (2) years of the approval of the preliminary plat, the applicant shall submit the final plat to the Planning Director. At any time prior to the expiration date of the preliminary plat, an

applicant may make a single written request to the Planning Director for an extension of the preliminary plat for a period of up to two (2) years. The board may consider such request for extension at any regular business meeting. The extension request must be approved or denied prior to the expiration date of the preliminary plat. See BCRC 12-643.I.

5. An improvements plan for the subdivision shall be submitted after the approval of the preliminary plat. The contents of the plan shall include the following. See BCRC 12-644.A.
  - a. The subdivision name and number, geographic grid (township, range and tier, section number and location within the section), north arrow, date and scale no smaller than one hundred feet to the inch (1" = 100').
  - b. The plan and profile of all proposed roads showing final grades and cross sections of roads in accord with the requirements contained in title 2 of this code.
  - c. The plan and profile of proposed sanitary and stormwater systems with grades and sizes indicated. Drain calculations may be required.
  - d. A grading plan, showing stormwater drainage for each lot.
  - e. Any other improvements such as curbs, gutters, sidewalks, bridges, lift stations, fire hydrants, street lighting, etc., as required, and in accord with the requirements contained in title 2 of this code.
6. Applicant's engineer shall provide inspection reports for County Engineer's review and final inspections. See BCRC 12-644.B.
7. The subdivider may enter into a surety agreement with the Board in lieu of completing all improvements as required before final plat recording, agreeing to complete the improvements in accordance with surety agreement conditions and preliminary and final plat approvals. See BCRC 12-644.C for more details.
8. The final plat shall comply with all conditions as listed in BCRC 12-464 and shall show the following on the plat –
  - a. The "initial point" and description thereof, shall be indicated on the drawing and the location and description in conformance with Idaho Code. (BCRC 12-646.C)
  - b. A certificate of a licensed engineer or surveyor of the State to the effect that the plat represents a survey made by him that all of the monuments, shown thereon, actually exist and that their positions are as shown. (BCRC 12-646.K)
  - c. Any proposed easements or easements of record for drainage, channels, overhead and underground utility lines, sanitary sewers and water systems within the tract. (BCRC 12-646.M)
9. All endorsements shall be shown on the final plat per BCRC 12-647.
10. An improvement plan, prepared by Steven W. Syrcle was submitted as part of the application. The plans have been reviewed by the Bonner County Engineering Department. These plans shall be updated and resubmitted for

obtaining approval from Bonner County prior to the recording of the final plat. Bonner County Engineering Department's comments may change or additional comments may be added upon subsequent review of the plans, See BCRC 12-7.2.

11. After the approval of the preliminary plat, a final plat shall be prepared in conformance with BCRC 12-646, BCRC 12-647 and submitted to the Planning Department for review. The applicant shall also submit a copy of a current preliminary title report along with the final plat, as per BCRC 12-648.
12. A digital copy of the final plat shall be submitted to the Bonner County Planning Department satisfying the requirements of BCRC 12-649.

**File ZC0010-22- Zone Change – Fiegenger.** The applicants are requesting a zone change from Rural-10 to Rural-5 and parcel is 10 acres. The property is zoned Rural-10. The project is located off Lazy Spade Road in Section 18, Township 54 North, Range 2 West, Boise-Meridian. The Zoning Commission at the August 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.

**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 project, FILE ZC0010-22, requesting a zone change from Rural-10 to Rural-5, finding that it is in accord with the general and specific objectives of the Bonner County Comprehensive Plan and Bonner County Revised Code as enumerated in the following conclusions of law, and based upon the evidence submitted up to the time the Staff Report was prepared and testimony received at this hearing. Commissioner Bradshaw further moved to adopt the findings of fact and conclusions of law as set forth in the Staff Report (or as amended during the hearing) 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 Connolly seconded the Motion.

**Roll Call Vote:**

<b>Commissioner McDonald</b>	<b>AYE</b>
<b>Commissioner Connolly</b>	<b>AYE</b>
<b>Commissioner Bradshaw</b>	<b>AYE</b>

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

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**Zone Change Ordinance Motion: Roll Call Vote**

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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 18, Township 54 North, Range 2 West, Boise Meridian, Bonner County, Idaho from Rural-10 to Rural-5, 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 Bradshaw seconded the Motion.

**Roll Call Vote:**

<b>Commissioner McDonald</b>	<b>AYE</b>
<b>Commissioner Connolly</b>	<b>AYE</b>
<b>Commissioner Bradshaw</b>	<b>AYE</b>

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

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**Zone Change Findings of Fact**

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- The parcel does contain mapped slopes that range from 15-29%. Therefore, the parcel is not characterized by slopes steeper than 30%.
- The parcel is not within critical wildlife habitat as identified by federal, state, or local agencies.
- The parcel contains two different soil types, neither soil is classified a prime farmland soil.
- The parcel is accessed via a Bonner County owned and maintained road and a privately owned and maintained road.
- The parcel is not within a floodplain or floodway.
- Fire protection is provided by Selkirk Fire District.
- Power is provided by Northern Lights Inc.
- The parcel can have an individual well and septic system.
- The parcel is located near other parcels that are currently developed at or near five (5) acres and does not meet the criteria for Rural-10.

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**Zone Change Conclusions of Law:**

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**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

Population  
Community Design

School Facilities  
Implementation

Economic Development  
Hazardous Areas  
Recreation

Land Use  
Public Services  
Special Areas or Sites

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 Rural 5 zoning district, provided at Chapter 3, Title 12, Bonner County Revised Code.

The Chair declared the hearing adjourned at 2:47 p.m.

Respectfully submitted, this 28<sup>th</sup> day of September 2022,



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Jacob Gabell, Planning Director