

**BONNER COUNTY PLANNING and ZONING COMMISSION
PUBLIC HEARING MINUTES
THURSDAY, SEPTEMBER 19, 2019**

PLEDGE OF ALLEGIANCE

CALL TO ORDER: Chair Davis called the Bonner County Planning and Zoning Commission hearing to order at 5:30 p.m. in the 1st Floor Conference Room of the Bonner County Administration Building, 1500 Highway 2, Sandpoint, Idaho.

PRESENT: Commissioners Chair Don Davis; Vice Chair Brian Bailey; Taylor Bradish; Trevor Kempton; and Matt Linscott

ABSENT: Suzanne Glasoe and Sheryl Reeve

ALSO PRESENT: Planning Director Milton Ollerton; and Administrative Manager Jeannie Welter

CONSENT AGENDA:

APPROVAL OF MINUTES: The Chair requested the Commissioners declare if they had any corrections or changes to the approval of minutes as written for: August 15, 2019 and September 5, 2019. Hearing no changes or objections, the Chair declared the minutes approved as written.

TIME EXTENSION REQUEST

File V490-17 – Time Extension – Front Yard Setback – Royal Shields, Jr. –
The referenced project was originally approved on September 8, 2017 and issued on October 24, 2017. The applicant requested a 5-foot front yard setback where 25 feet is required for the construction of a three-car attached garage. The subject property is located within the Sandy Cove Subdivision, Lot 14, Sagle Idaho, Section 25 Township 57 North, Range 2 West, B.M. The site is zoned Rural 5.

MOTION: Commissioner Linscott moved to approve a time extension for file V490-17 to October 24, 2021. Commissioner Bailey seconded the motion.

VOTED upon and the Chair declared the motion carried unanimously.

PUBLIC HEARING:

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 AM0004-19 – Amendment to Text – Bonner County Revised Code - Title 12 – Bonner County is initiating a text amendment to Bonner County Revised Code – Title 12 to include the following proposed changes:

- 1) Amend Chapter 6 Subdivisions to separate the minor land division and short plat subchapters into individual subchapters.
- 2) Amend the minor land division section to include all the currently referenced sections and make changes to further clarify and address inconsistencies.

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 proposed changes and previously circulated staff report, concluding this project is consistent with Bonner County Comprehensive Plan.

PUBLIC/AGENCY TESTIMONY: Grace Bauer spoke on the record in opposition of the amendment change.

STAFF/APPLICANT REBUTTAL: Mr. Ollerton stated a Minor Land Division is not a subdivision.

COMMISSION DELIBERATION: The Chair closed the hearing to public testimony. The Commission discussed Findings and Conclusions.

MOTION TO RECOMMEND APPROVAL: Commissioner Linscott moved to RECOMMEND APPROVAL of this FILE AM0004-19, to the Board of County Commissioners, amending the sections of Title 12, Bonner County Revised Code, as presented or amended in this hearing, amending 12-611 adding I. Minor Land Division., 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 Bailey seconded the motion

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

Project Authority

Bonner County initiated an amendment to Title 12. Under the proposed amendment (File #AM0004-19), these amendments are to provide for clarification and address inconsistencies.

This is a continuation of the fine-tuning of the code. Below are the proposed amendments to each specific section and the description of the changes. The language in **red and underlined** is recommended as additions to the existing code. Those words in **red** and strike through would be deleted from the ordinance.

Retitle Subchapter 6.5 Short Plats, Procedures
Move Subchapter 6.5 Minor Land Division to Section 6.6

of county commissioners at the next business meeting for review and possible approval. (Ord. 557, 11-10-2016)

STAFF:

The purpose of this ordinance amendment is to separate the minor land division into its own subchapter while also correcting minor inconsistencies in the code. For example, the ordinance states that only a sanitary restriction shall be in place. The change allows the restriction lift to also be in place.

A part of the proposed change is removing the ACI review on the minor land division application. The intent is not to leave the cities out of the review process, the change simply follows the agreement already in place. The MLD was designed to not be considered a subdivision by definition of the State and the County. As the County has now processed over 100 MLD's, there are a couple cities who have responded that the MLD does not meet the definition of a subdivision and provide no comment. The MLD results only in a division of land. There are no roads, septic systems or wells installed as a result of the application. Those things come later with the building permit. The only requirement is that easements are in place to provide access to each lot. The ACI agreement allows for comment from the city but does not require the comments become conditions of approval.

The State Statute definition of a subdivision is below. The County ordinance technically defines a subdivision as 11 or more lots. However, the short plat does follow the regular subdivision process and requirements including addressing roads, sewer and water. The minor land division requires no development of any sort. There are no requirements for roads, sewer or water. The minor land division is simply a division of land. If the Planning Commission wants to clarify this definition even further, there could be a letter I "Minor Land Divisions" added to Section 12-611 under the statement "The term 'subdivision' shall not include:":

I.C.50-1301 (17) Subdivision: A tract of land divided into five (5) or more lots, parcels, or sites for the purpose of sale or building development, whether immediate or future; provided that this definition shall not include a bona fide division or partition of agricultural land for agricultural purposes. A bona fide division or partition of agricultural land for agricultural purposes shall mean the division of land into lots, all of which are five (5) acres or larger, and maintained as agricultural lands. Cities or counties may adopt their own definition of subdivision in lieu of this definition;

Public Comment:

There have been several "no comments" received from agencies. The City of Kootenai provided comment asking that the ACI comment period for Minor Land Divisions be left in place.

Authority

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.

Findings of Fact:

1. The Planning and Zoning Commission, per Idaho Code Chapter 65, Title 67, may recommend a zoning ordinance.
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. Further clarifying standards enabling the public and the staff to achieve the best results leading to greater understanding and use of the zoning ordinance.

Conclusions of Law:

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 50 Title 13.
3. The proposed amendments to Title 12 **IS** in accord with Idaho Code Chapter 67 Title 65.

EXECUTIVE SESSION:

At 6:10 p.m., Commissioner Linscott moved to enter an Executive Session pursuant to Idaho Code §74-206(1)(a) hiring. Commissioner Kempton seconded the motion.

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

The Chair resumed the public meeting at 6:48 p.m.

OPEN LINE DISCUSSION:

None

At 6:49 p.m., the Chair declared the hearing adjourned until October 3, 2019.

Respectfully submitted,



Milton Ollerton, Planning Director