

**BONNER COUNTY PLANNING and ZONING COMMISSION
PUBLIC HEARING MINUTES
THURSDAY, OCTOBER 17, 2019**

PLEDGE OF ALLEGIANCE

CALL TO ORDER: Vice Chair Bailey 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 (arrived at approximately 6:55 p.m.); Vice Chair Brian Bailey; Taylor Bradish (left at 7:35 p.m.); Sheryl Reeve; Suzanne Glasoe; and Matt Linscott

ABSENT: Trevor Kempton

ALSO PRESENT: Planning Director Milton Ollerton; Planner I Amanda DeLima; and Administrative Manager Jeannie Welter

CHANGES IN AGENDA:

Reviewing population section after School Facilities and Transportation section.

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: October 3, 2019. Hearing no changes or objections, the Chair declared the minutes approved as written.

PUBLIC HEARING:

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.

Files AM0005-19 & ZC0003-19 – Comprehensive Plan Map Amendment & Zone Change - William & Paula Starr are requesting a Comprehensive Plan Map Amendment from Agriculture/Forest to Rural Residential and a Zone Change from Agriculture Forestry 10/20 to Rural-5. The project involves a ±22.24 acre parcel of land that is accessed via Elk Meadows in Section 36, Township 54 North, Range 6 West, Boise-Meridian.

CONFLICT OF INTEREST/DISCLOSURE DECLARATIONS: The Chair requested the Commissioners declare any conflicts of interest or disclosures. Commissioner Bradish disclosed that he works for the Department of Lands and section 1 is in his

jurisdiction but this does not create a conflict for this project. 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: Applicant William Starr stated they have built a driveway that crosses over Why Worry Lane. He stated they bought the land with the intent of breaking it up for his family and then they realized it was not zoned to be able to do that.

PUBLIC/AGENCY TESTIMONY: None.

APPLICANT REBUTTAL: None.

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

Comprehensive Plan Amendment - Motion by the governing body:

MOTION TO APPROVE: Commissioner Linscott moved to recommend approval to the Board of County Commissioners on this project, FILE AM0005-19, requesting a comprehensive plan amendment for the subject property from Agriculture/Forest to Rural Residential, 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 Linscott 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 Reeve seconded the motion.

VOTED upon and the Chair declared the motion carried with a vote of 3-1. Commissioners Reeve, Bradish, and Linscott voted in favor of the motion and commissioner Glasoe voted in opposition of the motion.

Background:

A. Site data:

- Acreage: 22.24 acres (approximately)
- Zoning: Ag/Forest-10/20 (split zoned)
- Structures: (1) single family dwelling w/ attached garage (BLP2018-0422)
- Access:
 - Elk Meadows
 - Private easement
 - Local Access
 - Gravel
- Environmental:

- Flood hazard area:
 - X – 0.2% Annual Chance Flood Hazard
- Wetlands: N/A
- Hydrography: N/A
- Slope: <15%
- Soil: Stapaloo-Kaniksu, Dry Complex, 8 To 25 Percent Slopes
- Services:
 - Water:
 - Individual well
 - Sewage:
 - Individual septic
 - Fire:
 - Spirit Lake Fire
 - School:
 - Bonner School #83

B. Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Land Use & Density
Site	Ag/Forest Land (10-20 acres)	A/F-10/20	Residential, (1) SFD
North	Ag/Forest Land (10-20 acres)	A/F-10	Residential, 5 acre lots
East	Ag/Forest Land (10-20 acres)	A/F-10	Vacant Timber
South	Ag/Forest Land (10-20 acres)	A/F-20	Vacant Timber
West	State of Washington	n/a	Residential Ag/Timber

C. 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 Map Amendment:**
 - 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.

- Staff: The subject parcel does not feature steeper slopes (USGS <15%). Access is provided by Elk Meadows, a low volume, private road, and the parcel is afforded fire protection via Spirit Lake Fire.
- Rural Residential: The Rural Residential area provides for residential development in areas where urban services are not available and slopes may vary up to 30%. These areas include hazard areas and critical wildlife habitats, where lower densities reduce potential impacts to resources and exposures to loss of property or lives. Small-scale agricultural uses and residential development are permitted.
 - Staff: The subject parcel does not feature steeper slopes (USGS <15%). Access is provided by Elk Meadows, a low volume, private road, and the parcel is afforded fire protection via Spirit Lake Fire. Surrounding properties feature agricultural and residential uses. Parcels lying to the North are 5 acres in size and are developed with residences. The land use matrix in the Land Use component of the Bonner County Comprehensive Plan indicates that access should meet IFC standard.
- Conclusion: Existing densities, environmental features, and services indicate that the subject property conforms to the Rural Residential Designation. Access should be addressed to ensure IFC standard conformance.
- **Zone Change:**
 - Rural District: The rural district is established to allow low density residential uses that are compatible with rural pursuits. The purpose can be accomplished by:
 - Limiting residential densities and permitted uses to those that are compatible with rural character and nearby resource production districts and sites and can be adequately supported by rural service levels.
 - Allowing small scale farming and forestry activities, and tourism and recreation uses that can be supported by rural service levels and are compatible with rural character.
 - Encouraging conservation development configurations that create permanent open space or farming areas, protect sensitive environmental features, reduce infrastructure costs and/or enhance recreational opportunities.
 - Use of this zone is appropriate in areas designated by the comprehensive plan as follows:
 - R-10 in areas designated as rural residential in the comprehensive plan that meet one or more of the following criteria:
 - Characterized by slopes steeper than thirty percent (30%).

- Located within critical wildlife habitat as identified by federal, state or local agencies.
- Contain prime agricultural soils.
- Served by a network of public and/or private roadways that generally do not meet applicable roadway standards set forth in title 2 (public roads) of this code or appendix A (private roads) of this title or are absent.
- Within the floodway.
- Contain limited access to public services.
- R-5 in areas designated rural residential in the comprehensive plan that are already developed at or near the one dwelling unit per five (5) acre density and/or do not meet the criteria for R-10 above. (Ord. 501, 11-18-2008)

- Staff: The subject parcel does not feature slopes in excess of 15% (USGS). NRCS indicates that the farmland of statewide importance. Access is provided by Elk Meadows, a private easement. The parcel does not feature any special flood hazard areas or floodway. The parcel has access to public services such as Spirit Lake Fire.

D. 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.

E. Agency Review: The application was routed to agencies for comment on September 17, 2019.

Panhandle Health District	Bonner County Road & Bridges Department
Spirit Lake Fire	Avista Utilities
Bonner School District #83	Idaho Dept. of Fish & Game
U.S. Army Corps	Idaho Dept. of Environmental Quality
U.S. Forest Service	Idaho Dept. of Water Resources
U.S Fish & Wildlife Services	Idaho Dept. of Lands (Sandpoint)
Pend Oreille Public Utility District	

- The following agencies responded:
 - Panhandle Health District - "No Comment" 9/18/2019
 - Idaho Dept. of Lands - "The Idaho Dept. of Lands has no comment on this application" - Tom Fleer, 9/19/2019
 - Idaho Dept. of Lands - "No comment from Idaho Department of Lands on this application, it is outside of our jurisdiction for Navigable Waters and is not surrounded by any state owned land. Any logging activities would need to follow the Idaho Forest Practices Act." - Mike Ahmer, 9/18/2019

All comments from agencies are due by October 9, 2019. Any agency comment received after the production of this report is to be referenced during the public hearing.

F. Public Notice & Comments: As of 10/4/2019, there have been no public comments received.

Findings of Fact

- The parcel is 22.24 acres (approximately).
- Adjacent properties are approximately 5 acres in size and are used similarly.
- The parcel features individual utilities and is afforded fire protection.
- The parcel is accessed by Elk Meadows, a private easement.
- The parcel does not feature steep slopes or special flood hazard areas.

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 **is** found to be in compliance.

Conclusion 3

The proposal **is** in accord with the Rural Residential Land Use Designation.

Zone Change - Motion by the Governing Body:

MOTION TO APPROVE: Commissioner Linscott moved to recommend approval of this project, FILE ZC0003-19, requesting a zone change from Agriculture Forestry 10/20 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 Linscott 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 Reeve seconded the motion.

VOTED upon and the Chair declared the motion carried with a vote of 3-1. Commissioners Reeve, Bradish, and Linscott voted in favor of the motion and commissioner Glasoe voted in opposition of the motion.

Zone Change Findings of Fact

- The parcel is 22.24 acres (approximately).
- Adjacent properties are approximately 5 acres in size and are used similarly.
- The parcel features individual utilities and is afforded fire protection.
- The parcel is accessed by Elk Meadows, a private easement.
- The parcel does not feature steep slopes or special flood hazard areas.

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

PUBLIC WORKSHOP:

Comprehensive Plan update:

Review/Discuss School Facilities and School Transportation: Director Ollerton went through the current plan with the commissioners. He spoke about possible future development.

Becky Meyer spoke to the commission regarding the Lakeland school district. She spoke about the growth they are having in their area. Current enrollment is up 125 students from when the school year began. They have had to deny 36 families new to the district for enrollment. She stated that families have spoken with her about annexing into the district. She stated areas above Athol and Spirit Lake are the areas of growth. Timberlake is at 583 student count and not maxed out at this time. Timberlake Jr. High is at a 290 student count. Elementary schools are at capacity.

Matt Deal stated they have 12 schools upwards of 1000 part-time and full-time employees. Some schools are at capacity and some are under capacity. He stated

the age of some of the schools are an issue. Some of them have never been remolded or updated. Sandpoint middle school was built in the 50s and never been updated or remodeled.

James Koehler, School Transportation, stated ridership has remained approx. the same at a steady 900 to 1100 riders. Highway stoppage has been eliminated with the exception of only a few stops. He stated on a few roads they only provide seasonal service due to the hazards of the roadway. He stated they have been working with the Road and Bridges department for placement of bus stop signs in specific areas. He stated the Kootenai area is experiencing a higher amount of riders. There is currently no capacity rerouting.

Discussed some goals to add to the section.

Follow-up on Population Section: No new information was discussed during the meeting.

OPEN LINE DISCUSSION:

Department updates.

Review of the RV standards.

Discussion regarding zoning.

Next workshop will be December 19, 2019

At 7:38 p.m., the Vice Chair declared the hearing adjourned until November 7, 2019.

Respectfully submitted,

Milton Ollerton, Planning Director

The above Minutes are hereby approved this 7th day of November, 2019.

Bonner County Planning and Zoning Commission

Don Davis, Chair