



Bonner County

Board of Commissioners

Luke Omodt

Asia Williams

Steve Bradshaw

Public Hearing Minutes

Planning

Date: May 10, 2023
Location: 1500 Hwy 2, Suite 338
Sandpoint, ID 83864

CONVENE AT: 1:30 p.m.

ADJOURN AT: ___ p.m.

COMMISSIONERS PRESENT: Omodt, Williams & Bradshaw

OTHERS PRESENT: Planning Staff: Swati Rastogi, Daniel, Britt, Jacob Gabell, Travis Haller; Attorney: Bill Wilson; Road & Bridge: Jason Topp

Commissioner Bradshaw opened the hearing at 1:30 p.m.

Commissioner Bradshaw asked if anyone needed assistance for this hearing, there were no requests. Commissioners Omodt, Williams and Bradshaw advised that they had no conflicts with these files.

File AM0007-23 – Comprehensive Land Use Plan Map Amendment – De-annexed City of Priest River Properties. The applicants are requesting a comprehensive land use plan map amendment from Resort Community and Transition to Rural Residential on ±775 acres. The properties have been de-annexed from the City of Priest River. The project is generally located off Highway 2, Eastside Road and E. Settlement Road in Section 19-27-28-29-30-32-33, Township 56 North, Range 4 West, Boise-Meridian. The Planning Commission, at the April 18, 2023, public hearing, recommended approval of this file to the Board of County Commissioners.

Planning Department Comment:

Staff report presented Daniel Britt (see attached staff report).

Applicant Comment: Bonner County is the applicant. Attorney Bill Wilson asked what the basis of the “nay” votes from the planning commission were.

Public Comment: Wayne Martin, voiced concerns for the wildlife habitat in this area.

Public comment closed at 1:46 p.m.

All commissioners had no other comments.

MOTION TO APPROVE: Commissioner Omodt made a motion to approve this project, FILE AM0007-23, for a comprehensive plan map amendment from Resort Community and Transition 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. I further move 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 the Chairman sign, and transmit to all interested parties. This action does not result in a taking of private property. Commissioner Williams seconded the motion. Roll Call Vote: Commissioner Omodt – Yes. Commissioner Williams – Yes. Commissioner Bradshaw – Yes. The motion passed.

Commissioner Omodt made a motion to approve resolution #2023-34 amending the Bonner County Project Land Use Map. Commissioner Williams seconded the motion. Roll Call Vote: Commissioner Omodt – Yes. Commissioner Williams – Yes. Commissioner Bradshaw – Yes. The motion passed.

File ZC0003-23 – Zoning Designation – De-annexed City of Priest River Properties. The applicants are requesting zoning for properties that have been de-annexed from the City of Priest River. The proposed zoning is Rural-5 and Rural-10. The proposal is ±875 acres. The project is generally located off Highway 2, Eastside Road and E. Settlement Road in Section 19-27-28-29-30-32-33, Township 56 North, Range 4 West, Boise-Meridian. The Planning Commission, at the April 18, 2023, public hearing, recommended approval of this file to the Board of County Commissioners.

Planning Department Comment:

Staff report presented Daniel Britt (see attached staff report).

Applicant Comment: Bonner County is the applicant. Commissioner Williams asked what the dissenting opinion from the planning commission was and whether the planning department spoke to the school district about this zone change.

Public Comment: Jeff Conolly said the Planning Director covered anything he would have stated. John Connolly thanked the staff. Wayne Martin asked how the decision was made that this is not considered a “critical” wildlife area.

Public comment closed at 2:04 p.m.

Commissioner Williams had nothing else to add. Commissioner Omodt spoke to the process thus far and stated that all of his questions have been answered.

MOTION TO APPROVE: Commissioner Omodt made a motion to approve this project, FILE ZC0003-23, to designate zoning of Rural-10 and Rural-5, (as illustrated in Appendix-B) 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. File ZC0003-23 May 10, 2023 Page 20 of 21 I further move 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 Williams seconded the motion. Roll Call Vote: Commissioner Omodt – Yes. Commissioner Williams – Yes. Commissioner Bradshaw – Yes. The motion passed.

Commissioner Omodt made a motion 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 classification of lands located in Sections 19-27-28-29-30-32-33, Township 56 North, Range 4 West, Boise Meridian, Bonner County, Idaho to Rural-10 and Rural-5, and providing for an effective date. I further move to authorize the Chairman to sign the official supplementary zoning map upon publication of the ordinance. Commissioner Williams seconded the motion. Roll Call Vote: Commissioner Omodt – Yes. Commissioner Williams – Yes. Commissioner Bradshaw – Yes. The motion passed.

File VS0001-23 – N. Steamboat Bay Road Vacation. The petitioners are requesting to vacate a portion of North Steamboat Bay Road, a public right-of-way, under Title 40 of Idaho Code. The project is located near Cavanaugh Bay Road in Section 27, Township 60 North, Range 4 West, Boise-Meridian.

Planning Department Comment:

Staff report presented Travis Haller (see attached staff report).

Applicant Comment: Jay Bonnett, spoke to the big picture, just moving the road farther east to clean up some issues with the right-of-way.

Public Comment: Wayne Martin asked whether the road was in and if it was paid for by the applicant or the county.

Public comment closed at 2:35 p.m.

The commissioners had nothing further to add.

MOTION TO APPROVE THE PETITION FOR VACATION: Commissioner Williams made a motion to approve this petition, FILE #VS0001-23, to vacate a portion of North Steamboat Bay Road as identified in Appendix A of the staff report, finding that it is in accord with Idaho Code §40-203 as enumerated in the following conclusions of law [Commissioner Williams read the conclusions of law that the project meets into the record], and based upon the evidence submitted up to the time, the Staff Report was prepared and testimony received at this hearing. I further move to adopt the findings of facts as stated in the staff report and the conclusions of law as stated in this hearing and direct the planning staff to draft written findings of facts and conclusions of law to reflect this motion and transmit it 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 Omodt seconded the motion. Roll Call Vote: Commissioner Omodt – Yes. Commissioner Williams – Yes. Commissioner Bradshaw – Yes. The motion passed.

MOTION TO APPROVE RESOLUTION FOR VACATION: Commissioner Williams made a motion to approve resolution #2023-35 vacating a portion of North Steamboat Bay Road as described and

identified in Appendix A of this staff report. Commissioner Omodt seconded the motion. Roll Call Vote: Commissioner Omodt – Yes. Commissioner Williams – Yes. Commissioner Bradshaw – Yes. The motion passed.

File VS0002-23 – Kelso Woods Drive – Road Validation. The applicants are requesting a road validation for a portion of Kelso Woods Drive to validate the status of Kelso Wood Drive, for the purpose of complying with a condition specified in the approval of the preliminary plat, Lochlyn Estates Subdivision, file # SS0003-22. Kelso Woods Drive is located off Kelso Lake Road in Section 21, Township 54 North, Range 3 West, Boise-Meridian.

Planning Department Comment:

Staff report presented Travis Haller (see attached staff report). Attorney Bill Wilson asked a few questions of staff. Swati Rastogi referenced instrument #292491. Extensive discussion regarding the recorded documents associated with this file. Jason Topp, Road & Bridge Director spoke regarding his opinion.

Applicant Comment: Ron Pillows, spoke about the road and the validation. This request is a steppingstone in his short plat process.

Public Comment: Kenny Bowman spoke about access. Russell Husband said that this meeting is a farce and expressed his frustrations. Charles Husband also expressed his frustrations. Wayne Martin asked for clarification on whether the road is county maintained.

Planning Rebuttal: Staff did not hear any questions that required him to answer.

Public comment closed at 3:38 p.m.

Commissioner Williams read the definition of regulatory taking and stated her concerns surrounding this validation. Commissioner Bradshaw spoke to the connection of the public rights-of-way. Commissioner Omodt agrees with the opinion in 2002.

MOTION TO DENY: Commissioner Omodt made a motion to declare a portion of Kelso Woods Drive (as referenced in Appendix A of this staff report), not a public right-of-way, based upon the following conclusions of law: [Commissioner Omodt read the Conclusions of Law this request for validation fails to meet into the record]. The decision is based upon the evidence submitted up to the time the Staff Report was prepared and testimony received at this hearing. I further move to adopt the aforementioned conclusions of law and the following findings of facts as amended. This action does not result in a taking of private property. The action that could be taken, if any, to obtain the validation is to: 1) File a new application with the Planning Department and meet the standards required by Idaho Code; or 2) Pursue such remedies as may be applicable at Idaho Code, Title 40, Chapter 2. Commissioner Williams seconded the motion. Roll Call Vote: Commissioner Omodt – Yes. Commissioner Williams – Yes. Commissioner Bradshaw – Yes. The motion passed.

The meeting was adjourned at 3:43 p.m.

Deputy Clerk: Claire May