

**PLANNING DEPARTMENT
PUBLIC HEARING DECISION MINUTES
THURSDAY, JUNE 24, 2021**

CALL TO ORDER: Chair McDonald called the Bonner County Commissioners' hearing to order at 9:00 p.m. in the 1st Floor Conference Room of the Bonner County Administration Building, 1500 Highway 2, Sandpoint, Idaho, via Zoom webinar, and YouTube live streaming.

PRESENT: Commissioners Chair Dan McDonald; Vice Chair Steve Bradshaw; and Jeff Connolly

ABSENT: None

ALSO PRESENT: Planning Director Milton Ollerton; Planner II Jason Johnson; Administrative Manager Jeannie Welter; and Administrative Assistant III Janna Berard

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.

AM0018-20 & ZC0015-20 - Reconsideration - Comprehensive Plan Amendment & Zone Change - Daum Construction, LLC is requesting a Comprehensive Plan Amendment from Agriculture/Forestry 10-20 to Rural Residential 5-10, and a Zone Change from Agricultural/Forestry-10 to Rural-5. The 160-acre property is currently zoned A/F-10. The project is located off Spirit Lake Cutoff in Section 27, Township 55 North, Range 4 West, Boise-Meridian. The Bonner County Commissioners at the April 28, 2021, public hearing approved this project. On May 11, 2021, the Planning Department received a request asking the Board of County Commissioners to reconsider their final written decision dated April 29, 2021.

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: Planner II Jason Johnson presented a PowerPoint summary of the project and previously circulated updated staff report prepared for this reconsideration hearing, concluding this project is consistent with Bonner County Comprehensive Plan and Bonner County Revised Code.

APPELLANT PRESENTATION: Norm Samanko legal counsel for the appellants, Parsons Behle and Latimer commented regarding a choice between R-10 & R-5

stating there is no choice. He further stated it is not consistent with the comp plan to change to Rural Residential.

APPLICANT PRESENTATION: Jeremy Grimm, Whiskey Rock Consulting, submitted exhibit A, a well log of the subject area. He responded to appellant comments pertaining to reason to change the property to R-5, as well as other comments.

APPELLANT REBUTTAL: Mr. Semanko responded to Mr. Grimm's comments pertaining to the project request meeting the Comp Plan. He further stated the staff report must state how the project is meeting the Comp Plan.

PUBLIC/AGENCY TESTIMONY: The following individuals spoke on the record in opposition of this project: Kathy Kroese, Clark Patterson, Tom Paulsgrove, Sheryl Kins, Aline Tatom, Susan Lewenar, Rebecca Wilbur, Jonna Plante, Arlin Robb, Norm Daniels, Carmen Croitoru, Maureen & Doug Paterson, Dan Rose, Shannon Herd, Wayne Martin, Monica Gunter, Larry Ward, Betty Irvine, Kristine Boag, Summer Cantrall, Merritt Horsmon, Dave Bowman, and Maya Starbright.

STAFF REBUTTAL: Planner II Jason Johnson responded to the comments relating to the differing points in the staff report. He stated the Land Use section of the Comprehensive Plan is the portion of the Plan that is used in reviewing this type of application.

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

Legal counsel Bill Wilson explained the options how the Board could move forward with this project.

MOTION: Commissioner Connolly moved remand this file back to the Planning & Zoning Commission to hear de novo. Commissioner Bradshaw seconded the motion.

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

Background:

A. Site data:

- Use: Vacant, parcel is unplatted
- Size: 160 acres
- Zone: Agricultural/forestry 10 (A/f-10)
- Land Use: Ag/Forest Land (10-20 AC)
- Legal: 27-55N-4W N2N2

B. Access:

- Spirit Lake Cutoff provides access to the property.
- County GIS states that Spirit Lake Cutoff is a secondary arterial, is paved with hot mix asphalt, and is County owned and maintained.

C. Environmental factors:

- Site is mostly flat with a very small area of slopes, <30% grade, located in roughly the northwest portion of the property. (USGS)
- Site does not contain mapped wetlands. (USFWS)
- Parcel is within SFHA Zone X, per FIRM Panel 16017C1125E, Effective Date 11/18/2009. No further floodplain review is required on this proposal.
- The site has no mapped water bodies or watercourses.
- Soil types:
 - Pend Oreille-Highfalls complex, 0 to 6 percent slopes; prime farmland
 - Rathdrum-Bonner ashy silt loams, 0 to 8 percent slopes; prime farmland
 - Kootenai gravelly ashy silt loam, 0 to 4 percent slopes; prime farmland if irrigated

D. Services:

- Water: No service at this time, individual well would be required.
- Sewage: No service at this time, individual septic system would be required.
- Fire: Spirit Lake Fire
- Power: Avista
- School District: Bonner School #83
- Ambulance District: Bonner Co Ambulance District

E. Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Land Use & Density
Site	Ag/Forest Land (10-20 AC)	Agricultural/forestry 10 (A/f-10) & Agricultural/forestry 20 (A/f-20)	Vacant
North	Ag/Forest Land (10-20 AC)	Agricultural/forestry 10 (A/f-10) & Agricultural/forestry 20 (A/f-20)	Vacant government land & residential uses
East	Ag/Forest Land (10-20 AC)	Agricultural/forestry 10 (A/f-10) & Agricultural/forestry 20 (A/f-20)	Vacant government land & residential uses
South	Ag/Forest Land (10-20 AC)	Agricultural/forestry 10 (A/f-10) & Agricultural/forestry 20 (A/f-20)	Vacant land & residential uses
West	Ag/Forest Land (10-20 AC)	Agricultural/forestry 10 (A/f-10) & Agricultural/forestry 20 (A/f-20)	Vacant land & residential uses

F. Standards review: Comprehensive Plan & 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.
- **Existing Comprehensive Plan Designation:**
Ag/Forest Land: The Ag/Forest land designation recognizes areas where steeper slopes prevail (30% 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.
- **Proposed Comprehensive Plan Designation:**
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.
- **12-322 - Agricultural/Forestry District:**
 - The agricultural/forestry district is established to provide for agricultural and forestry pursuits, including livestock production, forestry, horticulture, floriculture, viticulture, and necessary accessory uses for treating, storing and processing agricultural products. The purpose of the A/F district is to preserve, protect and maintain areas that are rural in character and the integrity of the forest/woodland areas where viable agricultural pursuits can be feasible and to avoid fragmentation of forests and farms. These purposes are accomplished by:
 - Establishing residential density limits and conservation development standards to retain areas sized for efficient farming.
 - Allowing for uses related to agricultural production and limiting nonagricultural uses to those compatible with agriculture or requiring close proximity for the support of agriculture.
 - Use of this zone is appropriate in areas designated by the comprehensive plan as follows:
 - A/F-20 in all areas designated as prime Ag/Forest land in the comprehensive plan. The A/F-20 zone is also appropriate in areas designated Ag/Forest land in the comprehensive plan that also feature:
 - Prime agricultural soils.

- Are characterized by agricultural or forestry uses.
 - Areas where one or more of the following apply: limited services; characterized by slopes steeper than thirty percent (30%); where access may be absent or limited to substandard road systems or where large tracts of land may be devoted to Ag/Forest production.
 - A/F-10 in areas designated as Ag/Forest land in the comprehensive plan that do not feature prime agricultural soils, but where agricultural and forestry pursuits remain viable. These areas may be within or adjacent to areas of city impact or where lands are afforded fire protection, access to standard roads and other services.
- **12-323 – 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 that are 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.

G. Stormwater plan: A stormwater management plan was not required, pursuant to BCRC 12-720.2 – Applicability.

H. Agency & Public Notice, Comments

Panhandle Health District had no comment on this reconsideration but sent a reminder that permitting through PHD would be required for any septic systems that were to be installed on the site.

One public comment was received on this reconsideration and was opposed to approval. Reasons cited included water availability, safety along Spirit Lake Cutoff, and fire safety and evacuation concerns.

The Chair declared the hearing adjourned at 11:14 a.m.

Respectfully submitted, this 29th day of June 2021,



Milton Ollerton, Planning Director