

**PLANNING DEPARTMENT
PUBLIC HEARING DECISION MINUTES
JULY 21, 2021**

CALL TO ORDER: Chair McDonald called the Bonner County Commissioners' hearing to order at 1:30 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 I Swati Rastogi; Planner I Daniel Britt; Administrative Manager Jeannie Welter; and Administrative Assistant III Janna Berard

PUBLIC HEARINGS:

ZONE CHANGES

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 ZC0014-21 - Zone Change - A/F-20 to A/F-10 - Donald & Leona Crawford are requesting a zone change from Agricultural/Forestry 20 (A/F-20) to Agricultural/Forestry 10 (A/F-10). The property is located north of Selle Road and east of Highway 95 in Section 24, Township 58 North, Range 2 West, Boise-Meridian. The Planning & Zoning Commission, at the June 17, 2021, 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: Planner I 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 PRESENTATION: Project Representative Scott Brown was present to answer any questions about the file.

PUBLIC/AGENCY TESTIMONY: None

APPLICANT REBUTTAL: None

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

MOTION: Commissioner Bradshaw moved to approve project FILE ZC0014-21, requesting a Zone Change from A/F-20 to A/F-10 on 30.70 acres of unplatted land, located off Selle Road in Section 24, Township 58 North, Range 2 West, Boise Meridian, Idaho, 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 recommend adoption of the following findings of fact and conclusions of law as written. This action does not result in a taking of private property. Commissioner Connolly seconded the motion.

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

Ordinance Motion

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 24, Township 58 North, Range 2 West, Boise Meridian, Bonner County, Idaho from A/F-20 to A/F-10, and providing for an effective date. Commissioner Connolly further move to authorize the Chair to sign the official supplementary zoning map upon publication of the ordinance. Commissioner Bradshaw seconded the motion.

Roll Call Vote

Commissioner McDonald:	Aye
Commissioner Connolly:	Aye
Commissioner Bradshaw:	Aye

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

Background:

A. Site data:

- Use: Site is currently developed with the following-
 - i. Dwelling, built in 1956.
 - ii. 3 Utility Sheds, built in 1970, 1995 and 2004 consecutively.
- Unplatted
- Size: 30.70 acres, approximately.
- Zone: Agricultural/Forestry 20 District
- Land Use: Agriculture/ Forest Land

B. Access:

- Property is accessed off Selle Road, a public right-of-way. It is Bonner County owned and maintained, with a speed limit of 35 miles per hour and paved with Hot Mix Asphalt.

C. Environmental factors:

- Site does not contain slopes of over 15%. (USGS)
- Site contains the following wetlands. (USFWS)
 - Freshwater Forested/ Shrub Wetland
 - Freshwater Emergent Wetland
- Site does not contain waterfront or streams. (NHD)
- Soils:
 - Mission Silt Loam,
 - 0 to 2 percent slopes
 - Prime farmland if drained
 - Somewhat poorly drained
 - Mission Silt Loam,
 - 2 to 12 percent slopes
 - Farmland of statewide importance if drained
 - Somewhat poorly drained
 - Pywell Hoodoo complex
 - 0 to 1 percent slopes
 - Prime farmland if drained
 - Very poorly drained
 - Selle-Mission Complex
 - 0 to 12 percent slopes
 - Prime farmland if drained
 - Well drained
- Critical Wildlife Habitat: None. (Critical Wildlife Habitat map created from the field validated data collected from Idaho Department of Fish and Game, 2002.)
- Floodways: Site is within Flood Hazard Zone X, as per FIRM Panel 16017C0710E, dated 11/18/2009. The project is unlikely to require any further floodplain review.

D. Services:

- Water: Individual well system. The site is currently developed with two wells.
- Sewage: Individual septic tank and leach field. The site has been approved for subsurface sewage disposal (PHD File 87-09-69991, PHD File 92-09-10703 and PHD File 02-09-0420).
- Fire: Northside Fire District
- Power: Northern Lights Utility Company
- School District: Bonner County # 84
- Ambulance District: Bonner Co Ambulance District
- Hospital District: Pend Oreille Hospital District

E. Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Land Use
Site	Agricultural/ Forest Land	Agricultural/ Forestry 20	Residential
North	Agricultural/ Forest Land	Agricultural/ Forestry 20	Residential Meadow land
East	Agricultural/ Forest Land	Agricultural/ Forestry 20	Residential with Agricultural Timber Land
South	Agricultural/ Forest Land	Agricultural/ Forestry 10	Bare Forest & Agricultural Timber Land
West	Agricultural/ Forest Land	Agricultural/ Forestry 10	Bare Forest Land and Agricultural Timber Land

F. Standards of 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:**
 - Agricultural/ 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.
- **Existing Zoning: BCRC 12-322: Agricultural/ Forestry District (A/F-20):**
 - 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.
- **Proposed Zoning: BCRC 12-322: Agricultural/ Forestry District (A/F-10):**
 - 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.

G. Stormwater plan: A storm water management plan was not required, pursuant to BCRC 12-720.3(J) because the proposal does not result in the creation of additional "impervious surface", as defined in BCRC 12-809.

H. Agency Review: The application was routed to agencies for comment on May 18, 2021.

Panhandle Health District	Idaho Department of Water Resources
Northside Fire District	Bonner County Road and Bridge Department
Northern Lights Utility Company	U.S. Army Corps (Coeur d'Alene)
School District #84	Army Corps (Newport)
Bonner County Schools - Transportation	U.S. Forest Service
Idaho Department of Environmental Quality	State Historical Society
Idaho Transportation Department	All Taxing Districts

The following agencies replied with no comments:

- Kootenai Ponderay Sewer District, May 19, 2021*
- Independent Highway District, May 24, 2021*
- Pend Oreille Hospital District, May 28, 2021*
- Idaho Department of Environmental Quality, June 08, 2021*

All other agencies did not reply.

I. Public Notice & Comments: *None received.*

Zone Change Findings of Fact

- The site is in an area designated for Agricultural/ Forest Land uses in the Comprehensive Plan.
- Site does not contain mapped slopes of over 15%.
- Site has access from Selle Road, a Bonner County owned and maintained public right-of-way paved with Hot Mix Asphalt with a speed limit of 35 miles per hour.
- Access to services is not limited on the site.
 - It will be serviced by North Side Fire District and Northern Lights Utility Company.
 - It will be served by individual well system and is currently developed with two wells.
 - It will be served by individual septic tank and leach field system. It has been approved for subsurface sewage disposal (PHD File 87-09-69991, PHD File 92-09-10703 and PHD File 02-09-0420).
 - Site is located in Bonner School District #84, Bonner Co Ambulance District and Pend Oreille Hospital District.

- Site features 4 types of soils. Three of these are viable for agricultural and forestry pursuits if drained. One of these is a well-drained prime farmland soil, suitable for agricultural and forestry pursuits.
- Site is located on the edge of Ponderay Area of City Impact. The application was noticed in the paper and sent to the neighbors in accordance with BCRC 12-267.

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 Agricultural/ Forestry 10 District zoning, provided at Chapter 3, Title 12, Bonner County Revised Code.

File ZC0008-21 – Zone Change – Rural Service Center to Commercial - Keith & Tammy Sprenkel are requesting a zone change from Rural Service Center to Commercial. The property is zoned Rural Service Center. The project is located off Shady Pines Lane in Section 31 Township 60 North, Range 4 West, Boise-Meridian. The Planning & Zoning Commission, at the June 17, 2021, 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: 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.

APPLICANT PRESENTATION: None

PUBLIC/AGENCY TESTIMONY: None

APPLICANT REBUTTAL: None

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

MOTION: Commissioner Connolly moved to approve this project, FILE ZC0008-21, requesting a zone change from Rural Service Center to Commercial for the parcel noted in the staff report, 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 Connolly 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 Bradshaw seconded the motion.

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

Ordinance Motion:

Commissioner Bradshaw 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 12, Township 57 North, Range 3 West, Boise Meridian, Bonner County, Idaho from Rural Service Center to Commercial, and providing for an effective date. Commissioner Bradshaw further moved to authorize the Chair to sign the official supplementary zoning map upon publication of the ordinance. Commissioner Connolly seconded the motion.

Roll Call Vote

Commissioner McDonald: Aye
Commissioner Connolly: Aye
Commissioner Bradshaw: Aye

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

Background:

B. Site data:

Shop
Unplatted
Size: 1.82
Zone: Rural Service Center
Land Use: Neighborhood Commercial
Legal per: #716541

B. Access:

Access is off Highway 57, a paved, state road. Shandy Pine Loop, is a public gravel road

G. Environmental factors:

Site does not contain mapped slopes. (USGS)
Site does not contain mapped wetlands. (USFWS)
Site does not contain waterfront or streams. (NHD)
Soil:

- 1. Classification: Caribouridge-Stien families, complex, outwash plains of mixed geology
- 2. Type: Not prime farmland
- 3. Drainage: Well Drained

H. Services:

Water: Individual Well
Sewage: Outlet Bay Sewer
Fire: West Priest Lake Fire
Power: Northern Lights
School District: Bonner School District #83

I. Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Land Use & Density
Site	Neighborhood Commercial	Rural Service Center	Rural Service Center
North	Neighborhood Commercial	Rural Service Center	Rural Service Center
East	Neighborhood Commercial	Rural Service Center	Rural Service Center
South	Neighborhood Commercial	Rural Service Center	Rural Service Center
West	Neighborhood Commercial	Rural Service Center	Rural Service Center

J. 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)

Existing Comprehensive Plan Designation:

Neighborhood Commercial: The Neighborhood Commercial area is designed to provide light commercial uses to serve the needs of the rural communities and tourist trade without adversely affecting residential neighborhoods. Urban services and primary transportation systems, such as the state highways or major/minor collector roads are required.

Existing Zoning:

BCRC 12-327 Rural Service Center District:

A. The rural service center district is established to promote the development of local commercial services in small communities to meet the needs of rural residents as well as limited tourist commercial services and limited light industrial uses consistent with the maintenance of the rural character of the area. The rural service center district is also intended to provide opportunities for a variety of affordable housing types that are within walking distance of commercial services. These purposes are accomplished by:

1. Providing for a range of small scale retail and rural service uses.
2. Allowing for mixed use buildings (housing over office or retail) and a range of housing types, including detached single-family dwelling units, cottage housing, townhouses, apartments and mobile home parks where sufficient services are provided.
3. Allowing for light industrial uses where activities are conducted primarily indoors and impacts to adjacent uses are mitigated.
4. Excluding commercial uses with extensive outdoor storage.
5. Excluding large scale commercial uses that would be more effectively located in incorporated cities.
6. Applying simple design standards that enhance pedestrian access and improve the character of the area. (Ord. 501, 11-18-2008)

B. Use of this zone is appropriate in areas designated as neighborhood commercial, resort community or transition by the comprehensive plan and community plans and that are served at the time of development by adequate sewage disposal services, water supply, roads and other needed public facilities and services. Expansion of existing rural service center districts or the creation of new rural service center districts may be considered only if the expansion will not negatively impact the safety and function of a state highway or other roadway.

Proposed Zoning:

BCRC 12-325 Commercial District:

A. The commercial district is established to promote a range of commercial uses to serve the needs of the immediate area, surrounding rural communities and visitors without adversely affecting adjacent residential neighborhoods. The commercial district is also intended to provide opportunities for a variety of affordable housing types that are within walking distance of commercial services. Intensive large scale commercial development is not appropriate due to the limited density of surrounding unincorporated areas. Access to primary transportation routes and a system of hard surfaced roads are expected and consideration is given to the potential public transportation access. These purposes are accomplished by:

1. Providing for a wide range of small to medium scaled retail, professional, governmental and personal service uses.
2. Allowing for mixed use buildings (housing over office or retail) and a range of housing types, including cottage housing, townhouses, apartments and mobile home parks where sufficient services are provided.
3. Allowing for light industrial uses where activities are conducted primarily indoors and impacts to adjacent uses can be mitigated.
4. Excluding commercial uses with extensive outdoor storage.
5. Excluding large scale commercial uses that would be more effectively located in incorporated cities.
6. Applying simple design standards that enhance pedestrian access and improve the character of the area.

B. Use of this zone is appropriate in areas designated as neighborhood commercial, urban growth area or transition by the comprehensive plan and community plans and that are served at the time of development by adequate sewage disposal services, water supply, roads and other needed public facilities and services. Expansion of existing commercial districts or the creation of new commercial districts may be considered only if the expansion will not negatively impact the safety and function of a state highway or other roadway.

G. Stormwater plan: A stormwater management plan was not required, pursuant to BCRC 12-720.3(K)...the creation of additional "impervious surface", as defined in section 12-809 of this title.

H. Agency Review: The application was routed to agencies for comment on 5/21/21.

Panhandle Health District	Idaho Department of Water Resources
Outlet Bay Sewer District	Bonner County Road Department
West Priest Lake Fire District	U.S. Fish and Wildlife Service
Northern Lights Utility Company	Idaho Department of Lands (Sandpoint)
Bonner School District #83	U.S. Forest Service
Bonner County Schools - Transportation	Idaho Transportation Department
Idaho Department of Fish and Game (All Taxing Districts)	Idaho Department of Environmental Quality

The following agencies provided comment: none

The following agencies replied "No Comment":

Independent Highway District- 5/24/2021
 Kootenai Ponderay Sewer District-5/24/2021
 Pend Oreille Hospital District- 5/25/2021

All other agencies did not reply.

I. Public Notice & Comments

No comments were received.

Zone Change Findings of Fact:

- The parcel is comprehensive planned Neighborhood Commercial
- The parcel is will not negatively affect Highway 57 or other roadways
- Residential neighborhoods will not be impacted negatively
- The parcel lies within West Priest Lake Fire district
- The parcel has an individual well
- The parcel is served by Outlet Bay Sewer
- The parcel does not feature any slope, surface water, wetlands, floodplains, or floodways
- Adjacent properties lie within the Rural Service Center and feature the same soil types

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

The Chair declared the hearing adjourned at 1:48 p.m.

Respectfully submitted, this 21st day of July, 2021,


 Jacob Gabell, Assistant Planning Director