

**PLANNING DEPARTMENT
PUBLIC HEARING DECISION MINUTES
December 8, 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 and Jeff Connolly

ABSENT: None

ALSO PRESENT: Planning Director Milton Ollerton, Assistant Planning Director Jake Gabell, Planner II Jason Johnson, Planner I Swati Rastogi, Planner I Chad Chambers, and Administrative Assistant Da Niel D. Scott

PUBLIC HEARINGS:

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.

ZONE CHANGES

File ZC0034-21 – Zone Change Request from AF-20 to AF-10 – Phil & Carol Sellards are requesting a zone change from AF-20 to AF-10. This 20-acre parcel is located off Bear Paw Road in Section 17, Township 57 North, Range 5 West, Boise-Meridian. The Planning & Zoning Commission, at the November 4, 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: Assistant Planning Director Jake Gabell 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 Travis Haller, Glahe & Associates, Inc., submitted Exhibit C (PowerPoint presentation) and provided comments on property meeting comprehensive land use, property not having prime agricultural soils, topography of property, and bordering properties.

PUBLIC/AGENCY TESTIMONY: The following individuals spoke on the record: Fonda Jovick, Lake City Law Group Attorney representing Bear Paw property owners

(submitted Exhibits A, B, and E), Rick McGee, Lon Shook (submitted Exhibit D), and Maureen Patterson.

APPLICANT REBUTTAL: Travis Haller responded to public comment regarding comprehensive land use, farmland of state-wide importance, soil classifications, wildfires, cell phone coverage, and Idaho code criteria.

Planning Director Milton Ollerton responded to public comment regarding spot zoning, request being consistent with the comprehensive plan, Area of City Impact, fire protection, and request for input being sent to West Pend Oreille Fire District.

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

MOTION: Commissioner Connolly moved to approve project File ZC0034-21, zone change from Agricultural/Forestry 20-acre to Agricultural/Forestry 10-acre, finding that it is in accord with the Bonner County Comprehensive Plan and the 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 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 and transmit to all interested parties. The decision is 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 McDonald seconded the motion.

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

Zone Change Ordinance Roll Call Vote

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 17, Township 57 North, Range 5 West Boise Meridian, Bonner County, Idaho Agricultural/Forestry 20-acre to Agricultural/Forestry 10-acre, and providing for an effective date. Commissioner Connolly further moved to authorize the Chair to sign the official supplementary zoning map upon publication of the ordinance. Commissioner McDonald seconded the motion.

Roll Call Vote:

Commissioner McDonald	AYE
Commissioner Connolly	AYE

Findings of Fact

1. The property is situated in the Ag/Forest comprehensive land use designation and is currently zoned Agricultural Forestry 20-acre.
2. The property is served by West Pend Oreille Fire district and power is provided by Northern Lights.
3. Access is granted on a county owned and maintained road, Bear Paw Road.
4. There are no mapped slopes on the site.
5. The property will be used for residential purposes.
6. The property contains two soil types, Zee and Boulder creek.
7. The Planning and Zoning commission, during the November 4, 2021 public hearing, found that "Farmland of Statewide Importance" is listed as a distinct category below prime agriculture soils.

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	Agriculture

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

Background:

A. Site Data:

- The site is currently vacant.
- ≈20-acre parcel
- Zone: Agricultural/Forestry 20
- Land Use: Ag/Forest Land

B. Access:

- Access is provided by Bar Paw Road, which is both County owned or maintained.

C. Environmental Factors:

- Site does not contain any mapped slopes.
- Site does contain a mapped Freshwater Emergent wetland. (USFWS)
- Site does not contain a river, stream, or frontage on a lake.
- There are two different soil types on the property, Boulder creek (not prime farmland) and Zee (farmland of statewide importance).
- Parcel is within SFHA Zone X and Zone A, per FIRM Panel 16017C0625E, Effective Date 11/18/2009 & FIRM Panel 16017C0640E, Effective Date 11/18/2009.

D. Services:

- Water: individual well
- Sewage: on-site drain field
- Fire: West Pend Oreille Fire
- Power: Northern Lights Inc.
- School District: Bonner School District #83

Soil Type	Farmland Classification	Drainage Class
Zee (119)	Farmland of Statewide Importance	Well Drained
Boulder creek (562)	Not prime farmland	Well Drained

E. Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Land Use & Density
Site	Ag/Forest Land	Agricultural/forestry 10/20	Residential
North	Remote Ag/Forest Land	Forestry 40	Public Land
East	Ag/Forest Land	Agricultural/forestry 10/20	Residential
South	Ag/Forest Land	Agricultural/forestry 10/20	Residential
West	Prime Ag/Forest	Agricultural/forestry 20	Vacant land

F. Standards of Review

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:

- 1) Establishing residential density limits and conservation development standards to retain areas sized for efficient farming.
- 2) 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:

- 1) 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:
 - a) Prime agricultural soils.

Both of the two soils (Boulder creek and Zee) on the property are characterized as not prime farmland. Zee is classified as "Farmland of Statewide Importance", but only makes up approximately 2.3 acres.
 - b) Are characterized by agricultural or forestry uses.

Per the applicant, the property will be used for residential purposes.
 - c) 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.

There are no mapped slopes on the property. Bear Paw road is a County owned and maintained road.
- 2) 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. (Ord. 501, 11-18-2008)
 - a) The property does not contain prime agriculture soils; but does have soils categorized as "Farmland of Statewide Importance" with a size of approximately 2.3 acres. Per County GIS imagery, the property is mostly wooded; agriculture and forestry pursuits remain viable. The property is served by West Pend Oreille Fire district and power is provided by Northern

Lights. Access is granted on a county owned and maintained road, Bear Paw Road. The property is not adjacent to or within an area of city impact.

G. Agency Review

The application was routed to agencies for comment on October 5, 2021.

Panhandle Health District	Idaho Department of Water Resources
West Pend Oreille Fire District	U.S. Army Corps (Coeur d'Alene)
Northern Lights Inc.	U.S. Fish and Wildlife Service
West Bonner County School District #83	Idaho Department of Lands (Coolin)
Idaho Department of Fish and Game	U.S. Forest Service
Idaho Department of Environmental Quality	

The following agencies commented:

Idaho Department of Fish and Game - October 5, 2021

"The Idaho Department of Fish and Game does not have any comments to submit for this application."

Panhandle Health District - October 14, 2021

"Panhandle Health District (PHD) notes that the application states that is to be individual septic provide for each lot. PHD has record of one septic permit. We recommend the applicant contact PHD to assess the septic feasibility of the proposed lot. Depending on the split of this this property, one parcel may be limited in septic operations due to wetlands and streams on the property."

All other agencies did not reply.

I. Public Notice & Comments. Public comments included concerns about rezoning, urban sprawl, maintaining rural culture, water table draw down, negative impacts of increased housing, loss of agriculture, loss of and forestry, unwanted traffic, increased noise, increased light, reduced water table, uncontrolled wildfires, shrinking animal habitats, and increase in air pollution.

File ZC0035-21 - Zone Change Request from R-10 to R-5 - Richard & Kathy Zech are requesting a zone change from R-10 to R-5. This 19.91-acre parcel is currently split-zoned as R-5 and R-10. The project is located off Blue Sky Road, in Section 30, Township 56 North, Range 2 West, Boise-Meridian. The Planning & Zoning Commission, at the November 4, 2021 public hearing, recommended approval of this file to the Board of County Commissioners.

STAFF PRESENTATION: Staff Planner 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 Dick Staples, J.R.S. Surveying, Inc., provided comments on the conclusiveness of the staff report.

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 project File ZC0035-21, requesting a Zone Change from R-10 to R-5 on 19.55 acres of unplatted land, located off Blue Sky Road in Section 30, Township 56 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 Connolly further moved 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 and transmit to all interested parties. This action does not result in a taking of private property. Commissioner McDonald seconded the motion.

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

Zone Change Ordinance Roll Call Vote

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 30, Township 56 North, Range 2 West, Boise Meridian, Bonner County, Idaho Rural-10 to Rural-5, and providing for an effective date. Commissioner Connolly further moved to authorize the Chair to sign the official supplementary zoning map upon publication of the ordinance. Commissioner McDonald seconded the motion.

Roll Call Vote:

Commissioner McDonald	AYE
Commissioner Connolly	AYE

Zone Change Findings of Fact

- The site is in an area designated for Rural Residential Land uses by the Comprehensive Plan.
- A minimal portion of the site contains slopes greater than 30%.
- The site does not contain critical wildlife habitat, as identified by any local, state or federal agencies.
- Majority of the site is served by Blue Sky Road, a private road.
- The site is not located within floodway.

- Site has access to the following public services – Sagle Fire District, Northern Lights Utility Company, Bonner School District #84, Bonner County Ambulance District and Pend Oreille Hospital District.
- The adjacent area to the east and the south is developed with a density of approximately 1 dwelling unit per 5 acres of land.

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	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 purpose of Rural 5 zoning, provided at Chapter 3, Title 12, Bonner County Revised Code.

Background:

A. Site data:

- Use: Site is currently developed with a dwelling, an attached garage and a carport built in 1975.
- The property is currently unplatted.
- Size: 19.55 acres
- Zone: Rural 10 and Rural 5 District
- Land Use: Rural Residential

B. Access:

- Property is accessed off Blue Sky Road, a private road.

C. Environmental factors:

- Most of the site does not contain slopes of over 15%. A minimal portion of the site contains slopes between 15-29% and over 29% (USGS)
- Wetlands/ Waterbody: Site does not contain any wetlands or waterbody. (USFWS)

- Soils: Site contains the following soils
 1. Dufort-Rock outcrop complex; not prime farmland; well drained
 2. Bonner gravelly ashy silt loam; all areas are prime farmland; well drained
- Critical Wildlife Habitat: None as identified by any local, state or federal agencies.
- Floodway: Most of the site is within Flood Hazard Zone X. No further floodplain review would be required on this property.

D. Services:

- Water: The site is served by an individual well located at the north end of the property at a depth of 300 feet providing 300 gallons per minute.
- Sewage: The site is currently served by an individual septic drain field.
- Fire: Selkirk Fire and Rescue - Sagle
- Power: Northern Lights Utility Company
- School District: Bonner County #84
- Ambulance District: Bonner County Ambulance District
- Hospital District: Pend Oreille Hospital District

E. Comprehensive Plan, Zoning and Current Land Use

Compass Site	Comp Plan	Zoning	Current Land Use
	Rural Residential	Rural 10 and Rural 5	Residential
North	Rural Residential	Rural 10	60 acres - residence and outbuildings, scattered timber
East	Rural Residential	Rural 10 and Rural 5	168 acres - residence and outbuildings
South	Rural Residential	Rural 5	10 acres - undeveloped - scattered timber
West	Rural Residential	Rural 10 and Rural 5	5 acres - residence; 5 acres - residence; 10 acres - residence

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:**

- 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.

• **Existing Zoning: BCRC 12-323: Rural District (R-10):**

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 Title 12 or are absent.
- Within the floodway.
- Contain limited access to public services.

• **Proposed Zoning: BCRC 12-323: Rural District (R-5):**

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 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 October 05, 2021.

Panhandle Health District	Idaho Dept. of Water Resources
Selkirk Fire District	Idaho Department of Fish and Game
Northern Lights Utility Company	Idaho Department of Lands (Sandpoint)
Bonner School District #84	U.S. Fish and Wildlife Services
Bonner County Schools - Transportation	Idaho Department of Environmental Quality

The following agencies replied:

None.

The following agencies replied with "no comments":

Idaho Department of Fish and Game – October 05, 2021
Idaho Department of Lands – October 06, 2021

All other agencies did not reply.

I. Public Notice & Comments: None.

ROAD VACATION

File VS0009-21 – Title 40 Road Vacation – Jeff Weimer is petitioning to vacate a portion of North Thama Road, a local county-owned road as provided under Idaho Statute 40-203. The property is zoned Rural 5 (R-5). The project is located off US Highway 2 on North Thama Road in Section 4, Township 55 North, Range 4 West, Boise-Meridian. On October 27, 2021 the Board of County Commissioners continued this file to a date and time certain of November 24, 2021. On November 24, 2021 the Board of County Commissioners continued this file to a date and time certain of December 8, 2021 as per the applicant request.

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: Staff Planner II Jason Johnson presented a PowerPoint summary of the project and previously circulated staff report with not recommendation given by staff on the application.

APPLICANT PRESENTATION: Landowner Jeff Weimer, J.D. Lumber, Inc., submitted Exhibit A and provided comments on boundary lines.

PUBLIC/AGENCY TESTIMONY: The following individuals spoke on the record: Lisa Moline (Berg, McLaughlin, & Nelson, Chtd.), Rick Harter (submitted Exhibits B and C), Amy Harter (submitted Exhibit D), and former Road and Bridge Director Steve Klatt.

APPLICANT REBUTTAL: Landowner Jeff Weimer (submitted Exhibit E), responded to public comment regarding resident driveway, previous widening of road in 2019, Mr. Harter's driveway access, county rights-of-way, fence line, and survey map.

Peter Smith IV (Smith + Malek Attorneys) provided comments on encroachment permit, fill-work done, encroachment permit modifications, vacation within statute, and benefit of the public.

Planning Director Milton Ollerton provided comments on county private road standards travel roadway width.

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

MOTION: Commissioner Connolly moved to approve this petition, File VS0009-21, to vacate a portion of North Thama Road, finding that it is in accord with Idaho Code §40 as enumerated in the foregoing 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 findings of fact and conclusions of law as set forth in the Staff Report and as amended at this hearing and direct planning staff to draft written findings and conclusions of law to reflect this motion, have the chairman sign, record, and transmit 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 McDonald seconded the motion.

Upon further discussion Commissioner Connolly amended his motion to include the amended Conditions of Approval.

Upon Commissioner Connolly's amended motion Commissioner McDonald affirmed his second.

The above motion reflects Commissioner Connolly's amended motion.

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

Findings of Fact:

- The applicant is requesting to vacate a portion of North Thama Road located on Parcel RP55N04W043050A.
- The applicant is requesting to vacate about 4,163 square feet of an existing Right-of-Way.
- The portion of the existing Right-of-Way in question does not contain the road travel surface.
- Based on materials submitted in this application, no real property adjoining the area to be vacated would be left without access to an established highway or public right-of-way.
- Staff has received feedback from Bonner County Road & Bridge that opposes the proposed vacation.
- The Road & Bridge Department has stated that a Right-of-Way width of approximately 20 ft is insufficient to accommodate a road, roadside ditches, potential future utilities, etc.
- As shown in this staff report, other portions of the existing Right-of-Way are already 20-21 feet in width.
- The portion of the Right-of-Way to be vacated does not meet the definition for a street in Bonner County Revised Code.
- Vacation of this right-of-way will not extinguish any rights-of-way or easements for the continued use of existing sewer, gas, water, or similar pipelines and appurtenances, or other underground facilities as defined in section 55-2202, Idaho Code, for ditches or canals and appurtenances, and for electric, telephone and similar lines and appurtenances.
- Evidence in the record shows that this public right-of-way is not abandoned.

Conclusions of Law:

Based upon the findings of fact, the following conclusions of law are adopted:

Conclusion 1

This proposal was reviewed for compliance with the vacation criteria and standards set forth at Idaho Code, 40-203.

Conclusion 2

Bonner County has received objections to the petition or application to vacate the described platted area.

Conclusion 3

The abandonment of the public right-of-way is in the public interest.

Conclusion 4

The landowner or landowners abutting said right-of-way do have access to his, her or their property from some other public street, public right-of-way or private road.

Conclusion 5

The public right-of-way has been opened or used by the public for a period of five years.

Conditions of Approval:

1. The vacation of the above-described right-of-way shall be effective upon the recording of a resolution by the Bonner County Commissioners granting the vacation.
2. The costs for legal advertisements and recording fees shall be borne by the applicant and shall be paid prior to the recording of the resolution vacating the right-of-way.
3. The petitioner shall provide for easements for continued use of any existing sewer, gas, water, or similar pipelines and appurtenances, or other underground facilities as defined in section 55-2202, Idaho Code, for ditches or canals or snow storage and appurtenances, and for electric, telephone and similar lines and appurtenances pursuant to Idaho Code §40-203(3).

Background:

A. Site data

Parcel acreage: ~1.12 acres
Easement: Irregular width.
Structures: No structures within proposed vacation area.

B. Access. Access is off Highway 2. North Thama Road is between East Settlement Road and Mile Marker 10 on Hwy 2.

C. Environmental factors

- Hydrologic Features: n/a
- Flood Hazard Zone: The area proposed to be vacated is within SFHA Zone X and Zone AE, per FIRM Panel 16017C0890E, Effective Date 11/18/2009. This is not a proposal for development as defined in BCRC Title 14. No further floodplain review is required on this proposal.
- Wetlands: The area proposed to be vacated is mapped as being within a Freshwater Emergent Wetland
- Slope: N/A
- Soils: Mission silt loam, 0 to 2 percent slopes

D. Services. Fire: West Pend Oreille Fire. Schools: Bonner School #83.

E. Standards review

Required:

- Compliance with §40-203, Abandonment and Vacation of County and Highway District System Highways or Public Rights-Of-Way:
 - *The commissioners may by resolution declare their intention to abandon and vacate any highway or public right-of-way, or to reclassify a public highway as a public right-of-way, where doing so is in the public interest.*

Provided:

Applicant’s stated reasons for request:

- “To vacate the portion of the county road this is unnecessarily large and irregularly shaped that encumbers a portion of the private land for no good reason. The road is physically not located in this area in reality right now and it has been built up as a road over the years making the proposed area to be vacated about 4 feet lower than the road.”
- “The vacation of this county road easement will not affect access to any of the relevant landowners that use the road for access at present including Jeff & Norma Needs, Rick & Amy Harter, Jill Weimer, and JD Lumber, Inc.”
- “Rick & Amy Harter will continue to have access on both the westerly and easterly sides of the area proposed to be vacated, providing the Harters two good access points to their property within a very small area.”

F. Agency Review. The application was routed to the following agencies for comment on September 17, 2021:

Panhandle Health District	Idaho Dept. of Water Resources
Bonner County Road & Bridge	Army Corps (Coeur d’Alene)
West Pend Oreille Fire District	Bonner School District #83

Avista	Fish and Wildlife Service
Idaho Dept. of Lands, Nav. Waters	Bonner County Schools – Transportation
Idaho Dept. of Fish and Game	Idaho Dept. of Lands (Sandpoint)
Idaho Dept. of Env. Quality	BNSF Railway
Idaho Dept. of Transportation	Northern Lights

The following agencies commented:

Bonner County Road & Bridge provided the following comment:

The Bonner County Road & Bridge Department is opposed to this request for right-of-way vacation. The current standard width for public rights-of-way is 60ft, and this proposed vacation would reduce the width down to approximately 20ft, which is insufficient to accommodate a road, roadside ditches, potential future utilities, etc. The road is still in use and needed by the public for access to properties beyond this point and this vacation would be a detriment to their ability to maintain, upgrade, and utilize the road going forward.

All other agencies either replied "no comment" or did not reply.

G. Public Notice & Comments. No public comments were received on this proposal.

The Chair declared the hearing adjourned at 5:15 p.m.

Respectfully submitted, this 10th day of December 2021.



Milton Ollerton, Planning Director