

**PLANNING DEPARTMENT
PUBLIC HEARING DECISION MINUTES
FEBRUARY 10, 2021**

CALL TO ORDER: Chair McDonald called the Bonner County Commissioners' hearing to order at 1:30 p.m. in the 3rd floor meeting room, Suite 338 of the Bonner County Administration Building, 1500 Highway 2, Sandpoint, Idaho; by 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; Assistant Planning Director Josh Pilch; Planner II Tessa Vogel; Administrative Manager Jeannie Welter; and Administrative Assistant III Jenna Mickelson

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.

PUBLIC HEARING:

File ZC0014-20 – Zone Change – Joseph & Shawna Huggler are requesting a zone change from Rural-10 to Rural-5. The 20.08 acre property's comprehensive plan designation is Rural Residential. The project is located off Hunter Road in Section 16, Township 54 North, Range 5 West, Boise-Meridian.

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 Tessa Vogel 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 Bradshaw moved to approve this project, FILE ZC0014-20, requesting a zone change from Rural-10 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 Bradshaw 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 Connolly seconded the motion.

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

Ordinance Motion:

MOTION: Commissioner Connolly move 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 16, Township 54 North, Range 5 West, Boise Meridian, Bonner County, Idaho from 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 Bradshaw seconded the motion.

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

ROLL CALL VOTE:

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

Background:

A. Site data:

- Use: Vacant
- Unplatted
- Size: 20.08 acres
- Zone: Rural-10
- Land Use: Rural Residential

B. Access:

- Hunter Road
 - i. 30' wide public (Bonner County) road within a public right-of-way.

C. Environmental factors:

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

- Per Jason Johnson, CFM: *Parcel is within SFHA Zone X, per FIRM panel 16017C1100E, effective date 11/18/2009. No further floodplain review is required on this proposal.*
- Soils –
 - i. Rathdrum-Bonner ashy silt loams, 0-8% slopes
 - 1. Classification: All areas are prime farmland
 - 2. Drainage: Well drained
 - o Kootenai gravelly silt loam, 0-4% slopes
 - 1. Classification: Prime farmland if irrigated
 - 2. Drainage: Well drained

D. Services:

- Water: Individual well
- Sewage: Individual septic
- Fire: Spirit Lake Fire District
- Power: Inland Power & Light

E. Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Land Use & Density
Site	Rural Residential	Rural-10	Vacant timber ground
North	Rural Residential	Rural-10	Vacant timber ground
East	Rural Residential	Rural-10	Vacant timber ground
South	Rural Residential	Rural-10	Vacant timber ground
West	Rural Residential	Rural-5	5 acre lots with houses

F. Standards review: Bonner County Revised Code

- **12-215:** Applications for Zone Changes and Comprehensive Plan Map Amendments, Contents
 - o The application was considered complete and routed to agencies accordingly.
- **12-216:** Evaluation of Amendment Proposals
 - o 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:**
 - o 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. The requested zone change would be in compliance with the comprehensive land use designation.

- **Existing Zoning: BCRC 12-323 Rural District (Rural-10)**
 - 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 of appendix A (private roads) of this title or are absent.
 - Within the floodway.
 - Contain limited access to public services.
- **Proposed Zoning: BCRC 12-323 Rural District (Rural-5)**
 - The proposal is to stay within the Rural zoning district but to rezone from Rural-10 to Rural-5.
 - BCRC 12-323(B): Use of this zone is appropriate in areas designated by the comprehensive plan as follows:
 - BCRC 12-323(B)(2): **R-5** in areas designated rural residential in the comprehensive plan that are already developed at or near the one dwelling 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 due to the proposal not resulting in new impervious surfaces.

H. Agency Review: The application was routed to agencies for comment on **December 08, 2020.**

Bonner County Road & Bridge Department: *No comments.*

Idaho Department of Environmental Quality: *DEQ has no comments for project ZC0014-20.*

Idaho Department of Lands – Sandpoint: no response

Idaho Department of Water Resources: no response

Inland Power & Light: *Inland Power would be the serving utility for this parcel. We supply electric service from Hunter Road.*

Panhandle Health District: *Panhandle Health District (PHD) does not have a comment on the zone change. PHD notes that the application states there is to be individual septic provided for each new lot. PHD has no record of septic approval for the property. We recommend the applicant contact PHD to assess the septic feasibility.*

Spirit Lake Fire District: no response

U.S. Forest Service: no response

**All taxing districts for Bonner County were routed as well.*

I. Public Notice & Comments: The application was routed to property owners within 300' of the subject property for comment on **December 08, 2020**. No public comments were received at the time of the completion of this staff report.

Zone Change Findings of Fact

1. The existing parcel is designated Rural Residential in the comprehensive plan.
2. The site fronts on Hunter Road, a public roadway within a public right-of-way.
3. The entire 20.08 acre parcel is proposed to be rezoned from Rural-10 to Rural-5.
4. Parcels and lots in the vicinity are zoned Rural-5 and Rural-10 with a comprehensive plan designation of Rural Residential and are either vacant or developed with residential uses.
5. The site is within the boundaries of the Spirit Lake Fire District and is to be served by individual septic, individual well, and Inland Power & Light.
6. A land division application with Bonner County will be required for the proposed land division of creating four, five (5) acre lots.
7. The parcel does not feature slopes, wetlands, or surface water.

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.

The Chair declared the hearing adjourned at 1:41 p.m.

Respectfully submitted, this 10th day of February, 2021



Milton Ollerton, Planning Director