



Bonner County

Board of Commissioners

Jeff Connolly

Daniel McDonald

Steve Bradshaw

Public Hearing Minutes

Planning

Date: January 4, 2023
Location: 1500 Hwy 2, Suite 338
Sandpoint, ID 83864

CONVENE AT: 1:05 p.m.

ADJOURN AT: ____ p.m.

COMMISSIONERS PRESENT: Connolly, Bradshaw & McDonald

OTHERS PRESENT: Planning Staff: Jake Gabell, Jenna Crone, Daniel Britt, Attorney – Bill Wilson

Commissioner McDonald opened the hearing at 1:00 p.m.

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

Action Item: Discussion/Decision Regarding File V0015-22 – Variance – Anderson. The applicants are requesting a lot size minimum variance for the creation of two lots under the minimum required 5 acres. The parcel is 5.66 acres, and the property is zoned Rural 5. The project is located off Highway 2 in Section 26, Township 57 North, Range 3 West, Boise-Meridian. On November 21, 2022, the Planning Department received a letter of appeal requesting this file be sent to the Board of County Commissioners to be heard de novo.

Planning Department Comment:

Staff report presented by Swati Rastogi (see attached staff report).

Applicant Comment:

Corey Anderson – Owner, gave a brief history of the file. Scott Comfort, owner's rep (Sewell) presented a powerpoint which gave file details, history, Carr Creek Rd alignment, overview of site, and reasoning behind appeal.

Commissioner Connolly commented on the properties gradient. Commissioner McDonald clarified some information provided by the applicant, particularly the cutbank (realignment) and access to parcels that do not exist. Also commented specifically to the zoning, as the applicant is requesting acreage substantially under the current zoning.

Public Comment:

Dan Blood - neutral

Planning Department Rebuttal:

Commissioner McDonald asked Swati if they could place some terms and conditions regarding Carr Creek rd. and the reroute. Commissioners Connolly and McDonald both agree that the road conveyance needs to be complete prior to this board moving forward. Commissioner McDonald asked what Planning Staff's recommendations are at this point. Commissioner Connolly stated that a ZC would have probably been more appropriate due to the size of the neighboring properties.

Applicant/Appellant Rebuttal – Referred to the Record of Survey and asked if there was a way to move forward with a conditional variance. The commissioners asked questions that referred back to the original presentation by the applicant's rep.

Public comment closed at 2:03 p.m.

Commissioner Deliberation:

Commissioner Connolly stated that he just does not think a variance is the way to approach this, feels that the situation requires a zone change and he has concerns regarding the road. Commissioner Bradshaw asked how difficult it would be for them to complete a ZC. Commissioners went back and forth regarding what was appropriate and what was not appropriate.

MOTION TO AFFIRM THE HEARING EXAMINER'S DECISION: Commissioner Connolly made a motion to affirm the Hearing Examiner's decision (deny the proposed variance request) on this project FILE V0015-22, requesting for the creation of a 1.54-acre parcel and a 3.06-acre parcel where the minimum required lot size is 5-acres, based upon the following conclusions: Site conditions do apply to neighboring lots and the request is needed based on actions of the owner. The topographical conditions are not sufficient grounds for the creation of two separate lots. The highway easement would likely alter the size of neighboring properties, not the subject parcel alone. In addition, the granting of this proposal would prove to be inconsistent with the Bonner County Revised Code per BCRC 12-342 (C). 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 adopt the following findings of fact and conclusions of law as written in this staff report or as amended during this hearing. This action does not result in a taking of private property. The action that could be taken, if any, to obtain the variance is to:

- 1) File a new application with the Planning Department and meet the standards required by Bonner County Revised Code; or
- 2) Appeal the Bonner County Commissioners decision to the courts.

Commissioner Bradshaw seconded the motion. Roll Call Vote: Commissioner McDonald – Aye. Commissioner Connolly – Aye. Commissioner Bradshaw – Aye. All in favor. The motion passed.

CANCELLED -Action Item: Discussion/Decision Regarding File VS0003-22 – Blue Diamond Road – Title 40 Vacation. The county is requesting to vacate a portion of Blue Diamond Road, a public Right-of-Way, under Title 40 of Idaho Code. The project is located near Cavanaugh Bay Road in Section 22 and 27, Township 60 North, Range 4 West, Boise-Meridian.

The meeting was adjourned at 2:10 p.m.

Deputy Clerk: Jessi Reinbold