

**PLANNING DEPARTMENT/BOARD OF COUNTY COMMISSIONERS
PUBLIC HEARING DECISION MINUTES
OCTOBER 12, 2022**

CALL TO ORDER: Chair McDonald called the Bonner County Commissioners' hearing to order at 1:30 p.m. in the 3rd Floor Conference Room of the Bonner County Administration Building, 1500 Highway 2, Sandpoint, Idaho, via Zoom webinar, and YouTube live streaming.

PRESENT: Chair Dan McDonald, and Vice Chair Steve Bradshaw

ABSENT: Jeff Connolly

ALSO PRESENT: Planning Director Jacob Gabell; Senior Planner Swati Rastogi and Hearing Coordinator Jenna Crone.

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.

File AM0007-22, Text amendment and Map Adoption. The County is requesting an update to BCRC 12-310, 12-311, 12-312, and 12-313 updating the procedures for maintaining the Bonner County Zone Map. This change moves the official zone map to digital format on the County website consistent with upgrades to technology. This includes adopting a new zone map showing all the changes that have been approved by ordinance since 2010.

STAFF PRESENTATION: Planning Director Jacob Gabell presented a PowerPoint summary of the project and previously circulated staff report, concluding this project is consistent with Bonner County Revised Code.

PUBLIC/AGENCY TESTIMONY: None

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

MOTION TO APPROVE: Commissioner Bradshaw moved to approve this FILE AM0007-22 to amend the sections of Title 12, Bonner County Revised Code, as presented or amended in this hearing, finding that it is in accord with the general and specific objectives of the Bonner County Comprehensive Plan as enumerated in the following findings of fact and 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 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, have the Chairman sign, and transmit to all interested parties. This action does not result in a taking of private property.

Commissioner McDonald stepped down from Chair and seconded the Motion.

Roll Call Vote:

Commissioner McDonald	AYE
Commissioner Bradshaw	AYE

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

MOTION TO ADOPT ORDINANCE: 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 Title 12, Bonner County Revised Code, as presented or amended in this hearing, and providing for an effective date.

Commissioner McDonald stepped down from Chair and seconded the Motion.

Roll Call Vote:

Commissioner McDonald	AYE
Commissioner Bradshaw	AYE

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

MOTION TO ADOPT OFFICIAL ZONING MAP RESOLUTION: Commissioner Bradshaw moved to approve resolution #2022-81 amending the display, use and replacement of the Official Bonner County Zoning Map.

Commissioner McDonald stepped down from Chair and seconded the Motion.

Roll Call Vote:

Commissioner McDonald	AYE
Commissioner Bradshaw	AYE

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

Findings of Facts:

1. The Board of County Commissioners, per Idaho Code Chapter 65, Title 67, may create by ordinance, development agreements pertaining to zone changes.
2. The Bonner County Planning Department has reviewed the proposed changes against Idaho Code to comply with the Idaho Code, specifically Title 67 Chapter 65.
3. The Board of County Commissioners is authorized by Idaho Code, Chapter 7, Title 31, to adopt ordinances, rules and regulations "...not repugnant to law,

necessary for carrying into effect or discharging the powers and duties conferred by the laws of the state of Idaho, and such as are necessary or proper to provide for the safety, promote the health and prosperity, improve the morals, peace and good order, comfort and convenience of the county and the inhabitants thereof, and for the protection of property therein...”

4. The proposed ordinance making the above changes adds to the clarity intended in the interpretation of the Bonner County Revised Code and Bonner County Comprehensive Plan. These actions will further balance the provision of safety, health and prosperity while maintaining the protection of property, peace, good order, comfort and convenience of the county and its inhabitants.
5. This proposed change provides improvements to the processing of zone changes and reduces administrative burden on planning staff.

Conclusions of Law:

Conclusion 1: The proposed amendments to Title 12 **IS** in accord with Idaho Code, Chapter 7, Title 31.

Conclusion 2: The proposed amendments to Title 12 **IS** in accord with Idaho Code Chapter 67 Title 65.

Conclusion 3: The proposed amendment **IS** in accord with the general and specific objectives of the Bonner County Comprehensive Plan.

File AM0013-22 – Text Amendment – Bonner County Revised Code Title 12 – Bonner County is requesting a text amendment to Bonner County Revised Code, Title 12 to include the following proposed changes:

- 1) 12-211 and 12-216 – Changes to zone change application processing and application contents of an amendment application
- 2) 12-214 – Remove the ability for an amendment application to bypass the planning commission
- 3) 12-223 – Cleanup and clarification for Conditional Use Permit code
- 4) 12-238 – Administrative Variance appeal process update, removal of the 28 day appeal window
- 5) 12-262 – Adding appeal content for Commission and Hearing Examiner files
- 6) 12-612, 12-624, and 12-671 – Modification to the private road standards for family exemptions, boundary line adjustments, and lot line adjustments
- 7) 12-616 – Updates to the Certificate of Compliance
12-642 – Updates to Preliminary Plat content requirements

STAFF PRESENTATION: Planning Director Jacob Gabell presented a PowerPoint summary of the project and previously circulated staff report, concluding this project is consistent with Bonner County Revised Code.

PUBLIC/AGENCY TESTIMONY: The following members of the public spoke on the record: Matt Linscott.

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

MOTION TO APPROVE: Commissioner Bradshaw moved to approve this FILE AM0013-22 to amend the sections of Title 12, Bonner County Revised Code, as presented or amended in this hearing, finding that it is in accord with the general and specific objectives of the Bonner County Comprehensive Plan as enumerated in the following findings of fact and 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 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, have the Chairman sign, and transmit to all interested parties. This action does not result in a taking of private property.

Commissioner McDonald stepped down from Chair and seconded the Motion.

Roll Call Vote:

Commissioner McDonald	AYE
Commissioner Bradshaw	AYE

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

BOARD MOTION TO ADOPT ORDINANCE: 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 Title 12, Bonner County Revised Code, as presented or amended in this hearing, and providing for an effective date.

Commissioner McDonald stepped down from Chair and seconded the Motion.

Roll Call Vote:

Commissioner McDonald	AYE
Commissioner Bradshaw	AYE

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

Findings of Fact:

1. The Bonner County Planning Department has reviewed the proposed changes against Idaho Code and made amendments to better comply with the Idaho Code, specifically Title 67 Chapter 65.

2. The Board of County Commissioners is authorized by Idaho Code, Chapter 7, Title 31, to adopt ordinances, rules and regulations "...not repugnant to law, necessary for carrying into effect or discharging the powers and duties conferred by the laws of the state of Idaho, and such as are necessary or proper to provide for the safety, promote the health and prosperity, improve the morals, peace and good order, comfort and convenience of the county and the inhabitants thereof, and for the protection of property therein..."

The proposed ordinance making the above changes adds to the clarity intended in the interpretation of the Bonner County Revised Code and Bonner County Comprehensive Plan. These actions will further balance the provision of safety, health and prosperity while maintaining the protection of property, peace, good order, comfort and convenience of the county and its inhabitants.

3. This proposed change provides further clarifies the regulations enabling the public and the staff to achieve the best results leading to greater understanding and use of the zoning ordinance.

Conclusions of Law:

Conclusion 1: The proposed amendment **IS** in accord with Idaho Code, Title 31, Chapter 7.

Conclusion 2: The proposed amendment **IS** in accord with Idaho Code Title 67, Chapter 65.

Conclusion 3: The proposed amendment **IS** in accord with all the general and specific objectives of the Bonner County Comprehensive Plan.

The Chair declared the hearing adjourned at 2:13 p.m.