

**PLANNING DEPARTMENT/BOARD OF COUNTY COMMISSIONERS
PUBLIC HEARING DECISION MINUTES
OCTOBER 26, 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, Vice Chair Steve Bradshaw, and Jeff Connolly

ABSENT: None

ALSO PRESENT: Planning Director Jacob Gabell; Senior Planner Swati Rastogi, Planner II Jason Johnson, Planner I Daniel Britt 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 VS0001-22 – Hidden Valley Road – Title 40 Vacation. The petitioner is requesting to vacate a portion of Hidden Valley Road, a public Right-of-Way, under Title 40 of Idaho Code. The property is zoned Agricultural/Forestry 20. The project is located off Pinehaven Rd in Section 12, Township 54 North, Range 5 West, Boise-Meridian.

STAFF PRESENTATION: Planner II Jason Johnson presented a PowerPoint summary of the project and previously circulated staff report, concluding this project is not consistent with Bonner County Revised Code.

APPLICANT REPRESENTATIVE: Jeremy Grimm, Whiskey Rock Planning & Consulting presented a PowerPoint presentation explaining the history of the area and outlining the right-of-way that the petitioners are requesting to vacate.

APPLICANT PRESENTATION: Daniel Strauss, a member of Spirit Valley LLC., explained the issues of trespassing and littering and addressed concerns that his vacation will be restricting access to public lands.

PUBLIC/AGENCY TESTIMONY: The following members of the public spoke on the record: Josiah Thompson, Bill Hurtsberg, Heather Thompson, Wayne Martin, and Matt Linscott.

APPLICANT REPRESENTATIVE REBUTTAL: Jeremy Grimm addressed concerns over restriction to State Lands and reiterated that this right-of-way dead ends at private property.

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

MOTION TO CONTINUE: Commissioner Connolly moved to continue this file to November 9, 2022.

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.

File VS0002-22 – Harris Avenue – Title 40 Vacation. The petitioners are requesting to vacate a portion of Harris Avenue, a public Right-of-Way, under Title 40 of Idaho Code. The property is zoned Suburban. The project is located off Highway 41 in Section 25, Township 56 North, Range 6 West, Boise-Meridian.

STAFF PRESENTATION: Planner II Jason Johnson presented a PowerPoint summary of the project and previously circulated staff report, concluding this project is consistent with Bonner County Revised Code.

APPLICANT REPRESENTATIVE: Steve Srycle, Tri-State Engineers addressed the Commissioners.

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 petition, FILE #VS0002-22, to vacate a portion of Harris Ave., 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 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 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 Connolly seconded the motion.

Roll Call Vote:

Commissioner McDonald	AYE
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Commissioner Connolly AYE
Commissioner Bradshaw AYE

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

Resolution Adoption:

Commissioner Connolly moved to approve resolution #2022-88 vacating a portion of Harris Ave. located as shown on the submitted site plan and legal description.

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.

Findings of Fact:

- The applicant is requesting to vacate a portion of Harris Ave. located adjacent to Parcels RP00540003022AA, RP00540006001AA, RP00540002022AA, RP56N06W251651A, & RP00540001023BA.
- The applicant is requesting to vacate about ~25,600 square feet of an existing Right-of-Way, per GIS estimate.
- 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 supports the proposed vacation.
- Staff has received no comment or feedback opposing the proposed vacation.
- 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 appears to show that this public right-of-way is abandoned. No evidence exists in the record to show that this right-of-way in use.

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 not** 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 **is abandoned** based on the evidence in the record.

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 and appurtenances, and for electric, telephone and similar lines and appurtenances pursuant to Idaho Code §40-203(3).
4. Should the Cedar Park plat not be finalized, the right-of-way areas noted in this application & in the staff report shall be re-dedicated to Bonner County.

File ZC0014-22 – Zone Change – Ag/Forestry 20-acre to Ag/Forestry 10-acre. The applicants are requesting a zone change from Agricultural/Forestry 20-acre to Agricultural/Forestry 10-acre on three separate parcels, two ≈20-acre parcels, and one (1) 19.78-acre parcel, totaling some ≈59.78-acres. The property is currently zoned Agricultural/Forestry 20-acre. The project is located off Magpie Lane in Section 8, Township 58 North, Range 1 West, Boise-Meridian. The Zoning Commission at the September 15, 2022, public hearing recommended approval of the file to the Board of County Commissioners.

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 REPRESENTATIVE: Lance Miller, Surveyor, discussed the Development Agreement that was recommended by the Zoning Commission.

APPLICANT PRESENTATION: Jeff and Susan Bickish explained the reason for the proposed Zone Change is to gift the land to their children and their families.

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

STAFF REBUTTAL: Planner I Daniel Britt discussed the road standards and answered questions from the Commissioners regarding the Development Agreement that was recommended by the Zoning Commission.

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

MOTION TO APPROVE: Commissioner Connolly moved to approve this project, FILE ZC0014-22, requesting a zone change from Agricultural/ Foresty-20 to Agricultural/ Foresty-10, 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, have Chairman sign, and transmit to all interested parties. This action does not result in a taking of private property.

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.

MOTION: Commissioner Bradshaw made a motion to remove the Development Agreement from the Conditions of Approval based on the information presented at this hearing.

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.

Zone Change Ordinance Motion: 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 8, Township 58 North, Range 1 West, Boise Meridian, Bonner County, Idaho from Agricultural/ Forestry-20 to Agricultural/ Foresrty-10, 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.

Roll Call Vote:

Commissioner McDonald	AYE
Commissioner Connolly	AYE
Commissioner Bradshaw	AYE

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

Zone Change Findings of Fact:

1. The property is surrounded by properties zoned Agricultural/Forestry 20-acre.
2. Magpie Lane is an easement accessed off North Center Valley Drive, which is a Bonner County owned and maintained 50' wide right of way.
3. Though Mission Silt loam is classified as a soil of statewide importance the U.S. Department of Agriculture and NCRS does not list the soil as prime agricultural soil as found in Chapter 3 Table 3-2 of the comprehensive plan. The soil is listed as a non-prime farmland soil. According to the comprehensive plan, with proper management of this soil type, the soil can produce ornamental nursery stock as well as small fruits and vegetables.
4. Farming operations appear to be present to the immediately south of the subject property. Staff notes that the farming operations are occurring where mission silt loam soil is present.

5. The site is not situated within a mapped floodway but does contain some sloping 15%+ throughout. The site is not characterized by slopes steeper than 30%.

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.

Chair McDonald called for a recess at 3:31 p.m.

Chair McDonald called the meeting back to order at 3:37 p.m.

AM0012-22, Bonner County Comprehensive Plan – Goals, Objectives and Policies Update. The Bonner County Planning Commission is recommending an update to the existing Bonner County Comprehensive Plan Goals, Objectives and Policies per Idaho Code Section 67-6508, Local Land Use Planning. The Planning Commission at the September 20, 2022, public hearing recommended approval of this file to the Board of County Commissioners.

STAFF PRESENTATION: Senior 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.

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

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

MOTION TO CONTINUE: Commissioner Connolly moved to continue this file to November 3, 2022, at 1:00 p.m.

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.

The Chair declared the hearing adjourned at 4:21 p.m.