



Bonner County

Board of Commissioners

Jeff Connolly

Daniel McDonald

Steve Bradshaw

Public Hearing Minutes Planning

Date: December 21, 2022
Location: 1500 Hwy 2, Suite 338
Sandpoint, ID 83864

CONVENE AT: 1:30 p.m.

ADJOURN AT: 4:53 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 ZC0016-22 – Zone Change. The applicants are requesting a zone change from Rural 5 to Recreation of a 1.25-acre parcel. The parcel is currently zoned Rural 5. The project is located off Luby Bay Road in Section 24, Township 60 North, Range 5 West, Boise-Meridian. The Zoning Commission, at the November 17, 2022, public hearing, recommended approval of this file to the Board of County Commissioners.

Planning Department Comment:

Staff report presented by Erik Beasley (see attached staff report).

Applicant Comment:

None

Public Comment:

None

Commissioner Connolly moved to approve FILE ZC0016-22, requesting a zone change from Rural-5 to Recreation, 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. I further move to adopt the findings of fact and conclusions of law as set forth in the Staff Report (or as amended during the hearing) 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 Bradshaw seconded the motion. Roll

call vote: Commissioner McDonald – Aye, Commissioner Connolly – Aye, Commissioner Bradshaw – Aye. All in favor. The motion passed.

No Ordinance included in BOCC packet, will be approved at a future business meeting.

Action Item: Discussion/Decision Regarding File ZC0012-22 - Zone Change. The applicants are requesting a zone change from Rural-5 to Rural Service Center on 11.8 acres. The property is zoned Rural-5. The project is located off Dufort Road & Vay Road in Section 1, Township 55 North, Range 4 West, Boise-Meridian. The Zoning Commission, at the October 20, 2022, public hearing, recommended approval of this file to the Board of County Commissioners.

Planning Department Comment:

Staff report presented by Daniel Britt (see attached staff report).

Applicant Comment:

Jeremy Grimm – Presented PowerPoint related to file. Bill Wilson asked why there was not a comp. plan amendment as part of this file as per the usual process. Jeremy Grimm stated he did not feel it was necessary due to the nature of the neighboring properties.

Public Comment:

Multiple public comment, for and against, see attached sign in sheets

Public comment was closed at 3:24 p.m.

Applicant Rebuttal:

Jeremy Grimm addressed public concerns regarding this file, reviewed portions of the development agreement, and discussed the term “spot zoning”.

Daniel Britt addressed code, specifically commercial uses in a rural service center zone.

Commissioner Deliberation –

Commissioner Connolly inquired about the lack of a comp. plan amendment (map) and asked Prosecutor Wilson to address spot zoning. Bill Wilson explained his thoughts on spot zoning versus a regular, lawful zone change. Well thought out zone changes are quite obviously in accordance with the comp. plan. Mr. Wilson stated he was apprehensive regarding the lack of an amendment. Commissioner Connolly addressed multiple concerns brought up by the public. Also stated that he feels that a comp plan amendment is necessary and that the development agreement is lacking.

Commissioner Bradshaw asked directly “is this spot zoning, or is it not?” Mr. Wilson responded again by saying a thorough review of the comp. plan against the zone change is needed to make that determination. Commissioner Bradshaw also asked what process the applicant would have to utilize to add housing to the acreage.

Commissioner McDonald addressed multiple public concerns, also stated that he does not feel as if this zone change could be characterized as spot zoning as it seems that planning staff has done a very complete analysis. Commissioner McDonald stated that, like Commissioner Connolly, he feels that the development agreement is incomplete and that the file needs to be remanded back to the Planning Commission, a comp. plan amendment added and the more detail added to the agreement.

Commissioner Bradshaw made a motion to remand this file back to the Planning Department and applicant for completion of a comp. plan amendment and to update the development agreement with more

detail. Commissioner Connolly seconded the motion. Commissioner McDonald – Aye, Commissioner Connolly – Aye, Commissioner Bradshaw – Aye. All in favor. The motion passed.

Action Item: Discussion/Decision Regarding AM0012-22, Bonner County Comprehensive Plan Amendment – Implementation Component: Goals, Objectives and Policies Update. The Bonner County Planning Commission is proposing an update to the existing Bonner County Comprehensive Plan Goals, Objectives and Policies (Implementation Component) per Idaho Code Section 67-6508, Local Land Use Planning. The Planning Commission, at their September 20, 2022, public hearing, recommended approval of this file to the Board of County Commissioners. The Board of County Commissioners are proposing an amendment to the updates as recommended by the Planning Commission.

Planning Department Comment:

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

Applicant Comment:

Planning Department

Public Comment:

Two opposed – Jennifer Eckstrom and Margaret Hall

Commissioner McDonald closed public comment at 4:40 p.m.

Commissioner Connolly moved to approve the recommended updates to the goals, objectives and policies of the Comprehensive Plan, File AM0012-22, as presented or as amended in this hearing, finding that it is in accord with the requirements of Idaho Code §67-6508 and the procedures of Idaho Code §67-6509. This action does not result in a taking of private property. Commissioner Bradshaw seconded the motion. Commissioner McDonald – Aye, Commissioner Connolly – Aye, Commissioner Bradshaw – Aye. All in favor. The motion passed.

Commissioner Bradshaw moved to approve Resolution #2022-111 adopting the recommended updates to the goals, objectives and policies of the Comprehensive Plan and repealing the previously adopted goals, objectives and policies in the Implementation Section. Commissioner Connolly seconded the motion. Commissioner McDonald – Aye, Commissioner Connolly – Aye, Commissioner Bradshaw – Aye. All in favor. The motion passed.

Action Item: Discussion/Decision Regarding File AM0017-22 Bonner County Comprehensive Plan – Components Update – Community Design. The Bonner County Planning Commission is recommending an amendment to the existing Bonner County Comprehensive Plan by addition of the Community Design Component, per Idaho Code Section 67-6508, Local Land Use Planning. The Planning Commission, at their November 15, 2022, public hearing, recommended approval of this amendment to the Board of County Commissioners.

Planning Department Comment:

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

Applicant Comment:

Planning Department

Public Comment:

None

Commissioner Bradshaw moved to amend the recommended adoption to the Community Design component of the Comprehensive Plan, as discussed during this hearing and direct the Planning Staff to present the amended recommendation in a future public hearing with further notice in accord with the procedures set forth in Idaho State Code Section 67-6509. This action does not result in a taking of private property. Commissioner Connolly seconded the motion. Commissioner McDonald – Aye, Commissioner Connolly – Aye, Commissioner Bradshaw – Aye. All in favor. The motion passed.

The meeting was adjourned at 4:53 p.m.

Deputy Clerk: Jessi Reinbold