

**PLANNING DEPARTMENT
BOARD OF COUNTY COMMISSIONERS' MINUTES
APRIL 29, 2022**

CALL TO ORDER: Chair McDonald called the Bonner County Commissioners' hearing to order at 10:00 a.m. in the 3rd floor meeting room, Suite 338 of the Bonner County Administration Building, 1500 Highway 2, Sandpoint, Idaho, via Zoom webinar, and YouTube live streaming.

PRESENT: Commissioners Chair Dan McDonald; and Jeff Connolly

ABSENT: Commissioner Bradshaw

ALSO PRESENT: Planning Director Milton Ollerton; Assistant Planning Director Jacob Gabell; Planner I Daniel Britt; and Hearing Coordinator

PUBLIC HEARING:

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.

File ZC0012-21 – Zone Change Rural-10 to Rural-5 – Mirror Lake, LLC is requesting to rezone the property from Rural-10 to Rural-5. The parcel, RP55N03W051500A is approximately 60 acres located in the Rural Residential land use designation in the comprehensive plan. The project is located just past the start of Jewell Lake off Jewell Lake Road in a portion of Section 5, Township 55 North Range 3 West, Boise-Meridian. The Planning & Zoning Commission, at the May 27, 2021 public hearing, recommended denial of this file to the Board of County Commissioners. The Board of County Commissioners, at the July 14, 2021 public hearing approved this file. Affected neighbors initiated a legal challenge of the Board's decision, and both parties later agreed to remand the matter back to the Board for an additional hearing.

CONFLICT OF INTEREST/DISCLOSURE DECLARATIONS: The Chair requested the Commissioners declare any conflicts of interest or disclosures. Commissioner Connolly and Commissioner McDonald disclosed they have both received campaign money from the applicant.

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 PRESENTATION: Jake Weimer, representing Mirror Lake LLC., went over conclusions made by Planning Staff regarding the topography and criteria of the property.

APPELLANT REPRESENTATION: Norm Semanko, Attorney, discussed findings and conclusions of the Staff Report regarding the slope of the property.

PUBLIC/AGENCY TESTIMONY: The following members of the Public spoke on the record: Keith Johnson and Sheldon Lynne.

APPLICANT REBUTTAL: Jake Weimer addressed concerns brought up during Public Comment regarding property values and slope.

STAFF REBUTTAL: Planning Director Milton Ollerton addressed definitions and terms from the Revised Code. Planner I Daniel Britt addressed comments made by the public regarding zoning and slope of surrounding properties.

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 ZC0012-21, 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 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 McDonald stepped down from the Chair and seconded the Motion.

Roll Call Vote

Commissioner McDonald Aye
Commissioner Connolly 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 5, Township 55 North, Range 3 West, Boise Meridian, Bonner County, Idaho from Rural-10 to Rural-5, and providing for an effective date. I further move to authorize the Chair to sign the official supplementary zoning map upon publication of the ordinance.

Commissioner McDonald stepped down from the Chair and seconded the Motion.

Roll Call Vote

Commissioner McDonald Aye
Commissioner Connolly Aye

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

Zone Change Findings of Fact:

1. The site is in an area designated Rural Residential in the comprehensive plan and is adjacent to areas that already developed at or near the one dwelling per 5-acre density requirements.
2. The site has access from Jewel Lake Road a Bonner County owned and maintained gravel travel way.
3. The site is proposed to be served by individual septic and individual well.
4. The site is within the boundaries of the Selkirk Fire District.
5. The parcels are not within a mapped floodplain or floodway.
6. The parcels do not contain any mapped surface water or wetlands.
7. These parcels are near other parcels that are at or below the proposed zoning of Rural-5.
8. Two soil types are present on the parcels, both are classified as not prime farmland
9. Slopes are a trait of the proposal, but the properties are not characterized by slopes of greater 30%.
10. Since Selkirk Fire did not comment, the conclusion is that they will provide fire protection.
11. Concerns for wildlife were not a concern as no local, state or federal agency provided comment.
12. Traffic counts on Jewel Lake Road, per Bonner County Road and Bridge Department, indicated that it could accommodate additional traffic impacts.

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 11:30 a.m.

Respectfully submitted, this 10th day of May 2022,



Milton Ollerton, Planning Director