

**PLANNING DEPARTMENT
BONNER COUNTY COMMISSIONERS' DECISION MINUTES
MAY 11, 2022**

CALL TO ORDER: Chair McDonald called the Bonner County Commissioners' hearing to order at 1:30 p.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; Steve Bradshaw and Jeff Connolly

ABSENT:

ALSO PRESENT: Planning Director Milton Ollerton; Assistant Planning Director Jacob Gabell; Planner I Daniel Britt; Planner II Jason Johnson, Civil Attorney Bill Wilson, and Hearing Coordinator Jenna Crone

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.

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 AM0006-22 – Text Amendment – Bonner County Revised Code Title 12 – Bonner County. The County is requesting a text amendment to Bonner County Revised Code, Title 12, adding Section 218 CONDITIONAL ZONING DEVELOPMENT AGREEMENTS.

STAFF PRESENTATION: Planning Director Milton Ollerton presented a PowerPoint summary of the project and previously circulated staff report.

PUBLIC/AGENCY TESTIMONY: The following members of the public spoke on the record: Jonna Plante; Susan Bowman; Susan Drumheller; Dave Bowman; and Jeremy Grimm.

STAFF REBUTTAL: Bill Wilson addressed comments made by the public.

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 project FILE AM0006-22 to amend Title 12, Bonner County Revised Code, adding Section 218

Conditional Zoning Development Agreements 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 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.

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

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:

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 further clarifying standards relating to zone change requests in Bonner County consistent with the Comprehensive Plan.

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 zone change IS in accord with the Bonner County comprehensive plan. (See attached comprehensive plan goals, objectives and policies.)

Property Rights	•Population	•School	Facilities,
Transportation			
•Economic Development	•Land Use	•Natural Resources	
•Hazardous Areas	•Public Services	•Transportation	
•Recreation	•Special Areas or Sites	•Housing	
•Community Design	•Implementation		

File AM0003-22 - Adams, Comprehensive Plan Map Amendment from Ag/Forest to Rural Residential. The applicants are requesting a Comprehensive Plan Map Amendment from Agricultural/ Forestry Land to Rural Residential to correct the split land designation. The parcel is 56.64 acres. The property is zoned A/F-20 and Rural-5. The project is located off Kelso Lake Road in Section 3, Township 54 North, Range 4 West, Boise-Meridian. The Planning Commission, at the April 19, 2022 public hearing, recommended approval of this 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 REPRESENTATION: Glen Cash shared the plan for the property and the reasons for the zone change.

PUBLIC/AGENCY TESTIMONY: The following members of the public spoke on the record: Dave Bowman; Susan Bowman

STAFF REBUTTAL: Planner I Daniel Britt pointed out that the file was compared against the Comprehensive Plan.

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 project, FILE AM0003-22, for a comprehensive plan map amendment from Agricultural/ Forestry Land and Rural Residential to Rural Residential, 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 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 Chairman sign, and transmit to all interested parties. This action does not result in a taking of private property.

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.

Comprehensive Plan Map Resolution Adoption:

Commissioner Connolly moved to approve resolution # 2022-40 amending the Bonner County Projected Land Use Map.

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.

Comprehensive Plan Amendment Findings of Fact

- The parcel is not characterized by slopes steeper than 30%.
- Kelso Lake Road is a Bonner County owned and maintained gravel travel way.
- Critical wildlife habitats were not identified by any agency.
- An individual well and septic system are currently on the property.
- The parcel is within the Spirit Lake Fire District.
- Law enforcement service is provided by Bonner County Sheriff.
- Agricultural use can be pursued and are viable in the Rural Residential designation.
- Residential development is possible on the parcel.

Comprehensive Plan Amendment 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		

Conclusion 2

This proposal was reviewed for compliance with Title 12, Bonner County Revised Code, and is found to be in compliance.

Conclusion 3

The proposal is in accord with the purpose of the Recreational zoning district, provided at Chapter 3, Title 12, Bonner County Revised Code.

File AM0025-21 - Comprehensive Plan Map Amendment – Lund. The applicants are requesting a Comprehensive Plan Land Use Designation Change from Rural Residential to Transition for a 5.3 acre parcel. The property is zoned Rural 5. The project is located on Highway 95 north of Dufort Road in Section 29, Township 56 North, Range 2 West, Boise-Meridian. The Planning Commission, at the April 19, 2022 public hearing, recommended approval of this file to the Board of County Commissioners.

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: Jeremy Grimm presented a PowerPoint presentation (Exhibit A) with an overview of the property's current Comprehensive Plan Designation and the designation of similar properties in the surrounding area.

PUBLIC/AGENCY TESTIMONY: None.

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 AM0025-21, for a comprehensive plan amendment from Rural Residential to Transition, 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.

Comprehensive Plan Map Resolution Adoption:

Commissioner Bradshaw moved to approve resolution # 2022-41 amending the Bonner County Projected Land Use Map.

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.

Comprehensive Plan Amendment Findings of Fact

- The parcel is unplatted and ~5.3 acres in total size.

- The property has direct access onto Highway 95.
- Per the submitted application, the eastern portion of parcel (where the buildings sit) is flat. The parcel begins to slope down towards the lake approximately 15' west of the westernmost commercial building. The slope on the parcel is estimated to be between 15-29%.
- The parcel contains mapped wetlands near and adjacent to Algoma Lake. (USFWS)
- The parcel is within SFHA Zone X and Zone A, per FIRM Panel 16017C0950E Effective Date 11/18/2009. This is not a proposal for development as defined in BCRC Title 14. No further floodplain review is required on this proposal.
- The soil types on the parcel are mostly considered prime farmland or prime farmland if irrigated.
- An individual well and septic system are present on the site.
- The parcel is served by Selkirk Fire, Northern Lights (per application), and Bonner School District #84.
- The area of the parcel mapped as having prime farmland soils is the area currently developed with a single-family home and four commercial storage buildings as well as graveled driveways and parking areas for both the home and the storage buildings.
- Because of the existing development, the area mapped as having prime farmland soil is not currently usable for farming.
- Putting any of the prime farmland soils on this parcel to agricultural use would require the demolition of development currently located on the parcel.
- The parcel in question is immediately to the north of four commercially zoned properties along Highway 95.

Comprehensive Plan Amendment 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	

Conclusion 2

This proposal was reviewed for compliance with Title 12, Bonner County Revised Code, and is found to be in compliance.

Conclusion 3

The proposal is in accord with the Transition Land Use Designation.

Chair McDonald Recessed the hearing at 3:00 pm

Chair McDonald resumed the hearing at 3:05 pm

File MOD0001-22 Modification of CUP0006-20 – The Idaho Club North Lake PUD.

The applicant is requesting to modify an approved conditional use permit for a large-scale mixed use planned unit development (PUD) for the following: 1) Combining the three 10,000 sq ft boat storage units into one 30,000 sq ft unit. 2) Relocating the community drain field and 3) relocating 33 and adding 5 parking spaces. The modification is limited to these specific items. The property is zoned Recreation. The project is located off N. Park Rd. and Highway 200 in Section 16/17, Township 57 North, Range 1 East, Boise-Meridian. The Zoning Commission, at the April 21, 2022 public hearing, recommended approval of this file to the Board of County Commissioners.

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

APPLICANT REPRESENTATIVE: Scott Brown, Sewell and Associates, presented a PowerPoint presentation (Exhibit A) discussing the current project status and proposed modifications.

PUBLIC/AGENCY TESTIMONY: The following members of the public spoke on the record: Whitney Palmer; Diane Factor; Brad Smith; Molly McCahon; Susan Drumheller, and Arrow Vonellis.

APPLICANT REBUTTAL: Scott Brown, Sewell and Associates, addressed comments made by the public regarding setbacks from the creek.

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 project FILE MOD0001-22 Modification of the approved file CUP0006-20 Idaho Club North Lake PUD 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 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.

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

1. The boat storage was originally approved for three (3) 10,000 square foot buildings. The modification will combine the three buildings into one 30,000 square foot structure.
2. The new boat storage building will decrease impervious surface a total of 3,060 square feet.
3. The decrease and combining of impervious surfaces will improve the ability to address stormwater accumulation and treatment.
4. The approved community drain field is relocating 300 feet to the south and an additional 160 feet from the artificial ordinary high water mark.
5. 38 spaces approved along the railroad tracks are trading location with a portion of open space next to Lot 5 of the proposed subdivision.
6. All other conditions of the original approval remain in effect.

Conclusions of Law:

Based upon the findings of fact, the following conclusions of law are adopted:

Conclusion 1

The proposed modification is in accordance with the requirements for the original permit application.

Conditions of approval:

Standard continuing permit conditions. To be met for the life of the use:

- A-1** The modifications shall be developed and shall be operated in accordance with the approved site plan.
- A-2** The modifications shall be tied to the issuance of the original PUD and follow its approval and expiration dates.
- A-3** The applicant shall install prior to ground disturbing activities all temporary erosion control measures as designed and approved. The applicant shall provide to the Planning Department prior to ground disturbing activities a signed statement from the project engineer or design professional stating that

these measures have been installed as per the design specifications as approved. The applicant shall install upon completing ground disturbing activities and shall maintain thereafter all permanent erosion control and stormwater management measures as designed and approved. The applicant shall provide to the Planning Department upon completing ground disturbing activities a signed statement from the project engineer or design professional stating that these measures have been installed as per the design specifications as approved.

- A-4** Include maintenance of the stormwater basins, open space and landscaping in the CC&R's of the subdivision "A Replat of Lots 1 and 2 of The Idaho Club North Lake and Unplatted Parcels" following BMP's regarding stormwater and erosion control measures.

The Chair declared the hearing adjourned at 3:51 p.m.

Respectfully submitted, this 27th day of May 2022,



Milton Ollerton, Planning Director