

**PLANNING DEPARTMENT  
BONNER COUNTY COMMISSIONERS' DECISION MINUTES  
MAY 4, 2022**

**CALL TO ORDER:** Chair McDonald called the Bonner County Commissioners' hearing to order at 1:30 p.m. in the 3<sup>rd</sup> 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:** Steve Bradshaw

**ALSO PRESENT:** Planning Director Milton Ollerton; Assistant Planning Director Jacob Gabell; Planner I Daniel Britt; 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.

**File ZC0028-21 – Zone Change - A/F-20 to A/F-10 Don & Julie Skinner and James & Diane Otis** are requesting a Zone change from A/F-20 to A/F-10. The project is located off Colburn Culver Road, Rapid Lightning Road, Lower Pack River Road and Red Cedar Lane in Section 14,23,24,25,26 Township 58 North, Range 1 West, Boise-Meridian. The Bonner County Commissioners at the February 9, 2022 public hearing approved this project. On February 23, 2022 the Planning Department received a request asking the Board of County Commissioners to reconsider their final written decision dated February 10, 2022. The Board to County Commissioners at the March 22, 2022 public meeting voted unanimously to approve a reconsideration hearing to be held on April 20, 2022, to deliberate and determine that particular consideration has been given to the effect of the proposed zone change on the delivery of services by any political subdivision providing public service, including school districts.

**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.

**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.

**RECONSIDERATION APPLICANT REPRESENTATION:** Preston Carter, Attorney representing Keep Bonner County Rural presented a PowerPoint (Exhibit F) noting important points for consideration and impact on public services.

**AGENCY COMMENT:** Vernon Ruth - Northside Fire Commissioner for District 3 read a statement addressing the potential impact of proposed Zone Change. He stated that if projecting for the minimum and maximum range of the proposed zone change buildout, it would represent roughly 2% or 25 calls added to the responses.

**LANDOWNER APPLICANT REPRESENTATION:** John Finney, Attorney for the Landowner, shared the reason for the requested zone change.

**PUBLIC/AGENCY TESTIMONY:** The following members of the public spoke on the record: Nathan Wood; Kristina Kingsland; Don Holland; Patrick Myers; Susan Drumheller; Maureen Paterson; Asia Williams; Dan Rose; Maria Alvergato; Sheryl Kins; Dave Bowman; Susan Bowman; Christine Logue; Jeremy Grimm; Theresa Hiesener; and Jonna Plante.

**RECONSIDERATION APPLICANT REBUTTAL:** Preston Carter, Attorney, requested the reconsideration be approved and the landowner reapply with more information.

**STAFF PRESENTATION:** Milton Ollerton spoke on Public Comments regarding Idaho Transportation Department not being notified for this file.

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

Commissioner Connolly moved to deny the request for reconsideration and uphold the Board's previous decision approving project file ZC0028-21. This motion is based on the Board's previous decision approving the file, new evidence and testimony presented at this hearing, and for the reasons stated during deliberations. I further move to adopt findings of fact and conclusions of law consistent with this motion and which reflect the deliberations made at this hearing, direct planning staff to draft those findings for signature by the Chairman, then transmit them to all interested parties. This action does not result in the taking of private property.

Commissioner McDonald stepped down from Chair to second the Motion.

**Roll Call Vote:**

<b>Commissioner McDonald</b>	<b>Aye</b>
<b>Commissioner Connolly</b>	<b>Aye</b>

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

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## Zone Change Findings of Fact

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- The parcels are comprehensive planned Agricultural/ Forestry Land.
- Prime agricultural soils are found on the parcels, however no one parcel is characterized by prime soils.
- Slopes are present and are mostly 15-29% grade with isolated areas that are 30% or greater.
- The parcels contain surface water, wetlands, floodplains, or floodways.
- Agricultural and forestry activities remain viable.
- The parcels are not within in area of city impact.
- Parcels have access to a standard road system. Road & Bridge analyst revealed that the roads in the area can accommodate additional traffic.
- Services are an individual well and septic system.
- Corridors exist for wildlife to travel through. Idaho Fish & Game comments regarding the zone change were not relevant but could be if future development were to occur.
- Utilities are provided by Northern Lights. Northern light has the capacity to provide service.
- Panhandle Health District will have to be contacted for septic if development is to occur.
- Lake Pend Oreille School District has the ability to provided additional classroom space in the future if needed.
- Lake Pend Oreille School Transportation will be able to provide transportation for students if ridership were to increase in the future.
- DEQ does not know the impacts at this time as a zone change is not a proposal for development.
- Northside Fire District provides fire protection and is not able to determine any impacts to the area until a proposal for development has been submitted.

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## Zone Change Conclusions of Law:

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**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  
Community Design  
Land Use  
Public Services  
Special Areas or Sites

Population  
Implementation  
Natural Resources  
Transportation  
Housing

School Facilities Transportation  
Economic Development  
Hazardous Areas  
Recreation

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 Agricultural/ Forestry zoning district, provided at Chapter 3, Title 12, Bonner County Revised Code.

Conclusion 4

The proposal **is not** shown to have effects of the delivery of services by any political subdivision providing public service, including school districts.

Conclusion 5

The proposal is in accord with Idaho State Statute Title 67, Chapter 65, 67-6511, an evaluation was done and determined that consideration was given to the effects of services by any political subdivision providing public service, including school districts.

The Chair declared the hearing adjourned at 3:39 p.m.

Respectfully submitted, this 18<sup>th</sup> day of May 2022,



Milton Ollerton, Planning Director