

**BONNER COUNTY COMMISSIONERS'
PUBLIC HEARING DECISION MINUTES
June 8, 2022**

CALL TO ORDER: Vice Chair Bradshaw 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: Vice Chair Steve Bradshaw; and Jeff Connolly

ABSENT: Chair Dan McDonald

ALSO PRESENT: Interim Planning Director Jacob Gabell; Planner I Swati Rastogi; Planner I Daniel Britt; and Hearing Coordinator Jenna Crone.

PUBLIC HEARINGS:

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 AM0004-22 - Text Amendment to BCRC 12-341, General Provisions for Nonconforming Uses and Structures. The applicants are requesting a Text Amendment to BCRC 12-341, proposing a provision for accumulated expansion by up to ten percent (10%) of a commercial, industrial or public use set forth in BCRC 12-333 and table 3-3, BCRC 12-334 and table 3-4, BCRC 12-335, or structures in any zoning district that was established prior to November 18, 2008. The applicants are also requesting that natural material resource-based uses, operating under an approved Idaho Department of Lands Reclamation plan, and set forth in BCRC 12-336 and table 3-6, non-conforming uses existing at/on November 11, 2008 be approved to have a provision to expand within the parcel boundaries. The Planning Commission, at the May 17, 2022 public hearing, recommended denial of this file to the Board of County Commissioners. **This File will be continued on Thursday, June 23, 2022.**

Commissioner Connolly made a Motion to continue the File AM0004-22 to Thursday June 23, 2022.

Commissioner Bradshaw stepped down from the Chair and Seconded the Motion.

Roll Call Vote

Commissioner Connolly AYE
Commissioner Bradshaw AYE

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

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 AM0005-22 - Comprehensive Land Use Plan Map Amendment – Manfred. The applicants are requesting a comprehensive land use plan map amendment from Rural Residential to Resort Community. The property is zoned Rural 5-acre. The project is located off Golf Estates Drive in Section 24, Township 60 North, Range 5 West, Boise-Meridian. The Planning Commission, at the May 17, 2022, public hearing, recommended approval of this file to the Board of County Commissioners.

STAFF PRESENTATION: Planner I Swati Rastogi presented a summary of the project and previously circulated staff report, concluding this project is consistent with Bonner County Revised Code.

APPLICANT PRESENTATION: None

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 AM0005-22, requesting a comprehensive land use plan map amendment from Rural Residential to Resort Community, 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 the Chairman sign, and transmit to all interested parties. This action does not result in a taking of private property.

Commissioner Bradshaw stepped down from Chair and seconded the Motion.

Roll Call Vote

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 # 2022-46 amending the Bonner County Projected Land Use Map.

Commissioner Bradshaw stepped down from Chair and seconded the Motion.

Roll Call Vote

Commissioner Connolly AYE
Commissioner Bradshaw AYE

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

Comprehensive Land Use Plan Map Amendment – Findings of Fact

1. The subject property is in the Rural Residential comprehensive land use plan designation.
2. The site does not contain slopes over 30% or greater.
3. The site contains two (2) soil types, Andic Humidepts-Humic Udivitrands-Pearsoncreek families (not prime farmland, well drained) and Glacier-Humic Udivitrands-Pearsoncreek families (not prime farmland, moderately well drained).
4. The site is served by Golf Estates Drive, a privately owned and maintained road.
5. The site is in mapped floodplain zone D but is not in a mapped floodplain zone A or AE or floodway.
6. Per the applicant, the site will be served by an individual well and Kallspeil Sewer District and West Priest Lake Fire District.
7. Properties to the immediate south of the subject parcel are in the Resort Community comprehensive land use plan designation.

Comprehensive Land Use Plan Map 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 Community Design Land Use	Population Implementation Natural Resources	School Facilities, Transportation Economic Development Hazardous Areas
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Public Services
Special Areas or Sites

Transportation
Housing

Recreation
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 Resort Community comprehensive land use plan designation.

File ZC0001-22 – Bliss – Zone Change. The applicant is requesting a zone change from Rural 10-acre to Rural 5-acre on a ≈10-acre parcel. The project is located off Dry Creek Road and Paradox Road in Section 6, Township 55 North, Range 5 West, Boise Meridian, Bonner County, Idaho. The Zoning Commission, at the May 5, 2022, public hearing, recommended approval of this file to the Board of County Commissioners.

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

APPLICANT PRESENTATION: Stan Hall, applicant’s partner, addressed questions from the Commissioners regarding access to the property.

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 ZC0001-22, 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 the Chairman sign, and transmit to all interested parties. This action does not result in a taking of private property.

Commissioner Bradshaw stepped down from Chair and seconded the Motion.

Roll Call Vote

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 6, Township 55 North, Range 5 West Boise Meridian, Bonner County, Idaho from RURAL 10-acre to RURAL 5-acre, 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 stepped down from Chair and seconded the Motion.

Roll Call Vote

Commissioner Connolly AYE
Commissioner Bradshaw AYE

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

FINDINGS OF FACT:

1. The site's Comprehensive Plan land use designation is Rural Residential which permits Rural-10 and Rural-5 zoning districts.
2. The site does not contain steep slopes over 30% or greater.
3. The site contains one soil type, Bonner gravelly ashy silt loam which is characterized as prime farmland soil.
4. The site is served by Paradox Road, a road that is not owned nor maintained by Bonner County.
5. The site is not situated within a mapped floodplain zone A or AE or floodway.
6. The site is served by an individual well and septic system, West Pend Oreille Fire District and Avista Utilities for power
7. Properties north of the subject parcel are zoned Rural 5-acre and directly north of the property are developed at one dwelling unit per 5-acre density.

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
Community Design
Land Use
Public Services
Special Areas or Sites

Population
Implementation
Natural Resources
Transportation
Housing

School Facilities, Transportation
Economic Development
Hazardous Areas
Recreation
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 **RURAL-5** zoning district, provided at Chapter 3, Title 12, Bonner County Revised Code.

File ZC0040-21 – Zone Change – Rural Service Center to Industrial – Kline. The applicant is requesting a zone change from Rural Service Center to Industrial. The ~3.3-acre property is located off Highway 95 in Section 5, Township 55 North, Range 2 West, Boise-Meridian. The Zoning Commission at the May 5, 2022, public hearing, recommended approval of this file to the Board of County Commissioners.

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

APPLICANT PRESENTATION: Tom Kline, applicant, gave a history of the property and what his plans are for the property.

APPLICANT REPRESENTATIVE: Travis Haller, Glahe and Associates, gave a presentation on the Industrial Use Table and Industrial Zoning.

PUBLIC/AGENCY TESTIMONY: The following members of the public spoke on the record: Anna Hammett.

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

- During deliberation the Commissioners agreed to request a Conditional Agreement to limit potential impact on the neighboring properties.

Commissioner Connolly made a motion to continue File ZC0040-21 to July 13, 2022, at 1:30 p.m.

Commissioner Bradshaw stepped down from the Chair and Seconded the Motion.

Roll Call Vote

Commissioner Connolly AYE
Commissioner Bradshaw AYE

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

The Chair declared the hearing adjourned at 2:34 p.m.

Respectfully submitted, this 22ND day of June 2022,



Jacob Gabell, Interim Planning Director