

**PLANNING DEPARTMENT
PUBLIC HEARING DECISION MINUTES
JULY 13, 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: Chair Dan McDonald; Vice Chair Steve Bradshaw

ABSENT: Commissioner Jeff Connolly

ALSO PRESENT: Interim Planning Director Jacob Gabell; Planner I Chad Chambers; Planner I Erik Beasley; Civil Attorney Bill Wilson; Hearing Coordinator Jenna Crone; and Administrative Assistant III Alysha Poteet

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 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.

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: 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 REPRESENTATIVE: Travis Haller, Applicant Representative, discussed the development agreement and the encroachment permit that was issued by the Independent Highway District (Exhibit A).

PUBLIC/AGENCY TESTIMONY: NONE

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 ZC0040-21, requesting a zone change from Rural Service Center to Industrial, 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 made a motion to approve the develop agreement as amended at this meeting 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 McDonald stepped down from the Chair and seconded the motion.

Roll Call Vote

Commissioner McDonald	AYE
Commissioner Bradshaw	AYE

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

Zone Change Ordinance Motion: Roll Call Vote

Commissioner Bradshaw 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 29, Township 58 North, Range 1 West, Boise Meridian, Bonner County, Idaho from Rural Service Center to Industrial, and providing for an effective date. Commissioner Bradshaw further moved 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 Bradshaw	AYE

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

Zone Change Findings of Fact

- The property is in the Transition comprehensive land use plan designation As per Bonner County Revised Code, Industrial zoning district is suitable for areas with this land use designation.
- The parcel is directly accessed by US Highway 95.
- The parcel does contain slopes between 15% to 29%.
- The parcel is in the Sagle Fire Taxing District
- The parcel is served by an individual well and septic system.
- Power is provided from Northern Lights Inc.

Zone Change 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 Industrial Zoning zoning district, provided at Chapter 3, Title 12, Bonner County Revised Code.

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 Industrial Zoning zoning district, provided at Chapter 3, Title 12, Bonner County Revised Code.

File ZC0006-22 - Taber, Stelzmler, Schwertner - Zone Change A/F-20 to A/F-10. The applicants are requesting a zone change from Agriculture/ Forestry-20 to Agriculture/ Forestry-10 to allocate ownership evenly for family. The parcel is 40 acres. The property is zoned A/F-20. The project is located off Colburn Culver Road in Section 11, Township 58 North, Range 1 West, Boise-Meridian.

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

APPLICANT REPRESENTATIVE: Travis Haller, Glahe & Associates, presented a PowerPoint (Exhibit A) discussing the site's characteristics and services and how they align with Ag/Forest-10 versus Ag/Forest-20.

PUBLIC/AGENCY TESTIMONY: None

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 ZC0006-22, for a zone change from Agricultural/ Forestry-20 to Agricultural/ Forestry-10, 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 McDonald stepped down from the Chair and seconded the motion.

Roll Call Vote

Commissioner McDonald	AYE
Commissioner Bradshaw	AYE

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

Zone Change Ordinance Motion: Roll Call Vote

Commissioner Bradshaw 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 11, Township 58 North, Range 1 West, Boise Meridian, Bonner County, Idaho from Agricultural/Forestry-20 to Agricultural/ Forestry-10, and providing for an effective date. Commissioner Bradshaw further moved 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 Bradshaw	AYE

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

Zone Change Findings of Fact

- Prime farmland soils are present on this parcel but feature more soil types that are classified as not prime farmland.
- Agricultural/ Forestry pursuits remain viable for this parcel.
- The parcel is afforded fire protection by Northside Fire District.
- Access to the parcel is on Colburn Culver, which is a Bonner County owned and maintained road.
- The parcel is comprehensive planned Agricultural/ Forestry Land.
- Utilities are provided by Northern Lights.
- An individual well provides water for this parcel.
- Sewage disposal is an existing septic system.
- The parcel is currently 40 acres in size.

Zone Change 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

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.

File ZC0007-22 - Cayton- Zone Change A/F-20 to A/F-10. The applicants are requesting a zone change from Agricultural/ Forestry-20 to Agricultural/ Forestry-10 on 20 acres, to possibly split the property. The property is zoned A/F-20. The project is located off Eastside Road in Section 17, Township 56 North, Range 4 West, Boise-Meridian.

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

APPLICANT REPRESENTATIVE: Dan Provolt, Applicant Representative, discussed the zoning of the surrounding properties and discussed why this zone change is appropriate.

PUBLIC/AGENCY TESTIMONY: NONE

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 ZC0007-22, for a zone change from Agricultural/ Forestry-20 to Agricultural/ Forestry-10 , 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 McDonald stepped down from the Chair and seconded the motion.

Roll Call Vote

Commissioner McDonald AYE

Commissioner Bradshaw AYE

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

Zone Change Ordinance Motion: Roll Call Vote

Commissioner Bradshaw 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 17, Township 56 North, Range 4 West, Boise Meridian, Bonner County, Idaho from Agricultural/Forestry-20 to Agricultural/ Forestry-10, and providing for an effective date. Commissioner Bradshaw further moved 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 Bradshaw AYE

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

Zone Change Findings of Fact

- The parcel contains two different soil types. Both are classified as non-prime farmland.
- Agricultural/ Forestry pursuits remain viable for this parcel.
- The parcel is not characterized by slopes <30% grade, there is a nominal gentle slope found on the east side of the property
- The parcel is afforded fire protection by West Pend Oreille Fire District.
- Access to this parcel is on Eastside Road a paved Bonner County owned and maintained road.
- The current comprehensive planned designation is Agricultural/ Forestry Land. Which allows for parcel to be 10 acres.
- Utilities are provided by Avista Utilities.
- An individual well provides water for this parcel.
- Sewage disposal is an existing septic system.
- The parcel is currently 20 acres in size.

Zone Change 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

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.

The Chair declared the hearing adjourned at 2:10 p.m.

Respectfully submitted, this 15th day of July 2022,



Jacob Gabell, Interim Planning Director