

**BONNER COUNTY COMMISSIONERS/PLANNING DEPARTMENT
PUBLIC MEETING MINUTES
JULY 20, 2022**

CALL TO ORDER: Chair McDonald called the Bonner County Commissioners' meeting to order at 2:30 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 and Vice Chair Steve Bradshaw

ABSENT: Commissioner Jeff Connolly

ALSO PRESENT: Planning Director Jacob Gabell; Planner I Chad Chambers; Hearing Coordinator Jenna Crone and Administrative Assistant III Alysha Poteet

PUBLIC MEETING:

MINOR LAND DIVISION APPEAL:

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.

Appeal of File MLD0048-22 – Grand Copper Estates. The applicant is requesting to divide one (1) 40.38-acre parcel into four (4) lots, one (1) 10.02-acre lot, one (1) 10.05-acre lot, one (1) 10.25-acre lot, and one (1) 10.07-acre lot. The property is zoned Agricultural/Forestry 10-acre and meets the requirements of that zoning district. The creation of four (4) additional lots ultimately results in a total of 10 lots or parcels. Access to the proposed lots would be provided by a State Highway and private easement. The subject property is located in a portion of Sections 20/21/28/29 Township 56 North, Range 2 East, Boise Meridian, Bonner County, Idaho. The Planning Department on July 5, 2022, administratively denied this file. On July 13, 2022, a written appeal was received requesting this file be heard by the Board of County Commissioners.

STAFF PRESENTATION: Planner I Chad Chambers presented a PDF summary of the previously circulated staff report, concluding this project is not consistent with Bonner County Revised Code.

APPELLANT PRESENTATION: Appellant Dan Provolt submitted Exhibits A-F and presented his reasons for appeal.

PUBLIC COMMENT: None

STAFF REBUTTAL: Planner I Chad Chambers addressed comments made by the appellant.

APPELLANT REBUTTAL: None

DISCUSSION: The Commission discussed the proposed appeal.

DECISION TO APPROVE: Commissioner Bradshaw moved to overturn the administrative decision of the Bonner County Planning Department for denial of this project FILE MLD0048-22, Grand Copper Estates, a request to divide a ≈40.38-acre parcel into four (4) lots, one (1) 10.02-acre lot, one (1) 10.05-acre lot, one (1) 10.25-acre lot, and one (1) 10.07-acre lot, finding that it **IS** in accord with the Bonner County Revised Code. Commissioner Bradshaw further moved to adopt the findings of fact and conclusions of law as set forth in the Staff Memo (or as amended during this hearing) and direct planning staff to draft written findings and conclusions to reflect this decision, 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.

ROLE CALL VOTE

Commissioner McDonald AYE
Commissioner Bradshaw AYE

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

Findings of Fact

1. This proposal was reviewed for compliance with the following criteria and standards set forth at Section 12-600, et seq., Bonner County Revised Code.
2. File MLD0048-22 Grand Copper Estates was received by the planning department on May 10, 2022.
3. The property is connected to nine (9) parcels (to the north) under common ownership.
4. Ordinance 634, which became effective when published in the Daily Bee on August 12, 2021, prohibits applicants from circumventing the subdivision ordinance.
5. Per the application, the proposed lots would be served by individual wells, septic systems, and Avista for power.
6. The subject property is not located in a fire protection taxing district.
7. The subject property is not situated in an Area of City Impact.
8. The preliminary plat submitted does not illustrate a Panhandle Health sanitary restriction lift.

9. There are mapped wetlands, streams and slopes on the property.
10. The parcel is within SFHA Zone X, per FIRM Panel 16017C1015E, Effective Date 11/18/2009.
11. The Board of County Commissioners found that the minor land division does not constitute either a contiguous minor land division or an attempt to circumvent the intent of the subdivision ordinance as the parcels to the immediate north under common ownership were established prior to Valjean Holdings, LLC. acquiring the property.

Conclusions of Law:

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

Conclusion 1

The minor land division **IS** in accord with the Agricultural/Forestry 10-acre zoning district.

Conclusion 2

The minor land division **IS** in alignment with existing roads, and easements.

Conclusion 3

The minor land division **DOES** meet the standards set forth in BCRC Chapter 6, Title 12.

Conditions of Approval:

- A-1** A final plat shall be recorded.
- A-2** The preliminary plat of a minor land division shall be valid for a period not to exceed two (2) calendar years from the date of approval. Within two (2) years of the approval of the preliminary plat, the applicant shall submit the final plat to the Planning Director. At any time prior to the expiration date of the preliminary plat, an applicant may make a written request to the Planning Director for an extension of the preliminary plat for a period up to two (2) years. The Planning Director may consider such request for extension. The extension request must be approved or denied prior to the expiration date of the preliminary plat.
- A-3** The applicant must complete any and all corrections, as required by the Assessor, GIS, County Surveyor, Bonner County Road & Bridge, Planning Department, and pay all applicable fees (including conformed copies of the plat), prior to recording the final plat.

Appeal of File MLD0051-22 – Coyote Ridge. The applicant is requesting to divide one (1) ≈40.111-acre parcel into four (4) lots, one (1) 10-acre lot, two (2) 10.01-acre lot and one (1) 10.12-acre lot. The property is in the Rural 10-acre zoning district. The proposed lots will be accessed by a 40' private ingress, egress and utilities easement. The property (and proposed lots) are located in a portion of Section 34 Township 56N Range 3 West, Boise Meridian, Bonner County, Idaho. The Planning Department on July 8, 2022, administratively denied this file. On July 13, 2022, a written appeal was received requesting this file be heard by the Board of County Commissioners.

STAFF PRESENTATION: Planner I Chad Chambers presented the previously circulated staff report, concluding this project is not consistent with Bonner County Revised Code.

APPELLANT PRESENTATION: Appellant Dan Provolt presented his reasons for the appeal.

PUBLIC COMMENT: None

DISCUSSION: The Commission discussed the purposed appeal.

DECISION TO OVERTURN: Commissioner Bradshaw moved to overturn the administrative decision of the Bonner County Planning Department for denial of this project FILE MLD0051-22, Coyote Ridge, a request to divide a ≈40.38-acre parcel into four (4) lots, one (1) 10.02-acre lot, one (1) 10.05-acre lot, one (1) 10.25-acre lot, and one (1) 10.07-acre lot, finding that it **IS** in accord with the Bonner County Revised Code. Commissioner Bradshaw further moved to adopt the findings of fact and conclusions of law as set forth in the Staff Memo (or as amended during this hearing) and direct planning staff to draft written findings and conclusions to reflect this decision, 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.

ROLE CALL VOTE

Commissioner McDonald AYE
Commissioner Bradshaw AYE

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

Findings of Fact

1. This proposal was reviewed for compliance with the following criteria and standards set forth at Section 12-600, et seq., Bonner County Revised Code.
2. File MLD0051-22 Coyote Ridge was received by the planning department on May 17, 2022.

3. The property is connected to one (1) parcel under common ownership.
4. Ordinance 634, which became effective when published in the Daily Bee on August 12, 2021, prohibits applicants from circumventing the subdivision ordinance.
5. Per the application, the proposed lots would be served by individual wells, septic systems, and Avista for power.
6. The subject property is in the Sagle Fire Taxing District dba Selkirk Fire, Rescue & EMS.
7. The subject property is not situated in an Area of City Impact.
8. The preliminary plat submitted does not illustrate a Panhandle Health sanitary restriction lift.
9. There are mapped wetlands, streams and slopes on the property.
10. The parcel is within SFHA Zone X, per FIRM Panel 16017C0925E, Effective Date 11/18/2009.
11. The Board of County Commissioners found that the minor land division does not constitute either a contiguous minor land division or an attempt to circumvent the intent of the subdivision ordinance as the parcel to the immediate west under common ownership was established prior to Tarek I. & Kathryn R. Saab acquiring the property.

Conclusions of Law:

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

Conclusion 1

The minor land division **IS** in accord with the Rural 10-acre zoning district.

Conclusion 2

The minor land division **IS** in alignment with existing roads, and easements.

Conclusion 3

The minor land division **DOES** meet the standards set forth in BCRC Chapter 6, Title 12.

Conditions of Approval:

A-1 A final plat shall be recorded.


A-2 The preliminary plat of a minor land division shall be valid for a period not to exceed two (2) calendar years from the date of approval. Within two (2) years of the approval of the preliminary plat, the applicant shall submit the final plat

to the Planning Director. At any time prior to the expiration date of the preliminary plat, an applicant may make a written request to the Planning Director for an extension of the preliminary plat for a period up to two (2) years. The Planning Director may consider such request for extension. The extension request must be approved or denied prior to the expiration date of the preliminary plat.

- A-3** The applicant must complete any and all corrections and conditions as required by the Assessor, GIS, County Surveyor, Bonner County Road & Bridge, Planning Department, and pay all applicable fees (including conformed copies of the plat), prior to recording the final plat.

The Chair declared the hearing adjourned at 3:17 p.m.

Respectfully submitted, this 12th day of August 2022,



Jacob Gabell, Planning Director