

**PLANNING DEPARTMENT/BOARD OF COUNTY COMMISSIONERS
PUBLIC HEARING DECISION MINUTES
AUGUST 10, 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; Commissioner Jeff Connolly

ABSENT: None

ALSO PRESENT: Planning Director Jacob Gabell; Planner I Chad Chambers; Planner I Daniel Britt; Planner I Swati Rastogi; Planner II Jason Johnson; Planner I Tyson Lewis; 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.

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 MLD0059-22 – Wood View Acres. The applicant is requesting to divide one (1) ≈6.27-acre parcel into four (4) lots, one (1) 1.06-acre lot, two (2) 1-acre lots, and one (1) 3.49-acre lots. The proposed lots are in the Suburban Growth Area comprehensive land use plan designation and zoned Suburban. The proposed lots will be accessed by a combination of a private easement and Wood View Road, a privately maintained County R-O-W with varying widths. The proposed lots will be served by a shared well, individual septic systems, and Avista Utilities for power. The subject property is located in a portion of Section 18, Township 57 North, Range 2 West, Boise Meridian, Bonner County, Idaho.

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

APPLICANT PRESENTATION: Applicant Jacob Gabell explained the history and purpose for his Minor Land Division application.

PUBLIC/AGENCY TESTIMONY: The following members of the public spoke on the record: David Mann, Susan Bowman, Elizabeth Iha, Jonna Plante, Mason White, Reg Crawford, and Matt Linscott.

STAFF REBUTTAL: Planner I Chad Chambers responded to questions and concerns brought up during public comment.

APPLICANT REBUTTAL: Applicant Jacob Gabell responded to public comment.

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

Commissioner Bradshaw made a motion to amend the language in the Conditions of Approval A-2 from "Planning Director" to "Planning Staff."

Commissioner Connolly seconded the motion.

DECISION TO RATIFY STAFF'S RECOMMENDATION: Commissioner Bradshaw moved to ratify staff's recommendation on the preliminary plat for this project FILE MLD0059-22, Wood View Acres, a request to divide a ≈6.27-acre parcel into four (4) lots, one (1) 1.06-acre lot, two (2) 1-acre lots, and one (1) 3.49-acre lots, finding that the minor land division as proposed **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 as amended 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 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.

Appeal of File MLD0055-22 – Saddler Basin. The applicant is requesting to divide (1) 15 acre parcel into (3) 5 acre lots. The property has been changed from A/F20 to R-5 with approved zone change ZC0020-21 and comprehensive plan amendment AM0012-21. The proposed lots would be provided private road access and Avista Utilities. The Planning Department on July 25, 2022, administratively denied this file. On August 3, 2022, a written appeal was received requesting this file be heard by the Board of County Commissioners.

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

APPLICANT REPRESENTATIVE: Dan Provolt, Project Representative, discussed the reason for the Minor Land Division application.

PUBLIC/AGENCY TESTIMONY: The following members of the public spoke on the record: Tisha Saddler and Matt Linscott.

STAFF REBUTTAL: Planning Director Jacob Gabell responded to public comment.

APPLICANT REBUTTAL: Dan Provolt, Project Representative, responded to comments made by the public, staff and Commissioners.

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

Based on the information before us, Commissioner Connolly moved to deny the appeal of the administrative decision to deny Minor Land Division MLD0055-22.

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.

Appeal of File MLD0056-22 – Wolfert Basin. The applicant is requesting to divide (1) 20 acre parcel into (4) 5 acre lots. The property has been changed from A/F20 to R-5 with approved zone change ZC0020-21 and comprehensive plan amendment AM0012-21. The proposed lots would be provided private road access and Avista Utilities. The Planning Department on July 25, 2022, administratively denied this file. On August 3, 2022, a written appeal was received requesting this file be heard by the Board of County Commissioners

STAFF PRESENTATION: Planner I Tyson Lewis presented a summary of the project and previously circulated staff report, concluding this project is not 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.

Based on the information before us, Commissioner Connolly moved to deny the appeal of the administrative decision to deny Minor Land Division MLD0056-22. 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.

Commissioner McDonald called for a recess at 3:24 p.m.

Commissioner McDonald resumed at 3:29 p.m.

FILE ZC0009-22 - Zone Change – Kilmer. The applicants are requesting a zone change from Rural-10 to Rural-5. The property is zoned Rural-10. The project is located off Hunter Road in Section 16, Township 54 North, Range 5 West, Boise-Meridian. The Zoning Commission at the July 7, 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 REPRESENTATIVE: Steve Syrcle, Tri-State Engineering, discussed the project and surrounding properties.

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 ZC0009-22, 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 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.

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 16, Township 54 North, Range 5 West, Boise Meridian, Bonner County, Idaho from Rural-10 to Rural-5, 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 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.

Zone Change Findings of Fact

- The parcel contains two different soil types. Both are classified as prime farmland.
- Agricultural/ Forestry pursuits remain viable for this parcel.
- The parcel is not characterized by slopes <30% grade, in fact there are no mapped slopes on these parcels
- The parcels are afforded fire protection by Spirit Lake Fire District. Access to this parcel by a private easement that is adjacent to a Bonner County owned road and an Idaho State highway.
- The current comprehensive planned designation is Rural Residential. Which allows for parcel to be 5 acres.
- Utilities are provided by Inland Power.
- An individual well can provide water for these parcels.
- Sewage disposal can be an individual septic system.
- The parcels are currently 80 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	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 Agricultural/ Forestry zoning district, provided at Chapter 3, Title 12, Bonner County Revised Code.

Final Plat, S0002-21 – Golden Tee Estates 10th Addition & Surety Agreement.

Golden Tee Estates 10th Addition is a Subdivision dividing the unplatted Parcel RP58N01W367733A into nineteen (19) lots, including 17 residential lots and two open space lots. The property is zoned Recreation and meets the requirements of that zone. The property is served by TIC, LLC Utilities, Avista Utilities and Northern Lights. The property will be accessed by a westerly extension of the private Oxbow Drive, which will be developed with a 26-foot wide, paved, fire code compliant roadway located within a 30-foot-wide private right of way. The plat was approved by Bonner County on June 14, 2021. The parcel is located in a portion of Section 36, Township 58 North, Range 1 West, Boise Meridian, Bonner County, Idaho. The conditions of approval for S0002-21: Golden Tee Estates 10th Addition have been completed. Notes and easements required by plat approval are shown on the final plat.

Commissioner Connolly moved to approve project File S0002-21, Golden Tee Estates 10th addition and authorize the Chairman to sign the final plat and associated surety agreement as presented.

Commissioner Bradshaw seconded the motion.

The Chair declared the hearing adjourned at 3:43 p.m.

Respectfully submitted, this 19th day of September 2022,

A handwritten signature in black ink, appearing to read "Dan McDonald", written over a horizontal line.

Dan McDonald, Chair
Board of County Commission