

**BONNER COUNTY COMMISSIONERS/PLANNING DEPARTMENT
PUBLIC MEETING MINUTES
AUGUST 29, 2022**

CALL TO ORDER: Chair McDonald called the Bonner County Commissioners' meeting to order at 11:02 a.m. in the 3rd Floor Meeting Room 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 and Commissioner Jeff Connolly

ABSENT: None

ALSO PRESENT: Planner I Tyson Lewis; Planner I Chad Chambers and Hearing Coordinator Jenna Crone

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 File VA0016-22 – Administrative Variance - Lot Size - Richard Godbehere is requesting to create two approximately 9.2 acre lots where 10 acres is required. The parcel is zoned Agricultural/forestry 10 (A/F-10). The project is located off Lower Pack River Rd in Section 24, Township 58N, Range 1W, Boise-Meridian. The Planning Department on August 10, 2022, administratively denied this file. On August 15, 2022, the Planning Department received an administrative appeal requesting this file be forwarded to the Board of County Commissioners for a de Novo hearing.

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

APPELLANT PRESENTATION: Appellant Richard Godbehere answered questions from the Commissioners about the property.

PUBLIC COMMENT: The following members of the public spoke on the record: Elizabeth Iha and James Cherry.

APPELLANT REBUTTAL: Appellant Richard Godbehere explained his reason for requesting the variance.

STAFF REBUTTAL: Planner I Tyson Lewis discussed the property how it was reviewed for the administrative denial.

DISCUSSION: The Commission discussed the proposed appeal.

MOTION TO AFFIRM STAFF'S DECISION: Commissioner Connolly moved to affirm the staff's decision to deny this project FILE VA0016-22, requesting to create two approximately 9.2 acre lots where 10 acres is required in A/F-10 zoning on an 18.40 acre unplatted parcel located in Section 24, Township 58 North, Range 01 West, Boise Meridian, Bonner County Idaho, finding that it is in accord with the 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 Memo (or as amended during this hearing) and direct planning staff to draft written findings and conclusions to reflect this motion and transmit to all interested parties. This action does not result in a taking of private property.

Commissioner Bradshaw seconded the motion.

ROLE CALL VOTE

Commissioner McDonald AYE
Commissioner Connolly 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 criteria and standards set forth in BCRC 12-238 Administrative Variances, BCRC 12-234 Variances, Standards for Review of Applications, BCRC 12-400, et seq., and BCRC Density and Development Standards if affected by the variance.
2. The subject property is zoned A/F 10 with the approval of Zone Change ZC0028-21.
3. The property contains an intermittent stream and mapped wetlands according to the National Wetlands Inventory.
4. The subject property contains mapped slopes of over 30% grade according to the USGS.
5. The property is abutted by a Bonner County Owned and maintained road Lower Pack River Road.
6. The subject property will be served by individual septic systems, individual

wells, and Northern Lights Inc.

7. The oldest deed found for this parcel describes the county road easement for Lower Pack River Road. Quit Claim Deed, Instrument 524895, 6/2/1998.

Conclusions of Law:

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

- Conclusion 1:** Conditions apply to the property that **do** apply generally to other properties in the same zone or vicinity, which conditions are a result of lot size, shape, topography, or other circumstances over which the applicant has no control.
- Conclusion 2:** Special conditions and circumstances **do** result from the actions of the applicant.
- Conclusion 3:** The granting of the variance is **not** in conflict with the public interest in that it **will not** be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity of the subject parcel or lot. (Ord. 559, 1-4-2017).

Appeal 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. On August 15, 2022, the Planning Department received an administrative appeal requesting this file be forwarded to the Board of County Commissioners for a de Novo 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.

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

APPELLANT PRESENTATION: Appellant Elizabeth Iha presented her reasons for the appeal.

PUBLIC COMMENT: The following members of the public spoke on the record: Chris Davis, Linda Rufflin, Mike Williams, Dane Davis, Emily Neff, Dave Mann, Kim Davis, Toby Morris, Rick Price, Wayne Martin, Reg Crawford, Curtis Everly, and Gayla Hatfield.

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

APPELLANT REBUTTAL: Appellant Elizabeth Iha addressed comments made during public comment and Staff rebuttal.

DISCUSSION: The Commission discussed the proposed appeal.

DECISION TO UPHOLD PREVIOUS DETERMINATION: Commissioner Bradshaw moved to uphold the previous determination for administrative approval 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 (or as amended during) 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.

ROLE CALL VOTE

Commissioner McDonald AYE
Commissioner Connolly AYE
Commissioner Bradshaw AYE

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

Findings of Fact

1. File MLD0059-22 Wood View Acres was received by the planning department on June 3, 2022.
2. The minor land division, as proposed, will result in the creation of four (4) lots total, one (1) 1.06-acre lot, two (2) 1-acre lots, and one (1) 3.49-acre lots.
3. Ordinance 634, which became effective when published in the Daily Bee on August 12, 2021, prohibits applicants from circumventing the subdivision ordinance.
4. The proposed lots are in the Suburban Growth Area comprehensive land use plan designation and zoned Suburban.

5. The proposed lots be accessed by a combination of a private easement and Wood View Road, a privately maintained County R-O-W with varying widths.
6. Proposed lots (Lot 1, Lot 2 & Lot 3) will be served by a shared well, individual septic systems, and Avista Utilities for power. Lot 4, as proposed, will continue to be served by an individual well, individual septic system and Avista Utilities for power.
7. Per the Bonner County Revised Code (BCRC) 12-324: Suburban District, the zoning district is appropriate for the comprehensive land use plan of suburban growth area.
8. The subject property is located in the West Side Fire Taxing District.
9. There are no mapped wetlands or stream systems on the property.
10. Per the United States Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS), the property contains Pend Oreille silt loam which is characterized as not prime farmland and is well drained.
11. The parcel is within SFHA Zone X per FIRM Panel 16017C0715E, Effective Date 11/18/2009.
12. This project **IS** consistent with Bonner County Revised Code based upon staff's analysis contained herein under section 'F. Review Standards'.

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 Suburban zoning district.

Conclusion 2

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

Conclusion 3

The proposal land division **IS** consistent with the Bonner County Revised Code.

Conditions of Approval:

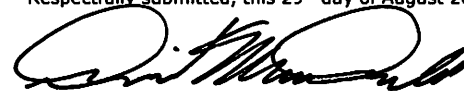
- A-1** A final plat shall be recorded.
- A-2** The preliminary plat of a minor land division shall be valid for a period not to exceed two (2) calendar years from the date of approval. Within two (2) years of the approval of the preliminary plat, the applicant shall submit the final plat

to the Planning Staff. At any time prior to the expiration date of the preliminary plat, an applicant may make a written request to the Board of County Commissioners for an extension of the preliminary plat for a period up to two (2) years. The Board of County Commissioners 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.
- A-4** The applicant must obtain the sanitary restriction lift from the Panhandle Health District, prior to final plat recording.
- A-5** The applicant must provide documentation by an Idaho licensed professional engineer or professional geologist that the sources proposed for water supply have sufficient production capability to provide drinking water to Lots 1, 2 & 3 in the proposed subdivision.
- A-6** The applicant must provide either a will-serve letter from the owner of an existing public/private water system indicating that it has sufficient reserve production capacity to supply water to the lots in the proposed subdivision or a shared well agreement for Lots 1, 2, & 3 prior to final plat recording. The final plat shall contain a space for the shared well agreement, demonstrating that water serving Lot 1, Lot 2, and Lot 3 will be provided for by a shared privately maintained water supply and distribution system. The final plat shall also demonstrate that Lot 4 will be provided water from an individual well.

The Chair declared the hearing adjourned at 1:08 p.m.

Respectfully submitted, this 29th day of August 2022,



Dan McDonald, Chairman
Board of County Commissioners