

**PLANNING DEPARTMENT/BOARD OF COUNTY COMMISSIONERS  
PUBLIC HEARING DECISION MINUTES  
SEPTEMBER 21, 2022**

**CALL TO ORDER:** Chair McDonald called the Bonner County Commissioners' hearing to order at 1:30 p.m. in the 3<sup>rd</sup> Floor Conference 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 Jeff Connolly

**ABSENT:** None

**ALSO PRESENT:** Planning Director Jacob Gabell; Planner I Chad Chambers, Senior Planner Swati Rastogi and Hearing Coordinator Jenna Crone.

**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 AM0009-22 – Comprehensive Plan Text Amendment -Development Impact Fee.** Spirit Lake Fire District is requesting a Comprehensive Plan Text Amendment as per *Idaho State Code Title 67, Chapter 65 Local Land Use Planning Act* soliciting adoption of a Capital Improvements Plan for which development impact fees may be used as a funding source, as per *Idaho Statutes Code Title 67, Chapter 82 Idaho Development Impact Fee Act*. The Planning Commission at the August 16, 2022, public hearing, recommended approval of this file to the Board of County Commissioners.

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

**APPLICANT REPRESENTATIVE:** Anne Wescott, Galena Consulting, explained the process that took place to determine the impact fees for the Spirit Lake Fire District.

**PUBLIC/AGENCY TESTIMONY:** The following member of the public spoke on the record: Elizabeth Iha.

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

**AMENDING THE COMPREHENSIVE PLAN**

**MOTION TO APPROVE:** Commissioner Bradshaw moved to approve this project FILE AM0009-22, to amend the Bonner County Comprehensive Plan for adoption of a Capital Improvements Plan for Spirit Lake Fire Protection District, as presented or

amended in this hearing, finding that it is in accord with the general and specific objectives of the Bonner County Comprehensive Plan as enumerated in the following findings of fact and 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 following findings of fact and conclusions of law as written. 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.

**COMPREHENSIVE PLAN AMENDMENT RESOLUTION (ROLL CALL VOTE):**

Commissioner Connolly moved to approve resolution #2022-73 amending the Bonner County Comprehensive Plan.

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.

**AMENDING BONNER COUNTY REVISED CODE, TITLE 15**

**MOTION TO APPROVE:** Commissioner Bradshaw moved to approve project FILE AM0009-22, requesting an amendment to Bonner County Revised Code, **Title 15: Development Impact Fees**, 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 following findings of fact and conclusions of law as written as set forth in the Staff Report or as amended during this hearing and direct the Planning staff to transmit this decision 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.

**ORDINANCE ADOPTION 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 Bonner County Revised Code with the amendment of **Title 15: Development Impact Fees**, and providing for an effective date. Commissioner Connolly further moved to authorize the Chair to sign the official ordinance upon publication.

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.

---

**Findings of Fact:**

1. The Planning Commission, per Idaho Code Chapter 65, Title 67, may recommend a zoning ordinance.
2. The Bonner County Planning Department has reviewed the proposed changes against Idaho Code and made amendments to better comply with the Idaho Code, specifically Title 67, Chapters 65 and 82.
3. The Board of County Commissioners is authorized by Idaho Code, Chapter 7, Title 31, to adopt ordinances, rules and regulations "...not repugnant to law, necessary for carrying into effect or discharging the powers and duties conferred by the laws of the state of Idaho, and such as are necessary or proper to provide for the safety, promote the health and prosperity, improve the morals, peace and good order, comfort and convenience of the county and the inhabitants thereof, and for the protection of property therein..."

The proposed amendment of the Comprehensive Plan requesting adoption of Capital Improvements Plan for the Spirit Lake Fire Protection District will allow the District to better serve the needs of future growth and development over a duration of ten years without negatively impacting the services provided to the current users. These actions will further balance the provision of safety, health

and prosperity while maintaining the protection of property, peace, good order, comfort and convenience of the county and its inhabitants.

---

**Conclusions of Law:**

1. The proposed amendment **IS** in accord with Idaho Code, Chapter 7 of Title 31.
2. The proposed amendment **IS** in accord with Idaho Code Chapters 65 and 82 of Title 67.
3. The proposed amendment **IS** in accord with the Bonner County Comprehensive Plan.

---

**Findings of Fact and Conclusions of Law:**

1. The Board of Commissioners desires to ensure costs for processing land use applications are borne by the applicants rather than the general taxpaying public.
2. The Board is charged with the fiscal management of the planning department.
3. Fees and the process for charging those fees are authorized by Idaho Code at 31-870, 50-1305, 50-1306A and 67-6519; Idaho Code, and pursuant to the procedural requirements contained at Sections 63-1311A, Idaho Code.

**File MLD0059-22 – Wood View Acres.** The applicant is requesting to modify their Minor Land Division application to divide a 6.57-acre parcel into two (2) lots, one (1) 3.08-acre lot and one (1) 3.49-acre lot. The subject property is zoned Suburban. The proposed lots will be accessed by Wood View Road, a public R-O-W with varying widths. The proposed lots will be served by individual wells, individual septic systems and Avista Utilities for power. The property is situated 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:** Jake Gabell, Applicant, discussed his reasons for the modification of the previously approved Minor Land Division.

**PUBLIC/AGENCY TESTIMONY:** The following members of the public spoke on the record: Elizabeth Iha, Emily Neff, David Mann, Reg Crawford, and Cynthia Horn.

**Staff Rebuttal:** Planner I Chad Chambers reiterated that conditions A-1 and A-2 are standard conditions used on Minor Land Divisions. However, A-2 has been modified for this application to replace "Planning Director" to "Planning Staff" for submitting final mylar and the authority for requesting an extension has been given to the Board of County Commissioners.

Applicant Rebuttal: Jake Gabell, Applicant, discussed the changes that were made to the Conditions of Approval and noted that they were approved by legal counsel. These changes were made to take the authority away from the Planning Director.

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

**DECISION FOR ADMINISTRATIVE APPROVAL:** Commissioner Connolly moved to approve the preliminary plat for this project FILE MLD0059-22, Wood View Acres, a request to divide a one (1) ≈6.587 acre unplatted parcel into two (2) lots, one (1) 3.49-acre lot, and one (1) 3.08-acre lot, finding that the minor land division as proposed **IS** in accord with the Bonner County Revised Code. 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) 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 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.

---

### **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 two (2) lots total, one (1) 3.49-acre lot, and one (1) 3.08-acre lot.
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 Wood View Road, a privately maintained County R-O-W with varying widths.
6. The proposed lots will be served by individual wells, septic systems 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 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.

The Chair declared the hearing adjourned at 2:17 p.m.

Respectfully submitted, this 23<sup>rd</sup> 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