



Bonner County

Board of Commissioners

Luke Omodt

Asia Williams

Steve Bradshaw

Public Hearing Minutes

Planning

Date: June 14, 2023
Location: 1500 Hwy 2, Suite 338
Sandpoint, ID 83864

CONVENE AT: 1:30 p.m.

ADJOURN AT: p.m.

COMMISSIONERS PRESENT: Omodt, Williams, & Bradshaw

OTHERS PRESENT: Planning Staff: Swati Rastogi, Daniel, Britt, Jacob Gabell, Travis Haller; Attorney: Bill Wilson

Commissioner Bradshaw opened the hearing at 1:30 p.m.

Commissioner Bradshaw asked if anyone needed assistance for this hearing, there were no requests. Commissioners Omodt, Williams and Bradshaw advised that they had no conflicts with these files.

Action Item: Discussion/Decision Regarding File CUP0017-22 and SS0009-22 - Planned Unit Development – The Landing at the Narrows. The applicants are requesting a large scale residential Planned Unit Development on Recreation zoned lots/parcels amounting to a total area of approximately 3.17 acres. The applicants are proposing to create seven (7) residential lots with recreational open space, storage and utilities area. The project is located off Copper Bay Road, a public road in Section 9, Township 61 North, Range 4 West, Boise-Meridian. The Zoning Commission, at the May 18, 2023, public hearing, recommended approval of this file to the Board of County Commissioners.

Staff report presented – Swati Rastogi (see attached staff report).

Applicant Comment: Steve Klatt, applicant rep. spoke in regard to this file. Began with the historical aspects of the road, stated that Hagman Loop was a road created by mapping. Stated that the project is intended to blend in with the existing neighborhood. Addressed various comments received. Also addressed the request for deviation from road standards.

Public Comment:
Wayne Martin

Applicant Rebuttal:
Addressed a couple concerns brought forward by the BOCC and attendees.

Public comment closed at 2:35 p.m.

MOTION TO APPROVE: Commissioner Omodt moved to APPROVE the project File CUP0017-22 requesting a large-scale residential Planned Unit Development on an approximately 3.17-acre Recreation-zoned property located off Copper Bay Road in Section 9, Township 61 North, Range 4 West, Boise-Meridian, finding that it is in accord with the Bonner County Comprehensive Plan and the Bonner County Revised Code based upon the following Conclusions of Law:

1. The planned unit development is in accord with the Bonner County comprehensive plan.
2. The proposed planned unit development or the first phase of it can be substantially completed within two (2) years from the date of approval.
3. Each individual development phase can exist as an independent unit meeting the minimum standards set forth in this subchapter.
4. The streets and thoroughfares proposed are suitable and adequate to gather anticipated traffic and will not generate traffic in amounts that will overload the street network outside the planned unit development. Connections to public transportation systems have been considered.
5. Any residential development will constitute a residential environment of sustained desirability and stability and will be in harmony with the character of the surrounding neighborhood and community.
6. Any proposed commercial or industrial development will constitute an efficient well organized development, with adequate provisions for access and storage, and it will not adversely affect adjacent or surrounding development.
7. The proposed use will not create a hazard or will not be dangerous to persons on or adjacent to the property.

The decision was based upon the evidence submitted up to the time the Staff Report was prepared and testimony received at this hearing. Commissioner Omodt further moved to adopt the findings of fact as set forth in the Staff Report and directed the planning staff to draft written findings and the conclusions to reflect this motion, have the Chairman sign, and transmit it to all interested parties. The action that could be taken to obtain the conditional use permit is to complete the Conditions of Approval as amended. This action does not result in the taking of private property. Commissioner Williams seconded the motion. Roll Call Vote: Commissioner Omodt-Aye, Commissioner Williams-Aye, Commissioner Bradshaw-Aye All in favor. The motion passed.

MOTION TO APPROVE: Commissioner Omodt moved to approve the preliminary subdivision plat, File SS0009-22 requesting to subdivide an approximately 3.17-acre Recreation-zoned property located off Copper Bay Road in Section 9, Township 61 North, Range 4 West, Boise-Meridian into 7 residential lots and 5 utility or storage tracts, finding that it is in accord with the Bonner County Comprehensive Plan and Bonner County Revised Code based upon the following Conclusions of Law:

1. The proposed subdivision is in accord with the purposes of this Title and of the zoning district in which it is located.
2. The site is physically suitable for the proposed development.
3. The design of the proposed subdivision will not adversely impact Bonner County's natural resources, as identified in the comprehensive plan. Any adverse impacts or potential for impacts shall be mitigated as a condition of approval.
4. The public and private services, including but not limited to water, sewer services, solid waste, fire protection, emergency services, and school facilities and transportation, which will serve the proposed subdivision are adequate for the needs of future residents or users.
5. The proposed subdivision will not cause circumstances to exist that will cause future residents or the public at large to be exposed to hazards to health or safety.
6. The design of the proposed subdivision or related improvements will provide for coordinated access with the county system of roads and with adjacent properties and will not impede the use of public easements for access to, or through the proposed subdivision. The proposed transportation system is designed to adequately and safely serve the future residents or users without adversely impacting the existing transportation system by reducing the quality or level of service or creating hazards or congestion.

7. The proposed subdivision is designed to comply with the design criteria for subdivisions set forth in Subchapter 6.2 of this chapter.

The proposed subdivision is in accord with the Bonner County Comprehensive Plan. The decision was based upon the evidence submitted up to the time the Staff Report was prepared and testimony received at this hearing. Commissioner Omodt further moved to adopt the findings of fact as set forth in the Staff Report and directed planning staff to draft written findings and conclusions to reflect the motion, have the Chairman sign, and transmit the decision to all interested parties. The action that could be taken to obtain the conditional use permit is to complete the Conditions of Approval as amended. This action does not result in a taking of private property. Commissioner Williams seconded the motion. Roll Call Vote: Commissioner Omodt- Aye, Commissioner Williams- Aye, Commissioner Bradshaw- Aye. All in favor. The motion passed.

Action Item: Discussion/Decision Regarding File AM0002-23 – Comprehensive Plan Map Amendment – Hammond. The applicants are requesting a comprehensive plan map amendment from Rural Residential to Neighborhood Commercial on 11.8 acres. The project is located off Dufort Road & Vay Road in Section 1, Township 55 North, Range 4 West, Boise-Meridian. The Planning Commission, at the March 21, 2023, public hearing, recommended denial of this file to the Board of County Commissioners.

Staff report presented by Travis Haller - (see attached staff report).

Applicant Comment:

Jeremy Grimm, Whiskey Rock Planning, discussed the full file (PowerPoint on file) starting with the history of the file (actions) Addressed public comments received on the file. Spoke, at length, regarding the elements of the Zone Change.

Sean Hammond- Addressed the BOCC with the issues and hurdles of the project. Spoke regarding what he has been through with this file up to this point and his intentions for the future.

Recessed the meeting at 3:47 p.m.
Readjourned 3:57 p.m.

Public Comment:

Please see the attached sign in sheets, as there were several people in favor and several opposed that spoke.

Public comment closed at 6:17 p.m.

Recessed at 6:17 p.m.
Readjourned at 6: 22 p.m.

Applicant Rebuttal:

Jeremy Grimm rebutted comments made during the public comment portion of the meeting. Including Idaho code, preparation for the project, explained the evolution of planning projects per future applications, rural character, develop agreement, and traffic.

Mr. Hammond spoke regarding traffic and RB comment that is in the ZC file.

Commissioner Rebuttal:

Commissioner Bradshaw discussed the comp plan and its speculative nature. He also discussed historical splits in the County, stating he is a private property rights advocate. Stated that if the first step is granted

there are multiple steps ahead for the property owner. Further explained the comp plan. Stated that he is in favor of the gas station and its location.

Commissioner Williams clarified her comment about visiting the site. Went point by point and explained her thoughts on the main points including enhancement of property rights, population, school facilities, rural impact, land use, bought as is (noncommercial), natural resources, hazards, and community design. States that she feels as if the staff report is biased. Does not feel that they have met the standard for a map amendment and feels that they are attempting to shape the community by requesting to shape the map.

Commissioner Omodt Stated that he agrees with both other commissioners, discussed development now and in the future. Appreciates the civility of this meeting.

MOTION TO DENY: Commissioner Williams moved to deny this project, FILE AM0002-23, requesting a comprehensive land use plan map amendment from Rural Residential to Neighborhood Commercial, based upon the following conclusions:

Conclusion 1

The proposal is not in accordance with the general and specific objectives of the comprehensive plan.

Conclusion 2

This proposal was reviewed for compliance with Title 12, Bonner County Revised Code, and is not found to be in compliance.

Conclusion 3

The proposal is not in accord with the Neighborhood Commercial comprehensive land use plan designation.

Conclusion 4

Urban services are not available on the subject site.

The decision is based upon the evidence submitted up to the time the Staff Report was prepared and testimony received at this hearing. I further move to adopt the findings of fact and conclusions of law as set forth in the Staff Report (or as amended during this hearing) 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 Omodt seconded the motion. Roll call vote: Commissioner Omodt – Aye, Commissioner Williams – Aye, Commissioner Bradshaw – Nay. The motion passed.

Action Item: Discussion/Decision Regarding File ZC0012-22 - Zone Change. The applicants are requesting a zone change from Rural-5 to Rural Service Center on 11.8 acres. The property is zoned Rural-5. The project is located off Dufort Road & Vay Road in Section 1, Township 55 North, Range 4 West, Boise-Meridian. The Zoning Commission, at the October 20, 2022, public hearing, recommended approval of this file to the Board of County Commissioners. The Board of County Commissioners at the December 21, 2022, public hearing remanded the file back to the Planning Department and applicant for completion of a comprehensive plan map amendment and to update the development agreement with more detail.

This file was not heard on this day, see motion

Commissioner Omodt made a motion to table this file to a date certain, June 26, 2023 at 1:00 p.m. in the same location. Commissioner Williams seconded the motion. Roll call vote: Commissioner Omodt – Aye, Commissioner Williams – Aye, Commissioner Bradshaw – Aye.

Deputy Clerk: Jessi Reinbold