



# Bonner County

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## Board of Commissioners

Luke Omodt

Asia Williams

Steve Bradshaw

## Public Hearing Minutes

### Planning

Date: October 11, 2023  
Location: 1500 Hwy 2, Suite 338  
Sandpoint, ID 83864

CONVENE AT: 1:30 p.m.

ADJOURN AT: --- p.m.

COMMISSIONERS PRESENT: Omodt & Williams

OTHERS PRESENT: Planning Staff: Swati Rastogi, Jenna Crone; Legal: Bill Wilson

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

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

**Action Item: Discussion/Decision Regarding File AM0012-23 – Comprehensive Plan Map**

**Amendment – Hampton.** The applicants are requesting a map amendment from Ag/ Forest Land to Rural Residential. The parcel is 10 acres. The property is zoned A/F-10. The project is located off Hines Road in Section 34, Township 59 North, Range 1 West, Boise-Meridian. The Planning Commission, at the September 5, 2023, public hearing, recommended approval of this file to the Board of County Commissioners.

Staff report presented – Swati Rastogi (see attached)

Applicant comment – Jeremy Grimm (see attached).

Jesse Hampton is requesting this amendment for his family/personal reasons, not to subdivide.

Brief discussion regarding DEQ, water, and septic.

Commissioner Williams made a motion to approve this project, FILE AM0012-23, requesting a comprehensive land use plan map amendment from Ag/Forest Land to Rural Residential, on ten acres located off Hines Road in Section 34, Township 59 North, Range 1 West, Boise-Meridian, Bonner County, Idaho, 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. 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 the taking of private property. I amend the findings of fact:

1. The parcel could be served by individual well and septic system.
2. The site has approximately 0.25 acres of mapped slopes that range from 0-30% grade. Mapped slopes greater than 30% are not present on the parcel.
3. Access to the parcel is currently part of a network of developed public roads and private easements.
4. The proposal is not within a mapped critical wildlife habitat.
5. Electricity can be provided by Northern Lights Inc.
6. The properties are within the Northside Fire District.
7. Law enforcement is provided by Bonner County Sheriff's Department.

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	Agriculture	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 Rural Residential comprehensive land use designation.

Commissioner Omodt stepped down from the chair and seconded the motion. Roll call vote: Commissioner Omodt – Yes, Commissioner Williams – Yes, Commissioner Bradshaw – Absent. The motion passed.

Commissioner Omodt stepped down from the chair and made a motion to approve Resolution #2023-83 amending the Bonner County Projected Land Use Map from Ag/ Forest to Rural-Residential for the parcel outlined in this File AM0012-23, totaling an approximate 10 acres. Commissioner Williams seconded the motion. Roll call vote: Commissioner Omodt – Yes, Commissioner Williams – Yes, Commissioner Bradshaw – Absent. The motion passed.

The hearing for File AM0014-23 was recessed at 2:04 p.m. to reopen Appeal File VA0015-23, continued from October 10, 2023.

**Action Item: Discussion/Decision Regarding Appeal File VA0015-23 – Administrative Variance – Waterfront Setback – Priest Lake Syndicate LLC.** The applicant is requesting a 28’ setback from a perennial stream where 75’ is required. The parcel is ZONED Rural 5 (R5). The project is located off Sout Sandy Shores Lane in Section 27, Township 62 North, Range 4 West, Boise-Meridian. On September 14, 2023, the Planning Department received an administrative appeal requesting this file be forwarded to the Board of County Commissioners for a de Novo hearing. **This file is being continued from October 10, 2023.**

Bill Wilson made a lengthy comment about this file (audio is available).

Commissioner Omodt stepped down from the chair and made a motion to affirm the staff’s administrative decision to deny this project File VA0015-23 requesting for a 28’ shoreline setback where 75’ is required, finding that it is not in accord with Bonner County Revised Code as enumerated in the following conclusions of law, based upon the evidence submitted up to the time the administrative decision letter was prepared and testimony received at this meeting. I further move to adopt the findings of fact and conclusions of law as set forth in the administrative decision letter and direct Planning staff to draft written findings and conclusions to reflect this motion and to transmit to all interested parties. This action does not result in the taking of private property. The action that could be taken to obtain the variance is to

- 1) File a new application with the Planning Department and meet the standards required by Bonner County Revised Code
- 2) Pursue such remedies as may be applicable Title 67 Chapter 65 Idaho Code.

Commissioner Williams seconded the motion. Roll call vote: Commissioner Omodt – Yes, Commissioner Williams – Yes, Commissioner Bradshaw – Absent. The motion passed.

Bill Wilson made additional comments about this file (audio is available).

The hearing for File AM0014-23 is adjourned at 2:38 p.m.  
The hearing for File AM0014-23 reconvened at 2:39 p.m.

**Action Item: Discussion/Decision Regarding File AM0014-23 – Text Amendment – Bonner County Revised Code Title 12** – The Bonner County Planning Department is recommending an amendment to the Bonner County Revised Code, Title 12, to include the following proposed changes:

- 1) BCRC 12-411 – Modification to Requirements or Exceptions note 8 adding a provision to exclude submerged lands when calculating dwelling densities on a single lot or parcel.
- 2) BCRC 12-412 – Modification to Requirements or Exceptions note 6 adding a provision to exclude submerged lands when calculating dwelling densities on a single lot or parcel.

The Planning Commission, at the September 5, 2023, public hearing, recommended approval of this file to the Board of County Commissioners.

Staff report presented – Swati Rastogi (see attached)

Commissioner Williams made a motion to approve this FILE AM0014-23 to amend subchapter 12-411 note 8 and subchapter 12-412 note 6 of Title 12, Bonner County Revised Code, 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. This decision is based upon the evidence submitted up to the time the Staff Report was prepared and testimony received at this hearing. Commissioner Williams further moved 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.

1. 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 Chapter 65, Local Land Use Planning.
2. 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 ordinance making the above changes adds to the clarity intended in the interpretation of the Bonner County Revised Code and Bonner County Comprehensive Plan. 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.

3. The proposed changes provide clarification of the regulations, enabling the public and the staff to achieve the best results leading to greater understanding and use of the zoning ordinance.

Conclusion 1: The proposed amendment **is** in accord with Idaho Code, Title 31, Chapter 7.

Conclusion 2: The proposed amendment **is** in accord with Idaho Code Title 67, Chapter 65.

Conclusion 3: The proposed amendment **is** in accord with the general and specific objectives of the Bonner County Comprehensive Plan.

Commissioner Omodt stepped down from the chair and seconded the motion. Roll call vote: Commissioner Omodt – Yes, Commissioner Williams – Yes, Commissioner Bradshaw – Absent. The motion passed.

Commissioner Omodt stepped down from the chair and made a motion to approve an Ordinance of Bonner County, Idaho, the number to be assigned, citing its authority, and providing for the amendment of subchapter 12-411 note 8 and subchapter 12-412 note 6 of Title 12, Bonner County Revised Code as presented or amended in this hearing, and providing for an effective date. Commissioner Williams seconded the motion. Roll call vote: Commissioner Omodt – Yes, Commissioner Williams – Yes, Commissioner Bradshaw – Absent. The motion passed.

Meeting adjourned at 2:48 p.m.

Deputy Clerk: Alisa Schoeffel