



Bonner County

Board of Commissioners

Luke Omodt

Asia Williams

Steve Bradshaw

Public Hearing Minutes

Planning

Date: October 25, 2023
Location: 1500 Hwy 2, Suite 338
Sandpoint, ID 83864

CONVENE AT: 1:30 p.m.

ADJOURN AT: --- p.m.

COMMISSIONERS PRESENT: Williams, Bradshaw, & Omodt (Zoom)

OTHERS PRESENT: Planning Staff: Jake Gabell, Jenna Berard, Daniel Britt, & Jason Johnson (Zoom);
Road & Bridge: Matt Mulder; Legal: 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, Bradshaw, and Williams advised that they had no conflicts with these files.

Action Item: Discussion/Decision Regarding File VS0004-22 – T.S. Campbells Addition to Laclede – Title 40 Vacation. The petitioner is requesting to vacate portions of the streets and alleys within T.S. Campbells Addition to Laclede. The property is zoned Suburban. The project is located off Blue Spruce Lane in Section 30, Township 56 North, Range 3 West, Boise-Meridian.

Staff report presented - Jason Johnson

Applicant Comment – Scott Comfort (James Sewell & Assoc) Intend to condense 15 lots into 3 (via replat), this will not prevent access to any homes except Blue Spruce Rd, will leave a portion of Markham St. The road is not necessary, nor has it been used, no benefit to keeping it.

Celia Thomas: The reason they want to vacate is they are not able to build due to setback requirements as well as LWD wanting to charge for each lot even though there is only water on a single lot. Blue Spruce Rd is not maintained.

Public Comment – None

Matt Mulder, Engineer, Road & Bridge – The number of homes impacted by road closure or potential emergency routes, a way in and out must be provided.

Commissioner Omodt made a motion to approve this petition, FILE #VS0004-22, to vacate only the northern areas of Markham Street, Thomas Street and the alley and to specifically not approve the vacation of Campbell's Street as described and discussed in today's hearing and described on the

submitted stamped site plan and legal description, finding that only these are in accord with Idaho Code §40-203 as enumerated in the foregoing 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 and direct planning staff to draft written findings and conclusions to reflect this motion and transmit to all interested parties. I further move to direct Planning Staff to draft a Resolution for recording, which includes the rational basis for this decision, as well as the findings of facts and conclusions adopted at this hearing and to present the Resolution for approval at the next business meeting. The action that could be taken to obtain the vacation is to complete the Conditions of Approval as adopted. This action does not result in a taking of private property. Commissioner Williams seconded the motion Roll call vote: Commissioner Omodt – Yes, Commissioner Williams – Yes, Commissioner Bradshaw – Yes. The motion passed.

Conclusions of Law:

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

Conclusion 1: This proposal was reviewed for compliance with the vacation criteria and standards set forth at Idaho Code, 40-203.

Conclusion 2: Bonner County has not received objections to the petition or application to vacate the described platted area, other than from Road and Bridge which was addressed in the areas to be vacated.

Conclusion 3: The abandonment of the public right-of-way as submitted is in the public’s interest, the abandonment of the right-of-way that was not approved is not in the public’s interest.

Conclusion 4: By granting this petition for vacation of public right of way, real property adjoining the subject highway or public right of way will not be left without access to an established highway or public right of way.

The conditions of approval are those listed in the staff report. Commissioner Omodt made a motion to adopt conclusions of law as previously stated. Commissioner Williams seconded the motion Roll call vote: Commissioner Omodt – Yes, Commissioner Williams – Yes, Commissioner Bradshaw – Yes. The motion passed.

Action Item: Discussion/Decision Regarding File ZC0007-23 – Zone Change – Ag/Forest-20 to Ag/Forest-10. The applicant is requesting a zone change from Agricultural/Forestry-20 to Agricultural/Forestry-10 on 23 acres. The property is zoned A/F-20. The project is located off Eastside Road in Section 9, Township 57 North, Range 4 West, Boise-Meridian. The Zoning Commission at the September 21, 2023, public hearing, recommended approval of this file to the Board of County Commissioners.

Staff report presented – Daniel Britt

Applicant comment – Paul Harold, liquidating property, all surrounding property went through this process and was moved to Ag-10, he figured that this would also fit into Ag-10 designation, wanting to take advantage of an opportunity.

Public comment – None

Applicant rebuttal – None

Commissioner Williams made a motion to approve this project, FILE ZC0007-23, requesting a zone change from Agricultural/ Forestry-20 to Agricultural/ Forestry-10, 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 the hearing) and direct the planning staff to draft written findings and conclusions of law to reflect this motion, have the Chairman sign, and transmit to all interested parties. This action does not result in the taking of land. Zone change findings of fact:

- Agricultural/ Forestry activities are viable within the A/F-10 designation.
- The parcel does not feature prime agricultural soil.
- The parcel is within a network of constructed Bonner County owned and maintained 60' wide gravel right of ways. The parcel is adjacent to a Boner County maintained prescriptive easement.
- The parcel is not characterized by mapped slopes 30% and greater.
- Fire protection is provided by West Pend Oreille Fire District.
- Emergency services are provided by Bonner County Sheriff Department.
- Power is provided by Avista Utilities.
- The proposal currently has a permitted individual septic system.
- The property has two (2) developed springs for water supply.
- The parcel is currently 23 acres.

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

Conclusion 1: The proposal is in accord with the following elements of the Bonner County Comprehensive Plan as enumerated in the staff report

Conclusion 2: This proposal was reviewed for compliance with Title 12, Bonner County Revised Code, and was 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.

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

Commissioner Bradshaw 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 the Official Zoning Map of Bonner County by the classification of lands located in Section 9, Township 57 North, Range 4 West, Boise Meridian, Bonner County, Idaho from Agricultural/ Forestry-20 to Agricultural/ Forestry-10, and providing for an effective date. I further move to authorize the Chair to sign the official supplementary zoning map upon publication of the ordinance. Commissioner Williams seconded the motion. Roll call vote: Commissioner Omodt – Yes, Commissioner Williams – Yes, Commissioner Bradshaw – Yes. The motion passed.

Meeting adjourned at 2:38 p.m.

Deputy Clerk: Alisa Schoeffel