



Bonner County

Board of Commissioners

Luke Omodt

Asia Williams

Steve Bradshaw

Public Hearing Minutes

Planning

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

CONVENE AT: 1:30 p.m.

ADJOURN AT: 4:53 p.m.

COMMISSIONERS PRESENT: Omodt, Williams, & Bradshaw (Electronically)
OTHERS PRESENT: Planning Staff: Daniel Britt, Jacob Gabell, Travis Haller

Commissioner Omodt opened the hearing at 1:32 p.m.

Commissioner Omodt 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 S0002-23 Providence Subdivision. The applicants are requesting to plat an approximately 40-acre parcel into 116 residential lots. The property is zoned Suburban. The project is located off of Providence Road, a Bonner County owned public road, in the Area of City Impact of the City of Kootenai in Section 01, Township 57 North, Range 2 West, Boise-Meridian. The project proposes to be served by the City of Sandpoint for water services, Kootenai Ponderay Sewer District for sewer services and Avista Utilities. The project is located within Northside Fire District. The Hearing Examiner, at the July 5, 2023, public hearing, recommended the Zoning Commission conduct a public hearing on this file. The Zoning Commission, at the August 17, 2023, public hearing, recommended approval of this file to the Board of County Commissioners

Staff report presented by Swati Rastogi (See attached staff report)

Applicant comment – Mike Hammack, rep, stated that access is approved by the City of Kootenai and also Northside Fire. Discussed wetland delineation. Talked about all the issues on this project that are still unresolved, still a lot up in the air. KPSD has more than enough capacity and the City of Sandpoint has approved water. Stated that the applicant is here to follow all ordinances and rules imposed and is more than willing to complete all work dictated by ITD.

Dan Taddick with HMH spoke regarding various engineering issues. The wetlands will not be disturbed until an Army Corp permit is approved. Spoke regarding the improvements to Providence Road and emergency access. Discussed ITD requirements. Commissioner Omodt inquired about snow storage. Commissioner Williams inquired about he long to-do list, specifically asking if the applicants intend to

annex into the City of Kootenai. Commissioner Williams asked if the applicant had read the City of Kootenai's letter to them, they reiterated their lack of interest in annexing into the city of Kootenai.

Commissioner Omodt recessed the meeting for five minutes at 2:26 p.m.

Commissioner Omodt reconvened the meeting at 2:32 p.m.

Public comment –

Jeremy Dunn stated that he is in favor of this subdivision due to the

Tessa Vogel gave the Board an updated exhibit on pathways and sidewalks, which has not been addressed. Also looking for an updated ACI certificate. Commissioner Williams asked if the City was still open to annexation, Tessa stated that they are open, but only prior to the development.

Leslie Holbert – Lives at end of Providence, opposed to project due to increased traffic. Also spoke regarding schools and Northside Fire.

Larry Offman – Spoke in opposition to the file, specifically regarding the will serve letter from KPSD, stated that DEQ sent them a letter regarding their declining capacity.

Emma- Lives near the project, spoke in opposition to the project, mainly because of the large number of homes.

Grace Bauer – Spoke regarding possible conflict of interest and ask Commissioner Bradshaw to recuse himself. Spoke regarding previous conversations with his developer. Feels they should have to go through the City of Kootenai. Spoke from the POV of a resident of Seven Sisters.

Ashley Gerstenburger – Resides in Seven Sisters. Showed pictures of her backyard and discussed wetlands. Opposed to this project. Stated that she felt that there were conflicts of interest on the Zoning Commission.

Debbie Routan – Agrees with the previous commenters, opposed to the project. Also spoke regarding the potential conflicts of interest.

Robert Routan – Member of the HOA Seven Sisters, concerned regarding storm water issues.

Al – Resides in Seven Sisters, discussed several issues, opposed to project.

Molly McCahon – Lakes Commission, disagreed with the comments regarding Army Corps approval. Spoke regarding the county code regarding building on wetlands and soils. Asked that the applicant go back to the drawing board. Stated that this application fails to meet multiple conclusions of law particularly numbers 1,2,3,5 & 8

Ray Kellman – Lives near the project, believes that the project falls into the community of Providence etc. Separate from the City of Kootenai. Does not believe that this project is consistent with the building in the area. Opposed to the project.

Leilani Williams – Spoke regarding the flooding in the area and seasonal road damage. Opposed to project.

Heather Bouse – Spoke regarding the schools and overcrowding, opposed to project.

Susan Bowman – Reminded the Commissioners of their responsibility and the reasoning for public comment. Feels the developers should work with the City of Kootenai. Opposed to project.

Public comment closed at 3:22 p.m.

Applicant rebuttal – Mike Hammack, Mauricio, and Dan Taddick discussed several comments made by members of the public and further discussed their willingness to work with various agencies.

Additional Staff Information: Swati Rastogi spoke about wetlands and BCRC 12-73.

Commissioner Omodt recessed the meeting at 3:42 p.m.

Commissioner Omodt reconvened the meeting at 3:45 p.m.

Bill Wilson spoke regarding the potential conflict of interest. Based on the duration of the friendship that does not amount to a conflict. Neither does the relationship with Mauricio Cardona. Neither comment from the public, on their face, merit a potential conflict.

Commissioner Bradshaw clarified his relationship with Mike Hammack.

Commissioner Deliberation:

Commissioner Omodt Read from the Staff report, several points that he felt explained his position. Stated that the development makes sense to him and asked for an amendment to an access road to a 60' width.

Commissioner Williams voiced concerns over capacity at KPSD, believes this file is being rushed. Read line by line from LUPA. Spoke in support of the developers working with the City of Kootenai, will eventually have to be annexed into Kootenai, why not comply now. Discussed population and increase in density and stated that that amount of growth in the area will have a negative impact. Spoke regarding ACI's and their impact. Feels there an infrastructure burden that comes with that type of increase in density. Addressed wetlands and the issues surrounding them. Promoted open dialogue with the community and the developers. Stated that she feels this plan currently is out of compliance with the comprehensive plan, believes that this should go back to the drawing board and make it work for the community and the developer.

Commissioner Bradshaw believes the developer has met every requirement up to this point, except the 60' Commissioner Omodt requested. Stated that we cannot require certain developers to do things that others have not done.

Commissioner Williams stated that the Board can request that a developer provide a plan for the entire project and the future of the project. This action would benefit relationships as the community would like to have a discussion regarding growth. Stated that we do not have the infrastructure for this type of growth.

A discussion was continued regarding all these issues mentioned above.

MOTION TO APPROVE:

Commissioner Omodt made a motion to approve project FILE S0002-23: Providence Subdivision, requesting the creation of 116 residential lots on an approximately 39.57-acre property zoned Suburban and located in Section 1, Township 57 North, Range 2 West, Boise Meridian, Bonner County, Bonner County, Idaho, finding that it is in accord with the Bonner County Revised Code based on 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.
8. The proposed subdivision **is** in accord with the Bonner County Comprehensive Plan.

This decision is subject to the Conditions of Approval as set forth in the staff report as amended during this hearing. The decision is based on 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 *Conditions of Approval* as amended during this hearing and direct the Planning staff to draft written findings and conclusions to reflect this decision and transmit to all interested parties. This action does not result in a taking of private property. The action that could be taken to obtain the approval of preliminary plat is to complete the Conditions of Approval as adopted. Commissioner Williams/Omodt seconded the motion. Roll call vote: Commissioner Omodt – Yes, Commissioner Williams – No, based on conclusions 1,2,3,5,8 are not in compliance in her review of this record. Commissioner Bradshaw – Yes. The motion passed.

Commissioner Omodt recessed the meeting at 4:27 p.m.

Commissioner Omodt reconvened the meeting at 4:32 p.m.

Action Item: Discussion/Decision Regarding File AM0010-23 – Comprehensive Map Amendment. The applicants are requesting a comprehensive map amendment from Ag/Forest Land to Rural Residential. The lots are 12.76 and (2) 6.28 acres. The property is zoned A/F-20. The project is located off Baldy Mountain Road in Section 12, Township 57 North, Range 3 West, Boise-Meridian. The Planning Commission at the August 15, 2023, public hearing, recommended approval of this file to the Board of County Commissioners.

Staff report presented – Daniel Britt presented the staff report (see attached file)

Applicant comment – Brain Quayle, Applicants rep, presented the applicants request

Public comment – None

Public comment closed at 4:48 p.m.

Daniel Britt commented on the grandfathering of these parcels.

Commissioner Deliberation:

Commissioner Williams stated that she felt that follows the comp plan. Spoke on maintaining the rural character.

MOTION TO APPROVE

Commissioner Williams made a motion to approve this project, FILE AM0010-23, requesting a comprehensive land use plan map amendment from Ag/Forest Land to Rural Residential, 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:

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

1. The site does contain mapped slopes that range from 0 and up to 30% and greater. The mapped slopes of 30% and greater are not the prevailing character of this proposal.
2. The proposal is adjacent to Baldy Mountain Road, a Bonner County owned and maintained paved/ gavel right of way.
3. The proposal is not within a mapped critical wildlife habitat.
4. Per the applicant, the proposal is served by individual well and septic system.
5. Natural gas is provided by Avista Utilities and electricity is provided by Northern Lights Inc.
6. The properties are within the Westside Fire District.
7. Law enforcement is Bonner County Sheriff's Department.
8. The proposal is within the City of Dover's area of city impact.
9. Currently the proposal is developed with a single-family dwelling.

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. Commissioner Omodt seconded the motion. Roll call Vote: Commissioner Omodt – Aye, Commissioner Williams – Aye, Commissioner Bradshaw – Aye. The motion passed.

Comprehensive Plan Map Resolution Adoption:

Commissioner Williams made a motion approve Resolution 2023-72 the Bonner County Projected Land Use Map from Ag/ Forest to Rural-Residential for the three parcels outlined in this File AM0010-23, totaling an approximate 25 acres. Commissioner Bradshaw seconded the motion. The motion passed. Roll call Vote: Commissioner Omodt – Aye, Commissioner Williams – Aye, Commissioner Bradshaw – Aye. The motion passed.

Commissioner Williams amended her original motion approving FILE AM0010-23 to include the Conclusions of Law:

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.

Adjourned at 4:53 p.m.

Deputy Clerk: Jessi Reinbold