



Bonner County

Board of Commissioners

Luke Omodt

Asia Williams

Steve Bradshaw

Public Hearing Minutes

Planning

Date: February 22, 2024
Location: 1500 Hwy 2, Suite 338
Sandpoint, ID 83864

CONVENE AT: 1:30 p.m.

ADJOURN AT: 2:34 p.m.

COMMISSIONERS PRESENT: Williams, Bradshaw, & Omodt
OTHERS PRESENT: Jake Gabell, Alex Feyen

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, Bradshaw, and Williams advised that they had no conflicts with this file.

File AM0015 23 Comprehensive Plan Map Amendment Rural Residential to Transition. The applicants are requesting a Comprehensive Plan Map Amendment from Rural Residential to Transition. The +/- 12 acre property is zoned Rural 5 (R 5). The project is located off Porterhouse Drive in Section 32, Township 56 North, Range 2 West, Boise Meridian. The Planning Commission, at the January 16, 2024, public hearing, recommended approval of this file to the Board of County Commissioners.

Staff report presented – Alex Feyen (report attached)

Applicant comment – Jeremy Grimm, Whiskey Rock Planning & Consulting
Request for amendment due to landowners' consideration of the future. This area seems to be growing, is centrally located, and is fairly developed with homes and businesses. Preparation for future US-95 realignment and expansion; more traffic, noise, commercial traffic.
Commissioner Williams requested clarification on why two parcels were presented singularly and if staff analysis included both parcels individually.

Public comment opened at 1:48 p.m. – None

Public comment closed at 1:49 p.m.

Commissioner Omodt thanked staff and Mr. Grimm for their work on this project, feels this makes sense with future growth and has all necessary services. Commissioner Bradshaw feels it is a fit. Commissioner Williams questioned if two parcels with two separate owners can be treated as one in this project. Brief

discussion followed. Alex explained land use designation, zone changes, and lower density zones. Jake spoke to historical applications where multiple adjacent parcels with multiple owners as part of a singular project.

Commissioner Bradshaw made a motion to approve this project, FILE AM0015-23, requesting a comprehensive plan amendment from Rural Residential to Transition, on approximately 12 acres generally located in Section 32, Township 56 North, Range 2 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:

Conclusion 1

The proposal is in accord with the elements of the Bonner County Comprehensive Plan.

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 Transition comprehensive land use designation.

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 a taking of private property. Commissioner Williams seconded the motion to advance for discussion. Brief discussion. Roll call vote: Commissioner Williams – No, Commissioner Omodt – Yes, Commissioner Bradshaw – Yes. The motion carries.

Commissioner Bradshaw made a motion to approve a resolution, to be numbered, amending the Bonner County Projected Land Use Map from Rural-Residential to Transition for the parcels outlined in this File AM0015-23, totaling an approximate 12 acres. Commissioner Omodt stepped down from the chair and seconded the motion. Roll call vote: Commissioner Williams – No, Commissioner Omodt – Yes, Commissioner Bradshaw – Yes. The motion carries.

Comprehensive Plan Amendment Findings of Fact:

1. The parcels are served by individual well and septic system.
2. Access to the parcels are currently part of a network of developed public rights-of-way.
3. The parcels are accessed from Porterhouse Drive, a Bonner County owned and privately maintained public right-of-way, which is directly accessed from Highway 95.
4. The proposal is not within a mapped critical wildlife habitat.
5. Electricity is provided by Avista Inc.
6. The properties are within the Selkirk Fire District.
7. Law enforcement is provided by Bonner County Sheriff's Department.
8. The existing individual water and sewer services on the property are considered urban-like and are consistent with other properties along Highway 95 and in the area that have a land use designation of transition or commercial.
9. Properties to the South of the subject property, that have a land use designation of Transition, have similar situations with the roads and urban-like services.

Commissioners Omodt, Bradshaw, and Williams advised that they had no conflicts with this file.

File ZC0009-23 – Zone Change – Rural 10 to Rural 5. The applicants are requesting a zone change from Rural 10 to Rural 5. The +/- 12.5-acre property is zoned Rural 10 and Agricultural/Forestry-10. The project is located off Kestrel Lane in Section 13, Township 55 North, Range 2 East, Boise Meridian. The Zoning Commission, at the January 18, 2024, public hearing, recommended approval of this file to the Board of County Commissioners.

Staff report presented – Alex Feyen (report attached)

Applicant comment – Victoria Woodward & Daniel Hieronymus
Applicant satisfied with staff report as presented.

Public comment opened at 2:09 p.m. – None

Public comment closed at 2:10 p.m.

Commissioner Williams made a motion to approve this project, FILE ZC0009-23, requesting a zone change from Rural-10 to Rural-5, 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 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 Bradshaw seconded the motion. Brief discussion. Roll call vote: Commissioner Williams – Yes, Commissioner Omodt – Yes, Commissioner Bradshaw – Yes. The motion carries.

Commissioner Bradshaw 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 reclassification of lands located in Section 13, Township 55 North, Range 2 East, Boise Meridian, Bonner County, Idaho from Rural-10 to Rural-5, and providing for an effective date. Commissioner Williams seconded the motion. Roll call vote: Commissioner Williams – Yes, Commissioner Omodt – Yes, Commissioner Bradshaw – Yes. The motion carries.

Zone Change Findings of Fact

- The parcel does contain some mapped slopes that range from 15-29% grade, and very few slopes that are 30% or greater. Therefore, the parcel is not characterized by slopes steeper than 30%.
- The parcel is not within critical wildlife habitat as identified by federal, state, or local agencies.
- The parcel contains two soil types, Bonner Silt Loam and Pend Oreille Silt Loam, , both of which are considered “not prime farmland”, per the Bonner County Comprehensive Plan.
- The parcel is accessed via a State of Idaho owned and maintained road and a privately owned and maintained road.
- The parcel is not within a floodplain or floodway.
- According to the application, fire protection is provided by City of Clark Fork by subscription.
- Power is provided by Northern Lights Inc.

- The parcel has an individual well and septic system.
- The parcel is located near other parcels that are currently developed at or near five (5) acres.

Zone Change Conclusions of Law:

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

Conclusion 1

The proposal **is** in accord with the elements of the Bonner County Comprehensive Plan.

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 Rural 5 zoning district, provided at Chapter 3, Title 12, Bonner County Revised Code.

Commissioners Omodt, Bradshaw, and Williams advised that they had no conflicts with this file.

File ZC0012-23 – Zone Change – Agricultural/Forestry-10 to Rural-5. The applicants are requesting a zone change from Agricultural/Forestry 10 to Rural 5. The +/- 10 acre property is zoned Agricultural/Forestry 10 (A/F 10). The project is located off Hines Road in Section 34, Township 59 North, Range 1 West, Boise Meridian. The Zoning Commission, at the January 18, 2024, public hearing, recommended approval of this file to the Board of County Commissioners.

Staff report presented – Alex Feyen (report attached)
 Commissioner Williams asked about parcel acreage of surrounding properties.

Applicant comment – Jeremy Grimm, Whiskey Rock Planning & Consulting
 Pointed out several sub-10 acre parcels within one mile of the parcel in question. Lot size of 5 acres is appropriate in this area.

Public comment opened at 2:28 p.m. –
 Randy Stolz – In Favor; Recalls this file from October, believes this is a creative solution.

Public comment closed at 2:30 p.m.

Commissioner Omodt went over several points found in the staff report. On October 11, 2023, the BOCC approved the change to the Comp Plan, Resolution #2023-83.

Commissioner Bradshaw made a motion to approve this project, FILE ZC0012-23, requesting a zone change from Agricultural/Forestry 10 to Rural 5, on 10 acres generally located 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 a taking of private property. Commissioner Williams seconded the motion. Brief discussion. Roll call vote: Commissioner Williams – Yes, Commissioner Omodt – Yes, Commissioner Bradshaw – Yes. The motion carries.

Findings of Fact:

1. The parcel could be served by individual well and septic system.
2. The parcel has a land designation of Rural Residential.
3. 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.
4. The parcel is accessed off Hines Road, a privately owned and maintained road.
5. Access to the parcel is currently part of a network of developed public roads and private easements.
6. The proposal is not within a mapped critical wildlife habitat.
7. The proposal is not within or adjacent to an Area of City Impact boundary.
8. Electricity can be provided by Northern Lights Inc.
9. The properties are within the Northside Fire District.
10. Law enforcement is provided by Bonner County Sheriff's Department.
11. On October 11, 2023, the Bonner County Board of County Commissioner's approved Resolution No. 23-83, Bonner County Planning Department File No. AM0012-23, changing the Comprehensive Plan Designation from Ag/Forest Land to Rural Residential.

Zone Change Conclusions of Law:

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

Conclusion 1

The proposal **is** in accord with the elements of the Bonner County Comprehensive Plan.

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 Rural 5 zoning district, provided at Chapter 3, Title 12, Bonner County Revised Code.

Commissioner Williams 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 reclassification of lands located in Section 34, Township 59 North, Range 1 West, Boise Meridian, Bonner County, Idaho from Rural-10 to Rural-5, and providing for an effective date. Commissioner Bradshaw seconded the motion. Roll call vote: Commissioner Williams – Yes, Commissioner Omodt – Yes, Commissioner Bradshaw – Yes. The motion carries.

Meeting adjourned at 2:34 p.m.

Deputy Clerk: Alisa Schoeffel