

**BONNER COUNTY PLANNING and ZONING COMMISSION
PUBLIC HEARING MINUTES
THURSDAY, NOVEMBER 18, 2021**

PLEDGE OF ALLEGIANCE

CALL TO ORDER: Chair Bailey called the Bonner County Planning and Zoning Commission hearing to order at 5:30 p.m. in the 1st Floor Conference Room, of the Bonner County Administration Building, 1500 Highway 2, Sandpoint, Idaho, via Zoom webinar, and YouTube live streaming.

PRESENT: Commissioners Chair Brian Bailey; Vice Chair Don Davis; Dave Frankenbach; Sheryl Reeve; Suzanne Glasoe; and Jennifer Casey

ABSENT: None

ALSO PRESENT: Planning Director Milton Ollerton; Assistant Planning Director Jacob Gabell; Planner I Daniel Britt; and Administrative Manager Jeannie Welter

CONSENT AGENDA:

APPROVAL OF MINUTES: The Chair requested the Commissioners declare if they had any corrections or changes to the approval of minutes as written for: November 4, 2021. Hearing no changes or objections, the Chair declared the minutes approved as written.

PUBLIC HEARING:

ZONE CHANGE

CALL FOR VISUAL, HEARING OR OTHER IMPAIRMENT REQUIRING ASSISTANCE: The Chair asked whether anyone needed special assistance to hear, see or participate in these proceedings. Hearing no response, the Chair continued with the public hearing.

File ZC0028-21 – Zone Change - A/F-20 to A/F-10 Don & Julie Skinner and James & Diane Otis are requesting a Zone change from A/F-20 to A/F-10. The project is located off Colburn Culver Road, Rapid Lightning Road, Lower Pack River Road, and Red Cedar Lane in Section 14,23,24,25,26 Township 58 North, Range 1 West, Boise-Meridian.

CONFLICT OF INTEREST/DISCLOSURE DECLARATIONS: The Chair requested the Commissioners declare any conflicts of interest or disclosures. Commissioners Bailey and Glasoe disclosed they live in the general area of this project but neither have a conflict with the project. The Chair noted that there were no disclosures or conflicts.

STAFF PRESENTATION: Staff Planner Daniel Britt presented a PowerPoint summary of the project and previously circulated staff report, concluding 12 parcels are consistent and two parcels are not consistent with Bonner County Revised Code.

APPLICANT PRESENTATION: Applicant Representative Dan Provolt, Provolt Land Surveying responded to staff presentation and recommendation that the top northern parcel does not meet the criteria stating the parcel is a single parcel though it lies in two sections. He stated it does meet the criteria. He gave a history of zoning on the subject parcels. He gave examples of viable farms in the subject area on parcels less than 20-acres. He stated the applicant is not a developer and has no intentions of becoming one.

PUBLIC/AGENCY TESTIMONY: The following individuals spoke on the record in opposition of the project: Susan Bowman, David Bowman, Molly Fay, Wayne Martin, Don Holland, Doug Gunter, Christina Kingsman, Jannell Shields, Sarah Crone, Maria Albergoto, Monica Gunter, Pat Gunter, Jerry Nelson, George Gehrig, Sheryl Kins, Susan Drumheller, Johnna Plant, Kitty Coon, Bo Degraph, Liz Richardson, Brandon Cramer, Katie Cox, Suzie Banning, Katharine Roser, Clem Yonker, Brad Smith, John Harbuck, John Gaberel, and Fred Omodt.

The following exhibits were submitted to the record: Exhibit A, submitted by Tamara Joyner, exhibit B, submitted by George Gehrig, exhibit C, submitted by Cynthia Weiss, exhibits D, E, F, and G, submitted by Dan Provolt, exhibit H, submitted by Katie Cox, exhibit I, submitted by Katharine Roser.

APPLICANT REBUTTAL: Staff Planner Daniel Britt responded to public comments pertaining to agency comments and soils.

Mr. Provolt responded to public comments regarding "rural life style", well logs and water, and development.

COMMISSION DELIBERATION: The Chair closed the hearing to public testimony. The Commission discussed Findings and Conclusions.

Zone Change - Motion by the Governing Body:

MOTION TO RECOMMEND DENIAL: Commissioner Frankenbach moved to recommend denial to the Board of County Commissioners for this project FILE ZC0028-21, requesting a Zone Change from Agricultural/Forestry-20 to Agricultural/Forestry-10, based upon the following conclusions: #1, the proposal is not in accord with the following elements of the Comprehensive Plan, Land Use, Public Services, Implementation, Natural Resources, Transportation, and School Facilities, Transportation, #2, not in compliance with BCRC Title 12, 12-211 & 12-215(a & f) . The decision is based upon the evidence submitted up to the time the Staff Report was prepared, and testimony received at this hearing. Commissioner Frankenbach further moved to adopt the findings of fact and conclusions of law as stated during this hearing and direct planning staff to draft written findings and conclusions to reflect this motion and transmit to all interested parties. This action does not result in a taking of private property. The action that could be taken, if any, to obtain the

Zone Change is to: 1) File a new application with the Planning Department and meet the standards required by Bonner County Revised Code; or 2) Pursue such remedies as may be applicable at Title 67, Chapter 65, Idaho Code. Commissioner Glasoe seconded the motion.

VOTED upon and the Chair declared the motion carried, unanimously.

Zone Change Findings of Fact:

- The parcels are comprehensive planned Agricultural/ Forestry Land.
- Prime agricultural soils are largely absent but agricultural and forestry activities remain viable.
- The parcels contain slopes, surface water, wetlands, floodplains, or floodways.
- Parcels are accessed by a standard road system.
- The parcels are afforded fire protection by the Northside Fire district.
- Services are an individual well and septic system with utilities provided by Northern Lights Inc.

Zone Change Conclusions of Law:

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

Conclusion 1

The proposal **is not** in accord with the following highlighted elements of the Bonner County Comprehensive Plan:

Property Rights
Community Design
Land Use
Public Services
Special Areas or Sites

Population
Implementation
Natural Resources
Transportation
Housing

School Facilities Transportation
Economic Development
Hazardous Areas
Recreation

Conclusion 2

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

Background:

A. Site data:

- Unplatted
- Sizes: 41.24, 130.27, 18.34, 314.78, 80.00, 21.27, 21.06, 39.80, 7.50, 18.40, 0.11, 0.64, 21.45, and 3.10
- Zone: A/F-20
- Land Use: Agricultural/ Forestry Land
- Legal per: Instrument #629543, #702083, #522701, #690779, #880970, #890432, #973399, #753245, #678937, #684529, #882999

B. Access:

- The parcels are generally located on or near Colburn Culver Road, Rapid Lighting Road and Lower Pack River Road.

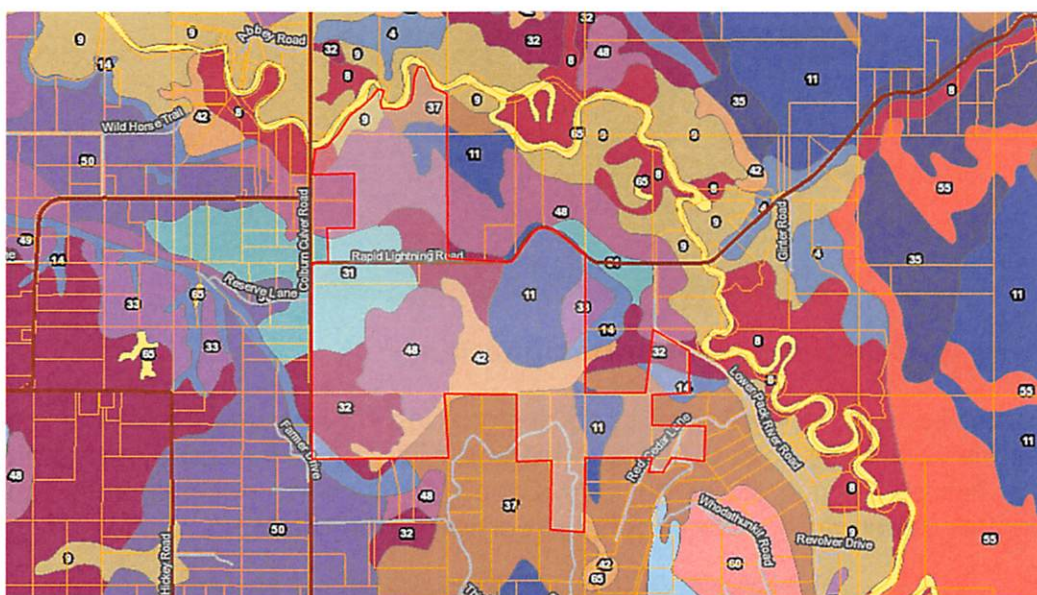
C. Environmental factors:

- Nine parcels contain mapped slopes from 15 to 30% and above. (USGS)
- Three parcels contain mapped wetlands. (USFWS)
- Five parcels contain either waterfront or streams. (NHD)
- One parcel is the floodway and floodplain SFHA Zone A 16017C0735E Effective Date 11/18/2009; AE FIRM Panel 16017C_FIRM1
- One parcel is in the floodway SFHA Zone AE FIRM Panel 16017C0730E, Effective 11/18/2009

Soils:

- Classification: Colburn very fine sandy loam, 0 to 4 percent slopes (9)
- Type: Consociation
- Drainage: Somewhat poorly drained
- All areas are prime farmland
- Classification: Selle fine sandy loam, 0 to 8 percent slopes (48)
- Type: Consociation
- Drainage: Well drained
- All areas are prime farmland
- Classification: Capehorn silt loam, 0 to 2 percent slopes (8)
- Type: Consociation
- Drainage: Poorly drained
- Farmland of statewide importance, if drained and either protected from flooding or not frequently flooded during the growing season
- Classification: Mission silt loam, 0 to 2 percent slopes (31)
- Type: Consociation
- Drainage: Somewhat poorly drained
- Prime farmland if drained
- Classification: Mission silt loam, 2 to 12 percent slopes (32)
- Type: Consociation
- Drainage: Somewhat poorly drained
- Farmland of statewide importance, if drained
- Classification: Pywell-Hoodoo complex, 0 to 1 percent slopes (42)
- Type: Complex
- Drainage: Very Poorly drained
- Prime farmland if drained
- Classification: Dufort-Rock outcrop complex, 5 to 45 percent slopes (11)
- Type: Complex
- Drainage: Well drained

- Not prime farmland
- Classification: Haploxeralfs and Xerochrepts, 30 to 55 percent slopes (14)
- Type: Undifferentiated group
- Drainage: Well drained
- Not prime farmland
- Classification: Mission silt loam 12 to 30 percent slopes (33)
- Type: Consociation
- Drainage: Somewhat poorly drained
- Not prime farmland
- Classification: Pend Oreille- rock outcrop complex, 5 to 45 percent (37)
- Type: Complex
- Drainage: Well Drained
- Not prime farmland



D. Services:

- Water: Individual well
- Sewage: Individual septic
- Fire: Northside Fire
- Power: Northern Lights Inc.
- School District: Bonner School #84

E. Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Land Use & Density
Site	Ag/Forest Land	A/F-20	Residential/ Vacant
North	Ag/Forest Land	A/F-20	Vacant
East	Ag/Forest Land	A/F-20	Residential

Compass	Comp Plan	Zoning	Current Land Use & Density
South	Ag/Forest Land	A/F-20	Residential
West	Ag/Forest Land	A/F-10	Vacant

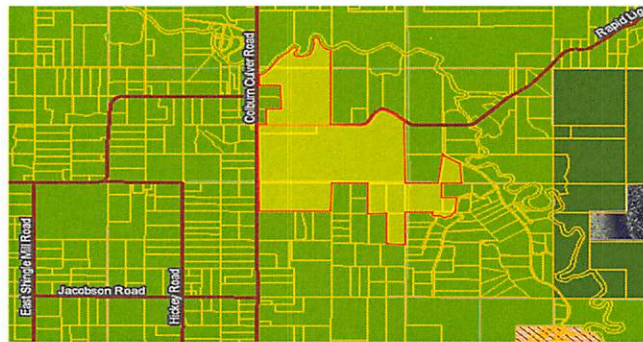
F. Standards Review: Bonner County Revised Code

12-215: Applications for Zone Changes and Comprehensive Plan Map Amendments, Contents.

The application was considered complete and routed to agencies accordingly.

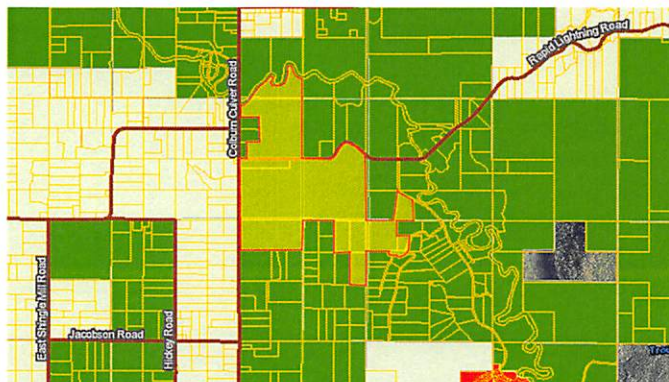
12-216: Evaluation of Amendment Proposals.

Staff and the governing bodies shall review the particular facts and circumstances of each proposal submitted and shall determine whether there is adequate evidence that the proposal is in accordance with the general and specific objectives of the comprehensive plan. (Ord. 501, 11-18-2008)



Existing Comprehensive Plan Designation:

Ag/Forest Land- The Ag/Forest Land designation recognizes areas where steeper slopes prevail (30% or greater) and transportation is provided by private roads or U.S. Forest Service or state roads. Urban services are not available and residential development challenges are present due to slope.



Existing Zoning:

12-322: AGRICULTURAL/FORESTRY DISTRICT:

- A. The agricultural/forestry district is established to provide for agricultural and forestry pursuits, including livestock production, forestry, horticulture, floriculture, viticulture, and necessary accessory uses for treating, storing and processing agricultural products. The purpose of the A/F district is to preserve, protect and maintain areas that are rural in character and the integrity of the forest/woodland areas where viable agricultural pursuits can be feasible and to avoid fragmentation of forests and farms. These purposes are accomplished by:
 - 1. Establishing residential density limits and conservation development standards to retain areas sized for efficient farming.
 - 2. Allowing for uses related to agricultural production and limiting nonagricultural uses to those compatible with agriculture or requiring close proximity for the support of agriculture.
- B. Use of this zone is appropriate in areas designated by the comprehensive plan as follows:
 - 1. A/F-20 in all areas designated as prime ag/forest land in the comprehensive plan. The A/F-20 zone is also appropriate in areas designated ag/forest land in the comprehensive plan that also feature:
 - a. Prime agricultural soils.
 - b. Are characterized by agricultural or forestry uses.
 - c. Areas where one or more of the following apply: limited services; characterized by slopes steeper than thirty percent (30%); where access may be absent or limited to substandard road systems or where large tracts of land may be devoted to ag/forest production.

Proposed Zoning:

12-322 AGRICULTURAL/FORESTRY DISTRICT:

- A. The agricultural/forestry district is established to provide for agricultural and forestry pursuits, including livestock production, forestry, horticulture, floriculture, viticulture, and necessary accessory uses for treating, storing and processing agricultural products. The purpose of the A/F district is to preserve, protect and maintain areas that are rural in character and the integrity of the forest/woodland areas where viable agricultural pursuits can be feasible and to avoid fragmentation of forests and farms. These purposes are accomplished by:
 - 1. Establishing residential density limits and conservation development standards to retain areas sized for efficient farming.
 - 2. Allowing for uses related to agricultural production and limiting nonagricultural uses to those compatible with agriculture or requiring close proximity for the support of agriculture.

- B. Use of this zone is appropriate in areas designated by the comprehensive plan as follows:
2. A/F-10 in areas designated as ag/forest land in the comprehensive plan that do not feature prime agricultural soils, but where agricultural and forestry pursuits remain viable. These areas may be within or adjacent to areas of city impact or where lands are afforded fire protection, access to standard roads and other services.

G. Stormwater plan:

A stormwater management plan was not required, pursuant to BCRC 12-720.3(K)....the creation of additional "impervious surface", as defined in section 12-809 of this title.

H. Agency Review: The application was routed to the following agencies for comment on August 24, 2021

Panhandle Health District	Idaho Department of Water Resources
Northside Fire District	Bonner County Road Department
Northern Lights Utility Company	U.S. Army Corps (Coeur d'Alene)
Bonner School District #84	U.S. Fish and Wildlife Service
Bonner County Schools – Transportation	Idaho Department of Lands (Sandpoint)
Idaho Department of Fish and Game	U.S. Forest Service
Idaho Department of Environmental Quality	Idaho Department of Lands, Nav. Waters
(All Taxing Districts)	

The following agencies provided comment:

Bonner County Floodplain review "A Rezone application is not a proposal for development as defined in BCRC Title 14. A re-review of the flood issues on this site will be done when and if an application for development (as defined in BCRC Title 14) is made with this department"
July 19, 2021

Panhandle Health District "Prior to any building of structures on any new properties they will need to have Septic Approval via a valid Septic Permit" September 14, 2021

Idaho Department of Fish and Game- See attached letter- September 15, 2021

DEQ" has no environmental impact comments at this stage of the project."
September 17, 2021

The following agencies replied "No Comment":

Independent Highway District "No Comment" September 9, 2021

All other agencies did not reply.

I. Public Notice & Comments:

Several written comments were received opposing the zone change from the public. The comments expressed concerns about impact on wildlife, wells, traffic, schools, housing density, emergency services, wetlands and rivers.

The Chair recessed the meeting.

At 9:04 p.m., the Chair declared the hearing adjourned until December 2, 2021.

Respectfully submitted,


Milton Ollerton, Planning Director

The above Minutes are hereby approved this 2nd day of December 2021.

Bonner County Planning and Zoning Commission


Brian Bailey, Chair