

**BONNER COUNTY ZONING COMMISSION  
PUBLIC HEARING MINUTES  
May 5, 2022**

**PLEDGE OF ALLEGIANCE**

**CALL TO ORDER:** Vice Chair Linscott called the Bonner County Zoning Commission hearing to order at 5:30 p.m. in the 3rd Floor BOCC meeting room, Ste. 338, of the Bonner County Administration Building, 1500 Highway 2, Sandpoint, Idaho, via Zoom webinar, and YouTube live streaming.

**PRESENT:** Commissioners Vice Chair Matt Linscott; Luke Webster; and Frank Wakeley

**ABSENT:** Chair Marble

**ALSO PRESENT:** Planning Director Milton Ollerton; Assistant Planning Director Jacob Gabell; Planner I Tyson Lewis; Planner I Chad Chambers; Planner I Daniel Britt; and Hearing Coordinator Jenna Crone

**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.

**CHANGES IN AGENDA:**

**File MOD0008-21 - Riser Creek Marina (Modification of Conditional Use Permit C925-09)** The applicant has requested to continue the file to June 2, 2022. The applicants are requesting a modification to a previously issued Conditional Use Permit C925-09 (for upland accommodations for a limited scope commercial moorage operation) to now allow for two additional parking spaces for two permitted charter vessels on a 0.95 acre property zoned Recreation. The project is generally located off State Highway 200 in Section 1, Township 56 North, Range 1 East, Boise-Meridian.

Commissioner Webster moved to continue File MOD0008-21 – Riser Creek Marina (Modification of Conditional Use Permit C925-09) to be continued on June 2, 2022.

Commissioner Wakeley seconded the Motion.

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

**CONSENT AGENDA:**

**APPROVAL OF MINUTES:** The Vice Chair requested the Commissioners declare if they had any corrections or changes to the approval of minutes as written for April 21, 2022. Hearing no changes or objections, the Chair declared the minutes approved as written.

**File CUP0030-21 – Conditional Use Permit – Idaho Land LLC – RV Park.** The applicants are requesting a conditional use permit for a 20-unit RV Park on 4.17 acres. The property is zoned Rural-5. The project is located off Clagstone Road and Al's Welding Road in Section 24, Township 54 North, Range 5 West, Boise-Meridian.

**CONFLICT OF INTEREST/DISCLOSURE DECLARATIONS:** The Chair requested the Commissioners declare any conflicts of interest or disclosures. The Chair noted that there were no disclosures or conflicts.

**STAFF PRESENTATION:** Daniel Britt presented a PowerPoint summary of the project and previously circulated staff report, concluding this project is consistent with Bonner County Revised Code.

**APPLICANT PRESENTATION:** Steven Doty, Applicant, addressed comments and concerns submitted in public comment and discussed plans for the proposed RV park.

**PUBLIC/AGENCY TESTIMONY:** The following members of the Public spoke on the record: Rick Hockett; Shawn Bendinelli; Frank Bendinelli; Jeanette Bendinelli; Marsha Stephens; Jeannie Considine; Kathy Nash; Elizabeth Houston; Rich Doring; Penny Lamb; Mike Wilson; Joanne Fletcher; Jenny Taver; Josh Emmett; Priscilla Emmett; Eric Gesell; Jack Mervin; Chantell Brady; Bill Manos; Christine Fiozentino; Wade Kammer; Twilla Robb; Rory Cole; Curtis Johnson; Doug Paterson; Deanne Fultz; Red shirt and glasses; William Stidham; Glenice Seratowski; Wayne Martin; Asia Williams; Mary Rawlsky; Susan Bowman; and Christine Logue.

**STAFF REBUTTAL:** Planning Director Milton Ollerton addressed comments and concerns made during public comment and noted that the Board may choose to table this file until more information is obtained from public agencies.

**APPLICANT REBUTTAL:** Steven Doty addressed comments made by the public regarding water supply for fire suppression, garbage disposal, and a septic system.

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

**MOTION TO CONTINUE:** Commissioner Webster moved to continue the file to June 2, 2022, for File CUP0030-21 requesting a 20-unit RV park. Commissioner Webster is requesting additional information from:

- Idaho Department of Water Resources on a water permit
- Panhandle Health District on the type of septic system that can be there and the aquifer
- The Fire Department regarding the 26' road, which road and where does it begin and end as well as information on fire suppression and water storage for the number of units proposed by the applicant
- Information from the applicant regarding stormwater plans, snow removal and storage

Commissioner Wakeley seconded the Motion  
**VOTED** upon and the Chair declared the motion carried unanimously.

At 8:15 p.m. Vice Chair Linscott recessed the hearing.

At 8:28 Vice Chair Linscott continued the hearing.

**File ZC0001-22 – Bliss – Zone Change.** The applicants are requesting a zone change from Rural 10-acre to Rural 5-acre on a 20-acre parcel. The property is currently zoned Rural 10-acre. The project is located off Dry Creek Road and Paradox Road in Section 6, Township 55 North, Range 5 West, Boise Meridian.

**STAFF PRESENTATION:** Planner Chad Chambers presented a PowerPoint summary of the project and previously circulated staff report, concluding this project is consistent with Bonner County Revised Code.

**PUBLIC/AGENCY TESTIMONY:** The following members of the public spoke in the record: Wayne Martin

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

**MOTION TO RECOMMEND APPROVAL:** Commissioner Wakeley moved to recommend approval to the Board of County Commissioners for this project, FILE ZC0001-22, 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 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 Webster seconded the Motion

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

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**Zone Change Findings of Fact**

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1. The site's Comprehensive Plan land use designation is Rural Residential which permits Rural-10 and Rural-5 zoning districts.
2. The site does not contain steep slopes over 30% or greater.

3. The site contains one soil type, Bonner gravelly ashy silt loam which is characterized as prime farmland soil.
4. The site is served by Paradox Road, a road that is not owned nor maintained by Bonner County.
5. The site is not situated within a mapped floodplain zone A or AE or floodway.
6. The site is served by an individual well and septic system, West Pend Oreille Fire District and Avista Utilities for power
7. Properties north of the subject parcel are zoned Rural 5-acre and directly north of the property are developed at one dwelling unit per 5-acre density.

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**Zone Change Conclusions of Law:**

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**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	Implementation	Economic Development
Land Use	Natural Resources	Hazardous Areas
Public Services	Transportation	Recreation
Special Areas or Sites	Housing	Agriculture

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.

**File ZC0040-21–Zone Change – Rural Service Center to Industrial – Kline.**

The applicant is requesting a zone change from Rural Service Center to Commercial Industrial. The ~3.3-acre property is located off Highway 95 in Section 5, Township 55 North, Range 2 West, Boise-Meridian.

**STAFF PRESENTATION:** Assistant Planning Director Jacob Gabell presented a PowerPoint summary of the project and previously circulated staff report, concluding this project is consistent with Bonner County Revised Code.

**APPLICANT REPRESENTATION:** Travis Haller, Glahe and Associates, went over the steps that will be taken to get the land into compliance.

**APPLICANT PRESENTATION:** Thomas Kline, Applicant discussed concerns that were brought up by neighbors and how he plans to address them.

**PUBLIC/AGENCY TESTIMONY:** The following members of the public spoke in the record: Betsy Hammond; Edmund Hall; Bill Gage; and Wayne Martin.

**APPLICANT REBUTTAL:** Travis Haller, addressed concerns made during public comment regarding noise and fire danger.

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

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**Zone Change - Motion by the Governing Body:**

**MOTION TO RECOMMEND APPROVAL:** Commissioner Webster moved to recommend approval to the Board of County Commissioners on this project, FILE ZC0040-21, requesting a zone change from Rural Service Center to Industrial, 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. Commissioner Webster 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.

Commissioner Webster also moved to amend Conclusion 3 from "Rural 5 Zoning" to "Industrial Zoning District".

Commissioner Wakeley seconded the Motion

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

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**Zone Change Findings of Fact**

- The property is in the Transition comprehensive land use plan designation As per Bonner County Revised Code, Industrial zoning district is suitable for areas with this land use designation.
- The parcel is directly accessed by US Highway 95.
- The parcel does contain slopes between 15% to 29%.
- The parcel is in the Sagle Fire Taxing District
- The parcel is served by an individual well and septic system.
- Power is provided from Northern Lights Inc.

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**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 following elements of the Bonner County Comprehensive Plan:

Property Rights Population School Facilities Transportation Community Design	Implementation Economic Development Land Use Natural Resources Hazardous Areas	Public Services Transportation Recreation Special Areas or Sites Housing
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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-5-zoning Industrial Zoning (amended during the hearing)** district, provided at Chapter 3, Title 12, Bonner County Revised Code.

**COMMISSIONER & STAFF UPDATES:**

Commissioner Wakeley thanked Planning staff for doing such good work. Kristina Kingsland will be appointed to the Planning Commission on Tuesday May 10, 2022. The Planning Department will have their new planner starting in about 2 weeks. The Planning Commission has a timeline to get the comp plan done by August 2022.

At 9:38 p.m., the Chair declared the hearing adjourned until May 19, 2022

Respectfully submitted,



Milton Ollerton, Planning Director

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The above Minutes are hereby approved this 19<sup>th</sup> day of May 2022.

Bonner County Zoning Commission



Matt Linscott, Vice Chair