

**BONNER COUNTY ZONING COMMISSION  
PUBLIC HEARING MINUTES  
SEPTEMBER 15, 2022**

**PLEDGE OF ALLEGIANCE**

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

**PRESENT:** Chair Jacob Marble; Vice Chair Matt Linscott; Commissioners Luke Webster, and Frank Wakeley.

**ABSENT:** None

**ALSO PRESENT:** Planning Director Jacob Gabell, Planner I Chad Chambers and Hearing Coordinator Jenna Crone.

**CHANGES IN AGENDA:** None

**APPROVAL OF MINUTES:** The Chair requested the Commissioners declare if they had any corrections or changes to the approval of minutes as written for September 1, 2022. Hearing no changes or objections, the Chair declared the minutes approved as written.

**File ZC0014-22 – Zone Change – Ag/Forestry 20-acre to Ag/Forestry 10-acre.**  
The applicants are requesting a zone change from Agricultural/Forestry 20-acre to Agricultural/Forestry 10-acre on three separate parcels, two≈20-acre parcels, and one (1) 19.78-acre parcel, totaling some ≈59.78-acres. The property is currently zoned Agricultural/Forestry 20-acre. The project is located off Magpie Lane in Section 8, Township 58 North, Range 1 West, Boise-Meridian. **This file was continued from August 18, 2022.**

**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:** Planner I Chad Chambers presented a PowerPoint summary of the project and previously circulated staff report, concluding this project is not consistent with Bonner County Revised Code.

**APPLICANT REPRESENTATIVE:** Lance Miller, Surveyor discussed the proposed zone change and addressed points made in Staff's analysis.

**PUBLIC/AGENCY TESTIMONY:** The following members of the Public spoke on the record: Jerry Blakely, David Lopp, Kristin Lopp, Daniel Purdy, Russell Richlin, and Kristina Kingsland.

**APPLICANT REBUTTAL:** Jeff Bickish, Landowner, shared the reason for his proposed zone change and answered questions from the Commissioners.

**APPLICANT REPRESENTATIVE REBUTTAL:** Lance Miller addressed comments made during public comment.

**STAFF REBUTTAL:** Planner I Chad Chambers addressed comments made during public testimony and by the Commissioners.

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

*Chair Marble adjourned the hearing for a recess at 7:57*

*Chair Marble resumed the hearing at 8:07*

**MOTION TO RECOMMEND APPROVAL:** Commissioner Linscott moved to recommend approval to the Board of County Commissioners this project FILE ZC0014-22, requesting a zone change from Agricultural/Forestry 20-acre to Agricultural/Forestry 10-acre, based upon the following conclusions:

- Mission Silt Loam soil has not been adopted as a prime agricultural soil in the Bonner County Comprehensive plan.
- Agricultural pursuits remain viable on the property.
- Access to the property could be provided by roads that comply with the private road standards set forth in Title 12 Appendix A, provided a development agreement is adopted by the board.
- The site is not characterized by slopes steeper than 30%.
- Properties directly adjacent to the property are zoned Agricultural/Forestry 20-acre, but properties in a one (1) mile radius are not.
- The property is not currently devoted to Ag/Forest production; the example given was that it's not a paper mill.
- Not all components of the comp. plan must be met for a zone change to be approved. The comp. plan is not the ordinance that governs zoning districts/designations.

The decision is based upon the evidence submitted up to the time the Staff Report was prepared and testimony received at this hearing. Commissioner Linscott further moved to recommend adoption of the following findings of fact and conclusions of law as amended. Commissioner Linscott further moved to recommend to the Board of County Commissioners to establish a conditional zoning development agreement for this file that includes that the file meets Appendix A Private Road Standards. This action does not result in a taking of private property.

Commissioner Webster seconded the motion.

**Roll Call Vote:**

Commissioner Webster **Aye**  
Commissioner Linscott **Aye**  
Commissioner Wakeley **Nay**  
Commissioner Marble **Aye**

**VOTED** upon and the Chair declared the motion carried, 3-1.

**Zone Change Findings of Fact**

1. The property is surrounded by properties zoned Agricultural/Forestry 20-acre.
2. The site is accessed by Magpie Lane which is not County owned nor maintained. No evidence has been provided to staff to suggest that this road meets the private road standards of Title 12 Appendix A. Additionally, the road is neither County owned or maintained; thus, staff cannot determine that it is built to County standards.
3. Mission silt loam is characterized as prime farmland of statewide importance and covers a larger portion of the property than Haploxeralfs and Xerochrepts which is not prime farmland but has been historically used for agricultural and forestry pursuits in general.
4. Farming operations appear to be present to the immediately south of the subject property. Staff notes that the farming operations are occurring where mission silt loam soil is present.
5. The site is not situated within a mapped floodway but does contain some sloping 15%+ throughout. The site is not characterized by slopes steeper than 30%.

**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	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 Agricultural/Forestry 10-acre zoning district, provided at Chapter 3, Title 12, Bonner County Revised Code.

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**COMMISSIONER & STAFF UPDATES:**

- Due to no files being scheduled, the regularly scheduled meeting on October 6<sup>th</sup> is canceled. The next Zoning Commission meeting will be October 20<sup>th</sup>
  - Interviews will be taking place in the new future to fill the vacant seats on the Planning/Zoning Commissions.
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At 8:38 p.m., the Chair declared the hearing adjourned until October 20, 2022.

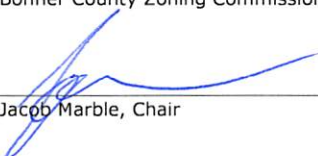
Respectfully submitted,

  
Jacob Gabell, Planning Director

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The above Minutes are hereby approved this 20<sup>th</sup> day of October 2022.

Bonner County Zoning Commission

  
Jacob Marble, Chair