



Bonner County

Board of Commissioners

Luke Omodt

Asia Williams

Steve Bradshaw

Public Hearing Minutes

Planning

Date: August 23, 2023
Location: 1500 Hwy 2, Suite 338
Sandpoint, ID 83864

CONVENE AT: 1:30 p.m.

ADJOURN AT: 3:29 p.m.

COMMISSIONERS PRESENT: Omodt, Williams, & Bradshaw

OTHERS PRESENT: Planning Staff: Jacob Gabell, Travis Haller, Alex Feyen

Commissioner Omodt opened the hearing at 1:31 p.m.

Commissioner Omodt asked if anyone needed assistance for this hearing, there were no requests. Commissioners Omodt, Williams, and Bradshaw (remotely) advised that they had no conflicts with these files.

Action Item: Discussion/Decision Regarding Appeal File V0008-23 – Variance – Nemeth. The applicant is requesting a 10-foot setback from the road where a 25-foot setback is required. The parcel is zoned Agricultural/Forestry 10 (A/F 10). The project is located off Phelan Rd in Section 19, Township 55N, Range 3E, Boise Meridian. The Hearing Examiner, at the July 5, 2023, public hearing, denied this file. On August 1, 2023, the Planning Department received a letter of appeal requesting this file be sent to the Board of County Commissioners to be heard de novo.

Staff report presented – Alex Feyen presented the project staff report (see attachment) Commissioner Bradshaw inquired into roads/easements and roads ending on the applicant's property, also asking what the easiest forward for this applicant is. Commissioner Williams stated that we should address the appeal at hand and not the applicants' other options.

Applicant Comment – Applicants addressed the other options and the expense of removing the word road from the plat. Described topography of the property. Stated that neighbors sent in a letter of support. Stated that the BLP was approved and that he was the one who discovered the problem and actively tried to solve the problem.

Public Comment – None

Public comment closed at 1:54 p.m.

Applicant Rebuttal – None

Commissioner Bradshaw stated he feels that the board should approve the variance.
Commissioner Williams stated we are not here to look at the decision by the hearing examiner and the rules for a variance not what is easiest for the applicant.
Commissioner Omodt agreed with Commissioner Williams.

Commissioner Bradshaw made a motion to reverse the hearing examiners decision and stated the reasoning. Commissioner Williams seconded the motion for the purposes of advancing for discussion. There was no further discussion. Roll Call Vote: Commissioner Omodt – No, Commissioner Williams – No, Commissioner Bradshaw – Yes. The motion failed.

Commissioner Williams made a motion to affirm the Hearing Examiner’s decision to deny this project FILE V0008-23, a reduced setback of 10’, where 25’ is required. Commissioner Omodt seconded the motion. Roll Call Vote: Commissioner Omodt – yes, Commissioner Williams – yes, Commissioner Bradshaw – No. The motion passed.

Action Item: Discussion/Decision Regarding File ZC0005-23 – Zone Change – Hynes. The applicants are requesting a zone change from Rural-10 to Rural-5 on two (2) 15-acre parcels for the purposes of subdividing. The property is zoned Rural 10. The project is located off Dry Creek Road in Section 06, Township 55 North, Range 05 West, Boise-Meridian. The Zoning Commission, at the July 20, 2023, public hearing, recommended approval of this file to the Board of County Commissioners.

Staff report presented – Alex Feyen presented the project staff report (see attachment) Commissioner Williams inquired as to the size of the surrounding lots.

Applicant Comment – Sharon Hynes spoke regarding the reasoning behind the application, she stated that one of her children would like to buy a chunk of their property. Discussed the road that serves the property. Explained how the property would be split.

Public Comment – None

Public comment closed at 2:11 p.m.

Commissioner Bradshaw stated that this request is a fit and the reasoning behind it is specific. Commissioner Omodt agreed with Commissioner Bradshaw, recognizing the parcels surrounding the properties combined with the approval recommendation from the planning commission or staff. Commissioner Williams inquired whether this file had any requests for a subdivision. Staff replied that it is only a zone change.

MOTION TO APPROVE:

Commissioner Williams made a motion to approve this project, FILE ZC0005-23, 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. Commissioner Williams further moved 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 Chairman sign, and transmit to all interested parties. This action does not result in a taking of private property. Commissioner Bradshaw stepped down from the chair and seconded the motion. Roll call vote: Commissioner Omodt – Yes, Commissioner Williams – Yes, Commissioner Bradshaw – Yes. All in favor. The motion passed.

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	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 **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 Omodt 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 6, Township 55 North, Range 5 West, Boise Meridian, Bonner County, Idaho from Rural-10 to Rural-5, and providing for an effective date.

Commissioner Omodt further moved to authorize the Chair to sign the official supplementary zoning map upon publication of the ordinance. Commissioner Williams seconded the motion. Roll call vote: Commissioner Omodt – Yes, Commissioner Williams – Yes, Commissioner Bradshaw – Yes. All in favor. The motion passed.

Commissioner Omodt recessed the meeting at 2:18

Commissioner Omodt reconvened the meeting at 2:23 p.m.

Action Item: Discussion/Decision Regarding Appeal File CC0002-23 – Certificate of Compliance –

Hooper. The applicant is seeking a certificate of compliance for parcel number RP58N01W047650A, with the request to certify that the 4.387-acre parcel resulted from a division of land complying with the applicable provisions of the Bonner County Revised Code in effect at the time the division occurred. The site is located off Colburn Culver Road, a Bonner County-Owned and Maintained Public Right-of-Way. The site is zoned Agricultural/Forestry 20. The property is in Section 04, Township 58N, Range 01 West in Sandpoint.

Staff report presented – Alex Feyen

Applicant Comment – James MacDonald, Attorney

Overview of the following attachments: Exhibit 4, Exhibit 5, Exhibit 6, Exhibit 7, Exhibit 8, Exhibit 11, Exhibit 10, and Exhibit 13.

Discussion for clarification on parcels.

Timothy Hooper – discussed what he was told by former Planning Director Milton Ollerton and his hope that this land split can be cleaned up and that he does not wish to develop.

Public Comment – None

Discussion regarding if promissory estoppel not being recognized in Idaho and whether or not these are two parcels or a non-contiguous, non-conforming single parcel.

Public comment closed at 3:04 p.m.

Commissioner Williams made a motion to affirm the Planning staff's administrative decision on this project File CC0002-23, noting that the parcel RP58N01W047650A described in Instrument #972065, Bonner County Records, as a 4.387-acre parcel **did not** result from a division of land complying with the applicable provisions of the Bonner County Revised Code in effect at the time the division occurred, therefore **not** existing as a single separate legal parcel of land for the purposes of regulating land use in Bonner County. The decision is based upon the evidence submitted up to the time the Staff Memo was prepared and testimony received at this meeting. This action does not result in the taking of private property. Commissioner Bradshaw seconded the motion. Roll call vote: Commissioner Omodt – Yes, Commissioner Williams – Yes, Commissioner Bradshaw – Yes. All in favor. The motion passed.

Note: The Board's decision shall be final, and further recourse of the appellant shall be as provided by Idaho Code.

Meeting adjourned at 3:29 p.m.

Deputy Clerk: Alisa Schoeffel