

**BONNER COUNTY PLANNING COMMISSION
PUBLIC HEARING MINUTES
APRIL 18, 2023**

PLEDGE OF ALLEGIANCE

CALL TO ORDER: Chair Songstad called the Bonner County Planning Commission hearing to order at 4:30 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: Chair Allan Songstad; Vice Chair Don Davis; Commissioners Dave Frankenbach, Michael Leita, Randy Stolz, Matt Linscott and Debby Trinen.

ABSENT: None

ALSO PRESENT: Planning Director Jacob Gabell, Assistant Director Travis Haller, Senior Planner Swati Rastogi, Planner II Daniel Britt 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 April 4, 2023. Hearing no changes or objections, the Chair declared the minutes approved as written.

File AM0008-23 – Bonner County Comprehensive Plan – Components Update – Economic Development. The Bonner County Planning Commission is recommending an amendment to the existing Bonner County Comprehensive Plan by updating the Economic Development Component, per Idaho Code Section 67-6508, Local Land Use Planning.

STAFF PRESENTATION: Senior Planner Swati Rastogi presented a PowerPoint summary of the project and previously circulated staff report concluding that it is in accord with the general and specific objectives of the Bonner County Comprehensive Plan and Bonner County Revised Code.

PUBLIC/AGENCY TESTIMONY: The following members of the public spoke on the record: None

COMMISSION DELIBERATION: The Commission discussed the Findings of Fact and the Conclusions of Law.

MOTION TO RECOMMEND APPROVAL: Commissioner Frankenbach moved to recommend to the Board of County Commissioners **approval** of this amendment to the Bonner County Comprehensive Plan, File AM0008-23 – update to the Economic Development component, finding that it **is** in accord with the requirements of Idaho Code Section 67-6508 and the procedures set forth in Idaho Code Section 67-6509

as enumerated in the following findings of fact and 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 Frankenbach further moved to adopt the following findings of fact and conclusions of law as written. This action does not result in a taking of private property.

Commissioner Trinen seconded the motion.

Voted upon and the Chair declared the Motion passed, unanimously.

Findings of Fact:

1. Per Idaho Code Chapter 65, Title 67, it is the duty of the planning or planning and zoning commission to conduct a comprehensive planning process designed to prepare, implement, and review and update a comprehensive plan, hereafter referred to as the plan.
2. The Board of County Commissioners is authorized by Idaho Code, Chapter 7, Title 31, to adopt ordinances, rules and regulations "...not repugnant to law, necessary for carrying into effect or discharging the powers and duties conferred by the laws of the state of Idaho, and such as are necessary or proper to provide for the safety, promote the health and prosperity, improve the morals, peace and good order, comfort and convenience of the county and the inhabitants thereof, and for the protection of property therein..."

Conclusions of Law:

1. The proposed amendment **IS** in accord with Idaho Code Sections 67-6508 and 67-6509.

File AM0007-23 – Comprehensive Land Use Plan Map Amendment – De-annexed City of Priest River Properties. The applicants are requesting a comprehensive land use plan map amendment from Resort Community and Transition to Rural Residential on ±875 acres. The properties have been de-annexed from the City of Priest River. The project is generally located off Highway 2, Eastside Road and E. Settlement Road in Section 19-27-28-29-30-32-33, Township 56 North, Range 4 West, Boise-Meridian.

STAFF PRESENTATION: Planner II Daniel Britt presented a PowerPoint summary of the project and previously circulated staff report concluding that it is in accord with the general and specific objectives of the Bonner County Comprehensive Plan and Bonner County Revised Code.

PUBLIC/AGENCY TESTIMONY: The following members of the public spoke on the record: Nancy Kehler, Kathryn Kolberg, Richard Bagley, John Connolly, and Jeff Connolly.

COMMISSION DELIBERATION: The Commission discussed the Findings of Fact and the Conclusions of Law.

MOTION TO RECOMMEND APPROVAL: Commissioner Linscott moved to recommend approval to the Board of County Commissioners on this project, FILE AM0007-23, requesting a comprehensive plan amendment from Resort Community and Transition to Rural Residential, on a ±875 acres generally located in Sections 19-27-28-29-30-32-33, Township 56 North, Range 4 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. Commissioner Linscott 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 Stolz Seconded the motion.

Roll Call Vote

Commissioner Leita	No
Commissioner Linscott	Yes
Commissioner Davis	No
Commissioner Songstad	No Vote
Commissioner Frankenbach	No
Commissioner Stolz	No
Commissioner Trinen	No

Voted upon and the motion did not pass.

Commissioner Linscott moved to reopen Public Comment.

Commissioner Davis seconded the motion.

Voted upon and the Chair declared the Motion passed, unanimously.

PUBLIC/AGENCY TESTIMONY: The following members of the public spoke on the record: Jeff Connolly, Marie Smith, John Connolly, and Wayne Martin.

MOTION TO RECOMMEND APPROVAL: Commissioner Linscott moved to recommend approval to the Board of County Commissioners on this project, FILE AM0007-23, requesting a comprehensive plan amendment from Resort Community and Transition to Rural Residential, on a ±875 acres generally located in Sections 19-27-28-29-30-32-33, Township 56 North, Range 4 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. Commissioner Linscott 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 Songstad stepped down from the Chair and seconded the motion.

Roll Call Vote

Commissioner Leita	No
Commissioner Linscott	Yes
Commissioner Davis	Yes
Commissioner Songstad	Yes
Commissioner Frankenbach	No
Commissioner Stolz	Yes
Commissioner Trinen	Yes

Voted upon and the Chair declared the Motion passed, with 5 voting in favor and 2 opposed.

Comprehensive Land Use Plan Map Amendment Findings of Fact

- The proposed area does have mapped slopes up to and greater than 30%.
- Current lower density in the area reduces the impact to resources and exposure to loss of property or lives.
- Critical wildlife habitats were not identified by any agency.
- Individual well and septic systems are currently being utilized in the area.
- The properties are not within a water/ sewer district.
- The parcels are within the West Pend Oreille Fire District.
- Law enforcement is provided by Bonner County Sheriff.
- Agricultural uses can be pursued and are viable in the Rural Residential designation.
- Residential development is possible on the parcel.
- Average parcel size is above 2.5 acres.
- The proposal is ±875 acres.

**Comprehensive Land Use Plan Map Amendment 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		

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 Residential comprehensive land use designation.

File ZC0003-23 – Zoning Designation – De-annexed City of Priest River

Properties. The applicants are requesting zoning for properties that have been de-annexed from the City of Priest River. The proposed zoning is Rural-5 and Rural-10. The proposal is ±875 acres. The project is generally located off Highway 2, Eastside Road and E. Settlement Road in Section 19-27-28-29-30-32-33, Township 56 North, Range 4 West, Boise-Meridian.

The Chair called for a Recess at 6:10 p.m.

The Chair called the Hearing back to order at 6:14 p.m.

STAFF PRESENTATION: Planner II Daniel Britt presented a PowerPoint summary of the project and previously circulated staff report concluding that it is in accord with the general and specific objectives of the Bonner County Comprehensive Plan and Bonner County Revised Code.

PUBLIC/AGENCY TESTIMONY: The following members of the public spoke on the record: Jeff Connolly and Wayne Martin.

COMMISSION DELIBERATION: The Commission discussed the Findings of Fact and the Conclusions of Law.

MOTION TO RECOMMEND APPROVAL: Commissioner Davis moved to recommend to the Board of County Commissioners, approval of this project, FILE ZC0003-23, requesting a zoning designation of Rural-10 and Rural-5, (as illustrated in the proposed Zoning Map presented this hearing) 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 Davis 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 the 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 Trinen seconded the motion.

Roll Call Vote

Commissioner Leita Yes
Commissioner Linscott Yes

Commissioner Davis Yes
Commissioner Songstad Yes
Commissioner Frankenbach No
Commissioner Stolz Yes
Commissioner Trinen Yes

Voted upon and the Chair declared the Motion passed, with 6 voting in favor and 1 opposed.

Zone Designation Findings of Fact:

- The proposals current land use designations are Transition, Resort Community and Rural Residential.
- Three parcels are characterized by slopes steeper than 30%.
- The proposal is not within a critical wildlife habitat.
- Approximately ±94 of ±115 acres of the land classified as “Prime Farmland” are currently developed at one dwelling unit per five (5) acres. The remaining ±21 acres classified as “prime farmland” is split between two other parcels that are adjacent to lands zoned Rural-5.
- Emergency services is provided by Bonner County Sheriff and West Pend Oreille Fire District.
- Power is provided by Northern Lights Inc. and Avista Utilities.
- There are parcels within a mapped flood hazard zone but not a floodway.
- Parcels currently have a permitted individual wells and septic systems.
- The proposal is adjacent to properties that are developed at or near the one dwelling unit per five-acre density and zoned Rural-5.
- The proposal is currently ±875 acres.
- Properties are generally accessed by both Idaho State and Bonner County owned and maintained rights-of-ways.

Zoning Designation 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		

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 and Rural-10 zoning district, provided at Chapter 3, Title 12, Bonner County Revised Code.

COMPREHENSIVE PLAN DISCUSSION/WORKSHOP:

Comprehensive Plan:

- Discussion of the following components of the Comprehensive Plan (open to public comments):
 - **Housing**
 - *This component will go to a Public Hearing on May 16, 2023.*

The drafts of these suggested updates are available at the Planning Department's website on the Comprehensive Plan Update page.

PUBLIC/AGENCY TESTIMONY: The following members of the public spoke on the record: Wayne Martin.

DISCUSSION:

1. Commissioner & Staff Updates
 - a. Planner I Tyson Lewis has resigned.
 - b. Director Gabell shared that the Planning Department hasn't seen the uptick in land use files or Building Location Permits that was anticipated.
2. May 2, 2023, Agenda Items
 - a. Natural Resources

At 7:42 p.m., the Chair declared the hearing adjourned until May 2, 2023.

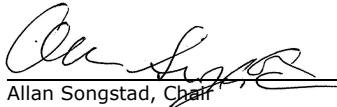
Respectfully submitted,



Jacob Gabell, Planning Director

The above Minutes are hereby approved this 2nd day of May 2023.

Bonner County Planning Commission



Allan Songstad, Chair