

**BONNER COUNTY PLANNING COMMISSION
PUBLIC HEARING MINUTES
JUNE 6, 2023**

PLEDGE OF ALLEGIANCE

CALL TO ORDER: Chair Songstad called the Bonner County Planning Commission hearing to order at 4:31 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, Matt Linscott, Debby Trinen and Randy Stolz (via ZOOM).

ABSENT: None

ALSO PRESENT: Planning Director Jacob Gabell, Assistant Director Travis Haller, Senior Planner Swati Rastogi, 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 May 16, 2023. Hearing no changes or objections, the Chair declared the minutes approved as written.

File AM0009-23 Bonner County Comprehensive Plan – Components Update – Housing. The Bonner County Planning Commission is recommending an amendment to the existing Bonner County Comprehensive Plan by updating the Housing Component, per Idaho Code Section 67-6508, Local Land Use Planning Act.

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 Linscott moved to recommend to the Board of County Commissioners **approval** of this amendment to the Bonner County Comprehensive Plan, File AM0009-23 – update to the Housing 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 Linscott 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 Leita 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.

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- **Meeting with Idaho Soil & Water Conservation Commission**
 - Bill Lillibridge
 - Jenna Ditzel

File AM0005-23 – Text Amendment – Bonner County Revised Code Title 12 – Bonner County is requesting a text amendment to Bonner County Revised Code, Title 12 to include the following proposed changes:

- 1) BCRC 12-215 – Modification to the site plan requirements to zone change and comprehensive plan map amendment applications. Changes result in only requiring a site plan drawn to scale, and does not include location of structures, utilities, yards, etc.
- 2) BCRC 12-223 – Modification to the Conditional Use Permit (CUP) standards to better align with state code. Changes result in a CUP be "not in conflict" with the comprehensive plan rather than "in accordance with" the comprehensive plan.

- 3) BCRC 12-225 – Cleanup and clarification for Conditional Use Permit code to conform to BCRC 12-127 and 12-223. Changes adds the Hearing Examiner as a decision maker, in accordance with BCRC 12-127.
- 4) BCRC 12-484 – Modification to the Vacation Rental Permit code to allow up to 20 persons total per property before requiring a Conditional Use Permit.
- 5) BCRC 12-496 – Removal of RV Dwelling Units as an allowable Vacation Rental or Short Term Rental.
- 6) BCRC 12-660, 12-621 and 12-812 – The proposed change to BCRC 12-812 is to avoid the misuse of the code as currently written. The proposed changes to the ratio calculations allows for a similar property shape creation as is currently allowed in the code.
- 7) BCRC 12-621 – Addition to the Lot Design code to disallow land use action to create split zoned properties.
- 8) BCRC 12-661 – Updates to Minor Land Division code to remove the 30 day processing time limit and update the final plat process.
- 9) BCRC 12-818 – Update to the RV Park definition to align with BCRC 12-496, redefining an RV park as any premises designated for the rental of 3 or more RV's, rather than 2 or more RV's.
- 10) BCRC 12-819 – Modification to the Street definition to avoid creating future non-conforming properties, and aligns with the Road and Bridge department, and GIS department street definitions.

STAFF PRESENTATION: Planning Director Jacob Gabell presented a PowerPoint summary of the proposed text changes 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: Jennifer Eckstrom, David Bell, and Susan Drumheller.

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

The Chair called for a recess at 6:27 P.M.

The Chair resumed the hearing at 6:32 P.M.

Commissioner Davis made a motion to separate sections 12-484 and 12-496 from the AM0005-23 proposed Title 12 updates, to be discussed at a workshop and taken to a public hearing.

Commisisoner Leita seconded the motion

Voted upon and the Chair declared the Motion passed, unanimously. (This vote did not include Commissioner Trinen as she had left the meeting.)

MOTION TO RECOMMEND APPROVAL: Commissioner Linscott moved to recommend approval of this FILE AM0005-23 to amend subchapters two (2), four (4), six (6) and eight (8) of Title 12, Bonner County Revised Code, to the Board of County Commissioners, finding that it is in accord with the general and specific objectives of the Bonner County Comprehensive Plan as enumerated in the following

findings of fact and conclusions of law. This 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 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.

Voted upon and the Chair declared the Motion passed, unanimously. (This vote did not include Commissioner Trinen as she had left the meeting.)

Findings of Fact:

1. The Bonner County Planning Department has reviewed the proposed changes against Idaho Code and made amendments to better comply with the Idaho Code, specifically Title 67 Chapter 65, Local Land Use Planning.
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..."

The proposed ordinance making the above changes adds to the clarity intended in the interpretation of the Bonner County Revised Code and Bonner County Comprehensive Plan. These actions will further balance the provision of safety, health and prosperity while maintaining the protection of property, peace, good order, comfort and convenience of the county and its inhabitants.
3. The proposed changes provide clarification of the regulations, enabling the public and the staff to achieve the best results leading to greater understanding and use of the zoning ordinance.

Conclusions of Law:

Conclusion 1: The proposed amendment **is** in accord with Idaho Code, Title 31, Chapter 7.

Conclusion 2: The proposed amendment **is** in accord with Idaho Code Title 67, Chapter 65.

Conclusion 3: The proposed amendment **is** in accord with the general and specific objectives of the Bonner County Comprehensive Plan.

COMPREHENSIVE PLAN DISCUSSION/WORKSHOP:

Comprehensive Plan:

- Discussion of the following components of the Comprehensive Plan (**Not open to public comments**):
 - **Natural Resources**
 - *Chapters 1, 4, 5, and 7 of this component will be discussed by the Commission on June 20, 2023.*

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

DISCUSSION:

1. Commissioner & Staff Updates
 - a. Sackett vs. EPA – Supreme Court Ruling
2. June 20, 2023, Agenda Items

At 9:04 p.m., the Chair declared the hearing adjourned until June 20, 2023.

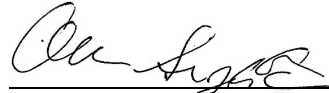
Respectfully submitted,



Jacob Gabell, Planning Director

The above Minutes are hereby approved this 20th day of June 2023.

Bonner County Planning Commission



Allan Songstad, Chair