

**BONNER COUNTY PLANNING COMMISSION
PUBLIC MEETING MINUTES
SEPTEMBER 5, 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, Matt Linscott, Debby Trinen and Randy Stolz (arrived after roll call).

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 August 15, 2023. The minutes were not approved.

File AM0012-23 – Comprehensive Plan Map Amendment – Hampton. The applicants are requesting a map amendment from Ag/ Forest Land to Rural Residential. The parcel is 10 acres. The property is zoned A/F-10. The project is located off Hines Road in Section 34, Township 59 North, Range 1 West, Boise-Meridian.

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.

APPLICANT REPRESENTATIVE: Jeremy Grimm, Whiskey Rock Consulting, reviewed the proposed Comp Plan designation and discussed neighboring properties.

APPLICANT PRESENTATION: Jess Hampton, Landowner, presented their reasons for the proposed project and answered questions from the Commissioners.

PUBLIC/AGENCY TESTIMONY: Written comments were received and reviewed by the Commission prior to the hearing. The following members of the public spoke on the record: Wayne Martin.

APPLICANT REBUTTAL: Jeremy Grimm answered questions from the public and the Commissioners.

COMMISSION DELIBERATION: The Commission discussed Findings and the Conclusion.

MOTION TO RECOMMEND APPROVAL: Commissioner Stolz moved to recommend approval to the Board of County Commissioners on this project, FILE AM0012-23, requesting a comprehensive plan amendment from Ag/Forest Land to Rural Residential, on 10 acres generally located in Section 34, Township 59 North, Range 1 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 Stolz 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 amended his motion to include additional findings of fact.

Commissioner Linscott seconded the motion.

Voted upon and the Chair declared the Motion passed, with Commissioners Stolz, Frankenbach, Davis, Songstad and Trinen voting in favor and Commissioner Leita voting against.

Comprehensive Plan Amendment Findings of Fact:

1. The parcel could be served by individual well and septic system.
2. The site has approximately 0.25 acres of mapped slopes that range from 0-30% grade. Mapped slopes greater than 30% are not present on the parcel.
3. Access to the parcel is currently part of a network of developed public roads and private easements.
4. The proposal is not within a mapped critical wildlife habitat.
5. Electricity can be provided by Northern Lights Inc.
6. The properties are within the Northside Fire District.
7. Law enforcement is provided by Bonner County Sheriff's Department.
8. Several parcels to the north including the two adjacent parcels are approximately 5-acres in size and are rural residential. Additionally, parcels to the south-west, nearly a mile away from the subject site are also 5-acres in size.
9. The majority of the parcel is not prime agricultural soil.

Comprehensive Plan 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
Community Design	Agriculture	Transportation
Land Use	Natural Resources	Economic Development
Public Services	Transportation	Hazardous Areas
Special Areas or Sites	Housing	Recreation

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.

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:

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.

This decision is 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 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 Frankenbach seconded the motion.

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

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.

Discussion regarding Vacation Rental Ordinance and Software

File AM0014-23 – Text Amendment – Bonner County Revised Code Title 12 – The Bonner County Planning Department is recommending an amendment to the Bonner County Revised Code, Title 12, to include the following proposed changes:

- 1) BCRC 12-411 – Modification to Requirements or Exceptions note 8 adding a provision to exclude submerged lands when calculating dwelling densities on a single lot or parcel.
- 2) BCRC 12-412 – Modification to Requirements or Exceptions note 6 adding a provision to exclude submerged lands when calculating dwelling densities on a single lot or parcel.

STAFF PRESENTATION: Planning Director Jake Gabell 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: Written comments were received and reviewed by the Commission prior to the hearing. The following members of the public spoke on the record: None.

COMMISSION DELIBERATION: The Commission discussed Findings and the Conclusion.

MOTION TO RECOMMEND APPROVAL: Commissioner Davis moved to recommend approval of this FILE AM0014-23 to amend subchapter 12-411 note 8 and subchapter 12-412 note 6 of Title 12, Bonner County Revised Code, to the Board of County

- Director Gabell discussed the workshop that took place between the Planning Commission and the Board of County Commissioners. The Board agreed that it was a reasonable request. The Director will work on funding and continue to update the Commissions.

COMPREHENSIVE PLAN DISCUSSION/WORKSHOP:

Comprehensive Plan:

- Discussion of the following components of the Comprehensive Plan (Not open to public comments):
 - **Natural Resources**
- This component will go to a workshop closed to public comment on September 5, 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. Staffing updates
2. September 19, 2023, Agenda Items
 - a. Workshop on Draft Vacation Rental Permit Ordinance Review
 - b. Natural Resources: Commissioner Workshop (Closed to Public Comment)
 - c. Public Services, Facilities and Utilities (Closed to Public Comment)
 - d. Review Ordinance revisions made by DEQ and Army Corp

At 8:02 p.m., the Chair declared the hearing adjourned until September 19, 2023.


Respectfully submitted,



Jacob Gabell, Planning Director

The above Minutes are hereby approved this 19th day of September 2023.

Bonner County Planning Commission



Allan Songstad, Chair