

**BONNER COUNTY ZONING COMMISSION
PUBLIC HEARING MINUTES
APRIL 18, 2024**

PLEDGE OF ALLEGIANCE

CALL TO ORDER: Vice Chair Webster called the Bonner County Zoning Commission hearing to order at 5:30 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: Vice Chair Luke Webster; Commissioners Frank Wakeley and Robert Clark.

ABSENT: Chair Jacob Marble; Commissioner Jake Weimer

ALSO PRESENT: Assistant Planning Director Travis Haller, Planner I Alex Feyen, Planner II Jason Johnson, Planner II Tyson Lewis and Hearing Coordinator Jenna Crone.

CALL FOR VISUAL, HEARING OR OTHER IMPAIRMENT REQUIRING ASSISTANCE: The Vice Chair asked whether anyone needed special assistance to hear, see or participate in these proceedings. Hearing no response, the Vice Chair continued with the public hearing.

CHANGES IN AGENDA: The agenda was amended to move File MOD0001-24 to the top. Motion to amend the agenda by Commissioner Clark. Commissioner Wakeley seconded the motion. Voted upon and the Vice Chair declared the motion carried, unanimously.

APPROVAL OF MINUTES: The Vice Chair requested the Commissioners declare if they had any corrections or changes to the approval of minutes as written for **February 15, 2024**. Hearing none, the Vice Chair declared the February 15, 2024, minutes approved.

CONFLICT OF INTEREST/DISCLOSURE DECLARATIONS: The Vice Chair requested the Commissioners declare any conflicts of interest or disclosures. The Vice Chair noted that there were no disclosures or conflicts.

File MOD0001-24 - Modification of Conditional Use Permit - Victory Baptist Church (C988-15). The applicant is requesting a modification of a Conditional Use Permit to expand the existing church building on site, parking areas, and the hours of operation. The ~2.96 acre property is zoned Rural 5. The project is located off Gun Club Road in Section 9, Township 56 North, Range 2 West, Boise-Meridian.

STAFF PRESENTATION: Assistant Director Travis Haller requested on behalf of the applicant that this file be continued to the Zoning Commission hearing on May 16, 2024, at 5:30 p.m.

Commissioner Clark moved to continue File MOD0001-24 to May 16, 2024.

Commissioner Wakeley seconded the motion.

Roll Call Vote

Commissioner Clark AYE
Commissioner Webster AYE
Commissioner Wakeley AYE

VOTED upon and the Vice Chair declared the motion carried, unanimously.

Revocation of C0997-16, RV Storage. The Planning Director is requesting to revoke CUP0997-16 on parcel RP025370000030A. The property is zoned Rural Service Center. The project is located on the corner of Highway 95 and Porterhouse Drive, in Section 32, Township 56 North, Range 2 West, Boise-Meridian. **This file is being continued from November 16, 2023.**

STAFF PRESENTATION: Assistant Director Travis Haller gave a PowerPoint presentation outlining the timeline of this file up to the time of this hearing.

APPLICANT PRESENTATION: Don Helms, Applicant, explained that he has been out of State since the last hearing and will not be back in Idaho until the end of May 2024. He is requesting an additional 60 days to complete the conditions set in the November 16, 2023, hearing.

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

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

Commissioner Clark moved to continue this file to a time and date certain of July 18, 2024, requesting that Staff take pictures of the site and fencing prior to this hearing date.

Commissioner Wakeley seconded the motion.

Roll Call Vote

Commissioner Clark AYE
Commissioner Webster AYE
Commissioner Wakeley AYE

VOTED upon and the Vice Chair declared the motion carried, unanimously.

File ZC0001-24 - Zone Change - Rural-10 to Rural-5. The applicants are requesting a zone change from Rural 10 to Rural 5 on three (3) contiguous parcels with a combined acreage of ~28.5 acres. The 8.6, 11.5 and 8.4 acre properties are zoned Rural 10. The project is located off Still Meadows Lane in Section 20, Township 57 North, Range 4 West, Boise-Meridian.

STAFF PRESENTATION: Planner II Tyson Lewis presented a PowerPoint summary of the project concluding this project is consistent with Bonner County Revised Code.

APPLICANT REPRESENTATIVE: Katie Keeney, Glahe and Associates, gave a PowerPoint presentation detailing the proposed Zone Change.

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

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

MOTION TO RECOMMEND APPROVAL: Commissioner Clark moved to recommend to the Board of County Commissioners, approval of this project, FILE ZC0001-24, 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 Clark 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 Wakeley seconded the motion

Roll Call Vote

Commissioner Webster AYE
Commissioner Clark AYE
Commissioner Wakeley AYE

VOTED upon and the Vice Chair declared the motion carried, unanimously.

Zone Change Findings of Fact:

- The current land use designation on all three parcels is Rural Residential (5-10 AC). This designation allows for rural pursuits.
- The parcels are accessed by Still Meadows Lane, a privately owned and maintained road.
- Emergency services is provided by Bonner County Sheriff and West Pend Oreille Fire District.

- Power is provided by Northern Lights Inc.
- The properties are served by individual septic systems and individual wells.
- The parcels are currently ±8.412, ±8.6, and ±11.50-acres. The total acreage for the proposed zone change is ±28.512-acres.

Zone Change 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 components of the Bonner County Comprehensive Plan.

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.

File ZC0011-23 - Zone Change - Rural-5 to Rural Service Center. The applicants are requesting a zone change from Rural 5 to Rural Service Center on two (2) adjoining lots. The 6.0 and 6.2 acre properties are zoned Rural 5. The project is located off Porterhouse Drive in Section 32, Township 56 North, Range 2 West, Boise-Meridian.

STAFF PRESENTATION: Planner I Alex Feyen presented a PowerPoint summary of the project concluding this project is consistent with Bonner County Revised Code.

APPLICANT REPRESENTATIVE: Jeremy Grimm, Whiskey Rock Planning, shared details of the proposed Zone Change.

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

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

MOTION TO APPROVE: Commissioner Wakeley moved to recommend approval of this project to the Board of County Commissioners, FILE ZC0011-23, requesting a zone change from Rural 5 to Rural Service Center, on approximately 12.2 acres generally located in Section 32, Township 56 North, Range 2 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:

land use designation of the two lots from Rural Residential to Transition and adopted Resolution number 24-9.

Conclusion 1

The proposal **is** in accord with the elements of the Bonner County Comprehensive Plan.

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 Service Center zoning district.

This decision is based upon the evidence submitted up to the time the Staff Report was prepared and testimony received at this hearing. Commissioner Wakeley 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 Clark seconded the motion.

Roll Call Vote

Commissioner Clark AYE
Commissioner Webster AYE
Commissioner Wakeley AYE

VOTED upon and the Vice Chair declared the motion carried, unanimously.

Zone Change Proposed Findings of Fact:

1. The lots are served by individual well and septic system.
2. Access to the lots are currently part of a network of developed public rights-of-way.
3. The lots are accessed from Porterhouse Drive, a Bonner County owned and privately maintained public right-of-way, which is directly accessed from Highway 95.
4. The proposal is not within a mapped critical wildlife habitat.
5. Electricity is provided by Avista Inc.
6. The properties are within the Selkirk Fire District.
7. Law enforcement is provided by Bonner County Sheriff's Department.
8. On February 22, 2024, the Bonner County Commissioners approved file number AM0015-23, a comprehensive plan map amendment, to change the

COMMISSIONER & STAFF UPDATES:

- The BOCC heard the appeal of File V0024-23 and voted to uphold the Zoning Commission's denial.
- The appeal hearing for File CUP0013-23 will be on April 24, 2024.
- The Hearing Examiner heard a very contentious file on April 17, 2024, and there is a possibility she may recommend it to the Zoning Commission.

At 7:52 p.m., the Vice Chair declared the hearing adjourned until May 16, 2024.

Respectfully submitted,



Jacob Gabell, Planning Director

The above Minutes are hereby approved this 16th day of May 2024.

Bonner County Zoning Commission



Luke Webster, Vice Chair