

**PLANNING DEPARTMENT
PUBLIC HEARING DECISION MINUTES
JULY 11, 2018**

CALL TO ORDER: Chair Bailey called the Bonner County Commissioners' hearing to order at 1:32 p.m. in the 1st Floor Conference Room of the Bonner County Administration Building, 1500 Highway 2, Sandpoint, Idaho.

PRESENT: Commissioners Chair Glen Bailey; Vice Chair Dan McDonald; and Jeff Connolly

ABSENT: None

ALSO PRESENT: Planning Director Milton Ollerton; Floodplain Manager Jason Johnson; Planner I Sam Ross, and Office Manager Jeannie Welter

PUBLIC HEARINGS:

AMENDMENT

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

File AM161-18 - Amendment – Bonner County Revised Code (BCRC) Title 12 Text Amendment – Bonner County is proposing to amend the following sections: BCRC 12-264: Administrative Exceptions: Increase the administrative exceptions already allowed in the ordinance from one-foot to ten percent on setbacks and from 2 percent to 5 percent on lot size and subdivision design. BCRC 12-238: Administrative Variances: This creates an administrative variance up to 30%. This process, after noticing requirements are met, allows the Director to approve the file or set the file for a public hearing. Variances greater than 30% of requirement would follow the regular variance process. BCRC 12-616: Certificate of Compliance, Conditional Certificate of Compliance: Moves the date for which a parcel may legally exist to the adoption date of the last major rewrite of the ordinance (November 18, 2008). The Planning & Zoning Commission at a public hearing on May 9, 2018, recommended approval of the proposed amendment changes to the Board of County Commissioners. The Board of County Commissioners at the June 13, 2018 public hearing continued this file to July 11, 2018 for further consideration.

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

BOARD DELIBERATION: Commissioner Bailey stated Commissioner Connolly requested the file be continued for further consideration. He asked Commissioner Connolly if he had ample time to consider this file. Commissioner Connolly confirmed that he has had ample time to consider and is ready to move forward with the hearing process.

Commissioner Bailey stated based on legal counsel comments it is not necessary to reopen the hearing for public comments.

Commissioner McDonald stated he doesn't have any further questions.

Commissioner Bailey stated he has listened to the digital recording and believes he is ready to continue with the hearing.

Commissioner Bailey asked Director Ollerton for clarification regarding the Administrative Variance confirming that the only process this would change is that a public hearing would not be required. Director Ollerton confirmed stating the application could be administratively approved by the Planning department therefore a public hearing may not be required.

MOTION TO APPROVE ORDINANCE AMENDMENT: Commissioner McDonald moved to APPROVE this ordinance, FILE AM161-18, amending the sections of Title 12, Sections 238, 264 and 616 E., Bonner County Revised Code, as presented or amended in this hearing based upon the evidence submitted up to the time the Staff Report was prepared and testimony received at this hearing. This action does not result in a taking of private property. Commissioner Connolly seconded the motion.

VOTED upon and the Chair declared the motion carried, unanimously

BOARD MOTION TO ADOPT ORDINANCE: Commissioner Connolly moved to adopt an Ordinance of Bonner County, Idaho, the number to be assigned, citing its authority, and providing for the amendment of Title 12, Bonner County Revised Code, Sections 238, 264, and 616 E., and providing for publication and an effective date. Commissioner McDonald seconded the motion.

ROLL CALL VOTE:

Commissioner McDonald AYE
Commissioner Bailey AYE
Commissioner Connolly AYE

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

Commissioner Bailey allowed Mike Gunter to speak on the record. Mike Gunter stated he wanted to request that the Board ask legal counsel to write language into the decision stating that it is not the intent to create a high density situation.

Commissioner McDonald called upon Director Ollerton to respond to the comment. Director Ollerton stated there are conditions in the BCRC that would prevent this situation.

Commissioner Bailey asked legal counsel Bill Wilson to respond to the comments of Mike Gunter. Mr. Wilson stated that the Board has already passed a resolution as written. He stated if they wanted to change the language now it would require the same process that we just went through. He further stated the approve language should be sufficient to guide future planning staff. He said if in the future there are situations of abuse then we can look at changing the language at the time.

12-264: ADMINISTRATIVE EXEMPTIONS:

An administrative exception, not to exceed one foot of any dimensional requirements applicable to the waterfront setbacks and ten percent (10%) of any dimensional requirement applicable to front, side, rear and flanking street setbacks, and a two five percent (25%) exception to subdivision design depth to width standards, or parcel/lot size may be granted by administrative action of the planning director without public notice and without public hearing. (Ord. 501, 11/18/2008)

STAFF:

This proposed change would have the effect of increasing the dimensions the Director is allowed to review and approve for 1) an exception to the setback, 2) subdivision design depth to width standard, and 3) parcel/lot size without holding a public hearing. This tool is rarely used in the Planning Department, but offers the opportunity to mitigate slight errors when one is designing a home or addressing opportunities in a land division.

- 1) Exception to the setbacks: Currently the allowance for setbacks is one (1) foot. On a ten (10) acre parcel, for example, where the setback requirement is twenty-five (25) feet, the proposed exception would allow a two and one half (2 ½) foot change. Where a property owner is considering varying his setback by five (5) feet, allowing for a smaller deviation without a complete variance process may encourage the property owner to lessen the deviation. Note that the waterfront setback requirement would remain the same.
- 2) Subdivision design depth to width standard. Currently the ordinance requires a subdivision lot meet a one to three (1:3) depth to width standard. Allowing for a five percent (5%) deviation instead of a two percent (2%) deviation may appear to be a small change and may prove helpful to a property owner with a unique parcel.
- 3) Currently, the ordinance allows a five (5) acre parcel to be 4.95 acres. A five percent (5%) deviation would allow for a 4.75 acre parcel with administrative approval. This is not a major deviation and would allow more parcels to come into compliance with current zoning. It may be appropriate to consider this change on a permanent basis in Section 12-411 (2). However, at this time, staff would prefer to review such deviations to track the number of instances this occurs.

Currently the administrative exception is not tracked separately and when requested, is usually in conjunction with a building location permit. The only way to identify the number of exceptions issued would be to review all the BLP's individually. There appears to be no incident of an administrative exception in the last two years as most property owners apply for variances, and in doing so ask for greater dimensional leniency.

Going forward, the administrative exception will be tracked separately. The comments from the city of Kootenai and Dover to establish clear criteria for granting the exception are not ignored, there has simply not been a criteria identified to be used in the past.

12-238 ADMINISTRATIVE VARIANCES

- A. The director may grant a variance, as an administrative decision, of up to thirty percent (30%) of the following requirements: lot size, lot width or depth, structure height, setback distances for the front, back, or side yards, or parking space.
- B. The applicant shall submit an application for administrative variance along with the appropriate fee.
- C. The application shall be processed as follows:
 1. Application and Administrative Requirements: A site plan and letter of intent shall be submitted for review together with all appropriate fees as established by the adopted fee schedule. The burden of proof lies upon the applicant to show whether characteristics of the site conform to the standards in BCRC 12-234.
 2. Area of City Impact: If the property is located in an area of city impact, the County shall notify the affected city and allow the required amount of time for a response.
 3. Notifications: Upon acceptance of an application, and while in ACI review, if appropriate, the Director shall provide notification by mail of the variance request to the owners of parcels within three hundred feet (300') of the external boundaries of the parcel and shall provide such individuals a period of twenty-one (21) calendar days from the date of the mailing to submit comments concerning the proposed variance.
 4. Action on application: Based on the comments from staff, agency, and those from affected property owners, the Director shall review the proposed request and shall either approve, approve subject to conditions, or deny the application per BCRC 12-234 within seven (7) working days from the end of the twenty-one (21) day comment period. Alternatively, the Director may, at any time during this review, forward the application to the Planning Commission for a public hearing and decision in accordance with the public hearing process in BCRC 12-267. In considering comments, the director shall evaluate whether granting the variance will be consistent with the standards listed in BCRC 12-234: Variances, Standards for Review of Applications.
 5. Notice of Decision: The director shall give notice of the decision granting or denying the application to those previously notified of the pending application.
- D. The planning commission shall consider all other applications for variances in accordance with the notice and hearing procedure of this chapter.
- E. Appeal: The decision of the Planning Director may be appealed as follows:
 1. Filing Time Limit; Fee: Any affected person may file an appeal of the final decision of the Planning Director with the Planning Department within twenty

eight (28) days after the final written decision of the Planning Director has been issued. The appellant shall pay the fee required by this title upon filing the appeal. An appeal shall not be considered to be filed until such fee has been paid. Failure to file the appeal within the time limits shall cause automatic dismissal of the appeal.

2. Notice of Appeal Contents: The notice of appeal shall be in writing and shall provide the grounds for the appeal and set forth the issues of appeal.
3. Procedures For Consideration Of Appeal:
 - i. Within sixty (60) days of the receipt of the appeal, the Board shall conduct a public hearing. The hearing shall be conducted in the same manner using the same standards, as if the Board had original jurisdiction to hear the application.
 - ii. Upon consideration, the Board may affirm, reverse, or modify the decision of the commission/hearing examiner, after compliance with applicable procedural standards.
 - iii. The decision of the Board shall be final, and any further recourse shall be as provided by law.

STAFF:

As demonstrated above in the proposed ordinance the administrative variance is one in which the regular procedures of a variance are followed, differentiating only in removing the requirement for a public hearing. Idaho Code 67-6516 Variances states "Prior to granting a variance, notice and an opportunity to be heard shall be provided to property owners adjoining the parcel under consideration." The proposed administrative process guarantees this "opportunity" by requiring the neighbors to be noticed allowing for a comment period. The area of city impact agreements always require variances to be noticed.

The proposed ordinance requires the director review the proposed variance against the standards of a variance listed in BCRC 12-234. The director has the option to approve, approve with conditions, deny or send the application to a hearing with the Planning Commission. Following a final decision, the current appeal process in the code is available.

In comments received from the city of Kootenai and Dover, there was concern that this process does not follow Idaho Code. A review of this proposed ordinance against Idaho Code is as follows:

Idaho Code 67-6509 lists the requirements for holding a public hearing to amend the County comprehensive plan. I.C. 67-6511 lists the requirements for amending the zoning ordinance and specifically refers to I.C. 67-6509 for holding a public hearing. I.C. 67-6512 lists the requirements for approving a special use or conditional use permit and specifically refers to I.C. 67-6509 for holding a public hearing. In contrast, I.C. 67-6516 describing the requirements for approving a variance, provides no reference to I.C. 67-6509 for a public hearing and states "prior to granting a variance, notice and an opportunity to be heard shall be provided to property owners adjoining the parcel under consideration." Based on this review of Idaho Code, it would appear the comments provided by the cities of Kootenai and Dover are fundamentally inaccurate.

The main purpose of this ordinance, allowing for an administrative variance, is to create a process that may encourage a property owner to not deviate from the standards in such an extreme way. The County has only approved four (4) variances in the last three (3) years that have had a 30% change. This is less than ten percent (10%) of the total 44 variances. However, the intent is that a property owner who is applying for a 40% or 50% change may consider decreasing that deviation to 30% in order to complete a possibly less rigid application process. The Planning department feels as though this would reduce some of the burden being placed on landowners in complying with county ordinances when the subject land places increased development challenges.

12-616: CERTIFICATE OF COMPLIANCE, CONDITIONAL CERTIFICATE OF COMPLIANCE:

- A. Any person owning a lot or parcel may apply for a certificate of compliance, on an application form provided by the planning department, requesting the planning director to determine whether the lot or parcel resulting from a division of land complies with the applicable provisions of Bonner County code in effect at the time the division occurred. The fee for applying for a certificate of compliance shall be as set forth in section 12-265 of this title.
- B. If the planning director, upon reviewing the application, determines that the lot or parcel resulting from a division of land complies with the applicable provisions of Bonner County code in effect at the time the division occurred, and upon the effective date of the determination pursuant to this section, the planning director shall record, on a form provided by the planning department, a certificate of compliance with the Bonner County recorder. The certificate of compliance shall identify the lot or parcel, and shall state that the lot or parcel resulting from a division of land complies with the applicable provisions of Bonner County code in effect at the time the division occurred.
- C. If the planning director, upon reviewing the application, determines that the lot or parcel resulting from a division of land did not comply with the applicable provisions of Bonner County code in effect at the time the division occurred, and upon the effective date of the determination pursuant to this section, the planning director shall record, on a form provided by the planning department, a conditional certificate of compliance with the Bonner County recorder. The conditional certificate of compliance shall identify the lot or parcel, and shall state that the lot or parcel resulting from a division of land will comply with the applicable provisions of this code in effect at the time the division occurred upon completing only those conditions which would have been applicable to the lot or parcel at the time the division occurred. The conditional certificate of compliance shall list those conditions. Compliance with the conditions listed shall be required prior to the issuance of any permit for the development or use of the property. The planning director shall record a certificate of compliance upon the applicant completing the listed conditions. A recorded final plat or notice of land division pursuant to this chapter constitutes a certificate of compliance with respect to the lot or parcel described therein.
- D. If the planning director, upon reviewing a permit for the development or use of any lot or parcel, determines that the lot or parcel resulting from a division of land did not comply with the applicable provisions of this code in effect at the time the division occurred, and

upon the effective date of the determination pursuant to this section, the planning director shall record, on a form provided by the planning department, a conditional certificate of compliance with the Bonner County recorder. The conditional certificate of compliance shall identify the lot or parcel and shall state that the lot or parcel resulting from a division of land will comply with the applicable provisions of this code in effect at the time the division occurred upon completing only those conditions which would have been applicable to the lot or parcel at the time the division occurred. The conditional certificate of compliance shall list those conditions. Compliance with the conditions listed shall be required prior to the issuance of any permit for the development or use of the lot or parcel. The planning director shall record a certificate of compliance on the application completing the listed conditions. A recorded final plat or notice of land division pursuant to this chapter constitutes a certificate of compliance with respect to the lot or parcel described therein. A conditional certificate of compliance recorded pursuant to this subsection shall include as a condition the fee as set forth at section 12-265 of this title.

E. For the purposes of the administration of this section, the following shall be considered to be in compliance:

1. Any lot or parcel which is described on a recorded legal instrument of conveyance prior to ~~October 20, 1978~~ November 18, 2008;
2. Any lot or parcel for which a valid building permit or building location permit has been issued by Bonner County since November 18, 2008 ~~October 20, 1978~~, whereon development has occurred and a use has been established in reliance on that permit;
3. Any unplatted parcel which is described on a recorded legal instrument of conveyance prior to November 18, 2008 ~~August 12, 1995~~, that met the minimum zoning district standards in effect at the time of conveyance;
4. Any unplatted parcel which is described on a recorded legal instrument of conveyance prior to November 18, 2008 ~~August 12, 1995~~, that meets current minimum zoning district standards. (Ord. 501, 11-18-2008)

F. Any determination made by the planning director in the administration of this section shall be appealable to the board of county commissioners by notifying the planning director in writing of the intent to appeal within ten (10) calendar days from the date of the determination. Upon receipt of an appeal, the planning director shall schedule a meeting with the board within ten (10) working days to hear the appeal and shall provide written notice to the appellant of the time and place of the meeting. The planning director and appellant shall be provided an opportunity to present the relevant issues to the board at that meeting. The board's decision shall be final, and further recourse of the appellant shall be as provided by Idaho Code. If no appeal is filed, the planning director's decision will be deemed effective and the certificate of compliance or conditional certificate of compliance shall be recorded. (Ord. 551, 3-9-2016)

STAFF:

After the last public hearing, there was a request from the Planning Commission to show the ordinances adopted and how each changed the lot size minimum on the varying zoning districts in the County. The following list of ordinances show each time the ordinance was changed in some way affecting each zone. Copies of the full ordinances shown below are available at the recorder's office online or in person.

The certificate of compliance or deed research process begins with either the property owner applying for said permit or applying for a building location permit or land use permit. Each parcel is first determined when the parcel was created through deed research and then placed against the following ordinances to determine if the "lot or parcel does or does not comply with the applicable provisions of this code in effect at the time the division occurred. (BCRC 12-616)" In order to be considered to be in compliance, one of the four following standards must be met:

BCRC 12-616 E.

1. Any lot or parcel which is described on a recorded legal instrument of conveyance prior to October 20, 1978;
2. Any lot or parcel for which a valid building permit or building location permit has been issued by Bonner County since October 20, 1978, whereon development has occurred and a use has been established in reliance on that permit;
3. Any unplatted parcel which is described on a recorded legal instrument of conveyance prior to August 12, 1995, that met the minimum zoning district standards in effect at the time of conveyance;
4. Any unplatted parcel which is described on a recorded legal instrument of conveyance prior to August 12, 1995, that meets current minimum zoning district standards. (Ord. 501, 11-18-2008)

The ordinances below show the history of the adoption and various changes to the zone definitions throughout the years. Next to the ordinance number is the date the ordinance was approved by the Board. The ordinances below describe the lot size minimums for the zones.

To complete the certificate of compliance, the zone maps are then referred to determining the zoning for the property in question. If the property meets the standards, the certificate of compliance showing the property complies is recorded in the Recorder's office.

If the property does not meet the standards, a "conditional certificate of compliance shall identify the lot or parcel and shall state that the lot or parcel resulting from a division of land will comply with the applicable provisions of this code in effect at the time the division occurred upon completing only those conditions which would have been applicable to the lot or parcel at the time the division occurred." (BCRC 12-616 D) The conditions to bring a parcel into compliance may include increasing the acreage of the parcel, requesting a variance from lot size minimum standards, platting the parcel or doing nothing.

Ordinance 136 effective October 20, 1978

15.2 Agricultural Zone

15.2.05 Property of 8250 square feet and 75 feet frontage

15.2.06 Uses Permitted - 9900 square feet and 90 feet frontage

15.2.07 Uses Permitted - 15,000 square feet and 125 feet of frontage

15.2.08 Uses Permitted – 4 ½ acres and 200 feet of frontage

15.3 Agricultural Suburban Zone

15.3.04 Uses Permitted – Property of 8250 square feet and 75 feet frontage

15.3.05 Uses Permitted – 9900 square feet and 90 feet frontage

15.3.06 Uses Permitted – 15,000 square feet and 125 feet of frontage

15.3.07 Uses Permitted – 4 ½ acres and 200 feet of frontage

15.4 Restricted Residential Zone

15.4.03 Uses Permitted – Property of 8250 square feet and 75 feet frontage

15.4.04 Uses Permitted – 9900 square feet and 90 feet frontage

15.4.05 Uses Permitted – 15,000 square feet and 125 feet of frontage

15.5 Commercial Zone

15.5.06 Uses Permitted – 12,000 square feet and 90 feet frontage

15.6 Industrial Zone

15.7 Mining Zone

15.7.02 Site Area – No uses of land in the Mining Zone shall be conducted on a parcel of land less than five acres.

15.8 Recreation and Open Space Zone

15.8.08 Minimum Lot requirements – The minimum lot requirements for building site is 8,250 square feet and 75 feet frontage.

Ordinance 140 Recorded January 9, 1980

8.0 Agricultural District

8.02 Site Area Minimum – 10 acres with 250 feet of frontage on an existing legal access.

9.0 Rural District

9.02 Site Area Minimum –

9.02 A. On property of not less than 5 acres (gross are to include rights-of-way) 165 feet of frontage on an existing public right-of-way is required.

9.02 B. On property of not less than 10 acres (gross are to include rights-of-way legal access is required.

10.0 Suburban District

10.02 Site Area Minimum – 9000 square feet with 75 feet of frontage on an existing public right-of-way.

11.0 High Density Residential District

11.02 Residential Uses Permitted and Site Area Minimum.

11.02 A. Single family – Minimum 8250 square feet with 75 feet of frontage on a public right-of-way

11.02 B. Multifamily – 12,000 square feet with 90 feet of frontage on a public right-of-way

11.02 C. Mobile home on individual lots – 6,000 square ft with 50 ft of frontage on a public right-of-way

11.02 D. Mobile Home Park – 15,000 square feet with 125 feet of frontage on a public right of way.

12.0 Commercial District

13.0 Industrial District

13.02 Site Area Minimum – 15,000 square feet with a minimum of 100 feet of frontage on an existing public arterial thoroughfare.

14.0 Floating Districts

14.03 Recreation District

14.03 B.1.a. Single family – Minimum 9,000 square feet

14.03 B.1.b. Multifamily – 12,000 square feet with 3,000 square feet per unit

14.03 B.1.c. Single Family Mobile home – 6,000 square feet

14.03 B.1.d. Mobile Home Park – 12,000 square feet

Ordinance 143 recorded September 30, 1980.

Agricultural District

Amend 8.02 – 10 acres with an existing legal access.

Rural District

Amend 9.02 A. On property of not less than 5 acres, legal access only is required.

Suburban District

Amend 10.02 9000 square feet with 75 feet of frontage on an existing public right-of-way...Provided, however, that on parcels of 5 acres or larger, legal access only is required.

Ordinance 144 Recorded January 8, 1981

Agricultural District

Amend 8.02 - 10 acres with an existing legal access.

Rural District

Amend 9.02 – On property of not less than 5 acres (gross area to include right of way) legal access only is required.

Suburban District

Amend 10.02 – Site Area Minimum

10.02A. On property of less than 5 acres (gross area to include right of way) 75 feet of frontage on an existing public right of way is required.

10.02 B. On property on not less than 5 acres (gross area to include right of way) legal access only is required.

Ordinance 147 Approved October 28, 1981

Recreation District

- 14.03 B.1.a. Single family – Minimum 9,000 square feet
- 14.03 B.1.b. Duplex or Multifamily – 12,000 square feet with 3,000 square feet per unit
- 14.03 B.1.c. Single Family Mobile home – 9,000 square feet
- 14.03 B.1.d. Mobile Home Park – 12,000 square feet

Ordinance 172 recorded April 21, 2987

- 14.03 Recreation District
- 14.03 B.1.a. Single Family – With a minimum lot area of 9,000 square feet
- 14.03 B.1.b. Single Family Mobile Home – with a minimum lot area of 9,000 square feet

Ordinance 174 approved June 2, 1987

Created 12.50 Rural Service Center District

Ordinance 186 approved July 20, 1988

8.02 Agricultural District: Site Area Minimum
10 acres with an existing legal access (Gross area to include rights of way).

9.02 Rural District: Site Area Minimum
A. On property of not less than 5 acres (gross area to include right or way)

10.02 Suburban District: Site Area Minimum
A. 9,000 square feet with 75 feet of frontage on an existing public right of way
B. On property not less than 5 acres – legal access only is required.

11.02 High Density Residential District – Residential Uses Permitted and Site Area Minimum
A. Single Family Dwelling on individual lots – 8,250 square feet with 75 feet of frontage on a public right of way.
B. Duplex and multi-family units – 12,000 square feet with 90 feet of frontage on a public right of way.
C. Mobile Home Units as Single Family Dwellings on Individual Lots

- 14.05 Recreation District
- 14.05 B.1.a. Single Family – with a lot area of 9000 square feet
- 14.05 B.1.b. Single family mobile home – with a minimum lot area of 9,000 square feet.

Ordinance 243 approved June 15, 1994

Repeal sections 14.02 and 14.03 as a new Recreation District was created at 14.05 with Ordinance 186.

Repeal 14.02 as “Local Business District” due to Ordinance 174 created Rural Service Center.

Ordinance 279 approved March 23, 1995 (Amend Suburban Zone lot size minimums)

12-921. Minimum Lot Size. Site Area Minimum. (Suburban Zone)

12-921 (a) 10,000 square feet minimum lot size where the site is designated “Urban” or “Transition” in the Bonner County Comprehensive Plan and where all urban services are available.

12-921 (b) 12,000 square feet minimum lot size where the site is designated “Recreation” in the Bonner County Comprehensive Plan and where all urban services are available.

12-921 (c) One acre minimum lot size where the site is designated “Transition”, “Recreation” or “Urban” in the Bonner County Comprehensive Plan and all urban services are not available, and where the lot has direct frontage on, and direct access to, a public right of way; and where said right of way is or will be developed with a road constructed to the standards set forth in Title 2 BCRC. Such road may be maintained privately or by a public highway agency.

12-921 (d) One acre minimum lot size where the site is designated “Suburban” in the Bonner County Comprehensive Plan and where the lot has direct frontage on, and direct access to, a public right of way; and where said right of way is or will be developed with a road constructed to the standards set forth in Title 2 BCRC. Such road may be maintained privately or by a public highway agency.

12-921 (e) 5 acre minimum lot size where the site is designated “Rural” in the Bonner County Comprehensive Plan and where legal access to the site is provided, which can be developed for ingress and egress.

Ordinance 288 approved June 14, 1995 (Amend lot size minimums)

12-1421 Recreation Zone

12-1421 (a) Single Family dwelling units: with a minimum lot area of 12,000 square feet where all urban services are available; and with a one acre minimum elsewhere.

12-1421 (b) Single family mobile home: with a minimum lot area of 12,000 square feet where all urban services are available; and with a one acre minimum elsewhere.

12-1020 High Density Zone

12-1021 (a) Single Family residential units on individual lots: 10,000 square feet

12-1120 Commercial Zone

12-1121 (a) Site area minimum: 10,000 square feet where all urban services are available; and one acre elsewhere.

12-1320 Industrial Zone

12-1321 Minimum site requirements: 10,000 square feet where all urban services are available; and one acre elsewhere.

12-1220 Rural Service Center District

12-1221 Minimum lot size

12-1221 (a) The site area minimum for residential uses shall be: 12,000 square feet where all urban services are available; and one acre elsewhere.

12-1221 (b) The site area minimum for commercial, light, industrial and other nonresidential uses shall be: 10,000 square feet where all urban services are available; and one acre elsewhere.

Ordinance 311 Approved May 9, 1996 Creating Suburban ¼ and Suburban 1/3 Suburban District

Repeal 12-921 “Minimum Lot Size” in its entirety (See Ordinance 279 above)

Adopt 12-921 Minimum Lot Size, subdistricts.

12-921 (a) one (1) acre minimum lot size except for as provided in this section.

12-921 (b) 1. Suburban-1/4 (S-1/4) 10,000 square feet minimum lot size where all urban services, as defined, are available and 1 acre minimum lot size where all urban services are not available.

12-921 (b) 2. Suburban-1/3 (S-1/3): 12,000 square feet minimum lot size where all urban services, as defined, are available and 1 acre minimum lot size where all urban services are not available.

Ordinance 312 Approved May 9, 1996

Adoption of an amendment to zone map laying down the new zone definitions adopted in Ordinance 311.

Ordinance 365 Approved December 17, 1998 Clarify acreage standards

Agricultural Zone

12-721 Minimum lot size. 10 acres with legal access (gross acreage may include rights of way within the boundaries of the land being divided or where right of way has been dedicated within the subject aliquot division of a section).

Rural Zone

12-821 Minimum Lot Size. 5 acres with legal access (gross acreage may include rights of way within the boundaries of the land being divided or where right of way has been dedicated within the subject aliquot division of a section).

Ordinance 458 approved February 17, 2005

Amend lot size minimum

Suburban District

12-921 (a) one (1) acre minimum lot size, where either urban water or urban sewer service... is available, or two and one half (2 ½) acres or a 1/256th aliquot division of the section site area minimum elsewhere...

12-921 (b) 1. Suburban-1/4 (S-1/4) 10,000 square feet minimum lot size where all urban services, as defined... or one (1) acre where either urban water or urban sewer service is available or 2 ½ acres... where neither urban water nor urban sewer services... is available.

12-921 (b) 2. Suburban-1/3 (S-1/3): 12,000 square feet minimum lot size where all urban services, as defined... are available or one (1) acre where either urban water or urban sewer service is available or 2 ½ acres... where neither urban water nor urban sewer services... is available.

Commercial District

12-1121 Minimum Lot Size. 10,000 square feet minimum lot size where all urban services, as defined... or one (1) acre where either urban water or urban sewer service is available or 2 ½ acres... where neither urban water nor urban sewer services... is available.

Rural Service Center District

12-1221 Minimum Lot Size.

12-1221 (a) Site minimum for residential uses: 12,000 square feet minimum lot size where all urban services, as defined... are available or one (1) acre where either urban water or urban

sewer service is available or 2 ½ acres... where neither urban water nor urban sewer services... is available.

12-1221 (b) Site minimum for commercial, light industrial and other nonresidential uses. 10,000 square feet minimum lot size where all urban services, as defined... or one (1) acre where either urban water or urban sewer service is available or 2 ½ acres... where neither urban water nor urban sewer services... is available.

Industrial District

12-1321 Minimum Lot Size. 10,000 square feet minimum lot size where all urban services, as defined... or one (1) acre where either urban water or urban sewer service is available or 2 ½ acres... where neither urban water nor urban sewer services... is available.

Recreation District

12-1421 Minimum Lot Sizes (a) Residential Uses: One single family dwelling or mobile home used as a single family residence on 12,000 square feet where all urban services are available or one (1) acre where either urban water or urban sewer service is available or 2 ½ acres... where neither urban water nor urban sewer services... is available.

Ordinance 501

Standard	Zoning District				
	F	A/F-20	A/F-10	R-10	R-5
Minimum lot sizes (acres) (1), (2)	40 (4)	20 (5)	10 (6)	10 (6)	5 (7)

Standard	Zoning District					
	S	C	I	RSC	REC	AV
Minimum lot size where all urban services are available	10,000 square feet (1), (2)	See standard (3)	See standard (3)	12,000 square feet (1), (2)	12,000 square feet (1), (2)	12,000 square feet (1), (2)
Urban water only	2 acres (4)	2 acres	2 acres	2 acres	2 acres (4)	2 acres (4)
Urban sewer only	20,000 square feet (4)	20,000 square feet	20,000 square feet	20,000 square feet	20,000 square feet (4)	20,000 square feet (4)
Community LSAS and urban water	1.5 acres (4)	1.5 acres	1.5 acres	1.5 acres	1.5 acres (4)	1.5 acres (4)
Community drain field and individual well	2 acres (4)	2 acres	2 acres	2 acres	2 acres (4)	2 acres (4)
Minimum lot size where urban sewer and water	2½ acres (2), (4), (5)	2½ acres (2), (5)	2½ acres (5)	2½ acres (2), (5)	2½ acres (2), (4), (5)	2½ acres (2), (4), (5)

services are not available (1)						
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Authority

The ordinance amendment is proposed under the authority granted at Idaho Code, Chapter 7, Title 31; Chapter 8, Title 31; and Chapter 65, Title 67; and Article XII, Section 2, of the Idaho Constitution.

Planning Commission Recommendation:

At their May 9th hearing, the Planning Commission took public comment both in favor of and opposing these recommended changes. The Commission deliberated the comments and ultimately chose to amend ordinance 12-264 retaining the wording that the waterfront setback be allowed a one-foot variation: "one foot of any dimensional requirements applicable to the waterfront setbacks."

The Planning Commission deliberated on ordinance 12-616 and considered the ordinances listed above. In their deliberations, there was discussion to move the date for zoning compliance to 1995. (This would correspond with the platting standard). However, the final decision was to move the date to 2008 consistent with the overall zone map amendment.

The Planning Commission made a unanimous recommendation of Approval of these amendments.

Findings of Fact:

1. The Planning Commission, per Idaho Code Chapter 65, Title 67, may recommend a zoning ordinance. At their May 9th public hearing, the Planning Commission deliberated and made a unanimous recommendation of approval to the Bonner County Board of Commissioners.
2. The Bonner County Planning Department has reviewed the proposed changes against Idaho Code and made amendments to better comply with the Idaho Code, specifically I.C. Title 67 Chapter 65.
3. 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 adding appropriate sections and deleting such 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.

4. Further clarifying standards used and appropriate administration exceptions help with the public understanding and compliance as it leads to greater understanding and use of the zoning ordinance.

Conclusions of Law:

1. The proposed amendments to Title 12 **IS** in accord with Idaho Code, Chapter 7, Title 31.
2. The proposed amendments to Title 12 **IS** in accord with Idaho Code Chapter 67 Title 65.

The proposed amendments to Title 12 **ARE** in compliance with the Bonner County Comprehensive Plan.

AMENDMENT & ZONE CHANGE

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

File AM163-18 Comp Plan Amendment & ZC366-18 Zone Change F-40 / REC to REC Scott & Susan French applicants are requesting to take an acquired parcel from the forest service designated Remote Ag Forest and zoned Forest 40 and requesting it be designated Resort Community and zoned Recreation. This is the same designation as the original parcel. The property is located in the Nordman area at 304 Copper Bay Road in a portion of Section 8/9, Township 61 North and Range 4 West. The Planning and Zoning Commission at the June 7, 2018 public hearing recommended approval of this project to the Board of County Commissioners.

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

STAFF PRESENTATION: Director Ollerton presented a PowerPoint summary of the project and previously circulated staff report, concluding this project is consistent with Bonner County Revised Code.

APPLICANT PRESENTATION: Travis Haller stated Milton presented everything correctly as it is currently designated as two different zone types and they want to change them to reflect the same designation.

PUBLIC/AGENCY TESTIMONY:

Alan Clayton spoke on the record stating he has a subdivision out in the area and asked how it is going to affect the property. Commissioner Bailey instructed him to contact the planning department as his comment is not related to this subject property.

APPLICANT REBUTTAL: None.

BOARD DELIBERATION: The Chair closed the hearing to public testimony. The Board discussed Findings and Conclusions.

/Motion – 1/

Comprehensive Plan Amendment Motion by the governing body:

BOARD OF COUNTY COMMISSIONERS

MOTION TO APPROVE: Commissioner Connolly moved to approve this project, FILE AM163-18, requesting a comprehensive plan amendment for the subject property from Remote Ag/Forest and Prime Ag/Forest to Resort Community, 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 Connolly further move to adopt the following findings of fact and conclusions of law as written (or as amended). This action does not result in a taking of private property. Commissioner McDonald seconded the motion.

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

/Motion – 1.5/

Comprehensive Plan Map Resolution Adoption:

Commissioner McDonald moved to approve resolution #18-81 amending the Bonner County Projected Land Use Map. Commissioner Connolly seconded the motion.

/Motion – 2/

Zone Change Motion by the Governing Body:

BOARD OF COUNTY COMMISSIONERS

Commissioner Connolly moved to approve this project, FILE ZC366-18, requesting a zone change for a portion of the subject property, as described, from Forest 40 to Recreation, 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 Connolly further moved to adopt the following findings of fact and conclusions of law as written (or as amended). This action does not result in a taking of private property. Commissioner McDonald seconded the motion.

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

/Motion – 2.5/

Zone Change Ordinance Motion:

Commissioner McDonald moved 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 generally located in Section 8/9, Township 61N, Range 4 West, Boise Meridian from Forest-40 to Recreation, and providing for an effective date. Commissioner McDonald further moved to authorize the Chair to sign the official supplementary zoning map upon publication of the ordinance. Commissioner Connolly seconded the motion.

ROLL CALL

Commissioner McDonald AYE
Commissioner Bailey AYE
Commissioner Connolly AYE

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

Background:

A. Site data: The parcel is a 0.56 acre parcel. The applicant purchased the property in 1992, (Instrument 407383). In 2003, the applicant purchased a 0.23 acre parcel from the Forest Service (Instrument 635940). The property was combined through a lot line adjustment at Planning Department file # LS1667-10 and recorded at Instrument 800813.

B. Access: The property is accessed at the end of Copper Bay Road, a 30-ft wide gravel access road, recorded in Book 1 of Plats, Page 170, at Instrument 91288.

C. Environmental factors: The property slopes slightly on the Southwest portion of the lot gradually progressing in slope northeast towards Priest Lake. The flood plain slightly encroaches the property on the north side.

D. Services: Sewer is provided by the Granite-Reeder Water and Sewer District. Water is provided by individual well. Power is provided by Northern Lights and served by the West Priest Lake Fire Department.

E. Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Land Use & Density
Site	Remote Ag/Forest	Forest 40 and Recreation	Residential 0.56 acres Home, garage, playhouse, boat docks
North			Priest Lake
East	Remote Ag/Forest	Recreation	Residential lots – less than 1.0 acre
South	Remote Ag/Forest	Recreation	Residential lots – less than 1.0 acre
West	Remote/Ag Forest	Forest 40	US National Forest

G. Standards review

12-215: Applications for Zone Changes and Comprehensive Plan Map Amendments, Contents

The application was considered complete and routed to agency review on April 13, 2018.

12-216: Evaluation of Amendment Proposals

Staff and the governing bodies shall review the particular facts and circumstances of each proposal submitted and shall determine whether there is adequate evidence that the proposal is in accordance with the general and specific objectives of the comprehensive plan. (Ord. 501, 11-18-2008)

The applicant submitted a response to the specific objectives of the comprehensive plan. (Please see application provided). The applicant is requesting a comprehensive plan map amendment from Remote Ag/Forest and Prime Ag/Forest to Resort Community.

From the Land Use Chapter of the Comprehensive Plan.

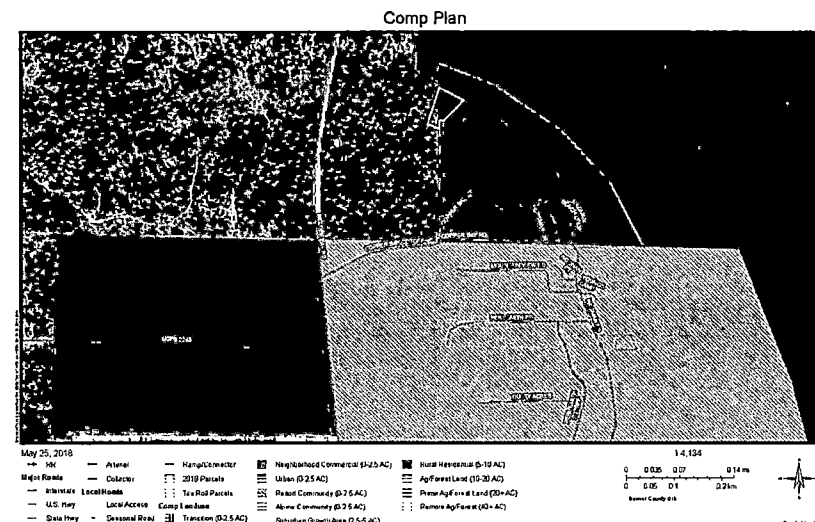
Remote Ag/Forest Land: The remote Ag/forest land is located on mountaintops and remote areas of the County where few or no access roads have been constructed. Included in these areas are most of the state and federal lands, which are managed for forest production or recreation.

Prime Ag/Forest Land: The prime agricultural/forest land is designed to preserve the productive farm and ranch land and timber land to promote its important economic and environmental contributions to the County. This area may have a range of road systems serving it and is generally served by individual sewer and water systems. These areas generally have prime

agricultural land soils and soils of recognized state importance and active farm and ranch operations.

Staff: This property is located adjacent to the National Forest and on the shore of Priest Lake in the Nordman area. There are roads constructed providing access to the properties. The area is served with water, sewer, electricity and fire. The area provides urban-like densities adjacent to a recreational area. The contiguous private property in this area is zoned Recreation consistent with a Resort Community designation. The Resort Community designation is described below:

Resort Community: The Resort Community provides for urban-like densities for areas centered around the recreational areas developed for winter and water sports, golf and hiking, where urban services are provided.



Zone Change Request

The applicant is requesting a zone change on a portion of his property from Forest 40 to Recreation eliminating the split zone on the parcel and making the parcel consistent with the neighborhood. The neighborhood is zoned Recreation consistent with the following definition:

12-328 Recreation District

A. The recreation district is established to provide a wide range of recreational uses in areas where if access is by road rather than solely by waterways, the road shall be located within a

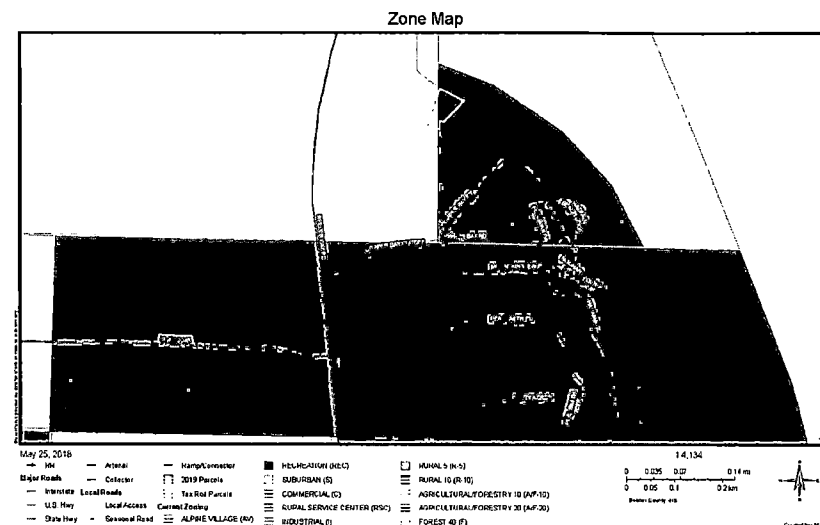
recorded easement or public right of way, except where subject to the terms of an approved special use permit or a state or federal agency, adequate water and sewer services and fire services. Consideration shall also be given to access to potential public transportation systems. The recreation district is intended to provide for a range of housing types and uses that are accessory and complementary to recreational and residential uses. These purposes are accomplished by:

1. Allowing for a range of housing types provided adequate services are available.
2. Providing for commercial and private resorts which contain provisions for a range of recreational activities.
3. Excluding uses that are not compatible with the desired recreational character of the area.
4. Encouraging conservation development configurations that create permanent open space, protect sensitive environmental features, reduce infrastructure costs and/or enhance recreational opportunities.
5. Applying simple design standards that enhance the recreational opportunities and character of the area.

B. Use of this zone is appropriate in areas designated as transition, neighborhood commercial, urban growth area and resort community with the following conditions:

1. Land is physically suitable to accommodate a broad range of residential and recreational uses.
2. Sites are served by adequate sewage disposal service, water supply, roads and other needed public facilities and services. (Ord. 501, 11-18-2008)

Staff: This property is located adjacent to the National Forest and on the shore of Priest Lake in the Nordman area. There are roads constructed providing access to the properties. The area is served with water, sewer, electricity and fire. The area provides urban-like densities adjacent to a recreational area. The contiguous private property in this area is zoned Recreation consistent with a Resort Community designation.



I. Land Capability Report Travis Haller, Glahe and Associates, Inc provided a Land Capability Report: *"The existing property is adequately suited and currently being utilized for Recreation as it has been for many years. The site is capable of withstanding disturbances without the risk of substantial harmful consequences of floods, sewage, drainage, erosion, sedimentation, or geological or surface movement per Bonner County Revised Code, Section 12-215(C)."*

J. Stormwater plan

A stormwater management plan was not required, pursuant to BCRC 12-720.3(k) because the proposal does not result in the creation of additional impervious surface, as defined.

K. Agency Review

The application was routed to the following agencies for comment on April 3, 2018

Forest Service Bonner County Road and Bridge West Priest Lake Fire District West Bonner County School District #83 Northern Lights Power Company Department of Fish and Game Department of Environmental Quality	Natural Resource Conservation Service Department of Lands (Priest Lake) Department of Water resources Fish and Wildlife Service Granite-Reeder Water and Sewer Department of Lands, Nav. Waters
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Idaho Department of Environmental Quality, Email dated May 14, 2018: Faye Beller of DEQ provided the following comment on surface water quality and storm water control:

Storm water controls will need to be developed that adequately protect surface waters and ground water from being impacted during and after construction. The local storm water control authority should be contacted for details on the appropriate collection/treatment/disposal requirements. Control of sedimentation and erosion during construction activities must be achieved by the use of acceptable best management practices (BMPs) and is considered the responsibility of the owner/developer/contractor for the project. The project may require compliance with the Construction General Permit, a program administered by the U.S. Environmental Protection Agency. This requirement is designed to prevent pollution of waters of the U.S. during construction projects. More information on this requirement can be found at:
<https://www.epa.gov/npdes-permits/stormwater-discharges-construction-activities-region-10>

Road and Bridge commented on April 17, stating no comments as Copper Bay Road is a private road.

L. Public Notice & Comments

There were no public comments received.

Findings of Fact

1. The parcel is 0.56 acres split between a Forest 40 zone and a Recreation zone.
2. The neighboring properties range in size from 0.15-acres to 1.8-acres.
3. The entire neighborhood is zoned Recreation.
4. The proposed amendment is near Resort Community Designation.
5. The subject property and neighborhood appear to be consistent with a Resort Community designation.
6. Sewer is provided by Granite-Reeder Water and Sewer District
7. Water is provided by an on-site well.
8. Access is provided to the area by Copper Bay Road, a 30-foot gravel access road.

Conclusions of Law:

Based upon the findings of fact, the following conclusions of law are adopted:

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Conclusion 1

The proposed comprehensive plan map amendment **is** in accord with the Bonner County comprehensive plan.

Property Rights	Population	School Facilities, Transportation
Economic Development	Land Use	Natural Resources
Hazardous Areas	Public Services	Transportation
Recreation	Special Areas or Sites	Housing
Community Design	Implementation	

Zone Change Findings of Fact

1. The parcel is 0.56 acres split between a Forest 40 zone and a Recreation zone.
2. The neighboring properties range in size from 0.15-acres to 1.8-acres.
3. The entire neighborhood is zoned Recreation.
4. The property is proposed to be designated Resort Community.
5. Sewer is provided by Granite-Reeder Water and Sewer District
6. Water is provided by an on-site well.
7. Access is provided to the area by Copper Bay Road, a 30-foot gravel access road.

Zone Change Conclusions of Law:

Based upon the findings of fact, the following conclusions of law are adopted:

Conclusion 1

The proposed zone change **is** in accord with the Bonner County comprehensive plan.

Conclusion 2

This proposal was reviewed for compliance with the zone change criteria and standards set forth at Sections 12-212, 12-215, and 12-216, Bonner County Revised Code, and **was** found to be in compliance.

Conclusion 3

The proposal **is** in accord with the purpose of the Recreation zoning district, provided at Chapter 3, Bonner County Revised Code.

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Conclusion 4

The proposal is appropriate for the area based on the existing and surrounding uses as a recreation area for winter and summer activities.

ROAD VACATION

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

File VS1950-18 – Vacation of Easement – Sheri Campbell is seeking approval to allow for vacation of an easement, with the intent to vacate a portion of Creekfront Lane, a privately owned ingress-egress easement. The subject right of way exists on a portion of land located West of Highway 95, approximately 3.5 miles north of Sandpoint, Section 23, Township 58 North, Range 2 West, Boise-Meridian, Bonner County, Idaho. The subject property is zoned Agriculture/Forestry-10.

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

STAFF PRESENTATION: Planner I Sam Ross presented a PowerPoint summary of the project and previously circulated staff report, concluding this project is consistent with Bonner County Revised Code.

APPLICANT PRESENTATION: Applicant was present and stated she owns the lot adjacent to the subject property.

PUBLIC/AGENCY TESTIMONY: None.

APPLICANT REBUTTAL: None.

BOARD DELIBERATION: The Chair closed the hearing to public testimony. The Board discussed Findings and Conclusions.

Motion by the governing body:

BOARD OF COMMISSIONERS

MOTION TO APPROVE: Commissioner McDonald moved to approve this petition, FILE VS1950-18, finding that it is in accord with Idaho Code 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 McDonald further moved to adopt the following findings of fact, conclusions of law and conditions of approval as written (noting any amendments). The action that could be taken to obtain the vacation is to complete the Conditions

of Approval as adopted. This action does not result in a taking of private property. Commissioner Connolly seconded the motion.

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

Background:

A. Site data:

Lot acreage: Approx. 5 acres
Hydrologic Features: Sand Creek
Flood Hazard Zone: X, AE
Wetlands: Freshwater Forest Shrub; Riverine
Slope: <15% per USGS
Soils: Colburn Very Fine Sandy Loam

Area to be vacated: 0.56 acres
Flood Hazard Zone: X; 0.2% Annual Chance Flood Hazard
Wetlands: None per USFW NWI

B. Access: Access is provided to the subject property by Creekfront Lane, a private, local access, 60-foot easement developed with a travelway.

C. Standards review:

The project has been reviewed for conformance with Idaho Code §50-1306A, Vacation of Plats - Procedure, and Idaho Code §50-1325. The following facts relate to the standards of review:

- The petition to vacate a platted area complies with all State procedures set forth in IC §50-1306A and IC §50-1325.
- In the case of easements granted for gas, sewer, water, telephone, cable television, power, drainage, and slope purposes, public notice of intent to vacate is not required. These easements are to be left intact and are not vacated through the provisions of this petition.
- The portion of Creekfront Lane to be vacated is not necessary as the travelway extends south through Lot 5, ending at Lot 4 of Shimmering Creek Estates.
- Creekfront Lane is a 60-foot wide easement upon which development has occurred.
- Creekfront Lane is a private, local access road not owned or maintained by Bonner County.
- Abandonment would not impede or deprive any property of legal access.

D. Agency Review

The application was routed to the following agencies on April 19, 2018 to

- Panhandle Health District
- Bonner County Road Dept.
- Bonner County Floodplain Dept.

- Bonner County GIS Dept.
- Northside Fire District
- School District # 84
- Northern Lights Utility Company
- Dept. of Fish and Game
- Army Corps (Oldtown)
- US Fish and Wildlife Service
- Dept. of Lands (Sandpoint)
- Dept. of Environmental Quality
- Burlington Northern-Santa Fe Railroad

Agency Review Ended on May 23, 2018.

- No agencies responded in opposition.

E. Public Notice & Comments

There have been no public comments at the time this staff report was produced.

Conclusions of Law:

The Background section of the staff report is the basis for all of the following findings of fact and conclusions of law. Based upon the findings of fact, the following conclusions of law are adopted:

Conclusion 1

This proposal is compliant with the vacation criteria and standards set forth at Idaho Code §50-1306A and §50-1325.

Finding

No public agency has objected to the proposed right-of-way vacation. There are no utilities located within the areas that are proposed to be vacated, according to the application. Local utility providers were routed as part of agency review, and none responded.

Conclusion 2

By granting this petition for vacation, that portion shown to be vacated will be eligible to build upon pursuant to the definition of 'setback' set forth in BCRC 12-819. All other building and development criteria is applicable pursuant to BCRC.

Conditions of approval:

1. The vacation of the above-described easement shall be effective upon the recording of a resolution by the Bonner County Commissioners granting the vacation.
2. The costs for legal advertisements and recording fees shall be borne by the applicant and shall be paid prior to the recording of this vacation.

The Chair declared the hearing adjourned at 2:21 p.m.

Respectfully submitted, this 25th day of July, 2018,



Milton Ollerton, Planning Director