

**PLANNING DEPARTMENT
PUBLIC HEARING DECISION MINUTES
OCTOBER 10, 2018**

CALL TO ORDER: Chair Bailey called the Bonner County Commissioners' hearing to order at 1:30 p.m. in the 3rd floor meeting room, Suite 338 of the Bonner County Administration Building, 1500 Highway 2, Sandpoint, Idaho.

PRESENT: Commissioners Chair Glen Bailey and Vice Chair Dan McDonald

ABSENT: Jeff Connolly

ALSO PRESENT: Planning Director Milton Ollerton and Office Manager Jeannie Welter

PUBLIC HEARING:

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 AM164-18 Comp Plan Map Amendment Commercial to Rural Residential & ZC367-18 Zone Change Suburban to Rural 5 – Betty Holley, Kathleen Cook, & Becki Jo Hunter are requesting to take 5.5 acres from an existing 23.8 acre parcel, changing the comprehensive plan designation from Neighborhood Commercial to Rural Residential and changing the zone from Suburban to Rural 5. The property is located West of Priest River on Shannon Lane in Section 22, Township 56 North and Range 5 West, B.M. The Planning & Zoning Commission at the September 6, 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: Planning Director Milton Ollerton presented a PowerPoint summary of the project and previously circulated staff report, concluding this project is consistent with Bonner County Comprehensive Plan and Bonner County Revised Code.

APPLICANT PRESENTATION: Certified Land Use Planner Marty Taylor with James A Sewell & Associates stated this project is in preparation for a Minor Land Division. The intent of this request is to make the zoning consistent with the current use of the area.

PUBLIC/AGENCY TESTIMONY: None.

APPLICANT REBUTTAL: None.

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

Comprehensive Plan Amendment Motion by the governing body:

Commissioner McDonald moved to approve, this project FILE AM 164-18 a comprehensive plan map change from Neighborhood Commercial to Rural Residential, 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 McDonald 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 Bailey, after stepping down from the Chair, seconded the motion.

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

Comprehensive Plan Map Resolution Adoption:

Commissioner McDonald moved to approve resolution #18-122 amending the Bonner County Projected Land Use Map. Commissioner Bailey, after stepping down from the Chair, seconded the motion.

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

Zone Change Motion by the Governing Body:

Commissioner McDonald moved to approve this project FILE ZC367-18 to change the zoning designation for the subject property from Suburban to R-5 with 5 acre minimums, 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 McDonald 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 Bailey, after stepping down from the Chair, seconded the motion.

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

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 22, Township 56 North, Range 5 West Boise Meridian from Suburban to R-5, 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 Bailey, after stepping down from the Chair, seconded the motion.

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

ROLL CALL VOTE

Commissioner McDonald	AYE
Commissioner Bailey	AYE
Commissioner Connolly	ABSENT

Background:

A. Site data: There are two parcels, 1) a ± 23.86 acre parcel and 2) a ± 6.05 acre parcel.

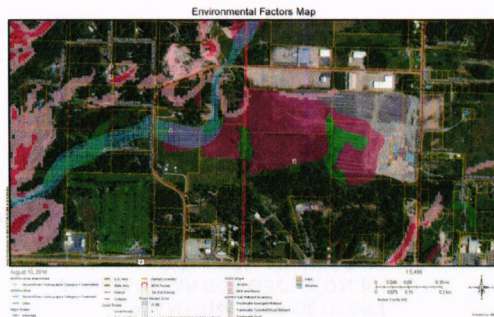
B. Access: Both parcels are located on the south side of Shannon Lane off Holly Glen Road to the west and Bodie Canyon Road to the east, north of Hwy 2, west of the City of Priest River.

C. Environmental factors:

FEMA DFIRM Panel: 0865E, Zone A and Zone X. There is a riverine through parcel 1 with a designated floodplain.

The parcels do contain mapped wetlands. Source: USFWS

The site does contain some slope 15-29%. Source: USGS



D. Services:

- Water: Individual well. Wells in the area range from 6 to 25 gallons per minute (gpm) ranging in depths between 30-175 feet
- Septic: Residential/Individual. Septic tank and leach field already in place.
- Fire District: West Pend Oreille Fire
- Power: Avista.
- School: Bonner School District #83.

E. Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Land Use & Density
Site	Rural Residential / Neighborhood Commercial	Rural-5/ Suburban	Single family residences
North	Rural Residential	Rural-5	Surface mine and farming
East	Neighborhood Commercial	Suburban	Mill site (JD Lumber)
South	Neighborhood Commercial	Suburban	Small lots with residential and commercial uses abutting Highway 2
West	Neighborhood Commercial	Suburban	Rural Residential

F. Standards review

Section 12-216 of BCRC specifies that "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." Idaho Code stipulates that zoning districts "shall be in accordance with the policies set forth in the adopted comprehensive plan." (I.C., §67-6511).

BCRC 12-215 APPLICATIONS FOR ZONE CHANGES AND COMPREHENSIVE PLAN MAP AMENDMENTS, CONTENTS:

A: Site plan drawn to scale: Please see attached maps

B: A narrative statement that addresses:

1. The effects of elements such as noise, light glare, odors, fumes and vibrations on adjoining property.

Staff: The proposal is decreasing the allowable density by changing from a Neighborhood Commercial designation and Suburban Zone to a Rural designation and an R-5 zone, thereby reducing the potential for negative effects of the listed elements.

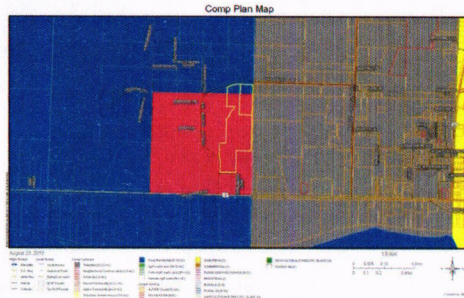
2. The compatibility of the proposal with the adjoining land uses.

STAFF: The application states the change fits with the existing neighboring uses being "rural residential uses on five acre or larger properties." There are

residential uses on five acre parcels in the area. Directly adjacent to Parcel 2 on the east side is JD Lumber and an industrial park on ±1 acre lots inside the city of Priest River. Allowing for lower density near such use would be less impactful to the future of the industrial park and JD Lumber.

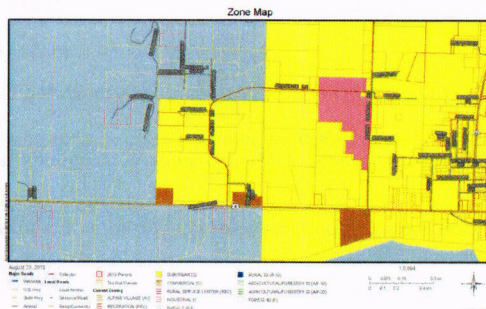
3. The relationship of the proposal to the comprehensive plan/zoning district.

Comprehensive Plan Map Designation Change review



Comprehensive Plan Designation	Provided
Rural residential provides for residential development in areas where urban services are not available and slopes may vary up to 30%. These areas include hazards and critical wildlife habitats, where lower densities reduce potential impacts to resources and exposures to loss of property or lives. Small scale agricultural uses and residential development are permitted.	<ul style="list-style-type: none"> Slopes vary 15%-29%, according to the County mapping system Private roads provide access Individual systems will be utilized The site is designated as containing prime agriculture soils. There is flood plain present on one parcel Wetlands are present Small scale agricultural uses and rural residential neighbor the parcels

Zone Change Review



Zone District	Provided
The rural district is established to allow low density residential uses that are compatible with rural pursuits. Such as limiting residential densities and permitted uses to those compatible with rural character; small scale farming, forestry activities, tourism and recreation activities than can be supported by rural services levels and are compatible with rural character. (BCRC12-323A)	<ul style="list-style-type: none"> The property is adjacent to a couple five-acre subdivisions Dew Valley and Holly Glenn No urban water or sewer services in the area Rural densities exist that are compatible with R-5 zoning

G. Land Capability Report

A land capability report was submitted to the record by Martin E. Taylor, in accordance with BCRC 12-222(j), which states:

- Based on the physical site characteristics of the subject acreage, the area is satisfactorily suited for a Rural Residential comp plan map designation, R-5 zoning and the corresponding 5 acre lot size minimum. The site has demonstrated that it is capable of withstanding disturbances without risk of harmful consequences as a result of floods, sewage, drainage, erosion, sedimentation geological or surface slippage pursuant to Bonner County Revised Code, Section 12-215(c).

H. 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.

I. Agency Review: The application was routed to agencies for comment on June 11, 2018. The following agencies commented:

IDEQ, IDL, IDWR, PHD: No comment.

Flood review on the property: "Proposals are not development per BCRC 14-204, FDP not required. Applicants are hereby notified that the project area contains regulated floodplains.

The applicant: "There is no residence. It has been removed and destroyed."

Road and Bridge: "No comments. The parcel does not have frontage on a County road and the proposed changes will not impact our operations."

J. Public Notice & Comments

No public comments received.

Findings of Fact

1. The subject property is designated as Neighborhood Commercial by the Bonner County Comprehensive Plan.
2. Martin Taylor submitted a land capability report concluding the property is adequately suited for the Rural Residential designation.
3. Future sewage disposal will be handled through individual systems.
4. Water will be provided by individual wells.
5. The property fronts and has access via Shannon Lane, a hard surfaced road, County maintained.
6. The property is located within the West Pend Orielle Fire District.
7. Surrounding properties are used for single-family residential on 5-acre lots to the west, farming and larger acre parcels to the south, small lots with residential and commercial uses abutting Highway 2 on the south, with JD Lumber and the Priest River Development Corp Industrial park to the east.
8. The property contains wetlands, flood hazard area, and varying slopes.

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.

•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	

Conclusion 2

This proposal was reviewed for compliance with the Comprehensive plan map 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.

Zone Change Findings of Fact:

1. The subject properties proposed designation is rural residential.
2. A land capability report concludes the property is adequately suited for the R-5 zone
3. Future sewage disposal will be handled through individual systems
4. Water shall be provided by individual wells.
5. The property fronts and has access via Shannon Lane, a hard surfaced road, County maintained.
6. The subject property is located within the West Pend Orielle Fire District.

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. (See attached comprehensive plan goals, objectives and policies.)

•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	

Conclusion 2

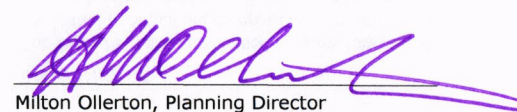
This proposal was reviewed for compliance with the zone change criteria and standards set forth at Sections 12-212, 12-215, and 12-216, Bonner County Revised Code, and **was** found to be in compliance.

Conclusion 3

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

The Chair declared the hearing adjourned at 1:42 p.m.

Respectfully submitted, this 11th day of October, 2018,



Milton Ollerton, Planning Director