

## MINUTE ORDER

### BONNER COUNTY PLANNING and ZONING COMMISSION PUBLIC HEARING MINUTES JULY 23, 2015

**CALL TO ORDER:** Chair Roger Daar called the Bonner County Planning and Zoning Commission hearing to order at 5:31 p.m. in the 1<sup>st</sup> Floor Conference Room of the Bonner County Administration Building, 1500 Highway 2, Sandpoint, Idaho.

**PRESENT:** Commissioners Chair Roger Daar; Vice Chair Steve Temple; Brian Bailey; Mitch Martin; and Margaret W. Hall (arrived at 5:58 p.m.)

**ABSENT:** Commissioner Greg Snow

**ALSO PRESENT:** Planning Director Clare Marley, AICP; Senior Planner II Dan Carlson, AICP; Associate Planner Saegen Neiman; and Administrative Secretary Tina Smith

**PUBLIC HEARING:**

**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 AM139-15 - Title 12 Text Amendment: retreat standards, definition and Commercial Use Table access requirements – Bonner County Planning & Zoning Commission** has initiated an amendment to Title 12 (Land Use Regulations) to amend the definition of "Retreat" at BCRC 12-818 to clarify limits of retreat uses, to allow retreats in the A/F-20 zone, subject to conditional use permit approval, and to require access roads for retreats and other commercial uses in Table 3-3 subject to standard (2) be constructed to provide "adequate emergency vehicle access" rather than International Fire Code standard minimums. The Planning and Zoning Commission at its June 4, 2015 public hearing continued this file to July 23, 2015 to obtain additional comment from fire and emergency officials regarding the proposed change to the wording of the road access standards.

**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:** Senior Planner Dan Carlson, AICP, presented a summary of the amendment and explained why this amendment was continued to this date. Mr. Carlson reviewed written comments received from Westside Fire Chief Dale

Hopkins, Selkirk Fire Chief Ron Stocking and a verbal comment from EMS Director Bob Bussey.

**PUBLIC/AGENCY TESTIMONY:** Patirica Foote commented on fire code, current fire danger, power of a fire chief, the need for more checks and balances, accountability, and better roads. Iris DeMauro commented on dangerous egress at Clark Fork, county standards rather than fire chiefs making decisions and no presence of fire officials in attendance at this hearing. Linda Hewitt inquired about lowering standards for not meeting fire code. She commented on fire protection for one of the driest summers in decades.

Edward Foote signed up but did not wish to comment on this project.

**COMMISSION INPUT:** Commissioner Temple reviewed the International Fire Code in relation to roads and authority of fire chiefs. Commissioner Martin discussed the raising of standards and strengthening of the ordinance. Commissioner Hall discussed changing the verbiage of access by emergency services agencies.

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

**STAFF INPUT:** Planning Director Clare Marley discussed changes to the verbiage as requested by the Commission.

**MOTION:** Commissioner Temple moved to recommend approval of this amendment, FILE AM139-15, amending BCRC Title 12, Chapters 3 and 8 to conditionally allow retreats in Agricultural/Forestry 20 zoning district, amend standards for emergency vehicle access, for retreats and other commercial uses, and to amend the definition of retreat in unincorporated Bonner County, finding that it is in accord with the general and specific objectives of the Bonner County Comprehensive Plan 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 Temple further moved to adopt the following findings of fact and conclusions of law as written with the amendment to footnote 2 and the definition of retreat. This action does not result in a taking of private property. Commissioner Bailey seconded the motion.

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

Director Marley advised the public that this recommendation would be forwarded to the Board of County Commissioners and that a date has not been determined.

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#### **Finds of Fact:**

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1. The proposed amendment would conditionally allow retreats in Agricultural/Forestry 20 zoning district, amend standards for emergency vehicle access, for retreats and other commercial uses found in Table 3-3, and to amend the definition of retreat.

2. The Property Rights component requires that the rights of applicants and adjoining land uses be considered, and that impacts to other properties be taken into account when considering land use proposals.
3. The Economic Development component requires Bonner County to “encourage economic diversity for the financial health of the community and maintenance of its rural atmosphere.”
4. The Public Services, Facilities & Utilities component requires the county to assure new development is “adequately served by fire protection, roads, sewer, schools, law enforcement, ambulance and emergency services, water and other public/private services.”
5. The Transportation component states that “Roads within new development shall provide adequate access for fire and emergency vehicles and routes of escape.”

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**Conclusions of Law:**

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

Conclusion 1

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

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|-----------------------|-------------------------|------------------------------------|
| •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         |                                    |