

Bonner County Planning Department

"Protecting property rights and enhancing property value"

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Zoning Commission Staff Memo for April 18, 2024

Project Name: **Revocation of Conditional Use Permit, C0997-16 - Helms**

File Number, Type: **C0997-16, RV Storage - Revocation**

Request: The planning department is requesting to revoke conditional use permit, C0997-16 because all the conditions of approval have not been met.

Legal Description: 32-56N-2W POWELL-DODD ACRES LOT 3 1978 SPECIAL CONSTRUCTION 12 X 50 MH

Location: The project site is located at the intersection of State Highway 95 and Porterhouse Drive

Parcel Number: RP025370000030A

Parcel Size: 12 acres

Applicant: Bonner County - Planning Department
1500 Hwy 2
Sandpoint, ID 83864

Project Representative: Travis Haller, Assistant Director – Planning Department

Property owner: Don Helms

CUP Timeline:

Per BCRC 12-226 (D), the planning director is requesting to revoke a conditional use permit, #C0997-16, for RV storage located at 12 Porterhouse Drive, Sagle, Idaho, because all the conditions of approval have not been met since the permit was issued in 2017.

October 12, 2016 - The current landowners at the time, Bonnie Powell and Diane Dodd, applied for a conditions use permit to allow RV Storage at the subject site. Note: The applicant also applied a zone change from Rural 5 to Rural Service Center, and both applications were processed together.

January 12, 2017 - The Planning and Zoning Commission held a public hearing for file C0997-16. The Commission moved to continue the file to February 16, 2017.

February 16, 2017 - The Planning and Zoning Commission approved file C0997-16, with conditions of approval, see attached decision letter and issuance, Appendix A.

May 2, 2017 - C0997-16 was recorded and issued.

November 29, 2018 - Planning received an updated landscaping plan showing a new driveway location, 12'x60' mobile office, 6' farm fencing around the RV storage site and along the majority of the north property line, and 2 rows of trees 15' apart between the north property line and the proposed RV storage site, Appendix C.

April 30, 2020 - Complaint was received and a violation was opened by the Planning Department.

May 20, 2020 - Site visit to review complaint and take photos. Violation letter was sent to landowner.

August 31, 2020 - Landowner came into office to discuss the violation letter, however the inspector was not available.

September 1, 2020 - Planning Inspector Cornelison called Mr. Helms and discussed the violation of not meeting all the conditions of approval. Mr. Helms stated the reason he had no fencing yet was that a survey was required to locate the boundary for the fence on the neighboring lot. He stated that he would have fencing up along the neighboring lot boundary by the end of September 2020.

November 19, 2020 - Notice to title recorded.

May 11, 2023 - Site posting of revocation.

May 23, 2023 - Certified mail received green card returned and signed by Don Helms.

June 15, 2023 - Revocation hearing held with the Zoning Commission. The Zoning Commission decided to continue the hearing to November 16, 2023.

November 16, 2023 –Revocation hearing continued with the Zoning Commission. The Zoning Commission decided to further continue the hearing to April 18, 2024.

Staff Analysis:

On May 2, 2017 a Conditional Use Permit (CUP), file C0997-16, was granted to Bonnie Powell and Diane Dodd, and recorded as Instrument #904737. It outlines the conditions of approval for the RV Storage CUP, including standard continuing permit conditions (“A” conditions) that need to be met for the life of the use, and conditions to be met prior to issuance of the permit (“B” conditions). Condition B-2 states “Fencing shall be shown and added as required by BCRC 12-486 C.” BCRC 12-486 (C) states “Security fencing, six feet (6') in height, shall be installed and maintained around the site. Fencing materials shall complement exterior building materials (similar color, material and/or detailing) of storage buildings, except where obscured from public view with landscaping. Fencing materials within scenic byways shall be earth toned colors.” This fencing has been discussed with the landowner many times and no fence has been constructed. See attached photos, Appendix D. The conditions of approval have not been met and per BCRC 12-226 (D), the planning director is recommending to revoke the CUP, C0997-16.

Attached below:

Appendix A – C0997-16 Decision Letter and Issuance

Appendix B – C0997-16 Staff Report

Appendix C – Updated Landscaping Plan

Appendix D – Photos

Motion by the governing body:

ZONING COMMISSION

I move to **revoke** conditional use permit, C0997-16, for RV storage located at 12 Porterhouse Drive, Sagle, Idaho finding that there is substantial evidence that the permit is not in compliance with the original terms, conditions or restrictions as set forth in the decision letter.

I move to **impose additional conditions or restrictions** to conditional use permit, C0997-16, for RV storage located at 12 Porterhouse Drive, Sagle, Idaho finding that there is substantial evidence that the permit is not in compliance with the original terms, conditions or restrictions as set forth in the decision letter.

I move to **ratify** the previous approval of conditional use permit, C0997-16, for RV storage located at 12 Porterhouse Drive, Sagle, Idaho finding that there is substantial evidence that the permit is in compliance with the original terms, conditions or restrictions as set forth in the decision letter.