



Bonner County

Zoning Commission

September 23, 2024

Jack Howard, Chairman
Southside Water & Sewer District
PO Box D
Sandpoint, ID 83864

Subj: **CUP0008-24 – Conditional Use Permit – Public Utility Facility**

The Bonner County Zoning Commission, at the September 19, 2024 public hearing, approved the referenced application with conditions of approval.

Commissioner Wakely moved to approve this project this project FILE CUP0008-24 requesting a Conditional Use Permit for a public utility facility, 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**:

Conclusion 1: The proposed conditional use permit **is** in accord with the Bonner County Comprehensive Plan.

Conclusion 2: This proposal **was** reviewed for compliance with the criteria and standards set forth at BCRC Title 12, Chapter 2 ,Subchapter 2.2; Chapter 3, Subchapter 3.3; Chapter 4, Subchapter 4.2-4.6; and Chapter 7, Subchapter 7.2.The proposal **is** in accord with the Bonner County Revised Code.

Conclusion 3: The proposed use **will not** create a hazard or **will not** be dangerous to persons on or adjacent to the property.

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

Commissioner Wakely further moved to adopt the findings of fact and conclusions of law as set forth in the Staff Report and direct planning staff to draft written findings and conclusions to reflect this decision, and transmit to all interested parties. The action that could be taken to obtain the conditional use permit is to complete the Conditions of Approval as adopted (or as modified during this hearing). This action does not result in a taking of private property.

Commissioner Clark seconded the motion.

Roll call vote:

Commissioner Clark AYE

Commissioner Marble	AYE
Commissioner Wakely	AYE
Commissioner Weimer	AYE
Commissioner Webster	AYE

VOTED upon and the Chair declared the motion carried.

Findings of Facts:

1. The site is zoned Rural 5, where public utility facilities are conditionally permitted.
2. The site does not have any water or sewer service connections.
3. The site is 0.23 acres in size.
4. The site is accessed off Brisboys Road, a Bonner County owned and maintained public right-of-way.
5. The site is served by Avista Utilities for power.
6. The site is in the mapped service area of Sagle Fire District.
7. The site contains steep slopes of 0-29.9% grade per USGS.
8. The site is located within SFHA Zone X per FEMA.
9. The site does not contain mapped wetlands per NWI, USFWS.
10. The project does not propose development of any structures on the property to accommodate or house a greater number of families than permitted by the standards of Bonner County Revised Code.
11. The project does not propose any signage for this use.
12. The project proposes no activity involving the use or storage of flammable or explosive materials on or off site.
13. The project proposes no activity involving emittance of harmful radioactivity or electrical disturbance.
14. The hours of operation will be continuous and may require 24/7 access.
15. The project does not propose any activities that would seem to contribute to air or water pollution.
16. The public utility facility will operated with water storage tanks that will have a footprint area of $\pm 2,000$ square feet.
17. All buildings in conjunction with the public utility will be required to meet the requirements for setbacks set forth in BCRC 12-4.1.

Conditions of Approval:

Standard continuing permit conditions. To be met for the life of the use:

- A-1** The use shall be developed and shall be operated in accordance with the approved site plan.
- A-2** The Conditional Use Permit shall not supersede deed restrictions.
- A-3** Per BCRC 12-226.C, the Conditional Use Permit shall expire if not issued within two (2) calendar years from the date of approval, or once issued, if the use has not commenced within two (2) calendar years from the date of issuance. At any time prior to the expiration date of the Conditional Use Permit, the applicant may make a written request to the Planning Director for an extension of the Conditional Use Permit for a period up to two (2) years. The Zoning Commission at any regular meeting, or board at any regular meeting, may consider the request for extension. The extension request must be approved or denied prior to the expiration date of the conditional use permit.
- A-4** Per BCRC 12-335, Note 11, the lot coverage of this property shall be limited to 35%.
- A-5** The hours of operation will be continuous and may be accessed at any time for maintenance as needed.
- A-6** Per BCRC 12-420, all structures located on site in conjunction with this Conditional Use Permit will meet the required street and property line setback standards of BCRC Title 12.
- A-7** Per BCRC 12-420, all architectural projections such as canopies, eaves, balconies, platforms, decks, carports, covered patios, and similar architectural projections shall be considered parts of the building to which attached and shall not project into any required setback.
- A-8** Per BCRC 12-420, temporary buildings, construction trailers, equipment and materials used in conjunction with construction work for the proposed project may be permitted during the period the construction work is in progress, but such temporary facilities shall be removed upon completion of the construction work.
- A-9** Per 12-432, Parking Standards, the project does not need to designate parking spaces; the parcel has adequate area for parking.
- A-10** Per BCRC 12-452, any structures or development on site permitted through this Conditional Use Permit is required to obtain appropriate Building Location Permits or other approvals from the Bonner County Planning Department prior to the development on site.
- A-11** Per BCRC 12-453.F, any lighting on site shall meet the standards of this section of the ordinance.

A-12 Per BCRC 12-453.G, any development on site permitted through this Conditional Use Permit shall meet the standards of this section of the ordinance.

A-13 Per BCRC 12-453.J, any outdoor storage of commercial and industrial materials on site is required to meet the standards of this section of the ordinance.

Conditions to be met prior to the issuance of this Conditional Use Permit:

B-1 A lighting plan shall be submitted to the Planning Department.

B-2 This project proposes new development that would result in the creation of impervious surface. The applicant shall be required to submit a storm water management, grading and/or erosion control plan in accordance with the provisions of BCRC 12-7.2 prior to any development on site in conjunction with this Conditional Use Permit.

Bonner County Revised Code, Section 12-262, provides an opportunity for affected persons to appeal Hearing Examiner decisions with the Planning Director within 28 days after the final written decision of the Hearing Examiner has been issued. Any such appeal must be submitted in accordance with the referenced code section no later than **5:00 p.m., October 21, 2024. AN APPEAL SHALL BE ACCOMPANIED BY A FILING FEE IN ACCORDANCE WITH THE APPROVED FEE SCHEDULE. THE FEES ARE PAYABLE TO THE BONNER COUNTY PLANNING DEPARTMENT.**

NOTE: Following any final decision concerning a site-specific land use request, the petitioner has a right to request a regulatory taking analysis pursuant to Section 67-8003, Idaho Code (*Idaho Code §67-6535(3)*).

Please contact the Bonner County Planning Department if you have any questions.

Sincerely,



Jacob Marble, Chair
Bonner County Zoning Commission

c: Kyle Meschko, Keller Associates