

Bonner County Planning Department

"Protecting property rights and enhancing property value"

1500 Highway 2, Suite 208, Sandpoint, Idaho 83864

Phone (208) 265-1458 - Fax (866) 537-4935

Email: planning@bonnercountvid.gov - Web site: www.bonnercountvid.gov

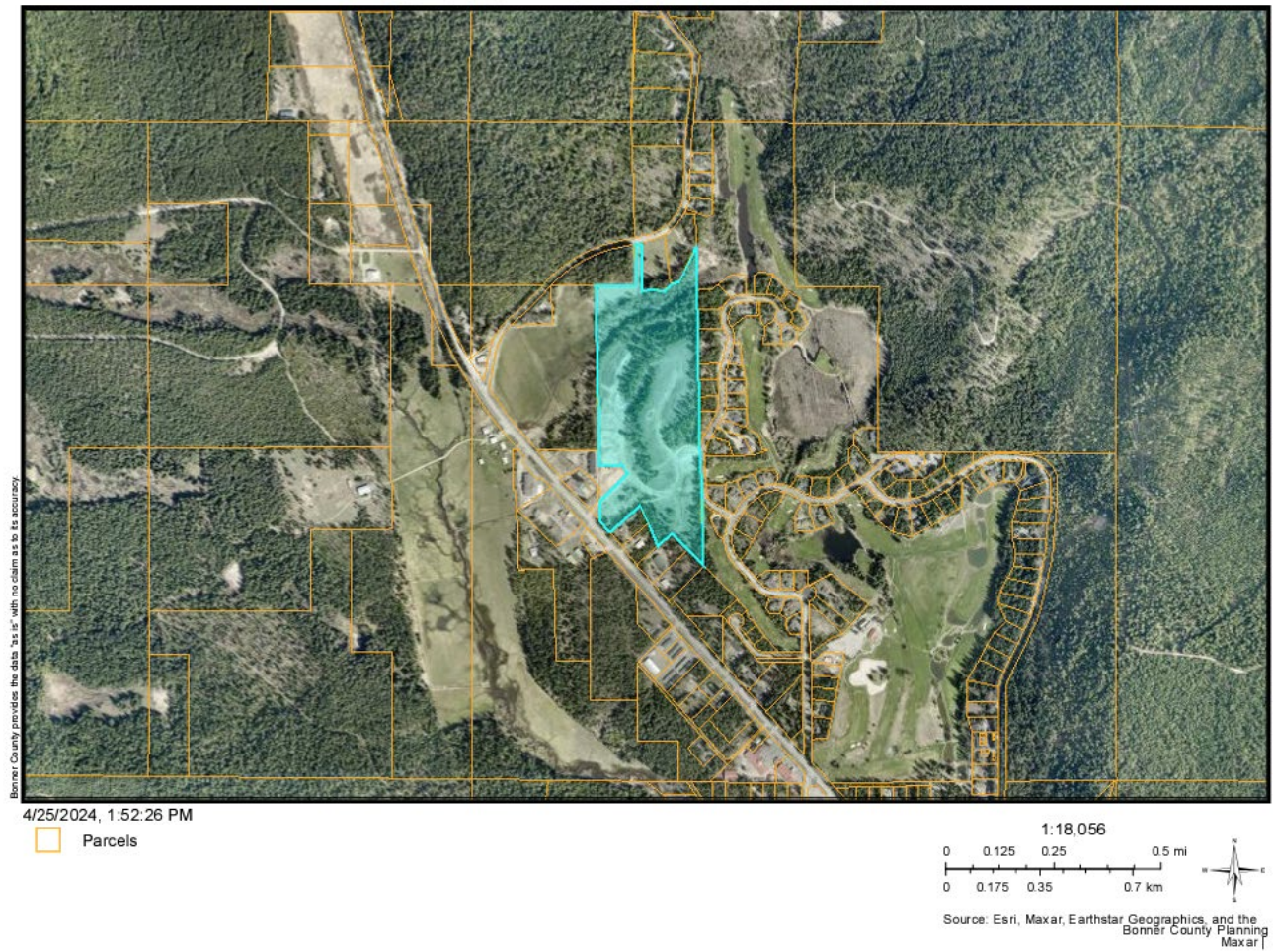


Board of County Commissioners Staff Report for August 14, 2024

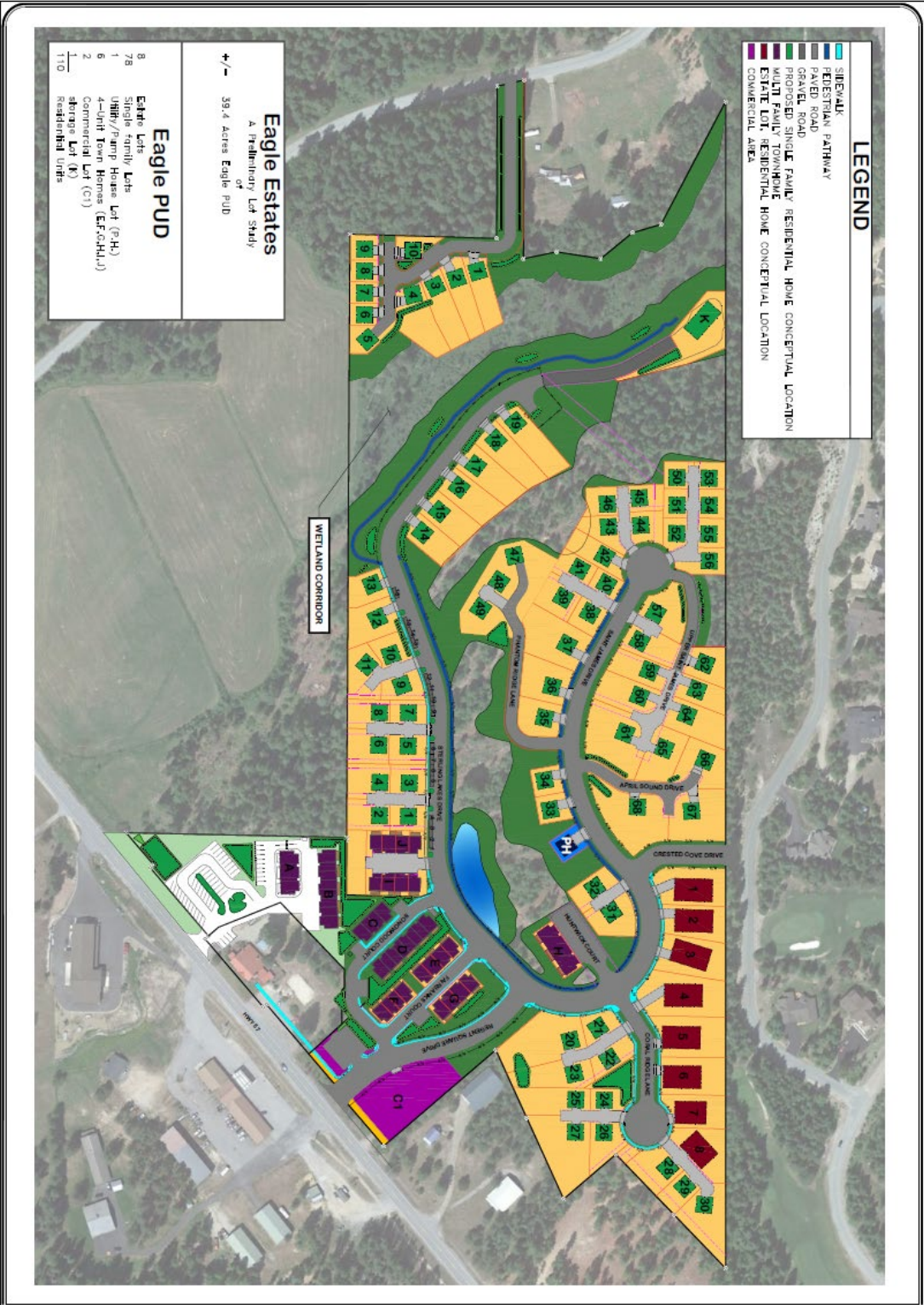
Project Name:	Eagle Estates PUD
File Number, Type:	CUP0005-24/S00001-24 Large Scale - Mixed Use - Planned Unit Development
Request:	To create 110 residential lots, 1 storage lot, and 2 commercial lots. The overall density will be 1 residential home per 15,484 square feet. Parking will be provided primarily within each lot. Several areas of the project have been designed with on-street parking. The subdivision includes ±14.1-acres of open space made up of natural wetlands and native forest areas. The proposed project includes pedestrian sidewalks and pathways throughout the site.
Legal Description:	25-60N-5W TAX 51 & 61 LESS PLATS
Location:	The project site is accessed off U.S. Highway 57 in Section 25, Township 60 North, Range 5 West, Boise-Meridian, Idaho.
Parcel Numbers:	RP60N05W252803A
Parcel Size:	Approximately 39.4-Acres
Applicant and Property Owner:	Millie's 40 Brenburk Llc 2450 Fondren Suite 210, Houston, TX, 77063
Project Representative:	James A. Sewell & Associates LLC, Kevin Koesel, 1319 N Division Ave Unit B Sandpoint ID, 83864
Application filed:	February 28, 2024
Notice provided:	Mail: July 23, 2024 Site Posting: July 29, 2024 Published in newspaper: July 23, 2024
Enclosures:	Addendum A – Preliminary Plat Maps Addendum B – Design Deviations Addendum C – Comprehensive List of Agencies

Figure 1 Site Location

CUP0005-24 & S0001-24 Site Location



See Addendum "A": Preliminary Plat Maps S0001-24 Figure 2 Site Detail Planned Unit Development



Project Summary:

The applicants are requesting a large-scale mixed-use Planned Unit Development creating 110 residential lots on approximately 39.4 acres of land zoned Rural Service Center. The project site is in a portion of Section 25, Township 60 North, Range 5 West, Boise-Meridian, Idaho.

The request for this Planned Unit Development proposes to create the following:

- A total of 14.1 acres ($\pm 36\%$) are set aside as common open.
- The PUD layout includes a total of 110 residential lots and 3 mixed use lots.
- The subdivision includes a storage lot within Block 1 for future construction of a storage building and outdoor storage area to support the clustered home sites.
- Block 1 is a lot which will house a domestic water pump station that will deliver additional water pressure to the proposed homes located at the highest elevations of the subdivision. This water pump station is a booster station and will become part of the Golf Course Estates water system.
- A two (2) lot commercial area has been set aside adjacent to the access to State Highway 57. The intended development for the commercial area has not been completely defined; however, it is anticipated that the final use will be consistent with the permitted uses listed in the Bonner County Code section 12-330.

Site/ Project Background:

- **Site Data:**

- The subject parcel is currently vacant and is in the site prep phase of this development proposal.
- Site exists as one (1) unplatted parcel of approximately 39.4-acres.
- Site is zoned Rural Service Center.
- Site has a land use designation of Neighborhood Commercial and Rural Residential (5-10AC).

- **Access:**

- The primary access to the southern portion of the project is off U.S. Highway 57, an Idaho Transportation owned public highway. The main entrance to the PUD will be a gated road within a 60-ft wide right-of-way. The roads within the PUD will be paved. At the entrance to State Highway 57 the paved width is 44-ft including an entrance lane as well as a left and right turn lane. The PUD roads are generally 40-ft in width and less than 8% grade.
- The northern access to the PUD will access 10 residential lots off Luby Bay Road. This is proposed to be in a private easement measuring between 60-ft in width near Luby Bay Road and heading south to the clustered development. Within the development the road will be in a 30-ft easement. The road will be paved 24-ft in width.

- The applicant has indicated that the interior of the PUD will be gated at all three proposed accesses.
- All roads proposed within the PUD are to be paved and constructed to private road standards at minimum.
- **STAFF:** A meeting with the applicant, project representatives, planning staff, and the Bonner County Road & Bridge Department, led to amending the initial proposal to dedicate all interior roads to the public on May 9, 2024. The interior roads are now proposed to be privately owned and maintained.

- **Environmental Factors:**

- Site contains slopes of over 30% grade. (United States Geological Survey)
- Site contains mapped Freshwater Forested/Shrub wetlands. (United States Fish and Wildlife Services)
- Site Contains:
 - Caribouridge-Stien families, complex soils with a farmland classification of "Not prime farmland" and a drainage classification of "well drained."
 - Andic Humudepts-Humic Udivitrands-Pearsoncreek families, complex stratum with a farmland classification "not prime farmland" and a drainage classification of "well drained".
 - Glaciercreek-Humic Udivitrands-Pearsoncreek families, complex glacial stratum with a farmland classification "not prime farmland" and a drainage classification of "well drained".
- The site does not contain any streams, rivers or any other mapped bodies of water. (National Hydrography Dataset)
- Site is located within SFHA Zone D (per FIRM Panel 16017C0200F, effective Date 7/7/2014).
- Site does not seem to contain any critical wildlife areas as identified by any local, state or federal agencies.

- **Services:**

- Water: The development is intended to be served by an existing community water system Golf Course Estates Public Water System.
- Sewage: The development is intended to be served by an existing community sewer system – Outlet Bay Water and Sewer District.
- Fire: The site is located with West Priest Lake Fire District.
- Power: The site is served by Northern Lights, Inc.
- School District: The site is located within Bonner County School District #83.
- Ambulance District: The site is located within Bonner County Ambulance District.
- Hospital District: The site is located within Pend Oreille Hospital District.

- **Comprehensive Plan, Zoning and Current Land Use**

Compass	Comp Plan	Zoning	Current Use & Density
Site	Neighborhood Commercial / Rural Residential	RSC	Undeveloped/Vacant

North	Rural Residential / Resort Community	R-10/REC	40-AC Government Parcel & ±2-AC Residential Lots
East	Resort Community	REC	<1-AC Resort Community Lots
South	Resort Community	Recreation	Recreational residential lots .25 acres to .35 acres; primarily seasonal use
West	Neighborhood Commercial / Rural Residential	RSC	70-AC Parcel & <2-AC Commercial Lots

Agency and Public Comments:

The application was routed to the following agencies on May 21, 2024 for comment:

The following agencies commented:

Idaho Department of Environmental Quality 6/10/24: Water and Sewer services do not yet exist in proportion to phase 2 of development. DEQ recommends that the water and sewer providers along with the developers work closely with DEQ at the time of improvement construction. (See Comment)(See DEQ Letter In Application Packet)

Timber Lake Fire District 5/16/24: Out of jurisdiction, no comment.

Panhandle Health District 5/14/24: Out of jurisdiction, no comment.

Idaho Transportation Department 5/16/24: *This approach is permitted with permit no. 1-23-121. The original permit has been amended to reflect 110 units. Some provisions of this permit are as follows:*

- 1. Right and Left turn lanes and the location of the approach must be constructed based on the Engineered stamped plans dated 6/5/23.*
- 2. Any additionally units will require a change in use permit.*
- 3. Parcel owners RP60N05W255530A and RP60205W2556314 must have knowledge of and approve of the date and duration of construction, including written permission to remove and regrade approaches per sheet R3 and R4.*

Several public comments were received and have been included in the record.

The application was routed to the following agencies on July 23, 2024 for comment:

The following agencies commented:

Idaho Transportation Department 7/23/2024: *"The approaches in this case are permitted with permit numbers 1-23-120 & 1-23-121. The permits outline 110 living units and left & right turn lanes on the highway."*

Applicable Laws:

The following sections of BCRC, Title 12, apply to this project:

BCRC 12-2.5	Planned Unit Developments
BCRC 12-327	Rural Service Center
BCRC 12-332	Residential Use Table
BCRC 12-333	Commercial Use Table
BCRC 12-4.1	Density and Dimensional Standards
BCRC 12-4.2	Performance standards for all uses
BCRC 12-4.3	Parking standards
BCRC 12-4.4	Sign standards
BCRC 12-4.6	Landscaping and screening standards
BCRC 12-6.2	Subdivisions: Design Standards
BCRC 12-633	Standards and Guidelines for All Conservation Subdivisions
BCRC 12-7.2	Grading, storm water management and erosion control
BCRC 12-7.3	Wetlands
BCRC 12-7.4	Wildlife
BCRC 12-7.5	Flood Damage Prevention
BCRC 12-7.6	Hillsides

Project Review:

Planned Unit Development and Associated Subdivision Review:

STANDARDS REVIEW

BCRC TITLE 12, SUBCHAPTER 2.5 PLANNED UNIT DEVELOPMENTS:

- **BCRC 12-250, Purpose:**

The project requests flexibility in the configuration of the permitted development on site.

- **BCRC 12-250.1, Districts permitting Planned Unit Developments:**

The subject property is zoned Rural Service Center and Planned Unit Developments are permitted in all zoning districts.

- **BCRC 12-251. C, Planned Unit Development Classification and Minimums: A "large scale mixed use" PUD consisting of commercial, industrial, residential or recreational uses and having a minimum gross land area of twenty (20) acres.**

The applicant is requesting a large scale mixed-use Planned Unit Development consisting of only residential, commercial, and accessory uses permitted in the Rural Service Center zoning district. The proposal is in accord with this classification as the property is over 20-acres and the uses proposed are residential and limited commercial with direct access to recreational activities.

- **BCRC 12-252, Uses permitted within Planned Unit Developments:**

The applicant is not requesting any duplexes as a part of this proposal. Limited commercial uses are permitted in Rural Service Center Zoning District per BCRC 12-333. This proposal is in alignment with the uses specified in this code section.

- **BCRC 12-253.1, Planned Unit Development Application Requirements:**

The application for the proposed Planned Unit Development was made to the Planning Department. In addition to the basic information requirements, the application included the following:

- A report showing how the proposed Planned Unit Development complies with the Conditional Use Permit standards of BCRC 12-223.
- A purpose and need narrative.
- A project narrative.
- An improvement plan for roadways and utilities.
- A stormwater management/grading/erosion control plan, and (SWPPP).
- A geotechnical analysis.
- An environmental analysis.
- A preliminary development plan along with the proposed preliminary plat.
- A trip generation letter.

- **BCRC 12-253.2, Pre-application Meeting:**

The applicant met the Planning Department prior to submitting this application and the project was discussed accordingly. The pre-application meeting took place on February 15, 2024 with project representatives and planning staff. A Second meeting happened on May 9th with R&B present. This meeting produced a revision to some of the road plans and deviations. The revisions were received May 13 & May 15, 2024 respectively.

- **BCRC 12-253.3, Concurrent processing of Planned Unit Development and Subdivision Application:**

The project proposes creation of residential lots and utility tracts through the process of platting. The preliminary plat has been submitted for concurrent review with this Planned Unit Development application. (*See Addendum A – Plat Maps*)

- **BCRC 12-254, Large-scale PUD, General Provisions:**

The subdivision plan for the project has been submitted for concurrent review with the land use plan of the Planned Unit Development. The development plans for the large-scale PUD are in substantial compliance with the conceptual plan of the Planned Unit Development. Any significant change affecting the original approval of the plan shall require a public hearing. *See Conditions of Approval.*

- **BCRC 12-255, Procedure for Approval of Planned Unit Developments:**

The project is being review for compliance with BCRC Title 12, Subchapter 2.2 for approval of Conditional Use Permits for consideration and approval of this project. See analysis below.

- **BCRC 12-256, Design Standards for Planned Unit Developments:**

- **BCRC 12-256.A.3, Common Open Space:**

The project proposes reserving approximately $\pm 36\%$, or 14.1-acres, of the site area as common open space.

- **BCRC 12-256.B, Owners' Association:**

A PUD shall include a homeowners' association and/or corporate ownership, which shall be responsible for the development, use and permanent maintenance of all common activities and facilities. *See Conditions of Approval.*

- **BCRC 12-256.C, Covenants, Articles of Incorporation:**

Articles of incorporation for the homeowners' association or corporate entity governing the PUD shall be recorded with the final plat of any PUD subdivision or final development plans. The covenants, conditions and restrictions shall be sufficient to enforce development requirements and responsibilities of the homeowners' association and/or ownership. *See Conditions of Approval.*

- **BCRC 12-256.D, Development Density:**

The area of the subject site is approximately 39.4 acres. The development is proposed to be served by Outlet Bay Sewer District and an existing water service Golf Course Estates Water. BCRC 12-412 allows a minimum lot size of 12,000 square feet in Rural Service Center Districts where both urban sewer and water services are available resulting in a permissible residential density of 143 units on the subject property. The applicant is requesting a lower residential density of 110 residential lots with sizes ranging from 1,060ft² (Townhouse) to 17,168ft² (Single Family Residential Lot). The applicant has proposed to develop six (6), 4-unit townhouses, and 1 lot to be developed as a storage building and outdoor storage area.

No density bonuses are requested as part of this project. See Addendum B for a list of design deviations requested.

- **BCRC 12-256.E, Public Amenities:**

Through this project, the applicant is proposing to dedicate create paved interior roads which will be privately owned and maintained by the HOA. Interior roads are to be located inside platted access and utility rights of way and located within 60-foot average width rights-of-way. Several residential lots will also include sidewalk and trail access to adjacent businesses and the golf course.

- **BCRC 12-256.F, Requirements for Public Amenities:**

No density bonuses are requested in exchange for public amenities. Although the proposal does include amenities for PUD residents.

This section of the code is not applicable to this project.

- **BCRC 12-256.G/12-633.C, Design Standards:**

This section of the code permits an increase or decrease in the minimum development standards set forth in Bonner County Revised Code, Title 12 to accomplish the design objectives in the utilization of natural or created amenities, provided the development meets the intent of the standards. PUD subdivisions shall comply with the conservation subdivision provisions of section 12-633 of this title.

Lots may be smaller than the minimum sizes in subsections D1 and D2 of this section, provided water and sewage disposal provisions are provided within common areas via utility easements. The proposal includes utility easements to be placed in the internal road rights of way as well as along the margins of lots.

- **12-633.C, Design Standards: Conservation subdivisions are subject to subchapter 6.2 of this title, design standards, except where otherwise noted:**

- **BCRC 12-6.2 Review:**

- **BCRC 12-621, Lot & Parcel Design:**

A. All proposed lots or parcels which are three hundred feet (300') or less in width shall maintain a depth to width ratio of not greater than three point two to one (3.2:1); and lots which are more than three hundred feet (300') in width shall maintain a depth to width ratio of not greater than four point two to one (4.2:1).

All proposed lots are in conformity with depth to width requirements.

B. All proposed lots or parcels one hundred feet (100') or less in width shall be designed so that the angle of intersection of the side lot lines with the fronting road is between eighty-five (85) and ninety-five degrees (95°), for a distance of not less than fifty feet (50') from the point of intersection.

The preliminary plat proposal complies with this design standard.

- **BCRC 12-623, Services & Utilities:**

A. Where proposed lots are smaller than one acre in area, exclusive of any ingress or egress easements, all "urban services", as defined in section 12-821 of this title, shall be provided. Lots in conservation subdivisions shall be exempt from this requirement, provided all other requirements of this title are met.

All urban services are proposed to be provided to this project.

B. Water Supply: The project is proposed to be served by an existing community water system, Golf Course Estates Water Association (GCEWA). The water system is proposed to be expanded and improved to accommodate up to 150 equivalent residential units upon system completion. The first phase of this proposal will add 10 residential homes to the water service system. The system improvements will be constructed at the time of phase 2 development. The existing water system is undergoing improvements currently and will be expanding service with the addition of a third production well prior to phase 2 of this projects completion. **See Conditions of Approval.**

A pumphouse lot will be located on the subject property to increase water pressure to lots located uphill from the water service provider's main line. The pumphouse lot will accommodate two pumps to accomplish this pressure increase. The pumps will not be considered a public utility facility as it will only add pressure to the system components serving lots within the PUD. The pumps will be turned over to Golf Course Estates Water Association as a part of the off-site utility providers infrastructure.

Applicant: Golf Course Estates public water system will be extended throughout the PUD with 8" mainlines and fire hydrants. The water distribution system will be generally located within the road rights-of-way. Several areas of the system will be installed within utility easements. The water system will extend from the golf course throughout the subdivision down to Highway 57 where two fire hydrants will be installed along the highway for fire protection. The water association is expanding their capacity currently to provide service to the PUD.

The water distribution system extends throughout the subdivision and is located within easements. The distribution system will be constructed to the DEQ and GCEWA

standards and then turned over to the GCEWA once completed and accepted by the GCEWA.

C. Sewage Disposal: The project is proposed to be served by Outlet Bay Sewer District (OSBD) for sewer service. The applicant has provided a will-serve letter to serve 26 residential units in accord with phase 1 development. The sewer district is currently adding improvements to provide additional connections to be completed prior to phase 2 completion. **See Conditions of Approval.**

Applicant: The PUD will include construction of a gravity and pressure wastewater collection system. The majority of the sewage collection system will be gravity fed, consisting of 8" PVC sewer mainlines located within the road areas and concrete manholes. Several areas of the site require installation of pressure collection lines that will empty into the constructed gravity sewer system. The gravity sewer system will flow downhill to the Highway 57 corridor where the existing Outlet Bay gravity sewer collection line is located. The sewage collection system will be turned over to the Outlet Bay Sewer District for ownership, operation, and maintenance upon completion and acceptance.

The sewer collection system will be located within easements throughout the subdivision. It will be constructed to the DEQ and OSBD requirements.

D. Fire Protection: All proposed lots shall be designed by the applicant to provide a fire protection plan. In addition, the applicant shall provide for at least one of the following. **See Conditions of Approval.**

D.1: Prior to final plat, an approved water and fire hydrant system capable of providing one thousand (1,000) gallons per minute for a minimum of two (2) hours where a community water system exists or is proposed as part of the development and is capable of delivering the pressurized water supply necessary for delivering fire flows as prescribed by the international fire code, as adopted by the state fire marshal, and such later editions as may be so published and adopted by the state fire marshal, or as amended, modified or superseded, and incorporated herein by reference with a copy on file with the office of the clerk of the board of county commissioners, and hereinafter referred to as IFC.

The applicant is requesting to have the fire chief of West Priest Lake Fire District set a minimum flow rate for the hydrant system. See Addendum B, deviations requested.

- **BCRC 12-624: Roads and Access:**

The applicant is creating new interior roads to access all proposed lots. The road design and improvements are proposed to be private road easements which will be owned and maintained by the Home Owners Association. Three locations are reserved for installation of a gated entrance to the subdivision. These locations are at "Long Drive", "Regent Square Drive", and at "Glen Lakes Drive". All private roads within the project area are to be platted and constructed within 60-foot wide rights of way. Improvements to US Highway 57 are also included in this proposal and are required to be designed and built to the satisfaction of the Idaho Department of Transportation. The improvements to US Highway 57 and will include turn bays and the addition of fire hydrants.

Access to phase 1 of the proposal shall be accommodated by Luby Bay Road, a Bonner County owned and maintained public right of way.

- **BCRC 12-625: Trails & Parks:**

Sidewalks/Pathways In Residential Subdivisions: All residential subdivisions featuring average residential lot sizes of less than twelve thousand (12,000) square feet shall provide a sidewalk/pathway system that connects all residential lots in the subdivision.

The applicant is proposing sidewalks and paths within the project. The illustrative site plan submitted by the applicant displays sidewalks connecting the lots in Block 5 and Block 1 of phase II as well as the proposed townhouse lots at the southwest respectively. Additionally, walking paths are located along interior roadways. The project is to be a gated community with interior roads functioning as paths for cars, golf carts, residents, etc. All vehicular ingress and egress points are proposed to be gated.

- **BCRC 12-626 Environmental Features:**

The project has been reviewed against the environmental standards of Bonner County Revised Code, Title 12, Chapter 7 Environmental Standards. See review of BCRC 12-7.3, Wetlands.

- **BCRC 12-627 Subdivisions In The Commercial And Rural Service Center Districts:**

The applicants have demonstrated that the proposed lots are appropriate for the proposed residential and non-residential uses as allowed in the Rural Service Center Zoning District.

- **BCRC 12-633.D, Minimum Lot Size:**

Lot sizes less than one acre where water and sewage disposal provisions are provided within common areas via utility easements.

The project complies with this requirement, it is proposed to be served by existing, water and sewage disposal providers that are currently operating. Lot size minimums are not limited in Rural Service Center zoning districts per BCRC 12-6.3 where all services are provided.

- **BCRC 12-633.E, Suitable Land:**

Cluster lots are encouraged to be located on land most suitable for residential development. For example, where the site contains floodplains and/or wetlands, such floodplains and/or wetlands are encouraged to be designated as common open space.

The project aligns with this section of the code – the cluster lots are located on the land most suitable for residential development. The project site contains mapped wetlands that have been professionally delineated per wetland delineation report prepared on October 28, 2021 by Tom Duebendorfer. The wetlands located on the

project site, as delineated, are proposed to be open space that will not be disturbed as described with this proposal. Wetlands, as delineated, are shown on the preliminary plat with corresponding setbacks required by Bonner County labeled.

- **BCRC 12-633.F, Further subdivision of Cluster Lots:**

Cluster lots in a conservation subdivision may not be further subdivided except where in compliance with this title.

- **BCRC 12-633.G Wells, Sewage Disposal Facilities within Common Open Space:**

The proposal includes sewer and water services to be provided by existing off site providers. This code section does not apply to this proposal. There is a proposed lot dedicated as a "pump house lot".

- **BCRC 12-633.H, Preservation of Common Open Space:**

The applicant has not submitted an open-space management plan with the project application. The proposal states that open space shall be maintained by the HOA and maintenance required will be in the applicable CCRs to be recorded with the final plat. The plan shall contain details concerning ownership and responsible parties for maintenance of open space, use of the designated common open space in accordance with BCRC Title 12, details concerning permanent protection of open space, details on maintenance of the open space and any construction activities or vegetative clearing that may occur on site. [See Conditions of Approval.](#)

- **BCRC 12-633.I, Unavailable Urban Services:**

The applicant is not proposing any "development reserve lot" as part of the project. All lots in the proposal will be connected to existing water and sewer providers. This code section is not applicable to this proposal.

- **BCRC 12-633.J, Conservation Lot as Alternative:**

The applicant is not proposing any "conservation lots" as a part of this project. Platted wetlands and open space proposed are not considered platted lots as defined.

- **BCRC 12-633.K & BCRC12-256.H Buffering, Clustering:**

This section of the ordinance requires that cluster lots be accessed by internal roads and the common open space be designed in a way to provide buffering between the cluster lots and the adjacent properties or right-of-way to the maximum extent possible. Deviations have been requested for buffering widths in the deviations section of this staff report. The proposal does not request density bonuses, the purpose of conservation subdivisions is to acquire additional density via bonuses for provided open space.

As noted in the review of BCRC 12-256, the project proposes clustering of all lots with buffers of open space between proposed blocks. Common space has been designated on the plat and exists between lot clusters.

The proposal has provided sufficient open space between blocks to provide adequate buffering as described. Open space has been maximized for this proposal by providing approximately 36% of the total property size as open space where bonus density is equal to percentage of open space. The purpose of conservation subdivisions is generally to apply bonuses for additional lots by providing the bonus actions described in BCRC 12-256.D, and BCRC 12-637.B. Density bonuses are not requested as a part of this proposal, lot size minimums are not limited in the Rural Service Center Zoning District if all urban services are provided. The ±39.4-acre subject property would be allowed approximately 143 residential lots to be created per Rural Service Center 12,000ft² lot size minimums. The request is for 110 residential lots while providing ±14.1-acres of open space. The open space provided in the application does not request a density bonus to create lots that would exceed the number of lots that could potentially be created per standard lot size minimums.

EVALUATION OF REQUESTED DEVIATIONS

STAFF: The applicant is requesting the following deviations to title 12 design standards as well as density and development standards: (See Addendum B)

- (a) BCRC 12-412, et.seq, Minimum Lot Sizes:** Lot size minimums of 12,000 square feet are permitted in Rural Service Center zoning district, where both urban sewer and water services are available. Through this project, the applicant is requesting to create lots at sizes in the table below:

(Lot Sizes are in Square Feet)

Block 1 - S. of Luby Bay	Units	Area Required per unit	Total Area Required	Acreage	
Single Family	68	12,000	816,000	18.73	
Townhome - 4-plex	6	21,000	126,000	2.89	
				21.63	
Minimum Single Family Lot Size			3,950		
Maximum Single Family Lot Size			21,252		
Average Single Family Lot Size			8,307		
Minimum Multi Family Lot Size			1,060		
Maximum Multi Family Lot Size			3,196		
Average Multi Family Lot Size			1,817		
Open Space			580,531	13.33	
Road Right-of-way Area			247,277	5.68	
Total Block 1 Area			1,458,364	33.48	
Block 2 - Luby Bay					
Single Family	10	12,000	120,000	2.75	
Minimum Single Family Lot Size			3,422		
Maximum Single Family Lot Size			12,013		
Average Single Family Lot Size			6,295		
Open Space			25,943	0.60	
Total Block 2 Area			126,057	2.89	
Block 3 - Golf Course Lots					
Single Family	8	12,000	96,000	2.20	
Minimum Single Family Lot Size			9,450		
Maximum Single Family Lot Size			17,168		
Average Single Family Lot Size			12,727		
Total Block 3 Area			101,814	2.34	
Block 4 - Commercial					
Open Space			6,937	0.16	
Total Block 4 Area			41,365	0.95	
OVERALL SUMMARY					
Total Residential Lots	110				
Total PUD Area	1,727,600	square feet	39.66	acres	
Density per current layout	15,705	SF / lot			
Open Space Provided	614,888	square feet	14.12	acres	35.6%
Minimum Common/open area	10%	172,760	3.97	acres	
Permitted Max. Density @ 12,000	143.97	lots			

(b) BCRC 12-412, Table 4-2, Maximum Lot Coverage:

The maximum permissible lot coverage on properties that are less than 1-acre in the Rural Service Center zoning district is 35% of the total lot area per BCRC 12-412. The applicant is requesting an increase of the maximum lot coverage percentage to 100% on the proposed townhouse lots only. No other lot coverage deviations have been requested. Town houses are allowed to share a common wall, which is an allowance for 0-foot property line setbacks.

BCRC 12-332, Note 2, Residential Use Table:

For the S, C, RSC, REC and AV, the required acreage for a duplex shall be 15,000 square feet where all urban services are provided, 1-acre where urban sewer is provided, and 2 and 1/2 acres elsewhere.

The applicant is requesting townhomes to be on individual lots with the smallest lot size of 1,060 square feet. Per BCRC 12-256 & BCRC 12-6.3, minimum lot sizes are not mandatory via design deviations and density bonus actions.

(c) Street Setbacks:

The minimum required street setback is 25-feet and the property line setback is 5 feet for Rural Service Center zoned properties per BCRC 12-412.

The applicant is requesting a street setback of 5-feet from internal roadways as a part of the project. The townhome lots and several cluster lots are fronted by a courtyard type access, which will be classified as a street by BCRC 12-819 because they access more than two residences. These courtyard accesses would require 25-foot setbacks which would not be possible as designed. A 5-foot street setback is a reasonable request for the development as proposed. The 5-foot street setback will be applicable to internal roadways within the planned unit development only.

(d) Sign Setbacks:

The required sign setback from property lines is 25-feet. The applicant is requesting a deviation to have a sign 5-feet from the edge of the highway right-of-way and an internal access road right-of-way. [See Conditions of Approval](#)

(e) BCRC 12-465.A, Landscape Buffering For A Parking Area Adjacent To A Street (BCRC 12- 465.A):

The applicant is requesting a 15-foot buffer width between the project and US Highway 57. The highway Right-of-Way is ±100-feet and the highway will be widened in the future. Deviation requests are permitted in BCRC 12-256 Planned Unit Developments.

(f) Minimum Fire Flow (BCRC 12-623.D.1):

The required minimum fire flow is set at 1,000gpm for a minimum of 2 hours. The applicant is requesting that the local fire chief makes a specific determination as to the minimum flow rate required for the proposal. [See Conditions of Approval](#)

(g) BCRC 12-256.H/12-633.K, Buffering, Clustering:

The applicant is requesting a 10-foot landscape buffer where 100-feet is required on some lots due to slopes, wetland corridors, and ridges on the subject property. Bonner County Revised Code 12-257.H.2, allows for variations to this standard where physical property constrictions merit.

(12.256.H.2: Variations to these standards may be permitted where the applicant can demonstrate that unique topographic conditions provide sufficient buffering, such as intervening waterways, ridges or ravines, or other land features.)

This section of the code requires that residential Planned Unit Developments provide for clustering of dwelling units and that the clustered lots be accessed by interior road systems. To the maximum extent possible, cluster lots shall be located so that common open spaces provide a buffer between the cluster lots and adjacent properties and/ or right of way.

The project proposes clustering of all lots with buffers of open space between proposed blocks. Common space has been designated on the plat and exists between lot clusters.

(h) BCRC 12-332, Residential Use Table: See Deviations Addendum "B" And Deviations Analysis.

The applicant has requested deviations to BCRC12-332, Residential Use Table to allow townhomes to be created on individual lots. This deviation is also applicable to BCRC12-412, Density and Dimensional Standards.

See deviations section of this staff report. This proposal is within the tolerances of deviations allowed in Large Scale Planned Unit Developments.

STANDARDS REVIEW – CONTINUED

- **BCRC 12-333, Commercial Use Table:**

The applicant has requested two lots with possible commercial use in future development. Rural Service Center permits several commercial uses within the commercial use table. The applicant has proposed that any future commercial uses to take place on the proposed lots shall comply with all requirements associated with BCRC 12-333 and with the conditions of approval associated with this application. Commercial uses for the proposed lots have not been defined at the time of this proposal.

- **BCRC 12-421, Performance Standards for All Uses:**

A. Fire Hazards: The applicant is required to provide a method of fire abatement and suppression in the conditions of approval for the preliminary plat. See analysis of BCRC 12-623.

B. Radioactivity Or Electrical Disturbance: No activity shall emit harmful radioactivity at any point, or electrical disturbance adversely affecting the operation of any equipment at any point other than that of the creator of such disturbance.

The applicants have not indicated any aspect of the proposal will conflict with this performance standard.

C. Noise: "Objectionable noise", as defined in this subsection, which is due to volume, frequency or beat shall be muffled or otherwise controlled. Air raid sirens and related apparatus used solely for public purposes are exempt from the requirement. "Objectionable noise" is defined as:

1. Residential land use resulting in greater than sixty (60) decibels at the property line of the lot or parcel developed with the residential land use.

The applicant has not indicated any residential use that would conflict with this performance standard.

2. Commercial land use resulting in greater than sixty five (65) decibels at the property line of the lot or parcel developed with the commercial land use.

The applicant has not indicated any commercial use that would conflict with this performance standard.

3. Industrial land use resulting in greater than seventy (70) decibels at the property line of the lot or parcel developed with the industrial land use.

The applicant has not indicated any industrial use in this proposal which would conflict with this performance standard.

D. Vibration: No vibration shall be permitted which is discernible without the use of vibration detection instruments on any adjoining lot or property.

The applicants have not indicated any aspect of the proposal will conflict with this performance standard.

E. Air Pollution: Any use must be operated and maintained in conformance with the minimum air pollution control standards and regulations established by the health authority.

The applicants have not indicated any aspect of the proposal will conflict with this performance standard.

F. Water Pollution: Any use must be operated and maintained to conformance with the minimum water pollution control standards and regulations established by the health authority.

The applicants have not indicated any aspect of the proposal will conflict with this performance standard. A Stormwater Pollution Prevention Plan (SWPPP) was submitted with this application for any and all construction related pollution potential mitigation. The professional stormwater management plan for the improvements associated with the construction of roads and infrastructure. At the time of building location permitting, any structure within 300-feet of 15% or greater will require temporary erosion control.

G. Enforcement Provisions: The planning director, prior to giving zoning approval, may require the submission of statements and plans indicating the manner in which dangerous and objectionable elements involved in processing and in equipment operations are to be eliminated or reduced to acceptable limits and tolerances.

H. Measurement Procedures: Methods and procedures for the determination of the existence of any dangerous and objectionable elements shall conform to

applicable standard measurement procedures published by the American Standards Institute, New York; the Manufacturing Chemists' Association, Inc., Washington, D.C.; the United States bureau of mines; and the health authority.

- **BCRC 12-4.3, Parking Standards:**

The application indicates that this proposal is a gated community with privately owned and maintained roadways and cul de sacs. Off street parking is proposed within garages, and some on street parking is mentioned in the purpose and need narrative revision submitted May 15, 2024. Complete parking standards will be evaluated at the time of building location permitting.

- **BCRC 12-4.6, Landscaping & Screening Standards:**

A landscaping plan has not been submitted with this application. A condition of approval has been added requiring a landscaping plan prior to final plat recording of each phase. Additionally, a maintenance plan for open spaces and landscaping has been added as a condition of approval and will be required prior to final plat recording of each phase.

- **BCRC 12-7.2, Grading, Stormwater Management & Erosion Control:**

The applicant submitted a standalone grading/stormwater management and erosion control plan for preliminary site preparations, file ST0005-22 prepared and revised by James A. Sewell and Associates, LLC on May 12, 2022. The plan was reviewed by Bonner County Engineering and found to be in compliance with BCRC 12-7.2. A new grading/stormwater management/erosion control plan has been submitted with this application and is currently in review. The improvement plans will need to be reviewed and approved by Bonner County Engineering prior to final plat recording. [See Conditions of Approval.](#)

- **BCRC 12-7.3, Wetlands**

A wetland delineation was performed by Tom Duebendorfer on October 28, 2021. This wetland delineation is represented on the site plans and preliminary plat submitted with this proposal. Building setbacks are shown on the wetland delineation and are accurately represented on the preliminary plat. A supplemental exhibit displaying proposed building envelopes depicts all required setbacks will be met for lots adjacent to the delineated wetlands on the site.

A large portion of the common open space is centered around a wetland that transects the property from east to west in the northern portion of the property. This wetland bisects the parcel creating the phase 1, 10-lot residential area on the north end of the property which is accessed off of Luby Bay Road. The remainder of the subdivision, or phase 2, is located south of the wetlands. A buffer zone is being maintained between the wetland and the residential development. This wetland serves as wildlife habitat. Southeast of the wetland exists some additional common open space that is comprised of a north facing timber slope. The native slopes have significant topography and these areas will be left as forest to promote the native vegetation on-site.

See Conditions of Approval.

- **BCRC 12-7.4, Wildlife**

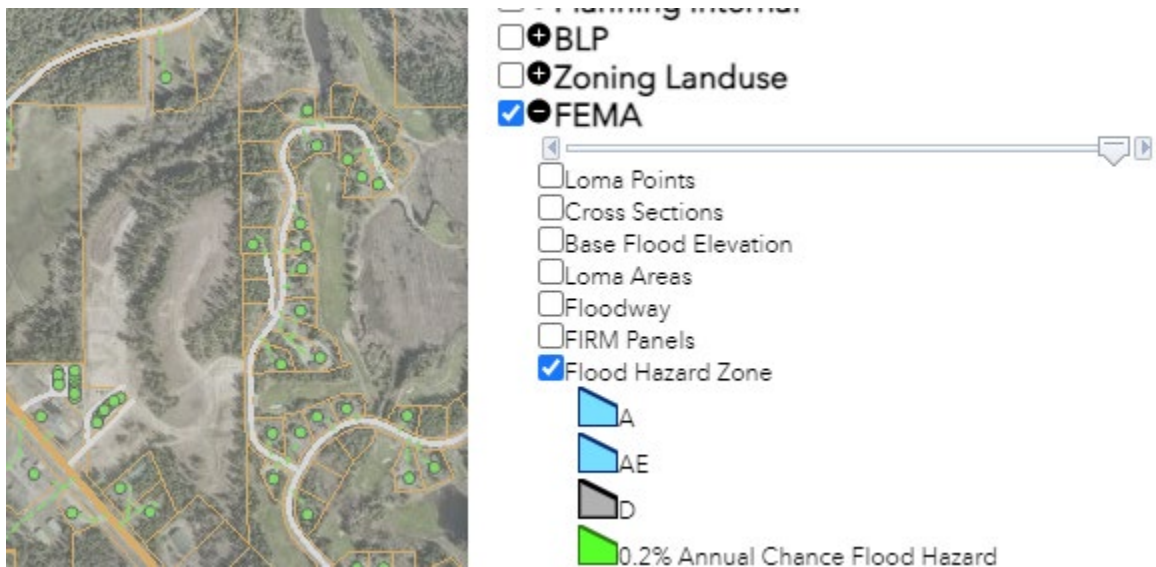
Site does not appear to contain any critical wildlife areas as identified by any local, state, or federal agencies.

- **BCRC 12-7.5, Flood Damage Prevention**

Bonner County Certified Floodplain Manager Comment:

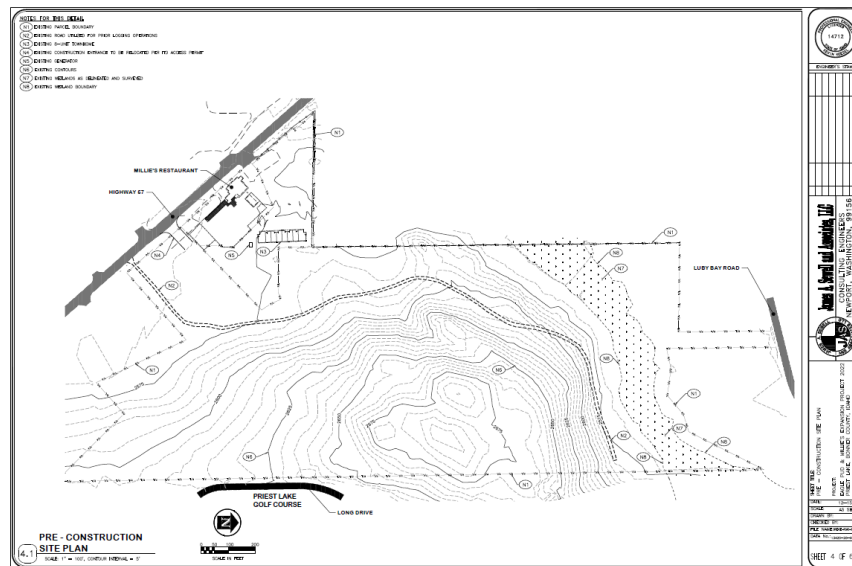
JRJ, 5.20.2024: Parcel is within SFHA Zone D per FIRM Panel Number 16017C0200F, Effective Date 7/7/2014.

No further floodplain review is required on this proposal.



- **BCRC 12-7.6, Hillsides**

Topographic Survey:



A Geotechnical Analysis was submitted, reviewed, and approved by Bonner County Engineering for the road construction as a part of file ST0005-22, approved by Bonner County Engineering on June 3, 2022. Any structure to be constructed on 30% or greater slopes will require a geotechnical analysis. **See Conditions of Approval.**

The applicant states that the topography of the site rises approximately 120' in elevation from the low area at the Northwest portion of the site toward the high point near the mid-eastern portion of the site. At the low areas, there are existing wetlands that have been professionally delineated. The higher elevations of the site include rock outcroppings. Prior to construction the site was completely covered with trees. The steepest areas of the site are at the Northeast and contain slopes of $\pm 50\%$.

BCRC 12-327 Rural Service Center Zoning District:

A. The rural service center district is established to promote the development of local commercial services in small communities to meet the needs of rural residents as well as limited tourist commercial services and limited light industrial uses consistent with the maintenance of the rural character of the area. The rural service center district is also intended to provide opportunities for a variety of affordable housing types that are within walking distance of commercial services. These purposes are accomplished by:

1. Providing for a range of small-scale retail and rural service uses.

STAFF: The applicant has requested commercial lots adjacent to US Highway 57. Retail, along with other commercial uses are permitted in this zoning district.

2. Allowing for mixed use buildings (housing over office or retail) and a range of housing types, including detached single-family dwelling units, cottage housing, townhouses, apartments and mobile home parks where sufficient services are provided.

STAFF: The applicant is requesting to create townhome lots as are allowed and permitted in this zoning district.

3. Allowing for light industrial uses where activities are conducted primarily indoors and impacts to adjacent uses are mitigated.

STAFF: The applicant has not requested any industrial uses on the project site.

4. Excluding commercial uses with extensive outdoor storage.

STAFF: No "extensive" outdoor storage has been proposed by the applicant. One lot has been designated as a storage lot for residents in the proposed PUD.

5. Excluding large scale commercial uses that would be more effectively located in incorporated cities.

STAFF: The applicant has not proposed any large-scale commercial uses. The lots labeled commercial at the southern boundary of the property shall meet the commercial uses allowed in this zoning district.

6. Applying simple design standards that enhance pedestrian access and improve the character of the area. (Ord. 501, 11-18-2008)

STAFF: The proposal includes sidewalks and paths for residents of the PUD as well as pedestrian access along the US Highway 57 corridor to adjacent commercial properties.

B. Use of this zone is appropriate in areas designated as neighborhood commercial, resort community or transition by the comprehensive plan and community plans and that are served at the time of development by adequate sewage disposal services, water supply, roads and other needed public facilities and services. Expansion of existing rural service center districts or the creation of new rural service center districts may be considered only if the expansion will not negatively impact the safety and function of a state highway or other roadway. (Ord. 512, 1-6-2010)

STAFF: The proposal is in accord. The RSC zoned project site is adjacent to REC zoning and commercial zoning. A golf course is in the vicinity with REC zoning and associated uses. The project site is located along a US Highway and has approval for improvements to be made to US Highway.

REVIEW OF THE PROJECT IN ACCORDANCE WITH THE BONNER COUNTY COMPREHENSIVE PLAN:

PROPERTY RIGHTS:

Goal:

- Protect property rights and enhance property values through conscientious land use planning that complies with state law relevant to all county land use actions.

Objectives:

- Private property shall not be taken for public uses without just compensation or due process of law.
- Impacts to other properties shall be taken into account when considering land use proposals, policies and codes.

Analysis:

- The project takes into account impacts on the adjacent properties. The project proposes to create 110 residential lots and 3 mixed use lots, where 143 total lots could be created in proportion to the existing parcel size, thereby, reducing the potential impacts of the development on the surroundings.

The uses requested uses on the property are residential, commercial, and residential accessory uses. These uses would integrate well with the surrounding properties.

The project does not encroach on any of the adjacent properties or impact the use thereof. Approval of this project is unlikely to result in a takings.

POPULATION:**Goal:**

- Ensure that the impact of demographic changes including generational issues and economic diversity are identified and considered during planning activities and decisions.

Objectives:

- Bonner County shall keep current with county census data, population estimates and projections and shall use the data to analyze community needs and project impacts.

Analysis:

- The proposed project encourages a diversity of the residential options by proposing to create both townhouses as well single-family residential lots. These different types of residential lots are likely to serve the multi-economic diversity of Bonner County. The narrative statement suggests that workforce housing will be a part of this development.

SCHOOL FACILITIES AND TRANSPORTATION:**Goal:**

- Preserve the county's commitment to and ability to provide quality education to the current and future students of Bonner County.

Objectives:

- Ensure that the proposed developments and county land use decisions do not adversely impact the local school districts and their ability to provide adequate school facilities and transportation systems.
- The county should encourage school districts to proactively review development applications to determine particular school needs and concerns.
- Bonner County roads, trails and bicycle paths should be designed and maintained to allow safe passage of students to schools.
- Long-term consequences of land use proposals should be considered, including the adequacy of existing facilities and the siting of future schools.

Analysis:

- This application was routed to West Bonner County School District #83 for any comments on this project. To date, no comments have been received from the school district indicating any negative impacts to the school system or the school transportation office.

ECONOMIC DEVELOPMENT:

Goal:

- Support and encourage economic development.

Objectives:

- Support small businesses such as markets, restaurants, recreational activities, campgrounds, and marinas that provide services which support resort residents and visitors in their local communities.
- Enable development of small-scale cottage industries and home-based occupations while protecting the surrounding areas from adverse impacts.
- Policies regarding economic development activities should seek to mitigate the impacts of such factors as noise, light glare, odors, fumes and vibrations on the surrounding community.
- Support local economic development by increasing support for outdoor recreation in Bonner County. Encourage and protect public access to public lands and water, campgrounds, and recreational areas.
- Support local businesses by enabling development of workforce housing in proximity to commercial, industrial and agricultural uses.

Analysis:

- The applicant has indicated that there will be two (2) commercial lot fronting US Highway 57. The commercial use for these lots has yet to be determined. Any commercial operations to be permitted on these two lots will be subject to Bonner County Revised Code requirements. Some commercial uses are permitted outright in Rural Service Center Zoning District. The applicant is proposing residential development on the subject property which is in accord with existing residential and commercial uses, as well as the development density in the vicinity of this project. Any commercial operations shall meet the applicable Bonner County Revised Code 12-3.3. Home Occupations, while permitted on the homeowner-owned residential properties, are not a part of this request.

LAND USE:**Goal:**

- Bonner County intends to balance and integrate its land use policies and proposed land use map with the components of the comprehensive plan to enable the community to grow while retaining its rural character and protecting its unique natural resources.

Objectives:

- Bonner County should develop and maintain a future land use map and land use codes that acknowledge and protect its agricultural, timber and mining lands, protects the water and wildlife resources, identifies and avoids hazard areas, provides areas for economic growth, encourages affordable housing and centers growth in areas where adequate public and private services can be provided.
- Encourage clustered development for medium and large scale commercial and industrial uses.
- Commercial and industrial uses should be located and operated in a manner to ensure the protection of our natural resources including clean air and water, dark skies, and overall environmental quality and rural character of Bonner County.

Analysis:

- All uses proposed within this project are permitted by right or permitted conditionally in the Rural Service Center zoning district. Bonner County has existing ordinances for that acknowledge the values of its agricultural and timber land, protects the water and wildlife resources, identifies and avoids hazard areas, provides areas for economic growth, encourages affordable housing and centers growth in areas where adequate public and private services can be provided. The current project meets these objectives by following the Bonner County Revised Code.

NATURAL RESOURCES:

Goal:

- Protect, enhance and maintain the County's natural resources such as air, water, forest, minerals, plants and wildlife for long-term benefits to the public.
- Acknowledge and consider agency comments regarding natural resources.

Objectives:

- Bonner County's system of lakes and waterways is one of its greatest assets, and Bonner County should strive to preserve both the quality and quantity of its water resources.
- Bonner County values its productive agricultural lands and forests, mining lands, its fisheries, wildlife, wetlands and aquifer recharge areas and should provide measures to protect and maintain these natural features.
- Bonner County should protect its water resources by requiring adequate sewer treatment systems based on soil, density, and intensity of use to reduce impacts to water resources.

Analysis:

- The project acknowledges the value of its natural resources. The wetlands located on the subject parcel have been delineated and are set to be platted open space that is not to be disturbed. HOA and CCR agreements to be recorded as a condition of final plat approval will ensure the perpetual nature of the common area wetlands on the project site.

HAZARDOUS AREAS:

Goal:

- Protect Bonner County from loss of lives and property due to natural hazards.
- Reduce public and private financial losses due to flood, fire, landslides, avalanches and excessive slopes by setting standards for development in high hazard areas.

Objectives:

- Bonner County intends to regulate the location and density of new development in floodplain to reduce the potential for the loss of lives and property within flood hazard areas.
- Future development should be designed to reduce exposure to wildland fire and to provide for emergency and escape routes for residents.

- Development within areas of excessive slopes, unstable areas and avalanche zones should be discouraged.

Analysis:

Within the current project, some buildable sites are proposed to be located in areas of slopes of over 30% grade. In such cases, a geotechnical analysis shall be required for building location permits to be located within the areas of >30% slope. The geotechnical analysis shall be stamped and signed by an Idaho licensed civil or geological engineer having sufficient education and experience to prove competency in the field of geotechnical engineering. The geotechnical analysis shall be submitted prior to construction and shall explain the geologic and hydrologic features of the area, shall evaluate the suitability of the site for intended uses, shall identify potential problems relating to the geology and hydrology, shall summarize the data upon which conclusions are based, and shall propose mitigation measures.

PUBLIC SERVICES, FACILITIES AND UTILITIES:

Goal:

- Future development approvals should require adequate services and should not adversely impact the services or utilities of the utility provider.
- Require adequate public services, facilities, and utilities in future development approvals.

Objectives:

- New development should be adequately served by fire protection, roads, sewer, schools, law enforcement, ambulance, power and emergency services, water and other public or private services.
- Require the developers to provide infrastructure, utilities or financial support to offset the capital costs of expansion of services, required by the proposed development.
- Bonner County shall require adequate provisions for future utility services in areas of commercial, industrial, residential or other similar uses.

Analysis:

- The project applicant has submitted evidence to indicate that the current project will not overburden the current system of services.

The project is proposed to be served by Outlet Bay Sewer and Golf Course Estates Water. The applicant has submitted a letter from the sewer district with the affirmation that the district has sufficient capacity and has the willingness to serve the first phase of development in question.

Both the sewer district and water provider are increasing service capacity to accommodate phase 2 development with concerted action by the applicant. The development of increased water and sewer service capability will be accommodated as a condition of phase 2 development. All utility improvements on the subject property will be to the benefit of the existing providers.

TRANSPORTATION:

Goal:

- Provide a transportation system that is safe, uncongested, and well maintained.

Objectives:

Future development should not adversely impact the existing transportation system by reducing the quality or level of service or creating hazards or congestion.

- Roads within new development should be built to county standards and at the expense of the developer.
- Roads within new development should provide adequate access for fire and emergency vehicles as well as routes of escape.
- Future access roads should be designed and built to integrate with the state and county system of roads without overburdening the transportation system.
- To reduce transportation costs, road building and environmental impacts, cluster development should be encouraged.
- Bonner County intends for certain intense land use developments to provide paved roads.
- Bike ways and pedestrian paths should be considered in development plans to provide an integrated community transportation system wherever possible.
- To communicate and work cooperatively with other jurisdictions within the county to ensure the best possible flow of traffic county-wide.

Analysis:

- Phase 1 of the proposal is to be accessed by a private road, Luby Bay Road. The ingress to the 10 lots proposed in phase 1 is to be built to required title 2 private road standards and are to be paved according to the submitted plans.
- Phase 2 areas of the project is accessed via US Highway 57. An improvement plan for the highway has been submitted in conjunction with a trip generation report. A commercial encroachment permit was submitted along with the application for this project.

- Internal roadways are proposed to be privately owned and maintained with gates at the 3 entrances. The roadways are to be maintained through the Homeowner's Association and Codes Covenants & Restrictions documents.

RECREATION:

Goal:

- Protect and encourage public and private recreational opportunities as an important asset that supports a key segment of the County's economy.

Objectives:

- Ensure public legal recreational accesses and amenities are not obstructed or adversely impacted by future development.

Analysis:

- Through this project the applicant is proposing clustering of smaller residential lots to allow a common open space that is much larger than the minimum requirements of the Bonner County Revised Code maintaining recreational access to the golf course and nearby Priest Lake.

SPECIAL AREAS OR SITES:

Goal:

- To protect, preserve and maintain special areas and sites both natural and manmade in relation to land use.

Objectives:

- Future developments shall not adversely affect or destroy culturally or ecologically sensitive sites.

Analysis:

- No archeological or historical sites or features have been identified on the subject site. The project takes into consideration any natural features present in the vicinity of the site. See analysis of the natural resources section of the comprehensive plan above.

HOUSING:

Goal/Objective:

- Provide an environment that enables opportunities for diverse housing needs.

Analysis:

- The project proposes two types of housing on the site – townhouses and a single-family residential lots. The project also proposes clustered housing to save on infrastructure and transportation costs. No requests have been made for assisted living or group shelters as part of this project.

COMMUNITY DESIGN:

Goal:

- To enable a variety of lifestyles while maintaining the rural character in the future development of Bonner County.

Objectives:

- New development should be located in areas with similar densities and compatible uses.
- The adverse impacts of new development on adjacent areas should be minimized.
- Consider the protection of natural resources, rural features and surrounding uses of the community in the design and location of new development.
-

Analysis:

The project proposes a new development to be located within areas of similar residential density. It minimizes any adverse impacts on the adjacent areas through clustering and buffering between blocks and adjacent properties.

AGRICULTURE:

Goals/Objectives:

- Protecting environmental quality so that farming continues to be a viable use in the county.
- Protecting agricultural uses and activities from conflicts arising out of nearby residential, commercial, and industrial uses.
- Developing land use regulations that support and enable home-based occupations and farm-based businesses.

Analysis:

- The project site is located between a US Highway and a golf course resort community. The proposal does not conflict with nearby agricultural uses or inhibit adjacent property owners from pursuing their individual agricultural goals.

Findings of Facts for the Planned Unit Development:

1. The applicants are requesting a large-scale mixed-use Planned Unit Development concurrently with preliminary subdivision plat, FILE S0001-24 requesting to subdivide an approximately 39.4-acre Rural Service Center zoned property into 110 residential lots, 2 commercial lots, and one storage lot, located off US Highway 57 in Section 25, Township 60 North, Range 5 West, Boise-Meridian, Idaho. The request for this Planned Unit Development proposes to create the following:
 - A total of 110 residential lots.
 - Six (6), 4-unit multi-family townhome lots.
 - Eighty-six (86) single family residential lots.
 - Two (2) commercial lots.
 - One (1) storage lot for exclusive use by PUD residents.
 - One(1) pump house lot to improve and increase GCEWA water pressure service.
 - Lot sizes are proposed to range from $\pm 1,060$ ft², to $\pm 17,168$ ft² in area.
 - Approximately 14.1-acres are to be platted as open space.
 - One utility lot will house a pump to assist Golf Course Estates Water provide to phase 2 of the development.
 - Snow storage areas and utility easements as shown on the preliminary plat.
2. Deviations from Bonner County Revised Code have been requested as a part of this proposal. See Addendum "B".
3. The subject parcel is currently vacant and undergoing groundwork. A standalone grading/stormwater management/erosion control plan ST0005-22 has been reviewed and approved by Bonner County Engineering in regards to the preliminary groundwork.
4. Subject site is accessed off of U.S. Highway 57 an Idaho Transportation Department owned and maintained highway. Phase 1 of the project to the north will be accessed by Luby Bay Road, a county owned and privately maintained public right of way.
 - a. Internal roads to be constructed will be privately owned and maintained paved rights of way to be constructed to private road standards.
5. Site contains slopes of over 30% grade. (United States Geological Survey)
6. Site does contain mapped wetlands and have been delineated by a wetlands specialist. (United States Fish and Wildlife Services)
7. The site does not contain any streams, rivers or any other mapped bodies of water. (National Hydrography Dataset)

8. Site is located within SFHA Zone D (per FIRM Panel 16017C0150F, effective Date 7/7/2014) and SFHA Zone AE (per FIRM Panel 16017C0200F, effective date 7/7/2014).
9. Site does not seem to contain any critical wildlife areas as identified by any local, state or federal agencies.
10. Water Service: The development is intended to be served by Golf Course Estates Water, an existing community system.
11. Sewage Service: The development is intended to be served by an existing community sewer system – Outlet Bay Sewer District.
12. Fire Service: The site is located with West Priest Lake Fire District.
13. Power Service: The site is served by Northern Lights, Inc.
14. School District: The site is located within Bonner County School District #84.
15. Ambulance District: The site is located within Bonner County Ambulance District.
16. The application for the proposed Planned Unit Development was made to the Planning Department. In addition to the basic information requirements, the application included the following:
 - A report showing how the proposed Planned Unit Development complies with the Conditional Use Permit standards of BCRC 12-223.
 - A stormwater management plan for Phase 1
 - A wetlands delineation
 - A geotechnical report for the road construction
 - US Highway 57 improvement plans
 - A SWPPPs plan
 - An environmental analysis
 - A preliminary development plan along with the proposed preliminary plat.
 - A trip generation letter.
 - Color annotated site plans.
 - A project narrative, and purpose/needs narrative.
17. The preliminary plat maps were revised to make some minor corrections on June 6, 2024.
18. The project proposes creation of residential lots through the process of platting. The preliminary plat has been submitted for concurrent review of the plat with this Planned Unit Development application, file S0001-24.
19. The project proposes reserving approximately 14.1-acres/±36% of the site area as common open space.
20. BCRC 12-412 allows a minimum lot size of 12,000ft² in Rural Service Center Zoning District. Through a planned unit development, there is no lot size minimum if all criteria in BCRC 12-256 are met, and all services provided.

21. BCRC 12-256.G permits an increase or decrease in the minimum development standards set forth in Bonner County Revised Code, Title 12 to accomplish the design objectives in the utilization of natural or created amenities, provided the development meets the intent of the standards. See staff report analysis.
22. A public hearing was held with the Bonner County Zoning Commission on Thursday, June 20, 2024; where the Zoning Commission moved unanimously to recommend approval of these files to the BOCC, as reflected in the written recommendation dated June 26, 2024.

Staff Analysis:

The proposed PUD and the associated Short Plat is consistent with the Bonner County Revised Code and the Bonner County Comprehensive Plan.

Planner's Initials: **TL** Date: **July 30, 2024**

Note: This is not a recommendation or a decision. The final decision rests with the governing body after the completion of the public hearing and consideration of all relevant oral and written testimony and evidence.

Zoning Commission Recommendation: APPROVE

Date: June 20, 2024

Vote: 4-0

Motion by the Governing Body for the PUD: Approval

Bonner County Board of Commissioners

MOTION TO APPROVE: I move to approve this project, FILE CUP0005-24 requesting a large-scale, mixed use, planned unit development, dividing an approximately 39.4-acre Rural Service Center zoned property into 110 residential lots, 2 commercial lots, and one storage lot, located off US Highway 57 in Section 25, Township 60 North, Range 5 West, Boise-Meridian, Idaho, finding that it **is** in accord with the Bonner County Comprehensive Plan and Bonner County Revised Code as enumerated in the following conclusions of law:

1. The planned unit development **is** in accord with the Bonner County comprehensive plan.
2. The proposed planned unit development or the first phase of it **can** be substantially completed within two (2) years from the date of approval.
3. Each individual development phase **can** exist as an independent unit meeting the minimum standards set forth in BCRC 12-2.5.
4. The streets and thoroughfares proposed **are** suitable and adequate to gather anticipated traffic and will not generate traffic in amounts that will overload the street network outside the planned unit development. Connections to public transportation systems shall also be considered.

5. Any residential development **will** constitute a residential environment of sustained desirability and stability and **will** be in harmony with the character of the surrounding neighborhood and community.
6. Any proposed commercial development **will** constitute an efficient well organized development, with adequate provisions for access and storage, and it **will not** adversely affect adjacent or surrounding development.
7. The proposed use **will not** create a hazard or **will not** be dangerous to persons on or adjacent to the property.

The decision is based upon the evidence submitted up to the time the Staff Report was prepared and testimony received at this hearing. I further move to adopt the findings of fact as set forth in the Staff Report (or as amended during this hearing) and direct planning staff to draft written findings and conclusions to reflect this motion, have the Chairman sign, 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. This action does not result in a taking of private property.

Motion by the Governing Body for the PUD: Denial

MOTION TO DENY: I move to deny this project, FILE CUP0005-24 requesting a large-scale, mixed use, planned unit development, dividing an approximately 39.4-acre Rural Service Center zoned property into 110 residential lots, 2 commercial lots, and one storage lot, located off US Highway 57 in Section 25, Township 60 North, Range 5 West, Boise-Meridian, Idaho, based upon the following conclusions of law:

1. The planned unit development **is/ is not** in accord with the Bonner County comprehensive plan.
2. The proposed planned unit development or the first phase of it **can/ cannot** be substantially completed within two (2) years from the date of approval.
3. Each individual development phase **can/ cannot** exist as an independent unit meeting the minimum standards set forth in this subchapter.
4. The streets and thoroughfares proposed **are/ are not** suitable and adequate to gather anticipated traffic and will not generate traffic in amounts that will overload the street network outside the planned unit development. Connections to public transportation systems shall also be considered.
5. Any residential development **will/ will not** constitute a residential environment of sustained desirability and stability and **will/ will not** be in harmony with the character of the surrounding neighborhood and community.
6. Any proposed commercial development **will/ will not** constitute an efficient well organized development, with adequate provisions for access and storage, and it **will not/ will** adversely affect adjacent or surrounding development.
7. The proposed use **will/ will not** create a hazard or **will/ will not** be dangerous to persons on or adjacent to the property.

The decision is based upon the evidence submitted up to the time the Staff Report was prepared and testimony received at this hearing. I further move to adopt the findings of fact as amended during this hearing and direct planning staff to draft written findings and conclusions to reflect this motion, have the Chairman sign, and transmit to all interested parties. This action does not result in a taking of private property.

Motion by the Governing Body for Preliminary Plat: Approval

Bonner County Board of Commissioners

MOTION TO APPROVE: I move to approve the preliminary subdivision plat, FILE S0001-24 requesting to subdivide an approximately 39.4-acre Rural Service Center zoned property into 110 residential lots, 2 commercial lots, and one storage lot, located off US Highway 57 in Section 25, Township 60 North, Range 5 West, Boise-Meridian, Idaho, finding that it **is** in accord with the Bonner County Comprehensive Plan and Bonner County Revised Code as enumerated in the following conclusions of law:

1. The proposed subdivision **is** in accord with the purposes of Title 12 and of the zoning district in which it is located.
2. The site **is** physically suitable for the proposed development.
3. The design of the proposed subdivision **will not** adversely impact Bonner County's natural resources, as identified in the comprehensive plan. Any adverse impacts or potential for impacts shall be mitigated as a condition of approval.
4. The public and private services, including but not limited to water, sewer services, solid waste, fire protection, emergency services, and school facilities and transportation, which will serve the proposed subdivision **are** adequate for the needs of future residents or users.
5. The proposed subdivision **will not** cause circumstances to exist that will cause future residents or the public at large to be exposed to hazards to health or safety.
6. The design of the proposed subdivision or related improvements **will** provide for coordinated access with the county system of roads and with adjacent properties and **will not** impede the use of public easements for access to, or through the proposed subdivision. The proposed transportation system **is** designed to adequately and safely serve the future residents or users without adversely impacting the existing transportation system by reducing the quality or level of service or creating hazards or congestion.
7. The proposed subdivision **is** designed to comply with the design criteria for subdivisions set forth in Subchapter 6.2 of this chapter.
8. The proposed subdivision **is** in accord with the Bonner County Comprehensive Plan.

The decision is based upon the evidence submitted up to the time the Staff Report was prepared and testimony received at this hearing. I further move to adopt the findings of fact as set forth in the Staff Report (or as amended during this hearing) and direct planning staff to draft written findings and conclusions to reflect this motion, have the Chairman sign,

and transmit to all interested parties. The action that could be taken to obtain the subdivision is to complete the Conditions of Approval as adopted. This action does not result in a taking of private property.

Motion by the Governing Body for Preliminary Plat: Denial

MOTION TO DENY: I move to deny the preliminary subdivision plat, FILE S0001-24 requesting to subdivide an approximately 39.4-acre Rural Service Center zoned property into 110 residential lots, 2 commercial lots, and one storage lot, located off US Highway 57 in Section 25, Township 60 North, Range 5 West, Boise-Meridian, Idaho, finding that it is **not** in accord with the Bonner County Comprehensive Plan and Bonner County Revised Code as enumerated in the following conclusions of law:

1. The proposed subdivision **is/ is not** in accord with the purposes of Title 12 and of the zoning district in which it is located.
2. The site **is/ is not** physically suitable for the proposed development.
3. The design of the proposed subdivision **will not/ will** adversely impact Bonner County's natural resources, as identified in the comprehensive plan. Any adverse impacts or potential for impacts shall be mitigated as a condition of approval.
4. The public and private services, including but not limited to water, sewer services, solid waste, fire protection, emergency services, and school facilities and transportation, which will serve the proposed subdivision **are/ are not** adequate for the needs of future residents or users.
5. The proposed subdivision **will not/ will** cause circumstances to exist that will cause future residents or the public at large to be exposed to hazards to health or safety.
6. The design of the proposed subdivision or related improvements **will/ will not** provide for coordinated access with the county system of roads and with adjacent properties and **will not/ will** impede the use of public easements for access to, or through the proposed subdivision. The proposed transportation system **is/ is not** designed to adequately and safely serve the future residents or users without adversely impacting the existing transportation system by reducing the quality or level of service or creating hazards or congestion.
7. The proposed subdivision **is/ is not** designed to comply with the design criteria for subdivisions set forth in Subchapter 6.2 of this chapter.
8. The proposed subdivision **is/ is not** in accord with the Bonner County Comprehensive Plan.

The decision is based upon the evidence submitted up to the time the Staff Report was prepared and testimony received at this hearing. I further move to adopt the findings of fact as set forth in the Staff Report (or as amended during this hearing) and direct planning staff to draft written findings and conclusions to reflect this motion, have the Chairman sign, and transmit to all interested parties. This action does not result in a taking of private property.

Conditions of Approval for PUD:

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

A-1 Per BCRC 12-254.B: Development plans submitted as part of an approved "large scale" PUD shall be in substantial compliance with the approved conceptual land use plan. Any significant change affecting the original approval of the plan shall require a public hearing. A change in density or a more intensive use of the same area constitutes a significant change.

A-2 Per BCRC 12-256.B: A PUD shall include a homeowners' association and/or corporate ownership, which shall be responsible for the development, use and permanent maintenance of all common activities and facilities.

A-3 Per BCRC 12-256.C: Covenants, Articles of Incorporation: Articles of incorporation for the homeowners' association or corporate entity governing the PUD shall be recorded with the final plat of any PUD subdivision or final development plans. The covenants, conditions and restrictions shall be sufficient to enforce development requirements and responsibilities of the homeowners' association and/or ownership.

A-4 Per BCRC 12-258.C: Conditional use approval for a conceptual "large scale" PUD shall expire four (4) years from the date of approval if no improvements have started in accordance with subdivision and/or development plan approval requirements. The developer is responsible for keeping the county informed of progress made during the approval period.

A-5 Per BCRC 12-258.D: An extension of time request not to exceed two (2) years may be granted by the board of county commissioners. The request shall be made in writing prior to the expiration date and shall state the reasons why the extension is needed and how the developer intends to progress with the project. If it is found that the intent of the PUD approval is merely for speculation purposes, the extension shall not be granted.

A-6 Per BCRC12-633.H: Preservation of Common Open Space: Common open space shall be preserved as permanent open space, except where otherwise noted in this title, and subject to the following standards:

1. A management plan is required for the designated common open space. The plan shall be submitted and approved with the preliminary plat application. The plan shall include all of the following items:
 - a. Details concerning ownership, tax liability and responsible parties for maintenance of open space.
 - b. Use of the designated common open space shall be in accordance with this title.
 - c. Details concerning permanent protection of open space.
 - d. Details on maintenance of the open space, including control of noxious weeds.

e. Any construction activities (trails, fencing, agricultural buildings) and vegetative clearing that may occur on site.

2. All subsequent activities must be conducted in conformance with the approved open space management plan. Open space management plans may be modified through amendment procedures for a plat alteration, but in no case shall perpetually dedicated open space be revoked.

3. The open space management plan, as described above, shall be referenced on the face of the final plat and shall be filed as a title notice. (See Preliminary Plat Approval Conditions)

A-7 Per BCRC 12-7.2: The applicant submitted a standalone grading/stormwater/erosion control plan for the internal road system and preliminary site prep, file ST0005-22. The plan was reviewed and approved by Bonner County Engineering and Bonner County Planning on June 14, 2022. The applicant has submitted an additional stormwater/grading/erosion control plans with this application which are pending corrections. The applicant shall make all updates or changes to the submitted plans necessary to comply with BCRC 12-7.2 or other provisions of the code as applicable to stormwater management or erosion control on site.

A-8 Per BCRC 12-7.6: Within the current project, some buildable sites are proposed in areas where slopes of 30% or greater exist. A geotechnical analysis shall be required at the time of building location permitting where the building site is located on slope of 30% or greater.

Conditions to be met Prior to PUD Issuance:

B-1 An open space management plan shall be submitted in accordance with BCRC 12-633.H.

B-2 A landscaping plan shall be submitted in accordance with this BCRC 12-462.

Conditions of Approval for Preliminary Plat:

A-1 Per Conditions A4 & A5 for PUD: The expiration of the preliminary plat and extension requests shall follow the conditions listed in the PUD approval, file CUP0005-24.

A-2 Per BCRC 12-623.C: The applicant shall submit a will-serve letter from Outlet Bay Sewer District stating the district's capacity and willingness to provide sewer services to Phase 2 of proposed project.

A-3 Per BCRC 12-623.D: All proposed lots shall be designed by the applicant to provide a fire protection plan. Per the applicant's requested deviation to minimum fire flow rate. The final plat shall reflect the written recommendation by the West Priest Lake Fire District Chief of minimum fire flow rate for this proposal. The minimum fire flow rate recommended by the West Priest Lake Fire Chief shall be inserted into the note below to be shown on the final plat.

1. Prior to final plat, an approved water and fire hydrant system capable of providing one thousand (1,000) gallons per minute for a minimum of two (2) hours where a community water system exists or is proposed as part of the development and

is capable of delivering the pressurized water supply necessary for delivering fire flows as prescribed by the international fire code, as adopted by the state fire marshal, and such later editions as may be so published and adopted by the state fire marshal, or as amended, modified or superseded, and incorporated herein by reference with a copy on file with the office of the clerk of the board of county commissioners, and hereinafter referred to as IFC.

A-4 Per BCRC 12-627 SUBDIVISIONS IN THE COMMERCIAL AND RURAL SERVICE CENTER DISTRICTS: Subdivision applicants in both districts shall demonstrate how the proposed lots are appropriate for applicable residential and/or nonresidential uses where permitted in sections 12-332 through 12-336 (tables 3-2 through 3-6) of this title. Individual lots shall be sized appropriately to accommodate permitted uses in the district, or may be designed to accommodate a particular set of permitted uses (for example, townhouses, which feature common walls and zero lot lines). The board may place conditions on the lots that restrict uses and the exact location and nature of development.

A-5 Per BCRC 12-633.F: Cluster lots in a conservation subdivision may not be further subdivided except where in compliance with this title. For example, if a forty (40) acre conservation subdivision in the Rural Service Center Zoning District. However, notes on the final plat as approved by the board may include other restrictions on future subdivision of the lots.

A-6 Per BCRC 12-633.H: Common open space shall be preserved as permanent open space, except where otherwise noted in Bonner County Revised Code, Title 12. The applicant shall submit an open-space management plan. The plan shall contain details concerning ownership and responsible parties for maintenance of open space, use of the designated common open space in accordance with BCRC Title 12, details concerning permanent protection of open space, details on maintenance of the open space and any construction activities or vegetative clearing that may occur on site.

All subsequent activities must be conducted in accordance with the approved open space management plan. Open space management plan may be modified through amendment procedures for a plat alteration, but in no case shall perpetually dedicated open space be revoked.

The open space management plan shall be referenced on the face of the final plat and shall be filed as title notice.

A-7 Per BCRC 12-7.2: Applicable improvements shall be reviewed to the satisfaction of the Bonner County Engineering Department by proposal or as-built inspections.

A-8 Per BCRC 12-624.B: Road networks shall be designed and constructed to private road standards set forth in appendix A of this title, except as otherwise noted herein. Road networks shall be designed to provide for a continuous transportation system to adjacent properties, where topographical conditions warrant. The county engineer, or his representative, shall check inspection reports of the applicant's engineer and shall perform a final inspection and additional inspections (if called for). Construction and inspection of road improvements shall be completed in accord with the requirements contained in title 2 of this code or appendix A of this title.

A-9 Per BCRC 12-644.C: In lieu of completing all improvements as required before final plat recording, the subdivider shall enter into a surety agreement with the board agreeing to complete the improvements in accordance with surety agreement conditions and preliminary and final plat approvals. A cash deposit, certificate of deposit, corporate surety bond written by an insurance company licensed in Idaho having a rating from AM Best & Company of "A" or better, letter of credit issued and backed by a federal or state chartered bank, is required equivalent to one hundred fifty percent (150%) of the project engineer's estimated cost of construction of the improvements for the purpose of guaranteeing completion of the work and repair of any defects in improvements which occur within one year of the first acceptance of the completed work by the board. Sureties guaranteeing the work and repair of any defects in improvements which occur within one year after first acceptance of the completed work by the board may be reduced by the board by one-half (1/2) for that one year. The surety agreement shall be valid for a period not to exceed two (2) calendar years from the date of approval. At any time prior to the expiration date of the surety agreement, the subdivider may make a written request to the planning director for a single extension of the surety agreement for a period up to two (2) years. The board may consider such request for extension at any regular business meeting. The extension request must be approved or denied by the board prior to the expiration date of the surety agreement.

The complete file is available for review in the Planning Department, 1500 Highway 2, Suite #208, Sandpoint, ID. Staff reports are available online before the hearing at www.bonnercountyid.gov. Bonner County Revised Code (BCRC) is available at the Planning Department or online.

ADDENDUM "A": PRELIMINARY PLAT MAPS (Revised 6/6/24)

EAGLE SUBDIVISION PLANNED UNIT DEVELOPMENT (PHASE 1)

SECTION 25, TOWNSHIP 60 NORTH, RANGE 5 WEST, B.M., BONNER COUNTY, IDAHO

COUNTY SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I HAVE EXAMINED THE PRELIMINARY PLAT MAP OF EAGLE SUBDIVISION PLANNED UNIT DEVELOPMENT (PHASE 1) AND I HAVE REVIEWED THE PLAT AND COMPUTATIONS THEREON AND HAVE DETERMINED THAT THE REQUIREMENTS OF THE IDAHO STATE CODE RELATING TO PLATS AND SURVEYS HAVE BEEN MET.

DATED THIS ____ DAY OF _____, 2024.

BONNER COUNTY SURVEYOR

PLANNING DIRECTOR'S CERTIFICATE

THIS PLAT HAS BEEN EXAMINED AND APPROVED THIS ____ DAY OF _____, 2024.

BONNER COUNTY PLANNING DIRECTOR

PANHANDLE HEALTH DISTRICT 1

SANITARY REQUIREMENTS AS REQUIRED BY IDAHO CODE TITLE 58, CHAPTER 13 ARE IN FORCE. NO OWNER SHALL CONSTRUCT ANY BUILDING, DWELLING OR SHEDS WHICH VIOLATES THE SUPPLYING OF WATER OR SEWER REQUIREMENTS FOR RESIDUALS USING SUCH PREMISES UNTIL SANITARY REQUIREMENT REQUIREMENTS ARE SATISFIED.

COUNTY COMMISSIONERS' CERTIFICATE

THIS PLAT HAS BEEN APPROVED AND ACCEPTED BY THE BOARD OF COMMISSIONERS, BONNER COUNTY, IDAHO.

DATED THIS ____ DAY OF _____, 2024.

CHAIRMAN, BOARD OF COUNTY COMMISSIONERS

COUNTY TREASURER'S CERTIFICATE

I HEREBY CERTIFY THAT THE FEE HAS BEEN PAID UP TO AND INCLUDING THE YEAR 20____.

APPROVED THIS ____ DAY OF _____, 2024.

BONNER COUNTY TREASURER

RECORDER'S CERTIFICATE

FILED THIS ____ DAY OF _____, 2024, AT _____, AT THE REQUEST OF JAMES A. SERRILL AND ASSOCIATES, LLC.

INSTRUMENT NO. _____ FEE _____

BONNER COUNTY RECORDER

RECORDER'S
CERTIFICATE

OWNER'S CERTIFICATE

THE PLAT TO CERTIFY THAT I HAVE AS BENEVOLENT LLC, IS THE RECORD OWNER OF THE REAL PROPERTY DESCRIBED IN THE CERTIFICATE AND HAVE CAUSED THE SAME TO BE ENTERED INTO LUTS, RECORDS AND EXEMPTED, GRANTED FOR THE PURPOSES OF THE IDAHO STATE CODE, EAGLE SUBDIVISION PLANNED UNIT DEVELOPMENT (PHASE 1), LOCATED IN SECTION 25, TOWNSHIP 60 NORTH, RANGE 5 WEST, BONNEVILLE, BONNER COUNTY, IDAHO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE QUARTER CORNER COMMON TO SECTIONS 25 AND 26, TOWNSHIP 60 NORTH, RANGE 5 WEST, B.M., THENCE N89°27'30"E 490.98 FEET TO THE NORTHEASTLY RIGHT-OF-WAY LINE OF STATE HIGHWAY NO. 20, THENCE S89°02'02"E ALONG THE NORTH LINE OF THE PARCEL, DESCRIBED IN THE INSTRUMENT NO. 854025, BONNER COUNTY RECORDS, AND ENTERED ON THE RECORD OF SURVEY, FILED AS INSTRUMENT NO. 889121, 491.35 FEET TO THE NORTHEAST CORNER OF SAID PARCEL, DESCRIBED ON RECORD OF SURVEY, 889121, BEING MARKED WITH A 3/4" REBAR WITH ALUMINUM CAP MARKED "PLS 7707", SAID POINT BEING THE POINT OF BEGINNING, THENCE N02°05'29"W 1342.88 FEET TO THE NORTHEAST CORNER OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 25, BEING MARKED WITH A 3/4" REBAR WITH ALUMINUM CAP MARKED "PLS 7707", THENCE S89°15'01"E ALONG THE NORTH LINE OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 25, 338.61 FEET TO THE SOUTHWESTLY RIGHT-OF-WAY LINE OF LUTS BAY ROAD, THENCE N02°05'29"E ALONG THE SOUTHWESTLY RIGHT-OF-WAY LINE OF LUTS BAY ROAD, 61.68 FEET, THENCE S02°04'12"E ALONG A LINE WHICH IS PARALLEL TO AND 60' PERPENDICULAR DISTANCE FROM THE WEST 1/16 LINE OF SECTION 25, SAID LINE BEING THE WEST LINE OF LOT 1 OF LUTS BAY, AS DESCRIBED ON THE MAP FILED AS INSTRUMENT NO. 335022, BONNER COUNTY RECORDS, 397.89 FEET TO THE SOUTHWEST CORNER OF LOT 1 OF LUTS BAY, THENCE ALONG THE SOUTHWESTLY LINE OF LUTS BAY THE FOLLOWING PLE (S) COURSES:

1) N02°01'01"E 75.33 FEET, 2) S02°08'01"E 99.40 FEET, 3) N04°45'01"E 91.26 FEET, 4) N2°01'01"E 56.33 FEET AND 5) N04°02'01"E 308.63 FEET TO THE WEST LINE OF THE UNPLATTED REMAINDER OF PRESENT LAKE COUP (LUTS ESTATES, 2ND ADDITION, PHASE II, FILED AS INSTRUMENT NO. 889004, BONNER COUNTY RECORDS).

THENCE S00°05'40"E ALONG THE WEST LINE OF PORTIONS OF THE UNPLATTED REMAINDER AND OF BLOCK 13 OF PRESENT LAKE COUP (LUTS ESTATES, 2ND ADDITION, PHASE II, 2096.45 FEET TO A POINT ON THE NORTHEASTLY LINE OF LOT 1 OF THE MAP OF LANDS LOTS, FILED AS INSTRUMENT NO. 938026, BONNER COUNTY RECORDS, BEING N40°02'07"W 21.08 FEET FROM THE MOST EASTERLY CORNER OF LOT 2 OF LANDS LOTS, THENCE N44°50'07"W ALONG THE NORTHEASTLY LINE OF LANDS LOTS, 382.10 FEET, THENCE S48°23'27"W ALONG THE NORTHEASTLY LINE OF LANDS LOTS, 163.10 FEET TO THE MOST EASTERLY CORNER OF CAPTAIN'S QUARTERS SUBDIVISION, FILED AS INSTRUMENT NO. 589004, THENCE S02°22'37"W ALONG THE NORTHEASTLY LINE OF CAPTAIN'S QUARTERS, 364.69 FEET, THENCE S48°23'27"W ALONG THE NORTHEASTLY LINE OF CAPTAIN'S QUARTERS, 323.71 FEET TO THE NORTHEASTLY RIGHT-OF-WAY OF STATE HIGHWAY NO. 20, THENCE ALONG THE NORTHEASTLY RIGHT-OF-WAY IN A (REALLY) NORTHEASTLY DIRECTION, THE FOLLOWING FOUR (4) COURSES:

1) S48°23'27"W 4.98 FEET, 2) N41°27'54"W 129.19 FEET, 3) N02°04'33"W 9.58 FEET TO THE SOUTHEASTLY CORNER OF THE PARCEL, ENTERED ON THE RECORD OF SURVEY FILED AS INSTRUMENT NO. 889121, BONNER COUNTY RECORDS, AND 4) N41°24'02"W 127.62 FEET TO THE MOST SOUTHWESTLY CORNER OF VILLAGE DEVELOPMENT, DESCRIBED AS INSTRUMENT NO. 12178007.

THENCE ALONG THE BOUNDARY OF SAID VILLAGE DEVELOPMENT THE FOLLOWING PLE (S) COURSES:

1) N44°45'01"E 422.84 FEET, THENCE ALONG A NON-TANGENT CURVE TO THE RIGHT, THE RADIUS POINT FOR WHICH BEING N02°07'24"E 288.00 FEET, THROUGH A CENTRAL ANGLE OF 16°30'00" FOR AN ARC DISTANCE OF 63.49 FEET, CURVED, N02°04'33"W 83.19 FEET, 2) S02°01'17"W 27.81 FEET, 3) N02°22'37"W 165.19 FEET, AND 4) N02°05'29"W 122.77 FEET TO THE POINT OF BEGINNING.

SEWER SERVICE IS TO BE PROVIDED BY OUTLET BAY SEWER DISTRICT.
WATER SERVICE IS TO BE PROVIDED BY VILLAGE PUBLIC WATER SYSTEM.

ACKNOWLEDGMENT

STATE OF _____
COUNTY OF _____

ON THIS ____ DAY OF _____, IN THE YEAR OF 2024,
BEFORE ME PERSONALLY APPEARED TROY BURKE, KNOWN OR IDENTIFIED TO ME TO BE THE OWNER OF THE VILLAGE AS BENEVOLENT LLC, WHOSE NAME IS SUBSCRIBED TO THE INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME ON BEHALF OF THE UNITED LIABILITY COMPANY AND ACKNOWLEDGED TO ME THAT SUCH UNITED LIABILITY COMPANY EXECUTED THE SAME.

I HAVE HEREIN SET MY HAND AND SEAL THE DATE LAST ABOVE WRITTEN.

NOTARY PUBLIC FOR THE STATE OF _____

RESIDING AT _____

MY COMMISSION EXPIRES: _____

NOTARY PUBLIC

SUBJECT TO INSTRUMENT NO.

1. SHARED ACCESS/PARKING AGREEMENT, RECORDED ON JAN. 17, 2023, (INSTRUMENT NO. 1015957, RECORDS OF BONNER COUNTY, IDAHO).
2. PRELIMINARY RESEARCH REPORT ISSUED BY TITELINE, A TITLE & EROSION CO., FILE NO. 22403115, EFFECTIVE DATE DECEMBER 22, 2023.

THE FOLLOWING MAY AFFECT THE SUBJECT PROPERTY:

1. CONDITIONS OF LANDS LOTS PLAT RECORDED ON MAY 28, 2019, (INSTRUMENT NO. 938026, RECORDS OF BONNER COUNTY, IDAHO).
2. CONDITIONS OF LUTS BAY PLAT RECORDED ON MAY 28, 2019, (INSTRUMENT NO. 938027, RECORDS OF BONNER COUNTY, IDAHO).
3. INFORMATION ON RECORD OF SURVEY, RECORDED ON NOV. 2, 2020, (INSTRUMENT NO. 889122, RECORDS OF BONNER COUNTY, IDAHO).

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THIS PLAT WAS PREPARED BY ME OR UNDER MY SUPERVISION AND IS BASED ON AN ACTUAL SURVEY LOCATED IN SECTION 25, TOWNSHIP 60 NORTH, RANGE 5 WEST, BONNEVILLE, BONNER COUNTY, IDAHO, THAT THE DISTANCES, COURSES AND ANGLES ARE SHOWN CORRECTLY HEREIN, AND THE MEASUREMENTS HAVE BEEN PLANNED AND ALL LOTS AND BLOCKS CORRECTLY PLANNED, SET AND THAT THE SURVEY IS IN COMPLIANCE WITH PROVISIONS OF APPLICABLE STATE LAW AND LOCAL ORDINANCES.

BLUELINE REVIEW

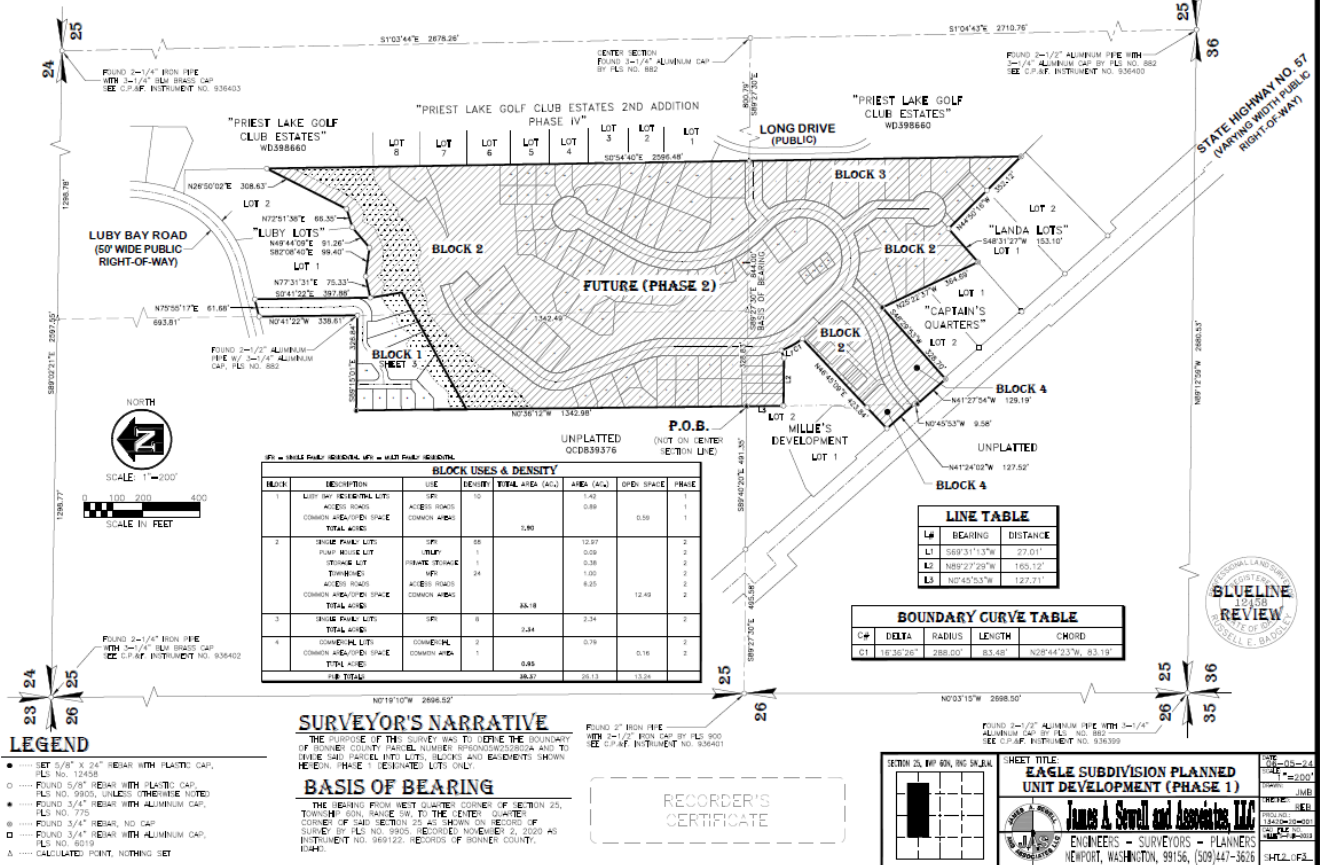
DATE _____

RUSSELL E. BADLEY
PLS No. 12458

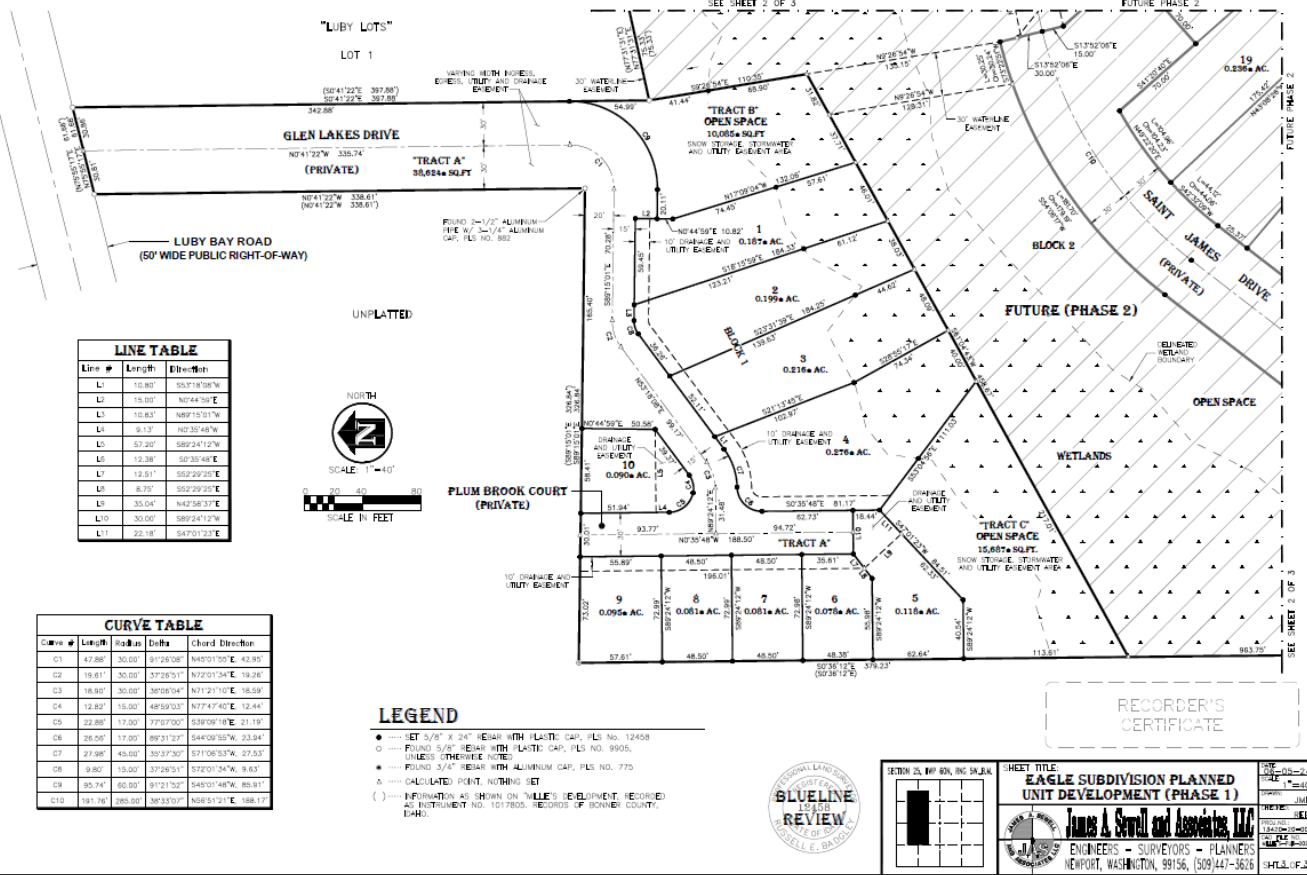
SECTION 25, TWP 60N, R5W, B.M.	SHEET TITLE: EAGLE SUBDIVISION PLANNED UNIT DEVELOPMENT (PHASE 1)	DATE: _____
		FILED BY: _____
		FILED BY: _____
		FILED BY: _____
		FILED BY: _____

EAGLE SUBDIVISION PLANNED UNIT DEVELOPMENT (PHASE 1)

SECTION 25, TOWNSHIP 60 NORTH, RANGE 5 WEST, B.M., BONNER COUNTY, IDAHO



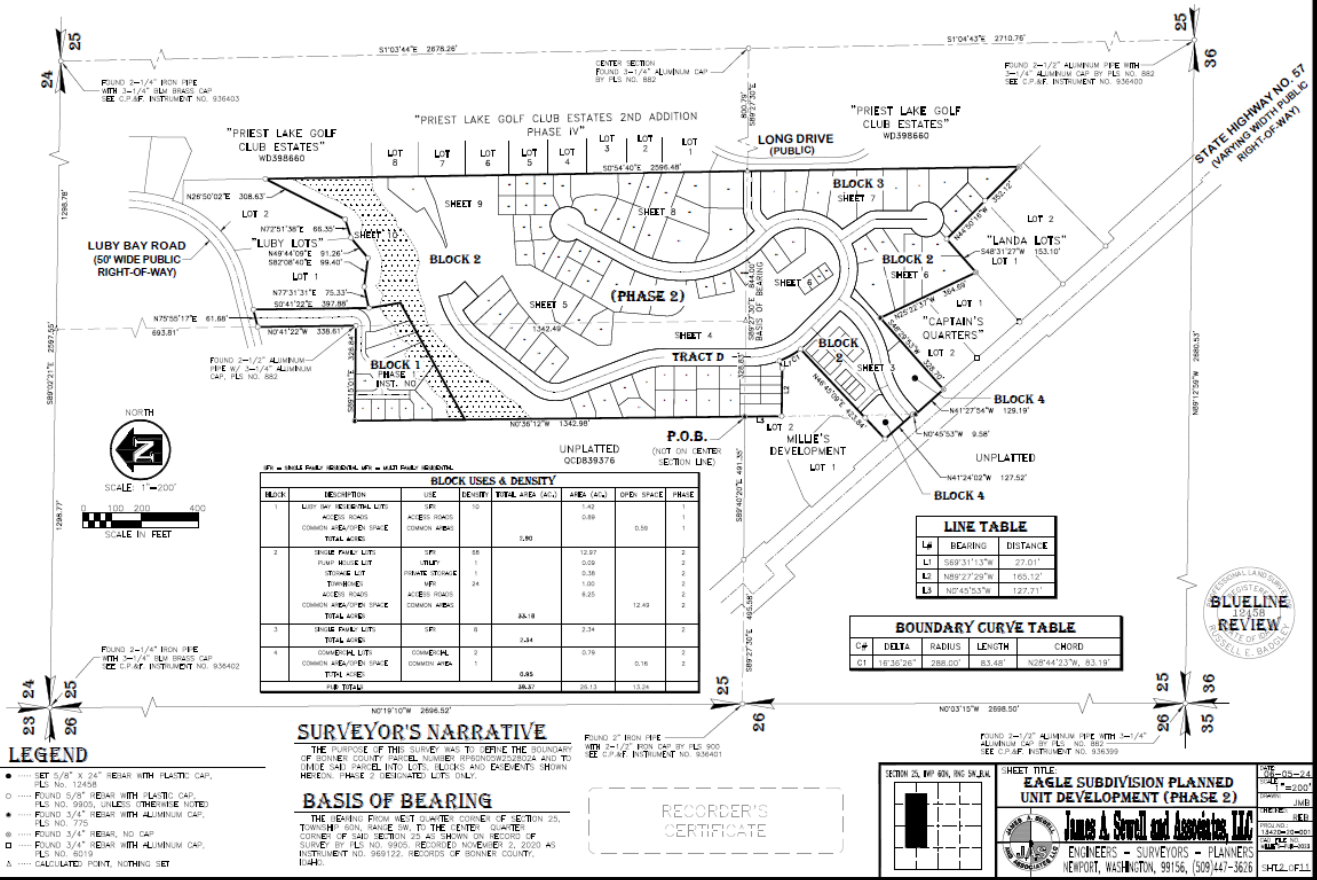
EAGLE SUBDIVISION PLANNED UNIT DEVELOPMENT (PHASE 1)
SECTION 25, TOWNSHIP 60 NORTH, RANGE 5 WEST, B.M., BONNER COUNTY, IDAHO



Page 45 of 56

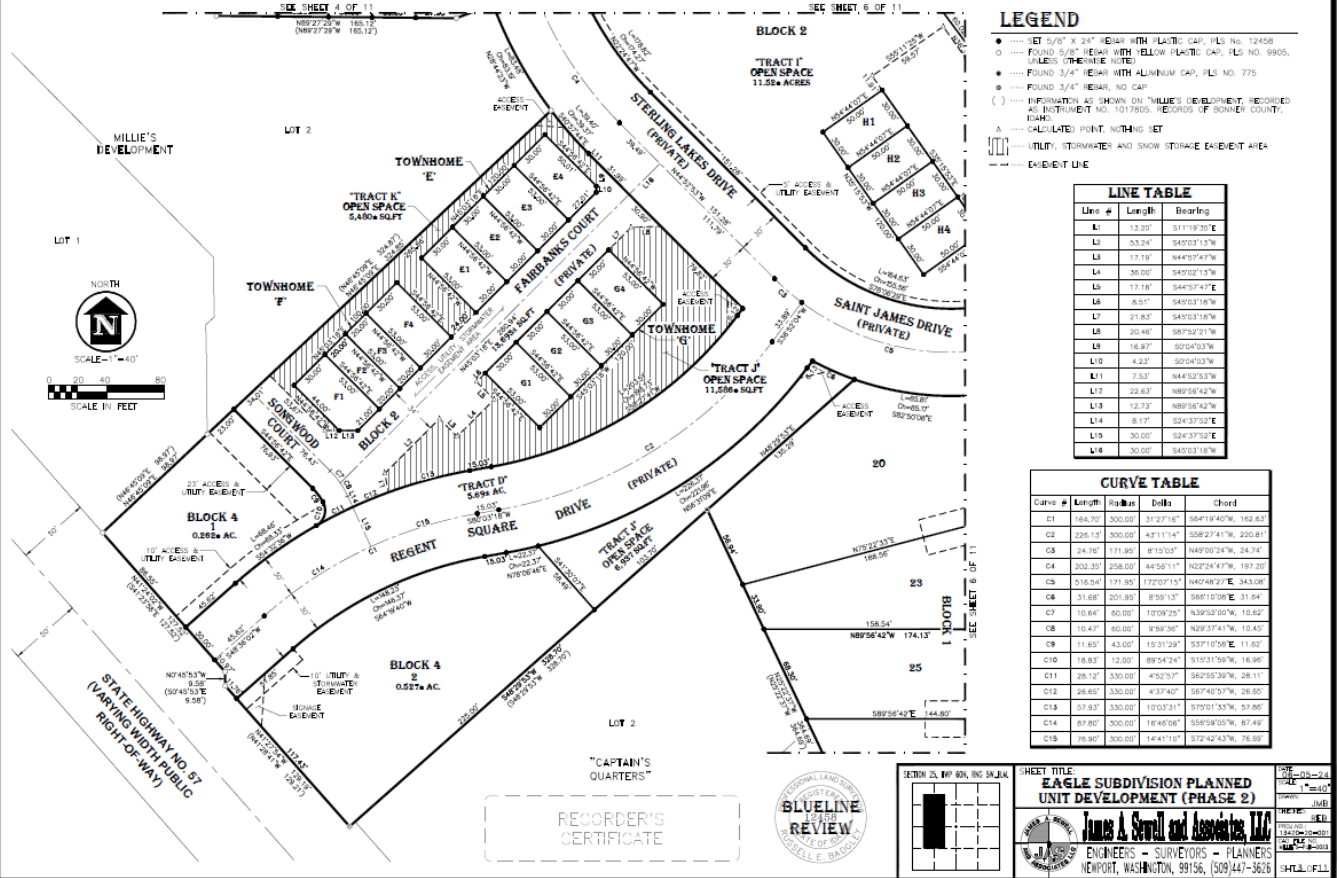
EAGLE SUBDIVISION PLANNED UNIT DEVELOPMENT (PHASE 2)

SECTION 25, TOWNSHIP 60 NORTH, RANGE 5 WEST, B.M., BONNER COUNTY, IDAHO



EAGLE SUBDIVISION PLANNED UNIT DEVELOPMENT (PHASE 2)

SECTION 25, TOWNSHIP 60 NORTH, RANGE 5 WEST, B.M., BONNER COUNTY, IDAHO



- LEGEND**
- SET 5/8" X 24" REBAR WITH PLASTIC CAP, PLS NO. 12458
 - FOUND 5/8" REBAR WITH YELLOW PLASTIC CAP, PLS NO. 9905, UNLESS OTHERWISE NOTED
 - FOUND 3/4" REBAR WITH ALUMINUM CAP, PLS NO. 775
 - FOUND 3/4" REBAR, NO CAP
 - () INFORMATION AS SHOWN ON "VALUE'S DEVELOPMENT, RECORDED AS INSTRUMENT NO. 1017885, RECORDS OF BONNER COUNTY, IDAHO"
 - CALCULATED POINT, NOTHING SET
 - UTILITY, STORMWATER AND SNOW STORAGE EXISTENCE AREA
 - EXISTENT LINE

LINE TABLE

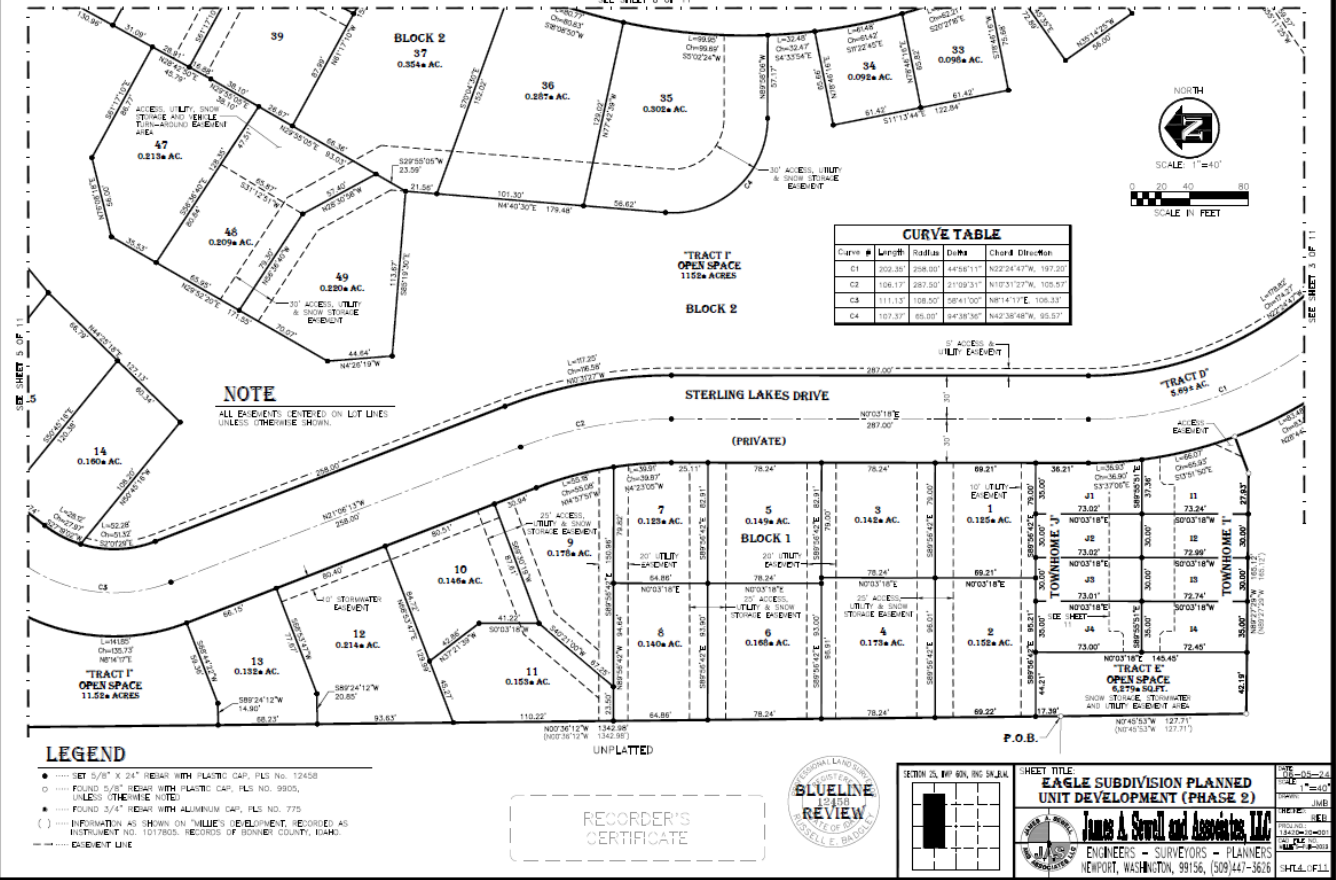
Line #	Length	Bearing
L1	13.20'	S11°12'30"E
L2	53.24'	S40°03'13"W
L3	17.19'	N44°52'47"W
L4	50.00'	S49°52'13"W
L5	17.19'	S44°52'47"E
L6	8.50'	S49°52'18"W
L7	21.83'	S49°52'18"W
L8	20.48'	S87°52'21"W
L9	16.87'	S0°54'03"W
L10	4.23'	S0°54'03"W
L11	7.53'	N44°52'53"W
L12	22.43'	N89°52'42"W
L13	12.73'	N89°52'42"W
L14	8.17'	S24°37'53"E
L15	30.00'	S24°37'53"E
L16	30.00'	S40°03'18"W

CURVE TABLE

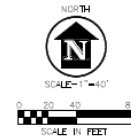
Curve #	Length	Radius	Delta	Chord
C1	184.70	300.00	31°27'18"	584°19'40"W, 162.63
C2	226.13	300.00	43°11'14"	S88°27'41"W, 220.81
C3	24.78	171.85	8°15'03"	N49°00'24"W, 24.74
C4	202.35	258.00	44°56'11"	N02°24'47"W, 197.00
C5	516.54	171.85	172°07'11"	N40°48'27"E, 243.08
C6	31.68	201.85	8°58'13"	S89°10'08"E, 31.64
C7	10.64	80.00	10°09'29"	N39°52'30"W, 10.62
C8	10.47	80.00	9°58'36"	N29°27'41"W, 10.42
C9	11.63	43.00	19°31'29"	S37°10'58"E, 11.62
C10	18.83	12.00	89°54'24"	S19°21'58"W, 16.90
C11	28.12	330.00	4°52'57"	S42°50'38"W, 28.11
C12	28.65	330.00	4°37'40"	S87°40'57"W, 28.62
C13	57.93	330.00	10°02'31"	S75°01'55"W, 57.80
C14	87.80	300.00	18°48'08"	S85°59'25"W, 87.43
C15	78.80	300.00	14°41'10"	S72°42'43"W, 76.50

EAGLE SUBDIVISION PLANNED UNIT DEVELOPMENT (PHASE 2)

SECTION 25, TOWNSHIP 60 NORTH, RANGE 5 WEST, B.M., BONNER COUNTY, IDAHO



● ---- SET 5/8" X 24" REBAR WITH PLASTIC CAP, PLS No. 1245B
 Δ ---- CALCULATED POINT, NOTHING SET




CURVE TABLE				
Curve #	Length	Radius	Delta	Chord Direction
C1	111.13'	108.50'	58°41'00"	N8°14'17"E, 106.33'
C2	191.76'	285.00'	38°33'07"	N56°51'21"E, 168.17'
C3	42.94'	285.00'	8°37'58"	N89°28'33"E, 42.90'

RECORDED'S
CERTIFICATE

SECTION 25, WWP 604, RING 5N_RUK

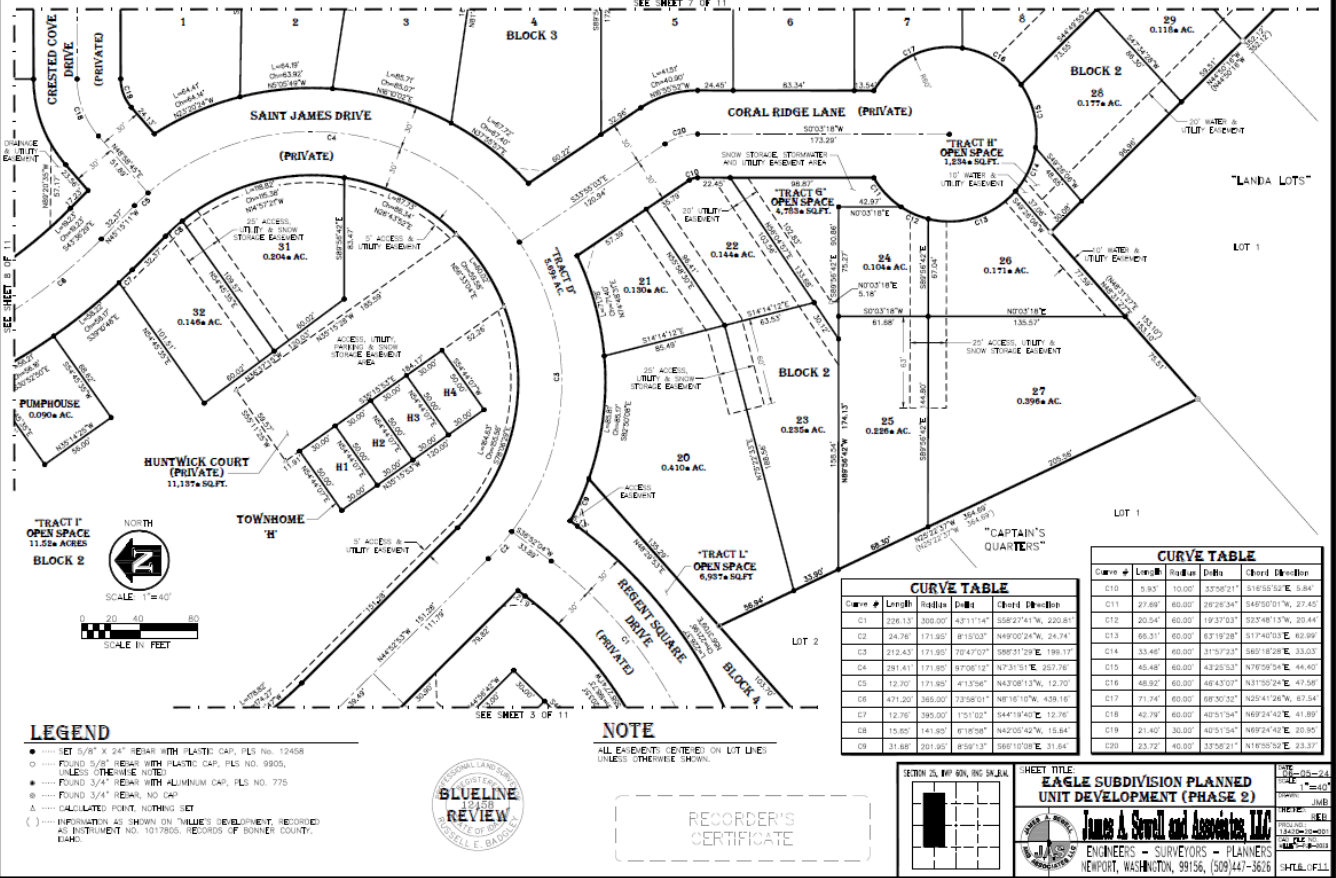
SHEET TITLE: **EAGLE SUBDIVISION PLANNED
UNIT DEVELOPMENT (PHASE 2)**

 **James A. Sewell and Associates, LLC**
ENGINEERS - SURVEYORS - PLANNERS
10000 W. 10th Avenue, Suite 100, Fort Collins, CO 80501

06-05-24
1"=40'
JMB
HER
PROJ. NO.:
13470-20-001
SHEET NO.:
1-1-2013

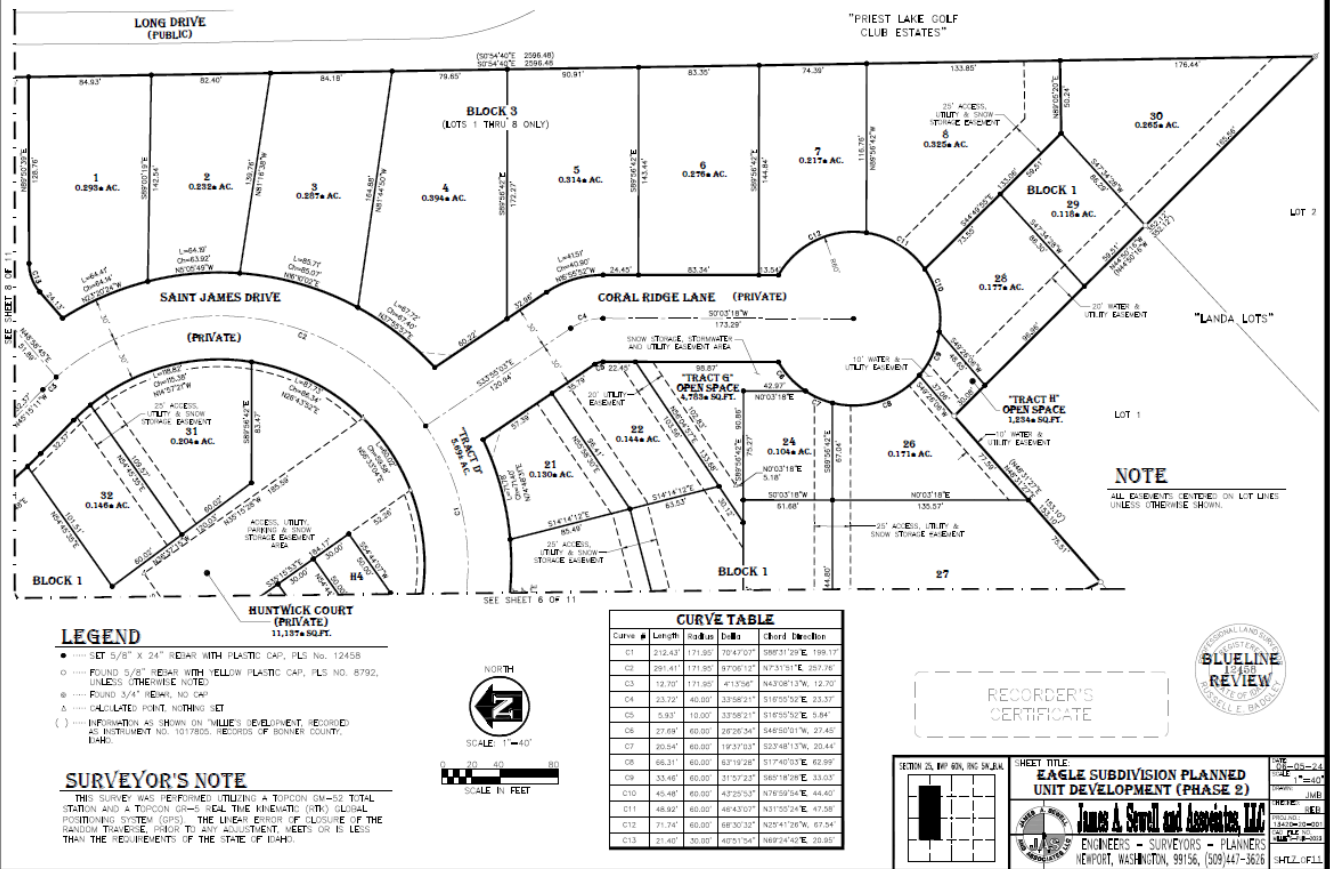
EAGLE SUBDIVISION PLANNED UNIT DEVELOPMENT (PHASE 2)

SECTION 25, TOWNSHIP 60 NORTH, RANGE 5 WEST, B.M., BONNER COUNTY, IDAHO



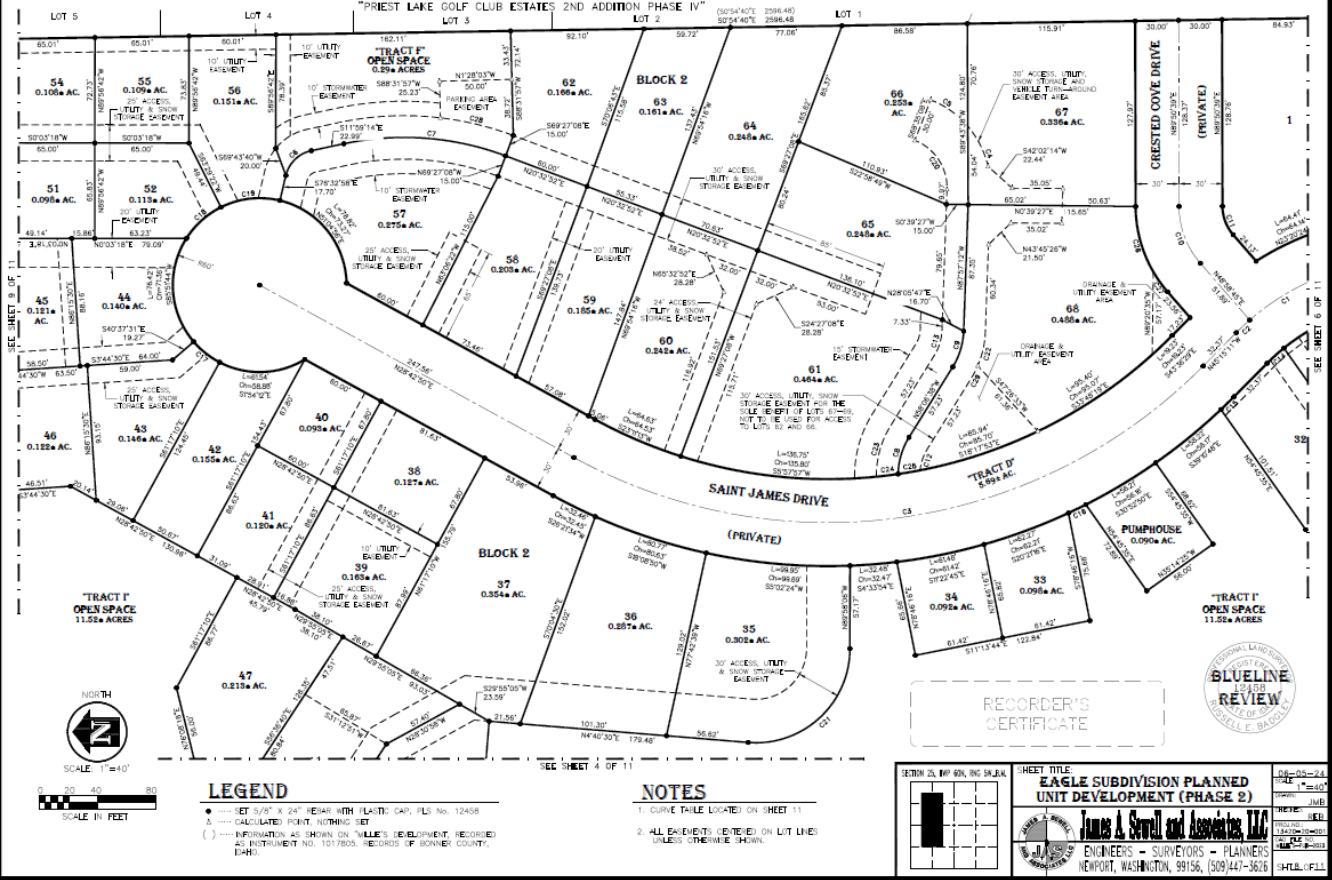
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SECTION 25, TOWNSHIP 60 NORTH, RANGE 5 WEST, B.M., BONNER COUNTY, IDAHO



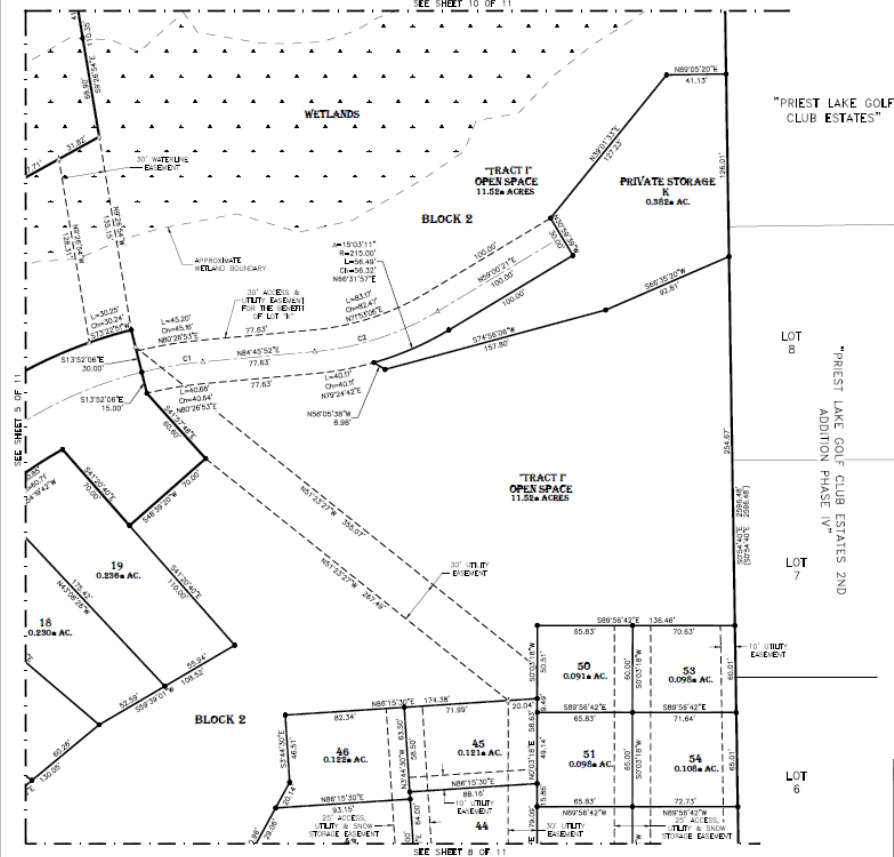
EAGLE SUBDIVISION PLANNED UNIT DEVELOPMENT (PHASE 2)

SECTION 25, TOWNSHIP 60 NORTH, RANGE 5 WEST, B.M., BONNER COUNTY, IDAHO



EAGLE SUBDIVISION PLANNED UNIT DEVELOPMENT (PHASE 2)

SECTION 25, TOWNSHIP 60 NORTH, RANGE 5 WEST, B.M., BONNER COUNTY, IDAHO

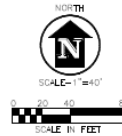


LEGEND

- SET 5/8" X 24" BENCHMARK WITH PLASTIC CAP, ILS No. 12458
- △ CALCULATED POINT, NOTHING SET
- () INFORMATION AS SHOWN ON "ALLIES DEVELOPMENT" RECORDED AS INSTRUMENT NO. 1017805, RECORD OF BONNER COUNTY, IDAHO.

NOTE

ALL EXHIBITS CENTERED ON LOT LINES UNLESS OTHERWISE SHOWN.



CURVE TABLE

Curve #	Length	Radius	Delta	Chord Direction
C1	42.94'	285.00'	8°37'58"	N80°28'53"E 42.90'
C2	89.91'	200.00'	20°45'30"	N71°53'00"E 89.16'



RECORDER'S
CERTIFICATE

SECTION 25, TWP 60N, R5E, S24E

SHEET TITLE:
**EAGLE SUBDIVISION PLANNED
UNIT DEVELOPMENT (PHASE 2)**

James A. Sweet and Associates, LLC
ENGINEERS - SURVEYORS - PLANNERS
NEWPORT, WASHINGTON, 99156, (509)447-3626

DATE: 08-14-24
BY: JAS
CHECKED: JAS
APPROVED: JAS
SHEET: 0111

LUBY BAY ROAD
(60' WIDE PUBLIC RIGHT-OF-WAY)

GLEN LAKES DRIVE
(PRIVATE)

"TRACT A"
SUBDIVISION
N 89°15'00"E 30.87' = 54.00'
S 89°15'00"E 30.87' = 54.00'

"TRACT B"
OPEN SPACE
10.08± ACRES
N 72°31'31"W 10.82'
S 72°31'31"W 10.82'

"TRACT C"
OPEN SPACE
11.52± ACRES

WETLANDS BLOCK 2

LOT 1

LOT 2

LOT 3

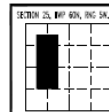
MEASUREMENTS:
 - N 07°50'17"E 61.88'
 - S 72°31'31"W 11.52'
 - N 89°15'00"E 30.87'
 - S 89°15'00"E 30.87'
 - N 72°31'31"W 10.82'
 - S 72°31'31"W 10.82'
 - N 89°15'00"E 30.87'
 - S 89°15'00"E 30.87'
 - N 72°31'31"W 10.82'
 - S 72°31'31"W 10.82'
 - N 89°15'00"E 30.87'
 - S 89°15'00"E 30.87'

Other Labels:
 - "LUBY LOTS"
 - "PRIE CLU"
 - "SNOW STORAGE AREA"
 - "UTILITY EASEMENT"


Scale: 1" = 100'

North Arrow: Indicated by a dashed line pointing towards the top right.

● SET 5/8" X 24" REBAR WITH PLASTIC CAP, PLS NO. 12458
○ FOUND 5/8" REBAR WITH YELLOW PLASTIC CAP, PLS NO. 9905,
UNLESS OTHERWISE NOTED
▲ CALCULATED POINT, NOTHING SET
() INFORMATION AS SHOWN ON "MILNE'S DEVELOPMENT, RECORDED
AS INSTRUMENT NO. 1017805, RECORDS OF BONNER COUNTY,
IDAHO.

RECORDED'S
CERTIFICATE

SHEET TITLE:
**EAGLE SUBDIVISION PLANNED
UNIT DEVELOPMENT (PHASE 2)**

 **James A. Sewell and Associates, Inc.**
ENGINEERS - SURVEYORS - PLANNERS
NEWPORT WASHINGTON 99156 (509) 447-3611

DATE 06-05-24
SCALE 1"=40'
DRAWN JMB
CHECKED RER
PROJECT NO. 15420-10-001
CADD FILE NO. 15420-10-001
SHEET 1 OF 11

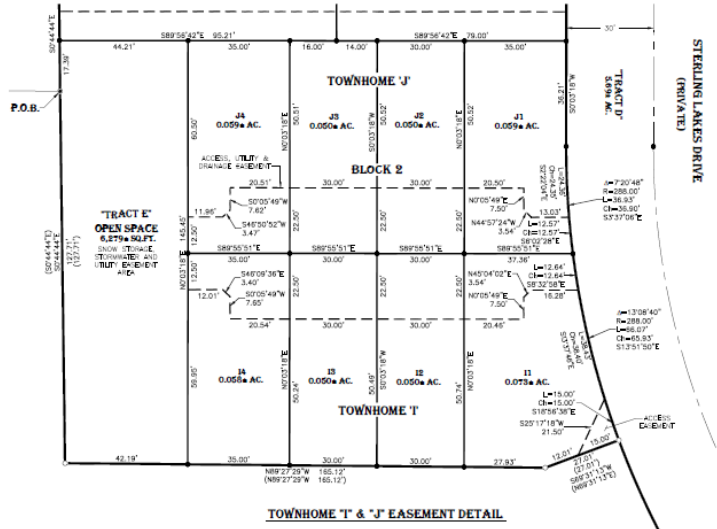
EAGLE SUBDIVISION PLANNED UNIT DEVELOPMENT (PHASE 2)

SECTION 25, TOWNSHIP 60 NORTH, RANGE 5 WEST, B.M., BONNER COUNTY, IDAHO

Curve #	Length	Station	Delta	Bearing
C1	281.41'	171.95'	97°05'12"	N73°31'51"E 287.76'
C2	12.70'	171.95'	41°13'56"	N43°08'13"W 12.70'
C3	236.04'	365.00'	37°03'09"	S20°43'30"E 231.89'
C4	48.38'	85.00'	42°38'27"	N70°43'30"E 47.27'
C5	31.79'	85.00'	27°59'19"	N35°24'31"E 31.44'
C6	25.91'	23.00'	64°33'44"	S44°16'59"E 24.56'
C7	113.53'	208.00'	32°32'00"	S41°16'48"W 112.09'
C8	26.71'	50.00'	50°30'29"	S73°24'58"E 26.40'
C9	26.04'	58.00'	29°50'24"	S73°51'30"E 25.75'
C10	42.79'	68.00'	40°51'24"	N69°24'40"E 41.89'
C11	21.40'	30.00'	40°51'24"	N69°24'40"E 20.85'
C12	15.78'	30.00'	25°50'02"	S71°01'30"E 15.60'
C13	18.23'	28.00'	29°50'24"	S73°51'30"E 18.00'
C14	15.80'	141.89'	8°18'58"	N42°05'42"W 15.84'
C15	12.70'	585.00'	130°10'02"	S44°16'59"E 12.70'
C16	13.33'	585.00'	138°08'02"	S25°59'11"E 13.33'
C17	22.33'	60.00'	21°53'42"	S38°35'38"W 22.79'
C18	22.81'	60.00'	11°08'23"	N42°04'30"W 22.21'
C19	41.89'	60.00'	39°57'40"	N63°31'48"W 41.80'
C20	43.15'	35.00'	76°37'58"	N06°43'50"E 40.47'
C21	107.37'	60.00'	64°38'35"	N42°30'48"W 90.57'
C22	24.02'	60.00'	21°10'12"	S72°22'56"E 23.62'
C23	36.91'	60.00'	10°32'08"	S74°22'40"E 36.42'
C24	15.12'	338.00'	2°30'11"	S70°17'18"E 15.12'
C25	15.40'	338.00'	2°38'03"	S67°37'50"E 15.40'
C26	47.08'	60.00'	38°58'35"	S74°51'22"W 46.55'
C27	17.10'	60.00'	10°53'19"	S64°29'25"E 17.08'
C28	51.91'	213.00'	13°50'54"	N37°37'51"E 51.79'
C29	9.84'	65.00'	8°40'21"	S62°26'49"E 9.83'

LEGEND

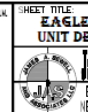
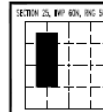
- 5/8" X 24" REBAR WITH PLATED CAP, FLS NO. 12458
- FOUND 5/8" REBAR WITH PLATED CAP, FLS NO. 9905, (PLEASE REFER TO NOTE)
- FOUND 3/4" REBAR WITH ALUMINUM CAP, FLS NO. 775
- △ CALCULATED POINT, NOTHING SET
- () INFORMATION AS SHOWN ON "VILLAGE DEVELOPMENT, RECORDED AS INSTRUMENT NO. 1017805, RECORDS OF BONNER COUNTY, IDAHO."



TOWNHOME 'T' & 'J' EASEMENT DETAIL



RECORDER'S
CERTIFICATE



SECTION 25, B.M. 800, INC. BLANK	SHEET TITLE: EAGLE SUBDIVISION PLANNED UNIT DEVELOPMENT (PHASE 2)	DATE: 08-24-2024
	James A. Savell and Associates, LLC	SCALE: 1"=40'
	ENGINEERS - SURVEYORS - PLANNERS	DATE: 08-24-2024
	NEWPORT, WASHINGTON, 99156, (509) 447-3626	STILL: 08/24/2024

ADDENDUM "B" DESIGN DEVIATIONS:

Item	BCC Section	Code Requirement	Proposed Deviation	Mitigation
1	12-256	Buffering between clustered lots adjacent to rights-of-ways and adjacent private properties 1. Minimum Cluster Lot Size = 12,000 x .75 = 9,000 sf. 2. Minimum Setback to R/W and Adjacent Land = 100-ft	Proposed minimum lot size 3,400 sq. ft. Proposed setback to adjacent land or right of way = 10-ft	Site topography and native forest provides unique buffer to adjoining properties. This includes ridges, wetlands corridor, and areas with steep slopes that prohibit construction.
2	12-412	Minimum Lot Size 12,000 square feet	>12,000 square feet	Overall project density meets the underlying zoning requirement. Approximately 13+ acres of common open space are provided.
3	12-412	Minimum Street Setback = 25-ft.	5-ft.	
4	12-412 **	Minimum Property Line Setback = 5-ft. Townhomes - Residential Dev.	5-ft. 0-ft.	
5		Minimum Setback to Utility Easement	0-ft.	
6	12-412	Maximum Lot Coverage = 35%	100%	Several Zero Lot Line Townhomes are proposed. These lots are roughly the size of the unit. Overall open space is provided within the PUD that reflects an overall density less than 35% lot coverage.
7	12-412	Sign Setback from Property Line = 25-ft.	5-ft. to Property Line	
8	12-453	Sidewalk minimum width = 6-ft.	5-ft wide sidewalk meeting the ADA requirements	5-ft sidewalks are consistent with ADA requirements, where shared use pathways are proposed they are shown at 8-ft in width.
9	12-465.A	Buffer Width Adjacent to State Highway 25-ft	15-ft	Highway Right-of way is 100+ feet in width, with widening of the highway there will be 15-ft between the edge of the road and the R/W, This will provide another 15-ft.
10	12-623.D.1	Minimum Fire Flow 1,000 gpm for 2 hours	Minimum Fire Flow as Required by the Local Fire Chief	