

Bonner County Planning Department

"Protecting property rights and enhancing property value"

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Zoning Commission Staff Report for April 18, 2024

Project Name: MOD0001-24 Victory Baptist Church
(Modifying C988-15)

File Number, Type: MOD0001-24

Request: The applicant is requesting a modification of an existing Conditional Use Permit to expand the existing church building on the site, expand the parking areas, and to expand the hours of operation for Victory Baptist Church.

Legal Description: 9-56N-2W TAX 21

Location: Approximately five miles south of Sandpoint, ID.

Parcel Number: RP56N02W098900A

Parcel Size: ~2.96 acres

Applicant: Victory Baptist Church, Inc.
P.O. Box 648
Sagle, ID 83860

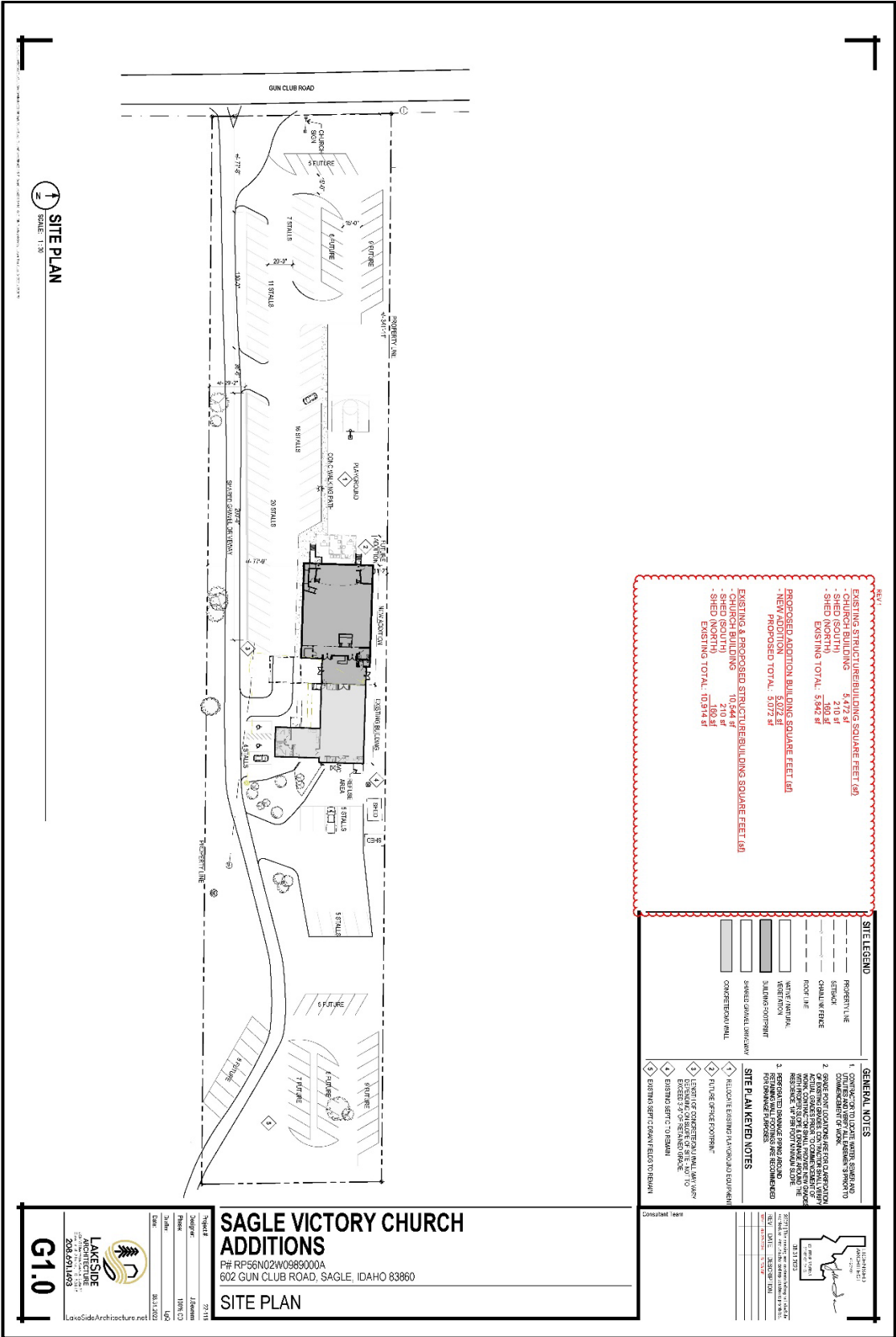
Project Representative: Joel Andring
Glahe & Associates, Inc.
303 Church Street
Sandpoint, ID 83864

Property owner: [Same as applicant]

Application filed: 1/18/2024

Notice provided: Mail: March 12, 2024
Site Posting: March 25, 2024
Published in newspaper: March 12, 2024

Enclosures Annex A – Notice of Public Hearing Record of Mailing



SITE PLAN
SCALE: 1" = 30'

EXISTING & PROPOSED STRUCTURE BUILDING SQUARE FEET (SF)	
EXISTING BUILDINGS	3,477 SF
- SHED (SOUTH)	100 SF
- SHED (NORTH)	100 SF
EXISTING TOTAL	5,842 SF
PROPOSED ADDITION BUILDING SQUARE FEET (SF)	
- NEW ADDITION	5,072 SF
PROPOSED TOTAL	5,072 SF
EXISTING & PROPOSED STRUCTURE BUILDING SQUARE FEET (SF)	
EXISTING BUILDINGS	3,477 SF
- SHED (SOUTH)	100 SF
- SHED (NORTH)	100 SF
EXISTING TOTAL	10,914 SF

SITE LEGEND	
PROPERTY LINE	--- ---
SEWER	— — — —
CHALK WHITE LINE	— — — —
ROOF LINE	— — — —
VEGETATION	— — — —
WATER FEATURE	— — — —
3. BUILDING FOOTPRINT	— — — —
SHED (SOUTH)	— — — —
CONCRETE DRIVEWAY	— — — —
EXISTING BUILDING	— — — —

GENERAL NOTES

- CONTRACTOR TO VERIFY WATER, SEWER AND UTILITIES LOCATIONS AND DEPT. RECORDS TO BE MAINTAINED THROUGHOUT PROJECT.
- GRADE POINT LOCATIONS ARE FOR INFORMATION ONLY. CONTRACTOR SHALL VERIFY ALL GRADE POINTS ON SITE AND SHALL VERIFY WITH CONTRACTOR'S BUILT PROJECT TO BE SURE THAT GRADE POINTS ARE CORRECT. CONTRACTOR SHALL VERIFY ALL GRADE POINTS WITH RESPECT TO THE PROJECT. CONTRACTOR SHALL VERIFY ALL GRADE POINTS WITH RESPECT TO THE PROJECT.
- PROPOSED DRIVEWAY SHALL BE CONCRETE. CONTRACTOR SHALL VERIFY ALL GRADE POINTS WITH RESPECT TO THE PROJECT.

SITE PLAN KEY NOTES

- INDICATE EXISTING PLUMBING AND ELECTRICAL SYSTEMS.
- INDICATE EXISTING FOUNDATION.
- INDICATE EXISTING FOUNDATION.
- INDICATE EXISTING FOUNDATION.
- INDICATE EXISTING FOUNDATION.

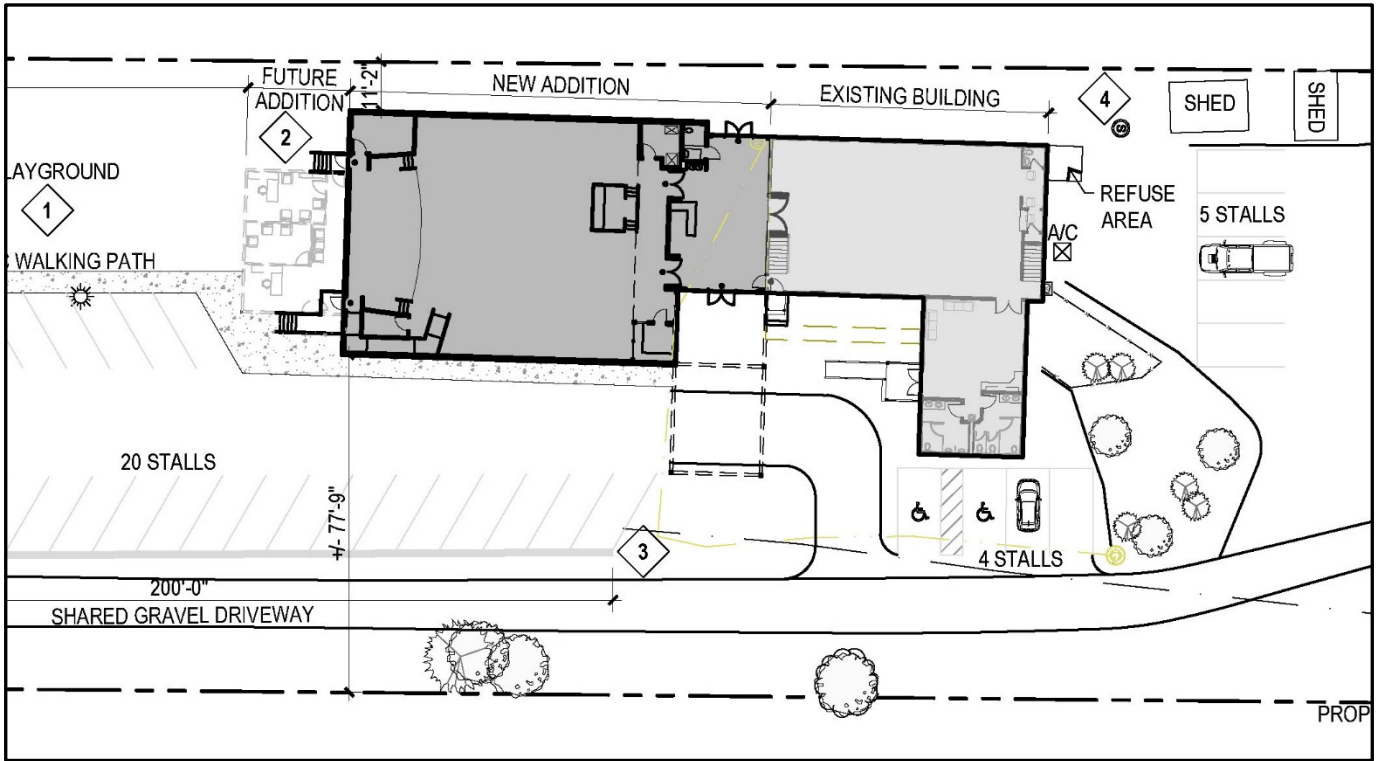
LAKESIDE ARCHITECTURE
208 S. 101 W.
BOISE, IDAHO 83702
PHONE: 208.333.1000
WWW.LAKESIDEARCHITECTURE.COM

G1.0

SAGLE VICTORY CHURCH ADDITIONS
PH: RP556N02W0989000A
602 GUN CLUB ROAD, SAGLE, IDAHO 83860

SITE PLAN

Project: Lakeside Architecture
Phase: 100%
Date: 04.11.2024



(image cropped to focus on church building)

This is a preliminary site plan. The final site plan will be substantially similar and is being revised to reflect a parking revision to comply with BCRC 12-4.3, revisions to the septic system, and revisions to the stormwater plan.

Project summary:

The applicant is requesting a modification of an existing Conditional Use Permit to expand the existing church building on the site, expand the parking areas, and to expand the hours of operation for Victory Baptist Church. The site is ~2.96 acres in size and is zoned as Rural 5. The site is located directly off Gun Club Road in Section 9, Township 56 North, Range 2 West, Boise-Meridian.

The proposed expansion is anticipated to occur in two phases, Phase 1 and Phase 2. Construction of Phase 1 of the proposed project is expected to begin Spring 2024, and to be completed Fall 2025. Phase 2, additional office space, is to be constructed at an undetermined future date.

The number of people on site is expected to increase to 5 employees and up to 300 visitors. The hours of operation are planned to expand to include other days besides Sunday and Wednesday. More specifically, these times and days would be Sun. 8:30-1:00, Mon.-Tue. 9:00-5:00, Wed.-Thu. 9:00-8:30, Fri.-Sat. 9:00-5:00. Traffic generation is anticipated to increase to approximately 100 - 150 vehicles per week, distributed approximately as follows: Sun. 100 , Mon. 2, Tue. 2, Wed. 20, Thu. 10, Fri. 2, Sat. 2. Peak use will occur during two periods on Sun.: 8:30-10:30 and 12:00-1:30.

Applicable laws:

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

BCRC 12-220, et seq, conditional use permit, application and standards
BCRC 12-266, Modification of Terms and Conditions of Permit Approval
BCRC 12-323, Rural district
BCRC 12-335, Public Use Table
BCRC 12-411, Density and Dimensional Standards - Forestry, Agricultural/Forestry, and Rural zones
BCRC 12-4.2, Performance standards for all uses
BCRC 12-4.3, Parking standards
BCRC 12-4.4, Sign standards
BCRC 12-4.5, Design standards
BCRC 12-4.6, Landscaping and screening standards
BCRC 12-7.2, Grading, stormwater management and erosion control
BCRC 12-7.6, Hillsides

Background:

A. Site data:

- The site is currently being used as a church. This proposal would expand on this existing use.
- Unplatted parcel
- Size: ~2.96 acres
- Zone: Rural 5
- Land Use: Rural Residential

B. Access:

- The site is accessed directly off Gun Club Road. Gun Club Road is a paved, county-owned and county-maintained secondary arterial road.
- An encroachment permit from Road & Bridge, dated 1/26/2024, was submitted to the file.

C. Environmental factors:

- Site does contain a few mapped slopes on the north end. Per applicant, all are <30%. According to USGS on Bonner County Viewer, few slopes exist that are greater than 30%.
- Site does not contain mapped wetlands. (USFWS)
- Site does not contain a river/stream/lake frontage.
- Parcel is within SFHA Zone X per FIRM Panel Number 16017C0950E, Effective Date 11/18/2009. No further floodplain review is required on this proposal.

D. Services:

- Water: Individual well in the northeast portion of the property.

- Sewage: Individual septic
- Fire: Selkirk
- Power: Avista (per applicant)
- School District: Bonner School District #84

E. Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Land Use & Density
Site	Rural Residential	Rural 5	2.96 acre parcel, used for a church
North	Rural Residential	Rural 5	5.74 acre parcel, residential use
East	Rural Residential	Rural 5	4.250 acre parcel, residential use
South	Transition	Suburban	1.67 & 1 acre parcels, residential uses
West	Rural Residential	Rural 5	Two 5 acre parcels, residential uses

E. Comprehensive Plan Land Use Designation

The comprehensive plan designation of Rural Residential provides for residential development in areas where urban services are not available and slopes may vary up to 30%. These areas include hazard areas and critical wildlife habitats, where lower densities reduce potential impacts to resources and exposures to loss of property or lives. Small-scale agricultural uses and residential development are permitted.

G. Agency Review

The application was routed to all required agencies and taxing districts. A full list of the agencies noticed for this file can be found in the attached Annex A.

The following agencies commented:

- Panhandle Health District (PHD) – 3/18/2024*
- Idaho Department of Water Resources (IDWR) – 3/19/2024*
- Idaho Department of Environmental Quality (DEQ) – 3/20/2024*

The following agencies replied “No Comment”:

- Kootenai-Ponderay Sewer District – 3/12/2024*
- Independent Highway District – 3/13/2024*
- Idaho Department of Fish and Game – 4/3/2024*

All other agencies did not reply.

H. Public Notice & Comments

No public comments were received on this proposal as of the date of preparation of the staff report.

Standards Review & Staff Analysis:

BCRC 12-223 specifies that the governing body shall review the particular facts and circumstances of each proposal. To grant a conditional use permit, the governing body must find there is adequate evidence showing the proposal is in accord with the general and specific objectives of the comprehensive plan and Title 12 and the proposed use will neither create a hazard nor be dangerous to persons on or adjacent to the property.

BCRC 12-266 states that requests for modification of a conditional use should be reviewed and approved under that same requirements for the original permit application approval and shall confine the review to the proposed modification. As this is a modification request, BCRC 12-266 applies over BCRC 12-223 and this review cannot modify any portion of the previous approval. This review must be confined to new or modified proposals for the use of the site in question.

BCRC 12-266, Modification of Terms and Conditions of Permit Approval

Staff: The application was considered complete on October 11, 2023.

This section provides the standards for the modification of an approved conditional use permit. Notice has been given in accordance with this section. The governing body shall consider the proposed modification in accordance with the requirements for the original permit application and shall confine the review to the proposed modification. The governing body shall render a decision in writing on the proposed modification within five (5) working days after consideration of the proposal, and the decision shall conform to the procedures, standards and requirements pertaining to the original permit.

BCRC 12-323, Rural district

The Rural district was established to allow low density residential uses that are compatible with rural pursuits. Residential densities are to be limited. Permitted uses should be compatible with rural character and nearby resource production districts and sites should be adequately supported by rural service levels.

Small scale farming and forestry activities and tourism and recreation should be allowed where these uses can be supported by rural service levels while remaining compatible with rural character.

Conservation development configurations that create permanent open space or farming areas, protect sensitive environmental features, reduce infrastructure costs, and/or enhance recreational opportunities should be encouraged.

Staff: This proposal does not contradict these purposes and intents.

BCRC 12-335, Public Use Table

Churches, grange halls, public or private community facilities are allowed within the Rural 5 Zone, with conditions.

Where access to the site is by road, the road shall be located within a recorded easement or public right of way, and constructed to the appropriate standard set forth at Title 2 of this Code or Appendix A, except where subject to the terms of an approved special use permit issued by a State or Federal agency.

Staff: The site is accessed directly off Gun Club Road. Gun Club Road is a paved, county-owned and county-maintained secondary arterial and meets the applicable road standard.

BCRC 12-411, Density and Dimensional Standards – Forestry, Agricultural/Forestry, and Rural zones

Staff: The site in question is a legal, non-conforming parcel of ~2.96 acres where five (5) acres is required. The site in question requires a 25-foot front yard setback, and 40-foot side and rear yard setbacks, per footnote 13 for non-residential structures in Ordinance 501.

The applicant is requesting a side yard setback of 10 feet where 40 feet is required to accommodate the requested addition in respect of the location of the existing building.

It should be noted that the setback of the existing church building was approved under Conditional Use Permit C988-15. The applicants are requesting to expand on the existing approved use in the existing approved setback.

Per footnote 15, there is no site coverage maximum for this proposal.

BCRC 12-4.2, Performance standards for all uses

Applicant: Radioactivity, electrical disturbances, vibration and air pollution. A church use typically generates relatively small amounts of these environmental factors. Specifically for Sagle Baptist Church/Victory Baptist Church, this has historically held true. The main source of these elements consists of vehicles arriving and departing, which produces a small amount of vehicle noise and dust (seasonally). Currently averaging three hours per week (see the existing CUP application), these activities may increase to approximately six hours per week in this proposal, keeping the effect on adjoining properties to a minimum.

Staff: A church is expected to generate little to zero radioactivity, electrical disturbances, vibrations or air pollution. Vehicle noise is to be expected along major arterials such as Gun Club Road. Seasonal dust is a normal part of a rural environment.

BCRC 12-4.3, Parking standards

Staff: Per applicant email 4/3/2024, the proposed Assembly Hall measures 3639 square feet, including all areas for chairs, aisles, stage, sound booth and security office, representing a max occupancy of about 290 people. Per BCRC 12-43, the parking standard for a church or assembly hall is based on a calculation of "gross floor area without seats for assembly purposes." There are no fixed seats in this proposal.

The minimum number of parking spots required would be 73:

3639 / 50 = 72.78

Per applicant, the final site plan will meet this required standard.

BCRC 12-4.4, Sign standards

Applicant: No change is proposed to the current signage on site.

Staff: No change is proposed to the current signage on site. Per BCRC 12-266 this review must be confined to new or modified proposals for the use of the site in question.

BCRC 12-4.5, Design standards

Applicant: No change is proposed to the current site design methodology. The applicant is requesting to continue to develop the site in line with its current character.

Staff: No change is proposed to the current site design methodology. Per BCRC 12-266 this review must be confined to new or modified proposals for the use of the site in question.

BCRC 12-4.6, Landscaping and screening standards

Applicant: No change is proposed to the current site design methodology. The applicant is requesting to continue to develop the site in line with its current character.

Staff: No change is proposed to the current site design methodology. Per BCRC 12-266 this review must be confined to new or modified proposals for the use of the site in question.

BCRC 12-7.2, Grading, stormwater management and erosion control

Staff: Per applicant email 4/3/2024, the stormwater plan for the site is still under development. In addition to revisions required by the Bonner County engineer, changes are needed to accommodate final parking arrangements and septic drainfields as required by Panhandle Health. A condition has been added that this required stormwater plan must be approved by Bonner County prior to the issuance of any Building Location Permit associated with this approval.

BCRC 12-7.6, Hillsides

Applicant: Nowhere on the property does the natural slope equal or exceed 30%. While most of the property is quite flat(0%-5%), the northern portion has some slopes that measure 10%-20%. The County GIS reveals a natural flat-bottomed bowl that occupies about 13 acres just to the east and north of the property. According to Google Earth, the bottom of this bowl sits about 20 feet below the surrounding land. The subject property clips the westerly edge of this bowl, resulting in the increased slope.

The red areas of 30% [on the county GIS] or greater slopes represent the cut and fill slopes alongside Gun Club Road, the driveway, and the north parking lot. These are

small drops of between 2 and 6 feet and are commonly seen alongside roads, even in areas of flat natural grades.

Staff: Tiny areas of >30% slope are seen on the county GIS. Applicant states these areas are road and driveway areas. Staff sees no evidence this is not the case.

COMPREHENSIVE PLAN ANALYSIS:

Review against the Comprehensive Plan Objectives per BCRC 12-223:

Property Rights:

Objectives:

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

Applicant: With an eye toward the best interests of present and future generations, the church is concerned about the rights of adjoining landowners, and would strive to protect them. The taking of private property for public use is unnecessary.

Staff: The application was routed to landowners 300' from the property line, informing them of the proposed modification of the conditional use permit. No public comments were received on this proposal.

Population:

Objectives:

1. Maintain current and projected county population estimates and utilize this information when making land use decisions.

Applicant: Not Applicable

Staff: Bonner County has received the results of the 2020 census. The data indicates the demand for housing and jobs will continue to trend upward in both the unincorporated and incorporated areas of Bonner County. It is presumed reasonable that this will lead to increased demand for public gathering places such as churches.

School Facilities & Transportation

Objectives:

1. 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.

2. The county should encourage school districts to proactively review development applications to determine particular school needs and concerns.
3. Bonner County roads, trails and bicycle paths should be designed and maintained to allow safe passage of students to schools.
4. Long-term consequences of land use proposals should be considered, including the adequacy of existing facilities and the siting of future schools.

Applicant: This proposal lies within the Lake Pend Oreille school district. The county's ability to provide quality education would be unaffected.

Staff: Lake Pend Oreille School District #84 was notified of this proposal. No comments were received. This project does not propose any additional residential density.

Economic Development

Objectives:

1. 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.
2. Enable development of small scale cottage industries and home based occupations while protecting the surrounding areas from adverse impacts.
3. 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.
4. 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.
5. Support local businesses by enabling development of workforce housing in proximity to commercial, industrial and agricultural uses.

Applicant: Ideally located in an area of existing residential uses, no commercial or industrial activities are involved. The surrounding residential neighborhoods would not be adversely impacted. Served by adequate public services and transportation systems.

Staff: The expansion of an existing site serving a tax-exempt and non-profit religious organization is unlikely to have a significant economic impact on the county.

Land Use

Objectives:

1. 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.

2. Encourage clustered development for medium and large scale commercial and industrial uses.
3. 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.

Applicant: In accord with the county's land use policies/map, which classify this area as Rural-Residential. The current uses are residential and rural with commercial nearby. The existing/proposed church use fits well in such circumstances, benefiting the community.

Staff: This is a proposal to expand an existing facility. This will be an efficient use of land by making more intense use of existing infrastructure and facilities, rather than converting vacant land for the same purpose. This proposed modification of an existing conditional use permit could reduce the need for future conversion of open spaces.

Natural Resources

Objectives:

1. 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.
2. 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.
3. 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.

Applicant: Negligible effect. See Stormwater Management Plan.

Staff: Agency comment letters were received from Idaho Department of Water Resources and Department of Environmental Quality. Both made recommendations and/or suggestions. See letters for comments. The site has no mapped wetlands, lakes, ponds, rivers, streams. A stormwater plan has been submitted with the application.

Hazardous Areas

Objectives:

1. 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.

2. Future development should be designed to reduce exposure to wildland fire and to provide for emergency and escape routes for residents.
3. Development within areas of excessive slopes, unstable areas and avalanche zones should be discouraged.

Applicant: Well suited to the existing/proposed use, located in a low hazard area: not within floodplain, and not prone to wildland fire. Gun Club Road provides for emergency and escape routes for residents. The site is nearly flat, stable, and not susceptible to avalanche.

Staff: The property is not located in a flood hazard zone. The property is mostly flat. The few places with slopes are shallow grades of under 30%. None of the noticed agencies called out any possible hazard areas on the site.

Public Services, Facilities & Utilities

Objectives:

1. 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.
2. Require the developers to provide infrastructure, utilities or financial support to offset the capital costs of expansion of services required by the proposed development.
3. Bonner County shall require adequate provisions for future utility services in areas of commercial, industrial, residential or other similar uses.

Applicant: Existing services adequately avoid adversely impacting the services or utilities of present-day users. Electric, telephone and natural gas utilities are in place. Water and sewer are private. This small church use does not unduly overburden the current system.

Staff: The property is afforded fire protection, roads, power, ambulance, emergency services, water, septic, and law enforcement for the current residential use on the property. Comments from Idaho Department of Water Resources, Panhandle Health, Idaho Department of Environmental Quality have indicated some expansions to these services may be needed. The applicant will be responsible for meeting the standards of other regulatory agencies in this proposal and will need to obtain the required permits through the appropriate agencies that govern these services.

Transportation:

Objectives:

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

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

Applicant: The existing road system provides multiple ingress and egress routes sufficient for both current and proposed uses, without reducing the quality of service or creating hazards or congestion.

Staff: This is an expansion of an existing use. The site is accessed directly off Gun Club Road. Gun Club Road is a paved, county-owned and county-maintained secondary arterial road. An encroachment permit from Road & Bridge, dated 1/26/2024, was submitted to this file.

Recreation:

Objective:

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

Applicant: The existing/proposed church use provides a place of worship for residents as well as visitors to the area. Additionally, it facilitates civic/community activities.

Staff: This proposal will not result in encumbrances to legal recreational accesses or amenities.

Special Areas or Sites:

Objective:

1. Future developments should not adversely affect or destroy culturally or ecologically sensitive sites.

Applicant: his proposal is in accord with the county's goal to protect special archeological and historical sites and unique visual and ecological features. No special sites are present on the subject property.

Staff: The proposal is not in conflict with this objective.

Housing:

Objective:

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

Applicant: This proposal would not impact the availability of housing.

Staff: The proposal does not conflict with this objective.

Community Design:

Objectives:

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

Applicant: This project is located in an area with similar densities and compatible uses and therefore minimizes the adverse impacts on adjacent areas. This would protect natural resources and maintain a rural character.

Staff: This is an expansion of an existing use that has been shown to be compatible with the area. By expanding an existing use instead of constructing new development for the use, natural resources, rural features and surrounding uses of the community are protected.

Agriculture:

Objectives:

1. Protect the rural character and agricultural heritage of Bonner County by retaining large and small scale commercial agriculture and hobby farms as viable uses.
2. Support the local economy by encouraging production, distribution, and retail sales of locally grown food and other agricultural products.
3. Develop policies to discourage fragmentation of very large productive agricultural lands.

Applicant: No agricultural uses are currently present or proposed.

Staff: These objectives appear unaffected by this proposal.

Staff Conclusion:

Staff concluded this project **is** consistent with Bonner County Revised Code based upon the Background and Standards Review & Staff Analysis portions of this staff report, subject to the conditions of approval herein. This conclusion is demonstrated in the findings of facts, conclusions of law and conditions of approval herein. Conditions of approval have been added to facilitate the project’s conformance with Bonner County Revised Code.

Planner’s Initials: JRJ

Date: April 10, 2024

Note: 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.

Decision by the Zoning Commission:

MOTION TO APPROVE:

I move to approve this project FILE MOD0001-24 for a modification of an existing Conditional Use Permit to expand the existing church building, expand the parking areas, and to expand the hours of operation for Victory Baptist Church, finding that it is in accord with the general and specific objectives of the Bonner County Comprehensive Plan and Bonner County Revised Code as enumerated in the following **CONCLUSIONS OF LAW:**

1. The proposed modification to the conditional use permit **is** in accord with the general and specific objectives of the Bonner County Comprehensive Plan.
2. This proposal was reviewed for compliance with the criteria and standards set forth at Title 12, BCRC Chapter 2 Subchapter 2.2, BCRC Chapter 3 Subchapter 3.3, BCRC Chapter 4 Subchapter 4.2-4.6, Chapter 7 Subchapter 7.2 and 7.6. The proposal **is** in accord with the Bonner County Revised Code.
3. The proposed expanded use **will not** create a hazard or **will not** be dangerous to persons on or adjacent to the property.

This decision is based upon the evidence submitted up to the time the Staff Report was prepared and testimony received at this hearing. I further move to adopt the findings of fact and conclusions of law 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, 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 TO DENY:

I move to deny this project FILE MOD0001-24 for a modification of an existing Conditional Use Permit to expand the existing church building, expand the parking areas, and to expand the hours of operation for Victory Baptist Church, based upon the following **CONCLUSIONS OF LAW:**

1. The proposed modification to the conditional use permit **is / is not** in accord with the general and specific objectives of the Bonner County Comprehensive Plan.

2. This proposal was reviewed for compliance with the criteria and standards set forth at Title 12, BCRC Chapter 2 Subchapter 2.2, BCRC Chapter 3 Subchapter 3.3, BCRC Chapter 4 Subchapter 4.2-4.6, Chapter 7 Subchapter 7.2 and 7.6. The proposal **is / is not** in accord with the Bonner County Revised Code.
3. The proposed expanded use **will not / will** create a hazard or **will not / will** 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 and conclusions of law as set forth in the Staff Report as amended during this hearing and direct planning staff to draft written findings and conclusions to reflect this motion, and transmit to all interested parties. This action does not result in a taking of private property. The action that could be taken, if any, to obtain the modification to the conditional use permit is to:

- (1) File a new application with the Planning Department and meet the standards required by Bonner County Revised Code; or
- (2) Appeal the Zoning Commission's decision to the Board of County Commissioners.

Findings of Fact

1. The property is zoned Rural Residential, where churches are conditionally allowed.
2. The site is accessed directly off Gun Club Road. Gun Club Road is a paved, county-owned and county-maintained secondary arterial road.
3. An encroachment permit from Road & Bridge, dated 1/26/2024, was submitted to the file.
4. Per applicant, power is provided to the site by Avista Utilities.
5. Water is provided to the site by an individual well.
6. Fire protection is provided to the site by Selkirk Fire.
7. Sewage disposal for the site is provided by an individual system.
8. The site is ~2.96 acres.
9. The site does not contain mapped slopes in excess of 30% per applicant.
10. The site does not contain mapped wetlands per NWI.
11. The site does not contain a river/stream/frontage on lake per NHDS.
12. Parcel is within SFHA Zone X per FIRM Panel Number 16017C0950E Effective Date, 11/18/2009.
13. The proposal has been reviewed against the the criteria and standards set forth at Title 12, BCRC Chapter 2 Subchapter 2.2, BCRC Chapter 3 Subchapter 3.3, BCRC Chapter 4 Subchapter 4.2-4.6, Chapter 7 Subchapter 7.2 and 7.6, Bonner County Revised Code.

Conditions of approval:

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

- A-1** The use shall be developed and shall be operated in accordance with the approved site plan.

- A-2** The Conditional Use Permit or modifications thereof, shall not supersede deed restrictions.
- A-3** All county setbacks shall be met.
- A-4** The Conditional Use Permit or modifications thereof, shall expire if not issued within two (2) calendar years from the date of approval, or once issued, if the use has not commenced within two (2) calendar years from the date of issuance. At any time prior to the expiration date of the Conditional Use Permit or modifications thereof, the applicant may make a written request to the Planning Director for an extension of the Conditional Use Permit for a period up to two (2) years. The Zoning Commission may consider such request for extension at any public hearing. The extension request must be approved or denied prior to the expiration date of the Conditional Use Permit or modifications thereof.
- A-5** The applicant shall install prior to ground disturbing activities all temporary erosion control measures as designed and approved. The applicant shall provide to the Planning Department prior to ground disturbing activities a signed statement from the project engineer or design professional stating that these measures have been installed as per the design specifications as approved. The applicant shall install upon completing ground disturbing activities and shall maintain thereafter all permanent erosion control and stormwater management measures as designed and approved. The applicant shall provide to the Planning Department upon completing ground disturbing activities a signed statement from the project engineer or design professional stating that these measures have been installed as per the design specifications as approved.
- A-6** Prior to issuance of a building location permit, the owner of the proposed expanded church shall obtain all required addresses for the structure(s) on the property in question. These addresses shall meet the provisions of Bonner County Revised Code, Title 13.
- A-7** All permits must be obtained from Idaho Department of Environmental Quality for a public drinking water and wastewater system sufficient to serve the proposed use.
- A-8** All permits must be obtained from Panhandle Health District for a public drinking water and wastewater system sufficient to serve the proposed use.
- A-9** All permits must be obtained from Idaho Department of Water Resources for a public drinking water and wastewater system sufficient to serve the proposed use.
- A-10** The required stormwater plan for this project must be approved by Bonner County prior to the issuance of any Building Location Permit associated with this approval.
- A-11** The proposed use expansion shall not generate radioactivity, electrical disturbances, vibrations or air pollution beyond what would otherwise be expected during normal operations of a local church.

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

Annex A
RECORD OF MAILING

Page 1 of 1

File No.: MOD0001-24

Record of Mailing Approved By:

Hearing Date: April 18, 2024

Jason Johnson, Planner

I hereby certify that a true and correct copy of the "Notice of Public Hearing" was digitally transmitted or mailed (postage prepaid) on this **12th** day of **March 2024**.



Jenna Crone, Hearing Coordinator

Assessor - Email	Avista Utilities - Email
Bay Drive Recreation District - Email	Bayview Water & Sewer - Email
Bonner County Airport Manager - Email	BONNER COUNTY DAILY BEE - U.S. Mail
Bonner County EMS - Email	Bonner County Floodplain Review - Email
Bonner County Road & Bridge - Email	Bonner County Sheriff - Email
Bottle Bay Water & Sewer District - Email	City of Clark Fork - Email
City of Dover - Email	City of East Hope - Email
City of Hope - Email	City of Kootenai - Email
City of Oldtown - Email	City of Ponderay - Email
City of Priest River - Email	City of Sandpoint - Email
City of Spirit Lake - Email	Coolin Sewer District - Email
Coolin-Cavanaugh Bay Fire District - Email	Drainage District #7 - Email
East Bonner Library - Email	East Priest Lake Fire District - Email
Ellisport Bay Sewer - Email	Garfield Bay Water & Sewer District - Email
GEM STATE MINER - U.S. Mail	Granite Reeder Water & Sewer District - Email
Idaho Department of Environmental Quality (DEQ) - Email	Idaho Department of Fish & Game - Email
Idaho Department of Lands - CDA - U.S. Mail	Idaho Department of Lands - Coolin - Email
Idaho Department of Lands - Navigable Waters & Mining - Email	Idaho Department of Lands - Sandpoint - Email
Idaho Department of Water Resources - IDWR - Email	Idaho Transportation Department (Aeronautics) - U.S. Mail
Idaho Transportation Department- District I - Email	Independent Highway District - Email
Kalispel Bay Sewer & Water - U.S. Mail	Kootenai-Ponderay Sewer District - Email
KPBX-FM 91 SPOKANE PUBLIC RADIO - U.S. Mail	KSPT-KPND-KIBR RADIO - U.S. Mail
Laclede Water District - Email	Lake Pend Oreille School District, #84 (Admin Office) - Email
Lake Pend Oreille School District, #84 (Transportation) - Email	Lakeland Joint School District, #272 - Email
Lakes Highway District - U.S. Mail	Little Blacktail Ranch Water Association - U.S. Mail
North of the Narrows Fire District - Email	Northern Lights, Inc. - Email
Northside Fire District - Email	Outlet Bay Sewer District - Email
Panhandle Health District - Email	Pend Oreille Hospital District - Email
Priest Lake Public Library District - Email	Priest Lake Translator District - Email
Sagle Valley Water & Sewer - Email	Sam Owen Fire District - Email
Schweitzer Fire District - Email	SELKIRK ASSOCIATION OF REALTORS - U.S. Mail
Selkirk Fire, Rescue & EMS - Email	Selkirk Recreation District -Email
Southside Water & Sewer District - Email	Spirit Lake Fire District - Email
Spokesman-Review - U.S. Mail	State Historical Society - Email
Swan Shores Sewer District - U.S. Mail	Syringa Heights Water Association - Email
Tamarack Village Water & Sewer - U.S. Mail	Timber Lake Fire District - Email
Trestle Creek Sewer District - Email	U.S. Army Corps of Engineers - Email
U.S. Fish & Wildlife Service - Email	U.S. Forest Service - U.S. Mail
West Bonner County Cemetery District - Email	West Bonner County School District, #83 - Email
West Bonner Library - Email	West Bonner Water & Sewer District - Email
West Pend Oreille Fire District - Email	West Priest Lake Fire District - Email