

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@bonnercountyid.gov - Web site: www.bonnercountyid.gov



Zoning Commissioners Staff Memo for September 19, 2024

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

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

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

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

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

Parcel Number: RP025370000030A

Parcel Size: 12 acres

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

**Project
Representative:** Travis Haller, Assistant Director – Planning Department

Property owner: Don Helms

CUP Timeline:

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

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

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

February 16, 2017 – The Planning and Zoning Commission approved file C0997-16, with conditions of approval.

May 2, 2017 – C0997-16 was recorded and issued. See attached decision letter and issuance, Appendix A.

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

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

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

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

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

November 19, 2020 – Notice to title recorded.

May 11, 2023 - Site posting of revocation.

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

June 15, 2023 – Revocation hearing held with the Zoning Commission. The Zoning Commission decided to continue the hearing to November 16, 2023 to allow Don Helms to finish construction of the fence.

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

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

July 18, 2024 – Revocation hearing continued with the Zoning Commission. The Zoning Commission decided to further continue the hearing to August 15, 2024.

August 15, 2024 – Zoning Commission hearing was not held due to not receiving a quorum. This file is rescheduled for September 19, 2024.

Staff Analysis:

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

Attached below:

Appendix A – C0997-16 Decision Letter and Issuance

Appendix B – C0997-16 Staff Report

Appendix C – Updated Landscaping Plan

Appendix D – Photos, September 2024

Motion by the governing body:

ZONING COMMISSION

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

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

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

Appendix A

C0997-16 Decision Letter and Issuance



Bonner County Planning Department

"Protecting property rights and enhancing property values...."

Milton Ollerton
Planning Director

February 17, 2017

Bonnie Powell and Diane Dodd
5001 East Main Street, Lot 808
Mesa, Arizona 85205

Subject: Conditional Use Permit – RV Storage – File C997-16

Dear Ms. Powell & Ms. Dodd:

The Bonner County Planning and Zoning Commission at the February 16, 2017 public hearing approved the referenced application with conditions. The ordinance and standards used in evaluating the application and the reasons for approving the application are as follows:

MOTION TO APPROVE: Commissioner Glascoe moved to approve this project FILE C997-16, RV Storage, 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, and based upon the evidence submitted up to the time the Staff Report was prepared and testimony received at this hearing. Commissioner Glascoe further moved to adopt the following findings of fact and conclusions of law with the amendment of Condition B-3 and the addition of Conditions B-4 and B-5 as discussed with staff. 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. Commissioner Bradish seconded the motion.

Conditional Use Permit Findings of Fact

1. Surrounding properties range in size from \pm 4 acres to \pm 20 acres.
2. The subject property is generally flat with no rock outcroppings.
3. The property has direct frontage on U.S. Highway 95 and access is provided off Porter House Road, a 20 foot wide paved County Road.
4. The neighboring property, across the State Highway to the west is currently zoned Rural Service Center.
5. There are additional parcels in the area that have commercial or industrial uses in the same designation either grandfathered in or were granted permits.

6. Surrounding uses include vacant land with several grandfathered and approved uses within a quarter mile of the property. These uses include Encoder Manufacturing, State of Idaho gravel pit, a recreational vehicle, boat and auto storage facility, an excavation company, and a small engine repair company.
7. The property does not contain prime agricultural soils, according to the comprehensive plan.
8. The property does not contain floodway or floodplain (DFIRM Panel 0950E, Zone X).
9. Water is provided by an individual well.
10. Sewage disposal is provided by individual septic tank.
11. The property is located within the Selkirk (Sagle) Fire District.
12. The land capability report shows the land can handle this type of development.

Conditional Use Permit Conclusions of Law:

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

Conclusion 1

The proposed conditional use permit **is** in accord with the Bonner County comprehensive plan.

- | | | |
|-----------------------|-------------------------|------------------------------------|
| •Property Rights | •Population | •School Facilities, Transportation |
| •Economic Development | •Land Use | •Natural Resources |
| •Hazardous Areas | •Public Services | •Transportation |
| •Recreation | •Special Areas or Sites | •Housing |
| •Community Design | •Implementation | |

Conclusion 2

This proposal was reviewed for compliance with the criteria and standards set forth at BCRC Chapter 4, Title 12, Subchapter 2.2, environmental standards of Chapter 7, Title 12, and storm water management criteria and standards set forth in Chapter 7, Title 12, Bonner County Revised Code.

Conclusion 3

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

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** All county setbacks shall be met.
- A-3** Storage areas shall be not used as a dwelling or for commercial or industrial uses. (BCRC 12-486 D)
- A-4** Hours of operation shall meet the minimum requirements per BCRC 12-486 I.
- A-5** The Conditional Use Permit shall expire if not issued within two (2) calendar years from the date of approval, or once issued, if the use has not commenced within two (2) calendar years from the date of issuance. At any time prior to the expiration date of the Conditional Use Permit, the applicant may make a written request to the Planning Director for an extension of the Conditional Use Permit for a period up to two (2) years. The Planning and 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.
- A-6** 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.

Conditions to be met prior to issuance of the permit:

- B-1** Landscaping plan shall be submitted to the Planning Department and approved (BCRC 12-486 B).
- B-2** Fencing shall be shown and added as required by BCRC 12-486 C.
- B-3** The Grading & Stormwater management plan shall meet the standards set forth by Bonner County Revised Code, Subchapter 7.2.
- B-4** Prior to issuance of the conditional use permit, the applicants shall obtain zone change approval from the Bonner County Board of County Commissioners for file ZC360-16.

B-5 Prior to issuance of the conditional use permit, the applicants shall submit to the Bonner County Planning Department the definitive site plan showing the final location of all features related to the conditional use permit.

Bonner County Revised Code, Section 12-262, provides an opportunity for affected persons to appeal Planning and Zoning Commission decisions with the Planning Director within 28 days after the final written decision of the Planning and Zoning Commission has been issued. Any such appeal must be submitted in accordance with the referenced code section no later than **5:00 p.m., Friday, March 17, 2017.**

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

Please contact this department if you have any questions.

Sincerely,

Milton Ollerton, Planning Director

c: Bryan Quayle, Project Representative
Quayle Land Use Consulting
606 South Olive Avenue
Sandpoint, Idaho 83864

Instrument # 904737
Bonner County, Sandpoint, Idaho
05/02/2017 02:35:21 PM No. of Pages: 2
Recorded for: BC PLANNING
Michael W. Rosedale Fee: \$13.00
Ex-Officio Recorder Deputy
Index to: MISC



**BONNER COUNTY PLANNING DEPARTMENT
CONDITIONAL USE PERMIT – FILE C997-16
ASSESSOR'S PARCEL NUMBER: RP025370000030A**

TO: Bonnie Powell & Diane Dodd, 5001 East Main Street, Lot 808
Mesa, Arizona 85205

PURPOSE: RV Storage – Conditional Use Permit

LOCATION: The property is described as Lot 3, Powell-Dodd Acres, Book 11,
Page 32 of Plats. The property site is approximately ½ mile
south of the intersection of Dufort Road and Highway 95.

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** All county setbacks shall be met.
- A-3** Storage areas shall be not used as a dwelling or for commercial or industrial uses. (BCRC 12-486 D)
- A-4** Hours of operation shall meet the minimum requirements per BCRC 12-486 I.
- A-5** The Conditional Use Permit shall expire if not issued within two (2) calendar years from the date of approval, or once issued, if the use has not commenced within two (2) calendar years from the date of issuance. At any time prior to the expiration date of the Conditional Use Permit, the applicant may make a written request to the Planning Director for an extension of the Conditional Use Permit for a period up to two (2) years. The Planning and 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.
- A-6** 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.

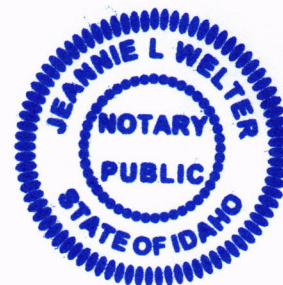
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- B-2** Fencing shall be shown and added as required by BCRC 12-486 C.
- B-3** The Grading & Stormwater management plan shall meet the standards set forth by Bonner County Revised Code, Subchapter 7.2.
- B-4** Prior to issuance of the conditional use permit, the applicants shall obtain zone change approval from the Bonner County Board of County Commissioners for file ZC360-16.
- B-5** Prior to issuance of the conditional use permit, the applicants shall submit to the Bonner County Planning Department the definitive site plan showing the final location of all features related to the conditional use permit.

This Conditional Use Permit is issued pursuant to the February 17, 2017 written decision of the Bonner County Planning and Zoning Commission.


Milton Ollerton, Planning Director

Date 5/2/2017



STATE OF IDAHO)
):ss
COUNTY OF BONNER)

On this 2nd day of May in the year 2017 before me, a Notary Public in and for said State, personally appeared Bonner County Planning Director Milton Ollerton known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same, as such Director of the Bonner County Planning Department.


Notary Public

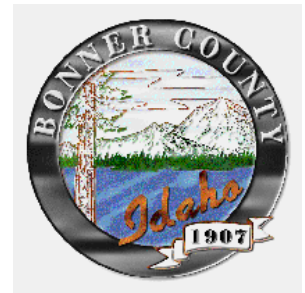
Residing at: Sandpoint, Idaho
File # C997-16
Page 2 of 2

My commission expires: 9-22-2020

Appendix B

C0997-16 Staff Report

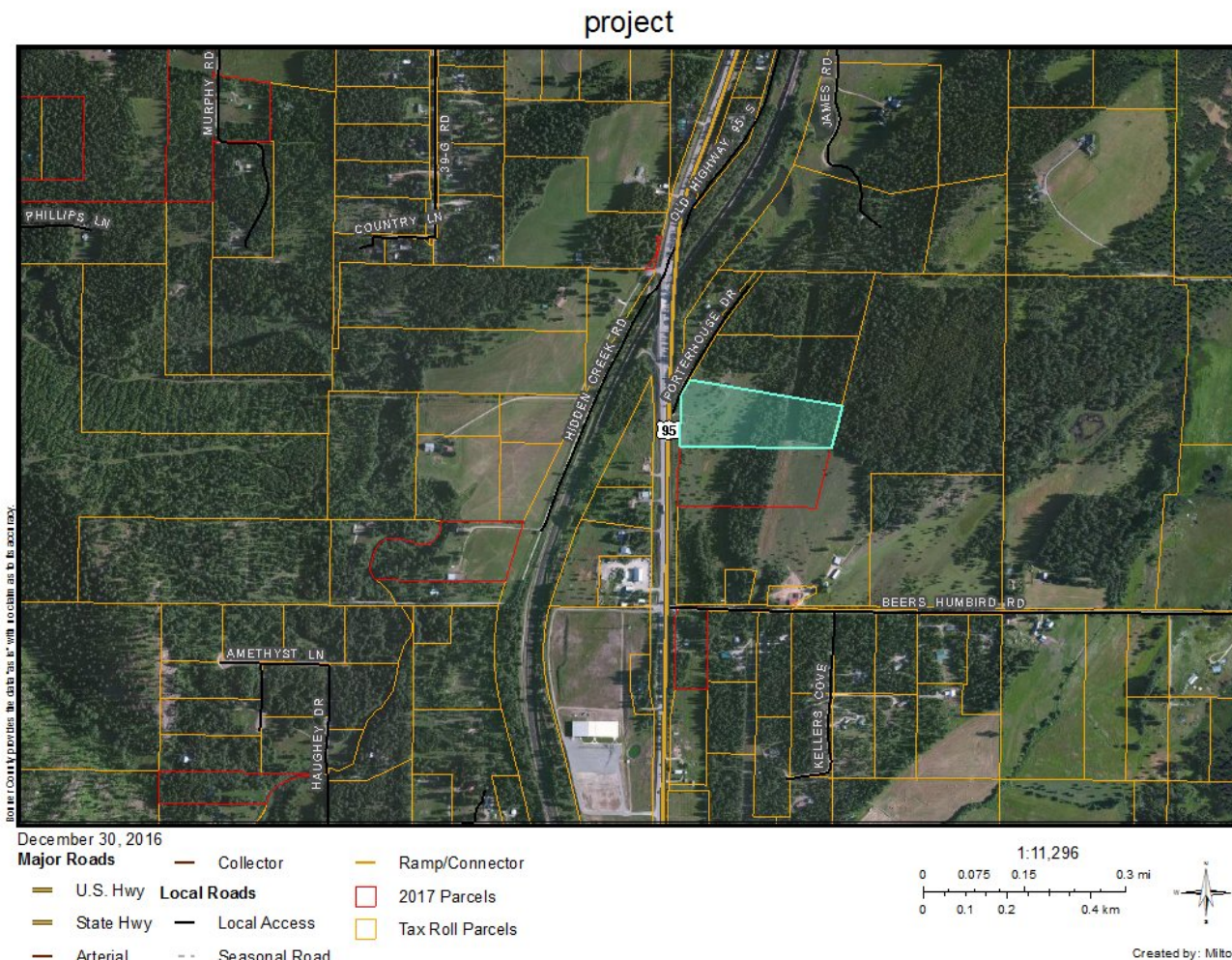
**BONNER COUNTY PLANNING DEPARTMENT
PLANNING & ZONING COMMISSION
STAFF REPORT FOR JANUARY 12, 2017**



Project Title	POWELL DODD RV STORAGE & ZONE CHANGE REQUESTS
File Number, Type:	C997-16, Conditional Use Permit and ZC360-16, Zone Change
Proposal:	The applicants are requesting a zone change for the subject property from Rural 5 to Rural Service and a conditional use permit for an RV storage center.
Legal Description:	The property is described as Lot 3, Powell-Dodd Acres, Book 11, Page 32 of Plats.
Location:	The property site is approximately ½ mile south of the intersection of Dufort Road and Highway 95.
Parcel Size:	12 acres
Parcel Number:	RP025370000030A
Applicant:	Bonnie Powell & Diane Dodd 5001 East Main Street, Lot 808 Mesa, Arizona 85205
Project Representative:	Bryan Quayle Quayle Land Use Consulting 606 South Olive Avenue Sandpoint, Idaho 83864
Applications Filed:	October 12, 2016
Notice Provided:	Mailed: December 19, 2016 Site Posted: December 30, 2016 Published in Newspaper: December 21, 2016

Project Summary:

The applicant is requesting a zone change from Rural 5 (one unit per five acres) to Rural Service and a conditional use permit for an RV storage center. The project is located south of Westmond Bridge on Highway 95 about 1000 feet north of Encoder Products which is zoned Industrial. The triangle parcel across Highway 95 is zoned Rural Service Center. Beginning beyond two parcels located directly to the south on the same side of Highway 95 are zoned Suburban.



Comprehensive Plan

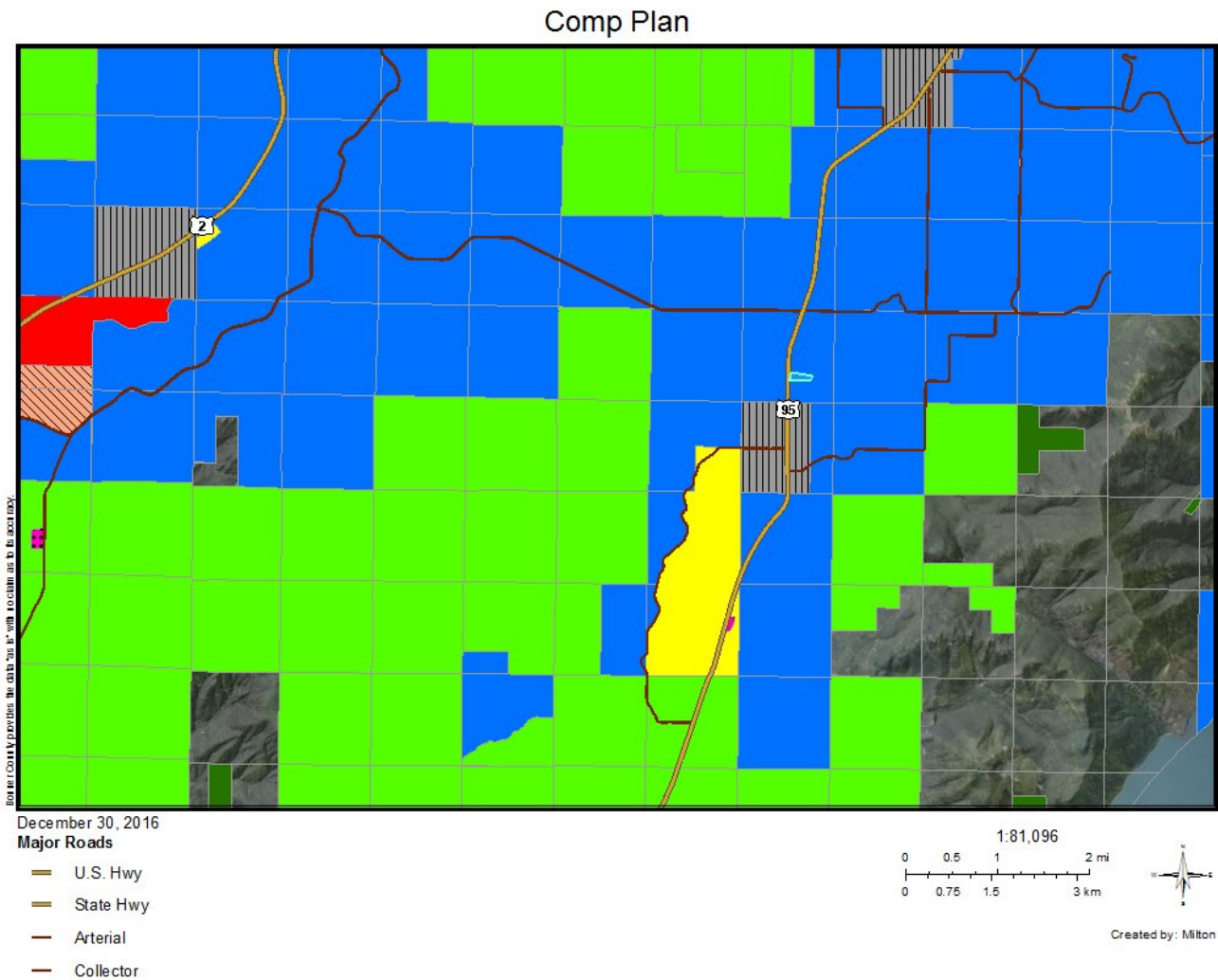
The subject property is shown in light blue just north of the transition designation with the Highway "95". The property is currently designated Rural Residential on the comprehensive plan land use map. The Rural Residential designation recognizes areas where urban services are not available and slopes may vary up to 30%. Lower density agricultural uses and residential development are intended in this designation to reduce potential impacts. The parcel does not have urban services for water or sewer.

The comprehensive plan designations Transition or Neighborhood Commercial may more appropriately support the request to rezone this parcel to Rural Service Center. One of the

economic development objectives states, "Commercial and industrial areas shall be located in defined areas which encourage clustered development and discourage sprawl and strip development." Following with this objective: "Bonner County's highway systems shall be viewed primarily as transportation corridors for the efficient flow of traffic and shall not be viewed merely as frontage roads for commercial development" (Implementation Section 2.4).

Idaho Code 67-6511(c) says that if the request is found by the governing board to be in conflict with the adopted plan, the board may require a request be submitted to the Commission for amending the comprehensive plan. The County is currently in the process of working with this area to amend the comprehensive plan.

The map below shows the comprehensive plan land use designation for the area of the subject property.

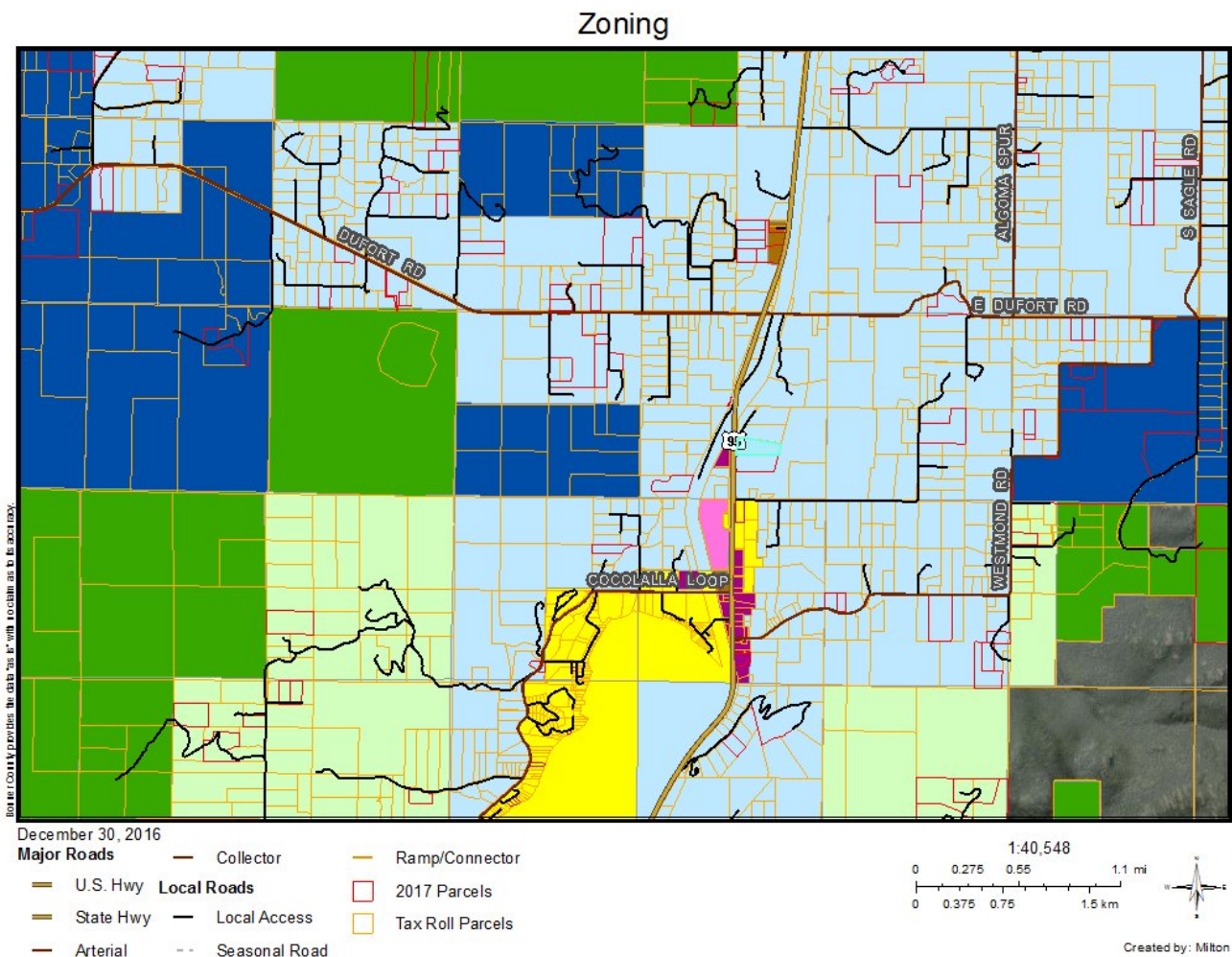


Zone Change

The subject property is currently zoned Rural 5 on the Bonner County Official Zoning Map. According to BCRC 12-323(A), the Rural District is established to provide for low density residential uses compatible with rural pursuits. The purpose can be accomplished by:

1. Limiting residential densities and permitted uses to those that are compatible with rural character and nearby resource production districts and sites and can be adequately supported by rural service levels.
2. Allowing small scale farming and forestry activities, and tourism and recreation uses that can be supported by rural service levels and are compatible with rural character.
3. Encouraging conservation development configurations that create permanent open space or farming areas, protect sensitive environmental features, reduce infrastructure costs and/or enhance recreational opportunities.

The following map shows the existing zoning designations for the area of the subject property.



The applicant is requesting a zone change for the subject property to Rural Service Center District. According to BCRC 12-327:

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.
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.
3. Allowing for light industrial uses where activities are conducted primarily indoors and impacts to adjacent uses are mitigated.
4. Excluding commercial uses with extensive outdoor storage.
5. Excluding large scale commercial uses that would be more effectively located in incorporated cities.
6. Applying simple design standards that enhance pedestrian access and improve the character of the area. (Ord. 501, 11-18-2008)

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)

Applicable Laws:

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

BCRC 12-211 – General
BCRC 12-212 – Applications, applicants for amendment to zoning or Comp Plan map
BCRC 12-213 – General amendment requirements
BCRC 12-214 – Procedures for amendments
BCRC 12-215 – Application contents
BCRC 12-216 – Evaluation of amendment proposals
BCRC 12-217 – Public hearings, notice of
BCRC 12-320.1 – Zoning districts and map designation, purpose
BCRC 12-320.2 – Zoning districts and map designations established
BCRC 12-327 – Rural Service Center District
BCRC 12-333 – Table 3.3 Commercial Use Table
BCRC 12-220, et seq, conditional use permit, application and standards
BCRC 12-4.2, Performance standards for all uses
BCRC 12-4.3, Parking standards
BCRC 12-4.4, Sign standards
BCRC 12-4.5, Design standards
BCRC 12-4.6, Landscaping and screening standards
BCRC 12-4.8, Standards for specific uses
BCRC 12-7.2, Grading, stormwater management and erosion control

Background:

A. Site data: The subject property is a 12-acre parcel located in a portion of Section 32, Township 56N, Range 2W. The parcel is undeveloped and comprised of native vegetation and mature trees. There is an overgrown dirt road running through the back of the property.

B. Access: Access to the property is provided by Highway 95 at the Porter House Drive intersection.

C. Environmental factors: The subject property is undeveloped and comprised of native vegetation and mature trees. There is an overgrown dirt road running through the back of the property.

D. Services: Water would be provided by an individual well. Sewage disposal would be provided by a septic system (Panhandle Health District Evaluation). The property is located in the Selkirk (Sagle) Fire, Rescue and EMS District and the Lake Pend Oreille School District.

E. Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Land Use & Density
Site	Rural Residential	R-5	Vacant Land
North	Rural Residential	R-5	Vacant 10+ acres
East	Rural Residential	R-5	Vacant 20+ acres
South	Rural Residential	R-5	Vacant 10+ acres
West	Rural Residential	Rural Service Center	Across Highway 95 Vacant 4+ acres

F. Standards review

Zone Change:

Section 12-216 of BCRC specifies that "Staff and the governing bodies shall review the particular facts and circumstances of each proposal submitted and shall determine whether there is adequate evidence that the proposal is in accordance with the general and specific objectives of the comprehensive plan." Idaho Code stipulates that zoning districts "shall be in accordance with the policies set forth in the adopted comprehensive plan." (I.C., §67-6511)

Design compliance for Rural Service Center District	Required	Provided
Minimum site area, BCRC 12-412	2.5 acres	12 acres
Uses, BCRC 12-333 Commercial Use Table		Rental warehouses/ ministorage
Access, BCRC 12-412	Provide	Highway 95

Conditional Use Permit:

BCRC 12-223 specifies that the Commission shall review the particular facts and circumstances of each proposal. To grant a conditional use permit, the Commission 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.

	Required	Provided
BCRC 12-220, et seq, conditional use permit, application and standards	•Specific elements required in BCRC 12-220 thru 12-226.	•Required elements were satisfactorily addressed in the submitted materials.
BCRC 12-333, Commercial Use zoning and standards	•Conditional Use review •(17) Sufficient land to accommodate use •(33) Limited to 10,000 sq ft in Rural Service Center	•Conditional Use application has been submitted and reviewed •Land is adequate for use •Structure is planned at 9900 sq ft.
Minimum Lot/Parcel Size (BCRC 12-412) (BCRC 12-486 A.)	•Parcel size: 2.5 acres with no urban services •Front setback: 100 ft from state highway •Rear setback: 25 ft •Side setback: 5 ft	•Parcel size: 12 acres •Front setback: 200 ft •Rear setback: 658 ft •Side setback: 40 ft
BCRC 12-4.2, Performance standards for all uses	•BCRC 12-420.A-J standards.	•Application has been reviewed against these standards.

	Required	Provided
BCRC 12-4.3, Parking standards	<ul style="list-style-type: none"> •Parking requirements for storage units are not specifically defined in code. 	<ul style="list-style-type: none"> •A 100' by 330' driving pad is proposed •Traffic is estimated at 1-5 vehicles per day.
BCRC 12-4.486, Sign standards	<ul style="list-style-type: none"> •Signs limited to no more than 32 square feet. 	<ul style="list-style-type: none"> •Sign(s) totaling no more than 32 square feet will be freestanding facing the highway and/or attached to the west end of the storage structure.

	Required	Provided
BCRC 12-486, Standards for Rental Warehouses, Mini Storage, Boat Storage	<ul style="list-style-type: none"> •Setback 100 feet from state highway •25 feet of landscaping type A, B, C, or D as defined in subchapter 4.6 •Security fencing six feet (6') in height. •Area not to be used as dwelling or commercial or industrial place of business. •Sign limited to 32 square feet attached flat on building or free standing •Lighting shall be shielded and downward directed •Distance between structures shall be designed to allow a 12 foot wide travel lane. •Sufficient land is required and arranged to minimize adverse effects on neighbors. •If abutting residential district or use, hours limited to 7:00am to 10:00 pm. 	<ul style="list-style-type: none"> •Setback 200 feet from highway •Landscaping not shown, add as condition •Fencing not shown, add as condition •Add condition that area not to be used as dwelling or place of business. •Sign is limited to 32 square feet attached flat on building or free standing. •Lighting is shielded or directed downward •Buildings appear to abut one another as project is phased. •Sufficient land is shown to minimize adverse effects. •Hours not discussed, condition added.
BCRC 12-7.2, Grading, stormwater management and erosion control	<ul style="list-style-type: none"> •Per BCRC 12-722.5.A and 12-722.2, a grading & stormwater management plan was required for this proposal. 	<ul style="list-style-type: none"> •A grading & stormwater management plan was reviewed consistent with BCRC 12-721.2.B and 12-724.1 and 12-724.3. •Conditions added.

G. Comprehensive Plan Land Use Designation

The property is designated Rural.

The comprehensive plan designation of Rural provides for the following criteria:

1. Density: The Rural designation would allow a density range of one unit per 5 to 10 acres.

Project parcel is 12 acres. Surrounding properties range in size from ± 4 acres to ± 20 acres.

2. Services: The Rural designation would allow individual well and septic tank systems on 2 ½ acres.

The subject property would be served by an individual well and individual septic tank system and is 12 acres.

3. The Rural designation should be served by a State highway or a principle arterial.

Access to the property is provided by State Highway 95 at the Porter House intersection.

4. Slope: The Rural designation is appropriate in areas with slopes ranging from 0 to 30%.

The subject property gently slopes beginning near the middle of the property on a north-south ridge creating drainage for this project towards the west of the property. The County map shows no sloping over 15% on its map.

5. Use: The Rural Designation permits "small-scale agricultural uses and residential development." (Land Use Chapter 6-3).

The subject property is located on Highway 95 at the Porter House road intersection. Surrounding uses include vacant land, one parcel to the west zoned Rural Service Center. The parcel has commercial and industrial uses on both sides within a quarter mile. Some of those uses are Encoder Manufacturing, the State of Idaho gravel pit, a recreational vehicle, boat and auto storage facility, an excavation company, and a small engine repair company.

H. Land Capability Report

Bryan Quayle, Quayle Land Use Consulting, submitted a land capability report prepared by James A Sewell & Associates, LLC to the record in accordance with BCRC 12-222(J). The report analyzed the subject property for impacts associated with soils, floods, sewage, drainage, erosion, sedimentation, and geological or surface slippage, and concluded that the site is satisfactorily suited for the intended use.

I. Stormwater plan

A stormwater management plan was submitted and reviewed by JUB Engineers, Inc. The review letter is a part of the record and recommended conditions are added to this report.

J. Agency Review

The application was routed to the following agencies for comment:

Panhandle Health District

*Bonner County Road Department
Selkirk Fire District
School District #84
Northern Lights Power Company
Department of Environmental Quality
Transportation Department
Department of Lands (Sandpoint)*

The following agencies responded:

Bonner County Public Works, email received: Bonner County Public works provided the following comments:

The proposed use is acceptable from our standpoint, but will require that the applicant apply for a commercial encroachment permit at the time that they go through the building location permit process. The location of the driveway access may be required to be pushed further from the intersection (towards the northern property line) to comply with the requirements for intersection separation as outlined in the Bonner County Roads Standards Manual.

Panhandle Health District: No Comment

Idaho Department of Transportation: No Comment

Idaho Department of Lands: No Comment

K. Public Notice & Comments

No public comments had been received at the time of issuance of this staff report.

Staff Analysis:

This area is currently being considered as part of the Sagle sub-area comprehensive plan. The Planning Commission should review this report and attached documents thoroughly considering the timeliness of this application. The rezone approved across the highway was approved by the Planning Commission and the Board of County Commissioners with the condition that the property be considered for a re-designation on the comprehensive plan. That never occurred as far as can be determined as it is not shown on the plan map.

There is just over three miles of highway between the Westmond area, currently zoned Suburban and Industrial, and the Suburban and Commercial zoning of Sagle. This three miles zoned Rural 5 has a variety of uses that are grandfathered commercial and industrial with at least four sites that have been formally rezoned to Rural Service Center or Commercial.

The State highway 95 that goes through this area is also planned for redesign with no formal commitment to design or schedule. The impact of this highway redesign will be considered as part of the sub-area plan for Sagle.

Staff Recommendation:

Zone Change and Conditional Use Permit subject to Conditions. See Staff Analysis.

Planner's Initials: HMO Date: January 3, 2017

Note: This is only a recommendation. 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.

Zone Change Motion by the Governing Body:

PLANNING AND ZONING COMMISSION

MOTION TO APPROVE: I move recommend approval to the Board of County Commissioners of this project, FILE ZC360-16, requesting a zone change for the subject property from Rural 5 to Rural Service Center, 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, and 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 following findings of fact and conclusions of law as written (or as amended). This action does not result in a taking of private property.

MOTION TO APPROVE ORDINANCE: I move to recommend approval of an Ordinance of Bonner County, Idaho, the number to be assigned, citing its authority, and providing for the amendment of the Official Zoning Map of Bonner County by the reclassification of lands generally located in Section 32, Township 56 North, Range 2 West from Rural 5 to Rural Service Center, and providing for an effective date. I further move to authorize the Chair to sign the official supplementary zoning map upon publication of the ordinance.

MOTION TO DENY: I move to recommend denial of this project FILE ZC360-16 requesting a zone change for the subject property from Rural 5 to Rural Service Center, based upon the following conclusions: [REFER TO FOLLOWING CONCLUSIONS OF LAW AND SPECIFY WHICH CONCLUSIONS THE PROJECT MEETS AND FAILS TO MEET]. 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 following findings of fact and conclusions of law as amended. This action does not result in a taking of private property. The action that could be taken, if any, to obtain the zone change is to:

- 1) File a new application with the Planning Department and meet the standards required by Bonner County Revised Code; or
- 2) Pursue such remedies as may be applicable at Title 67, Chapter 65, Idaho Code.

Zone Change/Conditional Use Permit Findings of Fact

1. Surrounding properties range in size from \pm 4 acres to \pm 20 acres.
2. The subject property is generally flat with no rock outcroppings.
3. The property has direct frontage on U.S. Highway 95 and access is provided off Porter House Road, a 20 foot wide paved County Road.
4. The neighboring property, across the State Highway to the west is currently zoned Rural Service Center.
5. There are additional parcels in the area that have commercial or industrial uses in the same designation either grandfathered in or were granted permits.
6. Surrounding uses include vacant land with several grandfathered and approved uses within a quarter mile of the property. These uses include Encoder Manufacturing, State of Idaho gravel pit, a recreational vehicle, boat and auto storage facility, an excavation company, and a small engine repair company.
7. The property does not contain prime agricultural soils, according to the comprehensive plan.
8. The property does not contain floodway or floodplain (DFIRM Panel 0950E, Zone X).
9. Water is provided by an individual well.
10. Sewage disposal is provided by individual septic tank.
11. The property is located within the Selkirk (Sagle) Fire District.
12. The land capability report shows the land can handle this type of development.

Zone Change Conclusions of Law:

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

Conclusion 1

The proposed zone change **is/ is not** in accord with the Bonner County comprehensive plan.

- | | | |
|-----------------------|-------------------------|------------------------------------|
| ▪Property Rights | ▪Population | ▪School Facilities, Transportation |
| ▪Economic Development | ▪Land Use | ▪Natural Resources |
| ▪Hazardous Areas | ▪Public Services | ▪Transportation |
| ▪Recreation | ▪Special Areas or Sites | ▪Housing |
| ▪Community Design | ▪Implementation | |

Conclusion 2

This proposal was reviewed for compliance with the zone change criteria and standards set forth at Sections 12-212, 12-215, and 12-216, Bonner County Revised Code, and **was/ was not** found to be in compliance.

Conclusion 3

The proposal **is/ is not** in accord with the purpose of the Rural Service Center zoning district, provided at Chapter 3, Bonner County Revised Code.

Conclusion 4

The proposal **is/is not** appropriate for the area based on the surrounding uses and the location of the property being on State highway 95.

PLANNING COMMISSION

MOTION TO APPROVE: I move to approve this project FILE C997-16, RV Storage, 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, and 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 following findings of fact and conclusions of law as written (or as amended). 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 C997-16, RV Storage, based upon the following conclusions: [REFER TO FOREGOING CONCLUSIONS OF LAW AND SPECIFY WHICH CONCLUSIONS THE PROJECT MEETS AND FAILS TO MEET]. 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 following findings of fact and conclusions of law as amended. This action does not result in a taking of private property. The action that could be taken, if any, to obtain 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 Planning and Zoning Commission's decision to the County Commissioners.

Conditional Use Permit Conclusions of Law:

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

Conclusion 1

The proposed conditional use permit **is/is not** in accord with the Bonner County comprehensive plan. (See attached comprehensive plan goals, objectives and policies)

- | | | |
|-----------------------|-------------------------|------------------------------------|
| ▪Property Rights | ▪Population | ▪School Facilities, Transportation |
| ▪Economic Development | ▪Land Use | ▪Natural Resources |
| ▪Hazardous Areas | ▪Public Services | ▪Transportation |
| ▪Recreation | ▪Special Areas or Sites | ▪Housing |
| ▪Community Design | ▪Implementation | |

Conclusion 2

This proposal was reviewed for compliance with the criteria and standards set forth at BCRC Chapter 4, Title 12, Subchapter 2.2, environmental standards of Chapter 7, Title 12, and storm water management criteria and standards set forth in Chapter 7, Title 12, Bonner County Revised Code.

Conclusion 3

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

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** All county setbacks shall be met.
- A-3** Storage areas shall be not used as a dwelling or for commercial or industrial uses. (BCRC 12-486 D)
- A-4** Hours of operation shall meet the minimum requirements per BCRC 12-486 I.
- A-5** The Conditional Use Permit shall expire if not issued within two (2) calendar years from the date of approval, or once issued, if the use has not commenced within two (2) calendar years from the date of issuance. At any time prior to the expiration date of the Conditional Use Permit, the applicant may make a written request to the Planning Director for an extension of the Conditional Use Permit for a period up to two (2) years. The Planning and 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.
- A-6** 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.

Conditions to be met prior to issuance of the permit:

- B-1** Landscaping plan shall be submitted to the Planning Department and approved (BCRC 12-486 B).
- B-2** Fencing shall be shown and added as required by BCRC 12-486 C.
- B-3** Grading & Stormwater management plan will meet the conditions set forth by JUB Engineers.

Attachments:

- Legal Notice/Map
- Comprehensive Plan Goals & Objectives and policies

Posted to the web @ <http://bonnercounty.us/c997-16-zc360-16/>

- C997-16 Application
- ZC360-16 Application
- Site plan
- Land Capability
- Storm Water Management Plan
- Trip Generation

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

Appendix C

Updated Landscaping Plan

Appendix D

Photos