

**PLANNING DEPARTMENT
PUBLIC HEARING DECISION MINUTES
FEBRUARY 13, 2019**

CALL TO ORDER: Chair Connolly called the Bonner County Commissioners' hearing to order at 1:31 p.m. in the 3rd floor meeting room, Suite 338 of the Bonner County Administration Building, 1500 Highway 2, Sandpoint, Idaho.

PRESENT: Commissioners Chair Jeff Connolly; Vice Chair Dan McDonald; and Steve Bradshaw

ABSENT: None

ALSO PRESENT: Planning Director Milton Ollerton; Planner I Sam Ross; Administrative Assistant II Emily Aerni; and Office Manager Jeannie Welter

CHANGES IN AGENDA:

File VS2006-18 – Vacation of Platted Right-of-Way – Michael Quick petitioner is requesting to vacate a portion of a right-of-way existing in the plat of T.S. Campbell's Addition to Laclede. The project is located off of River Run Drive in Section 30, Township 56 North, Range 3 West, Boise-Meridian.

File VS0002-18 – Vacation of Platted Right-of-Way – Highlands HOA petitioner is requesting to vacate a turnaround at the end of Red Fir Road in return for a dedication of a turnaround in the location it is currently established. The property is located at the end of Red Fir Road in a portion of Section 2, Township 56 North, Range 2 East, Boise Meridian, Bonner County Idaho.

Commissioner McDonald moved to continue the previously referenced files to a date and time certain of Wednesday, March 27, 2019 at 1:30 p.m. Commissioner Bradshaw seconded the motion.

VOTED upon and the Chair declared the motion carried, unanimously.

PUBLIC HEARING.

CONDITIONAL USE PERMIT MODIFICATION

CALL FOR VISUAL, HEARING OR OTHER IMPAIRMENT REQUIRING ASSISTANCE: The Chair asked whether anyone needed special assistance to hear, see or participate in these proceedings. Hearing no response, the Chair continued with the public hearing.

File CM574-18 – Conditional Use Permit - Modification of PUD – Highlands HOA is requesting a modification of the approved PUD site plan by removing a 0.38-acre lot from the 23.08 acre "common area". The project site is located on the 23.08-acre common area at the end of Red Fir Road at the intersection of Red Fir Road and

Hopper Lane in Section 2, Township 56 North, Range 1 East, B.M. The Planning & Zoning Commission, at the public hearing on January 17, 2019, recommended to the Board of County Commissioners approval of this project.

CONFLICT OF INTEREST/DISCLOSURE DECLARATIONS: The Chair requested the Commissioners declare any conflicts of interest or disclosures. The Chair noted that there were no disclosures or conflicts.

STAFF PRESENTATION: Planner I Sam Ross presented a PowerPoint summary of the project and previously circulated staff report, concluding this project is with Bonner County Revised Code.

APPLICANT PRESENTATION: Marty Taylor, Certified Land Use Planner with James A. Sewell & Associates gave a brief summary of the history of this project.

PUBLIC/AGENCY TESTIMONY: None.

APPLICANT REBUTTAL: None.

BOARD DELIBERATION: The Chair closed the hearing to public testimony. The Board discussed Findings and Conclusions.

Motion by the Board of County Commissioners:

MOTION TO APPROVE: Commissioner McDonald moved to approve this project FILE CM574-18, a modification of the Highlands PUD, 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 McDonald further moved to adopt the following findings of fact and conclusions of law as written. 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 Bradshaw seconded the motion.

VOTED upon and the Chair declared the motion carried, unanimously.

Background:

A. Site data:

- a. Acreage: ±23.08 acres (common area)
- b. Acreage: 0.38 acres (proposed lot)
- c. Legal Description: The Highlands PUD Common Area
 - i. (Book 5 of Plats, Page 129)
- d. Zoning: Recreation
- e. Use: Common Area

B. Access:

- a. Red Fir Road – public, maintained by Bonner County
- b. Hopper Lane – public, privately maintained

C. Environmental factors (common area):

- a. Hydrography: Lake Pend Oreille (USGS)
- b. Floodplain: Zone X/AE, Firm Panel #: 16017C0981E (FEMA)
- c. Vegetation: Moderately forested (Application)
- d. Soils: Pend Oreille-Rock Outcrop Complex, 5 To 45 Percent Slopes (Not Prime Farmland – NRCS)
- e. Wetlands: Freshwater Lake (USFWS NWI)
- f. Slopes: >30% on site; <30% on proposed lot (USGS)

D. Services:

- a. Water: Individual well on site; now water service is proposed
- b. Sewer: No sewage disposal service is proposed
- c. Fire: Sam-Owen Fire
- d. Power: Avista
- e. School: Bonner School #84

E. Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Land Use & Density
Site	Resort Community	REC	PUD Common Area
North	Resort Community	REC	Residential
East	Resort Community	R-5	Productivity/Forest Land
South	Resort Community	REC	Residential/Lake
West	Lake	Lake	Lake Pend Oreille

F. Standards review

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

- BCRC 12-221, General Provisions
 - Required: Once a conditional use permit is approved, the terms and conditions of the conditional use permit become the controlling plan for the use of the property and may only be changed in accord with section 12-266 of this chapter.
 - Provided: Application to modify terms of CUP pursuant to BCRC 12-266.
- BCRC 12-254, "Large Scale" PUD, General Provisions
 - Required: 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. (Ord. 501, 11-18-2008)

- Provided: Application to modify terms of CUP pursuant to BCRC 12-266.
- BCRC 12-256, Design Standards for Planned Unit Developments
 - Required per request: Compliance w/ lines A-H.
 - Provided: The project was reviewed for compliance with lines A-H and is found to be consistent with the standards therein; finding:
 - Adequate common open space is retained
 - HOA, Covenants and Articles of Incorporation remain unchanged
 - Development density is not being exceeded
 - Public amenities are not proposed
 - Design standards are being met
 - Buffering/Clustering is not altered by the proposal
- BCRC 12-266, Modifications of Terms and Conditions of Permit Approval

G. Comprehensive Plan Land Use Designation: The property is designated Resort Community. The comprehensive plan designation of Resort Community provides for urban-like densities for areas centered on the recreational areas developed for winter and water sports, golf and hiking, where urban services are provided.

H. Land Capability Report: A land capability report was not required pursuant to BCRC 12-222J.

I. Stormwater plan: A stormwater management plan was not required, pursuant to BCRC 12-720.3(k) because the proposal does not result in the creation of additional impervious surface, as defined.

J. Agency Review: The application was routed to agencies for comment on November 2, 2018. There were no comments submitted by agencies during this period.

IDEQ – December 3, 2018 – "No Comment"
IDWR – November 20, 2018 – "No Comment"

K. Public Notice & Comments: No public comments have been submitted to staff at this time.

Findings of Fact

1. The project is consistent with BCRC 12-221, 12-254, BCRC 12-256, and 12-266.
2. Adequate common open space is retained
3. HOA, Covenants and Articles of Incorporation remain unchanged
4. Development density is not being exceeded
5. Public amenities are not proposed
6. Design standards are being met
7. Buffering/Clustering is not altered by the proposal

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 Title 12.

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** Pursuant to Title 12, Chapter 6, Bonner County Revised Code, a subdivision application shall be submitted to the Bonner County Planning Department to lawfully subdivide the subject 0.38 acre parcel from the 23.08 acre 'common area'.

The Chair declared the hearing adjourned at 1:47 p.m.

Respectfully submitted, this 13th day of February, 2019.



Milton Ollerton, Planning Director