

**BONNER COUNTY PLANNING and ZONING COMMISSION
PUBLIC HEARING MINUTES
NOVEMBER 15, 2018**

CALL TO ORDER: Chair Davis called the Bonner County Planning and Zoning Commission public meeting/hearing to order at 4:30 p.m. in the 1st Floor Conference Room of the Bonner County Administration Building, 1500 Highway 2, Sandpoint, Idaho.

PRESENT: Commissioners Chair Don Davis; Vice Chair Brian Bailey; Taylor Bradish; Trevor Kempton; Sheryl Reeve; Suzanne Glasoe; and Matt Linscott

ABSENT: None

ALSO PRESENT: Planning Director Milton Ollerton; Floodplain Manager Jason Johnson; Planner I Sam Ross, and Office Manager Jeannie Welter

EXECUTIVE SESSION

MOTION: Commissioner Bailey moved to enter into an Executive Session pursuant to Idaho Code §74-206(1)(a) to consider hiring; conducting interviews for the area plan committees at 4:32 p.m., Thursday, November 15, 2018. Commissioner Reeve seconded the motion.

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

At 5:32 Commissioner Bradish moved to reconvene to the public meeting and close the executive session. Commissioner Bailey seconded the motion.

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

MOTION: Commissioner Bailey moved to approve all three of the applicants for the committees being Dianne Wheeler and Alison Burnett to the Selle committee, and Richard Miller to the Sagle committee. Commissioner Glasoe seconded the motion.

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

CONSENT AGENDA:

APPROVAL OF MINUTES: The Chair requested the Commissioners declare if they had any corrections or changes to the approval of minutes as written for: November 1, 2018. Commissioner Davis clarified for the record verbiage regarding public testimony. He asked Commissioner Linscott to confirm that he asked Mr. Moran if there were any houses built within the subdivision. Mr. Linscott confirmed that was his question. Commissioner Davis further asked Commissioner Linscott to confirm if Mr. Moran stated there were no vacant lots. Commissioner

Linscott confirmed that was the testimony of Mr. Moran. Commissioner Davis then asked that the minutes be amended to reflect these changes. Hearing no changes or objections, the Chair declared the minutes approved as amended.

PUBLIC HEARINGS:

VARIANCE

File V510-18 – REQUEST TO CONTINUE TO A DATE AND TIME CERTAIN OF DECEMBER 20, 2018 AT 5:30 p.m. – Front, Rear & Yard Setback Variance – Keith & Cheryl Shoff are requesting a 15'-10" front setback, an 11' rear setback, and a 20' side yard setback for a new single-family dwelling. The project is located on Steamboat Bay Place off North Steamboat Bay Road. The property is a 0.439 acre lot located in a portion of Section 27, Township 60 North Range 4 West, B.M.

CONDITIONAL USE PERMIT

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. One individual in the audience requested hearing assistance. Hearing no additional response, the Chair continued with the public hearing.

File C1015-18 – Conditional Use Permit – Asphalt Batch Plant – Frank & Carol Linscott are requesting a Conditional Use Permit for a batch plant operation on a ±140 acre parcel of land currently used as a gravel pit. The project is located off of Pit Road in Section 10, Township 56 North, Range 2 West, Boise-Meridian.

CONFLICT OF INTEREST/DISCLOSURE DECLARATIONS: The Chair requested the Commissioners declare any conflicts of interest or disclosures. Commissioner Linscott disclosed the applicant is a relative of his and he recused himself from the proceedings. Commissioner Bailey stated Union Asphalt's concrete side of their division is one of his three suppliers. He stated he has not been using them and this is not a conflict for him. The Chair noted there were no additional 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 consistent with Bonner County Revised Code.

APPLICANT PRESENTATION: Steve Syrcle, Tri-State Engineers thanked the Planning department for their guidance and assistance through the process. He stated he believes this project is consistent with BCRC. Many gravel pits have batch plants. Interstate's current travel route of operation is to truck raw material from the Linscott pit 7.7 miles one way or 15.5 miles round trip to the current plant location for processing the material. The approval of this project will reduce truck travel and wear and tare along these routes. He stated in the past temporary batch plants have been approved to operate for a period of time at the Linscott pit for various projects without any complaints. He presented a video of how it is created.

Jared Wise stated Interstate has been a long time local partner within Bonner County. He said they are a team of 36 employees. He stated they focus on quality, integrity, and honesty in all facets of their business. The continued stating, Interstate's focal points are safety and compliance, noise and air quality and the financial impacts to Bonner County.

Commissioner Bailey asked what the decibel level is at the property line. Jared stated he can get that information for the commission but he didn't have it available to him at the hearing. Jared stated they typically follow the weather cycle for the community and explained for this area they strive for an April 1st start date and finish up by Thanksgiving.

Commissioner Bailey asked about the days of operation. He said using this year as an example, approximately how many days of operation. He also inquired what the hours of operation would be. Steve stated their usual hours of operation are 5:00 a.m. to 7:00 p.m.

PUBLIC/AGENCY TESTIMONY:

Larry Smith stated he is about 700 feet from the pit. He commented about the video stating the plant is not going to look like that. He stated the toxicity is extremely carcinogenic. He spoke about a grandfathering clause. He spoke about truck traffic. He asked where the recycled asphalt would be stored. He asked how far away the aquafer is. Objection to starting time and quitting time of the plant.

Dan Web spoke on the record in opposition of this project due to zoning. He stated this site doesn't have urban water and sewage. He stated the staff report does not address the past noncompliance.

Corene Jones stated there is nothing that separates the noise of the pit from the residences. She stated they are not good neighbors. She said they hear the noise at all hours of the night. The batch plant will not be odorless. She stated the doctor stated the plant will be detrimental to her health. She stated she has a rock chip in her windshield.

Alex Murray stated his home is within a half mile of the pit. He stated he objects to the batch plant based on pure water and personal property rights. He stated the pit is within 500 yards of a primary water source for the Sagle area. He listed chemicals that the plant would produce. He stated this is clearly the wrong location for a batch plant.

Jonna Plante lives a half mile from the pit. She objects to the project based on personal health issues. She is concerned about the noise that will come from the plant. She stated her life depends on not being subjected to over stimulation and sensory input.

Jim Corkin stated if the plant is built no one will want to buy homes. This has already been voted down once.

Jacob Farley stated he agrees a plant is necessary but doesn't believe this is the place for it. He stated there is a lot of highway congestion. Wants Sagle to stay the way it is.

ReAnna Sharp stated she moved here because she likes the rural lifestyle and doesn't want noise and pollution. She stated she is concerned that the plant would cause the wildlife to disappear.

Burt May stated he has ran batch plants in the area for years. He stated he is unaware of any health issue they can cause. He stated it is a great operation and very clean. He stated there is some odor when a truck comes by.

Jake Deimler stated he hasn't done a lot of research but doesn't really like the 5:00 a.m. start time. He stated he understands there may be a need for another plant but not in this location.

Aleea Sharp stated she has done some research and they can cause issues for elderly adults and youth. She stated the running of the plant can make vibrations and cause structural damage to homes in the area.

Summer Tigert stated the current plant is operating just fine where it is and wondered why it needs to be moved.

The Chair called a ten minute recess at 6:54 p.m.

The Chair reconvened the hearing at 7:06 p.m.

APPLICANT REBUTTAL: Steve Syrcle stated he appreciates the residents from the area coming in and stating their concerns. He stated that Interstate doesn't control the gravel pit but are willing to coordinate with the Linscott pit to help improve the dust control and work with them. He stated recycled asphalt does not leach into the ground; the aquafer is under asphalt now. He stated the site plan clearly shows where the stock pile will be placed. Truck traffic will be reduced as it will not have to be removed twice. ITD did not identify any issues. They found no complaints with the Sheriff's department. He stated the current location is in a urban rural area with residential closer to that plant than at the area we are proposing and do not get any complaints because they are doing everything right.

Commissioner Bradish asked if the truck will be parked on Baldy or parked in Sagle. He stated they will be parked at the plant.

Jared Wise responded to the comments stating Interstate has heard the issues that have been stated here tonight. He stated with regard to sounds there are additional options they can look into to help mitigate this issue. He stated that Frank and Carol run the pit and they have a lot of respect for the folks in the room tonight. He stated they would be willing to have a start time of 6:00 a.m. rather than start at 5:00 a.m. as previously stated.

COMMISSION DELIBERATION: The Chair closed the hearing to public testimony. The Commission discussed Findings and Conclusions.

MOTION TO APPROVE: Commissioner Glasoe moved to approve this project FILE C1015-18, a conditional use permit for an asphalt batch plant, 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 Glasoe 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 amended to include hours of operation start time of 6:00 a.m. This action does not result in a taking of private property. Commissioner Bailey seconded the motion.

Commissioners Bailey and Glasoe voted in favor of the motion. Commissioners Bradish and Reeve voted in opposition of the motion. Chair Davis stepped down from the Chair and voted in favor of the motion.

VOTED upon and the Chair declared the motion carried, with a vote of 3-2.

Background:

A. Site data:

- Acreage: ±139.3 acres
- Zoning: R-5/Commercial
- Comprehensive Land-Use: Rural Residential/Transition

B. Access:

- Pit Road
- Private easement, 24-foot wide paved travelway

C. Environmental factors:

- Floodplain: X - 0.2 % ANNUAL CHANCE FLOOD HAZARD; FEMA
- Landscape: Little to no vegetation; currently used as gravel pit
- Wetlands: Freshwater Pond on property, ±800-feet from proposed plant location; USFWS NWI
- Slope: Site is generally flat. Areas have been mined for gravel and are lower than surrounding grade by 10-30 feet. Several slopes on property in excess of 30%, USGS

D. Services:

- Sewer: Individual System, Portable chemical toilet
- Water: N/A, the plant does not require water to operate. Potable water will be provided via water coolers. Dust control will be accomplished via water trucks.
- Fire Protection: Selkirk Fire & EMS
- Utilities: AVISTA
- School District: BONNER SCHOOL #84

E. Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Land Use & Density
Site	Transition/Rural Residential	Commercial/R-5	Commercial/Resource-Based, various outbuildings
North	Rural-Residential	R-5	Commercial/Resource-Based
East	Rural-Residential	R-5	Rural Residential
South	Transition	Commercial	Rural Residential
West	Rural-Residential	R-5	Rural Residential

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

Code	Required	Provided
Minimum Lot/Parcel Size (BCRC 12-411)	5 acres	139.3 acres
Resource Based Use Table (BCRC 12-336) (4):	Specified conditions with respect to emissions of noise, light, glare, smoke, odor, dust, particulate matter, vibrations or hours of operation may be prescribed differently from those required in a given district, as to be compatible with other applicable State and Federal standards.	Project shall conform to general and performance standards set forth in BCRC 12-420 & BCRC 12-421. See file for narrative statement. See condition A-5.
Resource Based Use Table (BCRC 12-336) (21):	Batch plant operations shall be located outside of city impact areas. The emissions control system(s) on such batch plants shall be of "Best Available Control Technology" (BACT) as generally accepted under relevant industry standards, within 5 years prior to application.	The proposal would take place outside the ACI. Emissions control system shall be of BACT and relevant technology. See condition B-1.
Resource Based Use Table (BCRC 12-336) (22):	A batch plant is conditionally permitted only in association with an active gravel pit.	This condition is satisfied as the proposal will occur within an active, legal non-conforming gravel pit.
Parking Standards (BCRC 12-4.3)	NAICS 2012: Industrial ½ space per operator = 2 spaces.	Required: 2 spaces See condition A-6.
Sign Standards (BCRC 12-4.4)	Non-residential signs have specific standards.	See condition A-7.
Design Standards (BCRC	Standards herein are not	No action required.

12-4.5)	applicable per BCRC 12-451.	
Landscaping & Screening Standards (BCRC 12-4.6)	Standards herein are not applicable per BCRC 12-461.	No action required.
Grading, Stormwater Management and Erosion Control (BCRC 12-7.2)	Standards herein are not applicable per BCRC 12-720.3K.	No grading, stormwater, and erosion control plan required.
Wetlands (BCRC 12-7.3)	Standards herein are not applicable per BCRC 12-731B2	No action required.

G. Comprehensive Plan Land Use Designation: The property is designated Rural Residential / Transition.

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.

Staff Analysis:

- BCRC 12-336 (Resource Based Uses) conditionally permits asphalt and/or concrete batch plants in the rural zone, subject to conditions as to be compatible with agricultural and residential development.
- Conditions of approval have been added to ensure compatibility with adjacent land uses.
- The site plan indicates that the area the proposed use will commence is zoned Rural-5.
- The application confirms that no urban services are present and also that none are required for the proposed use.
- Geographic data, per the United States Geologic Survey (USGS), indicates that there are no slopes greater than 15% within the proposed plant location.
- The Federal Emergency Management Agency (FEMA) indicates that the proposed plant location is not located in the special flood hazard area.
- The project site is defined as a non-conforming use and is currently used as an active gravel pit. Gravel pits historically are not critical wildlife habitats.

The comprehensive plan designation of Transition is reserved for those areas of the County where a mixture of land uses can occur which may include higher density residential uses, commercial, industrial and light industrial uses. Due to the intensity of land use, these areas require primary transportation routes, urban-like water and sewer services, fire and police services.

Staff Analysis:

- BCRC 12-336 (Resource Based Uses) does not conditionally permit asphalt and/or concrete batch plants in the Commercial designation.
- The site plan indicates that the area the proposed use will commence is zoned Rural-5.

- Areas designated 'transition' allow for a wide variety zoning designations and permitted land uses. Some land-uses include high density residential, commercial, and industrial.
- The site is accessed by a private easement that connects with US-95, a principal arterial roadway.
- As stated in the application, no sewer or water services are necessary to facilitate the batch plant operation.

H. Land Capability Report: A land capability report was not required per BCRC 12-222J, but a land capability was provided by the applicant as a part of the application.

I. Agency Review: The application was routed to agencies for comment on September 12, 2018. The following agencies commented:

Idaho Department of Environmental Quality – September 19, 2018

"Based upon the information provided by the hearing agenda it appears the applicant is likely aware of the potential impacts that operating a gravel pit and asphalt batch plant may have on air quality. DEQ would like to provide the following comments for consideration by the applicant and County when considering the Conditional Use Permit.

Surface mining operations are susceptible to fugitive dust generation and the transportation of dust beyond property boundaries unless adequate control measures are implemented. DEQ customarily recommends conditions be included in a County Permit that follow the Best Management Practices (BMP) listed in IDAPA 58.01.01.799.01-06 to achieve efficient control of fugitive dust from stockpiles, material transfer points, stacks or vents, unpaved haul roads, crushers, screen decks, and paved public or paved private roads that may be impacted. Incorporating the BMP control measures listed will help provide protection under most circumstances and provide documentation of adequate and timely measures employed.

Additionally, IDAPA 58.01.01.650 requires reasonable precautions be taken to prevent dust from becoming airborne. Implementing 58.01.01.799 will help to address reasonable control requirements. While DEQ rules do require dust control measures it may be more appropriate and more effective to include in the county permit a requirement of the applicant to implement and adhere to an adequate fugitive dust control plan. DEQ is available to comment on a specific dust control plan if one is required by the County.

Access to a clean consistent and adequate supply of water is critical to control dust during crushing and hauling efforts. If the applicant must haul water to the site, measures that will help ensure continued adherence to dust management BMPs should be considered when developing conditions of the County permit. Using a water truck to provide all necessary water for dust abatement and control can create delays and lapses in fugitive dust management unless scheduling and maintenance of any equipment supplying water is carefully considered and implemented.

A State of Idaho Air Quality Permit or "Permit by Rule" is required for any rock crusher prior to installation and operation. DEQ customarily recommends the

county include conditions that exclude any non-permitted rock crushers from locating and operating on the premises. Prior to locating a rock crusher on site a DEQ Portable Relocation Form must be submitted to DEQ. The applicant should be aware of additional air quality concerns for pollutant emissions from the operation of the diesel generator that will likely be needed for crusher operations. Emissions from these sources are addressed in DEQ permitting requirements.

The applicant identifies an asphalt batch plant will locate on site. DEQ customarily recommends the county include conditions that exclude any non-Air Quality permitted asphalt batch plants from locating and operating on the premises. Collocation of crushers, cement batch plants and other asphalt batch plants often have operational limitations that will need to be considered by the applicant. The applicant is encouraged to contact DEQ prior to locating this equipment on this property. The applicant will need to consider set-back distances from property boundaries and residences when locating a crusher and asphalt batch plant. In determining what are reasonable precautions required for dust control, consideration will be given to factors such as the proximity of dust emitting operations to human habitations and/or activities."

Panhandle Health District – September 13, 2018

"...permits are required for wastewater disposal and additional sanitation controls..."

Bonner County Public Works – September 13, 2018

"No comments. Pit Road is privately maintained and intersects US-95."

Bonner County Floodplain – September 20, 2018

"Project is not within a special flood hazard area. Flood Development Permit not required."

K. Public Notice & Comments: The following public comments were received:

Colleen Gunter, Sagle, ID – October 29, 2018

"To the Bonner County Commissioners: I would hope you would really take time to listen to all Sagle residents when the proposal for the asphalt batch plant on Linscott's gravel pit in Sagle comes up for consideration. We've gone through this before and I for one am not wanting this plant going in at all! Too many downsides to this and especially the air quality consider."

Butch Trosin, Sagle, ID – October 30, 2018

"As a property owner near to this proposed site, we oppose the proposed use as a "Batch Plant. It is our opinion that this will only serve to detract from the appeal that Sagle is finally beginning to realize. There is an increase in the number of families who are choosing Sagle as an excellent area to raise their children and live

a more comfortable rural life style. As Sandpoint would, no doubt, like to see the large truck traffic moved out to Sagle, perhaps it would be a good idea for Sagle to finally get something in return. If Sagle is forced to accept an 'Asphalt Batch Plant', why then would it not be to everyone's advantage to accept active sewer service into the City of Sandpoint from Sagle? Sandpoint would accept sewer service from Sagle. Sagle could continue its' propensity to grow and develop in a way that will benefit Bonner County."

Findings of Fact

1. The use shall occur within an existing gravel pit.
2. Wetlands on site are in excess of 800-feet from the proposed plant location.
3. No additional impervious surface shall be created via installation and operation of the proposed batch plant.
4. Pit Road is a private, 24-foot wide, paved travelway.
5. The subject property features zoning classifications. R-5 and Commercial. The use shall occur in an area designated 'R-5' on the official Bonner County Zoning Map.

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 in 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** The Conditional Use Permit shall not supersede deed restrictions.
- A-3** All county setbacks shall be met.
- A-4** 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-5** Project shall conform to general and performance standards set forth in BCRC 12-420 & BCRC 12-421.
- A-6** A minimum of 2 off-street parking spaces shall be provided on site.
- A-7** Signage shall conform to the standards set forth in BCRC 12-4.4.
- A-8** The use shall conform to all applicable State and Federal standards in regards to the control of air pollution. See IDEQ comments dated September 19, 2018.
- A-9** The plant shall not begin operation before 6:00 a.m.

Conditions to be met prior to issuance of the permit:

- B-1** Prior to issuance, applicant shall provide to the Planning Department, documentation confirming that the proposed batch plant emissions control system is of Best Available Control Technology and generally accepted under relevant industry standards, within the last 5 years.

ZONE CHANGE

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 ZC368-18 – Zone Change Rural 10 to Rural 5 – Rocky and Rita Jordan are requesting to bring a split zone property to one consistent zone, specifically

changing the Rural-10 zone designation to a Rural-5 zone designation. The property is located on Homestead Loop in a portion of Section 23, Township 57 North, Range 3 West, Boise Meridian.

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: Planning Director Milton Ollerton presented a PowerPoint summary of the project and previously circulated staff report, concluding this project is consistent with Bonner County Revised Code.

APPLICANT PRESENTATION: None.

PUBLIC/AGENCY TESTIMONY: The following individuals spoke on the record in opposition of the request due to Homestead Loop road conditions: Glen Cassidy, John Lueck, Shannon Lueck, and Cher Cassidy

APPLICANT REBUTTAL: None.

COMMISSION DELIBERATION: The Chair closed the hearing to public testimony. The Commission discussed Findings and Conclusions.

MOTION TO APPROVE: Commissioner Bradish moved to recommend approval to the Board of County Commissioners, this project FILE ZC368-18 a zone change from Rural-10 to Rural-5, 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 Bradish further moved to adopt the following findings of fact and conclusions of law as written. This action does not result in a taking of private property. Commissioner Bailey seconded the motion.

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

Background:

A. Site data: There is one parcel approximately 23 acres.

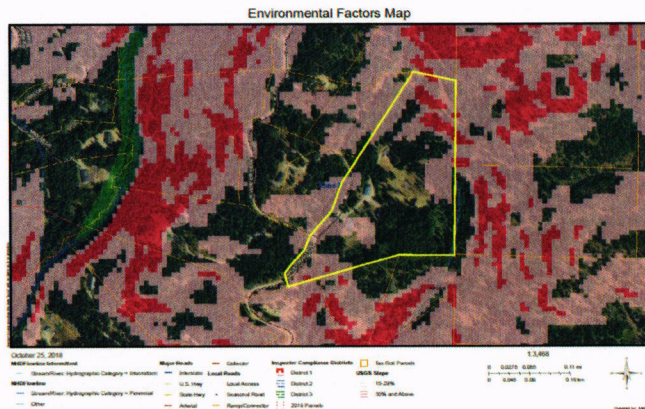
B. Access: The parcel is located off Homestead Loop coming from Carr Creek Road, off Highway 2.

C. Environmental factors:

FEMA DFIRM Panel: 16017C0695E, Zone X. There is a riverine through parcel 1 with a designated floodplain.

The parcel does not contain mapped wetlands. Source: USFWS

The site does contain some slope 15-29%. Source: USGS



D. Services:

- Water: Individual well. Wells range from 10 to 14 gallons per minute (gpm) ranging in depths between 400-440 feet
- Septic: Residential/Individual. Septic tank and leach field already in place.
- Fire District: West Pend Oreille Fire
- Power: Northern Lights
- School: 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/Rural-10	Single family residence
North	Rural Residential	Rural-10	6-9 acre parcels - Residences and vacant land
East	Rural Residential	Rural-5	5+ acre parcels - Residences and vacant land.
South	Rural Residential	Rural-5	5+ acre parcels - vacant land
West	Rural Residential	Rural-5	20+ acre parcels - timberland

F. Standards review

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).

BCRC 12-215 APPLICATIONS FOR ZONE CHANGES AND COMPREHENSIVE PLAN MAP AMENDMENTS, CONTENTS:

A: Site plan drawn to scale: Please see attached maps

B: A narrative statement that addresses:

1. The effects of elements such as noise, light glare, odors, fumes and vibrations on adjoining property.

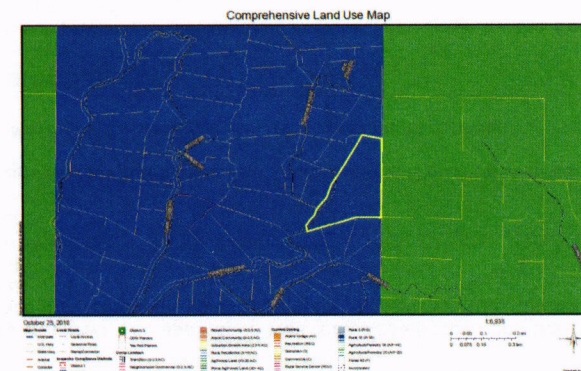
Staff: The proposal is increasing the allowable density on the north ± 7 acres by changing the Rural-10 zone to a Rural-5 zone. The potential for increase of elements appears to be minimal.

2. The compatibility of the proposal with the adjoining land uses.

STAFF: The property is currently surrounded with residential uses on five-acre parcels. There are several five-acre subdivisions in the area including Carr Creek Subdivision, Jordan's Mountain Vista, Carribou Ridge, Elk hills and Nesting Boulder.

3. The relationship of the proposal to the comprehensive plan/zoning district.

Comprehensive Plan Map Designation Change review

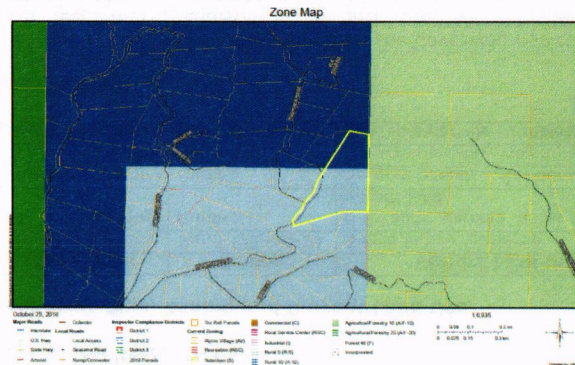


Comprehensive Plan Designation	Provided
Rural residential provides for residential development in areas where urban services are not available and slopes may vary up to 30%. These areas include hazards and critical wildlife habitats, where lower densities reduce potential impacts to	<ul style="list-style-type: none"> • Slopes vary 15%-29%, according to the County mapping system • Private roads provide access • Individual systems will be utilized • The site is designated as containing prime agriculture soils. • There is no flood plain present

resources and exposures to loss of property or lives. Small scale agricultural uses and residential development are permitted.

- No wetlands are present
- Five-acre parcels and subdivisions neighbor the parcels

Zone Change Review

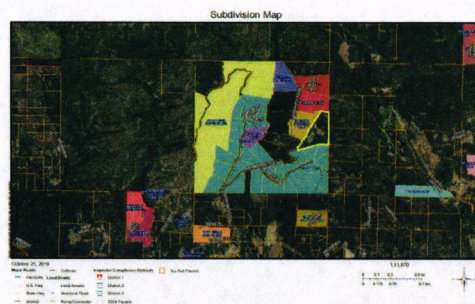


Zone District

The rural district is established to allow low density residential uses that are compatible with rural pursuits. Such as limiting residential densities and permitted uses to those compatible with rural character; small scale farming, forestry activities, tourism and recreation activities than can be supported by rural services levels and are compatible with rural character. (BCRC12-323A)

Provided

- The property is adjacent to a several five-acre subdivisions
- No urban water or sewer services in the area
- Rural densities exist that are compatible with R-5 zoning



G. Land Capability Report: A land capability report was submitted to the record by Alan Keibert, in accordance with BCRC 12-222(j), which states:

- The site is capable of withstanding any proposed disturbance of a single family residence on the rezoned parcel of land.

H. 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.

I. Agency Review: The application was routed to agencies and the Dover Area of City Impact for comment on September 6, 2018. The following agencies commented:

Dover – “The proposed change is consistent with the city’s projected land use map for this area.

Road and Bridge: “No comments. The subject parcel is on a private road.”

J. Public Notice & Comments: No public comments received.

Findings of Fact

1. The subject property is designated as Rural Residential by the Bonner County Comprehensive Plan.
2. Alan Keibert, PLS, submitted a land capability report concluding the property is adequately suited for the Rural-5 zone district.
3. Future sewage disposal will be handled through individual systems.
4. Water will be provided by individual wells.
5. The property fronts and has access via Homestead Loop, a privately maintained road.
6. The property is located within the West Pend Orielle Fire District.
7. Surrounding properties are vacant lots and/or single-family residences on 5-acre lots.
8. The property contains no wetlands, no flood hazard area, and varying slopes.

Conclusions of Law:

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

Conclusion 1

The proposed zone change **is** 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 Comprehensive plan map change criteria and standards set forth at Sections 12-212, 12-215, and 12-216, Bonner County Revised Code, and **was** found to be in compliance.

Conclusion 3

The proposal is in accord with the purpose of the intended zoning district, provided at Chapter 3, Bonner County Revised Code.

OPEN LINE DISCUSSION:

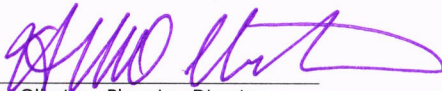
Staff updates

Director Ollerton spoke with the commission regarding public road standards.

He spoke about the administrative variance process and how it is working as anticipated.

The Chair declared the hearing adjourned at 8:40 p.m.

Respectfully submitted,



Milton Ollerton, Planning Director

The above Minutes are hereby approved this 6th day of December, 2018.

Bonner County Planning and Zoning Commission



Don Davis, Chair