

**BONNER COUNTY PLANNING and ZONING COMMISSION
PUBLIC HEARING MINUTES
AUGUST 6, 2020**

PLEDGE OF ALLEGIANCE

CALL TO ORDER: Vice Chair Bailey called the Bonner County Planning and Zoning Commission hearing to order at 5:30 p.m. in the 1st Floor Conference Room of the Bonner County Administration Building, 1500 Highway 2, Sandpoint, Idaho, via Zoom Webinar and YouTube Live Streaming.

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

ABSENT: Chair Don Davis

ALSO PRESENT: Planning Director Milton Ollerton; Assistant Planning Director Josh Plich; Senior Planner Amanda DeLima; Planner II Halee Sabourin; Planner I Tessa Vogel; Administrative Manager Jeannie Welter; and Administrative Assistant III Maria Alexander

APPROVAL OF MINUTES: The Vice Chair requested the Commissioners declare if they had any corrections or changes to the approval of minutes as written for: July 16, 2020. Hearing no changes or objections, the Vice Chair declared the minutes approved as written.

PUBLIC HEARINGS:

VARIANCES

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

V0014-20 – Front and Rear Yard Setback Variance – Bruce Johnson is requesting a 5' front yard setback, where 25' is required, and a 5' rear yard setback, where 25' is required, to be applied to the entire front and rear property lines. The property is zoned Suburban. The project is located off North Pebble Beach Lane in Section 34/35, Township 57 North, Range 2 West, Boise-Meridian.

CONFLICT OF INTEREST/DISCLOSURE DECLARATIONS: The Vice Chair requested the Commissioners declare any conflicts of interest or disclosures. The Vice Chair Bailey declared Marty Taylor's firm is doing survey work for him on an unrelated project. He further stated this causes not conflict for him regarding this project. The Vice Chair noted that there were no additional disclosures or conflicts.

STAFF PRESENTATION: Planner II Halee Sabourin presented a PowerPoint summary of the project and previously circulated staff report, concluding this project is consistent with Bonner County Revised Code.

APPLICANT PRESENTATION: Project Representative Marty Taylor gave a brief summary and history of the project.

PUBLIC/AGENCY TESTIMONY: None

APPLICANT REBUTTAL: None

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

MOTION: Commissioner Linscott moved to approve this project FILE V0014-20 requesting a 5' front yard setback, where 25' is required, and a 5' rear yard setback, where 25' is required, to be applied to the entire front and rear property lines, finding that it is in accord with the 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 Linscott further moved to adopt the following findings of fact and conclusions of law as written. The action that could be taken to obtain the variance is to complete the Conditions of Approval as adopted. This action does not result in a taking of private property. Commissioner Glasoe seconded the motion.

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

Background:

A. Site data:

- Residential Use
- Platted
- Size: 0.48 acres
- Zone: Suburban
- Land Use: Urban Growth Area (<=2.5 AC)

B. Access:

- The property is accessed by the platted Lake Street R-O-W off Lakeshore Drive, a county maintained, hard surfaced, public R-O-W of varying widths

C. Environmental factors:

- Site does not contain mapped slopes. (USGS)
- Site does not contain mapped wetlands. (USFWS)
- Site does contain a frontage on Lake Pend Oreille.
- Parcel is a combination of SFHA Zone X and Zone AE, per FIRM Panel 16017C0950E, Effective Date 11/18/2009. Variances alone do not approve development as defined in BCRC Title 14. Based on the variance application, and the existing site features, it should be possible to construct a new home entirely outside of the SFHA if this variance is approved. It is not required to build outside of the SFHA. Development within the SFHA will be possible with a Floodplain Development Permit (FDP). It is recommended to build outside of the SFHA if possible. Based on the aerial photo of the site and

the submitted site plan, the existing SFD on the site is outside of the SFHA. No further floodplain review is required on this proposal.

D. Services:

- Water: Southside Water & Sewer
- Sewage: Southside Water & Sewer
- Fire: Selkirk Fire District
- Power: Avista
- School District: Bonner School #84

E. Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Land Use & Density
Site	Urban Growth Area (<=2.5 AC)	Suburban	Residential
North	Lake Pend Oreille	Lake Pend Oreille	Lake Pend Oreille
East	Urban Growth Area (<=2.5 AC)	Suburban	Residential
South	Urban Growth Area (<=2.5 AC)	Suburban	Residential
West	Urban Growth Area (<=2.5 AC)	Suburban/Recreation	Residential/Resort

F. Standards review

BCRC 12-234 specifies that "Staff, the commission and/or board shall review the particular facts and circumstances of each proposal submitted and shall find adequate evidence showing that:

- (a) **Conditions apply to the property that do not apply generally to other properties in the same zone or vicinity, which conditions are a result of lot size, shape, topography, or other circumstances over which the applicant has no control.**

Applicant: "Because of the narrow lot width (50 feet), removing 50 fee of width for a 25 foot rear yard setback and a 25' foot street setback results in a building envelope width of 0 feet. This lot size and shape are circumstances over which the applicant has no control."

Staff: Staff concurs with the above statement. Due to the definitions of front yard and rear yard per the ordinance, the landowner does not have a building envelope to allow future development.

- (b) **Special conditions and circumstances do not result from the actions of the applicant.**

Applicant: "The owners acquired the property in 2004 (Personal Representative's Deed, Instrument 656936). The property was platted and the right of way established in 19908. Setbacks were established in 1980 (Ord. 140). Consequently, the owners did not create these special conditions and circumstances."

Staff: Staff concurs with the above statement. The establishment of the plat, the year the applicant obtained the property, and the establishment of ordinances in Bonner County have been verified.

- (c) **The granting of the variance is not in conflict with the public interest in that it will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity of the subject parcel or lot.**

Applicant: "The only adjoining land uses consist of the applicant's driveway to the east and Sleep's Cabin to the west. Therefore, this project is compatible with the continued use of the applicant's driveway and the reconstruction of a house. As noted the only affected properties are the easterly adjoining public right of way and the westerly Sleep's Cabins development. County Engineer Matt Mulder concluded 'The Lake Street ROW is unlikely to ever be developed into a proper road that would require a setback as is doesn't go anywhere. I'd envision its use being a driveway or water access going forward indefinitely.' The subject right of way was platted in 1908. The 'Lake Street' public right of way has never been developed with a public road way. Further, the adjoining Sleep's Cabins property considers the west boundary of the Johnson property as a neighboring side yard, not a rear yard. Consequentially, the requested setbacks will have no effect on adjoining property." [See additional responses to the Comprehensive Plan Goals and Objectives.]

Staff: Bonner County Road and Bridge submitted comment stating there are no negative effects of encroaching the front yard setback. Additionally, should the platted R-O-W Lake Street had not been platted and was private property the current ordinance would have deemed the current front and rear yards as side yards which require 5' setbacks. As the applicant is asking for what would have been required of side yard setbacks for their front and rear yard, the purpose of the ordinance can be satisfied and will not be detrimental to the surrounding areas.

G. 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.

H. Agency Review: The application was routed to agencies for comment on July 7, 2020.

Panhandle Health District
 Bonner County Road Dept.
 Selkirk Fire District
 Avista Utility Company

Dept. of Water Resources
 Army Corps
 Southside Water and Sewer District
 U.S Fish and Wildlife Service

Bonner County Schools – Transportation
Idaho Dept. of Fish and Game
Dept. of Env. Quality

Dept. of Lands, Nav. Waters
Idaho Dept. of Lands (Sandpoint)

The following agencies commented:

Bonner County Road and Bridge – July 8, 2020

Matt Mulder: "Road & Bridge has no objections to the proposed 5ft setback. North Pebble Beach Lane is a privately maintained public ROW which is a dead end down to the water and unlikely to be developed into a major roadway. The long and narrow lots on either side of this road would be well served by treating it as a side yard setback as is being requested."

The following agencies replied "No Comment":

Southside Water and Sewer District – July 10, 2020
Idaho Department of Lands – July 13, 2020
Idaho Department of Environmental Quality – July 27, 2020
Idaho Fish & Game – July 27, 2020
Panhandle Health District – July 29, 2020

All other agencies did not reply.

I. Public Notice & Comments

Jay & Christine Harvey – July 20, 2020

"Jay and I have no problem with Bruce Johnson's variance #V0014-20 on North Pebble Beach Lane. Please make a note on his file reflecting our 'in favor.'"

Carie Jardine – July 28, 2020

No issues with request.

Brent & Tawnie Sleeps – July 28, 2020

Offers full support in granting of variance.

No others were received by the time this staff report was published - July 30, 2020

Findings of Fact

1. This proposal was reviewed for compliance with the criteria and standards set forth at Section BCRC 12-238 Administrative Variances, BCRC 12-234 Variances, and Standards for Review of Applications, BCRC 12-400, et seq., Development Standards if affected by variance.
2. The property is zoned Recreation.

3. The applicant is requesting a 5' front yard setback, where 25' is required, and a 5' rear yard setback, where 25' is required, to be applied to the entire front and rear property lines.
4. The property is described as Lot 1 in Block 6 of Lakeside Place, according to the plat thereof, recorded in Book 1 of Plats, Page 79, records of Bonner County, Idaho.
5. The project is located off North Pebble Beach Lane in Section 34/35, Township 57 North, Range 2 West, Boise-Meridian.
6. Existing home and detached garage built in 1974 per assessor records.
7. No concerns from Bonner County Road and Bridge.
8. The narrow lot size and orientation was not created by the applicant.
9. The sewer is provided by Southside Water & Sewer.

Conclusions of Law:

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

Conclusion 1

Conditions apply to the property that **do not** apply generally to other properties in the same zone or vicinity, which conditions are a result of lot size, shape, topography, or other circumstances over which the applicant has no control.

Conclusion 2

Special conditions and circumstances **do not** result from the actions of the applicant.

Conclusion 3

The granting of the variance **is not** in conflict with the public interest in that it will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity of the subject parcel or lot. (Ord. 559, 1-4-2017)

Conditions of approval:

Standard permit conditions:

A-1 Only the building envelope for front and rear yard setbacks has been reviewed for variance standards. All development must comply with Bonner County Revised Code excepting the modified building envelope herein.

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

V0018-20 – Depth to Width Variance – Gilbert & Wendy Wheeler are requesting a 4.3:1 Depth to Width variance where 3:1 is required to subdivide a 7.35 acre parcel into two lots. The property is zoned Suburban and Commercial. The project is located off Highway 2 in Section 22, Township 56 North, Range 5 West, Boise-Meridian.

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

STAFF PRESENTATION: Senior Planner Amanda DeLima presented a PowerPoint summary of the project and previously circulated staff report, concluding this project is consistent with Bonner County Revised Code.

APPLICANT PRESENTATION: Applicant was present but did not speak on the record.

PUBLIC/AGENCY TESTIMONY: None

APPLICANT REBUTTAL: None

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

MOTION: Commissioner Bradish moved to approve this project FILE V0018-20 a 4.3:1 Depth to Width variance where 3:1 is required, finding that it is in accord with the 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. The action that could be taken to obtain the variance is to complete the Conditions of Approval as adopted. This action does not result in a taking of private property. Commissioner Linscott seconded the motion.

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

Background:

A. Site data:

- Residential
- Unplatted- MLD0005-20 in process
- Size: ±6.67 acres; Lot 1 proposed to be 2.506 AC., and Lot 2 proposed to be 4.00 AC.
- Zone: Suburban

- Land Use: Neighborhood Commercial

B. Access:

- Highway 2
 - i. Owner: Idaho Transportation Department
 - ii. Road Class: Highway
 - iii. Surface Type: Paved
 - iv. Access for proposed Lot 1
- Dew Valley Loop
 - i. Owner: Bonner County Road & Bridge
 - ii. Road Class: Local
 - iii. Surface Type: Gravel
 - iv. Access for proposed Lot 2

C. Environmental factors:

- Site does not contain mapped slopes. (USGS)
- Site does not contain mapped wetlands. (USFWS)
- Site does not contain a river/stream/frontage on lake
- Entire parcel is within SFHA Zone X, per FIRM Panel 16017C0865E, Effective Date 11/18/2009 & FIRM Panel 16017C0866E, Effective Date 11/18/2009.

D. Services:

- Water: Individual Well
- Sewage: Individual Septic
- Fire: West Pend Oreille Fire
- Power: Avista
- School District: #84

E. Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Land Use & Density
Site	Neighborhood Commercial	Suburban	Residential
North	Neighborhood Commercial	Suburban	Residential
East	Transition	Suburban	Residential
South	Neighborhood Commercial	Commercial	Farm Land
West	Neighborhood Commercial	Commercial	Commercial

F. Standards review

BCRC 12-234 specifies that "Staff, the commission and/or board shall review the particular facts and circumstances of each proposal submitted and shall find adequate evidence showing that: [Insert specific findings addressing each of the standards.]

- (d) **Conditions apply to the property that do not apply generally to other properties in the same zone or vicinity, which conditions are a result of lot size, shape, topography, or other circumstances over which the applicant has no control.**

Applicant: "This is the only parcel in this immediate area that is configured with the 30 foot wide access strip to the North, along Hwy 2. Being that, it is configured this way from previous land divisions it makes it non-conforming to the 3 to 1 ratio required for this requested MLD."

Staff: Parcels within 300-feet of the subject parcel do not feature 30-foot access strips. This condition applies to the subject property where it does not apply generally to other properties in the same zone or vicinity.

- (e) **Special conditions and circumstances do not result from the actions of the applicant.**

Applicant: "Owner purchased property as it is."

Staff: The applicant purchased the property in 2006 per Instrument number 711469. Staff concurs that these special conditions & circumstances are not a result of the applicant.

- (f) **The granting of the variance is not in conflict with the public interest in that it will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity of the subject parcel or lot.**

Applicant: "There is no impact of above mentioned possible issues listed in allowing the variance to comply with the 3:1 Depth to Width ratio for the requested 2 Lot Wheeler MLD. Access and use will be the same."

- **Staff:** No adverse comments were received on behalf of this project. Additionally, the proposed parcels meet the minimum zoning requirements for lot size. If the portion of land extending to Highway 2 were not a part of this parcel, the proposed land division would meet all of the code requirements for this land division.

G. 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.

H. Agency Review: The application was routed to agencies for comment on July 7, 2020.

Panhandle Health District
Bonner County Road Dept.
West Pend Oreille Fire District
Avista Utility Company

Dept. of Water Resources
Dept. of Transportation
Dept. of Lands (Sandpoint)
School District #84

Bonner County Schools – Transportation

The following agencies replied "No Comment":

Dept. of Lands (Sandpoint) - July 13, 2020

All other agencies did not reply.

I. Public Notice & Comments

No comments were received.

Findings of Fact

- 10.The applicant purchased the property in 2006 per instrument number 711469.
- 11.The property is zoned suburban.
- 12.The property's comprehensive land use designation is Neighborhood Commercial.
- 13.The property features no slope, or wetlands.
- 14.The property has access from Highway 2 and Dew Valley Loop.
- 15.The property is ±6.67 acres.

Conclusions of Law:

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

Conclusion 1

Conditions apply to the property that **do not** apply generally to other properties in the same zone or vicinity, which conditions are a result of lot size, shape, topography, or other circumstances over which the applicant has no control.

Conclusion 2

Special conditions and circumstances **do not** result from the actions of the applicant.

Conclusion 3

The granting of the variance **is not** in conflict with the public interest in that it will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity of the subject parcel or lot. (Ord. 559, 1-4-2017)

Conditions of approval:

Standard permit conditions:

A-1 Prior to final plat recording, all items in the blue line review for MLD0005-20 must be satisfied.

CONDITIONAL USE PERMITS

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

File CUP0003-20 – Conditional Use Permit – Timber Basin Airpark Corporation – is requesting the ability to add 2 more hangers and 8 more cabins with 3-4 of the cabins being hanger/cabins that share a common wall. The property is zoned resort Community. The project is located off Bottle Bay Rd. in Section 4, Township 56 North, Range 01 West, Boise-Meridian.

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

STAFF PRESENTATION: Assistant Planning Director Josh Pilch presented a PowerPoint summary of the project and previously circulated staff report, concluding this project is consistent with Bonner County Revised Code.

APPLICANT PRESENTATION: Project Representative, Debbie Dickerson gave brief summary and history of the project.

PUBLIC/AGENCY TESTIMONY: The following individuals spoke on record: Curt Hadley, Donna Smith, Mike Adkins, Paula Bauer, and Will Valentine, Bottle Bay Sewer.

APPLICANT REBUTTAL: Project Representative Debbie Dickerson responded to the public comments. She stated she is currently working with Will Valentine, Bottle Bay Sewer District.

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

MOTION: Commissioner Kempton moved to approve this project FILE CUP0003-20, Timber Basin LLC, adding 2 more hangers and 8 more cabins with 3-4 of the proposed cabins being hangar/cabins that share a common wall. 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 Kempton 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 Bradish seconded the motion.

VOTED upon and the Vice Chair declared the motion carried, with a vote of 4-1. Commissioners Linscott, Bradish, Kempton, and Glasoe voted in favor of the motion. Commissioner Reeve voted in opposition of the motion.

Background:

A. Site data:

- Residential/Recreational Airpark
- Unplatted
- Size: 15.46 / 17.84
- Zone: Recreation
- Land Use: Resort Community

B. Access:

- Timber Basin Rd
 - i. Road Class: Local
 - ii. Owner: Unknown

C. Environmental factors:

- Site does not contain mapped slopes. (USGS)
- Site does contain mapped wetlands. (USFWS)
- Site does contain frontage on Providence Lake.
- RP56N01W090002A is within SFHA Zone X and Zone A, per FIRM Panel 16017C0975E, Effective Date 11/18/2009.
- RP56N01W049007A is within SFHA Zone X, per FIRM Panel 16017C0975E, Effective Date 11/18/2009.

D. Services:

- Water: Community Well
- Sewage: Proposed Community leach field system- permitting in progress
- Fire: Sagle fire
- Power: Avista Power
- School District: #84

E. Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Land Use & Density
Site	Resort community	Recreation	Residential/Recreational
North	Rural 10	Rural 10	Bottle Bay Sewer District

Compass	Comp Plan	Zoning	Current Land Use & Density
East	Rural 10	Rural 10	Residential
South	Agricultural Forest 10-20	Agricultural Forest 10	Lake Providence
West	Rural 10	Rural 10	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.

BCRC 12-333, Note 3: Where access to the site is by road, the road shall be located within a recorded easement or public right of way, and constructed to the appropriate standard set forth in title 2 of this code or appendix A of this title, except where subject to the terms of an approved special use permit issued by a state or federal agency.

- Access to the parcel is primarily through flight. Timber Basin Road is a privately maintained road and has been the established vehicular access for 25 years since the Airpark has been in operation.

BCRC 12-333, Note 23: Private resorts on sites meeting the minimum lot size of the applicable zoning district, but no less than 1 acre. Resorts shall contain provisions for outdoor recreation uses, which may include areas for group meetings, boating, camping, swimming, skiing, golfing, and shooting.

- The combined parcel size is ±30 acres and meets the minimum requirement for a private resort. Timber Basin is an airpark for its members including recreational cabins.

BCRC 12-412: Density & Dimensional Standards: Recreation Zone:

- The minimum lot size in the Recreation zone where urban like water is available is 2 acres. Timber basin currently has 7 dwellings on the property and is proposing to add 8 more. The proposal requires 30 acres for 15 dwellings, where a total of 33.3 acres is included between both parcels.

12-421: Performance Standards for All Uses:

- No "Objectionable noise", as defined in this subsection, which is due to volume, frequency is proposed. The airpark is existing and the proposal is to add additional dwellings and hangars.

BCRC 12-4.3, Parking standards

- Parking will be provided with each individual hangar and dwelling on site.

BCRC 12-4.4, Sign standards

- Signs on the property are existing and no new signs are proposed.

BCRC 12-4.5, Design standards

- It was determined that the proposed use did not meet the need for the pathway/sidewalk requirements. The use is residential and parking will be provided at each individual cabin.

BCRC 12-4.6, Landscaping and screening standards

- The landscaping and screening requirements have been waived as the subject structure borders no highways, is existing, and is centrally located on the subject property.

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

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. Temporary erosion control will be assessed at the time of Building Location Permit.

I. Agency Review

- | | |
|--------------------------------|--|
| Panhandle Health District | Dept. of Water Resources |
| Bonner County Road Dept. | Bottle bay Water and Sewer |
| Selkirk Fire District | Forest Service |
| Avista Utility Company | Fish and Wildlife Service |
| Applicable School District #84 | Bonner County Schools – Transportation |
| Dept. of Fish and Game | Dept. of Lands (Sandpoint) |
| Dept. of Env. Quality | |
| Dept. of Transportation | |

The following agencies commented:

Dept. of Water Resources – Commented on July 7, 2020, see file.

Staff: Per the comments received, Timber Basin must verify that the water is sufficient and able to provide for "urban like" density as requested in this application. See Condition A5.

Panhandle Health District – Commented on July 17, 2020, see file.

Staff: The existing septic system will not support additional density, and the landowners are working with PHD to permit an additional community system to accommodate the proposed cabins. These comments have been forwarded to the applicant, and it is their responsibility to comply with sewage disposal regulations.

Dept. of Env. Quality – Commented on July 27, 2020, see file.

Staff: Per the comments received, the drinking water system serving this project appears to meet the definition of a public drinking water system (PWS) serving 25

people 60 days or more per year and must meet the requirements of a transient, non-community PWS under the Idaho Rules for Public Drinking Water Systems (Rules). If the CUP is approved it is the responsibility of the owner to meet the requirements DEQ has listed in this letter.

Bottle Bay Water and Sewer District commented on July 16th, 2020:
Staff: These comments have been passed to the landowners.

The following agencies replied "No Comment":

Dept. of Lands (Sandpoint) - No Comment
Dept. of Fish and Game – No Comment

All other agencies did not reply.

J. Public Notice & Comments
No comments were received

Findings of Fact

- 16. Project is located off of Timber Basin Road, a private, gravel road.
- 17. The well report associated with the parcel shows a well that produces 50+ gallons a minute.
- 18. Power is provided to the site by Avista Utility.
- 19. Recreational zoning conditionally allows for private resorts.
- 20. The Resort Community comprehensive plan designation provides for urban-like densities.

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 Conditional Use Permit shall not supersede deed restrictions.
- A-2** All county setbacks shall be met.
- A-3** 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-4** Prior to issuance of a building location permit, the owner of the proposed cabin structures shall obtain an address for the dwelling from Bonner County that meets the provisions of Bonner County Revised Code, Title 13.
- A-5** Prior to issuance of a building location permit for additional dwellings, the owner will provide an updated Water Right Permit demonstrating proof of adequate water service from the Department of Water Resources.

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

File CUP0004-20 – Conditional Use Permit – Animal Establishment –

Benjamin & Vicki Long are requesting a conditional use permit to allow for an animal establishment for dog boarding and training on the 2.60 acre lot in Unit 3 of the Happy Valley Ranchos subdivision. The property is zoned Rural-5. The project is located off Meadow Drive in Section 24, Township 54 North, Range 6 West, Boise-Meridian.

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

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

APPLICANT PRESENTATION: Applicant was present but did not speak on the record.

PUBLIC/AGENCY TESTIMONY: None

APPLICANT REBUTTAL: None

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

Motion by the Governing Body:

PLANNING COMMISSION

MOTION TO APPROVE: Commissioner Bradish moved to approve this project FILE CUP0004-20 for an animal establishment to allow for a dog boarding and training facility, 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. 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 Glasoe seconded the motion.

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

Background:

A. Site data:

- Residential
- Platted; Lot 8, Block E, Unit 3 of Happy Valley Ranchos
- 2.60 acres
- Zone: Rural-5
- Land Use: Rural Residential

B. Access:

- Meadow Drive
 - i. Road Class: Local
 - ii. Road Owner: Bonner County
 - iii. County Maintained: Yes
 - iv. Surface Type: Dirt

C. Environmental factors:

- Site does not contain mapped slopes. (USGS)
- Site does not contain mapped wetlands. (USFWS)
- Site does/does not contain a river/stream/frontage on lake
- Parcel is within SFHA Zone X, per FIRM panel 16017C1075E, effective date 11/18/2009. No further floodplain review is required on this proposal.

D. Services:

- Water: Stoneridge Utilities
- Sewage: Septic
- Fire: Spirit Lake Fire District
- Power: Inland Power & Light

E. Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Land Use & Density
Site	Rural Residential	Rural-5	Residential
North	Rural Residential	Rural-5	Residential
East	Rural Residential Resort Community	Rural-5 Recreation	Residential; Vacant
South	Rural Residential	Rural-5	Residential; Public Land
West	Rural Residential	Rural-5	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

1. **BCRC 12-801: Animal Establishment Definition; Any structure, land or combination thereof used, designed or arranged for the boarding, breeding, grooming, selling, showing, training, care or treatment of domestic animals, except when accessory to an agricultural use.**
 - a. Mountain View Springers & Services will be a boarding a training facility for dogs.
2. **BCRC 12-333, note 1; All animals, other than livestock, shall be housed in permanent structures which can be physically enclosed during nighttime hours. All buildings and fenced running areas will be a minimum of 300 feet from any existing dwelling other than that of the owner. The operator of such a use will maintain adequate housekeeping practices to prevent the creation of a nuisance.**
 - a. The dogs are kept within a fenced area, walked on a leash, and kept inside from 8:00PM to 7:00AM. All waste from the dogs is picked up daily and taken to the local transfer station. The kennel area is centrally located on the property.

3. **BCRC 12-333, note 2; Where access to the site is by road, the road shall be located within a recorded easement or public right of way, and constructed to provide adequate emergency vehicle access (including, but not limited to, fire, medical, and law enforcement), except where subject to the terms of an approved special use permit issued by a state or federal agency.**

a. The subject property is accessed off Meadow Drive, a County owned road within a public right-of-way and Blanchard-Elk Road, another County owned road within a public right-of-way also borders the property to the south.

4. **BCRC 12-333, note 3; Where access to the site is by road, the road shall be located within a recorded easement or public right of way, and constructed to the appropriate standard set forth in title 2 of this code or appendix A of this title, except where subject to the terms of an approved special use permit issued by a state or federal agency.**

a. The subject property is accessed off Meadow Drive, a County owned road within a public right-of-way and Blanchard-Elk Road, another County owned road within a public right-of-way also borders the property to the south.

5. **BCRC 12-441; General Standards**

a. A 4x6 foot sign will be posted in the field and one 24"x24" sign will be located at the driveway.

6. **BCRC 12-453 Design Standards**

a. It was determined that the proposed use did not meet the need for the pathway/sidewalk requirements. The parking area for the kennel is located in the front of the building and shows there to be adequate parking based on the structure's location on the lot. There is no exterior lighting, outdoor storage, solid waste, recycling collection areas, or multi-family development proposed and the subject structure has a width less than 120' so those related design standards are not applicable. The structure to be used as the kennel is pre-existing from the 1970s, the main building entry standard that requires at least 4' in depth of the entry to be weather proofed is not required.

7. **BCRC 12-4.6, et seq., Landscaping and Screening Standards**

a. The landscaping and screening requirements have been waived as the subject structure borders no highways, is existing, and is centrally located on the subject property.

G. Comprehensive Plan Land Use Designation

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

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: On July 07, 2020 the application was routed to the following agencies for comment;

Bonner County Road & Bridge Department: *The applicant should be required to upgrade their driveway approach from residential to commercial if they are starting a business that's going to generate traffic. They'll need to file for a new encroachment permit, and a site inspection will determine if upgrades and/or work are necessary to meet the commercial requirements (i.e. widening, etc.).*

Idaho Department of Environmental Quality: No response

Idaho Department of Lands: *The Idaho Department of Lands has no comment on this proposal.*

Idaho Department of Water Resources: No response

Inland Power & Light: No response

Panhandle Health District: No response

Spirit Lake Fire District: No response

Stoneridge Utilities: No response

J. Public Notice & Comments

On July 07, 2020 the application was routed to neighbors within 300' of the subject property and no public comments were received at the time of this staff report.

Findings of Fact

21. The proposed use will occur on Lot 8, Block E, Unit 3 of Happy Valley Ranchos in the Rural-5 Zone and Rural Residential comprehensive plan land use designation. This is consistent with the intent of the zoning codes of Bonner County.

22. The use will generate traffic of 1-2 vehicles per dog during the summer months and 3-4 vehicles per dog in the winter months.

23. The site will be served by individual septic and Stoneridge Utilities for potable water.

24. The structure to be used for boarding and training the dogs is an approximate 1,500 square foot pole building permitted as a barn with the Bonner County Planning Department under file BLP2018-0094.

25. Hours of operation will be from 8:00AM to 5:00PM with the dogs being inside the building from 8:00PM to 7:00AM.

26. The facility has a fenced in area for the dogs.

27. Two signs will be present on site.

28. The property is accessed off Meadow Drive, a County owned road within a public right-of-way and also borders Blanchard-Elk Road, another County owned road within a public right-of-way to the southeast.

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** 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** At time of building location permit for the sign all necessary documents shall be submitted to the Bonner County Planning Department for review and approval.
- A-6** At time of building location permit for the change of use from an accessory structure to a commercial structure, all necessary documentation shall be submitted to the Bonner County Planning Department for review and approval.
- A-7** At time of building location permit the applicant shall obtain a commercial encroachment permit from the Bonner County Road & Bridge Department.

OPEN LINE DISCUSSION:

Discussion regarding mining ordinance. Planner II Halee Sabourin presented a draft of the proposed ordinance. The Planning and Zoning Commission reviewed and edited the proposed language.

Discussion regarding private camping, Vacation Rental Permits, and RV Ordinance.

Staff updates: ACI negotiations, comprehensive plan and text amendments, permits approximately 110 above last year.

At 8:24 p.m., the Vice Chair declared the hearing adjourned until August 20, 2020.

Respectfully submitted,


Milton Ollerton, Planning Director

The above Minutes are hereby approved this 20th day of August 2020.

Bonner County Planning and Zoning Commission


Don Davis, Chair