

**PLANNING DEPARTMENT
PUBLIC HEARING DECISION MINUTES
NOVEMBER 24, 2021**

CALL TO ORDER: Chair McDonald called the Bonner County Commissioners' hearing to order at 1:30 p.m. in the 3rd Floor Meeting Room, Suite 338 of the Bonner County Administration Building, 1500 Highway 2, Sandpoint, Idaho, via Zoom webinar, and YouTube live streaming.

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

ABSENT: None

ALSO PRESENT: Planning Director Milton Ollerton, Assistant Planning Director Jacob Gabell, Planner I Chad Chambers, and Administrative Assistant III Da Niel Scott

PUBLIC HEARINGS:

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.

ROAD VACATION

File VS0009-21 – Title 40 Road Vacation – Jeff Weimer is petitioning to vacate a portion of North Thama Road, a local county-owned road as provided under Idaho Statute 40-203. The property is zoned Rural 5 (R-5). The project is located off US Highway 2 on North Thama Road in Section 4, Township 55 North, Range 4 West, Boise-Meridian. On October 27, 2021 the Board of County Commissioners continued this file to a date and time certain of November 24, 2021.

The Applicant has requested to further continue this file to a date and time certain of December 8, 2021 at 1:30 p.m.

Motion: Commissioner Connolly moved to continue this hearing to a date and time certain of December 8, 2021 at 1:30pm.

Commissioner McDonald seconded the motion.

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

Background

A. Site data

Parcel acreage: ~1.12 acres

Easement: Irregular width.
Structures: No structures within proposed vacation area.

B. Access. Access is off Highway 2. North Thama Road is between East Settlement Road and Mile Marker 10 on Hwy 2.

C. Environmental factors

- Hydrologic Features: n/a
- Flood Hazard Zone: The area proposed to be vacated is within SFHA Zone X and Zone AE, per FIRM Panel 16017C0890E, Effective Date 11/18/2009. This is not a proposal for development as defined in BCRC Title 14. No further floodplain review is required on this proposal.
- Wetlands: The area proposed to be vacated is mapped as being within a Freshwater Emergent Wetland
- Slope: N/A
- Soils: Mission silt loam, 0 to 2 percent slopes

D. Services. Fire: West Pend Oreille Fire. Schools: Bonner School #83.

E. Standards review

Required:

- Compliance with §40-203, Abandonment and Vacation of County and Highway District System Highways or Public Rights-Of-Way:
 - *The commissioners may by resolution declare their intention to abandon and vacate any highway or public right-of-way, or to reclassify a public highway as a public right-of-way, where doing so is in the public interest.*

Provided:

Applicant's stated reasons for request:

- "To vacate the portion of the county road this is unnecessarily large and irregularly shaped that encumbers a portion of the private land for no good reason. The road is physically not located in this area in reality right now and it has been built up as a road over the years making the proposed area to be vacated about 4 feet lower than the road."
- "The vacation of this county road easement will not affect access to any of the relevant landowners that use the road for access at present including Jeff & Norma Needs, Rick & Amy Harter, Jill Weimer, and JD Lumber, Inc."
- "Rick & Amy Harter will continue to have access on both the westerly and easterly sides of the area proposed to be vacated, providing the Harters two good access points to their property within a very small area."

F. Agency Review. The application was routed to the following agencies for comment on September 17, 2021:

Panhandle Health District	Idaho Dept. of Water Resources
Bonner County Road & Bridge	Army Corps (Coeur d'Alene)
West Pend Oreille Fire District	Bonner School District #83
Avista	Fish and Wildlife Service
Idaho Dept. of Lands, Nav. Waters	Bonner County Schools – Transportation
Idaho Dept. of Fish and Game	Idaho Dept. of Lands (Sandpoint)
Idaho Dept. of Env. Quality	BNSF Railway
Idaho Dept. of Transportation	Northern Lights

The following agencies commented:

Bonner County Road & Bridge provided the following comment:

The Bonner County Road & Bridge Department is opposed to this request for right-of-way vacation. The current standard width for public rights-of-way is 60ft, and this proposed vacation would reduce the width down to approximately 20ft, which is insufficient to accommodate a road, roadside ditches, potential future utilities, etc. The road is still in use and needed by the public for access to properties beyond this point and this vacation would be a detriment to their ability to maintain, upgrade, and utilize the road going forward.

All other agencies either replied "no comment" or did not reply.

G. Public Notice & Comments. No public comments were received on this proposal.

Findings of Fact

- The applicant is requesting to vacate a portion of North Thama Road located on Parcel RP55N04W043050A.
- The applicant is requesting to vacate about 4,163 square feet of an existing Right-of-Way.
- The portion of the existing Right-of-Way in question does not contain the road travel surface.
- Based on materials submitted in this application, no real property adjoining the area to be vacated would be left without access to an established highway or public right-of-way.
- Staff has received feedback from Bonner County Road & Bridge that opposes the proposed vacation.
- The Road & Bridge Department has stated that a Right-of-Way width of approximately 20 ft is insufficient to accommodate a road, roadside ditches, potential future utilities, etc.
- As shown in this staff report, other portions of the existing Right-of-Way are already 20-21 feet in width.

- The portion of the Right-of-Way to be vacated does not meet the definition for a street in Bonner County Revised Code.
- Vacation of this right-of-way will not extinguish any rights-of-way or easements for the continued use of existing sewer, gas, water, or similar pipelines and appurtenances, or other underground facilities as defined in section 55-2202, Idaho Code, for ditches or canals and appurtenances, and for electric, telephone and similar lines and appurtenances.
- Evidence in the record shows that this public right-of-way is not abandoned.

Conclusions of Law

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

Conclusion 1

This proposal was reviewed for compliance with the vacation criteria and standards set forth at Idaho Code, 40-203.

Conclusion 2

Bonner County **has** received objections to the petition or application to vacate the described platted area.

Conclusion 3

The abandonment of the public right-of-way is in the public interest.

Conclusion 4

The landowner or landowners abutting said right-of-way **do** have access to his, her or their property from some other public street, public right-of-way or private road.

Conclusion 5

The public right-of-way **has** been opened or used by the public for a period of five years.

Conditions of Approval

1. The vacation of the above-described right-of-way shall be effective upon the recording of a resolution by the Bonner County Commissioners granting the vacation.
2. The costs for legal advertisements and recording fees shall be borne by the applicant and shall be paid prior to the recording of the resolution vacating the right-of-way.
3. The petitioner shall provide for easements for continued use of any existing sewer, gas, water, or similar pipelines and appurtenances, or other underground facilities as defined in section 55-2202, Idaho Code, for ditches or canals and appurtenances, and for electric, telephone and similar lines and appurtenances pursuant to Idaho Code §40-203(3).

AMENDMENT & ZONE CHANGE

File AM0009-21 & ZC0017-21 – Comprehensive Plan Map Amendment & Zone Change – Bonner County is requesting a Comprehensive Plan Map Amendment from Remote Ag/Forest Land and Resort Community to Resort Community and a Zone Change from Forest 40 (F) and Recreation (REC) to Recreation (Rec). The property area includes Woody S Point Block 1 Lot 47, Lot 48, Pinto Point Block 1 Lot 1, Lot 2, Lot 42, Lot 50, Lot 51, Lot 52, Lot 53, Lot 54 and these lots all currently have split land use designation and split zoning. These lots are located off Cape Horn Road and North Indian Creek Road in a portion of Section 27, Township 61 North, Range 4 West, Boise-Meridian. The Planning & Zoning Commission, at the October 21, 2021 public hearing, recommended approval of this file to the Board of County Commissioners.

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 Comprehensive Plan and Bonner County Revised Code.

APPLICANT PRESENTATION: None

PUBLIC/AGENCY TESTIMONY: None

APPLICANT REBUTTAL: None

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

Comprehensive Plan Map Amendment

MOTION: Commissioner Connolly moved to approve this project, File AM0009-21, requesting a comprehensive plan map amendment for the subject properties from Remote Ag/Forest and Resort Community to Resort Community for the split-designated parcels indicated in this file, 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 Connolly further moved to recommend adopting the findings of fact and conclusions of law as set forth in the Staff Report and direct planning staff to draft written findings and conclusions to reflect this motion and transmit to all interested parties. This action does not result in a taking of private property. Commissioner Bradshaw seconded the motion.

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

Comprehensive Plan Map Resolution Adoption

MOTION: Commissioner Bradshaw moved to approve resolution 21-117 amending the Bonner County Projected Land Use Map. Commissioner Connolly seconded the motion.

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

Zone Change

MOTION: Commissioner Connolly moved to approve this project, File ZC0017-21, requesting a Zone Change from Forest-40 and Recreation to Recreation correcting the split-zone for the lots indicated in this file, 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 Connolly further moved to recommend adopting the findings of fact and conclusions of law as set forth in the Staff and direct planning staff to draft written findings and conclusions to reflect this motion and transmit to all interested parties. This action does not result in a taking of private property. Commissioner Bradshaw seconded the motion.

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

Zone Change Ordinance Motion (Roll Call Vote):

MOTION: Commissioner Connolly moved to approve 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 located in Section 1, Township 54 North, Range 6 West, Boise Meridian, Bonner County, Idaho from Agricultural/Forestry 20 to Rural-5, and providing for an effective date. Commissioner Connolly further moved to authorize the Chair to sign the official supplementary zoning map upon publication of the ordinance. Commissioner Bradshaw seconded the motion.

Roll Call Vote:

Commissioner McDonald	AYE
Commissioner Connolly	AYE
Commissioner Bradshaw	AYE

Background

A. Site data: Woody S Point Block 1 Lot 47, Lot 48, Pinto Point Block 1 Lot 1, Lot 2, Lot 42, Lot 50, Lot 51, Lot 52, Lot 53, Lot 54

B. Access: The property is accessed off Pinto Point Road.

C. Environmental factors: There are no wetlands present on the property. There is some floodplain along the shoreline against Priest Lake. A couple parcels contain some sloping along the road to the North.

Soils: Treble, high precipitation-Rock outcrop complex, 15 to 35 percent slopes-Well Drained

D. Services: Sewer is provided by Pinto Point Sewer District. Water is provided by Priest Lake. Northern Lights provides electricity to the area. The property is in the East Priest Lake Fire District.

E. Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Land Use & Density
Proposed Change	Remote Ag/Forest/Resort Community	Forest-40/Recreation	Private Residence
North	Remote Ag/Forest	Forest 40	State Trust Land
East	Resort Community	Recreation	Small lots with residences
South	Resort Community	Recreation	Priest Lake
West	Remote Ag/Forest/Resort Community	Forest-40/Recreation	Small lots with residences.

F. Standards Review

Amendment Request: Remote Ag/Forest and Resort Community to Resort Community

12-215: Applications for Zone Changes and Comprehensive Plan Map Amendments, Contents

The application was considered complete and routed to agency review on September 21, 2021, see list of agencies routed under "Agency Review."

12-216: Evaluation of Amendment Proposals. 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. (Ord. 501, 11-18-2008)

From the Land Use Chapter of the Comprehensive Plan. The applicant is requesting to change from Remote Ag/Forest and Resort Community to Resort Community. The standards for those land use designations from the comprehensive plan are below:

Remote Ag/Forest Land: The remote Ag/forest land is located on mountaintops and remote areas of the County where few or no access roads have been constructed. Included in these areas are most of the state and federal lands, which are managed for forest production or recreation.

Resort Community: The 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.

Zone Change Request: Forest 40 and Recreation to Recreation

The applicant is requesting a zone change from Forest 40 and Recreation to Recreation. The standards of the zones are below:

12-321: FORESTRY DISTRICT

A. The forestry district is established to preserve the forest land base; to conserve and protect the long-term productivity of forest lands; and to restrict uses unrelated to or incompatible with forestry. These purposes are accomplished by:

1. Applying the F zone to large contiguous areas where a combination of site, soil and climatic characteristics make it possible to sustain timber growth and harvests over time.
2. Limiting residential, recreational, commercial, and industrial uses to those uses that are compatible with forestry, to minimize the potential hazards of damage from fire, pollution, and land use conflicts.
3. Providing for compatible outdoor recreation uses and for conservation and protection of municipal watersheds and fish and wildlife habitats.

B. Use of this zone is appropriate in areas designated as remote Ag/Forest land in the comprehensive plan. The remote Agricultural/Forest land is located on mountaintops and remote areas of the county where few or no access roads have been constructed. Included in these areas are most of the state and federal lands, which are managed for forest production or recreation. (Ord. 501, 11-18-2008)

12-328: RECREATION DISTRICT

A. The recreation district is established to provide a wide range of recreational uses in areas where if access is by road rather than solely by waterways, the road shall be located within a recorded easement or public right of way, except where subject to the terms of an approved special use permit or a state or federal agency, adequate water and sewer services and fire services. Consideration shall also be given for access to potential public transportation systems. The recreation district is intended to provide for a range of housing types and uses that are accessory and complementary to recreational and residential uses. These purposes are accomplished by:

1. Allowing for a range of housing types provided adequate services are available.

2. Providing for commercial and private resorts which contain provisions for a range of recreational activities.

3. Excluding uses that are not compatible with the desired recreational character of the area.

4. Encouraging conservation development configurations that create permanent open space, protect sensitive environmental features, reduce infrastructure costs, and/or enhance recreational opportunities.

5. Applying simple design standards that enhance the recreational opportunities and character of the area.

B. Use of this zone is appropriate in areas designated as transition, neighborhood commercial, urban growth area, and resort community with the following conditions:

1. Land is physically suitable to accommodate a broad range of residential and recreational uses.

2. Sites are served by adequate sewage disposal service, water supply, roads and other needed public facilities and services. (Ord. 501, 11-18-2008)

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 the following agencies for comment on September 21, 2021.

Bonner County Schools – Transportation	Idaho Department of Water Resources
Avista Utility Company	Idaho Department of Environmental Quality
U.S. Forest Service	Idaho Department of Fish and Game
East Priest Lake Fire District	U.S. Fish and Wildlife Service
School District #83	(All taxing districts)
Pinto Point Sewer	

Comments received from the following Agencies with “No comment:” City of Clark Fork, Idaho Fish and Game, and Independent Highway District

I. Public Notice & Comments. There were no public comments received.

Comprehensive Plan Map Amendment Findings of Fact

1. The application was reviewed and considered complete.

2. The properties listed are identified as split land use designation indicating the need for this application to make the properties consistent with adjoining properties.

3. The property is bordered on the south by Priest Lake and on the north by Idaho State Lands.

4. The properties were State lease lots that have transferred to private ownership.

5. The subject properties are adjacent to similar sized lots and land use designation.

6. The property is served by East Priest Lake Fire District, Bonner County School District #83, and Northern Lights.

Comprehensive Plan Map Amendment Conclusions of Law

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

Conclusion 1

The proposed comprehensive plan map amendment is in accord with the Bonner County comprehensive plan.

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

Conclusion 2

The proposal is in accord with the purpose of the Rural Residential land use designation, provided in the Land Use section of the Bonner County Comprehensive Plan.

Conclusion 3

The proposal is appropriate for the area based on the existing residential uses, soil types, access to public services, and maintained county roads.

Zone Change Findings of Fact

1. Bonner County is requesting the listed ten lots that are currently split-zoned Forest-40 and Recreation be zoned Recreation to the property lines of each lot.

2. The zone change request is required to eliminate the split zone on these lots thereby creating one set of land use regulation for the lots.

3. The Recreation zone is consistent with the Resort Community designation and with the other lots zoned in the Pinto Point subdivision.
4. The lots will continue to exist as they do currently exist and have minimal if any impact on the neighboring lots of similar size and zone designation.
5. The soil types are listed as well drained with two being listed as poorly drained, there is some sloping on the parcels, and the floodplain is present along the edges of the lake.
6. The property is served by East Priest Lake Fire District, Pinto Sewer District and Northern Lights.

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 in accord with the Bonner County comprehensive plan.

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 found to be in compliance.

Conclusion 3

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

Conclusion 4

The proposal is appropriate as it brings the Land Use Designation and Zone Map consistent to the property lines, thereby eliminating the split-zoned properties.

CONDITIONAL USE PERMIT MODIFICATION

File MOD0006-21 – Conditional Use Permit Modification – Spires PUD –

Mitch Martin is requesting to modify the Conditional Use Permit for Spires Planned Unit Development to change condition A-7, private road standards, for File C892-07. The property is zoned Alpine Village. The proposed project is located off Tall Timber Road and Snag Line in Section 20, Township 58 North, Range 2 West, Boise-Meridian. The Planning & Zoning Commission, at the October 7, 2021 public hearing, recommended approval of this file to the Board of County Commissioners.

STAFF PRESENTATION: Staff Planner Chad Chambers presented a PowerPoint summary of the project and previously circulated staff report, concluding this

project is consistent with Bonner County Comprehensive Plan and Bonner County Revised Code.

APPLICANT PRESENTATION: None

PUBLIC/AGENCY TESTIMONY: None

APPLICANT REBUTTAL: None

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

MOTION: Commissioner Bradshaw moved to approve this project File MOD0006-21 requesting to modify the Spires Planned Unit Development to change the PUD condition A-7 private road standards for File C892-07, 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 Bradshaw further moved to adopt the findings of fact and conclusions of law as set forth in the Staff Report and direct the Planning Director to transmit to all interested parties. The action that could be taken to obtain the conditional use permit is to complete the Conditions of Approval as adopted. This action does not result in a taking of private property. Commissioner Connolly seconded the motion.

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

Background

A. Site Data

- The Spires 1st Addition PUD
- Size: ≈80 acres
- Zone: Alpine Village
- Land Use: Alpine Community

B. Access

- Access from Schweitzer Mountain Road to Alpine Way leading to Mogul Hill Road, Christy Lane, and Tall Timber Road.

C. Environmental Factors

- Site does contain mapped slopes – as reflected in the Staff Report (USGS)
- Site does not contain mapped wetlands (USFWS).
- Soils: Pouty gravelly loam (40 – not prime farmland); Vay silt loam (61 – not prime farmland); Jeru gravelly loam (17 – not prime farmland).
- Site does not contain a river/stream/frontage on lake
- JRJ, 8/5/2021: Site is within SFHA Zone X & Zone D, per FIRM Panel 16017C0685E, Effective Date 11/18/2009 & FIRM Panel 16017C0705E,

Effective Date 11/18/2009. No further floodplain review is required on this proposal.

D. Services

- Water: Spires Water Company
- Sewage: Mountain Utility Company
- Fire: Schweitzer Fire District
- Power: Northern Lights Inc.
- School District: Bonner School District #84

E. Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Land Use & Density
Site	Alpine Community	Alpine Village	Alpine Community Mixed Use
North	Alpine Community	Alpine Village	Alpine Community Mixed Use
East	Alpine Community	Alpine Village	Alpine Community Mixed Use
South	Alpine Community	Alpine Village	Alpine Community Mixed Use
West	Alpine Community	Alpine Village	Alpine Community Mixed Use

F. Standards Review

BCRC 12-2.223, Conditional Use Permits, Standards for Review of Applications, Procedures

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.

Modification request: "We are requesting modification of Require PUD condition A-7 e.) 3.) file C892-07. We are requesting the curve radii of switchbacks be changed from 42 feet to 24 feet. The original requirement of a 42' radius would create a 120 wide switchback requiring a 40' wall on the uphill side. This would be very dangerous for skiers given there are ski trails just above the switchbacks. In early June I went up to Schweitzer and along with Spencer Newton, Schweitzer Fire Chief, we measured existing switchbacks. The switchback on Mogul Hill Road just before you enter The Spires as 21' radius and a total width of 68'. This switchback on Mogul Hill already creates a pinch point switchback that is smaller than what we are proposing. Spencer then wanted to measure the first switchback on Crystal Springs Road which he said is big enough for his fire trucks. It has a 24' radius and an 82' total width, which is what we are proposing for our switchback. I also measured one additional switchback in The Spires and one higher up on Crystal Springs. Neither were close to having a 42' center line radius."

G. Comprehensive Plan Land Use Designation. The Alpine Community land use designation is established to recognize the challenges of higher density

development in higher elevations of Bonner County generally above 3,500 feet elevation, where urban services are provided, but a range of road types developed in mountainous conditions serve the area. Specific design standards to address steeper slopes and heavy snowfall will govern these areas.

H. Stormwater Plan. A stormwater management plan was required, pursuant to BCRC 12-720.3(k) because the proposal does result in the creation of additional impervious surface.

I. Fire Hydrant Standards – Road Design. The applicant is requesting a deviation from the standards set forth in BCRC Appendix A of Title 12, Section 2.5 Road Design (B) for the proposed placement of a fire hydrant.

J. Agency Review – routed on September 7, 2021:

Panhandle Health District	Idaho Department of Water Resources
Schweitzer Fire District	U.S. Army Corps (Coeur d'Alene)
Mountain Utility Company	U.S. Fish and Wildlife Service
Applicable School District #84	U.S. Forest Service
Idaho Department of Fish and Game	Independent Highway District
Idaho Department of Environmental Quality	Idaho Department of Lands, Nav. Waters

The following agencies commented:

Schweitzer Fire District Letter, June 16, 2021

"The purpose of this letter is to clarify that Schweitzer Fire District's requirement for horizontal roadway geometry on the Private Road Switchbacks within the Spires PUD may deviate from the previously approved PUD. The district will authorizing a minimum CL horizontal curve radii of 24 feet, provided roadway widths through the switchback is a minimum of 40 feet and the overall diameter of the switch back from outside edge to outside edge is a minimum of 82 feet." – Spencer Newton, Fire Chief

Independent Highway District, September 7, 2021

"The private roads within the Spires PUD are outside of the authority of the IHD. The only concern with not using the Bonner Counties Private Road Standard is if the change reduces safety."

Idaho Department of Fish and Game, September 20, 2021

"The Idaho Department of Fish and Game does not have any comments to submit for this application."

Idaho Department of Environmental Quality, September 29, 2021

"The Idaho Department of Environmental Quality (DEQ) does not review projects on a project-specific basis..."

Panhandle Health District, September 28, 2021: "No Comment."

All other agencies did not reply.

K. Public Notice & Comments. As of November 15, 2021, no public comments were received for this file.

Findings of Fact

1. The PUD is in the Alpine Village District and in the Alpine Community comprehensive land use designation.
2. The original conditional use permit (file CUP at C0892-07) was approved on February 13, 2008.
3. Agencies and the public have not commented in opposition to the proposal, so long as the road design is safe.
4. The Schweitzer Fire Chief wrote a letter in support of the proposal citing the Bonner County Staff Engineer's memorandum of conditional approval. This affirms the applicant's request to modify the radii.

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

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.

Conclusion 4

The proposed use **will not** adversely affect properties in the vicinity.

Conclusion 5

The proposed use **is** a public convenience and is a necessary facility.

Conditions of Approval

A-1 The modification of the road design and stormwater management plan shall be operated in accordance with the approved site plan.

The Chair declared the hearing adjourned at 1:44 p.m.

Respectfully submitted, this 24th day of November 2021.

Milton Ollerton, Planning Director

