

**BONNER COUNTY PLANNING and ZONING COMMISSION
PUBLIC HEARING MINUTES
SEPTEMBER 20, 2018**

CALL TO ORDER: Chair Davis 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.

PRESENT: Commissioners Chair Don Davis; Vice Chair Kris Sabo; Brian Bailey; Taylor Bradish; and Trevor Kempton

ABSENT: Suzanne Glasoe and Sheryl Reeve

ALSO PRESENT: Planning Director Milton Ollerton; Planner I Halee Sabourin; Planner I Caitlyn Reeves; and Planner I Sam Ross

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: August 2, 2018 and September 6, 2018. Hearing no changes or objections, the Chair declared the minutes approved as written.

APPROVAL OF 2019 P&Z CALENDAR: The Chair requested the Commissioners declare if they had any corrections or changes to the approval of 2019 P&Z calendar as written. Hearing no changes or objections, the Chair declared the 2019 P&Z calendar approved as written.

PUBLIC HEARINGS:

AMENDMENTS

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 AM166-18 Amendment to Text BCRC 12-332(6), 12-448(B)(i), 12-650(B), & Appendix A - Section O Private Road Standards - Bonner County is initiating changes to Bonner County Revised Code Title 12, 12-332(6) updating residential use table, multi family dwelling, 12-448(B)(i) updating vacation rental site plan requirements, and 12-650(B) minor land division procedure, and Appendix A Private Road Standards, Section O Purpose and Authority.

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/APPLICANT 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.

PUBLIC/AGENCY TESTIMONY: None.

STAFF/APPLICANT REBUTTAL: None.

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

MOTION TO APPROVE ORDINANCE AMENDMENT: Commissioner Sabo moved to RECOMMEND this ordinance, FILE AM166-18, amending the specific sections of Title 12, Bonner County Revised Code, as presented or amended in this hearing, to the Board of County Commissioners based upon the evidence submitted up to the time the Staff Report was prepared and testimony received at this hearing. This action does not result in a taking of private property. Amending the Residential Use table #6 Minor Land Division procedure striking zone district change as required and under Vacation Rental permit procedures revising sections e & i and striking section A Private Road Standards proposed standards. (The Chair explained the reason why the commission decided not to deal with section A Private Road standards during this hearing stating, the suggested wording does not give enough specificity and may not aid in accomplishing the intended action of "so called" relief from paving standards. They believe the wording needs to include specificity as to further procedure and perhaps some standards upon which the Board could judge a request not to pave and timing, how it fits into the process, ie. beginning, middle, or end of the process. Their recommendation to the Board would be to remand back to staff for further work.) Commissioner Kempton seconded the motion.

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

Project summary:

The Bonner County Board of Commissioners initiated an amendment to Title 12. Under the proposed amendment (File #AM166-18), these amendments are to provide for clarifications resulting from questions that occur as the ordinances are being followed. This is simply a fine tuning of the code. Below are the proposed amendments to each specific section and the description of the changes. The language in **red and underlined** is recommended as additions to the existing code. Those words in **red** and strike through would be deleted from the ordinance.

BCRC 12-332 Residential Use Table

Standards

(6) **One** Multi-family dwellings with a minimum of 12,000 square feet of lot area for the first unit, plus 3,000 square feet for each additional unit; provided, that all urban services are available.

STAFF: This change eliminates the allowance of only one multifamily structure on a property. This change allows a property owner the opportunity to have more than

one multi-family dwelling on a property. The way the code reads now, a property owner may develop a property with up to eleven (11) units on a one-acre parcel. With this change a property owner could develop more than one structure and not be required to put such a large structure on the property allowing for some diversity in the design of the units.

It is important to note that the multi-family dwelling is still limited by the requirements of the zone the structure would be built such as lot coverage.

BCRC 12-650 Minor Land Division Procedure

B. Procedure: Applications for a minor land division which contain four (4) or fewer contiguous lots under common ownership may be processed as "minor land divisions" as set forth in this section and section 12-651 of this subchapter; provided, that no ~~zone district change is required, or a~~ planned unit development requested, to accommodate the proposed lot sizes.

STAFF: As this ordinance has come into practice over the last two years it has become apparent that there are many parcels in the County with split zoning. Not allowing a minor land division where a zone district change is going to occur is a bit unrealistic. This change addresses that occurrence.

BCRC 12-484 B. Vacation Rental Permit Procedures

- c. An adequate potable water supply and a sewage disposal method ~~approved by the Panhandle Health District and/or sewer/water district and/or the State of Idaho shall be provided.~~
- i. Site plan ~~drawn to scale.~~

STAFF: One of the biggest concerns with the vacation rental ordinance is this requirement, the site plan drawn to scale. Changing this will provide some relief to the property owner as drawing to scale may require a significant amount of effort. As the permit is intended to review existing structures already built, this change is a reasonable request.

Appendix A: Private Road Standards Manual

SECTION 0: PURPOSE AND AUTHORITY

It is the purpose of this manual to provide consistent standards for construction of ~~new private roads built in Bonner County and reconstruction or renovation of existing private roads for subdivisions, in Bonner County.~~ All construction shall conform to the standards set forth in this manual. ~~Any exceptions to the standards herein may be approved by the Board at preliminary/final plat approval.~~

STAFF: There have been several requests this year to not follow the paving or hard surfacing requirements due to the rural nature of the land where divisions may be occurring. The interest is to maintain the rural character of the area by maintaining gravel roads. Staff has reviewed this idea extensively and chooses to leave this decision to the Board as the final plat is approved.

Public Comment:

Marty Taylor, Sewell and Associates, commented that multi-family dwelling should be plural – multifamily dwellings.

There were no other comments received.

Authority

The ordinance amendment is proposed under the authority granted at Idaho Code, Chapter 7, Title 31; Chapter 8, Title 31; and Chapter 65, Title 67; and Article XII, Section 2, of the Idaho Constitution.

Findings of Fact:

1. The Planning and Zoning Commission, per Idaho Code Chapter 65, Title 67, may recommend a zoning ordinance.
2. The Bonner County Planning Department has reviewed the proposed changes against Idaho Code and made amendments to better comply with the Idaho Code, specifically Title 67 Chapter 65.
3. The Board of County Commissioners is authorized by Idaho Code, Chapter 7, Title 31, to adopt ordinances, rules and regulations "...not repugnant to law, necessary for carrying into effect or discharging the powers and duties conferred by the laws of the state of Idaho, and such as are necessary or proper to provide for the safety, promote the health and prosperity, improve the morals, peace and good order, comfort and convenience of the county and the inhabitants thereof, and for the protection of property therein..."

The proposed ordinance adding appropriate sections and deleting such adds to the clarity intended in the interpretation of the Bonner County Revised Code and Bonner County Comprehensive Plan. These actions will further balance the provision of safety, health and prosperity while maintaining the protection of property, peace, good order, comfort and convenience of the county and its inhabitants

4. Further clarifying standards enabling the public and the staff to achieve the best results leading to greater understanding and use of the zoning ordinance.

Conclusions of Law:

1. The proposed amendments to Title 12 **IS** in accord with Idaho Code, Chapter 7, Title 31.
2. The proposed amendments to Title 12 **IS** in accord with Idaho Code Chapter 67 Title 65.

CONDITIONAL USE PERMITS

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 C1013-18 Conditional Use Permit – Cell Tower – Janet Brignetti is requesting a multiple antenna communication tower on a 9.9 acre parcel. The site is located on Eureka road in the Sagle area, in a portion of Section 35, Township 57 North, Range 1 West, B.M.

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

STAFF PRESENTATION: Planner I 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: Verizon Representative Derek Budig claimed the tower would improve signals around the area, reduce visual impacts by making the tower look like a tree.

PUBLIC/AGENCY TESTIMONY: Mark Yancy asked Mr. Budig if the tower is limited to 100 feet tall; if the signals are shooting toward Hope; if there are any aerial easements; and if there are any more than three carriers.

APPLICANT REBUTTAL: Mr. Budig responded to public comments stating no more than 100 feet are needed; there could be three other main carriers on the towers; and further stated colocation is common on towers.

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

MOTION TO APPROVE: Commissioner Kempton moved to approve this project FILE C1013-18 to allow installation of a 100' stealth/monopine type communications tower, and related equipment within a 40'x40' fenced area, and approximately 150' of gravel road, 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 Bailey seconded the motion.

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

Background:

A. Site data: The subject property is 9.9 acres. The majority of the land is forested.

B. Access: Access to the subject property is provided by Eureka Road, an approximately 40' wide travel surface, with a private gravel easement.

C. Environmental factors:

- Slope: in the North West and North East corners have landscape is < 15%. Source: USGS
- Hydrography: No water features present. Source: USGS NHD , BC GIS
- Wetlands: No mapped wetlands. Source: USFWS NWI
- Soils: Pend Oreille Silt Loam 0%-30% slopes; Source: NRCS
- Floodplain: Flood Hazard Zone: 'X' - 0.2% annual chance flood hazard. Source: FEMA

D. Services:

- Power: Northern Lights
- Fire: Sandpoint Fire District
- Water: N/A
- Sewage Disposal: N/A

E. Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Land Use & Density
Site	Rural (5-10)	Rural-10	Forest and vacant land
North	Rural (5-10)	Rural-10	10+ acres. Rural Residential, Pasture and forest land with related farm & residential structures
East	Rural (5-10)	Rural-10	10+ acres, rural residential, forestland with residential structures
South	Rural (5-10)	Rural-10	10+ acres. Rural Residential, Pasture and forest land with related farm & residential structures
West	Rural (5-10)	Rural-10	10 + acres, rural residential, pasture and farmland with related farm and residential structures

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.

This project shall conform to BCRC 12-488: Communication Towers Standards subsections A through J, before issuance of a permit. See conditions of approval.

G. Comprehensive Plan Land Use Designation

The property is designated Rural-10. The comprehensive plan designation of Rural Residential provides to allow low density residential uses that are compatible with rural pursuits.

H. Land Capability Report A land capability report was submitted to the record by Mark W. Olsen, P.E./Cornerstone Engineering, Inc, in accordance with BCRC 12-222(j), which states:

"Based on the information presented... and subsequent to a full geotechnical investigation it is our opinion that the proposed site is capable of withstanding the proposed disturbances without risk of substantial adverse consequences of flood, sewage, drainage, erosion, sedimentation or geological surface slippage as required by BCRC 12-222(j)."

I. Stormwater plan

A stormwater management plan was required pursuant to BCRC 12-7.2. The plan, by Mark W. Olsen, P.E./Cornerstone Engineering, Inc, proposes grassy infiltration areas (GIA) to mitigate runoff from the crushed rock surface parking and equipment compound area. This area that will be tributary to the GIA results in an impervious area approximately 2685 S.F. (0.062 acres). Minor runoff associated with the linear driveway will be dispersed into the surrounding native vegetation thru a 10-foot dispersion buffer.

J. Agency Review

The application was routed to agencies for comment on July 10, 2018:

*Panhandle Health District
Dept. of Lands (Sandpoint)
Department of Fish & Game
Department of Transportation
U.S. Army Corps (CDA)
U.S. Forest Service*

*Bonner County Road Department
Northern Lights Power Company
Department of Environmental Quality
Department of Water Resources
Fish and Wildlife Service
Selkirk Fire Department*

The following agencies made no comment:

*Department of Transportation
Department of Fish & Game
Army Corps (CDA)
U.S. Forest Service*

*Northern Lights Power Company
Department of Environmental Quality U.S.
Fish and Wildlife Service
Selkirk Fire Department*

The following agencies replied "no comment":

Dept. of Lands (Sandpoint), Initials TF, Letter dated July 13, 2018
Department of Water Resources, Signed D. Jones, Letter dated July 13, 2018

Panhandle Health District, Initials TF, Letter dated July 13, 2018

The following agencies responded:

Bonner County Road Department, Matt Mulder, Email dated July 16, 2018:

"Road & Bridge has reviewed the conditional use permit and has the following comments:"

"1. Applicant will need to file for the encroachment permit from the Road & Bridge Department to upgrade the existing driveway to commercial approach standards. Once the permit is filed, Road & Bridge personnel will inspect the existing driveway to determine what improvements are needed to meet the commercial approach requirements. If no improvements are needed, or once improvements are completed, the permit will be approved."

"2. Drawing sheet C-1 indicates a 'Telco Pedestal' in the Eureka Rd right-of-way. If this is a new installation, a utility permit will also be required. If this is an existing pedestal, no action is required."

J-U-B Engineers, INC., Andrew C. Baden, P.E., Email dated August 16, 2018:

"1. BCRC 12-726.A. states that 'stormwater treatment systems shall be sized to hold and treat the first [on-half] inch of stormwater from impervious surfaces.' On the access road, the applicant should demonstrate how the vegetated sheet flow dispersion buffer is sufficient to meet this requirement."

"2. BCRC 12-726.C. states that 'the disposal system shall have the capacity to collect, convey and provide detention for a twenty-five year design storm...' On the access road, the applicant should demonstrate how the vegetated sheet flow dispersion buffer is sufficient to meet this requirement."

"3. Per BCRC 12-724.1.2.B., the applicant should include cut/fill limits for the roadway and other proposed improvements."

"4. The applicant should remove references to Clackamas County in Construction Sequence on Sheet SW-2."

"5. Per BCRC 12-724.1.B., proposed sideslopes for cuts, fills, and swales should be labeled."

K. Public Notice & Comments

No public comments submitted to Bonner County Planning Department.

Findings of Fact

1. The site is a 9.9 acre lot in a Rural-10 zone. Communication towers are a conditionally allowed use within this zone per BCRC 12-335 Table 3-5.

2. Access is provide to the site per a private drive, encroaching onto Eureka Road, a county-owned and maintained right-of-way.
3. The site will be unmanned, therefore no potable water or sewage disposal facilities are required.
4. The site will be visited for scheduled maintenance twice per quarter.
5. The communication tower would meet the requirements of the applicable standards found in BCRC 12-488 (A-J). See standards section above.

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. (See attached comprehensive plan goals, objectives and policies)

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

Conclusion 2

This proposal was reviewed for compliance with the criteria and standards set forth at BCRC Chapter 4, Title 12, Subchapter 2.2, environmental standards of Chapter 7, Title 12, and stormwater 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.

FOR PUBLIC UTILITY COMPLEX FACILITIES ONLY:

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:

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** The applicant shall install prior to ground disturbing activities all temporary erosion control measures as designed and approved. The applicant shall provide to the Planning Department prior to ground disturbing activities a signed statement from the project engineer or design professional stating that these measures have been installed as per the design specifications as approved. The applicant shall install upon completing ground disturbing activities and shall maintain thereafter all permanent erosion control and stormwater management measures as designed and approved. The applicant shall provide to the Planning Department upon completing ground disturbing activities a signed statement from the project engineer or design professional stating that these measures have been installed as per the design specifications as approved.
- A-6** The parameters of the Conditional Use Permit shall conform to the standards in the BCRC 12-488: Communication Towers subsections A through J.

Conditions to be met prior to issuance of the permit:

- B-1** Prior to construction of the communication tower, the applicant shall obtain a building location permit for the tower from the Bonner County Planning Department.
- B-2** Prior to obtaining a building location permit, the applicant shall address and adhere to all agency review comments submitted.

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 C1014-18 Conditional Use Permit – Bed & Breakfast – LeeAnn & Kurt Kopsa are requesting a Conditional Use Permit for a 2 bedroom Bed and Breakfast. The site is a 20-acre parcel accessed via Colburn Culver Road in the Selle/Samuels area of Sandpoint, Idaho. The project is located in Section 8, Township 58 North, Range 1 West, B.M.

CONFLICT OF INTEREST/DISCLOSURE DECLARATIONS: The Chair requested the Commissioners declare any conflicts of interest or disclosures. Commissioner Kempton disclosed he knows the applicants through church but he has no conflict. Commissioner Bailey disclosed that he plowed their driveway several years ago but has no conflict. The Chair noted that there were no other 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.

Staff presented an additional condition A-5 prior to issuance, the applicant shall obtain written documentation, via Bonner County Road & Bridge, confirming an adequate residential encroachment onto Colburn-Culver Road.

APPLICANT PRESENTATION: LeeAnn & Kurt Kopsa state they have a few extra rooms in their house that they would like to rent out and provide meals to their guests.

PUBLIC/AGENCY TESTIMONY: Mayla Bianco Johnson and Jared Johnson live adjacent to the property. They asked if the structure the Kopsa's Home and do they educate the guests on fire danger.

APPLICANT REBUTTAL: Principle residence and guests would be informed of the current fire restrictions.

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

MOTION TO APPROVE: Commissioner Bradish moved to approve this project FILE C1014-18, a Bed & Breakfast on 20 acres, 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 adding condition A-5. 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 Bailey seconded the motion.

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

Background:

Site data: The subject property is an existing ±20 acre, un-platted parcel that has been developed with a single family dwelling and storage shed.

Access: The site is accessed off of Colburn-Culver Road, a county maintained, public right of way, owned and maintained by Bonner County.

Environmental factors:

- Topography: Slopes > 30% are present on site. Proposed B&B is located on a flat portion of land < 15% slope. Source: USGS
- Wetlands: No wetlands present on site. Source: USFWS NWI
- Hydrography: No hydrologic features present on site. Source: USGS NHD
- Floodplain: Flood Hazard Zone: X; 0.2% Annual Chance Flood Hazard. Source: FEMA
- Soils: Odenson Silt Loam, 0%-2% Slopes; Pend Oreille-Rock Outcrop Complex, 5%-45% Slopes; Dufort-Rock Outcrop Complex, 5%-45% Slopes.
- Land Cover: Parcel is mostly timber land with an area reserved for pasture.

Services:

- Water: Community system, Colburn Water Association.
- Sewage: Subsurface Sewage Disposal System (Septic).
- Fire District: North Side Fire
- Power: Northern Lights
- School: Bonner School #84

Comprehensive Plan, Zoning and Current Land Use:

Compass	Comp Plan	Zoning	Current Land Use & Density
Site	Ag/Forest Land (10-20)	A/F-10	±20 acre developed site with a single family dwelling and shed
North	Ag/Forest Land (10-20)	A/F-10	±20 acre parcel, agricultural land
East	Ag/Forest Land (10-20)	A/F-10	Residential parcels of varying size
South	Ag/Forest Land (10-20)	A/F-10	±40 acres of bare forest land
West	Ag/Forest Land (10-20)	A/F-10	±10 acre residential parcels

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.

	Required	Provided
BCRC 12-220, et seq, conditional use permit, application and standards	<ul style="list-style-type: none"> Specific elements required in BCRC 12-220 thru 12-226. 	<ul style="list-style-type: none"> Required elements were satisfactorily addressed in the submitted materials.
BCRC 12-333, Commercial use, zoning and standards	(2) Access to the site shall be located within a recorded easement or public right of way. (5) 1 on premises sign, not in excess of 6 square feet, shall be permitted when included as part of the conditional use permit application. (6) A bed and breakfast shall be a detached single-family dwelling...	(2) Colburn-Culver Road is a paved, public roadway, owned and maintained by Bonner County. (5) Condition A-2 has been added. (6) Project conforms and shall remain in conformance with the definition of a Bed and Breakfast. Condition A-4 has been added.
Minimum Lot/Parcel Size (BCRC 12-411)	<ul style="list-style-type: none"> Parcel size: 10 acres Front setback: 25 ft Rear setback: 40 ft Side setback: 40 ft 	<ul style="list-style-type: none"> Parcel size: 20 ac Front setback: ~800ft Rear setback: ~470 ft W Side setback: ~100 ft E Side setback: ~500ft
BCRC 12-4.2, Performance standards for all uses	<ul style="list-style-type: none"> BCRC 12-420. A-J standards. 	<ul style="list-style-type: none"> Performance standards have been satisfied and shall remain in compliance.
BCRC 12-4.3, Parking standards	<ul style="list-style-type: none"> Parking requirements. Specified elements required in BCRC 12-432: 4 spaces. 	<ul style="list-style-type: none"> Per the application, the parking area is currently able to accommodate 10 spaces.
BCRC 12-4.4, Sign standards	<ul style="list-style-type: none"> Freestanding signs, building mounted signs, or combination thereof, in an aggregate size not to exceed ninety six (96) square feet in area, shall be allowed, provided no individual sign exceeds sixty four (64) square feet in area. 	<ul style="list-style-type: none"> 1 on premises sign, not in excess of 6 square feet, shall be permitted when included as part of the conditional use permit application.
BCRC 12-4.5, Design standards	<ul style="list-style-type: none"> BCRC 12-453.A-E: BCRC 12-453.F: BCRC 12-453.G-I: BCRC 12-453.J: BCRC 12-453.K: 	<ul style="list-style-type: none"> N/A There will be no additional lighting. N/A N/A Negligible increase in solid waste anticipated.

	Required	Provided
BCRC 12-4.6, Landscaping and screening standards	<ul style="list-style-type: none"> The commission may require reasonable restrictions and conditions of development. 	<ul style="list-style-type: none"> No landscape plan submitted; site is currently heavily treed.
BCRC 12-7.2, Grading, stormwater management and erosion control	<ul style="list-style-type: none"> Per BCRC 12-722.4.A and 12-722.2, a grading & stormwater management plan was not required for this proposal. 	<ul style="list-style-type: none"> No new impervious surface.

Comprehensive Plan Land Use Designation

The property is designated Ag/Forest Land (10-20 acres) on the Bonner County Comprehensive Plan Map. The comprehensive plan designation of Ag/Forest provides limited residential densities and permitted uses to those that are compatible with rural character and nearby resource production districts and sites and can be adequately supported by rural service levels.

Land Capability Report

A land capability report was not required to be submitted for proposals in which all of the five criteria, pursuant to BCRC 12-222(J), which states when a land capability report shall not be required.

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.

Agency Review

The application was routed to the following agencies for comment on August 1, 2018:

<i>Panhandle Health District</i>	<i>Dept. of Water Resources</i>
<i>Bonner County Road Dept.</i>	<i>Army Corps (Coeur d'Alene)</i>
<i>Colburn Water Association.</i>	<i>Army Corps (Newport)</i>
<i>Bonner School District #84</i>	<i>Fish and Wildlife Service</i>
<i>Northern Lights Power Company</i>	<i>Forest Service</i>
<i>Dept. of Fish and Game</i>	<i>State Historical Society</i>
<i>Dept. of Environmental Quality</i>	<i>Bonner County Schools – Transportation</i>
<i>Dept. of Transportation</i>	<i>Selkirk Fire Department</i>

- The following agencies responded “no comment”:
 - Idaho Department of Environmental Quality:** Faye Beller - August 30, 2018
- The following agency responded:
 - Bonner County Road & Bridge:** Matt Mulder, PE – August 7, 2018
 - Staff Engineer, Matt Mulder stated, “Road & Bridge could not locate an existing encroachment permit for this driveway

entrance off of Colburn Culver Rd. The applicant shall apply for a residential encroachment permit for an existing driveway. Once the permit application is received, Road & Bridge staff will inspect the existing driveway to determine if it meets the current requirements for a driveway. If any upgrades are necessary to meet current standards, the applicant shall perform said upgrades before the permit is approved."

- o **Bonner County Floodplain:** Jason Johnson, CFM – July 17, 2018
 - Certified Floodplain Manager, Jason Johnson, stated that the project is not within the special flood hazard area and that no flood development permit is required.

K. Public Notice & Comments

There have been no public comments at the time of this report.

Findings of Fact

1. The subject lot is 20 acres in an A/F-10 zone.
2. The proposed Bed & Breakfast shall conform to the definition and standards of a B&B set forth in BCRC 12-333.
3. Traffic to be generated is expected to be up to 1 – 3 vehicles per week.
4. On-site sewage disposal facilities have been sized for a 1800 sq. ft. single family residence with 3 bedrooms and 2 bathrooms.
5. The site is equipped with 10 parking spaces where 4 spaces are required.
6. The proposed use does not include the creation of additional impervious surface.

Conclusions of Law:

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 stormwater 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.

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** One on premises sign, not in excess of 6 square feet, shall be permitted when included as part of the conditional use permit application
- 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** The Bed and Breakfast shall be a detached single-family residential structure, occupied and operated by the owner or a resident manager, where five (5) or fewer rooms are available for rent for a period not to exceed two (2) weeks per guest, and where meals are served from a central kitchen only to overnight guests.
- A-5** Prior to issuance, the applicant shall obtain written documentation, via Bonner County Road & Bridge, confirming an adequate residential encroachment onto Colburn-Culver Road.

OPEN LINE DISCUSSION:

Staff updates

Subarea committees and hiring a potential technical writer for them.

The Chair declared the hearing adjourned at 7:30 p.m.

Respectfully submitted,



Milton Ollerton, Planning Director

The above Minutes are hereby approved this 4th day of October, 2018.

Bonner County Planning and Zoning Commission


Don Davis, Chair