

**BONNER COUNTY PLANNING and ZONING COMMISSION
PUBLIC HEARING MINUTES
APRIL 15, 2021**

PLEDGE OF ALLEGIANCE

CALL TO ORDER: 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 Chair Brian Bailey; Don Davis; Taylor Bradish; Dave Frankenbach; Sheryl Reeve; and Suzanne Glasoe

ABSENT: None

ALSO PRESENT: Planning Director Milton Ollerton; Assistant Director Josh Pilch; Planner II Jason Johnson; Planner I Chad Chambers; Administrative Manager Jeannie Welter; and Administrative Assistant III Kelcey Utt-Boss

CHANGES IN AGENDA:

No minutes for approval.

PUBLIC HEARINGS:

MODIFICATION OF PUD

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 MOD0001-21 – Modification of a PUD – Willow Brook Landing, LP is requesting a modification of a planned unit development, file C818-05, to create a lot from Tract D, a 2.79-acre common area. The property is zoned Recreation. The project is located off Dawson Avenue in Section 1, Township 55 North, Range 4 West, Section 36, Township 56 North, Range 4 West, Boise-Meridian. The Planning and Zoning Commission at the April 1, 2021 continued this file to a date and time certain of April 15, 2021 to fully consider the terms and conditions of the original file C818-05.

STAFF PRESENTATION: Director Ollerton presented a PowerPoint summary of the project and previously circulated staff report.

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

MOTION: Commissioner Reeve moved to recommend denial of this project, FILE MOD0001-21 to allow for the removal of 2.073 acres of common open space to create a residential lot, based upon the following conclusions: Conclusions 1, 2, and 3. The decision is based upon the evidence submitted up to the time the Staff Report was prepared and testimony received at this hearing. Commissioner Reeve further moved to adopt the following findings of fact and conclusions of law as amended. This action does not result in a taking of private property. Commissioner Davis seconded the motion. The action that could be taken, if any, to obtain the conditional use permit is to:

- 1) File a new application with the Planning Department and meet the standards required by Bonner County Revised Code; or
- 2) Appeal the Planning and Zoning Commission's decision to the County Commissioners.

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

Findings of Fact

1. The subject site is 'Tract D', a portion of common open space, in The Crossing plat.
2. The lot has a Comprehensive Plan land use designation of Resort Community and is zoned Recreation.
3. The site is accessed off Dawson Avenue, a private road.
4. The approved CUP site plan shows Tract D as recreational complete with docks, parking and chalet for use by the residents.
5. Condition 9 of the Approved CUP states "The recreational facilities, including the boat/RV storage and parking, wash-down area, marina, beach facilities and walking trails are private, noncommercial uses limited to the use of the landowners and their guests."
6. The original PUD, file C0818-05, was recommended for approval with conditions by the Bonner County Planning & Zoning Commission on June 09, 2005 and was then approved by the Board of County Commissioners on July 13, 2005.

Conclusions of Law:

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

Conclusion 1

The proposed conditional use permit **is not** 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 | •Agriculture |

Conclusion 2

This proposal was reviewed and found to **not be** in 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** create a substantial change to the PUD **inconsistent** with conditions of approval.

Background:

A. Site data:

- 2.793 acres
 - i. New lot: 2.073 acres
 - ii. Remainder of Tract D: 0.720 acres
- Tract D (common area) of The Crossing
- Zone: Recreation
- Land Use: Resort Community

B. Access:

- Dawson Avenue
 - i. Road Class: Local
 - ii. Road Owner: Private
 - iii. County Maintained: No

C. Environmental factors:

- Site does not contain mapped slopes. (USGS)
- Site does not contain mapped wetlands. (USFWS)
- Site fronts on Lake Pend Oreille to the north.
- Per Bonner County CFM, Jason Johnson, *The existing and proposed new lots are within SFHA Zone X and Zone AE, per FIRM panel 16017C0895E, effective date 11/18/2009. This is a proposal to create a new lot. Any new development within the SFHA on this new lot will require a Floodplain Development Permit (FDP) and must be accomplished in compliance with current Bonner County flood codes. No further floodplain review is required on this proposal.*

D. Services:

- Water: Dufort Water Association
- Sewage: Proposed community septic system
- Fire: Selkirk Fire District
- Power: Northern Lights, Inc.

E. Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Land Use & Density
Site	Resort Community	Recreation	Residential

Compass	Comp Plan	Zoning	Current Land Use & Density
North	Lake Pend Oreille		
East	Resort Community	Recreation	Residential
South	Resort Community	Recreation Rural-5	Common Open Space Residential
West	Resort Community	Recreation	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 12-256: Design Standards for Planned Unit Developments; Common Open Space**
 - *At least ten percent (10%) of the gross land area of a residential PUD shall be reserved as common open space, exclusive of streets, parking areas, and utility easements and other improvements which would detract from the function of the "common open space", as defined below. The required common open space must fall into one or more of the following categories:*
 1. *Wildlife habitat or wildlife corridors, as identified by the Idaho department of fish and game or U.S. fish and wildlife service. These areas might be stream corridors, waterways subject to artificial high water marks, as defined, which shall not exceed fifty percent (50%) of the total required common open space, waterways, wetlands, grasslands, stands of mature timber, areas with snags, wintering areas, nesting and roosting sites, waterfront areas and travel corridors between habitat blocks and sources of food and water.*
 2. *Areas with native vegetation, including native grassland, unique vegetative communities as identified by the Idaho conservation data center.*
 3. *Recreational areas, including trails, sports courts and wildlife viewing areas, and other similar recreational uses.*
 4. *Historic or culturally significant areas as determined by the Idaho state historical society.*
 5. *Areas within a scenic byway.*
 6. *Actively managed pasture, farm or timbered land in the A/F and rural districts. Accessory agricultural structures are allowed within the common open space.*
 - The only modification to file C0818-05, the original conditional use permit for a large scale planned unit development (PUD), that the applicant is requesting is to remove 2.073 acres from the total +40 acres of common open space, specifically 'Tract D', to create a residential lot

that will be consistent with the terms and conditions of the original PUD. The remaining common open space will be approximately 38 acres or 22% of the original 24%.

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.

I. Agency Review: The application was routed to the following agencies on March 2, 2021.

Bonner County GIS Department
Bonner County Road & Bridge Department
Dufort Water Association
Idaho Department of Environmental Quality – No comment
Idaho Department of Lands – Navigable Water
Idaho Department of Lands – Sandpoint
Idaho Department of Water Resources
Northern Lights, Inc.
Panhandle Health District – No Comment
Selkirk Fire District
U.S. Army Corps of Engineers

J. Public Notice & Comments: The application was routed to property owners within 300' of the subject property and posted in the newspaper on March 2, 2021. At time of the staff report, staff have received three written comments.

AMENDMENT

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 AM0001-21 – Comprehensive Plan Map Amendment – Ag/Forest to Rural Residential – Michael McKee is requesting a Comprehensive Plan Map Amendment from Ag/Forest designation to Rural Residential for their 10 acre parcel. The property is zoned A/F-10. The project is located off Saunders Road in Section 1, Township 54 North, Range 6 West, Boise-Meridian

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

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

APPLICANT PRESENTATION: Applicant Mike McKee stated his intentions for the application.

PUBLIC/AGENCY TESTIMONY: NONE

APPLICANT REBUTTAL: NONE

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

MOTION: Commissioner Bradish moved to recommend approval to the Board of County Commissioners on this project, FILE AM0001-21, requesting a comprehensive plan amendment from Ag/Forest Land to Rural Residential, finding that it is in accord with the general and specific objectives of the Bonner County Comprehensive Plan and Bonner County Revised Code as enumerated in the following conclusions of law, and based upon the evidence submitted up to the time the Staff Report was prepared and testimony received at this hearing. Commissioner Bradish further moved to adopt the following findings of fact and conclusions of law as written. This action does not result in a taking of private property. Commissioner Reeve seconded the motion.

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

Background:

A. Site Data:

- Use: Residential
- Unplatted
- Size: 10 acres
- Zone: Agricultural/Forestry-10
- Land Use: Ag/Forest Land

B. Access:

- Redneck Drive
 - i. Road Class: Local
 - ii. Road Owner: Easement
 - iii. County Maintained: No
- Saunders Road
 - i. Road Class: Local
 - ii. Road Owner: Bonner County
 - iii. County Maintained: Yes

C. Environmental Factors:

- Site does not contain mapped slopes. (USGS)
- Site does not contain mapped wetlands. (USFWS)
- Site does not contain waterfront or streams. (NHD)

- Per Bonner County CFM, Jason Johnson, *The parcel is within SFHA Zone X, per FIRM panel 16017C1075E, effective date 11/18/2009. No further floodplain review is required on this proposal.*
- Soil: Stapaloo-Kaniksu, dry complex
 - i. Farmland of statewide importance
 - ii. Well drained

D. Services:

- Water: Individual Well
- Sewage: Individual Septic
- Fire: Spirit Lake Fire District
- Power: Avista Utilities
- School District: Bonner County Schools #83

E. Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Land Use & Density
Site	Ag/Forest Land	A/F-10	Residential
North	Ag/Forest Land	A/F-10 & A/F-20	Residential & Vacant
East	Ag/Forest Land	A/F-20	U.S. Federal Land
South	Ag/Forest Land Rural Residential	A/F-10, A/F-20 & R-5	Residential & Vacant
West	Ag/Forest Land Rural Residential	A/F-10 & R-5	Residential

F. Standards Review: Bonner County Revised Code

- **12-215:** Applications for Zone Changes and Comprehensive Plan Map Amendments, Contents
 - The application was considered complete and routed to agencies accordingly.
- **12-216:** Evaluation of Amendment Proposal
 - Staff and the governing bodies shall review the particular facts and circumstances of the 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)
- **Existing Comprehensive Plan Designation: Ag/Forest Land**
 - The Ag/Forest Land designation recognizes areas where steeper slopes prevail (30% or greater) and transportation is provided by private roads or U.S. Forest Service or state roads. Urban services are not available and residential development challenges are present due to slope, poor soil conditions, hazard areas and lack of police or fire services.
- **Proposed Comprehensive Plan Designation: Rural Residential**
 - The Rural Residential area 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.

G. Stormwater Plan: A stormwater management plan was not required, pursuant to BCRC 12-720.3(K) because the proposal does not result in additional impervious surface.

H. Agency Review: The application was routed to agencies and all taxing districts for comment on March 16, 2021.

Avista Utilities:

Bonner County GIS Department: No foreseeable issues with addressing.

Bonner County Road & Bridge Department:

Bonner County Schools #83 – Transportation:

Idaho Department of Environmental Quality: Has no environmental impact comments

Idaho Department of Fish & Game:

Idaho Department of Water Resources:

Panhandle Health District:

Spirit Lake Fire District:

U.S. Fish & Wildlife Service:

U.S. Forest Service:

*All Taxing Districts

I. Public Notice & Comments: The application was routed to property owners within 300' of the subject property and published in the newspaper on March 16, 2021. As of the date of this staff report, there have been no comments received.

Findings of Fact

1. The site has no steep slopes, wetlands, or surface water present.
2. The site has no floodplains or floodways present.
3. The site is accessible by Redneck Drive, a private easement, and Saunders Road, a Bonner County maintained road.
4. This site is located within a designated critical wildlife habitat area, specifically mule deer wintering habitat.
5. The site is within the Spirit Lake Fire District.
6. The site's soil present is Stapaloo-Kaniksu, dry complex, 8 to 25 percent slopes.
7. The site will be served by individual well and individual septic.

Conclusions of Law:

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

Conclusion 1

The proposal **is** in accord with the following elements of the Bonner County Comprehensive Plan:

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

Conclusion 2

This proposal was reviewed for compliance with Title 12, Bonner County Revised Code, and **is** found to be in compliance.

Conclusion 3

The proposal **is** in accord with the Rural Residential Land Use Designation.

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 CUP0003-21 – Conditional Use Permit – Wedding Venue – Todd & Qian Scalia are requesting a conditional use permit for a private community facility (small wedding venue) on a 90 acre parcel. The property is zoned Rural-5. The project is located off Ove Lane in Section 29, Township 56 North, Range 2 West, Boise-Meridian.

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

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

APPLICANT PRESENTATION: None.

PUBLIC/AGENCY TESTIMONY: The following individuals spoke on the record in opposition of the project: Ted Key; Willa Key; and David Archuleta.

APPLICANT REBUTTAL: Applicant Todd Scalia responded to public comments about waste removal, and about the small scale of weddings expected.

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

MOTION: Commissioner Davis moved to approve this project FILE CUP0003-21 for a private community facility to allow for a wedding venue and similar events, for up to 50 individuals, 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 Davis further moved to adopt the following findings of fact and conclusions of law as written. The action that could be taken to obtain the conditional use permit is to complete the Conditions of Approval as amended adding Condition A-9 "The property owners must obtain an updated encroachment permit from the Idaho Transportation Department". This action does not result in a taking of private property. Commissioner Bradish seconded the motion.

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

Background:

A. Site Data:

- Residential
- Unplatted
- Size: ~90 acres
- Zone: Rural-5
- Land Use: Rural Residential

B. Access:

- Ove Lane
 - i. Road Class: Local
 - ii. Road Owner: Private
 - iii. County Maintained: No

C. Environmental Factors:

- Site does contain mapped slopes. (USGS)
- Site does contain mapped wetlands. (USFWS)
- Site does contain a river/stream/frontage on lake
- Per Bonner County CFM, Jason Johnson, *The parcel is within SFHA Zone X and Zone A, per FIRM panel 16017C0950E, effective date 11/18/2009. Per site plan, project sites appear to be within the SFHA Zone X. A re-review of the proposed development will occur during BLP/DES review for each structure. No further review is required on this proposal at this time.*
- Soils –
 - i. Treble-Rock outcrop association
 1. Not prime farmland
 2. Well drained
 - ii. Bonner gravelly ashy silt loam
 1. All areas are prime farmland

- 2. Well drained
- iii. Pywell-Hoodoo complex
 - 1. Prime farmland if drained
 - 2. Very poorly drained

D. Services:

- Water: Individual Well
- Sewage: Individual Septic
- Fire: Selkirk Fire District
- Power: Norther Lights, Inc.
- School District: Bonner County Schools #84
Soil #1

E. Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Land Use & Density
Site	Rural Residential	Rural-5	Agricultural and residential
North	Rural Residential Ag/Forest Land	Rural-5 A/F-20	Pasture land and residential development
East	Rural Residential	Rural-5	Highway & vacant land
South	Rural Residential	Rural-5	Vacant 5 acre lots
West	Rural residential	Rural-5 Rural-10	Kaniksu National Forest & residential development

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
Soil #2

BCRC 12-335, Public Use Table

- 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.*
- The subject property is accessed off Highway 95, an Idaho Transportation Department highway and then onto Ove Lane, a named private driveway.

BCRC 12-421, et seq., Performance Standards for All Uses – Effects from noise, light glare, odors, fumes or vibrations.

- Per the applicant there is potential to hear faint noise of music during daylight hours but the applicants live near said barn and do not like or play loud music themselves and will make sure music being played is not loud or sustained.

BCRC 12-4.3, et seq., Parking Standards – 1 space/100 gross square feet of floor area within 500’ of the principal use.

- The barn that is to be used for the wedding events is 30'x52' (1560 gross square feet). 16 parking spaces would be required within 500' of the barn. The subject property is approximately 90 acres in size, providing ample parking. Per the applicant's site plans, the parking area is located within 500' of the barn on site. The applicants plan to have the parking limited to 15 vehicles per event and will encourage carpooling.

BCRC 12-453(A-D) Design Standards – Sidewalk/Pathway Standards, Pedestrian Connections, & Parking Lot Pathways.

- N/A as there are no new buildings or additions proposed for the use. The use is not commercial so 12-453(E) is also not applicable.

BCRC 12-453(F) Design Standards – Lighting Standards

- N/A as only daylight events are proposed.

BCRC 12-453(G-H) – Blank Wall Treatment Standards and Maximum Building Width.

- N/A as the structure to be used for the wedding events is 1) existing and 2) does not front on a street.

BCRC 12-453(I-K) – Recreational Space for Multi-Family Developments

- N/A as the use is for a private community facility and not a multi-family development, commercial, or industrial uses.

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

- Waived by staff as the location of the barn to be used for the wedding events is located more than 1,000' away from the state highway and at its closest point to a property line is over 400' away from the nearest property. There are no additions or new buildings proposed and there is ample parking available. The requirements for landscaping and screening is not necessary for the proposal.

BCRC 12-7.1, et seq., Shorelines

- The barn to be used for the wedding events is over 500' away from the surface water present on site, meeting the required shoreline setbacks, impervious surface standards and vegetative buffer requirements. There is no fencing proposed for the use as well.

BCRC 12-7.3, et seq., Wetlands

- The barn to be used for the wedding events is over 300' away from the closest mapped wetland boundary, meeting the wetland setback requirements. A wetland delineation is not required as no new development is proposed that would be located within 40' of the mapped wetlands.

BCRC 12-7.6, et seq., Hillsides

- N/A as the barn to be used for the wedding events is existing and there is no proposed development that would be within 300' of the mapped slopes on site at this time.

G. Comprehensive Plan Land Use Designation: The comprehensive plan designation of Rural Residential area 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: The application was routed to agencies by email for comment on 3/16/21.

Bonner County GIS Department:
Bonner County Road & Bridge Department:
Burlington Northern Santa Fe Railroad:
Idaho Department of Environmental Quality:
Idaho Department of Fish & Game: no comment
Idaho Department of Lands – Navigable Waters & Sandpoint:
Idaho Department of Water Resources:
Idaho Transportation Department – District I:
LPSD #84 – Transportation:
Northern Lights, Inc.:
Panhandle Health District:
Selkirk Fire District:
U.S. Army Corps of Engineers:
U.S. Fish & Wildlife Service:
U.S. Forest Service:

J. Public Notice & Comments: The application was routed to property owners within 300' of the subject property and posted in the newspaper on 3/16/21.

Findings of Fact

1. The proposed use will be for a private community facility to allow for a wedding venue and will be located at 222 and 224 Ove Lane in Sagle, ID.
2. The use will generate traffic of up to 15 vehicles per event on average and the applicants will encourage visitors to carpool. The applicants plan to have the parking limited to 15 vehicles per event and will encourage carpooling.
3. The site is served by individual septic, individual well, Northern Lights, Inc. and the Selkirk Fire District. Porta potties and a hand washing site will be provided for wedding events.
4. The structure being used for the wedding events will be the 30'x52' barn from the 1980s per Bonner County Assessor records. No building permit or building

location permit is on file with the Bonner County Planning Department for the barn.

5. Hours of operation will be during daylight hours on weekends during the summer months.
6. The applicants plan to have small wedding events with a maximum of 50 guests on average per event.
7. No signs are proposed.
8. No new development is proposed.
9. The property is addressed off Ove Lane which accesses off Highway 95 which borders the subject property.

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 | •Agriculture |

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** 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** A change of use building location permit to permit the barn as a public use structure shall be submitted to the Bonner County Planning Department for review and approval prior to the start of the use of the structure for events.
- A-7** A minimum of 16 off street parking spaces will be provided for every event and will be within 500' of the barn used for events.
- A-8** Any additions or new development related to the private community facility use shall require a modification of file CUP0003-21 and a building location permit or declaration or exempt structure where applicable with the Bonner County Revised Code.
- A-9** The property owners must obtain an updated encroachment permit from the Idaho Transportation Department.

MODIFICATION OF PUD

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 MOD0002-21 – Conditional Use Permit - Modification of a PUD – South Ridge Ski, LLC is requesting a modification of a planned unit development, file C892-07, to modify language regarding the requirement of a 130,000 gallon reservoir to have it changed to a 70,000 gallon reservoir on a 16.77 acre parcel within the Spires PUD boundaries. The property is zoned Alpine Village. The project is located off Tall Timber Road in Section 20, Township 58 North, Range 2 West, Boise-Meridian.

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

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

APPLICANT PRESENTATION: Applicant Mitch Martin stated original requirement was made on outdated information.

PUBLIC/AGENCY TESTIMONY: The following individual spoke on the record in favor of the project providing additional background: Clay Hutchenson.

APPLICANT REBUTTAL: None.

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

MOTION: Commissioner Bradish moved to recommend approval of this project FILE MOD0002-21, modifying the terms and conditions of C0892-07, The Spires PUD to allow a 70,000 gallon reservoir and/or alternative fire suppression system as approved by Schweitzer Fire District, for fire protection and water in place of the original proposed 130,000 gallon reservoir 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 Frankenbach 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:

- The property is Southerly facing on the South end to an Easterly facing slope on the North end. The estimated maximum slope is 44%. For the Schweitzer ski area, the terrain is much more level than most areas and has quite a bit of benching and lower slope terrain.
- Site does contain mapped slopes. (USGS)
- Site does not contain mapped wetlands. (USFWS)
- Site does not contain a river/stream/frontage on lake
- Site does not within designated floodplain.

D. Services:

- Water: Spires Water Company
- Sewage: Mountain Utility Company
- Fire: Schweitzer Fire District
- Power: Northern Lights
- School District: Lake Pend Oreille School District #84

E. Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Land Use & Density
Site	Alpine Community	Alpine Village	Residential
North	Alpine Community	Alpine Village	Crystal Springs Subdivision
East	Alpine Community	Alpine Village	Schweitzer Basin Village Subdivisions
South	Alpine Community	Alpine Village	Vacant US Government Land and Private Forest lands
West	Alpine Community	Alpine Village	Schweitzer Ski Resort.

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

From the original decision letter approved February 13, 2008 by County Commissioners. Item D. Services: Mountain Utilities Co. (MUC) will provide sewer services for the proposed development. The existing lagoons provide a storage capacity of 13 million gallons and waste water is applied to 28 acres of forest land. Schweitzer plans to relocate the lagoon in the summer of 2008. A sewer analysis has

been provided to the record by Scott McNee, project engineer. The report notes the development will construct 4-inch sewer line mains to connect to the MUC system. Schweitzer flow data from 1994 through 2006 shows an average flow of 90 gallons per day (gpd) per unit, with a winter output of 145 gpd. At build-out, The Spires entire development will contribute about 13,635 gpd. The report concludes the existing collection system has the capacity to serve the new flows. Septic tanks will be used and are required to be approved by MUC. A water plan analysis has also been provided by McNee. The analysis examines the water services available to The Spires and The Spires First Addition (a total of 150 units). The current water source is a ±40gpm well and 20,000 gallon water storage reservoir. To serve the development at build-out, the development will provide an additional water source from three proposed wells and a 130,000-gallon reservoir to be located on the 28.3-acre designated remainder.

Request is to change the last sentence above indicating that a 70,000 gallon reservoir will be provided instead of the original planned 130,000 gallon reservoir.

Applicant: We are requesting modification to the final sentence of Item D. Services: under Findings of Fact on page 3 of C892-07. We are requesting the "130,000- gallon reservoir" be changed to "70,000-gallon reservoir". File C892-07 was one of the first files reviewed after the adoption by Bonner County of the International Fire Code. As such the largest tank possible, 130,000 gallons, was quoted for the requirement. Subsequently, many projects have gone through Bonner County and very few if any have been required to supply this large of a fire suppression water tank. It is now time to build the tank and many of the contractors, engineers and other professionals involved have suggested this tank is way oversized. Through conversations with Bonner County Planning, the Schweitzer Fire Chief and research done on the Idaho Department of Insurance website, the conclusion was that 60,000 gallons for fire protection and 10,000 gallons for potable water for a total of 70,000 gallons for the reservoir would provide adequate water for fire protection and the current insurance rating would be maintained.

G. Comprehensive Plan Land Use Designation : The comprehensive plan designation of Alpine Community 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 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

Panhandle Health District
Independent Highway District
Schweitzer Fire District
The Spires Water Company LLC

Idaho Dept. of Water Resources
Idaho Dept of Env. Quality
US Forest
Northern Lights

The following agencies commented:

Independent Highway District – No Comment
Panhandle Health – No Comment

All other agencies did not reply.

J. Public Notice & Comments

The following public comments were received:

No comments have been received by the date of the staff report.

Findings of Fact

1. The project is in the Alpine Village District with an Alpine Community land use designation.
2. The project was approved for CUP at C0892-07 by the County Commissioners on February 13, 2008.
3. Per the applicant, the 70,000 gallon reservoir would provide adequate water for fire protection and potable water for the completion of the PUD.
4. There have been no comments provided from agencies or the public to indicate any inconsistencies with this proposal.

Conclusions of Law:

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

Conclusion 1

The proposed conditional use permit **is** in accord with the Bonner County comprehensive plan.

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

Conclusion 2

This proposal was reviewed for compliance with the criteria and standards set forth at BCRC 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 and modified PUD.

- A-2** 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.

ZONE CHANGE

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

File ZC0003-21 – Zone Change – Rural-10 to Rural-5 – Tammy Mear & Katy Wack are requesting a zone change from Rural-10 to R-5 for a 20 acre property. The property is zoned Rural-10. The project is located off Riverview Ridge in Section 23, Township 57 North, Range 3 West, Boise-Meridian.

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

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

APPLICANT PRESENTATION: None.

PUBLIC/AGENCY TESTIMONY: None.

APPLICANT REBUTTAL: None.

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

MOTION: Commissioner Frankenbach moved to recommend approval to the Board of County Commissioners on this project, FILE ZC0003-21, requesting a zone change from Rural-10 to Rural-5 for the parcel noted in the staff report, 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 Frankenbach further moved to adopt the following findings of fact and conclusions of law as written. This action does not result in a taking of private property. Commissioner Reeve seconded the motion.

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

Background:

A. Site data: [acreage, # of lots, site use. etc.]

- Use: Residential
- Unplatted/Platted: Unplatted
- Size: ~20.52 acres
- Zone: Rural-10 (R-10)
- Land Use: Rural Residential (5-10 AC)
- Legal per: Parcel size

B. Access:

- Access is provided via Riverview Ridge, a private road that is not county maintained.

C. Environmental factors:

- Site does contain mapped slopes, some of which are greater than 30%. (USGS)
- Site does contain mapped wetlands, along Carr Creek. (USFWS)
- Site does contain a stream (Carr Creek). (NHD)
- Site is within Special Flood Hazard Area (SFHA) Zone X, per FIRM Panel 16017C0695E, Effective Date 11/18/2009. No further floodplain review is required on this proposal.
- Site is heavily treed.
- Soil:
 - Classification: Pend Oreille silt loam, 5 to 45 percent slopes
 - Type: Consociation
 - Drainage: Well drained
 - Not prime farmland

D. Services: [public & private water, sewer, fire protection, gas/electric, schools, etc.]

- Water: No well or water service.
- Sewage: Septic
- Fire: West Side Fire
- Power: Northern Lights
- School District: Bonner School #84

E. Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Land Use & Density
Site	Rural Residential (5-10 AC)	Rural 10 (R-10)	Residential, 1 unit per 10 acres
North	Rural Residential (5-10 AC)	Rural 10 (R-10)	Residential, 1 unit per 10 acres
East	Rural Residential (5-10 AC)	Rural 10 (R-10)	Residential, 1 unit per 10 acres
South	Rural Residential (5-10 AC)	Rural 10 (R-10)	Residential, 1 unit per 10 acres
West	Rural Residential (5-10 AC)	Rural 10 (R-10)	Residential, 1 unit per 10 acres

F. Standards review: Bonner County Revised Code

- **12-215:** Applications for Zone Changes and Comprehensive Plan Map Amendments, Contents
 - The application was considered complete and routed to agencies accordingly.
- **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.
- **Comprehensive Plan - Rural Residential:**
 - The Rural Residential area 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.
- **12-323: RURAL DISTRICT (R-10):**
- R-10 in areas designated as rural residential in the comprehensive plan that meet one or more of the following criteria:
 - Characterized by slopes that are steeper than thirty percent (30%).
 - Located within critical wildlife habitat as identified by federal, state or local agencies.
 - Contain prime agricultural soils.

- Served by a network of public and/or private roadways that generally do not meet applicable roadway standards set forth in title 2 (public roads) of this code or appendix A (private roads) of this title or are absent.
- Within the floodway.
- Contain limited access to public services.
- **12-323: RURAL DISTRICT (R-5):**
 - R-5 in areas designated rural residential in the comprehensive plan that are already developed at or near the one dwelling unit per five (5) acre density and/or do not meet the criteria for R-10 above.

G. Stormwater plan: A stormwater management plan was not required, pursuant to BCRC 12-720.3 because the proposal does not result in the creation of new impervious surface.

H. Agency Review: The application was routed to agencies for comment on March 16, 2021.

Panhandle Health District	Idaho Department of Water Resources
Selkirk Fire District	Bonner County Road Department
Northern Lights, Inc.	Idaho Department of Fish and Game
Bonner County Schools – Transportation	Idaho Department of Environmental Quality
All Taxing Districts	

All agencies either replied “No Comment” or did not reply

I. Public Notice & Comments: No public comments were received.

Zone Change Findings of Fact

1. The site in question is not characterized by slopes that are steeper than thirty percent (30%).
2. No agency responded that the site in questions is located within critical wildlife habitat as identified by federal, state or local agencies.
3. The site does not contain prime agricultural soils.
4. The site is served by a private roadway that serves multiple nearby lots of less than 10 acres.
5. The site is not within floodplain or floodway.
6. The site is served by multiple public services, including Bonner School #84, Selkirk Fire, Bonner Co Ambulance 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 proposal **is** in accord with the following elements of the Bonner County Comprehensive Plan:

Property Rights
Community Design
Land Use
Public Services
Special Areas or Sites

Population
Implementation
Natural Resources
Transportation
Housing

School Facilities, Transportation
Economic Development
Hazardous Areas
Recreation

Conclusion 2

This proposal was reviewed for compliance with Title 12, Bonner County Revised Code, and **was** found to be in compliance.

Conclusion 3

The proposal **is** in accord with the purpose of the Rural-5 zoning district, provided at Chapter 3, Title 12, Bonner County Revised Code.

COMMISSIONER & STAFF UPDATES:

Department updates and stats.
Discussion regarding sub-area plans.
Population and growth.

At 7:37 p.m., the Chair declared the hearing adjourned until April 29, 2021.

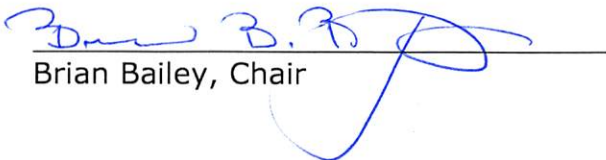
Respectfully submitted,



Milton Ollerton, Planning Director

The above Minutes are hereby approved this 29th day of April 2021.

Bonner County Planning and Zoning Commission



Brian Bailey, Chair