

**BONNER COUNTY PLANNING and ZONING COMMISSION
PUBLIC HEARING MINUTES
APRIL 29, 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 3rd Floor BOCC meeting room, Ste. 338, of the Bonner County Administration Building, 1500 Highway 2, Sandpoint, Idaho, via Zoom webinar, and YouTube live streaming.

PRESENT: Commissioners Chair Brian Bailey; Vice Chair Don Davis; Taylor Bradish; Dave Frankenbach; Sheryl Reeve; and Suzanne Glasoe

ABSENT: None

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

APPROVAL OF MINUTES: The Chair requested the Commissioners declare if they had any corrections or changes to the approval of minutes as written for: April 1st, April 14th, and April 15th. Hearing no changes or objections, the Chair declared the minutes approved as written.

PUBLIC HEARINGS:

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 CUP0007-21 – Conditional Use Permit - Gravel Pit/Rock Crushing – Bonner County is requesting to expand its gravel pit and rock crushing onto parcels RP54N05W072250A & RP54N05W071280A. The property is zoned Rural-5. The project is located off Highway 41 in a portion of Section 7, Township 54 North, Range 5 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: Road & Bridge Director Steve Klatt presented the history of the land, how the use of the project will be for Bonner County use only, and how the land will be used sparingly in the future.

PUBLIC/AGENCY TESTIMONY: The following individuals spoke on the record in opposition of the project:

Kenneth Dewis
Debra Percival
Cara Snyder
Joe Champini

Mike Secsmith
Ron Fleck
Roger Barry
Alwynn Whitaker

Silas Bland
Roger Brandt
Susan Dewis

APPLICANT REBUTTAL: Director Ollerton suggested the Commission could add an additional condition to the permit stating it be issued to the County and expire in the event the property is sold to another entity. Mr. Klatt agreed to the suggested additional condition. Mr. Klatt rebutted to other public comments and concerns. Bonner County staff engineer also responded to public comments.

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

MOTION: Commissioner Bradish moved to approve this project FILE CUP0007-21 for a rock crushing operation and amenities, 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 conditions **A-16** Conditional use permit will be granted to Bonner County. Conditional use permit will expire upon sale of property and **A-17** The applicant shall work with ITD to install a northbound deceleration lane as appropriate. The action that could be taken to obtain the conditional use permit is to complete the Conditions of Approval as adopted. This action does not result in a taking of private property. Commissioner Glasoe seconded the motion.

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

Background:

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

- Parcel Area: ±34.6 acres
- Zone: Rural-5
- Land Use: Rural Residential

B. Access: Highway 41

- a. Owner: State of Idaho
- b. Road Class: State Highway
- c. Surface: Paved

C. Environmental factors:

- The parcels are gently sloping upwards towards the northeast corner. Rock outcroppings appear on the eastern parcel.
- Map shows wetlands follow seasonal drainage through the parcel. (USFWS)
- Map shows a seasonal drainage but no water or channelization has been observed.
- Entire parcel is within SFHA Zone X, per FIRM Panel 16017C1075E Effective Date 11/18/2009

D. Services:

- Water: Well on adjacent site for
- Sewage: Portable unit will be onsite.
- Fire: Spirit Lake Fire District
- Power: Avista
- School District: Bonner School District #83

E. Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Land Use & Density
Site	Rural Residential	Rural - 5	Residential
North	Rural Residential	Rural - 5	Waterfront Access
East	Ag/ Forestry	A/F-10	Residential
South	Rural Residential	Rural - 5	Residential
West	Rural Residential	Rural - 5	Residential

F. Standards review

BCRC 12-223 specifies that the Commission shall review the particular facts and circumstances of each proposal. To grant a conditional use permit, the Commission must find there is adequate evidence showing the proposal is in accord with the general and specific objectives of the comprehensive plan and Title 12 and the proposed use will neither create a hazard nor be dangerous to persons on or adjacent to the property

BCRC 12-220, et seq, conditional use permit, application and standards

The application was considered complete and routed to agencies on March 30, 2021

BCRC 12-336 Resource Based Use Table, Gravel Pits; Rock Crushing (3) (4) (5)

(3) Sufficient land area is required to accommodate the proposed use, and the use and any appurtenant structures shall be so arranged on the land as to minimize any adverse effects on surrounding properties. The use shall not create particular hazards to adjacent properties.

Applicant: No trespassing will be posted, along with a locked gate at the entrance. If trespass becomes an issue, a fence may be erected along areas of likely ingress.

Vegetative buffers will be left along the perimeter to limit views into the pit. Large earthen berms exist along some of the northern boundary already which limit ingress and views into the pit from neighboring residential area.

(4) Specified conditions with respect to emissions of noise, light, glare, smoke, odor, dust, particulate matter, vibrations or hours of operation may be prescribed differently from those required in a given district, as to be compatible with other applicable State and Federal standards.

Applicant: Noise is likely during operational hours when rock crushing is occurring. This will generally be for less than a month in duration, and will not occur every year. No light glare anticipated. Odor and fumes in the form of dust may occur. Crushers will not be located next to adjacent occupied properties, but will be deep into the pit which will reduce wind and dust travel. Vegetative buffers will also reduce dust travel. Vibrations may be felt during future blasting operations, which will be infrequent and short in duration.

(5) 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.

Applicant: The property has direct access onto State Highway 41.

BCRC 12-4.2, Performance standards for all uses

Staff: Application indicates design of site will alleviate noise, light glare, odor, fumes and vibrations.

BCRC 12-4.3, Parking standards: Table 4.3 Minimum off street parking requirements: 1.25 spaces/unit.

Staff: Parking will be on the floor of the gravel pit. There will be no designated parking spaces.

BCRC 12-4.4, Sign standards

Staff: Application indicates no signage will be used. Any signs used shall meet the requirements of this section. **See Condition A-5**

BCRC 12-4.5, et seq, Design standards

BCRC 12-452: Site and building plans.

Staff: No structures are planned. Any new structures shall be accessory to a gravel pit and shall require a BLP to ensure compliance with codes. **See Condition A-6.**

BCRC 12-453: Standards (reviewing only those applicable standards)

F. Lighting Standards

Staff: None planned. If lighting occurs, it shall meet the requirements of this section. **See Condition A-7.**

BCRC 12-4.6, Landscaping and screening standards

Staff: Vegetative buffers will be left along the perimeter to limit views into the pit.

12-482: MINING:

- A. A reclamation plan approval by the Idaho department of lands shall be applied for, and a copy of the application shall accompany the application for the conditional use permit. Temporary and permanent landscaping and safety fencing shall be provided around all excavations in urban areas. A site plan for the entire parcel shall be submitted with the application identifying the location of any pits, stockpiles, hauling roads, processing facilities, equipment or material storage, fencing, screening and any other pertinent features. A reclamation plan shall also be submitted showing the condition and topography of the land after material and structures have been removed. A grading/stormwater management plan shall be prepared and submitted concurrently with the application for conditional use permit pursuant to the requirements of subchapter 7.2 of this title.

Staff: A stormwater plan is included with the application. The reclamation plan application shall be submitted to the file. **See Condition A-8.**

- B. The mined area shall not be located closer to the nearest property line or public right of way than a horizontal distance equal to one and one-half (1 1/2) times the vertical depth of the mined area at any given point, except that steeper slopes may be permitted where certified by an Idaho licensed engineer. In no instance shall the actual mined area extend to within sixty feet (60') of the nearest property line or public right of way. Drainage from areas disturbed by surface mining shall be filtered, treated and contained on site.

Staff: See condition A-2.

- C. The landowner (applicant) shall apply dust abatement (magnesium chloride or other suppressants acceptable to Bonner County) to the private, nonpaved easement and the haulage road on a yearly and/or as needed basis, ~~at no cost to Bonner County.~~

Staff: See Condition A-9.

- D. No debris from the mining operation shall be placed or tracked onto the public rights of way by vehicles used for the operation, to the satisfaction of the transportation agency having jurisdiction over the adjacent roadways.

Staff: See Condition A-10.

- E. Fugitive dust shall be controlled by the applicant at all times to the satisfaction of the Idaho department of environmental quality and consistent with the approved fugitive dust control plan.

Staff: See Condition A-11

F. The applicant shall comply with all requirements of the reclamation plan approved by the Idaho department of lands.

Staff: See Condition A-8

G. All retail sales of materials on the site are prohibited.

Staff: See Condition A-13

H. The signs on the site shall comply with the standards of subchapter 4.4 of this title.

Staff: See Condition A-5

I. The applicant shall install and maintain hazard fencing and signing to warn of the mining danger, to the satisfaction of the Bonner County Planning Department.

Staff: See Condition A-14

J. The applicant shall maintain or restore vegetative buffering of the site, where feasible.

Staff: See Condition A-15

BCRC 12-7.2, Grading, stormwater management and erosion control

Staff: The stormwater plan has been submitted with the application.

G. Comprehensive Plan Land Use Designation

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

H. Stormwater plan: Stormwater plan was provided by Matt Mulder, PE, Bonner County Road and Bridge.

I. Agency Review

Panhandle Health District	Idaho Department of Environmental Quality
Spirit Lake Fire	Bonner County Road Department
Avista	Idaho Department of Lands - CDA
School District #83	Idaho Department of Fish and Game
US Forest Service	Idaho Transportation Department
Idaho Dept of Water Resources	

The following agencies commented:

Idaho Dept of Water Quality – March 30, 2021

Idaho Fish and Game responded – April 19, 2021 See file for letter.
All other agencies did not reply.

J. Public Notice & Comments

There have been no comments received at the time of the staff report.

Findings of Fact

1. The property is zoned Rural-5. Gravel pits and rock crushing are conditionally permitted in the Rural zones.
2. The property is accessed by Highway 41, an Idaho State Highway.
3. The property has been reviewed against the required standards of BCRC 12-482 with conditions added to ensure full compliance with this code.
4. The site is serviced by Spirit Lake Fire and Avista.
5. The project will utilize portable toilets as needed.
6. The proposal is consistent with the Comprehensive Plan.

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 Title 12, Subchapter 336 Resource Based Uses, Chapter 4 et seq. and subchapter 482 Mining.

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 approval of this conditional use permit and shall maintain within the standards of BCRC Title 12 as it governs mining, gravel pits and rock crushing.
- A-2** Setbacks shall meet the requirements of BCRC 12-482 B.
- 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 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-5** Any signage shall meet the requirements of BCRC 12-443.
- A-6** Any new structures shall be accessory to a gravel pit and shall require a BLP to ensure compliance with codes and this conditional use permit.
- A-7** All lighting shall meet the requirements of BCRC 12-453 F.
- A-8** The reclamation application shall be submitted to the file.
- A-9** The applicant shall apply dust abatement (magnesium chloride or other suppressants acceptable to Bonner County) to the private, nonpaved easement and the haulage road on a yearly and/or as needed basis.
- A-10** No debris from the mining operation shall be placed or tracked onto the public rights of way by vehicles used for the operation, to the satisfaction of Idaho Transportation Department.
- A-11** Fugitive dust shall be controlled by the applicant at all times to the satisfaction of the Idaho department of environmental quality and consistent with the approved fugitive dust control plan.

A-12 The applicant shall comply with all requirements of the reclamation plan approved by the Idaho department of lands

A-13 All retail sales of materials on the site are prohibited.

A-14 The applicant shall install and maintain hazard fencing and signing to warn of The mining danger, to the satisfaction of the Bonner County Planning Department.

A-15 The applicant shall maintain or restore vegetative buffering of the site, where feasible.

A-16 Conditional use permit will be granted to Bonner County. Conditional use permit will expire upon sale of property.

A-17 The applicant shall work with ITD to install a northbound deceleration lane as appropriate.

File CUP0008-21 – Conditional Use Permit - Communications Tower – Avista

is requesting to expand its microwave capability in and out of Baldy Mountain with the installation of a 60 foot self-supporting wireless communication tower occupying a 30 foot by 60 foot location on parcel # RP58N03W350001A. The property is zoned Ag/Forest-20. The project is located off Forest Road 2601 in a portion of Section 35, Township 58 North, Range 3 West, Boise-Meridian.

CONFLICT OF INTEREST/DISCLOSURE DECLARATIONS: The Chair requested the Commissioners declare any conflicts of interest or disclosures. Commissioner Bradish stated he works for the Idaho Department of Lands and had spoken with a supervisor relating to the file before he realized they were a reviewer of the application. He recused himself from this file hearing. The Chair noted there were no additional conflicts or disclosures.

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

APPLICANT PRESENTATION: Todd McLaughlin stated they have a stormwater and grading plan in place and he further stated the project will stay within the already present tower farm.

PUBLIC/AGENCY TESTIMONY: The following individuals spoke in opposition of the application: Elizabeth Ehaw and Anne Wilder.

APPLICANT REBUTTAL: Avista Engineer Paulo Marsh responded that Avista will be replacing an existing tower. Todd McLaughlin responded to other public comments

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

MOTION: Commissioner Glasoe moved to approve this project FILE CUP0008-21 requesting to allow a Communications tower and its attendant facilities on a property zoned Agricultural/Forestry 20 District (A/F-20), finding that it is in accord with the general and specific objectives of the Bonner County Comprehensive Plan and Bonner County Revised Code as enumerated in the following conclusions of law, and based upon the evidence submitted up to the time the Staff Report was prepared and testimony received at this hearing. Commissioner Glasoe further moved to adopt the following findings of fact and conclusions of law as written and amended Conditions of Approval striking condition A-6 from the record. 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: [acreage, # of lots, site use. etc.]

- Site Area: 560 acres of unplatted land.
- Current Use: Vacant
- Zone: Agricultural/Forestry 20 (A/F-20)
- Comprehensive Plan Map Designation: Prime Agricultural/Forest (20+ ac) Land.

B. Access:

- The site is currently accessed by an access road, approximately 2 miles away from Baldy Mountain Local Road owned by Bonner County.

C. Environmental factors: [floodplain, vegetation, soils, wetlands, slopes, aquifer, fish and wildlife, potential hazards, effects on historical, archaeological or ecologically sensitive features; air quality, ground water protection etc.]

- Majority of the site contains slopes over 30%. (USGS)
- The site does not seem to have the presence of any wetlands. (USFWS)
- Southeast portion of the site has presence of Little Sand Creek Stream.

D. Services:

- Water: The site does not have current or proposed access to water.
- Sewage: During the construction phase of the project, a portable bathroom will be provided. No facility is proposed after construction.
- Fire: No fire protection facilities are existing or proposed on the site.

E. Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Land Use & Density
Site	Prime Ag/Forest Land (20+ ac.)	Agricultural Forestry 20 (A/F-20)	Communication tower and timber.

Compass	Comp Plan	Zoning	Current Land Use & Density
North	Remote Ag/Forest (40+ ac.)	Forest 40 (F)	No structures, two smaller parcels with similar use.
East	Remote Ag/Forest (40+ ac.)	Forest 40 (F)	No structures.
South	Prime Ag/Forest Land (20+ ac.)	Agricultural Forestry 20 (A/F-20)	No structures.
West	Remote Ag/Forest (40+ ac.)	Forest 40 (F)	No 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

- BCRC 12-220, et seq, conditional use permit, application and standards
- BCRC 12-335 PUBLIC USE TABLE
 - As per table 3-5, Communication Towers may be permitted as a Conditional Use on properties zoned Agricultural/Forestry 20. The associated condition is as follows-
 - (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.
- BCRC 12-4.2, Performance standards for all uses
- BCRC 12-4.3, Parking standards
 - 3. Industrial, institutional and commercial uses shall be provided with off street loading spaces, exclusive of access areas, of not less than 12 feet in width. Loading spaces shall not project into public rights of way or setback areas
- BCRC 12-4.6, Landscaping and screening standards
- BCRC 12-488, Standards for specific uses [Communication Towers]
 - A. Communication towers and attendant facilities shall be enclosed by a fence not less than six feet (6') in height.
 - B. The base of any tower shall not be closer to any property line than a distance equal to the tower height.
 - C. The commission shall consider the public convenience and necessity of the communication tower and any adverse effect the facility would have upon properties in the vicinity and may require such reasonable restrictions and conditions of development as to uphold the purpose and intent of this title and the comprehensive plan.

- D. Communication towers shall be built to telecommunication industry association/electronic industry association (TIA/EIA) 222 revision F standards, or as amended, for steel antenna support structures.
- E. Communication towers shall be constructed to accommodate other future communication services where technically feasible ("collocation").
- F. Communication towers shall meet all operational, construction and lighting standards of the federal aviation administration.
- G. Communication towers shall not penetrate any airspace surface on or adjacent to any public or private airfields as set forth at subchapter 5.2 of this title.
- H. Upon termination of use of a communication tower for a period of not less than one year, the landowner and/or tower operator/applicant shall remove the tower along with all supporting equipment, apparatus and foundation.
- I. Flammable material storage shall be in accordance with international fire code standards.
- J. Communication towers shall not be used for signage, symbols, flags, banners or other devices or objects attached to or painted or inscribed upon any communication facility for the purposes of displaying a message of any kind, except as required by a governmental agency.
 - BCRC 12-7.2, Grading, storm water management and erosion control
 - BCRC 12-7.5, Flood damage prevention
 - BCRC 12-7.6, Hillsides

G. Comprehensive Plan Land Use Designation: The comprehensive plan designation of Prime Agricultural/Forest Land provides to preserve the productive farm and ranch land and timber land to promote its important economic and environmental contributions to the County. This area may have a range of road systems serving it and is generally served by individual sewer and water systems. These areas generally have prime agricultural land soils and soils of recognized state importance and active farm and ranch operations.

H. Stormwater plan: A stormwater management plan was required pursuant to BCRC 12-7.2. A stormwater and grading plan as well as a drainage report prepared by James A. Sewell and Associates has been submitted. The plan calls for an erosion control plan and an operation and maintenance plan. This plan submitted by the applicant, was prepared and stamped by a professional engineer licensed by the State of Idaho.

I. Agency Review: The application was routed to agencies for comment on March 30, 2021.

Panhandle Health District
 Bonner County Road Department
 Avista
 US Forest Service
 US Fish and Game

Idaho Department of Water Resources
 Idaho Department of Environmental Quality
 Idaho Department of Lands – Sandpoint
 Idaho Department of Fish and Game

The following agencies replied “No Comment”:

Idaho Department of Water Resources	March 30, 2021
Panhandle Health Department	April 02, 2021
Idaho Department of Fish and Game	April 09, 2021

All other agencies did not reply.

J. Public Notice & Comments: *None.*

Findings of Fact

1. The location of the proposed tower is zoned Agricultural/Forestry 20 District (A/F-20).
2. The site was developed with a Radio Tower and an equipment shelter, built in 1992 and 1995 respectively; and a communication tower built in 2006.
3. The subject site is accessed by Baldy Mountain Road, designated as a local road by the Bonner County Road Department.
4. Majority of the site contains slopes over 30%. The applicant has provided a signed and stamped stormwater and grading plan to mitigate any site disturbance that may result during and after the construction of the project.
5. The new proposed communication tower is proposed to be built on the site that has an existing communication tower.
6. The site seems to have a presence of Little Sand Creek stream on it in the southeast portion.
7. No wetlands seems to be present on the site.

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
Transportation | •Population | •School
Facilities, |
| •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.

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.

SPECIAL USE PERMIT

File SUP0001-21 – Special Use Permit - Temporary Batch Plant - GRANITE HILL LLC is requesting an Administrative Temporary Special Use Permit within the existing Granite Hill Rock Pit which is located on about 35.5 acres along the old highway 95 and Granite loop Road. The property is zoned Rural 5 (R-5). The project is located off Hwy 95 in Section 26, Township 54 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: Staff Planner 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: Project Representative Steve Syrcle stated the project information. Jared Wise stated the intent of the project.

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 approve this project FILE SUP0001-21, requesting a Special Use Permit for a Temporary Batch Plant within the existing Granite Hill Rock Pit, 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 Reeve seconded the motion.

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

Background:

A. Site data:

- ±35.50 acres, unplatted
- Gravel Pit
- Zone: Rural 5 (R-5)
- Land Use: Rural Residential (5-10 AC)

B. Access:

- Access to the site is provided via Granite Loop Road and off of Highway 95.
- Five parking spaces are proposed.

C. Environmental factors:

- Site does contain mapped slopes. (USGS)
- Site does not contain mapped wetlands. (USFWS)
- Site does not contain a river/stream/frontage on lake.
- The parcel is within SFHA Zone X, per FIRM Panel 16017C1150E, Effective Date 11/18/2009. No further floodplain review is required on this proposal.
- The site is partially vegetated.
- Soils on the site include:
 - i. Kootenai-Bonner gravelly silt loams, 0 to 20 percent slopes; Farmland of statewide importance
 - ii. Treble-Rock outcrop association, 20 to 65 percent slopes; Not prime farmland
 - iii. Kootenai gravelly silt loam, 20 to 55 percent slopes; Not prime farmland

D. Services:

- Water: None
- Sewage: None
- Fire: Selkirk Fire
- Power: Unknown
- School District: Bonner School District #84

E. Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Land Use & Density
Site	Rural Residential (5-10 AC)	Rural 5 (R-5)	Gravel pit
North	Rural Residential (5-10 AC)	Rural 5 (R-5)	Undeveloped
East	Rural Residential (5-10 AC)	Rural 5 (R-5)	Highway 95
South	Rural Residential (5-10 AC)	Rural 5 (R-5)	Undeveloped
West	Rural Residential (5-10 AC)	Rural 5 (R-5)	Single family residence

F. Standards review

BCRC 12-245 specifies the standards of review of Special Use Permits:

A. The type of temporary use proposed, its general location and the characteristics of the specific site are compatible with the nature of the district and will not have material and long term negative effects.

STAFF: The applicant is requesting a Special Use Permit for a Temporary Batch Plant within the existing Granite Hill Rock Pit, which is located on about 35.5 acres along the Old Highway 95 and Granite Loop Road.

As shown on the submitted site plan, the site has sufficient space for the proposed use. The characteristics of a temporary batch plant are compatible with the nature and characteristics of an existing gravel pit. Locating the temporary batch plant within the source of gravel and aggregate will reduce vehicle trips generated by the temporary batch plant, as opposed to having the proposed temporary batch plant located at a site separate from an aggregate source.

A condition has been added that the batch plant shall be removed and the site shall be restored to a pre-development condition by the end of 2023.

B. There is sufficient land area to accommodate the proposed special use, and that the temporary use and any appurtenant structures are arranged on the land to minimize any adverse effects on surrounding properties, and will not create particular hazards to adjacent properties.

STAFF: As shown on the submitted site plan, the site has sufficient space for the proposed use. The characteristics of a temporary batch plant are compatible with the nature and characteristics of an existing gravel pit. Locating the temporary batch plant within the source of gravel and aggregate will reduce vehicle trips generated by the temporary batch plant, as opposed to having the proposed temporary batch plant located at a site separate from an aggregate source.

This Temporary Batch Plant will be fully permitted and regulated by the Department of Environmental Quality to ensure compliance with emissions standards during operations. The DEQ permitting process on the plant will require monitoring of smoke stack emissions, odor, dust and particulate matter to ensure safe levels and local compliance standards are met. The plant will utilize the current "Best Available Control Technology" (BACT), as required by local and federal regulations.

The US Highway 95 access will be permitted by the Idaho Department of Transportation. Granite Loop Road access will be permitted by Bonner County Road & Bridge.

The site is within the Selkirk Fire District. The Selkirk Fire District made no comment on this application. The site is within the Bonner County Ambulance District. Any temporary sewage disposal facilities needed will be permitted through the Panhandle Health District.

A condition has been added to require the submission of an engineered stamped stormwater management and erosion control plan prior to the start of operations of the proposed temporary batch plant.

The temporary batch plant will utilize aggregate being produced from the existing pit and will not impede on adjoining properties.

If approved, this facility is planned to operate over a period of 2 years, beginning at startup date of the facility.

C. The design and management of the proposed special use will not pose a material risk to public health and safety.

STAFF: This Temporary Batch Plant will be fully permitted and regulated by the Department of Environmental Quality to ensure compliance with emissions standards during operations. The DEQ permitting process on the plant will require monitoring of smoke stack emissions, odor, dust and particulate matter to ensure safe levels and local compliance standards are met. The plant will utilize the current "Best Available Control Technology" (BACT), as required by local and federal regulations.

The US Highway 95 access will be permitted by the Idaho Department of Transportation. Granite Loop Road access will be permitted by Bonner County Road & Bridge.

The site is within the Selkirk Fire District. The Selkirk Fire District made no comment on this application. The site is within the Bonner County Ambulance District. Any temporary sewage disposal facilities needed will be permitted through the Panhandle Health District.

A condition has been added to require the submission of an engineered stamped stormwater management and erosion control plan prior to the start of operations of the proposed temporary batch plant.

D. Adequate public services (such as water supply, sewage disposal facilities, roads, law enforcement, traffic control, fire protection, emergency medical services, etc.) exist or will be provided to serve the proposed special use.

STAFF: The US Highway 95 access will be permitted by the Idaho Department of Transportation. Granite Loop Road access will be permitted by Bonner County Road & Bridge.

The site is within the Selkirk Fire District. The Selkirk Fire District made no comment on this application. The site is within the Bonner County Ambulance District. Any temporary sewage disposal facilities needed will be permitted through the Panhandle Health District.

E. The site plan and accompanying descriptive material for the special use are sufficiently detailed to provide a clear and unambiguous description of the nature of the use to be allowed under the terms of the special use permit.

STAFF: The applicant is requesting a Special Use Permit for a Temporary Batch Plant within the existing Granite Hill Rock Pit, which is located on about 35.5 acres along the Old Highway 95 and Granite Loop Road. Operations are planned to begin in June of 2021 and conclude at the end of 2022 or early 2023. Site Restoration is scheduled to occur in June 2023.

F. Measures can and will be taken to mitigate any adverse effects that the proposed special use may have.

STAFF: This Temporary Batch Plant will be fully permitted and regulated by the Department of Environmental Quality to ensure compliance with emissions standards during operations. The DEQ permitting process on the plant will require monitoring of smoke stack emissions, odor, dust and particulate matter to ensure safe levels and local compliance standards are met. The plant will utilize the current "Best Available Control Technology" (BACT), as required by local and federal regulations.

The US Highway 95 access will be permitted by the Idaho Department of Transportation. Granite Loop Road access will be permitted by Bonner County Road & Bridge.

The site is within the Selkirk Fire District. The Selkirk Fire District made no comment on this application. The site is within the Bonner County Ambulance District. Any temporary sewage disposal facilities needed will be permitted through the Panhandle Health District.

A condition has been added to require the submission of an engineered stamped stormwater management and erosion control plan prior to the start of operations of the proposed temporary batch plant.

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 is being required for the proposed use, pursuant to BCRC 12-245. No plan was submitted. A condition has been added to this recommendation that an engineered stormwater plan shall be in place for the proposed use, prior to commencement of the use.

I. Agency Review

Panhandle Health District	Avista
Idaho Department of Water Resources	BNSF Railway
Selkirk Fire District	Bonner County Road & Bridge
Northern Lights	U.S. Army Corps (Coeur d'Alene)
Idaho Department of Lands (Sandpoint)	Army Corps (Newport)
Bonner County Schools - Transportation	U.S. Fish and Wildlife Service
Idaho Department of Fish and Game	School District #84
Idaho Department of Environmental Quality	U.S. Forest Service
Idaho Transportation Department	State Historical Society
Idaho Department of Lands, Nav. Waters	(All Taxing Districts)

The following agencies commented:

Department of Environmental Quality responded with a standard 5-page comment sheet of recommendations. The Idaho Department of Environmental Quality (DEQ) does not review projects on a project-specific basis.

The following agencies replied "No Comment":

3/30/2021 - Idaho Department of Water Resources

4/9/2021 - Idaho Department of Lands

4/16/2021 - Idaho Department of Fish & Game

J. Public Notice & Comments

No public comments were received at the time of preparation of the staff report.

Findings of Fact

1. The proposed use will be temporary, consistent with the Conditions of Approval below.
2. The proposed use will occur within the existing Granite Hill Rock Pit facility.
3. The submitted site plan shows that the site has sufficient space for the proposed use.
4. The use will be permitted and regulated by the Idaho Department of Environmental Quality (IDEQ) to ensure compliance with regulations governing emissions, odor, dust and particulate matter.
5. The plant will utilize the current "Best Available Control Technology" (BACT), as required by local and federal regulations.
6. The US Highway 95 access will be permitted by the Idaho Department of Transportation. Granite Loop Road access will be permitted by Bonner County Road & Bridge.
7. The site is within the Selkirk Fire District and Bonner County Ambulance District.
8. Any temporary sewage disposal facilities needed will be permitted through the Panhandle Health District.
9. The temporary batch plant will utilize aggregate being produced from the existing gravel pit.
10. Operations are planned to begin in June of 2021 and conclude at the end of 2022 or early 2023. Site Restoration is scheduled to occur in June 2023.

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 12-245 – Standards of Review of Special use Permits.**

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 & specific 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 Special use Permit shall expire subject to the dates given in the conditions below.
- 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** Commercial operation of the proposed batch plant shall cease by the end of the 1st quarter of 2023.

- A-7** Removal of the batch plant and site restoration shall be concluded prior to 2024.
- A-8** Prior to commencing the use, and during the life of the use, the temporary batch plant shall be permitted by the Idaho Department of Environmental Quality (IDEQ), and shall be operated in full compliance with the requirements of this agency. This would include, but not be limited to, IDEQ regulations and requirements governing emissions of odor, dust and particulate matter.
- A-9** Prior to commencing the use, and during the life of the use, any US Highway 95 accesses for this use shall be permitted by the Idaho Department of Transportation.
- A-10** Prior to commencing the use, and during the life of the use, any accesses to county-owned roads, including Granite Loop Road, shall be permitted by Bonner County Road & Bridge.
- A-11** Any temporary sewage disposal facilities needed for this use shall be permitted through the Panhandle Health District.
- A-12** The proposed use shall utilize the current "Best Available Control Technology" (BACT) throughout the life of the use.

Conditions to be met prior to issuance of the permit:

- B-1** **Prior to commencing the proposed use, an engineered and stamped stormwater management and erosion control plan, taking into account the full impacts of the proposed use, shall be created and submitted to the Planning Department. This plan shall be created consistent with the requirements of BCRC 12-724.1: CONTENTS OF GRADING/STORMWATER MANAGEMENT PLAN. This plan shall be followed for the life of the use.**
- B-2** **The applicant shall obtain, and maintain in force, liability insurance insuring Bonner County against claims of liability resulting from the issuance of this Special Use Permit, pursuant to Section BCRC 12-246(m). A copy of this insurance policy shall be submitted to the Planning Department prior to issuance of the permit.**

VARIANCE

File V0005-21 – Variance – Lot Size Minimum - Elliot Grant is requesting a lot size minimum variance to divide a 13.67-acre parcel into two parcels. The first parcel will be 7.97 acres and second parcel will be 5.7 acres where 10 acres is required. The lot size minimum variance will create one parcel for each existing home already situated on the property. The parcel is zoned Agricultural/forestry 10 (A/f-10). The project is located off Juneberry Ln in Section 26, Township 55N, Range 4W, 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: Staff Planner 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: Pamela Russell-Elliott presented her experience and intentions for the property.

PUBLIC/AGENCY TESTIMONY: The following individuals spoke on the record in favor of the project: Ed Glass, Karrie Sutton, Tom Cimbalik, and Laura Deland.

APPLICANT REBUTTAL: None

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

MOTION: Commissioner Reeve moved to approve this project FILE V0005-21 requesting a lot size minimum variance to create an approximate 7.97 and 5.7 acre lot in an A/F-10 zone finding that it is in accord with the Bonner County Revised Code as enumerated in the following conclusions of law, and based upon the evidence submitted up to the time the Staff Report was prepared and testimony received at this hearing. Commissioner Reeve further moved to adopt the following findings of fact and conclusions of law as written. The action that could be taken to obtain the variance is to complete the Conditions of Approval as adopted. This action does not result in a taking of private property. Commissioner Davis seconded the motion.

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

Background:

A. Site data:

- The site is located near the Hoodoo creek in Section 26, Township 55 North, Range 4 West, Boise Meridian. There are currently two homes on the property, and it is being used as a rural residence.
- Unplatted Parcel
- Size: \approx 13.67acres
- Zone: Agricultural/forestry-10 (A/f-10)
- Land Use: Ag/Forest Land (10-20AC)

B. Access:

- Access is provided by Juneberry Lane, a road that is not owned, nor maintained by the county.

C. Environmental factors:

- Site does not contain mapped slopes of 15% or higher. The site is flat. (USGS)

- Site does contain a Freshwater Emergent Wetland. (USFWS)
- Site does contain Hoodoo Creek on the eastern part of the property.
- The site does fall in a Flood Hazard Zone A.

D. Services:

- Water: private shared well, output is around 60+ gal/min
- Sewage: private septic system, serviced in 2020 per the application
- Fire: Spirit Lake Fire District
- Power: Northern Lights Inc.
- School District: Bonner School #83

E. Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Land Use & Density
Site	Ag/Forest Land (10-20AC)	Agriculture/forestry 10	Rural-Residential
North	Ag/Forest Land (10-20AC)	Agriculture/forestry 10	Rural-Residential
East	Ag/Forest Land (10-20AC)	Agriculture/forestry 10	Rural-Residential
South	Ag/Forest Land (10-20AC)	Agriculture/forestry 10	Rural-Residential
West	Ag/Forest Land (10-20AC)	Agriculture/forestry 10	Rural-Residential

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

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

Applicant: “The main parcel, which contains both home addresses of 417 & 455 Juneberry Lane, is 7.97 acres. The second tax parcel of 5.7 acres...does not allow for building but combined with the 7.97 acres qualifies our property to meet the requirements of AF10”

Staff: The applicant is requesting a lot size minimum variance to divide a ≈13.67-acre parcel into two parcels. The first parcel will be 7.97 acres and the second parcel will be 5.7 acres where 10 acres is required per the Agriculture/forestry 10 zone. The property is currently divided for tax purposes only by the assessor’s office as it is within drainage district #7. Additionally, there are two existing home structures on the property, which does not generally apply to other parcels within the same vicinity.

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

Applicant: "When my husband and I purchased this property in approximately 2006...full homes were occupied and have been since our purchase. There are also 2 addresses by Bonner County to this one 7.97 acre parcel"

Staff: There are two existing homes on the parcel, so the maximum residential density has already exceeded what A/F-10 Zoning district permits (1 dwelling unit per 10 acres). The applicant's deceased husband, Grant Elliot, acquired the property in 2006 (per Instrument No. 717434). Per our records, both residential homes were constructed in 1998, and 1980, long before the applicant acquired the property.

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

Applicant: "When my husband and I purchased this property it was our intention to retire here in the future. My husband passed away in September 2015. I have rented the properties to help me in covering the tax that I have on the property. I am now in a financial position that I need to sell the property. I listed the property in the summer of 2019 and for over one year did not receive a purchase offer. In August of 2020 I sold my home and moved into the smaller home at 455 Juneberry Lane. In September 2020 I received a purchase offer for the larger home and 7.97 acres. The buyers have taken occupancy of the home of the land adjustment and the home going to closing. In June 2020 I phoned BCP&Z and was told that I could do a Boundary Line Adjustment. I retained to start the survey and new parcel descriptions. I have since been informed that there are 2 tax parcels. It is my request that BCP&Z allow for a boundary line adjustment placing 417 Juneberry lane on the..."

Staff: The parcel is currently in the Ag/Forest Land (10-20AC) which is characterized in the comprehensive plan "as areas where steeper slopes prevail (30% or greater) and transportation is provided by private roads or U.S. Forest Service of 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." The soil type of the westerly 7.97-acres of the parcel is Bonner gravelly ashy silt loam which is prime farmland soil; whereas the eastern 5.7 acre part contains Pywell-Hoodo complex soil which is prime farmland soil, if well drained. Steeper slopes (of 30% or greater) do not prevail on the parcel as noted in the comprehensive plan. There were no agency comments opposing the lot size minimum variance, thus, granting the variance is not in conflict with the public interest, nor will it be detrimental to the public health.

G. Stormwater plan: A stormwater management plan was required pursuant to BCRC 12-720.2.

H. Agency Review: The application was routed to agencies for comment on March 30, 2021.

Panhandle Health District
Bonner County Road Dept.
Spirit Lake Fire District
Fish and Wildlife Service
Bonner County Schools – Transportation
Dept. of Lands (Sandpoint)
Idaho Dept. of Env. Quality (DEQ)
Forest Service
Bonner County Floodplain Review

Dept. of Water Resources
Army Corps (Coeur d’Alene)
Northern Lights Inc.
Applicable School District #84 or #83
Dept. of Fish and Game
Dept. of Lands (CDA)
West Bonner County School District #83
State Historical Society

The following agencies commented:

Idaho Department of Environmental Quality: “DEQ has no environmental impact comments at this time for the project listed above” – rec’d April 19, 2021

The following agencies replied “No Comment”:

Idaho Department of Lands, April 06, 2021
Idaho Department of Fish & Game, April 16, 2021

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

Public comment rec’d April 09, 2021

- Quality of life concerns (increase in noise) related to granting the variance

Findings of Fact

1. The property consists of one (1) ≈13.67-acre parcel that was separated into two (2) parcels, one (1) 7.97-acre parcel and one (1) 5.7-acre parcel for tax purposes only as the land falls within Drainage District No. 7. All other parcels that fall within this drainage district have also been parsed by the assessor’s office for tax purposes only.
2. There are two dwellings on the property. The first dwelling was built in 1980, and the second, in 1998. Additionally, a 2-car detached garage, general purpose building, and carport were constructed in 1990. A second general purposed building was constructed in 2000.
3. The property is served by an individual well, individual septic system, Spirit Lake Fire District and Northern Lights Inc.
4. Grant Elliot became the sole grantee of the property on July 8, 2013 per Bonner County records (Instrument No. 846861).

5. On September 11, 2015, Grant Elliot passed away. As the surviving spouse, Pamela Russell-Elliott was appointed the Administratrix (Court Case No. 15401418-0) of the Estate of Grant P. Elliott by the Superior Court, State of Washington, Spokane County.
6. The current zoning (Agricultural/forestry-10) of the property permits a minimum lot size of 10 acres. The applicant is requesting a variance to separate the property into two (2) parcels, one (1) 7.97-acre parcel and one (1) 5.7-acre parcel.

Conclusions of Law:

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

Conclusion 1

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

Conclusion 2

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

Conclusion 3

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

Conditions of approval:

Standard permit conditions:

A-1 No more primary dwelling units are to be built on the property unless a comprehensive plan and zone change allow for greater density on the property per BCRC 12-411.

A-2 The property shall be divided in a way that allows for both existing dwelling units to be situated on one parcel; both dwelling units must have their own parcel, each with appropriate setbacks per BCRC.

A-3: The applicant must submit a Minor Land Division application to divide the unplatted parcel into two lots.

COMMISSIONER & STAFF UPDATES:

Director Ollerton gave an update on Planning Department stats.
Discussion regarding Comp Plan update and current growth in the area.

At 8:50 p.m., the Chair declared the hearing adjourned until May 6, 2021.

Respectfully submitted,


Milton Ollerton, Planning Director

The above Minutes are hereby approved this 6th day of May 2021.

Bonner County Planning and Zoning Commission


Brian Bailey, Chair