

**BONNER COUNTY PLANNING and ZONING COMMISSION
PUBLIC HEARING MINUTES
THURSDAY, MAY 20, 2021**

PLEDGE OF ALLEGIANCE

CALL TO ORDER: Chair Bailey called the Bonner County Planning and Zoning Commission hearing to order at 5:34 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; Administrative Assistant III Kelcey Utt-Boss; and Administrative Assistant III Janna Berard

APPROVAL OF MINUTES: The Chair requested the Commissioners declare if they had any corrections or changes to the approval of minutes as written for: May 6, 2020. Hearing no changes or objections, the Chair declared the minutes approved as written.

PUBLIC HEARINGS:

AMENDMENTS

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

File AM0002-21 & ZC0006-21 – Comprehensive Plan Map Amendment & Zone Change – Rockstarr Land, LLC is requesting a Comprehensive Plan map amendment from Agricultural/Forest Land to Rural Residential and a Zone Change from Agricultural/Forestry 20 District (A/F-20) to Rural 5 District (R-5). The property area is approximately 22 acres. It 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: 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: Applicant Christian Starr stated his application is in compliance with the Bonner County Comprehensive Plan, and addressed agency comments.

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 AM0002-21, requesting a comprehensive plan amendment from Agricultural/Forest Land (10-20 acres) to Rural Residential (5-10 acres), on a 22.00 acres parcel generally located to the west of Saunders Road and north of Akre Drive, in southwest Bonner County and addressed as South 870.00 feet of the East 1150.00 feet of the Southeast Quarter of Section 1, Township 54 North, Range 6 West, Boise Meridian, Bonner County, Idaho, 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.

Zone Change - Motion by the Governing Body:

MOTION: Commissioner Bradish moved to recommend approval to the Board of County Commissioners on this project, FILE ZC0006-21, requesting a zone change from Agricultural/Forestry District 20 (A/F-20) to Rural 5 District (R-5) on a 22.00 acres parcel generally located to the west of Saunders Road and north of Akre Drive, in southwest Bonner County and addressed as South 870.00 feet of the East 1150.00 feet of the Southeast Quarter of Section 1, Township 54 North, Range 6 West, Boise Meridian, Bonner County, Idaho, 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: Barren Forest Land
- Unplatted property
- Size: 22 acres
- Zone: Agricultural/ Forestry 20 District (A/F-20)
- Land Use: Agricultural/ Forest Land

B. Access:

- The property has access from County owned and maintained Saunders Road, designated as a local road by the Bonner County Road and Bridge Department. The road is paved with treated gravel with a speed limit of 35 miles per hour.

C. Environmental factors:

- Site does/does not show mapped slopes at or above 15%. (US Geological Survey)
- Site does/does not contain mapped wetlands. (US Fish and Wildlife Service)
- Site does/does not contain waterfront or streams. (National Hydrography Dataset, US Geological Survey)
- Soil: Stapaloop-Kaniksu, dry complex, 8 to 25 percent slopes
 - Classification: Farmland of statewide importance
 - Type: Complex
 - Drainage Class: Well drained
- Parcel is located within SFHA Zone X, per FIRM Panel 16017C1075E, Effective Date 11/18/2009. No further floodplain review is required on this proposal as per Jason Johnson, Certified Floodplain Manager.
- Site does not contain any critical wildlife habitats, as per the Critical Wildlife Habitat map (2002) created from field validated data collected by Idaho Department of Fish and Game.

D. Services:

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

E. Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Land Use & Density
Site	Agricultural/Forest Land (10-20 acres)	Agricultural/ Forestry 20 (A/F-20)	Bare Forest Land
North	Rural Residential (5-10 acres)	Rural 5 (R-5)	Residential
East	Agricultural/Forest Land (10-20 acres)	Agricultural/ Forestry 20 (A/F-20)	County Road

Compass	Comp Plan	Zoning	Current Land Use & Density
South	Rural Residential (5-10 acres)	Rural 5 (R-5)	Non irrigated Agricultural Land
West	Agricultural/Forest Land (10-20 acres)	Agricultural/ Forestry 20 (A/F-20)	Bare Forest Land

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. (Ord. 501, 11-18-2008)
- **Existing Comprehensive Plan Designation: Agriculture / Forest Land (10-20 acres)**
 - The Ag/Forest Land designation recognizes areas where steeper slopes prevail (30% Land Use Component Bonner County Comprehensive Plan CHAPTER 6-4 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.
- **Existing Zoning: Agricultural / Forest District (A/F-20).**

Purpose: To preserve, protect and maintain areas that are rural in character and the integrity of the forest/ woodland areas where viable agricultural pursuits can be feasible and to avoid fragmentation of forests and farms. These purposes are accomplished by

- Establishing residential density limits and conservations development standards uses to retain areas sized for efficient farming.
- Allowing for uses related to agricultural production and limiting nonagricultural uses to those compatible with agriculture, or requiring close proximity for the support of agriculture.

- **Proposed Zoning: Rural 5 District (R-5)**

Purpose: Established to allow low density residential uses that are compatible with rural pursuits. This purpose can be accomplished by:

- Limiting residential densities and permitted uses to those that are compatible with rural character and nearby resource production districts and sites and can be adequately supported by rural service levels.
- Allowing small scale farming and forestry activities, and tourism and recreation uses that can be supported by rural service levels and are compatible with rural character.

G. Storm water plan: A stormwater management plan was not required, pursuant to BCRC 12-720.3 because the proposal does not result in creation of any additional impervious surfaces.

H. Agency Review: The application was routed to agencies for comment on April 20, 2021.

*All Taxing Districts
Bonner County Schools – Transportation
Avista Utilities
U.S. Forest Service*

*Idaho Department of Water Resources
Idaho Department of Environmental Quality
Idaho Department of Fish and Game
U.S. Fish and Wildlife Service*

The following agencies provided comment:

Idaho Department of Environmental Quality, April 20, 2021

The Department says that they do not review projects on a project-specific basis but encourage the applicant to review their environmental guide for local governments.

The following agencies replied “No Comment”:

Independent Highway District, April 22, 2021

Pend Oreille Hospital District, April 26, 2021

Idaho Department of Fish and Game, May 04, 2021

All other agencies did not reply.

I. Public Notice & Comments

The following public comments were received: *None.*

Comprehensive Plan Amendment Findings of Fact

- Site does/does not show mapped slopes at or above 15%. (US Geological Survey)
- The site is directly accessible by Saunders Road, a county owned and maintained, treated gravel road in Blanchard with a speed limit of 35 miles per hour. This is not a U.S. Forest Service, State or Private Road.
- The site does not pose residential development challenges as there are no steep slopes, good soil conditions and the site shall have access to fire services.

Comprehensive Plan Amendment 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
Community Design	Implementation	Economic Development
Land Use	Natural Resources	Hazardous Areas
Public Services	Transportation	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.

Zone Change Findings of Fact

- The site is currently barren forest land.
- Site shows presence of Stapalooop-Kaniksu, dry complex soil that is well-drained and has been classified as Farmland of statewide importance.
- Site does/does not show mapped slopes at or above 15%. (US Geological Survey)
- Fire and Power services available to the site. The site will be served by Spirit Lake Fire District and Avista Utilities Power Company.
- The site is directly accessible by Saunders Road, a county owned and maintained, treated gravel road in Blanchard with a speed limit of 35 miles per hour.
- The site is not located within critical wildlife habitat areas designated by federal, state or local agencies.
- The site will be served by Individual Septic and Drain field System as well as Individual Well System.
- Parcel is located within SFHA Zone X, per FIRM Panel 16017C1075E, Effective Date 11/18/2009. No further floodplain review is required.

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	Population	School Facilities, Transportation
Community Design	Implementation	Economic Development
Land Use	Natural Resources	Hazardous Areas

Public Services
Special Areas or Sites

Transportation
Housing

Recreation

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 purpose of the RURAL 5 zoning district, provided at Chapter 3, Title 12, Bonner County Revised Code.

File AM0005-21 & ZC0013-21 – Comprehensive Plan Map Amendment & Zone Change – Robert & Melanie Cofrances are requesting a Comprehensive Plan map change from Rural Residential and Ag/Forest to Rural Residential and a Zone change from Rural-5 and A/F-10 to Rural-5. The property is located off Roop Road in Sections 13 and 24, Township 55 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 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: Applicant Representative Travis Haller stated the applicants are merely requesting the entire parcel be one zoning designation of Rural-5.

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 AM0005-21, requesting a comprehensive plan amendment for a property designated as Rural Residential and Ag/Forest to be 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 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 Davis seconded the motion.

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

Zone Change Ordinance - Motion by the Governing Body:

MOTION: Commissioner Frankenbach moved to recommend approval to the Board of County Commissioners on this project, FILE ZC0013-21, requesting a zone change from Rural-5 and Agricultural/Forestry-10 to be zoned as Rural-5 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. Commissioner Davis seconded the motion. This action does not result in a taking of private property.

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

Background:

A. Site Data:

- Use: Residence
- Size: 22.47 acre unplatted parcel
- Zone: Split – Rural 5 (R-5); Agricultural/forestry (A/f-10)
- Land Use: Split – Rural Residential (5-10AC); Agricultural/forest land (10-20AC)

B. Access:

- Road: Roop Road
- County maintained: yes

C. Environmental Factors:

- Site does contain mapped slopes. (USGS)
- Site does contain mapped wetlands. (USFWS)
 - i. There is a mapped Freshwater Forested/shrub Wetland that runs through North-South on the west periphery of the parcel.
- Site does contain waterfront or streams. (NHD)
 - i. There is a stream that runs along the south along the periphery of the parcel.
- Soil type(s):
 - i. Sagle silt loam, 5 to 30 percent slopes (47)
 - 1. Not prime farmland
 - 2. Somewhat poorly drained
 - ii. Bonner gravelly ashy silt loam (2)
 - 1. All Areas are prime farmland
 - 2. Well drained

D. Services:

- Water: Individual well
- Sewage: Private septic
- Fire: Sagle Fire District dba Selkirk Fire, Rescue & EMS
- Power: Northern Lights Inc.
- School District: Bonner School District #84

E. Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Land Use & Density
Site	Rural Residential 5-10AC; Ag/Forest Land 10-20AC	Rural 5 (R-5); Ag/forestry 10 (A/f-10)	Residential
North	Rural Residential 5-10AC	Rural 5 (R-5)	Residential
East	Rural Residential 5-10AC; Ag/Forest Land 10-20AC	Rural 5 (R-5); Ag/forestry 10 (A/f-10)	Residential
South	Ag/Forest Land 10-20AC	Ag/forestry 10 (A/f-10)	Forested land
West	Rural Residential 5-10AC; Ag/Forest Land 10-20AC	Rural 5 (R-5); Ag/forestry 10 (A/f-10)	Forested land

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)

Current Split 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."
- **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.

Proposed Comprehensive Plan Designation: Rural Residential*

- **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."

Current Split Zoning Designation:

Rural-5 (R-5): "areas designated rural residential in the comprehensive plan that are already developed at or near the one dwelling unity per five (5) acre density and/or do not meet the criteria for R-10 (Ord. 501 11-19-2008")

BCRC 12-323 Rural District – defined:

A. The rural district is established to allow low density residential uses that are compatible with rural pursuits. The purpose can be accomplished by:

1. Limiting residential densities and permitted uses to those that are compatible with rural character and nearby resource production districts and sites and can be adequately supported by rural service levels.
2. Allowing small scale farming and forestry activities, and tourism and recreation uses that can be supported by rural service levels and are compatible with rural character.
3. Encouraging conservation development configurations that create permanent open space or farming areas, protect sensitive environmental features, reduce infrastructure costs and/or enhance recreational opportunities.

B. Use of this zone is appropriate in areas designated by the comprehensive plan as follows:

1. R-10 in areas designated as rural residential in the comprehensive plan that meet one or more of the following criteria:
 - a. Characterized by slopes that are steeper than thirty percent (30%).
 - b. Located within critical wildlife habitat as identified by federal, state or local agencies.
 - c. Contain prime agricultural soils.
 - d. 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.
 - e. Within the floodway.
 - f. Contain limited access to public services.

BCRC 12-321 Forestry District – defined:

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

1. Applying the F zone to large contiguous areas where a combination of site, soil and climatic characteristics make it possible to sustain timber growth and harvests over time.

2. Limiting residential, recreational, commercial and industrial uses to those uses that are compatible with forestry, to minimize the potential hazards of damage from fire, pollution and land use conflicts.

3. Providing for compatible outdoor recreation uses and for conservation and protection of municipal watersheds and fish and wildlife habitats.

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

Proposed Zoning Designation:

Rural-5 (R-5): "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 (Ord. 501 11-19-2008")

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

H. Agency Review: The application was routed to agencies and all taxing districts for comment on **April 20, 2021.**

Northern Lights:

Bonner County GIS Department:

Bonner County Road & Bridge Department:

Bonner County Schools #84 – Transportation:

Idaho Department of Water Resources:

Panhandle Health District:

Selkirk Fire District:

U.S. Fish & Wildlife Service:

U.S. Forest Service:

*All Taxing Districts

Agency comments:

Independent Highway District: "The subject property is outside of the boundaries of the Independent Highway District"

Agency – no comment:

Idaho Department of Fish & Game: no comment – rec'd May 4, 2021

Idaho Department of Environmental Quality: no specific comments related to zone change and comp plan amendment – rec'd May 11, 2021

All other agencies did not respond:

- I. Public Notice & Comments:** The application was routed to property owners within 300’ of the subject property and published in the newspaper on **April 20, 2021**. As of the date of this staff report, there have been no comments received.

Comprehensive Plan Amendment Findings of Fact

- The site has no prevailing steep slopes.
- The site has no floodways present.
- The site is accessible by Cocolalla loop.
- The southern half of the property is adjacent to a property owned by Idaho Dept of Fish & Game land.
- The site is within the Sagle Fire District dba Selkirk Fire District.
- The soils on site include Sagle silt loam, 5 to 30 percent slopes (47), which is not prime farmland, whereas the southern half of the parcel contains Bonner gravelly ashy silt loam (2) which is prime farmland soil.
- The site will be served by individual well and individual septic system.
- There is an existing home, a shop, and other detached structures on the property.

Comprehensive Plan Amendment 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 and **is** in accord with the Rural-5 zone.

Zone Change Findings of Fact

1. The site has no prevailing steep slopes.
2. The site has no floodways present.

3. The site is accessible by Cocolalla loop.
4. The southern half of the property is adjacent to property owned by Idaho Dept of Fish & Game land.
5. The site is within the Sagle Fire District dba Selkirk Fire District.
6. The soils on site include Sagle silt loam, 5 to 30 percent slopes (47), which is not prime farmland, whereas the southern half of the parcel contains Bonner gravelly ashy silt loam (2) which is prime farmland soil.
7. The site will be served by individual well and individual septic.
8. There is an existing home, a shop, and other detached structures on the property.
9. The site has a land use designation of Rural Residential.

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	Population	School Facilities, Transportation
Community Design	Implementation	Economic Development
Land Use	Natural Resources	Hazardous Areas
Public Services	Transportation	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 purpose of the RURAL 5 zoning district, provided at Chapter 3, Title 12, Bonner County Revised Code.

VARIANCE

File V0008-21 – Variance – Waterfront Setback, Bulk & Impervious Surface

– Jan Mathison is requesting a 16 foot waterfront setback where 40 feet is required, a bulk variance to increase the bulk inside the setbacks, and an impervious surface of approximately 55% where 35% is required. The parcel is zoned Recreation. The project is located off Sherwood Bay Rd in Section 3, Township 59 North, Range 4 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 Milton 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: Kyle Matheson, landowner, stated his intentions for the project.

PUBLIC/AGENCY TESTIMONY: David Bowman spoke on the record with a question about the staff presentation regarding building codes.

APPLICANT REBUTTAL: None.

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 V0008-21 a variance request to allow a 16 foot setback from shoreline where 40 feet is required, a bulk increase inside the waterfront setback and in increase in impervious surface coverage from 35% to 55% 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 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 variance is to complete the Conditions of Approval as adopted. Commissioner Frankenbach seconded the motion. This action does not result in a taking of private property.

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

Background:

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

- Residential
- Platted Lot
- Size: Approximately 0.2 acres
- Zone: Recreation
- Land Use: Resort Community

B. Access:

- The property is accessed by Sherwood Bay Road, a private road which is currently a 10 foot wide gravel road.

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.]

- Site does contain minimal mapped slopes. (USGS)
- Site does not contain mapped wetlands. (USFWS)
- Site does contain a river/stream/frontage on lake
- Parcel contains SFHA Zone X and Zone AE per FIRM Panel 16017C0430F, Effective Date 7/7/2014. Development within SFHA Zone AE will be required to adhere to the floodplain development standards of Bonner County in BCRC Title 14, or as hereafter amended, to ensure that all development will be reasonably safe from flooding.

D. Services:

- Water: Individual Well
- Sewage: Collin Sewer District
- Fire: Coolin Cavanaugh Bay Fire District
- Power: Northern Lights
- School District: LPUSD #83

E. Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Land Use & Density
Site	Resort Community	Recreation	Residential
North	Resort Community	Recreation	Priest Lake
East	Resort Community	Recreation	Residential
South	Resort Community	Recreation	Residential
West	Resort Community	Recreation	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.**

The cabin is currently a 1335 sq ft cabin on a 9300 sq ft lot. The lot was created in 1959 lot before setbacks were written for the County.

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

The lot was created in 1959. The slope, road easement, and setback requirements were not created by the applicant.

- (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.**

The existing driveway is a private driveway that will be widened and have a better turnaround. This is the last property on the road, so a turnaround on the property will benefit the residences prior to the applicant.

G. Stormwater plan: A stormwater management plan will be required pursuant to BCRC 12-720.2. The plan will be submitted at time of building location permit submittal.

H. Agency Review: The application was routed to agencies for comment on April 20, 2021.

Bonner County Floodplain Review
Coolin Sewer District
Idaho Department of Environmental Quality
Idaho Department of Lands - Coolin
U.S. Army Corps of Engineers

Bonner County Road & Bridge
Coolin-Cavanaugh Bay Fire District
(DEQ) Idaho Department of Fish & Game
Panhandle Health District
U.S. Fish & Wildlife Service

The following agencies commented:

*DEQ May 4, 2021 – provided regular comment that will be provided to the applicant.
IDFG May 7, 2021 – provided specific comment about concerns stormwater and its impacts to the lake. This has been addressed through the condition that stormwater be completed at the time of building location permit. See condition A-2.
PHD May 10, 2021 – No comments.*

All other agencies did not reply.

I. Public Notice & Comments

There have been no public comment received at time of the staff report

Findings of Fact

1. The plat creating this lot was approved in 1959.
2. The property is accessed off Sherwood Bay Road, a private easement 20 feet in width. The applicant is improving the road and turnaround on his lot.
3. Agencies, the public and the neighbors were notified for comment on April 20, 2021.
4. The property is zoned Recreation with a land use designation of Resort Community.
5. The property is 9300 sq ft where 12,000 is required. Setbacks in the ordinance were designed around the lot size minimum for the Recreation zone.
6. The structure was built in 1977.
7. The property slopes towards the water.

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** The property shall be developed in accordance with the approved site plan.
- A-2** The professional stormwater design shall be completed, reviewed and installed along with the required building location permit.

ZONE CHANGES

File ZC0005-21 – Zone Change – Lucas Wingert & Shannon Foley are requesting a Zoning change from Rural-10 to Rural-5 on a 10-acre parcel. The property is zoned Rural 10. The project is located off South Sagle Road in Section 35, 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: 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 Lance Miller stated the applicants requesting to change from R-10 to R-5.

PUBLIC/AGENCY TESTIMONY: Leanne Renner spoke on the record with concerns about the driveway into the property.

APPLICANT REBUTTAL: Project representative Lance Miller had no comment for the public concern.

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

MOTION: Commissioner Glasoe moved to recommend approval to the Board of County Commissioners on this project, FILE ZC0005-21, 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 Glasoe further moved to adopt the following findings of fact and conclusions of law as written. Commissioner Frankenback seconded the motion. This action does not result in a taking of private property.

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

Background:

B. Site data:

- Use: SFD and outbuildings
- Unplatted parcel
- Size: ~10 acres
- Zone: Rural 10 (R-10)
- Land Use: Rural Residential (5-10 AC)

B. Access:

- Access to the site is provided via South Sagle Road, a county owned and maintained gravel road, and a 60 foot wide ingress, egress and utility easement, gravel driveway, inst. #379139, 873034, 943901 and Book 3 of Plats Page 185.

H. Environmental factors:

- Site does contain a very small area of mapped slopes (<30%), in the southeastern corner. (USGS)
- Site does contain a small area of mapped wetlands, in the southern portion. (USFWS)
- Site does not contain waterfront or streams. (NHD)
- Parcel is within SFHA Zone X, per FIRM Panel 16017C0950E, Effective Date 11/18/2009. No further floodplain review is required on this proposal.
- Soil:
 - Classification: Pend Oreille silt loam, 5 to 45 percent slopes
 - Type: Not prime farmland
 - Drainage: Well drained

I. Services:

- Water: Existing well

- Sewage: Septic system
- Fire: Selkirk Fire District
- Power: Avista Utilities
- School District: Bonner School District #84

J. 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
North	Rural Residential (5-10 AC)	Rural 10 (R-10)	Residential
East	Rural Residential (5-10 AC)	Rural 10 (R-10)	Vacant
South	Rural Residential (5-10 AC)	Rural 10 (R-10)	Vacant
West	Rural Residential (5-10 AC)	Rural 10 (R-10)	Residential

K. 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. (Ord. 501, 11-18-2008)
- **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 April 20, 2021.

Panhandle Health District	Idaho Department of Water Resources
Avista	Northern Lights
Selkirk Fire District	Bonner County Road & Bridge
U.S. Fish and Wildlife Service	U.S. Army Corps (Coeur d'Alene)
Idaho Department of Lands (Coeur d'Alene)	U.S. Forest Service
Idaho Department of Environmental Quality	Idaho Department of Lands, Nav. Waters
Idaho Department of Fish and Game	Idaho Transportation Department
	(All Taxing Districts)

Idaho Department of Environmental Quality does not review projects on a project-specific basis, and sent the standard five-page recommendation document.

All other agencies either replied "No Comment" or did not reply.

I. Public Notice & Comments

No public comments were received on this proposal.

Zone Change Findings of Fact

- This site is mostly flat and contains no slopes greater than thirty percent (30%). The only sloped area is less than 30% grade is confined to a very small area of mapped slopes, in the southeastern corner.
- No local, state, or federal agencies commented on this proposal.
- This site does not contain prime agricultural soils.
- Access to the site is provided via South Sagle Road, a county owned and maintained gravel road, and a 60 foot wide ingress, egress and utility easement, gravel driveway, inst. #379139, 873034, 943901 and Book 3 of Plats Page 185.
- This Site is not within a floodplain
- This Site is served by Bonner School #84, Selkirk Fire, Bonner Co Ambulance District, and Avista Utilities.

- Much of the area surrounding the parcel in question is developed at or near one dwelling unit per five (5) acre density.

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

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.

ZONE CHANGES

File ZC0011-21 – Zone Change – Ada Robertson & Donna Bellant are requesting a zone change from Rural-10 to Rural-5 on a 21.33-acre parcel. The property is zoned Rural 10. The project is located off East Dufort Road in Section 35, 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: 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 Dan Provolt presented maps of the parcel.

PUBLIC/AGENCY TESTIMONY: The following spoke on the record in favor of the application: James Robertson and Leanne Brenner.

APPLICANT REBUTTAL: None

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

MOTION: Commissioner Reeve moved to recommend approval to the Board of County Commissioners on this project, FILE ZC0011-21, 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 Reeve further moved to adopt the following findings of fact and conclusions of law as written. Commissioner Glasoe seconded the motion. This action does not result in a taking of private property.

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

Background:

A. Site data:

- Use: Vacant
- Unplatted parcel
- Size: ~21.33 acres
- Zone: Rural 10 (R-10)
- Land Use: Rural Residential (5-10 AC)
- Legal per: Parcel size and deed date

B. Access:

- Access to the site is provided via East Dufort Road, a county owned treated gravel road.

C. Environmental factors:

- Site does contain a small area of mapped slopes (<30%) on the south end.
- There are two small mapped wetland areas on the property. (USFWS)
- Site does not contain waterfront or streams. (NHD)
- Parcel is within SFHA Zone X, per FIRM Panel 16017C0950E, Effective Date 11/18/2009. No further floodplain review is required on this proposal.
- Soil:
 - Classification: Pend Oreille silt loam, 5 to 45 percent slopes
 - Type: Not prime farmland
 - Drainage: Well drained

D. Services:

- Water: Individual well
- Sewage: Septic system
- Fire: Selkirk Fire District
- Power: Avista Utilities
- 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 10 (R-10)	Vacant
North	Rural Residential (5-10 AC)	Rural 5 (R-5)	Vacant land and residential
East	Rural Residential (5-10 AC)	Rural 10 (R-10)	Vacant
South	Rural Residential (5-10 AC)	Rural 10 (R-10)	Vacant
West	Rural Residential (5-10 AC)	Rural 10 (R-10)	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 Proposals
 - Staff and the governing bodies shall review the particular facts and circumstances of each proposal submitted and shall determine whether there is adequate evidence that the proposal is in accordance with the general and specific objectives of the Comprehensive Plan. (Ord. 501, 11-18-2008)
- **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):**

- o 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 April 20, 2021.

Panhandle Health District	Idaho Department of Water Resources
Avista	Northern Lights
Selkirk Fire District	Bonner County Road & Bridge
U.S. Fish and Wildlife Service	U.S. Army Corps (Coeur d’Alene)
Idaho Department of Lands (Coeur d’Alene)	U.S. Forest Service
Idaho Department of Environmental Quality	Idaho Department of Lands, Nav. Waters
Idaho Department of Fish and Game	Idaho Transportation Department
	(All Taxing Districts)

Idaho Department of Environmental Quality does not review projects on a project-specific basis, and sent the standard five-page recommendation document.

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

I. Public Notice & Comments

No public comments were received on this proposal.

Zone Change Findings of Fact

- This site is mostly flat and contains no slopes greater than thirty percent (30%). The only sloped area is less than 30% grade is confined to a small area of mapped slopes at the south end of the property.
- No local, state, or federal agencies commented on this proposal.
- This site does not contain prime agricultural soils.
- Access to the site is provided via East Dufort Road, a county owned treated gravel road.
- This Site is not within a floodplain
- This Site is served by Bonner School #84, Selkirk Fire, Bonner Co Ambulance District, and Avista Utilities.
- Much of the area surrounding the parcel in question is developed at or near one dwelling unit per five (5) acre density.

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

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.

CONDITIONAL USE PERMIT

File CUP0009-21 – Conditional Use Permit – Waste Transfer Site – Bonner County is requesting a Conditional Use Permit to construct a waste transfer site to provide for the collection of recyclables and trash. The property is 2 acres and zoned Suburban. The project is located off North Riley Creek Rd, in Section 30, Township 56 North, Range 3 West, Boise-Meridian.

CONFLICT OF INTEREST/DISCLOSURE DECLARATIONS: The Chair requested the Commissioners declare any conflicts of interest or disclosures. Commissioner Reeve recused herself due to previously working on the project. The Chair noted that there were no additional disclosures or conflicts.

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

APPLICANT PRESENTATION: Bonner County Staff Engineer Brandon Staglund gave a detailed overview of the actual site use. Bob Howard stated environmental intentions for the project.

PUBLIC/AGENCY TESTIMONY: The following individuals spoke on the record in opposition of the application: Jim VendeWeg and Dave Stevens. Matt Linscott spoke on the record with questions about the right-of-way.

APPLICANT REBUTTAL: Bonner County Staff Engineer Brandon Staglund rebutted public traffic concerns.

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

MOTION: Commissioner Davis moved to re-open public comment. Commissioner Glasoe seconded the motion.

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

PUBLIC/AGENCY TESTIMONY: Dave Stevens spoke on the record.

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 CUP0009-21 Midway Solid Waste Collection site, 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 adopted. 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:

- Grass pasture
- Platted
- Size: 2.0
- Zone: Suburban
- Land Use: Transition

B. Access:

- North Riley Creek Road, The county will construct a new driveway (24' wide) and single-direction (22' wide) access road for semi traffic from the Laclede gas station to Riley Creek Road

C. Environmental factors:

- Site does not contain mapped slopes. (USGS)
- Site does not contain mapped wetlands. (USFWS)
- Site does not contain a river/stream/frontage on lake

D. Services:

- Water: Laclede Water
- Sewage: Septic
- Fire: West Side Fire

- Power: Northern lights Utility Company
- School District: Bonner school #83

E. Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Land Use & Density
Site	Transition	Suburban	Grass pasture
North	Transition	Suburban	Grass pasture
East	Transition	Suburban	Grass pasture
South	Transition	Suburban	Grass pasture
West	Transition	Suburban	Riley Creek Park Road

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
- BCRC 12-4.2, Performance standards for all uses
- BCRC 12-4.3, Parking standards
- BCRC 12-4.4, Sign standards
- BCRC 12-4.5, Design standards
- BCRC 12-4.6, Landscaping and screening standards
- BCRC 12-4.7, Standards for development in Alpine Village District
- BCRC 12-4.8, Standards for specific uses [Use Specific Section]
- BCRC 12-7.2, Grading, storm water management and erosion control

BCRC 12-335 Public Use Table

Standard (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.

Staff: The county will construct a new driveway, 24 feet wide, and a single direction, 22 feet wide, access road for semi traffic from the Laclede Gas Station to Riley Creek Road.

BCRC 12-440 et seq. Development Standards.

- 1) Size of buildings: 120 s.f. attendant station (no permanent foundation)
- 2) Type of unit: collection site buildings will be non-permanent
- 3) # of Units: 8 cubic yard dumpsters (approx. 9)
- 4) Any machinery to be located on the site: Seasonal snow removal equipment may be parked at the collection site.

- 5) Any Storage area: A small "free items" rack, small area for tire collection.
- 6) Phasing plans, expected start-up and completion dates: The collection site construction is anticipate /to start in the fall of 2021.
- 7) # of people on site (employees, visitors, etc.):1 to 2 employees plus an estimated 10 visitors at any one time.
- 8) Hours of operation: The collection site will be open to the public from 7:00am to 5:00pm, seven days per week, with major holiday closures.
- 9) Traffic to be generated (vehicles per day or week): The collection site anticipates up to 100 vehicles per day in the summer and 50 vehicles per day in the winter.
- 10) Associated functions (receptions, outdoor activities, additional processes, etc.): The collection site will have a grand opening function but is not expected to host additional gatherings.
- 11) Parking, loading areas: The site will have (2) parking stalls for use by the attendant on will handicap stall. The majority of visitors will enter the site, back up to a dumpster to unload and exit the site.
- 12) Advertising sign, size and location: Signs will be p l a c e i along Highway 2 to direct people to the collection site. A stop sign will be placed at the access road intersection with Riley Creek Road. Additional signs maybe used to direct single lane truck traffic from the Laclede gas station to Riley Creek Road.
- 13) Lighting plans: Downcast exterior flood lighting will be used to illuminate the site during business hours only.
- 14) Solid waste management plan: Garbage trucks will empty containers and bins when needed and haul the solid waste to the main transfer station at Colburn.
- 15) Complete detail of scope/process: Customers will arrive with waste and check in with the site attendant. They will be asked to show the attendant their solid waste sticker or pay a fee, then be allowed to deposit their trash or recycling. Loads with inert, hazardous waste or yard/vegetation waste will be directed to the Colburn full service site.

G. Comprehensive Plan Land Use Designation

The comprehensive plan designation of transition: Transition classification provides for land uses similar to the urban areas with the exception of slightly less residential density per acre and heavy industry being permitted as a conditional use. The transition classification allows for cities and existing growth centers to expand without totally committing the land as an industrial area.

H. Storm water plan: A storm water management plan was required pursuant to BCRC 12-7.2. The plan was provided by Spencer J. Ferguson, Bonner County Engineer.

I. Agency Review

Panhandle Health District
 Bonner County Road Dept.
 U.S. Forest Service
 Northern lights Utility Company
 Applicable School District #83
 Dept. of Fish and Game
 Dept. of Env. Quality

Federal Aviation Admin
 School District #83
 West Side Fire District
 U.S. Fish and Wildlife Service
 Bonner County Schools – Transportation
 Dept. of Lands (Sandpoint)
 Dept. of Transportation

The following agencies commented:

DEQ – May 11, 2021. DEQ submitted the Idaho Environmental Guide to assist in addressing project specific conditions. The letter is submitted to the applicant for review. See file for letter

IDFG – May 4, 2021 No Comments. See file for letter

IDL – April 20, 2021 No Comments. See file for letter

PHD – May 12, 2021 DEQ regulates siting, design for transfer sites while PHD provides operational oversight. Follow up with DEQ and PHD accordingly for final permitting of this site. See file for letter

All other agencies did not reply.

J. Public Notice & Comments:

May 13, 2021
Sally Brennan Ash
343 North Riley creek road
Laclede Idaho 83841

Findings of Fact

1. No water courses exist on the parcel and there is no mapped wet lands.
2. The collection site will be open to the public from 7:00am to 5:00pm, seven days per week, with major holiday closures.
3. The collection site anticipates up to 100 vehicles per day in the summer and 50 vehicles per day in the winter.
4. Downcast exterior flood lighting will be used to illuminate the site during business hours only.
5. Access to and from the site will be via North Riley Creek Road.
6. The property is zoned Suburban. The use is allowed with an approved conditional use permit.
7. The application meets the requirements and standards of the conditional use permit.

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.

Conclusion 4

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

Conclusion 5

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

Conditions of approval:

Standard continuing permit conditions. To be met for the life of the use:

- A-1** The use shall be developed and shall be operated in accordance with the approved site plan.
- A-2** The Conditional Use Permit shall not supersede deed restrictions.
- A-3** All county setbacks shall be met.
- A-4** The Conditional Use Permit shall expire if not issued within two (2) calendar years from the date of approval, or once issued, if the use has not commenced within two (2) calendar years from the date of issuance. At any time prior to the expiration date of the Conditional Use Permit, the applicant may make a written request to the Planning Director for an extension of the Conditional Use

Permit for a period up to two (2) years. The Planning and Zoning Commission may consider such request for extension at any public hearing. The extension request must be approved or denied prior to the expiration date of the Conditional Use Permit.

A-5 The applicant shall install prior to ground disturbing activities all temporary erosion control measures as designed and approved. The applicant shall provide to the Planning Department prior to ground disturbing activities a signed statement from the project engineer or design professional stating that these measures have been installed as per the design specifications as approved. The applicant shall install upon completing ground disturbing activities and shall maintain thereafter all permanent erosion control and stormwater management measures as designed and approved. The applicant shall provide to the Planning Department upon completing ground disturbing activities a signed statement from the project engineer or design professional stating that these measures have been installed as per the design specifications as approved.

A-6 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-7 No debris from the trash collection operation shall be placed or tracked onto the public rights of way by vehicles used for the operation and the public to the satisfaction of the transportation agency having jurisdiction over the adjacent roadways.

COMMISSIONER & STAFF UPDATES:

Director Ollerton gave an update on Planning stats and staff updates.

At 7:40 p.m., the Chair declared the hearing adjourned until May 27, 2021.

Respectfully submitted,



Milton Ollerton, Planning Director

The above Minutes are hereby approved this 27th day of May 2021.

Bonner County Planning and Zoning Commission



Brian Bailey, Chair