

**BONNER COUNTY PLANNING and ZONING COMMISSION  
PUBLIC HEARING MINUTES  
THURSDAY, JUNE 3, 2021**

**PLEDGE OF ALLEGIANCE**

**CALL TO ORDER:** Chair Bailey called the Bonner County Planning and Zoning Commission hearing to order at 5:31 p.m. in the 1<sup>st</sup> Floor Conference Room, of the Bonner County Administration Building, 1500 Highway 2, Sandpoint, Idaho, via Zoom webinar, and YouTube live streaming.

**PRESENT:** Commissioners Chair Brian Bailey; 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; Planner I Daniel Britt; Administrative Manager Jeannie Welter; Administrative Assistant III Kelcey Utt-Boss and Administrative Assistant III Janna Berard

**CHANGES IN AGENDA:** No minutes for approval.

**VARIANCE**

**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 V0009-21 – Variance – Street Setback – Yomanone, LLC** is requesting a 15' street setback where 25' is required to construct a detached garage on a 0.25-acre lot. The property is zoned as recreation. The project is located off Paul Jones Beach Road in Section 10, 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:** Planner I Chad Chambers presented a PowerPoint summary of the project and previously circulated staff report, concluding this project is consistent with Bonner County Revised Code.

**APPLICANT PRESENTATION:** None

**PUBLIC/AGENCY TESTIMONY:** None

**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 V0009-21 for a 15' setback variance where 25' is required for the construction of a detached garage, 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 Frankenbach seconded the motion.

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

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## **Background:**

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### **A. Site data:**

- The project site abuts Priest Lake and is located off Paul Jones Beach Road in Section 10 Township 59 North, Range 4 West, Boise Meridian. There are currently no homes on the property.
- The property is a platted lot.
- Size:  $\approx 0.3$
- Zone: Recreational
- Land Use: Resort Community (0-2.5 AC)

### **B. Access:**

The property is accessed by Paul Jones Beach Road, a private road with a 26' easement per the original April 1960 plat map.

### **C. Environmental factors:**

- Site does not contain mapped slopes. (USGS)
- Site does not contain mapped wetlands. (USFWS)
- Site does contain a frontage on lake.
- JRJ, 5.13.2021: Parcels are within SFHA Zone X, per FIRM Panel 16017C0430F, Effective Date 7/7/2014. No further floodplain review is required on this proposal.

### **D. Services:**

- Water: Individual Well
- Sewage: Cooling Sewer District
- Fire: Coolin Cavanaugh Bay Fire
- Power: Northern Lights Inc.
- School District: Bonner School District #83

**E. Comprehensive Plan, Zoning and Current Land Use**

<b>Compass</b>	<b>Comp Plan</b>	<b>Zoning</b>	<b>Current Land Use &amp; Density</b>
Site	Resort Community (0-2.5AC)	Recreation	Residential
North	Resort Community (0-2.5AC)	Recreation	Lake
East	Resort Community (0-2.5AC)	Recreation	Currently vacant
South	Resort Community (0-2.5AC)	Recreation	Currently vacant
West	Resort Community (0-2.5AC)	Recreation	Currently vacant

**F. Standards of 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:

- (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 lot is bordered by Paul Jones Beach Rd (a private road) to the East and Priest Lake to the west. The setback from the lake is 40 feet and the road side setback is 25 feet. The combination of the double setback severely compromises the buildable area of this small lot. The garage is to be detached. It is prudent to maintain a reasonable and safe distance between the cabin and the garage. The 25 foot setback does not allow adequate useable area to maintain the safe distance between them."*

**Staff:** The property abuts Priest Lake (to the North). Unlike its surrounding lots, lot 4 has two street fronts. The lots irregular elongated rectangular shape was designed in May 1960 per the original First Addition to Duncan’s Subdivision plat map. In sum, what makes this lot unique is that its irregular shape and two street fronts do not apply to the other lots in the First Addition to Duncan’s Subdivision.

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

*Applicant: "The existing private road is a dead-end road with minimal use. Many of the neighboring cabins and garages are set within mere feet of the roadway with little or no impact on the road’s useability. The double setback requirement causes the lots to be restricted in its buildability."*

**Staff:** The lot's unique shape does not result from the actions of the applicant as it was originally designed in May 1960. The applicant acquired the property in July 2020 per Instrument No. 962047.

- (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: "The proposal is not in conflict with the public interest, and will not create an obstruction in the travel way of Paul Jones Beach Road. Many cabins and garages along that road have similar or greater encroachments into the 25 foot setback. Paul Jones Beach Road is a private road. No reduction in access or view corridors for the adjacent properties will occur beyond what currently exists if the requested variance is approved." [See additional responses to the Comprehensive Plan Goals and Objectives.]*

**Staff:** Staff received no agency comments objecting to the proposed street setback, so long as the applicant follows Best Management Practices for erosion and sediment control when constructing the detached garage. A stormwater management and erosion control plan is required per BCRC 12-720.2 at the time in which the applicant applies for a building location permit **(see condition A-2)**.

**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 May 4, 2021.

Panhandle Health District  
Coolin Sewer District  
Coolin / Cavanaugh Bay Fire District  
Northern Lights Inc.  
Applicable School District #83  
Idaho Department of Fish and Game  
Bonner County Road Department

Idaho Department of Water Resources  
U.S. Fish and Wildlife Service  
Idaho Department of Lands (Sandpoint)  
U.S. Forest Service  
Idaho Department of Lands, Nav. Waters  
Idaho Department of Environmental Quality

**The following agencies commented:**

Idaho Department of Fish and Game, May 11, 2021:

"If the variance is permitted, we recommend that the applicant follow all current BMP's for sedimentation as outlined in the application during construction to protect the water quality and fisheries downslope in Priest Lake. If the applicant adheres to these recommendations, we have no evidence to assume negative impacts to fish and wildlife."

**The following agencies replied "No Comment":**

Bonner County Road & Bridge, May 4, 2021:

"Bonner County Road & Bridge has no comments. Paul Jones Beach Rd is a private road and the proposed setback will not affect our department."

Panhandle Health District, May 10, 2021

**All other agencies did not reply.**

**I. Public Notice & Comments**

No public comments were received for this file.

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**Findings of Fact**

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1. The applicant is requesting a 15' street setback where 25' is required to construct a detached garage. The current zoning (recreation) of the property requires a 25' street setback.
2. The lot contains one (1) 0.25-acre platted parcel in book 2 page 59 in the book of plats.
3. There are no existing structures on the property and the adjacent lots are vacant.
4. The property is served by an individual well, Coolin Sewer District, and Coolin/Cavanaugh Bay Fire District and Northern Lights Inc.
5. The applicant acquired the property on July 9, 2020 per Instrument No. 962047.
6. The unique shape and geographic location of the property (having two street fronts) makes it exceptionally difficult to construct a detached garage with a 25' setback so as to leave space between both structures (the existing cabin on the property and the proposed detached garage).

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**Conclusions of Law:**

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**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)

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**Conditions of approval:**

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**Standard permit conditions:**

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**A-1:** Only the development highlighted on the site plan has been reviewed for variance standards. All other development shown must comply with Bonner County Revised Code.

**A-2:** The applicant must obtain and submit stormwater management plan pursuant to BCRC 12-720.2 at the time in which they apply for a building location permit.

**A-3:** Applicant must apply for a building location permit with the Bonner County Planning Department prior to the start of construction for the proposed garage per BCRC 11-101

**CONDITIONAL USE PERMIT MODIFICATION**

**File MOD0003-21 – Modification of Conditional Use Permit – Kootenai Ponderay Sewer District** is seeking to modify CUP file C607-96 to construct two separate projects on their parcel located at 511 Whiskey Jack Rd. The first project is a 2,592 sf (36'x72') building which will be used as shop/storage space in order to store equipment that is now stored outside. The second project, to be completed within the next 5 years is an approximate 200'x400' expansion of the plant's sewer treatment facilities on the western portion of the property. The property is zoned suburban. The project is located off whiskey jack Rd. in Section 6, Township 57 North, Range 1 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:** 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:** Applicant Jeremy Grimm presented a history and summary of the project.

**PUBLIC/AGENCY TESTIMONY:** The following individuals spoke on the record in opposition of the project: Murry Butler, Michael Nicholson, and Will Beasley.

**APPLICANT REBUTTAL:** Applicant Jeremy Grimm responded on the project filtration systems and the location.

**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 MOD0003-21 Kootenai Ponderay Sewer District Expansion Project, 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 move to adopt the following findings of fact and conclusions of law as written. The action that could be taken to obtain the conditional use permit is to complete the Conditions of Approval as amended, amending Condition A-1 as follows, "The use for the equipment building shall be developed and shall be operated in accordance with the approved site plan. The future expansion area will be subject to further review as a conditional use". 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.

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## **Background:**

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### **A. Site data:**

Kootenai Ponderay Sewer District Sewer Ponds

- Platted
- Size: 12.95 Acres
- Zone: Suburban
- Land Use: Urban

### **B. Access:**

Heading east on Highway 200, take right onto Kootenai Bay Rd, go 1 block take first left onto Whiskey Jack Rd, go east approx. 1/2 mile, driveway to office will be on the left.

### **C. Environmental factors:**

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

### **D. Services:**

- Water: Oden bay water
- Sewage: Kootenai Ponderay Sewer District
- Fire: North Side fire District
- Power: Northern Lights
- School District: #84

## E. Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Land Use & Density
Site	Urban	Suburban	Residential housing
North	Urban	Suburban	Residential housing
East	Urban	Suburban	Residential housing
South	Urban	Suburban	Residential housing
West	Urban	Suburban	Residential housing

## 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 12-324, 12-324: SUBURBAN DISTRICT:
  - The suburban district is established to promote the development of residential uses located on the edges of the incorporated cities or other developed communities or areas, where urban sewer and water services are either available or have the potential to become available in the near future by reason of their inclusion in service districts, city service areas, or are adjacent to those areas or areas of city impact. Access to primary transportation routes and a system of hard surfaced roads are expected.
- 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 12-713, Impervious surface standards near the water
- BCRC 12-7.2, Grading, stormwater management and erosion control
- BCRC 12-7.3, Wetlands

## G. Comprehensive Plan Land Use Designation

The comprehensive plan designation of Urban:

The Urban classification is designed so the most intense type of land use occurs around the largest cities and towns, where existing services can best handle the growing demand. Land use in the urban area includes industry and commerce, multi-family housing and mobile home parks, and small-lot single family residential.

**H. Stormwater plan:** A stormwater management plan will be required pursuant to BCRC 12-7.2. at the time of building location permit.



## I. Agency Review

Panhandle Health District	Idaho Department of Water Resources
Kootenai Ponderay Sewer District	Oden Bay Water District
North Side Fire District	Bonner County Road Department
Northern Lights, Power company	U.S. Fish and Wildlife Service
School District #84	Idaho Department of Lands (Sandpoint)
Bonner County Schools – Transportation	Montana Rail link
Idaho Department of Fish and Game	Idaho Transportation Department
Idaho Department of Environmental Quality	Idaho Department of Lands, Nav. Waters

### The following agencies commented:

*Agency Comment – DEQ*

### The following agencies replied “No Comment”:

*Agency Comment – PHD*

*Agency Comment – Kootenai Ponderay Sewer District*

*Agency Comment - IDFG*

**All other agencies did not reply.**

## J. Public Notice & Comments

The following public comments were received:

*Michael C. Nicholson – see file.*

*Steve and Murry Butler – See file.*

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## Findings of Fact

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1. This treatment facility treats wastewater with a system approved by the Idaho Department of Environmental Quality (DEQ). After treatment, water is discharged to Boyer Slough.
2. Parcel is accessed from a public right-of-way: Whiskey Jack Rd.
3. Water provided by City of Sandpoint.
4. The site is flat with very little sloping. Lagoon walls are steepest slopes on property.
5. The site elevation is 2,111'.
6. The plant is currently serving 1,118 hookups or equivalent users.
7. The plants current capacity is about 2,400 hookups or equivalent users.

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## Conclusions of Law:

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**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.

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|-----------------------|-------------------------|------------------------------------|
| •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.

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## Conditions of approval:

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

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- A-1** The use for the equipment building shall be developed and shall be operated in accordance with the approved site plan. The future expansion area will be subject to further review as a conditional use.
- 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** When applying for the building location permit, the Kootenai Ponderay Sewer District shall provide approvals to expand the treatment plant from the Department of Environmental Quality and other state agencies as required.

## **AMENDMENT & ZONE CHANGES**

**File AM0006-21 & ZC0004-21 – Comprehensive Plan Map Amendment & Zone Change – Cornelison Trust** is requesting a comprehensive plan map change from Ag/Forestry 20 to Rural-5 acre and a zone change from Ag/Forest Land 10-20 acre to Rural-Residential 5-10 acre. The project is located off Goldfinch Lane and Barn Owl Drive in Section 21, Township 54 North, Range 4 West, Boise-Meridian.

**CONFLICT OF INTEREST/DISCLOSURE DECLARATIONS:** The Chair requested the Commissioners declare any conflicts of interest or disclosures. Commissioner Bradish disclosed that he works for the forest service but does not have any conflicts with the plan. The Chair noted that there were no disclosures or conflicts.

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

**APPLICANT PRESENTATION:** Applicant Lee Cornelison presented a summary of the subject property including history of the original subdivision and paving requirements.

**PUBLIC/AGENCY TESTIMONY:** The following individuals spoke on the record in favor of the project: Dan Wisenhimer and Gina Hoyt.

The following individuals spoke on the record in opposition of the project: Elisabeth Roach, Deylin Kline, Garrett Snowell, Kevin Sabisky, Phil Groswire, & Cory Cane.

**APPLICANT REBUTTAL:** Applicant Lee Cornelison responded to public comments pertaining to the egress and road locations.

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

**MOTION:** Commissioner Davis moved to recommend approval to the Board of County Commissioners this project File AM0006-21 for a comprehensive plan amendment from Ag/Forest Land to Rural Residential, finding that it is in accord with the general and specific objectives of the Bonner County Comprehensive Plan and Bonner County Revised Code as enumerated in the following conclusions of law, and based upon the evidence submitted up to the time the Staff Report was prepared and testimony received at this hearing. Commissioner Davis 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 Glasoe seconded the motion.

**VOTED** upon and the Chair declared the motion carried 4-1. Commissioners, Frankenbach, Bradish, Glasoe and Davis voted in favor of the motion. Commissioner Reeve voted in opposition of the motion.

**MOTION:** Commissioner Davis moved to recommend approval to the Board of County Commissioners this project File ZC0004-21 for a zone change from Ag/Forestry 20-acre (A/f-20) to Rural 5-acre (R-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 Davis 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 Glasoe seconded the motion.

**VOTED** upon and the Chair declared the motion carried 4-1. Commissioners, Frankenbach, Bradish, Glasoe and Davis voted in favor of the motion. Commissioner Reeve voted in opposition of the motion.

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## **Background:**

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### **A. Site Data:**

- Use: Rural-Residences
- Unplatted
- Size: Three (3) twenty (20) acre parcels
- Zone: Agricultural/Forestry-20 (A/f-20)
- Land Use: Ag/Forest Land 10-20 AC

### **B. Access:**

- Goldfinch Lane
  - i. Road class: local
  - ii. Road width: ≈20' wide
  - iii. Road owner: private
  - iv. County maintained: no

**C. Environmental Factors:**

- Site does contain mapped slopes. (USGS)
- Site does not contain mapped wetlands. (USFWS)
- Site does not contain waterfront or streams. (NHD)
- JRJ, 5.24.2021: Parcels RP54N04W210750A, RP54N04W212400A, & RP54N04W211350A are all within SFHA Zone X, per FIRM Panel 16017C1125E, Effective Date 11/18/2009.

**D. Soil(s):**

- Bonner gravelly ashy silt loam (2), 0 to 4 percent slopes
  - All areas are prime farmland
  - Well drained
- Kootenai gravelly ashy silt loam (23), 0 to 4 percent slopes
  - Prime Farmland if irrigated
- Bonner gravelly silt loam (3), 30 to 65 percent slopes
  - Not prime farmland
  - Well drained

**E. Services:**

- Water: Individual Well, 350-400’ deep, ~20-25 gallons /min capacity
- Sewage: Individual Septic
- Fire: Spirit Lake Fire District
- Power: Inland Power LLC
- School District: Bonner County Schools #83

**F. Comprehensive Plan, Zoning and Current Land Use**

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

**G. Standards Review: Bonner County Revised Code**

- **12-215:** Applications for Zone Changes and Comprehensive Plan Map Amendments, Contents
  - The application was considered complete and routed to agencies accordingly.
- **12-216:** Evaluation of Amendment Proposal
  - Staff and the governing bodies shall review the particular facts and circumstances of the proposal submitted and shall determine whether there

is adequate evidence that the proposal is in accordance with the general and specific objectives of the comprehensive plan. (Ord. 501, 11-18-2008)

**Existing Comprehensive Plan Designation: Ag/Forest Land**

- o The Ag/Forest Land designation recognizes areas where steeper slopes prevail (30% or greater) and transportation is provided by private roads or U.S. Forest Service or state roads. Urban services are not available and residential development challenges are present due to slope, poor soil conditions, hazard areas and lack of police or fire services.

**Proposed Comprehensive Plan Designation: Rural Residential**

- o 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.

**H. Stormwater Plan:** A stormwater management plan was not required since the proposed comprehensive land use plan and zone change is not applicable to BCRC 12-720.3.

**I. Agency Review:** The application was routed to agencies and all taxing districts for comment on May 4, 2021.

Panhandle Health District	Idaho Department of Water Resources
Spirit Lake Fire District	Bonner County Road Department
Inland Power LLC	U.S. Fish and Wildlife Service
Bonner School District #83	Bonner County Schools - Transportation
Idaho Department of Environmental Quality	Idaho Department of Fish and Game
State Historical Society	U.S. Forest Service
Independent Highway District	(All Taxing Districts)

**I. The following agencies commented:**

- Spirit Lake Fire Protection District: April 20, 2021
  - o “Per Chief DeBernardi: In reviewing the said property in the Quail Ridge subdivision, the Spirit Lake Fire District will require the 2018 IFC code. The current density of the Quail Ridge subdivision does not meet access/egress standards for the 2018 IFC Code. The current road infrastructure does not meet 2018 IFC standards. For any additional 5-acre, 10-acre or 20-acre splits, or other minor subdivision changes, there will have to be improvements made to access/egress to meet density standards in the code.”
- Spirit Lake Fire Protection District, May 6, 2021

- "In review of the Qual Ridge project concerning Goldfinch and Barn Owl, the current density is at a maximum capacity per 2018 IFC fire code. This fire code addresses access/egress standards. Currently, there is not adequate access/egress to this area. Additional lots, to increase the home density would surpass this standard. Furthermore, Goldfinch is graveled and would need to be paved and a secondary egress point from the subdivision would be required. Spirit Lake Fire does not recommend this zone change"
- Independent Highway District: May 5, 2021
  - "The subject property is outside of the boundaries of the Independent Highway District"
- Idaho Department of Fish & Game: May 21, 2021
  - "Following any future development in the area, wildlife may be displaced but will likely still use available corridors through this section for travel and migration. With State of Idaho forest land near to the proposed application area, there will continue to be plentiful wildlife habitat in close proximity to any further development. Deer, elk, and turkey will remain in the area and may be problematic to residents. Moose, black bear, and mountain lions are also present, and create the potential for human-wildlife conflicts if residential development occurs."
  - "In summary, wildlife use will likely be negatively impacted within the immediate areas where conversion of forest to further subdivision and development occur. While the habitat, and many of the species, are currently common and similar resources are available nearby, continued development will change the abundance, diversity, and distribution of wildlife within Bonner County."

**II. The following agencies responded "no comment":**

- City of Clark Fork, May 11, 2021
- Pend Oreille Hospital District, May 10, 2021
- Kootenai-Ponderay Sewer District, May 25, 2021

**III. All other agencies did not respond.**

**IV. Public Comments:**

- Concerns, broadly conceived, are focused on the quality, safety & cost Goldfinch Lane.

**Quality concerns:**

- Paved roads required for previous 5-acre development

- Concerns over public hearing before Goldfinch Lane is paved
- Previous developer of Qual Ridge Subdivision "(Spirit Lake North LLC) was forced to pave all roads that would front 5 acre parcels"
- "Please look at File AM162-18 and File ZC365-18
- Under Staff Input
  - Mr. Cornelison comments and others as to why the roads should be paved"
  - "File S1994-18 Qual Ridge 2<sup>nd</sup> Addition and 1<sup>st</sup> Addition Preliminary plat
  - Please look at the Standard and site-specific plat conditions"

**File S1994-18 – Quail Ridge 2nd Addition, Replat of Lot 4, Block 2, Quail Ridge 1st Addition**

- "B-4 Roads providing access to the proposed subdivision shall be constructed in accord with recommendations within AM162-18 & ZC365-18. Recommendations state the need for roads to be constructed to Title 12 Appendix A, low Volume private road standards, and shall have a paved surface"
- "B-5 Prior to final plat applicant shall submit to the planning department engineered stamp plans outlining paved roads construction schematics, in accord with the Appendix A Title 12 requirements"

**Safety concerns:**

- "Goldfinch Lane is a gravel road that is NOT suitable to the amount of traffic that could potentially result if the 20-acre parcels are permitted to rezone to 5 acres. It is not wide enough in some places for two vehicles to pass each other without one of them pulling off into the ditch. Both the residents of Quail Ridge and the Spirit Lake Fire Marshal have expressed serious and valid concerns about the fact that our community is one way in, one way out with no secondary egress for emergency evacuation. Allowing this rezoning will exponentially increase this risk for all residents of Quail Ridge. Allowing this rezoning without requiring improvements be made to the roadway would be absolutely irresponsible, hazardous and potentially DEADLY for all of the residents of Goldfinch Lane."

**Maintenance cost concerns:**

- "Last year, the Quail Ridge Home Owners Association budgeted \$2,000 to resurface the last half of the graveled portion of Goldfinch Lane, as it hadn't been done for a couple of years...Due to severe damage over the winter (2020/2021) the money set aside for repair of the second half of Goldfinch Lane was redirected to repairing the first half, confidentially covering the area from the end of the asphalt to the front of the properties asking for the



map/zone change. Our concern is that by doubling the number of properties serviced by this gravel road, the severity of the damage will increase dramatically, leading to increased frequency and scope of repairs.”

- “We further feel it would be unfair to ask neighboring homeowners, many of whom are retired, to shoulder increased financial responsibility while leaving the parties developing their property with no responsibility to provide for the suitable infrastructure their development requires.”

**Concerns about preferential treatment:**

- “It appears as though preferential treatment is being given, previously required steps are being skipped and that precedent is not being followed in this particular application. We are aware that Mr. Cornelison is an employee of Bonner County and likely a friend to those in charge of making this determination. We sincerely hope that the implication of this decision is given the same scrutiny and critical analysis as those previously brought forth and that his affiliations and relationships do not outweigh the safety and the lives of those that could be very deeply impacted.”

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**Comprehensive Plan Amendment Findings of Fact**

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1. The site has some slopes 30% or greater in the northeast corner of parcel no. RP54N04W210750A.
2. There are no wetlands or floodways present on the property.
3. The site is accessible by Goldfinch Lane, a private 60’ easement.
4. Each property is served by an individual well, septic system, Inland Power LLC, and is within the Spirit Lake Fire District.
5. The soil(s) present on site include:
  - Bonner gravelly ashy silt loam (2), 0 to 4 percent slopes
  - Kootenai gravelly ashy silt loam (23), 0 to 4 percent slopes
  - Bonner gravelly silt loam (3), 30 to 65 percent slopes

---

**Comprehensive Plan Amendment Conclusions of Law:**

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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  
Recreation

Public Services  
Special Areas or Sites

Agriculture  
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.

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**Zone Change Findings of Fact**

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1. The site has some slopes 30% or greater in the northeast corner of PIN: RP54N04W210750A.
2. There are no wetlands or floodways present on the property.
3. The site is accessible by Goldfinch Lane, a private 60' easement.
4. Each property is served by an individual well, septic system, Inland Power LLC, and is within the Spirit Lake Fire District.
5. The soil(s) present on site include:
  - Bonner gravelly ashy silt loam (2), 0 to 4 percent slopes
  - Kootenai gravelly ashy silt loam (23), 0 to 4 percent slopes
  - Bonner gravelly silt loam (3), 30 to 65 percent slopes

---

**Zone Change Conclusions of Law:**

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

Conclusion 1

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

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

Population  
Implementation  
Natural Resources  
Transportation  
Housing

School Facilities, Transportation  
Economic Development  
Hazardous Areas  
Recreation

Conclusion 2

This proposal was reviewed for compliance with Title 12, Bonner County Revised Code, and **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 - AM0007-21 & ZC0016-21 – Comprehensive Plan Map Amendment & Zone Change – Kraly** is requesting a Comprehensive Plan Land Use Designation Change from Ag/Forest Land (10-20 AC) to Transition ( $\leq 2.5$  AC) and a Zone Change from Agricultural/forestry 10 (A/f-10) to Commercial (C). The property is zoned Agricultural/forestry 10 (A/f-10). The project is located off Colburn Culver Road in Section 4, Township 57 North, Range 1 West, Boise-Meridian.

**CONFLICT OF INTEREST/DISCLOSURE DECLARATIONS:** The Chair requested the Commissioners declare any conflicts of interest or disclosures. Commissioner Bailey and Commissioner Glasoe disclosed they live in the Colburn Culver area but they have no conflicts. Hearing this, the Chair noted that there were no additional 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 not consistent with the Bonner County Comprehensive Plan and Bonner County Revised Code.

**APPLICANT PRESENTATION:** Representative Travis Haller with Glahe presented Exhibit A, on project presentation. Applicant Committee Member Jacob Wray presented on the project zoning.

**PUBLIC/AGENCY TESTIMONY:** Jeremy Wraypoke on the record in favor of the project.

Matt Linscott spoke on the record in neutral of the project.

The following individuals spoke on the record in opposition of the project: Michael Bask, Amy Raine, Julie Langwell, Charles Pope, Cheryl Remmers, Steve Remmers, Ryan Moore, Alison Burnnett, Andy Crook, David Loman, Cheryl Kins, Donald Holland, Jonna Plante, Jim Stonebeck, Jean Stonebeck, James Lawrence, Lee Burnett, and Bob Kennedy.

**APPLICANT REBUTTAL:** Applicant Committee Member Jacob Wray responded on the land application.

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

**MOTION:** Commissioner Reeve moved to recommend denial to the Board of County Commissioners on this project FILE AM0007-21, requesting a Comprehensive Plan Map Amendment from Ag/Forest Land (10-20 AC) to Transition, 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 Davis seconded the

motion. This action does not result in a taking of private property. The action that could be taken, if any, to obtain the comprehensive plan designation change is to:

- 1) File a new application with the Planning Department and meet the standards required by Bonner County Revised Code; or
- 2) Pursue such remedies as may be applicable at Title 67, Chapter 65, Idaho Code.

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

**MOTION:** Commissioner Reeve moved to recommend denial to the Board of County Commissioners on this project FILE ZC0016-21, requesting a zone change from Agricultural/forestry 10 (A/f-10) to Commercial (C), 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 Davis seconded the motion. This action does not result in a taking of private property. The action that could be taken, if any, to obtain the zone change is to:

- 1) File a new application with the Planning Department and meet the standards required by Bonner County Revised Code; or
- 2) Pursue such remedies as may be applicable at Title 67, Chapter 65, Idaho Code.

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

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## **Background:**

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### **A. Site data:**

- Use: Residential use, parcel is unplatted
- Size: ~17.7 acres
- Zone: Agricultural/forestry 10 (A/f-10)
- Land Use: Ag/Forest Land (10-20 AC)
- Legal: 4-57N-1W LOT 1 E OF COLBURN CULVER RD

### **B. Access:**

- Applicant: "Colburn-Culver Road is paved 80' wide public road that is county maintained. French Road is a paved 50' wide public road that is county maintained."
- STAFF: County GIS states that French Road is Treated Gravel.

### **C. Environmental factors:**

- a. Site does not contain mapped slopes. (USGS)
- b. Site does not contain mapped wetlands. (USFWS)
- c. Parcel is within SFHA Zone X, per FIRM Panel 16017C0730E, Effective Date 11/18/2009. No further floodplain review is required on this proposal.
- d. Soil:
  - Classification: Mission silt loam, 0 to 2 percent slopes
  - Type: Consociation
  - Drainage: Somewhat poorly drained
  - Farmland Classification: Prime farmland if drained

**D. Services:**

- Water: Oden Water Association.
- Sewage: Existing septic system
- Fire: Northside Fire
- Power: Avista
- School District: Bonner School #84
- Ambulance District: Bonner Co Ambulance District

**E. Comprehensive Plan, Zoning and Current Land Use**

Compass	Comp Plan	Zoning	Current Land Use & Density
Site	Ag/Forest Land (10-20 AC)	Agricultural/forestry 10 (A/f-10)	RESIDENTIAL & AGRICULTURAL, 1 DU PER 10 ACRES
North	Ag/Forest Land (10-20 AC)	Agricultural/forestry 10 (A/f-10)	AGRICULTURAL (VACANT), 1 DU PER 10 ACRES
East	Ag/Forest Land (10-20 AC)	Agricultural/forestry 10 (A/f-10)	AGRICULTURAL (VACANT), 1 DU PER 10 ACRES
South	Ag/Forest Land (10-20 AC)	Agricultural/forestry 10 (A/f-10)	AGRICULTURAL (VACANT), 1 DU PER 10 ACRES
West	Ag/Forest Land (10-20 AC) & Transition (<=2.5 AC)	Agricultural/forestry 10 (A/f-10) & Commercial (C)	RESIDENTIAL, AGRICULTURAL & COMMERCIAL, 1 DU PER 10 ACRES

**F. Standards review: Bonner County Revised Code**

- **12-215:** Applications for Zone Changes and Comprehensive Plan Map Amendments, Contents
  - The application was considered complete and routed to agencies accordingly.
- **12-216:** Evaluation of Amendment Proposals
  - Staff and the governing bodies shall review the particular facts and circumstances of each proposal submitted and shall determine whether there is adequate evidence that the proposal is in accordance with the general and specific objectives of the comprehensive plan. (Ord. 501, 11-18-2008)
- **Existing Comprehensive Plan Designation:**
  - Ag/Forest Land: The Ag/Forest Land designation recognizes areas where steeper slopes prevail (30% or greater) and transportation is provided by private roads or U.S. Forest Service or state roads. Urban services are not available and residential development challenges are present due to slope, poor soil conditions, hazard areas and lack of police or fire services.
- **Proposed Comprehensive Plan Designation:**
  - Transition: The Transition classification is reserved for those areas of the County where a mixture of land uses can occur which may include higher

density residential uses, commercial, industrial and light industrial uses. Due to the intensity of land use, these areas require primary transportation routes, urbanlike water and sewer services, fire and police services.

- **12-322 - Agricultural/Forestry District:**

- The agricultural/forestry district is established to provide for agricultural and forestry pursuits, including livestock production, forestry, horticulture, floriculture, viticulture, and necessary accessory uses for treating, storing and processing agricultural products. The purpose of the A/F district is 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 conservation development standards 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.
- Use of this zone is appropriate in areas designated by the comprehensive plan as follows:
  - A/F-20 in all areas designated as prime ag/forest land in the comprehensive plan. The A/F-20 zone is also appropriate in areas designated ag/forest land in the comprehensive plan that also feature:
    1. Prime agricultural soils.
    2. Are characterized by agricultural or forestry uses.
    3. Areas where one or more of the following apply: limited services; characterized by slopes steeper than thirty percent (30%); where access may be absent or limited to substandard road systems or where large tracts of land may be devoted to ag/forest production.
  - A/F-10 in areas designated as ag/forest land in the comprehensive plan that do not feature prime agricultural soils, but where agricultural and forestry pursuits remain viable. These areas may be within or adjacent to areas of city impact or where lands are afforded fire protection, access to standard roads and other services.

- **12-325 – Commercial District:**

- The commercial district is established to promote a range of commercial uses to serve the needs of the immediate area, surrounding rural communities and visitors without adversely affecting adjacent residential neighborhoods. The commercial district is also intended to provide opportunities for a variety of affordable housing types that are within walking distance of commercial services. Intensive large scale commercial development is not appropriate due to the limited density of surrounding unincorporated areas. Access to primary transportation routes and a system of hard surfaced roads are expected and consideration is given to the potential public transportation access. These purposes are accomplished by:

- Providing for a wide range of small to medium scaled retail, professional, governmental and personal service uses.
- Allowing for mixed use buildings (housing over office or retail) and a range of housing types, including cottage housing, townhouses, apartments and mobile home parks where sufficient services are provided.
- Allowing for light industrial uses where activities are conducted primarily indoors and impacts to adjacent uses can be mitigated.
- Excluding commercial uses with extensive outdoor storage.
- Excluding large scale commercial uses that would be more effectively located in incorporated cities.
- Applying simple design standards that enhance pedestrian access and improve the character of the area.
- Use of this zone is appropriate in areas designated by the comprehensive plan as follows:
  - Use of this zone is appropriate in areas designated as neighborhood commercial, urban growth area or transition by the comprehensive plan and community plans and that are served at the time of development by adequate sewage disposal services, water supply, roads and other needed public facilities and services. Expansion of existing commercial districts or the creation of new commercial districts may be considered only if the expansion will not negatively impact the safety and function of a state highway or other roadway.

**H. Stormwater plan:** A stormwater management plan was not required, pursuant to BCRC 12-720.2 – Applicability.

**I. Agency Review:** The application was routed to the following agencies for comment on August 18, 2020:

Panhandle Health District	Idaho Department of Water Resources
Northside Fire District	U.S. Fish and Wildlife Service
Avista	Bonner County Road & Bridge
School District #84	Idaho Department of Lands (Sandpoint)
State Historical Society	BNSF Railway
Bonner County Schools – Transportation	U.S. Forest Service
Idaho Department of Fish and Game	Oden Water Association
Idaho Department of Environmental Quality	Idaho Transportation Department
	(All Taxing Districts)

**No agencies provided comment.**

**J. Public Notice & Comments**

Two public comments were received, both opposed, both citing concern over increased traffic, noise, and dust.

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**Comprehensive Plan Amendment Findings of Fact**

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1. The parcel is unplatted and ~17.7 acres in size.

2. County GIS states that Colburn Culver Road is County owned and maintained, and is paved with hot mix asphalt. County GIS states that French Road is a treated gravel road that is County owned and maintained.
3. Site does not contain mapped slopes. (USGS)
4. Site does not contain mapped wetlands. (USFWS)
5. The parcel is not within a flood zone
6. The parcel soils are prime farmland, if drained
7. The parcel is served by Oden Water Association and a private, existing septic system
8. The parcel is served by Northside Fire, Avista, Bonner School #84, and Bonner Co Ambulance District.
9. The parcel is surrounded by a land use designation of Ag/Forest Land (10-20 AC) and zoning of Agricultural/forestry 10 (A/f-10). The only exception to this is a single parcel with highway frontage, which is Transition ( $\leq 2.5$  AC) designation and Commercial (C) zoning, which is to the west.
10. The redesignating and rezoning of this parcel is not necessary for the development of a church on the site in question.
11. The applicant narrative statement repeatedly discusses undefined future development on the property, through such statements as "we believe this location is a missed opportunity for commercial services that can grow and serve the needs of the surrounding community" and "encouraging the diversity of the area through the industry and commercial opportunities being offered."
12. The applications for both the proposed land use designation of Transition and the proposed zoning of Commercial have offered no rationale consistent with the Comprehensive Plan or with Bonner County Revised Code for why either of these would be appropriate for the site in question.

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**Comprehensive Plan Amendment Conclusions of Law:**

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

Conclusion 1

The proposal **is not** 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 not** found to be in compliance.

Conclusion 3

The proposal **is not** in accord with the Rural Residential Land Use Designation.



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## **Zone Change Findings of Fact**

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1. The parcel is unplatted and ~17.7 acres in size.
2. County GIS states that Colburn Culver Road is County owned and maintained, and is paved with hot mix asphalt. County GIS states that French Road is a treated gravel road that is County owned and maintained.
3. Site does not contain mapped slopes. (USGS)
4. Site does not contain mapped wetlands. (USFWS)
5. The parcel is not within a flood zone
6. The parcel soils are prime farmland, if drained
7. The parcel is served by Oden Water Association and a private, existing septic system
8. The parcel is served by Northside Fire, Avista, Bonner School #84, and Bonner Co Ambulance District.
9. The parcel is surrounded by a land use designation of Ag/Forest Land (10-20 AC) and zoning of Agricultural/forestry 10 (A/f-10). The only exception to this is a single parcel with highway frontage, which is Transition (<=2.5 AC) designation and Commercial (C) zoning, which is to the west.
10. The redesignating and rezoning of this parcel is not necessary for the development of a church on the site in question.
11. The applicant narrative statement repeatedly discusses undefined future development on the property, through such statements as "we believe this location is a missed opportunity for commercial services that can grow and serve the needs of the surrounding community" and "encouraging the diversity of the area through the industry and commercial opportunities being offered."
12. The applications for both the proposed land use designation of Transition and the proposed zoning of Commercial have offered no rationale consistent with the Comprehensive Plan or with Bonner County Revised Code for why either of these would be appropriate for the site in question.

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## **Zone Change Conclusions of Law:**

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

### Conclusion 1

The proposal **is not** in accord with the following elements of the Bonner County Comprehensive Plan:

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

Population  
Implementation  
Natural Resources  
Transportation  
Housing

School Facilities, Transportation  
Economic Development  
Hazardous Areas  
Recreation

### Conclusion 2

This proposal was reviewed for compliance with Title 12, Bonner County Revised Code, and **was not** found to be in compliance.

Conclusion 3

The proposal **is not** in accord with the purpose of the Rural-5 zoning district, provided at Chapter 3, Title 12, Bonner County Revised Code.

**AMENDMENT**

**File AM0008-21 – Title 12 Text Amendment – Bonner County** is initiating a text amendment to BCRC 12-336: Resource Based Use Table (amending the table to add to the table and code those changes indicated by underline and red font).

Table 3-6 Resource Based Use Table

USE	Zoning District								
	F	A/F	R	S	C	I	RSC	REC	AV
Batch Plant – asphalt and/or concrete (4) (21) (22)	C	C	C			P			

(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. (21) Batch plant operations shall be located outside of city impact areas. The emissions control system(s) on such batch plants shall be of "Best Available Control technology" (BACT) as generally accepted under relevant industry standards, within five (5) years prior to application. (22) A Batch Plant shall only locate in an active gravel pit. A batch plant placed in a gravel pit shall be considered a separate, discrete use, and not the increased intensity of a grandfathered use to operate the gravel pit itself.

**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. Commissioner Chair Bailey recused himself from the file. Commissioner Davis was deemed Chair.

**STAFF PRESENTATION:** Planning Director Milton Ollerton presented a PowerPoint summary of the project and previously circulated staff report, concluding this project is consistent with Bonner County Comprehensive Plan.

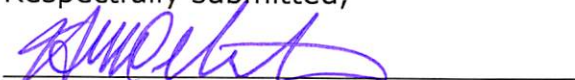
**APPLICANT/STAFF PRESENTATION:** Upon Commissioner and Staff discussion Staff Bonner County withdrew this file.

**COMMISSIONER & STAFF UPDATES:**

None.

At 9:40 p.m., the Chair declared the hearing adjourned until June 17, 2021.

Respectfully submitted,

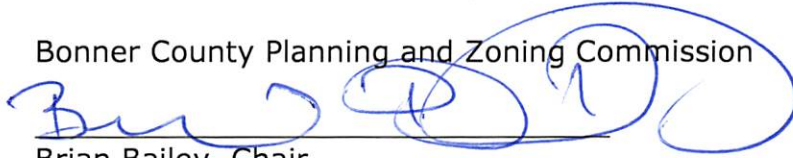


Milton Ollerton, Planning Director

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The above Minutes are hereby approved this 17<sup>th</sup> day of June 2021.

Bonner County Planning and Zoning Commission

A handwritten signature in blue ink, appearing to read 'Brian Bailey', is written over a horizontal line. The signature is stylized and includes several loops and flourishes.

Brian Bailey, Chair