

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

PLEDGE OF ALLEGIANCE

CALL TO ORDER: Chair Bailey called the Bonner County Planning and Zoning Commission hearing to order at 5:30 p.m. in the 1st Floor Conference Room, of the Bonner County Administration Building, 1500 Highway 2, Sandpoint, Idaho, via Zoom webinar, and YouTube live streaming.

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

ABSENT: None

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

CHANGES IN AGENDA: No minutes to approve for June 24, 2021.

APPROVAL OF MINUTES: The Chair requested the Commissioners declare if they had any corrections or changes to the approval of minutes as written for: July 1, 2021. Hearing no changes or objections, the Chair declared the minutes approved as written.

PUBLIC HEARINGS:

CONDITIONAL USE PERMITS

CALL FOR VISUAL, HEARING OR OTHER IMPAIRMENT REQUIRING ASSISTANCE: The Chair asked whether anyone needed special assistance to hear, see or participate in these proceedings.

File CUP0011-21 – Conditional Use Permit – Communication Tower - Nathan & Lisa Weis are requesting a Conditional Use Permit for the construction of a new 80' communications tower/facility to be used for Inland Cellular on a 5-acre parcel. The proposed 30' x 30' fenced compound will include an 8' x 12' equipment building, tower and H-frame for power and telephone connections. The property is zoned Rural 5-acre. The project is located off Eastshore Road in Section 9, Township 61 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: Staff planner Chad Chambers requested on behalf of the applicant an extension of the hearing to a date and time certain of September 2, 2021.

MOTION: Commissioner Bradish moved to continue this file to a time and date certain of September 2, 2021 at 5:30 PM. Commissioner Reeve seconded the motion.

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

File CUP0013-21 – Conditional Use Permit – Communication Tower - Weis Towers, LLC are requesting a conditional use permit to construct a communications tower. The proposed **self support** tower will be designed to be 190' tall and will be housed by a 100 x 100 enclosed compound which will also include a 8' x12' equipment building and H frame for power and telephone connections. The property is zoned Agricultural/forestry 10-acre. The project is located off Mud Gulch Road and Poloma Lane in Section 16, Township 58 North, Range 4 West, Boise-Meridian.

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

STAFF PRESENTATION: Staff planner Chad Chambers requested on behalf of the applicant an extension of the hearing to a date and time certain of September 2, 2021.

MOTION: Commissioner Frankenbach moved to continue this file to a time and date certain of September 2, 2021 at 5:30 PM. Commissioner Davis seconded the motion.

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

ZONE CHANGES

File ZC0024-21 – Zone Change - Rural-10 to Rural-5 – Jeffrey Eich is requesting a zone change from Rural-10 to Rural-5. The Comprehensive Plan designation is Rural Residential. The 10-acre parcel is located off Westmond Road in Section 34, 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 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: Project Representative Dan Provolt presented a density map of surrounding area (Exhibit A) and project information. He further stated according to the comprehensive plan, this property is better suited to R-5 than R-10.

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 ZC0024-21, requesting a zone change from Rural-10 to 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. This action does not result in a taking of private property. Commissioner Glasoe seconded the motion.

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

Background:

A. Site data:

- Use: Currently vacant
- Unplatted
- Size: ≈10-acres
- Zone: Rural-10
- Land Use: Rural Residential

B. Access:

- Westmond Road
 - Road Class: Secondary
 - Road Owner: Bonner County
 - County Maintained: Yes

C. Environmental factors:

- Site does not contain mapped slopes. (USGS)
- Site does contain a mapped Freshwater Emergent wetland. (USFWS)
- Site does contain Westmond Creek, an intermittent stream that runs through the southeast corner of the property. (NHD)
- Per Bonner County JRJ, 6.10.2021: 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 Type	Farmland Classification	Drainage Class
Dufort silt loam (10)	Not prime farmland	Well drained
Hoodoo silt loam (15)	Prime farmland if drained	Poorly drained

D. Services:

- Water: Individual well
- Sewage: Drainfields
- Fire: Selkirk Fire District
- Power: Northern Lights Inc.
- School District: Bonner School #84

E. Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Land Use & Density
Site	Rural Residential	Rural-10	Currently vacant
North	Rural Residential	Rural-5	Rural Residential
East	Rural Residential	Rural-10	Rural Residential
South	Rural Residential	Rural-10	Vacant
West	Rural Residential	Rural-5	Rural Residential

F. Standards review: Bonner County Revised Code

- **12-215:** Applications for Zone Changes and Comprehensive Plan Map Amendments, Contents
 - a. The application was considered complete and routed to agencies accordingly.
- **12-216:** Evaluation of Amendment Proposals
 - a. 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 Land Use 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.”

Current Zoning: BCRC 12-323 Rural District (Rural-10)

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:

- Characterized by slopes that are steeper than thirty percent (30%).

Staff: the property is not characterized by slopes 30% or greater. There are no mapped slopes between 15-29%, nor are there slopes 30% or greater on the property.

- Located within critical wildlife habitat as identified by federal, state or local agencies.
- Contain prime agricultural soils.

Staff: there are two soil type(s) on the property, one [Hoodoo silt loam] of which is prime farmland if drained, but the soil is poorly drained in general.

Soil Type	Farmland Classification	Drainage Class
Dufort silt loam	Not prime farmland	Well drained
Hoodoo silt loam	Prime farmland if drained	Poorly drained

- 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 of appendix A (private roads) of this title or are absent.

Staff: the property is accessed by Westmond Road, a County owned and maintained road.

- Within the floodway.

Staff: the subject property is not within a floodway.

- Contain limited access to public services.

Proposed Zoning: BCRC 12-323 Rural District (Rural-5)

- The proposal is to stay within the Rural zoning district but to rezone from Rural-10 to Rural-5.
- BCRC 12-323(B)(2): **Rural-5** in areas designated rural residential in the comprehensive plan that are already developed at or near the one dwelling per five (5) acre density and/or do not meet the criteria for R-10 above.

Staff: the subject property does not meet the criteria for Rural 10 zoning because steeper slopes do not prevail, one of the two soil(s) on site are not prime farmland, and the property is not within a floodway.

G. Stormwater plan: A stormwater management plan was not required, pursuant to BCRC 12-720.3(K) because the proposal does not result in the creation of additional "impervious surface", as defined in section 12-809 of Title 12.

H. Agency Review: The application was routed to the following agencies and all taxing districts for comment on **June 15, 2021**.

Panhandle Health District	Idaho Department of Water Resources
Selkirk Fire District	Bonner County Road Department
Northern Lights Inc.	U.S. Army Corps (Coeur d'Alene)
School District #84	Army Corps (Newport)
Bonner County Schools – Transportation	U.S. Fish and Wildlife Service
Idaho Department of Fish and Game	Idaho Department of Environmental Quality
Idaho Department of Lands, Nav. Waters	

The following agencies commented:

Idaho Department of Environmental Quality – rec'd July 7, 2021

"DEQ has no environmental impact comments at this stage of the project."

Idaho Department of Fish and Game – rec'd July 6, 2021

"The area surrounding the applicants property has lots ranging f om 2 -37 acres. The property in question borders Westmond Creek in a small area of the southeast corner of the property, and contains a portion of a 207.44 acre freshwater emergent wetland mapped by the USFWS wetland mapper. Westmond Creek is a small tributary to Cocolalla Creek with a mean annual flow of 2.86 cfs according to the USGS Stream Stat statistics. It originates in a small pond surrounded by wetlands and flows to the lake. The wetlands to the south of the pond are within a portion of the Pend Oreille Wildlife Management Area and are managed by IDFG. It is unknown if the stream is fish bearing, but may be used seasonally in the lower reaches for spawning. Section 4.2 of the natural resources section of the Bonner County Comprehensive Plan states that "Impacts to fisheries from development are typically associated with modifications to floodplains, riparian areas, and stream banks which in turn affect stream channel stability, shade cover and other features

which create fish habitat (Thurow 1988, Liknes and Graham 1988, Rieman and Apperson 1989).

We recommend that any future building plans follow all local and federal guidelines on stream and wetland setbacks to protect both Westmond Creek and the wetlands on the property. Small streams, especially those flowing through wetlands, are valuable habitat for many species in Idaho.

In the general habitat section of the Bonner County Comprehensive Plan, it states that while some species may actually benefit by rural residential disturbance, many highly valued fish and wildlife species are sensitive to disturbance and habitat alteration associated with rural development. While this request may be small, we are concerned about the cumulative effects of similar requests and the subsequent development that occurs if they are approved. The Comprehensive Plan states "While any one development proposal will have limited impacts on wildlife, those impacts will add cumulatively to impacts associated with past and future developments to ultimately reduce the capacity of the County to support many wildlife species." The reduction of wildlife and available habitat will affect Idahoans who enjoy wildlife and wildlife based recreation.

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."

I. Public Notice & Comments: The application was routed to property owners within 300' of the subject property and posted in the newspaper on **June 15, 2021**. A summary of the public comments received are listed below.

As of July 7, 2021, no public comments were received for this file.

Zone Change Findings of Fact

1. The applicant is proposing to re-zone the entire ≈10-acre parcel from Rural 10-acre to Rural 5-acre.
2. The subject property is within the Rural Residential comprehensive land use plan designation which allows for both Rural 10 and Rural 5-acre zoning.
3. The site is currently vacant.
4. The site is accessed by Westmond Road, a county owned and maintained road.
5. Parcels adjacent to the property west and north are zoned Rural 5-acre and properties east and south are zoned Rural 10-acre.
6. The site is served by the Sagle dba Selkirk Fire District.
7. The site does not contain mapped slopes between either 15-29% or 30% grade or greater.

8. The site does contain a mapped Freshwater emergent wetland on the eastern part of the property.

9. Westmond Creek, an intermittent stream runs through the southeast corner of the property.

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	Agriculture

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.

File ZC0025-21 – Zone Change – Ag/F-20 to Ag/F-10 – Julie Louise Behrens

is requesting a Zone change from Agricultural/Forestry-20 to Agricultural/ Forestry-10. The property area is approximately 20 acres. The project is located off Spirit Lake Cutoff Road in Section 10, Township 55 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: Staff planner Daniel Britt 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 Bradish moved to recommend approval to the Board of County Commissioners on this project, FILE ZC0025-21, requesting a zone change from Agricultural/ Forestry-20 to Agricultural/ Forestry-10 , 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, 4 to 1. Commissioner Davis, Reeve, Bradish and Frankenbach voted in favor of the motion. Commissioner Glasoe voted in opposition of the motion.

Background:

A. Site data:

- Use: Residential
- Unplatted
- Size: 20 acres
- Zone: A/F- 20
- Land Use: Ag/Forest Land
- Legal per: #937342

B. Access:

- Access is off Spirit Lake Cutoff Road, a county paved road.
- Hot Rod Lane is a gravel easement.

C. Environmental factors:

- Site does not contain mapped slopes. (USGS)
- Site does not contain mapped wetlands. (USFWS)
- Site does not contain waterfront or streams. (NHD)
- Soil:
 - Classification: Pend Oreille-Highfalls complex, 0 to 6 % slopes
 - Type: Complex
 - Drainage: Well Drained

D. Services:

- Water: Individual well
- Sewage: Individual septic
- Fire: West Pend Oreille Fire
- Power: Northern Lights
- School District: Bonner School #83

E. Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Land Use & Density
Site	A/F Land	A/F-20	Residential 20 acres

Compass	Comp Plan	Zoning	Current Land Use & Density
North	A/F Land	A/F-20	Residential 20 acres
East	A/F Land	A/F-20	Residential 10 acres
South	A/F Land	A/F-20	Vacant 20 acres
West	A/F Land	A/F-20	Residential 40 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.

Existing Zoning:

12-322: AGRICULTURAL/FORESTRY DISTRICT:

A. 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:

1. Establishing residential density limits and conservation development standards to retain areas sized for efficient farming.
2. 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.

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

1. 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:
 - a. Prime agricultural soils.

- b. Are characterized by agricultural or forestry uses.
- c. 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.

BCRC 12-322: AGRICULTURAL/FORESTRY DISTRICT:

A. 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:

1. Establishing residential density limits and conservation development standards to retain areas sized for efficient farming.
2. 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.

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

2. 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. (Ord. 501, 11-18-2008)

G. Stormwater plan: A stormwater management plan was not required, pursuant to BCRC 12-720.3(J) because the proposal does not result in the creation of additional "impervious surface", as defined in BCRC 12-809.

H. Agency Review: The application was routed to agencies for comment on June 15, 2021.

Panhandle Health District	Idaho Department of Water Resources
Idaho Department of Fish and Game	Idaho Department of Environmental Quality
West Pend Oreille Fire District	Bonner County Road Department
Northern Lights Utility Company	U.S. Forest Service
Bonner School District #83	Idaho Department of Lands
Bonner County Schools – Transportation	U.S. Fish and Wildlife Service
(All Taxing Districts)	

The following agencies provided comment:

DEQ "has no environmental impact comments at this stage of the project." July 6, 2021

"The Idaho Department of Fish and Game does not have any comments to submit for this application." July 6, 2021

The following agencies replied "No Comment": None.

All other agencies did not reply.

I. Public Notice & Comments

The following public comments were received: None.

Zone Change Findings of Fact

- The parcel is comprehensive planned Ag/ Forest Land
- The parcel is will not negatively affect Spirit Lake Cutoff or Hot Rod Lane
- Residential neighborhoods will not be impacted negatively
- The parcel lies within West Pend Oreille Fire District
- The parcel has an individual well
- The parcel will be on individual septic system
- The parcel does not feature any slope, surface water, wetlands, floodplains, or floodways
- Adjacent properties lie within the A/F-20 zoning and feature the same soil types
- The acreage of properties in the vicinity are similar in size as the proposed zone change. Parcels range from 3 to 20+/- acres

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 Agricultural/ Forestry-10 zoning district, provided at Chapter 3, Title 12, Bonner County Revised Code.

File ZC0026-21 – Zone Change – R-10 to R-5 - Evergreen Electric & HVAC, INC. is requesting a Zone change from Rural-10 to Rural-5 to create 5-acre parcels. The property is approximately 20.07 acres. The project is located off Hunter Road in Section 16, Township 54 North, Range 5 West, Boise-Meridian.

CONFLICT OF INTEREST/DISCLOSURE DECLARATIONS: The Chair requested the Commissioners declare any conflicts of interest or disclosures. Commissioner Bradish disclosed he works for Idaho Department of Lands, which borders the property, but he has no conflict with this project. The Chair noted that there were no other disclosures or conflicts.

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

APPLICANT PRESENTATION: None.

PUBLIC/AGENCY TESTIMONY: The following individuals spoke on the record; David Bowman and Susan Bowman.

APPLICANT REBUTTAL: None.

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

MOTION: Commissioner Davis motioned to open testimony to the applicant. Commissioner Bradish seconded the motion.

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

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 on this project, FILE ZC0026-21, requesting a zone change from Rural-10 to 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 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 Reeve seconded the motion.

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

Background:

A. Site data:

- Use: Vacant
- Unplatted

- Size: 20 acres
- Zone: Rural 10
- Land Use: Rural Residential
- Legal per: #980572

B. Access:

- Property is accessed off Hunter Road a gravel road with a 30 foot right of way. The nearest major road is Highway 41 a paved road.

C. Environmental factors:

- Site does not contain mapped slopes. (USGS)
- Site does not contain mapped wetlands. (USFWS)
- Site does not contain waterfront or streams. (NHD)
- Parcel is within SFHA Zone X per FRIM Panel 16017C1100E, Effective Date 11/18/2009
- Soil:
 - Classification: Rathdrum-Bonner ashy silt loams, 0 to 8% slopes
 - Type: Complex
 - Drainage: Well Drained

D. Services:

- Water: Individual well
- Sewage: Individual septic
- Fire: West Pend Oreille Fire District
- Power: Inland Power
- School District: School District #83

E. Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Land Use & Density
Site	Rural Residential	Rural-10	Vacant 20 acres
North	Ag/ Forest Land	A/F-20	Vacant 320 acres
East	Rural Residential	Rural-10	Vacant 40 acres
South	Rural Residential	Rural-5	Vacant 20 acres
West	Rural Residential	Rural-5	Vacant 5 acres

F. Standards review: Bonner County Revised Code

- **12-215:** Applications for Zone Changes and Comprehensive Plan Map Amendments, Contents
 - a. The application was considered complete and routed to agencies accordingly.
- **12-216:** Evaluation of Amendment Proposals
 - a. 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:**

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

BCRC 12-323: RURAL DISTRICT:

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 12-323 RURAL DISTRICT:

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:

2. 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. (Ord. 501, 11-18-2008)

G. Stormwater plan: A stormwater management plan was not required, pursuant to BCRC 12-720.3(J) because the proposal does not result in the creation of additional "impervious surface", as defined in BCRC 12-809.

H. Agency Review: The application was routed to agencies for comment on June 15, 2021

Panhandle Health District	Idaho Department of Water Resources
Idaho Department of Environmental Quality	Bonner County Road Department
West Pend Oreille Fire District	U.S. Fish and Wildlife Service
Inland Utility Company	Idaho Department of Lands
Bonner School District #83	U.S. Forest Service
Bonner County Schools – Transportation	Idaho Department of Fish and Game
(All Taxing Districts)	

The following agencies provided comment: None.

The following agencies replied "No Comment":

Idaho Department of Fish and Game
Inland Power Company

All other agencies did not reply.

I. Public Notice & Comments

The following public comments were received: None.

Zone Change Findings of Fact

- The parcel is comprehensive planned Rural Residential
- The parcel is will not negatively affect Hunter Road
- Residential neighborhoods will not be impacted negatively
- The parcel lies within West Pend Oreille Fire District
- The parcel has an individual well

- The parcel will be on individual septic system
- The parcel does not feature any slope, surface water, wetlands, floodplains, or floodways
- Adjacent properties lie within the A/F-20 zoning and feature the same soil types
- The acreage of properties in the vicinity are similar in size as the proposed zone change. Parcels range from 5 to 20+/- acres

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

Conclusion 2

This proposal **is** 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 PERMITS

File MOD0004-21 – Conditional Use Permit Modification – Bed & Breakfast with Wedding Venue – Margaret Murphy & Dale Balsley are requesting a modification to a Conditional Use Permit, File C953-11, to add a wedding venue to their existing Bed and Breakfast establishment. The 20-acre property is zoned Rural 10. The project is located off Homestead Hollo in Section 6, Township 54 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 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 Dale Balsley presented the intentions of the application.

PUBLIC/AGENCY TESTIMONY: Donna Thomas spoke on the record in opposition of the application.

APPLICANT REBUTTAL: Applicant responded to public comments regarding rural character and roadways.

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

MOTION TO APPROVE: Commissioner Frankenbach moved to approve this project FILE MOD0004-21, requesting a modification of a Conditional Use Permit C953-11, previously approved for a Bed and Breakfast establishment in 2011, to now include a wedding venue for a gathering of approximately 40 guests, on an unplatted parcel, approximately 20 acres in size and zoned Rural 10 District, 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. The action that could be taken to obtain the conditional use permit is to complete the Conditions of Approval as amended, adding A-9 The applicant must contact Panhandle Health District and ensure adequate septic facilities are provided for the requested modification of the Conditional Use Permit. A-10 This modification of the conditional use permit will expire if the property is sold, A-11 No more than one event per week, A-12 No more than 40 guests or wedding party per event. This action does not result in a taking of private property. Commissioner Glasoe seconded the motion.

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

Background:

A. Site data:

- Use:
 - Dwelling, built in 2000.
 - Greenhouse, built in 2000.
 - Two general purpose buildings, built in 2008 and 2016.
- Unplatted parcel of land.
- Size: 20 acres (approximately)
- Zone: Rural 10 District
- Land Use: Rural Residential

B. Access:

- Homestead Hollow, a 60 feet wide non-exclusive Ingress, Egress and Utility easement, recorded through Instrument #528160.

- Blacktail Road, Bonner County owned and maintained public right-of-way, paved with Hot Mix Asphalt with a speed limit of 35 miles per hour.

C. Environmental factors:

- Majority of the site contains slopes between 15-29% grade. A minimal portion of the site contains slopes of 30% grade. (USGS)
- Site does not contain any mapped wetlands. (USFWS)
- Site does not contain any rivers, streams or fronts on lakes.
- Site contains Treble-Rock outcrop association soil.
 - Classification: Not prime farmland
 - Drainage Class: Well drained
- Site is primarily in the Flood Hazard Zone X. A small portion of the site is within Flood Hazard Zone D. However, the applicant is not proposing addition of any structures to the site. Therefore, a floodplain review will not be required at this time.
- Site does not contain any Critical Wildlife Habitat areas, as per the Critical Wildlife Habitat map (2002) created from field validated data collected by Idaho Department of Fish and Game. No federal, state and local agencies replied identifying any Critical Wildlife Habitat areas on the site.

D. Services:

- Water: Site is served by an individual well that pumps approximately 5-10 gallons of water per minute.
- Sewage: Site is served by an individual septic system. As per the applicant, the maintenance plan for the system includes pumping out of the septic system every five years.
- Fire: Spirit Lake Fire District
- Power: Northern Lights
- School District: Bonner School District #84
- Ambulance Districts: Bonner Co Ambulance District

E. Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Land Use & Density
Site	Rural Residential	Rural 10	Agricultural Timber land with Residential
North	Rural Residential	Rural 10	Productivity forest land
East	Rural Residential	Rural 10	Productivity forest land
South	Rural Residential	Rural 10	Residential
West	Rural Residential	Rural 10	Agricultural Timber land

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
 - **Staff:** The application was considered complete and routed to agencies for their review on June 15, 2021.
- BCRC 12-266 Modification of Terms and Conditions of Approval
 - **Staff:** Application for Modification of a Conditional Use Permit was brought to the Planning Department pursuant to this section of the code.
 - **Staff:** A public hearing has been scheduled and notice provided in accordance with the requirements of the original permit issuance.
 - **Staff:** The proposed modification has been reviewed in accordance with the requirements of the original permit application and the review has been confined to the proposed modification.
- BCRC 12-335 Public Use Table
 - Public or Private Community facilities are permitted as a Conditional Use in Rural 10 and Rural 5 Districts.
 - 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 site is accessed via Homestead Hollow, a road located within a recorded easement. It is a 60 feet wide non-exclusive Ingress, Egress and Utility Easement as per Instrument #528160.
- BCRC 12-4.2, Performance standards for all uses
 - **Applicant:** The size of the property as well as the topography provides adequate buffer from any neighboring residential developments. The nearest residential dwelling is approximately 1 mile away from the property.
- BCRC 12-4.3, Parking standards
 - The parking requirement will be calculated according to the requirements for Assembly buildings-
 - Minimum requirement: 1 space/ 100 square feet of gross floor area.
 - Proximity of Parking Spaces: Within 500 feet of the principal use.
 - **See condition A-6**
- BCRC 12-4.4, Sign standards
 - The applicant is proposing signage on private property as well as an externally illuminated directional sign for directions to private road.
 - **See Condition A-7**
- BCRC 12-4.5, Design standards
 - **Staff:** This subchapter is not applicable to this project as the applicant is not proposing any new development through this application.
 - **See Condition A-8**
- BCRC 12-4.6, Landscaping and screening standards

- **Staff:** This subchapter is not applicable to this project as the applicant is not proposing any new development through this application.
- **See Condition A-8**
- BCRC 12-7.2, Grading, stormwater management and erosion control
 - **Staff:** This subchapter is not applicable to this project as the applicant is not proposing creation of any additional impervious surface, as defined, per BCRC 12-720.3(K).
 - **See Condition A-8**
- BCRC 12-7.5, Flood damage prevention
 - **Staff:** This subchapter is not applicable to this project as the applicant is not proposing any new development through this application. Additionally, majority of the site is located within Special Flood Hazard Zone X and will not require any additional review.
- BCRC 12-7.6, Hill-sides
 - **Staff:** This subchapter is not applicable to this project as the applicant is not proposing any new development through this application. Additionally, majority of the site contains slopes between the grades of 15-29%. Only a minimal portion of the site contains slopes of grades over 30%.
 - **See Condition A-8**

G. Comprehensive Plan Land Use Designation

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

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

I. Agency Review

The application was routed to the following public agencies for review on June 15, 2021.

Panhandle Health District	Idaho Department of Environmental Quality
Selkirk Fire District	Idaho Department of Water Resources
Northern Lights Utility Company	Bonner School District #84

The following agencies commented:

None

The following agencies replied "No Comment":

None

All other agencies did not reply.

J. Public Notice & Comments

The following public comments were received:

None

Findings of Fact

1. The site is accessed via Homestead Hollow, a road located within a recorded easement. It is a 60 feet wide non-exclusive Ingress, Egress and Utility Easement as per Instrument #528160.
2. Homestead Hollow is further accessed by Blacktail Road, a Bonner County owned and maintained public right-of-way that is paved with Hot Mix Asphalt and has a speed limit of 35 miles per hour.
3. Site is approximately 20 acres in size and zoned Rural 10 and has a land use designation of Rural Residential.
4. Site is currently developed with a dwelling and a greenhouse, both built in the year 2000 as well as two general purpose buildings built in 2008 and 2016 consecutively.
5. The applicant is not proposing construction of any new buildings on the site as part of the proposed Modification of the Conditional Use Permit.
6. The applicant is proposing additional signs on the property that shall meet the applicable BCRC standards.
7. The applicant is proposing parking for the wedding venue to be located on the site, meeting the applicable BCRC standards.

Conclusions of Law:

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

Conclusion 1

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

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

Conclusion 2

This proposal was reviewed for compliance with the criteria and standards set forth at BCRC Chapter 4, Title 12, Subchapter 2.2, environmental standards of Chapter 7, Title 12, and storm water management criteria and standards set forth in Chapter 7, Title 12, Bonner County Revised Code.

Conclusion 3

The proposed use **will not** create a hazard or will not be dangerous to persons on or adjacent to the property.

Conditions of approval:

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

- A-1** The use shall be developed and shall be operated in accordance with the approved site plan.
- 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** Parking shall be provided as per BCRC 12-4.3 Parking Standards. The parking requirement will be calculated based on the area of the chapel. The location of the parking shall be on-site within 500 feet of the principal use (the existing chapel on the site.)
- A-7** The proposed signage shall meet the General Standards and the Illumination Standards of BCRC 12-4.4
- A-8** Any new development proposed in conjunction with this Conditional Use Permit would meet the following standards-
 - BCRC 12-4.5 Design Standards
 - BCRC 12-4.6 Landscaping and Screening Standards
 - BCRC 12-7.2 Grading, stormwater management and erosion control

BCRC 12-7.6 Hillside

- A-9** The applicant must contact Panhandle Health District and ensure adequate septic facilities are provided for the requested modification of the Conditional Use Permit.
- A-10** This modification of the conditional use permit will expire if the property is sold.
- A-11** No more than one event per week
- A-12** No more than 40 guests or wedding party per event

File CUP0016-21 – Conditional Use Permit – Multi-family Condos – Blott, LLC

is requesting a Conditional Use Permit to create two structures on two lots totaling 1.16 acres. Each structure will have five condo units in a tear drop pattern with a deck between each. Each new condo unit will be 748 SF (22'x34') and have its own parking spot for two cars, approximately 330 SF (15'x22') and its own deck, approximately 100 SF (10'x10'). The property is zoned Alpine Village (AV). The project is located off the corner of Parallel Run and Snowplow Road in Section 20, Township 58 North, Range 2 West, Boise-Meridian.

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

STAFF PRESENTATION: 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: Applicant Representative Travis Haller presented a PDF presentation of the project (Exhibit A).

Applicant Jeff Schmitt clarified the project for the commissioners and project history.

PUBLIC/AGENCY TESTIMONY: None.

APPLICANT REBUTTAL: None.

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

MOTION TO APPROVE: Commissioner Bradish moved to approve this project FILE CUP0016-21 for the Blott LLC Condos, finding that it is in accord with the general and specific objectives of the Bonner County Comprehensive Plan and Bonner County Revised Code as enumerated in the following conclusions of law, and based upon the evidence submitted up to the time the Staff Report was prepared and testimony received at this hearing. Commissioner Bradish further moved to adopt the following findings of fact and conclusions of law as written. The action that could be taken to

obtain the conditional use permit is to complete the Conditions of Approval as amended, amending code section to 12-471.D. This action does not result in a taking of private property. Commissioner Glasoe seconded the motion.

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

Background:

A. Site data:

- Vacant land, both parcels in the plat of Schweitzer Basin Vlg 1st Add
- Size: ~ 1.16 acres (total)
- Zone: Alpine Village (AV)
- Land Use: Alpine Community (<=2.5 AC)

B. Access:

- Parallel and Snowplow road are both existing 60' wide gravel public rights-of-way maintained by Independent Highway District.

C. Environmental factors:

- Site does contain mapped slopes; >30% grade, per plans. (USGS)
- Site does not contain mapped wetlands. (USFWS)
- Site does not contain a river/stream/frontage on lake
- Site is within SFHA Zone X, per FIRM Panel 16017C0705E, Effective Date 11/18/2009. No further floodplain review is required on this proposal.

D. Services:

- Water: Schweitzer Basin Water
- Sewage: Mountain Utility Company
- Fire: Schweitzer Fire District
- Power: Northern Lights
- School District: Bonner School #84

E. Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Land Use & Density
Site	Alpine Community (<=2.5 AC)	Alpine Village (Av)	Vacant
North	Alpine Community (<=2.5 AC)	Alpine Village (Av)	Residential
East	Alpine Community (<=2.5 AC)	Alpine Village (Av)	Vacant & Residential
South	Alpine Community (<=2.5 AC)	Alpine Village (Av)	Vacant
West	Alpine Community (<=2.5 AC)	Alpine Village (Av)	Residential

F. Standards review

BCRC 12-223 specifies that the Commission shall review the particular facts and circumstances of each proposal. To grant a conditional use permit, the Commission

must find there is adequate evidence showing the proposal is in accord with the general and specific objectives of the comprehensive plan and Title 12 and the proposed use will neither create a hazard nor be dangerous to persons on or adjacent to the property

- BCRC 12-220, et seq, conditional use permit, application and standards
 - The application was considered complete and routed to agencies accordingly.
- BCRC 12-332: Residential Use Table (Dwelling, multi-family)
 - Conditionally permitting multi-family dwellings in the Alpine Village zone requires a minimum of 12,000 square feet of lot area for the first unit, plus 3,000 square feet for each additional unit; provided, that all urban services are available.
 - The applicant is proposing a total of ten (10) units, requiring a total of 12,000 + (3,000 * 9), or 39,000 square feet, of project site. The project site is ~1.16 acres total, or about 50,529.6 square feet.
 - The site is sized adequately for the project proposed.
- BCRC 12-4.2, Performance standards for all uses
 - Only typical mountain-community residential uses are proposed in this application. No other uses are proposed in this application that would not be in compliance with this section.
- BCRC 12-4.3, Parking standards
 - Multifamily studio units require 1 space/dwelling unit, multifamily 1 bedroom units require 1.5 spaces/dwelling unit, and multifamily units with 2 or more bedrooms require 2 spaces/dwelling unit.
 - Parking spaces shall be no less than two hundred (200) square feet in area.
 - The application does not specify the number of bedrooms planned per unit.
 - The application specifies 330 that square feet of parking is planned for each unit.
 - This parking space size is adequate only for studio or 1 bedroom units. This size is not adequate for 2 bedroom or larger units.
 - Because the application does not specify the number of bedrooms planned per unit, it is not possible to verify that the required parking standards have been met in this proposal.
- BCRC 12-4.5, Design standards
 - The design standards require sidewalk construction. This has not been addressed in the application.
 - The design standards require an area set aside for future trail construction per BCRC 12-453. This has not been addressed in the application.
 - No lighting plan was submitted, and so it not possible to verify that the lighting standards of BCRC 12-453.F will be met by this project.
 - The submitted plans meet the standards for maximum building width.
 - Multi-family developments featuring more than four (4) dwelling units shall provide at least two hundred fifty (250) square feet of on-site recreational space per dwelling unit. This proposal is for 10 units, requiring 2500 square feet of recreational space. The plans propose

1000 square feet of deck/balcony space total in this development. An additional 1500 square feet of recreational space is required.

- o Snow storage area may not be counted as recreational space. Per BCRC 12-453.I.4, recreational space for multifamily developments shall contain physical conditions that allow for active and passive recreation. Snow storage area will not meet this standard for at least part of the year.
- BCRC 12-4.6, Landscaping and screening standards
 - o A landscaping plan is required for multi-family developments. The plan submitted does not meet the standard for a landscaping plan.
- BCRC 12-4.7, Standards for development in Alpine Village District
 - o The stamped plans submitted do not meet the requirements of this section. A revised plan must be submitted and approved by the county engineer.
- BCRC 12-7.2, Grading, stormwater management and erosion control
 - o The stamped plans submitted do not meet the requirements of this section. A revised plan must be submitted and approved by the county engineer.
- BCRC 12-7.6, Hill-sides
 - o The stamped plans submitted do not meet the requirements of this section. A revised plan must be submitted and approved by the county engineer.

G. Comprehensive Plan Land Use Designation

The comprehensive plan designation of Alpine Community is established to recognize the challenges of higher density development in higher elevations of Bonner County generally above 3,500 feet elevation, where urban services are provided, but a range of road types developed in mountainous conditions serve the area. Specific design standards to address steeper slopes and heavy snowfall will govern these areas.

H. Stormwater plan: A stormwater management plan was required pursuant to BCRC 12-7.2. The stamped plans submitted do not meet the requirements of this section. A revised plan must be submitted and approved by the county engineer.

I. Agency Review

Panhandle Health District	Idaho Department of Water Resources
Mountain Utility Company	U.S. Forest Service
Schweitzer Fire District	Bonner County Road Department
Northern Lights, Inc	U.S. Army Corps (Coeur d’Alene)
School District #84	U.S. Fish and Wildlife Service
Bonner County Schools – Transportation	Idaho Department of Lands (Sandpoint)
Idaho Department of Fish and Game	Independent Highway District
Idaho Department of Environmental Quality	Idaho Transportation Department

The following agencies commented:

The IHD (Independent Highway District) commented:

The roadways for this project are within the Independent Highway District (IHD) and have a 60 ft ROW. An Approach/Driveway Permit Application from the District will be required. These roads are paved and the IHD requires that all driveways crossing the ROW be paved. The IHD Approach/Driveway Permit also requires a snow management plan that describes how snow will be controlled across the ROW. Snow cannot be placed on the road or ROW. The IHD also recommends that internal driveways be paved, this reduces mud and rock being tracked onto the road.

Idaho Department of Environmental Quality does not review projects on a project-specific basis and sent the agency’s standard 5-page recommendation letter.

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

J. Public Notice & Comments: No public comments were received on this proposal.

Findings of Fact

1. Multifamily dwellings are a conditionally allowed use in the Alpine Village Zone.
2. Access to the site is via Parallel and Snowplow roads, both existing 60’ wide gravel public rights-of-way maintained by Independent Highway District.
3. The development will be served by Schweitzer Basin Water, Mountain Utility Company, Schweitzer Fire District, Northern Lights, and Bonner School #84.
4. The site in question is adequately sized for the proposed density, if a Conditional Use Permit is issued.
5. Staff was not able to determine consistency of the project parking plan with code requirements; see conditions of approval below.
6. Staff was not able to determine consistency of the project design plan with code requirements; see conditions of approval below.
7. Staff was not able to determine consistency of the project landscaping plan with code requirements; see conditions of approval below.
8. Staff was not able to determine consistency of the project grading, stormwater management, erosion control, and snow management plan with code requirements; see conditions of approval below.

Conclusions of Law:

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

Conclusion 1

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

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

Conclusion 2

This proposal was reviewed for compliance with the criteria and standards set forth at BCRC Chapter 4, Title 12, Subchapter 2.2, environmental standards of Chapter 7, Title 12, and storm water management criteria and standards set forth in Chapter 7, Title 12, Bonner County Revised Code.

Conclusion 3

The proposed use **will not** create a hazard or will not be dangerous to persons on or adjacent to the property.

Conditions of approval:

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

- A-1** The use shall be developed and shall be operated in accordance with the approved site plan.
- A-2** The Conditional Use Permit shall not supersede deed restrictions.
- A-3** All county setbacks shall be met.
- A-4** The Conditional Use Permit shall expire if not issued within two (2) calendar years from the date of approval, or once issued, if the use has not commenced within two (2) calendar years from the date of issuance. At any time prior to the expiration date of the Conditional Use Permit, the applicant may make a written request to the Planning Director for an extension of the Conditional Use Permit for a period up to two (2) years. The Planning and Zoning Commission may consider such request for extension at any public hearing. The extension request must be approved or denied prior to the expiration date of the Conditional Use Permit.
- A-5** The applicant shall install prior to ground disturbing activities all temporary erosion control measures as designed and approved. The applicant shall provide to the Planning Department prior to ground disturbing activities a signed statement from the project engineer or design professional stating that these measures have been installed as per the design specifications as approved. The applicant shall install upon completing ground disturbing activities and shall maintain thereafter all permanent erosion control and stormwater management measures as designed and approved. The applicant shall provide to the Planning Department upon completing ground disturbing activities a signed statement from the project engineer or design professional stating that these measures have been installed as per the design specifications as approved.
- A-6** Prior to issuance of a building location permit, the owner of the proposed multi-family structure shall obtain an address for the dwelling from Bonner County

that meets the provisions of Bonner County Revised Code, Title 13. (For multi-family CUPs)

- A-7** A revised parking plan consistent with BCRC 12-471.D shall be submitted prior to BLP issuance.
- A-8** A revised design plan consistent with BCRC 12-4.5 shall be submitted prior to BLP issuance.
- A-9** A revised landscaping plan consistent with BCRC 12-4.6 shall be submitted prior to BLP issuance.
- A-10** A revised stormwater, grading, erosion control, and snow management plan, consistent with the standards of BCRC 12-4.7 (Standards for development in Alpine Village District) BCRC 12-7.2 (Grading, stormwater management and erosion control) and BCRC 12-7.6 (Hillsides) shall be submitted and approved by the county engineer prior to BLP issuance.

COMMISSIONER & STAFF UPDATES:

Public hearing deliberation process for clarifying files recommended for denial, planning statistics, and Schweitzer details.

Update on County meeting with Panhandle Health District.

Discussion regarding the term "soils of statewide importance".

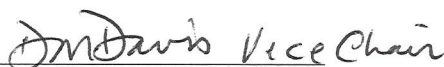
At 8:27 p.m., the Chair declared the hearing adjourned until August 5, 2021.

Respectfully submitted,


Milton Ollerton, Planning Director

The above Minutes are hereby approved this 5th day of August 2021.

Bonner County Planning and Zoning Commission


Brian Bailey, Chair