

**BONNER COUNTY PLANNING and ZONING COMMISSION
PUBLIC HEARING MINUTES
FEBRAURY 18, 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 1st Floor conference room, of the Bonner County Administration Building, 1500 Highway 2, Sandpoint, Idaho, via Zoom webinar, and YouTube live streaming.

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

ABSENT: Sheryl Reeve

ALSO PRESENT: Planning Director Milton Ollerton; Assistant Planning Director Josh Pilch; Planner II Jason Johnson; Administrative Manager Jeannie Welter

CONSENT AGENDA:

APPROVAL OF MINUTES: The Chair requested the Commissioners declare if they had any corrections or changes to the approval of minutes as written for: February 4, 2021 and January 21, 2021. Hearing no changes or objections, the Chair declared the minutes approved as written.

Election of Vice Chair: Commissioner Bradish moved to appoint Don Davis as Vice Chair. Dave Frankenbach seconded the motion. Voted upon and the motion passed unanimously.

PUBLIC HEARINGS:

VARIANCES

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 V0035-20 – Variance - Accessory Dwelling Unit Size – Elizabeth Jensen is requesting to use the existing single family dwelling of approximately 1300 square feet as an ADU to allow for a future single family residence of larger size. The property is zoned Rural 5 (R-5). The project is located off Gypsy Bay Rd in Section 3, Township 56 North, Range 3 West, Boise-Meridian.

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

STAFF PRESENTATION: Planner II Jason Johnson presented a PowerPoint summary of the project and previously circulated staff report.

APPLICANT PRESENTATION: Applicant Elizabeth Jensen stated asked for clarification regarding the condition of approval "highlighted area" of the site

PUBLIC/AGENCY TESTIMONY: None.

APPLICANT REBUTTAL: None.

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

MOTION: Commissioner Bradish moved to approve this project FILE V0035-20, requesting to use the existing single family dwelling on the parcel noted in the Staff Report as an Accessory Dwelling Unit (ADU) to allow for a future single family residence of larger size, 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 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 variance is to complete the Conditions of Approval as adopted. This action does not result in a taking of private property. Commissioner Davis seconded the motion.

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

Commissioner Bradish amended the motion to include the Conclusions of law. Commissioner Davis seconded the amended motion.

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

Background:

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

- RP02705000030A; current use is single-family residential
- Platted as Lot 3 in Bowers Subdivision, Book 5; Page 35
- Size: 6.65 acres
- Zone: Rural 5 (R-5)
- Land Use: Rural Residential (5-10 AC)

B. Access:

- Access is provided by Gypsy Bay Rd, a County-owned, County maintained road.

C. Environmental factors:

- Site does contain mapped slopes of between 15-30% per USGS.
- Site does not contain mapped wetlands.
- Site does not contain a river, stream or lake frontage.

- Parcel is within SFHA Zone X, per FIRM Panel 16017C0925E, Effective Date 11/18/2009. No further floodplain review is required on this proposal.

D. Services:

- Water: Private well
- Sewage: Private septic
- Fire: Selkirk Fire
- Power: Northern Lights
- School District: Bonner School #84

E. Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Land Use & Density
Site	Rural Residential (5-10 AC)	Rural 5 (R-5)	Single family dwelling & timber
North	Rural Residential (5-10 AC)	Rural 5 (R-5)	Vacant, timber
East	Rural Residential (5-10 AC)	Rural 5 (R-5)	Single family dwelling & timber
South	Rural Residential (5-10 AC)	Rural 5 (R-5)	Single family dwelling & timber
West	Rural Residential (5-10 AC)	Rural 5 (R-5)	Single family dwelling & timber

F. Standards review

BCRC 12-234 specifies that "Staff, the commission and/or board shall review the particular facts and circumstances of each proposal submitted and shall find adequate evidence showing that:

- (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 home was originally built in 1999 as a one bedroom one bath home. Due to remodeling and additions that were done the home is now two bedroom two bath. The original' mud room is approximately 54 square feet. One of the additions that was previously used as an office is now being used as a mud room and storage area and is approx. 130 square feet. If these are able to be reclassified and removed from the main square footage it would make the living space approximately 1150 square feet which is not significantly above the current ADU requirements. Due to the add-ons that were already done to this house trying to add-on now is limited and very challenging. The current floorplan is not suitable for my family and I would like to be able to add a main dwelling over 900 square feet.

Staff: Staff is not making a recommendation on this application, due to the applicant being a staff member of the Bonner County Planning Department.

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

Applicant: The home (with existing add-ons) was already built when I purchased the property. The septic is East and the well and power are to the South. There are also structures on every side of the dwelling that make additions impractical unless they are removed.

Staff: Staff is not making a recommendation on this application, due to the applicant being a staff member of the Bonner County Planning Department.

(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 home only has two bedrooms and two bathrooms which is in line with the current guidelines for an ADU. Changing the classification of this structure to and ADU would have no impact to the property and permitting would still be required prior to adding dwelling. There would be no impact to the neighbors.

- *Property Rights: Changing the current dwelling to an ADU will not impact any adjoining landowners, it will allow for an additional dwelling to be added to the property at a later date allowing for multi-generations to live on the same property.*
- *Population: Changing this dwelling to an ADU will allow for an additional dwelling to be built allowing for multi-generations to live on the property.*
- *School facilities & Transportation: There is a bus stop 1 /2 mile from the dwelling that would allow transportation of additional students to the Pend Oreille School District.*
- *Economic Development: Changing the dwelling to an ADU will not have any economic development impact and this property will maintain its rural atmosphere.*
- *Land Use: There will be no changes to the land use but changing the dwelling designation to an ADU will allow for an additional SFD to be added encouraging the community to grow without affecting the rural characteristics or natural resources.*
- *Natural Resources: There is no impact on natural resources. When adding a new dwelling a second septic system would be installed and possibly a second well. With a new dwelling there would be minimal impact to the forested area of the property based on where the new dwelling would likely be.*
- *Hazardous Areas: The current dwelling is not in a hazardous area.*
- *Public Services: Utilities on this property are private septic and well with power being provided by Northern Lights. Changing the dwelling to an ADU will have no impact on any of these services.*
- *Transportation: There is already a current county maintained road and there would be no impact on the traffic.*

- *Recreation: The property is not a recreation area and does not affect any recreation area.*
- *Special Areas or Sites: The property is not considered a special area or site.*
- *Housing: Changing the dwelling to an ADU will allow for another dwelling to be added to the property. This will assist in providing an additional housing option.*
- *Community Design: The property is not visible from the road and has no impact on the community.*

Staff: Staff is not making a recommendation on this application, due to the applicant being a staff member of the Bonner County Planning Department.

G. Stormwater plan: 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.

H. Agency Review: The application was routed to agencies for comment on January 19, 2021.

Panhandle Health District
Selkirk Fire District
Avista
Northern Lights
School District #84
School District #84 – Transportation

Idaho Department of Water Resources
Idaho Department of Lands (Sandpoint)
Bonner County Road & Bridge Department
Idaho Department of Fish and Game
Idaho Department of Environmental Quality

The following agencies commented:

Panhandle Health, February 2, 2021 - The Panhandle Health District does not have a comment regarding the proposed ADU Dwelling Unit Size Variance, but would like to remind the applicant that either an Expansion to the current septic system(PHD File# 95-09-48768)1 or a new Septic Permit must be applied for.

The following agencies replied “No Comment”:

Idaho Dept of Fish & Game, February 1, 2021
Idaho Dept of Environmental Quality, February 8, 2021

All other agencies did not reply.

I. Public Notice & Comments

The following public comments were received:

No public comments were received as of the preparation of this staff report

Findings of Fact

1. The existing single-family dwelling (SFD) is approximately 1300 square feet.

2. The home was originally built in 1999, prior to the current owner acquiring the property.
3. Several additions were done to the home prior to the current owner acquiring the property.
4. Due to remodeling and additions that were done the home is now two bedroom two bath.
5. The home has two bedrooms which is in line with current ADU standards, per BCRC 12-490.

Conclusions of Law:

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

Conclusion 1

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

Conclusion 2

Special conditions and circumstances **do** result from the actions of the applicant.

Conclusion 3

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

Conditions of approval:

Standard permit conditions:

A-1 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.

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 V0034-20 – Variance - Lot Size Minimum – Westside Fire is requesting a lot size minimum of 10,000 sq ft where 10 acres is required for the purpose of separating the schoolhouse from the fire district lot. The property is zoned R-10. The project is located on Helen Thompson Road off Wrenco Loop Road in a portion of Section 4, Township 56 North, Range 3 West, Boise-Meridian.

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

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 Revised Code.

APPLICANT PRESENTATION: Project Representative Marty Taylor, James A Sewell and Associates stated there has been a MLD approved pending the approval of this Variance. He presented a summary and history of the property and project.

Applicant stated he is available to answer any questions the Commissioners may have.

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 Davis moved to approve this project FILE V0034-20 for a lot size minimum variance on parcel RP56N03W044790A in order to separate the community center from the fire house property an R-10 zone finding that it is in accord with the Bonner County Revised Code as enumerated in the following conclusions of law, and based upon the evidence submitted up to the time the Staff Report was prepared and testimony received at this hearing. Commissioner Davis further moved to adopt the following findings of fact and conclusions of law as written. The action that could be taken to obtain the variance is to complete the Conditions of Approval as adopted. This action does not result in a taking of private property. Commissioner Frandenbach seconded the motion.

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

Background:

A. Site data:

- Parcel Area: 1.0 acres
- Use: Fire Station and Community Center
- Zone: Rural-10
- Land Use Designation: Rural Residential

B. Access:

- Helen Thompson Road
 - i. Owner: Bonner County (public)
 - ii. Road Class: County
 - iii. Surface Type: Gravel

C. Environmental factors:

- Floodplain: SFHA X
 - i. Per FEMA 16017C0925E
- Soil Type(s): Selle fine sandy loam, 0 to 8 percent slopes
 - i. Prime Farmland
 - ii. Well Drained
- Slopes: None present on mapper
- Wetlands: None

D. Services:

- Water: Individual Well
- Sewage: Individual septic system with drain field
- Fire: Westside Fire
- Power: Northern Lights

E. Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Land Use & Density
Site	Rural Residential	Rural-10	Fire Department and Community Center
North	Rural Residential	Rural-10	Farm and Timber Land
East	Rural Residential	Rural-10	Farm and Timber Land
South	Rural Residential	Rural-10	Farm and Timber Land
West	Rural Residential	Rural-10	Farm and Timber Land

F. Standards review

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

- (d) 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 subject property was first described in 1911 when a private property owner deeded one acre to School District Trustees "for school purposes" (Instrument 18288, Bonner County records). This conveyance predated the 1980 establishment of county zoning and lot size minimums (Ord. 140, eff. 1/11/80) as well as the county's 1981 official zoning map (eff. 12/9/81).

The property was subsequently developed with the Wrenco Schoolhouse (no assessor records available).

Thereafter, the District disposed of the property in 1959, conveying the parcel to the Wrenco Community Club (Instrument 73407, Bonner County records).

The Club conveyed the parcel to Bonner County in 1988 (Instrument 355097, Bonner County records).

Ultimately, the County conveyed the one acre parcel to the Westside Fire District (Instrument 770004, Bonner County records). This conveyance stipulated that this property be retained for use as "a county polling place, a community center, and a fire hall and/or station."

The District now wishes to convey proposed Lot 2 to the Club (or equivalent entity) for use as a senior center, while retaining proposed Lot 1 which will remain developed with a fire station.

Consequently, these conditions, over which the applicant has no control, do not apply generally to the large acreage properties in the vicinity.

STAFF: The parcel was first described in 1911 as stated above. The building was built sometime after that. The fire department was approved at CUP899-08 in June, 2009. This application stated the use of the school building was a community center. These uses and parcel size differ from the surrounding properties.

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

Applicant: As noted, the property was first described in 1911. The desire is to simply divide the historic schoolhouse building off of the property developed with the fire station so that this schoolhouse can be on its own lot.

STAFF: The fire department received the property per Instrument 770004 in 2004. The building was already on the property. The fire house was added per C899-08.

(f) 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 site is already developed with road access, a well and a sewer system. Accordingly, the proposed lot sizes create no public interest conflict.

STAFF: There have been no agency or public comments received on this file.

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.

H. Agency Review: The application was routed to the following agencies for comment on **January 19, 2021**

I. Public Notice & Comments: The application was routed to neighbors within 300 feet of the subject property for comment on **January 19, 2021**. As of the date of this report, No comments have been received.

Findings of Fact

1. This proposal was reviewed for compliance with the criteria and standards set forth in BCRC 12-234 Variances, Standards for Review of Applications, and BCRC 12-400, et seq., Density and Dimensional Standards.
2. The subject property is 1.0 acres located in the Rural-10 Zone created in 1911 at Instrument 18288, Bonner County records.
3. The subject property is accessed off Helen Thompson Road, off Wrenco Loop Road.
4. The property was granted a CUP for the fire house at CUP899-08.
5. The fire district acquired the property per the warranty deed under Instrument # 770004, Bonner County records.
6. The site is to be served by an individual septic system, individual well, Westside Fire, and Northern Lights.
7. There is a fire house on the property and a building previously used as a community center.
8. The proposed project does not appear to impact the public interest based on comments received and history of the property.

Conclusions of Law:

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

Conclusion 1

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

Conclusion 2

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

Conclusion 3

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

Conditions of Approval:

Standard Permit Conditions:

A-1 The use shall be developed and shall be operated in accordance with the approved site plan.

CONDITIONAL USE PERMITS

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

File CUP0008-20 - Conditional Use Permit – Storage Units – Bill Dixon is requesting a boat and mini storage unit to include 15 units in one 45' by 210' building. The property is zoned Recreation. The project is located off Cavanaugh Bay Road in a portion of 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: Planning Director Milton Ollerton presented a PowerPoint summary of the project and previously circulated staff report, concluding this project is consistent with Bonner County Revised Code.

APPLICANT PRESENTATION: Project Representative Marty Taylor, James A Sewell and Associates stated the design standards have been met and the property has been platted into two lots. Mr. Dixon, the applicant, commented regarding access of the property.

PUBLIC/AGENCY TESTIMONY: The following individuals spoke on the record in opposition of the project: Robert and Jennifer Hebb.

APPLICANT REBUTTAL: Mr. Taylor responded to the comments.

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 CUP0008-20, to allow for the construction of one storage unit, 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 adopted. This action does not result in a taking of private property. Commissioner Bradish seconded the motion.

AMENDED MOTION TO APPROVE: Commissioner Frankenbach moved to approve this project FILE CUP0008-20, to allow for the construction of one 15 unit storage

facility, 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 adopted. This action does not result in a taking of private property. Commissioner Bradish seconded the motion.

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

Background:

A. Site data:

- Parcel area: ± 3.43 acres (~149,411 sf)
- Zone: Recreation
- Land Use: Resort Community (0-2.5 AC)
- Structures: Vacant Land

B. Access: Cavanaugh Bay Road

- Owner: Bonner County
- Road Class: Collector
- Surface: Paved

C. Environmental factors:

- Site does not contain mapped slopes. (USGS)
- Site does not contain mapped wetlands. (USFWS)
- Site does not contain a river/stream/frontage on a lake.
- Floodplain: Entire parcel is within SFHA Zone X, per FIRM Panel 16017C0430F, Effective Date 7/7/2014.

D. Services:

- Water: N/A
- Sewage: N/A
- Fire: Coolin Cavanaugh Bay Fire
- Power: Northern Lights
- School District: Lake Pend Oreille School District #83

E. Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Land Use & Density
Site	Resort Community	Recreation	Vacant
North	Resort Community	Resort Community	Residential
East	Rural Residential	Rural-5	State of Idaho
South	Resort Community	Resort Community	Residential
West	Resort Community	Resort Community	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

Staff: The application was considered complete and routed to agencies on January 19, 2021

BCRC 12-333, Commercial Use Table, Boat Storage, Rental Warehouses, Ministorage

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

Staff: The lot is 3.43 acres with the proposed project within the setbacks. The property is adjacent to State land on the east and north side and against Cavanaugh Bay Road on the West side. All proposed structures are inside the required setbacks.

(33) Maximum square footage for ministorage, boat storage, and rental warehouse facilities on a single lot or parcel shall be 10,000 square feet for the rural service center and recreation districts. The maximum square footage for ministorage facilities on a single lot or parcel in the commercial district shall be 40,000 square feet and unlimited within the industrial district. Maximum square footage for rental warehouses in the commercial and industrial districts shall be unlimited.

Staff: The proposed project is 9,450 square feet where 10,000 square feet is required in the Recreation Zone for mini storage and warehouse facilities.

BCRC 12-486, Standards For Rental Warehouses, Ministorage, Boat Storage:

A. Uses are prohibited within one hundred feet (100') of a state highway or designated arterial in the commercial or rural service center district.

Staff: The proposed property is off Cavanaugh Bay Road, a County maintained Collector road in the Recreation Zone.

B. At least twenty five feet (25') of type A, B, C or D landscaping (as defined in subchapter 4.6 of this chapter) shall be installed and maintained in the front yard between the street and any buildings or vehicular access areas. Exception: The buffer may be reduced to fifteen feet (15') where adjacent to a nonarterial road. Breaks in the required trees, up to no more than twenty five percent (25%) of the site's frontage, may be allowed by the planning director and/or commission to enhance visibility of signage and/or the main entrance to the site. At least ten feet (10') of type A landscaping (as defined in subchapter 4.6 of this chapter) shall be installed and maintained around the side and rear perimeter of the site.

Staff: The application included a landscaping plan showing the proposed landscaping to continue as it currently exists.

C. Security fencing, six feet (6') in height, shall be installed and maintained around the site. Fencing materials shall complement exterior building materials (similar color, material and/or detailing) of storage buildings, except where obscured from public view with landscaping. Fencing materials within scenic byways shall be earth toned colors.

Staff: A six (6) foot security fence around the property is proposed.

D. Areas shall not be used as dwellings or as a commercial or industrial place of business. The manufacture or sale of any item from or at a rental warehouse, ministorage or boat storage facility is specifically prohibited.

Staff: The project is proposing 15 storage units for warehouse, boats or ministorage. Dwellings, manufacturing or retail sales are not proposed.

E. Signs shall be limited to no more than thirty two (32) square feet attached flat on a building or freestanding.

Staff: The proposed sign will be limited to 32 square feet flat on the building or freestanding as shown in the proposed site plan.

F. All lighting shall be shielded and downward directed so as to confine lighting to the premises and produce no glare on adjacent properties or rights of way.

Staff: Proposed lighting shall meet the applicable standards.

G. The distance between structures shall be designed to allow a twelve foot (12') wide travel lane for emergency vehicles to pass while tenant's vehicles are parallel parked at the entrance to their storage areas. (Ord. 501, 11-18-2008)

Staff: There is one building proposed and access is shown on one side only – from the 70 foot wide access.

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

Staff: The lot is 3.43 acres with the proposed project within the setbacks. The property is adjacent to State land on the east and north side and against Cavanaugh Bay Road on the West side.

I. If abutting a residential district or use, the facility hours of public operation shall be limited to seven o'clock (7:00) A.M. to ten o'clock (10:00) P.M. (Ord. 501, 11-18-2008; amd. Ord. 540, 10-22-2014)

Staff: The proposed hours of operation are from 7:00 am to 10:00 pm.

BCRC 12-4.2, Performance standards for all uses

Staff: Performance standards comply with BCRC 12-4.2.

BCRC 12-4.3, Parking standards

Staff: An asphalt area, 210 feet by 70 feet is proposed providing access and parking for the units. Parking is not considered for this project.

BCRC 12-4.4, Sign standards

Staff: The proposed sign will be limited to 32 square feet flat on the building or freestanding as shown in the proposed site plan.

BCRC 12-4.5, Design standards: The standards in section 12-453 of this chapter shall apply to all new development in the commercial, industrial where commercial uses and services are proposed, and **rural service center districts** and all other commercial, **multi-family**, public and industrial development in other zoning districts unless otherwise noted.

BCRC 12-453A: Sidewalk/Pathway Standards

Staff: This section allows for a waiver of requirements if the adjacent properties are not zoned for commercial uses. Additionally, the road does not dead end but the road continues through State land. The intent of this code is met.

BCRC 12-453B: Pedestrian Connections: Walkways connecting all on site commercial and multi-family buildings with each other and the street is required.

Staff: Not applicable throughout the project.

BCRC 12-453C: Parking Lot Pathways:

Staff: Not applicable.

BCRC 12-453D: Parking Location Guidelines.

Staff: Not applicable to this project as the paved area will serve more as a loading and unloading zone than a parking lot.

BCRC 12-453E: Main Building Entry Standards

Staff: Not applicable to this project as there is no main entry.

BCRC 12-453F: Lighting proposed will be recessed or downward shielded.

Staff: Proposed lighting meets the applicable standards

BCRC 12-453 G: Blank Wall Treatment Standards: Untreated "blank walls", as defined in section 12-802 of this title, adjacent to a street or customer/resident parking areas are prohibited.

Staff: The proposed project is adjacent to a parking area and ultimately adjacent to a street. However, the landscaping requirements along the street meet the intent to address visual character along Cavanaugh Bay Road.

BCRC 12-453 H: Maximum Building Width

Staff: The landscaping requirements along the street meet the intent to address visual character along Cavanaugh Bay Road

BCRC 12-453I: Recreational Space for Multi-Family Developments:

Staff: Not Applicable.

BCRC 12-453 J: Outdoor Storage.

Staff: Outdoor storage is not proposed.

BCRC 12-453 K. Solid Waste

Staff: Solid waste receptacles are not planned for this project.

BCRC 12-4.6, Landscaping and screening standards

Staff: A landscaping plan was submitted and is using the existing landscaping in place to meet this requirement. Verification of the landscaping plan will be conducted at time of Building Location Permit.

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

Staff: A grading, stormwater, and erosion control plan has been submitted and was routed to county engineer, Spencer Ferguson, on Jan 30, 2021. Per the memorandum submitted on Feb. 2, 2021, the submitted plan was found to be compliant with the standards of BCRC 12-7.2.

G. Comprehensive Plan Land Use Designation

The comprehensive plan designation of Resort Community provides for urban-like densities for areas centered around the recreational areas developed for winter and water sports, golf and hiking, where urban services are provided.

Staff: The proposed use is consistent with the goals & policies of the comprehensive plan. Storage units are consistent with the Resort Community designation as an accessory use to the intended purpose. Additionally the project is located on a collector road and is located in a Recreation zone.

H. Stormwater plan: A stormwater management plan was required pursuant to BCRC 12-7.2.

Staff: A stamped plan by Sewell & Associates was submitted. The plan has detailed requirements for stormwater management and erosion control both during and after construction. Per the memorandum submitted on Feb. 2, 2021, the submitted plan was found to be compliant with the standards of BCRC 12-7.2.

I. Agency Review

The following agencies were routed.

Outlet Bay Sewer District

West Priest Lake Fire District

Northern Lights Utility Company

School District #83

Bonner County Schools - Transportation

Idaho Dept. of Water Resources

Idaho Dept. of Environmental Quality

Idaho Dept. of Transportation

Idaho Dept. of Lands (Sandpoint)

The following agencies commented:

Idaho Fish and Game – No comment

All other agencies did not reply.

J. Public Notice & Comments

No public comments were received.

Findings of Fact

1. The proposed use will occur on a parcel zoned Recreation. This is consistent with the zoning codes of Bonner County.
2. The property fronts Cavanaugh Bay Road, a paved, County-maintained collector route.
3. The proposed use will occur on a parcel designated Resort Community. This is consistent with the intent of the comprehensive plan.
4. The site does not require sewer or water services for this use.
5. The site is serviced by Coolin Cavanaugh Bay Fire District, and Northern Lights Power.
6. The parcel is +/-3.43 acres.
7. The project meets the requirements of BCRC 12-486 Standards for Rental Warehouses, Ministorage, Boat Storage.
8. The project meets the requirements of BCRC 12-453 Design Standards.

Conclusions of Law:

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

Conclusion 1

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

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

Conclusion 2

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

Conclusion 3

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

Conditions of approval:

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

- A-1** The use shall be developed and shall be operated in accordance with the approved site plan.

- A-2** 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-3** The applicant shall install prior to ground disturbing activities all temporary erosion control measures as designed and 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.

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 CUP0009-20 – Conditional Use Permit – RV Park – Shaun Glazier is requesting a conditional use permit for an RV Park as provided for in BCRC 12-497 RV Parks. The proposal include five (5) RV spaces and appropriate amenities. The property is zoned Rural-5. The project is located off Dufort Road in Section 2, 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: Planning Director Milton Ollerton presented a PowerPoint summary of the project and previously circulated staff report, concluding this project is consistent with Bonner County Revised Code.

APPLICANT PRESENTATION: Shaun Glazier stated Road & Bridge knew the intent of this use when they approved the encroachment permit. He responded to Director Ollerton's concerns regarding the site plan. He stated he is going to have to notch out a corner to make a turn more easily maneuverable for RVs.

PUBLIC/AGENCY TESTIMONY: The following individuals spoke in the record in opposition of the project: Asia Williams, Kristin Noella, Laura Holman, amd Hilde Shetler.

APPLICANT REBUTTAL: Applicant responded to comments regarding runoff, stating it is seasonal. He stated no dirt or site work was done illegally. They responded to the issue of water access. Store and laundry will be used only by the guests not public.

Director Ollerton also responded to public comments stating there is not wetlands or water hydrology showing on the mapping of the property and a need for a review for this was not triggered.

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

MOTION TO APPROVE: Commissioner Davis moved to approve this project FILE CUP0009-20 for an RV Park and amenities, finding that it is in accord with the general and specific objectives of the Bonner County Comprehensive Plan and Bonner County Revised Code as enumerated in the following conclusions of law, and based upon the evidence submitted up to the time the Staff Report was prepared and testimony received at this hearing. Commissioner Davis further moved to adopt the following findings of fact and conclusions of law as amended. The action that could be taken to obtain the conditional use permit is to complete the Conditions of Approval as adopted. This action does not result in a taking of private property. Commissioner Frankenbach seconded the motion.

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

Background:

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

- Parcel Area: ±8.34 acres
- Hollinshead Plat, Parcel 1
- Zone: Rural-5
- Land Use: Rural Residential

B. Access: Dufort Road

- Owner: Bonner County
- Road Class: Collector
- Surface: Paved

C. Environmental factors:

- Site does contain mapped slopes along the southern most edge of the property. (USGS)
- Site does not contain mapped wetlands. (USFWS)
- Site does not contain a river/stream/frontage on lake
- Entire parcel is within SFHA Zone X, per FIRM Panel 16017C0895E, Effective Date 11/18/2009.

D. Services:

- Water: On site Well
- Sewage: On Site Septic
- Fire: Selkirk Fire District
- Power: Northern Lights
- School District: Bonner School District #83

E. Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Land Use & Density
Site	Rural Residential	Rural - 5	Residential
North	Rural Residential	Rural - 5	Waterfront Access
East	Rural Residential	Rural - 5	Residential
South	Rural Residential	Rural - 5	Residential
West	Rural Residential	Rural - 5	Residential

F. Standards review

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

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

The application was considered complete and routed to agencies on January 19, 2021

BCRC 12-333 Commercial Use Table, Recreational vehicle parks/campgrounds (8), (21)

(8) Adequate water and sewer must be demonstrated as appropriate.

Staff: A 1500 gallon septic permit approved by Panhandle Health is included with the application. Water will be supplied by an individual well. The applicant indicates this well has a 30+ gallon per minute capacity with a generator backup with one inch buried service line to the proposed park area with 2-50 gallon pressure tanks.

(21) Refer to BCRC 12-497. Also there is a required 25% impervious surface limit and a 25% tree coverage requirement.

Staff: The map of the property shows the five spaces on the lower end of the property amongst a few trees. The remainder of the upper lot remains in trees.

BCRC 12-4.2, Performance standards for all uses

Staff: The application was reviewed against these standards and no special requests were made.

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

Staff: The application indicates 3 parking spaces in addition to the 5 RV spaces. To meet the requirements of the ordinance, the applicant is required to have 6 parking spaces.

BCRC 12-4.4, Sign standards

Staff: The application indicates a sign 3 foot by 3 foot will be located at the entrance. This meets the requirements of this section.

BCRC 12-4.5, et seq, Design standards

BCRC 12-452: Site and building plans.

Staff: A building location permit will be required for the development of the RV Park.

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

B. Pedestrian Connections

Staff: Walking paths will be included in the park to connect the RV spots to the C-Store and Laundry and other amenities. **See Condition A-8**

F. Lighting Standards

Staff: Applicant indicates each site will have photocell controlled lighting mounted on power pedestal.

BCRC 12-4.6, Landscaping and screening standards

Staff: A landscaping plan showing compliance with this section will be required with the Building Location Permit. **See Condition A-9**

BCRC 12-497: RV Parks/Campgrounds

A. Density: Required 5 units per acre, dimensions of spaces and spacing.

Staff: The application is for 5 units on 8.34 acres. Each RV space should be 1800 Square feet with a minimum of 24 foot width.

B. Yards and Spacing: Required 25 feet from property lines and 10 feet from other RV's with 5 feet for accessory buildings.

Staff: Based on the site plan, it appears these standards are met.

C. Access: County, State or Appendix A private roads.

Staff: The access is off Dufort Road, a County-maintained paved Minor Arterial Roadway.

D. Parking: Meet requirements of 12-4.3 Parking

Staff: See above analysis

E. Park Site Design

Staff: The site plan and application indicate these requirements have been followed.

F. Landscaping: Meet requirements of 12-4.6 Landscaping and screening standards

Staff: See above analysis

G. Water and Sewer

Staff: Water and Sewer are provided as indicated in the site plan, application and included septic permit.

H. Refuse Collection

Staff: Applicant will provide trashcans at each site, maintained by the owner.

I. Signs

Staff: Sign will be a 3 foot by 3 foot sign at the entrance.

J. Permits Required

Staff: A building location permit will be required for construction of the site.

K. Site Plan

Staff: Site plan as provided.

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

Staff: A Stormwater management plan and erosion control will be provided at time of building location permit. **See Condition A-11.**

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.

From the Recreation section of the Comprehensive Plan: "Public and private recreational opportunities are recognized as a major county asset to be protected and encouraged."

H. Stormwater plan: A Stormwater management plan and erosion control will be provided at time of building location permit.

I. Agency Review

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 #83	Idaho Department of Lands, Nav. Waters
Bonner County Schools – Transportation	U.S. Fish and Wildlife Service
Idaho Department of Fish and Game	Idaho Department of Environmental Quality

The following agencies commented:

Idaho Fish and Game – February 2, 2021 See Condition A-12.

Panhandle Health – February 2, 2021 See Condition A-13.

The following agencies replied "No Comment":

All other agencies did not reply.

J. Public Notice & Comments

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

Findings of Fact

1. The property is zoned Rural-5. RV Parks are conditionally allowed in this zone upon having met the required standards.
2. The property is accessed by Dufort Road, a County maintained road.
3. The property has been reviewed against the required standards of BCRC 12-497 with conditions added to ensure full compliance with this code.
4. The site is serviced by Selkirk Fire and Northern Lights.
5. The project includes onsite septic and well.
6. The proposal is for five RV units to be installed one per year over a five year period.
7. The proposal is on 8.34 acres.

Conclusions of Law:

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

Conclusion 1

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

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

Conclusion 2

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

Conclusion 3

The proposed use **will 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 RV PARK shall obtain an address for the dwelling from Bonner County that meets the provisions of Bonner County Revised Code, Title 13.
- A-7** At time of Building Location Permit, adequate access to accommodate the design vehicle for the proposal shall be shown in conjunction with a commercial encroachment permit.
- A-8** Walking paths will be included in the park to connect the RV spots to the C-Store and Laundry and other amenities.
- A-9** A landscaping plan showing compliance with this section will be required with the Building Location Permit.
- A-10** The C-store and laundromat shall be limited to the use of RV Park patrons only.
- A-11** A stormwater and erosion control plan will be required at time of building location permit for this project.
- A-12** The applicant shall install placards or signs educating the users about the concerns of Idaho Fish and Game.
- A-13** Prior to issuance of a BLP for the RV Park, Laundry, Store or other accessories units, approval from Panhandle Health regarding the upgrade of the septic system is required.

COMMISSIONER & STAFF UPDATES:

Department updates relating to staff and workload.

Working on some ordinances and will have those to the commission at a later date.

Sub-area plan updates.

Discussion regarding changing the meeting time to 5:00 p.m. We will stay at 5:30 until April.

Discussion regarding certificate of compliance relating to the mining ordinance.

At 8:12 p.m., the Chair declared the hearing adjourned until March 4, 2021.

Respectfully submitted,



Milton Ollerton, Planning Director

The above Minutes are hereby approved this 4th day of March, 2021.

Bonner County Planning and Zoning Commission



Brian Bailey, Chair