

**BONNER COUNTY PLANNING and ZONING COMMISSION
PUBLIC HEARING MINUTES
THURSDAY, AUGUST 19, 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; Administrative Manager Jeannie Welter; Administrative Assistant III Da Niel Scott; and Administrative Assistant III Janna Berard

PUBLIC HEARINGS:

ZONE CHANGE

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 ZC0027-21 – Zone Change Request from AF-20 to AF-10 – Gary Spade is requesting a zone change from A/F 20 to A/F 10 on a ≈20-acre parcel. The project is located off Brookside Road and Dinkum Faire in Section 30, Township 55 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 Comprehensive Plan & Bonner County Revised Code.

APPLICANT PRESENTATION: Project representative Dan Provolt submitted a map of the zoning of properties in the surrounding area (exhibit A) and a map of the current Comprehensive Plan designation of the surrounding area (exhibit B).

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 RECOMMEND APPROVAL: Commissioner Davis moved to recommend approval of this project FILE ZC0027-21, zone change from Agricultural/Forestry 20-acre to Agricultural/Forestry 10-acre, 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 as amended, amending Conclusion 3 to A/F-10 from R-5. The decision is based upon the evidence submitted up to the time the Staff Report was prepared and testimony received at this hearing. 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:

- The site is currently used as a residence.
- ≈20-acre parcel
- Zone: Agricultural/Forestry 20
- Land Use: Ag/Forest Land

B. Access:

- Access is provided by Brookside Road and Dinkum Faire, which are neither County owned or maintained.

C. Environmental factors:

- Site does contain mapped slopes. (USGS)
- Site does contain a mapped Freshwater Emergent wetland. (USFWS)
- Site does not contain a river, stream, or frontage on a lake.
- There are three (3) different soil types on the property, Hoodoo silt loam (prime farmland if drained), Pend Oreille silt loam (not prime farmland), and Treble-Rock outcrop (not prime farmland).
- Per CFM JRJ, 7.15.2021: Parcel is within SFHA Zone X and Zone A, per FIRM Panel 16017C1150E, Effective Date 11/18/2009 & FIRM Panel 16017C1175E, Effective Date 11/18/2009. A rezoning application is not a proposal for development, as defined in BCRC Title 14. No further floodplain review is required on this proposal.

D. Services (continued – see page 4):

- Water: individual well
- Sewage: on-site drain field
- Fire: Selkirk Fire, Rescue & EMS
- Power: Northern Lights Inc.
- School District: Bonner School District #84

Soil Type	Farmland Classification	Drainage Class
Hoodoo silt loam (15)	Prime Farmland if drained	Poorly drained
Pend Oreille silt loam (35)	Not prime farmland	Well drained
Treble-Rock outcrop (55)	Not prime farmland	Well drained

E. Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Land Use & Density
Site	Ag/Forest Land	Agricultural/forestry 20	Residential
North	Ag/Forest Land	Agricultural/forestry 20	Residential
East	Ag/Forest Land	Agricultural/forestry 20	Residential
South	Ag/Forest Land	Agricultural/forestry 20	No housing present
West	Ag/Forest Land	Agricultural/forestry 20	Residential

F. Standards of review

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.
- * Two of three soils (Pend Oreille silt loam and Treble-Rock outcrop) on the property are characterized as **not prime farmland**.

- ✓ One soil type, Hoodoo silt loam is characterized as prime farmland, if drained.
 - b. Are characterized by agricultural or forestry uses.
- * The property has an address which is indicative of a residence. The aerial imagery does show canopy cover, but the property does not appear as though it is being used for agricultural or forestry pursuits.
 - 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.
 - ✓ There are some slopes 30% or greater on the property, but in general steeper slopes **do not prevail**.
 - * The property has adequate access to Interstate 95. The nearest property line of the parcel is approximately ≈0.13 miles to I-95.
- 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)

- ✓ Two of the three soils on the property (Pend Oreille silt loam and Treble-Rock outcrop) are characterized as not prime farmland.
- * One soil type, Hoodoo silt loam is characterized as prime farmland, if drained. However, this soil is 'poorly drained' per the drainage classification. Further, it composes approximately 0.38-acres of the 20-acre subject parcel. This equates to around ≈2% of the soil being characterized as prime farmland.
- ✓ The property is afforded fire protection by the Sagle dba Selkirk Fire District.
- ✓ The property has adequate access to a standard road, Interstate 95 is approximately 0.13 miles from the entrance/exit of the property's northwestern boundary.
- ✓ The site is served by Northern Lights Inc. and the address on the property is indicative of a business or residence which is likely hooked up to power.
- * The property is not adjacent to or within an area of city impact.

H. Agency Review

The application was routed to agencies for comment on July 20, 2021.

Panhandle Health District	Idaho Department of Water Resources
Sagle Fire dba Selkirk Fire District	U.S. Army Corps (Coeur d'Alene)
Northern Lights Inc.	U.S. Fish and Wildlife Service
Applicable School District #84 or #83	Idaho Department of Lands (Sandpoint)
Bonner County Schools – Transportation	BNSF Railway
Idaho Department of Fish and Game	U.S. Forest Service
Idaho Department of Environmental Quality	(All Taxing Districts)

The following agencies commented:

Idaho Department of Fish and Game – July 28, 2021

“The Idaho Department of Fish and Game does not have any comments to submit for this application.”

All other agencies did not reply.

I. Public Notice & Comments

As of August 12, 2021, no public comments were received for this file.

Findings of Fact

1. The property is situated in the Ag/Forest comprehensive land use designation and is currently zoned Agricultural Forestry 20-acre.
2. The property is located within the Sagle dba Selkirk Fire District, powered by Northern Lights Inc., has an individual well and septic system.
3. There are mapped freshwater emergent wetlands and slopes between 15-29% and 30% or greater on site.
4. There is a dwelling on site, two general purpose buildings and a lean-to.
5. The property contains two soil types, Pend Oreille silt loam and Treble-Rock outcrop, both of which are characterized as **not prime farmland**.

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

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 CUP0018-21 – Conditional Use Permit – Condominiums – SCHWEITZER NORTH LLC is requesting a Conditional Use Permit for a Multi-family dwelling use consisting of a 23-unit condominium project on 5 lots totaling ~1.8 acres. The property is zoned Alpine Village. The project is located off Northwest Passage 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. He presented applicant proposed setbacks to eliminate frontage parking.

APPLICANT PRESENTATION: Project representatives Clare Marley and Tessa Vogel, Ruen-Yeager & Associates, Inc., gave a background of the project along with a PowerPoint presentation (exhibit A). Scott Markel, Ruen-Yeager & Associates, Inc., explained the stormwater plans in detail. Project architect Evan Verdyne stated most of the site will be reseeded and look like the other properties around it. Ms. Marley responded to some of the public comments that were received before this preceding.

PUBLIC/AGENCY TESTIMONY: The following individual spoke on the record: Andy Hannon, File CUP0018-21 August 19, 2021 Page 6 of 45

APPLICANT REBUTTAL: Clare Marley stated Allwest has signed off on the site. Scott Markel responded to the access point comment regarding Stella Lane.

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

MOTION: Commissioner Davis moved to strike Conclusion 5 as it does not pertain to this file. Commissioner Glasoe seconded the motion.

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

MOTION: Commissioner Glasoe moved to approve this project FILE CUP0018-21, a Conditional Use Permit for a Multi-family dwelling use consisting of 23-unit condominium project on 5 lots, finding that it is in accord with the general and specific objectives of the Bonner County Comprehensive Plan and Bonner County Revised Code as enumerated in the following conclusions of law, and based upon the evidence submitted up to the time the Staff Report was prepared and testimony received at this hearing. Commissioner Glasoe further moved to adopt the following findings of fact and conclusions of law as written. The action that could be taken to obtain the conditional use permit is to complete the Conditions of Approval as amended, adding Condition A-7 and adopting the setback reductions, as presented in these proceedings, in exchange for elimination of all frontage parking from this project. 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:

- 5 lots, currently vacant
- Lots are within the Slalom Road Plat
- Size: ~1.8 acres total.
- Zone: Alpine Village
- Land Use: Alpine Community

B. Access:

- Northwest Passage is a paved, 40-foot-wide public road, owned by the Independent Highway District (IHD).

C. Environmental factors:

- Site does contain mapped slopes. (USGS)
- Site does not contain mapped wetlands. (USFWS)
- Site does not contain a river/stream/frontage on lake
- Floodplain: Parcels are 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, Inc. & Avista
- School District: Bonner School #84

E. Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Land Use & Density
Site	Alpine Community	Alpine Village	Vacant
North	Alpine Community	Alpine Village	Schweitzer Creek condos
East	Alpine Community	Alpine Village	Boulder Springs condos
South	Alpine Community	Alpine Village	Northwest Passage Road, The Alpine, and the Black Bear lodgings
West	Alpine Community	Alpine Village	Residential homes and vacant lots

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 Section & Standard/Requirement	How the Project Needs to Fulfill the Requirement
BCRC 12-220, et seq, conditional use permit, application and standards	The application was considered complete and routed to agencies accordingly.
12-332, note 6: Multi-family dwellings with a minimum of 12,000 SF of lot area for the first unit, plus, 3,000 SF for each additional unit; provided all urban services are available.	23-unit multi-family = 78,000 SF of lot area needed RP045110020020A = 27,267 SF (Lot 2) RP045110020030A = 14,741 SF (Lot 3) RP045110020040A = 13,537 SF (Lot 4) RP045110020050A = 12,003 SF (Lot 5) RP045110020060A = 12,000 SF (Lot 6) Total area (SF) for multi-family unit lots = 79,548 SF Will Serve Letter from Mountain Utility Company for sewer services provided and attached in this application. Will Serve Letter from Schweitzer Basin Water, LLC for water services provided and attached in this application.

BCRC Section & Standard/Requirement	How the Project Needs to Fulfill the Requirement
<p>12-412, note 11: Setback requirements (the site in this proposal is not within the Schweitzer Mountain PUD)</p> <p>12-412, note 16: Structures, including roof overhangs, shall not take up more than 60% of lot street frontage.</p>	<p>Standard Setbacks - Street: 35' from centerline of a paved road, but no closer than 5' setback from the property line fronting the right of way. Property Lines: 15'</p> <p>Proposed Setbacks per Idaho Statute 67-6512.f; proposal based on BCRC 12-453(D) Front/Street: Reduced from 35' to 17.5' from centerline of road and reduced from 5' to 2.5' for front property line.</p> <p>Side/Rear Setbacks: 15'</p> <p>The length of the building is 381'. The street frontage is 723'. ~53% of the street frontage is being taken up by the multi-family structure.</p>
<p>12-412: Max lot coverage not to exceed 35%</p>	<p>Lots are not within the Schweitzer Mountain PUD which allows for 100% lot coverage, so the regular 35% lot coverage applies.</p> <p>Total Area of Land: 79,548 SF Total Lot Coverage: 32.15%</p>
<p>12-420(A)(1-3) General Standards: A) Buildings, structures: No building or other structure shall hereafter be erected or altered: 1) To accommodate or house a greater number of families than permitted by the standards of this title;</p>	<p>The multi-family use is conditionally permitted in the Alpine Village where the subject lots are located so long as there is ample lot area for the proposed number of units (12,000 SF for the 1st unit plus 3,000 SF for every additional unit). The applicant proposes a 23-unit multi-family structure which requires 78,000 SF of lot area. The multi-family structure will be built on Lots 2-6, Block 2 of Slalom Road Plat which provides a total of 79,548 SF.</p>
<p>12-420(B) General Standards: Areas Not Included in Requirements.</p>	<p>N/A - The 23-unit multi-family use is the only use proposed for the lots.</p>
<p>12-420(C) General Standards: Yard Reductions.</p>	<p>N/A - None of the existing lots are proposed to be reduced in size.</p>
<p>12-420(D) General Standards: Structure to Have Access: Every building hereafter erected or moved shall be on a lot adjacent to a public street, or with access to an approved private street, and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection and required off street parking.</p>	<p>The proposed multi-family structure fronts on Northwest Passage.</p> <p>A preliminary approval letter for approach is attached.</p>

BCRC Section & Standard/Requirement	How the Project Needs to Fulfill the Requirement
<p>12-420(E) General Standards: Fences, Walls and Hedges: Notwithstanding other provisions of this title, fences, walls and hedges may be permitted in any required yard, unless otherwise restricted by provisions of this title.</p>	<p>Retaining walls of varying sizes will be constructed for the project. Those that are 8' or greater in height will meet the required setbacks of Title 12.</p> <p>BCRC 12-819 Structure: Any object constructed or erected which requires location on ground or is attached to something having a location on the ground, including towers, smokestacks, overhead transmission lines, but not including fences or walls used as fences, less than eight feet (8') in height.</p>
<p>12-420(I) General Standards: Visibility At Intersections: On a corner lot in any district, nothing shall be erected, placed, planted or allowed to grow in such a manner as to materially impede vision between a height of two and one-half feet (21/2') and ten feet (10') above the centerline grades of the intersecting streets bounded by the right of way lines of such corner lots and a line joining points along said street right of way lines twenty five feet (25') from the point of intersection.</p>	<p>Parcel RP58N02W207840A is at the intersection of Stella Lane and Northwest Passage and is not part of the proposal.</p> <p>Lots that are part of the multi-family proposal are greater than 25' from the point of intersection (see site plan).</p>
<p>12-420(J) General Standards: Projections: All architectural projections such as canopies, eaves, balconies, platforms, decks, carports, covered patios, and similar architectural projections shall be considered parts of the building to which attached and shall not project into any required setback except as otherwise provided by this title</p>	<p>All setbacks and structural lot coverage standards of BCRC 12-412 are met as required and take into account the architectural projections of the multi-family structure and any retaining wall 8' or greater in height.</p>
<p>12-421(A) Performance Standards for all Uses: Fire Hazards.</p>	<p>N/A - No such activities are proposed.</p>
<p>12-421(B) Performance Standards for all Uses: Radioactivity or Electrical Disturbance.</p>	<p>N/A - No such activities are proposed.</p>
<p>12-421(C)(1) Performance Standards for all Uses: Noise: Objectionable noise.</p>	<p>N/A - No objectionable noise, except that during construction work, is anticipated to occur.</p>
<p>12-421(D) Performance Standards for all Uses: Vibration.</p>	<p>N/A - No vibration of the kind described is anticipated to occur.</p>

BCRC Section & Standard/Requirement	How the Project Needs to Fulfill the Requirement
12-421(E) Performance Standards for all Uses: Air Pollution.	The proposed use will be operated and maintained in conformance with the minimum air pollution control standards and regulations established by the health authority.
12-421(G) Performance Standards for all Uses: Water Pollution: Any use must be operated and maintained to conformance with the minimum water pollution control standards and regulations established by the health authority.	The proposed use will be operated and maintained in conformance with the minimum water pollution control standards and regulations established by the health authority. A professional stormwater management plan was submitted with this narrative as well.
12-431(A-F) Parking Standards: A) Requirements: Parking spaces required shall be exclusive of drives and access lanes and each space will be provided with adequate ingress and egress; B) Size Of Parking Spaces: Parking spaces shall be no less than two hundred (200) square feet in area; C) Unspecified Uses: n/a; D) Handicapped Parking: Handicapped parking shall be provided consistent with the Americans with disabilities act, where applicable; E) Cooperative Off Street Parking: Any two (2) or more uses may establish cooperative off street parking where it can be established to the satisfaction of the planning director that the hours of traffic generation on the part of the different land uses are at nonoverlapping times of the day based on hours of operation. In that case, the off street parking provisions for each can be credited to the same off street parking areas provided cooperatively. All shared parking and mutual easements shall be recorded and a copy provided to the planning department; and F) Gross Area Determination: In determining the gross area required for an off street parking lot requiring a specified number of parking spaces, including driveways and aisles, two hundred fifty (250) square feet per parking space shall be used.	Required Parking The upper garage level/level 01 will provide 23 individual parking garages that will have two (2), 640 SF parking spaces for each individual multi-family unit. These 23 parking garages will be for the owners of the multi-family units and their guests only. Additional Parking (not related to multi-family use) The underground parking level will have 35 individual parking stalls at 162 SF in size. So long as the required parking for the multi-family units are met (see above), the additional parking should not be held to the same standard. Per a meeting with Bonner County Planning on 05/18/2021, if the additional parking proposed is not built, a modification of the conditional use permit will not be required.
12-432 Minimum Off Street Parking Requirements: For residential, multi-family 2 spaces/dwelling unit within 300' of the principal use.	For the multi-family units themselves, the upper garage level/level 01 will provide 23 individual parking garages that will have two (2), 560 SF (14'x40') parking spaces for each individual unit. These 23 parking garages will be for multi-family unit owners and their guests only.

BCRC Section & Standard/Requirement	How the Project Needs to Fulfill the Requirement
12-441: General Standards – A) All signs erected, altered or maintained pursuant to this title will comply with the regulations herein, except for political signs or posters, traffic control signs and directional signs maintained by government entities. B) No sign or advertising structure shall be attached, installed or erected as to affect in any manner an emergency access, fire escape, door or window. C) All signs shall be plainly marked with the name of the person, firm or corporation responsible for maintaining the sign. D) Signs shall be limited in subject matter to products, an object, a place, persons, institutions, businesses, services or activities occurring on the premises, except as otherwise provided for in this chapter. E) Freestanding signs, building mounted signs, or combination thereof, in an aggregate size not to exceed ninety six (96) square feet in area, shall be allowed, provided no individual sign exceeds sixty four (64) square feet in area.	A) The proposed sign will comply with the sign standards of Title 12 of BCRC. B) The proposed sign will not be attached, installed or erected as to affect in any manner an emergency access, fire escape, door or window. It will be a freestanding sign out of the way of vehicle and pedestrian traffic. C) The sign will include the name of the multi-family structure which has not been determined at this time. D) The sign will only have information related to the proposed multi-family building. E) The proposed sign will meet the size requirement of 64 SF in total size. Final plans for the proposed free-standing sign will be submitted at time of building location permit.
12-442: Illumination Standards – A) Illuminated signs or lighting devices shall not be placed in such a manner as to permit beams and illumination therefrom to be directed or beamed upon a public thoroughfare, highway, sidewalk or navigable water. B) All internally illuminated signs are prohibited, except for neon signs, dark opaque signs where light only shines through the individual letters, and logos no more than ten (10) square feet in size. C) Externally illuminated signs that are downwardly directed are encouraged.	A) Proposed lighting will not project lighting onto any public thoroughfare, highway, sidewalk or navigable water. B) Proposed sign will be externally illuminated. C) Illumination will be downward directed. D) All wiring, fittings and materials used in the construction, connection and operation of electrically illuminated signs or advertising structures will be in accordance with the provisions of all electrical codes established by the state of Idaho.

BCRC Section & Standard/Requirement	How the Project Needs to Fulfill the Requirement
D) All wiring, fittings and materials used in the construction, connection and operation of electrically illuminated signs or advertising structures shall be in accordance with the provisions of all electrical codes established by the state of Idaho.	
12-453(A) Design Standards: Sidewalk/Pathway Standards	<p>N/A - Providing a sidewalk/pathway is unnecessary as the adjoining property(s) are privately owned and do not seem to have any sidewalks/pathways existing to connect to.</p> <p>There will be pedestrian access in the form of skywalks connected to the multi-family unit entrances on the upper level of the building. These skywalks are part of the structure itself and not a pedestrian sidewalk/pathway.</p> <p>Per a meeting with Bonner County Planning on 05/18/2021, the requirement of BCRC 12-453(A) has been waived.</p>
12-453(B) Design Standards: Pedestrian Connections.	<p>N/A - Pedestrian connections are not applicable to the proposal as 1) there will be only one (1) multi-family structure and 2) there are no other buildings, commercial or otherwise, proposed to be connected to each other.</p> <p>Per a meeting with Bonner County Planning on 05/18/2021, the requirement of BCRC 12-453(B) has been waived.</p>
12-453(D) Design Standards: These parking standards are not directly applicable to this project, per BCRC 12-47. The Location Guidelines of BCRC 12-453(D) state that new developments are encouraged to locate parking areas to the side or rear of buildings. For large sites (more than 2 acres), developments are encouraged to limit parking areas to no more than fifty percent (50%) of the lot frontage (other areas may be buildings and/or open space). Developments that meet these guidelines qualify for all of the following: 1) Landscaping buffers between any parking lot and a street may be reduced by fifty	<p>All parking areas proposed will be underground or covered below the residential multi-family units. No parking will be located within the lot frontage area.</p> <p>The site is ~1.8 acres.</p> <p>Requirement Reduction Request, per Idaho Statute 67-6512.f. -</p> <ol style="list-style-type: none"> 1) Landscaping buffers are to be reduced by 50% in width. 2) All front yard requirements, including setbacks, are reduced by 50%. <p>Free standing signage is proposed and due to the parking location guidelines of BCRC 12- 453(D) being met, will have a reduced setback allowance of 5' from 25'.</p>

BCRC Section & Standard/Requirement	How the Project Needs to Fulfill the Requirement
percent (50%) in width; 2) Minimum front yard requirements may be reduced by fifty percent (50%); and 3) Setbacks for freestanding signs may be reduced to five feet (5').	
12-453(F) Design Standards: Lighting Standards.	All lighting on the outside of the multi-family structure will comply with BCRC 12-453(F) requirements.
12-453(H) Design Standards: Maximum Building Width: For all building facades adjacent to a street or customer/resident parking areas, the maximum building width shall be one hundred twenty feet (120').	The width of the structure at its widest portion is less than 120'.
12-453(I) Design Standards: Recreational Space for Multi-Family Developments	Proposal is located in the Alpine Village zone and is exempt.
12-453(K) Design Standards: Solid Waste, Recycling Collection Areas.	Solid waste, recycling collection areas shown on the attached professional stormwater management plan.
12-4.6, et seq., Landscaping & Screening Standards	See attached landscaping plan.
12-471(A) AV Standards: Plans for retaining wall taller than four feet (4') shall bear the stamp of a structural engineer and shall be submitted at the time of building location or building permit.	Stamped engineered plans for any retaining walls taller than 4' will be submitted at the time of building location permit.
12-471(B) AV Standards: Applicants for building location permits or building permits shall submit a snow management plan to the satisfaction of the agency having jurisdiction over the public or private travelways.	Professional snow storage plan attached with professional stormwater management plan.
12-471(C) AV Standards: Applicants for all building location permits or building permits shall submit a grading, stormwater and erosion control plan, containing the minimum requirements of chapter 7, subchapter 7.2 of this title. In addition to the requirements for stormwater management plans, the following shall be addressed in the plan: 1) Water resulting from snowmelt on the site; and 2) Plans to reclaim disturbed ground with native plants having soil holding properties.	Professional stormwater management plan attached.

BCRC Section & Standard/Requirement	How the Project Needs to Fulfill the Requirement
12-471(D) AV Standards: Parking requirements for residential uses shall be two (2) off street spaces per dwelling unit, or one space per one thousand (1,000) square feet of floor area (living space), whichever is more.	The upper garage level/level 01 will provide 23, 560 SF parking spaces that will provide for two (2) vehicles. Parking will be for multi-family unit owners and their guests only.
12-471(E) AV Standards: Driveways that do not have a snowmelt system are limited to an eight percent (8%) maximum grade so that they are usable during winter months. All portions of driveways that extend into public rights of way shall be paved and include swales or other treatments acceptable to the agency having jurisdiction over the public or private travelways to protect roadways from excessive water runoff and accumulations.	The travelways will have heated snowmelt systems and will be paved. All travelways proposed are included in the site plan.
12-7.2, et seq., Stormwater Management	Professional Stormwater Management Plan attached.
12-762(A-B) Geotechnical Analysis Required	See attached professional Geotechnical Analysis.

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.

Multi-Family Conditional Use Permit Application – Comprehensive Plan Review

Comprehensive Plan Chapter Goals	How the Proposal is in Accordance
Property Rights <ul style="list-style-type: none"> The issue of property rights is a "two-way street" and the property rights of the applicant, adjoining landowners and future generations shall be considered, as well as the short-term consequences of decisions. 	The proposal allows the property owner to use their property in a manner permitted under Bonner County Revised Code and the Bonner County Comprehensive Plan. All development will be located on the owner's lots and will not impact neighboring properties as setbacks and other development standards will be met.
Population <ul style="list-style-type: none"> Multi-generational, multi-economic diversity shall be encouraged within Bonner County. 	N/A – proposal will have minimal effects on the local population as only 23-units are proposed and seasonal residents over permanent residents are expected.
School Facilities & Transportation <ul style="list-style-type: none"> Full consideration shall be given to the county's ability to provide quality education to the current and future students of Bonner County. 	N/A – proposal will have minimal to no effect on the local schools and their transportation as there will only be 23-units and seasonal residents are expected.
Economic Development <ul style="list-style-type: none"> Bonner County shall encourage economic diversity for the financial health of the community and maintenance of its rural atmosphere. 	With the issuance of the conditional use permit, a building location permit will be required to be reviewed by the local planning department to ensure that the residential nature of the local neighborhood is protected. No commercial/industrial uses are proposed.
Land Use <ul style="list-style-type: none"> Bonner County intends to balance and integrate its land use policies and proposed land use map with the components of the comprehensive plan to encourage the community to grow while retaining its rural character and protecting its unique natural resources. 	The proposed multi-use structure is in accordance with the allowed uses of the Alpine Village zone where multiple single-family and multi-family residential uses are allowed.

Comprehensive Plan Chapter Goals	How the Proposal is in Accordance
Natural Resources <ul style="list-style-type: none"> Bonner County places a high value on its natural resources and amenities and desires to protect these features that make the county a unique place to live, work and play. The county recognizes that natural resources, such as pure water, clean air and diverse wildlife, are important to preserve and once lost, they may not be recovered. Bonner County will strive to manage its natural resources to attain the greatest long term public benefit. 	N/A – proposal is to be located in a developed area where timber/agricultural lands, waterways, wetlands, floodplains/floodways and wildlife habitat are not affected.
Hazardous Areas <ul style="list-style-type: none"> Bonner County desires to protect its community from the loss of lives and property and to reduce public and private financial losses due to flood, fire, mass wasting, avalanches and excessive slopes by setting standards for development within hazard areas and discouraging development in high hazard areas. 	A professional geotechnical analysis has been provided by All West and a professional stormwater management plan and snow storage plan has been provided by Ruen-Yeager & Associates, Inc. due to the steep slopes present onsite. All plans are attached with the application.
Public Services <ul style="list-style-type: none"> Future development shall provide adequate services and should not adversely impact the services or utilities of present-day users. 	Will Serve letters from Mountain Utility Company and Schweitzer Basin Water are provided showing that the proposed multi-family structure will have adequate utility services. The structure will also be served by Northern Lights, Inc. for power and Avista Utilities for natural gas.
Transportation <ul style="list-style-type: none"> Bonner County intends to provide a transportation system that is safe, uncongested, and well maintained. 	The proposed multi-family structure fronts on Northwest Passage, an Independent Highway District road. The access points are required to be approved by the IHD to meet their standards. No extensions are proposed except for the entrance and exit areas from the road to the structure. No bike or pedestrian trails exist in the area of the subject lots, so no new trails are necessary.
Recreation <ul style="list-style-type: none"> Public and private recreational opportunities are recognized as a major county asset to be protected and encouraged. 	The proposed multi-family structure will be in the Alpine Village where Schweitzer Mountain is located, which provides recreational opportunities such as winter sports and hiking outside the winter months.

Comprehensive Plan Chapter Goals	How the Proposal is in Accordance
Special Areas or Sites <ul style="list-style-type: none"> Bonner County will attempt to protect special archeological and historical sites and unique visual and ecological features of the region. 	No special areas or sites are present on any of the subject lots.
Housing <ul style="list-style-type: none"> Bonner County recognizes diverse housing needs are to be addressed to provide adequate shelter for all, regardless of age, income or physical abilities. 	The proposal will provide 23 housing units for permanent and/or seasonal residents. The units will be clustered together.
Community Design <ul style="list-style-type: none"> Bonner County's goal is to maintain a variety of lifestyles and a rural character in the future development of Bonner County. 	The proposal will provide a multi-family use structure in the Alpine Village where there are many established multi-family use structures such as hotels, condos and duplexes. Condo structures are located on neighboring properties to the subject lots.
Agriculture <ul style="list-style-type: none"> Bonner County seeks to promote the retention of agriculture lands by implementing planning strategies that complement and support agriculture, farm-related, and non-agricultural activities. 	N/A – proposal will not impact agriculture lands as it is located on Schweitzer Mountain where no agricultural zoning or activities, such as farming, takes place.
Implementation	N/A – not required to complete this element.

H. Agency Review

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

The following agencies commented:

Schweitzer Fire District comment 7/21/2021:

The Schweitzer Fire District is requiring the installation of a fire hydrant on N.W. Passage near the upper proposed driveway, partially dependent upon the location of

the FDC for the building's sprinkler system. For details on exact location, positioning and height of the fire hydrant, please contact the Fire Chief.

Independent Highway District, 7/15/2021:

I have reviewed the approach conceptual drawing (attached) and conducted an on-site evaluation. If the Schweitzer Condos Conditional Use Permit Application is approved by the County, the District does not anticipate any problems in approving an Approach/Driveway Permit Application for the project, providing the final approach design has no substantive changes from the preliminary design.

All other agencies replied "no comment" or did not reply.

J. Public Notice & Comments

No public comments were received on this application.

Findings of Fact

1. The applicant is requesting a Conditional Use Permit to create a multi-family dwelling use consisting of a 23-unit condominium on 5 lots in the Alpine Village.
2. The site is currently vacant.
3. The use is conditionally provided for at Bonner County Revised Code, Section(s)12-332 & 12-6.8.
4. The structure will be located on Lots 2-6, Blk 2 Slalom Road Plat. The site acreage is ~79,548 SF, or ~1.8 acres.
5. The project site is located along Northwest Passage, a paved, 40-foot-wide public road owned by the Independent Highway District (IHD).
6. Site contains mapped slopes, per USGS.
7. Site does not contain mapped wetlands, any river/stream/lake frontage, any floodplains, or any critical wildlife habitat as identified by noticed agencies.
8. The site is served by Schweitzer Basin Water, Mountain Utility Company, Schweitzer Fire District, Northern Lights, Inc., Avista, and Bonner School #84.

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 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 Upon completion of the final design, and prior to BLP issuance, the following professionally designed plans shall be submitted: A stormwater management plan consistent with BCRC12-7.2; a geotechnical analysis consistent with BCRC12-7.62; a clearing and grading plan based consistent with BCRC 12-471; and a snow storage plan consistent with BCRC 12-471. These required plans shall be approved by the county engineer prior to BLP issuance.

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 CUP0017-21 – Conditional Use Permit – Lekander Private School is requesting a Conditional Use Permit for a private school facility on two parcels of unplatted land (RP57N02W201951A and RP57N02W201800A) totaling an area of approximately 32.95 acres and zoned as Suburban District. The proposed project is located off West Pine Street in a portion of Section 20, Township 57 North, Range 2 West, Boise-Meridian.

CONFLICT OF INTEREST/DISCLOSURE DECLARATIONS: The Chair requested the Commissioners declare any conflicts of interest or disclosures. [INSERT DECLARED CONFLICTS/DISCLOSURES, IF ANY] 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 Alex & Julia Lekander presented a site plan (exhibit A) and a PowerPoint presentation (exhibit B). They gave a background of the project and the school.

PUBLIC/AGENCY TESTIMONY: The following individuals spoke on the record in favor of the project: Lisa Moline presented an aerial site view of the property (exhibit C), Kelly Kletzman, and Brian Russo.

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 CUP0017-21 requesting a Conditional Use Permit for a School on two parcels of land totaling an area of approximately 33.21 acres, zoned Suburban and accessed off West Pine Street, finding that it is in accord with the general and specific objectives of the Bonner County Comprehensive Plan and Bonner County Revised Code as enumerated in the following conclusions of law, and based upon the evidence submitted up to the time the Staff Report was prepared and testimony received at this hearing. Commissioner Bradish further moved to adopt the following findings of fact and conclusions of law as written. The action that could be taken to obtain the conditional use permit is to complete the Conditions of Approval as adopted. This action does not result in a taking of private property. Commissioner Reeve seconded the motion.

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

Background:

A. Site data:

- Parcel RP57N02W201800A is currently developed with two dwellings built in 1940 and 2020, a barn or a hobby stable developed in 1950, lean-to built in 1950 and a shed built in 1980.
- The parcels are currently unplatted.
- Parcel RP57N02W201800A has an approximate size of 10.00 acres and the parcel RP57N02W201951A has an approximately size of 23.21 acres. Together, these parcels total an area of approximately 33.21 acres.
- The properties are currently zoned as Suburban.
- The current land use designation of the properties is Suburban Growth Area.

B. Access:

- The parcels are accessed off West Pine Street, owned by Independent Highway District with a speed limit of 25 miles per hour.

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

- Site does not contain slopes of over 15%. (USGS)
- Site contains the following wetlands. (USFWS)
 - i. Freshwater Forested/ Shrub Wetland
 - ii. Freshwater Emergent Wetland

- iii. Riverine
- Site shows the presence of a stream or river intermittent. (NHD)
- Site is located within Special Flood Hazard Zone X, as per firm panels 16017C0714E and 16017C0715E, effective date 11/18/2009.
- No Critical Wildlife Habitat areas were identified on the subject parcels by any local, state and federal agencies.

D. Services:

- **Water:** An existing, domestic groundwater supply well will serve the proposed use. However, the school buildings will be dry aside from the smaller bathroom facility that will include two water closets and one lavatory. Students are encouraged to bring their own drinking water. The well also supplies the existing residence for domestic use. As per the applicant, the well yield is sufficient to serve the additional fixtures.
- **Sewage:** Engineered septic system (designed by Clearwater Engineering, approved by Panhandle Health). A pressure-dosed cap fill absorption bed with the capacity to serve 800 gpd. The O&M plan and approved subsurface sewage disposal system plans are attached herein.
- **Fire:** Westside Fire District
- **Power:** Avista Utilities
- **School District:** Bonner School District #84
- **Ambulance District:** Bonner Co Ambulance District
- **Hospital District:** Pend Oreille Hospital District

E. Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Land Use & Density
Site	Suburban Growth Area	Suburban	Residential
North	Suburban Growth Area	Suburban	Residential
East	Suburban Growth Area	Suburban	Residential
South	Property located within City of Dover	Suburban	Residential
West	Suburban Growth Area	Suburban	Residential

F. Standards of 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 received was found to be complete and in compliance with the standards of the code. It was routed to Public agencies for their review on July 20, 2021.

• **BCRC 12-335, Public Use Table**

Schools, public and private are permitted as Conditional Uses in Suburban District, with the following condition –

(9) Adequate water supplies for drinking and fire suppression, as well as approval of sewage disposal sites and methods by the Panhandle Health District and/or the State of Idaho, must be demonstrated as appropriate.

- **Staff:** The applicant is thus making the request for a Conditional Use Permit for a private school on two parcels of land zoned Suburban under the provisions of this section.
 - **Staff:** The applicant submitted Subsurface Sewage Disposal System Operations and Maintenance Manual for the proposed project, prepared by Clearwater Engineering, and approved by Panhandle Health District.
 - **Applicant:** An existing, domestic groundwater supply well will serve the proposed use. However, the school buildings will be dry aside from the smaller bathroom facility that will include two water closets and one lavatory. Students are encouraged to bring their own drinking water. The well also supplies the existing residence for domestic use. The well yield is sufficient to serve the additional fixtures.

• **BCRC 12-4.2, Performance standards for all uses**

- **Staff:** The requested use is unlikely to produce any fire hazards, radioactivity or electrical disturbance, vibrations, air pollution or water pollution.
- **Applicant:** The designated area is far away from any residences on adjacent properties and in most case, it is additionally separated by thick vegetation or forest. Any noise will not carry in disturbing levels to neighboring properties. Due to the hours of operation, the program will not cause any nighttime noise disturbance or light glares.

• **BCRC 12-4.3, Parking standards**

Parking space for the school will be calculated as follows-

Use	Minimum Requirement	Proximity of Parking Spaces
Schools (daycare, preschool and kindergarten) (3)	1 space/10 students AND 1 space/employee or teacher	Within 500 feet of the principal use
Schools (elementary) (3)	1 space/5 students AND 1 space/employee or teacher	Within 500 feet of the principal use
Schools (secondary and vocational) (3)	1 space/3 students AND 1 space/employee or teacher	Within 500 feet of the principal use

Industrial, institutional and commercial uses shall be provided with off street loading spaces, exclusive of access areas, of not less than 12 feet in width. Loading spaces shall not project into public rights of way or setback areas.

- **Staff:** As per the number of students and the number of teachers on site, the maximum required number of parking spots shall be 11. The

site plan submitted by the applicant shows 15 parking spots located within 500 feet of the principal use. The site plan also shows loading spaces, exclusive of access areas, of not less than 12 feet in width and not projecting into public right-of-ways or setback areas.

- **BCRC 12-4.4, Sign standards**

- **Staff:** The applicant has not proposed any signage as part of this application. Any future additions of signage in conjunction with this Conditional Use Permit would require the applicant to request for a modification of this permit through the process of public hearing.

- **BCRC 12-4.5, Design standards**

12-453 A. Sidewalk/Pathway Standards: Provide a sidewalk or pathway paralleling or nearly paralleling the street along the front edge of the property for all new developments and any building addition where the value of the addition equals or exceeds fifty percent (50%) of the market value of the existing structure and/or site improvements as determined by the Bonner County assessor's office over any five (5) year time period. The sidewalk/pathway may be built within the public right of way (where authorized by the applicable agency) or on private property and shall be at least six feet (6') in width (except where greater widths are specifically set forth in the Bonner County trails plan). Where the sidewalk/pathway is provided on private property, an easement at least fifteen feet (15') in width allowing for public access is encouraged. For subdivisions in applicable zoning districts, the easement shall be noted on the plat, and the sidewalk/pathway constructed prior to final plat approval. The sidewalk/pathway shall be constructed with an all-weather surface per specifications in the Bonner County trails plan or as approved by the planning director. The planning director may grant an exception to the above requirement if the following criteria are met, as determined by the planning director:

1. Adjacent property or properties along the applicable street frontage are not zoned for commercial uses.
 2. For sites with multiple buildings fronting the street, a pathway along the street linking the two (2) buildings shall be required, but trail connections to the adjacent properties will not be required where subsection A1 of this section is applicable.
 3. Sites at the end of dead end road where pedestrian connections beyond the road are not possible or desirable.
- **Staff:** The project meets the exemption criteria 12-453 A.1 above. Therefore, sidewalk/pathway standards are not applicable to this project.

12-453 B. Pedestrian Connections: For other additions or improvements, pathways shall be provided to connect any new structures with existing structures, as determined by the planning director. Buildings/uses where little or no pedestrian traffic is anticipated may be exempted from this requirement. Walkways must be clearly delineated from vehicular access and other areas by curbs, landscaping, or other

elements as approved by the planning director. Walkways shall be at least four feet (4') in width or wider where greater pedestrian activity is anticipated. The pathways shall be constructed with an all-weather surface.

- **Staff:** The submitted site plan does not mark pedestrian connections on site. **See Condition A-6.**

12-453 C. Parking Lot Pathways: Specifically, walkways should be provided every four (4) rows and a maximum distance of one hundred fifty feet (150') shall be maintained between paths. Parking lots less than one hundred fifty feet (150') wide or long are exempt from this requirement. Pathways must be at least five feet (5') in width and constructed with an all-weather surface. The pathway must be separated from vehicular traffic by an elevation change, change in surface material or color, or other treatments as approved by the planning director.

- **Staff:** None of the proposed parking lots exceed a width/ length of 150 feet. Therefore, this project is exempt from this requirement. The proposal is in compliance with this standard.

12-453 D. Parking Location Guidelines: New developments are encouraged to locate parking areas to the side or rear of buildings. For large sites (more than 2 acres), developments are encouraged to limit parking areas to no more than fifty percent (50%) of the lot frontage (other areas may be buildings and/or open space)

- **Staff:** Location of parking areas has been restricted to side of the buildings. The site is larger than 2 acres in size, parking area has been limited to 50% or lower of the lot frontage. The proposal is in compliance with this standard.

12-453 E. Main Building Entry Standards for Commercial Uses: Weather protection at least four feet (4') deep shall be provided over all building entries. Accessory building entrances, service only entrances and secondary residence entrances are exempted from this requirement. Building entry standards are strongly recommended for industrial uses.

- **Staff:** The requested proposal is for a public use, therefore this condition does not apply to this application for a Conditional Use Permit.

12-453 F. Lighting Standards: Lighting shall be directed downward to the intended area to be lighted. All exterior lighting fixtures shall incorporate cutoff shields to prevent spillover into residential areas.

- **Applicant:** The school and admin buildings will be lit only during the darker months during the hours of operation. There will be no activities after dark.
- **Staff:** An exterior lighting plan was not submitted as part of this application to determine the project's compliance with these standards. **See Condition A-7.**

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. The intent is to add visual character of commercial and multi-family areas and add visual interest.

- **Staff:** No building elevations were submitted as part of this application. See Condition A-8.

12-453 H. Maximum Building Width: For all building facades adjacent to a street or customer/resident parking areas, the maximum building width shall be one hundred twenty feet (120').

- **Staff:** None of the proposed school house structures exceed a width of 120 feet. The project is in compliance with this standard. The proposal is in compliance with this standard.

12-453 I. Recreational Space for Multi-Family Developments.

- **Staff:** This is a proposal for a public use, therefore this standard is not applicable to this request.

12-453 J. Outdoor storage of commercial and industrial materials.

- **Applicant:** No outdoor storage has been proposed as part of this application.

12-453 K. Solid Waste, Recycling Collection Areas: All solid waste and recycling collection areas for commercial, industrial and multi-family residential uses. Shall be located to minimize visibility from the public and adjacent nonindustrial uses. Service elements should generally be concentrated and located where they are designed for easy access by service vehicles and for convenient access by tenants.

1. When visible from a street or resident/customer parking area, the receptacles shall be enclosed on at least three (3) sides by a solid wall or fence of at least six feet (6') in height, or within an enclosed building.
2. Screen fences should be made of masonry, ornamental metal or wood, or some combination of the three (3). The use of chain link, plastic or wire fencing is prohibited.
3. Shall be animal-proofed. (Ord. 501, 11-18-2008)

- **Applicant:** The program will have a strict focus on eco-friendly procedures, meaning a strict "pack it in, pack it out" rule for any trash produced by students. Any trash will be hauled off-site to the Upland Dumpster Site as needed.

• **BCRC 12-4.6, Landscaping and screening standards**

- **Staff:** A landscape plan was not submitted as part of this application. See Condition A-9.

• **BCRC 12-7.1, Shoreline Setbacks**

- A. The following shoreline setbacks shall apply in all zoning districts:
 1. For lakes, sloughs, ponds or other similar basins, or the Clark Fork or Pend Oreille rivers, or intermittent streams as shown on the national hydrography dataset (NHD), no structure shall be located closer than

forty feet (40'), measured horizontally from the "shoreline", as defined in Section 12-819 of this title.

- **Staff:** The submitted site plan showing the location of the proposed structures complies with the shoreline setbacks requirement.

• **BCRC 12-7.2, Grading, storm water management and erosion control**

- **Staff:** A preliminary storm water management plan prepared by an Idaho Licensed Engineer was submitted as part of this application and will be reviewed by the County Engineer for compliance with the Bonner County Revised Code before Building Location Permits are issued in conjunction with this application

• **BCRC 12-7.3, Wetlands**

- Building setbacks to wetlands of a minimum of forty feet (40'), unless it can be demonstrated by the wetlands professional that the wetlands are of a low quality, have low levels of function as wetlands and are heavily disturbed, as determined by the U.S. Army Corps of Engineers or the applicant's certified wetland delineator. Setbacks to low quality wetlands may be reduced to not less than twenty feet (20').
- **Staff:** The submitted site plan showing the location of the proposed structures complies with the shoreline setbacks requirement.
- Conditional use permit applications where the applicant can demonstrate on a site plan that the proposed building site is not within a wetland as determined from the U.S. fish and wildlife service national wetland inventory maps or where the development will not create additional impervious surface.
- **Staff:** A wetland delineation plan, prepared by a professional wetland scientist was submitted as part of this application. Thus, the applicant has demonstrated on the site plan that the proposed building site is not within a wetland as determined from the U.S. fish and wildlife service national wetland inventory maps. The proposal is in compliance with these standards.

• **BCRC 12-7.5, Flood damage prevention**

- **Staff:** Site is located within Special Flood Hazard Zone X, as per firm panels 16017C0714E and 16017C0715E, effective date 11/18/2009. It will not require any further floodplain review.

• **BCRC 12-7.6, Hillsides**

- **Staff:** As per United States Geological Survey, the site does not contain slopes of over 15%. Thus, these standards do not apply to this proposal.

G. Comprehensive Plan Land Use Designation

The comprehensive plan designation of Suburban Growth Area provides for areas located on the edges of the incorporated cities or higher density developed communities or areas, where urban sewer and water services may not be available or are not likely to be extended. Access to primary transportation routes and a system of hard-surfaced roads are expected.

Staff: The site is located within the Area of City Impact of Sandpoint. The site does not have access to urban water or sewer services and are unlikely to be extended as well. It is accessed off West Pine Street, owned by Independent Highway District with a speed limit of 25 miles per hour.

H. Stormwater plan: A storm water management plan was required pursuant to BCRC 12-7.220.2.C. A preliminary storm water plan, prepared by an Idaho Licensed Engineer was submitted as part of this application. The plan will be reviewed by the County Engineer for compliance before the issuance of Building Location Permits in conjunction with this application for a Conditional Use Permit.

I. Agency Review

Panhandle Health District	Idaho Department of Environmental Quality
Westside Fire District	Idaho Department of Water Resources
Avista Utilities	Idaho Department of Fish and Game
Area of City Impact: Sandpoint	Bonner School #84
Bonner School Transportation	Bonner County Road and Bridge Department
U.S. Fish and Wildlife Service	

The following agencies commented:

Panhandle Health District, July 19, 2021
Panhandle Health District has issued a septic permit for the 4-bedroom home and ADU as well as the school to serve 40 people. At this time, only the home and the ADU septic has been installed and finalized.

Independent Highway District, July 08, 2021
Approach/ Driveway permit has been issued for this project. It should not affect traffic flow in this area. IHD has no other comments.

The following agencies replied "No Comment":

Bonner County Road and Bridge Department, July 08, 2021
Idaho Department of Fish and Game, July 28, 2021

All other agencies did not reply.

J. Public Notice & Comments: None.

Findings of Fact

1. Subsurface Sewage Disposal System Operations and Maintenance Manual for the proposed project was prepared by an Idaho Licensed Surveyor, and approved by Panhandle Health District.
2. An existing, domestic groundwater supply well will serve the proposed use. However, the school buildings will be dry aside from the smaller bathroom facility that will include two water closets and one lavatory. Students will be encouraged to bring their own drinking water. The well also supplies the

existing residence for domestic use and is sufficient to serve the additional fixtures.

3. The applicant is proposing to building two buildings (12'X20') that would serve as indoor classroom when needed. The third structure (10'X20') will serve as the bathroom facility.
4. No machinery or storage area will be located on site.
5. There will be 24 students and 3 teachers on site.
6. The expected start date for the project is August 25th, 2021.
7. The hours of operation of the school shall be 8:45 a.m. to 2:45 p.m.
8. Expected daily vehicles: 12 - 15 vehicles for drop-off and pick-up (drop-off and pick-up times are staggered between 8 and 9 AM, and 12:45 and 2:45 PM, respectively).
9. The applicant intends to host seasonal festival celebrations with school students and their immediate family. Day-to-day activities will consist of outdoor-based learning programs for the students.
10. Off-street parking area for 15 vehicles will be completed, with room for more if necessary. There will also be a drop-off/ loading area within a cul-de-sac turnaround.
11. No advertising signs have been proposed.
12. The applicant has proposed 15 parking spots along with a drop-off/loading area within a cul-de-sac turnaround.
13. The school and admin buildings will be lit only during the darker months during the hours of operation. There will be no activities after dark.
14. The program will have a strict focus on eco-friendly procedures, meaning a strict "pack it in, pack it out" rule for any trash produced by students. Any trash will be hauled off-site to the Upland Dumpster Site as needed.

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 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 storm water 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** The site plan shall be updated to show pedestrian connections as required by BCRC 12-453.B: Pedestrian Connections.
- A-7** Exterior Lighting, if used, shall meet the requirements of orientation, height limits and fixture types as listed in BCRC 12-453.F: Lighting Standards.
- A-8** Building elevations will be submitted to ensure compliance with BCRC-453 G. Blank Wall Treatment Standards.

AMENDMENT

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 AM0011-21 – Comprehensive Plan Text Amendment – Incorporation of Northside Fire District is requesting a Comprehensive Plan Text Amendment as per Idaho State Code Title 67, Chapter 65 Local Land Use Planning Act soliciting adoption of a Capital Improvements Plan for which development impact fees may be used as a funding source, as per Idaho Statutes Code Title 67, Chapter 82 Idaho Development Impact Fee Act.

CONFLICT OF INTEREST/DISCLOSURE DECLARATIONS: The Chair requested the Commissioners declare any conflicts of interest or disclosures. Commissioners Bailey, Glasoe, and Bradish made disclosures, but none had a conflict with this project. The Chair noted there were no additional 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 Comprehensive Plan Goals and Policies.

APPLICANT PRESENTATION: Project representative Anne Wescott, Galena Consulting, presented a PowerPoint (exhibit A) regarding how impact fees can be used and collected. She also spoke about the advisory committee that would need to be put into place. She spoke about a 10-year capital improvement plan.

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 RECOMMEND APPROVAL: Commissioner Frankenbach moved to recommend approval to the County Commissioners this project FILE AM0011-21, to amend the Bonner County Comprehensive Plan for adoption of a Capital Improvements Plan for Northside Fire District, as presented or amended in this hearing, finding that it is in accord with the general and specific objectives of the Bonner County Comprehensive Plan as enumerated in the following findings of fact and conclusions of law, and based upon the evidence submitted up to the time the Staff Report was prepared and testimony received at this hearing. Commissioner Frankenbach further moved to adopt the following findings of fact and conclusions of law as written. This action does not result in a taking of private property. Commissioner Davis seconded the motion.

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

Public and Agency Comment:

Agency Review: The application was routed to the following agencies for comment on July 02, 2021.

All Taxing Districts	Idaho Department of Fish and Game
State Historical Society	Idaho Transportation Department
BNSF Railway	IDL and Navigable Waters
Naval Station Bayview	Idaho Department of Water Resources
Army Corps (Newport)	Idaho Department of Lands
Independent Highway District	Idaho Department of Environmental Quality
Panhandle Health District	Federal Aviation Admin
Bonner County School #83	Bonner County Schools Transportation
Bonner County School #84	Bonner County Road and Bridge Department
U.S Army Corps (Coeur d'Alene)	U.S. Forest Service
All Cities	U.S. Fish and Wildlife Service

The following agencies replied "No Comment":

Pend Oreille Hospital District	July 06, 2021
City of Clark Fork	July 07, 2021
Independent Highway District	July 08, 2021
Idaho Department of Fish and Game	July 21, 2021
Kootenai Ponderay Sewer District	July 27, 2021

All other agencies did not reply.

Public Notice & Comments: None.

Staff Analysis:

The applicant, Northside Fire District is proposing implementation of Development Impact Fee to support the future growth and development as per Idaho State Statute Title 67, Chapter 82, Development Impact Fee Act (§67-8201).

- **§67-8202: Purpose**
 - The applicant is proposing adoption of Capital Improvements Plan to serve new growth and development, establishment of standards through which a proportionate share of the cost of the new public facilities is paid by those who benefit from it and that they pay no more than their proportionate share. This Act also empowers the governmental entities to adopt ordinances to impose development impact fees. **The study as presented meets the requirements of the State Statute Title 67, Chapter 82, based on the following analysis-**
- **§67-8204: Minimum standards and requirements for Development Impact Fees Ordinances**
 - The development impact fee is calculated based on the District's current level of service of 90th percentile response time of 5-7 minutes and the

applicant is proposing to maintain the same level of service for future growth and development. This level of service has been used for calculation of development impact fee in the future.

- The applicant proposes that the development impact fee be collected at the stage of issuance of Building Location Permits.
- **§67-8204A: Intergovernmental Agreements**
 - Since the District does not participate in the process of issuance of Building Location Permits, an intergovernmental agreement would be required between the District and Bonner County, authorizing the County to collect fire fees on the District's behalf.
- **§67-8205: Development Impact Fee Advisory Committee**
 - This section calls for establishment of Development Impact Fee Advisory Committee by a government entity that is considering adoption of Development Impact Fee. The committee may not be composed of fewer than 5 members. An existing Planning and Zoning Commission may serve as Advisory Committee if it includes 2 or more members who are active in the business of development, building, or real estate; otherwise 2 such members who are not employees of the governmental entity shall be appointed to the committee.
- **§67-8206: Procedure for the Imposition of Development Impact Fees**
 - A public hearing considering adoption of the Capital Improvements Plan has been scheduled by Bonner County, with a notice of the time, place and the purpose of the hearing published on July 20th, 2021.
 - No material changes were made to the proposed amendment since the submission of this proposal was made to Bonner County.
- **§67-8207: Proportionate Share Determination**
 - The applicant has taken into consideration any appropriate credits, contribution of money or offsets available to determine proportionate share of costs for capital improvements.
 - As per the applicant, the District plans to purchase approximately \$4.3 million in capital improvements over the next ten years, almost \$1.4 million of which is impact fee eligible. Replacement of existing capital, not eligible for inclusion in impact fee calculations will be funded by other sources of revenue as applicable in the State Code §67-8207(iv)(2)(h).
- **§67-8208: Capital Improvements Plan**
 - The proposal has been prepared by Galena Consulting Inc., qualified professionals in the field of engineering and planning.
 - The Capital Improvements Plan contains the following-
 - a. The District's current assets providing the existing level of service as well as their replacement value to meet existing needs and usage.

- b. The District intends to use property tax revenues, grants and other sources of funding to cure existing system deficiencies where practical.
- c. Analysis of the total capacity, the level of current usage and commitments for usage of existing capital improvements, prepared by a licensed engineer.
- d. Description of land use assumptions.
- e. Establishment of ratio of service unit to various types of land uses.
- f. Description of system improvements and their costs necessitated by and attributable to new development in the District's service area based on the land use assumptions.
- g. Total number of service units necessitated by and attributable to new development within the service area based on the land use assumptions.
- h. Projected demand for service improvements required by new service units over a period of 10 years (2020 -2030).
- i. Identification of all sources and levels of funding available for financing of system improvements.

▪ **§67-8209: Credits**

- The District is making the following implementation recommendation pursuant to this section of the code – *"If a developer constructs or contributes all or part of a growth-related project that would otherwise be financed with impact fees, that developer must receive a credit against the fees owed for this category or, at the developer's choice, be reimbursed from impact fees collected in the future. This prevents "double dipping" by the District. The presumption would be that builders/developers owe the entirety of the impact fee amount until they make the District aware of the construction or contribution. If credit or reimbursement is due, the governmental entity must enter into an agreement with the fee payer that specifies the amount of the credit or the amount, time and form of reimbursement."*

▪ **§67-8210: Earmarking and Expenditure of Collected Development Impact Fees**

- The District is making the following implementation recommendation pursuant to this section of the code –
 - a. *"Impact fee accounting. The District should maintain Impact Fee Funds separate and apart from the General Fund. All current and future impact fee revenue should be immediately deposited into this account and withdrawn only to pay for growth-related capital improvements of the same category. General Funds should be reserved solely for the receipt of tax revenues, grants, user fees and associated interest earnings, and ongoing operational expenses including the repair and replacement of existing capital improvements not related to growth."*

- b. *"Spending policy. The District should establish and adhere to a policy governing their expenditure of monies from the Impact Fee Fund. The Fund should be prohibited from paying for any operational expenses and the repair and replacement or upgrade of existing infrastructure not necessitated by growth. In cases when growth-related capital improvements are constructed, impact fees are an allowable revenue source as long as only new growth is served. In cases when new capital improvements are expected to partially replace existing capacity and to partially serve new growth, cost sharing between the General Fund or other sources of revenue listed in Idaho Code 67-8207(1)(iv), (2)(h) and Impact Fee Fund should be allowed on a pro rata basis."*

- **§67-8211: Refunds**
- **§67-8212: Appeals**
- **§67-8213: Collection**
- **§67-8214: Other Powers and Rights not affected**
- **§67-8215: Transition**
- **§67-8216: Severability**
 - These sections of the code are applicable to the adoption of the development impact fee ordinance, if the request for the Comprehensive Plan Amendment for adoption of a Capital Improvements Plan for Northside Fire District is approved.

The study as presented meets the Implementation goals, objectives and policies of Public Services, Facilities and Utilities-

- Future development shall provide adequate services and should not adversely impact the services or utilities of present-day users.
 - The adoption of Capital Improvement Plan is intended to provide development impact fee for future growth and development over a period of 10 years while maintaining the current service levels. This will not adversely impact the services and utilities of present day users.
- Bonner County intends for new development to offset the capital costs of expanding services to its area by requiring the developer to provide infrastructure, utilities or financial support for services generated by the proposed development.
 - The proposal encourages developers to provide infrastructure, utilities or financial support for the services developed by the proposed development by making an implementation recommendation that the developers receive credit or be reimbursed if they construct or

contribute to all or part of a growth-related project that would otherwise be financed by impact fees.

- New development shall not unduly overburden the current system.
 - The applicant is proposing adoption of Capital Improvement Plan in order to serve the projected growth and development for a 10 year period (2020-2030). This would allow the Northside Fire District to use Development Impact Fee funds for system improvements without burdening the current system.
- New development should be adequately served by fire protection, roads, sewer, schools, law enforcement, ambulance and emergency services, water and other public/private services.
 - The applicant for this proposal is Northside Fire District who among others currently provides fire protection services to unincorporated areas of Bonner County along with cities of Ponderay and Kootenai.
- Full urban services and provisions for continued operation and maintenance of the systems shall be provided for urban and suburban densities.
 - Not applicable to this application.
- Bonner County will identify sewer and water service areas, and encourage development within the boundaries of these areas.
 - Not applicable to this application.
- Bonner County will seek comment from existing service providers on their ability to serve future developments without adversely impacting current users.
 - This proposal for adoption of Capital Improvement Plan outlines the Northside Fire District's current level of service, the current assets, the current investment per residential and non-residential land use, expected future growth, new infrastructure requirement to serve future growth and the impact fee required to pay for the new infrastructure that would allow the District to serve future needs without adversely impacting the current users.
- Measures to mitigate development impacts shall be explored by the county and service providers.
 - This proposal explores the option of adoption of development impact fee for Northside Fire District within its area of service to mitigate any impacts of future development on the current level of service.
- The county is encouraged to provide assistance and expertise to develop broad-band connections, high-speed internet services and other high -tech utility connections.
 - Not applicable to this application.

Findings of Fact:

1. The Planning and Zoning Commission, per Idaho Code Chapter 65, Title 67, may recommend a zoning ordinance.
2. The Bonner County Planning Department has reviewed the proposed changes against Idaho Code and made amendments to better comply with the Idaho Code, specifically Title 67, Chapters 65 and 82.
3. The Board of County Commissioners is authorized by Idaho Code, Chapter 7, Title 31, to adopt ordinances, rules and regulations "...not repugnant to law, necessary for carrying into effect or discharging the powers and duties conferred by the laws of the state of Idaho, and such as are necessary or proper to provide for the safety, promote the health and prosperity, improve the morals, peace and good order, comfort and convenience of the county and the inhabitants thereof, and for the protection of property therein..."

The proposed amendment of the Comprehensive Plan requesting adoption of Capital Improvements Plan for the Northside Fire District will allow the District to better serve the needs of future growth and development over a duration of ten years without negatively impacting the services provided to the current users. These actions will further balance the provision of safety, health and prosperity while maintaining the protection of property, peace, good order, comfort and convenience of the county and its inhabitants.

Conclusions of Law:

Conclusion 1

The proposed amendments to Title 12 IS in accord with Idaho Code, Chapter 7 of Title 31.

Conclusion 2

The proposed amendments to Title 12 IS in accord with Idaho Code Chapters 65 and 82 of Title 67.

Conclusion 3

The proposed zone change 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 | |

AMENDMENT & ZONE CHANGE

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 AM0015-21 & ZC0029-21 - Comprehensive Plan Map Amendment Ag/F to Rural Residential and Zone Change Ag/F-10 to R-5 - Roger D. and Avice Marie Griffin are requesting a Comprehensive Plan Map Amendment from Ag/Forest to Rural Residential and a Zone Change from A/F-10 to R-5. The subject property is approximately 40-acres and located off Fish Creek Road in Section 14, Township 55 North, Range 3 West, Boise-Meridian.

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

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

APPLICANT PRESENTATION: Applicants Roger and Avice Griffin gave a summary of the project.

PUBLIC/AGENCY TESTIMONY: The following individual spoke on the record: Scott Klasing, Cynthia Bartholomew (exhibit A), Bobi Bamer, Melvin Chrispman, and Glen Settle.

APPLICANT REBUTTAL: Mr. & Mrs. Griffin responded to public comments, commenting on surrounding parcel acreage, water, easement, and they further restated their intent to leave this property to their family.

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

MOTION TO RECOMMEND DENIAL: Commissioner Glasoe moved to recommend denial to the Board of County Commissioners this project FILE AM0015-21, requesting a comprehensive plan amendment from Agriculture/Forest Land to Rural Residential, on two unplatted parcels of land totaling an area of approximately 40.00 acres and generally located in Section 23, Township 55 North, Range 3 West, Boise Meridian, Bonner County, Idaho, based upon the following conclusions: Conclusion 3. The decision is based upon the evidence submitted up to the time the Staff Report was prepared and testimony received at this hearing. Commissioner Glasoe further moved to adopt the following findings of fact and conclusions of law as amended. This action does not result in a taking of private property. The action that could be taken, if any, to obtain the zone change is to: 1) File a new application with the Planning Department and meet the standards required by Bonner County Revised

Code; or 2) Pursue such remedies as may be applicable at Title 67, Chapter 65, Idaho Code. Commissioner Reeve seconded the motion.

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

Zone Change - Motion by the Governing Body:

MOTION TO RECOMMEND DENIAL: Commissioner Glasoe moved to recommend denial to the Board of County Commissioners this project FILE ZC0029-21, requesting a zone change from Agricultural/Forestry 10 District to Rural 5 District, on two unplatted parcels of land totaling an area of approximately 40.00 acres and generally located in Section 23, Township 55 North, Range 3 West, Boise Meridian, Bonner County, Idaho, based upon the following conclusions: Conclusion 3. The decision is based upon the evidence submitted up to the time the Staff Report was prepared and testimony received at this hearing. Commissioner Glasoe further moved to adopt the following findings of fact and conclusions of law as amended. This action does not result in a taking of private property. The action that could be taken, if any, to obtain the zone change is to: 1) File a new application with the Planning Department and meet the standards required by Bonner County Revised Code; or 2) Pursue such remedies as may be applicable at Title 67, Chapter 65, Idaho Code. Commissioner Reeve seconded the motion.

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

Background:

A. Site data:

- Use: The property is currently being used for residential and agricultural purposes
- Unplatted parcels of land
- Size: 40.00 acres
- Zone: Agricultural/ Forestry 10 District (A/F-10)
- Land Use: Agriculture/ Forest Land

B. Access:

- The property has indirect access from Fish Creek Road, a county owned and maintained public road with a speed limit of 35 miles per hour and paved with treated gravel.
- The properties have direct access from a 40 feet wide private easement for ingress, egress and utilities over the south half of the southwest quarter of Section 14, Township 55 North, Range 3 West, Boise Meridian, as recorded in Instrument No. 641413, records of Bonner County, Idaho.

C. Environmental factors:

- Majority of the site contains slopes less than 15% in grade. A small portion of the site contains slopes between 15-29% and a minimal portion of the site contains slopes of over 30%. (US Geological Survey)
- Site contains Riverine and Freshwater Forested/ Shrub Wetland following wetlands. (US Fish and Wildlife Service)

- Site shows the presence of a streams running through the southeastern corner of the south parcel across and over the north parcel in approximately northwest direction. (National Hydrography Dataset, US Geological Survey)
- Site consists of Sagle silt loam soil that has been classified as "not prime farmland soil" with a drainage classification of "somewhat poorly drained."
- Parcels are located within SFHA Zone X and not located within floodway, per FIRM Panel 16017C1150E, Effective Date 11/18/2009. No further floodplain review is required on this proposal.
- Site does not contain any critical wildlife habitat areas as identified by any local, state or federal agencies.

D. Services:

- Water: Site is currently served by an individual underground well system.
- Sewage: Site is currently served by an existing drain field. No additions are proposed to this existing system
- Fire: Selkirk Fire District
- School District: Bonner School #84
- Ambulance District: Bonner Co Ambulance District
- Hospital District: Pend Oreille Hospital District

E. Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Land Use & Density
Site	Agricultural/Forest Land	Agricultural/ Forestry 10 (A/F-10)	Vacant
North	Agricultural/Forest Land	Agricultural/ Forestry 10 (A/F-10)	Vacant
East	Rural Residential	Rural 5 (R-5)	Residential
South	Agricultural/Forest Land	Agricultural/ Forestry 10 (A/F-10)	Vacant state land
West	Agricultural/Forest Land	Agricultural/ Forestry 10 (A/F-10)	Residential

F. Standards review: Bonner County Revised Code

- **12-215: Applications for Zone Changes and Comprehensive Plan Map Amendments, Contents**
The application was considered complete and routed to agencies accordingly.
- **12-216: Evaluation of Amendment Proposals**
Staff and the governing bodies shall review the particular facts and circumstances of each proposal submitted and shall determine whether there is adequate evidence that the proposal is in accordance with the general and specific objectives of the comprehensive plan. (Ord. 501, 11-18-2008).
- **Existing Comprehensive Plan Designation: Agriculture / Forest Land**
The Ag/Forest Land designation recognizes areas where steeper slopes prevail (30% or greater) and transportation is provided by private roads or U.S. Forest Service or state roads. Urban services are not available and residential

development challenges are present due to slope, poor soil conditions, hazard areas and lack of police or fire services.

- **Proposed Comprehensive Plan Designation: 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: Agricultural/ Forestry 10 District (A/F-10).**
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.
- **Proposed Zoning: Rural 5 District (R-5)**
R-5 in areas designated as rural residential in the comprehensive plan that meet one or more of the following criteria:
 - o Characterized by slopes that are steeper than thirty percent (30%).
 - o Located within critical wildlife habitat as identified by federal, state or local agencies.
 - o Contain prime agricultural soils.
 - o 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.
 - o Within the floodway.
 - o Contain limited access to public services.

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

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

- | | |
|---|-------------------------------------|
| Panhandle Health District | Idaho Department of Water Resources |
| Selkirk Fire District | U.S. Army Corps (Coeur d'Alene) |
| Bonner School District #84 | Army Corps (Newport) |
| Bonner County Schools - Transportation | U.S. Fish and Wildlife Service |
| Bonner County Road and Bridge Department | U.S. Forest Service |
| Idaho Department of Fish and Game | All Taxing Districts |
| Idaho Department of Environmental Quality | |

The following agencies replied: None.

The following agencies replied "No Comment":

Independent Highway District, July 22, 2021
Pend Oreille Hospital District, August 2, 2021

All other agencies did not reply.

I. Public Notice & Comments

The following public comments were received: None.

Comprehensive Plan Amendment Findings of Fact

- Majority of the site contains slopes less than 15% in grade. A small portion of the site contains slopes between 15-29% and a minimal portion of the site contains slopes of over 30%.
- The property has indirect access from Fish Creek Road, a county owned and maintained public road with a speed limit of 35 miles per hour and paved with treated gravel.
- The properties have direct access from a 40 feet wide private easement for ingress, egress and utilities over the south half of the southwest quarter of Section 14, Township 55 North, Range 3 West, Boise Meridian, as recorded in Instrument No. 641413, records of Bonner County, Idaho.
- Site consists of Sagle silt loam soil that has been classified as "not prime farmland soil" with a drainage classification of "somewhat poorly drained."
- Site has access to urban services such as Selkirk Fire District, Bonner Co Ambulance District, Pend Oreille Hospital District and Bonner School District #84.
- Site is currently being served by an individual underground well system and an existing drain field.
- No local, state or federal agencies identified any critical wildlife habitat areas on the site.

Comprehensive Plan Amendment Conclusions of Law:

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

Conclusion 1

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

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

Conclusion 2

This proposal was reviewed for compliance with Title 12, Bonner County Revised Code, and is found to be in compliance.

Conclusion 3

The proposal is not in accord with the RURAL RESIDENTIAL Land Use Designation.

Zone Change Findings of Fact

- Site consists of Sagle silt loam soil that has been classified as "not prime farmland soil" with a drainage classification of "somewhat poorly drained."
- Majority of the site contains slopes less than 15% in grade. A small portion of the site contains slopes between 15-29% and a minimal portion of the site contains slopes of over 30%.
- No local, state or federal agencies identified any critical wildlife habitat areas on the site.
- The property has indirect access from Fish Creek Road, a county owned and maintained public road with a speed limit of 35 miles per hour and paved with treated gravel.
- The properties have direct access from a 40 feet wide private easement for ingress, egress and utilities over the south half of the southwest quarter of Section 14, Township 55 North, Range 3 West, Boise Meridian, as recorded in Instrument No. 641413, records of Bonner County, Idaho.
- Parcels are located within SFHA Zone X and not located within floodway, per FIRM Panel 16017C1150E, Effective Date 11/18/2009.
- Site is served by Selkirk Fire District, Bonner Co Ambulance District, Pend Oreille Hospital District and Bonner School District #84.
- The site is adjacent to other parcels to the west that are already developed at or near the one dwelling unit per five acre density.
- The site is not located within or adjacent to areas of city impact.

Zone Change Conclusions of Law:

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

Conclusion 1

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

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

Conclusion 2

This proposal was reviewed for compliance with Title 12, Bonner County Revised Code, and is found to be in compliance.

Conclusion 3

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

PRELIMINARY PLAT

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 S0003-21 – Sundance Acres Subdivision - Clay Wagner Trust is requesting a subdivision of ±42.54 & 5.09 acres of land to create 27 lots, ranging in size from 1.2 to 6.1 acres. The subject property is zoned Recreation. The project is located off Eastside River Road in Section 10, Township 59 North, Range 4 West, Boise-Meridian.

CONFLICT OF INTEREST/DISCLOSURE DECLARATIONS: The Chair requested the Commissioners declare any conflicts of interest or disclosures. Commissioner Bradish disclosed he works for the same agency as the applicant, but this is not a conflict for the project. The Chair noted that there were no disclosures or conflicts.

STAFF PRESENTATION: Assistant Director Jacob Gabell 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, Glahe & Associates, presented a PowerPoint presentation (exhibit A) detailing the project as well as a brief history of the property. Upon discussion with the Commission the applicant withdrew the application.

COMMISSIONER & STAFF UPDATES:

Planning stats update, department updates and changes, update on the Subdivision Ordinance changes that were adopted by the BOCC, MLD and Boundary Line Adjustment issues, Comp Plan update, and discussion regarding number of zone changes occurring.

At 9:31 p.m., the Chair declared the hearing adjourned until September 2, 2021.

Respectfully submitted,



Milton Ollerton, Planning Director

The above Minutes are hereby approved this 2nd day of September 2021.

Bonner County Planning and Zoning Commission



Brian Bailey, Chair