

**BONNER COUNTY PLANNING and ZONING COMMISSION
PUBLIC HEARING MINUTES
FEBRUARY 3, 2022**

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, Dave Frankenbach (via zoom), and Jennifer Casey

ABSENT: Commissioners Suzanne Glasoe and Sheryl Reeve

ALSO PRESENT: Planning Director Milton Ollerton, Assistant Planning Director Jacob Gabell, Planner Amy Scott, Planner Jason Johnson, and Administrative Assistant III Da Niel Scott

CHANGES IN AGENDA: None

CONSENT AGENDA: None

APPROVAL OF MINUTES: The Chair requested the Commissioners declare if they had any corrections or changes to the approval of minutes as written for: January 20, 2022. Hearing no changes or objections, the Chair declared the minutes approved as written.

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.

PUBLIC HEARINGS:

VARIANCE

File V0028-21 – Depth to Width Ratio & Angle of Intersection Variance – Gall Wolf is requesting a depth to width ratio of up to 8.5:1 where 3:1 is required and an angle of intersection of 84° to 96° degrees where 85° to 95° is required to combine adjacent lots currently divided by a private easement. The properties are zoned Rural-5. The project is located off Mountain Estates Drive in Section 3, Township 55 North, Range 4 West, Boise-Meridian.

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

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

APPLICANT PRESENTATION: Project Representative Dan Provolt, Provolt Land Surveying, Inc., submitted Exhibit A (Plat Map) and provided comments on the sewer system shown on Exhibit A, roadway to be vacated in 1986 as reflected on Exhibit A, variance will fix the encroachment on lots 8 and 9, ½ lot purchase on four of the lots, vacate River Road, reduces the project from 20 lots to 9 lots, and removes the unbuildable swathe through all lots.

PUBLIC/AGENCY TESTIMONY: None

APPLICANT REBUTTAL: None

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

MOTION TO APPROVE: Commissioner Casey moved to approve this project File V0028-21 requesting a depth to width ratio of up to 8.5:1 where 3:1 is required and an angle of intersection of 84° to 96° where 85° to 95° is required to combine adjacent lots currently divided by a private easement, 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 Casey further moved to adopt the findings of fact and conclusions of law as set forth in the Staff Report (or as amended during this hearing) and direct planning staff to draft written findings and conclusions to reflect this motion, have the Chairman sign, and transmit to all interested parties. The action that could be taken to obtain the variance is to complete the Conditions of Approval as adopted. This action does not result in a taking of private property.

Commissioner Davis seconded the motion.

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

Findings of Fact

1. The subject properties are currently platted as lots 5 through 26 of Mountain View Lots per Instrument # 106523, recorded at Page 127, Book 2 of Plats, records of Bonner County, Idaho.
2. The subject properties are accessed by Mountain Estates Drive, a graveled 60' wide private easement.
3. The subject properties are zoned R-5 and have a Comprehensive Plan designation of Rural Residential.

4. The applicants are proposing to combine adjacent lots currently divided by an undeveloped private easement.
5. A maximum depth-to-width ratio of 8.5:1 where 3:1 is required and an angle of intersection of 84° to 96° where 85° to 95° is required is being requested.
6. LS0037-21 has been submitted to vacate the private easement and combine the adjacent lots.
7. LS0037-21 reflects the historical use of the subject properties.

Conclusions of Law

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

Conclusion 1

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

Conclusion 2

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

Conclusion 3

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

Condition of Approval

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

Background

A. Site data:

- 22 platted lots totaling 7.24 acres
- Lots 6 through 25, Mountain View Lots, per Instrument # 106523 recorded at Page 127, Book 2 of Plats, records of Bonner County, Idaho
- 6 lots developed with single family dwellings, 4 lots developed with accessory structures only
- Zone: Rural 5
- Land Use: Rural Residential

B. Access:

- All lots are accessed by Mountain Estates Drive, a graveled 60' wide private easement
- Mountain Estates Drive is accessed off of Dufort Road, a county maintained paved public right-of-way of variable width

C. Environmental factors:

- Site does not contain mapped slopes (USGS)
- Site does not contain mapped wetlands (USFWS)
- Site does contain river frontage on the Pend Oreille River
- Parcels contain SFHA Zone X and SFHA Zone AE per FIRM Panel 16017C0890E, Effective Date 11/18/2009. Development on each proposed lot within the SFHA will be required to adhere to the floodplain development standards of Bonner County in BCRC Title 14, or as hereafter amended, to ensure that all development will be reasonably safe from flooding.
- No critical wildlife habitat areas on the site were identified by local, state, or federal agencies.

D. Services:

- Water: Individual wells or water rights
- Sewage: Mountain View Lots Sewer Association
- Fire: West Pend Oreille Fire District
- Power: Avista Utilities
- School District: West Bonner School District #83
- Hospital: Pend Oreille Hospital
- Ambulance: Bonner County Ambulance District

E. Comprehensive Plan, zoning, and current land use

Compass	Comp Plan	Zoning	Current Land Use & Density
Site	Rural Residential	Rural-5	~1 dwelling/ 0.91 acres
North	Rural Residential	Rural-5	Pend Oreille River
East	Rural Residential	Rural-5	1 dwelling/0.79 acres
South	Rural Residential	Rural-5	~1 dwelling/19 acres
West	Rural Residential	Rural-5	1 dwelling/8.14 acres

F. Standards review

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

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

Applicant: "The original plat of Mountain View Lots had a designed road traveling east and west with lots on the north and south side of the road. The road was never built and each north/south lot was sold as a pair. Since the designed road does not exist, the owners wish to vacate it and combine the separated lots into single lots by doing a lot line adjustment. This creates a need for a depth to width variance that does not adhere to Bonner County Revised Code. Vacating the designed road and combining the lots will not change what is already in place."

Staff: No other landowners in the vicinity own two lots divided by an undeveloped private easement. The current lot configuration forces landowners to plan development around a swath of land in the middle of their property that is unbuildable due to the presence of the lot lines and the easement.

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

Applicant: "The north/south divided lots were combined for sale purposes and since the road through them was never constructed there is no longer a reason for the lots to be divided. All lots have always used the existing road along the south boundary of each lot for access."

Staff: The subdivision was platted in 1966 and twenty (20) of the created lots were sold as pairs. The private easement dividing each pair of lots was never developed, and the lots continued to be bought and sold as pairs for the next sixty (60) years. The current owners had no influence over the original lot configuration, nor over the original decision to sell the lots as pairs.

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

Applicant: "This proposal is reducing the amount of lots and conforming with the lots to the east of this project. There will be no additional residences constructed as a result of this change and no access changes are required."

Staff: No agency or public comments were received that indicated the granting of this variance will have a negative impact on public health, safety, or welfare. Granting this variance will decrease density significantly, lessening potential future stresses on the environment, road, and community sewer system.

G. Stormwater plan

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

H. Agency review

The application was routed to agencies for comment on December 28, 2021.

Avista Utilities	Idaho Dept. of Water Resources
Bonner County Ambulance District	Bonner County Schools - Transportation
Bonner County Road & Bridge	Panhandle Health District
Idaho Dept. of Environmental Quality	U.S. Army Corps of Engineers (Newport)
Idaho Dept. of Fish & Game	U.S. Fish and Wildlife Service
Idaho Dept. of Lands (Sandpoint)	West Bonner County School District #83
West Pend Oreille Fire District	Idaho Dept. of Lands, Navigable Waters

The following agencies commented:

Bonner County Road & Bridge – 12/30/2021

"The surveyor drawings indicate that Mountain Estates Road [sic; should be "Drive"] is a 60ft public right-of-way, which is in error. Mountain Estates Drive was dedicated to the lot owners in the original plat owners' certificate (Book 2, Page 127). As a private road, the Road & Bridge Department has no additional comments."

Idaho Department of Environmental Quality – 1/6/2022

DEQ does not review projects on a project-specific basis.

The following agencies replied "No Comment:"

Bonner County Ambulance District
Idaho Department of Fish & Game

All other agencies did not reply.

I. Public notice & comments. As of January 24, 2022, no public comments were received.

VARIANCE

File V0029-21 – Lot Size Minimum Variance – John & Gayle Grubich are requesting a lot size minimum of 0.919 acres where ten acres is required. The lot began as a legal nonconforming lot of 0.963 acres. The request includes a property line setback of 6 feet. The property is zoned Rural-10. The project is located off Eureka Road in a portion of Section 27, Township 57 North, Range 01 West, Boise-Meridian.

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

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

APPLICANT PRESENTATION: Project Representative Travis Haller, Glahe & Associates, Inc., submitted Exhibit A (PowerPoint Presentation) and provided comments on the project location, history of the legal non-conforming lot, re-plat, only interior lot line between neighbors being changed, and variance of less than five percent from its current status.

PUBLIC/AGENCY TESTIMONY: None

APPLICANT REBUTTAL: None

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

MOTION TO APPROVE: Commissioner Davis moved to approve this project File V0029-21 for a lot size minimum with setbacks as shown on the site plan, 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 findings of fact and conclusions of law as set forth in the Staff Report and direct planning staff to draft written findings and conclusions to reflect this motion, have the Chairman sign, and transmit to all interested parties. The action that could be taken to obtain the variance is to complete the Conditions of Approval as adopted. This action does not result in a taking of private property.

Commissioner Casey seconded the motion.

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

Findings of Fact

1. The property is less than one acre in a Rural-10 zone.
2. The property was created as Lot 11 of Page's Subdivision in 1964.
3. Based on the Assessor's Office, the home was added to the neighboring property in 1969.
4. The applicant purchased this property in 2010.

5. The property is accessed off Eureka Road off Bottle Bay Road.

Conclusions of Law

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

Conclusion 1

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

Conclusion 2

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

Conclusion 3

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

Conditions of Approval, Standard Permit Conditions

A-1 Project shall follow the approved site plan.

A-2 A lot line adjustment shall be completed.

Background

A. Site data:

- Residential
- Lot 11 of Page's Subdivision
- Size: 0.963 acres
- Zone: Rural-10
- Land Use: Rural Residential

B. Access:

- Property access at Eureka Road where the gravel road is maintained by the County.

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

- Site does contain mapped slopes. (USGS)
- Site does not contain mapped wetlands. (USFWS)
- Site does contain a frontage on Lake Pend Oreille
- No floodplain present

D. Services:

- Water: Individual Well
- Sewage: Individual Septic
- Fire: Sagle Fire District (Selkirk Fire)
- Power: Northern Lights
- School District: Bonner County #84

E. Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Land Use & Density
Site	Rural Residential	Rural-10	
North	Lake Pend Oreille	Lake Pend Oreille	Lake
East	Rural Residential	Rural-10	0.96 acre lot with residential structure
South	Rural Residential	Rural-10	10 acre lot with structures
West	Rural Residential	Rural-10	0.95 acre lot with no structures

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

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

Applicant: "The applicant bought the property with the lot size already below the 10-acre minimum. This lot is part of Page's Subdivision, a plat that was approved and recorded in 1964 before zoning was established. The neighbor's house was found to be encroaching upon the subject property and the applicant, along with the neighbors, wish to fix the encroachment by moving the lot line resulting in a smaller lot than the original lot size."

Staff: There are no other lots in the area with homes built over the property line. The properties all share access on a County maintained road and have various gradients of slope.

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

Applicant: "The applicant bought the property with the existing encroachment."

Staff: The applicant did not build the home; however, did buy the property.

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

Applicant: "This proposal is for allowing the interior lot line to be bumped out only where it needs to be to correct the encroachment. The public has no access to the portion of the proposed adjustment. Additionally, the interior lot line is not changing where it intersects the Lake or the public road."

Staff: There have been no comments received from any agency showing any concern regarding this variance.

G. Stormwater plan

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

H. Agency Review

The application was routed to agencies for comment on December 28, 2021.

Panhandle Health District	Idaho Department of Water Resources
Selkirk Fire District (Sagle Fire)	Bonner County Road Department
Northern Lights	U.S. Army Corps (Coeur d'Alene)
Lake Pend Oreille School District	U.S. Fish and Wildlife Service
Idaho Department of Fish and Game	Idaho Department of Lands (Sandpoint)
Idaho Department of Environmental Quality	Idaho Department of Lands, Nav. Waters

The following agencies commented:

Idaho DEQ: January 6, 2022 "no environmental impact comments at this stage of the project."

Idaho Fish and Game: January 5, 2022 "does not have any comments to submit for this application."

All other agencies did not reply.

I. Public Notice & Comments

There were no public comments received at writing of staff report.

VARIANCE

File V0030-21 – Street Setback Variance – Michael & Patricia Gavlord are requesting an 8-foot street setback where 25 feet is required to build a small two

car garage. The property is zoned Recreation. The project is located off West Garfield Bay Road in a portion of Section 21, Township 56 North, Range 01 West, Boise-Meridian.

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

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

APPLICANT PRESENTATION: None

PUBLIC/AGENCY TESTIMONY: None

APPLICANT REBUTTAL: None

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

MOTION TO APPROVE: Commissioner Davis moved to approve this project File V0030-21 for a street setback for a garage of a 10-foot street setback where 25 feet is required, 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 findings of fact and conclusions of law as set forth in the Staff Report as amended during this hearing and direct planning staff to draft written findings and conclusions to reflect this motion, have the Chairman sign, and transmit to all interested parties. The action that could be taken to obtain the variance is to complete the Conditions of Approval as adopted. This action does not result in a taking of private property. Condition of Approval A1 is amended so that setbacks shall be measured to 10 feet from the greatest architectural projection of the structure.

Commissioner Casey seconded the motion.

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

Findings of Fact

1. The property is less than one acre in a Recreation zone.
2. The property was created as Lot 18 of Cramer View Sites in 1965.
3. The home was added to the property on BLP94-019.
4. The applicant purchased this property in 2019.

5. The property is accessed off West Garfield Bay Road.

Conclusions of Law

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

Conclusion 1

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

Conclusion 2

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

Conclusion 3

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

Conditions of Approval, Standard Permit Conditions:

A-1 (Condition Amended During Hearing) Project shall follow the approved site plan. Setbacks shall be measured to 10 feet from the greatest architectural projection of the structure.

A-2 A storm water plan will be required per BCRC 12-720.

Background

A. Site data:

- Residential
- Lot 18 of Cramer View Sites
- Size: 0.35 acres
- Zone: Recreation
- Land Use: Resort Community

B. Access:

- Property access at W Garfield Bay Road where the treated gravel road is maintained by the County.

C. Environmental factors:

- Site does contain mapped slopes. (USGS)
- Site does not contain mapped wetlands. (USFWS)
- Site does not contain a frontage on Lake Pend Oreille

- No floodplain present

D. Services:

- Water: Individual Well
- Sewage: Garfield Sewer District
- Fire: Sagle Fire District (Selkirk Fire)
- Power: Northern Lights
- School District: Bonner County #84

E. Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Land Use & Density
Site	Resort Community	Recreation	Residential .35 acres
North	Resort Community	Recreation	Residential .3-.5 acres
East	Resort Community	Recreation	Residential .3-.5 acres
South	Resort Community	Recreation	Residential .3-.5 acres
West	Resort Community	Recreation	Timber/Mountain 14.75 acre lot

F. Standards review

BCRC 12-222 Application, Contents

Staff: The application was reviewed and found to be complete. The agency review letters were then sent out December 28, 2021.

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

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

Applicant: "Most 1/3 acre lots allow a surplus of room for a custom-built home, garage and outbuildings without setback challenges. Due to slope of lower portion of this lot, not enough room for proposed structures, handicap access and setback regulation."

Staff: There is sloping on the property pushing the building towards W Garfield Bay Road. The home and infrastructure were already in place when the property was purchased.

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

Applicant: "Applicant did not modify or create undevelopable slope (Subdivision was created on mountainside) 1990. Driveways were developed

prior to applicant's ownership. Well, pump house & utility infrastructure were developed prior to applicant's ownership."

Staff: The subdivision created in 1965 and the previous owners placing the home. The applicant did not create the current layout of the property.

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

Applicant: "Mature trees between proposed garage and G.B.Road provide safety barrier (Does not incr safety risk for motorist) Conventional building materials (Siding/roofing/doors, etc) will provide aesthetically pleasing addition to neighborhood. No abnormal (objectionable) lifestyle uses are proposed for garage - primarily parking for one auto & one pickup.."

Staff: The Road and Bridge department expressed concerns with the location of the garage preferring a ten foot setback. There were no other comments received on the file.

BCRC 12-412 Density and Dimensional Standards...Recreation...Zones

Table 412 Minimum Street Setback is 25 feet.

BCRC 12-420 General Standards

J. 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. (Ord. 512, 1-6-2010)

BCRC 12-720 Grading, Stormwater and Erosion Control

Staff: A stormwater management plan will be required pursuant to BCRC 12-720.2. See Condition A-2.

BCRC 12-819 Definitions – S

SETBACK: The minimum distance by which a building or structure must be separated from a street right of way, easement or property line.

STREET: B. Local Roads: A public or recorded thoroughfare which affords primary access to adjoining property. A local road may be a recorded easement for ingress and egress or a platted street which provides access to abutting property.

G. Agency Review. The application was routed to agencies for comment on December 28, 2021.

Panhandle Health District	Idaho Department of Water Resources
Garfield Bay Water & Sewer District	Lake Pend Oreille School District Transportation
Selkirk Fire (Sagle Fire)	Bonner County Road Department
Northern Lights	US Forest Service

The following agencies commented:

No agencies have provided comment at writing of staff report.

Previous notice sent October 16, 2021

Idaho Fish and Game, November 2, 2021: "Does not have any comments to submit for this application."

PHD, November 9, 2021: No Comment

Bonner County Road and Bridge: "...The 21 ft setback stated in the write up appears to be to the edge of the road travelway...This is a Bonner County maintained road and any setbacks reduced to less than 10ft to the edge of the ROW are cause for concern. Snow plowing, brush clearing using heavy equipment, utility installations, and other road maintenance actions can cause damage to structures placed too close to the County roads."

All other agencies did not reply.

H. Public Notice & Comments

There were no public comments received at writing of staff report.

CONDITIONAL USE PERMIT

File CUP0023-21 – Conditional Use Permit – Stan Kraly is requesting a Conditional Use Permit for a church on 2.5 acres of the 17.68-acre parcel. The property is zoned Agricultural/Forestry. The project is located off Colburn Culver Road in Section 4, Township 57 North, Range 1 West, Boise-Meridian.

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

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

APPLICANT PRESENTATION: Project Representative Jake Wray, Sonray Enterprises, provided comments on building a church, following guidelines of site plan, building of multipurpose building is a proposal, and use of property will be for a church.

PUBLIC/AGENCY TESTIMONY: The following individuals spoke on the record: Sheryl Kins, Jean Stoneback, Lee Burnett, and Alison Burnett.

APPLICANT REBUTTAL: Project Representative Jake Wray responded to public comments regarding occasional events, baby shower, Wednesday night bible study, not hosting bazars on a weekly basis, congregation size of 70 people, services from 9:00am to 2:00pm, and still working on building plans.

Staff Planner Jason Johnson responded to public comment regarding Conditional Use Permits allowing subzone parcels as a component of the conditional use permit.

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

MOTION TO APPROVE: Commissioner Davis moved to approve this project File CUP0023-21, a Conditional Use Permit for a church facility and a variation on the minimum parcel size requirement for the Agricultural/Forestry zone to allow the creation of a 2.5 acre parcel to accommodate the facility, finding that it is in accord with the general and specific objectives of the Bonner County Comprehensive Plan and Bonner County Revised Code as enumerated in the following conclusions of law, and based upon the evidence submitted up to the time the Staff Report was prepared and testimony received at this hearing. Commissioner Davis further moved to adopt the findings of fact and conclusions of law as set forth in the Staff Report and direct planning staff to draft written findings and conclusions to reflect this motion, have the Chairman sign, and transmit to all interested parties. 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. Amending Condition of Approval A-3 to strike the second sentence of the condition.

Commissioner Casey seconded the motion.

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

Findings of Fact

1. The applicant is requesting a to construct and operate a church facility and is also requesting permission to create a 2.5-acre platted parcel specifically for the church facility as a component of the CUP application.
2. Churches are conditionally allowed within the Agricultural/forestry Zone, per BCRC 12-335.

3. The site does not contain mapped slopes, watercourses, or wetlands.
4. The facility is planned to be served by a septic system and a public water system.
5. As shown in the staff report, the project in question either currently meets all applicable codes for the proposed use or can be conditioned to do so.

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. (See attached comprehensive plan goals, objectives, and policies)

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

Conclusion 2

This proposal was reviewed for compliance with the criteria and standards set forth at BCRC Title 12, Chapter 4, environmental standards of Title 12, Chapter 7, and stormwater management & standards set forth in Title 12, Chapter 7, 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** (Condition Amended During Hearing) All county setbacks shall be met. ~~The tower setback from all property lines shall, at minimum, be equal to the height of the tower.~~

- 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 development shall obtain an address for the development from Bonner County that meets the provisions of Bonner County Revised Code, Title 13.
- A-7** All lighting at the proposed facility shall be down-shielded, including those lights to be installed over doors. No direct light rays shall be allowed to project off the site. The only exception to this condition shall be for any lighting required by another regulatory agency.
- A-8** The building design shall conform to Blank Wall Treatment Standards of BCRC 12-4.5. The Building Location Permit (BLP) shall not be issued until these standards are met.
- A-9** A parking plan demonstrating compliance with the parking standards of BCRC 12-4.3 shall be submitted prior to the start of development.
- A-10** A landscaping plan demonstrating compliance with the standards of BCRC 12-4.6 shall be submitted prior to the start of development.
- A-11** The applicant shall receive a Building Location Permit (BLP) for the proposed sign prior to the start of development.
- A-12** Per BCRC 12-722.3, the applicant shall submit a grading/stormwater management plan as required under BCRC 12-724.1, prior to land disturbing

activities and prior to the issuance of the Building Location Permit that will be required prior to starting development of this project.

South	Agricultural/forestry 10	Agricultural/forestry 10	Residential & agriculture uses
West	Ag/Forest Land & Transition	Agricultural/forestry 10 & Commercial	Residential and commercial

F. Standards Review

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

- BCRC 12-111, Purpose:
 - *The zoning regulations and districts for the unincorporated areas of Bonner County, as herein established, have been made in accordance with a comprehensive plan and Idaho Code for the purpose of promoting the health, safety and general welfare of the people of Bonner County...*
 - The application of the standards, rules, and requirements of Bonner County Revised Code (BCRC) is the method by which Bonner County ensures project compliance with the goals, objectives, and policies of the Bonner County Comprehensive Plan.
 - Per BCRC 12-111, any project which conforms to the rules and requirements of BCRC is also in conformance with the goals, objectives, and policies of the Bonner County Comprehensive Plan.
- Per BCRC 12-112, the provisions of BCRC Title 12 shall be interpreted to carry out the purpose and intent of the Bonner County comprehensive plan.
 - Per BCRC 12-112.D.1, "shall" is mandatory and not discretionary.
- BCRC 12-220, et seq, conditional use permit, application, and standards
 - The application was deemed complete and routed to agencies.
- BCRC 12-335, Public use
 - Churches are conditionally allowed within the Agricultural/forestry Zone. The purpose of this review is to determine the specific conditions under which the proposed use will be allowed in this case.
- BCRC 12-4.2, Performance standards for all uses
 - Per application, noise and light will be minimal and typical of a church location. No odor, fumes, or vibrations are anticipated.
 - No storage of flammable materials is proposed in the application.
 - No radioactivity or electrical disturbances are proposed in the application.
 - No noise or vibration beyond that expected from a small church is proposed in the application.
 - A parking area is shown on the submitted site plan that appears to be adequate for the proposed use.
 - No air pollution from the facility is proposed other than that associated with the expected vehicle traffic.
 - The site is not anticipated to contribute to water pollution.

Background

A. Site data:

- Size: ~17.68 acres
- Unplatted
- Zone: Agricultural/forestry 10
- Land Use: Ag/Forest Land.

B. Access:

- Colburn Culver Road, a paved, county owned and maintained secondary arterial, and
- French Road, a treated gravel road that is county owned and maintained

C. Environmental factors:

- Site does not contain mapped slopes. (USGS)
- Site does not contain mapped wetlands. (USFWS)
- Site does not contain a river/stream/frontage on lake (USGS).
- Parcel is within SFHA Zone X, per FIRM Panel 16017C0730E, Effective Date 11/18/2009. No further floodplain review is required on this proposal.

D. Services:

- Water: Oden Water Association
- Sewage: Septic service planned
- Fire: North Side Fire
- Power: Avista (per applicant)
- School District: Bonner School #84

E. Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Land Use & Density
Site	Ag/Forest Land	Agricultural/forestry 10	Residential & agriculture uses
North	Ag/Forest Land	Agricultural/forestry 10 & Agricultural/forestry 20	Residential & agriculture uses
East	Ag/Forest Land	Agricultural/forestry 10	Residential & agriculture uses

- BCRC 12-4.3, Parking standards
 - The application indicates that parking will be provided, and the parking area is shown on the submitted site plan.
 - The parking plan does not demonstrate compliance with the parking standards of BCRC 12-432. This requires 1 space/4 fixed seats AND 1 space/50 square feet of gross floor area without seats for assembly purposes.
 - The permit will be conditioned that a parking plan demonstrating compliance with the parking standards of BCRC 12-4.3 shall be submitted prior to the start of development.
- BCRC 12-4.4, Sign standards
 - A single 3'x4' sign is proposed to be located off French Rd.
 - No sign plan has been submitted.
 - The applicant will be required to receive a Building Location Permit (BLP) for the propose sign. The permit will be conditioned as such.
- BCRC 12-4.5, Design standards
 - Sidewalk/pathway standards: Adjacent property or properties along the applicable street frontage (French Road) are not zoned for commercial uses.
 - Pedestrian connections: The proposed buildings and use is anticipated to generate little or no pedestrian traffic.
 - Parking Lot Pathways: The proposed parking lot is less than one hundred fifty feet (150') wide or long.
 - Per the submitted application, only building lighting is proposed. The parking area will not be lit.
 - A condition will be added requiring all lighting on the site and buildings to be downshielded.
 - Blank Wall Treatment Standards: Building plans have not been prepared at the present project stage. The permit will be conditioned to require compliance with this section.
 - Maximum building width: The building is less than one-hundred twenty (120') in width.
- BCRC 12-4.6, Landscaping and screening standards
 - No landscaping plan was submitted.
 - The permit will be conditioned that a landscaping plan demonstrating compliance with the standards of BCRC 12-4.6 shall be submitted prior to the start of development.
- BCRC 12-7.2, Grading, stormwater management and erosion control
 - A stormwater management plan was not required for this Conditional Use Permit application, pursuant to BCRC 12-720.2.
 - Per BCRC 12-722.3, the applicant shall submit a grading/stormwater management plan as required under BCRC 12-724.1, prior to land disturbing activities and prior to the issuance of the Building Location Permit that will be required prior to starting development of this project. A condition will be added requiring this.

G. Comprehensive Plan Land Use Designation

The comprehensive plan designation of Ag/Forest Land 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.

H. Stormwater plan

A stormwater management plan was not required for this Conditional Use Permit application, pursuant to BCRC 12-720.2.

Per BCRC 12-722.3, the applicant shall submit a grading/stormwater management plan as required under BCRC 12-724.1, prior to land disturbing activities and prior to the issuance of the Building Location Permit that will be required prior to development this project. A condition will be added requiring this.

I. Agency Review

The following agencies were noticed during the review of this application:

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

The following agencies commented:

Idaho Department of Environmental Quality (DEQ) does not review projects on a project-specific basis and submitted their standard 5-page letter of recommendations for this project.

The following agencies replied "No Comment:"

Idaho Fish & Game
ITD

All other agencies did not reply.

J. Public Notice & Comments

As of the time of staff report preparation, four public comments were received objecting to the project. They have been added to the record.

CONDITIONAL USE PERMIT

File CUP0026-21 – Conditional Use Permit – Communications Tower – Valiant Idaho, LLC is requesting a Conditional Use Permit for a communications tower on a 20 acre parcel. The property is zoned Recreation. The project is located off State Highway 200 and South Idaho Club Drive in Section 6, Township 57 North, Range 1 East, Boise-Meridian.

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

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

APPLICANT PRESENTATION: Project Representative Kim Benefield, PNW Cell Sites, LLC/Blue Sky Communication Sites, LLC, provided comments on history of constructing communication towers, 2-3 years ago Idaho Club requested help in getting additional cell services, logging road already excavated on tower site, one T-Mobile tenant and one Intermax tenant, grading of road and building access, soil study, Building Location Permit, all power will be underground, enclosed generator (likely natural gas or propane) building to reduce noise, site location, tower painted green, existing Avista Utilities conduit used for primary power source, stormwater and run-off requirements, compound parking and equipment staging area, access for emergency services, road design, and phases of the project.

PUBLIC/AGENCY TESTIMONY: The following individuals spoke on the record: Chris Norton, Dave Hunding (submitted Exhibits A through E), David Hunding, Anne Wilder (submitted Exhibits F and G), and Sheryl Kins (submitted Exhibits I and J).

APPLICANT REBUTTAL: Project Representative Kim Benefield responded to public comments regarding parking and staging on access road private road, and project being primarily a 4G site.

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

MOTION TO APPROVE: Commissioner Frankenbach moved to approve this project File CUP0026-21, a Conditional Use Permit for a communications tower on a 20-acre parcel, finding that it is in accord with the general and specific objectives of the Bonner County Comprehensive Plan and Bonner County Revised Code as enumerated in the following conclusions of law, and based upon the evidence submitted up to the time the Staff Report was prepared, and testimony received at this hearing. Commissioner Frankenbach further moved to adopt the findings of fact and conclusions of law as set forth in the Staff Report and direct planning staff to draft written findings and conclusions to reflect this motion, have the Chairman sign, and transmit to all interested parties. The action that could be taken to obtain

the conditional use permit is to complete the Conditions of Approval as written in the Staff Report with the addition of a condition that during the construction and maintenance of the tower the access road not be blocked. 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, 2 – 0.

Commissioners Davis and Frankenbach voted in favor of the motion; Commissioner Casey abstained.

Findings of Fact

1. The applicant is proposing a communication tower facility, including a 190-foot communications tower, on a parcel of ~93.96 acres.
2. Communications Towers are conditionally allowed with the Recreation Zone, per BCRC 12-335.
3. The setbacks proposed are equal to or greater than the proposed height of the tower.
4. The facility will be designed for co-location, including co-location of emergency communications equipment.
5. The facility will provide improved cellular and internet availability for area residents, having already received interest from such providers.
6. The tower will feature multiple modular equipment buildings ranging from 10x12 to 10x20.
7. The site does not contain mapped wetlands, nor any river, stream, or lake frontage, per USFWS.
8. The site does contain mapped slopes.
9. No water or sewer service is planned for the site.
10. The application did not include a specific plan for emergency access. A condition has been added to address this.
11. The application did not include a stormwater management, grading, and erosion control plan. A condition has been added to address this.
12. The application did not include a geotechnical analysis. A condition has been added to address this.

13. As shown in the staff report, the project in question either currently meets all applicable codes or can be conditioned to do so.

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. (See attached comprehensive plan goals, objectives and policies)

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

Conclusion 2

This proposal was reviewed for compliance with the criteria and standards set forth at BCRC Title 12, Chapter 4, environmental standards of Title 12, Chapter 7, and stormwater management & hillsides criteria and standards set forth in Title 12, Chapter 7, 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. The tower setback from all property lines shall, at minimum, be equal to the height of the tower.
- 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 development shall obtain an address for the development from Bonner County that meets the provisions of Bonner County Revised Code, Title 13.
- A-7** All lighting at the proposed facility shall be down-shielded, including those lights to be installed over doors. No direct light rays shall be allowed to project off the site. The only exception to this condition shall be any for lighting required by another regulatory agency.
- A-8** The proposed facility shall be built to telecommunication industry association/electronic industry association (TIA/EIA) 222 revision F standards, or as amended, for steel antenna support structures.
- A-9** Emergency access and emergency vehicle turnarounds are not directly addressed in the submitted application materials. The site plan shall be updated to directly address and clarify these issues, including how emergency access will be provided assuming other non-emergency vehicles are also on site. This required emergency access plan shall be approved by the local fire district prior to the start of development.
- A-10** The proposed communication tower shall be constructed to accommodate other future communication services where technically feasible ("collocation").
- A-11** Upon termination of use of a communication tower for a period of not less than one year, the landowner and/or tower operator/applicant shall remove the tower along with all supporting equipment, apparatus, and foundation.
- A-12** A stormwater management, grading, and erosion control plan was required pursuant to BCRC 12-7.2. No plan was included with the application. A stormwater management plan must be received and approved by the Bonner County engineer prior to the start of development.

- A-13** A geotechnical analysis was required pursuant to BCRC 12-7.6. A geotechnical analysis was not included with the application. A geotechnical analysis must be received and approved by the Bonner County engineer prior to the start of development.
- A-14 (Condition of Approval Added During Hearing)** During the construction and maintenance of the tower the access road shall not be blocked.

Background

A. Site data:

- ~93.96 acres, vacant land
- Unplatted
- Size: ~93.96 acres
- Zone: Recreation (Rec)
- Land Use: Resort Community.

B. Access:

- Applicant: *Highway 200 runs just below and through the area to be served by this tower and the Private Easement. Paved to the proposed access road of gravel at the top of North Star Lane in The Idaho Club subdivision.*
- Emergency access and turnarounds are not directly addressed in the submitted application materials.

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 (USGS).
- Parcel is within SFHA Zone X, per FIRM Panel 16017C0735E, Effective Date 11/18/2009. No further floodplain review is required on this proposal.

D. Services:

- Water: No service planned
- Sewage: No service planned
- Fire: North Side Fire
- Power: Avista (per applicant)
- School District: Bonner School #84

E. Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Land Use & Density
Site	Resort Community	Recreation	Vacant land
North	Resort Community	Recreation	Vacant and government land
East	Resort Community	Recreation	Vacant and government land

South	Resort Community	Recreation	Vacant lots and residential uses
West	Resort Community	Recreation	Vacant lots and residential uses

F. Standards review

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

- BCRC 12-111, Purpose:
 - *The zoning regulations and districts for the unincorporated areas of Bonner County, as herein established, have been made in accordance with a comprehensive plan and Idaho Code for the purpose of promoting the health, safety and general welfare of the people of Bonner County...*
 - The application of the standards, rules, and requirements of Bonner County Revised Code (BCRC) is the method by which Bonner County ensures project compliance with the goals, objectives, and policies of the Bonner County Comprehensive Plan.
 - Per BCRC 12-111, any project which conforms to the rules and requirements of BCRC is also in conformance with the goals, objectives, and policies of the Bonner County Comprehensive Plan.
- Per BCRC 12-112, the provisions of BCRC Title 12 shall be interpreted to carry out the purpose and intent of the Bonner County comprehensive plan.
 - Per BCRC 12-112.D.1, "shall" is mandatory and not discretionary.
- BCRC 12-220, et seq, conditional use permit, application, and standards
 - The application was deemed complete and routed to agencies.
- BCRC 12-335, Public use
 - Communication towers are conditionally allowed within the Recreation Zone. The purpose of this review is to determine the specific conditions under which the proposed use will be allowed in this case.
- BCRC 12-4.2, Performance standards for all uses
 - Any storage of flammable materials will be in conformance with BCRC 12-488.I and International Fire Code.
 - Radioactivity or electrical disturbances will be required to comply with all applicable federal standards and regulations.
 - Any noise or vibration from the site will be from diesel generators. These will run occasional and on emergency basis in the event of power loss to the tower. The generators will operate inside of insulated buildings.
 - The application indicates that parking will be provided. No parking areas are specifically labeled or called out on the submitted site plan. The application does not specifically address any specific emergency access, parking, or turnaround areas. While the site plan appears to

show an area of sufficient size for an ambulance to turn around if other vehicles are not occupying the space, the plan does not definitively demonstrate this. The permit shall be conditioned to address this issue.

- Any air pollution from the facility is associated with the diesel generators, which will operate intermittently on an emergency basis. The will be required to meet Idaho Department of Environmental Quality (DEQ) standards for air quality.
- The site is not anticipated to contribute to water pollution.
- BCRC 12-4.3, Parking standards
 - As previously stated, the application indicates that parking will be provided. No parking areas are specifically labeled or called out on the submitted site plan. The application does not specifically address any specific emergency access, parking, or turnaround areas. The site plan appears to show an area of sufficient size for an ambulance to turn around if other vehicles are not occupying the space (see conditions of approval).
- BCRC 12-4.4, Sign standards
 - No advertising or logo signs will be featured on the site.
 - Utility and safety signs will be present on the site as needed.
- BCRC 12-4.5, Design standards
 - This will be an isolated communication facility unintended for public access. Sidewalks and walking paths are not reasonable in a site such as this.
 - Per the submitted application, tower lighting is not required in this case.
 - Over-door lights will be the only lights on the proposed site. A Condition will be added requiring all lighting to be downshielded.
- BCRC 12-4.6, Landscaping and screening standards
 - Applicant: *Timber will be maintained all around the finished communication tower facility where some trees will be cleared to build the access road and the finished facility.*
- BCRC 12-4.8, Standards for specific uses, Communication towers
 - Communication towers and attendant facilities shall be enclosed by a fence not less than six feet (6') in height.
 - The application states that a six feet (6') high fence will be installed around the site.
 - The base of any tower shall not be closer to any property line than a distance equal to the tower height.
 - The submitted site plan shows that the tower is outside of a 190' setback area.
 - The commission shall consider the public convenience and necessity of the communication tower and any adverse effect the facility would have upon properties in the vicinity and may require such reasonable restrictions and conditions of development as to uphold the purpose and intent of this title and the comprehensive plan.
 - Communication towers are conditionally allowed within the Recreation Zone. The purpose of this review is to determine the

specific conditions under which the proposed use will be allowed in this case.

- The tower will be able to accommodate emergency communications equipment. The tower has already received letters of interest from Intermax Networks and T-Mobile.
- Communication towers shall be built to telecommunication industry association/electronic industry association (TIA/EIA) 222 revision F standards, or as amended, for steel antenna support structures.
 - The permit shall be conditioned as such.
- Communication towers shall be constructed to accommodate other future communication services where technically feasible ("collocation").
 - The permit shall be conditioned as such.
 - The tower has already received collocation requests.
- Communication towers shall meet all operational, construction and lighting standards of the federal aviation administration.
 - This application has been routed FAA.
- Communication towers shall not penetrate any airspace surface on or adjacent to any public or private airfields as set forth at subchapter 5.2 of this title.
 - This application has been routed FAA.
- Upon termination of use of a communication tower for a period of not less than one year, the landowner and/or tower operator/applicant shall remove the tower along with all supporting equipment, apparatus and foundation.
 - The permit shall be conditioned as such.
- Flammable material storage shall be in accordance with international fire code standards.
 - Any storage of flammable materials will be in conformance with BCRC 12-488.I and International Fire Code.
- Communication towers shall not be used for signage, symbols, flags, banners or other devices or objects attached to or painted or inscribed upon any communication facility for the purposes of displaying a message of any kind, except as required by a governmental agency.
 - No advertising is planned for the facility.
- BCRC 12-7.2, Grading, stormwater management and erosion control
 - A stormwater management plan was required pursuant to BCRC 12-7.2. No plan was included with the application. A condition will be added that a stormwater management plan must be received and approved by the Bonner County engineer prior to the start of development.
- BCRC 12-7.6, Hillside
 - A geotechnical analysis was required pursuant to BCRC 12-7.6. A geotechnical analysis was not included with the application. A condition will be added that a geotechnical analysis must be received and approved by the Bonner County engineer prior to the start of development

G. Comprehensive Plan Land Use Designation

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

H. Stormwater plan

A stormwater management plan was required pursuant to BCRC 12-7.2. No plan was included with the application. A condition will be added that a stormwater management plan must be received and approved by the Bonner County engineer prior to the start of development.

I. Agency Review

The following agencies were noticed during the review of this application:

Panhandle Health District	Idaho Department of Water Resources
Avista	State Historical Society
Northside Fire District	Bonner County Road & Bridge
Northern Lights	U.S. Forest Service
School District #84	Oden Water Association
Bonner County District #84 – Transportation	U.S. Fish and Wildlife Service
Idaho Department of Fish and Game	Idaho Department of Lands (Sandpoint)
Idaho Department of Environmental Quality	BNSF Railway
Bonner County Public Works	Idaho Division of Building Safety
Federal Aviation Administration	Idaho Transportation Department - Aeronautics
Bureau of Land Management – CDA District	

The following agencies commented:

IDEQ: Idaho Department of Environmental Quality (DEQ) does not review projects on a project-specific basis and submitted their standard 5-page letter of recommendations for this project.

Bonner County Emergency Management: From Bob Howard, Director, Bonner County Emergency Management: *"I support the project as it supports public communications infrastructure."*

IDFG: *Due to the proximity to the Pack River and Lake Pend Oreille(> 1 mile), piscivorous birds of prey, such as osprey or bald eagle, may attempt to nest on the tower. These birds are federally protected under the Migratory Bird Treaty Act. If a nest must be removed, we recommend waiting until hatchlings are fully fledged. Maintenance crews should contact the U.S. Fish and Wildlife Service North Idaho Field Office prior to disturbing nests. We recommend designing the tower to discourage nesting.*

We do not anticipate significant adverse impacts to fish or wildlife due to the proposed communication towers.

The following agencies replied "No Comment:"

Panhandle Health District.

All other agencies did not reply.

J. Public Notice & Comments. No public comments were received.

COMMISSIONER & STAFF UPDATES:

Planning Director Milton Ollerton discussed personnel changes in the Planning Department, Board of County Commissioners approving the hiring of two new administrative positions, setting one existing administrative position aside to manage the configuration of land use and Building Location Permit planning software, county surveyor retiring and asking for a full-time surveyor position, county development, taking in upwards of 1,700 Building Location Permits last year, 179 files went to hearing last year (111 to the Planning and Zoning Commission and 68 to the Board of County Commission), county development and private property ownership, putting Panhandle Health Department back into the Building Location Permit process, submitting letters of interest for the new commissions, Commission considering a writer, addressing the zone map, and Farm Stand hours of operation.

Commissioner Davis provided an update on the review of the Comprehensive Plan Map and meeting with Avista Utility Company.

At 8:46 p.m., the Chair declared the hearing adjourned until February 17, 2022.

Respectfully submitted,


Milton Ollerton, Planning Director

The above Minutes are hereby approved this 17th day of February 2022.

Bonner County Planning and Zoning Commission


Brian Bailey, Chair