

**BONNER COUNTY PLANNING and ZONING COMMISSION
PUBLIC HEARING MINUTES
March 17, 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; Jennifer Casey; Dave Frankenbach; and Sheryl Reeve

ABSENT: None

ALSO PRESENT: Planning Director Milton Ollerton; Assistant Planning Director Jacob Gabell; Planner I Chad Chambers; Planner I Daniel Britt; Planner I Amy Scott; Hearing Coordinator Jenna Crone

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.

APPROVAL OF MINUTES: The Chair requested the Commissioners declare if they had any corrections or changes to the approval of minutes as written for: March 3, 2022, and March 8, 2022 - Workshop. Hearing no changes or objections, the Chair declared the minutes approved as written.

ZONE CHANGE

File ZC0003-22 – Zone Change – Ag/Forest 20 to Ag/Forest 10 – Gayle and Robert Howard are requesting a Zone Change from AF-20 to AF-10 on a 20-acre unplatted parcel. The project is located off West Shingle Mill Road in Section 29, Township 58 North, Range 1 West, Boise-Meridian, Bonner County, Idaho.

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

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

APPLICANT PRESENTATION: Josh Pilch, Applicant Representation, addressed comments from agencies routed.

PUBLIC/AGENCY TESTIMONY: None

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

Zone Change - Motion by the Governing Body:

PLANNING & ZONING COMMISSION

MOTION TO APPROVE: Commissioner Davis moved to recommend approval to the Board of County Commissioner for this project, FILE ZC0003-22, requesting a zone change Agricultural/ Forestry-20 to Agricultural/ Forestry-10 for the parcel noted in the staff report, 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 (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.

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.

Zone Change Findings of Fact

- The parcel does not feature prime agricultural soils.
- Agricultural/ Forestry pursuits remain viable for this parcel.
- The parcel is within area of city impact of Kootenai.
- The parcel lies within Northside Fire District.
- Access to the property is on Bonner County owned and maintained road.
- The parcel is comprehensive planned Agricultural/ Forestry Land.
- Utilities are provided by Northern Lights.
- Water is provided by Oden Water Association.
- Sewage disposal is an existing septic system.
- The parcel is currently 20 acres in size.

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
Public Services
Special Areas or Sites

Natural Resources
Transportation
Housing

Hazardous Areas
Recreation

Conclusion 2

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

Conclusion 3

The proposal is in accord with the purpose of the Agricultural/ Forestry zoning district, provided at Chapter 3, Title 12, Bonner County Revised Code.

Background:

A. Site data:

- Unplatted
- Sizes: 20
- Zone: A/F-20
- Land Use: Agricultural/ Forestry Land
- Legal per: Instrument #983289

B. Access:

- The parcel is accessed off West Shingle Mill Road a Bonner County owned and maintained gravel travel surface.

C. Environmental factors:

- Site does not contain mapped slopes. (USGS)
- Site does contain mapped wetlands. (USFWS)
- Site does contain waterfront or streams. (NHD)
- Parcel is within SFHA Zone X, per FIRM Panel 16017C0730E, Effective Date 11/18/2009

Soils:

- Classification: Selle-Mission complex, 0 to 12 percent slopes
- Type: Complex
- Drainage: Well drained
- Prime farmland if drained

- Classification: Mission silt loam 2 to 12 percent slopes
- Type: Consoiation
- Drainage: Somewhat poorly drained
- Farmland of statewide importance, if drained

D. Services:

- Water: Oden Water Association
- Sewage: Individual septic
- Fire: Northside Fire District
- Power: Northern Lights Inc.
- School District: Bonner School #84

E. Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Land Use & Density
Site	Ag/Forest Land	A/F-20	Residential/ 20 acres
North	Ag/Forest Land	A/F-20	Residential/ 40 acres
East	Ag/Forest Land	A/F-10	Residential/ 40 acres
South	Ag/Forest Land	A/F-20	Residential/ 20 acres
West	Ag/Forest Land	A/F-20	Residential/ 21 acres

F. Standards Review: Bonner County Revised Code

12-111: 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

12-112(C): Interpretation, Relation to other Ordinances:

The provisions of this title shall be interpreted to carry out the purpose and intent of the zone district as shown on the official zoning maps on file in the planning department office, this title as adopted, and the Bonner County comprehensive plan.

The use of the following words shall apply:

1. "Shall" and "must" are mandatory and not discretionary.
2. "May" is permissive.
3. "Should" refers to a guideline that is encouraged, but not mandatory.

12-215: Applications for Zone Changes and Comprehensive Plan Map Amendments, Contents.

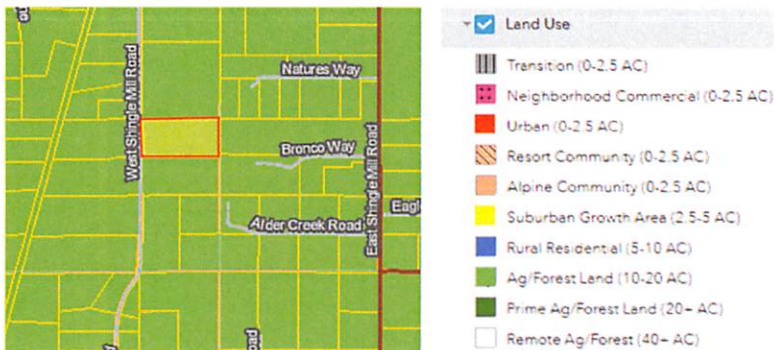
The application was considered complete and routed to agencies accordingly.

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)

12-320.1: The purpose statements for each zone and map designation set forth in the following sections shall be used to guide the application of the zones and designations to all lands in unincorporated Bonner County.

Existing Comprehensive Plan Designation:



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.

Comprehensive Plan Analysis:

Section 2.1 – Property Rights

Goal: 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.

Objective: Private property shall not be taken for public uses without just compensation or due process of law.

Impacts to other properties shall be taken into account when considering land use proposals, policies and codes.

Staff: The application was routed to neighbors 300’ from the property line, informing neighbors of the proposed zone change. As of March 9, 2022, Bonner County received no objections from the neighbors that the zone change would impact their private property rights.

Section 2.2 – Population

Goal: Multi-generational, multi-economic diversity shall be encouraged within Bonner County.

Objective: Bonner County shall keep current with the county census data, population estimates and projections and shall use the data to analyze community needs and project impacts.

Staff: Bonner County is awaiting results for 2020 census data, including population estimates. However, there is upward pressure on housing needs in Bonner County, both in the unincorporated portion of the County, and in the incorporated cities.

Section 2.3 – School Facilities & Transportation

Goal: Full consideration shall be given to the county’s ability to provide quality education to the current and future students of Bonner County.

Objective: Proposed developments and county land use decisions shall not adversely impact the local school districts and their ability to provide adequate school facilities and transportation systems.

Staff: The West Bonner School District #84 and Bonner County School Transportation that serves the property was notified of the proposed zone change and did not comment as to how an increase in density and development would or would not adversely impact the district’s ability to provide adequate school services (and facilities) for new and existing students.

Section 2.4 – Economic Development

Goal: Bonner County shall encourage economic diversity for the financial health of the community and maintenance of its rural atmosphere.

Objective: Bonner County shall provide areas for the growth of businesses, professional and technical services without adversely impacting the integrity of residential neighborhoods.

Future commercial and industrial developments shall provide adequate public/private services and access to suitable transportation systems.

Commercial and industrial areas shall be located in defined areas which encourage clustered development and discourage sprawl and strip development. Bonner County’s highway systems shall be viewed primarily as transportation corridors for the efficient flow of traffic and shall not be viewed merely as frontage roads for commercial development.

Bonner County shall consider the impact of commercial and industrial development on natural resources.

Staff: The property is accessed by suitable transportation systems. Further the proposed zone change from Agricultural/ Forestry-20 to Agricultural/ Forestry-10 will be consistent with the zoning in the area. This will not jeopardize the integrity of the neighborhood or community.

Section 2.5 – Land Use

Goal: 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.

Objective: Bonner County will develop and maintain a future land use map and land use codes that acknowledge the values of its agricultural and timber land, protects

the water and wildlife resources, identifies and avoids hazard areas, provides areas for economic growth, encourages affordable housing and centers growth in areas where adequate public and private services can be provided.

Staff: The proposed zone change from Agricultural/ Forestry-20 to Agricultural/ Forestry-10 is compatible with surrounding land uses. Additionally, the property will not adversely impact natural resources as Bonner County Code requires that setbacks be met to all mapped wetlands, streams or other environments features that might be found on the property.

Section 2.6 – Natural Resources

Goal: Bonner County places a high value on its natural resources and amenities and desires to protect these features that make the county 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.

Objective: Bonner County's system of lakes and waterways is one of its greatest assets, and Bonner County will strive to preserve both the quality and quantity of its water resources.

Bonner County values its productive agricultural lands and forests, its fisheries, wildlife and wetlands, and will provide measures to protect and maintain these natural features.

Bonner County will protect its water resources by requiring adequate sewer treatment systems based on soil, density, and intensity of use to reduce impacts to water resources.

Bonner County intends to consider wetlands and aquifer recharge areas in the location and density of future development.

Bonner County intends to maintain or enhance its fish and wildlife resource

Staff: The impacts to wildlife and other natural resources in this area of Bonner County will be minimal, given the current requirements that need to be followed by code.

Section 2.7 – Hazardous Areas

Goal: 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.

Objective: Bonner County intends to regulate the location and density of new development in floodplain to reduce the potential for the loss of lives and property within flood hazard areas.

Future development shall be designed to reduce exposure to wildland fire and to provide for emergency and escape routes for residents.

Development within areas of excessive slopes, unstable areas and avalanche zones shall be discouraged.

Staff: The subject property is not located in a mapped floodplain however there is an intermittent stream which could potentially cause seasonal minor flooding. The parcel doesn't have any mapped slopes. Furthermore, the property is afforded fire protection by the Northside Fire District.

Section 2.8 – Public Services, Facilities & Utilities

Goal: Future development shall provide adequate services and should not adversely impact the services or utilities of present-day users.

Objective: 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.

New development shall not unduly overburden 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.

Full urban services and provisions for continued operation and maintenance of the systems shall be provided for urban and suburban densities.

Staff: The property is within the Oden Water Association and is currently being severed by the association. For that reason, the applicant would need to contact them for additional water connections, if they chose to develop the property. The availability of these services, and their potential impacts to adjacent properties, are not currently known at the zone change phase.

Section 2.9 – Transportation

Goal: Bonner County intends to provide a transportation system that is safe, uncongested, and well maintained.

Objective: Future development shall not adversely impact the existing transportation system by reducing the quality or level of service or creating hazards or congestion.

Roads within new development shall be built to county standards and at the expense of the developer.

Roads within new development shall provide adequate access for fire and emergency vehicles and routes of escape.

Future access roads shall be developed to integrate with the state and county system of roads without overburdening the transportation system.

To reduce transportation costs, road building and environmental impacts, cluster development shall be encouraged.

Bonner County intends for certain intense land use developments to provide paved roads.

Bike ways and pedestrian paths shall be included in development plans to provide an integrated community transportation system wherever possible.

Staff: The applicant's property is accessed by a County owned and maintained road. Due to the general density in the area, staff does not anticipate that the changes to the property being zoned at a higher density will create the conditions for hazards or congestion.

Section 2.10 - Recreation

Goal: Public and private recreational opportunities are recognized as a major county asset to be protected and encouraged

Objective: Public recreational accesses and amenities shall not be obstructed or adversely impacted by future development.

Staff: Re-zoning this property from Agricultural/ Forestry-20 to Agricultural/ Forestry-10 will not affect current recreational opportunities in Bonner County.

Section 2.11 - Special Areas or Sites

Goal: Bonner County will attempt to protect special archeological and historical sites and unique visual and ecological features of the region.

Objective: Future developments shall not adversely affect or destroy culturally or ecologically sensitive sites.

Staff: Rezoning the property is not an application for development. Thus, the potential for a rezone to disturb any special archeological and historical sites is null.

Section 2.12 - Housing

Goal/ Objective: Bonner County recognizes diverse housing needs are to be addressed to provide adequate shelter for all, regardless of age, income or physical abilities.

Staff: The application is consistent with the housing component of the comprehensive plan as the rezone may result in more opportunities for different housing options in Bonner County.

Section 2.13 - Community Design

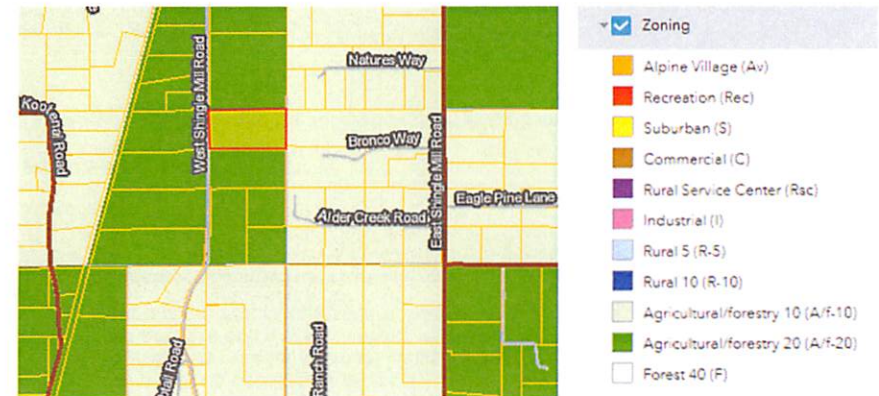
Goal: Bonner County's goal is to maintain a variety of lifestyles and a rural character in the future development of Bonner County.

Objective: Bonner County intends for new development to locate in areas with similar densities and compatible uses.

Bonner County intends for new development to minimize the adverse impacts on adjacent areas.

Bonner County intends to consider the protection of natural resources and the rural features and surrounding uses of the community in the design and location of new development.

Staff: Rezoning the property may result in increased development, but that increase in development will not compromise the existing character of the community as most properties surrounding the property are already zoned either Agricultural/ Forestry-20 or Agricultural/ Forestry-10. Additionally, the property is in the Agricultural/ Forestry land use plan designation which guides how development will happen.



Existing Zoning:

12-322: AGRICULTURAL/FORESTRY DISTRICT:

A. The agricultural/forestry district is established to provide for agricultural and forestry pursuits, including livestock production, forestry, horticulture, floriculture, viticulture, and necessary accessory uses for treating, storing and processing agricultural products. The purpose of the A/F district is to preserve, protect and maintain areas that are rural in character and the integrity of the forest/woodland areas where viable agricultural pursuits can be feasible and to avoid fragmentation of forests and farms. These purposes are accomplished by:

1. Establishing residential density limits and conservation development standards to retain areas sized for efficient farming.
2. Allowing for uses related to agricultural production and limiting nonagricultural uses to those compatible with agriculture or requiring close proximity for the support of agriculture.

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

1. A/F-20 in all areas designated as prime ag/forest land in the comprehensive plan. The A/F-20 zone is also appropriate in areas designated ag/forest land in the comprehensive plan that also feature
 - a. Prime agricultural soils.
 - b. Are characterized by agricultural or forestry uses.
 - c. Areas where one or more of the following apply: limited services; characterized by slopes steeper than thirty percent (30%); where access may be absent or limited to substandard road systems or where large tracts of land may be devoted to ag/forest production.

Proposed Zoning:

12-322 AGRICULTURAL/FORESTRY DISTRICT:

A. The agricultural/forestry district is established to provide for agricultural and forestry pursuits, including livestock production, forestry, horticulture, floriculture, viticulture, and necessary accessory uses for treating, storing and processing agricultural products. The purpose of the A/F district is to preserve, protect and maintain areas that are rural in character and the integrity of the forest/woodland areas where viable agricultural pursuits can be feasible and to avoid fragmentation of forests and farms. These purposes are accomplished by:

1. Establishing residential density limits and conservation development standards to retain areas sized for efficient farming.
2. Allowing for uses related to agricultural production and limiting nonagricultural uses to those compatible with agriculture or requiring close proximity for the support of agriculture.

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

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.

12-720 Grading, Stormwater Management and Erosion Control:

A stormwater management plan was not required, pursuant to BCRC 12-720.3(K)....the creation of additional "Impervious surface", as defined in section 12-809 of this title.

G. Agency Review:

The application was routed to the following agencies for comment on February 8, 2022.

Panhandle Health District	Bonner County Road and Bridge Department
Oden Water Association	Idaho Department of Environmental Quality
Northside Fire District	Idaho Department of Water Resources
Northern Lights, Inc.	Idaho Department of Fish and Game
Lake Pend Oreille School District #84	Idaho Transportation Department
Bonner County Schools - Transportation	U.S. Fish and Wildlife Service
Idaho Department of Lands, Nav. Waters	U.S. Forest Service
BNSF Railway	U.S. Army Corps (Coeur d'Alene)
City of Kootenai	

The following agencies provided comment:

Panhandle Health District- see attached letter for project recommendations
 DEQ- see attached letter for project recommendations
 City of Kootenai- see attached letter for ACI facts

The following agencies replied "No Comment":

Idaho Transportation Department "No Comment"
 Idaho Fish & Game "No Comment"

All other agencies did not reply.

H. Public Notice & Comments:

As of March 9, 2022, no public comments were received for this file.

Staff Analysis:

Staff concluded that the parcel is consistent with proposed zoning of Agricultural/Forestry 10, Bonner County Revised Code, and with the general and specific objectives of the Bonner County Comprehensive Plan based upon the information found in the 'Background' portion of this staff report; and as demonstrated by the findings of fact, and conclusions of law below.

Comparisons of the A/F-20 district, and the A/F-10 district for the parcels.

A/F-20 Standards	A/F-10 Standards
<ul style="list-style-type: none"> • Prime agricultural soils • Characterized by agricultural or forestry uses • Limited services • Characterized by slopes steeper than 30% • Absent or limited to substandard road system or • Where large tracts devoted to ag/forest production. 	<ul style="list-style-type: none"> • Do not feature prime agricultural soils • Where agricultural and forestry pursuits remain viable • Within or adjacent to areas or city impact • Where lands are afforded fire protection • Access to standard roads • Other services

Prime agricultural soils:

- Prime agricultural soils are not featured on this parcel. The two soils found on the property are classified as prime farmland if drained and farmland of statewide importance, if drained.

Characterized by agricultural or forestry uses:

- The state of Idaho characterizes agricultural/ forestry pursuits as, the total area of such land, including the homesite, is more than five (5) contiguous acres and is actively devoted to profitable agriculture or forestry activities. The general area of this proposal is characterized by agricultural, and forestry uses. Since this proposal is remaining within the Agricultural/ Forestry district then these pursuits will remain viable for this parcel.

Area of City Impact:

- The parcel is within City of Kootenai area of impact.

Limited Services:

- Available public services for the parcels are, Northside Fire district, Northern Lights Incorporated Power Company, Bonner County roads and a state highway system, telephone-internet services. Onsite services are Oden Water and individual septic system. Therefore, this parcel is afforded fire protection and other essential services as required for the A/F-10 zoning.

Characterized by slopes steeper than 30%:

- This parcel is not characterized by slopes steep than 30% grade. The parcel is flat with no mapped slopes on it.

Absent or limited to substandard road system:

- The parcel is accessed by a Bonner County owned and maintained gravel travel surface. The property is less than a mile of two paved Bonner County owned and maintained roads. Highway 200 and Highway 95 are approximately 3 miles away, which is a state paved owned and maintained travel surface. For those reasons the parcel is not limited to substandard road system.

Where large tracts devoted to agriculture/ forest production:

- In the immediate area the largest tract of land is over 8 miles away. There are several properties in the area that are used for agricultural/ forestry activities, but most are below 640 acres.

CONDITIONAL USE PERMIT

File CUP0028-21 – RV Park – John & Rami Fitzmorris are requesting a conditional use permit to operate an RV park not to exceed 3 RV units on a 1-acre parcel. The property is zoned Rural 5-acre. The project is located off Highway 41 in Section 36, Township 56 North, Range 6 West, Boise Meridian, Bonner County, Idaho.

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

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

APPLICANT PRESENTATION: John Fitzmorris answered questions from the Commissioners.

PUBLIC/AGENCY TESTIMONY: None

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

Motion by the governing body:

PLANNING & ZONING COMMISSION

MOTION TO APPROVE: Commissioner Reeve moved to approve this project FILE CUP0028-21, request to operate an RV park, not to exceed (3) RV units on a 1-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 Reeve 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. 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 subject property is zoned Rural 5-acre and is in the Rural-Residential Comprehensive Land Use Plan Designation.
2. The property is situated in Oldtown's Area of City Impact.
3. There are no mapped streams, wetlands, or slopes between 15-29% or 30%+ on the property.
4. The subject property is in the West Pend Oreille Fire District.
5. The applicant is proposing an RV park, not to exceed 3 total spots on a □1-acre parcel.
6. Commissioner Bailey found that there is a need in the County for affordable housing.

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
Transportation | •Population | •School Facilities, |
| •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	Amended during the hearing The applicant shall maintain the existing vegetation on the property. If any shrubs, trees, or other vegetation is removed, the applicant shall replant the vegetation in accord with Appendix B of Title 12, Part 1 Native Plant Landscaping List.

Conditions to be met prior to issuance of the permit:

B-1	The applicant must obtain any encroachment permit, as required by the Idaho Transportation Department.
B-2	The applicant must demonstrate compliance with BCRC 12-497 (G) (1) by providing "adequate water supplies for drinking and fire suppression, as well as approval of sewage disposal sites and methods by Panhandle Health district and/or the state of Idaho".
B-3	Amended during the hearing The applicant must demonstrate compliance with the following: <ul style="list-style-type: none"> • BCRC 12-4.3, Parking standards — the applicant must specify, in writing, how many parking spaces are designated for each RV spot. • BCRC 12-497 (K), provide an updated Site Plan which includes: <ul style="list-style-type: none"> — 6. Size of the site in acres; — 8. Reserved or dedicated open space; — 9. Major landscape features, both natural and manmade; — 10. Locations of existing and proposed utility lines; — 11. Accessory off-street parking and loading facilities, and parking space areas; — 13. Traffic circulation patterns; — 17. Proposed screening and buffering, including fences, yards, walls or vegetation. (Ord. 594, 12-18-2019)
B-4	The applicant must apply for an obtain a building location permit (BLP) in relation to the proposed RV spaces, driveway, and any structures situated on the property that require a BLP. The building location permit must include landscaping as required per BCRC 12-4.6.

Background:

A. Site data:

- 1-acre parcel
- Zone: Rural 5-acre
- Land Use: Rural Residential

B. Access:

- The property is accessed by driveway which connects to highway 41.

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
- JRJ, 3.7.2022: Parcel is within SFHA Zone X, per FIRM Panel 16017C0850E, Effective Date 11/18/2009. No further floodplain review is required on this proposal.

D. Services:

- Water: supplied by well (adjacent to the property)
- Sewage: existing septic system (750 gal. located northwest of the RV site)
- Fire: West Pend Orelle Fire
- Power: Inland Power & Light
- School District: West Bonner School District #83

E. Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Land Use & Density
Site	Rural Residential	Rural 5	1 RV on-site
North	Rural Residential	Rural 5	Residential
East	Rural Residential	Rural 5	Residential
South	Rural Residential	Rural 5	Residential
West	Rural Residential	Rural 5	Residential

F. Standards review

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

BCRC 12-333: Commercial Use Table

- ✓ **Staff:** recreational vehicle parks/campgrounds are conditionally permitted in the Rural Zoning District, provided adequate water supplies for drinking and

fire suppression are available, along with a Panhandle Health District (and or the State of Idaho) approved plan to dispose sewage method. The applicant states that there is an existing 750-gal septic tank (located northwest of the site) which will be used for the three (3) RVs.

- Two conditions of approval have been added to the file to ensure 1). the applicant’s existing septic system is approved for RV rental use by Panhandle Health District, and 2). the applicant demonstrates adequate water supplies are available for drinking water and fire suppression.

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

- ✓ **Staff:** the code states that “this subchapter establish criteria for conditional uses in a zoning district. (Ord. 501, 11-18-2008).”

BCRC 12-221: General Provisions (A, B, C)

12-221 (A)

- ✓ **Staff:** The subject property is being considered individually on the basis of its unique characteristics relative to its design, size, method of operation, location, circulation, and proposed commercial use.

12-221 (B)

- ✓ **Staff:** If the conditional use permit is approved by the Planning and Zoning Commission, the terms and conditions of the conditional use permit will run with the land and may only be changed pursuant to BCRC 12-266.

12-221 (C)

- ✓ **Staff:** the conditional use permit should be valid for the life of the use at the subject property, unless the Planning and Zoning Commission specifies a date at which the permit shall expire, or the permit is revoked under title 12. The conditional use permit shall run with the land, and no change of ownership shall deem the special permit null and void per Ordinance No. 501, effective November 18, 2008.

BCRC 12-4.2, Performance standards for all uses

- ✓ **Staff:** the applicant states that there will be no hazards or dangers to persons on or adjacent to the property. Additionally, the applicant states that there will be no effects related to noise, light glare, odor, fumes, and vibrations on adjoining property. Moreover, the applicant argues that the RV units are consistent with the rural residences north of the subject property, and that they have been in operation for two (2) years, without any complaints related to the above effects (noise, light glare, etc.).

BCRC 12-4.3, Parking standards

- ✓ **Staff:** the minimum requirement for RV sites is 1.25 spaces/unit within 500 feet of the principal use. Prior to issuance of the conditional use permit, the applicant must indicate (in writing) how many parking spaces are designated for each RV spot (**see Conditions of Approval**).

BCRC 12-4.4, Sign standards

- ✓ **Staff:** the applicant is not proposing any advertising signs. Advertising signs are not a requirement set forth per BCRC 12-497 (1)(1). The codes states that signs are "allowed" pursuant to BCRC 12-4.4 Sign Standards.

BCRC 12-4.6, Landscaping and screening standards

- ✓ **Staff:** based on the very high-resolution imagery Bonner County Planning has access to, the applicant appears to have trees and shrubs approximately 20' from a distance to each other which front HWY 41 to the east. To the north trees are situated on the land between approximately 18' to 24'.
- ✓ **Staff:** based on the existing vegetation on the property (which deviates from the standard), a condition of approval has been added to ensure that any vegetation removed be replaced with native vegetation, as approved, per BCRC Appendix B of Title 12 North Idaho Native and Beneficial Plan List.

BCRC 12-497, RV Parks/Campgrounds

A. Density:

12-497 (A) (1)

- ✓ **Staff:** based on the existing impervious surface, the applicant is requesting a deviation from the standard for a 800ft² pad where 1800ft² is required. The width for each RV spot conforms to the standard at 40ft where 24ft is required.

12-497 (A) (3)

- ✓ **Staff:** The applicant is proposing to use one (1) acre for three (3) RV spots.

12-497 (A) (5)

- ✓ **Staff:** the applicant is not proposing to use 100% of the campground to RV spaces.

12-497 (A) (6)

- ✓ **Staff:** the RV park site plan illustrates there is a buffer between the northerly property and the existing RV pads. Additionally, there is a vegetative buffer near the northerly property line that will reduce potential visual impacts to neighbors.

12-497 (A) (7)

- ✓ **Staff:** the applicant is not proposing 25 or more RV units, so they do not need to establish a planned unit development (PUD) for the property.

B. Yards and Spacing:

12-497 (B) (1)

- ✓ **Staff:** the setbacks to the neighboring property lines conform to the 25ft minimum standard.

- East property line: 25ft
- West property line: 33ft
- South property line: 100ft
- North property line: 68ft

12-497 (B) (2)

- ✓ **Staff:** the applicant's site plan shows the RV spots 25ft apart from each other. This conforms to the 10ft distance from any other RV. The applicant is requesting a deviation from this standard for the existing storage shed (permanent structure) on-site as directly adjacent/connected to the RV pad furthest west and does not conform to the 10ft setback standard as demonstrated by the very high-resolution imagery below (**Fig. 1**).

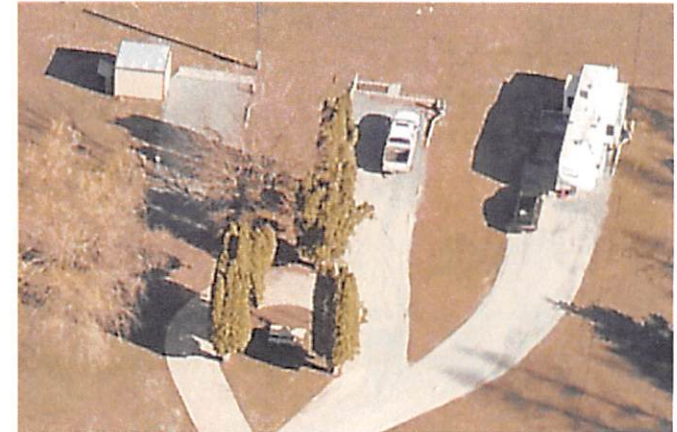


Fig 1. Image of non-permanent structure connected to westerly RV pad

12-497 (B) (3)

- ✓ **Staff:** the applicant is not proposing any RV accessory building on the site plan.

C. Access:

12-497 (C) (1)

- ✓ **Staff:** the RV park is accessed by a private driveway that connects to HWY 41, which is owned and maintained by the Idaho Transportation Department.

12-497 (C) (2)

- ✓ **Staff:** the RV park is not accessed by a private road. Thus, the standards set forth in Title 12, Appendix A to not apply to the proposed conditional use permit application.

D. Parking:

12-497 (D) (1)

- ✓ **Staff:** see staff analysis for Section 12-4.3 Parking Standards.

E. Park Site Design:

12-497 (E) (1)

- ✓ **Staff:** the ≈20' travel way leading into each RV spot is wide enough to allow for pedestrian and bicycle access. The applicant is not proposing to add any additional bike paths that lead to any of the RV spots.

12-497 (E) (2)

- ✓ **Staff:** the applicant is not proposing to use their property in tandem with other recreational uses listed in this standard of review.

12-497 (E) (3)

- ✓ **Staff:** each space within the RV park does have direct access to the concrete horseshoe-like travel way that connects to the applicant's other driveway, leading to HWY 41.

12-497 (E) (4)

- ✓ **Staff:** staff took approximate measurements of the RV park travelway and found that it is slightly over 20' throughout, with the exception of the westerly portion of the horseshoe driveway which is around 12' wide. The applicant is requesting a deviation from this standard for that portion of the travelway (i.e. - driveway) leading into the property (and designated RV spots). The horseshoe design of the travelway (driveway) allows for a one way in, one way out, continuous traffic flow.

12-497 (E) (5)

- ✓ **Staff:** based on the existing parking design of the RV park, the parking spaces behind each RV spot are wide enough and will allow for parking up to at 45° angle from the travelway.

12-497 (E) (6)

- ✓ **Staff:** the travelway leading into the property (and RV spots) does connect to HWY 41. The property is not accessed by a private road. Therefore, the standards set forth in Title 12, Appendix A do not apply to the proposed use (RV park) of the land.

12-497 (E) (7)

- ✓ **Staff:** the standard for an RV having an open-shell snow roof is permissible, but not mandatory. Thus, the application for this RV park does not require the applicant to submit an obtain building location permits associated with the

storage of RVs during winter months. If they wish to obtain a snow roof (in the future) for any of the three designated RV spaces, they must strictly adhere to this standard.

12-497 (E) (8)

- ✓ **Staff:** the RV park was built prior to the applicant applying for the conditional use permit. Thus, the option of building the RV park in phases does not apply.

12-497 (E) (9)

- ✓ **Staff:** the applicant is encouraged to review the following per the Bonner County Revised Code:

"Uses that are clearly incidental to the operation of the park, such as management headquarters, recreational facilities, toilets, dumping stations, laundry facilities, a convenience store, and other facilities established within the park, are permitted as accessory uses."

Staff: none of the above referenced facilities were proposed with the conditional use permit application. Thus, if the applicant decides to add additional amenities in the future, they must apply for a modification to their conditional use permit, showing where those facilities will be located on-site, etc.

12-497 (E) (10)

- ✓ **Staff:** the travelway leading into each RV spot should be wide enough for safe and convenient access for service and emergency vehicles to enter and exit the property. If the fire district or other emergency services provide the planning department with a comment, prior to the hearing, suggesting changes to the proposed travelway, a condition of approval will be added to the file to ensure there is adequate access. Further, the existing horseshoe like design of the travelway coming in and out of the property does not encourage outside visitors to trespass on the property, and is designed to allow for a continuous, smooth flow of vehicle (and RV) entry/exit.

12-497 (E) (11)

- ✓ **Staff:** the property is not situated within a Mapped Floodplain A or AE zone, nor is the property near a mapped wetland (USFWS), or shoreline. All required setbacks in relation to environmental features (or lack thereof) on this property have been met.

F. Landscaping:

12-497 (F) (1)

- ✓ **Staff:** see staff's analysis of the landscaping screening standards above.

G. Water and Sewer:

12-497 (G) (1)

- ✓ **Staff:** this requirement is permissive (i.e. – the language is “may”), but the applicant is required to provide “adequate water supplies for drinking and fire suppression, as well as approval of sewage disposal sites and methods by Panhandle Health district and/or the state of Idaho” per BCRC 12-333 Recreational vehicle parks/campgrounds (8). **See Conditions of Approval.**

H. Refuse Collection:

12-497 (H) (1)

- ✓ **Staff:** the applicant states that they have “a dumpster we pay for located up at our house that they use”.

I. Signs:

BCRC 12-497 (I) (1)

- ✓ **Staff:** this standard was previously addressed by staff. The applicant is not proposing signage in relation to the RV park.

J. Permits Required.

BCRC 12-497 (J) (3)

- ✓ **Staff:** the applicant must apply for an obtain a building location permit in relation to the proposed RV park, the spaces, driveway, and any structures situated on the property. – **see Conditions of Approval.**

K. Site Plan: A site plan shall be submitted upon application for a conditional use permit for the development of a recreational vehicle park/campground. The site plan must include a north arrow and must clearly depict the following:

BCRC 12-497 (K) (1) & (2)

- ✓ **Staff:** the applicant demonstrates where existing structures are located (and their use) on the site plan.

BCRC 12-497 (K) (3)

- ✓ **Staff:** the existing roads, easements and points of access are delineated on the site plan.

BCRC 12-497 (K) (4)

- ✓ **Staff:** the recreational vehicle space dimensions are labeled on the site plan.

BCRC 12-497 (K) (5)

- ✓ **Staff:** campground space dimensions are different than the required RV space dimensions.

BCRC 12-497 (K) (6)

- ✓ **Staff:** see Conditions of Approval.

BCRC 12-497 (K) (7)

- ✓ **Staff:** the property line setbacks are shown on the site plan as required.

BCRC 12-497 (K) (8)

- ✓ **Staff:** see Conditions of Approval.

BCRC 12-497 (K) (9)

- ✓ **Staff:** see Conditions of Approval.

BCRC 12-497 (K) (10)

- ✓ **Staff:** see Conditions of Approval.

BCRC 12-497 (K) (11)

- ✓ **Staff:** see Conditions of Approval.

BCRC 12-497 (K) (12)

- ✓ **Staff:** the location of the septic tank that will serve RVs is shown on the site plan.

BCRC 12-497 (K) (13)

- ✓ **Staff:** see Conditions of Approval.

BCRC 12-497 (K) (14)

- ✓ **Staff:** the applicant specifies, on their application, that trash services are provided but located on a different property.

BCRC 12-497 (K) (15)

- ✓ **Staff:** the applicant is not proposing any signs associated with the RV park on-site.

BCRC 12-497 (K) (16)

- ✓ **Staff:** the two (2) 10x12 sheds to be used for outdoor storage are delineated on the site plan.

BCRC 12-497 (K) (17)

- ✓ **Staff:** see Conditions of Approval.

G. Comprehensive Plan Land Use Designation

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

The property was reviewed against the implementation component of the comprehensive land use plan and found to be in compliance with the goals and objectives.

Section 2.1 – Property Rights

GOAL:

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.

OBJECTIVES:

Private property shall not be taken for public uses without just compensation or due process of law.

Impacts to other properties shall be taken into account when considering land use proposals, policies and codes.

- ✓ **Staff:** the application was routed to neighbors 300' from the property line, informing neighbors of the proposed use. Bonner County received no objections from the neighbors that the use of an RV park on the property would result in the adverse impacts to the neighboring owner's private property rights.

Section 2.2 – Population

GOAL:

Multi-generational, multi-economic diversity shall be encouraged within Bonner County.

OBJECTIVES:

Bonner County shall keep current with the county census data, population estimates and projections and shall use the data to analyze community needs and project impacts.

- ✓ **Staff:** Bonner County has been waiting for 2020 census data, including population estimates. Until these datasets become available, Bonner County Planning cannot make accurate projections to analyze how the community's needs will change as more people move to the area. That said, there is upward pressure on housing needs in Bonner County, both in the unincorporated portion of the County, and in the incorporated cities. This is especially true for affordable housing options throughout the County. The property is located within Oldtown's area of City Impact, and the planning department did not receive any comment in relation to how the proposed RV park would (or would not) benefit the County as a whole.

Section 2.3 – School Facilities & Transportation

GOAL:

Full consideration shall be given to the county's ability to provide quality education to the current and future students of Bonner County.

OBJECTIVES:

Proposed developments and county land use decisions shall not adversely impact the local school districts and their ability to provide adequate school facilities and transportation systems.

- ✓ **Staff:** the school district that serves the property was notified of the proposed use and did not comment as to how it would or would not adversely impact the district's ability to provide adequate school services (and facilities) for new and existing students.

Section 2.4 – Economic Development

GOAL:

Bonner County shall encourage economic diversity for the financial health of the community and maintenance of its rural atmosphere.

OBJECTIVES:

Bonner County shall provide areas for the growth of businesses, professional and technical services without adversely impacting the integrity of residential neighborhoods.

Future commercial and industrial developments shall provide adequate public/private services and access to suitable transportation systems.

Commercial and industrial areas shall be located in defined areas which encourage clustered development and discourage sprawl and strip development.

Bonner County's highway systems shall be viewed primarily as transportation corridors for the efficient flow of traffic and shall not be viewed merely as frontage roads for commercial development.

Bonner County shall consider the impact of commercial and industrial development on natural resources.

- ✓ **Staff:** the proposed RV park aligns with the Rural Residential land use component of the comprehensive plan insofar as the RVs spots are located 1) in a place where urban services are not available; 2) will not adversely impact the integrity of residential neighborhoods; and 3) have adequate access to HWY 41. Finally, the RV spots will provide affordable housing options which will encourage economic diversity for the financial health of the community and maintenance of the rural atmosphere in Bonner County. The proposed development aligns to both the goal and objectives of the economic development component of the comprehensive plan.

Section 2.5 – Land Use

GOAL:

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.

OBJECTIVES:

Bonner County will develop and maintain a future land use map and land use codes that acknowledge the values of its agricultural and timber land, protects the water and wildlife resources, identifies and avoids hazard areas, provides areas for economic growth, encourages affordable housing and centers growth in areas where adequate public and private services can be provided.

- ✓ **Staff:** the proposed RV park allows for a maximum of three (3) RV spots. This makes the proposal balance in relation to the surrounding land uses. Additionally, the property will not adversely impact natural resources as there are 1) no mapped wetlands on the property; 2) no mapped streams on the property and; 3) creates affordable housing options for residents and future residents of Bonner County.

Section 2.6 – Natural Resources

GOAL:

Bonner County places a high value on its natural resources and amenities and desires to protect these features that make the county 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.

OBJECTIVES:

Bonner County's system of lakes and waterways is one of its greatest assets, and Bonner County will strive to preserve both the quality and quantity of its water resources.

Bonner County values its productive agricultural lands and forests, its fisheries, wildlife and wetlands, and will provide measures to protect and maintain these natural features.

Bonner County will protect its water resources by requiring adequate sewer treatment systems based on soil, density, and intensity of use to reduce impacts to water resources.

Bonner County intends to consider wetlands and aquifer recharge areas in the location and density of future development.

Bonner County intends to maintain or enhance its fish and wildlife resource

- ✓ **Staff:** the proposed RV park contains only three (3) RV spaces on a 1-acre parcel. Thus, the impacts to wildlife and other natural resources in Bonner County is minimal. There are no mapped wetlands, or other environmental

features on the property where the proposed RV park will be situated, so the impacts to streams, wetlands, and other riparian environments is null.

Section 2.7 – Hazardous Areas

GOAL:

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.

OBJECTIVES:

Bonner County intends to regulate the location and density of new development in floodplain to reduce the potential for the loss of lives and property within flood hazard areas.

Future development shall be designed to reduce exposure to wildland fire and to provide for emergency and escape routes for residents. Development within areas of excessive slopes, unstable areas and avalanche zones shall be discouraged.

- ✓ **Staff:** the proposed RV park is not located in a mapped floodplain zone A or AE. In addition, the subject property does not have excessive slopes which may result in potential damage to property or people due to soil erosivity or avalanches. Furthermore, the property is afforded fire protection by the West Pend Oreille Fire District and is located approximately 150 feet away from access to HWY 41.

Section 2.8 – Public Services, Facilities & Utilities

GOAL:

Future development shall provide adequate services and should not adversely impact the services or utilities of present-day users.

OBJECTIVES:

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.

New development shall not unduly overburden 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.

Full urban services and provisions for continued operation and maintenance of the systems shall be provided for urban and suburban densities.

- ✓ **Staff:** the temporary nature of this RV park will not put a strain on existing public facilities and systems. Additionally, the RV park will not overtax HWY41 since staff will require the applicant to obtain encroachment permits needed to make entry and exit from the property safe. Furthermore, as required by Code, the applicant will have to demonstrate adequate water supplies for drinking and fire suppression, as well as an approved sewage disposal plan through the Panhandle Health District.

Section 2.9 – Transportation

GOAL:
Bonner County intends to provide a transportation system that is safe, uncongested, and well maintained.

OBJECTIVES:
Future development shall not adversely impact the existing transportation system by reducing the quality or level of service or creating hazards or congestion.

Roads within new development shall be built to county standards and at the expense of the developer.

Roads within new development shall provide adequate access for fire and emergency vehicles and routes of escape.
Future access roads shall be developed to integrate with the state and county system of roads without overburdening the transportation system.

To reduce transportation costs, road building and environmental impacts, cluster development shall be encouraged.
Bonner County intends for certain intense land use developments to provide paved roads.

Bike ways and pedestrian paths shall be included in development plans to provide an integrated community transportation system wherever possible.

- ✓ **Staff:** the applicant will be required to obtain all encroachment permits as required by the Idaho Transportation Department (ITD) needed for the RV park ingress/egress. Further, the horseshoe-like design of the travelway leading into the RV park will ensure a continuous flow of traffic. Also, since the driveway leading into the park is paved, its condition will generally be better than other gravel and dirt driveways during the fall and winter seasons.

Section 2.10 - Recreation

GOAL:
Public and private recreational opportunities are recognized as a major county asset to be protected and encouraged

OBJECTIVES:

Public recreational accesses and amenities shall not be obstructed or adversely impacted by future development.

- ✓ **Staff:** the proposed RV park will allow for recreational opportunities for campers who wish to visit Bonner County. Approval of this conditional use permit will enable visitors to enjoy (and encourage) recreation in Bonner County. The concentration of 3 RV spots on a 1-acre parcel will not obstruct or adversely impact future development in the area.

Section 2.11 – Special Areas or Sites

GOAL:
Bonner County will attempt to protect special archeological and historical sites and unique visual and ecological features of the region.

OBJECTIVES:
Future developments shall not adversely affect or destroy culturally or ecologically sensitive sites.

- ✓ **Staff:** the applicant did not identify any culturally or ecologically sensitive sites that would be impacted by the RV park.

Section 2.12 – Housing

GOAL/OBJECTIVE:
Bonner County recognizes diverse housing needs are to be addressed to provide adequate shelter for all, regardless of age, income or physical abilities.

- ✓ **Staff:** the application is consistent with the housing component of the comprehensive plan as the RV park will allow for affordable housing by comparison to the existing, heavily inflated housing options throughout Bonner County.

Section 2.13 - Community Design

GOAL:
Bonner County's goal is to maintain a variety of lifestyles and a rural character in the future development of Bonner County.

OBJECTIVES:
Bonner County intends for new development to locate in areas with similar densities and compatible uses.

Bonner County intends for new development to minimize the adverse impacts on adjacent areas.

Bonner County intends to consider the protection of natural resources and the rural features and surrounding uses of the community in the design and location of new development.

- ✓ **Staff:** the proposed RV park is consistent with the goals and objectives of community design insofar as the affordable housing option will help perpetuate a variety of lifestyles and rural character in the future development of Bonner County.

H. Stormwater plan

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

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

I. Agency Review

Panhandle Health District	Idaho Department of Environmental Quality
West Pend Oreille Fire	Idaho Department of Water Resources
Inland Power & Light	Idaho Department of Fish and Game
West Bonner School District #83	U.S. Fish and Wildlife Service
Idaho Transportation Department	Area of City Impact: Oldtown

The following agencies commented:

Idaho Transportation Department, rec'd Feb. 10, 2022

"They will need do complete a change in use approach permit. There may be a requirement to improve the approach to SH41." – **see Conditions of Approval.**

Idaho Department of Fish & Game, rec'd Feb. 28, 2022

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

Panhandle Health District, rec'd Feb. 28, 2022

- **Note: the following represents only an excerpt from PHD's letter. See letter for details.**

"The CUP application indicates the proposed RV park will utilize an 'Existing Septic System' that consists of a '750 gal tank w/4ft drywell'. This size & type of wastewater disposal system is not suitable for the project as proposed.

A new septic permit will be required for the proposed increase in wastewater flows. Furthermore, the existing wastewater disposal system must be compliance (valid septic permit or proof of a valid vested right) before PHD will allow any increase in wastewater flows on the parcel. In Idaho an increase in wastewater flows will only be approved if the site is capable of meeting all current standards per IDAPA 58.01.03.

If a septic system is proposed for use, it will require a new septic system sized at 125gallons per day for each RV and a minimum tank capacity of 900gallons. For commercial RV parks, RV Dump Stations are also recommended (in addition to the septic system) ..." – **see Conditions of Approval.**

Idaho Department of Environment Quality, rec'd Mar. 2, 2022

- **Note: the following only represents an excerpt from DEQ's letter. See letter for details.**

"the Idaho Department of Environmental Quality (DEQ) does not review projects on a project-specific basis..."

All other agencies did not reply.

J. Public Notice & Comments

As of March 8, 2022, no public comments were received for this file.

File MOD0010-21 – Conditional Use Permit Modification - Spires PUD is requesting to modify the Conditional Use Permit for Spires Planned Unit Development to add note #4 to condition A-7 item C – "Setbacks" to file C892-07 to include the following: 4.) Authorization to deviate further from these standards shall be approved by the Homeowners' Association Board of Directors on a case-by-case basis. The project is located in a portion of the S1/2 of the SW1/4 & S1/2 of N1/2 of SW1/4 Section 20, Township 58 North, Range 2 West, Boise-Meridian, Bonner County Idaho.

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

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

APPLICANT PRESENTATION: Mitch Martin, President of HOA Spires, addressed the reason for the Modification of the Conditional Use Permit.

PUBLIC/AGENCY TESTIMONY: None

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

Motion by the governing body:

PLANNING AND ZONING COMMISSION

MOTION TO RECOMMEND APPROVAL: Commissioner Reeve moved to recommend approval to the Board of County Commissioners for this this project FILE

MOD0010-21 requesting to to modify the Conditional Use Permit for Spires Planned Unit Development to add note #4 to condition A-7 item C – “Setbacks” to file C892-07 to include the following: “4.) Authorization to deviate further from these standards shall be approved by the Homeowners’ Association Board of Directors on a case-by-case basis”, 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 Reeve 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 conditional use permit is to complete the Conditions of Approval as adopted. This action does not result in a taking of private property.

Commissioner Frankenbach seconded the Motion

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

Findings of Fact

1. The Spires PUD is in the Alpine Village District and in the Alpine Community comprehensive land use designation.
2. Steeper slopes ≥30% prevail for properties generally located in the Spires PUD.
3. Soils in the Spires PUD include:
 - Prouty gravelly loam (40) – Not prime farmland – well drained
 - Brickel-Rubble land (5) – Not prime farmland – well drained
 - Rock outcrop-Rubble land complex (46) – Not prime farmland
 - Vay silt loam – Not prime farmland – well drained
 - Jeru gravelly loam – Not prime farmland – well drained
4. Properties in the Spires PUD are afforded fire protection by the Schweitzer Fire.
5. The site is within SFHA Zone X & Zone D, per FIRM Panel 16017C0685E, Effective Date 11/18/2009 & FIRM Panel 16017C0705E, Effective Date 11/18/2009.
6. The original conditional use permit (file CUP at C0892-07) was approved on February 13, 2008.

Conclusions of Law:

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

Conclusion 1

The proposed modification to the Spires PUD is in accord with the goals and objectives of the Bonner County comprehensive plan.

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

Conclusion 2

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

Conclusion 3

The proposed Spires PUD modification use **IS** in the public interest.

Conditions of Approval:

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

- A-1** The modification, as approved or amended, shall not supersede deed restrictions.
- A-2** The proposed Spires PUD modification 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 Modification 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 Modification Permit.
- A-3** Prior to issuance of any building location permit, any landowner situated within the Spires PUD deviating further from the setback standards set forth in File C892-07, condition A-7 item C – “Setbacks” must provide the following:
- A written letter signed by the president of the Homeowners Association detailing approval of the applicants request to deviate from the required PUD setbacks.
- A-4** Any property line setback deviation shall not encroach onto another property. Any such request for an encroachment shall be denied, and require the applicant(s) to obtain a lot line or boundary line adjustment, as needed.

Background:

A. Site data:

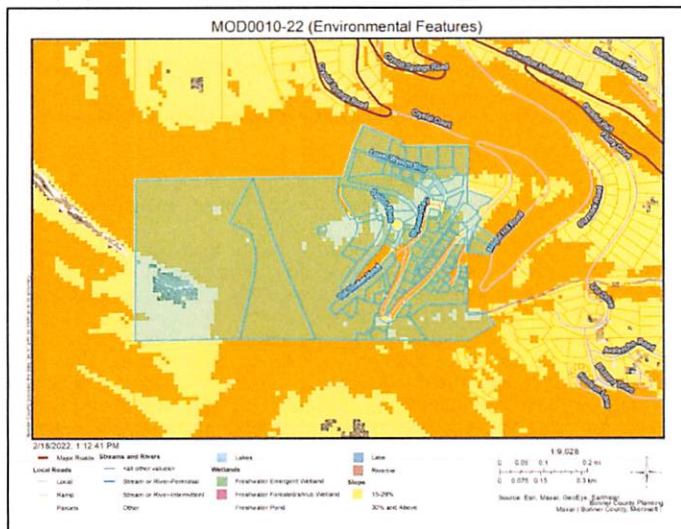
- The Spires 1st Addition PUD
- Size: ≈80 acres
- Zone: Alpine Village
- Land Use: Alpine Community

B. Access:

- Access from Schweitzer Mountain Road to Alpine Way leading to Mogul Hill Road, Christy Lane and Tall Timber Road.

C. Environmental factors:

- Site does contain mapped slopes between 15-29% grade and ≥30%. (USGS)
- Site does not contain mapped wetlands. (USFWS)
- Soils: Pouty gravelly loam (40 – not prime farmland); Vay silt loam (61 – not prime farmland); Jeru gravelly loam (17 – not prime farmland) – see soils map.
- Site does not contain a river/stream/frontage on lake
- JRJ, 8/5/2021: Site is within SFHA Zone X & Zone D, per FIRM Panel 16017C0685E, Effective Date 11/18/2009 & FIRM Panel 16017C0705E, Effective Date 11/18/2009. No further floodplain review is required on this proposal.

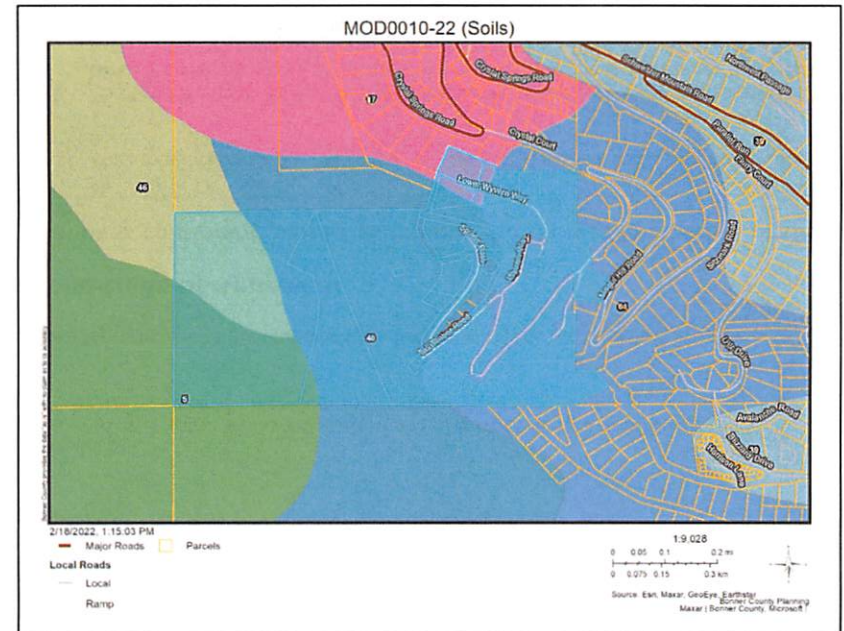


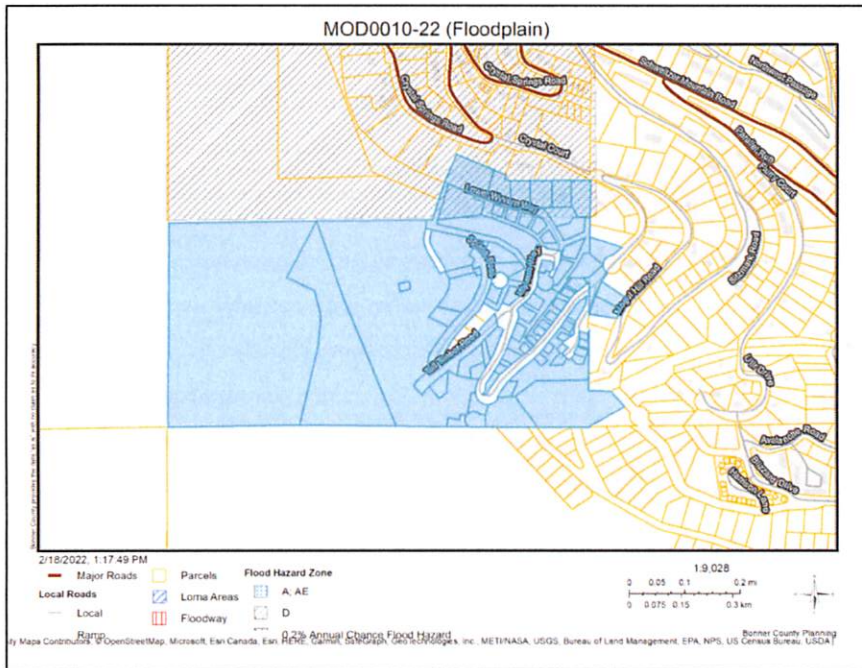
D. Services:

- Water: Spires Water Company
- Sewage: Mountain Utility Company
- Fire: Schweitzer Fire District
- Power: Northern Lights Inc.
- School District: Lake Pend Oreille School District #84

E. Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Land Use & Density
Site	Alpine Community	Alpine Village	Alpine Community Mixed Use
North	Alpine Community	Alpine Village	Alpine Community Mixed Use
East	Alpine Community	Alpine Village	Alpine Community Mixed Use
South	Alpine Community	Alpine Village	Alpine Community Mixed Use
West	Alpine Community	Alpine Village	Alpine Community Mixed Use





F. Standards review

BCRC 12-2.223, Conditional Use Permits, Standards for Review of Applications, Procedures

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.

Modification request: "We are requesting modification to Required PUD Conditions, Condition A-7 of the original PUD agreement. The requested modification is the addition of a provision allowing exception to the approved setbacks at the discretion of the South Ridge Ski LLC ownership and its designated HOA Board. The proposed additional language would be added as #4 (of 4) to Condition A-7 item C - "Setbacks" and would read as follows: 4). Authorization to deviate further from these standards

shall be approved by the Home Owners’ Association Board of Directors on a case by case basis."

Staff: Through the Planned Unit Development application a project establishes a unique set of standards for an area. It is not unusual for a PUD to be altered or request a modification. Since the homeowner’s association will be the deciding body for deviations that exceed the setback standards set forth in File C892-07 A-7 item C - "setbacks", the planning department will require a signed letter from them (and any affected adjacent property owner) at the time in which someone applies for a building location permit (**see Conditions of Approval**).

Reason(s) for the modifications: "The Spires PUD has varying topography that is quite steep in places, and it also contains a variety of lot configurations. Prescriptive setbacks can limit development potential in some cases, and exceptions may be justified if no adverse impact on adjacent properties or public access is anticipated."

Staff: the applicants’ request for PUD modification is reasonable, given the steep slopes that prevail on properties located in the Spires PUD. By requiring a signed letter from the Homeowners Association for setback deviating further from the established, PUD setback, adverse impacts to public access and neighboring properties will be averted.

Effects of the modification: the modification is intended to provide limited and thoughtfully considered exceptions to prescriptive setbacks within the PUD when site conditions merit.

Staff: conditions of approval have been added to this file to ensure that adverse impacts to the public and adjacent neighbors are averted. Additionally, the planning department will not approve of any request to encroach over the property line. Any such request shall be denied, requiring the applicant to obtain a lot line adjustment or boundary line adjustment, as appropriate.

G. Comprehensive Plan Land Use Designation

The Alpine Community land use designation 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.

I. Agency Review

Panhandle Health District	Idaho Department of Water Resources
Schweitzer Fire District	U.S. Army Corps (Coeur d’Alene)
Mountain Utility Company	U.S. Fish and Wildlife Service
Lake Pend Oreille School District #84	U.S. Forest Service
Lake Pend Oreille School District #84 (Transportation)	Independent Highway District
Idaho Department of Fish and Game	Idaho Department of Lands, Nav. Waters
Idaho Department of Environmental Quality	Northern Lights Inc.

The following agencies commented:

Independent Highway District, rec'd Feb. 8, 2022

"The Spires project has private roads. The IHD does not comment on setbacks for these private roads. The HOA is the proper group."

Panhandle Health District, rec'd Feb. 10, 2022

- **Note: the following represents only an excerpt from DEQ's letter. See file for the complete letter.**

"Based on the information provided to PHD for review, it is unclear what "setback" this is referring to. Please note that all requisite setbacks related to the water system and sewer system must be maintained. The Homeowners Associate Board of Directors does not have authority to allow deviations from IDAPA code and the Approved Engineered Designs for the sanitary services serving the PUD."

Panhandle Health District, rec'd Feb. 15, 2022

- **Note: the following represents only an excerpt from DEQ's letter. See file for the complete letter.**

"Panhandle Health District (PHD) evaluates properties based upon sanitary restrictions. Sanitary restrictions will either be lifted or kept in place depending upon the documentation submitted to our office and the feasibility that it will not create a nuisance with regard to sewage disposal..."

PHD has evaluated properties RP58N02W206301A, 206151A, and 206301A for an application that was submitted on February 8, 2022. We have received documentation that both Spires Water LLC and the Mountain Utility Company are willing to serve the aforementioned parcels. The application process was completed with Panhandle Health District."

The following agencies replied "No Comment":

Idaho Department of Fish & Game, rec'd Feb. 28, 2022

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

Idaho Department of Environmental Quality, rec'd Mar. 2, 2022

- **Note: the following represents only an excerpt from DEQ's letter. See file for the complete letter.**

"the Idaho Department of Environmental Quality (DEQ) does not review projects on a project-specific basis..."

All other agencies did not reply.

J. Public Notice & Comments

As of March 8, 2022, no public comments were received for this file.

COMPREHENSIVE PLAN MAP AMENDMENT AND ZONE CHANGE

FILE AM0001-22 & ZC0002-22 – Comprehensive Plan Map Amendment & Zone Change – Jamie and Doris Miller, and Lester and Claudia Shaw are requesting a Comprehensive Plan Map Amendment from Ag/Forest to Rural Residential and a Zone Change from Ag/Forestry-10 to Rural-5 on Lot 1 (~10.01 ac.), Lot 2 (~11.52 ac) and Lot 3 (~11.50 ac) of Jamie's Lots subdivision. The project is located off Loose Horse Lane in Section 32, Township 58 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: Planner I Chad Chambers presented a PowerPoint summary of the project and previously circulated staff report, concluding this project is consistent with Bonner County Revised Code.

APPLICANT PRESENTATION: Kayleigh Miller, Applicant Representative, presented a history of the property and addressed the public and agency comments that were submitted for the file.

PUBLIC/AGENCY TESTIMONY: The following members of the public spoke on the record: Fred Omodt and Kirk Davidson

APPLICANT REBUTTAL: Kayleigh Miller addressed comments made by the public regarding the zoning of the property and answered questions from the Commissioners.

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

COMPREHENSIVE LAND USE PLAN AMENDMENT MOTION

PLANNING AND ZONING COMMISSION

MOTION TO RECOMMEND DENIAL: Commissioner Davis moved to recommend denial to the Board of County Commissioners on this project, FILE AM0001-22, requesting a comprehensive land use plan amendment from Ag/Forest Land to Rural Residential based upon the following conclusions: The area is more suited to Ag/Forest than Rural Residential. The decision is 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 (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.

This action does not result in a taking of private property.

The action that could be taken, if any, to obtain the comprehensive land use plan amendment 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 Frankenbach seconded the Motion

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

Comprehensive Plan Amendment Findings of Fact

1. The lots do not contain mapped slopes between 15-29% and 30% or greater. In general, steeper slopes do not prevail.
2. There are mapped wetlands, including a Riverine (on Jamie’s Lots, Lot 1) and Freshwater Forested/shrub Wetlands located on all three (3) lots. There are mapped intermittent streams that run through all three (3) lots. All three (3) lots are not located with a FEMA mapped floodway.
3. The lots are accessed by Loose Horse Lane, a privately owned and maintained road.
4. The lots are currently served by individual septic systems, Oden Water Association for water, Avista Utilities for power and are situated in the North Side Fire District.
5. The soil(s) present on site include:
 - Mission silt loam and Haploxeralfs and Xerochrepts.
 - o Mission silt loam is characterized as prime farmland, if drained; however, the drainage class of mission silt loam is 'somewhat poorly drained'.
 - o Haploxeralfs and Xerochrepts, is characterized as not prime farmland but is well drained.
6. Commissioner Davis found that the comprehensive plan talks broadly about areas and says that this area is agricultural/forestry based, and the intent of that is to preserve that. Davis found that to "peck away" at that and break it down is not a way to preserve the comprehensive plan. Commissioner Frankenbauch affirmed

Commissioner Davis’s finding and stated that changing the comp. plan designation to Rural Residential would create a spot that is not synonymous to the area in general.

Comprehensive Plan Amendment Conclusions of Law:

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

Conclusion 1

The proposal **IS NOT** in accord with the following elements of the Bonner County Comprehensive Plan:

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

Conclusion 2

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

Conclusion 3

The proposal **IS NOT** in accord with the Rural Residential Land Use Designation.

**ZONE CHANGE MOTION
PLANNING AND ZONING COMMISSION**

MOTION TO RECOMMEND DENIAL: Commissioner Davis moved to recommend denial to the Board of County Commissioners this project FILE ZC0002-22, requesting a zone change from Agricultural/Forestry-10 to Rural-5, based upon the following conclusions: The recommendation on the Comprehensive Plan was a denial, therefore the request is not consistent with the Comprehensive Plan. The decision is based upon the evidence submitted up to the time the Staff Report was prepared, and testimony received at this hearing. I further move 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. 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 Frankenbach seconded the Motion

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

Zone Change Findings of Fact

1. The applicants are proposing that all three (3) lots be rezoned from Agricultural/Forestry-10 to Rural-5.
2. The site is accessed by Loose Horse Road, a privately owned and maintained road.
3. The lots do not contain mapped slopes between 15-29% or slopes ≥30%. The properties are currently served by Oden Water, individual septic systems, Avista for power, and are situated in the North Side Fire District.
4. There is a mapped riverine (wetland) and intermittent stream on the property, but the property is not within a mapped floodway.
5. There are mapped wetlands, including a Riverine (on Jamie's Lots, Lot 1) and Freshwater Forested/shrub Wetlands located on all three (3) lots. There are mapped intermittent streams that run through all three (3) lots. All three (3) lots are not located with a FEMA mapped floodway.
6. Commissioner Frankenbauch found that the zone change request did not meet the requirements set forth in BCRC 12-323 (2) because the lots in the surrounding area from a 360° view, are not all developed at or near one dwelling unit per 5-acre density.
7. Commissioner Davis found the zone change is not in compliance with the comprehensive land use plan.

Zone Change Conclusions of Law:

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

Conclusion 1

The proposal **IS NOT** in accord with the following elements of the Bonner County Comprehensive Plan:

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

Conclusion 2

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

Conclusion 3

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

Chair Bailey announced a recess at 8:04 p.m.

Chair Bailey called the meeting back to order at 8:12 p.m.

COMMISSIONER & STAFF UPDATES:

Discussion regarding current square footage requirements for an Auxiliary Dwelling Unit (ADU). Commissioners confirmed the meeting time and location for the Text Amendment Workshop on Tuesday March 22, 2022 at 4:30 P.M. on the 3rd floor of the Bonner County Administration Building

At 8:40 p.m., the Chair declared the hearing adjourned until March 22, 2022

Respectfully submitted,



Milton Ollerton, Planning Director

The above Minutes are hereby approved this 5th day of April 2022.

Bonner County Planning and Zoning Commission



Brian Bailey, Chair