

**BONNER COUNTY ZONING COMMISSION
PUBLIC HEARING MINUTES
JUNE 16, 2022**

PLEDGE OF ALLEGIANCE

CALL TO ORDER: Chair Marble called the Bonner County 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: Chair Jacob Marble; Vice Chair Matt Linscott; Commissioners Luke Webster, Frank Wakeley, and Kristina Kingsland.

ABSENT: None

ALSO PRESENT: Interim Planning Director Jacob Gabell; Planner II Jason Johnson; Planner I Swati Rastogi; Planner I Chad Chambers; Planner I Daniel Britt; and Hearing Coordinator Jenna Crone.

CHANGES IN AGENDA: None

CONSENT AGENDA:

APPROVAL OF MINUTES: The Chair requested the Commissioners declare if they had any corrections or changes to the approval of minutes as written for June 2, 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.

File CUP0002-22 – Conditional Use Permit – Cocolalla Bible Camp. The applicants are requesting a Conditional Use Permit to bring an existing recreation/private community facility into compliance with Bonner County Revised Code. The 10.25-acre property is zoned suburban. The project is located off Cocolalla Loop in Section 5, Township 55 North, Range 02 West, Boise-Meridian.

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

CONFLICT OF INTEREST/DISCLOSURE DECLARATIONS: The Chair requested the Commissioners declare any conflicts of interest or disclosures. Luke Webster disclosed he knows people that volunteer at the Bible Camp but there is no conflict. The Chair noted that there were no disclosures or conflicts.

APPLICANT PRESENTATION: Dirk Darrow, Director/Board Member of the Cocolalla Bible Camp, gave a history of the Bible Camp and addressed the master plan for the Bible Camp. Mr. Darrow also addressed the Conditions that were recommended by Staff regarding the Department of Environmental Quality and stated that after speaking with DEQ it was determined that there is no issue because there is no plumbing going to the proposed building at this time. Also, the camp will need to file an encroachment permit with Road and Bridge when they apply for a building location permit. Lastly, Mr. Darrow will be meeting with Panhandle Health District on Wednesday June 22, 2022, to discuss the septic capacity.

PUBLIC/AGENCY TESTIMONY: The following members of the public spoke on the record: Kevin Brown; Dennis James; and Thomas Leo.

APPLICANT REBUTTAL: Mr. Darrow addressed comments made by the public regarding trespassing, vandalism, and noise.

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

MOTION TO APPROVE: Commissioner Linscott moved to approve this project FILE CUP0002-22, a Conditional Use Permit request for a private community facility and a recreation 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 Linscott 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. Amending Conditions of Approval to add condition A-11. This action does not result in a taking of private property.

Commissioner Kingsland seconded the motion.

Roll Call Vote:

Commissioner Kingsland	AYE
Commissioner Wakeley	AYE
Commissioner Webster	AYE
Commissioner Linscott	AYE
Commissioner Marble	AYE

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

Findings of Fact

1. The subject property is located off Cocolalla Loop Road, a 50 foot wide paved public right of way.

2. The subject property is served by Seikirk Fire, Rescue & EMS, multiple wells and septic systems, and Northern Lights Inc.
3. The subject property is 10.25 acres and has a transition land use designation and is zoned suburban.
4. The subject property has no delineated wetlands, minimal mapped slope, no open water sources and is in a Special Flood Hazard Zone X.
5. The subject property has been owned by the Cocolalla Lake Bible Conference Association Of The American Sunday School Union, INC. since January 4, 1972; according to warranty deed, instrument 24553.
6. The subject property has been in continuous use as a private community center and recreation center.
7. Five septic permits were found by Panhandle Health District.
8. The property contains Bonner gravelly ashy silt loam, 0 to 4 percent slopes and all areas are considered prime farmland according to NCRS.
9. The property abuts PFO1C and PSS1C Freshwater Forested/Shrub according to the National Wetlands Inventory.
10. The property does not contain any critical wildlife habitat according to Idaho Fish & Game.
11. The application has been reviewed against the required standards of BCRC Title 12 with conditions added to ensure full compliance with the code.

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 goals and objectives of the Bonner County Comprehensive plan.

Conclusion 2

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

Conclusion 3

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

Conditions of Approval:

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

- A-1** The use shall be developed and shall be operated in accordance with the approved site plan.
- A-2** The Conditional Use Permit shall not supersede deed restrictions.
- A-3** All county setbacks shall be met.
- A-4** The Conditional Use Permit shall expire if not issued within two (2) calendar years from the date of approval, or once issued, if the use has not commenced within two (2) calendar years from the date of issuance. At any time prior to the expiration date of the Conditional Use Permit, the applicant may make a written request to the Planning Director for an extension of the Conditional Use Permit for a period up to two (2) years. The Planning and Zoning Commission may consider such request for extension at any public hearing. The extension request must be approved or denied prior to the expiration date of the Conditional Use Permit.
- A-5** The applicant shall install prior to ground disturbing activities all temporary erosion control measures as designed and approved. The applicant shall provide to the Planning Department prior to ground disturbing activities a signed statement from the project engineer or design professional stating that these measures have been installed as per the design specifications as approved. The applicant shall install upon completing ground disturbing activities and shall maintain thereafter all permanent erosion control and stormwater management measures as designed and approved. The applicant shall provide to the Planning Department upon completing ground disturbing activities a signed statement from the project engineer or design professional stating that these measures have been installed as per the design specifications as approved.
- A-6** Building location permits shall be obtained prior to construction of any new building.
- A-7** A sign permit shall be obtained prior to the placement of any sign on the property.
- A-8** The applicants shall provide proof of adequate drinking water systems from the Idaho Department of Environmental Quality prior to construction of proposed structures.
- A-9** Upon applying for a building location permit, Bonner County Road & Bridge shall be consulted about a commercial driveway permit.
- A-10** The applicants shall provide proof of adequate septic capacity from Panhandle Health District prior to construction of proposed structures.

(Added during the Hearing)

A-11 Signage shall be placed with Emergency Contact information at the two main entrances/exits on the property off Faith Lane and Cocolalla Loop Road as well as signage for boundary/property lines to indicate when one is leaving and entering the Bible Camp property.

File V0007-22 - Variance – Russell – Street Setback Reduction. The applicants are requesting a 5-foot street setback where 25 feet is required to construct a single-family dwelling on a .32-acre platted lot. The property is zoned Recreation. The project is located off Starling Circle in Section 14, Township 56 North, Range 01 East, Boise-Meridian.

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

APPLICANT PRESENTATION: Mark Russell, Applicant, explained the reason for the Variance was due to septic system layout and complications with slope.

PUBLIC/AGENCY TESTIMONY: The following members of the public spoke on the record: Pat White

APPLICANT REBUTTAL: Mark Russell spoke on comments made regarding obstructing the view of the lake for neighbors.

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

MOTION TO APPROVE: Commissioner Webster moved to approve this project V0007-22, requesting a 5 foot street setback from a public right-of-way, 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 Webster 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 Wakeley seconded the motion.

Roll Call Vote:

Commissioner Kingsland	AYE
Commissioner Wakeley	AYE
Commissioner Webster	AYE
Commissioner Linscott	AYE
Commissioner Marble	AYE

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

FINDINGS OF FACT

1. The property has mapped slopes of 15% or greater according to GIS mapping.
2. The property does not contain any mapped wetlands according to the National Wetlands Inventory.
3. The property had already been prepared for construction of the single-family dwelling prior to issuance of building location permit BLP2021-1460 according to applicant provided photos.
4. The public Right-Of-Way abutting the subject property is much wider than the travel surface of Starling Circle. The additional width of the right-of-way is used for utilities and snow storage.
5. The property is located within a sewer district, Ellisport Sewer District, but does not have sewer service.
6. The property is served by Wendlemere Water, a local community water provider with a well located on an adjacent property.
7. The travelway of Starling Circle is approximately 12.5 feet wide, the dedicated Right-Of-Way for Starling Circle is approximately 60 feet wide.
8. The property is served by Sam Owen Fire District, Bonner County Ambulance District, and Avista Utilities.

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 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.

A-2 The granting of this variance shall not supersede any deed restrictions.

Chair Marble called for a recess at 7:01 p.m.

Chair Marble resumed the hearing at 7:08 p.m.

File ZC0006-22 - Taber, Stelzmler, Schwertner - Zone Change A/F-20 to A/F-10. The applicants are requesting a zone change from Agriculture/ Forestry-20 to Agriculture/ Forestry-10 to allocate ownership evenly for family. The parcel is 40 acres. The property is zoned A/F-20. The project is located off Colburn Culver Road in Section 11, 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 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 REPRESENTATIVE: Travis Haller, Glahe & Associates, discussed the site's characteristics and services and how they align with Ag/Forest-10 versus Ag/Forest-20.

PUBLIC/AGENCY TESTIMONY: The following members of the public spoke on the record: Scott Schriber.

APPLICANT REBUTTAL: Travis Haller addressed comments made by the public regarding the Comprehensive Land Use Map designation.

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

MOTION TO APPROVE: Commissioner Wakeley moved to recommend approval to the Board of County Commissioner for this project, FILE ZC0006-22, 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 Wakeley 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 Webster seconded the motion.

Roll Call Vote:

Commissioner Kingsland NAY
Commissioner Wakeley AYE
Commissioner Webster AYE
Commissioner Linscott AYE
Commissioner Marble AYE

VOTED upon and the Chair declared the motion carried, 4 voting in favor, 1 vote against.

Zone Change Findings of Fact

- Prime farmland soils are present on this parcel but feature more soil types that are classified as not prime farmland.
- Agricultural/ Forestry pursuits remain viable for this parcel.
- The parcel is afforded fire protection by Northside Fire District.
- Access to the parcel is on Colburn Culver, which is a Bonner County owned and maintained road.
- The parcel is comprehensive planned Agricultural/ Forestry Land.
- Utilities are provided by Northern Lights.
- An individual well provides water for this parcel.
- Sewage disposal is an existing septic system.
- The parcel is currently 40 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	Natural Resources
Hazardous Areas	Public Services	Transportation
Recreation	Special Areas or Sites	Housing

Conclusion 2

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

Conclusion 3

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

File ZC0007-22 - Cayton- Zone Change A/F-20 to A/F-10. The applicants are requesting a zone change from Agricultural/ Forestry-20 to Agricultural/ Forestry-10 on 20 acres, to possibly split the property. The property is zoned A/F-20. The project is located off Eastside Road in Section 17, Township 56 North, Range 4 West, Boise-Meridian.

CONFLICT OF INTEREST/DISCLOSURE DECLARATIONS: The Chair requested the Commissioners declare any conflicts of interest or disclosures. Commissioners Kingsland; Marble; Webster and Linscott have worked with Mr. Provolt but there is no conflict. 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 REPRESENTATIVE: Dan Provolt, discussed the zoning of the surrounding properties and discussed why this zone change is appropriate.

PUBLIC/AGENCY TESTIMONY: None

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

MOTION TO APPROVE: Commissioner Linscott moved to recommend approval to the Board of County Commissioner for this project, FILE ZC0007-22, 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 Linscott 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.

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

Commissioner Webster seconded the motion.

Roll Call Vote:

Commissioner Kingsland	NAY
Commissioner Wakeley	AYE
Commissioner Webster	AYE
Commissioner Linscott	AYE
Commissioner Marble	AYE

VOTED upon and the Chair declared the motion carried, with 4 in favor and 1 against.

Zone Change Findings of Fact

- The parcel contains two different soil types. Both are classified as non-prime farmland.
- Agricultural/ Forestry pursuits remain viable for this parcel.
- The parcel is not characterized by slopes <30% grade, there is a nominal gentle slope found on the east side of the property
- The parcel is afforded fire protection by West Pend Oreille Fire District.
- Access to this parcel is on Eastside Road a paved Bonner County owned and maintained road.
- The current comprehensive planned designation is Agricultural/ Forestry Land. Which allows for parcel to be 10 acres.
- Utilities are provided by Avista Utilities.
- An individual well provides water for this parcel.
- 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	Natural Resources
Hazardous Areas	Public Services	Transportation
Recreation	Special Areas or Sites	Housing

Conclusion 2

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

Conclusion 3

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

COMMISSIONER & STAFF UPDATES:

- The County will begin interviewing for the new Planning Director next week.
- The Board of County Commissioners will be appointing a Hearing Examiner next week at the Business Meeting. The Hearing Examiner will hear Variance and Conditional Use Permit files and the Zoning Commission will continue to hear Zone Change files.
- The Official Fee Schedules were updated on Wednesday June 15, 2022 and will go into effect on Tuesday June 21, 2022.

At 8:47 p.m., the Chair declared the hearing adjourned until July 7, 2022.

Respectfully submitted,



Jacob Gabell, Interim Planning Director

The above Minutes are hereby approved this 7th day of July 2022.

Bonner County Zoning Commission



Jacob Marble, Chair