

**BONNER COUNTY ZONING COMMISSION
PUBLIC HEARING MINUTES
June 2, 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; Commissioner Luke Webster; Commissioner Frank Wakeley; and Commissioner Kristina Kingsland.

ABSENT: None

ALSO PRESENT: Planning Director Milton Ollerton; Assistant Planning Director Jacob Gabell; Planner II Jason Johnson; Planner I Daniel Britt; and 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.

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 May 19, 2022. Hearing no changes or objections, the Chair declared the minutes approved as written.

File CUP0030-21 – Conditional Use Permit – Idaho Land LLC-RV Park. The applicants are requesting a conditional use permit for a 20-unit RV Park on 4.17 acres. The property is zoned Rural-5. The project is located off Clagstone Road and Al's Welding Road in Section 24, Township 54 North, Range 5 West, Boise-Meridian. This file is being continued from May 5, 2022.

CONFLICT OF INTEREST/DISCLOSURE DECLARATIONS: The Chair requested the Commissioners declare any conflicts of interest or disclosures. Commissioner Kingsland disclosed she received a text from a member of the public. No new information was received, and she did not respond. The Chair noted that there were no other disclosures or conflicts.

STAFF PRESENTATION: Planner I Daniel Britt presented a PowerPoint summary of the additional information that was requested of the applicant by the Zoning Commission at the Hearing on May 5, 2022.

APPLICANT PRESENTATION: Stephen Doty, Applicant, addressed the additional information that was requested by the Commissioners at the hearing on May 5, 2022. The applicant stated he has decreased the number of septic hookups from 20 to 19 to satisfy requirements set by the County and Panhandle Health District. The applicant also met with DEQ to discuss the next steps that will need to be taken. He has redesigned the site plan to accommodate more space between each unit and created two designated places on either end of the park for excess snow storage. Lastly, the road will be 20' wide as per Code.

PUBLIC/AGENCY TESTIMONY: The following members of the Public spoke on the record: Jeannine Considine; Jeanette Bendinelli; and Dave Bowman.

APPLICANT REBUTTAL: Stephen Doty addressed comments made by the public regarding age restriction to 15-year-old trailers to keep the park looking cleaner, dump stations for the park, water usage and roads/exits in case of an emergency.

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 FILE CUP0030-21 for a 20-unit RV Park, 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 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. 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 Webster added the four conditions of approval as presented by the Chair.

Commissioner Linscott 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 is zoned Rural-5. Where RV parks are conditionally allowed in this zone upon having meant the required standards per BCRC 12-497.
2. The property is accessed off Clagstone Road and Al's Welding Road. Both roads are Bonner County owner and maintained gravel travel surfaces.
3. The property has been reviewed against the required standards of BCRC 12-497 with conditions added to ensure full compliance with Bonner County Revised Code.
4. Fire protection is provided Spirit Lake Fire District.
5. Electricity is provided by Inland Power.
6. The site has an individual well.
7. A speculative site evaluation has been done for the proposed septic system.
8. The proposal is for 20-unit RV park.
9. The site is 4.17 acres.

Conclusions of Law:

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

Conclusion 1

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

•Property Rights 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** The applicant shall install prior to ground disturbing activities all temporary erosion control measures as designed and approved. The applicant shall provide to the Planning Department prior to ground disturbing activities a signed statement from the project engineer or design professional stating that these measures have been installed as per the design specifications as approved. The applicant shall install upon completing ground disturbing activities and shall maintain thereafter all permanent erosion control and stormwater management measures as designed and approved. The applicant shall provide to the Planning Department upon completing ground disturbing activities a signed statement from the project engineer or design professional stating that these measures have been installed as per the design specifications as approved.
- A-6** Prior to issuance of a building location permit, the owner of the proposed multi-family structure shall obtain an address for the dwelling from Bonner County that meets the provisions of Bonner County Revised Code, Title 13. (For multi-family CUPs)
- A-7** A landscaping plan showing compliance with this section will be required with the Building Location Permit.
- A-8** The project will be designed to the standards in BCRC 12-497 A. 1800 square feet per space.
- A-9** Proper signage indicating directional traffic in and out of the park. (Adding during the hearing)

A-10 Water rights to be approved and permitted by the Idaho Department of Water Resources. (Adding during the hearing)

A-11 Approval of septic system from Panhandle Health District. (Adding during the hearing)

A-12 Site plan submitted & adopted on June 2, 2022 and signed by the Chair. (Adding during the hearing)

File CUP0007-22- Conditional Use Permit for a duplex. The applicants are requesting a conditional use permit for a duplex on 0.45 acres. The property is zoned Alpine Village. The project is located off Northwest Passage in Section 20, Township 58 North, Range 2 West, Boise-Meridian.

CONFLICT OF INTEREST/DISCLOSURE DECLARATIONS: The Chair requested the Commissioners declare any conflicts of interest or disclosures. Commissioner Webster disclosed that he is in the process of developing duplexes on Schweitzer but does not have a 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 PRESENTATION: Brandon Morris explained the reason for the project is to accommodate his growing family.

PUBLIC/AGENCY TESTIMONY: The following members of the public spoke on the record: Tim Boden.

STAFF REBUTTAL: Planner I Daniel Britt addressed comments made by the public regarding the road and stated that during the Building Location Permit there will be a Geotech Analysis completed.

APPLICANT REBUTTAL: Brandon Morris discussed the precautions that are being taken to ensure proper construction.

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 CUP0007-22 for a Duplex, 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. This action does not result in a taking of private property.

Commissioner Webster 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 lot is in the Alpine Village district which allows for duplexes.
2. The property is served by Schweitzer Fire District, Schweitzer Basin Water Co for water, Mountain Utility Co for wastewater, and Northern Lights Inc. for power.
3. The property is accessed via Telemark Road and Northwest Passage. Which are within the Independent Highway Districts jurisdiction.
4. There are currently no structures on the property, and the adjacent properties are vacant.
5. The lot is approximately 0.45 acres

Conclusions of Law:

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

Conclusion 1

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

- | | | |
|------------------------------------|-------------------------|---------------------|
| •Property Rights
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 3 and 4, Title 12, Subchapter 2.2, Subchapter 3.3, 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 must submit a grading, stormwater management, and erosion control plan per BCRC 12-7.2. 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** The applicant must submit a geotechnical analysis per BCRC 12-762 at the time of application of Building Location Permit.
- A-7** The applicant must submit a landscaping plan per BCRC 12-462.
- A-8** Prior to issuance of a building location permit, the owner of the proposed multi-family structure shall obtain an address for the dwelling from Bonner County GIS that meets the provisions of Bonner County Revised Code, Title 13. (For multi-family CUPs).

File ZC0041-21 – Zone Change – Rural 5 to Commercial – Lund. The applicants are requesting a Zone Change from Rural 5 to Commercial for a 5.3 acre parcel. The property is zoned Rural 5. The project is located on Highway 95 north of Dufort Road in Section 29, Township 56 North, Range 2 West, Boise-Meridian.

CONFLICT OF INTEREST/DISCLOSURE DECLARATIONS: The Chair requested the Commissioners declare any conflicts of interest or disclosures. Commissioner Kingsland disclosed she knows the applicants but has not discussed this file with them. Commissioner Linscott disclosed he is currently employing Jeremy Grimm on a project. The Chair noted that there were no other disclosures or conflicts.

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

APPLICANT REPRESENTATIVE: Jeremy Grimm, Whiskey Rock Planning, submitted Exhibit A (PowerPoint) and provided information on the zoning of surrounding parcels.

COMMISSION DELIBERATION: The Chair closed the hearing to public testimony.

MOTION TO RECOMMEND APPROVAL: Commissioner Wakeley moved to recommend approval of this project, FILE ZC0041-21, for a zone change from Rural-5 to Commercial, 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 the hearing and direct planning staff to draft written findings and conclusions to reflect this motion, have Chairman sign, and transmit to all interested parties. 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.

Zone Change Findings of Fact

- The parcel is unplatted and ~5.3 acres in total size.
- The property has direct access onto Highway 95.
- Per the submitted application, the eastern portion of parcel (where the buildings sit) is flat. The parcel begins to slope down towards the lake approximately 15' west of the westernmost commercial building. The slope on the parcel is estimated to be between 15-29%.
- The parcel is designated as Transition on the Comprehensive Plan Land Use Map. This designation is intended to allow the requested Commercial zoning.

- The parcel contains mapped wetlands near and adjacent to Algoma Lake. (USFWS)
- The parcel is within SFHA Zone X and Zone A, per FIRM Panel 16017C0950E Effective Date 11/18/2009. This is not a proposal for development as defined in BCRC Title 14. No further floodplain review is required on this proposal.
- The soil types on the parcel are mostly considered prime farmland or prime farmland if irrigated.
- An individual well and septic system are present on the site.
- The parcel is served by Seikirk Fire, Northern Lights (per application), and Bonner School District #84.
- The area of the parcel mapped as having prime farmland soils is the area currently developed with a single-family home and four commercial storage buildings as well as graveled driveways and parking areas for both the home and the storage buildings.
- Because of the existing development, the area mapped as having prime farmland soil is not currently usable for farming.
- Putting any of the prime farmland soils on this parcel to agricultural use would require the demolition of development currently located on the parcel.
- The parcel in question is immediately to the north of four commercially zoned properties along Highway 95.

Comprehensive Plan Amendment Conclusions of Law:

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

Conclusion 1

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

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

Conclusion 2

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

Conclusion 3

The proposal is in accord with the Commercial zoning designation.

At 7:13 p.m. Chair Marble recessed the hearing.

At 7:24 p.m. Chair Marble continued the hearing.

File V00026-21 – Street & Shoreline Setbacks & Bulk Increase Variance – Virk, Navdeep & Babli. The applicants are requesting a variance for a covered deck that is 1 inch from the easement line where 25 feet is required and to extend a deck 10 feet into the shoreline setback allowing for a 30 foot setback where 40 feet is required. The property is zoned Recreation. The project is located off East Cavanaugh Bay Road in Section 26, Township 60 North, Range 04 West, Boise-Meridian.

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

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

APPLICANT PRESENTATION: Navdeep Virk discussed the project and the reasons for the needing the Variance.

PUBLIC/AGENCY TESTIMONY: None

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

MOTION TO APPROVE: Commissioner Kingsland moved to approve this project V0026-21, requesting a 1 inch setback against the road easement where 25 feet is required and a 30 foot setback from the shoreline where 40 feet is required to extend and cover an existing deck, 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 Kingsland 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 and transmit to all interested parties. The action that could be taken to obtain the variance is to complete the Conditions of Approval as adopted. This action does not result in a taking of private property. Commissioner 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 is located on East Cavanaugh Bay Road
2. The property is in the Recreation zone.
3. The property is along East Shore Road and is divided by East Cavanaugh Bay Road.

4. The property was originally owned by the State of Idaho as part of the leasing program.
5. The home was built while under the State regulations
6. The deck encroaching into the shoreline setback is in the air above the ground. A cantilever deck.
7. The lot contains mapped sloped of 30% and greater.

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:

- 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.
- 2 A Building Location Permit shall be obtained prior to issuance.
- 3 There shall be a stormwater plan required with the building location permit.
- 4 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.
- 5 Applicant shall follow all shoreline vegetative buffer requirements per BCRC 12-714.

File ZC0005-22 - Zone Change A/F-20 and Rural-5 to Rural-5 – Adams. The applicants are requesting a Zone Change from Agricultural/Forestry-20 and Rural-5 to Rural-5 to correct the split zoning. The parcel is 56.64 acres. The property is zoned A/F-20 and Rural-5. The project is located off Kelso Lake Road in Section 3, Township 54 North, Range 4 West, Boise-Meridian.

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

STAFF PRESENTATION: 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: None

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 ZC0005-22, requesting a zone change Agricultural/ Forestry-20 and Rural-5 to Rural-5 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.

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 a 4-1 vote.

Zone Change Findings of Fact

- The parcel does not contain prime agricultural soils.
- Agricultural/ Forestry pursuits remain viable for this parcel.
- The parcel is not characterized by slopes greater than 30% grade.
- The parcel lies within Spirit Lake Fire District.
- Access to the property is on Bonner County 50' maintained easement.
- The parcel is comprehensive planned Agricultural/ Forestry Land and Rural Residential.
- Utilities are provided by Northern Lights.
- Water is provided by Induvial well.

- Sewage disposal is an existing septic system.
- The parcel is currently 56.64 acres.
- Surrounding parcel are developed at or near one dwelling unit per 5 acres.
- This parcel was not identified as being within a critical wildlife habitat by any agency.

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
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 MOD0008-21 - Riser Creek Marina (Modification of Conditional Use Permit C925-09) are requesting a modification to a previously issued Conditional Use Permit C925-09 (for upland accommodations for a limited scope commercial moorage operation) to now allow for two additional parking spaces for two permitted charter vessels on a 0.95 acre property zoned Recreation. The project is generally located off State Highway 200 in Section 1, Township 56 North, Range 1 East, Boise-Meridian. This file is being continued from May 5, 2022.

CONFLICT OF INTEREST/DISCLOSURE DECLARATIONS: The Chair requested the Commissioners declare any conflicts of interest or disclosures. Commissioners Marble & Linscott disclosed they have worked with Toby McLaughlin in the present/past. Commissioner Kingsland disclosed she knows the neighbors of the applicant but has not discussed this file with them. 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 not consistent with Bonner County Revised Code.

APPLICANT PRESENTATION: Laurence Smith, Applicant, began by stating that what was posted on the agenda is incorrect. The applicant stated he is requesting

one additional parking space, not two as was stated on the agenda. Mr. Smith also submitted new site plans (Exhibit A) into the record.

PUBLIC/AGENCY TESTIMONY: The following members of the public spoke on the record: Jon King; Toby McLaughlin; and Rick Auletta.

APPLICANT REBUTTAL: Laurence Smith, Applicant, addressed comments made by the public regarding septic/sewer hookups, ingress/egress from the property

STAFF REBUTTAL: Planner I Daniel Britt addressed the site plans that were submitted into the record by the applicant during this hearing.

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

MOTION TO DENY: Commissioner Wakeley moved to deny this project FILE MOD0008-21, requesting a modification of a Conditional Use Permit C925-09, previously approved for a mooring operation in 2009, to now include one additional parking space, based upon the following conclusions of law found in the Staff Report. The decision is 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) and direct planning staff to draft written findings and conclusions to reflect this motion 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 conditional use permit is to:

- 1) File a new application with the Planning Department and meet the standards required by Bonner County Revised Code; or
- 2) Appeal the Planning and Zoning Commission's decision to the County Commissioners.

Commissioner Kingsland Seconded the Motion

Roll Call Vote:

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

VOTED upon and the Chair declared the motion carried, with a 4-1 vote.

Findings of Fact

- The proposed site plan as submitted indicates that there is insufficient space to add additional parking to the property. The site doesn't allow for traffic to circulate on site as required by code. The site plan indicates that the current placement of the travel trailer blocks access to at least two parking spaces, as a result ITD right of way would need to be utilized to access these spaces. This however is not

allowed according to ITD permit #1-21-173. "Residential & Commercial traffic must not impede highway traffic (no stopping and/or backing up on the in the highway or Right of way/ shoulder)

- The shed on the property is currently not meeting setback standards as required in File #C925-09 Condition A-3. The site plan shows the shed to be 2 ¾ feet from the southern property line where 5 feet is required. Also, the street setback as shown is 9 feet where 25 feet is required, and a dimension was not provided for the waterfront setback.
- The traffic circulation as indicated on the submitted site plan shows the state highway right of way will be utilized. Per the Idaho Transportation Department encroachment permit #1-21-173 special provisions section of the permit restricts the right of way from being use for marina operations "No using ITD right of way as part of the marina or private operations/ recreations"
- The site plan does not show the entire property so a determination can't be made as to if there is adequate land for the parking expansion.
- The proposal is not meeting the requirement of IDAPA 41.01.200.02.
 - a. Any marinas, whether public or private, providing moorage for vessels equipped with on-board wastewater facilities shall provide sewage waste disposal facilities. These facilities shall consist of a pump station that is capable of adequately cleaning waste retention tanks on the largest boat that could reasonably use the moorage. Such plans must be approved by the Department of Environmental Quality. (3-27-07)

Conclusions of Law:

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

Conclusion 1

The proposed modification of the conditional use permit **is not** in accord with the Bonner County comprehensive plan.

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|------------------------------------|-------------------------|---------------------|
| •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 Bonner County Revised Code Title 12, Chapter 2 procedures, Subchapter 2.2, Chapter 3, Subchapter 3.3 public use table, Chapter 4 development standards, Subchapter 4.4, Chapter 7 environmental standards, Subchapter 7.1 and 7.2, and **is not** in compliance with the above criteria.

Conclusion 3

The proposed use **will** create a hazard and **will** be dangerous to persons on or adjacent to the property.

COMMISSIONER & STAFF UPDATES:

The commissioners wished Milton Ollerton luck at his new job.

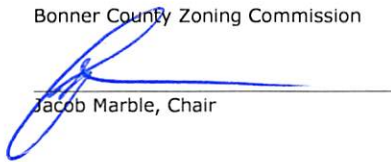
At 9:37 p.m., the Chair declared the hearing adjourned until June 16, 2022.

Respectfully submitted,


Jacob Gabell, Interim Planning Director

The above Minutes are hereby approved this 16th day of June 2022.

Bonner County Zoning Commission


Jacob Marble, Chair