

**BONNER COUNTY ZONING COMMISSION  
PUBLIC HEARING MINUTES  
JULY 7, 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 1<sup>st</sup> 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 I Swati Rastogi; Planner I Daniel Britt; and Hearing Coordinator Jenna Crone.

**CHANGES IN AGENDA:** None

**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.

**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 16, 2022. Hearing no changes or objections, the Chair declared the minutes approved as written.

**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.

**File MOD0003-22 – Colburn Waste Transfer Site – Conditional Use Permit Modification.** The applicants are requesting a conditional use permit modification to improve the Bonner County Colburn solid waste transfer site. The property is approximately 36.45-acres and is zoned Agricultural/Forestry 10-acre. The project is located off Pinecone Road in Section 7, Township 58 North, Range 1 West, Boise Meridian, Bonner County, Idaho.

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

**PUBLIC/AGENCY TESTIMONY:** The following members of the public spoke on the record: Gabe Sellers.

**APPLICANT REBUTTAL:** Brandon Staglund addressed comments made by the public regarding the vegetative buffer for the Solid Waste Site.

**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 MOD0003-22, requesting a conditional use permit modification to improve the Bonner County Colburn solid waste transfer site with paving, a new tipping floor building, signage, water and sewer utilities, a septic drainfield, site lighting, buried electrical lines, a new site attendant office, a new household hazardous waste building, retaining walls, stormwater treatment areas, a truck scale, and other miscellaneous site improvements, 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 following findings of fact and conclusions of law as written (or as amended). 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 further moved to approve the conditions as amended by staff.

Commissioner Kingsland seconded the motion.

**Roll Call Vote:**

Commissioner Marble	<b>Aye</b>
Commissioner Linscott	<b>Aye</b>
Commissioner Wakeley	<b>Aye</b>
Commissioner Kingsland	<b>Aye</b>
Commissioner Webster	<b>Aye</b>

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

**Findings of Fact**

- 1) The Colburn solid waste collection facility has been in operation since 1993 per conditional use permit file #C504-93 and was modified once in 2007, per file #CM504- 07.
- 2) Access to the Colburn solid waste facility is provided by Pinecone Road, a county owned and maintained R-O-W.
- 3) There are no mapped slopes  $\geq 15\%$ , wetlands, or stream systems on the property.
4. The property is not in a FEMA mapped floodway or SFHA A or AE.
- 5) The property is served by the Colburn Water Association for water, an individual septic tank and standard gravity drain field for sewage disposal, and Northern Lights Inc. for power.
- 6) The property is in the Northside Fire Taxing District.

**Conclusions of Law:**

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

Conclusion 1

The proposed conditional use permit **IS** in accord with the Bonner County comprehensive plan. (See attached comprehensive plan goals, objectives and policies)

- |                       |                         |                                    |
|-----------------------|-------------------------|------------------------------------|
| •Property Rights      | •Population             | •School Facilities, Transportation |
| •Economic Development | •Land Use               | •Natural Resources                 |
| •Hazardous Areas      | •Public Services        | •Transportation                    |
| •Recreation           | •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.

Conclusion 4

The proposed use **WILL NOT** adversely affect properties in the vicinity.

Conclusion 5

The proposed use **IS** a public convenience and is a necessary facility.

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**Conditions of approval:**

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

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- 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.~~  
**(Removed during the Hearing)**
- A-5** The applicant shall maintain existing landscaping in accord with the site plan provided with the application.

**Amended during the Hearing:**

**A-6** The applicant shall operate the facility in accord with BCRC 12-421 Performance Standards For All Uses for the life of the conditional use permit to mitigate noise, air pollution, water pollution, fire hazards, etc.

**A-7** The applicant shall submit a Grading/Stormwater Management Plan, prior to construction.

**File CUP0011-22 – Idaho Hill – Bonner County Solid Waste Collection Site.**

The applicants are requesting a Conditional Use Permit for a solid waste collection site on a ≈44.69-acre parcel. The property is zoned Rural 10-acre and is located inside Oldtown’s Area of City Impact. 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 Erik Beasley presented a PowerPoint summary of the project and previously circulated staff report, concluding this project is consistent with Bonner County Revised Code.

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

**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 CUP0011-22 the solid waste management site, 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 Wakeley seconded the Motion.

**Roll Call Vote:**

Commissioner Marble	<b>Aye</b>
Commissioner Linscott	<b>Aye</b>
Commissioner Wakeley	<b>Aye</b>

Commissioner Kingsland **Aye**  
Commissioner Webster **Aye**

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

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## **Findings of Fact**

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1. The improvement of the solid waste management site will meet the needs of the changing population of current and future residents within the area.
2. The waste management project is compatible with the comprehensive plan because it allows for the community to grow while retaining its rural character. The site will be used by these residents.
3. According to the application and the site map, there will only be one proposed building. The existing structures on the site are to be improved.
4. The waste management project will not require the taking of private property, new easements, change in ownership, or any other effect on property rights.
5. The project will not require changing the current land use of the site.
6. The solid waste management site has a slope between 0 - 4% and is also not in a flood hazard zone.
7. The owner of the deed is Bonner County, the instrument number is 478191.

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## **Conclusions of Law:**

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

### Conclusion 1

The proposed conditional use permit **is** in accord with the Bonner County comprehensive plan. (See attached comprehensive plan goals, objectives and policies)

- |                       |                         |                                    |
|-----------------------|-------------------------|------------------------------------|
| •Property Rights      | •Population             | •School Facilities, Transportation |
| •Economic Development | •Land Use               | •Natural Resources                 |
| •Hazardous Areas      | •Public Services        | •Transportation                    |
| •Recreation           | •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.

FOR PUBLIC UTILITY COMPLEX FACILITIES ONLY:

Conclusion 4

The proposed use **will not** adversely affect properties in the vicinity.

Conclusion 5

The proposed use **is** a public convenience and is a necessary facility.

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**Conditions of Approval:**

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

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- 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 stormwater plan is required to depict how the waste management site will manage the effects of soil erosion, sedimentation, stormwater runoff, filling, clearing, and possible unstable earthworks.

- A-6** Prior to issuance of a building location permit, the owner of the solid waste collection site shall obtain an address for the dwelling from Bonner County that meets the provisions of Bonner County Revised Code, Title 13. (For solid waste collection facilities CUPs)
- A-7** The site must comply with all standards set forth in BCRC 12-226, in so far that it minimizes the impact on other developments, controls development (timing, sequence, and duration), designates the location and nature of development, requires on/off site provision, specifies time of permitted use, and imposes more restrictive standards than BCRC 12-226. All Landscaping and sight restrictions must be met. Safeguards must be implemented to protect adjacent properties and implement measures to minimize environmental impacts. The commission shall specify any conditions that are to be met prior to issuance. Conditional Use permit approval shall expire if the permit has not been issued two years from the approval date or if issued, the use has not been commenced. The planning director may present a recommendation to revoke a conditional use permit on a finding of evidence that the permit is not compliance. Nothing in BCRC 12-226 shall prevent the board or any other public official or private citizen from taking unlawful action as is necessary to restrain or prevent any violation of this title or of Idaho Code. (Ord. 501, 11-18).
- A-8** The site must comply by all lighting standards set forth in BCRC 12-453(F).
- A-9** The site must comply with all applicable landscaping standards and appropriate types set forth in BCRC 12-462 through 12-464.
- A-10** A stormwater management plan must be submitted and comply by the standards set forth in BCRC 12-720.

**File CUP0005-22 – Small Campground Adjacent to Mirror Lake.** The applicants are requesting a 4 site campground for tent/RV camping on a 18.58 acre property and a 1.28 acre property. The property is zoned R5. The project is located off Mirror Lake Road in Section 30, Township 56 North, Range 01 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.

**APPLICANT PRESENTATION:** Nathaniel Knecht gave an overview of the proposed project.

**PUBLIC/AGENCY TESTIMONY:** The following members of the public spoke on the record: James Carothers; Andrew Carothers; Jan Carothers; Ken Bergstrom; Michael Veenhuizen



**APPLICANT REBUTTAL:** Nathaniel Knecht addressed comments made by the public regarding site maintenance and traffic.

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

**MOTION TO APPROVE:** Commissioner Wakeley moved to approve this project FILE CUP0005-22 for a 4 site RV Park/Campground, 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 deliberations at 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 Linscott seconded the Motion.

**Roll Call Vote:**

Commissioner Marble	<b>Aye</b>
Commissioner Linscott	<b>Aye</b>
Commissioner Wakeley	<b>Aye</b>
Commissioner Kingsland	<b>Aye</b>
Commissioner Webster	<b>Aye</b>

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

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**Findings of Fact**

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1. The project site abuts a private road, Mirror Lake Road.
2. Mirror Lake Road is owned and maintained by Bonner County up to approximately 500 feet from the subject property.
3. The combined acreage of the subject properties is approximately 19.86 acres.
4. The properties are served by Selkirk Fire, rescue, & EMS and Bonner County Ambulance District at the time of building location permit submission for the two RV sites.
5. The proposal does not include any permanent structures.

6. The properties contain slopes of 30% or greater according to the USGS.
7. The properties contain PEM1C Freshwater Emergent Wetlands where the properties abut Mirror Lake according to the National Wetlands Inventory.
8. The properties do not contain any prime farmland soils according to NCRS.
9. No critical wildlife habitats were identified on the subject properties according to U.S. Fish & Wildlife Service.
10. The project site is adjacent to the Mirror Lake Resort, a multi-use property with RV sites, tent sites, and recreational equipment rentals which has been in operation since 1919.
11. A waiver of appendix A private road standards is appropriate for this proposal.
12. Mirror Lake Road is owned and maintained by Bonner County approximately 800 feet west of the subject property.
13. One septic permit was found for this property.

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## **Conclusions of Law:**

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

### Conclusion 1

The proposed conditional use permit **is** in accord with the Bonner County comprehensive plan. (See attached comprehensive plan goals, objectives and policies)

- |                       |                         |                                    |
|-----------------------|-------------------------|------------------------------------|
| •Property Rights      | •Population             | •School Facilities, Transportation |
| •Economic Development | •Land Use               | •Natural Resources                 |
| •Hazardous Areas      | •Public Services        | •Transportation                    |
| •Recreation           | •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.

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## Conditions of approval:

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

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- 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** Building location permits for RV dwelling units shall be obtained for each of the RV sites.
- A-5** 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-6** If the use of this property intensifies or the conditional use permit is modified to accommodate an expansion, a condition will be added to the conditional use permit modification requiring that roads shall meet the standards set forth in appendix A of title 12 private road standards manual.
- A-7** Solid waste collection areas shall be animal proofed. BCRC12-453, K, (3)

### **Prior to issuance**

- B-1** A fire protection and mitigation plan shall be reviewed & approved by Selkirk Fire, Rescue, & EMS. The access to the site shall also be reviewed & approved by Selkirk Fire, Rescue, & EMS. (*Amended during the Hearing*)

*Chair Marble called for a recess at 7:47 p.m.*

*Chair Marble call the meeting back to order at 8:00 p.m.*

**File CUP0006-22 - Conditional Use Permit – Wedding Venue & Vacation Rental.** The applicants are requesting a wedding venue and vacation rental on a 20.97 acre property near the city of Clark Fork. The property is zoned R10. The project is located off U.S. Highway 200 in Section 28/29, Township 56 North, Range 02 East, Boise-Meridian.

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

**STAFF PRESENTATION:** 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:** Jenna Miller, Applicant, answered questioned from the commissioners.

**PUBLIC/AGENCY TESTIMONY:** No Public Comment.

**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 FILE CUP0006-22 for a wedding/event venue and vacation rental, 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 Kingsland 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 Marble	<b>Aye</b>
Commissioner Linscott	<b>Aye</b>
Commissioner Wakeley	<b>Aye</b>
Commissioner Kingsland	<b>Aye</b>
Commissioner Webster	<b>Aye</b>

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

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## Findings of Fact

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1. The property has an existing 465 foot deep well that was drilled in 1994 and later a 3hp pump was installed, producing an average of 5gpm.
2. The property is served by two existing septic systems that are regularly serviced according to the applicant.
3. The property is served by Avista Utilities and Sam Owen Fire District, along with Bonner County Ambulance District.
4. The property contains mapped wetlands and is located on the Clark Fork River Delta.
5. The property is located in a mapped floodplain but has a letter of map amendment from FEMA stating that the property is above the base flood elevation.

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## Conclusions of Law:

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

### Conclusion 1

The proposed conditional use permit **is** in accord with the Bonner County comprehensive plan. (See attached comprehensive plan goals, objectives and policies)

- |                       |                         |                                    |
|-----------------------|-------------------------|------------------------------------|
| •Property Rights      | •Population             | •School Facilities, transportation |
| •Economic Development | •Land Use               | •Natural Resources                 |
| •Hazardous Areas      | •Public Services        | •Transportation                    |
| •Recreation           | •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.

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## Conditions of approval:

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

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- 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 applicant shall follow the recommendations set forth in the Event Venue Evaluation Letter submitted by 7B Engineering in the application packet.
- A-5** A site inspection shall be performed by Bonner County to confirm the number of bedrooms available for overnight guests to confirm the maximum occupancy of 20 overnight guests is in accord with the standards set forth in BCRC 12-484.
- A-6** 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.

**File CUP0003-22- Conditional Use Permit for Private Community Facility.** The applicants are requesting a conditional use permit for a private community facility. The parcel is 7.50 acres. The property is zoned Rual-5. The project is located off Mansours Place in Section 24, Township 55 North, Range 6 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:** Eric Kelso, Applicant, gave an overview of the proposed project.

**PUBLIC/AGENCY TESTIMONY:** The following members of the public spoke on the record: Cassandra Thompson; Breonna Albro; Jack Clemstein; Leslie Albro; TJ Loper; Doug Albro; and Cameron Ferguson.

**APPLICANT REBUTTAL:** Eric Kelso, Applicant, addressed comments and concerns brought up during public comment.

**STAFF REBUTTAL:** Daniel Britt addressed concerns made during public comment regarding space for parking and answered questions about the Conditions of Approval from Commissioners.

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

Commissioner Linscott moved to reopen public comment

Commissioner Wakeley seconded.

**Roll Call Vote:**

Commissioner Marble	<b>Aye</b>
Commissioner Linscott	<b>Aye</b>
Commissioner Wakeley	<b>Aye</b>
Commissioner Kingsland	<b>Aye</b>
Commissioner Webster	<b>Aye</b>

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

**PUBLIC/AGENCY TESTIMONY:** The following members of the public spoke on the record: Breonna Albro and Cameron Ferguson.

**MOTION TO APPROVE:** Commissioner Linscott moved to approve this project FILE CUP0003-22 for a private community 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 as amended during deliberations, 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 Wakeley seconded the Motion.

**Roll Call Vote:**

Commissioner Marble	<b>Aye</b>
Commissioner Linscott	<b>Aye</b>
Commissioner Wakeley	<b>Aye</b>
Commissioner Kingsland	<b>Aye</b>
Commissioner Webster	<b>Aye</b>

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

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**Findings of Fact**

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1. The property is zoned Rural-5. Where private community facilities are conditionally allowed in this zone upon having meant the required standards per BCRC 12-335 and Subchapter 4.2.
2. The property is accessed off Mansours Place a private road built to appendix A private road standards.
3. Fire protection is provided Spirit Lake Fire District.
4. Power is provided by Avista Utilities.
5. The site has an individual well and septic system.
6. The proposal is for a private community facility.
7. The site is 7.5 acres.

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**Conclusions of Law:**

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

Conclusion 1

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

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

Conclusion 2

This proposal was reviewed for compliance with the criteria and standards set forth at BCRC Chapter 3, Subchapter 3.3 BCRC Chapter 4, Subchapter 4.2 Title 12, Chapter 7, Subchapter 7.2 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.

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**Conditions of approval:**

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

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- 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** The applicant shall follow BCRC 12-335 Public Use table standards as found in this staff report.
- A-7** The applicant shall follow BCRC 12-4.3, parking standards as found in this staff report.
- A-8** The applicant shall obtain a Building Location Permit for the proposed sign.
- A-9** The applicant shall follow lighting standards BCRC 12-453(F)(5).

**Conditions Added During the Hearing:**

**A-10** The applicant shall not allow campfires on site during events.

**A-11** The applicant shall not allow alcohol to be served during events.

**A-12** The applicant shall provide dust abatement for Mansours Place during events.

**A-13** The applicant shall only have 20 events per year.

**A-14** The applicant shall not allow more than 120 guests per event.

**A-15** Hours of operation shall be 10:00 am to 10:00 pm.

*Chair Marble called for a recess at 9:58 p.m.*

*Chair Marble called the meeting back to order at 10:05 p.m.*

**FILE ZC0009-22 - Zone Change – Kilmer.** The applicants are requesting a zone change from Rural-10 to Rural-5. The property is zoned Rural-10. The project is located off Hunter Road in Section 16, Township 54 North, Range 5 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:** Marc Kilmer, explained his reasons for requesting this zone change.

**APPLICANT REPRESENTATIVE:** Steve Syrcle, Tri-State Consulting & Engineers, gave an overview of the proposed project.

**PUBLIC/AGENCY TESTIMONY:** The following members of the public spoke on the record: Ron Smith.

**APPLICANT REBUTTAL:** Marc Kilmer addressed comments made by the public regarding roads.

**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 ZC0009-22, requesting a zone change Rural-10 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 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.

Commissioner Webster seconded the Motion.

**Roll Call Vote:**

Commissioner Marble	<b>Aye</b>
Commissioner Linscott	<b>Aye</b>
Commissioner Wakeley	<b>Aye</b>
Commissioner Kingsland	<b>Nay</b>
Commissioner Webster	<b>Aye</b>

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

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**Zone Change Findings of Fact**

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- The parcel contains two different soil types. Both are classified as prime farmland.
- Agricultural/ Forestry pursuits remain viable for this parcel.
- The parcel is not characterized by slopes <30% grade, in fact there are no mapped slopes on these parcels
- The parcels are afforded fire protection by Spirit Lake Fire District. Access to this parcel by a private easement that is adjacent to a Bonner County owned road and an Idaho State highway.
- The current comprehensive planned designation is Rural Residential. Which allows for parcel to be 5 acres.
- Utilities are provided by Inland Power.
- An individual well can provide water for these parcels.
- Sewage disposal can be an individual septic system.
- The parcels are currently 80 acres in size.

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**Zone Change Conclusions of Law:**

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**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 |
| •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 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:**

- Chair Marble addressed an interaction between two commissioners during the last Zoning Commission meeting.
- The Interim Planning Director gave an update on the progress being made on the Comprehensive Plan.
- The Hearing Examiner has been appointed by the Board of County Commissioners and will begin hearing files in August.

At 11:02 p.m., the Chair declared the hearing adjourned until July 21, 2022.


Respectfully submitted,

  
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 Jacob Gabell, Planning Director

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The above Minutes are hereby approved this 4<sup>th</sup> day of August 2022.

Bonner County Zoning Commission

  
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 Jacob Marble, Chair