

**BONNER COUNTY ZONING COMMISSION
PUBLIC HEARING MINUTES
AUGUST 18, 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: Planner I Chad Chambers and Hearing Coordinator Jenna Crone.

CHANGES IN AGENDA:

File ZC0014-22 – Zone Change – Ag/Forestry 20-acre to Ag/Forestry 10-acre.

The applicants are requesting a zone change from Agricultural/Forestry 20-acre to Agricultural/Forestry 10-acre on three separate parcels, two ≈20-acre parcels, and one (1) 19.78-acre parcel, totaling some ≈59.78-acres. The property is currently zoned Agricultural/Forestry 20-acre. The project is located off Magpie Lane in Section 8, Township 58 North, Range 1 West, Boise-Meridian.

Commissioner Linscott made a Motion to continue File ZC0014-22 to September 15, 2022.

Commissioner Webster seconded the Motion.

APPROVAL OF MINUTES: The Chair requested the Commissioners declare if they had any corrections or changes to the approval of minutes as written for August 4, 2022. Hearing no changes or objections, the Chair declared the minutes approved as written.

File MOD0002-22 – Residential Care Facility – Conditional Use Permit Modification.

The applicants are requesting a modification to conditional use permit File #C800-04 and File #CM0800-07 to expand the existing residential care facility building from 6,100ft² to 11,380ft² and add an additional sixteen (16) 900ft² cottages to the property. The property is zoned Agricultural/Forestry 10-acre. The project is located off Spirit Lake Cutoff in Section 18, Township 54 North, Range 4 West, Boise Meridian, Bonner County, Idaho.

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

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

APPLICANT REPRESENTATIVE: Travis Haller, Applicant Representative, presented a PowerPoint presentation (Exhibit B) discussing the proposed phases of the project and asked that Staff's conditions of approval be modified.

APPLICANT PRESENTATION: Troy Davis, President of Still Meadow Investments, discussed the proposed project.

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 FILE MOD0002-22 for an expansion of an existing residential care facility from 6,100ft² to 11,3080ft² and an additional sixteen residences for up to 46 residents total, 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 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 Kingsland further moved to approve the conditions as amended by staff, and the applicant's project representative.

Commissioner Wakeley seconded the motion.

Roll Call Vote:

Commissioner Marble	Aye
Commissioner Linscott	Aye
Commissioner Wakeley	Aye
Commissioner Kingsland	Aye
Commissioner Webster	Aye

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

Findings of Fact

1. The subject property is zoned Agricultural/Forestry 10-acre and is in the Ag/Forest Land comprehensive land use plan designation.
2. The parcel is not situated within a FEMA mapped floodway or floodplain SFHA A or AE.

3. The property contains Freshwater Emergent Wetlands and some sloping 15%+ in the northwest portion of the property.
4. The property is accessed by Spirit Lake Cutoff, a County owned and maintained R-O-W.
5. The property is not located within an Area of City Impact.
6. Per the application, the property is not served by a municipal water and sewer district. Services on-site include a private water system, private septic system and Avista for power.
7. The subject property is in the Spirit Lake Fire Protection Taxing District, Bonner County Ambulance Taxing District, West Bonner School District #83, and Bonner County Road & Bridge 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
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 (as amended) showing setbacks, wetlands, parking on-site and traffic circulation for the property. (Amended during hearing)

- 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 property shall conform to the standards set forth in BCRC 12-4.2 for the life of the conditional use permit modification.
- A-6** One parking space shall be made available for each resident residing on the property to provide for adequate parking for guests.
- A-7** The number of residents, care, guests and housing (including private bathroom facilities) and staffing on-site provided must comply with all state and federal laws and regulations.
- A-8** The applicant shall submit a letter from the Spirit Lake Fire Chief demonstrating compliance with fire suppression, prior to new residents occupying that portion of the structure being expanded. Additionally, the final inspection for the building location permit shall not be completed until such fire suppression is installed and deemed compliant by the Spirit Lake Fire Protection District. (Added during the Hearing)

Conditions to be met prior to issuance of the permit:

- B-1** The applicant shall provide an updated site plan showing setbacks and the location of wetlands, parking on-site and traffic circulation for the property.
- B-2** The applicant shall submit a landscaping plan, as required per BCRC 12-4.6.
- B-3** The applicant shall submit a professional grading and stormwater management plan per BCRC 12.7.2. The plan must include any additional impervious surface being added to the property (including parking, as applicable).
- ~~**B-4** If a 40' building setback to the existing Freshwater Emergent Wetlands mapped on the property cannot be established, the applicant must obtain and submit a professional wetland delineation in accord with the regulations set forth in BCRC 12-733. (Amended during the Hearing)~~

~~B-5~~ The applicant must address all concerns by the Idaho Department of Environmental Quality and provide a letter indicating that drinking water and waste water meets their standards. (Amended during the Hearing)

B-4 If the services cannot be increased to meet the additional requirements, the maximum allowable units will decrease to the maximum number of units allowed as set forth in the standards for the approved drinking water and wastewater system on site. An updated site plan shall be given to the planning department to reflect the decrease in allowable units, if needed, and the site plan entered into the file's record as superseding the approved site plan. (Amended during the Hearing)

COMMISSIONER & STAFF UPDATES: NONE

At 7:03 p.m., the Chair declared the hearing adjourned until September 1, 2022.

Respectfully submitted,



Jacob Gabell, Planning Director

The above Minutes are hereby approved this 1st day of September 2022.

Bonner County Zoning Commission



Jacob Marble, Chair