

**BONNER COUNTY ZONING COMMISSION
PUBLIC HEARING MINUTES
May 18, 2023**

PLEDGE OF ALLEGIANCE

CALL TO ORDER: Vice Chair Webster called the Bonner County Zoning Commission hearing to order at 5:30 p.m. in the 3rd Floor Meeting Room, of the Bonner County Administration Building, 1500 Highway 2, Sandpoint, Idaho, via Zoom webinar, and YouTube live streaming.

PRESENT: Vice Chair Luke Webster; Commissioners Frank Wakeley and Jake Weimer.

ABSENT: Chair Jacob Marble and Robert Clark

ALSO PRESENT: Planning Director Jacob Gabell, Assistant Planning Director Travis Haller, Senior Planner Swati Rastogi and Hearing Coordinator Jenna Crone.

CALL FOR VISUAL, HEARING OR OTHER IMPAIRMENT REQUIRING ASSISTANCE: The Vice Chair asked whether anyone needed special assistance to hear, see or participate in these proceedings. Hearing no response, the Vice Chair continued with the public hearing.

CHANGES IN AGENDA: None

APPROVAL OF MINUTES: The Vice Chair requested the Commissioners declare if they had any corrections or changes to the approval of minutes as written for April 20, 2023. Hearing no changes or objections, the Vice Chair declared the minutes approved as written.

File CUP0017-22 and SS0009-22 - Planned Unit Development – North of the Narrows. The applicants are requesting a large scale residential Planned Unit Development on Recreation zoned lots/parcels amounting to a total area of approximately 3.17 acres. The applicants are proposing to create seven (7) residential lots with recreational open space, storage and utilities area. The project is located off Copper Bay Road, a public road in Section 9, Township 61 North, Range 4 West, Boise-Meridian.

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

STAFF PRESENTATION: Senior Planner Swati Rastogi presented a PowerPoint summary of the project and previously circulated staff report, concluding this project

is consistent with Bonner County Revised Code and the Bonner County Comprehensive Plan.

APPLICANT REPRESENTATIVE: Steve Klatt, discussed the history of the project and gave an overview of the entirety of the proposed project.

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

APPLICANT REBUTTAL: Steve Klatt answered questions from the public regarding road maintenance.

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

Public Testimony was reopened for clarifying questions from the Commissioners.

APPLICANT REPRESETNATIVE: Steve Klatt answered questions from the Commissioner.

MOTION TO RECOMMEND APPROVAL: Commissioner Wakeley moved to recommend to the Board of County Commissioners, approval of this project FILE CUP0017-22 requesting a large-scale residential Planned Unit Development on an approximately 3.17-acre Recreation-zoned property located off Copper Bay Road in Section 9, Township 61 North, Range 4 West, Boise-Meridian, finding that it is in accord with the Bonner County Comprehensive Plan and Bonner County Revised Code as enumerated in the following conclusions of law: **COMMISSIONER READ THE CONCLUSIONS OF LAW HERE THAT THE PROJECT MEETS.** 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 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 Weimer seconded the motion.

Roll Call Vote:

Commissioner Wakeley	Aye
Vice Chair Webster	Aye
Commissioner Weimer	Aye

Conclusions of Law for PUD:

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

1. The planned unit development **is** in accord with the Bonner County comprehensive plan.
2. The proposed planned unit development or the first phase of it **can** be substantially completed within two (2) years from the date of approval.
3. Each individual development phase **can** exist as an independent unit meeting the minimum standards set forth in this subchapter.
4. The streets and thoroughfares proposed **are** suitable and adequate to gather anticipated traffic and will not generate traffic in amounts that will overload the street network outside the planned unit development. Connections to public transportation systems shall also be considered.
5. Any residential development **will** constitute a residential environment of sustained desirability and stability and **will** be in harmony with the character of the surrounding neighborhood and community.
6. Any proposed commercial or industrial development **will** constitute an efficient well organized development, with adequate provisions for access and storage, and it **will not** adversely affect adjacent or surrounding development.
7. The proposed use **will not** create a hazard or **will not** be dangerous to persons on or adjacent to the property.

Conditions of Approval for PUD:

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

1. Per BCRC 12-254.B, development plans submitted as part of an approved "large scale" PUD shall be in substantial compliance with the approved conceptual land use plan. Any significant change affecting the original approval of the plan shall require a public hearing. A change in density or a more intensive use of the same area constitutes a significant change.
2. Per BCRC 12-256.B, a PUD shall include a homeowners' association and/or corporate ownership, which shall be responsible for the development, use and permanent maintenance of all common activities and facilities.
3. Per BCRC 12-256.C, Covenants, Articles of Incorporation: Articles of incorporation for the homeowners' association or corporate entity governing the PUD shall be recorded with the final plat of any PUD subdivision or final development plans. The covenants, conditions and restrictions shall be sufficient to enforce development requirements and responsibilities of the homeowners' association and/or ownership.
4. Per BCRC 12-258.C, conditional use approval for a conceptual "large scale" PUD shall expire four (4) years from the date of approval if no improvements have started in accordance with subdivision and/or development plan approval

requirements. The developer is responsible for keeping the county informed of progress made during the approval period.

5. Per BCRC 12-258.D, an extension of time request not to exceed two (2) years may be granted by the board of county commissioners. The request shall be made in writing prior to the expiration date and shall state the reasons why the extension is needed and how the developer intends to progress with the project. If it is found that the intent of the PUD approval is merely for speculation purposes, the extension shall not be granted.
6. Per BCRC 12-7.2, the applicant submitted a stormwater and erosion control plan prepared and revised by James A. Sewell and Associates, LLC on November 10, 2022. The plan is currently in review by Bonner County. The applicant shall make all updates or changes to the submitted plans necessary to comply with BCRC 12-7.2 or other provisions of the code as applicable to stormwater management or erosion control on site.
7. The site is located within SFHA Zone D (per FIRM Panel 16017C0150F, effective Date 7/7/2014) and SFHA Zone AE (per FIRM Panel 16017C0150F, effective date 7/7/2014). However, no development has been proposed in SFHA AE; the development has only been proposed in SFHA Zone D. This project, as proposed, would not require any further floodplain review. However, any development or ground disturbance proposed in SFHA Zone AE may require a floodplain development permit per Title 14, Flood Damage Prevention of the Bonner County Revised Code per BCRC 12-7.5.
8. Within the current project, some buildable sites are proposed to be located in areas of slopes of over 30% grade. Per BCRC 12-7.6, in such cases, a geotechnical analysis shall be required for proposed building sites, roads, driveways or other development. The geotechnical analysis shall be stamped and signed by an Idaho licensed civil or geological engineer having sufficient education and experience to prove competency in the field of geotechnical engineering. The geotechnical analysis shall be submitted prior to construction and shall explain the geologic and hydrologic features of the area, shall evaluate the suitability of the site for intended uses, shall identify potential problems relating to the geology and hydrology, shall summarize the data upon which conclusions are based, and shall propose mitigation measures.

MOTION TO RECOMMEND APPROVAL: Commissioner Weimer moved to recommend to the Board of County Commissioners, approval of the preliminary subdivision plat, FILE SS0009-22 requesting to subdivide an approximately 3.17-acre Recreation-zoned property located off Copper Bay Road in Section 9, Township 61 North, Range 4 West, Boise-Meridian into 7 residential lots and 5 utility or storage tracts, finding that it is in accord with the Bonner County Comprehensive Plan and Bonner County Revised Code as enumerated in the following conclusions of law: **COMMISSIONER REFERRED TO THE CONCLUSIONS OF LAW.** The decision is based upon the evidence submitted up to the time the Staff Report was prepared and

testimony received at this hearing. Commissioner Weimer further moved to adopt the findings of fact 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 subdivision 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 Wakeley	Aye
Vice Chair Webster	Aye
Commissioner Weimer	Aye

Conclusions of Law for Plat:

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

1. The proposed subdivision **is** in accord with the purposes of this Title and of the zoning district in which it is located.
2. The site **is** physically suitable for the proposed development.
3. The design of the proposed subdivision **will not** adversely impact Bonner County's natural resources, as identified in the comprehensive plan. Any adverse impacts or potential for impacts shall be mitigated as a condition of approval.
4. The public and private services, including but not limited to water, sewer services, solid waste, fire protection, emergency services, and school facilities and transportation, which will serve the proposed subdivision **are** adequate for the needs of future residents or users.
5. The proposed subdivision **will not** cause circumstances to exist that will cause future residents or the public at large to be exposed to hazards to health or safety.
6. The design of the proposed subdivision or related improvements **will** provide for coordinated access with the county system of roads and with adjacent properties and **will not** impede the use of public easements for access to, or through the proposed subdivision. The proposed transportation system **is** designed to adequately and safely serve the future residents or users without adversely impacting the existing transportation system by reducing the quality or level of service or creating hazards or congestion.
7. The proposed subdivision **is** designed to comply with the design criteria for subdivisions set forth in Subchapter 6.2 of this chapter.
8. The proposed subdivision **is** in accord with the Bonner County Comprehensive Plan.

Conditions of Approval for Plat:

1. Per BCRC 12-258.C, conditional use approval for a conceptual "large scale" PUD shall expire four (4) years from the date of approval if no improvements have started in accordance with subdivision and/or development plan approval requirements. The developer is responsible for keeping the county informed of progress made during the approval period.
2. Per BCRC 12-258.D, an extension of time request not to exceed two (2) years may be granted by the board of county commissioners. The request shall be made in writing prior to the expiration date and shall state the reasons why the extension is needed and how the developer intends to progress with the project. If it is found that the intent of the PUD approval is merely for speculation purposes, the extension shall not be granted.
3. Per BCRC 12-623.C the applicant shall submit a will-serve letter from Granite Reeder Bay Water and Sewer District stating the district's capacity and willingness to provide sewer services to the proposed project.
4. Per BCRC 12-623.D all proposed lots shall be designed by the applicant to provide a fire protection plan. In addition, the applicant shall provide for at least one of the following. See Conditions of Approval.
 - a. Prior to final plat, an approved water and fire hydrant system capable of providing one thousand (1,000) gallons per minute for a minimum of two (2) hours where a community water system exists or is proposed as part of the development and is capable of delivering the pressurized water supply necessary for delivering fire flows as prescribed by the international fire code, as adopted by the state fire marshal, and such later editions as may be so published and adopted by the state fire marshal, or as amended, modified or superseded, and incorporated herein by reference with a copy on file with the office of the clerk of the board of county commissioners, and hereinafter referred to as IFC.
 - b. A note on the final subdivision plat stating: "At the time of building location permit or building permit, the lot owner shall install a minimum two thousand (2,000) gallon water storage system, meeting IFC standards". Refill on demand is not required to meet IFC standards.
 - c. A note on the final subdivision plat stating: "The installation of an approved IFC residential fire suppression sprinkler system is required in all newly constructed residences".
 - d. Prior to final plat, a manmade or natural water source with a dry hydrant capable of delivering adequate water supply as prescribed by IFC.

- e. A note on the final subdivision plat stating: "At the time of building permit or building location permit, the lot owner shall install an approved fire suppression method to the satisfaction of Bonner County".
5. Per BCRC 12-633.F, Cluster lots in a conservation subdivision may not be further subdivided except where in compliance with this title. For example, if a forty (40) acre conservation subdivision in the R-10 zoning district contains 4 two (2) acre lots and a thirty two (32) acre common open space is rezoned to R-5, each of the four (4) cluster lots may be split into two (2) lots to achieve maximum density per the R-5 standards, pursuant to the procedures set forth in this chapter. However, notes on the final plat as approved by the board may include other restrictions on future subdivision of the lots. Include the following note on the final plat – "Cluster Lots 1-7 may not be further subdivided except where in compliance with Bonner County Revised Code, Title 12."
6. Per BCRC 12-633.G, individual and/or common wells and sewage disposal facilities may be provided within designated common open space areas to allow for maximum efficiency of cluster lot design and minimize potential negative impacts to the environment. Applicable easements for the facilities shall be shown on the final plat.
7. Per BCRC 12-633.H, common open space shall be preserved as permanent open space, except where otherwise noted in Bonner County Revised Code, Title 12. The applicant submitted an open-space management plan with the project application. The plan contains details concerning ownership and responsible parties for maintenance of open space, use of the designated common open space in accordance with BCRC Title 12, details concerning permanent protection of open space, details on maintenance of the open space and any construction activities or vegetative clearing that may occur on site.

All subsequent activities must be conducted in accordance with the approved open space management plan. Open space management plan may be modified through amendment procedures for a plat alteration, but in no case shall perpetually dedicated open space be revoked.

The open space management plan, as described above, shall be referenced on the face of the final plat and shall be filed as title notice.

8. Per BCRC 12-7.2, the applicant submitted a stormwater and erosion control plan prepared and revised by James A. Sewell and Associates, LLC on November 10, 2022. The plan is currently in review by Bonner County. The applicant shall make all updates or changes to the submitted plans necessary to comply with BCRC 12-7.2 or other provisions of the code as applicable to stormwater management or erosion control on site.
9. Per BCRC 12-624, the applicant is required to make improvements to the public road as recommended by Bonner County Road and Bridge Department. See below.

"The Applicant should be required to install two stop signs with blue road name signs on top (blue indicates a private road) per MUTCD requirements at the intersections of Hagman Rd at Copper Bay Rd, and Forsman Drive at Copper Bay

Road. There is currently no signage at either intersection making navigation or safety an issue as vehicles approach the public roadway."

The applicant shall comply with any subsequent modifications of these comments by Bonner County Road and Bridge Department upon further review of the project or based on the conditions on site.

The agency further requests the applicant, *"Tract D and the adjacent portion of Tract E were to be dedicated to the public as right-of-way as well, a more suitable turn-around for County maintenance equipment could be established which would improve the services in the area."* However this request is not a requirement, only a recommendation to the applicant.

10. After the preliminary plat is approved, the subdivider shall have an improvement plan for the subdivision prepared by a registered civil engineer. Two (2) copies of the improvement plan shall be filed with the county engineer. This plan shall include the following:
 - a. The subdivision name and number, geographic grid (township, range and tier, section number and location within the section), north arrow, date and scale no smaller than one hundred feet to the inch (1" = 100').
 - b. The plan and profile of all proposed roads showing final grades and cross sections of roads in accord with the requirements contained in title 2 of this code.
 - c. The plan and profile of proposed sanitary and stormwater systems with grades and sizes indicated. Drain calculations may be required.
 - d. A grading plan, showing stormwater drainage for each lot.
 - e. Any other improvements such as curbs, gutters, sidewalks, bridges, lift stations, fire hydrants, streetlighting, etc., as required, and in accord with the requirements contained in title 2 of this code.
11. The county engineer, or his representative, shall check inspection reports of the applicant's engineer and shall perform a final inspection and additional inspections (if called for). Construction and inspection of road improvements shall be completed in accord with the requirements contained in title 2 of this code or appendix A of this title.
12. In lieu of completing all improvements as required before final plat recording, the subdivider shall enter into a surety agreement with the board agreeing to complete the improvements in accordance with surety agreement conditions and preliminary and final plat approvals. A cash deposit, certificate of deposit, corporate surety bond written by an insurance company licensed in Idaho having a rating from AM Best & Company of "A" or better, letter of credit issued and backed by a federal or state chartered bank, is required equivalent to one hundred fifty percent (150%) of the project engineer's estimated cost of construction of the improvements for the purpose of guaranteeing completion of the work and repair of any defects in improvements which occur within one year of the first acceptance of the completed

work by the board. Sureties guaranteeing the work and repair of any defects in improvements which occur within one year after first acceptance of the completed work by the board may be reduced by the board by one-half (1/2) for that one year. The surety agreement shall be valid for a period not to exceed two (2) calendar years from the date of approval. At any time prior to the expiration date of the surety agreement, the subdivider may make a written request to the planning director for a single extension of the surety agreement for a period up to two (2) years. The board may consider such request for extension at any regular business meeting. The extension request must be approved or denied by the board prior to the expiration date of the surety agreement.

Findings of Facts for the PUD and the Plat:

1. The applicants are requesting a large-scale residential Planned Unit Development on Recreation zoned parcels amounting to a total area of approximately 3.17 acres. The project is located off Copper Bay Road, a privately maintained public road in Section 9, Township 61 North, Range 4 West, Boise-Meridian.
2. The request for this Planned Unit Development proposes to create or envisions the following:
 - Seven (7) residential lots, ranging from 3050 square feet (0.07 acres) to 10,165 square feet (0.23 acres) in area – Lots 1 through 7 as shown on the preliminary plat above. Six (6) of the proposed residential units are proposed to be developed as townhomes and one (1) residential unit is proposed to be developed as a single-family dwelling unit.
 - Common Open Space - Tract E (1.013 acres) to be used as recreational areas, providing residential recreational access to water and docks and commercial access for existing marine construction.
 - Utility areas - Tract A (0.297 acres) of land for wellhead protection and Tract D (0.029 acres) for storm water management.
 - Storage and utility areas – Tracts B (0.604 acres) and Tracts C (0.431 acres).
 - A part of the subject site will continue being used as a private roads – Forsman Drive and Hagman Road.
 - Hagman Beach Loop is proposed to be removed.
 - A small portion of the Copper Bay Road, currently privately owned, is proposed to be dedicated to the public through this project.
3. The subject parcel is currently developed with a single-family residence and a storage building. The storage building is intended to be removed prior to the recording of the final plat of the project.

4. Site exists as four unplatted parcels of land along with existing private roads – Forsman Drive and Hagman Road and a small portion of Copper Bay Road, currently privately owned and intended to be dedicated to the public through this project.
5. Subject site is accessed off of Copper Bay Road, a privately maintained and county owned public right-of-way with a speed limit of 20 miles per hour.
6. The project proposes to maintain current internal accesses to the site through existing private roads – Forsman Drive and Hagman Road. The project proposes removal of a private road – Hagman Beach Loop.
7. Site contains slopes of over 30% grade. (United States Geological Survey)
8. Site does not contain mapped wetlands. (United States Fish and Wildlife Services)
9. The site fronts on Priest Lake to the east but does not contain any streams, rivers or any other mapped bodies of water. (National Hydrography Dataset)
10. Site is located within SFHA Zone D (per FIRM Panel 16017C0150F, effective Date 7/7/2014) and SFHA Zone AE (per FIRM Panel 16017C0150F, effective date 7/7/2014).
11. Site does not seem to contain any critical wildlife areas as identified by any local, state or federal agencies.
12. Water: The development is intended to be served by a proposed community water system - a shared well system serving the residential lots in the proposed development.
13. Sewage: The development is intended to be served by an existing community sewer system - Granite Reeder Water and Sewer District.
14. Fire: The site is located with West Priest Lake Fire District.
15. Power: The site is served by Northern Lights, Inc.
16. School District: The site is located within Lake Pend Oreille School District #84.
17. Ambulance District: The site is located within Bonner County Ambulance District.
18. Hospital District: The site is located within Pend Oreille Hospital District.
19. The application for the proposed Planned Unit Development was made to the Planning Department. In addition to the basic information requirements, the application included the following:
 - A report showing how the proposed Planned Unit Development complies with the Conditional Use Permit standards of BCRC 12-223.
 - An environmental analysis
 - A preliminary development plan along with the proposed preliminary plat.
 - A trip generation letter.

20. The project proposes creation of residential lots and utility tracts through the process of platting. The preliminary plat has been submitted for concurrent review of the plat with this Planned Unit Development application.
21. The project proposes reserving approximately 32% of the site area as common open space to be used as recreational areas (Tract E), providing residential recreational access to water and docks and commercial access for existing marine construction.
22. BCRC 12-412 allows a minimum lot size of 12,000 square feet in Recreation District where both urban sewer and water services are available resulting in a permissible residential density of 11 units on the subject property. The applicant is requesting a lower residential density of 7 residential units only. The applicant is proposed to develop 6 of the units as townhouses and 1 unit to be developed as a single-family residential unit. No density bonuses are requested as part of this project.
23. Through this project, the applicant is proposing to dedicate a small portion of the Copper Bay Road to the public that is currently privately owned. However, no density bonuses are requested in exchange for this dedication of the road to the public.
24. BCRC 12-256.G permits an increase or decrease in the minimum development standards set forth in Bonner County Revised Code, Title 12 to accomplish the design objectives in the utilization of natural or created amenities, provided the development meets the intent of the standards.

As part of this project, the applicant is requesting the following deviations to the development standards for this project:

(a) Minimum Lot Sizes:

BCRC 12-412 permits a lot size of 15,000 square feet for the first townhouse and 3,000 square feet for every subsequent townhouse attached to the first one in Recreation zoning district, where both urban sewer and water services are available. The code requires a minimum lot size of 12,000 square feet for single-family residential lots where both urban sewer and water services are provided.

Through this project, the applicant is requesting to create 3 sets of two townhouses each and 1 single-family residential lot. The minimum lot size deviations requested are as follows:

Lot No.	Required Lot Size (sq.ft.)	Deviations Requested?	Proposed Lot Size (sq.ft.)
Lot 1	15,000	Yes	3,729
Lot 2	3,000	No	3,662
Lot 3	15,000	Yes	3,423
Lot 4	3,000	No	3,810
Lot 5	15,000	Yes	3,931
Lot 6	3,000	No	3,050
Lot 7	12,000	Yes	10,165

(b) Maximum Lot Coverage:

The maximum permissible lot coverage on properties zoned Recreation is 35% of the total lot area per BCRC 12-412. The applicant is requesting an increase of the maximum lot coverage percentage to 62.5% on all of the proposed residential lots in the development.

(c) Street Setbacks:

The minimum required street setback is 25 feet and the property line setback is 5 feet for Recreation zoned properties per BCRC 12-412. The applicant is proposing a street setback of 15 feet on all residential lots – Lots 1 through 7. However, no deviations are requested to the side setbacks through this project. It is important to note that townhouses, by definition, allow a zero lot line setback in the Bonner County Revised Code. BCRC 12-821 defines a Townhouse as “A single-family dwelling unit on a separate lot that is attached to one or more townhomes and having at least one common wall.”

(d) Public Road Standards (BCRC 12-624.D):

The applicant is requesting a deviation to the requirement that lots smaller than five acres in size have direct access and frontage on public roads. The applicants are requesting that the residential lots in the development be allowed to retain direct access and frontage on the internal private roads – Hagman Road and Forsman Drive. The applicant is also requesting that the current private road standards of Title 12, Appendix A be waived off for these existing internal roads.

The applicant states, “This proposed P.U.D. is interwoven with a framework of private roads created by platted subdivisions in 1963 and shown as 20 feet wide connecting to the public Copper Bay Road created in 1936 with a width of 30 feet. Trying to impose current standards to the existing private road system among existing platted lots would create an almost impossible impediment to overcome. We request a variation from BCRC standards to dedicate the long-established roads as they are amongst existing lots to the future homeowners here.”

(e) Lot Width within 100 feet of the shoreline (BCRC 12-626.C.2):

This section of the Bonner County Revised Code requires that all lots in the Recreation zone and containing all urban services maintain an average width of at least 100 feet for all portions of the lot within 100 feet of the shoreline. The proposed residential lots in this PUD are located within 100 feet. The applicant is proposing six of the seven residential lots to have a width of less than 100 feet.

The applicant states, “BCRC requires the width of new lots created within 100 feet of the water to be 100 feet in width. While Lots 1 – 6 are set back from the water, they do fall within this requirement. Our design objective is to

create smaller lots for smaller homes that are compatible with the existing neighborhood. This preserves the waterfront and adjoining hillside as common open space, rather than creating fewer lots with larger homes with the neighborhood. Larger homes would become visual impediments to the existing secondary homes and their valued, albeit filtered, views of Priest Lake."

(f) Lot Coverage and Impervious Surface (BCRC 12-713.A.2):

This section of the Bonner County Revised Code states that the maximum "impervious surface", as defined in section 12-809 of this title, within "shore land" areas, as defined in section 12-819 of this title, which are defined as those lands extending landward for two hundred feet (200') in all directions as measured on a horizontal plane from any shoreline, shall be thirty five percent (35%). Developments may exceed these requirements by up to fifty percent (50%), provided all structures are not located closer than seventy five feet (75') from the shoreline. For example, the maximum percentage of impervious area may be increased from thirty five percent (35%) of the shore land area to fifty two and one-half percent (52.5%) of the shore land area, provided all structures are not closer than seventy five feet (75') from the shoreline.

The applicant is proposing six of the residential lots with an impervious surface ranging between 44%-51% with the closest residential structure located at a distance of 66 feet from the shoreline in order to achieve the design objectives of the proposed Planned Unit Development.

(g) Shoreline Vegetative Buffer (BCRC 12-714.B):

This section of the Bonner County Revised Code requires a vegetative buffer within 40 feet of the shoreline. The applicant is requesting a deviation from this standard in recognition of the existing sand beach within 40 feet of the shoreline.

The applicant states, "BCRC requires a vegetative buffer for lands within 40 feet of the water with an exception possible for pebble beach areas. While our design objective is to enhance and preserve the vegetative buffer area within Lots 1 – 6, this project area includes a cleared beach area of sand that does not support a vegetative buffer. We request a variance of the vegetative buffer requirement in recognition of the existing beach area."

(h) Buffering and Clustering in Planned Unit Developments (BCRC 12-633.K):

BCRC 12-256.H requires that residential Planned Unit Developments provide for clustering of dwelling units and that the clustered lots be accessed by interior road systems. To the maximum extent possible, cluster lots shall be located so that common open spaces provides a buffer between the cluster lots and adjacent properties and/ or right of way.

The project proposes clustering of 6 of the 7 dwelling units (Lots 1-6) in this Planned Unit Development. The clustered lots are accessed by interior road

systems, as required. However, the unique shape of the subject property does not allow the proposed common open space (Tract E) to be located in a way that it may provide a buffer between the cluster lots and adjacent properties to the north – Lot 6 of Second Addition to Hagman’s Beach. The applicant is thus proposing to create a five feet wide vegetative buffer between the cluster lots and the adjacent property noted above.

- (i) Section BCRC 12-713.A.2 of the code states that the maximum "impervious surface", as defined in section 12-809 of this title, within "shore land" areas, as defined in section 12-819 of this title, which are defined as those lands extending landward for two hundred feet (200') in all directions as measured on a horizontal plane from any shoreline, shall be thirty five percent (35%). Developments may exceed these requirements by up to fifty percent (50%), provided all structures are not located closer than seventy five feet (75') from the shoreline. For example, the maximum percentage of impervious area may be increased from thirty five percent (35%) of the shore land area to fifty two and one-half percent (52.5%) of the shore land area, provided all structures are not closer than seventy five feet (75') from the shoreline.

The applicant is proposing six of the residential lots with an impervious surface ranging between 44%-51% where 35% is permitted, with the closest residential structure located at a distance of 66 feet. The project thus requests a deviation in the permitted impervious surface as noted above, considering the reduced lot sizes to meet the objective of clustering of the residential lots through this PUD, under the provisions of the code section BCRC 12-256.G as noted above.

- (j) Section BCRC 12-714.B of the code requires a vegetative buffer within 40 feet of the shoreline. The applicant is requesting a deviation from this standard in recognition of the existing sand beach within 40 feet of the shoreline that does not support a vegetative buffer.

The applicant states, "BCRC requires a vegetative buffer for lands within 40 feet of the water with an exception possible for pebble beach areas. While our design objective is to enhance and preserve the vegetative buffer area within Lots 1 – 6, this project area includes a cleared beach area of sand that does not support a vegetative buffer. We request a variance of the vegetative buffer requirement in recognition of the existing beach area."

- (k) The applicant is not proposing any new roads as a part of this project. The applicant is requesting a deviation to the requirement that lots smaller than five acres in size have direct access and frontage on public roads. The applicants are requesting that the residential lots in the development be allowed to retain direct access and frontage on the existing internal private roads – Hagman Road and Forsman Drive. The applicant is also requesting that the current private road standards of Title 12, Appendix A be waived off for these existing internal roads. The deviations are requested pursuant to BCRC 12-256.G permitting deviations to the standards of Title 12 in order to reach the design objectives of the proposed project.

The applicant states, "This proposed P.U.D. is interwoven with a framework of private roads created by platted subdivisions in 1963 and shown as 20 feet wide connecting to the public Copper Bay Road created in 1936 with a width of 30 feet. Trying to impose current standards to the existing private road system among existing platted lots would create an almost impossible impediment to overcome. We request a variation from BCRC standards to dedicate the long-established roads as they are amongst existing lots to the future homeowners here."

The site fronts on Copper Bay Road, a county owned and privately maintained public right-of-way. Bonner County Road and Bridge Department reviewed the project for potential traffic that may be generated through this project as well the capacity of the existing road to handle the additional traffic. The agency recognizes that "while the County's current standard width for a public ROW is 60ft, the existing right of way width for Copper Bay Road is only 30ft beyond this dedication, and so the 30ft width is consistent with the existing road and it is unrealistic to attempt to widen the ROW between the existing homes." The agency, does, however recommends that adequate signs be added at the intersections to mitigate any issues of navigation and safety. See agency's letter for complete comments.

File CUP0006 –21 Conditional Use Permit (Extension Request of the Approved Permit) – Duplex Construction – Joseph & Ashlee Schultheis; Kevin & Jennifer Schneider. The applicants requested a Conditional Use Permit for a duplex on a 0.46 acre parcel on a property zoned as Alpine Village (AV). The project is located off Telemark Road in Section 20, Township 58 North, Range 2 West, Boise-Meridian. The request was approved by the Planning and Zoning Commission in their public hearing held on May 06, 2021, and the permit was subsequently issued on June 23, 2021. The permit is now due to expire on June 22, 2023, pending commencement of the use within two (2) years of the permit issuance. The applicant is, therefore, requesting a two-year extension of the approved Conditional Use Permit.

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

STAFF PRESENTATION: Senior Planner Swati Rastogi presented a PowerPoint summary of the project concluding this project is consistent with Bonner County Revised Code.

PUBLIC/AGENCY TESTIMONY: The following members of the public spoke on the record: None

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

APPLICANT PRESENTATION: Joel Schultheis answered questions from the Commissioners regarding timeline and why they are requesting the extension.

MOTION TO APPROVE: Commissioner Wakeley moved to approve this project CUP0006-21, a conditional use permit to construct a multi-family duplex off Telemark Road in the Alpine Village Zone (in the Schweitzer community), 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 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 Weimer seconded the motion.

Roll Call Vote:

Commissioner Wakeley	AYE
Vice Chair Webster	AYE
Commissioner Weimer	AYE

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

COMMISSIONER & STAFF UPDATES:

- Next meeting will be on June 15, 2023
- Discussion of changing the meeting start times.
- Comp Plan update is still moving forward. The Planning Commission has now gotten to the Natural Resources component.

At 7:15 p.m., the Vice Chair declared the hearing adjourned until June 15, 2023.

Respectfully submitted,



Jacob Gabell, Planning Director

The above Minutes are hereby approved this 15th day of June 2023.

Bonner County Zoning Commission



Luke Webster, Vice Chair