

**BONNER COUNTY ZONING COMMISSION
PUBLIC HEARING MINUTES
AUGUST 17, 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 1st Floor Conference 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, Jake Weimer, and Robert Clark.

ABSENT: Chair Jacob Marble

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 July 20, 2023. Hearing no changes or objections, the Vice Chair declared the minutes approved as written.

File S0002-23 Providence Subdivision. The applicants are requesting to plat an approximately 40-acre parcel into 117 residential lots. The property is zoned Suburban. The project is located off of Providence Road, a Bonner County owned public road, in the Area of City Impact of the City of Kootenai in Section 01, Township 57 North, Range 2 West, Boise-Meridian. The project proposes to be served by the City of Sandpoint for water services, Kootenai Ponderay Sewer District for sewer services and Avista Utilities. The project is located within Northside Fire District. The Hearing Examiner, at the July 5, 2023, public hearing, recommended the Zoning Commission conduct a public hearing on this file.

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.

APPLICANT REPRESENTATIVE: Gary Shickadance, Landowner, introduced other representatives of the project. Dan Taddick, HMM Engineering, discussed specifics about the proposed project regarding roads, fire, traffic, utilities, etc. Mike Hammock discussed code requirements being addressed. Mauricio Cardona, discussed wetlands and the process for the proposed project.

PUBLIC/AGENCY TESTIMONY: The following members of the public spoke on the record: Kent Wick, Tessa Vogul, John Juneau, Jerome Buckmelter, Dan McBride, Jeff Williams, Larry Hoffman, Heather Bouse, Emma Keverkamp, Jeanelle Shields, Robert Rutan, Ashley

Gerstenberger, Leslie Holbert, Brenda Fitchett, Al Bosso, John Holbert, Dan Bouse, Grace Bauer, Molly McMahon, Lisa Moline, and Randy Stolz.

STAFF REBUTTAL: Senior Planner Swati Rastogi addressed comments and concerns brought up during public comment regarding traffic, impact on schools, and wetlands.

APPLICANT REBUTTAL: Dan Taddick, HMM Engineering, addressed comments and concerns brought up during public comment regarding traffic and impact on schools. Mike Hammock discussed the process and the code that they must follow. Mauricio Cardona discussed wetlands and answered questions from the Commissioners.

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

Vice Chair Webster moved to recommend to the Board of County Commissioners, approval of the project FILE S0002-23, Providence Subdivision, requesting the creation of 116 residential lots on an approximately 39.57-acre property zoned Suburban and located in Section 1, Township 57 North, Range 2 West, Boise Meridian, Bonner County, Bonner County, Idaho, finding that it is in accord with the Bonner County Revised Code based on the following conclusions of law:

Conclusions of Law:

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

Conclusion 1: The proposed subdivision is in accord with the purposes of this Title and of the zoning district in which it is located.

Conclusion 2: The site is physically suitable for the proposed development.

Conclusion 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.

Conclusion 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.

Conclusion 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.

Conclusion 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.

Conclusion 7: The proposed subdivision is designed to comply with the design criteria for subdivisions set forth in Subchapter 6.2 of this chapter.

Conclusion 8: The proposed subdivision is in accord with the Bonner County Comprehensive Plan.

The recommendation is based on the evidence submitted up to the time the Staff Report was prepared and testimony received at this hearing. Commissioner Webster further moved to adopt the findings of fact as set forth in the Staff Report or as amended during this hearing and directed the planning staff to draft written findings and conclusions to reflect this recommendation and transmit to all interested parties.

Upon further discussion, Commissioner Luke Webster amended his motion to include additional Conditions of Approval – 15 and 16 as noted below and directed the planning staff to reach out to Idaho Transportation Department for any additional information or traffic studies on the area and present it to the Board of County Commissioners in their public hearing for the project.

Upon Commissioner Webster's amended motion, Commissioner Weimer seconded the amended motion.

VOTED upon and the Chair declared the motion carried, 3 – 1. Commissioners Weimer, Commissioner Webster and Commissioner Clark voted in favor of the motion and Commissioner Wakeley voted in opposition of the motion.

Roll Call Vote:	
Commissioner Weimer	AYE
Vice Chair Webster	AYE
Commissioner Clark	AYE
Commissioner Wakeley	NO

Findings of Facts:

1. The subject site exists as a vacant unplatted parcel of land.
2. The area of the site is approximately 39.75 acres.
3. The site is zoned Suburban and has a land use designation of Urban.
4. The site fronts on and has a direct access to Providence Road, a Bonner County owned and maintained public right-of-way.
5. Majority of the site contains no slopes or slopes of less than 15% grade. Site contains minimal slopes of over 30% grade along the north eastern boundary. (US Geological Survey)
6. Site contains PEM1C and PFO1C mapped wetlands. (National Wetland Inventory, US Fish and Wildlife Service)
7. Site does not contain any mapped waterbodies, streams, lakes or rivers. (National Hydrography Dataset, US Geological Survey)
8. Site contains the following types of soils: (US Department of Agriculture)
 - a. Odenson silt loam – classified as "prime farmland if drained" with a drainage classification of "poorly drained".
 - b. Mission silt loam – classified as "prime farmland if drained" with a drainage classification of "somewhat poorly drained".

9. Parcel is located within Flood Zone X (Unshaded) and not located within floodway, per FIRM Panel 16017C0710E, effective date 11/18/2009. FEMA defines Zone X (Unshaded) as "The areas of minimal flood hazard, which are the areas outside the SFHA and higher than the elevation of the 0.2-percent-annual-chance flood."

- 10.No local, state or federal agencies have identified any critical wildlife habitats on or within the vicinity of the subject property.
- 11.The project is proposed to be served by the City of Sandpoint for water services and Kootenai Ponderay Sewer District for sewer services.
- 12.The project is proposed to be served by Avista Utilities.
- 13.The site is located within the area of service of Northside Fire District.
- 14.The site is located within Lake Pend Oreille School District #84.
- 15.The site is located within Bonner County Ambulance District and Pend Oreille Hospital District.
- 16.Per BCRC 12-412, the minimum required lot size is 10,000 sf. Within Suburban District where all urban services are available; 20,000 sf. with the availability of only urban sewer services and the absence of urban water services; 1 acre with the availability of only urban water services and the absence of urban sewer services; and 2.5 acre where no urban services are available.
- 17.Per BCRC 12-731, a wetland reconnaissance by a design professional accepted or authorized by the Army Corps of Engineers is required to determine wetland boundaries for all subdivisions containing mapped wetland as determined from the U.S. Fish and Wildlife Service National Wetland Inventory maps.
- 18.Per BCRC 12-732, a professional wetland delineation shall be submitted at the time of application for all subdivisions featuring lots containing a wetland based on a wetlands reconnaissance as required in BCRC 12-731 of this subchapter.
- 19.Bonner County and the City of Kootenai entered into a Kootenai Area of City Impact Agreement through Ordinance No. 257, recorded with the Bonner County on November 10, 1994.

The ordinance defines the purpose of the Area of City Impact; specifies the factors considered in identifying the Area of City Impact; identifies the Comprehensive Plan that shall apply with the Area of City Impact; identifies the Zoning and Subdivision ordinances that shall apply with the unincorporated portions of Bonner County, Idaho lying within the Area of City Impact; provides for review and comment procedures between jurisdictions; providing for administrative jurisdiction with the Area of City Impact; establishes an effective date pursuant to Section 67-6526, Idaho Code; and repeals ordinances 125 and 126.

Section 5 of the aforementioned agreement states, "The Zoning and Subdivision ordinances and subsequent amendments thereto as officially adopted by Bonner County, Idaho, shall apply to the unincorporated portion of Bonner County, Idaho lying within the Kootenai Area of City Impact."

Conditions of Approval:

1. The project is proposed to be served by the City of Sandpoint for water services and Kootenai Ponderay Sewer District for sewer services. In the absence of either of both of those services prior to the submission of the final plat, the proposed lot sizes shall be increased to meet the standards of BCRC 12-412.

2. Per BCRC 12-620, any easements, specific constraints on building placement, other than easements, and land areas reserved, shall be shown and plainly marked on the plats.

3. Per BCRC 12-6243.D, the proposed lots have been designed to provide a fire protection plan for the proposed lots to provide, at a minimum, an assessment of fire risk and plans to reduce the risk, and provisions for defensible space. The project is proposed to be served by the City of Sandpoint water system complete with the fire hydrants capable of delivering fire flows as prescribed by the International Fire Code (IFC).

Per Bonner County Revised Code section 12-644.A, after the preliminary plat is approved (if approved by the Board of County Commissioners), the subdivider shall have an improvement plan for the subdivision prepared by a registered civil engineer. This plan shall include the improvements required for providing fire protection services to the subdivision.

4. Per BCRC 12-624.A, all new roads created for subdivisions shall be designated by unique road names, unless such roads are determined to be and are designed to be extensions of existing roads. Upon further review of the project, the proposed road names will be verified for uniqueness. Road names will require a modification if not found to be unique.

5. Per BCRC 12-624.D, all proposed lots less than five (5) gross acres shall have direct frontage on, and direct access to, a public right of way. Right of way offered for dedication in any zoning district shall be developed with a road constructed to the standards set forth in Title 2 of the Bonner County Revised Code.

Preliminary road design plans, prepared by HMH Engineering in May 2023, were submitted as part of the application. The applicant has also submitted a Traffic Impact Study to both the Bonner County Road and Bridge Department as well as Idaho Transportation Department.

The plans have been reviewed by Bonner County Road and Bridge Department per the department's updated letter received prior to the Zoning Commission's hearing on July 13, 2023. Per Bonner County Revised Code section 12-644.A, after the preliminary plat is approved (if approved by the Board of County Commissioners), the subdivider shall have an improvement plan for the subdivision prepared by a registered civil engineer. This plan shall include the improvements required for the proposed and existing roads as noted in the letter received from Bonner County Road and Bridge Department.

The applicant shall further comply with any modifications of these conditions by the Bonner County Road and Bridge Department upon further review of the project based on the site conditions or other practical considerations during the construction of improvements.

6. The project, including the Traffic Impact Study has been sent to the Idaho Transportation Department for review. The agency responded with the following comment, in a letter dated July 10, 2023.

"Applicant will need to apply to make upgrades to SH-200 with ITD. Please include the approach plans for SH-200 and the warranted left turn lane in the TIS, including striping plans and tapers. Also, in the application please include the TIS and trip generation report. Applicant can apply here:

<https://gisp.itd.idaho.gov/portal/apps/sites/#/itd-permits.>

The applicant shall provide a letter from the Idaho Transportation Department stating that the applicant has completed the required upgrades to State Highway 200 and improvements related to required left turn lane (or completed the requirements of these improvements, not limited to bonding for the improvements with ITD or other relevant agencies) prior to the recording of the final plat.

7. Per BCRC 12-643.I, the preliminary plat shall be valid for a period not to exceed two (2) years from the date of approval. At any time prior to the expiration date of the preliminary plat, an applicant may make a written request to the Planning Director for a single extension of the preliminary plat 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 prior to the expiration date of the preliminary plat.

8. Per BCRC 12-644, 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 the Bonner County Revised 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, street lighting, etc., as required, and in accord with the requirements contained in Title 2 of the Bonner County Revised Code.

9. After the approval of the improvement plans has been obtained from Bonner County, the subdivider may begin construction of improvements on site as approved. After the completion of the improvements on site, the applicant's engineer shall submit inspection reports of the built improvements to the County for review.

Per BCRC 12-644.B, 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 the Bonner County Revised Code.

10. Per BCRC 12-644.C, 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.

11. Per BCRC 12-646, BCRC 12-647 and BCRC 12-648, the final plat shall conform to these sections of the Bonner County Revised Code.
12. Per BCRC 12-7.2, the applicant submitted a stormwater management and grading plan, dated May 05, 2023, prepared by an Idaho licensed engineer, Justin M. Shaw. The submitted plan has been reviewed by the Bonner County Engineering Department with respect to meeting the requirements of the Bonner County Revised Code, Title 12, Chapter 7, per review memo dated May 17, 2023.

Per Bonner County Revised Code section 12-644.A, after the preliminary plat is approved (if approved by the Board of County Commissioners), the subdivider shall have an improvement plan for the subdivision prepared by a registered civil engineer. This plan shall include the improvements required for stormwater management and erosion control as noted in the letter received from Bonner County Engineering Department to meet the standards of the Bonner County Revised Code, Title 12, Chapter 7.

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

13. Majority of the site contains no slopes or slopes of less than 15% grade. Site contains minimal slopes of over 30% grade along the north eastern boundary. Any land disturbing activities proposed within the areas where natural slope exceeds 30% grade shall be required to meet the standards of BCRC 12-7.6.
14. The wetland delineation study dated March 22, 2023, prepared by Kagel Environmental, LLC, Wetlands, Wildlife and Permitting Specialists in the State of Idaho has been submitted to the U.S. Army Corp of Engineers requesting a Jurisdictional Determination.

If the wetlands as delineated by the wetlands specialists are found to be jurisdictional by the U.S. Army Corp of Engineers, all future buildings shall maintain a 20 feet setback to the delineated wetlands in accordance with BCRC 12-733, unless other permits (such as Section 404 permits) are obtained from U.S. Army Corps of Engineers, Environmental Protection Agency or any other agency regulating jurisdictional wetlands in Bonner County.

If the agency determines the delineated wetlands to be non-jurisdictional, then the plat may be modified to reflect the decision in accordance with BCRC 12-732 allowing the plat to show wetland delineation based on the wetland reconnaissance by a design professional that has been accepted or authorized by the U.S. Army Corps of Engineers.

15. The applicant or the applicant's engineer shall provide a confirmation that the development improvements will include a five foot wide paved pathway that will be provided throughout the subdivision as included in the current design of the subdivision.
16. The stormwater management plan for the subdivision will be verified to make sure that the water from this proposed subdivision will not flow into the adjacent Seven Sisters development and that it will flow inward towards the road side ditches designed within the subdivision.

COMMISSIONER & STAFF UPDATES:

- The Planning Director discussed the importance of forwarding comments to the Planning Department that are received by individual members of the Commission.
- The Board of County Commissioners approved a text amendment that included a change to the Zone Change site plan requirements.
- The Planning Commission and the Board finalized the Housing component of the Comprehensive Plan
- The Planning Commission is currently working on Natural Resources, Land Use and Public Services.

At 9:20 p.m., the Chair declared the hearing adjourned until September 21, 2023.

Respectfully submitted,



Jacob Gabell, Planning Director

The above Minutes are hereby approved this 21st day of September 2023.

Bonner County Zoning Commission



Luke Webster, Vice Chair