

**BONNER COUNTY ZONING COMMISSION  
PUBLIC HEARING MINUTES  
SEPTEMBER 21, 2023**

**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 Luke Webster; Commissioners Frank Wakeley, and Jake Weimer.

**ABSENT:** Robert Clark

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

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

**CHANGES IN AGENDA:** None

**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 17, 2023. Hearing no changes or objections, the Chair declared the minutes approved as written.

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**File MOD0003-23 - Modification of Conditional Use Permit C926-09 for a Media Recording.** The applicants are requesting a modification to a previously Bonner County approved Conditional Use Permit, File No. C296-09. The original permit approved in the year 2009 was limited to 5 employees on site. The applicants are now requesting a modification to the conditions of approval of the original permit to allow them to increase the number of employees to 10 in number. The site is zoned Rural 5 and is located off Hoop Loop in Section 34, Township 56 North, Range 5 West, Boise Meridian, 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:** Senior Planner Swati Rastogi presented a PowerPoint summary of the project concluding this project is consistent with Bonner County Revised Code.

**APPLICANT REPRESENTATIVE:** Steve Klatt, Better Sites Design, briefly discussed the original Conditional Use Permit and the reason for the modification request.

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

**APPLICATION REBUTTAL:** Paul Salco, Manager of White Horse Recording, answered questions from the Commission regarding hours of operation. Steve Klatt addressed comments from the public regarding traffic and hours of operation.

**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 MOD0003-23 requesting a modification to a previously approved Conditional Use Permit, File No. C926-09 to increase the number of employees from five (5) to ten (10) for a media recording studio located on a 5-acre property zoned Rural 5 in Section 34, Township 56 North, Range 5 West, Boise Meridian, Idaho, finding that it is in accord with the general and specific objectives of the Bonner County Comprehensive Plan and the Bonner County Revised Code as enumerated in the following **Conclusions of Law**:

1. The proposed conditional use permit is in accord with the general and specific objectives of Bonner County Comprehensive Plan.
2. This proposal was reviewed for compliance with the criteria and standards set forth at BCRC Title 12, Chapter 2, Subchapter 2.2 Conditional Use Permits; Chapter 4 Development Standards and Chapter 7 Environmental Standards. The proposal is in accord with the Bonner County Revised Code.
3. The proposed use will not create a hazard or will not be dangerous to persons on or adjacent to the property.

This decision is based upon the evidence submitted up to the time the Staff Report was prepared and testimony received at this hearing. Commissioner Wakeley further moved to adopt the findings of fact and conclusions of law as set forth in the Staff Report (or as amended 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 this modification of the Conditional Use Permit C926-09 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 Wakeley	AYE
Chair Marble	AYE
Commissioner Weimer	AYE
Vice Chair Webster	AYE

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

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**Findings of Facts:**

1. The applicants are requesting a modification to a previously Bonner County approved Conditional Use Permit, File No. C926-09. The original permit for a media recording studio was approved previously.
2. Condition of approval A-9 of the decision letter of the original permit stated, "*The number of employees shall be limited to 5 on site at any time. The maximum number shall not include the owner/ manager and family. Any expansion of the number of employees on site shall require a modification of the Conditional Use Permit.*"
3. The subject parcel is zoned Rural 5 with a land use designation of Rural Residential.

4. The site fronts on Hoop Loop, a Bonner County owned and maintained public right-of-way.
5. The site is located in southwest Bonner County in Section 34, Township 56 North, Range 5 West, Boise Meridian, Idaho.
6. Through this request for a modification of the Conditional Use Permit C926-09, no new structures are proposed on the site and no changes to the site plan, as originally permitted, are requested.
7. The project has been reviewed by Panhandle Health District for any potential impacts to sewer services. The applicant submitted a letter from the District, dated August 02, 2022 states, *"the septic system design and installation specifications were for daily flows capable of managing wastewater created by 10 employees at that project location."* See letter for details.
8. The request for review of this project was sent to Idaho Department of Water Resources, West Pend Oreille Fire District and Bonner County Road and Bridge Department for any potential impact to services. No comments have been received from Idaho Department of Water Resources and Bonner County Road and Bridge Department indicating any potential impacts to water or transportation services. A letter was received from West Pend Oreille Fire District stating that this request is within the Fire District's original approval and that the applicant is in compliance with the International Fire Code, 2018 ed.
9. The proposed project meets the applicable standards of the Bonner County Revised Code.
10. The proposed project meets the general and specific objectives of the Comprehensive Plan.

**Conditions of Approval:**

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

1. Modification of Condition A-9 of the Conditional Use Permit, File C926-09 to read as follows:
  - A-9** The number of employees shall be limited to ten (10) on site at any time. The maximum number shall not include the owner/ manager and family. Any expansion of the number of employees on site shall require a modification of the Conditional Use Permit.
2. Addition of Condition A-10 to the Conditional Use Permit, File C926-09 to read as follows:
  - A-10** All parking for additional employees shall be accommodated off-street and on-site.

**File MOD0002-23 – Modification of CM800-07 - Residential Care Facility.** The applicants are requesting a modification to a Conditional Use Permit for additional housing. The property is zoned Rural-5. The project is located off Spirit Lake Cutoff in Section 18, Township 54 North, Range 4 West, Boise-Meridian.

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

**STAFF PRESENTATION:** Planner II Daniel Britt presented a PowerPoint summary of the project concluding this project is consistent with Bonner County Revised Code.

**APPLICANT REPRESENTATIVE:** Troy Davis, Still Meadow Investments, discussed the reason for the modification and answered questions from the Commissioners.

**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 Webster moved to approve this project FILE MOD0002-23 to allow for an addition to the existing facility and to add 7 (seven) additional structures for an adult assisted living 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 Webster further moved to adopt the findings of fact as set forth in the staff report and the following conclusions of law:

**Conclusion 1:** The proposed conditional use permit is in accord with the Bonner County comprehensive plan.

**Conclusion 2:** This proposal was reviewed for compliance with the criteria and standards set forth at Title 12, BCRC Chapter 2 Subchapter 2.6, BCRC Chapter 3 Subchapter 3.3, BCRC Chapter 4 Subchapter 4.2-4.6, Chapter 7 Subchapter 7.2 and 7.3, 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.

Commissioner Webster moved to direct the planning staff to draft written findings and conclusions to reflect this decision 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 the taking of private property.

Commissioner Webster amended his motion to add an additional Finding of Fact: The proposal shall meet the standards in BCRC 12-333 Commercial Use Table for nurseries and daycare centers, child/adult.

Commissioner Weimer seconded the motion.

**Roll Call Vote:**

Commissioner Wakeley	AYE
Chair Marble	AYE
Commissioner Weimer	AYE
Vice Chair Webster	AYE

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

**Findings of Fact:**

1. The property is zoned Agricultural/Forestry-10, adult care facilities are conditionally allowed.
2. The property is adjacent to Spirit Lake Cutoff, a 60' wide Bonner County owned and maintained paved right of way.
3. Fire protection is provided by Spirit Lake Fire District.
4. Power is provided by Northern Lights, Inc.
5. The site has an individual well with a 10,000-gallon holding tank and septic system.
6. The site is 5 acres.
7. The property has an existing approved Conditional Use Permit – Bonner County Planning Department File No. C800-04 with subsequent approved modifications - Bonner County Planning Department File Nos. CM800-07 and MOD0002-22.
8. The proposal shall meet the standards in BCRC 12-333 Commercial Use Table for nurseries and daycare centers, child/adult.

**Conditions of Approval:**

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

- A-1. The use shall be developed and shall be operated in accordance with the approved site plan.
- A-2. The Conditional Use Permit shall not supersede deed restrictions.
- A-3. All setbacks shall be met as found on the approved site plan.
- 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 Zoning Commission may consider such request for extension at any public meeting. The extension request must be approved or denied prior to the expiration date of the Conditional Use Permit.
- A-5. The applicant shall follow BCRC 12-7.2, Grading, stormwater management and erosion control as found in this staff report.
- A-6. One parking space shall be made available for every 2 beds on the property and 1 parking space for each day shift employee to accommodate all required parking on the site as noted in this staff report.
- A-7. The applicant shall follow BCRC 12-4.4, Sign Standards as found in this staff report.
- A-8. The applicant shall follow BCRC 12-4.5, Design Standards as found in this staff report.

A-9. The applicant shall follow BCRC 12-4.6, Landscaping and Screening Standards as found in this staff report.

A-10. The applicant shall obtain Building Location Permits for all structures per BCRC 11-101 and BCRC 11-219.

A-11. All remaining conditions of approval for the conditional use permit and subsequent modifications shall remain in effect, unless otherwise modified.

**Recess**

**File ZC0007-23 – Zone Change – Ag/Forest -20 to Ag/Forest -10.** The applicant is requesting a zone change from Agricultural/ Forestry-20 to Agricultural/ Forestry-10 on 23 acres. The property is zoned A/F-20. The project is located off Eastside Road in Section 9, Township 57 North, Range 4 West, Boise-Meridian.

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

**STAFF PRESENTATION:** Planner II Daniel Britt presented a PowerPoint summary of the project concluding this project is consistent with Bonner County Revised Code.

**APPLICANT PRESENTATION:** Paul Harold, Landowner, shared his reasons for the Zone Change request.

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

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

**MOTION TO RECOMMEND APPROVAL:** Commissioner Wakeley moved to recommend to the Board of County Commissioners, approval of this project, FILE ZC0007-23, requesting a zone change from Agricultural/ Forestry-20 to Agricultural/ Forestry-10, 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:**

Conclusion 1: The proposal is in accord with the following elements of the Bonner County Comprehensive Plan:

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

Conclusion 2: This proposal was reviewed for compliance with Title 12, Bonner County Revised Code, and was 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.

The recommendation 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 the hearing) and direct the planning staff to draft written findings of facts and conclusions of law to reflect this motion, have the Chairman sign, and transmit to all interested parties. This action does not result in the taking of private property.

Commissioner Weimer seconded the motion.

**Roll Call Vote:**

Commissioner Wakeley	AYE
Chair Marble	AYE
Commissioner Weimer	AYE
Vice Chair Webster	AYE

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

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**Zone Change Findings of Fact:**

- Agricultural/ Forestry activities are viable within the A/F-10 designation.
- The parcel does not feature prime agricultural soils.
- The parcel is within a network of constructed Bonner County owned and maintained 60' wide gravel right of ways. The parcel is adjacent to a Boner County maintained prescriptive easement.
- The parcel is not characterized by mapped slopes 30% and greater.
- Fire protection is provided by West Pend Oreille Fire District.
- Emergency services are provided by Bonner County Sheriff Department.
- Power is provided by Avista Utilities.
- The proposal currently has a permitted individual septic system.
- The property has two (2) developed springs for water supply.
- The parcel is currently 23 acres.

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**COMMISSIONER & STAFF UPDATES:**

- Connectivity was lost during the motion of ZC0007-23.
- Add to the agenda for October a discussion of decision on File S0002-23.

At 6:58 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 21<sup>st</sup> day of September 2023.

Bonner County Zoning Commission

  
Jacob Marble, Chair