

**BONNER COUNTY PLANNING and ZONING COMMISSION
PUBLIC HEARING MINUTES
NOVEMBER 1, 2018**

CALL TO ORDER: Chair Davis called the Bonner County Planning and Zoning Commission hearing to order at 5:30 p.m. in the 3rd Floor Conference Room, Ste 338, of the Bonner County Administration Building, 1500 Highway 2, Sandpoint, Idaho.

PRESENT: Commissioners Chair Don Davis; Vice Chair Brian Bailey; Taylor Bradish; Trevor Kempton; Sheryl Reeve; Suzanne Glasoe; and Matt Linscott

ABSENT: None

ALSO PRESENT: Planning Director Milton Ollerton; Floodplain Manager Jason Johnson; Planner I Caitlyn Reeves; and Office Manager Jeannie Welter

CHANGES IN AGENDA: Changed meeting room from 1st floor conference room to 3rd floor conference room, Ste 338.

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: October 18, 2018. Hearing no changes or objections, the Chair declared the minutes approved as written.

PUBLIC HEARINGS:

CONDITIONAL USE PERMIT

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.

File C1016-18 – Conditional Use Permit – Shooting Range – Bonner County is requesting approval of a training area including a shooting range and facility for the Bonner County Sheriff's Department. The Conditional Use Permit would be for law enforcement personnel to utilize the area to run training and field exercises on handguns and rifles. The property is approximately 44.69 acres, and accessed on Idaho Landfill Road, Oldtown, Idaho in Section 36, Township 56 North, Range 6 West, B.M.

CONFLICT OF INTEREST/DISCLOSURE DECLARATIONS: The Chair requested the Commissioners declare any conflicts of interest or disclosures. Commissioner Glasoe recused herself from this hearing as for the past year she has been in a

personal relationship with a deputy in a neighboring state. Commissioner Bradish stated that he works for the department of lands and his management block is the land surrounding the proposed project. He stated he serves on this committee as a private citizen and he has no conflict with this file. The Chair noted that there were no additional disclosures or conflicts.

STAFF PRESENTATION: Planner I Caitlyn Reeves presented a PowerPoint summary of the project and previously circulated staff report, concluding this project is consistent with Bonner County Revised Code. She corrected some information in her presentation that had been incorrect in the staff report relating to services.

APPLICANT PRESENTATION: Project representative Bob Howard, Director of Solid Waste for Bonner County stated throughout the years it has been difficult to identify a place for the sheriff's office to conduct firearms training. He stated this property was identified as a good potential site for this purpose. He stated the property is owned by the county. He further stated that he believes the deputies have contacted most of the surrounding neighbors and state there have been no negative comments from the neighbors.

Commissioner Davis asked where the solid waste facility is located on the property. Mr. Howard stated it is the most easterly and this project is the most westerly.

Commissioner Linscott asked if there are any residents within 600 feet of the shooting range. Director Howard stated the proposal is within the standard requirements as it has actually been measured. Commissioner Davis asked where it was measured from and Mr. Howard stated it was measured from the barrier.

Commissioner Davis asked if there was any consideration to facing north instead of to the south? Mr. Howard stated they cannot face it to the north.

Commissioner Linscott as what size rounds would be shot at the facility. Sheriff Wheeler stated 45, 9mm, and 223 rounds will be shot at the site.

PUBLIC/AGENCY TESTIMONY: Ronald Moran stated he lives at the residence located approximately 600 feet from the range. He stated he has some concerns about stray bullets being shot at his house. Commissioner Linscott asked Mr. Moran, "Are all the lots due south of the proposal, are they already built on? Are there any vacant lots in there?" Mr. Moran stated, "No there's not". He further stated, "There's a hundred foot barrier of state land between what you're talking here and our property line, but there is a house on every single one."

Sheriff Wheeler stated there is currently a 31 foot barrier which is going to be extended even further than it is currently. People that are shooting there are trained individuals. He stated the average usage of the facility will be approximately two days per month.

APPLICANT REBUTTAL: None.

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

MOTION TO APPROVE: Commissioner Kempton moved to approve this project FILE C1016-18, a shooting range for the Bonner County Sherriff's Department on ±44.69 acres, 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 Kempton further moved to adopt the following findings of fact and conclusions of law as written. 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.

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

Background:

A. Site data: The site is a ±44.69 acre parcel zoned Rural-10 currently developed with the Bonner County Solid Waste Idaho Hill Landfill site.

B. Access: Access to the property is provided by Idaho Landfill Road a paved public sixty (60') foot easement with a twenty four (24') foot wide travel way.

C. Environmental factors:

- Topography: Site does not contain mapped slopes. Source: USGS
- Wetlands: Site does not contain mapped wetlands. Source: USFWS NWI
- Hydrography: No hydrologic features present on site. Source: NHD
- Floodplain: Site does not contain Special Flood Hazard Area. Flood Hazard Zone; X DFIRM: 16017C0850E. Source: FEMA

D. Services:

- Water: None provided.
- Sewage: No sewage system on the property. A portable unit may be brought to delivered to the site..
- Fire District: West Pend Oreille Fire District
- Power: Inland Power Company
- School: Bonner School District #83

E. Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Land Use & Density
Site	Rural	Rural -10	±44.69 acre parcel with the Bonner County Solid Waste Idaho Hill Landfill site.
North	Rural	Rural -10	Rural, State of Idaho
East	Rural	Rural -10	Rural, State of Idaho
South	Rural	Rural -10	Rural, State of Idaho
West	Washington State	Washington State	Washington State

F. Standards review

BCRC 12-223 specifies that the Commission shall review the particular facts and circumstances of each proposal. To grant a conditional use permit, the Commission must find there is adequate evidence showing the proposal is in accord with the general and specific objectives of the comprehensive plan and Title 12 and the proposed use will neither create a hazard nor be dangerous to persons on or adjacent to the property.

- 1) **BCRC 12-220**, et seq, conditional use permit, application and standards: Specific elements required in BCRC 12-220 thru 12-226:

Provided: Required elements were satisfactorily addressed in the submitted materials.

- 2) **BCRC 12-333 (10)** All facilities shall be designed and located with full consideration to the safety factors involved with such a use and to minimize the noise, smoke, dust and other nuisance factors to nearby land uses.

Provided: The applicant has proposed a refuse tire barrier to be filled with native or crushed gravel approximately eight (8') feet tall to the east of the shooting range and a twenty-one (21') foot tall native fill graded embankment to the south of the shooting range.

- 3) **BCRC 12-333 (12)** Gun clubs and rifle ranges shall have a minimum area of 5 acres. Target areas shall be at least 600 feet from any existing dwelling, except that of the owner or caretaker.

Provided: According to the site plan provided the nearest residential structure is approximately 620 feet away.

- 4) **BCRC 12-4.21** Performance standards for all uses. BCRC 12-421.A-I standards.

Provided: The application has been reviewed against these standards and deemed satisfactory.

- 5) **BCRC 12-4.3** Parking standards:

Provided: The application has been reviewed against these standards and deemed satisfactory. The project has 22 parking spaces available, and 10,400 square feet pf parking area available.

- 6) **BCRC 12-4.4** Sign standards:

Provided: Signage not proposed as part of this project.

- 7) **BCRC 12-4.6** Landscaping and screening standards

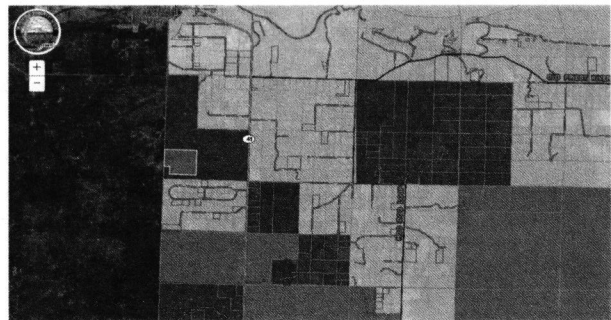
Provided: The application has been reviewed against these standards and deemed satisfactory. Site is heavily treed surrounding the subject property.

G. Comprehensive Plan Land Use Designation

The subject property is designated Rural on the comprehensive plan map. The rural designation provides for larger acreage minimums, small scale agricultural uses and lower densities occur. Urban services are typically not available. Uses such as; gun clubs and rifle ranges and agri-educational establishments are reserved for the rural and agricultural forestry zones.



Comprehensive Plan Map



Zoning Map

H. Land Capability Report: A land capability report was submitted and found to be satisfactory pursuant to BCRC 12-222(j).

I. Stormwater plan: A stormwater management plan was submitted by Spencer Ferguson, P.E. and found to be satisfactory pursuant to BCRC 12-7.2.

J. Agency Review: The application was routed to agencies for comment on June 22, 2017. Please see attached for the following agencies comment:

- *Panhandle Health District, No comment on September 6, 2018*
- *Bonner County Road and Bridge Department, No comment on September 14, 2018*
- *West Pend Oreille Fire District, No reply*
- *Lake Pend Oreille School District #83, No reply*
- *Inland Power and Light, No comment on August 27, 2018*
- *Idaho Department of Fish and Game, No reply*
- *Idaho Department of Lands, Sandpoint, No reply*
- *Idaho Department of Water Resources, No comment on August 23, 2018*
- *United States Fish and Wildlife, No reply*
- *Idaho Transportation Department, No comment on September 10, 2018*
- *Idaho Department of Environmental Quality, Comment on September 19, 2018*
- *Pacific Gas Transmission, No reply*
- *City of Oldtown, No reply*

Comment received from Idaho Department of Environmental Quality on September 19, 2018: "The County should consider requiring reasonable controls on fugitive dust emitting activity during construction and operation of this facility. Dust emitting activities can include but are not limited to; roadway construction, vehicle traffic on unpaved roads, land clearing activity, topsoil management, vegetation management, and infrastructure installation. All reasonable precautions shall be taken to prevent particulate matter (dust) from becoming airborne as required in IDAPA 58.01.01.651."

K. Public Notice & Comments: None Received.

Findings of Fact

1. The subject lot is 44.69 acres in a Rural-10 zone.
2. The proposed shooting range shall conform to the definition and standards of a shooting range set forth in BCRC 12-333.
3. Traffic to be generated is expected to be up to 12 vehicles per month.
4. The site does not contain power, water or sewer utilities.
5. The site is equipped with 22 parking spaces and 10,400 square feet of designated parking space.
6. The training facility is for law enforcement purposes and is not open to the public.
7. Hours of operation are 8am-8pm.
8. The training area is surrounded by eight (8) foot tall tire refuse barriers and twenty-one (21) foot tall natural soil embankments.

Conclusions of Law:

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 4, Title 12, Subchapter 2.2, environmental standards of Chapter 7, Title 12, and stormwater 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.

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** All county setbacks shall be met.
- A-3** 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-4** Hours of operation shall be limited from 8am to 8pm.

Conditions to be met prior to issuance of the permit:

- B-1** Prior to issuance of the conditional use permit, a building location permit must be obtained for construction of the pole structure and shed.

EXECUTIVE SESSION

At 6:09 p.m. Commissioner Linscott moved to enter into an Executive Session pursuant to Idaho Code §74-206(1)(a) to consider hiring for sub-area committees to include Doug Gunter and Fred Omdt. Commissioner Glasoe seconded the motion.

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

At 7:12 Commissioner Linscott moved to reconvene to the public meeting and close the executive session. Commissioner Reeve seconded the motion.

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

OPEN LINE DISCUSSION:

Staff updates: New permit tech has a degree in geology and worked for fish and game.

Sub-area meetings, November 7th we will be in Priest Lake and November 8th we will be in Sagle.

Discussion regarding zoning at the Priest Lake area.

Discussion regarding challenges in the code relating to setbacks.

The Chair declared the hearing adjourned at 7:27 p.m.

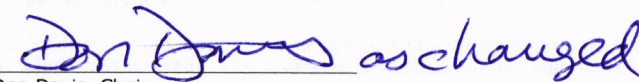
Respectfully submitted,



Milton Ollerton, Planning Director

The above Minutes are hereby approved this 15th day of November, 2018.

Bonner County Planning and Zoning Commission



Don Davis, Chair