

**BONNER COUNTY PLANNING and ZONING COMMISSION
PUBLIC HEARING MINUTES
AUGUST 24, 2017**

CALL TO ORDER: Chair Davis called the Bonner County Planning and 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.

PRESENT: Commissioners Chair Don Davis; Vice Chair Kris Sabo; Brian Bailey; Taylor Bradish; Trevor Kempton; and Sheryl Reeve

ABSENT: Suzanne Glasoe

ALSO PRESENT: Planning Director Milton Ollerton; Floodplain Manager Jason Johnson; Planner I Marcus Pecnik; Planner I Caitlyn Reeves; and Administrative Supervisor Tina Smith

CHANGES IN AGENDA: Planning Director Milton Ollerton requested that he be able to switch the order of the agenda as he has a meeting scheduled and may need to depart early from this hearing. The Chair advised that since all the files are scheduled for 5:30 and there is no time change, it would be acceptable.

APPROVAL OF MINUTES: None

CONSENT AGENDA: None

PUBLIC HEARINGS:

COMPREHENSIVE PLAN AMENDMENT AND ZONE CHANGE

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 AM156-17 – Comprehensive Plan Map Amendment – Prime AG/Forest (20+) to AG/Forest (10-20) and File ZC363-17 – Zone Change Request – A/F-20 to A/F-10 – Darcie Humphrey is seeking Comprehensive Plan Map Change approval to change the Land Use designation of parcel RP57N05W245780A from PRIME AGRICULTURE/FOREST (20+) to AGRICULTURAL/FOREST (10-20). There is also a separate application for a zone change, ZC363-17, to rezone the parcel above from A/F-20 to A/F-10. The lot is located about five (5) miles north of the city of Priest River, on Cary Spur Road, located in Section 25, Township 57 North, Range 5 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: Floodplain Manager Jason Johnson presented a summary of the project and previously circulated staff report, concluding this project is consistent with Bonner County Revised Code and the Comprehensive Plan.

APPLICANT PRESENTATION: Erick Brubaker, Planning Consultant of BTown Planning explained the reason for the zoning. He discussed soils on parcels located to the west of the proposal, forestry usage and surrounding properties.

Darcie Humphrey comments on zoning.

PUBLIC/AGENCY TESTIMONY: Shirley Thompson spoke in support of this proposal.

APPLICANT REBUTTLE: None

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

FILE AM156-17

MOTION: Commissioner Bradish moved to recommend approval to the Board of County Commissioners on this project, FILE AM156-17, requesting a comprehensive plan amendment for the subject property from Prime Agricultural/Forest (20+) to Agricultural/Forest (10-20), 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 Bradish further moved to adopt the following findings of fact and conclusions of law as written. This action does not result in a taking of private property. Commissioner Sabo seconded the motion.

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

Background:

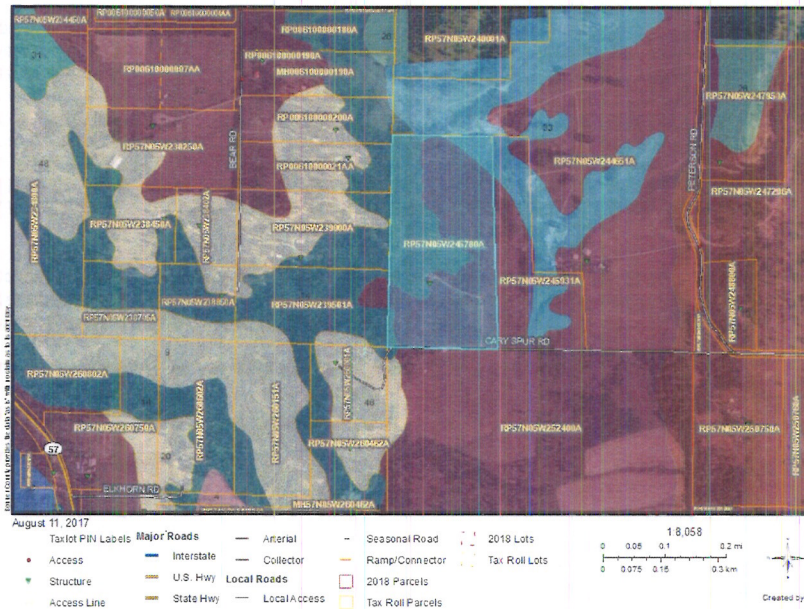
A. Site data: The subject property is a ±38-acre parcel containing an existing single family dwelling.

B. Access: Access to the property is provided by Cary Spur Road.

C. Environmental factors: The land is mostly forested. Land is mostly flat to the south and east, with steep slopes to the west and north. Peewee Creek, a perennial stream, flows along the northwestern edge of the property. An unnamed intermittent may exist in the upper northeastern corner of the property. The property does not contain any regulatory Special Flood Hazard Area. Small portions of the parcel contain mapped wetlands along the creek beds (USFWS National Wetland Inventory).

C2. Environmental factor - NRCS Soil Types:

NRCS Soils - AM156-17 & ZC363-16

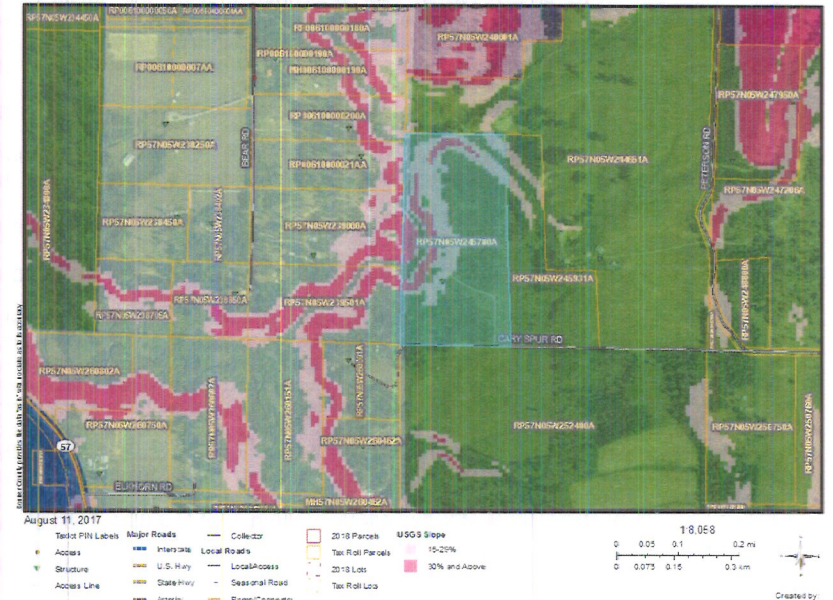


Purple = Mission Silt Loam, 2 to 12 percent slopes
 Blue-Green = Haploxeralfs and Xerochrepts, 30 to 55 percent slopes
 Light Blue = Mission Silt Loam, 12 to 30 percent slopes

The soils on the parcel in question are generally the same as those soil types on the A/F-10 Zone parcels to the west.

C2. Environmental factor - Steep slopes relative to Zoning:

Slopes + Zoning - AM156-17 & ZC363-16



The parcel features steep slopes, similar to those parcels in the A/F-10 Zone to the west.

D. Services: Water would be provided by an individual well(s). Sewage disposal is provided by individual septic. The property is located in the West Period Oreille Fire Protection District and Bonner School District #83.

E. Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Land Use & Density
Site	Prime Ag/Forest Land	A/F-20	Existing Residence and accessory buildings
North	Prime Ag/Forest Land	A/F-20	Existing Residence and accessory buildings

Compass	Comp Plan	Zoning	Current Land Use & Density
East	Prime Ag/Forest Land	A/F-20	Vacant land
South	Prime Ag/Forest Land	A/F-20	Existing Residence and accessory buildings
West	Ag/Forest Land	A/F-10	Existing Residences and accessory buildings

F. Standards review

Comprehensive Plan Amendment:

The Bonner County Proposed Land Use Matrix of the Bonner County Comprehensive Plan (See attached Exhibit "A") contains the criteria used to establish land use designations. The criteria for a Resort Community designation are discussed below:

1. Density: The Ag/Forest Land designation would allow a density range of one unit per 10-20 acres.

Surrounding properties range in size from range from ±11 to ±160 acres.

2. Services: The Ag/Forest Land designation would allow individual well and septic tank systems.

The subject property is served by an individual well(s) and septic system.

3. The Ag/Forest Land designation should be served by a paved or gravel road, either a public right-of-way or a private easement.

The subject property is served by Cary Spur Road, a gravel surfaced county road.

4. Slope: The Ag/Forest Land designation is appropriate in areas with slopes greater than 30%.

The subject property has slopes greater than 30%.

5. Use: The Ag/Forest Land designation allows agricultural/residential/forest use of the land.

The subject property is currently used as agricultural/residential/forest land.

Zone Change:

According to BCRC 12-322.B, A/F-10 zoning designations are appropriate as follows:

A/F-10 in areas designated as ag/forest land in the comprehensive plan that do not feature prime agricultural soils, but where agricultural and forestry pursuits remain

viable. These areas may be within or adjacent to areas of city impact or where lands are afforded fire protection, access to standard roads and other services.

The applicants are requesting a zone change from A/F-20 to A/F-10. The soils on this property are no different from the soil mixes on the A/F-10 lands adjacent to the west. Slope characteristics have more in common with the adjacent A/F-10 lands to the west than to the adjacent A/F-20 lands to the south and east. Surrounding properties range in size from ±11 to ±160 acres. The subject property is served by Cary Spur Road, a gravel surfaced county road. The property does not contain any regulatory Special Flood Hazard Area. Water is provided by an individual well. Sewage disposal is provided by individual septic system. The property is located in the West Pend Oreille Fire Protection District and Bonner School District #83.

G. Land Capability Report

Eric Brubaker, BTown Planning, submitted a land capability report to the record in accordance with BCRC 12-215(C). The report concluded that:

"The subject property is capable of supporting low density rural residential and small scale agricultural and forestry uses. The site is inherently similar to adjacent sites with the same zoning designation as the proposal. Of all concerns explored in a land capability analysis the most relevant is avoidance of intensive or homesite development on the steeper slopes approaching Pewee Creek. In addition, like most rural home sites in Bonner County the subject property should have a wildfire protection plan."

H. Stormwater plan

A stormwater management plan was not required because the current applications do not include any proposed construction or site disturbance.

I. Agency Review

The application was routed to the following agencies for comments:

<i>Panhandle Health District</i>	<i>Bonner County Road & Bridge</i>
<i>West Pend Oreille Fire District</i>	<i>Dept. of Water Resources</i>
<i>School District # 83</i>	<i>Dept. of Fish and Game</i>
<i>Dept. of Lands (Sandpoint)</i>	<i>Dept. of Env. Quality</i>
<i>Forest Service</i>	<i>Fish and Wildlife Service</i>
<i>Natural Resource Conservation Service</i>	

The following agencies responded:

Idaho Department of Environmental Quality: For construction of home(s), storm water controls will need to be developed that adequately protect surface waters and ground water from being impacted during and after construction. The local storm water control authority should be contacted for details on the appropriate collection/treatment/disposal requirements. Control of sedimentation and erosion during construction activities must be achieved by the use of

acceptable best management practices (BMPs) and is considered the responsibility of the owner/developer/contractor for the project. Additionally, if construction involves placing fill in Peewee Creek or associated wetlands a permit may be required from the Army Corps of Engineers. Contact the Corps at (208) 433-4475 for further information.

Matt Mulder, Bonner County Road & Bridge: No Comment

J. Public Notice & Comments

No public comments were received as of the preparation of the report.

Findings of Fact for Comprehensive Plan Amendment

1. The applicants are requesting a comprehensive plan amendment for the subject property to change the Land Use designation of the parcel in question from Prime Agricultural/Forest (20+) to Agricultural/Forest (10-20).
2. Surrounding properties range in size from ±11 to ±160 acres.
3. The subject property would be served by an individual well(s) and individual septic system.
4. Access to the property is provided by Cary Spur Road.
5. The parcel features steep slopes, similar to those parcels in the A/F-10 Zone to the west.
6. The soils on the parcel in question are generally the same as those soil types on the A/F-10 lands adjacent to the west.

Conclusions of Law:

Based upon the findings of fact, the following conclusion of law is adopted:

Conclusion 1

The proposed comprehensive plan map amendment is in accord with the Bonner County Comprehensive Plan.

Conclusion 2

Based on the location of the property, the existing uses within close proximity, the distance between neighbors, the existence of fire protection and the location of county maintained roadways the land use designation of Agricultural/Forest (10-20) is appropriate for this area.

FILE ZC363-17

MOTION: Commissioner Bradish moved to recommend approval of this project, FILE ZC363-17, requesting a zone change for the subject property from Agricultural/Forestry-20 (A/F-20) to Agricultural/Forestry-10 (A/F-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, and based upon the evidence submitted up to the time the Staff Report was prepared and testimony received at this hearing. Commissioner Bradish further moved to adopt the following findings of fact and conclusions of law as written. This action does not result in a taking of private property. Commissioner Sabo seconded the motion.

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

Findings of Fact for Zone Change

1. The applicants are requesting a zone change to rezone the parcel above from Agricultural/Forestry-20 (A/F-20) to Agricultural/Forestry-10 (A/F-10).
2. Surrounding properties range in size from ±11 to ±160 acres.
3. Surrounding uses include residential, agricultural, forestry, and vacant land.
4. The property does not contain regulatory Special Flood Hazard Area.
5. Water is provided by an individual well(s).
6. The property has A/F-10 lands adjacent to the west.
7. Sewage disposal is provided by individual septic system.
8. The property is located in the West Pend Oreille Fire Protection District and Bonner School District #83.

Zone Change Conclusions of Law:

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

Conclusion 1

The proposed zone change 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 zone change criteria and standards set forth at Sections 12-212, 12-215, and 12-216, Bonner County Revised Code, and was found to be in compliance.

Conclusion 3

The proposal is in accord with the purpose of the intended zoning district, provided at Chapter 3, Bonner County Revised Code.

Conclusion 4

The proposal is appropriate for the area based on the objective that adequate private and public services are provided.

CONDITIONAL USE PERMITS

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 C1004-17 – Conditional Use Permit Request – Dog Kennel – Chester & Melody Haven are seeking conditional use permit approval for compliance on an existing dog kennel pursuant to Bonner County Revised Code 12-333: Commercial Use Table. The site is located approximately four miles north of Highway 200 on Gold Creek Rd, in Section 14, Township 58 North, Range 1 West, B.M. The site is zone agricultural/forestry 10.

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

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

APPLICANT PRESENTATION: Landowner Melody Haven discussed the size of the kennel and noted it is cleaned on a daily basis. She also commented on screening the dogs and the attempt to be a good neighbor. In response to a Commissioner inquiry, Mrs. Haven advised there have been no complaints from neighbors.

PUBLIC/AGENCY TESTIMONY: Rosalind Holland commented she had no objections however, would have concerns if the kennel ever expanded.

APPLICANT RESPONSE: Landowner Mr. Haven advised that there are no plans to expand the facility.

APPLICANT REBUTTAL: None

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

STAFF RESPONSE TO COMMISSION INQUIRY: Ms. Reeves confirmed that there was an error on the staff report and confirmed the subject property is accessed from Gold Creek Road.

Staff and the Commission discussed the seven kennels.

MOTION: Commissioner Sabo moved to approve this project FILE C1004-17 Animal Establishment, 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 Sabo further moved to adopt the following findings of fact and conclusions of law with the amendment to Conclusions 3 and 4. 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 Bailey seconded the motion.

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

Background:

A. Site data: The subject property is a 10.04-acre parcel containing an existing residence and accessory buildings.

B. Access: Access to the property is provided by Gold Creek Road a minor collector road with a public right of way with a publicly maintained paved travel surface.

C. Environmental factors: The subject property does not contain any slopes as mapped by the USGS topographic layer on the county mapping service. The property does not contain a special flood hazard area (DFIRM Panel 0520E, Zone X). The property does not contain mapped wetlands (USFWS National Wetland Inventory). The property does not contain critical wildlife habitat or prime agricultural soils, according to the Bonner County Comprehensive Plan.

D. Services: Water would be provided by one of two individual wells on site as indicated by the applicant. Sewage disposal would be provided by an individual septic system. The property is located in the Northside Fire District and the Lake Pend Oreille School District #84.

E. Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Land Use & Density
Site	Ag/Forestry 10-20	Ag/Forestry 10	10.04 acres existing Residence and accessory buildings
North	Ag/Forestry 10-20	Ag/Forestry 10	Rural residential, existing residential structures
East	Ag/Forestry 10-20	Ag/Forestry 10	Rural residential, existing residential structures
South	Ag/Forestry 10-20	Ag/Forestry 10	Rural residential, existing residential structures
West	Ag/Forestry 10-20	Ag/Forestry 10	Rural residential, existing residential structures

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 (1)** All animals, other than livestock, shall be housed in permanent structures which can be physically enclosed during nighttime hours. All buildings and fenced running areas will be a minimum of 300 feet from any existing dwelling other than that of the owner. The operator of such a use will maintain adequate housekeeping practices to prevent the creation of a nuisance.

Provided: A detailed process outline provided by the applicant indicated that the dogs are closed in for the night at approximately 9:00pm every night and are not let out again until 7:00am the next morning (Please see attached process sheet). The existing kennel is approximately 300 feet from all other existing dwellings other than the owner of the facility.

- 3) **BCRC 12-333 (2)** Where access to the site is by road, the road shall be located within a recorded easement or public right of way, and constructed to provide adequate emergency vehicle access (including, but not limited to, fire, medical, and law enforcement), except where subject to the terms of an approved special use permit issued by a state or federal agency.

Provided: The site is accessed off of Gold Creek Road which is a county maintained paved public right of way.

- 4) **BCRC 12-4.2** Performance standards for all uses. BCRC 12-420.A-J standards.

Provided: The application has been reviewed against these standards.

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

Provided: The application has been reviewed against these standards.

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

Provided: Any new sign will follow Bonner County standards.

- 7) **BCRC 12-4.5** Design standards

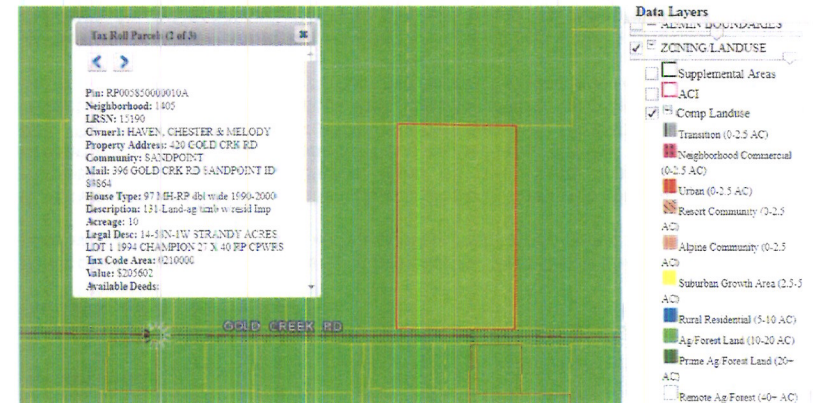
Provided: Reviewed against these standards: A. Adjacent properties are not zoned commercial. F. Lighting: according to the applicant the kennel has downward facing floodlights and the front entry has a porch light.

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

Provided: No landscaping plan provided currently the subject property is heavily treed and has natural vegetative screening.

G. Comprehensive Plan Land Use Designation

The property is designated agricultural/forestry 10-20 on the comprehensive plan map. The ag/forestry land designation provides for an area where public services such as fire and police services, as well as, urban services are difficult to obtain. This provides for areas that residential development would be more challenging due to slopes, hazardous areas, and poor soil conditions may be present.



H. Land Capability Report

A land capability report was not required because there no additional site disturbance for the proposed use.

I. Stormwater plan

A stormwater management plan was not required because there are no mapped slopes or surface water on the project site.

J. Agency Review

The application was routed to agencies for comment on June 21, 2017. Please see attached for the following agencies comment:

- Panhandle Health District

- Bonner County Road and Bridge Department, No comment received July 5, 2017
- Northside Fire District
- Lake Pend Oreille School District #84
- Northern Lights, Inc.
- Idaho Department of Fish and Game
- Idaho Department of Transportation
- Idaho Department of Lands

K. Public Notice & Comments

None Received.

Findings of Fact

1. The proposed use is seeking a conditional use permit for compliance purposes and already exists.
2. The subject property is currently 10.04 acres.
3. The property has a land use designation of Agricultural/Forestry 10-20 and is zoned Agricultural/Forestry 10.
4. The subject property is accessed from Gold Creek Road a paved publicly maintained right of way.
5. Surrounding properties range in size from ±0.708 acres to ±16.52 acres.
6. The subject property would be served by an individual well and an individual septic system.

Conclusions of Law:

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

Conclusion 1

The proposed conditional use permit is in accord with the Bonner County comprehensive plan.

- | | | |
|-----------------------|-------------------------|------------------------------------|
| •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 storm water management criteria and standards set forth in Chapter 7, Title 12, Bonner County Revised Code.

Conclusion 3

The proposal is in accord with the purpose of the Ag Forest zoning district, provided at Chapter 3, Bonner County Revised Code.

Conclusion 4

The proposal is appropriate for the area based on the surrounding uses and the location of the property being on Gold Creek Road.

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.

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 the current structure housing the kennels.

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 C1002-17 – Conditional Use Permit Request – Multifamily Condominium – Mike & Roberta Williams and Kaniksu Properties RVLPP are seeking conditional use permit approval for a multi-family eight unit condominium project. The site is located approximately 4 miles east of highway 57 on Jim Low Road, in Section 16, Township 61 North, Range 4 West, B.M.

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

STAFF PRESENTATION: Planner I Caitlyn Reeves presented a summary of the project and previously circulated staff report, concluding this project is consistent

with Bonner County Revised Code. In response to a Commissioner inquiry, Ms. Reeves explained water rights.

APPLICANT PRESENTATION: Roberta Williams provided a background of the project. She discussed the letter from the Department of Environmental Quality, wells, roofs and water rights. She discussed and submitted the following exhibits:
 Exhibit A - Email from Idaho Department of Water Resources
 Exhibit B - Email from Idaho Department of Environmental Quality
 Exhibit C - Email from Tom Lowe

PUBLIC/AGENCY TESTIMONY: None

APPLICANT REBUTTAL: None

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

MOTION: Commissioner Kempton moved to approve this project FILE C1002-17 Multi-Family Dwelling, 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 with an amendment to Findings of Fact #4. 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 Reeve seconded the motion.

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

Background:

A. Site data: The subject property is a ±1.65-acre parcel containing an existing permitted single family dwelling with seven attached garages.

B. Access: Access to the property is provided by South Granite Bay Road a gravel public right-of-way.

C. Environmental factors: The subject property does not contain any slopes as mapped by the USGS topographic layer on the county mapping service. The property does not contain a special flood hazard area (DFIRM Panel 0150F, Zone F). The property does not contain mapped wetlands (USFWS National Wetland Inventory). The property does not contain critical wildlife habitat or prime agricultural soils, according to the Bonner County Comprehensive Plan.

D. Services: Water would be provided by an individual well on site as indicated by the applicant. Sewage disposal would be provided by Granite-Reeder Bay Water and Sewer District. The property is located in the West Priest Lake Fire District and the Lake Pend Oreille School District #83.

E. Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Land Use & Density
Site	Resort Community	Recreation	±1.65 acres recreational lot, existing single family dwelling with 7 attached garages.
North	Resort Community	Recreation	Residential, existing residential structures
East	Resort Community	Recreation	Residential, existing residential structures
South	Resort Community	Recreation	Residential, existing residential structures
West	Resort Community	Recreation	Residential, Vacant ±1.45 acres

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 12-332 (6)** One multi-family dwelling with a minimum 12,000 square feet of lot area for the first unit, plus 3,000 square feet for each additional unit; provided, that all urban services are available.

Provided: The applicant is requesting an 8 unit multi-family dwelling and the allotment allows for 19 units to be built.

- 3) **BCRC 12-4.2** Performance standards for all uses. BCRC 12-420.A-J standards.

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

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

Provided: The application has been reviewed against these standards and deemed satisfactory. The project has 16 parking spaces available, 2 spaces per unit one covered and one uncovered.

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

Provided: Any new sign will follow Bonner County standards.

6) **BCRC 12-4.5** Design standards

Provided: Reviewed against these standards: A: Adjacent property or properties along the applicable street frontage are not zoned for commercial uses. F. Lighting: according to the applicant the buildings will have recessed or downward facing lights. I. Recreational space for multi-family developments, please see condition A-4.

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

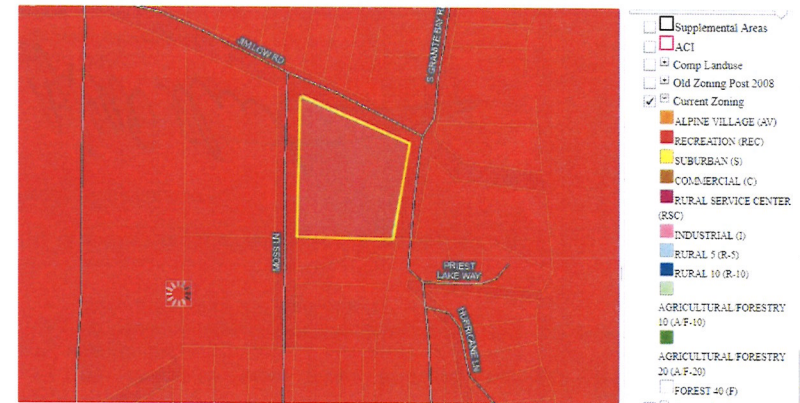
Provided: The application has been reviewed against these standards.

G. Comprehensive Plan Land Use Designation

The property is designated resort community on the comprehensive plan map. The resort community provides for urban-like densities for areas centered around the recreational areas developed for winter and water sports, golf and hiking, where urban services are provided.



Comprehensive Plan Map



Zoning Map

H. Land Capability Report

A land capability report was not required because there no additional site disturbance for the proposed use.

I. Stormwater plan

A stormwater management plan was not required because there are no mapped slopes or surface water on the project site.

J. Agency Review

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

- Granite-Reeder Bay Water and Sewer District, No comment received June 26, 2017
- Bonner County Road and Bridge Department
- West Priest Lake Fire District
- Lake Pend Oreille School District #83
- Northern Lights, Inc.
- Idaho Department of Fish and Game
- Idaho Department of Lands, Coolin
- Idaho Department of Water Resources, Commented July 10, 2017
- United States Fish and Wildlife

- Idaho Department of Water Resources (IDWR) commented on July 10, 2017 in regards to the water rights for a shared well indicated by the applicant as their main source of potable water. Their statutory claim for waters rights may not be valid for the proposed use and a permit may need to be filed.

- Idaho Department of Environmental Quality commented on June 27, 2017 in regards to the wells servicing the area and the applicant may need an

expansion to the system to meet Idaho Rules for Public Drinking Water Systems.

K. Public Notice & Comments

None Received.

Findings of Fact

1. The proposed use is seeking a conditional use permit for the conversion of an existing single family dwelling with 7 attached garages to an 8 unit multi-family dwelling.
2. The subject property is currently ±1.65 acres.
3. The property has a land use designation of Resort Community and is zoned Recreation.
4. The subject property is accessed from South Granite Bay Road a maintained gravel county right of way.
5. The subject property would be served by a shared well and Granite-Reeder Bay Water and Sewer district.

Conclusions of Law:

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

Conclusion 1

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

- | | | |
|-----------------------|-------------------------|------------------------------------|
| •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

The proposal **is** in accord with the purpose of the Recreation zoning district, provided at Chapter 3, Bonner County Revised Code.

Conclusion 3

The proposal **is** appropriate for the area based on the surrounding uses and the location of the property being on South Granite Bay Road.

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** The use shall be developed in accordance with Bonner County Revised Code 12-453 (I) Recreational Space for Multi-Family Developments.

Conditions to be met prior to issuance of the permit:

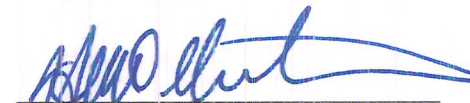
- B-1** Prior to issuance of the conditional use permit, a building location permit must be obtained for the conversion of the attached garages to livable space.
- B-2** Prior to issuance of the conditional use permit, permitting must be obtained from Idaho Department of Environmental Quality, as well as the Idaho Department of Water Resources for the installation of a proper water system.

OPEN LINE DISCUSSION: Planning Director Milton Ollerton discussed the following:

- The terms for Brian Bailey & Trevor Kempton would be expiring in September.
- Schedule updates for the September 14, 2017 public hearing.
- Re-formatting of the staff report.

The Chair declared the hearing adjourned at 6:40 p.m.

Respectfully submitted,



Milton Ollerton
Planning Director

The above Minutes are hereby approved this 21st day of September 2017.

Bonner County Planning and Zoning Commission



Don Davis, Chair

