

MINUTE ORDER

BONNER COUNTY PLANNING and ZONING COMMISSION PUBLIC HEARING MINUTES OCTOBER 1, 2015

CALL TO ORDER: Vice Chair Steve Temple 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: Vice Chair Steve Temple; Margaret W. Hall; Greg Snow; Brian Bailey; Don Davis; and Kris Sabo

ABSENT: Commissioner Mitch Martin

ALSO PRESENT: Planning Director Clare Marley, AICP; Associate Planner Saegen Neiman; and Administrative Secretary Tina Smith

PUBLIC HEARING:

PRELIMINARY PLAT

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 S1827-15 – Preliminary Plat – South Ridge Ski 2nd Addition to the Spires, Preliminary Plat – South Ridge Ski, LLC is seeking preliminary plat approval to subdivide about 35.5 acres into 16 lots ranging in size from about 0.25 of an acre to 20.3 acres. The site is part of the previously approved The Spires planned unit development at Schweitzer Mountain in Section 20, Township 58 North, Range 2 West, B.M. The property is zoned Alpine Village and is located off Tall Timber Road.

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: Planning Director Clare Marley, AICP, presented a PowerPoint presentation of the project and previously circulated staff report, concluding this project is consistent with Bonner County Revised Code. The PowerPoint presentation has been submitted to the file.

APPLICANT PRESENTATION: Project Representative Casey Krivor provided a brief history of this project. He noted this is the same plat as previously approved. He discussed location of the project, ski trails, open space, utilities, water flow, stormwater, sewer lines, and future lots.

Dan Jacobson identified himself as one of the owners of the LLC. He discussed sales in 2009 – 2012, larger lots, lots that have already sold and commitments of previous owner.

In response to Commission Hall's inquiry, Mr. Jacobson explained use of septic tanks at Schweitzer.

PUBLIC/AGENCY TESTIMONY: There were no members of the public present.

APPLICANT REBUTTAL: None

STAFF INPUT: Director Marley reviewed the change in the format of the motion.

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

MOTION: Based on the Findings of Fact, Commissioner Hall concluded that the proposal **does** meet all of the applicable standards of approval of the Bonner County Revised Code, and therefore recommend **approval** to the Board of County Commissioners, finding that it **is** in accord with the Bonner County Comprehensive Plan and Bonner County Revised Code as enumerated in the findings of facts and 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 Hall further moved to adopt the following findings of fact, conclusions of law and conditions of approval. This action does not result in a taking of private property.

The action that could be taken to obtain the plat is to complete the Conditions of Approval as adopted.

Commissioner Bailey seconded the motion.

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

Background:

A. Site data: The South Ridge Ski Second Addition to the Spires is 16 lots ranging in size from 9,308 square feet to 20.32 acres. This addition is 34.55 acres and includes 100,582 square feet (2.31 acres) of open space/recreational trails. Each lot has one density unit assigned to it, but the PUD authorizes 80 dwelling units when all utilities have been expanded to serve the lots. The full density assigned to the lots ranges from one to 29. The largest lot, 20.32-acre Lot 1, Block 4, is assigned 29 dwelling units at full utility build-out. To the west of this large lot is a "designated remainder" of 24.19 acres, which is not required to be platted provided it is at least 20 acres and has legal access.

B. Access: The project is within the Independent Highway District (IHD) boundaries. The main road system accessing the mountain from the valley is public and maintained by IHD. From public Mogul Hill Road, a system of private roads within the PUD serve The Spires, including Tall Timber, Wyvern Way, and proposed

Off-Piste Pass. These private roads are 20-foot wide, with 1-foot shoulders within 60-foot wide private easements. The PUD authorized deviations to private road standards for turning radii (minimum horizontal curve radii of 42 feet, provided additional roadway width is constructed through switchbacks), shoulder width (1 foot wide), and road grades (not to exceed 14% on tangents and 10% through switchbacks, with fire district approval).

C. Environmental factors: The project site is a forested area covered in mature larch, hemlock, cedar and fir located south of the ski terrain. Slopes range from 35% to 50%. Benched areas are located throughout the project. There are no water courses on site. The project is not within a flood hazard area (D-FIRM Panel 685; Zone X). Avalanche hazards are not expected in this area because the site does not contain any open bowls, chutes or cornices that are susceptible to avalanche conditions, according to the original PUD application. The site is not within a mapped critical wildlife habitat area (*Critical Wildlife Habitat, Bonner County, Idaho* comprehensive plan map.) Benches and lower-sloped terrain occur on the property.

D. Services: Mountain Utilities Co. (MUC) will provide sewer services for the proposed development. According to the application, MUC is a Department of Environmental Quality (DEQ)-permitted Class D wastewater land application system. This system covers 100 acres of irrigation land and 12 million gallons of lagoon storage. Dwellings will be served by individual septic tanks, as is the case for all of Schweitzer’s residences. MUC previously approved the density service needs for this site under a previously approved preliminary plat. The previous plat has expired, but the same scope and lot density is proposed for this current plat, according to the application. The Spires Water Company, owned and managed by Schweitzer Basin Water Company, will serve the subdivision. The proposed water system extension is the same as the previous preliminary plat. At that time, the water source was listed as ±40gpm well and 20,000 gallon water storage reservoir. To serve the PUD development at build-out, the development will provide an additional water source from three proposed wells and a 130,000-gallon reservoir to be located on the 28.3-acre designated remainder (*From File #C892-07*). The project is within the Schweitzer Fire District. Northern Lights provides electricity and Avista provides natural gas services.

E. Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Land Use & Density
Site	Alpine Community	Alpine Village	Vacant timber and open land.
North	Alpine Community	Alpine Village	Unplatted Schweitzer Mountain ski area.
East	Alpine Community	Alpine Village	The Spires 1 st Addition

Compass	Comp Plan	Zoning	Current Land Use & Density
South	Alpine Community	Alpine Village	Unplatted Schweitzer Mountain Properties.
West	Alpine Community	Alpine Village	Proposed designated remainder and unplatted Schweitzer Mountain properties.

F. Standards review

Project standards	Required	Provided
Minimum Lot Size (BCRC 12-412), Alpine Village	12,000 square feet for lots having all urban services	Density authorized by planned unit development #C892-07. PUD density average is one dwelling unit per 2.21 acres as currently proposed; and about one dwelling unit per half-acre at full utility capacity (80) units. Lots range from 9,308 square feet to 20.32 acres.
Depth to width, BCRC 12-621	3:1 maximum	Varies from 1.15:1 to 2.86:1
Angle of intersection, BCRC 12-621	Between 85° and 95°	Variation to angle of intersection granted with PUD #C892-07
Urban services, BCRC 12-623(a)	All urban services required for proposed density.	Will be served by urban water, urban sewer, hard-surfaced roads, telephone and electricity.
Water supply, BCRC 12-623(b)(4)	Service by existing water system requires proof of capacity and willingness to serve.	The Spires Water Co. will serve the proposed development.
Sewage disposal, BCRC 12-623(c)	Proof of adequate sewage disposal method required for all lots.	Mountain Utility Co. (MUC) will serve the proposed development.
Fire risk assessment, BCRC 12-623(d)	Required to be filed with application.	The applicant submitted a county fire hazard rating form, showing a total hazard rating of 29. The rank is listed as on the high end of "moderate." Slope,

Project standards	Required	Provided
		private road access with a single way in/out and greater fuel density from the timbered lands contributed to the higher score.
Fire plan, BCRC 12-623(d)	Required to be filed with application.	The developers have provided a plan, indicating the project is within Schweitzer Fire District and is within the boundaries of a DEQ-approved urban water system that includes a fire hydrant system. Fire flow is 2,000 gallons a minute sustained for one hour. The private road is engineered. The CC&Rs address the fire protection plan, defensible space planning and an evacuation plan.
Road name, BCRC 12-624(a)	Must use unique road names.	Tall Timber and Wyvern Way are approved road names. Off-Piste Pass will need to be approved prior to final plat.
Road standard, BCRC 12-624(b)	Public road built to Title 2 standards.	Private road authorized through PUD, with variations to grade, curve radii and shoulder width.
Legal access, BCRC 12-624(c)	Shall be provided to each lot.	Access is provided via a system of private easements to the public road system.
Direct frontage, BCRC 12-624(d)	All lots less than 5 acres must have direct frontage on a public road.	PUD authorized private roads.
Natural hazards, BCRC 12-626(a)	Must design around identified natural hazards.	There are no water courses or floodplain located on site. Estimated maximum slope is 50%. Site topography varies, with sloping ground and benches on the eastern portion of the property,

Project standards	Required	Provided
		and steeper slopes to the westerly portion of the site, according to the application. The property is served by Schweitzer Fire District. The site is not in an avalanche zone, according to the application. Cuts and fills have been minimized by designing roads and building sites to fit the site contours, the application states.
Wetlands, BCRC 12-730	Reconnaissance required.	There are no wetlands on site.
Wildlife, BCRC 12-741	Wildlife mitigations may be required in new subdivisions based upon input from Idaho Fish & Game or Fish & Wildlife Services.	Idaho Fish & Game replied to the request for comments (See below). The site is not within a mapped critical wildlife habitat area (<i>Critical Wildlife Habitat, Bonner County, Idaho</i> comprehensive plan map.) CC&Rs address Fish & Game PUD comments.
Alpine Village development standards, BCRC 12-4.7	Specific design standards required for development in higher elevations, including snow storage, native plantings, retaining walls, steep driveways and parking.	Paragraphs A-C of BCRC 12-4.7 to be addressed at building location permit stage. The Homeowner Association is bound by the CC&Rs to provide snow removal plans and has authorization to store in dedicated common areas, the developers indicated in a letter to the county for the previous South Ridge Ski Plat One, dated 2/7/12.
Hillsides, BCRC 12-760	May require geo-technical analysis where the natural slope exceeds 30%.	Application addresses plan design to avoid steeper slopes. Road profile and cut and fill plans submitted and reviewed by county in separate stormwater plan (ST70-15).

Project standards	Required	Provided
Preliminary plat requirements, BCRC 12-642	Plat contents	Provided.
Open space requirements of PUD, File C892-07	10% minimum of gross acreage to be dedicated to common open space.	This plat proposes the dedication of 100,582 square feet (2.31 acres) of land for open space and trails. This represents 6.5% of the total area to be platted. However, when combined with the existing open space dedicated within earlier The Spires plats, the total open space percentage is 11.16%. The PUD conditions require the open space and density be balanced to achieve the minimum required open space of 10%. South Ridge Ski 2 nd Addition meets the minimum requirements.

G. Stormwater plan

A stormwater management plan was required pursuant to BCRC 12-720.2(A). The plan by prepared by Clearwater Engineering and modified by T-O Engineers to fit plat revisions was submitted prior to the preliminary plat as a separate stormwater plan (File ST70-15). The plan calls for stormwater detention areas and various erosion control measures while the road system is under construction. Comments from the county’s contract engineer are noted below.

H. Agency Review

The application was routed to agencies for comment on July 14, 2015. The following agencies commented:

No comment from:

*Panhandle Health District
Schweitzer Fire District
Northern Lights Power Company*

*Bonner County Public Works
Schweitzer Basin Water Co.
Mountain Utilities Company*

Idaho Fish & Game, letter dated August 4, 2015: The agency recommended the subdivision include 12 advisory notes in the CC&Rs to address storage of garbage, how to avoid attracting bears and other animals, retention of vegetation and standing snags/timber, and other measures to reduce the human/animal conflicts. These conditions were included in the PUD, and the future subdivision should include these recommendations. Conditions A-4 and B-10 address this.

Idaho Department of Environmental Quality, letter dated May 28, 2015: The plans and specifications for the extension of about 1,200 linear feet of water mains and 1,550 feet of sewer line to serve 11 connections off Tall Timber/Off-Piste Pass were reviewed and

conditionally approved by DEQ. Requirements for the inspections of construction and engineering follow-up were included in the letter.

Independent Highway District, comment sheet dated July 30, 2015: The PUD has private roads that IHD has no control over.

Bonner County Contract Engineer, J-U-B Engineers Inc., letter dated May 13, 2015: Following a request for clarification, the contract engineer found that the stormwater plan for South Ridge Ski 2nd addition is in accord with the stormwater standards of BCRC 12.7.2.

I. Public Notice & Comments

The following public comments were received: None.

Findings of Fact & Conclusions of Law

The standards for review that must be met for the approval of this preliminary plat, pursuant to BCRC 12-645, and the findings of fact for this application are as follows:

Conclusion 1

The proposed subdivision **is** in accord with the purposes of this Title and of the zone district in which it is located, BECAUSE:

The development is within the Alpine Village zoning district, which establishes a 12,000 square foot minimum for lots with all urban services. South Ridge Ski Second Addition is within an approved planned unit development (#C892-07) with density averages meeting the Alpine Village standards. The minimum open space requirements of the PUD are met with the dedication of 100,582 square feet of recreational trails, bringing the total open space for the PUD to more than 11%.

Conclusion 2

The site **is** physically suitable for the proposed development, BECAUSE:

There are no water courses on site. The varied topography has been mapped to 10-foot contours to establish building sites. Urban water, sewer, fire hydrants and private roads will serve the 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, BECAUSE:

The property is not located within a critical wildlife habitat area (Bonner County Comprehensive Plan). A stormwater/erosion control plan will be employed to address development impacts from road construction, utility installation and home building (File record).

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, BECAUSE:

The future homesites will be served by Mountain Utility Company. Idaho Department of Environmental Quality has conditionally approved sewer and water extensions to the site. The property is within the Schweitzer Fire District and will be served by a hydrant system.

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, BECAUSE:

The development is served by a fire district and a fire hydrant system. The site is not within an avalanche zone, according to the application. A defensible space fire plan is in place.

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 BECAUSE:

The proposed subdivision will be served by 60-foot wide private easements with 20-foot wide paved roads. Variations to grade, shoulder width and turning radii have been authorized through the PUD. Public roads within the Schweitzer Resort are maintained by Independent Highway District. The developer will participate in a voluntary contribution to the road system improvements as part of the PUD approval (Condition B-12).

Conclusion 7

The proposed subdivision **is** designed to comply with the design criteria for subdivisions set forth in Subchapter 6.2 of this chapter, BECAUSE:

The PUD authorizes deviation from design standards for angles of intersection, road design, public right-of-way frontage.

Conclusion 8

The proposed subdivision **is** in accord with the Bonner County comprehensive plan, BECAUSE:

The site is not within a critical wildlife area. Adequate water, sewer, and fire protection services are available. Private, paved roads, will serve the subdivision. Open space, recreational trails will be dedicated to serve the development.

•Property Rights

•Population

•School Facilities, Transportation

•Economic Development
•Hazardous Areas
•Recreation
•Community Design

•Land Use
•Public Services
•Special Areas or Sites
•Implementation

•Natural Resources
•Transportation
•Housing

Conditions of approval:

Required plat notes:

The following notes shall be recorded on the face of the final plat:

- A-1** "All lots within this subdivision have been included in a stormwater/erosion control plan on file with the Bonner County Planning Department. The site shall be developed in accord with the approved plan. Prior to ground-disturbing activities, lot owners shall submit sediment/erosion control plans addressing the proposed structures and related impervious surfaces on the individual lot."
- A-2** "A defensible space fire risk plan shall be provided by the landowner to the Schweitzer Fire District at the time of Building Location Permit / Building Permit and the site shall be developed consistent with the approved plan."
- A-3** "The roads within this subdivision are private. These roads shall be maintained at the sole expense of the property owners until such time as they are constructed to applicable county or highway district standards for maintenance at no expense to the taxpayers, are dedicated to the public by the lot owners and accepted into the public maintenance system."
- A-4** "CC&Rs have been recorded requiring maintenance of the private road and stormwater features and other planned unit development requirements at Instrument No. _____."

Standard and site-specific plat conditions:

- B-1** Prior to final plat recording, the applicant shall install a road name sign for Off-Piste Pass, to the satisfaction of Bonner County.
- B-2** The final plat shall dedicate and depict on the face of the final plat the ingress/egress, trail, open space and utility easements to be granted to lot owners and adjoining properties, as shown on the preliminary plat.
- B-3** A final plat shall be recorded.
- B-4** The preliminary plat 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 preliminary plat, the applicant may make a written request to the Planning Director for an extension of the preliminary plat for a period up to two (2) years. The Board of County Commissioners 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.

- B-5** The applicant shall install prior to ground disturbing activities all temporary erosion control measures as designed and approved. The applicant shall provide to the Planning Department prior to ground disturbing activities a signed statement from the project engineer or design professional stating that these measures have been installed as per the design specifications as approved. The applicant shall install upon completing ground disturbing activities and shall maintain thereafter all permanent erosion control and stormwater management measures as designed and approved. The applicant shall provide to the Planning Department upon completing ground disturbing activities a signed statement and stormwater system as-builts from the project engineer or design professional stating that these measures have been installed as per the design specifications as approved. All stormwater facilities shall be installed and functioning as designed or a suitable guarantee of completion shall be in place.
- B-6** Prior to final plat recording of each phase, all roads within the subject subdivision shall meet the latest private road standards for a low volume "A" road, consistent with Title 12, Appendix A, Bonner County Revised Code and the deviations to width, alignment and grade standards approved by the planned unit development permit. The road improvements shall be constructed and certified in writing by a professional engineer as complete, in accordance with the private road standards and approved variances, prior to recording the final plat. Two copies of the engineer-certified final road construction report and as-builts, pursuant to Section 3.9 of Appendix A, shall be submitted to the Planning Department prior to final plat approval. The private easements serving the subdivision shall be dedicated to the homeowners association on the final plat, to the satisfaction of the Bonner County Planning Department.
- B-7** Prior to final plat recording, the applicant shall provide a letter from the Schweitzer Fire District confirming the municipal fire hydrant system has been installed in accord with International Fire Code standards.
- B-8** Approved deviations to setbacks and other zoning standards of the planned unit development as enumerated in Condition A-7 and the assigned lot densities as depicted on the preliminary plat "lot density table" shall be shown on the final plat, to the satisfaction of the Bonner County Planning Department. The subdivision is subject to the conditions and authorizations of the approved The Spires 1st Addition PUD, File #C892-07.
- B-9** The applicant shall provide a copy of the Notice of Intent (NOI), in accordance with the Environmental Protection Agency's Construction General Permit (National Pollutant Discharge Elimination System) prior to final plat approval if site disturbance is greater than 1 acre.
- B-10** Covenants, Conditions and Restrictions (CC&Rs) shall be recorded for the subject plat that address condition of approval A-6 of The Spires 1st Addition PUD, File #C892-07.

B-11 Prior to construction of sewer and water improvements, the applicant shall obtain approval from Idaho Department of Environmental Quality (DEQ) for the utility plans and specifications, and shall install the systems in accord with the approved plans. Prior to final plat approval, the applicant shall provide written approval of the "as-built" improvements for sewer and water services from DEQ. Prior to final plat, the applicant shall provide written confirmation from DEQ that the capacity of the water and wastewater systems is sufficient to accommodate the additional lots.