

**MINUTE ORDER**  
**BONNER COUNTY PLANNING and ZONING COMMISSION**  
**PUBLIC HEARING MINUTES**  
**AUGUST 20, 2015**

**CALL TO ORDER:** Chair Roger Daar called the Bonner County Planning and 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.

**PRESENT:** Commissioners Chair Roger Daar; Vice Chair Steve Temple; Greg Snow; Brian Bailey; and Mitch Martin

**ABSENT:** Commissioner Margaret W. Hall

**ALSO PRESENT:** Planning Director Clare Marley, AICP; Senior Planner II Dan Carlson, AICP; Associate Planner Saegen Neiman; and Administrative Secretary Tina Smith

**PUBLIC HEARING:**

**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 C988-15 – Conditional Use Permit – Church Expansion – Sagle Victory Baptist Church** is seeking conditional use permit approval for an addition to an existing church to allow for a new lobby and additional restrooms. The site is generally located in the Sagle area, about a half mile west of U.S. Highway 95 on Gun Club Road, in Section 9, Township 56 North, Range 2 West, B.M. The site is zoned Rural-5.

**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:** Associate Planner Saegen Neiman 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. He reviewed agency comments and noted there were no public comments received.

**APPLICANT PRESENTATION:** Project Representative Joel Andring of Glahe & Associates described the expansion.

**PUBLIC/AGENCY TESTIMONY:** There were no members of the public wishing to comment on this project.

**APPLICANT REBUTTAL:** None

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

**MOTION:** Commissioner Temple moved to approve this project FILE C988-15 for an addition to an existing nonconforming church, 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 Temple 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 Bailey seconded the motion.

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

---

**Background:**

---

**A. Site data:** The subject parcel is described at 2.88 acres, and is zoned Rural 5. The surrounding land uses include residential and rural residential uses.

**B. Access:** Access is provided by Gun Club Road. Gun Club Road is a paved county road, lying within a 60-foot wide right-of-way. The site is generally located about a half-mile west of Highway 95.

**C. Environmental factors:** The site is generally flat, with an open parking area and field on the southern area of the property toward the Gun Club Road right-of-way, and the northern portions of the parcel are timbered. There are no mapped wetlands, slopes steeper than 15% grade, critical wildlife area, or flood hazard zone (Zone: X – DFIRM: 0950). However, the site does lie over areas of prime agricultural soils (Bonner Gravelly Silt Loam – 2).

**D. Services:** The site is served by an existing septic and drainfield system, as well as an individual well. The site is located within the Selkirk Fire District, the Lake Pend Oreille School District (84), and power is provided by Avista Utilities.

**E. Comprehensive Plan, Zoning and Current Land Use**

Compass	Comp Plan	Zoning	Current Land Use & Density
Site	Rural Residential	Rural 5	Church; 2.88 acres
North	Rural Residential	Rural 5	Rural Residential; 5 acres
East	Rural Residential	Rural 5	Rural Residential; 5 acres
South	Transition	Suburban	Residential; ≤5 acres
West	Rural Residential	Rural 5	Rural Residential; 5 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.

<b>Standard</b>	<b>Required</b>	<b>Provided</b>
BCRC 12-220, et seq, conditional use permit, application and standards	Application contents	Application determined complete June 9, 2015
Minimum off street parking (BCRC 12-432)	1 space per 50 square feet of assembly area	The maximum calculation of floor area for the existing and proposed facilities would require a minimum of 12,672 square feet of parking area. The existing parking lot is 18,000 square feet in size.
BCRC 12-335(3), Public Use Table	Where access is to the site by road the road shall be located within a public right-of-way and meet Title 2 standards of Bonner County Revised Code.	Access is provided by Gun Club Road. Gun Club Road is a paved county road, lying within a 60-foot wide right-of-way.

## **G. Comprehensive Plan Land Use Designation**

The property is designated Rural Residential on the Bonner County Comprehensive Plan Map. The comprehensive plan designation of Rural Residential provides limited residential densities and permitted uses to those that are compatible with rural character and nearby resource production districts and sites and can be adequately supported by rural service levels.

**H. Land Capability Report** A land capability report was submitted to the record by Jeff Jensen, P.E., in accordance with BCRC 12-222(j), which states that the site has demonstrated the ability to support the proposed lobby and restroom addition, subject to conformance with the accompanying stormwater management and erosion control plan; and subject to CUP issuance. Based on the physical site characteristics, the proposed parcel is satisfactorily suited for the intended use. The site has demonstrated that it is capable of withstanding the disturbances without risk of harmful consequences as a result of floods, sewage, drainage, erosion, sedimentation, or geological or surface slippage, pursuant to BCRC 12-222(J).

## **I. Stormwater plan**

A stormwater management plan was required pursuant to BCRC 12-7.2. The plan by Jeff Jensen, P.E., plan calls for temporary erosion control features such as silt fencing or straw wattles, as well as grassy infiltration areas as a permanent stormwater control feature.

## **J. Agency Review**

The application was routed to the following agencies for comment on June 9, 2015:

*Panhandle Health District  
Selkirk Fire District  
Avista Utilities  
Bonner County Contract Engineer*

*Bonner County Public Works Department  
Southside Water and Sewer District  
Idaho Department of Transportation  
Idaho Department of Lands (Sandpoint)*

*The following agencies commented:*

**Idaho Department of Lands, Edward Robinson, Response dated June 15, 2015:**

No comment

**Avista Utilities, Jay West, Response dated June 19, 2015:**

No comment

**Idaho Transportation Department, Don Davis, P.E., Response dated June 24, 2015:**

Mr. Davis noted that ITD has reviewed the CUP request to expand the existing church building, and stated that the expansion will not have any direct effect on Highway 95, or the intersection of Highway 95 and Gun Club Road.

**Bonner County Public Works, Matt Mulder, P.E., Letter dated June 26, 2015:**

Mr. Mulder stated that no encroachment permit has been approved for the approach of the existing driveway onto Gun Club Road.

**Staff Note:** Because the public works department will need to provide their agency authorization prior to the submittal of the applicant's building location permit for the addition, staff does not recommend the encroachment permit as a condition of approval.

**Bonner County Contract Engineer, Andrew Baden, P.E., Letter dated July 13, 2015:**

Mr. Baden reviewed the applicant's stormwater management plan and deemed it complete with Bonner County Revised Code 12-7.2, stormwater management standards.

**Panhandle Health District, Kathryn Kolberg, Response dated July 21, 2015:**

Ms. Kolberg stated that due to the additional bathroom facilities, the existing sewage disposal system may need to be expanded, and noted that PHD will not sign a building location permit until that has been completed.

**Staff Note:** Similarly to the public works, Panhandle Health District provides its agency authorization, prior to building location permit submittal. Therefore, any upgrades or expansion to the existing facility will need to take place prior to building location permit approval, and no condition will be recommended.

**K. Public Notice & Comments**

The following public comments were received:

*Staff has received no public comment at the time of staff report issuance.*

---

## **Findings of Fact**

---

1. The existing church is 2,304 square feet in size. The proposed addition will be 864 square feet in size.
2. Sagle Baptist Church has held services on the subject site since the early 1980s.
3. Sagle Baptist Church and Victory Baptist Church merged to form the Sagle Victory Baptist Church in 2010.
4. Bonner County Revised Code section 12-432, requires at a minimum of 12,672 square feet of parking space. The existing parking lot currently provides for 18,000 square feet of parking area.
5. The applicants have obtained approval for their stormwater management plan submitted by Jeff Jensen, P.E.
6. The expansion includes additional restroom facilities, and lobby space.

---

## **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.

---

## **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 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 from the project engineer or design professional stating that these measures have been installed as per the design specifications as approved.