

**BONNER COUNTY PLANNING and ZONING COMMISSION
PUBLIC HEARING MINUTES
FEBRUARY 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 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; Trevor Kempton; Sheryl Reeve; and Suzanne Glasoe

ABSENT: Commissioner Taylor Bradish

ALSO PRESENT: Planning Director Milton Ollerton; Planner I Marcus Pecnik; and Administrative Supervisor Tina Smith

CHANGES IN AGENDA: None

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

PUBLIC HEARING:

PLANNED UNIT DEVELOPMENT

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 C1007-17 – Conditional Use Permit for a Planned Unit Development & File S1930-17 The Idaho Club Lake Estates – Preliminary Plat - Vallant Idaho, LLC et al is requesting to subdivide a 11.5 acre lot into a 12 lot subdivision as part of PUD 1007-17, with 3 lots dedicated to open space and 9 lots for Single Family Dwellings. The site is zoned Recreation and is located off Hwy 200 on Idaho Country Road, in a portion of Section 21, Township 57 North, Range 1 East, Boise Meridian.

CONFLICT OF INTEREST/DISCLOSURE DECLARATIONS: The Chair requested the Commissioners declare any conflicts of interest or disclosures. Commissioner Bailey disclosed that Mr. Taylor's company and his company are currently working on a project in Sandpoint. He noted it would not impair his judgement on this project. There were no other disclosures or conflicts.

STAFF PRESENTATION: Planner I Marcus Pecnik presented a PowerPoint presentation of the project and previously circulated staff report, concluding this project is consistent with Bonner County Revised Code. Mr. Pecnik discussed amending Findings & Conclusions #5 and Condition A-9.

APPLICANT PRESENTATION: Project representative Martin E. Taylor of James A. Sewell and Associates advised that he would rely on the application materials and exhibits for the details of the project. He commented on the following: Deviation of conventional standards; sewage treatment (Class A); community well; bulk storage; access; openspace/common areas; and density averaging. He noted he concurs with staff's proposed conditions.

PUBLIC/AGENCY TESTIMONY: Bob Hanson commented on the following: Failure of the old drainfield; groundwater; Class A systems; and wells.

Ray Millard spoke in favor of the project and commented on the following: Wastewater treatment; prior project in 2005-2006; high water; and sewer.

APPLICANT REBUTTAL: Mr. Taylor addressed the analysis of the wastewater treatment. He explained the size difference between the project in 2005/2006 and this project. In response to a Commissioner inquiry, Mr. Taylor addressed the surrounding properties and commented on IDAPA (Idaho Administrative Procedures Act).

Ashley Williams, P.E. of Welch Comer Engineers discussed the following: Well logs; Department of Environmental Quality jurisdiction; Hydrogeologists report; 100 year floodplain and Class A standard.

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

FILE C1007-17

MOTION TO APPROVE: Commissioner Sabo moved to recommend approval to the County Commissioners of this project FILE C1007-17 for a large-scale, residential planned unit development consisting of nine (9) residential lots, and three (3) open space lots finding that it is in accord with 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, conclusions of law and conditions of approval with the amendment of findings of fact #5 a to state the following:

"PUD's allow for increase or decrease of standards:

- a. BCRC, §12-412: 12,000 Square feet lot size for Lot 4 when served by urban services.

And in addition amending Condition of approval A-9 to state the following:

"Authorization to deviate from Title 12 standards are hereby permitted as follows:

BCRC 12-412: 12,000 square foot size minimum for lot 4 when served by "urban services"). 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 Glasoe seconded the motion.

VOTED upon and the Chair declared the motion carried unanimously.

Findings of fact and Conclusions of Law for PUD:

Findings of Fact

1. The comprehensive plan designation is Resort Community and the property is zoned Recreation
2. Lots 1-9 share a community waste water treatment for septic and shared well sites.
3. The proposed residential lots are .23 to .73 acres.
4. Access is provided by Idaho Country Road off Highway 200 across an established railroad crossing to a private road.
5. PUD's allow for increase or decrease of standards:
 - a. BCRC, §12-412: 12,000 Square feet lot size for Lot 4 when served by urban services.
 - b. Change in depth to width ratio allows adequate room for side-yard setbacks
 - c. Change in angle of intersection allow adequate room for access to each lot.
 - d. The maximum waterfront lot width of BCRC 12-626(c)(1).
6. The provided 6.2 acre lot for open space is 44.4% of the development.
7. There is a proposed 3.93 acre common area for utilities, access and provides a buffer to adjoining roadway.
8. A land capability report was completed showing the land is capable of supporting this development.
9. There is a wetland reconnaissance showing numerous building sites within described building envelopes.
10. The fire hazard is rated low-moderate.
11. The property is served by Avista, Sam Owen Fire, and the Lake Pend Oreille School District.

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

Conclusion 1

The proposed planned unit development 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 proposed use **will not** create a hazard or will not be dangerous to persons on or adjacent to the property.

Conclusion 3

The proposed planned unit development or the first phase of it **can** be substantially completed within two (4) years from the date of approval.

Conclusion 4

Each individual development phase **can** exist as an independent unit meeting the minimum standards set forth in this subchapter.

Conclusion 5

The streets and thoroughfares proposed **are** suitable and adequate to gather anticipated traffic and **will not** generate traffic in amounts that will overload the street network outside the planned unit development. Connections to public transportation systems shall also be considered.

Conclusion 6

Any residential development **will** constitute a residential environment of sustained desirability and stability and **will** be in harmony with the character of the surrounding neighborhood and community.

Conclusion 7

This proposal was reviewed for compliance with the criteria and standards set forth at BCRC Chapter 4, Title 12, Subchapter 2.5, environmental standards of Chapter 7, Title 12, stormwater management criteria and standards set forth in Chapter 7, Title 12, and floodplain standards in Title 14, Bonner County Revised Code.

Conclusion 8

The proposed use **will not** adversely affect properties in the vicinity.

This action does not result in a taking of private property.

FILE S1930-17

MOTION TO APPROVE: Commissioner Sabo moved to recommend approval to the County Commissioners this project FILE S1930-17 a preliminary plat for a large-scale, residential planned unit development consisting of nine (9) residential lots, and three (3) open space lots, finding that it is in accord with 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, conclusions of law and conditions of approval with the amendment of findings of fact #5 a to state the following:

"PUD's allow for increase or decrease of standards:

- a. BCRC, §12-412: 12,000 Square feet lot size for Lot 4 when served by urban services.

And In addition amending Condition of approval A-9 to state the following:
"Authorization to deviate from Title 12 standards are hereby permitted as follows:

BCRC 12-412: 12,000 square foot size minimum for lot 4 when served by "urban services"). The action that could be taken to obtain the plat is to complete the Conditions of Approval as adopted. Commissioner Kempton seconded the motion.

VOTED upon and the Chair declared the motion carried unanimously.

Findings of Fact and Conclusions of Law for Plat:

Findings of Fact

1. The comprehensive plan designation is Resort Community and the property is zoned Recreation
2. Lots 1-9 share a community waste water treatment for septic and shared well sites.
3. The proposed residential lots are .23 to .73 acres.
4. Access is provided by Idaho Country Road off Highway 200 across an established railroad crossing to a private road.
5. PUD's allow for increase or decrease of standards:
 - a. BCRC, §12-412: 12,000 Square feet lot size for Lot 4 when served by urban services.
 - b. Change in depth to width ratio allows adequate room for sideyard setbacks
 - c. Change in angle of intersection allow adequate room for access to each lot.
 - d. The maximum waterfront lot width of BCRC 12-626(c)(1).
6. The provided 6.2 acre lot for open space is 44.4% of the development.
7. There is a proposed 3.93 acre common area for utilities, access and provides a buffer to adjoining roadway.
8. A land capability report was completed showing the land is capable of supporting this development
9. There is a wetland reconnaissance done showing numerous building sites within described building envelopes.
10. The fire hazard is rated low-moderate.
11. The property is served by Avista, Sam Owen Fire, and the Lake Pend Oreille School District.

The Background section of the staff report above and the testimony received are the basis for all of the following findings of fact and conclusions of law. Based upon the findings of fact, the following conclusions of law are adopted:

Conclusion 1

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

Conclusion 2

The site **is** physically suitable for the proposed 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.

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.

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.

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.

Conclusion 7

The proposed subdivision **is** designed to comply with the design criteria for subdivisions set forth in Subchapter 6.2, 6.35, 6.36 and 6.45 of Chapter 6, Title 12 Bonner County Revised Code.

Conclusion 8

The proposed subdivision **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 | |

This action does not result in a taking of private property.

Conditions of approval:

Required PUD conditions:

A-1 The use shall be 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 four (4) calendar years from the date of approval, or once issued, if the use has not commenced within four (4) 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 a single extension of the Conditional Use Permit for a period up to four (4) years. The Board of Commissioners 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 Covenants, Conditions and Restrictions (CC&Rs) shall be recorded for the PUD with the final plat, which shall be sufficient to enforce development requirements and responsibilities of the lot owners and which shall include the formation of a homeowners' association or corporate ownership responsible for the development, use and permanent maintenance of all common activities and facilities. Prior to issuance of the conditional use permit, the CC&Rs, shall be submitted to the Planning Department and the portion relating to the development requirements and responsibilities shall be approved by the Planning Director. This section, which shall not be subject to change by vote of the lot owners, shall address, at a minimum, the following:

- a. Maintenance and operation of the stormwater system.
- b. Maintenance and use of the common area.
- c. Maintenance of the road system.
- d. Requirements to meet all applicable land use codes.
- e. Requirements for individual lot stormwater/erosion control management.
- f. Native plant care and maintenance within common areas.
- g. Maintenance and operations of the sewage disposal systems, as required by DEQ/PHD.

A-5 Idaho Country Road shall be developed with a hard surfaced "low volume road" accessing all lots in accord with approved plan and constructed to standards set forth in Title 12 Appendix A, 2.5(a).

A-6 Waste water treatment facility and land application systems shall be constructed in accord with with Panhandle Health Department and Idaho Department of Environmental quality guidelines.

A-7 Wastewater treatment facility shall be constructed in accord with Bonner County Title 14 standards. Applicant shall submit to the Bonner County Planning Department a flood plain development permit to the satisfaction of the floodplain manager.

A-8 A fire suppression system shall be installed in accord with the submitted plan, as regulated by BCRC 12-623(d)

A-9 Authorization to deviate from Title 12 standards are hereby permitted as follows:

- a. BCRC 12-412: 12,000 square foot lot size minimum for lot 4 when served by "urban services".

- b. BCRC, §12-621: Depth to Width Ratio and Angle of Intersection
- c. BCRC, §12-624(d): Right of way frontage.
- d. BCRC, §12-626(c)(1): 200 feet shoreline frontage width.

Required plat notes:

The following notes shall be recorded on the face of the final plat (in addition to those shown on preliminary plat):

B-1 "In areas adjacent to structures, fuel modification provisions apply for the purpose of establishing and maintaining defensible space. Based on the low-moderate urban-wildland Interface area rating on the subject property, a fuel modification distance of not less than 20 feet will be maintained. Lot owners will be responsible for modifying or removing non-fire resistive vegetation on each lot. Trees are allowed within the defensible space, provided the horizontal distance between crowns of adjacent trees and crowns of trees and structures, overhead electrical facilities or unmodified fuel is not less than 10 feet. Dead wood and litter shall be removed annually from trees. Where ornamental vegetative fuels or cultivated ground cover, such as green grass, ivy, succulents or similar plants are used as ground cover, they are allowed to be within the designated defensible space, provided they do not form a means of transmitting fire from the native plant growth to any structure (International Urban-Wildland Interface Code, Section 603)."

B-2 "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 county standards for maintenance at no expense to the taxpayers and are accepted into the county's maintenance system by the Bonner County Board of Commissioners."

B-3 "CC&Rs have been recorded requiring sufficient to enforce development requirements, instrument No. _____."

Standard and site-specific plat conditions:

C-1 A final plat shall be recorded.

C-2 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 a single 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.

C-3 The following shall be delineated on the final plat to the satisfaction of the Bonner County Planning Department and/or other agencies as noted:

- (a) Approved sewage disposal easements and utility lines;
- (b) 100-year floodplain

C-4 The applicant shall install prior to ground disturbing activities all temporary erosion control measures as designed and 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.

OPEN LINE DISCUSSION: Planning Director Milton Ollerton reviewed and or provided updates on the following:

- Reviewed the process of docs posted to the Google team drive for public hearing documents.
- Provided an update on the Sagle Sub Area plan.
- Commission and staff discussed attendance at the Sagle Sub Area plan meetings.
- There will be a workshop on February 15th. The Commission discussed the need to review the draft document for the Sagle Sub Area plan prior to the meeting on the 15th.
- Mr. Ollerton advised that Planner 1 Marie Holladay had taken the lead on the Sagle project however, she will be leaving the department.
- The Commission and staff discussed the proposed smelter and impacts in Oldtown.
- Mr. Ollerton and the Commission discussed growth within the county and in relation to the Area of City Impact.
- Mr. Ollerton discussed the number of lots and their locations that were created in 2017.

The Chair declared the hearing adjourned at 7:00 p.m.

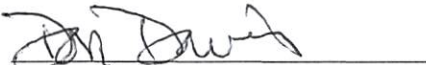
Respectfully submitted,



Milton Ollerton
Planning Director

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

Bonner County Planning and Zoning Commission



Don Davis, Chair