



Bonner County Planning Department

"Protecting property rights and enhancing property value"

1500 Highway 2, Suite 208, Sandpoint, Idaho 83864

Phone (208) 265-1458 - Fax (866) 537-4935

Email: planning@bonnercountyid.gov - Web site: www.bonnercountyid.gov

February 22, 2024

Caliber Land Company
468146 Hwy 95
Sagle, ID 83860

Subj: File V0024-23 – Variance – Lot Size Minimum

Dear Applicant,

The Bonner County Planning and Zoning Commission at the February 15, 2024, hearing denied the referenced application.

Commissioner Webster moved to deny this project, FILE V0024-23, for a reduced minimum lot size of 1.34-acres and 0.42-acres where 2.5-acres is required, based upon the following conclusions:

Conclusion 1

Conditions apply to the property that **do not** apply generally to other properties in the same zone or vicinity, which conditions are a result of lot size, shape, topography, or other circumstances over which the applicant has no control.

Conclusion 2

Special conditions and circumstances **do** result from the actions of the applicant.

Conclusion 3

The granting of the variance **is** in conflict with the public interest in that it **will** be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity of the subject parcel or lot.

This decision is based upon the evidence submitted up to the time the Staff Report was prepared and testimony received at this hearing. I further adopt the following findings of fact and conclusions of law as amended. This action does not result in a taking of private property. The action that could be taken, if any, to obtain the variance is to:

- 1) File a new application with the Planning Department and meet the standards required by Bonner County Revised Code; or
- 2) Appeal the Zoning Commission's decision to the County Commissioners.

Commissioner Clark seconded the motion.

Roll Call Vote

| | |
|----------------------|-----|
| Commissioner Webster | AYE |
| Commissioner Clark | AYE |
| Commissioner Marble | AYE |
| Commissioner Wakeley | AYE |

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

Findings of Fact

1. The proposal was reviewed for compliance with BCRC 12-234 Variances, and standards for review of applications, BCRC 12-400, et seq.
2. The lot was platted on July 27, 1912 per Book of Plats, Book 1, Page 140, Instrument Number 022404, Records of Bonner County, Idaho.
3. The lot consists of 1.78-acres per Record of Survey, Instrument Number 784194, dated March 21, 2008.
4. The site does not contain mapped slopes per USGS.
5. The parcel does not contain wetlands per USFWS.
6. The site does not contain a river/stream/frontage on a lake per the NHD.
7. The parcel is within SFHA Zone X per FIRM Panel Number 16017C0950E, Effective Date 11/18/2009. No further floodplain review is required on this proposal.
8. The lot is accessed via U.S. Hwy 95. U.S. Hwy 95 is a 160' right-of-way with a paved 60' travel way.
9. The site is Commercial (C) with a land use designation of Transition.
10. The applicant purchased this lot on January 21, 2022 per Instrument Number 999423, Records of Bonner County.
11. The applicant has applied for a zone change (ZC0010-23) requesting that the entire lot be changed to Commercial zoning. The zone change application was approved by the Zoning Commission on January 24, 2024.

Suggested Conditions of Approval:

Standard permit conditions.

A-1 Only the lot size minimums as shown on the site plan have been reviewed for variance standards. All other lot design standards and future development must comply with Bonner County Revised Code excepting the modified lot size minimums herein.

A-2 The granting of this variance shall not supersede any deed restrictions.

A-3 A land division application must be submitted to the Bonner County Planning Department in order to divide the property.

Bonner County Revised Code, Section 12-262, provides an opportunity for affected persons to appeal Planning and Zoning Commission decisions with the Planning Director within 28 days after the final written decision of the Planning and Zoning Commission has been issued. Any such appeal must be submitted in accordance with the referenced code section no later than **5:00 p.m., March 21, 2024. AN APPEAL SHALL BE ACCOMPANIED BY A FILING FEE IN ACCORDANCE WITH THE APPROVED FEE SCHEDULE. THE FEES ARE PAYABLE TO THE BONNER COUNTY PLANNING DEPARTMENT.**

NOTE: Following any final decision concerning a site-specific land use request, the applicant has a right to request a regulatory taking analysis pursuant to Section 67-8003, Idaho Code (*Idaho Code §67-6535(3)*).

Please contact the Planning Department if you have any questions.

Sincerely,



Jacob Marble, Chair
Zoning Commission

c: Jeremy Grimm, Project Representative