

# Bonner County

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## Board of Commissioners

Asia Williams

Luke Omodt

Steve Bradshaw

December 29, 2023

Ernie & Nancy Brandt  
488 Syringa Heights Road  
Sandpoint, ID 83864

Subj: **Appeal File VA0024-23 – Administrative Variance – Lot Size Minimum**

Dear Applicant,

The Bonner County Commissioners at the December 21, 2023, public meeting affirmed staff's decision to deny the referenced file.

Commissioner Williams moved to affirm the staff's administrative decision to deny this project FILE VA0024-23, requesting a 8-acre minimum lot size where 10-acres is required, finding that it is not in accord with the Bonner County Revised Code as enumerated in the following conclusions of law and based upon the evidence submitted up to the time the Administrative Decision Letter was prepared and testimony received at this meeting. Commissioner Williams further moved to adopt the findings of fact and conclusions of law as set forth in the Administrative Decision Letter and direct planning staff to draft written findings and conclusions to reflect this motion and transmit to all interested parties. This action does not result in a taking of private property.

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### **Findings of Fact:**

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1. This proposal was reviewed for compliance with the criteria and standards set forth in BCRC 12-238 Administrative Variances, BCRC 12-234 Variances, Standards for Review of Applications, BCRC 12-400, et seq., and BCRC Density and Development Standards if affected by the variance.
2. The property is zoned Agricultural/Forestry 10 (A/F-10), allowing a lot size minimum of 10-acres.
3. The site does contain mapped slopes in excess of 30% per USGS.
4. The site does contain mapped wetlands per USFWS.
5. The site does contain frontage on an unnamed intermittent stream.

6. The parcel is within Special Flood Hazard Area Zone X per FIRM Panel Number 16017C0730E, Effective Date 11/18/2009.
7. The parcel has a Land Use designation of Ag/Forest Land (10-20 AC).

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**Conclusions of Law:**

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

1. This proposal was reviewed for compliance with the criteria and standards set forth at Sections 12-2.3 Variances, Bonner County Revised Code, storm water management criteria and standards set forth in Chapter 7, Title 12, Bonner County Revised Code, and variance criteria and standards set forth at Section 67-6516, Idaho Code.
2. The proposed administrative variance **is not** in accord with the purposes of Title 12, based on the foregoing findings and the following conclusions of law as adopted. This decision does not result in a taking of private property.
3. Conditions apply to the property that **do** 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.
4. Special conditions and circumstances **do not** result from the actions of the applicant.
5. 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. (Ord. 559, 1-4-2017)

Chair Omodt stepped down from the Chair and seconded the motion.

**ROLL CALL VOTE:**

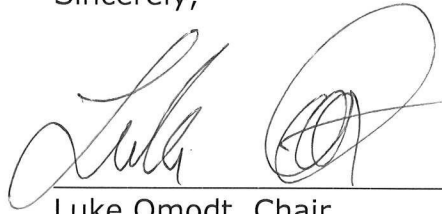
Commissioner Williams	YES
Commissioner Omodt	YES
Commissioner Bradshaw	NO

The motion carried.

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

Please contact the Bonner County Planning Department if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Luke Omodt', written over a horizontal line.

Luke Omodt, Chair  
Board of County Commission

c: Taylor Bradish, Project Representative