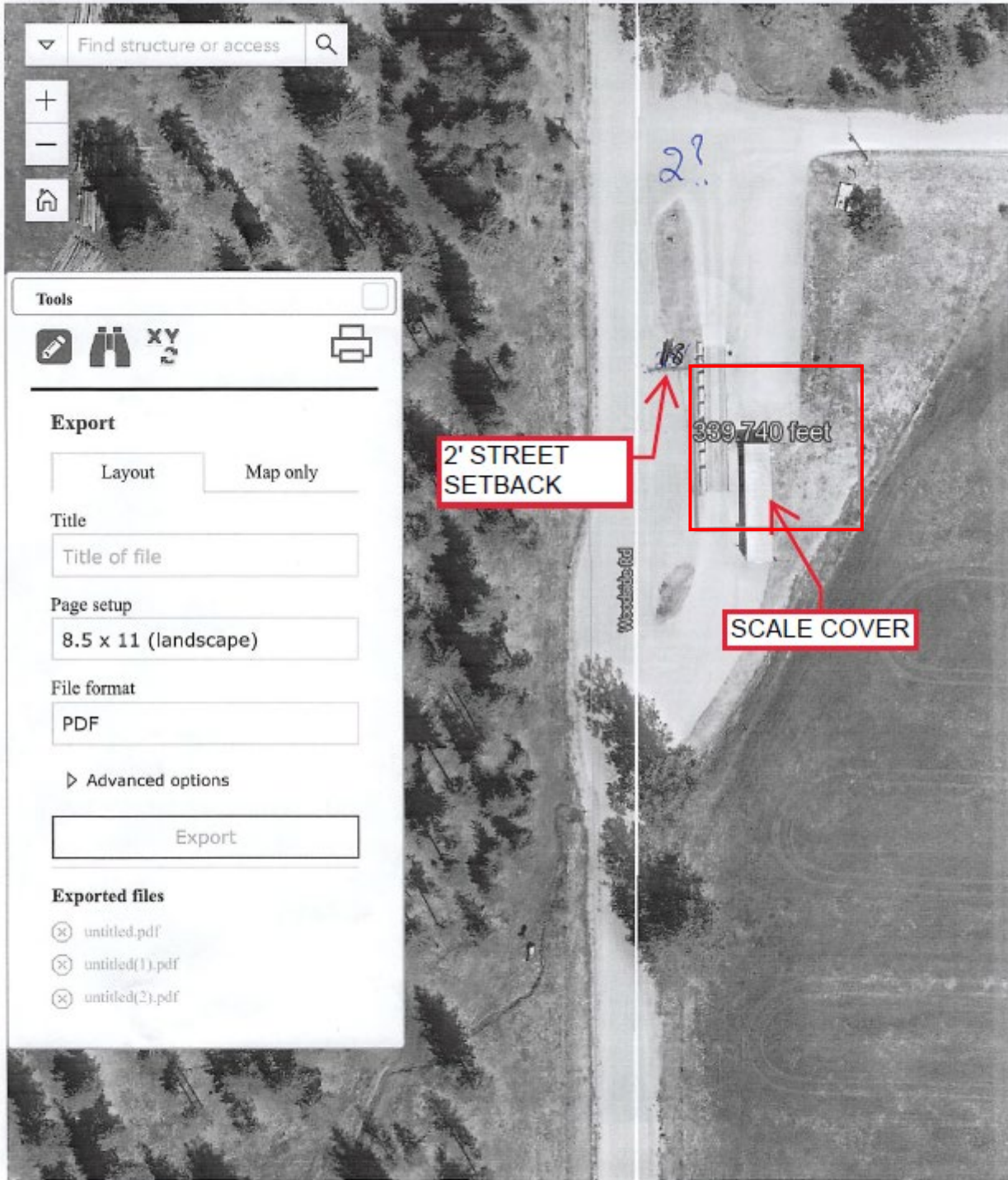


SUBJECT PROPERTY SITE PLAN

6/6/24, 9:57 AM

Public Map



<https://cloudgisapps.bonnercountyid.gov/public/>



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1/1

PROJECT SUMMARY

The applicant is requesting a two (2) foot street setback where twenty-five (25) feet is required from Woodside Road, a Bonner County owned and maintained public right of way.

APPLICABLE LAWS

The following sections of BCRC, Title 12, apply to this project:

BCRC 12-222: Application contents
BCRC 12-232: General provisions
BCRC 12-234: Variance standards
BCRC 12-400: Development standards
BCRC 12-322: Agricultural/Forestry District
BCRC 12-7.2, et seq.: Grading/erosion/stormwater
BCRC 12-800 et seq.: Definitions

BACKGROUND

A. Site Data

Land Use: Commercial/Residential
Size: 100.279-acres
Zoning Designation: Ag/Forest 20 (A/F-20)
Comp Plan Designation: Ag/Forest Land (10-20 AC)

B. Access

Access is via Woodside Road, a Bonner County owned and maintained right-of-way.

C. Environmental Factors

Site does contain mapped slopes (USGS).
Site does contain mapped wetlands (USFWS).
Site does not contain frontage on a stream/river/lake.
Site is within SFHA Zone X per FIRM Panel #16017C0710E, effective 11/18/09.

D. Services

Water: Individual well
Sewer: Individual septic
Fire: Northside Fire
Power: Avista Utilities

E. Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan Designation	Zoning Designation	Current Land Use & Density
Site	Ag/Forest Land (10-20 AC)	Ag/Forest 20 (A/F-20)	Commercial
North	Ag/Forest Land (10-20 AC)	Ag/Forest 20 (A/F-20)	Vacant
East	Ag/Forest Land (10-20 AC)	Ag/Forest 20 (A/F-20)	Vacant
South	Ag/Forest Land (10-20 AC)	Ag/Forest 20 (A/F-20)	Vacant/Residential - 1 SFD
West	Ag/Forest Land (10-20 AC)	Ag/Forest 20 (A/F-20)	Vacant

AGENCY ROUTING

The agencies listed in Annex A were routed on July 26, 2024.

The following agencies responded with comments:

Bonner County Floodplain Review - Email

JRJ, 7.30.2024: Parcel is within SFHA Zone X per FIRM Panel Number 16017C0710E, Effective Date 11/18/2009. No further floodplain review is required on this proposal.

Bonner County Road & Bridge - Email

Comments emailed.

The following agencies responded with "No comment":

Idaho Transportation Department

All other agencies did not respond.

PUBLIC COMMENT

No public comments were received at the time this staff report was prepared.

STANDARDS REVIEW & STAFF ANALYSIS:

BCRC 12-234 specifies that "Staff, the commission and/or board shall review the particular facts and circumstances of each proposal submitted and shall find adequate evidence showing that:

A. Standards Review

- (a) **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.**

Staff: This parcel has a truck scale that has existed at its current location for over thirty-years. The scale predates November 18, 2008 and is therefore grandfathered as a non-conforming structure and use. The applicant is requesting a two (2) foot setback in order to construct a cover over the scale. The parcel is accessed by Woodside Road. Per Bonner County Road & Bridge, this road only provides access to properties owned by the applicant's family. The parcel is zoned AF-20 and is used for both commercial and residential purposes. Based on the above set of characteristics, this parcel is unique among other parcels in the vicinity.

The property has a truck scale that has been in its current location for over thirty years. The applicant seeks a two-foot setback variance to construct a cover over this truck scale. The cover would be considered a structure and it planned to extend beyond the existing scale area, thus increasing the non-conformity of the scale and creating the need for a variance. Truck scales are typically located near major access points, not within the AF-20 zone, highlighting the unique nature of this property in terms of its use and access characteristics.

(b) Special conditions and circumstances do not result from the actions of the applicant.

Staff: The applicant purchased the property on January 31, 1992, and has made no changes to the parcel since that time. However, the need for the variance is driven by the applicant's desire to construct a cover over the existing non-conforming truck scale, which is located adjacent to Woodside Road. While this action is applicant-driven, it is based on the pre-existing non-conformity of the scale.

(c) The granting of the variance is not in conflict with the public interest in that it will not 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.

Staff: The Bonner County Road & Bridge Department commented that the granting of the variance would not have any impact on the public as the only people that Woodside Road serves is the Woods family. No other agency or public comments were submitted which would indicate any conflict with the public interest. Therefore the granting of the variance would not be in conflict with the public interest in that it will not 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.

B. Stormwater Management Review

A stormwater management plan was not required, pursuant to BCRC 12-720.3(k) because the proposal does not result in the creation of additional impervious surface, as defined.

C. Staff Review Summary

The subject parcel is unique as it is used for commercial and residential uses. The parcel contains a contractor yard, truck scale and residence. The applicant has not made any changes to the parcel since purchasing it. The granting of this variance will not have any impact on public health, safety or welfare or impact surrounding parcels.

Staff determination: No recommendation or conclusion is made by planning staff regarding this project

Planner's Initials: RW

Note: The final decision rests with the governing body after the completion of the public hearing and consideration of all relevant oral and written testimony and evidence.

Decision by the Governing Body

HEARING EXAMINER

DECISION TO APPROVE: I approve this project V0015-24, requesting a 2-foot street setback where 25 feet is required, finding that it is 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 Staff Report was prepared and testimony received at this hearing. I further adopt the findings of fact and conclusions of law as set forth in the Staff Report (or as amended during this hearing) and direct planning staff to draft written findings and conclusions to reflect this motion and transmit to all interested parties. The action that could be taken to obtain the variance is to complete the Conditions of Approval as adopted. This action does not result in a taking of private property.

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 not** result from the actions of the applicant.

Conclusion 3

The granting of the variance **is not** in conflict with the public interest in that it **will not** 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)

The decision is upon the evidence submitted up to the time the Staff Report was prepared and testimony received at this hearing. I further adopt the findings of fact and conclusions of law as set forth in the Staff Report (or as amended during this hearing) and direct planning staff to draft written findings and conclusions to reflect this decision and transmit to all interested parties. The action that could be taken to obtain the variance is to complete the Conditions of Approval as adopted. This action does not result in a taking of private property.

DECISION TO DENY: I deny this project V0015-24, requesting a 2-foot street setback where 25 feet is required, based upon the following conclusions:

Conclusion 1

Conditions apply to the property that **do / 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 / do not** result from the actions of the applicant.

Conclusion 3

The granting of the variance **is / is not** in conflict with the public interest in that it **will / will not** 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)

The 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 findings of fact and conclusions of law as set forth in the Staff Report (or as amended during this hearing) 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. 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 Hearing Examiner's decision to the County Commissioners.

Recommendation to the Zoning Commission

I recommended that the Zoning Commission conduct a public hearing for this project, File V0015-24, requesting a 2-foot street setback where 25-feet is required, pursuant to the public hearing noticing requirements and procedures of Chapter 2, Subchapter 2.6 of Title 12, based upon the extent of public comment and other contested factors in the case which warrant a hearing in front of the Zoning Commission.

Findings of Fact:

1. The site does contain mapped slopes per USGS.
2. The site does contain mapped wetlands per NWI.
3. The site does not contain frontage on a stream, river or lake.
4. Parcel is within SFHA Zone X per FIRM Panel Number 16017C0710E, Effective Date 11/18/2009. No further floodplain review is required on this proposal.
5. The parcel is served by individual well, individual septic system, Northside Fire District, and Lake Pend Oreille School District #84.
6. The parcel is not platted.
7. The parcel is zoned Agricultural/Forestry 20 (A/f-20) with a land use designation of Ag/Forest Land (10-20 AC).
8. Access is via Woodside Road, a Bonner County owned and maintained right-of-way.
9. The applicant purchased the parcel on January 31, 1992 per Instrument No. 401004, Records of Bonner County.

Conditions of Approval:

Standard Conditions:

1. Only the development highlighted on the site plan has been reviewed for variance standards. All other development shown must comply with Bonner County Revised Code.
2. This variance shall not supersede any deed restrictions.

The complete file is available for review in the Planning Department, 1500 Highway 2, Suite #208, Sandpoint, ID. Some file application material is available online at www.bonnercountyid.gov. Bonner County Revised Code (BCRC) is available at the Planning Department or online.

RECORD OF MAILING**Page 1 of 1****File No.: V0015-24****Record of Mailing Approved By:****Hearing Date: August 21, 2024****Robert Winningham, Planner**

I hereby certify that a true and correct copy of the "Notice of Public Hearing" was digitally transmitted or mailed (postage prepaid) on this **26th** day of **July 2024**.



 Jenna Crone, Hearing Coordinator

Avista Utilities - Email	Bay Drive Recreation District - Email
Bayview Water & Sewer - Email	Bonner County Airport Manager - Email
BONNER COUNTY DAILY BEE - U.S. Mail	Bonner County EMS - Email
Bonner County Floodplain Review - Email	Bonner County Road & Bridge - Email
Bonner County Sheriff - Email	Bottle Bay Water & Sewer District - Email
City of Clark Fork - Email	City of Dover - Email
City of East Hope - Email	City of Hope - Email
City of Kootenai - Email	City of Oldtown - Email
City of Ponderay - Email	City of Priest River - Email
City of Sandpoint - Email	City of Spirit Lake - Email
Coolin Sewer District - Email	Coolin-Cavanaugh Bay Fire District - Email
Drainage District #7 - Email	East Bonner Library - Email
East Priest Lake Fire District - Email	Ellisport Bay Sewer - Email
Garfield Bay Water & Sewer District - Email	GEM STATE MINER - U.S. Mail
Granite Reeder Water & Sewer District - Email	Idaho Department of Environmental Quality (DEQ) - Email
Idaho Department of Fish & Game - Email	Idaho Department of Lands - CDA - U.S. Mail
Idaho Department of Lands - Coolin - Email	Idaho Department of Lands - Navigable Waters & Mining - Email
Idaho Department of Lands - Sandpoint - Email	Idaho Department of Water Resources - IDWR - Email
Idaho Transportation Department (Aeronautics) - U.S. Mail	Idaho Transportation Department- District I - Email
Independent Highway District - Email	Kalispel Bay Sewer & Water - U.S. Mail
Kootenai-Ponderay Sewer District - Email	KPBX-FM 91 SPOKANE PUBLIC RADIO - U.S. Mail
KSPT-KPND-KIBR RADIO - U.S. Mail	Laclede Water District - Email
Lake Pend Oreille School District, #84 (Admin Office) - Email	Lake Pend Oreille School District, #84 (Transportation) - Email
Lakeland Joint School District, #272 - Email	Little Blacktail Ranch Water Association - U.S. Mail
North of the Narrows Fire District - Email	Northern Lights, Inc. - Email
Northland/Vyve Cable Television - Email	Northside Fire District - Email
Outlet Bay Sewer District - Email	Panhandle Health District - Email
Pend Oreille Hospital District - Email	Priest Lake Public Library District - Email
Priest Lake Translator District - Email	Sagle Valley Water & Sewer - Email
Sam Owen Fire District - Email	Schweitzer Fire District - Email
SELKIRK ASSOCIATION OF REALTORS - Email	Selkirk Fire, Rescue & EMS - Email
Selkirk Recreation District -Email	Southside Water & Sewer District - Email
Spirit Lake Fire District - Email	Spokesman-Review - U.S. Mail
State Historical Society - Email	Swan Shores Sewer District - U.S. Mail
Syringa Heights Water Association - Email	Tamarack Village Water & Sewer - U.S. Mail
Timber Lake Fire District - Email	Trestle Creek Sewer District - Email
U.S. Army Corps of Engineers - Email	U.S. Fish & Wildlife Service - Email
U.S. Forest Service - U.S. Mail	West Bonner County Cemetery District - Email
West Bonner County School District, #83 - Email	West Bonner Library - Email
West Bonner Water & Sewer District - Email	West Pend Oreille Fire District - Email
West Priest Lake Fire District - Email	