

**BONNER COUNTY PLANNING
DEPARTMENT
HEARING EXAMINER
STAFF REPORT FOR JUNE 18, 2025**



Project Name: **Thwaites – Street and Waterfront Setback**

File Number,Type: **FILE #V0023-24**

Request: The applicants are requesting a 19-foot street setback, where 25 feet is required and a 12-foot waterfront setback where 40 feet is required for the placement of an accessory structure.

Legal Description: 21-56N-1W PONDEROSA HOME SITES BLK 3 LOTS 6,7,8 & 9 CPWRS

Location: The project site is located off West Garfield Bay Road in Section 21, Township 56 North, Range 1 West, Boise-Meridian.

Parcel Number: RP00352003006AA

Parcel Size: 0.244-acres

Applicant/Property Owner: Tom & Sharon Thwaites
[REDACTED]
Sagle, ID 83860

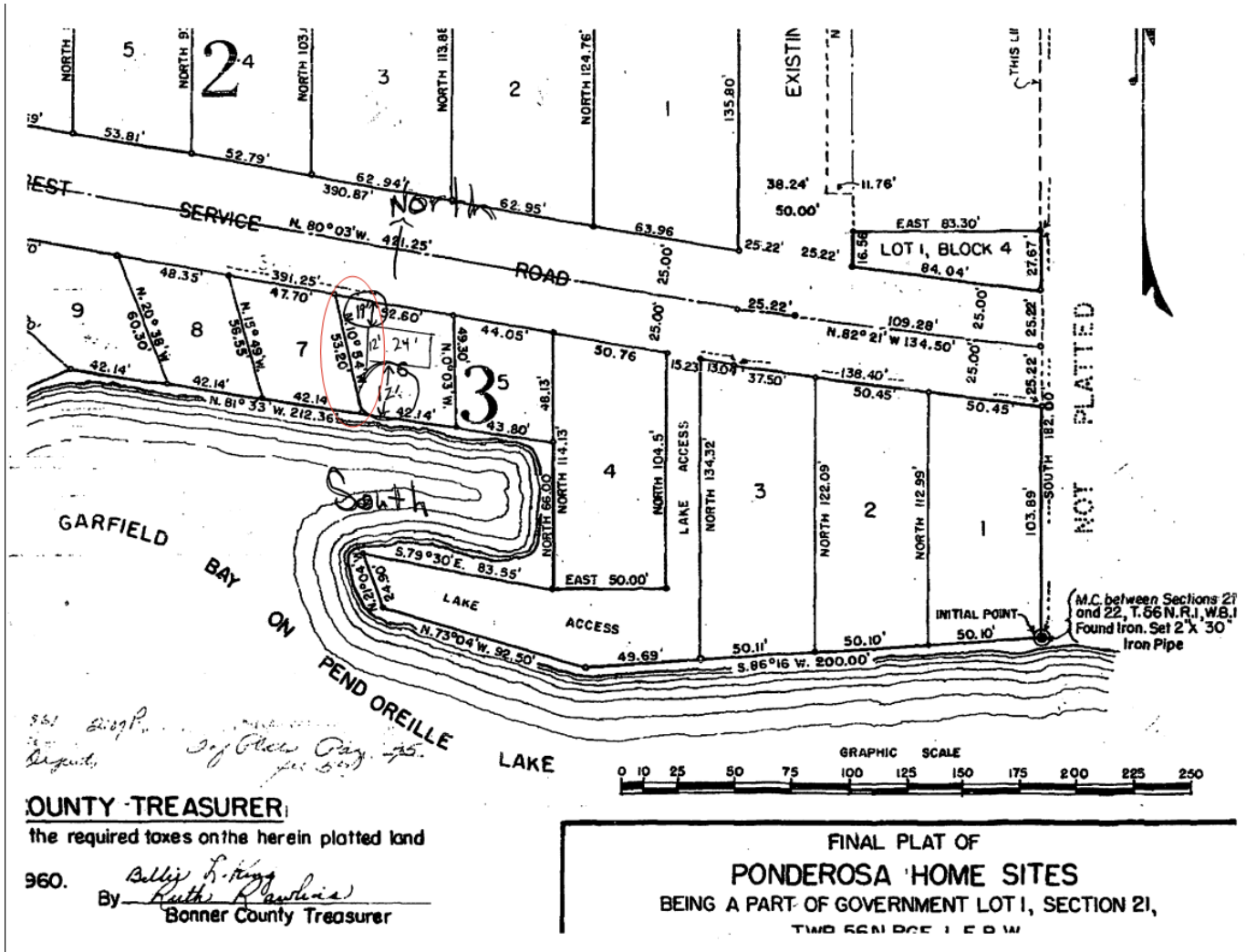
Project Representative: Scott Rasor
Meckel Engineering & Surveying
7600 N Government Way Suite #3
Coeur d'Alene, ID 83815

Application filed: August 21, 2024

Notice provided: Mail: May 23, 2025
Site Posting: June 5, 2025
Published in newspaper: May 28, 2025

Appendices: Appendix A – Notice of Public Hearing Record of Mailing
Appendix B – Agency Comments
Appendix C – Land Use Decision Making Worksheet

Site Plan



Project summary:

The applicants are requesting a 19-foot street setback, where 25 feet is required and a 12-foot waterfront setback where 40 feet is required for the placement of an accessory structure. The 0.244-acre property is zoned Recreation (Rec). The project site is located of West Garfield Bay Road in Section 21, Township 56 North, Range 01 West, Boise-Meridian.

Applicable laws:

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

BCRC 12-232, General Provisions
BCRC 12-233, Application, contents
BCRC 12-234, Variance, standards for review of applications
BCRC 12-400, et seq., Development standards

BCRC 12-711: Shoreline Setbacks
BCRC 12-7.2, et seq., Grading/erosion/stormwater management
BCRC 12-800 et seq., Definitions

Background:

A. Site data:

Land Use: Residential
Platted – Ponderosa Home Sites Block 3, Lots 6, 7, 8, and 9
Size: 0.244-acres
Zoning Designation: Recreation (Rec)
Comp Plan Designation: Resort Community (0-2.5 AC)

B. Access:

West Garfield Bay Road, a Bonner County owned and maintained public right-of-way.

C. Environmental factors:

Site does contain mapped slopes. (USGS)
Site does contain mapped wetlands. (USFWS)
Site does contain frontage on Lake Pend Oreille.
Parcel is within SFHA Zone D per FIRM Panel Number 16017C0975E, Effective Date 11/18/2009.

D. Services:

- Water: Shared Well – Per application
- Sewage: Sagle Sewer (Per Application) GIS shows Garfield Bay Water & Sewer
- Fire: Sagle Fire District
- Power: Northern Lights, Inc.
- School District: Lake Pend Oreille School District #84

E. Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Land Use & Density
Site	Resort Community (0-2.5 AC)	Recreation (Rec)	Residential, 0.244-acres
North	Resort Community (0-2.5 AC)	Recreation (Rec)	Four (4) Residential Lots, 0.079, 0.112, 0.154, and 0.187-acres
East	Resort Community (0-2.5 AC)	Recreation (Rec)	Residential, 0.049-acres
South	Resort Community (0-2.5 AC)	Recreation (Rec)	Lake Pend Oreille
West	Resort Community (0-2.5 AC)	Recreation (Rec)	Residential, 0.375-acres

F. BCRC 12-232, General Provisions

In accordance with BCRC 12-232, the applicant is requesting a variance to street and shoreline setbacks.

G. Application, contents

In accordance with BCRC 12-233, the applicant submitted all required documents to deem the application complete.

H. BCRC 12-234, Variances, standards for review of applications

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) **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.**

Applicant: "Our property sits lower than Garfield Bay Rd. (See Picture A) The cover we built doesn't obstruct anyone's view.

Our Contractor advised us that we didn't need any permits as this structure is bolted to posts that hold it in place. The licensed contractor stated its considered temporary because of being bolted.

As we age, we no longer find it easy to put up canopies using a ladder."

Staff: According to GIS LiDAR data, the subject property exhibits variable slopes ranging from 0% to over 30%. The parcel is smaller in size compared to surrounding properties, further limiting development flexibility. In addition, a 25-foot street setback along the northern boundary and a 40-foot waterfront setback along the southern boundary significantly constrain the buildable area. These combined factors—steep slopes, limited lot size, and required setbacks— could create challenges for site development.

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

Applicant: "In Picture B the structure post is 12' from water. In Picture A the post (Northside) is 30'3" from road if you measure straight across. The structure is 24' x 12'."

Staff: The applicant acquired the subject property on July 23, 2015, via Warranty Deed (Instrument No. 876781). Since acquiring the property, there is no record indicating any alteration to the lot's size, shape, or topography by the applicant. In December 2023, Planning Staff identified a potential building violation through GIS imagery, prompting the initiation of Violation File #BV2023-0166. A subsequent site inspection conducted by a Bonner County Compliance Inspector on January 2, 2024, determined that the structure in question, measuring 288 square feet, did not require a Building Location Permit due to its size. However, the structure was found to be noncompliant with the required street, property line, and waterfront setbacks.

- (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.**

Applicant: "The wooden structure sets down obstructing no one's view. We needed shade during summer months."

Staff: No comments from the public or any public agency or taxing district were received that stated that the proposed project would be detrimental to the public health, safety, or welfare or be materially injurious to the surrounding properties or improvements within the vicinity of this project.

I. BCRC 12-711 Shoreline Setbacks

The subject property has frontage on Lake Pend Oreille, therefore, in accordance with BCRC 12-711, no structure shall be located closer than forty feet (40)'. The applicants have requested a deviation

J. BCRC 12-7.2 et seq., Grading/Erosion/Stormwater Management

In accordance with BCRC 12-720.3 (K), no additional impervious surfaces were created therefore a stormwater plan is not required. The structure was built over an existing concrete area. No further review is required for this project.

K. Agency Review

Agencies were notified of this project on May 23, 2025. A full list of the agencies notified can be found in the attached Appendix A.

The following agencies commented:

Bonner County Road & Bridge Department

The following agencies replied "No Comment":

Bonner County Historical Society

All other agencies did not reply.

Public Notice & Comments

At the time this Staff Report was written, no public comments have been received.

Staff Review Summary:

The subject property has multiple constraints including slopes, street setbacks, and waterfront setbacks which can make development challenging. There is no evidence that the owner's have made any changes to the lot in regard to lot size, shape, or topography. Since the violation was discovered in December of 2023, the applicants have been working with the Planning Department to remedy the situation. Bonner County Road & Bridge submitted

a comment saying they have no objections to the street setback portion as there will still be sufficient distance to avoid any conflicts with road maintenance. No other comments were received indicating this project would be detrimental to public health, safety, or welfare, or be materially injurious to the surrounding properties or improvements within the vicinity.

Planner's Initials: KS **Date:** 6/12/25 **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.

Conditions of approval:

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.
3. The applicant shall submit, and complete, a Lot Line Adjustment with the Planning Department to address the property line setback.

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.

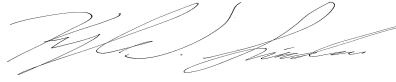
Appendix A – Notice of Public Record of Mailing

RECORD OF MAILING

Page 1 of 1

File No.: V 0 0 2 3 - 2 4

Record of Mailing Approved By:



I hereby certify that a true and correct copy of the "Notice of Public Hearing" was digitally transmitted or mailed (postage prepaid) on this **6th** day of **May, 2025**.



Jessica Montgomery, Hearing Coordinator

Assessor - Email

Bay Drive Recreation District - Email

Bonner County Airport Manager - Email

Bonner County EMS - Email

Bonner County Road & Bridge - Email

Bottle Bay Water & Sewer District - Email

City of Dover - Email

City of Hope - Email

City of Oldtown - Email

City of Priest River - Email

City of Spirit Lake - Email

Coolin-Cavanaugh Bay Fire District - Email

East Bonner Library - Email

Ellisport Bay Sewer - Email

GEM STATE MINER - U.S. Mail

Department of Environmental Quality (DEQ) - Email

Department of Lands - CDA - U.S. Mail

Department of Lands - Navigable Waters & Mining - Email

Idaho Department of Water Resources - IDWR - Email

Transportation Department- District I - Email

Kalispel Bay Sewer & Water - U.S. Mail

KPBX-FM 91 SPOKANE PUBLIC RADIO - U.S. Mail

Laclede Water District - Email

Pend Oreille School District, #84 (Transportation) - Email

Little Blacktail Ranch Water Association - U.S. Mail

Northern Lights, Inc. - Email

Northside Fire District - Email

Panhandle Health District - Email

Priest Lake Public Library District - Email

Sagle Valley Water & Sewer - Email

Schweitzer Fire District - Email

Selkirk Fire, Rescue & EMS - Email

Southside Water & Sewer District - Email

Spokesman-Review - U.S. Mail

Swan Shores Sewer District - U.S. Mail

Tamarack Village Water & Sewer - U.S. Mail

Trestle Creek Sewer District - Email

U.S. Fish & Wildlife Service - Email

West Bonner County Cemetery District - Email

West Bonner Library - Email

West Pend Oreille Fire District - Email

Avista Utilities - Email

Bayview Water & Sewer - Email

BONNER COUNTY DAILY BEE - U.S. Mail

Bonner County Floodplain Review - Email

Bonner County Sheriff - Email

City of Clark Fork - Email

City of East Hope - Email

City of Kootenai - Email

City of Ponderay - Email

City of Sandpoint - Email

Coolin Sewer District - Email

Drainage District #7 - Email

East Priest Lake Fire District - Email

Garfield Bay Water & Sewer District - Email

Granite Reeder Water & Sewer District - Email Idaho

Idaho Department of Fish & Game - Email Idaho

Idaho Department of Lands - Coolin - Email Idaho

Idaho Department of Lands - Sandpoint - Email

Idaho Transportation Department (Aeronautics) - U.S. Mail Idaho

Independent Highway District - Email

Kootenai-Ponderay Sewer District - Email

KSPT-KPND-KIBR RADIO - U.S. Mail

Lake Pend Oreille School District, #84 (Admin Office) - Email Lake

Lakeland Joint School District, #272 - Email

North of the Narrows Fire District - Email

Northland/Vyve Cable Television - Email

Outlet Bay Sewer District - Email

Pend Oreille Hospital District - Email

Priest Lake Translator District - Email

Sam Owen Fire District - Email

SELKIRK ASSOCIATION OF REALTORS - U.S. Mail

Selkirk Recreation District -Email

Spirit Lake Fire District - Email

State Historical Society - Email

Syringa Heights Water Association - Email

Timber Lake Fire District - Email

U.S. Army Corps of Engineers - Email

U.S. Forest Service - U.S. Mail

West Bonner County School District, #83 - Email

West Bonner Water & Sewer District - Email

West Priest Lake Fire District - Email

Appendix B – Agency Comments



Janna Brown <janna.brown@bonnercountyd.gov>

[EXT SENDER] Re: Bonner County Planning - V0023-24 Agency Review - Variance - Waterfront and Street Setback

1 message

Bonner County History Museum <hannah@bonnercountyhistory.org>

To: Bonner County Planning <planning@bonnercountyd.gov>

Mon, I

No comment

Hannah Combs
Bonner County Historical Society

On Fri, May 23, 2025 at 9:00 AM Bonner County Planning <planning@bonnercountyd.gov> wrote:
The above-named application has been submitted to the Bonner County Planning Department for processing.

Please review the application relative to your agency's area of expertise and include any recommended conditions of approval and supporting code sections. Please see attached for details.

Thank you,
Janna Brown, Administrative Assistant III
Bonner County Planning Department
208-265-1458 ext - 1252



Janna Brown <janna.brown@bonnercountyid.gov>

[EXT SENDER] RE: Bonner County Planning - V0023-24 Agency Review - Variance - Waterfront and Street Setback

1 message

DEQ Comments <deqcomments@deq.idaho.gov>

Thu, May 29, 2025 at 2:20 PM

To: Bonner County Planning <planning@bonnercountyid.gov>

Development setbacks from stream banks and lake shorelines are an important tool for protecting water quality. Riparian vegetation provides natural filtration of stormwater runoff and provides numerous other benefits to promote healthy surface water ecology. DEQ recognizes that there are sometimes unique circumstances that may justify reduced setbacks. While an individual variance likely has a relatively small impact on water quality, the cumulative impact of development in close proximity to shorelines and stream banks is a significant threat to water quality. DEQ advises local government planning departments to maintain established setbacks whenever possible. Exceptions should be considered carefully by the local jurisdiction and used only when absolutely necessary to accommodate unique circumstances.

If you have any questions about the comments this project has received please contact:

- Katy Baker-Casile for engineering and wastewater.
- Anna Moody for drinking water.
- Shawn Sweetapple for air quality.
- Kevin Aardahl for remediation or RCRA.
- Robert Steed for surface water and setback requirements.

Thank you-

Idaho Department of Environmental Quality
2110 Ironwood Parkway, Coeur d'Alene, Idaho 83814
Office Line: 208.769.1422

www.deq.idaho.gov

Our mission: To protect human health and the quality of Idaho's air, land, and water.

From: Bonner County Planning <planning@bonnercountyid.gov>

Sent: Friday, May 23, 2025 9:00 AM

To: Alan Brinkmeier <alan.brinkmeier@bonnercountyid.gov>; Amber Burgess <clerk@ebsewerdistrict.com>; Army Corps of Engineers <CENWW-RD-CDA@usace.army.mil>; Avista Copr - Jay West <jay.west@avistacorp.com>; Avista Corp - Peggy George <peggy.george@avistacorp.com>; Becky Meyer <becky.meyer@lposd.org>; Bill Berg <billb@bbsewer.org>; Bonner County Assessors <assessorsgroup@bonnercountyid.gov>; BONNER COUNTY HISTORICAL SOCIETY AND MUSEUM <DIRECTOR@bonnercountyhistory.org>; Brenna Garro <Brenna.Garro@oer.idaho.gov>; Bryan Quayle <quaylelanduseconsulting@gmail.com>; Bell, Chace <Chace.Bell@idwr.idaho.gov>; Chief Debbie Carpenter <chief@spirittlakefire.com>; City of Clark Fork <city@clarkforkidaho.org>; City of Dover <cityclerk@cityofdoveridaho.org>; City of East Hope Franck <easthope.city@gmail.com>; City of Hope <hopecityclerk@gmail.com>; City of Oldtown <cityofoldtown@hotmail.com>; City of Priest River



Janna Brown <janna.brown@bonnercountyid.gov>

Re: Bonner County Planning - V0023-24 Agency Review - Variance - Waterfront and Street Setback

1 message

Matt Mulder <matt.mulder@bonnercountyid.gov>

To: Bonner County Planning <planning@bonnercountyid.gov>

The Bonner County Road & Bridge Department has no objections to the proposed roadway setback variance. The distance is sufficient to avoid conflicts with our road maintenance and any n

-Matt Mulder, PE
Staff Engineer
Bonner County Road & Bridge
208-255-5681 ext 1

On Tue, May 27, 2025 at 8:42 AM Bonner County Planning <planning@bonnercountyid.gov> wrote:

Hi Matt!

Thank you for letting me know. I have put the link on the website.

Thank you,
Janna Brown, Administrative Assistant III
Bonner County Planning Department
208-265-1458 ext - 1252

On Fri, May 23, 2025 at 12:24 PM Matt Mulder <matt.mulder@bonnercountyid.gov> wrote:

This file is missing from Planning's website. Please let me know when it's been added so that I can review.

-Matt Mulder, PE
Staff Engineer
Bonner County Road & Bridge
208-255-5681 ext 1

On Fri, May 23, 2025 at 9:00 AM Bonner County Planning <planning@bonnercountyid.gov> wrote:

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Thank you,
Janna Brown, Administrative Assistant III
Bonner County Planning Department
208-265-1458 ext - 1252

<layers@priestriver-id.gov>; City of Sandpoint Planning <cityplanning@sandpointidaho.gov>; cityclerk@spirittlakeid.gov; Colleen Johnson <CJohnson@kootenaiponderaysewerdistrict.org>; Coolin-Cavanaugh Bay Fire Protection District <coolinfirechief@gmail.com>; Craig Hill <craighill@hillsresort.com>; D1Permits <D1Permits@itd.idaho.gov>; dbrown@idl.idaho.gov; Dan McCracken <Dan.McCracken@deq.idaho.gov>; Dan Scholz <dan.scholz@nli.coop>; Dean Davis <deandavis@sd83.org>; Kristie May <Kristie.May@deq.idaho.gov>; East Bonner Library <Amanda@ebonnerlibrary.org>; East Priest Lake Fire District <eastpriestlakefd@gmail.com>; Erik Sjoquist <esjoquist@idl.idaho.gov>; Federal Aviation Administration <Heather.pate@faa.gov>; Frankie Dunn <Frankiejedunn@hotmail.com>; Fritz Broschet <outletbaysewer@gmail.com>; Garfield Bay Water and Sewer District Clerk <garfieldbaywsd@hotmail.com>; Gavin Gilcrease <ggilcrease@sandpointidaho.gov>; Horsmon, Merritt <merritt.horsmon@idfg.idaho.gov>; Dan Everhart <Dan.Everhart@ishs.idaho.gov>; DEQ Comments <deqcomments@deq.idaho.gov>; Independent Hwy Dist - Julie Bishop <ihdclerk@gmail.com>; Robert Beachler <robert.beachler@itd.idaho.gov>; ITD - Stacy Simkins <stacy.simkins@itd.idaho.gov>; Jack Schenck <Jack.schenck@vyvebb.com>; Jamie Brown <jamieb@inlandpower.com>; Janice Best <janicesb@televar.com>; Jason Johnson <jason.johnson@bonnercountyid.gov>; Jason Kimberling <jason.kimberling@itd.idaho.gov>; Jeff Lindsey <jeff.lindsey@bonnercountyid.gov>; Jessie Roe <BWSD637@gmail.com>; joekren@sd83.org; Jordan Brooks <coolinsewer@gmail.com>; Kayleigh Miller <klmiller@ponderay.org>; kbsd sewer <kbsdpl@hotmail.com>; Ken Flint <ken_flint@tcenergy.com>; Kenny Huston <kenny.huston@oer.idaho.gov>; Kim Hoodenpyle <kjh5345@gmail.com>; Kim Spacek <kimspacek@sd83.org>; Kimberly Hobson <Kimberly.Hobson@itd.idaho.gov>; Laclede Water District <info@lacedewaterdistrict.org>; Lakeland Joint School District #272 <cpursley@lakeland272.org>; Lisa Rosa <hr@ebonnerlibrary.org>; Matt Diel <matt.diel@lposd.org>; Midas Water <midaswatercorp@gmail.com>; Mike Ahmer <mahmer@idl.idaho.gov>; Mike Schacht <firedept@clarkforkidaho.org>; Natural Resource Conservation Service - Greg Becker <greg.becker@id.usda.gov>; Navy - Glynis Casey <glynis.casey@navy.mil>; North of the Narrows Fire District <Huckbay2501@gmail.com>; Northern Lights <kristin.mettke@nli.coop>; Northern Lights - Clint Brewing <clint.brewington@nli.coop>; Northside Water and Syringa Heights Water Association <allwater49@outlook.com>; Oden Water Association - Carla Poelstra <odenwater@gmail.com>; Pend Oreille Hospital District <kim.kichenmaster@bonnergeneral.org>; PHD <EHApplications@phd1.idaho.gov>; Priest Lake Public Library District <plplibrary@hotmail.com>; Richard Hash <Rich.hash2022@gmail.com>; Road & Bridge - Matt Mulder <matt.mulder@bonnercountyid.gov>; Ryan Zandhuisen <rzandhuisen@idl.idaho.gov>; Sagle Valley Water and Sewer District <saglewatersewer@gmail.com>; Sagle Valley Water & Sewer District <markc@smartplugs.com>; Sam Owen Fire Rescue Sam Owen Fire Rescue <sofd@wow-tel.net>; Sam Ross <sam.ross@nli.coop>; sandpointairport@gmail.com; Sarah Gilmore <sgilmore@sandpointidaho.gov>; School District 84 Transportation - James Koehler <james.koehler@lposd.org>; SCHWEITZER FIRE DISTRICT <SchweitzerFireDistrict@gmail.com>; Selkirk Association of Realtors <danielle@selkirkaor.com>; Selkirk Recreation District <elgar@whoi.edu>; Sheryl Austin <granitereeder@gmail.com>; SOURDOUGH POINT OWNERS ASSOCIATION <sourdoughpoint@hotmail.com>; Southside Water and Sewer <southsidewaterandsewer@swsdidaho.org>; Steve Elgar <selgar@mac.com>; Superintendent School Dist 84 <kelly.fisher@lposd.org>; Symone.legg@itd.idaho.gov; TC Energy / TransCanada <US_crossings@tcenergy.com>; Teresa Decker <Huckleberryhoa@gmail.com>; Teresa Decker <huckbayutilities01@gmail.com>; Teresa Zamora <utilities@stoneridgeidaho.com>; Theresa Wheat <theresa@kootenai.org>; Tim Ventress <chventresswplvfd@hotmail.com>; Timberlake Fire District <Kwright@timberlakefire.com>; Tom Renzi <epfldchief@gmail.com>; US Fish & Wildlife Services <fw1idahoconsultationrequests@fws.gov>; West Bonner Library <meagan@westbonnerlibrary.org>; West Pend Oreille Fire District <wpofd1@gmail.com>; Cc: Jacob Gabell <jake.gabell@bonnercountyid.gov>; Alexander Feyen <alexander.feyen@bonnercountyid.gov>; Jeannie Welter <jeannie.welter@bonnercountyid.gov>

Subject: Bonner County Planning - V0023-24 Agency Review - Variance - Waterfront and Street Setback

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

The above-named application has been submitted to the Bonner County Planning Department for processing.

Please review the application relative to your agency's area of expertise and include any recommended conditions of approval and supporting code sections. Please see attached for details.

Thank you,

Janna Brown, Administrative Assistant III

Bonner County Planning Department

208-265-1458 ext - 1252



Janna Brown <janna.brown@bonnercountyid.gov>

Re: Bonner County Planning - V0023-24 Agency Review - Variance - Waterfront and Street Setback

1 message

'Sam Ross' via Mail-Planning <planning@bonnercountyid.gov>

Reply-To: Sam Ross <sam.ross@nli.coop>

To: Bonner County Planning <planning@bonnercountyid.gov>

NLI is not opposed to the proposed waterfront and street setback.

The structure in question does not affect the overhead line feeding the service at 83 W Garfield Bay Rd (the applicant's residence).



Thanks for the opportunity to review and comment--sincerely,

Samuel Ross

Engineering Assistant I

Northern Lights, INC.

Email: Sam.ross@nli.coop

Office: 208.255.7183

Cell: 208.946.7787

NWPPA Certified Staking Technician



The power of local service

SINCE 1935


ADDRESSES

HEADQUARTERS
421 Chevy St
Sagle, ID 83860

MAILING ADDRESS
PO Box 269
Sagle, ID 83860

PHONE NUMBERS

MAIN OFFICE

(208) 263-5141


TOLL-FREE

(800) 326-9594

REPORT AN OUTAGE

OUTAGE HOTLINE

(866) 665-4837

CALL BEFORE YOU DIG
Know what's below.
Call before you dig.

From: Bonner County Planning <planning@bonnercountyid.gov>

Sent: Friday, May 23, 2025 9:00 AM

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Cc: Jacob Gabell <jake.gabell@bonnercountyid.gov>; Alexander Feyen <alexander.feyen@bonnercountyid.gov>; Jeannie Welter <jeannie.welter@bonnercountyid.gov>

Subject: Bonner County Planning - V0023-24 Agency Review - Variance - Waterfront and Street Setback

The above-named application has been submitted to the Bonner County Planning Department for processing.

Please review the application relative to your agency's area of expertise and include any recommended conditions of approval and supporting code sections. Please see attached for details.

Thank you,
Janna Brown, Administrative Assistant III
Bonner County Planning Department
208-265-1458 ext - 1252

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Appendix C – Land Use Decision-Making Worksheet



Bonner County Planning Department

"Protecting property rights and enhancing property value"

1500 Highway 2, Suite 208, Sandpoint, Idaho 83864

Phone (208) 265-1458 - Fax (208) 265-1463

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

LAND USE DECISION-MAKING WORKSHEET VARIANCE

Idaho Code §67-6535 (2): The approval or denial of any application required or authorized pursuant to this chapter shall be in writing and accompanied by a reasoned statement that explains the criteria and standards considered relevant, states the relevant contested facts relied upon, and explains the rationale for the decision based on the applicable provisions of the comprehensive plan, relevant ordinance and statutory provisions, pertinent constitutional principles and factual information contained in the record.

STANDARDS FOR VARIANCE REVIEW:

Prior to approving a variance, the governing body shall review the particular facts and circumstances of each proposed conditional use permit in terms of the following standards and shall find adequate evidence showing that such use at the proposed location.

Idaho Code §67-6516		Each governing board shall provide, as part of the zoning ordinance, for the processing of applications for variance permits. A variance is a modification of the bulk and placement requirements of the ordinance as to lot size, lot coverage, width, depth, front yard, side yard, rear yard, setbacks, parking space, height of buildings, or other ordinance provision affecting the size or shape of a structure or the placement of the structure upon lots, or the size of lots. A variance shall not be considered a right or special privilege, but may be granted to an applicant only upon a showing of undue hardship because of characteristics of the site and that the variance is not in conflict with the public interest.
YES	NO	List the relevant evidence from the <u>record</u> that supports your conclusion and the rationale for the conclusion.
BCRC 12-232		GENERAL PROVISIONS
YES	NO	List the evidence from the <u>record</u> that supports your conclusion and the rationale for the conclusion.

BCRC 12-233		APPLICATION, CONTENTS
YES	NO	List the evidence from the <u>record</u> that supports your conclusion and the rationale for the conclusion.
BCRC 12-234 (A)		VARIANCES, STANDARDS FOR REVIEW OF APPLICATIONS
		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.
YES	NO	List the evidence from the <u>record</u> that supports your conclusion and the rationale for the conclusion.
BCRC 12-234 (B)		Special conditions and circumstances do not result from the actions of the applicant.
YES	NO	List the evidence from the <u>record</u> that supports your conclusion and the rationale for the conclusion.
BCRC 12-234 (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.

YES	NO	List the evidence from the <u>record</u> that supports your conclusion and the rationale for the conclusion.
BCRC 12-7.2		GRADING, STORMWATER MANAGEMENT AND EROSION CONTROL
YES	NO	List the evidence from the <u>record</u> that supports your conclusion and the rationale for the conclusion.
		Other arguments raised during the hearing