

PROJECT DESCRIPTION:

Other (Please specify):

The applicant is requesting relief from four specific provisions of the Bonner County Revised Code related to shoreline development standards:

1. **BCRC 12-713 – Impervious Surface Standards Near Water:** “The maximum “impervious surface”, as defined in section 12-809 of this title, within “shore land” areas, as defined in section 12-819 of this title, which are defined as those lands extending landward for two hundred feet (200') in all directions as measured on a horizontal plane from any shoreline, shall be thirty five percent (35%).”

The applicant seeks a variance from the maximum impervious surface coverage requirements within the defined shoreland area. This request is intended to allow for an increase in impervious area beyond what is normally permitted, in order to accommodate necessary site improvements and functional use of the property while maintaining responsible stormwater management practices. The maximum impervious surface area allowed is 35% and the applicant is requesting to allow for 52%.

2. **BCRC-12-711: Shoreline Setbacks: (A) (1):** ”**For Lakes, sloughs, ponds or other similar basins, or the Clark Fork or Pend Oreille rivers, or intermittent streams as shown on the national hydrography dataset (NHD), no structure shall be located closer than forty feet (40’), measures horizontally from the “shoreline”, as defined in Section 12-819 of this title.”**

The applicant requests a variance to allow for roughly 290 sf of riprap within the 40' shoreline setback. The purpose being to protect this susceptible shoreline from excess sedimentation and siltation from erosion. Surrounding properties without riprap show signs of erosion and loss of shoreline. The riprap on this property would line the shore just above where the pre-existing dock is on site.

NARRATIVE STATEMENT:

1. Describe whether 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. BCRC 12-234(a) Explain why it is not possible to comply with the ordinance standards. Example: A site may have excessive slopes that prevent a structure from meeting the required setbacks.

The subject property is located within the R-5 zoning district, which is common throughout Bonner County, including both shoreline and inland areas. While R-5 zoning is applied broadly, many R-5-zoned parcels do not share the same level of topographic constraint as this site. Unlike many similarly zoned properties, this parcel is situated directly on the Pend Oreille River and features steep, rockery walls and sharp elevation changes that limit the developable area. These conditions severely restrict the options for placing structures and infrastructure in compliance with current code standards.

The subject property contains physical characteristics that are both unique and challenging compared to surrounding parcels within the same zoning district. The parcel is constrained by natural features such as steep, rockery walls and significant elevation changes that limit buildable area. The rockery walls were

already on site prior to the owner purchasing the property. Many of the rockery walls were built on other parcels in conjunction with the rockery walls on the applicant's parcel. These conditions are beyond the applicant's control and are a result of the parcel's natural topography and configuration from the developer during initial development of the subdivision. As a result of these limitations, the developable footprint is restricted to a narrow and irregular portion of the lot closer to the shoreline, making it infeasible to meet certain ordinance requirements—such as the maximum impervious surface coverage and standard shoreline setbacks. For example, in order to maintain shoreline structural integrity and access, additional impervious areas and a properly engineered riprap are necessary. Neighboring properties to the applicants have seen shoreline deterioration due to a lack of slope stability measures.

2. Explain how special conditions and circumstances do not result from the actions of the applicant. BCRC 12-234(b) Example: Did the applicant reduce the size of his/her parcel, thereby creating an “unbuildable” parcel?

These site limitations and proposed improvements are not the result of any action taken by the applicant. The parcel has not been reduced, subdivided, or altered in any way that would have contributed to these constraints. The current lot shape and natural features have existed prior to ownership, and all design decisions have been made in response to these pre-existing conditions and occurred at the time of the original subdivision by that developer. Many of neighboring parcels have been afforded a larger impervious surface area within the same zone. The parcel to the southwest contains 46.05% impervious surface which is similar to the current impervious surface percentage as the applicant. The parcel to the northeast contains 39.5% impervious surface. North of the property there is a parcel with 47% impervious surface due to similar site constraints. Allowing for the requested variances will not give the property owner special conditions that are not already shared by neighboring properties.

Allowing for riprap within the Shoreline Vegetative Buffer 40' setback will not provide a special condition but will be used to help protect the shoreline along with the vegetation requirements of 12-714: Shoreline Vegetative Buffer. North of the property are numerous parcels with varying types of riprap within the 40' Shoreline Vegetative Buffer.

3. Explain how granting 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. BCRC 12-234(c) Explain how the proposed use is compatible with adjoining land uses. Example: Will approval of the variance result in a potential obstruction of public access or cause a safety hazard? Are there effects of elements on adjoining property such as noise, light glare, odor, fumes and vibration?

Granting these variances would not conflict with the public interest, nor would it negatively affect public health, safety, or welfare. The proposed increase in impervious surface area will be managed responsibly with appropriate stormwater mitigation. The shoreline vegetation buffer will remain largely intact, with strategic placement of riprap above the ordinary high-water mark to control erosion, and will be enhanced with native and beneficial plant species per Title 12 Appendix B. These improvements are compatible with surrounding shoreline uses, pose no threat to neighboring properties, and reflect best practices for sustainable development in challenging terrain. It is in the public interest to protect vulnerable shoreline areas that have increases in sedimentation and siltation due to a lack of shoreline stabilization. Decreasing sedimentation and siltation by utilizing riprap is the best management practice to protect waterways and the aquatic life in them. Excess sedimentation and siltation suffocate fish eggs from the free-floating oxygen in the water and kill them which leads to a reduction in reproduction. Sediment and siltation can also contain excess phosphate and nitrogen that leads to poor water quality.

SITE INFORMATION:

Topography (lay of the land), including estimated maximum slope, rock outcroppings, benches, etc:

The site is developed with an existing single-family residence, and the bank is currently partially armored with rock for stabilization and extends from the upper slope toward the shoreline. The toe of the slope remains exposed and subject to erosion.

The topography of the site at 275 Sundowner Lane, Sagle, Idaho, features a moderately steep slope that descends from the residence near the northern boundary of the property down toward the Pend Oreille River at the southern end. The elevation change is from approximately 2080 feet near the home to about 2067 feet at the shoreline. The property features a series of rockery walls, shown in dark shaded areas on the site plan, which create pronounced drop-offs and grade breaks throughout the landscape. These outcrops contribute to an irregular slope pattern with both gradual and abrupt elevation changes.

Water courses (lakes, streams, rivers & other bodies of water):

The property is located on the shoreline of the Pend Oreille River within a cove/slough of the mainstem of the river where residential development has occurred. U.S Fish and Wildlife Service Wetland Mapper indicates the property abuts Pend Oreille River (lacustrine limnetic unconsolidated bottom permanently flooded or classification code L1UBH).

Is the site within a floodplain?

Yes, 16017C0950E, AE.

Springs & Wells:

There are no springs or wells on the property.

Are wetlands present on site?

According to the U.S Fish and Wildlife Service wetland mapper the property contains one type of wetland that abuts the southwestern corner. This is a palustrine emergent persistent seasonally flooded or PEM1C classification. The property contains approximately 0.02 acres of PEM1C wetland.

HOW IS THE PLAN IN ACCORDANCE WITH THE GENERAL AND SPECIFIC OBJECTIVES OF THE COMPREHENSIVE PLAN?

Property Rights:

GOAL:

1. Protect property rights and enhance property values through conscientious land-use planning that complies with state law relevant to all county land use actions.

OBJECTIVES:

1. Private property should not be taken for public uses without just compensation or due process of law.
2. Impacts to other properties should be taken into account when considering land use proposals, policies and codes.

Applicant Response: No private property will be taken for public use, nor will the variance request impact other properties by allowing for more impervious surface or allowing for the placement of riprap near shoreline.

Allowing for riprap on the shoreline will help protect the private property rights of the applicant as neighboring parcels without shoreline stabilization have seen erosion stressors on their shoreline.

Population:

GOAL:

1. Ensure that the impact of demographic changes including generational issues and economic diversity are identified and considered during planning activities and decisions.

OBJECTIVES:

1. Maintain current and projected county population estimates and utilize this information when making land use decisions.

Applicant Response: There will be no change in the existing or estimated future population form the result of these variance requests as it does not relate to population growth within Bonner County.

School Facilities & Transportation:

GOAL:

1. Preserve the county's commitment to and ability to provide quality education to the current and future students of Bonner County.

OBJECTIVES:

1. Ensure that the proposed developments and county land use decisions do not adversely impact the local school districts and their ability to provide adequate school facilities and transportation systems.
2. The county should encourage school districts to proactively review development applications to determine particular school needs and concerns.

3. Bonner County roads, trails and bicycle paths should be designed and maintained to allow safe passage of students to schools.

4. Long-term consequences of land use proposals should be considered, including the adequacy of existing facilities and the siting of future schools.

Applicant Response: This variance request will not adversely impact the local school district or their ability to provide services. No trails, roads, or bicycle paths will be affected by this variance request. This variance will not affect the existing school facilities.

Economic Development:

GOALS

1. Support and encourage economic development.

OBJECTIVES:

1. Support small businesses such as markets, restaurants, recreational activities, campgrounds, and marinas that provide services which support resort residents and visitors in their local communities.

2. Enable development of small scale cottage industries and home based occupations while protecting the surrounding areas from adverse impacts.

3. Policies regarding economic development activities should seek to mitigate the impacts of such factors as noise, light glare, odors, fumes and vibrations on the surrounding community.

4. Support local economic development by increasing support for outdoor recreation in Bonner County. Encourage and protect public access to public lands and water, campgrounds, and recreational areas.

5. Support local businesses by enabling development of workforce housing in proximity to commercial, industrial and agricultural uses.

Applicant Response: This variance request will not impact the local economy, nor will it contribute to added noise, light, glare, odor, fumes or vibrations to the surrounding community.

Land Use:

GOALS:

1. Bonner County intends to balance and integrate its land use policies and proposed land use map with the components of the comprehensive plan to enable the community to grow while retaining its rural character and protecting its unique natural resources.

OBJECTIVES:

1. Bonner County should develop and maintain a future land use map and land use codes that acknowledge and protect its agricultural, timber and mining lands, protects the water and wildlife resources, identifies and avoids hazard areas, provides areas for economic growth, encourages affordable housing and centers growth in areas where adequate public and private services can be provided.

2. Encourage clustered development for medium and large scale commercial and industrial uses.
3. Commercial and industrial uses should be located and operated in a manner to ensure the protection of our natural resources including clean air and water, dark skies, and overall environmental quality and rural character of Bonner County.

Applicant Response: The requested variance will not result in the elimination or conversion of any land designated for agricultural, timber, or mining uses. The parcel is an existing residential property and will remain residential property for a single-family home.

Granting a variance to allow for more impervious surface and to allow for riprap within the shoreline buffer management zone will help protect the shoreline and ultimately water quality as it will decrease sedimentation and siltation which can be harmful to waterways. The wetland that abuts the property does so slightly on the southwest and makes up 0.02 acres of the property. Allowing for the requested variances will not impact this wetland in any meaningful manner.

Natural Resources:

GOALS:

1. Protect, enhance and maintain the County's natural resources such as air, water, forest, minerals, plants and wildlife for long-term benefits to the public.
2. Acknowledge and consider agency comments regarding natural resources.

OBJECTIVES:

1. Bonner County's system of lakes and waterways is one of its greatest assets, and Bonner County should strive to preserve both the quality and quantity of its water resources.
2. Bonner County values its productive agricultural lands and forests, mining lands, its fisheries, wildlife, wetlands and aquifer recharge areas and should provide measures to protect and maintain these natural features.
3. Bonner County should protect its water resources by requiring adequate sewer treatment systems based on soil, density, and intensity of use to reduce impacts to water resources.

Applicant Response: The requested variance is not anticipated to affect the water quality of the adjacent wetland or the Pend Oreille River section abutting the shoreline. On the contrary, allowing for more impervious surface to include riprap within the shoreline buffer management zone will help protect water quality in the long term. There are no agricultural, forest stands, mining, or fisheries which would be productive on the property. The property is a part of the Southside Sewer & Water community district.

Hazardous Areas:

GOALS:

1. Protect Bonner County from loss of lives and property due to natural hazards.
2. Reduce public and private financial losses due to flood, fire, landslides, avalanches and excessive slopes by setting standards for development in high hazard areas.

OBJECTIVES:

1. Bonner County intends to regulate the location and density of new development in floodplain to reduce the potential for the loss of lives and property within flood hazard areas.
2. Future development should be designed to reduce exposure to wildland fire and to provide for emergency and escape routes for residents.
3. Development within areas of excessive slopes, unstable areas and avalanche zones should be discouraged.

Applicant Response: According to the FEMA Flood Map Service, the majority of the property lies within a designated floodplain, identified as Map Number 16017C0950E, effective November 18, 2009, and classified as Zone AE. The property was acquired by the current owners with an existing residential structure and rockery walls that already exceed the allowable impervious surface limits.

The variance request will not increase the susceptibility of the property to wildland fires and there is adequate access for emergency services.

Public Services, Facilities and Utilities:

GOALS:

1. Future development approvals should require adequate services and should not adversely impact the services or utilities of the utility provider.
2. Require adequate public services, facilities, and utilities in future development approvals.

OBJECTIVES:

1. New development should be adequately served by fire protection, roads, sewer, schools, law enforcement, ambulance, power and emergency services, water and other public or private services.
2. Require the developers to provide infrastructure, utilities or financial support to offset the capital costs of expansion of services, required by the proposed development.
3. Bonner County shall require adequate provisions for future utility services in areas of commercial, industrial, residential or other similar uses.

Applicant Response: The subject property is already being served by the Southside Sewer & Water community district and has sufficient water supply as well as a functioning system for wastewater collection. The proposed variances will not alter or increase demand on these existing systems.

Additionally, the variance will have no adverse impact on the ability of public services or utilities to provide service on the property or surrounding area. No new infrastructure or utility extensions are required, and all essential services will continue to operate effectively and without disruption.

Transportation:

GOALS:

1. Provide a transportation system that is safe, uncongested, and well maintained.

OBJECTIVES:

1. Future development should not adversely impact the existing transportation system by reducing the quality or level of service or creating hazards or congestion.
2. Roads within new development should be built to county standards and at the expense of the developer.
3. Roads within new development should provide adequate access for fire and emergency vehicles as well as routes of escape.
4. Future access roads should be designed and built to integrate with the state and county system of roads without overburdening the transportation system.
5. To reduce transportation costs, road building and environmental impacts, cluster development should be encouraged.
6. Bonner County intends for certain intense land use developments to provide paved roads.
7. Bike ways and pedestrian paths should be considered in development plans to provide an integrated community transportation system wherever possible.
8. To communicate and work cooperatively with other jurisdictions within the county to ensure the best possible flow of traffic county-wide.

Applicant Response: This variance will have no impact on public roads or transportation and will have no effect on the private Sundowner Lane.

Recreation:

GOALS:

1. Protect and encourage public and private recreational opportunities as an important asset that supports a key segment of the County's economy.

OBJECTIVES:

1. Ensure public legal recreational accesses and amenities are not obstructed or adversely impacted by future development.

Applicant Response: No public legal recreational access or amenities will be obstructed or adversely impacted by this variance request. Allowing for these variances will help in contributing to the protection of private recreational opportunities as the shoreline will be retained due to riprap placement near the shoreline. This will also help protect the dock onsite which offers private recreational opportunities like many shoreline properties within the vicinity are afforded.

Special Areas or Sites:

GOALS:

1. To protect, preserve and maintain special areas and sites both natural and manmade in relation to land use.

OBJECTIVES:

1. Future developments should not adversely affect or destroy culturally or ecologically sensitive sites.

Applicant Response: The variance request will not result in the destruction or degradation of any culturally or ecologically sensitive areas. Although a wetland is present adjacent to the building site, the proposed expansion has been carefully planned to avoid disturbance to this resource and to ensure continued environmental protection.

Importantly, the variance will allow development to remain concentrated in the same location as originally designed by the subdivision developer. This approach minimizes site disturbance and avoids expansion into undisturbed areas, helping to preserve the broader ecological and cultural integrity of the property.

Housing:

GOALS/ OBJECTIVES:

1. Provide an environment that enables opportunities for diverse housing needs.

Applicant Response: The proposed variance will have no negative effect on the housing goals/objectives of Bonner County.

Community Design:

GOALS:

1. To enable a variety of lifestyles while maintaining the rural character in the future development of Bonner County.

OBJECTIVES:

1. New development should be located in areas with similar densities and compatible uses.
2. The adverse impacts of new development on adjacent areas should be minimized.
3. Consider the protection of natural resources, rural features and surrounding uses of the community in the design and location of new development.

Applicant Response: By allowing for the variance of increased impervious surface and the addition of riprap within the shoreline buffer zone, the shoreline will be protected which supports objective 3 as it will protect natural resources on site.

Agriculture:

GOALS/ OBJECTIVES:

1. Protect the rural character and agricultural heritage of Bonner County by retaining large and small scale commercial agriculture and hobby farms as viable uses.
2. Support the local economy by encouraging production, distribution, and retail sales of locally grown food and other agricultural products.
3. Develop policies to discourage fragmentation of very large productive agricultural lands.

3. Develop policies to discourage fragmentation of very large productive agricultural lands.

Applicant Response: The current property is utilized as a single-family residential property and has no agricultural utility. Allowing the variances for this property will have no effect on agricultural property.