

**BONNER COUNTY PLANNING and ZONING COMMISSION  
PUBLIC HEARING MINUTES  
DECEMBER 20, 2018**

**CALL TO ORDER:** Chair Davis called the Bonner County Planning and Zoning Commission hearing to order at 5:30 p.m. in the 1<sup>st</sup> Floor Conference Room of the Bonner County Administration Building, 1500 Highway 2, Sandpoint, Idaho.

**PRESENT:** Commissioners Chair Don Davis; Vice Chair Brian Bailey; Trevor Kempton; Sheryl Reeve; Suzanne Glasoe; and Matt Linscott

**ABSENT:** Taylor Bradish

**ALSO PRESENT:** Planning Director Milton Ollerton; Planner I Halee Sabourin; and Office Manager Jeannie Welter

**CONSENT AGENDA:**

**APPROVAL OF MINUTES:** The Chair requested the Commissioners declare if they had any corrections or changes to the approval of minutes as written for: December 6, 2018. Hearing no changes or objections, the Chair declared the minutes approved as written.

**PUBLIC HEARINGS:**

**PRELIMINARY PLATS**

**CALL FOR VISUAL, HEARING OR OTHER IMPAIRMENT REQUIRING ASSISTANCE:** The Chair asked whether anyone needed special assistance to hear, see or participate in these proceedings. Hearing no response, the Chair continued with the public hearing.

**File S1994-18 – Preliminary Plat Subdivision – Spirit Lake North, LLC** is requesting a subdivision of 80 acres of land creating 16 individual lots, and a 10 acre parcel into 2 individual lots. The project is located 2.5 miles Northeast of the city of Spirit Lake, east of Cardinal lane off of Peregrine road in Section 21, Township 54 North, Range 4 West of the B.M. Proposed zoning at time of subdivision will be 5 acre minimums.

**CONFLICT OF INTEREST/DISCLOSURE DECLARATIONS:** The Chair requested the Commissioners declare any conflicts of interest or disclosures. The Chair noted that there were no disclosures or conflicts.

**STAFF PRESENTATION:** Planner I Halee Sabourin presented a PowerPoint summary of the project and previously circulated staff report, concluding this project is consistent with Bonner County Revised Code.

**APPLICANT PRESENTATION:** Project representative Marty Taylor, James A. Sewell & Associates stated this is simply the next installment of the Quail Ridge

project. He stated the paved road plans have been made a part of the packet. Parcels will be serviced by individual wells.

**PUBLIC/AGENCY TESTIMONY:**

Larry Brown spoke on the record stating the school district was left off of the review. He asked in the future if the Lakeland school district can be included in the review.

**APPLICANT REBUTTAL:** None.

**COMMISSION DELIBERATION:** The Chair closed the hearing to public testimony. The Commission discussed Findings and Conclusions.

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**Motion by the governing body:**

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**MOTION TO APPROVE:** Commissioner Kempton moved to recommend approval to the County Commissioners this project FILE S1994-18, Quail Ridge 2<sup>nd</sup> Addition and Replat of Lot 4, Block 2, Quail Ridge 1<sup>st</sup> Addition, finding that it is in accord with the Bonner County Comprehensive Plan and 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. Commissioner Kempton further moved to recommend the following findings of fact, conclusions of law and conditions of. The action that could be taken to obtain the plat is to complete the Conditions of Approval as adopted. This action does not result in a taking of private property. Commissioner Linscott moved seconded the motion.

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

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**Background:**

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**A. Site data:** Parcel size: Parent parcel is ±80 acres, all 16 lots proposed to be ±5 acres in size. Additionally, the parent parcel, per Quail Ridge 1<sup>st</sup> Addition, is ±10 acres, proposed to be two (2) ±5 acre parcels. Current zoning: Rural five (5) acre minimums.

**B. Access:** Peregrine Road crosses Idaho Department of Lands property in Section 20 and intersects Section 21 about 1320 feet north of the south line of Section 20. This roadway benefits all lands within Section 21 (Instrument 667186). Peregrine Road and Cardinal Lane also access the subject property via a 60 foot wide ingress, egress and utility easement (Book 8, Plats, Page 134). In order to accommodate the Quail Ridge 1<sup>st</sup> Addition and the Replat thereof, Goldfinch Lane was extended northerly and Barn Owl Drive was extended southerly via an existing 60 foot wide ingress, egress and utility easement (Instrument 863854). Roads were paved associated with the Replat of Quail Ridge 1<sup>st</sup> Addition (file S1943-18). According to AM162-18 and ZC365-18 additional road construction is required, specifically applicant shall improve all roads within the subdivision to low volume road

standards in accord with appendix A, in addition shall be paved. This requirement was recorded with the zoning ordinance. *Proposed Songbird Way road construction and paving necessary to accommodate this additional plat within the easement set forth in Instrument #926123.*

**C. Environmental factors:** The property has no significant slope mapped by the county GIS mapping system. The properties are not within any special flood hazard zone (Zone-X, DFIRM- 1125E). Wetlands are not present on site as indicated by the mapping application. Soils consist of gravelly silt loam. The building site is moderately forested.

**D. Services:** Water is to be provided by individual wells, water is available at a range of 15-60 gallons per minute according to application, at a depth of 236-420 feet. Sewage disposal will be provided by individual subsurface sewage disposal system and leach field as approved by Panhandle Health District. The property is located within Spirit Lake Fire district and Bonner School (#83) district.

#### E. Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Land Use & Density
Site	Rural residential	R-5	Undeveloped
North	Ag/Forest Land	AF-20, R-10, R-5	Residential
East	Ag/Forest Land	AF-20	Undeveloped/ State land
South	Ag/Forest Land	AF-20	Undeveloped/ State Land
West	Ag/Forest Land	AF-20, R-5	Single Family Dwellings

#### F. Standards review

	Required	Provided
Minimum Lot Size (BCRC 12-411)	5 acres	5+ acres
Depth to width, BCRC 12-621	3:1	Meets requirements
Urban services, BCRC 12-623(a)	N/A	N/A
Water supply, BCRC 12-623(b)	Demonstrate sufficient production capability	Well logs indicate sufficient production at an average flow rate of 29.8 GPM.
Sewage disposal, BCRC 12-623(c)	Adequate sewage disposal method as approved by PHD and/or the state of Idaho	Individual system to be installed as regulated by Panhandle Health Department.

	Required	Provided
Fire risk assessment, BCRC 12-623(d)	Fire risk assessment	The applicant has provided a preliminary plat fire hazard rating form with a total hazard rating of 28, which indicates a Moderate.
Fire plan, BCRC 12-623(d)	Fire Protection Plan	A fire protection plan has <b>not</b> been provided in the preliminary plat application. See conditions of approval B-3.
Legal access, BCRC 12-624(c)	Shall be provided	Access to the property is provided Gold Finch Lane (Inst# 863854), Barn Owl Drive (Inst# 863854 & 926123), and Songbird Way (Inst# 926123)
Natural hazards, BCRC 12-626(a)	N/A	Not located in mapped SFHA
Wetlands, BCRC 12-730	N/A	N/A
Stormwater plan requirement BCRC 12-720.2(a)	N/A	N/A
Preliminary plat requirements, BCRC 12-642	Plat contents	Planning staff deemed the application complete on October 11, 2018.

**G. Stormwater plan:** A stormwater management plan was not required, pursuant to BCRC 12-720.3 (J).

**H. Agency Review:** The application was routed to the following agencies for comment on October 11, 2018

Panhandle Health District  
Bonner County Road Dept.  
Spirit Lake Fire District  
School District #83  
Dept. of Fish and Game  
Dept. of Lands (Sandpoint)  
Bonner County Schools – Transportation

Dept. of Water Resources  
Fish and Wildlife Service  
Forest Service  
Inland Power and Light  
Dept. of Env. Quality  
Dept. of Transportation

#### Department of Environmental Quality: Email November 9, 2018

Faye Beller commented on means and methods of preserving the air quality. See comments for further details.

**I. Public Notice & Comments:** No Public Comments were received.

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## Findings of Fact

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1. The subject lots are ± 5 acres in a 5 acre zone.
2. The proposed use will use individual well and septic.
3. The proposed location for the plat contains slopes between 1% and 2%.
4. Access to the proposed lots is from Goldfinch Lane through Barn Owl Drive and Songbird Lane via a 60 foot wide ingress, egress easement as described in instrument #925123 and #926123.
5. Proposed Songbird Way shall be constructed to standards set forth in ZC365-18, Appendix A of Title 12 Bonner County Revised Code and paved.
6. The subject property is located within the Spirit Lake Fire District.
7. The property contains X areas of special flood hazard (DFIRM Panel 1125E, Zone X).
8. The property does not contain delineated wetlands.

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## Conclusions of Law:

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

### Conclusion 1

This proposal was reviewed and **is** in compliance with the criteria and standards set forth in the Bonner County Revised Code: 12-621, Lot Design, 12-623, Services and utilities, 12-624, Roads and Access, 12-626, Environmental Features, 12-645, Standards for review of applications for preliminary plat, 12-7.2, et seq., Grading, Stormwater Management and Erosion Control, 12-730, et seq., Wetlands, 12-741, Wildlife protection standards for new subdivisions, 12-616(d), Certificate of Compliance, Conditional Certificate of Compliance, 12-660(b), Readjustments of lot lines within a platted subdivision.

### Conclusion 2

The proposed Subdivision being in accord with the ordinances stated above, **is** therefore aligned with the Bonner County comprehensive plan.

•Property Rights	•Population	•School Facilities, Transportation
•Economic Development	•Land Use	•Natural Resources
•Hazardous Areas	•Public Services	•Transportation
•Recreation	•Special Areas or Sites	•Housing
•Community Design	•Implementation	

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## Conditions of approval:

### Required plat notes:

The following notes shall be recorded on the face of the final plat:

- A-1** All easements and instrument numbers for ingress, egress and utility, pertaining to this subdivision shall be shown on the face of the plat.

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## Standard and site-specific plat conditions:

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- B-1** A final plat shall be recorded.

- B-2** The preliminary plat shall be valid for a period not to exceed two (2) calendar years from the date of approval. At any time prior to the expiration date of the preliminary plat, the applicant may make a written request to the Planning Director for an extension of the preliminary plat for a period up to two (2) years. The Board of County Commissioners may consider such request for extension at any regular business meeting. The extension request must be approved or denied prior to the expiration date of the preliminary plat.

- B-3** The applicant shall provide one of the following for all proposed lots:

(a) Prior to final plat, an approved water and fire hydrant system capable of providing one thousand (1,000) gallons per minute for a minimum of two (2) hours, where, a community water system exists or is proposed as part of the development and is capable of delivering the pressurized water supply necessary for delivering fire flows as prescribed by International Fire Code, as adopted by the state fire marshal, and such later editions as may be so published and adopted by the state fire marshal, or as amended, modified or superseded, and incorporated herein by reference with a copy on file with the office of the clerk of the Board of County Commissioners, and herein after referred to as IFC, Or as approved by the fire district.

(b) A note on the final subdivision plat stating: "At the time of Building Location Permit or Building Permit, the lot owner shall install a minimum two thousand (2,000) gallon water storage system, meeting IFC standards." Refill on demand is not required to meet IFC standards, Or as approved by the fire district.

(d) Prior to final plat, a man-made or natural water source with a dry hydrant capable of delivering adequate water supply as prescribed by International Fire Code.

(e) A note on the final subdivision plat stating: "At the time of building permit or building location permit, the lot owner shall install an approved fire suppression method to the satisfaction of Bonner County, Or as approved by the fire district.

- B-4** Roads providing access to the proposed subdivision shall be constructed in accord with recommendations within AM162-18 & ZC365-18. Recommendations state the need for roads to be constructed to Title 12 Appendix A, low volume private road standards, and shall have a paved surface.

**B-5** Prior to final plat applicant shall submit to the planning department engineered stamped plans outlining paved road construction schematics, in accord with the Appendix A Title 12 requirements.

## ZONE CHANGES

**CALL FOR VISUAL, HEARING OR OTHER IMPAIRMENT REQUIRING ASSISTANCE:** The Chair asked whether anyone needed special assistance to hear, see or participate in these proceedings. Hearing no response, the Chair continued with the public hearing.

**File ZC370-18 – Zone Change – A/F-20 to A/F-10 – Leonard & Naomi Wood** are requesting to rezone ~63 acres from A/F-20 to A/F-10 in the Ag/Forest Land Comprehensive Plan designation. The property is located along Highway 95 beginning at Creekfront Drive in a portion of Section 23, Township 58 North, Range 2 West, Boise Meridian.

**CONFLICT OF INTEREST/DISCLOSURE DECLARATIONS:** The Chair requested the Commissioners declare any conflicts of interest or disclosures. The Chair noted that there were no disclosures or conflicts.

**STAFF PRESENTATION:** Planning Director Milton Ollerton presented a PowerPoint summary of the project and previously circulated staff report, concluding this project is consistent with Bonner County Revised Code.

**APPLICANT PRESENTATION:** Leonard Wood stated the real reason they want to do this is to gain legal access to all areas of the property. He stated when they purchased it there was a split zone on the property. He stated there is no legal access off of Hawkeye, it is more of a handshake kind of a deal. He submitted exhibits A – easement agreement, B – easement agreement, C – easement agreement, & D – images of road and also an image of a bridge.

## PUBLIC/AGENCY TESTIMONY:

Cheri Campbell spoke on the record regarding an easement agreement and road maintenance.

**APPLICANT REBUTTAL:** Mr. Wood stated the way the agreement document was written it mentions road maintenance and family members etc.

**COMMISSION DELIBERATION:** The Chair closed the hearing to public testimony. The Commission discussed Findings and Conclusions.

**MOTION TO APPROVE:** Commissioner Linscott moved to recommend approval to the Board of County Commissioners, this project FILE ZC370-18 a zone change from A/F-20 to A/F-10, finding that it is in accord with the general and specific objectives of the Bonner County Comprehensive Plan and 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. Commissioner Linscott further moved to recommend the following findings of fact and conclusions of law as written. This action does not result in a taking of private property. Commissioner Glasoe seconded the motion.

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

## Background:

**A. Site data:** The proposed zone change is one parcel approximately 62.98 acres in size.

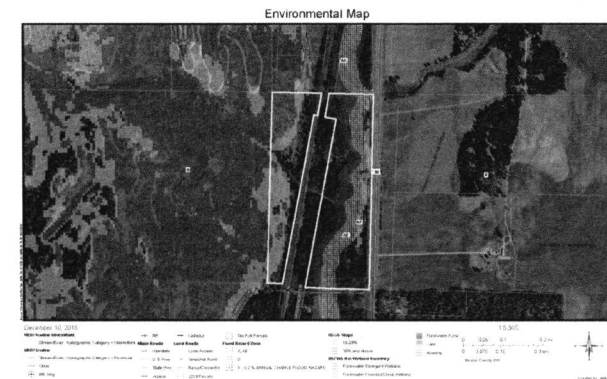
**B. Access:** The parcel is located on Highway 95 and Creek Front Road.

## C. Environmental factors:

FEMA DFIRM Panel: 16017C0710E, Zone X and Zone AE.

The parcel does contain mapped wetlands. Sand Creek runs through the property north to south with Swede Creek and Spring Jack Creek end at Sand Creek. See the environmental map below. The red and pink is sloping, while the purple is wetland. The blue dots show the floodplain. Source: USFWS

The site is generally flat with a small sloping in the south end of the western portion of the proposed area as shown on the map below in the pink color. Source: USGS



## D. Services:

- Water: Individual well.
- Septic: Residential/Individual. Septic tank and leach field.
- Fire District: Northside Fire

- Power: Northern Lights
- School: Bonner School District #84.

### E. Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Land Use & Density
Site	Agricultural Forestry	A/F-20	Single family residence; 20-acre parcels
North	Agricultural Forestry	A/F-10	Schweitzer Resort Tracts; Large acre parcels
East	Agricultural Forestry	A/F-20	Large acre parcels
South	Agricultural Forestry	A/F-10	Hawkeye Estates and Shimmering Creek Estates
West	Agricultural Forestry	A/F-20	Large acre parcels

## F. Standards review

Section 12-216 of BCRB specifies that "Staff and the governing bodies shall review the particular facts and circumstances of each proposal submitted and shall determine whether there is adequate evidence that the proposal is in accordance with the general and specific objectives of the comprehensive plan." Idaho Code stipulates that zoning districts "shall be in accordance with the policies set forth in the adopted comprehensive plan." (I.C., §67-6511).

**BCRC 12-215 APPLICATIONS FOR ZONE CHANGES AND COMPREHENSIVE PLAN MAP AMENDMENTS. CONTENTS:**

A: Site plan drawn to scale: Please see attached maps

B: A narrative statement that addresses:

1. The effects of elements such as noise, light glare, odors, fumes and vibrations on adjoining property.

Staff: The proposal is requesting to change the zoning from 20-acre to 10-acre parcels. This will potentially double the use on the proposed parcel. If divided, the parcels would be 10-acre residential lots designed around environmental factors limiting the use and development on the lots. These will be residential lots and the change in impact will be those typical with residential homes with small farms or forestry activities.

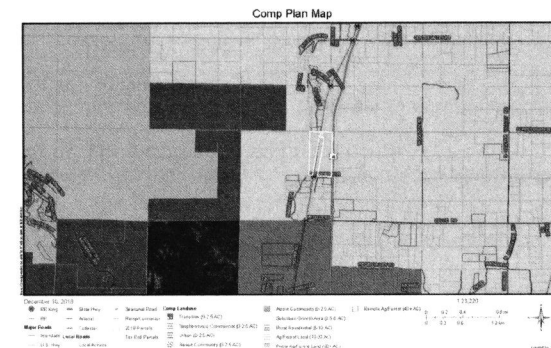
2. The compatibility of the proposal with the adjoining land uses.

STAFF: The property is currently bounded on the north and south with subdivisions varying from 1.5-acre lots to 5-acre lots. The applicant is requesting to maintain the 10-acre minimum designing appropriate with the environmental factors on the property

3. The relationship of the proposal to the comprehensive plan/zoning district.

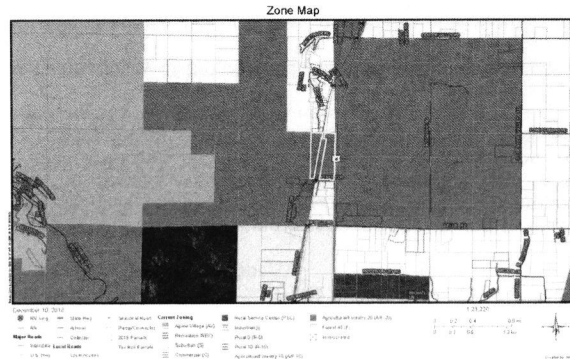
STAFF: The property is currently designated Agricultural Forestry allowing for 10 and 20 acre parcels. The proposed zone must provide access to fire and standard roads. While the parcel has current access through varying means, further division will require a review of those

### Comprehensive Plan Map Designation Change review



Comprehensive Plan Designation	Provided
<p>The Ag/Forest Land designation recognizes areas where steeper slopes prevail (30% or greater) and transportation is provided by private roads or U.S. Forest Service or state roads. Urban services are not available and residential development challenges are present due to slope, poor soil conditions, hazard areas and lack of police or fire services.</p>	<ul style="list-style-type: none"> <li>• A portion of steep slopes on the northwest portion of the property.</li> <li>• Property borders Hwy 95 and Creek Front Drive</li> <li>• Individual systems will be utilized</li> <li>• There is some flood plain present</li> <li>• Wetlands are present following the sand creek as it flows through the property.</li> <li>• Small acre lots border the north and south property lines.</li> <li>• Hwy 95 borders the east portion.</li> </ul>

## Zone Change Review



### Zone District

The Agricultural/Forestry District provides for agricultural and forestry pursuits. The area is characterized by slopes steeper than 30%, Prime agricultural soils and 10-acre zoning is appropriate in areas that do not feature prime agricultural soils, and where lands are accessible for fire service, standard roads and other services.

### Provided

- The property is adjacent to a 1.5-acre to 3-acre lots on the north and five-acre lots to the south.
- No urban water or sewer services in the area
- Property has access from Creek Front Road, Hawkeye Road, Highway 95 directly and Scott Lane.

Subdivision Map



**G. Land Capability Report:** A land capability report was prepared by Terry Oliver, Legacy Consulting, in accordance with BCRC 12-222(j), which states:

- The site is capable of withstanding any activity or disturbance, being rezoned as A/F-10, that is allowable in A/F-20.

**H. Stormwater plan:** 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.

**I. Agency Review:** The application was routed to agencies for comment on October 11, 2018. The following agencies commented:

**Road and Bridge:** "Road & Bridge has no comments regarding the proposed zone change. The parcel(s) are accessed off of private roads which connect to Highway 95."

### J. Public Notice & Comments

- The public comment received to date included concerns over the access to the parcels and legal access for potential land divisions in the future. The access off Creek Front Road may require specific review for legal access and road maintenance or improvements.

## Findings of Fact

1. The subject property is designated as Agricultural Forestry by the Bonner County Comprehensive Plan.
2. The proposed zone change area is adjacent to A/F-10 zoning on the south and north sides.
3. Shimmering Creek Estates, Hawkeye Estates and Schweitzer Resort Tracts each the proposed development on the south and north.
4. The property is abutted on the east by Highway 95 and the property is accessed in two places off Highway 95.
5. Terry Oliver, Legacy Consulting, submitted a land capability report concluding the property is adequately suited for the A/F-10 zone district.
6. Future sewage disposal will be handled through individual systems.
7. Water will be provided by individual wells.
8. The property is accessed off Scott Lane, Creek Front Drive and Highway 95. As the property develops, the access off Creek Front Drive will need to be addressed as to bridge maintenance.
9. The property is located within the Northside Fire District.

10. Surrounding properties are large vacant lots and/or single-family residences on 1.3 to 5-acre lots.

11. The property contains some wetlands, and flood hazard area along Sand Creek as it flows north to south through the property. There are some steep slopes present along the western border of the property.

## Conclusions of Law:

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

### Conclusion 1

The proposed zone change **is** in accord with the Bonner County comprehensive plan.

•Property Rights	•Population	•School Facilities, Transportation
•Economic Development	•Land Use	•Natural Resources
•Hazardous Areas	•Public Services	•Transportation
•Recreation	•Special Areas or Sites	•Housing
•Community Design	•Implementation	

### Conclusion 2

This proposal was reviewed for compliance with the Comprehensive plan map change criteria and standards set forth at Sections 12-212, 12-215, and 12-216, Bonner County Revised Code, and **was** found to be in compliance.

### Conclusion 3

The proposal is in accord with the purpose of the intended zoning district, provided at Chapter 3, Bonner County Revised Code.

## VARIANCES

**CALL FOR VISUAL, HEARING OR OTHER IMPAIRMENT REQUIRING ASSISTANCE:** The Chair asked whether anyone needed special assistance to hear, see or participate in these proceedings. Hearing no response, the Chair continued with the public hearing.

**File V510-18 – Front, Rear & Side Yard Setback Variance – Keith & Cheryl Shoff** are requesting a 15'-10" front setback, an 11' rear setback, and a 20' side yard setback for a new single family dwelling. The project is located on Steamboat Bay Place off North Steamboat Bay Road. The property is a 0.439 acre lot located in a portion of Section 27, Township 60 North Range 4 West, B.M.

**CONFLICT OF INTEREST/DISCLOSURE DECLARATIONS:** The Chair requested the Commissioners declare any conflicts of interest or disclosures. Commissioner Davis disclosed that seeing two gentlemen enter the hearing room he realized he had dinner at the same restaurant as them on this very evening. He stated this has not created a conflict for him. The Chair noted that there were no disclosures or conflicts.

**STAFF PRESENTATION:** Planner I Halee Sabourin presented a PowerPoint summary of the project and previously circulated staff report, concluding this project is consistent with Bonner County Revised Code.

**APPLICANT PRESENTATION:** Project representative Scott Brown stated the 40 foot setback on the side is debatable. He stated that one section of the code says it is five feet and one section says it is 40 feet. He stated you are required to have a 3 to 1 ratio. He stated that a public comment that was received stated this is an unusually large home. He stated he disagrees with this statement. He spoke about access from Steamboat Bay Place road easement. He stated approximately 50' past Mr. Shoff's property the road dead ends.

Todd Ruter legal counsel. He stated the Shoff's had nothing to do with the creation of this lot. He stated this situation is unique. There was a judgement that took some area from the property.

**PUBLIC/AGENCY TESTIMONY:** The following individuals spoke on the record opposing the project:

Kevin Sheffield  
Larry Brown

**APPLICANT REBUTTAL:** Scott Brown responded to the public comments stating a survey was recorded but a lot line adjustment for the property has never been done. The property is still described as 4.39 acres and the Shoff's are still paying taxes on this size acreage. He stated under Idaho code a variance cannot set precedence, they must be considered on a case by case basis.

Todd Reuter stated neither comment from the public made any evidence that this was causing injurious injury.

**COMMISSION DELIBERATION:** The Chair closed the hearing to public testimony. The Commission discussed Findings and Conclusions.

**MOTION TO APPROVE:** Commissioner Glasoe moved to approve this project FILE V510-18 for a 15'-10" front yard setback, and an 11' rear yard setback, where 25' is required, and a 20' side yard setback where 40' is required, to allow for the construction of a new 48' x 72' (including deck and eave projections) single family dwelling, 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. Commissioner Glasoe further moved to adopt the following findings of fact and conclusions of law as written. 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. Commissioner Bailey seconded the motion.

**VOTED** upon and the Chair declared the motion carried 4-1. Commissioner Bailey, Commissioner Linscott, Commissioner Kempton, and Commissioner Glasoe voted in favor of the motion, and Commissioner Reeve opposed the vote.

## Background:

### A. Site data:

- The subject property is a
- Vacant – vegetation recently thinned
- Unplatted
- Size: Official per Assessors: 0.439 acres; After Court Decree: ≈0.373
- Recreational zone

### B. Access:

Access is provided by Steamboat Bay Place, a graveled, 20' easement.

### C. Environmental factors:

- Site does not contain mapped slopes. (USGS)
- Site does not contain mapped wetlands. (USFWS)
- Site is not located in a Special Flood Hazard Area (DFIRM Panel #0225F, Zone X – 0.2% annual chance of flood hazard) (FEMA)

### D. Services:

- Water: Individual well
- Sewage: Coolin Sewer District
- Fire: Coolin-Cavanaugh Bay Fire District
- Power: Northern Lights

### E. Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Land Use & Density
Site	Resort Community (0-2.5 Acres)	Recreation	Vacant land
North	Resort Community (0-2.5 Acres)	Recreation	Residential
East	Ag/Forest Land (10-20 Acres)	A/F-10	Vacant Timberland
South	Resort Community (0-2.5 Acres)	Recreation	Residential
West	Resort Community (0-2.5 Acres)	Recreation	Residential

### F. Standards review

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: "Lot size and shape were originally defined by Court Order, and then later amended (reduced) by Court Decree over which the applicant had no control. Bonner County Revised Code, 12-615 B. gives substantial deference to parcels created and/or amended via Court Directives."*

*Staff: Staff concurs with the first sentence in the above statement. Additionally, development is further restricted by the orientation of the lot, and how Front, Rear and, Side are define, per BCRC.*

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

*Applicant: "No actions of the applicant led to the need for variances."*

*Staff: Staff concurs with the above statement. Additionally, the reduction in the lot size is the result of a Court Decree and not the applicant.*

- (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 proposed variances in conjunction to restricted use of the site includes 1) connection to a State approved and regulated municipal sewer system, 2) a new domestic water well, that is required to meet State standards, 3) the site is accessed via an existing network of County approved public and private roads, and, 4) the site has been designed to increase setbacks where those setbacks achieve benefits of increased buffering for the site as a whole."*

*Staff: Staff concurs with the above statement. Additionally, a stormwater/erosion control plan will be required at the time of submittal of a Building Location Permit.*

**G. Stormwater plan:** A stormwater management plan was required pursuant to BCRC 12-720.2. A plan was not submitted. However, a plan will be required at the time of Building Location Permit and is a condition of approval for this variance.

**H. Land capability report:** A land capability report was submitted to the record by Scott M. Brown, in accordance with BCRC 12-233 and 12-222(j).

**I. Agency Review:** The application was routed to the following agencies for comment on September 7, 2018:

Coolin Sewer District  
Coolin Cavanaugh Bay Fire District  
School District #83  
Dept. of Env. Quality  
Dept. of Water Resources

Bonner County Road & Bridge  
Northern Lights Power Company  
Dept. of Fish and Game  
Dept. of Lands (Sandpoint)  
Panhandle Health District

Army Corps (Newport)  
Fish and Wildlife Service

Natural Resource Conservation Service

The following agencies replied "No Comment":

Dept. of Env. Quality  
Bonner County Road & Bridge

Panhandle Health District

All other agencies did not reply.

**J. Public Notice & Comments** (See file for full public comments)

**Sheffield, Kevin & Judy – November 7, 2018** (Opposed to approval)  
**Fenwick, Loel – November 7, 2018** (Opposed to approval)  
**Brown, Larry – November 7, 2018** (Opposed to approval)

Additionally, there was a call by a concerned neighbor about runoff from the recently thinned parcel. He would like to see a swale installed or other means to control runoff.

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**Findings of Fact**

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1. The parcel is a ±0.439 acre area.
2. The parcel is zoned Recreation.
3. The parcel is located off Steamboat bay Place.
4. The parcel is served by Coolin Sewer District.
5. The parcel is serviced by individual well.
6. The parcel is serviced by Coolin-Cavanaugh Fire District.
7. Shape and size of lot created by Court decree.
8. Orientation of lot and determination of Front, Rear, and Side yards, and the applicable setbacks, per BCRC, further reduce site that can be developed.

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**Conclusions of Law:**

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

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)

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**Conditions of approval:**

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**Standard permit conditions:**

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- A-1** The use shall be developed and shall be operated in accordance with the approved site plan.
- A-2** The variance shall expire if not issued within two (2) calendar years from the date of approval, or once issued, if the use has not commenced within two (2) calendar years from the date of issuance. At any time prior to the expiration date of the variance, the applicant may make a written request to the Planning Director for an extension of the variance for a period up to two (2) years. The Planning and Zoning Commission may consider such request for extension at any public hearing. The extension request must be approved or denied prior to the expiration date of the variance.

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**Standard and site-specific conditions:**

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- B-1** An erosion control or stormwater plan is required to be submitted in conjunction with the building location permit for the structure.

**EXECUTIVE SESSION**

At 7:17 p.m. Commissioner Bailey moved to enter into an Executive Session pursuant to Idaho Code §74-206(1)(a) to consider hiring for sub-area committees. Commissioner Linscott seconded the motion.

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

At 8:33 Commissioner Kempton moved to reconvene to the public meeting and close the executive session. Commissioner Linscott seconded the motion.

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

Commission Davis stated the commission is reconvened.

**MOTION:** Commissioner Reeve moved to appoint Cherie Clipson to the Priest River/Oldtown area committee. Commissioner Linscott seconded the motion.

**VOTED** upon and the motion was carried, unanimously.

**MOTION:** Commissioner Kempton moved to appoint Doug Paterson to the Priest River/Oldtown area committee. Commissioner Reeve seconded the motion.

**VOTED** upon and the motion was carried, unanimously.

**MOTION:** Commissioner Bailey moved not to add Suzi Hatfield to the Priest River/Oldtown committee and further moved to have the Planning department send her a letter inviting her to participate in the Priest Lake committee. Commissioner Reeve seconded the motion.

**VOTED** upon and the motion was carried, unanimously.

**DISCUSSION:** Due to the lateness of the evening the committee agreed to continue the discussion of the bylaws to a date and time certain of January 3, 2019.

Discussion regarding Selle committee.

**OPEN LINE DISCUSSION:** Staff updates

The Chair declared the hearing adjourned at 9:23 p.m.

Respectfully submitted,

  
Milton Ollerton, Planning Director

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The above Minutes are hereby approved this 17<sup>th</sup> day of January, 2019.

Bonner County Planning and Zoning Commission

  
Don Davis, Chair