

**BONNER COUNTY PLANNING and ZONING COMMISSION
PUBLIC HEARING MINUTES
THURSDAY, FEBRUARY 7, 2019**

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

PRESENT: Commissioners Chair Don Davis; Vice Chair Brian Bailey; Taylor Bradish; Trevor Kempton; Suzanne Glasoe; and Matt Linscott

ABSENT: Sheryl Reeve

ALSO PRESENT: Planning Director Milton Ollerton; Floodplain Manager Jason Johnson; Planner I Sam Ross; Administrative Assistant II Emily Aerni; 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: January 17, 2019. Hearing no changes or objections, the Chair declared the minutes approved as written.

PUBLIC HEARING:

VARIANCE

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 V525-18 – Lot Size Minimum Variance – Allen Fiedler is requesting a lot size minimum variance in order to create a 1-lot plat containing 1.18 acres where 2.5 acres is required. The project is located off of US Highway 2, in Section 29, Township 56 North, Range 05 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: Planner I Sam Ross presented a PowerPoint summary of the project and previously circulated staff report, concluding this project is consistent with Bonner County Revised Code.

APPLICANT PRESENTATION: Marty Taylor, Certified Land Use Planner with James A. Sewell & Associates stated the property has been developed with a septic permit and a well. Property has two assessor parcel numbers. One has an Oldtown

“RPN” parcel number for taxing purposes. The property has an annexation order into the City of Oldtown. Mr. Taylor further stated the applicant agrees with Condition A-4 on the staff report, but request to strike proposed Condition A-5 of staff’s presentation.

PUBLIC/AGENCY TESTIMONY: None.

APPLICANT REBUTTAL: None.

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

MOTION TO APPROVE: Commissioner Kempton moved to approve this project FILE V525-18, a lot size minimum variance authorizing the creation of a 1.18 acre lot where 2.5 acres 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. Commissioner Kempton further moved to adopt the following findings of fact and conclusions of law, adding conclusion A-5 stating at the time of platting, the applicant shall obtain an ingress egress easement across neighboring parcel (RPN0000290855A0). Such easement shall ensure access to the subject parcel RP56N05W290852A0. 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, unanimously.

Background:

A. Site data:

- a. Acreage: 1.18 acres (surveyed)
- b. Legal Description:
 - i. Instrument No. 718425
- c. Zoning: Suburban
- d. Use: Residential
- e. Structures: Single Family Dwelling (Mobile) – BLP2009-0331
Accessory Structure – BLP2009-0332

B. Access:

- a. Highway 2: paved, principal arterial, public ROW, owned & maintained by ITD.

C. Environmental factors:

- a. Hydrography: None (USGS)
- b. Floodplain: Zone X, Firm Panel #: 16017C0865E (FEMA)
- c. Vegetation: vegetated with grasses, predominantly (Application)
- d. Wetlands: None (USFWS NWI)
- e. Slopes: <15% on site (USGS)

D. Services:

- a. Water: Individual well on site; Well tag: 0051608
- b. Sewer: Individual subsurface septic system: PHD 09-09-118919
- c. Fire: West Pend Oreille Fire
- d. Power: Avista
- e. School: Bonner School #83

Location	Land Use Designation	Zoning	Use	Density
Site	Transition	Suburban	Residential	Mobile Home SFD
North	Transition	Commercial	Commercial	Various Commercial Structures
South	Transition	Suburban	Government Land	Vacant
East	Transition	Suburban	Government Land	Vacant
West	Transition	Suburban	City of Oldtown	Vacant

E. Standards review

- BCRC 12-412, Density and Dimensional Standards – Suburban Zone
 - Required: 2.5 acres w/out urban services
 - Provided: 1.18 acres (surveyed)
- BCRC 12-234, Variance standards
 - Required:
 - 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.
 - B. Special conditions and circumstances do not result from the actions of 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.
 - Provided:
 - A: *"The lot described in Instrument 718425 is divided by tax code areas, a condition over which the applicant has no control. Specifically, 1.18 acre RP56N05W290852A is located in unincorporated Bonner County, while the 3 acre balance of Instrument 718425 (RPN00000290855A) is located in Newport, another condition over which the applicant has no control. The existing parcel sizes are conditions over which the applicant has no control."*
 - B. *"The single property described in Instrument 718425 includes both incorporated (Oldtown) and unincorporated (Bonner County) lands. The subject 1.18 acre area is no*

longer part of lands annexed into Oldtown back in the 1940's. This 1.18 acre area within the county that is part of a larger deed parcel cannot be conveyed separately, a condition over which the applicant has no control. This condition did not result from the actions of the applicant."

- C. *"The property is developed with a permitted well and authorized sewage disposal system (IDWR Well tag 0051608 and PHD Permit 09-09-118919, respectively). As noted, there are 14 similarly sized properties in the vicinity of the project. Accordingly, granting of this variance will not conflict with the public or be detrimental to neighboring properties."*

• Staff:

- A: The parcel described in Instrument No. 718425 does, in-fact, describe an area of land divided by tax code areas; Oldtown and Bonner County. BCRC 12-650(D)(2)(e) states that lots created via minor land division shall not be divided by boundary of any city, county zoning designation or public right of way. The fact that the subject parcel described in Instrument No. 718425 is divided by tax code (Oldtown and Bonner County) indicates a condition over which the applicant has no control.
- B: Tax areas, incorporated and unincorporated, are determined by local governments. The result occurred due to actions that were not of the applicant.
- C: The property is developed with the necessary facilities to accommodate a single family dwelling within the suburban zone. BCRC 12-324 states that, "The suburban district is established to promote the development of residential uses located on the edges of the incorporated cities or other developed communities or areas, where urban sewer and water services are either available or have the potential to become available in the near future by reason of their inclusion in service districts, city service areas, or are adjacent to those areas or areas of city impact. Access to primary transportation routes and a system of hard surfaced roads are expected." This fact coupled with all agency and public comments would indicate if the proposal would be in conflict with the public and/or would be a detriment to neighboring properties.

F. Stormwater Plan: A stormwater management plan was not required pursuant to BCRC 12-720.3(k).

G. Land Capability Report: A land capability report was not required pursuant to BCRC 12-222(J).

H. Agency Review: The application was routed to agencies for comment on January 16, 2019. The following agencies commented:

Idaho Department of Environmental Quality– January 30, 2019

"No Comment"

Panhandle Health District – January 16, 2019

"No Comment"

Idaho Transportation Department – January 16, 2019

"The approach permit for this location is a single family residential approach, Permit # 1-09-104."

I. Public Notice & Comments: No public comments have been submitted to staff at this time.

Findings of Fact

1. The subject parcel has been developed with a permitted single family dwelling.
2. The subject parcel has been developed with an individual well and individual septic system.
3. Access to the subject parcel is provided by Highway 2.
4. The subject parcel lies within the Suburban Zone.
5. The subject parcel is divided by tax code areas (Oldtown and Bonner County).

Conclusions of Law:

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.

Conditions of approval:

- 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.

A-3 Pursuant to Title 12, Chapter 6, Bonner County Revised Code, a subdivision application shall be submitted to the Bonner County Planning Department to lawfully plat the subject 1.18 acre lot from the existing parcel described in Instrument No. 718425.

A-4 All setbacks shall be met.

A-5 At the time of platting, the applicant shall obtain an ingress egress easement across neighboring parcel (RPN00000290855A0). Such easement shall ensure access to the subject parcel (RP56N05W290852A0).

EXECUTIVE SESSION:

At 6:05 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 8:22 p.m. Commissioner Bailey moved to reconvene to the public meeting and close the executive session. Commissioner Kempton seconded the motion.

MOTION: Commissioner Bailey moved to adopt the bylaws for the sub-area committee as written. Motion withdrawn by Commissioner Bailey.

At 8:25 p.m. Commissioner Linscott moved to enter into an Executive Session pursuant to Idaho Code §74-206(1)(a) to consider hiring for sub-area committees. Commissioner Glasoe seconded the motion.

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

At 9:10 p.m. Commissioner Bailey moved to reconvene to the public meeting and close the executive session. Commissioner Kempton seconded the motion.

MOTION: Commissioner Linscott moved to adopt the bylaws for the sub-area committee as presented by staff regarding the sub-area committees. Commissioner Kempton seconded the motion.

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

At 9:11 p.m., Commissioner Linscott moved to adjourn the meeting until the next hearing on February 21, 2019.

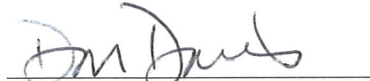
Respectfully submitted,



Milton Ollerton, Planning Director

The above Minutes are hereby approved this 21st day of February, 2019.

Bonner County Planning and Zoning Commission



Don Davis, Chair