

**BONNER COUNTY PLANNING and ZONING COMMISSION  
PUBLIC HEARING MINUTES  
MARCH 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 3rd floor meeting room, Suite 338 of the Bonner County Administration Building, 1500 Highway 2, Sandpoint, Idaho.

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

**ABSENT:** None

**ALSO PRESENT:** Planning Director Milton Ollerton; Planner II Sam Ross; Planner I Halee Sabourin; Administrative Assistant II Emily Aerni; and Administrative 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: February 21, 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 V0002-19** (previously numbered V0001-19) - **Rear Yard Setback Variance** - **Dave Irmer** is requesting a variance for a rear yard setback of 5' where 25' is required for a single family dwelling on approximately 0.28 acres. The project site is located off of Scranton Avenue in Section 10, Township 59 North, Range 4 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 Halee Sabourin presented a PowerPoint summary of the project and previously circulated staff report, concluding this project is consistent with Bonner County Revised Code. Commissioners asked for clarification regarding lot size and setback, and the easement on the property.

**APPLICANT PRESENTATION:** Dave Irmer stated the application was submitted to utilize the property in a better manner and to build the house so it faced the most aesthetically pleasing way. He further clarified easement details and various specifics about the property.

Commissioner Linscott asked if the septic shown on the diagram were underneath the 10 foot easement. Mr. Irmer stated they were not.

Commissioner Bradish asked if the septic tanks shown on the diagram were holding tanks. Mr. Irmer stated they were Coolin Sewer District tanks.

Commissioner Linscott asked how far the non-permanent trailer, located west of the property, was to the property line. Mr. Irmer stated that it was probably 5 feet and reaffirmed that it was not a permanent trailer.

Chair Davis asked for clarification regarding what the diagonal double-dashed line on the site plan represented. Mr. Irmer stated it was going to be his sewer line for an eventual RV pad, a private septic line, not the sewer district line.

**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 DENY:** Commissioner Kempton moved to deny this project FILE V0002-19 for a 5'-0" rear yard setback where 25'-0" is required for a single family dwelling and an attached shop: based on conclusions of law number 2; special conditions and circumstances **do** result from the actions of the applicant. The decision is 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 as amended. This action does not result in a taking of private property. Commissioner Glasoe seconded the motion. The action that could be taken, if any, to obtain the variance is to:

- 1) File a new application with the Planning Department and meet the standards required by Bonner County Revised Code; or
- 2) Appeal the Planning and Zoning Commission's decision to the County Commissioners.

**VOTED** upon and the Chair declared the motion carried, with a vote of 6-1. Commissioners Linscott, Glasoe, Bailey, Kempton, and Reeve voted in favor of the motion. Commissioner Bradish voted in opposition of the motion.

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**Background:**

**A. Site data:** The subject property is a

- Vacant Lot
- Platted

- Size: ≈0.28 acres
- Recreational zone

**B. Access:**

- Access is provided by Scranton Avenue a 15' wide, gravel, county maintained road with a 60' R-O-W.

**C. Environmental factors:**

- Site does not contain mapped slopes. (USGS)
- Site does not contain mapped wetlands. (USFWS)
- Site does not contain a river/stream.
- Site is not located in a Special Flood Hazard Area (DFIRM Panel # 0545E, Zone X – 0.2% annual chance of flood hazard) (FEMA)

**D. Services:**

- Water: Shared well
- Sewage: Coolin Sewer
- 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                     |
| North   | Resort Community (0-2.5 acres) | Recreation                | Residential                |
| East    | Resort Community (0-2.5 acres) | Recreation                | Residential                |
| South   | Resort Community (0-2.5 acres) | Recreation/<br>Commercial | Commercial                 |
| West    | Resort Community (0-2.5 acres) | Recreation                | Vacant                     |

**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: "The effect of changing the back line to 5' will have no effect on any public or personal interests. Aesthetically for the neighborhood the long sided garage is best suited to be facing the south and be 15' from the property line and the adjacent easement area."*

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

*Applicant: "The original property has been divided into 3 parcels each containing 2 lots that will be combined into 1 each. It would be more*

*conducive to access the property from Scranton Ave rather than the easement area to the south this combined with the shape of the lot is creating the need for this 5' variance. We are maintaining the 25', 15', 25', 5' rules, it is just turned 90 degrees."*

- (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: "I cannot see any possible conflicts that could interfere with any safety or public concerned by creating this variance."*

**G. Stormwater plan:** A stormwater management plan is required pursuant to BCRC 12-720.3 K. Application does result in the creation of additional impervious surface. See conditions of approval – required stormwater management plan per BCRC will be submitted at the time of building location permit.

**H. Agency Review:** The application was routed to the following agencies for comment on February 6, 2019:

*Panhandle Health District  
Bonner County Road & Bridge  
Coolin Cavanaugh Fire District  
Northern Lights  
School District #83*

*Idaho Dept. of Water Resources  
Idaho Dept. of Env. Quality  
Army Corps (Newport)  
Bonner County Schools - Transportation  
Idaho Dept. of Lands (Sandpoint)*

**The following agencies replied "No Comment":**

*Northern Lights*

*Idaho Dept. of Env. Quality*

**All other agencies did not reply.**

**I. Public Notice & Comments:** As of February 12, 2019, no public comments have been formally submitted.

**Findings of Fact**

1. The parcel is a ±0.28-acre area.
2. The parcel is zoned Recreation.
3. The parcel is located on Scranton Avenue.
4. The parcel is served by Coolin Sewer.
5. The parcel is serviced by a shared well.

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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** The applicant will submit a stormwater management plan or erosion control plan at the time of building location permit per the standards and the requirements of BCRC.
- B-2** The applicant shall file a notice of lot combination at the time of submitting a building location permit.

**EXECUTIVE SESSION:**

At 6:11 p.m., Commissioner Kempton moved to enter into an Executive Session pursuant to Idaho Code §74-206(1)(a) to consider hiring. Commissioner Reeve seconded the motion.

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

At 7:19 p.m., Chair Don Davis announced executive session closed and reconvened into regular session.

**MOTION:** Commissioner Bradish moved to appoint Joshua Johnson to the Southwest Bonner County subarea committee. Commissioner Bailey seconded the motion.

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

**OPEN LINE DISCUSSION:**

Commissioners agreed April 4, 2019 will be a workshop meeting and meet with Priest Lake.

Staff updates.

At 7:28 p.m., the Chair declared the hearing adjourned until March 21, 2019.

Respectfully submitted,



Milton Ollerton, Planning Director

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The above Minutes are hereby approved this 21<sup>st</sup> day of March, 2019.

Bonner County Planning and Zoning Commission



Brian Bailey, Vice Chair