

**BONNER COUNTY PLANNING and ZONING COMMISSION
PUBLIC HEARING MINUTES
THURSDAY, JUNE 20, 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; Planner II Sam Ross; and Administrative Manager Jeannie Welter

CHANGES IN AGENDA: No minutes to approve.

CONSENT AGENDA:

TIME EXTENSION REQUEST

File C1001-17 – Time Extension – Crossroad Hallo RV Park – Valerie Hester

25-unit RV park on an existing 2.8-acre parcel.

STAFF PRESENTATION: The project was presented and the previously circulated staff report was reviewed.

COMMISSION DELIBERATION: The Commission discussed Findings and the Conclusion.

MOTION: Commissioner Bailey moved to approve a time extension for file C1001-17 to February 5, 2022. Commissioner Glasoe seconded the motion.

VOTED upon and the Chair declared the motion carried unanimously.

PUBLIC HEARINGS:

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 V0005-19 – Front and Rear Yard Setback Variance – Todd and Judy Ableman are requesting a 15' Front Yard and 12' Rear Yard setback to allow for the construction of a single family dwelling. The project is located off of N Kokanee Park Loop in Section 6, Township 59 North, Range 04 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 II Sam Ross presented a PowerPoint summary of the project and previously circulated staff report, concluding this project is not consistent with Bonner County Revised Code.

APPLICANT PRESENTATION: Todd Ableman presented a handout summary of his project. He explained the site plan to the commission. He stated the purpose of structure placement and why he believes the project is consistent with BCRC.

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 Glasoe moved to deny this project FILE V0005-19, a front and rear yard setback variance, finding that it is not 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, 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.

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: 0.31 (platted); 13,596 sq ft
- b. Use: Resort Community
- c. Zone: Recreation
- d. Structures: Existing Accessory Building, BLP2017-0290
 - i. Mobile home has been removed
- e. Lot Coverage:
 - i. Existing: 7%
 - ii. Proposed: 30.8%

B. Access:

- a. N Kokanee Park Loop

- b. Owner: private
- c. Surface type: gravel

C. Environmental factors:

- a. Floodplain: D; (not in special flood hazard area per FEMA)
- b. Slope: <15%; (no steep slopes on site per USGS)
- c. Hydrography: None on site; (Project approx. 200-feet from Lamb Creek per USGS NHD)
- d. Soils: N/A (No NRCS data available)
- e. Vegetation: 5% of lot is timber (approx. per applicant)

D. Services:

- a. Water: Kokanee Park Water
- b. Sewer: Outlet Bay Sewer
- c. Fire: West Priest Lake Fire
- d. Electric/Utility: Northern Lights
- e. School: Bonner School District #83

E. Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Land Use & Density
Site	Resort Community	Recreation	Residential; Accessory
North	Resort Community	Recreation	Residential; SFD/Accessory
East	Resort Community	Recreation	Residential; SFD/Accessory
South	Resort Community	Recreation	Residential; SFD/Accessory
West	Resort Community	Recreation	Residential; SFD/Accessory

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.
- 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.

Applicant:

A. "The north property line is only 56-feet in depth. In order to get a desirable structure to meet the 25-foot front and back yard setbacks, the building would need to move south, creating close distances from an accessory building, and eliminating the primary green space for the purpose of gatherings. 15-foot front and 12-foot back yard setbacks [make] a desirable placement of the proposed residential structure by centering the structure on the lot."

"The setback of the existing building is to maintain the green space between the existing building and the road, which is the lowest point of the property. My two neighbor's properties directly behind my property to the (west) are approximately 8-10 feet higher in elevation. The arrows on site plan are the current drainage of the property. The road elevation also runs down towards this green space, so the lawn is more desirable at this location to accept stormwater retention. In order for me to build in the larger open space and preventing runoff to a structure, I would need to fill, eliminating my storm water retention area. It is my desire to locate my building on higher ground."

B. "No. The existing 1983 plat, lot 29, was smaller than the Kokanee Park Replat 29A. The replat enlarged the lot size to bot the existing lots 29, and 33 by eliminating 31. Since the replat, this shared green space has provided [for] family, friends, and community gatherings."

C. "Granting of the variance will not be in conflict with public interest and not detrimental to public health, safety, or welfare, or materially injurious to vicinity properties as the proposed development is consistent with the surrounding residential uses."

"The reason for the variance is due to the pie shaped. Some of the lots in our development still have single wide trailer and have not considered redevelopment at this time. I too had single wide trailer on this particular lot and moved it off in June of 2018. Many lots still have single wide trailers on the property and as they redevelop their lots, I believe some will need to seek variances to redevelop. I have worked with a few property owners to try and meet setbacks and the results are ugly trying to angle and fit structures in order to comply with setbacks. The location of the existing structure combined with the new proposed building is the most desirable set up and location for me as a property owner. The pie shape lots with the 50-foot setback requirements (front/back) take 1/3 of my property away from me."

G. Stormwater plan: A stormwater management plan was required pursuant to BCRC 12-720.2.
See Condition B-1.

H. Agency Review: The application was routed to agencies for comment on May 21, 2019.

- Bonner County Road and Bridge; May 23, 2019 – “No comment”

I. Public Notice & Comments: No public comments have been received as of June 5, 2019.

Findings of Fact

1. Lot 29A of the Replat of Lots 29, 31 and 33 of Kokanee Park conforms to the design criteria set forth in BCRC 12-621.
2. A dwelling unit has existed on Lot 29 of Kokanee Park. Inst. No. 743049
3. The applicant constructed an accessory building in 2017 that generates runoff into on site grassy infiltration areas.
4. The supplemental site plan shows a building envelope approximately 2,282 sq ft in size that complies with setbacks and does not impact existing structures, improvements, or grassy infiltration areas.

Conclusions of Law:

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

Conclusion 1

This proposal was reviewed for compliance with the criteria and standards set forth in Bonner County Revised Code, Title 12, and variance criteria and standards set forth at Section 67-6516, Idaho Code.

Conclusion 2

An undue hardship **does not** exist because of site characteristics, and special conditions and circumstances that are peculiar to the land, structure, or building involved.

Conclusion 3

Special conditions and circumstances **do** result from the actions of the applicant.

Conclusion 4

The variance **is** in conflict with the public interest.

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 V0007-19 – Waterfront Setback Variance – Avista is requesting a 1-foot waterfront setback where 40-feet is required, for temporary office trailers (4) and associated decks (2) for personnel use during construction of the Cabinet Gorge Dam Fishway Project. The project is located off of Cabinet Gorge Rd in Section 27, Township 55 North, Range 3 East, 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: None.

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 Linscott moved to approve this project FILE V0007-19 for a 1-foot waterfront setback where 40’ feet is required to allow for to allow for the construction of four (4) temporary office trailers and two (2) associated decks that will be used as field offices during construction of the Cabinet Gorge Dam Fishway Project, 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 Linscott 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 Kempton seconded the motion.

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

Background:

A. Site data:

- a. Acreage: N/A, railroad right-of-way
- b. Use: Rail uses, Avista
- c. Zone: Rural-10 (R-10)
- d. Structures: Misc. accessory utility structures
- e. Lot Coverage: N/A, railroad right-of-way

B. Access:

- a. Cabinet Gorge Rd
- b. Owner: County

- c. Surface type: Access is located off of Cabinet Gorge Road. The access road is gravel and dirt and is 2-3'[sic] wide along the length from the railroad crossing to Staging Area 1. The proposed temporary trailer location is located on the saddle dam at an elevation of 2182', the trailers are 2' above the grade, where the road is approximately 23' wide. A Temporary Agreement Covering Advance Right of Entry and Occupancy (No. 502,052) was signed by Montana Rail Link, Inc. and Avista on September 1, 2018.

C. Environmental factors:

- a. Floodplain: Combination of Zone X and A SFHA, per FIRM Panel 16017C1260E, Effective Date 11/18/2009.
- b. Slope: 15-30%, 30%+ (per USGS).
- c. Hydrography: None on site; (Project approx. 200-feet from Lamb Creek per USGS NHD).
- d. Soils: Rock Outcrop-Rubble Land Complex.
- e. Vegetation: Some scattered trees on site.

D. Services:

- a. Water: Not applicable, the proposed project is for temporary placement of office trailers and does not involve installation of a water system.
- b. Sewer: Not applicable, the proposed project is for temporary placement of office trailers and does not involve installation of a sewage system and porta-johns will be utilized.
- c. Fire: The proposed project location is not located in an existing fire district.
- d. Electric/Utility: Avista
- e. School: Bonner School District #84

E. Comprehensive Plan, Zoning and Current Land Use:

Compass	Comp Plan	Zoning	Current Land Use & Density
Site	Rural Residential (5-10 AC)	Rural 10	Commercial Facility; temporary accessory structures
North	Rural Residential (5-10 AC)	Rural 10	Public Utility Facility (Cabinet Gorge Dam)
East	Rural Residential (5-10 AC)	Rural 10	Public utility facility; rail line
South	Rural Residential (5-10 AC)	Rural 10	Public utility facility; rail line
West	Rural Residential (5-10 AC)	Rural 10	Public utility facility; rail line

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.
- 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.

Applicant:

A. Applicant: "The Cabinet Gorge Dam Fishway Project is located on the left abutment of the Cabinet Gorge Dam. The 40' waterfront setback is unachievable for this site. The project area has minimal space for staging locations and placement of temporary trailer offices. The topography of the area is steep and adjacent to the reservoir, dirt access road, and railroad. The temporary agreement between Avista and Montana Rail Link does not allow for structures to be placed within 50' of the railroad tracks. The remainder of the site will be used as staging and access areas to store and offload materials to the thrustblock during construction of the cofferdam and fishway."

"The proposed location for the temporary office trailers is within the railroad right-of-way for which Avista has permission to utilize; however, due to space constraints for access, staging areas, construction of the Cabinet Gorge Dam Fishway, 50-ft railroad buffer, and location of utilities this is the only area where we can site these temporary office trailers for the duration of construction."

Staff: The conditions of this property and project are almost entirely unique. This property is directly adjacent to Cabinet Gorge Dam, an important public utility facility. The site is constrained in space and serves functions for both Avista and Montana Rail Link. Due to the space constraints on the site, the possibility of moving the temporary office structures to 40 feet from the water was evaluated and determined not to be possible.

B. Applicant: "The project area is small in size and electric and fiber is readily available at this location. The temporary agreement between Avista and Montana Rail Link does not allow for structures to be placed within 50' of the railroad."

Staff: Construction of Cabinet Gorge Dam began in 1951, well before any shoreline or zoning regulation in Bonner County. The site in question is highly constrained by the needs of important public utility facilities such as the dam and the rail line operations. The applicant did not create this situation.

C. Applicant: "The purpose of the temporary office trailers is to support construction of the Cabinet Gorge Dam Fishway (CGDF) Project. The design, construction, and operation of the CGDF is the culmination of a long-term collaborative process aimed at improving fish passage for Bull Trout, a species listed as "threatened" under the Endangered Species Act and Westslope Cutthroat Trout a "species of special concern" in Idaho and Montana.

The purpose of the CGDF project is to mitigate for the continuing effects of Cabinet Gorge Dam (FERC No. 2058) as an obstruction to upstream fish passage, to achieve the goal of connectivity, and increase the long-term population viability of native salmonids in the Lake Pend Oreille-Clark Fork River system (FERC Order, Article 406) through effective, safe, and timely upstream passage with the CGDF. These goals are accomplished through the continued implementation of the Clark Fork River Native Salmonid Restoration Plan (NSRP). The NSRP called for conducting experimental upstream passage of adult fish to test the feasibility of larger-scale programs and permanent fish passage facilities. Thus, Avista has been implementing an experimental upstream transport program and genetic testing of adult Bull Trout downstream of Cabinet Gorge Dam since 2001. Westslope Cutthroat Trout have also been captured downstream of Cabinet Gorge Dam and transported upstream to Cabinet Gorge Reservoir since 2015."

The project area is restricted to public access for security and public safety. The public can view the project from the Cabinet Gorge Dam public viewpoint across the Clark Fork River."

Staff: This project proposal is a rare occasion when not only is the proposal not in conflict with the public interest, but where the proposal is actually planned and intended to directly serve the public interest. Specifically this project is intended to facilitate fish passage around the Cabinet Gorge Dam, and to support healthy wildlife populations that are so valued in our community. The temporary office buildings under review in this proposal are a small but critical part of this valuable project.

G. Stormwater plan: A stormwater management plan was required pursuant to BCRC 12-720.2. An engineered stormwater plan was prepared and submitted as a component of this application.

H. Agency Review: The application was routed to agencies for comment on May 21, 2019. There was no response from any routed agency except for Idaho Department of Environmental Quality, who commented as follows:

The variance request is from Avista for four temporary construction trailers that will support contractors working on the fish passage project at the Clark Fork dam. I would say we support the variance request but have no technical or regulatory comments regarding the request to Bonner County planning dept.

I. Public Notice & Comments: No public comments have been received as of June 11, 2019.

Findings of Fact

1. This project proposal is for a temporary incursion by accessory buildings (temporary offices) into the standard 40-foot waterfront setback.
2. The purpose of this incursion is to facilitate a project to improve and protect environmental quality and wildlife populations, including populations of species listed as "threatened" under the Endangered Species Act and as "species of special concern" in Idaho and Montana.
3. Construction of Cabinet Gorge Dam began in 1951, before the existence of any zoning code or shoreline regulation in Bonner County.

Conclusions of Law:

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

Conclusion 1

This proposal was reviewed for compliance with the criteria and standards set forth in Bonner County Revised Code, Title 12, and variance criteria and standards set forth at Section 67-6516, Idaho Code.

Conclusion 2

An undue hardship **does** exist because of site characteristics, and special conditions and circumstances that are peculiar to the land, structure, or building involved.

Conclusion 3

Special conditions and circumstances **do not** result from the actions of the applicant.

Conclusion 4

The variance **is not** in conflict with the public interest.

Conditions of approval:

Standard permit conditions:

- 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.

Standard and site-specific conditions:

B-1 This variance is for a temporary incursion into the 40-foot waterfront setback. The approved incursion shall be entirely removed at the conclusion of this project.

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 V0008-19 – Front and Rear Yard Setback Variance – Scott and Susan French are requesting a 5-foot front and rear yard setback where 25-feet is required, for building a garage and home. The property starts at 68 feet in depth and varies through the property. The project is located off of Copper Bay Road in a portion of Section 9, Township 61 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: 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: Applicant Scott French explained this issue is caused because forest service borders two sides of their property.

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 V0008-19, requesting a variance from front and rear yard setbacks as shown on the site plan; finding that it is in accord with the Bonner County Revised Code as enumerated in the following conclusions of law. 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 written (or as amended). 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: The parcel is a 0.56 acre parcel. The applicant purchased the property in 1992, (Instrument 407383). In 2003, the applicant purchased a 0.23 acre parcel from the Forest Service (Instrument 635940). The property was combined through a lot line adjustment at Planning Department file # LS1667-10 and recorded at Instrument 800813.

B. Access: The property is accessed at the end of Copper Bay Road, a 30-ft wide gravel access road, recorded in Book 1 of Plats, Page 170, at Instrument 91288.

C. Environmental factors: The property slopes slightly on the Southwest portion of the lot gradually progressing in slope northeast towards Priest Lake. The flood plain slightly encroaches the property on the north side.

D. Services: Sewer is provided by the Granite-Reeder Water and Sewer District. Water is provided by individual well. Power is provided by Northern Lights and served by the West Priest Lake Fire Department.

E. Comprehensive Plan, Zoning and Current Land Use

Compass	Land Use	Zoning	Current Use
Site	Remote Ag/Forest	Forest 40 and Recreation	Residential 0.56 acres Home, garage, playhouse, boat docks
North			Priest Lake
East	Remote Ag/Forest	Recreation	Residential lots – less than 1.0 acre
South	Remote Ag/Forest	Recreation	Residential lots – less than 1.0 acre
West	Remote/Ag Forest	Forest 40	US National Forest

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 is multi-sided and very narrow. Meeting 25' setback on north property line would render lot unbuildable. The small triangular proposed variance at the southeast corner of the shop would help square up the shop on the irregular lot. The depth of the shop (42 feet) is really needed.

Staff: Considering both the slope map below there appears justification of pushing the garage and home to the southern portion of the property. Reviewing the plat map, it appears the varying width of the long lot with the front yard access being where the property is accessed from the road creates the challenge of the limiting the structures to the point there is nearly no buildable land on the property.

B. Special conditions and circumstances do not result from the actions of the applicant.

Applicant: *Applicant did recently split the property. But the understanding at the time of the split was that the lot in question would be buildable.*

Staff: The map is a part of the application for the land split that was ultimately approved by staff. Note that the challenge created by the lot is the access is from the east side of the lot making the entire east line a front yard setback and the opposite line being the rear yard making the entire west line the rear yard setback. If setbacks are to be observed, there would be about ten (10) feet of buildable land in the center of the property.

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. (Ord. 559, 1-4-2017)

Applicant: *There would be no safety hazard or conflict with public interest.*

Staff: There have been no public comments from any neighbor. Additionally, the applicant owns the land on the immediate neighboring parcel to the east. The applicant is thereby creating a situation that would affect his own lot. Comments from Road and Bridge indicating that the setback to the public right-of-way is further back than the five foot front yard setback as requested. This is accurate as the setback continues along the entire front property line

it moves away from the front line as the setback moves to the southern border.

G. Stormwater plan: A stormwater management plan will be required at time of permitting for building the structures.

H. Agency review: The application was routed to the follow agencies for comment on April 3, 2018:

Panhandle Health District	Granite Reeder Water and Sewer
Bonner County Road and Bridge	West Priest Lake Fire
Dept. of Lands, Nav. Waters	Forest Service
Northern Lights	West Bonner County School District #83
Dept. of Fish and Game	Dept. of Lands (Coolin)
Dept. of Env. Quality	

Road and Bridge Comments: Road & Bridge has no objections to the proposed setback. Copper Bay Rd is a privately maintained public road, and so the setback will not impact our operations. The proposed building location appears to be more than 5ft from the public ROW, giving a greater buffer than a 5ft setback might suggest.

All other agencies: No response or no comment.

I. Public comments: No comments received.

Conclusions of Law:

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

This proposal was reviewed for compliance with the criteria and standards set forth at 12-233 and 12-234, Bonner County Revised Code, and variance criteria and standards set forth at Section 67-6516, Idaho Code.

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)

Findings of Fact

1. The lot is 0.56 acres and is zoned Recreation.
2. The neighboring properties range in size from 0.15-acres to 1.8-acres.
3. The minor land division creating this lot was approved by the Board on November 6, 2018.
4. Water is provided by onsite well.
5. Sewer is provided by Granite-Reeder Water and Sewer District
6. Access is provided to the area by Copper Bay Road, a 30-foot gravel access road.
7. Property is accessed from the side creating a front and rear yard setback on the width of the property versus the length of the property.
8. There is sloping to steep slopes on the property pushing the home and garage to the upper end of the lot.

Conditions of approval:

Standard permit conditions:

A-1 The use shall be developed and shall be operated in accordance with the approved site plan.

A-2 At the time of Building Location Permit, the applicant shall concurrently submit a grading/stormwater management plan that is compliant with the criteria set forth in BCRC 12-7.2, et seq.

EXECUTIVE SESSION:

At 7:07 p.m., Commissioner Kempton moved to enter an Executive Session pursuant to Idaho Code §74-206(1)(a) to consider hiring. Commissioner Linscott seconded the motion.

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

The Chair resumed the public meeting at 8:00 p.m.

Commissioner Kempton moved to appoint Susan Martin and Jerilin TerBest as members to the Priest River sub-area committee. Commissioner Bailey seconded the motion.

VOTED upon and the Chair declared the motion carried 4-1. Commissioners Bailey, Bradish, Kempton, and Linscott voted in favor of the motion. Commissioner Glasoe voted in opposition of the motion.

OPEN LINE DISCUSSION:

Updating the Bonner County Comprehensive Plan. Discussion regarding sub-area committees.

Review/discussion regarding Bonner County Revised Code.

At 8:59 p.m., the Chair declared the hearing adjourned until July 18, 2019.

Respectfully submitted,


Milton Ollerton, Planning Director

The above Minutes are hereby approved this 18th day of July 2019.

Bonner County Planning and Zoning Commission


Don Davis, Chair