

**BONNER COUNTY PLANNING and ZONING COMMISSION  
PUBLIC HEARING MINUTES  
THURSDAY, NOVEMBER 19, 2020**

**PLEDGE OF ALLEGIANCE**

**CALL TO ORDER:** Chair Bailly 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, via Zoom webinar, and YouTube live streaming.

**PRESENT:** Commissioners Chair Brian Bailly; Vice Chair Matt Linscott; Don Davis; Taylor Bradish; Dave Frankenbach; Sheryl Reeve; and Suzanne Glasoe

**ABSENT:** None

**ALSO PRESENT:** Planning Director Milton Ollerton; Senior Planner Amanda DeLima; Administrative Manager Jeannie Welter; and Administrative Assistant III Elizabeth Jensen

**APPROVAL OF MINUTES:** The Chair requested the Commissioners declare if they had any corrections or changes to the approval of minutes as written for: November 10, 2020. Hearing no changes or objections, the Chair declared the minutes approved as written.

**PUBLIC HEARINGS:**

**AMENDMENT & ZONE CHANGE**

**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 AM0015-20 & ZC0011-20 – Comprehensive Plan Map Amendment and Zone Change – Bonner County** is initiating a Comprehensive Plan map amendment from Forest to Resort Community and a Zone Change from Forest 40 to Recreation. The project is located along the shoreline starting at North Horton Creek Rd and continuing on through to North Cape Horn Rd. in portions of Sections 21, 28, 27, and 34, Township 61 North, Range 4 West, Boise-Meridian.

**MOTION:** Commissioner Linscott moved to continue files AM0015-20 & ZC0011-20 to a date and time certain of December 3, 2020 at 5:30 p.m. at the Bonner County Admin Bldg. Commissioner Frankenbach seconded the motion.

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

**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 V0026-20 – Waterfront and Easement Setback Variance – Green Trust** is requesting a 20-foot waterfront setback, where 40-feet is required, and a 20-foot easement setback, where 25-feet is required to allow for the reconstruction of a ca. 1953 single family dwelling. The property is zoned Recreation. The project is located off Eastshore Road in Section 11, Township 60 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:** Senior Planner Amanda DeLima 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. Sewel & Associates stated the house was built in 1953 before setbacks were established in the county. He further stated the site plan is survey accurate. He stated the comment from Fish & Game has been addressed.

**PUBLIC/AGENCY TESTIMONY:** None.

**APPLICANT REBUTTAL:** None.

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

**MOTION:** Commissioner Davis moved to approve this project FILE V0026-20, requesting a 20-foot waterfront setback, where 40-feet is required, and a 20-foot easement setback, where 25-feet is required to allow for the reconstruction of a 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 Davis 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 amended, striking the word "Stormwater" in condition A-1. This action does not result in a taking of private property. Commissioner Reeve seconded the motion.

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

**Background:**

**A. Site data:**

- Residential
- Platted
- Size: 0.38
- Zone: Recreation
- Land Use: Remote Ag/Forest

**B. Access:**

- Access is provided by South Hunt Creek Road, a private, 30-foot wide road.

**C. Environmental factors:**

- Site does contain mapped slopes. (USGS)
- Site does not contain mapped wetlands. (USFWS)
- Site does contain frontage on Priest Lake
- Parcel is within SFHA Zone X and Zone AE, per FIRM Panel 16017C0225F, Effective Date 7/7/2014. A variance is not an application for development or development activity as defined in BCRC Title 14. Final determination of flood status and FDP requirements (if any) will be made at the time of BLP application for this project.

**D. Services:**

- Water: Lake water
- Sewage: Community "sewer" system
- Fire: None
- Power: Northern Lights
- School District: #83

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

Compass	Comp Plan	Zoning	Current Land Use & Density
Site	Remote Ag/Forest	Recreation	Single Family Dwelling
North	Remote Ag/Forest	Recreation	Single Family Dwelling
East	Remote Ag/Forest	Forest 40	State of Idaho
South	Remote Ag/Forest	Recreation	State of Idaho
West	Lake	Lake	n/a

**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: [Insert specific findings addressing each of the standards.]

**(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 site contains 29% slopes. In addition, the 40 foot lake setback, when combined with the 25 foot easement setback, results in a triangular building envelop that ranges in depth from zero feet to a maximum depth of about 18 feet. Consequently, this property has conditions that do not generally apply to larger lease lots that enjoy a more conventional building envelop."*

**Staff:** According to the applicant, a portion of the deck will project slightly into the setback to allow for safe access to the structure, as well as, a portion of the roof in order to mitigate stormwater runoff & snow. The applicant has no control over the topography of land or the size/shape of the platted lot which would cause these circumstances. These are not features other lots in the subdivision contain.

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

*Applicant: "The parcel was part of a state lease lot endowment program that was subsequently platted in 2013 (Book 10 of Plats, Page 159). The site was developed with the current residence ca. 1953 (Bonner County Assessor records). Bonner County setbacks were established beginning in 1980 (Ord. 140, et seq.). The landowner acquired the property 10/15/14 (Instrument 865520). Accordingly, the applicant did not create these special conditions and circumstances."*

**Staff:** The owners obtained the property on October 15, 2014 per instrument number 865520 and the lot was platted by the state in 2013. The triangular shape of the lot does 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: "The requested setback and "bulk" height variances do not conflict with the public's interest because of the limited nature of the requests. The project is restricted to a minimal increase in eave square footages, stairway access, and a roof height increase."*

**Staff:** The County provides for public comment from agencies and neighbors 300-feet from the subject parcel. No comments were received from agencies and two public comments in favor of the variance were submitted.

**G. 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.

#### H. Agency Review

The application was routed to agencies for comment on October 20, 2020.

Panhandle Health District	Dept. of Water Resources
Bonner County Road Dept.	Army Corps (Coeur d'Alene)
Northern Lights Utility Company	Fish and Wildlife Service
School District #83	Bonner County Schools -
Transportation	
Dept. of Fish and Game	Dept. of Lands (Sandpoint)
Dept. of Env. Quality	
Forest Service	

**No agencies responded.**

#### I. Public Notice & Comments

The following public comments were received:

*Chamberlain, Anne commented in favor on October 29, 2020.*

*Maris, Steven commented in favor on October 25, 2020.*

#### Findings of Fact

1. According to assessor's records, the property was developed with a single family dwelling built in 1953.
2. The subject property is located off of South Hunt Creek Rd on a 0.38 acre parcel in the Recreation zone.
3. The property has a land use designation of Remote Ag/Forest.
4. The owners obtained the property on October 15, 2014 per instrument number 865520.
5. The existing cabin was built prior to the applicants obtaining the property in 2014.
6. The property contains mapped slopes of 15%-29% grade.

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

#### Conditions of approval:

#### Standard permit conditions:

- A-1** A Grading/Erosion Control Plan shall be submitted at the time of Building Location Permit.

#### COMMISSIONER & STAFF UPDATES:

Covid19 update, staff reductions in effect.

Update regarding AM0011-20 and other amendment workshops coming in the near future.

Sub-area plan updates.

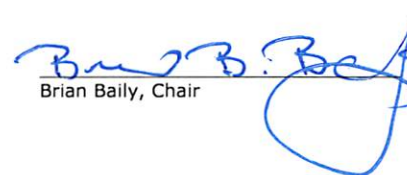
At 6:31 p.m., the Chair declared the hearing adjourned until December 3, 2020.

Respectfully submitted,

  
Milton Ollerton, Planning Director

The above Minutes are hereby approved this 3<sup>rd</sup> day of December 2020.

Bonner County Planning and Zoning Commission

  
Brian Baily, Chair