

**PLANNING DEPARTMENT  
PUBLIC HEARING DECISION MINUTES  
August 26, 2020**

**CALL TO ORDER:** Chair McDonald called the Bonner County Commissioners' hearing to order at 1:30 p.m. in the 3<sup>rd</sup> Floor Meeting Room, Suite 338 of the Bonner County Administration Building, 1500 Highway 2, Sandpoint, Idaho, via Zoom webinar, and YouTube live streaming.

**PRESENT:** Commissioners Chair Dan McDonald; Vice Chair Jeff Connolly; and Steve Bradshaw

**ABSENT:** None

**ALSO PRESENT:** Planning Director Milton Ollerton; Assistant Planning Director Josh Pilch; Administrative Manager Jeannie Welter; and Administrative Assistant III Maria Alexander

**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 V0012-20 – Appeal - Waterfront Setback Variance – Craig & Jill Looper** are requesting a 27' waterfront setback, where 40' is required, to allow a portion of a house and deck to be built in the setback. The property is zoned Recreation. The project is located off Bull Trout Road in Section 3, Township 60 North, Range 4 West, Boise-Meridian. At the public hearing on July 16, 2020 the Planning and Zoning Commission denied this file. On July 22, 2020, the Planning department received a written appeal, requesting this file be sent to the Board of County Commissioners to be heard de novo.

**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:** Assistant Planning Director Josh Pilch 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 Jill Looper submitted exhibit "A" (copy of the stormwater plan) and gave a brief summary of the project proposal. Dan Larson stated that he reviewed the project for the applicants.

**PUBLIC/AGENCY TESTIMONY:** The following individuals spoke on the record in opposition of the project: John Minnick and Greg Turner.

**APPLICANT REBUTTAL:** Applicant Craig Looper responded to public comments stating there is only one variance request.

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

**MOTION:** Commissioner Bradshaw moved to approve this project FILE V0012-20, a 27' waterfront setback, where 40' 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 Bradshaw 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 Connolly 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:**

- Single family home
- Platted
- Size: 0.98AC
- Zone: Recreational
- Land Use: Resort Community

**B. Access:**

- Bull Trout Rd.

**C. Environmental factors:**

- Site does contain mapped slopes. (USGS)
- Site does not contain mapped wetlands. (USFWS)
- Site does have frontage on lake

**D. Services:**

- Water: Existing lake water pump
- Sewage: Community Drain field
- Fire: Coolin Cavanaugh Bay fire District
- Power: Northern Lights
- School District: #83

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

Compass	Comp Plan	Zoning	Current Land Use & Density
Site	Resort Community	Recreational	Single family home
North	Resort Community	Recreational	Single family home
East	Resort Community	Recreational	Single family home
South	Resort Community	Recreational	Single family home
West	Resort Community	Recreational	Lake

**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.**

*Staff: The site has steep slopes and a large rock out croppings*

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

*Staff:* The applicants original home builder placed the foundation in the wrong place and the applicants have subsequently discovered he did extremely erroneous work and have incurred over \$150,000 in expenses directly attributed to the former general contractor (Including removal of previous cabin on the property, excavation, footings and foundation work), and for us to start over and/or fix the mess we Have been left with, it could cost upwards of an additional \$100,000 based on estimates received from other general contractors.

- (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.**

The proposal is not in conflict with public interest. The proposal aims at being compatible with the adjoining subdivision lots and design along the water front.

*Staff:* Based on the information provided staff finds nothing detrimental to the public health, safety, or welfare.

**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 June 15, 2020

Panhandle Health District Bonner County Road Dept. Coolin-Cavanagh bay fire district Fish and Wildlife Service Applicable School District #83 Dept. of Fish and Game Dept. of Env. Quality School District #83 Dept. of Lands, Nav. Waters	Dept. of Water Resources Army Corps (Coeur d'Alene) Northern lights Forest Service Bonner County Schools - Transportation Dept. of Lands (Sandpoint)
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**The following agencies commented:**

*Idaho fish and game  
Panhandle Health District  
Idaho department of water resources*

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

*DEQ - No Comment*

**All other agencies did not reply.**

**I. Public Notice & Comments**

The following public comments were received:

Danny and Michele Langsdorf - see the file  
Paul and Denise Schafer - see the file  
John and Patricia Turner - see the file

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**Findings of Fact**

1. The property does have steep slopes.
2. Issues with the foundation location are the fault of a third party.

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**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)

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**Conditions of approval:**

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**Standard permit conditions:**

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**A-1** A professional stormwater plan shall be filed with the Bonner County Planning Department prior to final inspection of Building Location Permit. The updated plan should show all of the current and proposed development including calculations for additional impervious runoff.

The Chair declared the hearing adjourned at 1:59 p.m.

Respectfully submitted, this 26<sup>th</sup> day of August 2020,



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Milton Ollerton, Planning Director