

**PLANNING DEPARTMENT  
PUBLIC HEARING DECISION MINUTES  
WEDNESDAY, APRIL 14, 2021**

**CALL TO ORDER:** Chair McDonald called the Bonner County Commissioners' hearing to order at 1:30 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 Dan McDonald; Vice Chair Steve Bradshaw; and Jeff Connolly

**ABSENT:** None

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

**CHANGE IN AGENDA:** The Chair stated a change in the agenda regarding file AM0018-20 & ZC0015-20 as there has been new information received by the applicant and the Department of Environmental Quality that has not been made available to the public. He stated in an effort to do our due diligence the information will be made public on our website and the file will be heard on April 28, 2021.

**PUBLIC HEARINGS:**

**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 ZC0001-21 - Zone Change - Rural-10 to Rural-5 - Carole Johnson** is requesting a zone change from Rural-10 to Rural-5. The comprehensive plan designation is Rural Residential. This 157.823-acre parcel is located off Blacktail Road and Butler Creek Spur Road in Section 17, Township 55 North, Range 2 West, Boise-Meridian. The Planning & Zoning Commission, at the regularly scheduled public hearing on March 4, 2021 recommended approval of this file to the Board of County Commissioners.

**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:** Director Ollerton presented a PowerPoint summary of the project and previously circulated staff report, concluding this project is consistent with Bonner County Comprehensive Plan and Bonner County Revised Code.

**APPLICANT PRESENTATION:** Project Representative Dan Provolt presented a brief summary of the project stating this project fits well within the community

**PUBLIC/AGENCY TESTIMONY:** The following individuals spoke on the record: Simon Clemens, Wayne Martin, Christina Griepsma, Holly Stewart

**APPLICANT REBUTTAL:** Mr. Provolt explained the process for better clarification. He provided further details of the project.

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

**MOTION:** Commissioner Connolly moved to approve this project, FILE ZC0001-21, requesting a zone change from Rural-10 to Rural-5, finding that it is in accord with the general and specific objectives of the Bonner County Comprehensive Plan and 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 Connolly further moved to adopt the following findings of fact and conclusions of law as written. This action does not result in a taking of private property. Commissioner Bradshaw seconded the motion.

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

**Zone Change Ordinance Motion (Roll Call Vote):**

**MOTION:** Commissioner Bradshaw moved to approve an Ordinance of Bonner County, Idaho, the number to be assigned, citing its authority, and providing for the amendment of the Official Zoning Map of Bonner County by the reclassification of lands located in Section 17, Township 55 North, Range 2 West, Boise Meridian, Bonner County, Idaho from Rural-10 to Rural-5, and providing for an effective date. Commissioner Bradshaw further moved to authorize the Chair to sign the official supplementary zoning map upon publication of the ordinance. Commissioner Connolly seconded the motion.

**ROLL CALL VOTE:**

Commissioner McDonald	AYE
Commissioner Connolly	AYE
Commissioner Bradshaw	AYE

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

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**Project Summary:**

The site is located off Butler Creek Spur and Blacktail Road in the Cocolalla area of Bonner County. The property is 157.823 acres, has slopes that vary up to 30% or greater, include mapped wetlands that follow Butler Creek as it passes through the property. There are no Special Flood Hazard Areas on site. The site has a

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Comprehensive Plan land use designation of Rural Residential and is currently zoned Rural-10. Abutting lands have a Comprehensive Plan land use designation of Rural Residential to the north, east, and south and a land use designation of Suburban Growth Area to the west. Those abutting lands are zoned Rural-5 to the north, Rural-10 to the east and south, and Suburban to the west. The site is also adjacent to land that has a Comprehensive Plan land use designation of Ag/Forest Land and zoning of Agricultural/Forest 20 to the southwest. Per Bonner County Assessor records the site is developed with a single family dwelling with an attached garage from 1976, a cabin from 2018, and multiple accessory structures from the 1970s and 1990s. There are no building permits, building location permits, or land use files (besides ZC0001-21) on file with the Bonner County Planning Department. The applicant is requesting a Zone Change from Rural-10 to Rural-5.

**Applicable Laws:**

The following sections of BCRC, Title 12, apply to this project:

- BCRC 12-210 et seq., - Title Amendments, Comprehensive Plan Amendments And Zone Changes
- BCRC 12-320.1 – Zoning districts and map designation, purpose
- BCRC 12-320.2 – Zoning districts and map designations established
- BCRC 12-323 – Rural District
- BCRC 12-7.2, et seq., Grading/erosion/stormwater management
- BCRC 12-800 et seq., Definitions

**Background:**

**A. Site data:**

- Use: Residential
- Unplatted
- Size: 157.823
- Zone: Rural-10
- Land Use: Rural Residential

**B. Access:**

- Butler Spur Creek
  - o Road Class: Local
  - o Road Owner: Bonner County
  - o County Maintained: Yes
- Blacktail Road
  - o Road Class: Local
  - o Road Owner: Bonner County
  - o County Maintained: Yes

**C. Environmental factors:**

- Site does contain mapped slopes. (USGS)
- Site does contain mapped wetlands. (USFWS)
- Site does contain waterfront or streams. (NHD)

- *The entire parcel is SFHA Zone X, per FIRM panel #16017C1175E, effective date 11/18/2009. No further flood review needed.*
- Soils -
  1. Sagle silt loam
    - 5-30% slopes
    - Not prime farmland
    - Somewhat poorly drained
  2. Treble-Rock outcrop association
    - 20-65% slopes
    - Not prime farmland
    - Well drained

**D. Services:**

- Water: Individual well
- Sewage: Individual septic
- Fire: Selkirk Fire District
- Power: Avista Utilities
- School District: Bonner School #84

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

Compass	Comp Plan	Zoning	Current Land Use & Density
Site	Rural Residential	Rural-10	Residential
North	Rural Residential	Rural-5	Vacant & Residential
East	Rural Residential	Rural-10	Vacant & Residential
South	Rural Residential	Rural-10	Vacant & Residential
West	Suburban Growth Area	Suburban	Vacant & Residential

**F. Standards review: Bonner County Revised Code**

- **12-215:** Applications for Zone Changes and Comprehensive Plan Map Amendments, Contents
  - A. The application was considered complete and routed to agencies accordingly.
- **12-216:** Evaluation of Amendment Proposals
  - A. Staff and the governing bodies shall review the particular facts and circumstances of each proposal submitted and shall determine whether there is adequate evidence that the proposal is in accordance with the general and specific objectives of the comprehensive plan. (Ord. 501, 11-18-2008)
- **Comprehensive Plan:**
  - o The Rural Residential area provides for residential development in areas where urban services are not available and slopes may vary up to 30%. These areas include hazard areas and critical wildlife habitats, where lower densities reduce potential impacts to resources and exposures to loss of property or lives. Small-scale agricultural uses and residential development are permitted.

- **Existing Zoning: BCRC 12-323 Rural District (Rural-10)**

A. The rural district is established to allow low density residential uses that are compatible with rural pursuits. The purpose can be accomplished by:

1. Limiting residential densities and permitted uses to those that are compatible with rural character and nearby resource production districts and sites and can be adequately supported by rural service levels.
2. Allowing small scale farming and forestry activities, and tourism and recreation uses that can be supported by rural service levels and are compatible with rural character.
3. Encouraging conservation development configurations that create permanent open space or farming areas, protect sensitive environmental features, reduce infrastructure costs and/or enhance recreational opportunities.

B. Use of this zone is appropriate in areas designated by the comprehensive plan as follows:

1. **R-10** in areas designated as rural residential in the comprehensive plan that meet one or more of the following criteria:
  - Characterized by slopes that are steeper than thirty percent (30%).
  - Located within critical wildlife habitat as identified by federal, state or local agencies.
  - Contain prime agricultural soils.
  - Served by a network of public and/or private roadways that generally do not meet applicable roadway standards set forth in title 2 (public roads) of this code of appendix A (private roads) of this title or are absent.
  - Within the floodway.
  - Contain limited access to public services.

- **Proposed Zoning: BCRC 12-323 Rural District (Rural-5)**

- o The proposal is to stay within the Rural zoning district but to rezone from Rural-10 to Rural-5.
- o BCRC 12-323(B): Use of this zone is appropriate in areas designated by the comprehensive plan as follows:
  - o BCRC 12-323(B)(2): **Rural-5** in areas designated rural residential in the comprehensive plan that are already developed at or near the one dwelling per five (5) acre density and/or do not meet the criteria for R-10 above.

**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 in section 12-809 of Title 12.

**H. Agency Review:** The application was routed to the following agencies and all taxing districts for comment on **February 02, 2021**.

Avista Utilities: no response  
Bonner County Road & Bridge Department: no response  
Burlington Northern Santa Fe: no response  
Idaho Department of Environmental Quality: no response  
Idaho Department of Lands – Navigable Waters: no response  
Idaho Department of Lands – Sandpoint: no response  
Idaho Department of Water Resources: no response  
Idaho Transportation Department – District I: no response  
Panhandle Health District: no comment  
Selkirk Fire District: No response  
Spirit Lake Fire District: no Comment  
U.S. Army Corp of Engineers: no response  
\*All Taxing Districts –  
Division of Aeronautics: no comment  
Independent Highway District: *This subject property is outside of the boundaries of the Independent Highway District.*  
Pend Oreille Hospital District: no comment

**I. Public Notice & Comments:** The application was routed to property owners within 300' of the subject property and posted in the newspaper on **March 16, 2021**. A summary of the public comments received are listed below.

Summary of Public Comments Received in Opposition of the Proposal

- The rezoning to 5 acre parcels would have a very detrimental effect on the character of the neighborhood.
- The increase in wells would deplete the aquifer.
- The increase in homes will chase away the wildlife.
- The increase in people will destroy the peace and quiet of the area.

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**Zone Change Findings of Fact**

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1. The entire 157.823 acre parcel is proposed to be rezoned from Rural-10 to Rural-5.
2. The site is developed with a single family dwelling with an attached garage from 1976, a cabin from 2018, and multiple accessory structures from the 1970s and 1990s per Bonner County Assessor Records.
3. No building permits, building location permits, or land use files except for this file ZC0001-21 are on record with the Bonner County Planning Department.
4. The existing parcel is designated Rural Residential in the Bonner County Comprehensive Plan.
5. The site is accessed off Butler Spur Creek and Blacktail Road, both local, Bonner County owned and maintained roads lying within public right-of-ways.
6. Parcels and lots adjacent to and within the vicinity of the subject property have Comprehensive Plan land use designations of Rural Residential, Ag/Forest Land, and Suburban Growth Area along with zoning districts of Rural-5, Rural-10, Agricultural/Forestry-20, and Suburban. These parcels and lots are a mix of residential development and vacant properties.

7. The site is served by individual septic, individual well, Avista Utilities, and the Selkirk Fire District.
8. The site has mapped steep slopes of 15-29% and 30% or greater.
9. The site has mapped riverine wetlands per the NWI dataset.
10. Butler Creek, a perennial river, runs through the property.

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**Zone Change Conclusions of Law:**

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

**Conclusion 1**

The proposal is in accord with the following elements of the Bonner County Comprehensive Plan:

Property Rights	Population	School Facilities, Transportation
Community Design	Implementation	Economic Development
Land Use	Natural Resources	Hazardous Areas
Public Services	Transportation	Recreation
Special Areas or Sites	Housing	Agriculture

**Conclusion 2**

This proposal was reviewed for compliance with Title 12, Bonner County Revised Code, and was found to be in compliance.

**Conclusion 3**

The proposal is in accord with the purpose of the RURAL-5 zoning district, provided at Chapter 3, Title 12, Bonner County Revised Code.

**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 V0031-20 - Appeal – Street Setback Variance – Angle of Repose LLC** are requesting a 5' street setback, where 25' is required to place a single family dwelling on a .496 acre parcel. The property is zoned Rural 10. The project is located off W. Shoreline Lane in Section 29, Township 57 North, Range 1 West, Boise-Meridian. The Planning & Zoning Commission, at the regularly scheduled public hearing on January 21, 2021 approved this project. On February 19, 2021, the Planning Department received an appeal requesting this file be forwarded to the Board of County Commissioners for consideration.

**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:** Director Ollerton presented a summary of the project and previously circulated staff report, concluding this project is consistent with Bonner County Revised Code.

**APPLICANT PRESENTATION:** Project Representative Jeremy Grimm presented a PowerPoint summary of the project and information pertaining to homes in the surrounding area. He gave a brief history of the Sourdough Point subdivision. He stated the applicants have been trying to work with the HOA to resolve issues relating to this project.

**PUBLIC/AGENCY TESTIMONY:** Darrell H, Steve Lowary, Joanne Tose, Jim Meato, and Jeff Keck presented a PDF presentation stating the issues the HOA has pertaining to this project and some history of the area.

Patrick Ferrick and Michele Keck spoke on the record in opposition of the project.

**APPLICANT REBUTTAL:** Mr. Grimm stated the building envelope has to be determined before the actual structure can be determined.

**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 V0031-20, affirming the decision of the Planning Commission to allow a 5-foot street setback, where 25-feet is required to construct 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 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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**Project summary:**

The applicants are seeking a street setback variance to construct a single family dwelling across two vacant lots. The property is located off of West Shoreline Rd in Sagle in the Sourdough Point area. The parcel of land contains mapped slopes of 30% or greater gradient and fronts Lake Pend Oreille.

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**Applicable laws:**

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The following sections of BCRC, Title 12, apply to this project:

- BCRC 12-222, Application, contents
- BCRC 12-231, Variances, general provisions, application, standards, procedures
- BCRC 12-234, Variance standards
- BCRC 12-400, et seq., Development standards
- BCRC 12-232, Rural District
- BCRC 12-7.2, et seq., Grading/erosion/stormwater management

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**Background:**

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**A. Site data:**

- Residential
- Sourdough Point Amended Plat, Lots 16 & 17
- Size: ±0.5 acres
- Zone: Rural - 10
- Land Use: Rural Residential (5-10 AC)

**B. Access:**

- The project site is located off of W. Shoreline Lane, a private, gravel easement.

**C. Environmental factors:**

- Site does contain mapped slopes. (USGS)
- Site does not contain mapped wetlands. (USFWS)
- Site does contain frontage on Lake Pend Oreille.
- Per Jason Johnson, CFM: Parcel is within SFHA Zone X and AE, per FIRM Panel 16017C0750E, Effective Date 11/18/2009. Per site plan, project site is proposed to be within SFHA Zone X. A variance does not, by itself, approve development as defined in BCRC Title 14. Any development will require additional flood review at time of application.

**D. Services:**

- Water: Sourdough Point Association
- Sewage: Bottle Bay Recreational Water & Sewer District
- Fire: Selkirk Fire
- Power: Avista
- School District: #84

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

Compass	Comp Plan	Zoning	Current Land Use & Density
Site	Resort Community (<=2.5 AC)	Rural - 10	Vacant Land
North	Resort Community (<=2.5 AC)	Rural - 10	Vacant Land
East	n/a	n/a	Lake
South	Resort Community (<=2.5 AC)	Rural - 10	Residential/Recreational Access
West	Resort Community (<=2.5 AC)	Rural - 10	Residential

**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 has excessive slopes that prevent a structure from meeting the existing setback requirements. We seek to build a single family home on the west, relatively flat, part of the lot adjacent to the W Shoreline Land, and would need a 5ft variance to accommodate the structure. If variance is not granted, the lot would not be buildable."*

**Staff:** The property contains mapped slopes ranging from 15% to >30% in some areas. Photos provided with the applicant's narrative statement demonstrates the slope of the property in relation to other properties in the same area.

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

*Applicant: "Existing Conditions. The applicants have taken no actions with respect to the parcel."*

**Staff:** The applicants did not create the parcel shape or orientation. The slope is a natural feature of the area.

- (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: "Approval of this Variance will not result in a potential obstruction of public access, and will not cause a safety hazard. No effect on adjoining land uses (single family residences). W Shoreline Lane is an unpaved, single lane, dead end, local road."*

**Staff:** The county routes to local agencies and adjoining properties within 300-feet of the subject parcel for public comment. Public comments were received from neighboring properties in strong objection of the variance proposal due to safety issues regarding access. According to comments received the following main points were brought up regarding the safety issues revolving around a structure being built 5-feet from the edge of the road's right of way:

- Bottle Bay Recreational Water & Sewer District (BBRWSD) expressed concern about the variance as there is a 5 foot easement on either side of the road.
- BBRWSD reviewed concerns over the placing of sewer on this property and advised the applicant contact them sooner than later on detailing the solutions for sewer hookups on the property.
- The public expressed concerns in their appeal showing standards had not been adequately met. The comments include lots in the same are with similar topography. The comments indicate the applicant need to work with the Homeowner's Association to come to an agreement and solution. Finally the concern of putting the home on the property in this fashion may prove harmful to folks using the roadway. The concern for snow storage along the roadway could inhibit the traffics ability to navigate the roadway in winter.

**G. Stormwater plan:** A stormwater management plan was not required, pursuant to BCRC 12-720.3(k). Should this request be approved, **Condition A-1** has been added which requires a stormwater plan be submitted at the time of Building Location Permit.

**H. Agency Review:** The application was routed to agencies for comment on December 22, 2020.

Panhandle Health District	Idaho Department of Water Resources
Bottle Bay Sewer & Water District	Bonner County Road Department
Selkirk Fire District	U.S. Army Corps (Coeur d'Alene)
Avista Utility Company	Idaho Department of Environmental Quality
School District #84	Bonner County Schools - Transportation
Idaho Department of Lands (Sandpoint)	

**The following agencies commented:**

Bottle Bay Recreational Water & Sewer District (BBRWSD) commented with concerns about the proposal.

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

Road & Bridge commented that the road is private and not in the county's jurisdiction. Panhandle Health District replied no comment. Department of Environmental Quality replied no comment.

**All other agencies did not reply.**

**I. Public Notice & Comments**

Public comments in opposition to this request were received. Staff has compiled these comments into main bullet points that address the standards of BCRC. These are a summary of comments made from adjacent landowners.

- The entire subdivision is built on sloped topography. Conditions apply to this property that apply to other properties in the same vicinity. The setback should be enforced.
- Public comments suggest that the applicants have not provided adequate information to justify the statement that the lot "is not buildable" without a variance. The proposal does not result in the structure being built on flat ground but rather, half of the structure is still being built on a steep grade. With this connection, comments state that this request appears to be based on financial issues and not buildability.
- Of the 66 homes built in the subdivision, 65 are in full compliance with the code. Virtually all of the properties in the area feature slope and rock formations, but these challenges can be mitigated with careful design and planning. This site is no different. There is no hardship.
- The lower portion of the lot is not so sloped. The applicant made no attempt to address access that is available to them from the lower lot. An access easement is in place and could be used.
- Many comments were made about easement access to the lower portion of the lot.
- This request does not demonstrate why the lot is uniquely not buildable. They do not meet all the standards and the request should be denied.
- All other comments go into depth about the safety issues around placing a structure 5-feet from the ROW. Those comments were summarized above under Condition C.

**Appeal Received:**

- (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.**

**Appellant:** The applicant's statement only provided a comparison of the slope ranges to neighboring lots. This was misleading since there are other properties within the same vicinity and zone that have similar topography slope conditions as Lot 17.

**Staff:** Reviewing the topo maps below and the applicant's topo map of the specific property, one can conclude that slope and topography apply to many properties around the area and even the County. However, each property is affected uniquely by the arrangement of property lines, lot size, interaction with roadways and slope. Some properties the slope may push the best building pad closer to the water's edge while other, the building pad is pushed to property lines or is even able to remain in the middle. The property shown in these maps is difficult to access because the lot lines are off. However a review of the included topo map by the applicant shows that if the cul-de-sac in the easement (shown on the neighbor's property) were moved over, there is a building envelope closer to the roadway without being too impacted by the slope.

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

**Appellant:** Special conditions do result from the actions of the applicant. The Angle of Repose has not responded to our appeal to work with the Sourdough Point Owners Association (SPOA) to develop a solution that meets Angle of Repose's goals and is acceptable to Sourdough. SPOA's Architectural Review Committee (ARC) has repeatedly reached out to the Angle of Repose offering to work together for the common good through email and finally by sending a registered letter.

When an issue arises within our Association our first response is to sit down and work toward a solution that is satisfactory for all players. This neighbor-to-neighbor approach has enabled SPOA to successfully resolve every issue to date. We have not had to rely on a government agency or legal recourse to solve our problems. We ask that the County Commissioners do not make a decision on the Variance request but table it and ask that SPOA and the Angle of Repose meet and to see if we can come to a mutually agreeable solution.

**Staff:** Sourdough Point was platted in 1961 as shown below. Further changes were made to lots 16 and 17 shown in the included lot line adjustment approved in 1984. The applicant purchased the property on Jan. 28, 2021 as shown in Inst# 975349. The County does not enforce CC&R's created for homeowners associations.

**(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.**

**Appellant:** The setback variance distance from property line requires consensus by applicant and SPOA working to meet mutual needs of home building, snow storage, safety et al, after which such mutually agreed variance request is then applied for by applicant with Bonner County. This requires full cooperation by Angle of Repose in engaging SPOA Architectural Committee with first providing a home & site plan to allow meeting exchange(s) to reach manageable setback variance recommendation. This approach would demonstrate consensus between applicant & SPOA for favorable review by Bonner County.

**Staff:** The road easement in the lot line adjustment drawing above shows a 50 foot road easement. Snow storage from road clearing should remain in the easement. There should be no impacts to the property from snow removal. The normal purpose of front yard setbacks is to accommodate off street parking. The ordinance requires two (2) off street parking spaces for a single family dwelling (BCRC 12-432). The applicant shows a total of three (3) off street parking spaces on the property.

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### **Findings of Fact**

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1. The subject parcel is unique with the short distance before the slope increases to greater than 15%.
2. The property is zoned Recreation.
3. The parcel fronts Lake Pend Oreille.
4. The amended plat of lots 16 & 17 of Sourdough Point Subdivision was recorded in 1984.
5. The property features Dufort-rock outcrop complex soils, a well-drained soil type according to NRCS.
6. The structure is proposed to be built in SFHA Zone X.

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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** At the time of permitting the applicant shall submit a Stormwater/Grading/Erosion plan.

**A-2** At the time of permitting the applicant shall submit a geotech analysis on the property per BCRC 12-761, 762.

The Chair declared the hearing adjourned at 3:15 p.m.

Respectfully submitted, this 23<sup>rd</sup> day of June 2021,



Milton Ollerton, Planning Director