

**BONNER COUNTY PLANNING and ZONING COMMISSION  
PUBLIC HEARING MINUTES  
THURSDAY, JANUARY 21, 2021**

**PLEDGE OF ALLEGIANCE**

**CALL TO ORDER:** Chair Bailey 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 Bailey; Vice Chair Matt Linscott; Don Davis; Taylor Bradish; Dave Frankenbach; and Sheryl Reeve

**ABSENT:** Suzanne Glasoe

**ALSO PRESENT:** Planning Director Milton Ollerton; Assistant Planning Director Josh Pilch; Senior Planner Amanda DeLima; Planner II Halee Sabourin; Planner II Tessa Vogel; Administrative Manager Jeannie Welter; and Administrative Assistant III Jenna Mickelson

**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: January 7, 2021. Hearing no changes or objections, the Chair declared the minutes approved as written.

**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 V0027-20 – Easement Setback Variance – Mike Baldwin** is requesting a zero (0) foot road easement setback where twenty-five (25) feet is required for a single family dwelling and garage with a five (5) foot property line setback where ten (10) feet is required. This is due to both the topography of the lot and the location of the road which includes a sixty (60) foot easement. The property is a five (5) acre lot and is zoned Rural-10. The project is located off Forever View in Section 12, Township 56 North, Range 2 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 Michael Baldwin submitted exhibits C,D,E,F, photos of property, and answered questions from the commission about the slope of the property.

**PUBLIC/AGENCY TESTIMONY:** The following individuals spoke on the record in giving no opposition to the project: Ethan McEvily and Dan Vincent

**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 V0027-20 for a zero (0) foot road easement setback where twenty-five (25) feet is required for a single family dwelling and garage with a five (5) foot property line setback where ten (10) feet is required for a garage 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 Davis 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:**

- Parcel Area: 5.0 acres
- Use: Residential
- Zone: Rural-10
- Land Use Designation: Rural Residential

**B. Access:**

- Forever View Lane
  - i. Owner: Bonner County (public)
  - ii. Road Class: Private
  - iii. Surface Type: Pavement

**C. Environmental factors:**

- Floodplain: SFHA X
  - i. Per FEMA 16017C0950E
- Soil Type(s): Pend Orelle Silt Loam, 5 To 45 Percent Slopes

- i. Not Prime Farmland
- ii. Well Drained
- Slopes: 30% and above
- Wetlands: None

**D. Services:**

- Water: Individual Well
- Sewage: Individual septic system with drain field
- Fire: Selkirk Fire
- Power: Avista

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

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

**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 building envelope of this lot is limited for a few reasons. Forever View road splits the lot in half and the west end of lot slopes downhill making it unbuildable with a 30' easement and 25' setback there's no room to build resulting in an undue hardship.

**STAFF:** Per the County map, the slope is identified as greater than 30%. The road does split the property in half as shown. The included plat map also shows where the road fits on the far side of the easement where the slope is the most level.

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

**Applicant:** With the help of Comstock Engineering we made more area to build on but are still limited because of topography of lot.

**STAFF:** The applicant did not create the topography or arrangement of lots on the ground.

- (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:** Granting this exception for the setback would not give me any additional privileges to this lot. It would allow me to build a structure though, I can't see any change in access for anyone living above or below this lot, on either Forever View road or Eden View.

**STAFF:** There have been no agency comments on this file, excepting Road and Bridge stating that this a private road. There have been no comments from the public on this file as of the date of the staff report.

**G. Stormwater plan:** A stormwater management plan was required and completed for the building location permit, pursuant to BCRC 12-721.2(B). A geotech analysis was also completed with the BLP.

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

- Road and Bridge responded with no comment as the road is a private road.
- DEQ – No comments
- PHD – No comments
- US Forest – No reply
- Selkirk Fire – No reply
- IDL (Sandpoint) – No reply
- Bonner County Schools Transportation - No reply

**I. Public Notice & Comments:** The application was routed to neighbors within 300 feet of the subject property for comment on **December 22, 2020.** As of the date of this report, No comments have been received.

**Findings of Fact**

1. This proposal was reviewed for compliance with the criteria and standards set forth in BCRC 12-234 Variances, Standards for Review of Applications, and BCRC 12-400, et seq., Density and Dimensional Standards.
2. The subject property is 5.0 acres located in the Rural-10 Zone.
3. The subject property is accessed off Forever View Road, a privately maintained road.
4. The property has slopes of 30+% over most of the property.

5. The applicants purchased the property in 2020 per the warranty deed under Instrument #960218.
6. The property was divided in 2003 and amended in 2004. The applicant did not participate in the division of land.
7. The site is to be served by an individual septic system, individual well, Selkirk Fire, and Avista.
8. The proposed single family dwelling and detached garage will both abut the edge of the road easement. The garage will also have a five foot property line setback.
9. The proposed project does not appear to impact the public interest once the location of the structures are verified through a stamped survey.

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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** Before building location permit approval, the applicant shall submit a stamped site plan by a licensed surveyor showing the structures are out of the easement.

**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 V0028-20 – Street Setback Variance – Laurie and Tammy Arndt** are requesting a 16.5’ street setback where 25’ is required to allow for the construction of a patio cover on a 0.74 acre lot. The property is zoned Recreation. The project is located off Kalispell Bay Road and Lucky Trail in Section 12, Township 60 North, Range 5 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 Tessa Vogel 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:** Applicant Tammy Arndt spoke that she didn’t know that the patio cover required a permit, and thanked the Commission for the chance to speak.

**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 Davis moved to approve this project FILE V0028-20, a variance for a 16.5’ street setback where 25’ is required to allow for the construction of a covered porch, 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, amending Conclusion 2, special conditions and circumstances do not result from the actions of the applicant. 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 Frankenbach 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:**

- Residential
- Platted; Lot 3 of Hills Lots
- Size: 0.74 acres
- Zone: Recreation

- Land Use: Resort Community

**B. Access:**

- Access is provided off Lucky Trail, a private road located within a 50' wide public right-of-way.

**C. Environmental factors:**

- Site does not contain mapped slopes. (USGS)
- Site does not contain mapped wetlands. (USFWS)
- Site does not contain a river/stream/frontage on lake
- Per Jason Johnson, CFM, "Parcel is within SFHA Zone X, per FIRM Panel 16017C0200F, Effective Date 7/7/2014. No further floodplain review is required on this proposal."

**D. Services:**

- Water: Hills Lots Water System
- Sewage: Kalispell Bay Sewer & Water
- Fire: West Priest Lake Fire
- Power: Northern Lights, Inc.

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

Compass	Comp Plan	Zoning	Current Land Use & Density
Site	Resort Community	Recreation	Residential
North	Resort Community	Recreation	Residential
East	Resort Community	Recreation	Residential
South	Resort Community	Recreation	Residential
West	Resort Community	Recreation	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:

- (d) 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 angle of Kalispell Bay Road is more of an offset than Lucky Trail.

**Staff:** The existing home is located closer to Kalispell Bay Road than to Lucky Trail. The partially completed porch cover is located between the existing home and Kalispell Bay Road.

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

**Applicant:** The lot is a triangle.

**Staff:** Though the lot is triangular, the applicants developed the property through building location permit 2018-0310. Construction of the porch was stopped when Bonner County compliance inspector Brian Evans discovered that the porch was built without a permit out of compliance with the approved street setback when inspecting the accessory structure the applicants had permitted with Bonner County. The intent of the permit process is to ensure setbacks are met prior to construction.

- (f) 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 patio cover is not near any other lots or public right of way. There is still room for snow removal off of Kalispell Bay Road.

**Staff:** The proposed addition of the covered porch is located below Kalispell Bay Road. While the setback is being encroached upon, the structure is not encroaching onto the roadway itself, but sitting below it.

**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 **December 22, 2020**.

**Bonner County Road & Bridge Department:** no response

**Hills Lots Water System:** *I have reviewed the above-named application and have no objection. Approval of this application will have no adverse impact on the present or future expansion of the Hill's Lots Water System. Personally, being very familiar with the Arndt cabin and this variance request, I see no adverse impacts to any of the agencies asked to review and comment on this application; and therefore recommended approval of the application.*

**Idaho Department of Environmental Quality:** *DEQ has no environmental impact comments for project V0028-20.*

**Idaho Department of Lands (Coolin):** no response

**Idaho Department of Water Resources:** no response

**Kalispell Bay Sewer & Water:**

**Northern Lights, Inc.:** no response

**Panhandle Health District:** No comment

**West Priest Lake Fire District:** no response

**I. Public Notice & Comments**

The application was routed to property owners within 300’ of the subject property for comment on **December 22, 2020**.

Two public comments in support of granting the variance were received.

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**Findings of Fact**

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1. This proposal was reviewed for compliance with the criteria and standards set forth in BCRC 12-234 Variance, Standards for Review of Applications, and BCRC 12-400, et seq., Density and Dimensional Standards.
2. The subject property is the 0.74 acre Lot 3 of the Hills Lots subdivision and is located in the Recreation district and has a comprehensive plan designation of Resort Community.
3. The project is located off Lucky Trail, a private road located within a 50' wide public right-of-way.
4. The site does not contain any slopes, wetlands, or surface water.
5. Per Bonner County Assessor records, there is a dwelling on site from 2018.
6. Per Bonner County Planning records, there are two (2) building location permits on file that the applicants applied for - BLP2018-0310 for a single family dwelling and BLP2020-0820 for an accessory building.
7. The applicants obtained the property in 2015 per the warranty deeds under Instrument #870462, #870463, and #870464.
8. The applicants did not create the configuration of the lot nor the placement of Kalispell Bay Road or Lucky Trail.
9. The applicants did place the single family dwelling in its current location.
10. The applicants are proposing a covered porch that will encroach on the 25' street setback of Kalispell Bay Road.

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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** Only the development highlighted on the site plan has been reviewed for variance standards. All other development shown must comply with Bonner County Revised Code.

**A-2** At time of building location permit, all required documents, including the approved site plan from file V0028-20, shall be submitted to the Bonner County Planning Department for review and approval.

**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 – 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.

**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 not consistent with Bonner County Revised Code.

**APPLICANT PRESENTATION:** Project Representative Jeremy Grimm presented a powerpoint presentation stating the uniqueness of the property. Project Representative Thomas Puckett stated the property has been for sale for a long time due to the difficulty to build. He further stated the homeowners have no access to the lower easement along the waterline. He stated water and sewer lines located under the driveway is common practice and should not be an issue. Applicant Jolanta Wysocka stated they enjoy the property and want to retire there.

**PUBLIC/AGENCY TESTIMONY:** The following individuals spoke on the record regarding sewer, road safety issues, and property values: Will Valentine, Daryl Heirewdt, Patrick Ferrick, and Ken Meyers.

**APPLICANT REBUTTAL:** Mr. Grimm responded to public comments related to home placement on the property, and architectural review.

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

**MOTION TO APPROVE:** Commissioner Linscott move to approve this project FILE V0031-20, 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 Linscott further moved to adopt the following findings of fact and conclusions of law, amending condition A-1 to state a stormwater management plan is required. 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 Frankenbach seconded the motion.

**VOTED** upon and the Chair declared the motion passed with a vote of 3-2. Commissioners Linscott, Bradish, and Frankenbach voted in favor of the motion. Commissioners Davis and Reeve voted in opposition the motion.

**Background:**

**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 required 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.

Though the applicant provided this evidence, public comments received indicates that slope is not a unique feature of this subdivision. The applicant did not specifically enumerate why the lot would not be buildable without this variance.

- (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:

- According to the Bottle Bay Recreational Water & Sewer District (BBRWSD), the "force main" water line has an easement 5 feet on either side in which no permanent structures may be placed. With the building only 5' from the ROW, there is the risk that if the driveway is concrete the water line could be compromised.
- There are health and safety requirements sited by BBRWSD that are basic requirements for service hook up. According the district, approval of such a variance may hinder accessibility to the service area required by the District & DEQ.
- Impaired/inadequate exit visibility.
- Issues will arise during site prep for construction. Setbacks are in place so that parking and circulation happens on one's property, not on the roadway.
- No place for stormwater run-off. Safety concerns regarding water run-off and the foundation of the house.
- This is a private road maintained by the Sourdough Point Homeowner's Association. The plans do not provide adequate parking. Parking in the ROW is a safety concern and not allowed.
- Parking vehicles on the road is unacceptable as emergency vehicles could be significantly hindered.
- The road is a narrow one lane road and placing a structure 5-feet from the ROW would make plowing, grading, and maintenance very difficult.
- Currently, the road ends at the subject property where a turnaround is located for maintenance and emergency vehicles. This variance would significantly impair the flow of traffic in that area, and furthermore, will create a bottleneck for future expansion of the road to the lots beyond the subject parcel.

- Nearly all of the properties have steep driveways to access homes built on the slope. The turnaround fronting the subject parcel is used by everyone to make access to properties in the subdivision easier, whether for service deliveries or emergency access; the proposed structure's proximity to the road is a safety issue for everyone.
- There is reasonable use of this property without granting of this variance. The applicant has not demonstrated that all options have been exhausted such as, securing access to the lower easement where the property is not so steep.

**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.

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#### **Findings of Fact**

1. The subject parcel and other properties in the same zone and vicinity feature slopes 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:**

**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 Management Plan.

**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 V0033-20 – Waterfront Setback Variance – Rexford Wait** is requesting a 10' waterfront setback where 40' is required to allow for the construction of a 44' x 44' overhead shelter for a 1939 J3 Cub on straight floats on a 2.21 acre parcel. The property is zoned Rural-10. The project is located off Martin Place in Section 5, Township 56 North, Range 1 East, Boise-Meridian.

**CONFLICT OF INTEREST/DISCLOSURE DECLARATIONS:** The Chair requested the Commissioners declare any conflicts of interest or disclosures. Commissioner Davis recused himself from this project stating he resides on a neighboring property. The Chair stated there were no additional disclosures or conflicts for this file.

**STAFF PRESENTATION:** Planner II Tessa Vogel 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 V0033-20, a variance for a 10' waterfront setback where 40' is required to allow for the construction of a 44'x44' overhead shelter for a 1939 J3 cub on straight floats, 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 amending Condition A-3, a storm water management plan shall be submitted at time of building location permit. 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 Frankenbach seconded the motion.



**VOTED UPON:** Commissioner Bailey after stepping down from the chair, declared the motion carried with a vote of 3-2. Commissioners Linscott, Frankenbach, and Bailey voted in favor of the motion. Commissioners Reeve and Bradish moved in opposition of the motion.

**Background:**

**A. Site data:**

- Residential
- Unplatted
- Size: 2.21 acres
- Zone: Rural-10
- Land Use: Rural Residential

**B. Access:**

- Access is provided off Martin Place, a private, 20' wide gravel road.

**C. Environmental factors:**

- Site does contain mapped slopes of 15-29% in grade. (USGS)
- Site does not contain mapped wetlands. (USFWS)
- Site does front on Lake Pend Oreille.
- Per Halee Sabourin, CFM: "Parcel partially in SFHA Zone AE. Entire project site is in SFHA Zone X, per FIRM Panel #16017C1000E, Effective Date 11/18/2009. No further flood review needed."

**D. Services:**

- Water: Individual Well
- Sewage: Individual Septic
- Fire: Selkirk Fire District
- Power: Northern Lights, Inc.

**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-10	Undeveloped raw land for 260' to property line.
East	Lake Pend Oreille		
South	Rural Residential	Rural-10	600 SF primitive lake cabin on property (circa 1945).
West	Rural Residential	Rural-10	Undeveloped raw land to a deeded access road 220' away from the property 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.**

**Applicant:** This shelter is for a 1939 Piper J3 Cub on straight floats. There is an existing rail system permitted with the COR that is 110' in length. Two limitations exist. First to the south is a 12.5' setback to a side property line. Then as you extend a 40' water setback and shift the structure north; an entire new launch system would be deployed at over 230' in length, to the original high water mark. A launch system of this length is impractical for an aircraft of this type, if the COR would even permit it. There are no facilities on the lake for retrieval and winter storage of float only aircraft. It is made of fabric and can not be stored outside in the winter for snow and weather loads. Boats have retrieval and storage around the lake for the same reason above, also boat covers are permitted, but a wingspan exceeds this exemption. This aircraft is operated under FAA Part 91 operations VFR only, for recreation.

**Staff:** The subject property already has the rail system in place for the float plane.

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

**Applicant:** No special conditions result from the actions described above. I am just adapting the usable topography and structure; and use the existing launch rails to allow this aircraft to be covered in the winter. Any boat in the lake is permitted the same treatment, and for the same reason, but they have an exemption for boat covers that will actually cover the boat. The wingspan and tail length prevent the use of this exemption. All other aircraft around the lake were granted the same variance for the identical reason. Thank you for your consideration of this request.

**Staff:** The applicant obtained the subject property in 2010 per the warranty deed under Instrument #788754 and the applicant did not create the configuration of the parcel nor the structures or rail system that exist.

- (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:** There will be no change in zoning, and it is consistent with any present and future land uses. It will not impact public access or adjoining property of the required setbacks to others in any adverse way. This will encourage recreational uses in the Lake which is a mandate. This cover creates no noise, vibration, smells, light pollution, safety hazard, or any other known impacts to my thoughtful neighborhood. My neighbors support aviation as

most people do in Northern Idaho. We do miss however the Bird Museum and the aircraft flying out! It was an icon and sincerely missed. This aircraft was from his collection and is being brought back to Martin Bay where it belongs!

**Staff:** The covered structure for the applicant's float plane is not proposing to encroach on the neighboring property lines nor any roads. The variance request is to allow for the covered structure to be placed near the water with the existing rail system instead of having to extend said rail system to a longer length.

### 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 **December 22, 2020**.

**Bonner County Road & Bridge Department:** no response

**Idaho Department of Environmental Quality:** *DEQ has no environmental comments for project V0033-20.*

**Idaho Department of Lands (navigable waters & Sandpoint):** no response

**Idaho Department of Water Resources:** no response

**Northern Lights, Inc.:** no response

**Panhandle Health District:** no response

**Selkirk Fire District:** no response

**U.S. Army Corps of Engineers:** no response

### I. Public Notice & Comments

The application was routed to property owners within 300' of the subject property for comment on **December 22, 2020**.

#### Summary of Public Comments Received

- It seems that the rail system will need to be moved in order for it to be centered with the proposed 44'x44' shelter which would require a permit from the U.S. Army Corps of Engineers and that being the case the shelter might as well be located on the north portion of the property where it appears that the shoreline setback can be met.
- The parcel is over 2 acres in size and triangular in shape. Most development of the site, including the proposed shelter, is on the south half of the lot. The shelter could be located on the north half of the parcel since the rail system has to be relocated anyway. If it were on the north half of the parcel it appears that the 40' setback could be met.
- The unknown element not divulged in the application is the location of the septic system. If the sept system does not preclude building on the north half of the parcel it appears the variance request does result from the proposed actions of the applicant.

- The applicant does not address the effects of placing an aircraft shelter only 10' from the ordinary high water mark. At 10' upland from summer pool, the proposed shelter will be within the 100 year floodplain. Storage of a plane with aircraft fuels and lubricants is not in the public interest. The 40' setback is in place to protect shorelines from undue erosion, sediment transport and stormwater runoff entering the waterbody carrying contaminants. It appears there is ample room on the parcel to position a shelter so that a shoreline variance is not needed.

#### Staff Response to Public Comments Received

Per the application the rail track is not proposed to be moved to be centered with the proposed 44'x44' covered shelter. If the proposed shelter were to be moved north from its proposed location to meet the 40' waterfront setback, the proposed structure approximately 7' away from the roadway on the property per the site plan which could potentially cause issues of snow storage in the roadway and the existing railway track would have to be increased from 110' in length to 230' in length. As the public comment received stated, this is a triangular lot and as such, if the proposed structure were to be moved north, it would potentially encroach on the required 10' property line setback to the south, requiring a variance. Other factors besides the location of the septic system contribute to special conditions and circumstances that do not result from the actions of the applicant such as the placement of the roadway, existing structures, the existing rail track, and the size and shape of the parcel which are all contributing factors in the limitations of the location of the proposed structure. Per Bonner County CFM, Halee Sabourin, the parcel is partially in the Special Flood Hazard Area (AFHA) Zone AE (floodplain) but the entire project site is in SFHA Zone X (not a floodplain) and no further flood review is needed on this project. The proposed project will not be within a floodplain, but if it were, a floodplain development permit would be required to ensure that the structure meets FEMA regulations. No agencies who were routed in regards to this project commented with concerns as well.

#### Findings of Fact

1. The subject property is an unplatted 2.21 acre parcel located in the Rural-10 district and has a comprehensive plan designation of Rural Residential.
2. The property is developed with a single family dwelling from the 1940s, a residential shed from the 1990s, and a rail system for float planes and boats per Bonner County Assessor records.
3. No building permits or building location permits are on file with the Bonner County Planning Department for the EXISTING structures.
4. The applicant applied for a building location permit, BLP2020-1037, for the proposed covered structure for the storage of the float plane.
5. Martin Place is a private, 20' wide gravel road.

6. Per Halee Sabourin, CFM: *The parcel is partially in SFHA Zone AE. The entire project site is in SFHA Zone X, per FIRM panel #16017C1000E, effective date 11/18/2009. No further flood review is needed.*
7. The site does not contain wetlands, but the site does contain slopes of 15-29% in grade and also fronts along Lake Pend Oreille.
8. The applicant is requesting to build a 44'x44' covered structure with a 10' waterfront setback where 40' is required for Lake Pend Oreille.
9. The applicant obtained the property in 2010 per the warrant deed under Instrument ##788754, recorded March 4, 2010.
10. The applicant did not create the configuration of the parcel nor did they place the existing structures in their location.
11. The site is served by individual septic, individual well, Selkirk Fire District, and Northern Lights, Inc.
12. The track is existing and the proposed cover's location is required in order for it to be used for its purpose.

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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** Only the development highlighted on the site plan has been reviewed for variance standards. All other development shown must comply with Bonner County Revised Code.

- A-2** At time of building location permit, all required documents, including the approved site plan from file V0033-20, shall be submitted to the Bonner County Planning Department for review and approval.

- A-3** A Storm Water Management Plan shall be submitted at time of building location permit and temporary erosion control measures shall be installed prior to any ground disturbing activities.

**AMMENDMENT & 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 AM0017-20/ZC0013-20 - Comprehensive Plan Amendment & Zone Change- Chase Bennett** is requesting a Comprehensive Plan Amendment from Rural Residential 5-10 to Resort Community, and a zone change from Rural-5 to Recreation. The 11.3 acre property is zoned Rural-5. The project is located off Mandy Lane in Section 19, 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:** Planner II Halee Sabourin 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 Travis Haller stated the property better fits within the designations of resort community and recreation. He further stated that most of surrounding the property are smaller lots. Applicant Chase Bennett stated he wants to be able to pass down the land to his children.

**PUBLIC/AGENCY TESTIMONY:** The following individuals spoke on the record regarding the impacts on wildlife, plants, logging, and road conditions: Tim Vorpai, William Richard Batdorf, Kristine Logue, Candice Curtis, Fred Lund, and Scott Olin.

**APPLICANT REBUTTAL:** Mr. Haller stated a majority of the properties in the area are less than 5 acre parcels. He commented water/well usage. He further stated that the property owner did not log the whole property.

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

**MOTION TO RECOMMEND APPROVAL:** Commissioner Davis moved to recommend approval to the Board of County Commissioners on this project, FILE

AM0017-20, requesting a comprehensive plan amendment from Rural Residential to Resort Community, 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 Davis further moved to adopt the following findings of fact and conclusions of law striking Findings of Fact #1. This action does not result in a taking of private property. Commissioner Linscott seconded the motion.

**VOTED** upon and the Chair declared the motion carried. Commissioners Davis, Bradish, Linscott, and Frankenbach and voted in favor of the motion. Commissioner Reeve voted in opposition of the motion.

**MOTION TO RECOMMEND APPROVAL:** Commissioner Linscott moved to recommend approval to the Board of County Commissioners on this project, FILE ZC0013-20, requesting a zone change from Rural-5 to Recreation, based upon the following conclusions, 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 Linscott further moved to adopt the following findings of fact and conclusions of law striking Findings of Fact #1. This action does not result in a taking of private property. Commissioner Frankenbach seconded the motion.

**VOTED** upon and the Chair declared the motion carried. Commissioners Davis, Bradish, Linscott, and Frankenbach and voted in favor of the motion. Commissioner Reeve voted in opposition of the motion.

**Background:**

**A. Site data:**

- Use: Vacant
- Unplatted
- Size: 11.3 acres
- Zone: Rural - 5
- Land Use: Rural Residential 5-10

**B. Access:**

- Mandy Lane, a public, privately maintained R-O-W, and Reeder Tracts Road, a private, platted easement.

**C. Environmental factors:**

- Site does contain mapped slopes. (USGS)
- Site does contain mapped wetlands. (USFWS)
- Site does contain a stream. (NHD)
- Entire parcel is SFHA Zone D, per FIRM Panel #16017C0125F, Effective Date 7/7/2014. No further flood review needed.
- Soil:
  - Majority

- Classification: Not prime farmland
- Type: Complex
- Drainage: Well drained
- Around Creek
  - Classification: Not prime farmland
  - Type: Complex
  - Drainage: Moderately well drained

**D. Services:**

- Water: Granite Reeder Water (Potential)
- Sewage: Granite Reeder Sewer (Potential)
- Fire: West Priest Lake Fire
- Power: Northern Lights Inc.
- School District: Bonner School #83

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

Compass	Comp Plan	Zoning	Current Land Use & Density
Site	Rural Residential (5-10 AC)	Rural-5	Vacant
North	Rural Residential (5-10 AC)	Rural-5	Vacant/Residential
East	Rural Residential (5-10 AC)	Rural-5	Residential
South	Resort Community (<=2.5 AC)/ Rural Residential (5-10 AC)	Recreation/Rural-5	Residential
West	Rural Residential (5-10 AC)	Rural-5	Vacant/Residential

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

- **12-215:** Applications for Zone Changes and Comprehensive Plan Map Amendments, Contents
  - The application was considered complete and routed to agencies accordingly.
- **12-216:** Evaluation of Amendment Proposals
  - 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)
- **Existing Comprehensive Plan Designation:**
  - 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.

- **Proposed Comprehensive Plan Designation:**
  - The Resort Community provides for urban-like densities for areas centered around the recreational areas developed for winter and water sports, golf and hiking, where urban services are provided.
- **Existing Zone Ordinance:**
  - 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 or appendix A (private roads) of this title or are absent.
    - Within the floodway.
    - Contain limited access to public services.
  - R-5 in areas designated rural residential in the comprehensive plan that are already developed at or near the one dwelling unit per five (5) acre density and/or do not meet the criteria for R-10 above.
- **Proposed Zone Ordinance:**
  - Land is physically suitable to accommodate a broad range of residential and recreational uses.
  - Sites are served by adequate sewage disposal service, water supply, roads and other needed public facilities and services.

**G. Agency Review:** The application was routed to agencies for comment on December 4, 2020.

<i>Bonner County Schools – Transportation</i>	<i>Idaho Department of Water Resources</i>
<i>Idaho Department of Fish and Game</i>	<i>Bonner County Road Department</i>
<i>Idaho Department of Environmental Quality</i>	<i>U.S. Army Corps (Coeur d’Alene)</i>
<i>Idaho Department of Lands (Sandpoint)</i>	<i>U.S. Fish and Wildlife Service</i>
<i>(All Taxing Districts)</i>	

**The following agencies replied “No Comment”:**

*Division of Aeronautics  
City of Clark Fork*

**All other agencies did not reply.**

## **H. Public Notice & Comments**

The following public comments were received:

Concerns regarding impacts to wildlife, wetlands, water, quality of life, character of the area, location, traffic, and recreation were addressed in the comment provided.

Staff has determined that the aspects addressed do not address how these concerns are supported by the ordinance, zoning characteristics, or comprehensive plan characteristics that these applications and procedures are limited to.

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### **Comprehensive Plan Amendment Findings of Fact**

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1. Wetlands and shorelands have required standards in our ordinance to ensure future development does not negatively affect these areas
2. Publicly owned and accessible marina in the near vicinity
3. Provided preliminary will serve letter for urban water and sewer
4. Slopes in the vicinity are predominately under 15% with little area above 15% but below 30%.
5. Not in the vicinity of a Wildlife Management Area as designated by Idaho Fish and Game.
6. Soil classifications state “not prime agricultural”
7. In proximity to county owned and maintained roads.
8. If subdividing occurs in the future, the applicable road standards will apply to ensure adequate roads.
9. No flood hazard zones per FEMA
10. Within West Priest Lake fire district
11. Most parcels surrounding are below five acres and the subject property abuts a recreation zone.
12. Groupings of residential areas connected by county maintained roads in the near vicinity.
13. Current access off Mandy Lane a County Road.

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### **Comprehensive Plan Amendment Conclusions of Law:**

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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

Conclusion 2

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

Conclusion 3

The proposal **is** in accord with the Recreational Land Use Designation.

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**Zone Change Findings of Fact**

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1. Wetlands and shorelands have required standards in our ordinance to ensure future development does not negatively affect these areas
2. Publicly owned and accessible marina in the near vicinity
3. Provided preliminary will serve letter for urban water and sewer
4. Slopes in the vicinity are predominately under 15% with little area above 15% but below 30%.
5. Not in the vicinity of a Wildlife Management Area as designated by Idaho Fish and Game.
6. Soil classifications state "not prime agricultural"
7. In proximity to county owned and maintained roads.
8. If subdividing occurs in the future, the applicable road standards will apply to ensure adequate roads.
9. No flood hazard zones per FEMA
10. Within West Priest Lake fire district
11. Most parcels surrounding are below five acres and the subject property abuts a recreation zone.
12. Groupings of residential areas connected by county maintained roads in the near Vicinity.

13. Current access off Mandy Lane a County Road.

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**Zone Change Conclusions of Law:**

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**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

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 [PROPOSED] zoning district, provided at Chapter 3, Title 12, Bonner County Revised Code.

**COMMISSIONER & STAFF UPDATES:**

Planning Director Milton Ollerton discussed and reviewed the upcoming Subdivision Ordinance.

At 10:40 p.m., the Chair declared the hearing adjourned until February 4, 2021.

Respectfully submitted,

  
Milton Ollerton, Planning Director

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The above Minutes are hereby approved this 4<sup>th</sup> day of February, 2021.

Bonner County Planning and Zoning Commission

  
Brian Bailey, Chair