

**BONNER COUNTY ZONING COMMISSION  
PUBLIC HEARING MINUTES  
THURSDAY APRIL 21, 2022**

**PLEDGE OF ALLEGIANCE**

**CALL TO ORDER:** Chair Marble called the Bonner County 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 Jacob Marble; Vice Chair Matt Linscott; Frank Wakeley; and Luke Webster

**ABSENT:** None

**ALSO PRESENT:** Planning Director Milton Ollerton; Assistant Planning Director Jacob Gabell; Planner I Tyson Lewis; Planner I Chad Chambers; Planner I Daniel Britt; Administrative Assistant III Janna Berard

**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.

**CHANGES IN AGENDA:** A Motion was made by Commissioner Linscott to remove File ZC0004-22 from the agenda. Commissioner Wakeley seconded.

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

**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 April 7, 2022. Hearing no changes or objections, the Chair declared the minutes approved as written.

**PUBLIC HEARINGS:**

**File V0031-21 – Variance – Street Setback.** The applicant is requesting a 0’ street setback where 25’ is required to construct a single-family home with an attached garage. The subject property is a 0.48-acre platted lot and is zoned Suburban. The project is located off Granite Ridge Drive and Granite Ridge Road East in a portion of Section 3, Township 57 North, Range 2 West, Boise-Meridian.

**CONFLICT OF INTEREST/DISCLOSURE DECLARATIONS:** The Chair requested the Commissioners declare any conflicts of interest or disclosures. Commissioner Linscott stated he is currently working with Whiskey Rock Consulting on a land use project but has no affiliation with this file. Commissioner Marble visited the site today. The Chair noted that there were no other disclosures or conflicts.

**STAFF PRESENTATION:** Planner I Chad Chambers presented a PowerPoint summary of the project and previously circulated staff report, concluding this project is not consistent with Bonner County Revised Code.

**APPLICANT REPRESENTATION:** Jeremy Grimm, Whiskey Rock Consulting presented a PowerPoint (Exhibit A) presenting the plans for the property and examples of similar projects.

**APPLICANT PRESENTATION:** The applicant, John Cranney, presented his development plans using the whiteboard to demonstrate.

**PUBLIC/AGENCY TESTIMONY:** The following members of the public spoke on the record: Laird Perry; Robin Campbell; and Dan Whimberly.

**APPLICANT REBUTTAL:** John Cranney responded to public comment.

**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 V0031-21, requesting a 0’ street setback where 25’ is required to construct a single family home with an attached 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 findings of fact and conclusions of law as set forth in the Staff Report and as amended during this hearing and direct planning staff to draft written findings and conclusions to reflect this motion, have the Chairman sign, and transmit to all interested parties. This action does not result in a taking of private property. The action that could be taken to obtain the variance is to complete the Conditions of Approval as adopted.

Commissioner Webster seconded the Motion.

Commissioner Linscott	Aye
Commissioner Webster	Aye
Commissioner Wakeley	Aye
Commissioner Marble	Aye

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

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**Findings of Fact**

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1. The subject property is situated in the Suburban zoning district and in the Suburban Growth Area comprehensive land use plan designation.
2. The property contains no mapped wetlands, rivers, or other stream systems, but does contain mapped slopes 30% or greater in grade.
3. The property is afforded fire protection by the Northside Fire District.

- 4. The applicant's project representative has provided examples of other properties deviating from the required 25' street setback nearby the subject property in the same zone/vicinity.
- 5. Dwelling units south of the subject property are built on the eastern side of the property and are accessed via Granite Ridge Road East.

**Conclusions of Law:**

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

Conclusion 1

Conditions apply to the property that **do not** apply generally to other properties in the same zone or vicinity, which conditions are a result of lot size, shape, topography, or other circumstances over which the applicant has no control.

Conclusion 2

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

Conclusion 3

The granting of the variance **is not** in conflict with the public interest in that it **will not** be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity of the subject parcel or lot. (Ord. 559, 1-4-2017)

**Conditions of approval:**

- 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 The project shall not supersede any deed restrictions on the property.

**Background:**

**A. Site data:**

- 0.48-acre lot
- Zone: Suburban
- Land Use: Suburban Growth Area

**B. Access:**

- The property is accessed by Granite Ridge Drive and Granite Ridge Road East – both are not County owned nor maintained.

**B. Environmental factors:**

- Site does contain mapped slopes. (USGS)
- Site does not contain mapped wetlands. (USFWS)
- Site does not contain a river/stream/frontage on lake

- ABS: Entire parcel is SFHA Zone X per FIRM Panels #16017C0705E and 16017C0710E, Effective Date 11/18/2009. No further flood review needed.

**D. Services:**

- Water: City of Sandpoint
- Sewage: Individual septic system
- Fire: Northside Fire
- Power: Avista Utilities
- School District: Lake Pend Oreille District #84

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

Compass	Comp Plan	Zoning	Current Land Use & Density
Site	Suburban Growth Area	Suburban	Currently vacant
North	Suburban Growth Area	Suburban	Residential
East	Suburban Growth Area	Suburban	Residential
South	Suburban Growth Area	Suburban	Residential
West	Suburban Growth Area	Suburban	BNSF ROW

**F. Standards review**

BCRC 12-234 specifies: Staff, the commission and/or board shall review the particular facts and circumstances of each proposal submitted and shall find adequate evidence showing that:

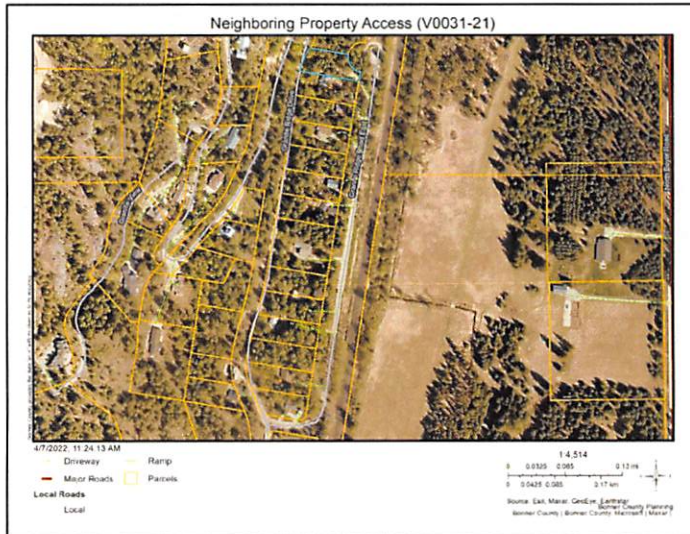
- (a) **Conditions apply to the property that do not apply generally to other properties in the same zone or vicinity, which conditions are a result of lot size, shape, topography, or other circumstances over which the applicant has no control.**

*Applicant: "The slope of the lot is such that the driveways accessing the bottom (east) of the lot must access the lot at angles which encroach into the adjacent lot to the south and within the right-of-way with no appropriate ingress/egress easements. The owner has little control over the future of these two driveways and readjusting them would prove difficult due to the steep slope leading down to Granite Ridge Road East and nearby utilities in the right of way near the bottom of the lot. The top (west) of the lot has a historical driveway that was present when the owner purchased the lot that provides sufficient access from Granite Ridge Drive that is not encroaching upon a neighboring lot and is thus desired as the primary access for this lot. This driveway currently does not provide ingress/egress to the adjacent lot to the north, Lot 17A. This driveway is suited close to the western edge of the lot and pushing the house further westerly is desired to better utilize said driveway.*

*In addition, to limit the removal of mature trees near the center of the lot the applicant desires to situate the home as far west as possible. These trees*

help provide an important buffer to the nearby train right-of-way and help stabilize the slope of the lot.”

**Staff:** The steep slopes on-site do not result from the actions of the applicant. Other properties in the vicinity are subject to the same conditions; that is, the natural slope being steep does generally apply to properties in the vicinity in which the subject property is situated. The project representative has provided examples of other properties in the same zone that have been granted street setbacks due to the steep topography of the area, but this is not true to properties that are located south of the subject property; nearly all homes south of the subject property are built on the eastern part of the property and are accessed via Granite Ridge Road East.



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

*Applicant: "The owners' actions have not resulted in these special conditions and circumstances. The constraints for this variance are due to the natural topography of the area."*

**Staff:** Most of the property contains mapped slopes above 30% grade (or greater). The natural topography of the property does not result from the actions of the applicant. The request for the variance (and proposed building site) does, however, result from the actions of the applicant.

**(c) The granting of the variance is not in conflict with the public interest in that it will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity of the subject parcel or lot.**

*Applicant: "Granting this 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. Lastly, this proposal is in-line with setbacks in the neighborhood. A number of homes in the area have been required to be placed close to the right-of-way as shown in the attached site photos. Further, there is adequate room between the Granite Ridge Drive road surface and the property line so that placing this structure up to 0' from the property line will not impact road conditions. As shown on the site plan there is between approximately 25' and 40' of space between the road surface and property line which would contribute about 2,000 square feet of snow storage area."*

**Staff:** The applicant's project representative has submitted evidence to affirm claims of other properties have been granted a street setback deviation in the vicinity where the property is located. However, the Independent Highway District did comment twice, indicating that 1) no snow storage shall be permitted in the right of way, and 2) the angle of intersection into the road (given its location to the switchback), will be potentially dangerous for other drivers using Granite Ridge Drive.

**G. Stormwater plan**

A stormwater management plan is required pursuant to BCRC 12-720.2, if the application is approved by the Zoning Commission.

**H. Agency Review**

The application was routed to agencies for comment on February 25, 2022.

Panhandle Health District	Idaho Department of Water Resources
Northside Fire District	Bonner County Road Department
Avista Utilities	U.S. Fish and Wildlife Service
Lake Pend Oreille School District #84	Idaho Department of Lands (Sandpoint)
Bonner County Schools – Transportation	BNSF Railway
Idaho Department of Fish and Game	U.S. Forest Service
Idaho Department of Environmental Quality	Independent Highway District
Area of City Impact: Sandpoint	

**The following agencies commented:**

**Bonner County Road & Bridge, rec'd Feb. 25, 2022**

"Road & Bridge has no comments. The subject property is within the jurisdiction of the Independent Highway District."

**Independent Highway District, rec'd Mar. 2, 2022**

"This project may be helped by this change but the request causes other issues.

The change may cause the following:

The approach angle to the road can cause sight issues by allowing entering to the road at less than 90 degrees. Snow may be plowed onto the driveway by snow removal equipment; this is due to the driveway's angle to the roadway.

Snow from the driveway also needs to be kept on the property, not placed onto the ROW.

These items need to be addressed."

**Independent Highway District – Chairman Bailey, rec'd April 4, 2022**

- *Note: the following represents only an excerpt from the letter. See letter for details.*

"Approving this variance would cause problems for snow plowing during the winter months. The Granite Ridge area receives more snow than the valley area below. Snow may be plowed onto the driveway due to the driveway's downward angle to the road. The 0 foot setback limits where the home owner can plow their own snow from their driveway. Property owner's driveway snow can has to remain on their property and not be placed in the right-of-way.

Driving safety is a concern with sight issues caused by a driveway entering the Granite Ridge Road close to the entrance/exit from a steep 180 degree hairpin turn...this variance, if approved, will increase the cost of plowing snow on this mountain road and add to the hazards for everyone driving on this steep mountain road."

**Idaho Department of Environmental Quality, rec'd April 6, 2022**

"DEQ has no environmental impact comments for the project list above at this stage of the project."

**All other agencies did not reply.**

**I. Public Notice & Comments**

Eight public comments were received in opposition to the variance request. These comments raised concerns over the following: Snow removal and storage, aesthetics, safety, and CC&Rs.

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**Staff analysis:**

Staff concluded this project **IS NOT** consistent with Bonner County Revised Code based upon the staff analysis contained the standards review portion of this staff report.

Staff determined the variance request will 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, based on the Independent Highway Districts agency comments and comments received from the Edelweiss Village HOA responsible for the maintenance of Granite Ridge Dr and Granite Ridge Road East.

**File CUP0027-21 – Conditional Use Permit – Hidden Meadow RV Park.**

The applicant is requesting an eleven site RV park. The property is zoned Agricultural/forestry-10. The project is located off Tower Road in Section 1, Township 54 North, Range 3 West, Boise-Meridian.

**CONFLICT OF INTEREST/DISCLOSURE DECLARATIONS:** The Chair requested the Commissioners declare any conflicts of interest or disclosures. Cha Marble visited the site today. The Chair noted that there were no other disclosures or conflicts.

**STAFF PRESENTATION:** Assistant Planning Director Jacob Gabell presented a PowerPoint summary of the project and previously circulated staff report, concluding this project is consistent with Bonner County Revised Code.

**APPLICANT PRESENTATION:** Steve Brown presented his plan for the RV Park.

**PUBLIC/AGENCY TESTIMONY:** The following members of the public spoke on the record: Jeremy Grimm

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

**MOTION TO APPROVE:** Commissioner Webster moved to approve this project file CUP0027-21, requesting a conditional use permit to operate an eleven site RV Park, 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 Webster further moved to adopt the findings of fact and conclusions of law as set forth in the Staff Report as amended during this hearing and direct planning staff to draft written findings and conclusions to reflect this motion, have the Chairman sign, and transmit to all interested parties. This action does not result in a taking of private property. With the conditions of approval A-1 through A10, and strike Condition B1.

Commissioner Webster seconded the Motion.

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

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**Findings of Fact**

1. The subject property is accessed by Tower Road, a 30 foot wide graveled private easement; and a proposed 40 foot wide private easement.

2. The subject property is served by Selkirk Fire, Rescue & EMS, shared wells and septic, and Northern Lights Inc.
3. The proposed subject property is 10.49 acres in size is has a land use designation of Ag/Forest Land and is zoned Agricultural/Forestry-10.
4. The subject property has no delineated wetlands, minimal mapped slope, no open water sources and is not in a FEMA designated special flood hazard area.
5. The proposed subject property is currently vacant.
6. The application has been reviewed against the required standards of BCRC Title 12 with conditions added to ensure full compliance with the code.

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**Conclusions of Law:**

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

Conclusion 1

The proposed conditional use permit **is** in accord with 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 the criteria and standards set forth at BCRC Title 12, Subchapter 2.2; Title 12, Chapter 4; the environmental standards of Title 12, Chapter 7; and storm water management criteria and standards set forth in Title 12, Chapter 7, Bonner County Revised Code.

Conclusion 3

The proposed use **will not** create a hazard or will not be dangerous to persons on or adjacent to the property.

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**Conditions of approval:**

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**Standard continuing permit conditions. To be met for the life of the use:**

- A-1.** The use shall be developed and shall be operated in accordance with the approved site plan.
- A-2.** The Conditional Use Permit shall not supersede deed restrictions.
- A-3.** All county setbacks shall be met.
- A-4.** The Conditional Use Permit shall expire if not issued within two (2) calendar years from the date of approval, or once issued, if the use has not

commenced within two (2) calendar years from the date of issuance. At any time prior to the expiration date of the Conditional Use Permit, the applicant may make a written request to the Planning Director for an extension of the Conditional Use Permit for a period up to two (2) years. The Planning and Zoning Commission may consider such request for extension at any public hearing. The extension request must be approved or denied prior to the expiration date of the Conditional Use Permit.

- A-5.** The applicant shall install, prior to ground disturbing activities, all temporary erosion control measures as designed and approved. The applicant shall provide to the Planning Department prior to ground disturbing activities a signed statement from the project engineer or design professional stating that these measures have been installed as per the design specifications as approved. The applicant shall install upon completing ground disturbing activities and shall maintain thereafter all permanent erosion control and stormwater management measures as designed and approved. The applicant shall provide to the Planning Department upon completing ground disturbing activities a signed statement from the project engineer or design professional stating that these measures have been installed as per the design specifications as approved.
- A-6.** The applicant shall comply with all Selkirk Fire, Rescue & EMS requirements pertaining to fire suppression and fire risk mitigation associated with the proposed RV sites.
- A-7.** Building location permits shall be obtained prior to development of the property, permits shall be obtained for: each sign erected on the premises (shall comply with BCRC 12-4.4), the proposed storage shed, and for the RV sites.
- A-8.** The applicant shall submit proof of approval of the proposed water system by the Idaho Department of Environmental Quality.
- A-9.** The applicant shall submit to the Bonner County Planning Department an issued septic permit from Panhandle Health, and the applicant shall install the necessary sewage disposal system according to Panhandle Health guidelines.
- A-10.** Tower Road and RV Park access shall be constructed to private road standards per BCRC Title 12, Appendix A, Private Road Standards Manual. Written proof shall be submitted to the Bonner County Planning Department.

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**Condition to be met prior to issuance of the permit:**

~~(Removed during the hearing) **B-1** — The applicants shall submit an updated site plan that is in accordance with BCRC 12-222 (I) and a vicinity map in accordance with 12-222 (K).~~

**Removed from the agenda**

~~File ZC0004-22 Zone Change Halstead. The applicant is requesting a zone change from A/F-20 to A/F-10 for a 20-acre parcel on Bobcat Lane. The property is zoned Ag/Forestry-20 with a comp plan designation of Ag/Forest-10-20. The project is located off Bobcat Lane in Section 17, Township 58 North, Range 1 East, Boise Meridian.~~

Chair Marble called for a Recess at 7:23 p.m.

The Chair resumed the Hearing at 7:29 p.m.

**File MOD0001-22 Modification of CUP0006-20 – The Idaho Club North Lake PUD.** The applicant is requesting to modify an approved conditional use permit for a large-scale mixed use planned unit development (PUD) for the following: 1) Combining the three 10,000 sq ft boat storage units into one 30,000 sq ft unit. 2) Relocating the community drain field and 3) relocating 33 and adding 5 parking spaces. The modification is limited to these specific items. The property is zoned Recreation. The project is located off N. Park Rd. and Highway 200 in Section 16/17, Township 57 North, Range 1 East, Boise-Meridian.

**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 REPRESENTATION:** Scott Brown, Sewell and Associates, presented a history and summary of the project.

**PUBLIC/AGENCY TESTIMONY:** The following members of the public spoke on the record: Brad Smith; Don Holland; George Gerigh; and Whitney Palmer.

**APPLICANT REBUTTAL:** Scott Brown, Sewell and Associates, spoke in response to public comment.

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

**MOTION TO RECOMMEND APPROVAL:** Commissioner Webster moved to recommend approval to the Board of County Commissioners on this project FILE MOD0001-22 Modification of the approved file CUP0006-20 Idaho Club North Lake PUD 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 Webster further moved to adopt the findings of fact and conclusions of law as set forth in the Staff Report (or as amended during this hearing) and direct planning staff to draft written findings and conclusions to reflect

this motion, have the Chairman sign, and transmit to all interested parties. This action does not result in a taking of private property.

Commissioner Linscott Seconded the Motion

Commissioner Linscott Aye  
Commissioner Webster Aye  
Commissioner Wakeley Nay  
Commissioner Marble Aye

**VOTED** upon and the Chair declared the motion carried, 3-1.

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**Findings of Fact**

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7. The boat storage was originally approved for three (3) 10,000 square foot buildings. The modification will combine the three buildings into one 30,000 square foot structure.
8. The new boat storage building will decrease impervious surface a total of 3,060 square feet.
9. The decrease and combining of impervious surfaces will improve the ability to address stormwater accumulation and treatment.
10. The approved community drain field is relocating 300 feet to the south and an additional 160 feet from the artificial ordinary high water mark.
11. 38 spaces approved along the railroad tracks are trading location with a portion of open space next to Lot 5 of the proposed subdivision.
12. All other conditions of the original approval remain in effect.

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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

The proposed modification is in accordance with the requirements for the original permit application.

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**Conditions of approval:**

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**Standard continuing permit conditions. To be met for the life of the use:**

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

- A-2** The modifications shall be tied to the issuance of the original PUD and follow its approval and expiration dates.
- A-3** The applicant shall install prior to ground disturbing activities all temporary erosion control measures as designed and approved. The applicant shall provide to the Planning Department prior to ground disturbing activities a signed statement from the project engineer or design professional stating that these measures have been installed as per the design specifications as approved. The applicant shall install upon completing ground disturbing activities and shall maintain thereafter all permanent erosion control and stormwater management measures as designed and approved. The applicant shall provide to the Planning Department upon completing ground disturbing activities a signed statement from the project engineer or design professional stating that these measures have been installed as per the design specifications as approved.
- A-4** Include maintenance of the stormwater basins, open space and landscaping in the CC&R's of the subdivision "A Replat of Lots 1 and 2 of The Idaho Club North Lake and Unplatted Parcels" following BMP's regarding stormwater and erosion control measures.

**COMMISSIONER & STAFF UPDATES:**

The 2022 Planning Hearing Schedule was presented to the Commissioners. Commissioner Marble is unable to attend the Hearing on May 5<sup>th</sup>. Vice Chair Linscott will Chair the hearing. Planning Director Milton Ollerton encouraged the Commissioners to read the Bonner County Revised Code section that discusses RV Parks to prepare for an upcoming hearing.

At 8:39 p.m., the Chair declared the hearing adjourned until May 5, 2022.

Respectfully submitted,



Milton Ollerton, Planning Director

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The above Minutes are hereby approved this 5<sup>th</sup> day of May 2022.

Bonner County Zoning Commission



Matt Linscott, Vice Chair