

**BONNER COUNTY ZONING COMMISSION
PUBLIC HEARING MINUTES
MAY 19, 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 3rd Floor BOCC meeting room, Ste. 338, 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; Luke Webster; Frank Wakeley; and Kristina Kingsland

ABSENT: None

ALSO PRESENT: Planning Director Milton Ollerton; Assistant Planning Director Jake Gabell; Planner I Swati Rastogi; Planner I Chad Chambers; Planner I Tyson Lewis; and Hearing Coordinator Jenna Crone

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 May 5, 2022. Hearing no changes or objections, the Chair declared the minutes approved as written.

PUBLIC HEARINGS:

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.

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.

File CUP0029-21, Conditional Use Permit for an Airstrip. The applicants are requesting an Airstrip on an approximately 178.27 acre property zoned Rural 5. The current parcel number of the property is RP54N05W073750A. The property is located off Roberts Lane and Saunders Road, both public right-of-ways in Section 7, Township 54 North, Range 5 West, Boise-Meridian, Bonner County, Idaho.

STAFF PRESENTATION: Planner I Swati Rastogi presented a PowerPoint summary of the project and previously circulated staff report, concluding this project is consistent with Bonner County Revised Code.

APPLICANT PRESENTATION: George Lawrence went over the details of location and proposed usage of the project as well as potential wildlife hazards.

PUBLIC/AGENCY TESTIMONY: The following members of the public spoke on the record: Paula Andrews; Debra Kuhn; Jennifer Owens; and Christine Logue.

APPLICANT REBUTTAL: George Lawrence addressed public comments regarding noise and vibration to houses in the vicinity.

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 CUP0029-21 requesting Conditional Use Permit for an airstrip on an approximately 178.27 acre parcel zoned Rural 5, located off Roberts Lane and Saunders Road in Section 7, Township 54 North, Range 5 West, Boise Meridian, Idaho 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. The action that could be taken to obtain the conditional use permit is to complete the Conditions of Approval as adopted. This action does not result in a taking of private property.

Commissioner Wakeley seconded the Motion

Roll Call Vote:

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

VOTED upon and the Chair declared the motion carried, with four in favor and one against.

Findings of Facts:

1. The applicant is requesting a Conditional Use Permit for an Airstrip on an approximately 178.27 acre property zoned Rural 5.
2. The property is located off Saunders Road and Roberts Lane in Section 7, Township 54 North, Range 5 West, Boise Meridian, Bonner County, Idaho.
3. The Conditional Use Permit is requested for a private airstrip to be used by the landowner and not to be used for commercial purposes.

4. The site has an existing shop/hangar, 70' X 130' in size.
5. The applicant is not proposing construction of any new structures on the site to accommodate the operations of airstrip.
6. No machinery will be located on the site, except single prop airplanes.
7. No employees or visitors are expected on the site.
8. No vehicular traffic is expected on the site.
9. No associated outdoor functions are proposed with the requested use of the airstrip.
10. Parking area is located on the towards the north end of the existing shop/hangar.
11. No advertising signs are proposed.
12. No additional lighting is proposed.
13. Hours of operation are proposed to be limited to daylight hours.
14. Size of the proposed runway are 70' X 1800', to land a small personal aircraft.

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 general and specific objectives of Bonner County Comprehensive Plan.

Conclusion 2: This proposal was reviewed for compliance with the criteria and standards set forth at BCRC Title 12, Chapter 2, Subchapter 2.2 Conditional Use Permits; Chapter 4 Development Standards and Chapter 7 Environmental Standards. The proposal is in accord with the 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.

Conditions of Approval:

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

1. The use shall be developed and shall be operated in accordance with the approved site plan.
2. The Conditional Use Permit shall not supersede deed restrictions.
3. All County setbacks shall be met.

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.
5. The landowner is required to obtain all relevant federal and state permits from the Federal Aviation Administration (FAA), Division of Aeronautics or any other agencies for lawful functioning of the private airstrip as requested in this application for a Conditional Use Permit.
6. The landowner is required to obtain a Commercial Approach Permit from Bonner County Road and Bridge Department, as stated in the agency's comments.
7. This Conditional Use permit is only permitted for private use by the landowner and shall not be used for commercial purposes.

File V0004-22 - Street Setback Variance - Johnson. The applicants are requesting an approximate 7'7" street setback variance where 25' is required to construct a detached garage on a 0.3-acre lot. The property is zoned Recreation. The project is located off Pinto Point Road in Section 27, 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 I Chad Chambers presented a PowerPoint summary of the project and previously circulated staff report, concluding this project is consistent with Bonner County Revised Code.

APPLICANT PRESENTATION: Dan Johnson read a statement from Denny Christenson, applicant representative, detailing the topography and history of the property and surrounding parcels.

PUBLIC/AGENCY TESTIMONY: 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 V0004-22, requesting a 7'7" street setback where 25' is required to construct a detached 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 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. 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 Wakeley seconded the Motion

Roll Call Vote:

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

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

Findings of Fact

1. The subject property is zoned Recreation.
2. Access to the property is provided by Pinto Point Road, a privately owned and maintained road.
3. The unique shape, size and topography of the lot does not result from the actions of the applicant.
4. The property is afforded fire protection by the East Priest Lake Fire District.

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** apply generally to other properties in the same zone or vicinity, which conditions are a result of lot size, shape, topography, or other circumstances over which the applicant has no control.

Conclusion 2

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

Conclusion 3

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

Conditions of approval:

Standard permit conditions:

A-1 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 street variance setback shall not supersede any deed restrictions.

Chair Marble Recessed the meeting at 7:00 pm

Chair Marble resumed the meeting at 7:05 pm

File CUP0001-22 – Conditional Use Permit – Duplex. The applicants are requesting a Conditional Use Permit for a duplex. The property is zoned Recreation. The project is located off Creekside Drive and Kalispell Bay Road 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: Assistant Planning Director Jake Gabell presented a PowerPoint summary of the project and previously circulated staff report, concluding this project is consistent with Bonner County Revised Code.

APPLICANT REPRESENTATIVE: Jennifer Owens, Sewell and Associates, shared that the applicant has already obtained a Vacation Rental Permit with the County and plans to continue using the space as a vacation rental with potential for a long-term rental.

PUBLIC/AGENCY TESTIMONY: 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 CUP0001-22, requesting a conditional use permit for a duplex, 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 findings of fact and conclusions of law as set forth in the Staff Report 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 Webster seconded the Motion.

Roll Call Vote:

Commissioner Kingsland **Aye**
Commissioner Marble **Aye**
Commissioner Wakeley **Aye**
Commissioner Webster **Aye**
Commissioner Linscott **Aye**

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

Findings of Fact

1. The subject property is accessed from Creekside Drive, a graveled 60 foot wide county maintained public right-of-way.
2. The subject property is served by Bonner County Ambulance District, Bonner County Sheriff, West Priest Lake Fire, Kalispell Bay Sewer, and Northern Lights, Inc.
3. The proposed subject property is 0.63 acres in size, has a land use designation of Resort Community and is zoned Recreation.
4. Duplexes served by an urban sewer district have a minimum lot size of one (1) acre. The applicant is requesting a 37% deviation of 0.37 acres from this requirement to 0.63 acres.
5. The subject property has no delineated wetlands, mapped slope, or open water sources and is not in a FEMA designated special flood hazard area.
6. The proposed subject property is currently developed with a single family dwelling consisting of a first floor and finished basemen, each with bathroom, bedroom, and kitchen facilities.
7. The application has been reviewed against the required standards of BCRC Title 12 with conditions added to ensure full compliance with the code.

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 Transportation
- Economic Development
- Hazardous Areas
- Recreation
- Community Design
- Population
- Land Use
- Public Services
- Special Areas or Sites
- Implementation
- School Facilities,
- Natural Resources
- Transportation
- 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.

Conditions of approval:

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 submit an approved and completed encroachment permit issued by the Bonner County Road & Bridge Department for every driveway entrance on the lot.

File V0032-21 - Variance - Street Setback - Peterson. The applicants are requesting a 4 foot street setback where 25 feet is required for construction of a garage based on slope and road placement on the lot. The property is zoned Forest 40. The project is located off Char Lane in Sections 27, 28 and 66, 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: Planning Director Milton Ollerton presented a summary of the project and previously circulated staff report, concluding this project is consistent with Bonner County Revised Code.

APPLICANT PRESENTATION: Phil Petersen discussed the proposed project and the reason for the Variance.

PUBLIC/AGENCY TESTIMONY: None

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

MOTION TO APPROVE: Commissioner Kingsland moved to approve this project FILE V0032-21 requesting a 4 foot street setback where 25 feet is required for construction of a garage based on slope and road placement on the lot, 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 Kingsland 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 Wakeley Seconded the motion

Commissioner Linscott **AYE**
Commissioner Webster **AYE**
Commissioner Wakeley **AYE**
Commissioner Marble **AYE**
Commissioner Kingsland **AYE**

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

Findings of Fact

1. The subject lot is platted as Lot 26, Block 1 of State Subdivision – Woody’s Point, according to the plat thereof, recorded in Book 10 of Plats, Page 154, records of Bonner County, Idaho.
2. The subject lot is accessed by Char Lane, a 30’ wide private easement.
3. Char Lane and East Char Lane were recorded at Instrument No. 865284 on October 10, 2014, effectively dividing the subject lot into four distinct areas.

4. The subject lot is zoned Forest 40 and has a Comprehensive Plan designation of Remote Ag/Forest and Resort Community.
5. The applicant is requesting a 4 foot street setback where 25 feet is required for construction of a garage.
6. The subject lot contains mapped slopes of up to 29%.

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** A Building Location Permit for the proposed garage shall be obtained.
- A-3** The applicant shall complete an erosion control plan in association with the building location permit per BCRC 12-7.2.

File V0003-22 – Variance – Street Setback. The applicants are requesting a 12 foot street setback where 25’ is required to bring an existing structure into compliance. The property is zoned Recreation. The project is located off West Barfield Bay Road in Section 21, Township 56 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: Planning Director Milton Ollerton presented a summary of the project and previously circulated staff report, concluding this project is consistent with Bonner County Revised Code.

APPLICANT PRESENTATION: Wayne Callender, applicant, explained the current use of the structure and the need to bring it into compliance.

PUBLIC/AGENCY TESTIMONY: None

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

MOTION TO APPROVE: Commissioner Wakeley moved to approve this project FILE V0003-22 requesting a 12 foot street setback where 25 feet is required to bring an existing structure into compliance with Bonner County Revised Code, 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 Wakeley 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. 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 Linscott seconded the Motion.

Roll Call Vote:

Commissioner Kingsland **Aye**
Commissioner Marble **Aye**
Commissioner Wakeley **Aye**
Commissioner Webster **Aye**
Commissioner Linscott **Aye**

VOTED upon and the Chair declared the motion carried, unanimously

Findings of Fact

1. The subject property is platted as Lot 1 of Heatons Place, according to the plat thereof, filed in Book 7 of Plats, Page 12, records of Bonner County, Idaho.
2. The applicants took ownership of the subject property on March 15, 2021 according to Warranty Deed Instrument Number 978424.
3. The subject property is accessed by West Garfield Bay Road, a county maintained public right-of-way of variable width.
4. The subject property is zoned Recreation, has a land use designation of Resort Community, and 0.36 acres in size.

5. The existing structure was permitted via BLP2006-0406 as an accessory structure with no living space.
6. The structure was converted into an accessory dwelling unit without the proper permitting.
7. Setback requirements were changed via Ordinance 606 on July 14, 2020, causing the existing structure to no longer meet setback requirements.
8. A reduced road setback of 12' is being requested.
9. The reduced setback is being requested in order to bring the existing structure into compliance with Bonner County Revised Code.

Conclusions of Law:

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

Conclusion 1

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

Conclusion 2

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

Conclusion 3

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

Conditions of approval:

Standard permit conditions:

A-1 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.

COMMISSIONER & STAFF UPDATES:

Planning Director Milton Ollerton shared that Building Location Permits are down about 110 from last year. The 2022 Idaho Land Use Handbook, updated every year by Givens Pursley, was uploaded into the Zoning Commission Drive for review by the commissioners. The Planning Department hired a new planner and he started on Monday. The Planning Commission's goal is to complete the Goals and Policies of the

Comprehensive Plan by August 2022. The Board of County Commissioners will be hiring a Hearing Examiner for the County.

At 8:31 p.m., the Chair declared the hearing adjourned until June 2, 2022.

Respectfully submitted,



Jacob Marble, Interim Planning Director

The above Minutes are hereby approved this 2nd day of June 2022.

Bonner County Zoning Commission



Jacob Marble, Chair