

**BONNER COUNTY PLANNING and ZONING COMMISSION
PUBLIC HEARING MINUTES
THURSDAY, OCTOBER 4, 2018**

CALL TO ORDER: Chair Davis called the Bonner County Planning and Zoning Commission hearing to order at 5:30 p.m. in the 1st Floor Conference Room of the Bonner County Administration Building, 1500 Highway 2, Sandpoint, Idaho.

PRESENT: Commissioners Chair Don Davis; Brian Bailey; Taylor Bradish; Trevor Kempton; and Suzanne Glasoe

ABSENT: None

ALSO PRESENT: Planning Director Milton Ollerton; Planner I Caitlyn Reeves; and Office Manager Jeannie Welter

CHANGES IN AGENDA:

File CM1007-18 – Modification to PUD – Trestle Creek Investments is requesting to modify an approved planned unit development decreasing from nine residential lots to six residential lots with 3 lots dedicated to open space. The project will remove the proposed wastewater treatment lagoon and land application area to now include a community leach field. The new proposal will replace a hammerhead with a cul-de-sac requiring a stormwater management plan. The project is located off Hwy 200 on Idaho Country road, in a portion of Section 21, Township 57 North, Range 1 East.

Planning Director Milton Ollerton stated the applicant requested the file be continued to a date and time certain of Thursday, October, 18, 2018 at 5:30 p.m.

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: September 20, 2018. Hearing no changes or objections, the Chair declared the minutes approved as written.

PUBLIC HEARING:

VARIANCE

CALL FOR VISUAL, HEARING OR OTHER IMPAIRMENT REQUIRING ASSISTANCE: The Chair asked whether anyone needed special assistance to hear, see or participate in these proceedings. Hearing no response, the Chair continued with the public hearing.

File V509-18 – Lot Size Minimum Variance – Ralph & Beverly Goding are requesting a division of a ±1.4 acre parcel from a ±5.6 acre parcel currently divided by the county right of way where a 2 acre lot size minimum is required. The

property is a ±5.6 acre parcel described as Tax 88 in Section 16, Township 56 North, Range 2 West, B.M.

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 Caitlyn Reeves 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 Bryan Quayle of Quayle Land Use Consulting stated the parcel is substantially larger than adjacent residential subdivision lots. The area lots and the subject property are served by the community water system and individual sewer systems. He further stated there are not many domestic wells in the immediate area. The existing tank and drain field on the property have functioned for approximately 16 years without any problems or failures.

PUBLIC/AGENCY TESTIMONY: None.

APPLICANT REBUTTAL: None.

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

MOTION: Commissioner Bradish moved to approve this project FILE V509-18 for a lot size minimum variance for a ±1.4 acre parcel, 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 Bradish 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 Kempton seconded the motion.

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

Background:

A. Site data:

- Subject parcel is ±5.6
- Proposed lot is ±1.4
- Site contains single family dwelling with an attached garage permitted under building location permit 2002-0086.

B. Access: The property is accessed from Beverly Drive a paved county maintained public right of way.

C. Environmental factors:

- Site does not contain mapped slopes. (USGS)
- Site does not contain mapped wetlands. (USFWS)
- Site is not located within the special flood hazard area (DFIRM Panel #16017C0950E, zone X)

D. Services:

- Individual septic system
- Sagle Valley Water District
- Avista Utilities
- Selkirk Fire District

E. Comprehensive Plan, Zoning and Current Land Use

| Compass | Comp Plan | Zoning | Current Land Use & Density |
|---------|------------|----------|----------------------------|
| Site | Transition | Suburban | Residential |
| North | Transition | Suburban | Residential |
| East | Transition | Suburban | County owned gravel pit. |
| South | Transition | Suburban | Vacant residential tract |
| West | Transition | Suburban | Vacant residential tract |

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.**

The subject area is approximately 1.4 acres north of Ivy Drive isolated from the ±4.2 acres south of Ivy Drive that make up a ±5.6 acre parcel. Ivy drive is a 60 foot wide county maintained public right of way. The subject parcel is located adjacent to an existing subdivision consisting of lots that range in size of ±0.46 acres to ±0.9 acres.

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

The subject parcel is a ±5.6 acre parcel that is split by Ivy Drive a 60 foot county maintained public right of way. The subject area is ±1.4 acres north of Ivy Drive that contains a single family dwelling with an attached garage.

- (C) **The granting of the variance is not in conflict with the public interest in that it will not be detrimental to the public health,**

safety, or welfare, or materially injurious to properties or improvements in the vicinity of the subject parcel or lot.

The existing ±1.4 acre area located north of Ivy drive would be conforming to and consistent with the subdivisions of the area. The existing subject parcel is a residential parcel that currently contains a single family dwelling with an approved septic system from Panhandle Health District who provided no comment during the agency review period. The ±1.4 acre site is serviced by Sagle Valley Water District which would allow for a 2 acre minimum in the suburban zone and would be consistent with the surrounding area.

G. Stormwater plan: A stormwater management plan was not required, pursuant to BCRC 12-720.3(k) because the proposal does not result in additional site disturbances, as defined.

H. Land capability report: A land capability report was not required, pursuant to BCRC 12-233 and 12-222.

I. Agency Review

The application was routed to agencies for comment on August 7, 2018. The following agencies commented:

Panhandle Health District: No comment, August 21, 2018

School District #84: No reply.

Idaho Department of Environmental Quality: No Comment, September 6, 2018.

Idaho Department of Water Resources: No reply.

Idaho Department of Lands (Sandpoint): No reply.

Bonner County Road and Bridge: Comment, (August 7, 2018)

United States Fish and Wildlife Service: No reply.

Avista: No reply.

Bonner County Schools-- Transportation: No reply.

Selkirk Fire District: No reply.

J. Public Notice & Comments: No adverse public comments were received.

Findings of Fact

1. The parcel is a ±1.4 acre area north of Ivy Drive.
2. The parcel is zoned Suburban.
3. The parcel is located on Beverly Drive.
4. The parcel is served by an individual septic system.
5. There have been no adverse comments from public agencies or the general public on the proposed variance.
6. The parcel is serviced by Sagle Valley Water and Sewer District.

7. The parcel is serviced by Selkirk 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 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)

Standard permit conditions:

- A-1** The use shall be developed and shall be operated in accordance with the approved site plan.
- A-2** The variance 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 variance, the applicant may make a written request to the Planning Director for an extension of the variance 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 variance.

Standard and site-specific conditions:

- B-1** Prior to variance issuance, the applicant shall plat the property according to the subdivision ordinance set forth in Title 12 set forth in Bonner County Revised Code.

OPEN LINE DISCUSSION:

Staff updates

Sub-area updates: One person on the Selle committee stepped down due to being related to another member on the committee. One person on the Sagle committee stepped down due to being related to another member on the committee. In addition, one person stepped down because they lived in the same household on another member on the committee.

There is no direction in state statute on how to keep track of a zone map. We are considering changing the county code to a digital map.

Staff is applying for a grant for Community Planning Assistance for Wildfire.

The Chair declared the hearing adjourned at 5:58 p.m.

Respectfully submitted,


Milton Ollerton, Planning Director

The above Minutes are hereby approved this 18th day of October, 2018.

Bonner County Planning and Zoning Commission


Don Davis, Chair