

**BONNER COUNTY PLANNING and ZONING COMMISSION
PUBLIC HEARING MINUTES
May 3, 2018**

CALL TO ORDER: Vice Chair Sabo 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 Vice Chair Kris Sabo; Brian Bailey; Trevor Kempton; Sheryl Reeve; and Suzanne Glasoe

ABSENT: Chair Don Davis and Taylor Bradish

ALSO PRESENT: Planning Director Milton Ollerton; Planner I Sam Ross; Planner I Caitlyn Reeves, and Supervisor II-Office Manager Jeannie Welter

CHANGES IN AGENDA: None

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 19, 2018. 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 V498-18 – Easement Setback Variance – Cyrus Azar is requesting a 10-foot setback where 25-feet is required from an access easement to allow for the construction of a detached garage. The property is ±0.246 acres and is located at 34 Sherwood Beach Loop, Coolin, Idaho 83821; Section 3, Township 59 North, Range 04 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 Sam Ross presented a PowerPoint summary of the project and previously circulated staff report, concluding this project is consistent with Bonner County Revised Code.

Commissioner Kempton inquired about the comments from Northern Lights asking where the electrical pole is located on the property. Mr. Ross stated Northern Lights did not provide that information in their comments. He further stated Northern Lights and the applicant will coordinate the relocation of the pole.

APPLICANT PRESENTATION: Project representative Marty Taylor, Certified Land Use Planner, with James A. Sewell & Associates stated he relies on the application to state the details of the project and how it is compliant with code. The project has no effect on traffic on Sherwood Beach Loop Rd. They are using preventative measures to keep sedimentation out of the lake. Their desire is to maintain the stand of evergreen trees.

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 Glasoe moved to approve this project FILE V498-18, which allows for a 10-foot access easement setback where 25-feet is required; finding that it is in accord with the Bonner County Revised Code as enumerated in the following conclusions of law. The decision is based upon the evidence submitted up to the time the Staff Report was prepared and testimony received at this hearing. Commissioner Glasoe 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 Reeve seconded the motion.

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

Background:

A. Site data: Lots 10 and 11 of Sherwood Beach Addition No. 2, according to the plat thereof, recorded in Book 1 of Plats, Page 172, records of Bonner County Idaho.

B. Access: Access is provided by Sherwood Beach Loop, a prescriptive easement with no defined location and an undefined width. Sherwood Beach Loop is developed with a gravel surface travelway of varying widths.

C. Environmental factors:

FEMA DFIRM Panel: 0430F, Zone X

The site does not contain mapped wetlands. Source: USFWS NWI
The site does contain significant slope up to 34%.

D. Services: Water is provided by an individual well on neighboring Lot 10. (IDWR 77211). Septic would be provided by Coolin Sewer District. The site lies within the

Coolin-Cavanaugh Bay Fire District, and the Lake Pend Oreille School District (#83). Power is provided by Northern Lights.

E. Comprehensive Plan, Zoning and Current Land Use

Compass	Zoning	Current Land Use & Density
Site	Rec	0.246 acre lot, Resort Community
North	Rec	0.229 acre lot, Resort Community
East	Rec	6.4 acre parcel, Resort Community
South	Rec	0.247 acre lot, Resort Community
West	Rec	Priest Lake

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:

"The topography of the subject lot warrants that the proposed outbuilding be situated on a more level bench downhill from Sherwood Beach Loop and uphill from a steep ledge and five mature evergreens (see site profile) The location of Sherwood Beach Loop and the steep slopes associated with this lot is a circumstance over which the applicant has no control."

Staff: Topo maps and site plan confirm steep slopes on site. Staff concur that the location and nature of the proposed site is a circumstance over which the applicant has no control.

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

Applicant:

"The subject property was platted in 1941. Bonner County subdivision standards were adopted in 1978 (Ord. 136, eff. 10/20/78). The applicants acquired the property September 21, 1995 (Warranty Deed 472771). Therefore, the applicants did not create this steeply sloped lot and the special conditions and circumstances associated therewith."

Staff: Staff agrees that the applicants did not create the special condition.

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. (Ord. 559, 1-4-2017)

Applicant:

"As noted, the proposed garage will be set back 10 feet from the Sherwood Beach Loop travelway and will be accessed via the applicant's private driveway traversing adjacent Lot 10. Accordingly, the use of the existing private driveway for access will not impact the Sherwood Beach Loop. In addition, less site disturbance will occur by eliminating excessive cuts and fills by locating the outbuilding on a more level benched area. As such, granting the variance will not conflict with the public interest, will not have an effect on adjoining properties, will not be detrimental to the public, and will not injurious to adjacent properties. In fact, the granting of the variance will lessen impacts to the public by reducing site disturbance and preserving a stand of mature evergreens."

Staff: Conflict of public interest is mitigated through the planning department's agency review process and by public notification. During the agency review period County, State and Federal regulatory agencies were notified of the project and were permitted to comment. As noted in section I. below, there was one agency comment below. Conditions of approval have been added (B-1) that provided the opportunity to mitigate and address the agency's concern.

G. Stormwater plan

BCRC 12-720.2 identifies the need for the applicant to provide a stormwater plan. The provided stormwater plan is satisfactory for the proposed development and is consistent with standards set forth in BCRC 12-720.1, et seq.

H. Land capability report

BCRC 12-222(J) identifies the need for the applicant to provide a land capability report. The provided land capability report is satisfactory for the proposed development and is consistent with the standards set forth in BCRC 12-222(J).

I. Agency review

The application was routed to the follow agencies for comment on March 2, 2018:

- | | |
|------------------------------------|---------------------------------------|
| Coolin Sewer District | Bonner County Road Dept. |
| Coolin Cavanaugh Bay Fire District | Northern Lights Utility Company |
| School District #83 | Dept. of Fish and Game |
| Dept. of Env. Quality | Dept. of Lands (Priest Lake) |
| Dept. of Lands, Nav. Waters | Dept. of Water Resources |
| Army Corps (Newport) | Natural Resource Conservation Service |
| Fish and Wildlife Service | |

Comments:

3/22/18
 "Proposed setback will not disrupt Bonner County operations."
 -Bonner County Road & Bridge
 3/19/18

"...to maintain access, clearance, and the easement, an electric pole may need to be relocated. NLI recommends the property owner contact NLI office and make arrangements to determine exact building location and status of this pole prior to construction."

-Northern Lights Inc.,

The following agencies replied with "NO COMMENT":

Idaho Department of Environmental Quality

All other agencies provided no response.

J. Public comments: There have been no public comments at this time.

Conclusions of Law:

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

This proposal was reviewed for compliance with the criteria and standards set forth at 12-233 and 12-234, Bonner County Revised Code, and variance criteria and standards set forth at Section 67-6516, Idaho Code.

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)

Findings of Fact

1. Slopes 15% or greater are present on site.
2. The proposed easement setback will not have adverse effect on neighboring parcels.
3. The proposed site will be developed with an adequate stormwater, erosion control, and grading plan consistent with BCRC 12-720.1, et seq.

Conditions of approval:

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.

Site-specific permit conditions:

B-1 Prior to the issuance of any Building Location Permit or Declaration of Exempt Structure, applicants shall provide documentation to the Planning Department that the project (V498-18) is compliant with the recommendation from Northern Lights Inc. (NLI).

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 V499-18 – Setback & Bulk Variance – Richard & Diane Weigand are requesting a one foot setback from Priest Lake where 40-feet is required for the reconstruction of a 13X23 foot accessory building. The property is a 1.11 acre lot described as Lot 19, Block 1 of the Horton Creek State Subdivision in Section 3, Township 60 North, Range 4 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 Sam Ross 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 Marty Taylor, Certified Land Use Planner, with James A. Sewell & Associates stated the non-conforming structure code says you can rebuild a non-conforming structure destroyed by any means as long as it is in the exact same location. In this case we would rather build it further from the lake than built it three feet over the lake as it was originally constructed. Now we get to take a building that was built with no flood damage prevention ordinance standards and design it to meet the current flood damage

prevention standards. We consider this a win-win situation. There are some steep slopes on the property and we want to keep sediment out of the lake. To accomplish this, in certain places along the property they have to have walls that are taller than 36 inches. These walls are shown on the survey map.

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 Bailey moved to approve this project FILE V499-18, which allows for a 1-foot waterfront setback where 40-feet is required as well as 5-foot high retaining walls where 3-feet is the maximum height and increasing the bulk size of the structure. I find that it **is** in accord with the Bonner County Revised Code as enumerated in the following conclusions of law. The decision is based upon the evidence submitted up to the time the Staff Report was prepared and testimony received at this hearing. Commissioner Bailey 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 Glasoe seconded the motion.

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

Background:

A. Site data: One single family residence on site.

B. Access: Access is provided by Horton Creek Road, a 30-foot wide private easement developed with a gravel surfaced travelway of varying widths (Instrument 865271, Exhibits 19 and 20).

C. Environmental factors:

FEMA DFIRM Panel: 0225F
 Floodplain: AE map designation (project is within a floodplain)
 The site does not contain mapped wetlands. Source: USFWS NWI
 The site does contain slope 15% and greater. Source: USGS

D. Property Services: Water is provided by a lake water system from Priest Lake. Septic would be provided by a individual system (PHD Permit 02-09-0441). The site lies within the Coolin-Cavanaugh Bay Fire District, and the Lake Pend Oreille School District (#83). Power is provided by Northern Lights.

E. Comprehensive Plan, Zoning and Current Land Use

Compass	Zoning	Current Land Use & Density
Site	Rec	1.11 acre lot, Resort Community
North	Rec	1.72 acre lot, Resort Community
East	Rec	96.05 acre parcel, Resort Community
South	Rec	1.81 acre lot, Resort Community
West	Rec	Priest Lake

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:

"As noted, slopes upland from the building site are in excess of 88% over which the applicants have no control. THis site constraint necessitates reconstructing the building where proposed, as well as increasing retaining wall heights as shown."

Staff: Topo maps and site plan confirm steep slopes on site. Staff concur that the severe slope of the proposed site is a circumstance over which the applicant has no control.

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

Applicant:

"The property has been developed with a residence since 1952 and the original structure since 1975. The steep slopes associated with the property were not created by the applicants."

Staff: Staff agrees that the applicants did not create the special condition.

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. (Ord. 559, 1-4-2017)

Applicant:

"As noted, the building will be repositioned so as to no longer project out over Priest Lake. Rather, the building will be set back one foot from summer pool. In addition, the building will be reconstructed in accordance with Bonner County's flood damage prevention ordinance standards. The structure will be engineered to withstand the forces of flood and will be constructed using flood resistant materials."

Consequently, the building will not conflict with the public's interest, but rather will better serve the public's interest, as will the taller retaining walls that will reduce threat of sediment entering Priest Lake."

Staff: Conflict of public interest is mitigated through the planning department's agency review process and by public notification. During the agency review period County, State and Federal regulatory agencies were notified of the project and were permitted to comment. As noted in section **I.** below, there were agencies that responded to this request for application review. As their comments and concerns are addressed in the conditions of approval, staff feel that this standard is met.

G. Stormwater plan

BCRC 12-720.2 identifies the need for the applicant to provide a stormwater plan. In this instance a stormwater plan is not required. The applicants are not proposing additional impervious surface and shall reconstruct the structure to the specifications identified in a letter filed by James A. Sewell & Associates, LLC. This letter, dated February 21, 2018, bears the stamp of Jeff Jensen, a Professional Engineer, who is licensed in the state of Idaho.

H. Land capability report

BCRC 12-222(J) identifies the need for the applicant to provide a land capability report. The provided land capability report is satisfactory for the proposed development and is consistent with the standards set forth in BCRC 12-222(J).

I. Agency review

The application was routed to the follow agencies for comment on March 6, 2018:

Panhandle Health District	Bonner County Road Dept.
Coolin Cavanaugh Bay Fire District	Northern Lights Utility Company
School District #83	Dept. of Fish and Game
Dept. of Env. Quality	Dept. of Lands (Priest Lake)
Dept. of Lands, Nav. Waters	Dept. of Water Resources
Army Corps (Newport)	Natural Resource Conservation Service
Fish and Wildlife Service	Bonner County Floodplain

Comments:

3/08/18

"Flood Development Permit shall be submitted with Building Location Permit or Declaration of Exempt Structure."

-Bonner County Floodplain

3/22/18

"Road & Bridge has no objections to the proposed setback variances."

-Bonner County Road & Bridge

The following agencies replied with "NO COMMENT":

Idaho Department of Environmental Quality
Panhandle Health District

All other agencies provided no response.

J. Public comments: There have been no public comments at this time.

Conclusions of Law:

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

This proposal was reviewed for compliance with the criteria and standards set forth at 12-233 and 12-234, Bonner County Revised Code, and variance criteria and standards set forth at Section 67-6516, Idaho Code.

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)

Findings of Fact

1. Slopes 15% or greater are present on site.
2. The proposed waterfront setback and wall height will not have adverse effect on neighboring parcels.
3. The proposed site will be developed with an adequate stormwater, erosion control, and grading plan consistent with BCRC 12-720.1, et seq.

Conditions of approval:

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.

Site-specific permit conditions:

B-1 At the time of application for Building Location Permit or Declaration of Exempt Structure, the applicants shall also submit a Flood Development Permit to the Bonner County Floodplain Department.

B-2 The proposed structure shall be constructed to the specifications identified in a letter (V499-18 Application) filed by James A. Sewell & Associates, LLC. This letter, dated February 21, 2018, bears the stamp of Jeff Jensen, a Professional Engineer, who is licensed in the state of Idaho.

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 V500-18 – Setback & Bulk Variance – Andrew & Cassandra Echberg are requesting a 23 foot setback from Lake Pend Oreille where 40-feet is required to establish compliance of an existing single family dwelling. The property is a 0.459 acre lot described as Lot 15, Block 1 of the Island Shores subdivision in Section 4, Township 55 North, Range 2 East, 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 Sam Ross presented a PowerPoint summary of the project and previously circulated staff report, concluding this project is consistent with Bonner County Revised Code. He stated the applicants inadvertently excluded the deck in the greatest architectural projection changing the request from 23 to 15 feet from the waterfront. The deck was included on the site plan when the file was sent for agency review. County legal counsel advised the staff that this omission did not warrant stopping the hearing for an additional agency review or public notification.

Commissioner Bailey asked if staff had any photos of the deck. Mr. Ross stated the staff does not have any photos of the deck.

APPLICANT PRESENTATION: Andrew Eckberg found out the parcel had a violation and they contacted the Planning department to found out what they needed to do to bring it into compliance. The variance request is part of the process to bring it into compliance. We would have to remove many cedar trees in order to move the cabin and the applicants would like to leave the cedars if at all possible.

Commissioner Bailey asked if the deck was on posts. Mr. Eckberg stated it is on posts but they would be redoing it with the approval of the variance.

Commissioner Sabo asked for clarification about them being aware of the violation on the property before they purchased the property. Mr. Eckberg confirmed they were aware of the violation and explained the reason they moved forward knowing about the violation. He stated it was a dream of theirs to own property like this so they were willing to undertake the necessary steps to make it compliant.

Cassandra Eckberg explained a photo that was shown by the Planning staff of the decking.

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 Kempton moved to approve this project FILE V500-18 for a waterfront setback variance to bring an existing 1996 single family dwelling into compliance, 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 Kempton 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 Bailey seconded the motion.

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

Background:

A. Site data: The site is a ±0.459 acre lot described as Block 1 Lot 15 of Island Shores subdivision. The subject site contains a single family dwelling that received a building violation on November 10, 2010 under file number BV2010-128. The current structure sits approximately twenty three (23) feet from the ordinary high water mark of the mouth of the Clark Fork River.

B. Access: The property is accessed by boat on the Clark Fork River.

C. Environmental factors: The site does not contain any mapped slopes according to the county mapping service. A wetland determination was completed by Tom Duebendorfer, PWS on October 2, 2017 and determined that the wetlands mapped by the National Wetland Inventory map do not exist. The site is located within the studied Special Flood Hazard area (DFIRM Panel #1014E, zone AE).

D. Services: According to the application the site is serviced by a porta-potty and is disposed of at approved discharge sites for the island. The site uses small capacity water storage tanks of ten gallons or less. The site does not have a fire district or power company that services the parcel, site is off-grid.

E. Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Land Use & Density
Site	Rural Residential	R-5	Recreational residential Lots
North	Rural Residential	R-5	Recreational residential Lots
East	Rural Residential	R-5	Recreational residential Lots
South	Rural Residential	R-5	Recreational residential Lots
West	Rural Residential	R-5	Recreational residential Lots

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 variance request is for a fifteen (15) foot waterfront setback where forty (40) feet is required for a single family dwelling per BCRC 12-711; Shoreline setbacks. The subject lot is approximately a ±0.459 acre lot located on Yonkers Island. The lot is only accessible by the water making corrective relocation of the structure and the equipment needed to relocation more difficult to feasibly obtain. According to the application the structure is placed on the lot due to the presence and preservation of large diameter timber. The structure was built in 1996 and received a building violation under file number BV2010-128. The subject lot and building violation was purchased by the current owners Cassandra Rutherford-Eckberg and Andrew Eckberg on September 21, 2017.

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

The structure was built in 1996 and received a building violation under file number BV2010-128 when the violation was located. The subject lot and building violation was purchased by Cassandra Rutherford-Eckberg and Andrew Eckberg on September 21, 2017.

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.

According to the wetland determination Tom Duebendorfer, PWS the current shoreline is failing "shoreline is severely eroded and requires riprap or other revetment." Removing or relocation the existing structure could result in further erosion of the shoreline due to excess strain from the equipment needed. Preserving existing large diameter trees and existing vegetation could assist in the bank stabilization and reduce sedimentation into the Clark Fork Delta. Bank stabilization and sediment reduction could reduce potential issues downstream.

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. Land capability report

A land capability report was not required, pursuant to BCRC 12-233 and 12-222. There is no additional impervious surface created as a result of the variance request.

I. Agency Review

The application was routed to agencies for comment on January 9, 2018. The following agencies commented:

- Panhandle Health District:* No comment.
- School District #84:* No reply.
- Idaho Department of Fish and Game:* No reply.
- Idaho Department of Environmental Quality:* No comment (emailed 4/5/2018)
- Idaho Department of Water Resources:* No reply.
- Idaho Department of Lands (Coeur d'Alene):* No reply.
- Bonner County Road and Bridge:* No objections, (emailed 3/22/2018)
- Idaho Department of Lands Navigable Waters:* No reply.
- Army Corps of Engineers (Newport):* No Reply.
- Natural Resource Conservation Service:* No reply.
- United States Fish and Wildlife Service:* No reply.
- Bonner County Floodplain:* A flood development permit is not required for the variance review but will be required at the time of a building location permit. 3/7/2018

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

Findings of Fact

1. The lot is a ±0.459 acre lot described as Block 1 Lot 15 of Island Shores.
2. The lot is zoned rural-5.
3. The lot is located on Yonkers Island and is accessible by boat only.
4. The structure is an existing 1996 single family dwelling that received a building violation in 2010 under BV2010-128.
5. There have been no adverse comments from public agencies or the general public on the proposed variance.
6. The parcel is serviced by a porta-potty and uses small capacity water storage containers of 10-gallons or less.

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 obtain approval of a building location permit application from the Bonner County Planning Department.
B-2 Prior to variance issuance, the application shall obtain approval of a flood development permit application from the Bonner County Planning Department.

OPEN LINE DISCUSSION:

Discussion regarding upcoming items and files.
Discussion regarding Certification of Compliance.
Discussion regarding old ordinances.
Blanchard committee will be voted on at the May 17, 2018 meeting.
Discussion regarding the formation of a Sagle community plan committee.
Discussion regarding a permanent Selle Valley committee.

The Chair declared the hearing adjourned at 6:50 p.m.

Respectfully submitted,



Milton Ollerton, Planning Director

The above Minutes are hereby approved this 9th day of May, 2018.

Bonner County Planning and Zoning Commission



Kris Sabb, Vice Chair