



Bonner County Planning Department

Hearing Examiner

Staff Report for April 16, 2025

FILE:	V0002-25	DATE OF REPORT:	April 09, 2025
PROJECT:	Lot Size Minimum - Variance	APPLICATION DATE:	January 13, 2025
PARCEL No:	RP58N02W125251A	PARCEL SIZE:	8.087-acre
LANDOWNER:	Caldwell Trust David & Kathleen Caldwell	REPRESENTATIVE:	J.R.S. Surveying, Inc. James Staples PO Box 3099 Bonners Ferry, ID 83805

NOTICE: Mailed - March 18, 2025

Published in newspaper – March 18, 2025

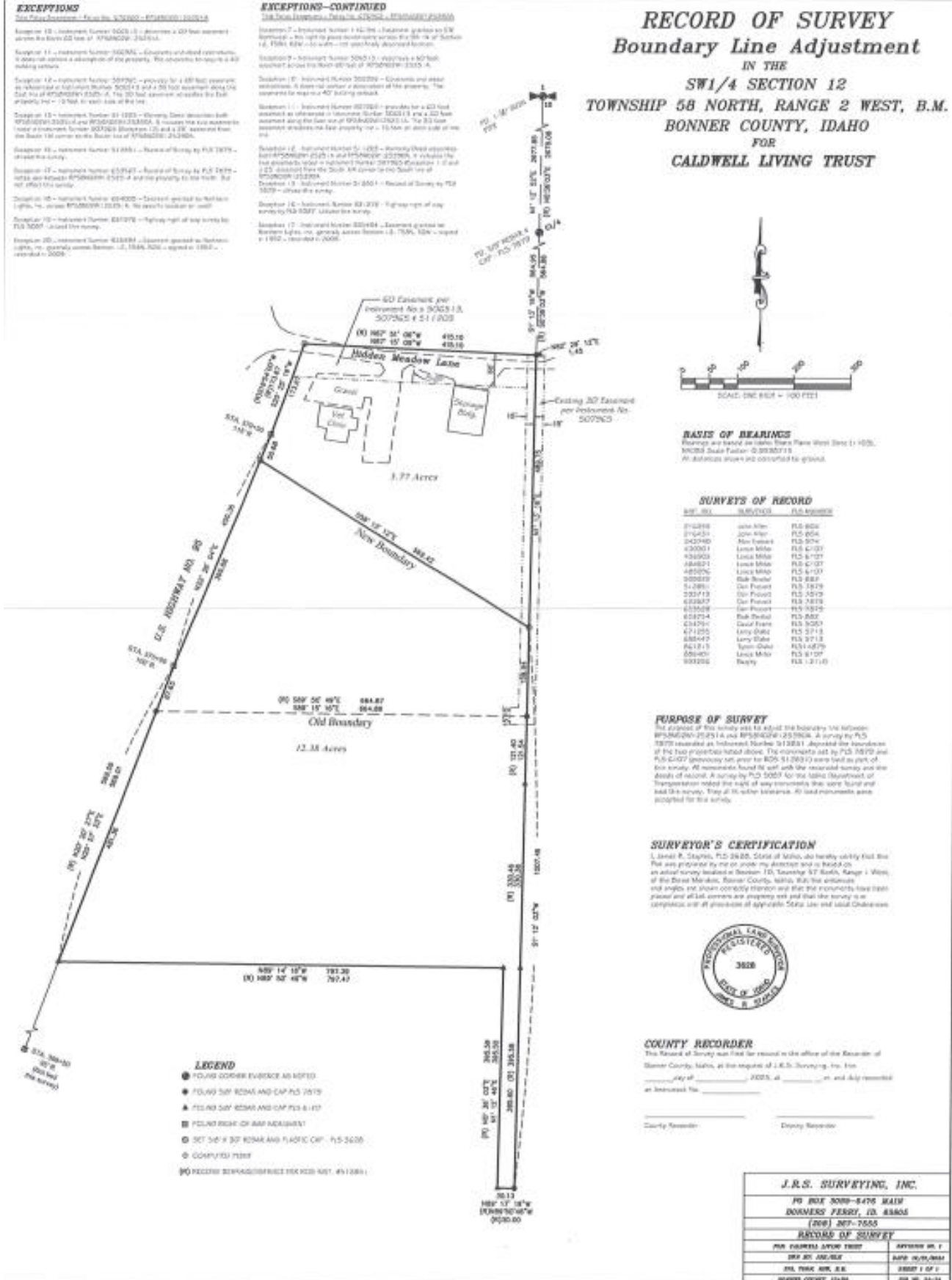
Site posted - March 20, 2025

REQUEST: The applicant is requesting a parcel size of 3.77-acres where 10-acres is required for the purposes of a Boundary Line Adjustment.

LEGAL DESCRIPTION: 12-58N-2W TAX 75 CENTRAL VALLEY VETERINARIAN HOSPITAL

LOCATION: The project site is located off Hidden Meadow Lane in Section 12, Township 58 North, Range 02 West, Boise-Meridian.

SITE PLAN



PROJECT SUMMARY

The applicants are requesting a parcel size of 3.77-acres where 10-acres is required for the purposes of a Boundary Line Adjustment. The property is zoned Agricultural/Forestry 10. The property is located off Hidden Meadow Lane, a 60' wide privately owned and privately maintained easement.

APPLICABLE LAWS

The following sections of BCRC, Title 12, apply to this project:

BCRC 12-222: Application contents

BCRC 12-232: General provisions

BCRC 12-234: Variance standards

BCRC 12-400: Development standards

BCRC 12-411: Density and Dimensional Standards; Forestry, Agricultural/Forestry and Rural Zones

BCRC 12-800 et seq.: Definitions

BACKGROUND

A. Site Data

Land Use: Commercial Veterinary Clinic, 8.08-acres and Agricultural, 7.75-acres

Unplatted

Size: 8.087-acre

Zoning Designation: Ag/Forest 10 (A/F-10)

Comp Plan Designation: Ag/Forest Land (10-20 AC)

B. Access

Hidden Meadow Lane, a 60' wide privately owned and privately maintained easement.

C. Environmental Factors

Site does contain mapped slopes. (USGS)

Site does not contain mapped wetlands. (USFWS)

Site does not contain water frontage.

Site contains SFHA Zone X per FIRM Panel Number 16017C0495E Effective Date 11/18/2009.

D. Services

Water: Individual Well

Sewage: Individual Septic

Fire District: Northside Fire District

School District: Lake Pend Oreille School District #84

E. Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan Designation	Zoning Designation	Current Land Use & Density
Site	Ag/Forest Land (10-20 AC)	Ag/Forest 10 (A/F-10)	Commercial Vet, 8.08-acres and Agricultural, 7.75-acres

North	Ag/Forest Land (10-20 AC)	Ag/Forest 10 (A/F-10)	Community Cemetery, 1.04-acres / Residential, 3.147-acres
East	Ag/Forest Land (10-20 AC)	Ag/Forest 10 (A/F-10)	Residential, 12-acres
South	Ag/Forest Land (10-20 AC)	Ag/Forest 10 (A/F-10)	Agricultural, 15.00-acres
West	Ag/Forest Land (10-20 AC)	Ag/Forest 20 (A/F-20)	Agricultural/Residential, 9-20.78-acres

AGENCY COMMENT

Neighbors within 300 feet of the boundaries of the parcel and public agencies were notified of this request on March 18, 2025. A comprehensive list of the public agencies notified of this request can be found in Appendix A of this Staff Report.

Bonner County Floodplain Review - Email

KS 04/03/2025: Parcel is within SFHA Zone X per FIRM Panel Number 16017C0495E Effective Date 11/18/2009. No further floodplain review is required on this proposal.

Idaho Department of Environmental Quality (DEQ) - Email

See attached comment.

Idaho Department of Fish & Game - Email

No comment.

Panhandle Health District - Email

No comment.

U.S. Forest Service – Email

No comment.

PUBLIC COMMENT

No public comments were received at the time of this Staff Report.

STANDARDS REVIEW & STAFF ANALYSIS:

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. Standards Review

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

Applicant: This variance request is in conjunction with a BLA application between RP58N02W125251A and RP58N02W125390A. RP58N02W125251A is currently 8.14 acres with an active Veterinary Clinic. The Clinic is being sold and the owners wish to sell only the property that is being used by the Veterinary Clinic - 3.77 Acres. RP58N02W125390A - adjacent (south) to the Vet Clinic - 8.01 acres

would increase to 13.28 Acres. Currently both parcels are below the minimum of 10 Acres. The resulting BLA would create one parcel that is in compliance with the 10 acres minimum.

Staff: The subject parcel does contain mapped slopes but does not contain any mapped wetlands, according to data from the USGS and USFWS. It is located within the SFHA Zone X, which does not necessitate floodplain development permitting. As stated in the application, the parcel was surveyed and established in 1995, currently encompassing 8.14 acres. No environmental conditions have been identified that would require a further reduction of the property below the zoning minimums.

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

Applicant: RP58N02W125351A and RP58N02W5390A were created by survey in 1995. The current owners purchased both parcels in 2009 and has operated the vet clinic on RP58N02W125351A since. The reduction in size encompasses all of the active vet clinic improvements and allows for some expansion to the south.

Staff: The applicants obtained ownership of the property on August 21, 2009, via Warranty Deed, Instrument #778835. Per the application, the applicants are requesting a parcel size of 3.77-acres in order to sell the land that is being used by the Veterinary Clinic. The remaining acreage will be absorbed by their property to the South through a Boundary Line Adjustment. The Bonner County Revised Code 12-234 (b) requires that the circumstances cannot be a result of the actions of the applicants. While the current property size of 8.14-acres was created prior to the applicants obtaining the property, it is considered to be “legal non-conforming” due to the fact that is undersized for the zoning district it is in. This proposal appears to create a more non-conforming parcel.

(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: The change in boundaries (acreage) will not effect the current operation of the vet clinic which has been in operation since 2009.

Staff: No public or agency comments were received that indicated this proposal would be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity of the subject parcel of lot.

B. Stormwater Management Review

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.

C. Staff Review Summary

Per BCRC 12-411, the minimum parcel size for the Agricultural/Forestry 10 zone is 10-acres. The subject parcel is already a legal non-conforming parcel at 8.14-acres. There does not appear to be any environmental conditions on the property that would require this variance.

Per the application, the variance request would allow the property to be further reduced below zoning minimums in order to facilitate the sale of the veterinary clinic that is currently operating on the subject parcel. No comments from the public or agencies was received that indicated this proposal would be detrimental to the public health, safety, or welfare, or be materially injurious to properties or improvements in the vicinity of the subject parcel.

Planner's Initials: KS

DECISION OF THE HEARING EXAMINER

DECISION TO APPROVE: I approve this project V0002-25, requesting a parcel size of 3.77-acres where 10-acres is required, 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. I further 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 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.

DECISION TO DENY: I deny this project V0002-25, requesting a parcel size of 3.77-acres where 10-acres is required, based upon the following conclusions: [REFER TO FOREGOING CONCLUSIONS OF LAW AND SPECIFY WHICH CONCLUSIONS THE PROJECT MEETS AND FAILS TO MEET]. The decision is based upon the evidence submitted up to the time the Staff Report was prepared and testimony received at this hearing. I further 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 and transmit to all interested parties. This action does not result in a taking of private property. The action that could be taken, if any, to obtain the variance is to:

- 1) File a new application with the Planning Department and meet the standards required by Bonner County Revised Code; or
- 2) Appeal the Hearing Examiner's decision to the County Commissioners.

FINDINGS OF FACT

1. The property is zoned Agricultural/Forestry 10 (A/F-10).
2. The subject parcel is approximately 8.087-acres.
3. The property is served by individual well and an individual septic system.
4. The property is served by Northern Lights Inc and Northside Fire District.
5. The subject parcel does not contain mapped wetlands and is within SFHA Zone X per FIRM Panel Number 16017C0495E, Effective Date 11/18/2009.

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/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/do not** result from the actions of the applicant.

Conclusion 3

The granting of the variance **is/is not** in conflict with the public interest in that it **will/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.

CONDITIONS OF APPROVAL:

Standard Conditions:

1. Only the lot size minimums as shown on the site plan have been reviewed for variance standards. All other lot design standards and future development must comply with Bonner County Revised Code excepting the modified lot size minimums herein.
2. The granting of this variance shall not supersede any deed restrictions.
3. A Boundary Line Adjustment application must be submitted to, and approved by, the Bonner County Planning Department to adjust any parcel lines.

The complete file is available for review in the Planning Department, 1500 Highway 2, Suite #208, Sandpoint, ID. Some file application material is available online at www.bonnercountyid.gov. Bonner County Revised Code (BCRC) is available at the Planning Department or online.

Appendix A – Notice of Public Hearing Record of Mailing

RECORD OF MAILING

Page 1 of 1

File No.: V 0 0 0 2 - 2 5

Record of Mailing Approved By:



I hereby certify that a true and correct copy of the "Notice of Public Hearing" was digitally transmitted or mailed (postage prepaid) on this **18th** day of **March, 2025**.



Jessica Montgomery, Hearing Coordinator

Assessor - Email

Bay Drive Recreation District - Email

Bonner County Airport Manager - Email

Bonner County EMS - Email

Bonner County Road & Bridge - Email

Bottle Bay Water & Sewer District - Email

City of Dover - Email

City of Hope - Email

City of Oldtown - Email

City of Priest River - Email

City of Spirit Lake - Email

Coolin-Cavanaugh Bay Fire District - Email

East Bonner Library - Email

Ellisport Bay Sewer - Email

GEM STATE MINER - U.S. Mail

Department of Environmental Quality (DEQ) - Email

Department of Lands - CDA - U.S. Mail

Department of Lands - Navigable Waters & Mining - Email

Idaho Department of Water Resources - IDWR - Email

Transportation Department- District I - Email

Kalispel Bay Sewer & Water - U.S. Mail

KPBX-FM 91 SPOKANE PUBLIC RADIO - U.S. Mail

Laclede Water District - Email

Pend Oreille School District, #84 (Transportation) - Email

Little Blacktail Ranch Water Association - U.S. Mail

Northern Lights, Inc. - Email

Northside Fire District - Email

Panhandle Health District - Email

Priest Lake Public Library District - Email

Sagle Valley Water & Sewer - Email

Schweitzer Fire District - Email

Selkirk Fire, Rescue & EMS - Email

Southside Water & Sewer District - Email

Spokesman-Review - U.S. Mail

Swan Shores Sewer District - U.S. Mail

Tamarack Village Water & Sewer - U.S. Mail

Trestle Creek Sewer District - Email

U.S. Fish & Wildlife Service - Email

West Bonner County Cemetery District - Email

West Bonner Library - Email

West Pend Oreille Fire District - Email

Avista Utilities - Email

Bayview Water & Sewer - Email

BONNER COUNTY DAILY BEE - U.S. Mail

Bonner County Floodplain Review - Email

Bonner County Sheriff - Email

City of Clark Fork - Email

City of East Hope - Email

City of Kootenai - Email

City of Ponderay - Email

City of Sandpoint - Email

Coolin Sewer District - Email

Drainage District #7 - Email

East Priest Lake Fire District - Email

Garfield Bay Water & Sewer District - Email

Granite Reeder Water & Sewer District - Email Idaho

Idaho Department of Fish & Game - Email Idaho

Idaho Department of Lands - Coolin - Email Idaho

Idaho Department of Lands - Sandpoint - Email

Idaho Transportation Department (Aeronautics) - U.S. Mail Idaho

Independent Highway District - Email

Kootenai-Ponderay Sewer District - Email

KSPT-KPND-KIBR RADIO - U.S. Mail

Lake Pend Oreille School District, #84 (Admin Office) - Email Lake

Lakeland Joint School District, #272 - Email

North of the Narrows Fire District - Email

Northland/Vyve Cable Television - Email

Outlet Bay Sewer District - Email

Pend Oreille Hospital District - Email

Priest Lake Translator District - Email

Sam Owen Fire District - Email

SELKIRK ASSOCIATION OF REALTORS - U.S. Mail

Selkirk Recreation District -Email

Spirit Lake Fire District - Email

State Historical Society - Email

Syringa Heights Water Association - Email

Timber Lake Fire District - Email

U.S. Army Corps of Engineers - Email

U.S. Forest Service - U.S. Mail

West Bonner County School District, #83 - Email

West Bonner Water & Sewer District - Email

West Priest Lake Fire District - Email