

**BONNER COUNTY HEARING EXAMINER
PUBLIC HEARING MINUTES
May 3, 2023**

CALL TO ORDER: Hearing Examiner Jackie Rucker called the public hearing to order at 1:30 p.m. in the 3rd Floor Meeting Room of the Bonner County Administration Building, 1500 Highway 2, Sandpoint, Idaho, via Zoom webinar, and YouTube live streaming.

PRESENT: Jackie Rucker, Hearing Examiner

ABSENT: None

ALSO PRESENT: Assistant Planning Director Travis Haller, Planner II Daniel Britt, and Hearing Coordinator Jenna Crone.

PLEDGE OF ALLEGIANCE

CHANGES IN AGENDA: None

APPROVAL OF MINUTES: Hearing Examiner Rucker approved the minutes as written April 19, 2023.

PUBLIC HEARING:

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

CONFLICT OF INTEREST/DISCLOSURE DECLARATIONS: Hearing Examiner Jackie Rucker stated that she had no conflict with this proposal.

File V0006-23 - Variance - Nielsen Subdivision – Lot Size Minimum & Depth to Width Ratio. The applicant is requesting to create one 3.86 acre lot and one 4.28 acre lot where 5 acres is required with 5:1 depth to width ratios where 3:1 is allowed. The parcel is zoned Rural 5 (R-5). The project is located off Camp Peine Rd in Section 16, Township 56N, Range 3W, Boise-Meridian.

STAFF PRESENTATION: Planner II Daniel Britt presented a summary of the project and previously circulated staff report, concluding this project is consistent with Bonner County Revised Code.

APPLICANT REPRESENTATIVE: John Market, JRS Surveying, spoke about the project.

PUBLIC/AGENCY INPUT: The following members of the public spoke on the record: None

HEARING EXAMINER INPUT: The Hearing Examiner closed the hearing to public testimony and discussed findings and conclusions.

Hearing Examiner Rucker approved this project, file V0006-23, 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. Examiner Rucker further adopted 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 decision 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.

FINDINGS OF FACT

1. Building location permits were found for the subject property as follows:
 - BLP2017-0191 = Single Family Dwelling (Exists)
 - BLP2017-0573 = Accessory Dwelling Unit (Exists)
 - BLP2007-0026 = Single Family Dwelling (Never Built)
 - BLP2005-0169 = Single Family Dwelling (Never Built)
2. Minor land division MLD0085-22 Nielsen's Subdivision was filed August 25, 2022.
3. Administrative variance file VA0027-22 was originally filed to accommodate this request, it was found that the deviation was greater than 30% which required this full variance request.
4. The proposed lots will be served by individual septic systems and individual wells.
5. The proposed lots will be served by Northern Lights Inc. and Selkirk Fire District.
6. The project site does contain submerged lands as defined in BCRC 12-819.

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 Conditions:

1. The granting of this variance shall not supersede any deed restrictions.
2. 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.

File CUP0003-23 – Conditional Use Permit – Animal Establishment. The applicants are requesting a conditional use permit for an animal establishment. The site is 1.17 acres. The property is zoned R-10. The project is located off Upper Pack River Road in Section 11, Township 59 North, Range 2 West, Boise-Meridian.

STAFF PRESENTATION: Planner II Daniel Britt presented a summary of the project and previously circulated staff report, concluding this project is consistent with Bonner County Revised Code.

APPLICANT PRESENTATION: Thomas Marino, Applicant, shared how their establishment works and what they are doing to come into compliance with the County.

PUBLIC/AGENCY INPUT: The following members of the public spoke on the record: None

HEARING EXAMINER INPUT: The Hearing Examiner closed the hearing to public testimony and discussed findings and conclusions.

Hearing Examiner Rucker approved this project FILE CUP003-22 for an animal establishment, 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. Examiner Rucker further adopted 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 decision 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.

Findings of Fact

1. The property is zoned Rural-10, where animal establishments are conditionally allowed upon meeting the required standards per BCRC 12-333 and Subchapter 4.2.
2. The property is adjacent to Upper Pack River Road a Bonner County owned maintained paved 50' right of way.
3. Upper Pack River Road is constructed that meets Title 2 road standards and provides adequate access for emergency vehicle.
4. Power is provided by Northern lights Utilities.
5. Water is provided by individual well.
6. Sewage disposal is an individual septic system.
7. The site is approximately 1.17 acres.
8. The applicant has requested a deviation to the 300ft from an existing dwelling requirement to be 270ft from an existing dwelling.

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
Economic Development	Land Use	Natural Resources
Hazardous Areas	Public Services	Transportation
Recreation	Special Areas or Sites	Housing
Community Design	Implementation	

Conclusion 2

This proposal was reviewed for compliance with the criteria and standards set forth at BCRC Chapter 3, Subchapter 3.3 BCRC Chapter 4, Subchapter 4.2 Title 12, Chapter 7, Subchapter 7.2 Title 12, 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 as shown on the approved site plan.

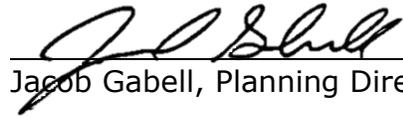
- A-4** The Conditional Use Permit shall expire if not issued within two (2) calendar years from the date of approval, or once issued, if the use has not commenced within two (2) calendar years from the date of issuance. At any time prior to the expiration date of the Conditional Use Permit, the applicant 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 follow BCRC 12-333 Commercial Use Table standards for animal establishments as found in this staff report.
- A-7** The applicant shall follow BCRC 12-4.3, Parking standards as found in this staff report.
- A-8** The applicant shall follow BCRC 12-4.4, Sign Standards as found in this staff report.
- A-9** The applicant shall follow BCRC 12-4.5, Design Standards as found in this staff report.
- A-10** The applicant shall follow BCRC 12-4.6, Landscaping and Screening Standards as found in this staff report.
- A-11** The applicant shall obtain Building Location Permits for all future structures.
- A-12** The applicant shall obtain an encroachment permit for Bonner County Road & Bridge Department.
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DISCUSSION:

- **Hearing Examiner and Staff Updates**
 - The Hearing Examiner hearings for May 17th and June 7th are cancelled. The next Hearing date will be June 21, 2023.

At 1:59 p.m., the Hearing Examiner declared the hearing adjourned until June 21, 2023.

Respectfully submitted,



Jacob Gabell, Planning Director

The above Minutes are hereby approved this 21st day of June 2023.



Jacqueline Rucker, Hearing Examiner