

**BONNER COUNTY HEARING EXAMINER
PUBLIC HEARING MINUTES
MARCH 6, 2024**

CALL TO ORDER: Hearing Examiner Jackie Rucker called the public hearing to order at 1:30 p.m. in the 1st Floor Conference 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 Tyson Lewis, and Hearing Coordinator Jenna Crone.

PLEDGE OF ALLEGIANCE

CHANGES IN AGENDA: None

APPROVAL OF MINUTES: Hearing Examiner Rucker approved the minutes as written February 21, 2024.

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 these proposals.

STAFF UPDATES: None

File S0003-23 - Subdivision - River Ranch Subdivision. The applicants are requesting to plat one (1) 51.870-acre parcel into nineteen (19) lots ranging from 2.5-acres to 2.76-acres. The property is zoned suburban. The project is located along U.S. Highway 2 in Section 26, Township 56 North, Range 5 West, Boise-Meridian.

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

APPLICANT REPRESENTATIVE: Dan Larson, 7B Engineering, addressed comments made by Bonner County Engineering regarding Stormwater Management

Plans and shared that the applicant received an email from ITD regarding the approach from Highway 2 just prior to the hearing.

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 project FILE S0003-23, River Ranch Subdivision, requesting the creation of 19 residential lots on an approximately 51.87-acre property zoned Suburban and located in Section 26, Township 56 North, Range 5 West, Boise Meridian, Bonner County, Bonner County, Idaho, finding that it is in accord with the Bonner County Revised Code as enumerated in the following conclusions of law:

Conclusion 1: The proposed subdivision **is** in accord with the purposes of this Title and of the zoning district in which it is located.

Conclusion 2: The site **is** physically suitable for the proposed development.

Conclusion 3: The design of the proposed subdivision **will not** adversely impact Bonner County's natural resources, as identified in the comprehensive plan. Any adverse impacts or potential for impacts shall be mitigated as a condition of approval.

Conclusion 4: The public and private services, including but not limited to water, sewer services, solid waste, fire protection, emergency services, and school facilities and transportation, which will serve the proposed subdivision **are** adequate for the needs of future residents or users.

Conclusion 5: The proposed subdivision **will not** cause circumstances to exist that will cause future residents or the public at large to be exposed to hazards to health or safety.

Conclusion 6: The design of the proposed subdivision or related improvements **will** provide for coordinated access with the county system of roads and with adjacent properties and **will not** impede the use of public easements for access to, or through the proposed subdivision. The proposed transportation system **is** designed to adequately and safely serve the future residents or users without adversely impacting the existing transportation system by reducing the quality or level of service or creating hazards or congestion.

Conclusion 7: The proposed subdivision **is** designed to comply with the design criteria for subdivisions set forth in Subchapter 6.2 of this chapter.

Conclusion 8: The proposed subdivision **is** in accord with the Bonner County Comprehensive Plan.

The decision is 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 as set forth in the Staff Report and direct the planning staff to draft written findings and conclusions to reflect this decision and transmit to all interested parties. This action does not result in a taking of private property. The action that could be taken to obtain the approval of preliminary plat is to complete the Conditions of Approval as amended.

Amending Condition 6 to read "Per BCRC 12-624.D, all proposed lots less than five (5) gross acres shall have direct frontage on, and direct access to, a public right of way. Right of way offered for dedication in any zoning district shall be developed with a road constructed to the standards set forth in Title 2 of this code.

Amending Condition 15: Geotechnical Analysis shall be required if the proposed building sites roads, driveways or other development meet BCRC 12-7.6.

Adding Condition 16: The applicant shall obtain ITD approval for approaches to US-2 prior to final plat recording.

Findings of Facts:

1. The subject site exists as a vacant unplatted parcel of land.
2. The area of the site is approximately 51.870 acres.
3. The site is zoned Suburban and has a land use designation of Transition.
4. The site fronts on and has a direct access to U.S. Highway 2, an Idaho Transportation Department owned and maintained road.
5. Majority of the site contains no slopes or slopes of less than 15% grade. Site contains some slopes of over 30% grade along the southern boundary. (US Geological Survey)
6. Site does not contain mapped wetlands. (National Wetland Inventory, US Fish and Wildlife Service)
7. Site does not contain any mapped waterbodies, streams, lakes or rivers. (National Hydrography Dataset, US Geological Survey)
8. Site contains the following types of soils: (US Department of Agriculture)
 - a. Bonner gravelly silt loam, 30 to 65 percent slopes – classified as "not prime farmland" with a drainage classification of "well drained".
 - b. Bonner gravelly ashy silt loam, 0 to 4 percent slopes – classified as "all areas are prime farmland" with a drainage classification of "well drained".

- c. Hoodoo Silt Loam, 0 to 1 percent slopes makes up a very small percentage of the subject site. It has a farmland classification of "prime farmland if drained" and a drainage classification of "poorly drained".
9. Parcel is within SFHA Zone X per FIRM Panel Number 16017C0866E, Effective Date 11/18/2009.
10. No local, state or federal agencies have identified any critical wildlife habitats on or within the vicinity of the subject property.
11. The project is proposed to be served by individual septic systems for sewer services.
12. The project is proposed to be served by Northern Lights Inc.
13. The site is located within the area of service of West Pend Oreille Fire District.
14. The site is located within Bonner School District #83.
15. Per BCRC 12-412, the minimum required lot size required is 2.5-acres, within Suburban District where no urban services are available.

Conditions of Approval:

1. The project is proposed to be served by individual septic systems. The preliminary plat indicates that Panhandle Health will be signing the sanitary restriction lift on the endorsements page of the final plat. At the time of final plat, the sanitary restriction lift shall be endorsed by Panhandle Health District or the sanitary restriction shall be noted on the final plat.
2. Per BCRC 12-620, any easements, specific constraints on building placement, other than easements, and land areas reserved, shall be shown and plainly marked on the plats.
3. Per BCRC 12-623.B (1), Lots to be served by an individual well on each lot: Applicants shall demonstrate how the aquifer proposed for water supply has sufficient production capability to provide drinking water to all applicable lots and that a location is available within each lot for installation of a well without conflicting with proposed sewage systems on or adjacent to the proposed lot.
4. Per BCRC 12-623.D et.seq.

All proposed lots shall be designed by the applicant to provide a fire protection plan for the proposed lots to provide, at a minimum, an assessment of fire risk and plans to reduce the risk, and provisions for defensible space, where material capable of allowing a fire to spread unchecked will be treated, cleared or modified to slow the rate and intensity of an advancing wildfire and to create an area for fire suppression operations to occur, and for at least one of the following:

- a. Prior to final plat, an approved water and fire hydrant system capable of providing one thousand (1,000) gallons per minute for a minimum of two (2) hours where a community water system exists or is proposed as part of the development and is capable of delivering the pressurized water supply necessary for delivering fire flows as prescribed by the international fire code, as adopted by the state fire marshal, and such later editions as may be so published and adopted by the state fire marshal, or as amended, modified or superseded, and incorporated herein by reference with a copy on file with the office of the clerk of the board of county commissioners, and hereinafter referred to as IFC.
 - b. A note on the final subdivision plat stating: "At the time of building location permit or building permit, the lot owner shall install a minimum two thousand (2,000) gallon water storage system, meeting IFC standards". Refill on demand is not required to meet IFC standards.
 - c. A note on the final subdivision plat stating: "The installation of an approved IFC residential fire suppression sprinkler system is required in all newly constructed residences".
 - d. Prior to final plat, a manmade or natural water source with a dry hydrant capable of delivering adequate water supply as prescribed by IFC.
 - e. A note on the final subdivision plat stating: "At the time of building permit or building location permit, the lot owner shall install an approved fire suppression method to the satisfaction of Bonner County".
5. Per BCRC 12-624.A, all new roads created for subdivisions shall be designated by unique road names, unless such roads are determined to be and are designed to be extensions of existing roads. Upon further review of the project, the proposed road names will be verified for uniqueness. Road names will require a modification if not found to be unique.

6. Per BCRC 12-624.D, all proposed lots less than five (5) gross acres shall have direct frontage on, and direct access to, a public right of way. Right of way offered for dedication in any zoning district shall be developed with a road constructed to the standards set forth in title 2 of this code.
7. Per BCRC 12-642.B.9, please specify who the grantee of the cul-de-sac easement is.
8. Per BCRC 12-642.B.11, please include a statement on the plat for the intended use of the lots.
9. Per BCRC 12-643.I, the preliminary plat shall be valid for a period not to exceed two (2) years from the date of approval. At any time prior to the expiration date of the preliminary plat, an applicant may make a written request to the planning director for a single extension of the preliminary plat for a period up to two (2) years. The board may consider such request for extension at any regular business meeting. The extension request must be approved or denied prior to the expiration date of the preliminary plat.
10. Per BCRC 12-644, after the preliminary plat is approved, the subdivider shall have an improvement plan for the subdivision prepared by a registered civil engineer. Two (2) copies of the improvement plan shall be filed with the county engineer. This plan shall include the following:
 - a. The subdivision name and number, geographic grid (township, range and tier, section number and location within the section), north arrow, date and scale no smaller than one hundred feet to the inch (1" = 100').
 - b. The plan and profile of all proposed roads showing final grades and cross sections of roads in accord with the requirements contained in title 2 of this code.
 - c. The plan and profile of proposed sanitary and stormwater systems with grades and sizes indicated. Drain calculations may be required.
 - d. A grading plan, showing stormwater drainage for each lot.
 - e. Any other improvements such as curbs, gutters, sidewalks, bridges, lift stations, fire hydrants, street lighting, etc., as required, and in accord with the requirements contained in title 2 of this code.
11. After the approval of the improvement plans has been obtained from Bonner County, the subdivider may begin construction of improvements on site as approved. After the completion of the improvements on site, the applicant's

engineer shall submit inspection reports of the built improvements to the County for review.

Per BCRC 12-644.B, the county engineer, or his representative, shall check inspection reports of the applicant's engineer and shall perform a final inspection and additional inspections (if called for). Construction and inspection of road improvements shall be completed in accord with the requirements contained in Title 2 of the Bonner County Revised Code or Appendix A of Title 12 of the Bonner County Revised Code.

12. Per BCRC 12-644.C, in lieu of completing all improvements as required before final plat recording, the subdivider shall enter into a surety agreement with the board agreeing to complete the improvements in accordance with surety agreement conditions and preliminary and final plat approvals. A cash deposit, certificate of deposit, corporate surety bond written by an insurance company licensed in Idaho having a rating from AM Best & Company of "A" or better, letter of credit issued and backed by a federal or state chartered bank, is required equivalent to one hundred fifty percent (150%) of the project engineer's estimated cost of construction of the improvements for the purpose of guaranteeing completion of the work and repair of any defects in improvements which occur within one year of the first acceptance of the completed work by the board. Sureties guaranteeing the work and repair of any defects in improvements which occur within one year after first acceptance of the completed work by the board may be reduced by the board by one-half (1/2) for that one year. The surety agreement shall be valid for a period not to exceed two (2) calendar years from the date of approval. At any time prior to the expiration date of the surety agreement, the subdivider may make a written request to the planning director for a single extension of the surety agreement for a period up to two (2) years. The board may consider such request for extension at any regular business meeting. The extension request must be approved or denied by the board prior to the expiration date of the surety agreement.

13. The final plat shall conform to Bonner County Revised Code sections BCRC 12-646, BCRC 12-647 and BCRC 12-648.

14. Per BCRC 12-7.2, the applicant submitted a stormwater management and grading plan, dated December 1, 2023, prepared by an Idaho licensed engineer, Dan Larson. The plan has been reviewed by the Bonner County Engineering Department against the standards of the Bonner County Revised Code, Title 12, Chapter 7, per review memo dated January 16, 2024.

The plan shall be updated and re-submitted to Bonner County to meet the conditions as noted in the aforementioned review memo. The project shall further comply with any subsequent modifications of these conditions by the

Bonner County Engineering Department upon further review of the project or based on the site conditions.

15. A geotechnical analysis shall be required for proposed building sites, roads, driveways or other development if they meet BCRC 12-7.6

16. The applicant shall obtain ITD approval for approaches to US-2 prior to final plat recording.

Examiner Rucker closed file S0003-23 at 2:03 P.M.

DISCUSSION:

- **Hearing Examiner and Staff Updates**
 - Four files are scheduled for March 20th and three files are scheduled for April 3rd

At 2:04 p.m., the Hearing Examiner declared the hearing adjourned until March 20, 2024.

Respectfully submitted,



Jacob Gabell, Planning Director

The above Minutes are hereby approved this 20th day of March 2024.



Jacqueline S. Rucker, Hearing Examiner