

**BONNER COUNTY HEARING EXAMINER
PUBLIC HEARING MINUTES
AUGUST 16, 2023**

CALL TO ORDER: Hearing Examiner Jackie Rucker called the public hearing to order at 1:30 p.m. in the 3rd 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: Planning Director Jake Gabell, Assistant Planning Director Travis Haller, Planner II Daniel Britt, Planner I Alex Feyen and Hearing Coordinator Jenna Crone.

PLEDGE OF ALLEGIANCE

CHANGES IN AGENDA: None

APPROVAL OF MINUTES: Hearing Examiner Rucker approved the minutes as written August 2, 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 CUP0010-23 – Conditional Use Permit – Animal Establishment. The applicants are requesting a conditional use permit for an animal establishment. The property is 6 acres. The property is zoned A/F-10. The project is located off Cougar Loop in Section 18, Township 55 North, Range 3 East, 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.

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.

DECISION TO APPROVE: Hearing Examiner Rucker approved this project FILE CUP0010-23 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 A/F-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 Cougar Loop a 60' wide privately maintained recorded easement.
3. Cougar Loop is constructed to provide for adequate access for emergency services.
4. Power is provided by Northern Lights Inc.
5. Water is provided by individual well.
6. Sewage disposal is an individual septic system.
7. The site is approximately 6 acres.
8. The applicant has requested a divination to the 300 ft from an existing dwelling requirement to be ±150 ft 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	Agriculture	

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 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.

File V0024-22 – Variance – Bulk and Shoreline Setback. The applicants are requesting a bulk and shoreline setback variance to reconstruct an existing boat house to allow for standing room throughout the structure. The property is ~0.9 acres and is zoned Forest 40 (F). The project is located off Clambake Rd in Section 22, Township 60, North, Range 4 West, Boise-Meridian.

STAFF PRESENTATION: Assistant Director Travis Haller presented a summary of the project and previously circulated staff report, concluding this project is consistent with Bonner County Revised Code.

APPLICANT REPRESENTATIVE: Nicole Costello, Applicant Representative, clarified the size of the proposed structure. Matt Alice, Landowner, answered questions from the Hearing Examiner regarding the current state of the structure.

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.

DECISION TO APPROVE: Hearing Examiner Rucker hereby approved this project FILE V0024-22, a bulk and shoreline setback variance to reconstruct an existing boat house as detailed in the applicant submitted sheet in the file entitled "Variance Application – Bulk Calculations," 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 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.

Findings of Fact

1. This is a platted lot put to a residential use.
2. The lot is 0.9 acres in size.
3. The lot is zoned Forest 40 with a Remote Ag/Forest Land Use Designation.
4. This is a steeply sloping waterfront lake with frontage on Priest Lake.

5. The boathouse was not constructed by the applicant and was constructed before November 18, 2008.

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.

Conditions of approval:

Standard permit conditions:

- A-1** Only the development highlighted (new boathouse development) as shown on the site plan has been reviewed for variance standards. All other development shown must comply with Bonner County Revised Code.
- A-2** The granting of this variance shall not supersede any deed restrictions.
- A-3** A stormwater management or a grading/erosion control plan will be required for the proposed project pursuant to BCRC 12-720.2. The plan will be submitted to and approved by the Planning Department prior to the start of any development or land disturbing activity pursuant to this variance.
- A-4** The lot is within SFHA Zone X & Zone AE per FIRM Panel Number 16017C0225F, Effective Date 7/7/2014. The proposed project is within SFHA Zone AE. A Floodplain Development Permit will be required following approval of the proposed variance and prior to start of any work on the proposed project.
- A-5** A Building Location Permit shall be filed with the Bonner County Planning Department prior to development.

File V0013-23 – Variance – Shoreline Setback. The applicants are requesting a variance for a 25' setback from the shoreline where 40' is required as well as a bulk increase to an existing boat house. The parcel is .98 acres. The property is zoned Recreation. The project is located off Bull Trout Road in Section 03, Township 60 North, Range 4 West, Boise-Meridian.

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

APPLICANT REPRESENTATIVE: Jeremy Grimm, Whiskey Rock Planning, gave a presentation (Exhibit A) of the proposed 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.

DECISION TO APPROVE: Hearing Examiner Rucker approved this project FILE V00013-23, for a 25' setback from the shoreline where 40' is required as well as a 53% bulk increase to an existing boat house, 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 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.

Findings of Fact

1. The proposal was reviewed for compliance with BCRC 12-234 Variances, and standards for review of applications, BCRC 12-400, et seq.
2. The property is zoned Recreation.
3. The property is described as Lot 18, Block 1 of State Subdivision-Hunt Creek, according to the plat thereof, recorded in Book 10 of Plats, Page 159, as Instrument No. 840099, records of Bonner County, Idaho. And a one-quarter interest in Drainfield Lot 17 in Block 1 of State Subdivision-Hunt Creek, according to the plat thereof, recorded in Book 10 of Plats, Page 159, as Instrument No. 840099, records of Bonner County, Idaho.
4. The property has an existing single-family-dwelling with a detached garage and an existing boathouse.
5. There are slopes of 0-30%+ present on the property per USGS.

6. The property fronts Priest Lake.
7. The property does have wetlands, per USFWS.
8. A portion of the property is located in Special Flood Hazard Area AE, per FEMA.
9. The applicant obtained the property on September 26, 2018 per State Deed, Instrument # 928402 and reconveyed in Quitclaim Deed under Instrument #948776, recorded on November 15, 2019.

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.

Conditions of approval:

Standard permit conditions:

- A-1** Only the development highlighted (expanded boathouse development) as shown on the site plan has been reviewed for variance standards. All other development shown must comply with Bonner County Revised Code excepting the modified building envelope herein.
- A-2** The granting of this variance shall not supersede any deed restrictions.
- A-3** A Floodplain Development Permit shall be filed with the Bonner County Planning Department prior to development.
- A-4** A Building Location Permit shall be filed with the Bonner County Planning Department prior to development.

A-5 Per BCRC 12-720.2 (E) a stormwater management plan shall be required for all new building construction or development which occurs on or within 300' of a slope with 15% or greater incline.

DISCUSSION:

• **Hearing Examiner and Staff Updates**

- Staffing changes – The position of Permit Tech has been eliminated and replaced with Planning Tech.
- Next meeting will be September 6, 2023.
- Providence Subdivision will be heard by the Zoning Commission on Thursday August 17, 2023.

At 2:44 p.m., the Hearing Examiner declared the hearing adjourned until September 6, 2023.

Respectfully submitted,



Jacob Gabell, Planning Director

The above Minutes are hereby approved this 6th day of September 2023.



Jaqueline Rucker, Hearing Examiner