

**BONNER COUNTY HEARING EXAMINER
PUBLIC HEARING MINUTES
FEBRUARY 21, 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 I Rob Winningham, and Hearing Coordinator Jenna Crone.

PLEDGE OF ALLEGIANCE

CHANGES IN AGENDA: None

APPROVAL OF MINUTES: Hearing Examiner Rucker approved the minutes as written February 7, 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 V0028-23 – Variance – Impervious Surface. The applicants are requesting a 52.5% impervious surface where 35% is required. The 0.170 acre property is zoned Suburban (S). The project is located off Cocolalla Loop in Section 7, Township 55 North, Range 2 West, Boise-Meridian.

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

APPLICANT REPRESENTATIVE: Shane Goodner, NW Pro Contracting LLC, addressed comments and concerns made from Idaho Department of Water Resources and Idaho Department of Fish and Game.

PUBLIC/AGENCY INPUT: The following members of the public spoke on the record: Ruth Fillwiler.

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 V0028-23, requesting a 52% impervious surface coverage where 35% 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. Examiner Rucker further moved to adopt 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 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.

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)

Findings of Fact

1. The parcel consists of approximately 0.17-acres.
2. The parcel is zoned Suburban with a land use designation of Suburban Growth Area (2.5-5 AC)
3. The parcel is served by individual well, individual septic system, Selkirk Fire District, Lake Pend Oreille School District #84.
4. Parcel is within SFHA Zone X & Zone AE per FIRM Panel Number 16017C1150E, Effective Date 11/18/2009.
5. The parcel is not platted.
6. The parcel is a legal parcel per BCRC 12-616 (e)(1).

7. The applicant purchased the parcel on November 21, 2006 per Instrument No. 717641, Records of Bonner County.
8. The parcel does contain few mapped slopes in excess of 30% per USGS.
9. The parcel does contain mapped wetlands per NWI/USFWS.
10. The parcel does contain frontage on Lake Cocolalla per NHD.
11. The parcel contains one soil type: Sagle silt loam, 5 to 30 percent slopes.

Conditions of approval:

Standard permit conditions:

1. 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.

Examiner Rucker closed file V0028-23 at 1:50 P.M.

File V0029-23 – Variance – Street Setback. The applicants are requesting a street setback of 4 feet where 25 feet is required. The 0.137 acre property is zoned Recreation (Rec). The project is located off Eureka Road in Section 33, Township 57 North, Range 1 West, Boise-Meridian.

STAFF PRESENTATION: Planner I Rob Winningham presented a summary of the project and previously circulated staff report, concluding this project is not consistent with Bonner County Revised Code.

APPLICANT REPRESENTATIVE: Chris Wyckoff, Landowner, addressed statements made in the Staff Report and explained why this proposal is unique.

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 DENY: Hearing Examiner Rucker denied this project V0029-23, requesting a 4' street setback where 25' is required, based upon the following conclusions of law:

Conclusion 1: Conditions apply to the property that **do** 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** in conflict with the public interest in that it **will** 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)

This 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 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. 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 site is accessed by Eureka Road is a County owned, privately maintained roadway with a 15' gravel travel way.
2. The site does contain mapped slopes in excess of 30% per USGS.
3. The site does not contain mapped wetlands per NWI/USFWS.
4. The site does not contain a river/stream/frontage on a lake per NHD.
5. Parcel is within SFHA Zone X per FIRM Panel Number 16017C0975E, Effective Date 11/18/2009.
6. The site is served by individual well, Bottle Bay Water & Sewer, Selkirk Fire District, Avista Utilities, Lake Pend Oreille School District #84, Bonner County Ambulance District, Pend Oreille Hospital District.
7. The site contains Pend Oreille-Hoodoo silt loams, 0 to 30 percent slopes.
8. The parcel is compliant per BCRC 12-616 (E) (3) per Instrument No. 50003, Book of Plats, Book 2, Page 19, Records of Bonner County, Idaho.
9. The applicant purchased the lot on August 6, 2015 per Instrument No. 877371, Records of Bonner County.
10. The proposed lot coverage of 36% exceeds the allowable lot coverage of 35% per the site plan.

Examiner Rucker closed file V0029-23 at 2:17 P.M.


DISCUSSION:

- **Hearing Examiner and Staff Updates**

- o The Assistant Director shared that the two files that the Hearing Examiner sent to the Zoning Commission were heard on February 15, 2024. File V0024-23 was denied and File CUP0013-23 was approved.
- o The Planning Director will be on Military Leave through the beginning of March.

At 2:22 p.m., the Hearing Examiner declared the hearing adjourned until March 6, 2024.

Respectfully submitted,



Jacob Gabell, Planning Director

The above Minutes are hereby approved this 6th day of March 2024.



Jaqueline S. Rucker, Hearing Examiner