

**BONNER COUNTY HEARING EXAMINER  
PUBLIC HEARING MINUTES  
March 15, 2023**

**CALL TO ORDER:** Hearing Examiner Jackie Rucker called the public hearing to order at 1:33 p.m. in the 3<sup>rd</sup> 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:** Planning Director Jacob Gabell, Assistant Planning Director Travis Haller, Planner/Tech 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 for February 15, 2023, and March 1, 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 V0023-22 - Cedar Mountain Estates HOA - Variance.** The applicants are requesting a minimum lot size reduction to 0.2 acres where 5 acres is required. The property is zoned Rural-5. The project is located off Bottle Bay Road Section 24, Township 57 North, Range 2 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:** Lisa Moline, Sandpoint Law, gave a brief overview of 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.

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**DECISION TO APPROVE:** Hearing Examiner Rucker hereby approved this project FILE V0023-22, requesting a variance for a minimum lot size reduction from 0.32 acres to 0.2 acres, where 5 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. Examiner Rucker further moved to adopt 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.

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**Findings of Fact**

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1. The subject lot is within Rural-5 zoning district.
2. The subject lot has a comprehensive land use designation of Rural Residential.
3. The subject lot was platted in 2013 according to the plat of Cedar Mountain Estates, Instrument #847949.
4. The subject lot is within SFHA Zone AE & Zone X per FIRM Panel 16017C0720E, Effective Date 11/18/2009.
5. The parcel primarily consists of slopes over 30 percent with a less significant portion as 15-29 percent or below.
6. The property is accessible by Bottle Bay Road, which is a county owned and maintained road.

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**Conclusions of Law:**

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**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)

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**Conditions of approval:**

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None

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**Standard permit conditions:**

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None

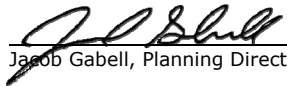
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**DISCUSSION:**

- **Hearing Examiner and Staff Updates**
  - New Planner, Alex Feyen and new Permit Tech Kyle Snider
  - BLP numbers are slightly lower than last year
  - Land Use files are down from this time last year

At 1:53 p.m., the Hearing Examiner declared the hearing adjourned until April 5, 2023

Respectfully submitted,



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Jacob Gabell, Planning Director

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The above Minutes are hereby approved this 5<sup>th</sup> day of April 2023.



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Jaqueline Rucker, Hearing Examiner