

**BONNER COUNTY HEARING EXAMINER
PUBLIC HEARING MINUTES
JUNE 5, 2024**

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: Planning Director Jacob Gabell, Assistant Director Travis Haller, Planner I Rob Winningham and Hearing Coordinator Jenna Crone.

PLEDGE OF ALLEGIANCE

CHANGES IN AGENDA: None

STAFF UPDATES: None

APPROVAL OF MINUTES: Hearing Examiner Rucker approved the May 15, 2024, minutes as written.

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.

File V0011-24 - Variance - Side Yard Setback. The applicant is requesting a 5-foot side yard setback where 25-feet is required. The 5.050 acre property is zoned Rural 5. The project site is located off Winter Ridge Road in Section 27, Township 57 North, Range 1 East, 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 PRESENTATION: None.

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 V0011-24 requesting a 5' property line setback where 25' is required, finding that it is in accord with the Bonner County Revised Code as enumerated in the following conclusions of law:

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)

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 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. The site does contain mapped slopes in excess of 30% grade per USGS.
2. The site does not contain mapped wetlands per NWI.
3. The site does not contain frontage on a river, stream, or lake per NHD.
4. Parcel is within SFHA Zone X per FIRM Panel Number 16017C0775E, Effective Date 11/18/2009.
5. The parcel is served by individual well, individual septic system, Northside Fire District, Avista Utilities and Lake
6. The subject parcel is not platted.
7. The subject lot is zoned Rural 5 with a land use designation of Rural Residential (5-10 AC).
8. Access is via Winter Ridge Road. This is a privately owned and maintained road with a gravel travel way.
9. The applicant purchased the parcel on October 28, 2021 per Instrument No. 994494, Records of Bonner County.

Conditions of Approval:

Standard continuing permit conditions. To be met for the life of the use:

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.

File V0009-24 - Variance - Street Setback. The applicants are requesting a 10-foot street setback where 25-feet is required. The 0.137 acre property is zoned Recreation. 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 consistent with Bonner County Revised Code.

APPLICANT PRESENTATION: Chris Wyckoff, Landowner, thanked the Planning Department and the Road and Bridge Department for working with him.

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 V0009-24 requesting a 10' street setback where 25' 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 adopted the findings of fact 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.

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 site is accessed by Eureka Road, 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 applicant applied for a 4' street setback variance (V0029-23) on November 28, 2023. This application was denied.
11. There is a waterline easement for the benefit of RP00413001002BA recorded at Instrument No. 585899, Records of Bonner County.
12. The lot consists of 0.137-acres.

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.
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STAFF UPDATES:

- The Assistant Director updated the Hearing Examiner on the outcome of previous files:
 - File CUP0001-24 approval was upheld by the BOCC on May 29, 2024.
 - File CUP0013-23 Reconsideration will be heard on June 13, 2024 to discuss adequate fire protection
 - File CUP0002-24 was appealed by the applicant and also by an opposing party. The hearing is on June 24, 2024 and the Bonner County Fairgrounds.
 - File V0024-23 Reconsideration will be heard on June 12, 2024.
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At 2:03 p.m., the Hearing Examiner declared the hearing adjourned until June 17, 2024.

Respectfully submitted,



Jacob Gabell, Planning Director

The above Minutes are hereby approved this 17th day of June 2024.



Jacqueline S. Rucker, Hearing Examiner