

**BONNER COUNTY HEARING EXAMINER
PUBLIC HEARING MINUTES
DECEMBER 28, 2022**

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.

PRESENT: Jackie Rucker, Hearing Examiner

ABSENT: None

ALSO PRESENT: Planning Director Jacob Gabell, Assistant Director Travis Haller, Planner I Tyson Lewis, and Planner II Daniel Britt.

PLEDGE OF ALLEGIANCE

CHANGES IN AGENDA: None

APPROVAL OF MINUTES: Hearing Examiner Rucker approved the minutes as written for November 16, 2022, and December 14, 2022.

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 CUP0016-22 Conditional Use Permit. The applicants are requesting a conditional use permit for a private school and public utility facility. The project is on a total of ±30 acres. The property is zoned suburban. The project is located off North Kootenai Road in Section1, Township 57 North, Range 2 West, Boise-Meridian.

STAFF PRESENTATION: Assistant Planning 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: Jeremy Grimm, Whiskey Rock Planning, presented a PowerPoint presentation outlining the proposed project.

APPLICANT PRESENTATION: Julie McCallan discussed the Waldorf Education and what this expansion would mean for the school.

PUBLIC/AGENCY INPUT: The following members of the public spoke on the record: Trace Evans, Katie Cox, Christopher Lundy, Jason Grace, Chris Hecht, Matt Hoffman, and Randy Stolz.

APPLICANT REBUTTAL: Jeremy Grimm answered questions brought up during public comment regarding sewer and water.

HEARING EXAMINER INPUT: The Hearing Examiner closed the hearing to public testimony and discussed findings and conclusions.

MOTION TO APPROVE: Hearing Examiner Jackie Rucker moved to approve this project FILE CUP0016-22 for a school, 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 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, have the Chairman sign, 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 Suburban, where schools, public and private are conditionally allowed upon meeting the required standards per BCRC 12-335 and Subchapter 4.2.
2. The property is accessed off Highway 200 an Idaho State owned and maintained paved right of way and adjacent to a 50' wide Bonner County owned and maintained paved right of way.
3. Fire protection is provided Northside Fire District.
4. Power is provided by Northern lights Utilities.
5. Water is provided through Oden Water Association.
6. Sewage disposal is an individual system.
7. The site is approximately 36.5 acres.

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
Economic Development
Hazardous Areas
Recreation
Community Design

Population
Land Use
Public Services
Special Areas or Sites
Implementation

School Facilities, Transportation
Natural Resources
Transportation
Housing

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 county setbacks shall be met.
- 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 12-335 Public Use Table standards for schools 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 structures.

File V0019-22 – Variance. The applicants are requesting a lot size minimum variance to create a 6.75-acre lot and 9.90-acre lot, where 10 acres is required. The property is zoned Rural 10. The project is located off Spring Lane in Section 26, Township 56 North, Range 2 East, Boise-Meridian.

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

APPLICANT PRESENTATION: Jacqueline Smith, Landowner, shared her reasons for requesting the variance.

PUBLIC/AGENCY INPUT: None

HEARING EXAMINER INPUT: The Hearing Examiner closed the hearing to public testimony and discussed findings and conclusions.

DECISION TO APPROVE: Hearing Examiner Jackie Rucker approved this project V0019-22, requesting a lot size minimum variance for two proposed parcels; 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.

FINDINGS OF FACT

1. The existing parcel is 19.945-acres and is in Rural 10 zoning district.
2. The applicant is seeking to divide the existing parcel to create a 9.976-acre parcel and a 9.969-acre parcel. Submerged lands reduce the usable land on each proposed parcel. Parcel 1 will reduce from 9.976-acres to 9.907-acres and Parcel 2 will reduce from 9.969-acres to 6.751-acres.
3. Spring Lane is a privately owned and maintained road. The road will be used for ingress-egress purposes to access the subject property.
4. The applicant acquired the property April 7, 2000 per Warranty Deed Inst: 562148.

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)

CONDITIONS OF APPROVAL:

Standard Conditions:

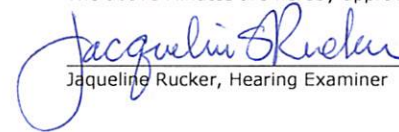
A-1 The lot size minimum variance shall not supersede any deed restrictions.

At 2:41 p.m., the Hearing Examiner declared the hearing adjourned until January 18, 2023

Respectfully submitted,


Jacob Gabell, Planning Director

The above Minutes are hereby approved this 18th day of January 2023.


Jacqueline Rucker, Hearing Examiner