

**BONNER COUNTY HEARING EXAMINER
PUBLIC HEARING MINUTES
MAY 15, 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 April 17, 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 S0002-24 - Subdivision - Noble Estates First Addition. The applicants are requesting to plat an approximately 60-acre parcel into twelve (12) residential lots. The property is zoned Rural 5. The project is located off Elmira Road in Section 10, Township 59 North, Range 1 West, Boise Meridian, Bonner County Idaho.

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: Nicole Costello made herself available for questions and stated that Condition of Approval number 12 regarding a stormwater management plan, would not be required for this project.

Lance Miller, Project Representative, discussed comments made by Idaho Department of Fish and Game and stated there will be provisions in the CC&Rs to address those concerns.

PUBLIC/AGENCY INPUT: The following members of the public spoke on the record: Shelley Galusha.

APPLICANT REBUTTAL: Wes Mendenhall, Applicant, addressed the concerns regarding CC&Rs and livestock on the parcels.

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

Hearing Examiner Rucker approved project FILE S0002-24, Noble Estates Subdivision, requesting the creation of 12 residential lots on an approximately 59.94-acre property, zoned Rural 5 and located in Section 10, Township 59 North, Range 1 West, Boise Meridian, Bonner County, Idaho, finding that it is in accord with the Bonner County Revised Code as enumerated in the following conclusions of law:

Conclusion 1: The proposed subdivision is in accord with the general and specific objectives of Bonner County Comprehensive Plan.

Conclusion 2: This proposal was reviewed for compliance with the criteria and standards set forth at BCRC Title 12, Chapter 2, Procedures; Chapter 4, Development Standards; Chapter 6, Subdivisions; and Chapter 7 Environmental Standards. The proposal is in accord with the 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.

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 subdivision is to complete the Conditions of Approval as amended, striking the last two paragraphs of Condition 2. This action does not result in a taking of private property.

Findings of Facts:

1. The subject site exists as a vacant unplatted parcel of land.
2. The area of the site is approximately 59.94 acres.
3. The site is zoned Rural 5 and has a land use designation of Rural Residential.
4. The site fronts on and has a direct access to Noble Lane, a privately owned and maintained public road.

5. Majority of the site contains no slopes or slopes of less than 15% grade. Site contains minimal slopes of over 30% grade in the northwestern corner. (US Geological Survey)
6. Site contains does not contain any wetlands (National Wetland Inventory, US Fish and Wildlife Service)
7. Site does not contain any mapped waterbodies, streams, lakes or rivers. (National Hydrography Dataset, US Geological Survey)
8. Site contains the following type of soil: (US Department of Agriculture)
 - o Mission silt loam – classified as "Farmland of statewide importance, if drained" with a drainage classification of "somewhat poorly drained".
9. Parcel is located within Flood Zone X (Unshaded) and not located within floodway, per FIRM Panel 16017C0505E, effective date 11/18/2009.
10. No local, state or federal agencies have identified any critical wildlife habitats on or within the vicinity of the subject property.
11. The project is proposed to be served by individual well for water services and individual septic for sewer services.
12. The project is proposed to be served by Avista Utilities.
13. The site is located within the area of service of Northside Fire District.
14. The site is located within Lake Pend Oreille School District #84.
15. The site is located within Bonner County Ambulance District and Pend Oreille Hospital District.
16. Per BCRC 12-412, the minimum required lot size required is 2.5-acres where no urban services are available.

Conditions of Approval:

1. Per BCRC 12-620, any easements, specific constraints on building placement, other than easements, and land areas reserved, shall be shown and plainly marked on the plats.
2. Per BCRC 12-623.D, all proposed lots shall be designed by the applicant to provide a fire protection plan for the proposed lots to provide, at a minimum, an assessment of fire risk and plans to reduce the risk, and provisions for

defensible space, where material capable of allowing a fire to spread unchecked will be treated, cleared or modified to slow the rate and intensity of an advancing wildfire and to create an area for fire suppression operations to occur, and for at least one of the following:

- a. Prior to final plat, an approved water and fire hydrant system capable of providing one thousand (1,000) gallons per minute for a minimum of two (2) hours where a community water system exists or is proposed as part of the development and is capable of delivering the pressurized water supply necessary for delivering fire flows as prescribed by the international fire code, as adopted by the state fire marshal, and such later editions as may be so published and adopted by the state fire marshal, or as amended, modified or superseded, and incorporated herein by reference with a copy on file with the office of the clerk of the board of county commissioners, and hereinafter referred to as IFC.
- b. A note on the final subdivision plat stating: "At the time of building location permit or building permit, the lot owner shall install a minimum two thousand (2,000) gallon water storage system, meeting IFC standards". Refill on demand is not required to meet IFC standards.
- c. A note on the final subdivision plat stating: "The installation of an approved IFC residential fire suppression sprinkler system is required in all newly constructed residences".
- d. Prior to final plat, a manmade or natural water source with a dry hydrant capable of delivering adequate water supply as prescribed by IFC.
- e. A note on the final subdivision plat stating: "At the time of building permit or building location permit, the lot owner shall install an approved fire suppression method to the satisfaction of Bonner County".

~~The fire protection plan submitted as part of the application states, "A portion of the site has been previously logged. Most of any remaining trees will be removed during clearing and grubbing operations associated with site development. The proposed subdivision will be served by the City of Sandpoint water system complete with hydrants capable of delivering fire flows as prescribed by the International Fire Code."~~

~~In addition to this, the project shall meet at least one of the sub-conditions as noted in points "a" through "e" above.~~

3. Per BCRC 12-624.A, all new roads created for subdivisions shall be designated by unique road names, unless such roads are determined to be and are designed to be extensions of existing roads. Upon further review of the project, the proposed road names will be verified for uniqueness. Road names will require a modification if not found to be unique.

4. Per BCRC 12-624.B, preliminary road design plans, prepared by Clearwater Engineering in March 2024, were submitted as part of the application. The plans shall be reviewed by Bonner County Road and Bridge Department. The applicant shall meet all conditions determined to be required in addition to any further modifications of these conditions by the Bonner County Road and Bridge Department upon further review of the project or based on the site conditions.

Per the Bonner County Road & Bridge Department, a road approach encroachment permit will need to be obtained. The approach will need to be constructed to the standards set in Section 3 of the Bonner County Road Standards Manual (2% downslope, 30' wide approach, 30' radii out to the edge of Elmira Road). The road name sign shall be blue with white lettering.

5. Per BCRC 12-642.B.3, all proposed lots shall be numbered or in a systematic order. Please start lot numbering at 1.

6. Per BCRC 12-642.B.8, please specify the method water and septic services as individual or as proposed.

7. Per BCRC 12-643.I, the preliminary plat shall be valid for a period not to exceed two (2) years from the date of approval. At any time prior to the expiration date of the preliminary plat, an applicant may make a written request to the planning director for a single extension of the preliminary plat for a period up to two (2) years. The board may consider such request for extension at any regular business meeting. The extension request must be approved or denied prior to the expiration date of the preliminary plat.

8. Per BCRC 12-644, after the preliminary plat is approved, the subdivider shall have an improvement plan for the subdivision prepared by a registered civil engineer. Two (2) copies of the improvement plan shall be filed with the county engineer. This plan shall include the following:

- a. The subdivision name and number, geographic grid (township, range and tier, section number and location within the section), north arrow, date and scale no smaller than one hundred feet to the inch (1" = 100').
- b. The plan and profile of all proposed roads showing final grades and cross sections of roads in accord with the requirements contained in title 2 of this code.

c. The plan and profile of proposed sanitary and stormwater systems with grades and sizes indicated. Drain calculations may be required.

d. A grading plan, showing stormwater drainage for each lot.

e. Any other improvements such as curbs, gutters, sidewalks, bridges, lift stations, fire hydrants, street lighting, etc., as required, and in accord with the requirements contained in title 2 of this code.

After the approval of the improvement plans has been obtained from Bonner County, the subdivider may begin construction of improvements on site as approved. After the completion of the improvements on site, the applicant's engineer shall submit inspection reports of the built improvements to the County for review.

9. Per BCRC 12-644.B, the county engineer, or his representative, shall check inspection reports of the applicant's engineer and shall perform a final inspection and additional inspections (if called for). Construction and inspection of road improvements shall be completed in accord with the requirements contained in Title 2 of the Bonner County Revised Code or Appendix A of Title 12 of the Bonner County Revised Code.

10. Per BCRC 12-644.C, in lieu of completing all improvements as required before final plat recording, the subdivider shall enter into a surety agreement with the board agreeing to complete the improvements in accordance with surety agreement conditions and preliminary and final plat approvals. A cash deposit, certificate of deposit, corporate surety bond written by an insurance company licensed in Idaho having a rating from AM Best & Company of "A" or better, letter of credit issued and backed by a federal or state chartered bank, is required equivalent to one hundred fifty percent (150%) of the project engineer's estimated cost of construction of the improvements for the purpose of guaranteeing completion of the work and repair of any defects in improvements which occur within one year of the first acceptance of the completed work by the board. Sureties guaranteeing the work and repair of any defects in improvements which occur within one year after first acceptance of the completed work by the board may be reduced by the board by one-half (1/2) for that one year. The surety agreement shall be valid for a period not to exceed two (2) calendar years from the date of approval. At any time prior to the expiration date of the surety agreement, the subdivider may make a written request to the planning director for a single extension of the surety agreement for a period up to two (2) years. The board may consider such request for extension at any regular business meeting. The extension request must be approved or denied by the board prior to the expiration date of the surety agreement.

11. Per BCRC 12-646, BCRC 12-647 and BCRC 12-648, the final plat shall conform to these sections of the Bonner County Revised Code.

12. Per BCRC 12-7.2, the applicant shall submit a stormwater management and grading plan prepared by an Idaho licensed engineer. The plan shall be reviewed by the Bonner County Engineering Department against the standards of the Bonner County Revised Code, Title 12, Chapter 7. The stormwater management and grading plan must be approved and the erosion control measures inspected prior to ground disturbing activities begin.

Examiner Rucker closed File S0002-24 at 1:53 P.M.

STAFF UPDATES:

- Next meeting of the Bonner County Hearing Examiner is June 5, 2024.
- The Planning Director suggested the Hearing Examiner review File AM0002-24, which is being heard by the BOCC on June 12, 2024. This will modify whether a Conditional Use Permit proposal is not in conflict with the policies of the implementation component instead of in accordance with the general and specific objectives. The will also amend the Variance application contents.
- Review of files heard by the Hearing Examiner that have been appealed.
 - Appeal of File CUP1-24 on May 29, 2024
 - Reconsideration of File V0024-23 on June 12, 2024
 - Reconsideration of File CUP13-23 on June 13, 2024
 - The Planning Department has not received an appeal for File CUP0002-24 as of this time.

At 1:59 p.m., the Hearing Examiner declared the hearing adjourned until June 5, 2024.

Respectfully submitted,



Jacob Gabell, Planning Director

The above Minutes are hereby approved this 5th day of June 2024.



Jacqueline Rucker, Hearing Examiner