

**BONNER COUNTY HEARING EXAMINER
PUBLIC HEARING MINUTES
JUNE 17, 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: Planner II Tyson Lewis, Planner I Alex Feyen and Hearing Coordinator Jenna Crone.

PLEDGE OF ALLEGIANCE

CHANGES IN AGENDA: None

STAFF UPDATES: None

APPROVAL OF MINUTES: Hearing Examiner Rucker approved the June 5, 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 V0010-24 - Variance - Street Setback. The applicant is requesting a 0 foot street setback where 25 feet is required. The 1.39-acre property is zoned Rural 5. The project site is located off Blue Heron Road in Section 1, Township 56 North, Range 1 East, Bolse-Meridian.

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

APPLICANT PRESENTATION: Joseph Taylor, Applicant, presented a brief history of the property discussing public access, easements, neighboring properties and comments made by Bonner County Road and Bridge.

Jason Topp – Road & Bridge Director answered questions from the Hearing Examiner regarding Fir Drive.

PUBLIC/AGENCY INPUT: The following members of the public spoke on the record: Tony Ard and Sandy Taylor.

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 V0010-24, requesting a 0 foot street setback where 25 feet 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 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. 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 property is split-zoned Recreation and Rural 5.
2. The property is located off Blue Heron Lane, a privately owned and maintained road, and Fir Drive, a Bonner County owned and privately maintained public right-of-way.
3. The property is 1.71-acres.
4. The property has minimal amount of slopes between 0-30+%.
5. The property is served by an individual well and septic system.

6. The property has frontage to Lake Pend Oreille and is located in FEMA SFHA AE & X; the proposed development site (the east portion of the property) does not front Lake Pend Oreille and is located in FEMA SFHA Zone X.
7. The property is served by Sam Owen Fire District and Avista Utilities.
8. The applicant has requested a 0-foot street setback from Fir Drive where 25-feet is required, for the purposes of constructing an accessory structure.
9. The proposal was reviewed for compliance with BCRC 12-234 Variances, and standards for review of applications, BCRC 12-400, et seq.
10. The subject property is similar in size, shape, and topography as lots in the same zone vicinity.
11. Building Location Permits (BLPs) have been issued on the neighboring lots and have met the Fir street setback.
12. Per Bonner County Road and Bridge Director, Jason Topp, the Road and Bridge Department has no intention of adopting Fir Drive into the public maintenance system.

Conditions of Approval:

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

1. 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.
2. This variance shall not supersede any deed restrictions.

Examiner Rucker closed File V0010-24 at 3:08 p.m.

The Hearing Examiner called for a recess at 3:08 p.m.

The Hearing Examiner called the meeting back to order at 3:20

File V0008-24 - Variance - Bulk Increase. The applicants are requesting a 1,300 square foot Accessory Dwelling Unit where up to 900 square feet is permitted. The 20 acre property is zoned Agricultural/Forestry 20. The project site is located off Rabbit Run in Section 22, Township 55 North, Range 3 West, Boise-Meridian.

STAFF PRESENTATION: Planner I Alex Feyen 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 V0008-24, requesting a 1,300 square foot Accessory Dwelling Unit where 900 square feet 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 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 property is zoned Agricultural/Forestry 20 and meets the criteria of that zone.
2. The property is located off Rabbit Run, a privately owned and maintained road.
3. The property is served by an individual well and individual septic system.

4. The property is served by Sagle Fire District and does not have a power provider.
5. The applicant received a Building Violation, BV2023-0056, for an unpermitted structure, that was built when the applicant purchased the property.
6. The applicant purchased the property on April 15, 2022, through Warranty Deed, instrument #1003893.
7. The applicant has applied for a Building Location Permit, BLP2024-0020, to permit this accessory dwelling unit.

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 V0008-24 at 3:33 p.m.

STAFF UPDATES:

- File CUP0002-24 Appeal hearing is Monday June 24, 2024, at 1:00 at the Bonner County Fairgrounds.
 - File CUP0013-23 removed the Retreat from their application.
 - Reconsideration for File CUP0001-24 was submitted claiming lack of evidence for Note 20.
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At 3:39 p.m., the Hearing Examiner declared the hearing adjourned until July 17, 2024.

Respectfully submitted,



Jacob Gabell, Planning Director

BONNER COUNTY HEARING EXAMINER'S PUBLIC HEARING MINUTES - June 17, 2024

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



Jaqueline Rucker, Hearing Examiner