

**BONNER COUNTY HEARING EXAMINER
PUBLIC HEARING MINUTES
AUGUST 17, 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: Planner I Swati Rastogi; Planner I Erik Beasley; and Hearing Coordinator Jenna Crone

CHANGES IN AGENDA: None

PUBLIC HEARING:

CONFLICT OF INTEREST/DISCLOSURE DECLARATIONS: Hearing Examiner Jackie Rucker stated that she had no conflict with this proposal.

File S0002-22 Subdivision: Cedar Park, 2nd Addition. The applicant is requesting to plat an approximately 25.38 acres of unplatted land located in the Area of City Impact of Oldtown. The proposed subdivision will consist of 64 residential lots and 2 utility lots. The property is zoned Suburban. The project is located off Nagel Road in Section 25, Township 56 North, Range 6 West, Boise-Meridian, Idaho.

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.

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

APPLICANT REPRESENTATIVE: Steve Syrcle, Tri-State Engineers, discussed the proposed Subdivision and the steps that will be taken to comply with the conditions of approval presented by Staff.

PUBLIC/AGENCY INPUT: None

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

APPROVAL: Hearing Examiner Jackie Rucker approved project FILE S0002-22, requesting creation of 64 residential lots and 2 utility lots on a property zoned Suburban and located in the Area of City Impact of Old town in Section 25,

Township 56 North, Range 6 West, Boise Meridian, Bonner County, Bonner County, Idaho, 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. The Examiner further adopted the findings of fact and conclusions of law as set forth in the Staff Report (or as amended during this hearing) and direct planning staff to draft written findings and conclusions to reflect this decision and transmit to all interested parties. This action does not result in a taking of private property. The action that could be taken to obtain approval of the preliminary plat is to complete the Conditions of Approval as adopted.

Applicable Bonner County Revised Code Standards:

The following sections of BCRC, Title 12, apply to this project:

BCRC 12-2.6	Abandonments, Appeals, Complaints, Exceptions, Fees, Modifications, Public Hearings, Application Processing
BCRC 12-268	Application Process, General Provisions
BCRC 12-412	Density and Dimensional Standards: Suburban, Commercial, Industrial, Rural Service Center, Recreation and Alpine Village Zones
BCRC 12-610	Applicability/ Qualifications
BCRC 12-611	Definitions
BCRC 12-620	Design Standards: General
BCRC 12-621	Design Standards: Lot Design
BCRC 12-623	Design Standards: Services and Utilities
BCRC 12-624	Design Standards: Roads and Access
BCRC 12-626	Design Standards: Environmental Features
BCRC 12-640	Subdivisions, Processing of Subdivision Applications, General
BCRC 12-641	Subdivisions, Pre-application review
BCRC 12-642	Preliminary Plat, Contents of Application
BCRC 12-643	Subdivisions, Procedure for processing Preliminary Plats
BCRC 12-644	Improvement Plan Required, Contents
BCRC 12-645	Standards for review of Applications for Preliminary Plat of all Subdivisions
BCRC 12-7.1	Shorelines
BCRC 12-7.2	Grading, Storm water Management and Erosion Control
BCRC 12-7.3	Wetlands
BCRC 12-7.4	Wildlife
BCRC 12-7.5	Flood Damage Prevention
BCRC 12-7.6	Hillsides

Findings of Facts:

1. The subject property is partly unplatted and partly unplatted. It also includes a portion of an existing public right-of-way, Harris Avenue, proposed to be vacated through Planning Department file no. VS0002-22.
2. The site is zoned Suburban and has a land use designation of Transition.
3. Subject property has access from both State Highway 41, an Idaho Transportation Department maintained highway and Nagel Road, a Bonner County owned and maintained public right-of-way.

4. Suburban zoning permits creation of 10,000 sf. or larger lots provided both urban water and urban sewer services are provided. In this project, all 64 residential lots are proposed to be served by West Bonner Water and Sewer District.
5. The project also proposes creation of two utility tracts - Tract A is proposed to be used for the purpose of locating water booster station, storm water containment and water and sewer main lines. Tract B is proposed to be used as common open space area and not to be used for building or any other purposes.
6. The proposed use of single-family residential development is permitted by right in the Suburban zoning district.
7. West Bonner and Water and Sewer District has provided a will-serve letter to provide water and sewer service to all lots in the proposed subdivision.
8. Avista Utilities has provided a will-serve letter to provide power to the proposed subdivision.
9. The site is served by West Pend Oreille Fire District, West Bonner School District #83, Bonner County Ambulance District and Pend Oreille Hospital District.
10. The site does not appear to contain any mapped waterbodies, wetland or steep slopes of over 30% grade.
11. All proposed lots have direct frontage and direct access to the proposed public right of way, Valley Street, Spring Street and Frosty Lane.
12. The proposed preliminary plat meets/ shall meet the standards of Bonner County Revised Code as indicated in Standards Review and Conditions of Approval.

Conclusions of Law:

Based upon the findings of fact, the following conclusions of law are adopted:

- Conclusion 1:** The proposed subdivision is in accord with the purposes of this Title and of the zoning district in which it is located.
- Conclusion 2:** The site is physically suitable for the proposed development.
- Conclusion 3:** The design of the proposed subdivision will not adversely impact Bonner County's natural resources, as identified in the comprehensive plan. Any adverse impacts or potential for impacts shall be mitigated as a condition of approval.
- Conclusion 4:** The public and private services, including but not limited to water, sewer services, solid waste, fire protection, emergency services, and school facilities and transportation, which will serve the proposed subdivision are adequate for the needs of future residents or users.
- Conclusion 5:** The proposed subdivision will not cause circumstances to exist that will cause future residents or the public at large to be exposed to hazards to health or safety.
- Conclusion 6:** The design of the proposed subdivision or related improvements will provide for coordinated access with the county system of roads and with

adjacent properties and will not impede the use of public easements for access to, or through the proposed subdivision. The proposed transportation system is designed to adequately and safely serve the future residents or users without adversely impacting the existing transportation system by reducing the quality or level of service or creating hazards or congestion.

Conclusion 7: The proposed subdivision is designed to comply with the design criteria for subdivisions set forth in Subchapter 6.2 of this chapter.

Conclusion 8: The proposed subdivision is in accord with the Bonner County Comprehensive Plan.

Conditions of Approval:

1. Show all easements of record including sufficient recording data to identify conveyance, if not already shown. See BCRC 12-620 and BCRC 12-642.B.9.
2. In case of any subsequent changes to the boundaries of the existing parcel, the proposed subdivision shall continue to conform to the lot design requirements. See BCRC 12-621.
3. The Sanitary Restriction, per Idaho Code §50-1326, shall be denoted on the plat. See BCRC 12-623.C.
4. A fire mitigation plan was submitted as part of this application. As per the submitted plan, the applicant intends to provide an approved water and fire hydrant system per BCRC 12-623.D.1. Such improvements shall be constructed or bonded for prior to the recording of the final plat.

Per BCRC 12-623.D.1, prior to final plat, the applicant shall provide 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."

5. Frosty Lane is a new road name that has been proposed in this subdivision. Valley Street and Spring Street seem to be a continuation of E. Valley Street and E. Spring Street. Verify if these street names will remain without pre-direction or be named the same as existing streets with pre-direction "E". See BCRC 12-624.A.
6. A portion of the subject property seems to include a portion of parcel RP00540006001AA (Tract A of First Addition to Cedar Park) under the ownership of Riverview Development, Inc. This ownership is not the same as that stated on the application of this subdivision - Willamette Valley Real Property, LLC. The applicant shall either provide the landowner's signatures on the application or a letter from the legal landowner authorizing the application to file for the subdivision.

In addition, the subject property also includes a portion of the currently existing public right-of-way, Harris Avenue as recorded with the First Addition to Cedar Park subdivision recorded in Bonner County at Page 100 of Book 1 of Plats. The applicant

has submitted an application requesting vacation of Harris Avenue, Planning File No. VS0002-22. The approval of this preliminary plat is contingent upon approval and recordation of the proposed vacation of Harris Avenue prior to the recording of the final plat. See BCRC 12-642.A.

7. The vicinity road pattern and the adjacent property lines shown on the preliminary plat are not accurate. It seems the lot lines of adjacent properties to the west of the subject parcel have been adjusted in anticipation of the proposed vacation of Harris Avenue and the following lot line adjustments of abutting properties to absorb the right-of-way, if vacated. This plat shall not be recorded as shown if the proposed Harris Avenue vacation and the following lot line adjustments for adjacent properties are not approved and recorded prior to the approval of the final plat of this subdivision. See BCRC 12-642.B.1.

Else, the plat should show the adjacent right-of-ways and the adjacent properties as they currently exist.

8. The plat shows adjacent Highway to be United States Highway 95. It should be corrected to show State Highway 41. See BCRC 12-642.B.1.
9. The proposed method of water supply and sewage disposal note on the plat mentions that these services will be provided by "Bonner County West Sewer and Water Services". This should be corrected to show "West Bonner Water and Sewer District" as per the will-serve letter received. See BCRC 12-642.B.8.
10. A preliminary road design and profile plan was submitted as part of the application. The plan has been reviewed by Bonner County Road and Bridge Department. The road and road-related improvements shall be made as required by the agency prior to the recording of the final plat. The conditions as noted in the agency's letter may be modified by the agency upon subsequent review of the project. See BCRC 12-642.C.
11. The preliminary short plat shall be valid for a period not to exceed two (2) calendar years from the date of approval. Within two (2) years of the approval of the preliminary plat, the applicant shall submit the final plat to the Planning Director. At any time prior to the expiration date of the preliminary plat, an applicant may make a single written request to the Planning Director for an extension of the preliminary plat for a period of 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. See BCRC 12-643.I.
12. An improvements plan for the subdivision shall be submitted after the approval of the preliminary plat. The contents of the plan shall include the following. See BCRC 12-644.A.
 - 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 storm water 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.

13. Applicant's engineer shall provide inspection reports for County Engineer's review and final inspections. See BCRC 12-644.B.

14. The subdivider may enter into a surety agreement with the Board in lieu of completing all improvements as required before final plat recording, agreeing to complete the improvements in accordance with surety agreement conditions and preliminary and final plat approvals. See BCRC 12-644.C for more details.

15. The final plat shall comply with all conditions as listed in BCRC 12-646 and shall show the following on the plat -

- a. Names of the subdivider and the engineer or surveyor. (BCRC 12-646.B)

- b. The "initial point" and description thereof, shall be indicated on the drawing and the location and description in conformance with Idaho Code. (BCRC 12-646.C)

- c. The accurate location and description and filing of all monuments shall be in accordance with the Corner Perpetuation and Filing Act, Idaho Code title 55, chapter 16. (BCRC 12-646.E)

- d. Private restrictions, if any. (BCRC 12-646.I)

- e. A certificate of a licensed engineer or surveyor of the State to the effect that the plat represents a survey made by him that all of the monuments, shown thereon, actually exist and that their positions are as shown. (BCRC 12-646.K)

16. All endorsements shall be shown on the final plat per BCRC 12-647.

17. A grading/storm water management plan, prepared by Tri-State Engineering was submitted as part of the application. The plans have been reviewed by Bonner County Engineering Department. These plans shall be resubmitted and approved by Bonner County Engineering Department prior to the recording of the final plat as per the department's review of the project.

18. After the approval of the preliminary plat, a final plat shall be prepared in conformance with BCRC 12-646, BCRC 12-647 and submitted to the Planning Department for review. The applicant shall also submit a copy of a current preliminary title report along with the final plat, as per BCRC 12-648.

19. A digital copy of the final plat shall be submitted to the Bonner County Planning Department satisfying the requirements of BCRC 12-649.

File V0010-22 - Side Yard Setback - Jones. The applicants are requesting a side yard setback variance of 10 feet where 25 feet is required. The parcel is 5.8 acres, and the property is zoned Rural 5. The project is located off Kelso Lake Road in Section 21, Township 54 North, Range 3 West, 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.

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 FILE V0010-22, requesting a 10-foot side yard setback where 25 feet is required to build a lean-to structure, 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. The Examiner further moved to adopt the following findings of fact and conclusions of law as written (or as amended). 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 Facts:

1. The subject parcel is within Rural-5 zoning district, the land designation is Rural Residential 5-10.
2. The applicants acquired the parcel in 2019 according to Warranty Deed Instrument #941135.
3. The parcel is within SFHA Zone X & Zone A per FIRM Panel 16017C1150E.
4. The parcel primarily consists of 15-29 percent slope with a less significant portion as 30 percent or above.
5. The property is accessible by North Beaver Lake Road, which is a privately maintained road and utilized for ingress/egress purposes.

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 permit conditions:

- A-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.
- A-2 A stormwater management plan must be submitted and comply by the standards set forth in BCRC 12-720.
- A-3 The side yard variance setback shall not supersede any deed restrictions.
- A-4 A building location permit must be obtained for the proposed project.

File V0011-22 - Street Setback - Redcrow. The applicants are requesting a street setback variance of 5 feet where 25 feet is required. The parcel is 1.44-acres, and zoned Suburban. The project is located off West Oden Bay Road in Section 8, Township 57 North, Range 1 West, Boise-Meridian.

CONFLICT OF INTEREST/DISCLOSURE DECLARATIONS: Hearing Examiner Jackie Rucker stated she does not have a conflict with this proposal.

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 REPRESENTATIVE: Jeremy Grimm submitted a PowerPoint exhibit. Discussed the history of Zoning regulations and reviewed structures on neighboring properties.

APPLICANT PRESENTATION: Laura Balison, Landowner, gave a history of the property.

PUBLIC/AGENCY INPUT: The following members of the public spoke on the record: Robin Helm and Toby McLaughlin.

APPLICANT REBUTTAL: Jeremy Grimm addressed comments and concerns made during public comment.

HEARING EXAMINER INPUT: The Hearing Examiner closed the hearing to public testimony.

DECISION TO APPROVE: Hearing Examiner Jackie Rucker approved this project FILE V0011-22, requesting a 5 feet street setback where 25 feet is required for a total variation of 20 feet, 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 following Findings of Facts and Conclusions of Law as set forth in this staff report (or amended during this hearing) and directed the 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:

6. The property is accessed by West Oden Bay Road and Jaclin Way, Bonner County owned public right-of-ways and privately maintained.
7. The area of the subject property is approximately 1.44 acres.
8. The parcel is zoned Suburban and the land use designation is Suburban Growth Area.
9. Per BCRC 12-412, Suburban zoned parcels of area 1 acre or more are not required to have a connection to an urban sewer system, if they have access to an urban water system.
10. The subject site is platted as Lot 15 of Rainbow Bay subdivision recorded through Instrument No. 112435 on Page 148 of Book of Plats 2 in records of Bonner County.
11. Nearly 39% of the site contains PSS1C Fresh Forested/ Shrub Wetlands. (National Wetland Inventory Map, USFWS).
12. A small portion of the site to the south fronts on Lake Pend Oreille. (NHD, USGS)
13. Parcel is within SFHA Zone X & Zone AE per FIRM Panel Number 16017C0750E, Effective Date 11/18/2009.
14. The site is served by Oden Water Association.
15. The site is served by Northside Fire District, Northern Lights, Inc., and Lake Pend Oreille School District.
16. There is currently no turn-around on Jaclin Way.
17. Jaclin Way continues past the applicant's property to provide access to at least two other parcels beyond.
18. Bonner County Revised Code does not restrict the size of a single family dwelling unit that is permissible on the subject property.
19. This request is consistent requirements established for variance in section 67-6516 as well Bonner County Revised Code as demonstrated in the staff analysis above.

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** 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:

1. This request has only been evaluated for a street setback variance for the buildable area only, as shown on the site plan submitted with this application.
2. All other development on the lot must comply with the Bonner County Revised Code.
3. An erosion control, grading and/or storm water management plan may be required at the time of obtaining the Building Location Permit.
4. The street setback variance shall not supersede any deed restrictions.

File S0005-22 Subdivision: Golden Tee Estates 13th Addition. The applicants are requesting to plat an approximately 20 acre property in East Sandpoint. The property is zoned Recreation. The project is located off of Green Monarch Lane, a private road in Section 6, Township 57 North, Range 1 East, Boise-Meridian, Idaho.

CONFLICT OF INTEREST/DISCLOSURE DECLARATIONS: Hearing Examiner Jackie Rucker stated she has no conflict with this proposal.

STAFF PRESENTATION: Planner I Swati Rastogi 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, Applicant Representative, presented a PowerPoint presentation giving a description of the proposed project and location.

PUBLIC/AGENCY INPUT: There were no members of the public present to comment.

HEARING EXAMINER INPUT: The Hearing Examiner closed the hearing to public testimony.

RECOMMENDATION TO APPROVE: Hearing Examiner Jackie Rucker recommended approval of project FILE S0005-22, requesting creation of 11 residential lots and 2 tracts on a property zoned Recreation and located in Section 6, Township 57 North, Range 1 East, 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, and based upon the evidence submitted up to the time the Staff Report was prepared and testimony received at this hearing. The Examiner further adopted the findings of fact and conclusions of law as set forth in the Staff Report (or as amended during this hearing) and directed the planning staff to draft written findings and conclusions to reflect this recommendation and transmit to all interested parties. This action does not result in a taking of private property. The action that could be taken to obtain the approval of preliminary plat approval is to complete the Conditions of Approval as adopted.

This recommendation for approval was made in error wherein the intent of the decision was to approve the project as per the decision-making authority granted to the Hearing Examiner per Bonner County Revised Code Section 12-127.

The Hearing Examiner, is therefore, issuing this amended decision to **APPROVE** the project subject to Conditions of Approval, based on the review against the applicable standards, findings of facts and conclusions of law as stated below.

DECISION TO APPROVE (AMENDED DECISION): Hearing Examiner Jackie Rucker approves project FILE S0005-22, requesting creation of 11 residential lots and 2 tracts on a property zoned Recreation and located in Section 6, Township 57 North, Range 1 East, 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, and based upon the evidence submitted up to the time the Staff Report was prepared and testimony received at this hearing. The Examiner further adopted the findings of fact and conclusions of law as set forth in the Staff Report (or as amended during this hearing) and directed the planning staff to draft written findings and conclusions to reflect this recommendation and transmit to all interested parties. This action does not result in a taking of private property. The action that could be taken to obtain the approval of preliminary plat approval is to complete the Conditions of Approval as adopted.

Applicable Bonner County Revised Code Standards:

The following sections of BCRC, Title 12, apply to this project:

BCRC 12-2.6	Abandonments, Appeals, Complaints, Exceptions, Fees, Modifications, Public Hearings, Application Processing
BCRC 12-268	Application Process, General Provisions
BCRC 12-412	Density and Dimensional Standards: Suburban, Commercial, Industrial, Rural Service Center, Recreation and Alpine Village Zones
BCRC 12-610	Applicability/ Qualifications
BCRC 12-611	Definitions
BCRC 12-620	Design Standards: General
BCRC 12-621	Design Standards: Lot Design
BCRC 12-623	Design Standards: Services and Utilities
BCRC 12-624	Design Standards: Roads and Access
BCRC 12-626	Design Standards: Environmental Features
BCRC 12-640	Subdivisions, Processing of Subdivision Applications, General
BCRC 12-641	Subdivisions, Pre-application review
BCRC 12-642	Preliminary Plat, Contents of Application
BCRC 12-643	Subdivisions, Procedure for processing Preliminary Plats
BCRC 12-644	Improvement Plan Required, Contents
BCRC 12-645	Standards for review of Applications for Preliminary Plat of all Subdivisions
BCRC 12-7.1	Shorelines
BCRC 12-7.2	Grading, Storm water Management and Erosion Control
BCRC 12-7.3	Wetlands
BCRC 12-7.4	Wildlife
BCRC 12-7.5	Flood Damage Prevention
BCRC 12-7.6	Hillslides

Findings of Facts:

13.This subdivision is a part of a previously approved Planned Unit Development proposal – Golden Tee Estates (Planning File No. C832-05).

14.PUD C832-05 provided authorization to deviate from the standards of BCRC Title 12 (Bonner County Revised Code in 2005) that are listed as follows:

- a. 12-627, Maximum lot coverage, permitting up to 45% coverage on lots of 6,000 square feet or smaller.
- b. 12-630, rear yard setbacks, permitting not less than 10 feet for lots of 6,000 square feet or less.
- c. 12-1421, lot size minimum, permitting site area minimums of less than 12,000 square feet.
- d. 12-2305(9) & (i), public road frontage and access, permitting private roads constructed to a minimum International Fire Code standard and requiring roads be paved.
- e. 12-2305(b), depth to width and angle of intersection, permitting deviation from the 3: 1 depth to width and near 90° angle of intersection of lot lines to rights-of-way.

15.The subject property is approximately 20 acres of unplatted vacant land located in Section 6, Township 57 North, Range 1 East, Boise Meridian, Idaho.

16.The site was approved for the construction of a Communications Tower through a Conditional Use Permit Planning File No. CUP0026-21.

17.The site is zoned Recreation and has a land use designation of Resort Community.

18.Subject property has access from North Star Lane and Green Monarch Lane, private roads within the Golden Tee Estates Planned Unit Development.

19.Recreation zoning permits creation of 12,000 sf. or larger lots provided both urban water and urban sewer services are provided. In this project, all residential lots are proposed to be served by TIC Utilities, LLC. The associated PUD allows deviation to the lot size.

20.The project also proposes creation of two tracts – Tract 1 and Tract 2. The purpose shall be indicated on the plat.

21.The proposed use of single-family residential development is permitted by right in the Recreation zoning district.

22.TIC Utilities has provided a will-serve letter to provide water and sewer service to all lots in the proposed subdivision.

23.The site will be served by Northern Lights, Inc., Northside Fire District, Lake Pend Oreille School District #84, Bonner County Ambulance District and Pend Oreille Hospital District.

24.The site does not seem to contain any mapped waterbodies or wetlands.

25.The site does seem to contain steep slopes of over 30% grade.

26. The proposed preliminary plat meets/ shall meet the standards of Bonner County Revised Code as indicated in Standards Review and Conditions of Approval.

Conclusions of Law:

Based upon the findings of fact, the following conclusions of law are adopted:

- Conclusion 1:** The proposed subdivision is in accord with the purposes of this Title and of the zoning district in which it is located.
- Conclusion 2:** The site is physically suitable for the proposed development.
- Conclusion 3:** The design of the proposed subdivision will not adversely impact Bonner County's natural resources, as identified in the comprehensive plan. Any adverse impacts or potential for impacts shall be mitigated as a condition of approval.
- Conclusion 4:** The public and private services, including but not limited to water, sewer services, solid waste, fire protection, emergency services, and school facilities and transportation, which will serve the proposed subdivision are adequate for the needs of future residents or users.
- Conclusion 5:** The proposed subdivision will not cause circumstances to exist that will cause future residents or the public at large to be exposed to hazards to health or safety.
- Conclusion 6:** The design of the proposed subdivision or related improvements will provide for coordinated access with the county system of roads and with adjacent properties and will not impede the use of public easements for access to, or through the proposed subdivision. The proposed transportation system is designed to adequately and safely serve the future residents or users without adversely impacting the existing transportation system by reducing the quality or level of service or creating hazards or congestion.
- Conclusion 7:** The proposed subdivision is designed to comply with the design criteria for subdivisions set forth in Subchapter 6.2 of this chapter.
- Conclusion 8:** The proposed subdivision is in accord with the Bonner County Comprehensive Plan.

Conditions of Approval:

1. The site was approved for the construction of a Communications Tower through a Conditional Use Permit Planning File No. CUP0026-21. The approval of this proposed subdivision shall not violate the Conditions of Approval of the Conditional Use Permit. In case of potential violation of the Conditional Use Permit and its Conditions of Approval, the proposed subdivision shall be modified to accommodate those conditions.
2. Show all easements of record including sufficient recording data to identify conveyance, if not already shown. See BCRC 12-620 and BCRC 12-642.B.9.
3. The Sanitary Restriction, per Idaho Code §50-1326, shall be denoted on the plat. See BCRC 12-623.C.

4. A fire suppression plan was submitted as part of this application. As per the submitted plan, the applicant intends to provide approved water and fire hydrant system capable of providing more than one thousand (1,000) gallons per minute for a minimum of two (2) hours where a community water system exists or exists 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 per BCRC 12-623.D.1. A letter of approval of the fire suppression plan was received from Northside Fire District. Such improvements shall be constructed prior to the recording of the final plat.

This condition of fire suppression shall be denoted on the plat - "The installation of a residential sprinkler system is required in all newly constructed residences. The landowner shall obtain written approval of the sprinkler system from Northside Fire District and shall install the system consistent with the fire district approval."

5. The new proposed road shall be provided a unique road name. See BCRC 12-624.A.
6. The associated PUD, C832-05 was approved with a deviation permitted to construct the private roads to a minimum of the International Fire Code Standards and to be paved. The proposed private road shall meet these standards.
7. Correct location description with Subdivision name - "Located in Govt. Lots 5 and 9 and the NW Quarter of Section 6, Township 57 North, Range 1 East." See BCRC 12-642.B.1.
8. Show tentative name of the proposed private road. See BCRC 12-642.B.4.
9. Show all existing wells, springs drainage channels, overhead and underground utility lines, structures, sanitary sewers and culverts within the tract and immediately adjacent thereto, if any. See BCRC 12-642.B.7.
10. Note proposed method of water supply, sewage and solid waste disposal on the plat. See BCRC 12-642.B.8.
11. All parcels of land intended to be dedicated for public use or reserved for the use of all property owners with the purpose indicated - Indicate purpose of Tracts 1 and 2. See BCRC 12-642.B.10.
12. A statement setting forth the intended land use of the parcels, i.e., residential, agricultural, commercial, industrial or other appropriate land use classifications shall be noted on the plat. See BCRC 12-642.B.11.
13. The proposed private road shall be constructed to a minimum of the International Fire Code standards and be paved. The road design and profile shall be reviewed by the Bonner County Engineering Department. Updates shall be made to the plans as required and approval of the plans obtained prior to the recording of the final plat and prior to start of road construction on site.
14. An improvement plan for the subdivision shall be submitted after the approval of the preliminary plat. The contents of the plan shall include the following. See BCRC 12-644.A.
 - 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 of International Fire 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 storm water 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.
15. Applicant's engineer shall provide inspection reports for County Engineer's review and final inspections. See BCRC 12-644.B.
16. The subdivider may enter into a surety agreement with the Board in lieu of completing all improvements as required before final plat recording, agreeing to complete the improvements in accordance with surety agreement conditions and preliminary and final plat approvals. See BCRC 12-644.C for more details.
17. The final plat shall comply with all conditions as listed in BCRC 12-646 and shall show the following on the plat –
- a. The "initial point" and description thereof, shall be indicated on the drawing and the location and description in conformance with Idaho Code. (BRCR 12-646.C)
 - b. Street lines of all existing or recorded streets, principal property lines, patent lines, Township lines or section lines, intersecting, crossing or contiguous to the subdivision (which should be mathematically tied to the lines of the subdivision by distances and bearings) and the status of adjoining property shall be indicated (name of subdivision or unplatted area). (BRCR 12-646.D)
 - c. The accurate location and description and filing of all monuments shall be in accordance with the Corner Perpetuation and Filing Act, Idaho Code title 55, chapter 16. (BRCR 12-646.E)
 - d. The accurate outline of all property that is offered for dedication for public use, with the purpose indicated thereon and all property owners in the subdivision and conform with the Idaho Code. (BRCR 12-646.H)
 - e. Private restrictions, if any. (BCRC 12-646.I)
 - f. A certificate of a licensed engineer or surveyor of the State to the effect that the plat represents a survey made by him that all of the monuments, shown thereon, actually exist and that their positions are as shown. (BCRC 12-646.K)
18. All endorsements shall be shown on the final plat per BCRC 12-647.
19. Stormwater management report and erosion control plans, prepared by Welch Comer, Engineers and Surveyors were submitted as part of the application. The plans have been reviewed by Bonner County Engineering Department. These plans shall be resubmitted and approved by Bonner County Engineering Department prior to the recording of the final plat or prior to the start of construction activities on site.

20. After the approval of the preliminary plat, a final plat shall be prepared in conformance with BCRC 12-646, BCRC 12-647 and submitted to the Planning Department for review. The applicant shall also submit a copy of a current preliminary title report along with the final plat, as per BCRC 12-648.
21. A digital copy of the final plat shall be submitted to the Bonner County Planning Department satisfying the requirements of BCRC 12-649.
22. A geotechnical analysis shall be required for proposed building sites, roads, driveways or other development, where any of the following conditions apply:
- a. Where the natural slope equals or exceeds thirty percent (30%);
 - b. Where soils are highly erodible, or where there are scarps, slumps, seeps or other geologic features exist that may be unstable, as determined by the Planning Director, Hearing Examiner, Zoning Commission or Board;
 - c. Where there is historic knowledge of sloughing, landslides, slumps or other hazardous geological features.
23. The geotechnical analysis shall be stamped and signed by an Idaho licensed civil or geological engineer having sufficient education and experience to prove competency in the field of geotechnical engineering. The geotechnical analysis shall be submitted prior to construction and shall explain the geologic and hydrologic features of the area, shall evaluate the suitability of the site for intended uses, shall identify potential problems relating to the geology and hydrology, shall summarize the data upon which conclusions are based, and shall propose mitigation measures. See BCRC 12-762.

STAFF UPDATES: None

At 3:06 p.m., the Hearing Examiner declared the hearing adjourned until August 31, 2022.

Respectfully submitted,



 Jacob Gabell, Planning Director

The above Minutes are hereby approved this 31st day of August 2022.



 Jacqueline Rucker, Hearing Examiner