

**BONNER COUNTY HEARING EXAMINER
PUBLIC HEARING MINUTES
May 7, 2025**

PLEDGE OF ALLEGIANCE

CALL TO ORDER: Hearing Examiner Jacqueline Rucker called the Bonner County Hearing Examiner 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: Hearing Examiner Jacqueline Rucker

ABSENT: None.

ALSO PRESENT: Planning Director Jacob Gabell, Assistant Director Alex Feyen & Planner I Dave Fisher.

CHANGES IN AGENDA: None.

COMMISSIONER & STAFF UPDATES:

APPROVAL OF MINUTES: The Hearing Examiner approved the minutes for **April 16, 2025**.

File V0007-25 - Variance – Street Setback

The applicants are requesting a variance to the street setback standards, to allow for a 10-foot setback, where 25 feet is required. The 0.216-Acre property is zoned Recreation. The project site is located off Bay Drive in Section 33, Township 57 North, Range 1 West, Boise-Meridian.

STAFF PRESENTATION: Planner I Dave Fisher presented a summary of the project and the previously circulated staff report.

APPLICANT PRESENTATION: Project Representative Travis Haller presented a PowerPoint presentation on behalf of the applicants and provided insight into the rationale behind the variance request.

PUBLIC/AGENCY TESTIMONY: None.

DECISION TO APPROVE: Hearing Examiner Rucker hereby approved this project FILE V0007-25, 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/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. Hearing Examiner Rucker further adopted the 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 Fact

1. The project is located on Bay Drive, a Bonner County owned and privately maintained public right-of-way.
2. The project is served by individual septic and individual well, although it is within the Bottle Bay Sewer and Water District.
3. The project site is served by Avista Utilities, and Sagle Fire District.
4. The property is zoned Recreation (REC).
5. The property contains mapped slopes of 0-30%+(USGS).
6. The property does not contain water frontage, or wetlands (USFWS + NHD).
7. The property was platted on July 15, 1957, under instrument #61802, Records of Bonner County.
8. The applicant purchased the property on September 28, 2020, and recorded deed on September 30 2020, under instrument #966645, Records of Bonner County.

Conditions of Approval:

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.
3. A stormwater plan shall be required at time of Building Location Permit.
4. Per BCRC 12-432; A minimum of 2 off street parking spaces to be included as part of Building Location Permit application.

Hearing Examiner Rucker closed this file at 1:54 PM.

File CUP0003-25 – Conditional Use Permit – Private Community Facility

The applicants are requesting a Conditional Use Permit for the creation of a Private Community Facility. The 60-acre property is zoned Agricultural/Forestry 10. The project is located off Lakehouse Lane in Section 3, Township 59 North, Range 1 West, Boise-Meridian.

STAFF PRESENTATION: Planner I Dave Fisher presented a summary of the project and the previously circulated staff report.

APPLICANT PRESENTATION: None.

PUBLIC/AGENCY TESTIMONY: None.

DECISION TO APPROVE: Hearing Examiner Rucker approved this project, FILE CUP0003-25, for a private community facility, located in Section 3, Township 59 North, Range 1 West, Boise Meridian, finding that it is in accord with the Bonner County Revised Code as enumerated in the following conclusions of law:

Conclusion 1

The proposed conditional use permit **is not** in conflict with the policies of the Comprehensive Plan.

Conclusion 2

This proposal was reviewed for compliance with the criteria and standards set forth in BCRC Title 12 - Chapter 3, Subchapter 3.3; Chapter 4, Subchapter 4.2, 4.3, 4.4, 4.5 and 4.6; Chapter 7, Subchapter 7.1, 7.2, 7.3, and 7.6, Bonner County Revised Code.

Conclusion 3

The proposed use **will not** create a hazard and **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. Hearing Examiner Rucker 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 the approval of the Conditional Use Permit is to complete the Conditions of Approval as adopted.

Findings of Fact

1. The site is zoned Agricultural/Forestry 10 (A/F-10), where public or private community facilities are conditionally permitted.
2. The subject property is 70.270-acres combined.
3. The site is accessed from Highway 95, an Idaho Transportation Department owned and maintained public right-of-way.
4. The properties are served by Northern Lights Inc. and Northside Fire District.
5. The site contains mapped slopes of 0-30% grade per USGS.
6. The site does contain mapped wetlands per NWI, USFWS.
7. The project proposes no activity involving the emittance of harmful radioactivity or electrical disturbance.
8. The project does not propose any activities that appear to contribute to air or water pollution.
9. The project site is served by a shared well and a 2500 gallon reserve tank.

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** 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 Hearing Examiner or 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-4** Per BCRC 12-420, all structures located on site in conjunction with this Conditional Use Permit will meet the required street and property line setback standards of BCRC Title 12.

- A-5** Per BCRC 12-4.3, a minimum of 24 parking spaces must be designated within 500 feet of the use.
- A-6** Any proposed signs will require a modification to this conditional use permit.
- A-7** Landscaping plan and existing buffer shall be maintained as shown on site plan.
- A-8** Per BCRC 12-452, any structures or development on site permitted through this Conditional Use Permit is required to obtain appropriate Building Location Permits or other approvals from the Bonner County Planning Department prior to the development on site.
- A-9** Per BCRC 12-7.1, any development in proximity to mapped waterways will be required to meet shoreline setback requirements.
- A-10** Per BCRC 12-7.3, any development in proximity to or within the mapped wetland shall meet the required setback, or be subject to a wetland reconnaissance, as needed.
- A-11** Per BCRC 12-720.2 (B), a Grading, Stormwater management and erosion control plan shall be required at time of Building Location Permit applications.
- A-12** Per BCRC 12-266, Any future additions or changes in conjunction with this Conditional Use Permit would require the applicant to request a modification.

Conditions to be met prior to issuance:

- B-1.** The applicant shall submit a lighting plan that meets the standards of BCRC 12-453 (F).
- B-2.** Panhandle Health has indicated that the existing septic may have no additional flows added without an expansion permit or the proposed facility's own separate drainfield. The applicant shall provide a copy of an approved septic permit from Panhandle Health District.
- B-3.** The applicant shall meet with Idaho Department of Environmental Quality, CDA to create a transient non-community public water system per the Idaho Rules for Public Drinking Water Systems.

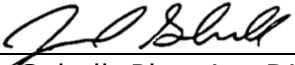
Hearing Examiner Jaqueline Rucker closed the File CUP0003-25 at 2:19 PM.

DISCUSSION:

1. May 21, 2025 Agenda Items

The Hearing Examiner declared the hearing adjourned at 2:20 P.M. until 1:30 P.M. May 21, 2025.

Respectfully submitted,



Jacob Gabell, Planning Director

The above Minutes are hereby approved this 21st day of May 2025.

Bonner County Hearing Examiner



Jaqueline Rucker, Hearing Examiner