

**PLANNING DEPARTMENT  
PUBLIC HEARING DECISION MINUTES  
SEPTEMBER 16, 2020**

**CALL TO ORDER:** Chair Connolly called the Bonner County Commissioners' hearing to order at 11:00 a.m. in the 3rd floor meeting room, Suite 338 of the Bonner County Administration Building, 1500 Highway 2, Sandpoint, Idaho.

**PRESENT:** Commissioners Chair Dan McDonald; Vice Chair Jeff Connolly; and Steve Bradshaw

**ABSENT:** None

**ALSO PRESENT:** Planning Director Milton Ollerton; Planner II Halee Sabourin; Administrative Manager Jeannie Welter; and Administrative Assistant III Elizabeth Jensen

**PUBLIC HEARING:**

**ZONE CHANGES**

**CALL FOR VISUAL, HEARING OR OTHER IMPAIRMENT REQUIRING ASSISTANCE:** The Chair asked whether anyone needed special assistance to hear, see or participate in these proceedings. Hearing no response, the Chair continued with the public hearing.

**FILE SC-0003-20 - Condominium Plat - Condominiums at Priest Lake Golf Course – Sierra Builder INC** is requesting to create five units and four structures. The project is located off Fairway Dr. in Sections 25 and 26, Township 60 North, Range 5 West, of the Boise Meridian.

**CONFLICT OF INTEREST/DISCLOSURE DECLARATIONS:** The Chair requested the Commissioners declare any conflicts of interest or disclosures. The Chair noted that there were no disclosures or conflicts.

**STAFF PRESENTATION:** Planner II Halee Sabourin presented a summary of the project concluding this project is with Bonner County Revised Code. She stated the reason staff imposed Condition 7 in the administrative decision on September 9, 2020. Planning Director Milton Ollerton elaborated on the specifics of the code stating the final decision rests in the hands of the Board of County Commissioners.

**APPLICANT PRESENTATION:** Applicant Chris Pereira stated his desire to reduce density and build a duplex instead of a 4-plex without the need of modifying the CUP.

**PUBLIC/AGENCY TESTIMONY:** None

**APPLICANT REBUTTAL:** None

**BOARD DELIBERATION:** The Chair closed the hearing to public testimony. The Board discussed Findings and Conclusions.

**MOTION:** Commissioner Connolly moved to overturn staff's decision to require a modification of conditional use permit FILE CUP909-08, finding that it is in accord with the Bonner County Comprehensive Plan and Bonner County Revised Code as enumerated in the following conclusions of law as written or amended, and based upon the evidence submitted up to the time the Staff Report was prepared and testimony received at this hearing. Commissioner Connolly further moved to adopt the following findings of fact, conclusions of law and conditions of approval, removing condition 7. The action that could be taken to obtain the plat is to complete the Conditions of Approval as adopted. This action does not result in a taking of private property. Commissioner Bradshaw seconded the motion.

**VOTED** upon and the Chair declared the motion carried, unanimously.

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### **Findings of Fact:**

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This proposal was reviewed for compliance with the criteria and standards set forth at Bonner County Revised Code, Title 12, Chapter 6 and Idaho Code, Title 55, Chapter 15.

1. Plat restrictions on the First addition to Priest Lake Golf Club Estates states Lot 1 through 9, Block 1 will be developed as one parcel for multifamily use.
2. CUP909-08 approved a triplex on Lot 4 and a 4-plex on lot 3. This project proposes a duplex rather than a 4-plex.
  - a. The conditional use permit is not for a planned unit development – it is for the proposal of multi-family housing not including the separately classified use of duplex.
  - b. The current proposal deviates from the original approved conditional use permit by proposing a duplex in place of the 4-plex.
  - c. Title 12-221(B) states: Once a conditional use permit is approved, the terms and conditions of the conditional use permit become the controlling plan for the use of the property and may only be changed in accord with section 12-266 of this chapter.
  - d. Only “large scale” planned unit developments allow insignificant changes without modifications.

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### **Conclusions of Law:**

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The proposed condominium project **is** in accord with the purposes of Bonner County Revised Code, Title 12, Chapter 6 and Idaho Code, Title 55, Chapter 15. This action does not result in a taking of private property.

The action that could be taken to obtain the plat is to complete the Conditions of Approval as adopted.

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**Conditions of approval:**

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1. A "final condominium plat" shall be recorded that meets the applicable requirements of Idaho Code Title 55, Chapter 15.
2. The preliminary condominium project 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 project, the applicant shall record the final condominium project. At any time prior to the expiration date of the preliminary project, an applicant may make a written request to the Planning Director for an extension of the project for a period of up to two (2) years. The Planning Director may consider such request for extension. The extension request must be approved or denied prior to the expiration date of the preliminary project.
3. Prior to the recording of the "condominium plat," a copy of the final documents, which shall include the survey of the site, consents to plat for all record owners and holders of any recorded security interest in such property, diagrammatic floor plans, bylaws, certified articles of incorporation and declaration of condominium, shall be submitted to the Bonner County Planning Department for final plat review.
4. The CC&Rs and declaration pursuant to Idaho Code §55-1505 shall be recorded with the Bonner County Recorder with the condominium plat/survey. A note shall be provided on the final plat referencing the CC&Rs and declaration and providing a place for the Recorder to note the instrument numbers for the documents.
5. Bylaws for the administration of the condominium project shall be filed with the Bonner County Recorder, consistent with Idaho Code §55-1506.
6. A plat or survey map of the surface of the ground included within the project, pursuant to Idaho Code 55-1504, shall be filed with the condominium plat and shall depict the lot or lots of the current plat of record.

The Chair declared the hearing adjourned at 11:08 a.m.

Respectfully submitted, this 16<sup>th</sup> day of September, 2020.



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Milton Ollerton, Planning Director