



# Bonner County

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## Board of Commissioners

Luke Omodt

Asia Williams

Steve Bradshaw

## Public Hearing Minutes

### Planning

Date: January 25, 2023  
Location: 1500 Hwy 2, Suite 338  
Sandpoint, ID 83864

CONVENE AT: 1:30 p.m.

ADJOURN AT: 4:40 p.m.

COMMISSIONERS PRESENT: Omodt, Williams & Bradshaw

OTHERS PRESENT: Planning Staff: Jake Gabell, Jenna Crone, Tim Hanna, Travis Haller, Attorney – Daniel Rodriguez

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Commissioner Bradshaw opened the hearing at 1:30 p.m.

Commissioner Bradshaw asked if anyone needed assistance for this hearing, there were no requests. Commissioners Omodt, Bradshaw and Williams advised that they had no conflicts with these files.

**Action Item: Discussion/Decision Regarding File VA0022-22 – Variance – Administrative - Shoreline & Street Setback – Amy Chartrey** is requesting a 28-foot shoreline setback where 40 feet is required, 17.50 foot street setback where 25 feet is required to construct a single family dwelling. The parcel is zoned Recreation (Rec). The project is located off Garfield Bay Road in Section 22, Township 56N, Range 01W, Boise-Meridian. On January 9, 2023, the Planning Department received an administrative appeal requesting this file be forwarded to the Board of County Commissioners for a de Novo hearing.

Planning Department Comment:

Staff report presented by Tyson Lewis (see attached staff report).

Applicant Comment:

Doug Main applicant, ABCDE Homebuilders, covered the historical aspects of this parcel, meetings with planning and other county departments. Stated that they followed the guidance and the code of the planning department. Amy Shertray?? spoke regarding the project specifics, and previous ideas and options for the property. Showed the map and the homes in the surrounding area. Discussed modifications in the variance. Requested another modification to the file, no variance on impervious surface? Discussed the plow turn around and further conversations with planning. Discussed the conditions and how the properties meet the various conditions. Discussed environmental factors of this property.

Commissioner Williams asked if they were aware that the property was commercial property upon purchase. The applicant stated that the property is zoned recreational, basically mixed use.

Commissioner Bradshaw commended the applicant on the removal of the tanks.

Dan Larson, 7B Engineering spoke regarding the water quality and storm water design. Tom Deabendorfer, biologist, spoke regarding IDFGs concerns regarding filtration and water quality. Stated that the standard 40 ft setback should be just a guideline, it does not take into account the parcels. Stated this parcel will conform to water quality standards.

Public Comment:

Opposition: Jennifer Eckstrom – Spoke in regard to LLUPA rules regarding variances, and the need for an undue hardship. Spoke in regard to the near shore area of Lake Pend Oreille, and the potential for various types of pollution.

Neutral: Jeff Connolly spoke in regard to the file as it being a gain over what is currently is there, encouraged the Board to weigh out the other options of what could potentially be there.

Opposition: Monica Gunter spoke in regard to their family’s potential purchase of this property. Stated that the applicants knew the issues with the property when they purchased.

Alison Dunbar spoke on behalf of a client, in opposition of this file and stated that the county has not met its due process in regard to public noticing. Spoke about the amendment mentioned by the applicant regarding her variance on impervious surfaces.

Planning Director, Jacob Gabell addressed Alison Dunbar’s statement regarding this hearing being noticed inappropriately. Stated he queried legal, and BC legal stated that BC’s appeal noticing was adequate. BC Legal present stated that there is no requirement to post the appeal online.

Susan Bowman: spoke in opposition of this file. Inquired how the MLD was even done? Stated that the law needs to be applied.

Reg Crawford spoke in opposition of this file.

Joanie White, neighbor, spoke in opposition of this file, specifically regarding variance exceptions and the size of the parcels. Developers were aware of the limitations of the property and created their own hardships.

Hugh Slater spoke in opposition of these files. Spoke regarding building with existing rules. Developers need to work with what they purchased.

Jennifer Arn spoke in opposition of the project, feels it is setting a dangerous precedence.

Joe White spoke in opposition to this project. Discussed neighboring properties.

Public comment closed at 2:54 p.m.

Commissioner Williams provided public comment emails that were opposition to this file.

Applicant Rebuttal:

Applicants spoke in regard to several comments made by members of the public.

Commissioner Deliberation:

Commissioner Bradshaw spoke in regard to the applicant’s measures on attempting to do a good job on what they have done with this property thus far. Spoke regarding private property rights and developing property according to their property rights.

Commissioner Williams spoke in regard to the land use and stated she agrees with Commissioner Omodt on his commendation of the planning departments work on these files. Stated it is not an undue hardship that this property does not conform to what the builder wants to build.

Commissioner Omodt spoke in regard to the work done by the building department seems to be thorough. Property is uniquely constrained and there is code for a reason.

**MOTION TO AFFIRM STAFF’S DECISION:** Commissioner Omodt made a motion to affirm the staff’s administrative decision to deny this project FILE VA0022-22, requesting for a 17.5-foot street setback where 25 feet is required and a 28-foot shoreline setback where 40 feet is required. The .262 Acres property is zoned Recreation (Rec). The property is located off Garfield Bay Road in Section 22, Township 56N, Range 01W, 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. I further move to adopt the findings of fact and conclusions of law as set forth in the Staff Memo (or as amended during this hearing) 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. Commissioner Williams seconded the motion. Roll Call Vote: Commissioner Omodt – Yes. Commissioner Williams – Yes. Commissioner Bradshaw – Nay. The motion passed.

**Action Item: Discussion/Decision Regarding File VA0023-22 – Variance – Administrative - Shoreline/Street Setback & Impervious Surface – Doug Mayne** is requesting a 28 foot shoreline setback where 40 feet is required, 17.5 foot street setback where 25 feet is required, and 40% impervious surface coverage where 35% is allowed to construct a single family dwelling. The parcel is zoned Recreation (Rec). The project is located off Garfield Bay Road in Section 22, Township 56N, Range 01W, Boise-Meridian. On January 9, 2023, the Planning Department received an administrative appeal requesting this file be forwarded to the Board of County Commissioners for a de Novo hearing.

Planning stated that Staff report stand for all four files

Applicant Comment:

Spoke again regarding working with planning staff on all four files and potential projects for this property, and Mr. parsons spoke again regarding soils and runoff.

Public Comment:

None

Public comment closed at 3:20 p.m.

**MOTION TO APPROVE: MOTION TO AFFIRM STAFF’S DECISION:** Commissioner Omodt made a motion to affirm the staff’s administrative decision to deny this project FILE VA0023-22, requesting for a 17.5-foot street setback where 25 feet is required and a 28.08-foot shoreline setback where 40 feet is required and 40% impervious surface coverage where 35% is allowed to construct a single family dwelling. The .352-Acres property is zoned Recreation (Rec). The property is located off Garfield Bay Road in Section 22, Township 56N, Range 01W, 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. I further move to adopt the findings of fact and conclusions of law as set forth in the Staff Memo (or as amended during this hearing) 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. Commissioner Williams seconded the motion. Roll Call Vote: Commissioner Omodt – Yes. Commissioner Williams – Yes. Commissioner Bradshaw – Nay. The motion passed.

**Action Item: Discussion/Decision Regarding File VA0024-22 – Variance – Administrative - Shoreline Setback & Impervious Surface – Mary Guptill** is requesting a 28 foot shoreline setback where 40 feet is required and 45% impervious surface coverage where 35% is allowed to construct a single family dwelling. The parcel is zoned Recreation (Rec). The project is located off Garfield Bay Road in Section 22, Township 56N, Range 01W, Boise-Meridian. On January 9, 2023, the Planning Department received an administrative appeal requesting this file be forwarded to the Board of County Commissioners for a de Novo hearing.

Planning stated that Staff report stand for all four files

Applicant Comment:  
None

Public Comment:  
None

Public comment closed at 3:22 p.m.

**MOTION TO APPROVE: MOTION TO AFFIRM STAFF’S DECISION:** Commissioner Omodt made a motion to affirm the staff’s administrative decision to deny this project FILE VA0024-22, requesting a 28-foot shoreline setback where 40 feet is required and 45% impervious surface coverage where 35% is allowed to construct a single family dwelling. The 0.364-acre property is zoned Recreation (Rec). The property is located off Garfield Bay Road in Section 22, Township 56N, Range 01W, 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. I further move to adopt the findings of fact and conclusions of law as set forth in the Staff Memo (or as amended during this hearing) 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. Commissioner Williams seconded the motion. Roll Call Vote: Commissioner Omodt – Yes. Commissioner Williams – Yes. Commissioner Bradshaw – Nay. The motion passed.

**Action Item: Discussion/Decision Regarding File VA0025-22 – Variance – Administrative - Shoreline Setback & Impervious Surface – Brandon Chartrey** is requesting a 28-foot shoreline setback where 40 feet is required and 45% impervious surface coverage where 35% is allowed to construct a single family dwelling. The parcel is zoned Recreation (Rec). The project is located off Garfield Bay Road in Section 22, Township 56N, Range 01W, Boise-Meridian. On January 9, 2023, the Planning Department received an administrative appeal requesting this file be forwarded to the Board of County Commissioners for a de Novo hearing.

Planning Department Comment:  
Same as first file

Applicant Comment:  
None

Public Comment:  
None

Public comment closed at 3:23p.m.

**MOTION TO APPROVE: MOTION TO AFFIRM STAFF'S DECISION:** Commissioner Omodt made a motion to affirm the staff's administrative decision to deny this project FILE VA0025-22, requesting a 28-foot shoreline setback where 40 feet is required and 45% impervious surface coverage where 35% is allowed to construct a single family dwelling. The 0.527-acre property is zoned Recreation (Rec). The property is located off Garfield Bay Road in Section 22, Township 56N, Range 01W, 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. I further move to adopt the findings of fact and conclusions of law as set forth in the Staff Memo (or as amended during this hearing) 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. Commissioner Williams seconded the motion. Roll Call Vote: Commissioner Omodt – Yes. Commissioner Williams – Yes. Commissioner Bradshaw – Nay. The motion passed.

Hearing was recessed at 3:24 p.m.

Hearing was reconvened at 3:37 p.m.

**Action Item: Discussion/Decision Regarding File VS0003-22 – Blue Diamond Road – Title 40 Vacation.** The county is requesting to vacate a portion of Blue Diamond Road, a public Right-of-Way, under Title 40 of Idaho Code. The project is located near Cavanaugh Bay Road in Section 22 and 27, Township 60 North, Range 4 West, Boise-Meridian.

Planning Department Comment:

Staff report presented by Travis Haller (see attached staff report).

Commissioner Williams inquired about property owners, inquired as to the reasoning for the road vacation.

Bill Wilson spoke in regard to procedural requirements regarding public comments. Also spoke about this file historically.

Public Comment:

Dr. Loel Fenwick spoke regarding this road vacation, read a letter he submitted in December. Gave a history of the road up to this point.

Priest River Mayor Jeff Connolly spoke regarding this file and the benefit to the residents of Bonner County. Discussed the road specs and logistics.

Dan Brown, IDL, spoke in favor of this project and stated that this has gone all the way to the land board and provides them full access to the area.

Reg Crawford asked multiple questions regarding this vacation and stated that this vacation has not been transparent.

Kevin with JA Sewell and Associates spoke in regard to various engineering aspects of the road and the difficulty of maintenance of the Blue Diamond utilities.

Carolyn Deshler, owner of Blue Diamond Marina, opposes the vacation of the current road until the new road is complete. Discussed the issues she has had regarding this road vacation.

Dan Brown provided comments on the blue diamond lease and the construction of the road and all aspects.

Mayor Connolly clarified some of the information discussed during public comments and tried to clarify some of the actions by himself, as commissioner, regarding the years of communication and meetings with the BOCC.

Jacob Gabell spoke in regard to the timing of the road vacation and the history of scheduling.

Public comment closed at 4:33 p.m.

Commissioner Deliberation:

Commissioner Bradshaw spoke in regard to this history of this road and the deliberations throughout the years. Also spoke in regard to the benefits to the parties and residents.

Commissioner Williams agreed with Commissioner Bradshaw, stated she felt that increased access to land is always a public benefit.

Commissioner Omodt agreed with his Board members and acknowledged the benefit of the wildlife reserve and spoke in regards to the IDL lease lots and the necessity of providing access to those Bonner County residents.

**MOTION TO APPROVE:** Commissioner Omodt made a motion to approve this petition, FILE #VS0003-22, to vacate Blue Diamond Road, finding that it is in accord with Idaho Code §40-203 as enumerated in the foregoing conclusions of law, and based upon the evidence submitted up to the time the Staff Report was prepared and testimony received at this hearing. I further move to adopt the findings of fact and conclusions of law as set forth in the Staff Report (or as amended during this meeting) and direct the 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 vacation is to complete the Conditions of Approval as adopted. This action does not result in a taking of private property. Commissioner Williams seconded the motion. Roll Call Vote: Commissioner Omodt – Yes. Commissioner Williams – Yes. Commissioner Bradshaw – Aye. The motion passed.

**RESOLUTION ADOPTION:** Commissioner Williams made a motion to approve resolution #2023-11 vacating Blue Diamond Road located as shown through the submitted legal description and the corresponding map exhibit. Commissioner Omodt seconded the motion. Roll Call Vote: Commissioner Omodt – Yes. Commissioner Williams – Yes. Commissioner Bradshaw – Aye. The motion passed.

The meeting was adjourned at 4:40 p.m.

Deputy Clerk: Jessi Reinbold