



Bonner County

Board of Commissioners

Luke Omodt

Asia Williams

Steve Bradshaw

Public Hearing Minutes

Planning

Date: October 10, 2023
Location: 1500 Hwy 2, Suite 338
Sandpoint, ID 83864

CONVENE AT: 3:00 p.m.

ADJOURN AT: p.m.

COMMISSIONERS PRESENT: Omodt and Williams, Bradshaw was Absent
OTHERS PRESENT: Planning Staff: Jenna Crone, Jacob Gabell, & Travis Haller

Commissioner Omodt opened the hearing at 3:00 p.m.

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

Action Item: Discussion/Decision Regarding Appeal File VA0015-23 – Administrative Variance – Waterfront Setback – Priest Lake Syndicate LLC. The applicant is requesting a 28’ setback from a perennial stream where 75’ is required. The parcel is ZONED Rural 5 (R5). The project is located off Sout Sandy Shores Lane in Section 27, Township 62 North, Range 4 West, Boise-Meridian. On September 14, 2023, the Planning Department received an administrative appeal requesting this file be forwarded to the Board of County Commissioners for a de Novo hearing. **This file is being continued from September 18, 2023.**

Staff report presented the file and the recommendations made in this file previously.

Applicant comment – The applicant conveyed the specifics of this appeal, historically and logistically.

Commissioner Williams asked about previous discussions between the applicant and a previous director.

Mr. Hugo spoke regarding the 2018 of this file. Commissioner Williams asked if they were considering the email from a previous director a rule or law.

Public Comment –

Reg Crawford spoke in opposition to this file, citing it is a rare occurrence that so many agencies oppose this file.

Public Comment was closed at 3:30 p.m.

Jacob Gabell had comments regarding the previous directors’ interpretations on building envelopes.

Commissioner Williams asked Chris Hugo about the previous setbacks, asked if the project was begun with a different set of expectations, then there are now. Mr. Hugo stated that he would not have done this if he had thought it was wrong or detrimental to the public.

Commissioner Omodt asked Jacob Gabell to explain the site plan improvements.

Commissioner Williams stated that there are two elements to this. Stated that the interpretation has been changed mid-stream and the application of the setback was what they were relying on not being changed. Stated that there are multiple negative impacts pointed out by multiple agencies. Stated her concern is with the implications on both ends.

Commissioner Omodt stated that he agrees with the decision of the staff and noted that there was a separate way forward. Stated that he believes that there is a path forward but not within this appeal.

Commissioner Williams stated that she wants to be equitable, because she feels that both the applicant and the planning staff are right. Would like to table until she gets a chance to discuss with legal.

There was a back and forth between the applicants and the BOCC. Commissioner Williams stated that she believes that the staff is correct but believes that the previous director was wrong.

Commissioner Omodt made a motion to affirm the staff's administrative decision to deny this project FILE VA0015-23, requesting for a 28-foot shoreline setback where 75 feet is required, finding that it is not 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 Administrative Decision Letter was prepared and testimony received at this meeting. I further move to adopt the findings of fact and conclusions of law as set forth in the Administrative Decision Letter (or as amended during this meeting) and direct planning staff to draft written findings and conclusions to reflect this motion 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 variance is to:

- 1) File a new application with the Planning Department and meet the standards required by Bonner County Revised Code; or
- 2) Pursue such remedies as may be applicable at Title 67, Chapter 65, Idaho Code.

Conclusions of Law:

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

1. The proposed administrative variance is not in accord with the purposes of Title 12.
2. This proposal was reviewed for compliance with the criteria and standards set forth at Sections 12.2.3 Variances, Bonner County Revised Code, storm water management criteria and standards set forth in Chapter 7, Title 12, Bonner County Revised Code, and variance criteria and standards set forth at Section 67 6516, Idaho Code.
3. The percentage of shoreline setback variance requested through this proposal is 62.6%, calculated from the required 75 feet shoreline setback to the requested 28-foot shoreline setback. The Bonner County Revised Code Section 12-238.A. does not authorize the Planning Director to grant a 62.6% shoreline variance through the administrative variance application process.

There was no second, the motion died.

Commissioner Williams moved to schedule this file to a date and time certain of October and would like to consult with legal regarding this file. Believes this file has an extenuating circumstance and would like legal advisement prior to deciding.

Commissioner Omodt amended Commissioner Williams' motion to state that all communication with legal be transmitted to the entire board. Commissioner Williams seconded. Roll call vote: Commissioner Williams – Aye, Commissioner Omodt – Aye. Amendment passes.

The Board revisited Commissioner Williams' motion. Roll Call Vote: Commissioner Williams – Aye, Commissioner Omodt – Aye. Amended motion passes.

Adjourn at 3:59 p.m.

Deputy Clerk: Jessi Reinbold