

**BONNER COUNTY HEARING EXAMINER
PUBLIC HEARING MINUTES
APRIL 17, 2024**

CALL TO ORDER: Hearing Examiner Jackie Rucker called the public hearing to order at 1:32 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: Jackie Rucker, Hearing Examiner

ABSENT: None

ALSO PRESENT: Planning Director Jacob Gabell, Planner II Tyson Lewis, Planner I Rob Winningham and Hearing Coordinator Jenna Crone.

PLEDGE OF ALLEGIANCE

CHANGES IN AGENDA: The order of the files was changed. File CUP0002-24 was moved to the top of the agenda.

APPROVAL OF MINUTES: Hearing Examiner Rucker approved the April 3, 2024 minutes as written.

PUBLIC HEARING:

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.

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

STAFF UPDATES: None

File CUP0002-24 - Conditional Use Permit - Recreation Facility. The applicant is requesting a conditional use permit for a recreation facility. The ±170.66-acre (two (2) contiguous 85.330 & 85.330-acre parcels) property is zoned Rural 10. The project site is located off Jumpine Landing in Section 35, Township 56 North, Range 02 West, Boise-Meridian, Idaho.

STAFF PRESENTATION: Planner II Tyson Lewis 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, Whiskey Rock Planning, gave a PowerPoint presentation detailing the proposed project, outlining Bonner County Revised Code, and addressing common themes that were presented in public comments.

APPLICANT PRESENTATION: Scott Kalbach, landowner, shared his vision for the Bike Park and answered questions from the Hearing Examiner about traffic and events.

PUBLIC/AGENCY INPUT: The following members of the public spoke on the record: Natalie Larson, Glenn Badoux, Taylor Bradish, Nick Badoux, Katie Bradish, Ariel Olsen, Sarah Palmer, Jacob Heitz, Antone??, Tyler Robles, James Hansen, Kelcy Boss, Donald Delcambre, Twilla Miller, Amy Lundsford, Jeff Stephens, Wayne Martin, Andrea Kramer, Catherine Fahrig, Gerald O'Reilly, Shawna Champlin, Allison Coulter, Emily Craner, Trevor Miller, Mary Miller, Shane Hoover, Jim Robertson, Doug Fraser, Nicki Foler, Monica Gunter, George Gehrig, Jim Wren, Mason Palmer, Shaun McCollum, Jeff Vivian, Ray Conrad, Mary Fraser, Doug Gunter, Spencer Hutchings, Theresa Hiesener, and Brandon Cramer.

APPLICANT REBUTTAL: Jeremy Grimm, Whiskey Rock Planning, addressed comments and concerns brought up during public comment regarding grading, noise, fire, water, and traffic.

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

Hearing Examiner Rucker concluded she will take five business days before submitting her decision on this file.

Examiner Rucker closed File CUP0002-24 at 4:50 P.M.

File V0005-24 - Variance - Street Setback. The applicant is requesting a 10.68-foot street setback where 25 feet is required. The 0.39 acre property is zoned Recreation. The project is located off Pinto Point Road in Section 27, Township 61 North, Range 4 West, Boise-Meridian, Idaho.

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

APPLICANT REPRESENTATIVE: Doug Cole, Architect, shared the reason for variance and made himself available for questions from the hearing examiner.

PUBLIC/AGENCY INPUT: The following members of the public spoke on the record: None.

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

Hearing Examiner Rucker approved this project FILE V0005-24, a reduced street setback of 10.68 feet where 25 feet is required, 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 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.

This decision 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 fact and conclusions of law as written. 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 proposal was reviewed for compliance with BCRC 12-234 Variances, and standards for review of applications, BCRC 12-400, et seq.
2. The parcel contains 0.39 acres.
3. The parcel does contain mapped slopes in excess of 30% per USGS.
4. The parcel does contain mapped wetlands per USFWS.
5. The parcel does contain frontage on Priest Lake.
6. The parcel is within SFHA Zone X & Zone AE per FIRM Panel Number 16017C0225F, Effective Date 7/7/2014.
7. The lot is zoned Recreation with a land use designation of Resort Community.
8. The lot is described as 27-61N-4W PINTO POINT BLK 1 LOT 37, according to the plat thereof, recorded in Book 10 of Plats, Page 152, records of Bonner County, Idaho.
9. The property has an existing single-family dwelling.
10. The applicant purchased the parcel in 2018, Instrument number 929573.
11. The project site has a previously approved variance, V0014-23, for a 12.5 foot street where 25 feet is required.

Conditions of approval:

Standard permit conditions:

A-1 Only the building envelope for street setback on the site plan has been reviewed for variance standards. All other development shown must comply with Bonner County Revised Code excepting the modified building envelope herein.

A-2 The granting of this variance shall not supersede any deed restrictions.

Examiner Rucker closed file V0005-24 at 5:19 P.M.

STAFF UPDATES:

- Due to limited files at this time, the hearing date on May 1, 2024, is canceled. The next hearing will be on May 15, 2024.
- The appeal hearing for File CUP0022-23, that was approved by the hearing examiner on April 3, 2024, will take place on April 18, 2024. And the appeal hearing for File CUP0013-23 will be heard by the BOCC on April 24, 2024.
- The Planning Department has a vacancy in the Compliance Department.

At 5:21 p.m., the Hearing Examiner declared the hearing adjourned until May 15, 2024.

Respectfully submitted,


Jacob Gabell, Planning Director

The above Minutes are hereby approved this 15th day of May 2024.


Jacqueline Rucker, Hearing Examiner