

**BONNER COUNTY HEARING EXAMINER  
PUBLIC HEARING MINUTES  
February 15, 2023**

**CALL TO ORDER:** Hearing Examiner Jackie Rucker called the public hearing to order at 1:30 p.m. in the 1<sup>st</sup> Floor Conference Room of the Bonner County Administration Building, 1500 Highway 2, Sandpoint, Idaho.

**PRESENT:** Jackie Rucker, Hearing Examiner

**ABSENT:** None

**ALSO PRESENT:** Planning Director Jacob Gabell, Planner II Daniel Britt, and Hearing Coordinator Jenna Crone.

**PLEDGE OF ALLEGIANCE**

**CHANGES IN AGENDA:** None

**APPROVAL OF MINUTES:** Hearing Examiner Rucker approved the minutes as written for January 18, 2023.

**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 this proposal.

**File MOD0005-22 – Modification to CUP0002-20.** The applicants are requesting a modification to CUP0002-20 to add additional multifamily units. The site is 4.45 acres. The property is zoned Rural Service Center. The project is located off Highway 57 in Section 25, Township 60 North, Range 5 West, Boise-Meridian.

**STAFF PRESENTATION:** Planner II Daniel Britt presented a summary of the project and previously circulated staff report, concluding this project is consistent with Bonner County Revised Code.

**APPLICANT REPRESENTATIVE:** Kevin Koesel, Sewell and Associates, presented a PowerPoint presentation (Exhibit A) discussed the proposed modifications.

**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.

**MOTION TO APPROVE:** Hearing Examiner Rucker approved this project FILE MOD0005-22 to add additional multi-family dwelling units, finding that it is in accord with the general and specific objectives of the Bonner County Comprehensive Plan and 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. Examiner Rucker further adopted the findings of fact, adding a finding that deviations have been included in this proposal 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. The action that could be taken to obtain the conditional use permit 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 applicants are requesting a modification the CUP0002-20 for multi-family dwellings to add additional dwelling units.
2. The parcel is zoned Rural Service Center which allows for multi-family dwellings with a conditional use permit.
3. Emergency services are provided by Bonner County Sheriff and West Priest Lake Fire District.
4. The property is accessed via Highway 57 which is an Idaho State owned and maintained right of way.
5. The parcel is approximately 4.45 acres
6. Sewage disposal is provided by Outlet Bay Water and Sewer District. Water is provided by Priest Lake Golf Course Estates
7. The proposed project meets the general and specific objectives of the Comprehensive Plan for the Neighborhood Commercial designation.
8. Proposed deviations have been adopted as found in the staff report and submitted site plans.

---

**Conclusions of Law:**

---

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

Conclusion 1

The proposed conditional use permit is in accord with the Bonner County comprehensive plan.

•Property Rights  
•Economic Development

•Population  
•Land Use

•School Facilities, Transportation  
•Natural Resources

•Hazardous Areas  
•Recreation  
•Community Design

•Public Services  
•Special Areas or Sites  
•Implementation

•Transportation  
•Housing

### Conclusion 2

This proposal was reviewed for compliance with the criteria and standards set forth at BCRC Chapter 3 and 4, Title 12, Subchapter 2.2, Subchapter 3.3. environmental, Chapter 7, Title 12, and storm water management criteria and standards set forth in Chapter 7, Title 12, Bonner County Revised Code.

### Conclusion 3

The proposed use **will not** create a hazard or will not be dangerous to persons on or adjacent to the property.

---

### **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 plans.
- A-2** The Conditional Use Permit shall not supersede deed restrictions.
- A-3** All county setbacks shall be met except as indicated on the approved site plan.
- A-4** 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 Planning and 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-5** The applicant must submit a grading, stormwater management, and erosion control plan per BCRC 12-7.2. The applicant shall install prior to ground disturbing activities all temporary erosion control measures as designed and approved. The applicant shall provide to the Planning Department prior to ground disturbing activities a signed statement from the project engineer or design professional stating that these measures have been installed as per the design specifications as approved. The applicant shall install upon completing ground disturbing activities and shall maintain thereafter all permanent erosion control and stormwater management measures as designed and approved. The applicant shall provide to the Planning Department upon completing ground disturbing activities a signed statement from the project engineer or design professional stating that these measures have been installed as per the design specifications as approved.

- A-6** Prior to issuance of a building location permit, the owner of the proposed multi-family structure shall obtain an address for the dwelling from Bonner County GIS that meets the provisions of Bonner County Revised Code, Title 13. (For multi-family CUPs).
- A-7** The applicant shall follow BCRC 12-4.1, Density and Dimensional standards as found in this staff report.
- A-8** The applicant shall follow BCRC 12-4.3, Parking standards as found in this staff report.
- A-9** The applicant shall follow BCRC 12-4.4, Sign Standards as found in this staff report.
- A-10** The applicant shall follow BCRC 12-4.5, Design Standards as found in this staff report.
- A-11** The applicant shall follow BCRC 12-4.6, Landscaping and Screening Standards as found in this staff report.
- A-12** The applicant shall obtain Building Location Permits for all structures.

---

**File MOD0006-22 – Modification.** The applicants are requesting a modification to CM605-98, to include additional structures and future additions. The site is 13.90 acres. The property is zoned Rural-5. The project is located off Chevy Street in Section 15, Township 56 North, Range 2 West, Boise-Meridian.

**STAFF PRESENTATION:** Planner II Daniel Britt presented a summary of the project and previously circulated staff report, concluding this project is ~~not~~ consistent with Bonner County Revised Code. *JB*

**APPLICANT REPRESENTATIVE:** Cory Trapp, Longwell + Trapp Architects discussed the proposed project.

**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.

**MOTION TO APPROVE:** Hearing Examiner Rucker approved this project FILE MOD0006-22, requesting a modification of a conditional use permit CM605-98, previously approved for a public utility facility, to now include new structures, future additions and additional parking spaces, finding that it is in accord with the general and specific objectives of the Bonner County Comprehensive Plan and 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. Examiner Rucker further adopted the findings of fact and conclusions of law as set forth in the Staff Report and direct planning staff to draft written findings and conclusions to reflect this decision and transmit to all interested parties. The action that could be taken to obtain the conditional use permit 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 applicants are requesting a modification of CM605-98 approved conditional use permit for a public utility facility.
2. The lot is zoned Rural which conditionally allows for public utility facilities.
3. Emergency services are provided by Bonner County Sheriff and Selkirk Fire District.
4. The lot is accessed by a 60' wide paved easement.
5. The lot is approximately 13.90 acres.
6. The proposed modification meets the general and specific objectives of the Comprehensive Plan for the Rural Residential designation.

**Conclusions of Law:**

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

Conclusion 1

The proposed modification of the conditional use permit is in accord with the Bonner County comprehensive plan.

- |                       |                         |                                    |
|-----------------------|-------------------------|------------------------------------|
| -Property Rights      | -Population             | -School Facilities, Transportation |
| -Economic Development | -Land Use               | -Natural Resources                 |
| -Hazardous Areas      | -Public Services        | -Transportation                    |
| -Recreation           | -Special Areas or Sites | -Housing                           |
| -Community Design     | -Implementation         |                                    |

Conclusion 2

This proposal was reviewed for compliance with the criteria and standards set forth at Bonner County Revised Code Title 12, Chapter 2 procedures, Subchapter 2.2, Chapter 3, Subchapter 3.3 public use table, Chapter 4 development standards, Chapter 7 environmental standards, Subchapter 7.1 and 7.2, and is in compliance with the above criteria.

Conclusion 3

The proposed use **will not** create a hazard and **will not** be dangerous to persons on or adjacent to the property.

**CONDITIONS OF APPROVAL:**

If the Hearing examiner approves the application, below are the recommended conditions of approval from planning staff:

**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 All county setbacks shall be met as shown on the approved site plan.
- A-4 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 Planning and 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-5 The applicant must submit a grading, stormwater management, and erosion control plan per BCRC 12-7.2. The applicant shall install prior to ground disturbing activities all temporary erosion control measures as designed and approved. The applicant shall provide to the Planning Department prior to ground disturbing activities a signed statement from the project engineer or design professional stating that these measures have been installed as per the design specifications as approved. The applicant shall install upon completing ground disturbing activities and shall maintain thereafter all permanent erosion control and stormwater management measures as designed and approved. The applicant shall provide to the Planning Department upon completing ground disturbing activities a signed statement from the project engineer or design professional stating that these measures have been installed as per the design specifications as approved.
- A-6 The applicant shall follow BCRC 12-4.1, Density and Dimensional Standards as found in this staff report.
- A-7 The applicant shall follow BCRC 12-4.3, Parking Standards as found in this staff report.
- A-8 The applicant shall follow BCRC 12-4.5, Design Standards as found in this staff report.
- A-9 The applicant shall follow BCRC 12-4.6, Landscaping and Screening Standards as found in this staff report.
- A-10 The applicant shall obtain Building Location Permits per BCRC 11-101.

---

**DISCUSSION:**

- **Hearing Examiner and Staff Updates**
  - New Planner, Alex Feyen started this week.
  - A permit tech was hired into the Planner/Tech position working mostly on administrative files.

At 2:16 p.m., the Hearing Examiner declared the hearing adjourned until March 1, 2023

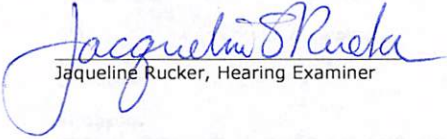
Respectfully submitted,

---

Jacob Gabell, Planning Director

---

The above Minutes are hereby approved this 15<sup>th</sup> day of March 2023.

  
Jacqueline Rucker, Hearing Examiner