

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

**CALL TO ORDER:** Hearing Examiner Jackie Rucker called the public hearing to order at 1:30 p.m. in the 3<sup>rd</sup> Floor Meeting 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 Jake Gabell, Assistant Planning Director Travis Haller, Planner I Rob Winningham, and Hearing Coordinator Jenna Crone.

**PLEDGE OF ALLEGIANCE**

**CHANGES IN AGENDA:** None

**APPROVAL OF MINUTES:** Hearing Examiner Rucker approved the minutes as written December 21, 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 these proposals.

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**File CUP0019-23 – Conditional Use Permit – Retail Sales, Automobile.** The applicants are requesting a conditional use permit for retail sales of automobiles on an approximate 1-acre lot. The property is zoned Rural Service Center. The project is located between State Highway 41 and Railroad Avenue in Section 20, Township 54 North, Range 5 West, Boise-Meridian.

**STAFF PRESENTATION:** Assistant Planning Director Travis Haller presented a summary of the project and previously circulated staff report, concluding this project is consistent with Bonner County Revised Code.

**APPLICANT REPRESENTATIVE:** Aaron Magee, Project Representative, stated he had nothing to add to the report given by Staff.

**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 CUP0019-23 for a conditional use permit allowing retail sales of automobiles, boats, recreational vehicles and mobile homes, 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:**

1. The proposed conditional use permit **is** in accord with the Bonner County comprehensive plan.
2. This proposal **was** reviewed for compliance with the criteria and standards set forth at Title 12, BCRC Chapter 2 Subchapter 2.6, BCRC Chapter 3 Subchapter 3.3, BCRC Chapter 4 Subchapter 4.2-4.6, Chapter 7 Subchapter 7.2, Bonner County Revised Code.
3. The proposed use **will not** create a hazard or **will not** be dangerous to persons on or adjacent to the property.

This decision is 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.

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**Findings of Facts:**

1. The site is zoned Rural Service Center, where retail sales of automobiles, boats, recreational vehicles and mobile homes are conditionally allowed.
2. The site has an individual septic system.
3. The site has water service provided by Blanchard Water Co-op Association.
4. The site is approximately 1.00 acre in size.
5. The site is accessed by Railroad Avenue, a Bonner County owned and maintained public right-of-way.
6. The site can also be accessed off of Highway 41, an Idaho Transportation Department owned and maintained public right-of-way.
7. The site is served by Avista Inc.
8. The site is in the mapped service area of Spirit Lake Fire District.

9. The site does not contain steep slopes of over 30% grade (USGS).
10. The site is located within SFHA Zone X (FEMA).
11. The site does not contain mapped wetlands (NWI, USFWS).
12. The project as proposed shows that no new development will take place and the existing structures will be able to accommodate the proposed use and minimize effects on the surrounding properties.
13. The project is not proposing development of any structures on the property to accommodate or house greater number of families than permitted by the standards of Bonner County Revised Code.
14. The project proposes no activity involving the use or storage of flammable or explosive materials on or off site.
15. The project proposes no activity involving emittance of harmful radioactivity or electrical disturbance.
16. The project does not propose any activities that would seem to contribute to air or water pollution.
17. Per the submitted site plan, the proposed location of the parking shows that it covers less than 50% of the lot frontage.

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**Conditions of approval:**

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**Standard continuing permit conditions. To be met for the life of the use:**

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- 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.
- 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** All sign standards for commercial use shall be followed per BCRC 12-4.4.
- A-6** If new development is proposed for the commercial use, the applicant will be required to apply for a building location permit and a modification to the conditional use permit, including meeting all standards per BCRC 12-4.5 and 12-4.6, Design Standards and Landscaping and screening standards.
- A-7** If any additional impervious surface is proposed in the future, the applicant will be required to follow BCRC 12-266 for a modification of the conditional use permit and also be required to submit a grading, stormwater management and erosion control plan as required per BCRC 12-7.2.

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**Conditions to be met prior to issuance of the permit:**

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- B-1** The proposed use shall have an approved commercial encroachment permit through the Bonner County Road and Bridge Department. All identified work will need to be completed by the applicant in accordance with the Bonner County Road Standards Manual (BSRSM).

***Examiner Rucker closed file CUP0019-23 at 1:45 P.M.***

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**File CUP0018-23 – Conditional Use Permit – RV Park.** The applicants are requesting a Conditional Use Permit for a 17-space RV park. The property is approximately 5.935-acres and is zoned Suburban (S). The project is located off U.S. Hwy 95 in a portion of Section 5, Township 55 North, Range 2 West, Boise-Meridian.

**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:** Jeremy Grimm, Whiskey Rock Planning, gave a Powerpoint presentation giving an overview of the proposal and the conditions set by Staff.

**PUBLIC/AGENCY INPUT:** The following members of the public spoke on the record: Anita Somershoe and Shawn Somershoe.

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

***The Hearing Examiner reopened the hearing to public testimony.***

**DECISION TO APPROVE:** Hearing Examiner Rucker approved this project, FILE CUP0018-23 for a 17-space RV park, 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:

Conclusion 1

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

Conclusion 2

This proposal **was** reviewed for compliance with the criteria and standards set forth at BCRC Chapter 3, Subchapter 3.3, BCRC Chapter 4, Subchapter 4.2, 4.3, 4.4, 4.5, 4.6 and BCRC 12-497 Title 12, Chapter 7, Subchapter 7.2 Title 12, Bonner County Revised Code.

Conclusion 3

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

The decision is 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 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.

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**Findings of Fact**

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1. The property is zoned Rural Service Center, where RV parks are conditionally allowed upon meeting the required standards per BCRC 12-333 and BCRC 12-497.
2. The property is accessed by Hwy 95, an Idaho Transportation Department owned and maintained paved right-of-way.
3. Hwy 95 is constructed to meet Title 2 road standards and provides adequate access for emergency vehicles.
4. Power is provided by Avista Utilities.
5. Water is provided by individual well.
6. Fire protection is provided by Selkirk Fire.

7. Sewage disposal is provided by individual system.
8. The site is approximately 5.935 acres.
9. The site does contain mapped slopes in excess of 30% per USGS.
10. The site does not contain mapped wetlands per NWI.
11. The site does not contain a river/stream/frontage on lake.
12. Parcel is within SFHA Zone X per FIRM Panel Number 16017C0950E, Effective Date 11/18/2009.
13. The property has been reviewed against the required standards of BCRC 12-497 and BCRC 12-3.3, with conditions added to ensure full compliance with Bonner County Revised Code.

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**Conditions of approval:**

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**Standard continuing permit conditions. To be met for the life of the use:**

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- A-1** The use shall be developed and 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.
- 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 Zoning Commission may consider such request for extension at any public meeting. The extension request must be approved or denied prior to the expiration date of the Conditional Use Permit.
- A-5** 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 12-4.4, Sign Standards as found in this staff report.
- A-7** The applicant shall follow BCRC 12-453(F), Lighting Standards as found in this staff report.
- A-8** A landscape plan meeting the standard found in BCRC 12-4.6 shall be submitted with the Building Location Permit.
- A-9** An approved sanitary septic system from Panhandle Health District and/or Idaho Department of Environmental Quality, shall be submitted with the Building Location Permit.
- A-10** Approval from Selkirk Fire District, in regards to adequate water supplies for fire suppression, shall be submitted with the Building Location Permit.
- A-11** BRCR 12-333 Note 21: Submit and obtain approval for a Type C landscaping and buffer plan. Maintain 25% tree canopy coverage and no more than 25% impervious surface coverage.
- A-12** The applicant shall affix No Trespassing to the fence along the eastern boundary of the property. The signs shall be spaced no less than 25 feet apart.
- A-13** The applicant shall post and enforce quiet hours between 9:30 p.m. to 6:30 a.m., 7-days per week.

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**Permit conditions to be met prior to issuance:**

- B-1** A water availability report, stamped by an Idaho licensed professional engineer or geologist, shall be provided showing adequate water supply to serve the proposed use.
- B-2** Redesign proposed access road to meet Private Road criteria as defined in Appendix A of Title 12 Private Road Standards Manual, see BCRC 12-497 (C).
- B-3** An approved encroachment permit shall be obtained from Idaho Transportation Department.

**Examiner Rucker closed file CUP0018-23 at 2:55 P.M.**

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**DISCUSSION:**

- **Hearing Examiner and Staff Updates**
  - **The BOCC will be holding a workshop for the short-term rental text amendment on Tuesday January 23, 2024 at 2:00.**
  - **The BOCC will have a regularly scheduled meeting on Wednesday January 24, 2024, at 1:30.**

At 2:57 p.m., the Hearing Examiner declared the hearing adjourned until February 7, 2024.

Respectfully submitted,

  
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Jacob Gabell, Planning Director

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The above Minutes are hereby approved this 7<sup>th</sup> day of February 2024.

  
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Jaqueline Rucker, Hearing Examiner