

**BONNER COUNTY HEARING EXAMINER  
PUBLIC HEARING MINUTES  
OCTOBER 18, 2023**

**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 Alex Feyen

**PLEDGE OF ALLEGIANCE**

**CHANGES IN AGENDA:** The Hearing Examiner stated V0015-23 would be heard first, followed by CUP0015-23.

**APPROVAL OF MINUTES:** Hearing Examiner Rucker approved the minutes as written October 4, 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.

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Hearing Examiner Jackie Rucker opened up the following file:

**File V0015-23 – Variance – Street Setback.** The applicants are requesting a variance to the street setback of 2 feet where 25 feet is required. The project site is 0.367-acres. The property is zoned Rural Service Center. The project is located off 2<sup>nd</sup> Street and Shady Pines Loop in Section 31, Township 60 North, Range 4 West, Boise-Meridian.

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

**APPLICANT REPRESENTATIVE:** Ivan Frederickson and Shauna Harman spoke about the history and maintenance of the property.

**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.

The Hearing Examiner reopened the public comment, asking the applicants if Road and Bridge takes care of the snow on the street.

**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 Jackie Rucker made the following decision:

**DECISION TO APPROVE:** I approve this project FILE V00015-23, for a 2', 10', 15', 18', and 20' setback from the street where 25' is required on five accessory buildings, 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, and based upon the evidence submitted up to the time the Staff Report was prepared, and testimony received at this hearing. I further adopt 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.

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**Findings of Fact**

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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 property is zoned Rural Service Center.

3. The property is described as Lot 19, Block 3 of Shady Pines Addition according to the plat thereof, recorded in Book 3 of Plats, Page 97, official records of Bonner County, Idaho.
4. The property has an existing single-family dwelling with a detached garage, and five accessory buildings.
5. There are slopes of 0-29.9% present on the property per USGS.
6. The property does not have wetlands, per USFWS.
7. A portion of the property is located in Special Flood Hazard Area Zone-D per FEMA.
8. The applicant obtained the property on June 01, 2001 per Warranty Deed, Instrument # 582647.

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**Conditions of approval:**

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**Standard permit conditions:**

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**A-1** Only the development shown on the site plan, and as described in this staff report, 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.

**A-3** A Building Location Permit shall be filed with the Bonner County Planning Department prior to any new development.

**A-4** Per BCRC 12-720.2 (E) a stormwater, grading/erosion control application plan shall be required for all new building construction or development which occurs on or within 300' of a slope with 15% or greater incline.

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Hearing Examiner Jackie Rucker closed file V0015-23.

Hearing Examiner Jackie Rucker opened the following file:

**File CUP0015-23 – Conditional Use Permit – Sundance Storage LLC.** The applicants are requesting a conditional use permit for boat storage and ministorage on a 2.78-acre lot. The property is zoned Recreation. The project is located off Cavanaugh Bay Road in Section 10, Township 59 North, Range 4 West, Boise-Meridian.

**CONFLICT OF INTEREST/DISCLOSURE DECLARATIONS:** Hearing Examiner Jackie Rucker stated that she had no conflict with this proposal.

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

**APPLICANT PRESENTATION:** None.

**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 made the following decision:

**DECISION TO APPROVE:**

I approve this project FILE CUP0015-23 for a rental warehouse/ministorage and boat storage 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 and 7.3, 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. I further adopt the findings of fact 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.

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**Findings of Facts:**

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1. The site is zoned Recreation, where rental warehouse/ministorage and boat storage facilities are conditionally allowed.
2. The site has an individual well and septic system.
3. The site is 2.78 acres in size.
4. The site is accessed off Cavanaugh Bay Road, a Bonner County owned and maintained 60-foot-wide, paved right of way.
5. The site is served by Northern Lights Inc.
6. The site is in the mapped service area of Coolin-Cavanaugh Bay Fire District.

7. The site does contain steep slopes of over 30% grade (USGS).
8. The site is located within SFHA Zone X (FEMA).
9. The site does not contain mapped wetlands (NWI, USFWS).
10. The project as proposed shows that the storage and all appurtenant structures will be accommodated on site to minimize effects on the surrounding properties and to not create any hazards for the adjoining properties.
11. 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.
12. The project proposes no activity involving the use or storage of flammable or explosive materials on or off site.
13. The project proposes no activity involving emittance of harmful radioactivity or electrical disturbance.
14. The project does not propose any activities that would seem to contribute to air or water pollution.
15. The storage facility is proposed to be a total of 9,450 square feet in size.
16. Per the submitted site plan all the proposed structures on site show pedestrian or vehicular connections through the entire project.
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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### **Suggested 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 plan.
- A-2** The Conditional Use Permit shall not supersede deed restrictions.
- A-3** Per BCRC 12-333 (17), the rental warehouses and ministorage and any appurtenant structures shall be accommodated on site so as to minimize any adverse effects on surrounding properties and will not create hazards on adjoining properties.
- A-4** Per BCRC 12-333 (33), the rental warehouse and ministorage and boat storage facilities shall only be 10,000 square feet or less.
- A-5** Per BCRC 12-420, no structures permitted in conjunction with this Conditional Use Permit accommodate or house a greater number of families than permitted by the standards of BCRC Title 12.

- A-6** Per BCRC 12-420, all structures located on site in conjunction with this Conditional Use Permit will meet the required street and property line setback standards of BCRC Title 12.
- A-7** Per BCRC 12-420, all architectural projections such as canopies, eaves, balconies, platforms, decks, carports, covered patios, and similar architectural projections shall be considered parts of the building to which attached and shall not project into any required setback.
- A-8** Per BCRC 12, 420, temporary buildings, construction trailers, equipment and materials used in conjunction with construction work for the proposed project may be permitted during the period the construction work is in progress, but such temporary facilities shall be removed upon completion of the construction work.
- A-9** Per BCRC 12-4.4, the project proposes locating no more than two (2) signs. The proposed signs meet the size requirements of the Bonner County Revised Code. Any additional signs shall meet the requirements of this ordinance.
- A-10** Per BCRC 12-452, any structures or development on site permitted through this Conditional Use Permit is required to obtain appropriate Building Location Permits or other approvals from the Bonner County Planning Department prior to the development on site.
- A-11** Per BCRC 12-453.F, any lighting on site shall meet the standards of this this section of the ordinance.
- A-12** Per BCRC 12-453.G, any development on site permitted through this Conditional Use Permit shall meet the standards of this this section of the ordinance.
- A-13** Per BCRC 12-226.C, 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 at any regular meeting, or board at any regular meeting, may consider the request for extension. The extension request must be approved or denied prior to the expiration date of the conditional use permit.
- A-14** This project proposes new developments that would result in the creation of impervious surface. The applicant shall submit a storm water management, grading and/or erosion control plan in accordance with the provisions of BCRC 12-7.2 prior to any development on site in conjunction with this Conditional Use Permit.

**A-15** Per BCRC 12-762, a geotechnical analysis may be required for proposed building sites, roads, driveways or other development, where the natural slope equals or exceeds thirty percent (30%).

**A-16** Per BCRC 12-4.3, two (2) parking spaces must be designated within 800 feet of the storage facility.

**Conditions to be met prior to the issuance of this Conditional Use Permit:**

**B-1** Per BCRC 12-4.6, the applicant shall provide a landscaping plan.

Hearing Examiner Jackie Rucker closed file CUP0015-23.

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**DISCUSSION:**

• **Hearing Examiner and Staff Updates**

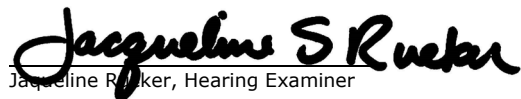
At 2:05 p.m., the Hearing Examiner declared the hearing adjourned until November 1, 2023.

Respectfully submitted,

  
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Jacob Gabell, Planning Director

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The above Minutes are hereby approved this 1<sup>st</sup> day of November 2023.

  
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Jacqueline Rucker, Hearing Examiner