

**BONNER COUNTY HEARING EXAMINER
PUBLIC HEARING MINUTES
June 21, 2023**

CALL TO ORDER: Hearing Examiner Jackie Rucker called the public hearing to order at 1:30 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 Jake Gabell, Assistant Planning Director Travis Haller, Planner II Daniel Britt, Planner I Alex Feyen and Hearing Coordinator Jenna Crone.

PLEDGE OF ALLEGIANCE

CHANGES IN AGENDA: None

APPROVAL OF MINUTES: Hearing Examiner Rucker approved the minutes as written May 3, 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 V0004-23 – Variance – Property Line Setback – Underhill. The applicants are requesting a 5-foot property line setback where 25-feet is required to construct an accessory building on a 11.25-acre platted lot. The property is zoned R-5. The project is located off Plumbago Point Road in Section 03, Township 59 North, Range 04 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 PRESENTATION: Mike Underhill, Applicant, 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.

MOTION TO APPROVE: Hearing Examiner Rucker moved to approve this project FILE V0004-23, a reduced setback for a 5' setback where 25' is required, finding that it is 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 Staff Report was prepared, and testimony received at this hearing. Examiner Rucker further moved to adopt the following findings of fact and conclusions of law as written (or as amended). 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 property is zoned Rural-5.
3. The property is described as Lot 2A of the Replat of Plumbago Point Lots 1 &2, according to the plat thereof, recorded on Book 7 of Plats at Page 36, records of Bonner County, Idaho.
4. The property has an existing single-family-dwelling, and the garage/storage room is near completion.
5. Slopes present on the lot are 0-30+% grade.
6. The applicant obtained the property on October 19, 2018 per Warranty Deed, Instrument # 929831 and reconveyed in Quitclaim Deed under Instrument #929836, recorded on October 22, 2018.

Conclusions of Law:

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

Conclusion 1

Conditions apply to the property that **do** 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** 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.

Conditions of approval:

Standard permit conditions:

A-1 Only the building envelope for property line 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.

A-3 Per BCRC 12-720.2 (E) a stormwater management 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.

File CUP0005-23 Conditional Use Permit for Retreat/Private Community Facility. The applicants are requesting a conditional use permit for a retreat and private community facility. The parcel is 1.33 acres. The property is zoned Rural-10. The project is located off Glengary Bay Rd in Section 8, Township 56 North, Range 1 East, 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: Jeremy Grimm, Whiskey Rock Planning + Consulting, presented a PowerPoint (Exhibit A)

PUBLIC/AGENCY INPUT: The following members of the public spoke on the record: Joan Harcus, Charlie Goligoski and Matt Mulder: Bonner County Road & Bridge Engineer.

APPLICANT REBUTTAL: Jeremy Grimm addressed questions brought up during public comment and answered questions from the Hearing Examiner.

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

DECISION TO APPROVE: Hearing Examiner Rucker approved this project FILE CUP0005-23 for a retreat and private community facility, 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 (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 property is zoned Rural-10, where retreats and private community facilities are conditionally allowed upon meeting the required standards per BCRC 12-333, 12-335 and Subchapter 4.2.
2. The property is accessed off Glengary Bay Road, a Bonner County owned and maintained paved 20' right of way.
3. Power is provided by Avista Utilities.
4. The site has an individual well and septic system.
5. The site is 1.33 acres.
6. The property is not currently within a fire district.

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	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 BCRC Chapter 3, Subchapter 3.3 BCRC Chapter 4, Subchapter 4.2 Title 12, Chapter 7, Subchapter 7.2 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 plan.
- A-2** The Conditional Use Permit shall not supersede deed restrictions.
- A-3** All setbacks shall be met as found on the 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 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 12-333 Commercial Use Table standards for retreats as found in this staff report.
- A-7** The applicant shall follow BCRC 12-335 Public Use Table standards for private community facilities.
- 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 obtain Building Location Permits for all new proposed structures.
- A-12** The applicant shall apply for a modification per BCRC 12-266 if any new development is proposed.

Conditions to be met prior to issuance of the conditional use permit:

- B-1** The applicant shall annex into Selkirk/Sagle Fire District.

B-2 The applicant shall obtain a commercial encroachment permit from Bonner County Road and Bridge Department.

DISCUSSION:

- **Hearing Examiner and Staff Updates**
 - The Planning Director informed the Hearing Examiner that hearing files are picking up and the summer is looking busy.

At 2:50 p.m., the Hearing Examiner declared the hearing adjourned until July 5, 2023.

Respectfully submitted,



Jacob Gabell, Planning Director

The above Minutes are hereby approved this 5th day of July 2023.



Jaqueline Rucker, Hearing Examiner