

**BONNER COUNTY HEARING EXAMINER
PUBLIC HEARING MINUTES
August 2, 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: Assistant Planning Director Travis Haller, Planner/Tech Rob Winningham, 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 July 19, 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 V0010-23 – Variance – Zumbro. The applicant is requesting a variance from the required depth-to-width ratio of one lot in a proposed land division. This variance is requested to accommodate a steep slope area and efficient road construction. The property is ~53 acres and is zoned Rural 5. The project is located off US Highway 2 in Section 27, Township 56 North, Range 5 West, Boise-Meridian.

STAFF PRESENTATION: Planner II Jason Johnson presented that an error was found indicating that the lot is not legally conforming to its plat. Until this is resolved by the landowner there can be no land use decisions made on the lot. It is requested that this file be continued to a date and time uncertain as it is unclear how long it will take to resolve this issue. This extension will require this file to be rescheduled and noticed.

The Hearing Examiner approved the extension of File V0010-23 to a date uncertain.

File CUP0008-23 – Conditional Use Permit - Hayden Beverage Company. The applicants are requesting a Conditional Use Permit for a wholesale beverage warehouse. The property is zoned Commercial. The project is located off State Hwy 95 in Section 15, Township 56 North, Range 02 West, Boise-Meridian.

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

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.

DECISION TO APPROVE: Hearing Examiner Rucker approved this project, FILE CUP0008-23, for wholesale sales, 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:

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	Agriculture	

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 and/or **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 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 Commercial, where wholesale sales are conditionally allowed upon meeting the required standards per BCRC 12-333 and Subchapter 4.2.
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 Sagle Valley Water & Sewer.
6. Sewage disposal is provided by individual system.
7. The site is approximately 2.826 acres.

Conditions of approval:

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

- 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 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 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 follow BCRC 12-333 Commercial Use Table standards for wholesale sales as found in this staff report.
- A-6** The applicant shall follow BCRC 12-4.3, Parking standards as found in this staff report.
- A-7** The applicant shall follow BCRC 12-4.4, Sign Standards as found in this staff report.
- A-8** The applicant shall follow BCRC 12-453(F), Lighting Standards as found in this staff report.

File CUP0006-23 - Conditional Use Permit - Airstrip. The applicants are requesting a conditional use permit for an airstrip. This site is 125 acres. The property is zoned A/F-10. The project is located off Curtis Creek Road & Polonium Way in Section 33, Township 55 North, Range 4 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 PRESENTATION: Dan Larson, Applicant, addressed the concerns brought up in public comment regarding air pollution and wildlife, and answered questions from the Hearing Examiner.

PUBLIC/AGENCY INPUT: The following members of the public spoke on the record: Chandra Redinger

APPLICANT REBUTTAL: Dan Larson, Applicant addressed comments made during public comment regarding property lines and location of runway.

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

DECISION TO APPROVE: Hearing Examiner Rucker approved FILE CUP0006-23 for an airstrip located in Section 33 & 34, Township 55 North, Range 4 West, Boise Meridian, Bonner County, Idaho, 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 adopted the findings of fact and conclusions of law as set forth in the Staff Report and directed planning staff to draft written findings and conclusions to reflect this decision and transmit to all interested parties. This action does not result in a taking of private property. The action that could be taken to obtain the approval of the Conditional Use Permit is to complete the Conditions of Approval as adopted.

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	Agriculture

Conclusion 2

This proposal was reviewed for compliance with the criteria and standards set forth in BCRC Chapter 3, Subchapter 3.3 BCRC Chapter 4, Subchapter 4.2, 4.3, 4.4, 4.5 and 4.6 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.

Findings of Fact

1. The property is zoned Agricultural/ Forestry-10, where airports (airstrips) are conditionally allowed upon meeting the required standards per BCRC 12-335.
2. The proposal is accessed by—a Polonium Way a 6,660' private recorded easement.
3. Fire protection is provided Spirit Lake Fire District.
4. Public services are available for this proposal.
5. The proposal is ±125 acres.

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 based 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 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 12-335 Public Use Table standards for Airports/ Airstrips as found in this staff report.
- A-7** The applicant shall follow BCRC 12-4.4, Sign 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 obtain Building Location Permits for all structures.
- A-10** The applicant shall follow all state and federal regulations related to the airstrips.

File V0009-23 – Variance – Side Yard Setback. The applicants are requesting a 1.5-foot side yard setback, where 5 feet is required. The property is .348 acres. The property is zoned Recreation. The project is located off Jim Brown Way in Section 31, Township 58 North, Range 1 East, & Section 36, Township 58 North, Range 1 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.

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.

DECISION TO APPROVE: Hearing Examiner Rucker approved this project FILE V0009-23, a reduced setback for a 1.5' setback where 5' 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 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

6. The proposal was reviewed for compliance with BCRC 12-234 Variances, and standards for review of applications, BCRC 12-400, et seq.
7. The property is zoned Recreation.
8. The property is described as Lot 16, Block 2 of a Replat of Golden Tee Estates and Golden Tee Estates 1st Addition and Unplatted Land, according to the plat thereof, recorded in Book 8 of Plats, Page 77, records of Bonner County, Idaho.
9. The property has an existing single-family-dwelling with an attached garage.
10. There are no slopes present on the property per USGS.

11. The applicant obtained the property on April 21, 2021 per Warranty Deed, Instrument # 981140 and reconveyed in Quitclaim Deed under Instrument #993535, recorded on October 13, 2021.

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 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.

Conditions of approval:

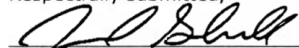
Standard permit conditions:

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.

At 2:21 p.m., the Hearing Examiner declared the hearing adjourned until August 16, 2023.

Respectfully submitted,



Jacob Gabell, Planning Director

The above Minutes are hereby approved this 16th day of August 2023.

 8/16/23

Jacqueline Rucker, Hearing Examiner