

**BONNER COUNTY HEARING EXAMINER  
PUBLIC HEARING MINUTES  
SEPTEMBER 20, 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 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, Planner II Daniel Britt, Planner I Alex Feyen, Planning Tech 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 August 16, 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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**File CUP0011-23 – Conditional Use Permit – Church/Public Community Facility.** The applicants are requesting a conditional use permit for a Church/ Public Community Facility. The property is 12.51 acres. The property is zoned Rural-5. The project is located off Garfield Bay Cutoff in Section 15, Township 56 North, Range 1 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:** Don Davis, Project Representative, gave an overview of the history of the property and future plans, as well as answered questions from the Hearing Examiner regarding setbacks from the Garfield Bay Water and Sewer property to the East.

**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 FILE CUP0011-23 for a church/ public community facility located in Section 15, Township 56 North, Range 1 West, Boise Meridian, Bonner County, Idaho, 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:

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**Conclusions of Law:**

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**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.

**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.

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 as set forth in the Staff Report and direct planning staff to draft written findings and conclusions of law 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.

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**Findings of Fact:**

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1. The property is zoned Rural-5, where churches/ public community facilities are conditionally allowed upon meeting the required standards per BCRC 12-335 and BCRC subchapter 4.5 et seq.
2. The property is accessed by Garfield Bay Cutoff, which is a Bonner County owned and maintained 60' wide gravel right of way.
3. Garfield Bay Cutoff is constructed to Title 2 standards and provides adequate access for emergency vehicles.
4. Power is provided by Northern Lights, Inc.

5. Water will be provided by private individual well.
6. Sewage disposal will be provided by an individual septic system.
7. Fire protection is provided Selkirk Fire District.
8. This property is afforded public services.
9. The property is ±12.51 acres.

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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 setbacks shall be met in accordance of 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 churches, grange halls, public or private community facilities 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 et. seq., Design Standards as found in this staff report.

**A-9** The applicant shall obtain Building Location Permits for all structures in accordance with BCRC 11-101 and BCRC 11-219.

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**File V0011-23 – Variance – Bulk Increase.** The applicant is requesting a 205% bulk increase of an existing structure, a 1.75’ setback from the street where 25’ is required, and a 1.4’ setback from the property line where 5’ is required. The parcel is zoned Recreation (Rec). The project is located off South Granite Bay Road in Section 16, Township 61 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:** Scott Comfort, Sewell and Associates, answered questions from the Hearing Examiner regarding public comments received regarding snow removal and comments from Bonner County Road and Bridge.

Hearing Examiner Rucker continued this file to October 4, 2023 to allow the applicant time to meet with Road and Bridge to mitigate the public safety concerns they stated in their comments on the file.

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**File V0014-23 – Variance – Street Setback.** The applicant is requesting a 12' 6" street setback where 25' is required. The property is 0.39 acres and is zoned Recreation. The project is located off Pinto Point Road in Section 27, Township 61 North, Range 04 West, Boise-Meridian.

**STAFF PRESENTATION:** Planning Tech 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:** Caleb Worley, Worley Homes, answered questions regarding septic systems, neighbor concerns and building plans.

**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 V0014-23, a reduced street setback of 12.5 feet where 25 feet is required, finding

that it is in accord with the 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:**

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. 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**

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 parcel contains 0.39 acres.
3. The parcel does contain mapped slopes in excess of 30% per USGS.
4. The parcel does contain mapped wetlands per USFWS.
5. The parcel does contain frontage on Priest Lake.
6. The parcel is within SFHA Zone X & Zone AE per FIRM Panel Number 16017C0225F, Effective Date 7/7/2014.
7. The lot is zoned Recreation with a land use designation of Resort Community.
8. The lot is described as 27-61N-4W PINTO POINT BLK 1 LOT 37, according to the plat thereof, recorded in Book 10 of Plats, Page 152, records of Bonner County, Idaho.

9. The property has an existing single-family-dwelling.
10. The applicant purchased the parcel in 2018, Instrument number 929573.

**Conditions of approval:**

**Standard permit conditions:**

**A-1** Only the building envelope for street 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.

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**DISCUSSION:**

- **Hearing Examiner and Staff Updates**
  - Providence Subdivision will be going before the Board on October 2, 2023.

At 2:26 p.m., the Hearing Examiner declared the hearing adjourned until October 4, 2023.

Respectfully submitted,

  
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Jacob Gabell, Planning Director

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The above Minutes are hereby approved this 4<sup>th</sup> day of October 2023.

  
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Jacquelin S Rucker, Hearing Examiner