

**BONNER COUNTY HEARING EXAMINER
PUBLIC HEARING MINUTES
OCTOBER 4, 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 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 September 20, 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 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. **This file is being continued from September 20, 2023.**

APPLICANT REPRESENTATIVE: Scott Comfort, Sewell and Associates, shared that he met with Road and Bridge as instructed by the Hearing Examiner and a revised site plan was provided with the suggested changes.

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 V0011-23, for a 205% bulk increase of an existing shop, a 1.75' setback from the street where 25' is required, and a 1.4' setback from the property line 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,, including the revised building plan. 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 property is zoned Recreation.
3. The property is described as Lot 3, Block 2 of First Addition to Jim Low's Resort, according to the plat thereof, recorded in Book 2 of Plats, Page 26, official records of Bonner County, Idaho.
4. The property has an existing single-family dwelling with an attached garage and an existing shop.
5. There are slopes of 0-29.9% present on the property per USGS.
6. The property fronts Priest Lake.
7. The property does not have wetlands, per USFWS.
8. A portion of the property is located in Special Flood Hazard Area Zone-AE per FEMA.
9. The applicant obtained the property on August 05, 2020 per Warranty Deed, Instrument # 962443 and reconveyed in Warranty Deed under Instrument #981607, recorded on April 28, 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 development highlighted (expanded shop development) as shown 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 A Building Location Permit shall be filed with the Bonner County Planning Department prior to development.

A-4 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 CUP0013-23 – Conditional Use Permit – Public Community Facility and Retreat. The applicants are requesting a Conditional Use Permit for a private community facility and retreat. The project site is 20.006 acres, located in Cocolalla. The property is zoned Rural 5. The project is located off Roop Road in Section 13, Township 55 North, Range 3 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: Teira and Cruz Bruner gave a detailed overview of how they currently run their wedding venue and proposed changes to be made in order to accommodate neighbor complaints.

PUBLIC/AGENCY INPUT: The following members of the public spoke on the record: DJ Johnson, Paige Martin, Jessica Mannon, Mark Linscott, Lacheale Linscott, ???, Randy Youngdell, Morgan S., Noel Brower, Natasha Roop, Karen B., Dale

Roberts, Rob Holman, Forest Walker, John Dallas, Todd Walker, Lyle Beck, Robert Johnson, Sierra Walker, Drew Hoverson, and Kristi Sams.

APPLICANT REBUTTAL: Teira Brunner address comments and concerns brought up during public comment regarding trespassing, noise, and traffic.

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

Hearing Examiner Rucker closed File CUP0013-23 and will take five (5) business days to prepare a written decision.

DISCUSSION:

• **Hearing Examiner and Staff Updates**


- The Planning Commission is still making good progress on the Comprehensive Plan.
- Planning Commission currently working on a text amendment for Vacation Rental Permits and Short Term Rentals.
- The Providence Road Subdivision was approved by the Board of County Commissioners on October 2, 2023.
- Short Term rental software was approved by the Board.

At 4:00 p.m., the Hearing Examiner declared the hearing adjourned until October 18, 2023.

Respectfully submitted,


Jacob Gabell, Planning Director

The above Minutes are hereby approved this 18th day of October 2023.


Jacqueline Rucker, Hearing Examiner