

**BONNER COUNTY HEARING EXAMINER  
PUBLIC HEARING MINUTES  
OCTOBER 5, 2022**

**CALL TO ORDER:** Hearing Examiner Jackie Rucker called the public hearing to order at 1:30 p.m. in the 1<sup>st</sup> Floor Conference Room of the Bonner County Administration Building, 1500 Highway 2, Sandpoint, Idaho.

**PRESENT:** Jackie Rucker, Hearing Examiner

**ABSENT:** None

**ALSO PRESENT:** Planning Director Jacob Gabell, Planner I Daniel Britt, Senior Planner Swati Rastogi, and Hearing Coordinator Jenna Crone

**CHANGES IN AGENDA:** Due to a conflict of interest, File V0012-22 was removed from the agenda and will be scheduled with the Zoning Commission.

**APPROVAL OF MINUTES:** Hearing Examiner Rucker approved the minutes as written for September 14, 2022.

**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, he continued with the public hearing.

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

**File CUP0012-22, Conditional Use Permit Request for a Duplex.** The applicants are requesting a Conditional Use Permit for the construction of a Duplex on a 0.45-acre lot. The property is zoned Alpine Village. The project is located off Snowplow Road in Section 20, Township 58 North, Range 2 West, Boise-Meridian.

**STAFF PRESENTATION:** Planner I 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:** Jeff Jenson, Sewell & Associates introduced himself and agreed with Staff's recommendation.

**PUBLIC/AGENCY INPUT:** None.

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

**MOTION TO APPROVE:** Hearing Examiner Rucker approved FILE CUP0012-22, Miller Duplex located on Snowplow Road 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 (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. This action does not result in a taking of private property. The action that could be taken to obtain the approval of preliminary plat is to complete the Conditions of Approval as adopted.

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**Findings of Fact**

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1. The subject lot is not within a planned unit development.
2. The subject lot was platted in 1968 as Lot 3 Block 5 of First Addition to Schweitzer Basin Village plat.
3. A 'Two Unit Multi-Family Townhome' is not within BCRC Chapter 8 Definitions. Despite the future plans for the lot, the existing lot is not divided into two (3A & 3B) lots as demonstrated in the contents of the application. Further, the site plan demonstrates there will merely be two dwelling units, not three. Hence, the proposed project is a duplex according to term and definition in BCRC 12-804.
4. The construction of a duplex in Alpine Village is permitted, contingent upon a Lot being greater than 15,000 square feet. The subject lot is approximately 19,166 square feet.
5. The project will not require changing the current land use of the site.

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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. (See attached comprehensive plan goals, objectives and policies)

•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 4, Title 12, Subchapter 2.2, environmental standards of Chapter 7, Title 12, and storm water management criteria and standards set forth in Chapter 7, 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.

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**Conditions of Approval:**

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**Conditions to be met for the prior to issuance:**

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**B-1** A geotechnical analysis shall be submitted given the proposed development will be on a slope greater than 30%.

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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 county setbacks shall be met.

**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 stormwater plan is required to depict how the waste management site will manage the effects of soil erosion, sedimentation, stormwater runoff, filling, clearing, and possible unstable earthworks.

**A-6** Prior to issuance of a building location permit, the owner of the proposed duplex shall obtain an address for the dwelling from Bonner County that meets the provisions of Bonner County Revised Code, Title 13. (For solid waste collection facilities CUPs)

**A-7** The site must comply with all standards set forth in BCRC 12-226, in so far that it minimizes the impact on other developments, controls development (timing, sequence, and duration), designates the location and nature of development, requires on/off site provision, specifies time of permitted use, and imposes more restrictive standards than BCRC 12-226. Safeguards must be implemented to protect adjacent properties and implement measures to minimize environmental impacts. The commission shall specify any conditions that are to be met prior to issuance. Conditional Use permit approval shall expire if the permit has not been issued two years from the approval date or if issued, the use has not been commenced. The planning director may present a recommendation to revoke a conditional use permit on a finding of evidence that the permit is not compliance. Nothing in BCRC 12-226 shall prevent the board or any other public official or private citizen from taking unlawful action as is necessary to restrain or prevent any violation of this title or of Idaho Code. (Ord. 501, 11-18).

**A-8** A stormwater management plan must be submitted and comply by the standards set forth in BCRC 12-720.

**File CUP0013-22- Conditional Use Permit- Hickey Farms.** The applicants are requesting a conditional use permit for a performing arts venue, food processing facility, private community facility and expanded seasonal harvest festivities. The parcel is 200 acres. The property is zoned A/F-20. The project is located off Hickey Road in Section 34, Township 58 North, Range 1 West, Boise-Meridian.

**STAFF PRESENTATION:** Planner I 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:** Dean Holt, gave an overview of the current uses of the farm as well as proposed future events.

**PUBLIC/AGENCY INPUT:** The following members of the public spoke on the record: Dave Bowman, Susan Bowman, Jonna Plante, and Bruno Williams.

**APPLICANT REPRESENTATIVE REBUTTAL:** Dean Holt addressed comments and concerns brought up during public comment regarding traffic, and noise.

**STAFF REBUTTAL:** Planner I Daniel Britt addresses comments and concerns brought up during public comment.

**STAFF REBUTTAL:** Planning Director Jacob Gabell addressed a comment made by the public regarding the authority of the Hearing Examiner as stated in the Bonner County Revised Code.

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

4.2, 4.3, 4.4, 4.5 and 4.6 Title 12, Chapter 7, Subchapter 7.2 Title 12, Bonner County Revised Code.

**DECISION TO APPROVE:** Hearing Examiner Rucker approved FILE CUP0013-22 for a performing arts venue, food processing facility, private community facility and expanded seasonal harvest festivities located in Section 34, Township 58 North, Range 1 East, 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 (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. 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.

**Findings of Fact**

1. The property is zoned Agricultural/ Forestry-20, where performing arts venue, food processing facility, private community facility and expanded seasonal harvest festivities are conditionally allowed upon meeting the required standards per BCRC 12-333, 12-334, 12-335, 12-483, 12-495 and 12-4.2
2. The property is accessed off Highway 200 an Idaho State owned and maintained right of way and adjacent to Hickey Road a Bonner County owned and maintained 50' right of way.
3. Fire protection is provided Northside Fire District.
4. Power is provided by Northern lights Utilities.
5. The site has an individual well and septic system.
6. The site is 200 acres.
7. The applicant is requesting a deviation of BCRC 12-484(H) to allow for individual sale of liquor by the drink.

**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.

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|-----------------------|-------------------------|------------------------------------|
| •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, 12-483, 12-495 Subchapter

**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 county setbacks shall be met.
- 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 12-4.3, Parking standards as found in this staff report.
- A-8** The applicant shall follow BCRC 12-4.4, Sign Standards as found in this staff report.

**A-9** The applicant shall follow BCRC 12-4.5, Design Standards as found in this staff report.

**A-10** The applicant shall follow BCRC 12-4.6 Landscaping and Screening Standards

**A-11** The applicant shall obtain Building Location Permits for all structures.

**A-12** The applicant shall follow all state and federal regulations related to the individual sales of liquor by the drink.

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• **HEARING EXAMINER & STAFF UPDATES:**

- Two new permit technicians have been hired, other staffing and text amendments were discussed.

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At 2:22 p.m., the Hearing Examiner declared the hearing adjourned until October 19, 2022.

Respectfully submitted,



Jacob Gabell, Planning Director

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The above Minutes are hereby approved this 19<sup>th</sup> day of October 2022.



Jaqueline Rucker, Hearing Examiner