

**BONNER COUNTY HEARING EXAMINER  
PUBLIC HEARING MINUTES  
SEPTEMBER 14, 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:** None

**APPROVAL OF MINUTES:** Hearing Examiner Rucker approved the minutes as written for August 31, 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.

**File CUP0008-22 – Conditional Use Permit – Multi-Family Dwelling.** The applicants are requesting a conditional use permit to construct a multi-family dwelling. The property is 3.26 acres. The property is zoned Commercial. The project is located off Cocolalla Loop in Section 5, Township 55 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:** Travis Thompson, Applicant Representative discussed the proposed project.

**PUBLIC/AGENCY INPUT:** The following members of the public spoke on the record: Starla Fletcher.

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

**MOTION TO APPROVE:** Hearing Examiner Jackie Rucker moved to approve this project FILE CUP0008-22 for a multi-family dwelling and public utility 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 moved to adopt 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 motion, have the Chairman sign, 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.

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**Findings of Fact**

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1. The applicants are requesting a Conditional Use Permit for multi-family dwellings and public utility facilities.
2. The parcel is zoned Commercial which allows for multi-family dwellings and public utility facilities
3. Emergency services are provided by Bonner County Sheriff and Selkirk Fire District.
4. The property is accessed via Highway 95 which is an Idaho State owned and maintained right of way and Cocolalla Loop which is Bonner County owned and maintained right of way.
5. The lot is approximately 3.26 acres
6. The public utility facility will provide waste treatment service 24 hours per day year round
7. The proposed project meets the general and specific objectives of the Comprehensive Plan for the Transition designation.
8. The proposal meets the standards of Bonner County Revised BCRC 12-332 and BCRC 12-335.
9. All standards are being met for the multi-family dwelling and public utility facility, as found in the staff report.

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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.

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|-----------------------|-------------|---------------------|
| •Property Rights      | •Population | •School Facilities, |
| Transportation        |             |                     |
| •Economic Development | •Land Use   | •Natural Resources  |

- Hazardous Areas
- Recreation
- Community Design
- Public Services
- Special Areas or Sites
- Implementation
- Transportation
- Housing

Conclusion 2

This proposal was reviewed for compliance with the criteria and standards set forth at BCRC Chapter 3 and 4, Title 12, Subchapter 2.2, Subchapter 3.3. environmental, 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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**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 must submit a grading, stormwater management, and erosion control plan per BCRC 12-7.2. 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** Prior to issuance of a building location permit, the owner of the proposed multi-family structure shall obtain an address for the dwelling from Bonner County GIS that meets the provisions of Bonner County Revised Code, Title 13. (For multi-family CUPs).

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**DISCUSSION:**

- **HEARING EXAMINER TRAINING:**
    - Bill Wilson, Civil Attorney, went over State Statute regarding Open Meeting Laws, Conflict of Interest and Ex-Parte Communication.
  - **STAFF UPDATES:**
    - The Planning Director discussed staffing in the Planning Department
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At 2:33 p.m., the Hearing Examiner declared the hearing adjourned.

Respectfully submitted,

  
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Jacob Gabell, Planning Director

The above Minutes are hereby approved this 5<sup>th</sup> day of October 2022.

  
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Jaqueline Rucker, Hearing Examiner