

# Bonner County Planning Department

*"Protecting property rights and enhancing property value"*

1500 Highway 2, Suite 208, Sandpoint, Idaho 83864

Phone (208) 265-1458 - Fax (866) 537-4935

Email: [planning@bonnercountyid.gov](mailto:planning@bonnercountyid.gov) - Web site: [www.bonnercountyid.gov](http://www.bonnercountyid.gov)



## Zoning Commission Staff Report for March 20, 2025

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**Project Name:** Riser Creek Marina

**File Number, Type:** MOD0006-24, Modification to C0925-09

**Request:** The applicants are requesting a modification to an existing Conditional Use Permit, File C0925-09, for the expansion of the existing commercial marina. The 0.951-acre parcel is zoned Recreation. The project site is located off Highway 200 and Mariner Way in Section 01, Township 56 North, Range 01 East, Boise-Meridian, Idaho.

**Legal Description:** 1-56N-1E TAX 35 S OF CREEK TAX 98 & 114

**Location:** The project site is located off Highway 200 and Mariner Way in Section 01, Township 56 North, Range 01 East, Boise-Meridian, Idaho.

**Parcel Number:** RP56N01E018001A

**Parcel Size:** Approximately 0.951-acres

**Applicant and Property Owner:** Riser Creek Marina General Trust  
PO Box 24  
Hope, ID 83836

**Project Representatives:** Jon King and Toby Carlson

**Application filed:** October 16, 2024

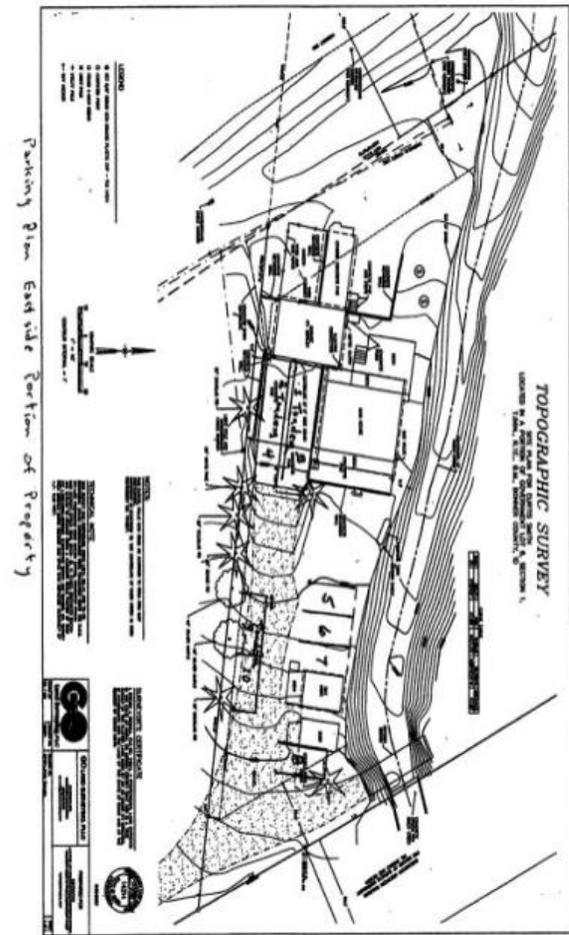
**Notice provided:** Mail: February 19, 2025  
Site Posting: March 4, 2025  
Published in newspaper: February 19, 2025

**Enclosure:** Appendix A: Agency Notice Record of Mailing

Figure 1 Proposed Site Plan



Approach Parking Plan Lakeside Portion of Property



## Project Summary:

The applicants are requesting a modification to an existing Conditional Use Permit, File C0925-09, for the expansion of the existing commercial marina. The 0.951-acre parcel is zoned Recreation. The project site is located off Highway 200 and Mariner Way in Section 01, Township 56 North, Range 01 East, Boise-Meridian, Idaho.



- The subject parcel is currently developed with multiple structures; residential and accessory
- Unplatted
- Area of the property is approximately 0.951-acres.
- Site is zoned Recreation.
- Site has a land use designation of Resort Community.

**B. Access:**

- The site is accessed off Highway 200, a State of Idaho owned and maintained public right-of-way, and Mariner Way, a privately owned and maintained road.

**C. Environmental factors:**

- Site does contain mapped slopes of over 30% grade. (United States Geological Survey)
- Site does contain mapped wetlands. (United States Fish and Wildlife Services)
- Site contains Bonner silt loam, cool, 0 to 4 percent slopes and Colburn very fine sandy loam, 0 to 4 percent slopes, both are considered prime farmland.
- Site does contain frontage to mapped waterbodies (Lake Pend Oreille and Riser Creek). (National Hydrography Dataset)
- Parcel is located within SFHA Zone AE, per FIRM Panel 16017C1000E, Effective Date 11/18/2009. (Federal Emergency Management Agency)
- Site does not contain critical wildlife areas as identified by any local, state or federal agencies.

**D. Services:**

- Water: Individual Well
- Sewage: Bioclear Sewer
- Fire: Sam Owen Fire District
- Power: Avista Utilities
- School District: Lake Pend Oreille School District #84

**E. Comprehensive Plan, Zoning and Current Land Use**

Compass	Comp Plan	Zoning	Current Use & Density
Site	Resort Community	Recreation	Residential and Marina; 0.951-acre
North	Resort Community	Rural 5	2.58-acres, residential
East	Resort Community	Rural 5	4 parcels from 0.72-7.00-acres, residential
South	Resort Community	C / REC/ RSC	2.45-acres, Existing Marina; 1.15-acres, storage
West	Lake Pend Oreille	Lake Pend Oreille	Lake Pend Oreille

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**Agency Review and Public Comments**

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**Agencies and Taxing Districts Were Notified of this Request on February 19, 2025. A Full List Can Be Found in Appendix A.**

**The following agencies replied with comments:**

Idaho Department of Environmental Quality  
 Idaho Transportation Department  
 Idaho Department of Water Resources

**The following agencies replied with "No Comment":**

Idaho Department of Fish and Game  
 Panhandle Health District  
 US Forest Service

**No other agencies replied.**

**As of the date of this staff report, public comments have been received.**

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**Standards Review and Analysis:**

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BCRC 12-266 specifies that the Commission shall consider the proposed modification in accordance with the requirements for the original permit application and shall confine the review to the proposed modification.

**ANALYSIS AGAINST THE BONNER COUNTY REVISED CODE:**

- **BCRC 12-220**, et seq., Conditional Use Permit, Application and Standards:

**Staff:** The application was received on October 16, 2024.

**BCRC 12-335 Public Use Table**

Use	Zoning District								
	F	A/F	R	S	C	I	RSC	REC	AV
Docks and marinas, community, upland accommodations (5), (6), (7)					C			C	

(5) Sufficient land area is required to accommodate the proposed use, and the use and any appurtenant structures shall be so arranged on the land as to minimize any adverse effects on surrounding properties. The use shall not create particular hazards to adjacent properties.

**Staff:** The parcel is approximately 0.951-acres in size. The parcel appears to have sufficient area for the existing use and the proposed expansion. The parcel is split by Highway 200, creating a western side and an eastern side. It does not appear that any appurtenance, existing or proposed, would affect any of the surrounding properties. Furthermore, Bonner County Revised Code has setbacks from rights-of-way, easements, property lines, and shorelines. However, the applicant has requested a deviation from the waterfront setback to accommodate a bath house; 32 feet where 40 feet is required from Lake Pend Oreille and 32 feet where 75 feet is required from Riser Creek. The applicant has additionally requested a 103% bulk expansion of an existing structure to construct a Caretaker's Quarters, which is permitted in BCRC 12-337 Accessory Use Table. **SEE CONDITIONS OF APPROVAL AND FINDINGS OF FACT.**

(6) Specified conditions with respect to emissions of noise, light, glare, smoke, odor, dust, particulate matter, vibrations or hours of operation may be prescribed differently from those required in a given district, as to be compatible with other applicable State and Federal standards.

**Staff:** It does not appear that the use will increase emissions of noise, light, glare, smoke, odor, dust, particulate matter, or vibrations. Furthermore, Bonner County Revised Code does address these items in BCRC 12-421. The applicant does not specify any hours of operation in their application.

(7) A traffic plan is required describing, at minimum, the method of ingress and egress to the site, traffic circulation within the site, and on premises parking and loading/launching areas.

**Staff:** The applicant did provide a traffic plan that show adequate ingress and egress areas, traffic circulation within the site, and on premises parking; however there are no loading/launching areas on the property.

### **BCRC 12-420 General Standards**

**Staff:**

- The project does not propose additional density on the property to accommodate or house greater number of families than permitted by the standards of Bonner County Revised Code.
- The project is not proposing development to occupy a greater percentage of lot area than allowed by the standards of the Bonner County Revised Code, Title 12.
- The applicant is not proposing any deviation to open space, yard requirements or parking spaces.
- The property is accessed by Highway 200, a State of Idaho owned and maintained public right-of-way, and Mariner Way, a privately owned and maintained road.
- The project does not propose any screening or fences. This standard appears to not be applicable.
- Currently, the project proposes no parking or storage of vehicles that are not in operating condition or that have not been used for a period of six months in conjunction with the requested uses.

- Temporary buildings, construction trailers, equipment and materials used in conjunction with construction work for the proposed project may be permitted during the period the construction work is in progress, but such temporary facilities shall be removed upon completion of the construction work.
- This project does propose conversion of an existing structure to accommodate an increased number of dwelling units; however, the property will not have more residential structures than allowed and has requested a deviation to allow for a 103% bulk expansion of the existing structure, as it is located within the setback to Highway 200. **SEE CONDITIONS OF APPROVAL AND FINDINGS OF FACT**
- The subject site is not a corner lot. The standards for visibility do not apply for this lot.
- All architectural projections such as canopies, eaves, balconies, platforms, decks, carports, covered patios, and similar architectural projections shall be considered parts of the building to which attached and shall not project into any required setback.

### **BCRC 12-421 Performance Standards for All Uses:**

#### **Staff:**

- The project proposes no activity involving the use or storage of flammable or explosive materials on or off site.
- The project proposes no activity involving emittance of harmful radioactivity or electrical disturbance.
- The project proposes no activity that is likely to exceed the permitted noise levels at the property line.
- The project does not propose any activities that would seem to contribute to air or water pollution. Idaho Department of Environmental Quality did comment on this file, stating the potential need for an approved public water system to serve the proposed bathhouse. **SEE CONDITIONS OF APPROVAL.**

### **BCRC 12-4.3 Parking standards**

**Staff:** Marinas are required to have 0.5 spaces per boat slip, of which 25% of the spaces shall be tandem spaces. The applicant is requesting to expand the use to include a total of 3 boat slips, and mooring space for 13 boats. According to the applicant's parking plan, the parcel has 6 spaces on the western portion of the property, 2 of which are tandem spaces, and 12 parking spaces on the eastern portion of the property, with 2 of those being tandem spaces. In total, the applicants are proposing 18 total parking spaces, with 4 of those being tandem spaces. The applicants would be required to have a minimum of 7 spaces, 3 of which to be tandem spaces. This parking plan appears to meet the requirements of this standard.

### **BCRC 12-4.4 Sign standards**

**Staff:** The applicant is not proposing a sign for this use. Any signs shall meet setbacks provided in BCRC 12-4.1 and the applicant shall apply for a Building Location Permit.

### **BCRC 12-4.5 Design standards**

**Staff:** This standard is not applicable to this proposal.

#### **BCRC 12-4.6 Landscaping and screening standards**

**Staff:** The existing vegetation appears to be sufficient for this use.

#### **BCRC 12-711 Shoreline setbacks**

**Staff:** There are existing structures within the CUP, and shown on the submitted sit plan, that do not meet the required 40 foot shoreline setback. Per the applicant, these structures were built pre-2008. Modification or reconstruction of these structures shall be in accordance with BCRC 12-344 and 12-711. All new development shall meet the standards of this section. The applicant has proposed a bath house on the property that would be at 32 feet where 40 feet is required from Lake Pend Oreille and where 75 feet is required from Riser Creek. **SEE CONDITIONS OF APPROVAL AND FINDINGS OF FACT.**

#### **BCRC 12-712 Fence Restrictions near Water:**

**Staff:** The proposed modification does not propose addition of fences near water through this project. The standards of this section do not apply.

#### **BCRC 12-713 Impervious Surface standards near the water**

The maximum "impervious surface", as defined in section 12-809 of this title, within "shore land" areas, as defined in section 12-819 of this title, which are defined as those lands extending landward for two hundred feet (200') in all directions as measured on a horizontal plane from any shoreline, shall be thirty five percent (35%).

**Staff:** The applicant appears to propose additional impervious. The applicant has not provided a calculation of impervious surface. According to the original permit, the impervious surface is limited to 25% of the shoreland of this project. Prior to issuance of this permit, if approved, the applicant shall provide an impervious surface calculation of the property, calculated by an Idaho Licensed Engineer or Surveyor. **SEE CONDITIONS OF APPROVAL**

#### **BCRC 12-714 Shoreline vegetative buffer**

**Staff:** No additional ground disturbing activities are proposed to take place within the 40' vegetative buffer area. Any ground disturbing activities shall comply with this section. **SEE CONDITIONS OF APPROVAL**

#### **BCRC 12-7.2, Grading, Stormwater Management and Erosion Control**

**Staff:** The request for this modification of the original Conditional Use permit appears to result in the creation of additional impervious surface. Therefore, the standards of

this section may apply to this project. The applicant shall provide an impervious surface calculation that does not exceed 25% of the shoreland area, as required in the original approval of this Conditional Use Permit. The expansion of the impervious surface area will require a stormwater plan prepared by an Idaho Licensed Engineer. **SEE CONDITIONS OF APPROVAL**

### **BCRC 12-7.3 Wetlands**

**Staff:** The site contains mapped wetlands as shown on the National Wetland Inventory maps. Any development proposed in conjunction with this Conditional Use Permit is required to meet the standards of BCRC 12-7.3 prior to the start of development on site. **SEE CONDITIONS OF APPROVAL.**

### **BCRC 12-7.4 Wildlife**

**Staff:** This request for modification does not propose a new subdivision. Therefore, the standards of this section do not apply to this project.

### **BCRC 12-7.5 Flood Damage Prevention**

**Staff:** The Bonner County Floodplain Manager commented on March 13, 2025, Project will require a Floodplain Development Permit (FDP) prior to the start of any development activity associated with the proposed project." **SEE CONDITIONS OF APPROVAL**

### **BCRC 12-7.6 Hillsides**

**Staff:** Site contains mapped steep slope of over 30% grade. Any development on site located within or in proximity of the areas of steep slopes is required to meet the standards of BCRC 12-7.6 prior to start of development on site.

## **COMPREHENSIVE PLAN ANALYSIS:**

### **Comprehensive Plan Analysis:**

#### **Property Rights**

##### **Policies:**

1. Bonner County should follow the attorney general's checklist, proscribed at Idaho Code §67-8003 and provided in the "Property Rights" component of the county's comprehensive plan, for all land use decisions.
2. For all land use decisions, findings of fact and conclusions of law should be adopted that reflect the justifications for exactions, conditions and restrictions and should confirm that a taking of private property has not occurred.

3. The property rights of the applicant, adjoining and nearby landowners and future generations should be considered, as well as the short-term and long-term consequences of decisions.

4. Bonner County should review all rezoning requests (down-zoning and up-zoning) pursuant to the Idaho State Code, Title 67, Chapter 65 – Local Land Use Planning Act. The approval of conditional rezoning or denial of a request for rezoning may be subject to the regulatory taking analysis provided for by Idaho Code Section 67-8003.

**Staff:** The application was routed to neighbors 300’ from the property line, informing neighbors of the proposed modification. As of the date of this staff report, Bonner County has received public comments. This proposal has been reviewed for compliance with Bonner County Revised Code and findings of fact will be adopted with the decision of this project. This proposal does not appear to be in conflict with the policies of this component.

## **Population**

### **Policies:**

1. Population projections should be analyzed regularly to determine if changes need to be made to the Comprehensive Plan goals, objectives and policies and/or the Zoning Ordinance to ensure that the public and community needs are being met through land use decisions.
2. Population forecasts and census data should be used to evaluate housing and school needs, and impacts to the transportation system and other county services.
3. Bonner County should cooperate with its incorporated cities and neighboring counties to address growth challenges within the ACI areas and coordinate planning efforts whenever possible.

**Staff:** Bonner County, according to 2022 population estimates census data, has seen a 9.1% increase in population since the 2020 census was performed; increasing from 47,105 to an estimated 51,414. With the increase in the population, there is upward pressure on housing needs in Bonner County, both in the unincorporated portion of the County, and in the incorporated cities. This proposal is within East Hope’s Area of Impact and does not appear to be in conflict with the policies of this component.

## **School Facilities & Transportation**

### **Policies:**

1. Current data regarding school capacity and transportation issues as provided by the School Districts will be included in the assessment of all land use proposals.

2. Bonner County should examine the impacts of land use proposals to the school system and should seek mitigation from developers such as providing facilities, safety features, fees or other measures as permitted by Idaho Code, to address the impact of the proposals.

**Staff:** The Lake Pend Oreille School District #84 and Lake Pend Oreille School Transportation that serves the property were notified of the proposed Conditional Use Permit. Lake Pend Oreille School District did not comment as to how an expansion to this marina would or would not adversely impact the district's ability to provide adequate school services (and facilities) for new and existing students. The Transportation department did not provide a comment. This project does not appear to conflict with this component.

## **Economic Development**

### **Policies:**

1. Small scale cottage businesses and home occupations should be allowed in all areas of the county. Reasonable conditions on such uses should be set to minimize adverse impacts to the neighborhood based on factors including, but not limited to, hours of operation and traffic volume generated by the business.
2. Develop land use regulations to allow Bonner County's agricultural heritage to be maintained by enabling local food production, distribution, congregation, and retail sales. Examples include community gardens, school gardens, farm related education programs, farmers or public markets, and other small-scale, collaborative initiatives.
3. Develop standards for commercial and industrial development that are appropriate for the surrounding community, including: appropriate site sizes, use types, buffering and design standards that encourage both attractive and efficient function, while protecting the environment.
4. Review and update land use regulations for employee housing to support the goal of enabling this use in proximity to commercial, industrial and agricultural uses.

**Staff:** This is a proposal for the expansion of a commercial marina. This project is supported by policy 3 of this component, as it allows for commercial development and requires standards to ensure that this use is appropriate for the area. The proposed Conditional Use Permit does not appear to conflict with the remaining policies of this component.

## **Land Use**

### **Policies:**

1. Commercial and industrial uses, in areas identified in the Comprehensive plan suitable for such development, should be unconditionally permitted. Evaluation of

suitability should be based on availability of urban services, adequate access to hard surfaced publicly maintained roads and other factors that may impact the surrounding community.

2. Commercial and industrial uses may be conditionally permitted in areas not identified for such uses in the Comprehensive Plan if a critical review of the proposed use determines that with appropriate conditions the use will not adversely impact the surrounding area.

**Staff:** The proposed Conditional Use Permit does not appear to conflict with the policies of this component. The Recreation zone does allow for some commercial and industrial uses, either unconditionally or conditionally permitted, per BCRC 12-3.3. The proposed use is considered a “public use”.

## **Natural Resources**

### **Policies:**

1. Watershed standards should be employed in land use codes to protect water quality.
2. Best management practices for waterway setbacks should be instituted to reduce erosion and sedimentation into waterways.
3. Development standards should be designed to encourage clustered development resulting in the preservation of open space and wildlife habitat.
4. Bonner County should recognize its critical wildlife habitat and create development standards to protect these areas and mitigate development impacts to these habitats.
5. Protect water quality by creating standards for development in close proximity to shorelines.
6. Productive farmland, timberland and mining lands should be identified and protected from adverse effects of adjoining developments.

**Staff:** Impacts to natural resources were not identified by any agency. This project does not appear to be in conflict with the policies of this component.

## **Hazardous Areas**

### **Policies:**

1. Flood mitigation standards should be adopted that meet or exceed the National Flood Insurance Program minimum requirements.

2. Residential, commercial or industrial development within the floodway should be discouraged.
3. Fill within the floodplain should be discouraged.
4. The county's wildland fire, urban/wildland interface policies and plans should be integrated into development standards.
5. Excessive slopes should be identified and development discouraged by providing lower densities within these areas.
6. Multiple points of ingress/egress should be considered for large developments
7. Development should be avoided in avalanche zones.

**Staff:** The subject property is located in a mapped floodplain. Any areas located within the floodplain shall obtain a Floodplain Development Permit. Potential damage to property or people due to soil erosion or avalanches are minimal. Furthermore, the property is provided with emergency services. This project does not appear to be in conflict with the policies of this component. **SEE CONDITIONS OF APPROVAL.**

## **Public Services, Facilities & Utilities**

### **Policies:**

1. Encourage high-density development to take place within the boundaries of existing sewer and water areas.
2. Bonner County should seek comment from existing service providers on their ability to serve future developments without adversely impacting the ability of the utility providers to serve current users.
3. Bonner County should provide adequate facilities for responsible disposal of solid waste to protect the health and welfare of the public as well as the County's natural resources.

**Staff:** Any future development to this parcel should not affect service as currently there is a well and sewer service. The parcel has services, including electricity provided by Avista, Bonner County EMS & Sheriff, and Sam Owen Fire District; all of which were routed for comment and did not respond as to how this Conditional Use Permit could affect their services. Any expansions to these services or others, the applicant will need to obtain proper permitting through the appropriate agencies that govern these services.

## **Transportation**

### **Policies:**

1. A long-term transportation system plan should be developed and regularly updated to ensure reasonable levels of service can be maintained in the future, and that needs for future road extensions or transportation corridors are identified as early as possible.
2. Development in areas that are not served by county standard roads or where transportation is inadequate should be discouraged.
3. Bike and pedestrian trails should be considered in development proposals to connect the communities with existing and planned bike and walking paths wherever possible.

**Staff:** The proposal does not appear to be in conflict with the policies of this component.

## **Recreation**

### **Policies:**

1. Bonner County is encouraged to develop a waterways and park access program to preserve and develop access to public recreational lands and waterways. The program should include retaining access parcels that may be acquired from tax sales or private donations.
2. A plan for a system of green belts and pathways (bike and pedestrian) should be considered as areas develop, so that a connected system can be developed and preserved.
3. Under no circumstances, will Bonner County require access easements on private property as a condition of development. This policy does not preclude providing voluntary incentives to developers in return for access easements.

**Staff:** Current recreational opportunities for the general public that are available in Bonner County could potentially grow with the expansion of this marina.

## **Special Areas or Sites**

### **Policies:**

1. A generalized map of the known pre-historic and historic sites should be developed so that future developments are aware of special areas of concern and are connected with the historical society and Native American tribes for appropriate preservation and protection.
2. Bonner County should implement road side development standards for recognized scenic byways to protect the view sheds.

3. Special areas should be recognized and addressed when development is proposed in these areas.

**Staff:** The project appears to not conflict with the policies of this component.

## **Housing**

### **Policies:**

1. Encourage development of a variety of housing options including mobile home parks, tiny home communities and recreational vehicle parks located in areas that are compatible with their density.
2. Work with municipalities and private parties to find solutions for all types of housing projects and developments.
3. Clustering of housing in developments to save on infrastructure and transportation costs should be encouraged through mechanisms such as density bonuses.
4. Bonner County recognizes opportunities should be made for assisted living and group shelters.
5. Enable workforce housing in direct proximity to agricultural, commercial and industrial uses.

**Staff:** This proposal does not appear to conflict with the policies of this component.

## **Community Design**

### **Policies:**

1. To promote and preserve the natural features and rural atmosphere of the community, the county should enact development standards that address development within scenic byways and design standards that account for waterfront setbacks, wildlife corridors, commercial and industrial landscaping, requirements for reduced lighting, cluster development, rural rather than urban setback standards and other design objectives aimed at preserving the rural, natural character of the community.
2. Allow unique and flexible design standards such that new development within older neighborhoods and historic settlements is compatible with those unique neighborhoods.
3. Allow particularized design standards to address waterfront and mountaintop developments which may differ from standard design objectives.

**Staff:** This proposal does not appear to conflict with the policies of this component.

## **Agriculture**

### **Policies:**

1. Residential uses should continue being permitted in Agricultural zoning districts.
2. Protect agricultural uses and activities from land use conflicts or interference created by residential, commercial or industrial development
3. Land use regulations should support home occupations, cottage industries and farm-based family businesses on agricultural parcels. Examples include farm stands and other agri-business pursuits.
4. Bonner County acknowledges the provisions of Idaho State's Right to Farm Act. Those shall be considered in the land use decisions.

**Staff:** This proposal does not appear to conflict with the policies of this component.

Planner's Initials: **AF**      Date: **MARCH 14, 2025**

**Note:** The final decision rests with the governing body after the completion of the public hearing and consideration of all relevant oral and written testimony and evidence.

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## Decision by the Zoning Commission:

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**MOTION TO APPROVE:** I move to approve this project requesting a modification of a previously approved Bonner County Conditional Use Permit, File No. C925-09 issued in 2010 to modify the Conditions of Approval pertaining to: parking spaces, boat slips, deviations of setbacks and bulk expansion of a legal non-conforming structure, located in Section 1 Township 56 North, Range 1 East, Boise-Meridian, finding that it is not in conflict with the policies of the Bonner County Comprehensive Plan and the Bonner County Revised Code as enumerated in the following **Conclusions of Law:**

1. The proposed conditional use permit **is not** in conflict with the policies of the Bonner County Comprehensive Plan.
2. This proposal was reviewed for compliance with the criteria and standards set forth at BCRC Title 12, Chapter 2, Subchapter 2.2 Conditional Use Permits; Chapter 4 Development Standards and Chapter 7 Environmental Standards. The proposal **is** in accord with the Bonner County Revised Code.
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. I further move 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 this modification of the Conditional Use Permit C925-09 is to complete the Conditions of Approval as adopted. This action does not result in a taking of private property.

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**MOTION TO DENY:** I move to deny this project FILE MOD0006-24 requesting a modification of a previously approved Bonner County Conditional Use Permit, File No. C925-09 issued in 2010 to modify the Conditions of Approval pertaining to: parking spaces, boat slips, deviations of setbacks and bulk expansion of a legal non-conforming structure, located in Section 1 Township 56 North, Range 1 East, Boise-Meridian finding that it is in conflict with the policies of the Bonner County Comprehensive Plan and the Bonner County Revised Code as enumerated in the following **Conclusions of Law:**

1. The proposed conditional use permit **is** in conflict with the policies of the Bonner County Comprehensive Plan.
2. This proposal was reviewed for compliance with the criteria and standards set forth at BCRC Title 12, Chapter 2, Subchapter 2.2 Conditional Use Permits; Chapter 4 Development Standards and Chapter 7 Environmental Standards. The proposal **is/ is not** in accord with the Bonner County Revised Code.

3. The proposed use **will not/ will** create a hazard 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. I further move to adopt the findings of fact and conclusions of law 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. This action does not result in a taking of private property. The action that could be taken, if any, to obtain the conditional use permit is to:

1. File a new application with the Planning Department and meet the standards required by Bonner County Revised Code; or
2. Appeal the Zoning Commission's decision to the County Commissioners.

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## **Findings of Facts:**

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- 1.** The applicants have requested a modification to a previously approved Conditional Use Permit, C925-09 for a marina.
- 2.** The applicants have requested an expansion of the marina to have a total of 13 mooring spaces.
- 3.** The applicants have proposed 18 parking spaces, 4 of which will be tandem spaces.
- 4.** The proposal includes a request for deviation from waterfront setbacks for a bath house; 32 feet from Lake Pend Oreille where 40 feet is required, and from Riser Creek where 75 feet is required.
- 5.** The proposal includes a request for deviation to allow the expansion of an existing structure to construct a Caretaker's Unit; a 103% bulk expansion.
- 6.** The property is located within FEMA SFHA Zone AE.
- 7.** The property is located off Highway 200, a State of Idaho owned and maintained public right-of-way and Mariner Way, a privately owned and maintained road.
- 8.** The property has frontage to Riser Creek and Lake Pend Oreille.
- 9.** The property does have a permitted encroachment permit from the Idaho Transportation Department off Highway 200.
- 10.** The property is zoned Recreation, where Marinas are conditionally permitted.
- 11.** The applicant has received an amended encroachment permit from the Idaho Department of Lands for the docks to be used for the marina expansion.

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## Conditions of Approval:

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### 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** This Conditional Use Permit shall not supersede deed restrictions.
- A-3** All county setbacks shall be met, unless otherwise noted in this modification.
- A-4** The Modification of this Conditional Use Permit approval shall expire if the permit has not been issued within two (2) years from the date of approval, or if issued, if the use has not commenced within two (2) years from the date of issuance. At any time prior to the expiration date of the conditional use permit, an applicant may make a written request to the planning director for a single extension of the conditional use permit for a period up to two (2) years. The Zoning Commission at any regular meeting, or board at any regular meeting, may consider the request for extension. 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 marina facility shall not include any incidental day use marina operations, such as gas sales, convenience store operations, etc.
- A-7** The marina shall maintain continuing compliance with the performance standards of BCRC 12-421.
- A-8** Total impervious surface within shall not exceed 25% of the shoreland area, as defined.
- A-9** Landscaping shall be provided as shown on the site plan to provide a privacy buffer between the parking areas proposed on the subject property.
- A-10** All proposed structures shall be issued Building Location Permits, if required by Title 11 of Bonner County Revised Code.

**A-11** Any modifications to this project shall be subject to standards set forth in Title 12, Bonner County Revised Code.

**A-12** 18 parking spaces must be designated for the marina use, 4 of which shall be tandem spaces.

**A-13** Any development proposed in conjunction with this Conditional Use Permit is required to meet the standards of BCRC 12-7.3, Wetlands, prior to the start of development on site.

#### **Conditions to be Met Prior to Issuance**

**B-1** A separate site plan showing 25% impervious surface shall be provided. Alternatively, a stormwater plan shall be provided and approved by Bonner County.

**B-2** A Floodplain Development Permit shall be applied for encompassing all improvements proposed in this project.

**B-3** A separate site plan clearly marking all existing and proposed structures shall be provided by the applicant.

**B-4** Approval from Idaho Department of Environmental Quality for a public water system shall be obtained. Alternatively, documentation from Idaho Department of Environmental Quality stating that a public water system is not required shall be provided to the Planning Department.

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The complete file is available for review in the Planning Department, 1500 Highway 2, Suite #208, Sandpoint, ID. Staff reports are available online prior to the hearing at [www.bonnercountyid.gov](http://www.bonnercountyid.gov) Bonner County Revised Code (BCRC) is available at the Planning Department or online.

**APPENDIX A – AGENCY NOTICE RECORD OF MAILING**

**RECORD OF MAILING**

**Page 1 of 1**

**File No.: M O D 0 0 0 6 - 2 4**

**Record of Mailing Approved By:**



I hereby certify that a true and correct copy of the Rescheduled "Notice of Public Hearing" was digitally transmitted or mailed (postage prepaid) on the **19th** day of **February 2025**.



Jessica Montgomery, Hearing Coordinator

- Assessor - Email
- Bay Drive Recreation District - Email
- Bonner County Airport Manager - Email
- Bonner County EMS - Email
- Bonner County Road & Bridge - Email
- Bottle Bay Water & Sewer District - Email
- City of Dover - Email
- City of Hope - Email
- City of Oldtown - Email
- City of Priest River - Email
- City of Spirit Lake - Email
- Coolin-Cavanaugh Bay Fire District - Email
- East Bonner Library - Email
- Ellisport Bay Sewer - Email
- GEM STATE MINER - U.S. Mail
- Department of Environmental Quality (DEQ) - Email
- Department of Lands - CDA - U.S. Mail
- Department of Lands - Navigable Waters & Mining - Email
- Idaho Department of Water Resources - IDWR - Email
- Transportation Department- District I - Email
- Kalispel Bay Sewer & Water - U.S. Mail
- KPBX-FM 91 SPOKANE PUBLIC RADIO - U.S. Mail
- Laclede Water District - Email
- Pend Oreille School District, #84 (Transportation) - Email
- Little Blacktail Ranch Water Association - U.S. Mail
- Northern Lights, Inc. - Email
- Northside Fire District - Email
- Panhandle Health District - Email
- Priest Lake Public Library District - Email
- Sagle Valley Water & Sewer - Email
- Schweitzer Fire District - Email
- Selkirk Fire, Rescue & EMS - Email
- Southside Water & Sewer District - Email
- Spokesman-Review - U.S. Mail
- Swan Shores Sewer District - U.S. Mail
- Tamarack Village Water & Sewer - U.S. Mail
- Trestle Creek Sewer District - Email
- U.S. Fish & Wildlife Service - Email
- West Bonner County Cemetery District - Email
- West Bonner Library - Email
- West Pend Oreille Fire District - Email
- Avista Utilities - Email
- Bayview Water & Sewer - Email
- BONNER COUNTY DAILY BEE - U.S. Mail
- Bonner County Floodplain Review - Email
- Bonner County Sheriff - Email
- City of Clark Fork - Email
- City of East Hope - Email
- City of Kootenai - Email
- City of Ponderay - Email
- City of Sandpoint - Email
- Coolin Sewer District - Email
- Drainage District #7 - Email
- East Priest Lake Fire District - Email
- Garfield Bay Water & Sewer District - Email
- Granite Reeder Water & Sewer District - Email Idaho
- Idaho Department of Fish & Game - Email Idaho
- Idaho Department of Lands - Coolin - Email Idaho
- Idaho Department of Lands - Sandpoint - Email
- Idaho Transportation Department (Aeronautics) - U.S. Mail Idaho
- Independent Highway District - Email
- Kootenai-Ponderay Sewer District - Email
- KSPT-KPND-KIBR RADIO - U.S. Mail
- Lake Pend Oreille School District, #84 (Admin Office) - Email Lake
- Lakeland Joint School District, #272 - Email
- North of the Narrows Fire District - Email
- Northland/Vyve Cable Television - Email
- Outlet Bay Sewer District - Email
- Pend Oreille Hospital District - Email
- Priest Lake Translator District - Email
- Sam Owen Fire District - Email
- SELKIRK ASSOCIATION OF REALTORS - U.S. Mail
- Selkirk Recreation District -Email
- Spirit Lake Fire District - Email
- State Historical Society - Email
- Syringa Heights Water Association - Email
- Timber Lake Fire District - Email
- U.S. Army Corps of Engineers - Email
- U.S. Forest Service - U.S. Mail
- West Bonner County School District, #83 - Email
- West Bonner Water & Sewer District - Email
- West Priest Lake Fire District - Email