



# Bonner County Planning Department Board of County Commissioners Staff Report for January 22, 2025

**FILE:** V0012-24                      **DATE OF REPORT:** January 15, 2025

**PROJECT:** Shoreline Setback - Variance                      **APPLICATION DATE:** May 22, 2024

**PARCEL No:** RP62N04W279580A                      **PARCEL SIZE:** 20-acres

**LANDOWNER:** Priest Lake Syndicate LLC                      **REPRESENTATIVE:** Whiskey Rock Planning + Consulting, Jeremy Grimm

**NOTICE:** Mailed – December 24, 2024  
Published in newspaper – December 24, 2024  
Site posted – January 7, 2025

**REQUEST:** The applicant is requesting a 40' shoreline setback where 75' is required for the purpose of building a structure.

**LEGAL DESCRIPTION:** 27-62N-4W TAX 2

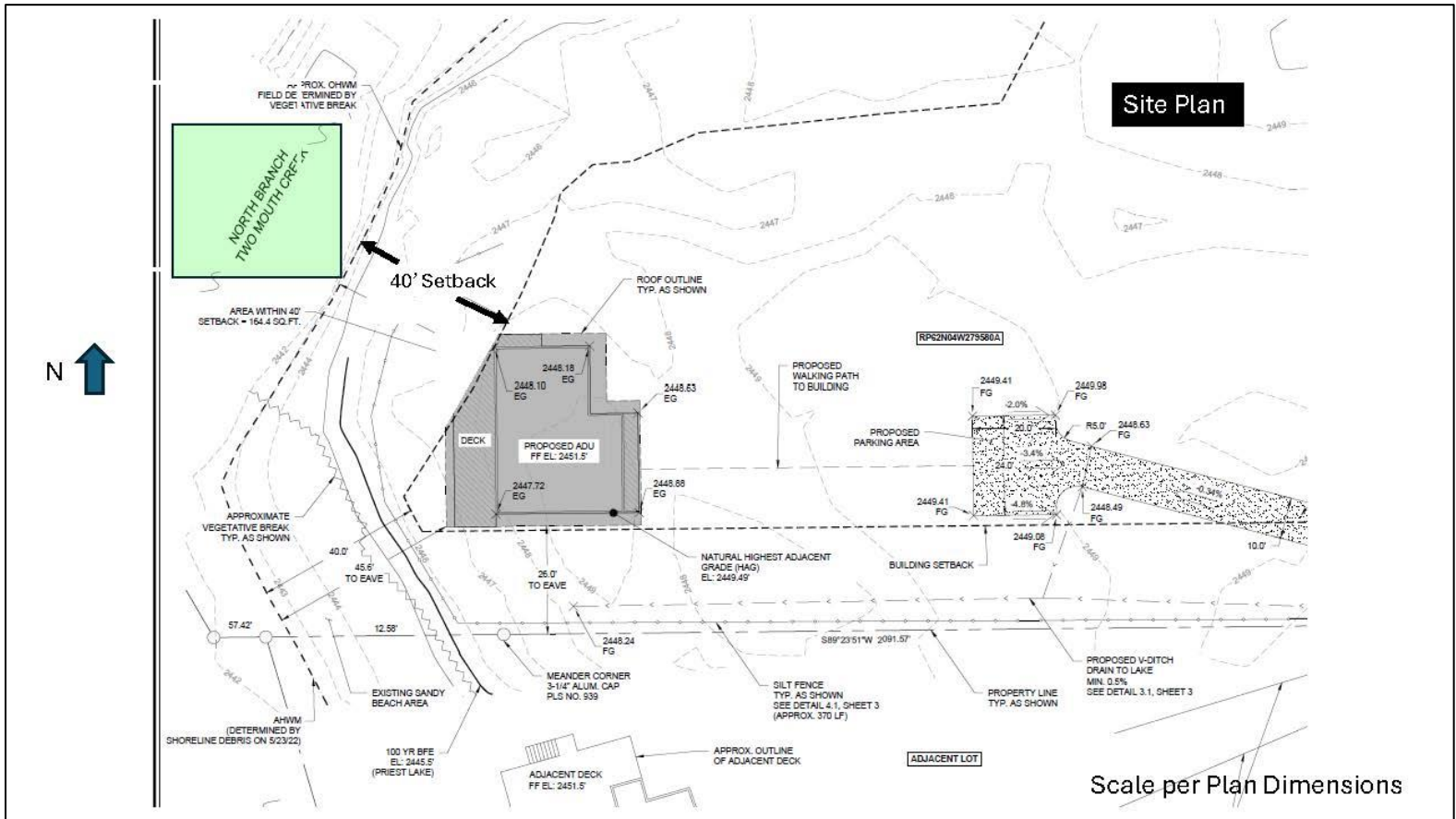
  

**LOCATION:** The project site is located off South Sandy Shores Lane in Section 27, Township 62 N, Range 4 W, Boise-Meridian.

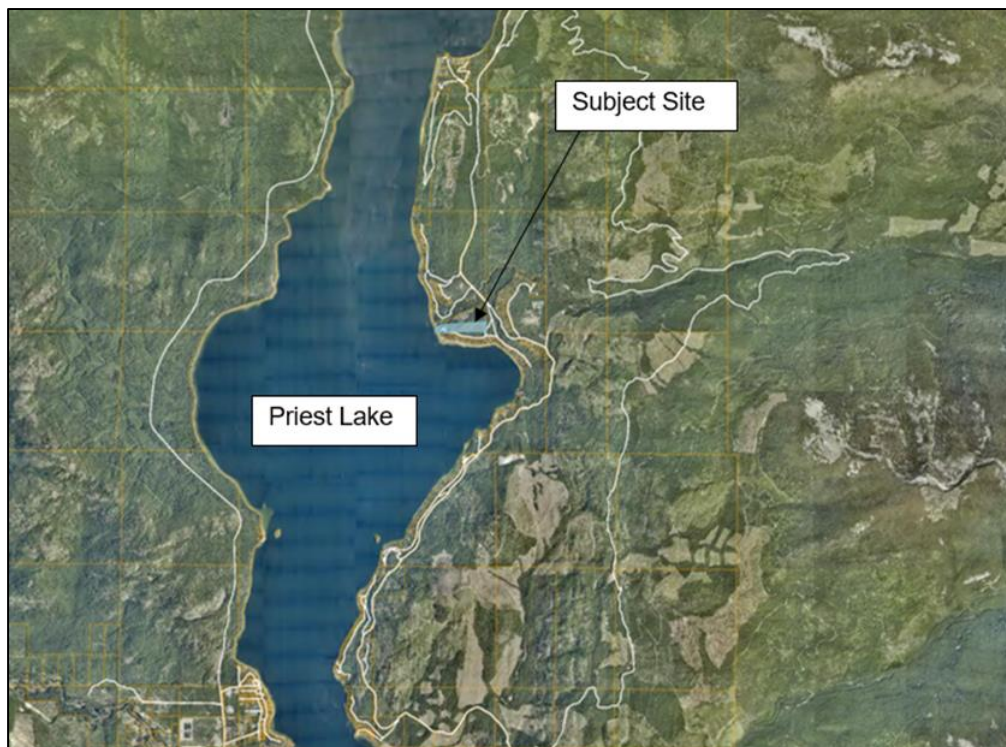
  

**ENCLOSURE:** Annex A – Complete List of Agencies Routed  
Annex B – Hearing Examiner Decision Letter  
Annex C – BOCC Decision Letter  
Annex D – Applicant Waiver of 60 Day Decision Requirement

## SUBJECT PROPERTY SITE PLAN



## VICINITY MAP



## **PROJECT SUMMARY**

The applicant is requesting a 40' shoreline setback from a perennial stream where 75' is required.

## **APPLICABLE LAWS**

The following sections of BCRC, Title 12, apply to this project:

BCRC 12-222: Application contents  
BCRC 12-232: General provisions  
BCRC 12-234: Variance standards  
BCRC 12-263: Reconsideration  
BCRC 12-400: Development standards  
BCRC 12-323: Rural  
BCRC 12-7.2, et seq.: Grading/erosion/stormwater  
BCRC 12-800 et seq.: Definitions

## **BACKGROUND**

### **A. Site Data**

Land Use: Residential, 1 single-family dwelling  
Size: Approximately 20-acre  
Zoning Designation: Rural 5 (R-5)  
Comp Plan Designation: Rural Residential (5-10 AC)

### **B. Access**

South Sandy Shores Ln is a privately owned and maintained easement.

### **C. Environmental Factors**

Site does contain mapped slopes in excess of 30% grade. (USGS).  
Site does contain mapped wetlands. (USFWS).  
Site does contain water frontage on the north and south fork of Two Mouth Creek. Both are classified as "stream or river-perennial" per the NHD. See figure below.  
Site does contain water frontage on Priest Lake.  
Site contains Bonner silt loam, cool, 0 to 4 percent slopes  
Site contains SFHA Zone X and Zone A per FIRM Panel #16017C0150F, effective 7/7/14.

### **D. Services**

Water: Huckleberry Water & Sewer District  
Sewage: Huckleberry Water & Sewer District  
Fire: North of the Narrows Fire  
Power: Northern Lights Inc.  
School District: Lake Pend Oreille School District #83

## NORTH AND SOUTH FORK OF TWO MOUTH CREEK



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

Compass	Comp Plan Designation	Zoning Designation	Current Land Use & Density
Site	Rural Residential (5-10 AC)	Rural 5 (R-5)	Residential, 1 SFD
North	Rural Residential (5-10 AC)	Rural 5 (R-5)	Residential, 1 SFD
East	Rural Residential (5-10 AC)	Rural 5 (R-5)	Residential, vacant
South	Rural Residential (5-10 AC)	Rural 5 (R-5)	Residential, 1 SFD
West	Rural Residential (5-10 AC)	Rural 5 (R-5)	Priest Lake

### AGENCY NOTICE

The agencies listed in Annex A were routed on December 24, 2024.

#### Received Comments

Idaho Fish & Game, Idaho Department of Environmental Quality, Idaho Department of Lands-Priest Lake, TC Energy

#### No Comment:

Idaho Transportation Department, Inland Power, Kootenai-Ponderay Sewer District.

### PUBLIC COMMENT

Public comments were received at the time this staff report was prepared. See comments for further details.

### STANDARDS REVIEW & STAFF ANALYSIS:

#### BCRC 12-263: Reconsideration



A. **Reconsideration:** Every applicant or affected person seeking judicial review of the Board's final decision must first file with the Board a motion for reconsideration of the Board's decision, specifying deficiencies in the decision within fourteen (14) days of the date of the decision, along with the applicable fee. A failure to seek reconsideration is also a failure to exhaust administrative remedies.

B. **Initial Decision:** The Board may consider the reconsideration motion as scheduled on an open business meeting agenda and determine whether to grant or deny the request. If the Board grants reconsideration in whole or in part, a hearing before the Board will be scheduled to address the specific deficiencies identified by the applicant or affected person and to allow interested persons to have an opportunity to be heard. If the Board denies the request for reconsideration, it shall promptly notify the parties in writing.

C. **Public Notice On Hearing:** Notice of the public hearing on the reconsideration, identifying the specific deficiencies alleged in the reconsideration request, will be provided as follows, including:

1. **Notice To Agencies And Political Subdivisions:** At least fifteen (15) days prior to the public hearing, the Director shall send notice to all political subdivisions providing services with the planning jurisdiction, including school districts and the manager or person in charge of the local public airport.

2. **Legal Notice:** At least fifteen (15) days prior to the public hearing, the Director shall publish a notice of the time and place in the official newspaper or paper of general circulation in the County.

3. **Radius Notice:** Will be provided in the same manner as originally provided on the application.

D. **Decision:** Following the hearing on the reconsideration, the Board may affirm, reverse or modify its prior decision and shall provide a written decision to the applicant and the affected person(s) within sixty (60) days of receipt of the request for reconsideration. If the Board fails to timely decide, the original decision of the Board will stand. (Ord. 573, 10-25-2017)

**Staff:** On September 16, 2024, the Board of County Commissioners held a duly noticed public hearing regarding this file. The Board of County Commissioners did not render a decision on this file, ending in a 1-1 vote; the Hearing Examiner's decision to deny this project was automatically upheld. The decision letter was sent to the applicant and their representative on September 19, 2024.

The Planning Department received a Reconsideration Request from the applicant and their representative on October 1, 2024, stating that, "...this reconsideration is seeking recognition and reconsideration of the alternative process by which a stream classification is authorized (actual land survey or field inspection) and reliance on the compelling evidence (studies and field inspection) within the record showing that the North Branch of Two Mouth Creek is in fact intermittent and therefore that a variance to strict interpretation of the 75' setback is warranted." The applicant paid the associated fees on October 3, 2024. The applicant has met all of the requirements for reconsideration.

On November 7<sup>th</sup>, 2024, the applicant's representative waived their right to a 60-day decision by the Board.

BCRC 12-234 specifies that "Staff, the commission and/or board shall review the particular facts and circumstances of each proposal submitted and shall find adequate evidence showing that:

#### **A. Standards Review**

- (a) **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.**

*Applicant: The parcel is bisected by both (intermittent) North Fork Two-Mouth Creek and main Two-Mouth Creek. The North Fork intersects the 20-acre lot creating two separated frontages where it empties into the lake. Recent upstream geomorphological changes have resulted in the North Branch of Two Mouth Creek being severed from the main channel and from year round stream flows. As such and as document by field survey and study, the North Branch is no longer functions as a flowing stream and as such does not deserve or justify the 75' setback restriction per BCRC. Instead, the 40' setback for intermittent streams should apply.*

**Staff:** The parcel is not unique as there are adjacent parcels that have similar characteristics such as depth-to-width ratios and multiple creeks. The parcel immediately to the North (RP62N04W279040A) has a similar depth-to-width ratio. Additionally, there is a parcel to the south (RP62N04W354201A)

that is also bifurcated by two streams flowing into Priest Lake. The Bonner County revised code requires the use of the National Hydrography Dataset (NHD) as the standard for classifying streams and therefore for determining required shoreline setbacks, as outlined in BCRC 12.7. According to the current NHD, both branches of Two Mouths Creek are classified as perennial and thus requiring a 75' shoreline setback per BCRC 12.7.

**(b) Special conditions and circumstances do not result from the actions of the applicant.**

*Applicant: There are no past actions of the applicant that affect the site as acquired from the HB developer. The ground and shorelines have been undisturbed by its owners for over 20 years, and no adjustment of lot lines has been made. The changes to basin conditions and upstream channelization and flows resulting in the North Branch becoming an intermittent stream were not a result of actions of the applicant.*

**Staff:** The applicant purchased the parcel on October 28, 2020 per Instrument No. 968675, Records of Bonner County. The only change the applicant has made is constructing a single-family dwelling on the parcel. This variance proposal is for the purpose of constructing an accessory dwelling unit.

**(c) 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.**

*Applicant: The proposed variance or interpretation makes no infringement on the public interest due to the misclassification of the North Branch as a flowing stream. If the accurate assessment and character of the North Branch is considered (an intermittent stream), the proposed development activity would not require a variance because the owners are proposing to maintain a 40' setback from the creek. The issue at hand comes down to semantics and is the result of the outdated and erroneous classification by the NHD listing the North Branch as a flowing stream. The Field Survey and related empirical photographic evidence confirms that the subject property and area identified for construction of an ADU is adjacent to an intermittent stream not a flowing stream and as a result the construction of improvements adhering to a 40' setback will not be in conflict with the public interest nor detrimental to the public health, safety or welfare.*

**Staff:** Streams and rivers do move and flows change due to environmental and/or human factors. Based on the current conditions presented by the applicant, staff agrees that granting the variance would not be detrimental to public health, safety, or welfare, nor would it be materially injurious to neighboring properties.

## **B. Stormwater Management Review**

A stormwater management plan was not required, pursuant to BCRC 12-720.3(k) because the proposal does not result in the creation of additional impervious surface, as defined. However, one will be required at time of building location permit.

## **C. Staff Review Summary**

While the applicant presents arguments based on local conditions and empirical evidence, the staff's position is rooted in regulatory compliance with the Bonner County Revised Code and the National Hydrography Dataset classifications. The variance request hinges on the interpretation and classification of the stream by the NHD, which BCRC requires setbacks from.

Furthermore, the subject parcel is approximately 20-acres and is not unique when compared to the adjacent parcel to the north, as it has a depth-to-width ratio and lot size very similar and also has two perennial streams running through it, as defined by the U.S.G.S National Hydrology Dataset. Therefore, it appears to staff that the land conditions and characteristics apply to this property that also applies generally to other properties in the same vicinity.

Lastly, this project underscores the challenge of balancing local regulations with specific property conditions and highlights the importance of accurate hydrological classifications in land use planning and regulatory compliance.

**Planner's Initials: AF**

**Date: January 15, 2025**

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

**Hearing Examiner Decision: Deny**

**Date: July 17, 2024**

**On July 17, 2024 a public hearing was held with the Hearing Examiner for file V0012-24, requesting a 40' shoreline setback where 75' is required for the purpose of building a structure. The Hearing Examiner made the decision to deny file V0012-24.**

**BOCC Decision: No Decision**

**Date: September 18, 2024**

**On September 18, 2024, a public hearing was held with the Board of County Commissioners for file V0012-24, requesting a 40' shoreline setback where 75' is required for the purpose of building a structure. The Board of County Commissioners failed to render a decision to uphold or overturn the previous decision.**

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## **Motion by the Governing Body:**

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### **BOARD OF COUNTY COMMISSIONERS**

**MOTION TO AFFIRM:** I move to affirm the Hearing Examiner's decision to deny this project, FILE V0012-24, 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:

#### **Conclusion 1**

Conditions apply to the property that **do/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/do not** result from the actions of the applicant.

#### **Conclusion 3**

The granting of the variance **is/is not** in conflict with the public interest in that it **will/ 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.

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 the 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 variance is to:

- 1) File a new application with the Planning Department and meet the standards required by Bonner County Revised Code; or
- 2) Pursue such remedies as may be applicable at Title 67, Chapter 65, Idaho Code

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## **Findings of Facts:**

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1. This proposal was reviewed for compliance with the criteria and standards set forth in BCRC 12-234, Variance Standards.
2. The property is zoned Rural 5 (R 5).
3. The subject property is described as approximately 20.0 acres.
4. The subject property contains slopes between 0% and 30%+ (USGS).
5. Two branches of a perennial stream (Two Mouth Creek) runs through the subject property (USGS NHD).
6. The subject property does contain mapped wetlands (NWS).
7. The applicant purchased the property on October 28, 2020 per Instrument No. 969675, Records of Bonner County.



8. The subject property is served by Huckleberry Water & Sewer, North of The Narrows Fire District, Bonner School #83 and Northern Lights, Inc.
9. The applicant applied for an administrative variance requesting a 28-foot shoreline setback where 75' is required. File VA0015-23 was denied by planning staff and affirmed by the BOCC in the VA0015-23 appeal decision letter dated October 16, 2023.
10. On July 17, 2024 a public hearing was held for this file, V0012-24, by the Hearing Examiner. The Hearing Examiner denied this variance request in a decision letter dated July 24, 2024.
11. The appeal for file V0012-24 was received on August 2, 2024. The appeal hearing was held within the required time.
12. The Board of County Commissioners failed to render a decision for the appeal on September 18, 2024.
13. The applicant filed a Reconsideration request with the Planning Department on October 3, 2024.

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### **Conditions of Approval (If Approved):**

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1. The variance shall not supersede deed restrictions.
  2. Only the perennial stream shoreline setback as shown on the site plan have been reviewed for variance standards. All other lot design standards and future development must comply with Bonner County Revised Code.
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**MOTION TO REVERSE:** I move to reverse the Hearing Examiner's decision, and approve this project, FILE V0012-24, based upon the following conclusions of law:

#### **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.

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 set forth in the Staff Report, or as amended during the 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.

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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 scheduled hearing at [www.bonnercountyid.gov](http://www.bonnercountyid.gov) Bonner County Revised Code (BCRC) is available at the Planning Department or online.

## **ANNEX A- Notice of Public Hearing Record of Mailing**

**RECORD OF MAILING**

**Page 1 of 1**

**File No.: V 0 0 1 2 - 2 4**

**Record of Mailing Approved By:**



I hereby certify that a true and correct copy of the "Notice of Public Hearing" was digitally transmitted or mailed (postage prepaid) on this **24th** day of **December, 2024**.



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

## **ANNEX B – Hearing Examiner Decision Letter**



## 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)

July 24, 2024

Priest Lake Syndicate  
6924 96<sup>th</sup> Ave. SE  
Mercer Island, WA 98040

Subj: File V0012-24 – Variance – Shoreline Setback

Dear Applicant,

The Bonner County Hearing Examiner at the July 17, 2024, hearing denied the referenced application.

Hearing Examiner Rucker denied this project, FILE V0012-24, for a reduced perennial stream shoreline setback of 40' where 75' is required, based upon the following conclusions of law:

### **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. However, **it is** detrimental to the spawning, rearing or migration of fish and the reason for the setback is to preserve the beneficial functions of the floodplain by allowing the stream to move naturally within it.

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 following findings of fact and conclusions of law as set forth in the Staff Report 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, if any, to obtain the variance 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 Hearing Examiner's decision to the County Commissioners.

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## Findings of Fact

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1. This proposal was reviewed for compliance with the criteria and standards set forth in BCRC 12-234, Variance Standards.
2. The property is zoned Rural 5 (R-5).
3. The subject property is described as approximately 20.0 acres.
4. The subject property contains slopes between 0% and 30%+ (USGS).
5. Two perennial streams run through the subject property and are classified as "stream or river-perennial" per USGS NHD.
6. The subject property does contain mapped wetlands (NWS).
7. Applicant purchased the property on October 28, 2020 per Instrument No. 969675, Records of Bonner County.
8. The subject property is served by Huckleberry Water & Sewer, North of The Narrows Fire District, Bonner School #83 and Northern Lights, Inc.
9. The applicant applied for an administrative variance asking for a 28-foot shoreline setback. File VA0015-23 was denied by planning staff and affirmed by the BOCC in the VA0015-23 appeal decision letter dated October 16, 2023.

**NOTE:** Following any final decision concerning a site-specific land use request, the applicant has a right to request a regulatory taking analysis pursuant to Section 67-8003, Idaho Code (*Idaho Code §67-6535(3)*).

Please contact the Planning Department if you have any questions.

Sincerely,

  
Jacqueline Rucker  
Hearing Examiner

c: Jeremy Grimm – Whiskey Rock Planning + Consulting , Project Representative



## ANNEX C-BOCC Decision Letter



# Bonner County

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## Board of Commissioners

Steve Bradshaw

Asia Williams

September 18, 2024

Priest Lake Syndicate, LLC.  
6924 96th Ave.  
Southeast Mercer Island, WA  
98040

### **Subj: Appeal File V0012-24 – Variance – Shoreline Setback**

Dear Priest Lake Syndicate, LLC.,

On September 16, 2024, the Bonner County Commissioners held a public hearing for an appeal regarding File V0012-24. At the hearing, the motion to reverse the Hearing Examiner's decision, and approve the file, failed to get an affirmative decision. The underlying decision of the Hearing Examiner to deny the project stands.

**MOTION TO REVERSE:** Commissioner Bradshaw moved to reverse the Hearing Examiner's decision, and approve this project, FILE V0012-24, based upon the following conclusions of law:

#### **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.

The decision is based upon the evidence submitted up to the time the Staff Report was prepared, and testimony received at this hearing. Commissioner Bradshaw further moved to adopt the findings of fact and conclusions of law as set forth in the Staff Report, or as amended during the 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.

Commissioner Williams seconded the motioned to advance the file to a vote.

**Roll Call Vote:**

Commissioner Bradshaw	Aye
Commissioner Williams	Nay

**VOTED** upon and the Chair declared the motion failed.

**NOTE:** Following any final decision concerning a site-specific land use request, the petitioner has a right to request a regulatory taking analysis pursuant to Section 67-8003, Idaho Code (*Idaho Code §67-6535(3)*). Additionally, you have the right to request a reconsideration of this decision in accordance with BCRC 12-263 and Idaho Code 67-6535.

Please contact the Bonner County Planning Department if you have any questions.

Sincerely,



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Steve Bradshaw, Chair  
Board of County Commissioners

c: Jeremy Grimm of Whiskey Rock Planning & Consulting, Project Representative

**ANNEX D- APPLICANT WAIVER OF 60 DAY DECISION FROM BOCC**



Alexander Feyen &lt;alexander.feyen@bonnercountyid.gov&gt;

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## V0012-24 Reconsideration

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Jeremy grimm &lt;jeremy@whiskeyrockplanning.com&gt;

Wed, Nov 6, 2024 at 8:08 PM

To: Alex Feyen &lt;alexander.feyen@bonnercountyid.gov&gt;

Cc: Jacob Gabell &lt;jake.gabell@bonnercountyid.gov&gt;, Jessica Montgomery &lt;jessica.montgomery@bonnercountyid.gov&gt;

Hi Alex. Thank you.

I have spoken with the applicants and they would prefer to wait until the full BOCC is seated. Therefore, a January hearing / reconsideration would be preferable. The applicants waive the requirement for a 60 day hearing timeframe.

Thank you for the consideration and please keep me posted on the scheduled date for the reconsideration.

Sincerely,

Jeremy



Jeremy Grimm

President

[Whiskey Rock Planning + Consulting](#)

Office: 218 Cedar Street, Suite 206, Sandpoint, ID 83864

Mailing: 614 Creekside Lane, Sandpoint, ID 83864

Cell: 208.946.9944

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[Quoted text hidden]