

BONNER COUNTY PLANNING DEPARTMENT HEARING EXAMINER STAFF REPORT FOR MAY 7, 2025



Project Name: Cook Event Venue

File: CUP0003-25, Conditional Use Permit – Private Community Facility

Request: The applicants are requesting a Conditional Use Permit for the creation of a private community facility.

Legal Description: 3-59N-1W TAX 19 2020 CHAMPION 40 X 69 RP 1968
UNKNOWN 10 X 46 MH
3-59N-1W TAX 17

Location: 149 Lakehouse Lane, Sandpoint, ID 83864

Parcel Number: RP59N01W032510A

Parcel Size: 60-acres

Applicant/Property Owner: Richard Cook, Trustee; Cook, Ed & Lauria Living Trust

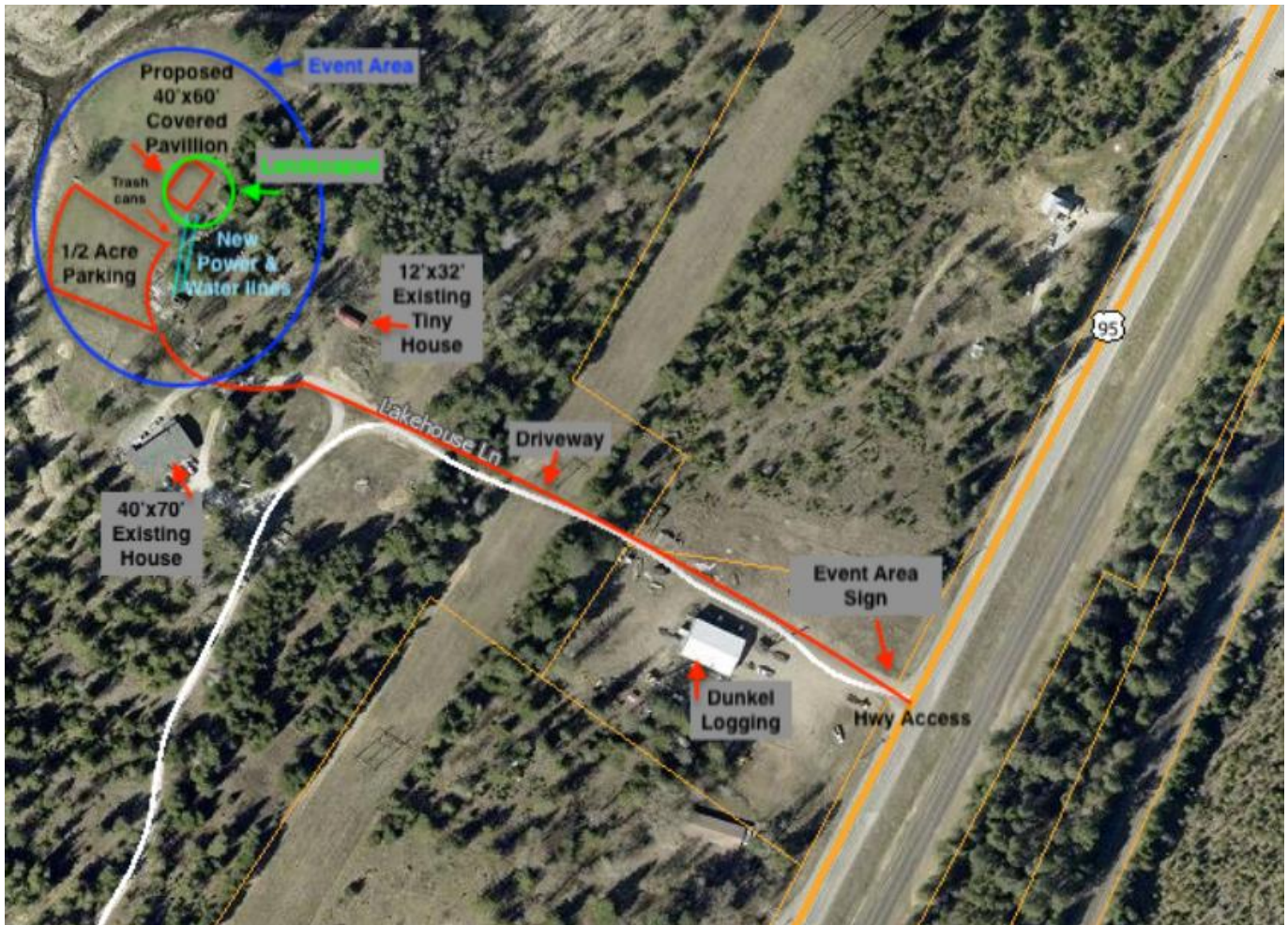
Project Representative: Richard Cook
185 Lakehouse Lane, Sandpoint, ID 83864

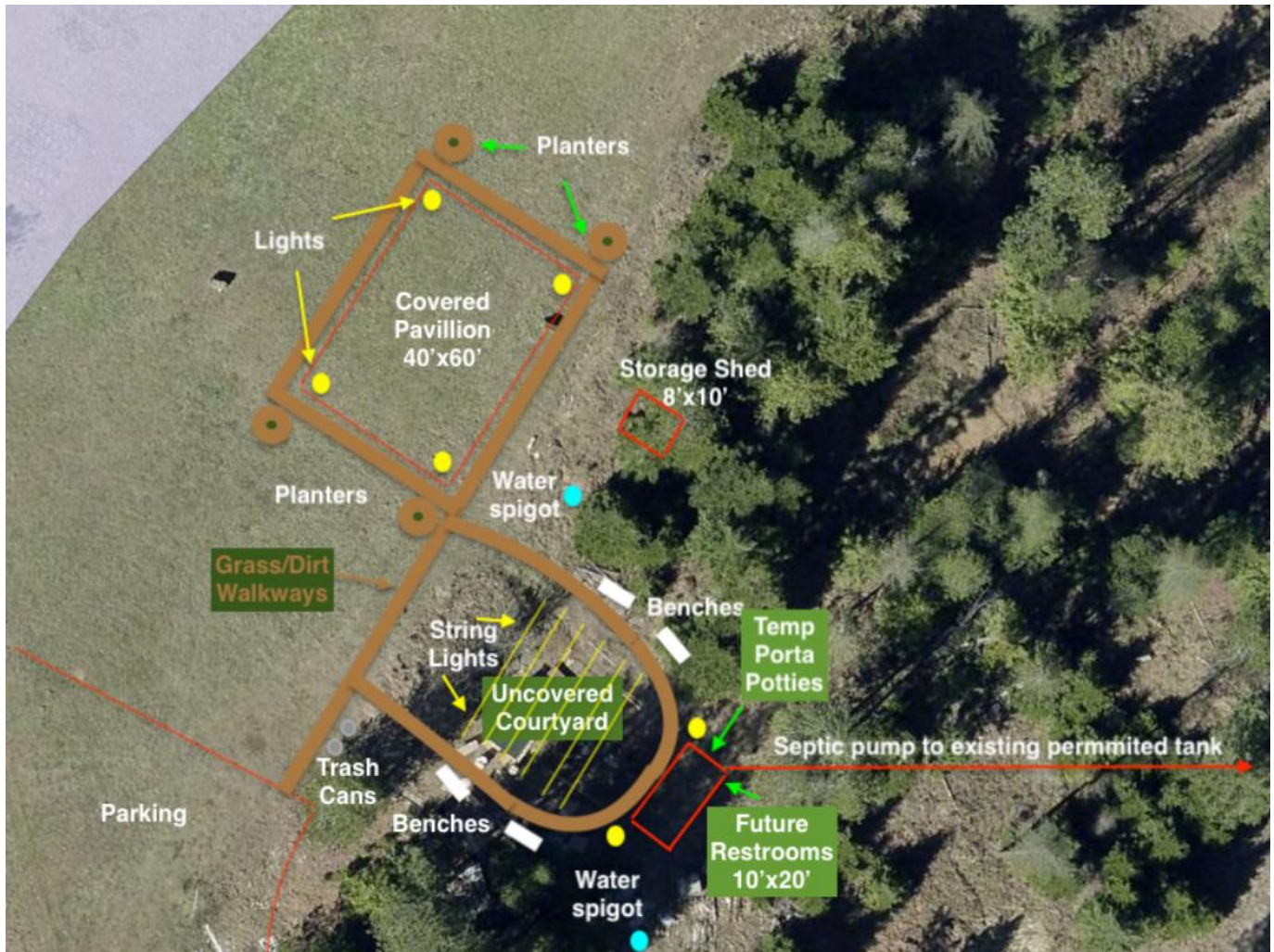
Application filed: January 29, 2025

Notice provided: Mail: April 9, 2025
Site Posting: April 17, 2025
Published in newspaper: April 9, 2025

Enclosure: Appendix A – Notice of Public Hearing Record of Mailing

Site Plans





Project summary:

The applicants are requesting a Conditional Use Permit for the creation of a private community facility. The cumulative 60-acre property is zoned Agricultural/Forestry 10 (A/F-10). The project is located off Lakehouse Lane via Highway 95 in Section 3, Township 59 North, Range 1 West, Boise-Meridian.

Applicable laws:

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

BCRC 12-220, et seq, Conditional use permit, application and standards
 BCRC 12-322, Agricultural/Forestry District
 BCRC 12-331, Interpretation of Use Tables
 BCRC 12-335, Public Use Table; Private Community Facility
 BCRC 12-339, Classification of New Uses Within Zone Districts
 BCRC 12-4.2, Performance standards for all uses
 BCRC 12-4.3, Parking standards
 BCRC 12-4.4, Sign standards

BCRC 12-4.5, Design standards
 BCRC 12-4.6, Landscaping and screening standards
 BCRC 12-7.1, Shorelines
 BCRC 12-7.2, Grading, stormwater management and erosion control
 BCRC 12.7.3, Wetlands

Background:

A. Site data:

- Unplatted
- Size: Approximately 60-acres
- Zone: Agricultural/Forestry (A/F-10)
- Land Use: Ag/Forest Land (10-20 AC)

B. Access:

- The site is accessed by Lakehouse Lane, a privately owned and maintained easement/driveway, via Highway 95.

C. Environmental factors:

- Site does contain mapped slopes from 0-30+%. (USGS)
- Site does contain mapped wetlands. (USFWS/NWI)
- Site does contain frontage on a lake/pond.
- Parcel is within SFHA Zone A and Zone X per FIRM Panel Number 16017C0505E, Effective Date 11/18/2009. Per the submitted site plan and county GIS, the proposed development is within SFHA Zone X. No further floodplain review is required on this proposal.

D. Services:

- Water: Individual Well with 2500 gallon reserve tank
- Sewage: Individual septic
- Fire: Northside Fire District
- Power: Northern Lights Inc.
- School District: Lake Pend Oreille School District #84

E. Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Land Use & Density
Site	Ag/Forest Land (10-20 AC)	Agricultural/Forestry 10 (A/F-10)	Residential, 60-acres
North	Boundary County-Prime Forestry	Boundary County Zone- Ag/Foresrty	F&G/Wildlife, 479.660-acres & 12.120-acres & Vacant, 10.550 acres
East	Ag/Forest Land (10-20 AC)	Agricultural/Forestry 10 (A/F-10)	Vacant, 10.27-acres
South	Ag/Forest Land (10-20 AC)	Agricultural/Forestry 10 (A/F-10)	Residential, 30-acres & Contractor Yard, 2.68-acres

West	Ag/Forest Land (10-20 AC)	Agricultural/Forestry 10 (A/F-10)	F&G/Wildlife, 38.980-acres
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F. Agency Review

Taxing districts and agencies were notified of this project on April 9, 2025. A full list of the agencies noticed is attached as Appendix A of this Staff Report.

The following agencies commented:

Idaho Department of Environmental Quality – see attached letters
Idaho Transportation Department – see attached letter
Northern Lights Inc. - see attached letter
Panhandle Health District - see attached letter

The following agencies replied “No Comment”:

Idaho Department of Fish and Game
Kootenai Ponderay Sewer District

All other agencies did not reply.

Public Notice & Comments

As of the date of the staff report the Planning Department has not received public comments on this project.

Standards Review and Staff Analysis:

BCRC 12-223: CONDITIONAL USE PERMITS, STANDARDS FOR REVIEW OF APPLICATIONS, PROCEDURES:

The Hearing Examiner shall review the particular facts and circumstances of each proposal. To grant a conditional use permit, the Hearing Examiner must find that the proposal is not in conflict with the policies of the comprehensive plan, as found in the adopted Implementation Component, and that the proposed use will neither create a hazard nor be dangerous to persons on or adjacent to the property.

Staff: The application was considered complete on March 3, 2025.

BCRC 12-331, Interpretation of Use Tables

A. In the case of a question as to the inclusion or exclusion of a particular proposed use in a particular use category, the Planning Director shall have the authority to make the final determination based on the characteristics of the operation of the proposed use and the Planning Director's interpretation of the standard land use coding manuals, as provided in section 12-339 of this subchapter.

B. In the case of a conflict between the general description and the use table, the table shall prevail. (Ord. 501, 11-18-2008)

Staff: The Bonner County Revised Code does not have an explicit use entitled "Event Venues". The Planning Director is required to make a determination based on the direction of BCRC 12-331 and BCRC 12-339.

BCRC 12-339, Classification of New Uses Within Zone Districts

It is recognized that new unanticipated types of land uses will be proposed in Bonner County. In order to provide for such changes and contingencies, when a use is proposed that is not listed as a prohibited, permitted or conditional use in a zone district, the Planning Director shall make a determination that:

A. The use falls within the same standard classification pursuant to the "Standard Industrial Classification Manual" or the North American Industry Classification System, as amended, modified or superseded, as a listed permitted or conditional use in a current zone district and that it may be processed in the same fashion as the listed use; or

B. The use does not fall within the same standard classification pursuant to the "Standard Industrial Classification Manual" or the North American Industry Classification System, as amended, modified or superseded, as a listed permitted or conditional use in a particular zone district, and thus is a prohibited use in that district; or

C. The use is unique in nature and an amendment to this title is necessary in order to allow for its placement within the appropriate zone district. (Ord. 577, 5-23-2018)

STAFF: Currently, Bonner County Revised Code does not have a specific use for event venues. Historically, Bonner County has permitted these types of uses as private community facilities. Bonner County has used the Standard Industrial Classification (SIC) Manual, supplied by OSHA, and the North American Industry Classification System (NAICS) supplied by the US Census, to determine the use that an event venue would fall under. Neither source has a specific use entitled "event venues." The use of renting the land and structures is described under NAICS section 531120 "Lessors of Nonresidential Buildings," and SIC section 6512 "Operators of Nonresidential Buildings." NAICS cross references these rentals with the purposes of promoting various events, and indexes various types of "halls."

The Bonner County Revised Code has a listed use titled "Churches, grange halls, public or private community facilities," but does not define these. According to BCRC 12-800 A (6), "Terms not defined within title 11 of this code or this title shall have the meaning customarily assigned to them as defined in Webster's dictionary ("The Merriam-Webster Collegiate Dictionary", eleventh edition)".

According to Merriam Webster's Collegiate Dictionary, 11th Edition, the definition of **hall** includes:

3

: a large usually imposing building for public or semipublic purposes

- 6
- : a large room for assembly : AUDITORIUM
- 7
- : a place used for public entertainment

The definition of facility includes:

4b

: something (such as a hospital) that is built, installed, or established to serve a particular purpose

The definition of community includes:

1

: a unified body of individuals: such as

a

: the people with [common](#) interests living in a particular area

broadly : the area itself

b

: a group of people with a common characteristic or interest living together within a larger society

c

: a body of persons of common and especially professional interests scattered through a larger society

d

: a body of persons or nations having a common history or common social, economic, and political interests

e

: a group linked by a common policy

f

: an interacting population of various kinds of individuals (such as species) in a common location

g

: state, commonwealth

2

a

: a social state or condition

b

: joint ownership or participation

c

: common character : **likeness**

d

: social activity : **fellowship**

3

: society at large

Staff: Per BCRC 12-339, the Planning Director **shall** make a determination of whether or not the proposed use falls within the same standard classification. The planning director

has determined that an event venue meets the definition of a private community facility and grange hall, which are both listed in the Public Use Table, BCRC 12-335. Specifically, line 2D of the Community definition, line 6 of the hall definition and line 4B of the facility definition show the intention of the private community facility. This definition can be summarized as "Something that is built, installed, or established to serve a private social activity".

Since 2016, the Bonner County Planning Department has had over 10 applications for new Conditional Use Permits or to make modifications to existing permits, for event venues on different properties; all of which have been evaluated under the Private Community Facility use. This use was first interpreted under the previous Planning Director, Milton Ollerton, and the current Planning Director, Jake Gabell, has upheld this interpretation.

BCRC 12-335, Public Use Table

Use	Zoning District								
	F	A/F	R	S	C	I	RSC	REC	AV
Churches, grange halls, public or private community facilities		C (3)	C (3)	C	P	P	C	C	C

(3) Where access to the site is by road, the road shall be located within a recorded easement or public right-of-way and constructed to the appropriate standard set forth in title 2 of this Code or appendix A of this title, except where subject to the terms of an approved special use permit issued by a State or Federal agency.

Staff: Access to this site is off of Lakehouse Lane, via Highway 95. Lakehouse Lane is considered a shared driveway, recently named per Bonner County GIS requirements. Highway 95 meets developmental standards, and the Idaho Transportation Department commented that: "Parcel has a conditional use permit for access to SH-95, permit no. 1-25-199-A."

BCRC 12-421, Performance Standards for all Uses:

Applicant: Each event will have some noise from the attendees. However the nearest neighbor is 800 feet away and is a logging company. The nearest non family residence from an adjoining lot is over a mile away. No light, odor, fumes or vibrations will even be felt that far.

Staff: The requested use will result in additional noise, although the location is remote, with adjoining parcels consisting of Fish and Game property, a logging warehouse/shop, and other properties owned by the applicant. The use is unlikely to result in fire hazards, radioactivity, or electrical disturbance, vibration, air pollution or water pollution.

BCRC 12-4.3, Parking Standards: Table 4-3 minimum off street parking requirements for community halls: 1 space/100 gross square feet floor area and within 500 feet of the principle use.

Staff: BCRC 12-432 requires 1 space/100 gross square feet floor area. The proposed pavilion is 2400 square feet. Based on the square footage, the applicant is required to have a minimum of 24 parking spaces within 500 feet of the use. The submitted site plan shows ½ acre of parking within 500' of the principal use. BCRC12-431(F) calculates gross area at 250 square feet per parking space, which includes driveways and isles. ½ acre would provide 87 parking spaces.

BCRC 12-4.4, Sign Standards:

Staff: Per the application, a proposed sign will be located near the highway, on a sperate and distinct property and not the subject property. The application does not contain any deviation requests to allow the proposed sign to be located on the neighboring property. Per BCRC 12-441 (D); off premises signs are not permitted. **SEE CONDITIONS OF APPROVAL.**

BCRC 12-4.5, et seq, Design standards:

Staff: This project falls within the exemption of 12-453(A)(3) for sidewalks and walkways, where the project is at the end of the road where pedestrian connections beyond the road are not possible or desirable.

Parking is not proposed within the lot frontage.

Proposed structures will be evaluated at the time of Building Location Permits.

The applicant will provide garbage receptacles, and transport to area transfer sites after each event.

BCRC 12-452: Site and building plans:

Staff: The proposed structures will require Building Location Permits to be submitted to the Planning Department. **SEE CONDITIONS OF APPROVAL**

BCRC 12-453(F): Lighting Standards:

1. Lighting shall be directed downward to the intended area to be lighted. All exterior lighting fixtures shall incorporate cutoff shields to prevent spillover into residential areas. Broadcast lighting fixtures that project lighting outward rather than downward are discouraged. Outdoor lighting shall be arranged so that the light is directed downward and away from adjoining properties. Temporary high intensity construction lights should be oriented so as to reduce or eliminate glare onto adjoining properties.
2. Freestanding light fixtures shall be limited to fourteen feet (14') in height.
3. Vehicular roadway and highway lighting shall be subject to the county requirements.

4. Mercury vapor light fixtures are prohibited.
5. When using decorative miniature lighting strings, bulbs larger than eleven (11) watts each shall not be used. Low wattage, light emitting diode devices and other lighting that reduces electrical use is encouraged.
6. Backlit awnings are prohibited.

Staff: The applicant did not submit a complete lighting plan. Proposed lighting is minimal, and primarily within the pavilion area. A lighting plan, showing compliance with the standards set forth in BCRC 12-453, shall be submitted prior to issuance. **SEE CONDITIONS OF APPROVAL.**

BCRC 12-4.6, Landscaping and screening standards:

BCRC 12-461: The standards in this subchapter shall apply to all new development in the commercial, industrial and rural service center districts and all other commercial, multi-family, public and industrial development in other districts unless otherwise noted. For remodels or additions, the standards in this subchapter shall apply where the value of the additions equals or exceeds fifty percent (50%) of the market value of the existing structure and/or site improvements as determined by the Bonner County Assessor's office over any five (5) year time period. For other additions or remodels, the landscaping standards shall only apply to the specific areas being improved. For instance, if a commercial use is adding additional parking, the new parking area must feature landscaping per the standards in this subchapter.

Staff: The proposed area of use is blocked by distance and natural vegetation to Highway 95 and public view. This includes a natural buffer of trees which meet BCRC 12-465. **SEE CONDITIONS OF APPROVAL**

BCRC 12-7.1, Shorelines:

A. The following shoreline setbacks shall apply in all zoning districts:

1. For lakes, sloughs, ponds or other similar basins, or the Clark Fork or Pend Oreille rivers, or intermittent streams as shown on the national hydrography dataset (NHD), no structure shall be located closer than forty feet (40'), measured horizontally from the "shoreline", as defined in Section [12-819](#) of this title.
2. For rivers, streams, creeks or other similar flowing bodies of water, excluding the water bodies identified in subsection A1 of this section, no structure shall be located closer than seventy five feet (75'), measured horizontally from the applicable natural or ordinary water mark of any stream as shown on the NHD published by the United States geological survey, or by actual land survey or field inspection.

Staff: The proposed structures and uses are over 700 feet from the mapped shoreline as per NHDS. No development is proposed within the shoreline setbacks. **SEE CONDITIONS OF APPROVAL.**

BCRC 12-7.2, Grading, stormwater management and erosion control:

BCRC 12-720.2 Applicability

The provisions of this subchapter shall be applicable:

B. Commercial and industrial site development and commercial or industrial planned unit developments subject to the provisions of this title, as amended, and building permits for commercial and industrial uses subject to the provisions of title 11 of this code, except as provided for in subsection [12-720.3K](#) of this subchapter;

Staff: A Grading, Stormwater Management and Erosion Control Plan shall be required, pursuant to BCRC 12-720.2(B) at the time of Building Location Permit. **SEE CONDITIONS OF APPROVAL.**

BCRC 12-7.3, Wetlands:

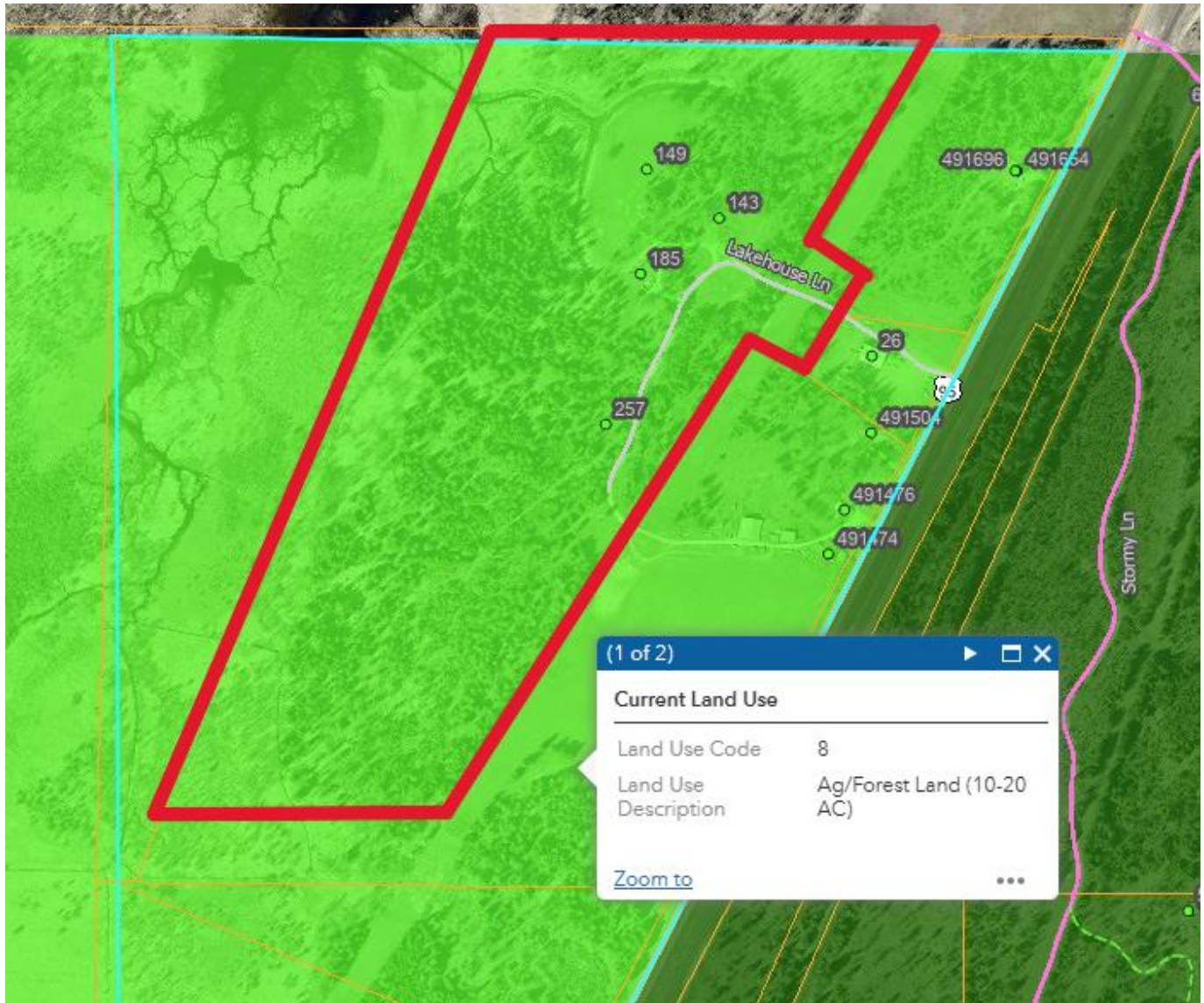
BCRC 12-731(B)(2): Wetland Reconnaissance Required

B. All building location permits, building permits or conditional use permits proposed for site containing mapped wetland as determined from the U.S. fish and wildlife service national wetland inventory maps. The following developments are exempt from this requirement:

2. Conditional use permit applications where the applicant can demonstrate on a site plan that the proposed building site is not within a wetland as determined from the U.S. fish and wildlife service national wetland inventory maps or where the development will not create additional impervious surface.

Staff: The property does contain wetlands within the proposed area of use. Based on the submitted site plan, the structure is located approximately 40' from the edge of the wetlands. **SEE CONDITIONS OF APPROVAL.**

G. Comprehensive Plan Land Use Designation



Ag/Forest Land:

The Ag/Forest Land designation recognizes areas where steeper slopes prevail (30% or greater) and transportation is provided by private roads or U.S. Forest Service or state roads. Urban services are not available and residential development challenges are present due to slope, poor soil conditions, hazard areas and lack of police or fire services.

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 landowners 300' from the property lines, including those in Boundary County, informing them of the proposed private community facility; no public comments have been received. This proposal has been reviewed for compliance with Bonner County Revised Code and finding 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 an upward pressure on housing needs in Bonner County, both in the unincorporated portion of the County, and in the incorporated cities. This proposal 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: Lake Pend Oreille School District #84 was notified of the proposed conditional use permit; no comments were received. This proposal does not appear to have any effect on school capacity or transportation, and it does not appear that this proposal is in conflict with these policies.

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: The proposed conditional use permit does not appear to conflict with the 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 Agricultural/Forestry zoning district does allow for some public uses, either permitted or conditionally permitted, per BCRC 12-3.3.

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: This proposal does not appear to be in conflict with the policies of this component. Furthermore, Title 12 of Bonner County Revised Code has provisions to protect natural resources.

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 area of use on the subject property is not located within a mapped floodplain. Potential damage to property or people due to soil erosion or avalanches are minimal. Furthermore, the property is provided with emergency services. This proposal does not appear to be in conflict with the policies of this component.

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: The parcel has services, including Bonner County EMS & Sheriff, Northside Fire District, and Northern Lights Inc. Northern Lights Inc responded to this project, stating that they were not in opposition to the proposal, and no comments were received from the Sheriff or EMS. This proposal does not appear to be in conflict with the policies of this component.

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: This 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 are anticipated to remain the same with this proposal.

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 roadside 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: This proposal does not appear to 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: The Agricultural/Forestry 10 zoning district allows for a variety of housing types including, but not limited to, single family dwellings, accessory dwelling units, duplexes, RV Dwelling Units, RV parks, and campgrounds. No additional dwelling units are proposed in this Conditional Use Permit. This proposal does not appear to be in 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 be in 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: DF **Date:** April 30, 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.

Decision by the governing body:

HEARING EXAMINER

DECISION TO APPROVE: I approve this project, FILE CUP0003-25, for a private community facility, located in Section 3, Township 59 North, Range 1 West, Boise Meridian, finding that it is in accord with the Bonner County Revised Code as enumerated in the following conclusions of law:

Conclusion 1

The proposed conditional use permit **is not** in conflict with the policies of the Comprehensive Plan.

Conclusion 2

This proposal was reviewed for compliance with the criteria and standards set forth in BCRC Title 12 - Chapter 3, Subchapter 3.3; Chapter 4, Subchapter 4.2, 4.3, 4.4, 4.5 and 4.6; Chapter 7, Subchapter 7.1, 7.2, 7.3, and 7.6, Bonner County Revised Code.

Conclusion 3

The proposed use **will not** create a hazard and **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 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 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.

DECISION TO DENY: I deny this project, FILE CUP0003-25, for a private community facility, located in Section 3, Township 59 North, Range 1 West, Boise Meridian, based upon the following conclusions:

Conclusion 1

The proposed conditional use permit **is/is not** in conflict with the policies of the Comprehensive Plan.

Conclusion 2

This proposal was reviewed for compliance with the criteria and standards set forth in BCRC Chapter 3, Subchapter 3.3 BCRC Chapter 4, Subchapter 4.2, 4.3, 4.4, 4.5 and 4.6 Title 12, Chapter 7, Subchapter 7.1, 7.2, 7.3, and 7.6, Title 12, Bonner County Revised Code.

Conclusion 3

The proposed use **will/will not** create a hazard and **will/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 adopt the findings of fact and conclusions of law as set forth in the Staff Report 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, 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. Pursue such remedies as may be applicable at Title 67, Chapter 65, Idaho Code.

Findings of Fact

1. The site is zoned Agricultural/Forestry 10 (A/F-10), where public or private community facilities are conditionally permitted.
2. The subject property is 70.270-acres combined.
3. The site is accessed from Highway 95, an Idaho Transportation Department owned and maintained public right-of-way.
4. The properties are served by Northern Lights Inc. and Northside Fire District.
5. The site contains mapped slopes of 0-30% grade per USGS.
6. The site does contain mapped wetlands per NWI, USFWS.
7. The project proposes no activity involving the emittance of harmful radioactivity or electrical disturbance.
8. The project does not propose any activities that appear to contribute to air or water pollution.
9. The project site is served by a shared well and a 2500 gallon reserve tank.

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** 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 Hearing Examiner or 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-4** Per BCRC 12-420, all structures located on site in conjunction with this Conditional Use Permit will meet the required street and property line setback standards of BCRC Title 12.
- A-5** Per BCRC 12-4.3, a minimum of 24 parking spaces must be designated within 500 feet of the use.
- A-6** Any proposed signs will require a modification to this conditional use permit.
- A-7** Landscaping plan and existing buffer shall be maintained as shown on site plan.
- A-8** Per BCRC 12-452, any structures or development on site permitted through this Conditional Use Permit is required to obtain appropriate Building Location Permits or other approvals from the Bonner County Planning Department prior to the development on site.
- A-9** Per BCRC 12-7.1, any development in proximity to mapped waterways will be required to meet shoreline setback requirements.
- A-10** Per BCRC 12-7.3, any development in proximity to or within the mapped wetland shall meet the required setback, or be subject to a wetland reconnaissance, as needed.
- A-11** Per BCRC 12-720.2 (B), a Grading, Stormwater management and erosion control plan shall be required at time of Building Location Permit applications.
- A-12** Per BCRC 12-266, Any future additions or changes in conjunction with this Conditional Use Permit would require the applicant to request a modification.

Conditions to be met prior to issuance:

- B-1.** The applicant shall submit a lighting plan that meets the standards of BCRC 12-453 (F).
- B-2.** Panhandle Health has indicated that the existing septic may have no additional flows added without an expansion permit or the proposed facility's own separate drainfield. The applicant shall provide a copy of an approved septic permit from Panhandle Health District.

The complete file is available for review in the Planning Department, 1500 Highway 2, Suite #208, Sandpoint, ID. Staff reports are available online one week before the hearing at www.bonnercountyid.gov Bonner County Revised Code (BCRC) is available at the Planning Department or online.

Appendix A – Notice of Public Hearing Record of Mailing

NOTICE OF PUBLIC HEARING



I hereby certify that a true and correct copy of this "Notice of Public Hearing" was digitally transmitted or mailed (postage prepaid) on this **9th** day of **April 2025**.

A handwritten signature in cursive script that reads "Jessica Montgomery".

Jessica Montgomery, Hearing Coordinator

This notice was mailed to political subdivisions, property owners within 300 feet of the subject property, and the media on **Wednesday, April 9, 2025**.

NOTICE IS HEREBY GIVEN that the Bonner County Hearing Examiner will hold a public hearing at **1:30 pm** on **Wednesday, May 7, 2025** in the Bonner County Administration Building, 1500 Highway 2, Sandpoint, Idaho, by Zoom teleconference, and YouTube Livestream to consider the following request:

File CUP0003-25 – Conditional Use Permit – Private Community Facility

The applicants are requesting a Conditional Use Permit for the creation of a Private Community Facility. The 60-acre property is zoned Agricultural/Forestry 10. The project is located off Lakehouse Lane in Section 3, Township 59 North, Range 1 West, Boise-Meridian.

For details regarding this application, Zoom teleconference, or YouTube livestream, visit the Planning Department web site at www.bonnercountyid.gov/departments/Planning. Staff reports are available online or may be viewed at the planning department approximately a week before the scheduled hearing.

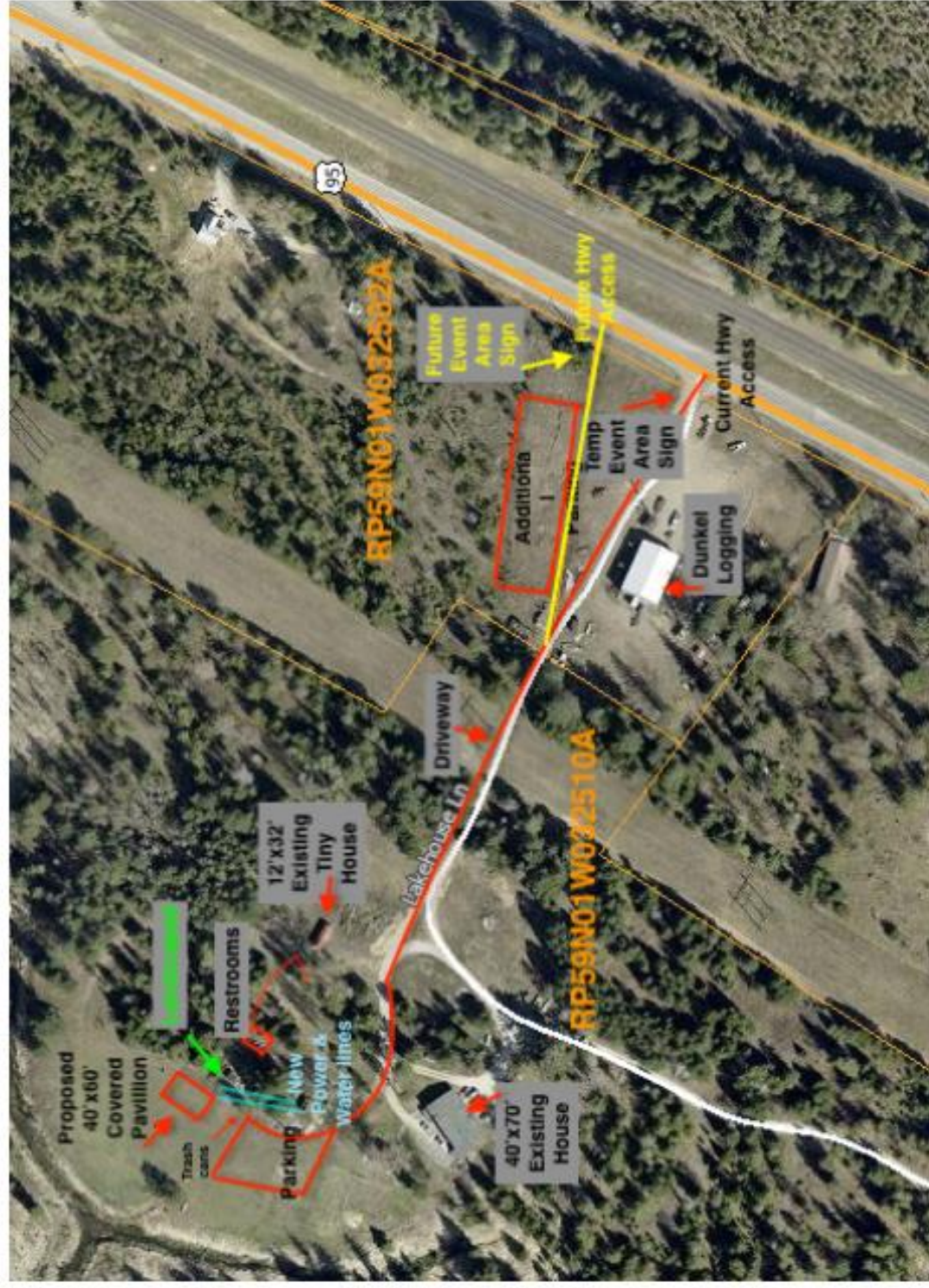
Written statements must be submitted to the planning department record no later than seven (7) days prior to the public hearing. Written statements not exceeding one standard letter sized, single spaced page may be submitted at the public hearing. Statements can be sent to the Bonner County Planning Department at 1500 Highway 2, Suite 208, Sandpoint, Idaho 83864; faxed to 866-537-4935 or e-mailed to planning@bonnercountyid.gov. The referenced start time stated above reflects the beginning of the hearing. Specific file start time and hearing duration vary.

During the hearing for this application, the public will be given an opportunity to provide testimony and/or evidence regarding how the proposal does or does not comply with the applicable approval criteria of the Bonner County Revised Code. At the close of the public hearing, the governing body will make a decision on the application that may include, but is not limited to, approval, denial, remand, or continuance of the public hearing. Any person needing special accommodations to participate in the public hearing should contact the Bonner County Planning Department at (208) 265-1458 at least 48 hours prior to the scheduled hearing.

If you have no comment or response, you may indicate below and return this form to the Planning Department.

NO COMMENT _____
Name

Date



RECORD OF MAILING

Page 1 of 1

File No.: C U P 0 0 0 3 - 2 5

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 9th day of **April, 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