



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 - Web site: www.bonnercountyid.gov

March 25, 2025

From: Zoning Commission

To: Riser Creek Marina General Trust
PO Box 24
Hope, ID 83836

Subject: File MOD0006-24 – Modification of Conditional Use Permit (C0925-09)

The Zoning Commission at the March 20, 2025, public hearing approved the referenced application.

MOTION TO APPROVE: Commissioner Burkamp made a motion 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. Commissioner Burkamp further moved to adopt the findings of fact and conclusions of law as set forth in the Staff Report (or as amended during this hearing) and direct planning staff to draft written findings and conclusions to reflect this motion, have the Chairman sign, and transmit to all interested parties. The action that could be taken to obtain 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.

Findings of Facts:

- 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.
- 12.** The applicant is proposing a sewage pump-out on the dock for use by marina customers.

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** 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.
- B-5** The pump-out station located on the dock shall be approved by the jurisdiction having authority such as Panhandle Health District or Idaho Department of Environmental Quality.

Commissioner Clark seconded the motion.

ROLL CALL VOTE

Commissioner Poulson	AYE
Commissioner Clark	AYE
Commissioner Blaser	AYE
Commissioner Burkamp	AYE
Commissioner Marble	AYE

VOTED upon and the Chair declared the motion carried, unanimously.

Please contact the Planning Department if you have any questions.

Sincerely,

A handwritten signature in blue ink, consisting of several overlapping, sweeping strokes that form a stylized, abstract shape.

Jacob Marble, Chair
Bonner County Zoning Commission