



Bonner County Planning Department

"Protecting property rights and enhancing property value"

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Craig and Jill Looper

April 7, 2025

Snoqualmie, WA 98065

Subj: File V0028-24 – Variance – Waterfront setback

Dear Craig and Jill,

The Bonner County Hearing Examiner, at the April 2, 2025, Hearing **approved** the referenced application with conditions.

Hearing Examiner Rucker approved this project V0028-24, requesting a waterfront setback of 11' where 40' is required for the construction of retaining walls over 3' in height, finding that it is in accord with the Bonner County Revised Code as enumerated in 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. (Ord. 559, 1-4-2017)

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 above Conclusions of Law as set forth in the Staff Report and directed planning staff to draft written findings and conclusions to reflect this decision and transmit to all interested parties. The action that could be taken to obtain the variance 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 property is zoned Recreation (REC).
2. The property is accessed via Bull Trout Road, a privately owned and privately maintained road.

3. The property is served by an individual septic with a community drain field, and water is pumped from Priest Lake.
4. The property is served by Northern Lights and East Priest Lake Fire District.
5. The property contains frontage on Priest Lake and contains mapped lake wetlands per USFWS National Wetland Inventory.
6. The property is within SFHA Zones AE and X per FIRM Panel Number 16017C0225F, Effective Date 7/7/2014.
7. The applicants have applied for a Building Location Permit, File #BLP2024-1058, and a Flood Development Permit, File #FDP2024-0035.

Conditions of Approval:

Standard Conditions:

- A-1** This variance shall not supersede any deed restrictions.
- A-2** Only the development highlighted on the site plan has been reviewed for variance standards. All other development shown must comply with Bonner County Revised Code.

Bonner County Revised Code, Section 12-262, provides an opportunity for affected persons to appeal Hearing Examiner decisions with the Planning Director within 28 days after the final written decision of the Hearing Examiner has been issued. Any such appeal must be submitted in accordance with the referenced code section no later than **5:00 p.m., May 5, 2025. AN APPEAL SHALL BE ACCOMPANIED BY A FILING FEE IN ACCORDANCE WITH THE APPROVED FEE SCHEDULE. THE FEES ARE PAYABLE TO THE BONNER COUNTY PLANNING DEPARTMENT.**

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