

**BONNER COUNTY ZONING COMMISSION  
PUBLIC HEARING MINUTES  
NOVEMBER 16, 2023**

**PLEDGE OF ALLEGIANCE**

**CALL TO ORDER:** Chair Marble called the Bonner County Zoning Commission hearing to order at 5:33 p.m. in the 1<sup>st</sup> Floor Conference Room, of the Bonner County Administration Building, 1500 Highway 2, Sandpoint, Idaho, via Zoom webinar, and YouTube live streaming.

**PRESENT:** Chair Jacob Marble; Commissioners Frank Wakeley, Jake Weimer and Robert Clark.

**ABSENT:** Vice Chair Luke Webster

**ALSO PRESENT:** Planning Director Jacob Gabell, Assistant Planning Director Travis Haller, and Hearing Coordinator Jenna Crone.

**CHANGES IN AGENDA:** None

**APPROVAL OF MINUTES:** The Chair requested the Commissioners declare if they had any corrections or changes to the approval of minutes as written for **October 19, 2023**. Hearing no changes or objections, the Chair declared the minutes approved as written.

**CONFLICT OF INTEREST/DISCLOSURE DECLARATIONS:** The Chair requested the Commissioners declare any conflicts of interest or disclosures. The Chair noted that there were no disclosures or conflicts.

**Revocation of C0997-16, RV Storage.** The Planning Director is requesting to revoke CUP0997-16 on parcel RP025370000030A. The property is zoned Rural Service Center. The project is located on the corner of Highway 95 and Porterhouse Drive, in Section 32, Township 56 North, Range 2 West, Boise-Meridian. **This file is being continued from June 15, 2023.**

**STAFF PRESENTATION:** Assistant Director Travis Haller gave a brief overview of the file as presented on June 15, 2023.

**APPLICANT PRESENTATION:** Don Helms, Landowner, shared that his intent is to fence his entire property, not just the part that is being asked for the permit. Because of that, he is requesting a Modification of the Conditional Use Permit to address the fence conditions on the original Conditional Use Permit.

**STAFF REBUTTAL:** Travis Haller addressed the Bonner County Revised Code 12-486 C: Standards for Rental Warehouses, Ministorage, Boat Storage.

**COMMISSION DELIBERATION:** The Chair closed the hearing to public testimony. The Commission discussed Findings and Conclusions.

Chair Marble moved to include the fencing on the entire parcel and if that is not complete, the Conditional Use Permit will be revoked. Chair Marble further moved to continue this file to April 18, 2024.

Commissioner Wakeley seconded the motion.

**Roll Call Vote**

Commissioner Weimer	AYE
Commissioner Clark	AYE
Commissioner Wakeley	AYE
Commissioner Marble	AYE

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

**File MOD0004-23 – Modification of C1011-18 – Stiller.** The applicants are requesting a modification of an existing conditional use permit, C1011-18. The property is 28.09 acres. The property is zoned Agricultural/Forestry-10. The project is located off Caliber Drive in Section 5, Township 58 North, Range 1 West, Boise-Meridian.

**STAFF PRESENTATION:** Planner I Alex Feyen presented a PowerPoint summary of the project concluding this project is consistent with Bonner County Revised Code.

**APPLICANT REPRESENTATIVE:** Tessa Vogul, Ruen Yeager, gave a powerpoint presentation (Exhibit A) outlining the proposed modifications being requested by the applicant.

**APPLICANT PRESENTATION:** Paul Stiller, Landowner, briefly reviewed the property and the plans they have if the modification is granted.

**PUBLIC/AGENCY TESTIMONY:** The following members of the public spoke on the record: John Eastaw and Ben Squires.

**COMMISSION DELIBERATION:** The Chair closed the hearing to public testimony. The Commission discussed Findings and Conclusions.

**MOTION TO APPROVE:** Commissioner Wakeley moved to approve this project FILE MOD0004-23 requesting a modification of the previously approved Bonner County Conditional Use Permit, File No. C1011-18, to modify the original permit requesting an expansion of the permitted use to an adjoining parcel and an increase in the vehicular occupancy of the facility, finding that it is in accord with the general and specific objectives of the Bonner County Comprehensive Plan and the Bonner County Revised Code as enumerated in the following **Conclusions of Law**:

1. The proposed modification to the conditional use permit **is** in accord with the general and specific objectives of 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 3, Subchapter 3.3 Commercial Uses, Chapter 4 Development Standards and Chapter 7 Environmental Standards. The proposal **is** in accord with the Bonner County Revised Code.
3. The proposed expanded 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 Wakeley further moved to adopt the Findings of Fact and Conditions of Approval as set forth in the Staff Report (or as amended during this hearing), 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 C1011-18 is to complete the Conditions of Approval as adopted. This action does not result in a taking of private property.

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Commissioner Clark seconded the motion.

**Roll Call Vote**

Commissioner Weimer	AYE
Commissioner Clark	AYE
Commissioner Wakeley	AYE
Commissioner Marble	AYE

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

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**Findings of Facts:**

1. The applicants are requesting a modification to a previously Bonner County approved Conditional Use Permit, File No. C1011-18. This original permit was for an outdoor recreational facility.
2. The project is in accord with BCRC 12-333 Commercial Use Table, Outdoor Recreational Facilities, Notes 2, 8, and 17.
3. Condition of approval A-4 of the decision letter of the original permit stated, "*Vehicular occupancy of the facility shall be limited to 30 vehicles at any given time.*"
4. The site is currently approved for 30 parking spaces. The applicant has requested an additional 42 spaces, totaling 72 spaces. The applicant is requesting a deviation from the standard to allow for 2 spaces per tee, with a total of 36 tees.
5. The subject parcel is zoned Agricultural/Forestry 10 with a land use designation of Ag/Forest Land.

6. The site fronts on Caliber Drive, a privately owned and maintained road.
7. The site is located in southwest Bonner County in Section 34, Township 56 North, Range 5 West, Boise Meridian, Idaho.
8. Through this request for a modification of the Conditional Use Permit C1011-18, no new structures are proposed on the site. The applicant requests to amend the approved site plan, as originally permitted, to add another parcel.
9. The project was sent to Panhandle Health District for review of adequate sewer facilities for the expansion of the Recreational Facility. The District did not respond.
10. The request for review of this project was also sent to Idaho Department of Water Resources and Northside Fire District for any potential impact to services. No comments indicating any potential impacts to water services were received from Idaho Department of Water Resources. Northside Fire District did not respond.

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**Conditions of Approval:**

**Standard continuing permit conditions. To be met for the life of the use:**

1. Modification of Conditional A-1 of the Conditional Use Permit, File C1011-18, to read as follows:  
  
**A-1** "*The use shall be in accordance with the approved site plan.*"
2. Modification of Condition A-4 of the Conditional Use Permit, File C1011-18 to read as follows:  
  
**A-4** "*Vehicular occupancy of the facility shall be limited to 72 vehicles at any given time.*"

**File MOD0005-23 – Modification of C701-00 – Outlet Bay Homeowners Association.** The applicants are requesting a modification of an existing conditional use permit, C701-00. The property is 4.76 acres. The property is zoned Recreation. The project is located off Outlet Bay Road Section 5, Township 59 North, Range 4 West, Boise-Meridian.

**STAFF PRESENTATION:** Planner I Alex Feyen presented a PowerPoint summary of the project concluding this project is consistent with Bonner County Revised Code.

**APPLICANT REPRESENTATIVE:** Evan Paige, Sewell and Associates, went over the proposed site plan and addressed comments made by agencies and the public.

**APPLICANT PRESENTATION:** Peggy Curry, President of the Outlet Bay HOA, answered questions from the commissioners regarding the property.

**PUBLIC/AGENCY TESTIMONY:** The following members of the public spoke on the record:

**COMMISSION DELIBERATION:** The Chair closed the hearing to public testimony. The Commission discussed Findings and Conclusions.

**MOTION TO APPROVE:** Commissioner Clark moved to approve this project requesting a modification of a previously approved Bonner County Conditional Use Permit, File No. C701-00 issued in 2004 and modified in 2008 through File No. CM701-07 to modify the Conditions of Approval pertaining to: property line setbacks, street setbacks, mobile home build sites, flood damage prevention, impervious surface, and lot coverage located in Section 5 Township 59 North, Range 4 West, Boise-Meridian, finding that it is in accord with the general and specific objectives 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 accord with the general and specific objectives of 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 Clark 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 C926-09 is to complete the Conditions of Approval as adopted. This action does not result in a taking of private property.

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Commissioner Wakeley seconded the motion.

**Roll Call Vote**

Commissioner Weimer	AYE
Commissioner Clark	AYE
Commissioner Wakeley	AYE
Commissioner Marble	AYE

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

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**Findings of Facts:**

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1. The applicants are requesting a modification to a previously Bonner County approved Conditional Use Permit, File No. C701-00 and CM701-07. The original permit for a mobile home park was approved previously.
2. Condition of Approval 1 of the decision letter of the original permit stated: *"The use shall be in accordance with the approved site plan."*
3. Condition of approval 5 (B) of the decision letter of the original permit stated, *"Each mobile home/site built dwelling shall be located at least twenty five feet (25') from any park property line, except that each mobile home/site built dwelling located on Sites 7, 15/18, 19/20, 21, 24, 25, 26, 27 and 43 shall be located at least ten feet (10') from the River Drive (Outlet Bay Road) park property line (right of way boundary)."*
4. Condition of approval 7 of the decision letter of the original permit stated, *"Lots 7, 8, 9, 10, 11, 12/ 13, 14, 15/ 18, 16, 17, 19/20, and 21, are subject to the flood damage prevention standards set forth at BCRC, Sections I 2-I 650 and 12-1651, specifying, in part, anchoring and elevating manufactured homes, together with "flood proofing" foundation systems and outbuildings."*
5. The applicant has requested a deviation from BCRC 12-412, which limits lot coverage to 35%. The applicant has requested a maximum lot coverage of 45.2%.
6. The applicant has requested a deviation from BCRC 12-713, which limits impervious surface coverage within 200 feet of the artificial high-water mark to 35%. The applicant has requested a maximum impervious surface coverage of 40.7%.
7. The subject parcel is zoned Recreation with a land use designation of Resort Community.
8. The site is accessed by Outlet Bay Road and Lake Street, both Bonner County owned and maintained public rights-of-way.
9. The site is located County in Section 5, Township 59 North, Range 4 West, Boise Meridian, Idaho.
10. Through this request for a modification of the Conditional Use Permit C701-00 and CM701-07, the proposed density remains the same on the site as originally permitted.
11. The property is served by Outlet Bay Sewer and Water for both water supply and sewer services.
12. The request for review of this project was sent to Idaho Department of Water Resources, West Priest Lake Fire District and Bonner County Road and Bridge

Department for any potential impact to services. No comments have been received from Idaho Department of Water Resources and West Priest Lake Fire District indicating any potential impacts to water or transportation services. A letter was received from Bonner County Road and Bridge Department stating that this request could potentially hinder expansion and maintenance.

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## Conditions of Approval:

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### Standard continuing permit conditions. To be met for the life of the use:

Modification of Condition 1, 5 (B), and Condition 7 of the Conditional Use Permit, File C701-00 & CM701-07, and the addition of conditions 12, 13, and 14 to read as follows:

1. The use shall be in accordance with the approved site plan.
2. The Conditional Use Permit shall not supersede deed restrictions.
3. All county setbacks shall be met.
4. 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 a single extension of the Conditional Use Permit for a period up to two (2) years. The Planning and 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.
5. Residential development (manufactured and/or site built dwellings, and outbuildings) are subject to the following standards:
  - a. Seventy percent (70%) of each mobile home/site built dwelling stall or site shall be left in open space.
  - b. Each mobile home/site-built dwelling shall be located at least five feet (5') from any park property line, and ten feet (10') from River Drive (Outlet Bay Road) and Lake Street as measured from the park property line (right of way boundary).
  - c. All mobile home/site built dwelling or accessory building shall not be located closer than ten feet (10') from any other mobile home/site built dwelling or permanent building within the resort.
  - d. Each mobile home/site built dwelling stall or site within the resort shall have direct access to a street. Prior to conditional use permit issuance, the street shall consist of an

unobstructed area twenty feet (20') wide or Uniform Fire Code equivalent as determined by the West Priest Lake Fire Chief or a registered engineer and shall be well marked to provide for continuous traffic flow. The street system shall have direct connection to Outlet Bay Road. The applicant shall provide written confirmation from the West Priest Lake Fire Chief or a registered engineer to the Planning Department verifying completion of this condition.

- e. Streets and walkways designed for the use of the resort residents shall be lighted during the hours of darkness.
  - f. Every mobile home/site built dwelling stall or site shall provide for one off-street (on site) parking area of not less than two hundred (200) square feet in each area. Said parking spaces shall not be further than two hundred feet (200') from such stall or site.
  - g. Each mobile home shall be provided with utility connections, ground anchors, piers or pads, and stabilizing connections of sufficient size to properly accommodate the mobile home placed on the stall or site.
  - h. Prior to conditional use permit issuance, water supplies for fire protection operations shall be as required by the West Priest Lake Fire Chief or a registered engineer. Hydrants shall be located within four hundred feet (400') of all mobile home/site built dwelling stalls or sites as specified in the conditional use permit application, unless otherwise specified by the West Priest Lake Fire Chief or registered engineer. The applicant shall provide written confirmation from the West Priest Lake Fire Chief or a registered engineer to the Planning Department verifying completion of this condition.
6. Prior to conditional use permit issuance, Zone Change 280-00 shall be approved and the corresponding zone change ordinance shall become effective.
  7. Any new human-caused change within the regulatory SFHA on this site that is proposed to be constructed or developed under this or any other proposal will require a Floodplain Development Permit.
  8. Prior to conditional use permit issuance, the dumpster located north of "Lot" 21 shall be enclosed on at least three (3) sides by a solid wall or fence of at least four feet (4') in height or shall be enclosed within an enclosed building. Adequate vehicular access to and from such area shall be provided. The applicant shall provide written confirmation to the Planning Department
  9. The following parking standards apply:

- (a) Parking spaces required shall be exclusive of drives and access lanes and each space will be provided with adequate ingress and egress.
  - (b) Parking spaces for detached residential uses shall be located on the same lot as the use they are intended to serve.
  - (c) Vehicles, to include automobiles, recreational vehicles, boats, or campers, that are to be parked or stored for a period exceeding twenty four (24) hours, shall be located on the same lot as the use they are intended to serve, or shall be located in the proposed "Lot" 45 parking area, or shall be located within "Building C" as depicted on the approved site plan.
  - (d) Parking spaces for "Building A" (multi-family uses) shall be as depicted on the approved site plan.
10. Prior to conditional use permit issuance, easements to the Outlet Bay Sewer District for the sewage collection, pump station, and force main serving the resort shall be established to allow District personnel access to these items for operation and maintenance. The applicant shall provide written confirmation from the Outlet Bay Sewer District to the Planning Department verifying completion of this condition.
  11. All remaining conditions of approval for the conditional use permit shall remain in effect.
  12. The parcel shall have no more than 40.7% of impervious surface coverage.
  13. The parcel shall have no more than 45.2% of lot coverage.
  14. In order to modify to this Conditional Use Permit and any of its subsequent modifications, an application shall be filed with the Planning Department.

**File ZC0008-23 – Zone Change – Chowning.** The applicants are requesting a zone change from Rural Service Center & Agricultural/Forestry-20 to Rural Service Center. The parcel is 26.10 acres. The property is zoned Rural Service Center & Agricultural/Forestry-20. The project is located off HWY 200 in Section 34, Township 56 North, Range 2 East, Boise-Meridian.

**STAFF PRESENTATION:** Planner II Daniel Britt presented a PowerPoint summary of the project concluding this project is consistent with Bonner County Revised Code.

**APPLICANT REPRESENTATIVE:** Mike Hammock discussed the property and submitted documents received from Panhandle Health District (Exhibit A).

**PUBLIC/AGENCY TESTIMONY:** The following members of the public spoke on the record: Sharon Banning and David Banning

**APPLICATION REBUTTAL:** Mike Hammock answered questions from the Commissioner and concerns brought up during public comment.

**COMMISSION DELIBERATION:** The Chair closed the hearing to public testimony. The Commission discussed Findings and Conclusions.

**MOTION TO RECOMMEND APPROVAL:** Commissioner Weimer moved to recommend to the Board of County Commissioners, approval of this project, FILE ZC0008-23, requesting a zone change from A/F-20 and Rural Service Center to Rural Service Center, 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, and based upon the evidence submitted up to the time the Staff Report was prepared, and testimony received at this hearing. Commissioner Weimer 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 the 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 the taking of private property.

Commissioner Clark seconded the motion.

**Roll Call Vote**

Commissioner Weimer	AYE
Commissioner Clark	AYE
Commissioner Wakeley	AYE
Commissioner Marble	AYE

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

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**Zone Change Findings of Fact:**

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- The parcel is adjacent to Highway 200, an Idaho state owned and maintained paved right of way.
- The proposal has two permitted commercial encroachments onto Highway 200 from ITD Permit #1-06-014.
- Emergency services are provided by Bonner County Sheriff and Clark Fork Fire District.
- The proposal is within Lake Pend Oreille School District #84
- Power is provided by Avista Utilities.
- The proposal currently has three (3) permitted individual wells permit #96-9313.
- Sewage disposal is a permitted septic system #06-09-98350.
- The parcel is currently ±26.10 acres.
- The proposal does contain mapped slopes up to and greater than 30%.

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**Zone Change Conclusions of Law:**

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**Based upon the findings of fact, the following conclusions of law are adopted:**

Conclusion 1

The proposal **is** in accord with the following elements of the Bonner County Comprehensive Plan:

Property Rights	Population	School Facilities
Transportation	Community Design	Implementation
Economic Development	Land Use	Natural Resources
Hazardous Areas	Public Services	Transportation
Recreation	Special Areas or Sites	Housing

Conclusion 2

This proposal was reviewed for compliance with Title 12, Bonner County Revised Code, and **was** found to be in compliance.

Conclusion 3

The proposal **is** in accord with the purpose of the Rural Service Center zoning district, provided at Chapter 3, Title 12, Bonner County Revised Code.

**COMMISSIONER & STAFF UPDATES:**

- The Planning Director shared that the 2024 Hearing Calendar has been published.
- The Planning Department is working on making the decision letters more robust so the Director will be helping the Commission to deliberate more on the files being heard.

At 8:18 p.m., the Chair declared the hearing adjourned until December 21, 2023.


Respectfully submitted,

  
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Jacob Gabell, Planning Director

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The above Minutes are hereby approved this 21<sup>st</sup> day of December 2023.

Bonner County Zoning Commission

  
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Jacob Marble, Chair