



Bonner County

Board of Commissioners

Brian Domke

Asia Williams

Ron Korn

Public Hearing Minutes Planning

Date: July 21, 2025
Location: 1500 Hwy 2, Suite 338
Sandpoint, ID 83864
Convene at: 1:30 PM

COMMISSIONERS: Domke – Present Williams – Present Korn – Present
OTHERS PRESENT: David Fisher, Alex Feyen, Dylan Young, Bill Wilson

Purpose/Topic Summary: Appeal of File CUP0003-25, Private Community Facility

* * * * *

Commissioner Williams opened the hearing at 1:32 p.m.

Commissioner Williams asked if anyone needed assistance for this hearing, there were no requests. Commissioners Domke, Williams, and Korn advised that they had no conflicts with this file.

Appeal of 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. The Bonner County Hearing Examiner approved this file with conditions, at the May 12, 2025 hearing. On May 29, 2025 the Bonner County Planning Department received an appeal of the Hearing Examiner's decision, to be heard by the Board of County Commissioners.

Staff Report Presented By: David Fischer

- Please see attached packet
- Listed the applicable standards for review and gave a brief overview of the project with site plan
- Outlined BCRC 12-262; applicants submitted a timely appeal challenging Conditions B-2 and B-3 of the written decision
- Provided the background of the site, access, and the environmental features and services
- Went over BCRC 12-23: CUPs and Standards for Review
- Went over BCRC 12-331: Interpretation of Use Tables and BCRC 12-339: Classification of New Uses within Zone Districts
- BCRC does not currently have a specific use for "Event Venues" and generally uses "public or private community facilities"
- Went through the applicable standards of review in detail, including parking, lighting, signs, landscaping, design, shorelines, grading, stormwater management and erosion control, and wetlands. A BLP will be required for the proposed structures. See Staff Report for full details of each standard.
- Com Plan: This proposal does not appear to be in conflict with the policies of the Implementation component of the Comprehensive Plan.
- Listed the agencies that provided comment: DEQ, ITD, PHD, and Northern Lights.

Applicant/Appellant Presented: Richard & Maria Cook

- Appealing Conditions B-2 and B-3: PHD review of proposed bathroom/septic. Decided after the initial hearing to remove the bathroom/septic and will use portable facilities instead; public water system, do not need, and DEQ said if operate 59 days or less/year, they do not see operating this more than that
- Wanted to clarify this is not an enclosed building, it is an open pavilion usable only in summer

Public Comment Opened at 2:01 p.m.

In Support: None

Neutral: None

Opposed: None

Public Comment Closed at 2:02 p.m.

LAND USE DECISION-MAKING WORKSHEET

Idaho Code §67-6512	A special use permit/conditional use permit may be granted to an applicant if the proposed use is conditionally permitted by the terms of the ordinance, subject to conditions pursuant to specific provisions of the ordinance, subject to the ability of political subdivisions, to provide services for the proposed use and when it is not in conflict with the plan.	
YES	NO	List the relevant evidence from the <u>record</u> that supports your conclusion and the rationale for the conclusion.
RK: Does not believe it is in conflict BD: Struggling with the director's interpretation of the Use Table and an event venue that will be rented, struggling with defining a private use facility not being commercial when there will be commercial use AW: Agrees with BD and added the use of private community when it is really commercial use BD: Asked Bill if the Board can go against the Planning Director's interpretation of the Use Table Bill: Per the Ordinance (12-331, the Planning Director has the final authority) There was a discussion with the board and legal.		
BCRC 12-222	APPLICATION CONTENTS: List the evidence from the record that supports your conclusion and the rationale for the conclusion.	
YES	NO	List the relevant evidence from the <u>record</u> that supports your conclusion and the rationale for the conclusion.
Accept the staff report analysis		
BCRC 12-262	APPEALS	
YES	NO	List the relevant evidence from the <u>record</u> that supports your conclusion and the rationale for the conclusion.
There was a lengthy discussion between the board and legal regarding whether this is an appeal or a new application when the applicants are wanting to remove two conditions which were approved, this should go through another application as the appeal seems to be a way to go around the decision. Commissioner Williams asked about a remand; a discussion followed regarding the options when the board does not accept that this is a proper appeal. Bill noted that the board would have the right to remand by motion (BCRC 12-267-11) to send back to the hearing examiner with a modified application, which would not make the applicant start completely over and have to submit a new application		

Commissioner Korn made a motion to **remand** this appeal back to the hearing examiner with the changes that were noted. Commissioner Domke seconded the motion. Commissioner Williams explained the reasons for the remand back to the hearing examiner. Roll Call Vote: Commissioner Domke – Yes; Commissioner Williams – Yes; Commissioner Korn – Yes. The motion carries

Adjourned at 3:05 p.m.

Deputy Clerk: *Alisa Schoeffel*

BOCC/Planning Hearing

Minutes – July 21, 2025