

NOTICE OF APPEAL

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APR 22 2025

Bonner County
Planning Department

April 21, 2025

To: Bonner County Planning Department
Bonner County Zoning Commission

From: Riser Creek Marina

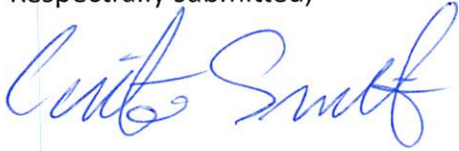
Subject: Notice of Appeal, File MOD0006-24: Riser Creek Marina
Modification of Conditional Use Permit

Riser Creek Marina General Trust (Riser Creek) hereby gives notice of appeal to the Bonner County Board of Commissioners of the decision of the Bonner County Planning Commission on March 20, 2025, following the hearing before the Commission.

At the conclusion of that hearing, the Commission identified as a condition to be met prior to issuance of the final Conditional Use Permit that "approval from the Idaho Department of Environmental Quality for a public water system shall be obtained." This condition establishes a use by Riser Creek (that the marina will provide water for the use of marina customers such that Idaho DEQ's requirements for public drinking water systems will be implicated) that was not intended by Riser Creek in its amendment requests. Riser Creek recognized the possibility that these DEQ requirements might be imposed on it due to the less-than-clear language in its initial application for amendment, and sought prior to the hearing to clear up this ambiguity by submitting a clarification memo November 21, 2024 indicating that "Riser Creek Marina does not intend to provide potable water to the docks." Subsequent conversations with DEQ personnel further clarified regulatory requirements such that Riser Creek determined that it would not provide any water supplies to the docks or to any publicly-accessible marina facility. Despite its intention to do so, Riser Creek did not provide sufficient input to the Zoning Commission to enable the Commission to make a ruling that accurately reflected Riser Creek's intentions with regard to provision of water to marina customers.

Therefore, pursuant to Bonner County, Idaho, Revised Code Section 12-262C.5., Riser Creek Marina asserts that the decision of the Zoning Commission with regard to provision of water to the public is not supported by substantial evidence on the record as a whole, and requests that the Board modify the decision of the Zoning Commission to remove any provision of water to the public by Riser Creek Marina as a permitted use.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Curtis Smith". The signature is fluid and cursive, with the first name "Curtis" written in a larger, more prominent script than the last name "Smith".

Curtis Smith

Riser Creek Marina shall not be allowed to provide water to the public. This provision may be countered or reversed by filing evidence of compliance with the Bonner County Planning Department showing permitting for a qualifying public water system through the Idaho Department of Environmental Quality and/or Panhandle Health Department.

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