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MAR 19 2024

**BONNER COUNTY  
PLANNING DEPARTMENT**

March 19, 2024

To: Bonner County Board of Commissioners (BOCC)

From: The following Affected Parties in their individual capacities: Robert & Michelle Johnson, Grant & Kristi Sams, Rob and Jill Holman, Bruce & Yvonne Abbott, Drew & Stephanie Hoverson, Doug & Anne Nordquist, Laura Miller, John & Laura Dallas, Lyle and Terah Beck, Warren Smith, Todd Walker, Frank Wright, Dennis Anderson, Linda and Randy Gearke, Teresa Cannon Stendahl and Timothy Cannon.

Subject and File number: Request for appeal of Zoning Commission decision CUP0013-23 – A Conditional Use Permit for a “Private Community Facility & Retreat” submitted by Firebrand, LLC.

Summary:

Per Bonner County Revised Code (BCRC) 12-225, the final decision of the Zoning Commission of a Conditional Use Permit may be appealed to the Board as set forth in BCRC 12-262. The decision to approve CUP0013-23 is based upon planning department staff interpretation of the Comprehensive Plan, erroneous information from the applicants and changes made to the staff report just hours before the Zoning hearing. A decision based on the planning director’s judgement not to categorize the business by the descriptions it meets using the OSHA SIC manual, NAIC manual and Comprehensive Plan & Revised Code use tables, as required. Instead, they chose designations it does not meet to be allowed under a CUP categorized under two different use tables, Commercial and Public. Per 12-262 this is arbitrary, capricious and an abuse of discretion as well as not supported by substantial evidence on the record. The fact this business is and will continue to adversely affect adjoining properties and neighborhood was disregarded. The risk to our public health, welfare & safety, taking of our property rights and impacting to the existing transportation system were not addressed. Approval does not adhere to the rural residential character of the community design and this high-density commercial business is not compatible with the zoning nor development. The Approval goes against the Comprehensive Plan, many areas of Revised Code as well as core function and mission statement of Bonner County Planning: *To protect property rights and enhance property values through conscientious land-use planning.*

Per BCRC 12-262, affected parties seeking an appeal from final decision of the Zoning Commission must file with the BOCC a motion for appeal of the decision, specifying deficiencies in the decision within 28 days of the date of the decision, along with the applicable fee. This is also a requirement under Idaho Code Section 67-6535. A failure to seek appeal constitutes a failure to exhaust administrative remedies. We respectfully request that the BOCC grant an appeal of the Zoning Commission decision on CUP 0013-23 to address the discrepancies and deny CUP0013-23.

Sincerely,

The affected parties listed above.