



Bonner County Planning Department

"Protecting property rights and enhancing property value"

1500 Highway 2, Suite 208, Sandpoint, Idaho 83864

Phone (208) 265-1458 - Fax (866) 537-4935

Email: planning@bonnercountyid.gov - Web site: www.bonnercountyid.gov

March 31, 2026

William Haberman, Valiant Idaho, LLC c/o
Jeremy Grimm, Whiskey Rock Planning + Consulting
614 Creekside Ln
Sandpoint, ID 83864

Subject: File MOD0003-24 – Trestle Creek Modification; modification of PUD governed by FILES CUP0006-20, SS0006-20 & MOD0001-22

Encl: (1) File MOD0003-24 BOCC Approved Site Plan
(2) File MOD0003-24 Reasoned Statement Worksheet
(3) File MOD0003-24 Staff Report

Dear Mr. Haberman & Mr. Grimm,

The Bonner County Board of County Commissioners at the November 12, 2025, public hearing, approved the referenced application with conditions, removing the request for a time extension (with applicant agreement) and approving the following specific modification requests:

(1) Enlargement of the upland open space and common area by 0.51 acres through the retention of the manmade islands, (2) replacement of the 0.43 acre common recreational lot with a 0.46 acre single-family residential lot, (3) replacement of the 1.6 acre turn-around area with a residential lot, (4) reduction of the number of boat slips in the proposed marina to 88 from 105, (5) provision of public lease slips in the proposed marina, (6) acknowledgement in the application of the transfer of +/- 5.79 acres of abutting land including the mouth of Trestle Creek to the Kalispel Tribe, (7) restoration of the North Branch of Trestle Creek to restore its natural outflow to the lake.

Commissioner Williams moved to approve this project FILE MOD0003-24 for a modification of files Conditional Use Permit CUP006-20, Short Subdivision File SS0006-20 and Modification MOD0001-22, finding that it is not in conflict with the policies of Bonner County Comprehensive Plan and Bonner County Revised Code as enumerated in the following conclusions of law:

Conclusion 1

The proposed conditional use permit **is** in accord with the Bonner County comprehensive plan.

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

Conclusion 2

This proposal was reviewed for compliance with the criteria and standards set forth at Title 12, BCRC Chapter 2 Subchapter 2.66. The proposal **is** in accord with the Bonner County Revised Code.

Conclusion 3

The proposed modification **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. I further move to adopt the reasoned statement as discussed in deliberation at this hearing and the analysis as set forth in the Staff Report (or as amended during this hearing) and direct planning staff to draft the reasoned statement to reflect this motion as set forth in Idaho Code section 67-6535, have the Chair sign, and transmit to all interested parties. This action does not result in a taking of private property. The action that could be taken to obtain the approval of the Modification to the Conditional Use Permit is to complete the Conditions of Approval as adopted.

Commissioner Williams seconded the motion.

Roll Call Vote

Commissioner Williams AYE
 Commissioner Korn AYE

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

Conditions of approval:

- A-1** The modifications shall be developed and shall be operated in accordance with the approved site plan.
- A-2** The modifications shall be developed and shall be operated in accordance with the previous decisions Conditional Use Permit CUP006-20, Short Subdivision File SS0006-20 & Modification MOD0001-22, except as modified by this decision.

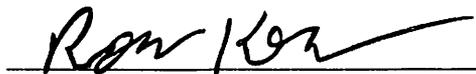
Bonner County Revised Code, Section 12-262, provides an opportunity for affected persons to appeal Planning and Zoning Commission decisions with the Planning Director within 28 days after the final written decision of the Planning and Zoning Commission has been issued. Any such appeal must be submitted in accordance

with the referenced code section no later than **5:00 p.m., April 28, 2026. 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 takings analysis pursuant to Section 67-8003, Idaho Code (*Idaho Code §67-6535(3)*).

Please contact the Planning Department if you have any questions.

Sincerely,

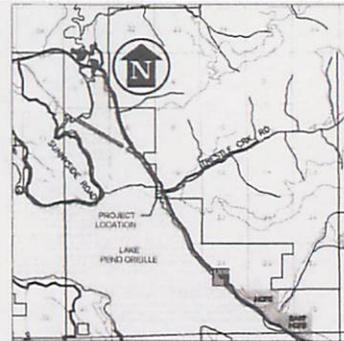
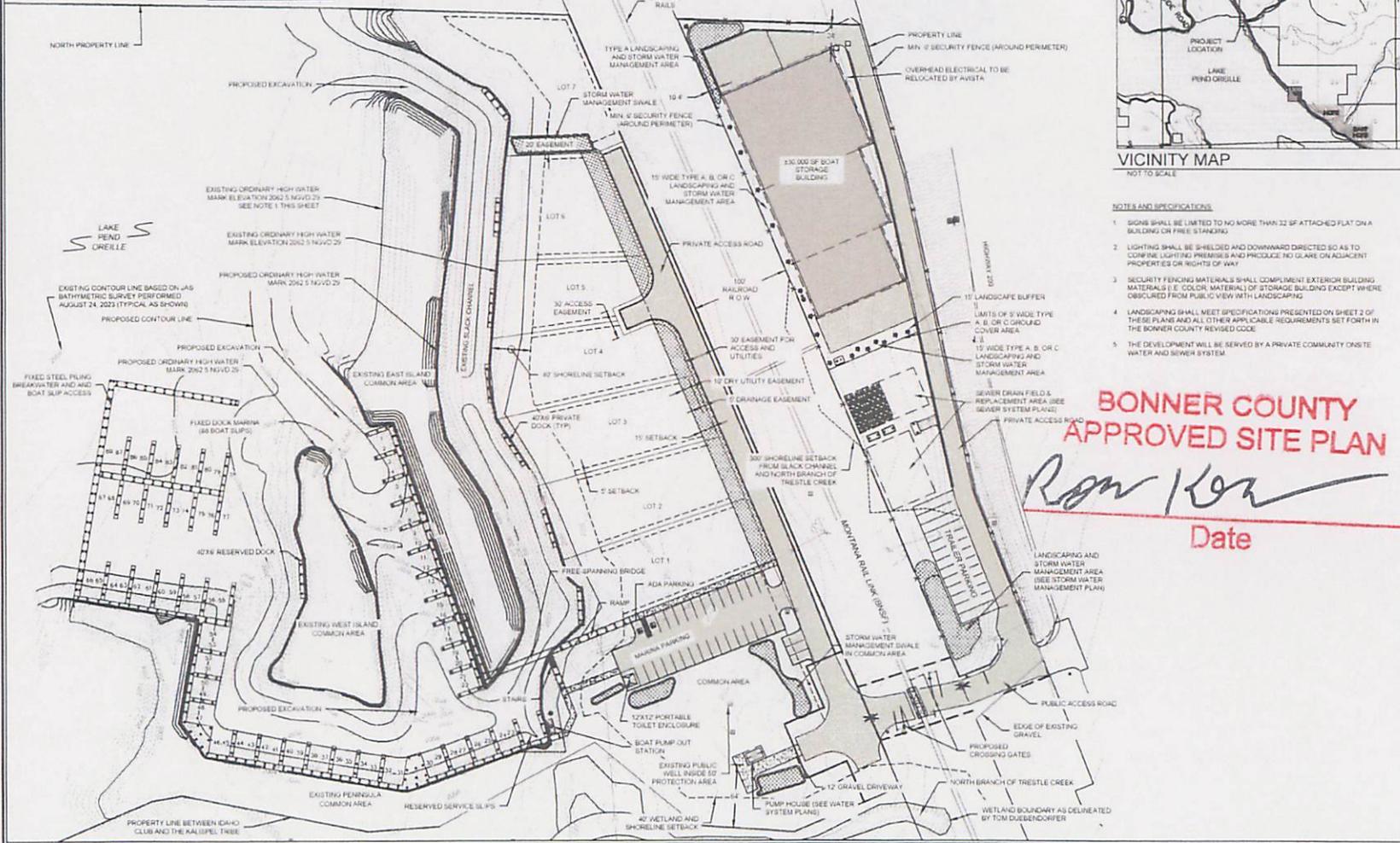
A handwritten signature in black ink, appearing to read "Ron Hor", is written over a solid horizontal line.

Commissioner
Bonner County Board of County Commissioners

THE IDAHO CLUB MARINA AND LAKESHORE COMMUNITY MODIFIED CONDITIONAL USE PERMIT SITE PLAN

LOTS 1 & 2 IDAHO CLUB NORTH LAKE, S16/17-T57N-R1E, BOISE MERIDIAN, BONNER COUNTY, IDAHO

UNITED STATES GOVERNMENT



NOTES AND SPECIFICATIONS

1. SIGNS SHALL BE LIMITED TO NO MORE THAN 32 SF ATTACHED FLAT ON A BUILDING OR FREE STANDING
2. LIGHTING SHALL BE SHIELDED AND DOWNWARD DIRECTED SO AS TO CONFINED LIGHTING PREMISES AND PRODUCE NO GLARE ON ADJACENT PROPERTIES OR RIGHTS OF WAY
3. SECURITY FENCING MATERIALS SHALL COMPLEMENT EXTERIOR BUILDING MATERIALS (E. COLOR, MATERIAL) OF STORAGE BUILDING EXCEPT WHERE OBSCURED FROM PUBLIC VIEW WITH LANDSCAPING
4. LANDSCAPING SHALL MEET SPECIFICATIONS PRESENTED ON SHEET 2 OF THESE PLANS AND ALL OTHER APPLICABLE REQUIREMENTS SET FORTH IN THE BONNER COUNTY REVISED CODE
5. THE DEVELOPMENT WILL BE SERVED BY A PRIVATE COMMUNITY ON-SITE WATER AND SEWER SYSTEM

**BONNER COUNTY
APPROVED SITE PLAN**

Row Ker
Date



James A. Serrill and Associates, LLC
1319 NORTH DIVISION AVENUE
SANDPOINT, IDAHO 83864
(208) 263-4160



SHEET TITLE	CONDITIONAL USE PERMIT
SITE PLAN	
PROJECT	IDAHO CLUB MARINA & LAKESHORE COMMUNITY BONNER COUNTY, IDAHO
DATE	02/14/2025
STATUS	AS SHOWN
DESIGNED BY	BSB
CHECKED BY	BSB
DATE	02/14/2025
PROJECT NO.	22043-20-001
LOCATION	E-LEAKE ROAD, SWM
SHEET	1 OF 11

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Board of County Commissioners Reasoned Statement Worksheet November 12, 2025

Project Name: MOD0003-24 Trestle Creek Modification

**File Number,
Type:** MOD0003-24, Modification

Request: The applicant is requesting to modify approvals of Conditional Use Permit CUP006-20, Short Subdivision File SS0006-20, which have already been modified by Modification MOD0001-22. The proposed modifications include:

(1) Enlargement of the upland open space and common area by 0.51 acres through the retention of the manmade islands, (2) replacement of the 0.43 acre common recreational lot with a 0.46 acre single-family residential lot, (3) replacement of the 1.6 acre turn-around area with a residential lot, (4) reduction of the number of boat slips in the proposed marina to 88 from 105, (5) provision of public lease slips in the proposed marina, (6) a timeline extension request to summer of 2028 for final plat and CUP issuance, (7) acknowledgement in the application of the transfer of +/-5.79 acres of abutting land including the mouth of Trestle Creek to the Kalispel Tribe, (8) restoration of the North Branch of Trestle Creek to restore its natural outflow to the lake.

The subject property is located on north of the City of Hope on North Park Road off Highway 200 in Section 16, Township 57 North, Range 1 East, Boise Meridian, Bonner County Idaho. The project site is within the service areas of Trestle Creek Sewer and Sam Owen Fire District.

The Zoning Commission at the September 18, 2025 public hearing recommended approval of this file to the Board of County Commissioners.

Legal Description: Lots 1 and 2, The Idaho Club North Lake (Book 13, Plats, Page 42) See Warranty Deed IN#958077 for description of RP57N01E166160A.

Location: The subject property is located on north of the City of Hope on North Park Road off Highway 200 in Section 16, Township 57 North, Range 1 East, Boise Meridian, Bonner County Idaho.

Parcel Number: RP031740000020A, RP031740000010A & RP57N01E166160A

Parcel Size: Approximately 24.4 acres

**Applicant/
Landowner:** Valiant Idaho II, LLC Managing Member, William Haberman
151 Clubhouse Way
Sandpoint, ID 83864

**Project
Representative:** Jeremy Grimm, Whiskey Rock Planning + Consulting
614 Creekside Lane
Sandpoint, ID 83864

Scott Brown, James A Sewell & Associates
1319 North Division Ave
Sandpoint, ID 83864

Application filed: July 23, 2024

Notice provided: Mail: October 16, 2025
Site Posting: October 27, 2025
Published in newspaper: October 22, 2025

Project Summary:

The applicant is requesting to modify approvals of Conditional Use Permit CUP006-20 & Short Subdivision File SS0006-20, which have already been modified by Modification MOD0001-22. The proposed modifications include:

(1) Enlargement of the upland open space and common area by 0.51 acres through the retention of the manmade islands, (2) replacement of the 0.43 acre common recreational lot with a 0.46 acre single-family residential lot, (3) replacement of the 1.6 acre turn-around area with a residential lot, (4) reduction of the number of boat slips in the proposed marina to 88 from 105, (5) provision of public lease slips in the proposed marina, (6) a timeline extension request to summer of 2028 for final plat and CUP issuance, (7) acknowledgement in the application of the transfer of +/-5.79 acres of abutting land including the mouth of Trestle Creek to the Kalispel Tribe, (8) restoration of the North Branch of Trestle Creek to restore its natural outflow to the lake.

The subject property is located on north of the City of Hope on North Park Road off Highway 200 in Section 16, Township 57 North, Range 1 East, Boise Meridian, Bonner County Idaho. The project site is within the service areas of Trestle Creek Sewer and Sam Owen Fire District.

The Zoning Commission at the September 18, 2025 public hearing recommended approval of this file to the Board of County Commissioners.

Applicable Laws:

BCRC 12-266.A-E Modification of Terms and Conditions of Permit Approval

12-266: MODIFICATION OF TERMS AND CONDITIONS OF PERMIT APPROVAL:

A. The terms and conditions of the approval of any permit authorized or required in this title may be modified only by the Planning Director, Zoning Commission and/or Board as established in this section. This section applies to modifications of approved permits, including, but not limited to, conditional use permits, special use permits, variances, preliminary plats, final plats, lot line adjustments and planned unit developments.

B. Application for a modification of terms and conditions of approval shall be made to the Planning Department, on forms provided by the department, and accompanied by the fee specified in section 12-265 of this subchapter.

C. A public hearing shall be scheduled and notice provided in accordance with the requirements for the original permit issuance.

D. The Planning Director, Zoning Commission and/or Board shall consider the proposed modification in accordance with the requirements for the original permit application and shall confine the review to the proposed modification.

E. The Planning Director, Zoning Commission and/or Board shall render a decision in writing on the proposed modification within five (5) working days after consideration of the

proposal, and the decision shall conform to the procedures, standards and requirements pertaining to the original permit.

Standards Review, BCRC 12-266: Modification of Terms and Conditions of Permit Approval

CODE SECTION	REQUIREMENT	ANALYSIS
BCRC 12-266.A	The terms and conditions of the approval of any permit authorized or required in this title may be modified only by the Planning Director, Zoning Commission and/or Board as established in this section:	Per this subsection, the BOCC is tasked with modifying this decision and retains final decision making responsibility as they were the previous hearing body to make a final decision.
BCRC 12-266.B	Application for a modification of terms and conditions of approval shall be made to the Planning Department, on forms provided by the department, and accompanied by the fee specified in section 12-265 of this subchapter:	The application was submitted or the correct Bonner County Planning Department form, and the appropriate fee paid.
BCRC 12-266.C	A public hearing shall be scheduled and notice provided in accordance with the requirements for the original permit issuance:	Public hearings have been scheduled and notices have been provided in accordance with the same standard of the original application.
BCRC 12-266.D	The Planning Director, Zoning Commission and/or Board shall consider the proposed modification in accordance with the requirements for the original permit application and shall confine the review to the proposed modification:	This standards review is required to be consistent with the original standards in the original decisions and this process may only review the modified portions of the proposal. <u>This is not a re-review of the previously approved application.</u>
BCRC 12-266.E	The Planning Director, Zoning Commission and/or Board shall render a decision in writing on the proposed modification within five (5) working days after consideration of the proposal, and the decision shall conform to the procedures, standards and requirements pertaining to the original permit:	A decision shall be rendered consistent with these requirements.

Standards Review, Short Subdivision:

Per BCRC 12-266.D, the standards in this review are required to be consistent with the original standards in the original short subdivision decision and may only review the modified portions of the proposal. This is not a re-review of the entire previous application. The following review is consistent with these requirements.

The following standards come from the original plat decision SS0006-20, per BCRC 12-266.D:

ORIGINAL REQUIREMENT	ANALYSIS	ORIGINAL REQUIREMENT	ANALYSIS
BCRC12-652 (B) Zone change was not required to accommodate lot size:	No part of the proposal modifies the findings in the original decision in relation to this requirement.	BCRC12-652 (C) Original Lots not created by a short plat in the last two years:	No part of the proposal modifies the findings in the original decision in relation to this requirement.
BCRC 12-621 Depth to width/Angle of intersection:	Not all ratios strictly comply with the required ratios; however, the general depth-to-width ratios in this modification request are dictated by the shapes and sizes of the lots already approved. Lots 2-5 were already approved are not a part of this modification proposal. The dimensions of these approved lots dictate the ratios of the modified lots.	12-622 Submerged Lands:	Submerged lands are not being counted towards lot sizes.
BCRC 12-623 (A) Services and Utilities: Lots smaller than 1 acre.	Water and sewer systems are already approved under the previous decision. Updated versions of the water and sewer plan must be approved by the Bonner County engineer prior to permit issuance.	BCRC 12-623 (B) Services and Utilities: Water	A water system was approved under the previous decision. An updated water system plan has been submitted and must be approved by the Bonner County engineer prior to issuance of an approval.
BCRC 12-623 (C) Services and Utilities: Sewage Disposal	A sewage disposal system was approved under the previous decision. An updated sewer system plan has been submitted and must be approved by the Bonner County engineer prior to issuance of an approval.	BCRC 12-623 (D) Services and Utilities: Fire Assessment and Plan	Fire protection was addressed under the previous approval. The new fire turnaround has been approved by Sam Owen Fire District.

BCRC 12-624 (A) Roads and Access: New Road Naming	No part of the proposal modifies the findings in the original decision in relation to this requirement.	BCRC 12-624 (B) Roads and Access: New Road Standards (Appendix A)	A road system was approved under the previous decision. An updated roads plan has been submitted and must be approved by the Bonner County engineer prior to issuance of an approval. Updated version of the road plan must be approved by the Bonner County engineer prior to permit modification issuance.
BCRC 12-624 (C) Roads and Access: Legal Access	A road system was approved under the previous decision. An updated roads plan has been submitted and must be approved by the Bonner County engineer prior to issuance of an approval.	BCRC 12-624 (D) Roads and Access: Lots less than 5 acres – require direct frontage on public R-O-W.	A private road system was approved under the previous decision. An updated roads plan has been submitted and must be approved by the Bonner County engineer prior to issuance of an approval.
BCRC 12-625 (A): Trails and Parks: Bonner County Trails Plan	No part of the proposal modifies the findings in the original decision in relation to this requirement.	BCRC 12-625 (B): Trails and Parks: Public Access, Parks & Facilities	No part of the proposal modifies the findings in the original decision in relation to this requirement.
BCRC 12-626 (A) Environmental Features: Natural Hazards	The application proposal is substantially similar to the original approved proposal. This is not a re-review of the entire previous application. This modification appears to reduce and mitigate impacts relative to the original proposal (e.g. restoring of stream outflow, retention of islands, reduction of boat slips).	BCRC 12-626 (B) Environmental Features: Shorelines, BCRC 12- 710 et. seq.	The application proposal is substantially similar to the original approved proposal. This is not a re-review of the entire previous application. This modification appears to reduce and mitigate impacts relative to the original proposal (e.g. restoring of stream outflow, retention of islands, reduction of boat slips). Any additional development within the site will be required to comply with Bonner County shoreline rules.
BCRC 12-626 (B) Environmental Features: Grading, Stormwater, Erosion Control Plans, BCRC 12- 720 et. seq.	An updated stormwater plan has been submitted and must be approved by the Bonner County engineer prior to issuance of an approval.	BCRC 12-626 (B) Environmental Features: Wetlands, BCRC 12- 730 et. seq.	The application proposal is substantially similar to the original approved proposal. This is not a re-review of the entire previous application. This modification appears to reduce and mitigate impacts relative to the original proposal (e.g. restoring of stream outflow, retention of islands, reduction of boat slips). Any additional development within the site will be required to comply with Bonner County wetland rules.
BCRC 12-626 (B) Environmental Features: Wildlife,	The application proposal is substantially similar to the original approved proposal. This is not a re-review of	BCRC 12-626 (B) Environmental Features:	The application proposal is substantially similar to the original approved proposal. This is not a re-review of the entire

BCRC 12-740 et. seq.	the entire previous application. This modification appears to reduce and mitigate impacts relative to the original proposal (e.g. restoring of stream outflow, retention of islands, reduction of boat slips). Any additional development within the site will be required comply with Bonner County wildlife rules.	Hillsides, BCRC 12-760 et. seq.	previous application. This modification appears to reduce and mitigate impacts relative to the original proposal (e.g. restoring of stream outflow, retention of islands, reduction of boat slips). Any additional development within the site will be required to comply with Bonner County rules regarding development on slopes.
BCRC 12-626 (C) Environmental Features: Waterfront Property	The application proposal is substantially similar to the original approved proposal. This is not a re-review of the entire previous application. This modification appears to reduce and mitigate impacts relative to the original proposal (e.g. restoring of stream outflow, retention of islands, reduction of boat slips). Any additional development within the site will be required comply with Bonner County shoreline, wetland, wildlife, and floodplain rules.	BCRC 12-627 Commercial and Rural Service Center Districts:	No part of the proposal modifies the findings in the original decision in relation to this requirement.

Standards Review, Conditional Use Permit:

Per BCRC 12-266.D, the standards in this review are required to be consistent with the original standards in the original CUP decision and may only review the modified portions of the proposal. This is not a re-review of the entire previous application. The following review is consistent with these requirements.

The following standards come from the original CUP decision CUP0006-20, per BCRC 12-266.D:

- BCRC 12-2.2, et seq.: Conditional Use Permits;

BOCC Finding:

A conditional use permit is required for a planned unit development and preliminary plat. Modifications of approved PUDs are allowed per BCRC 12-266.

- BCRC 12-251(C): Planned Unit Development Classification and Minimums; A "large scale mixed use" PUD consisting of commercial, industrial, residential or recreational uses and having a minimum gross land area of twenty (20) acres.

BOCC Finding:

No part of the proposal of the modification modifies the findings in the original decision.

- BCRC 12-252(B): Uses Permitted within Planned Unit Developments; Limited commercial and related recreational activities and facilities which are designed primarily to accommodate the needs of residents within a "mixed use" PUD described in section 12-251 of this subchapter may be permitted in any district, except for Industrial. Commercial recreation areas, such as ski resorts, golf courses or marinas, where permitted or conditionally permitted in applicable districts, may include related commercial uses to accommodate the general public as well as residents within the PUD when included and approved as part of the PUD development plan.

BOCC Finding:

No part of the proposal modifies the findings in the original decision in relation to this requirement.

- BCRC 12-256(A-E): Design Standards for Planned Unit Developments;
 - *A. Common Open Space – 10% of total gross acreage required*
 - *B. Owner's Association – A homeowner's association and/or corporation ownership required*
 - *C. Covenants, Article of Incorporation – Recorded with the final plat of any PUD subdivision or final development plans required.*
 - *D. Development Density – The unit density of a PUD containing residential uses shall not exceed the density of the zone district in which it is located, except for density bonuses.*
 - *E. Public amenities that can be provided to obtain a density bonus.*

BOCC Finding:

The open space has been enlarged.

The proposal density is less than the allowed density.

No part of the proposal modifies the findings in the original decision in relation to any other requirement.

- BCRC 12-332: Residential Use Table (single family dwellings);

BOCC Finding:

No part of the proposal modifies the findings in the original decision in relation to this requirement.

- BCRC 12-333, note 17; *Sufficient land area is required to accommodate the proposed use, and the use and any appurtenant structures shall be so arranged on the land as to minimize any adverse effects on surrounding properties. The use shall not create particular hazards to adjacent properties.*

BOCC Finding:

No part of the proposal modifies the findings in the original decision in relation to this requirement.

- BCRC 12-335, note 5; *Sufficient land area is required to accommodate the proposed use, and the use and any appurtenant structures shall be so arranged on the land as to minimize any adverse effects on surrounding properties. The use shall not create particular hazards to adjacent properties.*

BOCC Finding:

The modification reduces and mitigates environmental impacts of the proposed development through restoration of the waterway.

- BCRC 12-335, note 6; *Specified conditions with respect to emissions of noise, light glare, smoke, odor, dust, particulate matter, vibrations or hours of operation may be prescribed differently from those required in a given district, as to be compatible with other applicable State and Federal standards.*

BOCC Finding:

The application proposal is substantially similar to the original approved proposal. This modification reduces impacts relative to the original proposal.

- BCRC 12-335, note 7; *A traffic plan is required describing, at minimum, the method of ingress and egress to the site, traffic circulation within the site, and on premises parking and loading/launching areas.*

BOCC Finding:

There is a new fire turnaround that has been approved by Sam Owen Fire.

- BCRC 12-412; *Maximum residential density shall be 1 dwelling unit per minimum lot size.*

BOCC Finding:

The proposal density is less than the allowed density.

- BCRC 12-412; *Setback Requirements* – see variation to rear setback previously stated.

BOCC Finding:

No part of the proposal modifies the findings in the original decision in relation to this requirement.

- BCRC 12-421: Performance Standards for All Uses; *Effects from noise, light glare, odors, fumes or vibrations.*

BOCC Finding:

No part of the proposal modifies the findings in the original decision in relation to this requirement.

- BCRC 12-432: Minimum Off Street Parking Requirements;

BOCC Finding:

No part of the proposal modifies the findings in the original decision in relation to this requirement.

- *BCRC 12-621: Lot Design; All proposed lots which are three hundred feet (300') or less in width shall maintain a depth to width ratio of not greater than three to one (3:1); and lots which are more than three hundred feet (300') in width shall maintain a depth to width ratio of not greater than four to one (4:1). All proposed lots one hundred feet (100') or less in width shall be designed so that the angle of intersection of the side lot lines with the fronting road is between eighty five (85) and ninety five degrees (95°), for a distance of not less than fifty feet (50') from the point of intersection. Submerged lands are exempt from the requirements herein.*

BOCC Finding:

No part of the proposal modifies the findings in the original decision in relation to this requirement.

- *BCRC 12-622: Submerged Lands; Lands below the applicable natural or ordinary water mark, or the applicable artificial high water mark, of any lake, river, stream, channel or other body of public water shall not be counted in the calculations for determining the maximum density for a subdivision.*

BOCC Finding:

No part of the proposal modifies the findings in the original decision in relation to this requirement.

- BCRC 12-623(C): Services and Utilities; Sewage disposal method for all building sites, as approved by the Panhandle health district and/or the state of Idaho, may be provided.

BOCC Finding:

Water and sewer systems were already approved under the original application.

- BCRC 12-623(D): Services and Utilities; All proposed lots shall be designed by the applicant to provide a fire protection plan for the proposed lots to provide, at a minimum, an assessment of fire risk and plans to reduce the risk, and provisions for defensible space, where material capable of allowing a fire to spread unchecked will be treated, cleared or modified to slow the rate and intensity of an advancing wildfire and to create an area for fire suppression operations to occur, and for at least one of the following from this section.

BOCC Finding:

Fire protection was already addressed.
Sam Owen Fire has provided an updated letter approving the proposed turnaround.

- BCRC12-624(C): Roads and Access; Legal access shall be provided to each proposed lot, which shall be developed for ingress and egress, providing for ready access meeting the standards in subsection B of this section.

BOCC Finding:

Sam Owen Fire has provided an updated letter approving the proposed turnaround.

- BCRC 12-626(A): Environmental Features; The subdivision shall be designed around identified natural hazards (highly erosive soils on steep slopes, landslide areas, rock falls, areas of subsidence, floodplains) to protect building sites and roads from damage from such hazards.

BOCC Finding:

No part of the proposal modifies the findings in the original decision in relation to this requirement.

- BCRC 12-626(B): Environmental Features; The subdivision shall meet the requirements of chapter 7, "Environmental Standards", of this title.

BOCC Finding:

No part of the proposal modifies the findings in the original decision in relation to this requirement.

- BCRC 12-626(C)(1): Environmental Features; New lots or parcels on sites in the forestry, agricultural/forestry, rural and other zoning districts where all urban services are not available, shall maintain an average width (as measured parallel to the shoreline) of at least two hundred feet (200') for all portions of the lot or parcel within one hundred feet (100') of the shoreline. The total depth of the lot (as measured from the shoreline to the opposite end of the lot or parcel) must be deep enough to allow development to meet applicable vegetation conservation and building setback requirements per subchapter 7.1 in this title.

BOCC Finding:

Lots 2-5 were already approved and not subject to review. The dimensions of these approved lots dictate the ratios of the modified lots.

- BCRC 12-633(A): Standards and Guidelines for All Conservation Subdivisions; Uses: all principal and accessory uses authorized in the applicable zoning districts shall be allowed in the conservation subdivision. Uses not authorized by chapter 3 of this title will not be permitted in conservation subdivisions.

BOCC Finding:

No part of the proposal modifies the findings in the original decision in relation to this requirement.

- BCRC 12-633(B): Standards and Guidelines for All Conservation Subdivisions; Development Standards: Development standards in chapter 4 of this title for the applicable zoning district shall apply to all lots in a conservation subdivision, except where otherwise noted in this chapter.

BOCC Finding:

No part of the proposal modifies the findings in the original decision in relation to this requirement.

- BCRC 12-633(C): Standards and Guidelines for All Conservation Subdivisions; Design Standards: Conservation subdivisions are subject to subchapter 6.2 of this title, design standards, except where otherwise noted.

BOCC Finding:

No part of the proposal modifies the findings in the original decision in relation to this requirement.

- BCRC 12-633(D)(3): Standards and Guidelines for All Conservation Subdivisions; Lots may be smaller than the minimum sizes in subsections D1 [2.5 acres] and D2 [1 acre] of this section, provided water and sewage disposal provisions are provided within common areas via utility easements.

BOCC Finding:

No part of the proposal modifies the findings in the original decision in relation to this requirement.

- BCRC 12-633(E): Standards and Guidelines for All Conservation Subdivisions; Suitable Land: Cluster lots are encouraged to be located on land most suitable for residential development.

BOCC Finding:

No part of the proposal modifies the findings in the original decision in relation to this requirement.

- BCRC 12-633(F): Standards and Guidelines for All Conservation Subdivisions; Further Subdivision of Cluster Lots: Cluster lots in a conservation subdivision may not be further subdivided except where in compliance with this title. However, notes on the final plat approved by the board may include other restrictions on future subdivision of the lots.

BOCC Finding:

No part of the proposal modifies the findings in the original decision in relation to this requirement.

- BCRC 12-633(G): Standards and Guidelines for All Conservation Subdivisions; Wells. Sewage Disposal Facilities Within Common Open Space: Individual and/or common wells and sewage disposal facilities may be provided within designated common open space areas to allow for maximum efficiency of cluster lot design and minimize potential negative impacts to the environment. Applicable easements for the facilities shall be shown on the final plat.

BOCC Finding:

No part of the proposal modifies the findings in the original decision in relation to this requirement.

- BCRC 12-633(H): Standards and Guidelines for All Conservation Subdivisions; Preservation of Common Open Space: Common open space shall be preserved as permanent open space, except where otherwise noted in this title, and subject to standards BCRC 12-633(H)(1-3).

BOCC Finding:

No part of the proposal modifies the findings in the original decision in relation to this requirement.

- BCRC 12-633(K)(1): Standards and Guidelines for All Conservation Subdivisions; Buffering, Clustering: Clustered lots shall be accessed by interior road systems. To the maximum extent possible, cluster lots shall be located so that common open space provides a buffer between the cluster lots and adjacent properties and/or right of way. When this is not possible, the development shall be designed to provide at a minimum one of the following:

(1) Cluster lots that abut surrounding properties or right of way shall be at least seventy five percent (75%) of the minimum lot size standard for the subject parcel.

BOCC Finding:

A road system was approved under the previous decision.

The proposed road plan is substantially similar to the plan originally proposed.

- BCRC 12-636(A): Standards for Conservation Subdivisions in Suburban, Recreation and Alpine Village Districts; Minimum Lot Size: *There is no minimum lot size for cluster lots, provided the subdivision meets the density requirements specified in this title. However, cluster lots shall be sized sufficiently to meet applicable setbacks and other requirements in this title, unless otherwise noted herein.*

BOCC Finding:

Lots 2-5 were already approved and not subject to review. The dimensions of these approved lots dictate the ratios of the modified lots.

- BCRC 12-636(C): Standards for Conservation Subdivisions in Suburban, Recreation and Alpine Village Districts; Reduction in Setbacks: *Front, side and/or rear yard setbacks may be reduced to accomplish design objectives for the development, provided other applicable standards in this title are met.*

BOCC Finding:

No part of the proposal modifies the findings in the original decision in relation to this requirement.

- BCRC 12-636(D): Standards for Conservation Subdivisions in Suburban, Recreation and Alpine Village Districts; Multiple Dwelling Units: *Multiple dwelling units may be included on individual lots, provided the subdivision meets applicable density requirements and other requirements in this title.*

BOCC Finding:

No part of the proposal modifies the findings in the original decision in relation to this requirement.

- BCRC 12-636(E): Standards for Conservation Subdivisions in Suburban, Recreation and Alpine Village Districts; Common Open Space: Applicants are encouraged to set aside at least twenty percent (20%) of the land as common open space, or recreational facilities for the residents and other requirements in this title.

BOCC Finding:

Open space and common areas have been enlarged by 0.51 acres. The open space requirement was set by the previous decision and is not subject to re-review.

- BCRC 12-256(G): Design Standards for Planned Unit Developments; Design Standards – The PUD will include the following variations from design standards of Title 12.
 - BCRC 12-333, note 33: - Maximum square footage for ministorage, boat storage, and rental warehouse facilities on a single lot or parcel shall be 10,000 square feet for the rural service center and recreation district required.

BOCC Finding:

No part of the proposal modifies the findings in the original decision in relation to this requirement.

- BCRC 12-412: 2 acre lot size minimum when served by "urban water."

BOCC Finding:

No part of the proposal modifies the findings in the original decision in relation to this requirement.

- BCRC 12-412, note 4: *Minimum lot size where "urban water" is available shall be 2 acres but, clustering lots via a conservation subdivision is encouraged to allow for the opportunity to develop at greater density if and when urban services become available.*

BOCC Finding:

Lots 2-5 were already approved and not subject to review.

- BCRC 12-412: Lot coverage requiring 35%

BOCC Finding:

No part of the proposal modifies the findings in the original decision in relation to this requirement.

- BCRC 12-412: *Minimum rear yard setback required is 5'.*

BOCC Finding:

No part of the proposal modifies the findings in the original decision in relation to this requirement.

- BCRC 12-432, note 5: *Minimum off-street parking requirements for community docks and marinas is 0.5 space/boat slip of which 25 percent of parking spaces arranged as tandem spaces not less than 10' by 40' is required.*

BOCC Finding:

No part of the proposal modifies the findings in the original decision in relation to this requirement.

- BCRC 12-432, note 3: *Minimum off-street parking requirements for assembly buildings is 1 space per 100 gross square feet of floor area within 500' of principal use required.*

BOCC Finding:

No part of the proposal modifies the findings in the original decision in relation to this requirement.

- BCRC 12-621: *All lots that are 100' or less in width shall be designed so that the angle of intersection of the side lot lines with the fronting road is between 85 degrees and 95 degrees for a distance of not less than 50' from the point of intersection.*

BOCC Finding:

No part of the proposal modifies the findings in the original decision in relation to this requirement.

- BCRC 12-624(B): *Road networks shall be designed and constructed to private road standards set forth in appendix A of this title, except as otherwise noted herein. Road networks shall be designed to provide for a continuous transportation system to adjacent properties, where topographical conditions warrant.*

BOCC Finding:

No part of the proposal modifies the findings in the original decision in relation to this requirement.

- BCRC 12-624(D): *All proposed lots less than five (5) acres gross shall have direct frontage on, and direct access to, a public right of way. Cluster lots less than five (5) acres gross in a conservation subdivision within the rural, agricultural/forestry and forestry districts are exempt from this requirement. Right of way offered for dedication in any zoning district shall be developed with a road constructed to the standards set forth in title 2 of this code. Such road may be maintained privately or by a public highway agency. Exceptions to the direct frontage and access requirements to allow for private frontage or interior roads may be granted in the commercial, industrial, or rural service center districts provided such access meets the applicable private road standards of this title.*

BOCC Finding:

The proposed road plan is substantially similar to the plan originally proposed.

- BCRC 12-713: *Maximum "impervious surface" allowed within the "shore land" areas shall be 35%.*

BOCC Finding:

No part of the proposal modifies the findings in the original decision in relation to this requirement.

- BCRC 12-733(B): *40' setback to wetlands required.*

BOCC Finding:

No part of the proposal modifies the findings in the original decision in relation to this requirement.

- BCRC 12-4.5, et seq.: *Design Standards;*

BOCC Finding:

No part of the proposal modifies the findings in the original decision in relation to this requirement.

- BCRC 12-4.6, et seq.: *Landscaping and Screening Standards;*

BOCC Finding:

No part of the proposal modifies the findings in the original decision in relation to this requirement.

- BCRC 12-486(B-I): Standards for Rental Warehouses, Ministorage, Boat Storage;

BOCC Finding:

No part of the proposal modifies the findings in the original decision in relation to this requirement.

- BCRC 12-623(B): Services and Utilities; Lots to be served by a new public drinking water system: Division of environmental quality written approval of an engineering report prepared by an Idaho licensed professional engineer demonstrating that an adequate water supply is available to meet the estimated demand for water from the lots in the proposed subdivision.

BOCC Finding:

Water and sewer systems are already approved under the previous decision.

- BCRC 12-624(A): Roads and Access; All new roads created for subdivisions shall be designated by unique road names, unless such roads are determined to be and are designed to be extensions of existing roads.

BOCC Finding:

No part of the proposal modifies the findings in the original decision in relation to this requirement.

Comprehensive Plan Analysis:

Per BCRC 12-266.D, the standards in this review are required to be consistent with the original standards in the original CUP decision and may only review the modified portions of the proposal. This is not a re-review of the entire previous application. The following review is consistent with these requirements:

- Property Rights: *The issue of property rights is a "two-way street" and the property rights of the applicant, adjoining landowners and future generations shall be considered, as well as the short-term consequences of decisions.*

BOCC Finding:

No part of the proposal modifies the findings in the original decision in relation to this requirement.

- Population: *Multi-generational, multi-economic diversity shall be encouraged within Bonner County.*

BOCC Finding:

The modification will result in one new lot and two new home sites relative to the original decision. Accordingly, the proposed modification could add to the county's population.

- School Facilities & Transportation: *Full consideration shall be given to the county's ability to provide quality education to the current and future students of Bonner County.*

BOCC Finding:

There is no evidence in the record to indicate how this proposal modifies the findings in the original decision in relation to this requirement.

- Economic Development: *Bonner County shall encourage economic diversity for the financial health of the community and maintenance of its rural atmosphere.*

BOCC Finding:

There is no evidence in the record to indicate how this proposal modifies the findings in the original decision in relation to this requirement.

- Land Use: *Bonner County intends to balance and integrate its land use policies and proposed land use map with components of the comprehensive plan to encourage the community to grow while retaining its rural character and protecting its unique natural resources.*

BOCC Finding:

Lots remain clustered in accord with the previous decision. The proposed project design is substantially similar to the previous approval. The applicant has presented a proposal that meets the current required density for the zoning of the site. The vast majority of the approved site plan is not subject to reconsideration under this modification proposal. This modification appears to reduce and mitigate impacts relative to the original proposal (e.g. restoring of stream outflow, retention of islands, reduction of boat slips). The modification will result in one new lot and two new home sites relative to the original decision.

- Natural Resources: *Bonner County places a high value on its natural resources and amenities and desires to protect these features that make the county a unique place to live, work and play. The county recognizes that natural resources, such as pure water, clean air and diverse wildlife, are important to preserve and once lost, they may not be recovered. Bonner County will strive to manage its natural resources to attain the greatest long term public benefit.*

BOCC Finding:

Lots remain clustered in accord with the previous decision. The proposed project design is substantially similar to the previous approval. The applicant has presented a proposal that meets the current required density for the zoning of the site. The vast majority of the approved site plan is not subject to reconsideration under this modification proposal. This modification appears to reduce and mitigate impacts relative to the original proposal (e.g. restoring of stream outflow, retention of islands, reduction of boat slips). The modification will result in one new lot and two new home sites relative to the original decision.

- Hazardous Areas: *Bonner County desires to protect its community from the loss of lives and property and to reduce public and private financial losses due to flood, fire, mass wasting, avalanches and excessive slopes by setting standards for development within hazard areas and discouraging development in high hazard areas.*

BOCC Finding:

All development that falls within the Special Flood Hazard Area (SFHA) will be required to comply with Bonner County flood code and applicable portions of CFR Title 44.

- Public Services, Facilities & Utilities: *Future development shall provide adequate services and should not adversely impact the services or utilities of present-day users.*

BOCC Finding:

Water and sewer systems have already been approved under the previous decision. Updated versions of the water and sewer plan must be approved by the Bonner County engineer prior to permit issuance.

- Transportation: *Bonner County intends to provide a transportation system that is safe, uncongested, and well maintained.*

BOCC Finding:

A road system was approved under the previous decision. An updated roads plan has been submitted and must be approved by the Bonner County engineer prior to issuance of an approval. Updated version of the road plan must be approved by the Bonner County engineer prior to permit issuance.

- Recreation: *Public and private recreational opportunities are recognized as a major county asset to be protected and encouraged.*

BOCC Finding:

There is no evidence in the record to indicate how this proposal modifies the findings in the original decision in relation to this requirement.

- Special Areas/Sites: *Bonner County will attempt to protect special archeological and historical sites and unique visual and ecological features of the region.*

BOCC Finding:

This modification appears to reduce and mitigate impacts relative to the original proposal (e.g. restoring of stream outflow, retention of islands, reduction of boat slips)

- Housing: *Bonner County recognizes diverse housing needs are to be addressed to provide adequate shelter for all, regardless of age, income or physical abilities.*

BOCC Finding:

The modification will result in one new lot and two new home sites relative to the original decision. Accordingly, the proposed modification could add to the county's housing stock

- Community Design: *Bonner County's goal is to maintain a variety of lifestyles and a rural character in the future development of Bonner County.*

BOCC Finding:

Lots remain clustered in accord with the previous decision. The proposed project design is substantially similar to the previous approval. The applicant has presented a proposal that meets the current required density for the zoning of the site. The vast majority of the approved site plan is not subject to reconsideration under this modification proposal. This modification appears to reduce and mitigate impacts relative to the original proposal (e.g. restoring of stream outflow, retention of islands, reduction of boat slips). The modification will result in one new lot and two new home sites relative to the original decision

Conflicting Evidence in the Record:

None.