## **BONNER COUNTY PLANNING DEPARTMENT BOARD OF COUNTY COMMISSIONERS STAFF REPORT FOR August 28, 2024**



Project Name:	Riser Creek Marina, Zone Change	
File Number, Type:	ZC0004-24, Zone Change	
Request:	The applicant is requesting a zone change from Rural 5/Recreation to Recreation on one parcel.	
Legal Description:	1-56N-1E TAX 35 S OF CREEK TAX 98 & 114	
Location:	99 Mariner Way, Hope, Idaho	
Parcel Number(s):	RP56N01E018001A	
Parcel Size:	Approximately 0.48-acres	
Applicant:	Smith Living Trust	
Project Representative:	Jon King	
Application filed:	April 30, 2024	
Notice provided:	Mail: July 31, 2024 Site Posting: August 05, 2024 Published in newspaper: July 31, 2024	
Enclosure:	Annex A – Complete List of Agencies Routed	

## SITE PLAN



## Project summary:

The applicants are requesting a zone change from Rural 5 / Recreation to Recreation on one (1) parcel approximately 0.48-acres. The project is located off Mariner Way and

Highway 200 in Section 01 Township 56 North, Range 01 East, Boise-Meridian. The comprehensive plan designation is Resort Community.

#### Applicable laws:

The following sections of BCRC, Title 12, apply to this project:

- BCRC 12-210 et seq, Title Amendments, Comprehensive Plan Amendments and Zone Changes
- BCRC 12-111: Purpose et seq, health, safety, and general welfare
- BCRC 12-320.1 Zoning districts and map designation, purpose
- BCRC 12-320.2 Zoning districts and map designations established
- BCRC 12-323 Rural District
- BCRC 12-328 Recreation District
- BCRC 12-800 et seq., Definitions

#### **Background:**

#### A. Site data:

- Use: Residential/Commercial Marina
- Unplatted
- Size: Approximately 0.48-acres
- Zone: split zoned Rural-5 & Recreation
- Land Use: Resort Community

#### **B. Access:**

• The parcel is accessed from Mariner Way, a privately owned and maintained road, and Highway 200, a State of Idaho owned and maintained public right-of-way.

#### C. Environmental factors:

- Site does contain mapped slopes of 0-30+%. (USGS)
- Site does contain mapped wetlands. (USFWS)
- Site does have frontage to Lake Pend Oreille and Riser Creek (NHD)
- Parcel RP56N01E018001A is within SFHA Zone AE per FIRM Panel Number 16017C1000E, Effective Date 11/18/2009. SEE FLOODPLAIN MANAGER COMMENT FOR FULL FLOODPLAIN ANALYSIS.
- •
- Two Soil Types:
  - Description: Colburn very fine sandy loam, 0 to 4 percent slopes
    - i. Type: Consociation
    - ii. Drainage Class: Somewhat Poorly Drained
    - iii. All Areas are Prime Farmland
  - Description: Bonner silt loam, cool, 0 to 4 percent slopes
    - i. Type: Consociation
    - ii. Drainage: Well Drained
    - iii. Classification: All Areas are Prime Farmland

#### **D. Services:**

- Water: Individual well
- Sewage: Bio-Clear Sewer System
- Fire: Sam Owen Fire District
- Power: Avista Utilities

• School District: Lake Pend Oreille School District #84

Compass	Comp Plan	Zoning	Current Land Use & Density
Site	Resort Community	Rural-5/Recreation	Residential/Commercial -0.48- acres
North	Resort Community	Rural-5/Lake Pend Oreille	Residential-2.58-acres/Lake Pend Oreille
East	Resort Community	Rural-5	BNSF Railway/Residential-7.00 acres
South	Resort Community	Commercial & Recreation/ Rural Service Center	Commercial-6.068- acres/Commercial – 1.15-acres
West	Lake Pend Oreille	Lake Pend Oreille	Lake Pend Oreille

## E. Comprehensive Plan, Zoning and Current Land Use

## F. Standards for review: Bonner County Revised Code

- **12-111:** PURPOSE
  - The zoning regulations and districts for the unincorporated areas of Bonner County, as herein established, have been made in accordance with a comprehensive plan and Idaho Code for the purpose of promoting the health, safety and general welfare of the people of Bonner County.
- **12-215**: Applications for Zone Changes and Comprehensive Plan Map Amendments, Contents
  - The application was considered complete and routed to agencies accordingly.
- **12-216**: Evaluation of Amendment Proposals
  - Staff and the governing bodies shall review the particular facts and circumstances of each proposal submitted and shall determine whether there is adequate evidence that the proposal is in accordance with the general and specific objectives of the comprehensive plan. (Ord. 501, 11-18-2008)
- **12-320.1:** Zoning Districts and Map Designation, Purpose:
  - The purpose statements for each zone and map designation set forth in the following sections shall be used to guide the application of the zones and designations to all lands in unincorporated Bonner County. The purpose statements also shall guide interpretation and application of land use regulations within the zones and designations, and any changes to the range of permitted uses within each zone through amendments to this title. (Ord. 501, 11-18-2008)
- **12-320.2:** Zoning Districts and Map Designations Established:
  - In accordance with the provisions of Idaho Code and the objectives set forth in this code, all land in the unincorporated areas of Bonner County is hereby classified according to the following zoning designations and zoning map symbols, which shall be applied as shown on the official zoning district map.

## **EXISTING COMPREHENSIVE PLAN DESIGNATION:**

#### **Resort Community:**

The Resort Community provides for urban-like densities for areas centered around the recreational areas developed for winter and water sports, golf and hiking, where urban services are provided.

#### **Comprehensive Plan Analysis:**

#### **Property Rights**

#### Goal:

1. Protect property rights and enhance property values through conscientious land use planning that complies with state law relevant to all county land use actions.

#### **Objective:**

- 1. Private property should not be taken for public uses without just compensation or due process of law.
- 2. Impacts to other properties should be taken into account when considering land use proposals, policies and codes.

**Staff:** The application was routed to neighbors 300' from the property line, informing neighbors of the proposed zone change. At the time of this staff report, Bonner County has received any public comments. This proposal appears to be aligned with objectives 1 and 2 as no impacts through this zone change have been brought forward from neighbors or agencies.

#### Population

#### Goal:

1. Ensure that the impact of demographic changes including generational issues and economic diversity are identified and considered during planning activities and decisions

#### **Objective:**

1. Maintain current and projected county population estimates and utilize this information when making land use decisions.

**Staff:** Bonner County, according to 2022 population estimates census data, has seen a 9.1% increase in population since the 2020 census was performed; increasing from 47,105 to an estimated 51,414. With the increase in the population, there is upward pressure on housing needs in Bonner County, both in the unincorporated portion of the County, and in the incorporated cities. This proposal does not include any plans to address the housing or residential needs of Bonner County.

#### **School Facilities & Transportation**

#### Goal:

1. Preserve the county's commitment to and ability to provide quality education to the current and future students of Bonner County.

#### **Objective:**

- 1. Ensure that the proposed developments and county land use decisions do not adversely impact the local school districts and their ability to provide adequate school facilities and transportation systems.
- 2. The county should encourage school districts to proactively review development applications to determine particular school needs and concerns.
- 3. Bonner County roads, trails and bicycle paths should be designed and maintained to allow safe passage of students to schools.
- 4. Long-term consequences of land use proposals should be considered, including the adequacy of existing facilities and the siting of future schools.

**Staff:** The Lake Pend Oreille School District #84 and Lake Pend Oreille School Transportation that serves the property were notified of the proposed zone change. Lake Pend Oreille School District did not comment as to how an increase in density and development would or would not adversely impact the district's ability to provide adequate school services (and facilities) for new and existing students. The Transportation department did not provide a comment.

#### **Economic Development**

#### Goal:

1. Support and encourage economic development.

#### **Objective**:

- 1. Support small businesses such as markets, restaurants, recreational activities, campgrounds, and marinas that provide services which support resort residents and visitors in their local communities.
- 2. Enable development of small-scale cottage industries and home-based occupations while protecting the surrounding areas from adverse impacts.
- 3. Policies regarding economic development activities should seek to mitigate the impacts of such factors as noise, light glare, odors, fumes and vibrations on the surrounding community.
- 4. Support local economic development by increasing support for outdoor recreation in Bonner County. Encourage and protect public access to public lands and water, campgrounds, and recreational areas.
- 5. Support local businesses by enabling development of workforce housing in proximity to commercial, industrial and agricultural uses.

**Staff:** The property is accessed by suitable transportation system, State Hwy 200. Per the applicant, the proposed zone change is intended to better align zoning with the use of the marina on the property. There has been no plans provided to the Planning Department that would increase the allowable residential density on the property.

Further, the proposed zone change from Rural-5/Recreation to Recreation brings the split zoned parcel further into compliance and is consistent with other zoning districts and uses in the area and on the property.

## Land Use

#### Goal:

1. Bonner County intends to balance and integrate its land use policies and proposed land use map with the components of the comprehensive plan to enable the community to grow while retaining its rural character and protecting its unique natural resources.

#### **Objective:**

- 1. Bonner County should develop and maintain a future land use map and land use codes that acknowledge and protect its agricultural, timber and mining lands, protects the water and wildlife resources, identifies and avoids hazard areas, provides areas for economic growth, encourages affordable housing and centers growth in areas where adequate public and private services can be provided.
- 2. Encourage clustered development for medium and large scale commercial and industrial uses.
- 3. Commercial and industrial uses should be located and operated in a manner to ensure the protection of our natural resources including clean air and water, dark skies, and overall environmental quality and rural character of Bonner County.

**Staff:** The proposed zone change from Rural-5/Recreation is compatible with surrounding land uses. Additionally, the property will not adversely impact natural resources as Bonner County Code requires that setbacks be met to all mapped wetlands, streams or other environments features that might be found on the property. In addition, the comprehensive land use designation is Resort Community, which supports the Recreation zoning district. See zoning district comparison and analysis below.

#### Natural Resources

#### Goal:

- 1. Protect, enhance and maintain the County's natural resources such as air, water, forest, minerals, plants and wildlife for long-term benefits to the public.
- 2. Acknowledge and consider agency comments regarding natural resources.

#### **Objective:**

1. Bonner County's system of lakes and waterways is one of its greatest assets, and Bonner County should strive to preserve both the quality and quantity of its water resources.

- 2. Bonner County values its productive agricultural lands and forests, mining lands, its fisheries, wildlife, wetlands and aquifer recharge areas and should provide measures to protect and maintain these natural features.
- 3. Bonner County should protect its water resources by requiring adequate sewer treatment systems based on soil, density, and intensity of use to reduce impacts to water resources.

**Staff:** Impacts to natural resources were not identified by any agency. Agricultural uses exist on the land and anticipated to be maintained. The Resort Community land use designation encourages recreational uses and residential development. Both are protected and maintained with this proposal.

#### Hazardous Areas

#### Goal:

- 1. Bonner County's system of lakes and waterways is one of its greatest assets, and Bonner County should strive to preserve both the quality and quantity of its water resources.
- 2. Bonner County values its productive agricultural lands and forests, mining lands, its fisheries, wildlife, wetlands and aquifer recharge areas and should provide measures to protect and maintain these natural features.
- 3. Bonner County should protect its water resources by requiring adequate sewer treatment systems based on soil, density, and intensity of use to reduce impacts to water resources.

#### **Objective:**

- 1. Bonner County intends to regulate the location and density of new development in floodplain to reduce the potential for the loss of lives and property within flood hazard areas.
- 2. Future development should be designed to reduce exposure to wildland fire and to provide for emergency and escape routes for residents.
- 3. Development within areas of excessive slopes, unstable areas and avalanche zones should be discouraged.

**Staff:** The subject property is located in FEMA Special Flood Hazard Area (SFHA) AE. The Bonner County Floodplain Manager, Jason Johnson, has indicated that all development on the property will be required to be permitted under a Floodplain Development Permit (FDP). Additionally, Mr. Johnson has recommended that there be no further development to increase density within the SFHA, as there is a potential to create more lots with the given size of the property. The applicants have not indicated any plans to subdivide the property or increase the density of the property other than what is allowed. Potential damage to property or people due to soil erosion or avalanches is minimal. Furthermore, the property is provided with emergency services.

## **Public Services, Facilities & Utilities**

#### Goal:

- 1. Future development approvals should require adequate services and should not adversely impact the services or utilities of the utility provider.
- 2. Require adequate public services, facilities, and utilities in future development approvals.

#### **Objective:**

- 1. New development should be adequately served by fire protection, roads, sewer, schools, law enforcement, ambulance, power and emergency services, water and other public or private services.
- 2. Require the developers to provide infrastructure, utilities or financial support to offset the capital costs of expansion of services, required by the proposed development.
- 3. Bonner County shall require adequate provisions for future utility services in areas of commercial, industrial, residential or other similar uses.

**Staff:** Any future development to this parcel should not affect service as currently there is a well and sewer service. The parcel has services, including electricity provided by Northern Lights, Inc., Bonner County EMS & Sheriff, and Sam Owen Fire District. Any expansions to these services or others, the applicant will need to obtain proper permitting through the appropriate agencies that govern these services.

#### Transportation

#### Goal:

1. Provide a transportation system that is safe, uncongested, and well maintained.

#### **Objective:**

- 1. Future development should not adversely impact the existing transportation system by reducing the quality or level of service or creating hazards or congestion.
- 2. Roads within new development should be built to county standards and at the expense of the developer.
- 3. Roads within new development should provide adequate access for fire and emergency vehicles as well as routes of escape.
- 4. Future access roads should be designed and built to integrate with the state and county system of roads without overburdening the transportation system.
- 5. To reduce transportation costs, road building and environmental impacts, cluster development should be encouraged.

- 6. Bonner County intends for certain intense land use developments to provide paved roads.
- 7. Bike ways and pedestrian paths should be considered in development plans to provide an integrated community transportation system wherever possible.
- 8. To communicate and work cooperatively with other jurisdictions within the county to ensure the best possible flow of traffic county-wide.

**Staff:** The applicant's properties are currently within a network of public and private roads; Mariner Way, a privately owned and maintained road, and Highway 200, a State of Idaho owned and maintained public right-of-way. A zone change is not development by definition.

## Recreation

#### Goal:

1. Protect and encourage public and private recreational opportunities as an important asset that supports a key segment of the County's economy.

#### **Objective:**

1. Ensure public legal recreational accesses and amenities are not obstructed or adversely impacted by future development.

**Staff:** Current recreational opportunities for the general public that are available in Bonner County are anticipated to remain the same with this zone change. The applicant, owner of the Riser Creek Marina, has an issued Conditional Use Permit, C925-09 for a Marina. Per the applicant, this zone change is to bring the parcel into compliance by having the entirety of the parcel zoned Recreation, where marinas are conditionally allowed, to expand the marina use.

#### **Special Areas or Sites**

#### Goal:

1. To protect, preserve and maintain special areas and sites both natural and manmade in relation to land use.

#### **Objective:**

1. Future developments should not adversely affect or destroy culturally or ecologically sensitive sites.

**Staff:** This goal appears unaffected by this application.

#### Housing

#### Goal/ Objective:

1. Provide an environment that enables opportunities for diverse housing needs.

**Staff:** This goal appears to be unaffected by this application. The density allowance on this parcel will not change as a result of the zone change.

#### Community Design

#### Goal:

1. To enable a variety of lifestyles while maintaining the rural character in the future development of Bonner County.

#### **Objective:**

- 1. New development should be located in areas with similar densities and compatible uses.
- 2. The adverse impacts of new development on adjacent areas should be minimized.
- 3. Consider the protection of natural resources, rural features and surrounding uses of the community in the design and location of new development.

**Staff:** This request is not for development; however, the proposal is in keeping of the Resort Community designation for maintaining recreational opportunities while also allowing for residential uses. The area has several parcels in proximity to this proposal that either meet or could meet the Recreation zoning designation. The community design appears to be maintained with the surrounding area.

#### Agriculture

#### Goals/Objectives:

- 1. Protect the rural character and agricultural heritage of Bonner County by retaining large- and small-scale commercial agriculture and hobby farms as viable uses.
- 2. Support the local economy by encouraging production, distribution, and retail sales of locally grown food and other agricultural products.
- 3. Develop policies to discourage fragmentation of very large productive agricultural lands.

**Staff:** This goal appears to be unaffected by this proposal.

#### G. Agency Review:

A full list of the agencies and taxing districts routed for comment can be found in attached Annex A.

#### The following agencies provided comment:

Bonner County Floodplain Manager, Idaho Transportation Department

#### The following agencies replied "No Comment":

Kootenai-Ponderay Sewer District, TC Energy, Idaho Department of Environmental Quality, Panhandle Health District

## All other agencies did not reply.

#### **Public Notice & Comments**

Public comments were received at the time that the staff report was written.

## **Existing Zoning:**



## BCRC 12-323 RURAL DISTRICT (B-2, Rural-5):

A. The rural district is established to allow low density residential uses that are compatible with rural pursuits. The purpose can be accomplished by:

1. Limiting residential densities and permitted uses to those that are compatible with rural character and nearby resource production districts and sites and can be adequately supported by rural service levels.

2. Allowing small scale farming and forestry activities, and tourism and recreation uses that can be supported by rural service levels and are compatible with rural character.

3. Encouraging conservation development configurations that create permanent open space or farming areas, protect sensitive environmental features, reduce infrastructure costs and/or enhance recreational opportunities.

B. Use of this zone is appropriate in areas designated by the comprehensive plan as follows:

2. R-5 in areas designated rural residential in the comprehensive plan that are already developed at or near the one dwelling unit per five (5) acre density and/or do not meet the criteria for R-10 above. (Ord. 501, 11-18-2008)

#### Proposed Zoning:

## **BCRC 12-328 RECREATION DISTRICT**

A. The recreation district is established to provide a wide range of recreational uses in areas where if access is by road rather than solely by waterways, the road shall be located within a recorded easement or public right of way, except where subject to the terms of an approved special use permit or a state or federal agency, adequate water and sewer services and fire services. Consideration shall also be given to access to potential public transportation systems. The recreation district is intended to provide for a range of housing types and uses that are accessory and complementary to recreational and residential uses. These purposes are accomplished by:

1. Allowing for a range of housing types provided adequate services are available.

2. Providing for commercial and private resorts which contain provisions for a range of recreational activities.

3. Excluding uses that are not compatible with the desired recreational character of the area.

4. Encouraging conservation development configurations that create permanent open space, protect sensitive environmental features, reduce infrastructure costs and/or enhance recreational opportunities.

5. Applying simple design standards that enhance the recreational opportunities and character of the area.

B. Use of this zone is appropriate in areas designated as transition, neighborhood commercial, urban growth area and resort community with the following conditions:

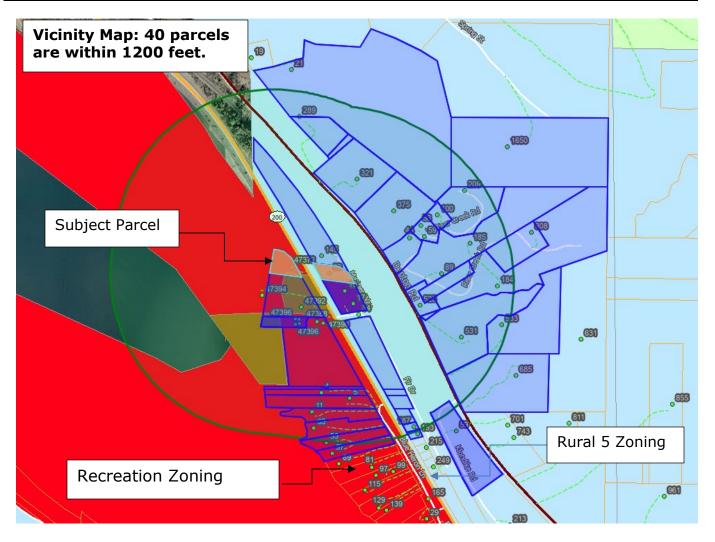
1. Land is physically suitable to accommodate a broad range of residential and recreational uses.

2. Sites are served by adequate sewage disposal service, water supply, roads and other needed public facilities and services. (Ord. 501, 11-18-2008)

## Staff Analysis:

Comparisons of the Rural-5 and Recreation for the parcel.

Rural-5 Standards	Recreation
<ul> <li>Developed at or near the one dwelling unit per five (5) acres and/or</li> <li>Does not meet the criteria for R-10</li> </ul>	<ul> <li>Comprehensive Plan Designation of Transition, Neighborhood Commercial, Urban Growth Area, or Resort Community.</li> <li>Land is physically suitable to accommodate a broad range of residential and recreational uses.</li> <li>Sites are served by adequate sewage disposal service, water supply, and roads and other needed public facilities and services.</li> </ul>

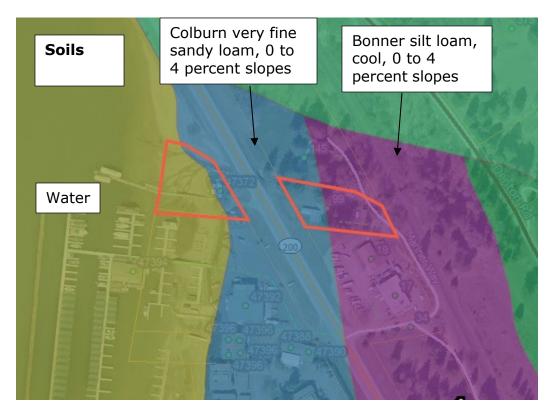


#### **Rural 5:**

#### Developed at or near the one dwelling unit per five (5) acres:

It appears most surrounding properties in the immediate area are developed at less than 5acres. According to Bonner County GIS there are 39 lots or parcels within 1200 of the subject property; only seven (7) of those lots or parcels are 5+ acres. It appears that rest of the surrounding properties are between 0.25-acres and 1.5-acres.

#### and/or



#### Does not meet the criteria for R-10:

The property is not characterized by steep slopes of 30+% or greater, it does not have identified critical wildlife habitat, it is not within a floodway, and it does have access to public services, and it does contain soils classified as "prime farmland", however, there are severe limitations that make farming or agriculture difficult. However, it does meet the "Served by a network of public/private road" criteria for Rural-10, although no information has been provided to the Planning Department whether Mariner Way meets or does not meet the criteria for private roads, set forth in Appendix A of Title 12.

#### **Recreation:**

# **Comprehensive Plan Designation of Transition, Neighborhood Commercial, Urban Growth Area, or Resort Community.**

This property has a comprehensive plan map designation of Resort Community. This designation is consistent with the area, as the parcels immediately adjoining the subject property share the same Land Use Designation.

# Land is physically suitable to accommodate a broad range of residential and recreational uses.

The property currently has an issued Conditional Use Permit, C925-09, for a marina. Additionally, there is an existing single-family dwelling on the eastern portion of the parcel. Per the applicant, they would like to expand the marina use to provide more recreational opportunities for the area, as well as add an Accessory Dwelling Unit attached to the single family dwelling. Additionally, BCRC 12-3.3 allows properties in the Recreation zone to pursue a variety of recreational residential opportunities.

## Sites are served by adequate sewage disposal service, water supply, and roads and other needed public facilities and services.

Per the applicant, the property is served by an individual well, and Bio-Clear Sewer System. The parcel is split by Highway 200; the access to the western portion of the parcel is directly from Highway 200, while the eastern portion of the property is accessed by Mariner Way, a private road, that is accessed from Highway 200. Additionally, the property is served by Avista Utilities, Bonner County EMS, Bonner County Sheriff, and Sam Owen Fire District.

Planner's Initials: <u>AF</u>

Date: August 19, 2024

Zoning Commission Recommendation: <u>APPROVE</u>

Date: July 18, 2024 Vote: 4-0

Note: The final decision rests with the governing body after the completion of the public hearing and consideration of all relevant oral and written testimony and evidence.

## Zone Change - Motion by the Governing Body:

## **BOARD OF COUNTY COMMISSIONERS**

**MOTION TO APPROVE**: I move to approve this project, FILE ZC0004-24, requesting a zone change from Rural-5/Recreation to Recreation, 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**:

Conclusion 1

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

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 Recreation zoning district, provided at Chapter 3, Title 12, Bonner County Revised Code.

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 findings of fact and conclusions of law as set forth in the Staff Report (or as amended during the 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. This action does not result in a taking of private property.

## Zone Change Findings of Fact

- 1. The parcel does contain some mapped slopes that range from 15-29% grade, and some slopes that are 30% or greater. The parcel is not characterized by slopes steeper than 30%.
- 2. The parcel is not within a critical wildlife habitat as identified by federal, state, or local agencies.
- 3. The parcel is accessed via a network of public and private roads Highway 200, a State of Idaho owned and maintained road and Mariner Way, a privately owned and maintained road.
- 4. The parcel is within FEMA Special Flood Hazard Area (SFHA) Zone AE.
- 5. The parcel is not in an area that is developed at or near the one dwelling unit per 5-acres.
- 6. The parcel has a Comprehensive Plan Land Use Designation of Resort Community.
- 7. The parcel is developed with a single-family dwelling and a marina, permitted under a Conditional Use Permit, C925-09.
- 8. According to the application, fire protection is provided by Sam Owen Fire District.
- 9. Power is provided by Avista Utilities.
- 10. The parcel has an individual well and service from Bio-Clear Sewer.
- 11. The parcel is served by Bonner County EMS and Bonner County Sheriff.
- 12. On July 18, 2024, the Bonner County Zoning Commission recommended approval of this file to the Board of County Commissioners, with a 4-0 vote.

#### Zone Change Ordinance Motion: Roll Call Vote

I move to approve an Ordinance of Bonner County, Idaho, the number to be assigned, citing its authority, and providing for the amendment of the Official Zoning Map of Bonner County by the classification of lands located in Section 01, Township 56 North, Range 1 East, Boise Meridian, Bonner County, Idaho to Recreation, and providing for an effective date.

## **BOARD OF COUNTY COMMISSIONERS**

**MOTION TO DENY**: I move to deny this project, FILE ZC0004-24, requesting a zone change from Rural-5/Recreation to Recreation, based upon the following **conclusions of law**:

Conclusion 1

The proposal **is/is not** in accord with the elements of the Bonner County Comprehensive Plan.

#### Conclusion 2

This proposal was reviewed for compliance with Title 12, Bonner County Revised Code, and **was/was not** found to be in compliance.

Conclusion 3

The proposal **is/is not** in accord with the purpose of the Rural 5 zoning district, provided at Chapter 3, Title 12, Bonner County Revised Code.

The 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 findings of fact and conclusions of law as set forth in the Staff Report as amended during the 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. This action does not result in a taking of private property. The action that could be taken, if any, to obtain the zone change is to:

- 1) File a new application with the Planning Department and meet the standards required by Bonner County Revised Code; or
- 2) Pursue such remedies as may be applicable at Title 67, Chapter 65, Idaho Code.

The complete file is available for review in the Planning Department, 1500 Highway 2, Suite #208, Sandpoint, ID. Staff reports are available online prior to the scheduled hearing at <a href="http://www.bonnercountyid.gov">www.bonnercountyid.gov</a> Bonner County Revised Code (BCRC) is available at the Planning Department or online.

## ANNEX A- Notice of Public Hearing Record of Mailing

## **RECORD OF MAILING**

#### Page 1 of 1 File No.: <u>ZC0004-24</u> Record of Mailing Approved By:

#### Hearing Date: August 28, 2024

I hereby certify that a true and correct copy of the "Notice of Public Hearing" was digitally transmitted or mailed (postage prepaid) on this **31st** day of **July 2024**.

## Jorone

#### Jenna Crone, Hearing Coordinator

Assessor - Email Bay Drive Recreation District - Email Bonner County Airport Manager - Email Bonner County EMS - Email Bonner County Road & Bridge - Email Bottle Bay Water & Sewer District - Email City of Dover - Email City of Hope - Email City of Oldtown - Email City of Priest River - Email City of Spirit Lake - Email Coolin-Cavanaugh Bay Fire District - Email East Bonner Library - Email Ellisport Bay Sewer - Email GEM STATE MINER - U.S. Mail Idaho Department of Environmental Quality (DEQ) - Email Idaho Department of Lands - CDA - U.S. Mail Idaho Department of Lands - Navigable Waters & Mining - Email Idaho Department of Water Resources - IDWR - Email Idaho Transportation Department- District I - Email Kalispel Bay Sewer & Water - U.S. Mail KPBX-FM 91 SPOKANE PUBLIC RADIO - U.S. Mail Laclede Water District - Email Lake Pend Oreille School District, #84 (Transportation) - Email Lakes Highway District - U.S. Mail North of the Narrows Fire District - Email Northside Fire District - Email Panhandle Health District - Email Priest Lake Public Library District - Email Sagle Valley Water & Sewer - Email Schweitzer Fire District - Email Selkirk Fire, Rescue & EMS - Email Southside Water & Sewer District - Email Spokesman-Review - U.S. Mail Swan Shores Sewer District - U.S. Mail Tamarack Village Water & Sewer - U.S. Mail Trestle Creek Sewer District - Email U.S. Fish & Wildlife Service - Email West Bonner County Cemetery District - Email West Bonner Library - Email West Pend Oreille Fire District - Email

Avista Utilities - Email Bayview Water & Sewer - Email BONNER COUNTY DAILY BEE - U.S. Mail Bonner County Floodplain Review - Email Bonner County Sheriff - Email City of Clark Fork - Email City of East Hope - Email City of Kootenai - Email City of Ponderay - Email City of Sandpoint - Email Coolin Sewer District - Email Drainage District #7 - Email East Priest Lake Fire District - Email Garfield Bay Water & Sewer District - Email Granite Reeder Water & Sewer District - Email Idaho Department of Fish & Game - Email Idaho Department of Lands - Coolin - Email Idaho Department of Lands - Sandpoint - Email Idaho Transportation Department (Aeronautics) - U.S. Mail Independent Highway District - Email Kootenai-Ponderay Sewer District - Email KSPT-KPND-KIBR RADIO - U.S. Mail Lake Pend Oreille School District, #84 (Admin Office) - Email Lakeland Joint School District, #272 - Email Little Blacktail Ranch Water Association - U.S. Mail Northern Lights, Inc. - Email Outlet Bay Sewer District - Email Pend Oreille Hospital District - Email Priest Lake Translator District - Email Sam Owen Fire District - Email SELKIRK ASSOCIATION OF REALTORS - U.S. Mail Selkirk Recreation District -Email Spirit Lake Fire District - Email State Historical Society - Email Syringa Heights Water Association - Email Timber Lake Fire District - Email U.S. Army Corps of Engineers - Email U.S. Forest Service - U.S. Mail West Bonner County School District, #83 - Email West Bonner Water & Sewer District - Email West Priest Lake Fire District - Email