

BONNER COUNTY PLANNING DEPARTMENT BOARD OF COUNTY COMMISSIONERS STAFF REPORT FOR MARCH 26, 2025



Project Name: Snowmass Enterprises LLC, Zone Change

File Number, Type: ZC0006-24, Zone Change

Request: The applicants are requesting a zone change from Rural 5 to Recreation

Legal Description: 21-57N-1E GOV LOT 1 NWNENW N & E OF HWY & RR LESS TAX NOS

Location: 42425 State Highway 200, Hope

Parcel Number(s): RP57N01E212431A

Parcel Size: Approx. 1.81-acres

Applicant: Snowmass Enterprises LLC

Project Representative: Dan Provolt, Provolt Land Surveying

Application filed: June 3, 2024

Noticing: Mail: March 11, 2025
Site Posting: March 12, 2025
Published in newspaper: March 11, 2025

Attachment: Appendix A – Notice of Public Hearing Record of Mailing

SITE PLAN

SITE PLAN "A"

SECTION 21, TOWNSHIP 57 NORTH, RANGE 1 EAST, BOISE MERIDIAN, BONNER COUNTY, IDAHO

17 16
20 21

BASIS OF BEARING

BASIS OF BEARING IS DEED INSTRUMENT NO. 908434,
RECORDS OF BONNER COUNTY, IDAHO

SURVEYOR'S NOTE

THIS SURVEY WAS PERFORMED USING REAL TIME KINEMATIC (RTK)
GLOBAL POSITIONING SYSTEM (GPS) EQUIPMENT. THE LINEAR ERROR OF
CLOSURE MEETS OR EXCEEDS REQUIREMENTS OF THE STATE OF IDAHO.

SURVEY REFERENCES

1. RECORD OF SURVEY INST. NO. 713277
2. RECORD OF SURVEY INST. NO. 894620
3. RECORD OF SURVEY INST. NO. 950650
4. RECORD OF SURVEY INST. NO. 913272
5. RECORD OF SURVEY INST. NO. 938740
6. RECORD OF SURVEY INST. NO. 850624

PURPOSE OF SURVEY/NARRATIVE

TO SHOW THE PROPOSED LAYOUT OF A STORAGE UNIT FACILITY. SUFFICIENT
SPACE IS PROVIDED FOR UTILITIES, SOLID WASTE STORAGE AND TRAVEL
THROUGH THE FACILITY.

LEGEND

- SET 5/8" X 24" REBAR WITH PLASTIC CAP, PLS 7679,
UNLESS OTHERWISE NOTED
- FOUND ALUMINUM CAP BY PLS 8655
- ▲ FOUND 1" IRON PIPE
- FOUND 5/8" REBAR, NO CAP
- ▼ FOUND 5/8" REBAR WITH PLASTIC CAP, PLS 5713

PRELIMINARY
COPY

LINE	BEARING	DISTANCE
L1	S73°59'42"E	73.15'
L2	S73°57'04"W	21.97'
L3	S69°25'55"W	29.75'
L4	S22°01'58"W	73.09'
L5	N22°01'37"E	23.09'
L6	S22°03'30"E	28.54'
L7	S41°05'10"E	50.67'

SURVEYOR'S CERTIFICATE

I, DAN I. PROVOLT, IDAHO LAND SURVEYOR NO. 7679,
DO HEREBY CERTIFY THAT THE PLAT HEREON IS A TRUE
AND CORRECT REPRESENTATION OF A SURVEY MADE BY ME
OR UNDER MY SUPERVISION IN CONFORMANCE WITH THE
LAWS OF THE STATE OF IDAHO (IDAHOCODE 31-2709, 1973)
AND ACCEPTED METHODS AND PROCEDURES OF SURVEYING.

SITE PLAN "A"

PROVOLT LAND SURVEYING, INC
P.O. BOX 580 PONDERAY, ID. 83852
(208) 290-1725

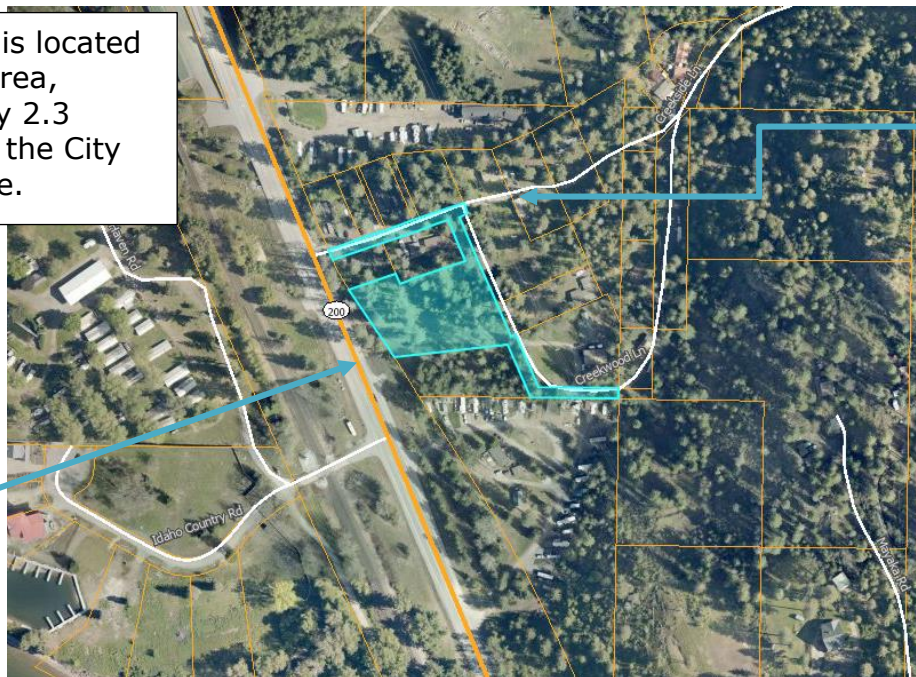
PROJ. NO. 27-24
SCALE 1"=50'
SHT. 1 OF 1



The property is located
in the Hope area,
approximately 2.3
miles west of the City
Limits of Hope.

Creekside Lane

Highway 200



Project summary:

The applicant is requesting a zone change from Rural 5 to Recreation. The 1.81-acre property is zoned Rural 5. The project site is located off Creekside Lane via Highway 200 in Section 21, Township 57 North, Range 1 East, Boise-Meridian.

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 12-263: Reconsideration
- 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:

- Unplatted
- Size: 1.81-acres.
- Zone: Rural 5
- Land Use: Rural Residential

B. Access:

- Creekside Lane is a privately owned and maintained road.
- Highway 200 is a State of Idaho-owned and maintained public right of way.

C. Environmental factors:

- The site does contain mapped slopes ranging from 0 and 29.9% grade. (USGS)
- The sites does not contain mapped wetlands. (USFWS)
- The site does not contain mapped waterbodies. (NHD)
- Parcel RP58N02W222400A is within SFHA Zone A, AE, and X, per FIRM Panel Number 16017C0775E , Effective Date 11/18/2009.

Soils:

- 1) Bonner silt loam, cool, 0 to 4 percent slopes
 - Type: Consociation
 - Classification: All areas are prime farmland
 - Drainage: Well drained
- 2) Treble-Rock outcrop, 20 to 65 percent slopes
 - Type: Association
 - Classification: Not prime farmland
 - Drainage: Well drained

D. Services

- Water: Individual Well
- Sewage: Individual Septic System
- Fire: Sam Owen Fire District
- Power: Avista Utilities
- School District: Lake Pend Oreille School District #84

E. Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Land Use & Density
Site	Rural Residential	Rural 5	Vacant- 1.81-acres
North	Rural Residential	Rural 5	Residential- 0.37-acres Residential- 0.24-acres
East	Rural Residential	Rural 5	Residential- 1.22-acres Residential- 0.42-acres
South	Rural Residential	Rural 5	Vacant- 0.55-acres RV Park- 4.78-acres
West	Resort Community	Rural 5	RV/Motor Home Park- 16.14-acres

F. Agency Review:

A comprehensive list of all agencies that were notified of this request is attached as Annex A.

The following agencies provided comment:

Idaho Transportation Department- see letter for details

Idaho Department of Environmental Quality- See letter for details

The following agencies replied "No Comment"

Panhandle Health District

Idaho Department of Environmental Quality

Idaho Department of Fish & Game

Kootenai-Ponderay Sewer District

All other agencies did not reply

As of the date of this staff report, public comments were received for this file.

Standards Review and Staff Analysis:

- **12-215:** Applications for Zone Changes and Comprehensive Plan Map Amendments, Contents

Staff: 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)

• 12-263: Reconsideration

- A. Reconsideration: Every applicant or affected person seeking judicial review of the Board's final decision must first file with the Board a motion for reconsideration of the Board's decision, specifying deficiencies in the decision within fourteen (14) days of the date of the decision, along with the applicable fee. A failure to seek reconsideration is also a failure to exhaust administrative remedies.
- B. Initial Decision: The Board may consider the reconsideration motion as scheduled on an open business meeting agenda and determine whether to grant or deny the request. If the Board grants reconsideration in whole or in part, a hearing before the Board will be scheduled to address the specific deficiencies identified by the applicant or affected person and to allow interested persons to have an opportunity to be heard. If the Board denies the request for reconsideration, it shall promptly notify the parties in writing.
- C. Public Notice On Hearing: Notice of the public hearing on the reconsideration, identifying the specific deficiencies alleged in the reconsideration request, will be provided as follows, including:
 - 1. Notice To Agencies And Political Subdivisions: At least fifteen (15) days prior to the public hearing, the Director shall send notice to all political subdivisions providing services with the planning jurisdiction, including school districts and the manager or person in charge of the local public airport.
 - 2. Legal Notice: At least fifteen (15) days prior to the public hearing, the Director shall publish a notice of the time and place in the official newspaper or paper of general circulation in the County.
 - 3. Radius Notice: Will be provided in the same manner as originally provided on the application.
- D. Decision: Following the hearing on the reconsideration, the Board may affirm, reverse or modify its prior decision and shall provide a written decision to the applicant and the affected person(s) within sixty (60) days of receipt of the request for reconsideration. If the Board fails to timely decide, the original decision of the Board will stand.

Staff: On January 22, 2025, the Board of County Commissioners held a duly noticed hearing in which they denied this project in a 2-1 vote. The written decision was given to the applicant and their representative on January 28, 2025. The appeal period for final decisions by the Board of County Commissioners is 14 days from the date of the written decision. On February 11, 2025, the applicant's representative filed a letter to request reconsideration of the Board's decision and paid the appropriate fees. The applicant has met all of the necessary requirements for this reconsideration. The Board of County Commissioners voted to reconsider this file on February 25, 2025.

The Planning Department provided public notice to agencies and taxing districts, neighbors within 300 feet of the property line, and to the Bonner County Daily Bee on March 11, 2025, meeting the minimum noticing requirements as set forth in this section. The Board is hearing this file within 60 days of the request being filed. All requirements for BCRC 12-263 have been met.

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. As of the date of this staff report, Bonner County Planning has received comments on how this zone change could have an impact on their property rights.

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 has received the results of the 2020 census. The data indicates the demand for housing and jobs will continue to trend upward in both the unincorporated and incorporated areas 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: Lake Pend Oreille School District #84 did not comment as to how a zone change

could affect the school system. Lake Pend Oreille School Transportation that serves the property was notified of the zone change and did not 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 proposed zone change could lead to economic growth in Bonner County. This proposal, while not a proposal for development, is a necessary step towards development. Any development on these properties could potentially bring new and diverse industries to this area, in addition to potentially bringing new jobs to local businesses. The applicant has indicated that they will be pursuing a Conditional Use Permit for mini-storage on this parcel.

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 appears to be keeping with the vision of this goal as this proposal is in an area that provides for a mixture of land uses, in an area that includes higher density residential uses, commercial uses, and recreational opportunities in an established recreational area.

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: The properties do not contain mapped water features, and do not contain critical wildlife habitats. Per the applicant, there will be no affect on natural resources. Furthermore, Bonner County Revised Code has requirements to ensure that natural resources are protected.

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 a mapped floodplain. Potential damage to property or people due to avalanches is unlikely due to the lack of slopes on the property, however, Bonner Silt Loam soil is prone to erosion, per the Bonner County Comprehensive Plan. Furthermore, the property is provided with emergency services from Bonner County EMS, Bonner County Sheriff, and Sam Owen Fire District.

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: This proposal is not for development. However, the proposal is currently developed with services including fire, police, EMS, and it is within the Lake Pend Oreille School District. There are currently no urban services serving the property, however, it is within the service area of Trestle Creek Sewer District. Any expansions to these services 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 property is currently within a network of public roads that are constructed and maintained by the Idaho Transportation Department, and a privately owned and maintained road. Any additional roads, trails, or paths may be subject to additional permitting from Bonner County or the State of Idaho.

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 public that are available in Bonner County are proposed to remain the same. This proposal does not appear to adversely affect the future development of any public or private recreation areas.

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 proposal.

Housing

Goal/ Objective:

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

Staff: Approval of this request could allow for the possibility to create additional housing in Bonner County, assuming the property is served by urban services and receives approval of the Comprehensive Plan Map Amendment, AM0004-24. However, the applicant has indicated plans to submit a Conditional Use Permit application for mini-storage.

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.

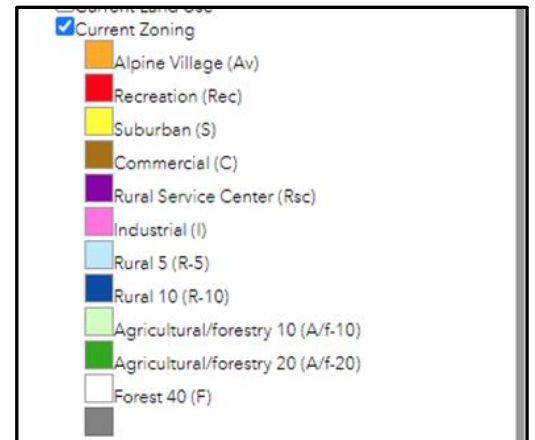
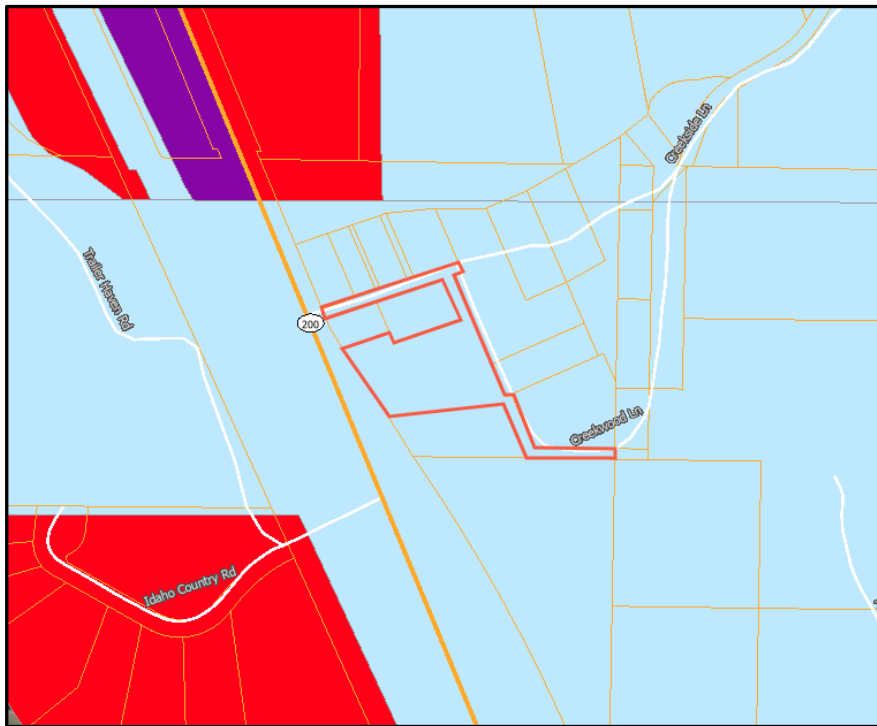
Staff: This request is not for development; however, the proposal appears to be keeping with the Recreation zoning designation. The area has several parcels in proximity to this proposal that either meet or could meet the Recreation designation.

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.

The proposal was reviewed against the implementation component of the comprehensive plan as found above.



Current Zoning Designation:

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 style="list-style-type: none">• Developed at or near the one dwelling unit per five (5) acres and/or• Does not meet the criteria for R-10	<ul style="list-style-type: none">• Comprehensive Plan Designation of Transition, Neighborhood Commercial, Urban Growth Area, or Resort Community.• Land is physically suitable to accommodate a broad range of residential and recreational uses.• Sites are served by adequate sewage disposal service, water supply, and roads and other needed public facilities and services.

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 5-acres. According to Bonner County GIS there are 72 lots or parcels within 1200 feet of the subject property; eleven (11) of those lots or parcels are 5+ acres. It appears that most of the surrounding properties are between .25-acres and 4.75-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, it is served by a network of public/private road criteria and it does contain soils classified as "prime farmland", however, there are severe limitations that make farming or agriculture difficult.

Recreation:

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

This property has a comprehensive plan map designation of Rural Residential. The applicants have applied for a comprehensive plan map amendment to change the land use designation of this parcel from Rural Residential to Resort Community; File Number AM0004-24. Resort Community appears to be consistent with some surrounding properties, however, the parcels directly adjoining this parcel have a land use designation of Rural Residential. The Bonner County Planning Commission heard File AM0004-24 on August 6, 2024 and recommended approval to the Board of County

Commissioners.

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

Per the application, the purpose of this application and File Number AM0004-24 is to pursue a Conditional Use Permit for mini-storage, which is conditionally permitted in the Recreation zoning district. Storage facilities can provide opportunities to accommodate and store recreational vehicles for both residents and tourists. Per BCRC 12-3.3, recreational and residential uses are either permitted or conditionally permitted within the Recreation zoning district. This parcel appears to provide an area where some of these uses may be feasible, however, no further plans other than the pursuit of establishing a mini-storage operation have been provided to the Planning Department.

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

Per the applicant, the property will be served by an individual well and individual septic system. The property is located within the Trestle Creek Sewer District, however, there has been no will-serve letter from the sewer district provided to the Planning Department. The property has access from Creekside Lane, a privately owned and maintained road and the parcel fronts Highway 200, a State of Idaho owned and maintained public right-of-way. It does not appear that this parcel has been granted an encroachment permit from Idaho Transportation Department. Per ITD, Creekside Lane does not have an encroachment permit and has requested that an encroachment permit be filed. 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: <u>March 19, 2025</u>
Zoning Commission Recommendation: <u>APPROVE</u>	
Date: <u>September 19, 2024</u>	Vote: <u>5-0</u>
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.	

BOARD OF COUNTY COMMISSIONERS

MOTION TO REVERSE: I move reverse the Board’s previous decision and approve this project, FILE ZC0006-24, requesting a zone change from Rural 5 to Recreation, on approximately 1.81 acres generally located in Sections 21, Township 57 North, Range 1 East, Boise Meridian, Bonner County, Idaho, 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 **is** found to be in compliance.

Conclusion 3

The proposal **is** in accord with the purpose of the Recreation zoning designation, provided at Chapter 3, Title 12, Bonner County Revised Code.

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 this 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.

MOTION TO UPHOLD: I move to uphold the Board's original decision and deny this project, FILE ZC0006-24, requesting a zone change from Rural 5 to Recreation, on approximately 1.81 acres generally located in Sections 21, Township 57 North, Range 1 East, Boise Meridian, Bonner County, Idaho, based upon the following conclusions:

Conclusion 1

The proposal **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 **is not** found to be in compliance.

Conclusion 3

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

This motion 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 this 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 actions that could be taken are:

- 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.

Zone Change Findings of Fact:

1. The parcel will be served by an individual well and septic system.
2. The parcel is located within the Trestle Creek Sewer District but has not shown proof of service or a will-serve letter.

3. The parcel is below the lot size minimum for the higher-density zones, at 1.81-acres with no urban services.
4. The parcel is located near existing public and private recreational areas such as resorts, boat launches, marinas, and restaurants.
5. Access to the parcel is currently part of a network of developed public right-of-way and a privately owned and maintained road. The parcel is accessed from Highway 200, a State of Idaho owned and maintained paved public right-of-way and Creekside Lane, a privately owned and maintained gravel road.
6. The proposal does not contain mapped streams or wetlands.
7. The proposal is not within a mapped critical wildlife habitat.
8. The proposal is located within FEMA SFHA Zone A, per Bonner County Floodplain Manager.
9. Electricity is provided by Avista Utilities.
10. The property is within the Sam Owen Fire District.
11. Law enforcement and emergency services are provided by Bonner County Sheriff's Department and Bonner County EMS.
12. The applicant has applied for a Comprehensive Plan Map Amendment from Rural Residential to Resort Community, File AM0004-24. On August 6, 2024, the Planning Commission recommended approval of file AM0004-24 to the Board of County Commissioners.
13. On September 19, 2024, the Zoning Commission Recommended approval of this file in a 5-0 vote.
14. On January 22, 2025, the Board of County Commissioners denied this file.
15. On February 25, 2025, the Board of County Commissioners voted to reconsider this file.

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 www.bonnercountyid.gov Bonner County Revised Code (BCRC) is available at the Planning Department or online.

APPENDIX A- Notice of Public Hearing Record of Mailing

RECORD OF MAILING

Page 1 of 1

File No.: Z C 0 0 0 6 - 2 4

Record of Mailing Approved By:



I hereby certify that a true and correct copy of the "Notice of Public Hearing" was digitally transmitted or mailed (postage prepaid) on this **11th** day of **March, 2025**.



Jessica Montgomery, 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

Department of Environmental Quality (DEQ) - Email

Department of Lands - CDA - U.S. Mail

Department of Lands - Navigable Waters & Mining - Email

Idaho Department of Water Resources - IDWR - Email

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

Pend Oreille School District, #84 (Transportation) - Email

Little Blacktail Ranch Water Association - U.S. Mail

Northern Lights, Inc. - 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

Idaho Department of Fish & Game - Email Idaho

Idaho Department of Lands - Coolin - Email Idaho

Idaho Department of Lands - Sandpoint - Email

Idaho Transportation Department (Aeronautics) - U.S. Mail Idaho

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 Lake

Lakeland Joint School District, #272 - Email

North of the Narrows Fire District - Email

Northland/Vyve Cable Television - 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