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**Bonner County
Planning Department**

**Provolt Land Surveying, Inc.
Dan Provolt, PLS**

April 25th 2025

Bonner County Board of Commissioners
Jake Gabell, Bonner County Planning Director
Alex Feyen, Bonner County Planner

Re: Reconsideration of Request of BOCC Denial of Files ZC0011-24

Dear Bonner County Board of Commissioners:

Applicant, Rich Ledrew, through their representative, Provolt Land Surveying, Inc. hereby submits the request for reconsideration of the Bonner County Board of Commissioners decision to deny at the April 9th, 2025 hearing. The official decision letter is dated April 14th, 2025. The deadline for this request is April 28th, 2025 by end of office hours as confirmed by the BC Planning Department.

This request for reconsideration is based on the following deficiencies in the BOCC determination to deny this file; The decision was 1) Arbitrary, Capricious and / or abuse of Discretion. 2) Not supported by substantial evidence on the record as a whole.

Arbitrary, Capricious and / or abuse of Discretion.

Bonner County Planning Department through a complete and thorough examination found the Zone Change request to be free of conflict in every element of the Comprehensive Plan Designations.

These findings were ignored by the Bonner County Commissioners Domke and Williams. These findings were upheld and agreed to by Commissioner Korn.

Bonner County Zoning Commission voted 4-0 in support that the proposal is in accord with the elements of the Bonner County Comprehensive Plan, Title 12 Revised Code and in accord with the purpose of the Agriculture/Forest Zoning designation.

These findings were ignored by the Bonner County Commissioners Domke and Williams. These findings were upheld and agreed to by Commissioner Korn.

BOCC should be made aware that the *continuity of the interpretation of Title 12* by the governing bodies is extremely important and necessary for the rights of all citizens including the applicants of various land use procedures. Based upon the above findings of the Bonner County Planning Department and the Zoning Commissions reviews and vote for approval, we now are faced with zero confidence of the outcome of the decision at the BOCC level.

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There were no public comments or concerns. All 82 agencies notified were either ...“no comment” or no reply.

There was not a single person within Bonner County that thought this Zone Change Request did not meet the requirements of the Comprehensive Plan or the Bonner County Revised Code.

Commissioners Domke and Williams not only disagreed with the thorough review and findings of the standards of review by Bonner County Planning and the Planning Commission, as given through the Comprehensive Plan and the Bonner County Code, but also the neighbors and agencies reviews of this application.

The following are the findings of the Bonner County Comprehensive plan analysis, along with the reviews of over 80 agencies and public noticed residences.

Property rights – Owner, Applicant, Staff, Agencies, Public, Zoning Commission ... **“No conflict”.**

Population – Owner, Applicant, Staff, Agencies, Public, Zoning Commission ... **“No conflict”.**

School Facilities & Transportation– Owner, Applicant, Staff, Agencies, Public, Zoning Commission **“No conflict”.**

Economic Development – Owner, Applicant, Staff, Agencies, Public, Public, Zoning Commission ...**“No conflict”.**

Natural Resources -Owner, Applicant, Staff, Agencies, Public, Zoning Commission ...**“No conflict”.**

Hazardous Areas -Owner, Applicant, Staff, Agencies, Public, Zoning Commission ...**“No conflict”.**

Public Service - Facilities and Utilities -Owner, Applicant, Staff, Agencies, Public, Zoning Commission ...**“No conflict”.**

Transportation - Owner, Applicant, Staff, Agencies, Public, Zoning Commission ...**“No conflict”.**

Recreation - Owner, Applicant, Staff, Agencies, Public, Zoning Commission ...**“No conflict”.**

Special Areas or Sites - Owner, Applicant, Staff, Agencies, Public, Zoning Commission ...**“No conflict”.**

Housing - Owner, Applicant, Staff, Agencies, Public, Zoning Commission ...**“No conflict”.**

Community Design - Owner, Applicant, Staff, Agencies, Public, Zoning Commission ...**“No conflict”.**

Agriculture - Owner, Applicant, Staff, Agencies, Public, Zoning Commission ...**“No conflict”.**

Conclusion – The property does not lack any provisions of the Comprehensive Plan by anyone or any agency except Commissioners, Domke and Williams...

12-322 Revisit of the determining of the best fit for AF10 or AF20

(A) AF10 and AF20 are both established to provide for agricultural and forestry pursuits.

(1) Both retain areas sized for efficient farming.

(2) Both allow uses related to agriculture and compatible uses.

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**(B)(1)(a) AF20 is “appropriate” in AG/Forest that feature Prime Agricultural soils.
“Appropriate” does not mean “shall” or “must” nor is it a mandatory designation for AF20 only.**

(ALSO, THE ONLY PRIME SOIL (SELLE FINE SANDY LOAM) OF THE FOUR SOILS MAPPED WITHIN THE SUBJECT PARCEL WAS FIELD TESTED, ANALYZED AND FOUND TO LACK THE REQUIRED SAND TO BE CONSIDERED AS PRIME SOILS FOUND IN THE AREA. HOWEVER THIS SOIL MATCHES THE SAMPLE FROM ADJOINING MISSION SILT LOAM SOILS, WHICH ARE CLASSIFIED AS “FARMLAND OF STATEWIDE IMPORTANCE” WHICH IS NOT RECOGNIZED AS “PRIME FARMLAND” SOIL BY THE COMPREHENSIVE PLAN OR BY THE STATE OF IDAHO). THE NEAREST OF ANY OTHER NON-SANDY LOAM TYPES THAT ARE CONSIDERED “PRIME SOILS” ARE MAPPED AT 3000 AND 4000 FEET AWAY. ALSO, BEING 100 FEET LOWER IN ELEVATION, IN A TOTALLY DIFFERENT ENVIRONMENT. COMMON SENSE, LOGIC, SOIL COMPARISON AND TESTING REMOVES THE SELLE FINE SANDY LOAM FROM THE MAP AND REPLACES IT WITH THE MISSION SILT LOAM LOCATED ON THE PROPERTY.

(b) Both AF10 & AF20 are characterized by agricultural or forestry uses.

(c) AF20 only.

Limited Services. NOT LIMITED

Characterized by slopes steeper than 30%. NOT CHARACTERIZED BY SLOPES

Access absent or limited. NOT ABSENT OR LIMITED

Or where large tract of land may be devoted to AG/Forest production. (SEE BELOW)

THIS DESCRIPTION IS VAGUE WITH NO DIRECT DEFINITION. IT DOES NOT DECLARE WHAT SIZE “LARGE TRACTS” ARE OR HOW CLOSE OR FAR TO THE SUBJECT PARCEL THEY MUST BE. THIS DEBATABLE ISSUE IS THE SINGLE AND ONLY POINT IN FAVOR OF AF/20. IT IS WEAK AND COMPLETELY OUT NUMBERED AS THE COMP PLAN AND THE CODE BOTH FAVOR THE AF10 ZONE FOR THE SUBJECT PARCEL. IF THIS POINT IS HELD TO HAVE VALUE, IT MUST BE WEIGHED HEAVILY AGAINST THE 6 ADJOINING PARCELS SIZES AND THE EXISTING AF10 ZONE ADJOINING ON THE NORTH. NOT THOSE 1200 FEET AWAY.

SIZE OF PARCELS WITHIN 1200 FEET OF PROJECT. THERE ARE 4-10 AC (RESIDENTIAL USES), 4-5 AC (ADJOINING RESIDENTIAL USE), 1-80 AC (THIS 80 AC PARCEL IS LOCATED IN THE AF10 ZONE AND CAN BE SUBDIVIDED INTO 10 ACRE LOTS BY SHORT PLAT PROCESS), 4-20 AC, 1-55 AC, 1-30 AC, 1-25 AC.

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SIZE OF PARCELS WITHIN 600 FEET. THERE ARE 2-10 AC (ADJOINING), 4-5 AC (ADJOINING), 1-20 AC, 1-30 AC, AND 1-80 AC (THIS 80 AC PARCEL IS LOCATED IN THE AF10 ZONE AND CAN BE SUBDIVIDED INTO 10 ACRE LOTS BY SHORT PLAT PROCESS AT THE LANDOWNER'S LEASURE).

(B)(2) AF10 only. AG/Forest that do not feature prime agricultural soils But where agricultural and forestry pursuits remain viable. (IT SAYS "DOES NOT FEATURE". THIS PARCEL DOES NOT FEATURE. SEE BELOW FOR SOILS ANALYSIS).

Area may be within or adjacent to areas of city impact. (NOTE "MAY BE WITHIN ACI". THIS ITEM IS NON-RESTRICTIVE), or where lands are afforded fire protection, access to standard roads and other services. (THIS PARCEL HAS FIRE PROTECTION AND ACCESS ROADS (Ord. 501, 111-18-2008)

MAPPED SOILS WITHIN SUBJECT PROPERTY–

- 1. HAPLOXERALFS AND XEROCHREPTS – NOT PRIME SOILS – 0.7 ACRES**
- 2. PEND OREILLE ROCK OUTCROP – NOT PRIME SOILS – 8 ACRES**
- 3. SELLE FINE SANDY LOAM – NOT FOUND ON SITE. HOWEVER, FOUND SOILS MATCHING THE SAMPLE FROM THE MISSION SILT LOAM AREA**
- 4. MISSION SILT LOAM – FARMLAND OF STATEWIDE IMPORTANCE "IF DRAINED" NOT RECOGNIZED BY STATE OF IDAHO OR BONNER CO. AS BEING PRIME FARM SOILS.**

AG AND FOREST REMAINS VIABLE WITHIN THE AF10 ZONE.

THE SUBJECT PARCEL:

Adjoins two existing 10 acre parcels to the west. This is still an AG/F use.

Adjoins four existing 5 acre residential parcels to the east. This is an R-5 use.

Adjoins an existing 80 that is AG10 to the north, that can be subdivided into 10 acre lots by short plat process, without public hearings or Commissioner review.

This parcel is surrounded on three sides by 10 acre, 5 acre and target zone AF10.

The south line is a private road easement that partitions the neighbor to the south and feeds 30 parcels, 15 of which are 5s and 10s.

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This parcel is fractured as follows:

FOREST – 11.5 ACRES, MOST OF WHICH IS ROCKY OUTCROP-NON-PRIME SOILS
MEADOW – 4.3 ACRES, NON-PRIME SOILS
HOUSE AND OUTBUILDINGS AREA – 2.0 ACRES – NON-PRIME SOILS
SLOPE – 0.7 ACRES OVER 30%. NON PRIME SOILS
WATER – 0.5 ACRES FLOWS AND RETENTION AREAS
ROCKY OUTCROP ISLAND – 1.0 ACRE MIDDLE OF PROPERTY

FINAL COMPARISONS

A/F 20

Prime soils – NO – EXAMINED AND TESTED SOILS MATCH WITH ADJOINING MISSION LOAM SOIL. ALL AREAS OF THE 1982 SOILS MAP ARE APPROX. AND INFERRED
Characterized by ag/Forest uses - BOTH ARE
Characterized by 30% or greater slopes – NO
Access absent or limited – NO
Large tracts “MAY” be devoted to AG/F-NOT DECISIVE NOR REQUIRED

A/F 10

Ag/forest comp plan designation – YES
Do not feature prime ag soils, but Ag/F persuits remain viable – YES
May be within or adjacent to ACI – NOT REQUIRED “MAY BE”
Afforded fire protection services – YES
Access to standard roads & other services - YES

Based upon the above findings, the applicant requests a reconsideration of the BOCC decision to deny File ZC0011-24. The applicant request the denial decision to be reversed and move forward as allowed by BCRC.

Thank you,
Dan Provolt, PLS – Project Representative
Provolt Land Surveying, LLC
208-290-1725



GeoTek, Inc.

11354 N. Government Way, Hayden, ID 83835
(208) 904-2980 Office (208) 904-2981 Fax www.geotekusa.com

April 28, 2025
Project No. 3650-NI

Dan Provolt
PO Box 580
Ponderay, ID 83852

Subject: Soil Classification Results – 453 Thimbleberry Road, Sandpoint, Bonner County, Idaho

In accordance with your request, GeoTek, Inc. (GTI) has completed laboratory testing and soil classification for the subject site. Additional services can be provided upon request.

Background

Two representative soil samples were collected from the subject site from the near surface by the client and transported to GTI's laboratory for testing. Approximate sample locations are shown in Figure 1.

Laboratory Testing

The two laboratory samples were classified using the Unified Soils Classification System (USCS) and the United States Department of Agriculture (USDA) soil classification system. USCS classification included particle size analysis in general conformance with ASTM C136 and C117 and Atterberg Limits in general conformance with ASTM D 4318. The USCS laboratory results are included at the rear of the report.

Conclusions

Based on laboratory testing both samples classify as "Silt with Sand" (ML USCS Classification Symbol).

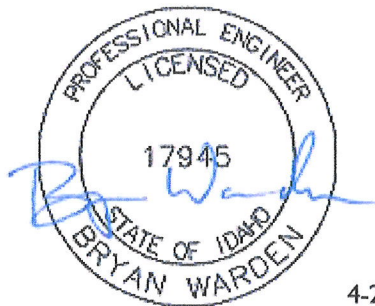
Based on using the particle size analysis in conjunction with the USDA soil texture triangle, both samples classify as "silt loam".

Limitations

Site conditions may vary due to seasonal changes or other factors. GeoTek, Inc. assumes no responsibility or liability for work, testing, or recommendations performed or provided by others. Since our study is based upon the site materials observed, and engineering analysis, the conclusions and recommendations are professional opinions. These opinions have been derived in accordance with current standards of practice and no warranty is expressed or implied. Standards of practice are subject to change with time.

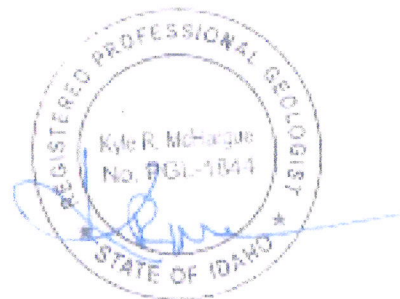
The opportunity to be of service is greatly appreciated. If you have any questions concerning this report or if we may be of further assistance, please do not hesitate to contact the undersigned.

Respectfully submitted,
GeoTek, Inc.



4-28-25

Bryan J. Warden, PE
Senior Engineer



4-28-25

Kyle R. McHargue, PG
Design Manager

Report No: MAT:25-00202-S01

Material Test Report

Client: Dan Provolt
PO Box 580
Ponderay ID 83852

CC:

Project: 3650-NI
453 Thimbleberry Rd

THIS DOCUMENT SHALL NOT BE REPRODUCED EXCEPT IN FULL

Sample Details

Sample ID 25-00202-S01
Date Sampled 4/28/2025
Material Silt with sand (ML)
Specification General Sieve Set
Location Sampled by Client - TH1

Other Test Results

Description	Method	Result	Limits
Water Content (%)	ASTM D 2216	14.3	
Method		B	
Date Tested		4/28/2025	
Group Symbol	ASTM D 2487	ML	
Group Name		Silt with sand	
Date Tested		4/28/2025	
Approximate maximum grain size	ASTM D 4318		
Material retained on 425µm (No. 40) (%)			
Method of Removal			
Grooving Tool Type			
Specimen preparation method			
Drying Method			
Special selection process			
Rolling Method for PL		Hand	
As Received Water Content (%)		14.3	
Liquid Limit Device Type		Manual	
Liquid Limit		N/A	
Plastic Limit		NP	
Plasticity Index		NP	
Liquid Limit Procedure		Multipoint (A)	
Date Tested		4/28/2025	

Particle Size Distribution

Method: ASTM C 136, ASTM C 117

Date Tested: 4/28/2025

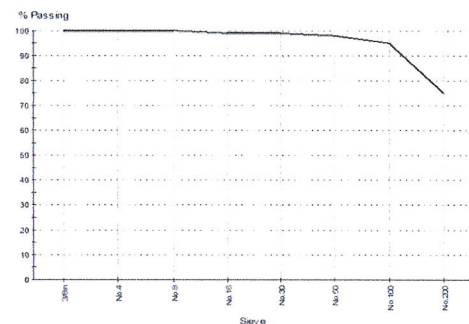
Tested By: Michael Nowak

Sieve Size	% Passing	Limits
3/8in	100	
No.4	100	
No.8	100	
No.16	99	
No.30	99	
No.50	98	
No.100	95	
No.200	75	

DEFINITION OF SOIL FRACTIONS

SOIL COMPONENT	PARTICLE SIZE RANGE
Boulders	Above 12 in.
Cobbles	12 in. to 3 in.
Gravel	3 in. to No. 4 sieve
Coarse gravel	3 in. to 3/4 in.
Fine gravel	3/4 in. to No. 4 sieve
Sand	No. 4 to No. 200 sieve
Coarse sand	No. 4 to No. 10 sieve
Medium sand	No. 10 to No. 40 sieve
Fine sand	No. 40 to No. 200 sieve
Fines (silt and clay)	Less than No. 200 sieve

Chart



Comments

NP = Non Plastic

Report No: MAT:25-00202-S02

Material Test Report

Client: Dan Provolt
PO Box 580
Ponderay ID 83852

CC:

Project: 3650-NI
453 Thimbleberry Rd

THIS DOCUMENT SHALL NOT BE REPRODUCED EXCEPT IN FULL

Sample Details

Sample ID 25-00202-S02
Date Sampled 4/28/2025
Material Silt with sand (ML)
Specification General Sieve Set
Location Sampled by Client - TH2

Other Test Results

Description	Method	Result	Limits
Water Content (%)	ASTM D 2216	17.5	
Method		B	
Date Tested		4/28/2025	
Group Symbol	ASTM D 2487	ML	
Group Name		Silt with sand	
Date Tested		4/28/2025	
Approximate maximum grain size	ASTM D 4318		
Material retained on 425µm (No. 40) (%)			
Method of Removal			
Grooving Tool Type			
Specimen preparation method			
Drying Method			
Special selection process			
Rolling Method for PL		Hand	
As Received Water Content (%)		17.5	
Liquid Limit Device Type		Manual	
Liquid Limit		N/A	
Plastic Limit		NP	
Plasticity Index		NP	
Liquid Limit Procedure		Multipoint (A)	
Date Tested		4/28/2025	

Particle Size Distribution

Method: ASTM C 136, ASTM C 117

Date Tested: 4/28/2025

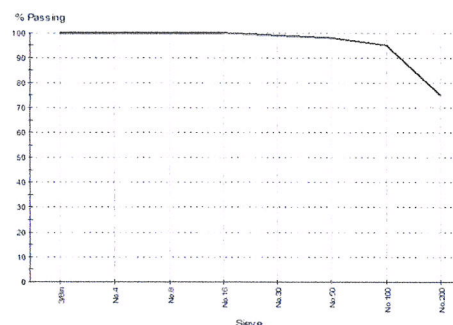
Tested By: Michael Nowak

Sieve Size	% Passing	Limits
3/8in	100	
No.4	100	
No.8	100	
No.16	100	
No.30	99	
No.50	98	
No.100	95	
No.200	75	

DEFINITION OF SOIL FRACTIONS

SOIL COMPONENT	PARTICLE SIZE RANGE
Boulders	Above 12 in.
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Gravel	3 in. to No. 4 sieve
Coarse gravel	3 in. to 3/4 in.
Fine gravel	3/4 in. to No. 4 sieve
Sand	No. 4 to No. 200 sieve
Coarse sand	No. 4 to No. 10 sieve
Medium sand	No. 10 to No. 40 sieve
Fine sand	No. 40 to No. 200 sieve
Fines (silt and clay)	Less than No. 200 sieve

Chart



Comments

NP = Non Plastic