



# Bonner County

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## Board of Commissioners

Brian Domke

Ron Korn

Asia Williams

April 23, 2026

Kevin & Lorena Hatcher  
134 Hatcher RD  
Cocolalla, ID 83813

Shaun & Ann Hatcher  
PO Box 35  
Cocolalla, ID 83813

Project Representative:

Dan Provolt  
Provolt Land Surveying  
PO Box 580  
Ponderay, ID 83852

**Subj: File ZC002-25 – Zone Change – Hatcher**

Encl: (1) Reasoned Statement

Dear Landowners,

The Bonner County Commissioners at the March 25, 2026, public hearing upheld the Board of County Commissioners previous decision for the referenced application.

**MOTION TO UPHOLD:** I, Commissioner Williams, move to uphold the Board's previous decision and deny this project, FILE ZC0002-25, requesting a zone change from Rural-5 to Suburban, on approximately 5 & 6.56 acres, generally located in Section 5, Township 55 North, Range 2 West, Boise Meridian, Bonner County, Idaho, based upon the following conclusions:

Conclusion 1

The proposal **is** in conflict with the policies 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 Suburban zoning designation, 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 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 conclusions of law 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, 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.

Commissioner Domke seconded the motion.

**Roll Call Vote:**

Commissioner Domke	Aye
Commissioner Williams	Aye
Commissioner Korn	Nay

**VOTED** upon and the Chair declared the motion carried, 2-1.

**NOTE:** Following any final decision concerning a site-specific land use request, the petitioner has a right to request a regulatory taking analysis pursuant to Section 67-8003, Idaho Code (*Idaho Code §67-6535(3)*).

Please contact the Bonner County Planning Department if you have any questions.

Sincerely,



Brian Domke, Chair  
Board of County Commissioners

c: Dan Provolt, Project Representative



# Bonner County Planning Department

*"Protecting property rights and enhancing property value"*

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## LAND USE DECISION-MAKING WORKSHEET ZONE CHANGE RURAL 5 TO SUBURBAN

Idaho Code §67-6535 (2): The approval or denial of any application required or authorized pursuant to this chapter shall be in writing and accompanied by a reasoned statement that explains the criteria and standards considered relevant, states the relevant contested facts relied upon, and explains the rationale for the decision based on the applicable provisions of the comprehensive plan, relevant ordinance and statutory provisions, pertinent constitutional principles and factual information contained in the record.

### STANDARDS FOR ZONE CHANGE REVIEW:

Prior to rendering a decision on a zone change, the governing body shall review the particular facts and circumstances of each proposed zone change in terms of the following standards and shall find adequate evidence showing that such use at the proposed location will:

<b>IC §67-6511</b>	The governing board shall analyze proposed changes to zoning ordinances to ensure that they are not in conflict with the policies of the adopted comprehensive plan. If the request is found by the governing board to be in conflict with the adopted plan, or would result in demonstrable adverse impacts upon the delivery of services by any political subdivision providing public services, including school districts, within the planning jurisdiction, the governing board may require the request to be submitted to the planning or planning and zoning commission or, in absence of a commission, the governing board may consider an amendment to the comprehensive plan pursuant to the notice and hearing procedures provided in section 67-6509, Idaho Code. After the plan has been amended, the zoning ordinance may then be considered for amendment pursuant to paragraph (b) of this subsection.
In Conflict	List the relevant evidence from the record that supports your conclusion and the rationale for the conclusion.
<p>Public Service, Facilities and Utilities- Policy #1</p> <p>The proposal is not within a sewer or water district, so impacts are unknown. In addition, there is not a sewer management agreement in place that meets the definition of urban services.</p>	
<b>BCRC 12-215</b>	Whether the application and the documentation provided by the applicant sufficiently meets the applicant contents criteria.
In compliance	List the evidence from the record that supports your conclusion and the rationale for the conclusion.



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Adopt the staff analysis as written in the staff report.

<b>BCRC 12-216</b>	Whether there is adequate evidence that the proposal is not in conflict with the policies of the comprehensive plan, as found in the adopted Implementation Component.
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In conflict	List the evidence from the record that supports your conclusion and the rationale for the conclusion.
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Public Service, Facilities and Utilities- Policy #1

The proposal is not within a sewer or water district, so impacts are unknown. In addition, there is not a sewer management agreement in place that meets the definition of urban services.

<b>BCRC 12-323(B.2)</b>	Whether the parcel in question meets the requirements for the Rural 5 zoning district.
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NO	List the evidence from the record that supports your conclusion and the rationale for the conclusion.
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The proposal does not meet the criteria for being designated in the comprehensive plan as Rural Residential.

The proposal is meeting some of the requirements of the Rural District requirements as follows:

- The proposal meets the requirements being already developed at or near the one dwelling unit per five (5) acres density.
- Small scale farming
- Conservation development
- Residential Densities

<b>BCRC 12-324(B)</b>	Whether the parcel in question meets the requirements for the Suburban zoning district.
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NO	List the evidence from the record that supports your conclusion and the rationale for the conclusion.
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The lack of urban water and sewer service. There is no evidence in the record that shows urban services serve the subject parcels as defined in the Bonner County Revised Code. Hard surfaced roads do not currently exist up to the subject parcels.

**BCRC  
12-263(A)**

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.

YES

List the evidence from the record that supports your conclusion and the rationale for the conclusion.

Documents in the record reflect that the reconsideration was granted based on the time the written decision was sent.

Adopt the staff analysis as written in the staff report.

**BCRC  
12-263(B)**

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.

YES

List the evidence from the record that supports your conclusion and the rationale for the conclusion.

List the 5 deficiencies by the applicant

1. Interpretation of Urban service requirements.

The proposal does not meet the definition of urban services as found in BCRC 12-821. The applicant has failed to provide evidence for the record that an approved sewer management agreement is in place. The network of roads that connect the parcels are not all currently hard surfaced.

2. Interpretation of Suburban District standards.

The proposal lacks a sewer district.

3. Hard surfaced road surface interpretation.

The proposal does not currently contain a network of all hard surfaced roads to the parcels. Gravel roads are not considered a hard surfaced road. The applicant



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did not introduce any evidence in the record to show how the proposal meets the requirement of hard surfaced roads.

4. Continued reliance upon R-5 zoning compatibility.

The current zoning must be considered in the review of the request. Comparing and contrasting between the two zones is necessary to decide what zoning is appropriate.