



Bonner County Planning Department

"Protecting property rights and enhancing property value"

1500 Highway 2, Suite 208, Sandpoint, Idaho 83864

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

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

July 30, 2026

Hilary & Jed Petterson



Subj: File MOD0003-26 – Modification of Terms – Condition B-1

Encl: (1) File MOD0003-26 Reasoning Statement
(2) MOD0003-26 Staff Report
(3) Comprehensive Plan Worksheet

Dear Applicant,

The Bonner County Zoning Commission at the July 23, 2026, hearing approved the referenced application.

DECISION TO APPROVE: I, Commissioner Mauk move to approve this FILE MOD0003-26, a request to modify condition B-1 found in CUP0010-25, located in Section 25, Township 58 North, Range 1 West, Boise Meridian, finding that it is in accord with the Bonner County Revised Code as enumerated in the following conclusions of law:

Conclusion 1

The proposed modification **is not** in conflict with the policies of the Comprehensive Plan.

Conclusion 2

This proposal was reviewed for compliance with the criteria and standards set forth in BCRC Chapter 2, Subchapter 2.6 Title 12 Bonner County Revised Code, and **was** found to be in compliance.

Conclusion 3

The proposed use **will not** create a hazard and **will not** be dangerous to persons on or adjacent to the property.

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

Commissioner Johnson seconded the motion.

Role Call Vote:

Commissioner Johnson- Yay

Commissioner Blaser- Yay

Commissioner Mauk- Yay

Motion Passes, unanimously.

Conditions of Approval

Standard continuing permit conditions. To be met for the life of the use:

A-1 All "A Conditions" adopted by CUP0010-25 shall remain in force, unless otherwise modified.

A-2 Any further modification to this proposal will be required to follow the procedures set forth in BCRC 12-266, Modifications of Terms and Conditions.

Conditions to be met prior to issuance:

B-1 Red Cedar Lane shall be constructed to the satisfaction on Bonner County Road & Bringe Department from Lower Pack River Road to the applicant's property entrance. The improvements shall be inspected and approved by Bonner County Road & Bridge Department.

Bonner County Revised Code, Section 12-262, provides an opportunity for affected persons to appeal Zoning Commission decisions with the Planning Director within 28 days after the final written decision of the Zoning Commission has been issued. Any such appeal must be submitted in accordance with the referenced code section no later than **5:00 p.m., August 27, 2026. AN APPEAL SHALL BE ACCOMPANIED BY A FILING FEE IN ACCORDANCE WITH THE APPROVED FEE SCHEDULE. THE FEES ARE PAYABLE TO THE BONNER COUNTY PLANNING DEPARTMENT.**

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

Please contact the Planning Department if you have any questions.

Sincerely,



Brett Blaser, Vice Chair
Zoning Commission



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LAND USE DECISION-MAKING WORKSHEET MODIFICATION OF TERMS

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.

BCRC 12-222	Whether the application and the documentation provided by the applicant sufficiently meets the applicant contents criteria.
YES	List the evidence from the <u>record</u> that supports your conclusion and the rationale for the conclusion.
Adopt the staff report as written.	
BCRC 12-223	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.
In Conflict	List the evidence from the <u>record</u> that supports your conclusion and the rationale for the conclusion.
Transportation policy # 3 and 5. The current condition of Red Cedar Lane creates a safety risk to the public based on testimony given. Condition B-1 will help mitigate the safety concerns.	
BCRC 12-266	The Zoning Commission shall consider the proposed modification in accordance with the requirements for the original permit application and shall confine the review to the proposed modification.
YES	List the evidence from the <u>record</u> that supports your conclusion and the rationale for the conclusion.
The Zoning Commission has the authority to modify condition B-1 found in CUP0010-25.	
BCRC 12-335(3)	Whether the parcel in question meets the requirements of note 3 in the Public Use Table 12-335 (3) Where access to the site is by road, the road shall be located



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		within a recorded easement or public right-of-way, and constructed to the appropriate standard set forth in title 2 of this Code or appendix A of this title, except where subject to the terms of an approved special use permit issued by a State or Federal agency.
YES		List the evidence from the <u>record</u> that supports your conclusion and the rationale for the conclusion.
Red Cedar Lane is within the Bonner County Road & Bridge Department. Bonner County Road & Bridge regulate Title 2 for road standards which gives the department the authority to allow for the applicant to improve the road to the satisfaction of Bonner County Road & bridge Department.		

Comprehensive Plan Analysis Worksheet

Property Rights

Policies:

1. Follow the attorney general's checklist, prescribed at Idaho Code §67-8003 and provided in the "Property Rights" component of the county's comprehensive plan, for all land use decisions.
2. Adopt a reasoned statement and conclusions of law, in accordance with Idaho Code 67-6535, for all quasi-judicial land use decisions that reflect the justifications for exactions, conditions and restrictions and confirm that a taking of private property has not occurred.
3. In all land use decisions, consider the property rights of the applicant, adjoining and nearby landowners and future generations, as well as the short-term and long-term consequences of decisions.
4. Review all rezoning requests (down-zoning and up-zoning) pursuant to the Idaho State Code, Title 67, Chapter 65 – Local Land Use Planning Act. The approval of conditional rezoning or denial of a request for rezoning is subject to the regulatory taking analysis provided for by Idaho Code Section 67-8003.

Not in Conflict

Evidence in the Record:

Adopt the staff report as written.

Population

Policies:

1. Regularly analyze population projections to determine if changes need to be made to the Comprehensive Plan Goals, Objectives and Policies and/or the Zoning Ordinance, to ensure that the public and community needs are being met through land use decisions.
2. Use population forecasts and census data to evaluate housing and impacts to the transportation system and other county services.
3. Cooperate with incorporated cities and neighboring counties to address growth challenges within the Areas of Impact and coordinate planning efforts to the extent possible.

Not in Conflict

Evidence in the Record:

The Zoning Commission found that this component was not applicable to this application.

School Facilities and Transportation**Policies:**

1. Current data regarding school capacity and transportation issues as provided by the School Districts will be included in the assessment of all land use proposals.
2. Consider the impacts of land use proposals on the school service and seek mitigation from developers such as providing facilities, safety features, or other measures as permitted by Idaho Code, to address the impacts of the proposals.
3. Encourage school districts to proactively review development applications to determine particular school needs and concerns.
4. Encourage construction of trails and bicycle paths to allow safe passage of students to and from schools.
5. Consider the long-term consequences of land use proposals, including the adequacy of existing school facilities, transportation services, and the siting of future schools.

Not in Conflict

Evidence in the Record:

The Zoning Commission found that this component was not applicable to this application.

Economic Development**Policies:**

1. Allow small scale cottage businesses and home occupations in all areas of the county. Set reasonable conditions on such uses to minimize adverse impacts to the neighborhood based on factors including, but not limited to, hours of operation and traffic volume generated by the business.
2. Develop land use regulations to allow the county's agricultural heritage to be maintained by enabling local food production, distribution, congregation, and retail sales. Examples include community gardens, school gardens, farm related education programs, farmers or public markets, and other small-scale, collaborative initiatives.
3. Develop standards for commercial and industrial development that are appropriate for the surrounding community, including: appropriate site sizes, use types, buffering and design standards that encourage both attractive and efficient function while protecting the environment.
4. Mitigate the potential impacts of economic development activities that cause adverse factors such as noise, light glare, odors, fumes and vibrations on the surrounding community.
5. Support local economic development by increasing support for outdoor recreation in the county. Encourage and protect public access to public lands and water, while protecting the surrounding areas from adverse impacts through mitigation and standards.
6. Allow for campgrounds and recreational uses while protecting the surrounding areas from adverse impacts through mitigation and standards.
7. Support local businesses by enabling development of workforce housing in proximity to commercial, industrial, agricultural, and recreational uses, through review and updating of land use regulations.

Not in Conflict

Evidence in the Record:

Policy 1- We should be setting reasonable conditions on uses to minimize adverse impacts to neighborhood based on factors including but not lifted to hours operation, traffic volume generated by the business.

Land Use**Policies:**

1. Develop and maintain a Future Land Use Map and Land Use Regulations that acknowledge and preserve the County's agricultural, timber and mining lands, water and wildlife resources, and identify and avoid hazard areas. Provide areas for

economic growth, encourage affordable housing and center 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 the county.

4. Reflect in the use tables that commercial and industrial uses should be unconditionally permitted in areas identified by the Comprehensive Plan as suitable and zoned for those uses. Evaluation of suitability should be based on availability of urban services, adequate access to hard surfaced publicly maintained roads and other factors that may impact the surrounding community.

5. Reflect in the use tables that commercial and industrial uses may be conditionally permitted in areas not identified for such uses in the Comprehensive Plan if a critical review of the proposed use determines that with appropriate conditions the use will not adversely impact the surrounding area.

6. Based upon the land use analysis completed in 2025, a sufficient number of residential parcels exist or could be created within current zoning density. Therefore, modification of zoning to provide increased density should be rare.

7. Land use applications should be supported by a review, evaluation, or approval by the applicable state agency for sanitary services.

8. Consider avenues to create incentives for land conservation through zoning and subdivision laws to preserve various significant archaeological, ecological, historical, wildlife, and scenic sites that have been recognized in the county as unique and important to preserve.

9. Minimize the creation of lots that cannot receive the appropriate sanitary services.

10. Maintain the Alpine Village zoning district to provide adequate design and development standards for the high-density recreational community with steep slopes and heavy snowfall at elevations above 3500’.

11. Urban development is better suited in urban areas. Idaho Code 67-6502 (a through m) promotes the health, safety and general welfare of the people of the state. Subsection (f) encourages urban and urban type development within incorporated cities. All nine cities within the county provide or are associated with urban water and sewer systems which allow and depend on higher density to make the services fiscally feasible and sustainable.

12. Due to the wildfire threat in the county, consider evacuation routes when making land use decisions and updating land use code.

13. The mapping of land use designations should have homogeneity with the surrounding area. Areas have specific, individual land use designations which results in homogeneity across the landscape. Islands of different land use designations defy the sense of rural context, especially if the land uses are markedly dissimilar.

14. The land uses describe the general uses and characteristics of each of the map designations. Since the Comprehensive Plan Map covers approximately 1.1 million acres, the map is general in nature, and it is recognized that some areas may have or may lack features and characteristics that cause them to differ somewhat from what is in their land use description. It is not reasonable to expect that every parcel within a land use designation will conform to every detail of the geographic characteristics of the area as a whole.

Not in Conflict

Evidence in the Record:

Adopted the staff report as written.

Natural Resources

Policies:

1. Institute best management practices for waterway setbacks to reduce erosion and sedimentation into waterways.
2. Design development standards that encourage clustered development resulting in the preservation of open space and wildlife habitat.
3. Recognize critical wildlife habitats, as identified by US Fish and Wildlife, and create development standards to protect these areas and mitigate development impacts to these habitats.
4. Protect water quality by creating standards for development in close proximity to shorelines.
5. Provide a copy (physical copy or digital link) of the Lake Assist Guidebook to property owners or their representatives applying for a building location permit on shoreline properties. Make a digital link to the Guidebook available via the Planning Department web page.
6. Implement shoreline development land use regulations that address those areas where the County can enforce such regulations effectively.

7. To the extent of the County's jurisdiction, and consistent with the Clean Water Act, protect delineated wetlands.
8. Identify and protect productive farmland, timberland and mining lands from adverse effects of adjoining developments.

Not in Conflict

Evidence in the Record:

Adopt the staff report as written.

Hazardous Areas**Policies:**

1. Adopt flood mitigation standards that meet or exceed the National Flood Insurance Program minimum requirements.
2. Discourage residential, commercial or industrial development within floodways.
3. Discourage fill within the floodplain.
4. Integrate the county's wildland fire policies and plans into development standards.
5. Identify and discourage developments on excessive slopes with lower density zoning in these areas.
6. Establish regulation and development densities of new development in floodplains. Regulate the location and density of new development in floodplains to reduce the potential for the loss of lives and property in those areas.
7. Land divisions should be designed to reduce exposure to wildland fire and to provide for adequate ingress and egress routes as determined by the applicable Fire Authority Having Jurisdiction.
8. Discourage the issuance of building location permits within areas of excessive slopes, unstable areas and avalanche zones.

Not in Conflict

Evidence in the Record:

The Zoning Commission found that this component was not applicable to this application.

Public Services, Facilities and Utilities**Policies:**

1. Encourage high-density development to take place within the boundaries of existing sewer and water districts with adequate capacity.
2. Seek comments from existing service providers on their ability to serve future developments without adversely impacting the ability of the utility providers to serve current users.
3. Provide adequate facilities for responsible disposal of solid waste to protect the health and welfare of the public as well as the County's natural resources.
4. New development should be adequately served by fire protection, roads, sanitary services, schools, law enforcement, ambulance, power and emergency services, and other public services as determined by the relevant service provider.
5. Require developers to provide infrastructure, utilities or financial support to offset the capital costs of expansion of services required by the proposed development.
6. Require adequate provisions for future utility services in areas of commercial, industrial, residential or other similar uses.

Not in Conflict

Evidence in the Record:

Adopt the staff report as written.

Transportation**Policies:**

1. Develop and regularly update a long-term County highway system plan to ensure reasonable levels of service can be maintained in the future, and that needs for future road extensions or transportation corridors are identified as early as possible.
2. Discourage development in areas that are not served by county standard roads or where transportation is inadequate.
3. Future development should not adversely impact the existing County highway system by significantly reducing the quality or level of service or creating hazards or congestion.
4. Roads are encouraged to be built to County Standards and at the expense of the developer.
5. Roads within new development should provide adequate access for fire and emergency vehicles as well as routes of escape.
6. Future access roads should be designed and built to integrate with the State and County systems of roads without overburdening the County highway system.
7. Encourage cluster development to reduce transportation costs, road building and environmental impacts.
8. The county intends for certain intense land use developments to provide hard surfaced roads.
9. Consider bike ways and pedestrian paths in development plans to provide an integrated community County highway system wherever possible.
10. To communicate and work cooperatively with other jurisdictions within the county to ensure the best possible flow of traffic county-wide.

Not in Conflict

Evidence in the Record:

Red Cedar Lane can be improved to meet policy number 4 and 5.

Recreation**Policies:**

1. Develop a waterways and public land access program to preserve and develop access to public recreational lands and waterways. The program should include retaining access parcels that may be acquired from tax sales or private donations.

2. Protect and encourage public and private recreational opportunities as an important asset that supports a key segment of the County's economy.
3. Consider a plan for a system of green belts and pathways (bike and pedestrian) as areas developed, so that a connected system can be developed and preserved. Under no circumstances will the County require recreational access easements on private property as a condition of development. This policy does not preclude providing voluntary incentives to developers in return for recreational access easements.
4. Ensure the public's legal recreational accesses and amenities are not obstructed or adversely impacted by future development.
5. Adverse impacts of recreational development on adjacent neighborhoods should be mitigated.

Not in Conflict

Evidence in the Record:

The Zoning Commission found that this component was not applicable to this application.

Special Areas or Sites**Policies:**

1. Develop a generalized map of the known pre-historic and historic sites so that future developments are aware of special areas of concern and are connected with the historical society and Native American tribes for appropriate preservation and protection.
2. Implement roadside development standards for recognized scenic byways to protect the view sheds.
3. Recognize and address Special areas when development is proposed in these areas.
4. Confirm if historical structures or sites exist within a land use application area, and if identified coordinate with the applicable agency.

Not in Conflict

Evidence in the Record:

The Zoning Commission found that this component was not applicable to this application.

Housing**Policies:**

1. Enable development of a variety of housing options including manufactured home parks, and tiny home communities located in areas that are compatible with their density.
2. Coordinate with municipalities and private parties to explore solutions for various types of housing projects and developments in areas appropriate for their level of density.
3. Encourage clustering of housing in developments to save on infrastructure and transportation costs through mechanisms such as density bonuses.
4. Provide opportunities for assisted living and group shelters.
5. Enable temporary and seasonal employee labor housing in direct proximity to agricultural, commercial, recreational, and industrial uses or where infrastructure and emergency services support those uses.

Not in Conflict

Evidence in the Record:

The Zoning Commission found that this component was not applicable to this application.

Community Design**Policies:**

1. To promote and preserve the natural features and rural atmosphere of the community, enact development standards that address development within scenic

byways and design standards that account for waterfront setbacks, commercial and industrial landscaping, requirements for reduced lighting, cluster development, rural rather than urban setback standards, and other design objectives aimed at preserving the rural, natural character of the community.

2. Allow unique and flexible design standards such that new development within older neighborhoods and historic settlements is compatible with those unique neighborhoods.

3. Allow particularized design standards to address the unique environmental conditions of waterfront and mountaintop developments which may differ from standard design objectives.

4. Locate new development in areas with similar densities and compatible uses.

5. The adverse impacts of new development on adjacent areas should be minimized.

6. Consider the protection of natural resources, rural features and surrounding uses of the community in the design and location of new development.

Not in Conflict

Evidence in the Record:

Adopt the staff report as written.

Agriculture**Policies:**

1. Continue allowing residential uses consistent with the allowable density in Agricultural zoning districts.

2. Protect agricultural uses and activities from land use conflicts or interference created by residential, commercial or industrial development

3. Enable farm-based family businesses on agricultural parcels with land use regulations. Examples include farm stands and other agri-business pursuits.

4. The County acknowledges the provisions of Idaho State's Right to Farm Act. Those shall be considered in the land use decisions.

5. Support the local economy by encouraging production, distribution, and retail sales of locally grown food and other agricultural products.

6. Protect environmental quality so that agriculture continues to be a viable use in the County.

Not in Conflict

Evidence in the Record:

The Zoning Commission found that this component was not applicable to this application.