



## Bonner County

### Board of Commissioners

Brian Domke

Asia Williams

Ron Korn

## Public Hearing Minutes - Planning

Date: July 23, 2025  
Location: 1500 Hwy 2, Suite 338  
Sandpoint, ID 83864  
Convene at: 1:30 PM

COMMISSIONERS: Domke – Present Williams – Present Korn – Present  
OTHERS PRESENT: Alex Feyen, Daniel Britt, Kyle Snider, Dylan Young

Purpose/Topic Summary: Planning Files VS0002-25, S0005-24, & AM0002-25

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Commissioner Williams opened the hearing at 1:30 p.m.

Commissioners Domke, Williams, and Korn advised that they had no conflicts with this file.  
Commissioner Williams asked if anyone needed assistance for this hearing, there were no requests.

**File VS0002-25 – Vacation Title 50 – Vacation of Private Easement** - The applicant is requesting to vacate a portion of Burley Drive, a 40' easement dedicated by the "Coyote Ridge" plat. The easement proposed to be vacated is approximately 0.57-acres. The project site is located off Peak View Drive in Section 34, Township 56 North Range 3 West, Boise-Meridian. The proposal is located within the service area of Sagle Fire District.

Staff Report Presented By: Kyle Snider

- Please see attached packet.
- Provided a summary of the project, including site plan and applicable standards.
- Gave background on the site, including hydrologic features and slope
- Noted the agencies that did and did not provide comment
- Kyle discussed Idaho Code regarding the vacation of easements and rights-of-way and provided analysis of these codes
- Read the narrative from the applicant
- Provided suggested conditions of approval

Applicant Presented: Russell Badgley, James A. Sewell & Associates for Tarek Saab

- Kyle did an outstanding job, nothing to add at this time

Public Comment Opened at 1:44 p.m.

In Support: None

Neutral: None

Opposed: None

No rebuttal by staff or applicant

Board discussion and deliberation:

Commissioner Korn: does not see any issues and his questions were answered during Kyle's presentation

Commissioner Domke: After reviewing, he concurs with the staff report and findings, finds this proposal is appropriate to solve the legal access issue

Commissioner Williams: Agrees as long as the conditions of approval are met

Commissioner Korn made a motion to **approve** this petition, FILE #VS0002-25, to vacate a portion of Burley Drive, finding that it is in accord with Idaho Code §40-203 and 50-1325 **as enumerated in the foregoing conclusions of law**:

**Conclusion 1:** This proposal **was** reviewed for compliance with the vacation criteria and standards set forth at Idaho Code §40-203, and 50-1325.

**Conclusion 2:** Bonner County **has not** received objections to the petition or application to vacate the described area.

**Conclusion 3:** The abandonment of the public right-of-way **is** in the public interest.

**Conclusion 4:** The landowner or landowners abutting said right-of-way **do** have access to his, her or their property from some other public street, public right-of-way or private road.

**Conclusion 5:** By granting this petition for vacation of this private easement, real property adjoining the subject right of way **will not** be left without access to an established highway or public right of way.

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 this meeting) and direct planning staff to draft written findings and conclusions to reflect this motion and transmit to all interested parties. The action that could be taken to obtain the vacation is to complete the Conditions of Approval as adopted. This action does not result in a taking of private property. Commissioner Domke seconded the motion. Roll Call Vote: Commissioner Domke – Yes; Commissioner Williams – Yes; Commissioner Korn – Yes. The motion carries/fails.

### **Findings of Fact:**

1. The applicant is seeking to vacate a portion of Burley Drive, a private easement, which is adjacent to parcels RP061310000020A, RP061310000010A, RP061310000030A, and RP061310000040A.
2. The applicant is requesting to vacate approximately 0.57-acres of an existing private easement, per the proposed plat and site plan provided by the applicant.
3. Based on materials submitted in this application, no real property adjoining the area to be vacated will be left without access to an established highway or public right-of-way.
4. Staff has not received any public comments opposing the vacation.
5. Vacation of this right-of-way will not extinguish any rights-of-way or easements for the continued use of existing sewer, gas, water, or similar pipelines and appurtenances, or other underground facilities as defined in section 55-2202, Idaho Code, for ditches or canals and appurtenances, and for electric, telephone and similar lines and appurtenances.
6. Burley Drive is a privately-owned and maintained easement, per the “Coyote Ridge” Plat.

7. Per the application and narrative statement, the applicant will be providing legal access to Burley Drive via parcels under their ownership to the South of the “Coyote Ridge” Plat.

**Conditions of approval:**

1. The vacation of the above-described platted area shall be effective upon the recording of a resolution by the Bonner County Commissioners granting the vacation.
2. The vacation of the platted area shall only be for the access easement as described above. All other easements existing on the subject area shall remain in place.
3. No lots or parcels shall be left without legal access.
4. Prior to the recording of the resolution, the applicant shall obtain and establish a recorded easement establishing legal access for the “Coyote Ridge” plat.
5. Once the resolution is accepted by the Board of County Commissioners and recorded with the Bonner County Recorder, the applicant shall submit, and receive approval of, an application for a minor notational change to the “Coyote Ridge” plat to reflect the vacation of this private easement and show the new easement that would grant access to the lots of this plat.
6. The costs for legal advertisements and recording fees shall be borne by the petitioner and shall be paid prior to the recording of the resolution for this vacation.

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Commissioners Domke, Williams, and Korn advised that they had no conflicts with this file. Commissioner Williams asked if anyone needed assistance for this hearing, there were no requests.

**File S0005-24 – Subdivision Preliminary Plat - Bahia Del Sol 2nd Addition** - The applicants are requesting to plat an approximately 6.77-acre parcel into 23 residential lots. The property is zoned Suburban. The project is located off Bottle Bay Road, a Bonner County owned public road in Section 02, Township 56 North, Range 2 West, Boise-Meridian. The project proposes to be served by Mountain Springs Water Corp for water services, Southside Water & Sewer District for sewer services and Avista Utilities. The project is located within the Sagle Fire District. The Zoning Commission, at the May 22, 2025 public hearing, recommended approval of this project to the Board of County Commissioners.

Staff Report Presented By: Daniel Britt

- Please see attached packet.
- Provided a summary of the project including background for site data, access, services, and environmental factors and soil types
- Daniel went over each Idaho and Bonner County Revised Codes applicable to this project in detail
- Daniel discussed property rights, population, nearby facilities and utilities, economic development, land use, natural resources, hazardous areas, transportation, recreation, housing, community design, and agriculture. Noted which agencies did and did not provide comment. The Lake Pend Oreille School District said an increase in density could impact their ability to provide adequate services.

Applicant Presented: Scott Brown for Darwin & Carolyn Brown

- Gave a brief overview of the project, including the reasons for the project

- Went over the proposed subdivision characteristics and current zoning and land use designation
- Discussed water and sewer as well as approvals from DEQ and Southside Sewer and Water
- Discussed other services that are available and necessary approvals
- Discussed fire protection and access/transportation

Commissioner Domke asked about the fire protection and traffic access near the northwest branch of the dead end road and if it meets the minimum dimensions for emergency vehicles/IFC. Scott advised that this road section as well as another meet the IFC.

Public Comment Opened at 2:16 p.m.

In Support:

- Matt Linscott – Applauds the way this has been formatted, especially the fire access and turnarounds; he has lived in this area his entire life and knew it would be subdivided eventually

Neutral: None

Opposed:

- Paul Gernstein – Has lived adjacent to this property since 2021; there are various issues that are contradictory to the comp plan, including open space, traffic congestion, quiet/solitude, a sense of community, and privacy. Discussed his concerns and said he spoke to ITD and said he was told they knew nothing about this project
- Travis Storro – Moved to this area in 2012 and has enjoyed the privacy and space. The applicant is well versed in county code and the application was put together well. The CCRs in this area are a minimum of half acre or larger. Discussed the placement of the proposed road would cause headlights to shine in his windows and traffic concerns
- Wayne Martin – Commented on the fire plan hydrant minimum being a concern as well as wildfires being a concern. Lot sizes should be increased to benefit the neighbors and neighborhood

Public Comment Closed at 2:27 p.m.

Staff Rebuttal: None

Applicant Rebuttal:

- The original Comeback subdivision was before there was public water and sewer which is why the lots are larger
- Understands that getting onto the highway is a problem, the traffic issue is on the highway not Bottle Bay Rd, this is a problem that ITD needs to correct

Board discussion and deliberation:

Commissioner Domke: Trying to balance the concerns about traffic and the comp plan regarding services and transportation. Knowing that there is already a traffic hazard issued with no known resolution is a concern, even though this would otherwise be an ideal location due to available services and location

Commissioner Korn: The proposal was quite thorough, and he sees no conflict with BCRC. He understands the negative comments regarding lot size, but those lot sizes are allowed; he did not read any negative comments from other agencies.

Commissioner Williams: Noted that BC R&B comment noted increased traffic and lack of a traffic study being received and LPOSD commented that the school is already at capacity. She read the comment submitted by BC R&B. This would push more people onto a known safety issue with ITD. Also has a problem with lot size. This zone does allow for the density and lot sizes, but the safety concerns regarding traffic and the school being at capacity are difficult to get over.

Commissioner Korn: Added that getting hung up on traffic on Hwy 95 would be a slippery slope as traffic on the highway is not just from that road, if they are that concerned then they should put a moratorium on

building in this area because any building in that area will contribute to increasing traffic. Regarding the comment by Dr. Meyer, she lives in this area, and he has not seen any other letters from LPOSD noting that the schools are at capacity, he is concerned that there could be a conflict of interest.

Commissioner Williams: Noted the definition of conflict of interest, commented on the impact to everybody, and the safety issues regarding traffic in this area. She cannot put the benefit of one over others and this would compound the safety concerns of the highway.

Commissioner Korn: We are not going to deny others in a 20 mile radius of this area and that would also affect the area. The fair and equitable part would be to entertain a moratorium on that road and who uses that intersection, not just one individual.

There was further discussion among the board regarding the traffic issues of Highway 95 and the potential impact on safety and the applicable codes. There was a discussion regarding conditions and adding additional conditions as well as lot sizes and density. Commissioner Korn is concerned about the legal basis of a denial based on traffic on the highway. There was brief discussion regarding this concern.

With respect to FILE S0005-24, Bahia Del Sol we will continue this hearing to July 31, 2025 at 1:00 PM.

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**File AM0002-25 – Text Amendment - Bonner County Revised Code Title 12 -** Bonner County is seeking to amend the existing Bonner County Revised Code, Title 12 to include the following proposed change:

BCRC 12-333: The removal of the Recreational Vehicle Park/Campground use as a conditional use and prohibit this use in the Rural, Agricultural/Forestry, and Rural Service Center zoning districts. The Planning Commission at the June 3, 2025 public hearing, recommended approval of this project to the Board of County Commissioners. The Planning Commission's recommendation included the removal of this use in only the Agricultural/Forestry and Rural zoning districts.

Staff Report Presented By: Alex Feyen

- Please see attached packet.
- Provided the standards that pertain to this amendment and when it was noticed
- This amendment to BCRC 12-333 is to prohibit RV Parks/Campgrounds in Rural Ag/Forest, and Rural Service Center zones
- Alex went over the staff analysis of the proposed amendment
- Briefly discussed the comments received
- Alex discussed property rights, population, nearby facilities and utilities, economic development, land use, natural resources, hazardous areas, transportation, recreation, housing, community design, and agriculture. RV parks permitted within commercial zones are not intended for long-term use but are anticipated for short-term stays only.
- Discussed the recommendation of the Planning Commission

Public Comment Opened at 3:26 p.m.

In Support:

- Susan Bowman – Appreciates the board for bringing this, KBCR has been fighting for this for a long time, this is what the people want. Discussed her thoughts on Rural Service Centers
- Matt Linscott – Staff covered this well and service centers are pretty much small commercial services
- Jeff Stephens – Appreciates the board and the opportunity to speak. The county has trouble keeping up with infrastructure. Read from an emailed public comment regarding RV parks

- Dave Bowman – Noted that he submitted a very lengthy email for public comment and hopes the board read it. The decision letter saying that removing rural service center from the language is in conflict. Commented on the lack of evidence for the claim that there is a demand for RV parks.
- Susan Martin – Asked that this is approved because they moved here to be in rural and feels that rural is being taken away, we do not need rural service centers
- Wayne Martin – Unsure if the amendment can be changed, discussed including no RV Parks in any rural service/suburban areas. Commented on fires and emergency response to fires.
- Judd Conley – Discussed rural service centers and their designation per the comp plan. Commented on the increase in wells and the water quantity of the county and the uncontrolled water use by RVs
- Dennis Walker – Read the comment submitted by the BCSO and commented on the increased risk of fire
- Marrilee Conley – Discussed the negative impacts to rural residents and character
- Larry Madoski – Agrees with all prior comments, just wanted to add additional comments regarding fire dangers of RVs
- Charlene Monahan – Discussed the Blue Lake fire that was caused by an RV
- George L. – Discussed changes to land uses and density and that most in Bonner County want to remain rural. Discussed his experience with RV parks
- Wendy Cossette – People who choose to live in rural areas want lower density and services in rural areas cost more
- Karen Kelly – Commented on the approved RV parks in the last 5 years, there are not many requests, and then discussed the denied RV parks
- Diane Madoski – Wants RV parks removed from anything not rural
- Jonna Plante – Agree that it should be removed, does not agree that it should be allowed in rural service centers

Neutral: None

Opposed: None

Public Comment Closed at 3:57 p.m.

Staff Rebuttal: None

Board deliberation and discussion:

Commissioner Korn asked about Rural Service Centers and where they are mostly located.

Commissioner Williams thinks the majority of the board is in support and they are discussing the suggestion of the Planning Commission, Commissioners Korn and Domke agreed.

Commissioner Domke: Wants to consider what has been suggested, he finds the opposite of the PC as keeping RV Parks in these areas is in conflict of the comp plan. There are numerous negative aspects of an RV park that cannot be mitigated. The majority of those areas that are in rural service centers have land use zoning for commercial purposes which does not create conflict. Commented on the problems associated with CUPs. Having RV parks in rural areas is completely inappropriate. Discussed his reasons why this is inappropriate.

Commissioner Korn: Disagrees and agrees with parts. These should not be in Ag/Forest or Rural, but there are rural zones along corridors where these would be a good fit.

Commissioner Williams: Discussed rural service centers and this use should not be in these areas. This will increase density in a small area, and these should be in industrial/city areas. Having them in rural service areas is a conflict.

Commissioner Domke discussed the rural service centers further and having these parks along corridors. Not all of those areas are commercial, but they could be changed.

## LAND USE DECISION-MAKING WORKSHEET (File AM0002-25)

<b>Idaho Code §67-6512</b>		
<b>YES</b>	<b>NO</b>	List the relevant evidence from the <u>record</u> that supports your conclusion and the rationale for the conclusion.
<b>BCRC 12-222</b>		
<b>YES</b>	<b>NO</b>	List the relevant evidence from the <u>record</u> that supports your conclusion and the rationale for the conclusion.
<b>BCRC 12-262</b>		
<b>YES</b>	<b>NO</b>	List the relevant evidence from the <u>record</u> that supports your conclusion and the rationale for the conclusion.
<b>BCRC 12-223</b>		
<b>YES</b>	<b>NO</b>	List the relevant evidence from the <u>record</u> that supports your conclusion and the rationale for the conclusion.
<b>Other arguments raised during the hearing</b>		

Commissioner Domke made a motion to **approve** this FILE AM0002-25 to amend Chapter 3 subchapter 12-333 of Title 12, Bonner County Revised Code to remove Recreational Vehicle Parks/Campgrounds as a conditional use from the Rural, Agricultural/Forestry, and Rural Service Center, finding that it is not in conflict with the policies of the Bonner County Comprehensive Plan **as enumerated in the following findings of fact and conclusions of law:**

**Conclusion 1:** The proposed amendment **is** in accord with Idaho Code, Title 31, Chapter 7.

**Conclusion 2:** The proposed amendment **is** in accord with Idaho Code Title 67, Chapter 65.

**Conclusion 3:** The proposed amendment **is not** in conflict with the policies of the Bonner County Comprehensive Plan.

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 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. Commissioner Korn seconded the motion to further the discussion. Roll Call Vote: Commissioner Domke – Yes; Commissioner Williams – Yes; Commissioner Korn – No. The motion carries.

## Findings of Fact:

1. The Bonner County Planning Department has reviewed the proposed changes against Idaho Code and made amendments to better comply with the Idaho Code, specifically Title 67 Chapter 65, Local Land Use Planning.
2. The Board of County Commissioners is authorized by Idaho Code, Chapter 7, Title 31, to adopt ordinances, rules and regulations "...not repugnant to law, necessary for carrying into effect or discharging the powers and duties conferred by the laws of the state of Idaho, and such as are necessary or proper to provide for the safety, promote the health and prosperity, improve the morals, peace and good order, comfort and convenience of the county and the inhabitants thereof, and for the protection of property therein..."

The proposed ordinance making the above changes adds to the clarity intended in the interpretation of the Bonner County Revised Code and Bonner County Comprehensive Plan. These actions will further balance the provision of safety, health and prosperity while maintaining the protection of property, peace, good order, comfort and convenience of the county and its inhabitants.

3. The proposed changes are intended to provide clarification of the regulations, enabling the public and the staff to achieve the best results leading to greater understanding and use of the zoning ordinance.
4. The proposed code amendment was drafted at the direction of the Bonner County Commissioners.
5. The Planning Commission, in their deliberation, found that the Recreational Vehicle Parks/Campgrounds use in the Rural Service Center zoning district would be in conflict with the policies of the Comprehensive Plan and BCRC 12-227 as detailed in their recommendation letter to the BOCC, dated June 24, 2025.

Adjourned at 4:18 p.m.

Deputy Clerk: *Alisa Schoeffel*