



Bonner County

Board of Commissioners

Brian Domke

Asia Williams

Ron Korn

Double Appeal Public Hearing Minutes

Date: June 12, 2025 & July 7, 2025
Location: 1500 Hwy 2, 1st Floor Conference Room
Sandpoint, ID 83864
Convene at: 1:00 PM / 2:00 PM

COMMISSIONERS: Domke – Present Williams – Zoom Korn – Present
OTHERS PRESENT: Planning Staff; Bill Wilson

Purpose/Topic Summary: Planning: CUP0030-21 Conditional Use Permit RV Park; Appeal

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Commissioner Domke opened the hearing at 1:02 p.m.

Commissioner Domke asked if anyone needed assistance for this hearing, there were no requests.

Commissioners Domke, Williams, and Korn advised that they had no conflicts with this file.

File CUP0030-21 – Conditional Use Permit - RV Park - The applicant is requesting a conditional use permit for a 20-unit RV Park on 4.17 acres. The property is zoned Rural-5. The project is located off Clagstone Road and Al's Welding Road in Section 24, Township 54 North, Range 5 West, Boise-Meridian. On April 3, 2025, the Zoning Commission approved this file with conditions. On May 5, 2025, the Planning Department received two separate appeals requesting this file be heard by the Bonner County Commissioners.

Staff Report Presented By: Jake Gabell

- Please see File/Staff Report for full details
- Remand from the District Court, there are two appellants, Keep Idaho Rural, and Idaho Lands, the Applicant
- Provided a summary of the project
- The applicant re-submitted their application following the court's decision to vacate
- Provided the chronology of this file
- Idaho Codes referring to short-term rentals are used for reference purposes
- Provided a list of agency comments as well as public comments
- Provided the background of this project, including site data, access, environmental factors, and current services
- Went through the standards of review for the CUP application and the appeals from final decision of the Zoning Commission
- Received appeals from Keep Idaho Rural (KBCR, Appellant) and Idaho Lands (Applicant)
- Went over the CUP standards for review of applications and procedures
 - Public Safety Concerns: wildfire risks, emergency access, wastewater, water system; conditions of approval are proposed to address these concerns (see file).

There was a brief recess at 1:19 p.m. for technical issues

Reconvened at 1:26 p.m.

- The public agencies have indicated that the project as currently proposed presents risks to public health and safety.
- To grant a CUP, the board must find that the proposal is not in conflict with the policies of the comprehensive plan, as found in the adopted Implementation Component
 - Went over the policies in the following components: private property rights, population, school facilities and transportation, economic development, land use, natural resources, hazardous areas, public services, facilities and utilities, transportation, recreations, special areas or sites, community design, and agriculture
- Standards Review - BCRC 12-333 Commercial Use Table, RV Parks/Campgrounds, sections 8 and 21.
 - **Section 8:**
 - Adequate water supplies for drinking and fire suppression, as well as approval of sewage disposal sites and methods by PHD. Water will be supplied by an individual well. DEQ reviewed the application and determined that the proposed use will qualify as a Transient Non-Community Public Water System.
 - Adequate Sewage Disposal: the application indicates sewage disposal will be provided via a drain field. A speculative site evaluation was conducted and submitted to PHD. Per PHD's comment, additional information and a new application is now needed to for the agency to complete the review and ensure compliance with applicable subsurface sewage regulations.
 - Public Utility Facility: Per application, the RV spaces will be equipped with water and septic hook-ups; 20 hook-ups for each service. The proposed water service, per the definition in this code, would qualify as a public utility facility.
 - Adequate Water Supplies Fire Suppression: To adequately address the potential public safety concerns regarding fire a condition of approval has been added requiring approval from Spirit Lake Fire Protection District that the required fire standards have been satisfied prior to issuing the conditional use permit.
 - **Section 21:**
 - Tree Canopy Coverage: this project meets the requirement of 25 percent coverage.
 - Impervious Surface: The project must comply with this provision throughout the lift of the use.
 - **See Staff Report, Conditions of Approval, and Agency Comments.**
- General Standards: Discussed staff analysis for the following standards within BCRC:
 - 12-420, General Standards; 12-421, Performance Standards for All Uses;
 - 12-4.3, Parking Standards and 12-497 (D)
 - 12-4.4, Sign Standards
 - 12-4.5, et seq, Design Standards, 12-451 Applicability; BCRC 12-452: Site and Building Plans; BCRC 12-453: Standards (Review of Applicable Standards Only - Lighting Standards and Solid Waste and Recycling Collection)
 - 12-4.6, Landscaping and Screening Standards (12.4.60-65)
 - **See Staff Report and Condition of Approval**
- RV Dwelling Units, Parks, and Campgrounds: Discussed staff analysis of the following BCRC:

- 12-496: Residential Use Table (BCRC 12-332) includes a separate use category for RV Dwelling Units, defined in BCRC 12-804
- This proposal does not request approval for RV Dwelling Units, it is a request for an RV Park, a commercial use. For commercial use it is appropriate to impose a limitation-of-stay requirement, not utilized for long-term residential use.
- In the revised application, the applicant indicated that the RV park is intended to operate seasonally, from March through November, which reflects the transient, recreational nature of the use. The applicant has also removed all references to long-term or affordable housing in the amended application.
- Idaho Statute was used to help determine short-term and long-term stays
- **See Staff Report and Condition of Approval**
- Standards Review Specific to RV Park Use:
 - Discussed: density, yards and spacing, access, parking, park site design, landscaping, water and sewer, refuse collection, signs, permits required, site plan, and grading, stormwater management and erosion control.
 - **See Staff Report and Condition of Approval**

Commissioner Williams requested confirmation of the current zoning (R5). Asked about locations of buildings on the property, parking, traffic, and how many people will be on site. She asked if it would be reasonable to use the same standard for other recreation, such as vacation rentals. This is currently designated as residential, wants to know the rationale for commercial use. Each zoning allows for some commercial use or designation.

Commissioner Korn asked about electricity for each site, where the drain field would be located, and if there would be pavement. Staff showed the proposed site, and it will be gravel. Is dust control addressed? This could be added as a condition of approval. He also asked about how wide the roads will be. Requiring a logbook sounds good, but who will police that? Staff discussed how most short-term rentals keep a logbook and it would need to be available if requested.

Dave Bowman, Keep Bonner County Rural, Appellant:

- It's important to note that they are appealing the Staff Report provided to the Zoning Commission, today's Staff Report does not address the appeal
- Discussed the purpose of a CUP
- Grounds for Appeal: in violation of constitution/statutory provisions, excess of statutory authority, made on unlawful procedure, arbitrary discretion
- Listed a summary of errors found in the Zoning Commission decision based on the Staff Report provided to the ZC
- Discussed why the application should not have been accepted
- This CUP has been challenged in court twice
- Provided photos of properties around the site showing structures. Discussed the proposed tree barrier
- Questioned if staff visited the site
- Discussed the proposed site plan and inaccuracies in the proposed plan
- Commented on the site plan discussion at the ZC hearing regarding the buffer and drivable portion
- Reviewed the application and procedures during the ZC hearing, the staff analysis presented, and the behaviors of the members of the ZC and Staff
- Summarized his presentation, findings of facts and conclusions of law

Susan Bowman, Keep Bonner County Rural, Appellant:

- Discussed findings of fact and their importance, these need to be based on analysis and evidence
- Their presentation shows facts that support the appeal

Steven Doty, Idaho Lands, Applicant:

- At the last hearing Commissioner Williams said she had a conflict of interest; he requested how she does not at this hearing.
- Discussed the hearing where BCRC 12-497 was adopted
- Discussed the time and money spent on this project
- This has been approved twice by the ZC and the BOCC as meeting the standards of BCRC 12-497
- Applied for BLP, this shows proposed layouts, stormwater plans, landscaping plans, etc. The sign-off of the BLP is the fifth approval for this project
- This is the 8th hearing, the proposed project meets the code
- Discussed property rights and freedom of speech, he listened to the feedback from his neighbors and re-wrote his business plan, imposing more limitations on himself
- He discussed the time limitation as a condition, which is not in the code, other RV parks do not have this limitation
- Every time his proposal has been found to meet the code

Commissioner Williams asked where the maintenance building would be located on the site map. Steven has a BLP for this building, he discussed what maintenance items would be stored in this building.

Commissioner Korn asked if there was a well, if so, where it was located. There is and it is on the site map with the appropriate setbacks. The site plan was written by an engineer.

Commissioner Domke wanted clarification if there was new DEQ/PHD approval for septic. Steven discussed his communication with these agencies regarding his new permits which he paid for. Commissioner Domke read their public comment regarding the permits. Steven submitted to the record emails that the agencies had received his letter of intent. A discussion followed regarding the septic plan and the existing septic shown on the site plan. This plan was designed by a licensed engineer based on PHD's numbers.

Public Comment Opened at 3:56 p.m.

In Support of:

- Suzanne Glasoe – She was very much in favor of the RV's, commented on hotels and motels having daily/weekly/monthly, this park is being held to a higher standard; the approval by PHD does not have to come before the CUP approved; reiterated that this applicant is being held to a higher standard; commented on "RV people" being good people, they are not party people; people come here because of the lifestyle, this is why people come here to RV and the applicant is offering a place to RV in this area; KBCR has misrepresented this application

Neutral:

- None

Against:

- Marsha Stevens – Discussed the design of this project including the size of the sites; she disagrees with the sizes in the Staff Report as this is not an accurate calculation; further comments on the sites in this park; discussed the parking areas being inadequate;

- discussed the size of most RVs; discussed fire and safety concerns; they don't need an RV park in this residential area, it will be catastrophic
- Dennis Walker – The commissioners can make the best decision if they have read Mr. Bowman's letter of appeal, if they have not they should recess and do so; said there is no way to keep this park seasonal; commented on the noise and annoyances this will cause to neighbors and what it will do to their property values; read from the Staff Report; this project will create dangers and hazards
- Pricilla Emmet – Lives across the road and is the most affected; this is in conflict with the sub-area plan; read from the application; commented on the noise this will bring; commented on the hazards and traffic; this should be denied for the neighbor's property rights
- Theresa Heisener – Commented on affordable housing, RV parks should not be in neighborhoods; commented on MLDs, ADUs, and RV spaces on private property; will these people pay property taxes for using resources
- Wayne Martin – This may have been approved by the board but the court has overturned it; commented on PHD; commented on ADA campers and fire districts and NFPA and fire dangers; commented on fires in CA and lithium batteries
- Michelle Johnson – Agree with prior comments; discussed the zoning and lot size; this is high density and not rural; who will track the logbooks; nothing will protect the neighbors
- Jonna Plante – All codes and comp plan needs to be considered; not all impacts can be mitigated; this is not rural; commented on fire dangers; this is a hazardous project; discussed the health and safety of the public
- Kristine Logue – Reiterated other points made; commented on fire danger from ATVs and outdoor cooking; confused about multiple septic; wants to know how many people will be at this park; asked about recreational businesses in rural areas

Public Comment Closed at 4:35 p.m.

Dave and Susan Bowman, Keep Bonner County Rural, Appellant Rebuttal:

- Property rights of the applicant and neighbors need to be equal, the problems brought up can't be mitigated, 19 spaces are too much, seasonal impacts are the same as year-round, if electrical is not put in then there will be generators going 24/7, this is already a non-conforming lot, fire concerns and fire district response times
- Here to uphold the appeal, commented on the approvals of this project and the courts decisions, the zoning code was never cited in their decisions, instead they used bias and opinion

Steven Doty, Idaho Lands, Applicant Rebuttal:

- Trying to fix every hypothetical problem being overwhelming, but these potential problems are addressed in the code, this project follows the code, which is why it continues to be approved, (BCRC 12-497) this is the only applicable code

Commissioner Domke asked about the site plan and the parking spaces parallel to Clagstone. Steven clarified that he is limited to impervious surface. Commissioner Domke discussed the shape of this area, the required buffer area, and setbacks. Discussion followed regarding the intent of the plan,

- Steven appreciates the time regarding this file.

There was a brief discussion with legal regarding this process and ensuring both sides have been provided sufficient time.

- Steven would like Finding of Facts: 13, 16, and 17 and Conditions of Approval A-10 and A-11 removed as he believes they are arbitrary, and these requirements have not been imposed upon his competitors. No other RV parks in the County have to have these requirements. This violates the 14th Amendment providing equal rights.

Commissioner Domke believes that the deliberation process will take a lot of time and discussion, it would be best to continue this hearing to a date and time certain. All commissioners agree. The public hearing has been closed, and the deliberation will be held at this time.

Commissioner Korn made a motion to continue this hearing to July 7, 2025 at 2:00 PM with no more public input or additions to the record. Commissioner Williams seconded the motion. Roll Call Vote: Commissioner Williams – Yes; Commissioner Korn – Yes; Commissioner Domke – Yes. The motion carries.

Recessed at 5:16 p.m.

COMMISSIONERS: Domke – Present Williams – Absent Korn – Present
OTHERS PRESENT: Planning Staff; Bill Wilson (Zoom)

Commissioner Domke reconvened this hearing at 2:03 p.m. on Monday, July 7, 2025.

The public portion of this hearing was closed at the end of the prior hearing; the Board will proceed with the decision-making worksheet and deliberation on this file.

LAND USE DECISION-MAKING WORKSHEET

Idaho Code §67-6512		A special use permit/conditional use permit may be granted to an applicant if the proposed use is conditionally permitted by the terms of the ordinance, subject to conditions pursuant to specific provisions of the ordinance, subject to the ability of political subdivisions, to provide services for the proposed use and when it is not in conflict with the plan
YES	NO	List the relevant evidence from the <u>record</u> that supports your conclusion and the rationale for the conclusion
Commissioner Domke – In his opinion, the CUP application cannot be adequately served by PHD, BCSO, and Spirit Lake Fire and is also in conflict with the Comp Plan in several policies Commissioner Korn – Agrees with Commissioner Domke, added his opinion on the policies he believes are in conflict		
BCRC 12-222		APPLICATION CONTENTS
YES	NO	List the evidence from the <u>record</u> that supports your conclusion and the rationale for the conclusion.
Commissioner Domke – In his opinion while all questions were answered, many were not answered in detail or with sufficient explanation Commissioner Korn – Agrees that the application was complete, but without any thorough answers		
BCRC 12-262		APPEALS FROM FINAL DECISION OF COMMISSION/HEARING EXAMINER

YES	NO	List the evidence from the <u>record</u> that supports your conclusion and the rationale for the conclusion.
In agreement		
BCRC 12-223		The Zoning Commission or Hearing Examiner, except as otherwise provided in this title, is charged with conducting at least one public hearing on the conditional use permit application, at which time interested persons shall have an opportunity to be heard. The Zoning Commission or Hearing Examiner shall review the particular facts and circumstances of each proposal submitted. To grant a conditional use permit, the Zoning Commission or Hearing Examiner must find that the proposal is not in conflict with the policies of the comprehensive plan, as found in the adopted Implementation Component, and that the proposed use will neither create a hazard nor be dangerous to persons on or adjacent to the property.
YES	NO	List the evidence from the <u>record</u> that supports your conclusion and the rationale for the conclusion.
Commissioner Domke – In his opinion, no, based on same points as discussed in regard to Idaho Code §67-6512 Commissioner Korn - Agrees		
BCRC 12-333		BCRC 12-333 Commercial Use Table, Recreational vehicle parks/ Campgrounds (8), (21)
Note 8		Adequate water supplies for drinking and fire suppression, as well as approval of sewage disposal sites and methods by the Panhandle Health District and/or the state of Idaho, must be demonstrated as appropriate. BCRC 12-335 Public Use Table and 12-818 Public Utility Facility
YES	NO	List the evidence from the <u>record</u> that supports your conclusion and the rationale for the conclusion.
Commissioner Domke – In his opinion, does not meet the adequate water supplies, fire suppression, sewage Commissioner Korn – In agreement		
Note 21		Refer to Section <u>12-497</u> of this Title for RV Parks/Campground standards. Site requirements for RV parks include at least 25 percent tree canopy coverage and a maximum of 25 percent impervious surface.
YES	NO	List the evidence from the <u>record</u> that supports your conclusion and the rationale for the conclusion.
Commissioner Domke – In his opinion and based on the stormwater plan, the impervious surface issue was addressed, and the tree canopy coverage is met from an aerial view but not from the ground Commissioner Korn – In agreement, commented on a buffer from the road to the property and not from an aerial view		
BCRC 12-4.2		GENERAL STANDARDS:
YES	NO	List the evidence from the <u>record</u> that supports your conclusion and the rationale for the conclusion.
Accepted the conclusions of the Staff Report		
BCRC 12-421		PERFORMANCE STANDARDS FOR ALL USES
YES	NO	List the evidence from the <u>record</u> that supports your conclusion and the rationale for the conclusion.
Commissioner Domke – Listed the standards not met in his opinion Commissioner Korn – In agreement, commented again on the tree canopy and noise barrier		
BCRC 12-4.3 & 12-497 (D)		PARKING STANDARDS
YES	NO	List the evidence from the <u>record</u> that supports your conclusion and the rationale for the conclusion.

Commissioner Domke – Disagrees with Staff Analysis, these calculations were not the ones provided by the applicant and the parking area proposed is half of what is required by code Commissioner Korn – Agrees		
BCRC 12-4.4		SIGN STANDARDS
YES	NO	List the evidence from the <u>record</u> that supports your conclusion and the rationale for the conclusion.
Accepted the conclusions of the Staff Report		
BCRC 12-4.5		DESIGN STANDARDS
YES	NO	List the evidence from the <u>record</u> that supports your conclusion and the rationale for the conclusion.
Commissioner Domke – In his opinion, the lighting standard is not met, provided his concerns Commissioner Korn – In his opinion, the lights from the RVs cannot be controlled		
BCRC 12-4.6		LANDSCAPING AND SCREENING STANDARDS
YES	NO	List the evidence from the <u>record</u> that supports your conclusion and the rationale for the conclusion.
Commissioner Domke – In his opinion, this type of landscaping would not be met Commissioner Korn - Agrees		
BCRC 12-496		RV DWELLING UNIT
YES	NO	List the evidence from the <u>record</u> that supports your conclusion and the rationale for the conclusion.
Accepts the conclusions of the staff report, no longer applicable		
BCRC 12-497		RV PARKS/CAMPGROUNDS A. Density B. Yand Spacing C. Access D. Parking E. Park Site Design F. Landscaping G. Water and Sewer H. Refuse Collection I. Signs J. Permits Required K. Site Plan
YES	NO	List the evidence from the <u>record</u> that supports your conclusion and the rationale for the conclusion.
Commissioner Domke – In his opinion, it can meet a number of these, but not A, D, E, F Commissioner Korn – Added: G, H, K		
BCRC 12-72		GRADING, STORMWATER MANAGEMENT AND EROSION CONTROL
YES	NO	List the evidence from the <u>record</u> that supports your conclusion and the rationale for the conclusion.
Accepted the conclusions of the Staff Report		
Other arguments raised during the hearing		
Commissioner Domke discussed some of the issues brought up during the hearing regarding long-term housing, enforcement, and the need to be in compliance with State Code and County Code		

Deliberation and Discussion among the Board:

The board briefly discussed their reasons and the discussion regarding the worksheet. Director Gabell did note that the contested fact/concerns brought up by the public. He had a question regarding the rationale behind BCRC12-497-A (density). Commissioner Domke clarified that he

meant BCRC 12-497-A-1 regarding RV parking spaces/area. Further discussion regarding the highest levels of concern which include safety.

Commissioner Domke stepped down from the chair and made a motion to **reverse** the decision of the Zoning Commission and **deny** FILE CUP0030-21, requesting a conditional use permit for an RV Park, finding that it is in conflict with the policies of the Bonner County Comprehensive Plan and the Bonner County Revised Code as enumerated in the following Conclusions of Law:

Conclusion 1: The proposed conditional use permit **is** in conflict with the policies of the Bonner County Comprehensive Plan.

Conclusion 2: This proposal was reviewed for compliance with the criteria and standards set forth at BCRC Title 12, Chapter 2, Subchapter 2.2 Conditional Use Permits; Chapter 3, Subchapter 3.3.; Chapter 4 Development Standards; Subchapter 4.9 Standards for Specific Uses, and Chapter 7 Environmental Standards and **was not** found to be in compliance.

Conclusion 3: The proposed use **will** create a hazard nor 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 section 67-6535, have the Chair sign, and transmit to all interested parties. This action does not result in a taking of private property. Commissioner Korn seconded the motion. Roll call vote: Commissioner Korn – Yes; Commissioner Domke – Yes. The motion carries.

The action that could be taken, if any, to obtain the conditional use permit is to:

1. File a new application with the Planning Department and meet the standards required by Bonner County Revised Code; or
2. Peruse such remedies as provide by Idaho Statute.

Adjourned at 3:12 p.m.

Deputy Clerk: *Alisa Schoeffel*