



Bonner County Planning Department

"Protecting property rights and enhancing property value"

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Idaho Land LLC,
PO Box 591
Hayden, ID 83835

April 9, 2025

Subj: File CUP0030-21- Conditional Use Permit- Idaho Land

LLC RV Park Encl: (1) File CUP0030-21 Zoning Commission

Approved Site Plan

Dear Applicant,

The Bonner County Zoning Commission at the April 3, 2025 hearing **approved** the referenced application with conditions.

Commission Poulson made a motion to approve this project, FILE CUP0030-21, requesting a conditional use permit for an RV Park, finding that it is not in conflict with the policies of the Bonner County Comprehensive Plan and Bonner County Revised Code as enumerated in the following Conclusions of Law:

Conclusion 1: The proposed conditional use permit is not in conflict with the policies 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 found to be in compliance.

Conclusion 3: The proposed use will not create a hazard or will not be dangerous to persons on or adjacent to the property.

The decision is based upon the evidence submitted up to the time the Staff Report was prepared and testimony received at this hearing. Commissioner Poulson further moved to adopt the findings of fact and conclusions of law as set forth in the Staff Report (or as amended during the hearing) and direct planning staff to draft written findings and conclusions to reflect this motion, have Chairman sign, and transmit to all interested parties. This action does not result in a taking of private property.

Findings of Facts:

1. The Rural Zoning District allows for conditional use permits for RV Parks. The property is within the Rural District and is currently zoned Rural-5.
2. The site is approximately 4.17 acres in area.

3. The proposal is for an RV Park, which is classified as a commercial use under BCRC 12-333.
4. The proposal meets the required standards of BCRC 12-333, including Note (21).
5. BCRC 12-333, Note 8 requires the project to have adequate water supply for fire suppression. The Spirit Lake Fire Protection District is the appropriate agency to determine adequacy. The fire district administrator provided an updated comment dated March 26, 2025, to share the district's intention to follow and enforce the International Fire Code. Condition of approval B-3 requires review and approval from the fire district prior to the issuance of the permit so that the fire district can apply applicable fire codes before the property may be used as an RV Park
6. The property is accessed from Clagstone Road and Al's Welding Road. Both roads are Bonner County-owned and maintained gravel rights-of-way.
7. Electricity is provided by Inland Power.
8. The site has an individual well.
9. The proposal is for a 20-unit RV Park.
10. Per BCRC 12-331, in the case of a question as to the inclusion or exclusion of a particular proposed use in a specific use category, the Planning Director has the authority to make the final determination based on the characteristics of the proposed operation. In this case, the Director determined that the proposed use fits in the category of an RV Park, as defined in BCRC 12-333, Commercial Use Table, and does not fall under Residential Uses—Recreational Vehicle Dwelling Unit.
11. A landscaping plan showing compliance with this BCRC 12-4.6 was submitted with the RV Park Building Location Permit, application number BLP2022-1243, and approved by staff with the approval of the permit; the approval of the Building Location Permit has been suspended by the Planning Department, pending the decision made on this proposal.
12. The landscape requirements for this project were applied for and satisfied with Building Location Permit application number BLP2022-1243, per the GIS department. No additional addressing is required in conjunction with this conditional use permit.
13. In the most recent round of litigation addressing this file, Bonner County attempted to distinguish between RV Dwelling Units used for residential purposes (BCRC 12-332) and permanent RVs contained within an RV Park (BCRC 12-497). However, the Court rejected that argument. As such, we must conclude that the code as currently drafted does not allow for that distinction. As a consequence, the only way to harmonize the two sections is to impose a limitation-of-stay requirement on new RV Parks such that they cannot be utilized for long-term residential use.
14. The applicant has applied for a Conditional Use Permit for an RV Park per BCRC 12-333 and BCRC 12-497, as a commercial use. BCRC 12-332 and BCRC 12-496, which apply to residential uses, are not applicable to this proposal.
15. The Residential Use Table (BCRC 12-332) provides for RV Dwelling Units, defined in BCRC 12-804 as "A recreational vehicle used in the same manner as a single-family dwelling or an accessory dwelling unit." These units are regulated under BCRC 12-496, which establishes them as long-term housing options permitted only in

residential zones. This application is not requesting long term housing and is not requesting for the RV Dwelling Unit use, it is for the RV Park found in BCRC 12-333 and defined in BCRC 12-818.

16. The proposed use is an RV Park, which is defined in BCRC 12-818 as “Any premises designed for the rental of three (3) or more recreational vehicle parking stalls or spaces.”

BCRC 12-497 does not contain a specific limitation on the duration of stay. However, because RV Parks are listed in the Commercial Use Table and not in the Residential Use Table, it is appropriate to apply a duration of stay limitation consistent with transient lodging.

Other transient lodging uses in the Commercial Use Table—such as hotels, hostels, resorts, and retreats—are not intended for residential occupancy. Similarly, an RV Park permitted under commercial zoning should not function as a residential development.

The applicant’s revised application indicates the RV Park will operate seasonally, from March through November, and has removed all references to long-term or affordable housing, which reflects the transient, recreational character of the use.

Idaho Code 63-1803(4) and 67-6539 define short-term occupancy as 30 days or less and affirm the authority of local governments to regulate short-term lodging. This supports the imposition of a 30-day maximum occupancy per calendar year per guest or RV unit to preserve the commercial nature of the use.

17. A guest logbook is required to be maintained by the applicant. This log must include guest names, RV license plate numbers, assigned spaces, and dates of occupancy, and must be made available to the Planning Department upon request. This record provides an effective enforcement mechanism for verifying compliance with the 30-day limitation and supports the County’s responsibility to ensure proper zoning administration.
18. The applicant submitted a speculative site evaluation and wastewater system upgrade application to the Panhandle Health District (PHD), along with the required payment; which has expired. An application for a new well was also submitted to the Idaho Department of Water Resources (IDWR). The Idaho Department of Environmental Quality (DEQ) reviewed the proposed project and determined it will qualify as a Transient Non-Community Public Water System. Conditions of approval have been added requiring compliance with applicable state requirements prior to development of the water and wastewater systems.
19. Public and agency comments express perceived concerns about safety hazards created by this project. Those comments do not demonstrate actual safety hazards that will arise as a result of this project; they lack substance, evidence, and objective standards to reference. The project will not create a hazard, and will not be dangers to persons on or adjacent to the property.
20. RV parks and campgrounds are conditionally permitted in several zones throughout the county. Various RV parks and campgrounds similar to this project have been

approved under the same standards that apply to this project. We find that this project is not in conflict with the Comprehensive Plan.

Conditions of Approval:

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

- A-1** The use shall be developed and shall be operated in accordance with the approved site plan.
- A-2** The Conditional Use Permit shall not supersede deed restrictions.
- A-3** All county setbacks shall be met.
- A-4** The Conditional Use Permit shall expire if not issued within two (2) calendar years from the date of approval, or, once issued, if the use has not commenced within two (2) calendar years from the date of issuance. A single time extension of up to two (2) additional years may be granted, provided a written request is submitted to the Planning Department prior to the expiration date and the required fee is paid. The extension request shall be reviewed by the applicable governing body, and, if approved, shall automatically modify the original permit to reflect the new expiration date. No additional public hearing shall be required.
- A-5** Each structure, to include the proposed sign, is required to first obtain a Building Location Permit and meet the applicable standards of Title 11 and Title 12, Bonner County Revised Code.
- A-6** This project shall be developed in accordance with BCRC 12-4.5
- A-7** This project shall be in accordance with all applicable standards required by BCRC 12-497.
- A-8** Each RV parking stall shall be 2,700 square feet, per the site plan provided.
- A-9** Proper signage indicating directional traffic in and out of the park shall be on site.
- A-10** No guest, group of guests, or RV unit shall occupy the RV Park for more than thirty (30) cumulative days within any calendar year, regardless of whether the guest or RV unit moves between different spaces within the park.
- A-11** The property owner shall maintain a guest log documenting the names of guests, license plate numbers, assigned space(s), and dates of occupancy. This log shall be made available for inspection by the Bonner County Planning Department upon request.

Conditions to be met prior to issuance:

- B-1.** The applicant shall provide documentation of adequate drinking water, with approval by the Idaho Department of Environmental Quality (DEQ), in accordance with BCRC 12-333 Note 8.
- B-2.** If the wastewater system is determined by PHD or DEQ to exceed 2,500 gallons per day, the applicant shall also obtain approval from DEQ or PHD, as applicable, prior to system installation. A conditional use permit from Bonner County for a Public Utility Facility will also be required.
- B-3.** The applicant shall provide documentation from Spirit Lake Fire District that fire flow, spacing, setbacks, and fire access standards have been satisfied.

- B-4.** The applicant shall provide documentation that Water rights are approved and permitted by the Idaho Department of Water Resources (IDWR) as requested in the IDWR water rights application dated April 29, 2022.
- B-5.** Per BCRC 12-7.2, a Stormwater/Grading/Erosion Control plan, prepared by an Idaho Licensed Engineer, shall be submitted to, and approved by, the Bonner County Engineering Department.

Commissioner Clark seconded the motion.

Commissioner Marble motioned to amend the motion to include the changes to condition B-5 as discussed.

Commissioner Blaser seconded the motion.

ROLL CALL VOTE

Commissioner Poulson	AYE
Commissioner Clark	AYE
Commissioner Blaser	AYE
Commissioner Burkamp	NEY
Commissioner Marble	AYE

VOTED upon and the Chair declared the motion carried with a vote of 4-1.

Please contact the Planning Department if you have any questions.

Sincerely,



Jacob Marble, Chair,
Bonner County Zoning Commission

cc: Stephen Doty, Idaho Land LLC, Project Representative

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., May 7, 2025**. 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)).