

# 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](mailto:planning@bonnercountyid.gov) - Web site: [www.bonnercountyid.gov](http://www.bonnercountyid.gov)



## Board of County Commissioners Staff Report for July 23, 2025

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**Project Name:** Bahia Del Sol, 2<sup>nd</sup> Addition

**File Number,** **S0005-24, Subdivision**  
**Type:**

**Request:** The applicant is requesting a 23-lot subdivision

**Legal Description:** 2-56N-2W BAHIA DEL SOL 1<sup>ST</sup> ADD LOT 1

**Location:** The subject property is located off Bottle Bay Road, Fiesta Shores Drive and Bonita Bay Lane.

**Parcel Number:** RP026060000010A

**Parcel Size:** 6.77-acres

**Applicant/  
Landowner:** Darwin & Carolyn Brown  
C/O Scott Brown  
1319 N Division Ave  
Sandpoint, ID 83864

**Project  
Representative:** Scott Brown  
1319 N Division Ave,  
Sandpoint, ID 83864

**Application filed:** March 11, 2025

**Notice provided:** Mail: July 1, 2025  
Site Posting: July 16, 2025  
Published in newspaper: July 1, 2025

<b>Appendices:</b>	<b>Appendix A – Notice of Public Hearing Record of Mailing</b> <b>Appendix B – Public Agency Comments</b> <b>Appendix C – Surety Agreement for Improvements Bond</b> <b>(SS0002-24)</b> <b>Appendix D – Zoning Commission Recommendation Letter</b>
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## Page 2 of 29





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## **Project Summary:**

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The applicant is requesting to plat a 6.77-acres platted lot into 23 residential lots ranging in area from  $\pm 0.24$  acres to 0.54 acres.

The site has direct access and frontage on Bottle Bay Road, a Bonner County owned and maintained public right-of-way, Fiesta Shores Lane and Bonita Bay Lane, both are Bonner County owned and privately maintained public rights-of-way, located in Section 2, Township 55 North, Range 2 West, Boise Meridian, Idaho. The property is zoned Suburban and has a land use designation of Transition.



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## Applicable Laws:

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The following sections of BCRC, Title 12, apply to this project:

BCRC 12-2.6	Abandonments, Appeals, Complaints, Exceptions, Fees, Modifications, Public Hearings, Application Processing
BCRC 12-216	Evaluation of Amendment
BCRC 12-268	Application Process, General Provisions
BCRC 12-412	Density and Dimensional Standards: Suburban, Commercial, Industrial, Rural Service Center, Recreation and Alpine Village Zones
BCRC 12-610	Applicability/ Qualifications
BCRC 12-611	Definitions
BCRC 12-620	Design Standards: General
BCRC 12-621	Design Standards: Lot Design
BCRC 12-623	Design Standards: Services and Utilities
BCRC 12-624	Design Standards: Roads and Access
BCRC 12-625	Design Standards: Trails and Parks
BCRC 12-626	Design Standards: Environmental Features
BCRC 12-642	Preliminary Plat, Contents of Application
BCRC 12-643	Subdivisions, Procedure for processing Preliminary Plats
BCRC 12-644	Improvement Plan Required, Contents
BCRC 12-645	Standards for review of Applications for Preliminary Plat of all Subdivisions
BCRC 12-646	Final Plat, Contents
BCRC 12-647	Endorsements to be Shown on Final Plat
BCRC 12-7.1	Shorelines
BCRC 12-7.2	Grading, Storm water Management and Erosion Control
BCRC 12-7.3	Wetlands
BCRC 12-7.4	Wildlife
BCRC 12-7.5	Flood Damage Prevention
BCRC 12-7.6	Hillsides

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## Background:

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### A. Site Data:

- Use: The property currently exists as vacant land.
- Platted/ Unplatted: The site is platted.
- Size: 6.77 acres
- Zone: Suburban
- Land Use: Transition

### B. Access:

- The site has direct access and frontage on Bottle Bay Road, a Bonner County owned and maintained public right-of-way.
- Fiesta Shores Drive and Bonita Bay Lane, both public rights of way, these rights-of-way improvements were bonded for in file #SS0002-24.



### C. Environmental Factors:

- Majority of the site contains no slopes or minimal slopes of less than 15% grade. (US Geological Survey)
- The site contains PEM1C and PFO1C mapped wetlands. (National Wetland Inventory, US Fish and Wildlife Service)
- The site does not contain any mapped waterbodies, streams, lakes or rivers. (National Hydrography Dataset, US Geological Survey)
- Site contains the following types of soils: (US Department of Agriculture)
  - (31) Mission silt loam, 0 to 2 percent - classified as "prime farmland if drained" with a drainage classification of "somewhat poorly drained".
  - (32) Mission silt loam, 2 to 12 percent - classified as "prime farmland if drained" with a drainage classification of "somewhat poorly drained".
- Parcel is located within Flood Zone X (Unshaded) and not located within floodway, per FIRM Panel 16017C0950E, effective date 11/18/2009. FEMA defines Zone X (Unshaded) as "The areas of minimal flood hazard, which are the areas outside the SFHA and higher than the elevation of the 0.2-percent-annual-chance flood." No further floodplain review is required for this project.
- No local, state or federal agencies have identified any critical wildlife habitats on or within the vicinity of the subject property.

### D. Services:

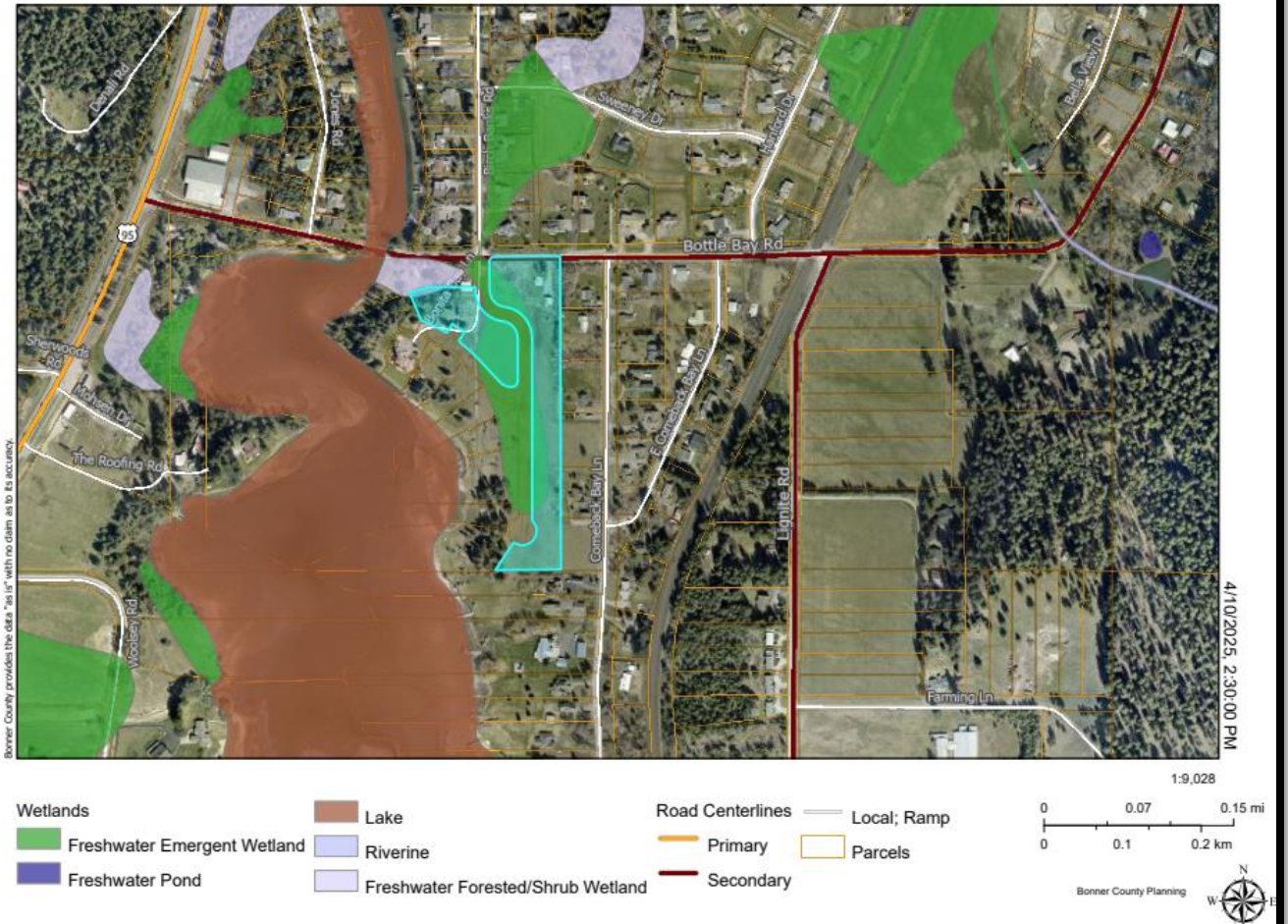
- Water: Mountain Springs Water Corp.
- Sewer: Southside Water & Sewer District
- Power: Avista Utilities
- Fire: Sagle Fire District
- School District: Lake Pend Oreille School District #84
- Ambulance District: Bonner County Ambulance District
- Hospital District: Pend Oreille Hospital District

### E. Comprehensive Plan, Zoning and Current Land Use

Compass	Land Use	Zoning	Current Use & Density
<b>Site</b>	Transition	Suburban	Residential
<b>North</b>	Transition	Suburban	Bottle Bay Road
<b>East</b>	Transition	Suburban	Residential /Vacant -Six lots- 0.85 acers
<b>South</b>	Transition	Suburban	Residential - 2.64 acers
<b>West</b>	Transition	Suburban	Residential/ Vacant- 1.0 to 1.8



# Wetland- Bonner County Map Viewer





# LiDAR Slopes- Bonner County Map Viewer



Slope\_USGS\_B1

0 - 15% >15 - 30% >30%

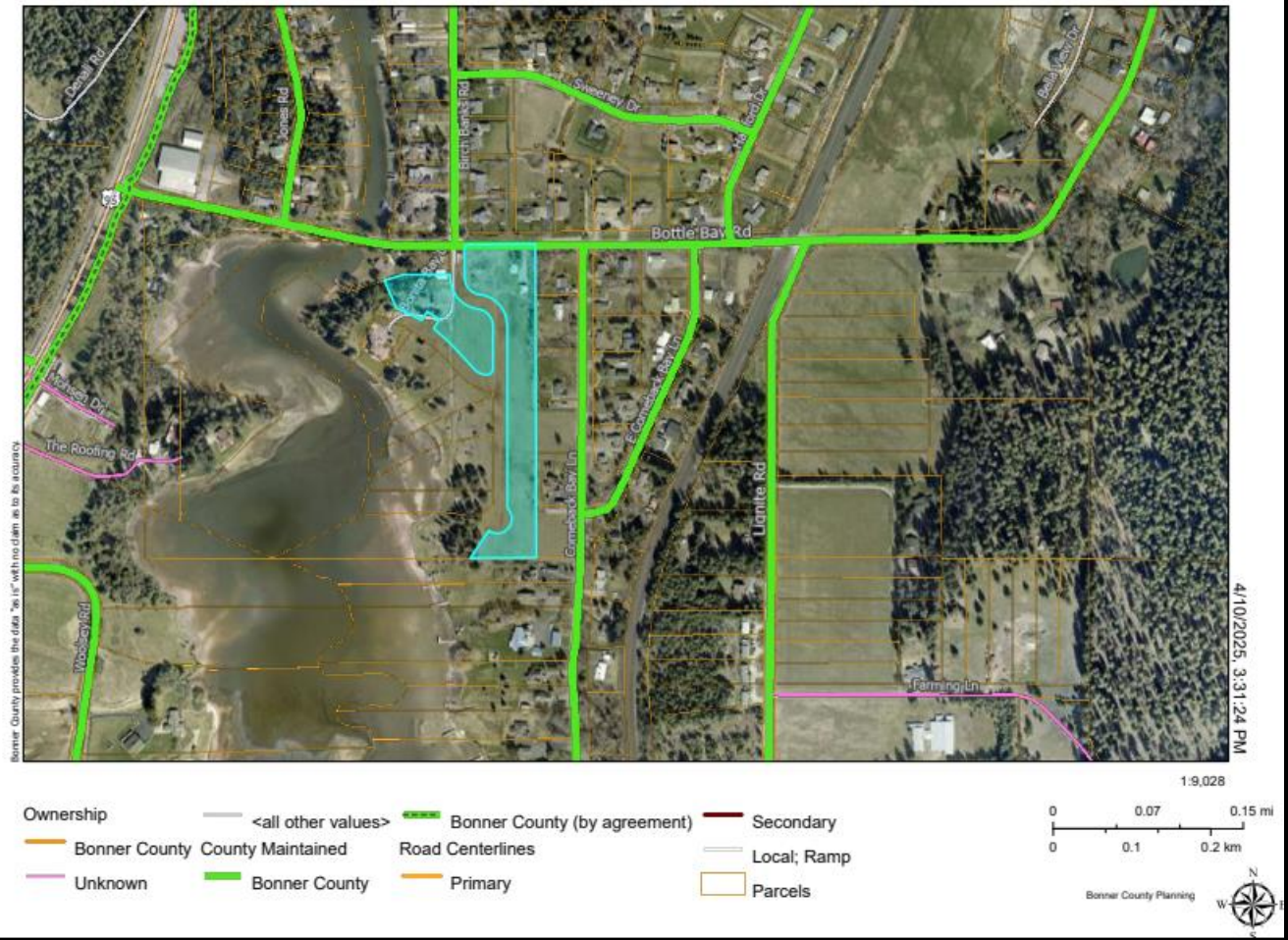
Road Centerlines

Local; Ramp Secondary

Parcels



## Roads- Bonner County Map Viewer



## Comprehensive Plan Analysis:

### Property Rights

#### Policies:

1. Bonner County should follow the attorney general's checklist, proscribed at Idaho Code §67-8003 and provided in the "Property Rights" component of the county's comprehensive plan, for all land use decisions.
2. For all land use decisions, findings of fact and conclusions of law should be adopted that reflect the justifications for exactions, conditions and restrictions and should confirm that a taking of private property has not occurred.
3. The property rights of the applicant, adjoining and nearby landowners and future generations should be considered, as well as the short-term and long-term consequences of decisions.



4. Bonner County should 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 may be subject to the regulatory taking analysis provided for by Idaho Code Section 67-8003.

**Staff:** Upholding property rights and complying with Idaho state law the above policies allows the governing body to make informed, fair, and legally sound land use decisions that protect property rights.

## **Population**

### **Policies:**

1. Population projections should be analyzed regularly 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. Population forecasts and census data should be used to evaluate housing and school needs, and impacts to the transportation system and other county services.
3. Bonner County should cooperate with its incorporated cities and neighboring counties to address growth challenges within the ACI areas and coordinate planning efforts whenever possible.

**Staff:** The 2020 census placed Bonner County’s population at 47,110. Bonner County, established in 1907, now has over 100 years of population data. The county grew by fewer than 2,000 people over the first 60 years of its existence. Between 1990 and 2000, Bonner County increased in population by 38.4 percent, but by the 2010 census, the growth slowed to an 11 percent increase over 10 years. From 2010 to 2020 the population grew by 13 percent and the estimated increase from 2020 to 2021 was 3.4 percent or 49,491.

## **School Facilities & 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. Bonner County should examine the impacts of land use proposals to the school system and should seek mitigation from developers such as providing facilities, safety features, fees or other measures as permitted by Idaho Code, to address the impact of the proposals.

**Staff:** Lake Pend Oreille School District #84 and Lake Pend Oreille School Transportation that serves the properties, were notified of the proposed zone change. Lake Pend Oreille School District commented as to how an increase in density and development could impact on the district’s ability to provide adequate school services (and facilities) for new and



existing students. The Transportation department did not provide a comment. Bonner County currently assesses property taxes; a portion of that revenue goes to the school's general fund. This project does not appear to be in conflict with these policies.

## **Economic Development**

### **Policies:**

1. Small scale cottage businesses and home occupations should be allowed in all areas of the county. Reasonable conditions on such uses should be set 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 Bonner 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. Review and update land use regulations for employee housing to support the goal of enabling this use in proximity to commercial, industrial and agricultural uses.

**Staff:** Bonner County's land use regulations provide a comprehensive framework that supports small-scale businesses, preserves agricultural heritage, promotes sustainable development, and facilitates the integration of employee housing with commercial, industrial, and agricultural uses. The county's approach balances the needs of diverse land uses while addressing potential impacts on the community and environment, fostering a vibrant and sustainable future for its residents.

## **Land Use**

### **Policies:**

1. Commercial and industrial uses, in areas identified in the Comprehensive plan suitable for such development, should be unconditionally permitted. 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.
2. 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.

**Staff:** Bonner County's land use policies for commercial and industrial development reflect a balanced approach that seeks to accommodate growth while preserving the county's rural



character and environmental resources. By designating suitable areas for unconditional development and allowing for conditional permitting elsewhere, the county provides flexibility to meet economic needs without compromising community values. Ongoing community engagement ensures that land use decisions continue to align with the aspirations of Bonner County residents.

## **Natural Resources**

### **Policies:**

1. Watershed standards should be employed in land use codes to protect water quality.
2. Best management practices for waterway setbacks should be instituted to reduce erosion and sedimentation into waterways.
3. Development standards should be designed to encourage clustered development resulting in the preservation of open space and wildlife habitat.
4. Bonner County should recognize its critical wildlife habitat and create development standards to protect these areas and mitigate development impacts to these habitats.
5. Protect water quality by creating standards for development in close proximity to shorelines.
6. Productive farmland, timberland and mining lands should be identified and protected from adverse effects of adjoining developments.

**Staff:** Bonner County has adopted and implemented regulations that protect waterways from pollution, erosion and sedimentation. These measures help to protect the Bull Trout, the only mapped critical wildlife in Bonner County. The proposal is approximately 0.01 miles away from that mapped area. Idaho Department of Fish and Game had no comment on the proposal and no other regulatory agency identified any wildlife habitat on this proposal.

## **Hazardous Areas**

### **Policies:**

1. Flood mitigation standards should be adopted that meet or exceed the National Flood Insurance Program minimum requirements.
2. Residential, commercial or industrial development within the floodway should be discouraged.
3. Fill within the floodplain should be discouraged.
4. The county's wildland fire, urban/wildland interface policies and plans should be integrated into development standards.
5. Excessive slopes should be identified and development discouraged by providing lower densities within these areas.



6. Multiple points of ingress/egress should be considered for large developments
7. Development should be avoided in avalanche zones.

**Staff:** The subject properties are not located within a mapped floodway or flood hazard zone. The parcel does contain mapped slopes of 0 to 15% grade, however according to the Avalanche Hazards map found in the Hazardous Component (p.7) this area is low avalanche danger. Furthermore, the properties are afforded emergency services from The Bonner County Sheriff's Office and Selkirk Fire District.

## **Public Services, Facilities & Utilities**

### **Policies:**

1. Encourage high-density development to take place within the boundaries of existing sewer and water areas.
2. Bonner County should seek comment 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. Bonner County should 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.

**Staff:** Avista Utilities did not indicate that this request would adversely impact their ability to serve the area. Agencies that provide water and sewage disposal services indicated the capacity to serve this project exists. Bonner County has several solid waste facilities throughout the county.

## **Transportation**

### **Policies:**

1. A long-term transportation system plan should be developed and regularly updated 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. Development in areas that are not served by county standard roads or where transportation is inadequate should be discouraged.
3. Bike and pedestrian trails should be considered in development proposals to connect the communities with existing and planned bike and walking paths wherever possible.

**Staff:** State of Idaho is currently in the design phase of a realignment of Highway 95 and Bonner County does not currently have an adopted trails plan to encourage pedestrian or bike trails.

## **Recreation**



## **Policies:**

1. Bonner County is encouraged to develop a waterways and park 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. A plan for a system of green belts and pathways (bike and pedestrian) should be considered as areas develop, so that a connected system can be developed and preserved.
3. Under no circumstances, will Bonner County require access easements on private property as a condition of development. This policy does not preclude providing voluntary incentives to developers in return for access easements.

**Staff:** The project is not adjacent to public lands and no access to public lands is available for this proposal. Current recreational opportunities for the general public that are available in Bonner County are anticipated to remain the same with this proposal. The proposal does not appear to be in conflict with the policies of this component.

## **Special Areas or Sites**

### **Policies:**

1. A generalized map of the known pre-historic and historic sites should be developed 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. Bonner County should implement roadside development standards for recognized scenic byways to protect the view sheds.
3. Special areas should be recognized and addressed when development is proposed in these areas.

**Staff:** There are protected scenic byways in Bonner County. No agency has identified any prehistoric sites or historic sites in Bonner County that could be adversely affected. Bonner County has not adopted a map that indicates any historic or pre-historic sites.

## **Housing**

### **Policies:**

1. Encourage development of a variety of housing options including mobile home parks, tiny home communities and recreational vehicle parks located in areas that are compatible with their density.
2. Work with municipalities and private parties to find solutions for all types of housing projects and developments.



3. Clustering of housing in developments to save on infrastructure and transportation costs should be encouraged through mechanisms such as density bonuses.
4. Bonner County recognizes opportunities should be made for assisted living and group shelters.
5. Enable workforce housing in direct proximity to agricultural, commercial and industrial uses

**Staff:** The land use designation of Transition envisions higher density development. The proposed subdivision could result in more housing opportunities. This component recognizes that the county has a need for housing for the labor force.

## **Community Design**

### **Policies:**

1. To promote and preserve the natural features and rural atmosphere of the community, the county should enact development standards that address development within scenic byways and design standards that account for waterfront setbacks, wildlife corridors, 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 waterfront and mountaintop developments which may differ from standard design objectives.

**Staff:** This proposal may result in an increased development, the general area currently zoned Suburban and is classified as Transition by the Comprehensive Plan, which encourages higher density development. The request does not appear to be in conflict with these policies.

## **Agriculture:**

### **Policies:**

1. Residential uses should continue being permitted in Agricultural zoning districts.
2. Protect agricultural uses and activities from land use conflicts or interference created by residential, commercial or industrial development
3. Land use regulations should support home occupations, cottage industries and farm-based family businesses on agricultural parcels. Examples include farm stands and other agri-business pursuits.
4. Bonner County acknowledges the provisions of Idaho State's Right to Farm Act. Those shall be considered in the land use decisions.



**Staff:** The Suburban zoning allows for home occupations and cottage type business. Agricultural pursuits are generally not found in this zoning district. However, the Bonner County Code does encourage those activities in all zoning districts.

## Agency and Public Comments:

Agencies and taxing districts were notified of this application on July 1, 2025. A full list of the public agencies can be found in the attached Appendix A Agency comments can be found in the attached Appendix B.

### The following agencies replied with comments:

- Bonner County Road and Bridge Department
- Selkirk Fire District
- Idaho Department of Environmental Quality
- Idaho Transportation Department
- Lake Pend Oreille School District #84

### The following agencies replied with no comment:

- Kootenai- Ponderay Sewer District
- Panhandle Health District
- Idaho Department of Fish and Game
- Panhandle Health District
- Idaho Department of Water Resources

**No other agencies notified of this request replied.**

### Public Comments:

As of date of this staff report, public comments were received on the request.

## Standards Review:

BCRC Code	Standard for	Required	Provided
12-268	Application Process, General Provisions	Agency Routing	Public agencies were notified of this application on July 1, 2025.
12-610.B	Conformance with BCRC Title 12	Minimum Lot Size required is 10,000 sf. for Suburban District where all urban services are available. Minimum Lot Size required is 20,000 square feet for Suburban District where only urban sewer is available. Minimum Lot Size required is 1 acre for Suburban District where only urban water is available.	The subdivision is proposed to be served by Southside Water & Sewer District for sewer services and Mountain Springs Water Corporation for water services. The development received a will-serve confirmation letter from Mountain Springs Water Corporation stating their ability to serve Bahia del Sol on parcels on RP026060000010A for water services.



		Minimum Lot Size required is 2.5 acre for Suburban District where no urban services are available.	The site is also proposed to be served by Avista Utilities and located within the Selkirk Fire District. <b>See Conditions of Approval.</b>
12-620	General	Easements, constraints, reserved land areas to be shown and marked on the plats.	Utility easements have been shown on the face of the preliminary plat and listed in the "subject to" section. <b>See Conditions of Approval.</b>
12-621	Lot Design	Depth to width ratio of not more than 3.2:1 for lots less than 300 feet wide; and not more than 4.2:1 for lots more than 300 feet wide. Angle of intersections with fronting road between 85 – 95 degrees for lots with less than 100 feet width.	All proposed lots have a width of less than 300 feet. The ratio of 3.2:1 <b>See Conditions of Approval.</b>
12-622	Submerged Lands	Submerged lands not to be counted towards density calculations.	The subject parcel has no submerged lands.
12-623.A	Urban services	For lots less than 1 acre in size, urban services required.	The subdivision is proposed to be served by Southside Sewer & Water District for sewer services and Mountain Springs Water Corporation for water services. A will-serve letter from Mountain Springs Water Corporation has been received for water services and a will-serve letter has been received from Southside Sewer & Water District for sewer service. The site is also proposed to be served by Avista Utilities, hard surfaced roads and is located within the Sagle Fire District. <b>See Conditions of Approval.</b>
12-623.B	Water supply	Lots to be served by a connection to an existing public or private water system.	The subdivision is proposed to be served by Mountain Springs Water Corporation for water services. Relevant will-serve letter was submitted as part of the application.
12-623.C	Sewage disposal	Sewage disposal method for all building sites, as approved by the Panhandle health district and/or the	The subdivision is proposed to be served by Southside Sewer & Water District for sewer services. Relevant will-serve/



		state of Idaho, may be provided.	agreements were submitted as part of the application.
12-623.D	Fire Plan/Fire risk assessment	Assessment of fire risk Fire protection plan Defensible space plan	A fire risk assessment has been submitted. "The subdivision will be served by a public water system; Mountain Springs Water Corp. Mountain Springs provides fire flow to developments within their service area. The development will include three new fire hydrants. There is also an existing hydrant at the intersection of Bottle Bay Road. The hydrants will be spaced per fire code standards and are capable of providing minimum pressure and flow requirements." <b>See Conditions of Approval.</b>
12-624.A	Road name	Unique road names for new roads.	Bonita Bay and Fiesta Shores are currently bonded for and under construction. The names have been approved as found in SS0002-24. <b>See Conditions of Approval.</b>
12-624.B	Road standards	Road to be designed to meet private road standards of BCRC Title 12, Appendix A.	The roads are to be dedicated to the public. The roads within this proposal have been preliminary approved by Bonner County Road & Bridge Department and are currently bonded as part of SS0002-24.
12-624.C	Legal access	Legal access to each proposed lot	All lots are proposed to have direct frontage and access on roads proposed to be dedicated to the public.
12-624.D	Public road frontage	For lots less than 5 acres in size, direct frontage and direct access to public roads required.	All roads proposed within the subdivision will be dedicated to the public. <b>See Conditions of Approval.</b>
12-625	Trails and Parks	Bonner County Trails Plan Public Access, Parks and Facilities	Bonner County currently does not have an adopted trails plan. This project is not adjacent to any public access points of ingress/ egress.
12-626.A	Natural Hazards	Subdivision to be designed around identified natural hazards	The site does not contain slopes of over 15% grade. The site is not located within designated floodway. It is located within Flood Zone X per FIRM Panel



			#16017C0950E, effective date 11/18/2009. The project would not require any further floodplain review. The project has been reviewed to meet the requirements of Title 12, Chapter 7. See below.
12-626.B	Conformance with BCRC 12-7	Conformance with environmental standards.	The project has been reviewed to meet the requirements of Title 12, Chapter 7. See below.
12-642.A	Application Content	Application form	The applicant submitted the required application for a subdivision.
12-642.B	Application Content	Preliminary Plat, prepared by Idaho licensed surveyor, showing parcels to be created.	An Idaho licensed surveyor prepared the preliminary plat.
12-642.B.1	Plat Content	Subdivision name, geographic grid, north arrow, and vicinity map, vicinity road pattern.	These elements are all included in the submitted preliminary plat.
12-642.B.2	Plat Content	Boundary line of tract to be subdivided, intersection property lines, abutting roads, names and addresses of adjoining owners shown in their respective places of ownership on the plat.	These elements are all included in the submitted preliminary plat.
12-642.B.3	Plat Content	Location, dimensions and area of proposed lots. Lot numbering.	The surveyor has systematically numbered each lot with dimensions and locations.
12-642.B.4	Plat Content	Location, dimensions and tentative names of proposed streets and roads.	The plat exhibits two (2) 60' dedicated rights of way. The street names are Bonita Bay Lane and Fiesta Shores Drive.
12-642.B.5	Plat Content	Sufficient contours to show the shape of the land and extending at least one hundred feet beyond the subdivision limits.	The plat shows the contour lines for Fry Creek and the artificial high water line. None of the proposed lots have frontage to any waterbodies.
12-642.B.6	Plat Content	Location of water courses, floodplains per FIRMs with BFEs.	Parcel is located within Flood Zone X and not located within floodway, per FIRM Panel 16017C0950E, Effective Date 11/18/2009. No further floodplain review is required for this project.
12-642.B.7	Plat Content	Existing wells, springs, wetland boundaries,	A wetland delineation report has been submitted with this



		wetland delineations, drainage channels, overhead and underground utility lines, structures, sanitary sewers and culverts within the tract.	application. A note of the plat indicates that no wetlands are present.
12-642.B.8	Plat Content	Proposed method of water supply, sewage and solid waste disposal.	Note 5 of the plat indicates that Mountain Springs Water Corporation will be the provider of water. Note 6 indicates Southside Sewer and Water will be the provider of sewage disposal. Note 7 addresses soil waste disposal is either the county transfer station or a private contractor.
12-642.B.9	Plat Content	All easements of record, including sufficient data to identify conveyance.	Note 10 of the plat indicates the conveyance of all easements.
12-642.B.10	Plat Content	Purpose indication for parcels reserved for public dedication or common use of property owners.	Note 9 of the plat indicates the dedication to the public of the rights-of-way within the proposal. <b>See Conditions of Approval.</b>
12-642.B.11	Plat Content	Statement for intended use of parcels.	Note 4 of the plat indicates the lots are proposed to be single-family residential.
12-642.C.2	Road design and profile	Preliminary road design and profile prepared, stamped and signed by Idaho licensed engineer.	A preliminary road design and profile plan, prepared by James A Sewell and Associates LLC, and dated July 15, 2024, was submitted as part of SS0004-24 application. The plans have been reviewed by Bonner County Road and Bridge Department. The improvements are currently bonded for under SS0002-24.
12-643.A	Application filed	In accord with 12-268	The applicant submitted the required application for a subdivision.
12-643.B	Public hearing	In accord with Subchapter 2.6	A public hearing has been scheduled as required and in accord with subchapter 2.6 of title 12.
12-643.I	Validity of Preliminary Plat		The preliminary plat shall be valid for a period not to exceed two (2) years from the date off approval. <b>See Conditions of Approval.</b>



12-644	Improvements Plan	Plan to be prepared by a registered civil engineer. Two copies to be provided.	The project has been bonded for improvements through Planning file SS0002-24. <b>See Conditions of Approval.</b>
12-645	Standards for Review		<b>See Conclusions of Law.</b>
12-646	Final Plat, Contents		Not applicable at this stage of the project. <b>See Conditions of Approval.</b>
12-647	Endorsements on Final Plat		Not applicable at this stage of the project. <b>See Conditions of Approval.</b>
12-7.1	Shorelines		The subject property does not have any water frontage or contain any water bodies.
12-7.2	Grading, Stormwater Management and Erosion Control	Applicability: All new subdivisions subject to the provisions of chapter 6 of this title, as amended, and all new planned unit developments subject to the provisions of chapter 2, subchapter 2.5 of this title, as amended, except as provided for in subsection 12-720.3.J of this subchapter.	The applicant submitted a stormwater management and erosion control plan, dated July 15, 2024, prepared by James A. Sewell & Associates, LLC on July 15, 2024 and stamped by Idaho licensed engineer, B. Scott Brown. A surety has been submitted and approved as part of SS0002-24, Bahia del Sol 1 <sup>st</sup> Addition. <b>See Conditions of Approval.</b>
12-7.3	Wetlands	Wetland Delineation, Wetland Buffer and Setbacks.	Per National Wetland Inventory maps, the proposal contains PEM1C wetlands in the central portion of the proposal and PFO1C wetlands on the western side of the proposal. The subdivider submitted a professional wetland delineation at the time of the submission of the subdivision application in accordance with this section of the Bonner County Revised Code. The report indicated that no wetlands are present. Project complies.
12-7.4	Wildlife		No local, state or federal agency has identified presence of any critical wildlife habitats on the site.



12-7.5	Flood Damage Prevention	Development to occur as per BCRC, Title 14.	Parcel is located within Flood Zone X and not located within floodway, per FIRM Panel 16017C0950E, Effective Date 11/18/2009. No further floodplain review is required for this project.
12-7.6	Hillsides	Geotechnical Survey Requirement	Site does not contain slopes of over 15% grade. Geotechnical Survey is required per BCRC 12-762(A); when natural slopes of ≥30% are present.

**Planner's Initials: DB      Date: July 16, 2025**

**Note:** The final decision rests with the governing body after the completion of the public hearing and consideration of all relevant oral and written testimony and evidence.

## **Decision by the Board of County Commissioners:**

### **MOTION TO APPROVE:**

I move to approve of this project, FILE S0005-24, Bahia Del Sol 2<sup>nd</sup> Addition Subdivision, requesting the creation of 23 residential lots on a 6.77-acre property zoned Suburban and located in Section 2, Township 56 North, Range 2 West, Boise Meridian, Bonner County, Bonner County, Idaho, finding that it is in accord with the Bonner County Revised Code as enumerated in the following conclusions of law:

Conclusion 1: The proposed subdivision **is** in accord with the purposes of this Title and of the zoning district in which it is located.

Conclusion 2: The site **is** physically suitable for the proposed development.

Conclusion 3: The design of the proposed subdivision **will not** adversely impact Bonner County's natural resources, as identified in the comprehensive plan. Any adverse impacts or potential for impacts shall be mitigated as a condition of approval.

Conclusion 4: The public and private services, including but not limited to water, sewer services, solid waste, fire protection, emergency services, and school facilities and transportation, which will serve the proposed subdivision **are** adequate for the needs of future residents or users.

Conclusion 5: The proposed subdivision **will not** cause circumstances to exist that will cause future residents or the public at large to be exposed to hazards to health or safety.

Conclusion 6: The design of the proposed subdivision or related improvements **will** provide for coordinated access with the county system of roads and with adjacent properties and **will not** impede the use of public easements for access to, or through the proposed subdivision. The proposed transportation system **is** designed to adequately and



safely serve the future residents or users without adversely impacting the existing transportation system by reducing the quality or level of service or creating hazards or congestion.

Conclusion 7: The proposed subdivision **is** designed to comply with the design criteria for subdivisions set forth in Subchapter 6.2 of this chapter.

Conclusion 8: The proposed subdivision **is not** in conflict with the policies of the Bonner County Comprehensive Plan.

This 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.

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### **MOTION TO DENY:**

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I move to deny, FILE S0005-24, Bahia del Sol 2<sup>nd</sup> Addition, requesting the creation of 23 residential lots on a 6.77-acre property zoned Suburban and located in Section 2, Township 56 North, Range 2 West, Boise Meridian, Bonner County, Bonner County, Idaho, based upon the following conclusions:

Conclusion 1: The proposed subdivision **is/ is not** in accord with the purposes of this Title and of the zoning district in which it is located.

Conclusion 2: The site **is/ is not** physically suitable for the proposed development.

Conclusion 3: The design of the proposed subdivision **will not/ will** adversely impact Bonner County's natural resources, as identified in the comprehensive plan. Any adverse impacts or potential for impacts shall be mitigated as a condition of approval.

Conclusion 4: The public and private services, including but not limited to water, sewer services, solid waste, fire protection, emergency services, and school facilities and transportation, which will serve the proposed subdivision **are/ are not** adequate for the needs of future residents or users.

Conclusion 5: The proposed subdivision **will not/ will** cause circumstances to exist that will cause future residents or the public at large to be exposed to hazards to health or safety.

Conclusion 6: The design of the proposed subdivision or related improvements **will/ will not** provide for coordinated access with the county system of roads and with adjacent properties and **will not/ will** impede the use of public easements for access to, or through the proposed subdivision. The proposed transportation system **is/ is not** designed to adequately and safely serve the future residents or users without adversely impacting the existing transportation system by reducing the quality or level of service or creating hazards or congestion.



Conclusion 7: The proposed subdivision **is/ is not** designed to comply with the design criteria for subdivisions set forth in Subchapter 6.2 of this chapter.

Conclusion 8: The proposed subdivision **is/ is not** in conflict with the policies of the Bonner County Comprehensive Plan.

This 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.

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## Conditions of Approval:

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**A-1** The project is proposed to be served by Mountain Springs Water Corporation for water services and Southside Sewer & Water District for sewer services.

Per BCRC 12-412, the minimum required lot size required is 10,000 sf. within Suburban District where all urban services are available and 1 acre with the availability of only urban water services and the absence of urban sewer services.

**A-2** Per BCRC 12-620, any easements, specific constraints on building placement, other than easements, and land areas reserved, shall be shown and plainly marked on the plats.

**A-3** Per BCRC 12-621, all proposed lots which are three hundred feet (300') or less in width shall maintain a depth to width ratio of not greater than three to one (3.2:1).

**A-4** Per BCRC 12-623.A Where proposed lot are smaller than on acre in area, exclusive of any ingress or egress easements, all "urban services", as defined in section 12-821 of this title, shall be provided. Lots in conservation subdivisions shall be exempt from this requirement, provided all other requirements of this title are met.

**A-5** Per BCRC 12-623.D, all proposed lots shall be designed by the applicant to provide a fire protection plan for the proposed lots to provide, at a minimum, an assessment of fire risk and plans to reduce the risk, and provisions for defensible space, where material capable of allowing a fire to spread unchecked will be treated, cleared or modified to slow the rate and intensity of an advancing wildfire and to create an area for fire suppression operations to occur, and for at least one of the following:

1. Prior to final plat, an approved water and fire hydrant system capable of providing one thousand (1,000) gallons per minute for a minimum of two (2) hours where a community water system exists or is proposed as part of the development and is capable of delivering the pressurized water supply necessary for delivering fire flows as prescribed by the international fire code, as adopted by the state fire marshal, and such later editions as may be so published and adopted by the state fire marshal, or as amended, modified or superseded, and incorporated herein by reference with a copy on file with the



office of the clerk of the board of county commissioners, and hereinafter referred to as IFC.

2. A note on the final subdivision plat stating: "At the time of building location permit or building permit, the lot owner shall install a minimum two thousand (2,000) gallon water storage system, meeting IFC standards". Refill on demand is not required to meet IFC standards.
3. A note on the final subdivision plat stating: "The installation of an approved IFC residential fire suppression sprinkler system is required in all newly constructed residences".
4. Prior to final plat, a manmade or natural water source with a dry hydrant capable of delivering adequate water supply as prescribed by IFC.
5. A note on the final subdivision plat stating: "At the time of building permit or building location permit, the lot owner shall install an approved fire suppression method to the satisfaction of Bonner County".

The fire protection plan submitted as part of the application states, "The subdivision will be served by a public water system, Mountain Springs Water Corp. Mountain Springs provides fire flow to development within their service areas. The development will include three new fire hydrants. There is also an existing hydrant at the intersection of Bottle Bay Rd. The hydrants will be spaced per fire code standards and are capable of providing minimum pressure and flow requirements."

In addition to this, the project shall meet at least one of the sub-conditions as noted in points "a" through "e" above.

**A-6** Per BCRC 12-624.A, all new roads created for subdivisions shall be designated by unique road names, unless such roads are determined to be and are designed to be extensions of existing roads. Upon further review of the project, the proposed road names will be verified for uniqueness. Road names will require a modification if not found to be unique.

**A-7** Per BCRC 12-624.D, all proposed lots less than five (5) gross acres shall have direct frontage on, and direct access to, a public right of way. Right of way offered for dedication in any zoning district shall be developed with a road constructed to the standards set forth in title 2 of this code.

Preliminary road design plans, prepared by James A Sewell, July 2024, were submitted as part of this application and SS0002-24. The plans have been reviewed by Bonner County Road and Bridge Department as part of SS002-24 on November 27, 2024, and this application on April 25, 2025. The applicant shall meet all conditions listed in these letters in addition to any further modifications of these conditions by the Bonner County Road and Bridge Department upon further review of the project or based on the site conditions.

**A-8** Per BCRC 12-642.B.10, the preliminary plat shall show all parcels of land intended to be dedicated for public use or reserved for the use of all property owners with the purpose indicated.



Note 9 of the preliminary plat, "Bonita Bay Lane and Fiesta Shores Drive are privately maintained public roads and will be constructed to the privately maintained public roads county standards. They have not been constructed to county standards for county maintenance. These roads shall be maintained at the sole expense of the property owners until such time as they are improved to county standards for public maintenance, at which time it may be considered for acceptance into the county maintenance system by the Bonner County Commissioners"

**A-9** Per BCRC 12-643.I, the preliminary plat shall be valid for a period not to exceed two (2) years from the date of approval. At any time prior to the expiration date of the preliminary plat, an applicant may make a written request to the planning director for a single extension of the preliminary plat for a period up to two (2) years. The board may consider such request for extension at any regular business meeting. The extension request must be approved or denied prior to the expiration date of the preliminary plat.

**A-10** Per BCRC 12-644.A, after the preliminary plat is approved, the subdivider shall have an improvement plan for the subdivision prepared by a registered civil engineer. Two (2) copies of the improvement plan shall be filed with the county engineer. This plan shall include the following:

1. The subdivision name and number, geographic grid (township, range and tier, section number and location within the section), north arrow, date and scale no smaller than one hundred feet to the inch (1" = 100').
2. The plan and profile of all proposed roads showing final grades and cross sections of roads in accord with the requirements contained in title 2 of this code.
3. The plan and profile of proposed sanitary and stormwater systems with grades and sizes indicated. Drain calculations may be required.
4. A grading plan, showing stormwater drainage for each lot.
5. Any other improvements such as curbs, gutters, sidewalks, bridges, lift stations, fire hydrants, street lighting, etc., as required, and in accord with the requirements contained in title 2 of this code.

**A-11** After the approval of the improvement plans has been obtained from Bonner County, the subdivider may begin construction of improvements on site as approved. After the completion of the improvements on site, the applicant's engineer shall submit inspection reports of the built improvements to the County for review.

Per BCRC 12-644.B, the county engineer, or his representative, shall check inspection reports of the applicant's engineer and shall perform a final inspection and additional inspections (if called for). Construction and inspection of road improvements shall be completed in accord with the requirements contained in Title 2 of the Bonner County Revised Code or Appendix A of Title 12 of the Bonner County Revised Code.

**A-12** Per BCRC 12-644.C, in lieu of completing all improvements as required before final plat recording, the subdivider shall enter into a surety agreement with the board agreeing to complete the improvements in accordance with surety agreement



conditions and preliminary and final plat approvals. A cash deposit, certificate of deposit, corporate surety bond written by an insurance company licensed in Idaho having a rating from AM Best & Company of "A" or better, letter of credit issued and backed by a federal or state chartered bank, is required equivalent to one hundred fifty percent (150%) of the project engineer's estimated cost of construction of the improvements for the purpose of guaranteeing completion of the work and repair of any defects in improvements which occur within one year of the first acceptance of the completed work by the board. Sureties guaranteeing the work and repair of any defects in improvements which occur within one year after first acceptance of the completed work by the board may be reduced by the board by one-half (1/2) for that one year. The surety agreement shall be valid for a period not to exceed two (2) calendar years from the date of approval. At any time prior to the expiration date of the surety agreement, the subdivider may make a written request to the planning director for a single extension of the surety agreement for a period up to two (2) years. The board may consider such request for extension at any regular business meeting. The extension request must be approved or denied by the board prior to the expiration date of the surety agreement.

**A-13** Per BCRC 12-646, BCRC 12-647 and BCRC 12-648, the final plat shall conform to these sections of the Bonner County Revised Code.

**A-14** Per BCRC 12-7.2, the applicant submitted a stormwater management and erosion control plan, dated July 15, 2024, prepared by James A Swell & Associates, LLC and stamped by a Idaho licensed engineer, B. Scott Brown on July 18, 2024.

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The complete file is available for review in the Planning Department, 1500 Highway 2, Suite #208, Sandpoint, ID. Staff reports are available online before the hearing at [www.bonnercountyid.gov](http://www.bonnercountyid.gov). Bonner County Revised Code (BCRC) is available at the Planning Department or online.



## **Appendix A – Notice of Public Hearing Record of Mailing**



## **RECORD OF MAILING**

**Page 1 of 1**

**File No.: S0005-24**

**Record of Mailing Approved By:**

I hereby certify that a true and correct copy of the "Notice of Public Hearing" was digitally transmitted or mailed (postage prepaid) on this **1<sup>st</sup>** day of **July 2025**.



Dylan Young, Hearing Coordinator

Assessor - Email

Bay Drive Recreation District - Email

Bonner County Airport Manager - Email

Bonner County EMS - Email

Bonner County Road & Bridge - Email

Bottle Bay Water & Sewer District - Email

City of Dover - Email

City of Hope - Email

City of Oldtown - Email

City of Priest River - Email

City of Spirit Lake - Email

Coolin-Cavanaugh Bay Fire District - Email

East Bonner Library - Email

Ellisport Bay Sewer - Email

GEM STATE MINER - U.S. Mail

Idaho Department of Environmental Quality (DEQ) - Email

Idaho Department of Lands - CDA - U.S. Mail

Idaho Department of Lands - Navigable Waters & Mining - Email

Idaho Department of Water Resources - IDWR - Email

Idaho Transportation Department- District I - Email

Kalispel Bay Sewer & Water - U.S. Mail

KPBX-FM 91 SPOKANE PUBLIC RADIO - U.S. Mail

Laclede Water District - Email

Lake Pend Oreille School District, #84 (Transportation) - Email

Little Blacktail Ranch Water Association - U.S. Mail

Northern Lights, Inc. - Email

Northside Fire District - Email

Panhandle Health District - Email

Priest Lake Public Library District - Email

Sagle Valley Water & Sewer - Email

Schweitzer Fire District - Email

Selkirk Fire, Rescue & EMS - Email

Southside Water & Sewer District - Email

Spokesman-Review - U.S. Mail

Swan Shores Sewer District - U.S. Mail

Tamarack Village Water & Sewer - U.S. Mail

Trestle Creek Sewer District - Email

U.S. Fish & Wildlife Service - Email

West Bonner County Cemetery District - Email

West Bonner Library - Email

West Pend Oreille Fire District - Email

Avista Utilities - Email

Bayview Water & Sewer - Email

BONNER COUNTY DAILY BEE - U.S. Mail

Bonner County Floodplain Review - Email

Bonner County Sheriff - Email

City of Clark Fork - Email

City of East Hope - Email

City of Kootenai - Email

City of Ponderay - Email

City of Sandpoint - Email

Coolin Sewer District - Email

Drainage District #7 - Email

East Priest Lake Fire District - Email

Garfield Bay Water & Sewer District - Email

Granite Reeder Water & Sewer District - Email

Idaho Department of Fish & Game - Email

Idaho Department of Lands - Coolin - Email

Idaho Department of Lands - Sandpoint - Email

Idaho Transportation Department (Aeronautics) - U.S. Mail

Independent Highway District - Email

Kootenai-Ponderay Sewer District - Email

KSPT-KPND-KIBR RADIO - U.S. Mail

Lake Pend Oreille School District, #84 (Admin Office) - Email

Lakeland Joint School District, #272 - Email

North of the Narrows Fire District - Email

Northland/Vyve Cable Television - Email

Outlet Bay Sewer District - Email

Pend Oreille Hospital District - Email

Priest Lake Translator District - Email

Sam Owen Fire District - Email

SELKIRK ASSOCIATION OF REALTORS - U.S. Mail

Selkirk Recreation District - Email

Spirit Lake Fire District - Email

State Historical Society - Email

Syringa Heights Water Association - Email

Timber Lake Fire District - Email

U.S. Army Corps of Engineers - Email

U.S. Forest Service - U.S. Mail

West Bonner County School District, #83 - Email

West Bonner Water & Sewer District - Email

West Priest Lake Fire District - Email



# Record of Mailing Property Owners within 300 Feet

Page 1 of 1

File Number: S0005-24

Record of Mailing Approved By: \_\_\_\_\_

I hereby certify that a true and correct copy of the "Notice of Agency Review" was digitally transmitted or mailed (postage prepaid) on this 1<sup>st</sup> day of July 2025.



Dylan Young, Hearing Coordinator

RP026060000010A	Brown, Darwin W & Carolyn J	1319 N. Division Ave.	Sandpoint	ID	83864
RP000700030060A	Egelman, Sharon Kaye Johansen, Valerie & Andre	230 E Comeback Bay Ln	Sagle	ID	83860-8123
RP000700020020A	Holman, Diane M	44 Comeback Bay Ln	Sagle	ID	83860
RP024570010060A	Montoya, Robert A & Cynthia A	339 Bottle Bay Rd	Sagle	ID	83860
RP000700020040A	Benoit, Edward & Roxxy	2901 Ayres Holmes Rd	Auburn	CA	95602
LR026030000010A	Brown, Brandon Scott & Lagina	Po Box 1175	Sandpoint	ID	83864
RP56N02W024801A	Mc Nelis Family Trust Mc Nelis, David Trustee	Po Box 489	Sagle	ID	83860
RP0007000001T0A	Come Back Bay Water Assoc Inc	C/o Pat Story Po Box 327	Sagle	ID	83860
RP026060000070A	Brown, Darwin W & Carolyn J	1319 N. Division Ave.	Sandpoint	ID	83864
RP00070001008AA	Nail, Oranet Thanaborisut, Sasikan	289 Comeback Bay Ln	Sagle	ID	83860
RP000700010050A	Gruenstein, Paul Rene Cunningham, Kathleen Ann	203 Comeback Bay Ln	Sagle	ID	83860
RP026030000010A	Brown, Darwin W & Carolyn J	108 S Second Ave	Sandpoint	ID	83864
RP00070001001AA	Swisher, Luada Virginia Living Trust	35 Comeback Bay Ln	Sagle	ID	83860-9258
RP000700030080A	Reilly, John P Iii & Lori A	Po Box 1366	Sagle	ID	83860
RP026060000040A	Brown, Darwin W & Carolyn J	1319 N. Division Ave.	Sandpoint	ID	83864
RP00070001009AA	Johnson, Lindsey Nicole Bliss, Ryan T	291 Comeback Bay Ln	Sagle	ID	83860
RP024570010040A	Gillmor, David A & Dolores M	401 Bottle Bay Rd	Sagle	ID	83860
RP000700010060A	Brown, Darwin W & Carolyn J	747 S Sagle Rd	Sagle	ID	83860
RP00023001001AA	Nygaard, Kim D Dolan, Susan J	19115 E Riverwalk Ln	Spokane Valley	WA	99016-8406
RP024570010070A	Manning, Richard J & Judy M	12 Birch Banks Rd	Sagle	ID	83860
RP000700010020A	Bircher, Andre G	43 Comeback Bay Ln	Sagle	ID	83860
RP00070002008BA	Parsons, Gary	Po Box 851	Sandpoint	ID	83864
RP56N02W025001A	Haight, Tamara 1/3 Haight, Cindy C 1/3 Schrader, Marvin L 1/3	5536 N Mayhew Ln	Spokane	WA	99216
RP024570010080A	Buzzone, Robert D & Patricia M	52 Birch Banks Rd	Sagle	ID	83860
RP026060000060A	Brown, Darwin W & Carolyn J	1319 N. Division Ave.	Sandpoint	ID	83864
RP00070002009AA	Moore, Charesse	Po Box 851	Sandpoint	ID	83864
RP000700010040A	Brown, Darwin W & Carolyn J	747 S Sagle Rd	Sagle	ID	83860
RP000700020010A	Blackstone, Matt & Barbara	126 Cottage Ln	Sagle	ID	83860
RP026060000030A	Brown, Darwin W & Carolyn J	1319 N. Division Ave.	Sandpoint	ID	83864
RP001820010010A	Jones, Kevin Michael	Po Box 668	Sagle	ID	83860
RP024570010050A	Bortoluzzi Trust Bortoluzzi, Floyd A Trustee	341 Bottle Bay Rd	Sagle	ID	83860-8002
RP026060000020A	Brown, Darwin W & Carolyn J	1319 N. Division Ave.	Sandpoint	ID	83864
RP026030000020A	Brown, Darwin W & Carolyn J	108 S Second Ave	Sandpoint	ID	83864
RP000700020030A	Wangbichler, Gerald K Sr	76 Comeback Bay Ln	Sagle	ID	83860-9258
RP000230010030A	Evenson, Andrew R & Jodi R	51 Birch Banks Rd	Sagle	ID	83860
RP001820010020A	Tate, Candace P	33 Jones Rd	Sagle	ID	83860
RP026060000080A	Brown, Darwin W & Carolyn J	1319 N. Division Ave.	Sandpoint	ID	83864
RP00070003007AA	Lytton, William Brandon Lytton, Aprill Marie	270 Comeback Bay Ln	Sagle	ID	83860-9257
RP00070001007BA	Bjornson, Kenneth B & Margaret	259 Comeback Bay Ln	Sagle	ID	83860-9257
RP026060000050A	Brown, Darwin W & Carolyn J	1319 N. Division Ave.	Sandpoint	ID	83864
RP000700010030A	Storro, Travis & Lindsey E	119 Comeback Bay Ln	Sagle	ID	83860
Project rep	Scott Brown	1319 N. Division Ave.	Sandpoint	ID	83864



## **Appendix B – Public Agency Comments**





Janna Brown &lt;janna.brown@bonnercountyid.gov&gt;

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**Re: Notice of Public Hearing - S0005-24**

1 message

**Matt Mulder** <matt.mulder@bonnercountyid.gov>

Fri, Apr 25, 2025 at 11:56 AM

To: Bonner County Planning Department &lt;planning@bonnercountyid.gov&gt;

The Bonner County Road & Bridge Department has reviewed this 2nd addition of this plat and has the following comments:

1. The Trip Generation and Distribution Letter is missing from the uploaded application documents. This is needed in order for our department to evaluate whether or not a Traffic Impact Study is warranted.
2. The roads within the **plat** are being proposed as privately maintained public roads. As such, they will need to be constructed to the requirements of Section 7 of the Bonner County Road Standards Manual. The proposed roadway sections shown on the roadway improvement plans meet this criteria as presented.
4. Stop signs and road name signs are required at the intersections, per MUTCD.
5. The current driveway off of Bottle Bay Rd is permitted as a residential driveway. The Applicants will need to apply for a road approach encroachment permit for construction of this upgrade, and all future residential driveways off of these new roads will require residential driveway encroachment permits.
6. I recommend the culverts under the roadways be upgraded to 18" diameters to make them easier to clean out and improve flow when partially obstructed.

-Matt Mulder, PE  
Staff Engineer  
Bonner County Road & Bridge  
208-255-5681 ext 1

On Tue, Apr 22, 2025 at 12:09 PM Bonner County Planning Department <[planning@bonnercountyid.gov](mailto:planning@bonnercountyid.gov)> wrote:

Dear Agencies,

The referenced application has been submitted to the Bonner County Planning Department for processing. We kindly ask that you review the application in relation to your agency's expertise and provide any recommended conditions of approval along with the relevant supporting code sections. For additional details, please refer to the attached documents.

Thank you for your attention to this matter.

Best regards,





**BONNER COUNTY**  
**IDAHO**

**Jessica Montgomery, M.S.**

Hearing Coordinator, Department of Planning

[jessica.montgomery@bonnercountyid.gov](mailto:jessica.montgomery@bonnercountyid.gov)

(208) 265-1458 ext. 1277





Janna Brown <janna.brown@bonnercountyid.gov>

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## File S0005-24 Bahia Del Sol

1 message

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'Colleen Johnson' via Mail-Planning <planning@bonnercountyid.gov>  
Reply-To: Colleen Johnson <CJohnson@kootenaiponderaysewerdistrict.org>  
To: Bonner County Planning <planning@bonnercountyid.gov>

Fri, May 2, 2025 at 4:07 PM

Good Afternoon:

Attached is the District's response to the above named file.

**NOTICE OF CHANGE IN HOURS: THE OFFICE WILL BE CLOSED ON FRIDAYS. WE WILL BE OPEN NORMAL HOURS MONDAY THRU THURSDAY.**

**Colleen Johnson**

**Business Office Manager**

**Kootenai-Ponderay Sewer District**

**208-263-0229 Fax – 208-265-5326 Mobile: 208-304-5820**


**511 Whiskey Jack Road Sandpoint, Idaho 83864**

**P.O. Box 562, Kootenai, ID 83840**

**“Dance with Life”**



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 **25\_05\_BC\_S000524Plat.pdf**  
90K



# NOTICE OF PUBLIC HEARING



I hereby certify that a true and correct copy of this "Notice of Public Hearing" was digitally transmitted or mailed (postage prepaid) on this **25th** day of **April 2025**.

*Jessica Montgomery*

Jessica Montgomery, Hearing Coordinator

This notice was mailed to political subdivisions, property owners within 300 feet of the subject property, and the media on **Friday, April 25, 2025**.

**NOTICE IS HEREBY GIVEN** that the Bonner County Zoning Commission will hold a public hearing at **5:30 pm on Thursday May 22, 2025** in the Bonner County Administration Building, 1500 Highway 2, Sandpoint, Idaho, by Zoom teleconference, and YouTube Livestream to consider the following request:

**File S0005-24 Bahia Del Sol 2<sup>nd</sup> Addition** The applicants are requesting to plat an approximately 6.77-acre lot into 23 residential lots. The property is zoned Suburban. The project is located off Bottle Bay 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.

For details regarding this application, Zoom teleconference, or YouTube livestream, visit the Planning Department web site at [www.bonnercountyid.gov/departments/Planning](http://www.bonnercountyid.gov/departments/Planning). Staff reports are available online or may be viewed at the planning department approximately a week before the scheduled hearing.

**Written statements must be submitted to the planning department record no later than seven (7) days prior to the public hearing.** Written statements not exceeding one standard letter sized, single spaced page may be submitted at the public hearing. Statements can be sent to the Bonner County Planning Department at 1500 Highway 2, Suite 208, Sandpoint, Idaho 83864; faxed to 866-537-4935 or e-mailed to [planning@bonnercountyid.gov](mailto:planning@bonnercountyid.gov). The referenced start time stated above reflects the beginning of the hearing. Specific file start time and hearing duration vary.

During the hearing for this application, the public will be given an opportunity to provide testimony and/or evidence regarding how the proposal does or does not comply with the applicable approval criteria of the Bonner County Revised Code. At the close of the public hearing, the governing body will make a decision on the application that may include, but is not limited to, approval, denial, remand, or continuance of the public hearing. Any person needing special accommodations to participate in the public hearing should contact the Bonner County Planning Department at (208) 265-1458 at least 48 hours prior to the scheduled hearing.

**If you have no comment or response, you may indicate below and return this form to the Planning Department.**

NO COMMENT

*Kootenai-Ponderosa Sewer District*  
Name

*CS*  
*5/2/25*  
Date

*Out of District Boundaries*





Janna Brown &lt;janna.brown@bonnercountyid.gov&gt;

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**[EXT SENDER] Sagle Fire District Comments - File S0005-24 Bahia Del Sol 2nd Addition**

1 message

**Tammy Miller** <tmiller@selkirkfire.us>

Wed, May 7, 2025 at 10:43 AM

To: Bonner County Planning &lt;planning@bonnercountyid.gov&gt;

Cc: Jeff Armstrong &lt;jarmstrong@selkirkfire.us&gt;

Please accept the attached document as an official written statement regarding the public hearing for File S0005-24 Bahia Del Sol 2<sup>nd</sup> Addition.

Thank you,



Tammy Miller, Fire Administrator

**SELKIRK FIRE RESCUE, & EMS**P.O. Box 760  
2689 Gun Club Road  
Sagle, ID 83860

(208) 263-7929

[www.selkirkfire.us](http://www.selkirkfire.us)**File S0005-24 Bahia Del Sol 2nd Addition - Sagle Fire District Comments.pdf**

1997K





# SELKIRK FIRE, RESCUE & EMS

PO Box 760 · 2689 Gun Club Road · Sagle, ID. 83860 · (208) 263-3502

[www.selkirkfire.us](http://www.selkirkfire.us)

Proudly Serving the Sagle & Westside Fire Districts

May 7<sup>th</sup>, 2025

TO: Bonner County Planning Department

FROM: Jeff Armstrong, Fire Chief

RE: Agency Comments – Bahai Del Sol, File S0005-24

As the Fire Chief of Sagle Fire District (Selkirk), I am writing to express our concerns regarding the proposed subdivision in the rural setting of Sagle (Bottle Bay Road). While we understand the need for development and expansion, it is crucial to continue to monitor such development and ensure it is sustainable. It is also critical to address the potential fire safety issues that may arise in such a setting. In Bonner County we are severely lacking in public safety resources to continue development at this rate. I have and will continue to express those concerns. However, I will provide an objective review and comments to this project (subdivision).

The following summarize my concerns and/or address our requirements:

1. Access and Egress: One of our primary concerns is the accessibility of the subdivision for emergency vehicles. Rural areas often have narrow, winding roads that can hinder the movement of fire trucks and ambulances. It is essential to ensure that the roads within the subdivision are wide enough and properly maintained to allow for quick and efficient access and egress during emergencies. This is why the MLD exception can be so concerning. It will be a requirement that these roadways meet the requirements of the 2018 International Fire Code to include turnarounds. More information on our 'Fire Access Requirements' can be found on our website.
2. Water Supply: Adequate water supply is vital for firefighting operations and will be required. We recommend coordination with Mountain Springs Water Corp. for the installation of sufficient fire hydrants and ensuring of a reliable water source to support firefighting efforts.
3. Firebreaks and Vegetation Management: Rural areas are often surrounded by dense vegetation, which can pose a significant fire hazard. It is important to create firebreaks and implement vegetation management practices to reduce the risk of wildfires spreading to or from the subdivision. Regular maintenance and clearance of flammable materials should occur to ensure the safety of residents.





# SELKIRK FIRE, RESCUE & EMS

PO Box 760 · 2689 Gun Club Road · Sagle, ID. 83860 · (208) 263-3502

[www.selkirkfire.us](http://www.selkirkfire.us)

Proudly Serving the Sagle & Westside Fire Districts

4. Building Materials and Construction: The choice of building materials and construction methods can greatly impact fire safety. We advise using fire-resistant materials and incorporating fire safety features such as fire alarms in the construction of homes and buildings within the subdivision. More information on construction features and materials, advisable in the WUI (Wildland Urban Interface) can be found on our website.

5. Emergency Response Plans: Developing and implementing comprehensive emergency response plans is crucial for the safety of residents. These plans should include evacuation routes, designated safe zones, and communication protocols to ensure a coordinated response in the event of a fire. This will continue to be a challenge in Bonner County as growth continues, and infrastructure is not enhanced.

Thank you for the opportunity to review this project. We look forward to working with the developer to ensure a safe project and one that does not jeopardize the safety and security of our current residents.

Jeff Armstrong, Fire Chief

Encl.

cc. file, Sagle Fire District, Board of Fire Commissioners



# NOTICE OF PUBLIC HEARING



I hereby certify that a true and correct copy of this "Notice of Public Hearing" was digitally transmitted or mailed (postage prepaid) on this **25th** day of **April 2025**.

*Jessica Montgomery*

Jessica Montgomery, Hearing Coordinator

This notice was mailed to political subdivisions, property owners within 300 feet of the subject property, and the media on **Friday, April 25, 2025**.

**NOTICE IS HEREBY GIVEN** that the Bonner County Zoning Commission will hold a public hearing at **5:30 pm on Thursday May 22, 2025** in the Bonner County Administration Building, 1500 Highway 2, Sandpoint, Idaho, by Zoom teleconference, and YouTube Livestream to consider the following request:

**File S0005-24 Bahia Del Sol 2<sup>nd</sup> Addition** The applicants are requesting to plat an approximately 6.77-acre lot into 23 residential lots. The property is zoned Suburban. The project is located off Bottle Bay 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.

For details regarding this application, Zoom teleconference, or YouTube livestream, visit the Planning Department web site at [www.bonnercountyid.gov/departments/Planning](http://www.bonnercountyid.gov/departments/Planning). Staff reports are available online or may be viewed at the planning department approximately a week before the scheduled hearing.

**Written statements must be submitted to the planning department record no later than seven (7) days prior to the public hearing.** Written statements not exceeding one standard letter sized, single spaced page may be submitted at the public hearing. Statements can be sent to the Bonner County Planning Department at 1500 Highway 2, Suite 208, Sandpoint, Idaho 83864; faxed to 866-537-4935 or e-mailed to [planning@bonnercountyid.gov](mailto:planning@bonnercountyid.gov). The referenced start time stated above reflects the beginning of the hearing. Specific file start time and hearing duration vary.

During the hearing for this application, the public will be given an opportunity to provide testimony and/or evidence regarding how the proposal does or does not comply with the applicable approval criteria of the Bonner County Revised Code. At the close of the public hearing, the governing body will make a decision on the application that may include, but is not limited to, approval, denial, remand, or continuance of the public hearing. Any person needing special accommodations to participate in the public hearing should contact the Bonner County Planning Department at (208) 265-1458 at least 48 hours prior to the scheduled hearing.

**If you have no comment or response, you may indicate below and return this form to the Planning Department.**

NO COMMENT \_\_\_\_\_

Name

Date



# BAHIA DEL SOL - 2ND ADDITION PRELIMINARY PLAT

## SECTION 2, TOWNSHIP 56 NORTH, RANGE 2 WEST, B.M., BONNER COUNTY, IDAHO

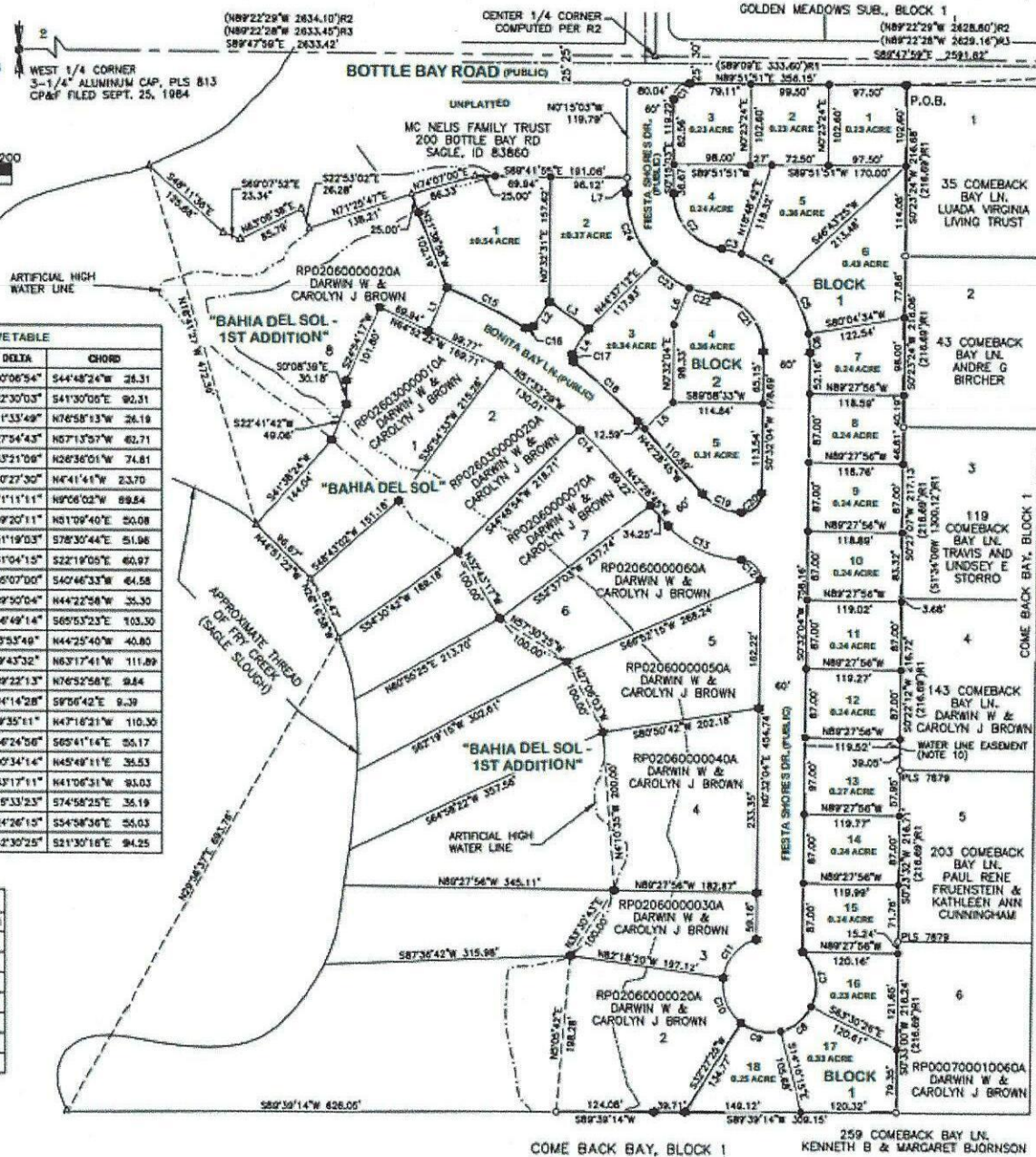


SCALE - 1"=100'

SCALE IN FEET

CURVE	LENGTH	RADIUS	DELTA	CHORD
C1	31.46	20.00	90°06'54"	544'48'24"W 28.31
C2	100.79	70.00	82°30'03"	541°30'08"E 90.31
C3	26.24	130.00	1°33'49"	N76°58'13"W 26.19
C4	63.33	130.00	27°54'43"	N67°13'51"W 62.71
C5	75.67	130.00	33°21'09"	N68°36'01"W 74.81
C6	23.73	130.00	10°27'30"	N44°14'16"W 23.70
C7	74.55	60.00	71°11'11"	N90°06'02"E 69.84
C8	51.67	60.00	49°20'11"	N81°09'40"E 50.08
C9	53.74	60.00	51°19'03"	S78°30'44"E 51.98
C10	63.85	60.00	61°04'15"	S22°19'05"E 60.97
C11	68.19	60.00	65°07'00"	S40°46'33"W 64.58
C12	39.20	25.00	89°50'04"	N44°22'58"W 35.30
C13	106.23	130.00	46°49'14"	S65°52'23"E 103.30
C14	40.81	600.00	3°53'49"	N44°25'40"W 40.80
C15	112.63	660.00	9°43'32"	N63°17'41"W 111.89
C16	10.92	7.00	89°22'13"	N76°52'58"E 9.84
C17	10.29	7.00	84°14'28"	S97°06'42"E 9.39
C18	110.43	660.00	9°35'11"	N47°16'21"W 110.30
C19	58.71	70.00	46°24'56"	S65°41'14"E 55.17
C20	39.52	25.00	90°34'14"	N45°49'11"E 35.53
C21	101.75	70.00	83°17'11"	N41°06'31"W 91.03
C22	35.30	130.00	19°33'23"	S74°58'25"E 34.19
C23	55.45	130.00	24°26'15"	S54°58'36"E 55.03
C24	96.45	130.00	42°30'25"	S21°30'18"E 94.25

LINE	DIRECTION	LENGTH
L1	N23°19'28"E	59.96
L2	N32°11'52"E	37.56
L3	S55°22'48"E	60.04
L4	S32°10'32"W	36.33
L5	S47°31'10"W	49.88
L6	S22°46'16"W	50.00
L7	S0°15'03"E	19.59



### BASIS OF BEARING

THE GEODETIC BEARING OF THE EAST-WEST CENTER SECTION LINE OF SECTION 2, FROM THE WEST 1/4 CORNER TO THE EAST 1/4 CORNER, BEING S89°47'59"E BASED ON GNSS OBSERVATIONS.

### NARRATIVE

THE PURPOSE OF THIS SURVEY WAS TO DIVIDE LOT 1 OF BAHIA DEL SOL - 1ST ADDITION INTO LOTS AS SHOWN.

### NOTES

- 1) ALL REFERENCES ARE FROM RECORDS OF BONNER COUNTY, IDAHO.
- 2) CURRENT ZONING DISTRICT IS SUBURBAN (S).
- 3) CURRENT LAND USE IS TRANSITION (<=2.5 AC).
- 4) PROPOSED USE IS SINGLE FAMILY RESIDENTIAL.
- 5) WATER SERVICE IS PROVIDED BY MOUNTAIN SPRINGS WATER CORP.
- 6) SEWER SERVICE IS PROVIDED BY SOUTHSIDE WATER & SEWER DISTRICT.
- 7) PROPOSED SOLID WASTE DISPOSAL IS COUNTY TRANSFER STATION OR PRIVATE CONTRACTOR.
- 8) PROJECT IS LOCATED WITHIN THE SAGLE FIRE DISTRICT.
- 9) WETLANDS ARE NOT PRESENT WITHIN THE PLAT BOUNDARY PER LETTER FROM TOM DUEBENDORFER.
- 10) ALL OF THE LOTS ARE WITHIN FLOOD ZONE X PER FIRM PANEL 16017C0950E.
- 11) BOTTLE BAY ROAD IS PUBLIC, AND COUNTRY ARE MAINTAINED.
- 12) BONITA BAY LANE AND FIESTA SHORES DRIVE ARE PRIVATELY MAINTAINED PUBLIC ROADS COUNTY STANDARDS. THEY HAVE NOT BEEN CONSTRUCTED TO COUNTY STANDARDS FOR COUNTY MAINTENANCE. THESE ROADS SHALL BE MAINTAINED AT THE SOLE EXPENSE OF THE PROPERTY OWNERS UNTIL SUCH TIME AS THEY ARE IMPROVED TO COUNTY STANDARDS FOR PUBLIC MAINTENANCE, AT WHICH TIME IT MAY BE CONSIDERED FOR ACCEPTANCE INTO THE COUNTY MAINTENANCE SYSTEM BY THE BONNER COUNTY BOARD OF COMMISSIONERS.
- 13) LOT 13, BLOCK 1, IS SUBJECT TO A 10' WIDE EASEMENT ADJACENT TO THE NORTH LINE FOR THE INSTALLATION, MAINTENANCE, AND REPAIR OF A WATER LINE.

### REFERENCES

1. PLAT OF COME BACK BAY SUBDIVISION, BK. 3, PG. 52, INST. NO. 128B46
2. PLAT OF GOLDEN MEADOWS SUBDIVISION, BK. 5, PG. 52, INST. NO. 456945
3. PLAT OF BELLA VIEW, BK. 8, PG. 133, INST. NO. 722003
4. RECORD OF SURVEY INST. NO. 758031
5. PLAT OF BAHIA DEL SOL, BK. 21, PG. 87, INST. NO. 1033704
6. PLAT OF BAHIA DEL SOL - 1ST ADDITION

### LEGEND

- SET 5/8"x30" REBAR WITH PLASTIC CAP, REB 12458
- PREVIOUSLY SET 5/8"x30" REBAR WITH PLASTIC CAP, REB 12458
- FOUND 1/2" REBAR PER DEED INST. NO. 921987 UNLESS OTHERWISE NOTED
- FOUND 1/2" REBAR WITH NO CAP PER R1, UNLESS OTHERWISE NOTED
- Δ COMPUTED POINT
- ( ) RECORD DIMENSION PER REFERENCES
- P.O.B. POINT OF BEGINNING

RECORDER'S  
CERTIFICATE



SECTION 2, TWP 56N, R2W, J4M

SHEET TITLE:  
**BAHIA DEL SOL - 2ND ADDITION**

**James L. Sewell and Associates, LLC**  
CONSULTING ENGINEERS  
SANDPOINT, ID, 83864, (208)263-4160

12-51-24  
SCALE  
1"=100'  
DATE  
DRAWN  
CHECKED  
BY  
PLANNED  
07/26/24-091  
DATE  
BY

SHEET 2 OF 2





## Bonner County Planning Department

*"Protecting property rights and enhancing property value"*

1500 Highway 2, Suite 208, Sandpoint, Idaho 83864

Phone (208) 265-1458 - Fax (208) 265-1463

Email: [planning@bonnercountyid.gov](mailto:planning@bonnercountyid.gov) - Web site: [www.bonnercountyid.gov](http://www.bonnercountyid.gov)

August 1, 2024

TO: James A. Sewell & Associates; Scott Brown, PE

FROM: Alex Feyen, Planner

SUBJECT: S0005-24 Bahia Del Sol, 1<sup>st</sup> Addition

### ✓ **S0005-24 – ADDITIONAL INFORMATION NEEDED**

The Bonner County Planning Department is in receipt of the above-named Subdivision application for a division of land on Parcels RP026030000030A & RP56N02W027950A. Staff is unable to deem completeness of this proposal, as there is missing or incomplete information in the submitted application. The following outstanding items need to be addressed prior to deeming this file complete of the application:

**ITEM 1:** Per BCRC 12-624 (D): All proposed lots less than five (5) acres gross shall have direct frontage on, and direct access to, a public right of way.

This proposal outlines that the roads fronting these proposed lots are to be private roads. As all of these proposed lots are below 5-acres, all roads in this proposed subdivision shall be dedicated to the public. The face of the plat is conflicting with other portions of the application. Please send a revised preliminary plat.

**ITEM 2:** Per BCRC 12-624 (D): Right of way offered for dedication in any zoning district shall be developed with a road constructed to the standards set forth in title 2 of this code. Such road may be maintained privately or by a public highway agency. Exceptions to the direct frontage and access requirements to allow for private frontage or interior roads may be granted in the commercial, industrial, or rural service center districts provided such access meets the applicable private road standards of this title.

There has been a Road Design Profile turned in with this application. However, there is no indication that these roads have been constructed or will be



constructed to Title 2, Public Road Standards. Please revise the Road Design Profiles to reflect the requirements of BCRC Title 2.

**Item 3:** Per BCRC 12-623 (D): All proposed lots shall be designed by the applicant to provide a fire protection plan for the proposed lots to provide, at a minimum, an assessment of fire risk and plans to reduce the risk, and provisions for defensible space, where material capable of allowing a fire to spread unchecked will be treated, cleared or modified to slow the rate and intensity of an advancing wildfire and to create an area for fire suppression operations to occur, and for at least one of the following:

1. Prior to final plat, an approved water and fire hydrant system capable of providing one thousand (1,000) gallons per minute for a minimum of two (2) hours where a community water system exists or is proposed as part of the development and is capable of delivering the pressurized water supply necessary for delivering fire flows as prescribed by the international fire code, as adopted by the state fire marshal, and such later editions as may be so published and adopted by the state fire marshal, or as amended, modified or superseded, and incorporated herein by reference with a copy on file with the office of the clerk of the board of county commissioners, and hereinafter referred to as IFC.

2. A note on the final subdivision plat stating: "At the time of building location permit or building permit, the lot owner shall install a minimum two thousand (2,000) gallon water storage system, meeting IFC standards". Refill on demand is not required to meet IFC standards.

3. A note on the final subdivision plat stating: "The installation of an approved IFC residential fire suppression sprinkler system is required in all newly constructed residences".

4. Prior to final plat, a manmade or natural water source with a dry hydrant capable of delivering adequate water supply as prescribed by IFC.

5. A note on the final subdivision plat stating: "At the time of building permit or building location permit, the lot owner shall install an approved fire suppression method to the satisfaction of Bonner County".

Please provide a fire-risk assessment.

Due to the incomplete nature of this file, a complete review is not possible at this time. It is possible that additional review memos will be forthcoming as the corrected required materials are received and reviewed.

All deficiencies outlined herein must be corrected prior to approval of the proposed project.



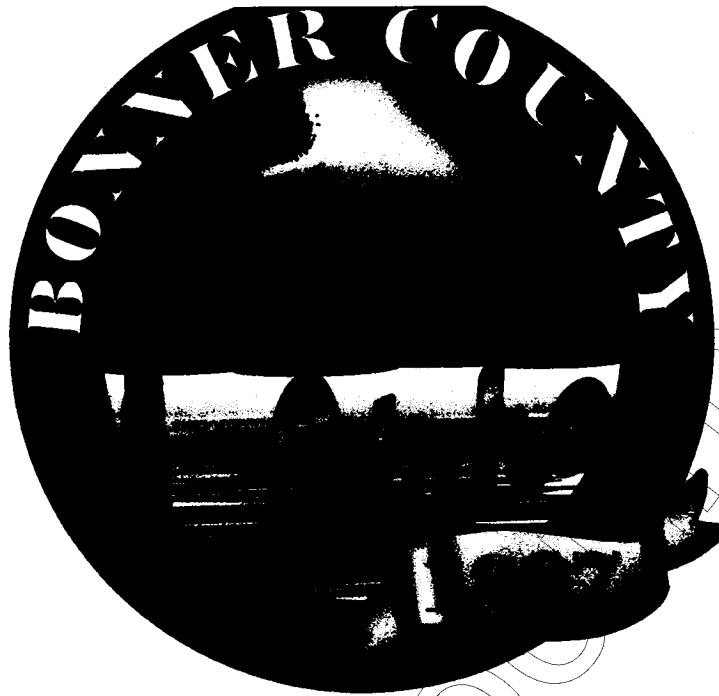
Please contact the Bonner County Planning Department at 208-265-1458 or email directly to [alexander.feyen@bonnercountyid.gov](mailto:alexander.feyen@bonnercountyid.gov) if you have any questions.



## **Appendix C – Surety Agreement for Improvements Bond (SS0002-24)**



Instrument # 1044586  
Bonner County, Sandpoint, Idaho  
03/14/2025 11:30:00 AM No. of Pages: 8  
Recorded for: BONNER COUNTY PLANNING  
Michael W. Rosedale Fee: \$0.00  
Ex-Officio Recorder Deputy  
Index to: MISC  
BC



**Surety Agreement**  
**Subdivision Improvements Performance Bond**

**PLANNING**  
**FILE SS0002-24; BAHIA DEL SOL 1<sup>ST</sup> ADDITION**  
**INSTRUMENT: 1044105**



## **SURETY AGREEMENT**

THIS SURETY AGREEMENT (the "Agreement") is made and entered into this 28 day of January, 2025 (the "Effective Date"), by and between Darwin W. Brown and Carolyn J. Brown, a duly formed Idaho Partnership in good standing with a principal place of business at 747 S Sagle Road, Sagle, ID 83860, hereinafter referred to as the "Applicant," and the Bonner County Commissioners, hereinafter referred to as the "County." The Applicant and the County may hereinafter be referred to individually as a "Party" and collectively as the "Parties".

WHEREAS, the Applicant is required to post security for the construction and/or installation of the following improvements (the "Improvements") by the laws of the State of Idaho, and applicable ordinances of Bonner County, to wit:

To confirm the required surety of \$1,053,093.00 (which equals 150% of the project engineer's estimated costs for completion of the Improvements), the *Engineer's Opinion of Preliminary Project Costs*, dated December 18, 2024, by project engineer B. Scott Brown, PE, estimating the cost of completing road, stormwater, sewer and water improvements, is attached hereto as Exhibit 1.

WHEREAS, the Improvements are to be constructed by the Applicant with regard to certain real property described, as follows:

That property depicted on preliminary plat SS0002-24 on file in the Bonner County Planning Department.



NOW, THEREFORE, for the mutual promises and obligations made by the Parties herein, and for good and sufficient consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties, intending to be legally bound, do hereby agree as follows:

1. The Applicant hereby covenants and agrees to post security in the amount of One Million, Fifty-Three Thousand, Ninety-Three Dollars (\$1,053,093.00) for construction and installation of the Improvements, and the County hereby agrees to accept said security, each in accordance with the terms and conditions of this Agreement.

2. The Applicant, simultaneously with the execution of this Agreement, does hereby deposit with the County Performance Bond No. 023226044 dated 01/28/2025, in the total amount of One Million, Fifty-Three Thousand, Ninety-Three Dollars (\$1,053,093.00) attached hereto as Exhibit 2, hereinafter referred to as the "Surety," as security for the complete performance, construction and installation of the above described improvements.

3. The Applicant shall complete construction and installation of the Improvements on or before (2) two years from the Effective Date of this Agreement, otherwise the Surety shall be immediately forfeited to the County, and the entire face amount of the Surety, One Million, Fifty-Three Thousand, Ninety-Three Dollars (\$1,053,093.00) shall be immediately due and payable to the County, and said Surety may be drawn by the County to the full amount thereof.

4. The Surety shall be made in the name of the "Bonner County Commissioners," authorizing the Chair to sign for the release or modification thereof. The Surety shall be held by the Bonner County Treasurer.

5. There are no third-party beneficiaries to this Agreement.

6. If at any time during the term of this Agreement Ohio Casualty Insurance Company shall: a) lose its "A" rating from A. M. Best & Company; or b) become unable to meet its financial obligations as and when they become due and owing; or c) enter into any form of liquidation, receivership or bankruptcy proceeding, whether voluntary or involuntary; or d) cease to be licensed to do business in Idaho, Applicant shall within 10 business days inform the County in writing of said changes and shall immediately replace Performance Bond #023226044 dated 01/28/2025 with a replacement bond which complies with Bonner County Ordinances.

7. In the event that the Applicant fails or refuses for any reason whatsoever to complete the Improvements on or before the date set forth in paragraph Number 3 hereof, the County shall have the right to cash, or make demand for, and receive payment of the full-face amount of the Surety, and to do so without any protest or recourse of any nature by the Applicant. Furthermore, should the County choose to complete the bonded Improvements (which decision is in the sole and exclusive discretion of the County) the County, its agents, contractors or designees shall have the right to enter the subject property as necessary to carry out the completion of the Improvements.



8. In case of default by the Applicant, the County shall have the option, in its sole and exclusive discretion, to complete the Improvements or not. If the County elects to complete the Improvements, and the total cost to the County of constructing the Improvements is less than the total amount of the Surety actually redeemed by the County in cleared funds, the difference between the actual cost to the County of constructing and installing the Improvements and the amount of the Surety actually redeemed by the County in cleared funds shall be paid to the Applicant, less an administrative and overhead charge by the County equal to twelve percent (12%) of the total cost to the County of constructing and installing the Improvements. However, if the County elects to complete the improvements, and the total cost to the County of constructing the Improvements is greater than the amount of the Surety actually redeemed by the County in cleared funds, then the Applicant hereby agrees to reimburse and hold harmless the County for any and all additional costs incurred by the County in constructing and installing the Improvements, together with an administrative and overhead charge by the County equal to twelve percent (12%) of the total cost to the County of constructing and installing the Improvements.

9. This Agreement shall be binding on all of the Applicant's successors in interest, and any such successor in interest must comply with all the obligations of this Agreement, including but not limited to the maintenance of a valid and enforceable surety bond as set forth herein.

10. Applicant shall notify the County in writing within ten (10) business days in the event that either the Applicant or the Surety issuer becomes insolvent, enters into receivership, involuntary bankruptcy, bankruptcy, defaults, or otherwise become unable to complete the bonded infrastructure and/or honor \_\_\_ Performance \_ Bond # \_023226044\_ dated \_01/28/2025\_.

11. In the event the Applicant completes construction of the Improvements on or before the date set forth in paragraph Number 3 hereof, the Applicant shall maintain the Surety in full force and effect for one (1) year after the date of first acceptance of the completed work by the County upon receiving notice by the Bonner County Planning Department, pursuant to and under the direction of the County Commissioners, that the Improvements have been constructed and installed in accordance with all applicable plans, plats, specifications, regulations and other requirements, and that the Improvements have been approved by Bonner County (the "First Acceptance"). Within thirty (30) calendar days following the one-year anniversary of the First Acceptance, the Bonner County Treasurer shall release the Surety to the Applicant. If construction and installation of the Improvements is not completed within one (1) year of the Effective Date of this Agreement, the Applicant shall provide a detailed status report to the County advising of construction and installation progress, and confirming that this Agreement and the surety bond posted in accordance herewith remain in full force and effect under the terms of this Agreement and the surety standards of Bonner County Revised Code 12-644(C).

12. The Surety warranting the construction and installation of the Improvements,



and guaranteeing the repair of any defects in Improvements which occur within one year after First Acceptance of the completed Improvements by the Board, may or may not be reduced by the Board, in the Board's sole and exclusive discretion, by one-half (½) for that one year. This Agreement shall be valid for a period not to exceed two (2) calendar years from the date of First Approval. At any time prior to the expiration date of this Agreement, the Applicant may make a written request to the Planning Director for a single extension of this Agreement for a period not to exceed two (2) years. As a condition of granting such an extension, the County may require a revised estimate, at the Applicant's expense, to determine if the original amount of the Surety is sufficient to cover the cost of the construction or reconstruction of the Improvements, and shall have the authority to increase the amount of the Surety if the revised estimate supports such. The County may consider such request for extension at any regular business meeting. The extension request must be approved or denied by the County prior to the expiration date of this Agreement.

13. In the event that the Surety lapses, and/or Applicant fails to comply with the requirements of this Agreement and/or associated Bonner County Ordinances in effect at the time of the execution of this Agreement, Bonner County Planning Department shall file a petition for vacation of the approved plats supported by this Agreement, and the County may grant said vacations in accordance with Idaho Code Title 50, Chapter 13 "Plats and Vacations" and assess against the Surety and/or the Applicant any and all costs the County has incurred.

14. Applicant agrees to promptly reimburse all costs, including but not limited to attorneys' fees and costs, expert witness fees, court reporting fees, engineering fees, transportation costs, room and board of witnesses and attorneys, and/or Bonner County employees' time incurred by the County in order to enforce this Agreement, the performance of the Surety, and/or any litigation resulting from Applicant's and/or its Surety's non-compliance with the terms of this Agreement.

15. Applicant agrees to indemnify, defend and hold harmless the County, in the first instance, from and against any claims, suits, and/or judgments issued by any court of competent jurisdiction related in any way to Applicant's failure to comply with this Agreement.

16. This Agreement shall be governed by and construed under Idaho law, except for Idaho choice of law provisions, which shall not apply. Any litigation involving any dispute arising under this Agreement shall be filed solely and exclusively in Bonner County District Court, to the exclusion of any other available forum. Applicant knowingly and expressly waives any and all defenses to the selected forum, including but not limited to personal jurisdiction and *forum non-conveniens*.



IN WITNESS WHEREOF, the Parties have executed this Agreement on the day and date first written above.

APPLICANT:

BONNER COUNTY:

Dennis W. Brown

Carolyn J. Brown

Asia Williams

ATTEST: Michael W. Rosedale, Clerk

Michael W. Rosedale

By: Bonner County Deputy Clerk

Date: 2-25-2025





BOND NO. 023226044,  
INITIAL PREMIUM: \$31,593.00  
SUBJECT TO RENEWAL.

## SUBDIVISION IMPROVEMENTS PERFORMANCE BOND

### KNOW ALL MEN BY THESE PRESENTS:

That we, Darwin W. Brown and Carolyn J. Brown, as Principal,  
and The Ohio Casualty Insurance Company, a corporation organized and doing business under and by  
virtue of the laws of the State of New Hampshire and duly licensed to conduct a general surety business  
in the State of Idaho as Surety, are held and firmly bound unto  
Bonner County, 1500 Highway 2, Suite 101, Sandpoint, ID 83864  
as Obligees, in the sum of One Million Fifty-three Thousand Ninety-three Dollars And Zero Cents  
( \$1,053,093.00 ), for which payment,  
well and truly to be made, we bind ourselves, our heirs, executors and successors, jointly and severally firmly by these presents.

### THE CONDITION OF THE OBLIGATION IS SUCH THAT:

WHEREAS, the above named Principal entered into an agreement with said Obligees to:  
SS0002-24, Bahia del Sol subdivision improvements - 150% of Cost Estimate 12.18.2024

NOW THEREFORE, the condition of this obligation is such, that if the above Principal shall well and truly perform said agreement during the original term thereof, this obligation shall be void, otherwise it shall remain in full force and effect.

IN WITNESS WHEREOF, the seal and signature of said Principal is hereto affixed and the corporate seal and the name of the said Surety is hereto affixed and attested by its duly authorized Attorney-in-Fact at Post Falls,  
Idaho, this 28th day of January, 2025.

"PRINCIPAL"

"SURETY"

Darwin W. Brown and Carolyn J. Brown

The Ohio Casualty Insurance Company

Darwin W. Brown  
Darwin W Brown

BY:

Ryan Barnes  
Ryan Barnes

Attorney-in-Fact

Carolyn J. Brown  
Carolyn J Brown







This Power of Attorney limits the acts of those named herein, and they have no authority to bind the Company except in the manner and to the extent herein stated.

Liberty Mutual Insurance Company  
The Ohio Casualty Insurance Company  
West American Insurance Company

Certificate No: 8202047-980324

## POWER OF ATTORNEY

**KNOWN ALL PERSONS BY THESE PRESENTS:** That The Ohio Casualty Insurance Company is a corporation duly organized under the laws of the State of New Hampshire, that Liberty Mutual Insurance Company is a corporation duly organized under the laws of the State of Massachusetts, and West American Insurance Company is a corporation duly organized under the laws of the State of Indiana (herein collectively called the "Companies"), pursuant to and by authority herein set forth, does hereby name, constitute and appoint, Ryan Barnes; Angela M. Demming; James D. Dickinson; Lisa Dyer; Daniel Graisy; Keith Kline

all of the city of Post Falls state of ID each individually if there be more than one named, its true and lawful attorney-in-fact to make, execute, seal, acknowledge and deliver, for and on its behalf as surety and as its act and deed, any and all undertakings, bonds, recognizances and other surety obligations, in pursuance of these presents and shall be as binding upon the Companies as if they have been duly signed by the president and attested by the secretary of the Companies in their own proper persons.

**IN WITNESS WHEREOF**, this Power of Attorney has been subscribed by an authorized officer or official of the Companies and the corporate seals of the Companies have been affixed thereto this 3rd day of September, 2019.



Liberty Mutual Insurance Company  
The Ohio Casualty Insurance Company  
West American Insurance Company

By: David M. Carey  
David M. Carey, Assistant Secretary

State of PENNSYLVANIA ss  
County of MONTGOMERY

On this 3rd day of September, 2019 before me personally appeared David M. Carey, who acknowledged himself to be the Assistant Secretary of Liberty Mutual Insurance Company, The Ohio Casualty Company, and West American Insurance Company, and that he, as such, being authorized so to do, execute the foregoing instrument for the purposes therein contained by signing on behalf of the corporations by himself as a duly authorized officer.

**IN WITNESS WHEREOF**, I have hereunto subscribed my name and affixed my notarial seal at King of Prussia, Pennsylvania, on the day and year first above written.



COMMONWEALTH OF PENNSYLVANIA  
Notarial Seal  
Teresa Pastella, Notary Public  
Upper Merion Twp., Montgomery County  
My Commission Expires March 28, 2021  
Member, Pennsylvania Association of Notaries

By: Teresa Pastella  
Teresa Pastella, Notary Public

This Power of Attorney is made and executed pursuant to and by authority of the following By-laws and Authorizations of The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company which resolutions are now in full force and effect reading as follows:

### ARTICLE IV - OFFICERS: Section 12. Power of Attorney.

Any officer or other official of the Corporation authorized for that purpose in writing by the Chairman or the President, and subject to such limitation as the Chairman or the President may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Corporation to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact, subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Corporation by their signature and execution of any such instruments and to attach thereto the seal of the Corporation. When so executed, such instruments shall be as binding as if signed by the President and attested to by the Secretary. Any power or authority granted to any representative or attorney-in-fact under the provisions of this article may be revoked at any time by the Board, the Chairman, the President or by the officer or officers granting such power or authority.

### ARTICLE XIII - Execution of Contracts: Section 5. Surety Bonds and Undertakings.

Any officer of the Company authorized for that purpose in writing by the chairman or the president, and subject to such limitations as the chairman or the president may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Company by their signature and execution of any such instruments and to attach thereto the seal of the Company. When so executed such instruments shall be as binding as if signed by the president and attested by the secretary.

**Certificate of Designation** - The President of the Company, acting pursuant to the Bylaws of the Company, authorizes David M. Carey, Assistant Secretary to appoint such attorneys-in-fact as may be necessary to act on behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations.

**Authorization** - By unanimous consent of the Company's Board of Directors, the Company consents that facsimile or mechanically reproduced signature of any assistant secretary of the Company, wherever appearing upon a certified copy of any power of attorney issued by the Company in connection with surety bonds, shall be valid and binding upon the Company with the same force and effect as though manually affixed.

I, Renee C. Llewellyn, the undersigned, Assistant Secretary, The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company do hereby certify that the original power of attorney of which the foregoing is a full, true and correct copy of the Power of Attorney executed by said Companies, is in full force and effect and has not been revoked.

**IN TESTIMONY WHEREOF**, I have hereunto set my hand and affixed the seals of said Companies this 28 day of January, 2025.



By: Renee C. Llewellyn  
Renee C. Llewellyn, Assistant Secretary

Not valid for mortgage, note, loan, letter of credit, currency rate, interest rate or residual value guarantees.

To confirm the validity of this Power of Attorney call 1-610-832-8240 between 9:00 am and 4:30 pm EST on any business day.