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**Bonner County
Planning Department**

Notice of Appeal

Idaho Land LLC
PO Box 591
Hayden, ID 83835

May 5th, 2025

Pursuant to Bonner County Code 12-262, Idaho Land LLC is contesting and appealing Finding of Facts 16 and 17, and Conditions of Approval A-10 and A-11 set by the Zoning Commission on April 9th, 2025 in regard to CUP0030-21. Idaho Land LLC finds that the Finding of Facts and Conditions of Approval aforementioned are:

1. In violation of constitutional or statutory provisions;
2. In excess of statutory authority of the commission or hearing examiner; and
3. Arbitrary, capricious or an abuse of discretion.

These fore-mentioned findings of facts and conditions of approval are unconstitutional as they do not align with the rights established under the 14th amendment, establishing equal rights to all persons. Supreme Court Case Yick Wo v. Hopkins 1886 found that the issuance of permits needed to be fair and equal across the board to all persons. The restrictions imposed on this RV Park permit cause undue financial burden by limiting its ability to do business with customers, a burden that has not been imposed on other similar RV Parks.

An Idaho Land LLC Representative attended the public hearing in 2019 when the Bonner County RV Park Code was discussed and changed. There was a general consensus and agreement that no length of stay restrictions would be imposed on RV parks and the revised code reflected that decision by purposefully omitting length of stay restrictions. It is "arbitrary, capricious and abuse of discretion" to attempt to assert and impose restrictions from Idaho Statute 63-1803(4) and 67-6539 (which are not in reference to RV Parks) to this RV Park, allowing inapplicable and unrelated codes to take seniority over the BCRC RV Park Code, and do so in a discriminatory, unprecedented manner.

Idaho Land LLC finds that it is "in excess of statutory authority of the commission" to step between a business and its customers by dictating how often they are allowed to do business together and requiring documentation of customers, their transactions, their vehicles, etc. This is a gross invasion of privacy and a gross invasion of free trade, and is not supported by the BCRC RV Park Code

Finding of Fact 16

This Finding of Fact correctly stated that this is a seasonal RV Park and has a transient and recreational use and correctly states that BCRC 12-497 does not contain a specific limitation on the duration of stay. However, the final two sentences of this finding of fact bring Idaho Code 63-1803(4) and 67-6539 into the conversation and incorrectly claim that these codes support the imposition of a 30 day maximum occupancy per calendar year per guest or RV unit. Idaho Land LLC objects this claim and believe that the 30 day maximum occupancy is in violation of constitutional or statutory provisions, is in excess of statutory authority of the commission or hearing examiner, and is arbitrary, capricious or an abuse of discretion.

Finding of Fact 17

This Finding of Fact represents a major invasion of privacy, both for the RV Park and its guests, and once again tries to impose a 30 day limitation of stay. Idaho Land LLC finds both the keeping of a log book and a 30 day limitation of stay to be in violation of constitutional or statutory provisions, is in excess of statutory authority of the commission or hearing examiner, and is arbitrary, capricious or an abuse of discretion.

Conditions of Approval A-10

Idaho Land LLC objects the 30 day maximum occupancy and claims that it is in violation of constitutional or statutory provisions, is in excess of statutory authority of the commission or hearing examiner, and is arbitrary, capricious or an abuse of discretion.

Conditions of Approval A-11

This Condition of Approval represents a major invasion of privacy, both for the RV Park and its guests. Idaho Land LLC finds the keeping of a log book to be in violation of constitutional or statutory provisions, is in excess of statutory authority of the commission or hearing examiner, and is arbitrary, capricious or an abuse of discretion.



Idaho Land LLC Representative

5-5-25
Date