

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO IN AND FOR THE COUNTY OF BONNER

KEEP BONNER COUNTY RURAL;
PENNY KAY LAMB; JOSHUA KEITH
EMMETT; PRISCILLA EILEEN
EMMETT; DENNIS ARTHUR WALKER;
and JEANETTE WALKER,

Petitioners,

v.

BONNER COUNTY,

Respondent.

Case No. **CV09-24-0240**

**MEMORANDUM DECISION
AND ORDER ON PETITION
FOR REVIEW**

I. INTRODUCTION

Keep Bonner County Rural, Penny Kay Lamb, Joshua Keith Emmett, Priscilla Eileen Emmett, Dennis Arthur Walker, and Jeanette Walker (the Petitioners) filed a Petition for Judicial Review of the Bonner County Board of Commissioners' (the Board) decision granting a conditional use permit (CUP) to Idaho Land LLC (the Applicant) on November 6, 2023. The Board's decision followed this Court's order in case number CV09-22-1674 vacating and remanding the Board's decision granting a CUP to the Applicant on December 9, 2022.

Petitioners allege the Board's decision violated their procedural and substantive rights. The Board counters that the Board's decision was proper because the Board correctly interpreted and applied the applicable zoning code to its decision to approve the CUP and substantial evidence existed in the Record and Transcripts supporting a finding that the proposed CUP provided "adequate" fire suppression. This Court heard argument on the motion on October 30, 2024.

II. BACKGROUND

On February 2, 2022, Idaho Land LLC submitted Application No. CUP0030-21 to the Bonner County Planning Department seeking a Conditional Use Permit for an RV Park containing 20 residential Recreational Vehicles with full utility hookups. R. 1. The proposed site for the park is a 4.17-acre parcel in the rural residential 5-acre zone of Bonner County. R. 2. The application states that the use for the subject property is “year round RV living” for “RV residents.” R. 2-3, 6. The Applicant states that the project “is to provide affordable housing” and “a low income housing option for current residents who are combating rising housing prices in the area.” R. 5-6. Water is to be supplied to RV residents by an individual well. R. 5. The Applicant proposed to have fire protection for the RV residents provided by the Spirit Lake Fire Protection District. R. 6. Numerous residences are located in close proximity to the proposed RV dwelling units, including single family homes on surrounding land. R. 2, 59.

The Board held two public hearings in 2022 considering whether to approve the CUP. Transcript of May 5, 2022, hearing, *Keep Bonner Cnty. Rural v. Bonner County*, No. CV09-22-1674 (Idaho Dist. Ct. Bonner County 2023); Transcript of August 24, 2022, hearing, *Keep Bonner Cnty. Rural*, No. CV09-22-1674. At the hearings, the Board considered individual comments and agency comments addressing which statute applied to the CUP and whether the water supply was adequate. Transcript of August 24, 2022, hearing at 26-28; Transcript of May 5, 2022, hearing at 8, ll. 21-23, 11, ll.10-19, 34-38.

After the Board approved the application in a written decision on September 1, 2022, The Petitioners filed a Petition for Judicial Review of the Board’s decision on December 9, 2022, and argued that the Board’s decision was not supported by substantial evidence as required under Idaho Code § 67-5279(3)(d), the Board’s written findings of fact and conclusions of law were insufficient under Idaho Code § 67-6535(2), and their substantial rights were prejudiced by the decision. R. 103-06. Petitioners requested attorney fees under Idaho Code § 12-117 on the basis that the Board’s decision was without a reasonable basis in fact or law. Petitioners’ Opening Brief at 5-10. On August 17, 2023, this Court issued a

Memorandum Decision and Order on Petition for Review, vacating Bonner County's decision and remanding the issue back to the county for further proceedings in Bonner County case number CV09-22-1674.

The Board held a public hearing to consider the CUP in light of this Court's decision on October 30, 2023.¹ It considered 28 written public comments at the hearing. Transcript of Oct. 30, 2023, hearing at 10-11; R. at 69-178. While at least one was allegedly neutral, most of the comments "expressed concerns about impact[s] to roads, wells, sewage disposal, noise, general safety, fire and garbage" the CUP would have. R. at 70. For example, one person who lived near the project said,

As one of the many nearby homeowners, I can't stress enough how this would change the complexion of this rural area. The application itself has many questionable sightings, and with a judge vacating and remanding various parts of it, it's indescribable to me how this project could possibly move forward. Fire and Water are big issues and this simply does not fit in this area.

R. at 128. Neighbors and other interested parties also commented at the hearing. The Petitioners' attorney, Mr. Semanko, presented extensive comment to the Board. Oct. 30, 2023, hearing at 13-18. He argued that the board was required to present facts and "explain on remand why [the use] fits in 12-333 instead of 24 12-332(9)." *Id.* at 14-15. He also argued that the Board was required to provide facts showing the existence of "Adequate water supplies for fire suppression." *Id.* at 16. Public comments largely echoed Mr. Semanko's comments. *Id.* at 35-90.

Spirit Lake District Fire Chief Debbie Carpenter also appeared at the hearing. She recommended a 15,000-gallon reservoir based on insurance and international fire suppression standards. *Id.* at 24-25. However, she indicated this was not a requirement under Idaho Code and was not required for similarly situated residences. *Id.*

¹ The Board initially attempted to hold the meeting on October 26, 2023, but rescheduled for the later date. Transcript of Oct. 26, 2023, hearing at 9.

In response, the Appellant argued that he did not intend to offer permanent residences. *Id.* at 92. He also claimed his well, which produces 30 gallons-per-minute, and firefighting experience reduced the risk of fire. *Id.* at 94.

The Board deliberated about the proper statute and fire suppression requirements, finding that the residential and commercial use statutes were “not even remotely the same.” *Id.* at 107. Additionally, one member claimed that the residential statute was not applicable because they were only discussing whether they should approve the CUP under the commercial statute. *Id.* The Board also considered the fire chief’s statements and the possibility that fire responders might not even use the reservoir to determine that requiring a reservoir was not warranted. *Id.* at 120. On November 6, 2023, the Board issued a written decision granting the CUP. R. at 221.

Petitioners petitioned for Judicial Review on February 16, 2024. Although the Board has provided a substantially more developed decision, the issues before the Court on this petition are largely the same as they were in the original case: whether the Board made adequate factual findings regarding the application of county ordinances and whether there are facts in the record showing that there is “adequate” water available for fire suppression.

III. STANDARD OF REVIEW

“The Local Land Use Planning Act (LLUPA) allows an affected person to seek judicial review of an approval or denial of a land use application, as provided for in the Idaho Administrative Procedure Act (IDAPA).” *917 Lusk, LLC v. City of Boise*, 158 Idaho 12, 14 (2015); I.C. § 67-6521(1)(d). “For the purposes of judicial review of LLUPA decisions, a local agency making a land use decision, such as the Board of Commissioners, is treated as a government agency under IDAPA.” *In re Variance ZV2011-2*, 156 Idaho 491, 494 (2014).

It is well established that “[t]he applicable statutory framework for reviewing agency action is found in I.C. § 67-5279.” *In re Variance*, 156 Idaho at 494. Under Idaho Code § 67-5279:

The reviewing court must vacate and remand for further agency action if the agency’s findings, inferences, conclusions, or decisions are:

- (a) in violation of constitutional or statutory provisions;
- (b) in excess of the statutory authority of the agency;
- (c) made upon unlawful procedure;
- (d) not supported by substantial evidence on the record as a whole; or
- (e) arbitrary, capricious, or an abuse of discretion.

Jasso v. Camas Cnty., 151 Idaho 790, 793 (2011) (internal citations omitted). The “agency action shall be affirmed unless substantial rights of the appellant have been prejudiced.” I.C. § 67-5279(4).

Generally, “planning and zoning decisions are entitled to a strong presumption of validity; this includes the board’s application and interpretation of their own zoning ordinances.” *In re Variance ZV2011-2*, 156 Idaho at 494. When acting in an appellate capacity, the Court “will not substitute its judgment for that of the agency as to the weight of the evidence on questions of fact and will defer to the agency’s findings unless they are clearly erroneous.” *Krempaskey v. Nez Perce County Planning and Zoning*, 150 Idaho 231, 235 (2010). “[t]here is a strong presumption that the actions of the Board of Commissioners, where it has interpreted and applied its own zoning ordinances, are valid.” *Dry Creek Partners, LLC, v. Ada Cnty. Comm’rs, ex rel. State*, 148 Idaho 11, 16 (2009) (quoting *Evans v. Teton Cnty.*, 139 Idaho 71, 74 (2003)).

This Court construes a local ordinance as it construes a statute. *Friends of Farm to Market v. Valley Cnty.*, 137 Idaho 192, 196 (2002). Statutory construction always begins with the literal language of the statute or ordinance. *Id.* at 197. If an ordinance is unambiguous, this Court need not consider rules of statutory construction and the statute will be given its plain meaning. *Hamilton ex rel. Hamilton v. Reeder Flying Serv.*, 135 Idaho 568, 572 (2001); *Canal/Norcrest/Columbus Action Comm. v. City of Boise*, 136 Idaho 666, 670 (2001). *Evans*, 139 Idaho at 77.

IV. DISCUSSION

A. Petitioners have shown prejudice to a substantial right.

As a threshold matter, the Board does not contest that the Petitioners claim prejudice to a substantial right. “The party challenging the decision of the Board must not only demonstrate that the Board erred in a manner specified by I.C. § 67-5279(3) but must also show that its substantial rights have been prejudiced.” *Hawkins v. Bonneville County Board of Commissioners*, 151 Idaho 228, 232 (2011); *Krempasky v. Nez Perce County Planning and Zoning*, 150 Idaho 231, 235 (2010). In order to show prejudice to a substantial right under *Hawkins*, a petitioner “must still show, not merely allege, real or potential prejudice to his or her substantial rights.” *Hawkins*, 155 Idaho at 233. In other words, “[t]he petitioner opposing a permit must be in jeopardy of suffering substantial harm if the project goes forward, such as a reduction in the opponent’s land value or interference with his or her use or ownership of the land.” *Id.* Thus, a showing that “the County substantively misapplied its own ordinance” is not enough to prejudice the substantial rights of a petitioner that opposes a variance. *Id.* In the present case, at the July 19, 2023, hearing, the Board conceded that the Petition in this matter sets forth sufficient grounds for a showing of prejudice to the Petitioners’ substantial rights. In light of the stipulations and the presentations made by the Petitioners, the Court finds that the Petitioners have shown prejudice to a substantial right.

B. Petitioners have shown that the Board’s written Findings of Fact and Conclusions of Law are insufficient under I.C. § 67-6535 as to the applicable County ordinance.

Petitioners argue the Board analyzed the CUP under the incorrect code section. The Bonner County Revised Code recognizes two different types of RV uses: Residential use and Recreational/Commercial use. BCRC 12-332(9) governs the residential use of RV units, and states:

Building Location Permit regulations do not apply to non-commercial temporary, intermittent or occasional use of recreational vehicle. When a recreational vehicle is used in the same manner as a single family dwelling or an

accessory dwelling unit, such use is limited to a maximum of 2 recreational vehicle dwelling units per parcel, and the conditions of BCRC 12-496 apply.

BCRC 12-496 states, in pertinent part:

A. Dwelling Unit, Recreational Vehicle.

1. Limited to one (1) per lot or parcel for lots or parcels less than one (1) acre in size, or limited to two (2) per lot or parcel for lots, or parcels greater than one (1) acre in size without respect to density.

The commercial use of RV units is permitted under Table 3-3 found in BCRC 12-333. BCRC 12-333(8) contains the following requirements for such uses: “[a]dequate water supplies for drinking and fire suppression, as well as approval of sewage disposal sites and methods by the Panhandle health district and/or the state of Idaho, must be demonstrated as appropriate.”

Petitioners argue the CUP should have been analyzed under BCRC 12-332(9), as the application states that the project is a full-time residential RV site designed to “provide transitional housing for those migrating to north Idaho and provide a low income housing option for current residents who are combating rising housing prices in the area.” If analyzed under BCRC 12-332(9), approval would not have been possible due to the number of units the applicant seeks to have on the 4.7-acre property.

The Board responds that its analysis of the application under BCRC 12-333(8) was appropriate and that the Court must defer to the County’s interpretation of its own zoning code so long as that interpretation is neither arbitrary nor capricious. The Board argues residential use of an RV under BCRC 12-332(9) is permitted as a matter of right in most all zones but is limited to two RVs per parcel. However, the Board argues an RV park, which is commercial in nature, is governed by BCRC 12-333. The Board argues the Petitioners are mistaken in their reliance on BCRC 12-332(9) as the controlling code in this matter.

Idaho Code § 67-6535(2) places the following requirements on the Board in approving or denying land use applications:

The approval or denial of any application required or authorized pursuant to this chapter shall be in writing and accompanied by a reasoned statement that

explains the criteria and standards considered relevant, states the relevant contested facts relied upon, and explains the rationale for the decision based on the applicable provisions of the comprehensive plan, relevant ordinance and statutory provisions, pertinent constitutional principles and factual information contained in the record.

In *Jasso v. Camas County* (151 Idaho 790 (2011)) the Idaho Supreme Court found “I.C. § 67-6535 requires more than conclusory statements from which a decision-maker’s resolution of disputed facts and legal reasoning may be inferred. It is not the role of the reviewing court to scour the record for evidence which may support the decision-maker’s implied findings and legal conclusions.” *Id.* at 795. “What is needed for adequate judicial review is a clear statement of what, specifically, the decisionmaking [sic] body believes, after hearing and considering all the evidence, to be the relevant and important facts upon which its decision is based. Conclusions are not sufficient.” *Id.* at 796 (quoting *South of Sunnyside Neighborhood League v. Board of Commissioners*, 280 Or. 3, 569 P.2d 1063, 1076-77 (1977)).

In *Jasso*, the county board of commissioners approved a preliminary subdivision plat over the objection of Jasso and other landowners. At a public hearing on the matter, the landowners raised concerns regarding the subdivision’s lack of access to a public roadway, possible violations of existing ordinances and the fact that the application did not address flood mitigation. *Id.* at 792. The board in *Jasso* issued findings of fact and conclusions of law approving the plat on conditions that addressed the landowner’s concerns relating to the public roadway and possible ordinance violations. The board’s findings and conclusions did not address the issues of the floodplain. On petition for judicial review, Jasso argued that the board’s findings and conclusions did not satisfy the requirements of I.C. § 67-535. *Id.* at 793. The district court found that “the [b]oard’s decision was arbitrary and capricious because its findings and conclusions were inadequate under I.C. § 67-535 and violated Jasso’s and Gorringes’ substantial right to due process.” *Id.* The district court vacated the board’s findings and conclusions and remanded the matter back to the board for further proceedings. On appeal, the Idaho Supreme Court affirmed the district court’s ruling, stating:

In order to satisfy I.C. § 67-535, a local decision-maker must articulate in writing both (1) the facts found and conclusions reached and (2) the rationale underlying those findings and conclusions.

The requirement of meaningful administrative findings serves important functions, including facilitating judicial review, avoiding judicial usurpation of administrative functions, assuring more careful administrative consideration, helping parties plan their cases for rehearing and judicial review and keeping within their jurisdiction.

Id. at 794 (internal citations and quotation marks omitted).

Jasso also cited other Idaho Supreme Court cases that held local decision-makers to the standards required in I.C. § 67-535. See *Crown Point Development, Inc. v. City of Sun Valley*, 144 Idaho 72, 77-78 (2007) (holding as inadequate the findings of the city council as merely recitations of portions of the record rather than determinations of the facts disputed by the parties); *Workman Family Partnership v. City of Twin Falls*, 104 Idaho 32, 38 (1982) (holding that the city council's findings of fact were basically conclusions and did not reveal the underlying facts or policies considered by the council or insight into the council's decision). The *Jasso* court stated that "[t]hese cases demonstrate that the reasoned statement must plainly state the resolution of factual disputes, identify the evidence supporting that factual determination, and explain the basis for legal conclusions, including identification of the pertinent laws and/or regulations upon which the legal conclusions rest." *Jasso*, 151 Idaho at 794. Since *Jasso*, the Idaho Supreme Court has reinforced the importance of a reasoned statement in *North West Neighborhood Association v. City of Boise*, 172 Idaho 607, 535 P.3d 583 (2023).

In its order in case number CV09-22-1674, this Court found that the Board's written Findings of Fact and Conclusions of Law contained no analysis of its contention that the CUP was properly analyzed under BCRC 12-333. This Court found,

[t]he statements of the Board contained within its written decision are merely conclusory recitations of information contained within the application and do not contain a 'reasoned statement' as to the relevant and important facts upon which their decision was based. As the court stated in the hearing on July 19, 2023, the Board issued a "bare bones" finding. At a minimum, the Board's

written decision should have addressed its reasoning in determining that the CUP was analyzed under the appropriate code section.

Mem. Decision and Order on Petition for Review at 11, *Keep Bonner Cnty. Rural*, No. CV09-22-1674. Later, it found,

that the findings issued by the Board failed to provide the requisite reasoned statement that plainly states the resolution of factual disputes, identifies the evidence supporting that factual determination, and “explains the basis for legal conclusions, including identification of the pertinent laws and/or regulations upon which the legal conclusions rest.”

Id. at 11 (quoting *Jasso*, 151 Idaho at 794). Finally, it found that “Conclusions are not sufficient.” *Id.* at 11 (quoting *Jasso*, 151 Idaho at 796).

After the Court vacated the Board’s decision on these grounds, the Board again approved the Applicant’s plan. Those Findings of Fact and Conclusions of Law read as follows:

1. The Rural Zoning District allows for conditional use permits for RV Parks. The property is within the Rural District and is currently zoned Rural-5.
2. The site is approximately 4.17 acres in area.
3. The project proposes to install 20 RV units on the parcel.
4. The applicant has applied for a Conditional Use Permit for an RV Park per BCRC 12-333 and BCRC 12-497 as a commercial use.

Per BCRC 12-331, in the case of a question as to the inclusion or exclusion of a particular proposed use in a particular use category, the Planning Director shall have the authority to make the final determination based on the characteristics of the operation of the proposed use. Per the proposed use, the Planning Director determined that the requested use befits in the category of an RV Park as described in BCRC 12-333, Commercial Use Table. BCRC 12-333 and BCRC 12- 497 place no limitation on the duration of stay in RV Parks.

The Board recognizes and affirms the planning director’s determination that the use requested in the application is for an RV park and was correctly reviewed against the standards of BCRC 12-333 and 12-497. BCRC 12-332 and 12-496

apply to a residential use and thus these standards are not applicable to this proposal.

The Board's legislative intent of adopting BCRC 12-497 in the year 2019 was to incorporate the use of RV Parks/ Campgrounds as a commercial use in Bonner County. The use of RV Parks was not intended to be considered a residential use and limited to two (2) Recreational Vehicle Dwelling Units on the property per BCRC 12-332(9).

5. The proposal meets the required standards of BCRC 12-333, notes (8). The proposal is within the Spirit Lake Fire District. The International Fire Code and State Fire Code do not have statutes that address fires in RV Parks. The Insurance Service Office and National Fire Protection Association only contain recommendations for RV Parks fires.

Adequate fire protection is the availability of resources at the time of a fire. The ability to call other fire districts for back up fire suppression. The fire district maintains water tenders which are capable of delivering water to sites to achieve the recommended 250 gpm. All residents in the area of service of the fire district are provided fire protection equally.

In addition, the applicant's Building Location Permit for the RV Park, BLP2022-1243, was reviewed and approved for fire protection by the fire district on 12/16/2022 with a comment of "***no cisterns or fire suppression systems are required for this construction project***".

Generally, rural fire districts do not use on site water cisterns which have been dedicated for fire suppression because the cisterns are not well maintained. The cisterns may contain debris such as rocks and frogs which may damage firefighting equipment and therefore may not be used for fire suppression by the fire districts in case of a fire on-site.

The property has multiple ingress and egress onto multiple roads for multiple fire agencies to provide adequate fire trucks to provide supplies. Spirit Lake Fire districts has mutual aid agreements with the neighboring fire districts which may respond in case of fires on the subject property.

Fire protection is adequate based on the absence of state statutes for RV Parks, the capabilities of the local fire districts, and the limitations imposed by non-maintained on site water storage.

6. The proposal meets the required standards of BCRC 12-333 note (21) and BCRC 12-497.

7. The property is accessed off Clagstone Road and Al's Welding Road. Both roads are Bonner County owned and maintained gravel right of ways.

8. Electricity is provided by Inland Power.

9. The site has an individual well.

10. A speculative site evaluation has been done for the proposed septic system.

R. 222-23.

The Board has again failed to find facts supporting its decision whether BCRC 12-332(9) or BCRC 12-333 apply. Instead, the Board includes conclusory statements indicating that "the requested use befits in the category of an RV Park. . ." and that "BCRC 12-332 and 12-496 apply to a residential use and thus these standards are not applicable to this proposal."

R. 222. The only relevant facts were a statement of the utilities, location, size, and project proposal (installing 20 RV units). The Board also invoked the legislative history of its commercial RV park code. The Board did not explain how these, or any other facts, determine whether the proposed use is commercial (BCRC 12-333) or residential (BCRC 12-332(9)).

The Board argues it did not need to make that distinction: "the Planning Director was not obligated to make some kind of affirmative finding on that point [(whether BCRC 12-333 or BCRC 12-332(9) apply)] before concluding that the application seeks permission to operate an RV Park." Resp't's Br. 13. The underlying fact presented in conjunction with this argument is that "the application is for an RV park. . ." R. 222.

The Applicant does not have the authority to determine which ordinance applies. Which ordinance applies depends on the circumstances being presented by the application. Although it is true that the Board delegates responsibilities to the planning director (BCRC 12-331), this delegation does not relieve the Board of its statutory duty. What circumstances did the planning director find existed by which he or she determined BCRC 12-333, and not BCRC 12-332(9), applied? The Board did not recite or adopt any facts upon which the planning director relied. It only recognized and affirmed the planning director's determination.

R. at 222. The planning director's determination is, by definition, conclusory. The Board's adoption of that determination is also conclusory.

Under *Jasso*, the Board is required to "plainly state the resolution of factual disputes, identify the evidence supporting that factual determination, and explain the basis for legal conclusions, including identification of the pertinent laws and/or regulations upon which the legal conclusions rest." 151 Idaho at 794. Petitioners raised issues of fact, to wit: the project is to provide "affordable housing;" and "low income housing." R. at 5-6. Why do these uses fit under a commercial statute rather than the residential statute? The Board failed to resolve these issues of fact with its own findings of fact. It is not the responsibility of the reviewing court to "scour the record" for evidence which supports the Board's position.

The Board also neglected to provide a reasoned statement. This case is similar to *North West Neighborhood Association* which held: "To put it simply, we cannot evaluate the process by which the Council reached its decision or the soundness of its legal reasoning because the reason for decision failed to satisfy the requirements of section 67-6535(2)." 172 Idaho at 616.

This court finds that the lack of sufficient findings prejudices the Petitioners' due process rights to judicial review. Among the "important functions" of meaningful administrative findings is facilitating judicial review and helping parties plan their cases. The Board has not given this Court sufficient findings or reasoning to review. Therefore, this court vacates the Board's approval of the CUP and remands the matter back for further agency proceedings.

Because the Board failed to establish through findings of fact or a reasoned statement which ordinance is applicable, this Court will not decide whether the Board's analysis of fire suppression under BCRC 12-333(8) was sufficient.

C. Petitioners are not entitled to attorney fees against the Board under I.C. § 12-117.

Petitioners seek an award of attorney fees under Idaho Code § 12-117. This court "shall award the prevailing party reasonable attorney's fees, witness fees and other reasonable expenses, if it finds that the nonprevailing party acted without a reasonable basis in fact or law." "The dual purpose of I.C. § 12-117 is to (1) deter groundless or arbitrary agency action;

and (2) to provide ‘a remedy for persons who have borne an unfair and unjustified financial burden attempting to correct mistakes agencies should never have made.’ *Fuchs v. Idaho State Police, Alcohol Beverage Control*, 153 Idaho 114, 117 (2012).


In this matter, while the court finds that the Board failed to issue sufficient written findings, the Court does not find that the Board acted without a reasonable basis in fact or law. The Board made a reasonable and substantial attempt to comply with this Court’s previous order. While the Board again failed to reach its burden, its failure was not without substantial improvement upon its prior decision. This Court cannot conclude the Board acted without a reasonable basis in fact or law. Therefore, the court declines to make an award of attorney’s fees to either party.

V. CONCLUSION

For the above stated reasons, the Board’s decision to grant CUP0030-21 is vacated and remanded back to the agency for further proceedings.

IT IS HERBY ORDERED, the Bonner County Board of Commissioner’s decision to grant conditional use permit CUP0030-21 is vacated and remanded for further agency proceedings.

DATED: November 15, 2024



Honorable Ross Pittman
District Court Judge #709

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was sent on 11/15/2024 4:25:25 PM via
the following:

William S. Wilson — email: prosefile@bonnercounty.id.gov
Attorney for Respondent

Norman M. Semanko — email: nsemanko@parsonbehle.com
Attorney for Petitioners

MICHAEL W. ROSEDALE
~~JENNIFER LOCKE~~
CLERK OF THE DISTRICT COURT

By: *Heather Ross*
Deputy Clerk