



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 - Web site: www.bonnercountyid.gov

April 22, 2025

Jessica Charland
833 Homestead Road
Athol, ID 83801

Subj: File MOD0007-24 – Conditional Use Permit – Private Community Facility & RV Park/Campground (Modifying CUP0017-23)

Encl: (1) File MOD0007-24 Hearing Examiner Approved Site Plan

Dear Applicant,

The Bonner County Hearing Examiner at the April 16, 2025 Hearing, **approved** the referenced application with conditions.

Hearing Examiner Rucker approved this project, FILE MOD0007-24, modifying CUP0017-23, requesting for the addition of an RV Park / Campground to be used in conjunction with the Private Community Facility, finding that it is not in conflict with the policies of the Bonner County Comprehensive Plan and Bonner County Revised Code as enumerated in the following Conclusions of Law:

Conclusion 1: The proposed conditional use permit **is not** in conflict with the policies of the Bonner County Comprehensive Plan.

Conclusion 2: This proposal **was** reviewed for compliance with the criteria and standards set forth at BCRC Title 12, Chapter 2, Subchapter 2.2 Conditional Use Permits; Chapter 3, Subchapter 3.3.; Chapter 4 Development Standards; Subchapter 4.9 Standards for Specific Uses, and Chapter 7 Environmental Standards and **was** found to be in compliance.

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

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

Findings of Facts:

1. The Rural Zoning District allows for conditional use permits for RV Parks/Campgrounds. The property is within the Rural District and is currently zoned Rural-5.
2. The site is approximately 13.71-acres in area; the designated space for the RV Park/Campground is 2-acres.
3. The proposal is for an RV Park, which is classified as a commercial use under BCRC 12-333.
4. The property is accessed from Homestead a Bonner County-owned and privately maintained gravel right-of-way.
5. The proposal is within the Sagle Fire District. The Fire District has submitted a letter with the requirements for this RV park, after meeting with the applicant and determining that their requirements have been met. The park shall follow these requirements: Water source with adequate hoses, Fire access roads to be kept clear, Shovel and bucket on site, All fires must be in compliance with Idaho Department of Lands burn restrictions.
6. Electricity is provided by Northern Lights, Inc.
7. The site has an individual well.
8. The proposal is for a 10-unit RV Park/Campground.
9. Per BCRC 12-331, in the case of a question as to the inclusion or exclusion of a particular proposed use in a specific use category, the Planning Director has the authority to make the final determination based on the characteristics of the proposed operation. In this case, the Director determined that the proposed use fits in the category of an RV Park, as defined in BCRC 12-333, Commercial Use Table, and does not fall under Residential Uses—Recreational Vehicle Dwelling Unit.
10. A landscaping plan has been submitted that proposes to use the existing vegetation.
11. The applicant has applied for a Conditional Use Permit for an RV Park per BCRC 12-333 and BCRC 12-497, as a commercial use. BCRC 12-332 and BCRC 12-496, which apply to residential uses, are not applicable to this proposal.
12. The Residential Use Table (BCRC 12-332) provides for RV Dwelling Units, defined in BCRC 12-804 as "A recreational vehicle used in the same manner as a single-family dwelling or an accessory dwelling unit." These units are regulated under BCRC 12-496, which establishes them as long-term housing options permitted only in residential zones. This application is not requesting long term housing and is not requesting for the RV Dwelling Unit use, it is for the RV Park found in BCRC 12-333 and defined in BCRC 12-818.

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

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

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

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

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

14. The applicant has proposed the use of port-a-johns (portable restrooms), and water availability from an existing well. Panhandle Health District and Idaho Department of Environmental Quality have stated that a public water system may be required.

Suggested Conditions of Approval:

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

- A-1** The use shall be developed and shall be operated in accordance with the approved site plan.
- A-2** The Conditional Use Permit shall not supersede deed restrictions.
- A-3** All county setbacks shall be met.
- A-4** The Conditional Use Permit shall expire if not issued within two (2) calendar years from the date of approval, or, once issued, if the use has not commenced within two (2) calendar years from the date of issuance. A single time extension of up to two (2) additional years may be granted, provided a written request is submitted to the Planning Department prior to

the expiration date and the required fee is paid. The extension request shall be reviewed by the applicable governing body, and, if approved, shall automatically modify the original permit to reflect the new expiration date. No additional public hearing shall be required.

- A-5** Each structure, to include the proposed sign, is required to first obtain a Building Location Permit and meet the applicable standards of Title 11 and Title 12, Bonner County Revised Code.
- A-6** This project shall be developed in accordance with BCRC 12-4.5
- A-7** This project shall be in accordance with all applicable standards required by BCRC 12-497.
- A-8** Each RV/Camping stall shall be 7500 square feet, per the site plan provided.
- A-9** Proper signage indicating directional traffic in and out of the park shall be on site.
- A-10** No guest, group of guests, or RV unit shall occupy the RV Park for more than thirty (30) cumulative days within any calendar year, regardless of whether the guest or RV unit moves between different spaces within the park.
- A-11** The property owner will be required to continue to meet the fire mitigations standards set forth by Sagle Fire District to include: *"Water source with adequate hoses, Fire access roads to be kept clear, Shovel and bucket on site, All fires must be in compliance with Idaho Department of Lands burn restrictions"*.
- A-12** Per BCRC 12-421 (C): Noise shall not be greater than 65 decibels as measured at the property line.
- A-13** The RV Park/Campground shall only be used in conjunction with the previously approved Private Community Facility.

Conditions to be met prior to issuance:

- B-1.** The applicant shall meet the requirements for a public water system. Alternatively, documentation from Idaho Department of Environmental Quality stating that a public water system is not required may be provided.
- B-2.** In the case that a public water system is required by DEQ, the applicant shall apply for a Conditional Use Permit for a public utility facility with Bonner County.
- B-3.** The applicant shall provide documentation from Panhandle Health District stating that a new septic system is not required, and the existing septic system does not require expansion for the proposed use.
- B-4.** The applicant shall provide a supplemental site plan depicting the following: individual off-street parking spaces for each camping site, definitive camping areas within each designated camping space, distances between each camping area, and refuse collection area.

Bonner County Revised Code, Section 12-262, provides an opportunity for affected persons to appeal Hearing Examiner decisions with the Planning Director within 28 days after the final written decision of the Hearing Examiner has been issued. Any such appeal must be submitted in accordance with the referenced code section no later than **5:00 p.m., May 20, 2025. AN APPEAL SHALL BE ACCOMPANIED BY A FILING FEE IN ACCORDANCE WITH THE APPROVED FEE SCHEDULE. THE FEES ARE PAYABLE TO THE BONNER COUNTY PLANNING DEPARTMENT.**

NOTE: Following any final decision concerning a site-specific land use request, the applicant has a right to request a regulatory taking analysis pursuant to Section 67-8003, Idaho Code (*Idaho Code §67-6535(3)*).

Please contact the Planning Department if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Jacqueline S Rucker".

Jacqueline Rucker
Hearing Examiner