



Bonner County

Board of Commissioners

Luke Omodt

Asia Williams

Steve Bradshaw

Public Hearing Minutes

Planning

Date: October 30, 2023
Location: 1500 Hwy 2, Suite 338
Sandpoint, ID 83864

CONVENE AT: 1:00 p.m.

ADJOURN AT: 3:58 p.m.

COMMISSIONERS PRESENT: Bradshaw & Omodt

OTHERS PRESENT: Legal: Bill Wilson; Planning: Daniel Britt, Jake Gabell, Travis Haller, & Jenna Crone

Commissioner Omodt reconvened the hearing at 1:00 p.m.

Commissioner Omodt asked if anyone needed assistance for this hearing, there were no requests. Commissioners Bradshaw and Omodt advised that they had no conflicts with these files. Commissioner Williams has a conflict of interest.

Action Item: Discussion/Decision Regarding File CUP0030-21 – Conditional Use Permit - Idaho Land LLC-RV Park are requesting a conditional use permit for a 20-unit RV Park on 4.17 acres. The property is zoned Rural-5. The project is located off Clagstone Road and Al's Welding Road in Section 24, Township 54 North, Range 5 West, Boise-Meridian. On August 24, 2022, the Board of County Commissioners approved this file on appeal. **This hearing is being continued from October 26, 2023 at 1:00 p.m.**

This hearing, due to a remand by the Bonner County District Court, will focus solely on the following items:

1. The appropriate standard of review, Bonner County Revised Code (BCRC) 12-333, 12-497, and 12-496.
2. What constitutes "adequate" fire protection under BCRC 12-333, note 8.

Staff Report Presented – Daniel Britt (see attached)

Appellant Comment – Norm Semanko: District court agreed w/petitioners. Staff has defined this hearing is due to remand on following items: 1. The appropriate standard of review, Bonner County Revised Code (BCRC) 12-333, 12-497, and 12-496. 2. What constitutes "adequate" fire protection under BCRC 12-333, note 8; however, it is not just about the appropriate standard. Bonner County has recognized two

types of RV use, are the RVs in question going to be used as Single Family Dwelling Units (SFDU). Concerns about adequate water supplies for fire suppression.

Applicant Comment – Stephen Doty: This RV Park approved as it meets, even surpasses the code. Will operate this as an RV Park, not applying for SFDU permits. Spacing, size, and fire protection is above code requirements. Based upon other approved RV Parks this meets the same standards and should be approved.

Fire District – Debbie Carpenter, Fire Chief, Spirit Lake Fire District: Fire flow in an RV Park. The fire code does not address fire flow in RV Parks. Available water on site is more than sufficient for fire suppression.

Discussion among the board, fire chief, and Bill Wilson regarding fire suppression activity on the site.

Public Comment –

- Roger Sparling – Opposed – RV vehicles exempt from HUD, pointed out code regarding RV standards, concerns that the RV Park will become primary residences
- Kathy Fridland – Opposed – Concerned about the precedence this approval may set; 1:11 to Susan Bowman
- Nancy LeRoy Mott – Opposed – On acreage as they do not want to live in cities or around a lot of people, concerns about traffic this will bring; 1:39 to Susan Bowman
- Brandy Wilson – Opposed
- Diane Welle - Opposed
- Daniel Welle – Opposed – Recalls a major fire recently, the amount of water available will not meet needs of fire suppression in the proposed area, may cause forest fire from sparks if a fire occurs
- Ron Fridland – Opposed
- James Patrick – Opposed
- Jonna Plante – Opposed – BCRC sole purpose is the provide safety to citizens; fire concerns
- Susan Bowman – Opposed – There is an opportunity to right a prior wrong; main issue is this housing or commercial development, per the application it appears to be housing; only 2 RVS may be used if for SFDU; property rights
- Merilee Conley – Opposed – Concerns about fires
- Sandy Sparling – Opposed – Discussed development and manufactured homes based on HUD standards, RV are not built on HUD standards
- Priscilla Emmet – Opposed – This is for affordable housing not RV Park; water concerns; community residents want to protect private property and also environment, support appropriate road designs, protect rural living, etc.; fire concerns
- Tamara Andrews – Opposed
- Eric Miller – Opposed
- Penny Lamb – Opposed – Property adjoins proposed site; fire concerns
- Dave Burton – Opposed – Concern about lack of education regarding rural living and fire concerns, lack of water
- Frank Bendinelli – Opposed
- Jill Bendinelli – Opposed
- Charlene Monaghan – Opposed – Fire concerns, especially in regard to propane
- Jack Allan – Opposed – Concerns about fire and water issues
- Joe Mauk – Opposed – Referenced page 5 of Staff Report; fire concerns
- Diane Madoski – Opposed – Concerns about fire safety

At 2:26 p.m. Commissioner Omodt called a 5-minute recess

Reconvened at 2:33 p.m.

- Trisha Bowlin – Opposed – Density, rural, and fire concerns
- Katia Arquette - Opposed – In agreement with prior statements; traffic concerns
- Talanna James – Opposed – This is a community of close people, and this will not be fair to those in support
- Laura James – Opposed
- Wayne Martin – Opposed – Concerns with response time in case of fire and water
- Brandy Graham – Opposed
- Jeanette Bendinelli – Opposed – Fire concerns, response times
- Jeanette Walker – Opposed – This will not improve property values
- Dennis Walker – Opposed – In agreement with prior comments
- Dian Welle – Opposed – Winter weather can affect fire response times
- Jennifer Taber – Opposed – Concerns about fire
- Dave Bowman – Opposed – Staying on topic; fire suppression concerns
- Karen Kelly – Opposed – How would other counties define permanent living dwelling
- Susan Drumheller – Opposed – Concerns about manufactured homes/affordable housing and RVs for full time living
- Teresa Heisner – Opposed
- Wade Camer – Opposed – Agree with prior comments

Public Comment Closed at 3:10 p.m.

Applicant Rebuttal – Addressed length of stay, it will be run on daily/weekly/monthly standards; this is not permanent housing, no mail will be received; very aware of fire dangers/suppression; adequate water from well and fire personnel, this was accounted for and approved by the fire chief previously; access to property for fire suppression from several points; has on site water and this has been approved, as well as water usage; the RV Park has been approved based on it meets all standards/codes and goes above requirements under code, however is willing to make concessions to provide additional safety measures

Appellant Rebuttal – When an approval is set aside by District Court, typically an applicant withdraws or a conversation is held with applicant, but cannot deny a permit; is the proposed use for SFDU, if so, then allow only 2 RVs, RVs are not meant for permanent use; fire protection, code says applicant must demonstrate adequate water for fire protection/suppression

Staff Comments –

Bill Wilson gave lengthy comments regarding prior hearings. Discussion with the board, legal counsel, and fire district followed. (Audio available)

Commissioner Bradshaw made a motion to approve this project, FILE CUP0030-21, requesting a conditional use permit for an RV Park, finding that it is in accord with the general and specific objectives 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 in accordance with the general and specific objectives of the Bonner County comprehensive plan.

Conclusion 2: This proposal was reviewed for compliance with the criteria and standards set forth at Chapter 4, Subchapter 4.9 and Chapter 3, Subchapter 3.3 of the Bonner County Revised Code, Title 12.

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. I further move to adopt the findings of fact and conclusions of law as set forth in the Staff Report and direct planning staff to draft written findings and conclusions to reflect this motion, have Chairman sign, and transmit to all interested parties. This action does not result in a taking of private property. Commissioner Omodt stepped down from the chair and seconded the motion to for discussion. Roll call vote: Commissioner Omodt – Yes, Commissioner Williams – ***, Commissioner Bradshaw – Yes. The motion passed.

Commissioner Omodt stepped down from the chair and made a motion to amend the conditions of approval to require a backup power source, which would be Condition A-13, for the conditions of approval as drafted with the addition of A-13, which would be a backup power source for the pump house. Discussion followed with legal counsel. The amendment in Commissioner Omodt’s motion most certainly does, and would, and must include the deliberations that have occurred during this hearing and for the amended conditions of approval, and we would rely upon staff to be able to draft an appropriate written findings and conclusions that reflect the motion and deliberations, as deliberated here today at this hearing, for clarification. Commissioner Bradshaw seconded the motion. Roll call vote: Commissioner Omodt – Yes, Commissioner Williams – ***, Commissioner Bradshaw – Yes. The motion passed.

Meeting adjourned at 3:58 p.m.

Deputy Clerk: Alisa Schoeffel