Bonner County
Board of Commissioners
Brian Domke Asia Williams Ron Korn

Public Appeal Hearing Minutes

Date: November 17, 2026
Location: 1500 Hwy 2, Suite 338
Sandpoint, ID 83864
Convene at: 1:00 PM

COMMISSIONERS: Domke – Present Williams – Present Korn – Present
OTHERS PRESENT: Alex Feyen, Nate Adams (Zoom)

Purpose/Topic Summary: Appeal File S0002-26

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Commissioner Korn opened the hearing at 1:02 p.m.

Commissioners Domke, Williams, and Korn advised that they had no conflicts with this file.

Commissioner Domke discussed an email sent to the board yesterday, November 16, regarding this file and asked how the board would like to discuss the procedure and process of the board; he asked Nate Adams, Legal, to provide his perspective. Nate provided his opinion regarding the email that was sent; he does not feel that accepting it "as is" would be fair to the other parties, he suggested that the email be allowed in the hearing provided the other party gets the opportunity to hear the email. Commissioner Williams noted that this email, in her opinion, is new evidence received regarding the file. There was a lengthy discussion with the board and legal regarding this email and how they would move forward.

Commissioner Korn asked the appellant, Chris Norton, how they would like to proceed. He stated that the email included suggested Findings of Fact and Conclusions of Law, he also asked which exhibits they are referring to. Commissioner Williams asked if they wanted what was emailed be included in the record or not; Mr. Norton said that is not all that critical, and was going to be presented today, along with additional exhibits. However, if the board does not want to accept those, then perhaps we should continue to allow everyone time to review these new documents. A discussion followed; there are new exhibits they would like to have considered. There was further discussion regarding new exhibits for clarification.

Commissioner Williams asked Planning Staff if they have reviewed these new documents; they have not as they were not already in the record. Commissioner Williams discussed that this could change the staff report and it could change the outcome, she does not see why we would move forward with this hearing. Alex noted that they do not have an opinion either way and requested direction from the board. Discussion continued.

At 1:30 p.m. a 5-minute recess was called.

Reconvened at 1:36 p.m.

The appellant discussed at lengthy how they would like to proceed, providing both Idaho and County Code that would allow for new evidence to be presented. Commissioner Domke asked Nate for clarification on the applicable County Code referenced in regard to de novo. Nate provided his opinion on

this code; Commissioner Williams asked what is the timeframe for this, Nate noted that it is whatever was noted. A discussion followed. Commissioner Domke would like to see if the applicant has any concerns or questions.

The applicant's attorney, Zach Jones, has concerns about this being ex parte communication and it clearly has had a significant impact on the board; he wants to see what is in this correspondence. He suggested starting the hearing and then reopen it for this information down the road. A discussion followed.

We will continue with the hearing with a hard stop of 4:30 p.m. or public comment, whichever comes first and continuing to December 3, 2026 at 10:00 a.m.

Commissioner Korn went over the procedures for a hearing and asked if anyone needed assistance for this hearing, there were no requests.

Appeal - File S0002-26 – Subdivision – Golden Tee Estates 11th Addition: Request to divide one 7.57 acre lot into twenty-three residential lots ranging from 0.15-acres to 0.52-acres. The parcel is zoned Recreation. The project site is located off N. Idaho Club Drive, Section 36, Township 58 North, Range 1 West, Boise-Meridian. At the August 27, 2026, public hearing, the Bonner County Hearing Examiner approved this file. An appeal was received in a timely manner by the Planning Department.

Staff Report Presented By: Alex Feyen

- Please see Planning packet for full details and information
- Presented a summary of the project, including current zoning
- Presented the applicable standards/code
- Presented all of the comments provided by other agencies and the public
- Presented background information on this property, it is currently vacant land zoned recreation
- Presented proposed services
- Presented the environmental factors
- Presented the staff response regarding the appeals from the final decision of the Hearing Examiner and Zoning Commission
- Presented applicable codes and conditions of approval

Applicant Presented: Jeremy Grimm, Whiskey Rock Planning & Consulting for NICD

- Presented a history of this project, going back to 2006, including the original conditions of approval and the original site plan
- Presented the current phase, Golden Tee 11 which began in 2024 and received unanimous approval in 2025; discussed the denial in detail
- Discussed the decision to reapply which received approval
- Discussed all of the issues that were addressed in the reapplication including the concerns of sewer/septic and wastewater and the DEQ approved engineering plan as well as will services from utilities and Selkirk Fire
- Discussed density and the potential number of units not exceeding 380 units; a reduction in density
- Discussed applicable Idaho and County Codes and that this project complies with these standards; the Hearing Examiner and Planning Staff agree that this project is in compliance

Applicant's Attorney: Zach Jones

- Discussed the appellant's standing, who they do not believe are impacted, he provided case laws to substantiate their view on this, further discussed adverse impact regarding this project

- Discussed the decision that is in question today, should this preliminary plat be approved; we are only here for this preliminary plat and no others
- Discussed condition C-9 being an issue in initial hearings and the Hearing Examiner's view on this condition
- They are not here to settle utility disputes, DEQ, or other issues; we are here for the preliminary plat

Commissioner Williams asked about the validity of the appeal and if the appellant has a right to appeal. There was a discussion and request for legal. Nate believes that the question of validity/standing be resolved now as that determines if this is a valid appeal.

The appellant, Chris Norton, discussed BCRC 12-262 and Idaho Code 67-6521 as their determination for having an interest in this project and basis for their standing in the appeal. Provided examples of case law under LLUPA's standard that an affected person "may be" affected; they need only allege that the development could potentially harm their real estate interests. He discussed how they are directly affected, including the water system, wastewater system, and water conservation; this has caused adverse effects because of these issues.

Commissioner Williams asked for a legal opinion after hearing the appellant's view, she also discussed regulatory taking. Commissioner Korn questioned if they are an affected party at this stage in the project, he thinks this would be more applicable in the final stage of the project. Nate's recollection of case law is that a generalized effect on your property is not sufficient which he does not know if that arises to an effected person. Commissioner Domke noted that all of the appellants are connected to the same sewer/wastewater and water systems and how that might be effected in the future as there are already existing deficiencies in these systems so he does not know how he can argue that they would be affected when the deficiencies already exist. A lengthy discussion followed. The board believes that they are an affected party; legal did not weigh in.

At 3:08 p.m. Commissioner Korn called a brief recess.

Reconvened at 3:21 p.m.

Appellant Presented: Chris Norton

- Provided background and expertise on the appellants and how they got involved in this and why
- Presented some historical background and documents applicable to this project
- Stated that Bonner County did not enforce condition C9 which has caused the insufficiencies in the water/wastewater systems at the Idaho Club
- Discussed water/wastewater systems and how they are supposed to work
- Presented and discussed Exhibit 22 at length
- Presented and discussed Exhibit 23 at length
- Discussed platted lots and connections at length; when they found this document is when they filed their appeal
- They are asking for Bonner County to implement condition C9 and the methodology that was agreed to in 2005
- Discussed the Idaho Club Wastewater Facility Plan for Valiant at length
- Discussed Valiant and existing system deficiencies at length
- Discussed Exhibit 27 at length
- Discussed past hearings, a history of the property, and Valiant at length
- Discussed BCRC Title 12 regarding CUPs (Exhibit 34)
- Continued to discuss Valiant and prior hearings at great length

There was a discussion regarding how this hearing will continue. Mr. Grimm wanted to point out that the appellant has only discussed a third party and not the applicant in their presentation.

Commissioner Williams based on the information before us with respect to file number S0002-26, Golden Tee Estates, 11th Edition, Lot 2, I move to continue to a time and date certain of December 3rd at 10:00 a.m. for no less than a four-hour block time to allow for the continuation of the hearing which will start with the appellant, followed up by rebuttal by the applicant, with an opportunity for both sides to review the additional information that was received on 11/17/2026; the applicant, Jeremy Grimm will receive a copy in hand of the documents provided by the appellant and the appellant will receive the documents in hand before leaving with the document handed by Jeremy Grimm to the board. The Board of Commissioners recognizes that we did not read either of the documents, we will review those before the December 3rd hearing; public comment has remained open for that particular hearing on December 3rd. Commissioner Domke seconded the motion. Roll Call Vote: Commissioner Domke – Yes; Commissioner Williams – Yes; Commissioner Korn – Yes. The motion carries.

This hearing was **CONTINUED** to Thursday, December 3, 2026 at 10:00 AM at 4:27 PM.

Deputy Clerk: *Alisa Schoeffel*