



# **Bonner County**

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## **Board of Commissioners**

Asia Williams

Luke Omodt

Steve Bradshaw

April 25, 2024

### **Board of County Commissioners – Decision Letter**

Subj: **Appeal File CUP0013-23 – Conditional Use Permit – Private Community Facility and Retreat**

Encl: (1) Board of County Commissioners Approved Site Plan

The Bonner County Commissioners at the April 24, 2024, public hearing, affirmed the Zoning Commission’s decision to approve the referenced application with conditions.

Commissioner Bradshaw moved to affirm the Zoning Commission’s decision to approve this project FILE CUP0013-23 for a retreat and private community facility, 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**:

- 1.** The proposed conditional use permit **is** in accord with the Bonner County Comprehensive Plan.
- 2.** This proposal **was** reviewed for compliance with the criteria and standards set forth at Title 12, BCRC Chapter 2 Subchapter 2.6, BCRC Chapter 3 Subchapter 3.3, BCRC Chapter 4 Subchapter 4.2-4.6, Chapter 7 Subchapter 7.2 and 7.3, Bonner County Revised Code.
- 3.** The proposed use **will not** create a hazard or **will not** be dangerous to persons on or adjacent to the property.

This decision is based upon the evidence submitted up to the time the Staff Report was prepared and testimony received at this hearing. Commissioner Bradshaw further moved 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 decision, 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.

#### **Roll Call Vote**

Commissioner Williams

NO

Commissioner Omodt                    YES  
Commissioner Bradshaw                YES

The motion carried.

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## **Findings of Facts:**

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1. The site is zoned Rural-5, where retreats and private community facilities are conditionally allowed.
2. The site has an individual well and septic system for their current residential use.
3. The site is approximately 20 acres in size.
4. The site is served by Northern Lights Inc. for their current residential use.
5. The site is in the mapped service area of Sagle (Selkirk) Fire District.
6. The site contains steep slopes of over 30% grade (USGS).
7. The site is located within SFHA Zone X (FEMA).
8. The site contains mapped wetlands (NWI, USFWS).
9. The applicant indicates that only the attendees of the proposed retreat and the private community facility will have access to the meals and overnight accommodations. The applicant is requesting a deviation to this standard with the request for using the retreat accommodations for the private community facility to house wedding guests.
10. The proposed accommodation for the retreat includes a lodge to accommodate a maximum of 20 guests for overnight stays.
11. The project proposes a single centrally located common area where kitchen and dining facilities may be located.
12. The site is accessed off Roop Road, a Bonner County owned and maintained 50-foot-wide, treated gravel right of way. While no comments were received from Sagle (Selkirk) Fire District stating any objections to the current standard of the road for emergency access, Bonner County Road and Bridge Department reviewed the project and provided comments indicating a need for possible upgrades of the driveway, requirement of a commercial encroachment permit to access the property and a signage at the end of the driveway based on the potential traffic that may be generated with the proposed use.
13. The site is currently served by an individual septic system and a well for the existing single-family home on the property. The applicant is proposing an addition of a well and another septic system to serve the proposed uses requested through this Conditional Use Permit. The proposed septic system is

under construction at this time. At this time, no comments have been received from Panhandle Health District and the Sagle (Selkirk) Fire District discussing the adequacy of this potential addition of services on the property. Idaho Department of Water Resources provided a comment indicating a potential need of a public utility facility for a water system that may exceed certain limitations. Idaho Department of Environmental Quality has indicated that the water system will need to be permitted as a public drinking water system due to the potential to accommodate 25 or more people per day for 60 days. Additionally, their wastewater system may require to be permitted as a public wastewater facility. As proposed, neither of these systems meet the definitions of a Public Utility Facility, as defined in the Bonner County Revised Code.

14. The project as proposed shows that the retreat and all appurtenant structures will be accommodated on site to minimize effects on the surrounding properties and to not create any hazards for the adjoining properties.
15. The project is requesting a deviation to street setback requirements with the request to allow the applicant to locate a single 24"X36" sign at a distance of no less than 15 feet from the right-of-way. The deviation from the setbacks is not requested for the purpose of locating any other structures or development permitted through this Conditional Use Permit.
16. The project proposes no activity involving the use or storage of flammable or explosive materials on or off site.
17. The project proposes no activity involving emittance of harmful radioactivity or electrical disturbance.
18. The application for the proposal states, *"We use a decibel reader at our property line to ensure our DJ and noise level is within 60 decibels. The speakers will be adjusted to face west. We have also spoken with a noise abatement specialist with Acoustiblok. They have created a plan specifically for our property. Their products will be placed around DJ speakers, as well as a 6x30' Acoustifence on the west portion of the property line where speakers will be facing. In order to offset parking lot noise we will also be using a 6x10' Acoustifence where there is a path sound travels directly to our neighboring property. See attached information on Acoustiblok's technology. In addition, we ask guests to leave the parking area by 10:00pm. Our overnight guests will be staying in the center of our property to keep noise level within reason. Being centrally located, having the buildings and foliage as a buffer will provide adequate noise screening. Guests will be informed and be required to adhere to noise ordinances. Guests can have no DJ, PA or loud speakers at the lodging site."*
19. The application states that the hours of operation will be limited from 10:00 a.m. to 10:00 p.m.
20. The project is not proposing any activities that would seem to contribute to air or water pollution.

21. The private community facility is proposed to be operated on an area of ±5624 square feet.
22. Per the submitted site plan all the proposed structures on site show pedestrian or vehicular connections through the entire project.
23. Per the submitted site plan, the proposed location of the parking shows that it covers more than 50% of the lot frontage.
24. The project proposes locating "3 dry box storage units" on site.
25. The Bonner County Hearing Examiner held a public hearing on October 4, 2023 and recommended the Zoning Commission hear the file.
26. The private community facility will be served by KG & T Septic Services, using portable restrooms, and will require all attendees to provide their own water. The existing and the proposed wells and septic systems will not serve private community facility.
27. The proposed use of a wedding venue was evaluated by the Planning Director, per BCRC 12-331 and BCRC 12-339, and determined that the characteristics of the operation of the proposed use falls within the same classification as "churches, grange halls, public or private community facilities" as found in the Public Use Table in BCRC 12-335.
28. The Bonner County Zoning Commission voted, 4-0, to approve this Conditional Use Permit on February 15, 2024.
29. Panhandle Health District stated: *"Panhandle Health District (PHO) has reviewed the Bonner County Planning Application referenced above, and has the following comments: A review of PHO records indicates that parcel associated with this CUP application has:*
  - a. *an approved septic permit for the existing dwelling in use - 3bdrms (23-09-05408)*
  - b. *submitted an application for a new septic to serve the Retreat (24-09-07529)*
  - c. *submitted a Letter of Intended Use for the Retreat*
  - d. *submitted wastewater flow values for the Retreat utilizing IDAPA 58.01 .03.007.08*

*No permit has been issued for the Retreat. However, the applicant is working with PHO through the permitting process and PHO is currently reviewing the project proposal to ensure all wastewater flows are accounted for prior to permit approval. The application submitted to PHO indicates an intent for a system to serve one building with a maximum of 20 people. For PHO to issue a permit, the applicant must demonstrate that the system is capable of meeting all current standards & setbacks according to the Idaho State Subsurface Sewage Rules (IDAPA 58.01 .03).*

*Please note that if the building will have its own well that serves 25 people or more for at least 60-days out of the year, then it may need to be regulated as a Public Water System."*

30. The historical practice of the Bonner County Planning Department and its Directors has been to classify "wedding venues" under "Private Community Facilities" as found in the Public Use Table in BCRC 12-335.
31. The Rural zoning districts allow for commercial uses and pursuits, per BCRC 12-3.3 and the Bonner County Comprehensive Plan.
32. The proposed project, combined with the conditions of approval, satisfy the requirements as set forth in Bonner County Revised Code, Title 12.

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### **Suggested Conditions of Approval:**

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#### **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** Per BCRC 12-226.C, 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. At any time prior to the expiration date of the Conditional Use Permit, the applicant may make a written request to the Planning Director for an extension of the Conditional Use Permit for a period up to two (2) years. The Zoning Commission at any regular meeting, or board at any regular meeting, may consider the request for extension. The extension request must be approved or denied prior to the expiration date of the conditional use permit.
- A-4** Per BCRC 12-333 (27), the retreat or the retreat accommodations shall not be used by the general public for meals or overnight accommodations. The project is being granted a deviation that these accommodations may be used by the guests of the private community facility.
- A-5** Per BCRC 12-333 (27), the proposed residential accommodations are limited to a seven-bedroom lodge and a maximum of 20 guests on-site for overnight stays.
- A-6** Per BCRC 12-333 (27), the retreat and any appurtenant structures shall be accommodated on site so as to minimize any adverse effects on surrounding properties and will not create hazards on adjoining properties.

- A-7** Per BCRC 12-420, no structures permitted in conjunction with this Conditional Use Permit (except the existing single-family dwelling) accommodate or house a greater number of families than permitted by the standards of BCRC Title 12.
- A-8** Per BCRC 12-420, no structures permitted in conjunction with this Conditional Use Permit (except the existing single-family dwelling) accommodate or house a greater number of families than permitted by the standards of BCRC Title 12.
- A-9** Per BCRC 12-420, all structures located on site in conjunction with this Conditional Use Permit will meet the required street and property line setback standards of BCRC Title 12. The project is being granted a deviation from this standard only for the purpose of locating a single 24"X36" proposed sign at a distance of no less than 15 feet from the right-of-way.
- A-10** Per BCRC 12-420, there shall be no overlap of parking or other open spaces provided for the retreat and the private community facility. Both uses shall be provided separate dedicated parking spots for each use.
- A-11** Per BCRC 12-420, all architectural projections such as canopies, eaves, balconies, platforms, decks, carports, covered patios, and similar architectural projections shall be considered parts of the building to which attached and shall not project into any required setback.
- A-12** Per BCRC 12-420, temporary buildings, construction trailers, equipment and materials used in conjunction with construction work for the proposed project may be permitted during the period the construction work is in progress, but such temporary facilities shall be removed upon completion of the construction work.
- A-13** Per BCRC 12-420 and BCRC 12-432, the applicant shall adhere to the parking plan showing the following:
- a. Required 9 parking spots for the retreat.
  - b. Required 57 parking spots for the wedding venue. These parking spots shall be located within 500 feet of the designated spaces for the private community facility.
  - c. There shall be no overlap of parking or other open spaces provided for the retreat and the private community facility. Both uses shall be provided separate dedicated parking spots for each use.
- A-14** Per BCRC 12-4.4, the project proposes locating a 24"X36" sign nearly 15 feet from the edge of the right-of-way. The proposed sign the meet the

size requirements of the Bonner County Revised Code. Any additional signs shall meet the requirements of this ordinance.

- A-15** Per BCRC 12-452, any structures or development on site permitted through this Conditional Use Permit is required to obtain appropriate Building Location Permits or other approvals from the Bonner County Planning Department prior to the development on site.
- A-16** Per BCRC 12-453.F, any lighting on site shall meet the standards of this this section of the ordinance.
- A-17** Per BCRC 12-453.G, any development on site permitted through this Conditional Use Permit shall meet the standards of this this section of the ordinance.
- A-18** Per BCRC 12-453.J, the project proposes locating "3 dry box storage units" on site. Any outdoor storage of commercial and industrial materials on site is required to meet the standards of this section of the ordinance.
- A-19** Per BCRC 12-4.6, the site seems to have ample existing native vegetation with the proposed uses being generally centered on the property. The existing vegetation on the property may be used for screening purposes. The parking areas provided on site shall be buffered by at least a 10 feet wide vegetative landscaping buffer along the side or rear property lines. The outdoor storage of equipment shall be buffered by at least a 20 feet wide vegetative landscaping buffer along the perimeter of the site.
- A-20** This project proposes new development that would result in the creation of impervious surface. The applicant shall submit a storm water management, grading and/or erosion control plan in accordance with the provisions of BCRC 12-7.2 prior to any development on site in conjunction with this Conditional Use Permit.
- A-21** The site contains mapped wetlands as shown on the National Wetland Inventory maps. Any development proposed in conjunction with this Conditional Use Permit is required to meet the standards of BCRC 12-7.3 prior to start of development on site.
- A-22** Site contains mapped steep slope of over 30% grade. Any development on site located within or in proximity of the areas of steep slopes is required to meet the standards of BCRC 12-7.6 prior to start of development on site.
- A-23** The hours of operation for the private community facility will be 10 AM to 10 PM. The noise level may not exceed a maximum of 50 decibels at any of the property lines, as measured by a calibrated decibel reader.

**A-24** The private community facility shall accommodate a maximum of 250 people, including, but not limited to, guests, vendors, and employees.

**Conditions to be met prior to the issuance of this Conditional Use Permit:**

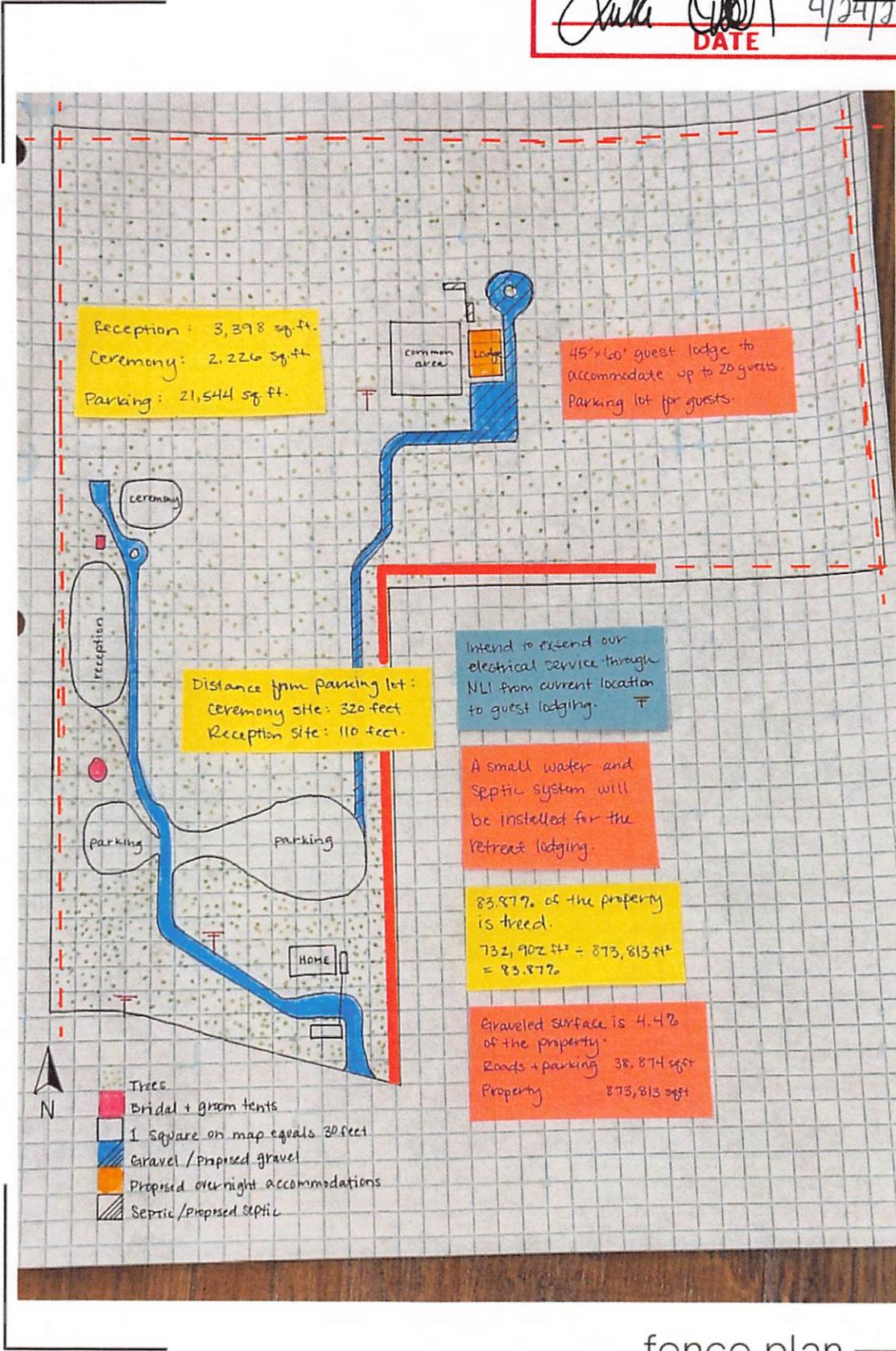
- B-1** Per BCRC 12-333 (27), the applicant shall apply for and obtain the required permits or approvals for the proposed septic system and the water system from Panhandle Health District, Idaho Department of Environmental Quality, and Idaho Department of Water Resources, respectively.
- B-2** The applicant shall obtain the required approvals or a letter from the Selkirk (Sagle) Fire District to ensure that the fire district will be able to provide emergency services to the site when needed.
- B-3** Per BCRC 12-333 (2), the applicant is required to make improvements and upgrades to the driveway or the site as noted in the comments received from the Bonner County Road and Bridge Department. The applicant shall further comply with any modifications of these conditions or addition of new conditions by the Bonner County Road and Bridge Department upon further review of the project and based on the site conditions or other practical considerations during the construction of improvements.
- B-4** The applicant shall submit a supplemental site plan showing a "safe smoking area".

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

Please contact the Bonner County Planning Department if you have any questions.

Sincerely,

  
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Luke Omodt, Chairman  
Board of County Commissioners



fence plan —



T-Bar + wire fencing with  
No Trespassing Signage

8' fencing and privacy slats with  
No Trespassing Signage