



Bonner County

Board of Commissioners

Asia Williams

Ron Korn

Brian Domke

September 2, 2026

Subj: **Remand of File CUP0013-23 – Private Community Facility**

Attachments: Land Use Decision Making Worksheet
Comprehensive Plan Decision Worksheet
CUP0013-23 Reconsideration Staff Report

Teira & Cruz Bruner
[REDACTED]

Dear Mr. And Mrs. Bruner,

The Board of County Commissioners, at the August 26, 2026 hearing, reversed the Zoning Commission's decision and denied the above referenced file.

MOTION TO REVERSE:

Commissioner Domke moved to reverse the Zoning Commission Decision, and deny project FILE CUP0013-23 for a private community facility, based upon the following

CONCLUSIONS OF LAW:

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

Commissioner Domke further moved to adopt the Reasoned Statement as discussed during deliberation at this Hearing and the analysis as set forth in the Staff Report (or as amended during this Hearing) and direct planning staff to draft the reasoned statement to reflect this motion as set forth in Idaho Code § 67-6535, and to have the Chair sign and transmit to all interested parties. This decision is

based upon the materials and evidence submitted up to the time the Staff Report was prepared and testimony received at this Hearing. This action does not result in a taking of private property. Further action could be taken, if desired, to potentially obtain a conditional use permit, by either:

- (1) Filing a new application with the Planning Department and meeting the standards required by Bonner County Revised Code and/or Comprehensive Plan; or;
- (2) Pursuing such remedies as set forth in Idaho Code Title 67, Chapter 65.

Roll call vote:

Commissioner Williams	AYE
Commissioner Domke	AYE
Commissioner Korn	AYE

Voted upon and the Chair declared the motion carried with a unanimous vote.

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,



Ron Korn, Chair
Board of County Commissioners

Cc:

Marcus Johnson, Legal Counsel for Applicant
Michelle & Robert Johnson, Appellant
Norm Semanko, Legal Counsel for Appellant



Bonner County Planning Department

"Protecting property rights and enhancing property value"

1500 Highway 2, Suite 208, Sandpoint, Idaho 83864

Phone (208) 265-1458 - Fax (208) 265-1463

Email: planning@bonnercountyid.gov • Web site: www.bonnercountyid.gov

LAND USE DECISION-MAKING WORKSHEET CONDITIONAL USE PERMIT; CUP0013-23 PRIVATE COMMUNITY FACILITY

Idaho Code §67-6535 (2): 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.

STANDARDS FOR CONDITIONAL USE PERMIT REVIEW:

Prior to approving a conditional use permit, the governing body shall review the particular facts and circumstances of each proposed conditional use permit in terms of the following standards and shall find adequate evidence showing that such use at the proposed location.

Idaho Code §67-6512

A special use permit/conditional use permit may be granted to an applicant if the proposed use is conditionally permitted by the terms of the ordinance, subject to conditions pursuant to specific provisions of the ordinance, subject to the ability of political subdivisions, to provide services for the proposed use and when **it is not in conflict with the plan.**

IN CONFLICT

List the relevant evidence from the record that supports your conclusion and the rationale for the conclusion.

See Attached Comprehensive Plan Worksheet

The Board cannot find a condition that would mitigate the adverse impacts they found with the operation of the Private Community Facility. Concerns were due to sound, and light trespass, which is amplified by the physical characteristics of the property. As such, the Board could not provide a condition, without changing the specifications of the request.

BCRC 12-222 IN COMPLIANCE

APPLICATION CONTENTS

List the evidence from the record that supports your conclusion and the rationale for the conclusion.

The Board found compliance, adopt the findings of the staff report.

BCRC 12-223

The Zoning Commission or Hearing Examiner, except as otherwise provided in this title, is charged with conducting at least one public hearing on the conditional use permit application, at which time interested persons shall have an opportunity to be heard. The Commission shall review the particular facts and circumstances of each



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proposal. To grant a conditional use permit, the Commission must find there is adequate evidence showing the proposal **is in accord with the general and specific objectives** of the comprehensive plan and Title 12 and the proposed use will neither create a hazard nor be dangerous to persons on or adjacent to the property.

IN CONFLICT/NOT IN ACCORD

List the evidence from the record that supports your conclusion and the rationale for the conclusion.

See Attached Comprehensive Plan Worksheet.

BCRC 12-262

APPEALS FROM FINAL DECISION OF COMMISSION/HEARING EXAMINER

IN COMPLIANCE

List the evidence from the record that supports your conclusion and the rationale for the conclusion.

The Board found that the threshold for an appeal had been met, the appeal was timely, the appropriate fee had been paid, and a hearing was held with the Board.

BCRC 12-331

INTERPRETATION OF USE TABLE:

IN COMPLIANCE

List the evidence from the record that supports your conclusion and the rationale for the conclusion.

The Board found that the Planning Director's decision for classification of use had been completed and provided in the staff report. The Board reviewed the project under the "Private Community Facility", as determined by the Planning Director.

BCRC 12-335

BCRC 12-335, Public Use Table (Note 3)

Note 3

Where access to the site is by road, the road shall be located within a recorded easement or public right-of-way, and constructed to the appropriate standard set forth in title 2 of this Code or appendix A of this title, except where subject to the terms of an approved special use permit issued by a State or Federal agency.

IN COMPLIANCE

List the evidence from the record that supports your conclusion and the rationale for the conclusion.

The Board relied on Agency comment from Bonner County Road & Bridge, stating that the access to the site from Roop Road meets this standard. This code only requires access to the site be shown and the construction of the road, and it does not take into account the impact that traffic may have.



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BCRC 12-339 CLASSIFICATION OF NEW USES WITHIN ZONE DISTRICTS

IN COMPLIANCE List the evidence from the record that supports your conclusion and the rationale for the conclusion.

The Board found that the Planning Director's decision for classification of use had been completed and provided in the staff report. The Board reviewed the project under the "Private Community Facility", as determined by the Planning Director.

BCRC 12-4.2 GENERAL STANDARDS:

IN COMPLIANCE List the evidence from the record that supports your conclusion and the rationale for the conclusion.

Adopting the analysis of the staff report. The Board found that the project can comply with this code section, with the addition of Conditions of Approval.

BCRC 12-421 PERFORMANCE STANDARDS FOR ALL USES

NOT COMPLIANT List the evidence from the record that supports your conclusion and the rationale for the conclusion.

The evidence in the record indicates the proposed commercial activities include the use of amplified sound systems. Evidence in the record regarding decibel level readings along the property line is conflicting. Evidence in the record also indicates the property contains a number of topographic features associated with steep slopes. Topography has a significant impact on how sound carries and/or is reflected. Testimony of nearby property owners indicates that the use of acoustic blocking devices has not been effective in protecting their property from noise trespass. Testimony and sound recordings were presented during the hearing indicating that the noise from the wedding guests themselves sometimes reach high levels. Associated with this noise situation is the comment from the applicant that they cannot control the activities of their patrons. As such, no evidence in the record clearly demonstrates that the proposed use of acoustic blocking devices will be effective in mitigating the noise pollution of the proposed commercial activities.

BCRC 12-4.3 PARKING STANDARDS

IN COMPLIANCE List the evidence from the record that supports your conclusion and the rationale for the conclusion.

The Board found compliance and adopted the analysis of the staff report.

BCRC 12-4.4 SIGN STANDARDS



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NOT COMPLIANT

List the evidence from the record that supports your conclusion and the rationale for the conclusion.

The Board found that the request for the deviation of the sign standard was inappropriate and it would be in conflict with the rural character of the neighborhood. Therefore, the requested placement of the sign was denied.

BCRC 12-4.5 DESIGN STANDARDS

IN COMPLIANCE

List the evidence from the record that supports your conclusion and the rationale for the conclusion.

The Board found compliance and adopted the analysis of the staff report.

BCRC 12-4.6 LANDSCAPING AND SCREENING STANDARDS

IN COMPLIANCE

List the evidence from the record that supports your conclusion and the rationale for the conclusion.

The Board found that the proposed screening meets the standard in the code. However, a Condition of Approval would be added to enhance the landscaping buffer near the parking areas, if approved.

BCRC 12-7.2 GRADING, STORMWATER MANAGEMENT AND EROSION CONTROL

IN COMPLIANCE

List the evidence from the record that supports your conclusion and the rationale for the conclusion.

The Board found compliance and adopted the analysis of the staff report.

BCRC 12-7.3 WETLANDS

IN COMPLIANCE

List the evidence from the record that supports your conclusion and the rationale for the conclusion.

The Board found compliance and adopted the analysis of the staff report.

BCRC 12-7.6 HILLSIDES

IN COMPLIANCE

List the evidence from the record that supports your conclusion and the rationale for the conclusion.

The Board found compliance and adopted the analysis of the staff report.

CUP0013-23 Comprehensive Plan Reasoned Statement

BCRC 12-223 specifies that the Zoning Commission shall review the particular facts and circumstances of each proposal. To grant a conditional use permit, the Hearing Examiner must find there is adequate evidence showing the proposal is in accord with the **general and specific objectives** of the comprehensive plan and Title 12 and the proposed use will neither create a hazard nor be dangerous to persons on or adjacent to the property.

Staff: In addition to the above referenced Bonner County code, the Board must find compliance with Idaho Code § 67-6512. The analysis below will analyze the objectives and policies of the Implementation Component of the Comprehensive Plan, that are applicable to this project, adopted at the time the application was submitted with fees paid. The Board shall find whether the application is in accord with the objectives of the Comprehensive Plan and find that the application does not conflict with the Comprehensive Plan, as adopted by Resolution # 22-111 in the records of Bonner County. **(Policies will be "In/Not In Conflict"; Objectives will be "In/Not In accord", and "In/Not In Conflict")**

Property Rights:

Objective:

1. Private property should not be taken for public uses without just compensation or due process of law.

BOCC Finding: Not In Conflict / In Accord

BOCC Analysis: The Board adopted the analysis of the Staff Report.

2. Impacts to other properties should be taken into account when considering land use proposals, policies and codes.

BOCC Finding: Not in conflict / In Accord

BOCC Analysis: The Board found that they have taken impacts to other properties into account when reviewing this applications.

Policies:

1. Bonner County should follow the attorney general's checklist, proscribed at Idaho Code §67-8003 and provided in the "Property Rights" component of the county's comprehensive plan, for all land use decisions.

BOCC Finding: Not in Conflict

BOCC Analysis: The Board adopted the analysis of the Staff Report.

2. For all land use decisions, findings of fact and conclusions of law should be adopted that reflect the justifications for exactions, conditions and restrictions and should confirm that a taking of private property has not occurred.

BOCC Finding: Not in Conflict

BOCC Analysis: The Board adopted the analysis of the Staff Report.

3. The property rights of the applicant, adjoining and nearby landowners and future generations should be considered, as well as the short-term and long-term consequences of decisions.

BOCC Finding: Not in conflict

BOCC Analysis: The Board has found that they have considered the rights of the applicant and adjoining landowners, as well as future generations while reviewing this application.

4. Bonner County should review all rezoning requests (down-zoning and up-zoning) pursuant to the Idaho State Code, Title 67, Chapter 65 – Local Land Use Planning Act. The approval of conditional rezoning or denial of a request for rezoning may be subject to the regulatory taking analysis provided for by Idaho Code Section 67-8003.

BOCC Finding: Not In Conflict

BOCC Analysis: The Board adopted the analysis of the Staff Report.

Population:

Objective:

1. Maintain current and projected county population estimates and utilize this information when making land use decisions.

BOCC Finding: Not In Conflict / In Accord

BOCC Analysis: The Board adopted the analysis of the Staff Report.

Policies:

1. Population projections should be analyzed regularly to determine if changes

need to be made to the Comprehensive Plan goals, objectives and policies and/or the Zoning Ordinance to ensure that the public and community needs are being met through land use decisions.

BOCC Finding: Not in Conflict

BOCC Analysis: The Board adopted the analysis of the Staff Report.

2. Population forecasts and census data should be used to evaluate housing and school needs and impacts to the transportation system and other county services.

BOCC Finding: Not in conflict

BOCC Analysis: The Board adopted the analysis of the Staff Report.

3. Bonner County should cooperate with its incorporated cities and neighboring counties to address growth challenges within the ACI areas and coordinate planning efforts whenever possible.

BOCC Finding: Not in Conflict

BOCC Analysis: The Board adopted the analysis of the Staff Report.

School Facilities & Transportation

Objective:

1. Ensure that the proposed developments and county land use decisions do not adversely impact the local school districts and their ability to provide adequate school facilities and transportation systems.

BOCC Finding: Not in Conflict / In accord

BOCC Analysis: The Board adopted the analysis of the Staff Report.

2. The county should encourage school districts to proactively review development applications to determine particular school needs and concerns.

BOCC Finding: Not in Conflict / In Accord

BOCC Analysis: The Board adopted the analysis of the Staff Report.

3. Bonner County roads, trails and bicycle paths should be designed and maintained to allow safe passage of students to schools.

BOCC Finding: Not in Conflict / In Accord

BOCC Analysis: The Board adopted the analysis of the Staff Report.

4. Long-term consequences of land use proposals should be considered, including the adequacy of existing facilities and the siting of future schools.

BOCC Finding: Not in conflict / In Accord

BOCC Analysis: The Board adopted the analysis of the Staff Report.

Policies:

1. Current data regarding school capacity and transportation issues as provided by the School Districts will be included in the assessment of all land use proposals.

BOCC Finding: Not in conflict

BOCC Analysis: The Board found that this was not applicable and adopted the analysis of the Staff Report.

2. Bonner County should examine the impacts of land use proposals to the school system and should seek mitigation from developers such as providing facilities, safety features, fees or other measures as permitted by Idaho Code, to address the impact of the proposals

BOCC Finding: Not in conflict

BOCC Analysis: The Board adopted the analysis of the Staff Report.

Economic Development

Objective:

1. Support small businesses such as markets, restaurants, recreational activities, campgrounds, and marinas that provide services which support resort residents and visitors in their local communities.

BOCC Finding: Not in conflict / In accord

BOCC Analysis: The Board adopted the analysis of the Staff Report.

2. Enable development of small-scale cottage industries and home-based occupations while protecting the surrounding areas from adverse impacts.

BOCC Finding: Not in conflict / In accord

BOCC Analysis: The Board adopted the analysis of the Staff Report.

3. Policies regarding economic development activities should seek to mitigate the impacts of such factors as noise, light glare, odors, fumes and vibrations on the surrounding community.

BOCC Finding: In conflict / Not In Accord

BOCC Analysis: The Board has found that policies have been implemented to see the impacts listed within this component. However, the Board has found that the application does not meet the policies set forth.

4. Support local economic development by increasing support for outdoor recreation in Bonner County. Encourage and protect public access to public lands and water, campgrounds, and recreational areas.

BOCC Finding: Not in conflict / In Accord

BOCC Analysis: The Board adopted the analysis of the Staff Report.

5. Support local businesses by enabling development of workforce housing in proximity to commercial, industrial and agricultural uses.

BOCC Finding: Not in conflict / In accord

BOCC Analysis: The Board adopted the analysis of the Staff Report.

Policies:

1. Small scale cottage businesses and home occupations should be allowed in all areas of the county. Reasonable conditions on such uses should be set to minimize adverse impacts to the neighborhood based on factors including, but not limited to, hours of operation and traffic volume generated by the business.

BOCC Finding: Not in conflict / Not Applicable

BOCC Analysis: The Board adopted the analysis of the Staff Report.

2. Develop land use regulations to allow Bonner County's agricultural heritage to be maintained by enabling local food production, distribution, congregation, and retail sales. Examples include community gardens, school gardens, farm related education programs, farmers or public markets, and other small-scale, collaborative initiatives.

BOCC Finding: Not In Conflict

BOCC Analysis: The Board adopted the analysis of the Staff Report.

3. Develop standards for commercial and industrial development that are appropriate for the surrounding community, including: appropriate site sizes, use types, buffering and design standards that encourage both attractive and efficient function, while protecting the environment.

BOCC Finding: Not in conflict

BOCC Analysis: The Board has found that the code has developed these types of standards and they have been reviewed in this project.

4. Review and update land use regulations for employee housing to support the goal of enabling this use in proximity to commercial, industrial and agricultural uses.

BOCC Finding: Not in Conflict

BOCC Analysis: The Board adopted the analysis of the Staff Report.

Land Use

Objective:

1. Bonner County should develop and maintain a future land use map and land use codes that acknowledge and protect its agricultural, timber and mining lands, protects the water and wildlife resources, identifies and avoids hazard areas, provides areas for economic growth, encourages affordable housing and centers growth in areas where adequate public and private services can be provided.

BOCC Finding: Not in conflict / In Accord

BOCC Analysis: The Board adopted the analysis of the Staff Report.

2. Encourage clustered development for medium and large scale commercial and industrial uses.

BOCC Finding: Not in conflict / In accord

BOCC Analysis: The Board adopted the analysis of the Staff Report.

3. Commercial and industrial uses should be located and operated in a manner to ensure the protection of our natural resources including clean air and water, dark skies, and overall environmental quality and rural character of Bonner County.

BOCC Finding: In Conflict / Not In Accord

BOCC Analysis: The Board found that this objective is applicable, as the project does have associated commercial activities. The Board found, through testimony in the hearing, light trespass and sound trespass of the project was impactful to the rural character, and dark skies of the area.

Policies:

1. Commercial and industrial uses, in areas identified in the Comprehensive plan suitable for such development, should be unconditionally permitted. Evaluation of suitability should be based on availability of urban services, adequate access to hard surfaced publicly maintained roads and other factors that may impact the surrounding community.

BOCC Finding: Not applicable

BOCC Analysis: The Board adopted the analysis of the Staff Report.

2. Commercial and industrial uses may be conditionally permitted in areas not identified for such uses in the Comprehensive Plan if a critical review of the proposed use determines that with appropriate conditions the use will not adversely impact the surrounding area.

BOCC Finding: In Conflict

BOCC Analysis: The Board has found that there are no adequate conditions that could be placed on the project to mitigate noise and lighting concerns brought from evidence provided by the appellant and public testimony during the hearing.

Natural Resources

Objective:

1. Bonner County's system of lakes and waterways is one of its greatest assets, and Bonner County should strive to preserve both the quality and quantity of its water resources.

BOCC Finding: Not applicable / Not in Conflict / In Accord

BOCC Analysis: The Board adopted the analysis of the Staff Report.

2. Bonner County values its productive agricultural lands and forests, mining lands, its fisheries, wildlife, wetlands and aquifer recharge areas and should provide measures to protect and maintain these natural features.

BOCC Finding: Not in conflict / In Accord

BOCC Analysis: The Board found that the wetland that is on the property has no effect on the project, as it is located away from the proposed use.

3. Bonner County should protect its water resources by requiring adequate sewer treatment systems based on soil, density, and intensity of use to reduce impacts to water resources.

BOCC Finding: Not in conflict / In Accord

BOCC Analysis: The Board adopted the analysis of the Staff Report.

Policies:

1. Watershed standards should be employed in land use codes to protect water quality.

BOCC Finding: not in conflict

BOCC Analysis: The Board adopted the analysis of the Staff Report.

2. Best management practices for waterway setbacks should be instituted to reduce erosion and sedimentation into waterways.

BOCC Finding: Not in conflict

BOCC Analysis: The Board adopted the analysis of the Staff Report.

3. Development standards should be designed to encourage clustered development resulting in the preservation of open space and wildlife habitat.

BOCC Finding: Not in conflict

BOCC Analysis: The Board adopted the analysis of the Staff Report.

4. Bonner County should recognize its critical wildlife habitat and create development standards to protect these areas and mitigate development impacts to these habitats.

BOCC Finding: Not in conflict

BOCC Analysis: The Board adopted the analysis of the Staff Report.

5. Protect water quality by creating standards for development in close proximity to shorelines.

BOCC Finding: Not in conflict

BOCC Analysis: The Board adopted the analysis of the Staff Report.

6. Productive farmland, timberland and mining lands should be identified and protected from adverse effects of adjoining developments.

BOCC Finding: Not in conflict

BOCC Analysis: The Board found Agricultural pursuits are encouraged in the Rural Residential designation. The Board has identified area natural resource areas and codes have been implemented to protect those areas.

Hazardous Areas

Objective:

1. Bonner County intends to regulate the location and density of new development in floodplain to reduce the potential for the loss of lives and property within flood hazard areas.

BOCC Finding: Not in conflict / In Accord

BOCC Analysis: The Board adopted the analysis of the Staff Report.

2. Future development should be designed to reduce exposure to wildland fire and to provide for emergency and escape routes for residents.

BOCC Finding: Not in conflict / In accord

BOCC Analysis: The Board reviewed the agency comment provided by the Selkirk Fire District and found that their review of the property addressed concerns over fire dangers.

3. Development within areas of excessive slopes, unstable areas and avalanche zones should be discouraged.

BOCC Finding: Not in conflict / In accord

BOCC Analysis: The Board found that the property has slopes that exceed 30%, however, the Bonner County Code has development standards in place to mitigate those hazards.

Policies:

1. Flood mitigation standards should be adopted that meet or exceed the National Flood Insurance Program minimum requirements.

BOCC Finding: Not in conflict.

BOCC Analysis: The Board adopted the analysis of the Staff Report.

2. Residential, commercial or industrial development within the floodway should be discouraged.

BOCC Finding: Not in conflict.

BOCC Analysis: The Board adopted the analysis of the Staff Report.

3. Fill within the floodplain should be discouraged.

BOCC Finding: Not in conflict.

BOCC Analysis: The Board adopted the analysis of the Staff Report.

4. The county's wildland fire, urban/wildland interface policies and plans should be integrated into development standards.

BOCC Finding: Not in conflict.

BOCC Analysis: The Board reviewed the agency comment provided by the Selkirk Fire District and found that their review of the property addressed concerns over fire dangers.

5. Excessive slopes should be identified and development discouraged by providing lower densities within these areas.

BOCC Finding: Not in conflict.

BOCC Analysis: The Board adopted the analysis of the Staff Report.

6. Multiple points of ingress/egress should be considered for large developments.

BOCC Finding: Not in conflict.

BOCC Analysis: The Board adopted the analysis of the Staff Report.

7. Development should be avoided in avalanche zones.

BOCC Finding: Not in conflict.

BOCC Analysis: The Board adopted the analysis of the Staff Report.

Public Services, Facilities & Utilities

Objectives:

1. New development should be adequately served by fire protection, roads, sewer, schools, law enforcement, ambulance, power and emergency services, water and other public or private services.

BOCC Finding: Not in conflict / In Accord

BOCC Analysis: The Board adopted the analysis of the Staff Report.

2. Require the developers to provide infrastructure, utilities or financial support to offset the capital costs of expansion of services, required by the proposed development.

BOCC Finding: Not in conflict / In accord

BOCC Analysis: The Board adopted the analysis of the Staff Report.

3. Bonner County shall require adequate provisions for future utility services in areas of commercial, industrial, residential or other similar uses.

BOCC Finding: Not in conflict / In Accord

BOCC Analysis: The Board adopted the analysis of the Staff Report.

Policies:

1. Encourage high-density development to take place within the boundaries of existing sewer and water areas.

BOCC Finding: Not in conflict

BOCC Analysis: The Board adopted the analysis of the Staff Report.

2. Bonner County should seek comment from existing service providers on their ability to serve future developments without adversely impacting the ability of the utility providers to serve current users.

BOCC Finding: Not in conflict

BOCC Analysis: The Board adopted the analysis of the Staff Report.

3. Bonner County should provide adequate facilities for responsible disposal of solid waste to protect the health and welfare of the public as well as the County's natural resources.

BOCC Finding: Not in conflict

BOCC Analysis: The Board adopted the analysis of the Staff Report.

Transportation:

Objective:

1. Future development should not adversely impact the existing transportation system by reducing the quality or level of service or creating hazards or congestion.

BOCC Finding: Not in conflict / In Accord

BOCC Analysis: The Board has reviewed comments from the Bonner County Road & Bridge Department. While the Road & Bridge Department stated that the proposed use would cause an influx of traffic, Roop Road was constructed to be able to handle the additional traffic produced.

2. Roads within new development should be built to county standards and at the expense of the developer.

BOCC Finding: Not in conflict / In Accord

BOCC Analysis: The Board adopted the analysis of the Staff Report.

3. Roads within new development should provide adequate access for fire and emergency vehicles as well as routes of escape.

BOCC Finding: Not in conflict / In Accord

BOCC Analysis: The Board adopted the analysis of the Staff Report.

4. Future access roads should be designed and built to integrate with the state and county system of roads without overburdening the transportation system.

BOCC Finding: Not in conflict / In Accord

BOCC Analysis: The Board adopted the analysis of the Staff Report.

5. To reduce transportation costs, road building and environmental impacts, cluster development should be encouraged.

BOCC Finding: Not in conflict / In Accord

BOCC Analysis: The Board adopted the analysis of the Staff Report.

6. Bonner County intends for certain intense land use developments to provide paved roads.

BOCC Finding: Not in Conflict / In Accord

BOCC Analysis: The Board adopted the analysis of the Staff Report.

7. Bike ways and pedestrian paths should be considered in development plans to provide an integrated community transportation system wherever possible.

BOCC Finding: Not in Conflict / In Accord

BOCC Analysis: The Board adopted the analysis of the Staff Report.

8. To communicate and work cooperatively with other jurisdictions within the county to ensure the best possible flow of traffic county-wide.

BOCC Finding: Not in Conflict / In Accord

BOCC Analysis: The Board adopted the analysis of the Staff Report. Additionally, the Road & Bridge Department comment on the capability of Roop Road accomplished this objective.

Policies:

1. A long-term transportation system plan should be developed and regularly updated to ensure reasonable levels of service can be maintained in the future, and that needs for future road extensions or transportation corridors are identified as early as possible.

BOCC Finding: Not in conflict

BOCC Analysis: The Board adopted the analysis of the Staff Report.

2. Development in areas that are not served by county standard roads or where transportation is inadequate should be discouraged.

BOCC Finding: Not in conflict

BOCC Analysis: The Board has reviewed comments from the Bonner County Road & Bridge Department. While the Road & Bridge Department stated that the proposed use would cause an influx of traffic, Roop Road was constructed to be able to handle the additional traffic produced.

3. Bike and pedestrian trails should be considered in development proposals to connect the communities with existing and planned bike and walking paths wherever possible.

BOCC Finding: Not in Conflict

BOCC Analysis: The Board adopted the analysis of the Staff Report.

Recreation:

Objective:

1. Ensure public legal recreational accesses and amenities are not obstructed or adversely impacted by future development.

BOCC Finding: Not in Conflict / In Accord

BOCC Analysis: The Board adopted the analysis of the Staff Report.

Policies:

1. Bonner County is encouraged to develop a waterways and park access program to preserve and develop access to public recreational lands and waterways. The program should include retaining access parcels that may be acquired from tax sales or private donations.

BOCC Finding: Not in conflict

BOCC Analysis: The Board adopted the analysis of the Staff Report.

2. A plan for a system of green belts and pathways (bike and pedestrian) should be considered as areas develop, so that a connected system can be developed and preserved.

BOCC Finding: Not in conflict

BOCC Analysis: The Board adopted the analysis of the Staff Report.

3. Under no circumstances, will Bonner County require access easements on private property as a condition of development. This policy does not preclude providing voluntary incentives to developers in return for access easements.

BOCC Finding: Not in conflict

BOCC Analysis: The Board adopted the analysis of the Staff Report.

Special Areas or Sites:

Objective:

1. Future developments should not adversely affect or destroy culturally or ecologically sensitive sites.

BOCC Finding: Not in conflict / In Accord

BOCC Analysis: The Board adopted the analysis of the Staff Report.

Policies:

1. A generalized map of the known pre-historic and historic sites should be developed so that future developments are aware of special areas of concern and are connected with the historical society and Native American tribes for appropriate preservation and protection.

BOCC Finding: Not in conflict

BOCC Analysis: The Board adopted the analysis of the Staff Report.

2. Bonner County should implement road side development standards for recognized scenic byways to protect the view sheds.

BOCC Finding: Not in conflict

BOCC Analysis: The Board adopted the analysis of the Staff Report.

3. Special areas should be recognized and addressed when development is proposed in these areas.

BOCC Finding: Not in Conflict

BOCC Analysis: The Board adopted the analysis of the Staff Report.

Housing:

Goal/ Objective:

1. Provide an environment that enables opportunities for diverse housing needs.

BOCC Finding: Not in conflict / In Accord.

BOCC Analysis: The Board adopted the analysis of the Staff Report.

Policies:

1. Encourage development of a variety of housing options including mobile home parks, tiny home communities and recreational vehicle parks located in areas that are compatible with their density.

BOCC Finding: Not applicable.

BOCC Analysis: The Board adopted the analysis of the Staff Report.

2. Work with municipalities and private parties to find solutions for all types of housing projects and developments.

BOCC Finding: Not in Conflict

BOCC Analysis: The Board adopted the analysis of the Staff Report.

3. Clustering of housing in developments to save on infrastructure and transportation costs should be encouraged through mechanisms such as density bonuses.

BOCC Finding: Not in conflict

BOCC Analysis: The Board adopted the analysis of the Staff Report.

4. Bonner County recognizes opportunities should be made for assisted living and group shelters.

BOCC Finding: Not in Conflict

BOCC Analysis: The Board adopted the analysis of the Staff Report.

5. Enable workforce housing in direct proximity to agricultural, commercial and industrial uses.

BOCC Finding: Not in conflict

BOCC Analysis: The Board adopted the analysis of the Staff Report.

Community Design:

Objective:

1. New development should be located in areas with similar densities and compatible uses.

BOCC Finding: Not in conflict / In Accord.

BOCC Analysis: The Board found that there is no new development, in terms of providing more housing opportunities in the area with this project.

2. The adverse impacts of new development on adjacent areas should be minimized.

BOCC Finding: In Conflict / Not In Accord

BOCC Analysis: The Board found that, while the applicant did provide measures to mitigate the adverse impacts of the project, particularly noise and light trespass, that those impacts were not minimized, and could not provide conditions to minimize those impacts.

3. Consider the protection of natural resources, rural features and surrounding uses of the community in the design and location of new development.

BOCC Finding: In Conflict / Not in Accord

BOCC Analysis: The Board found that the proposed activities would not be harmonious with the surrounding uses, rural features, and the location of the new development.

Policies:

1. To promote and preserve the natural features and rural atmosphere of the community, the county should enact development standards that address development within scenic byways and design standards that account for waterfront setbacks, wildlife corridors, commercial and industrial landscaping, requirements for reduced lighting, cluster development, rural rather than urban setback standards and other design objectives aimed at preserving the rural, natural character of the community.

BOCC Finding: In Conflict

BOCC Analysis: The Board found contact with the preservation of the natural rural character of the community, the development and design standards of the community and the impact of the development with respect to the lighting and noise trespass and the density that occurs during the use.

2. Allow unique and flexible design standards such that new development within older neighborhoods and historic settlements is compatible with those unique neighborhoods.

BOCC Finding: Not In Conflict

BOCC Analysis: The Board found that this is not in conflict, as the use is not located in any old, unique, or historic neighborhoods.

3. Allow particularized design standards to address waterfront and mountaintop developments which may differ from standard design objectives.

BOCC Finding: Not in conflict

BOCC Analysis: The Board adopted the analysis of the Staff Report.

Agriculture:

Goal/ Objective:

1. Protect the rural character and agricultural heritage of Bonner County by retaining large and small scale commercial agriculture and hobby farms as viable uses.

BOCC Finding: Not in conflict / in accord

BOCC Analysis: The Board adopted the analysis of the Staff Report.

2. Support the local economy by encouraging production, distribution, and retail sales of locally grown food and other agricultural products.

BOCC Finding: Not in conflict / in accord

BOCC Analysis: The Board adopted the analysis of the Staff Report.

3. Develop policies to discourage fragmentation of very large productive agricultural lands.

BOCC Finding: Not in Conflict / In Accord

BOCC Analysis: The Board adopted the analysis of the Staff Report.

Policies:

1. Residential uses should continue being permitted in Agricultural zoning districts.

BOCC Finding: Not in conflict

BOCC Analysis: The Board adopted the analysis of the Staff Report.

2. Protect agricultural uses and activities from land use conflicts or interference created by residential, commercial or industrial development

BOCC Finding: Not in Conflict

BOCC Analysis: The Board adopted the analysis of the Staff Report.

3. Land use regulations should support home occupations, cottage industries and farm-based family businesses on agricultural parcels. Examples include farm stands and other agri-business pursuits.

BOCC Finding: Not in conflict

BOCC Analysis: The Board adopted the analysis of the Staff Report.

4. Bonner County acknowledges the provisions of Idaho State's Right to Farm Act. Those shall be considered in the land use decisions.

BOCC Finding: Not in conflict

BOCC Analysis: The Board adopted the analysis of the Staff Report.

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



Board of County Commissioners Staff Report for June 4, 2026

Project Name:	Firebrand LLC
File:	CUP0013-23 Conditional Use Permit - Private Community Facility
Request:	The applicant is requesting a conditional use permit for a private community facility.
Legal Description:	13-55N-3W TAX 4
Location:	257 Roop Road, Cocolalla
Parcel Number:	RP55N03W137352A
Parcel Size:	Approximately 20 acres
Applicant and Property Owner:	Teira & Cruz Bruner
Appellant:	Michelle & Robert Johnson, et al.
Project Representatives:	N/A
Application filed:	July 19, 2023
Notice provided:	Mail: April 28, 2026 Site Posting: April 28, 2026 Published in newspaper: April 28, 2026
Appendices:	Appendix A – Record of Mailing Appendix B – All Agency Comments Appendix C – Previous Decision Letters/Appeal Letter Appendix D – Court Decision

Figure 2 – Vicinity Map



Project Summary:

The applicant is requesting a Conditional Use Permit for a Private Community Facility. The site is located on Roop Road in Cocolalla. The area of the site is approximately 20 acres.

The site is zoned Rural-5 and developed with accessory structures and a single-family dwelling. Private Community Facilities are conditionally allowed in the Rural zoning districts.

Applicable Laws:

The following sections of Idaho Statute are applicable:

§ 67-6512: Special Use Permits

§ 67-6535: Approval or Denial of Any Application to be Based Upon Express Standards and to be in Writing

The following sections of BCRC, Title 12 apply to this project:

BCRC 12-220: et seq., Conditional use permit, application and standards

BCRC 12-262: Appeals from Final Decision of Commission/Hearing Examiner

BCRC 12-323: Rural District

BCRC 12-331: Interpretation of Use Tables

BCRC 12-335: Public Use Table; Private Community Facility

BCRC 12-339: Classification of New Uses Within Zone Districts

BCRC 12-4.2: et seq., Performance standards for all uses

BCRC 12-4.3: Parking standards

BCRC 12-4.4: Sign standards

BCRC 12-4.5: Design standards

BCRC 12-4.6: Landscaping and screening standards

BCRC 12-7.2: Grading, stormwater management and erosion control

BCRC 12.7.3: Wetlands

BCRC 12.7.6: Hillsides

Background:

A. Site data:

- Unplatted
- Size: Approximately 20 acres
- Zone: Rural-5
- Land Use: Rural Residential

B. Access:

- Roop Road is a Bonner County owned and maintained 50-foot-wide gravel right-of-way.

C. Environmental factors:

- Site does contain mapped steep slopes of over 0-≥30% grade. (USGS)
- Site does contain mapped wetlands. (USFWS)
- Site does not front on a mapped lake or any other waterbodies. (NHD)
- Parcel is within SFHA Zone X Panel Number 16017C1150E, Effective Date 11/18/2009. (FEMA)

D. Services:

- Water: Individual well for SFD / No water service for CUP Use
- Sewage: Individual septic system for SFD / Portable Restrooms for CUP Use.

- Fire: Selkirk (Sagle) Fire
- Power: Northern Lights, Inc.
- School District: Lake Pend Oreille School District #84

E. Comprehensive Plan, Zoning and Current Land Use:

Compass	Comp Plan	Zoning	Current Land Use & Density
Site	Rural Residential	Rural-5	Residential/ 20 acres
North	Rural Residential	Rural-5	Residential/ 19.5, 4.5, 5 acres
East	Rural Residential	Rural-5	Residential/ 10, 5, 5 acres
South	Rural Residential	Rural-5	Vacant and Residential/ 28 and 5 acres
West	Rural Residential	Rural-5	Vacant Forestry/ 5 and 5 acres

RECOMMENDATION BY THE HEARING EXAMINER:

On October 11, 2023, Hearing Examiner Jacqueline Rucker recommended that the Zoning Commission conduct a public hearing for this Conditional Use Permit (CUP), requesting a retreat and a private community facility, pursuant to the public hearing noticing requirements and procedures of Chapter 2, Subchapter 2.6 of Title 12, based upon the extent of public comment and other contested factors in the case which warrant a hearing in front of the Zoning Commission.

DECISION BY THE ZONING COMMISSION

On February 15, 2024, the Bonner County Zoning Commission voted, 4-0, to approve this Conditional Use Permit. **See Exhibit C for full details.**

APPEAL FILED BY AN AFFECTED PARTY

The Zoning Commission's decision was appealed on March 19, 2024, by Robert and Michelle Johnson, stating that: "The decision to approve CUP0013-23 is based upon planning department staff interpretation of the Comprehensive Plan, erroneous information from the applicants and changes made to the staff report just hours before the Zoning Hearing. A decision based on the planning director's judgement not to categorize the business by the descriptions it meets using the OSHA SIC manual, NAIC manual and Comprehensive Plan & Revised Code use tables, as required." **See Appeal Letter for Full Details.**

RECONSIDERATION REQUESTED

The Board of County Commissioners (BOCC) upheld the Zoning Commission's decision to approve File CUP0013-23. The appellant requested Reconsideration of the Board's decision. The Board granted Reconsideration, in part, to address deficiencies regarding the proposed Retreat use. At the Reconsideration hearing, the applicant withdrew the Retreat use from their application. **The Retreat use has been withdrawn and shall not be considered by the governing body or staff.**

JUDICIAL REVIEW

On September 16, 2025, the District Court vacated the decision of the Board and remanded the file for further proceedings. The Court found that the decision was not made in compliance with Idaho Code 67-6535. The Board shall fulfill their statutory obligation to make decisions in accordance with Idaho Code 67-6535. The Board has been given a structured worksheet to fulfill this requirement. Additionally, the Court found the applicant can withdraw portions of the application.

Agency Review and Public Comments:

The application was routed to the required agencies; a full list of the agencies noticed is included in Appendix A of this staff report. The following responses have been compiled from the preceding hearings with the Hearing Examiner and Zoning Commission, as well as the noticing for the hearings with the Board of County Commissioners. **All agency comments are included in Appendix B, beginning with comments provided for this hearing, and ending with comments from the Hearing Examiner hearing.**

The following agencies commented:

- Idaho Department of Water Resources
- Idaho Department of Environmental Quality
- Bonner County GIS
- Bonner County Road & Bridge
- Panhandle Health Department
- Sagle Fire District

The following agencies replied "No comment":

- Idaho Department of Lands
- Idaho Department of Fish & Game
- Kootenai-Ponderay Sewer District
- Idaho Transportation Department
- TC Energy

All other agencies did not reply.

Public Notice & Comments

Over the course of the application, many public comments were received regarding this project and have been included in the record for the BOCC to review.

Standards Review and Staff Analysis:

Idaho Code § 67-6512

As part of a zoning ordinance each governing board may provide by ordinance adopted, amended, or repealed in accordance with the notice and hearing procedures provided under section 67-6509, Idaho Code, for the processing of applications for special or conditional use permits. A special use permit may be granted to an applicant if the proposed use is conditionally permitted by the terms of the ordinance, subject to conditions pursuant to specific provisions of the ordinance, subject to the ability of political subdivisions, including school districts, to provide services for the proposed use, and when it is not in conflict with the plan. Denial of a special use permit or approval of a special use permit with conditions unacceptable to the landowner may be subject to the regulatory taking analysis provided for by section 67-8003, Idaho Code, consistent with requirements established thereby.

Staff: See Analysis of BCRC 12-223.

Idaho Code § 67-6535(2)

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.

Staff: The Court remanded this file back to the County for further proceedings due to a lack of a "Reasoned Statement", as required by this statute. The Board shall make their decision and findings from evidence in the record at the time of the staff report and testimony received in the hearing.

BCRC 12-220, et seq., conditional use permit, application and standards:

Staff: The application was deemed complete on July 19, 2023.

BCRC 12-223 specifies that the Zoning Commission shall review the particular facts and circumstances of each proposal. To grant a conditional use permit, the Hearing Examiner must find there is adequate evidence showing the proposal is in accord with the **general and specific objectives** of the comprehensive plan and Title 12 and the proposed use will neither create a hazard nor be dangerous to persons on or adjacent to the property.

Staff: In addition to the above referenced Bonner County code, the Board must find compliance with Idaho Code § 67-6512. The analysis below will analyze the objectives and policies of the Implementation Component of the Comprehensive Plan, that are applicable to this project, adopted at the time the application was submitted with fees paid. The Board shall find whether the application is in accord with the objectives of the Comprehensive Plan and find that the application does not conflict with the Comprehensive Plan, as adopted by Resolution # 22-111 in the records of Bonner

County. (Policies will be "In/Not In Conflict"; Objectives will be "In/Not In accord", and "In/Not In Conflict")

Property Rights:

Objective:

1. Private property should not be taken for public uses without just compensation or due process of law.

Staff Finding: Not Applicable

Staff Analysis: A Private Community Facility is a "Public Use", per BCRC 12-335. However, the intent of this objective is to protect private property owners from a taking of private property by a governmental entity without their consent. This objective does not appear to be applicable, as the applicant has requested the Conditional Use Permit for the Public Use on the property.

2. Impacts to other properties should be taken into account when considering land use proposals, policies and codes.

Staff Finding: Appears to be in accord / not to be in conflict

Staff Analysis: Parcel owners within a 300-foot radius of the parcel were notified in accordance with BCRC 12-2.2, at the time the application was vested. Agencies and members of the public have been given opportunity to provide comments. Additionally, the Board will provide opportunity for public comment at this hearing.

Policies:

1. Bonner County should follow the attorney general's checklist, proscribed at Idaho Code §67-8003 and provided in the "Property Rights" component of the county's comprehensive plan, for all land use decisions.

Staff Finding: Not Applicable

Staff Analysis: Neither the applicant, nor the appellants, have requested a regulatory takings analysis in regard to this file. At their request, pending a decision from the BOCC, one can be conducted. At this time, this does not appear to be applicable.

2. For all land use decisions, findings of fact and conclusions of law should be adopted that reflect the justifications for exactions, conditions and restrictions and should confirm that a taking of private property has not occurred.

Staff Finding: Appears not to be in conflict.

Staff Analysis: The Board shall, as a part of their written decision, provide a “reasoned statement” in accordance with Idaho Code § 67-6535. This written statement will include findings of fact supported by evidence in the record.

3. The property rights of the applicant, adjoining and nearby landowners and future generations should be considered, as well as the short-term and long-term consequences of decisions.

Staff Finding: No Finding

Staff Analysis: As a part of the reasoned statement and written decision, the BOCC shall review this project to determine if there is short and/or long-term consequences of the decision.

4. Bonner County should review all rezoning requests (down-zoning and up-zoning) pursuant to the Idaho State Code, Title 67, Chapter 65 – Local Land Use Planning Act. The approval of conditional rezoning or denial of a request for rezoning may be subject to the regulatory taking analysis provided for by Idaho Code Section 67-8003.

Staff Finding: Not Applicable

Staff Analysis: This application is not for a rezoning request, therefore this policy is not applicable.

Population:

Objective:

1. Maintain current and projected county population estimates and utilize this information when making land use decisions.

Staff Finding: Not Applicable

Staff Analysis: This objective is intended to anticipate growth in the county, typically for housing and density needs. It appears that this objective is not applicable to this project, as no additional housing or division of property is proposed.

Policies:

1. Population projections should be analyzed regularly to determine if changes need to be made to the Comprehensive Plan goals, objectives and policies and/or the Zoning Ordinance to ensure that the public and community needs are being met through land use decisions.

Staff Finding: Not Applicable

Staff Analysis: The Planning Commission and the BOCC are charged with reviewing the population projections to determine whether any changes to the Comprehensive Plan and ordinance are necessary. This application is not a request to amend the Plan or ordinance. This is not applicable to this project.

2. Population forecasts and census data should be used to evaluate housing and school needs, and impacts to the transportation system and other county services.

Staff Finding: Not Applicable

Staff Analysis: The application is not proposed to increase the population by adding additional housing or additional density to the area. Lake Pend Oreille School District and their transportation department were routed for comment and did not respond as to how a Private Community Facility would impact their ability to provide services to the community. This does not appear to be applicable.

3. Bonner County should cooperate with its incorporated cities and neighboring counties to address growth challenges within the ACI areas and coordinate planning efforts whenever possible.

Staff Finding: Not Applicable

Staff Analysis: The project is not located within or near an Area of Impact; the closest being the City of Sandpoint at approximately 15 miles. This not applicable to this project.

School Facilities & Transportation

Objective:

1. Ensure that the proposed developments and county land use decisions do not adversely impact the local school districts and their ability to provide adequate school facilities and transportation systems.

Staff Finding: Not Applicable

Staff Analysis: Lake Pend Oreille School District #84 did not comment as to how a private community facility could affect the delivery of school services. Lake Pend Oreille School Transportation was notified of this proposal. No comments were received. This project does not propose any additional residential density.

2. The county should encourage school districts to proactively review development applications to determine particular school needs and concerns.

Staff Finding: Not Applicable

Staff Analysis: Lake Pend Oreille School District #84 did not comment as to how a private community facility could affect the delivery of school services. Lake Pend Oreille School Transportation was notified of this proposal. No comments were received. This project does not propose any additional residential density.

3. Bonner County roads, trails and bicycle paths should be designed and maintained to allow safe passage of students to schools.

Staff Finding: Not Applicable

Staff Analysis: The Road and Bridge Department is responsible for creating master plans for the transportation systems in the County's jurisdiction. In their comment on 9/6/2023, they did not provide any information stating how the proposed use could affect the passage of students to schools. Additionally, the County does not have an adopted trails plan. This is not applicable to this project.

4. Long-term consequences of land use proposals should be considered, including the adequacy of existing facilities and the siting of future schools.

Staff Finding: Not Applicable

Staff Analysis: Lake Pend Oreille School District #84 did not comment as to how a private community facility could affect the delivery of school services. Lake Pend Oreille School Transportation was notified of this proposal. No comments were received. This project does not propose any additional residential density.

Policies:

1. Current data regarding school capacity and transportation issues as provided by the School Districts will be included in the assessment of all land use proposals.

Staff Finding: Not Applicable

Staff Analysis: Lake Pend Oreille School District #84 did not comment as to how a private community facility could affect the delivery of school services. Lake Pend Oreille School Transportation was notified of this proposal. No comments were received. This project does not propose any additional residential density.

2. Bonner County should examine the impacts of land use proposals to the school system and should seek mitigation from developers such as providing facilities, safety features, fees or other measures as permitted by Idaho Code, to address the impact of the proposals

Staff Finding: Not Applicable

Staff Analysis: Lake Pend Oreille School District #84 did not comment as to how a private community facility could affect the delivery of school services. Lake Pend

Oreille School Transportation was notified of this proposal. No comments were received. This project does not propose any additional residential density.

Economic Development

Objective:

1. Support small businesses such as markets, restaurants, recreational activities, campgrounds, and marinas that provide services which support resort residents and visitors in their local communities.

Staff Finding: Appears to be in accord / not in conflict

Staff Analysis: The proposed Private Community Facility is an event venue, typically used for group functions and gatherings. The operation of the proposed use could benefit the local economy, as attendees may patron the above-mentioned small business types.

2. Enable development of small-scale cottage industries and home-based occupations while protecting the surrounding areas from adverse impacts.

Staff Finding: Not Applicable

Staff Analysis: The code does support these business types. While there is a single-family dwelling on the property occupied by the applicant, this use is not considered a "cottage industry" or "home occupation" type business. Therefore, this objective is not applicable.

3. Policies regarding economic development activities should seek to mitigate the impacts of such factors as noise, light glare, odors, fumes and vibrations on the surrounding community.

Staff Finding: Appears to be In Accord / Not In Conflict

Staff Analysis: The code does have measures in place to mitigate these impacts. Additionally, the Zoning Commission placed Conditions of Approval to mitigate the impacts of noise and odors, by placing a maximum decibel allowance lower than required by code and requiring a designated smoking area away from property lines, respectively.

4. Support local economic development by increasing support for outdoor recreation in Bonner County. Encourage and protect public access to public lands and water, campgrounds, and recreational areas.

Staff Finding: Not Applicable

Staff Analysis: The project does not have any access to public land, other than the County right-of-way. Recreational activities in the County are anticipated to remain unchanged by this proposal. This is not applicable.

5. Support local businesses by enabling development of workforce housing in proximity to commercial, industrial and agricultural uses.

Staff Finding: Not Applicable

Staff Analysis: The code does support these uses. However, the applicant is not proposing any of the uses listed above and does not propose workforce housing. Therefore, this objective is not applicable.

Policies:

1. Small scale cottage businesses and home occupations should be allowed in all areas of the county. Reasonable conditions on such uses should be set to minimize adverse impacts to the neighborhood based on factors including, but not limited to, hours of operation and traffic volume generated by the business.

Staff Finding: Not Applicable

Staff Analysis: The code does support these business types. While there is a single-family dwelling on the property occupied by the applicant, this is not considered a “cottage industry” or “home occupation” type business. Therefore, this is not applicable.

2. Develop land use regulations to allow Bonner County’s agricultural heritage to be maintained by enabling local food production, distribution, congregation, and retail sales. Examples include community gardens, school gardens, farm related education programs, farmers or public markets, and other small-scale, collaborative initiatives.

Staff Finding: Not Applicable

Staff Analysis: The code does support these business types. However, the application does not propose any agricultural uses on the property.

3. Develop standards for commercial and industrial development that are appropriate for the surrounding community, including: appropriate site sizes, use types, buffering and design standards that encourage both attractive and efficient function, while protecting the environment.

Staff Finding: Appears to be In Accord / Not In Conflict

Staff Analysis: While the code considers this a “Public Use”, it does involve commercial activity. Measures are taken in code to require buffering and design standards. The Code conditionally permits Private Community Facilities in the Rural 5 zoning district.

4. Review and update land use regulations for employee housing to support the goal of enabling this use in proximity to commercial, industrial and agricultural uses.

Staff Finding: Not Applicable

Staff Analysis: The code does support these housing types. However, the proposal does not plan for employee housing.

Land Use

Objective:

1. Bonner County should develop and maintain a future land use map and land use codes that acknowledge and protect its agricultural, timber and mining lands, protects the water and wildlife resources, identifies and avoids hazard areas, provides areas for economic growth, encourages affordable housing and centers growth in areas where adequate public and private services can be provided.

Staff Finding: Appears to be in accord / Not in conflict

Staff Analysis: Bonner County has adopted ordinance to protect the areas outlined above. However, part of this objective is not applicable to this project. The project site does not have ongoing agricultural or forestry operations. Furthermore, the site does not have any water and wildlife resources (as per USFWS and NHD maps), hazard areas (as identified in the Hazardous Areas component), or offer any affordable housing. However, the Code allows for zoning districts to have economic growth. The proposal could provide economic growth in the area, as visitors may patron local businesses.

2. Encourage clustered development for medium and large scale commercial and industrial uses.

Staff Finding: Not Applicable

Staff Analysis: In the Code, clustered development is encouraged within Planned Unit Developments and Conservation Subdivisions. The proposal is not for a PUD or Conservation Subdivision. Likewise, the use is considered a "Public Use", per the Code, though Commercial Activity is being conducted on the property. Therefore, this is not applicable to this application.

3. Commercial and industrial uses should be located and operated in a manner to ensure the protection of our natural resources including clean air and water, dark skies, and overall environmental quality and rural character of Bonner County.

Staff Finding: Not Applicable

Staff Analysis: The code does provide safeguards to ensure the environmental quality, air, and water in the County. This is not considered a "Commercial Use", as shown in the table in BCRC 12-333. However, as stated in prior components, there is commercial activity on the property, as defined by BCRC Title 12, Chapter 8. This does not appear to be applicable to this application.

Policies:

1. Commercial and industrial uses, in areas identified in the Comprehensive plan suitable for such development, should be unconditionally permitted. Evaluation of suitability should be based on availability of urban services, adequate access to hard surfaced publicly maintained roads and other factors that may impact the surrounding community.

Staff Finding: Not Applicable

Staff Analysis: In the Code, some commercial and industrial uses are permitted outright in the Rural 5 zoning district. However, the proposal in this application is a conditional use. Therefore, it is not applicable to this application.

2. Commercial and industrial uses may be conditionally permitted in areas not identified for such uses in the Comprehensive Plan if a critical review of the proposed use determines that with appropriate conditions the use will not adversely impact the surrounding area.

Staff Finding: Appears to be Not in Conflict

Staff Analysis: The Private Community Facility use is conditionally permitted within the Rural 5 zoning district. However, as stated above, this use is not considered commercial or industrial, as it is found in the Public Use Table in BCRC 12-335. Commercial activity is associated with this use, it is common for uses in other tables where commercial activity occurs. For example, the Resource Based Use Table (BCRC 12-336), allows for Agricultural Direct Marketing within the Rural district. This use is defined as: "Those accessory activities associated with the retail sale of agricultural products produced on and off the premises. This includes the sale of nonagricultural products (e.g., crafts, antiques, kitchen goods, etc.), educational classes and tours, commercial farm rides on premises, and temporary food services."

Natural Resources**Objective:**

1. Bonner County's system of lakes and waterways is one of its greatest assets, and Bonner County should strive to preserve both the quality and quantity of its water resources.

Staff Finding: Not Applicable

Staff Analysis: The Code does take action to minimize the effect to the waterways and lakes of the County. However, the property does not have any frontage to a lake or waterway. Therefore, this is not applicable to this application.

2. Bonner County values its productive agricultural lands and forests, mining lands, its fisheries, wildlife, wetlands and aquifer recharge areas and should provide measures to protect and maintain these natural features.

Staff Finding: Appears to be In Accord / Not In Conflict

Staff Analysis: The Code does take action to minimize the effect of the above natural resources of the County. However, the property only contains a mapped wetland, running from the northwest to the southeast of the property. The code has measures in place to protect identified wetlands.

3. Bonner County should protect its water resources by requiring adequate sewer treatment systems based on soil, density, and intensity of use to reduce impacts to water resources.

Staff Finding: Appears to be In Accord / Not In Conflict

Staff Analysis: Sewage treatment is regulated by Panhandle Health District. Per BLP2023-0402, for the existing single-family dwelling, a septic tank was installed at the time of construction. The project will not use the residential septic tank; instead, the applicant proposes the use of portable restrooms during events, to be serviced by a private company.

Policies:

1. Watershed standards should be employed in land use codes to protect water quality.

Staff Finding: Not Applicable

Staff Analysis: Per the adopted Natural Resource component, the parcel is not located within a watershed area of Cocolalla Lake. Therefore, this is not applicable to this project.

2. Best management practices for waterway setbacks should be instituted to reduce erosion and sedimentation into waterways.

Staff Finding: Not Applicable

Staff Analysis: Per the County GIS map (USGS), there are no waterbodies on the property. Therefore, shoreline setbacks are not applicable to this application.

3. Development standards should be designed to encourage clustered development resulting in the preservation of open space and wildlife habitat.

Staff Finding: Not Applicable

Staff Analysis: These standards are accomplished through Conservation Subdivisions and Planned Unit Developments. This application does not propose either of these development types.

4. Bonner County should recognize its critical wildlife habitat and create development standards to protect these areas and mitigate development impacts to these habitats.

Staff Finding: Not Applicable

Staff Analysis: Per the County GIS map (USFWS), there are no critical wildlife habitats on the property. The identified critical wildlife habitat in Bonner County is located in some of the waterways to protect the Bull Trout.

5. Protect water quality by creating standards for development in close proximity to shorelines.

Staff Finding: Not Applicable

Staff Analysis: Per the County GIS map (USGS), there are no waterbodies on the property. Therefore, shoreline standards are not applicable to this application.

6. Productive farmland, timberland and mining lands should be identified and protected from adverse effects of adjoining developments.

Staff Finding: Not in Conflict

Staff Analysis: Per the County GIS map and Assessor data, the parcels to the west of the subject property are used for productive timber. The development is proposed to remain on the applicant's property. Using the measuring tool provided on GIS, the distance between the two ingress and egress areas of the timberland and the subject property is approximately .25 miles. The timberland is located past the entrance of the proposed site. It is likely that the traffic from the proposed use would travel east towards Highway 95, limiting the traffic near the entrance of the properties to the west.

Hazardous Areas

Objective:

1. Bonner County intends to regulate the location and density of new development in floodplain to reduce the potential for the loss of lives and property within flood hazard areas.

Staff Finding: Not Applicable

Staff Analysis: Per the County GIS map (FEMA), there are no floodplains or floodways on the property. Therefore, Title 14 Floodplain standards are not applicable to this application.

2. Future development should be designed to reduce exposure to wildland fire and to provide for emergency and escape routes for residents.

Staff Finding: Appears to be in accord / Not in Conflict

Staff Analysis: Per the County GIS map, it appears that the property has been logged in some areas, creating natural firebreaks on the property. Additionally, the existing improvements to the property in relation to the proposed use provide wide areas of non-vegetated areas that may act as firebreaks. The approach to the property is commercial, making it wider than typical residential approaches, that enters to Roop Road, a Bonner County owned and maintained public right of way.

3. Development within areas of excessive slopes, unstable areas and avalanche zones should be discouraged.

Staff Finding: Appears to be in accord / Not in conflict

Staff Analysis: Per the County GIS map (USGS), there are slopes ranging from 0-30+% on the property. The area of the proposed use appears to have slopes of mostly 0-29%, with little slopes of 30+%. Additionally, per the adopted Hazardous Areas component, the subject property appears to be located in an area that is "low hazard area" for avalanche risks.

Policies:

1. Flood mitigation standards should be adopted that meet or exceed the National Flood Insurance Program minimum requirements.

Staff Finding: Not Applicable

Staff Analysis: Per the County GIS map (FEMA), there are no floodplains or floodways on the property. Therefore, Title 14 Floodplain standards are not

applicable to this application.

2. Residential, commercial or industrial development within the floodway should be discouraged.

Staff Finding: Not Applicable

Staff Analysis: Per the County GIS map (FEMA), there are no floodplains or floodways on the property. Therefore, Title 14 Floodplain standards are not applicable to this application.

3. Fill within the floodplain should be discouraged.

Staff Finding: Not Applicable

Staff Analysis: Per the County GIS map (FEMA), there are no floodplains or floodways on the property. Therefore, Title 14 Floodplain standards are not applicable to this application.

4. The county's wildland fire, urban/wildland interface policies and plans should be integrated into development standards.

Staff Finding: Not Applicable

Staff Analysis: Per the County GIS map (FEMA), there are no floodplains or floodways on the property. Therefore, Title 14 Floodplain standards are not applicable to this application.

5. Excessive slopes should be identified and development discouraged by providing lower densities within these areas.

Staff Finding: Appears to be not in conflict

Staff Analysis: Per the County GIS map (USGS), there are slopes ranging from 0-30+% on the property. The area of the proposed use appears to have slopes of mostly 0-29%, with little slopes of 30+%.

6. Multiple points of ingress/egress should be considered for large developments.

Staff Finding: Not Applicable

Staff Analysis: This policy is intended to address large subdivisions. Furthermore,

comments from Selkirk Fire did not indicate that multiple ingress and egress points would be necessary for the proposed use.

7. Development should be avoided in avalanche zones.

Staff Finding: Appears to be Not in conflict

Staff Analysis: Per the County GIS map (USGS), there are slopes ranging from 0-30+% on the property. The area of the proposed use appears to have slopes of mostly 0-29%, with little slopes of 30+%. Additionally, per the adopted Hazardous Areas component, the subject property appears to be located in an area that is "low hazard area" for avalanche risks.

Public Services, Facilities & Utilities

Objectives:

1. New development should be adequately served by fire protection, roads, sewer, schools, law enforcement, ambulance, power and emergency services, water and other public or private services.

Staff Finding: No Finding

Staff Analysis: The property is within the service areas of Northern Lights, Bonner Ambulance District, and Bonner County Sheriff; none of the . Selkirk Fire provided comment that indicated an emergency plan would need to be approved by the department, among other things. **See Selkirk Fire comment for full details.**

The single-family dwelling is served by an individual septic system, however, it is not to be used for the Private Community Facility use. The applicant has proposed that the use will be served by portable restrooms. Bottled water will be provided by the renters of the venue; the proposal does not include the use of the private well on the property.

The property is located off Roop Road, a Bonner County owned and maintained public right of way. The Road and Bridge Department provided comment stating that the current state of the road can handle the increase in traffic from the proposed use, however, it should be noted that the comment stated that the increase in traffic could lead to Roop Road requiring more maintenance. In another comment, Road and Bridge stated that the maintenance on the road from 2020-2024 did not increase and required no additional grading than usual. There appears to be a discrepancy between the comment from September 2023

and the comment from April 2024; Road and Bridge did not provide any additional comment. **See Road and Bridge Comments for more details.**

2. Require the developers to provide infrastructure, utilities or financial support to offset the capital costs of expansion of services, required by the proposed development.

Staff Finding: Not Applicable

Staff Analysis: This proposal does not include an expansion of any services or infrastructure. This appears to be not applicable.

3. Bonner County shall require adequate provisions for future utility services in areas of commercial, industrial, residential or other similar uses.

Staff Finding: Not Applicable

Staff Analysis: This proposal does not include an expansion of any services or infrastructure. The objective appears to be intended for subdivision and large developments. This appears to be not applicable.

Policies:

1. Encourage high-density development to take place within the boundaries of existing sewer and water areas.

Staff Finding: Not Applicable

Staff Analysis: This proposal is not for high density development, and no increase in density. This appears to be not applicable.

2. Bonner County should seek comment from existing service providers on their ability to serve future developments without adversely impacting the ability of the utility providers to serve current users.

Staff Finding: Appears to be Not In Conflict

Staff Analysis: The Planning Department sought comment from many service providers, including the providers serving the subject property.

3. Bonner County should provide adequate facilities for responsible disposal of solid waste to protect the health and welfare of the public as well as the County's natural resources.

Staff Finding: Not Applicable

Staff Analysis: This proposal does not include an expansion of any solid waste facilities. Bonner County has many solid waste collection facilities, the closest to the subject property being the Dufort site. This appears to be not applicable.

Transportation:

Objective:

1. Future development should not adversely impact the existing transportation system by reducing the quality or level of service or creating hazards or congestion.

Staff Finding: No Finding

Staff Analysis: The property is located off Roop Road, a Bonner County owned and maintained public right of way. The applicant, at Road and Bridge's request, has upgrade the approach to the property to be a commercial approach. Additionally, the applicant has placed a stop sign at the end of the driveway entering onto Roop Road. The Road and Bridge Department provided comment stating that the current state of the road can handle the increase in traffic from the proposed use, however, it should be noted that the comment stated that the increase in traffic could lead to Roop Road requiring more maintenance. In another comment, Road and Bridge stated that the maintenance on the road from 2020-2024 did not increase and required no additional grading than usual. There appears to be a discrepancy between the comment from September 2023 and the comment from April 2024; Road and Bridge did not provide any additional comment. **See Road and Bridge Comments for more details.**

2. Roads within new development should be built to county standards and at the expense of the developer.

Staff Finding: Not Applicable

Staff Analysis: No new roads are being proposed for this use.

3. Roads within new development should provide adequate access for fire and emergency vehicles as well as routes of escape.

Staff Finding: Not Applicable

Staff Analysis: No new roads are being proposed for this use. No new roads are being proposed for this use. This objective is applicable to subdivisions.

4. Future access roads should be designed and built to integrate with the state and county system of roads without overburdening the transportation system.

Staff Finding: Not Applicable

Staff Analysis: No new roads are being proposed for this use. No new roads are being proposed for this use. This objective is applicable to subdivisions.

5. To reduce transportation costs, road building and environmental impacts, cluster development should be encouraged.

Staff Finding: Not Applicable

Staff Analysis: No new roads are being proposed for this use. This objective is applicable to subdivisions.

6. Bonner County intends for certain intense land use developments to provide paved roads.

Staff Finding: Not Applicable

Staff Analysis: No new roads are being proposed for this use. This objective is applicable to subdivisions.

7. Bike ways and pedestrian paths should be considered in development plans to provide an integrated community transportation system wherever possible.

Staff Finding: Not Applicable

Staff Analysis: No new trails are being proposed for this use. This objective is applicable to subdivisions. Additionally, there is not an adopted trails plan for the County.

8. To communicate and work cooperatively with other jurisdictions within the county to ensure the best possible flow of traffic county-wide.

Staff Finding: Appears to be In Accord / Not In Conflict

Staff Analysis: No new roads are being proposed for this use. The Road and Bridge Department requested the applicant place a stop sign at the end of the driveway entering Roop Road. The applicant has shown that the stop sign has been placed. Furthermore, the applicant has an approved commercial encroachment from the Road and Bridge Department. Road and Bridge has not provided any further comment. Idaho Transportation Department did not provide any comment stating the proposed use would cause an issue with traffic flow. The appellant has made claims that traffic has been an issue with the proposed use, however, there are comments in the record that conflict with this claim.

Policies:

1. A long-term transportation system plan should be developed and regularly updated to ensure reasonable levels of service can be maintained in the future, and that needs for future road extensions or transportation corridors are identified as early as possible.

Staff Finding: Appears to be Not In Conflict

Staff Analysis: The Road and Bridge Department has created a transportation plan, approved by the Commissioners in 2023. In this plan, the Road and Bridge Department has identified Roop Road for a candidate for chip sealing the road. Per Page 50 of the Road and Bridge Department Transportation Plan, Roop Road is projected to be chip sealed in 2028.

2. Development in areas that are not served by county standard roads or where transportation is inadequate should be discouraged.

Staff Finding: Not Applicable

Staff Analysis: The property is served by a County owned and maintained right of way.

3. Bike and pedestrian trails should be considered in development proposals to connect the communities with existing and planned bike and walking paths wherever possible.

Staff Finding: Not Applicable

Staff Analysis: No new trails are being proposed for this use. This policy is applicable to subdivisions. Additionally, there is not an adopted trails plan for the County.

Recreation:

Objective:

1. Ensure public legal recreational accesses and amenities are not obstructed or adversely impacted by future development.

Staff Finding: Appears to be in accord / Not in Conflict

Staff Analysis: The proposal for the Private Community Facility does not obstruct or adversely affect any recreational accesses, as no such accesses exist on or near the property.

Policies:

1. Bonner County is encouraged to develop a waterways and park access program to preserve and develop access to public recreational lands and waterways. The program should include retaining access parcels that may be acquired from tax

sales or private donations.

Staff Finding: Not Applicable

Staff Analysis: The proposal for the Private Community Facility does not provide any access to public land or waterways.

2. A plan for a system of green belts and pathways (bike and pedestrian) should be considered as areas develop, so that a connected system can be developed and preserved.

Staff Finding: Not Applicable

Staff Analysis: The County has not adopted a trails plan.

3. Under no circumstances, will Bonner County require access easements on private property as a condition of development. This policy does not preclude providing voluntary incentives to developers in return for access easements.

Staff Finding: Not Applicable

Staff Analysis: The County has not required any easements on this property.

Special Areas or Sites:

Objective:

1. Future developments should not adversely affect or destroy culturally or ecologically sensitive sites.

Staff Finding: Not Applicable

Staff Analysis: The Bonner County and Idaho Historical Societies were notified of this request and provided no comment as to any cultural significant sites on this property.

Policies:

1. A generalized map of the known pre-historic and historic sites should be developed so that future developments are aware of special areas of concern and are connected with the historical society and Native American tribes for appropriate preservation and protection.

Staff Finding: Not Applicable

Staff Analysis: The Bonner County and Idaho Historical Societies were notified of this request and provided no comment as to any cultural significant sites on this property.

2. Bonner County should implement road side development standards for recognized scenic byways to protect the view sheds.

Staff Finding: Not Applicable

Staff Analysis: The Bonner County and Idaho Historical Societies were notified of this request and provided no comment as to any cultural significant sites on this property.

3. Special areas should be recognized and addressed when development is proposed in these areas.

Staff Finding: Not Applicable

Staff Analysis: The Bonner County and Idaho Historical Societies were notified of this request and provided no comment as to any cultural significant sites on this property.

Housing:

Goal/ Objective:

1. Provide an environment that enables opportunities for diverse housing needs.

Staff Finding: Not Applicable

Staff Analysis: The proposal is not proposing any new housing. The Rural Zoning district does allow for housing types, as listed in BCRC 12-332.

Policies:

1. Encourage development of a variety of housing options including mobile home parks, tiny home communities and recreational vehicle parks located in areas that are compatible with their density.

Staff Finding: Not Applicable

Staff Analysis: The proposal is not proposing any new housing. The Rural Zoning district does allow for housing types, as listed in BCRC 12-332.

2. Work with municipalities and private parties to find solutions for all types of housing projects and developments.

Staff Finding: Not Applicable

Staff Analysis: The proposal is not proposing any new housing. The Rural Zoning district does allow for housing types, as listed in BCRC 12-332.

3. Clustering of housing in developments to save on infrastructure and transportation costs should be encouraged through mechanisms such as density bonuses.

Staff Finding: Not Applicable

Staff Analysis: The proposal is not proposing any new housing. The Rural Zoning district does allow for housing types, as listed in BCRC 12-332.

4. Bonner County recognizes opportunities should be made for assisted living and group shelters.

Staff Finding: Not Applicable

Staff Analysis: The proposal is not proposing any assisted living or group shelters.

5. Enable workforce housing in direct proximity to agricultural, commercial and industrial uses.

Staff Finding: Not Applicable

Staff Analysis: The proposal is not proposing any workforce housing.

Community Design:

Objective:

1. New development should be located in areas with similar densities and compatible uses.

Staff Finding: No Finding

Staff Analysis: The project site is approximately 20-acres; 4 times the zoning minimum of Rural 5. Private Community Facilities are conditionally permitted within the Rural zoning districts. The appellant has contested that the use determination was incorrectly applied by the Planning Director, however, it should be noted that the appellant has not provided an alternative use determination in line with BCRC 12-331 and 12-339.

2. The adverse impacts of new development on adjacent areas should be minimized.

Staff Finding: No Finding

Staff Analysis: The proposal is a Conditional Use Permit, which charges the governing body to review the proposal, place conditions on the permit to help mitigate impacts that may be presented by staff, the public, or other state or county agencies. Per Idaho Code § 67-6512(D) "Upon the granting of a special use permit, conditions may be attached to a special use permit including, but not limited to, those:

- (1) Minimizing adverse impact on other development;
- (2) Controlling the sequence and timing of development;
- (3) Controlling the duration of development;
- (4) Assuring that development is maintained properly;
- (5) Designating the exact location and nature of development;
- (6) Requiring the provision for on-site or off-site public facilities or services;
- (7) Requiring more restrictive standards than those generally required in an ordinance;
- (8) Requiring mitigation of effects of the proposed development upon service delivery by any political subdivision, including school districts, providing services within the planning jurisdiction."

Proposed conditions have been placed on the permit by Planning Staff and the Zoning Commission, to minimize identified hazards. The Board may place additional conditions to minimize identified hazards. In the event the Board finds that mitigation of hazards cannot be accomplished, it may deny the Conditional Use Permit.

3. Consider the protection of natural resources, rural features and surrounding uses of the community in the design and location of new development.

Staff Finding: No Finding

Staff Analysis: The project site is approximately 20-acres; 4 times the zoning minimum of Rural 5. Private Community Facilities are conditionally permitted within the Rural zoning districts. The appellant has contested that the use determination was incorrectly applied by the Planning Director, however, it should be noted that the appellant has not provided an alternative use determination in line with BCRC 12-331 and 12-339.

Policies:

1. To promote and preserve the natural features and rural atmosphere of the community, the county should enact development standards that address development within scenic byways and design standards that account for waterfront setbacks, wildlife corridors, commercial and industrial landscaping, requirements for reduced lighting, cluster development, rural rather than urban setback standards and other design objectives aimed at preserving the rural, natural character of the community.

Staff Finding: No Finding

Staff Analysis: The appellant has contested that the use determination was incorrectly applied by the Planning Director, however, it should be noted that the appellant has not provided an alternative use determination in line with BCRC 12-331 and 12-339. Additionally, the appellant has cited the effect the proposed use has on the rural atmosphere of the area. **See Appeal Letter for more Details.** The other items addresses in this policy do not appear to be applicable.

2. Allow unique and flexible design standards such that new development within older neighborhoods and historic settlements is compatible with those unique neighborhoods.

Staff Finding: No Finding

Staff Analysis: The Code allows for conditional uses within the Rural zoning District. A Private Community Facility is a conditional use within this zoning district. It should be noted that the appellant has stated that the use is incompatible with the neighborhood, but provides no evidence to support the claim. The interpretation of the use for this proposal has been contested by the appellant, as well, but provides no alternative use determination to consider.

3. Allow particularized design standards to address waterfront and mountaintop developments which may differ from standard design objectives.

Staff Finding: Not Applicable

Staff Analysis: The project site is not located on waterfront or considered a "mountain top" development.

Agriculture:

Goal/ Objective:

1. Protect the rural character and agricultural heritage of Bonner County by retaining large and small scale commercial agriculture and hobby farms as viable uses.

Staff Finding: Appears to be in accord/Not in Conflict

Staff Analysis: The project site is approximately 20-acres, which is conducive to hobby farming. The subject property does not contain prime farmland, and has slopes ranging from 0-30+% slope. The applicant does not actively farm the property. Properties in the vicinity do have some timber activity, and some hobby farms with typical farm animals. However, it appears many of the properties surrounding are residential only

2. Support the local economy by encouraging production, distribution, and retail sales of locally grown food and other agricultural products.

Staff Finding: Not Applicable

Staff Analysis: The Code does encourage these uses. However, this property is not being used for agriculture and does not appear to be viable in its current state, due to the lack of prime agricultural soil composition of the property and the slopes along the property.

3. Develop policies to discourage fragmentation of very large productive agricultural lands.

Staff Finding: Not Applicable

Staff Analysis: The Code does encourage these uses. However, this property is not being used for agriculture and does not appear to be viable in its current state, due to the lack of prime agricultural soil composition of the property and the slopes along the property. The project is not proposing any new lot creation.

Policies:

1. Residential uses should continue being permitted in Agricultural zoning districts.

Staff Finding: Not Applicable

Staff Analysis: The Code does encourage these uses in the Agricultural zoning districts. However, the property is zoned Rural 5.

2. Protect agricultural uses and activities from land use conflicts or interference created by residential, commercial or industrial development

Staff Finding: Not Applicable

Staff Analysis: It does not appear that the project would interfere with agricultural use and activities in the area. There have been no comments made at the time of this report that would suggest as such.

3. Land use regulations should support home occupations, cottage industries and farm-based family businesses on agricultural parcels. Examples include farm stands and other agri-business pursuits.

Staff Finding: Not Applicable

Staff Analysis: The Code does encourage these uses. However, this property is not being used for agriculture and this is not a proposal for a cottage industry or home occupation.

4. Bonner County acknowledges the provisions of Idaho State's Right to Farm Act. Those shall be considered in the land use decisions.

Staff Finding: Appears to Not Be in Conflict

Staff Analysis: The Idaho Right to Farm Act is intended to protect landowners from political subdivisions from declaring agricultural practices a nuisances, and solidifies that agricultural practices are a natural right and protected. The property does not have any agricultural practices. Furthermore, the applicant has sought this use on the property. The County has not violated this act.

BCRC 12-262: APPEALS FROM FINAL DECISION OF COMMISSION/HEARING EXAMINER

A. Presentation Of Appeal: Any "affected person", as defined by Idaho Code title 67, chapter 65, may appeal to the Board any final decision by the Zoning Commission/hearing examiner.

B. Filing Time Limit; Fee: Any affected person may file an appeal of the final decision of the Zoning Commission/hearing examiner with the Planning Director within twenty eight (28) days after the final written decision of the Zoning Commission/hearing examiner has been issued. The appellant shall pay the fee required by this title upon filing the appeal. An appeal shall not be considered to be filed until such fee has been paid. Failure to file the appeal within the time limits shall cause automatic dismissal of the appeal.

C. Notice Of Appeal Contents: The notice of appeal shall be detailed in writing and shall provide the grounds for the appeal. The grounds for appeal shall be that the decision of the commission or hearing examiner was at a minimum one of the following:

1. In violation of constitutional or statutory provisions;
2. In excess of the statutory authority of the commission or hearing examiner;
3. Made upon unlawful procedure;
4. Arbitrary, capricious or an abuse of discretion; or
5. Not supported by substantial evidence on the record as a whole.

D. Procedures For Consideration of Appeal:

1. Within sixty (60) days of the receipt of the appeal, the Board shall conduct a public hearing. The hearing shall be conducted in the same manner using the same standards, as if the Board had original jurisdiction to hear the application.

2. Upon consideration, the Board may affirm, reverse, or modify the decision of the Zoning Commission/hearing examiner, after compliance with applicable procedural standards.

3. The decision of the Board shall be final, and any further recourse shall be as provided by law.

E. Applicability: The appeal process shall be coordinated with administration of land use ordinances. The procedures for appeal set forth herein shall be applied in a manner which is consistent with the zoning, subdivision and related land use ordinances of Bonner County.

Staff: The February 15, 2024 decision of the Zoning Commission was appealed by Michelle and Robert Johnson, as affected parties. The appellants submitted their appeal documents and paid the required fee on March 19, 2024, which was within the appeal period. The subsequent appeal hearing was scheduled within 60 days of the receipt of the appeal. All requirements for appealing the file have been met, in accord with BCRC 12-262. **See Appeal Letter for Full Details.**

BCRC 12-331: Interpretation of Use Tables:

A. 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 and the Planning Director's interpretation of the standard land use coding manuals, as provided in section 12-339 of this subchapter.

B. In the case of a conflict between the general description and the use table, the table shall prevail.

Staff: The Bonner County Revised Code does not have an explicit use entitled "Wedding Venues". The Planning Director is required to make a determination based on the direction of BCRC 12-331 and BCRC 12-339. **See Analysis Below.**

BCRC 12-339 Classification of New Uses Within Zone Districts

It is recognized that new unanticipated types of land uses will be proposed in Bonner County. In order to provide for such changes and contingencies, when a use is proposed that is not listed as a prohibited, permitted or conditional use in a zone district, the Planning Director shall make a determination that:

A. The use falls within the same standard classification pursuant to the "Standard Industrial Classification Manual" or the North American Industry Classification System, as amended, modified or superseded, as a listed permitted or conditional use in a current zone district and that it may be processed in the same fashion as the listed use; or

B. The use does not fall within the same standard classification pursuant to the "Standard Industrial Classification Manual" or the North American Industry Classification System, as amended, modified or superseded, as a listed permitted or conditional use in a particular zone district, and thus is a prohibited use in that district; or

C. The use is unique in nature and an amendment to this title is necessary in order to allow for its placement within the appropriate zone district.

Staff: Currently, Bonner County Revised Code does not have a specific use for wedding venues. Bonner County has used the Standard Industrial Classification (SIC) Manual,

supplied by OSHA, to determine the use that a wedding venue would fall under. The SIC manual does not have a specific use entitled "wedding venues", as it appears to be a colloquial term, or a marketing name. This use would be classified as a "wedding chapel, privately operated". The parcel is privately owned and it is not open to the public for use. This particular use is described under Section 7299 of the SIC entitled: "Miscellaneous Personal Services, Not Elsewhere Classified".

The Bonner County Revised Code does not have any listed use for chapels, nor does it contain a definition for chapels. According to BCRC 12-800 A (6), "Terms not defined within title 11 of this code or this title shall have the meaning customarily assigned to them as defined in Webster's dictionary ("The Merriam-Webster Collegiate Dictionary", eleventh edition)".

According to Merriam Webster's Collegiate Dictionary, 11th Edition, a chapel is defined as:

1: a subordinate or private place of worship: such as **a:** a place of worship serving a residence or institution **b:** a small house of worship usually associated with a main church **c:** a room or recess in a church for meditation and prayer or small religious services **2:** a place of worship used by a Christian group other than an established church (*a nonconformist chapel*) **3:** a choir of singers belonging to a chapel **4:** a chapel service or assembly at a school or college **5:** an association of the employees in a printing office **6 a:** FUNERAL HOME **b:** a room for funeral services in a funeral home

The definition of a wedding is:

1: a marriage ceremony usually with its accompanying festivities: **NUPTIALS** **2:** an act, process, or instance of joining in close association **3:** a wedding anniversary or its celebration —usually used in combination

When reviewing the Bonner County Revised Code for uses in similar classifications that are listed, the most similar use would be for a church or private community facility

Staff: The Bonner County Revised Code does not define a church or private community facility. The dictionary definition for church is:

1: a building for public and especially Christian worship **2:** the clergy or officialdom of a religious body **3 often capitalized:** a body or organization of religious believers: such as **a:** the whole body of Christians **b:** Denomination (the Presbyterian church) **c:** CONGREGATION **4:** a public divine worship (goes to *church* every Sunday) **5:** the clerical profession (considered the *church* as a possible career.)

The dictionary definition for community is:

1: a unified body of individuals: such as **a:** State, Commonwealth **b:** the people with common interests living in a particular area *broadly* : the area itself (the problems of a large *community*) a group of people with a common characteristic or

interest living together within a larger society (a *community* of retired persons, a monastic *community*) **c**: : an interacting population of various kinds of individuals (such as species) in a common location **d**: a group of people with a common characteristic or interest in living together within a larger society (a community or retired persons) **e**: a group linked by a common policy **f**: a body of persons or nations having a common history or common social, economic, and political interests (the international community) **g**: a body of persons of common and especially professional interests scattered through a larger society (the academic community) **2**: society at large **3**: **a**: joint ownership or participation (community of goods) **b**: common character: LIKENESS (community of interests) **c**: social activity: FELLOWSHIP **d**: a social state or condition.

The dictionary definition of facility is:

1: the quality of being easily performed **2**: ease in performance : APTITUDE **3**: readiness of compliance **4a(1)** : something that makes an action, operation, or course of conduct easier —usually used in plural (*facilities* for study.) **(2)**: LAVATORY sense 2 —often used in plural **b**: something (such as a hospital) that is built, installed, or established to serve a particular purpose.

Staff: Per BCRC 12-339, the Planning Director **shall** make a determination of whether or not the proposed use falls within the same standard classification. The planning director has determined that a Wedding Venue/Wedding Chapel meets the definition of a private community facility or a church, which are listed together in the Public Use Table, BCRC 12-335. Specifically, line 3C of the Community definition and line 4B of the facility definition show the intention of the private community facility. This definition can be summarized as “Something that is built, installed, or established to serve a private social activity”.

According to the wedding definition, weddings are a marriage ceremony usually with its accompanying festivities, which can include, but are not limited to; prayer, religious ceremonies, worship, dancing, socializing, and food & beverage consumption. The definition of a chapel does not require buildings; it can be outside of an established church, as shown in line 2 of the chapel definition. There is not an established church on the subject parcel.

Since 2016, the Bonner County Planning Department has had over 10 applications for new Conditional Use Permits or to make modifications to existing permits, for wedding venues or to host wedding activities on different properties; all of which have been evaluated under Private Community Facility use.

BCRC 12-335 Public Use Table: Private Community Facility

Public Use Table 3-5

Use	Zoning District								
	F	A/F	R	S	C	I	RSC	REC	AV

Churches, grange halls,
public or private
community facilities

C(3)

C(3)

C

P

P

C

C

C

(3) Where access to the site is by road, the road shall be located within a recorded easement or public right-of-way, and constructed to the appropriate standard set forth in title 2 of this Code or appendix A of this title, except where subject to the terms of an approved special use permit issued by a State or Federal agency.

Staff: The property is accessed by Roop Road, a Bonner County owned and maintained road. 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. **See Conditions of Approval.**

BCRC 12-420 General Standards

Staff:

- The project is not proposing development of any structures on the property to accommodate or house greater number of families than permitted by the standards of Bonner County Revised Code.
- The project is not proposing any development to occupy a greater percentage of lot area than that required by the standards of BCRC 12-411.
- 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. **See Conditions of Approval.**
- The project is not proposing any open space, yard requirements or parking spaces required in conjunction with the private community facility. **See Conditions of Approval.**
- The property is accessed by Roop Road, a Bonner County owned and maintained road. Sagle (Selkirk) Fire District stated in their 03/31/2026 comment the area travelway within the parcel is adequate, per IFC requirements. Bonner County Road and Bridge Department reviewed the project and provided comments indicating a need for possible upgrades of the driveway. The applicant has completed the upgrades requested by the Road and Bridge Department.
- Currently, the project proposes a fence surrounding the border of the property, as shown on the site plan submitted by the applicant. **See Conditions of Approval.**
- Currently, the project proposes no parking or storage of vehicles that are not in operating condition or that have not been used for a period of six months in conjunction with the requested uses.
- 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. **See Conditions of Approval.**

- This project does not propose conversion of any existing residences to accommodate an increased number of dwelling units.
- The subject site is not a corner lot. The standards for visibility at intersections do not apply to this project.
- 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.
See Conditions of Approval.

BCRC 12-421 Performance Standards for All Uses:

Staff:

- The project proposes no activity involving the use or storage of flammable or explosive materials on or off site. Sagle Fire District provided comment on this project, and provided a list of requirements, to include an emergency plan for the plan. This comment was provided once the file was noticed, and a "B" condition has been proposed, that shall be met prior to issuance of the Conditional Use Permit.
- The project proposes no activity involving emittance of harmful radioactivity or electrical disturbance.
- 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."* The application further states that the hours of operation will be limited from 10:00 a.m. to 10:00 p.m. The information provided by the applicant gives details regarding the specification of "Acoustifence". Per the application, this is a soundproofing product that has been used in many different applications, including outdoor venues, and it appears to help minimize noise pollution to surrounding areas.
- The project does not propose any activities that would seem to contribute to air or water pollution.

See Conditions of Approval.

BCRC 12-4.3, Parking Standards:

BCRC 12-432 Table 4-3 Minimum Off-Street Parking Requirements:

Public Use: Private Community Facility - The parking standards are as follows:

Public Uses:

Assembly buildings (e.g., community halls) (3)	1 space/100 gross square feet floor area	Within 500 feet of the principal use
--	--	--------------------------------------

(3) Industrial, institutional and commercial uses shall be provided with off street loading spaces, exclusive of access areas, of not less than 12 feet in width. Loading spaces shall not project into public rights of way or setback areas.

Staff: The applicant has proposed a public use of a private community facility.

The private community facility is proposed to be operated on an area of ±5624 square feet. The code requires 1 space/ 100 gross square feet of floor area, within 500 feet of the principal use. Per the parking requirements noted above, 57 parking spots are required to be located within 500 feet of the principal use to accommodate this use on the site.

All parking spaces shall be located within 500 feet of the designated space for the private community facility, as shown in the applicant's supplementary parking plan. Additionally, the applicant provided room to accommodate traffic flows within the parking area. **See Conditions of Approval.**

BCRC 12-4.4, Sign Standards:

Staff: The project proposes locating a 24"X36" sign nearly 15 feet from the edge of the right-of-way. The proposed sign meets the size requirements of the sign standards. The applicant is requesting a deviation from the street setback from the required 25 feet to 15 feet for a total difference of 10 feet, for the location of the sign adjacent to the right-of-way. **See Conditions of Approval.**

BCRC 12-4.5, Design Standards:

BCRC 12-451: Applicability:

The standards in this chapter shall apply to all new development in the commercial, industrial where commercial uses and services are proposed, and rural service center districts and all other commercial, multi-family, public and industrial development in other zoning districts unless otherwise noted.

Staff: The applicant is not proposing future new developments related to this project. Services currently exist on the property to serve the current residential use on the property. Any new development not included on the approved site plan may require additional permitting. **See Conditions of Approval.**

BCRC 12-452: Site and Building Plans:

The applicant shall submit site and building plans through the applicable permit process detailed as necessary to demonstrate how the standards in section 12-453 of this chapter have been met.

Staff: Building Location Permits will be required for any new structures to be located on site in conjunction with this Building Location Permit. **See Conditions of Approval.**

BCRC 12-453 Standards:

Staff:

- This is a proposal for a public use on a property zoned Rural 5. However, the adjacent properties are zoned Rural 5 and are not specifically zoned for commercial uses even though this zoning district may permit some commercial uses conditionally. Therefore, the sidewalk/pathway standards do not apply to the project.
- Per the submitted site plan all the proposed structures on site show pedestrian or vehicular connections through the entire project.
- Per the submitted site plan, the proposed location of the parking shows that it covers more than 50% of the lot frontage. The project does not qualify for reductions of any landscaping buffers, setback requirements or for setbacks of free-standing signs.
- A lighting plan has been proposed by the applicants. Per the application, all lights will be downward facing, and directed to limit light pollution to neighboring properties. In addition, the applicant is proposing overhead LED string lights. All lighting on site is required to meet the standards of BCRC 12-453.F. **See Conditions of Approval.**
- Currently, no building plans have been provided as part of this application. Any development in conjunction with the proposed use is required to meet the standards of BCRC 12-453.G. **See Conditions of Approval.**
- The project proposes locating "2 dry box storage units" on site. Any outdoor storage of commercial and industrial materials on site is required to meet the standards of BCRC 12-453.J. **See Conditions of Approval.**

BCRC 12-4.6, Landscaping and Screening Standards:

BCRC 12-461: This standard is only applicable for new development in the commercial, industrial and rural service center districts and all other commercial, multi-family, public and industrial development in other districts unless otherwise noted.

Staff: The applicant is proposing public use on a property zoned Rural 5. The site appears 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. Per the application, a portion of the property's fence will be lined with the "Acoustiblok" material, which appears to be a solid material, providing additional screening, and noise reduction. **See Conditions of Approval.**

BCRC 12-7.2, Grading, Stormwater Management and Erosion Control

BCRC 12-720.3 Activities to which this Subchapter is Not Applicable:

(K) Applications for conditional use permits, industrial and commercial site plan reviews, planned unit developments and variances that do not result in the creation of additional "impervious surface", as defined in section 12-809 of this title.

Staff: 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. **See Conditions of Approval.**

BCRC 12-7.3, Wetlands

BCRC 12-733: Wetland Buffers and Setbacks:

Staff: 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 the start of development on site. **See Conditions of Approval.**

BCRC 12-7.6, Hillsides

Staff: 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. **See Conditions of Approval.**

Planner's Initials: AF	Date: April 9, 2026
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Note: The final decision rests with the governing body after the completion of the public hearing and consideration of all relevant oral and written testimony and evidence.

Motion by the Board of County Commissioners:

MOTION TO AFFIRM:

I move to affirm the Zoning Commission's decision to approve project FILE CUP0013-23, for a private community facility, finding that it is in accord with the general and specific objectives of the Bonner County Comprehensive Plan and the Bonner County Revised Code as enumerated in the following **CONCLUSIONS OF LAW:**

1. The proposed conditional use permit **is not** in conflict with the Bonner County Comprehensive Plan.
2. The proposed conditional use permit **is** in accord with the general and specific objectives of the Bonner County Comprehensive Plan.
3. This proposal was reviewed for compliance with the criteria and standards set forth in Bonner County Revised Code Title 12, Chapter 2 Subchapter 2.6, Chapter 3 Subchapter 3.3, Chapter 4 Subchapter 4.2-4.6, and Chapter 7 Subchapter 7.2 and 7.3. Upon review,

the proposal **was** found to be in compliance with the referenced sections of Bonner County Revised Code.

4. The proposed use **will not** create a hazard, and the proposed use **will not** be dangerous to persons on or adjacent to the subject property.

I further move to adopt the Reasoned Statement, as discussed in deliberation during this Hearing, and the analysis as set forth in the Staff Report (or as amended during this Hearing) and direct planning staff to draft the Reasoned Statement to reflect this motion, as set forth in Idaho Code § 67-6535, and to have the Chair sign and transmit to all interested parties. This decision is based upon the materials and evidence submitted up to the time the Staff Report was prepared, and testimony received at this Hearing. This action does not result in a taking of private property.

MOTION TO REVERSE:

I move to reverse the Zoning Commission Decision, and deny project FILE CUP0013-23 for a private community facility, based upon the following **CONCLUSIONS OF LAW:**

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

I further move to adopt the Reasoned Statement as discussed during deliberation at this Hearing and the analysis as set forth in the Staff Report (or as amended during this Hearing) and direct planning staff to draft the reasoned statement to reflect this motion as set forth in Idaho Code § 67-6535, and to have the Chair sign and transmit to all interested parties. This decision is based upon the materials and evidence submitted up to the time the Staff Report was prepared and testimony received at this Hearing. This action does not result in a taking of private property. Further action could be taken, if desired, to potentially obtain a conditional use permit, by either:

- (1) Filing a new application with the Planning Department and meeting the standards required by Bonner County Revised Code and/or Comprehensive Plan; or
- (2) Pursuing such remedies as set forth in Idaho Code Title 67, Chapter 65.

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** 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 12-420, 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-5** 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-6** 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-7** 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-8** 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-9** Per BCRC 12-420 and BCRC 12-432, the applicant shall adhere to the parking plan showing the following:
 - a. Required 57 parking spots for the wedding venue. These parking spots shall be located within 500 feet of the designated space for the private community facility.

- A-10** Per BCRC 12-420, a fence shall be built and maintained, in accordance with the approved site plan.
- A-11** Per BCRC 12-4.4, the project proposes locating a 24"X36" sign 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-12** Per BCRC 12-452, any structures or development on site permitted through this Conditional Use Permit are required to obtain appropriate Building Location Permits or other approvals from the Bonner County Planning Department prior to the development on site.
- A-13** Per BCRC 12-453.F, any lighting on site shall meet the standards of this section of the ordinance.
- A-14** 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-15** Per BCRC 12-453.J, the project proposes locating "2 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-16** 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-foot-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-17** 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-18** 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-19** Site contains mapped steep slopes 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-20** 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-21 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 The applicant shall obtain the required approvals or a letter from the Selkirk (Sagle) Fire District to ensure that the fire district's requirements in their 03/31/2026 comment have been addressed.

The complete file is available for review in the Planning Department, 1500 Highway 2, Suite #208, Sandpoint, ID. Staff reports are available at www.bonnercountyid.gov prior to the scheduled hearing. Bonner County Revised Code (BCRC) is available at the Planning Department or online.

Appendix A – Record of Mailing

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RECORD OF MAILING

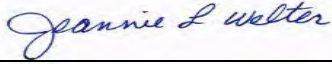
Page 1 of 1

File Number: File **CUP0013-23**

Record of Mailing Approved By: 

Hearing Date: **6.4.26**

I hereby certify that a true and correct copy of the "Notice of Public Hearing" was digitally transmitted or mailed (postage prepaid) on this **28th** day of **April 2026**.



Jeannie Welter, Systems Technician

Assessor - Email

Bay Drive Recreation District - Email

Bonner County Airport Manager - Email

Bonner County EMS - Email

Bonner County Road & Bridge - Email

Bottle Bay Water & Sewer District - Email

City of Dover - Email

City of Hope - Email

City of Oldtown - Email

City of Priest River - Email

City of Spirit Lake - Email

Coolin-Cavanaugh Bay Fire District - Email

East Bonner Library - Email

Ellisport Bay Sewer - Email

GEM STATE MINER - U.S. Mail

Idaho Department of Environmental Quality (DEQ) - Email

Idaho Department of Lands - CDA - U.S. Mail

Idaho Department of Lands - Navigable Waters & Mining - Email

Idaho Department of Water Resources - IDWR - Email

Idaho Transportation Department- District I - Email

Kalispel Bay Sewer & Water - U.S. Mail

KPBX-FM 91 SPOKANE PUBLIC RADIO - U.S. Mail

Laclede Water District - Email

Lake Pend Oreille School District, #84 (Transportation) - Email

Little Blacktail Ranch Water Association - U.S. Mail

Northern Lights, Inc. - Email

Northside Fire District - Email

Panhandle Health District - Email

Priest Lake Public Library District - Email

Sagle Valley Water & Sewer - Email

Schweitzer Fire District - Email

Selkirk Fire, Rescue & EMS - Email

Southside Water & Sewer District - Email

Spokesman-Review - U.S. Mail

Swan Shores Sewer District - U.S. Mail

Tamarack Village Water & Sewer - U.S. Mail

Trestle Creek Sewer District - Email

U.S. Fish & Wildlife Service - Email

West Bonner County Cemetery District - Email

West Bonner Library - Email

West Pend Oreille Fire District - Email

Avista Utilities - Email

Bayview Water & Sewer - Email

BONNER COUNTY DAILY BEE - U.S. Mail

Bonner County Floodplain Review - Email

Bonner County Sheriff - Email

City of Clark Fork - Email

City of East Hope - Email

City of Kootenai - Email

City of Ponderay - Email

City of Sandpoint - Email

Coolin Sewer District - Email

Drainage District #7 - Email

East Priest Lake Fire District - Email

Garfield Bay Water & Sewer District - Email

Granite Reeder Water & Sewer District - Email

Idaho Department of Fish & Game - Email

Idaho Department of Lands - Coolin - Email

Idaho Department of Lands - Sandpoint - Email

Idaho Transportation Department (Aeronautics) - U.S. Mail

Independent Highway District - Email

Kootenai-Ponderay Sewer District - Email

KSPT-KPND-KIBR RADIO - U.S. Mail

Lake Pend Oreille School District, #84 (Admin Office) - Email

Lakeland Joint School District, #272 - Email

North of the Narrows Fire District - Email

Northland/Vyve Cable Television - Email

Outlet Bay Sewer District - Email

Pend Oreille Hospital District - Email

Priest Lake Translator District - Email

Sam Owen Fire District - Email

SELKIRK ASSOCIATION OF REALTORS - U.S. Mail

Selkirk Recreation District - Email

Spirit Lake Fire District - Email

Historical Society - Email

Syringa Heights Water Association - Email

Timber Lake Fire District - Email

U.S. Army Corps of Engineers - Email

U.S. Forest Service - U.S. Mail

West Bonner County School District, #83 - Email

West Bonner Water & Sewer District - Email

West Priest Lake Fire District - Email

Appendix B – All Agency Comments



Janna Brown <janna.brown@bonnercountyid.gov>

[EXT SENDER] RE: Bonner County Planning - File CUP0013-23 Agency Review

1 message

DEQ Comments <deqcomments@deq.idaho.gov>

Fri, Mar 20, 2026 at 3:09 PM

To: Bonner County Planning Department <planning@bonnercountyid.gov>

The subject application for the CUP0013-23 has the potential to serve 25 or more people 60 days or more per year, which appears to meet the definition of a public drinking water system under the Idaho Rules for Public Drinking Water Systems (IDAPA 58.01.08). As described in the application, the venue would serve events from May to September, which is approximately 30 weeks and 2-3 days per week. The applicant/owners are required to meet the Idaho Rules for Public Drinking Water Systems (IDAPA 58.01.08), and not just consult with Idaho Department of Water Resources and Panhandle Health District for drinking water to this site.

- The well location and construction must first be assessed and approved by DEQ. If it cannot be approved to meet Idaho Rules, another drinking water site and source must be approved.

This includes the submittal of a well site evaluation report by an Idaho licensed professional engineer or professional geologist.

- A facility plan and preliminary engineering report (PER) developed by an Idaho licensed professional engineer, which includes relevant requirements listed in IDAPA 58.01.18 Section 500, may be required to be submitted to and approved by DEQ.

- Plans and specifications for the drinking water infrastructure to serve this project would be required be submitted to DEQ by an Idaho licensed professional engineer and approved by DEQ, and the well pump test must be performed and approved in accordance with DEQ requirements.

- Initial water quality monitoring must be performed.

- Additionally, requirements may include demonstration of Technical, Financial and Managerial capacity, and the future need for a licensed water system operator.

If you have any questions about the comments this project has received please contact:

- Katy Baker-Casile for engineering and wastewater.
- Anna Moody for drinking water.
- Shawn Sweetapple for air quality.
- Kevin Aardahl for remediation or RCRA.

- Robert Steed for surface water and setback requirements.

Thank you-

Idaho Department of Environmental Quality
2110 Ironwood Parkway, Coeur d'Alene, Idaho 83814
Office Line: 208.769.1422

www.deq.idaho.gov

Our mission: To protect human health and the quality of Idaho's air, land, and water.

From: Bonner County Planning Department <planning@bonnercountyid.gov>

Sent: Tuesday, March 10, 2026 11:35 AM

To: Alan Brinkmeier <alan.brinkmeier@bonnercountyid.gov>; Amber Burgess <clerk@ebsewerdistrict.com>; Army Corps of Engineers <CENWW-RD-CDA@usace.army.mil>; Avista Copr - Jay West <jay.west@avistacorp.com>; Avista Corp - Peggy George <peggy.george@avistacorp.com>; Becky Meyer <becky.meyer@lposd.org>; Bill Berg <billb@bbsewer.org>; Bonner County Assessors <assessorsgroup@bonnercountyid.gov>; BONNER COUNTY HISTORICAL SOCIETY AND MUSEUM <DIRECTOR@bonnercountyhistory.org>; Bonner County Solid Waste <solidwaste@bonnercountyid.gov>; Bonnie Schademan <bonnies@inlandpower.com>; Brenna Garro <Brenna.Garro@oer.idaho.gov>; Bryan Quayle <quaylelanduseconsulting@gmail.com>; Carrol Stejer <CASTEJER@gmail.com>; charityhinshaw@sd83.org; Chief Debbie Carpenter <chief@spirittlakefire.com>; City of Clark Fork <city@clarkforkidaho.gov>; City of Clark Fork <CityClerk1@clarkforkidaho.gov>; City of Dover <cityclerk@cityofdoveridaho.org>; City of East Hope Franck <easthope.city@gmail.com>; City of Hope <hopecityclerk@gmail.com>; City of Kootenai <cityclerk@cityofkootenai.org>; City of Oldtown <cityofoldtown@hotmail.com>; City of Sandpoint Planning <cityplanning@sandpointidaho.gov>; cityclerk@spirittlakeid.gov; Colleen Johnson <CJohnson@kootenaiponderaysewerdistrict.org>; Craig Hill <craighill@hillsresort.com>; D1Permits <D1Permits@itd.idaho.gov>; dbrown@idl.idaho.gov; Dan Scholz <dan.scholz@nli.coop>; Dave Schuck <dave.schuck@bonnercountyid.gov>; David LaTourette <coolinfirechief@gmail.com>; David LaTourette <Coolinfldchief@gmail.com>; Dean Davis <deandavis@sd83.org>; East Bonner Library <Amanda@ebonnerlibrary.org>; East Priest Lake Fire District <eastpriestlakefd@gmail.com>; Erik Sjoquist <esjoquist@idl.idaho.gov>; Federal Aviation Administration <Heather.pate@faa.gov>; Frankie Dunn <Frankiejduhn@hotmail.com>; Fritz Broschet <outletbaysewer@gmail.com>; Garfield Bay Water and Sewer District Clerk <garfieldbaywsd@hotmail.com>; Gavin Gilcrease <ggilcrease@sandpointidaho.gov>; Dan Everhart <Dan.Everhart@ishs.idaho.gov>; DEQ Comments <deqcomments@deq.idaho.gov>; Independent Hwy Dist - Julie Bishop <ihdclerk@gmail.com>; Robert Beachler <robert.beachler@itd.idaho.gov>; ITD - Stacy Simkins <stacy.simkins@itd.idaho.gov>; Jake Gabell <jgabell@priestriver-id.gov>; Janice Best <janicesb@televar.com>; Jason Johnson <jason.johnson@bonnercountyid.gov>; Jason Kimberling <jason.kimberling@itd.idaho.gov>; Jeff Lindsey <jeff.lindsey@bonnercountyid.gov>; Jessie Roe <BWSD637@gmail.com>; joekren@sd83.org; Jordan Brooks <coolinsewer@gmail.com>; KayLeigh Miller <klmiller@ponderay.org>; kbsd sewer <kbsdpl@hotmail.com>; Ken Flint <ken_flint@tcenergy.com>; Kenny Huston <kenny.huston@oer.idaho.gov>; Kim Hoodenpyle <kjh5345@gmail.com>; Kim Spacek <kimspacek@sd83.org>; Kimberly Hobson <Kimberly.Hobson@itd.idaho.gov>; Laclede Water District <info@lactedewaterdistrict.org>; Lakeland Joint School District #272 <cpursley@lakeland272.org>; Lisa Rosa <hr@ebonnerlibrary.org>; Bates, Luke <Luke.Bates@idwr.idaho.gov>; Matt Diel <matt.diel@lposd.org>; Horsmon, Merritt <merritt.horsmon@idfg.idaho.gov>; Midas Water <midaswatercorp@gmail.com>; Mike Ahmer <mahmer@idl.idaho.gov>; Mike Schacht <firedept@clarkforkidaho.gov>; Natural Resource Conservation Service - Greg Becker <greg.becker@id.usda.gov>; Navy - Glynis Casey <glynis.casey@navy.mil>; North of the Narrows Fire District <northofthenarrowsfire@gmail.com>; Northern Info <northerninfo@idwr.idaho.gov>; Northern Lights

<kristin.mettke@nli.coop>; Northern Lights - Clint Brewing <clint.brewington@nli.coop>; Northside Water and Syringa Heights Water Association <allwater49@outlook.com>; Oden Water Association - Carla Poelstra <odenwater@gmail.com>; Pend Oreille Hospital District <kim.kichenmaster@bonnergeneral.org>; PHD <EHApplications@phd1.idaho.gov>; Priest Lake Public Library District <plplibrary@hotmail.com>; Richard Hash <Rich.hash2022@gmail.com>; Road & Bridge - Matt Mulder <matt.mulder@bonnercountyid.gov>; Ryan Zandhuisen <rzandhuisen@idl.idaho.gov>; Sagle Valley Water and Sewer District <saglewatersewer@gmail.com>; Sagle Valley Water & Sewer District <markc@smartplugs.com>; Sam Owen Fire Rescue Sam Owen Fire Rescue <sofd@wow-tel.net>; Sam Ross <sam.ross@nli.coop>; Sarah Gilmore <sgilmore@sandpointidaho.gov>; School District 84 Transportation - James Koehler <james.koehler@lposd.org>; SCHWEITZER FIRE DISTRICT <SchweitzerFireDistrict@gmail.com>; Selkirk Association of Realtors <danielle@selkirkaor.com>; Selkirk Recreation District <elgar@whoi.edu>; Sheryl Austin <granitereeder@gmail.com>; SOURDOUGH POINT OWNERS ASSOCIATION <sourdoughpoint@hotmail.com>; Southside Water and Sewer <southsidewaterandsewer@swsdidaho.org>; Steve Elgar <selgar@mac.com>; Superintendent School Dist 84 <kelly.fisher@lposd.org>; Symone.legg@itd.idaho.gov; Tammy Miller <tmiller@selkirkfire.com>; Tammy Miller <tmiller@selkirkfire.us>; TC Energy / TransCanada <US_crossings@tcenergy.com>; Teresa Decker <Huckleberryhoa@gmail.com>; Teresa Decker <huckbayutilities01@gmail.com>; Teresa Zamora <utilities@stoneridgeidaho.com>; Theresa Wheat <theresa@kootenai.org>; Tim Ventress <chventresswplvfd@hotmail.com>; Timberlake Fire District <Kwright@timberlakefire.com>; Tom Renzi <eplfdchief@gmail.com>; US Fish & Wildlife Services <fw1idahoconsultationrequests@fws.gov>; meagan <meagan@westbonnerlibrary.org>; West Pend Oreille Fire District <wpofd1@gmail.com>
Cc: Alexander Feyen <alexander.feyen@bonnercountyid.gov>; Janna Brown <janna.brown@bonnercountyid.gov>; firebrandcoco@gmail.com; Norman M. Semanko <NSemanko@parsonsbehle.com>
Subject: Bonner County Planning - File CUP0013-23 Agency Review

CAUTION: This email originated outside the State of Idaho network. Verifv links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

The above-named application has been submitted to the Bonner County Planning Department for processing.

Please review the application relative to your agency's area of expertise and include any recommended conditions of approval and supporting code sections. Please see attached for details.

Thank you,

Jeannie Welter

Bonner County Planning Department

Systems Technician

208-265-1458

Now Live: Apply for Your Building Location Permit Online!

We're making building easier! You can now apply for your **Building Location Permit** quickly and securely through our **new citizen online portal**, available 24/7 from the comfort of your home or office. You can also apply on one of the

kiosks provided in the Planning Department office, located in the County Administrative Building, Suite 208.

Fast & easy application process

Track your permit status in real time

Upload documents directly

Visit <https://bonnercountyid-energovweb.tylerhost.net/apps/selfservice#/home> to get started today!

Effective July 1, 2025, all Building Location Permits must be applied for through the online citizen portal and we will no longer be accepting applications sent via email or printed paper applications. Have questions? Call 208-265-1458, our team is ready to help.

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Maya Johnson <maya.johnson@bonnercountyid.gov>

[EXT SENDER] RE: Bonner County Planning - File CUP0010-25 - Agency Review

Horsmon, Merritt <merritt.horsmon@idfg.idaho.gov>
To: Bonner County Planning Department <planning@bonnercountyid.gov>

Wed, Mar 25, 2026 at 11:10 AM

Hi Jeannie,

The Idaho Department of Fish and Game does not have any comments to submit for this application.

Thank you for the opportunity to review and comment,

Merritt Horsmon

Regional Technical Assistance Manager

Panhandle Region

2885 W. Kathleen Ave.

[Coeur d'Alene, ID 83815](#)

208.769.1414 office

208.251.4509 mobile

merritt.horsmon@idfg.idaho.gov



From: Bonner County Planning Department <planning@bonnercountyid.gov>

Sent: Tuesday, March 03, 2026 10:17 AM

To: Alan Brinkmeier <alan.brinkmeier@bonnercountyid.gov>; Amber Burgess <clerk@ebsewerdistrict.com>; Army Corps of Engineers <CENWW-RD-CDA@usace.army.mil>; Avista Copr - Jay West <jay.west@avistacorp.com>; Avista Corp - Peggy George <peggy.george@avistacorp.com>; Becky Meyer <becky.meyer@lposd.org>; Bill Berg <billb@bbsewer.org>; Bonner County Assessors <assessorsgroup@bonnercountyid.gov>; BONNER COUNTY HISTORICAL SOCIETY AND MUSEUM <DIRECTOR@bonnercountyhistory.org>; Bonner County Solid Waste <solidwaste@bonnercountyid.gov>; Bonnie Schademan <bonnies@inlandpower.com>; Brenna Garro <Brenna.Garro@oer.idaho.gov>; Bryan Quayle

<quaylelanduseconsulting@gmail.com>; Carrol Stejer <CASTEJER@gmail.com>; charityhinshaw@sd83.org;
Chief Debbie Carpenter <chief@spirittlakefire.com>; City of Clark Fork <city@clarkforkidaho.gov>; City of Clark
Fork <CityClerk1@clarkforkidaho.gov>; City of Dover <cityclerk@cityofdoveridaho.org>; City of East Hope Franck
<easthope.city@gmail.com>; City of Hope <hopecityclerk@gmail.com>; City of Kootenai
<cityclerk@cityofkootenai.org>; City of Oldtown <cityofoldtown@hotmail.com>; City of Sandpoint Planning
<cityplanning@sandpointidaho.gov>; cityclerk@spirittlakeid.gov; Colleen Johnson <CJohnson@
kootenaiponderaysewerdistrict.org>; Craig Hill <craighill@hillsresort.com>; D1Permits
<D1Permits@itd.idaho.gov>; dbrown@idl.idaho.gov; Dan Scholz <dan.scholz@nli.coop>; Dave Schuck
<dave.schuck@bonnercountyid.gov>; David LaTourette <coolinfirechief@gmail.com>; David LaTourette
<Coolinfchief@gmail.com>; Dean Davis <deandavis@sd83.org>; East Bonner Library
<Amanda@ebonnerlibrary.org>; East Priest Lake Fire District <eastpriestlakefd@gmail.com>; Erik Sjoquist
<esjoquist@idl.idaho.gov>; Federal Aviation Administration <Heather.pate@faa.gov>; Frankie Dunn
<Frankiejduhn@hotmail.com>; Fritz Broschet <outletbaysewer@gmail.com>; Garfield Bay Water and Sewer
District Clerk <garfieldbaywsd@hotmail.com>; Gavin Gilcrease <ggilcrease@sandpointidaho.gov>; Dan Everhart
<Dan.Everhart@ishs.idaho.gov>; DEQ Comments <deqcomments@deq.idaho.gov>; Independent Hwy Dist -
Julie Bishop <ihdclerk@gmail.com>; Robert Beachler <robert.beachler@itd.idaho.gov>; ITD - Stacy Simkins
<stacy.simkins@itd.idaho.gov>; Jack Schenck <Jack.schenck@vyvebb.com>; Jake Gabell <jgabell@priestriver-
id.gov>; Janice Best <janicesb@televar.com>; Jason Johnson <jason.johnson@bonnercountyid.gov>; Jason
Kimberling <jason.kimberling@itd.idaho.gov>; Jeff Lindsey <jeff.lindsey@bonnercountyid.gov>; Jessie Roe
<BWSD637@gmail.com>; joekren@sd83.org; Jordan Brooks <coolinsewer@gmail.com>; KayLeigh Miller
<klmiller@ponderay.org>; kbsd sewer <kbsdpl@hotmail.com>; Ken Flint <ken_flint@tcenergy.com>; Kenny
Huston <kenny.huston@oer.idaho.gov>; Kim Hoodenpyle <kjh5345@gmail.com>; Kim Spacek
<kimspacek@sd83.org>; Kimberly Hobson <Kimberly.Hobson@itd.idaho.gov>; Laclede Water District
<info@lacledewaterdistrict.org>; Lakeland Joint School District #272 <cpursley@lakeland272.org>; Lisa Rosa
<hr@ebonnerlibrary.org>; Bates, Luke <Luke.Bates@idwr.idaho.gov>; Matt Diel <matt.diel@lposd.org>;
Horsmon, Merritt <merritt.horsmon@idfg.idaho.gov>; Midas Water <midaswatercorp@gmail.com>; Mike Ahmer
<mahmer@idl.idaho.gov>; Mike Schacht <firedept@clarkforkidaho.gov>; Natural Resource Conservation Service -
Greg Becker <greg.becker@id.usda.gov>; Navy - Glynis Casey <glynis.casey@navy.mil>; North of the Narrows
Fire District <northofthenarrowsfire@gmail.com>; Northern Info <northerninfo@idwr.idaho.gov>; Northern Lights
<kristin.mettke@nli.coop>; Northern Lights - Clint Brewing <clint.brewington@nli.coop>; Northside Water and
Syringa Heights Water Association <allwater49@outlook.com>; Oden Water Association - Carla Poelstra
<odenwater@gmail.com>; Pend Oreille Hospital District <kim.kichenmaster@bonnergeneral.org>; PHD
<EHApplications@phd1.idaho.gov>; Priest Lake Public Library District <plplibrary@hotmail.com>; Richard Hash
<Rich.hash2022@gmail.com>; Road & Bridge - Matt Mulder <matt.mulder@bonnercountyid.gov>; Ryan
Zandhuisen <rzandhuisen@idl.idaho.gov>; Sagle Valley Water and Sewer District
<saglewatersewer@gmail.com>; Sagle Valley Water & Sewer District <markc@smartplugs.com>; Sam Owen Fire
Rescue Sam Owen Fire Rescue <sofd@wow-tel.net>; Sam Ross <sam.ross@nli.coop>; Sarah Gilmore
<sgilmore@sandpointidaho.gov>; School District 84 Transportation - James Koehler <james.koehler@lposd.org>;
SCHWEITZER FIRE DISTRICT <SchweitzerFireDistrict@gmail.com>; Selkirk Association of Realtors
<danielle@selkirkaor.com>; Selkirk Recreation District <elgar@whoi.edu>; Sheryl Austin
<granitereeder@gmail.com>; SOURDOUGH POINT OWNERS ASSOCIATION <sourdoughpoint@hotmail.com>;
Southside Water and Sewer <southsidewaterandsewer@swsdidaho.org>; Steve Elgar <selgar@mac.com>;
Superintendent School Dist 84 <kelly.fisher@lposd.org>; Symone.legg@itd.idaho.gov; Tammy Miller
<tmiller@selkirkfire.com>; Tammy Miller <tmiller@selkirkfire.us>; TC Energy / TransCanada
<US_crossings@tcenergy.com>; Teresa Decker <Huckleberryhoa@gmail.com>; Teresa Decker
<huckbayutilities01@gmail.com>; Teresa Zamora <utilities@stoneridgeidaho.com>; Theresa Wheat
<theresa@kootenai.org>; Tim Ventress <chventresswplvfd@hotmail.com>; Timberlake Fire District
<Kwright@timberlakefire.com>; Tom Renzi <epifdchief@gmail.com>; US Fish & Wildlife Services
<fw1idahoconsultationrequests@fws.gov>; meagan <meagan@westbonnerlibrary.org>; West Pend Oreille Fire
District <wpofd1@gmail.com>

Cc: earthkeeperschool@gmail.com; Daniel Britt <daniel.britt@bonnercountyid.gov>; Janna Brown
<janna.brown@bonnercountyid.gov>

Subject: Bonner County Planning - File CUP0010-25 - Agency Review

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Please review the application relative to your agency's area of expertise and include any recommended conditions of approval and supporting code sections. Please see attached for details.

Thank you,

Jeannie Welter

Bonner County Planning Department

Systems Technician

208-265-1458

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Janna Brown <janna.brown@bonnercountyid.gov>

[EXT SENDER] RE: Bonner County Planning - File CUP0013-23 Agency Review

1 message

Bates, Luke <Luke.Bates@idwr.idaho.gov>

Wed, Mar 11, 2026 at 7:51 AM

To: Bonner County Planning Department <planning@bonnercountyid.gov>

Cc: "jbailey@jasewell.com" <jbailey@jasewell.com>

REF: CUP0013-23

TO: Bonner County Planning Department

Jesse Bailey – James A. Sewell & Associates, LLC - Representative

Good morning,

The proposed project declares an existing ground water well under the Services section is used for a primary private residence and a second water system shall be developed for the additional activities. Idaho as passed legislation in 2025 and again in 2026 which modify the original definition of "domestic" water use(s) and while the applicant's proposal may qualify for exempt status use I recommend the applicant contact IDWR to evaluate the merits of securing a recorded water right so they are ensured to not fall out of the domestic exemption status.

Idaho Department of Water Resources (IDWR) – Northern Regional Office offers the following comments:

- Any water uses from an existing ground water well(s) that do not have established water rights, which shall exceed water uses authorized in Idaho Code §42-111 following project completion: a new Application for Permit is required prior to the diversion of water, and the property owner needs to contact IDWR to discuss water right requirements.
- IDWR doesn't have any requirements that would impede project approval by the County at this stage of the project's development.

Thank you for the opportunity to comment,

Luke Bates – Sr Water Resource Agent

Idaho Department of Water Resources

Northern Regional Office

7600 N Mineral Dr Suite 100 Coeur D Alene ID 83815-7763

From: Bonner County Planning Department <planning@bonnercountyid.gov>**Sent:** Tuesday, March 10, 2026 11:35 AM**To:** Alan Brinkmeier <alan.brinkmeier@bonnercountyid.gov>; Amber Burgess <clerk@ebsewerdistrict.com>; Army Corps of Engineers <CENWW-RD-CDA@usace.army.mil>; Avista Copr - Jay West <jay.west@avistacorp.com>; Avista Corp - Peggy

George <peggy.george@avistacorp.com>; Becky Meyer <becky.meyer@lposd.org>; Bill Berg <billb@bbsewer.org>; Bonner County Assessors <assessorsgroup@bonnercountyid.gov>; BONNER COUNTY HISTORICAL SOCIETY AND MUSEUM <DIRECTOR@bonnercountyhistory.org>; Bonner County Solid Waste <solidwaste@bonnercountyid.gov>; Bonnie Schademan <bonnies@inlandpower.com>; Brenna Garro <Brenna.Garro@oer.idaho.gov>; Bryan Quayle <quaylelanduseconsulting@gmail.com>; Carrol Stejer <CASTEJER@gmail.com>; charityhinshaw@sd83.org; Chief Debbie Carpenter <chief@spirittlakefire.com>; City of Clark Fork <city@clarkforkidaho.gov>; City of Clark Fork <CityClerk1@clarkforkidaho.gov>; City of Dover <cityclerk@cityofdoveridaho.org>; City of East Hope Franck <easthope.city@gmail.com>; City of Hope <hopecityclerk@gmail.com>; City of Kootenai <cityclerk@cityofkootenai.org>; City of Oldtown <cityofoldtown@hotmail.com>; City of Sandpoint Planning <cityplanning@sandpointidaho.gov>; cityclerk@spirittlakeid.gov; Colleen Johnson <CJohnson@kootenaiponderaysewerdistrict.org>; Craig Hill <craighill@hillsresort.com>; D1Permits <D1Permits@itd.idaho.gov>; dbrown@idl.idaho.gov; Dan Scholz <dan.scholz@nli.coop>; Dave Schuck <dave.schuck@bonnercountyid.gov>; David LaTourette <coolinfirechief@gmail.com>; David LaTourette <Coolinfchief@gmail.com>; Dean Davis <deandavis@sd83.org>; East Bonner Library <Amanda@ebonnerlibrary.org>; East Priest Lake Fire District <eastpriestlakefd@gmail.com>; Erik Sjoquist <esjoquist@idl.idaho.gov>; Federal Aviation Administration <Heather.pate@faa.gov>; Frankie Dunn <Frankiejduhn@hotmail.com>; Fritz Broschet <outletbaysewer@gmail.com>; Garfield Bay Water and Sewer District Clerk <garfieldbaywsd@hotmail.com>; Gavin Gilcrease <ggilcrease@sandpointidaho.gov>; Dan Everhart <Dan.Everhart@ishs.idaho.gov>; DEQ Comments <deqcomments@deq.idaho.gov>; Independent Hwy Dist - Julie Bishop <ihdclerk@gmail.com>; Robert Beachler <robert.beachler@itd.idaho.gov>; ITD - Stacy Simkins <stacy.simkins@itd.idaho.gov>; Jake Gabell <jgabell@priestriver-id.gov>; Janice Best <janicesb@televar.com>; Jason Johnson <jason.johnson@bonnercountyid.gov>; Jason Kimberling <jason.kimberling@itd.idaho.gov>; Jeff Lindsey <jeff.lindsey@bonnercountyid.gov>; Jessie Roe <BWSD637@gmail.com>; joekren@sd83.org; Jordan Brooks <coolinsewer@gmail.com>; KayLeigh Miller <klmiller@ponderay.org>; kbsd sewer <kbsdpl@hotmail.com>; Ken Flint <ken_flint@tcenergy.com>; Kenny Huston <kenny.huston@oer.idaho.gov>; Kim Hoodenpyle <kjh5345@gmail.com>; Kim Spacek <kimspacek@sd83.org>; Kimberly Hobson <Kimberly.Hobson@itd.idaho.gov>; Laclede Water District <info@lacledewaterdistrict.org>; Lakeland Joint School District #272 <cpursley@lakeland272.org>; Lisa Rosa <hr@ebonnerlibrary.org>; Bates, Luke <Luke.Bates@idwr.idaho.gov>; Matt Diel <matt.diel@lposd.org>; Horsmon, Merritt <merritt.horsmon@idfg.idaho.gov>; Midas Water <midaswatercorp@gmail.com>; Mike Ahmer <mahmer@idl.idaho.gov>; Mike Schacht <firedept@clarkforkidaho.gov>; Natural Resource Conservation Service - Greg Becker <greg.becker@id.usda.gov>; Navy - Glynis Casey <glynis.casey@navy.mil>; North of the Narrows Fire District <northofthenarrowsfire@gmail.com>; Northern Info <northerninfo@idwr.idaho.gov>; Northern Lights <kristin.mettke@nli.coop>; Northern Lights - Clint Brewing <clint.brewington@nli.coop>; Northside Water and Syringa Heights Water Association <allwater49@outlook.com>; Oden Water Association - Carla Poelstra <odenwater@gmail.com>; Pend Oreille Hospital District <kim.kichenmaster@bonnergeneral.org>; PHD <EHApplications@phd1.idaho.gov>; Priest Lake Public Library District <plplibrary@hotmail.com>; Richard Hash <Rich.hash2022@gmail.com>; Road & Bridge - Matt Mulder <matt.mulder@bonnercountyid.gov>; Ryan Zandhuisen <rzandhuisen@idl.idaho.gov>; Sagle Valley Water and Sewer District <saglewatersewer@gmail.com>; Sagle Valley Water & Sewer District <markc@smartplugs.com>; Sam Owen Fire Rescue Sam Owen Fire Rescue <sofd@wow-tel.net>; Sam Ross <sam.ross@nli.coop>; Sarah Gilmore <sgilmore@sandpointidaho.gov>; School District 84 Transportation - James Koehler <james.koehler@lposd.org>; SCHWEITZER FIRE DISTRICT <SchweitzerFireDistrict@gmail.com>; Selkirk Association of Realtors <danielle@selkirkaor.com>; Selkirk Recreation District <elgar@whoi.edu>; Sheryl Austin <granitereeder@gmail.com>; SOURDOUGH POINT OWNERS ASSOCIATION <sourdoughpoint@hotmail.com>; Southside Water and Sewer <southsidewaterandsewer@swsdidaho.org>; Steve Elgar <selgar@mac.com>; Superintendent School Dist 84 <kelly.fisher@lposd.org>; Symone.legg@itd.idaho.gov; Tammy Miller <tmiller@selkirkfire.com>; Tammy Miller <tmiller@selkirkfire.us>; TC Energy / TransCanada <US_crossings@tcenergy.com>; Teresa Decker <Huckleberryhoa@gmail.com>; Teresa Decker <huckbayutilities01@gmail.com>; Teresa Zamora <utilities@stoneridgeidaho.com>; Theresa Wheat <theresa@kootenai.org>; Tim Ventress <chventresswplvfd@hotmail.com>; Timberlake Fire District <Kwright@timberlakefire.com>; Tom Renzi <epfldchief@gmail.com>; US Fish & Wildlife Services <fw1idahoconsultationrequests@fws.gov>; meagan <meagan@westbonnerlibrary.org>; West Pend Oreille Fire District <wpofd1@gmail.com>

Cc: Alexander Feyen <alexander.feyen@bonnercountyid.gov>; Janna Brown <janna.brown@bonnercountyid.gov>; firebrandcoco@gmail.com; Norman M. Semanko <NSemanko@parsonsbehle.com>

Subject: Bonner County Planning - File CUP0013-23 Agency Review

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Thank you,

Jeannie Welter

Bonner County Planning Department

Systems Technician

208-265-1458

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Janna Brown <janna.brown@bonnercountyid.gov>

[EXT SENDER] Re: Bonner County Planning - File CUP0013-23 Agency Review

1 message

Symone Legg <Symone.Legg@itd.idaho.gov>

Tue, Mar 10, 2026 at 1:04 PM

To: Bonner County Planning Department <planning@bonnercountyid.gov>

Cc: Kimberly Hobson <Kimberly.Hobson@itd.idaho.gov>

ITD Permits has no comment.

Thank you,

Symone Legg | Project Coordinator
 Idaho Transportation Department | D1 Traffic
 Work: 208-772-8073 | 208.772.1297
 Email: symone.legg@itd.idaho.gov | itd.idaho.gov

*Enhancing quality of life through transportation***From:** Bonner County Planning Department <planning@bonnercountyid.gov>**Sent:** Tuesday, March 10, 2026 11:35 AM

To: Alan Brinkmeier <alan.brinkmeier@bonnercountyid.gov>; Amber Burgess <clerk@ebsewerdistrict.com>; Army Corps of Engineers <CENWW-RD-CDA@usace.army.mil>; Avista Copr - Jay West <jay.west@avistacorp.com>; Avista Corp - Peggy George <peggy.george@avistacorp.com>; Becky Meyer <becky.meyer@lpsd.org>; Bill Berg <billb@bbsewer.org>; Bonner County Assessors <assessorsgroup@bonnercountyid.gov>; BONNER COUNTY HISTORICAL SOCIETY AND MUSEUM <DIRECTOR@bonnercountyhistory.org>; Bonner County Solid Waste <solidwaste@bonnercountyid.gov>; Bonnie Schademan <bonnies@inlandpower.com>; Brenna Garro <Brenna.Garro@oer.idaho.gov>; Bryan Quayle <quaylelanduseconsulting@gmail.com>; Carrol Stejer <CASTEJER@gmail.com>; Charity Hinshaw <Charityhinshaw@sd83.org>; Chief Debbie Carpenter <chief@spirittlakefire.com>; City of Clark Fork <city@clarkforkidaho.gov>; City of Clark Fork <CityClerk1@clarkforkidaho.gov>; City of Dover <cityclerk@cityofdoveridaho.org>; City of East Hope Franck <easthope.city@gmail.com>; City of Hope <hopecityclerk@gmail.com>; City of Kootenai <cityclerk@cityofkootenai.org>; City of Oldtown <cityofoldtown@hotmail.com>; City of Sandpoint Planning <cityplanning@sandpointidaho.gov>; cityclerk@spirittlakeid.gov <cityclerk@spirittlakeid.gov>; Colleen Johnson <CJohnson@kootenaiponderaysewerdistrict.org>; Craig Hill <craighill@hillsresort.com>; D1Permits <D1Permits@itd.idaho.gov>; Dan Brown <dbrown@idl.idaho.gov>; Dan Scholz <dan.scholz@nli.coop>; Dave Schuck <dave.schuck@bonnercountyid.gov>; David LaTourette <coolinfirechief@gmail.com>; David LaTourette <Coolinfidchief@gmail.com>; Dean Davis <deandavis@sd83.org>; East Bonner Library <Amanda@ebonnerlibrary.org>; East Priest Lake Fire District <eastpriestlakefd@gmail.com>; Erik Sjoquist <esjoquist@idl.idaho.gov>; Federal Aviation Administration <Heather.pate@faa.gov>; Frankie Dunn <Frankiejduhn@hotmail.com>; Fritz Broschet <outletbaysewer@gmail.com>; Garfield Bay Water and Sewer District Clerk <garfieldbaywsd@hotmail.com>; Gavin Gilcrease <ggilcrease@sandpointidaho.gov>; ID State Historical Society - Dan Everhart <dan.everhart@ishs.idaho.gov>; Idaho Department of Environmental Quality <deqcomments@deq.idaho.gov>; Independent Hwy Dist - Julie Bishop <ihdclerk@gmail.com>; Robert Beachler <Robert.Beachler@itd.idaho.gov>; Stacy Simkins <Stacy.Simkins@itd.idaho.gov>; Jake Gabell <jgabell@priestriver-id.gov>; Janice Best <janicesb@televar.com>; Jason Johnson <jason.johnson@bonnercountyid.gov>; Jason Kimberling <Jason.Kimberling@itd.idaho.gov>; Jeff Lindsey <jeff.lindsey@bonnercountyid.gov>; Jessie Roe <BWSD637@gmail.com>; Joe Kren <joekren@sd83.org>; Jordan Brooks <coolinsewer@gmail.com>; KayLeigh Miller <klmiller@ponderay.org>; kbsd sewer <kbsdpl@hotmail.com>; Ken Flint <ken_flint@tcenergy.com>; Kenny Huston <kenny.huston@oer.idaho.gov>; Kim Hoodenpyle <kjh5345@gmail.com>; Kim Spacek <kimspacek@sd83.org>; Kimberly Hobson <Kimberly.Hobson@itd.idaho.gov>; Laclede Water District <info@lacledewaterdistrict.org>; Lakeland Joint School District #272 <cpursley@lakeland272.org>; Lisa Rosa <hr@ebonnerlibrary.org>; Luke Bates <luke.bates@idwr.idaho.gov>; Matt Diel <matt.diel@lpsd.org>; Merritt Horsmon <merritt.horsmon@idfg.idaho.gov>; Midas Water <midaswatercorp@gmail.com>; Mike Ahmer <mahmer@idl.idaho.gov>; Mike Schacht <firedept@clarkforkidaho.gov>; Natural Resource Conservation Service - Greg Becker <greg.becker@id.usda.gov>; Navy - Glynis Casey <glynis.casey@navy.mil>; North of the Narrows Fire District <northofthenarrowsfire@gmail.com>; Northern Info <northerninfo@idwr.idaho.gov>; Northern Lights <kristin.mettke@nli.coop>; Northern Lights - Clint Brewing <clint.brewington@nli.coop>; Northside Water and Syringa

Heights Water Association <allwater49@outlook.com>; Oden Water Association - Carla Poelstra <odenwater@gmail.com>;
Pend Oreille Hospital District <kim.kichenmaster@bonnergeneral.org>; PHD <EHapplications@phd1.idaho.gov>; Priest
Lake Public Library District <plplibrary@hotmail.com>; Richard Hash <Rich.hash2022@gmail.com>; Road & Bridge - Matt
Mulder <matt.mulder@bonnercountyid.gov>; Ryan Zandhuisen <rzandhuisen@idl.idaho.gov>; Sagle Valley Water and
Sewer District <saglewatersewer@gmail.com>; Sagle Valley Water & Sewer District <markc@smartplugs.com>; Sam Owen
Fire Rescue Sam Owen Fire Rescue <sofd@wow-tel.net>; Sam Ross <sam.ross@nli.coop>; Sarah Gilmore
<sgilmore@sandpointidaho.gov>; School District 84 Transportation - James Koehler <james.koehler@lposd.org>;
SCHWEITZER FIRE DISTRICT <SchweitzerFireDistrict@gmail.com>; Selkirk Association of Realtors
<danielle@selkirkar.com>; Selkirk Recreation District <elgar@whoi.edu>; Sheryl Austin <granitereeder@gmail.com>;
SOURDOUGH POINT OWNERS ASSOCIATION <sourdoughpoint@hotmail.com>; Southside Water and Sewer
<southsidewaterandsewer@swsdidaho.org>; Steve Elgar <selgar@mac.com>; Superintendent School Dist 84
<kelly.fisher@lposd.org>; Symone Legg <Symone.Legg@itd.idaho.gov>; Tammy Miller <tmiller@selkirkfire.com>; Tammy
Miller <tmiller@selkirkfire.us>; TC Energy / TransCanada <US_crossings@tcenergy.com>; Teresa Decker
<Huckleberryhoa@gmail.com>; Teresa Decker <huckbayutilities01@gmail.com>; Teresa Zamora
<utilities@stoneridgeidaho.com>; Theresa Wheat <theresa@kootenai.org>; Tim Ventress
<chventresswplvfd@hotmail.com>; Timberlake Fire District <Kwright@timberlakefire.com>; Tom Renzi
<epfldchief@gmail.com>; US Fish & Wildlife Services <fw1idahoconsultationrequests@fws.gov>; West Bonner Library
<meagan@westbonnerlibrary.org>; West Pend Oreille Fire District <wpofd1@gmail.com>
Cc: Alexander Feyen <alexander.feyen@bonnercountyid.gov>; Janna Brown <janna.brown@bonnercountyid.gov>;
firebrandcoco@gmail.com <firebrandcoco@gmail.com>; Norman M. Semanko <NSemanko@parsonsbehle.com>
Subject: Bonner County Planning - File CUP0013-23 Agency Review

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Bonner County Planning Department
Systems Technician
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Janna Brown <janna.brown@bonnercountyid.gov>

[EXT SENDER] RE: Bonner County Planning - File CUP0013-23 Agency Review

1 message

Robert Beachler <Robert.Beachler@itd.idaho.gov>
To: Bonner County Planning Department <planning@bonnercountyid.gov>

Tue, Mar 10, 2026 at 11:59 AM

No Comment from the Idaho Transportation Department.

Robert Beachler
District 1 Planning Program Manager
Idaho Transportation Department
600 W. Prairie Ave
Coeur d'Alene, ID 83815
robert.beachler@itd.idaho.gov
(208) 772-1216
Office Hours M-TH 6-4:30

From: Bonner County Planning Department <planning@bonnercountyid.gov>

Sent: Tuesday, March 10, 2026 11:35 AM

To: Alan Brinkmeier <alan.brinkmeier@bonnercountyid.gov>; Amber Burgess <clerk@ebsewerdistrict.com>; Army Corps of Engineers <CENWW-RD-CDA@usace.army.mil>; Avista Copr - Jay West <jay.west@avistacorp.com>; Avista Corp - Peggy George <peggy.george@avistacorp.com>; Becky Meyer <becky.meyer@lposd.org>; Bill Berg <billb@bbsewer.org>; Bonner County Assessors <assessorsgroup@bonnercountyid.gov>; BONNER COUNTY HISTORICAL SOCIETY AND MUSEUM <DIRECTOR@bonnercountyhistory.org>; Bonner County Solid Waste <solidwaste@bonnercountyid.gov>; Bonnie Schademan <bonnies@inlandpower.com>; Brenna Garro <Brenna.Garro@oer.idaho.gov>; Bryan Quayle <quaylelanduseconsulting@gmail.com>; Carrol Stejer <CASTEJER@gmail.com>; Charity Hinshaw <Charityhinshaw@sd83.org>; Chief Debbie Carpenter <chief@spirittlakefire.com>; City of Clark Fork <city@clarkforkidaho.gov>; City of Clark Fork <CityClerk1@clarkforkidaho.gov>; City of Dover <cityclerk@cityofdoveridaho.org>; City of East Hope Franck <easthope.city@gmail.com>; City of Hope <hopecityclerk@gmail.com>; City of Kootenai <cityclerk@cityofkootenai.org>; City of Oldtown <cityofoldtown@hotmail.com>; City of Sandpoint Planning <cityplanning@sandpointidaho.gov>; cityclerk@spirittlakeid.gov; Colleen Johnson <CJohnson@kootenaiponderaysewerdistrict.org>; Craig Hill <craighill@hillsresort.com>; D1Permits <D1Permits@itd.idaho.gov>; Dan Brown <dbrown@idl.idaho.gov>; Dan Scholz <dan.scholz@nli.coop>; Dave Schuck <dave.schuck@bonnercountyid.gov>; David LaTourette <coolinfirechief@gmail.com>; David LaTourette <Coolinfidchief@gmail.com>; Dean Davis <deandavis@sd83.org>; East Bonner Library <Amanda@ebonnerlibrary.org>; East Priest Lake Fire District <eastpriestlakefd@gmail.com>; Erik Sjoquist <esjoquist@idl.idaho.gov>; Federal Aviation Administration <Heather.pate@faa.gov>; Frankie Dunn <Frankiejdunn@hotmail.com>; Fritz Broschet <outletbaysewer@gmail.com>; Garfield Bay Water and Sewer District Clerk <garfieldbaywsd@hotmail.com>; Gavin Gilcrease <ggilcrease@sandpointidaho.gov>; ID State Historical Society - Dan Everhart <dan.everhart@ishs.idaho.gov>; Idaho Department of Environmental Quality <deqcomments@deq.idaho.gov>; Independent Hwy Dist - Julie Bishop <ihdclerk@gmail.com>; Robert Beachler <Robert.Beachler@itd.idaho.gov>; Stacy Simkins <Stacy.Simkins@itd.idaho.gov>; Jake Gabell <jgabell@priestriver-id.gov>; Janice Best <janicesb@televar.com>; Jason Johnson <jason.johnson@bonnercountyid.gov>; Jason Kimberling <Jason.Kimberling@itd.idaho.gov>; Jeff Lindsey

<jeff.lindsey@bonnercountyid.gov>; Jessie Roe <BWSD637@gmail.com>; Joe Kren <joekren@sd83.org>; Jordan Brooks <coolinsewer@gmail.com>; KayLeigh Miller <klmiller@ponderay.org>; kbsd sewer <kbsdpl@hotmail.com>; Ken Flint <ken_flint@tcenergy.com>; Kenny Huston <kenny.huston@oer.idaho.gov>; Kim Hoodenpyle <kjh5345@gmail.com>; Kim Spacek <kimspacek@sd83.org>; Kimberly Hobson <Kimberly.Hobson@itd.idaho.gov>; Laclede Water District <info@lacledewaterdistrict.org>; Lakeland Joint School District #272 <cpursley@lakeland272.org>; Lisa Rosa <hr@ebonnerlibrary.org>; Luke Bates <luke.bates@idwr.idaho.gov>; Matt Diel <matt.diel@lposd.org>; Merritt Horsmon <merritt.horsmon@idfg.idaho.gov>; Midas Water <midaswatercorp@gmail.com>; Mike Ahmer <mahmer@idl.idaho.gov>; Mike Schacht <firedept@clarkforkidaho.gov>; Natural Resource Conservation Service - Greg Becker <greg.becker@id.usda.gov>; Navy - Glynis Casey <glynis.casey@navy.mil>; North of the Narrows Fire District <northofthenarrowsfire@gmail.com>; Northern Info <northerninfo@idwr.idaho.gov>; Northern Lights <kristin.mettke@nli.coop>; Northern Lights - Clint Brewing <clint.brewington@nli.coop>; Northside Water and Syringa Heights Water Association <allwater49@outlook.com>; Oden Water Association - Carla Poelstra <odenwater@gmail.com>; Pend Oreille Hospital District <kim.kichenmaster@bonnergeneral.org>; PHD <EHApplications@phd1.idaho.gov>; Priest Lake Public Library District <plplibrary@hotmail.com>; Richard Hash <Rich.hash2022@gmail.com>; Road & Bridge - Matt Mulder <matt.mulder@bonnercountyid.gov>; Ryan Zandhuisen <rzanhuisen@idl.idaho.gov>; Sagle Valley Water and Sewer District <saglewatersewer@gmail.com>; Sagle Valley Water & Sewer District <markc@smartplugs.com>; Sam Owen Fire Rescue Sam Owen Fire Rescue <sofd@wow-tel.net>; Sam Ross <sam.ross@nli.coop>; Sarah Gilmore <sgilmore@sandpointidaho.gov>; School District 84 Transportation - James Koehler <james.koehler@lposd.org>; SCHWEITZER FIRE DISTRICT <SchweitzerFireDistrict@gmail.com>; Selkirk Association of Realtors <danielle@selkirkaor.com>; Selkirk Recreation District <elgar@whoi.edu>; Sheryl Austin <granitereeder@gmail.com>; SOURDOUGH POINT OWNERS ASSOCIATION <sourdoughpoint@hotmail.com>; Southside Water and Sewer <southsidewaterandsewer@swsdidaho.org>; Steve Elgar <selgar@mac.com>; Superintendent School Dist 84 <kelly.fisher@lposd.org>; Symone Legg <Symone.Legg@itd.idaho.gov>; Tammy Miller <tmiller@selkirkfire.com>; Tammy Miller <tmiller@selkirkfire.us>; TC Energy / TransCanada <US_crossings@tcenergy.com>; Teresa Decker <Huckleberryhoa@gmail.com>; Teresa Decker <huckbayutilities01@gmail.com>; Teresa Zamora <utilities@stoneridgeidaho.com>; Theresa Wheat <theresa@kootenai.org>; Tim Ventress <chventresswplvfd@hotmail.com>; Timberlake Fire District <Kwright@timberlakefire.com>; Tom Renzi <epifdchief@gmail.com>; US Fish & Wildlife Services <fw1idahoconsultationrequests@fws.gov>; West Bonner Library <meagan@westbonnerlibrary.org>; West Pend Oreille Fire District <wpofd1@gmail.com>;
Cc: Alexander Feyen <alexander.feyen@bonnercountyid.gov>; Janna Brown <janna.brown@bonnercountyid.gov>; firebrandcoco@gmail.com; Norman M. Semanko <NSemanko@parsonsbehle.com>
Subject: Bonner County Planning - File CUP0013-23 Agency Review

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

The above-named application has been submitted to the Bonner County Planning Department for processing.

Please review the application relative to your agency's area of expertise and include any recommended conditions of approval and supporting code sections. Please see attached for details.

Thank you,

Jeannie Welter

Bonner County Planning Department

Systems Technician

208-265-1458

Now Live: Apply for Your Building Location Permit Online!

We're making building easier! You can now apply for your **Building Location Permit** quickly and securely through our **new citizen online portal**, available 24/7 from the comfort of your home or office. You can also apply on one of the kiosks provided in the Planning Department office, located in the County Administrative Building, Suite 208.

Fast & easy application process

Track your permit status in real time

Upload documents directly

Visit <https://bonnercountyid-energovweb.tylerhost.net/apps/selfservice#/home> **to get started today!**

Effective July 1, 2025, all Building Location Permits must be applied for through the online citizen portal and we will no longer be accepting applications sent via email or printed paper applications. Have questions? Call 208-265-1458, our team is ready to help.

Build smarter. Apply online.

[Online Application Guide](#)



Janna Brown <janna.brown@bonnercountyid.gov>

RE: Bonner County Planning - File CUP0013-23 Agency Review

1 message

'KPSD Clerk' via Mail-Planning <planning@bonnercountyid.gov>
Reply-To: KPSD Clerk <clerk@kootenaiponderaysewerdistrict.org>
To: planning@bonnercountyid.gov

Tue, Mar 10, 2026 at 12:32 PM

Attached is the District's response to the above-named file.

Beate Pryor

Clerk - Administrative Assistant
Kootenai-Ponderay Sewer District
511 Whiskey Jack Road Sandpoint, ID 83864
Office Hours: 8:30 am – 5:00 pm, Monday through Thursday
Phone: 208.263.0229

From: Colleen Johnson <CJohnson@kootenaiponderaysewerdistrict.org>
Sent: Tuesday, March 10, 2026 11:52 AM
To: KPSD Clerk <clerk@kootenaiponderaysewerdistrict.org>
Subject: FW: Bonner County Planning - File CUP0013-23 Agency Review

NOTICE OF CHANGE IN HOURS: THE OFFICE WILL BE CLOSED ON FRIDAYS. WE WILL BE OPEN NORMAL HOURS MONDAY THRU THURSDAY.

Colleen Johnson**Business Office Manager****Kootenai-Ponderay Sewer District****208-263-0229 Fax – 208-265-5326 Mobile: 208-304-5820****511 Whiskey Jack Road Sandpoint, Idaho 83864****P.O. Box 562, Kootenai, ID 83840****“Dance with Life”**



From: Bonner County Planning Department <planning@bonnercountyid.gov>

Sent: Tuesday, March 10, 2026 11:35 AM

To: Alan Brinkmeier <alan.brinkmeier@bonnercountyid.gov>; Amber Burgess <clerk@ebsewerdistrict.com>; Army Corps of Engineers <CENWW-RD-CDA@usace.army.mil>; Avista Copr - Jay West <jay.west@avistacorp.com>; Avista Corp - Peggy George <peggy.george@avistacorp.com>; Becky Meyer <becky.meyer@lposd.org>; Bill Berg <billb@bbsewer.org>; Bonner County Assessors <assessorsgroup@bonnercountyid.gov>; BONNER COUNTY HISTORICAL SOCIETY AND MUSEUM <DIRECTOR@bonnercountyhistory.org>; Bonner County Solid Waste <solidwaste@bonnercountyid.gov>; Bonnie Schademan <bonnies@inlandpower.com>; Brenna Garro <Brenna.Garro@oer.idaho.gov>; Bryan Quayle <quaylelanduseconsulting@gmail.com>; Carrol Stejer <CASTEJER@gmail.com>; Charity Hinshaw <Charityhinshaw@sd83.org>; Chief Debbie Carpenter <chief@spiritleakefire.com>; City of Clark Fork <city@clarkforkidaho.gov>; City of Clark Fork <CityClerk1@clarkforkidaho.gov>; City of Dover <cityclerk@cityofdoveridaho.org>; City of East Hope Franck <easthope.city@gmail.com>; City of Hope <hopecityclerk@gmail.com>; City of Kootenai <cityclerk@cityofkootenai.org>; City of Oldtown <cityofoldtown@hotmail.com>; City of Sandpoint Planning <cityplanning@sandpointidaho.gov>; cityclerk@spiritleakeid.gov; Colleen Johnson <CJohnson@kootenaiponderaysewerdistrict.org>; Craig Hill <craighill@hillsresort.com>; D1Permits <D1Permits@itd.idaho.gov>; Dan Brown <dbrown@idl.idaho.gov>; Dan Scholz <dan.scholz@nli.coop>; Dave Schuck <dave.schuck@bonnercountyid.gov>; David LaTourette <coolinfirechief@gmail.com>; David LaTourette <Coolinfidchief@gmail.com>; Dean Davis <deandavis@sd83.org>; East Bonner Library <Amanda@ebonnerlibrary.org>; East Priest Lake Fire District <eastpriestlakefd@gmail.com>; Erik Sjoquist <esjoquist@idl.idaho.gov>; Federal Aviation Administration <Heather.pate@faa.gov>; Frankie Dunn <Frankiejduhn@hotmail.com>; Fritz Broschet <outletbaysewer@gmail.com>; Garfield Bay Water and Sewer District Clerk <garfieldbaywsd@hotmail.com>; Gavin Gilcrease <ggilcrease@sandpointidaho.gov>; ID State Historical Society - Dan Everhart <dan.everhart@ishs.idaho.gov>; Idaho Department of Environmental Quality <deqcomments@deq.idaho.gov>; Independent Hwy Dist - Julie Bishop <ihdclerk@gmail.com>; ITD - Robert Beachler <robert.beachler@itd.idaho.gov>; ITD - Stacy Simkins <stacy.simkins@itd.idaho.gov>; Jake Gabell <jgabell@priestriver-id.gov>; Janice Best <janicesb@televar.com>; Jason Johnson <jason.johnson@bonnercountyid.gov>; Jason Kimberling <jason.kimberling@itd.idaho.gov>; Jeff Lindsey <jeff.lindsey@bonnercountyid.gov>; Jessie Roe <BWSD637@gmail.com>; Joe Kren <joekren@sd83.org>; Jordan Brooks <coolinsewer@gmail.com>; Kayleigh Miller <kllmiller@ponderay.org>; kbsd sewer <kbsdpl@hotmail.com>; Ken Flint <ken_flint@tcenergy.com>; Kenny Huston <kenny.huston@oer.idaho.gov>; Kim Hoodenpyle <kjh5345@gmail.com>; Kim Spacek <kimspacek@sd83.org>; Kimberly Hobson <Kimberly.Hobson@itd.idaho.gov>; Laclede Water District <info@lacledewaterdistrict.org>; Lakeland Joint School District #272 <cpursley@lakeland272.org>; Lisa Rosa <hr@ebonnerlibrary.org>; Luke Bates <luke.bates@idwr.idaho.gov>; Matt Diel <matt.diel@lposd.org>; Merritt Horsmon <merritt.horsmon@idfg.idaho.gov>; Midas Water <midaswatercorp@gmail.com>; Mike Ahmer <mahmer@idl.idaho.gov>; Mike Schacht <firedept@clarkforkidaho.gov>; Natural Resource Conservation Service - Greg Becker <greg.becker@id.usda.gov>; Navy - Glynis Casey <glynis.casey@navy.mil>; North of the Narrows Fire District <northofthenarrowsfire@gmail.com>; Northern Info <northerninfo@idwr.idaho.gov>; Northern Lights <kristin.mettke@nli.coop>; Northern Lights - Clint Brewing <clint.brewington@nli.coop>; Northside Water and Syringa Heights Water Association <allwater49@outlook.com>; Oden Water Association - Carla Poelstra <odenwater@gmail.com>; Pend Oreille Hospital District <kim.kichenmaster@bonnergeneral.org>; PHD <EHApplications@phd1.idaho.gov>; Priest Lake Public Library District <plplibrary@hotmail.com>; Richard Hash <Rich.hash2022@gmail.com>; Road & Bridge - Matt Mulder <matt.mulder@bonnercountyid.gov>; Ryan Zandhuisen <rzandhuisen@idl.idaho.gov>; Sagle Valley Water and Sewer District <saglewatersewer@gmail.com>; Sagle Valley Water & Sewer District <markc@smartplugs.com>; Sam Owen Fire Rescue Sam Owen Fire Rescue <safd@wow-tel.net>; Sam Ross <sam.ross@nli.coop>; Sarah Gilmore <sgilmore@sandpointidaho.gov>; School District 84 Transportation - James Koehler <james.koehler@lposd.org>; SCHWEITZER FIRE DISTRICT <SchweitzerFireDistrict@gmail.com>; Selkirk Association of Realtors <danielle@selkirkaor.com>; Selkirk Recreation District <elgar@whoi.edu>; Sheryl Austin <granitereeder@gmail.com>; SOURDOUGH POINT OWNERS ASSOCIATION <sourdoughpoint@hotmail.com>; Southside Water and Sewer <southsidewaterandsewer@swsdidaho.org>; Steve Elgar <selgar@mac.com>; Superintendent School Dist 84 <kelly.fisher@lposd.org>; Symone.legg@itd.idaho.gov; Tammy Miller <tmiller@selkirkfire.com>; Tammy Miller <tmiller@selkirkfire.us>; TC Energy / TransCanada <US_crossings@tcenergy.com>; Teresa Decker <Huckleberryhoa@gmail.com>; Teresa Decker <huckbayutilities01@gmail.com>; Teresa Zamora <utilities@stoneridgeidaho.com>; Theresa Wheat <theresa@kootenai.org>; Tim Ventress

<chventresswplvfd@hotmail.com>; Timberlake Fire District <Kwright@timberlakefire.com>; Tom Renzi <epbfdchief@gmail.com>; US Fish & Wildlife Services <fw1idahoconsultationrequests@fws.gov>; West Bonner Library <meagan@westbonnerlibrary.org>; West Pend Oreille Fire District <wpofd1@gmail.com>
Cc: Alexander Feyen <alexander.feyen@bonnercountyid.gov>; Janna Brown <janna.brown@bonnercountyid.gov>; firebrandcoco@gmail.com; Norman M. Semanko <NSemanko@parsonsbehle.com>
Subject: Bonner County Planning - File CUP0013-23 Agency Review

The above-named application has been submitted to the Bonner County Planning Department for processing.

Please review the application relative to your agency's area of expertise and include any recommended conditions of approval and supporting code sections. Please see attached for details.

Thank you,

Jeannie Welter

Bonner County Planning Department

Systems Technician

208-265-1458

Now Live: Apply for Your Building Location Permit Online!

We're making building easier! You can now apply for your **Building Location Permit** quickly and securely through our **new citizen online portal**, available 24/7 from the comfort of your home or office. You can also apply on one of the kiosks provided in the Planning Department office, located in the County Administrative Building, Suite 208.

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Track your permit status in real time
Upload documents directly

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Build smarter. Apply online.

[Online Application Guide](#)



2026_03_CUPOO13-23_Conditional Permit.pdf
180K

NOTICE OF PUBLIC HEARING



I hereby certify that a true and correct copy of this "Notice of Public Hearing" was digitally transmitted or mailed (postage prepaid) on this **10th** day of **March 2026**.

Jeannie L Welter

Jeannie Welter, Systems Technician

This notice was mailed to political subdivisions, property owners within 300 feet of the subject property, and the media on **Tuesday, March 10, 2026**.

NOTICE IS HEREBY GIVEN that the Bonner County Commissioners will hold a public hearing at **10:00 am on Thursday, April 16, 2026** in the Bonner County Administration Building, 1500 Highway 2, Sandpoint, Idaho, by Zoom teleconference, and YouTube Livestream to consider the following request:

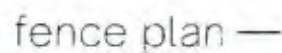
File CUP0013-23 - Conditional Use Permit - Private Community Facility. The applicants are requesting a Conditional Use Permit for a private community facility. The project site is 20.006 acres, located in Cocolalla. The property is zoned Rural 5. The project is located off Roop Road in Section 13, Township 55 North, Range 3 West, Boise-Meridian. The Hearing Examiner, at the October 11, 2023, public hearing recommended that the file be heard by the Zoning Commission. The Zoning Commission at the public hearing on February 15, 2024, approved this file. The file was appealed and heard by the Board of County Commissioners who upheld the decision of the Zoning Commission. Upon request, the decision was reconsidered and affirmed by the Board of County Commissioners on June 13, 2024. The file was sent to Judicial Review where the Court remanded the file back to Bonner County for further proceedings.

Written statements must be submitted to the planning department record no later than seven (7) days prior to the public hearing. Written statements not exceeding one standard letter sized, single spaced page may be submitted at the public hearing. Statements can be sent to the Bonner County Planning Department at 1500 Highway 2, Suite 208, Sandpoint, Idaho 83864; faxed to 866-537-4935 or e-mailed to planning@bonnercountyid.gov. The referenced start time stated above reflects the beginning of the hearing. Specific file start time and hearing duration vary.

During the hearing for this application, the public will be given an opportunity to provide testimony and/or evidence regarding how the proposal does or does not comply with the applicable approval criteria of the Bonner County Revised Code. At the close of the public hearing, the governing body will make a decision on the application that may include, but is not limited to, approval, denial, remand, or continuance of the public hearing. Any person needing special accommodations to participate in the public hearing should contact the Bonner County Planning Department at (208) 265-1458 at least 48 hours prior to the scheduled hearing.

If you have no comment or response, you may indicate below and return this form to the Planning Department.

NO COMMENT Kootenai-Ponderay Sewer District 3/10/2026
Name Date
out of boundaries.


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 \end{aligned}$$



Janna Brown <janna.brown@bonnercountyid.gov>

Re: [EXTERNAL] Bonner County Planning - File CUP0013-23 Agency Review

1 message

'Ken Flint' via Mail-Planning <planning@bonnercountyid.gov>

Wed, Mar 18, 2026 at 8:10 AM

Reply-To: Ken Flint <ken_flint@tcenergy.com>

To: Bonner County Planning Department <planning@bonnercountyid.gov>

No comment for TC Energy/ Not near pipeline.

Ken

From: Bonner County Planning Department <planning@bonnercountyid.gov>**Sent:** Tuesday, March 10, 2026 11:35 AM

To: Alan Brinkmeier <alan.brinkmeier@bonnercountyid.gov>; Amber Burgess <clerk@ebsewerdistrict.com>; Army Corps of Engineers <CENWW-RD-CDA@usace.army.mil>; Avista Copr - Jay West <jay.west@avistacorp.com>; Avista Corp - Peggy George <peggy.george@avistacorp.com>; Becky Meyer <becky.meyer@lposd.org>; Bill Berg <billb@bbsewer.org>; Bonner County Assessors <assessorsgroup@bonnercountyid.gov>; BONNER COUNTY HISTORICAL SOCIETY AND MUSEUM <DIRECTOR@bonnercountyhistory.org>; Bonner County Solid Waste <solidwaste@bonnercountyid.gov>; Bonnie Schademan <bonnies@inlandpower.com>; Brenna Garro <Brenna.Garro@oer.idaho.gov>; Bryan Quayle <quaylelanduseconsulting@gmail.com>; Carrol Stejer <CASTEJER@gmail.com>; Charity Hinshaw <Charityhinshaw@sd83.org>; Chief Debbie Carpenter <chief@spirittlakefire.com>; City of Clark Fork <city@clarkforkidaho.gov>; City of Clark Fork <CityClerk1@clarkforkidaho.gov>; City of Dover <cityclerk@cityofdoveridaho.org>; City of East Hope Franck <easthope.city@gmail.com>; City of Hope <hopecityclerk@gmail.com>; City of Kootenai <cityclerk@cityofkootenai.org>; City of Oldtown <cityofoldtown@hotmail.com>; City of Sandpoint Planning <cityplanning@sandpointidaho.gov>; cityclerk@spirittlakeid.gov <cityclerk@spirittlakeid.gov>; Colleen Johnson <CJohnson@kootenaiponderaysewerdistrict.org>; Craig Hill <craighill@hillsresort.com>; D1Permits <D1Permits@itd.idaho.gov>; Dan Brown <dbrown@idl.idaho.gov>; Dan Scholz <dan.scholz@nli.coop>; Dave Schuck <dave.schuck@bonnercountyid.gov>; David LaTourette <coolinfirechief@gmail.com>; David LaTourette <Coolinfchief@gmail.com>; Dean Davis <deandavis@sd83.org>; East Bonner Library <Amanda@ebonnerlibrary.org>; East Priest Lake Fire District <eastpriestlakefd@gmail.com>; Erik Sjoquist <esjoquist@idl.idaho.gov>; Federal Aviation Administration <Heather.pate@faa.gov>; Frankie Dunn <Frankiejduhn@hotmail.com>; Fritz Broschet <outletbaysewer@gmail.com>; Garfield Bay Water and Sewer District Clerk <garfieldbaywsd@hotmail.com>; Gavin Gilcrease <ggilcrease@sandpointidaho.gov>; ID State Historical Society - Dan Everhart <dan.everhart@ishs.idaho.gov>; Idaho Department of Environmental Quality <deqcomments@deq.idaho.gov>; Independent Hwy Dist - Julie Bishop <ihdclerk@gmail.com>; ITD - Robert Beachler <robert.beachler@itd.idaho.gov>; ITD - Stacy Simkins <stacy.simkins@itd.idaho.gov>; Jake Gabell <jgabell@priestriver-id.gov>; Janice Best <janicesb@televar.com>; Jason Johnson <jason.johnson@bonnercountyid.gov>; Jason Kimberling <jason.kimberling@itd.idaho.gov>; Jeff Lindsey <jeff.lindsey@bonnercountyid.gov>; Jessie Roe <BWSD637@gmail.com>; Joe Kren <joekren@sd83.org>; Jordan Brooks <coolinsewer@gmail.com>; KayLeigh Miller <klmiller@ponderay.org>; kbsd sewer <kbsdpl@hotmail.com>; Ken Flint <ken_flint@tcenergy.com>; Kenny Huston <kenny.huston@oer.idaho.gov>; Kim Hoodenpyle <kjh5345@gmail.com>; Kim Spacek <kimspacek@sd83.org>; Kimberly Hobson <Kimberly.Hobson@itd.idaho.gov>; Laclede Water District <info@lacedewaterdistrict.org>; Lakeland Joint School District #272 <cpursley@lakeland272.org>; Lisa Rosa <hr@ebonnerlibrary.org>; Luke Bates <luke.bates@idwr.idaho.gov>; Matt Diel <matt.diel@lposd.org>; Merritt Horsmon <merritt.horsmon@idfg.idaho.gov>; Midas Water <midaswatercorp@gmail.com>; Mike Ahmer <mahmer@idl.idaho.gov>; Mike Schacht <firedept@clarkforkidaho.gov>; Natural Resource Conservation Service -

Greg Becker <greg.becker@id.usda.gov>; Navy - Glynis Casey <glynis.casey@navy.mil>; North of the Narrows Fire District <northofthenarrowsfire@gmail.com>; Northern Info <northerninfo@idwr.idaho.gov>; Northern Lights <kristin.mettke@nli.coop>; Northern Lights - Clint Brewing <clint.brewington@nli.coop>; Northside Water and Syringa Heights Water Association <allwater49@outlook.com>; Oden Water Association - Carla Poelstra <odenwater@gmail.com>; Pend Oreille Hospital District <kim.kichenmaster@bonnergeneral.org>; PHD <EApplications@phd1.idaho.gov>; Priest Lake Public Library District <plplibrary@hotmail.com>; Richard Hash <Rich.hash2022@gmail.com>; Road & Bridge - Matt Mulder <matt.mulder@bonnercountyid.gov>; Ryan Zandhuisen <rzandhuisen@idl.idaho.gov>; Sagle Valley Water and Sewer District <saglewatersewer@gmail.com>; Sagle Valley Water & Sewer District <markc@smartplugs.com>; Sam Owen Fire Rescue Sam Owen Fire Rescue <sofd@wow-tel.net>; Sam Ross <sam.ross@nli.coop>; Sarah Gilmore <sgilmore@sandpointidaho.gov>; School District 84 Transportation - James Koehler <james.koehler@lposd.org>; SCHWEITZER FIRE DISTRICT <SchweitzerFireDistrict@gmail.com>; Selkirk Association of Realtors <danielle@selkirkaor.com>; Selkirk Recreation District <elgar@whoi.edu>; Sheryl Austin <granitereeder@gmail.com>; SOURDOUGH POINT OWNERS ASSOCIATION <sourdoughpoint@hotmail.com>; Southside Water and Sewer <southsidewaterandsewer@swsdidaho.org>; Steve Elgar <selgar@mac.com>; Superintendent School Dist 84 <kelly.fisher@lposd.org>; Symone.legg@itd.idaho.gov <Symone.legg@itd.idaho.gov>; Tammy Miller <tmiller@selkirkfire.com>; Tammy Miller <tmiller@selkirkfire.us>; US Crossings <us_crossings@tcenergy.com>; Teresa Decker <Huckleberryhoa@gmail.com>; Teresa Decker <huckbayutilities01@gmail.com>; Teresa Zamora <utilities@stoneridgeidaho.com>; Theresa Wheat <theresa@kootenai.org>; Tim Ventress <chventresswplvfd@hotmail.com>; Timberlake Fire District <Kwright@timberlakefire.com>; Tom Renzi <epifdchief@gmail.com>; US Fish & Wildlife Services <fw1idahoconsultationrequests@fws.gov>; West Bonner Library <meagan@westbonnerlibrary.org>; West Pend Oreille Fire District <wpofd1@gmail.com>
Cc: Alexander Feyen <alexander.feyen@bonnercountyid.gov>; Janna Brown <janna.brown@bonnercountyid.gov>; firebrandcoco@gmail.com <firebrandcoco@gmail.com>; Norman M. Semanko <NSemanko@parsonsbehle.com>
Subject: [EXTERNAL] Bonner County Planning - File CUP0013-23 Agency Review

EXTERNAL EMAIL: PROCEED WITH CAUTION.

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The above-named application has been submitted to the Bonner County Planning Department for processing.

Please review the application relative to your agency's area of expertise and include any recommended conditions of approval and supporting code sections. Please see attached for details.

Thank you,

Jeannie Welter
Bonner County Planning Department
Systems Technician
208-265-1458

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Maya Johnson <maya.johnson@bonnercountyid.gov>

[EXT SENDER] RE: Bonner County Planning - File CUP0013-23 Agency Review

Horsmon, Merritt <merritt.horsmon@idfg.idaho.gov>

Thu, Apr 2, 2026 at 3:15 PM

To: Bonner County Planning Department <planning@bonnercountyid.gov>

Good afternoon,

The Idaho Department of Fish and Game does not have any comments to submit for this application.

Thank you for the opportunity to review and comment,

Merritt Horsmon

Regional Technical Assistance Manager

Panhandle Region

2885 W. Kathleen Ave.

[Coeur d'Alene, ID 83815](#)

208.769.1414 office

208.251.4509 mobile

merritt.horsmon@idfg.idaho.gov



From: Bonner County Planning Department <planning@bonnercountyid.gov>

Sent: Tuesday, March 10, 2026 11:35 AM

To: Alan Brinkmeier <alan.brinkmeier@bonnercountyid.gov>; Amber Burgess <clerk@ebsewerdistrict.com>; Army Corps of Engineers <CENWW-RD-CDA@usace.army.mil>; Avista Copr - Jay West

<jay.west@avistacorp.com>; Avista Corp - Peggy George <peggy.george@avistacorp.com>; Becky Meyer <becky.meyer@lposd.org>; Bill Berg <billb@bbsewer.org>; Bonner County Assessors <assessorsgroup@bonnercountyid.gov>; BONNER COUNTY HISTORICAL SOCIETY AND MUSEUM <DIRECTOR@bonnercountyhistory.org>; Bonner County Solid Waste <solidwaste@bonnercountyid.gov>;

Bonnie Schademan <bonnies@inlandpower.com>; Brenna Garro <Brenna.Garro@oer.idaho.gov>; Bryan Quayle

<quaylelanduseconsulting@gmail.com>; Carrol Stejer <CASTEJER@gmail.com>; charityhinshaw@sd83.org; Chief Debbie Carpenter <chief@spirittlakefire.com>; City of Clark Fork <city@clarkforkidaho.gov>; City of Clark Fork <CityClerk1@clarkforkidaho.gov>; City of Dover <cityclerk@cityofdoveridaho.org>; City of East Hope Franck <easthope.city@gmail.com>; City of Hope <hopecityclerk@gmail.com>; City of Kootenai <cityclerk@cityofkootenai.org>; City of Oldtown <cityofoldtown@hotmail.com>; City of Sandpoint Planning <cityplanning@sandpointidaho.gov>; cityclerk@spirittlakeid.gov; Colleen Johnson <CJohnson@kootenaiponderaysewerdistrict.org>; Craig Hill <craighill@hillsresort.com>; D1Permits <D1Permits@itd.idaho.gov>; dbrown@idl.idaho.gov; Dan Scholz <dan.scholz@nli.coop>; Dave Schuck <dave.schuck@bonnercountyid.gov>; David LaTourette <coolinfirechief@gmail.com>; David LaTourette <Coolinfchief@gmail.com>; Dean Davis <deandavis@sd83.org>; East Bonner Library <Amanda@ebonnerlibrary.org>; East Priest Lake Fire District <eastpriestlakefd@gmail.com>; Erik Sjoquist <esjoquist@idl.idaho.gov>; Federal Aviation Administration <Heather.pate@faa.gov>; Frankie Dunn <Frankiejduhn@hotmail.com>; Fritz Broschet <outletbaysewer@gmail.com>; Garfield Bay Water and Sewer District Clerk <garfieldbaywsd@hotmail.com>; Gavin Gilcrease <ggilcrease@sandpointidaho.gov>; Dan Everhart <Dan.Everhart@ishs.idaho.gov>; DEQ Comments <deqcomments@deq.idaho.gov>; Independent Hwy Dist - Julie Bishop <ihdclerk@gmail.com>; Robert Beachler <robert.beachler@itd.idaho.gov>; ITD - Stacy Simkins <stacy.simkins@itd.idaho.gov>; Jake Gabell <jgabell@priestriver-id.gov>; Janice Best <janicesb@televar.com>; Jason Johnson <jason.johnson@bonnercountyid.gov>; Jason Kimberling <jason.kimberling@itd.idaho.gov>; Jeff Lindsey <jeff.lindsey@bonnercountyid.gov>; Jessie Roe <BWSD637@gmail.com>; joekren@sd83.org; Jordan Brooks <coolinsewer@gmail.com>; KayLeigh Miller <klmiller@ponderay.org>; kbsd sewer <kbsdpl@hotmail.com>; Ken Flint <ken_flint@tcenergy.com>; Kenny Huston <kenny.huston@oer.idaho.gov>; Kim Hoodenpyle <kjh5345@gmail.com>; Kim Spacek <kimspacek@sd83.org>; Kimberly Hobson <Kimberly.Hobson@itd.idaho.gov>; Laclede Water District <info@lacedewaterdistrict.org>; Lakeland Joint School District #272 <cpursley@lakeland272.org>; Lisa Rosa <hr@ebonnerlibrary.org>; Bates, Luke <Luke.Bates@idwr.idaho.gov>; Matt Diel <matt.diel@lposd.org>; Horsmon, Merritt <merritt.horsmon@idfg.idaho.gov>; Midas Water <midaswatercorp@gmail.com>; Mike Ahmer <mahmer@idl.idaho.gov>; Mike Schacht <firedept@clarkforkidaho.gov>; Natural Resource Conservation Service - Greg Becker <greg.becker@id.usda.gov>; Navy - Glynis Casey <glynis.casey@navy.mil>; North of the Narrows Fire District <northofthenarrowsfire@gmail.com>; Northern Info <northerninfo@idwr.idaho.gov>; Northern Lights <kristin.mettke@nli.coop>; Northern Lights - Clint Brewing <clint.brewington@nli.coop>; Northside Water and Syringa Heights Water Association <allwater49@outlook.com>; Oden Water Association - Carla Poelstra <odenwater@gmail.com>; Pend Oreille Hospital District <kim.kichenmaster@bonnergeneral.org>; PHD <EHApplications@phd1.idaho.gov>; Priest Lake Public Library District <plplibrary@hotmail.com>; Richard Hash <Rich.hash2022@gmail.com>; Road & Bridge - Matt Mulder <matt.mulder@bonnercountyid.gov>; Ryan Zandhuisen <rzandhuisen@idl.idaho.gov>; Sagle Valley Water and Sewer District <saglewatersewer@gmail.com>; Sagle Valley Water & Sewer District <markc@smartplugs.com>; Sam Owen Fire Rescue Sam Owen Fire Rescue <sofd@wow-tel.net>; Sam Ross <sam.ross@nli.coop>; Sarah Gilmore <sgilmore@sandpointidaho.gov>; School District 84 Transportation - James Koehler <james.koehler@lposd.org>; SCHWEITZER FIRE DISTRICT <SchweitzerFireDistrict@gmail.com>; Selkirk Association of Realtors <danielle@selkirkaor.com>; Selkirk Recreation District <elgar@whoi.edu>; Sheryl Austin <granitereeder@gmail.com>; SOURDOUGH POINT OWNERS ASSOCIATION <sourdoughpoint@hotmail.com>; Southside Water and Sewer <southsidewaterandsewer@swsdidaho.org>; Steve Elgar <selgar@mac.com>; Superintendent School Dist 84 <kelly.fisher@lposd.org>; Symone.legg@itd.idaho.gov; Tammy Miller <tmiller@selkirkfire.com>; Tammy Miller <tmiller@selkirkfire.us>; TC Energy / TransCanada <US_crossings@tcenergy.com>; Teresa Decker <Huckleberryhoa@gmail.com>; Teresa Decker <huckbayutilities01@gmail.com>; Teresa Zamora <utilities@stoneridgeidaho.com>; Theresa Wheat <theresa@kootenai.org>; Tim Ventress <chventresswplvfd@hotmail.com>; Timberlake Fire District <Kwright@timberlakefire.com>; Tom Renzi <epifdchief@gmail.com>; US Fish & Wildlife Services <fw1idahoconsultationrequests@fws.gov>; meagan <meagan@westbonnerlibrary.org>; West Pend Oreille Fire District <wpofd1@gmail.com>

Cc: Alexander Feyen <alexander.feyen@bonnercountyid.gov>; Janna Brown <janna.brown@bonnercountyid.gov>; firebrandcoco@gmail.com; Norman M. Semanko <NSemanko@parsonsbehle.com>

Subject: Bonner County Planning - File CUP0013-23 Agency Review

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

The above-named application has been submitted to the Bonner County Planning Department for processing.

Please review the application relative to your agency's area of expertise and include any recommended conditions of approval and supporting code sections. Please see attached for details.

Thank you,

Jeannie Welter

Bonner County Planning Department

Systems Technician

208-265-1458

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[Online Application Guide](#)



Maya Johnson <maya.johnson@bonnercountyid.gov>

[EXT SENDER] CUP0013-23 - Agency comments

Jeff Armstrong <jarmstrong@selkirkfire.us>

Tue, Mar 31, 2026 at 7:00 AM

To: Bonner County Planning <planning@bonnercountyid.gov>

CUP0012-23

Firebrand LLC

Selkirk Fire Rescue – Agency Comments

My assessment of this project has not fundamentally changed since my original comments submitted on June 10th, 2024. However, my comments were not very detailed, as I expected to attend a hearing several weeks later. This was also during the time I was moving from Deputy Chief, to Fire Chief of Selkirk. I don't recall what rank I was when I visited the site and may not have been the fire code official at that time.

What I want to clarify to the County, Community and applicant is - this is a **commercial occupancy (mixed)**, as defined under the International Fire Code (Assembly & Business) and all applicable sections of the 2018 Code (which is State law), will apply regardless of zoning.

A summary of fire related concerns/requirements are:

- Although roads are adequate per the fire code, parking will need to be monitored and enforced
- Impacts to Roop Rd, including backups and parking, if not monitored, could cause delays in emergency response (recommend dedicated parking staff)
- Required: fire extinguishers throughout
- Open Flame restrictions
- Tent certifications required (NFPA 701)
- Establish clear egress paths + lighting
- A site-specific emergency plan will be required
- Applicant to maintain defensible space from vegetation (30–100 ft)

A fire & life safety inspection is also required prior to operation.

These were discussed with the applicant back in 2024 and should not be a surprise.

Thank you.

Jeff Armstrong

Fire Chief at Selkirk Fire Rescue & EMS

208-263-7929 | selkirkfire.us



NOTICE OF PUBLIC HEARING



I hereby certify that a true and correct copy of this "Notice of Public Hearing" was digitally transmitted or mailed (postage prepaid) on this **10th** day of **March 2026**.

Jeannie L Welter

Jeannie Welter, Systems Technician

This notice was mailed to political subdivisions, property owners within 300 feet of the subject property, and the media on **Tuesday, March 10, 2026**.

NOTICE IS HEREBY GIVEN that the Bonner County Commissioners will hold a public hearing at **10:00 am on Thursday, April 16, 2026** in the Bonner County Administration Building, 1500 Highway 2, Sandpoint, Idaho, by Zoom teleconference, and YouTube Livestream to consider the following request:

File CUP0013-23 - Conditional Use Permit - Private Community Facility. The applicants are requesting a Conditional Use Permit for a private community facility. The project site is 20.006 acres, located in Cocolalla. The property is zoned Rural 5. The project is located off Roop Road in Section 13, Township 55 North, Range 3 West, Boise-Meridian. The Hearing Examiner, at the October 11, 2023, public hearing recommended that the file be heard by the Zoning Commission. The Zoning Commission at the public hearing on February 15, 2024, approved this file. The file was appealed and heard by the Board of County Commissioners who upheld the decision of the Zoning Commission. Upon request, the decision was reconsidered and affirmed by the Board of County Commissioners on June 13, 2024. The file was sent to Judicial Review where the Court remanded the file back to Bonner County for further proceedings.

Written statements must be submitted to the planning department record no later than seven (7) days prior to the public hearing. Written statements not exceeding one standard letter sized, single spaced page may be submitted at the public hearing. Statements can be sent to the Bonner County Planning Department at 1500 Highway 2, Suite 208, Sandpoint, Idaho 83864; faxed to 866-537-4935 or e-mailed to planning@bonnercountyid.gov. The referenced start time stated above reflects the beginning of the hearing. Specific file start time and hearing duration vary.

During the hearing for this application, the public will be given an opportunity to provide testimony and/or evidence regarding how the proposal does or does not comply with the applicable approval criteria of the Bonner County Revised Code. At the close of the public hearing, the governing body will make a decision on the application that may include, but is not limited to, approval, denial, remand, or continuance of the public hearing. Any person needing special accommodations to participate in the public hearing should contact the Bonner County Planning Department at (208) 265-1458 at least 48 hours prior to the scheduled hearing.

If you have no comment or response, you may indicate below and return this form to the Planning Department.

NO COMMENT

See attached PHD comment
Name

4/7/26
Date



Public Health
Prevent. Promote. Protect.

Panhandle Health District

Panhandle Health District

Healthy People in Healthy Communities



4/7/2026

Jeannie Welter, Systems Technician

Bonner County Planning Dept
1500 Highway 2, Suite 208
Sandpoint, ID 83864

RE: CUP0013-23 – Private Community Facility and Retreat

Panhandle Health District (PHD) has reviewed the Bonner County Planning Application referenced above, and has the following comments:

A review of PHD records indicates that parcel associated with this CUP application has:

- an approved septic permit for the existing dwelling in use (23-09-05408)
- submitted an application for a new septic to serve the Retreat (24-09-07529)
- submitted a Letter of Intended Use for the Retreat Lodge (TGM 3.3.1)
- submitted wastewater flow values for the Retreat Lodge utilizing IDAPA 58.01.03.007.08

No septic permit has been issued for the Retreat Lodge. However, the applicant has worked with PHD to find a potentially suitable location for an onsite subsurface sewage disposal system. PHD will continue to review the project proposal as necessary to ensure all wastewater flows are accounted for prior to permit approval.

For the wedding events currently in operation, the Narrative Statement indicates that portable restrooms are provided for the guests attending the ceremony/ reception. PHD would recommend following the guidance provided in the Technical Guidance Manual Section 4.18 (Table 4-16) Portable Sanitation Units for the quantity of units required for the number of people per event hours attending these events (see attached).

Best Regards,

Sarah Tonyan, REHS

Sandpoint – Bonner County
2101 W. Pine St.
Sandpoint, ID 83864
208.265.6384

4.18 Portable Sanitation Units

Revision: March 20, 2015

Installer registration permit: Not applicable

Licensed professional engineer required: No

4.18.1 Description

Portable sanitation units are prefabricated, portable, self-contained toilets that may be housed in trailers or as stand-alone units used for special or temporary events, construction sites, parks, and other events or locations with restroom needs.

4.18.2 Approval Conditions

1. Permanent sewage disposal facilities are not available.
2. All units must be serviced by a pumper with equipment that is permitted through a health district under IDAPA 58.01.03.
3. Units must be manufactured to meet the most current version of ANSI standard Z4.3.
4. Chemicals and biologicals, if used in the waste container, must be compatible with the final disposal site. Chemicals considered hazardous wastes must not be used.
5. Toilets must contain an adequate supply of toilet paper and hand sanitizer (potable water hand-washing stations may be supplied instead of hand sanitizer).

4.18.3 Units Required

1. Table 4-14 and Table 4-15 provide work site requirements.
2. Table 4-16 provides special event requirements.
3. Campouts and overnight event requirements are at least 1 unit for every 50 participants.
4. The following should be taken into consideration when selecting the number of units for an event:
 - a. If the units are serving an event with food and beverage service 10%–20% more units should be added to the recommended totals in Table 4-15.
 - b. Traffic flow.
 - c. Outside temperature (i.e., on warmer days attendees will take in more liquids).
 - d. Special needs (e.g., changing tables, children use, handicapped accessibility).
 - e. Urinals may be substituted for one-third of the total units specified if facilities will not serve women.

Table 4-14. Portable units required per number of employees if the units are serviced once per week.

Total Number of Employees	Minimum Number of Units (8-hour days/40-hour week)
1–10	1
11–20	2
21–30	3
31–40	4
Over 40	1 additional unit for each 10 additional employees.

Table 4-15. Portable units required per number of employees if the units are serviced more than once per week.

Total Number of Employees	Minimum Number of Units (8-hour days/40-hour week)
1–15	1
16–35	2
36–55	3
56–75	4
76–95	5
Over 95	1 additional unit for each 20 additional employees.

Table 4-16. Portable unit requirements for number of people per event hours based on a 50/50 mix of men and women.

Number of People	Number of Hours for the Event									
	1	2	3	4	5	6	7	8	9	10
0–500	2	4	4	5	6	7	9	9	10	12
501–1,000	4	6	8	8	9	9	11	12	13	13
1,001–2,000	5	6	9	12	14	16	18	20	23	25
2,001–3,000	6	9	12	16	20	24	26	30	34	38
3,001–4,000	8	13	16	22	25	30	35	40	45	50
4,001–5,000	12	15	20	25	31	38	44	50	56	63
5,001–10,000	15	25	38	50	63	75	88	100	113	125
10,000–15,000	20	38	56	75	94	113	131	150	169	188

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Number of People	Number of Hours for the Event									
	1	2	3	4	5	6	7	8	9	10
15,000–20,000	25	50	75	100	125	150	175	200	225	250
20,000–25,000	38	69	99	130	160	191	221	252	282	313
25,000–30,000	46	82	119	156	192	229	266	302	339	376
30,000–35,000	53	96	139	181	224	267	310	352	395	438
35,000–40,000	61	109	158	207	256	305	354	403	452	501
40,000–45,000	68	123	178	233	288	343	398	453	508	563
45,000–50,000	76	137	198	259	320	381	442	503	564	626

4.18.4 Service Requirements

1. Work site units should be serviced weekly.
2. Special events with more than 500 people in attendance should have a service attendant on site during the event.
3. The employer, event promoter, or manager must be responsible for the hygiene and use of each portable sanitation unit.
4. Units should be serviced and removed from a site as soon as possible after the completion of an event.
5. All equipment used to pump or transport sewage from a portable sanitation unit must be permitted by an Idaho health district under the requirements of IDAPA 58.01.03.
6. All sewage removed from a portable sanitation unit must be disposed of at a location approved by the health district or DEQ through the pumper's permit application.



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

August 28, 2023

TO:

Panhandle Health District	Bonner County Road and Bridge Department
Selkirk Fire District (Sagle)	Idaho Department of Environmental Quality
Northern Lights, Inc	Idaho Department of Water Resources
Lake Pend Oreille School District #84	Idaho Department of Fish and Game
Lake Pend Oreille School District #84- Transportation	U.S. Fish and Wildlife Service
Idaho Department of Lands: Sandpoint	U.S. Forest Service
Bonner County Sheriff	Bonner County EMS
US Army Corps of Engineers	

FROM: Alex Feyen, Planner

SUBJECT: CUP0013-23 - Conditional Use Permit - Public Community Facility and Retreat

The above-named application has been submitted to the Bonner County Planning Department for processing. The Planning Department has determined this application to be complete and a public hearing has been scheduled with the Hearing Examiner for October 4, 2023, at 1:30 PM.

The applicants are requesting a Conditional Use Permit for a private community facility and retreat. The project site is 20.006 acres, located in Cocolalla. The property is zoned Rural 5. The project is located off Roop Road in Section 13, Township 55 North, Range 3 West, Boise-Meridian.

To review this application, go to the Planning Department web site at www.bonnercountyid.gov/departments/Planning/current-projects. If you experience difficulties visiting the project web page, try an alternative browser (Mozilla Firefox or Google Chrome) for access. If you prefer to receive hard copies of the application or have any difficulties reaching this web site, please contact the planning department as soon as possible.

Please review the application relative to your agency's area of expertise and include any recommended conditions of approval and supporting code sections by **September 19, 2023**. If your agency requires any additional information from the applicant, please advise the planning department in writing allowing ample time for applicant response. All comments will be forwarded to the applicant and representatives. If no response is provided, staff will conclude your agency has no objections to the project or recommended conditions.

If you have no comment or response, you may indicate below and return this form to the Planning Department. Thank you for your assistance.

NO COMMENT _____
Agency Name, Initials of Agency Representative

Date

c: Teira & Cruz Bruner, Applicants



Janna Berard <janna.berard@bonnercountyid.gov>

[EXT SENDER] RE: Agency Project Review Request - File CUP0013-23 - Conditional Use Permit - Community Facility/Retreat

1 message

Kristie May <Kristie.May@deq.idaho.gov>

Fri, Sep 22, 2023 at 8:00 AM

To: Bonner County Planning Department <planning@bonnercountyid.gov>

Good Morning,

Thank you for providing the opportunity to comment. Please find attached DEQ's comments for the project listed above.

Thank you,

Kristie

Kristie May | Admin Assistant II

Idaho Department of Environmental Quality
2110 Ironwood Parkway, Coeur d'Alene, Idaho 83814
Direct: 208.666.4608

Office Line: 208.769.1422

www.deq.idaho.gov**Our mission:** To protect human health and the quality of Idaho's air, land, and water.**From:** Bonner County Planning Department <planning@bonnercountyid.gov>**Sent:** Monday, August 28, 2023 8:03 AM

To: PHD <EApplications@phd1.idaho.gov>; Gavin Gilcrease <ggilcrease@selkirkfire.com>; Northern Lights - Kristin Mettke <kristin.mettke@nli.coop>; Superintendent School Dist 84 <kelly.fisher@lposd.org>; School District 84 Transportation - James Koehler <james.koehler@lposd.org>; Facilities Director LPOSD #84 <matt.diel@lposd.org>; Superintendent No. 84 Becky Meyer <becky.meyer@lposd.org>; IDL - Pend Oreille Lake Supervisory <esjoquist@idl.idaho.gov>; Bonner Sheriff <bonnersheriff@bonnerso.org>; Road & Bridge - Matt Mulder <matt.mulder@bonnercountyid.gov>; Kristie May <Kristie.May@deq.idaho.gov>; Northern Info <northerninfo@idwr.idaho.gov>; Horsmon, Merritt <meritt.horsmon@idfg.idaho.gov>; US Fish & Wildlife Services - Christy Johnson Hughes <FW1idahoconsultationrequests@fws.gov>; BC EMS Alan Brinkmeier <alan.brinkmeier@bonnercountyid.gov>

Cc: Travis Haller <travis.haller@bonnercountyid.gov>; Jacob Gabell <jake.gabell@bonnercountyid.gov>; Alexander Feyen <alexander.feyen@bonnercountyid.gov>; Teira Bruner <firebrandcoco@gmail.com>

Subject: Agency Project Review Request - File CUP0013-23 - Conditional Use Permit - Community Facility/Retreat

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Please review the application relative to your agency's area of expertise and include any recommended conditions of approval and supporting code sections. Please see attached for details.

Thank you,

Jenna Crone, Hearing Coordinator

Bonner County Planning Department

208-265-1458 ext - 1277



CRO Environmental Comment Response CUP0013-23.pdf
200K



DEQ Response to Request for Environmental Comment

Date: September 22, 2023
Agency Requesting Comments: Bonner County
Date Request Received: August 28, 2023
Applicant/Description: CUP0013-23

Thank you for the opportunity to respond to your request for comment. While the Idaho Department of Environmental Quality (DEQ) does not review projects on a project-specific basis, we attempt to provide the best review of the information provided. DEQ encourages agencies to review and utilize the Idaho Environmental Guide to assist in addressing project-specific conditions that may apply. This guide can be found at <https://www2.deq.idaho.gov/admin/LEIA/api/document/download/15083>

Comments Specific to this request:

The subject application for the CUP0013-23 has the potential to serve 25 or more people 60 days or more per year, which appears to the definition of a public drinking water system under the Idaho Rules for Public Drinking Water Systems (IDAPA 58.01.08). As described in the application, the venue would serve events from May to September, which is approximately 30 weeks and 2-3 days per week. The applicant/owners are required to meet the Idaho Rules for Public Drinking Water Systems (IDAPA 58.01.08), and not just consult with Idaho Department of Water Resources and Panhandle Health District for drinking water to this site.

- The well location and construction must first be assessed and approved by DEQ. If it cannot be approved to meet Idaho Rules, another drinking water site and source must be approved. This includes the submittal of a well site evaluation report by an Idaho licensed professional engineer or professional geologist.
- A facility plan and preliminary engineering report (PER) developed by an Idaho licensed professional engineer, which includes relevant requirements listed in IDAPA 58.01.18 Section 500, may be required to be submitted to and approved by DEQ.
- Plans and specifications for the drinking water infrastructure to serve this project would be required be submitted to DEQ by an Idaho licensed professional engineer and approved by DEQ, and the well pump test must be performed and approved in accordance with DEQ requirements.
- Initial water quality monitoring must be performed.
- Additionally, requirements may include demonstration of Technical, Financial and Managerial capacity, and the future need for a licensed water system operator.

DEQ has not completed a thorough review of the documents provided, therefore, the following general comments should be applied as appropriate to the specific project:

1. Air Quality

- **Fugitive Dust** - All reasonable precautions shall be taken to prevent particulate matter (dust) from becoming airborne, as required in IDAPA 58.01.01.651.
- **Land Clearing** - If open burning of land clearing debris is incorporated into the land clearing phase, smoke management practices to protect air quality as described in IDAPA 20.02.01.071.03 and IDAPA 58.01.01.614 must be implemented by the applicant. Local fire protection permits may also be required.
- **Open Burning** - Open burning of demolition or construction debris is not an allowable form of open burning as defined by IDAPA 58.01.01.600. Demolition and construction debris must be treated in accordance with solid waste regulations.
- For questions, contact Shawn Sweetapple, Air Quality Manager, at (208) 769-1422.
- **Air Quality Permits** - IDAPA 58.01.01.201 requires an owner or operator of a facility to obtain an air quality permit to construct prior to the commencement of construction or modification of any facility that will be a source of air pollution in quantities above established levels. DEQ asks that cities and counties require a proposed facility to contact DEQ for an applicability determination on their proposal to ensure they remain in compliance with the rules.

For permitting questions, contact the DEQ Air Quality Permitting Hotline at 1-877-573-7648.

2. Wastewater

- DEQ recommends that projects be served by existing approved wastewater collection systems or a centralized community wastewater system whenever possible. Please contact DEQ to discuss potential for development of a community treatment system along with best management practices for communities to protect ground water.
- If connecting to an existing wastewater utility, DEQ recommends verifying that there is adequate capacity to serve this project prior to approval. Please contact the sewer provider for a will-serve letter stating the provider's capacity to serve the project, willingness to serve this project, and a declining balance of available connections.
- IDAPA 58.01.16 and IDAPA 58.01.17 are the sections of Idaho rules regarding wastewater and recycled water. Please review these rules to determine whether this or future projects will require DEQ approval. IDAPA 58.01.03 is the section of Idaho rules regarding subsurface disposal of wastewater. Please review this rule to determine whether this or future projects will require permitting by the district health department.
- All projects for construction or modification of wastewater systems require preconstruction approval. Recycled water projects and subsurface disposal projects require separate permits as well.

For questions, contact Katy Baker-Casile, DEQ Water Quality Engineering Manager, at (208)769-1422.

3. Drinking Water

- DEQ recommends using an existing drinking water system whenever possible or construction of a new drinking water system. Please contact DEQ to discuss this project and to explore options to best serve the future residents of this development and provide for protection of ground water resources.
- If connecting to an existing public or non-public drinking water system, DEQ recommends verifying that there is adequate capacity to serve this project prior to approval. Please contact the water provider for a will-serve letter stating the provider's capacity to serve the project, willingness to serve this project, and a declining balance of available connections.
- IDAPA 58.01.08 is the section of Idaho rules regarding public drinking water systems. Please review these rules to determine whether this or future projects will require DEQ approval. All projects for construction or modification of public drinking water systems require preconstruction approval.
- If any private wells will be included in the proposed project, DEQ recommends at a minimum testing the private well for total coliform bacteria, nitrate, and nitrite prior to use and retested annually thereafter.

For questions, contact Katy Baker-Casile, DEQ Water Quality Engineering Manager, at (208) 769-1422.

4. Surface Water

- **Water Quality Standards.** Site activities adjacent to waters of the United States (US) must comply with Idaho's Water Quality Standards (WQS) (IDAPA 58.01.02). The WQS provide limits to pollutants to assure water quality for the protection and propagation of fish, shellfish, and wildlife and recreation in and on the water. The federal Clean Water Act (CWA) requires states to list current conditions of all state waters (required by §305(b)), including publicly-owned lakes (required by §314), and to list waters that are impaired by one or more pollutants (required by §303(d)).
 - WQS: <http://www.deq.idaho.gov/water-quality/surface-water/standards/>
 - Current conditions of state waters (with interactive map):
<http://www.deq.idaho.gov/water-quality/surface-water/monitoring-assessment/integrated-report/>
- **Point Source Discharges.** Site activities that discharge pollutants into waters of the US in Idaho may require Idaho Pollution Discharge Elimination System (IPDES) coverage (IDAPA 58.01.25) or the Environmental Protection Agency (EPA) National Pollution Discharge Elimination Program (NPDES) coverage.
 - <http://www.deq.idaho.gov/permitting/water-quality-permitting/ipdes/>

- **Construction activities.** Construction activities should implement Best Management Practices (BMPs) to control, prevent, or minimize pollution. Construction activities disturbing areas greater than one acre of land that may discharge stormwater directly or indirectly into waters of the US require development and implementation of a Stormwater Pollution Prevention Plan (SWPPP) under a Construction General Permit with EPA NPDES.
 - <http://www.deq.idaho.gov/water-quality/wastewater/stormwater/>
- **Stream channel/lakeshore alteration and dredge and fill activities.** Site activities that disturb ground below the ordinary high water mark (OHWM) within streams/lakeshores must have a permit under IDAPA 37.03.07 (administered by Dept. of Lands) and IDAPA 58.13 (administered by Dept. of Water Resources). Activities that discharge fill material below the OHWM must have a permit under Section 404 of the CWA (administered by US Army Corps of Engineers). All activities must also comply with Idaho Water Quality Standards.
 - Idaho Department of Water Resources permits: <https://idwr.idaho.gov/streams/>
 - Idaho Department of Lands permits: <https://www.idl.idaho.gov/lakes-rivers/lake-protection/index.html>
 - US Army Corp of Engineers permits: <https://www.nwww.usace.army.mil/Business-With-Us/Regulatory-Division/>

For questions, contact Robert Steed, Surface Water Manager at (208) 769-1422.

5. Solid/Hazardous Waste And Ground Water Contamination

- **Hazardous Waste.** The types and number of requirements that must be complied with under the federal Resource Conservations and Recovery Act (RCRA) and the Idaho Rules and Standards for Hazardous Waste (IDAPA 58.01.05) are based on the quantity and type of waste generated. Every business in Idaho is required to track the volume of waste generated, determine whether each type of waste is hazardous, and ensure that all wastes are properly disposed of according to federal, state, and local requirements.
- **Solid Waste.** The disposal of all solid waste must comply with Idaho's Solid Waste Management Rules (IDAPA58.01.06). No trash or other solid waste shall be buried, burned, or otherwise disposed of at the project site. These disposal methods are regulated by various state regulations including Idaho's Solid Waste Management Regulations and Standards, Rules and Regulations for Hazardous Waste, and Rules and Regulations for the Prevention of Air Pollution.
- **Water Quality Standards.** Site activities must comply with the Idaho Water Quality Standards (IDAPA 58.01.02) regarding hazardous and deleterious-materials storage, disposal, or accumulation adjacent to or in the immediate vicinity of state waters (IDAPA 58.01.02.800); and the cleanup and reporting of oil-filled electrical equipment (IDAPA 58.01.02.849); hazardous materials (IDAPA 58.01.02.850); and used-oil and petroleum releases (IDAPA 58.01.02.851 and 852).

Petroleum releases must be reported to DEQ in accordance with IDAPA 58.01.02.851.01 and 04. Hazardous material releases to state waters, or to land such that there is likelihood that it will enter state waters, must be reported to DEQ in accordance with IDAPA 58.01.02.850.

- **Ground Water Contamination.** DEQ requests that all activities comply with Idaho's Ground Water Quality Rules (IDAPA 58.01.11), which states that "No person shall cause or allow the release, spilling, leaking, emission, discharge, escape, leaching, or disposal of a contaminant into the environment in a manner that causes a ground water quality standard to be exceeded, injures a beneficial use of ground water, or is not in accordance with a permit, consent order or applicable best management practice, best available method or best practical method."
- **Underground Storage Tanks.** DEQ requests that the installation of all underground storage tanks and piping along with any required testing and owner/operator training comply with Idaho's Rules Regulating Underground Storage Tank Systems (IDAPA 58.01.07)

6. Additional Notes

- If an underground storage tank (UST) or an aboveground storage tank (AST) is identified at the site, the site should be evaluated to determine whether the UST is regulated by DEQ. The Panhandle Health District regulates all ASTs over the Rathdrum Prairie aquifer. EPA regulates ASTs at all other areas. UST and AST sites should be assessed to determine whether there is potential soil and ground water contamination. Please call DEQ at 769-1422, or visit the DEQ website (<http://www.deq.idaho.gov/waste-mgmt-remediation/storage-tanks.aspx>) for assistance.
- If applicable to this project, DEQ recommends that BMPs be implemented for any of the following conditions: wash water from cleaning vehicles, fertilizers and pesticides, animal facilities, composted waste, and ponds. Please contact DEQ for more information on any of these conditions.

For questions, contact Gary Stevens, Waste & Remediation Manager, at (208) 769-1422.

We look forward to working with you in a proactive manner to address potential environmental impacts that may be within our regulatory authority. If you have any questions, please contact me, or any of our technical staff at (208)769-1422.

Dan McCracken, Regional Administrator, Coeur d'Alene



Janna Berard <janna.berard@bonnercountyid.gov>

[EXT SENDER] RE: Agency Project Review Request - File CUP0013-23 - Conditional Use Permit - Community Facility/Retreat

1 message

Kristie May <Kristie.May@deq.idaho.gov>

Fri, Sep 22, 2023 at 8:01 AM

To: Bonner County Planning Department <planning@bonnercountyid.gov>

Additional Comments for the above project:

Wastewater

The application states wastewater will be disposed of through a drainfield. DEQ may be involved in the review of the wastewater system at the request of Panhandle Health District (PHD). If the cumulative design flow from all wastewater generating facilities on the property exceeds 2,500 gallons per day (gpd), the wastewater system will be considered a public wastewater system and must meet the applicable rules defined in IDAPA 58.01.16 and IDAPA 58.01.03. If DEQ is requested to review the project, and the project exceeds 2,500 gpd, DEQ will require the applicant to submit a preliminary engineering report (PER) prepared by an Idaho-licensed professional engineer, a demonstration of technical, financial, and managerial capacity, engineered plans and specifications, and results from a nutrient-pathogen evaluation, prior to DEQ recommending approval to PHD.

Thank you-

Kristie

Kristie May | Admin Assistant II

Idaho Department of Environmental Quality
2110 Ironwood Parkway, Coeur d'Alene, Idaho 83814
Direct: 208.666.4608

Office Line: 208.769.1422

www.deq.idaho.gov**Our mission:** To protect human health and the quality of Idaho's air, land, and water.**From:** Bonner County Planning Department <planning@bonnercountyid.gov>**Sent:** Monday, August 28, 2023 8:03 AM**To:** PHD <EHapplications@phd1.idaho.gov>; Gavin Gilcrease <ggilcrease@selkirkfire.com>; Northern Lights - Kristin Mettke <kristin.mettke@nli.coop>; Superintendent School Dist 84 <kelly.fisher@lposd.org>; School District 84 Transportation - James Koehler <james.koehler@lposd.org>; Facilities Director LPOSD #84 <matt.diel@lposd.org>; Superintendent No. 84 Becky Meyer <becky.meyer@lposd.org>; IDL - Pend Oreille Lake Supervisory <esjoquist@idl.idaho.gov>; Bonner Sheriff <bonnersheriff@bonnerso.org>; Road & Bridge - Matt Mulder <matt.mulder@bonnercountyid.gov>; Kristie May <Kristie.May@deq.idaho.gov>; Northern Info

<northerninfo@idwr.idaho.gov>; Horsmon, Merritt <merritt.horsmon@idfg.idaho.gov>; US Fish & Wildlife Services - Christy Johnson Hughes <FW1idahoconsultationrequests@fws.gov>; BC EMS Alan Brinkmeier <alan.brinkmeier@bonnercountyid.gov>

Cc: Travis Haller <travis.haller@bonnercountyid.gov>; Jacob Gabell <jake.gabell@bonnercountyid.gov>; Alexander Feyen <alexander.feyen@bonnercountyid.gov>; Teira Bruner <firebrandcoco@gmail.com>

Subject: Agency Project Review Request - File CUP0013-23 - Conditional Use Permit - Community Facility/Retreat

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Thank you,

Jenna Crone, Hearing Coordinator

Bonner County Planning Department

208-265-1458 ext - 1277



Janna Berard <janna.berard@bonnercountyid.gov>

[EXT SENDER] RE: Agency Project Review Request - File CUP0013-23 - Conditional Use Permit - Community Facility/Retreat

1 message

Erik Sjoquist <esjoquist@idl.idaho.gov>
To: Bonner County Planning Department <planning@bonnercountyid.gov>

Thu, Aug 31, 2023 at 3:02 PM

Regards,

Erik Sjoquist

(208) 263-5104 esjoquist@idl.idaho.gov

From: Bonner County Planning Department <planning@bonnercountyid.gov>
Sent: Monday, August 28, 2023 8:03 AM
To: PHD <EHapplications@phd1.idaho.gov>; Gavin Gilcrease <ggilcrease@selkirkfire.com>; Northern Lights - Kristin Mettke <kristin.mettke@nli.coop>; Superintendent School Dist 84 <kelly.fisher@lposd.org>; School District 84 Transportation - James Koehler <james.koehler@lposd.org>; Facilities Director LPOSD #84 <matt.diel@lposd.org>; Superintendent No. 84 Becky Meyer <becky.meyer@lposd.org>; Erik Sjoquist <esjoquist@idl.idaho.gov>; Bonner Sheriff <bonnersheriff@bonnerso.org>; Road & Bridge - Matt Mulder <matt.mulder@bonnercountyid.gov>; DEQ - Kristie McEnroe <kristie.mcenroe@deq.idaho.gov>; IDWR <northerninfo@idwr.idaho.gov>; Idaho Department of Fish & Game <meritt.horsmon@idfg.idaho.gov>; US Fish & Wildlife Services - Christy Johnson Hughes <FW1idahoconsultationrequests@fws.gov>; BC EMS Alan Brinkmeier <alan.brinkmeier@bonnercountyid.gov>
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Jenna Crone, Hearing Coordinator

Bonner County Planning Department

208-265-1458 ext - 1277



CUP0013-23 Agency Routing - no comment.pdf
183K



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

August 28, 2023

TO:

Panhandle Health District	Bonner County Road and Bridge Department
Selkirk Fire District (Sagle)	Idaho Department of Environmental Quality
Northern Lights, Inc	Idaho Department of Water Resources
Lake Pend Oreille School District #84	Idaho Department of Fish and Game
Lake Pend Oreille School District #84- Transportation	U.S. Fish and Wildlife Service
Idaho Department of Lands: Sandpoint	U.S. Forest Service
Bonner County Sheriff	Bonner County EMS

FROM: Alex Feyen, Planner

SUBJECT: CUP0013-23 - Conditional Use Permit - Public Community Facility and Retreat

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NO COMMENT Idaho Department of Lands, EWS

8/31/23

Agency Name, Initials of Agency Representative

Date

c: Teira & Cruz Bruner, Applicants



Janna Berard <janna.berard@bonnercountyid.gov>

[EXT SENDER] FW: Agency Project Review Request - File CUP0013-23 - Conditional Use Permit - Community Facility/Retreat

1 message

Alleman, Tammy <Tammy.Alleman@idwr.idaho.gov>
To: Bonner County Planning <planning@bonnercountyid.gov>

Mon, Sep 25, 2023 at 3:18 PM

Bonner County Planning Department:

Thank you for providing the opportunity to comment on the proposed project CUP0013-23.

The Idaho Department of Water Resources (IDWR) requires that construction of a new well(s) must comply with drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules. If the proposed well is intended to be used for domestic purposes as defined in Idaho Code § 42-111 (for a household, no more than 13,000 gallons per day including up to a ½ acre of irrigation), the use will not require approval from IDWR. If the well will be used to irrigate more than ½ acre, use more than 13,000 gallons per day, or **be shared by more than one household**, the owner will need to file for and receive approval of an Application for Permit [before a well drilling permit can be approved](#).

The applicant can contact the Department with any questions.

Sincerely,



Tammy Alleman | Water Right Agent
Idaho Department of Water Resources
Northern Regional Office
7600 N Mineral Drive, Suite 100
Coeur d'Alene, ID 83815-7763
Phone: (208) 762-2800

From: Northern Info <northerninfo@idwr.idaho.gov>
Sent: Monday, August 28, 2023 9:03 AM
To: Alleman, Tammy <Tammy.Alleman@idwr.idaho.gov>
Subject: FW: Agency Project Review Request - File CUP0013-23 - Conditional Use Permit - Community Facility/Retreat

From: Bonner County Planning Department <planning@bonnercountyid.gov>
Sent: Monday, August 28, 2023 8:03 AM

To: PHD <EHapplications@phd1.idaho.gov>; Gavin Gilcrease <ggilcrease@selkirkfire.com>; Northern Lights - Kristin Mettke <kristin.mettke@nli.coop>; Superintendent School Dist 84 <kelly.fisher@lposd.org>; School District 84 Transportation - James Koehler <james.koehler@lposd.org>; Facilities Director LPOSD #84 <matt.diel@lposd.org>; Superintendent No. 84 Becky Meyer <becky.meyer@lposd.org>; IDL - Pend Oreille Lake Supervisory <esjoquist@idl.idaho.gov>; Bonner Sheriff <bonnersheriff@bonnerso.org>; Road & Bridge - Matt Mulder <matt.mulder@bonnercountyid.gov>; Kristie May <Kristie.May@deq.idaho.gov>; Northern Info <northerninfo@idwr.idaho.gov>; Horsmon, Merritt <merritt.horsmon@idfg.idaho.gov>; US Fish & Wildlife Services - Christy Johnson Hughes <FW1idahoconsultationrequests@fws.gov>; BC EMS Alan Brinkmeier <alan.brinkmeier@bonnercountyid.gov>

Cc: Travis Haller <travis.haller@bonnercountyid.gov>; Jacob Gabell <jake.gabell@bonnercountyid.gov>; Alexander Feyen <alexander.feyen@bonnercountyid.gov>; Teira Bruner <firebrandcoco@gmail.com>

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Thank you,

Jenna Crone, Hearing Coordinator

Bonner County Planning Department

208-265-1458 ext - 1277



CUP0013-23 Agency Routing.pdf

136K



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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

August 28, 2023

TO:

Panhandle Health District	Bonner County Road and Bridge Department
Selkirk Fire District (Sagle)	Idaho Department of Environmental Quality
Northern Lights, Inc	Idaho Department of Water Resources
Lake Pend Oreille School District #84	Idaho Department of Fish and Game
Lake Pend Oreille School District #84- Transportation	U.S. Fish and Wildlife Service
Idaho Department of Lands: Sandpoint	U.S. Forest Service
Bonner County Sheriff	Bonner County EMS

FROM: Alex Feyen, Planner

SUBJECT: CUP0013-23 - Conditional Use Permit - Public Community Facility and Retreat

The above-named application has been submitted to the Bonner County Planning Department for processing. The Planning Department has determined this application to be complete and a public hearing has been scheduled with the Hearing Examiner for October 4, 2023, at 1:30 PM.

The applicants are requesting a Conditional Use Permit for a private community facility and retreat. The project site is 20.006 acres, located in Cocolalla. The property is zoned Rural 5. The project is located off Roop Road in Section 13, Township 55 North, Range 3 West, Boise-Meridian.

To review this application, go to the Planning Department web site at www.bonnercountyid.gov/departments/Planning/current-projects. If you experience difficulties visiting the project web page, try an alternative browser (Mozilla Firefox or Google Chrome) for access. If you prefer to receive hard copies of the application or have any difficulties reaching this web site, please contact the planning department as soon as possible.

Please review the application relative to your agency's area of expertise and include any recommended conditions of approval and supporting code sections by **September 19, 2023**. If your agency requires any additional information from the applicant, please advise the planning department in writing allowing ample time for applicant response. All comments will be forwarded to the applicant and representatives. If no response is provided, staff will conclude your agency has no objections to the project or recommended conditions.

If you have no comment or response, you may indicate below and return this form to the Planning Department. Thank you for your assistance.

NO COMMENT _____
Agency Name, Initials of Agency Representative Date

c: Teira & Cruz Bruner, Applicants



Jenna Crone <jenna.crone@bonnercountyid.gov>

Agency Project Review Request - File CUP0013-23 - Conditional Use Permit - Community Facility/Retreat

Alex Feyen <alexander.feyen@bonnercountyid.gov>
To: Jenna Crone <jenna.crone@bonnercountyid.gov>

Wed, Sep 6, 2023 at 10:14 AM

----- Forwarded message -----

From: **Matt Mulder** <matt.mulder@bonnercountyid.gov>

Date: Wed, Sep 6, 2023 at 7:34 AM

Subject: Fwd: Agency Project Review Request - File CUP0013-23 - Conditional Use Permit - Community Facility/Retreat

To: Alexander Feyen <alexander.feyen@bonnercountyid.gov>

Alex,

The Road & Bridge Department has the following comments:

1. The driveway into this parcel is currently permitted only as a residential driveway. The Applicant should be required to apply for a commercial driveway encroachment permit from the Road & Bridge Department. Road & Bridge staff will inspect the driveway and determine what upgrades are necessary to be safely used for commercial purposes, and The Applicant shall be required to upgrade the driveway if necessary. At a minimum it appears from the GIS map that the driveway will need to be widened to meet these requirements.

2. Our office has received complaints about the traffic leaving this venue not stopping in the driveway and pulling out onto Roop Rd without yielding to traffic on the road. We recommend that the Applicant be required to place a stop sign at the end of their driveway.

3. The Applicant states that traffic generated will be 70-90 vehicles per event, 2-3 days a week. I find this to be a reasonable assumption for an event venue. I would anticipate that most of these trips would be occurring in the evenings or weekends when events are typically held, which does not coincide with the typical AM and PM peak traffic hours (weekday commute hours). Averaging this out, it would be up to 39 additional vehicles per day. The most recent traffic count that our department has for Roop Rd is from 2010, which found that the road had 150 vehicles per day at that time. This venue would represent a 26% increase in the average daily traffic, which is substantial, but 189 vehicles per day is a traffic load that a gravel road is capable of supporting, though it will lead to a faster rate of degradation that results in additional potholes and washboards which will impact residents on the road and will require more frequent maintenance from the Road & Bridge Department to maintain the current condition, which our department may not be able to provide. ie the road will likely be in worse condition with the additional traffic.

-Matt Mulder, PE
Staff Engineer
Bonner County Road & Bridge
208-255-5681 ext 1

----- Forwarded message -----

From: **Bonner County Planning Department** <planning@bonnercountyid.gov>

Date: Mon, Aug 28, 2023 at 8:03 AM

Subject: Agency Project Review Request - File CUP0013-23 - Conditional Use Permit - Community Facility/Retreat

[Quoted text hidden]

[Quoted text hidden]

--

Alex Feyen, MPA
Planner I
Bonner County Planning Department

1500 Highway 2, Suite 208
Sandpoint, ID 83864
Phone: 208-265-1458



CUP0013-23 Agency Routing.pdf
136K



Alexander Feyen <alexander.feyen@bonnercountyid.gov>

CUP0013-23

1 message

Alex Feyen <alexander.feyen@bonnercountyid.gov>

Tue, Sep 19, 2023 at 12:53 PM

To: CENWW-RD-CDA@usace.army.mil

Cc: Travis Haller <travis.haller@bonnercountyid.gov>, Jenna Crone <jenna.crone@bonnercountyid.gov>

Hello,

Due to a clerical error, your agency was not routed on the original routing date. Please give your comments, if there are any, by Friday, September 22. Thank you and my apologies for the error.

Thank You,

Alex

--

Alex Feyen, MPA
Planner IBonner County Planning Department
1500 Highway 2, Suite 208
Sandpoint, ID 83864
Phone: 208-265-1458**CUP0013-23 Agency Routing_Updated.pdf**

162K



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

January 10, 2024

TO:

Panhandle Health District	Bonner County Road and Bridge Department
Selkirk Fire District (Sagle)	Idaho Department of Environmental Quality
Northern Lights, Inc	Idaho Department of Water Resources
Lake Pend Oreille School District #84	Idaho Department of Fish and Game
Lake Pend Oreille School District #84- Transportation	U.S. Fish and Wildlife Service
Idaho Department of Lands: Sandpoint	U.S. Forest Service
Bonner County Sheriff	Bonner County EMS
US Army Corps of Engineers	

FROM: Alex Feyen, Planner I

SUBJECT: CUP0013-23 - Conditional Use Permit - Private Community Facility and Retreat

The above-named application has been submitted to the Bonner County Planning Department for processing. The Planning Department has determined this application to be complete and a public hearing has been scheduled with the Zoning Commission for **February 15, 2024, at 5:30 P.M.**

The applicants are requesting a Conditional Use Permit for a private community facility and retreat. The project site is 20.006 acres, located in Cocolalla. The property is zoned Rural 5. The project is located off Roop Road in Section 13, Township 55 North, Range 3 West, Boise-Meridian. The Hearing Examiner at their October 11, 2023, public hearing recommended that the file be heard by the Zoning Commission based upon the extent of public comment or other contested factors in the case that warrant a hearing before the Zoning Commission.

To review this application, go to the Planning Department web site at www.bonnercountyid.gov/departments/Planning/current-projects. If you experience difficulties visiting the project web page, try an alternative browser (Mozilla Firefox or Google Chrome) for access. If you prefer to receive hard copies of the application or have any difficulties reaching this web site, please contact the planning department as soon as possible.

Please review the application relative to your agency's area of expertise and include any recommended conditions of approval and supporting code sections by **February 1, 2024**. If your agency requires any additional information from the applicant, please advise the planning department in writing allowing ample time for applicant response. All comments will be forwarded to the applicant and representatives. If no response is provided, staff will conclude your agency has no objections to the project or recommended conditions.

If you have no comment or response, you may indicate below and return this form to the Planning Department. Thank you for your assistance.

NO COMMENT _____
Agency Name, Initials of Agency Representative

_____ Date

c: Teira & Cruz Bruner, Applicants



Janna Brown <janna.brown@bonnercountyid.gov>

[EXT SENDER] RE: Agency Project Review Request - File CUP0013-23 - Conditional Use Permit - Private Community Facility

1 message

Kristie May <Kristie.May@deq.idaho.gov>

Thu, Feb 1, 2024 at 3:23 PM

To: Bonner County Planning Department <planning@bonnercountyid.gov>

Thank you for the opportunity to review the Conditional Use Permit application. DEQ recommends that, if approved by the county, the approval include conditions that require the project to meet DEQ requirements for the drinking water and wastewater services at the property.

Drinking Water:

The subject application for the CUP0013-23 has the potential to serve 25 or more people 60 days or more per year, which appears to the definition of a public drinking water system under the Idaho Rules for Public Drinking Water Systems (IDAPA 58.01.08). As described in the application, the venue would serve events from May to September, which is approximately 30 weeks and 2-3 days per week. The applicant/owners are required to meet the Idaho Rules for Public Drinking Water Systems (IDAPA 58.01.08), and not just consult with Idaho Department of Water Resources and Panhandle Health District for drinking water to this site.

- The well location and construction must first be assessed and approved by DEQ. If it cannot be approved to meet Idaho Rules, another drinking water site and source must be approved. This includes the submittal of a well site evaluation report by an Idaho licensed professional engineer or professional geologist.
- A facility plan and preliminary engineering report (PER) developed by an Idaho licensed professional engineer, which includes relevant requirements listed in IDAPA 58.01.18 Section 500, may be required to be submitted to and approved by DEQ.
- Plans and specifications for the drinking water infrastructure to serve this project would be required be submitted to DEQ by an Idaho licensed professional engineer and approved by DEQ, and the well pump test must be performed and approved in accordance with DEQ requirements.
- Initial water quality monitoring must be performed.
- Additionally, requirements may include demonstration of Technical, Financial and Managerial capacity, and the future need for a licensed water system operator.

Wastewater:

The application states wastewater will be disposed of through a drainfield. DEQ may be involved in the review of the wastewater system at the request of Panhandle Health District (PHD). If the cumulative design flow from all wastewater generating facilities on the property exceeds 2,500 gallons per day (gpd), the wastewater system will be considered a public wastewater system and must meet the applicable rules defined in IDAPA 58.01.16 and IDAPA 58.01.03. If DEQ is requested to review the project, and the project exceeds 2,500 gpd, DEQ will require the applicant to submit a preliminary engineering report (PER) prepared by an Idaho-licensed professional engineer, a demonstration of technical, financial, and managerial capacity, engineered plans and specifications, and results from a nutrient-pathogen evaluation, prior to DEQ recommending approval to PHD.

Thank you-

Kristie

Kristie May | Admin Assistant II

Idaho Department of Environmental Quality
2110 Ironwood Parkway, Coeur d'Alene, Idaho 83814
Direct: 208.666.4608

Office Line: 208.769.1422

www.deq.idaho.gov

Our mission: To protect human health and the quality of Idaho's air, land, and water.

From: Bonner County Planning Department <planning@bonnercountyid.gov>

Sent: Wednesday, January 10, 2024 3:09 PM

To: PHD <EHapplications@phd1.idaho.gov>; Gavin Gilcrease <ggilcrease@selkirkfire.com>; Northern Lights - Kristin Mettke <kristin.mettke@nli.coop>; School District 84 Transportation - James Koehler <james.koehler@lposd.org>; Facilities Director LPOSD #84 <matt.diel@lposd.org>; Superintendent School Dist 84 <kelly.fisher@lposd.org>; Superintendent No. 84 Becky Meyer <becky.meyer@lposd.org>; IDL - Pend Oreille Lake Supervisory <esjoquist@idl.idaho.gov>; Bonner Sheriff <bonnersheriff@bonnerso.org>; Army Corps of Engineers <CENWW-RD-CDA@usace.army.mil>; Road & Bridge - Matt Mulder <matt.mulder@bonnercountyid.gov>; Kristie May <Kristie.May@deq.idaho.gov>; Northern Info <northerninfo@idwr.idaho.gov>; Horsmon, Merritt <merritt.horsmon@idfg.idaho.gov>; US Fish & Wildlife Services - Christy Johnson Hughes <FW1idahoconsultationrequests@fws.gov>; BC EMS Jeff Lindsey <jeff.lindsey@bonnercountyid.gov>

Cc: Alexander Feyen <alexander.feyen@bonnercountyid.gov>; Jacob Gabell <jake.gabell@bonnercountyid.gov>; Travis Haller <travis.haller@bonnercountyid.gov>; Teira Bruner <firebrandcoco@gmail.com>

Subject: Agency Project Review Request - File CUP0013-23 - Conditional Use Permit - Private Community Facility

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments **BEFORE** you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

The above-named application has been submitted to the Bonner County Planning Department for processing.

Please review the application relative to your agency's area of expertise and include any recommended conditions of approval and supporting code sections. Please see attached for details.

Thank you,

Jenna Crone, Hearing Coordinator

Bonner County Planning Department

208-265-1458 ext - 1277



Jenna Crone <jenna.crone@bonnercountyid.gov>

Fwd: CUP0013-23

1 message

Alex Feyen <alexander.feyen@bonnercountyid.gov>
To: Jenna Crone <jenna.crone@bonnercountyid.gov>

Tue, Jan 30, 2024 at 11:56 AM

----- Forwarded message -----

From: **Alex Feyen** <alexander.feyen@bonnercountyid.gov>
Date: Tue, Jan 30, 2024 at 11:55 AM
Subject: Re: CUP0013-23
To: Monica Carash <monica.carash@bonnercountyid.gov>
Cc: Travis Haller <travis.haller@bonnercountyid.gov>, Michael Bolling <michael.bolling@bonnercountyid.gov>

Will do, thank you.

On Tue, Jan 30, 2024 at 10:20 AM Monica Carash <monica.carash@bonnercountyid.gov> wrote:

Good morning,
We have reviewed CUP0013-23, Wedding Venue and Retreat. If this project is approved, a road name and additional addresses will be required. These will need to be applied for by the applicant at the time of BLP submission and/or construction.
Please add these as conditions of approval.

Thank you!

Monica Carash
GIS Technician

Bonner County GIS
1500 Hwy 2, Suite 115
208-265-1469 ext. 1273

monica.carash@bonnercountyid.gov
www.bonnercountyid.gov



--
Alex Feyen, MPA
Planner I
Bonner County Planning Department
1500 Highway 2, Suite 208
Sandpoint, ID 83864
Phone: 208-265-1458

--
Alex Feyen, MPA
Planner I

1/30/24, 12:36 PM

Bonner County Mail - Fwd: CUP0013-23

Bonner County Planning Department
[1500 Highway 2, Suite 208](#)
[Sandpoint, ID 83864](#)
Phone: 208-265-1458



Janna Brown <janna.brown@bonnercountyid.gov>

[EXT SENDER] RE: Agency Project Review Request - File CUP0013-23 - Conditional Use Permit - Private Community Facility

1 message

Horsmon, Merritt <merritt.horsmon@idfg.idaho.gov>

Mon, Jan 22, 2024 at 3:45 PM

To: Bonner County Planning Department <planning@bonnercountyid.gov>

Hi Jenna,

The Idaho Department of Fish and Game does not have any comments to submit for this application.

Thank you for the opportunity to review and comment,

Merritt Horsmon

Regional Technical Assistance Manager

Panhandle Region

2885 W. Kathleen Ave.

Coeur d'Alene, ID 83815

208.769.1414 office

208.251.4509 mobile

merritt.horsmon@idfg.idaho.gov**From:** Bonner County Planning Department <planning@bonnercountyid.gov>**Sent:** Wednesday, January 10, 2024 3:09 PM**To:** PHD <EHapplications@phd1.idaho.gov>; Gavin Gilcrease <ggilcrease@selkirkfire.com>; Northern Lights - Kristin Mettke <kristin.mettke@nli.coop>; School District 84 Transportation - James Koehler <james.koehler@lposd.org>; Facilities Director LPOSD #84 <matt.diel@lposd.org>; Superintendent School Dist 84 <kelly.fisher@lposd.org>; Superintendent No. 84 Becky Meyer <becky.meyer@lposd.org>; IDL - Pend Oreille Lake Supervisory <esjoquist@idl.idaho.gov>; Bonner Sheriff <bonnersheriff@bonnerso.org>; Army Corps of Engineers

<CENWW-RD-CDA@usace.army.mil>; Road & Bridge - Matt Mulder <matt.mulder@bonnercountyid.gov>;
Kristie May <Kristie.May@deq.idaho.gov>; Northern Info <northerninfo@idwr.idaho.gov>; Horsmon, Merritt
<merritt.horsmon@idfg.idaho.gov>; US Fish & Wildlife Services - Christy Johnson Hughes
<FW1idahoconsultationrequests@fws.gov>; BC EMS Jeff Lindsey <jeff.lindsey@bonnercountyid.gov>
Cc: Alexander Feyen <alexander.feyen@bonnercountyid.gov>; Jacob Gabell <jake.gabell@bonnercountyid.gov>;
Travis Haller <travis.haller@bonnercountyid.gov>; Teira Bruner <firebrandcoco@gmail.com>
Subject: Agency Project Review Request - File CUP0013-23 - Conditional Use Permit - Private Community Facility

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

The above-named application has been submitted to the Bonner County Planning Department for processing.

Please review the application relative to your agency's area of expertise and include any recommended conditions of approval and supporting code sections. Please see attached for details.

Thank you,

Jenna Crone, Hearing Coordinator

Bonner County Planning Department

208-265-1458 ext - 1277



Janna Brown <janna.brown@bonnercountyid.gov>

[EXT SENDER] FW: Agency Project Review Request - File CUP0013-23 - Conditional Use Permit - Community Facility/Retreat

1 message

Alleman, Tammy <Tammy.Alleman@idwr.idaho.gov>
To: Bonner County Planning <planning@bonnercountyid.gov>

Wed, Jan 10, 2024 at 3:50 PM

We already commented on this one in September.

From: Alleman, Tammy
Sent: Monday, September 25, 2023 3:18 PM
To: Bonner County Planning <planning@bonnercountyid.gov>
Subject: FW: Agency Project Review Request - File CUP0013-23 - Conditional Use Permit - Community Facility/Retreat

Bonner County Planning Department:

Thank you for providing the opportunity to comment on the proposed project CUP0013-23.

The Idaho Department of Water Resources (IDWR) requires that construction of a new well(s) must comply with drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules. If the proposed well is intended to be used for domestic purposes as defined in Idaho Code § 42-111 (for a household, no more than 13,000 gallons per day including up to a ½ acre of irrigation), the use will not require approval from IDWR. If the well will be used to irrigate more than ½ acre, use more than 13,000 gallons per day, or **be shared by more than one household**, the owner will need to file for and receive approval of an Application for Permit [before a well drilling permit can be approved](#).

The applicant can contact the Department with any questions.

Sincerely,



Tammy Alleman | Water Right Agent
Idaho Department of Water Resources
Northern Regional Office
7600 N Mineral Drive, Suite 100
Coeur d'Alene, ID 83815-7763
Phone: (208) 762-2800

From: Northern Info <northerninfo@idwr.idaho.gov>
Sent: Monday, August 28, 2023 9:03 AM

To: Alleman, Tammy <Tammy.Alleman@idwr.idaho.gov>

Subject: FW: Agency Project Review Request - File CUP0013-23 - Conditional Use Permit - Community Facility/Retreat

From: Bonner County Planning Department <planning@bonnercountyid.gov>

Sent: Monday, August 28, 2023 8:03 AM

To: PHD <EHApplications@phd1.idaho.gov>; Gavin Gilcrease <ggilcrease@selkirkfire.com>; Northern Lights - Kristin Mettke <kristin.mettke@nli.coop>; Superintendent School Dist 84 <kelly.fisher@lposd.org>; School District 84 Transportation - James Koehler <james.koehler@lposd.org>; Facilities Director LPOSD #84 <matt.diel@lposd.org>; Superintendent No. 84 Becky Meyer <becky.meyer@lposd.org>; IDL - Pend Oreille Lake Supervisory <esjoquist@idl.idaho.gov>; Bonner Sheriff <bonnersheriff@bonnerso.org>; Road & Bridge - Matt Mulder <matt.mulder@bonnercountyid.gov>; Kristie May <Kristie.May@deq.idaho.gov>; Northern Info <northerninfo@idwr.idaho.gov>; Horsmon, Merritt <merritt.horsmon@idfg.idaho.gov>; US Fish & Wildlife Services - Christy Johnson Hughes <FW1idahoconsultationrequests@fws.gov>; BC EMS Alan Brinkmeier <alan.brinkmeier@bonnercountyid.gov>

Cc: Travis Haller <travis.haller@bonnercountyid.gov>; Jacob Gabell <jake.gabell@bonnercountyid.gov>; Alexander Feyen <alexander.feyen@bonnercountyid.gov>; Teira Bruner <firebrandcoco@gmail.com>

Subject: Agency Project Review Request - File CUP0013-23 - Conditional Use Permit - Community Facility/Retreat

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The above-named application has been submitted to the Bonner County Planning Department for processing.

Please review the application relative to your agency's area of expertise and include any recommended conditions of approval and supporting code sections. Please see attached for details.

Thank you,

Jenna Crone, Hearing Coordinator

Bonner County Planning Department

208-265-1458 ext - 1277



CUP0013-23 Agency Routing.pdf

136K



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

August 28, 2023

TO:

Panhandle Health District	Bonner County Road and Bridge Department
Selkirk Fire District (Sagle)	Idaho Department of Environmental Quality
Northern Lights, Inc	Idaho Department of Water Resources
Lake Pend Oreille School District #84	Idaho Department of Fish and Game
Lake Pend Oreille School District #84- Transportation	U.S. Fish and Wildlife Service
Idaho Department of Lands: Sandpoint	U.S. Forest Service
Bonner County Sheriff	Bonner County EMS

FROM: Alex Feyen, Planner

SUBJECT: CUP0013-23 - Conditional Use Permit - Public Community Facility and Retreat

The above-named application has been submitted to the Bonner County Planning Department for processing. The Planning Department has determined this application to be complete and a public hearing has been scheduled with the Hearing Examiner for October 4, 2023, at 1:30 PM.

The applicants are requesting a Conditional Use Permit for a private community facility and retreat. The project site is 20.006 acres, located in Cocolalla. The property is zoned Rural 5. The project is located off Roop Road in Section 13, Township 55 North, Range 3 West, Boise-Meridian.

To review this application, go to the Planning Department web site at www.bonnercountyid.gov/departments/Planning/current-projects. If you experience difficulties visiting the project web page, try an alternative browser (Mozilla Firefox or Google Chrome) for access. If you prefer to receive hard copies of the application or have any difficulties reaching this web site, please contact the planning department as soon as possible.

Please review the application relative to your agency's area of expertise and include any recommended conditions of approval and supporting code sections by **September 19, 2023**. If your agency requires any additional information from the applicant, please advise the planning department in writing allowing ample time for applicant response. All comments will be forwarded to the applicant and representatives. If no response is provided, staff will conclude your agency has no objections to the project or recommended conditions.

If you have no comment or response, you may indicate below and return this form to the Planning Department. Thank you for your assistance.

NO COMMENT _____
Agency Name, Initials of Agency Representative Date

c: Teira & Cruz Bruner, Applicants



Janna Brown <janna.brown@bonnercountyid.gov>

[EXT SENDER] RE: Notice of Public Hearing - Appeal File CUP0013-23 - Conditional Use Permit - Community Facility

1 message

Kristie May <Kristie.May@deq.idaho.gov>

Fri, Apr 5, 2024 at 9:52 AM

To: Bonner County Planning Department <planning@bonnercountyid.gov>

Good Morning,

Thank you for the opportunity to comment. After reviewing the appeal DEQ has nothing additional to add to our comments submitted on February 2, 2024, for the project listed above.

If you have any questions about the comments this project has received please contact:

- Katy Baker-Casile for engineering and wastewater.
- Anna Moody for drinking water.
- Shawn Sweetapple for air quality.
- Kevin Aardahl for remediation or RCRA.
- Robert Steed for surface water and setback requirements.

Thank you-

Idaho Department of Environmental Quality
2110 Ironwood Parkway, Coeur d'Alene, Idaho 83814
Office Line: 208.769.1422

www.deq.idaho.gov

Our mission: To protect human health and the quality of Idaho's air, land, and water.

From: Bonner County Planning Department <planning@bonnercountyid.gov>**Sent:** Tuesday, March 26, 2024 8:00 AM

To: Army Corps of Engineers <CENWW-RD-CDA@usace.army.mil>; Assessors Office Group <assessorsgroup@bonnercountyid.gov>; Avista Copr - Jay West <jay.west@avistacorp.com>; Bay Drive Recreation District <kirbymc45@gmail.com>; Bayview Water & Sewer <bwsd637@gmail.com>; BC Airport Manager Dave Schuck <dave.schuck@bonnercountyid.gov>; BC EMS Jeff Lindsey <jeff.lindsey@bonnercountyid.gov>; Bonner Sheriff <bonnersheriff@bonnerso.org>; Bryan Quayle <quaylelanduseconsulting@gmail.com>; City of Clark Fork <city@clarkforkidaho.org>; City of Dover <cityclerk@cityofdoveridaho.org>; City of East Hope <easthope.city@gmail.com>; City of Hope <hopecityclerk@gmail.com>; City of Kootenai - Ronda Whittaker <cityclerk@cityofkootenai.org>; City of Oldtown <cityofoldtown@hotmail.com>; City of Ponderay KayLeigh Miller <klmiller@ponderay.org>; City of Priest River <layers@priestriver-id.gov>; City of Sandpoint <cityplanning@sandpointidaho.gov>; cityclerk@spiritleakeid.gov; Coolin Sewer <coolinsewer@gmail.com>; Coolin-Cavanaugh Bay Fire District <coolinfirechief@gmail.com>; Kristie May <Kristie.May@deq.idaho.gov>;

Drainage District #7 Kim Hoodenpyle <kjh5345@gmail.com>; East Bonner Library <vanessa@ebonnerlibrary.org>; East Priest Lake Fire Chief Tom Renzi <epldchief@gmail.com>; Ellisport Bay Sewer District <clerk@ebsewerdistrict.com>; Facilities Director LPOSD #84 <matt.diel@lposd.org>; Garfield Bay Water and Sewer District Clerk <garfieldbaywsd@hotmail.com>; Granite Reeder Sewer District <granitereeder@gmail.com>; Dan Everhart <Dan.Everhart@ishs.idaho.gov>; Horsmon, Merritt <merritt.horsmon@idfg.idaho.gov>; IDL - Nav. Waters Ryan Zandhuisen <RZandhuisen@idl.idaho.gov>; IDL - Pend Oreille Lake Supervisory <esjoquist@idl.idaho.gov>; dbrown@idl.idaho.gov; IDWR Chase Bell <chase.bell@idwr.idaho.gov>; Independent Hwy Dist - Julie Bishop <ihdclerk@gmail.com>; ITD <D1Permits@itd.idaho.gov>; Jack Schenck Vyve/Northland Cable <Jack.schenck@vyvebb.com>; Jason Johnson <jason.johnson@bonnercountyid.gov>; Kootenai Ponderay Sewer District <CJohnson@kootenaiponderaysewerdistrict.org>; Laclede Water District <LWdistrict@frontier.com>; Lakeland Joint School District #272 <cpursley@lakeland272.org>; Lakeland Joint School District #272 Jessica Grantham <jessica.grantham@lakeland272.org>; Lisa Rosa <hr@ebonnerlibrary.org>; North of the Narrows Fire Dept <Huckbay2501@gmail.com>; Northern Lights - Kristin Mettke <kristin.mettke@nli.coop>; Northside Fire District - Karen Quenell <kquenell@northsidefire.org>; Outlet Bay Sewer District <outletbaysewer@gmail.com>; Pend Orielle Hospital District <kim.kichenmaster@bonnergeneral.org>; PHD <EHapplications@phd1.idaho.gov>; Priest Lake Public Library District <plplibrary@hotmail.com>; Priest Lake Translator District - Frankie Dunn <Frankiejduhn@hotmail.com>; Road & Bridge - Matt Mulder <matt.mulder@bonnercountyid.gov>; Ruen Yeager <planning@ruenyeager.com>; Sagle Valley Water & Sewer District <saglewatersewer@gmail.com>; Sam Owen Fire Rescue Sam Owen Fire Rescue <sofd@wow-tel.net>; joekren@sd83.org; School District 84 Transportation - James Koehler <james.koehler@lposd.org>; Schweitzer Fire, Spencer Newton <firedistrict@msn.com>; Selkirk Association of Realtors Danielle <danielle@selkirkaor.com>; Selkirk Fire Gavin Gilcrease <ggilcrease@selkirkfire.com>; Selkirk Recreation District <elgar@whoi.edu>; Southside Water and Sewer <southsidewaterandsewer@swsdidaho.org>; Spirit Lake Fire Dept. (Debbie Carpenter) <chief@spiritleakefire.com>; Superintendent No. 84 Becky Meyer <becky.meyer@lposd.org>; Superintendent School Dist 84 <kelly.fisher@lposd.org>; Syringa Heights Water <allwater49@outlook.com>; Timberlake Fire <cthatcher@timberlakefire.com>; Trestle Creek Sewer District Janice Best <janicesb@televar.com>; US Fish & Wildlife Services - Christy Johnson Hughes <FW1idahoconsultationrequests@fws.gov>; West Bonner Library <meagan@westbonnerlibrary.org>; West Pend Oreille Fire District <wpofd1@gmail.com>; West Priest Lake Fire Josh Gilbert <WPLFD.Chief@gmail.com>

Cc: Jacob Gabell <jake.gabell@bonnercountyid.gov>; Travis Haller <travis.haller@bonnercountyid.gov>; Alexander Feyen <alexander.feyen@bonnercountyid.gov>; Jenna Crone <jenna.crone@bonnercountyid.gov>

Subject: Notice of Public Hearing - Appeal File CUP0013-23 - Conditional Use Permit - Community Facility

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

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Please review the application relative to your agency's area of expertise and include any recommended conditions of approval and supporting code sections. Please see attached for details.

Thank you,

Jenna Crone, Hearing Coordinator

4/8/24, 9:19 AM

Bonner County Mail - [EXT SENDER] RE: Notice of Public Hearing - Appeal File CUP0013-23 - Conditional Use Permit - Communit...

Bonner County Planning Department

208-265-1458 ext - 1277



Jenna Crone <jenna.crone@bonnercountyid.gov>

Fwd: CUP0013-23

1 message

Alex Feyen <alexander.feyen@bonnercountyid.gov>
To: Jenna Crone <jenna.crone@bonnercountyid.gov>

Tue, Mar 26, 2024 at 12:45 PM

----- Forwarded message -----

From: **Monica Carash** <monica.carash@bonnercountyid.gov>

Date: Tue, Mar 26, 2024 at 12:40 PM

Subject: CUP0013-23

To: Alexander Feyen <alexander.feyen@bonnercountyid.gov>

Cc: Travis Haller <travis.haller@bonnercountyid.gov>, Chad Chambers <chadr.chambers@bonnercountyid.gov>

Hello,

This CUP seems to be in review again. The applicant will need to apply for a road name and addresses. Please add this to the conditions of approval again.

Thank you!

Monica Carash

GIS Technician

Bonner County GIS

1500 Hwy 2, Suite 115

208-265-1469 ext. 1273

monica.carash@bonnercountyid.govwww.bonnercountyid.gov

--

Alex Feyen, MPA**Planner I**

Bonner County Planning Department

1500 Highway 2, Suite 208

Sandpoint, ID 83864

Phone: 208-265-1458



Janna Brown <janna.brown@bonnercountyid.gov>

[EXT SENDER] RE: Notice of Public Hearing - Appeal File CUP0013-23 - Conditional Use Permit - Community Facility

1 message

Symone Legg <Symone.Legg@itd.idaho.gov>

Tue, Mar 26, 2024 at 9:08 AM

To: Bonner County Planning Department <planning@bonnercountyid.gov>

ITD Permits has no comment.

Thanks,

Symone Legg | Project Coordinator**Idaho Transportation Department** | D1 Traffic/Permits

Ext: 208.772.8073 Dept: 208.772.1297

Email: symone.legg@itd.idaho.gov | itd.idaho.gov*Enhancing quality of life through transportation*

Work schedule: Monday - Friday 7AM- 4PM

From: Bonner County Planning Department <planning@bonnercountyid.gov>**Sent:** Tuesday, March 26, 2024 8:00 AM

To: Army Corps of Engineers <CENWW-RD-CDA@usace.army.mil>; Assessors Office Group <assessorsgroup@bonnercountyid.gov>; Avista Copr - Jay West <jay.west@avistacorp.com>; Bay Drive Recreation District <kirbymc45@gmail.com>; Bayview Water & Sewer <bwsd637@gmail.com>; BC Airport Manager Dave Schuck <dave.schuck@bonnercountyid.gov>; BC EMS Jeff Lindsey <jeff.lindsey@bonnercountyid.gov>; Bonner Sheriff <bonnersheriff@bonnerso.org>; Bryan Quayle <quaylelanduseconsulting@gmail.com>; City of Clark Fork <city@clarkforkidaho.org>; City of Dover <cityclerk@cityofdoveridaho.org>; City of East Hope <easthope.city@gmail.com>; City of Hope <hopecityclerk@gmail.com>; City of Kootenai - Ronda Whittaker <cityclerk@cityofkootenai.org>; City of Oldtown <cityofoldtown@hotmail.com>; City of Ponderay KayLeigh Miller <klmiller@ponderay.org>; City of Priest River <layers@priestriver-id.gov>; City of Sandpoint <cityplanning@sandpointidaho.gov>; City of Spirit Lake <cityclerk@spiritleakeid.gov>; Coolin Sewer <coolinsewer@gmail.com>; Coolin-Cavanaugh Bay Fire District <coolinfirechief@gmail.com>; DEQ - Kristie McEnroe <kristie.mcenroe@deq.idaho.gov>; Drainage District #7 Kim Hoodenpyle <kjh5345@gmail.com>; East Bonner Library <vanessa@ebonnerlibrary.org>; East Priest Lake Fire Chief Tom Renzi <eplfdchief@gmail.com>; Ellisport Bay Sewer District <clerk@ebsewerdistrict.com>; Facilities Director LPOSD #84 <matt.diel@lposd.org>; Garfield Bay Water and Sewer District Clerk <garfieldbaywsd@hotmail.com>; Granite Reeder Sewer District <granitereeder@gmail.com>; ID State Historical Society - Dave Everhart <dan.everhart@ishs.idaho.gov>; Idaho Department of Fish & Game <meritt.horsmon@idfg.idaho.gov>; IDL - Nav. Waters Ryan Zandhuisen <RZandhuisen@idl.idaho.gov>; IDL - Pend Oreille Lake Supervisory <esjoquist@idl.idaho.gov>; IDL - Priest Lake Supervisory Area <dbrown@idl.idaho.gov>; IDWR Chase Bell <chase.bell@idwr.idaho.gov>; Independent Hwy Dist - Julie Bishop <ihdclerk@gmail.com>; D1Permits <D1Permits@itd.idaho.gov>; Jack Schenck Vyve/Northland Cable <Jack.schenck@vyvebb.com>; Jason Johnson <jason.johnson@bonnercountyid.gov>; Kootenai Ponderay Sewer District <CJohnson@kootenaiponderaysewerdistrict.org>; Laclede Water District <LWdistrict@frontier.com>; Lakeland Joint School District #272 <cpursley@lakeland272.org>; Lakeland Joint School District #272 Jessica Grantham <jessica.grantham@lakeland272.org>; Lisa Rosa <hr@ebonnerlibrary.org>; North of the Narrows Fire Dept <Huckbay2501@gmail.com>; Northern Lights - Kristin Mettke <kristin.mettke@nli.coop>; Northside Fire District - Karen Quenell <kquenell@northsidefire.org>; Outlet Bay Sewer District <outletbaysewer@gmail.com>; Pend Orielle Hospital District <kim.kichenmaster@bonnergeneral.org>; PHD <EHapplications@phd1.idaho.gov>; Priest Lake Public Library District <plplibrary@hotmail.com>; Priest Lake

Translator District - Frankie Dunn <Frankiejduhn@hotmail.com>; Road & Bridge - Matt Mulder <matt.mulder@bonnercountyid.gov>; Ruen Yeager <planning@ruenyeager.com>; Sagle Valley Water & Sewer District <saglewatersewer@gmail.com>; Sam Owen Fire Rescue Sam Owen Fire Rescue <sofd@wow-tel.net>; School District #83 - Joseph Kren <joekren@sd83.org>; School District 84 Transportation - James Koehler <james.koehler@lposd.org>; Schweitzer Fire, Spencer Newton <firedistrict@msn.com>; Selkirk Association of Realtors Danielle <danielle@selkirkaor.com>; Selkirk Fire Gavin Gilcrease <ggilcrease@selkirkfire.com>; Selkirk Recreation District <elgar@whoi.edu>; Southside Water and Sewer <southsidewaterandsewer@swsdidaho.org>; Spirit Lake Fire Dept. (Debbie Carpenter) <chief@spiritlakefire.com>; Superintendent No. 84 Becky Meyer <becky.meyer@lposd.org>; Superintendent School Dist 84 <kelly.fisher@lposd.org>; Syringa Heights Water <allwater49@outlook.com>; Timberlake Fire <cthatcher@timberlakefire.com>; Trestle Creek Sewer District Janice Best <janicesb@televar.com>; US Fish & Wildlife Services - Christy Johnson Hughes <FW1idahoconsultationrequests@fws.gov>; West Bonner Library <meagan@westbonnerlibrary.org>; West Pend Oreille Fire District <wpofd1@gmail.com>; West Priest Lake Fire Josh Gilbert <WPLFD.Chief@gmail.com>
Cc: Jacob Gabell <jake.gabell@bonnercountyid.gov>; Travis Haller <travis.haller@bonnercountyid.gov>; Alexander Feyen <alexander.feyen@bonnercountyid.gov>; Jenna Crone <jenna.crone@bonnercountyid.gov>
Subject: Notice of Public Hearing - Appeal File CUP0013-23 - Conditional Use Permit - Community Facility

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Please review the application relative to your agency's area of expertise and include any recommended conditions of approval and supporting code sections. Please see attached for details.

Thank you,

Jenna Crone, Hearing Coordinator

Bonner County Planning Department

208-265-1458 ext - 1277



Janna Brown <janna.brown@bonnercountyid.gov>

[EXT SENDER] File CUP0013-23 Conditional Use Permit

1 message

Colleen Johnson <CJohnson@kootenaiponderaysewerdistrict.org>
To: Bonner County Planning <planning@bonnercountyid.gov>

Tue, Mar 26, 2024 at 9:36 AM

Good Morning:

Attached is the District's response to the above named file.

NOTICE OF CHANGE IN HOURS: THE OFFICE WILL BE CLOSED ON FRIDAYS. WE WILL BE OPEN NORMAL HOURS MONDAY THRU THURSDAY.

Colleen Johnson

Business Office Manager

Kootenai-Ponderay Sewer District

208-263-0229 Fax – 208-265-5326 Mobile: 208-304-5820

511 Whiskey Jack Road Sandpoint, Idaho 83864

P.O. Box 562, Kootenai, ID 83840

“Dance with Life”



 **2024_03_BC_CUP0013_23.pdf**
99K

NOTICE OF PUBLIC HEARING



I hereby certify that a true and correct copy of this "Notice of Public Hearing" was digitally transmitted or mailed (postage prepaid) on this **26th** day of **March 2024**.

J Crone

Jenna Crone, Hearing Coordinator

This notice was mailed to political subdivisions, property owners within 300 feet of the subject property, and the media on **Tuesday, March 26, 2024**.

NOTICE IS HEREBY GIVEN that the Bonner County Commissioners will hold a public hearing at **1:30 pm** on **Wednesday, April 24, 2024** in the Bonner County Administration Building, 1500 Highway 2, Sandpoint, Idaho, by Zoom teleconference, and YouTube Livestream to consider the following request:

Appeal of File CUP0013-23 - Conditional Use Permit - Private Community Facility and Retreat. The applicants are requesting a Conditional Use Permit for a private community facility and retreat. The project site is 20.006 acres, located in Cocolalla. The property is zoned Rural 5. The project is located off Roop Road in Section 13, Township 55 North, Range 3 West, Boise-Meridian. The Hearing Examiner at their October 11, 2023, public hearing recommended that the file be heard by the Zoning Commission based upon the extent of public comment or other contested factors in the case that warrant a hearing before the Zoning Commission. On February 15, 2024, the Zoning Commission approved this file. On March 19, 2024, the Planning Department received a letter of appeal requesting this file be sent to the Board of County Commissioners to be heard de novo.

For details regarding this application, Zoom teleconference, or YouTube livestream, visit the Planning Department web site at www.bonnercountyid.gov/departments/Planning. Staff reports are available online or may be viewed at the planning department approximately a week before the scheduled hearing.

Written statements must be submitted to the planning department record no later than seven (7) days prior to the public hearing. Written statements not exceeding one standard letter sized, single spaced page may be submitted at the public hearing. Statements can be sent to the Bonner County Planning Department at 1500 Highway 2, Suite 208, Sandpoint, Idaho 83864; faxed to 866-537-4935 or e-mailed to planning@bonnercountyid.gov. The referenced start time stated above reflects the beginning of the hearing. Specific file start time and hearing duration vary.

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If you have no comment or response, you may indicate below and return this form to the Planning Department.

Out of District Boundaries

NO COMMENT

Name

Kootenai-Ponderay Sewer District

Date

3/26/24



Janna Brown <janna.brown@bonnercountyid.gov>

[EXT SENDER] NOTICE OF PUBLIC HEARING 04.15.2024

1 message

Monica Anderson <manderson@phd1.idaho.gov>

Tue, Apr 16, 2024 at 9:14 AM

To: "planning@bonnercountyid.gov" <planning@bonnercountyid.gov>

Cc: Erik Illum <ei@oecivil.com>, Sarah Tonyan <stonyan@phd1.idaho.gov>

**Public Health**
Prevent. Promote. Protect.
Panhandle Health District**Monica Anderson** | Technical Records Specialist 1

2101 W Pine St., Sandpoint, ID 83864

P: 208-265-6384

E: bonnerapplications@phd1.idaho.govW: Panhandlehealthdistrict.org

IMPORTANT: The information contained in this email may be privileged, confidential or otherwise protected from disclosure. All persons are advised that they may face penalties under state and federal law for sharing this information with unauthorized individuals. If you received this email in error, please reply to the sender that you received this information in error. Also, please delete this email after replying to the sender.

**NOTICE OF HEARING 04.15.2024.pdf**

4665K



NOTICE OF PUBLIC HEARING

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J Crone

Jenna Crone, Hearing Coordinator

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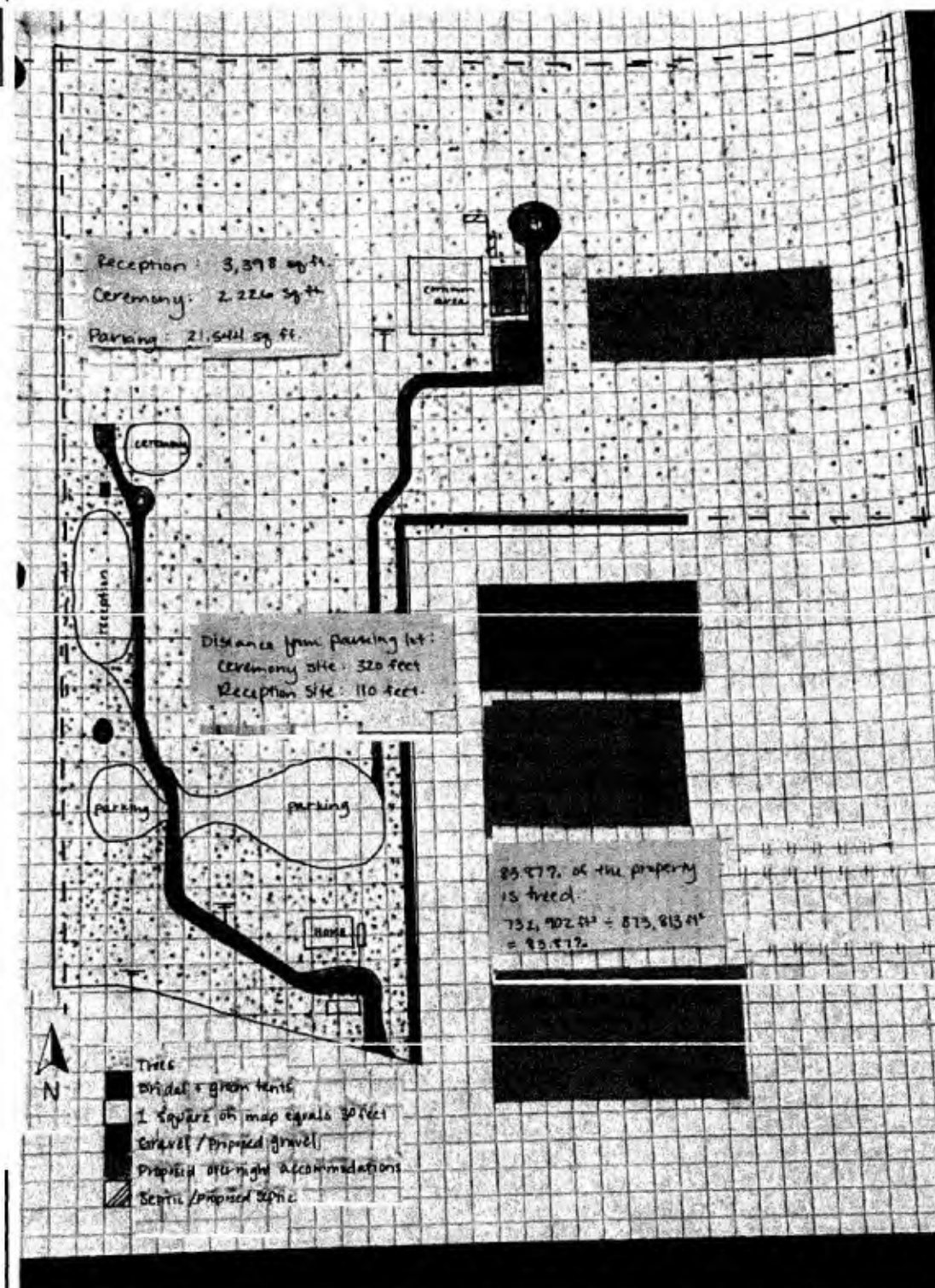
NO COMMENT

See attached

Name

4/15/24

Date



fence plan —

— I-Bar + wire fencing with
 No Trespassing Signage
 — 8' fencing and privacy slats with
 No Trespassing Signage



Public Health
Prevent. Promote. Protect.
Panhandle Health District

Panhandle Health District

Healthy People in Healthy Communities



4/12/2024

Jenna Crone, Hearing Coordinator
Bonner County Planning Dept
1500 Highway 2, Suite 208
Sandpoint, ID 83864

RE: CUP0013-23 – Private Community Facility and Retreat

Panhandle Health District (PHD) has reviewed the Bonner County Planning Application referenced above, and has the following comments:

A review of PHD records indicates that parcel associated with this CUP application has:

- an approved septic permit for the existing dwelling in use – 3bdrms (23-09-05408)
- submitted an application for a new septic to serve the Retreat (24-09-07529)
- submitted a Letter of Intended Use for the Retreat
- 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 PHD through the permitting process and PHD is currently reviewing the project proposal to ensure all wastewater flows are accounted for prior to permit approval. The application submitted to PHD indicates an intent for a system to serve one building with a maximum of 20 people. For PHD 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.

Best Regards,

Sarah Tonyan, REHS

Sandpoint – Bonner County
2101 W. Pine St.
Sandpoint, ID 83864
208.265.6384



Janna Brown <janna.brown@bonnercountyid.gov>

[EXT SENDER] CUP0013-23 - Agency Comment PHD

1 message

Sarah Tonyan <stonyan@phd1.idaho.gov>

Mon, Apr 15, 2024 at 3:53 PM

To: "planning@bonnercountyid.gov" <planning@bonnercountyid.gov>

Hi,

Here is my comment regarding **CUP0013-23** for the **Public Hearing on April 24th** for the Firebrand Private Community Facility / Retreat.

	Sarah Tonyan Registered Environmental Health Specialist 2101 W. Pine Street, Sandpoint ID 83864 O: 208-265-6384 D: 208-920-7906 W: Panhandlehealthdistrict.org
--	--

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**Response_CUP0013-23_Firebrand-Retreat.pdf**

553K

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J Crone

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If you have no comment or response, you may indicate below and return this form to the Planning Department.

NO COMMENT

See attached

Name

4/15/24

Date



Public Health
Prevent. Promote. Protect.
Panhandle Health District

Panhandle Health District

Healthy People in Healthy Communities



4/12/2024

Jenna Crone, Hearing Coordinator
Bonner County Planning Dept
1500 Highway 2, Suite 208
Sandpoint, ID 83864

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Best Regards,

Sarah Tonyan, REHS

Sandpoint – Bonner County
2101 W. Pine St.
Sandpoint, ID 83864
208.265.6384



Janna Brown <janna.brown@bonnercountyid.gov>

[EXT SENDER] RE: Notice of Public Hearing - Reconsideration of File CUP0013-23 - Conditional Use Permit - Public Community Facility & Retreat

1 message

Horsmon, Merritt <merritt.horsmon@idfg.idaho.gov>

Tue, Jun 4, 2024 at 12:43 PM

To: Bonner County Planning Department <planning@bonnercountyid.gov>

Hi Jenna,

Please consider this email as comment from Idaho Department of Fish and Game (IDFG) regarding application CUP0013-23 submitted by Teira Bruner . The purpose of these comments is to assist the decision-making authority by providing technical information addressing potential effects on wildlife and wildlife habitat and how any adverse effects might be mitigated.

IDFG recommends that a 40 foot setback be implemented for the wetlands identified in the application during construction of this project, and for any structures.

Thank you for the opportunity to comment.

Merritt Horsmon

Regional Technical Assistance Manager

Panhandle Region

2885 W. Kathleen Ave.

[Coeur d'Alene, ID 83815](#)

208.769.1414 office

208.251.4509 mobile

merritt.horsmon@idfg.idaho.gov

From: Bonner County Planning Department <planning@bonnercountyid.gov>**Sent:** Friday, May 17, 2024 10:12 AM**To:** Army Corps of Engineers <CENWW-RD-CDA@usace.army.mil>; Assessors Office Group <assessorsgroup@bonnercountyid.gov>; Avista Copr - Jay West <jay.west@avistacorp.com>; Bay Drive Recreation District <kirbymc45@gmail.com>; Bayview Water & Sewer <bwsd637@gmail.com>; BC Airport Manager Dave Schuck <dave.schuck@bonnercountyid.gov>; BC EMS Jeff Lindsey <jeff.lindsey@bonnercountyid.gov>; Bonner Sheriff <bonnersheriff@bonnerso.org>; Bryan Quayle <quaylelanduseconsulting@gmail.com>; City of Clark Fork

<city@clarkforkidaho.org>; City of Dover <cityclerk@cityofdoveridaho.org>; City of East Hope <easthope.city@gmail.com>; City of Hope <hopecityclerk@gmail.com>; City of Kootenai - Ronda Whittaker <cityclerk@cityofkootenai.org>; City of Oldtown <cityofoldtown@hotmail.com>; City of Ponderay KayLeigh Miller <klmiller@ponderay.org>; City of Priest River <layers@priestriver-id.gov>; City of Sandpoint <cityplanning@sandpointidaho.gov>; cityclerk@spirittlakeid.gov; Coolin Sewer <coolinsewer@gmail.com>; Coolin-Cavanaugh Bay Fire District <coolinfirechief@gmail.com>; Kristie May <Kristie.May@deq.idaho.gov>; Drainage District #7 Kim Hoodenpyle <kjh5345@gmail.com>; East Bonner Library <vanessa@ebonnerlibrary.org>; East Priest Lake Fire Chief Tom Renzi <epfdrchief@gmail.com>; Ellisport Bay Sewer District <clerk@ebsewerdistrict.com>; Facilities Director LPOSD #84 <matt.diel@lposd.org>; Garfield Bay Water and Sewer District Clerk <garfieldbaywsd@hotmail.com>; Granite Reeder Sewer District <granitereeder@gmail.com>; Dan Everhart <Dan.Everhart@ishs.idaho.gov>; Horsmon, Merritt <merritt.horsmon@idfg.idaho.gov>; Mike Ahmer <mahmer@idl.idaho.gov>; IDL - Nav. Waters Ryan Zandhuisen <RZandhuisen@idl.idaho.gov>; IDL - Pend Oreille Lake Supervisory <esjoquist@idl.idaho.gov>; dbrown@idl.idaho.gov; IDL Pend Oreille Nav. Waters Gwen Victorson <GVictorson@idl.idaho.gov>; IDWR Chase Bell <chase.bell@idwr.idaho.gov>; Independent Hwy Dist - Julie Bishop <ihdclerk@gmail.com>; ITD <D1Permits@itd.idaho.gov>; Jack Schenck Vyve/Northland Cable <Jack.schenck@vyvebb.com>; Jason Johnson <jason.johnson@bonnercountyid.gov>; Kootenai Ponderay Sewer District <CJohnson@kootenaiponderaysewerdistrict.org>; Laclede Water District <LWdistrict@frontier.com>; Lakeland Joint School District #272 <cpursley@lakeland272.org>; Lakeland Joint School District #272 Jessica Grantham <jessica.grantham@lakeland272.org>; Lisa Rosa <hr@ebonnerlibrary.org>; North of the Narrows Fire Dept <Huckbay2501@gmail.com>; Northern Lights - Kristin Mettke <kristin.mettke@nli.coop>; Northside Fire District - Karen Quenell <kquenell@northsidefire.org>; Outlet Bay Sewer District <outletbaysewer@gmail.com>; Pend Orielle Hospital District <kim.kichenmaster@bonnergeneral.org>; PHD <EHapplications@phd1.idaho.gov>; Priest Lake Public Library District <plplibrary@hotmail.com>; Priest Lake Translator District - Frankie Dunn <Frankiejduhn@hotmail.com>; Road & Bridge - Matt Mulder <matt.mulder@bonnercountyid.gov>; Ruen Yeager <planning@ruenyeager.com>; Sagle Valley Water & Sewer District <saglewatersewer@gmail.com>; Sam Owen Fire Rescue Sam Owen Fire Rescue <sofd@wow-tel.net>; joekren@sd83.org; School District 84 Transportation - James Koehler <james.koehler@lposd.org>; Schweitzer Fire, Spencer Newton <firedistrict@msn.com>; Selkirk Association of Realtors Danielle <danielle@selkirkaor.com>; Selkirk Fire Gavin Gilcrease <ggilcrease@selkirkfire.com>; Selkirk Recreation District <elgar@whoi.edu>; Southside Water and Sewer <southsidewaterandsewer@swsdidaho.org>; Spirit Lake Fire Dept. (Debbie Carpenter) <chief@spirittlakefire.com>; Superintendent No. 84 Becky Meyer <becky.meyer@lposd.org>; Superintendent School Dist 84 <kelly.fisher@lposd.org>; Syringa Heights Water <allwater49@outlook.com>; Timberlake Fire <kwright@timberlakefire.com>; Trestle Creek Sewer District Janice Best <janicesb@televar.com>; US Fish & Wildlife Services - Christy Johnson Hughes <FW1idahoconsultationrequests@fws.gov>; West Bonner Library <meagan@westbonnerlibrary.org>; West Pend Oreille Fire District <wpofd1@gmail.com>; West Priest Lake Fire Josh Gilbert <WPLFD.Chief@gmail.com>
Cc: Jacob Gabell <jake.gabell@bonnercountyid.gov>; Travis Haller <travis.haller@bonnercountyid.gov>; Alexander Feyen <alexander.feyen@bonnercountyid.gov>
Subject: Notice of Public Hearing - Reconsideration of File CUP0013-23 - Conditional Use Permit - Public Community Facility & Retreat

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

The Board of County Commissioners have granted a request for reconsideration on this file, in part, limiting the scope to address BCRC 12-333 Note 27, demonstration of adequate fire protection.

Please review the application relative to your agency's area of expertise and include any recommended conditions of approval and supporting code sections. Please see attached for details.

Thank you,

Jenna Crone, Hearing Coordinator
Bonner County Planning Department
208-265-1458 ext - 1277



Janna Brown <janna.brown@bonnercountyid.gov>

File CUP0013-23 Conditional Use Permit

1 message

'Colleen Johnson' via Mail-Planning <planning@bonnercountyid.gov>
Reply-To: Colleen Johnson <CJohnson@kootenaiponderaysewerdistrict.org>
To: Bonner County Planning <planning@bonnercountyid.gov>

Sat, May 18, 2024 at 10:21 AM

Good Morning:

Attached is the District's response to the above named file.

**NOTICE OF CHANGE IN HOURS: THE OFFICE WILL BE CLOSED ON FRIDAYS. WE WILL BE OPEN
NORMAL HOURS MONDAY THRU THURSDAY.**

Colleen Johnson

Business Office Manager

Kootenai-Ponderay Sewer District

208-263-0229 Fax – 208-265-5326 Mobile: 208-304-5820

511 Whiskey Jack Road Sandpoint, Idaho 83864

P.O. Box 562, Kootenai, ID 83840

“Dance with Life”



 **2024_05_BC_FileCUP0013_23Conditional.pdf**
101K

NOTICE OF PUBLIC HEARING



I hereby certify that a true and correct copy of this "Notice of Public Hearing" was digitally transmitted or mailed (postage prepaid) on this **17th** day of **May 2024**.

J Crone

Jenna Crone, Hearing Coordinator

This notice was mailed to political subdivisions, property owners within 300 feet of the subject property, and the media on **Friday, May 17, 2024**.

NOTICE IS HEREBY GIVEN that the Bonner County Commissioners will hold a public hearing at **1:30 pm on Thursday, June 13, 2024** in the Bonner County Administration Building, 1500 Highway 2, Sandpoint, Idaho, by Zoom teleconference, and YouTube Livestream to consider the following request:

File CUP0013-23 - Conditional Use Permit - Public Community Facility and Retreat. The applicants are requesting a Conditional Use Permit for a private community facility and retreat. The project site is 20.006 acres, located in Cocolalla. The property is zoned Rural 5. The project is located off Roop Road in Section 13, Township 55 North, Range 3 West, Boise-Meridian.

Following the Hearing Examiner's and the Zoning Commission's public hearings, the Board of County Commissioners approved this project at a public hearing on April 24, 2024. The Planning Department received a request on May 7, 2024, for the Board to reconsider their decision based on the following concerns; interpretation of the Comprehensive Plan, erroneous information from the applicants and new evidence presented prior to the Zoning Commission hearing.

The Board is granting the request for reconsideration, in part, limiting the scope of this public hearing to address Bonner County Revised Code 12-333 Note 27, demonstration of adequate fire protection.

For details regarding this application, Zoom teleconference, or YouTube livestream, visit the Planning Department web site at www.bonnercountyid.gov/departments/Planning. Staff reports are available online or may be viewed at the planning department approximately a week before the scheduled hearing.

Written statements must be submitted to the planning department record no later than seven (7) days prior to the public hearing. Written statements not exceeding one standard letter sized, single spaced page may be submitted at the public hearing. Statements can be sent to the Bonner County Planning Department at 1500 Highway 2, Suite 208, Sandpoint, Idaho 83864; faxed to 866-537-4935 or e-mailed to planning@bonnercountyid.gov. The referenced start time stated above reflects the beginning of the hearing. Specific file start time and hearing duration vary.

During the hearing for this application, the public will be given an opportunity to provide testimony and/or evidence regarding how the proposal does or does not comply with the applicable approval criteria of the Bonner County Revised Code. At the close of the public hearing, the governing board will make a decision on the application that may include, but is not limited to, approval, denial, remand, or continuance of the public hearing. Any person needing special accommodations to participate in the public hearing should contact the Bonner County Planning Department at (208) 265-1458 at least 48 hours prior to the scheduled hearing.

If you have no comment or response, you may indicate below and return this form to the Planning Department.

NO COMMENT *Kootenai-Ponderay Sewer District* *5/18/24*
Name Date
Out of District Boundaries



Alexander Feyen <alexander.feyen@bonnercountyid.gov>

Firebrand Cocolalla comment

Jeff Armstrong <jarmstrong@selkirkfire.us>

Mon, Jun 10, 2024 at 7:44 AM

To: Travis Haller <travis.haller@bonnercountyid.gov>

Cc: Jake Gabell <jake.gabell@bonnercountyid.gov>, Alexander Feyen <alexander.feyen@bonnercountyid.gov>

Thank you

Barring any emergency incidents, I will be at the hearing.

Comment:

Based on an initial review of the plans the applicant provided Selkirk Fire, I don't have any immediate concerns with the expansion or Lodge. The plans are very preliminary and there are several factors that will require more research. A full review of the project will be required, and any applicable requirements of the IFC will be applied.

Jeff Armstrong, Fire Chief

Selkirk Fire, Rescue & EMS

2689 Gun Club Rd.

Sagle, ID. 83860

O: 208-263-7929

jarmstrong@selkirkfire.us



[Quoted text hidden]

Appendix C – Previous Decision Letters/Appeal Letter



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

October 13, 2023

Bonner County Zoning Commission
1500 Hwy 2, Suite 208
Sandpoint, ID 83864

Subj: File CUP0013-23 – Conditional Use Permit – Public Community Facility and Retreat

Encl: (1) File CUP0013-23 Proposed Site Plan

Bonner County Zoning Commission,

The Bonner County Hearing Examiner on October 11, 2023, recommended that the Zoning Commission conduct a public hearing for this project FILE CUP0013-23 for a retreat and private community facility, pursuant to the public hearing noticing requirements and procedures of Chapter 2, Subchapter 2.6 of Title 12, based upon the extent of public comment and other contested factors in the case which warrant a hearing in front of the Zoning Commission.

Findings of Facts:

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 accessed off Roop Road, a Bonner County owned and maintained 50-foot-wide, treated gravel right of way.
5. The site is served by Northern Lights Inc. for their current residential use.
6. The site is in the mapped service area of Sagle (Selkirk) Fire District.
7. The site contains steep slopes of over 30% grade (USGS).
8. The site is located within SFHA Zone X (FEMA).

9. The site contains mapped wetlands (NWI, USFWS).
10. 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 existing residence will be used for overnight accommodations as well. 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.
11. The proposed accommodations for the retreat include 6 dry cabins to accommodate a maximum of 16 guests and a lodge to accommodate a maximum of 40 guests for overnight stays. The applicant is proposing a maximum of 56 guests on-site for overnight stays.
12. The project proposes a single centrally located common area where kitchen and dining facilities may be located.
13. The property is accessed by Roop Road, a Bonner County owned and maintained road. 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.
14. 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.
15. 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.
16. The project is not proposing development of any structures on the property to accommodate or house greater number of families than permitted by the standards of Bonner County Revised Code.

17. 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.
18. The project proposes no activity involving the use or storage of flammable or explosive materials on or off site.
19. The project proposes no activity involving emittance of harmful radioactivity or electrical disturbance.
20. The application for the proposal states, "We use a decibel reader at our property line to ensure our DJ and noise level is within accordance. We also 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." The application further states that the hours of operation will be limited from 10:00 a.m. to 10:00 p.m.
21. The project is not proposing any activities that would seem to contribute to air or water pollution.
22. The private community facility is proposed to be operated on an area of ±5624 square feet.
23. Per the submitted site plan all the proposed structures on site show pedestrian or vehicular connections through the entire project.
24. Per the submitted site plan, the proposed location of the parking shows that it covers more than 50% of the lot frontage.
25. The project proposes locating "3 dry box storage units" on site.
26. The applicant stated they have ended their business relationship with the DJ/MC contractors associated with known noise complaints and are contracting solely with Ruby Frog Entertainment. There have been no known noise complaints during the events when Ruby Frog Entertainment provided their services to the applicant.
27. The applicant stated during their presentation that they are proposing to install a 10' tall fence running along the South-East border of the project property to provide a noise and visual barrier. This proposed fence was shown in an updated site plan that was submitted during the applicant's presentation.
28. The project proposes to centrally locate the proposed 6 dry cabins and lodge on the project property to further inhibit any noise above 60 decibels. The

applicants stated that no DJ, PA or loud speakers will be allowed at a lodging site and that the buildings and surrounding foliage will also act as noise buffers.

29. The applicant stated that a survey of the property lines will be performed and the property will be staked for the installment of fencing and signage to inhibit trespassing onto or off of the project property.
30. The applicant stated that an event site plan consisting of the layout of tables, chairs and vendors, as well as, the total number of guests is created for each event and used to establish an Emergency Evacuation Plan specific to that event.
31. The applicant has stated that no fireworks, sparklers or traditional flammable wax candles are allowed on the project property and that starting in the 2024 event season the proposed project will become a "No Smoking" venue.
32. The project proposes to locate lighting in the event parking lot per BCRC 12-453F so as to prevent light pollution to neighboring property.

Recommended 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** 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-4** Per BCRC 12-333 (27), the proposed residential accommodations are limited to six dry cabins and a six-bedroom lodge and a maximum of 56 guests on-site for overnight stays. The accommodations shall not include kitchen facilities.
- A-5** 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-6** 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-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, 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-9** 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-10** 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-11** 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-12** 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-13** 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-14** Per BCRC 12-453.F, any lighting on site shall meet the standards of this this section of the ordinance.
- A-15** 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-16** 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-17** 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-18** 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-19** 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-20** 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.

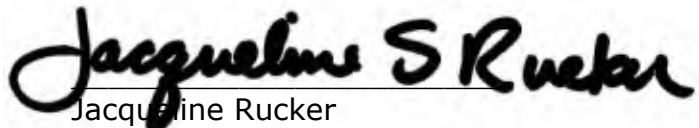
Conditions to be met prior to the issuance of this Conditional Use Permit:

- 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 and Idaho Department of Water Resources, respectively, prior to the issuance of this Conditional Use Permit. 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-2** Based on the review of this project by Panhandle Health District and Idaho Department of Water Resources, the applicant may be required to apply for and obtain additional Conditional Use Permits for a “Public Utility Facility” pursuant to the standards of the Bonner County Revised Code.

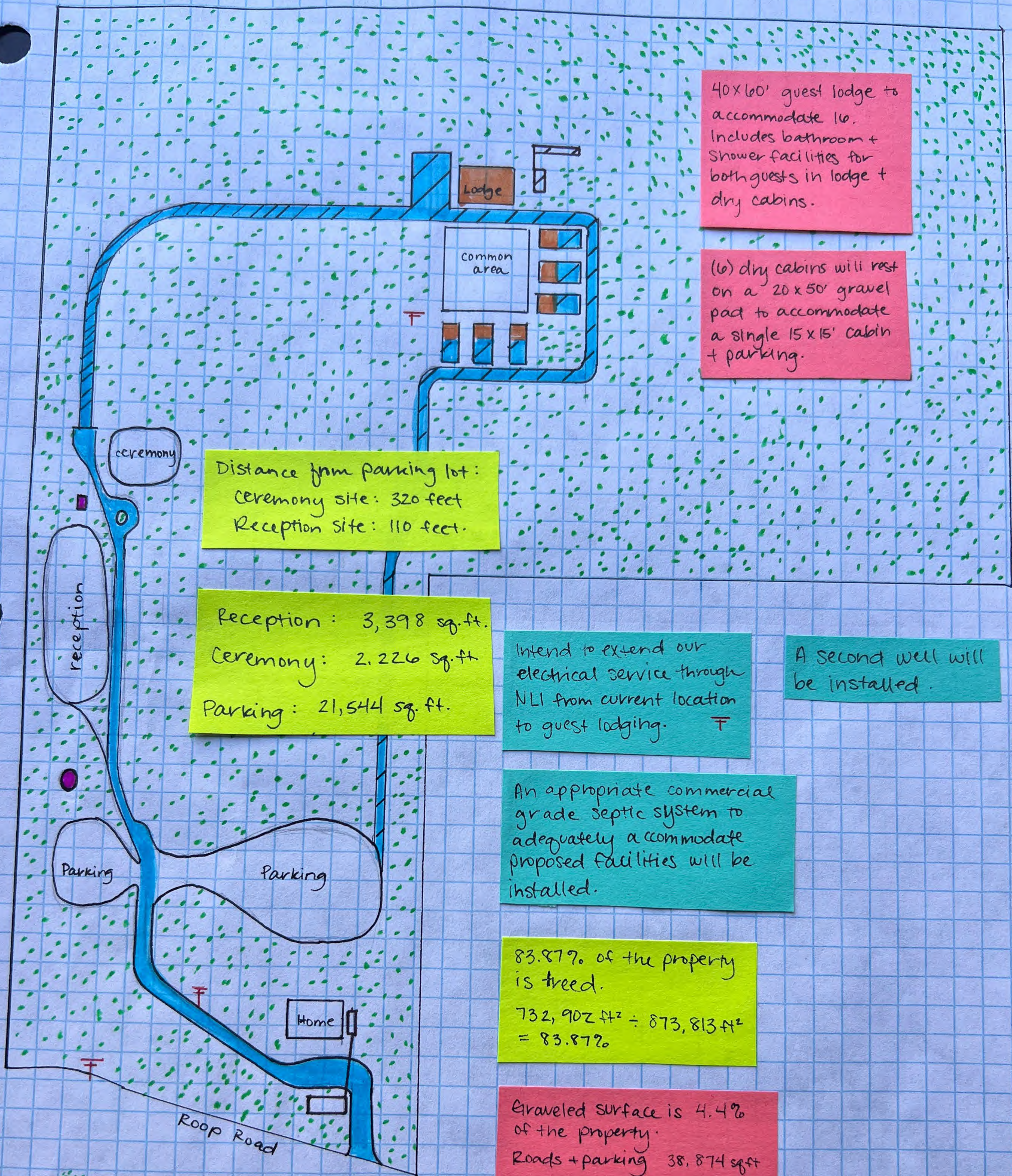
- B-3** Per BCRC 12-420 and BCRC 12-432, the applicant shall submit a parking plan showing the following:
- a. Required 14 parking spots for the retreat.
 - b. Required 57 parking spots for the wedding venue. These parking spots shall be located within 500 feet of the designated spaces for the private 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.
- B-4** 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 on September 06, 2023. 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-5** 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.

Please contact the Planning Department if you have any questions.

Sincerely,


Jacqueline Rucker
Hearing Examiner

c: Teira Bruner, applicant



40x60' guest lodge to accommodate 16. Includes bathroom + shower facilities for both guests in lodge + dry cabins.

(6) dry cabins will rest on a 20x50' gravel pad to accommodate a single 15x15' cabin + parking.

Distance from parking lot:
Ceremony site: 320 feet
Reception site: 110 feet.

Reception: 3,398 sq. ft.
Ceremony: 2,226 sq. ft.
Parking: 21,544 sq. ft.

Intend to extend our electrical service through NLI from current location to guest lodging.

A second well will be installed.

An appropriate commercial grade septic system to adequately accommodate proposed facilities will be installed.

83.87% of the property is treed.

$$732,902 \text{ ft}^2 \div 873,813 \text{ ft}^2 = 83.87\%$$

Graveled surface is 4.4% of the property.

Roads + parking 38,874 sqft
Property 873,813 sqft



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

February 22, 2024

Teira and Cruz Bruner
P.O. Box 622
Cocolalla, ID 83813

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

Encl: (1) File CUP0013-23 Zoning Commission Approved Site Plan

Dear Teira & Cruz Bruner,

Chair Marble moved to approve this project FILE CUP0013-23 for a retreat and private community facility, as amended 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. I further move to adopt the findings of fact and conclusions of law as set forth in the Staff Report (or as amended during this hearing) and direct planning staff to draft written findings and conclusions to reflect this decision, and transmit to all interested parties. The action that could be taken to obtain the conditional use permit is to complete the Conditions of Approval as adopted. This action does not result in a taking of private property.

Commissioner Clark seconded the motion.

Roll Call Vote

Commissioner Webster	AYE
Commissioner Clark	AYE
Commissioner Marble	AYE
Commissioner Wakeley	AYE

VOTED upon and the Chair declared the motion carried, unanimously.

Findings of Facts:

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 11, 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.

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** 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, prior to the issuance of this Conditional Use Permit.

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".

Bonner County Revised Code, Section 12-262, provides an opportunity for affected persons to appeal Planning and Zoning Commission decisions with the Planning Director within 28 days after the final written decision of the Planning and Zoning Commission has been issued. Any such appeal must be submitted in accordance with the referenced code section no later than **5:00 p.m., March 21, 2024. 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,

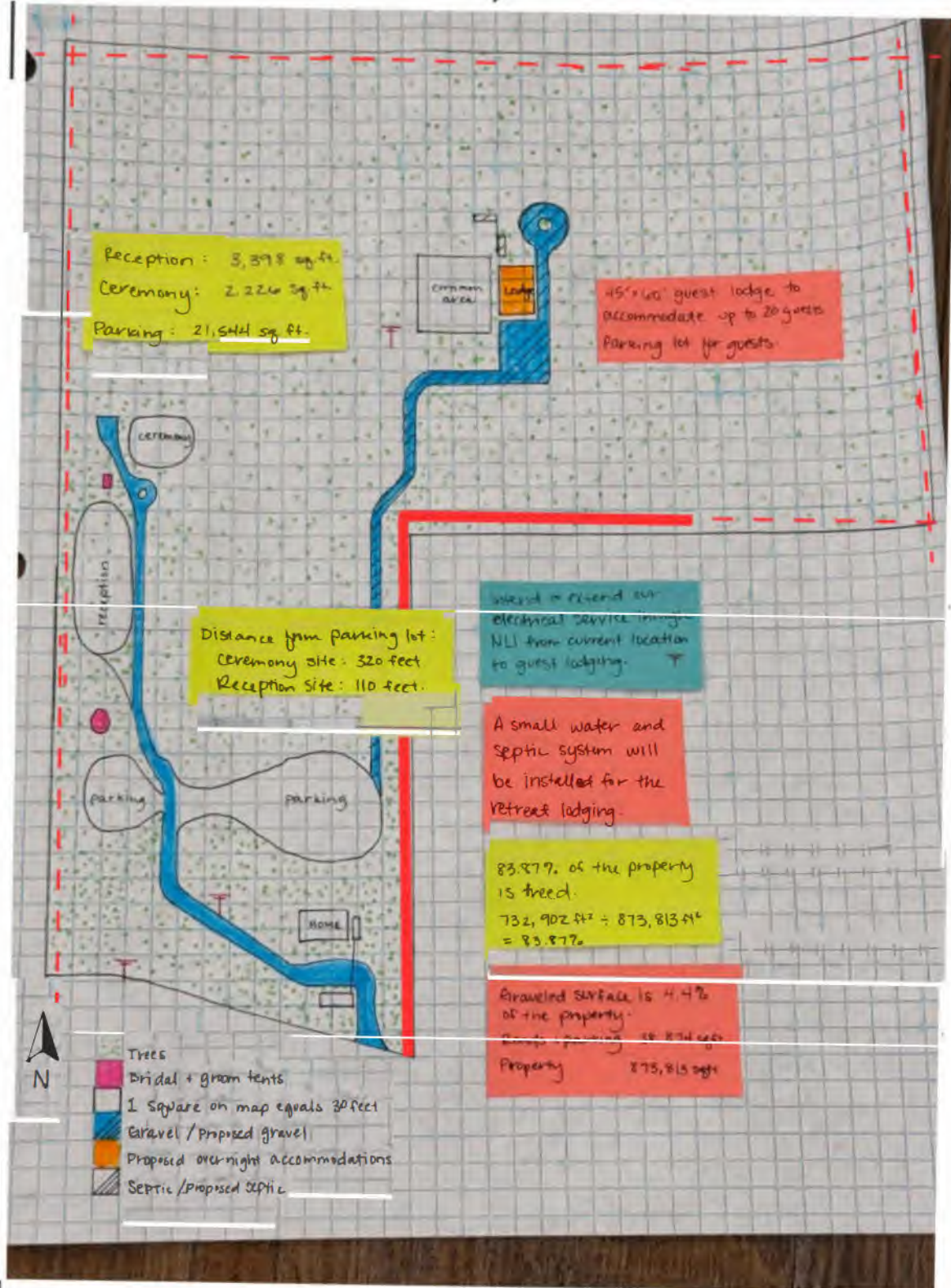


Jacob Marble, Chair
Zoning Commission

BONNER COUNTY APPROVED SITE PLAN

15 Feb 2024

DATE



fence plan —

T-Bar + wire fencing with
No Trespassing Signage

8' fencing and privacy slats with
No Trespassing Signage

RECEIVED

MAR 19 2024

March 19, 2024

**BONNER COUNTY
PLANNING DEPARTMENT**

To: Bonner County Board of Commissioners (BOCC)

From: The following Affected Parties in their individual capacities: Robert & Michelle Johnson, Grant & Kristi Sams, Rob and Jill Holman, Bruce & Yvonne Abbott, Drew & Stephanie Hoverson, Doug & Anne Nordquist, Laura Miller, John & Laura Dallas, Lyle and Terah Beck, Warren Smith, Todd Walker, Frank Wright, Dennis Anderson, Linda and Randy Gearke, Teresa Cannon Stendahl and Timothy Cannon.

Subject and File number: Request for appeal of Zoning Commission decision CUP0013-23 – A Conditional Use Permit for a "Private Community Facility & Retreat" submitted by Firebrand, LLC.

Summary:

Per Bonner County Revised Code (BCRC) 12-225, the final decision of the Zoning Commission of a Conditional Use Permit may be appealed to the Board as set forth in BCRC 12-262. The decision to approve CUP0013-23 is based upon planning department staff interpretation of the Comprehensive Plan, erroneous information from the applicants and changes made to the staff report just hours before the Zoning hearing. A decision based on the planning director's judgement not to categorize the business by the descriptions it meets using the OSHA SIC manual, NAIC manual and Comprehensive Plan & Revised Code use tables, as required. Instead, they chose designations it does not meet to be allowed under a CUP categorized under two different use tables, Commercial and Public. Per 12-262 this is arbitrary, capricious and an abuse of discretion as well as not supported by substantial evidence on the record. The fact this business is and will continue to adversely affect adjoining properties and neighborhood was disregarded. The risk to our public health, welfare & safety, taking of our property rights and impacting to the existing transportation system were not addressed. Approval does not adhere to the rural residential character of the community design and this high-density commercial business is not compatible with the zoning nor development. The Approval goes against the Comprehensive Plan, many areas of Revised Code as well as core function and mission statement of Bonner County Planning: *To protect property rights and enhance property values through conscientious land-use planning.*

Per BCRC 12-262, affected parties seeking an appeal from final decision of the Zoning Commission must file with the BOCC a motion for appeal of the decision, specifying deficiencies in the decision within 28 days of the date of the decision, along with the applicable fee. This is also a requirement under Idaho Code Section 67-6535. A failure to seek appeal constitutes a failure to exhaust administrative remedies. We respectfully request that the BOCC grant an appeal of the Zoning Commission decision on CUP 0013-23 to address the discrepancies and deny CUP0013-23.

Sincerely,

The affected parties listed above.



Bonner County

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.

Findings of Facts:

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.

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** 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.

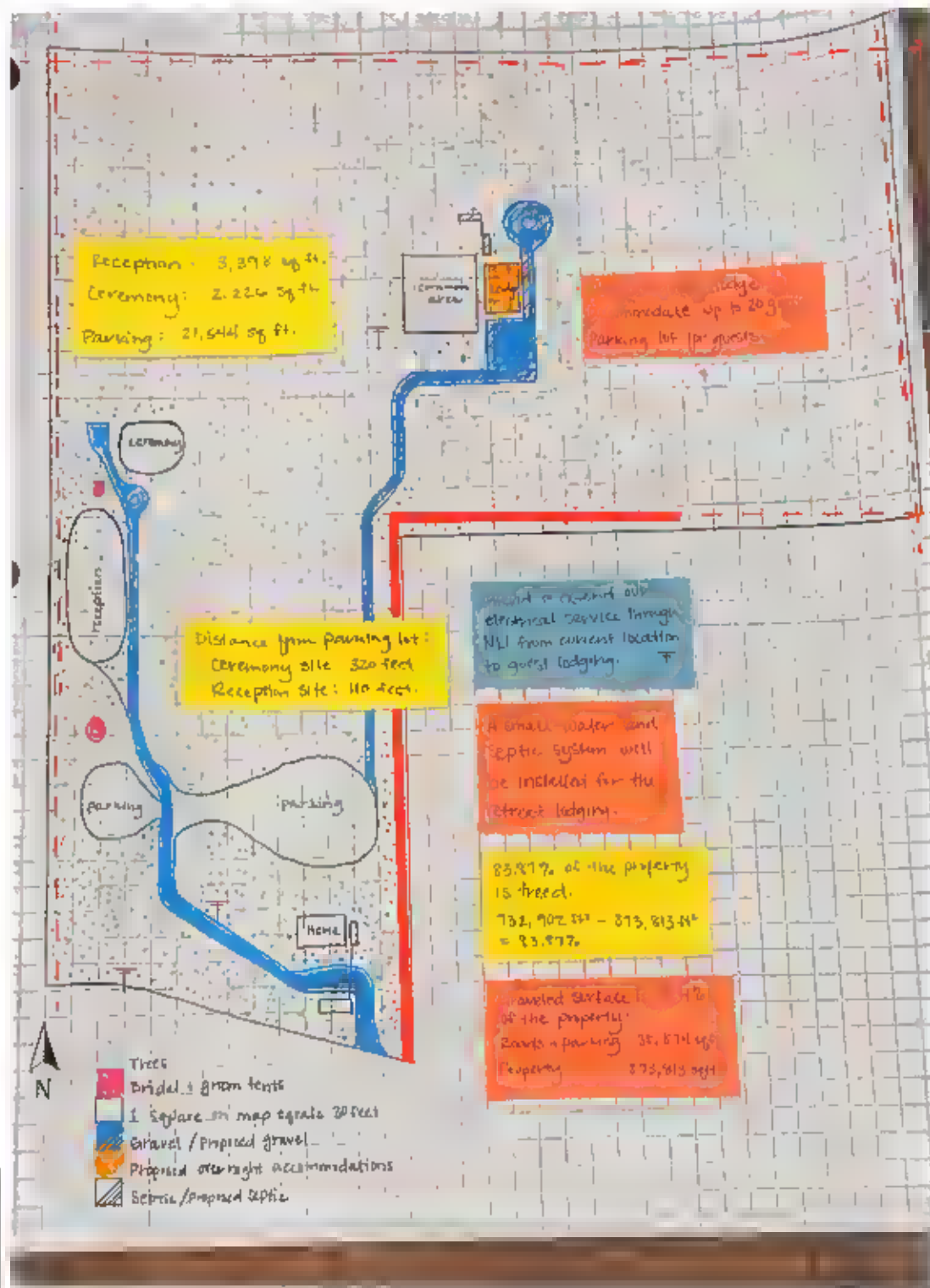
Sincerely,



Luke Omodt, Chairman
Board of County Commissioners

BONNER COUNTY
APPROVED SITE PLAN

John Goff 4/24/74
DATE



fence plan —

T-Bar + wire fencing with
No Trespassing Signage

8 fencing and privacy slats with
No Trespassing Signage

RECEIVED

MAY 07 2024

**BONNER COUNTY
PLANNING DEPARTMENT**

May 6th, 2024

To: Bonner County Board of Commissioners (BOCC)

From: The following Affected Parties in their individual capacities: Robert & Michelle Johnson, Grant & Kristi Sams, Rob & Jill Holman, Bruce & Yvonne Abbott, Drew & Stephanie Hoverson, Doug & Anne Nordquist, Linda & Randy Gearke, Jaimie Irons, Greg Bolender, Robert & Catherine Irons, Lynette Leonard, Susan Yunker, Peter Smith, Chuck Boston, Laura Miller, Teresa Cannon Stendahl, Timothy & Alisia Cannon, Annette Alperstedt, Herman Leister, Marlene Rinella, Dennis Anderson, Frank & Patty Wright, Steven & Allison Coulter, Lyle and Terah Beck, Len Caredio and Tina Housman

Subject and File number: Request for Reconsideration of Board of County Commissioners decision on CUP0013-23, Conditional Use Permit for a "Private Community Facility & Retreat" submitted by Firebrand, LLC.

Summary:

As per Bonner County Revised Code (BCRC) 12-225, the final decision of the Zoning Commission on a Conditional Use Permit may be appealed to the Board as set forth in BCRC 12-262. The "affected persons" did submit a timely appeal that was heard by the BOCC on April 24th, 2024. The decision was to approve a CUP for a Private Community Facility & Retreat file number CUP0013-23, thereby upholding the Zoning Commission's decision and denying the appeal submitted by the Affected Parties.

As per Bonner County Revised Code (BCRC) 12-263, affected parties seeking judicial review of the BOCC's final decision must first file with the BOCC a motion for reconsideration of the BOCC's decision, specifying deficiencies in the decision within fourteen (14) days of the date of the decision, along with the applicable fee. This is also a requirement under Idaho Code Section 67-6535. A failure to seek reconsideration constitutes a failure to exhaust administrative remedies.

The items below are presented timely for reconsideration to the BOCC on or before May 9th, 2024. The BOCC decision letter is dated April 25th, 2024.

The decision to approve CUP0013-23 is based upon planning department staff interpretation of the Comprehensive Plan, erroneous information from the applicants and changes made to the staff report just hours before the Zoning Commission Hearing. A decision based on the planning director's judgement not to categorize the business by the descriptions it meets using the OSHA SIC manual, NAIC manual and Comprehensive Plan & Revised Code use tables, as required. Instead, they chose designations it does not meet to be allowed under a CUP categorized under two different use tables, Commercial and Public. Per 12-262 this is arbitrary, capricious and an abuse of discretion as well as not supported by substantial evidence on the record. The fact this business is and will continue to adversely affect

adjoining properties and neighborhood was disregarded. The risk to our public health, welfare & safety, taking of our property rights and impacting to the existing transportation system were not addressed. Approval does not adhere to the rural residential character of the community design and this high-density commercial business is not compatible with the zoning nor development. The Approval goes against the Comprehensive Plan, many areas of Revised Code as well as core function and mission statement of Bonner County Planning: *To protect property rights and enhance property values through conscientious land-use planning.* We respectfully request that the BOCC grant a reconsideration of its decision and address all of the items in the appeal.

Sincerely,

On behalf of each of the Affected Parties listed above.



Bonner County

Board of Commissioners

Asia Williams

Luke Omodt

Steve Bradshaw

June 13, 2024

Board of County Commissioners – Decision Letter

Subj: **Reconsideration File CUP0013-23 – Conditional Use Permit – Private Community Facility**

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

The Bonner County Commissioners at the June 13, 2024, public hearing, affirmed their prior decision to approve the referenced application with modified conditions and to remove the "Retreat" use at the request of the applicant.

Commissioner Bradshaw moved to affirm approval of the private community facility and modify the Board's prior decision of this project FILE CUP0013-23. Modifying the following: removal of the "Retreat" use, modifying finding of facts 1 and 14, and removing findings of facts 9, 10, 11, 13, and 29, and add finding of fact 33 as presented by staff. I further move to modify conditions of approval A-13 and B3, and remove conditions of approval A-4, A-5, A-6, A-10, B-1, and B-2, and add condition of approval B-5, as presented by staff. This decision is based on the amended Findings of Facts and the following Conclusions of Law:

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.

The decision is based on the evidence submitted up to the time the Staff Report was prepared, and the applicant's withdrawal of the "Retreat" use. I move to direct the 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. The action that could be taken to obtain the approval of the

conditional use permit is to complete the Conditions of Approval as amended during this hearing.

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.

Findings of Facts:

1. The site is zoned Rural-5, where 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 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.
10. The project as proposed shows that 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.
11. 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.

12. The project proposes no activity involving the use or storage of flammable or explosive materials on or off site.
13. The project proposes no activity involving emittance of harmful radioactivity or electrical disturbance.
14. 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."*
15. The application states that the hours of operation will be limited from 10:00 a.m. to 10:00 p.m.
16. The project is not proposing any activities that would seem to contribute to air or water pollution.
17. The private community facility is proposed to be operated on an area of ±5624 square feet.
18. Per the submitted site plan all the proposed structures on site show pedestrian or vehicular connections through the entire project.
19. Per the submitted site plan, the proposed location of the parking shows that it covers more than 50% of the lot frontage.
20. The project proposes locating "3 dry box storage units" on site.
21. The Bonner County Hearing Examiner held a public hearing on October 4, 2023 and recommended the Zoning Commission hear the file.
22. 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.
23. 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.

24. The Bonner County Zoning Commission voted, 4-0, to approve this Conditional Use Permit on February 15, 2024.
25. 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.
26. The Rural zoning districts allow for commercial uses and pursuits, per BCRC 12-3.3 and the Bonner County Comprehensive Plan.
27. The proposed project, combined with the conditions of approval, satisfy the requirements as set forth in Bonner County Revised Code, Title 12.
28. As of June 13, 2024, at 12:20 PM, the applicant withdrew their application for the “Retreat” use.

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** 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 12-420, 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-5** 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-6** 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-7** 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-8** 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-9** Per BCRC 12-420 and BCRC 12-432, the applicant shall adhere to the parking plan showing the following:
- a. 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.
- A-10** 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-11** 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-12** Per BCRC 12-453.F, any lighting on site shall meet the standards of this this section of the ordinance.
- A-13** 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-14** 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-15** 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-16** 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-17** 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-18** 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-19** 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-20** The private community facility shall accommodate a maximum of 250 people, including, but not limited to, guests, vendors, and employees.

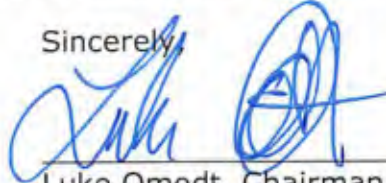
Conditions to be met prior to the issuance of this Conditional Use Permit:

- B-1** Per BCRC 12-335 (3), 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-2** The applicant shall submit a supplemental site plan showing a "safe smoking area".
- B-3** The applicant shall submit an updated site plan removing the "Retreat" use structures and improvements.

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,

A handwritten signature in blue ink, appearing to read 'Luke Omodt', is written over a horizontal line.

Luke Omodt, Chairman
Board of County Commissioners

**BONNER COUNTY
APPROVED SITE PLAN**
July 13 *6-13-24*
DATE

6-13-24

Retreat
Withdrawn
by Applicant
Te

Teira Bruner

Thursday 6/13/24

Reception: 3,378 sq ft.
Ceremony: 2,226 sq ft.
Banquet: 21,544 sq ft.

~~It is an ancient bridge to
the mountains of the
Barren for guests~~

Distance from parking lot:
 Ceremony site: 320 feet
 Reception site: 110 feet

~~Interest in recent air electrical service through NLE from current location to guest building.~~

~~Small number of
Sensors will
be installed in the
Network today~~

$$732,102.50 - 873,813.50 = 83,872$$

These
Ortial + green tents
1 Square on map equals 30 feet
Gravel / Proposed gravel
Proposed over-night accommodations
Septic / Proposed septic

fence plan —

Bar + wire fencing with
No Trespassing Signage

8. Fencing and privacy signs with No Trespassing Signage

Appendix D – Court Decision

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

MICHELLE JOHNSON; ROBERT
JOHNSON; GRANT SAMS; KRISTI SAMS;
ROB HOLMAN; JILL HOLMAN; BRUCE
ABBOTT; YVONNE ABBOTT; DREW
HOVERSON; STEPHANIE HOVERSON;
DOUG NORDQUIST; ANNE NORTQUIST;
LINDA GEARKE; RANDY GEARKE;
JAIME IRONS; GREG BOLENDER;
ROBERT IRONS; CATHERINE IRONS;
SUSAN YUNKER; PETER SMITH; CHUCK
BOSTON; LAWURA MILLER; TERESA
CANNON STENDAHL; TIMOTHY
CANNON; ALISIA CANNON; ANNETTE
ALPERSTEDT; HERMAN LEISTER;
MARLENE RINELLA; DENNIS
ANDERSON; FRANK WRIGHT; PATTY
WRIGHT; STEVEN COULTER; ALLISON
COULTER; WARREN SMITH;

Petitioners,

vs.

BONNER COUNTY, a political subdivision of
the State of Idaho, acting through the
BONNER COUNTY BOARD OF COUNTY
COMMISSIONERS,

Respondent,

vs.

FIREBRAND, LLC, an Idaho limited liability
company,

Intervenor.

Case No. CV09-24-1038

MEMORANDUM DECISION
AND ORDER RE:
ADMINISTRATIVE APPEAL

I. INTRODUCTION

In this case, a group of neighboring landowners seeks to vacate and remand a decision (“the Decision”) of the Board of Bonner County Commissioners (“the Board”) approving Conditional Use Permit CUP0013-23 (“the CUP”) for a wedding venue. Petitioners primarily argue the Board failed to adequately explain the rationale for the Decision, so the Decision should be vacated and remanded.

II. FACTS

The Applicant/Intervenor applied for and gained approval for a wedding and event venue that it was already operating on the property. *R.*, p. 262.

After both the Private Community Facility use and the Retreat use were approved by the Board, the Applicant/Intervenor requested the approval be modified to remove the Retreat use and associated conditions from the conditional use permit. *R.*, p. 637. The request from the Applicant/Intervenor was submitted after the 14-day deadline to request reconsideration under Idaho Code § 67-6535(2)(b). *Id.* The Board considered and approved this request during reconsideration of its original decision. *R.*, pp. 128, 620-26; *June 13, 2024 Tr.*, p. 32-35. The CUP was approved for a Private Community Facility use under the Public Use table, BCRC § 12-335, Table 3-5. *R.*, pp. 622-23.

Affected parties provided evidence through written and oral comments, as well as photos and video and audio recordings, regarding the impacts of the use on their properties in the form of: increased traffic; threats to safety; increased road maintenance costs; fire hazards; loud, prolonged noise (i.e., music); dust; bright lights; odors; interference with use and enjoyment of private property; impacts on adjacent property owners’ residential wells; and decreased property values. *See, e.g. R.*, pp. 151, 153, 154, 156, 158, 168, 170, 172, 174, 176, 178, 180, 185, 186, 189-*Johnson, et. al. v. Bonner County* – Memorandum Decision and Order Re: Administrative Appeal

90, 192, 194, 196, 219, 223, 226, 229, 231, 235, 237, 241, 243, 245, 247, 249, 251, 253, 258, 260, 262, 264, 266, 279, 280; also see, e.g. April 24, 2024 Tr pp. 69-124.

Of note, the County initially filed its Adoption of Intervenor's Brief by Reference on April 29, 2025. On July 18, 2025, the County reversed course and filed its Withdrawal of Objection to Petition and Waiver of Appearance stating, "[t]he County concedes that the administrative decision in the above-captioned matter did not comply with the reasoned statement requirement set forth at Idaho Code § 67-6535".

III. STANDARD

The Local Land Use Planning Act ("LLUPA"), contained at Chapter 65 of Title 67, Idaho Code, allows an affected person to seek judicial review of an approval of a land use application as provided for in the Administrative Procedure Act ("IDAPA"). I.C. § 67-6521(1)(d); *Dry Creek Partners, LLC v. Ada Cnty. Comm'rs, ex rel. State*, 148 Idaho 11, 16, 217 P.3d 1282, 1287 (2009).

Judicial review of the Decision is governed by Idaho Code §§ 67-5270 through 67-5279. The Court reviews the decision on the record created before the Board. I.C. § 67-5277; *Dovel v. Dobson*, 122 Idaho 59, 61, 831 P.2d 527, 529 (1992). A Court sitting in review, "defer[s] to the Board's findings of fact unless they are 'clearly erroneous,' but freely review questions of law as part of our independent review of the agency record." *Sullivan, Tr. of Catherine Sullivan Fam. Tr. of 2000 v. Blaine Cnty.*, 174 Idaho 459, ___, 556 P.3d 1282, 1287 (Idaho 2024). Generally, the agency decision will be upheld unless the appellant establishes that (1) the Board erred under Idaho Code section 67-5279, and (2) the Board's decision prejudiced the appellant's substantial rights. *Id.*

The Court may set aside the Decision and remand the matter for further proceedings if it prejudiced a substantial right of the Petitioners and the "findings, inferences, conclusions, or decisions are: (a) in violation of constitutional or statutory provisions; (b) in excess of the statutory

Johnson, et. al. v. Bonner County – Memorandum Decision and Order Re: Administrative Appeal

authority of the [Board]; (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.” I.C. § 67-5279(3); *Castaneda v. Brighton Corp.*, 130 Idaho 923, 926, 950 P.2d 1262, 1265 (1998). “[T]here is a strong presumption of favoring the validity of the actions of zoning boards, which includes the application and interpretation of their own zoning ordinances.” *Terrazas v. Blaine Cty.*, 147 Idaho 193, 197, 207 P.3d 169, 173 (2009).

Under the LLUPA,

The approval or denial of any application required or authorized pursuant to [LLUPA] 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.

I.C. § 67-6535(2).

“In order to satisfy I.C. § 67-6535, 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.” *Jasso v. Camas County*, 151 Idaho 790, 794, 264 P.3d 897, 901 (2011). The Code requires more than conclusory statements from which a decision-maker’s resolution of disputed facts and legal reasoning may be inferred. *Id.* at 795, 264 P.3d at 902. The reviewing court is not required to scour the record for evidence which may support the decision-maker’s implied findings and legal conclusions. *Id.* What is required for judicial review is a “clear statement of what, specifically, the decisionmaking 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, 264 P.3d at 903.

IV. ANALYSIS

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A. Fundamental Rights

A party challenging a governing board's decision to grant a permit must show prejudice to their substantial rights:

When a party “*opposes* a governing board's decision to grant a permit... the petitioner must still show, not merely allege, real or potential prejudice to his or her substantial rights.” *Hawkins v. Bonneville County Bd. of Comm'rs*, 151 Idaho 228, 233, 254 P.3d 1224, 1229 (2011). Because a party opposing the issuance of a conditional use permit “has no substantial right in seeing someone else's application adjudicated correctly, he or she must therefore show something more.” *Id.* In recent cases, “we have held that [substantial] rights were harmed when: (1) property values are impacted; or (2) the [conditional use permit] will interfere with the use and enjoyment of property.” *Hungate*, 166 Idaho at 394, 458 P.3d at 972.

Sullivan, 174 Idaho 459, ___ 556 P.3d at 1290. In *Sullivan*,

Sullivan argues that the use and enjoyment of her property will be in jeopardy if the issuance of the 2021 CUP is affirmed. *Sullivan* points to “Gruver's for-profit commercial business operation” including “third-party food truck vendors and a mobile saddlery for participants' consumption of food and for retail shopping, the arrival, parking and departure of scores of trucks, horse trailers, and cars with no limitation on number and type of vehicle, and the participation of up to 75 people” as factors that would cause her the loss of the use and enjoyment of her property. *Sullivan* also contends her complaints about the “noise, odor, traffic and congestion” meet the “something more” required by *Hungate* and *Hawkins*. Gruver maintains that *Sullivan* failed to identify how the modified 2021 CUP prejudiced her substantial rights and contends that *Sullivan* relies on a “speculative parade of horrors” regarding “what future events might look like.” Blaine County argues that *Sullivan*'s arguments related to prejudice fail to “account for the many conditions placed upon the Modified CUP.”

Id. at ___, 556 P.3d at 1290.

The Court contrasted two previous decisions regarding whether an appellant had demonstrated prejudice to their fundamental rights:

In *Hungate*, we held that the appellants had not established prejudice to their substantial rights when they argued that the approval of the variances would interfere with the use and enjoyment of their property. *Hungate*, 166 Idaho at 396, 458 P.3d at 974. The Hungates argued that “impact to the lakefront and rural location of the property, the excessive lot coverage, reduced privacy, and reduced enjoyment of wildlife and scenic views found on Priest Lake are the types of

impacts that could potentially prejudice the use and enjoyment of their property.” *Id.* The Hungates also argued that granting the variances would reduce their property values and increase traffic volumes and use of the lane where their property was located. *Id.* at 395, 458 P.3d at 973. We held that because the property owner seeking the variances had agreed to convert the buildings to reduce the number of bedrooms per building and convert one of the buildings into a storage building, “it is unclear how the Hungates can show the Variances would result in increased intensity of use and increased traffic volumes.” *Id.* We also noted that Hungates failed to establish a reduction in their property values based on “letters written by two neighbors” and the Hungates’ bare allegations that the variances would reduce their property values. *Id.* We determined that the Hungates “provided no evidence in the record to explain how the Board’s action to grant the Variances has undermined the use or enjoyment of their property, given that the structures have been in place for twenty years.” *Id.* at 396, 458 P.3d at 974.

By contrast, in *Lusk* we held that Lusk had demonstrated prejudice to a substantial right based on a planned student housing project in Lusk’s neighborhood. 917 *Lusk, LLC v. City of Boise*, 158 Idaho 12, 18, 343 P.3d 41, 47 (2015). Lusk highlighted “[t]he lack of deliberation by the City, and the failure of the City to attach appropriate conditions to this conditional use approval (assuming, solely for argument[']s sake, that the conditional use could even be appropriately conditioned so as to mitigate adverse impacts),” and argued the project “*will devalue Petitioner’s property, require time and expense for Petitioner to police parking on its own property, [and] inconvenience employees and visitors to Petitioner’s building,*” as well as Lusk’s neighborhood. *Id.* at 19, 343 P.3d at 48 (emphasis in original). We held that Lusk satisfied the requirement of showing “something more” because the proposed project “calls for 622 bedrooms to house students at Boise State University” with “only 280 parking spaces for the project. Without even attempting to evaluate the impact of guests who arrive by automobile, if only half of the River Edge tenants have an automobile, there will be significant numbers of residents looking for parking in the vicinity.” *Id.* at 19, 343 P.3d at 48.

Id. at ___, 556 P.3d at 1290–91.

In this case, Petitioners provided evidence through written and oral comments, as well as photos and video and audio recordings, regarding the impacts of the use on their properties in the form of: increased traffic; threats to safety; increased road maintenance costs; fire hazards; loud, prolonged noise (i.e., music); dust; bright lights; odors; interference with use and enjoyment of private property; impacts on adjacent property owners’ residential wells; and decreased property values. See, e.g. *R.*, pp. 151, 153, 154, 156, 158, 168, 170, 172, 174, 176, 178, 180, 185, 186, 189–*Johnson, et. al. v. Bonner County* – memorandum Decision and Order Re: Administrative Appeal

90, 192, 194, 196, 219, 223, 226, 229, 231, 235, 237, 241, 243, 245, 247, 249, 251, 253, 258, 260, 262, 264, 266, 279, 280; also see, e.g. April 24, 2024 Tr pp. 69-124. Because the venue operated prior to approval, such claimed effects are not merely speculative.

Petitioners have demonstrated through the record their substantial rights have been and will continue to be implicated because property values are impacted and/or the conditional use permit will interfere with the use and enjoyment of their property, amounting to the “something more” required by *Sullivan*.

B. Explanation of Use Table Decision

Petitioners first argue the board erred by failing to provide adequate explanation for its determination the application was for a “private community facility.” “Commercial Resort” use and “Outdoor Recreational Use” are not permitted in the existing Rural Zoning District, while “private community facility” use is allowed with a conditional use permit. BCRC § 12-333, Table 3-3 (Commercial Use Table); BCRC § 335, Table 3-5.

BCRC § 12-331 provides the rules for interpretation of the respective use table categories and gives the Planning Director the authority to determine whether a proposed use is included or excluded from particular use categories. The Code reads:

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 and the Planning Director's interpretation of the standard land use coding manuals, as provided in section 12-339 of this subchapter.

BCRC § 12-331(A).

Regarding the use determination, the Decision states,

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.

Johnson, et. al. v. Bonner County – Memorandum Decision and Order Re: Administrative Appeal

grange halls, public or private community facilities" as found in the Public Use Table in BCRC 12-335.

R., pp. 622-23 (*pt 4 of 10*). Additionally,

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.

Id. at 623.

Intervenors argue that BCRC § 12-331 gives the planning director "authority to make the final determination," so such decision is not a decision of the Board and I.C. § 67-6535(2) does not require the Board to explain the planning director's determination. However, this case is extremely similar to *Vivian, et. al. v. Bonner County*, Bonner County Case No. CV09-24-1283, wherein this Court already determined,

While it is true the Board delegates responsibilities to the Planning Director under BCRC § 12-331, such delegation does not relieve the Board of its statutory duties under I.C. § 67-6535. The Board noted the Planning Director made the final determination and in support made the conclusory statement that it recognized and affirmed the Planning Director's determination that the proposed use was equivalent to those in the non-exhaustive list noted in the definition of Recreational Facility. *Id.* However, the Board does not cite to any specific facts explaining in what way the proposed use here was equivalent to those in the non-exhaustive list.

The Court finds ... the Board's adoption of that determination is conclusory....

Vivian, et. al. v. Bonner County, Bonner County Case No. CV09-24-1283, *Memorandum Decision and Order re: Administrative Appeal*, p. 10. This case is not meaningfully distinguishable to mandate a different result.

Jasso requires the Board's reasoned statement 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 pertinent laws and/or regulations upon which the legal

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conclusions rest.” 151 Idaho at 794, 264 P.3d at 901. The Court finds the Board failed to provide such a reasoned statement here.

First, the Court notes *Jasso* requires the reasoned statement to plainly state the resolution of factual disputes. *Id.* Here, the record shows Petitioners throughout these proceedings have argued the issue of whether the proposed use falls under Commercial Resort, Outdoor Recreational Use or Private Community Facility. Despite this, the Board failed to note such a dispute, much less plainly state the resolution of such dispute.

Intervenors argue it would be impractical for the Board to try and guess as to what other uses may be argued and to address every possible use would be cumbersome and unattainable. However, the Court does not find *Jasso* or I.C. § 67-6535 requires the Board to go and independently find factual disputes and then resolve them. The Court finds *Jasso* and I.C. § 6535 require resolution of factual disputes brought before the Board, which in this case included the resolution of whether the proposed use was one of the three uses specifically identified by Petitioners.

Second, the Court finds the Board has failed to list facts supporting its determination that the category of “private community facility” was applicable here. The Decision contains a conclusory statement 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.” *R.* p. 622-23. The Decision contains another conclusory statement that “[t]he 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.” *R.* p. 623.

The Board did not identify any facts it relied on in determining the application was for a “private community facility.” While it is true the Board delegates responsibilities to the Planning Director under BCRC § 12-331, again such delegation does not relieve the Board of its statutory duties under I.C. § 67-6535. The Board noted the Planning Director evaluated the proposed use categorization, and the Board made the conclusory statement that 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.” *R.*, p. 622-23. However, the Board does not cite to any specific facts explaining in what way the proposed use here falls within the same classification.

The Court finds the Board’s adoption of the Planning Director’s determination is conclusory. As such, this Court cannot evaluate the process by which the Board reached its decision or the soundness of its legal reasoning because the reason for the decision failed to satisfy the requirements of section 67-6535(2). *See North West Neighborhood Association*, 172 Idaho at 616, 535 P.3d at 592.

The Court finds the lack of sufficient findings prejudices the Petitioners’ due process rights to judicial review. The Board has failed to give this Court sufficient findings or reasoning to review. The Court is not substituting its judgment for that of the Board, but instead finds the Board’s Decision was made in violation of I.C. § 67-6535. Therefore, the Court vacates the Board’s approval of the CUP and remands the matter back for further agency proceedings.

C. Timeliness of “Reconsideration”

After the Board’s initial decision on the Application on April 25, 2024, the Petitioners timely filed a request for reconsideration under Idaho Code § 67-6535(2)(b). *R.*, pp. 635-36. The statute requires reconsideration requests be filed within fourteen (14) days of the Board’s decision. I.C. § 67-6535(2)(b). On the day of the hearing, the Applicant/Intervenor filed its own request *Johnson, et. al. v. Bonner County* – Memorandum Decision and Order Re: Administrative Appeal

asking the Board to modify its decision by removing the Retreat use and certain associated conditions. *R.*, p. 637.

Applicant characterizes such action as simply a withdrawal of that portion of their application. Petitioners argue that Applicant's "motion for reconsideration" was untimely under Idaho Code § 67-6535(2)(b), so the Board erred by considering it.

Neither party cites any authority beyond Idaho Code § 67-6535(2)(b).

Petitioners suffered no prejudice by this decision and have not shown that allowing the partial withdrawal of a portion of the application prejudiced Petitioner's substantial rights in any way. Moreover, Petitioners have not shown that the Board's allowance of Applicant's partial withdrawal violates Idaho Code § 67-6535(2)(b).

Additionally, if taken to its logical conclusion, Petitioners' argument would result in forcing entities or individuals who have applied for a CUP to always complete the project, even if it becomes impractical to do so and never allow simple withdrawal of the CUP (or portions thereof) once the deadline for reconsideration has passed. The Court does not find this argument to be persuasive.

D. Attorney Fees

Appellants seek attorney fees pursuant to I.C. § 12-117(1), which provides:

Unless otherwise provided by statute, in any proceeding involving as adverse parties a state agency or a political subdivision and a person, the state agency, political subdivision or the court hearing the proceeding, including on appeal, 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.

I.C. § 12-117(1). The County initially sought an award of fees pursuant to I.C. § 12-117(1), however withdrew its objection to the petition for review and with it, the request for attorney fees.

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At oral argument, Petitioners conceded they were no longer seeking attorney fees against the County due to the County's withdrawal of its objection to the Petition. Additionally, are not seeking attorney fees under I.C. § 12-117(1) against Intervenor as it is not a state agency or political subdivision. As such, the Court declines to award attorney fees under I.C. § 12-117(1) in this case.

III. CONCLUSION

For the reasons and as set forth above, the Board's Decision approving Conditional Use Permit CUP0013-23 for a wedding venue is vacated and remanded.

SO ORDERED this 15th of September, 2025



Casey Simmons
DISTRICT JUDGE

Certificate of Service attached JG

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CLERK'S CERTIFICATE OF SERVICE

I hereby certify that on 9/16/2025, I served a true and correct copy of the foregoing by the method indicated below, and addressed to the following:

William S. Wilson
Bonner County Board of Commissioners
1500 Hwy 2, Suite 308
Sandpoint, ID 83864
Attorney for Respondent

☐ U.S. Mail
☐ Overnight Mail
☐ Hand Delivered
☒ iCourt: prosefile@bonnercoid.gov

Norman M. Semanko
Parsons Behle & Latimer
800 West Main Street, Suite 1300
Boise, Idaho 83702
Attorneys for Petitioners

☐ U.S. Mail
☐ Overnight Mail
☐ Hand Delivered
☒ iCourt: NSemanko@parsonsbehle.com
☒ iCourt: boisedocket@parsonsbehle.com

Marcus E. Johnson
Matthew C. Niemela
Ramsden, Marfice, Ealy & De Smet, LLP
700 Northwest Boulevard
P.O. Box 1336
Coeur d'Alene, ID 83816-1336
Attorneys for Intervenor, Firebrand, LLC

☐ U.S. Mail
☐ Overnight Mail
☐ Hand Delivered
☒ iCourt: mjohnson@rmedlaw.com
☒ iCourt: mniemela@rmedlaw.com

MICHAEL W. ROSEDALE
CLERK OF THE DISTRICT COURT

By: JG
Deputy Clerk