



# Bonner County Planning Department

*"Protecting property rights and enhancing property value"*

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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.

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## **Findings of Facts:**

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1. The site is zoned Rural-5, where retreats and private community facilities are conditionally allowed.
2. The site has an individual well and septic system for their current residential use.
3. The site is approximately 20 acres in size.
4. The site is 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.

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## **Recommended Conditions of Approval:**

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

- A-1** The use shall be developed and shall be operated in accordance with the approved site plan.
- A-2** The Conditional Use Permit shall not supersede deed restrictions.
- A-3** Per BCRC 12-333 (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.

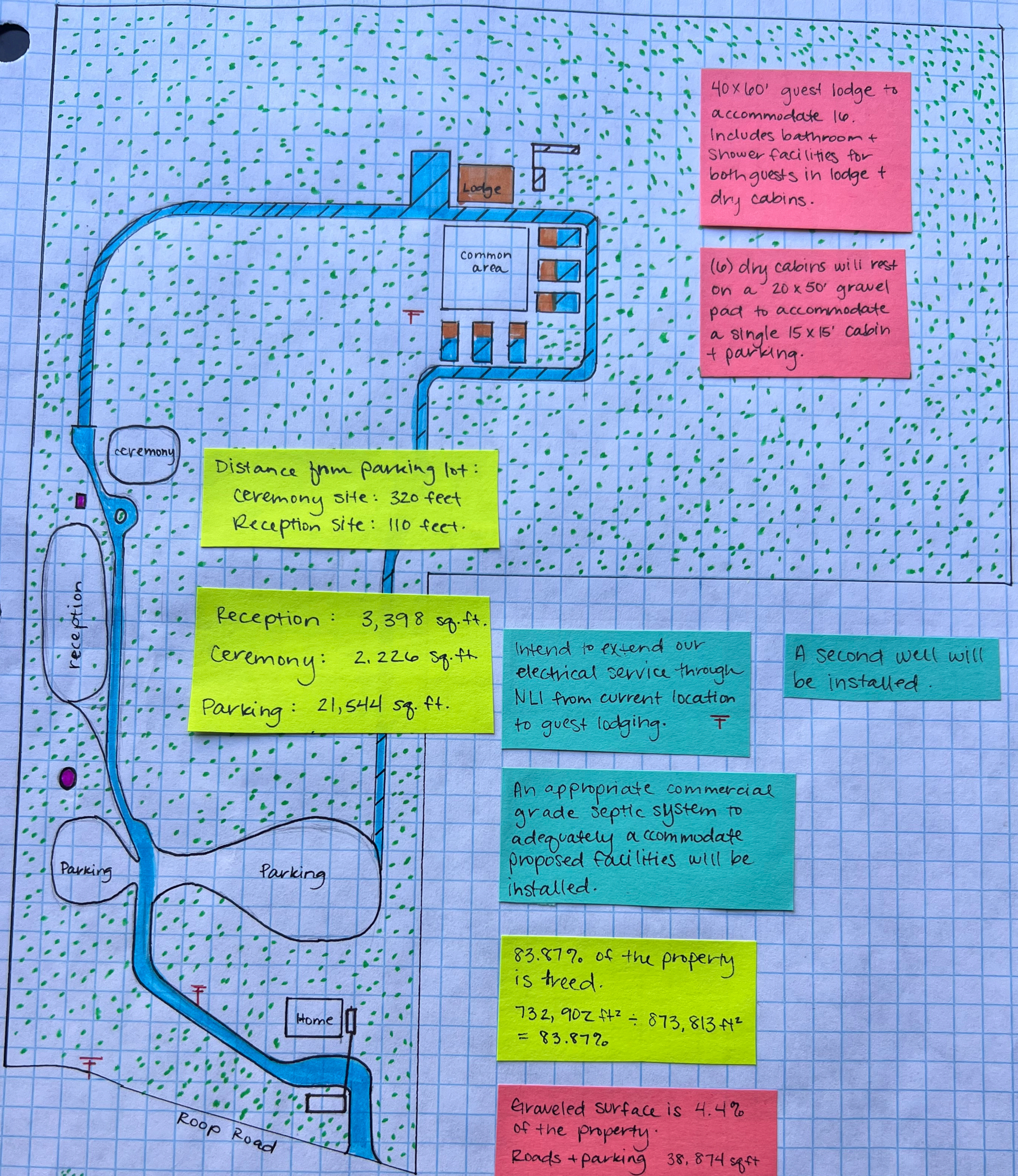
- B-3** Per BCRC 12-420 and BCRC 12-432, the applicant shall submit a parking plan showing the following:
- a. Required 14 parking spots for the retreat.
  - b. Required 57 parking spots for the wedding venue. These parking spots shall be located within 500 feet of the designated spaces for the private 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

- Trees
- Bridal + Eroom Tents
- 1 square on map equals 30 feet
- Gravel / Proposed gravel
- Proposed overnight accommodations
- Septic / Proposed septic

