

# Bonner County Planning Department

*"Protecting property rights and enhancing property value"*

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## Board of County Commissioners Staff Report for April 24, 2024

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**Project Name:** Firebrand LLC

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

**Request:** The applicant is requesting a conditional use permit for a retreat and 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 Bruner  
PO Box 622  
Cocolalla, ID 83813

**Appellant:** Michelle & Robert Johnson  
185 Roop RD  
Cocolalla, ID 83813

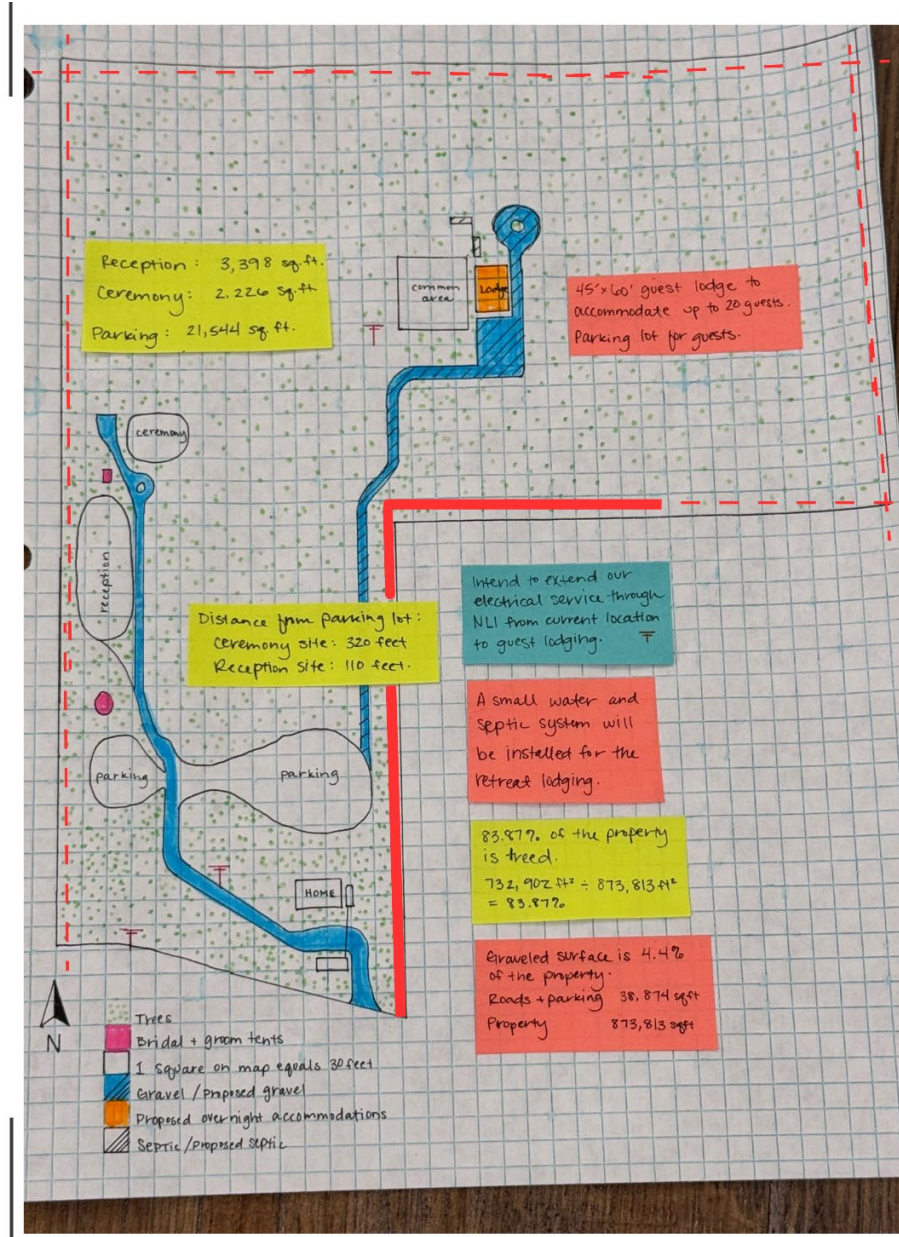
**Project Representatives:** N/A

**Application filed:** July 19, 2023

**Notice provided:** Mail: March 26, 2024  
Site Posting: April 11, 2024  
Published in newspaper: March 26, 2024

**Annex A** - Comprehensive List of Agencies

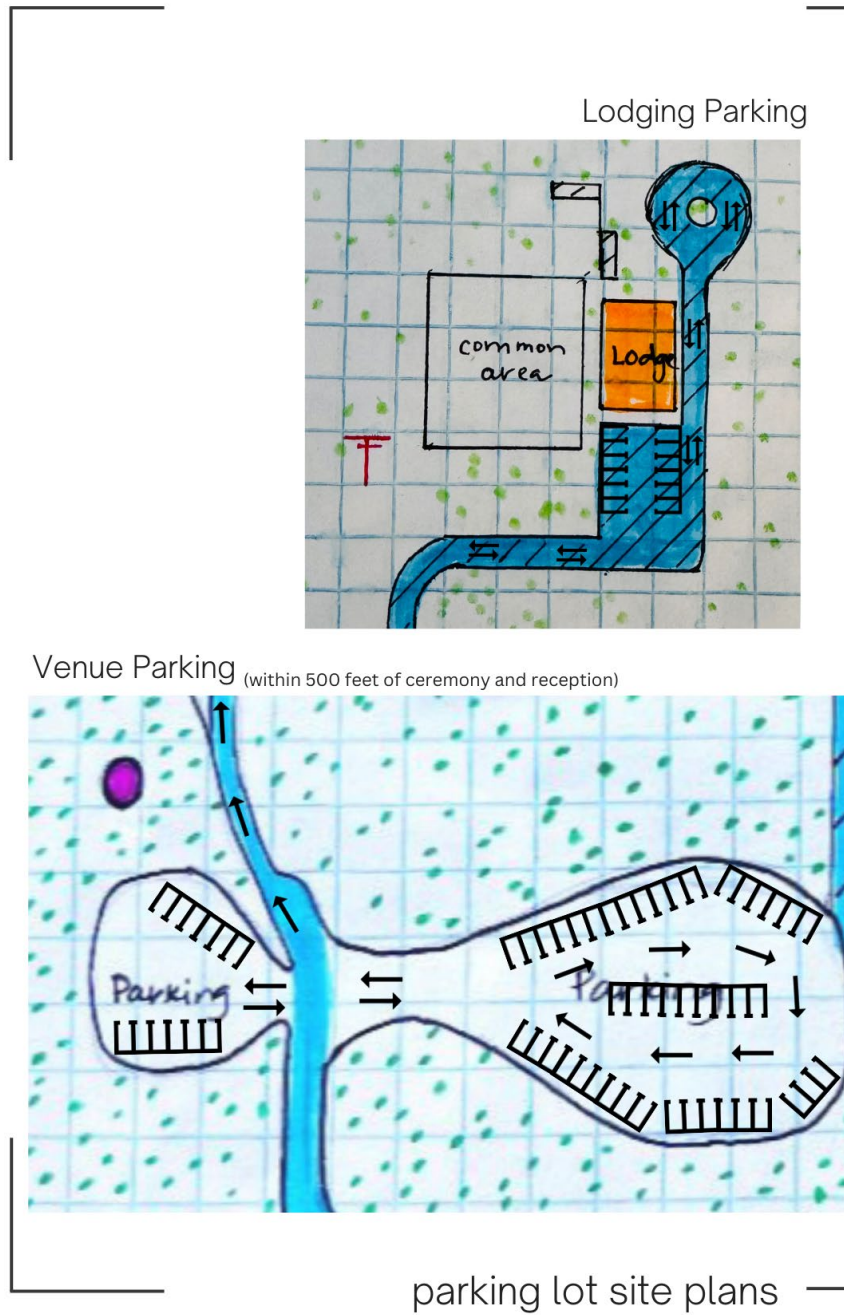
Figure 1 Site Plan



fence plan —



Figure 2 Supplemental Parking Plan



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## **Project Summary:**

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The applicant is requesting a Conditional Use Permit for a private community facility and a retreat. 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 multi-use structures and a single-family dwelling. Private Community Facilities and Retreats are conditionally allowed in the Rural zoning districts.

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## **Applicable Laws:**

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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 12-333: Commercial Use Table; Retreats  
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

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## **Background:**

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

### **D. Services:**

- Water: Individual well

- Sewage: Individual septic system
- Fire: Selkirk 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 File CUP0013-23, 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. The commission found that this project is in accordance with the Bonner County Comprehensive Plan, the proposal was reviewed for compliance with the criteria set forth in Title 12 of the Bonner County Revised Code, and that the proposed use will not create a hazard or will not be dangerous to persons on or adjacent to the property.

**APPEAL FILED BY AN AFFECTED PARTY**

The Zoning Commission’s decision was appealed on March 19, 2024, by Robert and Michelle Johnson, as an affected party, 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.”

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**Agency Review and Public Comments:**

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

**The following agencies commented:**

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

*(See agencies' letters for complete comments.)*

**The following agencies replied "No comment":**

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

**No other agencies, notified of the request, replied.**

**Public Notice & Comments**

As of April 16, 2024, several public comments were received regarding this project and have been included in the record.

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## **Standards Review and Staff Analysis:**

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

**Staff:** The application was considered complete on August 7, 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.

### **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 basis of the Johnson's appeal meets 12-626 D.4, stating that the decision was "arbitrary, capricious and an abuse of discretion of the Planning Director", specifically the classification of uses that the applicant has proposed. The subsequent appeal hearing was scheduled within 60 days of the receipt of the appeal. All requirements for appealing the file have been met.

**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. (Ord. 501, 11-18-2008)

**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.

**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. (Ord. 577, 5-23-2018)

**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 shorthand. 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, 11<sup>th</sup> 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 the Private Community Facility use. This use was first interpreted under the previous Planning Director, Milton Ollerton, and the current Planning Director, Jake Gabell, has upheld this interpretation.

**BCRC 12-333 Commercial Use Table- Retreats**

Use	Zoning District								
	F	A/F	R	S	C	I	RSC	REC	AV
Retreats (27)		C(2)	C(2)				C	C	C

(2) 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 provide adequate emergency vehicle access (including, but not limited to, fire, medical, and law enforcement), except where subject to the terms of an approved special use permit issued by a state or federal agency.

**Staff:** The proposed commercial use is accessed by Roop Road, which is a Bonner County owned and maintained 50-foot-wide, gravel right of way. 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. The parcel has an existing residential encroachment permit. **See Conditions of Approval.**

(27) Meals, recreation and housing may be provided for the participants during the period of the retreat or program only. Retreats shall not be used by the general public for meals or overnight accommodations. Accommodations may include a lodge, dormitory, sleeping cabins without kitchen facilities, tents or other similar housing. Kitchen and dining facilities may be located in a single, centrally located building. Where access to the site is by road, the road shall be located within a recorded easement or public right of way constructed to provide adequate emergency vehicle access (including, but not limited to, fire, medical, and law enforcement). Demonstration of adequate sewer and water provisions and fire protection are required. The applicant shall also demonstrate there is sufficient area to accommodate the retreat and any appurtenant structures so as to minimize any adverse effects on surrounding properties and will not create hazards on adjoining properties. At minimum, the property shall meet the minimum lot size requirement of the applicable district.

**Staff:**

- 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. **See Conditions of Approval.**
- The proposed accommodations for the retreat include a lodge to accommodate a maximum of 20 guests for overnight stays. **See Conditions of Approval.**
- The project proposes a single centrally located common area where kitchen and dining facilities may be located. **See Conditions of Approval.**
- 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. **See Conditions of Approval.**

- 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 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 for a public utility facility for a water system that may exceed certain limitations. The Idaho Department of Environmental Quality provided a comment indicating a need for a public drinking water system, due to the amount of people that the system could potentially serve through this operation, according to the IDAPA rules and regulations. Additionally, the septic system may be subject to a public wastewater system. As proposed, neither system is considered to be Public Utility Facilities, as defined in Bonner County Revised Code. 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:*

- *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 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." **See Conditions of Approval.***

- 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. **See Conditions of Approval.**
- The site is zoned Rural 5 and has an area of approximately 20 acres. It meets the minimum lot size requirements of the zone in which it is located.

## **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 retreat to be used for the private community facility. **See Conditions of Approval.**
- 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. **See Conditions of Approval.**
- Currently, the project proposes a fence surrounding the entirety 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.
- 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:**

Commercial Use: Retreats do not have a specific parking standard. Bonner County Revised Code requires that unspecified parking standards shall be based on the requirements for the most comparable use pursuant to the "Standard Industrial Classification Manual" or the North American Industry Classification System. The most comparable use would be Bed and Breakfast, which has the following parking standards:

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Commercial Uses:		
Bed and breakfast	2 spaces plus 1 space/room for rent	

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

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

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(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 the commercial use of a retreat and a public use of a private community facility.

The proposed retreat will have seven (7) rooms for sleeping quarters. Per the parking requirements noted above for the commercial use, 9 parking spots are required to accommodate this use on the site.

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.

The site is sized sufficiently to accommodate the required 66 parking spots, 57 of which should be located within 500 feet of the designated space for the private community facility, as shown in the applicant’s supplementary parking plan. **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 proposing future new developments related to this project. Services currently exist on the property to serve the current residential use on the property. The applicant is proposing an expansion of services once the requested uses of a wedding venue and a retreat commence. Expansion of services includes power, drilling a new well, and installing a new septic tank, per the applicant. 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 commercial and 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 of the retreat is required to meet the standards of BCRC 12-453.G. **See Conditions of Approval.**
- 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 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 commercial use and 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.**

**COMPREHENSIVE PLAN ANALYSIS:**

**Review against the Comprehensive Plan Goals and Objectives:**

## **Property Rights:**

### **Goal:**

1. Protect property rights and enhance property values through conscientious land use planning that complies with state law relevant to all county land use actions.

### **Objective:**

1. Private property should not be taken for public uses without just compensation or due process of law.
2. Impacts to other properties should be taken into account when considering land use proposals, policies and codes.

**Staff:** The application was routed to neighbors 300' from the property line, informing neighbors of the proposed conditional use permit. As of February 08, 2024, Bonner County Planning received several comments stating potential impacts to the neighbor's property rights.

## **Population:**

### **Goal:**

1. Ensure that the impact of demographic changes including generational issues and economic diversity are identified and considered during planning activities and decisions.

### **Objective:**

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

**Staff:** Bonner County has received the results of the 2020 census. The data indicates the demand for housing and jobs will continue to trend upward in both the unincorporated and incorporated areas of Bonner County.

## **School Facilities & Transportation**

### **Goal:**

1. Preserve the county's commitment to and ability to provide quality education to the current and future students of Bonner County.

### **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.

2. The county should encourage school districts to proactively review development applications to determine particular school needs and concerns.
3. Bonner County roads, trails and bicycle paths should be designed and maintained to allow safe passage of students to schools.
4. Long-term consequences of land use proposals should be considered, including the adequacy of existing facilities and the siting of future schools.

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

## **Economic Development**

### **Goal:**

1. Support and encourage 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.
2. Enable development of small-scale cottage industries and home-based occupations while protecting the surrounding areas from adverse impacts.
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.
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.
5. Support local businesses by enabling development of workforce housing in proximity to commercial, industrial and agricultural uses.

**Staff:** Bonner County Revised Code allows for properties in the Rural Residential designation to pursue cottage industries and private community facilities that could add to the economic diversity of the county. This proposal could add economic diversity while having a minimal impact to the surrounding area.

## **Land Use**

### **Goal:**

1. Bonner County intends to balance and integrate its land use policies and proposed land use map with the components of the comprehensive plan to enable the community to grow while retaining its rural character and protecting its unique natural resources.

**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.
2. Encourage clustered development for medium and large scale commercial and industrial uses.
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:** The proposed conditional use permit could add to the economic growth of Bonner County while still maintaining the rural character of the area.

**Natural Resources**

**Goal:**

1. Protect, enhance and maintain the County's natural resources such as air, water, forest, minerals, plants and wildlife for long-term benefits to the public.
2. Acknowledge and consider agency comments regarding 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.
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.
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:** This goal appears unaffected by this proposal. The goal of this application is to make it compliant with the current code. Furthermore, Bonner County Revised Code has requirements to ensure that natural resources are protected.

## **Hazardous Areas**

### **Goal:**

1. Protect Bonner County from loss of lives and property due to natural hazards.
2. Reduce public and private financial losses due to flood, fire, landslides, avalanches and excessive slopes by setting standards for development in high hazard 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.
2. Future development should be designed to reduce exposure to wildland fire and to provide for emergency and escape routes for residents.
3. Development within areas of excessive slopes, unstable areas and avalanche zones should be discouraged.

**Staff:** The property is not located in a flood plain hazard zone. The property contains steep slopes of over slopes of 30% grade. Slopes could present challenges when developing. Due to the steep slopes, a geotechnical analysis is required, if developing on or near slopes of 30+%.

## **Public Services, Facilities & Utilities**

### **Goal:**

1. Future development approvals should require adequate services and should not adversely impact the services or utilities of the utility provider.
2. Require adequate public services, facilities, and utilities in future development approvals.

### **Objective:**

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

**Staff:** The property is afforded fire protection, roads, power, ambulance, emergency services, water, and law enforcement for the current residential use on the property. The public services listed above would need to be expanded for the proposed uses requested through this Conditional Use Permit. Any expansions to these services the applicant will need to obtain the required permitting through the appropriate agencies that govern these services.

**Transportation:**

**Goal:**

1. Provide a transportation system that is safe, uncongested, and well maintained.

**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.
2. Roads within new development should be built to county standards and at the expense of the developer.
3. Roads within new development should provide adequate access for fire and emergency vehicles as well as routes of escape.
4. Future access roads should be designed and built to integrate with the state and county system of roads without overburdening the transportation system.
5. To reduce transportation costs, road building and environmental impacts, cluster development should be encouraged.
6. Bonner County intends for certain intense land use developments to provide paved roads.
7. Bike ways and pedestrian paths should be considered in development plans to provide an integrated community transportation system wherever possible.
8. To communicate and work cooperatively with other jurisdictions within the county to ensure the best possible flow of traffic county-wide.

**Staff:** The goal appears to be unaffected as there is no new development being proposed for these uses. The property is currently accessed by a Bonner County owned and maintained right of way. The suggested conditions of approval referring to the improvements required by the Bonner County Road and Bridge Dept. address the above stated goals and objectives.

**Recreation:**

**Goal:**

1. Protect and encourage public and private recreational opportunities as an important asset that supports a key segment of the County's economy.

**Objective:**

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

**Staff:** A retreat and private community facility could encourage the recreational opportunities in Bonner County.

**Special Areas or Sites:**

**Goal:**

1. To protect, preserve and maintain special areas and sites both natural and manmade in relation to land use.

**Objective:**

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

**Staff:** The objectives of this component do not conflict with this proposal.

**Housing:**

**Goal/ Objective:**

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

**Staff:** The objectives of this component do not conflict with this proposal.

**Community Design:**

**Goal:**

1. To enable a variety of lifestyles while maintaining the rural character in the future development of Bonner County.

**Objective:**

1. New development should be located in areas with similar densities and compatible uses.
2. The adverse impacts of new development on adjacent areas should be minimized.
3. Consider the protection of natural resources, rural features and surrounding uses of the community in the design and location of new development.

**Staff:** The applicant is proposing new development on the parcel. The subject parcel exceeds the zoning minimum in its district. The size of this parcel in the Rural-5 zone allows for more residential buildings on the property than a parcel that is below or meets the zoning minimum. Bonner County Revised Code has requirements to ensure that natural resources and surrounding properties are protected.

**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.
2. Support the local economy by encouraging production, distribution, and retail sales of locally grown food and other agricultural products.
3. Develop policies to discourage fragmentation of very large productive agricultural lands.

**Staff:** These goals/ objectives appear unaffected by this proposal.

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**Staff Conclusion:**

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Staff concluded this project **is** consistent with Bonner County Revised Code based upon the information found in the 'Background' portion of this staff report. This conclusion is demonstrated in the findings of facts, conclusions of law and conditions of approval. Conditions of approval have been added to facilitate the project's conformance to Bonner County Revised Code.

**Planner's Initials: AF                      Date: April 16, 2024**

**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.

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**Motion by the Board of County Commissioners:**

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**MOTION TO AFFIRM:**

I move 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. 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. This action does not result in a taking of private property.

**MOTION TO REVERSE:**

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

1. The proposed conditional use permit **is/ is not** 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/ will** create a hazard or **will not/ will** be dangerous to persons on or adjacent to the property.

The decision is based upon the evidence submitted up to the time the Staff Report was prepared, and testimony received at this hearing. I further move to adopt the findings of fact and conclusions of law as set forth in the Staff Report 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. This action does not result in a taking of private property. The action that could be taken, if any, to obtain the conditional use permit is to:

- (1)File a new application with the Planning Department and meet the standards required by Bonner County Revised Code; or
- (2)Request a reconsideration of this decision to the Board of County Commissioners.

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## **Findings of Facts:**

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1. The site is zoned Rural-5, where retreats and private community facilities are conditionally allowed.
2. The site has an individual well and septic system for their current residential use.
3. The site is approximately 20 acres in size.
4. The site is served by Northern Lights Inc. for their current residential use.
5. The site is in the mapped service area of Sagle (Selkirk) Fire District.
6. The site contains steep slopes of over 30% grade (USGS).
7. The site is located within SFHA Zone X (FEMA).
8. The site contains mapped wetlands (NWI, USFWS).
9. The applicant indicates that only the attendees of the proposed retreat and the private community facility will have access to the meals and overnight accommodations. The applicant is requesting a deviation to this standard with the request for using the retreat accommodations for the private community facility to house wedding guests.
10. The proposed accommodation for the retreat includes a lodge to accommodate a maximum of 20 guests for overnight stays.
11. The project proposes a single centrally located common area where kitchen and dining facilities may be located.
12. The site is accessed off Roop Road, a Bonner County owned and maintained 50-foot-wide, treated gravel right of way. While no comments were received from Sagle (Selkirk) Fire District stating any objections to the current standard of the road for emergency access, Bonner County Road and Bridge Department reviewed the project and provided comments indicating a need for possible upgrades of the driveway, requirement of a commercial encroachment permit to access the property and a signage at the end of the driveway based on the potential traffic that may be generated with the proposed use.
13. The site is currently served by an individual septic system and a well for the existing single-family home on the property. The applicant is proposing an addition of a well and another septic system to serve the proposed uses requested through this Conditional Use Permit. The proposed septic system is under construction at this time. At this time, no comments have been received from Panhandle Health District and the Sagle (Selkirk) Fire District discussing the adequacy of this potential addition of services on the property. Idaho Department of Water Resources provided a comment indicating a potential need of a public utility facility for a water system that may exceed certain limitations. Idaho Department of Environmental Quality has indicated that the water system will need to be permitted as a public drinking water system due to the potential to accommodate 25 or more people per day for 60 days. Additionally, their wastewater system may require to be permitted as a public wastewater facility. As proposed, neither of these systems meet the definitions of a Public Utility Facility, as defined in the Bonner County Revised Code.

14. The project as proposed shows that the retreat and all appurtenant structures will be accommodated on site to minimize effects on the surrounding properties and to not create any hazards for the adjoining properties.
15. The project is requesting a deviation to street setback requirements with the request to allow the applicant to locate a single 24"X36" sign at a distance of no less than 15 feet from the right-of-way. The deviation from the setbacks is not requested for the purpose of locating any other structures or development permitted through this Conditional Use Permit.
16. The project proposes no activity involving the use or storage of flammable or explosive materials on or off site.
17. The project proposes no activity involving emittance of harmful radioactivity or electrical disturbance.
18. The application for the proposal states, *"We use a decibel reader at our property line to ensure our DJ and noise level is within 60 decibels. The speakers will be adjusted to face west. We have also spoken with a noise abatement specialist with Acoustiblok. They have created a plan specifically for our property. Their products will be placed around DJ speakers, as well as a 6x30' Acoustifence on the west portion of the property line where speakers will be facing. In order to offset parking lot noise we will also be using a 6x10' Acoustifence where there is a path sound travels directly to our neighboring property. See attached information on Acoustiblok's technology. In addition, we ask guests to leave the parking area by 10:00pm. Our overnight guests will be staying in the center of our property to keep noise level within reason. Being centrally located, having the buildings and foliage as a buffer will provide adequate noise screening. Guests will be informed and be required to adhere to noise ordinances. Guests can have no DJ, PA or loud speakers at the lodging site."*
19. The application states that the hours of operation will be limited from 10:00 a.m. to 10:00 p.m.
20. The project is not proposing any activities that would seem to contribute to air or water pollution.
21. The private community facility is proposed to be operated on an area of ±5624 square feet.
22. Per the submitted site plan all the proposed structures on site show pedestrian or vehicular connections through the entire project.
23. Per the submitted site plan, the proposed location of the parking shows that it covers more than 50% of the lot frontage.
24. The project proposes locating "3 dry box storage units" on site.
25. The Bonner County Hearing Examiner held a public hearing on October 4, 2023 and recommended the Zoning Commission hear the file.
26. The private community facility will be served by KG & T Septic Services, using

portable restrooms, and will require all attendees to provide their own water. The existing and the proposed wells and septic systems will not serve private community facility.

27. The proposed use of a wedding venue was evaluated by the Planning Director, per BCRC 12-331 and BCRC 12-339, and determined that the characteristics of the operation of the proposed use falls within the same classification as "churches, grange halls, public or private community facilities" as found in the Public Use Table in BCRC 12-335.
28. The Bonner County Zoning Commission voted, 4-0, to approve this Conditional Use Permit on February 15, 2024.
29. Panhandle Health District stated: *"Panhandle Health District (PHO) has reviewed the Bonner County Planning Application referenced above, and has the following comments: A review of PHO records indicates that parcel associated with this CUP application has:*
- a. an approved septic permit for the existing dwelling in use - 3bdrms (23-09-05408)*
  - b. submitted an application for a new septic to serve the Retreat (24-09-07529)*
  - c. submitted a Letter of Intended Use for the Retreat*
  - d. submitted wastewater flow values for the Retreat utilizing IDAPA 58.01 .03.007.08*
- No permit has been issued for the Retreat. However, the applicant is working with PHO through the permitting process and PHO is currently reviewing the project proposal to ensure all wastewater flows are accounted for prior to permit approval. The application submitted to PHO indicates an intent for a system to serve one building with a maximum of 20 people. For PHO to issue a permit, the applicant must demonstrate that the system is capable of meeting all current standards & setbacks according to the Idaho State Subsurface Sewage Rules (IDAPA 58.01 .03).*

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

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## **Suggested Conditions of Approval:**

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

- A-1** The use shall be developed and shall be operated in accordance with the approved site plan.
- A-2** The Conditional Use Permit shall not supersede deed restrictions.
- A-3** Per BCRC 12-226.C, the Conditional Use Permit shall expire if not issued within two (2) calendar years from the date of approval, or once issued, if the use has not commenced within two (2) calendar years from the date of issuance. At any time prior to the expiration date of the Conditional Use Permit, the applicant may make a written request to the Planning Director for an extension of the Conditional

Use Permit for a period up to two (2) years. The Zoning Commission at any regular meeting, or board at any regular meeting, may consider the request for extension. The extension request must be approved or denied prior to the expiration date of the conditional use permit.

- A-4** Per BCRC 12-333 (27), the retreat or the retreat accommodations shall not be used by the general public for meals or overnight accommodations. The project is being granted a deviation that these accommodations may be used by the guests of the private community facility.
- A-5** Per BCRC 12-333 (27), the proposed residential accommodations are limited to a seven-bedroom lodge and a maximum of 20 guests on-site for overnight stays.
- A-6** Per BCRC 12-333 (27), the retreat and any appurtenant structures shall be accommodated on site so as to minimize any adverse effects on surrounding properties and will not create hazards on adjoining properties.
- A-7** Per BCRC 12-420, no structures permitted in conjunction with this Conditional Use Permit (except the existing single-family dwelling) accommodate or house a greater number of families than permitted by the standards of BCRC Title 12.
- A-8** Per BCRC 12-420, no structures permitted in conjunction with this Conditional Use Permit (except the existing single-family dwelling) accommodate or house a greater number of families than permitted by the standards of BCRC Title 12.
- A-9** Per BCRC 12-420, all structures located on site in conjunction with this Conditional Use Permit will meet the required street and property line setback standards of BCRC Title 12. The project is being granted a deviation from this standard only for the purpose of locating a single 24"X36" proposed sign at a distance of no less than 15 feet from the right-of-way.
- A-10** Per BCRC 12-420, there shall be no overlap of parking or other open spaces provided for the retreat and the private community facility. Both uses shall be provided separate dedicated parking spots for each use.
- A-11** Per BCRC 12-420, all architectural projections such as canopies, eaves, balconies, platforms, decks, carports, covered patios, and similar architectural projections shall be considered parts of the building to which attached and shall not project into any required setback.
- A-12** Per BCRC 12-420, temporary buildings, construction trailers, equipment and materials used in conjunction with construction work for the proposed project may be permitted during the period the construction work is in progress, but such temporary facilities shall be removed upon completion of the construction work.
- A-13** Per BCRC 12-420 and BCRC 12-432, the applicant shall adhere to the parking plan showing the following:
  - a. Required 9 parking spots for the retreat.

- b. Required 57 parking spots for the wedding venue. These parking spots shall be located within 500 feet of the designated spaces for the private community facility.
  - c. There shall be no overlap of parking or other open spaces provided for the retreat and the private community facility. Both uses shall be provided separate dedicated parking spots for each use.
- A-14** Per BCRC 12-4.4, the project proposes locating a 24"X36" sign nearly 15 feet from the edge of the right-of-way. The proposed sign the meet the size requirements of the Bonner County Revised Code. Any additional signs shall meet the requirements of this ordinance.
- A-15** Per BCRC 12-452, any structures or development on site permitted through this Conditional Use Permit is required to obtain appropriate Building Location Permits or other approvals from the Bonner County Planning Department prior to the development on site.
- A-16** Per BCRC 12-453.F, any lighting on site shall meet the standards of this this section of the ordinance.
- A-17** Per BCRC 12-453.G, any development on site permitted through this Conditional Use Permit shall meet the standards of this this section of the ordinance.
- A-18** Per BCRC 12-453.J, the project proposes locating "3 dry box storage units" on site. Any outdoor storage of commercial and industrial materials on site is required to meet the standards of this section of the ordinance.
- A-19** Per BCRC 12-4.6, the site seems to have ample existing native vegetation with the proposed uses being generally centered on the property. The existing vegetation on the property may be used for screening purposes. The parking areas provided on site shall be buffered by at least a 10 feet wide vegetative landscaping buffer along the side or rear property lines. The outdoor storage of equipment shall be buffered by at least a 20 feet wide vegetative landscaping buffer along the perimeter of the site.
- A-20** This project proposes new development that would result in the creation of impervious surface. The applicant shall submit a storm water management, grading and/or erosion control plan in accordance with the provisions of BCRC 12-7.2 prior to any development on site in conjunction with this Conditional Use Permit.
- A-21** The site contains mapped wetlands as shown on the National Wetland Inventory maps. Any development proposed in conjunction with this Conditional Use Permit is required to meet the standards of BCRC 12-7.3 prior to start of development on site.

- A-22** Site contains mapped steep slope of over 30% grade. Any development on site located within or in proximity of the areas of steep slopes is required to meet the standards of BCRC 12-7.6 prior to start of development on site.
- A-23** The hours of operation for the private community facility will be 10 AM to 10 PM. The noise level may not exceed a maximum of 50 decibels at any of the property lines, as measured by a calibrated decibel reader.
- A-24** The private community facility shall accommodate a maximum of 250 people, including, but not limited to, guests, vendors, and employees.

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

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

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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](http://www.bonnercountyid.gov) prior to the scheduled hearing. Bonner County Revised Code (BCRC) is available at the Planning Department or online.

# ANNEX A

## RECORD OF MAILING

Page 1 of 1  
File No.: CUP0013-23

Hearing Date: April 24, 2024

Record of Mailing Approved By:

I hereby certify that a true and correct copy of the "Notice of Public Hearing" was digitally transmitted or mailed (postage prepaid) on this **26th** day of **March 2024**.



Jenna Crone, Hearing Coordinator

Avista Utilities - Email	Bay Drive Recreation District - Email
Bayview Water & Sewer - Email	Bonner County Airport Manager - Email
BONNER COUNTY DAILY BEE - U.S. Mail	Bonner County EMS - Email
Bonner County Floodplain Review - Email	Bonner County Road & Bridge - Email
Bonner County Sheriff - Email	Bottle Bay Water & Sewer District - Email
City of Clark Fork - Email	City of Dover - Email
City of East Hope - Email	City of Hope - Email
City of Kootenai - Email	City of Oldtown - Email
City of Ponderay - Email	City of Priest River - Email
City of Sandpoint - Email	City of Spirit Lake - Email
Coolin Sewer District - Email	Coolin-Cavanaugh Bay Fire District - Email
Drainage District #7 - Email	East Bonner Library - Email
East Priest Lake Fire District - Email	Ellisport Bay Sewer - Email
Garfield Bay Water & Sewer District - Email	GEM STATE MINER - U.S. Mail
Granite Reeder Water & Sewer District - Email	Idaho Department of Environmental Quality (DEQ) - Email
Idaho Department of Fish & Game - Email	Idaho Department of Lands - CDA - U.S. Mail
Idaho Department of Lands - Coolin - Email	Idaho Department of Lands - Navigable Waters & Mining - Email
Idaho Department of Lands - Sandpoint - Email	Idaho Department of Water Resources - IDWR - Email
Idaho Transportation Department (Aeronautics) - U.S. Mail	Idaho Transportation Department- District I - Email
Independent Highway District - Email	Kalispel Bay Sewer & Water - U.S. Mail
Kootenai-Ponderay Sewer District - Email	KPBX-FM 91 SPOKANE PUBLIC RADIO - U.S. Mail
KSPT-KPND-KIBR RADIO - U.S. Mail	Laclede Water District - Email
Lake Pend Oreille School District, #84 (Admin Office) - Email	Lake Pend Oreille School District, #84 (Transportation) - Email
Lakeland Joint School District, #272 - Email	Lakes Highway District - U.S. Mail
Little Blacktail Ranch Water Association - U.S. Mail	North of the Narrows Fire District - Email
Northern Lights, Inc. - Email	Northside Fire District - Email
Outlet Bay Sewer District - Email	Panhandle Health District - Email
Pend Oreille Hospital District - Email	Priest Lake Public Library District - Email
Priest Lake Translator District - Email	Sagle Valley Water & Sewer - Email
Sam Owen Fire District - Email	Schweitzer Fire District - Email
SELKIRK ASSOCIATION OF REALTORS - U.S. Mail	Selkirk Fire, Rescue & EMS - Email
Selkirk Recreation District -Email	Southside Water & Sewer District - Email
Spirit Lake Fire District - Email	Spokesman-Review - U.S. Mail
State Historical Society - Email	Swan Shores Sewer District - U.S. Mail
Syringa Heights Water Association - Email	Tamarack Village Water & Sewer - U.S. Mail
Timber Lake Fire District - Email	Trestle Creek Sewer District - Email
U.S. Army Corps of Engineers - Email	U.S. Fish & Wildlife Service - Email
U.S. Forest Service - U.S. Mail	West Bonner County Cemetery District - Email
West Bonner County School District, #83 - Email	West Bonner Library - Email
West Bonner Water & Sewer District - Email	West Pend Oreille Fire District - Email
West Priest Lake Fire District - Email	