

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



Hearing Examiner Staff Report for October 04, 2023

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

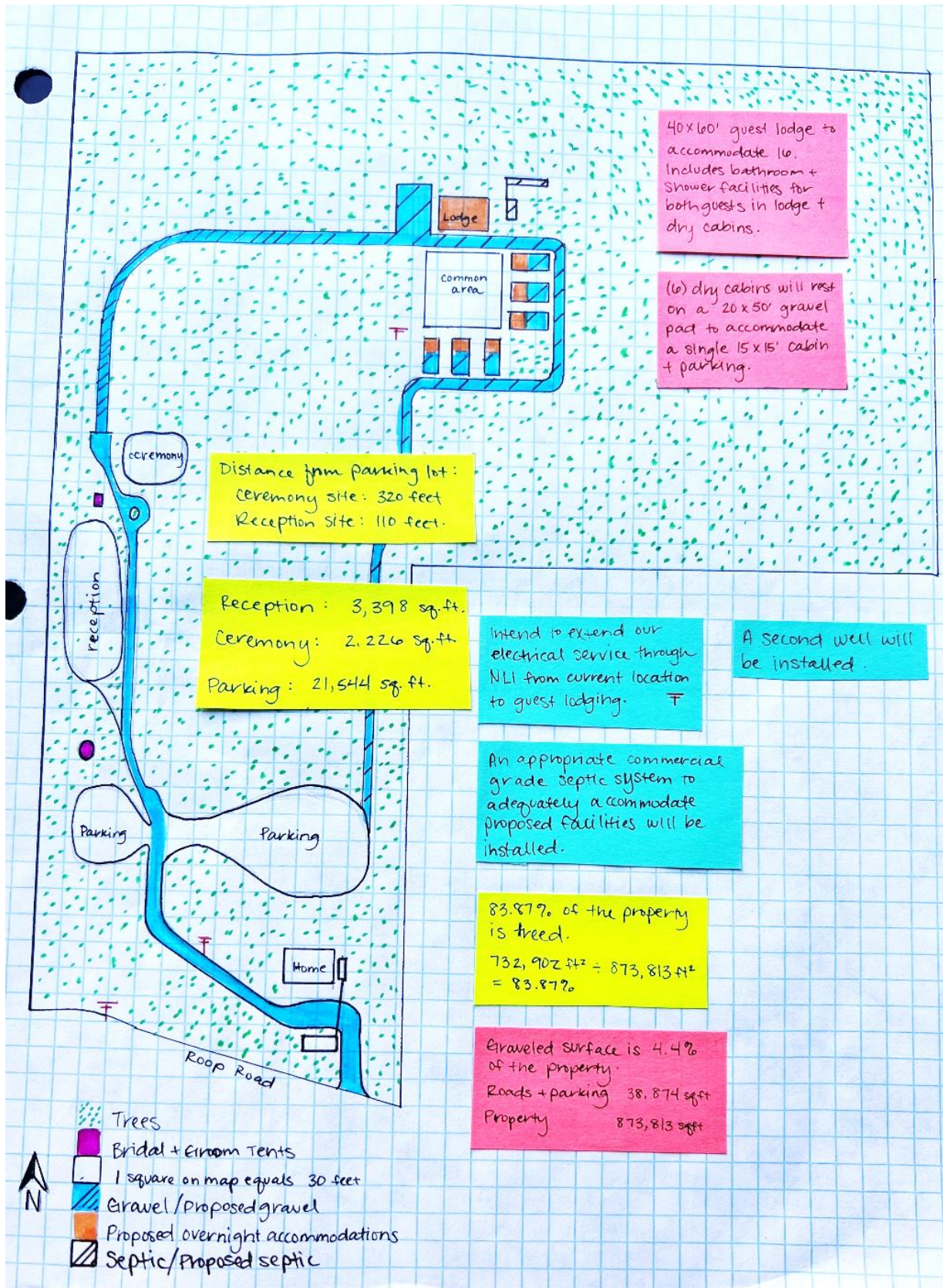
Applicant and Property Owner: Teira Bruner
PO Box 622
Cocolalla, ID 83813

Project Representatives: N/A

Application filed: July 19, 2023

Notice provided: Mail: September 5, 2023
Site Posting: September 19, 2023
Published in newspaper: September 5, 2023

Figure 1 Site Plan



Project Summary:

The applicant is requesting a Conditional Use Permit for a private community facility and a retreat. The site is located on Roop Road. The area of the site is approximately 20 acres. It is zoned Rural-5 and developed with multi-use structures. Private Community Facilities and Retreats are conditionally allowed in the Rural zoning districts.

Applicable Laws:

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

BCRC 12-220, et seq, Conditional use permit, application and standards
BCRC 12-323, Rural District
BCRC 12-333, Commercial Use Table; Retreats
BCRC 12-335, Public Use Table; Private Community Facility
BCRC 12-4.2, 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 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: Bonner County School #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 |

Agency Review and Public Comments:

The application was routed to the following agencies for comment:

| | |
|--|---|
| 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 | |

The following agencies commented:

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

(See agencies' letters for complete comments.)

The following agencies replied "No comment":

- Idaho Department of Lands

No other agencies, notified of the request, replied.

Public Notice & Comments

As of September 29, 2023, several public comments were received for this proposal.

Standards Review and Staff Analysis:

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

Staff: The application was considered complete on August 17, 2023.

BCRC 12-223 specifies that the Hearing Examiner 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 12-333 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 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. **See Conditions of Approval.**

- 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. **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 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. **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. [See Conditions of Approval.](#)
- The project is not proposing any development to occupy a greater percentage of lot area than that required by the standards of the Bonner County Revised Code, Title 12.
- 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 no fences, walls and hedges in the required property line or street setbacks.
- 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 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.
- The project is not proposing any activities that would seem to contribute to air or water pollution.

See Conditions of Approval.

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:

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

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

The proposed retreat will have twelve (12) rooms for sleeping quarters - six (6) one-bedroom cabins and one (1) six-bedroom single family dwelling. Per the parking requirements noted above, 14 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 71 parking spots, 57 of which should be located within 500 feet of the designated space for the private community facility. [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. All new development 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.
- Currently, no lighting plan has been provided as part of the application. 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 district unless otherwise noted.

Staff: The applicant is proposing commercial use and public use on a property zoned Rural 5. 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. [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 12-733: 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 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:

- 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:

- Private property should not be taken for public uses without just compensation or due process of law.
- 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 September 29, 2023, Bonner County Planning received several comments stating potential impacts to the neighbor's property rights.

Population:

Goal:

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

Objective:

- 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:

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

Objective:

- 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.
- The county should encourage school districts to proactively review development applications to determine particular school needs and concerns.
- Bonner County roads, trails and bicycle paths should be designed and maintained to allow safe passage of students to schools.
- 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:

- Support and encourage economic development.

Objective:

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

- 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:

- 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:

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

- 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.
- Acknowledge and consider agency comments regarding natural resources.

Objective:

- 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.

- 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.
- 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:

- Protect Bonner County from loss of lives and property due to natural hazards.
- 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:

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

Public Services, Facilities & Utilities

Goal:

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

Objective:

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

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

Objective:

- Future development should not adversely impact the existing transportation system by reducing the quality or level of service or creating hazards or congestion.
- Roads within new development should be built to county standards and at the expense of the developer.
- Roads within new development should provide adequate access for fire and emergency vehicles as well as routes of escape.
- Future access roads should be designed and built to integrate with the state and county system of roads without overburdening the transportation system.
- To reduce transportation costs, road building and environmental impacts, cluster development should be encouraged.
- Bonner County intends for certain intense land use developments to provide paved roads.
- Bike ways and pedestrian paths should be considered in development plans to provide an integrated community transportation system wherever possible.
- 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:

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

Objective:

- 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:

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

Objective:

- 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:

- 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:

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

Objective:

- New development should be located in areas with similar densities and compatible uses.
- The adverse impacts of new development on adjacent areas should be minimized.
- 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:

- Protect the rural character and agricultural heritage of Bonner County by retaining large and small scale commercial agriculture and hobby farms as viable uses.
- Support the local economy by encouraging production, distribution, and retail sales of locally grown food and other agricultural products.
- Develop policies to discourage fragmentation of very large productive agricultural lands.

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

Staff Conclusion:

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: September 29, 2023

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.

Decision/ Recommendation by the Hearing Examiner:

DECISION TO APPROVE:

I 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 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.

DECISION TO DENY:

I 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 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) Appeal the Hearing Examiner's decision to the County Commissioners.

RECOMMENDATION TO THE ZONING COMMISSION:

I 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.

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.

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 12-333 (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.

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