



Bonner County Planning Department

"Protecting property rights and enhancing property value"

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March 27, 2024

James Mills
483 Fox Glen Road
Sandpoint, ID 83864

Subj: File CUP0001-24 – Conditional Use Permit – Cabin View Winery

Encl: (1) File CUP0001-24 Hearing Examiner Approved Site Plan

Dear Applicant,

The Bonner County Hearing Examiner at the March 20, 2024, public hearing approved the referenced application with conditions.

Hearing Examiner Rucker approved this project FILE CUP0001-24 for a winery subordinate and accessory to farming, 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 2.2, BCRC Chapter 3 Subchapter 3.3, BCRC Chapter 4 Subchapter 4.2-4.6, Chapter 7 Subchapter 7.2 and 7.6, 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. Examiner Rucker further adopted the findings of fact and conclusions of law as set forth in the Staff Report and direct planning staff to draft written findings and conclusions to reflect this decision, and transmit to all interested parties. 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.

Findings of Facts:

1. The site is zoned Agricultural/Forestry 10, where wineries subordinate and accessory to farming are conditionally allowed.

2. The site has an individual well and septic system for their current residential use.
3. The site is 10 acres in size.
4. The site is accessed off Fox Glen Road, a privately owned and maintained road. The applicant is granted a deviation from BCRC 12-336 Note 5, as the road does not currently meet Appendix A standards. "Fox Glen Road does not currently meet the width standards for a business access road. It is a single lane road that varies between 12-14 feet in width. However, it would be extremely difficult to have this road widened due to the cost of doing so and that it would overlap onto existing private property of many of my neighbors. There are numerous widened sections along the road for cars to pass each other. As the proposed winery operation will be by appointment only, there will be very little additional traffic on the road."
5. The site is served by Northern Lights Inc. for their current residential use.
6. The site is in the mapped service area of North Side 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 does not contain mapped wetlands (NWI, USFWS).
10. The property is accessed by Fox Glen Road, a privately owned and maintained road. North Side Fire District has requested modifications to the site to allow for emergency vehicle turnarounds and to maintain the road and driveway year-round to allow for better access in case of emergencies.
11. The project does not propose development of any structures on the property to accommodate or house a greater number of families than permitted by the standards of Bonner County Revised Code.
12. The project is granted a deviation to the sign requirements set forth in BCRC 12-336 Note 7, to allow the applicant to locate two (2) signs on the property in connection with the proposed use, instead of one sign. The signs will be located on the proposed building and at the entrance to the winery. All signs will be 32 square feet or smaller.
13. The project proposes no activity involving the use or storage of flammable or explosive materials on or off site.
14. The project proposes no activity involving emittance of harmful radioactivity or electrical disturbance.
15. The hours of operation will be limited from 8 AM to 6 PM. Operations are to include, but are not limited to, the production and sales of wine and promotional products, harvesting, crushing, pressing, and bottling. Working hours for the operators may be extended during the harvesting season (September 1st to

November 15th). All customer visits will be limited to the traditional hours of operations of 8 AM to 6 PM and will be by appointment only.

16. The project does not propose any activities that would seem to contribute to air or water pollution.
17. The winery facility is proposed to be operated on an area of ±2,256 square feet.
18. The winery has designated approximately 4-acres of the property to the growth of grapes, to be used to produce wine.
19. All buildings in conjunction with the winery will be 75 feet from all property lines.

Suggested Conditions of Approval:

Standard 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 12-336, Resource Based Use Table, all buildings in conjunction with the winery must be 75 feet from all property lines.
- A-5** Per 12-336, Resource Based Use Table, a minimum of 0.5-acres must be designated for the growth of grapes or other crops used to produce wine.
- A-6** The hours of operation will be limited from 8 AM to 6 PM. Operations are to include, but are not limited to, the production and sales of wine and promotional products, harvesting, crushing, pressing, and bottling. Working hours for the operators may be extended during the harvesting season (September 1st to November 15th). All customer visits will be limited to the traditional hours of operations of 8 AM to 6 PM and will be by appointment only.

- A-7** 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.
- A-8** 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-9** 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-10** Per 12-432, Parking Standards, the project is required to have space for 3 parking spaces.
- A-11** Per BCRC 12-4.4, only the two proposed signs shall be located at the winery entrance and on the proposed winery building. All signs shall be 32 square feet or smaller. All signs shall meet the sign standards and requirements of Title 11 and Title 12 of the Bonner County Revised Code.
- A-12** 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-13** Per BCRC 12-453.F, any lighting on site shall meet the standards of this section of the ordinance.
- A-14** Per BCRC 12-453.G, any development on site permitted through this Conditional Use Permit shall meet the standards of this section of the ordinance.
- A-15** Per BCRC 12-453.J, any outdoor storage of commercial and industrial materials on site is required to meet the standards of this section of the ordinance.
- A-16** 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 the start of development on site.
- A-17** This project proposes new development that would result in the creation of impervious surface. The applicant may be required to 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.

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

- B-1** All permits must be obtained from Idaho Department of Environmental Quality for a public drinking water and wastewater system and/or documentation from Idaho Department of Environmental Quality that the existing systems are sufficient to serve the winery.
- B-2** All permits and licenses must be obtained by Panhandle Health District for a new septic system, a food establishment license, and proof that the water source meets standards as required by the Idaho Food Code and/or documentation from Panhandle Health District that all requirements have been fulfilled.
- B-3** All permits from Idaho Department of Water Resources must be obtained, and/or documentation from Idaho Department of Water Resources stating that all requirements have been fulfilled.

Bonner County Revised Code, Section 12-262, provides an opportunity for affected persons to appeal Hearing Examiner decisions with the Planning Director within 28 days after the final written decision of the Hearing Examiner has been issued. Any such appeal must be submitted in accordance with the referenced code section no later than **5:00 p.m., April 24, 2024. AN APPEAL SHALL BE ACCOMPANIED BY A FILING FEE IN ACCORDANCE WITH THE APPROVED FEE SCHEDULE. THE FEES ARE PAYABLE TO THE BONNER COUNTY PLANNING DEPARTMENT.**

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

Please contact the Planning Department if you have any questions.

Sincerely,


Jacqueline Rucker
Hearing Examiner

Cabin View Winery LLC - Site Map Large Scale

