



BOUNDARY COUNTY PLANNING AND ZONING

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**STAFF REPORT
BOUNDARY COUNTY PLANNING & ZONING COMMISSION
FILE #24-0088, NIKI & JOHN WILBUR
HIGH-OCCUPANCY USE - RECREATIONAL HOSPITALITY USE OF 32 RV UNITS**

Prepared By:	Tess Vogel, Associate Contract Planner Ruen-Yeager & Associates, Inc.
Project Description:	The applicants are requesting a conditional use permit for a recreational hospitality use to allow for an RV park to include 32 RV spots, a bath house, and office on an 11.71-acre parcel
Project Location:	A tract of land at the intersection of Highway 95 and Gypsy Lane
Parcel Number:	RP60N01W130300A
Legal Description:	Tax 37 less CO R/W in SEC 13 T60N R1W
Zoning District:	Ag/Forestry
Applicants/Landowners:	Niki & John Wilbur
Date Complete Application Received:	04/22/2024
Hearing Date:	Planning & Zoning Commission: 05/23/2024
Legal Notice Provided:	Newspaper: 05/02/2024 Site Posting: 05/15/2024 Mailed: To landowners within 300' & Taxing Districts: 05/01/2024
Staff Report Attachments:	Legal notice, application/site plan, floor plans

PROJECT SUMMARY

Niki & John Wilbur are requesting a conditional use permit for a recreational hospitality use to allow for an RV park to include 32 RV spots, a bath house, and office on an 11.71-acre parcel in the Agriculture/Forestry zone. The parcel is located off Gypsy Lane and is identified as Assessor’s Parcel RP60N01W130300A in Section 13, Township 60 North, Range 1 West, B.M. The site is proposed to be served by individual wells and septic systems, private road Gypsy Lane, and is located within the boundaries of the South Boundary Fire District.

RELEVANT CODE SECTIONS

2.55.2. Recreational Hospitality: Commercial uses established specifically to afford the general public access, accommodations and/or services by which the public may enjoy recreational opportunities on private land. Hospitality uses may include but are not limited to RV parks, motels, hotels or lodges, bed and breakfast establishments, and inns.

15.4. Moderate Use: 4-10 full-time employees; 20-100 trips of traffic per day; noise sustained

15.4.11.: Recreational Hospitality, 5 or fewer units

15.5. High-Occupancy Uses: More than 10 full-time employees; more than 100 trips of traffic per day

*More than 5 units for Recreational Hospitality moves the use under the classification of High-Occupancy – 32 units are proposed

15.9. Agriculture/Forestry Zone

15.9.5. Conditional Uses:

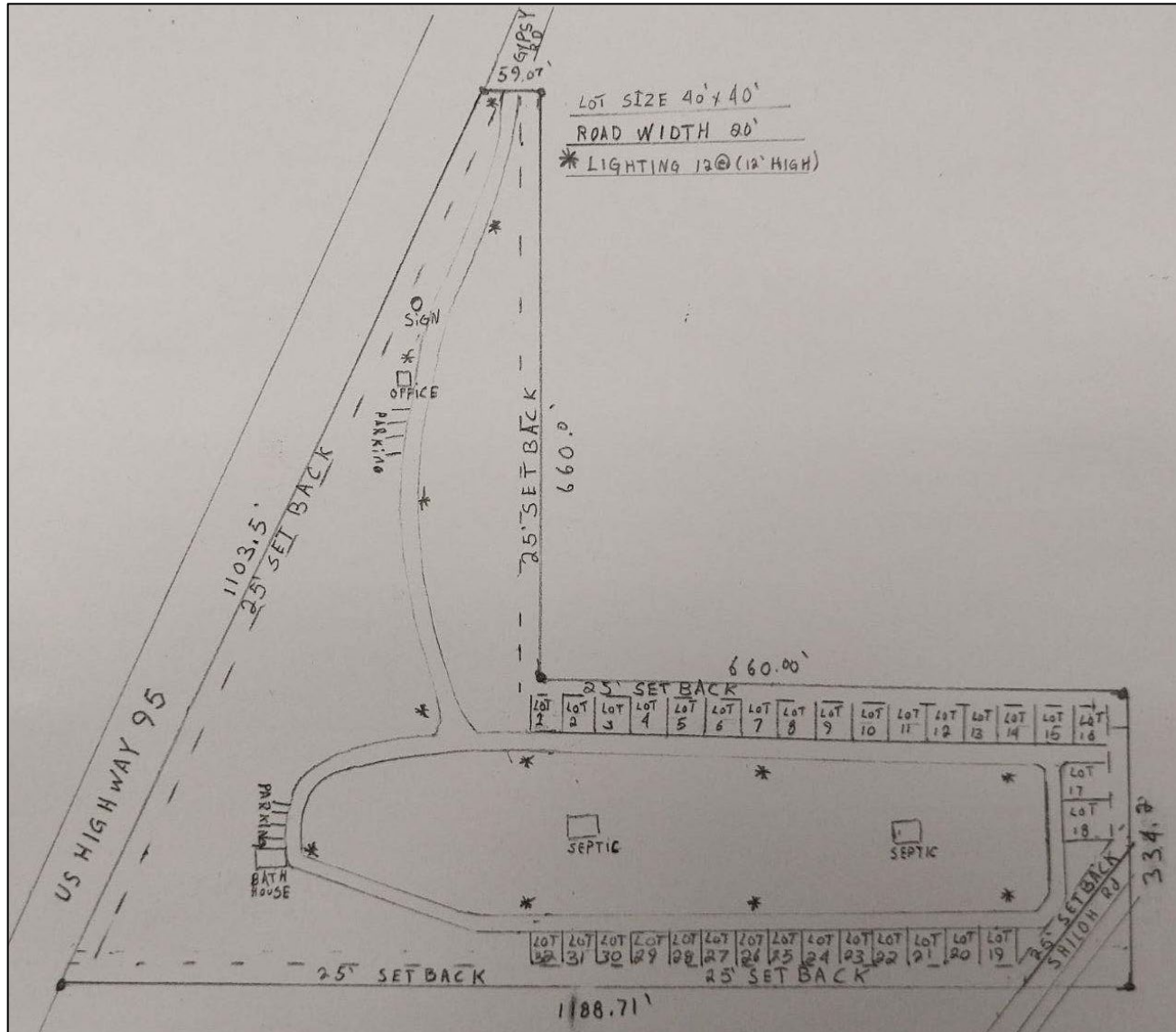
15.9.5.1. Moderate Class Use when located less than 500 feet from any existing residence

15.9.5.2. High-Occupancy Uses and Land-Intensive Uses

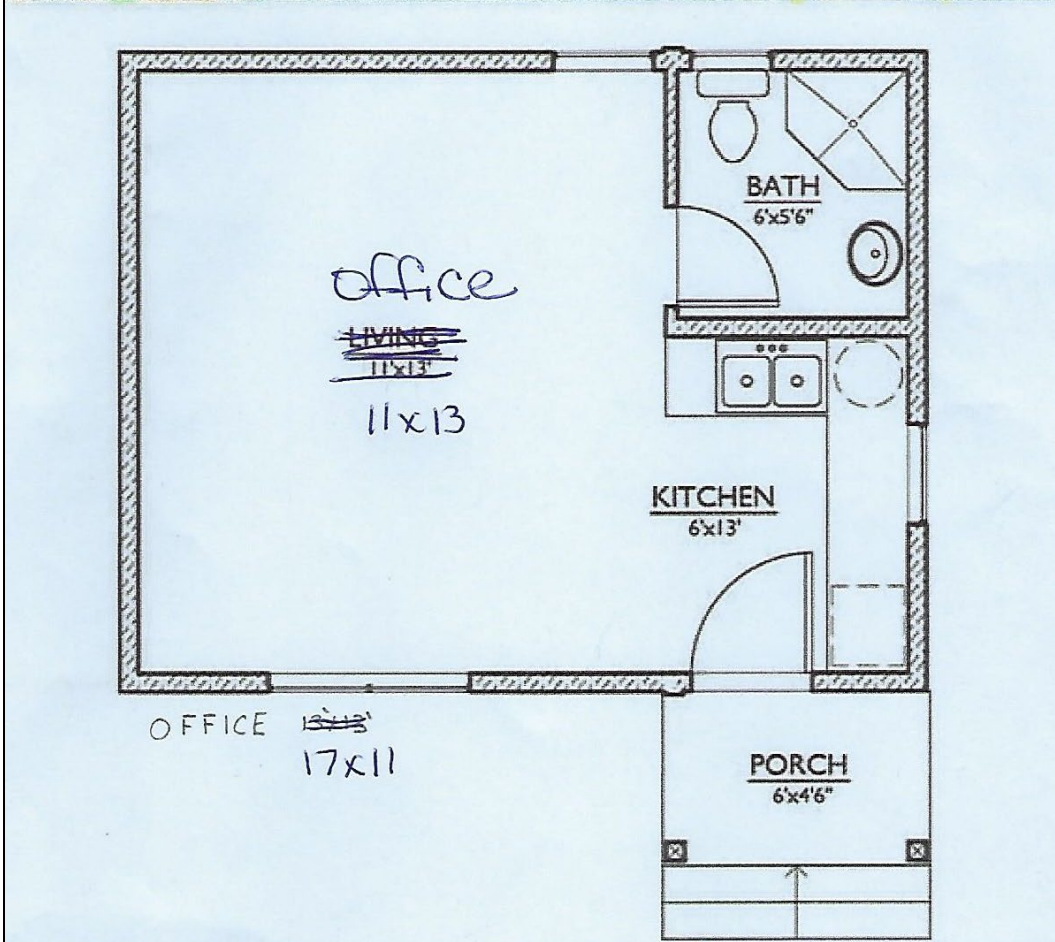


AERIAL OF SITE

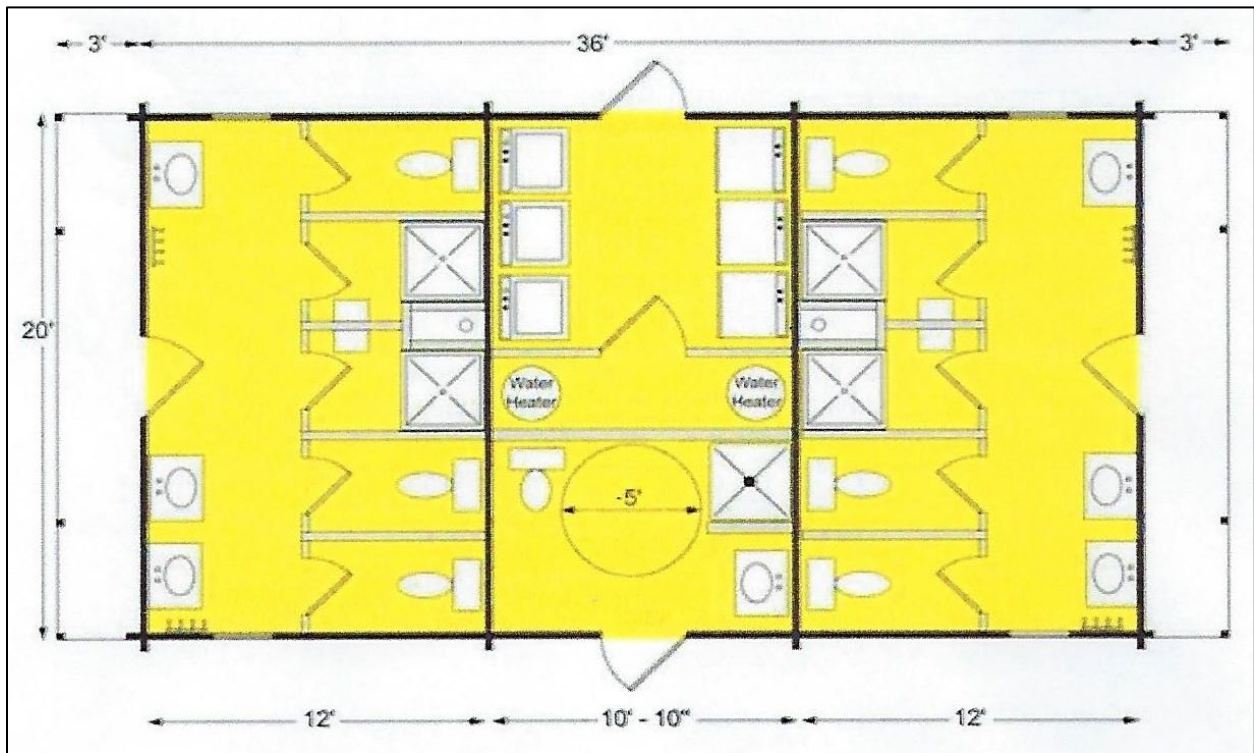
PROJECT SETTING	
Access	Gypsy Lane (private) from State Highway 95 (public)
Current use	Vacant
Services, utilities	Septic, well, South Boundary Fire District
Hazardous Areas	Special Flood Hazard Area Zone X, Panel 1602070720B, no floodplain/floodway
Zoning overlays or special areas	None
Site Zoning & Comp Plan designation	Ag/Forestry
Surrounding Zoning & Comp Plan designations	Ag/Forestry; Commercial/Light Industrial
Surrounding uses	Highway, Residential, public, commercial, timber land, vacant



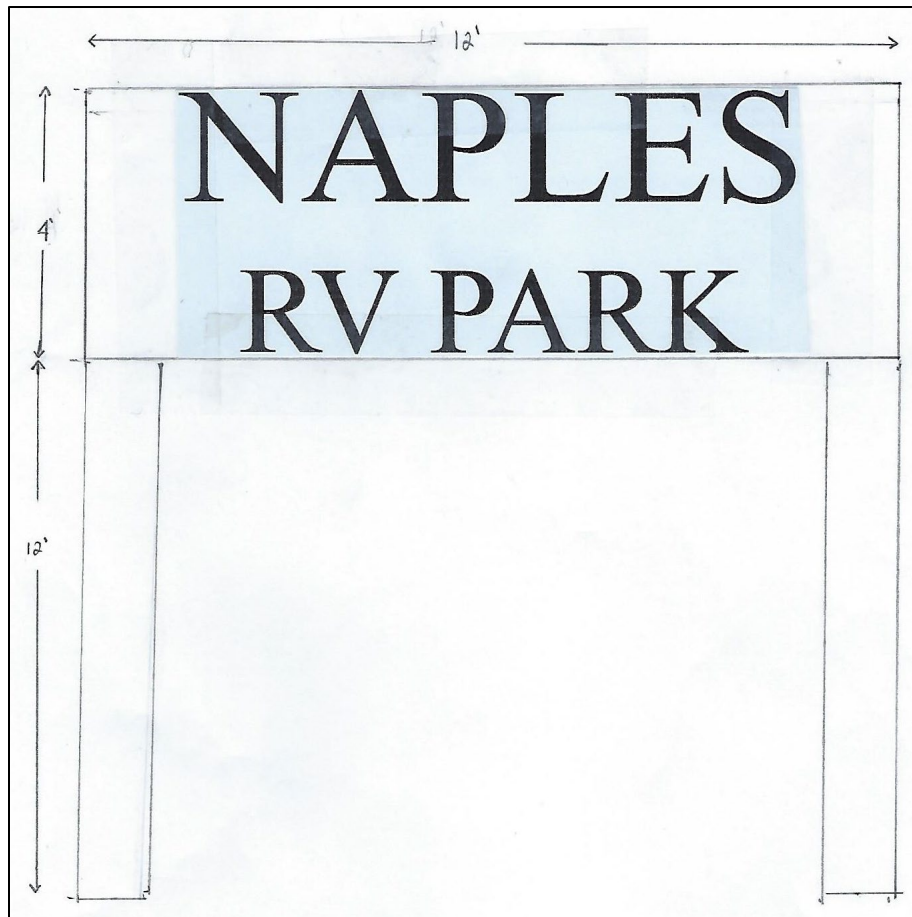
SITE PLAN & LIGHTING PLANS



FLOOR PLAN – OFFICE



FLOOR PLAN - BATHHOUSE



PROPOSED - SIGN

AUTHORITY

- Idaho Code §67-6512, Special Use Permits, Conditions, and Procedures
- Boundary County Land Use Ordinance, Section 2, Definitions
- Boundary County Land Use Ordinance, Section 7, Conditional Use Permits
- Boundary County Land Use Ordinance, Section 10, Standards for Specific Uses
- Boundary County Land Use Ordinance, Section 15.9., Ag/Forestry Zone

AGENCY/STAFF COMMENTS

The following agencies were routed for comments on April 22, 2024, and May 01, 2024: BNSF Railway, Boundary County Addressing, Ambulance, Assessor, Commissioners, Library, Road & Bridge, Boundary School #101, Cabinet Mountains Water District, Idaho Department of Environmental Quality, Idaho Department of Lands, Idaho Transportation Department, Panhandle Health District, and South Boundary Fire District.

Boundary Assessor: *Survey in application shows an easement to Shiloh Loop, however no access or easement is shown to Gypsy Lane on the survey or deed documents. Turning radius on approach or interior roads are not shown. Are all roads 2-way traffic? Will RV spaces be full hookups with power, water and septic? Will there be a fence, earthen or treed buffer for sight and noise between the park and surrounding properties? Will possible hazards be mitigated for park users crossing the highway for ORV park access? Are traffic “vehicles per day” defined in code and is it reasonable to expect 14 trips for a 34-lot RV park?*

Staff Note: The scope of the project is included in the application. “Vehicles per day” is not defined in the County code.

Boundary Co. R&B: *Gypsy Lane is a private road from ITD Highway 95. There is not a reasonable distance from the proposed access point to the Highway 95/Gypsy Lane intersection considering the trailers and big trucks that use this road. Concerns and hazards created by the traffic influx not only on Gypsy Lane but also from the highway.*

Panhandle Health District: *PHD does not have a sewage disposal application for parcel RP60N01W130300A. It is unknown what is and is not approvable here. Any dwelling construction that creates new or increases wastewater flows must have an approved location for the wastewater to go. Due to the size of the proposed project (32 RVs, bathhouse, office), it is likely that a large soil absorption system (LSAS) will be required. This will require review from the Idaho Department of Environmental Quality (DEQ) along with PHD. It will also require a nutrient and pathogen (NP) study be completed. It is advisable that the applicant contact PHD as soon as possible and submit an application to begin the process.*

PUBLIC COMMENTS

Landowners within 300’ of the subject property were notified of the proposal on May 01, 2024, and notice was provided in the Bonners Ferry Herald on May 02, 2024. No written public comments were submitted to the record up to the completion of this staff report.

<u>STANDARDS ANALYSIS & EVIDENCE OF APPLICABLE CODES & COMPREHENSIVE PLAN</u>
<p>Idaho Code §67-6512, Special Use Permits, Conditions, & Procedures: A special use permit/conditional use permit may be granted to an applicant if the proposed use is conditionally permitted by the terms of the ordinance, subject to conditions pursuant to specific provisions of the ordinance, subject to the ability of political subdivisions, to provide services for the proposed use and when it is not in conflict with the plan.</p>
<p>Staff: The Boundary County code allows for conditional use permits in Section 7 of the County land use ordinance, which states, “where a specific or general use is allowed for consideration as a conditional use with a zone district, a conditional use permit shall be approved and issued prior to the onset of development or establishment of that use. A conditional use application will encompass all development proposed on a single parcel or lot, and upon issuance, the application, as modified by standards, terms or conditions imposed by the conditional use permit, will become the controlling plan for that parcel or lot, and will not be changed or expanded without application for a new development permit.”</p>

<p>A CUP is required for a Moderate Class Use located within 500 feet of an existing dwelling and a High-Occupancy Use in the Ag/Forestry zone (15.9.5.).</p>
<p>Boundary County Land Use Ordinance, 9B18LOV2, Sections 7.7.1 – 7.7.9:</p>
<p>(1) Whether the application, site plan and additional documentation provided by the applicant sufficiently demonstrate the full scope of the use proposed.</p>
<p>Staff: The CUP application sufficiently demonstrates the scope of the proposal with the CUP, which includes a complete site plan and floor plans that are to be used in all associated placement permit applications as well.</p>
<p>(2) Whether the proposed use conforms to all applicable standards established by this ordinance.</p>
<p>Staff: The proposed use of the site for Recreational Hospitality, with 32 RV spots, an office, bathhouse, and sign all permitted uses through placement permits and conditional use permits within the Ag/Forestry zone (15.9.4. and 15.9.5.). A conditional use permit is required once there are more than five units for the Recreational Hospitality Use(15.14.5.1.). All setbacks for the zone are shown to be met per the submitted site plan.</p>
<p>(3) Whether there is sufficient land area to accommodate the use proposed, and whether development is so timed and arranged so as to minimize adverse effects on surrounding properties and uses.</p>
<p>Applicant: <i>We will have rules and regulations – see attachment in application.</i></p> <p>Staff: The site is 11.71 acres in the Ag/Forestry zone, which has a minimum density of 10 acres and a required setback distance of 25 feet which have been adhered to per the submitted site plan. The commercial uses proposed on site also have specific standards relating to hazardous materials, dust, noise, lighting, parking, and signs (10.1., 10.2. and 10.3.).</p> <p>Access: Proposed access is to be provided via Gypsy Lane from Highway 95. The Boundary County Assessor notes that the record of survey and deed for the property do not note access being from Gypsy Lane but from Shiloh Loop.</p> <p>Hazardous Materials: Any commercial or industrial activity involving the use or storage of hazardous materials, including but not limited to flammable, explosive, corrosive, poisonous or radioactive materials will provide for the safe storage and handling of these materials in compliance with current state and federal regulations so as not to threaten public safety. Such materials will be stored or kept for disposal in areas secure from public trespass.</p> <p>Dust: Excessive dust from commercial or industrial activities, parking areas and access ways will be controlled by landscaping, paving, application of dust suppression materials or by installation of filters, as appropriate.</p> <p>Noise: Regularly occurring noise from commercial or industrial activities will be muffled, contained or otherwise controlled to reduce volume at the nearest property line similar to the sound of a residential lawnmower.</p> <p>Lighting: All permanently installed exterior lighting will be designed and placed so as not to produce glare onto adjoining properties or roadways.</p> <p>Parking: Parking will include sufficient area to accommodate the highest number of employees on shift at any one time, to include shift change (Section 10.2.4.2.). The expected number of employees is a maximum of two people, so two parking spaces that meet the design standards of Section 10.2.5. shall be provided at the proposed office.</p> <p>Signs: A 48 square foot sign on a 16-foot tall stand is proposed. Due to the size and total height of the proposed sign, Section 10.3.3.3. shall apply with requires a conditional use permit. The proposed sign is included in this conditional use permit request. Section 10.3.3.3. states: <i>One freestanding on-premise sign not to exceed 300 square feet of surface area or 18 feet in height above ground surface will be allowed in any zone district as depicted in an approved development permit application for a conditional use permit. Such signs may be two sided and illuminated front and back, and may be moving, flashing or blinking provided they do not produce glare to traffic or onto adjacent properties.</i></p>

(4) How the impacts of the use proposed compare with the impacts of existing uses within the zone.
<p>Applicant: <i>Not sure until we know the zoning.</i></p> <p>Staff: The proposed use is similar in impact to the surrounding uses within the same zoning designation.</p> <ul style="list-style-type: none"> • Site: 11.71-acre parcel; Ag/Forestry zone; Vacant • North: Range of 3.8-acre to 69.5-acre sized parcels; Ag/Forestry and Commercial/Light Industrial zones; Gypsy Lane; Residential, commercial, state land • South: Range of 4-acre to 11-acre sized parcels; Ag/Forestry zone; Residential, timber land • East: Range of 15-acre to 200-acre+ parcels; Ag/Forestry zone; Residential, timber land • West: Range of 5-acre to 200-acre+ parcels; Ag/Forestry zone; Residential, commercial, public uses
(5) Whether concerns raised by other departments, agencies or by the providers of public services, including but not limited to road & bridge, water, electricity, fire protection, sewer or septic, can be adequately addressed.
<p>Applicant: <i>We are proposing to start an RV park per Section 15.8.5.1.</i></p> <p>Staff: Of the routed agencies, the County Assessor made note that access looks to actually be from Shiloh Loop and not Gypsy Lane. The County Road & Bridge Department noted their concerns regarding the access and development locations. Panhandle Health District noted their concerns over the necessary septic system and urged the applicants to contact them as soon as possible. The received agency comments are provided in full in this staff report. No other routed agencies provided any concerns or additional requirements.</p>
(6) The potential benefit to the community offered by the use proposed.
<p>Applicant: <i>A place for RV'ers to stay while traveling and exploring the fun things to do around Naples.</i></p> <p>Staff: The proposed use would provide temporary lodging for RV users in traveling in the area.</p>
(7) Whether specific concerns aired through the public hearing process have validity and whether those concerns can be adequately addressed.
<p>Applicant: No response provided.</p> <p>Staff: Pending public hearing testimony.</p>
(8) Whether the use proposed would constitute a public nuisance, impose undue adverse impact to established surrounding land uses or infringe on the property rights of surrounding property owners, and whether terms or conditions could be imposed adequate to mitigate those effects.
<p>Applicant: <i>All RV's can only be 10 years old. Dogs will not be unattended and aggressive or loud dogs will not be tolerated. 1 RV + 1 vehicle per site. Campfires in firepits only. Quiet time is 10pm-9am and will be enforced. Visitors and extra vehicles are to be in overflow parking.</i></p> <p>Staff: The proposed use is set back from the highway and property lines to provide a buffer and all property setbacks have been met per the submitted site plan.</p>
(9) Whether the use proposed would unfairly burden Boundary County taxpayers with costs not offset by the potential benefits of the proposed use.
<p>Applicant: <i>No.</i></p> <p>Staff: The proposed use, as described, does not show a potential to pose an unfair burden on Boundary County taxpayers.</p>
<p>Boundary County Land Use Ordinance, 9B18LOV2, Section 7.8:</p> <p>In considering approval of an application to establish a conditional use, the planning and zoning commission may consider the imposition of terms and conditions as a means of eliminating or mitigating potential adverse effects or to provide for public safety.</p>
<p>Staff: Draft conditions of approval are listed in the staff report.</p>

DECISION BY THE PLANNING & ZONING COMMISSION – CONDITIONAL USE PERMIT	
Motion to Approve	I move to approve the conditional use permit for a conditional use permit to allow a recreational hospitality use of 32 RV spots, an office, sign and bathhouse, File #24-0088, finding that the proposal IS in accord with the standards of Idaho Code and Section 7 of the Boundary County Zoning & Subdivision Ordinance, based upon the findings, conclusions and conditions as written [<i>or amended – list amendments</i>]. This action does not result in a taking of private property.
Motion to Table or Continue	I move to remand this file to the applicant to obtain documentation of agency approvals and to provide specific information as follows: [<i>insert requested items</i>] I further move to continue the public hearing to [<i>insert date, time and place</i>] to allow further consideration of the proposed application [<i>state specifically what is to be reviewed</i>] and to allow public testimony on the new information.
Motion to Deny	I move to deny the conditional use permit for a conditional use permit to allow a recreational hospitality use of 32 RV spots, an office, sign and bathhouse, File #24-0088, finding that the proposal IS NOT in accord with the standards of Idaho Code and Section 7 of the Boundary County Zoning & Subdivision Ordinance, based upon the findings and conclusions as written [<i>or amended – list amendments</i>]. [<i>state which findings/conclusions do not meet the standards</i>]. This action does not result in a taking of private property.

DRAFT FINDINGS & CONCLUSIONS FOR DISCUSSION/ADOPTION

1. The applicant is requesting a conditional use permit to allow for a recreational hospitality use to allow for an RV park to include 32 RV spots, a bath house, sign and office on an 11.71-acre parcel in the Agriculture/Forestry zone.
2. The site is currently vacant.
3. Proposed development on site includes 32 RV spots, a bathhouse, and office.
4. The subject parcel has a comprehensive plan land use and zoning designation of Ag/Forestry.
5. Five or fewer recreational hospitality units are classified as a Moderate Class Use (**15.4.11.**).
6. Six or more recreational hospitality units are classified as a High-Occupancy Class Use (**15.5.**).
7. A conditional use permit is required for a High-Occupancy Class Use in the Ag/Forestry zone (**15.9.5.2.**).
8. Recreational Hospitality is defined as, *“Commercial uses established specifically to afford the general public access, accommodations and/or services by which the public may enjoy recreational opportunities on private land. Hospitality uses may include but are not limited to RV parks, motels, hotels or lodges, and bed and breakfast establishments and inns”* (**2.55.2.**).
9. The expected number of employees is 2.
10. Hours of operation are Monday-Friday, 8:00am-5:00pm.
11. 14 vehicle trips per day are anticipated.
12. There is proposed on-site lighting throughout the property.
13. There is one freestanding sign proposed to be 48 square feet and 16 feet tall.
14. The site is to be served by individual wells, septic systems and the South Boundary Fire District.
15. Proposed access is to be from Gypsy Lane, a private road that originates off State Highway 95 (public).
16. The site is not within the Airport Overlay Area or any city’s area of city impact.
17. The site has no mapped wetlands or special flood hazard areas.

DRAFT CONDITIONS OF APPROVAL FOR DISCUSSION/ADOPTION

1. The conditional use permit will run with the land to which it is attached, and continue in effect for the life of the use established (**Section 7.3.**).
2. The approved conditional use permit will be deemed to lapse if work to establish the use has not begun within two (2) years of the date of approval, or when a use established by the conditional use permit is discontinued for a period of two (2) consecutive years. The owner of a property subject to

- a conditional use permit may request termination of the conditional use permit at any time by notifying the administrator in writing (**Section 7.4.**).
3. Prior to the issuance of this conditional use permit, the applicants shall reimburse Boundary County for first class mailings and advertisements required for public notification.
 4. Any change in the use or increase in the use and/or impact shall require a modification of the conditional use permit.
 5. The use shall provide and maintain sufficient parking to accommodate the highest number of employees on shift at any one time, to include shift change (**10.2.4.2.**).
 6. Days and hours of operation shall be Monday-Friday, 8:00am-5:00pm.
 7. A individual commercial placement permit shall be required to be applied for and issued with the Boundary County Planning & Zoning Department prior to the construction of the proposed sign, office, and bathhouse.
 8. All standards of 10.1., 10.2. and 10.3. shall be adhered to for the life of the uses.
 - a. 10.1. Standards for Commercial, Light Industrial and Industrial Uses
 - b. 10.2. Off-Street Parking
 - c. 10.3. Signs
 9. If access cannot be obtained via Gypsy Lane, the shown access from Shiloh Loop shall be used and all permit requirements of the Boundary County Road & Bridge Department shall be completed prior to the start of the proposed use.