

**BONNER COUNTY PLANNING DEPARTMENT
HEARING EXAMINER
STAFF REPORT FOR FEBRUARY 5, 2025**



Project Name: **MORGAN, 7B PAINTBALL**

File Number, Type: **CUP0007-24**

Request: The applicant is requesting to develop a Recreational Facility for paintball and airsoft activities.

Legal Description: 32-56N-2W TAX 61

Location: 56 Hidden Creek Rd
Sagle, ID 83860

Parcel Number: RP56N02W324960A

Parcel Size: Approximately 22-acres

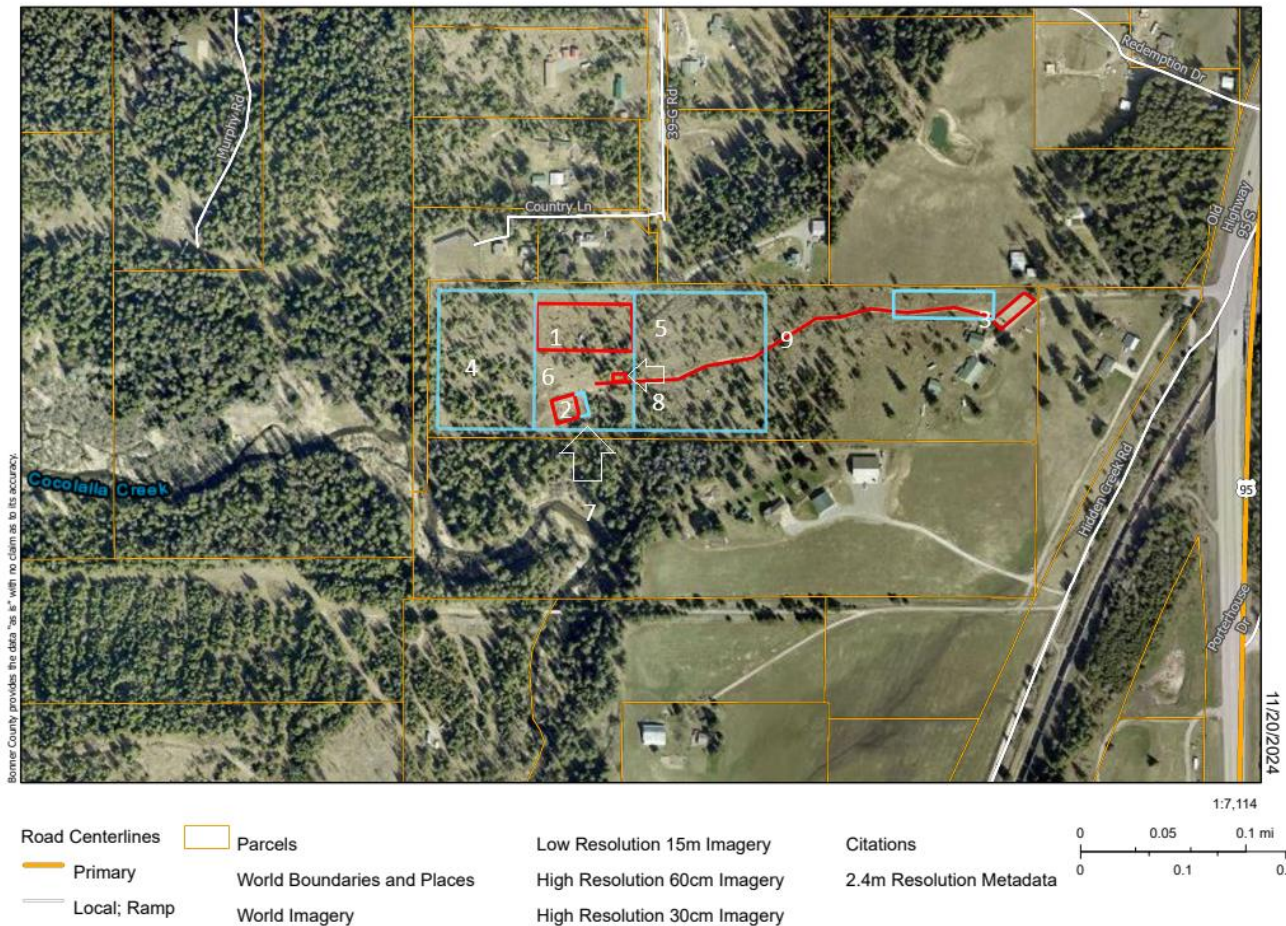
Applicant: Dakota Morgan and Timmy & Toni Morgan
56 Hidden Creek Rd
Sagle, ID 83860

Project Representative: Dakota Morgan
56 Hidden Creek Rd
Sagle, ID 83860

Property owner: Same as applicant

Application filed: 05/01/2024

Notice provided: Mail: January 7, 2025
Site Posting: January 14, 2025
Published in newspaper: January 7, 2025



Project summary:

The applicant is requesting to develop a Recreational facility for paintball and airsoft activities. The proposed site is approximately 22-acres and is zoned as Rural 5 (R-5). The project is located west of Highway 95, North of Cocolalla Loop and south of Dufort Road. Recreational Facilities are conditionally allowed within the Rural 5 zone.

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 12-333: Commercial Use Table
- 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

Background:

A. Site data

- Residential Use
- Unplatted
- Size: Approximately 22 acres
- Zone: Rural 5 (R-5)
- Land Use: Rural Residential

B. Access

- Access to the site is provided by US Highway 95, a State of Idaho-owned and maintained public right-of-way.
- County GIS roads and transportation layers show that a private driveway provides access between Highway 95 and the site in question. Comment from ITD states the access to the site is public.
- The map could also potentially be interpreted as showing access being provided by Hidden Creek Rd, a private road.
- Interpretation of the county GIS map and the disposition of the site access as public or private, as a street or a driveway, will ultimately be up to the discretion of the governing body reviewing this decision.
- BCRC 12-804 defines a **driveway** as a private easement or roadway that provides access to two (2) or fewer lots or parcels.
- BCRC 12-819 defines a **street** as a roadway - excepting driveways and trails (as defined in BCRC 12-820) - which provides, or is intended to provide, vehicular access to adjacent properties, including the following:

A. Legal Access: A public or recorded easement or right of way which affords access to one or more properties. Legal access may be a recorded easement for ingress or egress or a platted street right of way used for access to property. Assumption of maintenance by the county is not necessary for legal access.

B. Local Roads: A public or recorded easement or right of way which primarily affords access to property and connects to collectors or arterials.

C. Minor Collector: A public or recorded private easement or right of way which affords access to adjoining property and connects local access roads to roads of higher classification.

D. Major Collector: A public easement or right of way that links minor collectors and local roads with routes of higher classification. Frontage and access is limited.

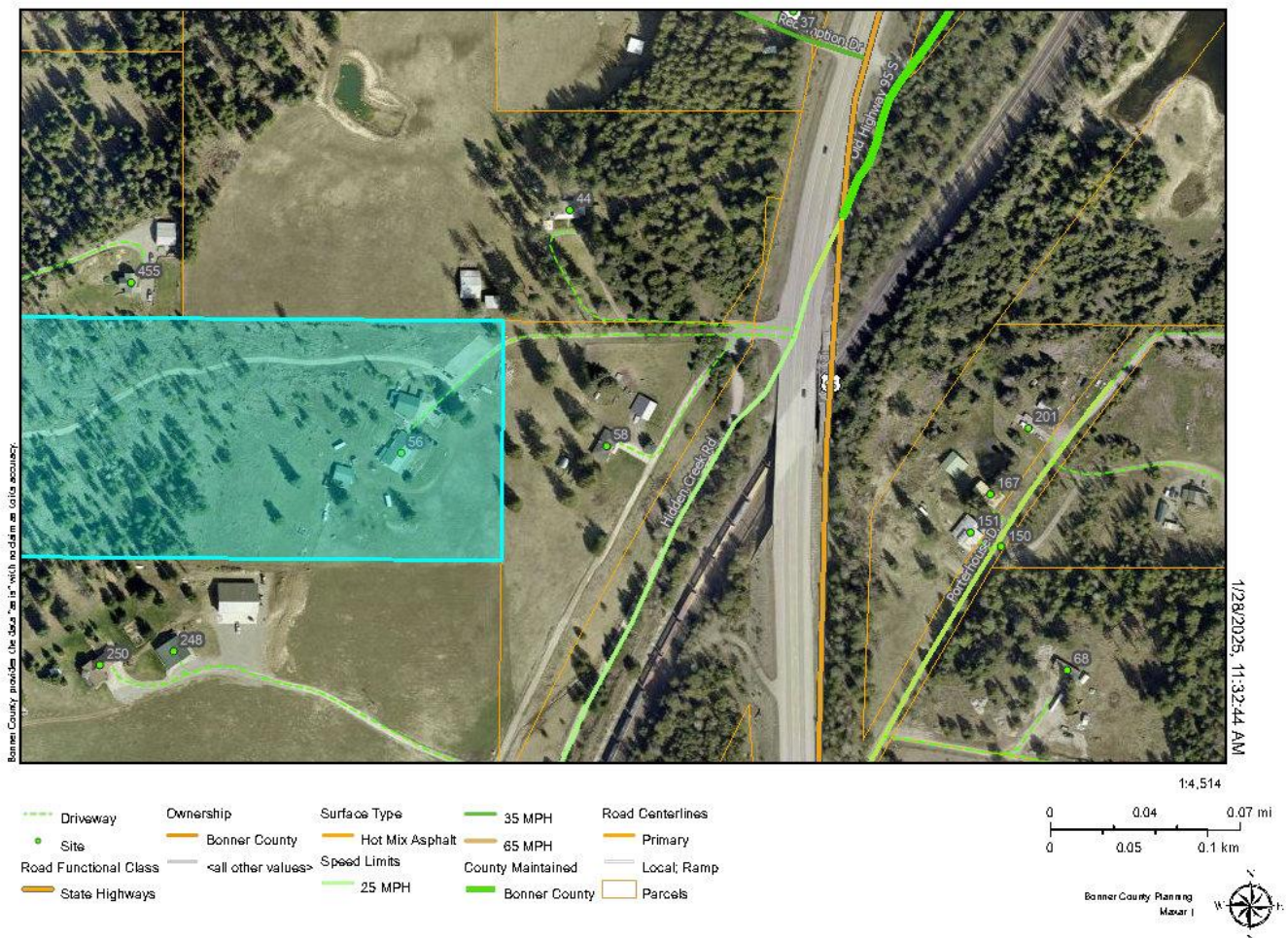
E. Minor Arterial: A public easement or right of way thoroughfare that serves less dense population concentrations. Minor arterials may connect to principal arterials or provide intermediate routes. Frontage and access is limited.

F. Principal Arterial: A public easement or right of way that connects a network of continuous routes. Serves to primarily provide mobility to large intercounty population concentrations and is designed to carry heavy traffic loads. Frontage and access is limited.

G. State Highway: A public easement or right of way as designated by the State of Idaho.

County GIS imagery of the road & access for and near the property in question:

CUP0007-24 - Roads & Access



- As noted above, interpretation of the county GIS map and the disposition of the site access as public or private, as a street or a driveway, will ultimately be up to the discretion of the governing body reviewing this decision.

C. Environmental factors

- Site does contain mapped slopes of 0-30%+. (USGS & County LIDAR)
- Site does not contain mapped wetlands. (USFWS)
- Site does not contain a river/stream frontage nor does it contain frontage on a pond or lake

- The parcel is within SFHA Zone X per FIRM Panel Number 16017C0950E, Effective Date 11/18/2009. No further floodplain review is required on this proposal.

D. Services

- Water: Per application, bottled water will be used on site for drinking.
- Sewage: Per application, Ace Septic will provide Porta-Johns.
- Fire: Sagle Fire
- Power: Per application, N/A
- 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
North	Rural Residential	Rural 5	Residential
East	Rural Residential	Rural 5	Residential
South	Rural Residential	Rural 5	Residential
West	Rural Residential	Rural 5/ Rural 10	Residential

F. Standards review

BCRC 12-223 specifies that the decision-making body shall review the particular facts and circumstances of each proposal. To grant a conditional use permit, the decision-making body must find that the proposal is not in conflict with the policies of the comprehensive plan as found in the adopted Implementation Component, and that the proposed use will neither create a hazard nor be dangerous to persons on or adjacent to the property.

- BCRC 12-220, et seq, conditional use permit, application and standards
 - The application was routed to agencies on January 7, 2025.
- BCRC 12-333: Commercial Use Table
 - The proposed use is a Recreational facility per BCRC 12-333 and 12-818. The proposed use is a sport equal to or less impactful than the example uses given in the definition of a Recreational facility. As noted in this definition, the activities allowed under this definition may include but are not limited to those listed.
 - The proposed use is not a gun club or rifle range because paintball and airsoft guns are not regulated as firearms. Airsoft and paintball guns are regulated by the Consumer Product Safety Commission (CPSC).
 - The proposed use is not an outdoor recreational use or amusement place. The only example given of this type of use in code is at found BCRC 12-333, footnote 19, which gives the example of a drive-in movie theater. A drive-in movie theater is not an indoor or outdoor sporting facility nor an athletic facility.
 - The proposed use is not a resort. While the sporting activities given in BCRC 12-818 are similar to the sporting activity examples given for a recreational facility, resorts can accommodate overnight stays and lodging and are limited to those zones intended to accommodate higher population densities. It is clear

that the code envisions a “resort” as a more intensive use than a recreational facility as “resorts” are only allowed in zones intended for more intense uses. A resort use has stricter access standards, and may include facilities for food and beverage sales, rented seasonal living units, retail sales of equipment, supplies or services in conjunction with the resort operations, campgrounds and recreation vehicle parks. These uses are not proposed in this case. The uses proposed in the application do not rise to an intensity level that would warrant a designation of a resort.

Required per BCRC 12-333 footnote	How the requirement is met
<p>Per Footnote 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.</p>	<p>If the decision-making body determines that access to the site is provided by US Highway 95 then the requirement is met.</p> <p>If the decision-making body determines that access to the site is provided by private road then the applicant shall provide the recorded easement for the road prior to issuance (see condition of approval).</p> <p>No emergency agency expressed concern regarding this proposal. The IDL Fire Warden for the Pend Oreille Lake Supervisory Area appeared to have no objection to the proposal. Interpretation and application of the IDL Fire Warden’s comment is at the discretion of the decision-making body.</p>
<p>Per Footnote 8, adequate water supplies for drinking and fire suppression, as well as approval of sewage disposal sites and methods by the Panhandle health district and/or the state of Idaho, must be demonstrated as appropriate. Per the submitted application, bottled water will be used on site for drinking.</p>	<p>Per the submitted application, bottled water will be used on site for drinking. Per the submitted application, Ace Septic will provide Porta-Johns. A condition has been added requiring that the applicant receive approval for this method from Panhandle Health prior to issuance of approval of this proposal. Per the submitted application, this proposal has been reviewed by the Fire Warden of the Pend Oreille Lake Supervisory Area of the Idaho Department of Lands. This application was also routed to Sagle Fire.</p>
<p>Per Footnote 17, sufficient land area is required to accommodate the proposed use, and the use and any appurtenant structures shall be so arranged on the land as to minimize any adverse effects on surrounding properties. The use shall not create particular hazards to adjacent properties.</p>	<p>The proposed use appears to be planned to occupy slightly more than 50% of the total parcel in question, leaving more than 40% of the site vacant of the use in question. Parking appears adequately sized. Screening is used to prevent paintballs or pellets from leaving the property. There is no evidence in the record to indicate that the proposed use will exceed allowable noise levels.</p>

- BCRC 12-4.2, Performance standards for all uses
 - Fire hazards: This proposal has been reviewed by the Fire Warden of the Pend Oreille Lake Supervisory Area of the Idaho Department of Lands. No comment was received from Sagle Fire.
 - Radioactivity or electrical disturbance: None of the proposed uses are anticipated to create radioactivity or electrical disturbances.
 - Noise: Commercial land uses are allowed to create noise up to 65 decibels at the property line of the lot or parcel. A gas powered HPA (high-pressure air) compressor will be used on the site, stored in a trailer. It is not anticipated that this noise standard will be exceeded.
 - Vibration: No vibration shall be permitted which is discernible without the use of vibration detection instruments on any adjoining lot or property. It is not anticipated that this standard will be exceeded.
 - Air pollution: A gas powered HPA (high-pressure air) compressor will be used on the site, stored in a trailer.
 - Water pollution: Wastewater will not be generated by the proposed use.
- BCRC 12-4.3, Parking standards
 - The applicant expects an upper maximum of 80-100 vehicles in a single day.
 - The parking area is proposed to be located on an already flat-surfaced area and is proposed to be 120'x220' in size, totaling 26,400 square feet. This allows for at least 250 square feet for a maximum of 100 vehicles, plus 1,400 additional square feet for alleys in between parking rows.
 - BCRC does not contain parking standards for a paintball facility.
 - BCRC does not contain parking standards for a recreational facility.
 - The proposed parking area appears to be sufficient for the proposed use.
- BCRC 12-4.4, Sign standards
 - No signage is proposed in the application.
 - A condition has been added that no signage shall be added to the site without approval of a BLP (Building Location Permit) in accordance with BCRC 12-4.4.
- BCRC 12-4.5, Design standards
 - Sidewalks and walkways would directly subvert the intent and purpose of the proposed use. The installation of sidewalks and walkways is not proposed.
 - No permanent buildings or structures are proposed. Screening or design guidelines for building and structures are not applicable to the proposed use.
 - Installation of artificial lighting is not proposed.
 - Per the submitted application, waste disposal will be accomplished with trash receptacles are placed strategically around the proposed use area. Trash will be collected and removed at the end of each day, to keep the used area clean as well as keeping any local wildlife from being impacted. Steel receptacles will be left in place, but trash bags will be removed daily and never left inside receptacles. Once collected, the waste will be brought to Dufort Dump and discarded.
- BCRC 12-4.6, Landscaping and screening standards
 - No permanent buildings or structures are proposed. Screening or design guidelines for building and structures are not applicable to the proposed use.
 - Installation of artificial lighting is not proposed.
- BCRC 12-7.2, Grading, stormwater management and erosion control
 - Per the applicant, 48 cubic yards of total cut and fill are required to prepare the playing area for the proposed use. This quantity alone is small enough that

neither a grading/erosion control plan nor a grading/stormwater plan would be required, per BCRC 12-722.

- Per the applicant, the 26,400 square foot parking area is to be graveled. Staff estimates that 2"-3" of gravel for this area would be anywhere from 160 to 250 cubic yards of material.
- This means that somewhere between 208-308 cubic yards of cut and fill is planned for the site. Per BCRC 12-722.5.A.3.a.2, a grading/erosion control plan is required for this quantity.
- A condition has been added to require that submission and approval of a grading/erosion control plan is required prior to issuance of approval of this proposal.
- BCRC 12-7.6, Hillsides
 - A very few, small, isolated steeply sloping areas are seen on the county GIS LIDAR layer. Disturbance or development of these areas is not proposed in the submitted application.

G. Comprehensive Plan Land Use Designation

The comprehensive plan designation of Rural Residential provides for residential development in areas where urban services are not available and slopes may vary up to 30%. These areas include hazard areas and critical wildlife habitats, where lower densities reduce potential impacts to resources and exposures to loss of property or lives. Small-scale agricultural uses and residential development are permitted.

H. Stormwater plan

Per the applicant, 48 cubic yards of total cut and fill are required to prepare the playing area for the proposed use. This quantity alone is small enough that neither a grading/erosion control plan nor a grading/stormwater plan would be required, per BCRC 12-722.

Per the applicant, the 26,400 parking area is to be graveled. Staff estimates that 2"-3" of gravel for this area would be anywhere from 160 to 250 cubic yards of material. This means that somewhere between 208-308 cubic yards of cut and fill is planned for the site.

Per BCRC 12-722.5.A.3.a.2, a grading/erosion control plan is required for this quantity. A condition has been added to require that submission and approval of a grading/erosion control plan is required prior to issuance of approval of this proposal.

I. Agency Review

The application was routed to all agencies on January 7, 2025 per standard department routing policy.

The following agencies commented:

Idaho Department of Lands – Pend Oreille Lake Supervisory Area, Fire Warden – 7/3/2024
Panhandle Health District – 1/13/2025

The following agencies replied "No Comment":

Idaho Transportation Department – 1/7/2025
Idaho Department of Environmental Quality – 1/9/2025
Idaho Department of Fish & Game – 1/15/2025

All other agencies did not reply.

J. Public Notice & Comments

As of the date of this staff report one “no comment” reply was received from a member of the public.

K. Comprehensive Plan Analysis:

Property Rights

Policies:

1. Bonner County should follow the attorney general’s checklist, proscribed at Idaho Code §67-8003 and provided in the “Property Rights” component of the county’s comprehensive plan, for all land use decisions.
2. For all land use decisions, findings of fact and conclusions of law should be adopted that reflect the justifications for exactions, conditions and restrictions and should confirm that a taking of private property has not occurred.
3. The property rights of the applicant, adjoining and nearby landowners and future generations should be considered, as well as the short-term and long-term consequences of decisions.
4. Bonner County should review all rezoning requests (down-zoning and up-zoning) pursuant to the Idaho State Code, Title 67, Chapter 65 – Local Land Use Planning Act. The approval of conditional rezoning or denial of a request for rezoning may be subject to the regulatory taking analysis provided for by Idaho Code Section 67-8003.

Staff: The application was routed to neighbors 300’ from the property line, informing neighbors of the proposed conditional use permit. As of the date of this staff report, no comments have been received indicating how this proposal may impact on neighboring properties. As of the date of this staff report only one “no comment” reply from the public has been received. This proposal has been reviewed for compliance with Bonner County Revised Code and findings of fact will be adopted with the decision of this project. This proposal does not appear to be in conflict with the policies of this component.

Population

Policies:

1. Population projections should be analyzed regularly to determine if changes need to be made to the Comprehensive Plan goals, objectives and policies and/or the Zoning Ordinance to ensure that the public and community needs are being met through land use decisions.
2. Population forecasts and census data should be used to evaluate housing and school needs, and impacts to the transportation system and other county services.

3. Bonner County should cooperate with its incorporated cities and neighboring counties to address growth challenges within the ACI areas and coordinate planning efforts whenever possible.

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. This proposal is not within any Areas of City Impact and does not appear to be in conflict with the policies of this component.

School Facilities & Transportation

Policies:

1. Current data regarding school capacity and transportation issues as provided by the School Districts will be included in the assessment of all land use proposals.
2. Bonner County should examine the impacts of land use proposals to the school system and should seek mitigation from developers such as providing facilities, safety features, fees or other measures as permitted by Idaho Code, to address the impact of the proposals.

Staff: The Lake Pend Oreille School District #84 and Lake Pend Oreille School Transportation that serves the property were notified of the proposed Conditional Use Permit. Lake Pend Oreille School District did not comment as to how this proposal would or would not adversely impact the district's ability to provide adequate school services and facilities for new and existing students. The Transportation department did not provide a comment. This project does not appear to conflict with this component. No comments were received from either agency. This project does not propose any additional residential density.

Economic Development

Policies:

1. Small scale cottage businesses and home occupations should be allowed in all areas of the county. Reasonable conditions on such uses should be set to minimize adverse impacts to the neighborhood based on factors including, but not limited to, hours of operation and traffic volume generated by the business.
2. Develop land use regulations to allow Bonner County's agricultural heritage to be maintained by enabling local food production, distribution, congregation, and retail sales. Examples include community gardens, school gardens, farm related education programs, farmers or public markets, and other small-scale, collaborative initiatives.
3. Develop standards for commercial and industrial development that are appropriate for the surrounding community, including: appropriate site sizes, use types, buffering and design standards that encourage both attractive and efficient function, while protecting the environment.

4. Review and update land use regulations for employee housing to support the goal of enabling this use in proximity to commercial, industrial and agricultural uses.

Staff: The Bonner County Comprehensive Plan specifically calls upon the community and its government to support small business, such as proposed here, under Policy 1. Reasonable conditions have been recommended to minimize adverse impacts to the neighborhood. The proposed Conditional Use Permit does not appear to conflict with policies of this component.

Land Use

Policies:

1. Commercial and industrial uses, in areas identified in the Comprehensive plan suitable for such development, should be unconditionally permitted. Evaluation of suitability should be based on availability of urban services, adequate access to hard surfaced publicly maintained roads and other factors that may impact the surrounding community.
2. Commercial and industrial uses may be conditionally permitted in areas not identified for such uses in the Comprehensive Plan if a critical review of the proposed use determines that with appropriate conditions the use will not adversely impact the surrounding area.

Staff: There is nothing in the proposed use which is anticipated to have an adverse impact on the rural character of the area. The Rural zone does allow for some commercial and industrial uses, either unconditionally or conditionally permitted, per BCRC 12-3.3. The proposed use of a Recreational Facility is considered a "commercial use" per BCRC 12.333.

Natural Resources

Policies:

1. Watershed standards should be employed in land use codes to protect water quality.
2. Best management practices for waterway setbacks should be instituted to reduce erosion and sedimentation into waterways.
3. Development standards should be designed to encourage clustered development resulting in the preservation of open space and wildlife habitat.
4. Bonner County should recognize its critical wildlife habitat and create development standards to protect these areas and mitigate development impacts to these habitats.
5. Protect water quality by creating standards for development in close proximity to shorelines.
6. Productive farmland, timberland and mining lands should be identified and protected from adverse effects of adjoining developments.

Staff: Agencies such Idaho Department of Water Resources, Idaho Department of Environmental Quality and Idaho Department of Fish & Game were noticed in the course of reviewing this application. All noticed environmental regulation agencies either did not reply or replied with no comment or no objection letters. Panhandle Health responded with a comment that is in the record for this file. Impacts to natural resources were not identified by any agency. The Rural Residential land use designation encourages small-scale agricultural uses and residential development. There does not appear to be any evidence in the record that this use will hinder agricultural or residential uses.

Hazardous Areas

Policies:

1. Watershed standards should be employed in land use codes to protect water quality.
2. Best management practices for waterway setbacks should be instituted to reduce erosion and sedimentation into waterways.
3. Development standards should be designed to encourage clustered development resulting in the preservation of open space and wildlife habitat.
4. Bonner County should recognize its critical wildlife habitat and create development standards to protect these areas and mitigate development impacts to these habitats.
5. Protect water quality by creating standards for development in close proximity to shorelines.
6. Productive farmland, timberland and mining lands should be identified and protected from adverse effects of adjoining developments.

Staff: The property is not located in a Special Flood Hazard Zone. A very few, small, isolated steeply sloping areas are seen on the county GIS LIDAR layer. Disturbance or development of these areas is not proposed in the submitted application. The property is provided with emergency services. This project does not appear to be in conflict with the policies of this component.

Public Services, Facilities & Utilities

Policies:

1. Encourage high-density development to take place within the boundaries of existing sewer and water areas.
2. Bonner County should seek comment from existing service providers on their ability to serve future developments without adversely impacting the ability of the utility providers to serve current users.

3. Bonner County should provide adequate facilities for responsible disposal of solid waste to protect the health and welfare of the public as well as the County's natural resources.

Staff: The property is afforded fire protection by Sagle Fire, road access by Idaho Transportation Department, emergency services by Bonner County Ambulance District, and law enforcement by the Bonner County Sheriff. These agencies were routed for comment and did not respond as to how this Conditional Use Permit could affect their services. For any expansions to the services proposed or other services, the applicant will need to obtain proper permitting through the appropriate agencies that govern these services.

Per the application, power, water and sewer services will not be needed for the proposed use. Emergency response agencies were noticed in the course of reviewing this application. All did not respond or gave a "no comment" response.

Transportation

Policies:

1. A long-term transportation system plan should be developed and regularly updated to ensure reasonable levels of service can be maintained in the future, and that needs for future road extensions or transportation corridors are identified as early as possible.
2. Development in areas that are not served by county standard roads or where transportation is inadequate should be discouraged.
3. Bike and pedestrian trails should be considered in development proposals to connect the communities with existing and planned bike and walking paths wherever possible.

Staff: Access to the site could be interpreted in two ways. First, it could be interpreted that access to the site is provided by US Highway 95, a State of Idaho-owned and maintained public right-of-way. The county GIS roads and transportation layers show that a private driveway provides access between Highway 95 and the site in question. Comment from ITD states the access to the site is public.

Second, the map could also potentially be interpreted as showing access being provided by Hidden Creek Rd, a private road.

Interpretation of the county GIS map and the disposition of the site access as public or private, as a street or a driveway, will ultimately be up to the discretion of the governing body reviewing this decision.

BCRC 12-804 defines a **driveway** as a private easement or roadway that provides access to two (2) or fewer lots or parcels.

BCRC 12-819 defines a **street** as a roadway - excepting driveways and trails (as defined in BCRC 12-820) - which provides, or is intended to provide, vehicular access to adjacent properties, including the following:

A. Legal Access: A public or recorded easement or right of way which affords access to one or more properties. Legal access may be a recorded easement for ingress or egress or a platted street right of way used for access to property. Assumption of maintenance by the county is not necessary for legal access.

B. Local Roads: A public or recorded easement or right of way which primarily affords access to property and connects to collectors or arterials.

C. Minor Collector: A public or recorded private easement or right of way which affords access to adjoining property and connects local access roads to roads of higher classification.

D. Major Collector: A public easement or right of way that links minor collectors and local roads with routes of higher classification. Frontage and access is limited.

E. Minor Arterial: A public easement or right of way thoroughfare that serves less dense population concentrations. Minor arterials may connect to principal arterials or provide intermediate routes. Frontage and access is limited.

F. Principal Arterial: A public easement or right of way that connects a network of continuous routes. Serves to primarily provide mobility to large intercounty population concentrations and is designed to carry heavy traffic loads. Frontage and access is limited.

G. State Highway: A public easement or right of way as designated by the State of Idaho.

Regardless of how access is interpreted, the proposal does not appear to be in conflict with the policies of this component.

Recreation

Policies:

1. Bonner County is encouraged to develop a waterways and park access program to preserve and develop access to public recreational lands and waterways. The program should include retaining access parcels that may be acquired from tax sales or private donations.
2. A plan for a system of green belts and pathways (bike and pedestrian) should be considered as areas develop, so that a connected system can be developed and preserved.
3. Under no circumstances, will Bonner County require access easements on private property as a condition of development. This policy does not preclude providing voluntary incentives to developers in return for access easements.

Staff: This proposal is specifically for a new recreational amenity. The parcel where the recreational amenity is proposed does not currently provide public recreational amenities nor does it provide legal access to public recreational amenities. The proposal does not appear to be in conflict with the policies of this component.

Special Areas or Sites

Policies:

1. A generalized map of the known pre-historic and historic sites should be developed so that future developments are aware of special areas of concern and are connected with the historical society and Native American tribes for appropriate preservation and protection.
2. Bonner County should implement road side development standards for recognized scenic byways to protect the view sheds.
3. Special areas should be recognized and addressed when development is proposed in these areas.

Staff: The proposal does not appear to be in conflict with the policies of this component.

Housing

Policies:

1. Encourage development of a variety of housing options including mobile home parks, tiny home communities and recreational vehicle parks located in areas that are compatible with their density.
2. Work with municipalities and private parties to find solutions for all types of housing projects and developments.
3. Clustering of housing in developments to save on infrastructure and transportation costs should be encouraged through mechanisms such as density bonuses.
4. Bonner County recognizes opportunities should be made for assisted living and group shelters.
5. Enable workforce housing in direct proximity to agricultural, commercial and industrial uses.

Staff: The proposal does not appear to be in conflict with the policies of this component.

Community Design

Policies:

1. To promote and preserve the natural features and rural atmosphere of the community, the county should enact development standards that address development within scenic byways and design standards that account for waterfront setbacks, wildlife corridors, commercial and industrial landscaping, requirements for reduced lighting, cluster development, rural rather than urban setback standards and other design objectives aimed at preserving the rural, natural character of the community.

2. Allow unique and flexible design standards such that new development within older neighborhoods and historic settlements is compatible with those unique neighborhoods.
3. Allow particularized design standards to address waterfront and mountaintop developments which may differ from standard design objectives.

Staff: The applicant has addressed impacts to surrounding uses and has proposed measures to protect surrounding uses. There is nothing in the proposed use which is anticipated to have an adverse impact on the rural character of the area. Per BCRC 12-333, recreational facilities are allowed with conditions in the Rural Zone. This proposal does not appear to conflict with the policies of this component.

Agriculture

Policies:

1. Residential uses should continue being permitted in Agricultural zoning districts.
2. Protect agricultural uses and activities from land use conflicts or interference created by residential, commercial or industrial development.
3. Land use regulations should support home occupations, cottage industries and farm-based family businesses on agricultural parcels. Examples include farm stands and other agri-business pursuits.
4. Bonner County acknowledges the provisions of Idaho State's Right to Farm Act. Those shall be considered in the land use decisions.

Staff: There is nothing in the proposed use which is anticipated to have an adverse impact on the rural character of the area. This proposal does not appear to conflict with the policies of this component.

Planner's Initials: **JRJ** Date: **January 31, 2025**

Note: The final decision rests with the hearing examiner/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 CUP0007-24 for a Recreational Facility for paintball and airsoft activities, 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. 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 CUP0007-24 for a Recreational Facility for paintball and airsoft activities, based upon the following **CONCLUSIONS OF LAW**:

1. The proposed conditional use permit **is/ is not** in accord with the Bonner County Comprehensive Plan (list the way(s) in which the objectives of the Comprehensive Plan are not met by the proposal).
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/ 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 CUP0007-24 for a Recreational Facility for paintball and airsoft activities, 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 Fact

1. The site is zoned Rural 5 (R-5), where Recreational Facilities are allowed, with conditions.
2. The site is approximately 22-acres in size.
3. Per the application, electrical service is given as "n/a" in the application.
4. Per application, Ace Septic will provide Porta-Johns for the sewage service on the site.
5. The site is mapped within Lake Pend Oreille School District #84.
6. Per application, bottled water will be used on site for drinking.
7. The site is in the mapped service area of Sagle Fire District.
8. The site does contain mapped slopes (USGS & County LIDAR).
9. The site is located within SFHA Zone X (FEMA).
10. The site does not contain mapped wetlands (NWI, USFWS).
11. The site does not contain a river/stream frontage nor does it contain frontage on a pond or lake.
12. The project proposes no activity involving the use or storage of flammable or explosive materials on or off site.
13. The project proposes no activity involving emittance of harmful radioactivity or electrical disturbance.
14. No permanent buildings or structures are proposed in the application.
15. The hours of operation will be limited from 8 AM to 5 PM.

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** All county setbacks shall be met.

- A-4** 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 the Board of County Commissioners 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-5** The applicant shall install prior to ground disturbing activities all temporary erosion control measures as designed and approved. The applicant shall provide to the Planning Department prior to ground disturbing activities a signed statement from the project engineer or design professional stating that these measures have been installed as per the design specifications as approved. The applicant shall install upon completing ground disturbing activities and shall maintain thereafter all permanent erosion control and stormwater management measures as designed and approved. The applicant shall provide to the Planning Department upon completing ground disturbing activities a signed statement from the project engineer or design professional stating that these measures have been installed as per the design specifications as approved.
- A-6** No signage shall be added to the site without approval of a BLP in accordance with BCRC 12-44.
- A-7** All recommendations of the January 13, 2025 memo from Panhandle Health District are hereby adopted as requirements of this approval.
- A-8** The hours of operation will be limited from 8 AM to 5 PM.

Conditions to be met prior to issuance of the permit:

- B-1** Per the submitted application, Ace Septic will provide Porta-Johns for the proposed use. The applicant shall receive approval for this method from Panhandle Health prior to issuance of approval of this proposal.
- B-2** Per County GIS, an address & road name will be required and shall be obtained prior to issuance.
- B-3** If the decision-making body determines that access to the site is provided by private road then the applicant shall provide the recorded easement for the road to the Planning Department prior to issuance.

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

Appendix A: Notice of Public Hearing Record of Mailing

RECORD OF MAILING

Page 1 of 1

File No.: C U P 0 0 0 7 - 2 4

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 7th day of January, 2025.



Jessica Montgomery, Hearing Coordinator

Assessor - Email
Bay Drive Recreation District - Email
Bonner County Airport Manager - Email
Bonner County EMS - Email
Bonner County Road & Bridge - Email
Bottle Bay Water & Sewer District - Email
City of Dover - Email
City of Hope - Email
City of Oldtown - Email
City of Priest River - Email
City of Spirit Lake - Email
Coolin-Cavanaugh Bay Fire District - Email
East Bonner Library - Email
Ellisport Bay Sewer - Email
GEM STATE MINER - U.S. Mail
Department of Environmental Quality (DEQ) - Email
Department of Lands - CDA - U.S. Mail
Department of Lands - Navigable Waters & Mining - Email
Idaho Department of Water Resources - IDWR - Email
Transportation Department- District I - Email
Kalispel Bay Sewer & Water - U.S. Mail
KPBX-FM 91 SPOKANE PUBLIC RADIO - U.S. Mail
Laclede Water District - Email
Pend Oreille School District, #84 (Transportation) - Email
Little Blacktail Ranch Water Association - U.S. Mail
Northern Lights, Inc. - Email
Northside Fire District - Email
Panhandle Health District - Email
Priest Lake Public Library District - Email
Sagle Valley Water & Sewer - Email
Schweitzer Fire District - Email
Selkirk Fire, Rescue & EMS - Email
Southside Water & Sewer District - Email
Spokesman-Review - U.S. Mail
Swan Shores Sewer District - U.S. Mail
Tamarack Village Water & Sewer - U.S. Mail
Trestle Creek Sewer District - Email
U.S. Fish & Wildlife Service - Email
West Bonner County Cemetery District - Email
West Bonner Library - Email
West Pend Oreille Fire District - Email

Avista Utilities - Email
Bayview Water & Sewer - Email
BONNER COUNTY DAILY BEE - U.S. Mail
Bonner County Floodplain Review - Email
Bonner County Sheriff - Email
City of Clark Fork - Email
City of East Hope - Email
City of Kootenai - Email
City of Ponderay - Email
City of Sandpoint - Email
Coolin Sewer District - Email
Drainage District #7 - Email
East Priest Lake Fire District - Email
Garfield Bay Water & Sewer District - Email
Granite Reeder Water & Sewer District - Email Idaho
Idaho Department of Fish & Game - Email Idaho
Idaho Department of Lands - Coolin - Email Idaho
Idaho Department of Lands - Sandpoint - Email
Idaho Transportation Department (Aeronautics) - U.S. Mail Idaho
Independent Highway District - Email
Kootenai-Ponderay Sewer District - Email
KSPT-KPND-KIBR RADIO - U.S. Mail
Lake Pend Oreille School District, #84 (Admin Office) - Email Lake
Lakeland Joint School District, #272 - Email
North of the Narrows Fire District - Email
Northland/Vyve Cable Television - Email
Outlet Bay Sewer District - Email
Pend Oreille Hospital District - Email
Priest Lake Translator District - Email
Sam Owen Fire District - Email
SELKIRK ASSOCIATION OF REALTORS - U.S. Mail
Selkirk Recreation District -Email
Spirit Lake Fire District - Email
State Historical Society - Email
Syringa Heights Water Association - Email
Timber Lake Fire District - Email
U.S. Army Corps of Engineers - Email
U.S. Forest Service - U.S. Mail
West Bonner County School District, #83 - Email
West Bonner Water & Sewer District - Email
West Priest Lake Fire District - Email