

**BONNER COUNTY PLANNING DEPARTMENT
HEARING EXAMINER
STAFF REPORT FOR APRIL 17, 2024**



Project Name: Panhandle Bike Ranch

File Number, Type: CUP0002-24 – Conditional Use Permit

Request: The applicant is requesting a conditional use permit for a recreation facility.

Legal Description: 35-56N-2W S2 E 8/15 LESS E 4/15
35-56N-2W S2 E 4/15

Location: North Slope of Butler Mountain

Parcel Number: RP56N02W357950A & RP56N02W357200A

Parcel Size: 85.330-Acres & 85.330-Acres

Applicant: Panhandle Gravity Sports LLC
PO BOX 1026
Sagle, ID 83860

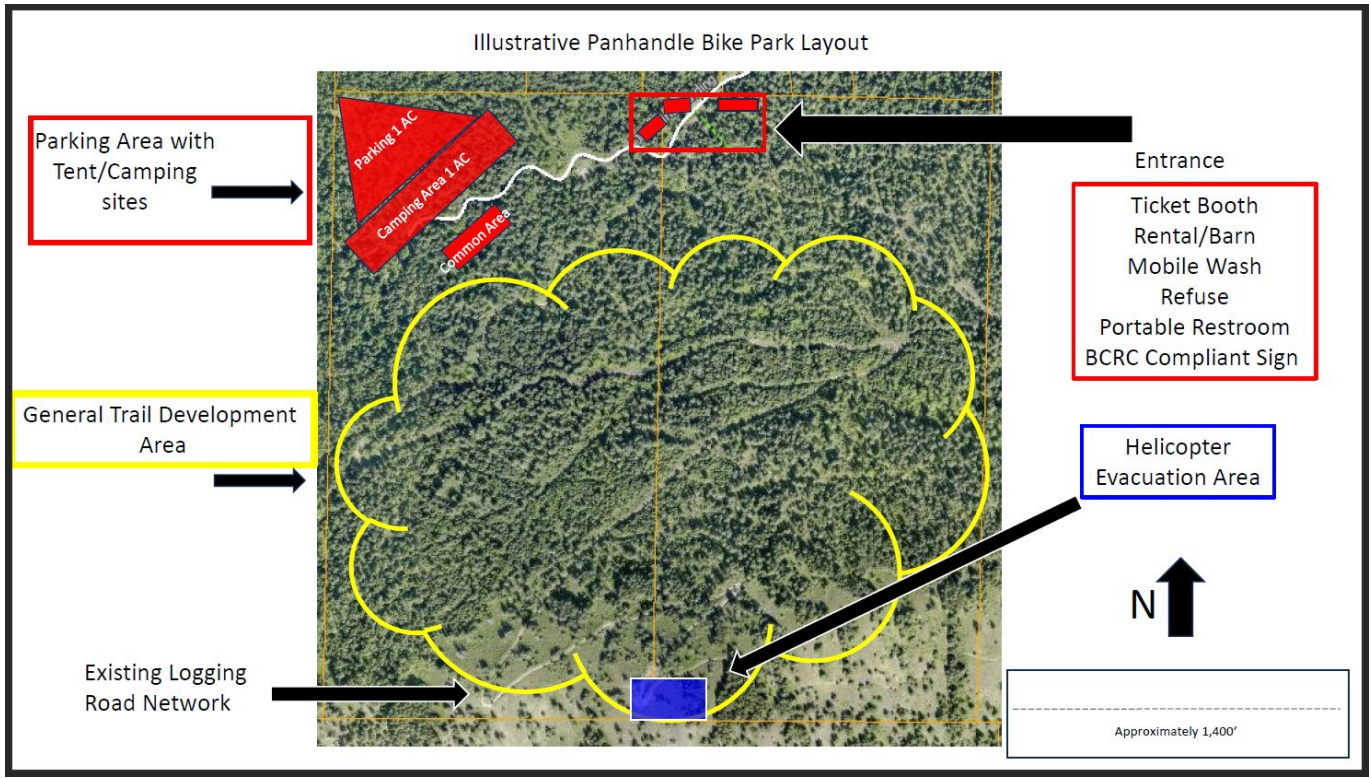
Project Representative: Jeremy Grimm, Whiskey Rock Planning & Consulting
614 Creekside Lane
Sandpoint, ID 83864

Property owner: Panhandle Gravity Sports LLC
PO BOX 1026
Sagle, ID 83860

Application filed: January 23, 2024

Notice provided: Mail: March 12, 2024
Site Posting: April 4, 2024
Published In Newspaper: March 12, 2024

Enclosure Annex A – Notice of Public Hearing



Project summary:

The applicants purchased two parcels totaling 170.6 +/- acres which is accessed off Jumpline Landing, a privately owned and maintained road. The proposal is to create a Recreational Facility, "Panhandle Bike Ranch", a bicycle terrain park with associated amenities. The project site consists of two unplatted parcels; RP56N02W357950A (+/- 85.33 AC) 35-56N-2W S2 E 8/15 LESS E 4/15, an unplatted, vacant, forested, Rural 10 zoned parcel (Western Parcel). RP56N02W357200A (+/- 85.33 AC) 35-56N-2W S2 E 4/15 an unplatted, vacant, forested, Rural 10 zoned parcel (Eastern Parcel). Both parcels hold a Comprehensive Land Use Map designation of Rural Residential 5-10 AC.

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, et seq. Commercial Use Table (Notes 2, 8, 17)
- 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

Background:

A. Site data:

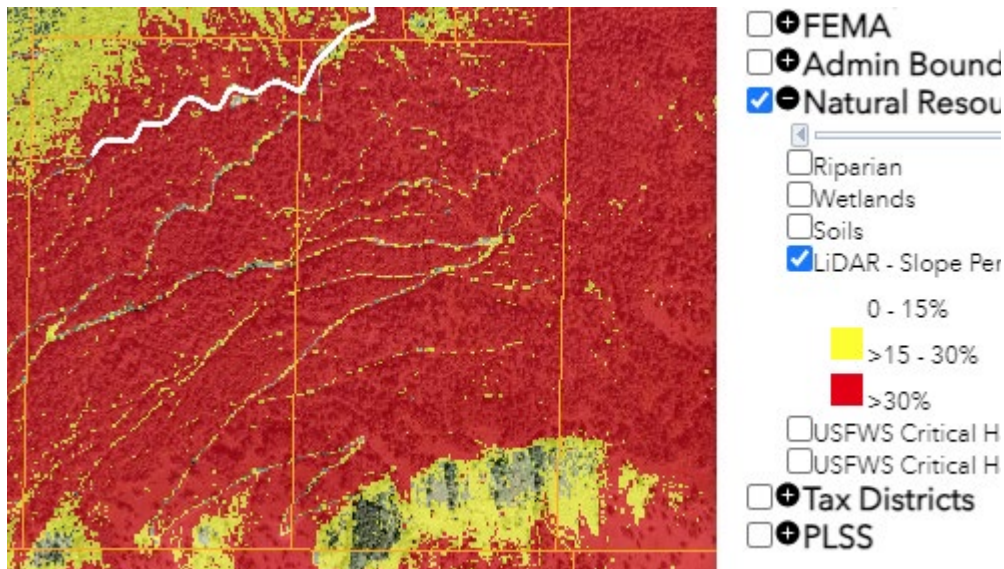
- ±170.66-Combined acres of vacant forest land.
- Unplatted
- Size: ±170.66-Acres Combined
- Zone: R-10
- Land Use: Rural Residential 5-10 AC

B. Access:

- Jumpline Landing, a 60-foot wide, deeded, private access easement.

C. Environmental factors: [floodplain, vegetation, soils, wetlands, slopes, aquifer, fish and wildlife, potential hazards, effects on historical, archaeological or ecologically sensitive features; air quality, ground water protection etc.]

- Site does contain mapped slopes of 30% or greater. (USGS)
- Site does not contain mapped wetlands. (USFWS)
- Site does not contain a river/stream/frontage on lake.
- Site does not contain critical wildlife habitat as defined by USFWS.
- Site does not contain prime farmland soils.
- JRJ, 2.29.2024: Parcels RP56N02W357200A & RP56N02W357950A are 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: Individual Well
- Sewage: Individual Septic
- Fire: Selkirk Fire District
- Power: Avista Utilities

- School District: Bonner County School District #84

E. Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Land Use & Density
Site	Rural Residential (5-10 AC)	R-10	Vacant Forest Land ~170.66-Acres
North	Rural Residential (5-10 AC)	R-10	~1-Dwelling per 10-Acres
East	Remote Ag/Forest (40+ AC)	Forest 40 (F)	Vacant Forest Land ~639.58-Acres
South	Remote Ag/Forest (40+ AC)	Forest 40 (F)	Vacant Forest Land ~432.25-Acres
West	Rural Residential (5-10 AC)	R-10	Vacant Forest Land ~128-Acres

F. Standards Review

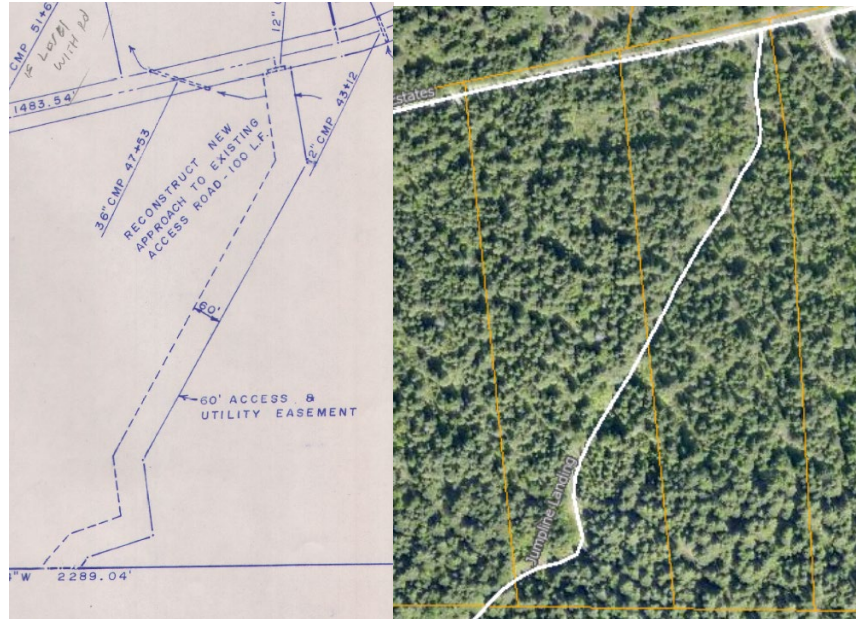
BCRC 12-223 specifies that the Commission shall review the particular facts and circumstances of each proposal. To grant a conditional use permit, the Commission must find there is adequate evidence showing the proposal is in accord with the general and specific objectives of the comprehensive plan and Title 12 and the proposed use will neither create a hazard nor be dangerous to persons on or adjacent to the property

- **BCRC 12-220, et seq, Conditional Use Permit, Application and Standards**

STAFF: The application was reviewed and deemed complete by Planning Staff prior to scheduling the file for public hearing.

- **BCRC 12-333 Table 3-3 (Recreation Facility)**

Use	Zoning District								
	F	A/F	R	S	C	I	RSC	REC	AV
Recreational facilities (8), (17)	C (2)	C (2)	C (2)	C	P		P	C	C



- BCRC 12-333 Note 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 Recreation Facility will be accessed via a combination of private road easements. Five Lakes Estates road is a privately owned and maintained access easement which in-turn accesses Jumpline Landing to the subject properties. The easement is 60-feet wide and was originally to be a platted public right-of-way with a preliminary plat of Five Lakes Estates Subdivision, which was abandoned after preliminary plat approval in 1985. (SEE CONDITIONS)

- BCRC 12-333 Note 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.

STAFF: The subject properties currently do not have wells. The Idaho Department of Water Resources and The Idaho Department of Environmental Quality have provided comments on the proposal with regards to water availability and future well permitting. Selkirk Fire or Sagle Fire did not provide a comment on the proposed project. Adequate water, sewage disposal sites, and fire suppression will need to meet the requirements of the applicable agencies, ie. Panhandle Health District, Idaho Department of Environmental Quality and Selkirk Fire. Conditions of approval have been added to ensure the proposal meets this code section. (SEE CONDITIONS)

- BCRC 12-333 Note 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.

STAFF: The site appears to contain sufficient land area to accommodate the proposed recreational facility. The preliminary site plan displays that structures will be arranged on the property within a building envelope. A condition of approval has been added to address setbacks for all proposed structures. Access to the property has also been conditioned to meet the needs of emergency services. The properties are currently forested and undeveloped, a fire risk and mitigation plan has been conditioned to address any potential fire threats. Additionally, the site plan designates an emergency helicopter landing area. A stormwater/grading/erosion control plan has been conditioned as a part this proposal per BCRC 12.724.1. (SEE CONDITIONS)

- **BCRC 12-4.21, Performance Standards for All Uses:**

1. No land or building in any district shall be used or occupied in any manner creating dangerous, injurious, noxious or otherwise objectionable conditions which could adversely affect the surrounding areas or adjoining premises, except that any use permitted by this title may be undertaken and maintained if acceptable measures and safeguards to reduce dangerous and objectionable conditions to acceptable limits as established by the following performance requirements:

- A. Fire Hazards: Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate firefighting and fire prevention equipment. Such hazards shall be kept removed from adjacent activities to a distance which is compatible with the potential fire danger involved as specified in the international fire code as adopted by the state of Idaho. (See also section [12-487](#) of this chapter.)

STAFF: The proposal is for a non-motorized bicycle facility. No flammable materials are proposed to be stored on site. Selkirk Fire did not supply a comment are the proposed project. A fire mitigate plan has been added as a condition of approval to comply with this code section. (SEE CONDITIONS)

- B. Radioactivity Or Electrical Disturbance: No activity shall emit harmful radioactivity at any point, or electrical disturbance adversely affecting the operation of any equipment at any point other than that of the creator of such disturbance.

STAFF: Not applicable to this proposal as submitted.

- C. Noise: "Objectionable noise", as defined in this subsection, which is due to volume, frequency or beat shall be muffled or otherwise controlled. Air raid sirens and related apparatus used solely for public purposes are exempt from the requirement. "Objectionable noise" is defined as:

2. Commercial land use resulting in greater than sixty five (65) decibels at the property line of the lot or parcel developed with the commercial land use.

STAFF: The closest dwelling unit is approximately 280-feet to the north of the subject properties' boundary. The site boundary to the north is forested which will provide a sound buffer. Any helicopter activity will only be in conjunction with emergency services in the case of a severe injury. By nature, non-motorized bicycles produce very little ongoing objectionable noise.

D. Vibration: No vibration shall be permitted which is discernible without the use of vibration detection instruments on any adjoining lot or property.

STAFF: Vibration felt by adjacent properties should be negligible due to the proposals stated use of non-motorized bicycles.

E. Air Pollution: Any use must be operated and maintained in conformance with the minimum air pollution control standards and regulations established by the health authority.

STAFF: Fugitive dust as defined by the Idaho Department of Environmental Quality has not been identified or forecasted by any reviewing agency. Dust may be a product of traffic on unimproved access roads and can be addressed by landowners.

F. Reserved.

G. Water Pollution: Any use must be operated and maintained to conformance with the minimum water pollution control standards and regulations established by the health authority.

STAFF: The proposal does not include a water source currently. No streams, waterbodies, or wetlands have been identified on the subject properties which could be polluted by the proposed use. Any wells to be drilled, stormwater to be managed, or erosion are to be addressed in the Stormwater/Grading/Erosion Control plan to be submitted.

H. Enforcement Provisions: The planning director, prior to giving zoning approval, may require the submission of statements and plans indicating the manner in which dangerous and objectionable elements involved in processing and in equipment operations are to be eliminated or reduced to acceptable limits and tolerances.

STAFF: No statement or plan has been required by the planning department, other than those plans that have been requested in the conditions of approval. (SEE **CONDITIONS**)

I. Measurement Procedures: Methods and procedures for the determination of the existence of any dangerous and objectionable elements shall conform to applicable standard measurement procedures published by the American Standards Institute, New York; the Manufacturing Chemists' Association, Inc., Washington, D.C.; the United States bureau of mines; and the health authority.

STAFF: Planning staff has determined that no dangerous or objectionable elements are proposed to exist, be manufactured, or produced by the proposed use.

- **BCRC 12-4.3, F: Parking Standards: Gross Area Determination: In determining the gross area required for an off street parking lot requiring a specified number of parking spaces, including driveways and aisles, two hundred fifty (250) square feet per parking space shall be used.**

STAFF: The submitted site plan displays an area of approximately 43,250ft² which equates to approximately 173 parking spaces. A parking lot/tent site plan shall be submitted with a stormwater management and grading plan. (SEE **CONDITIONS**)

- **BCRC 12-4.4, Sign standards**

STAFF: Approximate sign location indicated and shall meet the sign standards. (SEE CONDITIONS)

- **BCRC 12-452: Site and building plans.**

STAFF: A building location permit will be required prior to the construction of any structure on the site.

- **BCRC 12-453: Standards (reviewing only those applicable standards)**

STAFF: A lighting plan was not proposed with the application and site plan. Any lighting in conjunction with the proposed use shall comply with the provisions of this section. All structures built on the site in conjunction with the proposed use shall comply with the provisions of this section. (SEE CONDITIONS)

- **BCRC 12-4.6, Landscaping and screening standards**

STAFF: A landscape plan showing compliance with this sections will be required with every Building Location Permit. (SEE CONDITIONS)

- **BCRC 12-7.2, Grading, stormwater management and erosion control**

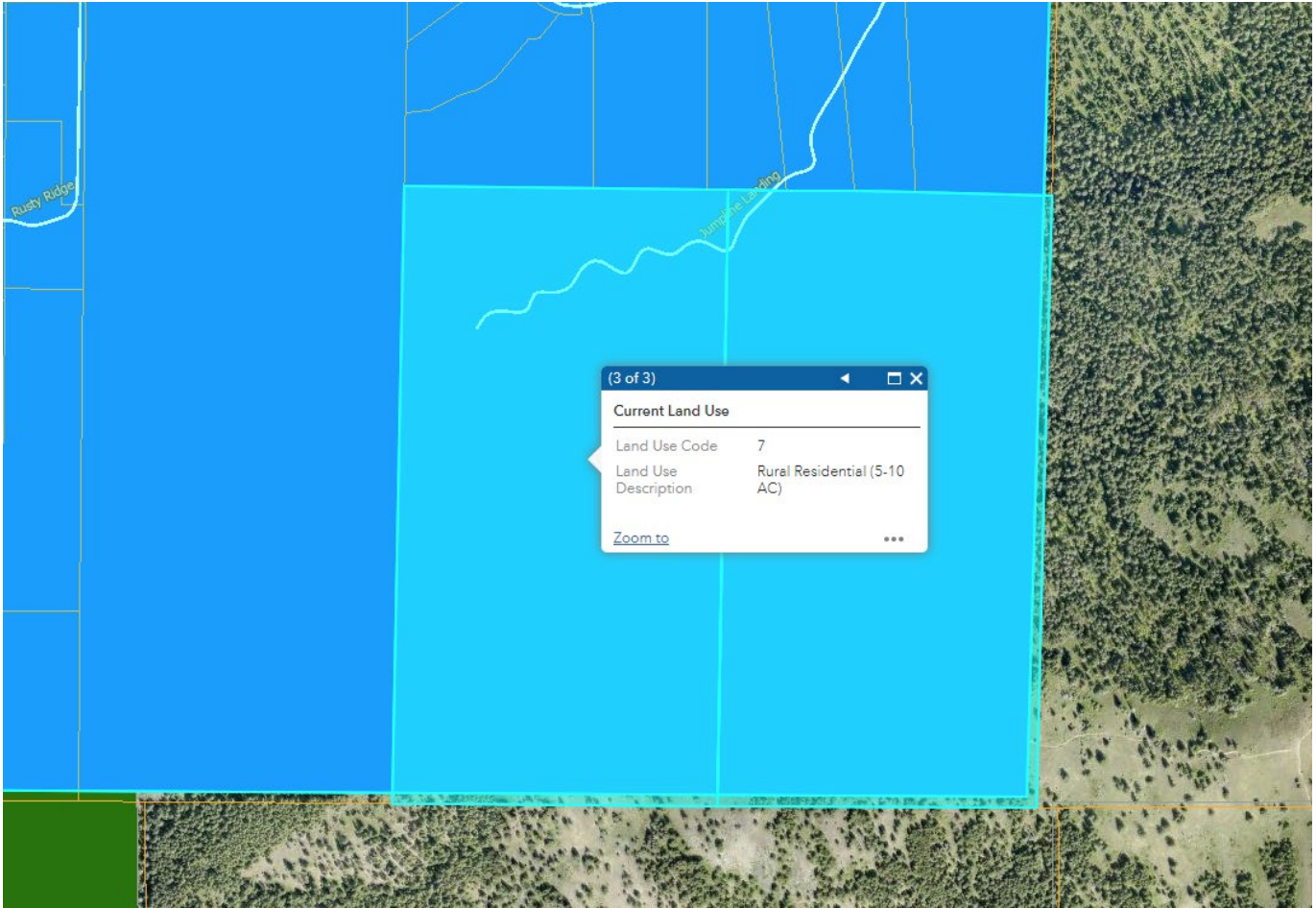
STAFF: A grading, stormwater management, and erosion control plan shall be submitted in accordance with this code section for the access, parking, and tent camping areas. (SEE CONDITIONS)

- **BCRC 12-7.6, Hillside:** The purpose of this subchapter is to protect the community from the loss of lives and property and to reduce public and private financial losses due to slope slippage.

STAFF: The proposal does not include any structures to be developed on hillsides. The proposal complies.

- **BCRC 12-818, Definitions (Recreational Facility):** A place designed and equipped for the conduct of small scale and low intensity sports, leisure time activities and other customary and usual recreational activities. Activities may include, but are not limited to, recreational uses such as rafting, canoeing, tent camping, swimming, cross country skiing, hiking, hunting and fishing, horseback riding and snowmobiling, together with accessory facilities, operated as a business and open to the public or operated as a private club for members.

STAFF: The proposal complies with mountain biking being a low intensity sport that will not dramatically change the forested properties in a detrimental way. Tent camping is allowed in conjunction with the aspects of a recreational facility. (SEE CONDITIONS)



G. Comprehensive Plan Land Use Designation

The comprehensive plan designation of Rural Residential (5-10AC). The rural district is established to allow low density residential uses that are compatible with rural pursuits.

Comprehensive Plan Analysis:

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 proposal is not for public uses of private property. The landowners of this proposal have private property rights to use their property in a manner that does not negatively impact the adjacent property owners. The proposed use is conditionally

permitted through the conditional use permit application, associated review, and conditions added.

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: This proposal can offer additional recreational activities for Bonner County's growing population. This proposal is in accord.

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. Lake Pend Oreille School Transportation that serves the property was notified of the proposed conditional use permit and did not comment. The proposal does not add additional demand on Bonner County School Facilities or Transportation.

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 engage in commercial activities conditionally. The proposal will contribute to Bonner County's economy in areas like the service industry, sales industry, and recreation industry by offering additional recreational opportunities.

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. The proposal is supported by Land Use objectives one and three, as it provides for economic growth while maintaining and managing timber lands. The proposal provides optimal land use with minimal impact.

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 proposal is in accord with the natural resource goals and objectives. The proposal has a low impact on the property's forest and will provide activities that will foster best forestry practices through utilization of the natural topography and dense forest on the subject properties. Trails are low impact features that will complement the natural resources on the subject properties.

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 proposal does not include any dwellings that could be affected by the slopes on the subject properties. The accessory structures to be constructed are subordinate to the operation of the bicycle park. The accessory structures shall obtain building location permits at which point their location shall be reviewed in relation to potentially hazardous areas. The proposal will not contribute to public or

private property losses due to hazardous areas in Bonner County. Excessive slopes are a fundamental feature needed for gravity powered sports such as downhill skiing and mountain biking.

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 subject properties are afforded public services which will be minimally impacted by the proposal. Emergency services are provided by Bonner County Ambulance and Selkirk Fire and Rescue. These service providers were noticed for comment on this proposal. A helicopter pad is shown on the site plan as an emergency contingency. The emergency helicopter service has not been identified at this time as being a public service.

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 applicant's property is adjacent to a privately owned and maintained road easement of a sufficient width to accommodate the proposed use. Road improvements for emergency access may be required for final approval of this proposal.

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: Current recreational opportunities for the public that are available in Bonner County are anticipated to be increased with this proposal. Downhill skiing is a large percentage of the overall recreation opportunities in Bonner County. Downhill mountain biking is nearly as popular internationally and arguably poses fewer environmental impacts than downhill skiing. Downhill mountain biking does not require chairlifts, resorts, nor large swaths of mountainous land to be cleared for trails to be constructed.

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: This goal appears unaffected by this proposal.

Housing

Goal/ Objective:

Provide an environment that enables opportunities for diverse housing needs.

Staff: This goal appears unaffected by this proposal. No dwelling units are proposed.

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: This proposal is not for development of housing; therefore, this goal appears to be unaffected. The subject properties are much larger than the surrounding residential properties and by proportion will not be developed to the degree of the adjacent residential properties. This proposal is supported by the third objective above by protecting and managing the forest resources on the subject properties.

Agriculture

Goals/ Objectives:

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: This proposal is in accord with agriculture goal/objective. The proposal meets the small-scale commercial goals and objectives by providing a commercial use that is not extractive of the agricultural products. The subject properties are mountainous and forested, good forestry practices are generally utilized for mountain bike trail systems, and other similar uses, and harvested trees from the subject properties may be used for terrain features on the mountain bike trails.

H. Stormwater plan

A stormwater management plan was not required at this stage of the proposal, pursuant to BCRC 12-720.3(k). The proposal does not currently result in the creation of additional impervious surface, as defined.

(SEE CONDITIONS)

I. Agency Review

The following agencies commented:

Idaho Department of Water Resources 3/18/24 (No Water Use Proposed Yet)

Idaho Department of Lands 3/15/24 (Logging operations will occur on adjacent properties, caution of open pits/mines that may be on the subject properties.) (See Comment)

Idaho Department of Environmental Quality 3/20/24 (Consultation will be required when adding a water system)(See Comment)

Panhandle Health Department 4/8/24 (Any proposed wastewater discharge will need to be evaluated. The application does not have enough information to determine needs.) (See Comment)

The following agencies replied "No Comment":

*Idaho Transportation Department
Independent Highway District
Kootenai Ponderay Sewer District
Idaho Department of Fish & Game*

All other agencies did not reply.

J. Public Notice & Comments

Over 550 public comments were received in response to this proposal at the time of this staff report. The comments have been approximately 60% in support and approximately 40% in opposition.

(SEE COMMENTS FOR DETAILS)

Staff analysis:

Staff concluded this project **is** consistent with Bonner County Revised Code based upon the following: The proposal is in accord with Bonner Revised Code pertaining to the conditional use of private properties for a recreational facility. The use is in accord with the Bonner County Comprehensive Plan as enumerated in this staff report. The conditions of approval in this staff report and any to be added by the Hearing Examiner will ensure that the proposed use functions as an attribute to Bonner County and visitors alike.

<p>Planner's Initials: <u>TL</u> Date: <u>4/11/24</u> 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.</p>

Hearing Examiner Decision:

HEARING EXAMINER

DECISION TO APPROVE: I approve this project **FILE CUP0002-24**, a proposal for a recreational 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:

Based upon the findings of fact, the following conclusions of law are adopted:

Conclusion 1

The proposed conditional use permit **is** in accord with the Bonner County comprehensive plan. (See attached comprehensive plan goals, objectives and policies)

Conclusion 2

This proposal was reviewed for compliance with the criteria and standards set forth at BCRC Chapter 4, Title 12, Subchapter 2.2, environmental standards of Chapter 7, Title 12, and storm water management criteria and standards set forth in Chapter 7, Title 12, Bonner County Revised Code. This proposal **is** consistent with Bonner County Revised Code.

Conclusion 3

The proposed use **will not** create a hazard or will not 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 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.

HEARING EXAMINER

DECISION TO DENY: I deny this project **FILE CUP0002-24**, a proposal for a recreational facility based upon the following conclusions:

Based upon the findings of fact, the following conclusions of law are adopted:

Conclusion 1

The proposed conditional use permit **is / is not** in accord with the Bonner County comprehensive plan. (See attached comprehensive plan goals, objectives and policies)

Conclusion 2

This proposal was reviewed for compliance with the criteria and standards set forth at BCRC Chapter 4, Title 12, Subchapter 2.2, environmental standards of Chapter 7, Title 12, and storm water management criteria and standards set forth in Chapter 7, Title 12, Bonner County Revised Code. The proposal **is / is not** consistent with Bonner County Revised Code.

Conclusion 3

The proposed use **will / will not** create a hazard or will not 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 as set forth in the Staff Report (or as amended during this hearing) and direct planning staff to draft written findings and conclusions to reflect this decision and transmit to all interested parties. This action does not result in a taking of private property. 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) Pursue such remedies as may be applicable at Title 67, Chapter 65, Idaho Code

Findings of Fact

1. The proposal is for a recreational facility in the R-10 zoning district, the use is conditionally approved in this zone.
2. The subject parcels are ±85.3-acres respectively with a combined total of ±170.6-acres.
3. The parcels are served by Selkirk Fire District, Avista Utilities, Lake Pend Oreille School District #84, and Bonner County Ambulance District.
4. Water will be provided by individual well when drilled in accord with IDWR requirements.
5. Any septic systems will be governed by Panhandle Health District requirements.
6. The parcels both contain slopes of >30%.
7. No wetlands are present on either subject parcel. (NWS)
8. The parcels are accessed by a 60-foot-wide private access and utility easement. This easement is reflected on documents found in the Five Lakes Estates subdivision file S318-85.
9. No dwelling units currently exist on either parcel.
10. The original plat of Five Lakes Estates, file S318-85 was to create 36 residential lots adjacent to the subject properties. Five Lakes Estates Road was to be dedicated to the public and built to private road standards. The plat was abandoned after preliminary plat approval and some of the lots were deeded without the plat being recorded.
11. The subject parcels are abutted on 3 sides by state and government land respectively.
12. Recreational Facilities are not subject to BCRC12-497 campground design standards.

Conclusions of Law:

Based upon the findings of fact, the following conclusions of law are adopted:

Conclusion 1

The proposed conditional use permit **is / is not** in accord with the Bonner County comprehensive plan. (See attached comprehensive plan goals, objectives and policies)

Conclusion 2

This proposal was reviewed for compliance with the criteria and standards set forth at BCRC Chapter 4, Title 12, Subchapter 2.2, environmental standards of Chapter 7, Title 12, and

storm water management criteria and standards set forth in Chapter 7, Title 12, Bonner County Revised Code.

Conclusion 3

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

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 may consider such request for extension at any public hearing. The extension request must be approved or denied prior to the expiration date of the Conditional Use Permit.
- A-5** Camping shall only be subordinate to the proposed bike park, camping shall not be offered as a separate use without a Modification to this CUP and will be required to meet the requirements set forth in BCRC 12-497, RV Parks/Campgrounds.
- A-6** Any sign to be erected shall meet the requirements set forth in BCRC 12-4.4, et.seq.
- A-7** Building Location Permits will be required prior to any structures being constructed per BCRC Title 11. All structures requiring building location permits shall meet landscaping requirements per BCRC 12-4.5 & 12-4.6.
- A-8** Any wastewater or sewage disposal methods to be installed shall have written approval from Panhandle Health Department and/or the Idaho Department of Environmental Quality Per BCRC 12-333, Note 8.

Conditions to be met prior to issuance of the permit:

- B-1** The applicant shall provide a fire risk and assessment plan along with a method of fire suppression and emergency services access to the satisfaction and written approval by Selkirk Fire in accordance with BCRC 12-333, Note 8.
- B-2** The applicant shall provide a Stormwater/Grading/Erosion control plan in conformance with BCRC 12-7.2 for the proposed parking & camping area. This plan shall demonstrate adequate parking, circulation, and emergency service access to the satisfaction of Bonner County Engineering Department.

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.bonnercountyid.gov Bonner County Revised Code (BCRC) is available at the Planning Department or online.

RECORD OF MAILING

Page 1 of 1

File No.: CUP0002-24

Record of Mailing Approved By:

Hearing Date: April 17, 2024

Tyson Lewis, Planner

I hereby certify that a true and correct copy of the "Notice of Public Hearing" was digitally transmitted or mailed (postage prepaid) on this **12th** day of **March 2024**.



Jenna Crone, Hearing Coordinator

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