



Bonner County Planning Department

"Protecting property rights and enhancing property value"

1500 Highway 2, Suite 208, Sandpoint, Idaho 83864

Phone (208) 265-1458 - Fax (866) 537-4935

Email: planning@bonnercountyid.gov - Web site: www.bonnercountyid.gov

April 22, 2024

Scott & Jennifer Kalbach
P.O. Box 1026
Sagle, ID 83860

Subj: File CUP0002-24 – Conditional Use Permit – Recreation Facility

Encl: (1) File CUP0002-24 Hearing Examiner Approved Site Plan

Dear Applicant,

The Bonner County Hearing Examiner at the April 17, 2024, hearing approved the referenced application with conditions.

Hearing Examiner Rucker approved 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:

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. Examiner Rucker further adopted 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.

Findings of Fact

1. The proposed project 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 three sides by state and government land respectively.
12. Recreational Facilities are not subject to BCRC 12-497 campground design standards.
13. The intersection of Highway 95 and Dufort Road is under the jurisdiction of the Idaho Transportation Department (ITD). Per the email dated Tuesday, March 12, 2024 that was sent to the Bonner County Planning Department, ITD reviewed the application and stated in response, "ITD has no comment".
14. E. Dufort Road, S. Sagle Road, Algoma Spur Road, and Westmond Road all fall under the jurisdiction of Bonner County. Bonner County Road and Bridge Department was routed the application for review but did not submit any comments.
15. The project site is adjacent to a residential neighborhood and the conditions of approval are intended to reduce the possible impact the recreational facility may have.

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. Campsites shall be limited to a maximum of 10 total sites. Campsite quiet hours of 8:30pm to 7:00am shall be posted and enforced by the landowner. No fireworks, firearms, hunting, or shooting will be allowed in conjunction with tent camping.
- 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.
- A-9** The helipad shall only be used for Emergency Service only, and not for personal or recreation purposes.
- A-10** The biking use shall be limited to only downhill and cross-country non-motorized mountain biking related activities.
- A-11** The commercial use shall be limited to the following:
- a.** Months of Operation: May through September
 - b.** Days of Operations: Thursday through Sunday, with the addition of Memorial Day and Labor Day
 - c.** Hours of Operation: 7am to 5pm (not applicable to tent camping)
 - d.** Maximum 65 bike riders per day during regular operations (not applicable to events, see condition A-12)
- A-12** Limit of 2 race events will be allowed per calendar year, and the race events are limited to 150 people comprised of racers, spectators, vendors, volunteers, and employees. All other events, such as club or group gatherings, are limited to 65 participants.

Conditions to be met prior to issuance of the permit:

- B-1** A supplemental site plan shall be submitted to Planning Staff which includes the following:
 - a.** Detailed campsite layout, including utility, facilities, and refuse collection locations
 - b.** Detailed parking plan, including all parking stalls and parking circulation
 - c.** Detailed layout and location of proposed structures
 - d.** Bike trail system and transportation shuttle routes

- B-2** The applicant shall provide a fire risk assessment and mitigation plan along with a method of fire suppression and emergency services access to the satisfaction and written approval by Sagle Fire District and Idaho Department of Lands in accordance with BCRC 12-333, Note 8.

- B-3** The applicant shall provide a Stormwater/Grading/Erosion control plan in conformance with BCRC 12-7.2 for the proposed parking, camping area, helipad area, and shuttle route. This plan shall demonstrate adequate parking, circulation, and emergency service access to the satisfaction of Bonner County Engineering Department.

- B-4** A geotechnical analysis, in accordance with BCRC 12-762, for all internal roadways, shuttle routes, and helipad site.

Bonner County Revised Code, Section 12-262, provides an opportunity for affected persons to appeal Hearing Examiner decisions with the Planning Director within 28 days after the final written decision of the Hearing Examiner has been issued. Any such appeal must be submitted in accordance with the referenced code section no later than **5:00 p.m., May 20, 2024. AN APPEAL SHALL BE ACCOMPANIED BY A FILING FEE IN ACCORDANCE WITH THE APPROVED FEE SCHEDULE. THE FEES ARE PAYABLE TO THE BONNER COUNTY PLANNING DEPARTMENT.**

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

Please contact the Planning Department if you have any questions.

Sincerely,


Jacqueline Rucker
Hearing Examiner

c: Jeremy Grimm, Project Representative

**BONNER COUNTY
APPROVED SITE PLAN**

Jacqueline Shucker 4/17/24
DATE

Illustrative Panhandle Bike Park Layout

