



Bonner County Planning Department

"Protecting property rights and enhancing property value"

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February 12, 2025

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

Subj: File CUP0007-24 – Conditional Use Permit– 7B Paintball

Encl: (1) File CUP0007-24 Hearing Examiner Approved Site Plan

Dear Applicant,

The Bonner County Hearing Examiner at the February 5, 2025 hearing **approved** the referenced application with conditions.

Hearing Examiner Rucker hereby **approved** this project FILE CUP0007-24, a request to develop a Recreational facility for paintball and airsoft activities, finding that it is in accord with the Bonner County Revised Code as enumerated in the following Conclusions of Law, and 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 following Findings of Fact and Conclusions of Law as amended at the hearing and as written below. The action that could be taken to obtain the Conditional Use Permit is to complete the Conditions of Approval as adopted. This action does not result in a taking of private property.

Findings of Facts:

1. The site is zoned 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 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.

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.

Conclusion 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.

Conclusion 3

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

Conditions of Approval:

Standard permit conditions:

- 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, a business address will be required and shall be obtained prior to issuance.

B-3 An off-premises sign is allowed on the neighboring property at 58 Hidden Creek Rd, Sagle, ID, provided that a BLP (Building Location Permit) is obtained for the sign and that a written agreement for the placement of the sign is obtained from the property owner at 58 Hidden Creek Rd and submitted to this Department as part of the required BLP for the off-premises sign.

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., March 11, 2025. 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: Dakota Morgan, Project Representative