



# Bonner County

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## Board of Commissioners

Asia Williams

Brian Domke

Ron Korn

June 23, 2025

Subj: **Reconsideration of File CUP0012-24 – Conditional Use Permit – Communication Tower**

Attachments: Land Use Decision Making Worksheet  
CUP0012-24 Reconsideration Staff Report

Robert Custer  
34754 Hwy 41  
Oldtown, ID 83822

Dear Mr. Custer,

The Board of County Commissioners, at the June 20, 2025 hearing, upheld their previous and denied the above referenced file.

**MOTION TO UPHOLD THE DECISION:** Commissioner Domke moved to uphold the Board's previous decision and deny this project, FILE CUP0012-24 a Conditional Use Permit for a Communications Tower based upon the following conclusions:

**Conclusion 1:** The proposed conditional use permit **is** in conflict with the policies of the Bonner County Comprehensive Plan.

**Conclusion 2:** This proposal was reviewed for compliance with the criteria and standards set forth at BCRC Title 12, Chapter 2, Subchapter 2.2 Conditional Use Permits; Chapter 4 Development Standards and Chapter 7 Environmental Standards. The proposal **is not** in accord with the 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 move to adopt the reasoned statement as discussed in deliberation at this hearing and the analysis as set forth in the Staff Report (or as amended during this hearing) and direct planning staff to draft the reasoned statement to reflect this motion as set forth in Idaho Code section 67-6535, have the Chair sign, 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

**Commissioner Korn seconded the motion.**

**Roll call vote:**

Commissioner Williams	AYE
Commissioner Domke	AYE
Commissioner Korn	AYE

**Voted** upon and the Chair declared the motion carried with a unanimous vote.

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

Please contact the Bonner County Planning Department if you have any questions.

Sincerely,

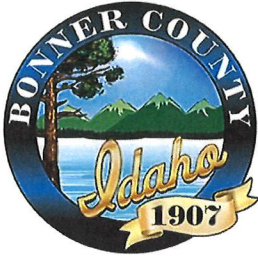


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Brian Domke, Vice Chair  
Board of County Commissioners

Cc:

Andy Hambright, SmartLink Group  
Josh Leonard, Clark Wardle



## Bonner County Planning Department

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### LAND USE DECISION-MAKING WORKSHEET CONDITIONAL USE PERMIT COMMUNICATION TOWERS

*Idaho Code §67-6535 (2): The approval or denial of any application required or authorized pursuant to this chapter shall be in writing and accompanied by a reasoned statement that explains the criteria and standards considered relevant, states the relevant contested facts relied upon, and explains the rationale for the decision based on the applicable provisions of the comprehensive plan, relevant ordinance and statutory provisions, pertinent constitutional principles and factual information contained in the record.*

#### STANDARDS FOR CONDITIONAL USE PERMIT REVIEW:

Prior to approving a conditional use permit, the governing body shall review the particular facts and circumstances of each proposed conditional use permit in terms of the following standards and shall find adequate evidence showing that such use at the proposed location.

<b>Idaho Code §67-6512</b>	A special use permit/conditional use permit may be granted to an applicant if the proposed use is conditionally permitted by the terms of the ordinance, subject to conditions pursuant to specific provisions of the ordinance, subject to the ability of political subdivisions, to provide services for the proposed use and when it is not in conflict with the plan.
NO	List the relevant evidence from the <u>record</u> that supports your conclusion and the rationale for the conclusion.

***The Commission found that the application did not meet this criteria for the following reasons:***

***o Access from Highway 41, which is a necessary service for the proposed use, is not available. As has been submitted into the record, ITD provided written comment on 1/22/2025 that a new approach to the subject property will not be granted and that a new joint approach would only be considered if both property owners agree to move the current approach to the shared property line. The adjacent affected property owner to the north has indicated that they are not willing to move the approach. As such, no legal access exists to support the proposed CUP.***

***o The proposed CUP is in conflict with the comprehensive plan, since placing a 125' tall monopole cell tower in view of neighboring properties will neither preserve or enhance the rural character of the those Rural Residential and Agriculture/Forestry designated parcels. Instead, the proposed CUP will negatively impact the rural character of those parcels by introducing a new item that is inconsistent and out of character with the existing rural context.***





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## BCRC 12-222 APPLICATION CONTENTS

YES List the evidence from the record that supports your conclusion and the rationale for the conclusion.

**The Commission found that the application met this requirement and adopted the analysis found in the staff report.**

## BCRC 12-263 RECONSIDERATION

YES List the evidence from the record that supports your conclusion and the rationale for the conclusion.

**The Commission found that the application met this requirement and adopted the analysis found in the staff report.**

**BCRC 12-223** The Zoning Commission or Hearing Examiner, except as otherwise provided in this title, is charged with conducting at least one public hearing on the conditional use permit application, at which time interested persons shall have an opportunity to be heard. The Zoning Commission or Hearing Examiner shall review the particular facts and circumstances of each proposal submitted. To grant a conditional use permit, the Zoning Commission or Hearing Examiner 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.

NO List the evidence from the record that supports your conclusion and the rationale for the conclusion.

**The Commission found that this application did not meet this criteria for the following reasons:**

**The Commission could not affirmatively agree that the use would cause a hazard to surrounding properties.**

**The applicant is in conflict with the policies of the Comprehensive Plan in the following area:**

**Property Rights, Policy 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. The record shows**





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**that the installation of the proposed cell tower would create a change in the visible rural character of the area as demonstrated by the photo simulations provided by the applicant. Such a change in the rural character was noted in the testimony of the affected landowner to the north who indicated that the proposed change would negatively impact the enjoyment of her property. It was also noted in the record that the study by Affuso, Capello, and Camagni (2018) published in the Journal of Real Estate Finance & Economics, used a hedonic pricing model to assess the spatial effects of cellular infrastructure on residential property values, finding that homes within close proximity to such structures experienced a measurable decline in value. The record also includes testimony from an area real estate agent that indicated buyers often avoid properties in close proximity to or in sight of a communications tower.**

**Studies were cited by both the appellant and the applicant that provided conflicting evidence in the record.**

### **BCRC 12-335** BCRC 12-335, Public Use Table, Communication Towers (Note 3)

#### **Note 3**

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 the appropriate standard set forth in title 2 of this Code or appendix A of this title, except where subject to the terms of an approved special use permit issued by a State or Federal agency.

NO List the evidence from the record that supports your conclusion and the rationale for the conclusion.

**The Commission found, relying on evidence from the Idaho Transportation Department, that the property does not have a permitted approach for this use, and would not be able to have another approach permitted on the property. Currently, the property shares an access with the northern property, but has not deeded easement to use that approach.**

### **BCRC 12-4.2** GENERAL STANDARDS:

NO List the evidence from the record that supports your conclusion and the rationale for the conclusion.

**The Commission found that this criteria has not been met. The Commission sites the application does not comply with Section D that requires "all structures shall be so located on lots as to provide safe and convenient access." The lack of an easement to the parcel prevents this general standard from being met.**

### **BCRC 12-421** PERFORMANCE STANDARDS FOR ALL USES

YES List the evidence from the record that supports your conclusion and the rationale for the conclusion.



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***The Commission found that the application met this requirement and adopted the analysis found in the staff report.***

### **BCRC 12- PARKING STANDARDS**

#### **4.3**

YES NO List the evidence from the record that supports your conclusion and the rationale for the conclusion.

***The Commission found that the application met this requirement and adopted the analysis found in the staff report.***

### **BCRC 12- SIGN STANDARDS**

#### **4.4**

YES List the evidence from the record that supports your conclusion and the rationale for the conclusion.

***The Commission found that the application met this requirement and adopted the analysis found in the staff report.***

### **BCRC 12- DESIGN STANDARDS**

#### **4.5**

NO List the evidence from the record that supports your conclusion and the rationale for the conclusion.

***The Commission found that this proposal did not meet the criteria for this code section. Specifically, the Commission found that 12-450 A and F are not met, as the collision light atop the tower would pollute the night skies and would prevent the preservation of rural, dark skies.***

### **BCRC 12- LANDSCAPING AND SCREENING STANDARDS**

#### **4.6**

YES List the evidence from the record that supports your conclusion and the rationale for the conclusion.

***The Commission found that the application met this requirement and adopted the analysis found in the staff report***

### **BCRC 12- COMMUNICATION TOWERS**

#### **488 (A)**

A. Communication towers and attendant facilities shall be enclosed by a fence not less than six feet (6') in height.





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YES List the evidence from the record that supports your conclusion and the rationale for the conclusion.

***The Commission found that the application met this requirement and adopted the analysis found in the staff report.***

### **BCRC 12-488 (B) COMMUNICATION TOWERS**

B. The base of any tower shall not be closer to any property line than a distance equal to the tower height.

YES List the evidence from the record that supports your conclusion and the rationale for the conclusion.

***The Commission found that the application met this requirement and adopted the analysis found in the staff report.***

### **BCRC 12-488 (C) COMMUNICATION TOWERS**

C. The Zoning Commission shall consider the public convenience and necessity of the communication tower and any adverse effect the facility would have upon properties in the vicinity and may require such reasonable restrictions and conditions of development as to uphold the purpose and intent of this title and the comprehensive plan.

NO List the evidence from the record that supports your conclusion and the rationale for the conclusion.

***The Commission found that this criteria was not met. The Commission stated that the applicant did not provide adequate evidence for the necessity of the communication tower and that any of the adverse effects from the use could not be mitigated by any conditions. The applicants did not provide any evidence that the tower would not decrease the property values of the adjoining properties. The applicants stated that there were other properties that were available for use that would have less of an effect on the adjoining neighbors. Per evidence provided in a public comment from a real estate professional, cell phone towers tend to make properties less desirable, in contrast to the applicants asserting the opposite. The applicant did provide adequate evidence for a public convenience and E911 connection.***

### **BCRC 12-488 (D) COMMUNICATION TOWERS**

D. Communication towers shall be built to telecommunication industry association/electronic industry association (TIA/EIA) 222





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revision F standards, or as amended, for steel antenna support structures.

YES

List the evidence from the record that supports your conclusion and the rationale for the conclusion.

***The Commission found that the application met this requirement and adopted the analysis found in the staff report.***

**BCRC 12-488 (E)**

### COMMUNICATION TOWERS

E. Communication towers shall be constructed to accommodate other future communication services where technically feasible ("collocation").

YES

List the evidence from the record that supports your conclusion and the rationale for the conclusion.

***The Commission found that the application met this requirement and adopted the analysis found in the staff report.***

**BCRC 12-488 (F)**

### COMMUNICATION TOWERS

F. Communication towers shall meet all operational, construction and lighting standards of the federal aviation administration.

YES

List the evidence from the record that supports your conclusion and the rationale for the conclusion.

***The Commission found that the application met this requirement and adopted the analysis found in the staff report.***

**BCRC 12-488 (G)**

### COMMUNICATION TOWERS

G. Communication towers shall not penetrate any airspace surface on or adjacent to any public or private airfields as set forth at subchapter 5.2 of this title.

YES

List the evidence from the record that supports your conclusion and the rationale for the conclusion.



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***The Commission found that the application met this requirement and adopted the analysis found in the staff report. Additionally, the applicant had received a "No Hazard Determination Letter" from the FAA.***

### **BCRC 12-488 (H) COMMUNICATION TOWERS**

H. Upon termination of use of a communication tower for a period of not less than one year, the landowner and/or tower operator/applicant shall remove the tower along with all supporting equipment, apparatus and foundation.

YES List the evidence from the record that supports your conclusion and the rationale for the conclusion.

***The Commission found that the application met this requirement and adopted the analysis found in the staff report. The Commission stipulated that, if approved, the Board would require a bond in case of abandonment to deconstruct the tower.***

### **BCRC 12-488 (I) COMMUNICATION TOWERS**

I. Flammable material storage shall be in accordance with international fire code standards.

YES List the evidence from the record that supports your conclusion and the rationale for the conclusion.

***The Commission found that the application met this requirement and adopted the analysis found in the staff report.***

### **BCRC 12-488 (J) COMMUNICATION TOWERS**

J. Communication towers shall not be used for signage, symbols, flags, banners or other devices or objects attached to or painted or inscribed upon any communication facility for the purposes of displaying a message of any kind, except as required by a governmental agency.

YES List the evidence from the record that supports your conclusion and the rationale for the conclusion.



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***The Commission found that the application met this requirement and adopted the analysis found in the staff report.***

### **BCRC 12-7.2 GRADING, STORMWATER MANAGEMENT AND EROSION CONTROL**

**YES** List the evidence from the record that supports your conclusion and the rationale for the conclusion.

***The Commission found that the application met this requirement and adopted the analysis found in the staff report.***



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## BOARD OF COUNTY COMMISSIONERS STAFF REPORT FOR JUNE 17, 2025

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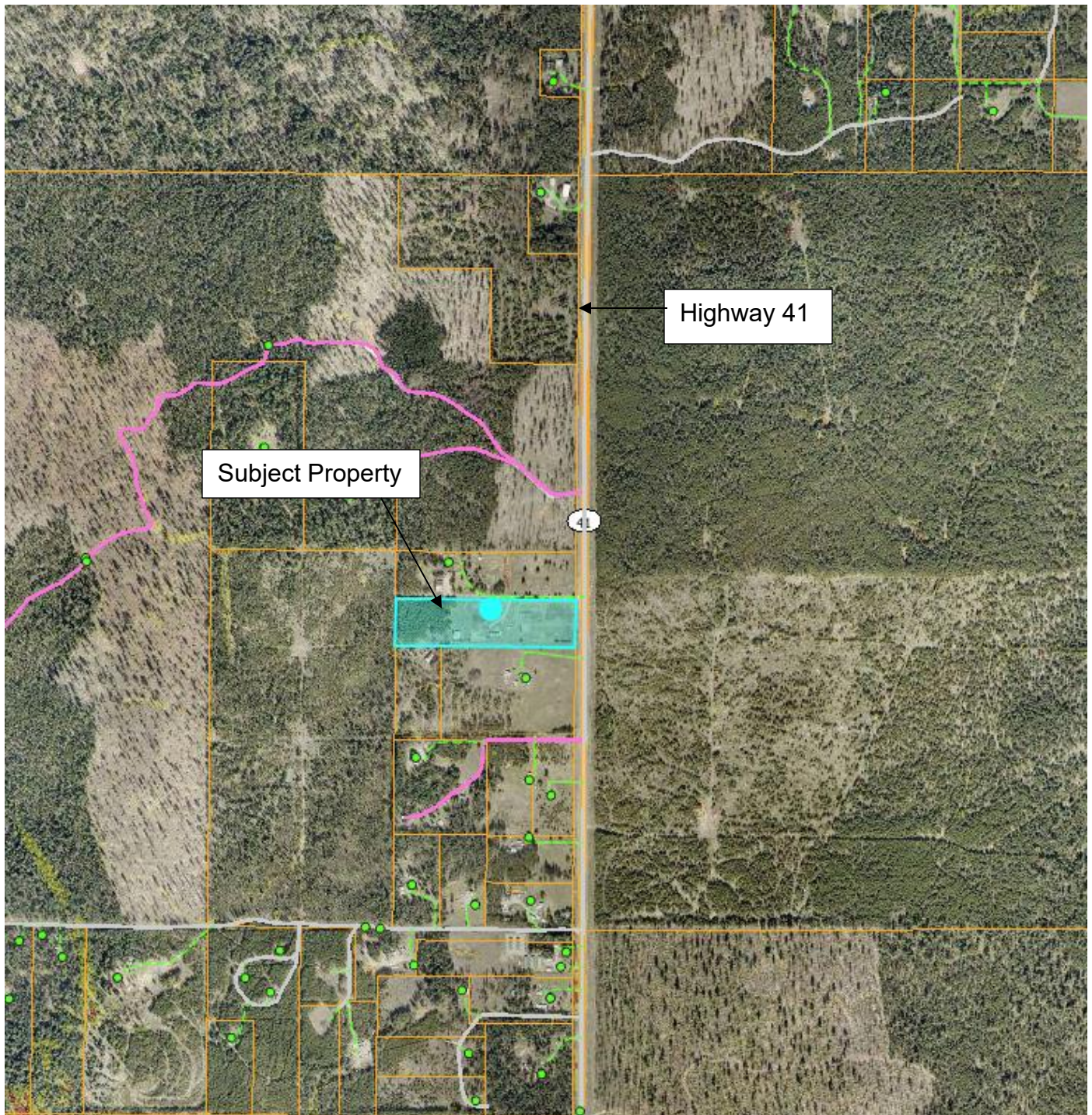
<b>Project Name:</b>	<b>Communication Tower</b>
<b>File Number, Type:</b>	<b>CUP0012-24, Conditional Use Permit</b>
<b>Request:</b>	The applicant is requesting a reconsideration of a Conditional Use Permit application to establish and operate a communication tower. On April 10, 2025, the BOCC denied this project.
<b>Legal Description:</b>	12-55N-6W S2N2NESE 1979 NASHUA 14 X 68 MH
<b>Location:</b>	The project is located at 34754 Highway 41 in a portion of Section 12, Township 55 North, Range 6 West, Boise-Meridian, Bonner County, Idaho.
<b>Parcel Number:</b>	RP55N06W127280A
<b>Parcel Size:</b>	Approximately 9.794 AC
<b>Applicant and Property Owner:</b>	Robert Custer 34754 Highway 41 Oldtown, ID 83822  Vertical Bridge REIT LLC, dba The Towers LLC 750 Park of Commerce Drive Suite 200 Boca Raton, FL 33487
<b>Project Representatives:</b>	The Smartlink Group 621 114 <sup>th</sup> Ave E Edgewood, WA 98372
<b>Application filed:</b>	October 30, 2024
<b>Notice provided:</b>	Mail: May 20, 2025 Published in newspaper: May 20, 2025 Site Posting: June 5, 2025

**Appendices:**

Appendix A – Notice of Public Hearing Record of Mailing  
Appendix B – Previous Decision Letters  
Appendix C – Request for Reconsideration  
Appendix D– Agency Comments  
Appendix E - Land Use Decision-Making Worksheet



## VICINITY MAP



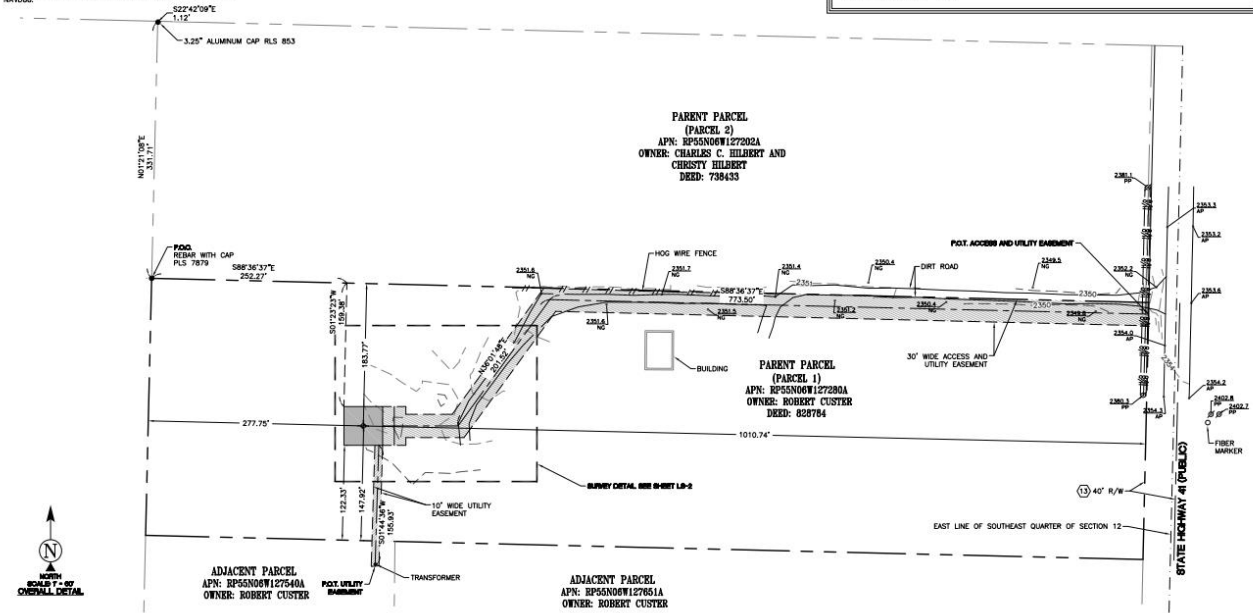


SITE MAP

ORTHOMETRIC HEIGHTS BY APPLICATION OF NOS 18200 18' MODELED SEPARATIONS TO ELLIPSOID HEIGHTS DETERMINED BY RAW STATIC GPS DATA PROCESSED ON THE NOS GPS WEB SITE. ALL ELEVATIONS SHOWN HEREON ARE REFERENCED TO NAVD83.

SURVEYOR HAS NOT PERFORMED A SEARCH OF PUBLIC RECORDS TO DETERMINE ANY DEFECT IN TITLE ISSUED

LANDLORD NAME, TITLE



1	02/23/2024	LEGALS (C)	CK
2	03/13/2024	COMMENTS (C)	CK
3	01/13/2025	DMS TO CL OF TOWER - PROPERTY LINES (C)	BB

LAND SURVEY PREPARED BY:



LICENSE NUMBER NO:



ALL SCALES ARE SET FOR 20'x30' SHEET

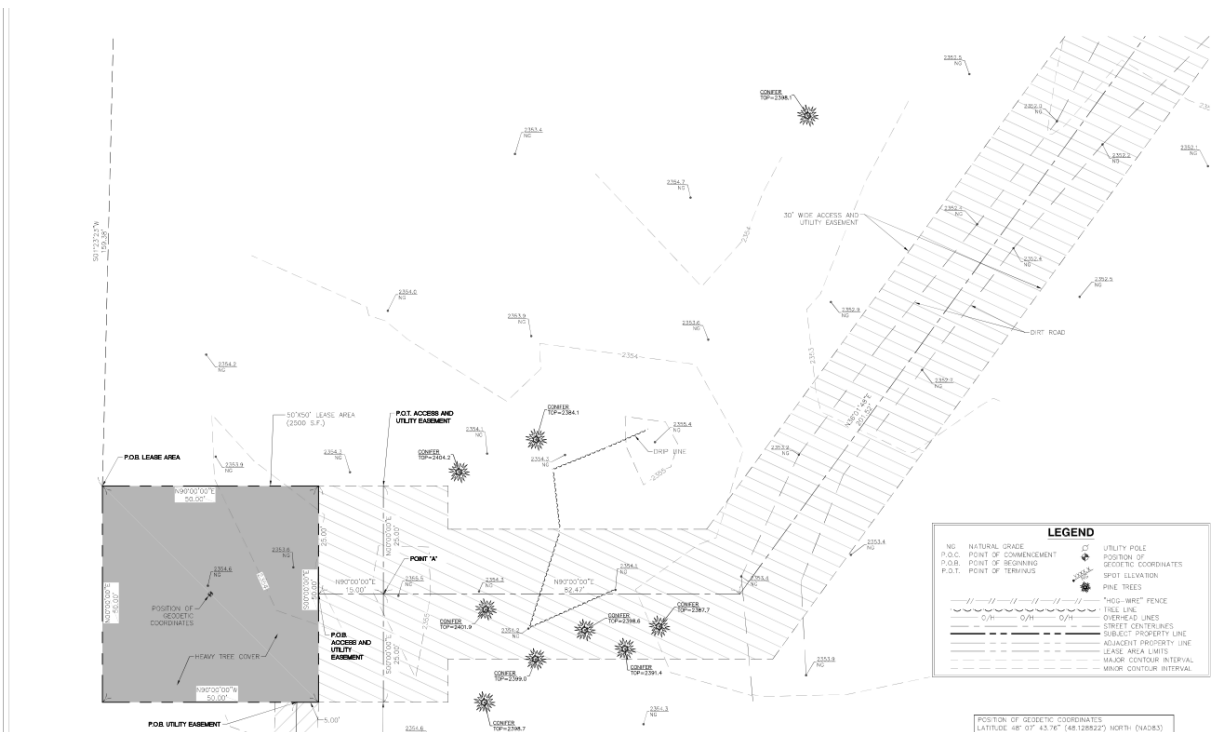
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CK BB BB

Sheet Title

SITE SURVEY

Sheet Number:

LS-1



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## **Project Summary:**

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The applicant is requesting to construct and operate a 125' self-supporting tower with communication equipment and supporting ground equipment for a final above ground level of 135 feet. The tower is proposed to be housed in a 50' x 50' fenced area. The proposed site is located in Oldtown, Idaho. The parcel contains approximately 9.8-acres and is currently zoned Rural 5 (R-5). Communications towers are conditionally permitted in this zone.

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## **Applicable Laws:**

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The following sections of BCRC, Title 12, apply to this project:

BCRC 12-222, Conditional Use Permits Application Contents  
BCRC 12-223, Conditional Use Permits Standards for Review of Applications  
BCRC 12-263, Reconsideration  
BCRC 12-323, Rural District  
BCRC 12-335, Public Use Table, Communication Towers  
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 12-488, Communication Towers  
BCRC 12-7.2, Grading, Stormwater Management and Erosion Control

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## **Background:**

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### **A. Site data:**

- Residential.
- Unplatted.
- Parcel Size: Approximately 9.794-acres.
- Zoning: Rural 5.
- Land Use Designation: Rural Residential.

### **B. Access:**

- The property will be accessed from Highway 41, a State of Idaho owned and maintained public right-of-way.

### **C. Environmental factors:**

- The site contains minimal slopes of 15% grade or less. (United States Geological Survey)
- The site does not contain wetlands. (National Wetlands Inventory/United States Fish and Wildlife Services).
- The site does not contain frontage on a river/stream/frontage on a lake. (National Hydrography Dataset)

- Parcel is located within SFHA Zone X, per FIRM Panel 16017C0850E, Effective Date 11/18/2009.
- The site does not contain any critical wildlife areas as identified by any local, state or federal agencies.

#### **D. Services:**

- Water: The proposed communication tower is not required to be serviced by a water system. Site is served by individual well.
- Sewage: The proposed communication tower is not required to be serviced by a sewer system. Site is served by an individual septic system.
- Fire: Spirit Lake Fire District
- Power: Inland Power
- School District: West Bonner School District #83

#### **E. Comprehensive Plan, Zoning and Current Land Use**

<b>Compass</b>	<b>Comp Plan</b>	<b>Zoning</b>	<b>Current Use &amp; Density</b>
Site	Rural Residential	Rural 5	Residential, 9.794-acres
North	Rural Residential	Rural 5	Residential, 9.789-acres
East	Ag/Forest Land	Agricultural/Forestry 20	Forest Land, 640.16-acres
South	Rural Residential	Rural 5	Residential, 5-acres and 15-acres
West	Rural Residential	Rural 10	Forest Land, 80-acres

### **Agency Review and Public Comments**

The application was routed to the agencies listed in Annex A for review and comment.

#### **The following agencies replied with a comment:**

Idaho Transportation Department (1.6.25 & 2.26.25)  
Bonner County Historical Society

#### **The following agencies replied with "No comment":**

Idaho Department of Environmental Quality  
Idaho Transportation Department (1.3.25)  
Kootenai-Ponderay Sewer District  
Spirit Lake Fire District  
Idaho Department of Fish and Game  
US Forest Service



**All other agencies routed did not reply.**

**Public Comments:**

As of the date of this staff report, public comments have been received.

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**Standards Review and Analysis:**

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**ANALYSIS AGAINST THE BONNER COUNTY REVISED CODE:**

**BCRC 12-220, et seq., conditional use permit, application and standards**

**Staff:** The application was received on October 30, 2024. All the required elements under application contents, BCRC 12-222, were submitted by the applicant, to include: the application on the required Bonner County form, interest in title, site plan, vicinity map, and multiple supporting documents.

The application was considered complete by planning staff, and a notice of the public hearing was provided to agencies and the public.

**BCRC 12-223 Conditional Use Permits, Standards for Review of Applications, Procedures:**

The Zoning Commission or Hearing Examiner, except as otherwise provided in this title, is charged with conducting at least one public hearing on the conditional use permit application, at which time interested persons shall have an opportunity to be heard. The Zoning Commission or Hearing Examiner shall review the particular facts and circumstances of each proposal submitted. To grant a conditional use permit, the Zoning Commission or Hearing Examiner 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.

**Staff:**

**Analysis of "The proposed use will neither create a hazard nor be dangerous to persons on or adjacent to the property"**

As proposed, the communication tower appears to be in compliance with BCRC 12-488, Communication Tower standards. This section is intended to mitigate the impact that Communication Towers have on neighboring properties by regulating setbacks, ensuring a public necessity of the tower and mitigating effects to neighboring properties, enforcing terms of use and abandonment, conformance to FAA standards, allowing for collocation, safety measures around public and private airspaces, and storage of any flammable materials.

However, there is a discrepancy with 12-488 (D), which is intended to assess the necessity, public convenience, and effects on neighboring properties. In the previous decision, the applicant and the appellant both provided conflicting evidence within the record that addressed the effects of communication towers topics such as property values in rural areas and health risks. Additionally, staff received comments from Idaho Transportation Department (ITD), and

the appellant indicating that the proposed entry to the project site does not authorize the applicant to use it for anything other than the residence on the property. However, at the hearing in April 2025 with the Board, the applicant's representative provided an alternative entry point, by using an adjacent parcel that is owned by the applicant. It is unknown to Planning Staff the status of the approach; if the Board decides to allow the applicant to use this existing approach, documentation from ITD would be required showing the construction of the approach and approval of the approach. **SEE CONDITIONS OF APPROVAL.**

## **STAFF:**

### **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, Bonner County has received public comments. 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, according to 2022 population estimates census data, has seen a 9.1% increase in population since the 2020 census was performed; increasing from 47,105 to an estimated 51,414. With the increase in the population, there is upward pressure on housing needs in Bonner County, both in the unincorporated portion of the County, and in the incorporated cities. This proposal is not within any Areas of City Impact and does not appear to be in conflict with the policies of this component, as no additional housing is being proposed.

## **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 an increase in density and development 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.

## **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 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:** The proposed Conditional Use Permit does not appear to conflict with the policies of this component. The Rural zone does allow for some commercial and industrial uses, either unconditionally or conditionally permitted, per BCRC 12-3.3. The proposed use is considered a “public use”.

## **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:** Impacts to natural resources were not identified by any agency. Agricultural uses exist on the land and anticipated to be maintained. The Rural Residential land use designation encourages small-scale agricultural uses and residential development. Both are protected and maintained with this proposal.

## **Hazardous Areas**

### **Policies:**

1. Flood mitigation standards should be adopted that meet or exceed the National Flood Insurance Program minimum requirements.
2. Residential, commercial or industrial development within the floodway should be discouraged.
3. Fill within the floodplain should be discouraged.
4. The county's wildland fire, urban/wildland interface policies and plans should be integrated into development standards.
5. Excessive slopes should be identified and development discouraged by providing lower densities within these areas.
6. Multiple points of ingress/egress should be considered for large developments
7. Development should be avoided in avalanche zones.

**Staff:** The subject property is not located in a mapped floodplain. Potential damage to property or people due to soil erosion or avalanches are minimal. Furthermore, 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:** Any future development to this parcel should not affect service as currently there is a well and septic system. The parcel has services, including electricity provided by Inland Power, Bonner County EMS & Sheriff, and Spirit Lake Fire District; all of which were routed for comment and did not respond as to how this Conditional Use Permit could affect their services. Any expansions to these services or others, the applicant will need to obtain proper permitting through the appropriate agencies that govern these services.

## **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:** 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:** Current recreational opportunities for the general public that are available in Bonner County are anticipated to remain the same with this Conditional Use Permit.

## **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 project appears to not 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:** This proposal does not appear to 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:** 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:** This proposal does not appear to conflict with the policies of this component, as farming and agricultural pursuits remain viable and are encouraged in the Rural zoning districts.

**BCRC 12-263, Reconsideration**

A. Reconsideration: Every applicant or affected person seeking judicial review of the Board's final decision must first file with the Board a motion for reconsideration of the Board's decision, specifying deficiencies in the decision within fourteen (14) days of the date of the decision, along with the applicable fee. A failure to seek reconsideration is also a failure to exhaust administrative remedies.

B. Initial Decision: The Board may consider the reconsideration motion as scheduled on an open business meeting agenda and determine whether to grant or deny the request. If the Board grants reconsideration in whole or in part, a hearing before the Board will be scheduled to address the specific deficiencies identified by the applicant or affected person and to allow interested persons to have an opportunity to be heard. If the Board denies the request for reconsideration, it shall promptly notify the parties in writing.

C. Public Notice On Hearing: Notice of the public hearing on the reconsideration, identifying the specific deficiencies alleged in the reconsideration request, will be provided as follows, including:

1. Notice To Agencies And Political Subdivisions: At least fifteen (15) days prior to the public hearing, the Director shall send notice to all political subdivisions providing services with the planning jurisdiction, including school districts and the manager or person in charge of the local public airport.

2. Legal Notice: At least fifteen (15) days prior to the public hearing, the Director shall publish a notice of the time and place in the official newspaper or paper of general circulation in the County.

3. Radius Notice: Will be provided in the same manner as originally provided on the application.

D. Decision: Following the hearing on the reconsideration, the Board may affirm, reverse or modify its prior decision and shall provide a written decision to the applicant and the affected person(s) within sixty (60) days of receipt of the request for reconsideration. If the Board fails to timely decide, the original decision of the Board will stand.

**Staff:**

The Bonner County Hearing Examiner, Jacqueline Rucker, approved this file on January 15, 2025. The decision letter was sent on January 21, 2025, starting the appeal window of 28 days. The Bonner County Planning Department received an appeal of the Hearing Examiner's decision on February 18, 2025, from Charles and Christy Hilbert through their attorney. The appeal stated that the Hearing Examiner's decision was not supported by substantial evidence in the record and was made in excess of the statutory authority of the Hearing Examiner.

At the April 10, 2025 public hearing, the Board of Commissioners denied this request for a Conditional Use Permit. The Board's written decision was rendered on April 14, 2025. The applicant's representative provided a letter for a request for reconsideration of the Board's decision and the required fees on April 24, 2025. The letter states that the Board's decision was not supported by substantial evidence from the record, due to the lack of a "reasoned statement", as required by Idaho Code § 67-6535(2). The Board granted the request for reconsideration on May 6, 2025. All of the requirements for this section have been met. The Board shall render a written decision no later than **June 27, 2025**.

**BCRC 12-335 Public Use Table**

**Staff:** Communication towers are conditionally permitted in the Rural district.



Use	Zoning District								
	F	A/F	R	S	C	I	RSC	REC	AV
Communication towers	C (3)	C (3)	C (3)	C	C	C	C	C	C

(3) 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 the appropriate standard set forth in title 2 of this Code or [appendix A](#) of this title, except where subject to the terms of an approved special use permit issued by a State or Federal agency.

**Staff:** Per the applicant, the project site is accessed via Highway 41, a State of Idaho owned and maintained public right-of-way. The applicant provided an encroachment permit for a shared driveway between the project site and the parcel to the north. Idaho Transportation Department was notified of this project and provided a comment on the status of the encroachment permit, stating that it is permitted as a joint encroachment with the subject parcel and their neighbor to the north. It should be noted that it appears that the encroachment is located on the northern property. The applicant has provided a site plan showing that a portion of the driveway is on their property. However, there appears to be no documentation provided by the applicant that their property is subject to an easement from the northern property. Staff has reached out to Idaho Transportation Department to determine the ownership of the approach and received no response. The applicant, in the April 2025 hearing, provided alternative entry points, including an existing approach from the parcel directly south, which is owned by the applicant. The applicant shall provide a recorded easement document granting them access over the property to the north. Alternatively, the applicant shall be granted a separate encroachment permit off Highway 41 from the Idaho Transportation Department that would allow access to the project site. **SEE CONDITIONS OF APPROVAL**

### **BCRC 12-420 General Standards**

**Staff:** This section establishes general development standards applicable to all structures and developments within the County. The proposed Communications Tower does include facilities subject to these standards. The project provides access from Highway 41; as stated above, there is conflicting evidence over the access to the property. Structures must comply with applicable setbacks, and site development must ensure clear visibility at intersections per Subsection I. Parking for RVs must avoid the accumulation of unlicensed or inoperable vehicles, consistent with Subsection F. No temporary structures are proposed, and fencing must comply with Subsection E if installed. This project must comply with these performance standards throughout the life of the use. **See Conditions of Approval**

### **BCRC 12-421, Performance Standards for all Uses:**

**Staff:** The requested use is unlikely to result in fire hazards, or electrical disturbance, noise, vibration, air pollution or water pollution. However, this is conflicting evidence in the record regarding the effect of communication towers in regards to radioactivity.

### **BCRC 12-4.3, Parking standards**

**Staff:** There is no requirement for minimum off-street parking spaces for communication towers. If required, the site has sufficient area to accommodate parking for the proposed use.

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

**Staff:** The applicant has not proposed any signage as part of this application. Any future additions of signage in conjunction with this Conditional Use Permit would require the applicant to request a modification per BCRC 12-266 of this Conditional Use Permit. **See Conditions of Approval**

**BCRC 12-4.5, et seq, Design standards:**

The standards in this chapter shall apply to all new development in the commercial, industrial where commercial uses and services are proposed, and rural service center districts and all other commercial, multi-family, public and industrial development in other zoning districts unless otherwise noted

**Staff:** Communication Towers are listed as a "public" use and found in the Public Use Table, BCRC 12-335. The standards of 12-453 do apply to this project.

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

**Staff:** A Building Location Permit will be required for any new structures. The new communication tower will need to meet the standards found in BCRC Title 11, and the approved setbacks found on the approved site plan. **See Conditions of Approval**

**BCRC 12-453 (F): Lighting Standards:**

**Staff:** The applicant does not propose any exterior lighting. No lighting is required for this use.

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

BCRC 12-461: The standards in this subchapter shall apply to all new development in the commercial, industrial and rural service center districts and all other commercial, multi-family, public and industrial development in other districts unless otherwise noted. For remodels or additions, the standards in this subchapter shall apply where the value of the additions equals or exceeds fifty percent (50%) of the market value of the existing structure and/or site improvements as determined by the Bonner County assessor's office over any five (5) year time period. For other additions or remodels, the landscaping standards shall only apply to the specific areas being improved. For instance, if a commercial use is adding additional parking, the new parking area must feature landscaping per the standards in this subchapter.

**Staff:** This standard applies to this project. The applicant has provided a landscaping plan around the perimeter of the fencing and throughout the communications tower site, which appears to be consistent with Landscape type D found in BCRC 12-464. Additionally, per the applicant, the tower will be painted to match the surrounding

landscape. The landscaping shall be maintained for the life of the use. **See Conditions of Approval.**

#### **BCRC 12-488, Communication Towers**

**A. Communication towers and attendant facilities shall be enclosed by a fence not less than six feet (6') in height.**

**Applicant:** *The proposed tower and ancillary equipment will be enclosed within a 6' fenced compound, as shown in the zoning drawings submitted with this application.*

**Staff:** The applicant's proposal meets the requirement for a 6-foot-high fence with additional privacy and security measures. **See Conditions of Approval.**

**B. The base of any tower shall not be closer to any property line than a distance equal to the tower height.**

**Applicant:** *The base of the proposed tower location will exceed the 1':1' setback requirement set forth by Bonner County.*

**Staff:** Per the site plan provided by the applicant, the 135-foot proposed tower will be setback from the Northern property line 183.77 feet, the western property line 277.5 feet, the southern property line 147.92 feet, and the eastern property line 1,010.74 feet. All proposed setbacks exceed this requirement. The applicant must adhere to the site plan provided, if approved. **See Conditions of Approval.**

**C. The Hearing Body shall consider the public convenience and necessity of the communication tower and any adverse effect the facility would have upon properties in the vicinity and may require such reasonable restrictions and conditions of development as to uphold the purpose and intent of this title and the comprehensive plan.**

**Applicant:** *The convenience and necessity of the proposed tower facility is outlined thoroughly within this application and its supporting documents, to include the health and safety benefits of the same. The proposed tower facility will have no adverse effect on the properties in the vicinity*

**Staff:** Communication towers are conditionally permitted in all zoning districts in Bonner County. The proposed wireless facility is intended to enhance service reliability within the coverage area, including access to emergency services and 911. The applicant has provided additional details in their 'Compliance and Safety' narrative.

There is conflicting evidence in the record from the applicant and appellant regarding whether the communication tower would have adverse effects on surrounding properties.

**D. Communication towers shall be built to telecommunication industry association/electronic industry association (TIA/EIA) 222 revision F standards, or as amended, for steel antenna support structures.**

**Applicant:** *The proposed tower shall be built to telecommunication industry association/electronic industry association (TIA/EIA) 222 revision F standards, or as amended, for steel antenna support structures.*

**Staff:** At the time of Building Location Permit (BLP), the Bonner County Planning Department shall require plans that meet the specifications of telecommunication industry association/electronic industry association (TIA/EIA) 222 revision F standards, or as amended, for steel antenna support structures. **See Conditions of Approval.**

**E. Communication towers shall be constructed to accommodate other future communication services where technically feasible ("collocation").**

**Applicant:** *The proposed tower shall be constructed for collocation, so as to accommodate at least two additional carrier's antenna arrays without the need for structural upgrades, as shown in the zoning drawings submitted with this application*

**Staff:** It appears that the plans submitted by the applicant accommodate collocation for future communication services. **See Conditions of Approval.**

**F. Communication towers shall meet all operational, construction and lighting standards of the federal aviation administration.**

**Applicant:** *The proposed tower shall be in full compliance with all rules, regulations and standards set by the Federal Aviation Administration (FAA), and all other federal, state and local governmental agencies.*

**Staff:** The proposed tower shall meet all FAA required operational, construction and lighting standards. A FAA No Hazard Determination shall be provided by the applicant. **See Conditions of Approval.**

**G. Communication towers shall not penetrate any airspace surface on or adjacent to any public or private airfields as set forth at subchapter 5.2 of this title.**

**Applicant:** *The proposed tower will not penetrate any airspace surface as set forth at subchapter 5.2. of this title.*

**Staff:** An FAA No Hazard Determination is a requirement of the FAA to identify impacts of towers on aircraft and airports. As stated above, the FAA No Hazard Determination shall be provided prior to issuance of this permit, if approved. **See Conditions of Approval.**

**H. Upon termination of use of a communication tower for a period of not less than one year, the landowner and/or tower operator/applicant shall remove the tower along with all supporting equipment, apparatus and foundation.**

**Applicant:** *Vertical Bridge REIT, LLC dba The Towers, LLC understands and will comply with this provision.*



**Staff: See Conditions of Approval.**

**I. Flammable material storage shall be in accordance with international fire code standards.**

**Applicant:** *The only flammable material that will be utilized at this facility is diesel fuel for the backup power generator, which will be stored in accordance with international fire code standards*

**Staff:** The proposal to store flammable material in accordance with fire code standards and provide necessary documentation is adequate and meets the code. **See Conditions of Approval.**

**J. Communication towers shall not be used for signage, symbols, flags, banners or other devices or objects attached to or painted or inscribed upon any communication facility for the purposes of displaying a message of any kind, except as required by a governmental agency.**

**Applicant:** *No signage, symbols, flags, banners or other devices or objects shall be attached to or painted or inscribed upon any portion of the proposed communications facility, except that which might be required by any federal, state, or local governmental agency.*

**Staff:** The applicant does not propose any signage, symbols, flags, banners, or other devices attached to or painted or inscribed upon, unless required by a governmental agency. The applicant does propose to paint the tower to match the surrounding area, but their proposal does not include any displaying of messages or advertising. **See Conditions of Approval.**

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

**BCRC 12-720.2 Applicability**

The provisions of this subchapter shall be applicable:

- C. All public projects, including road construction, undertaken by Bonner County, or undertaken by any other political subdivision of the state of Idaho or public agency over which Bonner County asserts jurisdiction through this title and title 11 of this code, as amended

**Staff:** A grading, stormwater management and erosion control plan may be required at the time a Building Location Permit is submitted, pursuant to BCRC 12-720.2(C). **See Conditions of Approval**

Planner's Initials: **AF**      Date: **June 12, 2025**

**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.

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## **Decision by the Governing Body:**

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### **BOARD OF COUNTY COMMISSIONERS**

**MOTION TO REVERSE THE DECISION:** I move to reverse the Board's previous decision and approve this project, FILE CUP0012-24, a Conditional Use Permit for a Communications Tower, finding that it is not in conflict with the policies 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 not** in conflict with the policies of Bonner County Comprehensive Plan.

**Conclusion 2:** This proposal was reviewed for compliance with the criteria and standards set forth at BCRC Title 12, Chapter 2, Subchapter 2.2 Conditional Use Permits; Chapter 4 Development Standards and Chapter 7 Environmental Standards. The proposal **is** in accord with the 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.

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 move to adopt the reasoned statement as discussed in deliberation at this hearing and the analysis as set forth in the Staff Report (or as amended during this hearing) and direct planning staff to draft the reasoned statement to reflect this motion as set forth in Idaho Code section 67-6535, have the Chair sign, 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.

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### **BOARD OF COUNTY COMMISSIONERS**

**MOTION TO UPHOLD THE DECISION:** I move to uphold the Board's previous decision and deny this project, FILE CUP0012-24 a Conditional Use Permit for a Communications Tower based upon the following conclusions:

**Conclusion 1:** The proposed conditional use permit **is/is not** in conflict with the policies of the Bonner County Comprehensive Plan.

**Conclusion 2:** This proposal was reviewed for compliance with the criteria and standards set forth at BCRC Title 12, Chapter 2, Subchapter 2.2 Conditional Use Permits; Chapter 4

Development Standards and Chapter 7 Environmental Standards. The proposal **is/is not** in accord with the Bonner County Revised Code.

**Conclusion 3:** The proposed use **will not/will** create a hazard or **will/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 move to adopt the reasoned statement as discussed in deliberation at this hearing and the analysis as set forth in the Staff Report (or as amended during this hearing) and direct planning staff to draft the reasoned statement to reflect this motion as set forth in Idaho Code section 67-6535, have the Chair sign, 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

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## **Proposed Conditions of Approval:**

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### **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** Per BCRC 12-226.C, 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 board 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-4** The hours of operation will be continuous and may be accessed at any time for maintenance as needed.
- A-5** Per BCRC 12-420, all structures located on site in conjunction with this Conditional Use Permit will meet the required street and property line setback standards of BCRC Title 12.
- A-6** Per BCRC 12-420, all architectural projections such as canopies, eaves, balconies, platforms, decks, carports, covered patios, and similar architectural projections shall

be considered parts of the building to which attached and shall not project into any required setback.

- A-7** Per BCRC 12-420, temporary buildings, construction trailers, equipment and materials used in conjunction with construction work for the proposed project may be permitted during the period the construction work is in progress, but such temporary facilities shall be removed upon completion of the construction work.
- A-8** Per BCRC 12-432, Parking Standards, the project does not need to designate parking spaces; the parcel has an adequate area for parking.
- A-9** Per BCRC 12-452, any structures or development on site permitted through this Conditional Use Permit is required to obtain appropriate Building Location Permits or other approvals from the Bonner County Planning Department prior to the development on site.
- A-10** All structures shall meet the standards set forth in Title 11, Bonner County Revised Code.
- A-11** Per BCRC 12-453.F, any lighting on site shall meet the standards of this section of the ordinance.
- A-12** Per BCRC 12-453.G, any development on site permitted through this Conditional Use Permit shall meet the standards of this section of the ordinance.
- A-13** Per BCRC 12-453.J, any outdoor storage of commercial and industrial materials on site is required to meet the standards of this section of the ordinance.
- A-14** Per BCRC 12-4.6, all landscaping shall be in accordance with the approved site plan. The Communication Tower and its appurtenances shall be painted to match the surrounding landscape, as proposed by the applicant.
- A-15** Per BCRC 12-488.A, Communication towers and attendant facilities shall be enclosed by a fence not less than six feet (6') in height.
- A-16** Per BCRC 12-488.B, the base of any tower shall not be closer to any property line than a distance equal to the tower height.
- A-17** Per BCRC 12-488.C, the tower shall be constructed and operated to mitigate the effects to neighboring properties.
- A-18** Per BCRC 12-488.D, Communication towers shall be built to telecommunication industry association/electronic industry association (TIA/EIA) 222 revision F standards, or as amended, for steel antenna support structures.
- A-19** Per BCRC 12-488.E, Communication towers shall be constructed to accommodate other future communication services where technically feasible ("collocation").



- A-20** Per BCRC 12-488.F, Communication towers shall meet all operational, construction and lighting standards of the federal aviation administration.
- A-21** Per BCRC 12-488.G, Communication towers shall not penetrate any airspace surface on or adjacent to any public or private airfields as set forth at [subchapter 5.2](#) of this title.
- A-22** Per BCRC 12-488.H, Upon termination of use of a communication tower for a period of not less than one year, the landowner and/or tower operator/applicant shall remove the tower along with all supporting equipment, apparatus and foundation.
- A-23** Per BCRC 12-488.I, Flammable material storage shall be in accordance with international fire code standards.
- A-24** Per BCRC 12-488.J, Communication towers shall not be used for signage, symbols, flags, banners or other devices or objects attached to or painted or inscribed upon any communication facility for the purposes of displaying a message of any kind, except as required by a governmental agency.
- A-25** At the time of Building Location Permit, a Grading, Stormwater, and Erosion Control plan may be required, in accordance with BCRC 12-7.2.

**Conditions to be met prior to the issuance of this Conditional Use Permit:**

- B-1** An FAA No Hazard Determination shall be provided to the Planning Department.
- B-2** A recorded easement granted to the applicant over the northern property that shares the approved approach from Idaho Transportation Department shall be provided. Alternatively, a new encroachment and access shall be permitted by the Idaho Transportation Department or proof of an existing encroachment from Highway 41 and any upgrades that may be required by ITD.

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The complete file is available for review in the Planning Department, 1500 Highway 2, Suite #208, Sandpoint, ID. Staff reports are available online prior to the hearing at [www.bonnercountyid.gov](http://www.bonnercountyid.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**

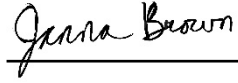
**Page 1 of 1**

**File No.: CUP0012-24 Reconsideration**

**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 **20th** day of **May 2025**.



Janna Brown, Administrative Assistant III

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
Little Blacktail Ranch Water Association - U.S. Mail	North of the Narrows Fire District - Email
Northern Lights, Inc. - Email	Northland/Vyve Cable Television - 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

## **APPENDIX B – PREVIOUS DECISION LETTERS**





# Bonner County

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## Board of Commissioners

Asia Williams

Brian Domke

Ron Korn

April 14, 2025

Subj: **Appeal File CUP0012-24 – Conditional Use Permit – Communication Tower**

Christy & Charles Hilbert  
34756 Hwy 41  
Oldtown, ID 83822

Dear Mr. and Mrs. Hilbert,

The Board of County Commissioners, at the April 10, 2025 hearing, reversed the decision of the Hearing Examiner and denied the above referenced file.

**MOTION TO REVERSE THE DECISION:** Commissioner Domke moved to reverse the Hearing Examiner's decision and deny this project, FILE CUP0012-24 a Conditional Use Permit for a Communications Tower based upon the following conclusions:

**Conclusion 1:** The proposed conditional use permit **is** in conflict with the policies of the Bonner County Comprehensive Plan.

**Conclusion 2:** This proposal was reviewed for compliance with the criteria and standards set forth at BCRC Title 12, Chapter 2, Subchapter 2.2 Conditional Use Permits; Chapter 4 Development Standards and Chapter 7 Environmental Standards. The proposal **is not** in accord with the Bonner County Revised Code.

**Conclusion 3:** The proposed use **will** create a hazard or **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. Commissioner Domke further moved to 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

**Roll call vote:**

Commissioner Williams	AYE
Commissioner Domke	AYE
Commissioner Korn	AYE

**Voted** upon and the Chair declared the motion carried with a unanimous vote.

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**Findings of Facts:**

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1. The applicants are requesting a Conditional Use Permit for a Communication Tower.
2. The subject parcel is zoned Rural 5 with a land use designation of Rural Residential.
3. The site is accessed off Highway 41, a State of Idaho owned and maintained public right-of-way.
4. Communication Towers are conditionally permitted in the Rural 5 zoning districts.
5. The applicant is proposing construction of a 135' tall communications tower along with a building for support equipment within a 50' X 50' lease area to facilitate the functioning of the proposed communications tower.
6. A backup generator will be located on the site for emergency purposes.
7. Construction is proposed to occur in a single phase of development.
8. The facility is expected to be unmanned and will be occupied only during routine maintenance.
9. The facility will provide telecommunications service to residential properties within the vicinity 24 hours per day year-round.
10. At the January 15, 2025 hearing, the Bonner County Hearing Examiner approved this file.
11. On February 18, 2025, the Planning Department received a request for appeal of the Hearing Examiner's decision on this file to the Board of County Commissioners.
12. The proposed communication tower is in conflict with the policies of the comprehensive plan, specifically the policies of Community Design component and the goal of the Land Use component.
13. The documentation provided did not provide adequate prove that there is a lack of cell coverage in the proposed cell tower location, and that the area was not sufficiently reviewed for other potential sites. Additionally, the studies shown by the applicant are not applicable to rural areas.

14.The proposed communication tower would diminish property values due to the change in the rural character of the area and potential harm from Radio Frequency Emissions.

15.The evidence provided by the applicant conflicts with the coverage map provided on the Verizon public website, the carrier who will be leasing the tower.

16.The applicant did not provide a "No Hazard Determination" by the FAA.

17.The applicant did not provide adequate information showing access to the parcel.

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

Please contact the Bonner County Planning Department if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Asia Williams". The signature is written in a cursive, flowing style.

---

Asia Williams, Chair  
Board of County Commissioners

Cc:

Appellant:

Morgan Hepler, Hepler Law

Applicant:

Robert Custer

Andy Hambright, SmartLink Group

Josh Leonard, Clark Wardle



## 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](mailto:planning@bonnercountyid.gov) - Web site: [www.bonnercountyid.gov](http://www.bonnercountyid.gov)

January 21, 2025

Robert Custer  
34754 Highway 41  
Oldtown, ID 83822

Vertical Bridge REIT LLC  
Dbas The Towers LLC  
750 Park of Commerce Dr., Ste 200  
Boca Raton, FL 33487

Subj: File CUP0012-24 – Conditional Use Permit – Communication Tower

Encl: (1) File CUP0012-24 Hearing Examiner Approved Site Plan

Dear Applicant,

The Bonner County Hearing Examiner, during the allowed 5 business days following the January 15, 2025, Hearing, approved the above referenced application with conditions. The Hearing Examiner found that it is 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.

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### Conclusions of Law:

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**Conclusion 1:** The proposed Conditional Use Permit **is** in accord with the general and specific objectives of Bonner County Comprehensive Plan.

**Conclusion 2:** This proposal was reviewed for compliance with the criteria and standards set forth in BCRC Title 12, Chapter 2, Sub-chapter 2.2 Conditional Use Permits; Chapter 4 Development Standards and Chapter 7 Environmental Standards. The proposal **is** in accord with the 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.

This 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 and Conclusions of Law as set forth in the Staff Report and directed 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.



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## Findings of Facts:

---

1. The applicants are requesting a Conditional Use Permit for a Communication Tower.
2. The subject parcel is zoned Rural 5 with a land use designation of Rural Residential.
3. The site has an approved joint encroachment permit off Highway 41, a State of Idaho owned and maintained public right-of-way.
4. Communication towers are conditionally permitted in the Rural 5 zoning districts.
5. The applicant is proposing construction of a 135' tall communications tower along with a building for support equipment within a 50' X 50' lease area to facilitate functioning of the proposed communications tower.
6. A backup generator will be located on the site for emergency purposes.
7. Construction is proposed to occur in a single phase of development.
8. The facility is expected to be unmanned and will be occupied only during routine maintenance.
9. The facility will provide telecommunications service to residential properties within the vicinity, 24 hours per day, year-round.
10. Per 47 U.S.C. Sect 332(c)(7)(B)(i)(II)- (i)The regulation of the placement, construction, and modification of personal wireless service facilities by any State or local government or instrumentality thereof-
  - I. shall not unreasonably discriminate among providers of functionally equivalent services; and
  - II. shall not prohibit or have the effect of prohibiting the provision of personal wireless services.
11. Verizon will be the Anchor Tenant for the proposed unmanned wireless telecommunications facility.
12. Per the Biwabkos Consultants, LLC, Vertical Bridge, ID-5108 Fish Creek/Verizon FISH-CREEK Site, SCANNER DRIVE TEST REPORT, dated 08/15/2024, the proposed coverage area shows a significant gap in Verizon service of approximately 3 miles along Highway 41 as well as the rural area around the proposed area. Low, Mid and High band do not provide acceptable quality coverage for any of the carriers in the area South of Newport.
13. The FCC is required by the National Environmental Policy Act of 1969, among other things, to evaluate the effect of emissions from FCC-regulated transmitters on the quality of the human environment.
14. EMI emissions are regulated by the FCC per 47CFRPart15.
15. A new tower construction requires:
  - Compliance with FCC rules implementing NEPA, which includes separate procedures for
    - ESA; and,
    - NHPA (including Section 106).
16. The FCC treats the construction and registration of towers and facilities intended to host FCC licensed services as major actions that trigger agency

NEPA obligations. Consequently, FCC rules impose enforceable duties on licensees and applicants in order to meet the agency's NEPA obligations.

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## **Conditions of Approval:**

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### **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** Per BCRC 12-226.C, 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 and extension of the Conditional Use Permit for a period up to two (2) years. The Zoning Commission at any regular meeting, or board 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-4** The hours of operation will be continuous and may be accessed at any time for maintenance as needed.
- A-5** Per BCRC 12-420, all structures located on site in conjunction with this Conditional Use Permit will meet the required street and property line setback standards of BCRC Title 12.
- A-6** Per BCRC 12-420, all architectural projections such as canopies, eaves, balconies, platforms, decks, carports, covered patios, and similar architectural projections shall be considered parts of the building to which attached and shall not project into any required setback.
- A-7** Per BCRC 12-420, temporary buildings, construction trailers, equipment and materials used in conjunction with construction work for the proposed project may be permitted during the period the construction work is in progress, but such temporary facilities shall be removed upon completion of the construction work.
- A-8** Per BCRC 12-432, Parking Standards, the project does not need to designate parking spaces; the parcel has an adequate area for parking.
- A-9** Per BCRC 12-452, any structures or development on site permitted through this Conditional Use Permit is required to obtain appropriate

Building Location Permits or other approvals from the Bonner County Planning Department prior to the development on site.

- A-10** All structures shall meet the standards set forth in Title 11, Bonner County Revised Code.
- A-11** Per BCRC 12-453.F, any lighting on site shall meet the standards of this section of the ordinance.
- A-12** Per BCRC 12-453.G, any development on site permitted through this Conditional Use Permit shall meet the standards of this section of the ordinance.
- A-13** Per BCRC 12-453.J, any outdoor storage of commercial and industrial materials on site is required to meet the standards of this section of the ordinance.
- A-14** Per BCRC 12-4.6, all landscaping shall be in accordance with the approved site plan. The Communication Tower and its appurtenances shall be painted to match the surrounding landscape, as proposed by the applicant.
- A-15** Per BCRC 12-488.A, Communication Towers and attendant facilities shall be enclosed by a fence not less than six feet (6') in height.
- A-16** Per BCRC 12-488.B, the base of any tower shall not be closer to any property line than a distance equal to the tower height.
- A-17** Per BCRC 12-488.D, Communication Towers shall be built to Telecommunication Industry Association/Electronic Industry Association (TIA/EIA) 222 Revision F Standards, or as amended, for steel antenna support structures.
- A-18** Per BCRC 12-488.E, Communication Towers shall be constructed to accommodate other future communication services where technically feasible. (i.e. Collocation)
- A-19** Per BCRC 12-488.F, Communication Towers shall meet all operational, construction and lighting standards of the Federal Aviation Administration.
- A-20** Per BCRC 12-488.G, Communication Towers shall not penetrate any airspace surface on or adjacent to any public airfields as set for in sub-chapter 5.2 of this title.
- A-21** Per BCRC 12-488.H, Upon termination of use of a Communication Tower for a period of not less than one year, the landowner and/or tower operator/applicant shall remove the tower along with all supporting equipment, apparatus and foundation.

**A-22** Per BCRC 12-488.I, Flammable material storage shall be in accordance with International Fire Code Standards.

**A-23** Per BCRC 12-488.J, Communication Towers shall not be used for signage, symbols, flags, banners or other devices or objects attached to or painted or inscribed upon any communication facility for the purposes of displaying a message of any kind, except as required by a governmental agency.

**A-24** At the time of applying for a Building Location Permit, a Grading, Stormwater and Erosion Control Plan may be required, in accordance with BCRC 12-7.2.

**Conditions to be met prior to the issuance of this Conditional Use Permit:**

**B-1** A supplemental site plan shall be submitted showing setbacks from all property lines.

**B-2** An FAA No Hazard Determination shall be provided to the Planning Department.

**B-3** A recorded easement granted to the applicant over the northern property that shares the approved approach from Idaho Transportation Department shall be provided. Alternatively, a new encroachment and access shall be permitted by the Idaho Transportation Department.

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., [28 days from the date of the decision letter]**. **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

## **APPENDIX C – REQUEST FOR RECONSIDERATION**



Janna Brown &lt;janna.brown@bonnercountyid.gov&gt;

**CUP0012-24 - Request for Reconsideration**

1 message

**'Josh Leonard' via Mail-Planning** <planning@bonnercountyid.gov>

Thu, Apr 24, 2025 at 12:09 PM

Reply-To: Josh Leonard &lt;jleonard@clarkwardle.com&gt;

To: Bonner County Planning &lt;planning@bonnercountyid.gov&gt;

Cc: "alexander.feyen@bonnercountyid.gov" &lt;alexander.feyen@bonnercountyid.gov&gt;, Andy Hambright &lt;Andy.Hambright@smartlinkgroup.com&gt;, Kevin Foy &lt;Kevin.Foy@verticalbridge.com&gt;

Please see the attached Request for Reconsideration, submitted on behalf of applicant Vertical Bridge REIT LLC, d/b/a The Towers LLC, in application number CUP0012-24.

Please send us a link for payment of the reconsideration application fee by credit card.

Thank you,

- Josh

cc: Alex Feyen  
Andy Hambright  
Kevin Foy

**Joshua J. Leonard, Partner**

251 E. Front Street, Suite 310 | P.O. Box 639 | Boise, Idaho 83701

[jleonard@clarkwardle.com](mailto:jleonard@clarkwardle.com) | Office 208.388.1000 | Fax 208.388.1001

DEVELOPMENT ATTORNEYS

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**2025 04 21 - Request for Reconsideration.pdf**  
510K

JOSHUA J. LEONARD  
JLEONARD@CLARKWARDLE.COM

April 24, 2025

*Sent via email to: [planning@bonnercountyid.gov](mailto:planning@bonnercountyid.gov)*

Board of Bonner County Commissioners  
1500 Highway 2  
Sandpoint, Idaho 83864

**Re: Request for Reconsideration - CUP0012-24**

Dear Commissioners Domke, Williams, and Korn:

Our firm represents applicant Vertical Bridge REIT LLC, d/b/a The Towers LLC (the “**Applicant**”), the applicant in File Number CUP0012-24. We write, pursuant to Bonner County Revised Code (“**BCRC**”) § 12-264.A, to **request reconsideration** of the Board’s April 14, 2025 denial of the Applicant’s Conditional Use Permit (“**CUP**”) application (the “**Application**”) in Bonner County Application Number CUP0012-24.

The Board’s denial of the Applicant’s CUP Application (i) violated statutory provisions, (ii) exceeded the Board’s statutory authority, (iii) was made upon unlawful procedure, (iv) was not supported by substantial evidence, and (v) was arbitrary, capricious, or an abuse of discretion. As required by BCRC § 12-263.A, specific deficiencies in the Board’s decision include the following:

1. **The Board’s Conclusion 1 is incorrect; the Board incorrectly considered the proposed Communication Tower to be a commercial or industrial use, when it is a public use; and the Board’s April 14, 2025 written decision does not contain a “reasoned statement,” as required by Idaho Code § 67-6535(2).**

Conclusion of Law 1 incorrectly states:

**Conclusion 1:** The proposed conditional use permit **is** in conflict with the policies of the Bonner County Comprehensive Plan.

As demonstrated during the January 15, 2025 public hearing before the County’s Hearing Examiner, and as further demonstrated during the Board of County Commissioners’ April 10, 2025

public hearing, and as found by the Hearing Examiner in its January 21, 2025 written decision, and as stated in the Staff Report, the proposed Conditional Use Permit is in accord with the policies of Bonner County's Comprehensive Plan.

To obtain a CUP, BCRC § 12-223 requires a finding that "the proposal is not in conflict with the policies of the comprehensive plan, as found in the adopted Implementation Component..."

In the Board's findings of fact, at Finding 12, the Board found as follows:

**12. The proposed communication tower is in conflict with the policies of the comprehensive plan, specifically the policies of Community Design component and the goal of the Land Use component.**

This is neither correct nor sufficient to be deemed a "reasoned statement," as required under Idaho's Local Land Use Planning Act ("LLUPA"). LLUPA's "reasoned statement" requirement, and the failure of the Board's written decision to include a "reasoned statement," is discussed in greater detail later in this request for reconsideration. For now, though, it suffices to say that the Board, in its Conclusion 1 and its Finding 12, failed to identify *how* the "proposed communication tower is in conflict with the policies of the comprehensive plan." Although the Board's decision points to "the policies of Community Design component and the goal of the Land Use component," the Board failed to explain its finding and conclusion.

Looking first at "the policies of Community Design component:"

**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.

(Comprehensive Plan: Implementation: Goals, Policies and Objectives, page 15.) All three of these policies are inapplicable to the proposed Communication Tower. All three of these policies urge the County to adopt standards applicable to *all* development applications, rather than governing the Board’s consideration of any single development application.

Additionally, the “goal of the Land Use component” cited by the Board in its decision reads:

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.

(Comprehensive Plan: Implementation: Goals, Policies and Objectives Update, page 6.) There are two problems with the Board citing to this goal of the Land Use component: First, the finding required by Bonner County Revised Code reads, “the proposal is not in conflict with the *policies* of the comprehensive plan, as found in the adopted Implementation Component” (BCRC § 12-223, emphasis added), but the Board’s Finding 12 points to “the *goal* of the Land Use component” (emphasis added). BCRC § 12-223 does not require the proposal to not be in conflict with the *goals* of the comprehensive plan—instead, BCRC § 12-223 requires that “the proposal is not in conflict with the *policies* of the comprehensive plan, as found in the adopted Implementation Component...” (emphasis added). Second, even if Bonner County’s code required the proposal to not be in conflict with the goals of the comprehensive plan, the proposed use—a communication tower—complies with “the goal of the Land Use component,” in that a communication tower “enable[s] the community to grow while retaining its rural character...”

The *policies* of the Implementation Component of the Land Use component read:

**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.

Both policy number 1 and policy number 2 are inapplicable to the present application for a Communication Tower. Policy number 1 references unconditionally permitting “[c]ommercial and industrial uses, in areas identified in the Comprehensive plan [sic] suitable for such development...” (emphasis added). Policy number 2 references conditionally permitting “[c]ommercial and industrial uses...in areas not identified for such uses...” (emphasis added). As noted by staff in its presentation to the Board on April 10, 2025, though, and as provided in the use table (Table 3-5) located within BCRC § 12-335, **a Communication Tower is neither a commercial use nor an industrial use—a Communication Tower is a PUBLIC use:**

**12-335: PUBLIC USE TABLE:**

TABLE 3-5

**PUBLIC USE TABLE**

Use	Zoning District								
	F	A/F	R	S	C	I	RSC	REC	AV
Airports (1), (2) (airstrip)		C (3)	C (3)			C		C	
Cemeteries (4)		C (3)	C (3)	C					
Churches, grange halls, public or private community facilities		C (3)	C (3)	C	P	P	C	C	C
Communication towers	C (3)	C (3)	C (3)	C	C	C	C	C	C
Docks and marinas, community, upland accommodations (5), (6), (7)					C			C	
Heliports (8)		C	C	C	C	C		C	C

(Highlighting added.) Neither policy no. 1 nor policy no. 2 says anything about *public uses*, and they are therefore inapplicable to the present application for a Communications Tower.

The Board erred in finding (*see* Finding of Fact 12) and concluding (*see* Conclusion of Law 1) that the proposed use and the requested CUP “is in conflict with the policies of the comprehensive plan, specifically the policies of Community Design component and the goal of the Land Use component” of the County’s Comprehensive Plan. As demonstrated above, neither the Community Design component’s policies nor the Land Use component’s policies even apply to the proposed Communication Tower.

The requested CUP is not in conflict with the policies of the County's comprehensive plan, as required by BCRC § 12-223.

2. **The Board's Conclusion 2 does not specify which provisions of Bonner County Revised Code the Application is not in accord with; the Board's Conclusion 2 does not reflect facts contained in the administrative record; the Board's Conclusion 2 fails to identify what "hazard" is created by the proposed use; the evidence in the administrative record improperly includes evidence and testimony from members of the decision-making body; and the Board's Conclusion 2 contains no weighing of the evidence in the administrative record.**

Conclusion of Law 2 incorrectly states:

**Conclusion 2:** This proposal was reviewed for compliance with the criteria and standards set forth at BCRC Title 12, Chapter 2, Subchapter 2.2 Conditional Use Permits; Chapter 4 Development Standards and Chapter 7 Environmental Standards. The proposal **is not** in accord with the Bonner County Revised Code.

(Highlighting added.) In its Conclusion of Law 2, the Board broadly cites to the following:

- BCRC Title 12, Chapter 2, Subchapter 2.2 Conditional Use Permits;
- BCRC Title 12, Chapter 4, Development Standards; and
- BCRC Title 12, Chapter 7, Environmental Standards.

However, there is nothing in the Board's written decision that identifies *which* specific provisions of these titles and chapters the proposal is not in accord with, and there is nothing in the decision that indicates how the proposal is not in accord with any specific provision of the Bonner County Revised Code.

As demonstrated during the January 15, 2025 public hearing before the County's Hearing Examiner, and as further demonstrated during the Board of County Commissioners' April 10, 2025 public hearing, and as found by the Hearing Examiner in its January 21, 2025 written decision, and as stated in the Staff Report, the proposed Conditional Use Permit is in accord with the Bonner County Revised Code.

BCRC Title 12, Chapter 2, Subchapter 2.2 contains required application contents and prescribes the standards for review of CUP applications.



Application Requirements (BCRC § 12-222):

A. Name, address and phone number of applicant.	<input checked="" type="checkbox"/>
B. Authorized signature of at least one owner of the property for which the conditional use permit is proposed.	<input checked="" type="checkbox"/>
C. Legal description of property.	<input checked="" type="checkbox"/>
D. Applicant's interest in title	<input checked="" type="checkbox"/>
E. Description of existing use.	<input checked="" type="checkbox"/>
F. Zoning district in which property is located.	<input checked="" type="checkbox"/>
G. Description of proposed conditional use requested.	<input checked="" type="checkbox"/>
H. A narrative statement that addresses: 1. The effects of elements such as noise, glare, odors, fumes and vibrations on adjoining property. 2. The compatibility of the proposal with the adjoining land uses. 3. The relationship of the proposed use to the comprehensive plan.	<input checked="" type="checkbox"/>
I. A plan of the site, drawn to scale, showing location of all existing and proposed buildings, parking and loading areas, traffic access and circulation, undisturbed areas, open spaces, landscaping, refuse and service areas, utilities, signs and yards.	<input checked="" type="checkbox"/>
J. Reserved. (Ord. 583, 12-5-2018)	<input checked="" type="checkbox"/>
K. A "vicinity map", as defined in section 12-822 of this title, sufficient to show the impact of the proposal commensurate with the scale of the project.	<input checked="" type="checkbox"/>
L. Other information that the Planning Director or Governing Body requires to determine if the proposed conditional use meets the intent and requirements of this title, such as information regarding utilities, traffic, service connections, natural resources, unique features of the land or off site features affecting the proposal.	<input checked="" type="checkbox"/>

The application was complete, and contained all of the above required elements.

The standards prescribed in BCRC Title 12, Chapter 2, Subchapter 2.2 for review of CUP applications, generally, are the following:

To grant a conditional use permit, the Zoning Commission or Hearing Examiner 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 § 12-223. As discussed above, the Board erred when it incorrectly found and concluded that the proposal was in conflict with the policies of the comprehensive plan. The proposal complies with BCRC § 12-223, in that it “is not in conflict with the policies of the comprehensive

plan, as found in the adopted Implementation Component...” The proposal also complies with BCRC § 12-223, in that it “will neither create a hazard nor be dangerous to persons on or adjacent to the property.” There is no evidence in the administrative record on which to base a finding or conclusion that the proposed use will somehow “create a hazard” or “be dangerous to persons on or adjacent to the property.” In fact, based on the facts in the administrative record, the only effect the proposed communication tower will have is that it will affect a narrow portion of the Hilberts’ view. As noted by the Applicant, though, throughout the administrative record, there is no general right to a view in the state of Idaho.<sup>1</sup>

BCRC Title 12, Chapter 4 contains development standards for projects. In its Staff Report for the Board’s April 10, 2025 public hearing, County staff reviewed each of the applicable development standards contained in BCRC Title 12, Chapter 4. (See April 10, 2025 Staff Report, pp. 6-7.) County staff determined that the proposed use complied with each of the applicable development standards. There is no evidence in the administrative record on which to base a finding or conclusion that the proposed use somehow does not comply with each of the development standards contained in BCRC Title 12, Chapter 4.

BCRC Title 12, Chapter 4 also contains BCRC § 12-488, entitled “Communication Towers,” which prescribes standards specifically for communication towers, like the one proposed by the applicants in this matter:

A. Communication towers and attendant facilities shall be enclosed by a fence not less than six feet (6') in height.	<input checked="" type="checkbox"/>
B. The base of any tower shall not be closer to any property line than a distance equal to the tower height.	<input checked="" type="checkbox"/>
C. The Zoning Commission shall consider the public convenience and necessity of the communication tower and any adverse effect the facility would have upon properties in the vicinity and may require such reasonable restrictions and conditions of development as to uphold the purpose and intent of this title and the comprehensive plan.	<input checked="" type="checkbox"/>
D. Communication towers shall be built to telecommunication industry association/electronic industry association (TIA/EIA) 222 revision F standards, or as amended, for steel antenna support structures.	<input checked="" type="checkbox"/>
E. Communication towers shall be constructed to accommodate other future communication services where technically feasible ("collocation").	<input checked="" type="checkbox"/>

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<sup>1</sup> *Fenwick v. Idaho Dept. of Lands*, 144 Idaho 318 (2007), citing *Sprenger Grubb & Assocs., Inc. v. City of Hailey*, 127 Idaho 576 (1995): Neighboring property owner had no right to prevent changes in the use of adjoining property. *Newton v. MJK/BJK, LLC*, 167 Idaho 236 (2020): Plaintiffs’ “view is not a protected property interest,” and plaintiffs “failed to produce any Idaho authority that creates a property interest in their view.”

F. Communication towers shall meet all operational, construction and lighting standards of the federal aviation administration.	<input checked="" type="checkbox"/>
G. Communication towers shall not penetrate any airspace surface on or adjacent to any public or private airfields as set forth at subchapter 5.2 of this title.	<input checked="" type="checkbox"/>
H. Upon termination of use of a communication tower for a period of not less than one year, the landowner and/or tower operator/applicant shall remove the tower along with all supporting equipment, apparatus and foundation.	<input checked="" type="checkbox"/>
I. Flammable material storage shall be in accordance with international fire code standards.	<input checked="" type="checkbox"/>
J. Communication towers shall not be used for signage, symbols, flags, banners or other devices or objects attached to or painted or inscribed upon any communication facility for the purposes of displaying a message of any kind, except as required by a governmental agency.	<input checked="" type="checkbox"/>

The proposed project's compliance with BCRC § 12-488, Subsections A, B, D, E, F, G, H, I, and J is undisputed in the administrative record. Subsection C was the only standard on which the opponents of the proposed communication tower attempted to provide testimony, and the opponents' competing evidence did not qualify as 'substantial evidence' upon which denial of a CUP for a communication tower is permitted, under federal law.

As noted in the January 15, 2025 Staff Report:

**Staff:** Communication towers are conditionally permitted in all zoning districts in Bonner County. The proposed wireless facility will improve public health and safety for customers living, working and traveling through the coverage area by improving reliable access to emergency services and 911. The applicant has provided further information in their "Compliance and Safety" narrative.

Adverse effects by a stationary communication tower on other properties in the vicinity appear to be negligible. There is no evidence that staff could find that shows the communication tower would adversely affect other properties in the vicinity.

During the Board's April 10, 2025 appeal hearing, the only material evidence of the necessity of the proposed communication tower was presented by the applicant's independent radio frequency (RF) expert, Steven Kennedy of Biwabkos Consultants. Mr. Kennedy applied scientific methods

and used state-of-the-art tools and software to demonstrate the existence of a significant gap in Verizon's in-building personal wireless service coverage in the area of the proposed site.<sup>2</sup>

The record's only contrary evidence of wireless coverage was presented not by the Hilberts or their attorney, but by one of the Commissioners, who consulted Verizon's online coverage map during the public hearing and remarked that it showed "good" Verizon coverage. The Board then wholly discounted the disclaimers accompanying Verizon's online coverage map. A Commissioner also commented during the public hearing that she drives through that area regularly and has not experienced dropped calls. These types of "evidence," improperly placed in the record by a member of the decision-making body, cannot be considered.<sup>3</sup> And the commissioner's testimony, during the public hearing, that she regularly drives through that area and has not experienced dropped calls should have been disclosed by the commissioner prior to the start of the public hearing.<sup>4</sup>

Even if the Board could consider the improper testimony<sup>5</sup> from a member of the decision-making body about Verizon's online coverage map and about a commissioner's personal experience with Verizon's wireless coverage in the area, Verizon's online coverage map only showed **outdoor coverage**<sup>6</sup> and the Commissioner's testimony about her personal Verizon experience only reflected

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<sup>2</sup> Courts have consistently relied on propagation maps and drive test results as evidence of a significant service coverage gap to show an effective prohibition. *T-Mobile W. Corp. v. City of Huntington Beach*, No. 10-cv-2835 CAS EX, 2012 WL 4867775, at \*\_\_ (C.D. Cal. Oct. 10, 2012).

<sup>3</sup> Citing a wireless provider's online maps depicting approximate outdoor coverage is not substantial evidence. *T-Mobile W. Corp. v. City of Huntington Beach*, No. 10-cv-2835 CAS EX, 2012 WL 4867775, at \*\_\_ (C.D. Cal. Oct. 10, 2012). "A quasi-judicial officer must confine his or her decision to the record produced at the public hearing." *Eacret v. Bonner County*, 139 Idaho 780, 786, 86 P.3d 494, 500 (2004).

<sup>4</sup> As previously held by the Idaho Supreme Court, "If [the] Commissioner [ ] had previously viewed the property for reasons unrelated to the pending matter (*i.e.* located in his neighborhood or on his daily commute to work) **he should have disclosed the fact of the view prior to the hearing**, in order to allow the parties to object or move for a viewing by all of the commissioners." *Eacret v. Bonner County*, 139 Idaho 780, 787, 86 P.3d 494, 501 (2004) (quoting *Comer v. Cnty. of Twin Falls*, 130 Idaho 433, 942 P.2d 557 (1997), *emphasis added*).

<sup>5</sup> The online coverage map itself was not admitted into the administrative record. The only evidence of Verizon's online coverage map comes from the testimony of two of the commissioners.

<sup>6</sup> Verizon's online map includes a disclaimer that states, in pertinent part:

This map... is a general prediction of where we expect to deliver outdoor service at the cell edge based on typical human walking speeds, without factoring in loading (*i.e.*, the number of people simultaneously using the service in an area) or throughput. This map is not a guarantee of coverage, contains areas of no service, and may not reflect actual customer performance. Actual coverage may vary. [ . . . ] Your service may vary significantly within buildings.

This disclaimer was dismissed by the Board, with no explanation. The Board also apparently thought that Verizon's online coverage map disclaimer somehow also applied to the results of the drive test performed by independent (non-

*in-vehicle* coverage. Neither the online coverage map nor the commissioner’s testimony about her experience with Verizon while driving provided any evidence about Verizon’s *in-building* coverage and signal strength or about Verizon’s capacity. Verizon must be able to provide in-building coverage and signal strength, or a significant gap exists in Verizon’s wireless service.<sup>7</sup> Although the existence of a “significant gap” is not required by Bonner County’s code or by LLUPA, it is one of two elements comprising the older (pre-2018) test for proving that the Board’s decision violated the federal Communications Act of 1996 by effectively prohibiting Verizon from providing its personal wireless communications services to subscribers in the area of the subject property.<sup>8</sup>

Likewise, there was not substantial evidence in the administrative record upon which the Board could have found any adverse effect on nearby properties. The only two adverse effects claimed by the Board in its written decision are found in Finding of Fact #14, which reads:

**14. The proposed communication tower would diminish property values due to the change in the rural character of the area and potential harm from Radio Frequency Emissions.**

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Verizon) radio frequency expert Steven Kennedy of Biwabkos Consultants, LLC. The Board failed to explain its reasoning in believing that Verizon’s online coverage map disclaimer also covered Mr. Kennedy’s factually undisputed scientific result that there existed a significant gap in in-building personal wireless service coverage in the subject area.

<sup>7</sup> *Intermax Towers v. Ada County et al*, Case No. 1:23-cv-00127-AKB (U.S. Dist. Ct. for the District of Idaho, April 14, 2025), at \*2 (“Wireless providers, like Verizon, seek to provide reliable and competitive wireless services. To accomplish this goal, they design and build their wireless networks to ensure customers receive continuous, uninterrupted outdoor, in-vehicle, and in-building coverage. A stronger radio frequency (“RF”) signal is required for in-building service, as compared to in-vehicle or outdoor service. Consumers rely on their ability to use their wireless phones and connected devices in their homes. Thus, wireless carriers must be able to provide reliable in-building service to avoid a service coverage gap.” Citations omitted.).

<sup>8</sup> The second element of the pre-2018 test is whether the proposed communication tower is the “least intrusive means” of resolving the wireless carrier’s significant gap in coverage. *MetroPCS, Inc. v. City & Cnty. of San Francisco*, 400 F.3d 715 (9th Cir. 2005), *abrogated on other grounds by T-Mobile S., LLC v. City of Roswell, Ga.*, 574 U.S. 293 (2015); *T-Mobile USA, Inc. v. City of Anacortes*, 572 F.3d 987 (9th Cir. 2009). The newer test is much less deferential to local jurisdictions’ decisions to deny permit applications for wireless communications infrastructure: Whether the denial materially inhibits the wireless carrier’s ability to provide personal wireless communication services to its subscribers. *City of Portland v. United States*, 969 F.3d 1020, 1034-35 (9th Cir. 2020), *cert denied*, *City of Portland v. FCC*, 141 S. Ct. 2855 (2021) (acknowledging “the continuing validity of the material inhibition test”); *In re: Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Inv., Etc.*, 33 FCC Rcd. 9088 (FCC rel. Sept. 27, 2018) (material inhibition occurs whenever a denial prevents a wireless provider from providing new services or improving existing services).

The only evidence of potential diminished property values was the opponents' citations to three flawed studies, none of which applied to the specific property at issue in this matter. The opponents' citations included one to a 2018 Alabama study, one to an Australian study, and one to a study that based its findings on fears of radio frequency emissions. None of these studies even referenced Idaho. In fact, the administrative record's only evidence of the effect of cell towers on property values *in Idaho* is the following quote from the Ada County (Idaho) chief deputy assessor:

In regards to the impact on property values, I would take the same view I had a few years ago. While it becomes very emotional for owners when they're installed, the overall effect in the market is very minimal. In fact, we have not been able to find any measurable adjustment in the market.

September 17, 2018 email. The Board's written decision failed to weigh the great weight of contradictory evidence presented by the Applicant, as the Board is required to do.

3. **The Board's Conclusion 3 fails to identify how the proposed use will create a hazard and how the proposed use will be dangerous to persons on or adjacent to the property; the Board's Conclusion 3 does not reflect facts contained in the administrative record; the Board's Finding 14 is not based on facts in the administrative record.**

Conclusion of Law 3 incorrectly states:

**Conclusion 3:** The proposed use **will** create a hazard or **will** be dangerous to persons on or adjacent to the property.

To obtain a Conditional Use Permit ("CUP"), Bonner County Revised Code § 12-223 requires a finding that "the proposed use will neither create a hazard nor be dangerous to persons on or adjacent to the property." There is no evidence in the administrative record on which to base a conclusion that the proposed use will "create a hazard" or will "be dangerous to persons on or adjacent to the property."

As demonstrated during the January 15, 2025 public hearing before the County's Hearing Examiner, and as further demonstrated during the Board of County Commissioners' April 10, 2025 public hearing, and as found by the Hearing Examiner in its January 21, 2025 written decision, and as stated in the Staff Report, the proposed use will not create a hazard and will not be dangerous to persons on or adjacent to the property.

Importantly, the Board's Conclusion 3 even failed to identify *how* the proposed use will create a hazard or will be dangerous to persons on or adjacent to the property. Later, in the Board's Finding



No. 14, the Board concludes, without any evidence in the administrative record to support its conclusion, that “[t]he proposed communication tower would diminish property values due to the... potential harm from Radio Frequency Emissions.” The Applicant is unsure whether that is what the Board meant the proposed use “will create a hazard or will be dangerous to persons on or adjacent to the property,” because the Board failed to identify what hazards or dangers are posed by the proposed use.

**4. The Board’s Finding of Fact 9 is incorrect.**

Finding of Fact 9 states:

9. The facility will provide telecommunications service to residential properties within the vicinity 24 hours per day year-round.

However, the services provided by the proposed facility will not be limited to residential properties. For it to be correct, that sentence from Finding of Fact 9 should read:

The facility will provide personal wireless telecommunications services to wireless subscribers and users within the vicinity 24 hours per day year-round.

**5. The Board’s Finding of Fact 12 violates Idaho Code § 67-6535(2), in that it fails to include a “reasoned statement.”**

Finding of Fact 12 states:

12.The proposed communication tower is in conflict with the policies of the comprehensive plan, specifically the policies of Community Design component and the goal of the Land Use component.

However, Finding of Fact 12 fails to comply with section 67-6535(2) of Idaho’s Local Land Use Planning Act (“LLUPA”). Even reading Conclusion 1 together with Finding of Fact 12, the Board’s written decision fails to comply with LLUPA. Specifically, Idaho Code section 67-6535(2) reads, in pertinent part:

The approval or denial of any application required or authorized pursuant to this chapter shall be in writing and accompanied by a reasoned statement that explains the criteria and standards considered relevant, states the relevant contested facts relied upon, and *explains the rationale for the decision* based on the applicable provisions of the comprehensive plan, relevant ordinance and statutory provisions, pertinent constitutional principles and factual information contained in the record.

I.C. § 67-6535(2), emphasis added. Nothing in the Board’s decision can be fairly called a reasoned statement, as the Board’s decision only “explains the criteria and standards considered relevant” and “states the relevant contested facts relied upon”—it fails to “explain[] the rationale for the decision based on the applicable provisions of the comprehensive plan, relevant ordinance and statutory provisions, pertinent constitutional principles and factual information contained in the record.” None of the competing evidence before the Board was examined or weighed in the Board’s written decision.

“In order to satisfy I.C. § 67-6535, a local decision-maker must articulate in writing both (1) the facts found and conclusions reached and (2) the rationale underlying those findings and conclusions.” *Jasso v. Camas County*, 151 Idaho 790, 794 (2011). Although the Board’s written decision included (1), it failed to include (2).

The Idaho Supreme Court’s case law guidance on Idaho Code § 67-6535 “demonstrate[s] that the reasoned statement must plainly state the resolution of factual disputes, identify the evidence supporting that factual determination, and explain the basis for legal conclusions, including identification of the pertinent laws and/or regulations upon which the legal conclusions rest.” *Jasso*, 151 Idaho at 794. The Board’s written decision failed to resolve factual disputes in the record, failed to identify the evidence supporting its factual determinations, and failed to explain the basis for legal conclusions, all in violation of Idaho Code § 67-6535.

**6. The Board’s Finding of Fact 13 is not supported by substantial evidence in the administrative record.**

Finding of Fact 13 reads:

**13. The documentation provided did not provide adequate prove that there is a lack of cell coverage in the proposed cell tower location, and that the area was not sufficiently reviewed for other potential sites. Additionally, the studies shown by the applicant are not applicable to rural areas.**

This finding is incorrect and improper for several reasons.

First, as noted above, the only material evidence of the necessity of the proposed communication tower was presented by the applicant’s radio frequency (RF) expert, Steven Kennedy of Biwabkos Consultants. There was no evidence or testimony in the administrative record upon which the Board could find a lack of proof of the need for the proposed communication tower.

Second, although this finding states that “[t]he documentation did not provide adequate prove [sic]... that the area was not sufficiently reviewed for other potential sites,” there is no requirement

in Bonner County's code that a communication tower applicant demonstrate that the proposed site is the least intrusive means of filling the significant gap in Verizon's personal wireless services. By imposing this requirement on the Applicant, the Board conflated the requirements of its own code with the elements required under federal law to demonstrate an effective prohibition of wireless service. Although not required by Bonner County's code, the Applicant *did* review and rule out other potential alternative sites for the proposed facility, a fact that was uncontroverted in the administrative record but omitted from the Board's written decision.

Third, the last sentence of this finding appears to be a non-sequitur, in that it does not apply to wireless coverage or a least intrusive means analysis. A review of the administrative record reveals that this last sentence likely was intended to be included in Finding 14, not this Finding 13.

7. **The Board failed to weigh (or even address) conflicting evidence in the administrative record showing that communication towers have no effect upon property values; and the Board's Finding of Fact 14, being conclusory, failed to provide the "reasoned statement" required by Idaho Code § 67-6535(2).**

Finding of Fact 14 states:

14. The proposed communication tower would diminish property values due to the change in the rural character of the area and potential harm from Radio Frequency Emissions.

Finding of Fact 14 fails to cite any facts in the administrative record to support this finding, perhaps because there is no evidence in the administrative record that supports such a finding. The Hilberts' attorney tried to argue that cell towers negatively affect property values, but the only "facts" he supplied were citations to inapplicable studies. Citations alone cannot be considered "substantial evidence" to support denial of a cell tower application. According to the Idaho Supreme Court, the Hilberts were required to provide "direct evidence to support their allegation that their property value [would be] affected..." *Hungate v. Bonner County*, 166 Idaho 388, 395, 458 P.2d 966, 973 (2020). Mere citations to studies from Australia, from the South, and that consider fears of radio frequency emissions cannot be considered "direct evidence." Further, the Board's finding that property values would decrease "due to the change in the rural character of the area" is unsupported by any facts in the administrative record, and the Board, in this finding, failed to explain how the proposed communication tower would change the rural character of the area, which has remained unchanged despite the existence of power lines and other public uses and utilities in the area.

Finding 14 also violates the Idaho Supreme Court's requirement that findings of fact must be supported by a reasoned explanation of the grounds upon which they rely. *Jasso v. Camas County*,

151 Idaho 790, 795. Finding 14 is a bare conclusion, with no indication as to how the Board resolved the factual conflict in the administrative record to find that the Hilberts' property values would be affected by the proposed communication tower.

**8. The Board's Finding of Fact 15**

Finding of Fact 15 states:

**15. The evidence provided by the applicant conflicts with the coverage map provided on the Verizon public website, the carrier who will be leasing the tower.**

This finding is fatally flawed for several reasons:

First, each Board member is required to “confine his or her decision to the record produced at the public hearing.” *Eacret v. Bonner County*, 139 Idaho 780, 786-87, 86 P.3d 494, 500-01 (2004). In this case, evidence of Verizon's online coverage map was not introduced or even mentioned by the parties until after Verizon's webpage was accessed by a commissioner during the public hearing. The commissioner raised Verizon's webpage as an issue, thereby improperly inserting her own research into the administrative record. That evidence then was relied upon by the Board in its vote to deny the applicant's C.U.P. application.

Second, citing a wireless provider's online maps depicting approximate outdoor coverage is not substantial evidence upon which a land use decision can be based. *T-Mobile W. Corp. v. City of Huntington Beach*, No. 10-cv-2835 CAS EX, 2012 WL 4867775, at \*\_\_ (C.D. Cal. Oct. 10, 2012).

Third, Verizon's online coverage map only reflected **outdoor coverage**<sup>9</sup> and the Commissioner's testimony about her personal experience with Verizon in the area only reflected **in-vehicle** coverage in the area. Neither the online coverage map nor the commissioner's testimony about her experience with Verizon while driving provided any evidence about Verizon's **in-building** coverage and signal strength or about Verizon's capacity. Verizon is entitled to provide in-building coverage, and anything less than in-building coverage may form the basis for a finding that a significant gap exists in its wireless coverage.<sup>10</sup>

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<sup>9</sup> See Footnote 6.

<sup>10</sup> See Footnote 7.

There was uncontroverted evidence in the administrative record that Verizon has a significant gap in its in-building wireless service in the area of the subject property, but these facts were not mentioned in the Board's written decision.

9. **Finding of Fact 16 incorrectly implied that a "No Hazard Determination" from the FAA was required to be submitted with the Applicant's CUP application, but there is no such requirement in Bonner County's code.**

Finding of Fact 16 states:

16.The applicant did not provide a "No Hazard Determination" by the FAA.

This finding improperly—and incorrectly—infers that a "No Hazard Determination" from the FAA is required to be submitted with a CUP application. However, no such requirement exists in Bonner County's code.<sup>11</sup> By requiring the Applicant to submit an FAA "No Hazard Determination," the Board imposed a requirement on the Applicant that is not authorized by Bonner County Code.

10. **The Board's Finding of Fact 17 mistakenly found that the Applicant did not provide adequate information showing access to the parcel, despite the subject property being located adjacent to a public highway.**

Finding of Fact 17 states:

17.The applicant did not provide adequate information showing access to the parcel.

This is incorrect and not based on facts in the administrative record. Specifically, the Applicant's PowerPoint presentation during the Board's April 10, 2025 public hearing included several slides depicting the Applicant's options for access to the subject property. These options were not mentioned in the Board's Finding of Fact 17.

Additionally, the subject property is located immediately adjacent to (and has significant frontage on) State Highway 41, which is sufficient to ensure the subject property is not landlocked.

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<sup>11</sup> Please *see* the table of application requirements required by BCRC § 12-222, at the top of page 6 of this letter. A "No Hazard Determination" from the FAA is not among them. Nor is a "No Hazard Determination from the FAA among the standards required for approval of a CUP for a communication tower—*see* the table of standards for communication towers, as required by BCRC § 12-488, near the bottom of page 7 of this letter.

### **CONCLUSION**

As set forth above, the Board's decision in this matter contains material errors and insufficiencies. Crucially, these errors and insufficiencies contributed to the Board's decision to deny the Applicant the CUP for which it applied. As articulated throughout the within letter, the Board's denial of the Applicant's CUP Application was (i) in violation of statutory provisions, (ii) in excess of the Board's statutory authority, (iii) made upon unlawful procedure, (iv) not supported by substantial evidence on the record as a whole, and (v) arbitrary, capricious, or an abuse of discretion. Under Bonner County's code, Idaho statute, and federal law, the Applicant is entitled to approval of its CUP Application.

As provided in LLUPA, "An appeal shall be from the final decision and not limited to issues raised in the request for reconsideration" (Idaho Code § 67-6535(3)). Accordingly, in the event the Applicant's request for reconsideration is not granted and/or the Application is not approved with reasonable conditions, the Applicant hereby reserves its right to file a petition for judicial review (and/or other causes of action and claims for relief, as authorized under Idaho Code and/or federal law) that include errors in the decision beyond those identified herein as specific deficiencies.

On the within basis, the Applicant respectfully asks the Board to reconsider its decision and approve the Applicant's CUP Application for a communication tower.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Joshua J. Leonard', written in a cursive style.

Joshua J. Leonard



## **APPENDIX D – AGENCY COMMENTS**



Janna Brown &lt;janna.brown@bonnercountyid.gov&gt;

## [EXT SENDER] RE: Bonner County Planning - CUP0012-24 Agency Review - Reconsideration - Conditional Use Permit - Communications Tower

1 message

DEQ Comments &lt;deqcomments@deq.idaho.gov&gt;

Thu, May 22, 2025 at 2:23 PM

To: Bonner County Planning &lt;planning@bonnercountyid.gov&gt;

Good Afternoon,

Thank you for providing the opportunity to comment. DEQ has no environmental impact comments for the project listed above at this stage of development.

Thank you,

Idaho Department of Environmental Quality  
2110 Ironwood Parkway, Coeur d'Alene, Idaho 83814  
Office Line: 208.769.1422

[www.deq.idaho.gov](http://www.deq.idaho.gov)

**Our mission:** To protect human health and the quality of Idaho's air, land, and water.

**From:** Bonner County Planning <planning@bonnercountyid.gov>

**Sent:** Tuesday, May 20, 2025 11:07 AM

**To:** Alan Brinkmeier <alan.brinkmeier@bonnercountyid.gov>; Amber Burgess <clerk@ebsewerdistrict.com>; Army Corps of Engineers <CENWW-RD-CDA@usace.army.mil>; Avista Copr - Jay West <jay.west@avistacorp.com>; Avista Corp - Peggy George <peggy.george@avistacorp.com>; Becky Meyer <becky.meyer@lposd.org>; Bill Berg <billb@bbsewer.org>; Bonner County Assessors <assessorsgroup@bonnercountyid.gov>; BONNER COUNTY HISTORICAL SOCIETY AND MUSEUM <DIRECTOR@bonnercountyhistory.org>; Brenna Garro <Brenna.Garro@oer.idaho.gov>; Bryan Quayle <quaylelanduseconsulting@gmail.com>; Bell, Chace <Chace.Bell@idwr.idaho.gov>; Chief Debbie Carpenter <chief@spiritleakefire.com>; City of Clark Fork <city@clarkforkidaho.org>; City of Dover <cityclerk@cityofdoveridaho.org>; City of East Hope Franck <easthope.city@gmail.com>; City of Hope <hopecityclerk@gmail.com>; City of Oldtown <cityofoldtown@hotmail.com>; City of Priest River <layers@priestriver-id.gov>; City of Sandpoint Planning <cityplanning@sandpointidaho.gov>; cityclerk@spiritleakeid.gov; Colleen Johnson <CJohnson@kootenaiponderaysewerdistrict.org>; Coolin-Cavanaugh Bay Fire Protection District <coolinfirechief@gmail.com>; Craig Hill <craighill@hillsresort.com>; D1Permits <D1Permits@itd.idaho.gov>; dbrown@idl.idaho.gov; Dan McCracken <Dan.McCracken@deq.idaho.gov>; Dan Scholz <dan.scholz@nli.coop>; Dean Davis <deandavis@sd83.org>; Kristie May <Kristie.May@deq.idaho.gov>; East Bonner Library <Amanda@ebonnerlibrary.org>; East Priest Lake Fire District <eastpriestlakefd@gmail.com>; Erik Sjoquist <esjoquist@idl.idaho.gov>; Federal Aviation Administration <Heather.pate@faa.gov>; Frankie Dunn <Frankiejduhn@hotmail.com>; Fritz Broschet <outletbaysewer@gmail.com>; Garfield Bay Water and Sewer District Clerk <garfieldbaywsd@hotmail.com>; Gavin Gilcrease <ggilcrease@sandpointidaho.gov>; Horsmon, Merritt <merritt.horsmon@idfg.idaho.gov>; Dan Everhart <Dan.Everhart@ishs.idaho.gov>; DEQ Comments <deqcomments@deq.idaho.gov>; Independent Hwy Dist - Julie Bishop <ihdclerk@gmail.com>; Robert Beachler <robert.beachler@itd.idaho.gov>; ITD - Stacy Simkins <stacy.simkins@itd.idaho.gov>; Jack Schenck <Jack.schenck@vyvebb.com>; Jamie Brown <jamieb@inlandpower.com>; Janice Best <janicesb@televar.com>; Jason Johnson <jason.johnson@bonnercountyid.gov>; Jason Kimberling <jason.kimberling@itd.idaho.gov>; Jeff Lindsey <jeff.lindsey@bonnercountyid.gov>; Jessie Roe <BWSD637@gmail.com>; joekren@sd83.org; Jordan Brooks <coolinsewer@gmail.com>; KayLeigh Miller <klmiller@ponderay.org>; kbsd sewer <kbsdpl@hotmail.com>; Ken Flint <ken\_flint@tcenergy.com>; Kenny Huston <kenny.huston@oer.idaho.gov>; Kim Hoodenpyle <kjh5345@gmail.com>; Kim Spacek <kimspacek@sd83.org>; Kimberly Hobson <Kimberly.Hobson@itd.idaho.gov>; Laclede Water District <info@lacledewaterdistrict.org>; Lakeland Joint School District #272 <cpursley@lakeland272.org>; Lisa Rosa <hr@ebonnerlibrary.org>; Matt Diel <matt.diel@lposd.org>; Midas Water <midaswatercorp@gmail.com>; Mike Ahmer <mahmer@idl.idaho.gov>; Mike Schacht <firedept@clarkforkidaho.org>; Natural Resource Conservation Service - Greg Becker <greg.becker@id.usda.gov>; Navy - Glynis Casey <glynis.casey@navy.mil>; North of the Narrows Fire District <Huckbay2501@gmail.com>; Northern Lights <kristin.mettke@nli.coop>; Northern Lights - Clint Brewing <clint.brewington@nli.coop>; Northside Water and Syringa Heights Water Association <allwater49@outlook.com>; Oden Water Association - Carla Poelstra <odenwater@gmail.com>; Pend Oreille Hospital District <kim.kichenmaster@bonnergeneral.org>; PHD <EHApplications@phd1.idaho.gov>; Priest Lake Public Library District <pllibrary@hotmail.com>; Richard Hash <Rich.hash2022@gmail.com>; Road & Bridge - Matt Mulder <matt.mulder@bonnercountyid.gov>; Ryan Zandhuisen <rzanhuisen@idl.idaho.gov>; Sagle Valley Water and Sewer District <saglewatersewer@gmail.com>; Sagle Valley Water & Sewer District <markc@smartplugs.com>; Sam Owen Fire Rescue Sam Owen Fire

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Cc: Alexander Feyen <[alexander.feyen@bonnercountyid.gov](mailto:alexander.feyen@bonnercountyid.gov)>; Jacob Gabell <[jake.gabell@bonnercountyid.gov](mailto:jake.gabell@bonnercountyid.gov)>; Jeannie Welter <[jeannie.welter@bonnercountyid.gov](mailto:jeannie.welter@bonnercountyid.gov)>

**Subject:** Bonner County Planning - CUP0012-24 Agency Review - Reconsideration - Conditional Use Permit - Communications Tower

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The above-named application has been submitted to the Bonner County Planning Department for processing.

Please review the application relative to your agency's area of expertise and include any recommended conditions of approval and supporting code sections. Please see attached for details.

**Thank you,**

**Janna Brown, Administrative Assistant III**

**Bonner County Planning Department**

**208-265-1458 ext - 1252**



Janna Brown &lt;janna.brown@bonnercountyid.gov&gt;

**[EXT SENDER] RE: Bonner County Planning - CUP0012-24 Agency Review - Reconsideration - Conditional Use Permit - Communications Tower**

1 message

**Horsmon, Merritt** <merritt.horsmon@idfg.idaho.gov>  
To: Bonner County Planning <planning@bonnercountyid.gov>

Fri, May 30, 2025 at 11:11 AM

Hi Janna,

The Idaho Department of Fish and Game does not have any comments to submit for this application.

Thank you for the opportunity to review and comment,

**Merritt Horsmon**

Regional Technical Assistance Manager

Panhandle Region

2885 W. Kathleen Ave.

Coeur d'Alene, ID 83815

208.769.1414 office

208.251.4509 mobile

[merritt.horsmon@idfg.idaho.gov](mailto:merritt.horsmon@idfg.idaho.gov)**From:** Bonner County Planning <[planning@bonnercountyid.gov](mailto:planning@bonnercountyid.gov)>**Sent:** Tuesday, May 20, 2025 11:07 AM**To:** Alan Brinkmeier <[alan.brinkmeier@bonnercountyid.gov](mailto:alan.brinkmeier@bonnercountyid.gov)>; Amber Burgess <[clerk@ebsewerdistrict.com](mailto:clerk@ebsewerdistrict.com)>; Army Corps of Engineers <[CENWW-RD-CDA@usace.army.mil](mailto:CENWW-RD-CDA@usace.army.mil)>; Avista Copr - Jay West <[jay.west@avistacorp.com](mailto:jay.west@avistacorp.com)>; Avista Corp - Peggy George <[peggy.george@avistacorp.com](mailto:peggy.george@avistacorp.com)>; Becky Meyer <[becky.meyer@lposd.org](mailto:becky.meyer@lposd.org)>; Bill Berg <[billb@bbsewer.org](mailto:billb@bbsewer.org)>; Bonner County Assessors <[assessorsgroup@bonnercountyid.gov](mailto:assessorsgroup@bonnercountyid.gov)>; BONNER COUNTY HISTORICAL SOCIETY AND MUSEUM

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**Cc:** Alexander Feyen <[alexander.feyen@bonnercountyid.gov](mailto:alexander.feyen@bonnercountyid.gov)>; Jacob Gabell <[jake.gabell@bonnercountyid.gov](mailto:jake.gabell@bonnercountyid.gov)>; Jeannie Welter <[jeannie.welter@bonnercountyid.gov](mailto:jeannie.welter@bonnercountyid.gov)>

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**Thank you,**

**Janna Brown, Administrative Assistant III**

**Bonner County Planning Department**

**208-265-1458 ext - 1252**



Janna Brown &lt;janna.brown@bonnercountyid.gov&gt;

## [EXT SENDER] RE: Bonner County Planning - CUP0012-24 Agency Review - Reconsideration - Conditional Use Permit - Communications Tower

1 message

**Kimberly Hobson** <Kimberly.Hobson@itd.idaho.gov>  
 To: Bonner County Planning <planning@bonnercountyid.gov>  
 Cc: Symone Legg <Symone.Legg@itd.idaho.gov>

Thu, May 29, 2025 at 7:39 AM

If improvements are to be made on existing approach, a permit is needed.

Have a nice day!

**Kimberly Hobson***Project Coordinator**Innovation Steward***District 1****Work:** 208.772.8079**Email:** [kimberly.hobson@itd.idaho.gov](mailto:kimberly.hobson@itd.idaho.gov)**Website:** [itd.idaho.gov](http://itd.idaho.gov)**Work schedule:** M-W-Th-F 6AM- 4:30 PM**From:** Bonner County Planning <[planning@bonnercountyid.gov](mailto:planning@bonnercountyid.gov)>**Sent:** Tuesday, May 20, 2025 11:07 AM

**To:** Alan Brinkmeier <[alan.brinkmeier@bonnercountyid.gov](mailto:alan.brinkmeier@bonnercountyid.gov)>; Amber Burgess <[clerk@ebsewerdistrict.com](mailto:clerk@ebsewerdistrict.com)>; Army Corps of Engineers <[CENWW-RD-CDA@usace.army.mil](mailto:CENWW-RD-CDA@usace.army.mil)>; Avista Copr - Jay West <[jay.west@avistacorp.com](mailto:jay.west@avistacorp.com)>; Avista Corp - Peggy George <[peggy.george@avistacorp.com](mailto:peggy.george@avistacorp.com)>; Becky Meyer <[becky.meyer@lpsd.org](mailto:becky.meyer@lpsd.org)>; Bill Berg <[billb@bbsewer.org](mailto:billb@bbsewer.org)>; Bonner County Assessors <[assessorsgroup@bonnercountyid.gov](mailto:assessorsgroup@bonnercountyid.gov)>; BONNER COUNTY HISTORICAL SOCIETY AND MUSEUM <[DIRECTOR@bonnercountyhistory.org](mailto:DIRECTOR@bonnercountyhistory.org)>; Brenna Garro <[Brenna.Garro@oer.idaho.gov](mailto:Brenna.Garro@oer.idaho.gov)>; Bryan Quayle <[quaylelanduseconsulting@gmail.com](mailto:quaylelanduseconsulting@gmail.com)>; Chace Bell <[chace.bell@idwr.idaho.gov](mailto:chace.bell@idwr.idaho.gov)>; Chief Debbie Carpenter <[chief@spirittlakefire.com](mailto:chief@spirittlakefire.com)>; City of Clark Fork <[city@clarkforkidaho.org](mailto:city@clarkforkidaho.org)>; City of Dover <[cityclerk@cityofdoveridaho.org](mailto:cityclerk@cityofdoveridaho.org)>; City of East Hope Franck <[easthope.city@gmail.com](mailto:easthope.city@gmail.com)>; City of Hope <[hopecityclerk@gmail.com](mailto:hopecityclerk@gmail.com)>; City of Oldtown <[cityofoldtown@hotmail.com](mailto:cityofoldtown@hotmail.com)>; City of Priest River <[layers@priestriver-id.gov](mailto:layers@priestriver-id.gov)>; City of Sandpoint Planning <[cityplanning@sandpointidaho.gov](mailto:cityplanning@sandpointidaho.gov)>; cityclerk@spirittlakeid.gov; Colleen Johnson <[CJohnson@kootenaiponderaysewerdistrict.org](mailto:CJohnson@kootenaiponderaysewerdistrict.org)>; Coolin-Cavanaugh Bay Fire Protection District <[coolinfirechief@gmail.com](mailto:coolinfirechief@gmail.com)>; Craig Hill <[craighill@hillsresort.com](mailto:craighill@hillsresort.com)>; D1Permits <[D1Permits@itd.idaho.gov](mailto:D1Permits@itd.idaho.gov)>; Dan Brown <[dbrown@idl.idaho.gov](mailto:dbrown@idl.idaho.gov)>; Dan McCracken <[Dan.McCracken@deq.idaho.gov](mailto:Dan.McCracken@deq.idaho.gov)>; Dan Scholz <[dan.scholz@nli.coop](mailto:dan.scholz@nli.coop)>; Dean Davis <[deandavis@sd83.org](mailto:deandavis@sd83.org)>; DEQ - Kristie McEnroe <[kristie.mcenroe@deq.idaho.gov](mailto:kristie.mcenroe@deq.idaho.gov)>; East Bonner Library <[Amanda@ebonnerlibrary.org](mailto:Amanda@ebonnerlibrary.org)>; East Priest Lake Fire District <[eastpriestlakefd@gmail.com](mailto:eastpriestlakefd@gmail.com)>; Erik Sjoquist <[esjoquist@idl.idaho.gov](mailto:esjoquist@idl.idaho.gov)>; Federal Aviation Administration <[Heather.pate@faa.gov](mailto:Heather.pate@faa.gov)>; Frankie Dunn <[Frankiejduhn@hotmail.com](mailto:Frankiejduhn@hotmail.com)>; Fritz Broschet <[outletbaysewer@gmail.com](mailto:outletbaysewer@gmail.com)>; Garfield Bay Water and Sewer District Clerk <[garfieldbaywsd@hotmail.com](mailto:garfieldbaywsd@hotmail.com)>; Gavin Gilcrease <[ggilcrease@sandpointidaho.gov](mailto:ggilcrease@sandpointidaho.gov)>; Horsmon, Merritt <[merritt.horsmon@idfg.idaho.gov](mailto:merritt.horsmon@idfg.idaho.gov)>; ID State Historical Society - Dan Everhart <[dan.everhart@ishs.idaho.gov](mailto:dan.everhart@ishs.idaho.gov)>; Idaho Department of Environmental Quality <[deqcomments@deq.idaho.gov](mailto:deqcomments@deq.idaho.gov)>; Independent Hwy Dist - Julie Bishop <[ihdclerk@gmail.com](mailto:ihdclerk@gmail.com)>; Robert Beachler <[Robert.Beachler@itd.idaho.gov](mailto:Robert.Beachler@itd.idaho.gov)>; Stacy Simkins <[Stacy.Simkins@itd.idaho.gov](mailto:Stacy.Simkins@itd.idaho.gov)>; Jack Schenck <[Jack.schenck@vyvebb.com](mailto:Jack.schenck@vyvebb.com)>; Jamie Brown <[jamiieb@inlandpower.com](mailto:jamiieb@inlandpower.com)>; Janice Best <[janicesb@televar.com](mailto:janicesb@televar.com)>; Jason Johnson <[jason.johnson@bonnercountyid.gov](mailto:jason.johnson@bonnercountyid.gov)>; Jason Kimberling <[Jason.Kimberling@itd.idaho.gov](mailto:Jason.Kimberling@itd.idaho.gov)>; Jeff Lindsey <[jeff.lindsey@bonnercountyid.gov](mailto:jeff.lindsey@bonnercountyid.gov)>; Jessie Roe



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**Cc:** Alexander Feyen <alexander.feyen@bonnercountyid.gov>; Jacob Gabell <jake.gabell@bonnercountyid.gov>; Jeannie Welter <jeannie.welter@bonnercountyid.gov>

**Subject:** Bonner County Planning - CUP0012-24 Agency Review - Reconsideration - Conditional Use Permit - Communications Tower

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Please review the application relative to your agency's area of expertise and include any recommended conditions of approval and supporting code sections. Please see attached for details.

Thank you,

Janna Brown, Administrative Assistant III

Bonner County Planning Department

208-265-1458 ext - 1252



Janna Brown &lt;janna.brown@bonnercountyid.gov&gt;

**[EXT SENDER] RE: Notice of Public Hearing - File CUP0012-24 Appeal**

1 message

**D1Permits** <D1Permits@itd.idaho.gov>

Wed, Feb 26, 2025 at 1:24 PM

To: Bonner County Planning Department &lt;planning@bonnercountyid.gov&gt;

Cc: Symone Legg &lt;Symone.Legg@itd.idaho.gov&gt;

As per our last email about this file, ITD has permitted a joint use approach at this location, 1-07-187. However, it says in the CUP application that there will be some improvements made to the approach, i.e. gravel added. If improvements are to be made to the approach, the landowner who owns the approach must apply for a new permit that will address the improvements and construction traffic control needs.

Have a nice day!

**Kimberly Hobson***Project Coordinator**Innovation Steward***District 1****Work:** 208.772.8079**Email:** [kimberly.hobson@itd.idaho.gov](mailto:kimberly.hobson@itd.idaho.gov)**Website:** [itd.idaho.gov](http://itd.idaho.gov)**Work schedule:** M-W-Th-F 6AM- 4:30 PM**From:** Bonner County Planning Department <[planning@bonnercountyid.gov](mailto:planning@bonnercountyid.gov)>**Sent:** Tuesday, February 25, 2025 8:00 AM

**To:** Army Corps of Engineers <[CENWW-RD-CDA@usace.army.mil](mailto:CENWW-RD-CDA@usace.army.mil)>; Assessors Office Group <[assessorsgroup@bonnercountyid.gov](mailto:assessorsgroup@bonnercountyid.gov)>; Avista Copr - Jay West <[jay.west@avistacorp.com](mailto:jay.west@avistacorp.com)>; Bay Drive Recreation District <[kirbymc45@gmail.com](mailto:kirbymc45@gmail.com)>; Bayview Water & Sewer <[bwsd637@gmail.com](mailto:bwsd637@gmail.com)>; BC Airport Manager Dave Schuck <[dave.schuck@bonnercountyid.gov](mailto:dave.schuck@bonnercountyid.gov)>; BC EMS Jeff Lindsey <[jeff.lindsey@bonnercountyid.gov](mailto:jeff.lindsey@bonnercountyid.gov)>; Bonner Sheriff <[bonnersheriff@bonnerso.org](mailto:bonnersheriff@bonnerso.org)>; Brenna Garro <[Brenna.Garro@oer.idaho.gov](mailto:Brenna.Garro@oer.idaho.gov)>; Bryan Quayle <[quaylelanduseconsulting@gmail.com](mailto:quaylelanduseconsulting@gmail.com)>; City of Clark Fork <[city@clarkforkidaho.org](mailto:city@clarkforkidaho.org)>; City of Dover <[cityclerk@cityofdoveridaho.org](mailto:cityclerk@cityofdoveridaho.org)>; City of East Hope <[easthope.city@gmail.com](mailto:easthope.city@gmail.com)>; City of Hope <[hopecityclerk@gmail.com](mailto:hopecityclerk@gmail.com)>; Manda Corbett <[cityclerk@cityofkootenai.org](mailto:cityclerk@cityofkootenai.org)>; City of Oldtown <[cityofoldtown@hotmail.com](mailto:cityofoldtown@hotmail.com)>; City of Ponderay KayLeigh Miller <[klmiller@ponderay.org](mailto:klmiller@ponderay.org)>; City of Priest River <[layers@priestriver-id.gov](mailto:layers@priestriver-id.gov)>; City of Sandpoint <[cityplanning@sandpointidaho.gov](mailto:cityplanning@sandpointidaho.gov)>; City of Spirit Lake

<cityclerk@spirittlakeid.gov>; Coolin Sewer <coolinsewer@gmail.com>; Coolin-Cavanaugh Bay Fire District <coolinfirechief@gmail.com>; DEQ <deqcomments@deq.idaho.gov>; Drainage District #7 Kim Hoodenpyle <kjh5345@gmail.com>; East Bonner Library <vanessa@ebonnerlibrary.org>; East Priest Lake Fire Chief Tom Renzi <epfldchief@gmail.com>; Ellisport Bay Sewer District <clerk@ebsewerdistrict.com>; Facilities Director LPOSD #84 <matt.diel@lposd.org>; Garfield Bay Water and Sewer District Clerk <garfieldbaywsd@hotmail.com>; Granite Reeder Sewer District <granitereeder@gmail.com>; ID State Historical Society - Dave Everhart <dan.everhart@ishs.idaho.gov>; Idaho Department of Fish & Game <merritt.horsmon@idfg.idaho.gov>; IDL - Mike Ahmer <mahmer@idl.idaho.gov>; IDL - Nav. Waters Ryan Zandhuisen <RZandhuisen@idl.idaho.gov>; IDL - Pend Oreille Lake Supervisory <esjoquist@idl.idaho.gov>; IDL - Priest Lake Supervisory Area <dbrown@idl.idaho.gov>; IDWR Chase Bell <chase.bell@idwr.idaho.gov>; Independent Hwy Dist - Julie Bishop <ihdclerk@gmail.com>; D1Permits <D1Permits@itd.idaho.gov>; Jack Schenck Vyve/Northland Cable <Jack.schenck@vyvebb.com>; Jason Johnson <jason.johnson@bonnercountyid.gov>; Kenny Huston <kenny.huston@oer.idaho.gov>; Kootenai Ponderay Sewer District <CJohnson@kootenaiponderaysewerdistrict.org>; Laclede Water District <LWdistrict@frontier.com>; Lakeland Joint School District #272 <cpursley@lakeland272.org>; Lakeland Joint School District #272 Jessica Grantham <jessica.grantham@lakeland272.org>; Lisa Rosa <hr@ebonnerlibrary.org>; North of the Narrows Fire Dept <Huckbay2501@gmail.com>; Northern Lights - Kristin Mettke <kristin.mettke@nli.coop>; Northside Fire District - Karen Quenell <kquenell@northsidefire.org>; Outlet Bay Sewer District <outletbaysewer@gmail.com>; Pend Orielle Hospital District <kim.kichenmaster@bonnergeneral.org>; PHD <EHapplications@phd1.idaho.gov>; Priest Lake Public Library District <plplibrary@hotmail.com>; Priest Lake Translator District - Frankie Dunn <Frankiejduhn@hotmail.com>; Road & Bridge - Matt Mulder <matt.mulder@bonnercountyid.gov>; Ruen Yeager <planning@ruenyeager.com>; Sagle Valley Water & Sewer District <saglewatersewer@gmail.com>; Sam Owen Fire Rescue Sam Owen Fire Rescue <sofd@wow-tel.net>; School District #83 - Joseph Kren <joekren@sd83.org>; School District 84 Transportation - James Koehler <james.koehler@lposd.org>; Schweitzer Fire, Spencer Newton <firedistrict@msn.com>; Selkirk Association of Realtors Danielle <danielle@selkirkaor.com>; Selkirk Fire Gavin Gilcrease <ggilcrease@sandpointidaho.gov>; Selkirk Recreation District <selgar@mac.com>; Southside Water and Sewer <southsidewaterandsewer@swsdidaho.org>; Spirit Lake Fire Dept. (Debbie Carpenter) <chief@spirittlakefire.com>; Superintendent No. 84 Becky Meyer <becky.meyer@lposd.org>; Superintendent School Dist 84 <kelly.fisher@lposd.org>; Syringa Heights Water <allwater49@outlook.com>; Timberlake Fire <kwright@timberlakefire.com>; Trestle Creek Sewer District Janice Best <janicesb@televar.com>; US Fish & Wildlife Services - Christy Johnson Hughes <FW1idahoconsultationrequests@fws.gov>; West Bonner Library <meagan@westbonnerlibrary.org>; West Pend Oreille Fire District <wpofd1@gmail.com>; West Priest Lake Fire Josh Gilbert <WPLFD.Chief@gmail.com>

**Subject:** Notice of Public Hearing - File CUP0012-24 Appeal

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The above-named application has been submitted to the Bonner County Planning Department for processing.

Please review the application relative to your agency's area of expertise and include any recommended conditions of approval and supporting code sections. Please see attached for details.

Thank you,

**Jessica Montgomery, Hearing Coordinator**

**Bonner County Planning Department**

**(208) 265-1458 x1277**



Janna Brown &lt;janna.brown@bonnercountyid.gov&gt;

**[EXT SENDER] Re: Bonner County Planning - CUP0012-24 Agency Review - Reconsideration - Conditional Use Permit - Communications Tower**

1 message

**Bonner County History Museum** <hannah@bonnercountyhistory.org>

Mon, I

To: Bonner County Planning &lt;planning@bonnercountyid.gov&gt;

This site is not adversely impacting any special areas or sites as identified in the State Historic Preservation Office's Idaho Cultural Resource Information System (ICRIS).

Thank you,  
Hannah Combs  
Bonner County Historical Society

On Tue, May 20, 2025 at 11:07 AM Bonner County Planning <planning@bonnercountyid.gov> wrote:

The above-named application has been submitted to the Bonner County Planning Department for processing.

Please review the application relative to your agency's area of expertise and include any recommended conditions of approval and supporting code sections. Please see attached for details.

**Thank you,**  
**Janna Brown, Administrative Assistant III**  
**Bonner County Planning Department**  
**208-265-1458 ext - 1252**



Janna Brown &lt;janna.brown@bonnercountyid.gov&gt;

**[EXT SENDER] RE: Notice of Public Hearing - File CUP0012-24 Appeal**

1 message

**DEQ Comments** <deqcomments@deq.idaho.gov>

Wed, Mar 26, 2025 at 10:25 AM

To: Bonner County Planning Department &lt;planning@bonnercountyid.gov&gt;

Good Morning,

Thank you for providing the opportunity to comment. DEQ has no environmental impact comments for the project listed above at this stage of development.

Thank you,

Idaho Department of Environmental Quality  
2110 Ironwood Parkway, Coeur d'Alene, Idaho 83814  
Office Line: 208.769.1422

[www.deq.idaho.gov](http://www.deq.idaho.gov)

**Our mission:** To protect human health and the quality of Idaho's air, land, and water.

**From:** Bonner County Planning Department <planning@bonnercountyid.gov>**Sent:** Tuesday, February 25, 2025 8:00 AM

**To:** Army Corps of Engineers <CENWW-RD-CDA@usace.army.mil>; Assessors Office Group <assessorsgroup@bonnercountyid.gov>; Avista Copr - Jay West <jay.west@avistacorp.com>; Bay Drive Recreation District <kirbymc45@gmail.com>; Bayview Water & Sewer <bwsd637@gmail.com>; BC Airport Manager Dave Schuck <dave.schuck@bonnercountyid.gov>; BC EMS Jeff Lindsey <jeff.lindsey@bonnercountyid.gov>; Bonner Sheriff <bonnersheriff@bonnerso.org>; Brenna Garro <Brenna.Garro@oer.idaho.gov>; Bryan Quayle <quaylelanduseconsulting@gmail.com>; City of Clark Fork <city@clarkforkidaho.org>; City of Dover <cityclerk@cityofdoveryidaho.org>; City of East Hope <easthope.city@gmail.com>; City of Hope <hopecityclerk@gmail.com>; City of Kootenai - Ronda Whittaker <cityclerk@cityofkootenai.org>; City of Oldtown <cityofoldtown@hotmail.com>; City of Ponderay KayLeigh Miller <klmiller@ponderay.org>; City of Priest River <layers@priestriver-id.gov>; City of Sandpoint <cityplanning@sandpointidaho.gov>; cityclerk@spiritlakeid.gov; Coolin Sewer <coolinsewer@gmail.com>; Coolin-Cavanaugh Bay Fire District <coolinfirechief@gmail.com>; DEQ Comments <deqcomments@deq.idaho.gov>; Drainage District #7 Kim Hoodenpyle <kjh5345@gmail.com>; East Bonner Library <vanessa@ebonnerlibrary.org>; East Priest Lake Fire Chief Tom Renzi <epldchief@gmail.com>; Ellisport Bay Sewer District <clerk@ebsewerdistrict.com>; Facilities Director LPOSD #84 <matt.diel@lposd.org>; Garfield Bay Water and Sewer District Clerk <garfieldbaywsd@hotmail.com>; Granite Reeder Sewer District <granitereeder@gmail.com>; Dan Everhart <Dan.Everhart@ishs.idaho.gov>; Horsmon, Merritt

<[merritt.horsmon@idfg.idaho.gov](mailto:merritt.horsmon@idfg.idaho.gov)>; Mike Ahmer <[mahmer@idl.idaho.gov](mailto:mahmer@idl.idaho.gov)>; IDL - Nav. Waters Ryan Zandhuisen <[RZandhuisen@idl.idaho.gov](mailto:RZandhuisen@idl.idaho.gov)>; IDL - Pend Oreille Lake Supervisory <[esjoquist@idl.idaho.gov](mailto:esjoquist@idl.idaho.gov)>; [dbrown@idl.idaho.gov](mailto:dbrown@idl.idaho.gov); IDWR Chase Bell <[chase.bell@idwr.idaho.gov](mailto:chase.bell@idwr.idaho.gov)>; Independent Hwy Dist - Julie Bishop <[ihdclerk@gmail.com](mailto:ihdclerk@gmail.com)>; ITD <[D1Permits@itd.idaho.gov](mailto:D1Permits@itd.idaho.gov)>; Jack Schenck Vyve/Northland Cable <[Jack.schenck@vyvebb.com](mailto:Jack.schenck@vyvebb.com)>; Jason Johnson <[jason.johnson@bonnercountyid.gov](mailto:jason.johnson@bonnercountyid.gov)>; Kenny Huston <[kenny.huston@oer.idaho.gov](mailto:kenny.huston@oer.idaho.gov)>; Kootenai Ponderay Sewer District <[CJohnson@kootenaiponderaysewerdistrict.org](mailto:CJohnson@kootenaiponderaysewerdistrict.org)>; Laclede Water District <[LWdistrict@frontier.com](mailto:LWdistrict@frontier.com)>; Lakeland Joint School District #272 <[cpursley@lakeland272.org](mailto:cpursley@lakeland272.org)>; Lakeland Joint School District #272 Jessica Grantham <[jessica.grantham@lakeland272.org](mailto:jessica.grantham@lakeland272.org)>; Lisa Rosa <[hr@ebonnerlibrary.org](mailto:hr@ebonnerlibrary.org)>; North of the Narrows Fire Dept <[Huckbay2501@gmail.com](mailto:Huckbay2501@gmail.com)>; Northern Lights - Kristin Mettke <[kristin.mettke@nli.coop](mailto:kristin.mettke@nli.coop)>; Northside Fire District - Karen Quenell <[kquenell@northsidefire.org](mailto:kquenell@northsidefire.org)>; Outlet Bay Sewer District <[outletbaysewer@gmail.com](mailto:outletbaysewer@gmail.com)>; Pend Orielle Hospital District <[kim.kichenmaster@bonnergeneral.org](mailto:kim.kichenmaster@bonnergeneral.org)>; PHD <[EHapplications@phd1.idaho.gov](mailto:EHapplications@phd1.idaho.gov)>; Priest Lake Public Library District <[plplibrary@hotmail.com](mailto:plplibrary@hotmail.com)>; Priest Lake Translator District - Frankie Dunn <[Frankiejdunn@hotmail.com](mailto:Frankiejdunn@hotmail.com)>; Road & Bridge - Matt Mulder <[matt.mulder@bonnercountyid.gov](mailto:matt.mulder@bonnercountyid.gov)>; Ruen Yeager <[planning@ruenyeager.com](mailto:planning@ruenyeager.com)>; Sagle Valley Water & Sewer District <[saglewatersewer@gmail.com](mailto:saglewatersewer@gmail.com)>; Sam Owen Fire Rescue Sam Owen Fire Rescue <[sofd@wow-tel.net](mailto:sofd@wow-tel.net)>; [joekren@sd83.org](mailto:joekren@sd83.org); School District 84 Transportation - James Koehler <[james.koehler@lposd.org](mailto:james.koehler@lposd.org)>; Schweitzer Fire, Spencer Newton <[firedistrict@msn.com](mailto:firedistrict@msn.com)>; Selkirk Association of Realtors Danielle <[danielle@selkirkaor.com](mailto:danielle@selkirkaor.com)>; Selkirk Fire Gavin Gilcrease <[ggilcrease@sandpointidaho.gov](mailto:ggilcrease@sandpointidaho.gov)>; Selkirk Recreation District <[selgar@mac.com](mailto:selgar@mac.com)>; Southside Water and Sewer <[southsidewaterandsewer@swsdidaho.org](mailto:southsidewaterandsewer@swsdidaho.org)>; Spirit Lake Fire Dept. (Debbie Carpenter) <[chief@spiritlakefire.com](mailto:chief@spiritlakefire.com)>; Superintendent No. 84 Becky Meyer <[becky.meyer@lposd.org](mailto:becky.meyer@lposd.org)>; Superintendent School Dist 84 <[kelly.fisher@lposd.org](mailto:kelly.fisher@lposd.org)>; Syringa Heights Water <[allwater49@outlook.com](mailto:allwater49@outlook.com)>; Timberlake Fire <[kwright@timberlakefire.com](mailto:kwright@timberlakefire.com)>; Trestle Creek Sewer District Janice Best <[janicesb@televar.com](mailto:janicesb@televar.com)>; US Fish & Wildlife Services - Christy Johnson Hughes <[FW1idahoconsultationrequests@fws.gov](mailto:FW1idahoconsultationrequests@fws.gov)>; West Bonner Library <[meagan@westbonnerlibrary.org](mailto:meagan@westbonnerlibrary.org)>; West Pend Oreille Fire District <[wpofd1@gmail.com](mailto:wpofd1@gmail.com)>; West Priest Lake Fire Josh Gilbert <[WPLFD.Chief@gmail.com](mailto:WPLFD.Chief@gmail.com)>

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**Jessica Montgomery, Hearing Coordinator**

**Bonner County Planning Department**

**(208) 265-1458 x1277**





Janna Brown &lt;janna.brown@bonnercountyid.gov&gt;

**[EXT SENDER] RE: Notice of Public Hearing - File CUP0012-24 - Communication Tower**

1 message

**DEQ Comments** <deqcomments@deq.idaho.gov>

Thu, Dec 19, 2024 at 2:35 PM

To: Bonner County Planning Department &lt;planning@bonnercountyid.gov&gt;

Good Afternoon,

Thank you for providing the opportunity to comment. DEQ has no environmental impact comments for the project listed above at this stage of development.

Thank you,

Idaho Department of Environmental Quality  
2110 Ironwood Parkway, Coeur d'Alene, Idaho 83814  
Office Line: 208.769.1422

[www.deq.idaho.gov](http://www.deq.idaho.gov)

**Our mission:** To protect human health and the quality of Idaho's air, land, and water.

**From:** Bonner County Planning Department <planning@bonnercountyid.gov>**Sent:** Tuesday, December 17, 2024 10:43 AM

**To:** Allan Songstad <allan.songstad@bonnercountyid.gov>; Allan Songstad <asongstad46@gmail.com>; Army Corps of Engineers <CENWW-RD-CDA@usace.army.mil>; Assessors Office Group <assessorsgroup@bonnercountyid.gov>; Avista Copr - Jay West <jay.west@avistacorp.com>; Bay Drive Recreation District <kirbymc45@gmail.com>; Bayview Water & Sewer <bwsd637@gmail.com>; BC Airport Manager Dave Schuck <dave.schuck@bonnercountyid.gov>; BC EMS Jeff Lindsey <jeff.lindsey@bonnercountyid.gov>; Bonner Sheriff <bonnersheriff@bonnerso.org>; Brenna Garro <Brenna.Garro@oer.idaho.gov>; Bryan Quayle <quaylelanduseconsulting@gmail.com>; City of Clark Fork <city@clarkforkidaho.org>; City of Dover <cityclerk@cityofdoverydaho.org>; City of East Hope <easthope.city@gmail.com>; City of Hope <hopecityclerk@gmail.com>; City of Kootenai - Ronda Whittaker <cityclerk@cityofkootenai.org>; City of Oldtown <cityofoldtown@hotmail.com>; City of Ponderay KayLeigh Miller <klmiller@ponderay.org>; City of Priest River <layers@priestriver-id.gov>; City of Sandpoint <cityplanning@sandpointidaho.gov>; cityclerk@spiritlakeid.gov; Coolin Sewer <coolinsewer@gmail.com>; Coolin-Cavanaugh Bay Fire District <coolinfirechief@gmail.com>; Daily Bee <bcdblegals@cdapress.com>; Dave Frankenbach <dave.frankenbach@bonnercountyid.gov>; Debby Trinen <debby.trinen@bonnercountyid.gov>; Debby Trinen <dlt799@cs.com>; DEQ Comments <deqcomments@deq.idaho.gov>; Don Davis <don.davis@bonnercountyid.gov>; Drainage District #7 Kim



Hoodenpyle <kjh5345@gmail.com>; East Bonner Library <vanessa@ebonnerlibrary.org>; East Priest Lake Fire Chief Tom Renzi <eplfdchief@gmail.com>; Ellisport Bay Sewer District <clerk@ebsewerdistrict.com>; Facilities Director LPOSD #84 <matt.diel@lposd.org>; Frank Wakeley <frank.wakeley@bonnercountyid.gov>; Frank Wakeley <fwakeley@gmail.com>; Garfield Bay Water and Sewer District Clerk <garfieldbaywsd@hotmail.com>; Granite Reeder Sewer District <granitereeder@gmail.com>; Dan Everhart <Dan.Everhart@ishs.idaho.gov>; Horsmon, Merritt <merritt.horsmon@idfg.idaho.gov>; Mike Ahmer <mahmer@idl.idaho.gov>; IDL - Nav. Waters Ryan Zandhuisen <RZandhuisen@idl.idaho.gov>; IDL - Pend Oreille Lake Supervisory <esjoquist@idl.idaho.gov>; dbrown@idl.idaho.gov; IDWR Chase Bell <chase.bell@idwr.idaho.gov>; Independent Hwy Dist - Julie Bishop <ihdclerk@gmail.com>; ITD <D1Permits@itd.idaho.gov>; Jack Schenck Vyve/Northland Cable <Jack.schenck@vyvebb.com>; Jacob Marble <jacob.marble@bonnercountyid.gov>; Jacob Marble <jacobmarble@gmail.com>; Jacqueline Rucker <jacqueline.rucker@bonnercountyid.gov>; Jake Weimer <jake.weimer@bonnercountyid.gov>; Jason Johnson <jason.johnson@bonnercountyid.gov>; Kenny Huston <kenny.huston@oer.idaho.gov>; Kootenai Ponderay Sewer District <CJohnson@kootenaiponderaysewerdistrict.org>; Laclede Water District <LWdistrict@frontier.com>; Lakeland Joint School District #272 <cpursley@lakeland272.org>; Lakeland Joint School District #272 Jessica Grantham <jessica.grantham@lakeland272.org>; Lisa <lisa@ebonnerlibrary.org>; Lisa Rosa <hr@ebonnerlibrary.org>; Luke Webster <luke.webster@bonnercountyid.gov>; Luke Webster <luke@evergreen-realty.com>; Matt Linscott <matt.linscott@bonnercountyid.gov>; Matt Linscott <maclinscott@yahoo.com>; Michael Leita <michael.leita@bonnercountyid.gov>; North of the Narrows Fire Dept <Huckbay2501@gmail.com>; Northern Lights - Kristin Mettke <kristin.mettke@nli.coop>; Northside Fire District - Karen Quenell <kquenell@northsidefire.org>; Outlet Bay Sewer District <outletbaysewer@gmail.com>; Pend Orielle Hospital District <kim.kichenmaster@bonnergeneral.org>; PHD <EHApplications@phd1.idaho.gov>; Priest Lake Public Library District <plplibrary@hotmail.com>; Priest Lake Translator District - Frankie Dunn <Frankiejduhn@hotmail.com>; Road & Bridge - Matt Mulder <matt.mulder@bonnercountyid.gov>; Robert Clark <robert.clark@bonnercountyid.gov>; Ruen Yeager <planning@ruenyeager.com>; Sagle Valley Water & Sewer District <saglewatersewer@gmail.com>; Sam Owen Fire Rescue Sam Owen Fire Rescue <sofd@wow-tel.net>; joekren@sd83.org; School District 84 Transportation - James Koehler <james.koehler@lposd.org>; Schweitzer Fire, Spencer Newton <firedistrict@msn.com>; Selkirk Association of Realtors Danielle <danielle@selkirkaor.com>; Selkirk Fire Gavin Gilcrease <ggilcrease@sandpointidaho.gov>; Selkirk Recreation District <selgar@mac.com>; Southside Water and Sewer <southsidewaterandsewer@swsdidaho.org>; Spirit Lake Fire Dept. (Debbie Carpenter) <chief@spirittlakefire.com>; Superintendent No. 84 Becky Meyer <becky.meyer@lposd.org>; Superintendent School Dist 84 <kelly.fisher@lposd.org>; Syringa Heights Water <allwater49@outlook.com>; Timberlake Fire <kwright@timberlakefire.com>; Trestle Creek Sewer District Janice Best <janicesb@televar.com>; US Fish & Wildlife Services - Christy Johnson Hughes <FW1idahoconsultationrequests@fws.gov>; West Bonner Library <meagan@westbonnerlibrary.org>; West Pend Oreille Fire District <wpofd1@gmail.com>; West Priest Lake Fire Josh Gilbert <WPLFD.Chief@gmail.com>

**Cc:** Alexander Feyen <alexander.feyen@bonnercountyid.gov>

**Subject:** Notice of Public Hearing - File CUP0012-24 - Communication Tower

**CAUTION:** This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

The above-named application has been submitted to the Bonner County Planning Department for processing.

Please review the application relative to your agency's area of expertise and include any recommended conditions of approval and supporting code sections. Please see attached for details.

Thank you,

**Jessica Montgomery, Hearing Coordinator**

**Bonner County Planning Department**

**(208) 265-1458 x1277**



Jessica Montgomery &lt;jessica.montgomery@bonnercountyid.gov&gt;

**[EXT SENDER] RE: Notice of Public Hearing - File CUP0012-24 - Revised**

1 message

**DEQ Comments** <deqcomments@deq.idaho.gov>

Tue, Dec 24, 2024 at 3:55 PM

To: Bonner County Planning Department &lt;planning@bonnercountyid.gov&gt;

Good Afternoon,

Thank you for providing the opportunity to comment. DEQ has no environmental impact comments for the project listed above at this stage of development.

Thank you,

Idaho Department of Environmental Quality  
2110 Ironwood Parkway, Coeur d'Alene, Idaho 83814  
Office Line: 208.769.1422

[www.deq.idaho.gov](http://www.deq.idaho.gov)

**Our mission:** To protect human health and the quality of Idaho's air, land, and water.

**From:** Bonner County Planning Department <planning@bonnercountyid.gov>**Sent:** Tuesday, December 17, 2024 11:57 AM

**To:** Army Corps of Engineers <CENWW-RD-CDA@usace.army.mil>; Assessors Office Group <assessorsgroup@bonnercountyid.gov>; Avista Copr - Jay West <jay.west@avistacorp.com>; Bay Drive Recreation District <kirbymc45@gmail.com>; Bayview Water & Sewer <bwsd637@gmail.com>; BC Airport Manager Dave Schuck <dave.schuck@bonnercountyid.gov>; BC EMS Jeff Lindsey <jeff.lindsey@bonnercountyid.gov>; Bonner Sheriff <bonnersheriff@bonnerso.org>; Brenna Garro <Brenna.Garro@oer.idaho.gov>; Bryan Quayle <quaylelanduseconsulting@gmail.com>; City of Clark Fork <city@clarkforkidaho.org>; City of Dover <cityclerk@cityofdoverydaho.org>; City of East Hope <easthope.city@gmail.com>; City of Hope <hopecityclerk@gmail.com>; City of Kootenai - Ronda Whittaker <cityclerk@cityofkootenai.org>; City of Oldtown <cityofoldtown@hotmail.com>; City of Ponderay KayLeigh Miller <klmiller@ponderay.org>; City of Priest River <layers@priestriver-id.gov>; City of Sandpoint <cityplanning@sandpointidaho.gov>; cityclerk@spiritlakeid.gov; Coolin Sewer <coolinsewer@gmail.com>; Coolin-Cavanaugh Bay Fire District <coolinfirechief@gmail.com>; DEQ Comments <deqcomments@deq.idaho.gov>; Drainage District #7 Kim Hoodenpyle <kjh5345@gmail.com>; East Bonner Library <vanessa@ebonnerlibrary.org>; East Priest Lake Fire Chief Tom Renzi <epldchief@gmail.com>; Ellisport Bay Sewer District <clerk@ebsewerdistrict.com>; Facilities Director LPOSD #84 <matt.diel@lposd.org>; Garfield Bay Water and Sewer District Clerk <garfieldbaywsd@hotmail.com>; Granite Reeder Sewer District <granitereeder@gmail.com>; Dan Everhart <Dan.Everhart@ishs.idaho.gov>; Horsmon, Merritt

<[merritt.horsmon@idfg.idaho.gov](mailto:merritt.horsmon@idfg.idaho.gov)>; Mike Ahmer <[mahmer@idl.idaho.gov](mailto:mahmer@idl.idaho.gov)>; IDL - Nav. Waters Ryan Zandhuisen <[RZandhuisen@idl.idaho.gov](mailto:RZandhuisen@idl.idaho.gov)>; IDL - Pend Oreille Lake Supervisory <[esjoquist@idl.idaho.gov](mailto:esjoquist@idl.idaho.gov)>; [dbrown@idl.idaho.gov](mailto:dbrown@idl.idaho.gov); IDWR Chase Bell <[chase.bell@idwr.idaho.gov](mailto:chase.bell@idwr.idaho.gov)>; Independent Hwy Dist - Julie Bishop <[ihdclerk@gmail.com](mailto:ihdclerk@gmail.com)>; ITD <[D1Permits@itd.idaho.gov](mailto:D1Permits@itd.idaho.gov)>; Jack Schenck Vyve/Northland Cable <[Jack.schenck@vyvebb.com](mailto:Jack.schenck@vyvebb.com)>; Jason Johnson <[jason.johnson@bonnercountyid.gov](mailto:jason.johnson@bonnercountyid.gov)>; Kenny Huston <[kenny.huston@oer.idaho.gov](mailto:kenny.huston@oer.idaho.gov)>; Kootenai Ponderay Sewer District <[CJohnson@kootenaiponderaysewerdistrict.org](mailto:CJohnson@kootenaiponderaysewerdistrict.org)>; Laclede Water District <[LWdistrict@frontier.com](mailto:LWdistrict@frontier.com)>; Lakeland Joint School District #272 <[cpursley@lakeland272.org](mailto:cpursley@lakeland272.org)>; Lakeland Joint School District #272 Jessica Grantham <[jessica.grantham@lakeland272.org](mailto:jessica.grantham@lakeland272.org)>; Lisa Rosa <[hr@ebonnerlibrary.org](mailto:hr@ebonnerlibrary.org)>; North of the Narrows Fire Dept <[Huckbay2501@gmail.com](mailto:Huckbay2501@gmail.com)>; Northern Lights - Kristin Mettke <[kristin.mettke@nli.coop](mailto:kristin.mettke@nli.coop)>; Northside Fire District - Karen Quenell <[kquenell@northsidefire.org](mailto:kquenell@northsidefire.org)>; Outlet Bay Sewer District <[outletbaysewer@gmail.com](mailto:outletbaysewer@gmail.com)>; Pend Orielle Hospital District <[kim.kichenmaster@bonnergeneral.org](mailto:kim.kichenmaster@bonnergeneral.org)>; PHD <[EHapplications@phd1.idaho.gov](mailto:EHapplications@phd1.idaho.gov)>; Priest Lake Public Library District <[plplibrary@hotmail.com](mailto:plplibrary@hotmail.com)>; Priest Lake Translator District - Frankie Dunn <[Frankiejduhn@hotmail.com](mailto:Frankiejduhn@hotmail.com)>; Road & Bridge - Matt Mulder <[matt.mulder@bonnercountyid.gov](mailto:matt.mulder@bonnercountyid.gov)>; Ruen Yeager <[planning@ruenyeager.com](mailto:planning@ruenyeager.com)>; Sagle Valley Water & Sewer District <[saglewatersewer@gmail.com](mailto:saglewatersewer@gmail.com)>; Sam Owen Fire Rescue Sam Owen Fire Rescue <[sofd@wow-tel.net](mailto:sofd@wow-tel.net)>; [joekren@sd83.org](mailto:joekren@sd83.org); School District 84 Transportation - James Koehler <[james.koehler@lposd.org](mailto:james.koehler@lposd.org)>; Schweitzer Fire, Spencer Newton <[firedistrict@msn.com](mailto:firedistrict@msn.com)>; Selkirk Association of Realtors Danielle <[danielle@selkirkraor.com](mailto:danielle@selkirkraor.com)>; Selkirk Fire Gavin Gilcrease <[ggilcrease@sandpointidaho.gov](mailto:ggilcrease@sandpointidaho.gov)>; Selkirk Recreation District <[selgar@mac.com](mailto:selgar@mac.com)>; Southside Water and Sewer <[southsidewaterandsewer@swsdidaho.org](mailto:southsidewaterandsewer@swsdidaho.org)>; Spirit Lake Fire Dept. (Debbie Carpenter) <[chief@spiritlakefire.com](mailto:chief@spiritlakefire.com)>; Superintendent No. 84 Becky Meyer <[becky.meyer@lposd.org](mailto:becky.meyer@lposd.org)>; Superintendent School Dist 84 <[kelly.fisher@lposd.org](mailto:kelly.fisher@lposd.org)>; Syringa Heights Water <[allwater49@outlook.com](mailto:allwater49@outlook.com)>; Timberlake Fire <[kwright@timberlakefire.com](mailto:kwright@timberlakefire.com)>; Trestle Creek Sewer District Janice Best <[janicesb@televar.com](mailto:janicesb@televar.com)>; US Fish & Wildlife Services - Christy Johnson Hughes <[FW1idahoconsultationrequests@fws.gov](mailto:FW1idahoconsultationrequests@fws.gov)>; West Bonner Library <[meagan@westbonnerlibrary.org](mailto:meagan@westbonnerlibrary.org)>; West Pend Oreille Fire District <[wpofd1@gmail.com](mailto:wpofd1@gmail.com)>; West Priest Lake Fire Josh Gilbert <[WPLFD.Chief@gmail.com](mailto:WPLFD.Chief@gmail.com)>

**Cc:** Alexander Feyen <[alexander.feyen@bonnercountyid.gov](mailto:alexander.feyen@bonnercountyid.gov)>

**Subject:** Notice of Public Hearing - File CUP0012-24 - Revised

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REVISED

The above-named application has been submitted to the Bonner County Planning Department for processing.

Please review the application relative to your agency's area of expertise and include any recommended conditions of approval and supporting code sections. Please see attached for details.

Thank you,

**Jessica Montgomery, Hearing Coordinator**

**Bonner County Planning Department**

**(208) 265-1458 x1277**



Janna Brown &lt;janna.brown@bonnercountyid.gov&gt;

## [EXT SENDER] RE: Notice of Public Hearing - File CUP0012-24 - Revised

1 message

Horsmon, Merritt &lt;merritt.horsmon@idfg.idaho.gov&gt;

Mon, Jan 6, 2025 at 1:09 PM

To: Bonner County Planning Department &lt;planning@bonnercountyid.gov&gt;

Hi Jessica,

The Idaho Department of Fish and Game does not have any comments to submit for this application.

Thank you for the opportunity to review and comment,

### Merritt Horsmon

Regional Technical Assistance Manager

Panhandle Region

2885 W. Kathleen Ave.

Coeur d'Alene, ID 83815

208.769.1414 office

208.251.4509 mobile

[merritt.horsmon@idfg.idaho.gov](mailto:merritt.horsmon@idfg.idaho.gov)**From:** Bonner County Planning Department <[planning@bonnercountyid.gov](mailto:planning@bonnercountyid.gov)>**Sent:** Tuesday, December 17, 2024 11:57 AM

**To:** Army Corps of Engineers <[CENWW-RD-CDA@usace.army.mil](mailto:CENWW-RD-CDA@usace.army.mil)>; Assessors Office Group <[assessorsgroup@bonnercountyid.gov](mailto:assessorsgroup@bonnercountyid.gov)>; Avista Copr - Jay West <[jay.west@avistacorp.com](mailto:jay.west@avistacorp.com)>; Bay Drive Recreation District <[kirbymc45@gmail.com](mailto:kirbymc45@gmail.com)>; Bayview Water & Sewer <[bwsd637@gmail.com](mailto:bwsd637@gmail.com)>; BC Airport Manager Dave Schuck <[dave.schuck@bonnercountyid.gov](mailto:dave.schuck@bonnercountyid.gov)>; BC EMS Jeff Lindsey <[jeff.lindsey@bonnercountyid.gov](mailto:jeff.lindsey@bonnercountyid.gov)>; Bonner Sheriff <[bonnersheriff@bonnerso.org](mailto:bonnersheriff@bonnerso.org)>; Brenna Garro <[Brenna.Garro@oer.idaho.gov](mailto:Brenna.Garro@oer.idaho.gov)>; Bryan Quayle <[quaylelanduseconsulting@gmail.com](mailto:quaylelanduseconsulting@gmail.com)>; City of Clark Fork <[city@clarkforkidaho.org](mailto:city@clarkforkidaho.org)>; City of Dover <[cityclerk@cityofdoverydaho.org](mailto:cityclerk@cityofdoverydaho.org)>; City of East Hope <[easthope.city@gmail.com](mailto:easthope.city@gmail.com)>; City of Hope <[hopecityclerk@gmail.com](mailto:hopecityclerk@gmail.com)>; City of Kootenai - Ronda Whittaker <[cityclerk@cityofkootenai.org](mailto:cityclerk@cityofkootenai.org)>; City of Oldtown <[cityofoldtown@hotmail.com](mailto:cityofoldtown@hotmail.com)>; City of Ponderay KayLeigh Miller <[kimiller@ponderay.org](mailto:kimiller@ponderay.org)>; City of Priest River <[layers@priestriver-id.gov](mailto:layers@priestriver-id.gov)>; City of Sandpoint <[cityplanning@sandpointidaho.gov](mailto:cityplanning@sandpointidaho.gov)>; cityclerk@spiritleakeid.gov; Coolin Sewer <[coolinsewer@gmail.com](mailto:coolinsewer@gmail.com)>; Coolin-Cavanaugh Bay Fire District <[coolinfirechief@gmail.com](mailto:coolinfirechief@gmail.com)>; DEQ Comments <[deqcomments@deq.idaho.gov](mailto:deqcomments@deq.idaho.gov)>; Drainage District #7 Kim Hoodenpyle <[kjh5345@gmail.com](mailto:kjh5345@gmail.com)>; East Bonner Library <[vanessa@ebonnerlibrary.org](mailto:vanessa@ebonnerlibrary.org)>; East Priest Lake Fire Chief Tom Renzi

<epifdchief@gmail.com>; Ellisport Bay Sewer District <clerk@ebsewerdistrict.com>; Facilities Director LPOSD #84 <matt.diel@lposd.org>; Garfield Bay Water and Sewer District Clerk <garfieldbaywsd@hotmail.com>; Granite Reeder Sewer District <granitereeder@gmail.com>; Dan Everhart <Dan.Everhart@ishs.idaho.gov>; Horsmon, Merritt <merritt.horsmon@idfg.idaho.gov>; Mike Ahmer <mahmer@idl.idaho.gov>; IDL - Nav. Waters Ryan Zandhuisen <RZandhuisen@idl.idaho.gov>; IDL - Pend Oreille Lake Supervisory <esjoquist@idl.idaho.gov>; dbrown@idl.idaho.gov; IDWR Chase Bell <chase.bell@idwr.idaho.gov>; Independent Hwy Dist - Julie Bishop <ihdclerk@gmail.com>; ITD <D1Permits@itd.idaho.gov>; Jack Schenck Vyve/Northland Cable <Jack.schenck@vyvebb.com>; Jason Johnson <jason.johnson@bonnercountyid.gov>; Kenny Huston <kenny.huston@oer.idaho.gov>; Kootenai Ponderay Sewer District <CJohnson@kootenaiponderaysewerdistrict.org>; Laclede Water District <LWdistrict@frontier.com>; Lakeland Joint School District #272 <cpursley@lakeland272.org>; Lakeland Joint School District #272 Jessica Grantham <jessica.grantham@lakeland272.org>; Lisa Rosa <hr@ebonnerlibrary.org>; North of the Narrows Fire Dept <Huckbay2501@gmail.com>; Northern Lights - Kristin Mettke <kristin.mettke@nli.coop>; Northside Fire District - Karen Quenell <kquenell@northsidefire.org>; Outlet Bay Sewer District <outletbaysewer@gmail.com>; Pend Orielle Hospital District <kim.kichenmaster@bonnergeneral.org>; PHD <EHapplications@phd1.idaho.gov>; Priest Lake Public Library District <plplibrary@hotmail.com>; Priest Lake Translator District - Frankie Dunn <Frankiejduhn@hotmail.com>; Road & Bridge - Matt Mulder <matt.mulder@bonnercountyid.gov>; Ruen Yeager <planning@ruenyeager.com>; Sagle Valley Water & Sewer District <saglewatersewer@gmail.com>; Sam Owen Fire Rescue Sam Owen Fire Rescue <sofd@wow-tel.net>; joekren@sd83.org; School District 84 Transportation - James Koehler <james.koehler@lposd.org>; Schweitzer Fire, Spencer Newton <firedistrict@msn.com>; Selkirk Association of Realtors Danielle <danielle@selkirkaor.com>; Selkirk Fire Gavin Gilcrease <ggilcrease@sandpointidaho.gov>; Selkirk Recreation District <selgar@mac.com>; Southside Water and Sewer <southsidewaterandsewer@swsdidaho.org>; Spirit Lake Fire Dept. (Debbie Carpenter) <chief@spiritlakefire.com>; Superintendent No. 84 Becky Meyer <becky.meyer@lposd.org>; Superintendent School Dist 84 <kelly.fisher@lposd.org>; Syringa Heights Water <allwater49@outlook.com>; Timberlake Fire <kwright@timberlakefire.com>; Trestle Creek Sewer District Janice Best <janicesb@televar.com>; US Fish & Wildlife Services - Christy Johnson Hughes <FW1idahoconsultationrequests@fws.gov>; West Bonner Library <meagan@westbonnerlibrary.org>; West Pend Oreille Fire District <wpofd1@gmail.com>; West Priest Lake Fire Josh Gilbert <WPLFD.Chief@gmail.com>  
**Cc:** Alexander Feyen <alexander.feyen@bonnercountyid.gov>  
**Subject:** Notice of Public Hearing - File CUP0012-24 - Revised

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---

## REVISED

The above-named application has been submitted to the Bonner County Planning Department for processing.

Please review the application relative to your agency's area of expertise and include any recommended conditions of approval and supporting code sections. Please see attached for details.

Thank you,

**Jessica Montgomery, Hearing Coordinator**

**Bonner County Planning Department**

**(208) 265-1458 x1277**





Janna Brown &lt;janna.brown@bonnercountyid.gov&gt;

## [EXT SENDER] RE: Notice of Public Hearing - File CUP0012-24 - Communication Tower

1 message

**D1Permits** <D1Permits@itd.idaho.gov>

Wed, Dec 18, 2024 at 10:02 AM

To: Bonner County Planning Department &lt;planning@bonnercountyid.gov&gt;

ITD permits has no comment.

Have a nice day!

**Kimberly Hobson***Project Coordinator**Innovation Steward***District 1****Work:** 208.772.8079**Email:** [kimberly.hobson@itd.idaho.gov](mailto:kimberly.hobson@itd.idaho.gov)**Website:** [itd.idaho.gov](http://itd.idaho.gov)**Work schedule:** M-W-Th-F 6AM- 4:30 PM**From:** Bonner County Planning Department <[planning@bonnercountyid.gov](mailto:planning@bonnercountyid.gov)>**Sent:** Tuesday, December 17, 2024 10:43 AM

**To:** Allan Songstad <[allan.songstad@bonnercountyid.gov](mailto:allan.songstad@bonnercountyid.gov)>; Allan Songstad <[asongstad46@gmail.com](mailto:asongstad46@gmail.com)>; Army Corps of Engineers <[CENWW-RD-CDA@usace.army.mil](mailto:CENWW-RD-CDA@usace.army.mil)>; Assessors Office Group <[assessorsgroup@bonnercountyid.gov](mailto:assessorsgroup@bonnercountyid.gov)>; Avista Copr - Jay West <[jay.west@avistacorp.com](mailto:jay.west@avistacorp.com)>; Bay Drive Recreation District <[kirbymc45@gmail.com](mailto:kirbymc45@gmail.com)>; Bayview Water & Sewer <[bwsd637@gmail.com](mailto:bwsd637@gmail.com)>; BC Airport Manager Dave Schuck <[dave.schuck@bonnercountyid.gov](mailto:dave.schuck@bonnercountyid.gov)>; BC EMS Jeff Lindsey <[jeff.lindsey@bonnercountyid.gov](mailto:jeff.lindsey@bonnercountyid.gov)>; Bonner Sheriff <[bonnersheriff@bonnerso.org](mailto:bonnersheriff@bonnerso.org)>; Brenna Garro <[Brenna.Garro@oer.idaho.gov](mailto:Brenna.Garro@oer.idaho.gov)>; Bryan Quayle <[quaylelanduseconsulting@gmail.com](mailto:quaylelanduseconsulting@gmail.com)>; City of Clark Fork <[cityofclarkforkidaho.org](mailto:cityofclarkforkidaho.org)>; City of Dover <[cityclerk@cityofdoveridaho.org](mailto:cityclerk@cityofdoveridaho.org)>; City of East Hope <[cityofeasthope.org](mailto:cityofeasthope.org)>; City of Hope <[hopecityclerk@gmail.com](mailto:hopecityclerk@gmail.com)>; Manda Corbett <[cityclerk@cityofkootenai.org](mailto:cityclerk@cityofkootenai.org)>; City of Oldtown <[cityofoldtown@hotmail.com](mailto:cityofoldtown@hotmail.com)>; City of Ponderay Kayleigh Miller <[klmiller@ponderay.org](mailto:klmiller@ponderay.org)>; City of Priest River <[layers@priestriver-id.gov](mailto:layers@priestriver-id.gov)>; City of Sandpoint <[cityplanning@sandpointidaho.gov](mailto:cityplanning@sandpointidaho.gov)>; City of Spirit Lake <[cityclerk@spiritleakeid.gov](mailto:cityclerk@spiritleakeid.gov)>; Coolin Sewer <[coolinsewer@gmail.com](mailto:coolinsewer@gmail.com)>; Coolin-Cavanaugh Bay Fire District <[coolinfirechief@gmail.com](mailto:coolinfirechief@gmail.com)>; Daily Bee <[bcdblegals@cdapress.com](mailto:bcdblegals@cdapress.com)>; Dave Frankenbach <[dave.frankenbach@bonnercountyid.gov](mailto:dave.frankenbach@bonnercountyid.gov)>; Debby Trinen <[debby.trinen@bonnercountyid.gov](mailto:debby.trinen@bonnercountyid.gov)>; Debby Trinen <[dlt799@cs.com](mailto:dlt799@cs.com)>; DEQ <[deqcomments@deq.idaho.gov](mailto:deqcomments@deq.idaho.gov)>; Don Davis <[don.davis@bonnercountyid.gov](mailto:don.davis@bonnercountyid.gov)>; Drainage District #7 Kim Hoodenpyle



<kjh5345@gmail.com>; East Bonner Library <vanessa@ebonnerlibrary.org>; East Priest Lake Fire Chief Tom Renzi <epfldchief@gmail.com>; Ellisport Bay Sewer District <clerk@ebsewerdistrict.com>; Facilities Director LPOSD #84 <matt.diel@lposd.org>; Frank Wakeley <frank.wakeley@bonnercountyid.gov>; Frank Wakeley <fwakeley@gmail.com>; Garfield Bay Water and Sewer District Clerk <garfieldbaywsd@hotmail.com>; Granite Reeder Sewer District <granitereeder@gmail.com>; ID State Historical Society - Dave Everhart <dan.everhart@ishs.idaho.gov>; Idaho Department of Fish & Game <merritt.horsmon@idfg.idaho.gov>; IDL - Mike Ahmer <mahmer@idl.idaho.gov>; IDL - Nav. Waters Ryan Zandhuisen <RZandhuisen@idl.idaho.gov>; IDL - Pend Oreille Lake Supervisory <esjoquist@idl.idaho.gov>; IDL - Priest Lake Supervisory Area <dbrown@idl.idaho.gov>; IDWR Chase Bell <chase.bell@idwr.idaho.gov>; Independent Hwy Dist - Julie Bishop <ihdclerk@gmail.com>; D1Permits <D1Permits@itd.idaho.gov>; Jack Schenck Vyve/Northland Cable <Jack.schenck@vyvebb.com>; Jacob Marble <jacob.marble@bonnercountyid.gov>; Jacob Marble <jacobmarble@gmail.com>; Jacqueline Rucker <jacqueline.rucker@bonnercountyid.gov>; Jake Weimer <jake.weimer@bonnercountyid.gov>; Jason Johnson <jason.johnson@bonnercountyid.gov>; Kenny Huston <kenny.huston@oer.idaho.gov>; Kootenai Ponderay Sewer District <CJohnson@kootenaiponderaysewerdistrict.org>; Laclede Water District <LWdistrict@frontier.com>; Lakeland Joint School District #272 <cpursley@lakeland272.org>; Lakeland Joint School District #272 Jessica Grantham <jessica.grantham@lakeland272.org>; Lisa <lisa@ebonnerlibrary.org>; Lisa Rosa <hr@ebonnerlibrary.org>; Luke Webster <luke.webster@bonnercountyid.gov>; Luke Webster <luke@evergreen-realty.com>; Matt Linscott <matt.linscott@bonnercountyid.gov>; Matt Linscott <maclinscott@yahoo.com>; Michael Leita <michael.leita@bonnercountyid.gov>; North of the Narrows Fire Dept <Huckbay2501@gmail.com>; Northern Lights - Kristin Mettke <kristin.mettke@nli.coop>; Northside Fire District - Karen Quenell <kquenell@northsidefire.org>; Outlet Bay Sewer District <outletbaysewer@gmail.com>; Pend Orielle Hospital District <kim.kichenmaster@bonnergeneral.org>; PHD <EHApplications@phd1.idaho.gov>; Priest Lake Public Library District <plplibrary@hotmail.com>; Priest Lake Translator District - Frankie Dunn <Frankiejduhn@hotmail.com>; Road & Bridge - Matt Mulder <matt.mulder@bonnercountyid.gov>; Robert Clark <robert.clark@bonnercountyid.gov>; Ruen Yeager <planning@ruenyeager.com>; Sagle Valley Water & Sewer District <saglewatersewer@gmail.com>; Sam Owen Fire Rescue Sam Owen Fire Rescue <sofd@wow-tel.net>; School District #83 - Joseph Kren <joeKren@sd83.org>; School District 84 Transportation - James Koehler <james.koehler@lposd.org>; Schweitzer Fire, Spencer Newton <firedistrict@msn.com>; Selkirk Association of Realtors Danielle <danielle@selkirkaor.com>; Selkirk Fire Gavin Gilcrease <ggilcrease@sandpointidaho.gov>; Selkirk Recreation District <selgar@mac.com>; Southside Water and Sewer <southsidewaterandsewer@swsdidaho.org>; Spirit Lake Fire Dept. (Debbie Carpenter) <chief@spiritlakefire.com>; Superintendent No. 84 Becky Meyer <becky.meyer@lposd.org>; Superintendent School Dist 84 <kelly.fisher@lposd.org>; Syringa Heights Water <allwater49@outlook.com>; Timberlake Fire <kwright@timberlakefire.com>; Trestle Creek Sewer District Janice Best <janicesb@televar.com>; US Fish & Wildlife Services - Christy Johnson Hughes <FW1idahoconsultationrequests@fws.gov>; West Bonner Library <meagan@westbonnerlibrary.org>; West Pend Oreille Fire District <wpofd1@gmail.com>; West Priest Lake Fire Josh Gilbert <WPLFD.Chief@gmail.com>  
**Cc:** Alexander Feyen <alexander.feyen@bonnercountyid.gov>  
**Subject:** Notice of Public Hearing - File CUP0012-24 - Communication Tower

**CAUTION: This email originated outside the State of Idaho network. Verifv links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.**

The above-named application has been submitted to the Bonner County Planning Department for processing.

Please review the application relative to your agency's area of expertise and include any recommended conditions of approval and supporting code sections. Please see attached for details.

Thank you,

**Jessica Montgomery, Hearing Coordinator**

**Bonner County Planning Department**

**(208) 265-1458 x1277**



Janna Brown &lt;janna.brown@bonnercountyid.gov&gt;

**[EXT SENDER] CUP 0012-24 Comments for Public Hearing**

1 message

**Kimberly Hobson** <Kimberly.Hobson@itd.idaho.gov>

Fri, Jan 3, 2025 at 10:42 AM

To: "planning@bonnercountyid.gov" &lt;planning@bonnercountyid.gov&gt;

Hello. ITD has not been asked to comment on CUP 0012-24 as of yet. We would like to add our comments to the record.

ITD has permitted a joint use approach at this location, 1-07-187. However, it says in the CUP application that there will be some improvements made to the approach, i.e. gravel added. If improvements are to be made to the approach, the landowner who owns the approach must apply for a new permit that will address the improvements.

Have a nice day!

**Kimberly Hobson***Project Coordinator**Innovation Steward***District 1****Work:** 208.772.8079**Email:** [kimberly.hobson@itd.idaho.gov](mailto:kimberly.hobson@itd.idaho.gov)**Website:** [itd.idaho.gov](http://itd.idaho.gov)**Work schedule:** M-W-Th-F 6AM- 4:30 PM**From:** Kimberly Hobson**Sent:** Thursday, January 2, 2025 2:01 PM**To:** [planning@bonnercountyid.gov](mailto:planning@bonnercountyid.gov)**Subject:** CUP 0012-24

Good afternoon. Can you forward the email sent to us for comment about the CUP 0012-24?

Have a nice day!



**Kimberly Hobson**

*Project Coordinator*

*Innovation Steward*

**District 1**

**Work: 208.772.8079**

**Email:** [kimberly.hobson@itd.idaho.gov](mailto:kimberly.hobson@itd.idaho.gov)

**Website:** [itd.idaho.gov](http://itd.idaho.gov)

**Work schedule:** M-W-Th-F 6AM- 4:30 PM



Janna Brown &lt;janna.brown@bonnercountyid.gov&gt;

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**[EXT SENDER] RE: Public Notice for CUP0012 - 24**

1 message

**D1Permits** <D1Permits@itd.idaho.gov>

Mon, Jan 6, 2025 at 3:18 PM

To: Bonner County Planning Department &lt;planning@bonnercountyid.gov&gt;, D1Permits &lt;D1Permits@itd.idaho.gov&gt;

Cc: Alexander Feyen &lt;alexander.feyen@bonnercountyid.gov&gt;

Hello. ITD has permitted a joint use approach at this location, 1-07-187. However, it says in the CUP application that there will be some improvements made to the approach, i.e. gravel added. If improvements are to be made to the approach, within ITD ROW, the landowner who owns the approach must apply for a new permit that will address the improvements.

Let me know if you have questions.

**Kimberly Hobson***Project Coordinator**Innovation Steward***District 1****Work:** 208.772.8079**Email:** [kimberly.hobson@itd.idaho.gov](mailto:kimberly.hobson@itd.idaho.gov)**Website:** [itd.idaho.gov](http://itd.idaho.gov)**Work schedule:** M-W-Th-F 6AM- 4:30 PM

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**From:** Bonner County Planning Department <[planning@bonnercountyid.gov](mailto:planning@bonnercountyid.gov)>**Sent:** Monday, January 6, 2025 1:39 PM**To:** D1Permits <[D1Permits@itd.idaho.gov](mailto:D1Permits@itd.idaho.gov)>**Cc:** Alexander Feyen <[alexander.feyen@bonnercountyid.gov](mailto:alexander.feyen@bonnercountyid.gov)>**Subject:** Public Notice for CUP0012 - 24

**CAUTION:** This email originated outside the State of Idaho network. Verify links and attachments **BEFORE** you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

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Hello,

1/6/25, 3:30 PM

Bonner County Mail - [EXT SENDER] RE: Public Notice for CUP0012 - 24

Please see that attached Public Notice for CUP0012-24.

Thank you,

**Jessica Montgomery, Hearing Coordinator**

**Bonner County Planning Department**

**(208) 265-1458 x1277**



Janna Brown &lt;janna.brown@bonnercountyid.gov&gt;

---

**File CUP0012-24 Conditional Use Permit**

1 message

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'Colleen Johnson' via Mail-Planning <planning@bonnercountyid.gov>  
Reply-To: Colleen Johnson <CJohnson@kootenaiponderaysewerdistrict.org>  
To: Bonner County Planning <planning@bonnercountyid.gov>

Tue, Dec 31, 2024 at 3:38 PM

Good Afternoon:

Attached is the District's response to the above named file.

**NOTICE OF CHANGE IN HOURS: THE OFFICE WILL BE CLOSED ON FRIDAYS. WE WILL BE OPEN NORMAL HOURS MONDAY THRU THURSDAY.**

**Colleen Johnson**

**Business Office Manager**

**Kootenai-Ponderay Sewer District**

**208-263-0229 Fax – 208-265-5326 Mobile: 208-304-5820**


**511 Whiskey Jack Road Sandpoint, Idaho 83864**

**P.O. Box 562, Kootenai, ID 83840**

**“Dance with Life”**



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 **24\_12\_BC\_CUP001224.pdf**  
89K

# NOTICE OF PUBLIC HEARING



I hereby certify that a true and correct copy of this "Notice of Public Hearing" was digitally transmitted or mailed (postage prepaid) on this **17th** day of **December 2024**.

*Jessica Montgomery*

Jessica Montgomery, Hearing Coordinator

This notice was mailed to political subdivisions, property owners within 300 feet of the subject property, and the media on **Tuesday, December 17, 2024**.

**NOTICE IS HEREBY GIVEN** that the Bonner County Hearing Examiner will hold a public hearing at **1:30 pm** on **Wednesday, January 15, 2025** in the Bonner County Administration Building, 1500 Highway 2, Sandpoint, Idaho, by Zoom teleconference, and YouTube Livestream to consider the following request:

**File CUP0012-24 - Conditional Use Permit - Communications Tower**

The applicant is requesting a Condition Use Permit for a Communication Tower. The 9.794-acre property is zoned Rural 5. The project is located off Highway 41 in Section 112, Township 55 North, Range 06 West, Boise-Meridian.

For details regarding this application, Zoom teleconference, or YouTube livestream, visit the Planning Department web site at [www.bonnercountyid.gov/departments/Planning](http://www.bonnercountyid.gov/departments/Planning). Staff reports are available online or may be viewed at the planning department approximately a week before the scheduled hearing.

**Written statements must be submitted to the planning department record no later than seven (7) days prior to the public hearing.** Written statements not exceeding one standard letter sized, single spaced page may be submitted at the public hearing. Statements can be sent to the Bonner County Planning Department at 1500 Highway 2, Suite 208, Sandpoint, Idaho 83864; faxed to 866-537-4935 or e-mailed to [planning@bonnercountyid.gov](mailto:planning@bonnercountyid.gov). The referenced start time stated above reflects the beginning of the hearing. Specific file start time and hearing duration vary.

During the hearing for this application, the public will be given an opportunity to provide testimony and/or evidence regarding how the proposal does or does not comply with the applicable approval criteria of the Bonner County Revised Code. At the close of the public hearing, the governing body will make a decision on the application that may include, but is not limited to, approval, denial, remand, or continuance of the public hearing. Any person needing special accommodations to participate in the public hearing should contact the Bonner County Planning Department at (208) 265-1458 at least 48 hours prior to the scheduled hearing.

**If you have no comment or response, you may indicate below and return this form to the Planning Department.**

NO COMMENT *Kootenai-Ponderay Sewer District* *12/31/24*  
Name Date

*Out of District Boundaries*





Janna Brown &lt;janna.brown@bonnercountyid.gov&gt;

---

**File CUP0012-24 Conditional Use Permit**

1 message

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'Colleen Johnson' via Mail-Planning <planning@bonnercountyid.gov>  
Reply-To: Colleen Johnson <CJohnson@kootenaiponderaysewerdistrict.org>  
To: Bonner County Planning <planning@bonnercountyid.gov>

Tue, Dec 31, 2024 at 5:08 PM

Good Afternoon:

Attached is the District's response to the above file.

**NOTICE OF CHANGE IN HOURS: THE OFFICE WILL BE CLOSED ON FRIDAYS. WE WILL BE OPEN NORMAL HOURS MONDAY THRU THURSDAY.**

**Colleen Johnson**

**Business Office Manager**

**Kootenai-Ponderay Sewer District**

**208-263-0229 Fax – 208-265-5326 Mobile: 208-304-5820**


**511 Whiskey Jack Road Sandpoint, Idaho 83864**

**P.O. Box 562, Kootenai, ID 83840**

**“Dance with Life”**



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 **24\_12\_BC2\_CUP001224.pdf**  
88K

# NOTICE OF PUBLIC HEARING



I hereby certify that a true and correct copy of this "Notice of Public Hearing" was digitally transmitted or mailed (postage prepaid) on this **17th** day of **December 2024**.

*Jessica Montgomery*

Jessica Montgomery, Hearing Coordinator

This notice was mailed to political subdivisions, property owners within 300 feet of the subject property, and the media on **Tuesday, December 17, 2024**.

**NOTICE IS HEREBY GIVEN** that the Bonner County Hearing Examiner will hold a public hearing at **1:30 pm** on **Wednesday, January 15, 2025** in the Bonner County Administration Building, 1500 Highway 2, Sandpoint, Idaho, by Zoom teleconference, and YouTube Livestream to consider the following request:

**File CUP0012-24 - Conditional Use Permit - Communications Tower**

The applicant is requesting a Condition Use Permit for a Communication Tower. The 9.794-acre property is zoned Rural 5. The project is located off Highway 41 in Section 112, Township 55 North, Range 06 West, Boise-Meridian.

For details regarding this application, Zoom teleconference, or YouTube livestream, visit the Planning Department web site at [www.bonnercountyid.gov/departments/Planning](http://www.bonnercountyid.gov/departments/Planning). Staff reports are available online or may be viewed at the planning department approximately a week before the scheduled hearing.

**Written statements must be submitted to the planning department record no later than seven (7) days prior to the public hearing.** Written statements not exceeding one standard letter sized, single spaced page may be submitted at the public hearing. Statements can be sent to the Bonner County Planning Department at 1500 Highway 2, Suite 208, Sandpoint, Idaho 83864; faxed to 866-537-4935 or e-mailed to [planning@bonnercountyid.gov](mailto:planning@bonnercountyid.gov). The referenced start time stated above reflects the beginning of the hearing. Specific file start time and hearing duration vary.

During the hearing for this application, the public will be given an opportunity to provide testimony and/or evidence regarding how the proposal does or does not comply with the applicable approval criteria of the Bonner County Revised Code. At the close of the public hearing, the governing body will make a decision on the application that may include, but is not limited to, approval, denial, remand, or continuance of the public hearing. Any person needing special accommodations to participate in the public hearing should contact the Bonner County Planning Department at (208) 265-1458 at least 48 hours prior to the scheduled hearing.

**If you have no comment or response, you may indicate below and return this form to the Planning Department.**

NO COMMENT *Kootenai-Ponderay Sewer District* *12/31/24*  
Name Date

*Out of District Boundaries*



Janna Brown &lt;janna.brown@bonnercountyid.gov&gt;

**[EXT SENDER] RE: Notice of Public Hearing - File CUP0012-24 - Revised**

1 message

**Chief Debbie Carpenter** <chief@spiritleakefire.com>  
To: Bonner County Planning Department <planning@bonnercountyid.gov>

Tue, Dec 17, 2024 at 3:42 PM

Attached is the notice of no comment from Spirit Lake Fire.

Debbie

**Debbie Carpenter**

**Fire Chief**

Spirit Lake Fire Protection District

Cell 986-205-0450

Office 208-623-5800



---

**From:** Bonner County Planning Department <planning@bonnercountyid.gov>

**Sent:** Tuesday, December 17, 2024 11:57 AM

**Subject:** Notice of Public Hearing - File CUP0012-24 - Revised

REVISED

The above-named application has been submitted to the Bonner County Planning Department for processing.

Please review the application relative to your agency's area of expertise and include any recommended conditions of approval and supporting code sections. Please see attached for details.

Thank you,

**Jessica Montgomery, Hearing Coordinator**

**Bonner County Planning Department**

**(208) 265-1458 x1277**



**CUP0012-24 no comment Spirit Lake Fire.pdf**

149K

# NOTICE OF PUBLIC HEARING



I hereby certify that a true and correct copy of this "Notice of Public Hearing" was digitally transmitted or mailed (postage prepaid) on this **17th** day of **December 2024**.

A handwritten signature in cursive script that reads "Jessica Montgomery".

Jessica Montgomery, Hearing Coordinator

This notice was mailed to political subdivisions, property owners within 300 feet of the subject property, and the media on **Tuesday, December 17, 2024**.

---

**NOTICE IS HEREBY GIVEN** that the Bonner County Hearing Examiner will hold a public hearing at **1:30 pm** on **Wednesday, January 15, 2025** in the Bonner County Administration Building, 1500 Highway 2, Sandpoint, Idaho, by Zoom teleconference, and YouTube Livestream to consider the following request:

**File CUP0012-24 - Conditional Use Permit - Communications Tower**

The applicant is requesting a Condition Use Permit for a Communication Tower. The 9.794-acre property is zoned Rural 5. The project is located off Highway 41 in Section 12, Township 55 North, Range 06 West, Boise-Meridian.

For details regarding this application, Zoom teleconference, or YouTube livestream, visit the Planning Department web site at [www.bonnercountyid.gov/departments/Planning](http://www.bonnercountyid.gov/departments/Planning). Staff reports are available online or may be viewed at the planning department approximately a week before the scheduled hearing.

**Written statements must be submitted to the planning department record no later than seven (7) days prior to the public hearing.** Written statements not exceeding one standard letter sized, single spaced page may be submitted at the public hearing. Statements can be sent to the Bonner County Planning Department at 1500 Highway 2, Suite 208, Sandpoint, Idaho 83864; faxed to 866-537-4935 or e-mailed to [planning@bonnercountyid.gov](mailto:planning@bonnercountyid.gov). The referenced start time stated above reflects the beginning of the hearing. Specific file start time and hearing duration vary.

During the hearing for this application, the public will be given an opportunity to provide testimony and/or evidence regarding how the proposal does or does not comply with the applicable approval criteria of the Bonner County Revised Code. At the close of the public hearing, the governing body will make a decision on the application that may include, but is not limited to, approval, denial, remand, or continuance of the public hearing. Any person needing special accommodations to participate in the public hearing should contact the Bonner County Planning Department at (208) 265-1458 at least 48 hours prior to the scheduled hearing.

**If you have no comment or response, you may indicate below and return this form to the Planning Department.**

NO COMMENT Spirit Lake Fire Prot. District, DC  
Name

12/17/2024  
Date



Janna Brown <janna.brown@bonnercountyid.gov>

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**[EXT SENDER] RE: Notice of Public Hearing - File CUP0012-24 Appeal**

1 message

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**Anne Boisvert** <admin@spiritlakefire.com>

Wed, Feb 26, 2025 at 12:41 PM

To: Bonner County Planning Department <planning@bonnercountyid.gov>

Good afternoon, Jessica,

No comment from Spirit Lake Fire District.

Thank you,

Anne

Anne Boisvert

District Administrator

**Spirit Lake Fire Protection District**

*Physical Address:* 32182 N 6<sup>th</sup> Ave.

*Mailing Address:* P.O. Box 116

Spirit Lake, ID 83869

(208) 623-5800 phone

[www.spiritlakefire.com](http://www.spiritlakefire.com)



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**From:** Bonner County Planning Department <[planning@bonnercountyid.gov](mailto:planning@bonnercountyid.gov)>

**Sent:** Tuesday, February 25, 2025 8:00 AM

**Subject:** Notice of Public Hearing - File CUP0012-24 Appeal

The above-named application has been submitted to the Bonner County Planning Department for processing.

Please review the application relative to your agency's area of expertise and include any recommended conditions of approval and supporting code sections. Please see attached for details.

Thank you,

**Jessica Montgomery, Hearing Coordinator**

**Bonner County Planning Department**

**(208) 265-1458 x1277**





# NOTICE OF PUBLIC HEARING



I hereby certify that a true and correct copy of this "Notice of Public Hearing" was digitally transmitted or mailed (postage prepaid) on this **25th** day of **February 2025**.

*Jessica Montgomery*

Jessica Montgomery, Hearing Coordinator

This notice was mailed to political subdivisions, property owners within 300 feet of the subject property, and the media on **Tuesday, February 25, 2025**.

**NOTICE IS HEREBY GIVEN** that the Bonner County Commissioners will hold a public hearing at **1:30 pm** on **Wednesday, March 26, 2025** in the Bonner County Administration Building, 1500 Highway 2, Sandpoint, Idaho, by Zoom teleconference, and YouTube Livestream to consider the following request:

## **Appeal of File CUP0012-24 - Conditional Use Permit - Communications Tower**

The applicant is requesting a Conditional Use Permit for a Communication Tower. The 9.794-acre property is zoned Rural 5. The project is located off Highway 41 in Section 12, Township 55 North, Range 06 West, Boise-Meridian. The Bonner County Hearing Examiner, at the January 15, 2025 hearing, approved this file. On February 18, 2025, the Planning Department received a letter of appeal requesting this file be sent to the Board of County Commissioners to be heard de novo.

For details regarding this application, Zoom teleconference, or YouTube livestream, visit the Planning Department web site at [www.bonnercountyid.gov/departments/Planning](http://www.bonnercountyid.gov/departments/Planning). Staff reports are available online or may be viewed at the planning department approximately a week before the scheduled hearing.

**Written statements must be submitted to the planning department record no later than seven (7) days prior to the public hearing.** Written statements not exceeding one standard letter sized, single spaced page may be submitted at the public hearing. Statements can be sent to the Bonner County Planning Department at 1500 Highway 2, Suite 208, Sandpoint, Idaho 83864; faxed to 866-537-4935 or e-mailed to [planning@bonnercountyid.gov](mailto:planning@bonnercountyid.gov). The referenced start time stated above reflects the beginning of the hearing. Specific file start time and hearing duration vary.

During the hearing for this application, the public will be given an opportunity to provide testimony and/or evidence regarding how the proposal does or does not comply with the applicable approval criteria of the Bonner County Revised Code. At the close of the public hearing, the governing body will make a decision on the application that may include, but is not limited to, approval, denial, remand, or continuance of the public hearing. Any person needing special accommodations to participate in the public hearing should contact the Bonner County Planning Department at (208) 265-1458 at least 48 hours prior to the scheduled hearing.

**If you have no comment or response, you may indicate below and return this form to the Planning Department.**

NO COMMENT

*[Signature]*  
Name

*3/25/25*  
Date

SANDPOINT RANGER DISTRICT  
Idaho Panhandle National Forests  
1602 Ontario St.  
Sandpoint, ID 83864

## **APPENDIX E – LAND USE DECISION MAKING WORKSHEET**



# Bonner County Planning Department

"Protecting property rights and enhancing property value"

1500 Highway 2, Suite 208, Sandpoint, Idaho 83864

Phone (208) 265-1458 - Fax (208) 265-1463

Email: [planning@bonnercountyid.gov](mailto:planning@bonnercountyid.gov) - Web site: [www.bonnercountyid.gov](http://www.bonnercountyid.gov)

## LAND USE DECISION-MAKING WORKSHEET CONDITIONAL USE PERMIT COMMUNICATION TOWERS

*Idaho Code §67-6535 (2): The approval or denial of any application required or authorized pursuant to this chapter shall be in writing and accompanied by a reasoned statement that explains the criteria and standards considered relevant, states the relevant contested facts relied upon, and explains the rationale for the decision based on the applicable provisions of the comprehensive plan, relevant ordinance and statutory provisions, pertinent constitutional principles and factual information contained in the record.*

### STANDARDS FOR CONDITIONAL USE PERMIT REVIEW:

Prior to approving a conditional use permit, the governing body shall review the particular facts and circumstances of each proposed conditional use permit in terms of the following standards and shall find adequate evidence showing that such use at the proposed location.

<b>Idaho Code §67-6512</b>		A special use permit/conditional use permit may be granted to an applicant if the proposed use is conditionally permitted by the terms of the ordinance, subject to conditions pursuant to specific provisions of the ordinance, subject to the ability of political subdivisions, to provide services for the proposed use and when it is not in conflict with the plan.
YES	NO	List the relevant evidence from the <u>record</u> that supports your conclusion and the rationale for the conclusion.
<b>BCRC 12-222</b>		<b>APPLICATION CONTENTS</b>
YES	NO	List the evidence from the <u>record</u> that supports your conclusion and the rationale for the conclusion.





# Bonner County Planning Department

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<b>BCRC 12-263</b>		<b>RECONSIDERATION</b>
YES	NO	List the evidence from the <u>record</u> that supports your conclusion and the rationale for the conclusion.
<b>BCRC 12-223</b>		The Zoning Commission or Hearing Examiner, except as otherwise provided in this title, is charged with conducting at least one public hearing on the conditional use permit application, at which time interested persons shall have an opportunity to be heard. The Zoning Commission or Hearing Examiner shall review the particular facts and circumstances of each proposal submitted. To grant a conditional use permit, the Zoning Commission or Hearing Examiner 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.
YES	NO	List the evidence from the <u>record</u> that supports your conclusion and the rationale for the conclusion.
<b>BCRC 12-335</b>		<b>BCRC 12-335, Public Use Table, Communication Towers (Note 3)</b>
<b>Note 3</b>		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 the appropriate standard set forth in title 2 of this Code or appendix A of this title, except where subject to the terms of an approved special use permit issued by a State or Federal agency.
YES	NO	List the evidence from the <u>record</u> that supports your conclusion and the rationale for the conclusion.
<b>BCRC 12-4.2</b>		<b>GENERAL STANDARDS:</b>



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YES	NO	List the evidence from the <u>record</u> that supports your conclusion and the rationale for the conclusion.
<b>BCRC 12-421</b>		<b>PERFORMANCE STANDARDS FOR ALL USES</b>
YES	NO	List the evidence from the record that supports your conclusion and the rationale for the conclusion.
<b>BCRC 12-4.3</b>		<b>PARKING STANDARDS</b>
YES	NO	List the evidence from the <u>record</u> that supports your conclusion and the rationale for the conclusion.
<b>BCRC 12-4.4</b>		<b>SIGN STANDARDS</b>
YES	NO	List the evidence from the <u>record</u> that supports your conclusion and the rationale for the conclusion.
<b>BCRC 12-4.5</b>		<b>DESIGN STANDARDS</b>
YES	NO	List the evidence from the <u>record</u> that supports your conclusion and the rationale for the conclusion.
<b>BCRC 12-4.6</b>		<b>LANDSCAPING AND SCREENING STANDARDS</b>



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YES	NO	List the evidence from the <u>record</u> that supports your conclusion and the rationale for the conclusion.
<b>BCRC 12-488 (A)</b>		<b>COMMUNICATION TOWERS</b> A. Communication towers and attendant facilities shall be enclosed by a fence not less than six feet (6') in height.
YES	NO	List the evidence from the <u>record</u> that supports your conclusion and the rationale for the conclusion.
<b>BCRC 12-488 (B)</b>		<b>COMMUNICATION TOWERS</b> B. The base of any tower shall not be closer to any property line than a distance equal to the tower height.
YES	NO	List the evidence from the <u>record</u> that supports your conclusion and the rationale for the conclusion.
<b>BCRC 12-488 (C)</b>		<b>COMMUNICATION TOWERS</b> C. The Zoning Commission shall consider the public convenience and necessity of the communication tower and any adverse effect the facility would have upon properties in the vicinity and may require such reasonable restrictions and conditions of development as to uphold the purpose and intent of this title and the comprehensive plan.
YES	NO	List the evidence from the <u>record</u> that supports your conclusion and the rationale for the conclusion.





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<b>BCRC 12-488 (D)</b>		<b>COMMUNICATION TOWERS</b>  D. Communication towers shall be built to telecommunication industry association/electronic industry association (TIA/EIA) 222 revision F standards, or as amended, for steel antenna support structures.
YES	NO	List the evidence from the <u>record</u> that supports your conclusion and the rationale for the conclusion.
<b>BCRC 12-488 (E)</b>		<b>COMMUNICATION TOWERS</b>  E. Communication towers shall be constructed to accommodate other future communication services where technically feasible ("collocation").
YES	NO	List the evidence from the <u>record</u> that supports your conclusion and the rationale for the conclusion.
<b>BCRC 12-488 (F)</b>		<b>COMMUNICATION TOWERS</b>  F. Communication towers shall meet all operational, construction and lighting standards of the federal aviation administration.
YES	NO	List the evidence from the <u>record</u> that supports your conclusion and the rationale for the conclusion.
<b>BCRC 12-488 (G)</b>		<b>COMMUNICATION TOWERS</b>  G. Communication towers shall not penetrate any airspace surface on or adjacent to any public or private airfields as set forth at <u>subchapter 5.2</u> of this title.



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YES	NO	List the evidence from the <u>record</u> that supports your conclusion and the rationale for the conclusion.
<b>BCRC 12-488 (H)</b>		<b>COMMUNICATION TOWERS</b>  H. Upon termination of use of a communication tower for a period of not less than one year, the landowner and/or tower operator/applicant shall remove the tower along with all supporting equipment, apparatus and foundation.
YES	NO	List the evidence from the <u>record</u> that supports your conclusion and the rationale for the conclusion.
<b>BCRC 12-488 (I)</b>		<b>COMMUNICATION TOWERS</b>  I. Flammable material storage shall be in accordance with international fire code standards.
YES	NO	List the evidence from the <u>record</u> that supports your conclusion and the rationale for the conclusion.
<b>BCRC 12-488 (J)</b>		<b>COMMUNICATION TOWERS</b>  J. Communication towers shall not be used for signage, symbols, flags, banners or other devices or objects attached to or painted or inscribed upon any communication facility for the purposes of displaying a message of any kind, except as required by a governmental agency.
YES	NO	List the evidence from the <u>record</u> that supports your conclusion and the rationale for the conclusion.



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<b>BCRC 12-7.2</b>		<b>GRADING, STORMWATER MANAGEMENT AND EROSION CONTROL</b>
YES	NO	List the evidence from the <u>record</u> that supports your conclusion and the rationale for the conclusion.
		Other arguments raised during the hearing