

BONNER COUNTY PLANNING DEPARTMENT PLANNING AND ZONING COMMISSION STAFF REPORT FOR APRIL 29, 2021



Project Name: **TEMPORARY BATCH PLANT -
GRANITE HILL LLC**
File: **SUP0001-21, SPECIAL USE PERMIT**

Request: The applicant is requesting a Special Use Permit for a Temporary Batch Plant within the existing Granite Hill Rock Pit, which is located on about 35.5 acres along the Old Highway 95 and Granite Loop Road. The property is zoned Rural 5 (R-5).

Legal Description: 26-54N-3W NW W OF HWY 95

Location: The project is located off Hwy 95 in Section 26, Township 54 North, Range 3 West, Boise-Meridian.

Parcel Number: RP54N03W263000A

Parcel Size: ±35.50 acres

Applicant: Granite Hill LLC
45376 Hwy 95
Athol, ID 83801

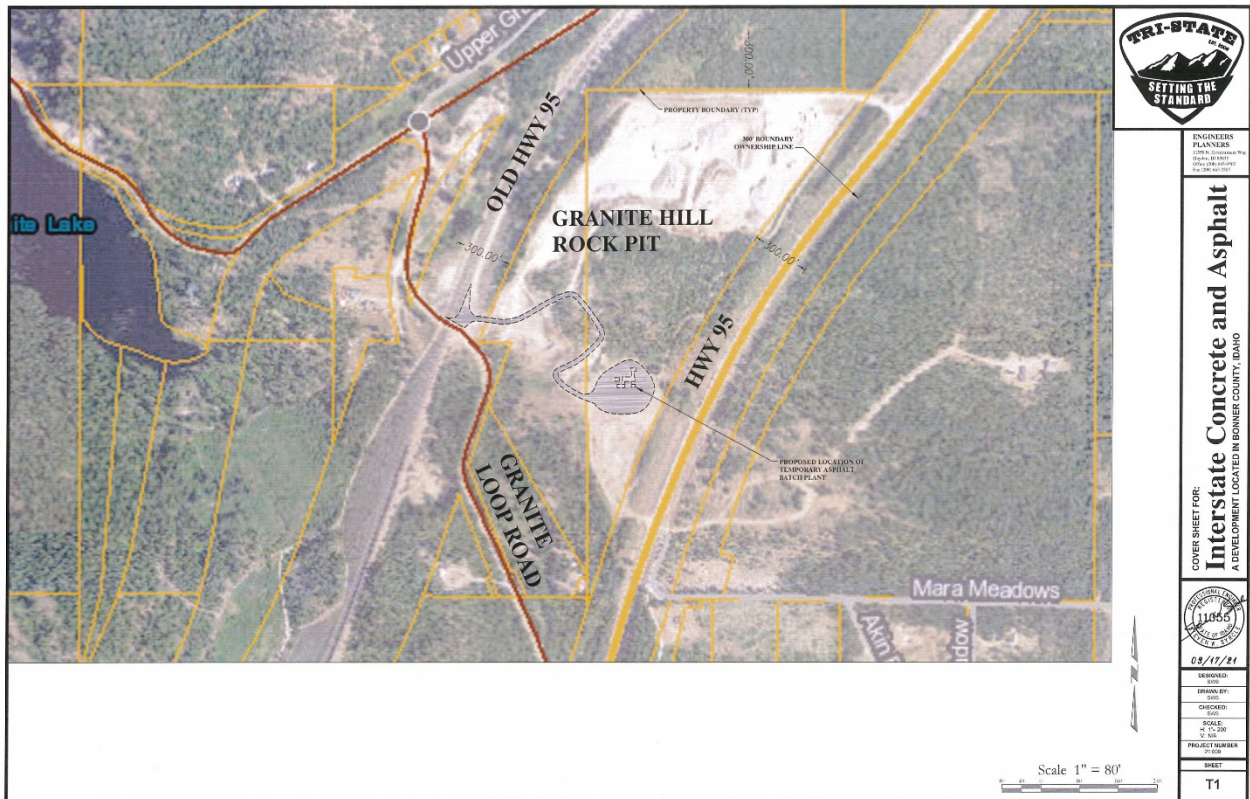
Project Representative: Tri-State Consulting Engineers
11358 Government Way
Hayden, ID 83835

Interstate Concrete and Asphalt
8840 Wyoming Ave
Rathdrum, ID 83858

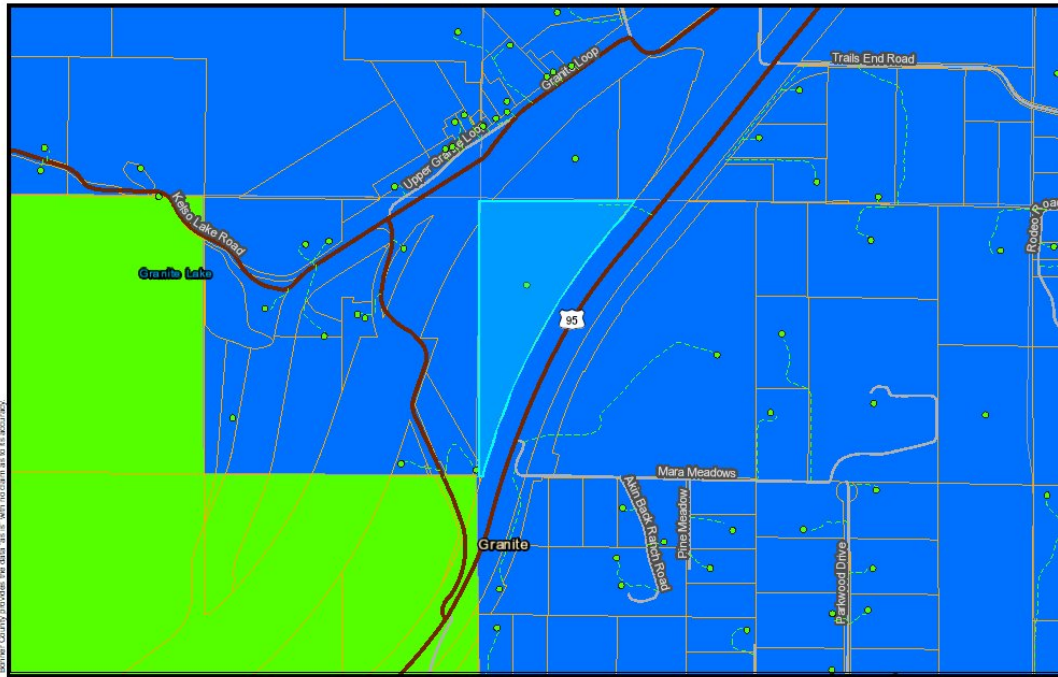
Property owner: Granite Hill LLC
45376 Hwy 95
Athol, ID 83801

Application filed: March 23, 2021

Notice provided: Mail: 3/30/2021
Site Posting: 4/19/2021
Published in newspaper: 3/30/2021



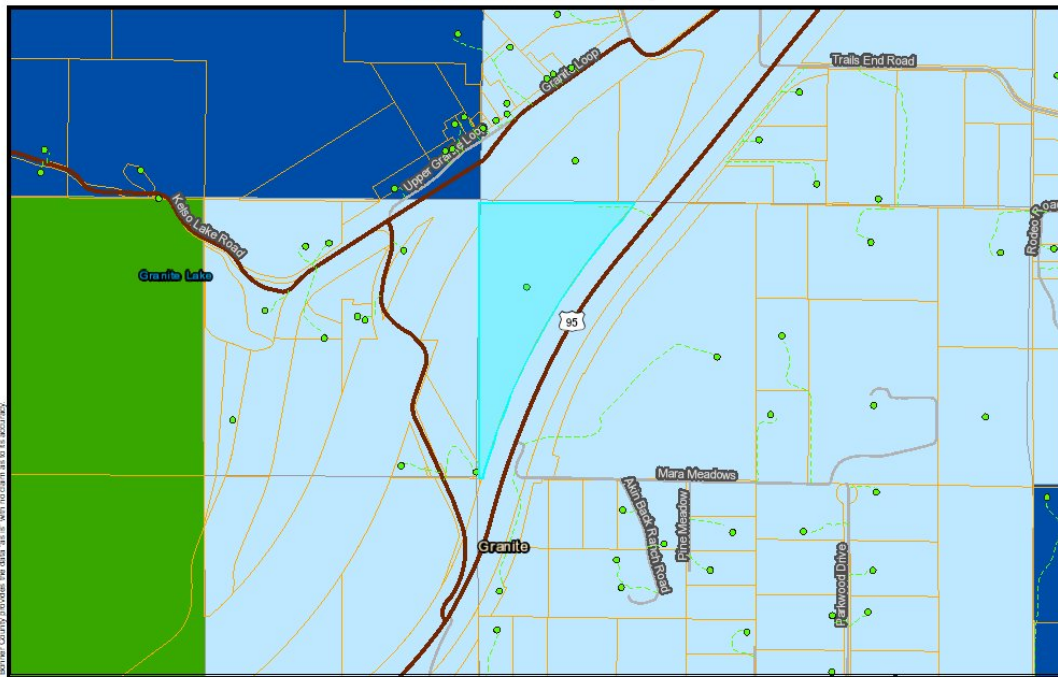
SUP0001-21 - Land Use



4/20/2021, 3:45:58 PM
 ● Site
 --- Driveway
 --- Major Roads
 --- Local Roads
 --- Local
 --- Ramp
 --- Parcels

1:17,702
 0 0.125 0.25 0.5 mi
 0 0.15 0.3 0.6 km
 Source: Esri, Maxar, GeoEye, Earthstar
 Bonner County Planning
 Maxar | Esri, HERE, Garmin, IPC |

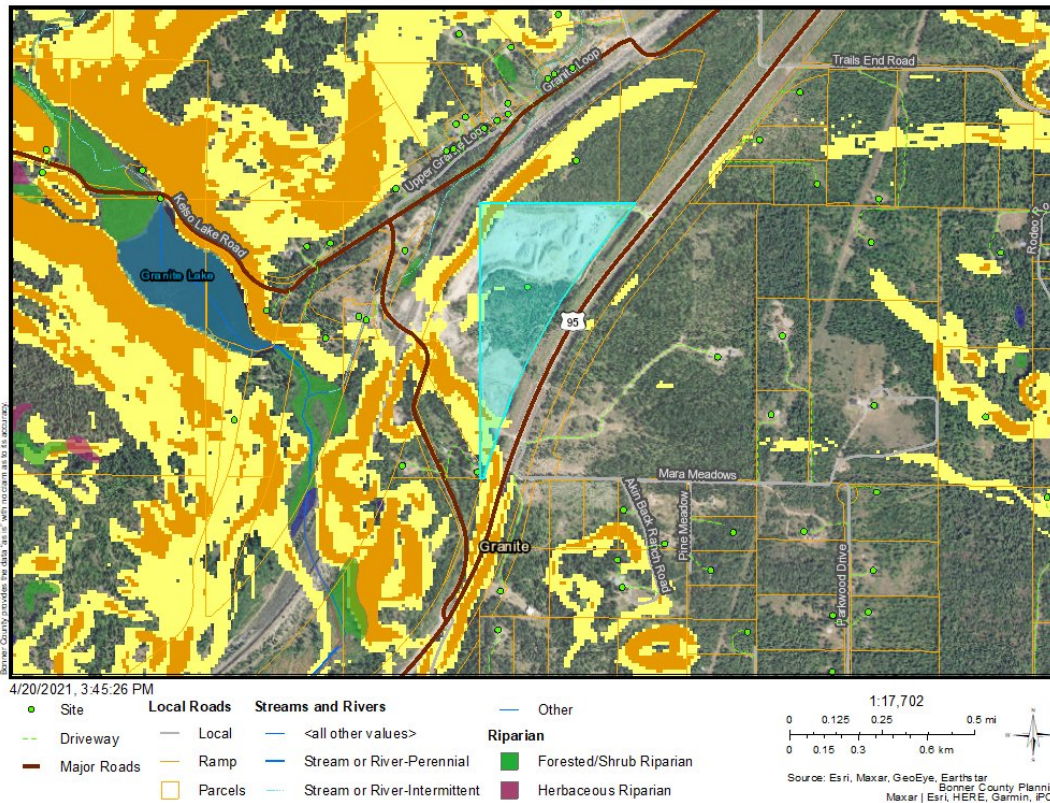
SUP0001-21 - Zoning



4/20/2021, 3:45:48 PM
 ● Site
 --- Driveway
 --- Major Roads
 --- Local Roads
 --- Local
 --- Ramp
 --- Parcels

1:17,702
 0 0.125 0.25 0.5 mi
 0 0.15 0.3 0.6 km
 Source: Esri, Maxar, GeoEye, Earthstar
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SUP0001-21 - Environmental Features



Project summary:

The applicant is requesting a Special Use Permit for a Temporary Batch Plant within the existing Granite Hill Rock Pit, which is located on about 35.5 acres along the Old Highway 95 and Granite Loop Road. The property is zoned Rural 5 (R-5). The site is surrounded by Rural 5 (R-5) zoning, except for a block Rural 10 (R-10) zoning to the northwest of the site. The project is located off Hwy 95 in Section 26, Township 54 North, Range 3 West, Boise-Meridian.

The site in question is mostly flat, with a few steep slopes at the far northwestern and southern corners of the parcel. The parcel has no mapped watercourses, water bodies, wetlands, or floodplains.

One of the primary goals for this proposal is to provide asphaltic material to the US 95 road project, Granite North and Frontage roads in Bonner County that are coming up in the next few months.

Access will be provided through an existing onsite dirt road that will be improved to a 24' gravel road that will be maintained by Interstate. The general size for the plant area will be approximately 300' by 200' which will allow adequate space for plant operations, trucks entering and exiting the plant operations and parking for staff. The proposed site is located outside any incorporated city boundaries.

The proposed operations could generate up to 70 trips per day delivering finished product to customers and for public agency projects. These trips are anticipated during the peak construction days and will be sporadic based on limited paving days per weather conditions.

The proposed facility will be a Gencor 400-ton-per-hour drum asphalt plant. This Temporary Batch Plant will be fully permitted and regulated by the Department of Environmental Quality to ensure compliance with emissions standards during operations. The DEQ permitting process on the plant will require monitoring of smoke stack emissions, odor, dust and particulate matter to ensure safe levels and compliance with applicable standards. The plant will utilize the current "Best Available Control Technology" (BACT), as required by local and federal regulations.

If approved, this facility is planned to operate over a period of 2 years, beginning at the startup date of the facility.

Applicable laws:

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

BCRC 12-24: Special Use Permits
BCRC 12-240: Purpose
BCRC 12-241: Applicability
BCRC 12-242: General Provisions
BCRC 12-243: Duration of Permit
BCRC 12-244: Application for Special Use Permit
BCRC 12-245: Standards for Review of Special Use Permits
BCRC 12-246: Conditions May Be Attached, Special Use Permits
BCRC 12-247: Procedure for Review of Special Use Permit

Background:

A. Site data:

- ±35.50 acres, unplatted
- Gravel Pit
- Zone: Rural 5 (R-5)
- Land Use: Rural Residential (5-10 AC)

B. Access:

- Access to the site is provided via Granite Loop Road and off of Highway 95.
- Five parking spaces are proposed.

C. Environmental factors:

- Site does contain mapped slopes. (USGS)
- Site does not contain mapped wetlands. (USFWS)
- Site does not contain a river/stream/frontage on lake.
- The parcel is within SFHA Zone X, per FIRM Panel 16017C1150E, Effective Date 11/18/2009. No further floodplain review is required on this proposal.
- The site is partially vegetated.
- Soils on the site include:
 - i. Kootenai-Bonner gravelly silt loams, 0 to 20 percent slopes; Farmland of statewide importance
 - ii. Treble-Rock outcrop association, 20 to 65 percent slopes; Not prime farmland
 - iii. Kootenai gravelly silt loam, 20 to 55 percent slopes; Not prime farmland

D. Services:

- Water: None
- Sewage: None
- Fire: Selkirk Fire
- Power: Unknown
- School District: Bonner School District #84

E. Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Land Use & Density
Site	Rural Residential (5-10 AC)	Rural 5 (R-5)	Gravel pit
North	Rural Residential (5-10 AC)	Rural 5 (R-5)	Undeveloped
East	Rural Residential (5-10 AC)	Rural 5 (R-5)	Highway 95
South	Rural Residential (5-10 AC)	Rural 5 (R-5)	Undeveloped
West	Rural Residential (5-10 AC)	Rural 5 (R-5)	Single family residence

F. Standards review

BCRC 12-245 specifies the standards of review of Special Use Permits:

A. The type of temporary use proposed, its general location and the characteristics of the specific site are compatible with the nature of the district and will not have material and long term negative effects.

STAFF: The applicant is requesting a Special Use Permit for a Temporary Batch Plant within the existing Granite Hill Rock Pit, which is located on about 35.5 acres along the Old Highway 95 and Granite Loop Road.

As shown on the submitted site plan, the site has sufficient space for the proposed use. The characteristics of a temporary batch plant are compatible with the nature and characteristics of an existing gravel pit. Locating the temporary batch plant within the source of gravel and aggregate will reduce vehicle trips generated by the temporary batch plant, as opposed to having the proposed temporary batch plant located at a site separate from an aggregate source.

A condition has been added that the batch plant shall be removed and the site shall be restored to a pre-development condition by the end of 2023.

B. There is sufficient land area to accommodate the proposed special use, and that the temporary use and any appurtenant structures are arranged on the land to minimize any adverse effects on surrounding properties, and will not create particular hazards to adjacent properties.

STAFF: As shown on the submitted site plan, the site has sufficient space for the proposed use. The characteristics of a temporary batch plant are compatible with the nature and

characteristics of an existing gravel pit. Locating the temporary batch plant within the source of gravel and aggregate will reduce vehicle trips generated by the temporary batch plant, as opposed to having the proposed temporary batch plant located at a site separate from an aggregate source.

This Temporary Batch Plant will be fully permitted and regulated by the Department of Environmental Quality to ensure compliance with emissions standards during operations. The DEQ permitting process on the plant will require monitoring of smoke stack emissions, odor, dust and particulate matter to ensure safe levels and local compliance standards are met. The plant will utilize the current "Best Available Control Technology" (BACT), as required by local and federal regulations.

The US Highway 95 access will be permitted by the Idaho Department of Transportation. Granite Loop Road access will be permitted by Bonner County Road & Bridge.

The site is within the Selkirk Fire District. The Selkirk Fire District made no comment on this application. The site is within the Bonner County Ambulance District. Any temporary sewage disposal facilitates needed will be permitted through the Panhandle Health District.

A condition has been added to require the submission of an engineered stamped stormwater management and erosion control plan prior to the start of operations of the proposed temporary batch plant.

The temporary batch plant will utilize aggregate being produced from the existing pit and will not impede on adjoining properties.

If approved, this facility is planned to operate over a period of 2 years, beginning at startup date of the facility.

C. The design and management of the proposed special use will not pose a material risk to public health and safety.

STAFF: This Temporary Batch Plant will be fully permitted and regulated by the Department of Environmental Quality to ensure compliance with emissions standards during operations. The DEQ permitting process on the plant will require monitoring of smoke stack emissions, odor, dust and particulate matter to ensure safe levels and local compliance standards are met. The plant will utilize the current "Best Available Control Technology" (BACT), as required by local and federal regulations.

The US Highway 95 access will be permitted by the Idaho Department of Transportation. Granite Loop Road access will be permitted by Bonner County Road & Bridge. The site is within the Selkirk Fire District. The Selkirk Fire District made no comment on this application. The site is within the Bonner County Ambulance District. Any temporary sewage disposal facilitates needed will be permitted through the Panhandle Health District.

A condition has been added to require the submission of an engineered stamped stormwater management and erosion control plan prior to the start of operations of the proposed temporary batch plant.

D. Adequate public services (such as water supply, sewage disposal facilities, roads, law enforcement, traffic control, fire protection, emergency medical services, etc.) exist or will be provided to serve the proposed special use.

STAFF: The US Highway 95 access will be permitted by the Idaho Department of Transportation. Granite Loop Road access will be permitted by Bonner County Road & Bridge.

The site is within the Selkirk Fire District. The Selkirk Fire District made no comment on this application. The site is within the Bonner County Ambulance District. Any temporary sewage disposal facilities needed will be permitted through the Panhandle Health District.

E. The site plan and accompanying descriptive material for the special use are sufficiently detailed to provide a clear and unambiguous description of the nature of the use to be allowed under the terms of the special use permit.

STAFF: The applicant is requesting a Special Use Permit for a Temporary Batch Plant within the existing Granite Hill Rock Pit, which is located on about 35.5 acres along the Old Highway 95 and Granite Loop Road. Operations are planned to begin in June of 2021 and conclude at the end of 2022 or early 2023. Site Restoration is scheduled to occur in June 2023.

F. Measures can and will be taken to mitigate any adverse effects that the proposed special use may have.

STAFF: This Temporary Batch Plant will be fully permitted and regulated by the Department of Environmental Quality to ensure compliance with emissions standards during operations. The DEQ permitting process on the plant will require monitoring of smoke stack emissions, odor, dust and particulate matter to ensure safe levels and local compliance standards are met. The plant will utilize the current "Best Available Control Technology" (BACT), as required by local and federal regulations.

The US Highway 95 access will be permitted by the Idaho Department of Transportation. Granite Loop Road access will be permitted by Bonner County Road & Bridge.

The site is within the Selkirk Fire District. The Selkirk Fire District made no comment on this application. The site is within the Bonner County Ambulance District. Any temporary sewage disposal facilities needed will be permitted through the Panhandle Health District.

A condition has been added to require the submission of an engineered stamped stormwater management and erosion control plan prior to the start of operations of the proposed temporary batch plant.

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

H. Stormwater plan: A stormwater management plan is being required for the proposed use, pursuant to BCRC 12-245. No plan was submitted. A condition has been added to

this recommendation that an engineered stormwater plan shall be in place for the proposed use, prior to commencement of the use.

I. Agency Review

Panhandle Health District	Avista
Idaho Department of Water Resources	BNSF Railway
Selkirk Fire District	Bonner County Road & Bridge
Northern Lights	U.S. Army Corps (Coeur d'Alene)
Idaho Department of Lands (Sandpoint)	Army Corps (Newport)
Bonner County Schools – Transportation	U.S. Fish and Wildlife Service
Idaho Department of Fish and Game	School District #84
Idaho Department of Environmental Quality	U.S. Forest Service
Idaho Transportation Department	State Historical Society
Idaho Department of Lands, Nav. Waters	(All Taxing Districts)

The following agencies commented:

Department of Environmental Quality responded with a standard 5-page comment sheet of recommendations. The Idaho Department of Environmental Quality (DEQ) does not review projects on a project-specific basis.

The following agencies replied “No Comment”:

3/30/2021 - Idaho Department of Water Resources
4/9/2021 – Idaho Department of Lands
4/16/2021 – Idaho Department of Fish & Game

J. Public Notice & Comments

No public comments were received at the time of preparation of the staff report.

Staff analysis:

Staff concluded this project **is** consistent with Bonner County Revised Code based upon the Standards Review and Findings of Fact in this report, and subject to the Conditions of Approval below.

Staff recommendation:

APPROVE subject to Conditions; See Staff Analysis below.

Planner’s Initials: JRJ Date: 4/21/2021 Note: This is only a recommendation. 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.

Motion by the governing body:

PLANNING COMMISSION

MOTION TO APPROVE: I move to approve this project FILE SUP0001-21, requesting a Special Use Permit for a Temporary Batch Plant within the existing Granite Hill Rock Pit, finding that it is in accord with the general and specific objectives of the Bonner County Comprehensive Plan and Bonner County Revised Code as enumerated in the following conclusions of law, and 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 following findings of fact and conclusions of law as written (or as amended). 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.

MOTION TO DENY: I move to deny this project FILE SUP0001-21, requesting a Special Use Permit for a Temporary Batch Plant within the existing Granite Hill Rock Pit, based upon the following conclusions: [REFER TO FOREGOING CONCLUSIONS OF LAW AND SPECIFY WHICH CONCLUSIONS THE PROJECT MEETS AND FAILS TO MEET]. 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 following findings of fact and conclusions of law as amended. This action does not result in a taking of private property. The action that could be taken, if any, to obtain the conditional use permit is to:

- 1) File a new application with the Planning Department and meet the standards required by Bonner County Revised Code; or
- 2) Appeal the Planning and Zoning Commission's decision to the County Commissioners.

Findings of Fact

1. The proposed use will be temporary, consistent with the Conditions of Approval below.
2. The proposed use will occur within the existing Granite Hill Rock Pit facility.
3. The submitted site plan shows that the site has sufficient space for the proposed use.
4. The use will be permitted and regulated by the Idaho Department of Environmental Quality (IDEQ) to ensure compliance with regulations governing emissions, odor, dust and particulate matter.
5. The plant will utilize the current "Best Available Control Technology" (BACT), as required by local and federal regulations.
6. The US Highway 95 access will be permitted by the Idaho Department of Transportation. Granite Loop Road access will be permitted by Bonner County Road & Bridge.
7. The site is within the Selkirk Fire District and Bonner County Ambulance District.
8. Any temporary sewage disposal facilitates needed will be permitted through the Panhandle Health District.
9. The temporary batch plant will utilize aggregate being produced from the existing gravel pit.
10. Operations are planned to begin in June of 2021 and conclude at the end of 2022 or early 2023. Site Restoration is scheduled to occur in June 2023.

Conclusions of Law:

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

Conclusion 1

The proposed conditional use permit **is** in accord with the Bonner County comprehensive plan.

- | | | |
|-----------------------|-------------------------|------------------------------------|
| ▪Property Rights | ▪Population | ▪School Facilities, Transportation |
| ▪Economic Development | ▪Land Use | ▪Natural Resources |
| ▪Hazardous Areas | ▪Public Services | ▪Transportation |
| ▪Recreation | ▪Special Areas or Sites | ▪Housing |
| ▪Community Design | ▪Implementation | |

Conclusion 2

This proposal was reviewed for compliance with the criteria and standards set forth at **BCRC 12-245 – Standards of Review of Special use Permits.**

Conclusion 3

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

Conditions of approval:

Standard & specific continuing permit conditions. To be met for the life of the use:

- A-1** The use shall be developed and shall be operated in accordance with the approved site plan.
- A-2** The Conditional Use Permit shall not supersede deed restrictions.
- A-3** All county setbacks shall be met.
- A-4** The Special use Permit shall expire subject to the dates given in the conditions below.
- A-5** The applicant shall install prior to ground disturbing activities all temporary erosion control measures as designed and approved. The applicant shall provide to the Planning Department prior to ground disturbing activities a signed statement from the project engineer or design professional stating that these measures have been installed as per the design specifications as approved. The applicant shall install upon completing ground disturbing activities and shall maintain thereafter all permanent erosion control and stormwater management measures as designed and approved. The applicant shall provide to the Planning Department upon completing ground disturbing activities a signed statement from the project engineer or design professional stating that these measures have been installed as per the design specifications as approved.

- A-6** Commercial operation of the proposed batch plant shall cease by the end of the 1st quarter of 2023.
- A-7** Removal of the batch plant and site restoration shall be concluded prior to 2024.
- A-8** Prior to commencing the use, and during the life of the use, the temporary batch plant shall be permitted by the Idaho Department of Environmental Quality (IDEQ), and shall be operated in full compliance with the requirements of this agency. This would include, but not be limited to, IDEQ regulations and requirements governing emissions of odor, dust and particulate matter.
- A-9** Prior to commencing the use, and during the life of the use, any US Highway 95 accesses for this use shall be permitted by the Idaho Department of Transportation.
- A-10** Prior to commencing the use, and during the life of the use, any accesses to county-owned roads, including Granite Loop Road, shall be permitted by Bonner County Road & Bridge.
- A-11** Any temporary sewage disposal facilities needed for this use shall be permitted through the Panhandle Health District.
- A-12** The proposed use shall utilize the current "Best Available Control Technology" (BACT) throughout the life of the use.

Conditions to be met prior to issuance of the permit:

- B-1** Prior to commencing the proposed use, an engineered and stamped stormwater management and erosion control plan, taking into account the full impacts of the proposed use, shall be created and submitted to the Planning Department. This plan shall be created consistent with the requirements of BCRC 12-724.1: CONTENTS OF GRADING/STORMWATER MANAGEMENT PLAN. This plan shall be followed for the life of the use.
- B-2** The applicant shall obtain, and maintain in force, liability insurance insuring Bonner County against claims of liability resulting from the issuance of this Special Use Permit, pursuant to Section BCRC 12-246(m). A copy of this insurance policy shall be submitted to the Planning Department prior to issuance of the permit.

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