

Bonner County Planning Department

"Protecting property rights and enhancing property value"

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HEARING EXAMINER STAFF REPORT FOR APRIL 3, 2024

Project Name: Public Utility Facility

File Number, Type: CUP0020-23, Conditional Use Permit

Request: The applicants are requesting a Conditional Use Permit for a Public Utility Facility for provisioning of a telecommunications facility.

Legal Description: 24-55N-6W HOODOO VIEW ACRES LOT 1

Location: The subject parcel is located off U.S. Hwy 41 in Section 24, Township 55 North, Range 6 West, Boise Meridian, Bonner County, Idaho.

Parcel Number: RP021090000010A

Parcel Size: Approximately 7.2-acres

Applicant and Property Owner: Yount Properties LLC
PO Box 1261
Rathdrum, Idaho 83858

Project Representatives: Jeff Thornton
Intermountain Infrastructure Group, LLC.
533 Airport Blvd, Ste 400
Burlingame, CA 94010

David Kilburn
MTC Engineering
345 Inverness Dr South, Ste 100
Englewood, CO 80122

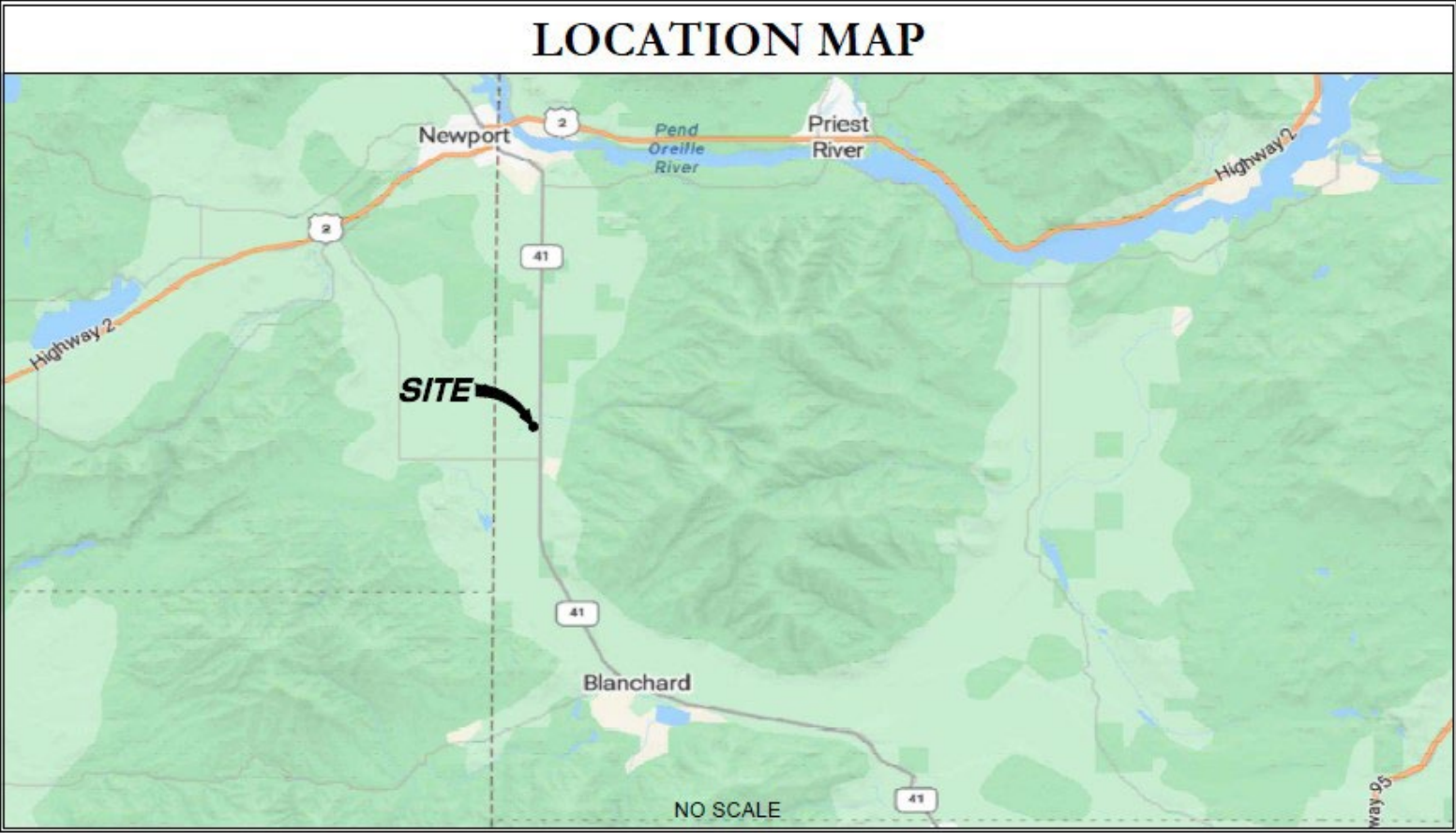
Application filed: November 14, 2023

Notice provided: Mail: March 5, 2024
Site Posting: March 6, 2024
Published in newspaper: March 5, 2024

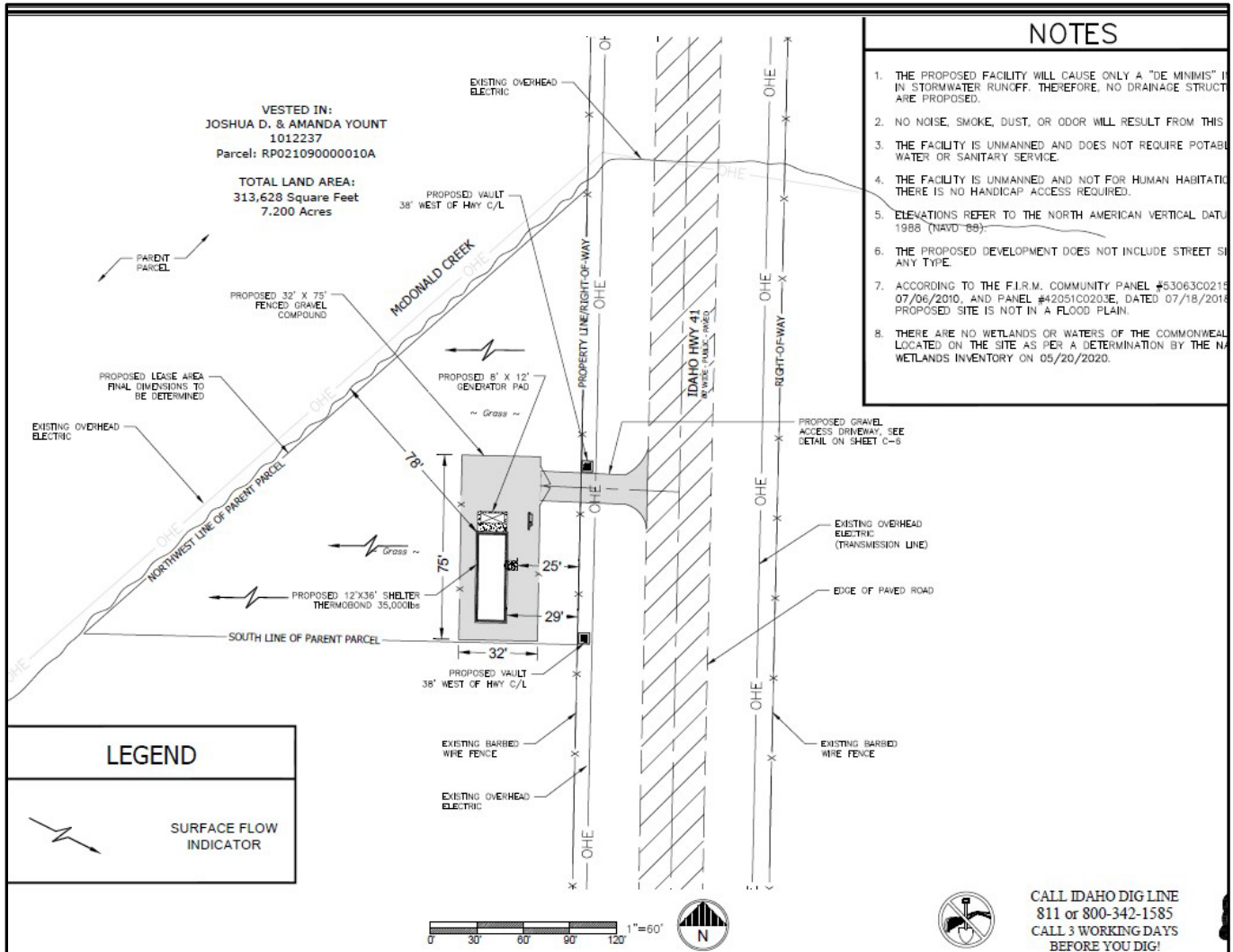
Enclosure: Annex A – Notice of Public Hearing Record of Mailing

VICINITY MAP

LOCATION MAP



SITE PLAN



Project Summary:

The applicant is requesting a Conditional Use Permit for a Public Utility Facility for the provisioning of a telecommunications facility. The subject parcel contains approximately 7.2-acres, is zoned Commercial with a land use designation of Neighborhood Commercial and is located off U.S. Hwy 41, Blanchard in a portion of Section 24, Township 55 North, Range 6 West, Boise Meridian, Bonner County, Idaho.

Applicable Laws:

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

BCRC 12-335	Public Use Table, Public Utility Facility
BCRC 12-2.2	Conditional Use Permits, Applications and Standards
BCRC 12-4.2	Performance Standards for all Uses
BCRC 12-4.3	Parking Standards
BCRC 12-4.4	Sign Standards
BCRC 12-4.5	Design Standards
BCRC 12-4.6	Landscaping and Screening Standards
BCRC 12-7.2	Grading, Storm Water Management and Erosion Control
BCRC 12-7.3	Wetlands

Background:

A. Site data:

- The subject parcel is currently utilized for commercial purposes.
- Site exists as a platted parcel of land.
- Area of the property is approximately 7.2 acres.
- Site is zoned Commercial.
- Site has a land use designation of Neighborhood Commercial

B. Access:

- Site is accessed off of U.S. Hwy 41, a 90'-wide Idaho Transportation Department-owned and maintained public right-of-way with a 26'-wide paved travel way.

C. Environmental factors:

- The site contains minimal slopes of over 30% grade. (United States Geological Survey)
- The southeastern portion of the site contains PEM1Cx Freshwater Emergent Wetlands. (National Wetlands Inventory/United States Fish and Wildlife Services)
- The site contains Bonner gravelly ashy silt loam soils with a farmland classification of "Prime farmland" if irrigated and a drainage classification of "Well drained."
- The site does contain frontage on McDonald Creek, a perennial stream. It does not contain frontage on a river or lake. (National Hydrography Dataset)

- Parcel is located within SFHA Zone X, per FIRM Panel 16017C1075E, Effective Date 11/18/2009.
- Site does not contain any critical wildlife areas as identified by any local, state or federal agencies.

D. Services:

- Water: The proposed public utility facility is not required to be serviced by a water system.
- Sewage: The proposed public utility facility is not required to be serviced by a sewer system.
- Fire: Spirit Lake Fire District
- Power: Avista Utilities
- School District: Lake Pend Oreille School District #83
- Ambulance District: Bonner County Ambulance District
- Hospital District: Pend Oreille Hospital District

E. Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Use & Density
Site	Neighborhood Commercial	Commercial	Commercial, 7.2-acres
North	Rural Residential	Rural 5	Residential, 5.0-acres
East	Rural Residential	Rural 5	U.S. Hwy 41
South	Rural Residential	Rural 5	Residential, 6.0-acres
West	Rural Residential	Rural 5	Residential, 14.776-acres

Agency Review and Public Comments

The application was routed to the following agencies on January 8, 2024, for comment:

Panhandle Health District
 Spirit Lake Fire District
 Avista Utilities
 Lake Pend Oreille School District #83 –Admin
 Idaho Transportation Department
 Lake Pend Oreille School District #83
 Transportation
 U.S. Army Corps (Newport)
 Bonner County Ambulance District

Bonner County Road and Bridge Department
 Idaho Department of Environmental Quality
 Idaho Department of Water Resources
 Department of Fish and Game
 U.S. Fish and Wildlife Service
 U.S. Forest Service
 State Historical Society
 Bonner County Sheriff

The application was noticed on March 5, 2024. A full list of the agencies noticed for this file can be found in the attached Annex.

The following agencies commented:

Idaho Transportation Department – January 8, 2024

"This approach was originally applied for in parcel no. RP021090000010A, about 290 feet north of where the approach is placed in the plans submitted to the county. ITD denied the permit and would suggest getting an easement through parcel no. RP02090000020A to use McDonald Creek Rd. The permittee has so many days to appeal the denial but ITD has seen no new plans. The approach in the plans submitted to the county would not be approved based on IDAPA spacing requirements."

Idaho Transportation Department – March 5, 2024

"Hello. This applicant will need to apply for a new permit for their approach and culvert."

Idaho Department of Environmental Quality – January 11, 2024

"DEQ has no environmental impact comments for the project listed above at this stage of development."

Idaho Department of Environmental Quality – March 20, 2024

"Thank you for the opportunity to provide comment. DEQ has the following comments for the project listed above. The backup generator included in this project, if operated less than 225 hrs. per month, would meet Category II Exemption requirements for an air quality permit under IDAPA 50.01.01.222.c.iii. To maintain this exemption the facility must maintain records of hours of operation on a monthly basis. For this CUP DEQ recommends that the county require the facility to maintain records of operation of the backup generator on a monthly basis. The records should be maintained for a minimum of two years and be made available to county or DEQ personnel when requested.."

Idaho Department of Fish and Game – January 12, 2024

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

Idaho Department of Water Resources – January 8, 2024

"Based upon our understanding of the project, the Idaho Department of Water Resources determined it is non jurisdictional."

Independent Highway District – March 5, 2024

"The subject property is outside of the boundaries of the Independent Highway District. No comment."

Spirit Lake Fire District – January 11 and March 5, 2024

"No comment."

West Pend Oreille Fire District – March 5, 2024

"No comment."

No other agencies replied.

No public comments were received as of the date of this staff report.

Standards Review and Analysis:

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

ANALYSIS AGAINST THE BONNER COUNTY REVISED CODE:

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

Staff: The application was received on November 14, 2023. The completed application was then routed to agencies for their review on January 8, 2024, and March 5, 2024.

- **BCRC 12-335 Public Use Table**

Staff: Public Utility Facilities are conditionally permitted in the Commercial zoning Districts, subject to the following conditions.

- **BCRC 12-335 (6)** Specified conditions with respect to emissions of noise, light, glare, smoke, odor, dust, particulate matter, vibration or hours of operation may be prescribed differently from those required in a given district, as to be compatible with other applicable State and Federal standards.

Applicant: The proposed use will not create significant noise (65 dB from backup generator during commercial power outages), light from a single fixture only during emergency maintenance, no glare, no smoke, no odor, no dust, particulate matter, or vibrations and will be compatible with other applicable state and federal standards.

The facility will be unmanned and will only be occupied for routine or emergency maintenance.

Staff: The applicant's response is adequate and meets the code. The onsite generator is for emergency backup power only.

- **BCRC 12-335 (11)** The area of land covered by buildings shall not exceed 35 percent of the total lot area. The site area shall be sufficient to accommodate the facility and required parking, setbacks, landscaping, walkways and other applicable development standards. The Public Utility Facility lot or parcel is not required to meet the minimum lot/parcel size of the zoning district in which it is located. In considering applications, the Planning or Zoning Commission shall consider the public convenience and necessity of the facility and any adverse effect that the facility will have upon properties in the vicinity, and may require such reasonable restrictions, or conditions of development; or protective improvements as to uphold the purpose and intent of this title and the comprehensive plan. A sewage management agreement shall be approved and executed prior to the issuance of a conditional use permit for subsurface sewage disposal systems serving 10 or more residential dwelling units or designed with a capacity of 2,500 gallons or more per day.

Applicant: The area of land covered by buildings will not exceed 35 percent of the total lot area. The site is 7.2-acres, and the improvements are approximately 2,400 sf. This equates to 0.8% of the site. The site area is sufficient to accommodate the facility and required parking, setbacks and other applicable development standards as shown on the site plan. The Public Utility Facility is not required to meet the minimum lot/parcel size of the zoning district in which it is located.

The proposed use will be public convenience, a necessary facility and there will be no adverse effects from the facility on adjoining properties in the vicinity.

As stated previously, the site will not utilize any sewage facilities.

Staff: The applicant's response meets the site coverage and parking requirements of Note 11. The sewage management requirement does not apply in this case.

- **BCRC 12-420 General Standards**

Staff: Standards A-I do not apply to this application. Total improvements with the proposed Public Utility Facility, as shown on the site plan, encompass an area of 2,400 square feet. The proposed structure shall meet the required setbacks. **See Conditions of Approval.**

- **BCRC 12-421 Performance Standards for all Uses**

Staff: The requested use is unlikely to result in fire hazards, radioactivity or electrical disturbance, noise, vibration, air pollution or water pollution. The facility will be unmanned and will only be occupied for approximately 2 hours every two months.

- **BCRC 12-4.3 Parking Standards**

Staff: There is no requirement for off-street parking spaces for a Public Utility Facility. If required, the site has sufficient area to accommodate parking for the proposed use. The applicant has indicated that there is parking for one vehicle.

- **BCRC 12-4.4, Sign Standards**

Staff: The applicant is proposing one 12"x12" sign with owner emergency phone number and Idaho 811 phone number. This meets the requirements of this section.

- **BCRC 12-4.5 Design Standards**

- **BCRC 12-451 Applicability:** The standards in section 12-453 of 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: The standards of this subchapter are applicable to this proposal for a Public Utility Facility in the Commercial zoning district.

- **BCRC 12-452 Site and Buildings**

Staff: The proposed 432 square feet structure shall be required to obtain a building location permit from the Bonner County Planning Department. **See Conditions of Approval.**

- **BCRC 12-453.A. Sidewalk/Pathway Standards**

Staff: These standards are not applicable to this proposal per exemption BCRC 12-453.A.1 and BCRC 12-453.A.2. Adjacent properties or properties along the applicable street frontage are not zoned for commercial uses neither does the site include multiple buildings fronting the street.

- **BCRC 12-453.B. Pedestrian Connections**

Staff: This proposal is exempt from these standards as this is a proposal for an unmanned Public Utility Facility where no pedestrian traffic is anticipated.

- **BCRC 12-453.C. Parking Lot Pathways**

Staff: This is a proposal for a Public Utility Facility where little or no vehicular traffic is anticipated. As per BCRC 12-4.3 Parking Standards, there are no parking requirements for the proposed use and thus, no parking lot or parking lot pathways requirements either.

- **BCRC 12-453.D. Parking Location Guidelines**

Staff: This is a proposal for a Public Utility Facility where little or no vehicular traffic is anticipated. As per BCRC 12-4.3 Parking Standards, there are no parking requirements for the proposed use and thus, no parking location requirements either.

- **BCRC 12-453.E. Main Building Entry Standards for Commercial Uses**

Staff: This is a request for a Public Utility Facility which is considered a public use. These standards do not apply to this project.

- **BCRC 12-453.F. Lighting Standards**

Staff: The applicant has proposed one small light above the door of the facility. This light will not create problems with glare or light pollution as the facility is in a rural area and fronts a highway.

- **BCRC 12-453.G. Blank Wall Treatment Standards**

Staff: This is a proposal for a Public Utility Facility. These standards do not apply to this project.

- **BCRC 12-453.H. Maximum Building Width**

Staff: The width of the proposed building is 12 feet. The proposal meets these standards.

- **BCRC 12-453.I. Recreational Space for Multi-family Developments**

Staff: This is a proposal for a Public Utility Facility. These standards do not apply to this project.

- **BCRC 12-453.J. Outdoor Storage**

Staff: No outdoor storage is proposed as part of this application. These standards do not apply to this project.

- **BCRC 12-453.K. Solid Waste, Recycling Collection Areas**

Staff: This is a proposal for a Public Utility Facility and does include a solid waste or recycling collection area. These standards do not apply to this project.

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

Applicant: While some timber and underbrush clearing is required for the Public Utility Facility, the area will be replanted, screened with native grasses and shrubs, as well as trees along the right-of-way. Additionally, the site will be surrounded by a 6' security fence with a barbed wire top guard.

Staff: A landscaping plan consisting of Type D landscaping will be required at the time of application for a building location permit. **See Conditions of Approval.**

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

Staff: A grading, stormwater management and erosion control plan was not submitted by the applicant. A grading, stormwater management and erosion control plan as well as a shoreland worksheet may be required at the time of application for a building location permit pursuant to these standards. If required, approval of these plans shall be obtained from Bonner County prior to initiation of any land disturbing activities on the site. **See Conditions of Approval.**

- **BCRC 12-7.3, Wetlands**

- **BCRC 12-731(B)(2)** The following developments are exempt from this requirement: Conditional use permit applications where the applicant can demonstrate on a site plan that the proposed building site is not within a wetland as determined from the U.S. Fish and Wildlife Service National Wetland Inventory maps or where the development will not create additional impervious surface.

Staff: The site contains PEM1Cx Freshwater Emergent Wetlands. However, the applicant is not proposing the addition of any structures within wetlands as determined by the U.S. Fish and Wildlife Service National Wetland Inventory Maps. Therefore, a wetland delineation is not required for this proposal.

ANALYSIS AGAINST THE COMPREHENSIVE PLAN OBJECTIVES:

1. Property Rights:

- a. **Objective:** Private property shall not be taken for public uses without just compensation or due process of law.

Analysis: Not Applicable.

b. Objective: Impacts to other properties shall be taken into account when considering land use proposals, policies and codes.

Analysis: Any potential impacts to other properties have been accounted for. The facility is unlikely to result in any significant noise, light, glare, smoke, odor, dust, particulate matter or vibrations as the facility will be designed in accordance with applicable state and federal standards.

2. Population:

a. Objective: Bonner County shall keep current with county census data, population estimates and projections and shall use the data to analyze community needs and project impacts.

Analysis: Not Applicable.

3. School Facilities and Transportation:

a. Objective: Ensure that the proposed developments and county land use decisions do not adversely impact the local school districts and their ability to provide adequate school facilities and transportation systems.

Analysis: Not Applicable.

b. Objective: The county should encourage school districts to proactively review development applications to determine particular school needs and concerns.

Analysis: Not Applicable.

c. Objective: Bonner County roads, trails and bicycle paths should be designed and maintained to allow safe passage of students to schools.

Analysis: Not Applicable.

d. Objective: Long-term consequences of land use proposals should be considered, including the adequacy of existing facilities and the siting of future schools.

Analysis: Not Applicable.

4. Economic Development:

a. Objective: Support small businesses such as markets, restaurants, recreational activities, campgrounds, and marinas that provide services which support resort residents and visitors in their local communities.

Analysis: Not Applicable.

b. Objective: Enable development of small-scale cottage industries and home based occupations while protecting the surrounding areas from adverse impacts.

Analysis: Not Applicable.

c. Objective: Policies regarding economic development activities should seek to mitigate the impacts of such factors as noise, light glare, odors, fumes and vibrations on the surrounding community.

Analysis: Not Applicable.

d. Objective: Support local economic development by increasing support for outdoor recreation in Bonner County. Encourage and protect public access to public lands and water, campgrounds, and recreational areas.

Analysis: Not Applicable.

e. Objective: Support local businesses by enabling development of workforce housing in proximity to commercial, industrial and agricultural uses.

Analysis: Not Applicable.

5. Land Use:

a. Objective: Bonner County should develop and maintain a future land use map and land use codes that acknowledge and protect its agricultural, timber and mining lands, protects the water and wildlife resources, identifies and avoids hazard areas, provides areas for economic growth, encourages affordable housing and centers growth in areas where adequate public and private services can be provided.

Analysis: Bonner County Revised Code was adopted in accordance with the Comprehensive Plan Land use objectives. The code permits Public Utility Facility as a Conditional Use in areas zoned Commercial. This request upholds the land use objectives of the Comprehensive Plan.

b. Objective: Encourage clustered development for medium and large scale commercial and industrial uses.

Analysis: Not Applicable.

c. Objective: Commercial and industrial uses should be located and operated in a manner to ensure the protection of our natural resources including clean air and water, dark skies, and overall environmental quality and rural character of Bonner County.

Analysis: Not Applicable.

6. Natural Resources:

a. Objective: Bonner County's system of lakes and waterways is one of its greatest assets, and Bonner County should strive to preserve both the quality and quantity of its water resources.

Analysis: Not Applicable.

b. Objective: Bonner County values its productive agricultural lands and forests, mining lands, its fisheries, wildlife, wetlands and aquifer recharge areas and should provide measures to protect and maintain these natural features.

Analysis: Not Applicable.

c. Objective: Bonner County should protect its water resources by requiring adequate sewer treatment systems based on soil, density, and intensity of use to reduce impacts to water resources.

Analysis: Not Applicable.

7. Hazardous Areas:

a. Objective: Bonner County intends to regulate the location and density of new development in floodplain to reduce the potential for the loss of lives and property within flood hazard areas.

Analysis: Not Applicable.

b. Objective: Future development should be designed to reduce exposure to wildland fire and to provide for emergency and escape routes for residents.

Analysis: Not Applicable.

c. Objective: Development within areas of excessive slopes, unstable areas and avalanche zones shall be discouraged.

Analysis: Not Applicable.

8. Public Services, Facilities and Utilities:

a. Objective: New development should be adequately served by fire protection, roads, sewer, schools, law enforcement, ambulance, power and emergency services, water and other public or private services.

Analysis: The application supports this objective by providing infrastructure for all of the above.

b. Objective: Require the developers to provide infrastructure, utilities or financial support to offset the capital costs of expansion of services, required by the proposed development.

Analysis: Not Applicable.

c. Objective: Bonner County shall require adequate provisions for future utility services in areas of commercial, industrial, residential or other similar uses.

Analysis: The application supports this objective by enhancing the backbone infrastructure available to provide services to county residents. Cellular and landline communications run on this backbone. This utility will enhance service for customers as well as enhancing emergency services communications.

9. Transportation:

a. Objective: Future development shall not adversely impact the existing transportation system by reducing the quality or level of service or creating hazards or congestion.

Analysis: Not Applicable.

b. Objective: Roads within new development shall be built to county standards and at the expense of the developer.

Analysis: Not Applicable.

c. Objective: Roads within new development shall provide adequate access for fire and emergency vehicles and routes of escape.

Analysis: Not Applicable.

d. Objective: Future access roads shall be developed to integrate with the state and county system of roads without overburdening the transportation system.

Analysis: Not Applicable.

e. Objective: To reduce transportation costs, road building and environmental impacts, cluster development shall be encouraged.

Analysis: Not Applicable.

f. Objective: Bonner County intends for certain intense land use developments to provide paved roads.

Analysis: Not Applicable.

g. Objective: Bike ways and pedestrian paths shall be considered in development plans to provide an integrated community transportation system wherever possible.

Analysis: Not Applicable.

h. Objective: To communicate and work cooperatively with other jurisdictions within the county to ensure the best possible flow of traffic county-wide.

Analysis: Not Applicable.

10. Recreation:

a. Objective: Ensure public legal recreational access and amenities are not obstructed or adversely impacted by future development.

Analysis: Not Applicable.

11. Special Areas or Sites:

a. Objective: Future developments shall not adversely affect or destroy culturally or ecologically sensitive sites.

Analysis: Not Applicable.

12. Housing:

a. Goal/Objective: Provide an environment that enables opportunities for diverse housing needs.

Analysis: Not Applicable.

13. Community Design:

a. Objective: New development should be located in areas with similar densities and compatible uses.

Analysis: Not Applicable.

b. Objective: The adverse impacts of new development on adjacent areas should be minimized.

Analysis: Not Applicable.

c. Objective: Consider the protection of natural resources, rural features and surrounding uses of the community in the design and location of new development.

Analysis: Not Applicable.

14. Agriculture:

a. Objective: Protect the rural character and agricultural heritage of Bonner County by retaining large and small scale commercial agriculture and hobby farms as viable uses.

Analysis: Not Applicable

b. Objective: Support the local economy by encouraging production, distribution, and retail sales of locally grown food and other agricultural products.

Analysis: Not Applicable

c. Objective: Develop policies to discourage fragmentation of very large productive agricultural lands.

Analysis: Not Applicable.

Staff concluded this project **is** consistent with the Bonner County Revised Code. This conclusion is demonstrated by the Standards Review, Conclusions of Law, Findings of Facts and Conditions of Approval. Conditions of Approval have been added to facilitate the project's conformance to Bonner County Revised Code. The final decision rests with the hearing body.

Planner's Initials: **RW** Date: **March 28, 2024**

Decision/Recommendation by the Governing Body:

HEARING EXAMINER

DECISION TO APPROVE: I approve this project, FILE CUP0020-23 for a Public Utility Facility, finding that it is in accord with the general and specific objectives of the Bonner County Comprehensive Plan and Bonner County Revised Code as enumerated in the following conclusions of law:

Conclusion 1: The proposed conditional use permit **is** in accord with the general and specific objectives 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.

The decision is based upon the evidence submitted up to the time the Staff Report was prepared and testimony received at this hearing. I further adopt the findings of fact set forth in the Staff Report (or as amended during this hearing) and direct planning staff to draft written findings and conclusions to reflect this decision and transmit to all interested parties. The action that could be taken to obtain the conditional use permit is to complete the Conditions of Approval as adopted. This action does not result in a taking of private property.

HEARING EXAMINER

DECISION TO DENY: I deny this project, FILE CUP0020-23 for a Public Utility Facility based upon the following conclusions:

Conclusion 1: The proposed conditional use permit **is/is not** 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 at BCRC Title 12, Chapter 2, Subchapter 2.2 Conditional Use Permits; Chapter 3, Subchapter 3.3; 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 not/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. I further adopt the findings of fact as

set forth in the Staff Report (or as amended during this hearing) and direct planning staff to draft written findings and conclusions to reflect this decision and transmit to all interested parties. This action does not result in a taking of private property. The action that could be taken, if any, to obtain the conditional use permit is to:

- 1) File a new application with the Planning Department and meet the standards required by Bonner County Revised Code; or
- 2) Pursue such remedies as may be applicable at Title 67, Chapter 65, Idaho Code

RECOMMENDATION TO THE ZONING COMMISSION

I recommended that the Zoning Commission conduct a public hearing for this Conditional Use Permit File CUP0020-23, requesting a conditional use permit for a Public Utility Facility, pursuant to the public hearing noticing requirements and procedures of Chapter 2, Subchapter 2.6 of Title 12, based upon the extent of public comment and other contested factors in the case which warrant a hearing in front of the Zoning Commission.

Findings of Facts:

1. The applicants are requesting a Conditional Use Permit for a Public Utility Facility for the provision of a fiber optic relay facility.
2. The subject parcel is zoned Commercial with a land use designation of Neighborhood Commercial.
3. The site is accessed off of U.S. Hwy 41, a 90'-wide Idaho Transportation Department-owned and maintained public right-of-way with a 26'-wide paved travel way.
4. Per BCRC 12-335, Public Use Table, Public Utility Facilities are permitted as Conditional Uses in Commercial zoning districts.
5. The applicant is proposing construction of a 12' wide X 9' high X 32' long building within a 36' X 75' lease area to facilitate functioning of the proposed telecommunications facility.
6. A backup generator for emergency use will be located on the site.
7. Construction is proposed to occur in a single phase of development.
8. The facility will be unmanned and occupied only during routine and emergency maintenance.

Conditions of Approval:

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

1. The use shall be developed and shall be operated in accordance with the approved site plan.
2. The Conditional Use Permit shall not supersede deed restrictions.
3. All County setbacks shall be met.
4. The Conditional Use Permit shall expire if not issued within two (2) calendar years from the date of approval, or once issued, if the use has not commenced within two (2) calendar years from the date of issuance. At any time prior to the expiration date of the Conditional Use Permit, the applicant may make a written request to the Planning Director for an extension of the Conditional Use Permit for a period up to two (2) years. The Hearing Examiner, Zoning Commission or board may consider such request for extension at any regular meeting. The extension request must be approved or denied prior to the expiration date of the Conditional Use Permit.
5. A building location permit shall be obtained prior to commencing any land disturbing activity.
6. A Grading/Stormwater Management/Erosion Control plan shall be submitted with the building location permit application.
7. A landscaping plan (Landscaping Plan D) shall be submitted with the building location permit application.

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

ANNEX A

RECORD OF MAILING

Page 1 of 1

File No.: CUP0020-23

Record of Mailing Approved By:

Hearing Date: April 03, 2024

Robert Winningham, Planner

I hereby certify that a true and correct copy of the "Notice of Public Hearing" was digitally transmitted or mailed (postage prepaid) on this **5th** day of **March 2024**.



Jenna Crone, Hearing Coordinator

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