



## Bonner County Planning Department

*"Protecting property rights and enhancing property value"*

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April 10, 2024

Yount Properties  
P.O. Box 1261  
Rathdrum, ID 83858

Subj: File CUP0020-23 – Conditional Use Permit – Public Utility Facility

Encl: (1) File CUP0020-23 Hearing Examiner Approved Site Plan

Dear Applicant,

The Bonner County Hearing Examiner at the April 3, 2024, hearing approved the referenced application with conditions.

Hearing Examiner Rucker approved 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. Examiner Rucker further adopted the findings of fact set forth in the Staff Report and amended at 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.

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## **Findings of Fact**

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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.
9. 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.
10. EMI emissions are regulated by the FCC per 47 CFR Part 15.

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## **Conditions of approval:**

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### **Standard permit conditions:**

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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.
8. The backup generator included in this project, if operated less than 225 hrs. per month, would meet Category II Exemption on requirements for an air quality permit under IDAPA 50.01.01.222.c.iii. To maintain this exemption the facility shall maintain monthly records of hours of operation. The records shall be maintained for a minimum of two years and be made available to county or DEQ personnel when requested.
9. 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.
10. EMI emissions are regulated by the FCC per 47 CFR Part 15.

Bonner County Revised Code, Section 12-262, provides an opportunity for affected persons to appeal Hearing Examiner decisions with the Planning Director within 28 days after the final written decision of the Hearing Examiner has been issued. Any such appeal must be submitted in accordance with the referenced code section no later than **5:00 p.m., May 8, 2024. AN APPEAL SHALL BE ACCOMPANIED BY A FILING FEE IN ACCORDANCE WITH THE APPROVED FEE SCHEDULE. THE FEES ARE PAYABLE TO THE BONNER COUNTY PLANNING DEPARTMENT.**

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

Please contact the Planning Department if you have any questions.

Sincerely,

  
Jacqueline Rucker  
Hearing Examiner

C; Jeff Thornton, Intermountain Infrastructure Group, LLC

**BONNER COUNTY  
APPROVED SITE PLAN**

*Jaqueline Spaulon 4-3-24*  
**DATE**

**NOTES**

1. THE PROPOSED FACILITY WILL CAUSE ONLY A "DE MINIMIS" INCREASE IN STORMWATER RUNOFF. THEREFORE, NO DRAINAGE STRUCTURES ARE PROPOSED.
2. NO NOISE, SMOKE, DUST, OR ODOR WILL RESULT FROM THIS FACILITY.
3. THE FACILITY IS UNMANNED AND DOES NOT REQUIRE POTABLE WATER OR SANITARY SERVICE.
4. THE FACILITY IS UNMANNED AND NOT FOR HUMAN HABITATION. THERE IS NO HANDICAP ACCESS REQUIRED.
5. ELEVATIONS REFER TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 88).
6. THE PROPOSED DEVELOPMENT DOES NOT INCLUDE STREET SIGNS OF ANY TYPE.
7. ACCORDING TO THE F.I.R.M. COMMUNITY PANEL #53063C0215D, DATED 07/06/2010, AND PANEL #42051C0203E, DATED 07/18/2018, THE PROPOSED SITE IS NOT IN A FLOOD PLAIN.
8. THERE ARE NO WETLANDS OR WATERS OF THE COMMONWEALTH LOCATED ON THE SITE AS PER A DETERMINATION BY THE NATIONAL WETLANDS INVENTORY ON 05/20/2020.

**MTC ENGINEERING**  
A MTC CONSULTING LLC COMPANY  
345 INVERNESS DR. SOUTH  
BUILDING A, SUITE 100  
ENGLEWOOD, COLORADO 80112  
TEL: 720-344-5577

**RMWT**  
22 NORTH SHEEP LANE  
NEPH, UT 84648  
PH: (435) 623-4252

**BLANCHARD  
WYCHYN1048.2POPBCHEID1**

32622 HWY 41  
BLANCHARD, ID 83804  
PROPOSED FIBER HUB

PROJECT NO: G0167912  
CHECKED BY: MB

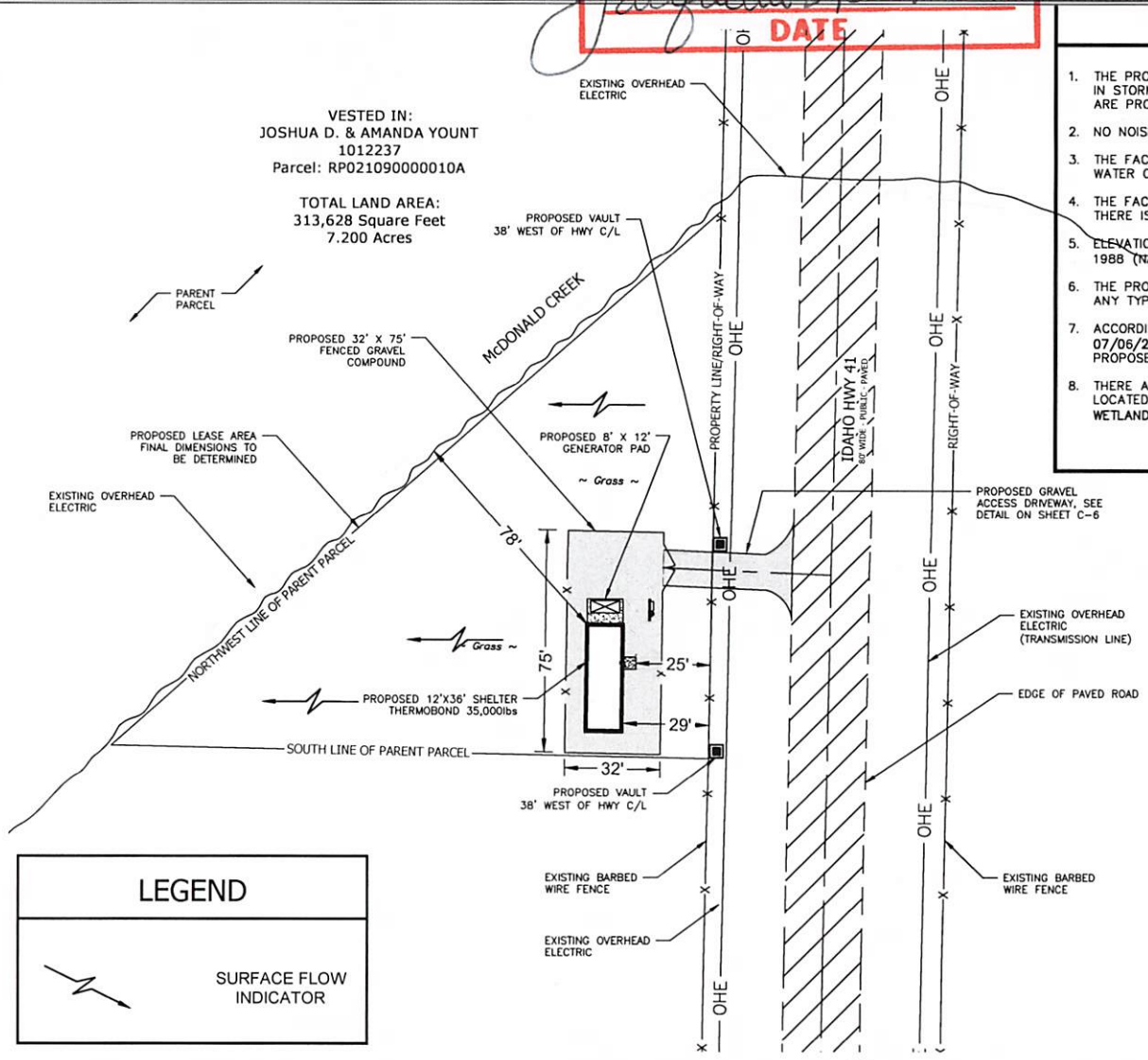
ISSUED FOR:

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MTC ENGINEERING

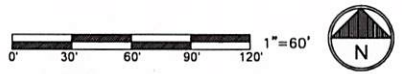
OVERALL SITE PLAN

SHEET NUMBER:  
**C-1**



**LEGEND**

SURFACE FLOW INDICATOR



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