

# Bonner County Planning Department

*"Protecting property rights and enhancing property value"*

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## HEARING EXAMINER STAFF REPORT FOR FEBRUARY 7, 2024

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<b>Project Name:</b>	<b>Communication Tower</b>
<b>File Number, Type:</b>	<b>CUP0022-23, Conditional Use Permit</b>
<b>Request:</b>	The applicant is requesting a Conditional Use Permit to establish and operate a communication tower.
<b>Legal Description:</b>	9-59N-1W TAX 19 1995 FUQUA 25 X 67 RP
<b>Location:</b>	The project is located at 211 Cindy Lane, Sandpoint in a portion of Section 9, Township 59 North, Range 1 West, Boise-Meridian, Bonner County, Idaho.
<b>Parcel Number:</b>	RP59N01W097510A
<b>Parcel Size:</b>	Approximately 20.0 AC
<b>Applicant and Property Owner:</b>	Dolyniuk Family Trust and James A. & Sandy J. Dolyniuk Trustees 211 Cindy Lane Sandpoint, ID 83864  Harmoni Towers/Verizon Wireless 2450 NW 144 <sup>th</sup> Ave Beaverton, OR 97006
<b>Project Representatives:</b>	Paul Slotemaker/Tilson 2450 NW 144 <sup>th</sup> Ave Beaverton, OR 97006
<b>Application filed:</b>	December 7, 2023
<b>Notice provided:</b>	Mail: January 10, 2024 Published in newspaper: January 12, 2024 Site Posting: January 18, 2024

# VICINITY MAP

Bonner County Map



Bonner County Planning Department

1/26/2024, 2:40:28 PM

- |                    |                              |                    |                  |
|--------------------|------------------------------|--------------------|------------------|
| FIRM Panels        | Stream or River-Intermittent | Ownership          | Road Centerlines |
| Flood Hazard Zone  | Lakes                        | Bonner County      | Primary          |
| A                  | Site                         | Unknown            | Secondary        |
| Streams and Rivers | Driveway                     | <all other values> | Local; Ramp      |
| Other              |                              |                    | Parcels          |

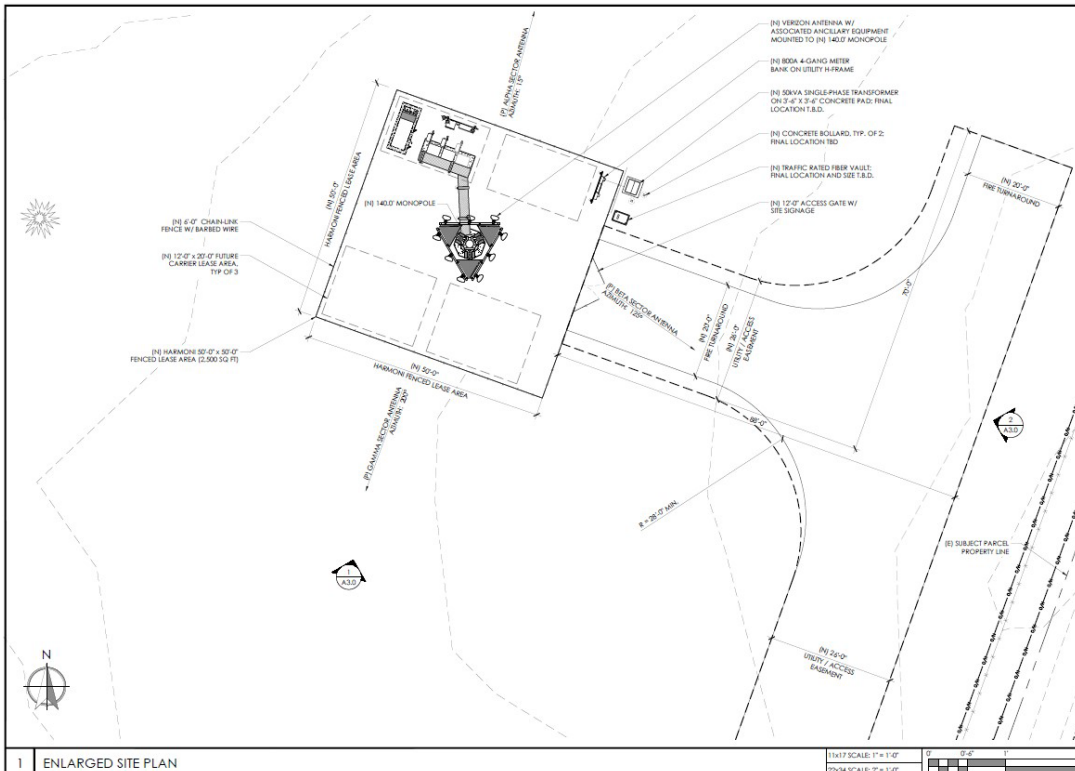
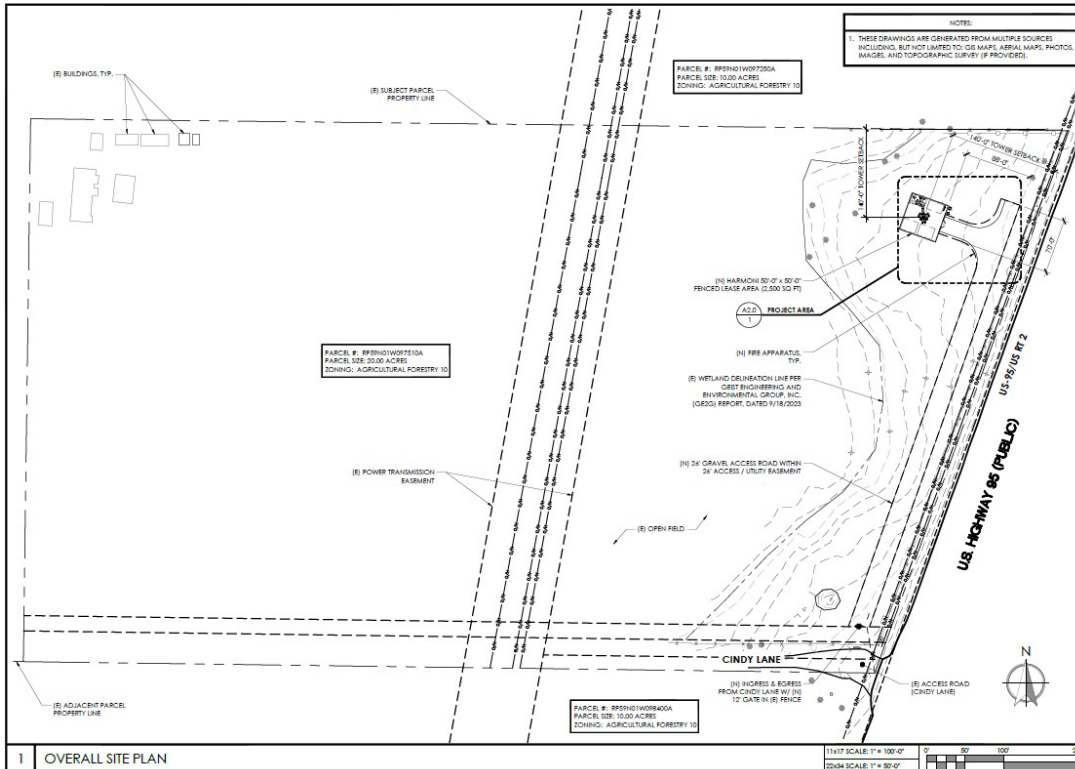
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0 0.125 0.25 0.5 mi

0 0.175 0.35 0.7 km

Source: Esri, Maxar, Earthstar Geographics, and the Bonner County Planning Maxar

# SITE MAP



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## **Project Summary:**

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The applicant is requesting to construct and operate a 140' self-supporting tower and ground equipment. The tower will be housed in a 50' x 50' fenced area. The proposed site is located at 211 Cindy Lane off U.S. Hwy 95 in Sandpoint, Idaho. The parcel contains 20.0-acres and is currently zoned Agricultural/Forestry 10 (A/F-10) with a land use designation of Ag/Forest Land (10-20 AC). 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 12-220, et seq, Conditional Use Permit, Application and Standards  
BCRC 12-327, Rural Service Center 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 12-4.88, Communication Towers  
BCRC 12-7.2, Grading, Stormwater Management and Erosion Control  
BCRC 12-7.3, Wetlands

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## **Background:**

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

- The subject parcel is currently utilized for residential purposes.
- Site exists as an unplatted parcel of land.
- Area of the property is approximately 20.0-acres.
- Site is zoned Agricultural/Forestry 10 (A/F-10).
- Site has a land use designation of Ag/Forest Land (10-20 AC).

### **B. Access:**

- The property will be accessed from Cindy Lane, a privately owned and maintained road.

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

- The site contains minimal slopes of over 15% grade. (United States Geological Survey)

- The site contains PEM1C Freshwater Emergent Wetlands. (National Wetlands Inventory/United States Fish and Wildlife Services). The applicant has provided a wetlands delineation showing that the tower site is excluded from the wetlands.
- The majority of the site contains Pywell-Hoodoo complex soils with a farmland classification of "Prime farmland if drained" and a drainage classification of "Very poorly drained." The eastern portion of the site contains Selle-Elmira complex soils with a farmland classification of "Farmland of statewide importance" and a drainage classification of "Well drained." The southeastern portion of the site contains Colburn very fine sandy loam soils with a farmland classification of "Prime farmland" and a drainage classification of "Somewhat poorly drained."
- 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 16017C0505E, 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.
- Sewage: The proposed communication tower is not required to be serviced by a sewer system.
- Fire: Northside Fire District
- Power: Avista Utilities
- School District: Lake Pend Oreille School District #84
- Ambulance District: Bonner County Ambulance District
- Hospital District: Pend Oreille Hospital District

**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	Ag/Forest Land	Ag/Forest 10	Residential, 20.0-acres
North	Ag/Forest Land	Ag/Forest 10	Residential, 10.0-acres; Residential, 10.253-acres
East	Rural Residential	Rural 5	Residential, 1.2-acres
South	Ag/Forest Land	Ag/Forest 10	Residential, 10.0-acres
West	Ag/Forest Land	Ag/Forest 10	Residential, 20.0-acres

**Agency Review and Public Comments**

**The application was routed to the following agencies on January 9, 2024 for comment:**

Panhandle Health District  
Northside Fire District  
Avista Utilities  
U.S. Fish and Wildlife Service  
U.S. Forest Service  
U.S. Army Corps (Newport)  
Idaho Department of Fish and Game

Bonner County Road and Bridge Department  
State Historical Society  
Idaho Department of Environmental Quality  
Idaho Department of Water Resources  
Lake Pend Oreille School District #84 - Admin  
Lake Pend Oreille School District #84 - Transportation  
Bonner County Sheriff  
Bonner County Ambulance District

**The application was routed to the following agencies on January 26, 2024 for comment:**

Idaho Transportation Department

**The following agencies commented:**

**Idaho Department of Fish and Game – January 12, 2024**

*"The Idaho Department of Fish and Game recommends that the 40' wetland setback, as noted in the wetland delineation, be adhered to."*

**Idaho Department of Water Resources – January 9, 2024**

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

**Idaho Department of Transportation – January 29, 2024**

"If access is from Cindy Ln as the site plan indicates, ITD has no objection. Cindy Ln is a public road and does not need a permit."

**No other agencies replied.**

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

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**Standards Review and Analysis:**

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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 December 7, 2023. The completed application was then routed to agencies for their review on January 9, 2023.

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

**Staff:** Communication towers are conditionally permitted in the Agricultural/Forestry zoning Districts, subject to the following conditions.

- **BCRC 12-335 (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:** Communication towers are conditionally permitted in the Agricultural/Forestry zoning districts. The site plan, as presented by the applicant, illustrates that the tower will be accessed by a 26' gravel ingress/egress easement off of Cindy Lane. Cindy Lane is a privately owned and maintained road.

- **BCRC 12-420 General Standards**

**Staff:** Improvements with an area of 2,500 square feet as part of the proposed communication tower. The proposed structure shall meet the required setbacks including the fall distance.

**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.

- **BCRC 12-4.3 Parking Standards**

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

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

**Staff:** This section of the code is not applicable to this application as no signage other than required FAA or safety signage has been proposed as part of this proposal.

- **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 proposal to construct and operate a communication tower constitutes a public use, but not a public development. Thus, the design

standards in BCRC 12-4.5 do not apply; communication towers have specific design standards – refer to BCRC 12-488.

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

**Applicant:** While some timber and underbrush clearing is required for the Communication Tower, 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:** The proposed development is situated in the Agricultural/Forestry zoning district. Thus, a landscaping plan is not required.

- **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.**

**Staff:** Per the site provided by the applicant, the communication tower will be enclosed by a fence not less than 6' in height with a barbed wire top guard (see Sheet A2.0).

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

**Staff:** Per the site plan provided by the applicant, the communication tower will be setback a distance equal to or greater than the height of the tower (see Sheet A1.0).

**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.**

**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.

**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 communication tower will be designed and built to meet building code requirements. An engineer's stamped structural report will be provided as part of the building permit application.

**Staff:** The applicant's response is adequate and meets the code.



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

**Applicant:** The proposed tower will be designed to accommodate the collocation of future wireless communications equipment.

**Staff:** The applicant's response is adequate and meets the code.

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

**Applicant:** The proposed tower will meet all FAA required operational, construction and lighting standards. The FAA determination can be provided as a condition of approval.

**Staff:** The applicant's response is adequate and meets the code.

**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:** According to the attached TOWAIR Determination in Exhibit B (TOWAIR is a service of the FCC to identify impacts of towers on aircraft and airports), there are no airports within 5 miles of the proposed communication tower and does not require registration with the FAA. The FAA determination can be provided as a condition of approval.

**Staff:** The applicant's response is adequate and meets the code.

**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:** As stated in the provided tower removal letter, the tower will be removed upon termination of use.

**Staff:** The applicant's response is adequate and meets the code.

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

**Applicant:** The applicant agrees any flammable material storage will be in accordance with international fire code standards.

**Staff:** The applicant's response is adequate and meets the code.

**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. (Ord. 501, 11-18-2008; amd. Ord. 661, 3-18-2022)**

**Applicant:** The applicant agrees the proposed tower will not be used for signage (beyond FCC identification signage at the fenced compound), 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.

**Staff:** The applicant's response is adequate and meets the code.

- **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 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.

- **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 PEM1C Freshwater Emergent Wetlands. However, the applicant has provided a wetland delineation letter showing that the communication tower site will not be within 40' of the wetland.

## **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.

**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.

## 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:** To retain commercial agriculture, and hobby farms as viable uses. (Selle)

**Analysis:** Not Applicable.

**b. Objective:** Land use regulations and policies that foster traditional rural lifestyles, rural-based economies, and opportunities to both live and work in rural areas, including supporting working farms, ranches, and forestry. (Sagle)

**Analysis:** Not Applicable.

**c. Objective:** As farmland diminishes across rural America, the community recognizes the need to protect agricultural pursuits within the Priest Lake Area. (Priest Lake)

**Analysis:** Not Applicable.

**d. Objective:** The purpose of The Plan's vision is to: Support small scale (family) agriculture and forestry. (Priest River/Oldtown)

**Analysis:** Not Applicable.

**e. Objective:** A local culture that values natural resources, rural lifestyles and unincorporated communities. This includes, but is not limited to, an acceptance and understanding of the importance of income generating opportunities such as logging, livestock grazing, farming... (Southwest Bonner County)

**Analysis:** Not Applicable.



Staff concluded this project **is** consistent with the general and specific objectives of the Bonner County Comprehensive Plan and the Bonner County Revised Code based as demonstrated by the Standards Review, Conclusions of Law, Findings of Facts and Conditions of Approval below.

Planner's Initials: **RW**      Date: **January 31, 2024**

**Note:** The final decision rests with the hearing examiner/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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### **HEARING EXAMINER**

**DECISION TO APPROVE:** I approve this project, FILE CUP0022-23 for a Communications Tower, 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.

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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 Agricultural/Forestry with a land use designation of Ag/Forest Land.
3. The site is accessed off Cindy Lane, a privately owned and maintained road.
4. Public Utility Facilities are conditionally permitted in the Agricultural/Forestry zoning districts.
5. The applicant is proposing construction of a 140' 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. No machinery will be located on the site.
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 monthly routine maintenance.
9. The facility will provide telecommunications service to residential properties within the vicinity 24 hours per day year-round.

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### **HEARING EXAMINER**

**DECISION TO DENY:** I deny this project, FILE CUP0022-23 for a Communications Tower 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 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 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

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### **RECOMMENDATION TO THE ZONING COMMISSION**

I recommended that the Zoning Commission conduct a public hearing for this Conditional Use Permit File CUP0021-23, 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.

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## **Conditions of Approval:**

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### **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 Planning and Zoning Commission may consider such request for extension at any public hearing. The extension request must be approved or denied prior to the expiration date of the Conditional Use Permit.

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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.