



# Bonner County Planning Department

*"Protecting property rights and enhancing property value"*

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February 13, 2024

James and Sandra Dolyniuk  
211 Cindy Lane  
Sandpoint, ID 83864

Subj: File CUP0022-23 – Conditional Use Permit – Public Utility Facility

Encl: (1) File CUP0022-23 Hearing Examiner Approved Site Plan

Dear Applicant,

The Bonner County Hearing Examiner at the February 7, 2024, hearing approved the referenced application with conditions.

Hearing Examiner Rucker approved 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. Examiner Rucker further adopted the findings of fact set forth in the Staff Report 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.
10. A new tower construction requires:
  - a. Compliance with FCC rules implementing NEPA, which includes separate procedures for:
    - i. ESA and NHPA (including Section 106)
11. The FCC treats the construction and registration of towers and facilities intended to host FCC licensed services as major actions that trigger agency NEPA obligations. Consequently, FCC rules impose enforceable duties on licensees and applicants in order to meet the agency's NEPA obligations.
12. 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.
13. EMI emissions are regulated by the FCC per 47CFRPart15.

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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.

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., March 12, 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.

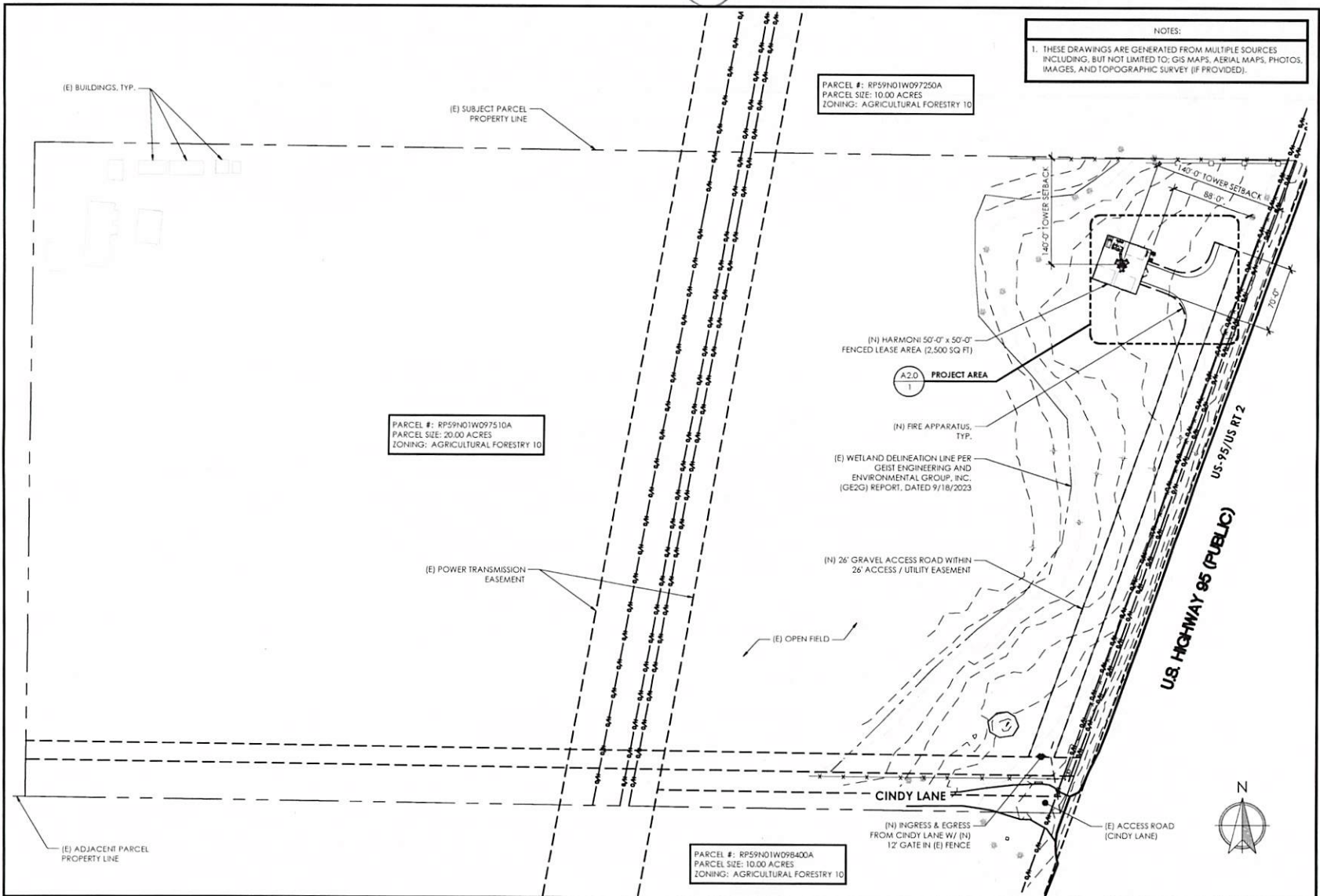
Sincerely,

  
Jacqueline Rucker  
Hearing Examiner

c: Paul Slotemaker, Project Representative  
Harmoni Towers/Verizon Wireless, Project Representative

**BONNER COUNTY  
APPROVED SITE PLAN**

*Jacqueline Skudler 2-13-24*  
**DATE**



NOTES:  
1. THESE DRAWINGS ARE GENERATED FROM MULTIPLE SOURCES INCLUDING, BUT NOT LIMITED TO; GIS MAPS, AERIAL MAPS, PHOTOS, IMAGES, AND TOPOGRAPHIC SURVEY (IF PROVIDED).

PARCEL #: RP59N01W097250A  
PARCEL SIZE: 10.00 ACRES  
ZONING: AGRICULTURAL FORESTRY 10

PARCEL #: RP59N01W097510A  
PARCEL SIZE: 20.00 ACRES  
ZONING: AGRICULTURAL FORESTRY 10

PARCEL #: RP59N01W098400A  
PARCEL SIZE: 10.00 ACRES  
ZONING: AGRICULTURAL FORESTRY 10



DRAWN BY: JD  
CHECKED BY: CL

| DRAWING VERSION |                                 |
|-----------------|---------------------------------|
| VER.            | DESCRIPTION                     |
| 1               | 10/12/23 PRELIM ZONING DRAWINGS |
| 2               | 11/27/23 CLIENT COMMENT         |
| 3               | 11/29/23 FINAL ZONING DRAWING   |

LICENSER

PRELIMINARY  
NOT FOR CONSTRUCTION

PROJECT INFORMATION

NAPLES  
211 CINDY LN  
SANDPOINT, ID 83864

SHEET TITLE

OVERALL SITE PLAN

SHEET NO.

A1.0

1 OVERALL SITE PLAN

11x17 SCALE: 1" = 100'-0"  
22x34 SCALE: 1" = 50'-0"