BONNER COUNTY PLANNING DEPARTMENT
BOARD OF COUNTY COMMISSIONERS
SUPPLEMENTAL STAFF REPORT FOR NOVEMBER 19, 2026

Project Name:	**City of Spirit Lake wastewater treatment facility**
File:	**APPL0002-26 appeal of CUP0007-25 Conditional Use Permit.**
Request:	Additional MOU's or agreements between Bonner County and the City of Spirit Lake regarding the Sewage Treatment Facility.
Appendices:	Appendix A- AOI Agreement Appendix B- C0196-78 Issuance Appendix C- C0741-02 Issuance Appendix D- C0990-15 Issuance Appendix E- C1010-18 Issuance

Narrative:

In researching this application, Planning Staff found that the subject property was previously within the Area of Impact for the City of Spirit Lake and was in that AOI at the time of the application. The AOI for Spirit Lake no longer exists, per Idaho Code 67-6526 (6). The AOI agreement, Instrument #455917, between the City of Spirit Lake and Bonner County would have been in effect at the time of the application, however it only addresses the establishment of the AOI, and noticing agreements. It is attached as Appendix A.

Staff found that the City of Spirit Lake has applied and been approved for 4 Conditional Use Permits related to the Septic Treatment Facilities; C0196-78, C0741-02, C0990-15 and C1010-18. All were applied for and issued as CUPs and not Modifications.

The first Conditional Use Permit, C0196-78, authorized the City of Spirit Lake to operate a Sewage Treatment and Spray Area within a portion of Section 31. This proposal is entirely within Section 30.

Conditional Use Permit C0741-02 authorized the expansion and upgrade of the existing system.

Conditional Use Permit C0990-15 authorized the expansion of the complex facility.

Conditional Use Permit C1010-18 authorized an additional treatment lagoon within the existing facility.

The previous approvals included the conclusions that the proposed use will not adversely affect properties in the vicinity, and that the proposed use is a public convenience and is a necessary facility.

No other agreements, MOU's or documents were found between Bonner County and the City of Spirit Lake, regarding the Sewage Treatment Facility, or City of Spirit Lake operations in Bonner County.

Dave Fisher
Planner

Appendix A- AOI Agreement

FILED BY BCC

'94 NOV 18 AM 10 15

MARIE SCOTT
RECORDER OF BONNER
COUNTY BY SR DEP.

455917

ORDINANCE NO. 258

SPIRIT LAKE AREA OF CITY IMPACT AGREEMENT

BONNER COUNTY, IDAHO

AN ORDINANCE DEFINING THE PURPOSE OF THE AREA OF CITY IMPACT; SPECIFYING THE FACTORS CONSIDERED IN IDENTIFYING THE AREA OF CITY IMPACT; IDENTIFYING THE COMPREHENSIVE PLAN THAT SHALL APPLY WITHIN THE UNINCORPORATED PORTION OF BONNER COUNTY, IDAHO LYING WITHIN THE AREA OF IMPACT; IDENTIFYING THE ZONING AND SUBDIVISION ORDINANCES THAT SHALL APPLY WITHIN THE UNINCORPORATED PORTIONS OF BONNER COUNTY, IDAHO LYING WITHIN THE AREA OF CITY IMPACT; PROVIDING FOR REVIEW AND COMMENT PROCEDURES BETWEEN JURISDICTIONS; PROVIDING FOR ADMINISTRATIVE JURISDICTION WITHIN THE AREA OF CITY IMPACT; ESTABLISHING AN EFFECTIVE DATE PURSUANT TO SECTION 67-6526, IDAHO CODE;

WHEREAS, the City of Spirit Lake, Idaho has requested that an Area of City Impact agreement with Bonner County be negotiated; and

WHEREAS, the Bonner County Planning and Zoning Commission held a duly noticed public hearing on October 13, 1994 on the request and recommended approval of the same; and

WHEREAS, the Bonner County Board of Commissioners held a duly noticed public hearing on November 2, 1994; and

WHEREAS, this Ordinance is required by Idaho Code, Section 67-6526;

NOW THEREFORE BE IT ORDAINED by the Board of County Commissioners of Bonner County, Idaho that the following be and is hereby adopted as an Ordinance of Bonner County:

SECTION 1. AUTHORITY AND PURPOSE

Section 67-6526, Idaho Code, requires that Cities and Counties negotiate an Area of City Impact.

The purpose of establishing an Area of City Impact is to identify a logical fringe area adjoining the City of Spirit Lake. The fringe area includes the unincorporated area surrounding Spirit Lake that has a potential for development that could affect the provision of public services or the quality of life in Spirit Lake, Idaho.

SECTION 2. CONSIDERATION

The following factors were considered by the Planning and Zoning Commission and Board of County Commissioners in identifying the Area of City Impact for Spirit Lake, Idaho.

1. Trade areas.
2. Geographic factors.
3. Area that can reasonably be expected to be annexed into the City in the future.

SECTION 3. GEOGRAPHIC AREA OF CITY IMPACT

The officially adopted geographic Area of City Impact for Spirit Lake, Idaho is identified by Ordinance No. 259. All parcels of land lying all or in part within the Area of City Impact shall be subject to provisions of this ordinance.

SECTION 4. COMPREHENSIVE PLAN

The Comprehensive Plan and subsequent amendments thereof as officially adopted by Bonner County, Idaho, shall apply to the unincorporated portions of Bonner County, Idaho, lying within the Spirit Lake Area of City Impact.

SECTION 5. ZONING AND SUBDIVISION ORDINANCES

The Zoning and Subdivision Ordinances and subsequent amendments thereto as officially adopted by Bonner County, Idaho, shall apply to the unincorporated portion of Bonner County, Idaho lying within the Spirit Lake Area of City Impact.

SECTION 6. REVIEW AND COMMENT

Any request for development, zone change, conditional use permit, variance, subdivision, amendments to the Bonner County Comprehensive Plan and to the text of the Bonner County Zoning and Subdivision Ordinances in the unincorporated portion of Bonner County, Idaho, lying within the Spirit Lake Area of City Impact, shall be referred to the City Council of Spirit Lake, Idaho, for review and comment, in the following manner.

Any requests shall be forwarded to the Spirit Lake City Council 20 days prior to any County public hearing on said amendments and/or applications. Any comment by the City of Spirit Lake on said amendments and/or applications shall be made prior to or at said County public hearing.

The Bonner County Planning Department shall notify the City of Spirit Lake, in writing of the County's recommendation and action on said amendments and/or applications within the Spirit Lake Area of City Impact within 20 days following a recommendation or

action on such matter. If no reply is received by the County by the public hearing the County will conclude the City of Spirit Lake has no comment on the request and processing shall continue under the Board's administration.

SECTION 7. ADMINISTRATIVE JURISDICTION

The administration of plans and ordinances which apply to the Spirit Lake Area of City Impact shall be the duty of Bonner County.

SECTION 8. SEVERABILITY CLAUSE

If any section, paragraph, sentence or provisions hereof or the application thereof to any particular circumstances shall ever become invalid or unenforceable, such holding shall not affect the remainder hereof, which shall continue in full force and effect and applicable to all circumstances to which it may validly apply.

SECTION 9. EFFECTIVE DATE

This ordinance shall be in full force and effect upon its passage, approval and publication in one (1) issue of the Bonner County Daily Bee.

Regularly passed and approved as an Ordinance of Bonner County, Idaho, done this 16th day of November, 1994, upon the following roll call vote:

Chairman Eugene Brown	Aye	✓	Nay	
Commissioner Susan MacLeod	Aye	✓	Nay	
Commissioner Wayne Newcomb	Aye	✓	Nay	

Eugene Brown
Eugene Brown, Chairman

Susan MacLeod
Susan MacLeod, Commissioner

Wayne Newcomb
Wayne Newcomb, Commissioner

ATTEST:

MARIE SCOTT, CLERK

Becky Witte, Dep Clerk

FILED BY BCC

'94 NOV 18 AM 10 15

MARIE SCOTT

RECORDER OF BONNER COUNTY BY _____ DEP.

455919

ORDINANCE NO. 259

SPIRIT LAKE AREA OF CITY IMPACT MAP

BONNER COUNTY, IDAHO

AN ORDINANCE CREATING A GEOGRAPHICAL AREA OF CITY IMPACT; DEFINING THE PURPOSE OF THE AREA OF CITY IMPACT; SPECIFYING THE FACTORS CONSIDERED IN IDENTIFYING THE AREA OF CITY IMPACT; ADOPTING AN AREA OF CITY IMPACT MAP; ESTABLISHING AN EFFECTIVE DATE PURSUANT TO SECTION 67-6526, IDAHO CODE;

WHEREAS, the City of Spirit Lake, Idaho has requested that an Area of City Impact agreement with Bonner County be negotiated; and

WHEREAS, the Bonner County Planning and Zoning Commission held a duly noticed public hearing on October 13, 1994 on the request and recommended approval of the same; and

WHEREAS, the Bonner County Board of Commissioners held a duly noticed public hearing on November 2, 1994; and

WHEREAS, this Ordinance is required by Idaho Code, Section 67-6526;

NOW THEREFORE BE IT ORDAINED by the Board of County Commissioners of Bonner County, Idaho that the following be and is hereby adopted as an Ordinance of Bonner County:

SECTION 1. AUTHORITY AND PURPOSE

Section 67-6526, Idaho Code, requires that the governing board adopt by Ordinance a map identifying an Area of City Impact within the unincorporated area of the County.

The purpose of establishing an Area of City Impact is to identify a logical fringe area adjoining the City of Spirit Lake. The fringe area includes the unincorporated area surrounding Spirit Lake that has a potential for development that could affect the provision of public services or the quality of life in Spirit Lake, Idaho.

SECTION 2. CONSIDERATION

The following factors were considered by the Planning and Zoning Commission and Board of County Commissioners in identifying the Area of City Impact for Spirit Lake, Idaho.

1. Trade areas.
2. Geographic factors.
3. Area that can reasonably be expected to be annexed into the City in the future.

SECTION 3. GEOGRAPHIC AREA OF CITY IMPACT

The official geographic Spirit Lake Area of City Impact is hereby adopted as shown on the attached map "Exhibit A" and titled "Area of City Impact for Spirit Lake, Idaho." All parcels of land lying all or in part within the Area of City Impact shall be subject to provisions of this ordinance.

The Spirit Lake Area of City Impact is described as follows:

1. The S½ of Section 30, all of Section 31 in Township 54 North, Range 4 W.B.M., the SE¼ of Section 25, and the E½ of Section 36 all in Township 54 North, Range 5 W.B.M.

SECTION 4. SEVERABILITY CLAUSE

If any section, paragraph, sentence or provisions hereof or the application thereof to any particular circumstances shall ever become invalid or unenforceable, such holding shall not affect the remainder hereof, which shall continue in full force and effect and applicable to all circumstances to which it may validly apply.

SECTION 5. EFFECTIVE DATE

This ordinance shall be in full force and effect upon its passage, approval and publication in one (1) issue of the Bonner County Daily Bee.

Regularly passed and approved as an Ordinance of Bonner County, Idaho, done this 16th day of November, 1994, upon the following roll call vote:

Chairman Eugene Brown	Aye	✓	Nay	
Commissioner Susan MacLeod	Aye	✓	Nay	
Commissioner Wayne Newcomb	Aye	✓	Nay	

Eugene Brown
Eugene Brown, Chairman

Susan MacLeod
Susan MacLeod, Commissioner

Wayne Newcomb
Wayne Newcomb, Commissioner

ATTEST:

MARIE SCOTT, CLERK

Becky Witte, Dep Clerk

Appendix B- C0196-78 Issuance

FILE C196-78

CITY OF SPIRIT LAKE

CUP FOR SEWAGE TREATMENT AND SPRAY AREA

APPROVED

RP54N04W310000

C 196-78

CONDITIONAL USE PERMIT

ON June 22, 1978, IN THE BONNER COUNTY COURTHOUSE, THE BONNER COUNTY PLANNING AND ZONING COMMISSION VOTED TO GRANT City of Spirit Lake A CONDITIONAL USE PERMIT FOR Sewage treatment and spray area

LEGAL DESCRIPTION: Portion of Sec. 31, T54N, R4W

LOCATION: 2 miles N. of the City of Spirit Lake

RESTRICTIONS: Compliance with state and local requirements

HEALTH DISTRICT RESTRICTIONS: Compliance with state and local requirements

CHAIRMAN, PLANNING AND ZONING COMMISSION

APPROVED
JUL 13 1978
CHAIRMAN
Board of County Commissioners

BONNER COUNTY PLANNING COORDINATOR

APPLICATION FOR A CONDITIONAL USE PERMIT

CONDITIONAL USE PERMIT NO: 37-78

TYPE OF CONDITIONAL USE PERMIT APPLICANT IS APPLYING FOR: Sewage treatment & Spray Area

NAME OF PROPOSED BUSINESS: City of Spirit Lake Ida.

APPLICANT

NAME: City of Spirit Lake

ADDRESS: Box 308

CITY, STATE: Spirit Lake

ZIP: 83869 PHONE: 623 2131

SIGNATURE: [signature]

HOLDER OF LEGAL TITLE

NAME: H. K. Pauley

ADDRESS: Spirit Lake Ida.

CITY, STATE:

ZIP: 83869 PHONE: 623-2392

SIGNATURE:

LEGAL DESCRIPTION & LOCATION: 2 miles North of City of Spirit Lake. SEC: 31 TWN: 54 N. R: 4 W.

ZONED:

LOT SIZE:

TERRAIN: gentle rolling

TOTAL ACRES: 220

NUMBER OF SPACES: NA.
(Pertaining to mobile homes or travel trailers)

TYPE OF BUILDINGS:

PARKING AREA (Number of Vehicles): Maintenance Bldg

LAY OUT PLANS AND RECENT TITLE REPORT TO BE SUBMITTED WITH APPLICATION:

WATER SUPPLY:

WATER SUPPLY SOURCE: Pipe line from City of Spirit Lake.

APPROXIMATE WATER TABLE DEPTH: 370 ft.

PLAN TO INSTALL WATER SYSTEM:

SEWAGE SYSTEM:

TYPE PROPOSED: EXISTING SYSTEM: LAGOON: SEPTIC:

IF TYING INTO EXISTING SYSTEM:

NAME OF SYSTEM: City of Spirit Lake Treatment Plant

FIRM COMMITMENT: [signature]

SOLID WASTE DISPOSAL:

WHAT SANITARY LANDFILL WILL TRASH BE HAULED TO: N/A.

IS SERVICE AVAILABLE FROM PRIVATE HAULER: N/A.

WILL TRASH BE COLLECTED FROM A CENTRAL COLLECTION POINT OR FROM EACH INDIVIDUAL HOUSEHOLD: N/A.

IF NO PRIVATE HAULER SERVES THE AREA, WHAT ARRANGEMENTS WILL BE MADE:

N/A.

STANDARD REQUIREMENTS FOR MOBILE HOME PARKS, TRAVEL PARKS AND COMMERCIAL RECREATIONAL AND CAMPING SITES MAY BE OBTAINED AT THE PANHANDLE HEALTH DISTRICT # 1, 320 N. 1st Ave., Sandpoint, ID. 83864.

OFFICE USE ONLY:

DATE FILED: April '78 ~~May~~ '78

PRELIMINARY HEARING DATE
April 27, 1978

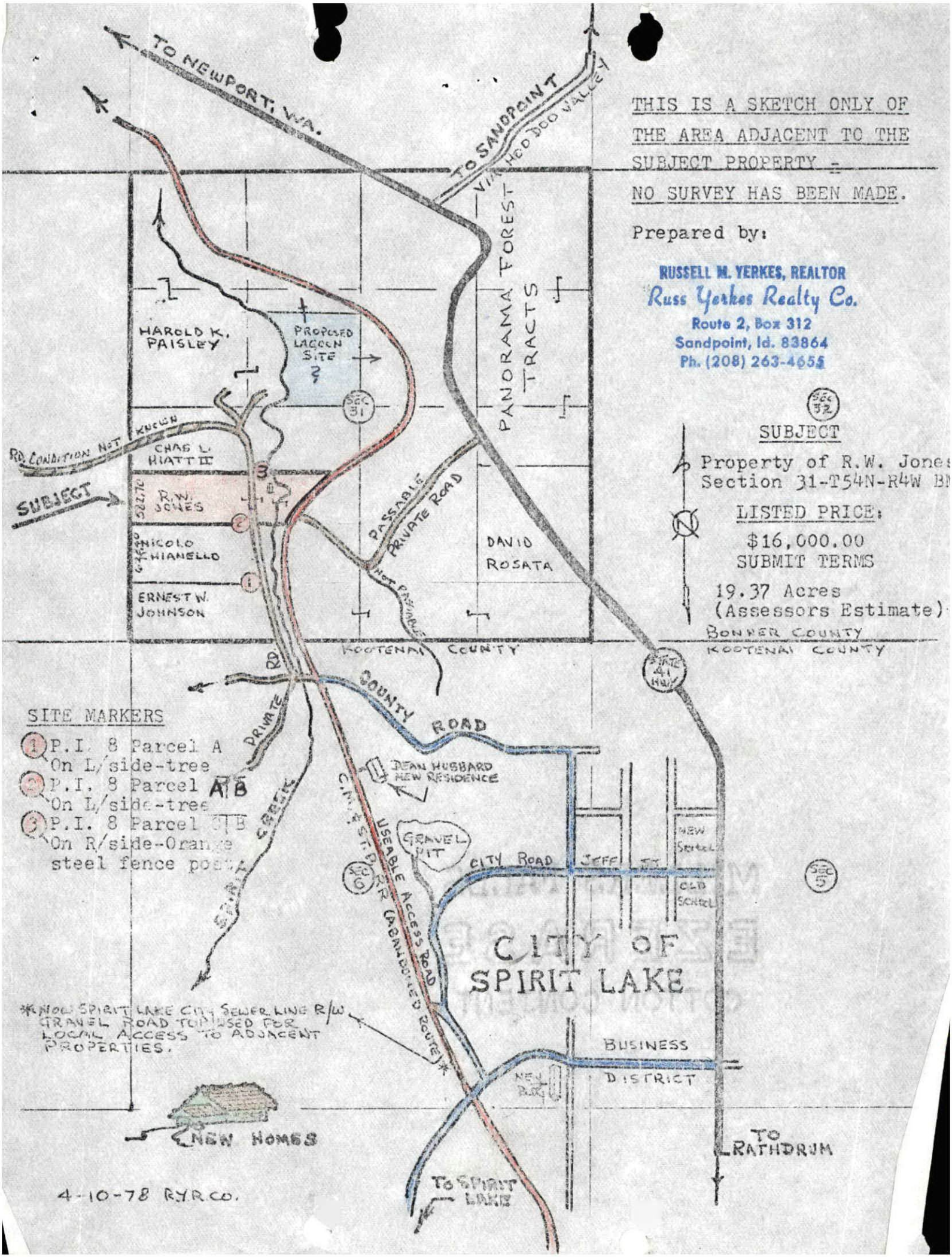
PUBLIC HEARING DATE
June 22, '78

TABLED: _____

APPROVED: _____

DENIED: _____

APPLICATION ACCEPTED BY: J Hunter



THIS IS A SKETCH ONLY OF THE AREA ADJACENT TO THE SUBJECT PROPERTY - NO SURVEY HAS BEEN MADE.

Prepared by:

RUSSELL M. YERKES, REALTOR
Russ Yerkes Realty Co.
Route 2, Box 312
Sandpoint, Id. 83864
Ph. (208) 263-4655

Appendix C- C0741-02 Issuance

BONNER COUNTY PLANNING DEPARTMENT
CONDITIONAL USE PERMIT - FILE #C741-02

TO: City of Spirit Lake, Post Office Box 309, Spirit Lake, Idaho 83869

PURPOSE: Conditional use permit for the expansion and upgrade of the existing wastewater treatment and disposal system.

LOCATION: The ±131-acre site is zoned Industrial and Rural and is described as Block 1, Lot 3, of Spirit Lake Industrial Park and portions of Section 31, Township 54 North, Range 4 West, B.M. The project site is located about 1 mile north of the City of Spirit Lake and west of State Highway 41 in southern Bonner County.

CONDITIONS OF APPROVAL:

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 a single 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.

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.

6. Application of wastewater to the irrigation areas shall be from May 1 to September 30, to the satisfaction of the Idaho Department of Environmental Quality.

7. The applicant shall maintain a minimum buffer area of 100-foot from the banks of Spring and Spirit Creeks to the irrigation areas, to the satisfaction of Idaho Fish & Game and the Army Corps of Engineers.

8. The applicant shall submit all applications, as-builts and certification required by DEQ as required by the current state and agency requirements, prior to operation of the new facilities. Groundwater and waste water system monitoring shall be conducted as specified by DEQ, and the system shall be operated in conformance with the requirements of DEQ, including requirements for the maintenance of buffer zones from dwellings, public access points and wells.

9. Prior to issuance of the conditional use permit, a copy of the approved draft wastewater land application permit issued by Idaho Department of Environmental Quality (DEQ) shall be provided to the Bonner County Planning Department. Prior to application of wastewater at the facility, a final wastewater land application permit shall be issued by DEQ and a copy of the approval shall be provided by the applicant to the Planning Department.

10. The irrigation area shall be posted with signs warning the public of potential hazards, in accordance with state standards for notification. The lagoon area shall be fenced, to the satisfaction of the Idaho Department if Environmental Quality.

11. The applicant shall immediately notify the Idaho State Historical Society should any historic or pre-historic artifacts or human remains be uncovered during construction of the facility.

12. The applicant shall obtain a federal permit pursuant to Section 404 of the Clean Water Act prior to any discharge of dredged or fill material for the crossing of Spirit Creek with irrigation lines. The wetland area associated with Spring Creek shall be flagged by the applicant prior to construction to avoid any encroachment or impact to the area, to the satisfaction of the Army Corps of Engineers.

This Conditional Use Permit is issued pursuant to the July 31, 2002, decision of the Bonner County Planning and Zoning Commission.

Clare Marley
Clare Marley, AICP
Bonner County Planning Director

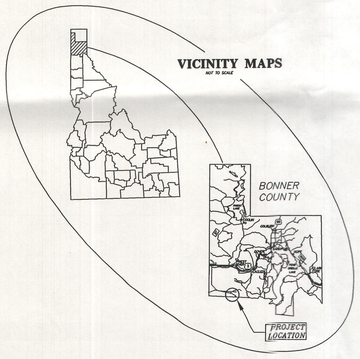
5/26/04
Date Issued

C741-02

CONDITIONAL USE PERMIT

SPIRIT LAKE, BONNER COUNTY, IDAHO

TWP. 54N., R4W., SEC. 31 B.M.



GENERAL NOTES

1) PROPOSED METHOD OF WATER SUPPLY IS CITY OF SPIRIT LAKE
2) PROPOSED METHOD OF SEWAGE DISPOSAL IS CITY OF SPIRIT LAKE
3) PROPOSED METHOD OF SOLID WASTE DISPOSAL IS BY PRIVATE CONTRACTOR OR BY COUNTY DUMPSTERS
4) PROPOSED USE IS INDUSTRIAL
5) SUBJECT PARCELS ARE IN RURAL AND INDUSTRIAL ZONING DISTRICTS

OWNER & DEVELOPER

CITY OF SPIRIT LAKE
PO BOX 309
SPIRIT LAKE, ID 83869

TOTAL AREA OF CONDITIONAL USE IS ±131 ACRES.

ADJACENT OWNERS

(A) BROWN, JEAN O
& BROWN, JAMES M JR TRUST
PO BOX 717
SPIRIT LAKE, ID 83869

(B) PAISLEY, HAROLD ESTATE
& PAISLEY, LOLA ESTATE
HC 1 BOX 212
SPIRIT LAKE, ID 83869

(C) CHIANELLO, NICOLO & LYLIAN
11467 S RASPBERRY CT
DRAPER, UT 84020

(D) CITY OF SPIRIT LAKE
PO BOX 309
SPIRIT LAKE, ID 83869

(E) GRIFFIN, THOMAS A & CAROL S
PO BOX 9
SPIRIT LAKE, ID 83869

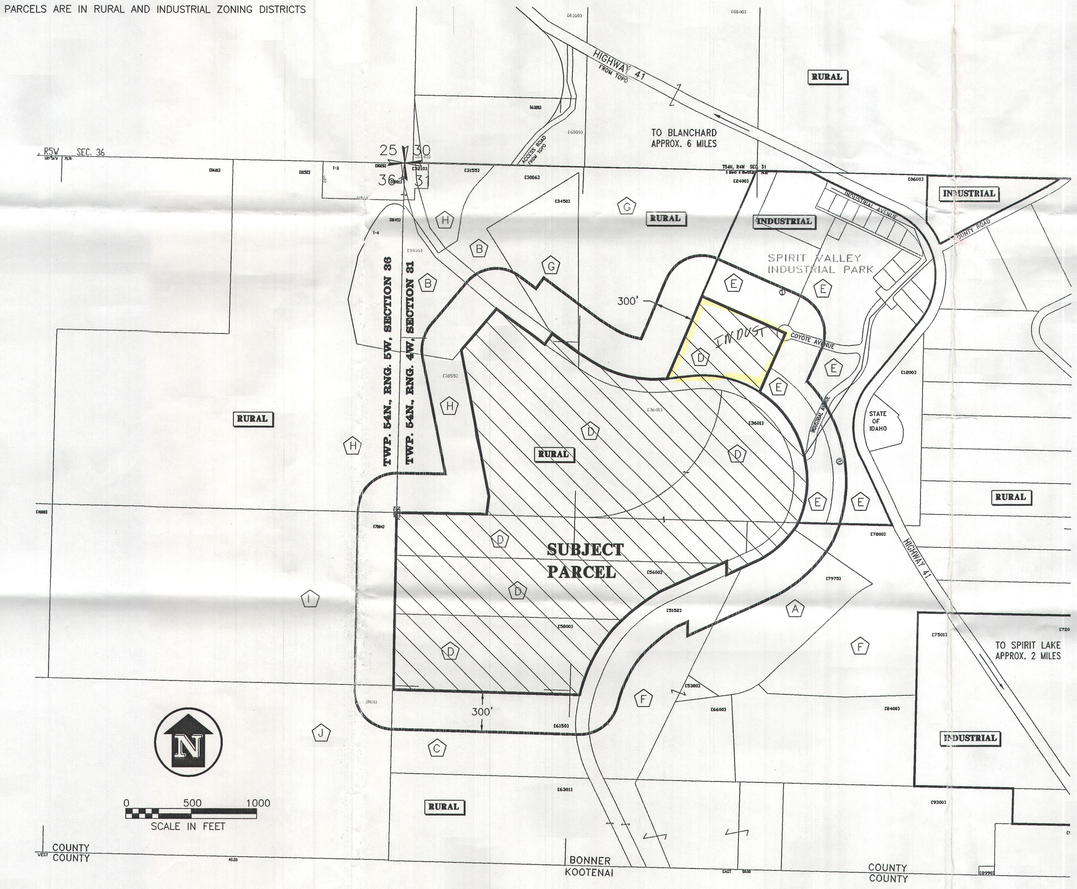
(F) DOUGLAS ENTERPRISES, INC.
& EDEN, WILLIAM D & SANDRA L
2315 E 35TH
SPOKANE, WA 99223

(G) BICE, ARTHUR M & LUCILLE
HC 1 BOX 211
SPIRIT LAKE, ID 83869

(H) PAISLEY, HAROLD ESTATE
& PAISLEY, LOLA ESTATE
C/O NATIONAL YOUTH ALLIANCE OF AMERICA INC.
HC 1 BOX 213
SPIRIT LAKE, ID 83869

(I) RIEDLINGER, JAMES H & MARY V
PO BOX 337
OUTLOOK, MT 59292

(J) INLAND EMPIRE PAPER CO
N 3320 ARGONNE
SPOKANE, WA 99212



4.1 SITE PLAN
SCALE 1" = 500'

APPROVED
SITE PLAN
4/30/02
DATE

RECEIVED
APR 23 2002
BONNER COUNTY
PLANNING DEPARTMENT

C741-02

ENGINEER'S STAMP

No.	DATE	REVISION	DRN/CHK'D

James A. Sewell and Associates
CONSULTING ENGINEERS
NEWPORT, WASHINGTON, 99156
(509) 447-3626

SHEET TITLE: C.U.P. SITE PLAN

PROJECT: WASTEWATER TREATMENT/DISPOSAL
FACILITY UPGRADE
PROJECT 2001
for SPIRIT LAKE, IDAHO

DATE:	4-17-2002
SCALE:	1" = 500'
DRAWN BY:	DMH/ShLH/SAT
DESIGNED BY:	EJE
CHECKED BY:	EJE
CAD FILE NO.:	WS-splkwwsite
DATA NO.:	S1355

SHEET 1 OF 2

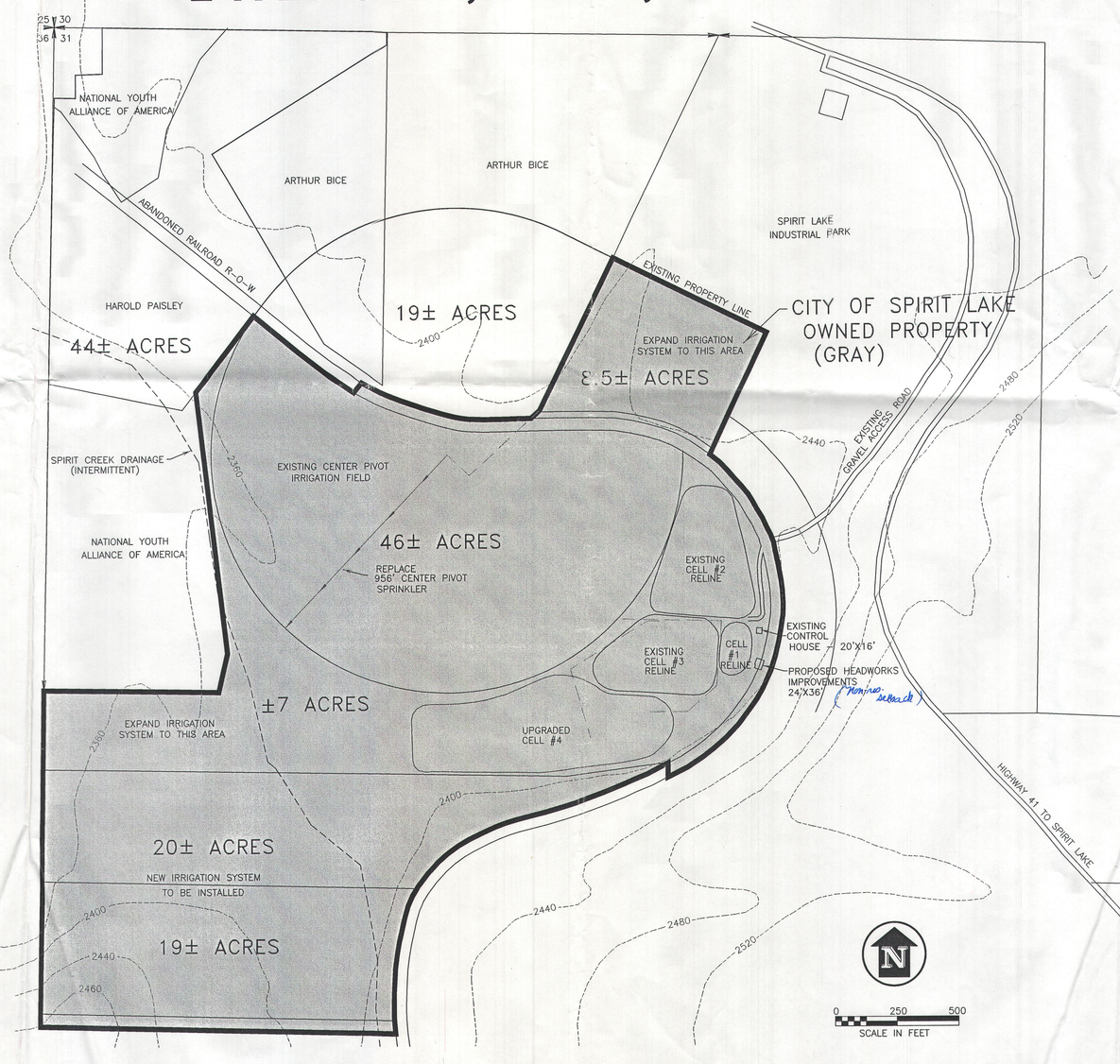
C741-02

C741-02

CONDITIONAL USE PERMIT

SPIRIT LAKE, BONNER COUNTY, IDAHO

TWP. 54N., R4W., SEC. 31 B.M.



4.1 SITE PLAN
SCALE 1" = 250'

OWNER & DEVELOPER

CITY OF SPIRIT LAKE
PO BOX 309
SPIRIT LAKE, ID 83869

APPROVED
SITE PLAN
7-31-02
DATE
C741-02

C741-02

RECEIVED
APR 23 2002
BONNER COUNTY
PLANNING DEPARTMENT

ENGINEER'S STAMP

No.	DATE	REVISION	DRN/CHK'D

James A. Sewell and Associates
CONSULTING ENGINEERS
NEWPORT, WASHINGTON, 99156
(509) 447-3626

SHEET TITLE: SITE PLAN
PROJECT: WASTEWATER TREATMENT/DISPOSAL FACILITY UPGRADE PROJECT 2001 for SPIRIT LAKE, IDAHO

DATE:	4-17-2002
SCALE:	1" = 250'
DRAWN BY:	DMH/ShLH/SAT
DESIGNED BY:	EJE
CHECKED BY:	EJE
CAD FILE NO.:	WS-splkwwsite
DATA NO.:	S1355

SHEET 2 OF 2

Appendix D- C0990-15 Issuance

January 19, 2016

City of Spirit Lake
Post Office Box 309
Spirit Lake, Idaho 83869

Subject: Conditional Use Permit for a Public Use Complex Facility Expansion – File C990-15

Dear Applicant:

The Bonner County Planning and Zoning Commission at the January 14, 206 public hearing approved the referenced application with conditions. The ordinance and standards used in evaluating the application and the reasons for the application are as follows:

MOTION: Commissioner Hall moved to approve this project FILE C990-15 to allow for the expansion of an existing sewage treatment 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, and based upon the evidence submitted up to the time the Staff Report was prepared and testimony received at this hearing. Commissioner Hall further moved to adopt the following findings of fact and conclusions of law as written. 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. Commissioner Bailey seconded the motion.

VOTED upon and the Chair declared the motion carried, unanimously.

Background:

A. Site data: The existing reuse site utilizes storage ponds as well as an existing center pivot sprinkler irrigation field, which is located directly to the south of the proposed irrigation area. The site is zoned Rural 5.

B. Access: Access provided via two different access points. Access from the east side of the property is provided by Coyote Avenue. Coyote Avenue is a public local access road with a 20-foot wide gravel travel surface, lying with a 60-foot wide county right-of-way. Access to the south is provided by Industrial Avenue. Industrial Avenue is a gravel local access road, 24-feet wide, lying within a 60-foot wide right-of-way, owned by the county.

1500 Highway 2, Suite 208, Sandpoint, Idaho 83864
Phone (208) 265-1458 - Fax (208) 265-1463
email: planning@bonnercountyid.gov - Web site: www.bonnercountyid.gov

C. Environmental factors: The proposed land application area is generally a ±3% grade downward to the south. A ravine travels through the center of the property that is approximately 10-feet deep, with around 10% slopes dropping into the ravine. The site contains no surface water. The site is currently vacant, with moderate timber coverage, mixed with native shrubs and grasses.

The subject site does not lie within a studied flood hazard zone (ZONE: D – DFIRM: 1325), nor does the site contain any wetlands, or slopes steeper than 15% grade. Portions of the site are designated as prime agriculture soil in the northwest portion of the property (Bonner County Gravelly Silt Loam – 2).

D. Services: The additional land application area will not require potable water, and no sewage will be generated on-site. The site lies within the Spirit Lake Fire District, and power is provided by Inland Power and Light.

E. Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Land Use & Density
Site	Rural Residential	Rural-5	Vacant Land; 34.5 acres
North	Rural Residential	Rural-5	Rural Residential; 20 acres
East	Transition	Industrial	Industrial; 12 acres
South	Rural Residential	Rural-5	Wastewater Treatment Facility; 116 acres
West	Rural Residential	Rural-5	Rural Residential; 21 acres

F. Standards review

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.

Project Standards	Required	Provided
BCRC 12-335; Public Use Table	Conditionally allowed within the Rural 5 zoning district. (6)Objectionable effects of the proposed use. (11) Public Necessity & Convenience	The applicant is applying for a Conditional Use Permit to expand the application site of reclaimed sewage reuse site. The applicant provided buffering to surrounding properties, proper monitoring and treatment (with DEQ oversight). Aeration of the existing treatment and storage lagoons and chlorination disinfection of the effluent will reduce and mitigate odors from the land application area.
BCRC 12-4.5, Design standards	Standards	Buffers from the proposed irrigation system to existing wells and residences are established by the Idaho Department of Environmental Quality.
BCRC 12-4.6, Landscaping and screening	Standards	The proposal includes screening and setback requirements to adjacent landowners, and wells. These setback standards were

1500 Highway 2, Suite 208, Sandpoint, Idaho 83864
Phone (208) 265-1458 - Fax (208) 265-1463
email: planning@bonnercountyid.gov - Web site: www.bonnercountyid.gov

standards		determined by DEQ, and are requirements for the Reuse Permit.

G. Comprehensive Plan Land Use Designation
The property is designated rural residential. The comprehensive plan designation of Rural Residential allows low density residential uses that are compatible with rural pursuits.

H. Land Capability Report A land capability report was submitted to the record by James a Sewell and Associates, LLC, in accordance with BCRC 12-222(j), which states:

In summary, the proposed wastewater effluent land application expansion site is satisfactorily suited to development of the proposed land application system as long as safeguards are observed. This is evidenced by the four existing storage and treatment lagoons o the south and land application areas which have been located on site for a number of years and are operating satisfactorily on similar sites.

With the safeguards in place the site would be capable of withstanding the disturbances created by the proposed development and associated uses without risk of harmful consequences of surface drainage, erosion, sedimentation, geological or surface slippage, and groundwater contamination.

I. Stormwater plan
A storwmater management plan was not required, pursuant to BCRC 12-720.3(k) because the proposal does not result in the creation of additional impervious surface, as defined.

J. Agency Review
The application was routed to the following agencies for comment on October 20, 2015:

Panhandle Health District
Spirit Lake fire District
Department of Environmental Quality
Department of Lands (Sandpoint)
Bonner County Public Works Department
Inland Power and Lights
Idaho Transportation Department
Area of City Impact (Spirit Lake)

The following agencies responded:

City of Spirit Lake, Area of City Impact, Response dated October, 22, 2015:
The City of Spirit Lake recommends approval.

Inland Power and Light, Response dated October 27, 2015:
No Comment

Bonner County Road and Bridge, Matt Mulder, P.E., Response dated October 29, 2015:
Mr. Mulder stated that an existing encroachment permit could not be found on record with Bonner County Public Works, and that if any future Building Location

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email: planning@bonnercountyid.gov - Web site: www.bonnercountyid.gov

Permit is required, then the applicant shall obtain Bonner County Road and Bridge approval for the driveway encroachments into the county right-of-way.

K. Public Notice & Comments
The following public comments were received:

No public comments were submitted to the record at the time of report issuance.

Findings of Fact

1. The proposed sprinkler application site is located on an existing, undeveloped 34.5 acre parcel.

2. Wastewater treatment facilities are classified as a public utility facility by Bonner County Revised Code section 12-335.

3. The site is zoned Rural 5.

4. Public utility facilities are conditionally allowed within the Rural zoning district (BCRC12-335).

5. No structures are proposed for the additional land treatment area. All work will consist of placing pipe and above-ground laterals, as well as placing sprinkler heads.

6. Setbacks and buffers to adjacent residences and wells are determined by DEQ, and are requirements for the Reuse Permit.

7. Access is provided By Industrial Avenue, as well as Coyote Avenue. Both roads lie within county owned rights-of-way.

8. The facility will be used for effluent treatment solely. No sewage will be created on-site.

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.

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

Conclusion 2
This proposal was reviewed for compliance with the criteria and standards set forth at BCRC Chapter 4, Title 12, Subchapter 2.2, environmental standards of Chapter 7, Title 12, and storm water management criteria and standards set forth in Chapter 7, Title 12, 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.

FOR PUBLIC UTILITY COMPLEX FACILITIES ONLY:

Conclusion 4
The proposed use **will not** adversely affect properties in the vicinity.

Conclusion 5
The proposed use **is** a public convenience and is a necessary facility.

Conditions of approval:

Standard 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 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.

A-5 The application of wastewater into the irrigation areas shall be in accord with the limits and standards set by the Idaho Department of Environmental Quality.

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Conditions to be met prior to issuance of the permit:

B-1 Prior to application of wastewater at the facility, a final Reuse Permit shall be issued by DEQ and a copy of the approval shall be provided by the applicant to the Bonner County Planning Department.

Bonner County Revised Code, Section 12-262, provides an opportunity for affected persons to appeal Planning and Zoning Commission decisions with the Planning Director within 28 days after the final written decision of the Planning and Zoning Commission has been issued. Any such appeal must be submitted in accordance with the referenced code section no later than **5:00 p.m., TUESDAY, FEBRUARY 16, 2016. AN APPEAL SHALL BE ACCOMPANIED BY A $200.00 FILING FEE, PLUS THE ACTUAL COST OF RECORD PREPARATION WHICH WILL BE COMPUTED AND BILLED SEPARATELY. 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 this department if you have any questions.

Sincerely,

Saegen Neiman, Planner III

c: Ray Henriksen, Project Representative
James A. Sewell & Associates, LLC
1319 North Division Avenue
Sandpoint, Idaho 83864

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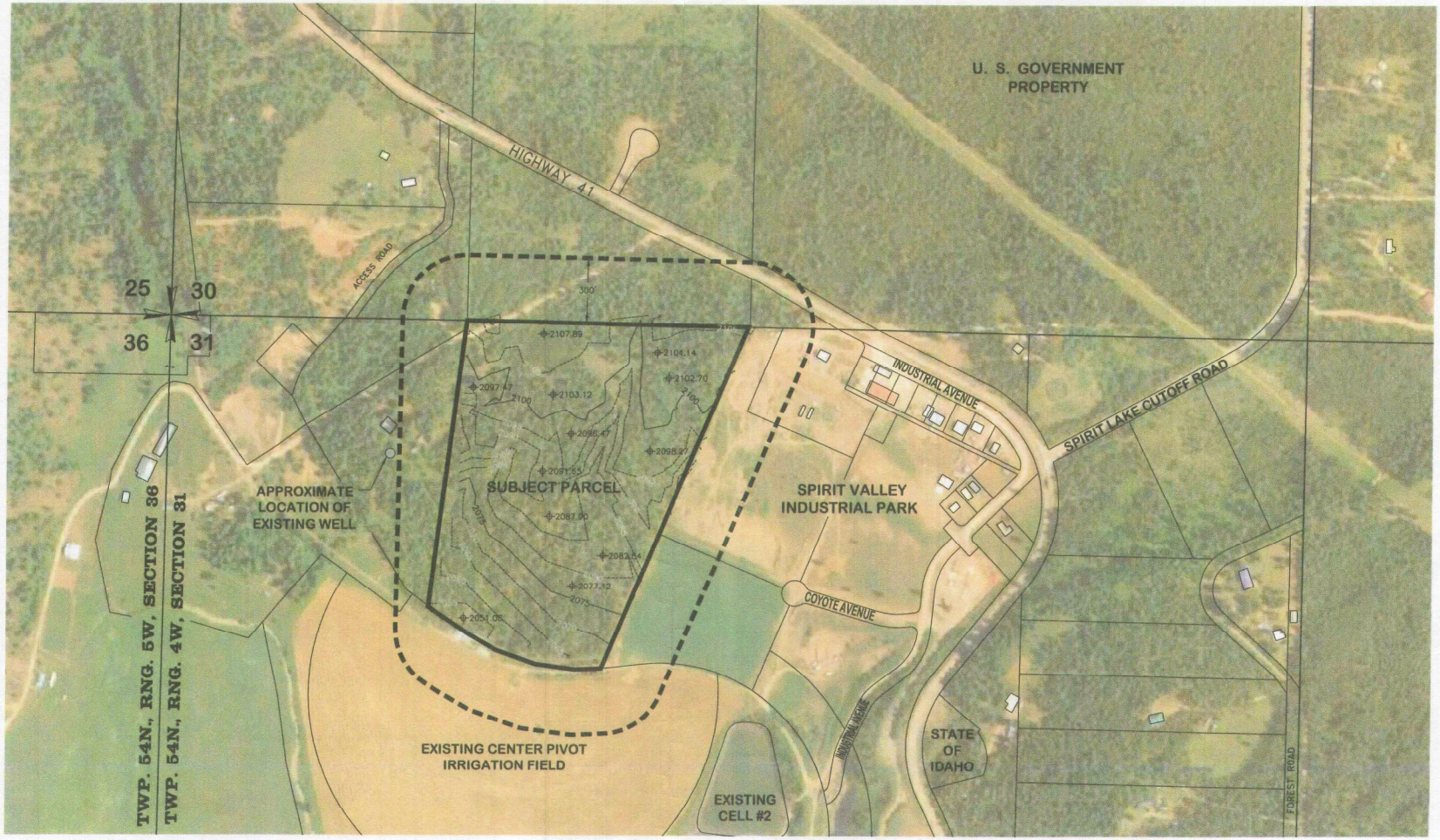
CONDITIONAL USE PERMIT

SPIRIT LAKE, BONNER COUNTY, IDAHO
TWP. 54N., R4W., SEC. 31 B.M.

0 250 500
SCALE IN FEET

OWNER & DEVELOPER
CITY OF SPIRIT LAKE
PO BOX 309
SPIRIT LAKE, ID 83869

APPROVED
SITE PLAN
1/14/14
DATE



4.1 **CONDITIONAL USE PERMIT**
SCALE: AS SHOWN

SHEET TITLE: C.U.P. EXISTING SITE PLAN
DATE
SCAL
DRAW
DESI
CHEC
CAD
DATA
SH

Appendix E- C1010-18 Issuance

Instrument # 924443
Bonner County, Sandpoint, Idaho
07/12/2018 02:44:57 PM No. of Pages: 1
Recorded for: BCP/AMANDA
Michael W. Rosedale Fee: $10.00
Ex-Officio Recorder Deputy _____
Index to: MISC

BONNER COUNTY PLANNING DEPARTMENT
CONDITIONAL USE PERMIT – FILE C1010-18
ASSESSOR'S PARCEL NUMBER:
RP014020010040A & RP014020010050A

TO: CITY OF SPIRIT LAKE

PURPOSE: Additional wastewater treatment lagoon within the existing City of Spirit Lake wastewater treatment facility

LOCATION: The site is located to the West of State Highway 41, where Spirit Lake Cutoff and Hwy 41 intersect described as 31-54N-4W SPIRIT LAKE INDUST PARK REPLAT BLK 1 LOT 4 and Lot 5, Book 4, Plats, Pg. 192, Inst #911526

CONDITIONS OF APPROVAL:

Required Public Utility Facility conditions:

A-1 The use shall be in accordance with the approved site plan.

A-2 All county setbacks shall be met.

A-3 The Conditional Use Permit shall expire if not issued within four (4) calendar years from the date of approval, or once issued, if the use has not commenced within four (4) 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 a single extension of the Conditional Use Permit for a period up to four (4) years. The Board of Commissioners 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.

A-4 Wastewater treatment facility and land application systems shall be constructed in accord with Panhandle Health Department and Idaho Department of Environmental quality guidelines.

This Conditional Use Permit is issued pursuant to the June 7, 2018 written decision of the Bonner County Planning and Zoning Commission.

Milton Ollerton, Planning Director — Date: July 12, 18

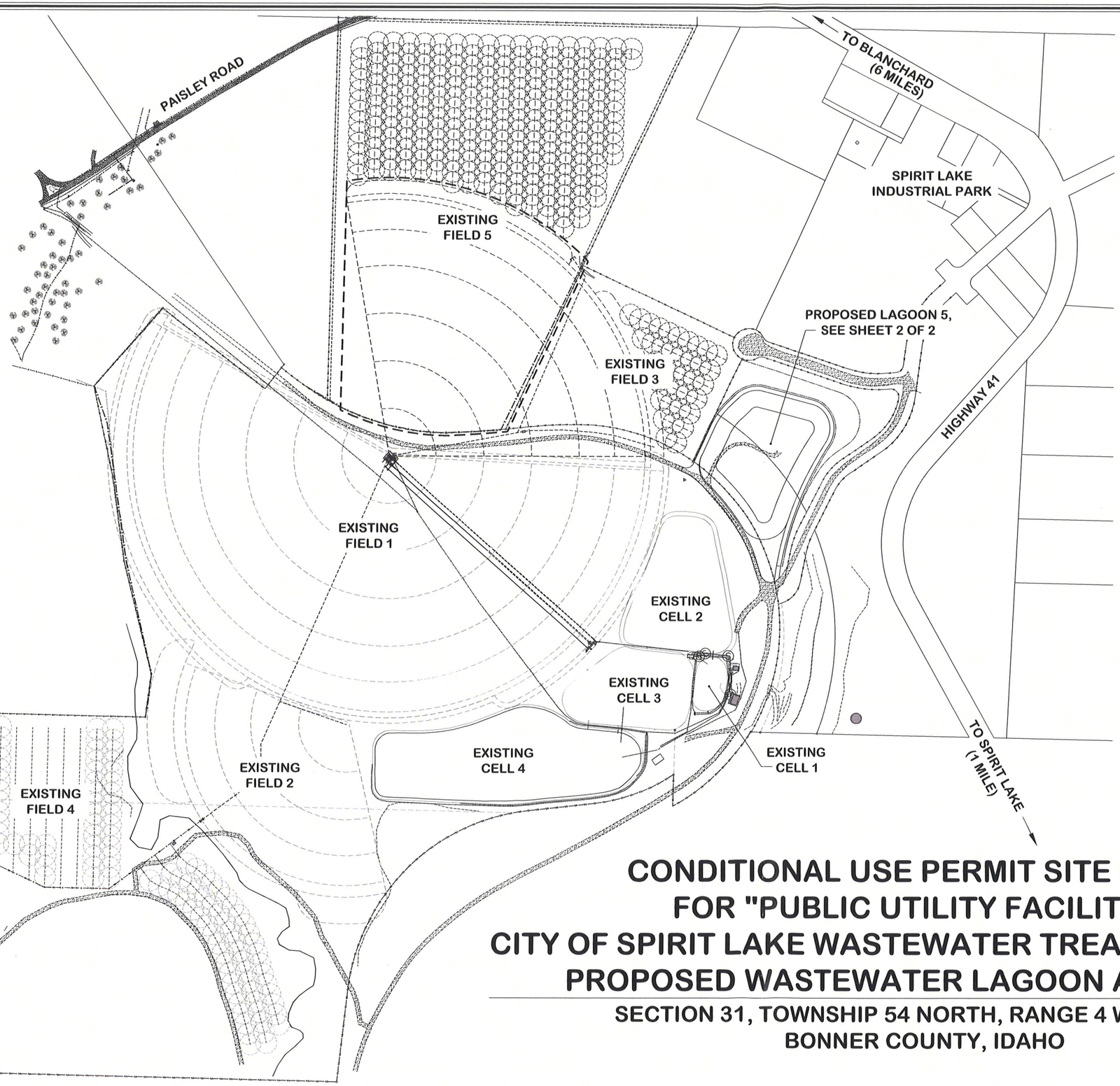
STATE OF IDAHO)
) :ss
COUNTY OF BONNER)

On this 12th day of July in the year 2018 before me, a Notary Public in and for said State, personally appeared Bonner County Planning Director Milton Ollerton known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same, as such Director of the Bonner County Planning Department.

Notary Public

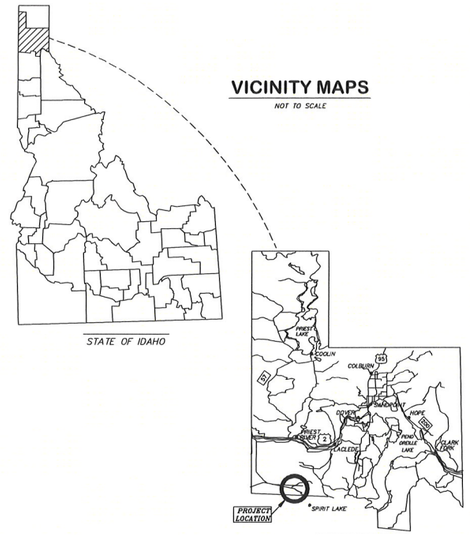
Residing at: Sandpoint, Idaho My commission expires: 9-22-20

JEANNIE L WELTER NOTARY PUBLIC STATE OF IDAHO



VICINITY MAPS

NOT TO SCALE



RECEIVED
MAR 19 2018
BONNER COUNTY
PLANNING DEPARTMENT

0 100 200 400
SCALE IN FEET

CONDITIONAL USE PERMIT SITE PLAN FOR "PUBLIC UTILITY FACILITY" CITY OF SPIRIT LAKE WASTEWATER TREATMENT PLANT PROPOSED WASTEWATER LAGOON ADDITION

SECTION 31, TOWNSHIP 54 NORTH, RANGE 4 WEST, B.M. BONNER COUNTY, IDAHO

S.31, T.54N., R.4W., B.M.

PROFESSIONAL ENGINEER LICENSED 14712 STATE OF IDAHO KEVIN KOESEL

ENGINEER'S STAMP

No.	DATE	REVISION	DRN/CHK'D

James A. Sewell and Associates, LLC
CONSULTING ENGINEERS
NEWPORT, WASHINGTON, 99156
(509) 447-3626

SHEET TITLE: CONDITIONAL USE PERMIT

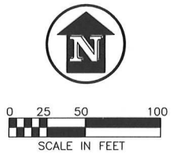
PROJECT: LAGOON #5 EXPANSION
SPIRIT LAKE WASTEWATER TREATMENT PLANT
BONNER COUNTY, IDAHO

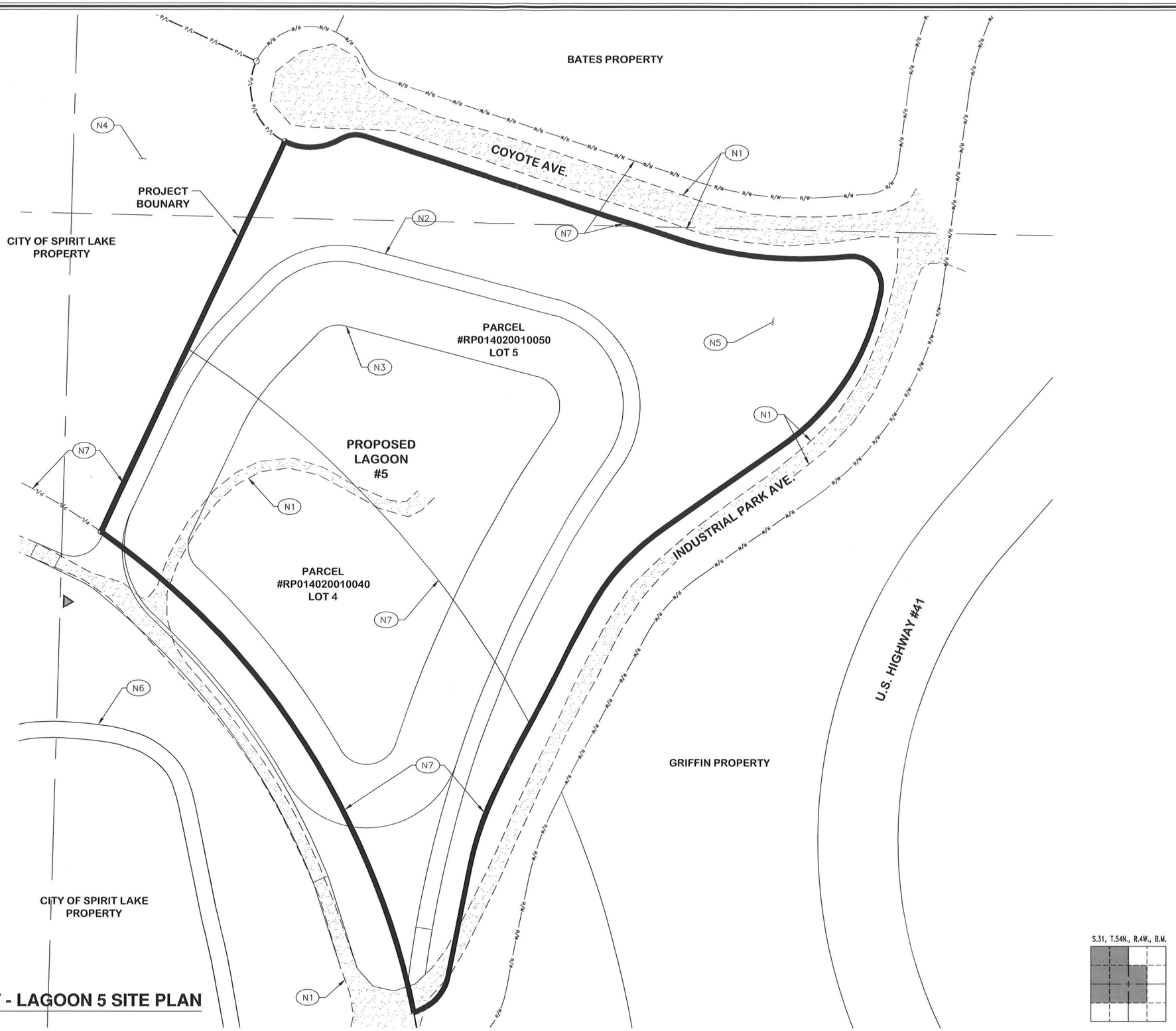
DATE:	2-26-18
SCALE:	AS SHOWN
DRAWN BY:	JMB
CHECKED BY:	KAK
FILE NAME:	SUC-SITE KK 11-1-17
DATA No.:	

SHEET 1 OF 2

NOTES FOR THIS DETAIL

(N1) EXISTING TRAVELWAY
(N2) PROPOSED DIKE ROAD
(N3) PROPOSED BOTTOM OF LAGOON #5
(N4) EXISTING LAND APPLICATION AREA
(N5) POTENTIAL LAND APPLICATION AREA
(N6) EXISTING LAGOON #2
(N7) EXISTING LOT LINE





4.1 CONDITIONAL USE PERMIT - LAGOON 5 SITE PLAN

SCALE: 1" = 50'

PROFESSIONAL ENGINEER LICENSED 14712 STATE OF IDAHO KEVIN KOESEL

ENGINEER'S STAMP

No.	DATE	REVISION	DRN/CHK'D

James A. Sewell and Associates, LLC
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NEWPORT, WASHINGTON, 99156
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BONNER COUNTY, IDAHO

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DATA No.:	

SHEET 2 OF 2