March 23, 2019

Milton Ollerton, Planning Director

Bonner County Planning Dept.

1500 HWY 2, Suite 208  
Sandpoint, ID 83864

Re: Complaint of violation of non-conforming standards at Linscott Gravel Pit, Sagle

Citizens against Linscott/Interstate Asphalt Plant wish to formally file a complaint regarding the multiple violations of Bonner County Code, Title 12, Subchapter 3.4 Nonconforming Uses And Structures and request that you proceed according to Subchapter 1.3 - Enforcement.

Attached you will find a letter from our attorney, a letter from the Idaho Department of Lands and a series of maps prepared by one of our members, all of which support our complaint.

Specifically, we believe that Linscott has violated the following provisions of Title 12:

* The quarry has been expanded significantly beyond the 10% allowance established in 12-341.A. and no CUP has been requested to increase that allowance to up to 50%.
* The quarry has expanded onto several adjacent parcels, including Parcel RP56N02W104202A, the former McGoldrick property which was encroached, now Parcel RP56N02W090004 purchased by Linscott, encroachment onto Murphy property, all after 1981, which is prohibited in 12-343.
* It appears the quarry has expanded with multiple structures placed on the property since 1981, contrary to 12-341 and 12-343.A.

At the reconsideration hearing you stated that you questioned whether or not the non-conforming standards of the Code apply to quarries since they are a resource use. We would like to direct your attention to 12-341C which states “If a nonconforming use is discontinued for a period of two (2) years or more, further use of the property shall conform to this title. For "surface mines", as defined in section 12-813 of this title, it shall be concluded that the operator has permanently ceased surface mining operations as to a given affected land if no "minerals", as defined in section 12-813 of this title, have been removed from the mine in question for a period of three (3) years or more. Discontinued nonconforming uses are also governed by the standards of Idaho Code section 67-6538, as it may be amended or retitled from time to time. If a nonconforming use has been discontinued for two (2) or more years, the county may require a written declaration of intent from the landowner, pursuant to the provisions of Idaho Code section 67-6538. (Ord. 524, 1-11-2012)”.

Why would the Code specifically address surface mines (quarries/gravel pits) in the section governing non-conforming uses and structures if they were not intended to be covered by these standards? It is in fact the only use specifically addressed in Subchapter 3.4. In addition, after discussing surface mines, the Code contains no language exempting them from the other provisions of the subchapter. It is clear that the Code intends to include surface mines under all of the provisions of Subchapter 3.4.

Thank you for your attention to this matter.