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Attorney for Defendant Bonner County, Idaho

**IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER**

**CITIZENS AGAINST
LINS COTT/INTERSTATE ASPHALT
PLANT**, an unincorporated non-profit
association organized under the laws
of the state of Idaho,

Plaintiff,

v.

BONNER COUNTY, a political
subdivision of the State of Idaho, et
al.

Defendants.

Case No. CV09-20-0780

**STIPULATED MOTION FOR
ENTRY OF JUDGMENT**

COMES NOW, Defendant Bonner County, Idaho, by and through Deputy Prosecuting Attorney William S. Wilson, and hereby stipulates to the following:

- On or about December 13, 2017, the County provided public notice of its intent to amend Bonner County Revised Code (“BCRC”) § 12-336;
- The notice stated as follows: “BCRC 12-336: Resource Based Code: Amend the uses allowed to expand uses allowed in a gravel pit located in the industrial zone;”
- The amendment ultimately adopted by the Board of County Commissioners conditionally permitted asphalt/concrete batch plants (contained within a gravel pit) not only in industrial zones but several others as well;
- The County failed to provide adequate public notice of the proposed additional uses outside of industrial zones;
- On that basis, the County now admits that portion of the amendment was improper and adopted upon unlawful procedure.

Based on the foregoing, the parties in the above-captioned matter now move the Court for an order declaring the 2018 amendment to BCRC § 12-336 void.


The parties agree to pay their respective fees and costs.

DATED this 16th day of July 2020, for the Defendant.

Bill Wilson

William S. Wilson
Bonner County Prosecutor's Office
Attorney for Bonner County, Idaho

DATED this 16 day of July 2020, for the Plaintiff.



Jack W. Relf
Givens Pursley, LLP
Attorney for the Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on the 16th day of July 2020, I caused to be served a true and correct copy of the foregoing via Icourt digital transmission to the following person(s):

Gary Allen
garyallen@givenspursley.com

Jack Relf
jackrelf@givenspursley.com

Bill Wilson

Legal Secretary