



BOUNDARY COUNTY PLANNING AND ZONING

Street address: 6452 Kootenai St Bonners Ferry, ID 83805 Mailing address: PO Box 419, Bonners Ferry, ID 83805 Phone (208) 267-7212 www.boundarycountyid.org (web page)

**PLANNING & ZONING COMMISSION
MINUTES of April 27, 2023, Public Meeting**

Boundary County Annex (former Armory Building) at 6566 Main St., Bonners Ferry, ID 83805

P&Z Members in attendance:

- Caleb Davis, Chair Wade Purdom, Co-Chair David Hollabaugh John Cranor
- Rob Woywod Scott Fuller Bill Benage
- Adam Isaac Ron Self

Chair Davis called the meeting to order at 5:30 p.m. Roll call: Commission members present are noted with an “X” in the boxes above. Also in attendance: Acting Zoning Administrator Clare Marley, Assistant Contract Planner Tessa Vogel, and members of the public.

Consent Agenda: Commissioner Purdom moved, and Commissioner Woywod seconded the motion, to approve the March 23, 2023, minutes. The Chair declared the motion approved on a voice vote, with Commissioners Isaac and Hollabaugh abstaining.

Public Hearings:

FILE 22-0209, CONDITIONAL USE PERMIT, THE JOHN & JACQUELYN GALE FAMILY TRUST CONTINUATION OF PUBLIC HEARING FOR Recreational Hospitality use on a 31.56-acre parcel in the Agriculture/Forestry zone. The parcel is located at 213 Haven Lane and is identified as Assessor’s Parcel RP60N01W021250A in Section 2, Township 60 North, Range 1 West, B.M.

The Chair asked if any Commission members had disclosures or conflicts of interest to announce. No members announced any disclosures or conflicts. The Chair advised that he was able to listen to the recordings of the past hearings and is able to participate in the proceedings. Commissioner Benage advised that he was unable to listen to the recordings and would abstain from voting.

Staff announced that the continuation of the hearing for File #22-0209 was to be limited to 1) land ownership of properties on Haven Lane, 2) easement document specifics of Haven Lane, including related/referenced record of surveys, and 3) property information that includes the size/location of easement boundaries, rights to use the easement, and restrictions of the easement. Planner Vogel presented a brief summary of the new information requested by the Commission.

The applicant was not present for the public hearing.

Public Testimony: The Chair opened the hearing to the limited testimony, calling for those in favor, those neutral, and those opposed. Charles Solomon testified regarding traffic, turning restrictions, and that he might not be opposed if it had been accessed through Highland Flats. Brian McIntyre and Lyle McIntyre spoke in opposition, stating concerns about the size of the private easement, location of existing power poles, ownership, use, and maintenance of the private easement, and how the use could impact the public.

Deliberations: The Chair closed the hearing and called for deliberations. The Commission discussed whether the use would impact the community as a whole, access issues, and potential conditions of approval.

Motion: Commissioner Woywod moved, and Commissioner Cranor seconded the motion, to approve the conditional use permit for a Recreational Hospitality Use to allow for a maximum of eight (8) RV pedestals with hookups, File #22-0209, finding that the proposal **IS** in accord with the standards of Idaho Code and Section 7 of the Boundary County Zoning & Subdivision Ordinance, based upon the findings, conclusions, and conditions as amended to add findings and conclusions #11 and conditions #6 and #7, and determined this action does not result in a taking of private property. The Chair declared the motion approved by a 4-2-2 voice vote, with Woywod, Davis, Hollabaugh, and Cranor voting yes; Commissioners Isaac and Purdom voting no; and Commissioners Benage and Self abstaining.

FILE 23-0065, COMPREHENSIVE PLAN MAP AMENDMENT & ZONE CHANGE, STEVEN & LENA KAUFFMAN are requesting approval for comprehensive plan and zone change map amendments from Rural Residential to Rural Community/Commercial for a portion of their property located at 66022 Highway 2 and identified as Assessor's Parcel RP62N02E183150A in Section 18, Township 62 North, Range 2 East, B.M. The 10.57-acre parcel is split by two different zones, and the owners desire the land be one zone.

The Chair asked if any Commission members had disclosures or conflicts of interest to announce. No members announced any disclosures or conflicts.

Staff Planner Vogel presented a summary of the request and the standards for review of the proposed map amendments.

Applicant Testimony: Dick Staples, PLS, of JRS Surveying, represented the applicant and explained how the subject property is split by two zones, and the landowners wish to have the same zone for all of the property. The landowners may desire to subdivide the property in the future, he said.

Public Testimony: Rory Helms testified that he is in favor of the zone change and that there is no reason for the property to be split by zones. Mark Barker testified that he had not been approached by the owners about the pending applications and he does not see why the zone change is necessary. Bruce Martins stated his opposition to the applications and his concern regarding future land uses, signage, and traffic if this is approved. Greg Mead asked that the land's zoning be left as is. Boundary County Road & Bridge Co-Superintendent Renee Nelson advised that the Bench Road serving the area is a paved, full-width county road. The landowner worked with the county to create a shared approach and safer access.

Applicant Rebuttal: Mr. Staples advised that the request is being made so that the zoning is consistent for the entire property.

Deliberation: The Chair closed the hearing and called for deliberations. The Commissioners discussed the various allowed uses in the two zones, the history of the establishment of the Rural/Community Commercial zone, and current services and transportation.

Motion: Commissioner Hollabaugh moved, and Commissioner Purdom seconded the motion, to recommend approval the request to amend the Boundary County comprehensive plan and land use designation map and the zoning map from Rural Residential to Rural Community/Commercial, File #23-0065, finding that the proposal **IS** in accord with the comprehensive plan and the criteria of Section 18 of the Boundary County Zoning & Subdivision Ordinance, based upon the findings and conclusions as amended to correct #8 and add #14 to #18, and determined this action does not result in a taking of private property. The Chair declared the motion approved by a unanimous voice vote.

FILE 23-0043, CONDITIONAL USE PERMIT, CC&P ENTERPRISES, LLC is requesting approval for a conditional use permit for a multi-family residential 6-plex on a 0.85-acre parcel with an existing single-family dwelling (multi-structure residential use). The site is in the Rural Community/Commercial zone. The parcel is located at 5915 Main Street and is identified as Assessor's Parcel RP61N01E049150A in Section 4, Township 61 North, Range 1 East, B.M.

Staff announced that due to a newspaper legal notice publication error, the hearing for File #23-0043 had been rescheduled to April 27th public hearing. Mailed and published legal notices were subsequently provided in accord with public hearing procedures, staff advised.

The Chair asked if any Commission members had disclosures or conflicts of interest to announce. No members announced any disclosures or conflicts.

Staff Planner Vogel presented the project request, standards of review, and proposed conditions of approval.

Applicant Testimony: Applicant Jimmy Ball provided an overview of his proposal, stating that the alternative parking plan will be used. Mr. Ball asked the Commission to strike the condition requiring the apron improvements requested by the Idaho Transportation Department (ITD). Mr. Ball also stated that he would place stakes to show the location of the County road and alley.

Public Testimony: No public testimony in favor or neutral to the project was provided. Four members of the public, Ed Sheppard, Karen Sheppard, Melinda Moline, and Tony Billington, spoke in opposition to the proposal, voicing concerns regarding access being near existing driveways, the destruction and blocking of the alley, traffic increase on Evergreen Street, snow storage, water runoff, and issues with the preferred parking plan. Boundary County Road & Bridge Co-Superintendent Nelson advised of the public ownership of both Evergreen Road and the adjoining alley. She said the county would work with the owner to obtain a parking plan that met county road standards and avoided backing onto the public accesses.

Applicant Rebuttal: Mr. Ball stated the alternative parking plan will be used, that he will work with neighbors regarding access near existing driveways and use of the alley. He reiterated that he does not think the ITD requirement to improve the apron at the highway access is necessary but that he would install an updated stop sign.

Deliberation: The Chair closed the public hearing and called for deliberations. The Commission discussed the appropriateness of the ITD improvements to the highway intersection and whether future highway improvements would obliterate the apron construction work. They reviewed the proposed multi-family use and whether that fits with the neighborhood at the edge of the city and the conditions of the accesses.

Motion: Commissioner Isaac moved, and Commissioner Purdom seconded the motion, to approve the conditional use permit for multi-family and multi-structure residential use to allow for a 6-plex, File #23-0043, finding that the proposal **IS** in accord with the standards of Idaho Code and Section 7 of the Boundary County Zoning & Subdivision Ordinance, based upon the findings, conclusions, and conditions as amended to remove condition #5, *The un-named alley to be used for access to the 6-plex shall be named through the Boundary County Road & Bridge Department road naming process prior to issuance of any placement permit on site*, and amend condition #10 to remove any language regarding improving the apron at the intersection. The motion included a determination that this action does not result in a taking of private property. The Chair declared the motion approved by a unanimous voice vote.

Commissioner Self excused himself from the remainder of the meeting.

Announcements: Ms. Marley and Ms. Vogel provided updates on Idaho legislative news, pending files, and schedules. The Commission thanked the public for attending the meeting and apologized that the hearings could not be conducted due to unexpected circumstances.

Adjournment: Commissioner Purdom moved, and Commissioner Isaac seconded the motion, to adjourn the meeting. The Chair declared the motion approved by a unanimous voice vote and the meeting adjourned at 8:00 p.m.

Wade Purdom for Chair
Caleb Davis, Chair
Boundary County Planning & Zoning Commission

5/25/2023
Date: