



BOUNDARY COUNTY PLANNING AND ZONING

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PLANNING & ZONING COMMISSION

MINUTES of July 27, 2023, Public Meeting

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

P&Z Members in attendance:

- | | | | |
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| <input checked="" type="checkbox"/> Caleb Davis, Chair | <input type="checkbox"/> Wade Purdom, Co-Chair | <input checked="" type="checkbox"/> David Hollabaugh | <input checked="" type="checkbox"/> John Cranor |
| <input type="checkbox"/> Rob Woywod | <input type="checkbox"/> Scott Fuller | <input checked="" type="checkbox"/> Bill Benage | |
| <input checked="" type="checkbox"/> Adam Isaac | <input checked="" type="checkbox"/> 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 Self moved, and Commissioner Cranor seconded the motion, to approve the June 22, 2023, minutes. The Chair declared the motion approved on a voice vote, with Commissioners Isaac and Hollabaugh abstaining.

Public Hearing: FILE 23-0059, TEXT AMENDMENT, BOUNDARY COUNTY has initiated an amendment to the Boundary County Zoning & Subdivision Ordinance to define dwelling, update the residential definition to include the various types of residential structures, and to define accessory dwelling units (ADUs) as both attached and detached. The Boundary County Planning & Zoning Commission will make a recommendation to the Boundary County Board of County Commissioners, who will make the final decision at a later date.

Staff/Applicant Presentation:

Ms. Marley summarized the hearing procedures and provided an overview of the proposed land use code amendments.

Public Testimony:

David Winn of Moyie Springs testified that he would like the ordinance amendment to be changed to count the interior living space for accessory dwelling units rather than the external dimensions as written in the current code.

Thomas Bushnell advised that setting the interior dimensions could invoke a "Fourth Amendment" issue, wherein the inside dimensions could not be measured. He suggested just increasing the square footage.

James Byler testified that he favored the use of interior measurements.

Deliberation/Discussion:

The Commission reviewed the testimony on accessory dwelling unit (ADU) dimensions. They discussed the reasons for the setting of the maximum floor area, noting that the county took into consideration the dimensions of manufactured homes. The members considered adjustments to the ADU definition that would use interior measurements rather than exterior square footage measurements.

MOTION: Commissioner Hollabaugh moved, and Commissioner Isaac seconded the motion, to recommend to the Board of County Commissioners approval of the request to update the Boundary County Zoning & Subdivision Ordinance as proposed in File #23-0059, finding that the proposal **IS** in accord with the comprehensive plan and the criteria of Section 18 of the Boundary County Land Use Ordinance, based upon the findings and conclusions as written in the staff report, with the amendment to the accessory dwelling unit definition to strike the parenthetical words “external dimensions” and specify the measurements are to be to “interior living area.” The Chair declared the motion approved on a unanimous voice vote.

Public Hearing: FILE 23-0107, CONDITIONAL USE PERMIT, ELIZABETH SCHOOLEY, is requesting a conditional use permit for a multi-structure residential use to allow for a second primary single-family dwelling on a 24-acre parcel in the Ag/Forestry zone, where one primary single-family dwelling and one accessory single-family dwelling unit exist. The parcel is located at 2138 Meadow Creek and identified as Assessor’s Parcel RP62N02E067212A in Section 6, Township 62 North, Range 2 East, B.M.

The Chair called for any disclosures or conflicts of interest. None were announced.

Staff Presentation:

Assistant Planner Vogel summarized the hearing procedures and provided a summary of the proposal and applicable land use code sections.

Applicant Presentation:

Applicant Elizabeth Schooley provided testimony on her reasons for the second primary dwelling request and clarified that the existing accessory dwelling unit (ADU) will be removed once the individuals living in it move.

Public Testimony:

James Byler of Bonners Ferry testified he would only be concerned about the proposal if the proposed dwelling were to encroach onto his property. No other public testimony was given.

Applicant Rebuttal:

Mrs. Schooley thanked the Commission for hearing her proposal.

MOTION: Commissioner Self moved, and Commissioner Hollabaugh seconded the motion, to approve the conditional use permit for a multi-structure residential use to allow for a second primary single-family dwelling, File #23-0107, 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 written. This action does not result in a taking of private property.

The Chair declared the motion approved on a unanimous voice vote.

Public Hearing: FILE 23-0112, COMPREHENSIVE PLAN MAP AMENDMENT & ZONE CHANGE, LINDA & HAROLD HOLLOWAY are requesting approval for comprehensive plan and zone change map amendments from Ag/Forestry to Rural Residential for a 15.18-acre parcel. The parcel is located at 328 Holhart Lane and is identified as Assessor’s Parcel RP62N02E068541A in Section 6, Township 62 North, Range 2 East, B.M. Rural Residential zone requires a minimum site area of 5 acres and allows single-family and duplex housing as well as a variety of light and moderate class uses.

The Chair called for any disclosures or conflicts of interest. Chairman Davis stated he had worked with Bushnell Law (applicant’s representative) but this would not impact his decision making. No other disclosures were given.

Staff Presentation:

Assistant Planner Vogel summarized the hearing procedures and provided a summary of the proposal and applicable land use code sections.

Applicant Presentation:

Applicant’s Representative Thomas Bushnell provided testimony on the reasons for the proposed zone change and addressed the written public comments that were submitted for the file.

Public Testimony:

Applicant Harold Holloway testified family members currently rent a dwelling on the subject property but would like to buy a portion of the property and clarified the plans to divide would be to only create two parcels. No other public testimony was given.

Applicant Rebuttal:

No rebuttal was provided by the applicant or the applicant’s representative.

MOTION: Commissioner Cranor moved, and Commissioner Hollabaugh seconded the motion, to recommend approval of the request to amend the Boundary County comprehensive plan land use designation map and the zoning map from Agriculture/Forestry to Rural Residential, File #23-0112, 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 written. This action does not result in a taking of private property.

The Chair declared the motion approved on a unanimous voice vote.

Old Business:

Planner Marley provided an overview of current county enforcement regulations and an update on the meeting the P&Z Department had with county civil counsel and the Sheriff’s Department. The Commission discussed with Planners Marley and Vogel the following:

- Addressing issues in current language regarding infractions, fines, and misdemeanors;
- Allowing complaints to be submitted anonymously;
- Civil versus criminal charges;
- Imposing fees for violations;
- Imposing stop work orders on violations.

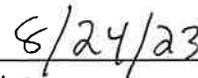
Updates:

Assistant Planner Vogel provided the Commission with updates on decisions made by the Board of County Commissioners at their July 25, 2023, public meeting and what is on the agenda for the August 2023 P&Z Commission public meeting. Planner Marley provided an overview of the recent City of Bonners Ferry annexations.

Adjournment: Commissioner Cranor moved, and Commissioner Hollabaugh seconded the motion, to adjourn the meeting. The Chair declared the motion approved on a unanimous voice vote at 7:15 p.m.



Caleb Davis, Chair
Boundary County Planning & Zoning Commission



Date:

