



**BOUNDARY COUNTY PLANNING AND ZONING**

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**PLANNING & ZONING COMMISSION**

**MINUTES of January 25, 2024, Public Meeting**

*Boundary County Annex 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 (via phone)

Chair Davis called the meeting to order at 5:38 p.m. Roll call: Commission members present are noted with an “X” in the boxes above. Also in attendance: Acting Zoning Administrator Clare Marley, and members of the public.

**Election of Chair and Co-Chair:** Commissioner Woywod moved, and Commissioner Cranor seconded the motion, to elect Caleb Davis as Chair and Wade Purdom as Co-Chair. The Chair declared the motion approved on a unanimous voice vote.

**Consent Agenda:** Commissioner Purdom moved, and Commissioner Woywod seconded the motion, to approve the November 30, 2023, minutes. The Chair declared the motion approved on a 7-0-2 voice vote, with Commissioners Isaac and Hollabaugh abstaining.

**Public Hearing: FILE #24-0029, COMPREHENSIVE PLAN MAP AMENDMENT & ZONE CHANGE, SATER, LLC** is requesting approval for comprehensive plan and zone change map amendments from Suburban to Rural Community/Commercial for a 1.77-acre portion of a 5.33-acre split-zoned parcel. The parcel is located at 67220 Highway 2 and is identified as Assessor’s Parcel RP62N02E172710A in Section 17, Township 62 North, Range 2 East, B.M. The Rural Community/Commercial zone requires a minimum site area of ¼-acre to 2 ½+ acres depending on community water and sewer availability and allows for single-family, duplex and multi-family housing as well as a variety of light to high-occupancy class uses. The Planning and Zoning Commission will make recommendations to the Board of County Commissioners, who will consider the requests at a public hearing to be scheduled later

**Legal & Disclosures:** The Chair read the legal notice and called for disclosures. No disclosures were made.

**Staff Presentation:** Ms. Marley summarized the hearing procedures and provided an overview of the proposed map amendments.

**Applicant Presentation:** Project Representative Dick Staples, PLS, with JRS Surveying represented the applicant and advised that he had no further comments.

**Public Testimony:** None.

**Applicant Rebuttal:** None.

**Deliberation/Discussion:** The Planner responded to questions from the Commission about allowed uses in the proposed zone. The Commission discussed the area uses and suitability of the proposed zone to the vicinity.

**MOTION:** Commissioner Purdom moved, and Commissioner Woywod 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 Suburban to Rural Community/Commercial, File #24-0029, finding that the proposal IS in accord with the comprehensive plan and the criteria of Section 18 of the Boundary County Zoning and 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.

**Public Hearing: FILE 23-0180, LAND USE CODE TEXT AMENDMENT, BOUNDARY COUNTY** has initiated an amendment to its subdivision and zoning codes to repeal current Section 4 “Enforcement” of the Boundary County Zoning and Subdivision Ordinance and adopt a new enforcement section establishing procedures, remedies, and penalties for addressing land use code violations. The proposed amendment would define violations and declare them to be a misdemeanor, set a process to review zoning complaints, seek compliance, and authorize various remedies to abate violations. The Planning and Zoning Commission will make a recommendation to the Board of County Commissioners, who will consider the request at a public hearing to be scheduled later.

**Disclosures:** The Chair read the legal notice and called for disclosures. There were no disclosures made.

**Staff Presentation:** Ms. Marley summarized the background for the proposed code amendment and the details of the proposed amendment and the differences between the existing and proposed codes. She responded to Commission questions regarding procedures, court processes, actions to bring about compliance, current violation case load, and the penalties and remedies available to the county.

**Public Testimony:** John Poland testified to his previous letter of support, and asked for a correction to a typographical/grammatical error at Section 4.5 (constitutes versus constitute). Adrienne Norris asked for clarification of civil actions and whether certain actions by a neighbor, such as cutting down trees, could be subject to zoning violations or civil action. Ms. Marley advised that in order for action to be taken, the matter would have to be a land use/zoning code violation. Mr. Poland asked for clarification on whether a stop work action is already in county code. Mr. Marley advised that the authority is in current code. Mr. Poland asked for clarification of civil actions.

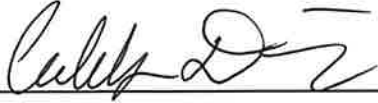
**Deliberation/Discussion:** The Commission acknowledged that the code enforcement update has been through a long process of review and current codes are not appropriate for enforcement. Commission Fuller voiced his concern that a misdemeanor penalty could be harsh, and favored keeping an infraction for some violations. Members discussed the ability of the county to use various remedies to bring about compliance. Ms. Marley provided background on the civil and criminal enforcement processes in zoning code and the two-step notice of violation process that would be retained in the proposed text amendment.

**MOTION:** Commissioner Hollabaugh moved, and Commissioner Woywod seconded the motion, to recommend to the Board of County Commissioners approval of the request to repeal current Section 4 “Enforcement,” of the Boundary County Zoning & Subdivision Ordinance and adopt a new Section 4 “Enforcement,” as proposed in File #23-0180, 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.

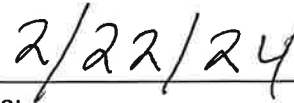
The Chair declared the motion approved on a voice vote of 8-0-1, with Commissioner Fuller abstaining.

**Public Workshop:** Ms. Marley advised that the February agenda will not include any public hearings, allowing time for discussion about subdivisions, private road standards, and expiration dates for placement permits.

**Adjournment:** The Chair declared the meeting adjourned at 6:40 p.m.



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Caleb Davis, Chair  
Boundary County Planning & Zoning Commission



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Date:

