



## 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](http://www.boundarycountyid.org) (web page)

### PLANNING & ZONING COMMISSION MINUTES of MARCH 25, 2021 Public Hearing & Workshop

University of Idaho Extension Office, 6447 Kootenai Street, Bonners Ferry, ID

#### P&Z Members in attendance:

- |  |   |  |   |
|--|---|--|---|
| <input checked="" type="checkbox"/> Caleb Davis, Chair | <input checked="" 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"/> Tim Heenan       |   |
| <input checked="" type="checkbox"/> Adam Isaac         | <input type="checkbox"/> Ron Self                         |  |   |

Public present by phone.

Chairman Davis called the meeting to order at about 5:45 p.m. The meeting was also conducted by telephone conference call. Roll Call: Those present noted by check boxes above. Commissioner Purdom arrived at about 6:00 p.m. Commissioner Hollabaugh participated by telephone for the first item on the agenda (Candelaria). Commissioner Cranor stated that he would have to leave the hearing at 8:00 p.m.

#### Consent Agenda:

**No action on consent items.**

#### New Business: Public Hearings:

**FILE 21-030 VARIANCE, Gary and Janice Candelaria** are requesting approval for a variance to allow a 5-foot side yard setback, where 20 feet is required, for construction of a pole building. The site is located at 430 Moose Ridge Lane and is identified as RP61N01E036750A. The property is zoned Rural Residential

**Opening and Hearing and Summary:** The Chair opened the hearing.

**Call for Disclosures:** The Chair called for disclosures or conflicts of interest regarding the file. No disclosures were made.

**Application Summary:** The Chair summarized the application and Assistant Contract Planner Tessa Vogel presented a report to the Planning & Zoning Commission regarding the requested variance. There were no questions from the Planning & Zoning Commission.

**Applicant Presentation:** The applicants were not present.

**Public Testimony:** No public testimony was given.

**Public Comment Closed & Deliberation:** The Chair closed the public comment portion of the hearing and opened deliberation. The Commission discussed the applicant request for a “5- to 10-foot variance” and whether the 5-foot setback should be granted, versus a 10-foot setback. Commissioner Hollabaugh stated that the variance request of 10 feet seemed straight forward.

**Motion to Approve:** Commissioner Isaac moved to approve File #21-030, for a 10-foot side yard setback, where 20 feet is required, for construction of a pole building, finding that the proposal is in accord with the variance standards of Idaho Code and Boundary County Land Use Ordinance 9B18LOV2, based upon the findings and conclusions, and subject to the conditions as written in the staff report. Commissioner Cranor seconded the motion. The Chair declared the motion approved on a unanimous voice vote of those present.

**FILE 21-053 LONG PLAT SUBDIVISION, Harley and Margaret Mastre** are requesting preliminary plat approval to subdivide Lot 1A of the Replat/Lot Line Adjustment of Lot 1, Block 3 of the Northland Woods Subdivision 1st Addition to create two lots of 0.70 acres each. The property is known as Assessor parcel #RP00390003001AA and is located off Highway 2/95 and Plato Drive. The site is zoned Commercial/Light Industrial.

**Opening and Hearing and Summary:** The Chair opened the hearing.

**Call for Disclosures:** The Chair called for disclosures or conflicts of interest regarding the file. No disclosures were made.

**Application Summary:** The Chair summarized the application and Assistant Contract Planner Tessa Vogel presented a report to the Planning & Zoning Commission regarding the requested long plat. There were no questions from the Planning & Zoning Commission.

**Applicant Presentation:** The applicant’s representative Steve Moyer, PLS, was present via telephone conference call and answered questions regarding utilities services and septic/drainfield testing.

**Public Testimony:** Renee Nelson, Boundary County Road & Bridge Co-Superintendent, commented that the Road & Bridge Department has received answers to their questions on the easement and access. No other public testimony was given.

**Public Comment Closed & Deliberation:** The Chair closed the public comment portion of the hearing and opened deliberation. Commissioner Isaac stated that it appears to be ready as the north lot is not a concern due to 3 Mile Water, septic, and Bonners Ferry electricity being installed.

**Motion to Recommend Approval:** Commissioner Purdom moved to recommend approval of the preliminary plat off Plato Drive and Tobe Way, File #21-053, to subdivide one lot into two lots, finding that the preliminary plat is in accord with the applicable zoning and subdivision standards of Boundary County Zoning and Subdivision Ordinance. Commissioner Cranor seconded the motion. The Chair declared the motion approved on a unanimous vote of those present.



**FILE 21-056, COMP PLAN MAP AND ZONING MAP AMENDMENTS, Daniel DeHart** is requesting approval to amend the Boundary County comprehensive plan and zoning maps from Commercial/Light Industrial to Rural Residential to allow for future residential development of the land consistent with Rural Residential density. Rural Residential establishes a density of one dwelling unit per 5 acres; The property consists of two parcels, RP62N01E232414A and RP62N01E232413A, totaling about 10 acres, located off Sunrise Road, in Section 23, Township 62 North, Range 1 East, B.M.

**Opening and Hearing and Summary:** The Chair opened the hearing.

**Call for Disclosures:** The Chair called for disclosures or conflicts of interest regarding the file. The Chair disclosed that he is on the Boundary County Airport Board and that the subject properties for the request are within the Airport Overlay area. He confirmed he has no conflict of interest.

**Application Summary:** The Chair summarized the application, and Acting Planning & Zoning Administrator Clare Marley presented a report to the Planning & Zoning Commission regarding the requested comprehensive plan and zoning map amendments. There were no questions from the Planning & Zoning Commission.

**Applicant Presentation:** The applicant's representative, Attorney Eric Anderson, stated that the Rural Residential zoning is safer relative to air traffic than the current zoning as it will restrict the amount of development more than the current zoning due to the density allowances. He provided exhibits A-G which were a mix of photos and maps of the subject properties. Mr. Anderson also asked to leave the time of 5-years open for the development agreement to allow for the ability to come back to the topic of the ability to separate the properties if the applicant is required to consolidate the two properties now. Applicant Dan DeHart spoke in favor of his project, noting he is very familiar with the airport traffic and flight patterns.

**Public Testimony:** No public testimony was given.

**Public Comment Closed & Deliberation:** The Chair closed the public comment portion of the hearing and opened deliberation. Commissioner Isaac stated that the slope does not favor industrial uses. Chairman Davis stated that the septic location seems to work for the property. Commissioner Purdom suggested that the 5-year development agreement is not necessary and neither is the requirement to combine the two properties; Commissioner Cranor agreed. Chairman Davis stated that the FAA is okay with that as well as it is in harmony with the comprehensive plan. Commissioner Purdom recommended removing conditions 1a and 1c.

**Motion to Recommend Approval:** Commissioner Purdom moved to recommend approval to the Board of County Commissioners the amendment of the Boundary County comprehensive plan and zoning maps from Commercial/Light Industrial to Rural Residential, File 21-056, finding that the proposals are in accord with the comprehensive plan and the criteria of Section 18 of Boundary County Zoning and Subdivision Ordinance, based upon the written findings and conclusions and with the amendment of draft conditions to remove 1a and 1c. Commissioner Heenan seconded the motion. The Chair declared the motion approved on a unanimous vote of those present.

**FILE 21-054 VARIANCE, Frederick Williams** is requesting variance approval to allow a zero setback, where 25 feet is required, to construct an accessory building. The site is located on Farm to Market Road and is identified as Assessor Parcel #RP65N01W350753A. The property is zoned Agriculture/Forestry.

**Opening and Hearing and Summary:** The Chair opened the hearing.

**Call for Disclosures:** The Chair called for disclosures or conflicts of interest regarding the file. No disclosures were made.

**Application Summary:** The Chair summarized the application and Acting Planning & Zoning Administrator Clare Marley presented a report to the Planning & Zoning Commission regarding the requested variance. There were no questions from the Planning & Zoning Commission.

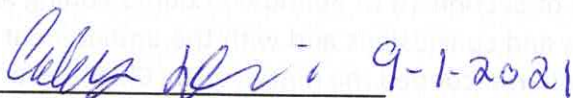
**Applicant Presentation:** The applicant's representative, Attorney Shawn Glen, provided the Commission exhibits A-E, which included:

- A. A 1948 right-of-way deed, Instrument #38129 (stated for record as 1942);
- B. Minutes of Board of Commissioners meeting of August 27, 2018;
- C. A parcel map of the vicinity;
- D. Idaho Code §40-604;
- E. Idaho Code §67-6504.

Ms. Glen spoke about the information from the county that Mr. Williams relied upon to begin construction and dates that the subject property was required to meet setbacks. The attorney asked the applicant to identify the location of the existing concrete slab and his home in the photos displayed for the Commission. The applicant stated that he wants to build an opened-sided pole structure on the slab. He explained his reliance upon information from the former Planning and Zoning Administrator regarding setbacks and placement of the structure. He said moving the slab would sacrifice winter pasture areas and be costly. Commissioner Heenan asked the representative if the 1942 road dedicated to the State of Idaho was a legal acquisition. The representative noted that the slab was built 29 feet offset from the road centerline, and that the applicant assumed that the previous Zoning Administrator knew what he was telling the applicant regarding setbacks.

**Motion to Continue:** Commissioner Cranor advised that he would need to leave at 8:00 p.m. Commissioner Heenan moved to continue the file to the first agenda item at 5:30 p.m. April 22, 2021 at the University of Idaho Extension Office, 6447 Kootenai Street, Bonners Ferry. Commissioner Cranor seconded the motion. The Chair declared the motion approved on a unanimous vote of those present.

**Adjournment:** Co-Chairman Purdom moved, and Commissioner Isaac seconded the motion, to adjourn the meeting. The Chair declared the motion approved on a unanimous voice vote and closed the meeting at 8:00 p.m.

 9-1-2021

Caleb Davis,  
Boundary County Planning and Zoning Commission Chairman