



BOUNDARY COUNTY PLANNING AND ZONING

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PLANNING & ZONING COMMISSION MINUTES of APRIL 22, 2021 Public Hearing & Workshop

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

P&Z Members in attendance:

- | | | | |
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| <input checked="" type="checkbox"/> Caleb Davis, Chair | <input checked="" type="checkbox"/> Wade Purdom, Co-Chair | <input type="checkbox"/> David Hollabaugh | <input checked="" type="checkbox"/> John Cranor |
| <input checked="" type="checkbox"/> Rob Woywod | <input checked="" type="checkbox"/> Scott Fuller | <input checked="" type="checkbox"/> Tim Heenan | |
| <input checked="" type="checkbox"/> Adam Isaac | <input checked="" type="checkbox"/> Ron Self | | |

Chairman Davis called the meeting to order at about 5:30 p.m. Roll call: Commission members present are noted with a checked box above.

Consent Agenda:

Commissioner Cranor moved, and Commissioner Heenan seconded the motion, to approve the March 25, 2021 minutes. The Chairman declared the minutes approved on a voice vote, with Commissioners Self and Woywod abstaining.

Public Hearings:

FILE 21-054, VARIANCE, Frederick Williams. Applicant request for continuation. The representative for Frederick Williams has advised of the applicant's request to continue this file to the May regular Planning & Zoning Commission meeting due to personal reasons. Commissioner Heenan asked whether the Planning Commission had authority to act on the requested variance. Staff advised they did. Commission Purdom moved, and Commissioner Heenan seconded the motion, to continue the public hearing to the May 27, 2021 P&Z meeting at 5:30 p.m. at the University of Idaho Extension Office meeting room. The Chairman declared the motion approved on a unanimous voice vote.

FILE 21-071, CONDITIONAL USE PERMIT, Brian and Susan DeRidder are requesting a conditional use permit for a multi-structure residential primary dwelling that would be the second single-family dwelling on site. The 74-acre parcel is located at 2195 Moon Shadow Road, in Section 10, Township 62, Range 1 East, B.M., (RP62N01E102412A). The property is zoned Rural Residential.

Opening and Hearing and Summary: The Chairman opened the hearing and read the file legal notice.

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

Application Summary: The Chairman summarized the application. Assistant Contract Planner Tessa Vogel presented a report to the Planning & Zoning Commission regarding the requested conditional use permit.

Applicant Presentation: Brian DeRidder advised that the reason for the requested additional dwelling is to allow housing for family members. He noted the community's housing shortage and the ability to provide sufficient land to meet the family needs on their property. Susan DeRidder testified that they do not desire to change any aspects of the rural area, and the additional dwelling fits the current uses and densities. The Commission asked several clarifying questions regarding the proposed size of the future home. The applicants advised they plan to build a ±1,600 square foot, two-bedroom home.

Public Testimony: No public testimony was given.

Close of Hearing & Deliberation: The Chairman closed the public comment portion of the hearing and opened deliberation. The Commission discussed the application and the need for housing family members. The Commission agreed the proposed acreage was sufficient for the additional dwelling and is larger than other properties previously granted conditional use permits for second dwellings.

Motion to Approve: Commissioner Self moved to approve File #21-071, a conditional use permit for a multi-structure residential primary dwelling, finding that the proposal IS in accord with the standards of Idaho Code and Boundary County Land Use Ordinance 9B18LOV2, based upon the findings and conclusions presented, and subject to the conditions as written. Commissioner Cranor seconded the motion. The Chairman declared the motion approved on a unanimous voice vote.

FILE 21-064, COMP PLAN MAP AND ZONING MAP AMENDMENTS, Kent and Krista Rotchy, Rotchy Family Trust, are requesting approval to amend the Boundary County comprehensive plan map and zoning map from Ag/Forest (10-acre parcel minimums) to Rural Residential (5-acre parcel minimums) to allow for a future residential subdivision of the land consistent with Rural Residential density. The 10-acre property is known as Assessor Parcel #RP6ON01W030760A, located off Highland Flats Road and Cascade Lane, in Section 3, Township 60 North, Range 1 West, B.M.

Opening and Hearing and Summary: The Chairman opened the hearing.

Call for Disclosures: The Chairman called for disclosures or conflicts of interest regarding the file. Commissioner Isaac advised that he knows the applicant and excused himself from the proceedings. No further disclosures were made.

Application Summary: The Chairman summarized the application. Assistant Contract Planner Tessa Vogel presented a report to the Planning & Zoning Commission regarding the requested zone change and comprehensive plan amendment. She displayed current aerials and maps of the site and vicinity.

Applicant Presentation: The applicant's representative Dick Staples, PLS, testified that although the land is zoned Ag/Forest, there are 25 to 30 parcels in the vicinity that are smaller than the minimum zoning requirements. He suggested that the area zoning should be re-examined due to these changes. He provided a mapping analysis of the land divisions in the vicinity. Kent and Krista Rotchy advised that they planned to split the property into two parcels.

Public Testimony: Adam Isaac spoke as “uncommitted” to the zone change and discussed the existing parcel sizes and implications of spot zoning.

Jeff Gutsholl testified in opposition to the zone change. He said he is concerned about changes in density for the area and believes the comprehensive plan is being ignored. Many land divisions occurred in the area as a result of family splits under former land use regulations, he said. He believes the 10-acre minimum is the appropriate density for this area. If granted, the zone change would cause others to seek the same, which would adversely affect transportation and impact water resources.

Patrick Murphy signed in, but did not speak.

Applicant Rebuttal: None provided.

Close of Hearing & Deliberation: The Chairman closed the public comment portion of the hearing and opened deliberation. The Commission discussed the zoning and existing character of the vicinity. They reviewed the allowed uses in the Rural Residential and Ag/Forest zones. The group discussed whether approval of the zone change would constitute “spot zoning,” and whether it would lock the county into approving future zone changes to higher densities in the area. They agreed that the area is diverse, with agricultural and forestry uses as well as smaller lot sizes. The Commission suggested that community workshops should be conducted with the area to determine the future land uses and densities and allow the neighborhood to discuss their preferences for the area. Although they heard little comment on this proposed rezone, if the entire region were considered for increased density, the Commission said they believed they would hear a big response from the community. In general, the rezone is not in keeping with the comp plan and would be spot zoning.

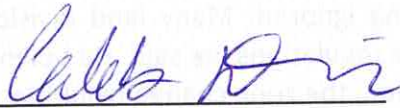
Motion to Recommend Denial: Commissioner Woywod moved, and Commissioner Purdom seconded the motion, to recommend to the Board of Commissioners denial of the request to amend the Boundary County comprehensive plan from Agriculture/Forestry to Rural Residential, File 21-064, finding that the proposal **IS NOT** in accord with the comprehensive plan and the criteria of Section 18 of the Boundary County Land Use Ordinance, based upon the findings presented and discussed, and that a rezone would constitute spot zoning. The Chairman declared the motion approved on a unanimous roll call vote of those present, with Commissioner Isaac having recused himself.

Motion to Recommend Denial: Commissioner Purdom moved, and Commissioner Woywod seconded the motion, to recommend denial to the Board of County Commissioners of the request to amend the official zoning map from Agriculture/Forestry to Rural Residential, File 21-064, finding that the proposal **IS NOT** 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 presented in the staff report and as discussed. The Chairman declared the motion approved on a unanimous voice vote of those present, with Commissioner Isaac having recused himself.

The Chairman called for a 5-minute recess.

The Commission resumed the public meeting to review upcoming schedules and projects.

Adjournment: Commissioner Purdom moved, and Commissioner Woywod seconded the motion, to adjourn the meeting. The Chair declared the motion approved on a unanimous voice vote and closed the meeting at 7:19 p.m.

 9-1-2021

Caleb Davis,
Boundary County Planning and Zoning Commission Chairman