



BOUNDARY COUNTY PLANNING AND ZONING

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**PLANNING & ZONING COMMISSION
MINUTES of May 26, 2022 Public Hearing**

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

P&Z Members in attendance:

- | | | | |
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| <input 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 checked="" type="checkbox"/> Rob Woywod | <input checked="" type="checkbox"/> Scott Fuller | <input type="checkbox"/> Tim Heenan | |
| <input checked="" type="checkbox"/> Adam Isaac | <input checked="" type="checkbox"/> Ron Self | | |

Due to the Co-Chair attending via phone, the commission agreed to appoint Commissioner Self as Acting Chair.

Acting Chair Self called the meeting to order at 5:30 p.m. Roll call: Commission members present are noted with a checked box above with Commissioner Purdom attending via phone.

Consent Agenda:

Commissioner Hollabaugh moved, and Commissioner Cranor seconded the motion, to approve the April 28, 2022, minutes. The Acting Chair declared the motion approved on a voice vote, with Commissioners Woywod, Isaac, and Fuller abstaining.

Public Hearing:

FILE 22-0103, CONDITIONAL USE PERMIT, TOM & KARIN PATZKE are requesting approval for a conditional use permit for a multi-structure residential use to allow for a second primary single-family dwelling on a 3.03-acre parcel in the Residential zone. The parcel is located at 140 Panorama Drive and is identified as Assessor's Parcel RP62N02E213130A in Section 21, Township 62 North, Range 2 East, B.M.

Opening and Hearing Summary: Acting Chair Self opened the hearing and read hearing processes. Acting Zoning Administrator Clare Marley read the legal notice.

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

Application Summary: Assistant Contract Planner Tessa Vogel presented the staff report.

Applicant Presentation: Applicant Tom Patzke attended the hearing via phone. Mr. Patzke provided an overview of the proposal stating the desire to have a more permanent dwelling for longer stays in the area, explaining that the existing dwelling was never meant to be the main dwelling.

Public Testimony: Applicant's Representative John Callison described the use of the existing dwelling and intended use of the proposed home. No other public testimony was provided.

Applicant Rebuttal: No rebuttal was provided.

Close of Hearing & Deliberation: The Acting Chair closed public testimony and opened deliberation. Members of the Commission discussed how the use fits the area and should be approved. Members stated Finding #3 needed to be corrected to reflect the correct issuance date for the referenced 2001 permit. Commissioner Purdom stated that he has spoken with the applicant's representative, John Callison, about the project and that it makes sense. Commissioner Purdom stated he would abstain from voting due to his ex-parte communication with the applicant's representative.

Motion to Approve: Commissioner Woywod moved to approve the request for a conditional use permit for a multi-structure residential use to allow for a secondary primary single-family dwelling, File #22-0103, finding that the proposal IS in accord with the standards of Idaho Code and Section 7 of the Boundary County Zoning and Subdivision Ordinance, based upon the findings and conclusions as amended, correcting Findings #3 to state, *The existing primary single-family dwelling was permitted with P&Z file #01-29 (issued July 30, 2001)*, and determined that this action does not result in a taking of private property. Commissioner Hollabaugh seconded the motion. The Acting Chair declared the motion approved on a 5-0-1 voice vote, with Commissioner Purdom abstaining.

FILE 22-0107, CONDITIONAL USE PERMIT, WARREN & TAMRA PATZER are requesting approval for a conditional use permit for a multi-structure residential use to allow for a second primary single-family dwelling on a 3.65-acre parcel in the Rural Residential zone. The parcel is located at 1177 Blume Hill Road and is identified as Assessor's Parcel RP62N02E203149A in Section 20, Township 62 North, Range 2 East, B.M.

Opening and Hearing Summary: Acting Chair Self opened the hearing and read the file legal notice.

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

Application Summary: Assistant Contract Planner Tessa Vogel presented the staff report. Ms. Vogel responded to Commission questions regarding the Boundary County Assessor's comments and the size of the existing dwelling.

Applicant Presentation: Applicant's Representative Shane Patzer explained the need for the second, single-level dwelling is for his aging parents.

Public Testimony: No public comment was provided.

Applicant Rebuttal: No rebuttal was provided.

Close of Hearing & Deliberation: The Acting Chair closed public testimony and opened deliberation. Members of the Commission discussed the project and stated there are no concerns so long as the second dwelling will be able to obtain a second water hook up from the local water district. Ms. Vogel explained the ability of the applicants to obtain the second water hook up and Ms. Marley reminded the Commission that they had the applicants come before them in December 2021 for a zone change that was ultimately denied.

Motion to Approve: Commissioner Hollabaugh moved to approve the request for a conditional use permit for a multi-structure residential use to allow for a secondary primary single-family dwelling, File #22-0107, finding that the proposal IS in accord with the standards of Idaho Code and Section 7 of the Boundary County Zoning and Subdivision Ordinance, based upon the findings and conclusions as written, and determined that this action does not result in a taking of private property. Commissioner Cranor seconded the motion. The Acting Chair declared the motion approved on a unanimous voice vote.

FILE 22-0079, COMPREHENSIVE PLAN MAP AMENDMENT & ZONE CHANGE, KIRK YOUNGERS is requesting approval to amend the Boundary County comprehensive plan and zoning maps from Prime Agriculture (10-acre minimums) to Rural Residential on 9.52 acres of a 52.95-acre parcel to allow for a future land division of a 52.95-acre parcel at the Rural Residential density of 5 acres. The parcel is located at 4146 District Two Road and is identified as Assessor's Parcel RP62N02E201811A in Section 20, Township 62 North, Range 2 East, B.M. The Planning and Zoning Commission will make a recommendation to the Board of County Commissioners, who will make the final decision on the requests.

Opening and Hearing Summary: Acting Chair Self opened the hearing and read the file legal notice.

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

Application Summary: Assistant Contract Planner Tessa Vogel presented the staff report. The Commission had questions regarding the floodplain for Ms. Vogel, which she answered. Ms. Marley also provided clarification on how floodplains and floodways impact zone changes.

Applicant Presentation: Applicant Kirk Youngers and the Applicant's Representative Dick Staples of JRS Surveying, were not present but provided their written comments for planning staff to read into the record. Ms. Vogel read Mr. Youngers' letter into the record and Ms. Marley read Mr. Staples' letter into the record.

Public Testimony: No public testimony was given in favor of or neutral to the proposal. Multiple members of the public provided public testimony against the proposal. Paul Wells wanted to know when the property was rezoned to Rural Residential above District Two Road and stated that the county road on the applicant's property has not been maintained by the County. Mr. Wells submitted Exhibit A to the record which addressed the Applicant's application and provided an overview of Mr. Wells' speaking points. Charlene Wells stated the triangle-shape property the County Assessor mentioned in her comments is not actually owned by the Applicant. Gene Andrews stated that landowners outside of 300' of the property boundaries need to be notified via mail as any development on the subject property would impact those people as well. Mr. Andrews submitted Exhibit B to the record that addressed his concerns. Bill Dettalbach asked for clarification on which portion of the property is proposed to be rezoned and wanted to know if the neighboring 220-acre parcel also owned by the applicant is proposed to be rezoned. Mr. Dettalbach also stated that the road is inadequate for an increase in density. Jim Cadnum stated that if the rezone is approved, then the rest of the area could also be changed, and that this rezone would set a precedent. Bob Byars stated that the original zoning was made for a reason and the owner knew that when buying the property and that the rezone would remove agricultural lands. Jord Hansberry stated that the zoning should stay agricultural. Dee Dee Oxford, who lives next door to the subject property, stated she bought her property knowing the zoning was agricultural. Ms. Oxford also stated her concerns about the quality of the road as it is a one-lane road where two cars are unable to pass each other and that any increase in density would not be good for the area. Ms. Oxford also stated she cannot divide her land the way it is zoned currently. Joyce Hartharger gave her time to Paul Wells, who had already spoken but had more to add to his testimony. The Acting Chair allowed Paul Wells to add to his testimony, where he addressed Exhibit A, the lack of power availability on site, the issue of dry wells in the area, the topography of the site, and his concern that the applicant is trying to pull something over on the County. Gary Gage stated the applicant has more than 200 acres and that he can divide the land without a zone change. Jacob Oxford spoke about the inadequate road and how the zone change is a safety concern that if approved, the County would be responsible for every accident on the county road and that the local school bus won't drive on that portion of the county road because of safety concerns. Mr. Oxford stated that he would be sure that everyone had a lawyer to represent them for the traffic accidents and that the applicant should be responsible for improving the road.

Applicant Rebuttal: No rebuttal was provided.

Close of Hearing & Deliberation: The Acting Chair closed public testimony and opened deliberation. The Commission discussed points brought up in public testimony and stated that the proposal was not for a subdivision, so those issues are not applicable at this time. Members made note that the Road & Bridge Department did not comment but that the rezone would only increase the density ability by one additional parcel. The Commission debated if the zoning should not change to keep a geographic boundary and preserve the agricultural land or if it should be changed to make the entire parcel one zone. Members spoke to whether there were other zone changes that were approved that were similar to the proposal. When looking at the comprehensive plan land use designation descriptions, the members noted that the Prime Agriculture zone states that soils and land use are considered while the Rural Residential designation does not. Members recommended planning staff take photos of the site for the County Commissioners' hearing.

Motion to Recommend Denial: Commissioner Purdom moved to recommend denial of the request to amend the Boundary County comprehensive plan land use designation map and the zoning map from Prime Agriculture to Rural Residential, File #22-0079, finding that the proposal **IS NOT** 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, stating the topography and land use of the area proposed to be rezoned better matches the description of the Prime Agriculture zone, and that this action does not result in a taking of private property. Commissioner Hollabaugh seconded the motion. The Acting Chair declared the motion approved on a unanimous voice vote.

New Business: Ms. Marley recommended to the Commission moving the subdivision workshop to the June 2022 public hearing so all members can participate, which the Commission agreed. Ms. Marley also provided updates on Board of County Commissioners' decisions for files #22-0060 (Carey) and #22-0097 (Schneider) along with giving an update on the fairgrounds location for the June 2022 hearing.

The Commission asked Planning Staff to have application-type and testimony standards from the Jerry Mason video available during hearings.

Adjournment: Commissioner Woywod moved to adjourn the meeting, and Commissioner Cranor seconded the motion. The Acting Chair declared the motion approved by a unanimous voice vote. The meeting was adjourned at 7:21 p.m.

A handwritten signature in black ink, appearing to read 'Caleb Davis', followed by the date '6/23/22'.

Caleb Davis,
Boundary County Planning & Zoning Commission Chair