



BOUNDARY COUNTY PLANNING AND ZONING

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**PLANNING & ZONING COMMISSION
MINUTES of October 26, 2023, Public Meeting**

Boundary County Annex (former Armory Building) 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 5:35 p.m. Roll call: Commission members present are noted with an "X" in the boxes above. Also in attendance: Acting Zoning Administrator Clare Marley, Associate Contract Planner Tessa Vogel, and members of the public.

Consent Agenda: Commissioner Purdom moved, and Commissioner Woywod seconded the motion, to approve the September 28, 2023, minutes. The Chair declared the motion approved on a 6-0-3 voice vote with Commissioners Hollabaugh, Isaac, and Fuller abstaining.

Public Hearing: FILE 23-0162, LOT SIZE MINIMUM VARIANCE, CATHY & RALPH LITTERELL are requesting a lot size minimum variance to allow for a minimum lot size of 4.85 acres, where 5 acres are required for a future land division. The 19.85- acre site is located at 525 Aspen Drive, and is zoned Rural Residential. The Rural Residential zone has a density minimum of 5 acres. The parcel is identified as Assessor’s Parcel RP62N01E096910A in Section 9, Township 62 North, Range 1 East, B.M.

- **Legal & Disclosures:** The Chair read the legal notice and called for disclosures. No disclosures were made.
- **Staff Presentation:** Associate Planner Vogel summarized the hearing procedures and provided an overview of the proposed subdivision. Acting Zoning Administrator Clare Marley made note of Panhandle Health District information provided by the applicants prior to the hearing.
- **Applicant Presentation:** Project Representative John Marquette stated he would like to see an allowance to further subdivide aliquot described properties without a variance, that the landowners believed they had a full 20 acres, that there are two dwellings on site – one the landowners live in and one the landowners children live in, and that the division would allow the landowners to live on the 15-acre parcel and their children can live on their own 4.85-acre parcel.
- **Public Testimony:** Public testimony in favor of the project came from Ralph Litterell (applicant) and Josh Litterell (applicant’s son), who stated it was unknown to them that the property was not 20 acres even when prior Acting Zoning Administrator John Moss issued a placement permit for the property. No other public testimony was given.
- **Applicant Rebuttal:** None.

- **Deliberation/Discussion:** The Commission discussed that since the County Assessor and applicant both thought the parcel was a full 20 acres, it makes sense to allow the variance.
- **MOTION:** Commissioner Purdum moved, and Commissioner Hollabaugh seconded the motion to approve the request for a lot/parcel size minimum variance to allow for a future land division to create a 4.85-acre parcel and a 15-acre parcel, File 23-0162, finding that the proposal IS in accord with the comprehensive plan and the criteria of Section 12 of the Boundary County Land Use Ordinance, based upon the findings and conclusions as written, and declared 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 23-0137, MODIFICATION OF SPECIAL USE PERMIT #04-03, DAVID & MARIANNE DUARTE are requesting a modification of their approved 2004 special use permit #04-03 to 1) update new parcel numbers after land division; 2) allow for unlimited volume of granite, approximately 55,000 cubic yards of alluvial gravels and unlimited volume of sand, topsoil, clay and various other soils to be processed; 3) remove condition limiting crushing and hauling services to one contractor; 4) allow more than 70 trips per day for large road or highway projects and emergency river or road repair work; and 5) increase the days of operation from five (Monday-Friday) to six (Monday-Saturday) from 6:00 a.m. to 6:00 p.m. The site is located on 11 parcels totaling 27.1 acres in the Residential zone off Riverside Street, Soaring Eagle Lane, and Nesting Eagle Lane in the Bonners Ferry Area of City Impact. The sites are identified as Assessor's Parcels RP62N01E287962A; RP62N01E287860A; RP62N01E287865A; RP62N01E288400A; RP62N01E288405A; RP62N01E289150A; RP62N01E288415A; RP62N01E288410A; RP62N01E289155A; RP62N01E287600A; RP62N01E287610A all in Section 28, Township 62 North, Range 1 East, B.M.

- **Legal & Disclosures:** The Chair read the legal notice and called for disclosures. No disclosures were made.
- **Staff Presentation:** Ms. Vogel summarized the hearing procedures and provided an overview of the proposed subdivision, including a written statement provided by the Boundary County Road & Bridge Department prior to the hearing.
- **Applicant Presentation:** Project representative Tom Duarte provided an overview of the project and provided clarification on the specific requests of the file. Applicant Marianne Duarte added that the request is an attempt to clean up the original 2004 permit.
- **Public Testimony:** Public testimony neutral to project was given by John Poland, who stated that if there weren't restrictions on the 2004 permit, there shouldn't be any now, and questioned why limitations would be imposed. No other public testimony was given.
- **Applicant Rebuttal:** Applicant Dave Duarte stated that there were no restrictions in the 2004 permit but the current request is to clarify the plans from 2004.
- **Deliberation/Discussion:** The Commission discussed the current project and the 2004 permit and how the requests and conditions should be amended.
- **MOTION:** Commissioner Hollabaugh moved, and Commissioner Isaac seconded the motion to approve the conditional use permit File #23-0137 for a modification of special use permit #04-03 to:
 - Update new parcel numbers after land division;
 - Include parcel RP62N01E287962A but to exclude mining operations on this parcel;
 - Allow for unlimited volume of rock and minerals, such as granite, alluvial gravels, sand, topsoil, clay and various other soils to be processed;
 - Remove condition limiting crushing and hauling services to one contractor;

- Increase the days of operation to six days a week (Monday-Saturday) from 6:00 a.m. to 6:00 p.m., allowing extension of hours as necessary for large road or highway projects and emergency river or road repair work;

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 amended to remove draft discussion condition #5 (regarding trips per day) and amend draft discussion condition #6 (regarding Parcel RP62N01E287962) to exclude mining operations and declared this action does not result in a taking of private property. The Chair declared the motion approved on a unanimous voice vote.

Condition #6: Parcel RP62N01E287962A shall be included within the permit boundaries but shall exclude mining operations.

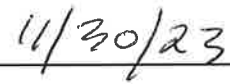
Public Workshop: Ms. Marley presented an updated draft of the text amendment related to the enforcement code. The Commission agreed to have another workshop on the enforcement changes at the November 30, 2023, public meeting instead of hearing it as file. Ms. Marley stated Planning Staff would work on the requested changes and have County legal counsel review the document prior to the November meeting. Commissioner Hollabaugh excused himself from the workshop portion of the meeting.

Updates: Ms. Vogel provided an update on files heard by the Board of County Commissioners at the October 3, 2023, public meeting and what is on the agenda for the November P&Z Commission public meeting. Ms. Marley went over the 2024 meeting calendar with the Commission, noting it is the same layout as 2023.

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 at 7:51 p.m.



Caleb Davis, Chair
Boundary County Planning & Zoning Commission



Date:

