



BOUNDARY COUNTY PLANNING AND ZONING

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**PLANNING & ZONING COMMISSION
MINUTES of October 27, 2022 Public Hearing**

Boundary County Annex (former Armory Building) at 6566 Main St., Bonners Ferry, ID 83805

P&Z Members in attendance:

- | | | | |
|---|---|--|---|
| <input checked="" type="checkbox"/> Caleb Davis | <input checked="" type="checkbox"/> Wade Purdom, Acting 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 type="checkbox"/> Ron Self | | |

Acting Chair Purdom called the meeting to order at 5:36 p.m. Roll call: Commission members present are noted with a checked box above.

Consent Agenda:

Commissioner Fuller moved, and Commissioner Woywod seconded the motion, to approve the September 22, 2022, minutes. The Chair declared the motion approved on a unanimous voice vote with Commissioner Hollabaugh abstaining due to not being present at the September 22, 2022, meeting.

Public Hearing:

FILE 22-0172, LONG PLAT SUBDIVISION, GRANT & NADINE DIRKS AND LAYNE & KARLEE PEASTER are requesting preliminary plat approval for Southbound Subdivision, a long plat subdivision of a 19.83-acre parcel to create four, 4.95-acre lots in the Commercial/Light-Industrial zone. The parcel is located off Tonka Drive, south of U.S. Highway 2, and is identified as Assessor's Parcel RP62N01E133600A in Section 13, Township 62 North, Range 1 East, B.M.

Opening and Hearing Summary: The Chair opened the hearing and read the description of the project. Assistant Planner Tessa Vogel read the hearing process and explained the public testimony allowances and exhibit requirements based on the adopted hearing procedures.

Call for Disclosures: The Chair called for disclosures or conflicts of interest regarding the file. There were no conflicts or disclosures announced.

Application Summary: Ms. Vogel presented the staff report and reviewed the standards, findings of fact, and proposed conditions of the conditional use permit. The Commissioner had questions regarding zoning and land division type, which Ms. Vogel clarified.

Applicant Presentation: Neither the applicants nor their representative were present.

Public Testimony: No public testimony was presented.

Applicant Rebuttal: No rebuttal was presented.

Close of Hearing & Deliberation: The Chair closed the hearing and called for deliberation.

Motion: Commissioner Davis moved, and Commissioner Cranor seconded the motion, to recommend to the Board of County Commissioners approval of the preliminary plat for Southbound Subdivision, a proposed commercial/industrial subdivision, File #22-0172, finding that the preliminary plat **IS** in accord with the applicable zoning and subdivision standards of the Boundary County Zoning and Subdivision Ordinance, based upon the findings, conclusions, and conditions as written. This action does not result in a taking of private property. The Chair declared the motion approved on a unanimous voice vote.

FILE 22-0183, CONDITIONAL USE PERMIT, JAMES & ELIDA BYLER are requesting approval for a conditional use permit to allow a commercial use within a primary structure exceeding 15,000 square feet. The applicants are proposing to construct a retail Tractor Supply Store on a portion of a 5.99-acre site in the Commercial/Light-Industrial zone. The parcel is located at 87 Homestead Loop and is identified as Assessor's Parcel RP62N01E145551A in Section 14, Township 62 North, Range 1 East, B.M.

Opening and Hearing Summary: The Chair opened the hearing and read the description of the project. Ms. Vogel read the hearing process and explained the public testimony allowances and exhibit requirements based on the adopted hearing procedures.

Call for Disclosures: The Chair called for disclosures or conflicts of interest regarding the file. There were no conflicts or disclosures announced.

Application Summary: Ms. Vogel presented the staff report and reviewed the standards, findings of fact, and proposed conditions of the conditional use permit. Ms. Vogel stated that the Boundary County Road & Bridge Department provided their comments after the completion of the staff report and would like an additional condition added that reads as, *Prior to the issuance of this CUP, file #22-0183, the applicant shall obtain approval for approach permits for any approaches on site with the Boundary County Road & Bridge Department and shall submit those approvals to the Boundary County Planning & Zoning Department.*

Applicant Presentation: Jennifer Nylander of HSC Bonners Ferry, LLC (representative for developer of the proposed Tractor Supply Store) stated she had met with the Boundary County Road & Bridge Department to discuss approaches, stated that the Tractor Supply Store is required to have fire suppression so a water tank will be built on site, and that the area of land south of the parking lot will be for stormwater management and snow storage.

Public Testimony: No public testimony was presented.

Applicant Rebuttal: No rebuttal was presented.

Close of Hearing & Deliberation: The Chair closed the hearing and called for deliberation.

Motion: Commissioner Hollabaugh moved, and Commissioner Davis seconded the motion, to approve the conditional use permit for a commercial use with a primary structure exceeding 15,000 square feet to allow for a retail Tractor Supply Store, File #22-0183, 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, conclusions, and conclusions as amended to include condition #8 which reads, *Prior to the issuance of this CUP, file #22-0183, the applicant shall obtain approval for approach permits for any approaches on site with the Boundary County Road & Bridge Department and shall submit those approvals to the Boundary County Planning & Zoning Department.* This action does not result in a taking of private property. The Chair declared the motion approved on a unanimous voice vote.

FILE 22-0199, TEXT AMENDMENT, BOUNDARY COUNTY has initiated a text amendment to the Boundary County Zoning & Subdivision Ordinance to 1) Establish within the Non-Conformance Section 17 of the county land use code effective dates for the official zoning map and the subdivision standards; 2) Amend the definition of non-conforming parcel or lot to clarify the status of these properties; 3) Confirm in Section 17 that legal, non-conforming parcels or lots are eligible for development permits; 4) Confirm that a lot or parcel shall be considered compliant if the county has granted a development permit and development has occurred in reliance upon that permit. The Boundary County Planning & Zoning Commission will make a recommendation to the Boundary County Board of Commissioners who will make a final decision at a public hearing to be scheduled at a later date.

Opening and Hearing Summary: The Chair opened the hearing and read the description of the project. Acting Zoning Administrator Clare Marley read the hearing process and explained the public testimony allowances and exhibit requirements based on the adopted hearing procedures.

Call for Disclosures: The Chair called for disclosures or conflicts of interest regarding the file. There were no conflicts or disclosures announced.

Application Summary/Applicant Presentation: Ms. Marley presented the staff report including a history of the County's non-conformance section, reasons for the proposed changes and why they are important, proposed dates for the land division conformance and zoning conformance and reviewed the proposed text draft with the Commission. During the review of the proposed text amendment draft, the Commission made changes to the document to recommend to the Board of County Commissioners.

Public Testimony: Mike Wojack stated that the proposal will be a benefit to the County code and explained how a similar proposal was beneficial to the City of Lynnwood, Washington, where he served on the Planning & Zoning Commission.

Applicant Rebuttal: Ms. Marley further discussed any proposed changes with the Commission.

Close of Hearing & Deliberation: The Chair closed the hearing and called for deliberation.

Motion: Commissioner Davis moved, and Commissioner Isaac seconded the motion, to recommend to the Board of County Commissioners approval of the request to update the Boundary County Zoning and Subdivision Ordinance as proposed in File #22-0199, 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 finding and conclusions and draft recommendations as amended to include:

- The replacement of *current ordinance* with *the current ordinance* in Section 17.1.
- The replacement of *tract* with *lot* in Section 17.2.1.2.

The Chair declared the motion approved on a unanimous voice vote.

FILE 22-0216, TEXT AMENDMENT, BOUNDARY COUNTY has initiated an amendment to the Boundary County Zoning & Subdivision Ordinance, Section 11, Subdivisions, to provide definitions for community water, private well, sewer, and will-serve, and to clarify standards and provisions for commercial/industrial, rural, and urban subdivisions. This amendment was previously considered by the county governing bodies in 2020, but an ordinance approving the changes has not been adopted. Due to the length of time since the last consideration of this proposal, the county is allowing additional time for public notice and comment on the proposed amendment. The Boundary County Planning & Zoning Commission will make a recommendation to the Boundary County Board of Commissioners who will make a final decision at a public hearing to be scheduled at a later date.

Opening and Hearing Summary: The Chair opened the hearing and read the description of the project. Ms. Marley read the hearing process and explained the public testimony allowances and exhibit requirements based on the adopted hearing procedures.

Call for Disclosures: The Chair called for disclosures or conflicts of interest regarding the file. There were no conflicts or disclosures announced.

Application Summary/Applicant Presentation: Ms. Marley presented the staff report including the background on previous work done by the P&Z Commission, why the changes are being re-heard by the P&Z Commission and BOCC, provided her thoughts on the proposed definition of a private well including a specific gallons per minute (gpm) and reviewed the proposed text draft with the Commission. During the review of the proposed text amendment draft, the Commission made changes to the draft ordinance to recommend to the Board of County Commissioners.

Public Testimony: No public testimony was presented.

Applicant Rebuttal: Ms. Marley further discussed any proposed changes with the Commission.

Close of Hearing & Deliberation: The Chair closed the hearing and called for deliberation.

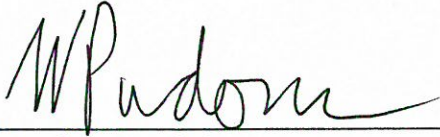
Motion: Commissioner Cranor moved, and Commissioner Hollabaugh seconded the motion, to recommend to the Board of County Commissioners approval of the request to update the Boundary County Zoning and Subdivision Ordinance as proposed in File #22-0216, finding that the proposal **IS** in accord with the comprehensive plan and the criteria of Section 18 of the Boundary County Land Use Ordinance, based upon the finding and conclusions and draft recommendations as amended to include:

- Numbering 11.3. as *11.3.0* for definitions
- Numbering community water as *11.3.0.1*.
- The removal of the definition of private well
- Numbering sewer as *11.3.0.2*.
- The addition of *can* in Section 11.3.0.2.
- Numbering will serve as *11.3.0.3*.
- The removal of electricity from the proposed definition of will serve
- The addition of *to* in Section 11.3.2.1.
- The removal of *and* in Section 11.3.2.1. to start a separate sentence
- The addition of *can* in Sections 11.3.2.3., 11.3.6.3. and 11.3.7.3.
- The replacement of *is* with *can be* in sections 11.3.2.4., 11.3.6.4. and 11.3.7.4.
- The addition of *applicable water or sewer service or where required by the State of Idaho*, in Sections 11.3.2.5., 11.3.6.5. and 11.3.7.5.
- The addition of *to* in Section 11.3.6.1. and 11.3.7.1.
- The removal of *and* in Section 11.3.6.1. and 11.3.7.1. to start a separate sentence

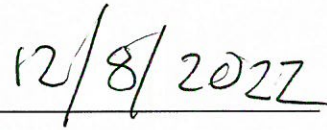
The Chair declared the motion approved on a unanimous voice vote.

New Business: Ms. Marley reminded the Commission about the letters of interest and recommendations for P&Z Commission seats up for re-appointment, briefly noted the files on the schedule for the December 08, 2022, P&Z public hearing, and noted that the BOCC will hear files #22-0172, #22-0199, and #22-0216 that were heard tonight on November 22, 2022.

Adjournment: The Chair declared the meeting adjourned at 7:58 p.m.



Wade Purdom, Co-Chair
Boundary County Planning & Zoning Commission



Date:

