



FILED

Boundary County, Idaho
Planning & Zoning
Application for Appeal

2024 AUG -5 PM 3:31
STATE OF IDAHO
COUNTY OF BOUNDARY
RENEA FOSTON, CLERK

Identify the Findings and Decision that is the subject of the appeal. Attach one copy of the findings to this application.

Subject Application Number: 24 - 0076

Subject Application Date: Hearing Date:

On what date was the Findings and Decision made? (The appeal must be filed within 7 days from the date the Findings and Decision was signed by the Planning & Zoning Chairman or Co-Chairman - Section 13.2.3.)

PART A

1. Applicant: [X] Owner [] Contract Purchaser [] Agent

Name: DON JORDAN / KATHY KONEK

Address:

Daytime Phone:

Email Address:

2. Parcel #:

3. Legal Property Owner Name: DONALD K JORDAN / KATHLEEN M KONEK

Address:

THE UNDERSIGNED HEREBY ATTESTS that all of the information herein provided including the site plan, prospective drawings and description of the projects, etc. are true, correct and accurate. The undersigned further understands that, should such information be found incorrect, any action taken by the Board based on such information may be invalidated. The applicant, if other than the property owner, also attests that he/she has obtained permission from the property owner to make this application.

8/1/24 DON JORDAN [Signature]

Date Print Name Signature



BOUNDARY COUNTY PLANNING AND ZONING

6452 Kootenai St., Bonners Ferry, ID 83805 • Mailing Address: PO Box 419, Bonners Ferry, ID 83805 • Phone: (208) 267-7212 •
Web page www.boundarycountyid.org

NOTICE OF PUBLIC HEARING

Notice is hereby given that public hearings pursuant to Idaho Code and Boundary County code have been set for the Boundary County Planning & Zoning Commission on **MAY 23, 2024, AT 5:30 P.M.** at the Boundary County Annex at 6566 Main St., Bonners Ferry, ID to consider the following:

FILE #24-0076, CONDITIONAL USE PERMIT, MAVERICK, LLC is requesting a modification of conditional use permit file #05-07 for a manufacturing business, Panhandle Door & Drawer, exceeding 8,000 square feet on a 17.2-acre parcel in the Agriculture/Forestry zone. An increase in the number of employees is being requested. The parcel is located at 168 Pot Hole Road and is identified as Assessor's Parcel RP61N01E291201A in Section 29, Township 61 North, Range 1 East, B.M.

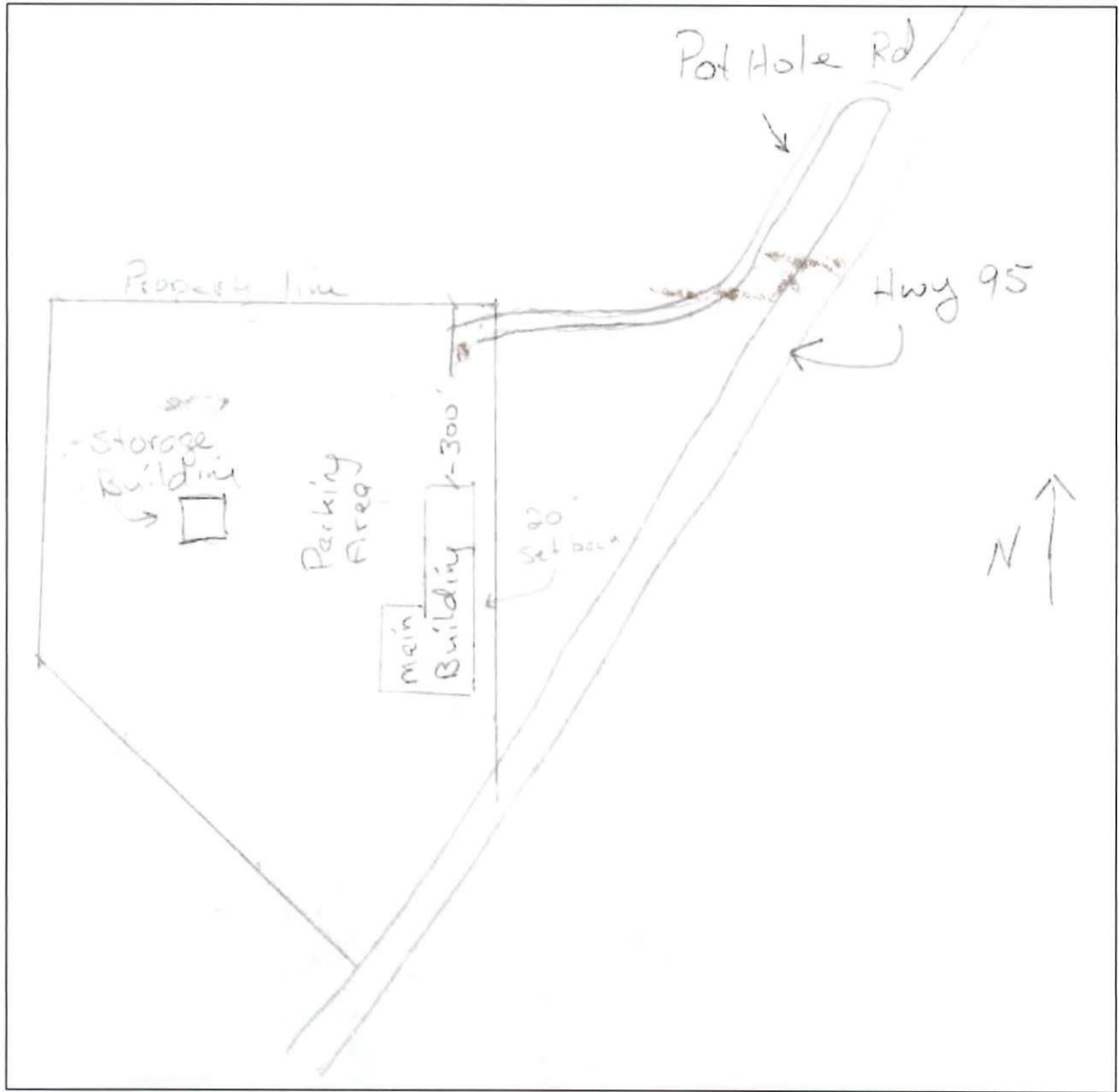
Written comment for these files may be submitted to the Planning Office at PO Box 419, Bonners Ferry, ID 83805 no later than 5:00 P.M. **May 15, 2024**. Anyone wishing to speak during the public portion of the hearing may do so in compliance with the public hearing procedures.

The complete files are available for view on the Boundary County Planning and Zoning website at www.boundarycountyid.org or by appointment at the Planning Office by contacting the planners (208) 265-4629 and selecting the planning extension. Anyone requiring special accommodations due to disability should contact the Commissioners' office at least two days prior to the meeting at (208) 267-7723.

Map on reverse side

MAIL: By **May 01, 2024**, to landowners, within 300' of site, agencies, taxing districts, & media





13.2.3.1 Don Jordan and Kathy Konek



13.2.3.2 CUP #24-0076 July 25, 2024

13.2.3.3 Not all property access was considered before the decision was made to widen Pot Hole Rd. ITD comments and permit issues for the road were not addressed. Fire access was not addressed for the safety of the neighborhood.

13.2.3.4 We expect the county to require Maverick (Panhandle Door) to review all accesses to their property and work with ITD for the best options. We would like ITD to permit access before any work is done. We would like Paradise Valley Fire to agree that they can use the roads for their equipment for the safety of the neighbors and that the buildings pass all fire safety requirements.

BODENHAMER
REV
TRUST

JORDAN
DONALD
K

WESTON
FRANK
W

Pot Hole Rd

Pot Hole Rd

Pot Hole Rd

95

95



RECEIVED

By Tessa Vogel at 8:06 am, Sep 16, 2024

Appeal submission file #24-0076, CUP ruling, Maverick LLC

Don Jordan [REDACTED]

Fri 9/13/2024 1:12 PM

To: Planning <planning@ruenyeager.com>; Boundary County Commissioners (commissioners@boundarycountyid.org) <commissioners@boundarycountyid.org>

 10 attachments (18 MB)

Hourly Vehicle Distribution Graph_2024-09-08.pdf; Weekday Vehicle Distribution Graph_2024-09-08.pdf; County Commissioners Comments_v5_2024-09-06.pdf; Traffic Volume and Type Study_Pot Hole Rd_2024_FINAL.pdf; Appeal, file #24-0076, Maverick LLC, CUP.docx; Looking South on Pot Hole.jpg; Pot Hole trees.jpg; Pot Hole trees 2.jpg; Looking North on Pot Hole.jpg; Maverick CUP area from On X.JPG;

Hello All,

Attached are our Appeal Notes, photos of Pot Hole Rd and vehicle data that was collected by our renters. The Traffic Volume spread sheet data was collected from a game camera mounted near the road. The trigger miss column is most likely cars travelling too fast to be caught on the camera.

We currently live on Brown Creek Rd, about a mile East of the Pot Hole property; but it has been our intent to return to the Pot Hole home when maintaining the Brown Creek property is too much work. The Pot Hole home is to be our "retirement home"; it is very low maintenance and handicap accessible, so we have a real interest in what happens with the property.

If you have any questions, please call or email us.

Thank you for all your efforts to improve our Community.

**Don Jordan
Kathy Konek**
[REDACTED]

NOTES FOR APPEAL OF CUP RULING #24-0076

9/13/2024

Don Jordan and Kathy Konek, [REDACTED]

Our appeal deals almost entirely with road access, traffic, noise, dust and visibility. My wife, Kathy Konek, and I own the entire Pot Hole Road, current access to the Panhandle Door property.

The existing Pot Hole Rd access is not adequate for the current use by Panhandle door / Maverick inc.

The original CUP for Panhandle Door was for 10 employees – now there are approx. 85 employees. There are up to 200 vehicles coming or going each day, including an average of 10 large, noisy, trucks.

Pot Hole Rd was an existing vehicle trail when I purchased the property about 35 years ago. There was an existing easement for access to the property to the West, currently owned by Dewberry. I gave Martins an easement, at no charge, to legitimize their use of the driveway when they built their home to the South, with the expectation that it be for residential use. The easement, however, does not legally specify use.

When Martins started the Panhandle Door operation with about 4 employees, they asked for a CUP of up to 10 employees. I wrote a letter the County Commissioners stating that I had no objection to the CUP as they were requesting. Martins were good neighbors, the increase in traffic was minor, very little noise came from the operation. If THAT operation was continuing, as permitted, I would be OK with it.

Martins sold the operation to Nelson Mast a few years ago, who built the business to its current size of around 85 employees.

The P&Z ruling from July 25, 2024 requires Maverick inc. to widen Pot Hole Road, on our property, to min. 24' – which requires removing some of our IMPORTANT noise and visual barrier trees along the highway. These are 12" – 16" dia. edge trees that have limbs down to near the ground. If they are removed, our property is much more visible and has more road noise, so widening the road becomes ANOTHER negative effect on our property. Bluntly, they are taking our valuable Buffer Trees.

A much better access for Panhandle Door that would also reduce the impact on the neighborhood would be a new driveway directly to 95 just South of the current Panhandle Door buildings. Much better emergency access. (The Paradise Valley Fire Chief has expressed SERIOUS concerns about the Pot Hole access, stating during the P&Z hearing that he would not send people in due to potential of getting trapped in traffic.) This would alleviate most of the traffic issues from Pot Hole Rd. Pot Hole Rd would then become an emergency access only for Panhandle Door.

We are disappointed that ITD has not been more helpful and informative in considering such a new access. On our first conversation with Lee Bernardi, who oversees access and traffic safety for ITD, he said the existing Pot Hole access is unpermitted and suggested we apply for a permit. We applied for a multi residence permit, Mr. Bernardi was nice about it, but said it has to be a Commercial permit. We are not comfortable being associated with the potential costs required for commercial access, that is not our responsibility. Maverick / Panhandle Door cannot legally apply for the permit since they do not own the property. So Pot Hole Road will remain an unpermitted (illegal) access.

Even though Pot Hole Rd is likely to remain an "illegal" access, it is clear that ITD is fixated on Panhandle Door continuing to use Pot Hole Road. They do not much care about the road after it leaves their right of way –they prefer where Pot Hole enters the Highway.

ITD will not even look at another access without an expensive engineering study (\$20,000 or more). If they do the study; it would primarily focus on Highway 95 access and width of their Right of Way. The bigger issue is the Pot Hole Rd easement, corners, access safety and ownership – that is the concern for us, the Paradise Valley Fire Dept, Panhandle Door, neighbors and County.

Left hand turns onto Pot Hole Rd from the highway are dangerous and getting worse every year with traffic increases. There is no turn lane, the north bound passing lane on 95 ends about 900 feet south of Pot Hole. Traffic backs up, impatient drivers try to pass on the road shoulder. During shift change at Panhandle Door, it is sometimes hard to turn into Pot Hole from either direction because the outgoing traffic from Panhandle Door is plugging Pot Hole. It appears that some of the northbound Panhandle Door traffic uses the private Maverick Road to the South of Panhandle Door. Left hand turns from 95 there are better since there is a passing lane for northbound traffic; but legal access for Panhandle Door is questionable and the visibility is not as good due to a curve on 95.

An access for Panhandle Door just South of their buildings would be on their own property, there is a passing lane for Northbound traffic that helps left turning traffic off 95. It is not ideal since it is on a hill; but overall, it is better than either Pot Hole or Maverick access.

Nelson Mast is understandably concerned about costs. However, the Maverick Inc. operation and traffic has ALREADY cost the neighboring landowners much more in reduced property value than Mr. Mast would spend on road improvements. If we wanted to sell, most buyers are reluctant to purchase next to an industrial site. Our property is probably devalued up to \$100,000. The Weston property is likely devalued \$200,000. The cumulative loss of property value to the neighborhood could easily be \$500,000.

An access directly into Panhandle Door property would seem to have better emergency access and alleviates some of the neighbor concerns.

LOOKING TO THE FUTURE:

Mr. mast has asked for a CUP that just covers his current operation, but his rate of expansion and active increase in developable area suggests that Panhandle Door, or some related business, is likely to expand on the property. I suggest we look down the road a bit to see what we are likely to be dealing with in 5 or 10 years. I suspect he has not asked for more on his application so he would appear a little more “low key”. If he asked for 100 employees, he risks triggering the ITD engineering study, which might be a requirement if he has over 100 vehicle operations /hour. He would of course like to get in under the radar for now, spend as little money as possible and deal with expansion plans in the future.

If the Commissioners approve the CUP with the P&Z requirement that Pot Hole road be widened, then the Pot Hole Rd access for Panhandle Door is solidified. Then in 5 or 10 years, if increased traffic mandates a turn lane; it is more likely to be built off Pot Hole Rd, and Pot Hole Rd would likely need to be widened even more. Even if at that future time, ITD agrees that a turn lane be built at the better location to the South -our valuable buffer trees are already gone.

For the long term, I feel that an access off 95 directly to the Panhandle property is a better option.

- Better emergency access
- Reduces Neighbor impact

SUMMARY:

If this CUP is approved, the County is setting up an unplanned industrial park. Is this the best place, best access and best conditions for an industrial park? We are forced to address these questions after the fact, rather than have them be any part of a planning process. This is a bad precedent for future development.

My wife and I will try to be reasonable; but we honestly wish the industrial development was not next door. Mr. Mast can be commended for growing the business as well as he has, but he has not been on top of several growth issues, including communication with neighbors and keeping his CUP up to date.

We have given up property value and gained a large increase in traffic, dust and noise.

We are hoping the County Commissioners can provide some mediation / assistance in resolving these issues.

This is an example of how important Planning and Zoning regulations and issues are for the County. At some point we have to recognize, and mediate, how individual "property rights" can significantly affect the neighborhood.

Thank you for your expertise.

Don Jordan Kathy Konek

RECEIVED

By Tessa Vogel at 8:06 am, Sep 16, 2024

06-SEP-2024
BC BRINLEY

County Commissioners Comments
(v5)

Welcome to my neighborhood.

Here's my neighbor's truck rattling down the road at 2:58 AM.



Here it is at 3:25 AM.



Sorry the images are blurry. The truck is moving pretty fast.
Here's the neighbor's truck at 3:28 AM.



Here's more of the neighbor's truck.



3:41 AM.



3:53 AM.



3:54 AM



4:17 AM



4:21 AM.



4:22 AM.



4:31 AM.

Here's one of a local courier that picks-up from the neighbor's factory at night. This picture is from 11:43 PM. You always know when the courier has arrived because he blares his horn instead of knocking on the neighbor's door.



This is the tractor-trailer from Sierra Forest Products. It delivers to the neighbor a couple times per week. On Thursday, September 5th at 12:50 PM the truck from Sierra came blistering down the one-lane gravel road sounding his horn repeatedly.



The driver was trying to communicate with the Intermountain Wood Products truck that was poised to make a left-hand turn onto Pot Hole Road from Hwy. 95 Northbound.



The message intended by the horn, "don't turn," was not received. So, the driver from Sierra proceeded into the intersection of Pot Hole Road, forcing the Intermountain truck to stop mid-turn on the highway. The Intermountain truck then backed across the highway while perpendicular to the flow of traffic. Highway traffic was stopped in both directions. The Sierra truck exited Pot Hole Road and traveled Northbound on Hwy 95 before the Intermountain truck was clear to enter.

The driver from Sierra consistently speeds his tractor-trailer down the one-lane road. He's not the only one. A large number of the vendors going in and out go as fast as they can. Time is money.

My neighbor's employees start work at an early time. It was 4:21 AM on the 12th of August.



It was 4:34 AM on the 13th of August.



4:45 AM on the 14th.



4:55 AM on the 15th.



They work late, also. Frequently into the next morning. The machinery runs so long as they are in the building.

On August 12th they finished-up for the day at 11:25 PM.



For August 13th the last vehicle leaves at 3:49AM the next morning, August 14th. The gates to the business are closed from 3:49 AM until the first employee arrives 56 minutes later at 4:45 AM.



There's no car in the photo above of the 3:49 AM departure because the vehicle was traveling too fast for the camera to capture. They must have been in a hurry to get home after such a long night.

On the 14th it was again the next morning, August 15th, before the work was done at 12:51 AM.



On the 15th the gate was open at 10:16 PM and closed at some point before 4:52AM the next morning. The camera was not triggered by a vehicle exiting the property.

10:16 PM - Gate Open



4:52 AM (8/16) – Gate Closed

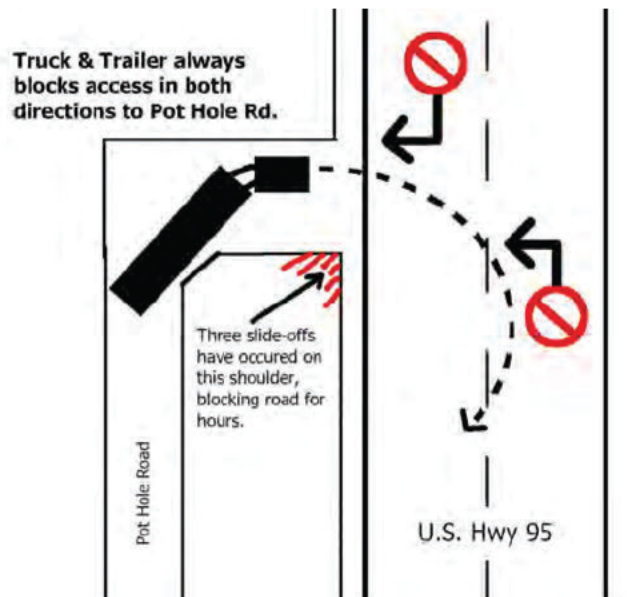


Ultimately, from about 4AM to 1 AM the next morning the factory is drawing noise and traffic. It commonly goes later than 1 AM and there's also that delivery truck rumbling out as early as 3 AM.

You should see all the tractor-trailers and heavy trucks on one-lane Pot Hole Road.



The 90-degree turn into and out of Pot Hole Rd. causes large trucks to block the intersection with Hwy 95. Trucks turning South onto Hwy 95 must encroach upon the Northbound lane to clear the intersection. If another truck is turning into Pot Hole Road from Northbound Hwy 95 when one is departing the incoming truck must allow clearance for the exiting truck.

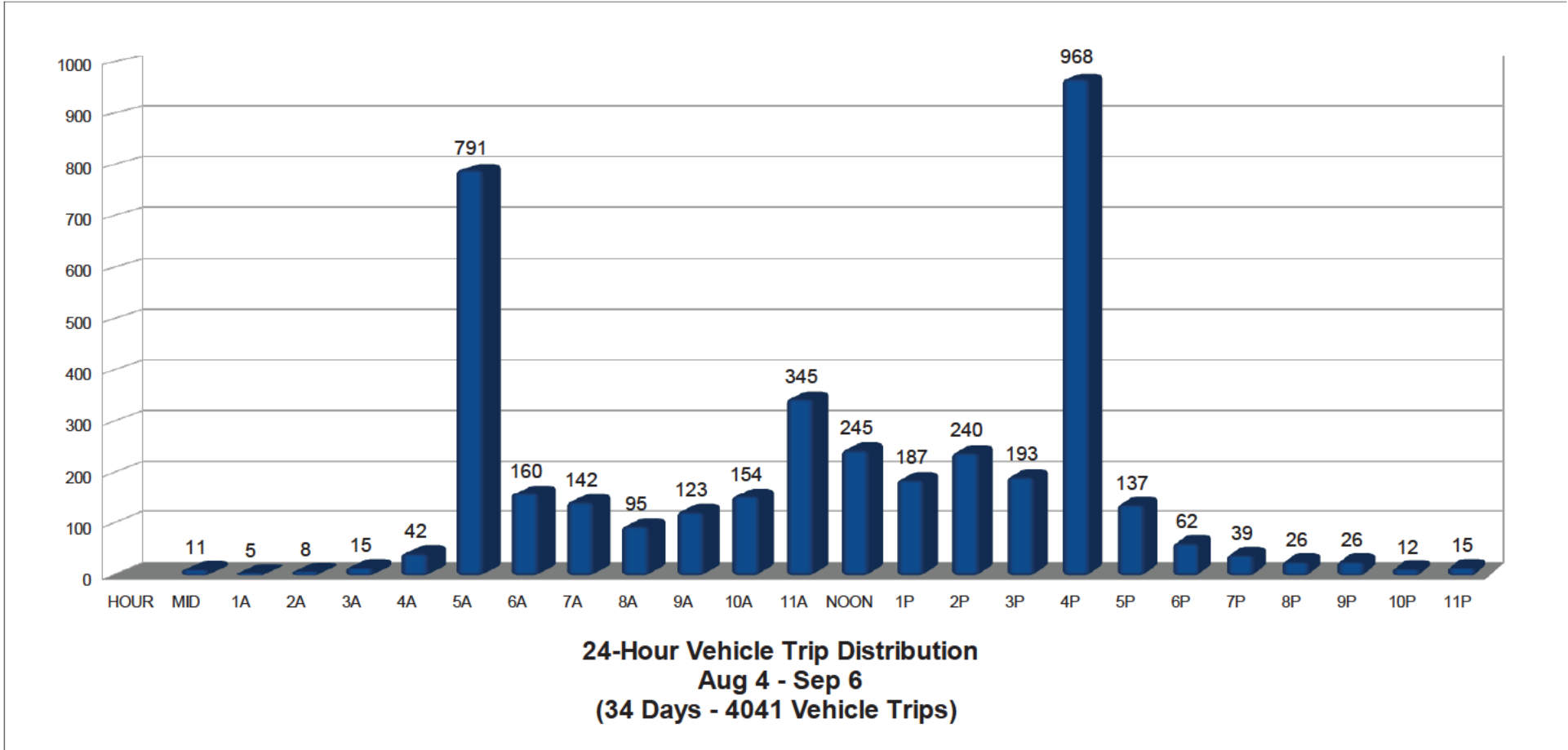


The semi-truck drivers are going to have all the same problems turning into Pot Hole Road no matter how wide P&Z dictates the road needs to be. Since 10% of the vehicles on Pot Hole Road are courier and delivery vehicles it's reasonable to expect further safety incidents at the intersection of Hwy 95 as they meet.

RECEIVED

By Tessa Vogel at 8:07 am, Sep 16, 2024

HOUR	MID	1A	2A	3A	4A	5A	6A	7A	8A	9A	10A	11A	NOON	1P	2P	3P	4P	5P	6P	7P	8P	9P	10P	11P	TOTAL
TRIPS	11	5	8	15	42	791	160	142	95	123	154	345	245	187	240	193	968	137	62	39	26	26	12	15	
AVG	0%	0%	0%	0%	1%	20%	4%	4%	2%	3%	4%	9%	6%	5%	6%	5%	24%	3%	2%	1%	1%	1%	0%	0%	4041

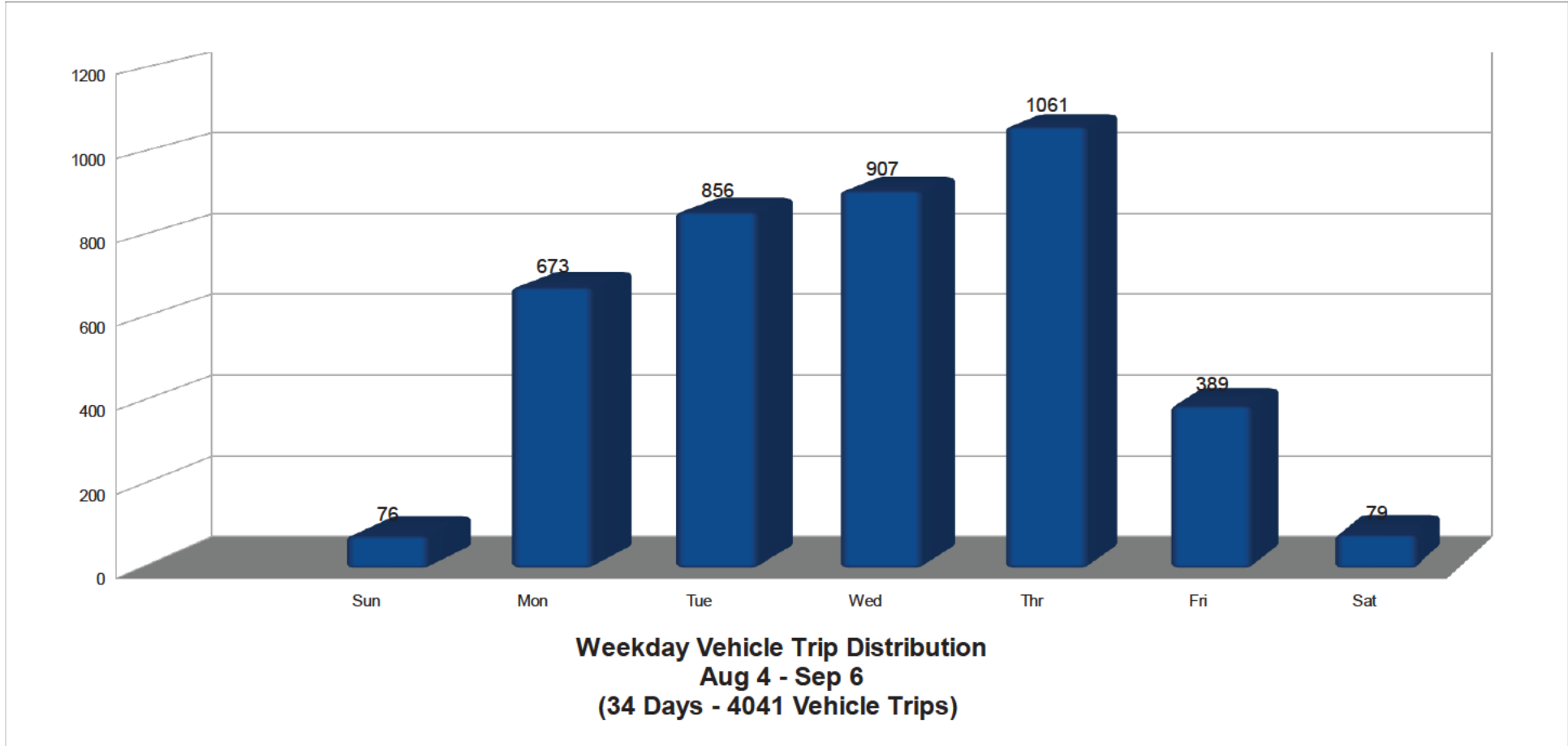


TRAFFIC SUMMARY

Traffic Volume and Type Study		MEASURED DAYS:				34		
Pot Hole Road – Naples, Idaho		TOTAL ONE-WAY TRIPS:				4041		
August 2024 (Captured by Game Camera)		TOTAL DELIVERIES:				456		
		DELIVERY %:				11%		
AVG DAILY VOLUME		ALL	PASSENGER	DELIVERY	TRIGGER/MISS			
MON – THRS	(daily grp avg)	174.9	134.8	18.6	21.5			
MON – FRI	(daily grp avg)	155.4	108.0	15.1	17.4			
SAT – SUN	(daily grp avg)	17.2	10.2	3.5	5.4			
OVERALL	7-day average	118.9	89.0	13.4	16.4			
SUNDAY		15.2	6.4	4	6.4			
MONDAY		134.6	103.6	14.2	16.8			
TUESDAY		171.2	135.8	16.4	19			
WEDNESDAY		181.4	144.6	17.4	19.4			
THURSDAY		212.2	155	26.4	30.8			
FRIDAY		77.8	48	14	15.8			
SATURDAY		19.75	15	2	4.25			
DAILY SUMMARY		ALL	PASSENGER	DELIVERY	TRIGGER/MISS	INBOUND	OUTBOUND	N/A
08/04/2024	SUNDAY	6	2	1	3	2	1	3
08/05/2024	MONDAY	171	141	7	23	83	65	23
08/06/2024	TUESDAY	165	134	15	16	78	71	16
08/07/2024	WEDNESDAY	170	134	10	26	82	62	26
08/08/2024	THURSDAY	166	117	20	29	81	56	29
08/09/2024	FRIDAY	17	10	3	4	8	5	4
08/10/2024	SATURDAY	20	16	2	2	7	11	2
08/11/2024	SUNDAY	3	2		1	1	1	1
08/12/2024	MONDAY	74	65	7	2	67	5	2
08/13/2024	TUESDAY	152	101	15	36	91	25	36
08/14/2024	WEDNESDAY	198	148	23	27	91	80	27
08/15/2024	THURSDAY	205	147	31	27	94	84	27
08/16/2024	FRIDAY	57	36	18	3	30	24	3
08/17/2024	SATURDAY	27	20		7	11	9	7
08/18/2024	SUNDAY	38	12	4	22	6	10	22
08/19/2024	MONDAY	190	150	13	27	80	83	27
08/20/2024	TUESDAY	162	138	14	10	75	77	10
08/21/2024	WEDNESDAY	157	133	20	4	84	69	4
08/22/2024	THURSDAY	204	171	18	15	100	89	15
08/23/2024	FRIDAY	81	57	17	7	38	36	7
08/24/2024	SATURDAY	13	12		1	6	6	1
08/25/2024	SUNDAY	21	12	7	2	10	9	2
08/26/2024	MONDAY	207	143	37	27	95	85	27
08/27/2024	TUESDAY	172	144	21	7	94	71	7
08/28/2024	WEDNESDAY	157	141	13	3	85	69	3
08/29/2024	THURSDAY	234	160	28	46	96	92	46
08/30/2024	FRIDAY	87	40	12	35	28	24	35
08/31/2024	SATURDAY	19	12		7	4	8	7
09/01/2024	SUNDAY	8	4		4	2	2	4
09/02/2024	MONDAY	31	19	7	5	11	15	5
09/03/2024	TUESDAY	205	162	17	26	90	89	26
09/04/2024	WEDNESDAY	225	167	21	37	92	96	37
09/05/2024	THURSDAY	252	180	35	37	111	104	37
09/06/2024	FRIDAY	147	97	20	30	61	56	30
TOTALS	34	4041	3027	456	558	1894	1589	558

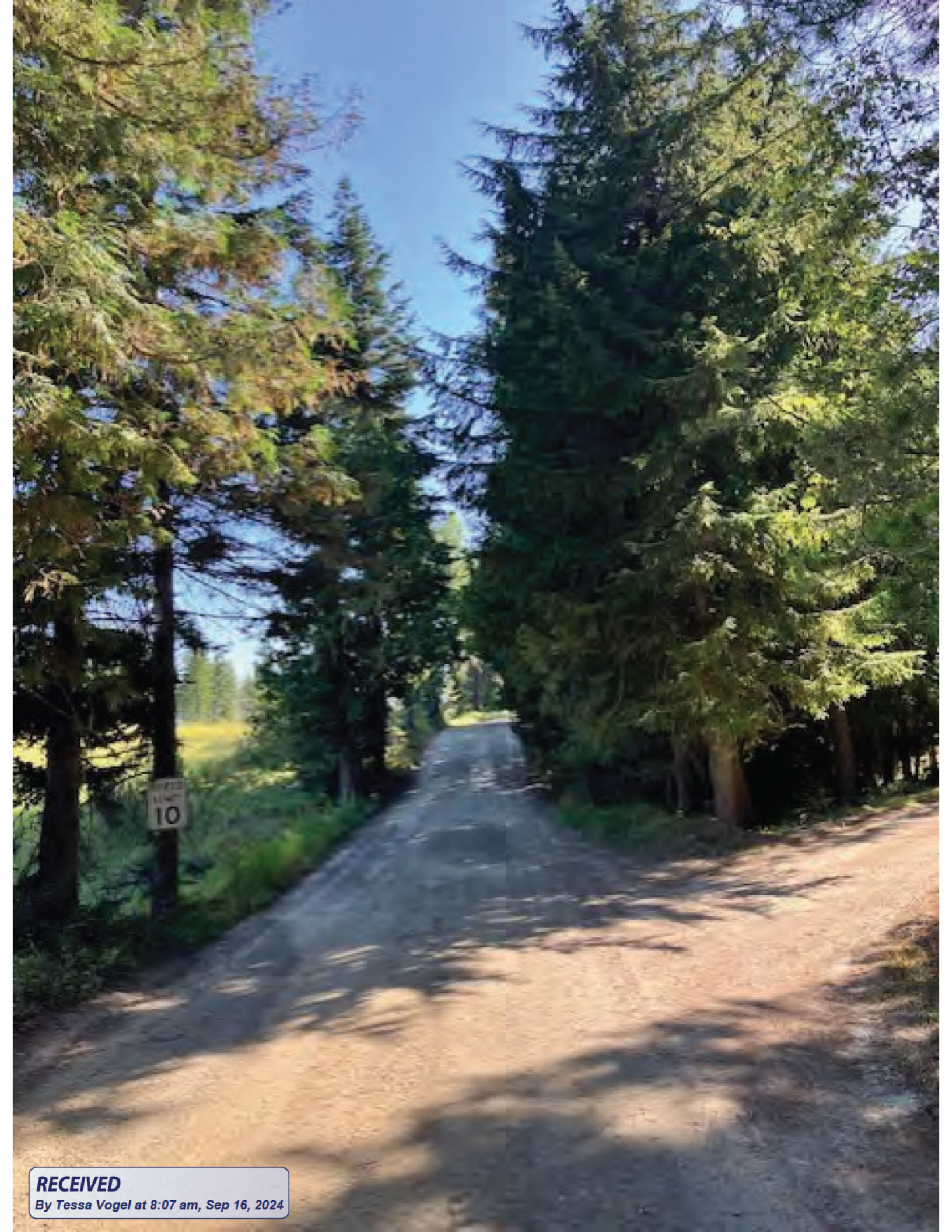
RECEIVED
By Tessa Vogel at 8:07 am, Sep 16, 2024

	Sun	Mon	Tue	Wed	Thr	Fri	Sat	TOTAL
TRIPS	76	673	856	907	1061	389	79	4041
AVG	2%	17%	21%	22%	26%	10%	2%	



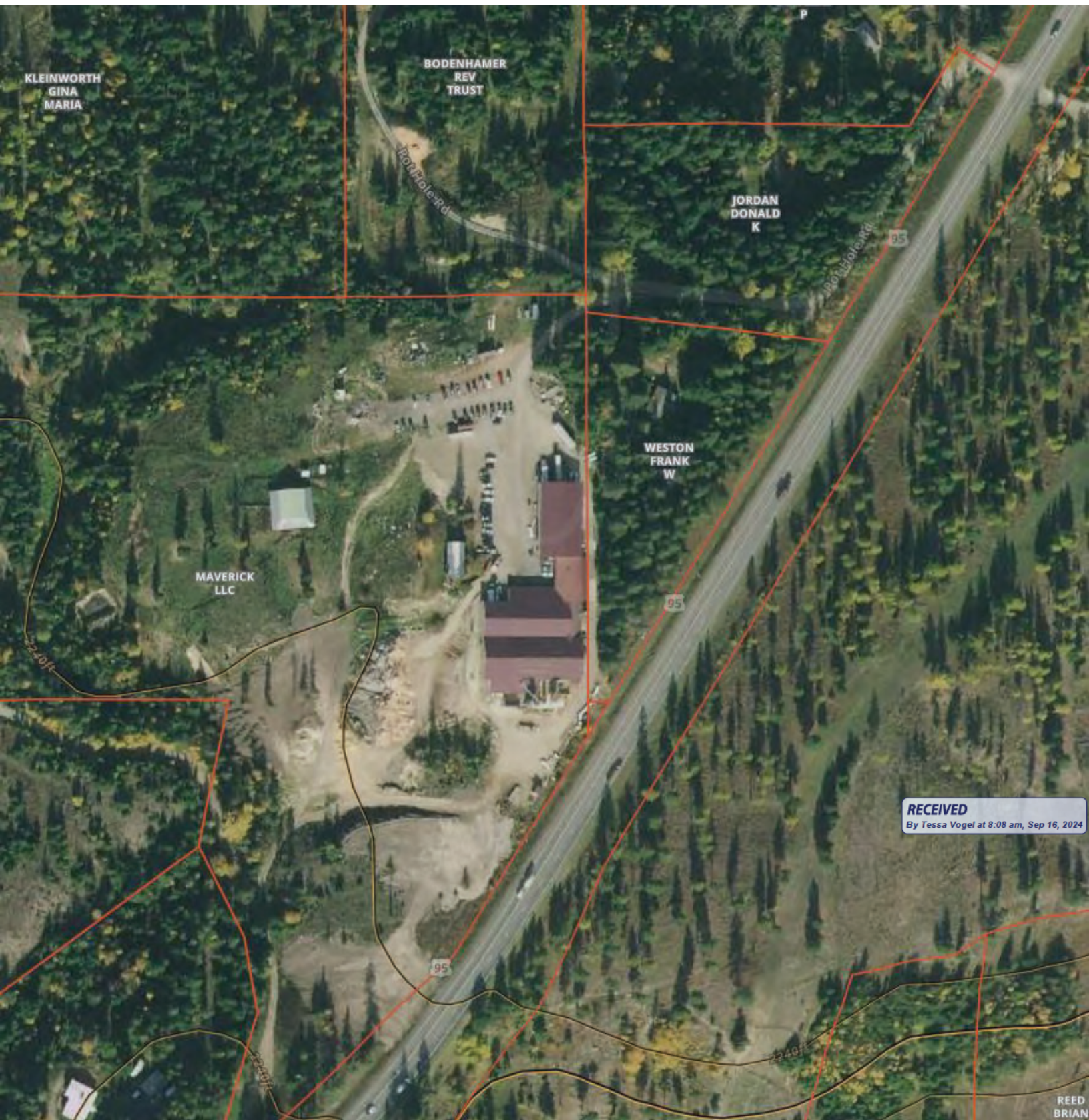


RECEIVED
By Tessa Vogel at 8:07 am, Sep 16, 2024



RECEIVED

By Tessa Vogel at 8:07 am, Sep 16, 2024



KLEINWORTH
GINA
MARIA

BODENHAMER
REV
TRUST

JORDAN
DONALD
K

WESTON
FRANK
W

MAVERICK
LLC

RECEIVED
By Tessa Vogel at 8:08 am, Sep 16, 2024

REED
BRIAN



RECEIVED

By Tessa Vogel at 8:08 am, Sep 16, 2024



RECEIVED
By Tessa Vogel at 8:08 am, Sep 16, 2024