

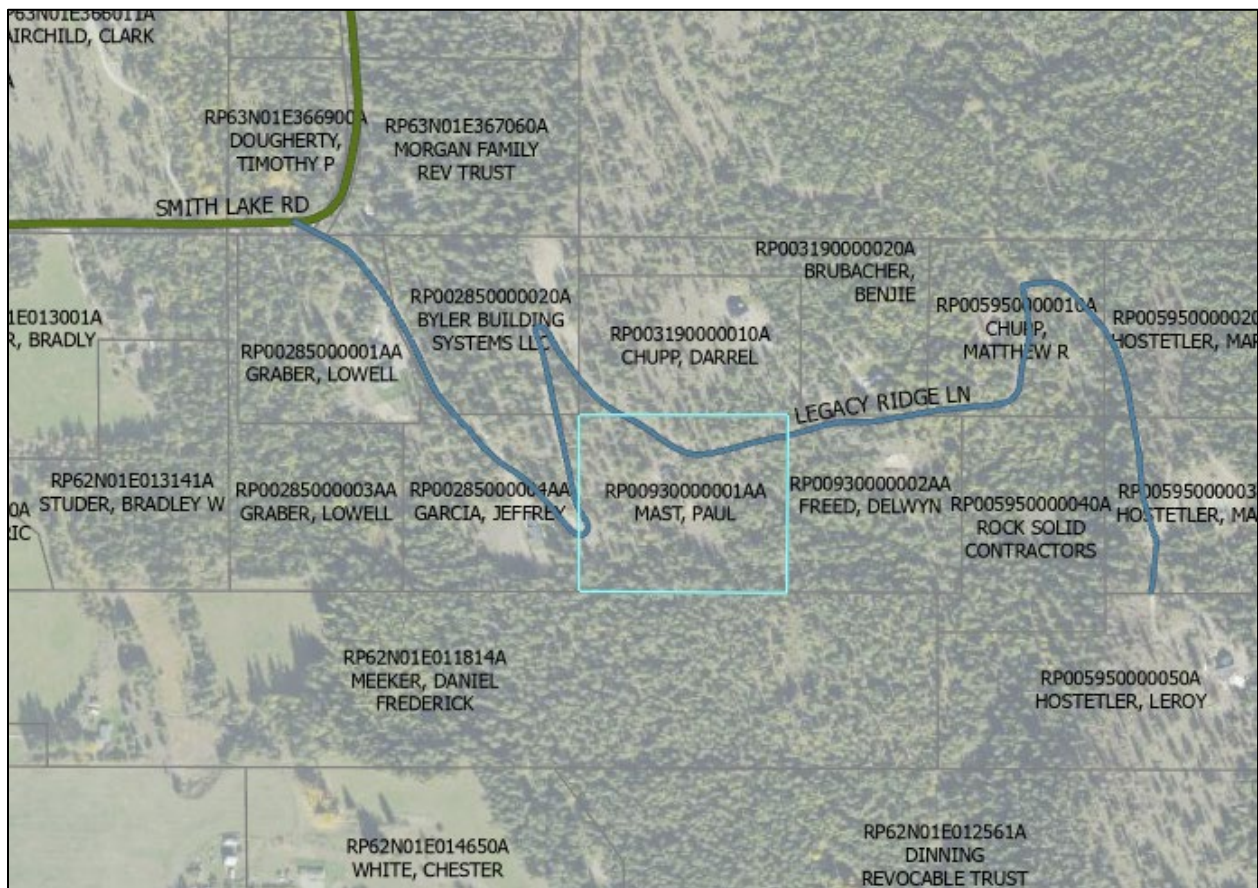
PROJECT SUMMARY

Paul & Kaitlyn Mast are requesting a conditional use permit for a multi-structure residential use to allow for a proposed second primary single-family dwelling on a 12-acre parcel, where a primary single-family dwelling and an accessory dwelling unit currently exist. The parcel is zoned Agriculture/Forestry, which requires a conditional use permit for a multi-structure residential use per Section 15.9.5.3. of the Boundary County Land Use Code. The parcel is located at 622 & 544 Legacy Ridge Lane, described as Lot 1A of the Re-Plat of Lots 1 and 2 of Schrock Acres Subdivision and is identified as Assessor’s Parcel RP0093000001AA in Section 1, Township 62 North, Range 1 East, B.M. The site is served by individual well and septic system and is located within the North Bench Fire District boundaries.

RELEVANT DEFINITIONS

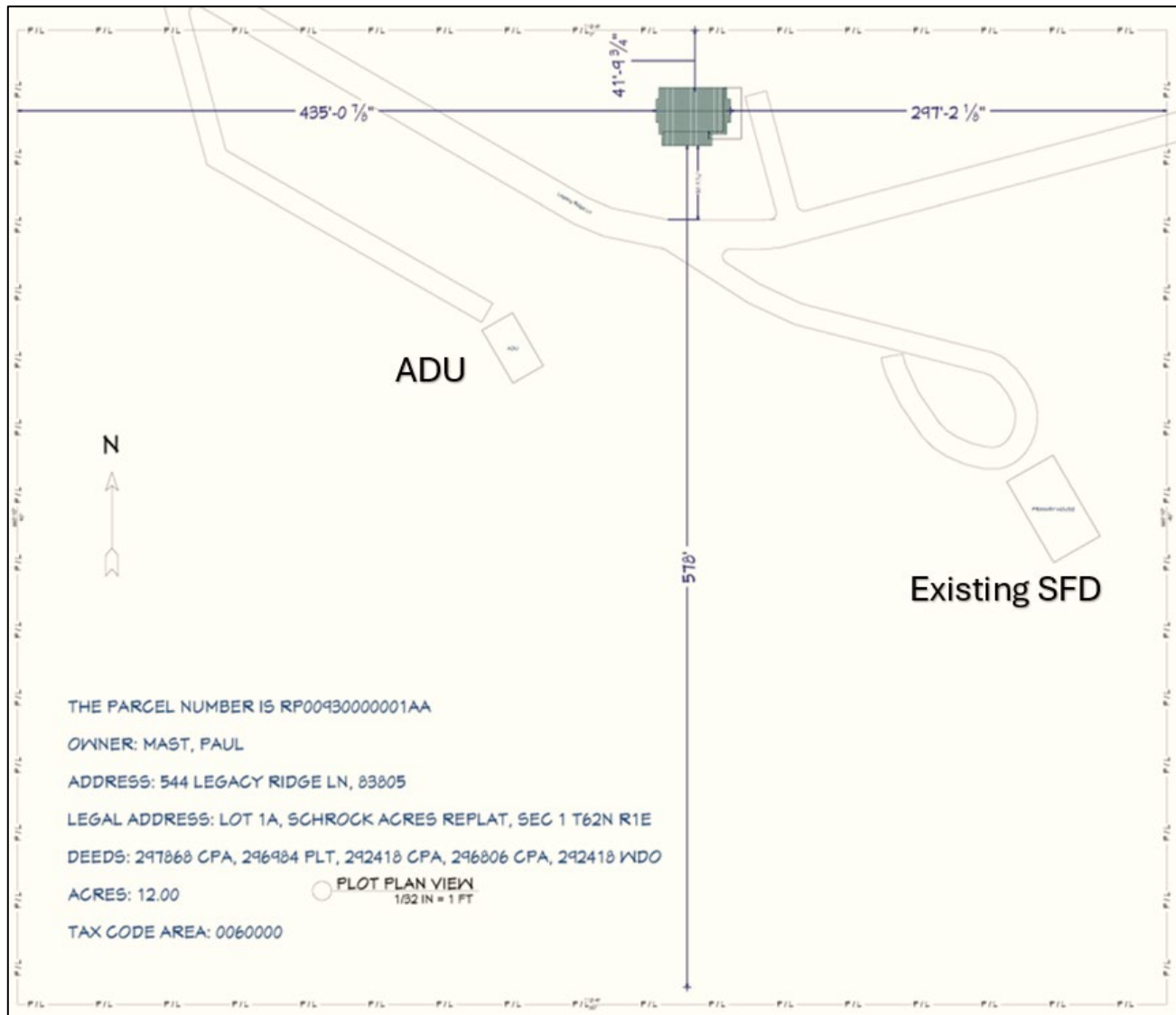
Boundary County Zoning & Subdivision Ordinance #2023-5

- 2.17.1. Dwelling: A single unit or structure providing a complete, independent living facility for human habitation, including permanent provisions for living, sleeping, eating, cooking, and sanitation. A recreation vehicle (RV), as defined by Idaho Code, is excluded from the dwelling definition.
- 2.56.1. Single-Family Residence: Also known as a single-family primary residential structure. A one-unit dwelling on a lot or parcel.
- 2.56.4. Multi Structure (Multiple) Residences: More than one primary residential dwelling on a single lot or parcel, but not including an accessory dwelling unit authorized by this code.
- 2.56.5. Accessory Dwelling Unit: Not more than one attached or detached single-family dwelling unit not larger than 1,100 square feet of living area (exterior dimensions) and located on the same lot/parcel as an existing primary residence or where a primary residence is to be built. Also, the living quarters of a business owner or caretaker on a commercial or industrial parcel or lot.



AERIAL OF SITE

PROJECT SETTING	
Access	Legacy Ridge Lane (private) Smith Lake Road (County)
Current use	Residential
Services, utilities	Septic, Well, North Bench Fire District
Hazardous Areas	Special Flood Hazard Area Zone X, Panel 1602070400B, no mapped floodplain/floodway
Zoning overlays or special areas	None
Site Zoning & Comp Plan designation	Agriculture/Forestry
Surrounding Zoning & Comp Plan designations	Agriculture/Forestry
Surrounding uses	Residential; Timberland; Agricultural land; Vacant land



SITE PLAN

AUTHORITY

- Idaho Code §67-6512, Special Use Permits, Conditions, and Procedures
- Boundary County Land Use Ordinance, Section 2, Definitions
- Boundary County Land Use Ordinance, Section 7, Conditional Use Permits
- Boundary County Land Use Ordinance, Section 10, Standards for Specific Uses
- Boundary County Land Use Ordinance, Section 15.9., Agriculture/Forestry Zone

AGENCY/STAFF COMMENTS

The following agencies were routed for comments on March 18, 2026, and April 01, 2026: Boundary County Addressing, Ambulance, Assessor, Commissioners, Library, Road & Bridge, Boundary School #101, Idaho Department of Environmental Quality, North Bench Fire District, and Panhandle Health District.

Boundary Co. Addressing: *No addressing concerns.*

Idaho Dept. of Environmental Quality: *DEQ has no environmental impact comments for the project at this stage of development.*

PUBLIC COMMENTS

Landowners within 300’ of the subject property were notified of the proposal on April 01, 2026, and notice was provided in the Bonners Ferry Herald on April 02, 2026 and April 09, 2026. No written public comments were submitted to the record up to the completion of this staff report.

STANDARDS ANALYSIS & EVIDENCE OF APPLICABLE CODES & COMPREHENSIVE PLAN	
Idaho Code §67-6512, Special Use Permits, Conditions, & Procedures:	
A special use permit/conditional use permit may be granted to an applicant if the proposed use is conditionally permitted by the terms of the ordinance, subject to conditions pursuant to specific provisions of the ordinance, subject to the ability of political subdivisions, to provide services for the proposed use and when it is not in conflict with the plan.	
Staff: The Boundary County code allows for conditional use permits in Section 7 of the County land use ordinance, which states, “where a specific or general use is allowed for consideration as a conditional use with a zone district, a conditional use permit shall be approved and issued prior to the onset of development or establishment of that use. A conditional use application will encompass all development proposed on a single parcel or lot, and upon issuance, the application, as modified by standards, terms or conditions imposed by the conditional use permit, will become the controlling plan for that parcel or lot, and will not be changed or expanded without application for a new development permit.”	
Staff: A multi-structure residential use is permitted through a conditional use permit in the Agriculture/Forestry zone (Section 15.9.5.3.) and no limit on the number of additional multi-structure residential dwellings is noted.	
Boundary County Land Use Ordinance, 9B18LOV2, Sections 7.7.1 – 7.7.9:	
(1) Whether the application, site plan and additional documentation provided by the applicant sufficiently demonstrate the full scope of the use proposed.	
Staff: The application and site plan sufficiently demonstrates the full scope of the proposal.	
(2) Whether the proposed use conforms to all applicable standards established by this ordinance.	
Staff: There are no standards for the maximum allowable multi-structure residential uses on a single parcel or lot in the Boundary County Land Use Ordinance, aside from obtaining a conditional use permit and following the setback regulations for the specific zone the property is located in. The submitted site plan shows the setback distances for the proposed dwelling, which include a minimum of 25 feet from all property lines/public rights-of-way.	
(3) Whether there is sufficient land area to accommodate the use proposed, and whether development is so timed and arranged so as to minimize adverse effects on surrounding properties and uses.	
Applicant: <i>Hidden from view from nearby property owners houses. Also, will be available for community use.</i>	

	<p>Staff: The lot is 12 acres in the Agriculture/Forestry zone, which has a minimum density of 10 acres. The required setback distances are 25 feet from all property lines, public roads and rights-of-way, which have been adhered to per the submitted application and site plan. Due to the reported acreage of the subject site being 12 acres in a 10-acre minimum zone, the site would not be permitted to be divided to allow the existing and proposed primary single-family dwellings to be located on their own separate lots in the future.</p> <p>10.2.1. Residential Off-Street Parking: A minimum of two parking spaces will be provided for each single-family residential dwelling.</p> <p>Staff: A minimum of two off-street parking spaces at 200 square feet each would be required for each single-family dwelling. While not explicitly labeled as such, there seems to be sufficient area on-site for parking.</p>
(4)	How the impacts of the use proposed compare with the impacts of existing uses within the zone.
	<p>Applicant: <i>Yes!</i></p> <p>Staff: The proposed use is similar in impact to the surrounding uses within the same zoning designation if used in a full-time residential manner.</p> <ul style="list-style-type: none"> • Site: 12-acre lot; Agriculture/Forestry zone; Residential uses • North, East & West: Multiple 10+ acre lots; Agriculture/Forestry zone; Residential uses • South: 58-acre lots; Agriculture/Forestry zone; Residential, Timberland and Agriculture uses
(5)	Whether concerns raised by other departments, agencies or by the providers of public services, including but not limited to road & bridge, water, electricity, fire protection, sewer or septic, can be adequately addressed.
	<p>Applicant: <i>The house will use gas as much as possible and will be connected to an existing meter pedestal. Sewer is to be septic. The house will be built off a private road. The new house will not impact any current services or uses, as the property already operates with a private well and existing power.</i></p> <p>Staff: Of the routed agencies, the Boundary County addressing department and the Idaho Department of Environmental Quality provided responses for the file indicating no concerns. All other routed agencies did not provide a response. All agency responses can be found on Page 4 of this staff report.</p>
(6)	The potential benefit to the community offered by the use proposed.
	<p>Applicant: <i>We need more housing to make living more affordable.</i></p> <p>Staff: There would be minimal potential for the local community to benefit from the proposed use unless a member of the community, other than the landowners, were to rent or use the proposed dwelling.</p>
(7)	Whether specific concerns aired through the public hearing process have validity and whether those concerns can be adequately addressed.
	<p>Applicant: <i>Feel free to ask me, but I do not expect concerns. Neighbors are good with it.</i></p> <p>Staff: No public comments have been submitted up to the completion of this staff report.</p>
(8)	Whether the use proposed would constitute a public nuisance, impose undue adverse impact to established surrounding land uses or infringe on the property rights of surrounding property owners, and whether terms or conditions could be imposed adequate to mitigate those effects.
	<p>Applicant: <i>No. It's just a small house.</i></p> <p>Staff: The application shows the applicants are applying for a second residential single-family dwelling, a similar use to the surrounding lots in the vicinity of the subject lot.</p>
(9)	Whether the use proposed would unfairly burden Boundary County taxpayers with costs not offset by the potential benefits of the proposed use.
	<p>Applicant: <i>No. Will just increase my property taxes and contribute to lower rent prices.</i></p> <p>Staff: The potential use, as described, does not show the potential to pose an unfair burden to Boundary County taxpayers.</p>
	<p>Boundary County Land Use Ordinance, Section 7.8:</p> <p>In considering approval of an application to establish a conditional use, the Planning and Zoning Commission may consider the imposition of terms and conditions as a means of eliminating or mitigating potential adverse effects or to provide for public safety. Such terms and conditions may, but are not limited to:</p> <p>7.8.1. Control the sequence and timing of development.</p> <p>7.8.2. Establish or limit hours or days of operation.</p> <p>7.8.3. Establish limits on the timing and/or duration of potentially disruptive activities.</p>

7.8.4. Require the installation of public services or utilities as recommended by providers necessary to accommodate the use proposed.

7.8.5. Establish specific locations and/or standards for structures, parking areas, access lanes, etc., to reduce adverse impact on traffic or traffic patterns.

7.8.6. Establish standards for landscaping, fencing, lighting or other measures so as to maintain the aesthetics or character of the area in which the use is proposed or to contain noise, dust, light or other potential nuisances from encroaching onto adjoining properties.

7.8.7. Require specific security measures, such as fencing, secure storage areas, fire prevention measures, etc., that are appropriate to the use and necessary for public safety.

7.8.8. Require proof of compliance with other county regulations.

Staff: Draft conditions of approval are listed in this staff report.

DRAFT FINDINGS & CONCLUSIONS FOR DISCUSSION/ADOPTION

1. The applicants are requesting a conditional use permit for a multi-structure residential use to allow for a second primary single-family dwelling on a 12-acre lot in the Agriculture/Forestry zone with a primary single-family dwelling and an accessory dwelling unit already on-site.
2. File #23-0072 was issued on 06/26/2023 for a 1,008 square foot accessory dwelling unit addressed at 544 Legacy Ridge Lane.
3. File #24-0121 was issued on 09/03/2024 for a 2,600 square foot primary single-family dwelling with a 1,200 square foot attached garage addressed at 622 Legacy Ridge Lane.
4. The subject lot has a comprehensive plan land use and zoning designation of Agriculture/Forestry, which has a density minimum of 10 acres.
5. A conditional use permit is required for Multi-Structure Residential use in the Agriculture/Forestry zone (**15.9.5.3.**).
6. Multi-Structure Residential is defined as, *“More than one primary residential dwelling on a single lot or parcel, but not including an accessory dwelling unit authorized by this code.”* (**2.56.4.**).
7. The site is proposed to be served by an individual well and septic system and the North Bench Fire District.
8. The site is accessed from Legacy Ridge Lane, a private road that originates off Smith Lake Road (county road).

DRAFT CONDITIONS OF APPROVAL FOR DISCUSSION/ADOPTION

1. The conditional use permit will run with the land to which it is attached, and continue in effect for the life of the use established (**Section 7.3.**).
2. The approved conditional use permit will be deemed to lapse if work to establish the use has not begun within two (2) years of the date of approval, or when a use established by the conditional use permit is discontinued for a period of two (2) consecutive years. The owner of a property subject to a conditional use permit may request termination of the conditional use permit at any time by notifying the administrator in writing (**Section 7.4.**).
3. Prior to the issuance of this conditional use permit, the applicants shall reimburse Boundary County for first class mailings and advertisements required for public notification.
4. Any change in the use or increase in the use and/or impact shall require a modification of the conditional use permit.
5. All applicable standards of **Section 10**, for residential uses, shall be adhered to for the life of the use.
6. The site shall provide and maintain a minimum of six, off-street parking spaces at 200 square feet each – 2 parking spaces per dwelling unit.
7. A placement permit for the proposed second primary single-family dwelling shall be submitted to the Boundary County Planning & Zoning Department for review and issuance prior to construction of the second dwelling.

STANDARDS OF REVIEW FOR REASONED STATEMENT	
<i>Idaho Code §67-6535 (2): The approval or denial of any application required or authorized pursuant to this chapter shall be in writing and accompanied by a reasoned statement that explains the criteria and standards considered relevant, states the relevant contested facts relied upon, and explains the rationale for the decision based on the applicable provisions of the comprehensive plan, relevant ordinance and statutory provisions, pertinent constitutional principles and factual information contained in the record.</i>	
SECTIONS 7.7.1-7.7.9 & IC §67-6512, STANDARDS FOR CONDITIONAL USE PERMIT REVIEW:	
Prior to approving a conditional use permit, the governing body shall review the particular facts and circumstances of each proposed conditional use permit in terms of the following standards and shall find adequate evidence showing that such use at the proposed location will:	
IC §67-6512	A special use permit/conditional use permit may be granted to an applicant if the proposed use is conditionally permitted by the terms of the ordinance, subject to conditions pursuant to specific provisions of the ordinance, subject to the ability of political subdivisions, to provide services for the proposed use and when it is not in conflict with the plan.
BC 7.7.1	Does the application, site plan and additional documentation provided by the applicant sufficiently demonstrate the full scope of the use proposed?
YES	NO
	List the evidence from the <u>record</u> that supports your conclusion and the rationale for the conclusion.
BC 7.7.2	Does the proposed use conform to all applicable standards established by this ordinance?
YES	NO
	List the evidence from the <u>record</u> that supports your conclusion and the rationale for the conclusion.
BC 7.7.3	Is there sufficient land area to accommodate the use proposed, and is the development so timed and arranged so as to minimize adverse effects on surrounding properties and uses?
YES	NO
	List the evidence from the <u>record</u> that supports your conclusion and the rationale for the conclusion.
BC 7.7.4	Do the impacts of the use proposed compare with the impacts of existing uses within the zone?
YES	NO
	List the evidence from the <u>record</u> that supports your conclusion and the rationale for the conclusion.
BC 7.7.5	Have concerns raised by other departments, agencies or by the providers of public services, including but not limited to road & bridge, water, electricity, fire protection, sewer or septic, been adequately addressed?
YES	NO
	List the evidence from the <u>record</u> that supports your conclusion and the rationale for the conclusion.

BC 7.7.6		What is the potential benefit to the community offered by the use proposed?
YES	NO	List the evidence from the <u>record</u> that supports your conclusion and the rationale for the conclusion.
BC 7.7.7		Did specific concerns aired through the public hearing process have validity and were those concerns adequately addressed?
YES	NO	List the evidence from the record that supports your conclusion and the rationale for the conclusion.
BC 7.7.8		Would the use proposed constitute a public nuisance, impose undue adverse impact to established surrounding land uses or infringe on the property rights of surrounding property owners, and could terms or conditions be imposed to adequately mitigate those effects?
YES	NO	List the evidence from the <u>record</u> that supports your conclusion and the rationale for the conclusion.
BC 7.7.9		Would the use proposed unfairly burden Boundary County taxpayers with costs not offset by the potential benefits of the proposed use?
YES	NO	List the evidence from the <u>record</u> that supports your conclusion and the rationale for the conclusion.

DECISION BY THE PLANNING & ZONING COMMISSION – CONDITIONAL USE PERMIT	
Motion to Approve	I move to approve the conditional use permit for a multi-structure residential use to allow for a second primary single-family dwelling, File #26-0064, 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 and conditions as written [<i>or amended – list amendments</i>] and based upon the reasons as read into the record during deliberation. This action does not result in a taking of private property.
Motion to Table or Continue	I move to table or continue the hearing to [insert date, time and place] to allow further consideration of the proposed application or to allow review and approval of written findings and decision.
Motion to Deny	I move to deny the conditional use permit for a multi-structure residential use to allow for a second primary single-family dwelling, File #26-0064, finding that the proposal IS NOT in accord with the standards of Idaho Code and Section 7 of the Boundary County Zoning & Subdivision Ordinance, based upon the findings as written [<i>or amended – list amendments and state which findings/conclusions do not meet the standards</i>] and based upon the reasons as read into the record during deliberation. This action does not result in a taking of private property.