BOUNDARY COUNTY PLANNING AND ZONING

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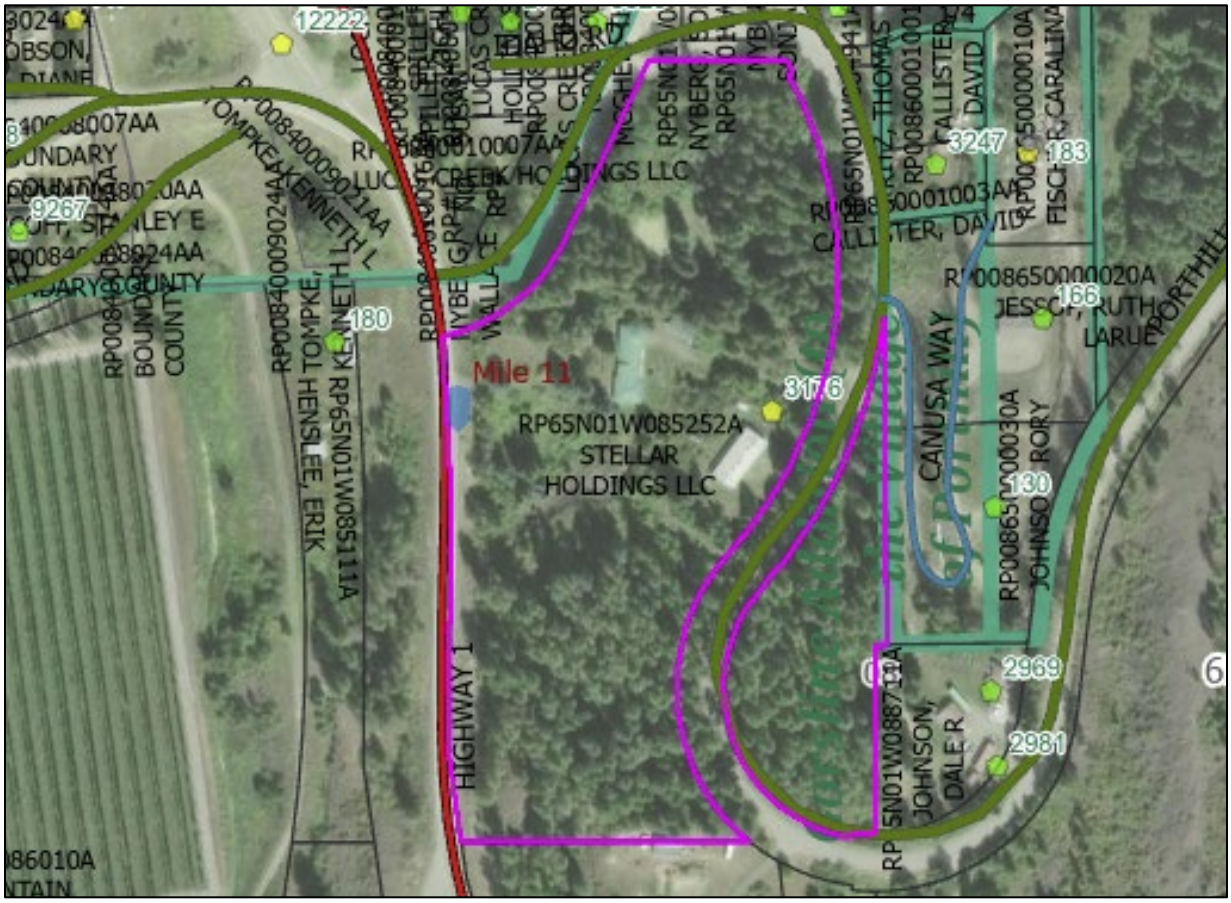
STAFF REPORT
BOUNDARY COUNTY BOARD OF COMMISSIONERS
FILE #26-0141, STELLAR HOLDINGS, LLC
COMPREHENSIVE PLAN MAP AMENDMENT & ZONE CHANGE
Agriculture/Forestry to Rural Community Commercial
RP65N01W085252A

Prepared By:	**Tess Vogel, Contract Planner** **Ruen-Yeager & Associates, Inc.**
Project Description:	Requesting approval to amend the Boundary County comprehensive plan and zone maps from Agriculture/Forestry to Rural Community/Commercial for a 10.9-acre split-zoned parcel to designate the entire parcel Rural Community/Commercial. The Boundary County Planning & Zoning Commission unanimously voted to recommend denial of the file to the Boundary County Board of Commissioners at their September 24, 2026, meeting.
Project Location:	3176 Porthill Loop
Parcel Number:	RP65N01W085252A
Legal Description:	Tax 27 & 42, 30'x660' addition of abandoned county road in Section 8, Township 65 North, Range 1 West
Zoning District:	Agriculture/Forestry & Rural Community/Commercial
Applicants/Landowners: Representatives:	Stellar Holdings, LLC Shem Johnson
Date Complete Application Received:	08/11/2026
Hearing Date:	Planning & Zoning Commission: 09/24/2026 Board of County Commissioners: 11/10/2026
Legal Notice Provided:	Newspaper 09/03/2026; 10/22/2026 Site Posting: 09/10/2026; 11/02/2026 Mailed: To landowners within 300' & Taxing Districts: 09/01/2026; 10/19/2026
Staff Report Attachments:	Legal notice; application/site plan; agency and public comments; minutes, public comments, and exhibits from the September 24, 2026 Planning & Zoning Commission meeting; record of mailing and radius map for November 10, 2026, meeting

PROJECT SUMMARY

Stellar Holdings, LLC is requesting a comprehensive plan map amendment and zone change for a split-zoned parcel divided by Porthill Loop. The parcel is currently zoned Agriculture/Forestry on the western side of Porthill Loop with the eastern side of the parcel zoned Rural Community/Commercial. The applicant proposes to rezone the parcel to solely be zoned Rural Community/Commercial. The Agriculture/Forestry zone has a minimum density of 10 acres per the Boundary County Land Use Code. The Rural Community/Commercial zone has a minimum density based on the availability of community water and sewer services per county code, as follows: ¼-acre where both community water and sewer services are available; 1-acre where community water or sewer services, but not both, are available; or 2 ½ acres where neither community water or sewer services are available. Both zones allow for a range of residential, commercial, industrial, and public uses. The parcel is located at 3176 Porthill Loop and identified as Assessor's Parcel RP65N01W085252A in Section 8, Township 65 North, Range 1 West, B.M. Services proposed and existing include individual septic systems, the Trow Creek Water Association, private wells, and the Hall Mountain Fire District. The Boundary County Planning & Zoning Commission unanimously voted to recommend denial of the file to the Boundary County Board of Commissioners at their September 24, 2026, meeting.



AERIAL OF SITE

The legal descriptions provided by the applicant do not allow the proposed comprehensive plan land use and zoning designation amendments to be accurately mapped. If the map changes are approved, the applicants will have to provide a concise and accurate legal description of the portions of the subject parcel(s) proposed for the mapping amendments. These descriptions are needed to create the map amendment ordinance and legal publication required by Idaho Code. If the Boundary County Board of Commissioners approve the amendments, a condition of approval should require the application to provide adequate legal descriptions so that an ordinance can be prepared by staff. (The representative was notified of this at the September 24, 2026, meeting. No such legal description has been provided to date.)

AUTHORITY

- Idaho Code §67-6509, Authority for adoption and amendment of the comprehensive plan map
- Idaho Code §67-6511, Authority for adoption and amendment of zoning maps
- Boundary County Land Use Ordinance, Section 15.9., Agriculture/Forestry Zone
- Boundary County Land Use Ordinance, Section 15.13., Rural Community/Commercial Zone
- Boundary County Land Use Ordinance, Section 18.1, Zone Map Amendments
- Boundary County Land Use Ordinance, Section 18.2., Comprehensive Plan Map Amendments
- Boundary County Comprehensive Plan

COMPREHENSIVE PLAN DESIGNATION DESCRIPTIONS

Agriculture/Forestry Designation (13.5.8.): *Those rural lands which compose the remainder of private land in the county not designated for higher development density often due to limited availability of water, roads and fire protection. These lands constitute the largest private ownership zone district and have historically been used for many purposes, especially agriculture and silviculture. Land use specifications should reflect this diversity of uses, permitting a range of light uses in these large parcels where they will not impact neighbors. Moderate uses may also be located where the distance from neighbors limits impacts. More intensive uses may also fit well within this zone, but should be considered as conditional uses subject to public hearing to determine if impacts may be mitigated. A residential development density of not less than 10 acres should be imposed.*

Rural Community/Commercial Designation (13.5.4.): *Those areas of the county located primarily in municipal areas of impact and within unincorporated communities which combine both low-impact commercial enterprises and residential use to create a "small town" ambiance suited to the needs in each particular community. In addition to areas within the Bonners Ferry and Moyie Springs areas of impact, such designation would include the communities of Porthill, Eastport, Naples and, to a lesser extent, the Three Mile area. The purpose of this designation is to enhance the small town contributions to local economies and to promote the rural qualities they afford. Compatible commercial uses would impact neighbors with low or intermittent noise levels. Traffic impacts should be expected in this zone. More intensive enterprises may be considered as conditional uses provided applicants can mitigate concerns such as noise, dust, and odor. Commercial development standards should include provisions to preserve aesthetic appeal and to contribute to the rural qualities esteemed in this area. Minimum lot size should be dependent on the level of available public services; in those areas where municipal water and sewer service are available, minimum lot size could be reduced to as low as ¼-acre; where either public water or sewer, but not both, are available, a minimum lot size of not less than one acre should be imposed; where neither public water or sewer is available, a minimum parcel size of two and one half acres should be imposed to accommodate private well and septic system.*

ZONE DISTRICT SPECIFICATIONS

Agriculture/Forestry Zone

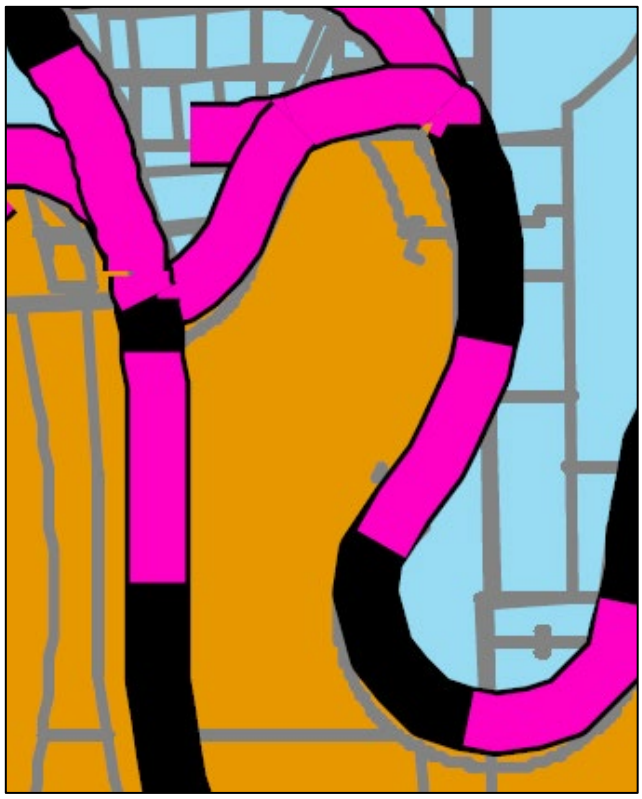
- Unregulated Uses – unrestricted class uses; light class uses; moderate class uses when located more than 500 feet from any existing residence; agriculture and silviculture and structures accessory to those uses.
- Uses Requiring County Permits – one (1) single-family primary residential structure on a buildable parcel or lot; accessory dwelling unit; new primary structure for light class or moderate class uses; off-site commercial greenhouse and produce stands; driveway access to a county road.
- Conditional Uses – moderate class use when located less than 500 feet from any existing residence; high occupancy and land-intensive uses; duplex, multi-family or multi-structure residential; animal boarding facilities, riding or equestrian training facilities, veterinary clinics; feed lots; industrial uses.
- Prohibited Uses – CAFO operations exceeding Idaho Code §67-6529; off-premise signs; commercial junkyards; septage farms.

Rural Community/Commercial Zone

- Unregulated Uses – unrestricted class uses; light class uses; moderate class uses.
- Uses Requiring County Permits – one (1) single-family primary or duplex residential structure and accessory residential structures on a buildable parcel or lot; accessory dwelling unit; primary structures for light and moderate class uses; driveway access to a county road.
- Conditional Uses – multi-family or multi-structure residential; light industrial uses with primary structures exceeding 5,000 square feet; commercial uses with primary structures exceeding 5,000 square feet; industrial uses; off-premise signs; land-intensive and high-occupancy class uses; mobile home parks.
- Prohibited Uses – CAFO operations exceeding Idaho Code §67-6529; commercial junkyards; gravel pits, quarries and mines; commercial kennels and animal boarding facilities; septage farms; feed lots.

Idaho Code §67-6511 requires the governing bodies confirm the rezone is consistent with the community's adopted Plan: *(c) The governing board shall analyze proposed changes to zoning ordinances to ensure that they are not in conflict with the adopted plan, or would result in demonstrable adverse impacts upon the delivery of services by any political subdivision providing public services, including school districts, within the planning jurisdiction, the governing board may require the request to be submitted to the planning or planning and zoning commission or, in absence of a commission, the governing board may consider an amendment to the comprehensive plan pursuant to the notice and hearing procedures provided in section 67-6509, Idaho Code. After the plan has been amended, the zoning ordinance may then be considered for amendment pursuant to paragraph (b) of this subsection.*

Due to the request for the rezone not being consistent with the adopted Comprehensive Plan Map, the county must also consider an amendment to its comprehensive plan. These files are being considered concurrently, as permitted by Idaho Code.



COMPREHENSIVE PLAN MAP
ORANGE: AGRICULTURE/FORESTRY
BLUE: RURAL COMMUNITY/COMMERCIAL

ZONE MAP
GREEN = AGRICULTURE/FORESTRY
BLUE = RURAL COMMUNITY COMMERCIAL

PROJECT SETTING	
Access	Porthill Loop (public/County); Highway 1 (public/State)
Current use	Residential
Services, utilities	Private Septic, Trow Creek Water Association, Hall Mountain Fire District
Hazardous Areas	Special Flood Hazard Area Zone C (X), Panel 1602070150B, no mapped floodplain/floodway
Zoning overlays or special areas	None
Site Zoning & Comp Plan designation	Agriculture/Forestry & Rural Community/Commercial
Surrounding Zoning & Comp Plan designations	Agriculture/Forestry; Rural Community/Commercial
Surrounding uses	Residential; Timberland; Vacant Land

APPLICANT'S NARRATIVE
Explain the reasons for the requested zone change.
Part of the property is already zoned as Rural Community/Commercial and the south property line goes through the neighbor's shop. I would like to break this down to 3 or 4 lots for residential use and also correct boundaries.
How does the proposed zone change relate to the adopted comprehensive plan policies?
This will make it more like the surrounding property.
How will the proposed amendment affect public services such as sewer, water, and roads? Will extensions be required for water, sewer, or roads? Explain the proposed road and utility systems.
Sewer is by Panhandle Health permits. The water is through Trow Creek Water and services the existing house. We will drill a well or wells for any other lots as needed. No extensions to public roads will be needed.
Explain how the proposed zone change is compatible with the surrounding area.
This makes it more like the surrounding property.

AGENCY/STAFF COMMENTS

The following agencies were routed for comments on August 11, 2026, September 01, 2026, and October 19, 2026: Boundary County Addressing, Ambulance, Assessor, Commissioners, Library, Road & Bridge, Boundary School #101, Hall Mountain Fire District, Idaho Department of Environmental Quality, Idaho Transportation Department, Panhandle Health District, and Trow Creek Water Association.

Boundary Co. Addressing: *No addressing concerns.*

Boundary Co. Assessor/Mapper: *No mapping concerns.*

Boundary Co. Road & Bridge: *Access to serve proposed divisions must be taken from existing access locations.*

Panhandle Health District: *PHD did not locate any septic permit records or land development applications for 3176 Porthill Loop or parcel number RP65N01W085252A. It is unclear if the proposed zone change and density is suitable for the site as PHD has not assessed the site, nor reviewed any proposed plans for the sanitary services.*

It is unclear whether the existing structure is discharging to a septic system with a valid vested right. It may have a septic permit under a different address or parcel number, or a valid vested right, but PHD would need additional information to verify that.

*Please note that all septic systems in Idaho are required to have proper permits and approvals (or valid vested rights) and must be sized and placed in a manner that meets the required setbacks to property lines, water lines, wells, and all other 'features of concern.' Most land in that part of Boundary County has clay soils which require very large drainfields. All septic systems require room for both primary drainfield and future replacement drainfield and careful planning is required. The landowner should contact PHD early in the planning process to determine if the project as proposed (*as noted in the application narrative, Page 2 under "How will the proposed amendment affect public services such as sewer, water, and roads? Will extensions be required"?) *is feasible.*

Idaho Transportation Dept.: *This property must access State Highway 1 via Porthill Loop only.*

PUBLIC COMMENTS

Landowners within 300' of the subject property were notified of the proposal on September 01, 2026, and notice was provided in the Bonners Ferry Herald on September 03, 2026 for the September 24, 2026, Boundary County Planning & Zoning Commission meeting. Landowners were again notified of the proposal on October 19, 2026, and notice was provided again in the Bonners Ferry Herald on October 22, 2026, for the November 10, 2026, Boundary County Board of Commissioners meeting.

After the completion of the staff report but prior to the public hearing for the Boundary County Planning & Zoning Commission meeting on September 24, 2026, a written public comment from Jeff Hood was submitted to the record. Mr. Hood expressed his opposition regarding sewage contamination of shallow wells, increased congestion on Porthill Loop, and decreased safety for accessing Porthill Loop on already blind corners.

During the September 24, 2026, Boundary County Planning & Zoning Commission meeting members of the public spoke solely against the proposal. Those who spoke against the proposal were David Hatley, Helen Chase, Ryan Dillion, Jeff Hood, and MaryAnn Cruce. Comments raised concerns regarding water availability, septic contamination with wells, and increased traffic congestion on Porthill Loop. Mr. Hatley also provided Exhibit A, a letter from Linda Friday, who expressed her opposition to the proposal with concerns about additional dwellings, increases in traffic congestion, and losing the rural character of the area.

No new written public comments have been submitted to the record up to the completion of this staff report for the November 10, 2026, Boundary County Board of Commissioners meeting.

STANDARDS & ANALYSIS OF APPLICABLE CODES AND COMPREHENSIVE PLAN	
Idaho Code, §67-6511 & 67-6509	(a) Requests submitted to the planning and zoning commission shall be evaluated to determine the extent and nature of the amendment requested. Particular consideration shall be given to the effects of any proposed zone change upon the delivery of services by any political subdivision providing public services, including school districts, within the planning jurisdiction. (b) After considering the comprehensive plan and other evidence gathered through the public hearing process, the zoning or planning and zoning commission may recommend and the governing board may adopt or reject an ordinance amendment pursuant to the notice and hearing procedures provided in section 67-6509. (c) The governing board shall analyze proposed changes to zoning ordinances to ensure that they are not in conflict with the policies of the adopted comprehensive plan. If the request is found by the governing board to be in conflict with the adopted plan, or would result in demonstrable adverse impacts upon the delivery of services by any political subdivision providing public services, including school districts, within the planning jurisdiction, the governing board may require the request to be submitted to the planning or planning and zoning commission or, in absence of a commission, the governing board may consider an amendment to the comprehensive plan pursuant to the notice and hearing procedures provided in section 67-6509, Idaho Code. After the plan has been amended, the zoning ordinance may then be considered for amendment pursuant to paragraph (b) of this subsection.
Boundary County Land Use Ordinance, Section 18	Upon receipt of the Planning and Zoning Commission recommendation, the Board shall conduct a public hearing on the matter. Based on the findings and recommendation of the P&Z Commission, along with the application record, testimony, and staff analysis, the Board shall consider provisions of its ordinance and the comprehensive plan so as to develop reasoned findings to support a decision. The Board is not bound by the P&Z Commission but may adopt or incorporate their conclusions.

ANALYSIS OF COMPREHENSIVE PLAN DESIGNATIONS & STANDARDS

The site currently has a split designation of Agriculture/Forestry and Rural Community/Commercial with Porthill Loop dividing the parcel and land use designations. The Agriculture/Forestry designation is located west of the road and adjacent to other parcels with the same use designation while the property east of the road is designated Rural Community/Commercial and adjacent to other parcels with the same designation. The Boundary County comprehensive plan map and zone map mirror each other in designation boundaries and types which means the subject site is also split-zoned Agriculture/Forestry and Rural Community/Commercial and the applicant also proposes to amend the Boundary County zone map to have the entire subject parcel zoned Rural Community/Commercial. The density minimums differ between the Agriculture/Forestry zone and Rural Community/Commercial zone as follows:

Agriculture/Forestry Zone

- 10-acre minimum zone – not based on community water or sewer services

Rural Community/Commercial Zone

- ¼-acre for parcels with both community water and sewer services available
- 1-acre for parcels with either community water or sewer services available
- 2 ½ acres for parcel neither community water or sewer services available

Per the application, the property is currently served by the Trow Creek Water Association and individual septic systems, though Panhandle Health District notes they have no permits on file but those could be filed under previous parcel numbers or addresses. The parcel is also within the boundaries of the Hall Mountain Fire District and notes that the installation of individual or shared wells would be a possibility.

The current use of the property is residential with planned additional residential uses to be established in the future and adjacent properties are also developed in a residential manner. Public service developments are within the vicinity with a post office and the port of entry to Canada northwest of the subject site. These uses are located within the Rural Community/Commercial designation. Similar sized and developed parcels also in the Agriculture/Forestry designation south of Porthill Loop are located within the vicinity of the subject site, which include residential development and timberland areas.

Current access to the subject site is from Porthill Loop, a county road. While Highway 1 borders along the western boundary of the subject site, per the Idaho Transportation Department, the site must access Highway 1 via Porthill Loop only.

Since this is not a conditional zone change, specific conditions relating to future development need to be deferred to the subdivision applications when those are filed. Such conditions of development include access requirements and the health district comments regarding assurances that each lot has suitable soils for drainfields.

Section 18.1.5.3.1. states the Planning and Zoning Commission may recommend to the Board of Commissioners: 1) approval of the applications; 2) table to allow time for review and approval of findings and conclusion; 3) disapproval when it is determined the proposal does not meet the criteria established by the comprehensive plan. Where a specific use is proposed and a lesser development application is available and appropriate that would allow the establishment of that use, the Commission may discuss possible terms and conditions and direct the applicant and "administrator" to complete such an application to be forwarded to the Commissioners; 4) forward written considerations to the Commission when the Planning and Zoning Commission is split and unable to reach a consensus, with final action to be tabled to the next regular meeting to allow review and approval of written considerations with a motion and majority vote authorizing the chair to sign.

ANALYSIS OF COMPREHENSIVE PLAN IMPLEMENTATION OF GOALS & OBJECTIVES

Property Rights: Boundary County recognizes the primacy of the rights of property ownership as established by the United States Constitution, the Idaho State Constitution and the laws of Idaho, and recognizes that every property owner has both the right to the use of property as well as the expectation that adjacent land uses will not unduly abrogate that inherent right.

Staff: Section 18.1. of the Boundary County Land Use Code provides the right to all Boundary County property owners to apply for a zone map amendment. Since the rezone is not consistent with the adopted Comprehensive Plan Map, the county must also consider an amendment to its comprehensive plan. The proposal has the potential to increase the density of development through land divisions. The current land use and zoning designation of ~2.2 acres of the 10.9 acres is Rural Community/Commercial which has a density minimum range of ¼-acre to 2 ½ acre minimum and the remaining ~8.7 acres is designated Agriculture/Forestry which has a density minimum of 10 acres. The current designations would only permit a land division in the ~2.2 acres designated Rural Community/Commercial only if community water and/or sewer services are available for potential lots. No division of the land designated Agriculture/Forestry acreage would be permitted. There would be the potential for land divisions if the entire 10.9-acre parcel is designated Rural Community/Commercial.

Natural Resources: State and federal agencies provide extensive regulation sufficient to protect Boundary County's natural resources. Developments impacting these resources are subject to requirements of state and federal agencies. Boundary County land use regulations should not duplicate these requirements or enforce them on behalf of other agencies. Nor should Boundary County attempt to represent or interpret the changing regulatory landscape on behalf of developers.

Staff: The site has no mapped wetlands per the National Wetland Inventory map and is located in Zone C of the Special Flood Hazard Area designations, which does not include any floodplains or floodways. The proposal does not show a potential impact to any natural resources and the Idaho Department of Environmental Quality did not provide any comments on the file at the time of the completion of this staff report.

Transportation (State Highways): Boundary County recognizes that highways maintained by the Idaho Transportation Department (ITD) comprise the primary arteries for the county ground transportation system and are essential to the transport of people and goods into, out of and within Boundary County. Boundary County land use policy is to maintain and improve the safety and efficiency of state highways within Boundary County through cooperation with ITD.

Staff: Existing access is via Porthill Loop which originates from Highway 1. The Idaho Transportation Department was routed for review of the file (**14.4.1.2.**) and provided comments noting that access for the subject parcel shall only be from Porthill Loop. Porthill Loop is County road under the jurisdiction of the Boundary County Road & Bridge Department who notes that *access to serve proposed divisions must be taken from existing access locations.* These are conditions that would be applied to future development applications, but not at the time of a zone change.

Public Services, Facilities and Utilities: Boundary County recognizes that public services, facilities and utilities are essential to public health and safety, but that the level of services desired varies among individual property owners and residents. Public services, facilities and utilities should be considered in rendering land use decisions specific to the use proposed so as to ascertain their suitability to accommodate the proposed use. Where utilities and services are limited or not provided, that disclosure is made so as to protect potential purchasers of property.

Staff:

Sewage Services: The subject parcel and existing development is currently served by an individual septic system. Panhandle Health District noted that no septic permits could be found to be on file for the subject parcel but that older records could be filed under previous parcel numbers. The applicant should reach out to Panhandle Health District regarding current and future septic permitting.

Water Services: The site and established development is currently served by the Trow Creek Water Association, which was routed for review and comment on the proposal. No comments were provided. Additional development and/or land divisions are proposed to be served by individual or shared wells.

Fire Services: This site is located within the Hall Mountain Fire District, which was routed for review and comment on the proposal. No comments were provided.

Solid Waste Services: The Boundary County Landfill is the main location for solid waste disposal. The proposal does not show a potential to negatively impact the landfill.

School Facilities & Transportation: Boundary County appreciates the role the county's public school system plays in the economic infrastructure, and will continue to provide School District #101 information and data on land use proposals, particularly subdivisions, and trends that the district may accommodate and plan for future facility and transportation needs, without burdening future development with added cost or regulation.

Staff: Boundary School #101 was routed for review and comment on the file but provided no comments. The proposal does not show a potential to impact the school district in a negative manner. There is potential for an impact if the sites are subdivided at the Rural Community/Commercial minimum density of 2 ½ acres.

Hazardous Areas: The Boundary County All-Hazard Mitigation Plan first developed in 2005 and to be updated regularly, offers the clearest assessment of naturally-occurring hazards in Boundary County, and forms the primary plan for responding to most natural disasters within Boundary County. The Boundary County All-Hazard Plan is a prime reference for Planning & Zoning considerations; one of the principle roles of county government is to protect the lives and property of its citizens, and county land use policy should establish development standards and restrictions to protect against potential hazards, particularly threats from wildfire, flood and ground failure.

Staff: There are no known hazardous areas on site.

Special Areas or Sites: Boundary County recognizes those sites and areas identified by the Idaho National Historical Society as being of historical significance. Boundary County has a collection of architecturally and historically significant structures, including barns, agricultural structures, cabins, schools and community halls which contribute to the heritage and rural characteristics treasured by county residents. Boundary County land use policy should promote the preservation of these structures through its support of the Boundary County Historical Society, but not through coercive means.

Staff: There are no known special areas or sites located on the subject site.

Recreation: Boundary County recognizes the importance of recreation to citizens and visitors and encourages the highest level of access to public areas in which recreational activities have traditionally been enjoyed. Boundary County should continue to be responsive to the citizens of the community to ensure a variety of recreational opportunities appealing to people of all ages.

Staff: The proposal does not show the potential to impact recreational areas in Boundary County.

Population: Boundary County land use regulations should be designed to accommodate a growing population while protecting the rural character and quality of life values most responsible for the attractiveness of our community. Boundary County should continue to monitor the latest and best available demographic data.

Staff: The proposal does not show the potential to increase the County's population unless the sites are subdivided at the Rural Community/Commercial minimum density of 2 ½ acres which would permit four parcels total at a maximum.

Community Design: Boundary County encourages that development be designed to conform to the objectives established by this comprehensive plan, but sees no need to specifically establish regulation governing landscaping, tree plantings, or standards for community design, development and beautification, trusting instead that those who propose development will have their own vision of how their projects should look, and that their vision will be developed in the interest of being a good neighbor and in compliance with established law.

Staff: With the proposal to re-designate the entire 10.9-acre parcel as Rural Community/Commercial, there is a potential for an increase in density depending on the level of community water and/or sewer services available. There is no community sewer system within the vicinity of the subject site but Trow Creek Water Association does serve the area. The application notes that the existing development is served by the Trow Creek Water Association and any additional development would be served by private or shared wells and individual septic systems, making the minimum density 2 ½ acres. At 2 ½ acres, there is the potential to create four, 2 ½+ acre parcels. A mix of uses are permitted in both zones with each having specific uses permitted in one but not the other designation.

Housing: Boundary County recognizes the need for safe and affordable housing, and also recognizes that people have the right to build or buy the home that best serves their individual needs, desires and circumstances.

Staff: The application notes the rezone is necessary to allow for the division of the subject parcel into three to four parcels for residential development. A variety of residential development is permitted in both the Agriculture/Forestry and Rural Community/Commercial designations with higher density residential uses permitted in the Rural Community/Commercial designation such as mobile home parks.

Economic Development: The desire of this plan is to enhance the economic condition of Boundary County by influencing the development of policies that encourage enterprise, agricultural and forestry job development,

industrial growth and commercial development in a way that will maintain the county's rural qualities by ensuring compatibility within land use classifications. Small and home-based businesses found throughout the county form the foundation of economic growth and development in Boundary County, and land use policies can continue to encourage their establishment and retention by minimizing regulation.
Staff: The proposal would permit the landowner to divide the parcel into a maximum of four parcels for residential uses. Minimal to no increase to Boundary County's economic development is anticipated in the long-term except for an increase in taxes.
Land Use: The purpose of this comprehensive plan and accompanying comprehensive plan land use map has been to gauge the will of the citizens of Boundary County so that land use and subdivision ordinances and a land use zoning map can be developed in accord with the goals established herein, bringing into balance the diverse views expressed.
Staff: The proposal was reviewed against the zoning regulations for the Ag/Forestry and Rural Community/Commercial zones along with Section 18.1. of the Boundary County Land Use Code in addition to the Boundary County Comprehensive Plan.

DRAFT FINDINGS FOR DISCUSSION/ADOPTION

1. The applicant is requesting a comprehensive plan and zoning map amendment of a 10.9-acre split-zoned parcel of Agriculture/Forestry and Rural Community/Commercial to solely be designated Rural Community/Commercial.
2. The Agriculture/Forestry zoning designation density is 10 acres.
3. The Rural Community/Commercial zoning designation is based on community water and sewer services as;
    a. ¼-acre where both community water and sewer services are available.
    b. 1-acre where either community water or sewer services, but not both, is available.
    c. 2 ½ acres where neither community water or sewer services are available.
4. The site is not located within a special flood hazard area per FEMA maps.
5. The site has no mapped wetlands per the National Wetland Inventory Map.
6. The site is currently developed in a residential manner with an existing dwelling on-site.
7. The site is currently served by the Trow Creek Water Association, private septic system, and the Hall Mountain Fire District. Future development is to be served by individual or shared wells for water service.
8. The site is accessed directly from Porthill Loop, a public County road, with no access permitted from Highway 1 per the Idaho Transportation Department.
9. A public hearing before the Boundary County Planning & Zoning Commission was conducted September 24, 2026, to consider the application for recommendation to the Boundary County Board of Commissioners.
10. The Plan, at Section 13.5.8., the Agriculture/Forestry designation is described as, "Those rural lands which compose the remainder of private land in the county not designated for higher development density often due to limited availability of water, roads and fire protection.
11. The Ag/Forestry zone allows for a density minimum of 10 acres.
12. The Plan, at Section 13.5.4. of the Plan, the Rural Community/Commercial designation is described as, "Those areas of the county located primarily in municipal areas of impact and within unincorporated communities which combine both low-impact commercial enterprises and residential use to create a "small town" ambiance suited to the needs in each particular community."
13. The Rural Community/Commercial zone allows for a density minimum of ¼-acre where community water and sewer services are available, 1-acre where community water or sewer services are available, or 2 ½ acres where neither community water nor sewer services are available.
14. Property Rights goals are provided at Section 14.2. of the Plan.
    a. *Adoption of laws and regulations allowing "widest use" of land with assurance surrounding land uses are not unduly infringed upon.*
    b. *Enactment of laws or land use decisions shall not constitute taking of private property.*
    c. *Coordinate with state and federal actions.*
    d. *All to be treated honestly and politely.*

15. Community design goals are provided at Section 14.11. of the Plan.
    a. *Encourage best use of land.*
    b. *Consideration of adequate transportation when lands are subdivided.*
    c. *Design practices to retain natural vegetation.*
    d. *Consider concerns of adjacent landowners.*
16. Land Use goals are provided at Section 14.14. of the Plan.
    a. *Establish zone districts recognizing values of agricultural and timber lands, resources, centering areas for commercial and residential where infrastructure exists.*
    b. Develop compatible uses within districts.
    c. Process to abate nuisances and unlawful uses.
17. The Boundary County Planning & Zoning Commission unanimously voted to recommend denial of the file to the Boundary County Board of Commissioners at their September 24, 2026, meeting.
18. The Boundary County Board of Commissioners held a public meeting for the proposal on November 10, 2026.

DRAFT CONDITION OF APPROVAL:

1. Prior to the Boundary County Board of Commissioners' adoption of a resolution and ordinance completing the mapping amendments, the applicant shall provide to the Boundary County Planning & Zoning Department an accurate legal description of the land to be remapped, to the satisfaction of the Boundary County Zoning Administrator.

BOARD OF COUNTY COMMISSIONERS DECISION - MOTIONS – *BOTH MAPS*	
MOTION TO APPROVE	I move to approve the request to amend the Boundary County comprehensive plan land use designation map and the zoning map from Ag/Forestry to Rural Community/Commercial, File #26-0141, finding that the proposal **IS** 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 [*or amended – list amendments*]. I further move to adopt the reasoned statement as read into the record. I further move to direct staff to prepare an ordinance and ordinance summary for the zoning map amendment and a resolution for the comprehensive plan map amendment for further consideration by the Board of County Commissioners upon receipt from the applicant of an accurate legal description of the lands to be remapped. This action does not result in a taking of private property.
MOTION TO TABLE	I move to table or continue the hearing to [*insert date, time and place*] to allow further consideration of the proposed amendment or to allow review and approval of written findings and decision.
MOTION TO DENY	I move to deny the request to amend the Boundary County comprehensive plan land use designation map and the zoning map from Ag/Forestry to Rural Community/Commercial, File #26-0141, 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 [*or amended – list amendments*]. I further move to adopt the reasoned statement as recommended by the Boundary County Planning and Zoning Commissions, as submitted [*or as amended and read into the record*]. This action does not result in a taking of private property.

REASONED STATEMENT AS RECOMMENDED BY THE BOUNDARY COUNTY PLANNING & ZONING COMMISSION		
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.		
SECTIONS 18.1.-18.2., IC §67-6509 & IC §67-6511, STANDARDS FOR COMPREHENSIVE PLAN MAP & ZONING MAP AMENDMENTS: Each governing board shall, by ordinance adopted, amended, or repealed in accordance with the notice and hearing procedures provided under section 67-6509, Idaho Code, establish within its jurisdiction one (1) or more zones or zoning districts where appropriate. The zoning districts shall be in accordance with the policies set forth in the adopted comprehensive plan.		
BC 18.1. & 18.2.		**Does the proposed amendment to the comprehensive plan map and zone map meet the goals and objectives of the comprehensive plan? How?**
YES	**(X) NO**	List the evidence from the record that supports your conclusion and the rationale for the conclusion.
P&Z Commission Reasoning: *There will be an increase in traffic and congestion where it is not appropriate (Transportation); There is no community water hookups available from Trow Creek Water Association and there will be an impact on the county road (Public Services); The zone change would impact the landowners of the area by decreasing the "rural character" of the area (Property Rights & Community Design); A change in density would not positively impact the area (Population); The community's desire to have the area stay rural and as is needs to be taken into account (Land Use).*		
BC 18.1. & 18.2.		**Does the proposed amendment to the comprehensive plan map and zone map serve the public interest? How?**
YES	**(X) NO**	List the evidence from the record that supports your conclusion and the rationale for the conclusion.
P&Z Commission Reasoning: *The negative impacts on the local roads, water infrastructure, and public comments submitted to the record expressing opposition to the proposal indicates the proposal would not serve the public interest.*		