

BOUNDARY COUNTY PLANNING AND ZONING

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**PLANNING & ZONING COMMISSION
MINUTES of February 24, 2022 Public Hearing**

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

P&Z Members in attendance:

- | | | | |
|--|---|--|---|
| <input checked="" type="checkbox"/> Caleb Davis, Chair | <input checked="" type="checkbox"/> Wade Purdom, Co-Chair | <input checked="" type="checkbox"/> David Hollabaugh | <input checked="" type="checkbox"/> John Cranor |
| <input checked="" type="checkbox"/> Rob Woywod | <input type="checkbox"/> Scott Fuller | <input type="checkbox"/> Tim Heenan | |
| <input checked="" type="checkbox"/> Adam Isaac | <input type="checkbox"/> Ron Self | | |

Chair Davis called the meeting to order at about 5:30 p.m. Roll call: Commission members present are noted with a checked box above.

Consent Agenda:

Commissioner Isaac moved, and Commissioner Cranor seconded the motion, to approve the December 16, 2021, minutes. The Chair declared the motion approved on a unanimous voice vote.

Commissioner Hollabaugh moved, and Commissioner Isaac seconded the motion, to appoint Caleb Davis as the Chair of the Boundary County Planning & Zoning Commission. The Chair declared the motion approved on a unanimous voice vote.

Commissioner Hollabaugh moved, and Commissioner Woywod seconded the motion, to appoint Wade Purdom as the Co-Chair of the Boundary County Planning & Zoning Commission. The Chair declared the motion approved on a unanimous voice vote.

Public Hearing:

FILE 22-0033, VARIANCE, MICHAEL & ELIZABETH DESROSIERS are requesting approval for a lot/parcel size minimum variance to allow for a 10-acre parcel and a remainder parcel less than 10 acres through a future land division of about 19.3 acres. The property is zoned and designated on the comprehensive plan land use map as Agriculture/Forestry, which has a minimum density of 10 acres. The site is located at 148 Flicker Road and is identified as Assessor’s Parcel RP62N03E299250A, in Section 29, Township 62 North, Range 3 East, B.M.

Opening and Hearing Summary: Chair Davis opened the hearing and read the file legal notice.

Call for Disclosures: The Chair called for disclosures or conflicts of interest regarding the file. Commissioner Isaac disclosed that he knows the landowners but this would not affect his decision-making ability. Commissioner Purdom disclosed that he knows the project representative but this would not affect his decision making ability.

Application Summary: Assistant Contract Planner Tessa Vogel provided an overview of the public hearing procedures and presented the staff report. Members of the Commission asked questions, which Ms. Vogel answered.

Applicant Presentation: Dathan Senn, who identified himself as a representative of the applicant and the future buyer of the property, advised the variance would allow him to build a home on the property. He explained the access to the property. He said he was okay with the suggested added conditions regarding the minimum parcel size for the variance and proof of access. No one from the public was present at the hearing to testify.

Public Testimony: No public comment was provided.

Applicant Rebuttal: The applicant provided no rebuttal.

Close of Hearing & Deliberation: The Chair closed public testimony and opened deliberation. Commissioner Purdom stated his support for the variance, due to the owners not creating their own hardship. The Chair recommended adding three (3) additional conditions to the approval, which were: 1) one parcel can be no less than 10 acres in size; 2) the remainder parcel can be no less than 8 acres in size; and 3) an easement shall be given to the future remainder parcel from the existing access to the subject parcel from Flicker Road. Commissioner Purdom stated that he felt there shouldn't be a condition on the size of the remainder parcel.

Motion to Approve: Commissioner Purdom moved to approve the request for a lot/parcel size minimum variance to allow for a future land division to create a 10-acre parcel and a remainder parcel, file 22-0033, finding that the proposal **IS** in accord with the comprehensive plan and the criteria of Section 12 of the Boundary County Land Use Ordinance, based upon the findings and conclusions and written and amended to include the additional conditions: one parcel can be no less than 10 acres in size; the remainder parcel can be no less than 8 acres in size; and an easement shall be given to the future remainder parcel from the existing access to the subject parcel from Flicker Road. This action does not result in a taking of private property. Commissioner Cranor seconded the motion. The Chair declared the motion approved on a unanimous voice vote.

New Business: Acting Zoning Administrator Clare Marley asked the Commission if they wanted to have a March 2022 hearing for a workshop since there are no files scheduled for the March hearing. The Commission members stated they wanted to go through the workshop topics scheduled for the current hearing before deciding.

Ms. Marley provided an overview of the current subdivision ordinance and gave examples of recent applications to show problems that have occurred. Ms. Vogel gave an overview of the Three Mile Water District board meeting she attended on February 10, 2022 to discuss issues caused by the current County subdivision ordinance and Three Mile Water District's regulations. Ms. Marley then reviewed common lot design criteria with the Commission members and the Chair asked if it were possible to require flag and flag-like lots to go through a conditional use permit process. Ms. Marley went through conservation subdivision and planned unit development requirements. Commissioners Woywod and Hollabaugh stated they did not want to create a "hard-and-fast rule" for when it comes to subdivisions.

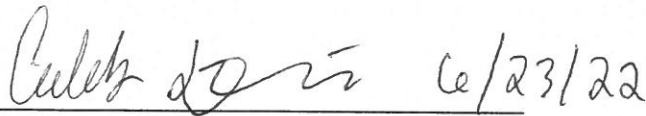
Ms. Marley gave an overview of spot zoning, including examples of past applications the Commission had heard. Commissioner Hollabaugh stated he would like to see stricter regulations/standards for zone changes to make clearer and stronger decisions. Ms. Marley reviewed state of Idaho court cases surrounding spot zone topics.

The Commissioners decided to skip the March 2022 hearing as members would not be present and there are no files scheduled.

To improve the file packet information for the Commission and reduce paper waste, Ms. Marley & Ms. Vogel asked the Commission members to advise them of the documents that are essential for the hearing packets. The Commission members advised they do not need the comprehensive plan and zoning map exhibits or deeds for the property.

Ms. Marley provided Board of County Commissioner (BOCC) hearing decision updates on the Patzer rezone file. Commissioner Hollabaugh stated he would like to see the difference in the recommendations of the Commission compared to the final decision of the BOCC at the end of each year. Ms. Marley also discussed how fire district requests for conditions cannot always be fulfilled because the International Fire Code has not been adopted by the County.

Adjournment: Commissioner Purdom moved to adjourn the meeting, and Commissioner Hollabaugh seconded the motion. The Chair declared the motion approved by a unanimous voice vote. The meeting was adjourned at 7:04 p.m.

Handwritten signature of Caleb Davis and the date 02/23/22.

Caleb Davis,
Boundary County Planning and Zoning Commission Chair