



BOUNDARY COUNTY PLANNING AND ZONING

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PLANNING & ZONING COMMISSION MINUTES of FEBRUARY 25, 2021 Public Hearings

Memorial Hall, Boundary County Fairgrounds, 6571 Recreation Park Rd., Suite 1, Bonners Ferry, ID

P&Z Members in attendance:

- | | | | |
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| <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 checked="" type="checkbox"/> Tim Heenan | |
| <input checked="" type="checkbox"/> Adam Isaac | <input checked="" type="checkbox"/> Ron Self | | |

Chairman Davis called the meeting to order at 5:31 p.m. The meeting was also conducted by telephone conference call. Roll Call: Those present noted by checked boxes above.

Consent Agenda:

Approval of Minutes of January 21, 2021: Commissioner Woywod moved, and Commissioner Hollabaugh seconded the motion, to approve the minutes of January 21, 2021, as written with the correction of the attendance to reflect Commissioner Heenan was not in attendance. The Chair declared the motion approved on a voice vote, with Commissioner Cranor abstaining.

New Business: Public Hearings:

FILE 21-051 LOT SIZE MINIMUM VARIANCE Aimie Feuling and Shirley Kennick are requesting approval for lot size minimum variances for two existing portions of a lot located on Westside Road. The properties are identified as RP63N01W256450A and RP63N01W256441A and are described as portions of Unit 13, Rural Subdivision Drainage District #3 east and west of the county road. The site is zoned Prime Agriculture requiring 10-acre minimum lot sizes. The parcels are about 3.44 and 5.77 acres.

Opening of Hearing: The Chairman opened the hearing.

Call for Disclosures: The Chairman advised that he would recuse himself from the proceedings due to his knowledge of the site and association with one of the applicants. Co-Chair Wade Purdom took over the chairmanship. There were no other disclosures or conflicts announced.

Application Summary: The Chair summarized the application and Acting Planning and Zoning Administrator Clare Marley presented a report to the Planning and Zoning Commission regarding the requested variance. There were no questions from the Planning and Zoning Commission.

Applicant Presentation: Shirley Kennick advised the Commission that she was unaware that the land division did not comply with zoning codes. Aimie Feuling covered the reasons why she believed the

land division merited a variance. She said she would like to make the land compliant by obtaining the lot size minimum variance. There were no questions from the Commission.

Public Testimony: Caleb Davis testified about the specifics of the land that make it eligible for a lot size minimum variance. He spoke about the history of the land divisions, land uses, physical division of the land by the county road, and property rights. He advised that the request meets the county's comprehensive plan policies and would not constitute a special privilege.

Rebuttal: None.

Commission Deliberation: Acting Chairman Purdom closed the hearing to public testimony and called for deliberations. The Commissioners discussed the fact that a barn already existed on the parcel to the west, the road bisected the land, and the parcels may be unsuited for other uses.

Motion: Commissioner Self moved, and Commissioner Heenan seconded the motion, to approve File #21-051, a lot size minimum variance for two existing portions of Unit 13 of Rural Subdivision Drainage District 3 to allow lots of ± 3.44 acre and ± 5.77 acres, where the zone district requires 10 acres, finding that the proposal IS in accord with the variance standards of Idaho Code and Boundary County Land Use Ordinance 9B18LOV2, based upon the following findings and conclusions, and subject to the conditions as written. The Co-Chairman declared the motion approved on a unanimous voice vote.

Chairman Davis resumed chairmanship of the meeting.

FILES 20-172 & 21-033, COMP PLAN MAP AND ZONING MAP AMENDMENTS, LMJPNP, LLC is requesting approval to amend the Boundary County comprehensive plan map and zoning map from Rural Residential to Suburban to allow a future residential subdivision of the land consistent with Suburban density. Rural Residential establishes a density of one dwelling unit per 5 acres; Suburban is one unit per 1 acre where community water or sewer is available and 2.5 acres where neither service is available. The property consists of three parcels, RP62N01E157810, RP62N01E158370 AND RP62N01E157211, totaling about 55 acres, located off Homestead Loop and Hillcrest roads, in Section 15, Township 62 North, Range 1 East, B.M.

Opening and Hearing and Summary: The Chairman opened the hearings and summarized the applications.

Call for Disclosures: The Chairman called for disclosures or conflicts of interest regarding the two files. Chair Davis advised that he serves on the Airport Board, which reviewed and commented on the two applications. However, he was not present for the consideration and did not gain an outside knowledge of the project. He advised that he did not have a conflict to participate in the hearing. There were no other disclosures announced.

Staff Summary: Administrator Marley summarized the staff report and presented slides showing the zoning and comp plan designations of the area, photographs, and standards for consideration of the two applications.

Application Presentation: Greg Johnson, representing LMJPNP, LLC, spoke about the history and uses of the property and how he believes the land is suitable for the proposed uses and density. He noted the size of the lots to the north range from 1 to 3 acres and are served by septic/drainfield systems. He summarized the proposed services for the future subdivision of the land. He testified that he believes the airport traffic should not be detrimental to the safety of the future lot owners because flights go south and east to the river or circle wide to the west. Landings are from the north. The Commission asked several clarifying questions regarding the future subdivision and specifics of the property.

Public Testimony: The Chair opened the hearing to public testimony, calling on those in favor, followed by neutral testimony and those in opposition.

Willie Maas stated that he believes more homesites are needed for the community, which would create more jobs and provide housing opportunities.

C.J. Tuma agreed with earlier testimony and believes the site makes sense for the proposed density.

Sam Testa testified that the density is right for the area and a good fit being close to town. He spoke about the airport traffic on the site and how he believes there are not hazardous conditions presented by the air traffic patterns.

Bryon Regehr spoke about the 3 Mile water availability and uncertainty about future system upgrades. Additional hydraulic analysis is needed, and the Board will eventually vote on whether future upgrades will be undertaken.

Brandon Leonard testified about his concerns with traffic congestion and poor road sight distances if a future subdivision is developed. He also spoke about the adjacent landfill and the likelihood that trash will be blown or deposited by birds and animals onto the future subdivision. He voiced concerns about the ability to separate wells from septic systems.

Craig Wheatley said he believes airport noise will be a big issue for a future subdivision. Should runway extensions be built, it could bring jets to the area and additional noises. Because of the proximity of the site to the landfill, it may not be conducive to residential uses. The rezone would change the rural feel of the area, he said.

Chuck Roady advised that he owns land to the west and north of the site, and the applicants have been good neighbors. However, he opposes the rezone. The landfill operators would be inundated with complaints, if a subdivision is developed, he said. Blowing trash and debris would be a concern for unsuspecting future buyers of subdivision lots, he testified.

Greg Hutchinson said he rejects the idea that the purpose of the rezone is to provide affordable housing. He is concerned about the effects of trash and airport noise on the area.

Pat Murphy advised that he lives south of the airport. Future runway expansion would allow jets to use the airport and cause noise complaints. The infrastructure is not yet serving this area and the increased density should not be considered, he said.

Marshall Thompson said the site is at a dangerous corner and expressed concern about future dust storms if construction occurs over the next three to five years.


Michael Sykes spoke about the blowing trash and ravens dropping debris on neighboring lands from the solid waste disposal site. He believes approval of the rezone would result in rising complaints about the county airport and landfill operations.

Applicant Rebuttal: Greg Johnson said traffic concerns would be addressed at the time of the subdivision platting process. The owners will work with 3 Mile to address the water service needs. The applicants should not be denied the ability to divide their land because of concerns about issues such as blowing trash and airport noise, he said. The current zoning does not make sense for this property because of the need to balance costs of bring roads and infrastructure to the site.

Close of public hearing & Commission Deliberation: The Chairman closed the hearing to public testimony and called for Commission deliberation. The Commission discussed the effects of the rezone on the airport functions and protection of airport assets. A change in density could be against the approved airport plan, they suggested. They considered the density of adjoining property to the north, water and sewer services, the effects of the landfill on a future development and the comprehensive plan policies. Chairman Davis read the comprehensive plan policy 14.4.5.2 regarding the need to establish low density commercial zoning around the airport and restricting uses incompatible with airport operations and safety, such as residential uses and uses which congregate large number of people beneath areas used by airport operations. The group discussed the uncertainties of water supplies to the site and whether the rezone was premature.

Motion: Commissioner Hollabaugh moved and Commissioner Woywod seconded the motion, to recommend to the Board of Commissioners denial of the requests to amend the comprehensive plan land use map designation and zoning map from Rural Residential to Suburban, Files 21-033 and 20-172, finding that the proposals **ARE NOT** in accord with the comprehensive plan and the criteria of Section 18 of Boundary County Zoning and Subdivision Ordinance, based upon the findings and conclusions as presented and as discussed. The Chairman declared the motion approved on a unanimous voice vote.

Adjournment: The Chairman declared the meeting adjourned at 8:10 p.m.

 9-1-2021

Caleb Davis,
Boundary County Planning and Zoning Commission Chairman