



**BOUNDARY COUNTY PLANNING AND ZONING**

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**PLANNING & ZONING COMMISSION  
MINUTES of October 28, 2021 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 checked="" type="checkbox"/> Scott Fuller          | <input type="checkbox"/> Tim Heenan                  |   |
| <input checked="" type="checkbox"/> Adam Isaac         | <input checked="" type="checkbox"/> Ron Self              |  |   |

Co-Chairman Purdom 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 Cranor moved, and Commissioner Woywod seconded the motion, to approve the September 23, 2021, minutes. The Co-Chairman declared the motion approved on a unanimous voice vote, with Commissioner Self abstaining.

Public Hearing:

**FILE 21-0224, COMP PLAN MAP & ZONING MAP AMENDMENTS, BYLER BUILDING SYSTEMS, LLC** is requesting approval to amend the Boundary County comprehensive plan and zoning maps from Agriculture/Forestry to Rural Residential to allow for a future land division at the Rural Residential density of 5 acres. The two parcels totaling about 40 acres are identified as Assessor's Parcels RP62N01E012400A and RP62N01E012700A, located off Smith Lake Road and Legacy Ridge Lane, in Section 1, Township 62 North, Range 1 East, B.M.

**Opening and Hearing Summary:** The Co-Chairman, Commissioner Purdom, opened the hearing and read the file legal notice. Commissioner Purdom also stated that public comment will be limited to 5 minutes for each speaker.

**Call for Disclosures:** The Co-Chairman called for disclosures or conflicts of interest regarding the file. Commissioner Davis disclosed that he knows the applicant and is representing him. Chairman Davis recused himself from the proceedings as a commissioner.

**Application Summary:** The Co-Chairman summarized the application. Assistant Contract Planner Tessa Vogel presented the staff report.

**Applicant Presentation:** Project representative Caleb Davis and applicant representative Lowell Graber provided a summary of the proposal and provided exhibits A through F as evidence of reasons to recommend approval of the proposal. The exhibits are:

- A. Beeline Water Association email, Steve Kauffman;
- B. Beeline text, Steve Kauffman;
- C. Minutes of County Commissioners' hearing for Fairchild;

- D. Photo of Legacy Ridge intersection;
- E. Weakley zone change map;
- F. August 2, 2021, meeting minutes for Board of Commissioners, Weakly rezone application.

Mr. Davis and Mr. Graber stated that Beeline water was looking to possibly extend its services to the area in the Spring of 2022. The two presented evidence of the Fairchild and Weakly zone change approvals by the Board of County Commissioners (BOCC), as well. In reference to Mr. Davis's comment that there are no wetlands present on site, Commissioner Self stated that if a surveyor designates wetlands on a survey they are there. Commissioner Self asked if current owner, Byler Building Systems, had signed off on the application and staff stated they had signed the application. Commissioner Fuller asked when Beeline plans to expand its services and Mr. Davis stated it was for the spring of 2022. Commissioner Isaac asked how much the current wells produce. Mr. Graber stated that his produces 6 gallons per minute (gpm) but was told by a landowner in the vicinity of the subject parcels that he gets 20 gpm.

**Public Testimony:** The Co-Chairman stated that the public comment portion will go in order of those for, neutral and then those against the proposal. No public testimony was given in favor of or neutral to the proposal. The following members of the public spoke against the proposal: Charles Reid, Tim Patton, Don Meeker, Ben Apo, Kari Apo, Scott Schopen, Chad Iacolucci, Marie Garrett (provided exhibits G through J):

- G. Photos of Smith Lake road conditions;
- H. Photos of washboard conditions on Smith Lake Road;
- I. Photos of erosion on Smith Lake Road;
- J. Photos of blind corners on Smith Lake Road.

Jeremy Garrett, Tim Dougherty (Jenny Dougherty gave her 5 minutes to Tim), Joe McClure, and Bryan Morgan. All other attendees stated they wanted to observe only. Those who spoke in opposition to the project had concerns about an increased strain on the current infrastructure – specifically water and Smith Lake Road, losing a sense of rural lifestyle as 5 acres is not rural; urban sprawl, loss of wildlife corridors, creating a precedence for future zone changes and development, lack of guarantees that Beeline will actually extend its services to the area, poor existing road conditions and further degradation of the roads, loss of well water, and increases in property taxes. Ms. Vogel summarized for the record letters of opposition from Sara Treat, Dan Wilkins, Daryl Wilkins, and J. Wilkins.

**Commissioner Hollabaugh left the hearing at 6:58 p.m. during public testimony and did not return.**

**Applicant Rebuttal:** Mr. Davis said that he can appreciate that 5 acres is not ideal for timberland and that Smith Lake Road continues to get worse with the traffic but that the worst of it, as shown in exhibits G through J provided by Mrs. Garrett, is past the subject parcels and shouldn't be a concern for the proposal. Mr. Davis stated that he is appealing to the County's current comprehensive plan and zoning ordinance. Commissioner Self asked if any septic permits had been applied for. Mr. Graber stated that his portion of the property did have a septic permit but none of the other proposed 5-acre lots do. Mr. Davis stated that agency approval like Road & Bridge and Panhandle Health District (PHD) is not required for a zone change. Mr. Davis ended the applicant rebuttal by stating that the proposal is appropriate with the current comprehensive plan and zoning ordinance and requested that the Commission recommend approval to the BOCC.

**Close of Hearing & Deliberation:** The Co-Chairman closed public testimony and opened deliberation. During deliberation, the Commission discussed concerns of infrastructure issues regarding Smith Lake Road and availability of water, loss of the rural character and lifestyle, and issues of safety as no water means fire can't be fought. The Commission stated they wanted there to be a guarantee of water availability prior to any approval of the proposal as Beeline provided no guarantees. Commissioner Woywod stated that the subject properties

don't seem to be appropriate to have 5-acre minimums. Commissioner Isaac noted the Beeline water shortage that occurred in the summer of 2021. Commissioner Cranor stated that in regard to consistency, the proposal doesn't seem bad but there are issues with water and roads. Co-Chairman Purdom said that it is unfortunate but more people complaining about the road could get it more attention from the Boundary County Road & Bridge Department.

**Motion to Recommend Denial:** Commissioner Self moved to recommend denial to the Boundary County Board of Commissioners the request to amend the Boundary County comprehensive plan land use designation map and zoning map from Agriculture/Forestry to Rural Residential, File 21-0224, 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. This action does not result in a taking of private property. Commissioner Woywod second the motion. The Co-Chairman declared the motion approved on a 4-1-1 voice vote, with Commissioners Self, Woywod, Isaac, and Fuller voting to approve the motion to recommend denial; Commissioner Cranor abstaining; and Co-Chairman Purdom voting against the motion to recommend denial.

**FILE 21-0231, VARIANCE, MARK & LAURA BEAZER** are requesting approval for a lot size minimum variance to allow a 9.74-acre parcel, where 10 acres is required for a future land division of a 19.74-acre parcel into a 10-acre parcel and a 9.74-acre parcel. The property has a comprehensive plan land use and zoning designation of Agriculture/Forestry, with a minimum density of 10 acres. The site is located at 93 Flicker Road and is identified as Assessor's Parcel RP62N03E297951A, in Section 29, Township 62 North, Range 3 East, B.M.

**Chairman Davis returned to the Commission proceedings.**

**Hearing Summary:** Co-Chairman Purdom, read the file legal notice.

**Call for Disclosures:** The Co-Chairman called for disclosures or conflicts of interest regarding the file. No disclosures were stated.

**Application Summary:** The Co-Chairman summarized the application. Assistant Contract Planner Tessa Vogel presented the staff report.

**Applicant Presentation:** Applicant Mark Beazer provided an overview of his proposal, stating that he and his wife want to be able to give their son a piece of property and that they have been working with their neighbors about potential access proposals. Mr. Beazer stated that the exact size of the property was not know and that the request was based on the size of the property listed on the property assessment from the County.

**Public Testimony:** No public testimony was given.

**Applicant Rebuttal:** No applicant rebuttal was given.

**Close of Hearing & Deliberation:** The Co-Chairman closed public testimony and opened deliberation. During deliberation, the Commission discussed the size of the lot size minimum variance due to the applicant stating that the exact size of the property was unknown.

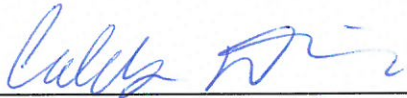
**Motion to Approve:** Co-Chairman Purdom moved to approve File 21-0231, for a lot size minimum variance for a 10-acre parcel and a remainder parcel, finding that the parcel is in accord with the comprehensive plan and the criteria of Section 12 of the Boundary County Land Use Ordinance, based upon the findings and conclusions as amended. The Commission amended the variance lot size minimum from 9.74 and 10 acres to 10 acres and a

remainder parcel. This action does not result in a taking of private property. Commissioner Davis seconded the motion. The Co-Chair declared the motion approved on a unanimous voice vote of those present.

**New Business:**

Acting Zoning Administrator Clare Marley advised the Commission to review the proposed 2022 meeting calendar and stated that they will need to vote on the calendar at their December 16, 2021 hearing. Assistant Land Use Planner Tessa Vogel advised the Commission of the files that will come before them at the December hearing and those that are to be heard by the BOCC on November 9, 2021.

**Adjournment:** Co-Chairman Purdom moved, and Commissioner Cranor seconded the motion, to adjourn the meeting. The Co-Chairman declared the motion approved on a unanimous voice vote and closed the meeting at 7:44 p.m.

 12/16/2021

Caleb Davis,  
Boundary County Planning and Zoning Commission Chairman