



**BOUNDARY COUNTY PLANNING AND ZONING**

Street address: 6452 Kootenai St Bonners Ferry, ID 83805 Mailing address: PO Box 419, Bonners Ferry, ID 83805 Phone (208) 267-7212 [www.boundarycountyid.org](http://www.boundarycountyid.org) (web page)

**PLANNING & ZONING COMMISSION  
MINUTES of December 16, 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 type="checkbox"/> David Hollabaugh | <input checked="" type="checkbox"/> John Cranor |
| <input type="checkbox"/> Rob Woywod                    | <input type="checkbox"/> Scott Fuller                     | <input type="checkbox"/> Tim Heenan       |   |
| <input checked="" type="checkbox"/> Adam Isaac         | <input checked="" type="checkbox"/> Ron Self              |   |   |

Chair Davis called the meeting to order at about 5:41 p.m. Roll call: Commission members present are noted with a checked box above.

**Consent Agenda:**

Commissioner Cranor moved, and Commissioner Self seconded the motion, to approve the October 28, 2021, minutes. The Chair declared the motion approved on a unanimous voice vote.

Commissioner Purdom moved, and Commissioner Isaac seconded the motion, to approve the 2022 Planning and Zoning Commission meeting calendar. The Chair declared the motion approved on a unanimous voice vote.

**Public Hearing:**

**FILE 22-0007, VARIANCE, ASHDOWN REVOCABLE TRUST** is requesting approval for a lot size minimum variance of 2.67 acres, where 10 acres is required, to allow for a future parcel line adjustment of a 10-acre parcel in the Ag/Forestry zone. The parcel is identified as Assessor's parcel RP61N01E220751A, located at 426 Ranger Road, in Section 22, Township 61 North, Range 1 East, B.M.

**Opening and Hearing Summary:** Chair Davis opened the hearing and read the file legal notice. Acting Zoning Administrator Clare Marley explained the hearing procedures.

**Call for Disclosures:** The Chair called for disclosures or conflicts of interest regarding the file. Commissioner Self disclosed that he works with the applicant through his Veterans Service Office, but this will not cause a conflict of interest and no ex parte contact has occurred.

**Application Summary:** Assistant Contract Planner Tessa Vogel presented the staff report.

**Applicant Presentation:** The applicant, Sheldon Ashdown, was present but did not provide testimony.

**Public Testimony:** The Chair stated that the public testimony portion will go in order of those for, neutral and then against the proposal. Matt Philbrook (neutral) stated he would be buying the 7.33-acre remainder through a parcel line adjustment if the proposal were approved.

**Applicant Rebuttal:** The applicant provided no rebuttal.

**Close of Hearing & Deliberation:** The Chair closed public testimony and opened deliberation. The Commissioner members noted this is a developing area. The Chair reviewed the standards of a variance, and the Commissioner discussed that: 1) the property's features don't warrant a variance; 2) the proposal is a result of the applicant's actions, 3) it is unknown if this is a minimum need; and 4) granting this variance could be a privilege. Commissioner Self stated that he believes that not being able to pay your taxes is a hardship. Commissioner Purdom stated that the proposal would change the character of the area. The Chair stated that even if the proposal were the minimum needed, it would be going around the zone change process. Commissioner Isaac stated he does not want the Commission to start something that could set a precedent. Commissioners Purdom and Cranor suggested increasing the request to 5 acres and wanted to open public testimony again to ask the applicant and Mr. Philbrook their thoughts on the increase to 5 acres.

**Public Testimony Re-Opened:** Commissioner Self moved, and Commissioner Cranor seconded the motion, to reopen public testimony regarding acreage. The Chair declared the motion approved on a unanimous voice vote. Mr. Philbrook stated that the applicant can no longer maintain 10 acres and that he would not be interested in only 5 acres. Ms. Marley asked if Mr. Philbrook had considered a life estate, to which Mr. Philbrook stated that the applicant was not interested in doing a life estate. Jesse Stafford stated that there are creative ways to keep people on their land without going around the zoning.

**Close of Hearing & Deliberation:** The Chair closed the public testimony and opened deliberation. The Chair stated that there are multiple reasons previously discussed to deny the proposal. Commissioner Isaacs stated that he would be okay with the minimum being 5 acres instead of the requested 2.67 acres, and the Chair stated that it would still be circumventing zoning.

**Motion to Deny:** Chair Davis moved to deny the request for a lot size minimum variance of 2.67 acres, where 10 acres is required, to allow for a future parcel line adjustment, File 22-0007, finding that the proposal **IS NOT** in accord with the comprehensive plan and the criteria of Section 12 of the Boundary County Zoning and Subdivision Ordinance, based upon the findings and conclusions as written, stating that Sections 12.4.4.1., 12.4.4.4., 12.4.4.5. and 12.4.4.8. are not met. This action does not result in a taking of private property. Commissioner Isaac seconded the motion. The Chair declared the motion approved on a 3-2 voice vote, with Commissioners Self and Cranor voting against the motion.

**FILE 22-0010, CONDITIONAL USE PERMIT, DONALD & TERESA DODD** are requesting approval of a conditional use permit for a recreational hospitality RV park of up to 20 units through a phased development on a 12-acre parcel in the Rural Residential zone. The parcel is identified as Assessor's parcel RP63N01E262414A, located off Highway 95 and Fawn Lane, in Section 24, Township 63 North, Range 1 East, B.M.

**Hearing Summary:** The Chair read the legal notice and Acting Zoning Administrator Clare Marley explained the hearing procedures.

**Call for Disclosures:** The Chair called for disclosures or conflicts of interest regarding the file. No disclosures were made.

**Application Summary:** Assistant Contract Planner Tessa Vogel presented the staff report.

**Applicant Presentation:** Applicant Donald Dodd stated that he had spoken with previous acting zoning administrator John Moss, who advised Mr. Dodd that what he wanted to do did not require permits as it was for a campground. One of the RV units is for the caretaker and the other five units are vacant rentals. Water, septic, and power are installed. The use started as a campground but as there is a need for affordable housing, it grew to the current use. The tree farm is still in use and being used as a visibility and noise buffer. Mr. Dodd plans to include more trees for a buffer along the State highway and is currently working with Boundary County Road & Bridge to move the access point. The applicant's representative, Tyler Dodd, stated that this has been a process

of cleaning up the property for the use, including removing dead and dying trees. Tyler Dodd stated that additional RV units would be put into the existing treed area and will stay 40 feet apart. Tyler Dodd, in reference to public comments in the staff report, stated that crime is not a concern because of the type of people being allowed to stay there, there is a cistern for water proposed, the fire department is across the road and there is a water truck on site. He also stated that they had not put in an application with the Road & Bridge Department as they are waiting on the decision of the P&Z proposal.

**Public Testimony:** The Chair stated that the public testimony portion will go in order of those for, neutral and then against the proposal. Ryan Johnsen (neutral) from Panhandle Health District stated that the applicants have a permit for the six RV units and that a new septic system or an expansion of the current system would be required with any expansion of the RV units. Mr. Johnsen also answered questions from the Commission regarding engineered drainfields and possible LSAS (Large Soil Absorption System). Jesse Stafford stated that the parcel does not seem large enough for a 20-unit RV park with the needed infrastructure. The remainder of the public comments were opposed to the proposal. Members of the public who commented were Wes Rayner (provided exhibits A & B – advertisement and route from Fawn Lane to the highway), Donna Bell, Susan Clark, Raymond Funkhouser, Rich Costello, Travis Westburg, Grace Popoff, Leona Barry, Gail McLeod, and Richard Clark. Those who spoke in opposition to the proposal voiced concerns about unpermitted structures, advertising before being approved, dangers of turning from Fawn Lane onto the State highway, no fire hydrants on site, portion of property that borders the State highway produces excessive dust, mud and traffic, the bus stop across the highway at Camp Nine Road is already affected by people not stopping when crossing the highway and will see this increase with the RV park, unauthorized Bee Line Water hookups by the applicant, the applicants are offering long-term housing when RV parks are supposed to be short-term, many dead trees are a fire hazard, there is another RV park heard to be going in down Fawn Lane, many issues with loud noises during the day and night, traffic at Fawn Lane already has to be stopped at times to help RVs maneuver onto the road, long-term RV units is a way to get around the mobile home park standards, water availability, poor maintenance of the trees on site, reducing property values and privacy, a transient population will increase crime, approval of the proposal would set a precedent, and the issue of trash collection not being explained.

**Applicant Rebuttal:** Donald Dodd questioned testimony about possible noise or crime and if there are so many issues going on, why hadn't the police been called and that these issues aren't as bad as the public is making them out to be.

**Close of Hearing & Deliberation:** The Chair closed the public testimony and opened deliberation. During deliberation, the Commission spoke to needing information from the Idaho Transportation Department (ITD) and Road & Bridge Department concerning the traffic issues, that if anyone is wanting to approve the proposal that it needs to be tabled until the January 2022 hearing to get information from the road jurisdictions, concerns about unauthorized Bee Line Water hookups by the applicant, and the site plan does not appear to support 20 units. The Commissioners stated that there are a lot of unknowns about the proposal as the application provided insufficient information to allow approval. The Chair stated that it seems like the options are to table or deny the proposal, as there isn't enough information in the application for an approval and asked Ms. Marley to explain what a remand is. Ms. Marley advised that a remand means returning the application to the applicant for specific additional information or amendments and consideration at a future hearing.

**Motion to Deny:** Commissioner Self moved to deny the proposal of a conditional use permit for a recreational hospitality RV park of up to 20 units, File #22-0010, finding that the proposal **IS NOT** in accord with the standards of Idaho Code and Boundary County Zoning and Subdivision Ordinance, based upon the findings and conclusions as written, stating that Section 7.7.1. was not met. This action does not result in a taking of private property. Commissioner Purdom seconded the motion. The Chair declared the motion approved on a unanimous voice vote.

**FILE 22-0017, COMP PLAN MAP & ZONING MAP AMENDMENTS, WARREN & TAMARA PATZER** are requesting approval to amend the Boundary County comprehensive plan and zoning maps from Rural Residential to Suburban to allow for a future land division of the 3.65-acre parcel at the Suburban density of 1-acre. The parcel is identified as Assessor's Parcel RP62N02E203149A, located at 1177 Blume Hill Road, in Section 20, Township 62 North, Range 2 East, B.M.

**Hearing Summary:** The Chair read the legal notice and Acting Zoning Administrator Clare Marley explained the hearing process.

**Call for Disclosures:** The Chair called for disclosures or conflicts of interest regarding the file. No disclosures were made.

**Application Summary:** Assistant Contract Planner Tessa Vogel presented the staff report.

**Applicant Presentation:** Shane Patzer (applicant's representative) stated that he wants to move into the existing home on the property and build a single-level home for his parents to move into. When asked by the Commission if they have spoken to the property owners to the north to see if they wanted to be part of the proposal so the comprehensive plan amendment and rezone would touch the Suburban zone, Mr. Patzer stated that they had not spoken to the neighbor.

**Public Testimony:** The Chair stated that the public testimony portion will go in order of those for, neutral and then against the proposal. Jesse Stafford stated that being creative with housing is better than changing the zone.

**Applicant Rebuttal:** Shane Patzer asked the Commission why they wanted to know whether they had asked their neighbors to join the proposal. Commissioner Self clarified that what is being proposed is spot zoning and that if the northern property were included, the proposal would be touching the Suburban zone instead of creating spot zoning. Mr. Patzer also had questions about the option of the conditional use permit process to allow an additional primary dwelling on a single parcel. Ms. Vogel explained that this process was explained to the applicants, but they were not interested as the property could not be divided into two, separate parcels.

**Close of Hearing & Deliberation:** The Chair closed the public testimony and opened deliberation. During deliberation, the Commission spoke to the proposal not being a good option due to spot zoning, the Commission previously denying similar requests, and that there are other options for the applicant including building an accessory dwelling unit or going through a conditional use permit for an additional primary dwelling.

**Motion to Recommend Denial:** Commissioner Isaac 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 the zoning map from Rural Residential to Suburban, File #22-0017, finding that the proposal **IS 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 written, finding that the proposal would create spot zoning. Commissioner Isaac accepted to his motion the additional conclusions that the property is appropriate for the current Rural Residential designation, as described in Section 13.4.7 (renumbered Section 13.5.7 in 2014) and not consistent with the Suburban comp plan policy, and that the request is inconsistent with the surrounding zones. This action does not result in a taking of private property. Commissioner Self seconded the motion. The Chair declared the motion approved on a 4-1 voice vote with Commissioner Purdom voting against the motion.

**New Business:** Ms. Marley notified the Commission that there are no files scheduled for the January 2022 meeting. Ms. Marley also spoke with the Commission about deadlines for written public comment for hearings and the need to create hearing procedures regarding public testimony and how the public conducts themselves

at hearings. The Commission agreed that should be done. Ms. Marley also gave the Commission updates from the December 14, 2021, BOCC hearing.

**Motion to go into executive session:** Commissioner Purdom moved to enter into executive session, pursuant to Idaho Code §74-206 (a), to consider hiring a public officer, employee, staff member or individual agent, and Commissioner Self seconded the motion. The Chair declared the motion approved by a unanimous roll call vote. The recorders were paused at 8:14 p.m.

Chair Davis excused himself from the meeting.

Chair Davis returned to the meeting.

**Motion to close executive session:** The recording resumed at 8:22 p.m. Commissioner Purdom moved to close the executive session, and Commissioner Self seconded the motion. The Chair declared the motion approved by a unanimous roll call vote.

**New Business cont.:** Commissioner Purdom moved to recommend to the Board of Commissioners the reappointment of Commissioners Davis and Woywod to the Boundary County Planning and Zoning Commission, and Commissioner Isaac seconded the motion. The Chair declared the motion approved by a unanimous voice vote.

**Adjournment:** Commissioner Self moved to adjourn the meeting and Commissioner Cranor seconded the motion. The Chair declared the motion approved by a unanimous voice vote. The meeting was adjourned at 8:24 p.m.

 2/24/22

---

Caleb Davis,  
Boundary County Planning and Zoning Commission Chair