



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 (web page)

PLANNING & ZONING COMMISSION

MINUTES of December 8, 2022 Public Hearing

Boundary County Annex (former Armory Building) at 6566 Main St., Bonners Ferry, ID 83805

P&Z Members in attendance:

- | | | | |
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| <input checked="" type="checkbox"/> Caleb Davis | <input checked="" type="checkbox"/> Wade Purdom, Acting 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-Chair Purdom called the meeting to order at 5:36 p.m. Roll call: Commission members present are noted with a checked box above. Commissioner Davis was in attendance via teleconference for a portion of the meeting. Also in attendance: Acting Zoning Administrator Clare Marley, via video conference, and Assistant Contract Planner Tessa Vogel.

Consent Agenda:

Commissioner Hollabaugh moved, and Commissioner Fuller seconded the motion, to approve the October 27, 2022. The Chair declared the motion approved, with Commissioner Self abstaining.

Commissioner Self moved, and Commissioner Cranor seconded the motion, to approve the 2023 Boundary County Planning and Zoning Commission meeting calendar. The Co-Chair declared the motion approved unanimously on a voice vote.

Public Hearings:

FILE 23-0002, CONDITIONAL USE PERMIT, WEIS TOWERS, LLC is requesting approval for a conditional use permit for a 130-foot-tall communication tower and associated antennae and ground equipment within 500 feet of an existing dwelling on a 4.07-acre parcel in the Agriculture/Forestry zone. The parcel is located at 496003 Highway 95 and is identified as Assessor's Parcel RP60N01W131750A in Section 13, Township 60 North, Range 1 West, B.M.

Opening and Hearing Summary: The Co-Chair opened the hearing and read the description of the project. Assistant Planner Tessa Vogel read the hearing process and explained the public testimony allowances and exhibit requirements based on the adopted hearing procedures.

Call for Disclosures: The Co-Chair called for disclosures or conflicts of interest regarding the file. There were no conflicts or disclosures announced.

Application Summary: Ms. Vogel presented the staff report and reviewed the standards, findings of fact, and proposed conditions of the conditional use permit. The Commissioner had questions regarding the site surroundings and tower lighting/airport effects, which Ms. Vogel clarified.

Applicant Presentation: Justin Abbott via teleconference, applicant representative, advised that he has read the staff report and conditions of approval and agrees with them. He confirmed that no tower lighting is planned,

and the tower is to be powered by electricity via underground lines. The tower is designed for co-location of other tower facilities, he said.

Public Testimony: Those speaking in favor: Wireless provider for Inland Cellular, Nathan Weis (applicant), spoke of communication tower coverage in the area and support for co-location. Those neutral: None. Those in opposition: Paula Martling spoke of her concern regarding the possible health and environmental effects of towers. Ms. Vogel explained the limitations local governments have from the Federal Telecommunications Act on the basis of health.

Applicant Rebuttal: Mr. Weis stated the use of the tower is for wireless internet and cellular service. In regard to questions from the Commission, Mr. Weis stated that the directional beams will be in a north/south orientation. Mr. Abbott explained where the public can find information on how communication towers impact human health.

Close of Hearing & Deliberation: The Co-Chair closed the hearing and called for deliberation.

Motion: Commissioner Self moved, and Commissioner Woywod seconded the motion, to approve the conditional use permit for a tower not exceeding 150 feet, to allow for a 130-foot-tall tower with a 10-foot-tall antenna and storage structure, File #23-0002, finding that the proposal **IS** in accord with the standards of Idaho Code and Section 7 of the Boundary County Zoning and Subdivision Ordinance, based upon the findings, conclusions, and conditions as written and determined this action does not result in a taking of private property. The Co-Chair declared the motion approved on a 6-1 voice vote, with Commissioner Fuller voting no.

FILE 22-0215, VARIANCE, BRIAN HORTON is requesting approval for a side yard variance to allow a 10-foot setback, where 25 feet is required, to allow for the building of a garage on a 4.77-acre parcel in the Agriculture/Forestry zone. The parcel is located at 86 Lions Den Road and is identified as Assessor's Parcel RP61N01E182417A in Section 18, Township 61 North, Range 1 East, B.M.

Opening and Hearing Summary: The Co-Chair opened the hearing and read the description of the project. Ms. Vogel read the hearing process and explained the public testimony allowances and exhibit requirements based on the adopted hearing procedures.

Call for Disclosures: The Co-Chair called for disclosures or conflicts of interest regarding the file. There were no conflicts or disclosures announced.

Application Summary: Ms. Vogel presented the staff report and reviewed the standards, findings of fact, and proposed conditions of the variance.

Applicant Presentation: Brian Horton, project applicant, stated the reasoning for the request is due to the location of the built structures, infrastructure lines for water, power, and sewer, and the location of the wetlands on site. Mr. Horton also stated that he has spoken to the landowners of Selkirk Storage, the property adjoining the side yard setback, and they have stated to Mr. Horton that they have no problem with the proposal.

Public Testimony: No public testimony was presented.

Applicant Rebuttal: No rebuttal was presented.

Close of Hearing & Deliberation: The Co-Chair closed the hearing and called for deliberation.

Motion: Commissioner Self moved, and Commissioner Hollabaugh seconded the motion, to approve the request for a side yard setback variance to allow for a 10-foot side yard setback, where 25 feet is required, to allow for

the building of a garage, File #22-0215, 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, conclusions, and conditions as amended to add condition #5, reading as, *any damage to the neighboring shared fence due to snow from the proposed structure shall be the responsibility of the applicant*. The Commission also determined this action does not result in a taking of private property. The Co-Chair declared the motion approved on a unanimous voice vote.

FILE 22-0209, CONDITIONAL USE PERMIT, THE JOHN & JACQUELYN GALE FAMILY TRUST is requesting approval for a conditional use permit for 6-8 RV pedestals with hookups to allow for a Recreational Hospitality use on a 31.56-acre parcel in the Agriculture/Forestry zone. The parcel is located at 213 Haven Lane and is identified as Assessor's Parcel RP60N01W021250A in Section 2, Township 60 North, Range 1 West, B.M.

Opening and Hearing Summary: The Co-Chair opened the hearing and read the description of the project. Ms. Vogel read the hearing process and explained the public testimony allowances and exhibit requirements based on the adopted hearing procedures.

Call for Disclosures: The Co-Chair called for disclosures or conflicts of interest regarding the file. There were no conflicts or disclosures announced.

Application Summary: Ms. Vogel presented the staff report and reviewed the standards, findings of fact, and proposed conditions of the conditional use permit.

Applicant Presentation: Mark Gale, project representative, stated that he is wanting RV spots for his family and friends to be able to use and will most likely only have 6 spots at most. Mr. Gale also spoke to his maintenance of Haven Lane and that he is fine with the recommendations the McIntyres proposed in their public comments.

Public Testimony: Those speaking in favor: none. Those speaking neutral: Brian McIntyre spoke to his concerns that there are already 3 RVs on site and others had been that caused issues with trespassing and aggressive dogs from non-family members staying on site. Mr. McIntyre spoke to his recommendations listed in his November 30, 2022, public comment letter. Kirsten McIntyre spoke to recommending having a survey completed for the Gale property to know the boundaries and location of the easement that is Haven Lane. Those speaking opposed to: Clarence Jones spoke to concerns about the impact to Haven Lane, water availability and concerns about Mr. Gale hooking into his waterline, and that the proposal is for recreational hospitality, but the applicant states it is only for family and friends. Aiden Jansen spoke to having his water run out every summer and more hookups to Cabinet Mountains Water District or Highland Flats Water will make this worse. Dawn Kingsly spoke to the applicant removing a fence on her property near the easement boundary for Haven Lane and she inquired about where the garage will be stored on site. John DePue spoke to the inability of the existing easement of Haven Lane not being able to be expanded through Ms. Kingsly's property.

Applicant Rebuttal: Mr. Gale stated that he has Highland Flats Water rights and was given permission to use Clarence Jones' water but that he plans to install a well for the RV sites and that his existing well is producing 4.5 gallons per minute. He also stated that he has no problem taking care of the road or having a survey completed for the easement.

Close of Hearing & Deliberation: The Co-Chair closed the hearing and called for deliberation. The Commission reviewed the standards for consideration and discussed their concerns regarding easements, access, and issues raised by the public. They questioned whether the application information was sufficient to make a decision, and suggested the item be tabled to allow additional information to be provided.

Motion: Commissioner Hollabaugh moved, and Commissioner Isaac seconded the motion, to continue the hearing to 5:30 p.m., January 26, 2023, at the Boundary County Annex building to allow the applicant to provide

additional information regarding ownership and easements serving the property. The Co-Chair declared the motion approved on a unanimous voice vote.

Ms. Marley advised that the Commission would need to be reopen the hearing in January to enter the new information into the record. They will also need to allow additional testimony, but may limit testimony to the new information only, she said.

New Business: Ms. Vogel provided a brief overview of the potential files the Commission will hear in January, updated the Commission on the canceled FEMA meeting, and provided the Commission with the final decisions of the Board of County Commissioners from November.

Executive Session:

Motion to enter executive session: Commissioner Woywod moved, and Commissioner Self seconded the motion, to enter into executive session, pursuant to Idaho Code §74-206 Paragraphs A and B to consider hiring a public officer, employee, staff member or individual agent or to consider the evaluation of a public officer. Roll call vote: Purdom: Aye; Cranor: Aye; Self: Aye; Woywod: Aye; Hollabaugh: Aye; Isaac: Aye; Fuller: Aye. The Co-Chair declared the motion approved on a unanimous roll call vote of those present.

Motion to close executive session: Commissioner Self moved, and Commissioner Cranor seconded the motion, to close the executive session. Roll call vote: Purdom: Aye; Cranor: Aye; Self: Aye; Woywod: Aye; Hollabaugh: Aye; Isaac: Aye; Fuller: Aye. The Co-Chair declared the motion approved on a unanimous roll call vote of those present.

Motion to recommend to Board of County Commissioners: Commissioner Woywod moved, and Commissioner Cranor seconded the motion, to recommend to the Board of County Commissioners the reappointment of Ron Self to the Boundary County Planning and Zoning Commission. Roll call vote: Purdom: Aye; Cranor: Aye; Self: Abstain; Woywod: Aye; Hollabaugh: Aye; Isaac: Aye; Fuller: Aye. The Co-Chair declared the motion approved on a 6-0-1 roll call vote of those present, with Commissioner Self abstaining.

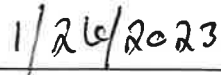
Motion to recommend to Board of County Commissioners: Commissioner Self moved, and Commissioner Woywod seconded the motion, to recommend to the Board of County Commissioners the reappointment of David Hollabaugh to the Boundary County Planning and Zoning Commission. Roll call vote: Purdom: Aye; Cranor: Aye; Self: Aye; Woywod: Aye; Hollabaugh: Abstain; Isaac: Aye; Fuller: Aye. The Chair declared the motion approved on a 6-0-1 roll call vote of those present, with Commissioner Hollabaugh abstaining.

Motion: Commissioner Woywod moved, and Commissioner Hollabaugh seconded the motion, to table the recommendation for the appointment to the remaining vacant position on the Commission to January 26, 2023, to determine whether the Board of County Commissioner wishes to advertise the vacancy first. The Co-Chair declared the motion approved on a unanimous vote.

Adjournment: Commissioner Self moved, and Commissioner Woywod seconded the motion, to adjourn. The Co-Chair declared the meeting adjourned at 8:28 p.m. on a unanimous voice vote.



Caleb Davis, Chair
Boundary County Planning & Zoning Commission



Date: