

BOUNDARY COUNTY PLANNING AND ZONING

 Street address: 6447 Railroad St., Suite D, Bonners Ferry, ID 83805
 Mailing address: PO Box 419, Bonners Ferry, ID

 83805
 Phone (208) 267-7212
 www.boundarycountyid.org (web page)

STAFF REPORT BOUNDARY COUNTY PLANNING & ZONING COMMISSION FILE #24-0051, KOVERAGE CONTRACTORS, LLC COMMERCIAL USES WITH PRIMARY STRUCTURES EXCEEDING 15,000 SQUARE FEET

Prepared By:	Tessa Vogel, Associate Contract Plan Ruen-Yeager & Associates, Inc.	ner
Project Description:	The applicant is requesting a condition for commercial uses with primate exceeding 15,000 square feet on a parcel in the Commercial/Light Industry include storage unit buildings along w retail stores, storage shops, and a lu building. Currently, the office, one se attached shop, lumber storage building storage unit buildings exist. Additiona proposed and include a second store, shops, and six storage unit buildings.	ry structures in 18.83-acre rial zone. Uses with an office, mber storage store with an ng, and seven I buildings are
Project Location:	65126 Highway 2	
Parcel Number:	RP62N01E133000A	
Legal Description:	E2NW4NW4 less R/W PWE #169439 in R1E	n SEC 13 T62N
Zoning District:	Commercial/Light Industrial	
Applicants/Landowners:	Koverage Contractors, LLC	
Date Complete Application Received:		02/26/2024
Hearing Date:	Planning & Zoning Commission:	03/28/2024
Legal Notice Provided:	Newspaper: Site Posting: Mailed: To landowners within 300' & Taxing Districts:	03/07/2024 03/20/2024 03/06/2024
Staff Report Attachments:	Legal notice, application/site plan, addressing layout	floor plans,

PROJECT SUMMARY

Koverage Contractors, LLC is requesting a conditional use permit for commercial uses with primary structures exceeding 15,000 square feet on an 18.83-acre parcel in the Commercial/Light Industrial zone. Uses include storage unit buildings along with an office, retail stores, storage shops, and a lumber storage building. Currently, the office, one store with an attached shop, lumber storage building, and seven storage unit buildings exist. Additional buildings are proposed and include a second store, three storage shops, and six storage unit buildings. The parcel is located at 65126 Highway 2 and is identified as Assessor's Parcel RP62N01E133000A in Section 13, Township 62 North, Range 1 East, B.M. The site is accessed off Highway 2, is served by individual well, septic system, City of Bonners Ferry for power, the North Bench Fire District and is located in the Three Mile Water District boundaries and Airport Overlay Area.

HISTORY

- On January 05-11, 2024, a complaint regarding the on-site lighting was submitted to the Boundary County Planning & Zoning Department (P&Z Department).
- On January 18, 2024, Planning Staff conducted permitting research for the property and found one, commercial placement permit was on file, #20-0033, for the existing countertop shop. No other placement permits or conditional use permits were on file for the existing storage buildings, shops, Koverage store, lumber storage structure or dwelling. A notice of possible violation letter regarding file BV0001-24 was sent to the landowner.
- On <u>February 08, 2024</u>, a violation letter was sent via certified mail to the landowner prior to his voicemail to planning staff the same day regarding the notice letter.
- On <u>February 13, 2024</u>, Planning Staff spoke with the landowner regarding the notice letter and lighting complaint, noting he met with previous Zoning Administrator John Moss regarding the proposed (now existing) commercial and residential development of the site and was told that no additional permits would be required due to zoning. Planning staff scheduled an on-site visit with the landowner for <u>February 15, 2024</u>.
- On <u>February 15, 2024</u>, planning staff met with the landowner on site to review the existing and any proposed development for the site, discussed the necessary permits required and standards for the commercial development. The landowner gave planning staff permission to come to the site to take photos of the existing development and the lighting on site in the evening to capture the light projection and possible glare.
- On <u>February 23, 2024</u>, Planning Staff made an on-site visit during daylight hours to take photos of all the existing development on site.
- On <u>February 24, 2024</u>, Planning Staff made an on-site visit during evening hours to take photos of the on-site lighting with the landowner. The landowner noted which lights have been turned off to accommodate neighboring properties.
- On <u>February 26, 2024</u>, the landowner completed the required conditional use permit (#24-0051), commercial placement permit (#24-0052), and residential placement permit (#24-0053). Planning staff routed the applications for review and scheduled the file for the <u>March 28, 2024</u>, Planning & Zoning Commission public meeting.

PERMITS

 This conditional use permit, file #24-0051, has been applied for regarding the overall existing and proposed commercial use of the subject parcel for the storage units, shops, stores, lumber storage structure, and signs. The already permitted countertop building is not part of this conditional use permit.

- One commercial placement permit, File #24-0052, has been applied for to include all <u>existing</u> commercial development on site per Section 6.2. of the Boundary County Land Use Code. All future commercial structures for the site shall require their own individual placement permits. File #24-0052 cannot be issued prior to the approval of this conditional use permit.
- A residential placement permit, file #24-0053, has been applied for that includes the residential shop with attached apartment that is not part of this conditional use permit but is located on site.

PROJECT SETTING		
Access	State Highway 2 (public)	
Current use	Commercial/Industrial; Residential	
Services, utilities	Septic, well, North Bench Fire District, City of Bonners Ferry	
Hazardous Areas	Special Flood Hazard Area Zone X, Panel 1602070575B, no floodplain/floodway	
Zoning overlays or special areas	Within the Airport Overlay Area	
Site Zoning & Comp Plan designation	Commercial/Light Industrial	
Surrounding Zoning & Comp Plan designations	Commercial/Light Industrial	
Surrounding uses	Airport, commercial/industrial, residential, state highway, agriculture	



AERIAL OF SITE



AIRPORT OVERLAY AREA & TRAFFIC PATTERN



SITE PLAN



FLOOR PLAN – STORAGE UNITS



FLOOR PLANS - SIGNS

AUTHORITY

- Idaho Code §67-6512, Special Use Permits, Conditions, and Procedures
- Boundary County Land Use Ordinance, Section 2, Definitions
- Boundary County Land Use Ordinance, Section 7, Conditional Use Permits
- Boundary County Land Use Ordinance, Section 10, Standards for Specific Uses
- Boundary County Land Use Ordinance, Section 15.14., Commercial/Light Industrial Zone

AGENCY/STAFF COMMENTS

The following agencies were routed for comments on <u>February 26, 2024, and March 06, 2024</u>: Boundary County Addressing (R&B), Airport, Ambulance, Assessor, Commissioners, Library, Road & Bridge, Boundary School #101, Idaho Department of Environmental Quality, Idaho Transportation Department, North Bench Fire District, Panhandle Health District, and Three Mile Water District.

Boundary Co. Airport: This is in the Airport Overlay zone and will require a 7460-1 study and responses as well as a completed fair disclosure form.

Staff Note: Landowner has completed the fair disclosure form which has been provided to the Airport and is actively working with the FAA regarding the required 7460-1 study.

Boundary Co. Addressing: No issues.

Idaho Transportation Department: *ITD would like the permittee to reapply for a change in use permit. The original permit, #1-19-103 was for 10 cars per day and this has significantly increased. A provision of their original permit was the following: "This permit is only approved on the existing uses in place and/or the uses stated in the application. Any future commercial, industrial, or residential developments...will require a new permit and could trigger impact study for improvements to the highway...Any future changes in use of the access approved in this permit requires a review by ITD and the existing permit is subject to become VOID. ITD will need the deed verifying ownership, the new site plan, traffic counts, and the \$50 fee.*

Staff Note: Landowner is actively working with ITD to update the permit for the approach.

Panhandle Health District: PHD has an application, written a permit, completed a final inspection/approval for a subsurface sewage disposal system for parcel RP62N01E133000A. Permit number is #20-11-147151. This permit was written for one, 2-bedroom dwelling. Other permits with final approval on parcel RP62N01E133000A are #22-11-151801 (200gpd commercial facility) and #19-11-143715 (240gpd commercial facility). Any dwelling construction that creates new or increases wastewater flows must have an approved location for the wastewater to go.

PUBLIC COMMENTS

Landowners within 300' of the subject property were notified of the proposal on <u>March 06, 2024</u>, and notice was provided in the Bonners Ferry Herald on <u>March 07, 2024</u>. No written public comments were submitted to the record up to the completion of this staff report.

STANDARDS ANALYSIS & EVIDENCE OF APPLICABLE CODES & COMPREHENSIVE PLAN

Idaho Code §67-6512, Special Use Permits, Conditions, & Procedures:

A special use permit/conditional use permit may be granted to an applicant if the proposed use is conditionally permitted by the terms of the ordinance, subject to conditions pursuant to specific provisions of the ordinance, subject to the ability of political subdivisions, to provide services for the proposed use and when it is not in conflict with the plan.

Staff: The Boundary County code allows for conditional use permits in **Section 7** of the County land use ordinance, which states, "where a specific or general use is allowed for consideration as a conditional use with a zone district, a conditional use permit shall be approved and issued prior to the onset of development or establishment of that use. A conditional use application will encompass all development proposed on a single parcel or lot, and upon issuance, the application, as modified by standards, terms or conditions imposed by the conditional use permit, will become the controlling plan for that parcel or lot, and will not be changed or expanded without application for a new development permit."

A CUP is required for commercial and light industrial uses with primary structures exceeding 15,000 square feet in the Commercial/Light Industrial zone (**15.14.5.1**.).

Boundary County Land Use Ordinance, 9B18LOV2, Sections 7.7.1 – 7.7.9:

(1) Whether the application, site plan and additional documentation provided by the applicant sufficiently demonstrate the full scope of the use proposed.

Staff: The CUP application sufficiently demonstrates the scope of the proposal with the CUP and placement permits showing a complete site plan and floor plans that are to be used in all associated placement permit applications.

(2) Whether the proposed use conforms to all applicable standards established by this ordinance.

Staff: The existing use of the site for the storage units, Koverage Supply store, lumber storage, and Koverage Contractors shops along with the proposed additional store, storage units, and shops are all permitted uses through placement permits and conditional use permits within the Commercial/Light Industrial zone (**15.14.4.**, **15.14.5.**, **15.6. 15.5. and 15.4.**). A conditional use permit is required once the total square footage of the commercial uses exceeds 15,000 square feet (**15.14.5.1.**). All setbacks for the zone are shown to be met per the submitted site plan.

(3) Whether there is sufficient land area to accommodate the use proposed, and whether development is so timed and arranged so as to minimize adverse effects on surrounding properties and uses.

Applicant: N/A.

Staff: The site is 18.83 acres in the Commercial/Light Industrial zone, which has no minimum density but does have required setbacks which have been adhered to per the submitted site plan. The commercial/industrial uses on site also have specific standards relating to hazardous materials, dust, noise, lighting, parking, and signs (**10.1., 10.2. and 10.3.**).

Access: Access is provided via Highway 2 and there is an existing approach permit with the Idaho Transportation Department (ITD), #1-19-103. Due to the original permit being for 10 vehicle trips per day and the proposal now estimating 50 vehicle trips per day, an updated permit is required per ITD and the landowner is actively working with ITD to complete this requirement.

Hazardous Materials: Storage buildings for the Koverage Supply and Contractors businesses are located on site and used to store materials out of the elements. Some items such as equipment and metal and wood materials are stored outside of these buildings but are not considered "hazardous materials" per the Boundary County Land Use Code (**10.1.1.**).

Dust: Any dust caused by on-site activities are required to be controlled and suppressed as appropriate. The site is entirely graveled with minimal dust creation (**10.1.2.**).

Noise: The site is used primarily as a store and storage area for Koverage Contractors and Supply along with public storage. On-site work, unless building a new structure, is limited in noise to that similar to a residential lawnmower (**10.1.3.**).

Lighting: A complaint regarding the on-site lighting was submitted to the P&Z Department and planning staff documented the projection of the lighting which shows to have a downward projection onto the subject site. Like other commercial properties and structures within the Commercial/Light Industrial zone, along with Boundary County Airport, the glow of the lights can be seen from a distance but do not seem to produce a glare onto adjoining properties and roadways. "Glare" is not defined in the Boundary County Land Use Code, so the Merriam-Webster Dictionary definition is used which notes that glare is a "harsh uncomfortably bright light." Based on the on-site visit during evening hours to the site and photos by planning staff, the on-site lighting shows to be consistent, and less impactful than other lighting in the same zone (**10.1.4.**). Staff has provided photos of the lighting to the file record.

Parking: One, minimum 200-square foot, parking spot is required for every 1,000 square feet of building area. The total building area for the existing structures on site (excluding the residential shop with apartment and countertop shop both not part of this conditional use permit) is 77,200 square feet which would require 78 parking spaces. The site is approximately 820,234 square feet. Subtracting the square footage of all

buildings on site, including those not part of this conditional use permit, approximately 730,662 square feet of open space is left for parking and future development. At 200 square feet per parking spot and currently needing 78 parking spots, 15,600 square feet is required for parking. The site plan shows general parking areas throughout the site. Approximately 715,062 square feet on site is left for future development and parking (**10.2.4. and 10.2.5.**).

- The countertop shop would require 3 parking spaces and provide space for at least 10 vehicles.
- The residential shop with apartment would require 2 parking spaces and have multiple areas outside to park along with interior parking in the shop for more than 2 vehicles.

Signs: The county code limits signs to 32 square feet maximum in all zones except the Rural Community/Commercial, Commercial/Light Industrial and Industrial zones to not more than two freestanding, on-premise signs related to any use not regulated by Boundary County or any use approved by issuance of an administrative development permit. The code also sets a maximum height of twelve feet in height above ground surface and each sign face not exceed 32 square feet in surface area. Such signs shall not be placed in any right of way or easement, and will not interfere with traffic or impede traffic line-of-sight. Such signs may be two-sided and illuminated front and back, but will not be moving, blinking or flashing and will not produce glare to traffic or on adjoining properties (**10.3.3.1.**). The proposal has two sign structures that include 3 signs – Koverage Building Supply, North Idaho Storage, and Panhandle Countertops. All three signs are 15 square feet each, double-sided and 5 feet in height. The sign structures holding the individual signs are 25 feet in height. All three signs are being permitted through file #24-0052 and per the site plan, are not located within the State Highway's right-of-way or any easement.

(4) How the impacts of the use proposed compare with the impacts of existing uses within the zone.

Applicant: Same all-around property.

Staff: The proposed use is similar in impact to the surrounding uses within the same zoning designation.

- Site: 18.83-acre parcel; Commercial/Light Industrial zone; Residential, commercial, and industrial uses.
- North: Range of 9-acre to ½-acre sized parcels; Commercial/Light Industrial, Rural Community/Commercial, and Suburban zones; State Highway 2 divides site from northern properties; Residential and agricultural uses along with vacant land.
- **South:** 4.96-acre lots; Commercial/Light Industrial zone; Currently vacant.
- **East:** 19-acre parcels; Split zoned Rural Community/Commercial and Rural Residential; Residential and agricultural uses along with vacant land.
- West: Range of 4.69-acre to 9-acre parcels including the 187-acre County Airport; Commercial/Light Industrial zone; Residential, commercial, industrial, and public uses.

(5) Whether concerns raised by other departments, agencies or by the providers of public services, including but not limited to road & bridge, water, electricity, fire protection, sewer or septic, can be adequately addressed.

Applicant: N/A.

Staff: Of the routed agencies, the County Airport required a fair disclosure form and for the landowner to complete a 7460-1 study with the FAA. The landowner has submitted the fair disclosure agreement and is actively working with the FAA for the 7460-1 study. ITD stated that the existing approach permit, #1-19-103, will be required to be updated due to the number of anticipated vehicle trips per day increasing from 10 to 50. The landowner is actively working with ITD to complete this process. No other routed agencies provided any concerns or additional requirements.

(6) The potential benefit to the community offered by the use proposed.

Applicant: Storage and serving the community in building needs.

Staff: The proposed use would provide storage opportunities to the local community and the Koverage Building Supply and Contractors businesses employee local community members while also providing construction services available to the community.

(7) Whether specific concerns aired through the public hearing process have validity and whether those concerns can be adequately addressed.

Applicant: Landowner can be called.

Staff: Pending public hearing testimony.

(8) Whether the use proposed would constitute a public nuisance, impose undue adverse impact to established surrounding land uses or infringe on the property rights of surrounding property owners, and whether terms or conditions could be imposed adequate to mitigate those effects.

Applicant: No.

Staff: The proposed use is set back from the highway and property lines to provide a buffer and all property setbacks have been met per the submitted site plan. The landowner is actively working with the FAA, Boundary County Airport and ITD to complete all requirements of those jurisdictions. Other routed agencies either stated there were no concerns or did not provide any comments. No public comments were submitted to the record at the time of the completion of this staff report.

(9) Whether the use proposed would unfairly burden Boundary County taxpayers with costs not offset by the potential benefits of the proposed use.

Applicant: No.

Staff: The proposed use, as described, does not show a potential to pose an unfair burden on Boundary County taxpayers.

Boundary County Land Use Ordinance, 9B18LOV2, Section 7.8:

In considering approval of an application to establish a conditional use, the planning and zoning commission may consider the imposition of terms and conditions as a means of eliminating or mitigating potential adverse effects or to provide for public safety.

Staff: Draft conditions of approval are listed in the staff report.

DECISION BY THE PLANNING & ZONING COMMISSION - CONDITIONAL USE PERMIT

Motion to Approve	I move to approve the conditional use permit for the commercial uses with primary structures exceeding 15,000 square feet, File #24-0051, finding that the proposal IS in accord with the standards of Idaho Code and Section 7 of the Boundary County Zoning & Subdivision Ordinance, based upon the findings, conclusions and conditions as written [<i>or amended – list amendments</i>]. This action does not result in a taking of private property.
Motion to Table	I move to table or continue the hearing to [<i>insert date, time and place</i>] to allow further consideration of the proposed application [<i>state specifically what is to be reviewed</i>] or to allow review and approval of written findings and decision.
Motion to Deny	I move to deny the conditional use permit for the commercial uses with primary structures exceeding 15,000 square feet, File #24-0051, finding that the proposal IS NOT in accord with the standards of Idaho Code and Section 7 of the Boundary County Zoning & Subdivision Ordinance, based upon the findings and conclusions as written [<i>or amended – list amendments</i>]. [<i>state which findings/conclusions do not meet the standards</i>]. This action does not result in a taking of private property.

DRAFT FINDINGS & CONCLUSIONS FOR DISCUSSION/ADOPTION

- 1. The applicant is requesting a conditional use permit for commercial uses with primary structures exceeding 15,000 square feet on an 18.83-acre parcel in the Commercial/Light Industrial zone. Uses include storage unit buildings along with an office, retail stores, storage shops, and a lumber storage building.
- 2. Existing development on site includes an office, one store with an attached shop, lumber storage building, and seven storage unit buildings.
- 3. Proposed development on site includes a second store, three storage shops, and six storage unit buildings.
- 4. The subject parcel has a comprehensive plan land use and zoning designation of Commercial/Light-Industrial.
- 5. A commercial structure larger than 15,000 square feet and any industrial uses require a conditional use permit in the Commercial/Light Industrial zone (**15.14.4.**).

- 6. Mini storage is considered to be a Moderate Use (15.4.14.).
- 7. Commercial uses are defined as, "A use, activity, structure or group of structures on a single parcel or lot intended primarily to provide a location to attract clients or customers for the conduct of wholesale or retail trade or the provision of services. This definition incorporates the manufacture and/or storage of products or goods which is subordinate to the offering of services or goods" (2.8.).
- 8. Industial uses are defined as, "A use, structure or group of structures on a single parcel or lot intended primarily for the manufacture, assembly, production, warehousing and/or storage of a product or component, or the production, refinement, processing and/or packaging of a natural resource or rax material" (2.29).
- 9. Primary structure is defined as, "An addressable structure establishing and definining the highest use of a lot or parcel, such as agricultural, residential, commercial or industrial. There can be more than one primary structure on a parcel or lot, and each may be supported by accessory structures, though each must be established by issuance of the appropriate county permit" (2.63.3.).
- 10. An active building violation, file BV0001-24, was opened due to the unpermitted commercial and residential structures on site. The approval of this conditional use permit, file #24-0051, and the issuance of the commercial and residential placement permits, files #24-0052 and #24-0053, will abate and close out violation BV0001-24.
- 11. A commercial placement permit, file #20-0033, for the countertop store was issued on February 26, 2020.
- 12. A commercial placement permit, file #24-0052, has been applied for that includes all existing development on site, excluding the existing countertop store and residential shop with apartment.
- 13. A residential placement permit, file #24-0053, has been applied for regarding the residential shop with apartment.
- 14. The expected number of employees is 5.
- 15. There are no designated working days and hours for the storage units due to the open availability of self-storage.
- 16. The Koverage Building Supply days and hours of operation are 7:00am-5:30pm on Monday-Friday and 8:00am-2:00pm on Saturdays.
- 17. 50 vehicle trips per day are anticipated.
- 18. There is on-site lighting throughout the property.
- 19. There are three (3), doublesided signs for the three businesses on site Koverage Building Supply, Panhandle Countertops, and North Idaho Storage.
- 20. The existing development consists of an office, one store with an attached shop, lumber storage building, and seven storage unit buildings.
- 21. The proposed development consists of a second store, three storage shops, and six storage unit buildings.
- 22. The site is served by individual wells, septic systems, City of Bonners Ferry for power, the North Bench Fire District, and is located within the boundaries of the Three Mile Water District.
- 23. The site is accessed off Highway 2 and addressed as 65126 Highway 2 under current permit #1-19-103 which is required to be updated by the Idaho Transportation Department.
- 24. The site is within the Airport Overlay Area and subject to the requirements of the Airport and FAA.
- 25. The site is not within any area of city impact, mapped wetlands, or special flood hazard areas.
- 26. The Panhandle Health District states that permits #20-11-147151 (2 bedroom dwelling), #22-11-151801 (200gpd commercial facility), and #19-11-143715 (240gpd commercial facility) have been issued for the subject site.

DRAFT CONDITIONS OF APPROVAL FOR DISCUSSION/ADOPTION

1. The conditional use permit will run with the land to which it is attached, and continue in effect for the life of the use established (Section 7.3.).

- 2. The approved conditional use permit will be deemed to lapse if work to establish the use has not begun within two (2) years of the date of approval, or when a use established by the conditional use permit is discontinued for a period of two (2) consecutive years. The owner of a property subject to a conditional use permit may request termination of the conditional use permit at any time by notifying the administrator in writing (Section 7.4.).
- 3. Prior to the issuance of this conditional use permit, the applicants shall reimburse Boundary County for first class mailings and advertisements required for public notification.
- 4. Any change in the use or increase in the use and/or impact shall require a modification of the conditional use permit.
- 5. The use shall provide and maintain a minimum of 78 parking spaces, for a minimum of 1 parking space per 1,000 square feet of floor area for the existing development and shall provide 1 sparking space for every 1,000 square feet of new building area for the proposed structures.
- 6. Commercial placement permit file #24-0052 shall not be issued prior to the issuance of this conditional use permit.
- 7. The existing countertop store under file #20-0033 and the residenital shop with an apartment under file #24-0053 are not part of this conditional use permit.
- 8. The following shall apply to the the Koverage Building Supply business one site specifically:
 - a. Days and hours of operation shall be 7:00am-5:30pm on Monday-Friday and 8:00am-2:00pm on Saturdays.
 - b. A total of 5 employees are expected daily.
- 9. No days or hours of operation are imposed for the North Idaho Storage business due to the use being public self-service.
- 10. A commercial placement permit shall be required to be applied for and issued with the Boundary County Planning & Zoning Department proir to the construction of each of the proposed commercial structures.
- 11. Not more than 1 owner/caretaker's residence shall be permitted on site (15.14.4.2.).
- 12. No other residential use is permitted on site with the exception of the existing owner/caretaker's residence (**15.14.6.2.**).
- 13. All standards of 10.1., 10.2. and 10.3. shall be adhered to for the life of the uses.
 - a. 10.1. Standards for Commercial, Light Industrial and Industrial Uses
 - b. 10.2. Off-Street Parking
 - c. 10.3. Signs
- 14. All requirements for the approach permit from the Idaho Transportation Department shall be completed prior to the issuance of placement permit file #24-0052 and documentation of approval from the Idaho Transportation Department shall be provided to the Boundary County Planning & Zonign Department.
- 15. All requirements of the Boundary County Airport and the Federal Aviation Administration shall be completed prior to the issuance of placement permit file #24-0052 and documentation of approval from both entities shall be provided to the Boundary County Plannign & Zoning Department.