



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 #25-0041, JIMMY & BRENDA BALL
CONDITIONAL USE PERMIT

MULTI-STRUCTURE RESIDENTIAL USE – SECOND PRIMARY SINGLE-FAMILY DWELLING

Prepared By:	Ben Jones, Planner Boundary County Planning & Zoning Department
Project Description:	Requesting a conditional use permit for a multi-structure residential use to allow for a second primary single-family dwelling on a 4.46-acre parcel.
Project Location:	228 Shamrock Road
Parcel Number:	RP62N01E349038A
Legal Description:	Section 34, Township 62 North, Range 01 East, B.M.
Zoning District:	Rural Residential
Applicants/Landowners:	Jimmy & Brenda Ball
Date Complete Application Received:	02/11/2025
Hearing Date:	Planning & Zoning Commission: 03/27/2025
Legal Notice Provided:	Newspaper: 03/06/2025 Site Posting: 03/19/2025 Mailed: To landowners within 300' & Taxing Districts: 03/05/2025
Staff Report Attachments:	Legal notice, application/site plan, floor plans, agency comments

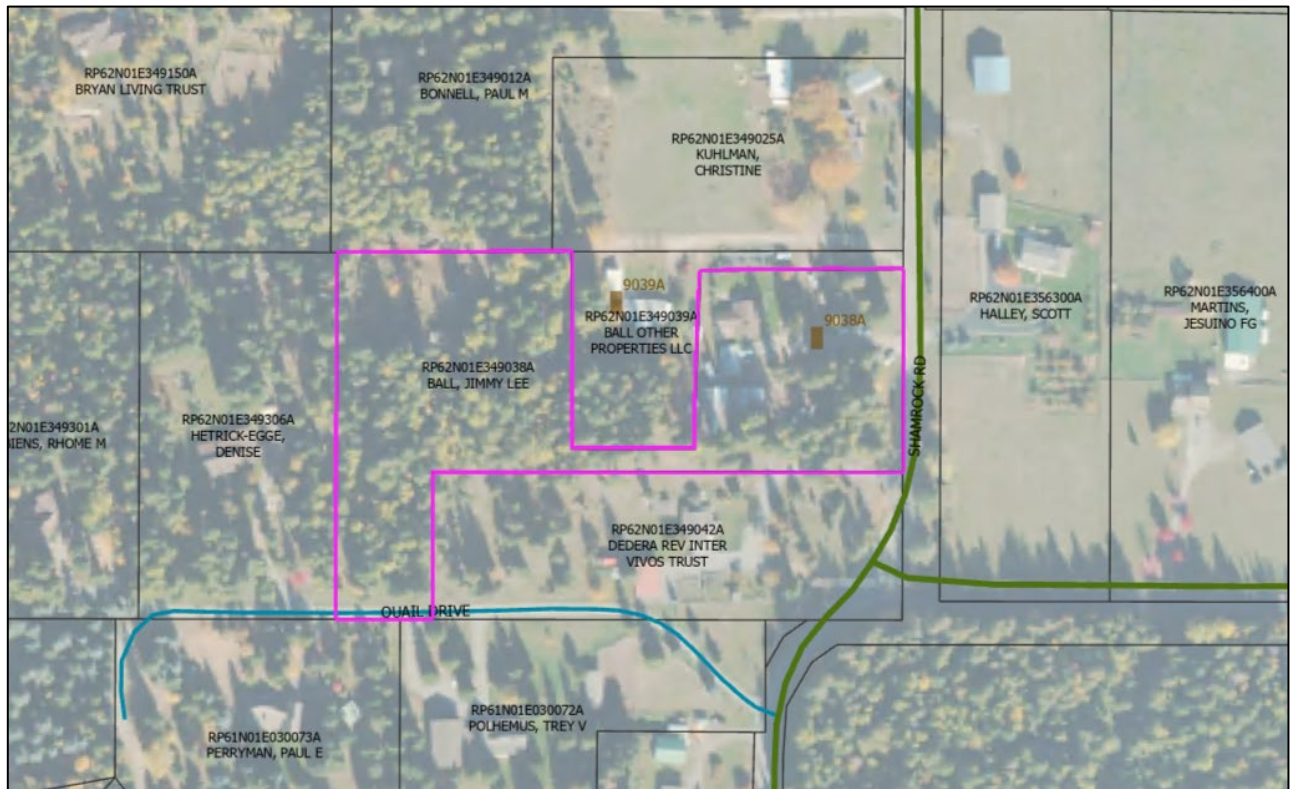
PROJECT SUMMARY

Jimmy & Brenda Ball are requesting approval for a conditional use permit for a multi-structure residential use to allow for a second primary single-family dwelling on a 4.46-acre parcel. The subject site is zoned Rural Residential and located at 228 Shamrock Road. Section 15.10.5.3. of the Boundary County Land Use Code requires a conditional use permit for all multi-structure residential uses in the Rural Residential zone. The parcel is identified as Assessor’s parcel RP62N01E349038A, in Section 34, Township 62 North, Range 01 East, B.M. The site would be served by an individual septic system, a private well, and is located within the bounds of the Paradise Valley Fire District.

RELEVANT CODE SECTIONS

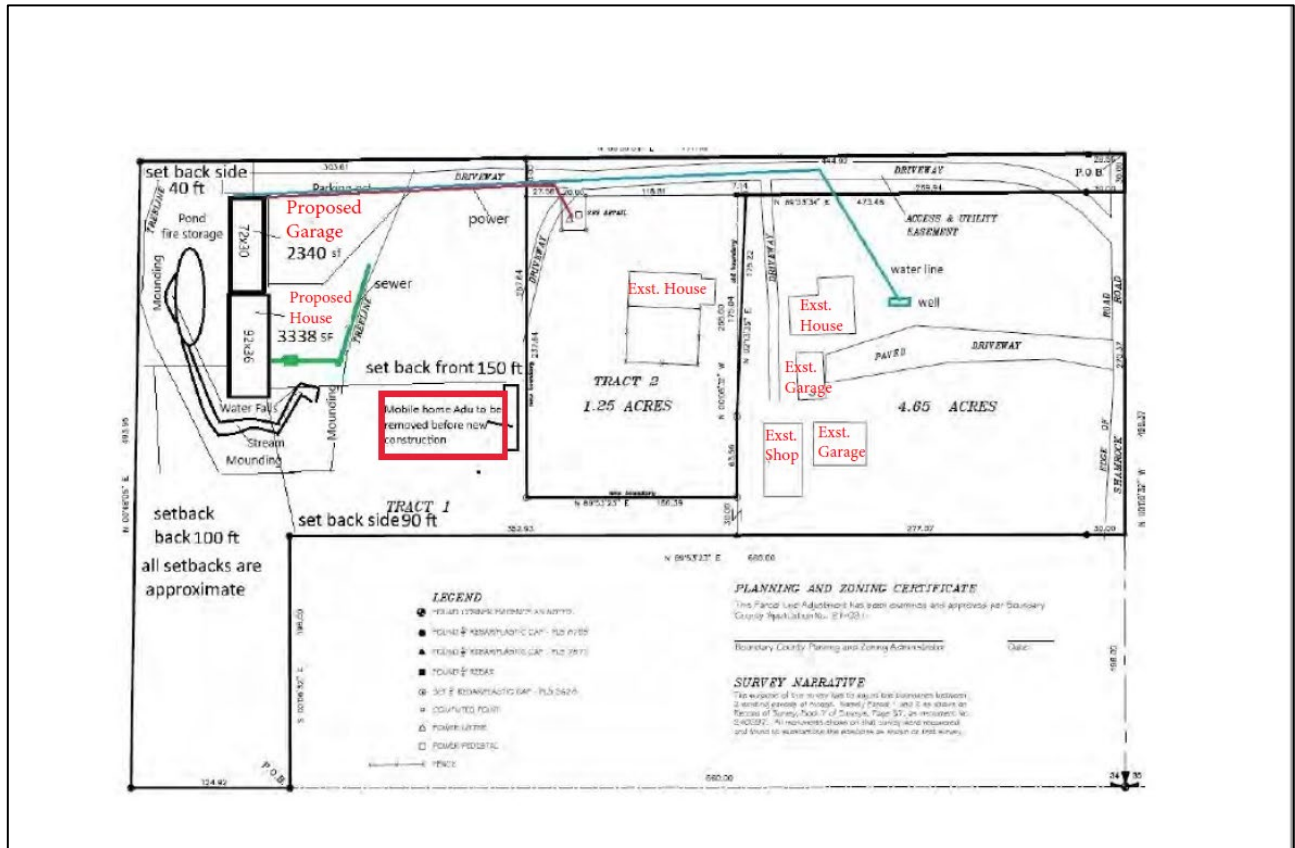
Multi-Structure Residential: More than one primary residential structure, whether single-family, duplex or multi-family, on a single parcel or lot (2.56.4.).

Section 15.10.5. Rural Residential Zone CUP Required: Multi-structural residential (15.10.5.3.).



AERIAL OF SITE

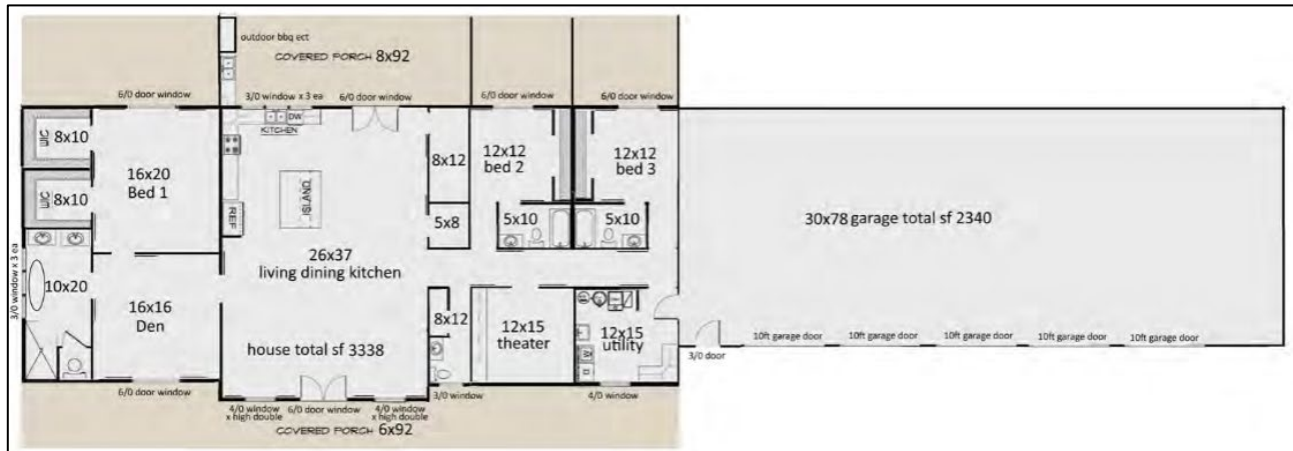
PROJECT SETTING	
Access	Shamrock Road (County).
Current use	Residential
Services, utilities	Septic, well, Paradise Valley Fire District
Hazardous Areas	Special Flood Hazard Area Zone X, Panel 1602070575B, no floodplain/floodway.
Zoning overlays or special areas	No mapped wetlands present, not in any area of city impact
Site Zoning & Comp Plan designation	Rural Residential
Surrounding Zoning & Comp Plan designations	Rural Residential
Surrounding uses	Residential; Vacant



SITE PLAN



ELEVATION VIEWS



FLOOR PLAN

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 15.10., Rural Residential Zone

AGENCY/STAFF COMMENTS

The following agencies were routed for comments on February 11, 2025, and March 05, 2025: Boundary County Addressing, Ambulance, Assessor, Commissioners, Library, Road & Bridge, Boundary School #101, Idaho Department of Environmental Quality, Paradise Valley Fire District, Panhandle Health District, and Cabinet Mountains Water District.

Boundary Co. Addressing: *No Addressing concerns.*

Panhandle Health District: *PHD does not have a sewage disposal application for parcel RP62N01E349038A. It is unknown what is and is not approvable here. PHD does not have any documentation for the existing dwelling at 228 Shamrock Rd. Any dwelling construction that creates new or increases wastewater flows must have an approved location for the wastewater to go. For PHD to issue a permit for a new dwelling, all dwellings on the parcel must be compliant with Idaho Subsurface Sewage Disposal Code IDAPA 58.01.03.*

Department of Environmental Quality: *DEQ has no environmental impact comments for the project at this stage of development.*

PUBLIC COMMENTS

Landowners within 300’ of the subject property were notified of the proposal on March 05, 2025, and notice was provided in the Bonners Ferry Herald on March 06, 2025. No written public comments were submitted to the record up to the completion of this staff report.

<u>STANDARDS ANALYSIS & EVIDENCE OF APPLICABLE CODES & COMPREHENSIVE PLAN</u>	
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

	<p>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.”</p> <p>A multi-structure residential use is permitted through a conditional use permit in the Rural Residential zone (Section 15.10.5.3.).</p>
<p>Boundary County Land Use Ordinance, 9B18LOV2, Sections 7.7.1 – 7.7.9:</p>	
<p>(1) Whether the application, site plan and additional documentation provided by the applicant sufficiently demonstrate the full scope of the use proposed.</p>	
	<p>Staff: The application and site plan sufficiently demonstrates the full scope of the proposal.</p>
<p>(2) Whether the proposed use conforms to all applicable standards established by this ordinance.</p>	
	<p>Staff: There are no standards for multi-structure residential uses in the Boundary County Land Use Ordinance, aside from obtaining a conditional use permit and following the setback regulations for the residences, both of which have been addressed.</p>
<p>(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.</p>	
	<p>Applicant: <i>High end house to restrict future development so only two houses on lot long term. The requested use is minimal in size comparatively to the property in which it will sit, in addition the project is currently tucked into the back with little visibility from surrounding properties, it will also be heavy landscaping to restrict privacy.</i></p> <p>Staff: The lot is 4.46 acres in the Rural Residential zone, which has a minimum density of 5 acres. The required setback distance is 20 feet from a property line and any public road or right-of-way. All of these standards have been adhered to per the submitted application and site plan. The residential use described has a specific standard for parking which requires two (2) off-street parking spaces per single-family residential unit (10.2.1.). The subject site is unable to be divided in the future.</p> <p>Parking: Five parking spaces are provided in the attached garage, complying with Section 10.2.1 of the County land use ordinance.</p>
<p>(4) How the impacts of the use proposed compare with the impacts of existing uses within the zone.</p>	
	<p>Applicant: <i>From current to high end house values are likely to increase. This unit would be allowed under ordinance 15.10.4.1 as a duplex, in addition the ordinance 15.3.15 as a boarding house which is that allowed in 15.13.3.1. In this zone district, this proves that the impact is currently legal where physical connection is made. This stands to reason that a disconnected unit will have no higher impact than what is currently allowed, without special use permit, it would likely be less of an impact due to the fact the new structure is tucked in the back.</i></p> <p>Staff: The proposed use is similar in impact to the surrounding uses within the same zoning designation.</p> <ul style="list-style-type: none"> • Site: 4.46-acre parcel; Rural Residential zone; single-family residence. • North: Range of 1.23 – 3.01-acre residential parcels. • South: Range of 1.81 – 4.64-acre residential parcels and a 8.56 acre vacant parcel. • East: Range of 4.09 – 5.2-acre residential parcels. • West: Range of 3 – 10.5-acre residential parcels.
<p>(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.</p>	
	<p>Applicant: <i>Existing driveway power on site well on site fire. We had approval to add six units from all agencies on a previous application, which was found to be non-conforming only due to a new interpretation on the zoning ordinance at that time, we currently are only requesting one unit and already have all infrastructure on site, this makes the feasibility obvious and totally viable.</i></p> <p>Staff: Of the routed agencies, Addressing had no concerns. The Department of Environmental Quality doesn't have any environmental impact concerns for the project listed above at this stage of development. Panhandle Health District notes they do not have an application, for a sewage disposal system on the existing house and</p>

	haven't gotten an application for another structure. The routed agency comments are provided in full in this staff report. No other routed agencies provided any additional concerns or comments. Staff note: The existing dwelling was built in 1967.
(6)	The potential benefit to the community offered by the use proposed. Applicant: <i>Restrict further development via conditions of approval meaning no more houses. The community will benefit given the proposed house will be a high end and an aesthetically pleasing addition to the neighborhood.</i> Staff: There would be minimal to no potential for the local community to benefit from the proposed use except for the possibility for local construction businesses to have temporary work on the project.
(7)	Whether specific concerns aired through the public hearing process have validity and whether those concerns can be adequately addressed. Applicant: <i>Any negative feedback from neighboring properties should be weighed against the fact that its area is currently being used for storage of material this use versus a high-end residential home is an obvious upgrade to the neighborhood.</i> 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: <i>No. This use would again be an upgrade to the current use and therefore not be a nuisance, also compared to other uses that are allowed on the property in fact would be less of an impact.</i> Staff: The application shows the applicant has appropriately planned for the proposed use, which does not seem to show potential as being a public nuisance or having the ability to impose any undue adverse impacts to neighboring properties.
(9)	Whether the use proposed would unfairly burden Boundary County taxpayers with costs not offset by the potential benefits of the proposed use. Applicant: <i>Tax will be paid. The use would add value to the property which would be taxable and paid regularly.</i> Staff: The potential use, as described, does not show the potential to pose an unfair burden to 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.

STANDARDS OF REVIEW FOR REASONED STATEMENT	
<i>Idaho Code §67-6535 (2): The approval or denial of any application required or authorized pursuant to this chapter shall be in writing and accompanied by a reasoned statement that explains the criteria and standards considered relevant, states the relevant contested facts relied upon, and explains the rationale for the decision based on the applicable provisions of the comprehensive plan, relevant ordinance and statutory provisions, pertinent constitutional principles and factual information contained in the record.</i>	
SECTIONS 7.7.1-7.7.9 & IC §67-6512, STANDARDS FOR CONDITIONAL USE PERMIT REVIEW: Prior to approving a conditional use permit, the governing body shall review the particular facts and circumstances of each proposed conditional use permit in terms of the following standards and shall find adequate evidence showing that such use at the proposed location will:	
IC §67-6512	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.

BC 7.7.1		Whether the application, site plan and additional documentation provided by the applicant sufficiently demonstrate the full scope of the use proposed.
YES	NO	List the evidence from the <u>record</u> that supports your conclusion and the rationale for the conclusion.
BC 7.7.2		Whether the proposed use conforms to all applicable standards established by this ordinance.
YES	NO	List the evidence from the <u>record</u> that supports your conclusion and the rationale for the conclusion.
BC 7.7.3		Whether there is sufficient land area to accommodate the use proposed, and the development is so timed and arranged so as to minimize adverse effects on surrounding properties and uses.
YES	NO	List the evidence from the <u>record</u> that supports your conclusion and the rationale for the conclusion.
BC 7.7.4		How the impacts of the use proposed compare with the impacts of existing uses within the zone.
YES	NO	List the evidence from the <u>record</u> that supports your conclusion and the rationale for the conclusion.
BC 7.7.5		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.
YES	NO	List the evidence from the <u>record</u> that supports your conclusion and the rationale for the conclusion.

BC 7.7.6		The potential benefit to the community offered by the use proposed.
YES	NO	List the evidence from the <u>record</u> that supports your conclusion and the rationale for the conclusion.
BC 7.7.7		Whether specific concerns aired through the public hearing process have validity and whether those concerns can be adequately addressed.
YES	NO	List the evidence from the record that supports your conclusion and the rationale for the conclusion.
BC 7.7.8		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.
YES	NO	List the evidence from the <u>record</u> that supports your conclusion and the rationale for the conclusion.
BC 7.7.9		Whether the use proposed would unfairly burden Boundary County taxpayers with costs not offset by the potential benefits of the proposed use.
YES	NO	List the evidence from the <u>record</u> that supports your conclusion and the rationale for the conclusion.

TERMS AND CONDITIONS ALLOWANCES

Boundary County Land Use Ordinance, 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. Such terms and conditions may, but are not limited to:

- 7.8.1. Control the sequence and timing of development.
- 7.8.2. Establish or limit hours or days of operation.
- 7.8.3. Establish limits on the timing and/or duration of potentially disruptive activities.
- 7.8.4. Require the installation of public services or utilities as recommended by providers necessary to accommodate the use proposed.
- 7.8.5. Establish specific locations and/or standards for structures, parking areas, access lanes, etc., to reduce adverse impact on traffic or traffic patterns.
- 7.8.6. Establish standards for landscaping, fencing, lighting or other measures so as to maintain the aesthetics or character of the area in which the use is proposed or to contain noise, dust, light or other potential nuisances from encroaching onto adjoining properties.
- 7.8.7. Require specific security measures, such as fencing, secure storage areas, fire prevention measures, etc., that are appropriate to the use and necessary for public safety.
- 7.8.8. Require proof of compliance with other county regulations.

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 to allow the construction of a second primary single-family dwelling, File #25-0041, 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>] and based upon the following reasons [<i>state reasons from standards of file – reasoned statement</i>]. This action does not result in a taking of private property.
Motion to Table or Continue	I move to table or continue the hearing to [insert date, time and place] to allow further consideration of the proposed application or to allow review and approval of written findings and decision.
Motion to Deny	I move to deny the conditional use permit to allow the construction of a second primary single-family dwelling, File #25-0041, 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 and state which findings/conclusions do not meet the standards</i>] And based upon the following reasons [<i>state reasons from standards of file – reasoned statement</i>]. This action does not result in a taking of private property.

DRAFT FINDINGS FOR DISCUSSION/ADOPTION

1. The applicants are requesting a conditional use permit to allow the construction of a second primary single-family dwelling on a 4.46-acre parcel in the Rural Residential zone.
2. The subject parcel has a comprehensive plan land use and zoning designation of Rural Residential.
3. A conditional use permit is required for Multi-Structure Residential use in the Rural Residential zone (15.10.5.3.).
4. Multi-Structure Residential is defined as, “More than one primary residential dwelling on a single lot or parcel, but not including an accessory dwelling unit authorized by this code.” (2.5.6.4.).
5. The site is to be served by a private well, an individual septic system, and the Paradise Valley Fire District.

6. Proposed access is to be from Shamrock Road, a county road (public).
7. The site is not located within the Airport Overlay area.
8. This site has no special flood hazard areas or mapped wetlands present on site.
9. Panhandle Health District has no existing permit on file for the existing primary single-family dwelling.

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. A residential placement permit shall be applied for and issued for the second primary single-family dwelling prior to any construction.
6. No Residential Placement Permit shall be issued prior to the issuance of this conditional use permit, file #25-0041.
7. All applicable standards of **Section 10**, for residential uses, shall be adhered to for the life of the use.
8. The mobile home on the property will be removed prior to construction of the second primary dwelling that is the subject of this conditional use permit.