



BOUNDARY COUNTY PLANNING AND ZONING

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**STAFF REPORT
BOUNDARY COUNTY PLANNING & ZONING COMMISSION
FILE #25-0019, DAVID & ANNE PERRY**

CONDITIONAL USE PERMIT – SERVICE ORIENTED BUSINESS CONDUCTED PRIMARILY IN A BUILDING

Prepared By:	Ben Jones, Planner Boundary County Planning & Zoning Department	
Project Description:	Request approval for a conditional use permit to allow for a truck and machinery repair service-oriented business conducted primarily in a building that is located less than 500’ from a neighboring residence on a 5.01-acre parcel.	
Project Location:	42 Destiny Way	
Parcel Number:	RP62N02E180316A	
Legal Description:	A tract of land situated in Section 18, Township 62N, Range 2E, B.M.	
Zoning District:	Suburban (for portion under consideration)	
Applicants/Landowners:	David & Anne Perry	
Date Complete Application Received:		12/10/2024
Hearing Date:	Planning & Zoning Commission:	01/23/2025
Legal Notice Provided:	Newspaper:	01/02/2025
	Site Posting:	01/15/2025
	Mailed: To landowners within 300’ & Taxing Districts:	12/31/2024
Staff Report Attachments:	Legal notice, application/site plan, floor plans, residential placement permit #21-0063 application and issuance, zone map	

PROJECT SUMMARY

David and Anne Perry are requesting approval for a conditional use permit to allow for a truck and machinery repair service-oriented business conducted primarily in a building that is located less than 500 feet from an existing, neighboring residence on their 5.01-acre parcel. The subject site is split zoned Rural Community/Commercial and Suburban and is located at 42 Destiny Way. The proposed use is classified as Light Use and all Light Class Uses in the Suburban zone require a conditional use permit when located less than 500’ of an existing residence. The proposed use is located within the Suburban zoned portion of the property. The parcel is identified as RP62N02E180316A in Section 18, Township 62 North, Range 02 East, B.M. The site would be served by an individual septic system, well, and is located within the bounds of the North Bench Fire District.

RELEVANT CODE SECTIONS

2.8. Commercial: 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 provisions of services. This definition incorporates the manufacture and/or storage of products or goods which is subordinate to the offering of services or goods.

15.3. Light Class Uses: Commercial uses with three or fewer full-time employees, less than 20 trips of traffic per day. Noise similar to a lawnmower is intermittent or present for less than five weeks a year.

15.3.6. Service-oriented business conducted primarily in a building, such as a garage, auto body, fabrication or machine shop.

15.11. Suburban Zone

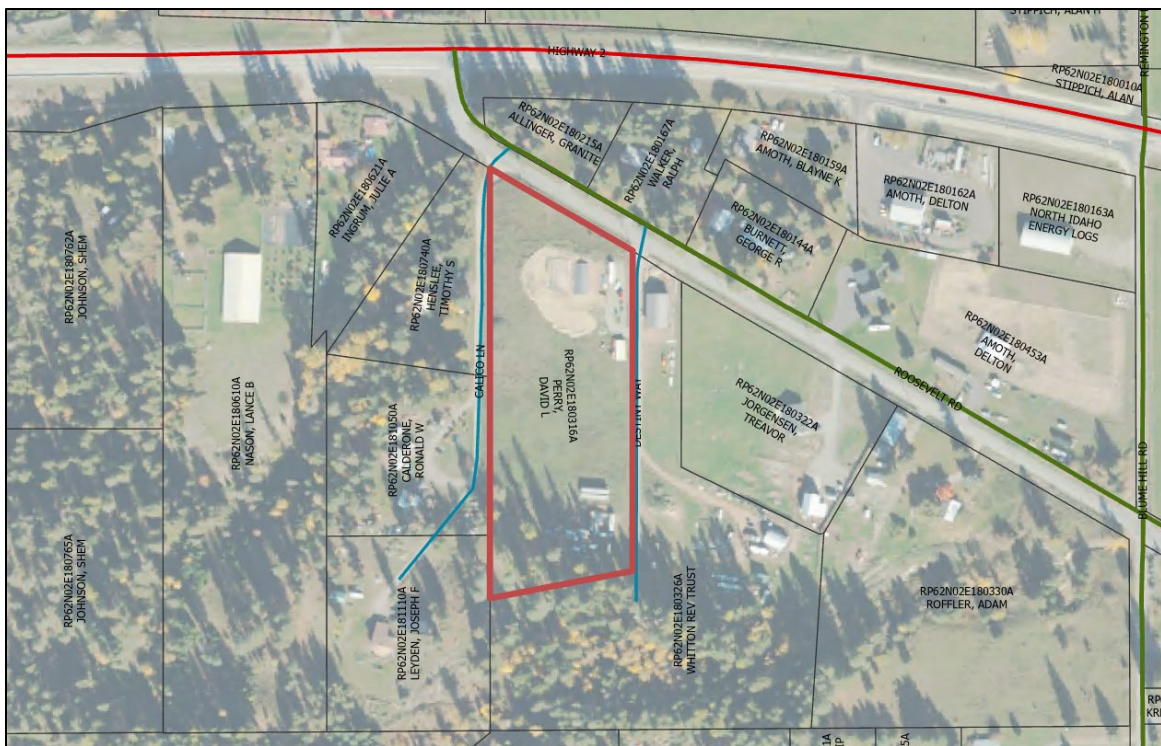
15.11.4. Uses Requiring Administrative Development Permit

15.11.4.1. One (1) single-family primary or duplex residential structure on a buildable parcel or lot.

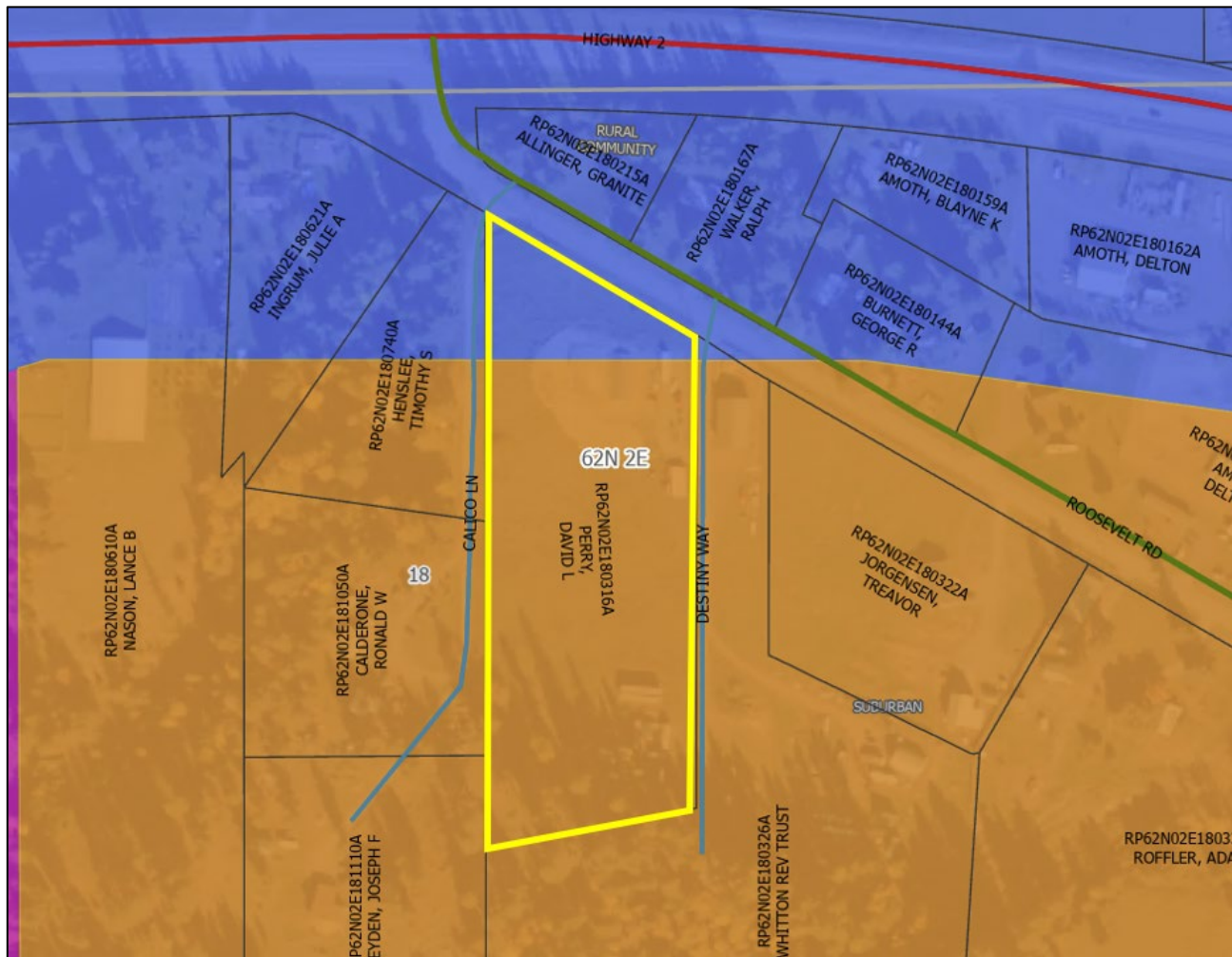
15.11.4.3. New primary structure for unregulated Light Class or Moderate Class Uses.

15.11.5. Conditional Use Permits

15.11.5.2. Light Class Use when located less than 500’ from any existing residence.



AERIAL OF SITE



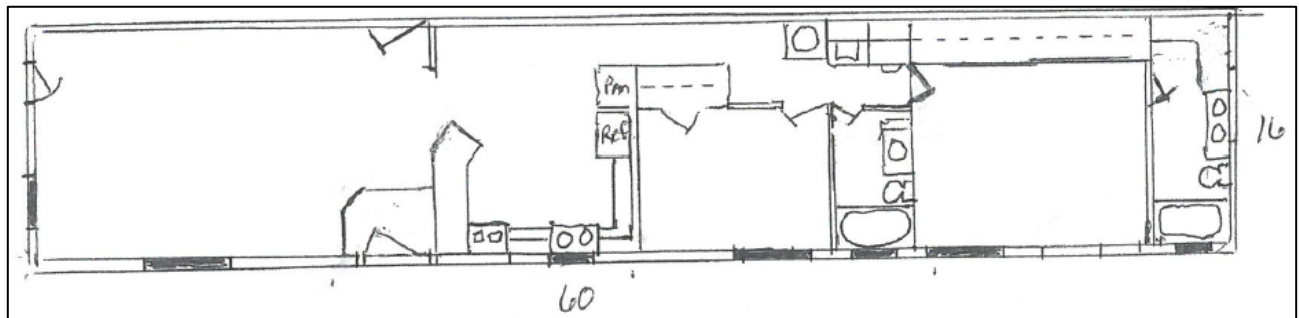
ZONE MAP

Blue = Rural Community/Commercial; Orange = Suburban

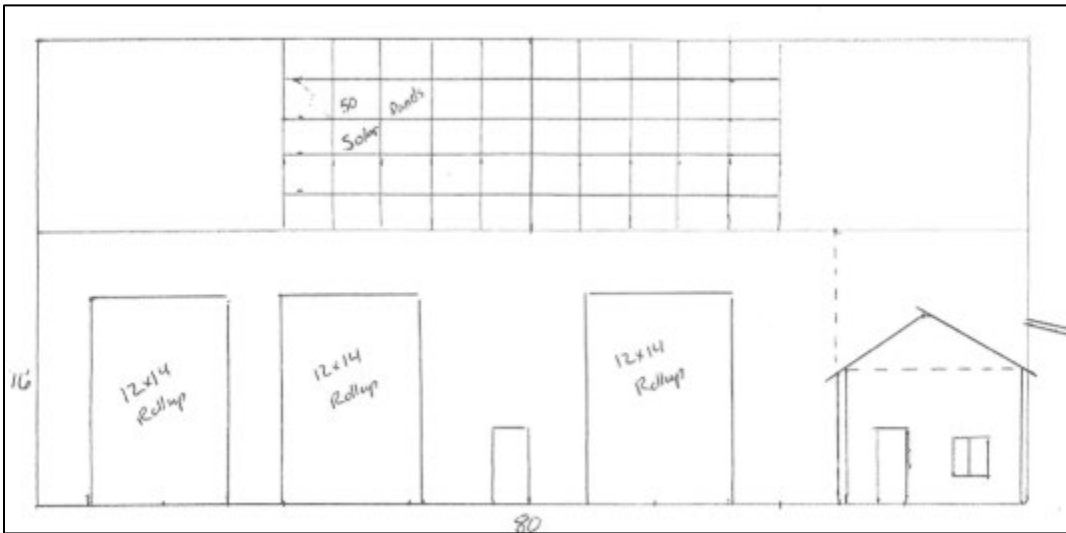
PROJECT SETTING	
Access	Destiny Way (private 40-foot wide easement on the east side of subject property) from Roosevelt Road (County)
Current use	Storage
Services, utilities	Septic, Well, North Bench Fire District
Hazardous Areas	Special Flood Hazard Area Zone X, Panel 1602070600B, no floodplain/floodway.
Zoning overlays or special areas	None
Site Zoning & Comp Plan designation	Rural Community/Commercial; Suburban for subject request
Surrounding Zoning & Comp Plan designations	Rural Community/Commercial; Suburban for subject request
Surrounding uses	Residential, Commercial



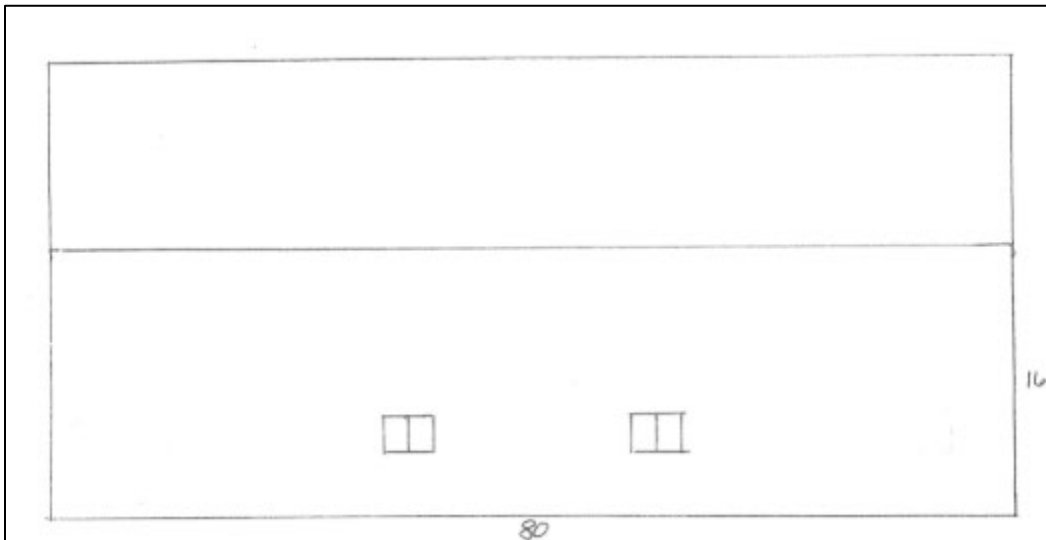
SITE PLAN



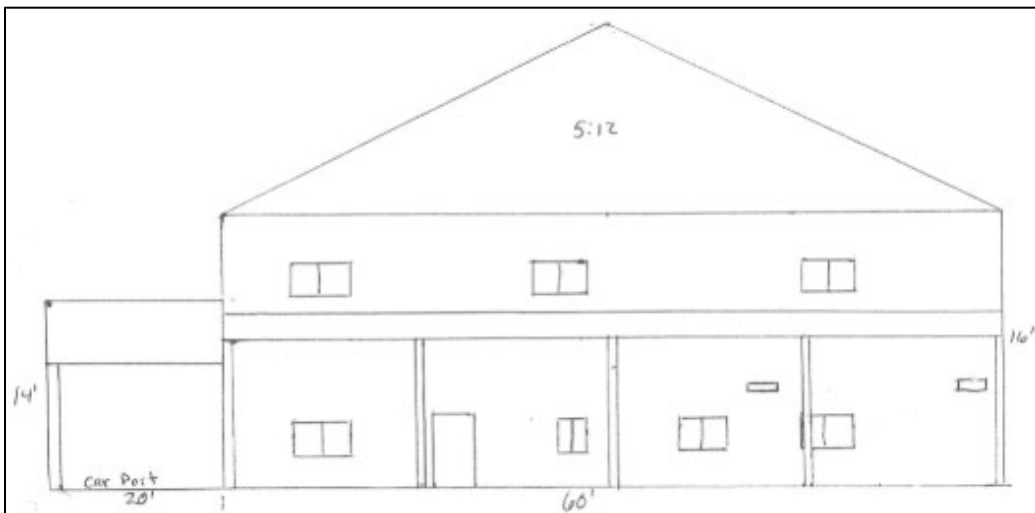
FLOOR PLAN



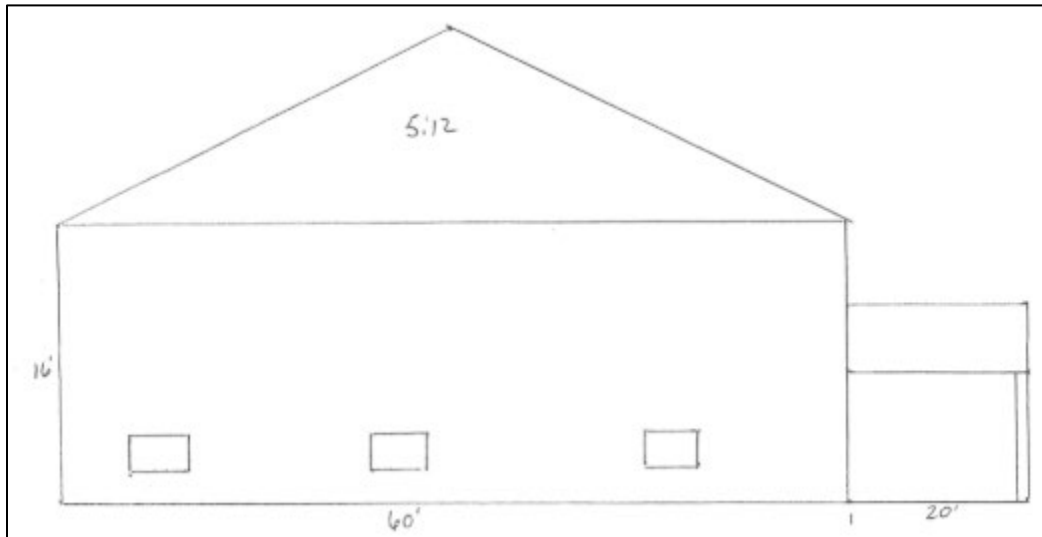
ELEVATION VIEW – EAST



ELEVATION VIEW - WEST



ELEVATION VIEW – NORTH



ELEVATION VIEW – SOUTH

AUTHORITY

- Idaho Code §67-6512, Special Use Permits, Conditions, and Procedures
- 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 15.11., Suburban Zone

AGENCY/STAFF COMMENTS

The following agencies were routed for comments on December 10, 2024, and December 31, 2024: Boundary County Addressing, Ambulance, Assessor, Commissioners, Library, Road & Bridge, Boundary School #101, Idaho Department of Environmental Quality, North Bench Fire District, Panhandle Health District, and Three Mile Water District.

Boundary Co. Addressing: *No addressing concerns.*

Boundary Co. R&B: *Access with disclaimer will be required off Destiny Way. Original Permit is #21-0015.*

Panhandle Health District: *Panhandle Health District has an application, written a permit, and completed a final inspection/approval for a subsurface sewage disposal system for parcel RP62N02E180316A. Permit number is 21-11-147505 and was for a single septic system serving (1) 2-bedroom dwelling. Any dwelling construction that creates new or increases wastewater flows must have an approved location for the wastewater to go.*

Idaho Department of Environmental Quality: *Before opening, contact the Waste & Remediation Group at the Idaho Department of Environmental Quality – Coeur d’Alene Regional Office to discuss waste generation, record keeping, labeling, and storage requirements. Within three months of opening, contact the Waste & Remediation Group at the Idaho Department of Environmental Quality – Coeur d’Alene Regional Office to schedule a site visit to review waste management practices that have been put in place.*

PUBLIC COMMENTS

Landowners within 300’ of the subject property were notified of the proposal on December 31, 2024, and notice was provided in the Bonners Ferry Herald on January 2, 2025. No written public comments were submitted to the record up to the completion of this staff report.

STANDARDS OF REVIEW/CRITERIA AND STANDARDS OF REVIEW ANALYSIS

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 a Light Class Use located within 500 feet of an existing dwelling in the Suburban zone (15.12.5.7.).

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.

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

Staff: The proposed use of the site for a Light Class Use within 500 feet of an existing residence is a permitted use through a conditional use permit within the Suburban Zone (15.11.5.2.) The required structure setback of 20 feet to the property lines (15.11.2) have been met.

(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: *Only operate normal business hours outside of building structure. No other impacts.*

Staff: The parcel is 5.01 acres and is split-zoned Rural Community/Commercial and Suburban and will be serviced by an individual septic system and a private well. Both zones have a minimum density of 2.5 acres under these conditions, meaning the parcel could be divided approximately in half before needing access to community water (Three Mile Water District) for any further parcels divided out of either of the ~2.5-acre parcels. The density minimum with community water, for *both* zones, is 1 acre. The required setback distance for the suburban zone is 20 feet to the property lines. All of these standards have been adhered to per the submitted application and site plan. The proposed use has specific standards for off street parking (10.2).

Parking: One (1) parking space for every 400 square feet of internal space of the service business is required (10.2.4.3.). The property is 5.01 acres in size and the entire building (including the living area) is only 960 square feet in size. At 960 square feet, three (3) parking spaces are required. In addition to **Section 10.2.4.3.**, all parking for the proposed use shall be within 300’ of the building (10.2.4.1.). Also, due to a residential use (single-family dwelling) being permitted on site as well, two (2) parking spaces shall be available for the residential use (10.2.1.). The property shows the ability to provide sufficient parking for the proposed commercial and residential uses on site.

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

Applicant: *Not much different than a farmer tending to his machinery.*

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

- **Site:** 5.01-acre parcel; split zoned Rural Community/Commercial, Suburban; bare land/storage.
- **North:** 0.80 – 29.27-acre Rural Community/Commercial and Rural Residential parcels; residential, agriculture, timber land.

	<ul style="list-style-type: none"> • South: 2.99 – 7.66-acre Suburban parcels; residential, timber land. • East: 1.03 – 7.02-acre Rural Community/Commercial and Suburban parcels; residential, agriculture. • West: 1.66 – 9.44-acre Rural Community/Commercial and Suburban parcels; residential, agriculture.
(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>Applicant: <i>Water well established, electricity established, septic system permit required. Remove natural growth from around building and area, maintain gravel private drive for year-round access. Limited traffic by appointment only.</i></p> <p>Staff: Road and Bridge commented that an access permit with a disclaimer would be needed off of Destiny Way. Panhandle Health District noted a final approval for a septic system servicing a two-bedroom dwelling. Idaho DEQ commented that the department needs to be contacted about requirements for waste generation, record keeping, labeling, and storage. Idaho DEQ also wants to review what practices have been implemented to follow said requirements. No other routed agencies provided any concerns or additional requirements.</p>	
(6) The potential benefit to the community offered by the use proposed.	
<p>Applicant: <i>Will be able to help local truck and machinery owners repair equipment on site.</i></p> <p>Staff: The repair facilities will provide area owners of trucks and other equipment a local option for servicing.</p>	
(7) Whether specific concerns aired through the public hearing process have validity and whether those concerns can be adequately addressed.	
<p>Applicant: <i>If any complaints arise will address them as needed.</i></p> <p>Staff: Pending public hearing testimony.</p>	
(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.	
<p>Applicant: <i>Nothing more than a metal structure with parking on east side.</i></p> <p>Staff: The proposed use is setback from the road and property lines to provide a buffer and all property setbacks have been met per the submitted site plan. No public comments were submitted prior to the completion of this staff report.</p>	
(9) Whether the use proposed would unfairly burden Boundary County taxpayers with costs not offset by the potential benefits of the proposed use.	
<p>Applicant: <i>No extra burden on Boundary County taxpayers.</i></p> <p>Staff: The potential use, as described, does not show the potential to pose an unfair burden to boundary county taxpayers.</p>	
<p>Boundary County Land Use Ordinance, 9B18LOV2, Section 7.8:</p> <p>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.</p>	
<p>Staff: Draft conditions of approval are listed in the staff report.</p>	

DECISION BY THE PLANNING & ZONING COMMISSION – CONDITIONAL USE PERMIT	
MOTION TO APPROVE	I move to approve the conditional use permit to allow for a truck and machinery repair service-oriented business conducted primarily in a building that is located less than 500’ from an existing neighboring residence, File #25-0019, 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 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	I move to [<i>table or continue</i>] this file to [<i>insert date, time and place</i>] to allow [further consideration of the proposed application - <i>state specifically what is to be reviewed; or to allow review and approval of written findings and decision</i>].
MOTION TO DENY	I move to deny the conditional use permit to allow for a truck and machinery repair service-oriented business conducted primarily in a building that is located less than 500’ from an existing neighboring residence, File #25-0019, 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>] 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 EVIDENCE OF RECORD (FINDINGS) FOR DISCUSSION/ADOPTION

1. The applicants are requesting a conditional use permit to allow for a truck and machinery repair service-oriented business conducted primarily in a building that is located less than 500’ from an existing neighboring residence, on a 5.01-acre parcel in the Suburban zone.
2. The subject parcel has a comprehensive plan land use and zoning designation of Suburban and Rural Community/Commercial with the proposed use only located within the Suburban-zoned area on site.
3. A conditional use permit is required for a Light Class Use within 500 feet of an existing residence in the Suburban zone (**15.11.5.2.**).
4. The dwelling has been approved by Residential Placement Permit #21-0063. This permit was only for a residence and does not cover the commercial use portion of the building.
5. The site is to be served by private well, a septic system, and the North Bench Fire District but is also within the boundaries of the Three Mile Water District.
6. Proposed access is to be from Destiny Way, a private road that originates from Roosevelt Road, a County road.
7. The site is not within the Airport Overlay Area or any City’s area of city impact.
8. The site has no mapped wetlands or special flood hazard areas.
9. Hours of operation are Monday through Saturday, 8:00am to 4:00pm.
10. Number of employees is one (1) – the landowner.
11. Number of anticipated customers per day is 2-3 with 2-3 vehicle trips per day.
12. The use is proposed to be run out of the shop portion of a building that also includes a living area.

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. All approach permit requirements of the Boundary County Road & Bridge Department shall be completed prior to the start of the proposed use and proof of approval shall be provided to the Boundary County Planning & Zoning Department prior to the commencement of the proposed use.
6. A commercial placement permit shall be applied for with the Boundary County Planning & Zoning Department regarding the commercial use and issued prior to the commencement of the proposed use. Issued residential placement permit #21-0063 was only permitted for a residence and does not cover the commercial use portion of the building.
7. All standards for commercial, light industrial and industrial uses per **Section 10.1.** shall be adhered to for the life of the use and include;
 - a. Hazardous Materials: Any commercial or industrial activity involving the use or storage of hazardous materials, including but not limited to flammable, explosive, corrosive, poisonous or radioactive materials will provide for the safe storage and handling of these materials in compliance with current state and federal regulations so as not to threaten public safety. Such materials will be stored or kept for disposal in areas secure from public trespass.
 - b. Dust: Excessive dust from commercial or industrial activities, parking areas and access ways will be controlled by landscaping, paving, application of dust suppression materials or by installation of filters, as appropriate.
 - c. Noise: Regularly occurring noise from commercial or industrial activities will be muffled, contained or otherwise controlled to reduce volume at the nearest property line similar to the sound of a residential lawnmower.
 - d. Lighting: All permanently installed exterior lighting will be designed and placed so as not to produce glare onto adjoining properties or roadways.
8. A minimum of three (3) off-street parking spaces for the commercial use shall be provided within 300' of the structure per **Section 10.2.4.3.** Neither of the two (2) residential off-street parking spaces required for the residential living area (**Section 10.2.1.**) within the building are permitted to be used for the commercial use.
9. Per the Idaho Department of Environmental Quality, the following conditions shall be met by the applicant. The applicant shall provide written approval from the Idaho Department of Environmental Quality to the Boundary County Planning & Zoning Department for each requirement:
 - a. *Before opening the service business, the applicant shall contact the Waste & Remediation Group at the Idaho Department of Environmental Quality – Coeur d'Alene Regional Office to discuss waste generation, record keeping, labeling, and storage requirements.*
 - b. *Within three (3) months of opening, the applicant shall contact the Waste & Remediation Group at the Idaho Department of Environmental Quality – Coeur d'Alene Regional Office to schedule a site visit to review waste management practices that have been put in place.*
10. Hours of operation are limited to Monday through Saturday, 8:00am to 4:00pm