



## BOUNDARY COUNTY PLANNING AND ZONING

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### PLANNING & ZONING COMMISSION

#### MINUTES of April 25, 2024, Public Meeting

Boundary County Annex at 6566 Main St., Bonners Ferry, ID 83805

P&Z Members in attendance for regular meeting/public hearings:

- |  |   |  |   |
|--|---|--|---|
| <input checked="" type="checkbox"/> Caleb Davis, Chair | <input checked="" type="checkbox"/> Wade Purdom, Co-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 checked="" type="checkbox"/> Bill Benage      |   |
| <input checked="" type="checkbox"/> Adam Isaac         | <input checked="" type="checkbox"/> Ron Self              |  |   |

Chair Davis called the meeting to order at 5.30 p.m. Roll call: Commission members present are noted with an "X" in the boxes above. Also in attendance: Acting Zoning Administrator Clare Marley, Associate Planner Tess Vogel, Planning & Zoning Administrator Ben Jones, Board of Commissioners Chair Tim Bertling, Wally Cossairt, and Ben Robertson, and Deputy Clerk Michelle Rohrwasser, and members of the public.

**Consent Agenda:** Commissioner Cranor advised that the March 28<sup>th</sup> minutes did not include his second for file #24-0051. Commissioner Self moved, and Commissioner Fuller seconded the motion, to approve the March 28, 2024 minutes with the correction as noted. The Chair declared the motion approved on a 6-0-1 voice vote, with Commissioner Woywod abstaining. (Commissioner Isaac entered the meeting for the second file and the joint special meeting.)

**Public Hearing: FILE #24-0061, VARIANCE, BERNADETTE & MICHAEL BONNER** are requesting a lot size minimum variance on a 10.4-acre parcel in the Ag/Forestry zone to allow for a future land division to create one 1.7-acre parcel and one 8.7-acre parcel, where 10 acres is required. Each parcel will have one of the two existing dwellings located on site. The parcel is located at 1357, 1360 and 1364 Porkchop Road and is identified as Assessor's Parcel RP63N02E351216A in Section 35, Township 63 North, Range 2 East, B.M.

**Legal & Disclosures:** The Chair read the legal notice and called for disclosures. No disclosures were made.

**Staff Presentation:** Ms. Vogel summarized the hearing procedures and provided an overview of the proposal.

**Applicant Presentation:** Landowner attorney Tom Bushnell provided background on the property, ownership, parcel sizes of surrounding land and density, and the standards for obtaining variance approval. He testified that because there are already two homes on the property, there will not be an increase in density. When questioned by the Commission, Mr. Bushnell said the hardship posed by the land was the division of the property by a road and the topography.

**Public Testimony:** Elizabeth Fulton spoke about the family ownership of the property and the desire to purchase one of the homes and property. John Poland asked why the variance was necessary and what options would be available if it were denied.

**Rebuttal:** None.

**Deliberation/Discussion:** The Chair closed the public hearing at 6:01 p.m., and the Commission began deliberations. The Commission discussed the standards and the status of surrounding lands and reviewed draft conditions of approval.

**MOTION:** Commissioner Self moved, and Commissioner Benage seconded the motion, to approve the request for a lot/parcel size minimum variance to allow for a future land division to create a 1.7-acre and an 8.7-acre parcel, File

24-0061, 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 written. This action does not result in a taking of private property.

The Chair declared the motion approved on a unanimous voice vote of those present.

**Public Hearing: FILE #24-0047, FLOOD CODE TEXT AMENDMENT, BOUNDARY COUNTY** has initiated an amendment to its flood damage prevention codes to repeal Section 16.1 “flood overlay” of the Boundary County Zoning and Subdivision land use ordinance and repeal the flood damage prevention ordinance 2015-1 and replace with a new, stand-alone flood damage prevention ordinance that reflects the requirements of the national flood insurance program and the standards of the State of Idaho Disaster Preparedness Act. The proposed ordinance provides definitions, a basis for the floodplain and regulations, administrative procedures, development permitting and standards, appeal and variances processes, exceptions for low-cost accessory structures, a violation process, establishment of penalties as a misdemeanor, civil remedies, severability and an effective date. The Planning and Zoning Commission will make a recommendation to the Board of County Commissioners, who will make the final decision at a later date.

**Legal & Disclosures:** The Chair read the legal notice and called for disclosures. No disclosures were made.

**Staff and Applicant Presentation:** Ms. Marley presented a summary of the proposed repeal of the existing flood overlay code at Section 16.1 and briefly described the proposed stand-alone new flood code. She answered Commissioners’ questions about the consequences of adopting a repeal of the flood overlay code without a new flood code. She explained that the Board of Commissioners would hear the new flood code before the repeal. If the new code is not adopted, the County will still have flood code in effect with Ordinance 2015-1.

**Public Testimony:** None.

**Applicant Rebuttal:** None.

**MOTION:** Commissioner Purdom moved, and Commissioner Cranor seconded the motion, to recommend to the County Commissioners approval of the repeal Section 16.1, Flood Overlay, of the Boundary County Zoning and Subdivision Land Use Ordinance, finding that the proposal **IS** in accord with the Idaho Local Land Use Planning Act, and based upon the findings as written in the staff report.

The Chair declared the motion approved on a unanimous voice vote.

#### **SPECIAL JOINT MEETING OF THE BOUNDARY COUNTY BOARD OF COMMISSIONERS AND BOUNDARY PLANNING AND ZONING COMMISSION.**

Commission members Chair Tim Bertling, Wally Cossairt, and Ben Robertson joined the Planning and Zoning Commission at the table to discuss land use code updates, processes, and recent land use code amendments, including the proposed code enforcement draft ordinance. Staff provided a brief overview of the past code amendment work, draft amendments, and updates in progress. P&Z Chair Davis asked for the Commissioners to provide their goals and concerns.

Commissioner Robertson voiced his concerns about the code enforcement draft and the use of criminal penalties to address land use violations. His concern was that a future prosecutor could be overly ambitious about prosecuting offenses, which he does not wish to see. Others agreed that they want to see the County remain conservative. P&Z Commissioner Hollabaugh said the draft code was designed to provide ladders of escalation with notices of violation coming first. There was no intention to “hammer” someone, but those who are intentionally violating the code should be made to obey the law, he said. Other members said they felt current code had no teeth and the draft code offers as assortment of remedies.

P&Z members also asked the Commissioners to express their concerns and interests in updating the codes. The Board of Commissioners spoke about the following:

- Effects of development on the water table and well production;
- Lot design and flag lots often created by water district requirements;
- Subdivision public hearing processes that often produce public frustration because approvals are given when the land divisions meet standards, even if there is broad opposition to a file;
- Lengthy or costly public hearing or application processes;
- Opportunities to protect agricultural and forest lands and an interest in conservation subdivisions;
- Some properties that may be inappropriately zoned.

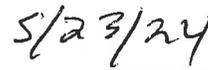
Staff suggested some remedies could be administrative reviews of simple land divisions and lot line adjustments and a revamping of the “cluster” subdivision to create incentives to protect forest and farmlands. Staff also discussed providing Commissioners with draft ordinances well before the first hearing to obtain their feedback. The Planning and Zoning Commission thanked the Board of Commissioners for the meeting and asked that they come back for another joint meeting in four or five months.

**Adjournment:** The Chair declared the meeting adjourned at 7:08 p.m.



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Caleb Davis, Chair  
Boundary County Planning & Zoning Commission



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Date:

