

**MINUTES  
CITY PLANNING AND ZONING COMMISSION  
Bonners Ferry City Council Chambers  
7232 Main St.  
(208) 267-3105  
July 20, 2023  
5:15 pm**

Vice Chair Chris Rawlings called the Planning and Zoning Commission meeting for July 20, 2023, to order at 5:15 pm. Other Planning and Zoning Commissioners present were Andy Howe, Sue Larson, and Darci Price. Dave Gray joined via Zoom. Also present were Contract Planners Clare Marley and Samuel Stringer and Planning and Zoning Clerk, Stephanie Lewandowski.

**PUBLIC COMMENTS**

Clare Marley explained that this public comment time is for those who have a comment on items that are not the annexation, such as a general planning questions or other public comments.

There were no public comments.

Josh Figgins, Kevin Davidson, Larry Davidson, Chris Pease, Dave Duarte, Marianne Duarte, and Tom Duarte from the public were present.

**CONSENT AGENDA**

- Approval June 15, 2023, Minutes: **ACTION ITEM.**  
Commissioner Sue Larson moved to approve the minutes of June 15, 2023.  
Commissioner Darci Price second the motion. The motion passed all in favor.
  
- **NEW BUSINESS: PUBLIC HEARING: ACTION ITEM, RECOMMENDATION TO CITY COUNCIL:** File #AN08-23 Kootenai River Lumber Company is requesting annexation into the City of Bonners Ferry of a 10.95-acre parcel west of the mill site and Boundary County fairgrounds and south of the Kootenai River on Riverside Street. This property is known as Tax 58 in Section 28, Township 62 North, Range 1 East, B.M. The applicant proposes the land be designated Masterplan Mixed Use on the comprehensive plan Future Land Use Map and be zoned Commercial, which allows for a mixture of housing types, and various service, retail, and commercial uses. As part of the annexation process, the Planning and Zoning Commission will recommend to the Council appropriate comp plan mapping and zoning for the property. The City Council will make the final decision on the mapping and annexation.

Vice Chair Rawlings opened the public hearing by stating that each speaker will be allowed a maximum of five minutes unless additional testimony is requested by the chairman. Commissioner Rawlings stated that he is filling in as chairman for this meeting in place of Commissioner Howe.

Vice Chair Rawlings opened the public hearing to consider the annexation. Vice Chair Rawlings called for any conflicts of interest or the need for special accommodation. Commissioner Howe stated that he had a conflict of interest as he is employed by the applicant of the annexation. He stepped down from his Commission seat.

Commissioner Sue Larson stated that she was an employee of the applicant until 2008 but stated that it would not sway her decision. She also stated that she was unwittingly part of a discussion about the future land use of this site.

Vice Chair Rawlings thanked Commissioner Larson for her transparency and asked if anyone had an issue with Commissioner Larson participating in the hearing. No issue was raised.

No one asked for additional assistance to hear or see.

Clare explained that the hearing process follows certain precise procedures to ensure that everyone has correct due process. Clare explained that she will make the presentation, then the planning and zoning commission can ask for any clarifications to the presentation. After that, the applicant presents and the Commission may ask questions at the end of the presentation, followed by public testimony. The order of public testimony is that those who are in favor go first, those who are neutral go next and those who are opposed go last. Lastly, the applicant has the right to rebuttal. Once the applicant is finished, if the commission has no questions, then they close and begin deliberations.

Clare also explained that the chair sets a time limit of 3 or 5 minutes. Commissioner Vice Chair Rawlings set the time limit of five minutes.

Clare explained that this is called a voluntary annexation, known as a Category A in Idaho Code and that means that because the applicant is willing to be annexed, there are fewer requirements that must be met by the State of Idaho to prove that this is necessary and will be a benefit to the city.

She also explained that the two charges the commission has tonight are to come up with a recommendation for the future zoning map of this property and for the future comprehensive plan map.

Clare stated that the property is just under 11 acres, and it is west of the mill site on Riverside Street. The comp plan designation is Masterplan Mixed Use.

Clare shared slides of the orientation of the property and the city's and county's zoning maps. The Masterplan Mixed Use comp plan map designation encompasses the property that the Commission is considering tonight. She shared site photos, flood maps and Flood Zone B explanations, and the comp plan and zoning mapping and meaning of "Masterplan Mixed Use" and "Commercial." Ms. Marley reviewed agency comments, the Commission's role in annexation and answered Commission questions regarding current city boundaries that encompasses the mill site east of this subject parcel.

Applicant Representative Chris Pease, plant manager for Idaho Forest Group in Moyie Springs, provided the Idaho Forest Group's vision and how they can align with the city's comp plan.

Mr. Pease stated that that the Masterplan Mixed Use is the future land use that they are looking at. The current mill site is designated for that, and they would like to join this current annexation to it. Mr. Pease reiterated that the Masterplan Mixed Use provides a variety of housing types, compatible retail and or dining use, and public recreational amenities including river access. He stressed the importance of transportation access to and within the

development should be carefully considered for a variety of travel modes. Careful consideration should be given to pedestrian and bicycle transportation as well.

Mr. Pease stated that they are not at the point of laying out specifics for what the development plans will look like.

Mr. Pease shared that their high-level goals are to work with the community to provide a physical connection from downtown to the river, to provide opportunities for a wide variety of housing options, to emphasize recreational opportunities especially along the river and to improve traffic flow and pedestrian safety.

Mr. Pease stated that IFG has hired a land expert to help clean up the title history on this piece of land. He explained that the V-shaped part of the property was historically part of an area owned by the railroad.

He explained that in addition to applying for annexation into the city, they are also working internally and with contractors to develop various site plan options and approximate budgets as well as identifying limitations and opportunities. He shared that they have been watching the city comp plan very closely to understand what Masterplan Mixed Use meant and how they could fit inside that construct. They see this as a natural extension of what really is part of the mill's property into the city.

Mr. Pease shared a slide of the area that is up for annexation and shared that IFG owns the road under Riverside Road through that area. He stated that IFG's goals are to align with the city's Masterplan Mixed Use plan and that they are requesting commercial zoning because it is the most aligned with their goals and the comp plan goals for the site.

Mr. Pease asked for any questions. He submitted his packet of information as **Exhibit 1**.

Commissioner Larson asked if the property is currently under urban renewal and Clare referred the question to Chris Pease. Commissioner Larson stated that when they did the urban renewal, the mill site was part of it, but she wasn't clear if the property up for annexation was included in that.

Clare shared that the application stated that it was part of urban renewal, but she had not received a map to confirm that.

Vice Chair Rawlings asked for any questions. Commissioner Dave Gray stated that it was an excellent presentation and that it touched all the bases.

The Vice Chair opened the hearing to public testimony and called for testimony in order of "for," "neutral," and "opposed."

Dave Duarte from 1132 Riverside Road in Bonners Ferry, stated that his property borders the proposed annexation, making his property the western border. He stated that he understands there's currently no discussion on the proposed construction and asked if there would be a series of meetings to attend.

Clare Marley re-stated that currently there is no application for the development of the property so the next step after this meeting will be the annexation consideration of city council. They

can choose to hold a public hearing if they feel that it warrants it, or they can accept the recommendation without a public hearing and move forward.

Marianne Duarte, also of 1132 Riverside Road in Bonners Ferry, stated that they have a special use mining permit and that the piece they mine is the adjoining property to the proposed annexation property. Her concern is what will be built near them and how it will affect their current operations.

Commissioner Price asked Mrs. Duarte what her property is zoned. Mrs. Duarte stated that they have 15 different lots that are all zoned differently.

Mrs. Duarte re-stated that her main concern is how close to their property another commercial use can be built and how it will affect their current business. She stated that they are part of current negotiations with the county for the Riverside Project, which is supposed to go to bid this fall. She wondered how IFG is viewing negotiations with the county considering the proposed annexation or if they would be proposing different options.

Tom Duarte, also of 1132 Riverside Road in Bonners Ferry, added that the special use permit that they have is for mining 26 acres of their property. They mined, drilled and blasted granite within 150 feet of the Idaho Forest Group land. He stated that crushing activities occur on their property as well and that he and his parents are concerned that the noise created from their business will be a problem if homes are built close to their mine.

Mr. Duarte stated that they have had a special use permit since 2004 and that their business continues to grow. He also stated that he would like Mr. Pease to address whether they have discussed how to protect their property from an operating quarry and how to avoid moving into a battle in the future.

Commissioner Price asked Tom if the Duartes have had any problem with any of their neighbors since they are zoned residential. Tom Duarte explained that there has never been any issue with any of their neighbors but that none have been as close to the quarry as the proposed annexation property would be. He also stated that Marianne Duarte currently calls all the neighbors when they are blasting since debris can potentially fly.

Commissioner Gray stated that there should always be cover available to put over blasting sites to provide protection and safety for neighbors.

Commissioner Larson asked the Duartes if they now use dynamite for blasting. Marianne Duarte stated that they use certified blasters, who are contractors who are certified. Private parties are no longer allowed to blast their own materials.

Tom Duarte stated that there are different means to do blasting, but they have never had to investigate those before. He stated that is not an expense they have had to consider before because they have not affected neighbors in the past. He stated that the current ridge is a noise buffer but that if things are built on the ridge, it will affect the operations of the quarry. He stated that they use heavy equipment which makes noise and that very big rocks come out of the blast, so they are concerned about anything being built too close to them. Mr. Duarte said that the actual blasting is the least of his concerns. His bigger concerns lie in the fact that often the rocks must be re-blasted, or jack hammered and that the year-round operations are his primary concern.

Vice Chair Rawlings asked if there was anyone else speaking in neutrality. There were none. He then asked if there was anyone who wished to speak in opposition. No one spoke in opposition. Vice Chair Rawlings.

Mr. Pease addressed the question of how IFG was working with the county on the Riverside Project. He stated that the county has a FLAP (Federal Lands Access Program) grant that they are working through on the Riverside Project and that the city has a FLAP grant that they are also working through on the project. He stated that the city is turning the grant back and is not moving forward on the city's part. Mr. Pease stated that they have 200 feet of road that is currently on county property and that IFG has been working on that. He is not sure where that stands. Mr. Pease stated that IFG's big thrust has been on the city side of the Riverside Project. They attended the previous month's city council meeting and brought up re-routing Riverside Road at the fairgrounds by turning south until reaching the railroad at which time the road would turn west. This would leave the current Riverside untouched. Mr. Pease addressed the fact that making that road change would take some work but that that is the only change they are currently working on.

Mr. Pease explained that if they are annexed, he is unclear how the annexation would affect the current Riverside project.

Mr. Pease addressed the second question of how the annexation will affect the quarry. He stated that IFG is far away from getting anything approved at this time. He stated that he runs a sawmill that makes a lot of noise, and he is very conscientious when working with neighbors. He stated that their goal was not to go in and crowd out Duarte's quarry just as he wouldn't want anyone to crowd out his business.

Mr. Pease stated that the proposed property is currently zoned Residential so they could build residential there now so the proposed annexation doesn't really affect what can be built there. Mr. Pease stated that he would take the Duarte family's concerns back to his team. He stated that his team has built new mills and purchased old mills and that their goal always is to work well within communities and be good neighbors.

Vice Chair Rawlings confirmed there were no further questions from the Commission and closed the hearing.

Mr. Rawlings stated that the Planning and Zoning members would now deliberate and that comments could no longer be made at this time. The Planning and Zoning committee can deliberate until a decision is made or postpone that decision until a future date and time to be determined.

Commissioner Gray stated that he appreciated that both sides are working toward a compromise and liked that Mr. Pease wanted to be a good neighbor. He shared that he thought development of this property was long overdue. He shared that he isn't concerned about flooding because of the dam and the dike. He also stated that it's inevitable that the city grows, and that this is a good direction for the city to grow in.

Vice Chair Rawlings stated that what came to his realization during discussion is the fact that the property is already zoned Residential within the county so it seems like having it annexed into the city as a Masterplan Mixed Use would be more advantageous to the neighbors concerned. He also stated that he doesn't see any problems with the application and that it meets the criteria.

Commissioner Price stated that she too thought the application checked all the boxes for approval. She also stated that she thought that being zoned Masterplan Mixed Use would also be a better choice for the neighbors than straight residential.

Commissioner Larson stated that she knows the Duarte's are a hard-working family and that she hopes that IFG respects that. She shared that as far as the annexation goes, she believes it benefits the city to approve the annexation.

Vice Chair Rawlings called for a motion from the Planning and Zoning Commission.

Commissioner Price moved to recommend to the Bonners Ferry City Council File approval of #AN08-23 designating the subject land and adjoining right of way as Masterplan Mixed Use and the zoning of the land as commercial, upon approval of the annexation by the city council, finding that it is in accord with goals and policies of the adopted city of Bonners Ferry comprehensive plan based upon the findings as listed in the staff report. It meets the objective of our future use and meets our requirements.

Commissioner Larson seconded the motion. Motion passed with all in favor.

Ms. Marley stated that the next step will be for the recommendation to be forwarded to the council and the council can choose to hold a hearing like this one or choose to accept the recommendation without hearing, but they would still need to adopt the decision and annexation at a public meeting. Clare advised that they may check with city hall for scheduling information.

Vice Chair Rawlings stated that Consent Agenda item 1 was completed and invited the public to be dismissed if they wanted to. Commissioner Andy Howe returned to his Commission seat.

Clare confirmed quorum for the August 17<sup>th</sup> meeting.

- **OLD BUSINESS:**
  - a. **Street Trees**

Clare introduced Sam Stringer to the team and shared that he graduated from the University of Montana as she did.

Clare restated that in the recently adopted comp plan, the commission was asked to consider incorporating street trees into a subdivision standard.

City Engineer Mike Klaus shared some concerns with Clare about how street trees have gotten into utilities and shared that he would prefer that the street trees are kept to the commercial areas and not the residential.

The negatives are the intertwining of potential utilities into root growth, survival rate of street trees and appropriate plantings for the area.

Clare reminded everyone that she had shared the example of Kootenai where they saw tree death because the trees were planted in July, which is usually the hottest month of the year. Then a certificate of residency could not be issued because the trees were all dead. Clare

reminded the committee that if they do want street trees in some scenarios, they should talk about irrigation and tree types.

Clare also asked the committee to consider whether street trees should be limited to just commercial areas or also commercial subdivisions.

Clare turned the presentation over to Sam.

Sam Stringer shared that the main concern with street trees is the trees not lasting and he acknowledged that it really comes down to what type of trees are selected. Sam shared a slide showing a list of street trees with characteristics like how tall they grow, if they are friendly for power lines, the growth rate, the kinds of roots and what type of soil they grow in as well as specific diseases for the trees. Sam also encouraged the Commission to be aware of the expected full height of adult trees.

Sam shared that one thing that was of big concern was the roots of street trees getting into utilities and causing cracks in sidewalks. He explained a solution to this problem, which is a root barrier system. This is a plastic compound material that can be formed into any shape. It helps to direct the roots away from utilities and sidewalks.

Commissioner Price asked if the root barrier system was costly. Sam replied that it can be costly, but the benefits of street trees may outweigh the cost.

Vice Chair Rawlings stated that in the cost benefit analysis, some of the cost would be mitigated by the damage that the root barrier system prevented.

Mr. Stringer agreed with Commissioner Rawlings that if the tree is planted at the right time of year and a root barrier is put in place, the tree will probably never have to be touched again.

Mr. Stinger then went on to explain further benefits of street trees in preventing the heat index. He explained how pavement, asphalt and buildings absorb heat and the heat doesn't have anywhere to go. Streets trees not only absorb heat, but they also provide canopies. He shared a slide showing up to a 30-degree difference in canopied areas, and noted how street trees affect people's wellbeing. It encourages people to get outside and move around and promotes business in commercial areas with shaded areas provided by street trees.

Clare Marley asked the commissioners if they would like to continue considering street trees as a segment of the future subdivision law whether it be residential, commercial, or only the bigger subdivisions.

Vice Chair Rawlings stated that he sees all the benefits of street trees but had some concerns over maintenance and upkeep. He pointed out that deciduous trees lose their leaves, and they need to be trimmed and he wondered who would be responsible for that upkeep.

Commissioner Price pointed out that often street trees fall in the easement right of ways and the upkeep would fall on the city. She said that as she drives through the city, she notices many areas that are currently not maintained already.

Commissioner Larson pointed out that the city doesn't have the resources to maintain the trees. She suggested that it would be the homeowners and the business owner's responsibility to maintain the trees.

Commissioner Howe stated that the more he thinks about it, the more he likes the idea of street trees, at least commercially and especially in a planned use environment. He commented on how the sidewalks and green spaces along the highway project made the town more beautiful and how he wished they had been able to continue it on the far south end of town. He recommended that the committee move forward with street trees.

Commissioner Larson suggested that the smaller subdivisions not be included but that the bigger subdivisions would benefit from having street trees.

Mr. Stringer reiterated that by choosing the proper street tree, maintenance should be at a minimum.

Commissioner Gray stated that where he lives where there are a lot of trees and it's much cooler and more pleasant to be outdoors. He supported picking the correct trees which will be low maintenance but wanted to move forward with street trees.

Mr. Stringer mentioned that by picking the correct trees and pruning their shape correctly in the first couple years, the tree will hold that shape and will not need maintenance going forward.

Commissioner Price said that street trees fit our vision for a more walkable neighborhood which will hopefully bring more dollars into our city.

Clare said that her team will go forward looking at what kinds of trees to plant and when to plant, looking at larger subdivisions and commercial areas.

#### **b. Lot and Parcel Adjustments**

Ms. Marley stated that the next item for discussion was the question about boundary line adjustments.

Clare stated that she had been asked to come up with a "recipe" for this. Her recipe for property line adjustments is:

- Take 2 or more lots of parcels.
- Mix or combine lot lines.
- Do not create more lots than current.
- Do not create setback violations.
- Do not make any lot smaller than smallest.
- Finish with survey, new deeds, etc.

Clare stated that this is where we come down to the hard question of whether the city requires a survey or a plat. For a very long time, Boundary County has required surveys when a property line adjustment is done. Any plat that is reconfigured has always required a re-plat.

Vice Chair Rawlings asked if this a standard practice in other areas. Clare replied that most other communities have some requirement.

Clare explained to the commissioners an example of when a lot line adjustment would need to be made. For example, if a property owner discovered that their house is on the other property



owner's property, they could decide to do a reconfiguration of their properties. Most communities would require that it at least be surveyed.

Clare shared the draft language for lot line adjustments or minor plat amendments.

- 1) A boundary line, lot line adjustment, or minor plat amendment shall NOT:
  - a) Result in the creation of more lots or parcels than originally existed.
  - b) Cause any adjusted parcel or lot to be in violation of zoning or subdivision standards. No adjustment shall cause a lot or parcel to be reduced below the minimum acreage for the subject zoning district. If a parcel or lot is already less than the minimum acreage, the adjustment shall not further reduce the acreage of the non-conforming parcel or lot. A reconfiguration of non-conforming lots or parcels shall not create any parcels that are smaller than the smallest original lot or parcel.
  - c) Include dedications of rights-of-way or lands to the public.
  - d) Be in conflict with the conditions of approval for the original plat.
- 2) All of the subject areas being reconfigured shall be accounted for in conveyance documents so that no fragments remain.
- 3) The conveyance documents shall clearly identify that the transaction is for the purpose of a property line adjustment.

Clare shared that City Administrator Lisa Ailport's concerns that the city doesn't have the staff to review this, and her worry is that it creates more need for staff. Lisa's suggestion is that we give people instructions on how to do it and whether they do it, it's at least there. Clare had shared with Lisa about the commissioners' comments from last time, such as when somebody goes to sell their property and finds out their kitchen is on the neighbor's property.

Clare stated that at this point the Commission is at a crossroads on which way to go but she suggested that with the mayor, being a surveyor, it would be prudent to check in with him.

Commissioner Larson agreed that with all the mayor's experience it would be a good idea to check with him. Commissioner Gray mentioned that to avoid legal disputes, he believes that surveys should be required. Commissioner Price stated that she believes surveys are even more important on smaller lots because a foot of space on a small lot is a lot more space than a foot on ten acres.

Clare asked the commissioners if she should move forward with drafting some language that would require a survey. She asked if they would like to meet with the mayor first.

The commissioners agreed that they would like to talk with the mayor before moving forward.

Commissioner Howe agreed that a survey is appropriate, but he has concerns about plats being somewhat cumbersome.

Clare shared her personal experience with a lot line dispute and how she was glad to have a survey. Clare shared that she favors plats but understands that surveys are less expensive. Clare stated that she will continue to gather opinions on this matter.

Commissioner Sue Larson moved to adjourn the meeting and Commissioner Darci Price seconded the motion. The motion passed with all in favor. The meeting adjourned at 6:40 p.m.