

Boundary County Planning and Zoning
P.O. Box 419
Bonners Ferry, ID 83805
Attention: John Moss, Zoning Administrator

10/20/2019

Subject: Provide Comment with Justification of to Proposed Changes to 9B18LOV2

Dear Mr. Moss,

The purpose of this letter is to provide comments with justification for proposed changes that deal with the revised definitions/descriptions for junkyards and the storage of personal property and the inclusion of a new proposed regulation for storage access (new proposed regulation 15.17, Storage Excess).

Discussion

Overall, this was a good effort to try to summarize the issues that have occurred for the storage of excess equipment on private property that could be defined as either a junkyard or personal property. In addition, I am glad that John Poland and other people of concern from Willow Road requested additional time to review the proposed changes prior to Planning and Zoning (P&Z) final vote and submittal to the Boundary County Commissioners. Based on my review of the proposed changes, I have concluded that the issues raised on what is to be defined as a junkyard versus excess of personal property needs to be handled as two separate issues.

Junkyards

John Poland's concern and efforts to define what the problem is at hand with identifying the storage of materials and excess equipment as junkyard and not being allowed on property that is classified as Agriculture/Forest is still not completely resolved. It is possible that a home owner would not identify their storage of unused equipment and materials as a junkyard but would look at the excess equipment and materials as used equipment and for the salvage of materials from the used equipment either for personal use or for resale. When I reviewed the proposed changes for the junkyard concern, I feel that Boundary County P&Z is still struggling with the definition of what a junkyard is. By today's standards, the term "**junkyard**" is antiquated and for the most part has been replaced with the term "**salvage yard**". In addition, the junkyard definition is still focused to a junkyard that is primarily concerned with automobiles (i.e., cars and personal trucks). It is possible that other mechanical types of equipment such as heavy equipment or transport vehicles such as tractor trailers or flatbed trucks could be part of one person's interest for repair, reuse or for sale. Therefore, I believe that a new definition "**Used Equipment and Salvage Yard**" needs to be added to Section 2, Definitions as new section 2.81.1. For simplicity, I will include the new proposed definition 2.28.1 to be used as a guide for review.

Personal Property

The proposed revision to existing regulation 15.2.11 that deals with the outdoor storage of materials and property, including containers in an area less than half an acre should include either the words "**not to be in plain sight**" or "**not to be considered a public nuisance per Definition 2.61**". I still feel that revised regulation 15.2.11 would still allow land or home owners to stack equipment such that is becomes visible to the public whether the public agrees to it or not. This can be shown in Figure 1. As

shown in Figure 1, there are six sets of 40-foot long shipping containers that are double stacked with a seventh set of one 40-foot shipping container. Assuming a 20 foot spacing between stack containers, you have a foot print that is 176 feet long by 40 feet wide. This equates to a foot print of 7,040 ft². Even though the footprint is approximately 1/3 of the limit ($21,780/3 = 7,260 \text{ ft}^2$), the foot print has the potential to hold much more than what less than an ½ acre in size. If you don't put in the words that provide limits to what other people may see, it would allow the few individuals to take advantage of how the revised regulation is being proposed and provide a situation that is visible, unsightly and provide the potential to be a public nuisance to what is described by Definition 2.61, Public Nuisance.

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Note 1: The pictures of the stacked shipping containers were taken on 7/31/2019 (with property owner's permission and presence) and 10/01/2019 (taken at 1-mile mark on logging road located west of Sitka Road).

Figure 1 – Example of Stacked Equipment in a Foot Print of Less than ½ acre

Review of and Additional Proposed Changes to Boundary County Regulations as Defined by 9B18LOV2

Section 2. Definitions

2.6. Automobile Graveyard – In the 3rd line, revise (**See: 2.17 to 2.18**) to align with the definition of derelict vehicle.

New Definition 2.6.81.1. Used Equipment and Salvage Yard – The use of any lot, parcel or tract of land for the storage, impoundment, dismantling, demolition, salvage or abandonment of heavy equipment such as cranes or dump trucks or transport vehicles such as tractor trailers or flat bed trucks that is not part of Definition 2.6. This definition shall not include implements of husbandry, farm tractors or equipment customarily operated in a farming, ranching or agricultural operation, nor impoundment lots (See: 2.37.) established by the Boundary County Sheriff or Prosecutor as necessary for law enforcement.

Justification: See above discussion under Junkyards. In addition, the new definition would have to be added, as required, in Section 15, Zone District Specifications for the different land use classes as specified by the table in Section 15.1. Use Classes. See below proposed changes for Section 15.

Section 15. Zone District Specifications

15.2. Unrestricted Uses: Two possible revisions.

Rev 1. Revise the end of the 1st sentence of Regulation 15.2.11 to “...half an acre in size **and not to be in plain sight.** “

Rev 2. Revise the end of the 1st sentence of Regulation 15.2.11 to “...half an acre in size **and not considered to be a public nuisance (i.e., dust, noise, public view, etc...).** “

Justification: See above discussion under Personal Property.

Section 15.5. Moderate Uses

Add new allowance 15.5.20. Used Equipment and Salvage Yards

Section 15.9. Prime Agriculture

Under Section 15.9.6. Prohibited Uses, add new prohibited use 15.9.6.4. Used Equipment and Salvage Yards.

Section 15.10. Agriculture/Forestry

Under Section 15.10.6. Prohibited Uses, add new prohibited use 15.10.6.5. Used Equipment and Salvage Yards.

Section 15.11. Rural Residential

Under Section 15.11.6. Prohibited Uses, add new prohibited use 15.11.6.5. Used Equipment and Salvage Yards.

Proposed Changes (continued)

Section 15.12 Suburban

Under Section 15.12.6. Prohibited Uses, add new prohibited use 15.12.6.7. Used Equipment and Salvage Yards.

Section 15.13 Residential

Under Section 15.13.6. Prohibited Uses, add new prohibited use 15.13.6.9. Used Equipment and Salvage Yards.

Section 15.14 Rural Community/Commercial

Under Section 15.14.6. Prohibited Uses, add new prohibited use 15.14.6.6. Used Equipment and Salvage Yards.

Section 15.15.6. Commercial/Light Industrial

Under Section 15.15. Conditional Uses, add new conditional use 15.15.6.8. Used Equipment and Salvage Yards.

15.16. Industrial

Under Section 15.16.3. Uses not Regulated by Boundary County, add new use 15.16.3.3. Used Equipment and Salvage Yards.

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