

11/06/2019

Boundary County Planning & Zoning  
P.O. Box 419  
Bonners Ferry, ID 83805

Attn: John Moss, Planning and Zoning Administrator  
for distribution to Planning and Zoning Commission members

Re: Proposed changes to the Boundary County Zoning Ordinance  
discussed at public meeting on October 18, 2019

From: Residents of Boundary County, Idaho

To the P&Z Commission:

The efforts to revise the Boundary County zoning ordinance are appreciated and there are a number of sections that have been improved. There are also a number of sections that are still in need of revision and other areas where the proposed revisions are not in the best interests of the residents of the county. Below are portions of the code that we have noticed that should be revised in order to address current problems in the county.

#### Section 2.40

Revision Proposed by Planning and Zoning:

Junk Yard: noun A site requiring a Conditional Use permit which is maintained or used for storing, keeping, buying, or selling refuse (See 2.65.), and/or the maintenance or operation of an Automobile Graveyard (See: 2.6.)

Concerns:

- 1) The definition starts by calling a junkyard a "site which requires a Conditional Use permit...". What about sites that do not require a Conditional Use permit? It could be argued that one can operate a salvage yard which does not require a permit, so therefore it would not be a junkyard. Putting the requirement of a Conditional Use permit in the definition confuses the issue.
- 2) The definition refers to "refuse", which implies that storage or dealing in anything else would not fall under the category of "junkyard". Scrap metal, used building materials and furniture, and miscellaneous salvaged items would not fit the definition of "refuse". This would mean that one could legally operate a commercial salvage yard, buying and selling these other kinds of materials, anywhere within Boundary County. Is it really the intent of the Planning and Zoning Commission to legalize all such operations, especially by rewording a definition? This would not serve the interests of the residents of the county by any means and is certainly not desired by the residents in our area.

Proposed Solution:

- 1) Move the requirement for a Conditional Use permit to Section 10.5, which is the section of code regulating junkyards.

- 2) Change the definition of “junkyard” to refer to the activities that take place at junkyards (and scrap yards), as well as including a more complete listing of the types of materials that are typically found at junkyards. Common usage of the term “junkyard” has come to mean something more akin to a “salvage yard”, and should be defined as such. A possible definition could be the following:

#### Junkyard

Any area where waste, junk, junk vehicles, trash, discarded or salvaged materials are bought, sold, exchanged, baled, parked, stored, disassembled, or handled, including auto wrecking yards, house wrecking yards, used lumber yards, used furniture yards, and places or yards for storage of salvaged house wrecking and structural steel materials and equipment, or for the sale, purchase, or storage of salvaged machinery or the processing of used, discarded, or salvaged material as part of manufacturing operations.

#### Section 2.65

##### Revision Proposed by Planning and Zoning:

Refuse: noun Material thrown away or rejected as worthless; trash, rubbish, waste, debris, litter, garbage, discarded matter, detritus, dross, landfill, scrap, etc.

##### Concerns:

- 1) The proposed definition of “refuse” applies to garbage, so “junkyard” would essentially refer to a landfill. A “junkyard” is commonly understood to be a place for storing, buying or selling scrap material, either for personal use or for profit, not garbage. Anyone wishing to operate a scrap yard would simply call it a “scrap yard” instead of a “junkyard” and thereby bypass all of the regulations regarding junkyards.

##### Proposed Solution:

- 1) The definition of “junkyard” should refer to “junk” or “scrap material”, as well as “junk vehicles”, which could then be defined as follows:

#### Junk

Junk is defined as “Old or discarded scrap, copper, brass, iron, steel or other metals, or materials including but not limited to tires, household appliances, furniture, rope, rags, batteries, glass, rubber debris, waste, trash, construction debris, plumbing fixtures, or any discarded, dismantled, wrecked, scrapped, junk, or nuisance motor vehicles or parts thereof. Building materials stored on site for an active or pending construction project are not considered “junk” under this definition.

#### Junk Vehicle

A “Junk Vehicle” is a vehicle that does not display a current license plate lawfully upon a vehicle; is partially dismantled, wrecked or extensively damaged or deteriorated; and is not capable of lawful operation on public roads.



## Section 10.5.1

### Revision Proposed by Planning and Zoning:

10.5.1.1 At the time of adoption of this ordinance a junkyard that does not have a conditional use permit shall be deemed a non-conforming use pursuant to the provisions of Section 17.2.4, but must meet or be brought to meet the general provisions established below to allow continuance of use.

10.5.1.2 Junkyards established or maintained contrary to the provisions established herein will result in a notice that Injunctive Action will be taken (provisions of Section 4.2.).

### Concerns:

1) This section would encourage the creation of illegal junkyards as rapidly as possible before the new regulation is imposed, because once an illegal junkyard is created, one would simply need to install a fence and suddenly the illegal junkyard is converted into a legal one. This appears to be an invitation to those intending to circumvent the regulations and is certainly not a desired outcome by any of the residents of our area.

### Proposed Solution:

1) State specifically that junkyards established in areas where junkyards are prohibited must be removed from the property within a certain limited time frame, such as 90 days. A possible revision could be:

10.5.1.1 At the time of adoption of this ordinance a junkyard that does not have a conditional use permit shall be deemed a non-conforming use pursuant to the provisions of Section 17.2.4, but must meet or be brought to meet the general provisions established below to allow continuance of use.

10.5.1.2 Junkyards established in prohibited areas or maintained contrary to the provisions established herein will result in a notice that Injunctive Action will be taken (provisions of Section 4.2.). The junkyard will need to be removed and the property returned to an approved use.

## Section 10.5.2.4

### Revision Proposed by Planning and Zoning:

No junkyard will be used as an unregulated dumping area for refuse or as a place for the burning or disposal of trash.

### Concerns:

- 1) The implication of the regulation is that a junkyard could be a regulated area for the dumping of garbage, thereby creating a parallel definition of landfill. If a person wished to operate a landfill but wanted to avoid the regulations regarding landfills, he could simply call it a "junkyard" instead. Such a redundancy in definitions is unnecessary and does not address the junkyard problem.
- 2) Junkyards should not be dumping grounds for refuse at all, regulated or unregulated, because this use would fall under the regulations for a landfill.

### Proposed Solution:

- 1) The definition of "refuse" in this section implies "garbage". This would be appropriate IF the definition of "junkyard" is changed to refer to "scrap material", etc. as suggested

- in the comments above. Refer to comments about the section regarding junkyards.
- 2) Remove the term "unregulated" from the statement, as follows:

"No junkyard will be used as a dumping area for refuse or as a place for the burning or disposal of trash."

We ask that the Planning and Zoning Commission reconsider the proposed changes to the Boundary County zoning ordinance and revise them in accordance with the suggested options we have provided above. If Planning and Zoning would like further input or assistance with revising the ordinance, we would gladly contribute constructive input to the process.

Thank you,

*John H. Poland*

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