

**\*\*\*Monday, January 17, 2022**, Commissioners did not meet due to the Human Rights Holiday.

**\*\*\*Tuesday, January 18, 2022, at 9:00 a.m.**, Commissioners met in regular session with Chairman Dan Dinning, Commissioner Wally Cossairt, Clerk Glenda Poston, and Deputy Clerk Michelle Rohrwasser. Commissioner Tim Bertling was out of the office tending to other matters.

9:00 a.m., Commissioners held an elected officials/department heads meeting at the County Annex. Present were: Chairman Dan Dinning, Commissioner Wally Cossairt, Clerk Glenda Poston, Deputy Clerk Michelle Rohrwasser, Courthouse Maintenance John Buckley, Veterans Service Officer Ron Self, Personnel Director Pam Barton, Chief Probation Officer Stacy Brown, Sheriff Dave Kramer, Solid Waste Department Superintendent Claine Skeen, Treasurer Sue Larson, Assessor Dave Ryals, Emergency Manager Andrew O'Neel, and Road and Bridge Department Co-Superintendent Randy Morris.

Chairman Dinning went around the room asking which departments have position vacancies. Ms. Barton commented that the Commissioners have signed the agreement with Boundary Community Clinics pertaining to workers compensation doctor appointments. Questions were raised about drug testing after an incident and the general process of reporting accidents/incidents when they occur.

Elected officials and department heads that were present provided updates for their respective departments.

The elected officials/department heads meeting ended at 9:40 a.m.

9:40 a.m., Veterans Service Officer Ron Self met with Commissioners at the County Annex to give a department report. Mr. Self asked if he was caught up on taking his KnowBe4 courses. Mr. Self asked about getting a bulletin board so he can post information about veteran services. Mr. Self commented that North Idaho Veterans Service Officer Scott Thorsness will visit his office on January 27, 2022.

The meeting with Mr. Self ended at 9:45 a.m.

Commissioners returned to the Courthouse for their remaining meetings.

10:30 a.m., Commissioner Tim Bertling joined the meeting via conference call.

10:30 a.m., Treasurer Sue Larson joined Commissioners in their office to present the quarterly report on county accounts. Commissioners reviewed the report.

Commissioner Cossairt moved to approve the quarterly report of county accounts as presented by the Treasurer. Commissioner Bertling second. Motion passed unanimously.

Commissioner Cossairt moved to grant an extension for tax year 2021 for parcel #MHB004000009BAA and to accept monthly payments and to pay the balance in full by April 3, 2022. Commissioner Bertling second. Motion passed unanimously.

The meeting with Treasurer Larson ended at 10:41 a.m.

10:41 a.m., Chief Deputy Clerk Nancy Ryals joined the meeting.

Commissioner Cossairt moved to deny indigent case 2022-4. Commissioner Bertling second. Motion passed unanimously.

Chief Deputy Clerk Ryals left the meeting at 10:45 a.m.

Commissioner Bertling ended his call until the next meeting at 11:30 a.m.

Commissioner Cossairt moved to sign the Certificate of Residency for Noah Walker. Chairman Dinning yielded the chair to second. Motion passed unanimously.

Commissioner Cossairt moved to grant an extension for tax year 2018 for parcel #RP63N01E236615A and grant an extension for tax year 2021 for parcel #MH63N01E236615A and to accept a payment of \$300.00 by February 9, 2022, and another payment of \$300.00 by March 9, 2022. Chairman Dinning yielded the chair to second. Motion passed unanimously.

Commissioner Cossairt moved to sign the Property Tax Cancellation form for tax year 2021 and to cancel \$6.05 in late fees and interest for parcel #MH61N01E033311A and cancel \$2.78 in late fees and interest for parcel #RP61N01E033311A as the payment was made on time. Chairman Dinning yielded the chair to second. Motion passed unanimously.

Commissioner Cossairt moved to sign the Property Tax Cancellation form for tax year 2021 and to cancel \$6.73 late fees and interest for parcel #RP60N01W024500A as the payment was applied to the wrong parcel and the mortgage company requested payment be applied to the correct parcel. Chairman Dinning yielded the chair to second. Motion passed unanimously.

11:00 a.m., Steve Fioravanti, Kendra Martin, Gregory Lamberty, Jerry Haas and an unidentified member of the public joined the meeting.

Commissioner Tim Bertling joined the meeting via conference call.

11:30 a.m., Steve Fioravanti said he wanted to meet with Commissioners to discuss American Rescue Plan Act (ARPA) funds. Mr. Fioravanti said he wanted to speak against the ARPA funds and he has put together information and handed it out to Commissioners. Mr. Fioravanti said he listed various questions, such as who is responsible for enforcing the limits on the constitution on the Federal government and he listed quotes from various people in response to that question. Mr. Fioravanti said the answer to that question is that the final authority rests with the people. Where in the constitution is the Federal government authorized to dole out trillions of dollars in aid, specifically ARPA funds, with stipulations being micromanaged by the US Treasury.

Mr. Fioravanti said on page 2 of his handout is the agenda of the ARPA funds. The virus has exposed massive economic and racial inequalities in our society and he questioned how the virus can expose this? President Biden's build back better agenda was referenced. Mr. Fioravanti referred to an article that states we must hire 200,000 new health-care workers for testing and tracing through a new National Health Service Corps. Mr. Fioravanti added that the information also states we need to test 500,000 to a million people a day if we are going to effectively manage this virus over the long term. This is the hidden agenda. The first page of the ARPA Act was provided and Mr. Fioravanti listed sections of the Act pertaining to funding for COVID/SARS, surveillance, global health, Medical Reserve Corps and funding for the National Health Service Corps. A statement was made that it is audacious to push to

grow our federal government. A reference was made regarding the Compliance and Reporting Guidance and it was said the terms and conditions of the funding award must be followed. The Treasury's Interim Final Rule consists of 437 pages. The rules have been changing and moving all along. Everyone has received their funds and these rules are changing. Mr. Fioravanti suggested Commissioners review Memorandums M-21-20 and M-20-21 and he reviewed information on award terms and conditions and referred to executive orders and debts owed to the federal government. The Treasury will take any actions available to it to collect such a debt.

Mr. Fioravanti referred to an article from The Washington Post with the heading that the Biden Administration threatens to rescind stimulus funds from Arizona over anti-mask school policy, statements that the Diversity, Equity and Inclusion Commission was established with ARPA funds and the purpose of the creation of this committee is to address declaring racism as a public health crisis in Erie County, Pennsylvania, and another Washington Times article with a heading that Biden's race-based farming debt-relief program was halted by a judge.

Mr. Fioravanti said when he met with Commissioners the last time, there was concern if anyone else was sending the ARPA funds back. Mr. Fioravanti referred to a page of his handout from a news source with a heading that states that 12 local communities decline or forfeit ARPA funds and they're looking at if they have to hire a qualified management person to manage these funds. Brigham Young University has turned down stimulus checks even though they also lost funds through the pandemic. The church has principles of self-reliance and will manage their own affairs.

Chairman Dinning said as to the award terms and conditions, they had an expiration date of November 2021. Ms. Martin replied that that was the interim rule, so the information is still in the final rule. Chairman Dinning said the county has received the final rule and have forwarded the information on to the county civil attorney so it's not going to be something done in a hurry. Ms. Martin said to keep in mind that the final rule doesn't come into play until April and she added that she had an entire team dissecting the 437-page final rule and they're finding most of the same conditions are included in it. Ms. Martin said she's concerned about these funds as they seem to have ways of jumping over the constitution. This should be scrutinized. Now there is the build back better plan. That much money being dumped into the economy, what does that look like? It looks like Germany in the 1920's, according to Ms. Martin. It's irrational to dump that into the countries that can't manage their money.

Ms. Martin mentioned the matter pertaining to Arizona and she said it's about the fear of COVID. By seeing that everyone is vaccinated, the economy, etc. ARPA is about equity; not equal opportunity. Ms. Martin commented on socialism and she said the only true equity is selfless giving. It's what was given when doctors and nurses remained at work and they were called heroes, but today we let them go from their jobs. Equity cannot be mandated. To mandate sacrifice to help others breeds hatred and selfishness. Would Martin Luther King stand for equality or equity? Many locals such as Bonner County Sheriff Daryl Wheeler have rejected the funds, as have others. We need to learn to turn away from dangling entanglements. Are we patriate Americans or dependent Americans? This particular bill and the following one are blatant opportunities to say enough is enough. Ms. Martin said we will learn to live within our means and can tell the federal government that we don't need them; they need us.

An unidentified speaker commented that there are all of these legal things and the lawyer looking at the information, but in a normal world this wouldn't have happened. This is not our taxes coming back to us, it's debt. It's stealing and it will have to be paid back by our kids and grandkids. Nobody is afraid of tightening the strings. Just because you can take it, doesn't mean you should take it. Bonner County

Sheriff Daryl Wheeler said no, and that is moral character. Idaho has \$1,900,000.00, but this should never have happened.

Mr. Fioravanti asked if the county has a balance shortfall. Chairman Dinning said no, the county has to have a balanced budget. Mr. Fioravanti said we don't need to get the funds and give up our sovereignty. The county has taken the first set of funds. If we take the funds, we're accepting the power grab by the feds and giving away our sovereignty. Chairman Dinning said he doesn't disagree, but Commissioners are going to take time and look at the information. Ms. Martin asked if a dime of the ARPA funds has been spent and Commissioners and Clerk Poston said no.

Chairman Dinning said what Commissioners deal with is not a shortfall as the county has to pass the budget. Chairman Dinning said Boundary Ambulance needs approximately \$200,000.00 to replace a 10-year old ambulance. There comes this fine line as to how do we take care of the needs of the community when the levy for the ambulance didn't pass. When there are other needs, such as the county levies almost nothing for Road and Bridge adequately, but is adequate how we should exist. Take the normal budget and we get back funds adequately, but someone once called it mediocre and is that what we want for those living here? Chairman Dinning said he is trying to figure out how we get there. Ms. Martin said we can figure it out when we turn down the ARPA funds. Chairman Dinning said Commissioners are just going to sit on this matter. Ms. Martin said if ARPA was not even in the picture, we would have to deal with the reality of what we have. With the whole COVID picture, there is enough evidence that it was a biological weapon to do what it is doing. It's ensnaring people, killing people. The turn of events of this man-made weapon against Americans and the world, how are we not seeing it? Ms. Martin referred to letters written by President Biden and former President Trump and she said the letter from President Biden talked about vaccinations and President Trump's letter was all encouragement and strengthening, but now we have this administration that is maniacal who created ARPA and now the build back better campaign. We are smart enough to say go away and live our free lives.

Mr. Fioravanti asked what the next step is after hearing from the county attorney. Chairman Dinning said Commissioners will also be hearing from the legislature and once they get all pieces, Commissioners will then look at the big picture. Ms. Martin questioned if the evidence is getting to Commissioners, and she added that the legislature is embracing this, but Commissioners do have the ability to decide for themselves. People should be able to look to their leaders, according to Ms. Martin. Ms. Martin said we have a wonderful place and we're the last bastions of freedom, but Commissioners are toying with that by considering ARPA. Ms. Martin said she's provided the legal documents and it discussed equality and you cannot legislate that. We're getting mandated that we must help those less fortunate. Ms. Martin questioned why take the funds unless the county wants the interest. Chairman Dinning said there are both sides; there is the side that Ms. Martin has and there is another side so it doesn't hurt to sit still and look at it. Ms. Martin said she is just wondering why it's taking so long. She wants to make sure the monster is off the table and she feels it is a monster. Ms. Martin questioned if the county knows what kind of monitoring compliance staff the county will have to have.

Mr. Fioravanti asked about wanting to meet and speak again before a decision on ARPA is made.

Mr. Lamberty said if the county took the funds and then had to return them if they were not used the right way, could the county do that within the 60 days?

The meeting to discuss ARPA funds ended at 12:00 p.m.

Commissioners recessed for lunch at 12:10 p.m.

1:30 p.m., Commissioners reconvened for the afternoon session with Chairman Dan Dinning, Commissioner Wally Cossairt, Clerk Glenda Poston, and Deputy Clerk Michelle Rohrwasser.

1:30 p.m., Commissioners held a public hearing to consider Variance Application #1-2022 requested by Joseph Majors and landowners Steven & Mary Archibald. This is a request for a proposed approach location for an additional approach and is a variance to Road Standards Ordinance 2020-2. Present were: Chairman Dan Dinning, Commissioner Wally Cossairt, Clerk Glenda Poston, Deputy Clerk Michelle Rohrwasser, Cliff Bellmore, Applicants Mary Archibald and Joseph Majors, and Road and Bridge Department Co-Superintendents Renee Nelson and Randy Morris. The hearing was recorded.

Chairman Dinning reviewed the hearing procedures. No member cited as conflict of interest. Chairman Dinning asked for the applicant for an opening statement.

Mr. Majors said he's hoping to get a driveway installed so not to wreck the ground getting to the shop. Chairman Dinning commented that there is an approach to the house that is on the property. Mr. Major said it's too expensive to build that much of a driveway and Ms. Archibald said it's less expensive to build a driveway going straight to the shop.

Ms. Nelson provided a staff report and referred to the analysis for Commissioners. The reason for the request is Road Standards Ordinance #2020-2, Section 3.3.B. Stellar Jay Road is a local road and the requirement is to have 200 feet between existing driveways. One driveway meets that distance, but going to the east to the next driveway at 144 Stellar Jay Road, it's less than 200 feet between them. Section 3.3.F. states that the minimum sight distance for new approaches entering local roads shall be a minimum 300 and a minimum sight triangle of 40 feet. Ms. Nelson said the area is zoned rural residential and there are no flood hazards or special zoning overlays. The sight distance for the proposed location does meet the 300-foot requirement. The traffic count was 25 and an engineering study doesn't seem warranted. Ms. Nelson described the road layout as a chip sealed road for approximately 3/10<sup>th</sup> of a mile and the rest is gravel. There is no speed limit sign on this road. Ms. Nelson said Road and Bridge did receive two written public comments that are included in Commissioners' packet of information. Road and Bridge did try to respond to an overview summary and they did stress the reason for a hearing is that there are ordinances in place within the county and there are processes to follow that protect both the rights of the landowner and adjacent landowners. Per county ordinance, the speed limit is 35 miles per hour unless otherwise posted. One comment letter was received from the Bellmores and another letter was received from someone who signed as the "neighbor".

Chairman Dinning asked how far the distance was to the property to the west, 24 Stellar Jay Road. Ms. Nelson said the distance is over 200 feet and the sight distance is good. This is not an arterial road. A local road is to have a 200-foot distance between approaches and an arterial road is to have 330 feet between approaches.

Commissioners opened the hearing to public testimony and asked for comments from those in favor of the application. Mary Archibald, 78 Stellar Jay Road, asked if the same rules apply to both driveways and roads and she added that it's just a 60-foot driveway to the shop on the property. Ms. Archibald said she just wondered if roads and driveways are counted as the same criteria. Chairman Dinning explained the description of the road was provided as it pertains to the approach. Ms. Nelson said the reason for explaining roads is that it determines the approaches and sight requirements.

Speaking uncommitted to the application was Cliff Bellmore. Mr. Bellmore said he's not opposed to the driveway being there so it's not a problem as far as he's concerned. The entire shop is close to a neighboring property line and his concern has mainly to do with Planning and Zoning. Mr. Bellmore said he doesn't have problem with the driveway. Chairman Dinning said Mr. Bellmore seemed to be more concerned with the use of the shop as he was told there was going to be a business there and all of the things associated with a business in a residential area. Mr. Bellmore added that the road is not a two-lane road.

Chairman Dinning asked the applicants if they would like to make a closing statement. Mr. Majors explained that he is a fabricator and artist by trade and he does mixed media art so any business done on site would be art work made on the opposite side of the neighbor's property in the lean-to, which is insulated and completely walled. Mr. Majors said if he doesn't end up doing that type of work, he would do small time agriculture on the property, but he doesn't plan on being a big noisy nuisance. Mr. Majors wants to be respectful of his neighbor and wants to get along and have her be happy as well.

Commissioner Cossairt said he doesn't see any problem with the driveway approach.

There being no further comment, Commissioners closed the hearing to additional testimony.

Chairman Dinning said if this application is approved and the property owners subsequently sell the property and the new buyer tries make some kind of a commercial approach, he doesn't know how to address that at this point. Commissioner Cossairt said there would have to be a Planning and Zoning application. Ms. Nelson said she did run some things by County Civil Attorney Tevis Hull and per the Road Standards Ordinance, there are three approach permit types. One type is residential and this application is not a residential approach. The second is a roadway approach and the third is a commercial/farm approach, but that also takes in temporary logging approaches as well as approaches to shops, barns, and anything that doesn't fall under the other two permit types. There is a page on the approach permit, if the variance is approved, that could also state that this is an approach to the shop only and it's not commercial use or residential so it's personal use only. Then the approach permit would go forward for this one file and it wouldn't signify approval of house, etc., without going through Planning and Zoning. It was said that what is intended is not a full-blown welding shop with trucks, etc. Chairman Dinning said he thinks for this public hearing that Commissioners state this is for a one-man operation for the construction of art without approval of Planning and Zoning. Ms. Nelson said Planning and Zoning did state that they're looking into Mr. Bellmore's comments. Ms. Nelson added that's why the approach is only for personal use to the shop.

Commissioner Cossairt moved to approve Variance Application #1-2022 for applicants Joseph Majors and Steven and Mary Archibald, parcel #RP62N01E356050A, for a road approach that does not meet Road Standards Ordinance 2020-2, Section 3.3.B., with the following conditions: a, Upon approval of this variance, the landowner shall provide Road and Bridge a deed showing the legal description of the parcel. b, Applicant shall obtain a Road and Bridge approach permit, and per Ordinance 2020-2, Section 3.3.A., approach shall conform to Figure 3.3 for a Commercial/Farm Approach and shall construct an approach, and also adopt language and the type of approach, a commercial/farm approach for an approach to a shop only for personal use. c, Upon approval of variance, variance granted approach location shall be recorded with the Findings and Decision Letter and a copy of Recorded Instrument number shall be provided to applicant. d, The variance shall run with the land unless as described in paragraph e., e, should approach permit and approach construction not be completed within one (1) year from the date of this document, variance shall be terminated and shall not run with the land. Staff

is directed to prepare written findings, a decision and terms and conditions of approval of Variance Application #1-2022. Chairman Dinning yielded the chair to second. Motion passed unanimously.

The hearing to consider Variance 1-2022 ended at 1:53 p.m.

2:00 p.m., Road and Bridge Department Co-Superintendents Renee Nelson and Randy Morris remained in the meeting to provide a department report. A written report was provided.

Those present reviewed the Road and Bridge Department report.

Commissioner Cossairt moved to sign the Federal Lands Access Program (FLAP) Application for Myrtle Creek Bridge, when completed. Chairman Dinning yielded the chair to second. Motion passed unanimously.

Ms. Nelson discussed the Transportation Alternatives Program (TAP) and she said since the county has the funding application for the Children's Pedestrian Safety Improvement project this year, she can apply for both funding sources. Road and Bridge turned in the application for the Naples Elementary School Pedestrian Safety Improvements and submitted a TAPS application in year 2019, but wasn't awarded funding. Ms. Nelson said if Road and Bridge is awarded the children's pedestrian project, she can withdraw the TAPS application. Ms. Nelson said she will have to resubmit an application online, but she can use information from the 2019 application.

Commissioner Cossairt moved to sign the 2021 Transportation Alternative Program (TAPS) application for the Naples Elementary School Pedestrian Safety Improvement Project and related documents. Chairman Dinning yielded the chair to second. Motion passed unanimously.

Restorium Administrator Karlene Magee joined the meeting at 2:35 p.m.

The meeting with Ms. Nelson and Mr. Morris ended at 2:35 p.m.

Restorium Administrator Karlene Magee provided Commissioners with information on the Restorium. Ms. Magee said the car that was recently purchased for the Restorium has been picked up. Ms. Magee also informed Commissioners that she is working on making vaccine boosters available for the Restorium. Rawlings Community Counseling has met with Restorium staff and the meeting was well received. Ms. Magee said the hitch for the oven door that she has been waiting for since last August has come in. The new door for the Restorium is here, but it needs painted before installation. Ms. Magee said she received COVID funding as it relates to residents totaling approximately \$19,000.00.

The meeting with Ms. Magee ended at 3:00 p.m.

Commissioners contacted County Civil Attorney Tevis Hull via telephone at 3:00 p.m.

3:00 p.m., Steve Moyer with North Star Surveying joined the meeting.

Commissioners signed the plat map for the Eckblad Addition Subdivision.

Mr. Moyer left the meeting at 3:01 p.m.

Attorney Hull listed various matters he’s reviewing, such as the dispute of ownership of Pinnacle Circle and working on the legal description as it pertains to an agreement for parking with Mountain Springs Church.

Commissioner Cossairt moved to adopt Resolution 2022-11. A resolution of Boundary County, Idaho, amending the official comprehensive plan map designations Boundary County Planning & Zoning File #21-0126. Chairman Dinning yielded the chair to second. Motion passed unanimously. Resolution 2022-11 reads as follows:

**Boundary County, Idaho Resolution 2022-11**

A RESOLUTION OF BOUNDARY COUNTY, IDAHO  
AMENDING THE OFFICIAL COMPREHENSIVE PLAN MAP DESIGNATIONS  
BOUNDARY COUNTY PLANNING & ZONING FILE #21-0126

WHEREAS, the Boundary County has the authority pursuant to Idaho Code §67-6509 to amend its Comprehensive Plan; and

WHEREAS, Boundary County may initiate a plan map amendment at any time, pursuant to the Idaho Local Land Use Planning Act and local land use law; and

WHEREAS, Boundary County initiated an application to amend the Boundary County Comprehensive Plan Map for twelve (12) parcels as listed herein that were not illustrated on the official map because of deannexations, previous amendments not updated on the map, or mapping omissions due to proximity to water bodies; and

WHEREAS, Boundary County Planning and Zoning Commission conducted a duly noticed public hearing on June 24, 2021 and recommended approval and the Boundary County Board of Commissioners conducted a duly noticed public hearing on August 3, 2021 and approved the request; and

WHEREAS, the request to change the comprehensive plan map, which is based upon the findings and conclusions, is in accord with the Comprehensive Plan criteria of Section 18 of the Boundary County Land Use Ordinance, as evidenced by the Board of Commissioners’ decision letter dated August 30, 2021; and

WHEREAS, pursuant to Idaho Code §67-6509 no plan shall be effective unless adopted by resolution of the governing board.

NOW, THEREFORE, BE IT RESOLVED by the Boundary County Board of Commissioners that the Comprehensive Plan map is hereby amended to include the following parcels, their respective owners, and the Comprehensive Plan Map designations, as shown in the “Comprehensive Plan Map Amendment Table” and illustrated in attached Exhibit A:

**COMPREHENSIVE PLAN MAP AMENDMENT TABLE**

<b>Parcel #</b>	<b>Owner</b>	<b>Map Designation</b>
RP62N01E243612A	Ty Iverson	Prime Agriculture
RP62N01E260760A	Russell Day	Residential
RP62N02E153160A	Russell Maas	Residential
RP63N01E314360A	Tungsten Holdings, Inc.	Rural Residential
RP63N01E314960A	Tungsten Holdings, Inc.	Rural Residential
RP64N01W241350A	William Reid	Prime Agriculture
RP62N02E303150A	LMJPNP, LLC	Prime Agriculture
RP62N02E214210A	Kirk Youngers	Agriculture/Forestry
RP62N01E267201A	Ron & Leanne Sukenik	Residential
RP62N01E267600A	Jordan Revocable Trust	Residential
RP62N01E267800A	Gagnier-Anderson Living Trust	Residential
RP62N01E267900A	Gagnier-Anderson Living Trust	Residential

Done this 18<sup>th</sup> day of January, 2022.

BOUNDARY COUNTY  
BOARD OF COMMISSIONERS

s/ \_\_\_\_\_

Dan Dinning, Chairman

s/ \_\_\_\_\_

Wally Cossairt, Commissioner

Absent

Tim Bertling, Commissioner

ATTEST:

s/ \_\_\_\_\_

01/18/2022

Glenda Poston

Date

Clerk of the Board of County Commissioners

Recorded as instrument #290037

Clerk's Note: Please see the original resolution for the complete document

Commissioner Cossairt moved to adopt Ordinance 2022-1. An Ordinance for Boundary County Planning & Zoning File #21-0126, Official Zoning Map Amendments. Chairman Dinning yielded the chair to second. Commissioners voted as follows: Chairman Dinning "aye" and Commissioner Cossairt "aye". Motion passed unanimously. Ordinance 2022-1 reads as follows:

**BOUNDARY COUNTY, IDAHO  
ORDINANCE NO. 2022-1  
BOUNDARY COUNTY PLANNING & ZONING FILE# 21-0126  
OFFICIAL ZONING MAP AMENDMENTS**

AN ORDINANCE OF BOUNDARY COUNTY, IDAHO, AMENDING THE BOUNDARY COUNTY OFFICIAL ZONING MAP (BOUNDARY COUNTY ZONE DISTRICT MAP) BY PROVIDING ZONING DESIGNATIONS FOR TWELVE PARCELS OF LAND AND PROVIDING SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, Idaho Code §67-6511 and Boundary County land use codes provide the procedures and authority for the county to amend its zoning map; and

WHEREAS, Boundary County initiated an application to amend the Boundary County Official Zoning Map (Boundary County Zone District Map) for twelve (12) parcels as listed below that were not illustrated on the official map because of deannexations from incorporated cities, previously approved zone changes not yet mapped, or mapping omissions due to proximity to water bodies; and

WHEREAS, Boundary County Planning and Zoning Commission and the Boundary County Board of Commissioners held duly noticed public hearings on June 24, 2021, and August 3, 2021, respectively, at which interested persons had the right to be heard per Idaho Code §65-6509; and

WHEREAS, pursuant to Idaho Code §67-6511 and 67-6509, the request to amend the official zoning map was evaluated to determine the extent and nature of the amendment request with particular consideration given to the effects of delivery of and provisions for public services; and

WHEREAS, As required by Idaho Code §67-6511, the governing board has analyzed the proposed changes to the zoning map to ensure that they are not in conflict with the policies of the adopted comprehensive plan; and

WHEREAS, Boundary County Board of County Commissioners has approved a resolution to change the Comprehensive Plan Map land use designations to ensure the zoning is in accord with adopted county land use policies; and

WHEREAS, the request to amend the official zoning map was approved by the Boundary County Board of Commissioners following the public hearing, as evidenced by the Board of Commissioners' decision letter dated August 30, 2021.

NOW THEREFORE,

Be it ordained by the Board of County Commissioners of Boundary County, Idaho that the following ordinance is hereby adopted, as follows:

**Section 1. Adoption of Ordinance:**

The Boundary County Official Zoning Map (Boundary County Zone District Map) is hereby amended to zone the following parcels, listed by parcel number, ownership, and zoning assignment:

Parcel #	Owner	Zoning
RP62N01E243612A	Ty Iverson	Prime Agriculture
RP62N01E260760A	Russell Day	Residential
RP62N02E153160A	Russell Maas	Residential
RP63N01E314360A	Tungsten Holdings, Inc.	Rural Residential
RP63N01E314960A	Tungsten Holdings, Inc.	Rural Residential
RP64N01W241350A	William Reid	Prime Agriculture
RP62N02E303150A	LMJPNP, LLC	Prime Agriculture
RP62N02E214210A	Kirk Youngers	Agriculture/Forestry
RP62N01E267201A	Ron & Leanne Sukenik	Residential
RP62N01E267600A	Jordan Revocable Trust	Residential
RP62N01E267800A	Gagnier-Anderson Living Trust	Residential
RP62N01E267900A	Gagnier-Anderson Living Trust	Residential

**Section 2. Severability:**

The sections of this ordinance are severable. The invalidity of a section shall not affect the validity of the remaining sections.

**Section 3. Effective Date:**

This ordinance shall be in full force and effect upon the passage and publication of the ordinance or ordinance summary in one (1) issue of the official newspaper for Boundary County, in accordance with the Idaho State Code.

This ordinance duly enacted as an ordinance of Boundary County, Idaho on this 18<sup>th</sup> day of January, 2022, upon the following roll call vote:

**ROLL CALL:**

Commissioner Dinning                    s/ \_\_\_\_\_  
 Commissioner Cossairt                s/ \_\_\_\_\_  
 Commissioner Bertling                s/ \_\_\_\_\_

**APPROVAL OF ORDINANCE SUMMARY**

Publication of the ordinance by summary in the official newspaper is hereby approved by the Boundary County Commissioners on this 18<sup>th</sup> day of January, 2022, upon the following roll call vote:

**ROLL CALL:**

Commissioner Dinning                    s/ \_\_\_\_\_  
 Commissioner Cossairt                s/ \_\_\_\_\_  
 Commissioner Bertling                s/ \_\_\_\_\_

**ATTEST:**

s/ \_\_\_\_\_  
 Glenda Poston  
 Clerk of the Board of County Commissioners  
 Recorded as instrument #290038

01/18/2022  
 Date

Commissioner Cossairt moved to approve the Summary of Ordinance 2022-1 for publication. Chairman Dinning yielded the chair to second. Motion passed unanimously.

Commissioner Cossairt moved to adopt Resolution 2022-12. A resolution of Boundary County, Idaho, amending the official comprehensive plan map designation from agriculture/forestry to rural residential for Michael and Laurie Naumann, Planning Department File #21-0132. Chairman Dinning yielded the chair to second. Motion passed unanimously. Resolution 2022-12 reads as follows:

**Boundary County, Idaho Resolution 2022-12**

A RESOLUTION OF BOUNDARY COUNTY, IDAHO  
AMENDING THE OFFICIAL COMPREHENSIVE PLAN MAP DESIGNATION  
FROM AGRICULTURE/FORESTRY TO RURAL RESIDENTIAL  
MICHAEL AND LAURIE NAUMANN PLANNING DEPARTMENT FILE#21-0132

WHEREAS, the Boundary County has the authority pursuant to Idaho Code §67-6509 to amend its Comprehensive Plan; and

WHEREAS, any person may petition the governing board for a plan amendment at any time, pursuant to the Idaho Local Land Use Planning Act and local land use law; and

WHEREAS, Michael and Laurie Naumann submitted an application to amend the Boundary County Comprehensive Plan Map land use designation from Agricultural/Forestry to Rural Residential for an approximately 6-acre portion of a 40-acre parcel known as RP61N01E222411A, located in Section 22, Township 61 North, Range 1 East, B.M.; and

WHEREAS, Boundary County Planning and Zoning Commission conducted a duly noticed public hearing on June 24, 2021, and recommended approval and the Boundary County Board of Commissioners conducted a duly noticed public hearing on August 3, 2021, and approved the request; and

WHEREAS, the request to change the comprehensive plan map, which is based upon the findings and conclusions, is in accord with the Comprehensive Plan criteria of Section 18 of the Boundary County Land Use Ordinance, as evidenced by the Board of Commissioners' decision letter dated August 30, 2021; and

WHEREAS, pursuant to Idaho Code §67-6509, no plan shall be effective unless adopted by resolution by the governing board;

NOW, THEREFORE, BE IT RESOLVED by the Boundary County Board of Commissioners that the Comprehensive Plan map is hereby amended to change the land use designation from Agricultural/Forestry to Rural Residential for an approximately 6-acre portion of 40-acre parcel described as follows:

A tract of land situated in the Northeast Quarter of the Northwest Quarter (NE1/4 NW1/4) of Section 22, Township 61 North, Range 1 East of the Boise Meridian, Boundary County, Idaho; more particularly described as follows: Beginning at the northeast corner of said NE1/4 NW1/4, which is marked on the ground by a Brass Cap on an iron pipe stamped RLS 882; thence, along the east line of the NE1/4 NW1/4, S 00°39'06" W, 659.82 feet to a 5/8" rebar and plastic cap stamped PLS 3628; thence leaving said east line and parallel to the north line of the NE1/4 NW1/4, N 89°06'45" W, 396.84 feet to a 5/8" rebar and plastic cap stamped PLS 3628; thence N 00°30'50" E, 659.83 feet to the intersection with the north line of the NE1/4 NW1/4; thence, along said north line S 89°06'45" E, 398.43 feet to the point of beginning.

Done this 18<sup>th</sup> day of January, 2022.

BOUNDARY COUNTY  
BOARD OF COMMISSIONERS

January 17 & 18, 2022

s/ \_\_\_\_\_  
Dan Dinning, Chairman

s/ \_\_\_\_\_  
Wally Cossairt, Commissioner

s/ \_\_\_\_\_  
Tim Bertling, Commissioner

ATTEST:

s/ \_\_\_\_\_  
Glenda Poston

Clerk of the Board of County Commissioners  
Recorded as instrument #290039

01/18/2022

Date

Commissioner Cossairt moved to adopt Ordinance 2022-2. An ordinance for Boundary County Planning & Zoning File #21-0132, Naumann zone change from agriculture/forestry to rural residential. Chairman Dinning yielded the chair to second. Commissioners voted as follows: Chairman Dinning “aye” and Commissioner Cossairt “aye”. Motion passed unanimously. Ordinance 2022-2 reads as follows:

**BOUNDARY COUNTY, IDAHO  
ORDINANCE NO. 2022-2  
BOUNDARY COUNTY PLANNING & ZONING FILE #21-0132  
NAUMANN ZONE CHANGE  
AGRICULTURE/FORESTRY TO RURAL RESIDENTIAL**

AN ORDINANCE OF BOUNDARY COUNTY, IDAHO, AMENDING THE BOUNDARY COUNTY OFFICIAL ZONING MAP (BOUNDARY COUNTY ZONE DISTRICT MAP) BY REZONING A CERTAIN PARCEL OF LAND FROM AGRICULTURE/FORESTRY TO RURAL RESIDENTIAL AND PROVIDING SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, Idaho Code §67-6511 and Boundary County land use codes provide the procedures and authority for the county to amend its zoning map; and

WHEREAS, Michael and Laurie Naumann submitted an application to amend the Boundary County Official Zoning Map from Agricultural/Forestry to Rural Residential for an approximately 6-acre portion of a 40-acre parcel known as RP61N01E222411A, located in Section 22, Township 61 North, Range 1 East, B.M.; and

WHEREAS, Boundary County Planning and Zoning Commission and the Boundary County Board of Commissioners held duly noticed public hearings on June 24, 2021, and August 3, 2021, respectively, at which interested persons had the right to be heard per Idaho Code §65-6509; and

WHEREAS, pursuant to Idaho Code §67-6511 and §67-6509, the request to amend the official zoning map was evaluated to determine the extent and nature of the amendment request with particular consideration given to the effects of delivery of and provisions for public services; and

WHEREAS, As required by Idaho Code §67-6511, the governing board has analyzed the proposed change to the zoning map to ensure that it is not in conflict with the policies of the adopted comprehensive plan; and

WHEREAS, Boundary County Board of County Commissioners has approved a resolution to change the Comprehensive Plan Map land use designation from Agricultural/Forestry to Rural Residential for the subject parcel; and

WHEREAS, the request to amend the official zoning map was approved by the Boundary County Board of Commissioners following the public hearing, as evidenced by the Board of Commissioners’ decision letter dated August 30, 2021.

NOW THEREFORE,

Be it ordained by the Board of County Commissioners of Boundary County, Idaho that the following ordinance is hereby adopted, as follows:

**Section 1. Adoption of Ordinance:**

The Boundary County Official Zoning Map (Boundary County Zone District Map) is hereby amended to rezone from Agricultural/Forestry to Rural Residential an approximately 6-acre portion of a 40-acre parcel described as follows:

A tract of land situated in the Northeast Quarter of the Northwest Quarter (NE1/4 NW1/4) of Section 22, Township 61 North, Range 1 East of the Boise Meridian, Boundary County, Idaho; more particularly described as follows: Beginning at the northeast corner of said NE1/4 NW1/4, which is marked on the ground by a brass cap on an iron pipe stamped RLS 882; thence, along the east line of the NE1/4 NW1/4, S 00°39'06" W, 659.82 feet to a 5/8" rebar and plastic cap stamped PLS 3628; thence leaving said east line and parallel to the north line of the NE1/4 NW1/4, N 89°06'45" W, 396.84 feet to a 5/8" rebar and plastic cap stamped PLS 3628; thence N 00°30'50" E, 659.83 feet to the intersection with the north line of the NE1/4 NW1/4; thence, along said north line S 89°06'45" E, 398.43 feet to the point of beginning.

**Section 2. Severability:**

The sections of this ordinance are severable. The invalidity of a section shall not affect the validity of the remaining sections.

**Section 3. Effective Date:**

This ordinance shall be in full force and effect upon the passage and publication of the ordinance or ordinance summary in one (1) issue of the official newspaper for Boundary County, in accordance with the Idaho Code.

This ordinance duly enacted as an ordinance of Boundary County, Idaho on this 18<sup>th</sup> day of January, 2022, upon the following roll call vote:

**ROLL CALL:**

Commissioner Dinning s/ \_\_\_\_\_  
Commissioner Cossairt s/ \_\_\_\_\_  
Commissioner Bertling s/ \_\_\_\_\_

**APPROVAL OF ORDINANCE SUMMARY**

Publication of the ordinance by summary in the official newspaper is hereby approved by the Boundary County Commissioners on this 18<sup>th</sup> day of January, 2022, upon the following roll call vote:

**ROLL CALL:**

Commissioner Dinning s/ \_\_\_\_\_  
Commissioner Cossairt s/ \_\_\_\_\_  
Commissioner Bertling s/ \_\_\_\_\_

**ATTEST:**

s/ \_\_\_\_\_ 01/18/2022  
Glenda Poston Date  
Clerk of the Board of County Commissioners  
Recorded as instrument #290040

Commissioner Cossairt moved to approve the Summary of Ordinance 2022-02 for publication. Chairman Dinning yielded the chair to second. Motion passed unanimously.

Clerk Poston discussed public defender matters with Attorney Hull.

The call to Attorney Hull ended at 3:30 p.m.

Commissioner Cossairt moved to sign Request for Reimbursement #18 for Airport Improvement Project #3-16-0004-017-2020 for the environmental assessment. Chairman Dinning yielded the chair to second. Motion passed unanimously.

Commissioner Cossairt moved to sign the Independent Contractor Agreement with Jill's Cleaning Service to clean the landfill's main office and break room. Chairman Dinning yielded the chair to second. Motion passed unanimously.

There being no further business, the meeting adjourned at 4:10 p.m.

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DAN R DINNING, Chairman

ATTEST:

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GLEND A POSTON, Clerk  
By: Michelle Rohrwasser, Deputy Clerk