

*****Monday, June 01, 2015 at 9:00 a.m.,** Commissioners met in regular session with Chairman Dan Dinning, Commissioner LeAlan Pinkerton, Commissioner Walt Kirby, Clerk Glenda Poston, and Deputy Clerk Michelle Rohrwasser.

County resident MaryAnn Tritt joined the meeting. Blue Sky Broadcasting Reporter Mike Brown was also in attendance of the meetings off and on throughout the day.

Commissioners gave the opening invocation and said the Pledge of Allegiance.

9:00 a.m., Road and Bridge Superintendent Jeff Gutshall and Assistant Superintendent Ken Arthur joined the meeting to give the departmental report. No written report was provided.

Commissioners held a bid opening for dust palliative materials. Present were: Chairman Dan Dinning, Commissioner LeAlan Pinkerton, Commissioner Walt Kirby, Clerk Glenda Poston, Deputy Clerk Michelle Rohrwasser, Road and Bridge Superintendent Jeff Gutshall, Assistant Superintendent Ken Arthur, Blue Sky Broadcasting Reporter Mike Brown, and county resident MaryAnn Tritt. The bid opening was recorded.

One sealed bid was received from Oxford Inc. No bid bond was enclosed. Mr. Gutshall stated the bid amount was good as far as the Road and Bridge budget.

Commissioner Kirby moved to accept the bid from Oxford Inc., for 160 tons of CaCl mini pellets at a cost of \$450 per ton for an overall total of \$72,000, subject to receiving the bid bond totaling 5% of the total amount bid. Commissioner Pinkerton second. Motion passed unanimously.

The bid opening ended.

Mr. Arthur said Road and Bridge has been working to finish grading and hauling gravel to Curley Creek. Brushing is taking place on the first part of Highway 2 Loop. Mr. Gutshall said the first couple of miles will be hot mix in the near future.

Mr. Gutshall said in looking at the oil bids last week he anticipates 20 miles will be treated whereas only 12 or 13 miles were treated last year so it is a good thing. Chipsealing will most likely take place the third week of July and Road and Bridge may need to make more chips.

Chairman Dinning explained the bad weather and flash floods that are expected this afternoon.

Commissioners discussed the matter regarding a property line between the county gravel pit on Highway 2 and Jim Ball's trailer park. The City of Moyie Springs would have issued a building permit for the storage building that is over the property line. It was said the City of Moyie Springs has a five foot setback from the property lines. Mr. Gutshall questioned how wide the City of Bonners Ferry's electric utility easement is in that area. Chairman Dinning said he thinks the easement width is 25 feet from the county line in.

Ms. Tritt asked what this easement for utilities would mean to her as a resident. The City of Bonners Ferry has a power line easement to construct or maintain that 25 feet. Ms. Tritt said she would be willing to move her sheds by three feet, but it is taking away 30 years of her life.

Ms. Tritt left the meeting at 9:26 a.m.

The meeting with Mr. Gutshall and Mr. Arthur ended at 9:32 a.m.

The utility easement documents were located and reviewed by Commissioners.

Commissioners tended to administrative duties.

Commissioner Kirby moved to approve the minutes of May 18 & 19, 2015. Commissioner Pinkerton second. Motion passed unanimously.

10:00 a.m., Solid Waste Superintendent Claine Skeen joined the meeting to give his departmental report. Mr. Skeen provided Commissioners with a sample proposal on how to process commercial wood and lawn disposal. Mr. Skeen said he feels Boundary County should follow this same schedule until the scales are put in. The amounts of cubic yardage should be monitored as well. Chairman Dinning asked the status of wood grinding and Mr. Skeen mentioned the wood grinding has been completed and the pile had consisted of a little more than 1,000 tons.

Mr. Skeen said he wouldn't charge the public a fee as that would pertain to commercial businesses. Mr. Skeen said revenue from these fees would be considered unanticipated revenue. Commissioner Kirby said it sounds like Mr. Skeen is on top of this. Mr. Skeen said he is working with Squire Fields on a webpage to show the locations of the three monitored sites as well as the landfill's location.

Mr. Skeen said Ellery Howard with JUB Engineering has started drafting his contract with the county for his work on updating the landfill closure plan.

Chairman Dinning asked about the possibility of paving the area near the landfill's shop and office. Mr. Skeen and Commissioners talked about placement of the future scales. Mr. Skeen mentioned that Boundary the county could assess a fee for the scales as Bonners Ferry Grain does. Commissioner Pinkerton said he is always looking to use the scales during the summer time and location is important. Those present discussed scale placement options and billing practices.

Mr. Skeen said it is possible there will be at minimum a 3% solid waste fee increase and he added that it has been eight years since the last increase. Clerk Poston inquired if the county is going to pursue the scales, are Commissioners also going to pursue getting a letter from the Department of Environmental Quality (DEQ) regarding using landfill closure funds for the purchase of scales. Commissioners said they would contact DEQ.

The meeting with Mr. Skeen ended at 10:20 a.m.

10:27 a.m., Chief Probation Officer Stacy Brown joined the meeting to give the departmental report.

Ms. Brown informed Commissioners of her department's statistics. There are 40 juveniles on probation, 51 adults on adult misdemeanor probation, 206 people on unsupervised probation, and two youths in the Youth Accountability Board program.

Ms. Brown informed Commissioners that employee Tad Brown located a few radios to program in order to be in contact with the Sheriff's Office and Bonners Ferry Police Department. The cost is \$35 and these

radios are great as they allow the probation officers to be in contact with the police department or Sheriff's Office while conducting home visits.

The meeting with Ms. Brown ended at 10:33 a.m.

10:35 a.m. Commissioner Pinkerton moved to go into executive session under Idaho Code 67-2345(1)b, to consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent, or public school student. Commissioner Kirby second. Commissioners voted as follows: Chairman Dinning "aye", Commissioner Pinkerton "aye", and Commissioner Kirby "aye". Motion passed unanimously. 10:55 a.m., Commissioner Kirby moved to go out of executive session. Commissioner Pinkerton second. Motion passed unanimously. No action was taken.

11:00 a.m., Restorium Administrator Karlene Magee, Assistant Administrator Pam Barton, and Courthouse Maintenance John Buckley joined the meeting.

Ms. Magee said the Restorium now has a part-time nurse. Ms. Barton spoke of the Medicaid billing course she and Ms. Magee have recently taken. Commissioners reviewed the Restorium report provided by Ms. Magee and Ms. Barton. Ms. Barton said she and Ms. Magee attended a conference in Priest River and it was a good meeting as far as making contacts. Ms. Barton spoke of new technology in which a physician will make contact using computers to assess certain medical issues patients are having.

Commissioners and Ms. Magee discussed maintenance matters pertaining to the Restorium. Chairman Dinning said it would be advantageous to have the new Restorium maintenance employee supervised by Mr. Buckley once he or she is hired. This would not take Ms. Magee's responsibility away from management, but Mr. Buckley would supervise this new maintenance person based on Mr. Buckley's experience. Commissioners will have to figure out how this structure will work. Chairman Dinning said he would assume the maintenance person at the Restorium has down time. Ms. Barton said there isn't really any down time if the maintenance person is looking for things to work on. Chairman Dinning said Commissioners would like to take advantage of Mr. Buckley's knowledge and motivation. Ms. Barton and Ms. Magee showed Commissioners the various task schedules they have provided the current maintenance person for the Restorium. Commissioner Pinkerton said if the newly hired Restorium maintenance person is motivated and driven, the tasks could be completed leaving routine maintenance to be done. Chairman Dinning said Ms. Magee is administrator of the overall facility, but Commissioners can't expect her to also know everything about the maintenance so the new maintenance person would need to be accountable and Commissioners would put Mr. Buckley in the position to oversee this new maintenance person.

Chairman Dinning reviewed the county's costs for providing health insurance to an employee who is single, married, and married with a family. Commissioners said when talking about how much an employee's wage is per hour, how much is paid for medical insurance on the employee's behalf should also be considered.

Commissioner Pinkerton informed Ms. Barton and Ms. Magee that they were doing a great job at the Restorium.

The meeting with Ms. Magee and Ms. Barton ended at 11:37 a.m.

Mr. Buckley remained after the meeting. Commissioners informed Mr. Buckley that they would like to convert his pay to salary at approximately \$39,000 per year. Mr. Buckley said personally his concerns are not much because what he doesn't know he will find out. Chairman Dinning said the new hire can also be used to help Mr. Buckley in other areas.

The meeting with Mr. Buckley ended at 11:44 a.m.

Boundary Economic Development Council (EDC) Specialist David Sims joined the meeting to update Commissioners on EDC matters.

Mr. Sims informed Commissioners the large retailer has not purchased property yet, but the realtor involved may purchase the property and lease it so a transaction could ultimately involve a different retailer. The Department of Labor is considering closing some rural offices, but the Joint Finance – Appropriations Committee (JFAC) said the rural offices planned for closure cannot close before June 2016. The director of the Department of Labor will meet with the EDC Board on July 1st regarding the closures. In addition to providing a service the Department of Labor is also a resource for employers. Mr. Sims said the Department of Labor is funded by the federal government so their budget is decreasing.

Mr. Sims said there is a limited number of commercial properties for sale in Boundary County and a contractor had come to him to express his difficulty in finding a property for a building and shop. The point is that it is hard to find property and once commercial property comes on the market, it is snatched up right away. There are lots behind the Log Inn and in another location, but other than that, there aren't a lot of smaller commercial lots.

Idaho Aerospace Alliance is meeting next week and it would be a good meeting to be introduced to other potential customers. Mr. Sims mentioned the potential outcome could be a cluster of aerospace companies in North Idaho. The Department of Commerce is promoting this and the Department of Labor is also helping.

There will be another Selkirks-Pend Oreille Transit (SPOT) advisory meeting and there is discussion to possibly expand the service's territory to the Three Mile area. The Mennonite retirement home was interested in SPOT's services if they would consider expanding to the Three Mile area.

Mr. Sims said he had attended an EDC meeting in Usk, Washington and getting Spokane businesses to relocate to Pend Oreille County was discussed. This group is spending \$30,000 for advertising in the Spokane area. Chairman Dinning questioned if Boundary County has the ability for high speed internet in the Moyie Springs and other areas. Mr. Sims said Jobs Plus is Kootenai County's version of EDC and they have a new president who started recently so he will meet with her tomorrow. Mr. Sims said this new president has good ideas for Boundary County's EDC.

The meeting with Mr. Sims ended at 12:00 p.m.

12:00 p.m., Chief Deputy Clerk Tracie Isaac joined the meeting.

Commissioner Kirby moved to go into executive session under Idaho Code 67-2345(1)b, to consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent, or public school student. Commissioner Pinkerton second. Commissioners voted as follows: Chairman Dinning "aye", Commissioner Pinkerton "aye", and Commissioner Kirby "aye". Motion passed unanimously. 12:05 p.m., Commissioner Kirby moved to go

out of executive session. Commissioner Pinkerton second. Motion passed unanimously. No action was taken.

Commissioners recessed for lunch at 12:08 p.m.

1:30 p.m., Commissioners reconvened for the afternoon session with Chairman Dinning, Commissioner Pinkerton, Commissioner Kirby, and Deputy Clerk Rohrwasser.

1:30 p.m., Commissioners held a public hearing to consider Planning and Zoning application 15-020, an application amending Ordinance 2012-1. Chairman Dinning reviewed the public hearing procedures and explained that ex-parte or conflict of interest did not apply as this is a legislative matter. The hearing was recorded.

Chairman Dinning briefly reviewed the public hearing procedures and opened the hearing. The applicant is Planning and Zoning Commission Chairman Matt Cossalman on behalf of the Planning and Zoning Commission. The amendment provides for enhanced descriptions, enabling more efficient means of administering ordinance guidelines, correction of typographical errors; adds Section 20, Parcel Division, a Class of Subdivision replacing Simple Subdivision; better specifying Special Event Permit, modifying Accessory Dwelling Unit from 950 feet to 1050 square feet of living space, and concentrated animal feeding operations (CAFO).

Mr. Moss said the changes being considered by Commissioners have been on the books for a long time and rather than a spot change here and there, these proposed changes have been adding up. Mr. Moss said essentially the Planning and Zoning Commission put their heart and soul into this so administratively he is aware of it and supports what has been put together. The staff report was provided by Mr. Moss in Commissioners' packets, according to Chairman Dinning. Mr. Moss said no public comment was received in either written form or verbal testimony. There are a lot of significant changes so the table of contents has been highlighted as far as what the proposed changes are, but a copy of the pristine unchanged ordinance has not been provided, according to Mr. Moss.

Commissioners will review Section 2, which is the section on definitions. What is changing is section 2.1 of the ordinance. The current definition says "one non-addressable detached" and the suggested change is "one detached" accessory dwelling unit. Mr. Moss said the key is "non-addressable". Due to 911 all dwellings having people living in them need to have an address. Chairman Dinning said for clarification that this would exclude a barn or detached garage. Mr. Moss said those are structures not considered accessory dwelling units. Chairman Dinning said the next change is that currently the ordinance states accessory dwelling units are not to be greater than 950 feet of floor space, but the change is to change that to 1,050 of square feet of floor space based on external dimensions. Mr. Moss said current modular units consist of 10 feet by 70 feet and are more than 950 square feet. In looking at these homes the county would have to grant a variance so by increasing the square footage by 100 square feet, this would reduce complaints of not being able to build a unit for someone's family member, etc. That is when the Planning and Zoning Commission looked at it as a number that might have been feasible at one time, but not now. Chairman Dinning said prior to Commissioner Pinkerton and Mr. Moss' time at the county there had been abuses with this. A person could buy property and not live there, but then place mobile homes on the property with the intentions of renting them. Mr. Moss said there isn't anything addressing that yet in terms of, for example, a primary dwelling has to be lived in before there can be an accessory dwelling unit on the property. Mr. Moss said in an earlier version of Ordinance 2012-1 he had read that the accessory dwelling unit even had to have a kitchen or dining facilities, etc.

This application doesn't say anything about contents of the accessory dwelling unit. The only thing that has changed is 1,050 feet of floor space instead of 950 square feet. If you look at the dwelling's footprint, 1,050 square feet should cover that floor space. Chairman Dinning said the Planning and Zoning Commission didn't see a need to address the scenario he mentioned so whether or not he owned the main home, he can put a rental? Mr. Moss said there wasn't any consideration about that. Chairman Dinning said he could buy a lot of properties and put a bunch of main dwellings on the lots with a secondary dwelling unit. Mr. Moss said this allows a secondary unit in the rural, residential, and ag/forestry zones. Mr. Moss said he knows what Chairman Dinning is alluding to. Commissioner Kirby said Commissioners have experienced property owners putting up more than one accessory dwelling unit. Chairman Dinning said in looking at the changes to section 2.1 the accessory dwelling unit has to be a detached structure that is addressed. Mr. Moss said yes. The other change increases the size from 950 square feet to 1,050 square feet and defines it as external dimensions. Commissioner Kirby said this is happening all the time.

Commissioner Pinkerton said what had happened the past is that someone would purchase land with a home, knowing it was a 10 acre minimum, then put a trailer on it and rent both places out in order to develop this property in some capacity. Commissioner Pinkerton said he doesn't know if this change will prohibit that from happening. Chairman Dinning said it won't. Chairman Dinning said it is different from someone living there, but renting out another dwelling on the same property.

Mr. Moss said section 6.4 of the ordinance pertains to residential placement permits. Currently the ordinance says a permit is required prior to the onset of construction or physical expansion of the primary structure. The suggested change includes the accessory dwelling unit because there wasn't any reference to the accessory dwelling unit in the past as it just stated "construction or expansion of the primary structure." This also includes a deck because it is expanding the footprint. Mr. Moss explained how the permit is processed once it is received. Processing can take up to five to seven days and he explained who he has to notify. Chairman Dinning asked why use "intended for residential occupation." Mr. Moss said his office doesn't request these permits for barns, sheds, etc.

Commissioner Pinkerton said he thinks this section should state "permanent" for dwellings and expansion. If someone were to expand temporarily, would they have to get a permit? Chairman Dinning said if it were a temporary expansion, would that happen? Mr. Moss said no, but he could see that happening for a dance such as building a platform, but he wouldn't consider that a part of requesting a permit. Commissioners said they could not think of a good example for temporary construction or expansion. Mr. Moss said when someone wants to build something that may be subject to a variance, he will have the property owner and himself sign the application so they are both aware of the possibility.

Chairman Dinning referred to a section change pertaining to verbiage. Mr. Moss said that just references typographical errors and the reason for that is that over time, if there is a section change, there are a few places where the section numbers do not match up. Mr. Moss said section 19 refers to public hearings and notifications and if Commissioners refer to another page, they will see instructions to correct many typographical errors.

Mr. Moss said section 8 is printed out in Commissioners' handout and it pertains to Special Event Permits. There are a couple changes in section 8.2., and this section currently states there being over 500 in attendance at an event and the suggested changed is to state "more than 300 people camping or alcohol is sold." Mr. Moss said he is having trouble identifying a special event and he questioned what

makes it special. If there are more than 500 people, that is pretty special. It requires someone to be there with a counter. Mr. Moss said he asked the Planning and Zoning Commission to redo this section carefully as the deciding body is the Zoning Administrator and he was having issues clarifying what is a special event. Mr. Moss said he suggested a special event could be the charging of admission, but churches and schools also charge admission, so that is a bad qualifier. The Planning and Zoning Commission felt having a lot of people camping over or selling alcohol is considered a special event. Mr. Moss said he is not happy with the definition, but he can work with it. Mr. Moss said if it is fair or rodeo and they are charging admission, it would be a special event. It can be difficult for the Planning and Zoning Commission. Chairman Dinning said special events of the past would be mud bogs. Chairman Dinning said using these numbers, what is excluded. A church gathering on someone's farm where they are not charging admission and not selling alcohol, but if they have 300 people staying there, would they need a special event permit? Mr. Moss said if there were 300 people staying there, yes. The purpose is to clarify this for the agencies that might be on call such as the Sheriff's Office, fire departments and EMS so they are aware and prepared for the possibility of getting called out. It's so there are no surprises to anyone. It is for safety, not profit, and there are a number of issues in this area that he couldn't handle as it was poorly defined. The Planning and Zoning Commission helped clarify the definitions and that is what is being proposed.

Section 8.2., also changed as far as the number of occurrences such as occurring on a regular schedule not to exceed four times. Mr. Moss said his comment was to focus on "in", not "throughout", as it pertains to the calendar year, the idea being January through December. Mr. Moss said the existing mud bog has a spring and fall timeframe so that is some kind of a scale. That particular event was meant to capture this section. Commissioner Pinkerton said if he were to start an event and had to get a permit of some kind, he would read the provisions for a one-time special event. So it is verbiage that isn't really important, but then again it is because someone is going to have questions. Mr. Moss said he has trouble with the "number of times" because who is keeping track of that. There is no monitoring of who is keeping track of what.

Section 8.3, pertains to exemptions and he referred to schools and churches such as "on school or church property." Mr. Moss said if there is an event at a school or on a person's own property, the idea is it is an organized situation on public property and the inclusion of this, as an exemption, was an attempt to meet the Planning and Zoning Commission's objections to monetary things as churches and schools charge money. Chairman Dinning said if he has a church and he wanted to use someone's 200 acre property to hold an event for 501 people, would he need to get a special event permit? Mr. Moss said the question is whether or not this exemption applies to this property. Mr. Moss said his issue is there is no public notification about this so when people in a church or school have an event, they don't think to apply for a permit and there is no vehicle to announce it. Chairman Dinning questioned if this also applies to a private school wanting to have an event. Mr. Moss said there is a lot of differentiation between what is a conditional use versus a special event. Chairman Dinning questioned what would occur if the special event process was eliminated and everything else fell underneath a conditional use. Chairman Dinning said it is just a thought.

Due to time limitations Commissioners continued the public hearing on Planning and Zoning Application 15-020 to Monday, June 8, 2015 at 10:15 a.m.

This portion of the hearing ended at 2:38 p.m.

2:39 p.m., Commissioners continued the public hearing for the bid decision for the Boundary County Airport Improvement Project for slurry overlay and lighting. The initial bid opening was held on Tuesday, May 26, 2015 and continued to today for the Commissioners' to make a decision after the project engineer had time to review the bids received. Present were: Chairman Dan Dinning, Commissioner LeAlan Pinkerton, Commissioner Walt Kirby, Clerk Glenda Poston, Deputy Clerk Michelle Rohrwasser, and Airport Board Chairman Jay Wages. The bid decision was recorded.

Commissioners contacted Rick Donaldson to clarify the documents Commissioners received for signature. Mr. Donaldson is the engineer with Robert Peccia and Associates (RPA) who is the engineering firm for this project. Mr. Donaldson said there is a relatively new requirement for the Federal Aviation Administration (FAA) so a small task order was generated, but a fee review for that has not yet been done so Task Order 10 is not included with the packet of documents Commissioners received for signature.

Mr. Donaldson said since we are into the month of June Commissioners should plan on having surveyors at the E.C. Enterprises property in order to get the acquisition lines laid out.

The telephone call to Mr. Donaldson ended at 2:48 p.m.

Chairman Dinning said all of the paperwork, except for the Recommendation of Award has just one signature line for the Chairman to sign.

Commissioner Pinkerton moved to sign the Recommendation of Award and to authorize the Chairman to sign other documents including Task Orders 1 through 9 once they have been reviewed by the county civil attorney. Commissioners Kirby second. Motion passed unanimously.

The meeting for the bid decision ended at 2:57 p.m.

Deputy Clerk Nancy Ryals joined the meeting at 3:00 p.m.

Commissioner Kirby moved to go into closed session under Idaho Code 31-874. Commissioner Pinkerton second. Motion passed unanimously. 3:08 pm., Commissioner Pinkerton moved to go out of closed session. Commissioner Kirby second. Motion passed unanimously.

Commissioner Pinkerton moved to deny indigent application 2015-16. Commissioner Kirby second. Motion passed unanimously.

Commissioner Pinkerton moved to approve the Certificate of Residency forms. K. Horton, and V. Bennett. Commissioner Kirby second. Motion passed unanimously.

Commissioner Pinkerton moved to sign the Independent Contractor Agreement with Western States Asphalt for the Road and Bridge Department. Commissioner Kirby second. Motion passed unanimously.

Commissioner Pinkerton moved to adopt Resolution 2015-9. A resolution permitting Boundary County's printing, binding, and stationary work to be done outside of Boundary County. Commissioner Kirby second. Motion passed unanimously. Resolution 2015-9 reads as follows:

RESOLUTION 2015-9

A RESOLUTION PERMITTING BOUNDARY COUNTY'S PRINTING, BINDING, AND STATIONARY WORK TO BE DONE
OUTSIDE OF BOUNDARY COUNTY

WHEREAS, Idaho Code sec. 60-102 requires that all county printing, binding and stationary work executed for or on behalf of the several counties throughout the state, for which the said counties contract, or become in any way responsible, shall be executed within the county for which said work is done; and

WHEREAS, Idaho Code sec. 60-103(a) sets forth an exception to such an in-county printing, binding and stationary work requirement, permitting a county officer to have printing engraving, binding and stationary work done outside of said county where it is established that any charge for printing, engraving, binding or stationary work is in excess of the charge usually made to private individuals for the same kind and quality of work; and

WHEREAS, Idaho Code sec. 60-103(b) permits out-of-county printing, binding and stationary work where the execution of such work requires the use of a technique or process which cannot be performed through the use of physical production facilities located there; and

WHEREAS, Boundary County desires to have Kootenai County's Reprographics Department perform certain printing, binding and/or stationary work;

NOW, THEREFORE, it is established that any in-county printing, binding and/or stationary work cannot be had because the charge for such work is in excess of the charge usually made to private individuals for the same kind and quality of work and/or for lack of in-county production facilities.

REGULARLY PASSED AND APPROVED THIS 1st DAY OF JUNE, 2015.

BOUNDARY COUNTY
BOARD OF COMMISSIONERS
s/ _____
Dan Dinning, Chairman
s/ _____
LeAlan L. Pinkerton, Commissioner
s/ _____
Walt Kirby, Commissioner

Attest: s/ _____
Glenda Poston, Clerk
Recorded as instrument #263952

Commissioner Pinkerton moved to adopt Ordinance 2015-1. An ordinance of Boundary County, Idaho, setting forth its authority to establish a "Flood Damage Prevention Ordinance" to include statutory authorization, findings of fact, statement of purpose, definitions, general provisions, administration, provisions for flood hazard reduction, and providing for an effective date. Commissioner Kirby second. Motion passed unanimously. Resolution 2015-1 reads as follows:

ORDINANCE 2015-1
BOUNDARY COUNTY, IDAHO
FLOOD DAMAGE PREVENTION ORDINANCE

AN ORDINANCE OF BOUNDARY COUNTY, IDAHO, SETTING FORTH ITS AUTHORITY TO ESTABLISH A "FLOOD DAMAGE PREVENTION ORDINANCE" TO INCLUDE STATUTORY AUTHORIZATION, FINDINGS OF FACT, STATEMENT OF PURPOSE, DEFINITIONS, GENERAL PROVISIONS,

ADMINISTRATION, PROVISIONS FOR FLOOD HAZARD REDUCTION, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS: Section 67-6511, Idaho Code, does require that governing boards adopt zoning ordinances and to establish standards in each of the various zone districts, including the Flood Plain Overlay Zone; and

WHEREAS: Idaho Code 67-6523 provides authority for the Board of Boundary County Commissioners, acting as governing board on planning and zoning matters, to enact emergency ordinance provisions when a finding of imminent peril to the public health, safety or welfare is made; and

WHEREAS: Officials from the Federal Emergency Management Agency have informed Boundary County that current Floodplain Overlay provisions contained in Ordinance 99-06, the Boundary County Zoning and Subdivision Ordinance, are insufficient to protect human life and health and to minimize damage from potential flood events; and

WHEREAS: Failure to adopt flood damage prevention ordinances to standards established by the Federal Emergency Management Agency will result in Boundary County becoming ineligible for participation in the National Flood Insurance Program; and

WHEREAS: Boundary County Commissioners find that failure to adopt flood damage prevention ordinances in compliance with Federal Emergency Management Agency standards poses imminent peril to the health, safety and welfare to the citizens of Boundary County; and

WHEREAS: It is necessary in the interest of public health, safety and general welfare that the creation of Federal Emergency Management Agency-compliant Flood Damage Prevention Ordinance:

NOW, THEREFORE BE IT ORDAINED by the Board of County Commissioners of Boundary County, Idaho, that Chapter 7, Section 8, Boundary County Zoning and Subdivision Ordinance, is hereby repealed and made null, and the following be and is hereby adopted as an ordinance of Boundary County.

ADOPTED THIS 1st DAY OF June, 2015:

Chairman Dinning, "aye"
Commissioner Pinkerton, "aye"
Commissioner Kirby, "aye"

BOUNDARY COUNTY
BOARD OF COMMISSIONERS
s/ _____
Dan R. Dinning, CHAIRMAN
s/ _____
LeAlan L. Pinkerton, COMMISSIONER
s/ _____
Walt Kirby, COMMISSIONER

ATTEST:
s/ _____
Glenda Poston
Clerk of the Board of County Commissioners
Recorded as instrument #2640804

3:16 p.m. County Mapper Olivia Drake and county residents MaryAnn Tritt and Jim Ball joined the meeting to discuss the county's gravel pit boundary line in relation to Mr. Ball's trailer park. Those

present reviewed a map while waiting for Road and Bridge Superintendent Jeff Gutshall to arrive. Ms. Drake left the meeting.

3:24 p.m. Road and Bridge Department Superintendent Jeff Gutshall and Assistant Superintendent Ken Arthur joined the meeting.

It was said the centerline begins 58 feet north and the easement was done in year 2001. Mr. Gutshall said he worked for Road and Bridge back then and he doesn't recall that happening, but the easement must be for access to use that road as it basically describes that road. JRS Surveying completed the survey in year 1982, which must have been done to establish all encroachments as it includes power poles and sheds.

Kootenai Tribe of Idaho Facilitator Patty Perry and Bonners Ferry Forest Service Ranger Kevin Knauth joined the meeting at 3:26 p.m.

Mr. Gutshall said the City of Bonners Ferry's power line is encroaching. Chairman Dinning said his obvious solution is to approach the City of Bonners Ferry and say a 20 foot easement is needed to give them road access to maintain their facility and put things where they belong. The entire length is 20 feet and a fence can be put up at the 20 foot line. The county wants to get the trees out of way prior to construction of the fence. Mr. Gutshall said some of the residents' sheds are on the property line, but if the city has an easement, they can always raise issue with the buildings, but as far as the county is concerned the matter is handled. Ms. Tritt asked about the road. Mr. Gutshall said the road will be inside the fence line, which is 20 feet north of the property line. Mr. Ball said it sounds like a win-win-win. Chairman Dinning said the county will make contact with the city. Mr. Ball asked if he could later remove the stumps left from cutting down the trees. Chairman Dinning said to leave the stumps as is as they are the city's.

The meeting to discuss the gravel pit property line ended at 3:32 p.m.

Mr. Knauth and Ms. Perry met with Commissioners in order to provide an update on the Deer Creek Project. The Kootenai Valley Resource Initiative (KVRI) has another meeting this Thursday and notice of this meeting has been sent to the newspaper and posted at the office. This KVRI meeting will be a joint meeting with the Forestry Committee. Ms. Perry said the Forest Service would like to have alternatives for the Deer Creek Project by June 5th so both KVRI and the Forestry Committee will meet on Thursday. Forest Service Road #2540, Placer Road, is an alternative. Those present discussed how to best make sure to cover all bases and stay out of potential lawsuits for not looking over everything while moving forward with the National Environmental Policy Act (NEPA). With regard to Placer Road, the proposed preferred alternative is to look at this road and do a full analysis, alternative routes, and mitigating all risks associates with the route. That is the proposed action. The alternative is decommissioning Placer Road, according to Ms. Perry. There will be four proposed alternatives in addition to what Commissioners have already seen.

If we want to get a lot of comments, decommissioning could be included in the proposed action, but in addition to getting comments the road may end up being decommissioned, but that is not what is really wanted.

The third approach is to submit the three alternatives and the proposed action would have decommission included. Forest Service Supervisor Mary Farnsworth would be the decision maker and

she would choose the proposed action, but not decommission the road. Chairman Dinning said that would leave the proposed action up to challenge. Mr. Knauth said the proposed actions do not include the analysis, but the environmental assessment (EA) does. The proposed action includes the proposal to handle all aspects of the road through regular maintenance and the tasks the Forest Service is already allowed to do out of the Kriest EA. The EA would analyze the effects that action would have on aquatics. If the choice is to decommission, the EA would handle effects of that one aquatic environment.

Ms. Perry asked if the wish is to restore the road through mitigation measures above normal maintenance, which alternative does that belong in. Mr. Knauth said what is happening is that Forest Service Geologist Jill Cobb is working on a road prescription that helps to guide any road maintenance as not all maintenance is the same. Mr. Knauth said you have to be careful, but if Ms. Cobb calls for something that exceeds normal maintenance of fixing of failures that were covered in the Kriest project, this was covered. There were eight existing failures and statements that those would be fixed. Anything that exceeds maintenance would have to be included in the alternative and have to be analyzed. Mr. Knauth said the biological evaluation has not been done yet. Mr. Knauth said the Forest Service will be looking for specialists' reports by the end of June and that seems to be on schedule. Ms. Perry said when looking at the scope of this road and the Tribe's legal counsel, the questions are why not pull out of the project and why not do its own EA so it is not encumbered by Deer Creek at all. Mr. Knauth said it is an efficiency matter.

Chairman Dinning said as far as process, in other projects there was a road analysis that occurred such as the Twentymile project and that roads in that project were going to be stored and matters became contentious. All roads were considered and all recommendations were brought forward and discussed. It appears the process wasn't followed in this to the degree that Kriest, Hellroaring, and Twentymile were followed. This was a different process that occurred. The decommission word came up on a recent road tour prior to anything. Going forward it would seem to look at all roads and then bring that into discussion during the process. Chairman Dinning said this project seems to be processed differently from the beginning. Mr. Knauth said that makes sense. Some of the processes of looking at the entire road was already being done internally. Had things not occurred like they did on the field trip concerning the road, it would have tracked through the same process just like Chairman said. The point of alternatives is to bring attention to known issues. This one unfortunately became enough of an issue that it had to stand alone. Mr. Knauth said comment letters talked about it because it was highlighted so people focused in the road.

Ms. Perry voiced her concerns and said she wanted to see the other scoping letters of who wants to decommission the road. There is some information that would be good for the meeting as to who also commented. Chairman Dinning said for the benefit of the KVRI board and Forestry Committee it would be good to know if this was all based on more than one letter. Mr. Knauth said it was based on Brad Smith's letter saying to look at this and other letters saying no matter what, don't decommission this road. Mr. Smith is being used to decommission this road and there is no comment letter for that as Mr. Smith is not the scapegoat people think he is right now. This project has been elevated and it continues to come up at a staff level. People just need to be honest and say who wants the road decommissioned or who wrote the scoping letter. What is driving this alternative for decommissioning? Mr. Knauth said logically there are two choices, decommission the road or fix it.

Chairman Dinning said requests were made as to how many fish were found so was that question needs to be answered. Ms. Perry said the Forest Service doesn't do that type of work.

Commissioner Pinkerton said he would prefer commissioners give authorization for another county commissioner to sign a letter pertaining to KVRI matters. Since Chairman Dinning is a co-chair representing the county Commissioner Pinkerton said he would like to review these matters with all commissioners and would like letters from other agencies as to the benefits to the county.

Ms. Perry said the matter of the Deer Creek project has been talked about internally and she was trying to get a better understanding of it. The Tribe was probably waiting to hear the full discussion. Ms. Perry said if KVRI is going to table this matter, then that will be the record and that information will be send to Ms. Farnsworth. It would state that KVRI is not certain about the ramifications in order to make a call and would leave the decision to Ms. Farnsworth and her staff. Ms. Perry explained it is just a recommendation and has no standing. Ms. Perry said she wanted to give everyone a chance to hear the continued discussion.

The meeting with Mr. Knauth and Ms. Perry ended at 4:08 p.m.

Commissioners discussed various aspects about involvement in KVRI. Commissioner Pinkerton feels it is important that three commissioners are aware of the projects. Chairman Dinning said KVRI is a public forum and minutes are kept. Commissioner Pinkerton said he would disagree as it is not on Commissioners' agenda.

There being no further business, the meeting adjourned at 4:25 p.m.

DAN R. DINNING, Chairman

ATTEST:

GLENDIA POSTON, Clerk
BY: Michelle Rohrwasser, Deputy Clerk