

Monday, December 05, 2016, 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.

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

9:00 a.m., Road and Bridge Department Superintendent Clint Kimball joined the meeting to give his departmental report. Mr. Kimball presented a written report. Mr. Kimball said Road and Bridge has been working on grading, hand patching at intersections, and now working on brushing at Meadow Creek Road. Road and Bridge is also filling up the sandboxes and storing them as well as getting the mulching machine going. The salt spreading machine is totally automated now, according to Mr. Kimball. Chairman Dinning said from the comments he has heard, the county may not know until May or June of this next year whether or not Secure Rural Schools (SRS) funding will be reauthorized. Mr. Kimball said he is not counting on getting those funds so he is not spending his budget if he doesn't have to. Chairman Dinning asked how much total cash the county has in its budget. Clerk Poston said an extra \$700,000, which equates to one year's worth of SRS funds.

Commissioner Pinkerton said brushing on Moyie River Road made a world of difference. Mr. Kimball said he will have the logs picked up that have been laying there along Moyie River Road and he added that some of the logs have rolled into the ditches or have been picked up by people to be used as fire wood. Mr. Kimball said he has sold logs to the mills.

9:05 a.m., Blue Sky Broadcasting Reporter Mike Brown joined the meeting.

Mr. Kimball mentioned ongoing work for the Union Pacific Railroad (UP) siding project and he added that UP is in the process of selecting contractors and subcontractors. The plan is to build a road along the eastside of Moyie River Road and to build it to county standards.

9:08 a.m., County resident Marty Martinez joined the meeting.

Mr. Kimball said he is still looking into different avenues for grants and he added that he may approach the Kootenai Tribe for input as it pertains to one of the grants. Commissioner Kirby asked about the Round Prairie Bridge. Mr. Kimball said the Round Prairie Bridge is the bridge closest to Bill Branson's residence, and the grant process for the bridge starts sometime this December. Mr. Kimball said he will try to go to bid for the purchase of a new Snow Creek Bridge.

The meeting with Mr. Kimball ended at 9:12 a.m.

9:13 a.m., Commissioner Kirby moved to go into executive session pursuant to Idaho Code 74-206(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. Motion passed unanimously. The executive session ended at 9:30 a.m. No action was taken.

Commissioner Pinkerton moved to sign Certificates of Residency for Ashley Guttin, Gracie Jones, Kylie Byars, Jack Wade, Emily Invernion, and Gail Perry. Commissioner Kirby second. Motion passed unanimously.

Commissioner Pinkerton moved to authorize the Chairman to sign the Spill Prevention Control and Countermeasures Plan (SPCC) for the Boundary County Airport. Commissioner Kirby second. Motion passed unanimously.

Commissioner Pinkerton moved to appoint Walt Kirby as the County Liaison for the Selkirk Pend-Oreille Transit (SPOT) Board meetings. Commissioner Kirby second. Motion passed unanimously.

Commissioner Pinkerton moved to authorize the Chairman to sign the Memorandum of Agreement with the Selkirks Pend Oreille Transit Authority (SPOT) for limited operations of the SPOT Bus System in Boundary County. Commissioner Kirby second. Motion passed unanimously.

Commissioners addressed the Findings and Decision for Planning and Zoning Application #16-125. Present were: Chairman Dan Dinning, Commissioner LeAlan Pinkerton, Commissioner Walt Kirby, Clerk Glenda Poston, Deputy Clerk Michelle Rohrwasser, Blue Sky Broadcasting Reporter Mike Brown, and county resident Marty Martinez. The proceedings were recorded.

Commissioner Pinkerton moved to approve Planning and Zoning Findings and Decision for Application #16-125. Commissioner Kirby second. Motion passed unanimously.

The proceedings to approve the Findings and Decision for Application #16-125 ended.

Commissioners discussed commenting on the United States Forest Service Starry Goat Project and decided not to comment at this time.

Commissioners and Clerk Poston discussed posting the notice of an upcoming county job vacancy for the Boundary County Emergency Services Incident Director position. Chairman Dinning also suggested listing the job notice in the Bonner County Daily Bee, Lincoln County, Montana newspaper, Bonners Ferry Herald, and Newsbf.com, etc. Clerk Poston said Commissioners may want to fill this position by mid-January as the Idaho Association of Counties mid-winter conference for emergency managers takes place in February of year 2017.

Commissioners tended to administrative duties until the next meeting at 10:00 a.m.

10:00 a.m., Solid Waste Department Superintendent Claine Skeen joined the meeting to give his departmental report.

Mr. Skeen said he is getting charged a delivery charge of \$50 to have diesel fuel delivered. The landfill uses strictly unleaded whereas Road and Bridge will use premium at times. Mr. Skeen said he will inform Road and Bridge of the type of fuel the Solid Waste Department uses so it can be included when the county seeks fuels bids again.

Mr. Skeen spoke of putting in more barcodes on the trucks that bring garbage to the landfill and separating out wood and metal into their respective piles before the trucks get weighed as the landfill is not weighing those materials. Mr. Skeen listed the people and companies that have barcodes for disposal and he added that the landfill is no longer allowing the public to go to the back of the hole to dump.

Mr. Skeen mentioned he encountered someone at the landfill who owns multiple homes and who also falls under the yardage amounts. This person brings in approximately five or six yards, but in such a way that one yard comes from the person's main home, another yard comes from this person's other properties. Chairman Dinning said this person is not living in all of these homes and it is a business investment for him so in thinking this through, should this be charged as a commercial business? Mr. Skeen recommended that any amount over one yard be assessed a fee, whether a commercial business or resident. Commissioner Pinkerton asked how debris from an apartment building would be dealt with. Chairman Dinning said it is based on the yard, not where it comes from. Clerk Poston questioned if this is one yard per month or one yard per year. Chairman Dinning said this is one yard per trip. Chairman Dinning said he doesn't know exactly what his thoughts are on this, but he is trying to think about not having to charge everyone for a couple yards.

Commissioners asked if the county is paying for recycling by the truckload or ton. Mr. Skeen said it is by the truckload. Chairman Dinning asked if there would be an advantage in using a baler. Mr. Skeen said to bale materials the county would need a pit system to push recyclables onto the conveyor, etc. Chairman Dinning said he thinks more could be recycled if material could be baled. Mr. Skeen said with the current system he wouldn't be able to load the balers to accommodate for the volume. Chairman Dinning reviewed the current solid waste fee resolution and he said the document makes no distinction between private and public; it just states "cubic yard per year." Chairman Dinning asked about using recycled glass as cover for garbage. Mr. Skeen said he has talked about that, but glass also counts as tonnage.

The meeting with Mr. Skeen ended at 10:23 a.m.

Commissioners discussed writing a letter of support for Boundary Ambulance Service obtaining exempt license plates.

Commissioner Pinkerton moved to write a letter to the State of Idaho voicing Commissioners' support for Boundary Ambulance Service to obtain exempt license plates for Boundary Ambulance Service vehicles.

10:24 a.m., Chief Probation Officer Stacy Brown joined the meeting to give her departmental report.

Ms. Brown reported that there are three people in the Diversion Program, 30 juveniles on probation, 60 adults on misdemeanor probation, and 175 people on unsupervised probation. Ms. Brown said on January 27th her office will host a course on courtroom training and protocol and other counties in District 1 will attend. This is a three to four hour class and it will be informative for people who have to testify, but have never done so before. Chairman Dinning said it is okay for Ms. Brown to provide snacks for this class. Ms. Brown said everything else is going great for her office.

The meeting with Ms. Brown ended at 10:27 a.m.

Commissioners tended to administrative duties.

10:45 a.m., Linda Fioravanti, Larry Métier, and Amy Moore joined the meeting.

Ms. Fioravanti explained that she is the real estate agent representing Amy Moore's property. Ms. Moore has several interested buyers, but if the county or Federal Aviation Administration (FAA) states that Ms. Moore cannot build on her property, it could jeopardize the sale. Ms. Fioravanti said Ms. Moore is not interested in financially gouging the county at

all as she just wants to get the funds out of the property that she had put in. There are no clear answers. The property is in the flight path of the airport. A neighbor is interested in purchasing Ms. Moore's property and she feels this person plans to take the same route Craig Wheatley of E.C. Enterprises took. The area of Ms. Moore's property that is buildable can be split and the county can purchase the portion it would need for the flight path and the other portion could be sold. Ms. Fioravanti presented Commissioners with information on the property in question shown in red and the airport runway can be seen right above the property. Chairman Dinning asked if in the drawing it is a developed runway or is it a proposed extension. Ms. Fioravanti said she didn't know so she has asked Mr. Donaldson, the airport engineer, for that information. Ms. Fioravanti added that she was told Mr. Donaldson was not allowed to inform her of anything at this point. Chairman Dinning explained that Mr. Donaldson is currently working on the Master Plan and Commissioners are in need of clarification. Commissioners explained the purchase process to include the requirement of an FAA appraisal and how the county can only pay the appraisal price. This is a multiple month process, according to Commissioners. Ms. Fioravanti said Ms. Moore is willing to take a long escrow if the county is willing or able to purchase her property. It was said that Ms. Moore doesn't know what she can do with this property. Ms. Moore said when Mr. Donaldson had last met with Commissioners, she had attended the meeting and she commented that she didn't want to be landlocked and that she has potential buyers for her property. Ms. Moore said after that last meeting Mr. Donaldson asked how much she was offering to sell. It was said Ms. Moore is willing to accept \$50,000 and Mr. Donaldson had commented that this property could possibly be a purchase. Ms. Moore said when she spoke to Mr. Donaldson about looking at the property, there were only two lots; the lot consisting of 4.71 acres and the property with the yellow house on it. It was said the reason for looking at the ground is for the purchase. Chairman Dinning said Commissioners haven't heard any of this discussion so that is why Commissioners want clarification. Ms. Moore said nothing has progressed since the meeting this last summer. Ms. Moore said she has communicated with Mr. Donaldson, but is now unable to connect with him and she added that she is trying to get something worked out and has buyers, but she feels she is getting the runaround. If a business deal is lost, it is not good for anyone. Chairman Dinning said Commissioners understand and this process is moving forward, but if anyone implied any purchase of property, that is incorrect as Commissioners are the only people who can purchase property.

Ms. Fioravanti said approximately 1.71 of the 4.71 acres cannot be built on at all and she doesn't know if that came from Airport Manager Dave Parker or Mr. Donaldson. Ms. Fioravanti said she doesn't know where those boundaries or lines are. Chairman Dinning said Commissioners don't either. Ms. Fioravanti said if the county wants to split Ms. Moore's property and purchase a portion of it, Ms. Moore is willing to do that as well. Ms. Moore said she is paying taxes on this land and what if that was the county's land? They are not getting answers. Ms. Moore said she has been asking for information for a while and the person who is working on the Master Plan has had conversations that Commissioners aren't aware of. How would Commissioners feel if this were happening to them and they had to hold onto this land and pay the taxes. Chairman Dinning said the conversations that were had with Ms. Moore should not have occurred, and the Master Plan should be completed so the impacts are known. If there is something that impacts Ms. Moore's land now, Commissioners want to know. Ms. Moore said she knows from the county's documentation that her land is in the flight path. Chairman Dinning said Commissioners will want to know how this impacts her property. Ms. Fioravanti said she needs to know how to market this property. Commissioner Pinkerton said in the current Master Plan, how is this property impacted. Ms. Fioravanti said she doesn't know because Commissioners won't release the information to her. Ms. Fioravanti said when she approached the Planning and Zoning Administrator, she was told if Ms. Moore wanted to build a church on this property, she could do so because of its zoning designation and she was told what would be needed or not

needed, but when she asks Mr. Donaldson or Mr. Parker, she is told that she needs to speak with the FAA and that there may be property that is not buildable.

Ms. Moore said this is the concern she had at the last meeting and it is still the same concern. Ms. Moore said she needs to gain the information. If someone goes to the Planning and Zoning Administrator for information, they need to have the knowledge of communication that Commissioners have had and the FAA has had. Ms. Moore said there is so much broken communication and that is not her fault nor her liability. This is the second meeting this year about this and she is asking for help again in getting clarification.

Commissioner Pinkerton said we have the current Master Plan today. The Planning and Zoning Administrator doesn't have the ability to determine the heights. It was said that a person will need to find out where they want to build, point that area out on a map stating how high they want to build and send that information to the FAA who will determine if those dimensions are in the zone. Ms. Fioravanti explained what information is requested on the form to send to the FAA and she said it is not a simple thing to do. Ms. Moore added that is why she asked for Mr. Donaldson's help. Ms. Moore mentioned hearing on the news recently that the north end of the runway needs to be shortened so why is that information getting out to the public and it is all quiet on the south end. Chairman Dinning said the airport manager mentioned that the FAA sometimes looks at and is currently looking at obstructions such as mountains and highways and there is a potential the county may need to shorten the runway at that north end. Commissioners haven't had any ability to interact on that matter or protest that and that was information Mr. Parker had just provided Commissioners with. In Commissioners' minutes it states shortening the runway was discussed. Commissioner Pinkerton added that no motions were made and it was just a statement that "this may" happen down the road.

Ms. Fioravanti said in reading the application to the FAA, the 130 foot runway is the delineation as to how much height a structure can have and this is all foreign to her. Ms. Fioravanti said it would be helpful to have the old Master Plan. Ms. Fioravanti mentioned having to check with the FAA, airport, or county as to the plans. Chairman Dinning said with next week's meeting with Mr. Donaldson Commissioners hope to learn a lot more. Commissioner Pinkerton said the new Master Plan still has to be evaluated and approved by Commissioners. It is just a plan, so if it is approved, that plan becomes the current airport overlay. It was said the Planning and Zoning Office has this overlay and the administrator wasn't able to provide it. Chairman Dinning said the planning and zoning administrator is not to enforce the airport overlay; the FAA is the agency who can provide information on that. Planning and Zoning Administrator John Moss said he could tell someone what is in the flight path, etc. Ms. Fioravanti said Mr. Moss didn't say that, he just said if you want to build, it is zoned for this, but that is if the FAA allows it. Chairman Dinning said we will all gain a lot more information during Monday's meeting. Ms. Moore said it is frustrating, as a landowner and taxpayer, when someone wants to do something and they don't have any information. Ms. Moore said as she stated in the beginning, if the county wants to buy her land, buy it. There are buildings going up around this property that haven't even been approved. Ms. Moore said she is doing what she wants to do. Ms. Moore said being former military she understand the safety and would feel bad if a plane were to hit a building that wasn't supposed to be there so she wants to do it right and have people start working with her. Commissioner Pinkerton said they feel her frustration as they are in the same place as she is in not knowing what can be done. Ms. Moore said there used to be a document that stated, at the end of the runway every so many feet you can build up a certain number of feet and it was in the Planning and Zoning Office. Ms. Moore said she and her husband didn't build a shop because it would just have to be torn down. Ms. Moore said that paperwork she needed just doesn't exist anymore so she is starting to get spooked. She wants to sell the land and needs documentation as to what she can

do. Chairman Dinning said Commissioners will find out what Ms. Moore needs to know to the best of their ability, but they may not get all the answers on Monday. Commissioners said they are not about taking people's property in any fashion; they just don't understand the impact to Ms. Moore's property. Chairman Dinning said because we have had confusion by there being too many people involved in conversation such as the airport manager, Mr. Donaldson, Planning and Zoning, etc., Commissioners will probably have all communication go through the county attorney so it is just one person in order to avoid an opportunity for miscommunication. Commissioners will want their civil attorney at Monday's meeting. Commissioner Pinkerton said information has not come before Commissioners nor has anything been approved. Ms. Moore said when Mr. Donaldson came over it was as if he had been sent to see her by Commissioners. Chairman Dinning said there will be a lot more clarity next week.

The meeting with Ms. Fioravanti and Ms. Moore ended at 11:20 a.m.

11:20 a.m., Restorium Administrator Karlene Magee and Assistant Administrator Pam Barton joined the meeting. Ms. Barton presented Commissioners with statistics for the months of September 2016 through November 2016. There were two vacant rooms for the month of November although one room has since been filled and there is an interview with a potential resident tomorrow. The Restorium has a big waiting list, but it is a matter of timing for potential residents. Those present reviewed the following information included in the report: billed amount for rooms, staff hours, revenue received, accounts receivable owing, revenue including lunches, expenses and expenses excluding payroll, and the cost of food per person per day. Chairman Dinning commented that the Restorium is approximately \$7,000 under expenses for the month. Ms. Barton said that sounds about right. Chairman Dinning said that is good news. Ms. Barton said the kitchen manager has been looking at each and every item and comparing prices between vendors. Chairman Dinning spoke of staff hours worked. Clerk Poston reviewed differences between year 2014 and 2016, providing a two-year comparison. Commissioner Pinkerton commented that a good job was done by Ms. Magee and Ms. Barton. Ms. Magee commented that the Restorium is always in the need for personal service assistants (PSA's).

Ms. Magee reminded Commissioners of this weekend's Restorium Christmas party.

Chairman Dinning asked about the Restorium Board's non-recommendation as it pertains to setting a limit for the number of Medicaid residents the Restorium should have. Chairman Dinning said Commissioners aren't looking at this as a hard and fast rule. Commissioners always want to have options as to how to handle this situation, based on Ms. Magee's recommendation. Rather than the Restorium Board focusing on extremes Commissioners want them to focus on choosing a number and Commissioners will figure out how to be fair to all residents. Commissioner Pinkerton said he thinks 15% is a good number so if the Restorium were to already have 15% or 20% of its residents on Medicaid, Ms. Magee probably won't want to accept a new Medicaid residents. It would be okay to accept a private pay resident. This percentage will fluctuate and residents won't be asked to leave if they have to go on Medicaid. Commissioners don't want to send the message that the Restorium will accept any number of Medicaid residents no matter how many residents on Medicaid there already are. The Restorium will not kick someone out, but if the Restorium has 35% of its residents on Medicaid, the potential residents to be accepted will be private payers. Chairman Dinning said Commissioners had talked about having new residents agree to be private pay for that first year. Commissioner Pinkerton said if there are financial changes for that resident, Commissioners can address that on a case by case basis. Chairman Dinning said Commissioners feels this should be in the Restorium Policy. Chairman Dinning said if the Restorium gets down to having eight or nine vacant rooms, Ms. Magee and Commissioners can meet to see what she feels needs to be done. Commissioner Pinkerton spoke

of having private paying residents brought to the top of the waiting list. Ms. Magee said if a new resident comes to her and says they can be a private pay for one year, how will she be able to enforce that or how will she know they can really be a private payer for that time. Commissioner Pinkerton spoke of having the resident provide a financial disclosure document to Ms. Magee when they come in. Commissioner Pinkerton added that sometimes things happen and a resident will have to go on Medicaid during that initial year, but they will not be asked to leave for that reason.

Clerk Poston said if the Restorium is at 18% capacity for Medicaid residents and the Restorium has a vacancy as well as a waiting list to include potential residents on Medicaid, does Ms. Magee refrain from accepting someone from the list because the only options are people on Medicaid? Commissioners said it would be a case by case basis. If there is a private pay person, they jump ahead of a person on Medicaid on the waiting list, but if the waiting list only consists of Medicaid residents, then Ms. Magee can admit that person on Medicaid. Chairman Dinning said Commissioners don't need to know about the day to day business as that is for Ms. Magee, but as it pertains to the policy, that is Commissioners' decision. Commissioners are not saying no Medicaid residents are allowed, but we need to prioritize. Ms. Magee said she will meet with Commissioners when this occurs and the target number has been exceeded. The target is to have private pay residents, but we also don't want to have vacant rooms. Chairman Dinning said County Civil Attorney Tevis Hull will help with verbiage when putting this into the policy.

Commissioner Pinkerton asked the status of managerial training for Ms. Barton as the Restorium needs to have someone trained as a backup administrator if something were to happen to Ms. Magee. Chairman Dinning said we need to have that certification in place for the protection of the Restorium.

The meeting with Ms. Magee and Ms. Barton ended at 11:47 a.m.

Commissioners recessed for lunch at noon.

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

1:30 p.m., Commissioners held a public hearing to consider Planning and Zoning Application #16-111, an application for proposed changes to Land Use Ordinance 2015-2. Present were: Chairman Dan Dinning, Commissioner LeAlan Pinkerton, Commissioner Walt Kirby, Deputy Clerk Michelle Rohrwasser, Planning and Zoning Administrator John Moss, County Mapper Olivia Drake, and Planning and Zoning Commission members Ron Self, Marciavee Cossette, and Wade Purdom. The hearing was recorded.

Chairman Dinning reviewed the public hearing procedures. This application proposes to amend Ordinance 2015-2, Land Use Ordinance, to review proposed changes, specifically addressing updates to: Section 2-Definitions, Section 7-Conditional Use Permits, Section 8-Special Event Permits, Section 10-Standards for Specific Uses, Section 11-Subdivisions, Section 12-Variances, Section 13-Mediation and Appeals, Section 18-Amendments, and Section 20-Parcel Divisions. The proposed updates are both typographical and substantive.

Chairman Dinning opened the hearing to public testimony. Mr. Moss spoke on behalf of the Planning and Zoning Commission.

Mr. Moss said the Planning and Zoning Commission has looked at Ordinance 2015-2 from the perspective of being able to administer land uses in the county as well as making needed updates. The staff report specifically included a staff analysis and it identifies Section 2 for definitions as well as addresses amendments to the following chapters: 7, 8, 10, 11, 12, 13, 18, and 20. Mr. Moss said a large portion of changes represented here are typographic in nature and are simple numbering or verbiage issues. There were no other agencies involved. Mr. Moss said he also attached a letter received from Don Jordan prior to the Planning and Zoning Commission meeting and the reason for including this letter has to do with Section 11.9, pertaining to the transfer of property and density bonuses. Mr. Moss said Mr. Jordan concurs that this section is not written properly. The Planning and Zoning Commission recommends that Section 11.9 be removed. Mr. Moss explained that as Commissioners review the recommended changes, there is a yellow page and subsequent to this page are changes that the Planning and Zoning Commission have not seen. These changes pertain to Sections 11, Subdivisions and Section 20, Parcel Divisions. Chairman Dinning questioned if these sections are a part of Application 16-111. Mr. Moss said County Civil Attorney Tevis Hull said if Commissioners want to have the Planning and Zoning Commission look at these proposed changes, Attorney Hull agreed that all parties should be involved.

Chairman Dinning said the first change seems to be Section 2.3., pertaining to the term "primary structure." Chairman Dinning asked for the reason for an amendment pertaining to this term and questioned if this verbiage is different than the Road Naming Ordinance. Mr. Moss said this term is right in line with the addressing ordinance. Ms. Drake said as far as addressing is concerned, we really don't have an addressable structure as this ordinance is basically for 911 purposes and if someone wants to camp on their property, they can still obtain an address. Chairman Dinning questioned if this verbiage change is going to create an amendment to the way the county currently does addressing. Ms. Drake said it won't change that. Chairman Dinning said to him it says a structure requiring a physical address is a residential structure. Mr. Moss said it can also be commercial. Chairman Dinning asked if it will create a conflict. Ms. Drake said no. Mr. Moss said by taking out "primary" it allows for commercial or residential. Chairman Dinning said he doesn't see that verbiage in the Road Naming Ordinance and he added that his concern is that what Commissioners may change will trump the Road Naming Ordinance. Chairman Dinning said we are representing a change to the Road Naming Ordinance because the Planning and Zoning Commission is requesting something different. Mr. Moss said it should not affect the Road Naming Ordinance.

Chairman Dinning said in reviewing this he is going to ask the same question. The intent of this, for any amendment, is to make true that amendment and that it is reasonable and necessary so we will look at that as we go forward. Chairman Dinning questioned why the change pertaining to "primary" is necessary. Mr. Moss said it was to clarify the term "addressable" as it was not truly an addressable structure. The term was "addressable." Commissioner Pinkerton said this won't make him address something such as a chicken house. Mr. Moss said it is addressing for 911 purposes. Chairman Dinning commented on his definition of what needs to be addressed. Chairman Dinning mentioned this is not listed in the Road Naming Ordinance so he would like to know how the two different ordinances meet. Mr. Purdom said in the definitions for addressing the only term that would match is "habitable", not something such as a chicken house. Chairman Dinning said that is what he is talking about; making sure the definition matches to both ordinances. Ms. Drake questioned if the new Planning and Zoning Ordinance referred to the Road Naming Ordinance. Mr. Moss said it doesn't. Chairman Dinning said he wants the ordinances to tie to one another. Mr. Moss asked if he left out the term "primary", would Commissioners be okay with that being the existing definition. Chairman Dinning said he just wants it to refer how the Road Naming Ordinance directs. It was suggested referring the Ordinance to the Road Naming Ordinance so what is in

that ordinances dictates what the Planning and Zoning Commission does. Chairman Dinning said then if the Road Naming Ordinance needs to change, we can look at that.

Mr. Moss said the subsections are all alphabetized whereas they weren't before. It was said a lot of these changes are due to re-organization. Chairman Dinning said he just doesn't want to create an ordinance.

Commissioner Pinkerton said currently the ordinance says primary structure, but in taking out primary, it is still says structure. We need to identify what kind of structure is requiring an address. Mr. Moss said we can leave it the way it is, change it and refer to the Road Naming Address, or explain the term "structure." Mr. Purdom said he believes it refers to Subsection 2.62., for current definitions. Mr. Purdom mentioned a structure such as a barn so it mentions structures being addressable and some not being addressable. Ms. Drake asked if there is another term as she is concerned there will be a conflict with the Road Naming Ordinance. Chairman Dinning said we all understand there is a conflict, but we will not try to solve it today. Mr. Moss said Subsection 2.62 said structure and that depending on use it may or may not be addressable. Chairman Dinning asked if all of Subsection 2.62 is potentially a conflict. Ms. Drake said only the addressable heading of Subsection 2.62. Mr. Moss suggested taking the heading and term "addressable" out may resolve the potential conflict. Chairman Dinning said the change can be made then have the Planning and Zoning Commission take a look at it and come back with their comments.

It was said for Subsection 2.62, to take structure and remove everything that comes after that. It was said then take "non-addressable" out of Subsection 2.6.2.2., and leave everything. Mr. Moss said yes. These recommended changes, in no fashion, are going to require Commissioner Pinkerton to give his chicken coop an address. Ms. Drake and Mr. Moss agreed. Chairman Dinning said the term "primary" will be removed from Section 2.3.

Chairman Dinning informed those present that in this process we are at the point of speaking with staff during this staff report, and that all three Planning and Zoning Commissions members and Ms. Drake are staff. This is still part of that staff report. Chairman Dinning said Commissioners have one member of the public here who is not staff and that is Mike Brown with Blue Sky Broadcasting. No one else from the public is present. Chairman Dinning asked if he is getting ahead of the game by having this discussion as he doesn't think so because who is present is hearing this discussion and will have the ability to comment.

Commissioners addressed the reason to remove Subsection 2.15.2, referring to the ground. Mr. Moss said the definition of ground consisted of the movement of one or more acres, etc., and he cannot remember why. Chairman Dinning said it had to do with the Environmental Protection Agency when disturbing one or more acres of ground. The county did not want to enforce that requirement and it is not something the county is enforcing. Chairman Dinning suggested leaving this subsection as is. Mr. Purdom said he cannot recall why that would be removed. Ms. Drake said if Commissioners are going to leave this section in, can it be called ground disturbance instead of just ground? Chairman Dinning said yes.

Chairman Dinning spoke of the term "division." Chairman Dinning said this has nothing to do with parcel and division should be located somewhere else. Those present debated where division should be and it was said the different categories of divisions could be moved to Subsection 2.16, but it all relates to parcel so we're talking parcel division, division, see parcel division. Chairman Dinning said when it says division, it guides us to see "parcel" in subsection 2.42., and the definition of parcel is present so he is good with that. When talking about parcel division, it sends us to Subsection 20.3. It was said the change to 21.6 is good.

It was said Subsection 2.23 is typographical in nature. Subsection 2.15.2., is ground or ground disturbance and falls under Section 2.15, which is developments so that is appropriate. Subsection is 2.33.1., pertains to the adjustment of one or more lot lines in such a manner that no new lots are created. Subsection 2.54.1, Private Recreation, pertains to improved camp-sites and should be campsites so it is typographical. Subsection 2.55., includes the term “non-commercial” and it should all be one word, without a hyphen.

Subsection 2.57., explains setbacks. Chairman Dinning said it makes sense on the face of it. Mr. Moss spoke of determining parcel lines, etc., and he said he is not clear as to how to use, or the correct way to use, the term right-of-way. Mr. Moss said the only place setbacks are referred to pertain to zones. Mr. Self said for safety purposes we have a 50-foot right-of-way. Chairman Dinning said he could contend that his property line is the center of the road and if we were to meet the 25-foot setback, he could be 25 feet back from the center. Commissioner Pinkerton asked about setbacks for fencing. Mr. Purdom said the Planning and Zoning Commission doesn't deal with fences. Ms. Drake asked if it should state, public, or private right-of-way. Mr. Moss said he just wants to put in place a definition for setbacks as all zones indicate their setback for that particular zone. Mr. Moss said when you look at setback requirements for each zone, people wonder what the setbacks are. Commissioner Pinkerton said this just brings up more questions. Mr. Purdom mentioned the possibility of just deleting the term “rights of way”. Chairman Dinning said if the county has no rights-of-way, it only has 25 feet to the centerline, and if there is a 20-foot setback, if he uses the property line, technically he could create some difficulty. Mr. Moss asked if it should say public or private rights-of-way. Mr. Moss said this is just an effort to define setbacks. Ms. Drake asked if we could define easements and rights-of-way for the purpose of this ordinance. Chairman Dinning said the intent of this is to have property owners have to stay back 25 feet from whatever that is, not just the centerline. Chairman Dinning said Commissioners will have to speak to County Civil Attorney Tevis Hull as to how to word this. Chairman Dinning said he does think this needs to apply to the private roads in the nicer subdivisions. Mr. Self said he would try to stay away from that and to keep it to the public and that the developer would have included those conditions in the covenants, codes, and restrictions (CCR). Commissioner Pinkerton said that is not our business.

It was said Section 2.62., has already been discussed. Section 2.63., speaks to lots rather than parcels. Lots are part of subdivision and parcels are not. Section 2.64, was mentioned that subdivisions are parcel divisions. Mr. Moss said the parcel division is not a subdivision so the term “subdivision” relates to lots. Platting requirements are for subdivisions. Chairman Dinning said he doesn't see why parcel division falls under the subdivision heading. Ms. Drake said it may be because they may not know there is other terminology. It was mentioned that we just need better language explaining there are other divisions that require a subdivision.

In Subsection 2.65.2, the phrase stating the information is also available online should be revised to just state that information is available online.

The change for Section 7, Condition Use Permits is just a typo. Section 7.8.8., has its title removed. Chairman Dinning asked what created the necessity to take this heading out. Mr. Moss said we don't enforce this. The county doesn't go after those agencies to require proof of compliance. It was explained that this is talking about a conditional use permit. The example was given that someone has asked for a second home on 100 acres and that requires a conditional use permit since this second structure is not an accessory dwelling unit. This allows Planning and Zoning to review the application for the second house. A second primary, multi-family structure can be placed on a large parcel and there is nothing to do with that that requires a proof of compliance from an agency. Chairman Dinning said in Subsection 7.8.7.,

the county is requiring something for public safety. Mr. Moss said these are requirements for terms and conditions placed on the applicant for complying with a conditional use permit. The FAA is one example of where that is the case. Chairman Dinning said there is a conditional use and there is an access road, but do you approve that conditional use permit without that road? Ms. Drake said Road and Bridge has the access permits. Chairman Dinning said this is not mandating that the county requires proof, but just that the county may require proof. In Subsection 7.8.8., it lists what Planning and Zoning may approve or not approve. Commissioner Pinkerton said he is in favor of taking the term federal government out. Mr. Moss said the flood plain is a whole separate ordinance. Chairman Dinning said by leaving the term "federal" in this section, it allows for proof to possibly be required. Commissioner Pinkerton said it might say "may" in the beginning, but it says "require" in another area so if we have to enforce EPA requirements, we are putting our citizen's in harm's way by saying they have to abide by those regulations. Mr. Purdom said one reason for removing this is if we do say someone needs to comply, it puts too much on the Commission in proving someone did comply. Chairman Dinning said in playing the devil's advocate, if we run into a situation, and as we are looking at how the ordinance is written now we do not have the ability, with a conditional use permit, to require compliance with other county, state, or federal regulations. Mr. Moss said what happens is that we lose track of the sentence that says such terms and conditions that "may", but no limited to", and that says another restriction can be created. Chairman Dinning said he would like to still see the county mentioned. Mr. Self said he cannot see taking out the term "federal" because they do have to enforce the flood plain. Commissioner Pinkerton, for example, mentioned allowing cannabis when it is still federally illegal. It was suggested to leave the county in the section, but to remove state and federal.

Mr. Moss said the changes to Subsection 8.8., are all typos. Chairman Dinning questioned why Subsection 8.3.1., doesn't suggest all public facilities. Mr. Moss said the only amendment would be to change the term to state "public facilities." Commissioner Pinkerton and Commissioner Kirby suggested getting rid of the bullet points. Mr. Moss said Subsection 8.13.1., consisted of typos as did Subsection 10.3.4.4.

Chairman Dinning said we have marked out development rights, densities, etc., so we need to discuss transferred development rights.

Mr. Moss said he would like to note in Subsection 11.3.5., the short phrase before the change that is marked, states "not less than five acres", but when the Planning and Zoning Commission took this code and copied it to parcel division, it becomes problematic. Chairman Dinning said he has concerns with primitive and five acres. If one is using one-quarter of one-quarter of one-quarter, generally there will be sections that are less than five acres. Chairman Dinning asked if the county has dealt with that somewhere. Ms. Drake said we need to define those. Chairman Dinning said he could take a 10-acre piece and divide it in half and not create a primitive subdivision. Mr. Moss said this is primitive, but it requires platting, which requires identifying utilities and roads, and it does require a public hearing. Chairman Dinning questioned if platting and holding a hearing is only needed if there are more than two lots. It was said creating another lot is a subdivision. Ms. Drake said you can have parcels without having lots. If someone owns 20 acres and that person deeds a 10 acre piece to someone else and keeps 10 acres for himself, it would just be a division. This section says more than two lots so we're not creating a subdivisions and someone can divide their 10 acres into two lots and then someone else can then split their two pieces. Ms. Drake said if the parcel is split then split again, it requires platting.

Mr. Moss said Subsection 11.3.6.1., is just a typo and the term notwithstanding is one word. Subsection 11.3.8.4., pertains to Panhandle Health District verbiage. Mr. Moss proposed the term “approved” rather than “installed.” Mr. Self mentioned the approval of site.

Ms. Drake explained the approval process for Subsection 11.5.4. Chairman Dinning said if that information is not on the tentative plat, at what point does it get presented? Ms. Drake said the preliminary would be approved with conditions. Mr. Purdom said there could be a proposed profile of each street.

Mr. Moss mentioned there being a numbering change for Section 11 at the top of page five.

Mr. Moss said there is just a typo in Subsection 11.6.1.2.4. Chairman Dinning asked why it also states approval of other agencies. Chairman Dinning said it is just listing them; not enforcing them. Mr. Moss said Subsection 11.7.3., brings forward concerns regarding a preliminary plat and making sure what Commissioners wanted on the plat is addressed. It pertains to profiles required in the final plat. Mr. Moss said in Subsection 11.7.11., there was no place for the administrator’s involvement.

Mr. Moss said 11.9., is half of the ordinance, according to Mr. Moss.

Those present discussed transferred development rights. Chairman Dinning there had been a faction when the Comprehensive Plan was rewritten and they wanted to limit the minimum parcel size to 160 acres in the valley and a Commissioner in office at that time failed to realize the damage. Chairman Dinning said this faction wanted to preserve the valley in its state and Chairman Dinning said he himself felt that 160 acres would be damaging and he added that he doesn’t think the transferred developments rights option has been used. Chairman Dinning said Bonner Bounty used this provision with Flagstone and Stimson Lumber, but that is the only time he has seen it used. Transferred development rights hasn’t been used and our valley has not been decimated. Mr. Purdom said he didn’t have a clue about this provision and not only has it not been used, but for the county to use it would be extreme. If transferred development rights are going to be used, people need to be educated and a banking system needs to be set up. Where there were no terms and conditions, the change has allowed for them. The previous variance did not have terms and conditions established.

Mr. Moss explained that Subsections 13.2.4.2, 13.2.5., and 18.1.5.3.1., consist of typos, punctuation errors and miss-numbering otherwise everything is the same.

Chairman Dinning said as it pertains to Section 20, why do we have a lien holder identified on property. Mr. Moss said Subsection 20.1., pertains to a deciding body, but there is no deciding body. Subsection 20.4.1., is where no additional parcels are created. It is adjusting a new parcel and not creating a new parcel. Mr. Moss said Subsection 40.4.2., is reducing the number of parcel divisions from five to four and it has to do with statute.

It was said a simple parcel subdivision has to have county road or state highway frontage. A simple subdivision consists of two parcels period.

Subsection 20.4.3., talks about five acres and this should be removed. Ms. Drake asked if that should come out of the section for primitive subdivision. Chairman Dinning said it is required when we talked about an earlier chapter so why is

there a difference if he can subdivide and have five acres. Mr. Moss said he is not removing five acres from subdivisions. This is not talking about a family split. It was decided to leave the five acres in both sections and for any other parcel division a person will be referred to Section 11.

Chairman Dinning said for 20.5.1., at this point it is an application for a parcel line adjustment and is not necessary to have a record of survey until such time Planning and Zoning said everything looks good. Mr. Purdom said yes, and that suggestion came from the surveyors themselves.

Subsection 20.5.3.3., consists of typos.

Chairman Dinning said in Subsection 20.7.1., why do we have to identify lienholders on a property when it is not required on others. Mr. Self said if you sold someone a 20 acre parcel and retained contact and the other person divided the property up without telling the owner, how would that owner feel. Mr. Moss said all applications shall include the owner. It was said it isn't necessary for Planning and Zoning to take any actions. Chairman Dinning said a title company will tell the new owner if there is a lien on the property. Mr. Moss said he will take this statement pertaining to lienholders out and take it off the application as well.

Subsections 20.7.3.1., and 20.8., consist of typos. Subsection 20.8.1., is clarification and talks about the point of beginning. Subsection 20.8.3., basically requires of the surveyors what the title company does. Chairman Dinning referred to Subsection 20.8.4., and said this section needs to come out because it will encumber someone if the county requires certification of a plat and then the ordinances changes. Mr. Moss said a surveyor suggested Subsection 20.8.7., be removed.

Commissioner Pinkerton said Subsection 20.11.2., references family members, but it does not mention siblings when stating immediate family members. Mr. Moss said it excludes those not in line for the inheritance. Mr. Self said if a family member is written in a will, it is taken care of.

Mr. Moss spoke of the section on maximum densities and said this amendment changes the way it is phrased. There is no change to maximum density; it is just the font or character used.

Mr. Self left the meeting at 3:53 p.m.

It was said that Mr. Moss can handle the task associated with Subsection 20.11.3. All of those requirements mentioned are designed for the administrator. Mr. Moss said he is looking for reference to the five acres and he believes Subsection 20.11.2., is the paragraph that allows division below five acres.

Mr. Moss explained that the information behind the yellow separator are proposed amendments the Planning and Zoning Commission has not seen. The first Section is 11.1., Subdivisions and applicability. Mr. Moss said when a parcel to be divided for subdivisions is greater in size than the subdivision proposed for development, the remainder is to be defined separately on a document of conveyance. Mr. Moss said this topic is to be discussed at a Planning and Zoning Commission meeting.

Chairman Dinning called for public testimony. There being none Commissioners closed the hearing to public comment and called for discussion amongst themselves.

Chairman Dinning said since there is so much for Planning and Zoning to do and review again, it might be best to deny the application and have the Planning and Zoning Commission take another look at the amendments as well as review the sections they haven't addressed. Mr. Purdom would rather approve the application with amendments as the Planning and Zoning Commission already have another proposal to follow later.

Commissioner Kirby to approve Planning and Zoning Application #16-111, proposing changes to the Land Use Ordinance #2015-2, as amended. Commissioner Pinkerton second. Motion passed unanimously.

Mr. Moss said he will prepare the Findings and Decision.

The hearing ended at 3:57 p.m.

Chairman Dinning said Commissioners could have a workshop with the Planning and Zoning Commission.

Mr. Moss said his question is if the Planning and Zoning Commission has a meeting scheduled in two weeks on December 15, 2016, do Commissioners want to meet before or after. Chairman Dinning said Commissioners will work with Mr. Moss after the meeting.

Mr. Moss, Mr. Purdom, Ms. Drake, and Ms. Cossette left the meeting at 3:58 p.m.

Commissioner Kirby moved to authorize the Chairman to sign the Subordination Agreement for indigent case 2010-4. Commissioner Pinkerton second. Motion passed unanimously.

Commissioner Kirby moved to sign Certificate of Residency for Leona Johnson. Commissioner Pinkerton second. Motion passed unanimously.

Commissioner Kirby moved to cancel taxes for year 2016 totaling \$103.52 for parcel #RP64N01E182090A. Commissioner Pinkerton second. Motion passed unanimously.

Commissioner Kirby moved to cancel taxes for year 2016 totaling \$44.00 for parcel #MH64N01E182090A. Commissioner Pinkerton second. Motion passed unanimously.

The meeting ended at 4:16 p.m.

There being no further business, the meeting adjourned at 4:16 p.m.

/s/

DAN R. DINNING, Chairman

ATTEST:

/s/

GLENDA POSTON, Clerk

By: Michelle Rohrwasser, Deputy Clerk