



BOUNDARY COUNTY MAP AMENDMENT APPLICATION

P.O. Box 419, Bonners Ferry, Idaho 83805
Phone: (208) 267-7212

FILE #: 24-0119 (amendment)

COMPREHENSIVE PLAN AND ZONE MAP AMENDMENT:

The applicant is requesting an amendment to the comprehensive plan map:	
From: (current designation): Agriculture/Forestry	To: (proposed designation): Rural Community/Commercial
The applicant is requesting an amendment to the official zoning map:	
From: (current zone): Agriculture/Forestry	To: (proposed zone): Rural Community/Commercial

APPLICANT INFORMATION:

Applicant/Landowner: John and Pamela Martling		
Mailing Address: [REDACTED]		
City: [REDACTED]	State: [REDACTED]	Zip: [REDACTED]
Site Address: [REDACTED]		
Phone: [REDACTED]	Email: [REDACTED]	

REPRESENTATIVE INFORMATION:

Representative's name: Thomas A. Bushnell, Attorney at Law		
Company name: Bushnell Law		
Mailing Address: [REDACTED]		
City: [REDACTED]	State: [REDACTED]	Zip: [REDACTED]
Phone: [REDACTED]	Email: [REDACTED]	

ADDITIONAL APPLICANT/REPRESENTATIVE INFORMATION:

Name/Relationship to project:		
Company name:		
Mailing Address:		
City:	State:	Zip:
Phone:	Email:	

TO BE COMPLETED BY COUNTY:

Zone District:	Overlay Zones:	<input type="checkbox"/> Airport	<input type="checkbox"/> Wetland	<input type="checkbox"/> Bonners Ferry ACI	Received:
		<input type="checkbox"/> Flood	<input type="checkbox"/> None	<input type="checkbox"/> Moyie Springs ACI	
P&Z hearing:	BOCC hearing:		Receipt #:		 BY:

PARCEL INFORMATION:

Parcel #'s: RP60N01W137800A & RP60N01W138102A		Parcel acreage: 10.00 & 46.16	
Current Use: 7800A is a Mobile Home Park & 8102A is Residential			
What zoning districts border the project site?			
North: AG/Forest		East: AG/Forest	
South: AG/Forest		West: Rural Community/Commercial	
What are the current adjacent land uses?			
North: Cell Phone Towner/ Residential		South: 3-acre Residential Parcels and Timber	
East: Shiloh Loop, BNSF railroad, and Deep Creek		West: Moose Valley Farms, Construction Yard, and Small Residential Parcels	
Within Area of City Impact? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		If yes, which city?	
Directions to the site: HWY 95 South from Naples to Living Stone Lane on the left just past mile marker 496.			
Proposed or existing roads serving the site are: <input type="checkbox"/> Public <input checked="" type="checkbox"/> Private <input type="checkbox"/> Public & Private			
Name of street/highway serving the site: Living Stone Lane off HWY 95			

PROJECT DETAILS: (Use additional paper, if needed)

Explain the reasons for the requested zone change/comp plan amendment:
Please See Attached Project Details
How does the proposed zone change or comp plan amendment relate to the adopted comprehensive plan policies?
Please See Attached Project Details
How will the proposed amendment affect public services such as sewer, water, and roads? Will extensions be required?
Please See Attached Project Details
Explain how the proposed map change is compatible with the surrounding area?
Please See Attached Project Details
Will zone change involve a proposed development agreement? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO

SITE INFORMATION:

Please provide a description of the following land features:

Topography (lay of the land): Mostly Flat which drops off to Shiloh Loop.

Land cover (timber, pastures, etc): Mostly Forested

Water courses (lakes, streams, rivers & other bodies of water): N/A

Existing structures (size & use): Four mobile homes used as residential rentals and one single family home.

SERVICES:

Sewage disposal will be provided by:

Existing community system – Provider & type of system:

Proposed community system – Type & proposed ownership:

Individual system – List type: Individual septic systems which are already permitted.

Water will be supplied by:

Existing public or community system – Provider: Cabinet Mountain Water

Proposed community system – Type & proposed ownership:

Individual well:

REQUIRED:

APPLICATION CHECKLIST:

COPY OF DEED:	<input checked="" type="checkbox"/> Attached	ACCESS/EASEMENT DOCUMENTS:	<input checked="" type="checkbox"/> Attached
MAP OF AREA TO BE REZONED:	<input checked="" type="checkbox"/> Attached	APPLICATION FEE:	<input checked="" type="checkbox"/> Attached
LEGAL DESCRIPTION OF AREA TO BE REMAPPED/AMENDED:		<input checked="" type="checkbox"/> Attached	

Submit with application fees to:
 Boundary County Planning & Zoning
 P.O. Box 419
 Bonners Ferry, ID 83805

I hereby certify that all the information, statements, attachments, and exhibits submitted herewith are true to the best of my knowledge. I further grant permission to Boundary County employees and representatives, elected or appointed officials to enter upon the subject land to make examinations, post the property or review the premises relative to the processing of this application.

Landowner's signature: *John Munn* Date: 7/24/2024

Landowner's signature: *Pamela Martling* Date: 7/24/24



Bushnell Law

CHRISTOPHER L. HARLAN, Licensed in ID & MT • BRANDON D. HAJNY, Licensed in ID, CO, NM & TX
THOMAS A. BUSHNELL, Licensed in ID, WA & CA

BUSHNELL LAW
6430 Kootenai Street
PO Box 1833 (mailing address)
Bonners Ferry, ID 83805
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www.Bushnell.Law
Phone: (208) 267-9321
Fax: (208) 946-5714

July 23, 2024

To: The Boundary County Planning & Zoning

PROJECT DETAILS:

Explain the reasons for the requested zone change/comp plan amendment:

John and Pamela Martling are seeking to rezone two of their parcels to better reflect their current use. For the past 20 years Boundary County Parcel RP60N01W137800A has been providing affordable housing in the form of four mobile homes.

The tenants in the four mobile homes have lived there for many years, please see Exhibit 1 for letters from the current residents. John and Pamela are seeking to rezone both parcels to reflect its current use.

John and Pamela Martling live on parcel RP60N01W138102A and are requesting it be rezoned as well to avoid "spot zoning" as it is contiguous with the two Rural Community/Commercial parcels being RP60N01W137030A and RP60N01W136605A.

How does the proposed zone change or comp plan amendment relate to the adopted comprehensive plan policies?

13.5.4 Rural Community/Commercial of the comprehensive plan states that "Those areas of the county located primarily in municipal areas of impact and within unincorporated communities which combine both low-impact commercial enterprises and residential use to create a "small town" ambiance suited to the needs in each particular community. In addition to areas within the Bonners Ferry and Moyie Springs areas of impact, such designation would include the communities of Porthill, Eastport, Naples and, to a lesser extent, the Three Mile area."

Naples has been recognized by the comp plan as an area for Rural Community / Commercial zoning. It is also part of boundary county's comprehensive plan to PROVIDE affordable housing. The median income in Boundary County in 2023 was 28,484.00¹. As of June 2024, the median list price of a home in Boundary County, Idaho was \$499,000². The result is that one would have to make 3 - 4 times the Boundary County median income to afford to purchase a median priced home. John and Pamela Martling's zone change request will support the comprehensive plan policies in both of these respects.

How will the proposed amendment affect public services such as sewer, water, and roads? Will extensions be required?

All utilities and access to HWY 95 are in place and fully permitted by their respective agencies; Panhandle Health, ID Department of Building Safety, ITD, and Cabinet Mountain Water.

Explain how the proposed map change is compatible with the surrounding area?

Many of the surrounding parcel parcels are used for commercial purposes. Some examples are RP60N01W138241A (Kramer Construction), RP60N01W243010A (Bee Safe Security), RP60N01W137030A (Turner Plumbing), RP60N01W136605A (Clint Kimball Company), RP60N01W231810A (Arrow Auto Salvage), RP60N01W242412A (Roy Copeland Heavy Equipment Repair), and RP60N01W137060A (Kra Investments LLC). To the west and contiguous to the 40-acre parcel in this request is Rural Community/Commercial zoning. RP60N01W136605A (Clint Kimball Company) and RP60N01W137030A (Turner Plumbing).

The property is currently zoned Ag/Forest and as such has ten (10) acre minimum for lot sizes. The south property line of the subject parcel is the southern boarder of Section 13, Township 60 North, Range 01 West. There are many lots in the immediate vicinity that are less than the ten (10) acre minimum. In fact, about one half (1/2) of the surrounding properties are under the ten (10) acre minimum required lot size. The following chart demonstrates this:

¹ https://datacommons.org/ranking/Median_Income_Person/County/geold/16?h=geold%2F16021&unit=%24

² [https://www.rockethomes.com/real-estate-trends/id/boundary-county#:~:text=Summary:%20The%20median%20home%20list%20price%20in,median%20price%20per%20square%20foot%20was%20\\$264.](https://www.rockethomes.com/real-estate-trends/id/boundary-county#:~:text=Summary:%20The%20median%20home%20list%20price%20in,median%20price%20per%20square%20foot%20was%20$264.)

Parcel Number	Acreage
RP60N01W137060A	4.74
RP60N01W137100A	1.88
RP60N01W242500A	2.59
RP60N01W242412A	3.82
RP60N01W242600A	2.59
RP60N01W242710A	3.06
RP60N01W243590A	4.0
RP60N01W244050A	2.31
RP60N01W243910A	2.07
RP60N01W243760A	4.0
RP60N01W231970A	5.75
RP60N01W232261A	2.02
RP60N01W230440A	4.30
RP60N01W131750A	4.07
RP60N01W131201A	4.99
RP60N01W131050A	3.22
RP60N01W137040A	3.35
RP60N01W136605A	6.75
RP60N01W136750A	5.0
RP60N01W136602A	5.43
RP60N01W137030A	7.92
RP60N01W231960A	7.95
RP60N01W231810A	8.36

Respectfully Submitted by



THOMAS A. BUSHNELL
Attorney for the Petitioners

July 24, 2024

To Whom It May Concern:

My name is Karen Mc Carty. I am a fifty-seven-year-old disabled woman who has lived here for nine years. I have BP-1, GAD, OCD, OSPD, and most importantly, Complex PTSD.

I could never live in an apartment because loud noises have me in a corner with my arms over my head. It is practically impossible to afford a home where one may have privacy, peace, views of trees, a lawn, a garden, and flower beds.. I can see other wild life as well. I have beauty and nature looking through every window and outside of every door.

When property values quintupled and people were having their rented homes sold out from under them, my landlord, John Martling, chose to add just two more spaces so that he could pay his property taxes which also soared. I, as well as the other tenants, were EXTREMELY grateful to keep our homes. Had he chosen to simply raise our rent in order compensate these accelerated costs, no one would have been able to keep our homes.

He just needs to keep these two additional spaces. He has already received approval from NLI and sunk the power pads; approval from the Panhandle Health District and sunk the septic tanks; gone up to a higher tier with Cabinet Mountain Water when the Panhandle Health District re-zoned, and approval from the highway department and he has paved our approach.

By keeping costs down, my landlord makes it so that disabled people such as myself can afford to have a REAL home with beautiful surroundings where we can care for plants and wildlife and where we can have pets of our own.

Please allow my landlord spaces 5 and 6.

Sincerely and respectfully,

A handwritten signature in black ink, appearing to read "Karen Mc Carty". The signature is written in a cursive, flowing style with a long, sweeping underline that extends to the left.

2 To Whom it may concern; ^{Exhibit 1}

As retiree's in our 60's, less than three years ago, my wife Ruth and I came very close to becoming homeless. This almost happened to us due to the sore lack of affordable housing in Boundary County. Rental units that are \$800⁰⁰/mo or more are mere hovels and crime is a very real worry. Units that are \$1200⁰⁰/mo or more provided few amenities. Then we met John Mantling.

John offered a comfortable 2BR mobile home on a private wooded lot for \$650⁰⁰/mo. John rented to us based not by our credit score but based on our dire need. Since we have been installed in John's rental, our quality of life has greatly improved. We are back to rural living, it is a safe quaint neighborhood and we don't have to lock our door at night.

We have found John to be a man of deep faith. John has recognized the enormous need for affordable housing in Boundary County, and unlike local government, John is trying to address that need. The bureaucratic hurdles John has/is facing is a travesty. It greatly puzzles me as to why local government, through an archaic permitting system, would stymie the function of safe, affordable housing.

(over)

I thoroughly intend to give voice on various media platforms to create awareness of such bureaucratic nonsense. Such publicity will be contrary to the benefit of any entity, agency or bureaucracy that would seek to delay or ban such affordable housing in Boundary County. Thank You.

Sincerely,
Mark

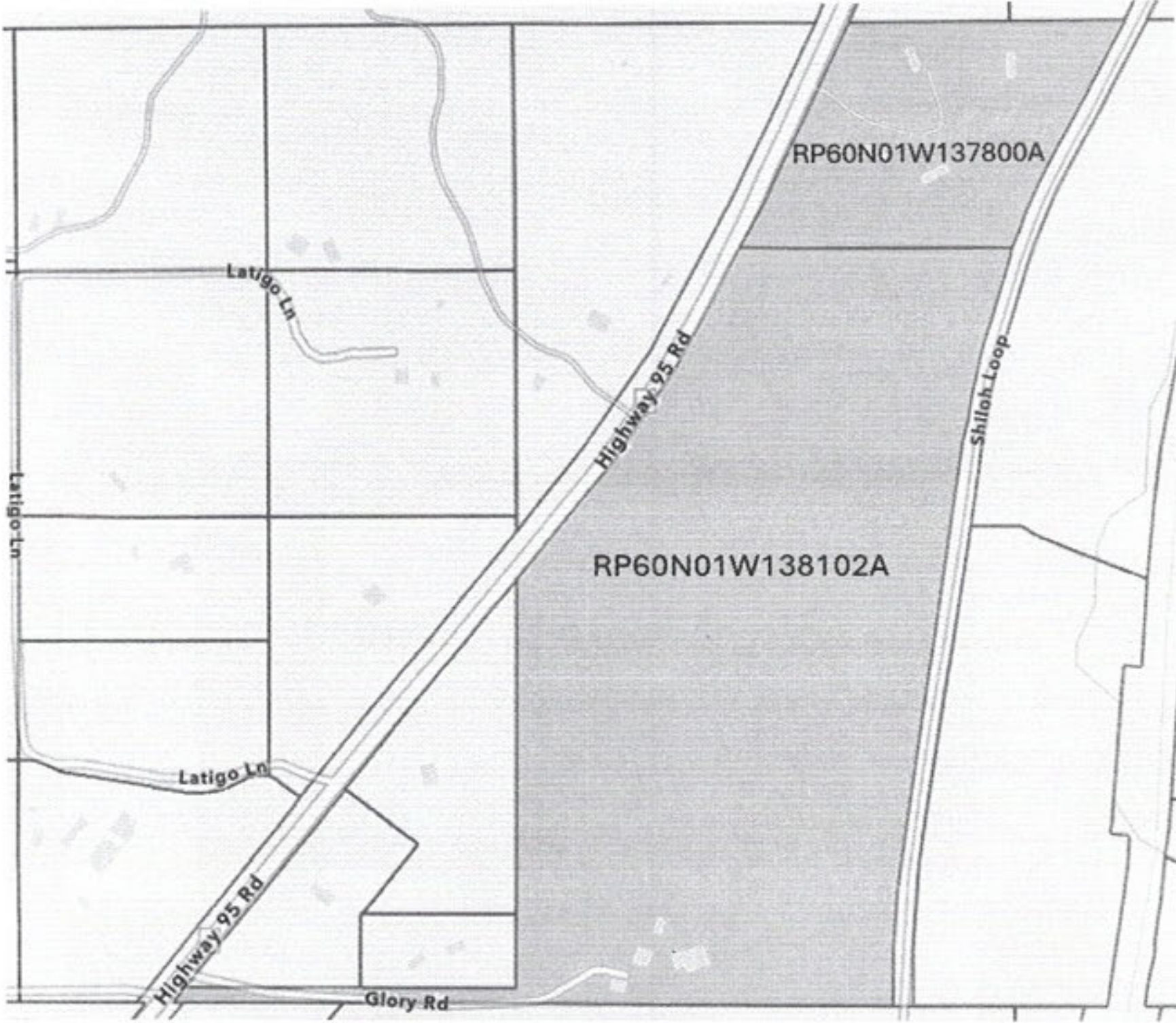
MARK J. DANA

LEGAL DESCRIPTION OF AREA TO BE REZONED

All that portion of the Southeast Quarter of lying East of Highway No. 95 & 2 and lying West of County Road No. 3 in Section 13, Township 60 North, Range 1 West, Boise Meridian, Boundary County, Idaho.

AND ALSO the South 50 feet of the Southeast Quarter of the Southwest Quarter lying East of Highway No. 95 & 2 in Section 13, Township 60 North, Range 1 West, Boise Meridian, Boundary County, Idaho.

MAP OF AREA TO BE REZONED



COMMUNITY PROPERTY AGREEMENT

This Agreement is entered into on this 15 day December, 2015, between **John Fitzgerald Martling and Pamela Kay Martling**, now residing and domiciled in Boundary County, Idaho.

In consideration of the love and affection that each of the parties has for each other, and in consideration of their mutual covenants herein, the parties agree as follows:

1. All property presently owned by either of them (including each parties separate property) is now their community property, regardless of the manner in which title to the property is held. Said property includes but is not limited to the following property: **see attached exhibit A**
2. All property acquired after the date of this Agreement by either of them will be their community property when acquired, regardless of the manner in which title to the property is held.
3. Upon the death of either of the parties hereto, all community property, as defined in the preceding paragraphs, shall immediately vest in the survivor of them.
4. This Agreement will apply to both real estate and personal property, whether located in the State of Idaho or elsewhere, to the extent permitted by law.
5. This Agreement may be amended or revoked only by a written agreement signed by both parties or by a decree of legal separation, dissolution, or divorce.
6. This Agreement will be automatically revoked by a decree of legal separation, dissolution or divorce, unless otherwise provided in such decree. This Agreement will not control the division of property in any such proceeding.
7. All prior community property agreements or similar agreements entered into by the parties are hereby revoked.
8. This Agreement will be interpreted, administered and enforced according to the laws of the State of Idaho.

John Fitzgerald Martling
 John Fitzgerald Martling
 Fitzgerald

Pamela Kay Martling
 Pamela Kay Martling

State of Idaho

County of Boundary

On this 15 day of December, 2015, before me, the undersigned Notary, personally appeared John Fitzgerald Martling + Pamela Kay Martling, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

Jessica Fairchild
 Notary Public of Idaho
 Residing at: Bonnet Ferry
 Commission Expires: 2/2/2017



STATE OF IDAHO }
 County of Boundary }
 Filed by: Community Title
 on 12-17-15 at 2:00
 Glenda Poston
 County Recorder
C. Grainger
 By Deputy
 Fee \$ 25.00
 Mail to 9

265837

WR893

WARRANTY DEED

214741

For Value Received Vernon J. Mortensen and Marti E. Mortensen, husband and wife

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

John F. Martling and Pamela K. Martling, husband and wife

whose address is: HC 1 Box 421, Naples, ID 83847

Hereinafter called the Grantee, the following described premises situated in Boundary County, Idaho, to-wit:

RP60N01W138102A

All that portion of the Southeast Quarter lying East of Highway No. 95 & 2 and lying West of County Road No. 3 in Section 13, Township 60 North, Range 1 West, Boise Meridian, Boundary County, Idaho.

AND ALSO the South 50 feet of the Southeast Quarter of the Southwest Quarter lying East of Highway No. 95 & 2 in Section 13, Township 60 North, Range 1 West, Boise Meridian, Boundary County, Idaho.

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with its appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: March 26, 2004

Vernon J. Mortensen
Vernon J. Mortensen

Marti E. Mortensen By *Vernon J. Mortensen*
Marti E. Mortensen, by Vernon J. Mortensen,
her attorney in fact *Her attorney in fact*

STATE OF Idaho)
COUNTY OF BOUNDARY)

On this 30th day of March, 2004, before me Kirsten Madden, personally appeared Vernon J. Mortensen, known or identified to me, to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

Kirsten Madden
Notary Public of Idaho
Residing at: Boundary County, Idaho
Commission Expires: 03/10/06



STATE OF IDAHO)
County of Boundary)
Filed by: TSF Pennington Title
on 3-26-04 at 4:35
Glenis Petersen
County Recorder C. Peterson
By Deputy
Fee \$ 3.00 Chk
Mail to EBT

STATE OF Idaho)
COUNTY OF BOUNDARY)

On this 30th day of February, 2004, before me Kirsten Madden, personally appeared Vernon Jerry Mortensen, known or identified to me, to be the person whose name is subscribed to the within instrument as the attorney in fact of Marti E. Mortensen, and acknowledged to me that he subscribed the name of Marti E. Mortensen, and his own name as attorney in fact.

Kirsten Madden
Notary Public of Idaho
Residing at: Boundary County, Idaho
Commission Expires: 03/10/06



265837

EXHIBIT "A"

218221

Order No.: BF9431

A tract of land in the Southeast Quarter of Section 13, Township 60 North, Range 1 West, Boise Meridian, Boundary County, Idaho; more specifically described as follows:

Commencing at the Southwest corner of the Southeast Quarter; thence South 89°13'53" East along the South line of said Southeast Quarter, a distance of 1034.09 feet to the easterly right of way line of the existing County Road #3, known as Shiloh Road, which point is the True Point of Beginning; thence along said right of way line the following two courses: 1) 450.92 feet along a curve to the right, whose radius is 2753.65 feet, and whose chord bears North 03°51'48" East, a distance of 450.42 feet; 2) North 08°33'16" East, a distance of 827.77 feet; thence leaving said right of way line, South 89°21'13" East, a distance of 134.11 feet; thence South 55°38'47" East, a distance of 50.38 feet; thence South 69°06'49" East, a distance of 315.41 feet to the westerly right of way line of the existing Burlington Northern- Santa Fe Railroad (BNSFRR), originally the Great Northern Railroad; thence southwesterly along said right of way line the following six courses: 1) South 04°05'49" West, a distance of 238.21 feet; 2) North 85°54'11" West, a distance of 50.00 feet; 3) South 04°05'49" West, a distance of 349.10 feet; 4) 100.00 feet along a curve to the right whose radius is 5618.11 feet, and whose chord bears South 04°36'25" West, a distance of 100.00 feet; 5) South 84°53'00" East, a distance of 50.00 feet; 6) 449.98 feet along a curve to the right, whose radius is 5668.11 feet, and whose chord bears South 07°23'28" West, a distance of 449.86 feet to a point on the South line of the Southeast Quarter; thence North 89°13'53" West along said South line, a distance of 515.97 feet to the True Point of Beginning.

AND that portion of said Southeast Quarter lying East of the BNSFRR right of way, and West of the thread of Deep Creek.

R.F.H.

J.H.

PROPERTY DESCRIPTION - RESSLER TO MARTLING

A tract of land situated in the South Half of the Southeast Quarter (S1/2 SE1/4) of Section Twenty-three (23), Township Sixty (60) North, Range One (1) West of the Boise Meridian, Boundary County, Idaho; more particularly described as follows:

Commencing at the intersection of the north line of the S1/2 SE1/4 of Section 23 and the southeasterly right of way of U.S. Highway No. 2 and 95, which is N 89°57'20" W, 1444.27 feet from the northeast corner of said S1/2 SE1/4; thence, leaving said north line and along said right of way S 38°44'02" W, 459.39 feet to a 5/8" rebar and plastic cap stamped PLS 7877; thence, leaving said right of way S 70°33'23" E, 406.45 feet to the intersection with the south line of that parcel described in Instrument No. 194176 and the TRUE POINT OF BEGINNING; thence, continuing S 70°33'23" E, 406.45 feet to a 5/8" rebar and plastic cap stamped PLS 7877; thence N 00°07'43" E, 135.00 feet to the southeast corner of that parcel described in Instrument No. 194176; thence, along the south line of that parcel described in Instrument No. 194176, N 89°57'20" W, 383.57 feet to the TRUE POINT OF BEGINNING, encompassing an area of 0.59 acres.

Return to Grantee 248574

QUITCLAIM DEED

FOR VALUE RECEIVED, 1 dollar and other valuable consideration

John F. Martling and Pamela K. Martling, husband + wife
does hereby convey, release, remise and forever quitclaim unto
John F. Martling and Pamela K. Martling, husband + wife

whose mailing address is 239 Glory Rd.
Naples, ID. 83847

the following described premises together with any after acquired title, to wit: RP60N01W137800A
The Northern 605 feet of that portion of the Southeast Quarter lying East of Highway No. 95+2 and lying West of County Rd. No. 3, known as Shiloh Loop, in Section 13, Township 60 North, Range 1 West, Boise Meridian, Boundary County, Idaho, together with their appurtenances.

Dated: 12/2/2010

John F. Martling

Pamela K. Martling

STATE OF IDAHO)
COUNTY OF BONNER) SS.

On this 2nd day of December, 2010, before me, the undersigned, a Notary Public in and for said County and State, personally appeared John & Pamela Martling, personally known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same.

Connie L. Rosco
Notary Public in and for said County and State

Residing at: Kootenai ID
Commission Expires: 05/14/15



STATE OF IDAHO } ss.
County of Boundary }
Filed by: John Martling
on 12-3-10 at 11:30
Glenda Poston
County Recorder Cusack
by [Signature]
Fee \$10.00 pd.
Mail to: John Martling
239 Glory Rd
Naples, ID 83847

265837 QUITCLAIM DEED 202024

For Value Received **I E.** **J. Martling**, a single woman
 235 Niagara St. Denver, CO 80220 and John Fitzgerald
 Martling and Pamela Kay Martling, husband and wife, HC-1 Box 421 Naples, ID 83847
 do hereby convey, release, remise and forever quit claim unto
John Fitzgerald Martling and Pamela Kay Martling
 HC-1 Box 421 Naples, ID 83847

the following described premises, to-wit:

That part of the South Half of the Northeast Quarter of the
 Southeast Quarter of Section 23, Township 60 North, Range
 1 West, Boise Meridian, Boundary County, Idaho, lying
 Southeast of U.S. Highway 95.

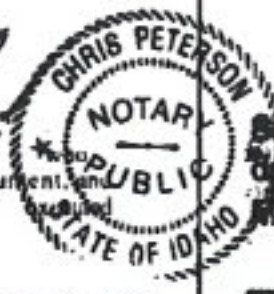
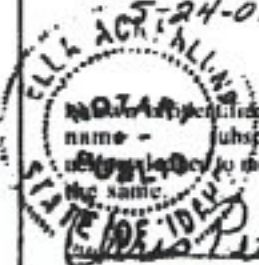
STATE OF IDAHO }
 County of Boundary }
 Filed for record at the request of
John Martling
 on May 25, 2001 at 1:00 pm
 and recorded in Book 141
 of Instruments on page 584
 Diane M. Cortwright
 County Recorder
 By P. Flores Deputy
 Fee \$ 3.50 pd
 Mail to John Martling
HC-1 Box 421
Naples, ID 83847

together with their appurtenances and any hereafter acquired title.
 Dated: 5/18/2001

John Fitzgerald Martling Pamela Kay Martling
5/24/2001

STATE OF IDAHO, COUNTY OF
 On this 18 day of May, 2001
 before me, a notary public in and for said State, per-
 sonally appeared John Fitzgerald Martling

Pamela K. Martling
5-24-01
Elle Roberts
Notary 09/16/01
 subscribed to the within instrument, and
 acknowledged to me that
 the same is his/her act and deed.



Chris Peterson
 Notary Public
 Idaho
 Residing at Ronnens Ferry
 Comm. Expires 1/22/07

RECORDING DATA:



Subscribed and Sworn to me this 12th
 day of May AD 20 01
 My Commission Expires My Commission Expires September 8, 2001
John
 Notary Public