

DELIBERATIONS
MINUTES OF MEETING
January 30, 2020

Case Number: CUP19-0008

Case Name: Kootenai Properties

Commissioners Present: Chair Chris Fillios, Commissioner Leslie Duncan and Commissioner Bill Brooks

Commissioners Absent: None

CONFLICT(S): None

CHANGES: None

STAFF PRESENT: David Callahan, Pat Braden, Mary Shaw, Vlad Finkel, Kathryn Ford

Case No. CUP19-0008, a request by Kootenai Properties, Inc, for a Conditional Use Permit to allow the operation of a Restricted Surface Mine in the Rural zone. The Applicant received an approved Conditional Use Permit for this operation in 2005 in Case No.C-1112-05 and subsequently in 2014 in Case No. CUP14-0010. The latest approval expired in November of this year. Through a recent Boundary Line Adjustment (BLA) with the adjoining parcels of land, the project area will remain in the same geographical area as previously approved, but now on a 32.6 acre parcel of land straddling a section line. There is a small Class II Stream south of the existing pit on the adjacent parcels. That drainage was protected during the excavation of the previous pit and no activity is proposed in that area as part of this pit expansion. No runoff from the existing or new pit can reach this drainage. Access to the subject site is via an existing gravel road from Highway 95 across parcels 48N05W-28-0100 and 48N05W-33-0100. The parcel is described as: PTN OF TAX # 24853 [IN NW-NE & NE-NW] in Section 33, Township 48 North, Range 05 West B.M. Kootenai County, Idaho and PTN OF TAX # 24853 [IN SW-SW-SE] in Section 28, Township 48 North, Range 05 West B.M. Kootenai County, Idaho. The Hearing Examiner held a public hearing on January 16, 2020 and recommended approval. (*Vlad Finkel-Planner*)

Vlad Finkel, Planner, introduced the application by referencing a Powerpoint presentation. He provided history of the site regarding past Conditional Use Permits. The Applicant wanted this site to stand alone on 32 acres and did a boundary line adjustment. The surrounding properties and access are owned by the Applicant. Mr. Finkel added the site conditions show excavation moving to the north and the access road from Highway 95. The pit is mined for basalt rock which is good for road base. The public agencies with jurisdiction had no objections or included minor mitigation conditions. The public comment provided was regarding blasting but since this site is so secluded it will not have an impact to the public.

Board discussion supported the Applicant's request to operate a Restricted Surface Mine on 32.6 acres in the Rural zone. Due to the location of the pit, and the distance to adjacent property owners, adverse impacts such as noise and dust will be limited. This project does not appear to have any negative impact on public interest.

Motion by Commissioner Duncan, seconded by Commissioner Brooks to approve the Conditional Use Permit in accordance with on the Hearing Examiner Recommendation, Findings of Fact, Applicable Legal Standards, Analysis and Conclusions of Law for Case No. **CUP19-0008 Kootenai Properties.**

Chair Fillios:	Aye
Commissioner Duncan:	Aye
Commissioner Brooks:	Aye

Decision: Approved

Deputy Clerk's Signature: _____
January 30, 2020