

DELIBERATIONS  
BOARD OF COUNTY COMMISSIONERS SIGNING

Minutes Date: January 31, 2019

Case Name: Judy Cook-Murray

Case Number: VAR18-0006

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

Commissioners Absent: None

CONFLICT(S): None

CHANGES: None

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

**Case No. VAR18-0006, a request by Judy Cook-Murray** for a 15' variance to the 25' rear yard setback on a 0.567 acre parcel in the Restricted Residential zone. Specifically, the Applicant wishes to construct a shop for storage of a boat/RV on the upland portion of the property between S. Glass Lane and W. Cove Point Road. Due to the steepness of the site and the property being bisected by a private road, the Applicant cannot maintain the necessary rear yard setback. As a result, the shop would be located 10' from W. Cove Point Road. This would facilitate for a gradual access driveway and a 3-point turnaround for maneuvering a large RV and boat trailer when accessing from Glass Lane. The lake front portion of the subject property has an existing residence. Access to the property is via S. Glass Lane, a private road. The parcel number is 0-1535-001-023-0 and described as: Cove Point, LT 23, Block 1 & 1/33 Interest in private road in Section 11, Township 47 North, Range 04 West, B.M., Kootenai County, Idaho. The Hearing Examiner held a public hearing on January 3, 2019 and recommended approval.  
*(Vlad Finkel-Planner)*

Vlad Finkel, Planner, stated the Order of Decision was prepared for signing in accordance with the Board approval on January 24, 2019.

Motion by Commissioner Duncan, seconded by Commissioner, to execute and approve signing the Order of Decision for **VAR18-0006 Judy Cook-Murray**.

Commissioner Brooks: Aye

Commissioner Duncan: Aye

Chairman Fillios: Aye

Decision: Approved

Deputy Clerk's Signature: \_\_\_\_\_

January 31, 2019

DELIBERATIONS  
BOARD OF COUNTY COMMISSIONERS SIGNING

Minutes Date: January 24, 2019

Case Name: Peak Sand and Gravel, Inc.

Case Number: CUP18-0007

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

Commissioners Absent: None

CONFLICT(S): None

CHANGES: None

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

**Case No. CUP18-0007, a request by Peak Sand & Gravel, Inc. on behalf of MP2 Land Company, LLC and Steven Murray**, for a Conditional Use Permit to “*extend*” an existing Restricted Surface Mine and Asphalt Batch Plant on a 75-acre site located southeast of the intersection of W. Fighting Creek Road and Highway 95 in the Rural zone. The current Conditional Use Permit Case No. CUP13-0009 expires on April 24, 2019. Access to the site will be from an existing approach on Highway 95. The parcel numbers are 48N05W-12-3700 and 48N05W-12-4300. The respective parcel descriptions are: N2-LT 5 SE OF HWY EX TAX#13837, N 62.23 FT-E 1016.8 FT-S2-LT 5, TAX#13943, TAX#14267 [IN LT 6] (STATE QUARRY) and LT 6 EX TAX#S, W 30 FT-LT 7 all in Section 12, Township 48 North, Range 05 West B.M. Kootenai County, Idaho. The Hearing Examiner held a public hearing on January 3, 2019 and recommended approval. (*Ben Tarbutton-Planner*)

Ben Tarbutton, Planner, provided a brief overview of the purpose for a Conditional Use Permit (CUP) application. He introduced the application stating the history of this CUP extension request for a site which has been in use for more than 40 years. The Comprehensive Plan designation is country which has a secondary purpose being economic activity and non-residential uses. Mr. Tarbutton stated the site has an active reclamation plan is good standing, Fighting Creek flows through part of the site and is maintained with effective vegetation and berms and the approach is adequately screened from the highway. The agencies had no concerns and the public comments were in support.

Vlad Finkel, Planner, stated the Order of Decision was prepared for signing in accordance with the Board approval on January 24, 2019.

Motion by Commissioner Duncan, seconded by Commissioner Brooks, to execute and approve signing the Order of Decision for **CUP18-0007 Peak Sand & Gravel, Inc.**

Commissioner Brooks: Aye

Commissioner Duncan: Aye

Chairman Fillios: Aye

Decision: Approved

Deputy Clerk’s Signature: \_\_\_\_\_

January 31, 2019

**Minutes of Meeting  
Community Development Update  
January 31, 2019, 9:00 a.m.**

The Kootenai County Board of Commissioners met to discuss Community Development updates. Commissioner Brooks, Commissioner Duncan, and Chairman Fillios were present. In attendance were Community Development Director David Callahan, Chief Building Inspector John Mills, Planner III Mary Shaw, Communications Manager Nancy Jones, Sr. Business Analyst Nancy Plouffe, Civil Deputy Prosecuting Attorney Pat Braden, and Deputy Clerk Sandi Gilbertson. Mindy Thorpe, partnership specialist for Census 2020, was also present.

- A. Call to Order:** Chairman Fillios called the meeting to order at 9:03 a.m. (Continuation of deliberations agenda)
- B. Changes to the Agenda:** Director Callahan asked that one item be added to the update agenda. He said that Lakes Highway District is developing design plans for the Ramsey Road BNSF grade separation project. Kootenai County is the owner of tax parcel 0-K305-002-001-0 and Lakes is asking the County to sign a right of entry form which is due February 7, 2019.

Motion by Commissioner Duncan to add a discussion item regarding Idaho Transportation Department and Lakes Highway District granting access to the transfer station at Ramsey and East Diagonal Road. Commissioner Brooks seconded the motion.

Commissioner Brooks:	Aye
Commissioner Duncan:	Aye
Chairman Fillios:	Aye

The motion carried.

**C. Business**

1. Clarification on options to schedule at the public hearing to eliminate the opt out program. (Action item)

Director Callahan said that at the last update meeting Commissioner Duncan motioned to allow staff to do options and ordinances at the March 28 public hearing. He expressed his concerns that the motion was overly broad because the central issue is whether or not to eliminate the opt out program. Director Callahan said the County currently has the authority to use private building inspectors which would address Commissioner Duncan's request. If there are other issues to address, there should be more discussion after the March public hearing with the input of contractors, builders, architects, and property owners.

Motion by Commissioner Brooks to move forward to the March public hearing providing for the residents of Kootenai County to opine on whether to sustain the building code opt out ordinance or repeal of the same and reinvoke the building codes as mandatory. The motion was seconded by Chairman Fillios.

Commissioner Brooks:	Aye
Commissioner Duncan:	Nay
Chairman Fillios:	Aye

The motion carried.

2. Update on 2020 Census and consideration for possible partnership with other municipalities. (Action Item)

Director Callahan presented Mindy Thorpe who is a partnership specialist for Census 2020. He asked the Commissioners who on the County staff the Board would like to be the County's liaison and to what extent the County could be involved. Ms. Thorpe provided details of the 2020 Census timeline and importance of community organization. The Commissioners appointed Director Callahan to be the County's liaison to the U.S. Census Bureau.

3. Quiet Zone information. (Discussion)

Director Callahan provided information on railroad quiet zones. He explained that the County does not have any authority on quiet zones because the County does not have rights of way. Director Callahan said he is involved with Kootenai County Area Transportation Team (KCATT) who are creating a white paper to explain this issue to the public. He said he was bringing this information to the Board to be informed if County residents call with questions on quiet zones. Information to provide residents would be that quiet zones are a costly process and could take up to two years.

4. Lakes Highway District's request for signature on a right of entry form for the Ramsey Road BNSF grade separation. (Discussion)

Director Callahan presented the right of entry form that could be placed on the Board's next business agenda.

**Public Comment:** This section is reserved for citizens wishing to address the Board regarding a County related issue. Idaho Law prohibits Board action on items brought under this section except in an emergency circumstance. Comments related to future public hearings should be held for that public hearing.

There being no further discussion, Commissioner Fillios adjourned the meeting at 10:09 a.m.

Respectfully submitted,

JIM BRANNON, CLERK

By: \_\_\_\_\_  
Deputy Clerk

\_\_\_\_\_  
Chris Fillios, Chairman