

DELIBERATIONS
BOARD OF COUNTY COMMISSIONERS SIGNING

Minutes Date: February 13, 2020

Case Name: Kootenai Properties, Inc.

Case Number: CUP19-0009

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. The Board held deliberations on January 30, 2020 and approved the request. *(Vlad Finkel-Planner*

Motion by Commissioner Duncan, seconded by Commissioner Brooks, to execute signing the Order of Decision for **CUP19-0008 Kootenai Properties, Inc.**

Chair Fillios: Aye

Commissioner Brooks: Aye

Commissioner Duncan: Aye

Decision: Approved

Deputy Clerk's Signature: _____
February 13, 2020

DELIBERATIONS
BOARD OF COUNTY COMMISSIONERS SIGNING

Minutes Date: February 13, 2020

Case Name: Comprehensive Plan Amendment Update

Case Number: Resolution No. 2020-14 for CPA19-0001

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, Kathryn Ford

Resolution No. 2020-14 for Case No. CPA19-0001, Comprehensive Plan Amendment-Update. A request by Kootenai County to amend and update the goals and policies of the Kootenai County Comprehensive Plan adopted on December 30, 2010. The Kootenai County Planning Commission held a public hearing on September 26, 2019 and recommended approval voting 4 to 3. The Board of County Commissioners held a public hearing on November 13, 2019 and received public testimony. The Board held deliberations on January 23, 2020 and unanimously approved the update. *(David Callahan, Director)*

Motion by Commissioner Duncan, seconded by Commissioner Brooks, to execute signing Resolution No. 2020-14 for **CPA19-0001 Comprehensive Plan Amendment Update.**

Chair Fillios: Aye

Commissioner Brooks: Aye

Commissioner Duncan: Aye

Decision: Approved

Deputy Clerk's Signature: _____
February 13, 2020

**Community Development Update
Minutes of Meeting
February 13, 2020, 9:00 a.m.**

The Kootenai County Board of Commissioners met to discuss Community Development updates. Chair Fillios, Commissioner Duncan, and Commissioner Brooks were present. In attendance were Director David Callahan, Civil Deputy Prosecuting Attorney Pat Braden, Planner II Ben Tarbutton (exited meeting at 9:17 a.m.), Planning Manager Mary Shaw (exited meeting at (9:17 a.m.), and Deputy Clerk Sandi Gilbertson.

I. Call to Order: Chair Fillios called the meeting to order at 9:04 a.m. (after deliberations).

II. Changes to the Agenda: None

III. Business

- A. Consideration of allowing US Census staff to host a temporary census jobs table in the lobby of the County Administration building. (Action item)

Director Callahan said he is Kootenai County's liaison to Census 2020. A request has been made for the US Census staff to set up a temporary census jobs table in the County's Administration Building lobby.

Motion by Commissioner Duncan to approve locating a census jobs table in the lobby of the Administration building; second by Commissioner Bill Brooks.

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

The motion carried.

- B. Discussion and direction for major subdivision form and content of final plats (Action item)

Director Callahan referred to the Kootenai County Land Use and Development Code in Chapter 6 Land Division and Plats, Article 6.2 Major Subdivisions - Table 6-201:

22. For subdivisions recorded prior to as-built approval of required infrastructure, a statement must be included on the Plat that no non-infrastructure building permits . . . will be issued until the infrastructure is completed and approved by agencies with jurisdiction.

Director Callahan said he was unaware that staff was not enforcing this law in the code that a statement must be included on the Plat that no non-infrastructure building permits will be issued. There was discussion on if there was to be any change to that requirement, it would require a code amendment that would go before the Planning Commission and then the Board; a process that would take three to four months.

Motion by Commissioner Duncan to enter Executive Session pursuant to Idaho Code §74-206(1)(f) to communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated. The motion was seconded by Commissioner Bill Brooks.

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

Entered into Executive Session at 9:17 a.m.
Exited Executive Session at 9:32 a.m.

Motion by Commissioner Duncan to exit Executive Session, second by Commissioner Brooks, with no decision made.

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

The motion carried.

There was continued discussion on any other options that could be taken but the Commissioners were in agreement that the law was very clear and the code must be followed. No action was taken.

- C. Appointment approval of Barry Stearns, Planning Commissioner, for the Hauser Joint Planning Commission. (Action item)

Motion by Commissioner Duncan to approve Planning Commissioner Barry Stearns to the Hauser Joint Planning Commission; second by Commissioner Brooks.

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

The motion carried.

Public Comment (Discussion): 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, Chair Fillios adjourned the meeting at 9:44 a.m.

Respectfully submitted,

JIM BRANNON, CLERK

By: _____
Deputy Clerk

Chris Fillios, Chair