

DELIBERATIONS  
BOARD OF COUNTY COMMISSIONERS SIGNING

Minutes Date: April 18, 2019

Case Name: Kootenai County Building Code Ordinance

Case Number: Ordinance No. 538 for ORA19-0001

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

Commissioners Absent: None

CONFLICT(S): None

CHANGES: None

STAFF PRESENT: David Callahan, John Mills, Pat Braden, Kathryn Ford

**Case No. ORA19-0001**, regarding the Kootenai County Building Code Ordinance, currently codified at Title 7, Chapter 1 of the Kootenai County Code, as follows:

AN ORDINANCE OF KOOTENAI COUNTY, IDAHO, A POLITICAL SUBDIVISION OF THE STATE OF IDAHO, RELATING TO ADOPTION OF BUILDING CODES; REPEALING TITLE 7, CHAPTER 1, KOOTENAI CODE AND ADOPTING A NEW TITLE 7, CHAPTER 1, KOOTENAI COUNTY CODE, ADOPTING PURPOSES AND DEFINITIONS, ADOPTING CONSTRUCTION, MECHANICAL, ENERGY, AND OTHER CODES AND REQUIREMENTS, INCLUDING EXEMPTIONS CONTAINED THEREIN, ADOPTING LOCAL AMENDMENTS TO ADOPTED CODES, PROVIDING FOR ADMINISTRATION AND ENFORCEMENT, PROVIDING FOR VESTING OF LOCATION PERMITS ISSUED UNDER PRIOR ORDINANCE AND PROVIDING THE BUILDING OFFICIAL WITH AUTHORITY TO GRANT EXTENSIONS OF SUCH PERMITS, PROVIDING FOR APPEALS OF ACTIONS OF THE BUILDING OFFICIAL, REPEALING PREVIOUSLY ADOPTED ORDINANCES AND CODES; PROVIDING FOR SEVERABILITY; PROVIDING FOR SURVIVAL AND NON-WAIVER OF ENFORCEMENT ACTIONS UNDER PREVIOUSLY ADOPTED ORDINANCES AND CODES; AND PROVIDING FOR AN EFFECTIVE DATE. The Board held a public hearing on March 28, 2019 and approved the Ordinance Amendment voting 2-Aye and 1-Nay.  
*(David Callahan, Director/John Mills-Chief Building Official)*

David Callahan, Director, stated that Ordinance No. 538 for ORA19-0001 was prepared for signing in accordance with the Board approval.

Motion by Commissioner Brooks, seconded by Chairman Fillios, to authorize signing of **Ordinance No. 538 for Case No. ORA19-0001 the Kootenai County Building Code Ordinance.**

Commissioner Brooks: Aye

Commissioner Duncan: Aye

Chairman Fillios: Aye

Decision: Approved

Deputy Clerk's Signature: \_\_\_\_\_  
April 18, 2019

DELIBERATIONS  
BOARD OF COUNTY COMMISSIONERS SIGNING

Minutes Date: April 18, 2019

Case Name: Hauser-Beck Industrial Park

Case Number: MSP19-0002

Commissioners Present: Chair Pro Tem Leslie Duncan and Commissioner Bill Brooks

Commissioners Absent: Chair Chris Fillios

CONFLICT(S): None

CHANGES: None

STAFF PRESENT: David Callahan, Pat Braden, Ben Tarbutton, Kathryn Ford

**Case No. MSP19-0002, Hauser-Beck Industrial Park**, a request by AAK, LLC for preliminary approval of a seven (7) lot subdivision on approximately 35.5 acres in the Rathdrum Prairie zone. The proposed subdivision is located within the Hauser Area of City Impact and has received a recommendation of approval from the Hauser Joint Planning Commission. The proposed lots will be served by individual wells. Each lot will be served by individual septic and drainfield systems. Access to the lots will be via a new private road, off of N. Beck Road, a public road in the jurisdiction of Post Falls Highway District. The parcel numbers are: 51N05W303520 and 51N05W303600. The parcels are respectively described as: Tax # 22333 [IN GOVT LT 1] and Tax # 22332 [IN GOVT LTS 1&2] in section 30, Township 51N, Range 05W B.M. Kootenai County, Idaho. The Board held deliberations on April 4, 2019 and unanimously approved the request. (*Ben Tarbutton-Planner*)

Ben Tarbutton, Planner, stated the subdivision order was prepared for signing in accordance with the Board approval.

Motion by Commissioner Brooks, seconded by Chair Pro Tem Duncan, to authorize signing the Order of Decision for **MSP19-0002 Hauser-Beck Industrial Park**.

Commissioner Brooks: Aye  
Chair Pro Tem Duncan: Aye  
Chair Fillios: Excused

Decision: Approved

Deputy Clerk's Signature: \_\_\_\_\_  
April 18, 2019

DELIBERATIONS  
BOARD OF COUNTY COMMISSIONERS SIGNING

Minutes Date: April 18, 2019

Case Name: Fox Hollow-Phase I

Case Number: MSF18-0006

Commissioners Present: Chair Pro Tem Leslie Duncan and Commissioner Bill Brooks

Commissioners Absent: Chair Chris Fillios

CONFLICT(S): None

CHANGES: None

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

**Case No. MSF18-0006 Fox Hollow**, a request by 7 Lakes, LLC, for final approval of the 1<sup>st</sup> Phase of a Major Subdivision consisting of 28 residential lots, three (3) open space tracts and one (1) utility tract on 57.234 acres in the Restricted Residential zone. The project site is comprised of three separate parcels: Parcel No. 1) 51N03W-08-5700; Parcel No. 2) 51N03W-08-6100 and Parcel No. 3) 51N03W-08-5725. The *Legal Descriptions* are: Parcel No. 1) 51N03W-08-5700 is described as: TAX#16970 EX PLTD PTN & EX TX# 21307 & EX RW [IN SW], Parcel No. 2) 51N03W-08-6100 is described as: TAX#8922 and Parcel No. 3) 51N03W-08-5725 is described as: TAX# 21307 [IN SW]. All of these parcels are located in Section 8, Township 51 North, Range 03 West, B. M., Kootenai County, Idaho. The serial numbers are: 204772; 106718 and 303774. On May 1, 2014 the Board of County Commissioners granted preliminary approval of a 59 residential lot subdivision consisting of two (2) phases, known as Fox Hollow in Case No. MSP13-0003. The Board held deliberations on April 11, 2019 and unanimously approved the request. (*Vlad Finkel-Planner*)

Vlad Finkel, Planner, stated the final subdivision order was prepared for signing in accordance with the Board approval.

Motion by Commissioner Brooks, seconded by Chair Pro Tem Duncan, to authorize signing the Order of Decision for **MSF18-0006 Fox Hollow**.

Commissioner Brooks: Aye  
Chair Pro Tem Duncan: Aye  
Chair Fillios: Excused

Decision: Approved

Deputy Clerk's Signature: \_\_\_\_\_  
April 18, 2019

**Minutes of Meeting  
Community Development Update  
April 18, 2019, 9:00 a.m.**

The Kootenai County Board of Commissioners met to discuss Community Development updates. Chair Pro Tem Duncan and Commissioner Brooks were present. Chair Fillios was excused. In attendance were Civil Deputy Prosecuting Attorney Pat Braden, Director David Callahan, Chief Building Official John Mills, Planner II Ben Tarbutton, Planner II Vlad Finkel, Planner I Amy Hilland and Deputy Clerk Kathryn Ford

- A. Call to Order:** Chair Pro Tem Duncan called the meeting to order at 9:06 a.m. (Continuation of deliberations agenda).
- B. Changes to the Agenda:** None.
- C. Business**

1. Update on opt out permits. (Discussion Item)

David Callahan, Director, updated the Board on the status of the incoming opt out permit applications prior to the April 29, 2019 deadline which places Ordinance No. 538 in effect. He stated the interested public can submit substantially complete applications in person until Friday, April 26, 2019 at 4:00pm or on-line until Sunday, April 28, 2019 at 11:59pm. The front counter staff is having a rush of about 15 opt out applications a day. Mr. Callahan added that staff has been turning around the applications in about two days but with this volume it may begin to take longer. The public needs to know as long as the application is substantially complete they are vested for their opt out permit and do not have to build immediately.

Chair Pro Tem Duncan stated if people have a problem with not receiving their permit in two days for them to give her a call. She will support staff and ensure the public their application will be reviewed in a timely manner as long as they have a completed application. She questioned where the ordinance states a two day turn around for permits. Director Callahan stated this was a self-imposed timeline since the previous Board had provided that direction. Commissioner Brooks suggested a press release to inform the public that they will be vested once submitted prior to the deadline.

2. Consideration of allowing the Community Development Director to sign subdivision agreements to accept sureties associated with major subdivisions. (Action Item)

David Callahan, Director, stated recently an issue regarding bonding came before him. Staff needed to pull a bond which is a rare event. They were not aware that the bonding agreement needed to be signed by the Chair of the Board of County Commissioners. Mr. Callahan requested a resolution to allow him to sign on behalf of the Board for these rare occurring bonding type agreements.

Chair Pro Tem Duncan questioned legal if this was a reasonable solution. Pat Braden, Attorney, stated a resolution would be possible if the Board so directed. Chair Pro Tem Duncan and Commissioner Brooks provided direction to staff to develop a resolution to be presented to the Board for bonding agreements within Community Development.

**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.

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April 18, 2019  
CD-BOCC Update Meeting

There being no further discussion, Chair Pro Tem Duncan adjourned the meeting at 9:15 a.m.

Respectfully submitted,

JIM BRANNON, CLERK

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

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Leslie Duncan, Chair Pro Tem