



# KOOTENAI COUNTY

## BOARD OF COMMISSIONERS

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Meeting Minutes  
**Community Development  
Deliberations & Update**

January 5, 2023  
9:00 A.M.

451 N. Government Way, Administration Building, Meeting Room 1A/B

The Kootenai County Board of Commissioners: Chairman Duncan, Commissioner Brooks, Commissioner Fillios met to discuss the following agenda items. Also present were Community Development Director, David Callahan, Planning Manager, Ben Tarbutton, Legal Counsel, Pat Braden, Via teleconference, BOCC Communications Coordinator, Jonathan Gillham, and Deputy Clerk, Reba Grytness.

- A. CALL TO ORDER-** Chairman Duncan called the meeting to order at 9:03 a.m.
- B. POLL FOR CONFLICTS OF INTEREST (Action) - None**
- C. DELIBERATIONS (Action)**
- 1. APP22-0004 Appeal of Director's Decision.** Director Callahan, started with the explanation that this is an appeal of his decision that the Land Use and Development Code requires a Conditional Use Permit for a gas station in the lite industrial zone. The Hearing Examiner heard this appeal on December 3, 2022 and sided with Director Callahan's decision. Callahan stated there are two options, you can uphold the current decision made by Director Callahan, or decide to have another de novo public hearing. The appellant's legal counsel, Nathan Orlando, is requesting another public hearing.
- Commissioner Fillios agreed to uphold the Director's and Hearing Examiners determination.
- Commissioner Brooks and Chairman Duncan agreed that there wasn't any evidence brought forward that would need further examination.
- Chairman Duncan asked that fees for the CUP be waived and that the process be expedited.
- Legal Counsel, Pat Braden, agreed that this was an appropriate decision to not have another public hearing.
- Commissioner Fillios moved that the appeal be denied to have an additional public hearing. Commissioner Brooks seconded the motion.

Commissioner Brooks     Aye  
Commissioner Fillios     Aye  
Chairman Duncan     Aye

D.     **ADJOURNMENT** - Chairman Duncan adjourned the meeting at 9:08 am.

Jennifer Locke, Clerk

By: *Reba Grytness*  
Reba Grytness, Deputy Clerk

BOCC: *LD*  
**Leah Duncan, Commissioner - Signed 1/17/2023**

