

Minutes of Meeting
Solid Waste
February 24, 2021
1:30 p.m.

The Kootenai County Board of Commissioners: Chairman Chris Fillios, Commissioner Leslie Duncan and Commissioner Bill Brooks met to discuss the following agenda item. Also present were Solid Waste (SW) Director John Phillips, Community Development Director David Callahan, Civil Deputy Prosecuting Attorney Jamila Holmes, BOCC Communications Manager Nancy Jones and Deputy Clerk Tina Ginorio. Also present was Kootenai County Resident Ed Schneider. Commissioner Brooks was present via teleconference.

- A. Call to Order:** Chairman Chris Fillios called the meeting to order at 1:32 p.m.
- B. Changes to the Agenda (Action):** There were no changes to the agenda.
- C. Business (Action):**

Fighting Creek Landfill Easement

Kootenai County Resident Ed Schneider requested the Board's approval of an easement across County property, off Fighting Creek Road, south of Coeur d'Alene, in order to gain access his property. He provided several pictures to the Commissioners showing the location.

Mr. Schneider explained that he was asking for an easement of about 40 feet in length and 40 feet in width to get to his hayfields, timber land and a Quonset hut he used for storage. He stated his only access at this time was off U.S. 95, through the timber patch. He said his parcel was about 300 acres, in total.

Mr. Schneider stated that he had spoken to the Worley Highway District and was informed that the County would need to apply to them as the first step in the process. He explained that this would allow the County legal access to SW's seven acre parcel south of Fighting Creek Road and that they could then give him an easement.

Mr. Schneider said he would have to bridge Fighting Creek, which would cost him about \$30,000. He reported that he had spoken to the Idaho Department of Water Quality and was told that he would need to construct an eight foot culvert. He noted he would have to get permission from the Department of Water Quality and permits from the Corps of Engineers before he could proceed with the bridge.

Mr. Schneider commented that he did not believe that the Solid Waste Landfill would ever approach this area closely enough to create a problem. He reviewed zoning regulations currently in place that would make it impractical to develop his land in ways that could adversely affect the Landfill. He added that he did not want to build a 40 foot roadway; he planned one of about 16 or 18 feet, but needed the extra space for the gate, its associated hardware and to give enough room for the fill needed to create an

appropriate slope for the road. He added that this would allow his log trucks or hay trucks to turn safely on to Fighting Creek Road.

Solid Waste (SW) Director John Phillips stated that Mr. Schneider had originally requested the easement in November 2020, for future timber removal from his property. He reported he had discussed the request with the Worley Highway District, Community Development, Civil Deputy Prosecuting Attorney Jamila Holmes and two engineering firms directly related to landfill development. He pointed out that Mr. Schneider's property was not landlocked; there was an access to U.S. 95 which had been used for timber removal for 30 years. He stated that Mr. Schneider had said he was not interested in a temporary easement due to the cost associated with building the new road and bridging the creek. He listed a number of different areas of concern.

Mr. Phillips provided a map showing the future plans for the Fighting Creek Landfill. He said that Worley Highway District had predicted that SW would eventually need to widen Fighting Creek Road due to expected increases in truck traffic. He added that it was possible that they might place a scale house on that seven acre parcel. He confirmed it would not be made part of the actual landfill.

Mr. Phillips reported that Mr. Schneider had told him he had recently been approached by a real estate developer who offered a large sum of money for about 140 acres of his land. The developer had indicated he hoped to gain approval to subdivide it into five acre parcels, by requesting a change in the current zoning, or perhaps build an RV park.

Mr. Phillips stated that, based on all this information, he did not feel that granting a permanent easement of the requested size would be appropriate and recommended that the Board deny the request. He displayed a large map of the landfill and described plans for the different areas.

Mr. Phillips confirmed that he had proposed other alternatives to Mr. Schneider but these had been declined because he wanted an unrestricted easement.

Ms. Holmes explained that the Board could grant a revocable license for a specific use. She noted that an easement would go with the land, if it were sold, and the revocable license would not.

Mr. Schneider suggested that the County might consider selling the seven acre plot to him and then no easement would be needed.

Mr. Phillips stated he would not recommend selling any property along the edge of the landfill. He said buffer distances and other requirements would make it unwise. He said he was not opposed to looking into a licensing agreement as described by Ms. Holmes.

Community Development Director David Callahan stressed that a landfill was a huge asset to any community and landfill planning was typically done for 20 years or more into the future. He urged that the Board protect the landfill under all circumstances.

Mr. Schneider responded that he did not agree with their assessments of the situation.

Commissioner Leslie Duncan voiced her agreement with Mr. Phillips' concerns.

Commissioner Bill Brooks said he had met with Mr. Schneider to discuss the issue, but felt that the Board needed to avoid setting a precedent which might prove to be a problem in the future. He added that he respected Mr. Phillips expertise in the matter.

Chairman Fillios voiced his agreement with the other Commissioners. Like them, he said he would not have a problem with a revocable agreement of some type, but would follow Mr. Phillips' recommendations.

D. 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 were no public comments.

E. Adjournment (Action): Chairman Fillios adjourned the meeting at 2:07 p.m.

Respectfully submitted,

JIM BRANNON, CLERK

CHRIS FILLIOS, CHAIRMAN

BY: _____
Tina Ginorio, Deputy Clerk
