

**PROCEEDINGS COUNTY COMMISSIONERS**

**SHOSHONE COUNTY, IDAHO**

**BOOK 2022**

**COMMISSIONERS PROCEEDINGS**

**Week of January 10, 2022**

**Tuesday, January 11, 2022**

Present:

Commissioners: Mike Fitzgerald - Chair

John Hansen

Jay Huber

Deputy Clerk: Lori J. Teeters

**10:00 AM** The Board met for a Public Hearing on Ordinance #165 amending Title 9, Chapter 6, Section 2, of the Shoshone County Code, Providing for Amendments or Additions to the Adopted Codes; Providing for Yard Requirements (Setbacks); Administrative Exemption Criteria; Providing Severability; Providing Repeal of Conflicting Ordinances. Also, in attendance was Shoshone County Planning and Zoning, Dan Martinsen and Monica Miller. Commissioner Fitzgerald opened the hearing and asked Dan to present the proposal for the amendments. Dan stated they are requesting changes to yard setback requirements in all residential zoning districts with administrative exception to include:

The Planning Administrator may allow for the reduction of yard setback requirements if the reduction: 1. owners of abutting parcels have notified at least 15 days prior to the start of construction; 2. has been submitted to applicable agencies for review and comment. There were no members of the public present and no written testimony sent in. Commissioner Fitzgerald closed the hearing and after review made a motion to adopt the Ordinance by suspension of rules, and by Title only as presented, seconded by Commissioner Huber. Roll Call Vote: Commissioner Huber -Aye, Commissioner Fitzgerald – Aye, Commissioner Hansen – Aye.

**Ordinance No. 165**

AN ORDINANCE OF THE COUNTY OF SHOSHONE, A POLITICAL SUBDIVISION OF THE STATE OF IDAHO, AMENDING TITLE 9, CHAPTER 6, SECTION 2, OF THE SHOSHONE COUNTY CODE, PROVIDING FOR AMENDMENTS OR ADDITIONS TO THE ADOPTED CODES; PROVIDING FOR YARD REQUIREMENTS (SETBACKS); ADMINISTRATIVE EXEMPTION CRITERIA; PROVIDING SEVERABILITY; PROVIDING REPEAL OF CONFLICTING ORDINANCES.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF SHOSHONE, STATE OF IDAHO, THAT TITLE 10, CHAPTER 1, SECTION 4, OF THE SHOSHONE COUNTY CODE SHALL BE AMENDED AS FOLLOWS:

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#### SECTION 1: REPEALING SUBSECTIONS OF CODE.

That Item D. 1 b. Yard Requirements (Setbacks), 1-4, of Title 9, Chapter 6, Section 2., Subsection

1. Natural Resource District (NR) is hereby repealed.

That Item E. Yard Requirements, 1-4, of Title 9, Chapter 6, Section 2., Subsection 3. Suburban or Rural Residential (SR) is hereby repealed.

That Item D. Yard Requirements, 1-4; and Subsection E. Building Height, of Title 9, Chapter 6, Section 2, Subsection 4. Single Family Residential District (RO) is hereby repealed.

That Item E. Yard Requirements, 1-4; and Subsection F. Building Height, of Title 9, Chapter 6, Section 2, Subsection 5. Residential District (RI) is hereby repealed.

That Item E. Yard Requirements (Setbacks) and Height Limitations, 1. Yard Requirements, Residential Uses: A - D and 2. Building Height, of Title 9, Chapter 6, Section 2. Subsection 6. Multi -Family Residential District (R2) is hereby repealed.

#### SECTION 2: AMENDMENT OF CODE.

That the current Shoshone County Code Title 9, Chapter 6, Section 2, aforementioned subsections be amended and hereinafter read as follows:

Yard Requirements: Yard requirements for all Residential Districts shall be as follows:

<b>Setback Location</b>	<b>Distance from Property Line</b>	<b>With Admin Approval*</b>	<b>With Variance</b>
Front Yard	25'	10'	Less than 10'
Rear Yard	10'	5'	Less than 5'
Side Yard	5'	--	--
Street Side Yard	10'	5'	Less than 5'

\*See section (TBD) for applicable criteria

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1. Front Yard: Minimum of twenty-five feet (25'); ten feet (10') with administrative approval; less than ten feet (10') with approval by variance.
2. Rear Yard: Minimum of ten feet (10'); five feet (5') with administrative approval; less than five feet (5') with approval by variance
3. Side Yard: Minimum of five feet (5')
4. Street Side Yard: Minimum of ten feet (10'); five feet (5') with administrative approval; less than five feet (5') with approval by variance
5. Site area minimums: All sites in these districts must provide a minimum of sixty five percent (65%) of the total site area to remain in open space, free of structures.
6. Building Height Requirements: Maximum building height shall not exceed thirty-five feet (35') or two and one half (2 ½) stories, whichever is lower, with the following exceptions:
  - a. R-2, Multi-Family District: Maximum building height shall not exceed forty-five feet (45')
  - b. Accessory towers, satellite dishes, and similar structures: These structures will be permitted to exceed maximum building height when approved by the Code Official.

(TBD): Yard Setback Reduction with Administrative Exception: The Planning Administrator may allow for the reduction of yard setbacks requirements if:

1. Abutting property owners have been notified of the reduction fifteen (15) days prior to construction and if the reduction:
2. is the minimum needed to make use of the lot
3. meets building separation standards as defined in Shoshone County Building Code
4. allows for one (1) off-street parking space
5. maintains structural continuity with respect to surrounding buildings
6. provides for proper storm water management and erosion control
7. does not allow for the encroachment of structures/obstructions into the public right-of-way or line-of-sight (see Title 6, Chapter 1 of Shoshone County Code)
8. does not inhibit safe ingress/egress into right-of-way
9. has been submitted to applicable agencies for review and comment

These regulations apply within the unincorporated areas of Shoshone County, unless otherwise specified by an Area of City Impact ordinance adopted pursuant to Idaho Code 67-6526.

#### SECTION 3: AMENDMENT OF CODE AND REPEAL OF CONFLICTING ORDINANCES.

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Shoshone County Code, Title 9, Chapter 6, Section 2, is hereby amended, along with any associated ordinance. Any other such ordinances of Shoshone County in conflict with this ordinance are hereby repealed to the extent of such conflict.

**SECTION 4: SEVERABILITY.**

The provisions of this ordinance are declared to be severable. If any section, sentence, clause, or phrase of the ordinance shall for any reason be held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this ordinance, but they shall remain in effect, it being the legislative intent that this ordinance shall remain in effect notwithstanding the invalidity of any part .

**SECTION 5: EFFECTIVE DATE.**

This ordinance shall be effective upon its passage and a summary publication in the official newspaper of the County of Shoshone.

PASSED under suspension of the rules upon which a roll call vote was duly taken and enacted as an ordinance of the County of Shoshone at an open meeting of the Shoshone County Board of County

Commissioners held on the 11<sup>th</sup> day of January 2022.

BOARD OF COUNTY COMMISSIONERS

s/Mike Fitzgerald

s/Jay Huber

s/John Hansen

Attested By:

s/Lori J. Teeters

Lori Teeters, Deputy Clerk

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**10:30 AM** The Board met to discuss, review and consider:

File: MS-147-21

Applicant: Dave Rohwer


Parcel: O-0900-000-00A-0

Requesting approval of a three (3) lot Minor Subdivision in the R-2, Multi-Family Residential Zone. Also, in attendance was: Shoshone County Planning and Zoning, Dan Martinsen and Monica Miller, Applicants Dave and Bobbi Rohwer and Kevin McGuire, Land Surveyor. Monica Miller stated that a Notice of Public comment on this application was published in the Shoshone News Press and a 30- day comment period was established, and the notice was sent to adjacent property owners within 300 feet of subject property. One (1) written testimony in opposition was sent in and included for the Commissioners review. Monica also reviewed the Findings of Fact, Applicable Legal Standards, recommended Conditions of Approval, and Conclusions of Law. Commissioner Fitzgerald then opened the meeting for public comment, and no comments were presented. After review a motion was made by Commissioner Huber, seconded by Commissioner Hansen that based on the Findings of Fact and Conclusions of Law set forth in the documents presented, the Board of Commissioners approved the application for a three (3) lot Minor Subdivision totaling six acres in the R2, Multi-Family Residential Zone, Case No. MS-147-21 Upper Page Road, Smelterville as requested by Dave Rohwer, with proposed and additional conditions. The motion carried unanimously

**1:00 PM** The Board met to discuss, review and consider future plans for Pottsville Park in Mullan, Idaho. Also, in attendance: Shoshone County Public Works, Jim Cason and Jessica Stutzke, Dan Scaife, CDA River District Ranger, Michael Smith, CDA River District Recreation Program Manager, and Members of the Pottsville Seven. Jim See gave a summary on Grants that can be applied for and the deadlines for those Grants, specifically the Idaho Community Foundation Grant, as that one is taking applications now through February 15, 2022. Michael Smith then went over a list of the current needs and priority repairs and maintenance that the park will need in the first couple of years and future needs down the road. Commissioner Fitzgerald recommended the group get together outside of meeting with the Commissioners and put a timeline together and top priority repairs along with what Grant can be used for those repairs. Commissioner Fitzgerald stated he is working with Michael Smith on the Share Agreement and that should be completed by their next meeting, which is schedule for one month out on February 8th.

There being no further business the meeting adjourned.

ATTEST Tamie J. Eberhard  
County Clerk

Approved:   
Chairman

By: Lori J. Tecters  
Deputy Clerk

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#### Wednesday, January 12, 2022

The Board convened at **9:30 a.m.** in regular business session and the meeting was called to order.

Present:

Commissioners: Mike Fitzgerald - Chair

Jay Huber

Deputy Clerk: Lori J. Teeters

Also, in attendance:

PUBLIC COMMENT: No Public comment was presented.

The consent agenda was reviewed for consideration as follows:

#### OLD BUSINESS:

1. Consideration and Decision of the Minutes of the Commissioners' Public Agenda Session dated Wednesday, January 5, 2021.

#### NEW BUSINESS:

1. **Consent Agenda** – (These items will be enacted by one motion unless requested by a Commissioner that one of more items be removed for separate discussion.)
  - Shoshone County Pre-Pays
  - Resolution 2022-1 Approving Credit Card Accounts for Shoshone County – approved as presented.

CHANGES TO AGENDA: There were no changes to the agenda.

A motion was made by Commissioner Huber, seconded by Commissioner Fitzgerald to approve the consent agenda as presented with specific items addressed as indicated. The motion carried unanimously.

2. Executive Session: Indigent Cases: Consideration and Decision. There were no Indigent cases presented.

**10:00 AM** Appeal Hearing for Indigent case #2021-23 was canceled.

**10:30 AM** Appeal Hearing for Indigent case #2021-31 was canceled.

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**11:00 AM** The Board met in Executive Session per I.C. 74-206(d)(f) to communicate with legal counsel for purpose of considering records that are exempt from disclosure as well as to communicate re: pending litigation or controversies not yet being litigated but imminently likely to be litigated. Also, in attendance: Shoshone County Prosecuting Attorney Keisha Oxendine, Ben Allen and Matt Beehner. Commissioner Fitzgerald made a motion to go into Executive Session, seconded by Commissioner Huber. Roll Call Vote: Commissioner Huber – Aye, Commissioner Fitzgerald – Aye. The Board adjourned from Executive Session at 11:34 a.m. with no action to be taken.

There being no further business the meeting adjourned.

ATTEST Tamie J. Eberhard  
County Clerk

Approved:   
Chairman

By: Lon J. Teetars  
Deputy Clerk

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Friday, January 14, 2022

Present:

Commissioners: Mike Fitzgerald - Chair

Jay Huber


John Hansen

Deputy Clerk: Lori J. Teeters

**10:00 AM** The BOCC attended the IAC District meeting in Coeur d'Alene at the Kootenai County Administrative Building.

There being no further business the meeting adjourned.

ATTEST Tamie J. Eberhard  
County Clerk

Approved:   
Chairman

By:   
Deputy Clerk