

**MINUTES  
KOOTENAI COUNTY HEARING EXAMINER  
PUBLIC HEARING**

**MARCH 2, 2017  
KOOTENAI COUNTY ADMINISTRATION BLDG.  
ROOM 1**

**HEARING EXAMINER  
SHARON MOHR**

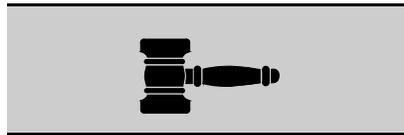
**STAFF PRESENT  
VLAD FINKEL  
DAVID CALLAHAN  
KATHRYN FORD**



**MINUTES  
PREPARED BY:**

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**KATHRYN FORD**  
Recording Secretary



A handwritten signature in blue ink that reads "Sharon Mohr".

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**SHARON MOHR**  
Hearing Examiner



**MINUTES  
REVIEWED BY:**

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**VLAD FINKEL**  
Planner

The Official Record of Public Hearing is on a CD recording available at the Kootenai County Community Development.

**Sharon Mohr called the meeting to order at 6:00 p.m.**

The Hearing Examiner explained that the purpose of the public hearing is to take testimony on the items that appear on the agenda.

The Hearing Examiner will review the testimony presented and make written recommendations to the Board of County Commissioners, who will make the final decision.

**The hearing was adjourned at 6:45 p.m.**

HEARING EXAMINER MINUTES  
MARCH 2, 2017

**CASE NO. VAR16-0003**

**Type: Variance, a request by Daryl and Carolyn Reynolds** for a variance of 15' to the 25' front yard setback due to decomposed granite rock outcroppings and steep slopes on-site. The undeveloped parcel of land is 1.037 acres in size in the Agricultural Suburban zone. The Applicant proposes to construct an approximately 35'x40' structure with a single family residence above a two (2) car garage. The same variance request was approved in August of 2009, however, since construction did not commence within three years of the Order of Decision, the approval expired in 2012. Consequently, the Applicant is bringing forward a new request for the same variance that was previously approved. The parcel number is 0-2480-001-009-A and described as Falls River Homes 1st. Add, Lot 9 Block 1 & 1/12 INT. IN Tax #13891 in Section 10, Township 50 North, Range 05 West, BM. Kootenai County, Idaho. (*Vlad Finkel-Planner*)

**Staff Presentation:** Vlad Finkel, Planner, addressed Hearing Examiner Mohr referencing documents from the case file. He stated the parcel is located on the Spokane River in the Agricultural Suburban zone with the Comprehensive Plan designation as shoreline. Due to the steep slopes and location of the rock outcroppings, the requested variance is the minimum variance needed to allow the reasonable use of the residential structure. The site was posted and based on the signed affidavits in the file, the public notice requirements have been met.

**Applicant Presentation:** Sandy Young, Applicant Representative, provided a brief overview of the site stating it has a sloped terrace of rock outcroppings that slope to the river. To move the cabin structure is not impossible but it would not be a reasonable solution. She added the site selected, if the variance would be approved, is a good location and not out of character for the neighborhood.

**Public Testimony:** Comment Sheets submitted: 1, Applicant/Representatives - 1; In Favor - 0, Neutral - 0, Opposed - 0. The names and address of the individuals speaking or submitting comments are part of the record.

**Applicant Rebuttal:** None.

There being no further comments from the public, testimony was closed on this item at 6:08 p.m. The Hearing Examiner, Sharon Mohr will review this case and submit her written report to the Board of County Commissioners within two weeks.

Submitted by,

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Kathryn Ford, Recording Secretary

HEARING EXAMINER MINUTES  
MARCH 2, 2017

**CASE NO. VAR16-0007**

**Type: Variance, a request by Donald D. Sharp** for a variance of 15' to the 25' front yard setback on a parcel of land 0.207 acres in size in the Agricultural Suburban zone. Due to the location of the existing cabin and the steepness of the site, it is very challenging, to place a garage in close proximity to the cabin for easy access and comply with the front yard setback distance. Therefore, the Applicant wishes to locate the new garage 10' away from the edge of the private road surface which bisects the property and has been historically used by the property owners in the area. Access to the property is via Vanilla Court, a private road. The parcel number is 042000000350 and described as Kidd Island Bay Lots, Lot 35 & 1/61 INT. IN Tax #12664 in Section 35, Township 50 North, Range 04 West, B.M., Kootenai County, Idaho. (*Vlad Finkel-Planner*)

**Staff Presentation:** Vlad Finkel, Planner, addressed Hearing Examiner Mohr referencing documents from the case file. He added there is an existing cabin on the site where the garage is proposed to be built. There is limited space on the property with steep slopes and a road bisecting the site. The site was posted and based on the signed affidavits in the file, the public notice requirements have been met.

**Applicant Presentation:** Bruce Cooper, Applicant Representative, stated the garage is a reasonable fit for the property and the neighborhood. It would allow the applicant to park on his site in his garage and not on the side of the road. Mr. Cooper added it would be two story structured garage with a walk out bottom section for storage and workshop.

**Public Testimony:** Comment Sheets submitted: 1, Applicant/Representatives - 1; In Favor - 0, Neutral - 0, Opposed - 0. The names and address of the individuals speaking or submitting comments are part of the record.

**Applicant Rebuttal:** None.

There being no further comments from the public, testimony was closed on this item at 6:14 p.m. The Hearing Examiner, Sharon Mohr, will review this case and submit her written report to the Board of County Commissioners within two weeks.

Submitted by,

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Kathryn Ford, Recording Secretary

HEARING EXAMINER MINUTES  
MARCH 2, 2017

**CASE NO. MSP16-0003**

**Type: Subdivision, The Reserve at Twin Lakes,** a request by Donald Smock, for preliminary approval of a Major Subdivision consisting of 16 residential lots on approximately 85.6 acres in the Restricted Residential zone. Domestic water to the proposed lots will be provided by the North Kootenai Water and Sewer District. Each newly proposed lot will be serviced by an individual septic drainfield system. Access to proposed Lots 1 through 10, Block 1 will be provided via the newly extended Marilyn Road north of Twin Lakes Road. Access to Lot 1, Block 2, and Lot 1 Block 3 will be off Marilyn Road south of Twin Lakes Road. Lots 2 through 5, Block 3 will be accessed via 2 separate common driveways off Twin Lakes Road, a public road maintained by the Lakes Highway District. The existing portion of Marilyn Road, a private road and the newly proposed portion will be improved to the Highway District Standards within a road/utility easement dedicated to the public in the name of the Lakes Highway District. Marilyn Road will be privately maintained by the HOA. The Applicant is also seeking a variance to the "Gated Community" requirement. The parcel number is: 52N04W-05-2700. The site is described as GOVT LT 3 EX RW, SE-NW EX PLTD PTN & EX RW, NE-SW NE OF RD in Section 05, Township 52N, Range 04W B.M. Kootenai County Idaho. (*Vlad Finkel-Planner*)

**Staff Presentation:** Vlad Finkel, Planner, addressed Hearing Examiner Mohr referencing documents from the case file. The subdivision will have 16 residential lots with each parcel being 5 to 7 acres located over the aquifer. The site is bisected by Twin Lakes Road. Mr. Finkel explained the plat does present a challenge since it is not logical to place a gate for the community within the subdivision since parcels outside of the subdivision need to use the road for access. The HOA will have road maintenance included for the portion of road within the community. The site was posted and based on the signed affidavits in the file, the public notice requirements have been met.

**Applicant Presentation:** Merle Van Houten, Applicant Representative, began his presentation by stating they support all of the conditions of approval within the staff report. There are no structures on the site and it has been previously logged. He added the larger parcels would fit well with the neighboring community and reduce neighbor to neighbor intrusion. Each site would provide their own septic and drainfield and have North Kootenai Water. The road within the subdivision will be built to highway district standards and maintained by the HOA. Mr. Van Houten stated they are asking for a variance for no gate to the gated community requirement.

**Public Testimony:** Comment Sheets submitted: 11, Applicant/Representatives - 1; In Favor - 1, Neutral - 3, Opposed - 6. The names and address of the individuals speaking or submitting comments are part of the record.

- Potential purchasers need to know there is no lake access
- Trespassing on private lakefront property
- Animal noise and smells
- Good to see larger parcels considered
- Development of Marilyn and Pungo Roads
- Currently public road leads to private road and the general recreating public believes it is lake access
- Landowners living past the gated community should be given the key access
- Utility easement concerns along the lake to be included as part of the subdivision plan

**Applicant Rebuttal:** Merle Van Houten, Applicant Representative, added there are no plans to market these as lake access lots. Some lots will have access off of Marilyn Road and they have no knowledge of a utility easement. Mr. Van Houten stated the county ordinance regulates the zoning for the area which may include animals. In conclusion, the variance request is for no gated entrance to the community.

There being no further comments from the public, testimony was closed on this item at 6:45 p.m. The Hearing Examiner, Sharon Mohr will review this case and submit her written report to the Board of County Commissioners within two weeks.

Submitted by,

Kathryn Ford, Recording Secretary