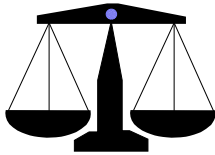


**MINUTES
KOOTENAI COUNTY HEARING EXAMINER
PUBLIC HEARING**

**JANUARY 4, 2018
KOOTENAI COUNTY ADMINISTRATION BLDG.
ROOM 1**

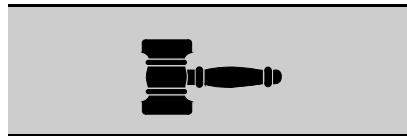
**HEARING EXAMINER
SHARON MOHR**

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

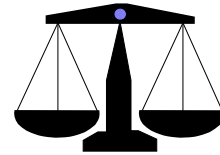


**MINUTES
PREPARED BY:**

KATHRYN FORD
Recording Secretary



SHARON MOHR
Hearing Examiner



**MINUTES
REVIEWED BY:**

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 6:01 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 Agenda items were moved out of order with Item III-C. heard first to accommodate the public.

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 7:48 p.m.

HEARING EXAMINER MINUTES
JANUARY 4, 2018

CASE NO. VAR17-0008

Type: Variance, Cody Bartels a request for a 20 ft. variance to the 25 ft. front yard setback on a 6.439 acre parcel in the Agricultural Suburban zone. Specifically, the Applicant wishes to construct a shop 5 ft. from a private road easement due to the steepness of the property, solid granite/rock formations and a natural spring on-site. Pursuant to the Applicant's narrative, these conditions create an undue hardship making it very challenging to construct a shop elsewhere on the property. As a result, the most "feasible" location for a shop requiring the aforementioned variance is approximately 450 ft. away from the existing residence on-site. Access to the subject parcel is from S. Stoneriver Drive, a private road. The parcel number is 50N05W-08-1925 and described as: TX # 17969 [IN SE-NE] in Section 08, Township 50 North, Range 05 West, B.M., Kootenai County, Idaho. (*Vlad Finkel-Planner*)

Staff Presentation: Vlad Finkel, Planner, introduced the variance application and referenced a presentation (HE 1000) showing details of the property. Mr. Finkel stated due to the steepness of the property, granite formations and a natural spring, the Applicant is requesting a 20' front yard variance to complete construction of a shop 450 feet away from the primary residence on-site. The Applicant has a building permit to construct a shop. During a foundation inspection it was determined that the proposed shop foundation was encroaching into the 25' front yard setback. The Applicant was advised he could either relocate the structure or pursue a variance if he could provide evidence of undue hardship. He added should the variance be approved, the Applicant will need to remove any portion of the constructed foundation that protrudes beyond the 5 ft. front yard setback since the shop foundation will need to be no closer than 20 ft. as measured from the centerline of the private road. This Condition of Approval was provided in the staff report. In conclusion, Mr. Finkel stated agencies with jurisdiction reviewed the request and provided comments stating they either have no objection or approve of the request.

Applicant Presentation: Cody Bartels, Applicant, stated staff provided the details leading up to his request and he agrees with the conditions if the variance is approved. He added the current location is the only feasible flat area available on the steep hillside for placement of the shop.

Exhibit: HE 1000 – Presentation submitted by Vlad Finkel

Public Testimony: Comment Sheets submitted: 2, Applicant/Representatives - 1; In Favor - 0, Neutral - 0, Opposed – 1. The names and address of the individuals speaking or submitting comments are part of the record.

- No Geotechnical Report to support the variance
- Active spring by the site
- Has another area to build without the variance

Applicant Rebuttal: Cody Bartels, Applicant, addressed the concerns expressed by the public. Specifically, the spring runs opposition of the building site and there is rock formations exposed everywhere to work around. The slope gets very steep the further he goes from the spot that was excavated to become the only flat buildable area for the shop.

There being no further comments from the public, testimony was closed on this item at 6:24 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

HEARING EXAMINER MINUTES

JANUARY 4, 2018

CASE NO. VAR17-0009

Type: Variance, Cameron and Hollie Napora a request for a 20' variance to the 25' front yard setback from Rowboat Lane and a 5' variance to the 10' side yard setback from both property side lines on a 0.241 acre parcel in the Restricted Residential zone. The property is waterfront and currently vacant. Due to the steepness of the site, Special Flood Hazard Area (SFHA) and the property being bisected by Rowboat Lane, it is not feasible to construct a residence meeting the required setbacks in the Restricted Residential zone. Therefore, the Applicant wishes to locate the new residence 5' away from the edge of a private road easement and 5' from both property side lines. Access to the property is via Rowboat Lane. The parcel number is OK084002003G and described as: Valhalla Park Tracts 1st Addition, Tax #22416 in Lot 3, Block 2 in Section 11, Township 49 North, Range 04 West, B.M., Kootenai County, Idaho. (*Vlad Finkel-Planner*)

Staff Presentation: David Callahan, Director, provided clarification on the term "non-buildable" used by the Assessor's Office. The Assessor Office will review a parcel by owner request. At this time the current owner has provided proof of septic and the parcel can now be deemed "buildable" by the Assessor's Office. Also, there is an unusual circumstance since Community Development staff owns property immediately adjacent to this parcel requesting a variance. As an adjacent property owner she has the opportunity to express her concerns. Internally a staff planner handles the application and develops the staff report.

Vlad Finkel, Planner, introduced the application and referenced a presentation (HE 1000) showing details of the property. He added the Assessor has every parcel deemed buildable until an owner contacts them and shows proof it is not buildable. The current owner and applicant has proven they can have a septic on a separate parcel which deems this parcel buildable. Mr. Finkel stated the site is a vacant, very narrow portion of land on a cliff hillside. If the variance is approved the Applicant will need to provide base flood zone documentation. The Applicant also received a code violation due to tree and brush removal within the 25 foot do not disturb setback of the Shoreline Management Area which will be remediated. In conclusion, Mr. Finkel added the site does have an undue hardship because of the characteristics of the site. However, based on a number of public concerns there is some reservation as how the proposal would not be in conflict with the public interest.

Applicant Presentation: Sandy Young, Applicant Representative, stated they were recently contacted by the Applicant for a site evaluation prior to this hearing. She provided a proposed CAD designed site plan which shows the estimated flood elevation and setbacks. The home is to be engineered and all conditions in the staff report are understood and accepted by the Applicant.

Cameron Napora, Applicant, added when he purchased the property last year he met with a Community Development planner to discuss the setbacks and challenges. He tried to inform neighbors and discuss ideas with them but was not successful. They realize they are new to the neighborhood and want to be respectful of the older neighborhood characteristics. Mr. Napora stated they cut a path to the beach not aware of the shoreline buffer and cleaned up the shoreline of broken glass and garbage. The site is amazing and the angle to build is being designed with points of the home to reach the setback and not to effect any neighboring view.

Exhibits: HE 1000 – Email 1-4-18 from Assessor submitted by Vlad Finkel.
HE 1001 – Proposed CAD design site plan submitted by Sandy Young.
HE 1002 – Email 1-4-18 land use information submitted by Sandy Young.
HE 1003 – Comment from Lund submitted by Corinne Johnson
HE 1004 – 2010 maps and PHD report submitted by Laura Jones.
HE 1005 – Statement with 2018 ownership map submitted by Laura Jones.
HE 1006 – Presentation submitted by Vlad Finkel.

Public Testimony: Comment Sheets submitted: 14, Applicant/Representatives - 3; In Favor - 3, Neutral - 0, Opposed – 11 plus a group of 12. The names and address of the individuals speaking or submitting comments are part of the record.

- Parcel has a building site without the requested variances

HEARING EXAMINER MINUTES
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- Home planned to be built is not the minimum reasonable
- Surrounding community has approval to use Rowboat Lane
- Rowboat Lane has traffic daily plus fire department, summer boating and winter snow plowing use
- Most of the shoreline is undeveloped and within the floodplain
- Erosion is a huge concern
- The cut down trees had big root systems to prevent erosion
- Trees that are 20 to 40 years old cannot be replaced-remediated
- No space for lift station placement
- How are the septic lift stations going to handle the enormous spring run-off
- Applicant has already trespassed on multiple properties
- Not enough room to stage a home build
- Road is not built for construction trucks to turnaround
- Snowload from the roof will not stay within the 5 foot setback
- No room for firetrucks with a home 5 feet from the setback
- Parking issues for owner and no parking for guests
- A potential large home can be a vacation rental and become a septic issue
- Inherited property and uncle always wanted it for recreational access only
- Disclosure as a Kootenai County employee and speaking as an adjacent neighboring parcel owner
- Lot is not unique since Rowboat Lane bisects all the heirs lake front sites
- Hillside cuts will cause major erosion to Rowboat Lane
- Snow berm will go against a home or parking retaining wall which leaves no room for run-off
- 20% of a lot is buildable but needs to be free of obstruction
- Applicant has not spoken or worked with the neighbors
- Used the neighboring parcels without permission to stage cutting his trees
- Has not demonstrated respect of others property
- Illogical to assume the serious run-off will stay within the 5 foot setback
- Construction on the site will take down more trees and bushes and it will not stop erosion
- Applicant has 8 acres with views at the top of the hill and lake access on this parcel
- Variance does not service the public interest
- Questionable if PHD will approve
- Erosion impacts the lake and public health
- Erosion of the site and the road is extreme

Applicant Rebuttal: Sandy Young, Applicant Representative, stated the public testimony had to do more with do not build in the neighborhood than addressing the two setback variances requested. The Applicant purchased in good faith a legal buildable parcel and everyone in the room had the same opportunity. Ms. Young questioned the legality of the easement. She added they were not sure how the parking would work, the site needs a stormwater plan and flood zone documentation but that is what would be decided once the variance is granted.

There being no further comments from the public, testimony was closed on this item at 7:48 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

HEARING EXAMINER MINUTES

JANUARY 4, 2018

CASE NO. ZON17-0010

Type: Zone Change, Brad Mahoney of P. S. P. Enterprises, Inc., request to change the zoning classification of a single parcel of land totaling approximately 4.04 acres, from Agricultural to Commercial. The subject parcel is located on the east site of the intersection of N. Government Way and N. Highway 95. The parcel number is 52N04W-35-0050 and is described as TAX #8848, Section 35, Township 52 North, Range 04 West, Boise Meridian, Kootenai County, Idaho. (*Mel Palmer-Planner*)

Staff Presentation: Mel Palmer, Planner, introduced the application and referenced a presentation (HE 1000) showing details of the property. She stated agencies have reviewed and provided comments. Specifically, Panhandle Health District would do a critical material review prior to development of the site and Idaho Transportation Department provided the conceptual engineered design for the Highway 95 interchange reconfiguration impact on the site. The site was posted and based on the signed affidavits in the file, the public notice requirements have been met.

Applicant Presentation: Brad Mahoney, Applicant, stated the zone change request is for his asphalt and seal coat company that would have 5 or 6 employees. His grandfather purchased the property in 1995 specifically for the future business plan. Mr. Mahoney added that the agricultural use is no longer viable in the area and rezoning would make it conducive with zones in the vicinity, creating more jobs and tax revenues.

Exhibit: HE 1000 – Presentation submitted by Mel Palmer.

Public Testimony: Comment Sheets submitted: 2, Applicant/Representatives - 2; 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 6:13 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