

BOARD OF COUNTY COMMISSIONERS
MINUTES OF PUBLIC HEARING
January 13, 2022
Meadowbrook West Road Association

Commissioners Present: Chair Chris Fillios, Commissioner Leslie Duncan, Commissioner Bill Brooks

Commissioner Absent: None

Staff Present: David Callahan, Pat Braden, Ben Tarbutton, Crystal Garner, Betsy Anderson

The purpose of the meeting was for the Board to conduct a public hearing as advertised in the *Coeur d'Alene Press*. Chair Fillios called the hearing to order at 6:00 PM. The members were polled for conflicts of interest. No conflicts were expressed.

CONFLICT(S): None

CHANGES: None

Case No. APP21-0002 a request by Meadowbrook West Road Association to appeal an administrative decision by the Kootenai County Community Director approving a 4-Lot Subdivision, MIN20-0057, Ranch at Cougar Creek. The parcel number is 50N04W-19-1800, AIN is 309680, and is described as: Tax #21686 [in SE-NE] in Section 19, Township 50N, Range 04 West, Boise Meridian, Kootenai County, Idaho. The Hearing Examiner held a public hearing on October 7, 2021 and recommended the decision of the Director be affirmed. The Board held Appeal deliberations on November 4th, 2021 and approved an appeal hearing request.

Director Callahan explained that the hearing tonight is somewhat different from a typical public hearing. The Appellant will begin the hearing, Staff will then present information to support the order to approve the minor subdivision and the Applicant will present information in support of the original request for the Minor Subdivision.

Appellant Presentation: Scott Poorman representing the Meadowbrook West Road Association addressed the Board explaining the subdivision was originally formed in the 1990s by survey and not the usual subdivision process. The Appellant has filed a lawsuit in District Court to determine road easement rights so the hearing will focus on whether sufficient groundwater exists to supply domestic uses, whether the applicant satisfied the requirements of the County's Land Use Code and whether the proposed subdivision is compatible with the existing homes and surrounding neighborhood. Mr. Poorman indicated public testimony would focus on the reduction in groundwater over the past decade. If the Minor Subdivision would be allowed to proceed, four new wells would only exacerbate the declining water conditions. He presented information regarding several other subdivisions that also have had declining water conditions and the problems that have subsequently ensued. Numerous members of the public offered testimony in support of the Appeal. This included neighboring property owner Bob Haynes and Dave Lepard who spoke on behalf of other persons also in appearance. This testimony focused primarily on the diminishing water levels in his well, as well as many other neighboring owners. Many other members of the public testified, focusing primarily on existing water issues and their concerns about the effect of more wells being put in.

Staff Presentation: Community Development Director David Callahan testified on behalf of the County and its decision. Mr. Callahan made reference to the file as it exists, including the recent recommendation of the Hearing Examiner. Mr. Callahan asserted that the Hearing Examiner accurately analyzed the case and provided an accurate conclusion, recommending that the appeal be denied. Furthermore, according to the information provided by the Applicant's qualified professionals, staff made the correct decision, based on the code requirements

Applicant Presentation: Megan O’Dowd, the Applicant’s legal representative, testified that the Applicant has met the minimum requirements of the Land Use and Development code with regards to water quantity report. Gene St. Godard, the geologist who performed Cougar Creek’s hydrogeological analysis, offered testimony in support of his Report and the recommendations contained therein. He testified that he complied with all applicable requirements and outlined the approach and methods he used to come to the conclusions and recommendations in his report.

Appellant Rebuttal: Mr. Poorman offered a final rebuttal, questioning the hydrogeologist report as the data used is not the actual production of the wells. Furthermore, he implored the Board to make the best decision that will result in the least amount of harm

Exhibit: B 1000 – Presentation submitted by Scott Poorman.
B-1001 – Well Information submitted by Bob Haynes
B-1002 – Applicant Presentation submitted by Megan O’Dowd
B-1003 – Hydrogeological Information submitted by Gene St. Godard
B-1004 – Diagram submitted by Scott Poorman

Public Testimony: Multiple neighbors and residents of the Meadowbrook West neighborhood spoke to the issue of limited water resources in the area. Appellant, 1. In Favor of the Appeal 10 half sheets, 2 group speaker sheets with 21 signatures. Applicant-Opposed to the Appeal, 3. The names and addresses of the individuals speaking or submitting comments are part of the record.

Motion by Commissioner Duncan seconded by Commissioner Brooks, to close the public hearing and enter into deliberations on January 27, 2022.

Commissioner Brooks	Aye
Commissioner Duncan:	Aye
Chair Fillios:	Aye

Decision: Approved

Deputy Clerk’s Signature: _____
January 13, 2022