

DELIBERATIONS
MINUTES OF MEETING
January 16, 2020

Case Number: MSP19-0008

Case Name: Lone Mountain Estates 6th and 7th Addition

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

Commissioners Absent: None

CONFLICT(S): None

CHANGES: None

STAFF PRESENT: David Callahan, Pat Braden, Mary Shaw, Ben Tarbutton, Kathryn Ford

Case No. MSP19-0008, Lone Mountain Estates 6th and 7th Addition, a request by JT Holdings, LLC, for preliminary approval of a two phased Major Subdivision consisting of 41 residential lots on an approximately 247 acres in the Rural zone. The subject parcels were recently boundary line adjusted. As a result, the subject parcels are within the depicted geographical boundaries of parcel numbers 52N04W-11-2100 and 52N04W-12-2500. The boundary line adjustments have not been updated on the County Assessor Parcel Maps. The legal description of parcel 52N04W-11-2100 is Tax # 25430 [IN NE, NW, SW, SE] in Section 11, Township 52 North, Range 04 West B.M. Kootenai County, Idaho. The legal description for parcel number 52N04W12-2500 is PTN NE, NW & SW LYING N OF NWLY LN BPA EAS in Section 12, Township 52 North, Range 04 West B.M. Kootenai County, Idaho. The subject site is located on the north side of Chilco Road, approximately 2 miles west of Highway 95. Access to the site will be from a new approach on Chilco Road. The Hearing Examiner held a public hearing on December 19, 2019 and recommended approval.

(Ben Tarbutton-Planner)

Ben Tarbutton, Planner, referenced a presentation stating this application is a 41 lot subdivision to be planned in 2 phases located by Ramsey and Chilco Roads in the Rural zone. The parcels will be 5 acres or more with access to be public and dedicated to the highway district upon completion. Public agencies with jurisdiction had no objections and provided conditions of approval. The public comments in opposition were from a past relationship with the builder and the increase in traffic. Mr. Tarbutton suggested that the conditions of approval be expanded to include the proposed shared common driveway infrastructure be constructed or bonded for, prior to the application for Final Subdivision approval. In addition, the Applicant must include a common driveway maintenance agreement for the proposed shared infrastructure. The Hearing Examiner recommended approval and staff would like to clarify the shared common driveway infrastructure in the conditions.

The Board discussed the area with possible future subdivisions and expressed their support of the request.

Motion by Commissioner Duncan, seconded by Commissioner Brooks to approve the request, adopt Conclusions of Law and Findings of Fact, Hearing Examiner's Analysis and Conditions of Approval, and the Conditions of Approval, suggested by Staff, for the shared common driveway infrastructure to be constructed or bonded for and that a common driveway maintenance agreement be provided, prior to application for Final Subdivision approval in Case No. **MSP19-0008, Lone Mountain Estates 6th and 7th Addition.**

Chair Fillios: Aye

Commissioner Duncan: Aye

Commissioner Brooks: Aye

Decision: Approved

Deputy Clerk's Signature: _____
January 16, 2020

DELIBERATIONS
MINUTES OF MEETING
January 16, 2020

Case Name: Pleasant View Neighborhood Association (PVNA)

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

Commissioners Absent: None

CONFLICT(S): None

CHANGES: None

STAFF PRESENT: David Callahan, Pat Braden, Mary Shaw, Vlad Finkel, Kathryn Ford

The **Pleasant View Neighborhood Association (PVNA)** is requesting the Kootenai County Board of Commissioners “Board” consider imposing an emergency moratorium on approval of major and minor subdivision, and condominium plat applications that are otherwise provided for in Title 8, Chapter 6, Kootenai County Code, and planned unit developments otherwise provided for in Title 8, Chapter 3, Kootenai County Code, within the “Pleasant View” area of unincorporated Kootenai County as shown on the map below. The consideration to impose an emergency moratorium on subdivision and condominium applications is based on the concerns that there is not sufficient water to serve both existing and newly created parcels in that area, and that allowing further subdivision development in that area would constitute an imminent peril to the public health, safety, or welfare until a scientific study to determine the extent of available water has been completed. Such moratorium, if imposed, will be temporary and would continue for no more than one hundred eighty-two (182) days pursuant to section 67-6523, Idaho Code. The Board conducted a public hearing on October 9, 2019 to consider whether or not to impose a moratorium on all platting processes in Pleasant View for a period of 6 months. At the hearing, the Board heard testimony on the merits of the request from the public who wished to speak. The Board decided to continue the public hearing to allow the County to re-notice the public hearing to a broader geographical area as requested by the Pleasant View Neighborhood Association to encourage potentially affected property owners participation. The Board held a second public hearing on January 8, 2020 and continued deliberations to a date to be determined. *(David Callahan-Director)*

Chair Fillios stated the Board is to continue their deliberations from the public hearing of January 8, 2020 for the Pleasant View Neighborhood Association moratorium request for a water study. Commissioner Brooks inquired if there was no moratorium would a subdivision applicant need to provide feasibility details. Director Callahan stated with the latest land use amendment a hydrologist report is needed for current water data on a parcel. Commissioner Duncan addressed the timeframe requested and did not believe a study with this large of a magnitude could be done in four or six months and the bigger purpose to have science data would not be resolved. Also, with the amended ordinance there has not been enough time to collect new data from hydrologists on subdivision feasibility. She added there is still the detail of proving imminent peril. A study can be done without a moratorium on subdivisions and then provide fact based information. Commissioner Brooks added he would like to see a study. Chair Fillios stated the Commissioners arguments are very well stated. It is difficult to focus on an issue without the science and a study for some duration would provide the beginning for the science base. He is still willing to give them four months to provide some scientific data. Commissioner Duncan added even if we all agree the water level is going down there is no nexus proven that a subdivision causes water depletion.

Motion by Commissioner Duncan, seconded by Commissioner Brooks, to not grant the **Pleasant View Neighborhood Association** moratorium request.

Chair Fillios: Nay

Commissioner Duncan: Aye

Commissioner Brooks: Aye

Decision: Denied

Deputy Clerk’s Signature: _____
January 16, 2020

DELIBERATIONS
BOARD OF COUNTY COMMISSIONERS SIGNING

Minutes Date: January 16, 2020

Case Name: Saint Herman of Alaska Skete

Case Number: CUP19-0009

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

Commissioners Absent: None

CONFLICT(S): None

CHANGES: None

STAFF PRESENT: David Callahan, Pat Braden, Mary Shaw, Vlad Finkel, Kathryn Ford

Case No. CUP19-0009, Saint Herman of Alaska Skete, for a modification/expansion of a recently approved Conditional Use Permit for a Place of Worship in Case No. CUP18-0006. The original request was approved on a 22 acre parcel of land. At this time, the Applicant is requesting to add 64 acres of land across three (3) adjoining parcels of land to the east and northeast, bringing the total acreage of the site to approximately 86 acres. The uses at the site would remain the same as approved under the prior CUP with the exception of the proposed cemetery. The cemetery will be located on parcel 51N05W-02-0660 involving approximately 3 acres of the site. The cemetery was originally approved only for burial of the monks, however, the Applicant wishes to have the cemetery available for burials of church members in an open, low-density, park like setting. The proposed cemetery would not be commercial in nature, nor would it be available to the general public. It is expected that there will be 3 to 5 burials per year in this cemetery. The existing residence and outbuildings on parcel 51N05W-02-2900 would be used for residential purposes by the monks until their previously approved lodging house can be built. It may eventually become the guest house, or could continue to be used by the monks for residential purposes. Domestic water supply, wastewater disposal system for the originally approved compound will remain the same. Access to the site will remain the same from State Highway 53. The parcel numbers are: 51N05W-02-2900, 51N05W-02-1550, 51N05W-02-0660 and 52N05W-35-8930. The parcels are described as: Parcel 1: TAX # 19037 [IN GOVT LT 3] in Section 2, Township 51 North, Range 05 West B.M. Kootenai County, Idaho. Parcel 2: TAX # 11955 in Section 2, Township 51 North, Range 05 West B.M. Kootenai County, Idaho. Parcel 3: PTN TAX # 9517 & PTN TAX # 9515 EX TAX # [IN GL2] in Section 2, Township 51 North, Range 05 West B.M. Kootenai County, Idaho. Parcel 4: TAX # 9515 & TAX # 9517 Section 35, Township 52 North, Range 05 West B.M. Kootenai County, Idaho. The Hearing Examiner held a public hearing on December 19, 2019 and recommended approval. The Board held deliberations on January 9, 2020 and approved the request. *(Vlad Finkel-Planner)*

Motion by Commissioner Duncan, seconded by Commissioner Brooks, to execute signing the Order of Decision for **CUP19-0009 Saint Herman of Alaska Skete**.

Chair Fillios: Aye
Commissioner Brooks: Aye
Commissioner Duncan: Aye

Decision: Approved

Deputy Clerk's Signature: _____
January 16, 2020

**Community Development Update
Minutes of Meeting
January 16, 2020, 9:00 a.m.**

The Kootenai County Board of Commissioners met to discuss Community Development updates. Chair Fillios, Commissioner Duncan, and Commissioner Brooks were present. In attendance were Director David Callahan, Civil Deputy Prosecuting Attorney Pat Braden, Planner II Vlad Finkel, Planner II Ben Tarbutton, Planner II Levi Basinger, Planner II Adam Knight, Planner II Zach Trevino, Planning Manager Mary Shaw, and Deputy Clerk Sandi Gilbertson. Kristin Larson, Idaho Department of Environmental Quality, and Sandy Von Buren, Kootenai County Emergency Management Director, were in attendance.

A. Call to Order: Chair Fillios called the meeting to order at 9:23 a.m. (after deliberations).

B. Changes to the Agenda: None.

C. Business

1. Resolution 2020-08 for Case No. VAC18-0001, McGuire Estates, a partial plat vacation of a 0.78-acre parcel originally dedicated as a public park in the plat of McGuire Estates, recorded in Book E, Page 217 on June 14, 1976. The parcel number is 051400030PK0 and described as McGuire Estates, Park & Walkways in Block 3, in Section 4, Township 51 North, Range 3 West, B. M. Kootenai County, Idaho. On August 22, 2019 the Board vacated the portion of Block 3 of McGuire Estates consisting of the property identified as a "Park." It was also determined that the parcel could be offered for sale to the adjacent property owners as an "odd-lot" parcel in accordance with subsection 31-808(8), Idaho Code. The first step would be to consider adoption of the resolution to formally declare the "park" as odd-lot property and resolve to offer it for sale to the adjacent property owners for no less than its appraised value. (Action Item)

Motion by Commissioner Duncan, second by Commissioner Brooks, to approve the signing of Resolution 2020-08.

Commissioner Brooks: Aye
Commissioner Duncan: Aye
Chairman Fillios: Aye

The motion carried.

2. Wolf Lodge Creek emergency bank stabilization.
8.8.604: ABATEMENT OF NUISANCES AND HAZARDS:
B. Hazards: Whenever the director determines that there exists a condition or situation on private property that is not defined as a public or moral nuisance under title 52, chapter 1, Idaho Code, but which has become a hazard to life and limb, or endangers other property, or adversely affects the safety, use, or stability of public or private property, or adversely affects any public or private access or drainageway, the director may require the property owner to abate the hazard. The director shall give notice in writing to the owner, owner's agent, or other person in control of the property. Upon receipt of such notice, the owner, owner's agent, or other person in control of the property shall abate the hazard within the time period specified in the notice or such other time period to which the director may agree. Failure to complete the required abatement by the specified date shall constitute a violation governed by the provisions of this article, and in such cases, the county may contract to complete the work necessary to abate the hazard at the owner's expense. (Ord. 493, 6-9-2016). (Discussion Item)

Director Callahan presented this issue for the Board to be aware of that was brought before him by Kristin Larson, Idaho Department of Environmental Quality, and Sandy Von Buren, Kootenai County Emergency Management Director. A property owner adjacent to Wolf Lodge Creek has a streambank at his property that is eroding at a high rate and if the building ended up in the creek, Wolf Lodge Creek Road which is downstream of this property could be at risk. Both Sandy Von Buren and Kristin Larson said they had several conversations with the property owner through the years but he is now out of the country and they have been unable to reach him. They explained that they have a grant secured for restoration of 1400 feet of the creek to begin this summer but this is not part of that grant. In addition, if the building lands in the creek, it could jeopardize the grant for restoration.

Director Callahan explained the legal recourse in the code 8.8.604. He will contact the property owner and explain that this is an option if the owner will not work at a remedy.

Public Comment (Discussion): 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 being no further discussion, Chair Fillios adjourned the meeting at 9:40 a.m.

Respectfully submitted,

JIM BRANNON, CLERK

By: _____
Deputy Clerk

Chris Fillios, Chair