

DELIBERATIONS  
MINUTES OF MEETING  
January 24, 2019  
Judy Cook-Murray

Minutes Date: January 24, 2019

Case Name: Judy Cook-Murray

Case Number: VAR18-0006

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

Commissioners Absent: None

CONFLICT(S): None

CHANGES: None

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

**Case No. VAR18-0006, a request by Judy Cook-Murray** for a 15' variance to the 25' rear yard setback on a 0.567 acre parcel in the Restricted Residential zone. Specifically, the Applicant wishes to construct a shop for storage of a boat/RV on the upland portion of the property between S. Glass Lane and W. Cove Point Road. Due to the steepness of the site and the property being bisected by a private road, the Applicant cannot maintain the necessary rear yard setback. As a result, the shop would be located 10' from W. Cove Point Road. This would facilitate for a gradual access driveway and a 3-point turnaround for maneuvering a large RV and boat trailer when accessing from Glass Lane. The lake front portion of the subject property has an existing residence. Access to the property is via S. Glass Lane, a private road. The parcel number is 0-1535-001-023-0 and described as: Cove Point, LT 23, Block 1 & 1/33 Interest in private road in Section 11, Township 47 North, Range 04 West, B.M., Kootenai County, Idaho. The Hearing Examiner held a public hearing on January 3, 2019 and recommended approval.  
*(Vlad Finkel-Planner)*

Vlad Finkel, Planner, provided an overview of the deliberations process for Community Development applications. He introduced the variance application that is requesting a 15' variance to the 25' rear yard setback for a shop to store a boat/RV on approximately .50 acre parcel in the Restricted Residential zone. The site has physical characteristics that present a hardship to the property owners. Mr. Finkel stated the applicable agencies had no concern and the public opposition was due to the helicopter pad near the area. In conclusion, he added the site would not be an impediment to the helicopter landing pad since they could not be landing next to the shop due to the width of the road.

After a brief discussion regarding site conditions, the Board agreed with the Hearing Examiner's analysis and recommendation, and expressed their support of the requested variance.

Motion by Commissioner Duncan, seconded by Commissioner Brooks, to approve the request, adopting the Hearing Examiner's Recommendation with Conditions of Approval, Findings of Fact, Applicable Legal Standards and Conclusions of Law for **VAR18-0006 Judy Cook-Murray**.

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

Decision: Approved

Deputy Clerk's Signature: \_\_\_\_\_  
January 24, 2019

DELIBERATIONS  
MINUTES OF MEETING  
January 24, 2019  
Peak Sand and Gravel, Inc.

Minutes Date: January 24, 2019

Case Name: Peak Sand and Gravel, Inc.

Case Number: CUP18-0007

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

Commissioners Absent: None

CONFLICT(S): None

CHANGES: None

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

**Case No. CUP18-0007, a request by Peak Sand & Gravel, Inc. on behalf of MP2 Land Company, LLC and Steven Murray**, for a Conditional Use Permit to “*extend*” an existing Restricted Surface Mine and Asphalt Batch Plant on a 75-acre site located southeast of the intersection of W. Fighting Creek Road and Highway 95 in the Rural zone. The current Conditional Use Permit Case No. CUP13-0009 expires on April 24, 2019. Access to the site will be from an existing approach on Highway 95. The parcel numbers are 48N05W-12-3700 and 48N05W-12-4300. The respective parcel descriptions are: N2-LT 5 SE OF HWY EX TAX#13837, N 62.23 FT-E 1016.8 FT-S2-LT 5, TAX#13943, TAX#14267 [IN LT 6] (STATE QUARRY) and LT 6 EX TAX#S, W 30 FT-LT 7 all in Section 12, Township 48 North, Range 05 West B.M. Kootenai County, Idaho. The Hearing Examiner held a public hearing on January 3, 2019 and recommended approval. (*Ben Tarbutton-Planner*)

Ben Tarbutton, Planner, provided a brief overview of the purpose for a Conditional Use Permit (CUP) application. He introduced the application stating the history of this CUP extension request for a site which has been in use for more than 40 years. The Comprehensive Plan designation is country which has a secondary purpose being economic activity and non-residential uses. Mr. Tarbutton stated the site has an active reclamation plan is good standing, Fighting Creek flows through part of the site and is maintained with effective vegetation and berms and the approach is adequately screened from the highway. The agencies had no concerns and the public comments were in support.

Commissioner Duncan confirmed there were no active complaints and was located near Kootenai County Solid Waste site.

Motion by Commissioner Duncan, seconded by Commissioner Brooks, to approve the request, adopting the Hearing Examiner’s Recommendation with Conditions of Approval, Findings of Fact, Applicable Legal Standards and Conclusions of Law for **CUP18-0007 Peak Sand and Gravel, Inc.**

Commissioner Brooks: Aye

Commissioner Duncan: Aye

Chairman Fillios: Aye

Decision: Approved

Deputy Clerk’s Signature: \_\_\_\_\_  
January 24, 2019

**Minutes of Meeting  
Community Development Update  
January 24, 2019, 9:00 a.m.**

The Kootenai County Board of Commissioners met to discuss Community Development updates. Commissioner Brooks, Commissioner Duncan, and Chairman Fillios were present. In attendance were Community Development Director David Callahan, Chief Building Inspector John Mills, Planner III Mary Shaw, Planner II Ben Tarbutton, Planner II Vlad Finkel, Communications Manager Nancy Jones, Civil Deputy Prosecuting Attorney Pat Braden, and Deputy Clerk Sandi Gilbertson.

**A. Call to Order:** Chairman Fillios called the meeting to order at 9:26 a.m. (Continuation of deliberations agenda)

**B. Changes to the Agenda:** No changes.

**C. Business**

1. Consideration of a request by neighbors adjacent to Minor Subdivisions for a moratorium until more in-depth testing for water availability is required. (Action Item)

Director Callahan said there had been a request by neighbors adjacent to a minor subdivision to impose a moratorium to consider more in-depth testing for water availability. Several people attending expressed their adamant opposition to a County-wide moratorium. Neighbors of a particular minor subdivision explained how their wells are going dry, they are having to haul water, property values have decreased, and that the whole area is in serious trouble. Mr. Braden explained that if a moratorium is considered, a public hearing would have to be noticed and scheduled. Director Callahan said this particular minor subdivision is in the process now and would not be included in a moratorium if one would be enacted. The Board agreed that more information is needed and they would not consider a moratorium at this time. They added that if more information becomes available, they would be willing to reconsider.

2. Discussion of Planning Commission Interviews. (Action Item)

Director Callahan asked the Board when they would expect to fill the vacancy on the Planning and Zoning Commission. Commissioner Duncan said she would listen to the recordings of the interviews done in December and bring in any new applicants for interviews. Commissioner Brooks agreed. The Board set a date of February 14 to make a decision and fill the position.

3. Authorization to schedule a public hearing for the potential reinstatement of building codes. (Action Item)

Director Callahan asked the Board for their authorization to schedule a public hearing for the potential reinstatement of building codes. He explained this public hearing would put the entire building codes back into play and repeal the opt-out program. Director Callahan said that a legal notice is required (30 days prior to the public hearing) and confirmation of a venue (Kroc Center). This item is to decide if this is the direction the Board wants to consider. Commissioner Duncan asked if there was an ordinance to be considered. Legal Counsel Braden said there is a draft from the March 2018 public hearing since that was one of the options being considered. Commissioner Duncan said she would like to introduce her own option which includes allowing for private inspectors. Commissioner Brooks said he would like to get back to where the County was prior to the opt-out and then take it slowly and revise what the Board can do with the building codes to make them more efficient.

Brent Regan submitted a resolution supporting local choice in government from the Republican Central Committee. Bob Bingham spoke regarding considering other options. Jeff Tyler suggested going back to previous codes. Legal Counsel Braden explained that the state does not allow adopting an older code. Linda Littlejohn spoke in favor of property rights and individual choice preferring the opt-out option. Another spoke as a first time homebuyer in favor of the current building inspections and getting the guidance in codes.

Nancy Jones gave options on the availability of the Kroc Center. Several dates were considered with the final choice being Thursday, March 28.

Commissioner Duncan made a motion that staff go ahead with preparation of ordinances and options to be presented at a public hearing on March 28 should the venue be available. Commissioner Brooks seconded the motion.

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

The motion carried.

4. Update on 2020 Census and consideration for possible partnership with other municipalities. (Action Item)

Director Callahan said he would bring this item back to next week's update meeting as the census representative Mindy Thorp was unable to attend today. Ms. Thorp will explain the planning that must take place for the census and to what extent the County can participate if it chooses.

5. Request by the City of Coeur d'Alene for access across county property for surveying, environmental and geotechnical purposes. (Action Item)

Director Callahan explained that Welch-Comer is working for the City of Coeur d'Alene on the Kathleen Avenue Stormwater design (Project No. 41346). They have asked permission to gain access to private properties in the project corridor for the surveyors conducting topographic and boundary surveys.

Motion by Commissioner Duncan to grant permission for right of entry for this project to Welch-Comer surveyors; seconded by Commissioner Brooks.

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

The motion carried.

**Public Comment:** 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.

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CD-BOCC Update Meeting

There being no further discussion, Commissioner Fillios adjourned the meeting at 10:23 a.m.

Respectfully submitted,

JIM BRANNON, CLERK

By: \_\_\_\_\_  
Deputy Clerk

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Chris Fillios, Chairman