

DELIBERATIONS
MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
January 27, 2022

Case Number: APP21-0002

Case Name: Meadowbrook West Road Association

Commissioners Present: Chair Fillios, Commissioner Duncan, Commissioner Brooks via teleconference

CONFLICT(S): None

CHANGES: None

STAFF PRESENT: David Callahan, David Ferguson, Ben Tarbutton, Vlad Finkel, Adam Knight, Craig Davidson, Betsy Anderson

Case No. APP21-0002 an Appeal of an Administrative Decision. A request by Meadowbrook West Road Association to appeal an administrative decision by the Kootenai County Community Development Director approving a four (4) lot minor 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 50 North, Range 04 West, Boise Meridian, Kootenai County, Idaho. While this hearing was open to the public, only affected parties were allowed to testify. The Hearing Examiner heard this case on October 7, 2021 and denied the appeal, upholding the Director's decision to approve the minor subdivision. The Board held a public hearing on this case on January 13, 2022 and decided to hold deliberations at a date certain.

Commissioner Brooks stated he was willing to uphold the Director's decision to approve the minor subdivision, MIN20-0057, Ranch at Cougar Creek. Commissioner Duncan thought the subdivision met all the requirements of the County's Land Use Code and the appeal should be denied. Chair Fillios dissented, stating the testimony presented by the hydrogeologist was compelling and that well logs do not always present current conditions, only historical.

Commissioner Duncan made a motion to deny the appeal of Meadowbrook West Road Association and to uphold the Director's decision to approve the minor subdivision. Commissioner Brooks seconded the motion.

Chair Fillios:	Nay
Commissioner Duncan	Aye
Commissioner Brooks:	Aye

Decision: Approved

Deputy Clerk's Signature: _____
January 27, 2022

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Case Number: MSP21-0006

Case Name: Dolan's Deal 2nd Addition

Commissioners Present: Chair Fillios, Commissioner Duncan, Commissioner Brooks via teleconference

CONFLICT(S): None

CHANGES: None

STAFF PRESENT: David Callahan, David Ferguson, Ben Tarbutton, Vlad Finkel, Adam Knight, Craig Davidson, Betsy Anderson

Case No. MSP21-0006, Dolan's Deal 2nd Addition, a request by Dolan Land Management LLC, for preliminary approval of a five (5) lot Major Subdivision on 26.29-acres located in the Restricted Residential zone. The subject property is located over the Rathdrum Prairie Aquifer; therefore, Panhandle Health District strict regulations require lots be no less than 5 acres in size. Proposed Lot 1 will be 6.109 acres; proposed Lot 2 will be 5.017 acres; proposed Lot 3 will be 5.012 acres; proposed Lot 4 will be 5.017 acres and proposed Lot 5 will be 5.132 acres in size. Domestic water to each lot will be provided by individual wells. Sewage services will be provided by individual septic and drain field systems located on each of the lots. Access to the proposed subdivision will be from State Highway 41 via a new private road that will be constructed to the Associated Highway District Standards. The subject property is located within the City of Spirit Lake Area of City Impact. The subject parcel number is: 53N-04W-08-7000 and is described as: TAX#25781 [IN SE-SW] in Section 08, Township 53 North, Range 04 West, Boise Meridian, Kootenai County, Idaho. The subject property is located southeast of the intersection of State Highways 54 and 41. The Hearing Examiner heard this case on January 6, 2022 and recommended approval.

Planner Vlad Finkel introduced the case with a Power Point presentation. Mr. Finkel explained the request is a major subdivision consisting of 5 lots on 26 acres in the Restricted Residential zone, each lot exceeding five acres in size. The Comprehensive Plan designation is Border, and the parcel is located within the Area of City Impact of the City of Spirit Lake. The property is relatively level with vegetation on site and access will be from Highway 41 via a private road. Mr. Finkel noted Public Agencies with jurisdiction had pretty standard comments regarding the proposal, the one exception being the School District. The District expressed concerns about the level of growth and the need for additional facilities. The District and the County have no mechanism to require impact fees of developers to cover growth.

Motion by Commissioner Duncan, seconded by Commissioner Brooks, to approve **Case No. MSP21-0006**, a request by Dolan Land Management LLC, for preliminary approval of a five (5) lot Major Subdivision on 26.29-acres located in the Restricted Residential zone.

Chair Fillios:	Aye
Commissioner Duncan	Aye
Commissioner Brooks:	Aye

Decision: Approved

Deputy Clerk's Signature: _____
January 27, 2022

Community Development Update
Minutes of Meeting
January 27, 2022, 9:00 a.m.

The Kootenai County Board of Commissioners met to discuss Community Development updates. Chairman Fillios, Commissioner Duncan and Commissioner Brooks (teleconference) were present. In attendance were Director David Callahan, Civil Deputy Prosecuting Attorney David Ferguson (teleconference), Planning Manager Ben Tarbutton, Planner III Vlad Finkel, Planner III Adam Knight, Code Compliance Officer II and Deputy Clerk Betsy Anderson.

I. Call to Order: Chair Fillios called the meeting to order at 9:29 a.m. following deliberations.

II. Changes to the Agenda: None

III. Business

A. Discussion of “Temporary or Intermittent Use of an RV”

Director Callahan introduced the topic by stating the Intermittent Use is the current language in the Land Use and Development code and the Department has attempted to define “Intermittent” use without much success. Code Compliance regularly receives complaints about people living in their Recreational Vehicles and there isn’t much the department can do. Allowing the RVs to be used as a dwelling is in direct conflict with Building Code. The Commissioners are sensitive to the lack of affordable housing in the County at this time. One concern is that if the RV is the only option for some families, not allowing them temporary or intermittent use could force homelessness. The Board ask the Department to continue working on these complaints on a case by case basis.

B. An executive session under Idaho Code Section 74-206 (1)(b)

1) Consideration of a possible Compliance Agreement

Commissioner Duncan made a motion to enter into Executive Session under Idaho Code 74-206 (1)(b). Bill Brooks seconded.

Chair Fillios	Aye
Commissioner Duncan	Aye
Bill Brooks	Aye

The Board entered into executive session at 9:41 am.

Commissioner Duncan motioned to exit executive session, Commissioner Brooks seconded.

Chair Fillios	Aye
Commissioner Duncan	Aye
Bill Brooks	Aye

The Board exited executive session at 9:50am.

Discussion focused on a Code Violation that has been recorded on a pole building that has 2 apartments. The apartments have an elderly resident plus a caregiver. The owner would like the county to remove the NOV so he can re-finance. Commissioner Duncan stated that if the property owner had been cooperative from the beginning she may think differently, but she is not sure about approving a compliance agreement. Director Callahan stated it would not possible to bring the building up to Code

because of zoning issues, the lot is not large enough for a Temporary Hardship Unit. Chair Fillios stated when people get defiant, it is very difficult to work with them. The Board does not want to lift the Code Violation to allow the property owner to refinance.

Chairman Fillios adjourned the meeting at 10:02 am.

IV. ADJOURNMENT

Respectfully submitted,

JIM BRANNON, CLERK

By: *Anderson*
Deputy Clerk

Chris Fillios -Chairman