

BOARD OF COUNTY COMMISSIONERS  
MINUTES OF PUBLIC HEARING  
February 14, 2019  
**Robert and Laura Lambert**

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

Commissioner Absent: None

Staff Present: David Callahan, Pat Braden, Vlad Finkel, Kathryn Ford



The purpose of the meeting was for the Board to conduct a public hearing as advertised in the *Coeur d'Alene Press*. Chairman Fillios called the hearing to order at 9:05 a.m. The members were polled for conflicts of interest. No conflicts were expressed.

CHANGES: None.

**Case No. ZON18-0013, a request by Robert and Laura Lambert** to complete a Zone Change from Agricultural to Restricted Residential on approximately 5.007 acres of land. The purpose of the request is be able to subdivide the parent parcel into two lots. The subject parcel of land has an existing residence and outbuildings. Access to the property is from English Point Road, a public road maintained by the Lakes Highway District. The property is located within the City of Hayden Lake Area of City Impact. Concurrently, the Applicant is requesting a two lot Minor Subdivision Case No. MIN18-0033, Lambert Addition, a decision of which will depend on the approval of the above referenced Zone Change. The parcel number is 51N03W-08-7125. The parcel is described as: TAX # 10951 in Section 08, Township 51N, Range 03W B.M. Kootenai County Idaho. The Hearing Examiner held a public hearing on December 6, 2018 and recommended approval. (*Vlad Finkel-Planner*)

**Staff Presentation:** Vlad Finkel, Planner, introduced the application with a PowerPoint presentation, stating that the request is to change the zoning classification of a 5.007-acre parcel from Agricultural to Restricted Residential. The purpose of this request is to subdivide the property into two (2) lots.

**Applicant Presentation:** Scott McArthur, Applicant Representative, stated that he had no additional information to add to the public record since this is a “*simple and straight forward request*” for a zone change.

**Exhibit:** B 1000 – Presentation submitted by Vlad Finkel.

**Public Testimony:** Comment Sheets submitted: 1. Applicant Representative – 1; In Favor -0, Neutral – 0, Opposed – 0. There were no public in attendance.

**Rebuttal:** None.

Motion by Commissioner Duncan seconded by Commissioner Brooks, to close the public hearing and enter into deliberations at 9:12 a.m.

**Deliberations:** Commissioner Duncan stated she could approve this request. Commissioner Brooks and Chairman Fillios agreed on approving the zone change.

Motion by Commissioner Duncan, seconded by Commissioner Brooks, to approve and change the zoning classification from Agricultural to Restricted Residential and include the Hearing Examiner’s Recommendation with the Findings of Fact and Conclusions of Law for **ZON18-0003 Robert and Laura Lambert**.

Commissioner Brooks           Aye

Commissioner Duncan:       Aye

Chairman Fillios:             Aye

Decision:                       Approved

Deputy Clerk’s Signature: \_\_\_\_\_  
February 14, 2019

BOARD OF COUNTY COMMISSIONERS  
MINUTES OF PUBLIC HEARING  
February 14, 2019  
**Kootenai County-Spirit Lake**

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

Commissioner Absent: None

Staff Present: David Callahan, Pat Braden, Ben Tarbutton, Kathryn Ford



The purpose of the meeting was for the Board to conduct a public hearing as advertised in the *Coeur d'Alene Press*. Chairman Fillios called the hearing to order at 9:05 a.m. The members were polled for conflicts of interest. No conflicts were expressed.

CHANGES: None.

**Case No. ZON18-0014, a request by Kootenai County on behalf of Jeremiah D. Ellison** to assign a new zoning classification to Parcel Number S00000061950, which consists of 15.072 acres. The parcel is located east of the intersection of W. Nash Road and N. Charlotte Drive. The subject parcel was recently de-annexed from the city limits of the City of Spirit Lake and is now within the County jurisdiction. As such, the County is required to assign a zoning classification to it. The County proposes the subject parcel be assigned a Restricted Residential zoning classification, consistent with the adjacent parcels and surrounding area. Access to the subject parcel is off of W. Nash Road. The property is described as: Tax # 15124 in the Southeast quarter of the Northeast quarter in Section 06, Township 53 North, Range 04 West, B.M., Kootenai County, Idaho. The Hearing Examiner held a public hearing on December 6, 2018 and recommended approval. (*Ben Tarbutton-Planner*)

**Staff Presentation:** Ben Tarbutton, Planner, introduced the application with a presentation, stating the request is to assign a zoning classification for a parcel that was recently de-annexed from the City of Spirit Lake. Once a property is de-annexed from city limits the county has an obligation to provide a compatible zone classification. The County proposed the subject parcel be assigned a Restricted Residential zoning classification. The Hearing Examiner recommended Restricted Residential zoning after holding a public hearing on December 6, 2018.

**Applicant Presentation:** N/A

**Exhibit:** B 1000 – Presentation submitted by Ben Tarbutton

**Public Testimony:** Comment Sheets submitted: N/A. Applicant Representative – 0; In Favor -0, Neutral – 0, Opposed – 0. There were no public in attendance.

**Rebuttal:** None.

Motion by Commissioner Duncan seconded by Commissioner Brooks, to close the public hearing and enter into deliberations at 9:21 a.m.

**Deliberations:** The Board had no concerns regarding this application request.

Motion by Commissioner Duncan, seconded by Commissioner Brooks, to approve the Kootenai County assigned zoning to Restricted Residential including the Hearing Examiner's Recommendation with the Findings of Fact and Conclusions of Law for **ZON18-0014 Kootenai County-Spirit Lake for Jeremiah D. Ellison.**

Commissioner Brooks           Aye  
Commissioner Duncan:       Aye  
Chairman Fillios:             Aye

Decision:                       Approved

Deputy Clerk's Signature: \_\_\_\_\_  
February 14, 2019

BOARD OF COUNTY COMMISSIONERS  
MINUTES OF PUBLIC HEARING  
February 14, 2019  
**Kelvin Shin**

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

Commissioner Absent: None

Staff Present: David Callahan, Pat Braden, Ben Tarbutton, Kathryn Ford



The purpose of the meeting was for the Board to conduct a public hearing as advertised in the *Coeur d'Alene Press*. Chairman Fillios called the hearing to order at 9:05 a.m. The members were polled for conflicts of interest. No conflicts were expressed.

CHANGES: None.

**Case No. ZON18-0006, a request by Kelvin Shin on behalf of Dennis B. Swartout Family Trust**, to rezone parcel 53N03W-33-0160 from Rural to Commercial. The subject parcel is approximately 4.7248 acres. The subject parcel is currently undeveloped. Access to the parcel is from E. Bunco Road, just east of Highway 95. The parcel number is 53N03W-33-0160, described as: TAX # 23479, PTN TAX # 23849 [IN SEC 33] EX RW in Section 33, Township 53 North, Range 03 West, B.M., Kootenai County, Idaho. The Hearing Examiner held a public hearing on January 3, 2019 and recommended approval. (*Ben Tarbutton-Planner*)

**Staff Presentation:** Ben Tarbutton, Planner, introduced the zone change application stating the request appears to be appropriate and consistent with the surrounding zoning and development in the area. The approval of the zone change would allow the applicant to develop the subject property commercially, in order to provide supporting services to the existing commercial activity of the adjacent Silverwood Theme Park. The requested zone change is compatible with the Comprehensive Plan designation of Country for non-residential uses. Agencies with jurisdiction have reviewed the request and provided their comments indicating that they have no objections to the proposed zone change. Should the zone change request be approved, the Applicant will need to comply with the applicable agency requirements, at the time of development.

**Applicant Presentation:** Ashley Williams, Applicant Representative, addressed the Board stating Mr. Shin is in negotiations with the Swartout Family to purchase this site pending on the zone change decision. The farming and residential uses of this rural site would not be beneficial due to the location. She added the future plan would be to have a gas station and bunkhouse area to compliment the Silverwood Theme Park located to the north.

**Exhibit:** B 1000 – Presentation submitted by Ben Tarbutton.

**Public Testimony:** Comment Sheets submitted: 4. Applicant Representative – 1; In Favor -3, Neutral – 0, Opposed – 0. There was no public testimony.

**Rebuttal:** None.

Motion by Commissioner Duncan seconded by Commissioner Brooks, to close the public hearing and enter into deliberations at 9:30 a.m.

**Deliberations:** Chairman Fillios stated this zone change is compatible for this location. He added a properly located commercial site is good for the economy. The Board agreed a business would be a good fit in the area.

Motion by Commissioner Duncan, seconded by Commissioner Brooks, to approve and change the zoning classification from Rural to Commercial and include the Hearing Examiner's Recommendation with the Findings of Fact and Conclusions of Law for **ZON18-0006 Kelvin Shin on behalf of Dennis B. Swartout Family Trust**.

Commissioner Brooks           Aye  
Commissioner Duncan:       Aye  
Chairman Fillios:             Aye

Decision:                       Approved

Deputy Clerk's Signature: \_\_\_\_\_  
February 14, 2019