

DELIBERATIONS
MINUTES OF MEETING
March 7, 2019
Druffel Laketime, LLC

Minutes Date: March 7, 2019

Case Name: Druffel Laketime, LLC

Permit Numbers: VAR18-0007

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. VAR18-0007, a request by Druffel Laketime, LLC for a 22' variance to the 25' front yard setback on a 0.494 acre parcel in the Restricted Residential zone. Specifically, the Applicant wishes to construct a 442 square foot single car garage located between S. Cottonwood Bay Road and S. Snow Owl Lane. Due to the steepness of the site and the property being bisected by a private road, the Applicant cannot maintain the necessary front yard setback. As a result, the garage would be located 3' from S. Snow Owl Lane. The lake front portion of the subject property is developed with an existing residence. Access to the property is via S. Snow Owl Lane, a private road. The parcel number is 0-1740-000-006-0 and described as: Lot 6 of Amended Dewey's Cottonwood Bay Tracts in Section 04, Township 47 North, Range 04 West, B.M., Kootenai County, Idaho. The Hearing Examiner held a public hearing on February 21, 2019 and recommended approval. (*Ben Tarbutton-Planner*)

Ben Tarbutton, Planner, introduced the application stating the variance is for 22' from the 25' front yard setback requirements. The building site parcel is on Cottonwood Bay and is between two roads. The proposed variance is for a single car garage which would provide a 3 foot variance from S. Snow Owl Lane, a private road. He added they would also need to comply with the Kootenai Electric easement conditions as submitted. In review of the photographs of the site location there is a block wall at the roadside base of the site pad. The neighboring homes have similar construction and comments were in favor. Mr. Tarbutton stated the variance meets the application standards due to the site hardship and minimum variance to make use of the split parcel.

Commissioner Duncan commented on the neighboring structures being quit similar in nature. Commissioner Brooks stated he had no issues with this request since it seems to be consistent with the neighborhood. Chairman Fillios added the agencies in the jurisdiction were not opposed and the request is respecting the waterfront setback.

Motion by Commissioner Duncan, seconded by Commissioner Brooks, to approve the variance request adopting the Hearing Examiner's Recommendation based on the Findings of Fact, Applicable Legal Standards, Analysis and Conclusions of Law for **VAR18-0007, Druffel Laketime, LLC**.

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

Decision: Approved

Deputy Clerk's Signature: _____
March 7, 2019

DELIBERATIONS
BOARD OF COUNTY COMMISSIONERS SIGNING

Minutes Date: March 7, 2019

Case Name: Lost Creek Estates 2ND Addition (Phase III)

Case Number: MSF19-0001

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. MSF19-0001, Lost Creek Estates 2ND Addition (Phase III), a request by Waldo Construction, LLC, for final approval of the 3rd and Final Phase of a Major Subdivision consisting of 26 residential lots on approximately 107.93 acres in the Rural zone. The parcel number is: 0-J407-000-00B-0. The site is described as Lost Creek Estates, Tract B in Section 03, Township 51 North, Range 5 West, B.M., Kootenai County, Idaho. On April 21, 2005, the Board of County Commissioners granted preliminary approval of a 64 residential lot phased subdivision, known as Lost Creek Estates in Case No. S-760P-03. On September 28, 2006, the Board signed an Order of Decision, granting final subdivision approval of Lost Creek Estates (Phase I) in Case No. S-760F!-06 consisting of 16 residential lots. Through a series of extensions, on May 22, 2014, the Board granted final subdivision approval of Lost Creek Estates 1st Addition (Phase II) in Case No. MSF14-0002 consisting of 22 residential lots. The Board held deliberations on February 28, 2019 and approved the request. (*Vlad Finkel*)

Chairman Fillios called for a motion to approve signing the Order of Decision.

Motion by Commissioner Brooks, seconded by Commissioner Duncan, to approve signing the Order of Decision for **MSF19-0001, Lost Creek Estates 2ND Addition (Phase III)**.

Commissioner Brooks: Aye

Commissioner Duncan: Aye

Chairman Fillios: Aye

Decision: Approved

Deputy Clerk's Signature: _____
March 7, 2019

DELIBERATIONS
BOARD OF COUNTY COMMISSIONERS SIGNING

Minutes Date: March 7, 2019

Case Name: Thomas Tallent-Coeur d'Alene Paving

Case Number: CUP18-0005

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. CUP18-0005, a request by Thomas Tallent / Coeur d'Alene Paving, for a Conditional Use Permit to "re-activate/renew" an existing Restricted Surface Mine and Asphalt Batch Plant on a 20-acre parcel located west of Athol in the Rural zone. The most recent Conditional Use Permit Case No. CUP11-0010 expired on March 8, 2017. There are currently no structures on-site. The subject parcel is located within the City of Athol Area of City Impact. Access to the subject parcel is from State Highway 54 across parcels 5303W-08-8000 and 53N03W-08-8350. The parcel number is 53N03W-08-7650. The parcel is described as E 1031 FT-S 845 FT-N2-SE in Section 8, Township 53 North, Range 03 West B.M. Kootenai County, Idaho. The Hearing Examiner held a public hearing on October 4, 2018 and recommended approval. The Board held deliberations on November 8, 2018 and approved the public hearing request. The Board held a public hearing on February 13, 2019 and unanimously approved the request. *(Vlad Finkel-Planner)*

Chairman Fillios called for a motion to approve signing the Order of Decision.

Motion by Commissioner Brooks, seconded by Commissioner Duncan, to approve signing the Order of Decision for **CUP18-0005, a request by Thomas Tallent / Coeur d'Alene Paving.**

Commissioner Brooks: Aye

Commissioner Duncan: Aye

Chairman Fillios: Aye

Decision: Approved

Deputy Clerk's Signature: _____
March 7, 2019

Minutes of Meeting
Community Development Update
March 7, 2019, 9:00 a.m.

The Kootenai County Board of Commissioners met to discuss Community Development updates. Chairman Fillios, Commissioner Brooks and Commissioner Duncan were present. In attendance were Community Development Director David Callahan, Code Compliance Officer II Sandy Forstrom, Code Compliance Officer I Jennifer Strampher, Civil Deputy Prosecuting Attorney Pat Braden, Planner II Ben Tarbutton, Planner II Vlad Finkel, and Deputy Clerk Sandi Gilbertson.

A. Call to Order: Chairman Fillios called the meeting to order at 9:10 a.m. (Continuation of deliberations agenda)

B. Changes to the Agenda: None.

C. Business

1. Blackstone Estates water problems

Director Callahan introduced the Blackstone Estates water issue. He said that at the February 21 update meeting, Steve Fritsch spoke on behalf of the property owners in Blackstone Estates where he asked the County to cease issuing building permits in Blackstone Estates until the developers can demonstrate that the water system can produce sufficient water for all 12 lots.

Director Callahan added that he had received an e-mail a neighbor in that subdivision that said Mr. Fritsch does not speak for him.

Scott Poorman spoke as the attorney of the Blackstone Water Association. He went into detail on the history of the project and the high quality of the private water system. Mr. Poorman said that the water shortage is not because of a defect in the system – rather more likely because of Mother Nature. He said they are exploring options such as installing individual meters to monitor usage.

Commissioner Duncan moved that the Board enter into Executive Session pursuant to Idaho Code §74-206(1)(f) to communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation or controversies not yet being litigated but imminently likely to be litigated. Commissioner Brooks seconded the motion.

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

Executive Session was entered into at 9:53 a.m.
The Board exited Executive Session at 10:01 a.m.

Commissioner Duncan moved that the Board exit Executive Session, Commissioner Brooks seconded the motion.

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

The Commissioners deliberated on this issue and agreed that this was a civil matter. Commissioner Brooks made a motion that no action be taken; Commissioner Duncan seconded the motion.

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

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.

There being no further discussion, Chairman Fillios adjourned the meeting at 10:02 a.m.

Respectfully submitted,

JIM BRANNON, CLERK

By: _____
Deputy Clerk

Chris Fillios, Chairman