

BOARD OF COUNTY COMMISSIONERS
MINUTES OF PUBLIC HEARING
April 4, 2019
Jean-Pierre Schrambach

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

Commissioner Absent: None

Staff Present: Mary Shaw, Pat Braden, Clif Trimble, 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 9:03 a.m. The members were polled for conflicts of interest. No conflicts were expressed.

CHANGES: None.

Case No. VAR18-0008, a request by Jean-Pierre Schrambach for two variances, for the front and rear setbacks. The request for the front setback variance is 15', and the request for the rear setback is 15'. The subject parcel is bisected by Lower Hayden Lake Road, and the site is encumbered by steep slopes. The building footprint for the 3,000 sq. ft., two story residence will be 10' from the rear lot line and 35' from the centerline of Lower Hayden Lake Road. The parcel number is 035200000980 and described as: H L Honeysuckle Hills BLDG Sites, LT 98 BLK 1 Section 19 Township 51N Range 03W B.M., Kootenai County, Idaho. Hearing Examiner held a public hearing on February 7, 2019 and recommended denial. The Board held deliberations on February 21, 2019 and approved the public hearing request.
(Clif Trimble-Planner)

Staff Presentation: Clif Trimble, Planner, introduced the application referencing a presentation requesting two variances on the parcel. The Hearing Examiner recommended denial and the Applicant was granted a request for this public hearing to address the Board. The Hearing Examiner concluded the Applicant failed to include in either testimony or application information as to why the requested variances are the minimum that will make possible the reasonable use associated with the request. Agencies had no concerns and provided conditions. Public comments received were in opposition. Attending staff provided historical information regarding the area and past variances.

Applicant Presentation: John Young, Applicant Representative, apologized for his presentation to the Hearing Examiner which was not thorough for the variance requested. He stated the proposed home site will be 1,600 to 1,700 sq. ft. of living space with a garage and decks. With the parcel being bisected by Lower Hayden Lake Road and the building site upon purchase would have been difficult to determine whether it is buildable within the setbacks. Mr. Young submitted a site overview keeping within the setbacks and building with an approved variance. There is no impact to public interest or neighboring views being obstructed. His team has built in this area and the Geotechnical Reports are reliable. Jean-Pierre Schrambach testified this site is planned for their retirement home living on the lake. They want it to be a comfortable home that fits in the neighborhood.

Exhibit: B 1000 – Presentation submitted by Clif Trimble.
B 1001 – Existing site over and side view submitted by John Young.
B 1002 – Proposed site over and side view submitted by John Young.

Public Testimony: Comment Sheets submitted: 4. Applicant Representative –2; In Favor -1, Neutral –0, Opposed –1. The names and addresses of the individuals speaking or submitting comments are part of the record.

- Variances are treated differently, some with discipline and some with more consideration
- Make reasonable use on the property without variances
- No hardship has been expressed in the request
- Neighbors on the left at lakeside are impacted

Rebuttal: John Young, Applicant Representative, stated the home to at the left front is 10 feet from the front roadside. This site has deeded access to the lake across the road. He feels like this is a NIMBY situation with the one neighbor. Mr. Young added accessing the site from the top road would be a goat trail or a multi-story tower which is neither cost effective or desired for livability.

Motion by Commissioner Duncan seconded by Commissioner Brooks, to close the public hearing and enter into deliberations at 9:48 a.m.

Deliberations: Commissioner Brooks stated he knows of Mr. Young's company and they are known to do projects very tastefully and he is confident this will not be a badly built structure. He added the Board changes every two years and that is why decisions may be different for granting variances. He is in charge today and he believes this should be granted. Commissioner Duncan stated she see reasons on both sides of the argument. It does not seem reasonable to have entrances off of Upper Hayden Lake Road. She questioned if a 35 foot could be approved instead of 40 feet. Chairman Fillios stated that having to build a smaller home is not an undue hardship. The neighbors view is not just the conflict. Ideally variances should be kept to a minimum and he cannot support the variances in this case.

The Board decided to reverse the Hearing Examiner's recommendation and approve the requested rear yard setback variance along with a front yard setback variance of lesser scope than that requested. This approval will be subject to the Conditions of Approval from the Staff Report.

Motion by Commissioner Duncan, seconded by Commissioner Brooks, to reverse the Hearing Examiner's recommendation and approve the variances of fifteen feet (15') from the twenty-five foot (25') front and rear yard setback based on the Findings of Fact, Applicable Legal Standards, Board Analysis and Conclusions of Law for **VAR18-0008 Jean-Pierre Schrambach**.

Commissioner Brooks	Aye
Commissioner Duncan:	Aye
Chairman Fillios:	Nay

Decision: Approved

Deputy Clerk's Signature: _____
April 4, 2019

DELIBERATIONS
MINUTES OF MEETING
April 4, 2019
The Reserve at Twin Lakes

Minutes Date: April 4, 2019

Case Name: The Reserve at Twin Lakes

Case Number: MSF19-0002

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

Commissioners Absent: None.

CONFLICT(S): None.

CHANGES: None

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

Case No. MSF19-0002, The Reserve at Twin Lakes, a request by Donald R. and Margaret L. Smock, for final approval of The Reserve at Twin Lakes a Major Subdivision consisting of 16 residential lots on approximately 85.6 acres in the Restricted Residential zone. The parcel number is: 52N04W-05-2700. The site is described as GOVT LT 3 EX RW, SE-NW EX PLTD PTN & EX RW, NE-SW NE OF RD in Section 05, Township 52N, Range 04W B.M. Kootenai County Idaho. On April 6, 2017, the Board of County Commissioners granted preliminary approval of a 16 residential lot subdivision in Case No. MSP16-0003. (*Vlad Finkel-Planner*)

Vlad Finkel, Planner, introduced the recommendation stating the Applicant is requesting a final subdivision approval of The Reserve at Twin Lakes, creating sixteen (16) residential lots in the Restricted Residential zone. After a thorough review of the final subdivision application information and agency comments, staff finds the Applicant has demonstrated the project is, or will be in compliance with all of the Conditions of Approval set forth in the preliminary approval Case Number MSP16-0003, prior to final plat recordation.

Motion by Commissioner Duncan, seconded by Commissioner Brooks, to approve the final subdivision based on the Findings of Fact, Analysis and Conclusion of Law as referenced in the staff recommendation for **MSF19-0002 The Reserve at Twin Lakes**.

Commissioner Brooks: Aye

Commissioner Duncan: Aye

Chairman Fillios: Aye

Decision: Approved

Deputy Clerk's Signature: _____

April 4, 2019

DELIBERATIONS
MINUTES OF MEETING
April 4, 2019
Hauser-Beck Industrial Park

Minutes Date: April 4, 2019

Case Name: Hauser-Beck Industrial Park

Case Number: MSP19-0002

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

Commissioners Absent: None.

CONFLICT(S): None.

CHANGES: None

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

Case No. MSP19-0002, Hauser-Beck Industrial Park, a request by AAK, LLC for preliminary approval of a seven (7) lot subdivision on approximately 35.5 acres in the Rathdrum Prairie zone. The proposed subdivision is located within the Hauser Area of City Impact and has received a recommendation of approval from the Hauser Joint Planning Commission. The proposed lots will be served by individual wells. Each lot will be served by individual septic and drainfield systems. Access to the lots will be via a new private road, off of N. Beck Road, a public road in the jurisdiction of Post Falls Highway District. The parcel numbers are: 51N05W303520 and 51N05W303600. The parcels are respectively described as: Tax # 22333 [IN GOVT LT 1] and Tax # 22332 [IN GOVT LTS 1&2] in section 30, Township 51N, Range 05W B.M. Kootenai County, Idaho. *(Ben Tarbutton-Planner)*

Ben Tarbutton, Planner, provided the subdivision request details and referenced a presentation. Working within the Hauser ACI is challenging and the agricultural zone allows for industrial uses which is the intent of this park. He added they are going to be served by individual wells, septic and a privately maintain road built to highway district standards. The public agencies with jurisdiction had no objections and provided the required conditions. Mr. Tarbutton stated the Hauser ACI has Class 1 and Class 2 types of permits. This is a Class 2 which is initially process by the City of Hauser and the Hauser Joint Planning Commission which approved the application and now places it in front of the Kootenai County Board of Commissioners.

Motion by Commissioner Duncan, seconded by Commissioner Brooks, to approve the request granting preliminary subdivision approval of Beck Industrial Park, based on the Findings of Fact, Agency Comments, Testimony, the Joint Planning Commission's recommendation and Conclusions of Law for **MSP19-0002 Hauser-Beck Industrial Park**.

Commissioner Brooks: Aye

Commissioner Duncan: Aye

Chairman Fillios: Aye

Decision: Approved

Deputy Clerk's Signature: _____
April 4, 2019