

BOARD OF COUNTY COMMISSIONERS
MINUTES OF PUBLIC HEARING
April 25, 2019
Resolution No. 2019-35

Commissioners Present: Chair Chris Fillios, Commissioner Leslie Duncan and Commissioner Bill Brooks by telephone

Commissioner Absent: None

Staff Present: David Callahan, Pat Braden, John Mills, Mary Shaw, Kathryn Ford



The purpose of the meeting was for the Board to conduct a public hearing as advertised in the *Coeur d'Alene Press*. Chair Fillios called the hearing to order at 9:00 a.m. The members were polled for conflicts of interest. No conflicts were expressed.

CHANGES: None.

Resolution No. 2019-35, Community Development Fee Schedule. The current fee schedule was adopted via Resolution No. 2018-44, enacted on April 26, 2018. However, as a result of the approval and upcoming adoption of an ordinance which will require property owners constructing residential or accessory structures to comply with all County building permitting requirements, it has become necessary to add a schedule of new fees to cover the cost of processing and issuance of mechanical permits. Also, as a result of the abolition of location permits, the fees associated with such permits will be eliminated. Renewal of previously issued location permits will continue to be processed at no charge to the permit holder. In addition, most Planning Division fees and certain other Building Division fees are proposed to be increased by approximately five percent (5%). The purpose of the new fees and fee increases is to minimize the use of property tax revenues in funding Kootenai County Community Development operations. The proposed changes as referenced in Item V-A on the agenda. *(David Callahan-Director)*

Staff Presentation: David Callahan, Director, stated the fee schedule update is to remove the Location Permit fees not available after April 29, 2019. However, upon review of all the current Community Development fees it was decided to update all fees, with the Auditor's guidance. The department fees have not been increased in 13 years with the exception of the Location Permits added last year and Hearing Examiner fees.

Commissioner Duncan confirmed that the department would not be charging more than the fees require.

Mr. Callahan added the department is working on providing a precise detail to the Auditor for the services provided but those details are not available at this point in time. The Board has the option to keep the current fees excluding the Location Permit fee to support Ordinance No. 538 or accept the new proposed 5% increase for all fees. He agreed it may be confusing removing fees and including increases but at this point in time it was convenient to update all fees.

Commissioner Bill Brooks stated he had no problem with the increased fees but it seems the public has a different perception on why the fees are proposed to increase with an elimination of a fee.

Chair Fillios added consideration for the increase of fees is not just due to the change in the building code.

Exhibit: None.

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

- Understands the direction of the fee increase is not just due to the Location Permit changes in the Building Code

Rebuttal: None.

Motion by Commissioner Duncan seconded by Commissioner Brooks, to close the public hearing and enter into deliberations at 9:08 a.m.

Deliberations: Commissioner Duncan stated the timing of this fee increase does look like a fee is being taken away and now fees get increase but that is not the reason and they are not linked. She trusts the staff will look at all the costs and not be overcharging. Commissioner Brooks added he is comfortable with the increase and if 5% is not sufficient that Director Callahan will bring it back to the Board for discussion. Chair Fillios supported the Commissioners statements and agreed the fees cannot be for profit.

Pat Braden, Attorney, added that Chair Fillios was correct the fees cannot be for profit and that is why Director Callahan is working with the Auditor. They will continue to review and recommend any adjustment of fees that may be necessary. The idea for building code fees and department wide fees to have an increase in one resolution was for efficiency purposes.

Motion by Commissioner Duncan, seconded by Commissioner Brooks, to adopt the Community Development Fee Schedule effective April 29, 2019 as presented in **Resolution 2019-35**.

Commissioner Brooks Aye
Commissioner Duncan: Aye
Chairman Fillios: Aye

Decision: Approved

Deputy Clerk's Signature: _____
April 25, 2019

DELIBERATIONS
MINUTES OF MEETING
April 25, 2019
LIMA Properties, LLC

Minutes Date: April 25, 2019

Case Name: LIMA Properties, LLC

Case Number: CUP18-0008

Commissioners Present: Chair Chris Fillios, Commissioner Leslie Duncan and Commissioner Bill Brooks by telephone

Commissioners Absent: None

CONFLICT(S): None

CHANGES: None

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

Case No. CUP18-0008, a request by LIMA Properties, LLC (David and Sunshine Welton), for a Conditional Use Permit to construct a Mini Storage and Rental Warehouse facility on 5.00 gross acres in the Rural zone. The proposal will be developed in three (3) phases. At full built out there will be nine (9) buildings ranging from 6,720 sq. ft. to 8,960 sq. ft. in size. The Applicant plans to partition the proposed structures into a maximum of 178 units and an onsite office. The units will provide year-round dry storage for RVs and boats. The proposed office building will have a PHD approved on-site septic system. Domestic water to the office will be provided with a new well. Access to the project site will be from the terminus of Sylvan Road via a new 30' wide access easement across Parcel # 0-0200-001-016-B (*directly to the south of the project site*). The subject parcel number is 0-0200-001-015-B and described as Arthurs Sylvanian Acres, W2 Lot 15, Block 1 Except Right-of-way in Section 15, Township 53 North, Range 03 West. 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 a public hearing request. The Board held a public hearing on April 10, 2019 and continued deliberations to April 25, 2019. (*Vlad Finkel-Planner*)

Vlad Finkel, Planner, reintroduced the case addressing the history of public comments at the two prior hearings. Chair Fillios requested clarification as to why the area along Highway 95 has not been historically zoned Commercial. David Callahan, Director, elaborated on the overall Comprehensive Plan intent for low-density development in the area. However, the conditions in the area have recently changed due to the expansion and improvements of Highway 95 and significant growth in the area. Pat Braden, Attorney, also provided clarification with regard to the existing zoning and growth in the area. Chair Fillios proceeded with stating the Conclusions of Law necessary to approve a Conditional Use Permit. Commissioner Duncan stated that she was not in support of the request due to concerns raised by the adjacent property owners relating to the compatibility and traffic impact anticipated with this request. Specifically, she could not make the findings required for approval of a Conditional Use Permit:

Chair Fillios stated that he agreed with Commissioner Duncan's analysis. With the purchase of this property less than 1½ years ago the conditions in the area have not changed significantly to warrant a commercial use within a low-density residential neighborhood. Commissioner Brooks stated that while he did not fully support the concerns raised by the opposition, he agreed with the analysis brought up by Commissioner Duncan.

Motion by Commissioner Duncan, seconded by Commissioner Brooks, to deny the Conditional Use Permit based on the testimony and evidence in the record and on the Findings of Fact, Comprehensive Plan Analysis, Board Analysis, and Conclusions of Law for **CUP18-0008 LIMA Properties, LLC**.

Commissioner Brooks: Aye

Commissioner Duncan: Aye

Chairman Fillios: Aye

Decision: Denied

Deputy Clerk's Signature: _____
April 25, 2019

DELIBERATIONS
MINUTES OF MEETING
April 25, 2019
Patrick Magajna

Minutes Date: April 25, 2019

Case Name: Patrick Magajna

Case Number: VAR18-0009

Commissioners Present: Chair Chris Fillios, Commissioner Leslie Duncan and Commissioner Bill Brooks by telephone

Commissioners Absent: None

CONFLICT(S): None

CHANGES: None

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

Case No. VAR18-0009, a request by Patrick Magajna for an 18' variance to the 25' front yard setback on a parcel in the Restricted Residential zone. Due to common ownership assessment reasons, the Assessor has this Lot 4 Block 1 and Lot 3 Block 2 of Split Rock Subdivision depicted as one 0.96 acre parcel. However, according to the recorded plat, they are still two separate lots. Specifically, the Applicant wishes to construct a residence with an attached garage on the south side of N. Split Rock Road. Due to the steep topography of the site, the Applicant cannot maintain the front yard setback. As a result, the residence with attached garage would be located 7' from the property line. Access to the property is via N. Split Rock Road, a road dedicated to the public. The parcel number is 0-7480-001-004-A and described as: Lot 4 Block 1 of Split Rock Subdivision in Section 17, Township 51 North, Range 03 West, B.M., Kootenai County, Idaho. The Hearing Examiner held a public hearing on April 4, 2019 and recommended approval. *(Ben Tarbutton-Planner)*

Ben Tarbutton, Planner, provided details referenced in a presentation. The request is precise from the corner and including the eave projection which exceeds the 2 feet allowed. He stated the site is located at the northern part of Hayden Lake that significantly slopes down to Hayden Lake. The existing cabin was built before there were setback ordinances and the proposed building will be on the same footprint without slope disturbance. Mr. Tarbutton added the Applicant owns Lot 3 to the south and the access extends through Lot 3 because of the slope considerations.

Commissioner Duncan stated they have met all the criteria to be approved. Commissioner Brooks agreed and had no questions.

Motion by Commissioner Duncan, seconded by Commissioner Brooks, to approve the variance application based on the the Findings of Fact, Comprehensive Plan Analysis, Board Analysis, and Conclusions of Law for **VAR18-0009 Patrick Magajna**.

Commissioner Brooks: Aye

Commissioner Duncan: Aye

Chairman Fillios: Aye

Decision: Approved

Deputy Clerk's Signature: _____
April 25, 2019

DELIBERATIONS
BOARD OF COUNTY COMMISSIONERS SIGNING

Minutes Date: April 25, 2019

Case Name: Community Development Fee Schedule

Case Number: Resolution No. 2019-35

Commissioners Present: Chair Chris Fillios, Commissioner Leslie Duncan and Commissioner Bill Brooks by telephone

Commissioners Absent: None

CONFLICT(S): None

CHANGES: None

STAFF PRESENT: David Callahan, Pat Braden, John Mills, Mary Shaw, Kathryn Ford

Resolution No. 2019-35, Community Development Fee Schedule. The current fee schedule was adopted via Resolution No. 2018-44, enacted on April 26, 2018. However, as a result of the approval and upcoming adoption of an ordinance which will require property owners constructing residential or accessory structures to comply with all County building permitting requirements, it has become necessary to add a schedule of new fees to cover the cost of processing and issuance of mechanical permits. Also, as a result of the abolition of location permits, the fees associated with such permits will be eliminated. Renewal of previously issued location permits will continue to be processed at no charge to the permit holder. In addition, most Planning Division fees and certain other Building Division fees are proposed to be increased by approximately five percent (5%). The purpose of the new fees and fee increases is to minimize the use of property tax revenues in funding Kootenai County Community Development operations. The proposed changes as referenced in Item V-A. of the agenda. *(David Callahan, Director)*

Motion by Commissioner Duncan, seconded by Commissioner Brooks, to approve signing **Resolution No. 2019-35 for Community Development Fee Schedule.**

Commissioner Brooks: Aye

Commissioner Duncan: Aye

Chairman Fillios: Aye

Decision: Approved

Deputy Clerk's Signature: _____
April 25, 2019

DELIBERATIONS
BOARD OF COUNTY COMMISSIONERS SIGNING

Minutes Date: April 25, 2019

Case Name: Jean-Pierre Schramback

Case Number: VAR18-0008

Commissioners Present: Chair Chris Fillios, Commissioner Leslie Duncan and Commissioner Bill Brooks by telephone

Commissioners Absent: None

CONFLICT(S): None

CHANGES: None

STAFF PRESENT: David Callahan, Pat Braden, Mary Shaw, Kathryn Ford

Pat Braden, Attorney stated on the record the order will be available for Board signature on May 2, 2019.

Case No. VAR18-0008, a request by Jean-Pierre Schramback 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., 2 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. The Board held a public hearing on April 4, 2019 and approved the request.

Deputy Clerk's Signature: _____
April 25, 2019

DELIBERATIONS
BOARD OF COUNTY COMMISSIONERS SIGNING

Minutes Date: April 25, 2019

Case Name: John Hunt

Case Number: VAR18-0010

Commissioners Present: Chair Chris Fillios, Commissioner Leslie Duncan and Commissioner Bill Brooks by telephone

Commissioners Absent: None

CONFLICT(S): None

CHANGES: None

STAFF PRESENT: David Callahan, Pat Braden, Mary Shaw, Kathryn Ford

Case No. VAR18-0010, a request by John Hunt for a 13' variance to the rear setback. The request would place the 2,184 sq. ft. home 12 ft. from the rear property line. The Parcel number is 03420002007A, described as Harmons ADD (Amended), LTS 7 & 8 BLK 2 1947N03W, B.M., Kootenai County, Idaho. The Hearing Examiner held a public hearing on March 28, 2019 and recommended approval. The Board held deliberations on April 11, 2019 and unanimously approved the request.

Motion by Commissioner Duncan, seconded by Commissioner Brooks, to execute and approve signing for **VAR18-0010 John Hunt.**

Commissioner Brooks: Aye

Commissioner Duncan: Aye

Chairman Fillios: Aye

Decision: Approved

Deputy Clerk's Signature: _____
April 25, 2019

**Minutes of Meeting
Community Development Update
April 25 2019, 9:00 a.m.**

The Kootenai County Board of Commissioners met to discuss Community Development updates. Chairman Fillios and Commissioner Duncan were present. Commission Brooks attended remotely. In attendance were Director David Callahan, Civil Deputy Prosecuting Attorney Pat Braden, Planner II Ben Tarbutton, Planner II Vlad Finkel, Planner I Amy Hilland, Chief Building Official John Mills, Planning Manager Mary Shaw and Deputy Clerk Sandi Gilbertson. Planning Commission Chair David Levine was in attendance.

A. Call to Order: Chairman Fillios called the meeting to order at 9:40 a.m. (Continuation of deliberations agenda).

B. Changes to the Agenda: None.

C. Business

1. Direction from the Board on the Omnibus III Update (Action item)

Director Callahan said that Omnibus III is a collection of several changes to the land development code. Most of the items are housekeeping but there are some more controversial items. Planning Commission Chair Levine said that the Planning Commission is focused on the comp plan update and seeing that through completion. The vote of the Planning Commissioners was unanimous to move forward with Omnibus III with only the housekeeping type of issues and addressing the more controversial ones in Omnibus IV or later.

Motion by Commissioner Duncan to have Community Development move forward with Omnibus III taking out the more controversial items to be reviewed at a later date. The motion was seconded by Commissioner Brooks.

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 10:00 a.m.

Respectfully submitted,

JIM BRANNON, CLERK

By: _____
Deputy Clerk

Chris Fillios, Chairman