

DELIBERATIONS
MINUTES OF MEETING
July 16, 2020

Case Number: VAR19-0008

Case Name: Heatherly Living Trust

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

Commissioners Absent: None

CONFLICT(S): None

CHANGES: None

STAFF PRESENT: David Callahan, Vlad Finkel, Kathryn Ford

STAFF VIA TELECONFERENCE: Pat Braden

Case No. VAR19-0008, a request by Heatherly Living Trust for a 15' variance to the 25' front yard setback from E Hayden Lake Road and a 20' variance to the 25' rear yard setback from the rear property line for construction of an Accessory Living Unit (ALU) on a 0.513 acre parcel of land in the Restricted Residential zone. There is an existing residence on the waterfront portion of the property (west of E. Hayden Lake Road), while the upland portion of the property (east of E. Hayden Lake Road) where the Applicant intends to construct an ALU is currently undeveloped. Said portion of the property has very steep slopes and limited area for construction of any structures. Access to the property is via E. Hayden Lake Road, a public road which bisects the subject parcel of land. The parcel number is 03520000049A and described as: H L Honeysuckle Hills Building Sites, Lot 49 EX TAX # 17811, Lot 50 BLK 1 in Section 20, Township 51 North, Range 03 West, B.M., Kootenai County, Idaho. The subject site is located at 4513 E. Hayden Lake Road. The Hearing Examiner held a public hearing on February 20, 2020 and recommended approval. (*Vlad Finkel-Planner*)

Vlad Finkel, Planner, provided a brief overview of this request stating the Applicant was delayed in moving forward before the Board. The Applicant had advised staff that during on-site exploratory work a sewer distribution line was found in the location of the building envelope, benefiting the adjoining neighbor to the east. The Applicant was not aware of this issue previously due to lack of a utility easement encumbering his property. Staff advised the Applicant that this issue would need to be resolved with the adjoining neighbor prior to the project moving forward with Board deliberations. Mr. Finkel added on July 13, 2020, the Applicant submitted a signed and recorded Agreement (instrument no. 2763260000) addressing the relocation of the existing sewer distribution line benefiting the adjoining parcel of land to the east.

The Board discussed the documentation provided and agreed with the Hearing Examiner's Recommendation and found the Applicant had demonstrated that an undue hardship exists because of the characteristics of the site. The Applicant will be required to comply with the recommendations of the comprehensive Geotechnical Analysis Report for the construction of the proposed accessory living unit on-site. The Applicant will need to relocate the existing sewer distribution line in location of the proposed building envelope in accordance with the recorded Agreement.

Motion by Commissioner Duncan, seconded by Commissioner Brooks, to approve adopting the Hearing Examiner's Recommendation, Analysis, Conclusions of Law and Conditions of Approval for Case No. VAR19-0008 Heatherly Living Trust.

Chair Fillios: Aye

Commissioner Duncan: Aye

Commissioner Brooks: Aye

Decision: Approved

Deputy Clerk's Signature: _____
July 16, 2020

DELIBERATIONS
BOARD OF COUNTY COMMISSIONERS SIGNING

Minutes Date: July 16, 2020

Case Name: Poe Asphalt Paving, Inc.

Case Number: CUP19-0011

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

Commissioners Absent: None

CONFLICT(S): None

CHANGES: None

STAFF PRESENT: David Callahan, Amy Hilland, Kathryn Ford

STAFF VIA TELECONFERENCE: Pat Braden

Case No. CUP19-0011, Poe Asphalt Paving, Inc., a request for a Conditional Use Permit for a Restricted Surface Mine and Asphalt Batch Plant on an approximately 93-acre site, 47 acres of which will be for the mine and asphalt batch plant. The site is located within the Rural zone along Old Highway 95 approximately 2 miles south where Old Highway 95 intersects Brunner Road. Access to the site will be from an existing approach on Old Highway 95. The parcel numbers are 52N03W-05-5400 and 52N03W-05-5000. The respective parcel descriptions are: TAX #20202 [IN N2-SW] and TAX #20836 EX RW [IN E2-SW] all in Section 5, Township 52N, Range 03W, B.M., Kootenai County Idaho. The Hearing Examiner held a public hearing on June 18, 2020 and recommended approval. The Board held deliberations on January 9, 2020 and approved the request. (*Vlad Finkel-Planner*)

Motion by Commissioner Duncan, seconded by Commissioner Brooks, to execute signing the Order of Decision for **CUP19-0011 Poe Asphalt Paving, Inc.**

Chair Fillios: Aye
Commissioner Brooks: Aye
Commissioner Duncan: Aye

Decision: Approved

Deputy Clerk's Signature: _____
July 16, 2020

DELIBERATIONS
BOARD OF COUNTY COMMISSIONERS SIGNING

Minutes Date: July 16, 2020

Case Name: Pinewood Estates

Case Number: MSP19-0007

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

Commissioners Absent: None

CONFLICT(S): None

CHANGES: None

STAFF PRESENT: David Callahan, Vlad Finkel, Kathryn Ford

STAFF VIA TELECONFERENCE: Pat Braden

Case No. MSP19-0007, Pinewood Estates, a request by Daum Construction, LLC, for preliminary approval of a Major Subdivision consisting of twelve (12) residential lots on 62 acres across four existing parcels of land in the Rural zone. The proposed lots will range from 5.000 (gross) acres to 6.476 (gross) acres in size. Domestic water to each residential lot will be provided via individual wells. Effluent discharge will be treated via individual septic and drainfields on each lot. Access to the proposed lots will be via a newly constructed internal road extending from the intersection of Ramsey Road and Chilco Road, heading southwest and terminating at a cul-de-sac. A common driveway will extend from the cul-de-sac of the newly constructed road providing access to four or fewer remaining landlocked lots. The new road will be constructed to highway district standards and will be dedicated to the public in the name of Lakes Highway District for maintenance purposes. The common driveway will be constructed to the International Fire Access Standards. The parent parcel numbers are: 52N04W-15-0300, 52N04W-15-4200, 52N04W-15-1350 and 52N04W-15-1200. The property is described as: Parcel 1: TAX #S 16394 & 16395 [IN NE-NE]; Parcel 2: SE-NW SE OF RD EX RW EX PLTD PTN EX TX#S; Parcel 3: TAX #16396 [IN NE-NE]; Parcel 4: TAX #16397 [IN NE-NE] will all parcels located in Section 15, Township 52 North, Range 04 West. B. M. Kootenai County, ID. The subject site is located on the southwest corner of the intersection of Ramsey and Chilco Roads. The Hearing Examiner held a public hearing on June 18, 2020 and recommended approval. The Board held deliberations on January 9, 2020 and approved the request.

Motion by Commissioner Duncan, seconded by Commissioner Brooks, to execute signing the Order of Decision for **MSP19-0007 Pinewood Estates**.

Chair Fillios: Aye

Commissioner Brooks: Aye

Commissioner Duncan: Aye

Decision: Approved

Deputy Clerk's Signature: _____

July 16, 2020

Community Development Update
Minutes of Meeting
June 16, 2020, 9:00 a.m.

The Kootenai County Board of Commissioners met to discuss Community Development updates. Chair Fillios, Commissioner Duncan and Commissioner Brooks were present. In attendance were Director David Callahan and Deputy Clerk Kathryn Ford. Civil Deputy Prosecuting Attorney Pat Braden participated via teleconference.

I. Call to Order: Chair Fillios called the meeting to order at 9:14 a.m.

II. Changes to the Agenda: None

III. Business

1. Authorization to quitclaim property adjacent to Highway 95 near Garwood to Kenneth and Wendy Ela. (Action Item)

Director Callahan stated the Kenneth and Wendy Ela property needs the Board authorization for a quitclaim deed. Peter Smith submitted a letter to Pat Braden regarding property adjacent to Highway 95 in the Garwood area. Pat Braden agreed a quitclaim would be in order and save them a court and future ITD issue. This strip was to be for county use and has never been utilized.

Motion by Commissioner Leslie Duncan to authorize a quitclaim draft to the Ela's, second by Commissioner Bill Brooks

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

The motion carried.

IV. ADJOURNMENT

There being no further discussion, Chair Fillios adjourned the meeting at 9:18 a.m.

Respectfully submitted,

JIM BRANNON, CLERK

By: _____
Deputy Clerk

Chris Fillios, Chair