

# KOOTENAI COUNTY

## BOARD OF COMMISSIONERS

### Agenda

#### Community Development

May 11, 2023

10:00 A.M.

451 N. Government Way, Administration Building, Meeting Room 1A/B

The Kootenai County Board of Commissioners: Chairman Duncan, Commissioner Brooks, and Commissioner Mattare met to discuss the following agenda items.

Staff present were, Planning Manager Ben Tarbutton, Planner III Vlad Finkel, Planner II Amy Hilland, Civil Deputy Prosecuting Attorney Pat Braden, and Deputy Clerk Reba Grytness

- A. **CALL TO ORDER**- Chair Duncan called the meeting to order at 10:00 A.M.
- B. **CHANGES TO THE AGENDA (Action)**-Planning Manager Ben Tarbutton made a minor correction on Item #3, stating it is not Lakestone Reconsideration Continuation, it is a Lakestone Deliberations Continuation.
- C. **CHAIRMAN'S OPENING REMARKS** -None
- D. **POLL FOR CONFLICTS OF INTEREST (Action)**-None
- E. **DELIBERATIONS (Action)**
  - 1. **CUP22-0021 Remington Reservoir**-Planner, Amy Hilland, presented a PowerPoint presentation for the expansion of an existing utility complex facility, referred to as the Remington Reservoir within the Remington Water District. The site is west of the City of Athol in the Rural Zone divided by a right away. The proposal is to upgrade the existing system. The current well was drilled in 1998, with the booster station and 100,000 gallon reservoir both constructed in 1995. The system needs to be updated to be in compliance with the Department of Environmental Quality. The improvements would include a 160,000 gallon cast in place concrete reservoir, additional overflow piping and two additional booster pump stations. There will be connections to the existing system. The fence area will be expanded to cover the new improvements. There were no public agencies concerns. DEQ stressed the need to bring this reservoir into compliance with IDAPA 58.01.08. The Hearing Examiner as well as Staff recommend approval.

Commissioner Mattare moved to approve CUP22-0021 Remington Reservoir, Commissioner Brooks seconded the motion.

Commissioner Brooks	Aye
Commissioner Mattare	Aye
Chairman Duncan	Aye

- 2. **VAR22-0004 Sappington Variance**-Planner, Vlad Finkel, presented a PowerPoint presentation for a variance request by Sappington Living Trust. There is currently an existing exclusive use easement with the neighbor on which the RV cover structure is located. The request is for a 13.8 variance to the rear and a 2.2 side yard setback variance. A site visit confirmed that there is a significant challenge with the structure being moved due to the rocky, steep terrain as well as the location of the current drain field. There were no public agency comments other than the need for a building permit application that once done would release the code violations associated with this address. Both the Hearing Examiner and Staff recommend approval of this variance.

Commissioner Mattare asked for some further clarification of where the applicant's structure is located and the easement rights and ownership of the structure. Mr. Finkel explained that the Sappington's have the right to ownership of the structure through the exclusive use easement. Civil Deputy Prosecuting Attorney, Pat Braden, verified that Mr. Sappington's has a document that conveys that property for his use and needs through the grant of easement. Both owners have ascended to this request.

The applicant is adamant that the code violation be removed. Planner Finkel asked that the Commissioners add the condition that the applicant have a successful completion of the building permit process before the code violation can be released.

Chair Duncan asked what the square footage of the structure is. Mr. Finkel supplied that it is a little over 600 square feet.

Commissioner Brooks asked what the negative impact of having the code violation on record. Pat Braden replied that it encumbers both parcels because of the presence of the easement and would make it very difficult to sell down the road. This variance is a prerequisite for the building permit approval and once approved the code violation will be removed.

Commissioner Mattare asked if anyone was living in the trailer that the structure covers. Mr. Finkel says he does not believe anyone is living in the RV and that it is just used intermittently for their needs.

Commissioner Mattare moved to approve VAR22-0004, Sappington Variance upon the successful completion of the building permit process before releasing the code violation, Hearing Examiner's condition 7.04. Commissioner Brooks seconded the motion.

Commissioner Brooks	Aye
Commissioner Mattare	Aye
Chairman Duncan	Aye

3. **MSP22-0004 Lakerstone Deliberation Continuation-** Planner Vlad Finkel explained that the Highway District had a meeting on May 1, 2023 but Staff have been unable to get clarification from Director, Shanley or his Administrative Staff as to the Boards discussion. We have not received anything in writing. The minutes from the meeting cannot be seen until they are approved which is scheduled for May 15, 2023. Mr. Finkel has asked for the video and audio recording and submitted a public records request but have not received anything from the Highway District at this time. Based on the phone call conversation with Director Shanley, the Highway District's Board decision did not change even though the request by the Board of County Commissioner's was for the installation of a gate within the public right-of-way, however, we don't have anything in writing at this time to present to you.

Chairman Duncan stated that there are a couple of options at this point, continue with the deliberations knowing that they don't really have the authority to put the gate in or continue with deliberations in two weeks after getting the written minutes or other documentation from the Highway District's Meeting. Commissioner Brooks wants to put off deliberations until they have all the information and Commissioner Mattare agreed. Deliberations will be continued on May 25, 2023.

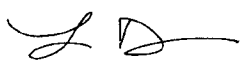
F. **BUSINESS (Discussion)**-There were no business items.

G. **ADJOURNMENT**-Chairman Duncan adjourned the meeting at 10:30a.m.

Jennifer Locke, Clerk

By:   
Reba Grytness, Deputy Clerk



BOCC:   
Chairman, Leslie Duncan, Commissioner - Signed 5/24/2023