

**MINUTES
KOOTENAI COUNTY HEARING EXAMINER
ROOM 1 and VIRTUAL PUBLIC HEARING**

**JANUARY 6, 2022
KOOTENAI COUNTY ADMINISTRATION BLDG.
ROOM 1**

**HEARING EXAMINER
KARL GRANRATH
Via ZOOM**

**STAFF PRESENT
DAVID CALLAHAN
BEN TARBUTTON
VLAD FINKEL
BETSY ANDERSON**



MINUTES
PREPARED BY:

BETSY ANDERSON
Recording Secretary



MINUTES
REVIEWED BY:

VLAD FINKEL
Planner III



KARL GRANRATH
Hearing Examiner

The Official Record of Public Hearing is available on-line at
www.kcgov.us

Karl Granrath called the meeting to order at 6:01 p.m.

The Hearing Examiner explained that the purpose of the public hearing is to take testimony on the items that appear on the agenda.

The Hearing Examiner will review the testimony presented and make written recommendations to the Board of County Commissioners, who will make the final decision.

The hearing was adjourned at 6:36 p.m.

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CASE NO. MSP21-0006

Type: MSP21-0006, Dolan's Deal 2nd Addition, a request by Dolan Land Management LLC, for preliminary approval of a five (5) lot Major Subdivision on 26.29-acres located in the Restricted Residential zone. The subject property is located over the Rathdrum Prairie Aquifer; therefore, Panhandle Health District strict regulations require lots be no less than 5 acres in size. Proposed Lot 1 will be 6.109 acres; proposed Lot 2 will be 5.017 acres; proposed Lot 3 will be 5.012 acres; proposed Lot 4 will be 5.017 acres and proposed Lot 5 will be 5.132 acres in size. Domestic water to each lot will be provided by individual wells. Sewage services will be provided by individual septic and drain field systems located on each of the lots. Access to the proposed subdivision will be from State Highway 41 via a new private road that will be constructed to the Associated Highway District Standards. The subject property is located within the City of Spirit Lake Area of City Impact. The subject parcel number is: 53N-04W-08-7000 and is described as: TAX#25781 [IN SE-SW] in Section 08, Township 53 North, Range 04 West, Boise Meridian, Kootenai County, Idaho. The subject property is located southeast of the intersection of State Highways 54 and 41.

Hearing Examiner Karl Granrath, attending via Zoom, opened the meeting and explained how the hearing will proceed.

Staff Presentation: Planner Vlad Finkel introduced the case with a Power Point presentation. Mr. Finkel explained the request is a major subdivision consisting of 5 lots on 26 acres in the Restricted Residential zone, each lot exceeding five acres in size. The Comprehensive Plan designation is Border, and the parcel is located within the Area of City Impact of the City of Spirit Lake. The property is relatively level with vegetation on site and access will be from Highway 41 via a private road. Mr. Finkel noted Public Agencies with jurisdiction had pretty standard comments regarding the proposal, the one exception being the School District. The District expressed concerns about the level of growth and the need for additional facilities. The District and the County have no mechanism to require impact fees of developers to cover growth.

Applicant Presentation: Brad Marshall, Senior Planner and Project Manager for J-U-B representing Dolan Land management gave an overview of the historical presence of the Dolan Family in the Spirit Lake vicinity. Mr. Marshall stated the applicant has submitted a strong application that meets the standards for the subdivision process in the County's Land Use code. They agree with all the conditions of approval. He noted Lakes Highway District has recommended chip-sealing of the road while the Staff has required the same process for the private road. The private road will be built to highway district standards and a road maintenance agreement will be part of the Home Owners Association. Under questioning by the Hearing Examiner, Mr. Marshall noted the applicant has approached Spirit Lake officials asking to annex the property, and the City has declined the request. Mr. Granrath also questioned Mr. Marshall about the school district comments. Mr. Marshall responded that the project is low impact with only five lots proposed.

Exhibit: HE 1000 – Staff Presentation – Vlad Finkel

Public Testimony: Comment Sheets submitted: 3, Applicant/Representative – 3; In Favor - 0; Neutral – 0; Opposed -0. The names and address of the individuals speaking or submitting comments are part of the record.

Via Zoom, Anthony (Tony) Vilelli said he has worked with Dolan Land Management for many years. He stated the yearly taxes on the parcel as it stands today is about 36 dollars because of the timber exemptions from the Assessor's office. With the proposed subdivision and potential homes, taxes on those parcels will be markedly higher, with a good portion of those taxes going to the school district. Also via Zoom, John Knuth questioned why an environmental impact statement hasn't been supplied. Director David Callahan, stated an environmental impact statement is not required as part of the subdivision process and the County has no authority to require one.

Applicant Rebuttal: Brad Marshall appreciated the comments on environmental impact. He re-stated that application meets the requirements of the County's Land Use Code and the proposal is a low impact project. The five acre lots will have open space for wildlife to live and thrive.

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There being no further comments from the public, testimony was closed on this item at 6:36 p.m. The Hearing Examiner, Karl Granrath, will review this case and submit his written report to the Board of County Commissioners within two weeks.

Submitted by,

Betsy Anderson, Recording Secretary