



KOOTENAI COUNTY

BOARD OF COMMISSIONERS

Meeting Minutes **Community Development**

February 3, 2023

11:00 A.M.

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

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

Staff present were Community Development Director, David Callahan, Planning Manager, Ben Tarbutton, Planner III, Vlad Finkel, BOCC Communications Coordinator, Jonathan Gillham, and Deputy Clerk Jennifer Conner. Civil Deputy Prosecuting Attorney Pat Braden was on teleconference.

- A. **CALL TO ORDER**- Chairman Duncan Called to meeting to order at 11:00 a.m.
- B. **CHANGES TO THE AGENDA (Action)** - None
- C. **CHAIRMAN'S OPENING REMARKS**- Chairman Duncan stated she wanted to publicly thank Karl Granrath and Joan Woodard, our Hearing Examiners for all their hard work and doing such a good job.
- D. **POLL FOR CONFLICTS OF INTEREST (Action)** - None
- E. **DELIBERATIONS (Action)**

1. CUP22-0014 Teck's Dog Lodge

Vlad Finkel, Planner III presented the case with a PowerPoint Presentation. A request for a commercial dog kennel. The applicant has had a private kennel for at least four years, but because there is boarding, breeding, and obedience training, this kennel does not qualify as a commercial business. The subject property is level and heavily vegetative. The main access point is off Seasons Road. The zoning is Rural, and Comp plan designation is Country. There would be nine kennels for boarding and training, one to three litters per year from the applicant's Miniature Australian Shepherds, and a maximum of five clients on site at any given time. The maximum amount of dogs would be sixteen at any given time, which includes the litters. During the agency comment period, Panhandle Health stated there would need to be a portable or fixed bathroom facility with a business dedicated septic system for customers. The applicant could either update the current restroom in her home to meet ADA requirements, have a separate restroom structure, or have a Porta-Potty on an as needed basis since the business is more seasonal. All the options would be a financial burden. There has been no opposition. According to the Kootenai County Code, there is a 6 foot fence required, and staff would like the Board to reconsider to modify this condition (approval #8.06), as the applicant already has a five foot fence. The staff does not support the Hearing Examiner's condition modification regarding the portable restroom, and would recommend the original condition be reinstated (approval # 8.03). The restroom availability should not be based on amount of people, but the fact this is a commercial business.

The applicant is bound by what is requested at the time of the Order of Decision, and any modification to the conditional use permit has to have an evaluation of change.

Commissioner Mattare moved that CUP22-0014 be approved with the conditions of 8.03 of the Hearing Examiner's recommendations, and Staff's recommendations in conditions 8.06. Commissioner Brooks seconded the motion.

Commissioner Brooks	Aye
Commissioner Mattare	Aye
Chairman Duncan	Aye

Approved.

2. VAR22-0005 Laurel Adams Lot

Vlad Finkel, Planner III presented the case with a PowerPoint Presentation. This is a request for a variance of the front yard setback in the Ag-Sub zone. This property is on Silver Beach Loop on Lake Coeur d'Alene. The topography is very steep sloping towards the lake. The applicant owns two lots running across Silver Beach Loop, and recently had a boundary line adjustment to create a vacant parcel on the south west side of the road. The request is for a 0 foot setback from the 50 foot wide prescriptive easement which is under the jurisdiction of East Side Highway District. The overhang of the garage would be 0 feet from the right of way, but the wall would be 1.6 feet from the right of way. A geotechnical analysis showed the subject site is conducive for development. During the agency comment period, Kootenai Fire & Rescue stated a "no parking" sign be required in front of the residence. No public comments. Staff does support the application. The setback is to have an orderly development that would ensure distances from property lines, and also fire protection. There should be a zoning overlay to allow this area to not have the setbacks, but staff has not been able to conduct this yet. It is conducive with the neighborhood.

Commissioner Brooks moved that VAR22-0005 be approved. Commissioner Mattare seconded the motion.

Commissioner Brooks	Aye
Commissioner Mattare	Aye
Chairman Duncan	Aye

Approved.

3. MSP22-0004 Lakestone Estates

Vlad Finkel, Planner III started by stating there has been a formal request for a public hearing from one of the neighbors. There are two main concerns, first is if the applicant has designed a project to sufficiently protect Bayview Creek, and second is road design and access of the subdivision.

Mr. Finkel presented the case with a PowerPoint Presentation. The subject property is located in Bayview, which in an unincorporated area of Kootenai County. The property is zoned Restricted Residential, with a Shoreline Comp plan designation. This site had been approved for a 29 lot major subdivision in 2006 by the previous owners, but because of the downturn in the economy the project became null and void. Bayview Creek runs along the eastern property line and culverted into Ponderay Lake. In the original request, one of the Conditions of Approval was to have a flood study done on Bayview Creek. At that time, the engineer concluded the flooding would not exceed the 30 foot buffer of the Class II stream. The applicant submitted a request for 25 lots. There were scientific concerns from many adjoining neighbors regarding the classification of Bayview Creek, since there is fish habitat, and there needs to be research done. Staff provided the information for Idaho Department of Fish & Game, which came back stating Bayview Creek is in fact a Class I

stream, which requires a 75 foot buffer. The applicant redesigned the plat to incorporate the 75 foot buffer, in turn lowered the amount of lots to 24. Access will be from Perimeter Road, with a secondary access off Schaffer Road. The neighbors do not want a through road through the southern subdivision. Lakes Highway District stated the through road would be for the betterment of the public and emergency services, and approved the request. Bayview Water & Sewer provided a Will Serve Letter to provide services. During the public comment period, nineteen comments in opposition and three with concerns. Commissioner Mattare shows concerns regarding the buffer zone, whether the grade slopes toward the stream and potentially having pollution running into the stream. The grade is 5 feet of slope, but does run toward the stream.

Commissioner Mattare moved to allow a public hearing for MSP22-0004. Commissioner Brooks seconded the motion.

Commissioner Brooks	Aye
Commissioner Mattare	Aye
Chairman Duncan	Aye

Public Hearing Approved

F. **ADJOURNMENT**- Chairman Duncan called the meeting to a close at 11:58 AM.

Jennifer Locke, Clerk

By: 
Jennifer Conner, Deputy Clerk



BOCC: Leslie Duncan, Commissioner - Signed 2/14/2023
Chairman, Leslie Duncan

