



KOOTENAI COUNTY

BOARD OF COMMISSIONERS

Meeting Minutes Community Development

February 23, 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, Commissioner Mattare met to discuss the following agenda items.

Staff present were Community Development Director, David Callahan, Planning Manager Ben Tarbutton, Planner II Amy Hilland, Civil Deputy Prosecuting Attorney Pat Braden, Code Enforcement Officer Craig Davidson, Deputy Clerk Jennifer Conner and Administrative Manager Reba Grytness.

- A. **CALL TO ORDER**- Chairman Duncan called the meeting to order at 10:00 a.m.
- B. **CHANGES TO THE AGENDA (Action)** - None
- C. **CHAIRMAN'S OPENING REMARKS**- Chairman Duncan stated this meeting needs to be done by 10:45, so Commissioner Brooks can get to his next appointment.
- D. **POLL FOR CONFLICTS OF INTEREST (Action)** - None
- E. **DELIBERATIONS (Action)**
 - 1. CUP22-0010 Old Highway 95 Storage Units

Amy Hilland, Planner II presented the case with a PowerPoint Presentation. The proposal is for a Mini-Storage Facility and Boat/RV Storage. The subject parcel is south of the City of Athol along Old Highway 95. This parcel is zoned Rural, and is close proximity of commercially zoned properties. There is also a logging manufacturing home to the east. According to the Comprehensive Plan, this parcel is Transitional. The City of Athol stated they had "no comments" regarding this proposal. The site is heavily vegetated, and has a pole structure on site. The property owner would like to reserve as much of the vegetation as possible along the highway and property lines. The proposal is to build 16 storage buildings divided into 468 units, and have open storage for RVs and boats. The business will be un-manned with no office or restroom facilities. The security measures include a gate, fencing, lighting, and camera systems. Customers would reserve units online or by phone. The hours of operation for phone reservations will be Monday-Saturday 9am-5pm, but site can be accessed 24/7 with an individualized code. The applicant would preserve 20 feet of natural vegetation along property lines and a 5 foot buffer adjacent to the railroad to the east. Access would be from Old Highway 95. Lakes Highway District has a plan to construct an overpass to connect Parks Road to Old Hwy 95, and once it is built the applicant would request a secondary access. This request would have to be approved by Lakes Highway District, and at that time the County can determine if the RV/Boat storage can remain in the area north of the overpass.

During agency review, Lakes Highway District stated a Trip Generation & Distribution Analysis is required for the Commercial Approach Permit, and Timberlake Fire is requiring fire suppression,

specifically a water system, water pond, fire pump and hydrants. Buildings that exceed 12,000 sq. ft. require sprinklers or fire walls.

During public comments there were concerns regarding traffic, compatibility, zoning, security, the overpass project and pollutants over the aquifer.

Based on staff analysis, this project meets performance standards, water system for fire mitigation, and the minimum buffer requirements, therefore staff recommends approval. The Hearing Examiner held a public hearing on February 2, 2023, and the HE recommended approval. The minimum buffer for a CUP is 15 feet, and the applicant is stating they will have 20 feet.

Commissioner Mattare moved that CUP22-0010 be approved with the conditions to make the vegetative buffer 20 feet instead of 15 feet, and the conditions recommended by the Hearing Examiner. Commissioner Brooks seconded the motion.

Commissioner Brooks	Aye
Commissioner Mattare	Aye
Chairman Duncan	Aye

Approved.

2. ZON21-0002 Kellner Reconsideration Clarification

Civil Deputy Prosecutor Pat Braden stated he may have misspoke at the Public Hearing. It is not required to remand this case back to the Hearing Examiner. The Director can be allowed to negotiate the CZDA, and bring it back to the BOCC for final approval. This project has been before the BOCC 3 times already, and Mr. Braden states he does not believe another public hearing would be necessary. Mr. Braden recommends to modify the decision, and direct the Director to negotiate the CZDA.

Commissioner Mattare moved to modify the reconsideration of ZON21-0002 to remand the negotiations to the Community Development Director. Commissioner Brooks seconded the motion.

Commissioner Brooks	Aye
Commissioner Mattare	Aye
Chairman Duncan	Aye

Approved.

F. BUSINESS -

1. CV22-0366-whether or not to pursue legal remedy.

David Callahan, Director states the County has gone as far as they can go on this case, and the next case. This includes issuing a code violation. In both cases, an adjacent neighbor is upset, and would like us to go further, which would be pursuing legal remedy.

This case, there has been a road constructed without a Site Disturbance Permit, and runs the entirety of the property. The steepness is more than the fire district would allow, about 20% grade. Also, the property line is adjacent to this road, and portions of the spill is trespassing onto the neighbors parcel to the south. This is also a re-routing of the current Corbin Hill Road. This is problematic for the neighborhood. The property owner has refused to do a Site Disturbance Permit.

The Board has unanimously decided to allow staff and Legal Counsel to send a formal letter stating there will be legal action.

2. CV22-0511-whether or not to pursue legal remedy.

David Callahan states this is the same sort of situation. This parcel is just east of Post Falls. There is an RV on the parcel that is being used intermittently, possibly more for someone to live in. The neighbor believes this is being used as a residence on a permanent basis. The owner has not responded to a Code Violation that was issued. The person living in the RV is a young man whom is unruly, argumentative, and threatening. The Sheriff has been called on multiple occasions. The

neighbor would like the County to do more, by sending a letter like in the last case. There is a shed outside of the parcel trespassing on the highway districts right of way. Code Enforcement has informed the highway district of the trespass.

The Board has unanimously agreed to have Legal send a letter for this case as well.

G. ADJOURNMENT- Chairman Duncan called the meeting to a close at 10:25 AM.

Jennifer Locke, Clerk

By: 
Jennifer Conner, Deputy Clerk



BOCC: _____
Chairman, Leslie Duncan



Bruce E. Mattare, Commissioner - Signed 3/10/2023