

BOARD OF COUNTY COMMISSIONERS
MINUTES OF PUBLIC HEARING
May 6, 2021
Steven Payment

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

Commissioners via Conference: None

Commissioner Absent: None

Staff Present: Mary Shaw, Pat Braden, Zach Trevino and Kathryn Ford



The purpose of the meeting was for the Board to conduct a public hearing as advertised in the *Coeur d'Alene Press*. Chair Fillios called the hearing to order at 9:00 am. The members were polled for conflicts of interest. No conflicts were expressed.

CONFLICT(S): None

CHANGES: None

Case No. ZON20-0011, a request by Steven Payment for a Zone Change from Agricultural to Rural of a parcel measuring approximately 10.046 acres in size. The parcel is developed with a residence and accessory buildings located in the southwest portion of the parcel. The purpose of the request is to enable the Applicant to subdivide the subject parcel, as subdivisions are prohibited in the Agricultural zone. Access to the subject parcel is gained from Howell Road and Bodine Avenue, public roads maintained by Post Falls Highway District. The subject parcel is adjacent to parcels zoned Rural to the north and west, while parcels to the south and east are zoned Agricultural. The parcel number is 51N05W-21-1500, described as: SW-SW-NE [FKA TR 29 GREENACRES PLAT 4] in Section 21, Township 51 North, Range 05 West, Boise Meridian, Kootenai County, State of Idaho. The subject parcel is located at address 13593 W. Bodine Avenue, immediately northeast of the intersection of Howell Road and Bodine Avenue. The Hearing Examiner held a public hearing on March 18, 2021 and recommended approval.

Staff Presentation: Zach Trevino, Planner, addressed the Board referencing a presentation stating the Applicant is requesting to change the zoning classification of a 10 acre parcel of land from Agricultural to Rural. He stated the parcel is predominantly low-density residential, with a recent history of zone changes from Agricultural to Rural. This request would enable a future minor subdivision of the parcel into two residential lots. He explained that the cities of Post Falls, Hayden, and Rathdrum were consulted regarding the proposal due to the parcel's location within the Shared Tier of the Coordinated Area of City Impact, and that none of those cities raised any objection to the change. Public agency and public comment were provided with no concerns regarding this request. Mr Trevino clarified the recent cases of rezoning and subdivision in the area were of Jopa Acres and Annotti Estates.

Applicant Presentation: Rand Wichman, Applicant Representative, testified before the Board providing a brief statement addressing the request. He stated that he had represented the Applicants in some of the previous zone changes in this area. He explained that the area is well suited for the proposed density of development, and annexation is unlikely in the near future due to the existing density of development making redevelopment difficult. Finally, Mr. Wichman mentioned that the Applicant would be applying for a minor subdivision if the zone change request is approved.

Exhibits: B 1000 – Presentation submitted by Zach Trevino.

Public Testimony: Comment Sheets submitted: 1, Applicant– 1; In Favor-0, Neutral–0, Opposed–0. The names and addresses of the individuals speaking or submitting comments are part of the record.

Applicant Rebuttal: None.

Motion by Commissioner Duncan seconded by Commissioner Brooks, to close the public hearing and enter into deliberations for **Case No. ZON20-0011 Steven Payment** at 9:11 a.m.

Commissioner Brooks Aye
Commissioner Duncan: Aye
Chair Fillios: Aye

Decision: Approved

Deliberations: The Board agreed the request was reasonable fit for the area and agreed with the Staff analysis and Hearing Examiner recommendation.

Motion by Commissioner Duncan seconded by Commissioner Brooks, to approve the request based on the Findings of Fact, Conclusions of Law, Analysis, and the Hearing Examiner recommendation for **Case No. ZON20-0011 Steven Payment**.

Commissioner Brooks Aye
Commissioner Duncan: Aye
Chair Fillios: Aye

Decision: Approved

Deputy Clerk's Signature: _____
May 6, 2021

DELIBERATIONS
MINUTES OF MEETING
May 6, 2021

Case Number: MSF21-0002

Case Name: The Glades 1st Addition (Phase II)

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

Commissioners via Conference: None

Commissioners Absent: None

CONFLICT(S): None..

CHANGES: None

STAFF PRESENT: Mary Shaw, Pat Braden, Vlad Finkel, Kathryn Ford

Case No. MSF21-0002, The Glades 1st Addition (Phase II) a request by McCarthy Capital Inc, for final subdivision approval of a major subdivision consisting of 13 residential on 67.1 acres, of a preliminarily approved 26 lot residential subdivision in Case No. MSP18-0003 on approximately 136.7 acres in the Rural zone. On April 23, 2020, the Board of County Commissioners of Kootenai County granted final subdivision approval of The Glades (Phase 1) in Case No. MSF20-0003, consisting of 13 residential lots with one (1) Tract reserved for the current request (Phase II). Domestic water will be provided by Gem State Water Company, formerly known as Bar Circle S Water Company. Effluent discharge on each lot will be treated by an individual septic and drainfield system on-site. The proposed site is located west of the intersection of Garwood Road and US Highway 95, on the north side of Garwood Road. The subject parcel number is 0L44800000AA and described as: Glades (The), Tract ‘A’ except right-of-way in Section 24, Township 52 North, Range 04 West. B. M. Kootenai County, ID.

Vlad Finkel, Planner, addressed the Board stating the Applicant is requesting final subdivision approval of The Glades 1st Addition (Phase II) consisting of 13 residential lots in the Rural zone. All of the proposed lots with the exception of one will meet or exceed the minimum lot size in a Rural zone. Proposed Lot 5, Block 3 will be 2.863 acres in size due to the exercise of eminent domain for the construction of Garwood overpass. Panhandle Health District provided a response that it will issue a sewage disposal permit on this lot. The public agencies with jurisdiction have provided comments and support of the final plat request. Mr. Finkel stated staff finds the Applicant has demonstrated the proposal is capable of meeting the requirements of the Kootenai County Land Use and Development Code through the final subdivision design and relevant onsite and offsite improvements.

The Board agreed the Applicant has demonstrated through the final subdivision design and onsite/offsite improvements, the proposal is capable of meeting the requirements of Kootenai County Code.

Motion by Commissioner Duncan, seconded by Commissioner Brooks, to approve the final subdivision request for **Case No. MSF21-0002, The Glades 1st Addition (Phase II)**.

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

Decision: Approved

Deputy Clerk’s Signature: _____
May 6, 2021

DELIBERATIONS
MINUTES OF MEETING
May 6, 2021

Case Number: VAR20-0008

Case Name: Sarah Baker

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

Commissioners via Conference: None

Commissioners Absent: None

CONFLICT(S): None

CHANGES: None

STAFF PRESENT: Mary Shaw, Pat Braden, Vlad Finkel, Kathryn Ford

Case No. VAR20-0008, Sarah Baker for the following variances on a 0.22 acre parcel of land in the Restricted Residential zone in order to construct a primary residence on-site: 1) 25' variance to the 25' front yard setback from English Point Road public right-of-way/easement (*0' setback*); 2) 25' variance to the 25' front yard setback from Waverly Loop private road easement (*0' setback*). The subject waterfront property is currently vacant with very steep slopes. The Applicant states that a drainfield easement for a septic system is located off-site. The northwestern property line abuts English Point Road, a public road maintained by the Lakes Highway District. Furthermore, the subject parcel is bisected by Waverly Loop, a private road which provides direct access to the property. The parcel number is 0220200A17AA and described as: English Point Replat A, TAX # 20842 [IN LOT 17A BLOCK A] in Section 16, Township 51 North, Range 03 West, B.M., Kootenai County, Idaho. The subject parcel is located at 5636 E. Waverly Loop. The Hearing Examiner held a public hearing on April 15, 2021 and recommended approval.

Vlad Finkel, Planner, addressed the Board stating the Applicant is requesting two variances on a 0.22 acre parcel of land in the Restricted Residential zone in order to construct a primary residence on-site. The site has steep slopes with limited space for development and the location of the public and private right-of-ways adjacent to the subject parcel present a great challenge in development of this site without the approval of the requested variances. He added agencies with jurisdiction reviewed the request and provided comments, all of which can be addressed with conditions of approval. Also the Applicant submitted a comprehensive Geotechnical Engineering Report addressing the existing site constraints and recommendations for future development of the site. Mr. Finkel stated the request is appropriate, given the observed conditions of the site and the Applicant's case for undue hardship.

The Board agrees with the Hearing Examiner's Recommendation and finds the Applicant has demonstrated that an undue hardship exists because of the characteristics of the site and demonstrated that the variance requested is the minimum variance necessary to make possible the use associated with the request. The request is consistent with the surrounding neighborhood and will not be detrimental to the public or be in conflict with the public interest.

Motion by Commissioner Duncan, seconded by Commissioner Brooks, to approve the request, adopting the Hearing Examiner's Recommendation, Analysis, Conclusions of Law, and Conditions of Approval for **Case No. VAR20-0008 Sarah Baker**.

Chair Fillios: Aye

Commissioner Duncan: Aye

Commissioner Brooks: Aye

Decision: Approved

Deputy Clerk's Signature: _____

May 6 2021

DELIBERATIONS
MINUTES OF MEETING
May 6, 2021

Case Number: VAR21-0003

Case Name: CB Richards Properties LLP

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

Commissioners via Conference: None

Commissioners Absent: None

CONFLICT(S): None..

CHANGES: None

STAFF PRESENT: Mary Shaw, Pat Braden, Vlad Finkel, Kathryn Ford

Case No. VAR21-0003, CB Richards Properties LLLP for a 6 ft. variance to the 10 ft. side yard setback on a 0.26-acre waterfront lot in the Restricted Residential zone. The subject property has an existing non-conforming residence and wrap around deck constructed in 1960. The footprint of existing deck is currently located 4 ft. from the (*northern*) side yard property line. The Applicant wishes to reconstruct the existing deck due to its current structural condition and needs to expand/reconfigure a portion of the staircase landing to meet the current Building Code requirements. The new staircase configuration will comply with the code for a safe rise over run ratio and will include two intermediate landings. The request does not propose to encroach further into the setback area than the existing non-conforming structure already does. Due to the steepness of the site, location of septic tank, garage, driveway, the Applicant cannot maintain the required side yard setback. No changes are proposed to the water and sewer services. Access to the property is via Cleland Bay Road, public/private (*mixed status*) road. The parcel number is 071200010020 and described as: Sandy Beach, Lot 2, Block 1 in Section 2, Township 47 North, Range 04West, B.M., Kootenai County, Idaho. The subject parcel is located at 25102 S. Cleland Bay Road. The Hearing Examiner held a public hearing on April 15, 2021 and recommended approval.

Vlad Finkel, Planner, addressed the Board stating the Applicant is requesting a 6 foot variance to the minimum required 10 foot side yard setback on a 0.26-acre waterfront lot in the Restricted Residential zone. The original deck was removed last fall due to its unsafe structural condition. He added the Applicant wishes to reconstruct the existing deck and needs to expand/reconfigure a portion of the staircase landing to meet the current Building Code requirements. Due to the steepness of the site, location of septic tank and garage driveway, the Applicant cannot maintain the required side yard setback. Mr. Finkel stated the non-conforming deck was removed less than 12 months ago and Applicant wishes to expand the existing footprint of the deck by approximately eight (8) square feet, approval of a variance is required. The request does not propose to encroach further into the setback area than the existing non-conforming structure already did. The public agencies with jurisdiction reviewed the request and provided comments. The public comments received were all in support of this request. Staff believes the request to be very minimal and appropriate, given the observed conditions of the site and the Applicant's case for undue hardship.

The Board agreed with the request and finds the Applicant has demonstrated that an undue hardship exists because of the characteristics of the site.

Motion by Commissioner Duncan, seconded by Commissioner Brooks, to approve the request, adopting the Hearing Examiner's Recommendation, Analysis, Conclusions of Law, and Conditions of Approval for **Case No. VAR21-0003, CB Richards Properties LLLP**.

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

Decision: Approved

Deputy Clerk's Signature: _____
May 6 2021

Community Development Update
Minutes of Meeting
May 6, 2021, 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 Civil Deputy Prosecuting Attorney Pat Braden, Planning Manager Mary Shaw and Deputy Clerk Sandi Gilbertson. Ben Weymouth, Director of Highways for East Side Highway District, attended to discuss Item C.

I. Call to Order: Chair Fillios called the meeting to order at 9:31 a.m. after deliberations.

II. Changes to the Agenda: None

III. Business

A. Consideration of tax deed sale for property with an AIN of 170469. (Discussion item)

Planning Manager Shaw said this is a County-owned property that was created inadvertently. Staff recommended the Board accept the bid from the property owner to the south. Commissioner Duncan said that this bid will be placed on an upcoming business agenda.

B. Re-adoption of Resolution No. 2021-54 to correct the resolution number. (Action item).

Planning Manager Shaw said the fee resolution number was a duplication of another resolution. Resolution No. 2021-54 is the new fee resolution number replacing Resolution No. 2021-10.

Motion by Commissioner Duncan, second by Commissioner Brooks, to sign the re-adoption of Resolution No. 2021-54 to correct the resolution number. The resolution is effective retroactively to April 8, 2021.

Commissioner Brooks: Aye

Commissioner Duncan: Aye

Chairman Fillios: Aye

C. Briefing on ITD I-90 Bridge replacement project. (Discussion item)

Planner Ben Tarbutton said that ITD is beginning the initial planning stages of the replacement of the two bridges (east and westbound) of I-90. They are also exploring the idea of either replacing or removing the existing truss bridge on Canyon Road. In order to gather information, boring will be required in certain locations. All of the boring locations would be either in ITD or East Side Highway District's right of way. Part of their review and development will likely require some improvements to the existing levee owned by Kootenai County. The scope for levee improvements are undetermined at this point, until they have more information. Mr. Tarbutton said that this project is being brought before the BOCC so that they are aware of the project and they have the opportunity to raise their questions/concerns. Eventually, ITD will be requesting access to the levee. At this time, the BOCC did not have any additional questions.

Ben Weymouth, Director of Highways for the East Side Highway District, introduced the issues they are facing with the existing Canyon Road bridge. They are considering removing the bridge altogether given the cost to replace the bridge. They are beginning to schedule public meetings and would be interested in having Kootenai County's involvement. The BOCC recommended that the Kootenai County Sheriff, Office of Emergency Management, and EMS be involved.

IV. ADJOURNMENT

There being no further discussion, Chair Fillios adjourned the meeting at 9:47 a.m.

Respectfully submitted,

JIM BRANNON, CLERK

By: _____
Deputy Clerk

Chris Fillios, Chair