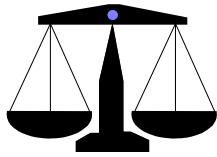


**MINUTES
KOOTENAI COUNTY HEARING EXAMINER
PUBLIC HEARING**

JANUARY 5, 2023

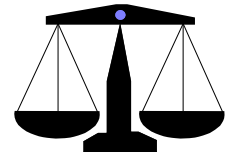
**HEARING EXAMINER
KARL GRANRATH**

**STAFF PRESENT
VLAD FINKEL
BEN TARBUTTON
DAVID CALLAHAN
JENNIFER CONNER**



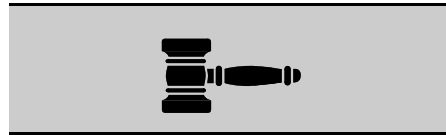
**MINUTES
PREPARED BY:**

JENNIFER CONNER
Recording Secretary



**MINUTES
REVIEWED BY:**

VLAD FINKEL
Planner III



A handwritten signature in black ink, appearing to read 'K. Granrath'.

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 6:03 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 a written recommendation to the Board of County Commissioners, who will make the final decision.

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CASE NO. CUP22-0014 TECK'S DOG LODGE

Staff Presentation: Vlad Finkel, Planner III, presented the case with a PowerPoint presentation. This request is on the north side of Kootenai County on a 10 acre parcel. The parcel is in the Rural zone with a comp plan designation of Country. There is an existing residence and shop on site, as well as a building with kennels. The dog kennel has been on the property for 4 years, however the operations have become more consistent per the Land Use Code. The proposed operation will consist of 9 kennels for boarding and obedience training. The owner does breed her Miniature Australian Shepard with 1-3 litters per year. A maximum of 16 dogs on site at any time, and 5 clients on site at any given time. It was suggested by the staff to have the owner discuss with Panhandle Health the options for a public restroom, since this would be a commercial use. PHD stated they cannot approve utilizing the residence restrooms for the clients as a commercial property. There would need to be a fixed facility that meets all requirements for sewer and wastewater, or have a Portapotty available.

The County Code states if the owners exceed 2 litters per year they would be elevated to a commercial kennel review. There were no concerns or requirements from the highway district or fire district. The KC Building Division would have building permit requirements. Panhandle Health District is requiring a portable or fixed bathroom facility with a dedicated septic system for customers. KC Sheriff's office would need a review for the kennel.

There was 1 comment received in support. Staff does not anticipate any negative environmental, social or economic impacts associated with the request. Staff does recommend approval as long as the applicant complies with the agency requirements.

Applicant Presentation: Teckla Gotreau states this started as a hobby that she made a little extra money at. The breeding program only has 4 dogs, and she has not exceeded 2 litters per year. The only dogs she kennels are for neighbors, or people that may buy a puppy from her. There is generally only one person on site at a time, to drop off a dog, it was estimated 5 people if a family showed up to see a puppy. Most trainings are offsite. The estimate of 16 dogs on site would be if they had 2 litters of 7 puppies at a time. The boarding and breeding is pretty minimal. Ms. Gotreau states she was told she needed to convert to a commercial kennel because she made a little bit of money at it, but she did not pursue this. The Portapotty solution came up because most the training happens in the summer, and PHD wanted her to dig up her septic to redo it to commercial standards, but that was going to cost a lot of money. The portable bathroom will cost about the same as what she makes to have it on the property for the 3-4 months she is actively working training dogs. In the last 3 years, she may have had 6 people use her bathroom.

Public Comment: Comment Sheets submitted: - 7 Applicant – 1; In Favor – 7, Neutral – 0, Opposed – 0. The names and address of the individuals speaking or submitting comments are part of the record.

There were 4 people whom spoke, and were all in favor. One did state he is against the need for a CUP, since this boards the need to be a commercial business. They all spoke very highly of Teckla, the facility, and her training abilities.

Vlad Finkel states he did have a conversation with the applicant regarding the restroom options, and he understands it may be financially unfeasible to have a restroom on site, but there is no other options except the fixed facility or a portable restroom, per PHD. The threshold is based on the number of bedrooms, and the number of individuals staying on site. Based on the recommendation from PHD, and the staff analysis of this type of use, we have to have the condition in place, but wanted to leave it up to the hearing examiner to say whether this condition could have another recommendation for approval. Unsure if this is a viable project. The combination of the various components of the operation puts her over the threshold to a commercial kennel.

David Callahan states this proposal barely rises to the level of a CUP. Mr. Callahan states that if they can limit the amount of visitors, they should be okay to just use the restroom on site. If the operation expands, then it could be

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subject to the conditions stated in the staff report. Staff was unaware until this day that the portable restroom was unfeasible for the applicant.

Applicant Rebuttal: Ms. Gotreau states during the winter there is very minimal training due to it being held outside. As of today, there is one person that comes every ten days, and they do not stay longer than a few minutes. During the summer, there may be a full kennel, and most the time those dogs stay 5-14 days. Ms. Gotreau explains that no one who uses the kennel has ever used the restroom. Most of the litters are during the summer, and when someone comes to look at the puppies, they are outside, and that would be the longest amount of time someone would stay at the facility. The conversion regarding the restroom was with PHD, not KC staff. Within that discussion, the portable restroom was brought up, and she suggested doing that only during the summer. There is a max of 3 people per week.

David Callahan states we should make the portable restroom be required seasonally during the summer, and if the amount of people increases we can ask that the restroom be required for a longer amount of time.

A gentleman stated if the portable restroom is required during the peak season, could the applicant keep a log of how many people use it for the validity of having it, and come back with that information to have it reevaluated at the end of the year.

To amend the CUP would be an administrative decision by the Community Development Director and would be treated as a minor modification to an existing CUP.

Exhibits: HE-1000 PowerPoint presentation by Vlad Finkel

There being no further comments or testimony, the Hearing Examiner closed the public hearing for CUP22-0014 at 6:43 pm.

CASE NO. VAR22-0005 LAUREL ADAMS LOT VARIANCE

Staff Presentation: Vlad Finkel, Planner III, presented the case with a PowerPoint presentation. This is a request for a front yard setback to allow a residence to have a zero foot setback from an existing right of way that bisects the property. This property is southeast of Coeur d'Alene in the unincorporated area of Kootenai County on Silver Beach Loop. There have been many variance requests on this road in the past. A setback is 25 feet of the edge of the prescribed right of way, however in this case the prescribed right of way is 50 feet wide on the existing paved road. Due to slope conditions, the staff has been inclined to support these variances to make the parcels buildable. This parcel is in the Ag-Sub zone. The applicant does have 2 existing structures on the east side of Silver Beach Loop, and the previous division of the 2 lots was the road. The applicant had a boundary line adjustment done to reorient the 2 lots. Of the 2 structures, staff recommended a review to make sure they meet ALU standards, which both met. The proposed layout shows the building abutting the sight of way of Silver Beach Loop, however the actual building will be 1 foot 6 inches from the right of way, with a 1 foot 6 inch overhang, but will not encroach. In the building permit application, it was requested to have a hardscape around the front of the house, which would encroach, even though these features do not require permits. The highway district would have to approve the encroachment, which is believed to not be feasible. The applicant has decided to eliminate the hardscape. The geotechnical evaluation shows this parcel should be buildable. The agency comments were standard. The applicant would need to work with the fire district to have "no parking" signs due to the width of the road. No public comments received. Staff is recommending approval, as long as the applicant abides by the conditions recommended by the agencies.

Applicant Presentation: John Kirkland, contractor, states the applicant has owned this property for many years. There is existing water and sewer systems already installed. Many of the neighbors already have variances. The lower retaining wall was able to reach rock for a foundation. There is an engineer involved for stormwater and erosion control. To enter the garage, she would drive off the road into a courtyard instead of entering from the road. There is also room in the courtyard to park 3-4 more vehicles.

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Laurel Adams, property owner, states she has severe Neuropathy from a surgery, and she needs a one level house without stairs.

Dan Wood, drafter, states the designing criteria was to accommodate Laurel's medical issues, wider doors and hallways so she can transition to a wheelchair when that day comes.

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

Ellen Stock, neutral, states her primary concerns are with parking and traffic. Silver Beach Loop is a very narrow road. Other parcels that did have variances are not abiding by their requirements. She is not opposed to this variance, just concerned about the traffic.

Applicant Rebuttal: John Kirkland states the courtyard provides parking, as well as across the road on the other lot. During construction, it will be requested the workers limit their vehicles. There will also be a "no parking" sign added on the road in front of this property as required by the fire district.

Exhibits: HE-1000 PowerPoint presentation by Vlad Finkel

There being no further comments or testimony, the Hearing Examiner closed the public hearing for VAR22-0005 at 7:10 pm.

Karl Granrath closed the public hearing at 7:10 p.m.

Prepared By,

Jennifer Conner, Recording Secretary