

BOARD OF COUNTY COMMISSIONERS  
MINUTES OF PUBLIC HEARING  
March 18, 2021  
**John and Rachelle Hubbard**

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

Commissioners via Conference: None

Commissioner Absent: None

Staff Present: David Callahan, Barry McHugh, Zach Trevino, Mary Shaw 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. VAC20-0002, a request by John and Rachelle Hubbard** to vacate a portion of an 80-foot wide unimproved private road easement within the plat of Shamrock Ranch II. The subject easement is located across Lots 12 and 17 in Shamrock Ranch II, as depicted on the plat of Shamrock Ranch II, recorded as Book G, Page 260 on June 14, 1995. The easement does not contain a road, as the terminus of Shoshone Avenue is located east of the subject portion of the easement. The purpose of the request is to vacate an unused easement, thereby expanding the buildable area of Lot 17, owned by the Applicant. Access to the surrounding parcels would not be affected, as each parcel is developed with structures that gain access from existing private roads. The Parcel Numbers on which the easement is located are 0-7227-002-012-0 and 0-7227-002-017-0, described as: SHAMROCK RANCH II, LT 12 BLK 2 and SHAMROCK RANCH II, LT 17 BLK 2 in Section 13, Township 53 North, Range 04 West, Boise Meridian, Kootenai County, Idaho. The Assessor's Identification Numbers (AINs) are 200332 and 189057. The subject easement is described as an 80-foot wide private road easement extending across the north side of SHAMROCK RANCH II, LT 17 BLK 2 and the southwest corner of SHAMROCK RANCH II, LT 12 BLK 2, as depicted on the Plat of Shamrock Ranch II in Section 13, Township 53 North, Range 04 West, Boise Meridian, Kootenai County, Idaho. (*Vlad Finkel-Planner*)

**Staff Presentation:** Zach Trevino, Planner, addressed the Board referencing a presentation. The private road is located in Athol not maintained by the Lakes Highway District. The road under vacation consideration is Shoshone Avenue which is a dead end that shows an unused easement expanding Lot 17. On the original plat the road system was to be a through fare which was not completed. He added the public agencies had no use of the easement and did not object to this vacation. The utility easements will remain in place. Mr. Trevino stated there was no public comment provided and the request was appropriate since there would be no detrimental effects to vacate this easement.

**Applicant Presentation:** Rachelle Hubbard, Applicant, testified before they applied to request the vacation they took the initiative and contacted every property owner in their Homeowners Association to discuss vacating this 80 foot road easement. All of them supported their application and signed the right-of-way petition submitted into the application packet. Ms. Hubbard stated she believes that speaks volumes showing neighborhood support for approval of this request.

**Exhibit:** B 1000 – Presentation submitted by Vlad Finkel.

**Public Testimony:** Comment Sheets submitted: None, Applicants– 2 via Zoom; 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. VAC20-0002, a request by John and Rachelle Hubbard** at 9:11 a.m.

Commissioner Brooks	Aye
Commissioner Duncan:	Aye
Chair Fillios:	Aye

Decision: Approved

**Deliberations:** The Board of County Commissioners agreed they had no issues with approving this road vacation request.

Motion by Commissioner Duncan seconded by Commissioner Brooks, to approve and vacate a portion of an 80-foot wide unimproved private road easement request for **Case No. VAC20-0002, a request by John and Rachelle Hubbard.**

Commissioner Brooks	Aye
Commissioner Duncan:	Aye
Chair Fillios:	Aye

Decision: Approved

Deputy Clerk's Signature: \_\_\_\_\_  
March 18, 2021

BOARD OF COUNTY COMMISSIONERS  
MINUTES OF PUBLIC HEARING  
March 18, 2021  
**Resolution No. 2021-10 Community Development Fee Schedule**

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

Commissioners via Conference: None

Commissioner Absent: None

Staff Present: David Callahan, Barry McHugh, Mary Shaw 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

**Resolution No. 2021-10 Community Development Fee Schedule.** The current fee schedule was adopted via Resolution No. 2019-35, enacted on April 25, 2019, and amended via Resolution No. 2019-89, enacted on November 21, 2019. The Planning Division has completed a more comprehensive study of the actual costs involved for each individual project and for permit reviews. The purpose of the new fees and fee increases is to minimize the use of property tax revenues in funding Kootenai County Community Development operations. As a result of an in-depth analysis of actual County costs to provide services, and to review and inspect required permits, it has been determined that fees for most Planning Division processes must be increased to cover those costs and that certain Building Division permit and plan review fees should be reduced. Through the course of this analysis, it was discovered that some of the fees are incorrectly titled for the applicable type of review. Currently, the planner review fee for a Site Disturbance Permit is titled "Residential Building Permit Review." Instead of continuing to use "Residential Building Permit Review," a new title is proposed as "Site Disturbance Permit Review." Additionally, a fee type for "Conditional Use Permit – Renewal" is to be added for the same purpose. Lastly, the current "Site Disturbance Plan Review" covers the review of both Design Professional and Homeowner plans. This fee has been reclassified to reflect both types of plan review. It is important to note that these proposed changes are not an introduction of new fees, but only for organizational clarity. The fees proposed to be eliminated or changed are available on-line or by request.

**Staff Presentation:** David Callahan, Director, addressed the Board stating the current fees would be replaced by the submitted proposed fees. He gave credit to staff working on a thorough analysis during a full work load. The Building Division was more difficult and they worked on a rational basis for the fees with some reduction in commercial permits and increases in building permits. The Planning Department analysis took the actual costs needed to process each type of application. Director Callahan stated with this increase it will eliminate subsidies out of the general fund. This has been a long time in the making dating back to 2014 until now to make it happen.

Commissioner Duncan addressed various fees for clarification. Chair Fillios had some of the same fees needing details for their increases. One of those fees under discussion was for the Appeal of Administrative Determination which indicated a substantial increase. Director Callahan stated an appeal of his decision requires a significant amount of time from submittal, to review, and holding public hearings for the Hearing Examiner and Board of County Commissioners. Commissioner Duncan expressed concern about preventing due process with this increase. Commissioner Brooks added the fees are considered the same as court costs if someone decides to appeal there are costs involved. Director Callahan stated he did not believe the costs would prevent due process

since the fees capture the actual costs. He added the fees presented are a discretionary matter for the Board and they have the option to make changes.

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

Motion by Commissioner Duncan seconded by Commissioner Brooks, to close the public hearing and enter into deliberations for **Resolution No. 2021-10 Community Development Fee Schedule** at 9:26 a.m.

Commissioner Brooks           Aye  
Commissioner Duncan:       Aye  
Chair Fillios:                 Aye

Decision:                        Approved

**Deliberations:** The Board agreed the fees were appropriate and they could always consider amendments if necessary.

Motion by Commissioner Duncan seconded by Commissioner Brooks, to approve and adopt **Resolution No. 2021-10 Community Development Fee Schedule** as presented.

Commissioner Brooks           Aye  
Commissioner Duncan:       Aye  
Chair Fillios:                 Aye

Decision:                        Approved

Deputy Clerk's Signature: \_\_\_\_\_  
March 18, 2021

DELIBERATIONS  
MINUTES OF MEETING  
March 18, 2021

Case Number: CUP19-0004

Case Name: Upper Columbia Corporation of Seventh Day Adventist

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

Commissioners Absent: None

CONFLICT(S): None

CHANGES: This item on the agenda was continued to a date certain of April 1, 2021 at 9:00am.

STAFF PRESENT: David Callahan, Barry McHugh, Mary Shaw, Vlad Finkel, Kathryn Ford

**Case No. CUP19-0004, Upper Columbia Corporation of Seventh Day Adventist**, for a Conditional Use Permit to establish a Private School and Place of Worship located on approximately 10 acres in the Agricultural zone. The proposal will be constructed over two phases, with the first phase being the school facility. The school facility will initially include grades K-8<sup>th</sup>, but will be expected to include Pre-K and possibly a future High School (grades 9<sup>th</sup> – 12<sup>th</sup>). The Applicant has estimated that the school will begin with 20 students and over the next five years they are anticipating the student body to increase to 100 students. The Applicant currently owns and conducts church services west of this site at an existing church facility located at 12940 N. Government Way. According to the narrative, upon completion of the first phase, the church congregation would temporarily hold their services in the gymnasium of the new school building. In the meantime, the existing facility is intended to be sold. The second phase would be the construction of the Place of Worship building, where the congregation would conduct their services on a permanent basis. The Applicant has estimated that the church congregation will start with 200 people and over the next five years they are anticipating the congregation to increase to 300 people. In addition to the School and Place of Worship uses, the Applicant is also proposing to use the facility for community educational and health related classes, with occasional free health clinics. Access to the site will be via new approaches from N. Rimrock Road and E. Lancaster Road, both being public roads in the jurisdiction of Lakes Highway District. Water will be provided by North Kootenai Water District. Wastewater treatment is proposed to be served by Hayden Lake Sewer District. The parcel number is 51N03W-05-6300 and described as: Tax # 25591 [SW-SW] in Section 05, Township 51 North, Range 03 West, B. M., Kootenai County, ID. The Hearing Examiner held a public hearing on September 17, 2020 and recommended denial. The Board held deliberations on October 8, 2020 and remanded the case back to the Hearing Examiner for RLUIPA consideration. The Hearing Examiner held a second public hearing on January 21, 2021 and recommended denial. The Board held a public hearing on March 11, 2021. The public hearing was closed and deliberations was scheduled for March 18, 2021. (*Vlad Finkel-Planner*)

Chair Fillios requested Prosecuting Attorney Barry McHugh address the Board regarding attorney representation during the deliberations of CUP19-0004.

Barry McHugh, Prosecuting Attorney, stated the Board's Attorney had a family emergency and could not be in attendance for this agenda item. He has been in email communication with Attorney Pat Braden and agreed the preparation and details of this application needed Mr. Braden's attendance. Mr. McHugh recommended continuing this case to a date certain for their attorney to be present.

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Motion by Commissioner Duncan, seconded by Commissioner Brooks, to continue deliberations to a date certain of April 1, 2021 at 9:00am for **Case No. CUP19-0004, Upper Columbia Corporation of Seventh Day Adventist.**

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

Decision: Approved

Deputy Clerk's Signature: \_\_\_\_\_  
March 18, 2021