

DELIBERATIONS  
MINUTES OF MEETING  
April 22, 2021

Case Number: VAR20-0013

Case Name: Brian and Lisa Jordan

Commissioners Present: Chair Pro Tem Leslie Duncan, Commissioner Brooks

Commissioners Excused: Chair Chris Fillios

CONFLICT(S): None

CHANGES: None

STAFF PRESENT: David Callahan, Pat Braden, Mary Shaw, Zach Trevino, Kathryn Ford

**Case No. VAR20-0013, a request by Brian and Lisa Jordan** for a 10 foot variance to the 25 foot rear yard setback requirement from a public right-of-way on a 0.21-acre parcel of land in the Agricultural Suburban zone. The subject lot is currently undeveloped. The purpose of the request is to enable the Applicant to construct a single-family residence with a deck located 15 feet from the rear property line. The residence is to be accessed from Kidd Island Road, a public road maintained by Worley Highway District. The Applicant cites small lot size and the location of the on-site well as contributing to undue hardship justifying the variance. Should the variance be granted, the rear deck of the proposed structure would be located 15 feet from the edge of the Boisen Loop right-of-way, a public right-of-way under the jurisdiction of Worley Highway District. The parcel number is 0-4220-000-011-0, described as: KIDD ISLAND BAY LOTS 1ST ADD, LT 11 & 1/61 INT IN TX#12664 in Section 35, Township 50 North, Range 04 West, Boise Meridian, Kootenai County, State of Idaho. The subject lot is located between Kidd Island Road and Boisen Loop, approximately 300 feet northeast of the intersection of Kidd Island Road and Hull Loop. The Hearing Examiner held a public hearing on April 1, 2021 and recommended approval. (*Zach Trevino-Planner*)

Planner Zach Trevino addressed the Board stating the request is for a 10 foot variance for the rear yard setback on a double frontage road. To have outside space a deck it would extend further than allowed and would be in the setback. He added the variance request was the minimum necessary possible for a home build and the lot size reflects the hardship that severely restricts the building area and well site. Mr. Trevino stated the Applicant's planned to have the well site 10 feet from the residence to ensure access if the well needed maintenance or future drilling for water.

Commissioner Brooks stated that he had no questions and the request was reasonable. Chair Pro Tem Duncan questioned if the Board would keep receiving variance requests in this area due to the lot sizes. Pat Braden, Attorney, stated most shoreline variances in the County could be addressed in the future. He added these areas do warrant discussion.

Motion by Commissioner Brooks, seconded by Chair Pro Tem Duncan, to approve the variance request for Case No. VAR20-0013 Brian and Lisa Jordan.

Chair Fillios:	Excused
Chair Pro Tem Duncan:	Aye
Commissioner Brooks:	Aye

Decision: Approved

Deputy Clerk's Signature: \_\_\_\_\_  
April 22, 2021

DELIBERATIONS  
BOARD OF COUNTY COMMISSIONERS SIGNING

Minutes Date: April 22, 2021

Case Name: Shannon Skyler

Case Number: ZON20-0010

Commissioners Present: Chair Pro Tem Leslie Duncan, Commissioner Brooks

Commissioners Excused: Chair Chris Fillios

CONFLICT(S): None

CHANGES: None

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

**Case No. ZON20-0010, Shannon Skyler** to complete a Zone Change from Rural to Agricultural Suburban on an 18.22 acre parcel of land. The subject parcel has an existing residence and outbuildings on it. The residence is currently served by an existing well and septic system on-site. The subject parcel is located within the City of Coeur d'Alene Area of City Impact. Access to the property is via a N. Frosty Pine Trail, a private road that connects to E. Fernan Hill Road, a public road. The parcel number is 53N03W-17-2500. The parcel is described as: TAX # 11399 in Section 17, Township 50N, Range 03W B.M. Kootenai County Idaho. The subject site is located at 1030 N. Frosty Pine Trail. The Hearing Examiner held a public hearing on February 4, 2021 and recommended denial. The Board held a public hearing of April 1, 2021 and denied the request. (*Vlad Finkel-Planner*)

Vlad Finkel, Planner stated the Order of Decision was ready for signature as denied by the Board.

Motion by Commissioner Brooks, seconded by Chair Pro Tem Duncan, to execute signing the order for ZON20-0010 Shannon Skyler.

Chair Fillios:	Excused
Chair Pro Tem Duncan:	Aye
Commissioner Brooks:	Aye

Decision: Approved

Deputy Clerk's Signature: \_\_\_\_\_  
April 22, 2021

DELIBERATIONS  
BOARD OF COUNTY COMMISSIONERS SIGNING

Minutes Date: April 22, 2021

Case Name: Upper Columbia Corporation of Seventh Day Adventist

Case Number: CUP19-0004

Commissioners Present: Chair Pro Tem Leslie Duncan, Commissioner Brooks

Commissioners Excused: Chair Chris Fillios

CONFLICT(S): None

CHANGES: None

STAFF PRESENT: David Callahan, Pat Braden, 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. The Board continued deliberations to a date certain of April 1, 2021. The Board held deliberations on April 1, 2021 and denied the request. (*Vlad Finkel-Planner*)

Vlad Finkel, Planner stated the Order of Decision was ready for signature as denied by the Board.

Motion by Commissioner Brooks, seconded by Chair Pro Tem Duncan, to execute signing the order for CUP19-0004 Upper Columbia Corporation of Seventh Day Adventist.

Chair Fillios: Excused

Chair Pro Tem Duncan: Aye

Commissioner Brooks: Aye

Decision: Approved

Deputy Clerk's Signature: \_\_\_\_\_  
April 22, 2021

Community Development Update  
Minutes of Meeting  
April 22, 2021, 9:00 a.m.

The Kootenai County Board of Commissioners met to discuss Community Development updates. Chair Pro Tem Duncan and Commissioner Brooks were present. Chair Fillios was excused. In attendance were Director David Callahan, Civil Deputy Prosecuting Attorney Pat Braden, Planning Manager Mary Shaw and Deputy Clerk Kathryn Ford.

- I. Call to Order: Chair Pro Tem Duncan called the meeting to order at 9:08 a.m. after deliberations.
- II. Changes to the Agenda: None
- III. Business (Information items)

- A. Community surveying that is required by the recently updated comprehensive plan.

Director Callahan stated the Planning Commission has been making efforts to move forward on the Community Surveying. He wants to bring any Board ideas back to the Commission for consideration. Chair Pro Tem Duncan stated she recently participated in a survey for Rathdrum and they used Survey Monkey which worked out well. She added combining community meetings for the white paper discussion and the industrial commercial portion of the Comprehensive Plan may produce ideas for both issues. Commissioner Brooks stated his interest is in Property Rights and how they can incorporate conversations of the public and what a policy requires. The details need to express the input from those meetings.

Director Callahan added he would work with Taryn Hecker regarding the website information and look into the Survey Monkey possibility.

- B. Use of consultant budget to assist with an analysis of water availability associated with new subdivisions.

Director Callahan stated the analysis of water availability is driven by Comprehensive Plan policy. His concern is how and when should the analysis be done. Community Development does not have the staff to tackle the analysis. In speaking with Welch-Comer it would be about \$17,000.00 or more than we currently have in the consultant budget. Mr. Callahan questioned where and when do we begin to implement this analysis since it involves the entire county. He added the approach would need to be methodical and include all agencies in the process of rolling out options. We will be literally inventing the wheel. Commissioner Brooks stated this is important but is it critical to do now. Chair Pro Tem Duncan questioned if water availability would be used to deny applications or building permits. She would be in favor of a study since landowners need to know about their water options but they would make the choice which may bring on a hardship. Chair Pro Tem Duncan added she would be good if the study were considered in the 4<sup>th</sup> quarter and if not to do it next year. Pat Braden, Attorney, stated in Orders of Decisions there are conditions of approval that can include water availability options

- C. Consideration of Welch Comer contract to continue assistance with site disturbance permit review.

Director Callahan stated currently the use of Welch-Comer consultants is working well. They respond in a timely manner, are helpful, know our code and have the right attitude. The contract has been placed on the BOCC Business Agenda to be continued.

IV. ADJOURNMENT

There being no further discussion, Chair Fillios adjourned the meeting at 9:22 a.m.

Respectfully submitted,

JIM BRANNON, CLERK

By: \_\_\_\_\_  
Deputy Clerk

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Chris Fillios, Chair