

DELIBERATIONS
MINUTES OF MEETING
June 17, 2021

Case Number: CUP20-0016

Case Name: Michael Bieter

Commissioners Present: Chair Fillios, Commissioner Duncan, Commissioner Brooks

CONFLICT(S): None

CHANGES: None

STAFF PRESENT: David Callahan, Pat Braden, Zach Trevino, Mary Shaw, Sandi Gilbertson

Case No. CUP20-0016, a request by Michael Beiter for a Conditional Use Permit to construct a Wireless Communication Facility (WCF) tower on an approximately 20-acre parcel of land in the Rural zone. The subject parcel is developed with a single-family residence and accessory structure. The proposed WCF will consist of a 100-foot tall self-supporting tower and related ground equipment, for the purpose of receiving internet signals from local wireless internet service providers. The tower would primarily be for residential use, but is designed to allow for collocation of up to three additional providers. A secondary purpose of the tower would be to serve as a repeater tower to enhance internet service for neighboring residences, although the tower will only serve the Applicant's residence initially. The tower will be located over 150 feet from the boundary of any adjacent parcel. Access to the subject parcel is gained directly from Walking Horse Lane, a public road maintained by Lakes Highway District. The parcel number is 53N03W-01-8000, described as: W2-NW-SE in Section 01, Township 53 North, Range 03 West, Boise Meridian, Kootenai County, State of Idaho. The Assessor's Identification Number (AIN) is 112144. The existing residence is located at address 32535 N. Walking Horse Lane. The Hearing Examiner held a public hearing on May 20, 2021 and recommended approval.

Planner II Zach Trevino introduced the application providing a brief overview referencing a presentation stating the request is a conditional use permit to construct a wireless communication facility on a 20 acre parcel in the Rural zone. The tower will provide Internet service for the applicant as well as neighboring parcels. He said there is a large area of trees that will remain for site screening purposes.

Motion by Commissioner Duncan, seconded by Commissioner Brooks, to approve Case No. CUP20-0016, a request by Michael Beiter for a Conditional Use Permit to construct a Wireless Communication Facility (WCF) tower on an approximately 20-acre parcel of land in the Rural zone.

Chair Fillios:	Aye
Commissioner Duncan	Aye
Commissioner Brooks:	Aye

Decision: Approved

Deputy Clerk's Signature: _____
June 17, 2021

Community Development Update
Minutes of Meeting
June 17, 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 Community Development Director David Callahan, Civil Deputy Prosecuting Attorney Pat Braden, Planning Manager Mary Shaw and Deputy Clerk Sandi Gilbertson. Parks and Waterways Director Nick Snyder joined the meeting for Item A.

- I. Call to Order: Chair Fillios called the update meeting to order at 9:04 a.m.
- II. Changes to the Agenda. **The order of the agenda items was changed to accommodate participants.**
- III. Business

- E. Tribal Jurisdiction Discussion (Information Item)

Director Callahan said that a series of minor subdivision permit applications have received agency denials from the Coeur d'Alene Tribal Council reflecting a new awareness of growth and property demand. Tyrel Stevenson, Legislative Director for the Coeur d'Alene Tribe, spoke of the reasons behind the opposition. The impact of higher property values, pressures to develop, and the splitting of property could have significant long-term negative effects for the reservation. Mr. Stevenson said that the Tribe is very concerned about this continued development and would like to engage with the County on land use management. He said the Tribe is willing to work with developers to see if there are solutions to the Tribe's opposition. The Commissioners gave Community Development staff as well as legal direction to work with the Tribe on land use management to protect Tribal land and private property rights.

- B. Request by John and Lorri Erickson to consider VRBO impacts on county residents and possible solutions. (Action Item)

Director Callahan said this is a similar discussion that a former Board had several years ago but that Board did not want to regulate VRBOs. The State of Idaho statues say that the VRBO cannot be prohibited but they can be regulated. Director Callahan told the Board that the Ericksons had contacted the department with concerns of a neighboring property renting their residence as a vacation rental. Lorri Erickson spoke of the growing industry of these VRBOs that have no restrictions. She provided a document detailing the rental companies in operation in the county/cities. Ms. Erickson asked that the Board of Commissioners address this and provide a way for these VRBOs to have more guidelines and accountability. Director Callahan described a process used in a county in Washington where vacation rentals would obtain an annual permit and follow certain guidelines. Commissioner Duncan said she would like to have more numbers and how many complaints there are actually. The Board was in agreement that Director Callahan pursue the subject of VRBOs with the Planning Commission to start the process to review VRBO rental regulations.

C. Budget overruns. (Information Item)

Director Callahan informed the Board that with the costs of hiring outside consultants to help with the building permit review, the budget expenditures will exceed 100%. With the increase of fees, the revenues coming in will cover those expenses.

D. Consideration of a Land Use and Development code amendment to require neighborhood meetings prior to certain development applications. (Action Item)

Director Callahan presented a "Development Neighborhood Meeting Process Guide" that the Planning Commission has developed. The Board was in approval of the concept. Commissioner Duncan commented that rather than a number of lots being the dictator of a neighborhood meeting that the impact to the community be looked at also.

A. Request by an adjacent property owner to purchase, and if that is not possible, to gain the County's approval to apply for certain special events on County owned parcels with AINs of 132203 and 140495. (Action Item)

Director Callahan said that there is a request from an adjacent property owner to purchase or use the property for special events. Kootenai County owns AINs 132203 and 140495 and there is a permanent restriction against the County selling or developing the property. The land that was purchased with FEMA Hazard Mitigation funds must remain as open space in perpetuity. Nick Snyder, Director of Parks and Waerways, said these adjacent property owners have been sent a letter from Kootenai County's prosecuting attorney regarding the violation of criminal trespass on these County-owned properties. The trespass order is in effect for 11 months from May 10, 2021. The Board will wait for any further decision until after the expiration of the trespass order. Civil Deputy Prosecuting Attorney Braden said there are exception on the restriction with the possibility of leasing the property with FEMA's approval.

IV. ADJOURNMENT

There being no further discussion, Fillios adjourned the meeting at 10:21 a.m.

Respectfully submitted,

JIM BRANNON, CLERK

By: _____
Deputy Clerk

Chris Fillios, Chair