

BOARD OF COUNTY COMMISSIONERS  
MINUTES OF PUBLIC HEARING  
September 9, 2021  
**ORA21-0001 Variance Criteria**

Commissioners Present: Chair Chris Fillios, Commissioner Leslie Duncan

Commissioner Absent: Commissioner Bill Brooks

Commissioner Absent: None

Staff Present: David Callahan, Zach Trevino, Mary Shaw, Sandi Gilbertson



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. ORA21-0001 a request by Kootenai County** to amend Section 8.8.203, Kootenai County Code, as follows: AN ORDINANCE OF KOOTENAI COUNTY, IDAHO, A POLITICAL SUBDIVISION OF THE STATE OF IDAHO, RELATING TO LAND USE REGULATION; AMENDING SECTION 8.8.203 OF THE KOOTENAI COUNTY CODE TO PROVIDE CLEARER AND MORE PARTICULAR FINDINGS WHICH MUST BE MADE FOR AN APPLICATION FOR A VARIANCE TO BE GRANTED, AND TO PROVIDE A THIRTY (30) DAY PUBLIC COMMENT PERIOD FOR APPLICATIONS FOR AN ADMINISTRATIVE VARIANCE IN LIEU OF A PUBLIC HEARING; PROVIDING FOR SEVERABILITY; PROVIDING FOR NON-WAIVER OF ACTIONS OCCURRING WHILE PRIOR ORDINANCES WERE IN EFFECT; AND PROVIDING AN EFFECTIVE DATE. The Planning Commission heard this code amendment at a public hearing on July 22, 2021 and recommended approval.

**Staff Presentation:** Director Callahan said the ordinance language makes it clearer and improves the process for the applicant.

**Public Testimony:** None

Motion by Commissioner Duncan, seconded by Chair Fillios, to close the public hearing at 9:06 a.m. and enter into deliberations for Case No. ORA21-0001, a request by Kootenai County to amend Section 8.8.203, Kootenai County Code.

Commissioner Brooks	Absent
Commissioner Duncan:	Aye
Chair Fillios:	Aye

Page Two  
September 9, 2021  
Case No. ORA21-0001

**Deliberations:** The Board of County Commissioners agreed they had no issues with ordinance amendment as it makes the process easier.

Motion by Commissioner Duncan seconded by Chair Fillios, to approve Case No. ORA21-0001 a request by Kootenai County to amend Section 8.8.203, Kootenai County Code

Commissioner Brooks	Absent
Commissioner Duncan:	Aye
Chair Fillios:	Aye

Decision: Approve

Deputy Clerk's Signature: \_\_\_\_\_  
September 9, 2021

BOARD OF COUNTY COMMISSIONERS  
MINUTES OF PUBLIC HEARING  
September 9, 2021  
**ORA21-0003 Site Disturbance**

Commissioners Present: Chair Chris Fillios, Commissioner Leslie Duncan

Commissioner Absent: Commissioner Bill Brooks

Commissioner Absent: None

Staff Present: David Callahan, Zach Trevino, Mary Shaw, Sandi Gilbertson



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. ORA21-0003, a request by Kootenai County to amend Section 8.7.116, Kootenai County Code**, as follows: AN ORDINANCE OF KOOTENAI COUNTY, IDAHO, A POLITICAL SUBDIVISION OF THE STATE OF IDAHO, RELATING TO LAND USE REGULATION; AMENDING SECTION 8.7.116 OF THE KOOTENAI COUNTY CODE TO PROVIDE THAT A SITE DISTURBANCE PERMIT ISSUED WITH AN ASSOCIATED BUILDING PERMIT SHALL REMAIN EFFECTIVE FOR ONE (1) YEAR AFTER ISSUANCE OF A CERTIFICATE OF OCCUPANCY, OR AFTER A SATISFACTORY FINAL INSPECTION IF NO CERTIFICATE OF OCCUPANCY IS TO BE ISSUED, THAT A SITE DISTURBANCE PERMIT NOT ISSUED WITH AN ASSOCIATED BUILDING PERMIT SHALL BE EFFECTIVE FOR TWO (2) YEARS AFTER THE DATE OF ISSUANCE, AND THAT THE DIRECTOR MAY GRANT A ONE-TIME EXTENSION OF A SITE DISTURBANCE PERMIT FOR A PERIOD OF UP TO ONE (1) YEAR, OR MAY PROVIDE FOR A SHORTER PERMIT DURATION IN CERTAIN CIRCUMSTANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR NON-WAIVER OF ACTIONS OCCURRING WHILE PRIOR ORDINANCES WERE IN EFFECT; AND PROVIDING AN EFFECTIVE DATE. The Planning Commission heard this code amendment at a public hearing on July 22, 2021 and recommended approval.

**Staff Presentation:** Director Callahan said the ordinance language is a housekeeping measure and makes the language cleaner.

**Public Testimony:** None

Motion by Commissioner Duncan, seconded by Chair Fillios, to close the public hearing at 9:08 a.m. and enter into deliberations for Case No. ORA21-0003, a request by Kootenai County to amend Section 8.7.116, Kootenai County Code,

Page Two  
September 9, 2021  
Case No. ORA21-0003

Commissioner Brooks	Absent
Commissioner Duncan:	Aye
Chair Fillios:	Aye

**Deliberations:** The Board of County Commissioners agreed they had no issues with ordinance.

Motion by Commissioner Duncan seconded by Chair Fillios, to approve Case No. ORA21-0003, a request by Kootenai County to amend Section 8.7.116, Kootenai County Code,

Commissioner Brooks	Absent
Commissioner Duncan:	Aye
Chair Fillios:	Aye

Decision:	Approve
-----------	---------

Deputy Clerk's Signature: \_\_\_\_\_  
September 9, 2021

DELIBERATIONS  
MINUTES OF MEETING  
BOARD OF COUNTY COMMISSIONERS  
September 9, 2021

Case Number: CUP20-0009

Case Name: New Life Community Church and Classical Christian Academy

Commissioners Present: Chair Fillios, Commissioner Duncan

Commissioner Absent: Commissioner Brooks

CONFLICT(S): Commissioner Duncan disclosed that she had attended this church at one time.

CHANGES: None

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

**Case No. CUP20-0009, a request by New Life Community Church and Classical Christian Academy** for a Conditional Use Permit to expand a Place of Worship and School on an approximately 10.056-acre parcel of land in the Agricultural zone. The subject parcel is developed with a church, used as a place of worship and school, which was established prior to the requirement that such uses receive a conditional use permit to operate in the Agricultural zone. The Applicant is proposing to establish up to four modular classroom buildings on the parcel in order to provide over 7,000 total square feet of additional classroom space for the K-12 private school. The school will operate from September through early June annually, and will have a maximum daily capacity of 250 people. Access to the subject parcel will be gained directly from Hayden Avenue, a public road maintained by Post Falls Highway District. The parcel number is 51N04W-20-3000, described as: TAX #13145 EX W 3 FT, N 10 FT OF TX #13146 [IN NW-NW] in Section 20, Township 51 North, Range 04 West, Boise Meridian, Kootenai County, State of Idaho. The Assessor's Identification Number (AIN) is 182821. The church is located at address 6068 W. Hayden Avenue in the Shared Tier of the Coordinated Area of City Impact. The first public hearing regarding this request was scheduled to be held in front of the Hearing Examiner on April 15, 2021. The public hearing was continued to a future date to allow the Applicant time to address identified violations of code requirements. The Hearing Examiner heard this case on August 18, 2021, and has submitted a recommendation for approval.

Planner II Zach Trevino presented this conditional use permit regarding the expansion of a private school on 10 acres in the Agriculture zone. The New Life Community Church and Classical Christian Academy share the approximately 36-thousand square foot facility which was initially established on the property in 1993 and subsequently expanded through a series of building permits. He added that plans call for the addition of up to 4 portable classroom facilities south of the current building to accommodate additional space for the private school but no additional students. Mr. Trevino said the parcel is part of the Morrison Estates Homeowners Association and Water Association but is served by an individual well on-site for the church and school use. Post Falls Highway District has determined the western most approach on Hayden Avenue will have to be eliminated.

Page Two  
September 9, 2021  
Case No. CUP20-0009

The Commissioners deliberated and were in agreement to approve the request. They commented that any traffic concerns would be lessened by the removal of one of the approaches and there are no more students attending to create any more traffic generation.

Commissioner Duncan made a motion to approve Case No. CUP20-0009, a request by New Life Community Church and Classical Christian Academy for a Conditional Use Permit to expand a Place of Worship and School on an approximately 10.056-acre parcel of land in the Agricultural zone. The motion was seconded by Chair Fillios.

Commissioner Brooks	Absent
Commissioner Duncan:	Aye
Chair Fillios:	Aye

Decision:	Approve
-----------	---------

\_\_\_\_\_  
Deputy Clerk's Signature:  
September 9, 2021