

# KOOTENAI COUNTY

## BOARD OF COMMISSIONERS

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### Meeting Minutes Community Development

April 6, 2023

9:00 A.M.

451 N. Government Way, Administration Building, Meeting Room 1A/B

The Kootenai County Board of Commissioners: Chairman Duncan, Commissioner Brooks, Commissioner Mattare met to discuss the following agenda items.

Staff present were Community Development Director, David Callahan, Planning Manager Ben Tarbutton, Planner III Vlad Finkel, Civil Deputy Prosecuting Attorney Pat Braden, and Administrative Manager Reba Grytness.

- A. CALL TO ORDER-** Chairman Duncan called the meeting to order at 10:00 a.m.
- B. CHANGES TO THE AGENDA (Action)** – Amended to add the signing of a pre-application for a Medical Examiner Coroner Accreditation Grant through the Office of Justice and the Bureau of Justice Assistance.

Chair Duncan moved to add the signing of the SF-424 documents to the agenda to meet the deadline. Commissioner Mattare seconded the motion.

Commissioner Brooks	Aye
Commissioner Mattare	Aye
Chairman Duncan	Aye

- C. CHAIRMAN’S OPENING REMARKS-** Chairman Duncan stated none today
- D. POLL FOR CONFLICTS OF INTEREST (Action)** – Commissioner Brooks stated he used to work at a group home in Illinois, though it will not influence his vote.  
Chair Duncan stated this is not a conflict, however will acknowledge her relationship with the Applicant’s Representative Jennifer Scott as a long-time friend of the family. This relationship will not affect her decision.
- E. DELIBERATIONS (Action)**
- CUP22-0008 Living Water Youth Ranch  
Vlad Finkel, Planner III starts by addressing a number of comments received. The public have been calling and email asking about the process, and how the County will move forward after the final decision, and what the options are. After the decision is made today, the applicant or any members of the public have the right to request a reconsideration. They would have 14 days after the order of decision has been signed to submit the request in writing for a reconsideration. The hearing for the request of reconsideration cannot be denied by the Board, staff is obligated to notice the hearing for the request and move forward.  
This case has been very contentious. It is at the Boards discretion as to whether they would like a brief overview, or detailed presentation.

Commissioner Mattare states he wouldn't mind the details.

The applicant is stated she is not interested in requested a public hearing, and no request has been made as of today.

Last summer a pre-application was done for Living Water Youth Ranch, a residential care facility for troubled youth. The project site is located north of I-90 between Wolf Lodge Bay and Fourth of July Pass. The subject parcel is 73 acres, however the applicant stated they would utilize approximately 52 acres for the proposed use, and 20 acres would be set aside in the future to exercise the large lot exemption for another residential use. The parcel is very heavily vegetated, with a very steep slope closest to I-90. The applicant is contemplating developing the facility at the top of the bench which would be further away from the primary access on Alder Creek Road, but would be away from the cliff that heads down to I-90. The property is zoned Rural with a Resource Recreation designation, with Country to the north, and Scenic to the west and south. The closest residence to this parcel is just over 1000 feet. The primary building would be 14k sq. feet. They would house 24 youth, 12 boys and 12 girls, and up to as many as 15 staff at any given time. There would be cabins for the staff to stay overnight. It is also proposed to have horse corrals, a field for recreational activities and a trail. A majority of the agencies did not have concerns, however did have requirements that are listed as conditions of approval in the staff report. The Sheriff's office did have concerns regarding the remote location, the delay in response time, and accessibility in the winter months. Captain Deek did testify they do not support the application. One of the main concerns by the public was security. There was substantial communication between the applicant and staff regarding this. This is a conceptual request, and it was unclear what the classification of this type of facility. Self-preservation would mean the kids could move around freely, however the application led to an institution type of facility based on the security measures presented. The applicant revised their request to make it more self-preservation security. The applicant did not want the facility to be considered an institution which caused concerns from the public and staff. Buildings over 12k sq. feet require a sprinkler system, as well as fire suppression, so it will be very likely this facility will have sprinklers. Staff had concerns with compatibility, mitigating negative impacts, and adequate services available. Also, there is a conflict with the Comprehensive Plan regarding the Resource Recreation designation. The applicant wanted a secluded/rural area for wilderness, remote location for the type of treatment they want to offer. The Hearing Examiner recommended denial. The County Code does require an "adequate" fence. Staff recommends a security fence as a condition of approval. Based on the Conditions of Approval as stated by the Hearing Examiner, the facility would only allow those that do not have a juvenile conviction other than a status offense. Essentially only un-adjudicated minors, which the applicant did not agree with.

Commissioner Mattare states he is in favor of the Hearing Examiners decision and denying the request.

Commissioner Brooks states he believed in these types of places, but this request has not been thought out and is in the wrong location, therefore he is voting against it also.

Chair Duncan states it is a great project, but too many things have not been adequately addressed. There is a lot of weight on the public comments.

Commissioner Mattare moved that CUP22-0008 be denied based upon the Hearing Examiner's information presented, and if the applicant wishes to reapply they must address those issues. Commissioner Brooks seconded the motion.

Commissioner Brooks	Aye
Commissioner Mattare	Aye
Chairman Duncan	Aye

**Denied.**

## **F. BUSINESS**

1. Emergency addition of the signing of SF-424 Documents regarding the pre-application for the Medical Examiner Coroner Accreditation Grant.

Once the Coroner's office is official accredited, they will be eligible for many more grants programs. This is only for the approval of the initial documents, and Tuesday they will have a chance to address the grant application, and make a decision.


Commissioner Brooks moved to sign the SF0-424 documents to meet the deadline.  
Commissioner Mattare seconded the motion.

Commissioner Brooks	Aye
Commissioner Mattare	Aye
Chairman Duncan	Aye

**G. ADJOURNMENT-** Chairman Duncan called the meeting to a close at 9:34 AM.

Jennifer Locke, Clerk



By:   
Jennifer Conner, Deputy Clerk

BOCC: Leslie Duncan, Commissioner - Signed 5/2/2023  
Chairman, Leslie Duncan

