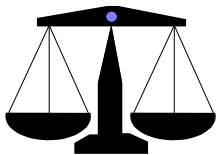


**MINUTES
KOOTENAI COUNTY HEARING EXAMINER
PUBLIC HEARING**

**APRIL 18, 2019
KOOTENAI COUNTY ADMINISTRATION BLDG.
ROOM 1**

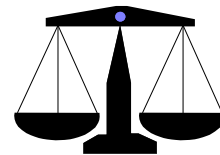
**HEARING EXAMINER
JOAN WOODARD**

**STAFF PRESENT
BEN TARBUTTON
VLAD FINKEL
AMY HILLAND
DAVID CALLAHAN
MARY SHAW
KATHRYN FORD**



**MINUTES
PREPARED BY:**

KATHRYN FORD
Recording Secretary



**MINUTES
REVIEWED BY:**

BEN TARBUTTON
Planner



JOAN WOODARD
Hearing Examiner

The Official Record of Public Hearing is on a CD recording available at the Kootenai County Community Development.

Joan Woodard called the meeting to order at 6:00 p.m.

The Hearing Examiner explained that the purpose of the public hearing is to take testimony on the items that appear on the agenda.

The Hearing Examiner will review the testimony presented and make written recommendations to the Board of County Commissioners, who will make the final decision.

The hearing was adjourned at 6:45 p.m.

HEARING EXAMINER MINUTES

APRIL 18, 2019

CASE NO. CUP18-0006

Type: Conditional Use Permit, a request by Elene Schumacher / Saint Herman of Alaska Skete, for a Conditional Use Permit to “establish a place of worship” in the Agricultural Suburban zone. A Skete is defined as a monastic community in Eastern Christianity that allows relative isolation for monks. It is anticipated there would be 2 to 4 monks initially, and not more than 6. The monks will live in small cabins like structures or eventually a dormitory-style building, in addition to an established church. Access to the subject property will be a new common driveway within via a newly recorded access easement across Parcel # 51N05W-02-1550, directly from State Highway 53. The parcel number is 51N05W-02-2900. The parcel is described as TAX # 19037 [IN GOVT LT 3] in Section 2, Township 51 North, Range 05 West B.M. Kootenai County, Idaho.
(Vlad Finkel-Planner)

Staff Presentation: Vlad Finkel, Planner, introduced the application referencing a PowerPoint presentation. The Agricultural Suburban zone does allow a place of worship with a Conditional Use Permit. Vlad added public agencies with jurisdiction had no concerns and provided comment or conditions. They are going to keep as much vegetation as possible and Kootenai County will not be enforcing the landscaping ordinance. Mr. Finkel stated this is a feasible application with enough property for the access driveway to accommodate any highway district obligation. There was no opposition from the neighbors or the public.

Applicant Presentation: Rand Wichman, Applicant Representative, testified the property owner of record wants to donate the site for a good cause and wants to ensure this use can be permitted before finalizing the donation. Rand added the St. Herman of Alaska Skete is a place where a few monks will live and go about their daily activities. It will be very modest. The building will be no different than a typical Assessor Living Unit with one exception being a small church not used for conventional church congregating. Mr. Wichman stated during the application process they tried to determine a public attendance number even though it is for residential use. The reference of 75 was the number chosen just in case there were small ceremonies or gatherings. The Skete will not be noticeable in the neighborhood and they have no concerns with complying with any of the agency requirements.

Exhibits: HE 1000 – Presentation submitted by Vlad Finkel.
HE 1001 – DEQ email submitted by Vlad Finkel.

Public Testimony: Comment Sheets submitted: 17, Applicant/Representatives - 1; In Favor – 16, Neutral – 0, Opposed – 0. The names and address of the individuals speaking or submitting comments are part of the record.

- Purpose of the Skete is a solitary life
- Quiet daily routines with no groups or events

Applicant Rebuttal: None.

There being no further comments from the public, testimony was closed on this item at 6:21 p.m. The Hearing Examiner, Joan Woodard will review this case and submit her written report to the Board of County Commissioners within two weeks.

Submitted by,

Kathryn Ford, Recording Secretary

HEARING EXAMINER MINUTES

APRIL 18, 2019

CASE NO. VAR19-0001

Type: Variance, a request by Lloyd B. Craine Family LLC for a 3.5' variance to the 10' north side yard setback and a 3.81' variance to the south side yard setback on a lot of 0.192 acres in the Restricted Residential zone. Specifically, the Applicant wishes to improve an existing residence by replacing the roof and increasing the height of the third story attic with intent of making it habitable. The existing residence was constructed prior to the County adopting setback regulations, and currently does not meet the required side yard setbacks. Access to the property is water-access only. The parcel number is 0-4480-009-002-A and described as: Lot 2 Block 9 of La Delcardo Bay in Section 23, Township 49 North, Range 04 West, B.M., Kootenai County, Idaho.
(Ben Tarbutton-Planner)

Staff Presentation: Ben Tarbutton, Planner, introduced the application referencing a PowerPoint presentation. He stated the variance request is for the north and south side of the cabin setbacks. This structure was built in the setbacks before there were codes and is now non-conforming. A non-conforming structure cannot increase the non-conformity. The Applicant wants to replace the leaking roof and improve the second level to be habitable space. These improvements require the two variances to the setbacks to be considered for approval. Mr. Tarbutton added it is important due to the lot size that the footprint will not increase but the structure will be improved vertically. Public agencies and neighboring comments had no concerns.

Applicant Presentation: Rand Wichman, Applicant Representative, testified the parcel of land is 47 feet wide and was constructed on before building codes. They built next to the lake and used the full lot so not to build into the slope and make it unstable. Since the time they built ordinances have been implemented which labels this site as non-conforming. Rand stated it is beneficial for the aging, leaking roof to support a snow load. They want to have a safe cabin so the plan is while renovating the roof to make the attic into a functional habitable space. With the roof replacement they would need a variance whether or not they improve the second attic level. Having the cabin deteriorate is not safe for use or beneficial to the neighborhood.

Exhibits: HE 1000 – Presentation submitted by Ben Tarbutton.

Public Testimony: Comment Sheets submitted: 4, Applicant/Representatives - 4; In Favor – 0, Neutral - 0, Opposed – 0. The names and address of the individuals speaking or submitting comments are part of the record.

- Family member was a boy when the cabin was purchased and now they have grandchildren enjoying the lake
- Cabin roof leak and structure will only get worse
- Del Cardo Bay is a very tight community and they all grew-up together
- Family and neighbors want their cabins safe and habitable

Applicant Rebuttal: None.

There being no further comments from the public, testimony was closed on this item at 6:38 p.m. The Hearing Examiner, Joan Woodard will review this case and submit her written report to the Board of County Commissioners within two weeks.

Submitted by,

Kathryn Ford, Recording Secretary

HEARING EXAMINER MINUTES

APRIL 18, 2019

CASE NO. ZON19-0019

Type: Zone Change, a request by Kootenai County on behalf of Nyrop Family Properties LLC to assign a new zoning classification to Parcel Number 47N04W-01-7275, which consists of 6.1811 acres. The subject parcel was recently de-annexed from the city limits of the City of Harrison and is now within the County jurisdiction. As such, the County is required to assign a zoning classification to it. The County proposes the subject parcel be assigned a Restricted Residential zoning classification, consistent with the adjacent parcel and surrounding area. Access to the subject parcel is off of E. Skyline Drive. The property is described as: Tax # 25462 [IN GOVT LT 6] in Section 01, Township 47 North, Range 04 West, B.M., Kootenai County, Idaho.
(Ben Tarbutton-Planner)

Staff/Applicant Presentation: Ben Tarbutton, Planner, introduced the application referencing a PowerPoint presentation. The City of Harrison de-annexed this parcel from the city limits. This is now within Kootenai County jurisdiction and a zoning classification needs to be assigned. Ben stated the subject parcel would be compatible with the adjacent parcel and surrounding area if assigned a Restricted Residential zone. Public agencies with jurisdiction had no concerns.

Exhibits: HE 1000 – Presentation submitted by Ben Tarbutton.

Public Testimony: Comment Sheets submitted: 1, Applicant/Representatives – Kootenai County; In Favor – 1, Neutral - 0, Opposed – 0. The names and address of the individuals speaking or submitting comments are part of the record.

- Parcel has a home split zoned with jurisdiction between city and county
- De-annexation was to have the parcel under the same jurisdiction
- Owners will consider boundary line adjustments and property splits once in county jurisdiction

Applicant Rebuttal: None.

There being no further comments from the public, testimony was closed on this item at 6:45 p.m. The Hearing Examiner, Joan Woodard will review this case and submit her written report to the Board of County Commissioners within two weeks.

Submitted by,

Kathryn Ford, Recording Secretary