

**MINUTES
KOOTENAI COUNTY HEARING EXAMINER
PUBLIC HEARING**

**FEBRUARY 20, 2014
KOOTENAI COUNTY ADMINISTRATION BLDG.
ROOM 1**

**HEARING EXAMINER
MIKE TEDESCO**

**STAFF PRESENT
MEL PALMER
DAVID CALLAHAN
KATHRYN FORD**



**MINUTES
PREPARED BY:**

KATHRYN FORD
Recording Secretary



**MINUTES
REVIEWED BY:**

MEL PALMER
Planner II



MIKE TEDESCO
Hearing Examiner

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

Mike Tedesco called the meeting to order at 6:02 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 7:29 p.m.

HEARING EXAMINER MINUTES
FEBRUARY 20, 2014

CASE NO. CUP13-0018

Type: Conditional Use Permit, a request by Cave Community Services (CBCS) to amend and expand a previously approved Public Utility Complex Facility (Wastewater Treatment Facility), Conditional Use Permit (Case No. CUP11-0005). As proposed, the amendment will allow the expansion and construction of “Phase Two” of the project. The amendment request includes the original two parcels consisting of approximately 8.7 acres and a portion of an adjacent 25.79 acre parcel. The project site is located in the Restricted Residential and Rural zones. The Parcel Numbers are: #1) 48N04W-32-2450; #2) 48N04W-32-2600 and #3) 48N04W-32-2500. The Parcel descriptions are: Parcel #1 as: TAX #11887 (IN LOT 1 & NE-NW); Parcel #2 as: NE-NW E OF RD EX TX#’S EX PLTD P TN; and Parcel #3 as: TAX #12921, TAX #12922 EX PLTD PTN & R/W-WORLEY HWY DIST. All three parcels are located in Section 32, Township 48N, Range 04W B. M. Kootenai County Idaho. (*Planner-Mel Palmer*)

Staff Presentation: Mel Palmer, Planner II, introduced application stating the amendment will allow the expansion and construction of “Phase Two” of the project. The amendment request includes the original two parcels consisting of approximately 8.7 acres and a portion of an adjacent 25.79 acre parcel. The public agencies had no negative issues and have provided requirements. The project site is located in the Restricted Residential and Rural zones and not located in an Area of City Impact (ACI). Ms. Palmer stated, she is submitting for the record, an email received from the applicant’s representative (HE 1000) regarding Condition 7.04. The condition in the staff report was included since the perpetual utility easement has not been completed or recorded at this point in time. The site was posted and based on the signed affidavit, the public notice requirements have been met.

Applicant Presentation: Gary Young, applicant representative, provided some background on the amendment to expand the public facility complex located on three parcels. He referenced a preliminary irrigation site plan (HE 1001), aerial view of the site (HE 1002) and provided a copy of the IDWR Notice of Land Application Effluent application (HE 1003). Mr. Young stated the utility easement has been granted and still needs to be recorded.

Exhibits: HE 1000 – Email 02-14-14 from applicant representative (A-20) submitted by Mel Palmer.
HE 1001 – Preliminary Irrigation Site Plan submitted by Gary Young.
HE 1002 – Aerial view of site submitted by Gary Young.
HE 1003 – IDWR Effluent application submitted by Gary Young.

Public Testimony: Comment Sheets submitted: 5, Applicant/Representatives - 5; In Favor - 5, Neutral - 0, Opposed - 0. The names and address of the individuals speaking or submitting comments are part of the record.

Applicant Rebuttal: None.

There being no further comments from the public, testimony was closed on this item at 6:30 p.m. The Hearing Examiner, Mike Tedesco will review this case and submit his written report to the Board of County Commissioners within two weeks.

Submitted by,

Kathryn Ford, Recording Secretary

HEARING EXAMINER MINUTES
FEBRUARY 20, 2014

CASE NO. CUP13-0007

Type: Conditional Use Permit, a request by The City of Post Falls/Scot Haug, Chief of Police, for a Conditional Use Permit (CUP) to construct and operate an unstaffed, non-commercial, wireless communication facility (“WCF”) located on Rathdrum Mountain on 160 acres in the Rural zone. Concurrently with the CUP application, the Applicant is requesting a Variance in:

Case No. VAR13-0006, from Kootenai County Ordinance No. 401, minimum lot size requirements for the Rural zone. The Applicant is also requesting a variance to waive the Design Standards for paving, parking and landscaping as required in Kootenai County Ordinance No. 401, Chapter 17. The proposed site is located approximately 2 miles northwest of the City of Rathdrum, via a gated logging road on Rathdrum Mountain. The parcel number is 52N05W-26-1000. The site is described as N2-NE, N2-NW in Section 26, Township 52 North, Range 05 West. B. M. Kootenai County, ID. (*Planner-Mel Palmer*)

Mike Tedesco, Hearing Examiner, stated the Conditional Use Permit and Variance applications for the City of Post Falls and Rathdrum would be presented and addressed by the public together.

Staff Presentation: Mel Palmer, Planner II, introduced the applications stating the proposal is to construct and operate an unstaffed, non-commercial, wireless communication facility to be located on Rathdrum Mountain on 160 acres in the Rural zone with a variance to minimum lot size for the Rural zone and a variance to Design Standards for paving, parking and landscaping as required in Kootenai County Ordinance No. 401. The site is located within the Rathdrum Area of City Impact (ACI) which support the application. The access road is a typical logging road that Idaho Department of Lands (IDL) has allowed access. The tower will be the standard typical grey to reduce cost. Ms. Palmer submitted four replacement items to the record for the Hearing Examiner to consider in his recommendation. The site was posted and based on the signed affidavit, the public notice requirements have been met.

Applicant Presentation: Scot Haug, Chief of Police, stated the City of Post Falls Police Department is working in collaboration with the City of Rathdrum to provide a second 911 wireless communication facility. At this point in time the only facility is on Blossom Mountain which has been down when struck by lightning. Chief Haug added the City of Rathdrum assists Spirit Lake and as the Post Falls, Rathdrum and Spirit Lake populations expand this additional tower can handle the coverage. Mike Paul, applicant representative, added the staff report was through and they agree with the conditions and modifications. The purposed tower will be used by emergency services for Post Falls, Rathdrum and Kootenai Fire and Rescue. Mr. Paul stated the remote location has no water for landscaping consideration. They will be fire safe with surrounding brush taken down and gravel placed in the surrounding area with the buffering trees preserved. The 150’ tower will not project out in the skyline since it would be placed half way up the 2,800 foot mountain.

Exhibits: HE 1000 – Plat map correction (S-26) submitted by Mel Palmer.

HE 1001 – Recommended change for Condition 7.06 submitted by Mel Palmer.

HE 1002 – Letter 02-18-14 from IDL (PA-19) submitted by Mel Palmer.

HE 1003 – Email 02-19-14 road use information (PA-20) submitted by Mel Palmer.

HE 1004 – Aerial map for Kelly Young submitted by Dan Johnson.

HE 1005 – Plat map for Kelly Young submitted by Dan Johnson.

HE 1006 – Letter from Kelly Young submitted by Dan Johnson.

Public Testimony: Comment Sheets submitted: 5, Applicant/Representatives - 2; In Favor - 0, Neutral - 1, Opposed – 1 and 1 unmarked. The names and address of the individuals speaking or submitting comments are part of the record.

- Road access
- Responsibility for road damage
- Tower security
- Recreation area impact

HEARING EXAMINER MINUTES
FEBRUARY 20, 2014

Applicant Rebuttal: Mike Paul, applicant representative, stated once the use is approved the Cities of Post Falls and Rathdrum will have an agreement to maintain the access road. They have no plans to use Chrystal Springs Road for access. Also, a fire contingency plan will be in place to keep the fire hazard low. Chief Haug added the site will be gated and maintenance will go through two gates to get to the site quarterly. The property transfer will commence if this application is approved. Post Falls will apply with Kootenai County for the site disturbance and building permits to begin construction by summer. Chief Haug concluded the impact to the recreation area and the neighboring property owners will be kept at a minimum, they want to be good neighbors.

There being no further comments from the public, testimony was closed on this item at 7:06 p.m. The Hearing Examiner, Mike Tedesco will review this case and submit his written report to the Board of County Commissioners within two weeks.

Submitted by,

Kathryn Ford, Recording Secretary

HEARING EXAMINER MINUTES
FEBRUARY 20, 2014

CASE NO. MSP13-0003

Type: Subdivision, Fox Hollow, a request by The Landings, LLC and Gregory Snyder, for preliminary approval to create a phased subdivision, consisting of 59 residential lots and 3 open space lots. The project includes three (3) parcels, totaling approximately 59.02 acres in the Restricted Residential zone. The project site is located on the east side of Rimrock Road between English Point Road and Lancaster Road, in Hayden. Water will be provided by North Kootenai Water District and septic service will be provided by Hayden Lake Recreational Water and Sewer District. Access to the proposed lots will be via an internal public road system from Rimrock Road and Wildflower Lane. The project site is located within the City of Hayden Lake Area of City Impact. The parcel numbers are: Parcel No. 1) 51N03W-08-5700 is described as: TAX #16970 EX PLTD PT EX TX# [IN S2-SW]; Parcel No. 2) 51N03W-08-6100 is described as: TAX #8922 and Parcel No. 3) 51N03W-08-5725 is described as: TAX# 21307 [IN S2-SW]. All of the parcels are located in Section 8, Township 51 North, Range 03 West, B. M., Kootenai County, Idaho. (*Planner-Mel Palmer*)

Staff Presentation: Mel Palmer, Planner II, introduced the application stating the proposal is for preliminary approval to create a phased subdivision, consisting of 59 residential lots and 3 open space lots located in the Restricted Residential zone. The subject property is located within the City of Hayden Lake Area of City Impact. Ms. Palmer submitted an updated assessor map showing the road dedication (HE 1000). In review and preparation for the hearing, Ms. Palmer added the updated map and the acreage no longer calculates to the original proposal in conformance with the ACI agreement. Staff would recommend a continuance for the hearing so the new information can be reviewed and addressed by the applicant.

Applicant Presentation: Rand Wichman, applicant representative, provided a brief overview of the project and stated they relied on their surveyor and the City of Hayden Lake using gross density for their project. Mr. Wichman added with the concerns the County expressed prior to the hearing and stated on the record the applicant would like to ask for a 30 day continuance for preparation and re-evaluation of the subject site.

Exhibit: HE 1000 – Updated assessor map submitted by Mel Palmer.

Public Testimony: Comment Sheets submitted: 5, Applicant/Representatives - 1; In Favor - 4, Neutral - 0, Opposed - 1. The names and address of the individuals speaking or submitting comments are part of the record.

Applicant Rebuttal: None.

The Hearing Examiner, Mike Tedesco addressed the attending public requesting public comment if they would like to address the application. There being no comments from the public, Mr. Tedesco stated for the record the public hearing for MSP13-0003 Fox Hollow will be continued to a date certain of March 20, 2014 at 6:00 p.m. The public hearing was adjourned at 7:29 p.m.

Submitted by,

Kathryn Ford, Recording Secretary