

**MINUTES
KOOTENAI COUNTY HEARING EXAMINER
PUBLIC HEARING**

**SEPTEMBER 18, 2014
KOOTENAI COUNTY ADMINISTRATION BLDG.
ROOM 1**

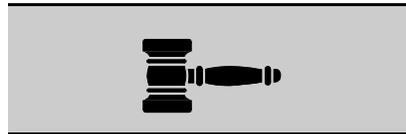
**HEARING EXAMINER
STEVEN FRAMPTON**

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



**MINUTES
PREPARED BY:**

KATHRYN FORD
Recording Secretary



STEVEN FRAMPTON
Hearing Examiner



**MINUTES
REVIEWED BY:**

MEL PALMER
Planner II

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

Steven Frampton 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. On this agenda the items were taken out of order beginning with Item B.

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 6:37 p.m.

HEARING EXAMINER MINUTES
SEPTEMBER 18, 2014

CASE NO. CUP14-0008

Type: Conditional Use Permit, a request by Cascadia PM dba Verizon, for a Conditional Use Permit (CUP) to construct an unstaffed multi-carrier telecommunications facility with a 60' steel monopole within a 40' x 40' fenced project area. The project area is centrally located on approximately 4.6389 acre parcel in the Agricultural zone. The property is located within the City of Coeur d'Alene Area of City Impact (ACI). Access to the property is off Ramsey Road. As part of the proposal, the Applicant is requesting a variance to Design Standards Section 9-17-6, parking and paving requirements, and a variance is requested to the minimum setback distance of 300' from any residential structures per Section 9-24-34 (C). The residence and outbuildings are all located on the subject parcel. The subject parcel address is at 7845 N. Ramsey Road. The parcel number is 0-3560-27-315-AC. Hayden Lake Irrigation Tract, S2-TR 315, S 3 FT-E2-N2-TR 315 ALL EX RW {IN NE4} in Section 27, Township 51 North, Range 04 West. B. M. Kootenai County, ID. (*Planner-Vlad Kryukov*)

Staff Presentation: Vlad Kryukov, Planner II, introduced the application stating the proposal is to construct an unstaffed telecommunications facility within a leased project area. The facility will have a sight obscuring fence with a tower to look like a tree blending with the existing trees on-site. During agency comment the City of Coeur d'Alene was not supportive of the paving variance. However, with Ordinance 472 adopted by the Board of County Commissioners the Zoning Ordinance Amendment no longer requires paving for such uses as the telecommunications facilities. The site is unstaffed and will require very few visits annually for maintenance purposes which supports the request for a paving variance. Mr. Kryukov added the tower will be located in a field behind the on-site existing residence which provides adequate room for a landscape buffer. A Condition of Approval 7.08 requiring the necessary landscaping is referenced in the staff report. The site was posted and based on the signed affidavit, the public notice requirements have been met.

Applicant Presentation: Angela Raymond, applicant representative, provided a brief overview regarding how the application has met the standards for the Conditional Use Permit request. She addressed the public comment concerns that were submitted to the file and requested approval as referenced in the staff report.

Exhibits: None.

Public Testimony: Comment Sheets submitted: 4, Applicant/Representatives - 1; In Favor - 0, Neutral - 0, Opposed - 3. The names and address of the individuals speaking or submitting comments are part of the record.

- Concerns expressed regarding lightening strikes

Applicant Rebuttal: Angela Raymond, applicant representative, added the site and tower is grounded and would not be causing electronic equipment failure.

There being no further comments from the public, testimony was closed on this item at 6:16 p.m. The Hearing Examiner, Steven Frampton 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
SEPTEMBER 18, 2014

CASE NO. CUP14-0007

Type: Conditional Use Permit, a request by Richard LaFave, for a Conditional Use Permit to allow the continued operation of a Restricted Surface Mine on 12.95 acres in the Rural zone. The Applicant received a Conditional Use Permit for this site in 2002 (C-1065-01), and has received additional permits since that time. Access to the property is off Half Round Bay Road. The parcel number is 48N04W-12-6500. The parcel is described as SW4 S of RD EX TX # 7732 in Section 12, Township 48N, Range 04W, B. M. Kootenai County. *(Planner-Vlad Kryukov)*

Staff Presentation: Vlad Kryukov, Planner II, introduced the application stating the proposal is to allow the continued operation of a Restricted Surface Mine on 12.95 acres in the Rural zone. This request is no different than the one prior and is unlikely that any additional impact would be created with the approval of this proposal. On a site visit, staff observed that the site was kept in a well organized manner. The agencies have no adverse comments. The Applicant is also in good standing with IDL as it relates to the reclamation plan. Mr. Kryukov added staff supports the Applicants request for no additional landscaping or parking, since the site is naturally buffered from surrounding properties. The minimum operation is typically run by one employee or owner and there seems to be no need for additional parking. The site was posted and based on the signed affidavit, the public notice requirements have been met.

Applicant Presentation: Mike Curry, applicant representative, provided the general history of the site stating the owner had health issues in 2012 and let the previous CUP expire. He addressed the details of each public agency response which supports the Restricted Surface Mine use. Mr. Curry made two requests to add with the Conditions of Approval 1) if the CUP is approved to have the date run for 5 years from the start of spring 2015 when business would begin and 2) once the CUP comes time for renewal in 5 years IF the operation is in good standing it could be automatically approved for the next 5 years.

Exhibits: None.

Public Testimony: Comment Sheets submitted: 2, Applicant/Representatives - 1; In Favor - 1, 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 6:32 p.m. The Hearing Examiner, Steven Frampton 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
SEPTEMBER 18, 2014

CASE NO. CUP14-0009

Type: Conditional Use Permit, Randy and Patricia Wilson request a Conditional Use Permit to allow for the continued operation of a Restricted Surface Mine. The surface mine project is on an approximately six acre portion of the 115-acre subject parcel, located in the Agricultural zone. The Parcel Identification Number is 47N02W-04-0800. The subject site is located in the southeast corner of the intersection of State Highway 3 and Willow Creek Road, approximately 13 miles south of Interstate 90 near Cave Lake. The parcel is described as LT 2 EX TAX#S & EX RW, LT 3 EX TAX#S, SW-NW EX TAX#S & EX RW, LT 5 ABOVE ELEV 2128 FT EX TAX#S & EX RW, TAX #21884 IN SEC 33 and in Section 04, Township 47N, Range 02 West, B. M., Kootenai County, Idaho.

Staff Presentation: Mel Palmer, Planner II, introduced the application stating the proposal is to allow for continued operation of a Restricted Surface Mine. The applicant is in good standing and has had multiple CUP's for this site. The applicant requested the same conditions and hours operation. All the agencies submitted their comments with no opposition. The site was posted and based on the signed affidavit, the public notice requirements have been met.

Applicant Presentation: Randy Wilson, applicant, stated they have been in good standing since 1996 with the agencies that oversee the process and the Conditional Use Permit conditions of approval. Mr. Wilson added this mine has been in the family for over 100 years and they want to keep this as a source of future income for their family. He would also like to request an additional Condition of Approval to include once the CUP comes time for renewal in 5 years IF the operation is in good standing it could be automatically approved for the next 5 years.

Exhibits: None.

Public Testimony: Comment Sheets submitted: 2, Applicant/Representatives - 2; In Favor - 0, 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 6:37 p.m. The Hearing Examiner, Steven Frampton will review this case and submit his written report to the Board of County Commissioners within two weeks.

Submitted by,

Kathryn Ford, Recording Secretary