

**MINUTES
KOOTENAI COUNTY HEARING EXAMINER
PUBLIC HEARING**

**OCTOBER 2, 2014
KOOTENAI COUNTY ADMINISTRATION BLDG.
ROOM 1**

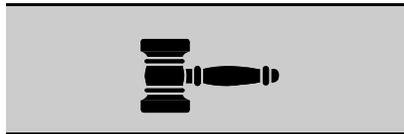
**HEARING EXAMINER
SHARON MOHR**

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



**MINUTES
PREPARED BY:**

KATHRYN FORD
Recording Secretary



SHARON MOHR
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.

Sharon Mohr 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 6:36 p.m.

HEARING EXAMINER MINUTES
OCTOBER 2, 2014

CASE NO. CUP14-0010

Type: Conditional Use Permit, a request by Kootenai Properties, Inc., for a Conditional Use Permit to allow the operation of a Restricted Surface Mine in the Rural zone. The Applicant previously received an approved Conditional Use Permit for this site in 2005 in Case No.C-1112-05. The mining area/project site is located across the two (2) subject parcels and consists of approximately 8.3 acres in size. Access is via an existing gravel road off Highway 95. The Parcel Identification Numbers are 48N05W-33-4000 and 48N05W-28-8200. Parcel 48N05W-33-4000 is described as: N2, W2-SW EX HWY 95 R/W in Section 33, Township 48N, Range 05 W, B. M., Kootenai County, Idaho. Parcel 48N05W-28-8200 is described as: E2 EX TX#18533, SW4 EX HWY 95 R/W in Section 28, Township 48N, Range 05W, B. M. Kootenai County, Idaho.

Staff Presentation: Mel Palmer, Planner II, introduced the application stating the proposal is for a Conditional Use Permit to allow the operation of a Restricted Surface Mine on a portion of two parcels in the Rural zone. The project area consists of approximately 8.3 acres. There were no adverse comments received by the public agencies and three public comments in opposition. The site was posted and based on the signed affidavit, the public notice requirements have been met.

Applicant Presentation: Rand Wichman, applicant representative, provided a brief history stating the mine has no structures on site and was in full use for a rock source in the Highway 95 project. The closest neighbor is approximately 1 mile away. The Class 2 stream on site is about 40 feet from the project boundary. The excavation site has a wall and does prevent any runoff from going downhill. The mining will be sporadic involving crushing, stock piling and hauling out of product. The crushing may occur twice a year for a couple of weeks depending on the demand. The hours of operation requested are consistent with other mining CUP's the Board of County Commissioners have approved in the area. There will be no new structures or lighting for the sight which is not visible from Highway 95. Mr. Wichman added there were no significant agency concerns and if deemed necessary, would agree to a buffer condition for the Class 2 stream as addressed by the Coeur d'Alene Tribe.

Exhibits: None.

Public Testimony: Comment Sheets submitted: 4, Applicant/Representatives - 1; In Favor - 1, Neutral – no entry, Opposed – 1. The names and address of the individuals speaking or submitting comments are part of the record. The Public Testimony had comments regarding:

- Living in the area the past blasting has damaged the foundation of their home.
- Developers want to take over without regard to the neighbors.

Applicant Rebuttal: Rand Wichman, applicant representative, stated they were not aware of any issues or violations when the pit was in full operation for the Highway 95 project. With the limited hours requested it may reduce some of the neighbors concerns. Mr. Wichman added Kootenai Properties has owned and ran this pit for a long time and are good stewards of the land. This is a good operation location with a 2,300 foot buffer within its property line.

There being no further comments from the public, testimony was closed on this item at 6:21 p.m. The Hearing Examiner, Sharon Mohr 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
OCTOBER 2, 2014

CASE NO. ZON14-0005

Type: Zone Change, Northwest Holdings LLC, a request to change the zoning classification from Agricultural to Light Industrial on approximately 14.98 acres. The proposed site is located north of Seltice Way, on the east side of Beck Road. The parcel number is 50N05W063225. LT 4 EX TAX #S, LT 5 N OF RR EX TAX #S & EX RW in Section 6, Township 50 North, Range 05 West, B.M., Kootenai County, Idaho. The proposed site is located within the Shared Tier Area of City Impact boundary of City of Post Falls, Hayden and Rathdrum.

Staff Presentation: Vlad Kryukov, Planner II, introduced the application stating the subject parcel is located within the Shared Tier Area of City Impact boundary. All three cities within that tier responded indicating no comments or concerns. However, the City of Post Falls official suggested that the Kootenai Metropolitan Transportation Master Plan (KMPO) be reviewed and appropriate rights-of-ways for Beck Road be dedicated to the Post Falls Highway District and any necessary easements granted. The Highway District stated a comment would be provided once any property development details were received. The request is consistent with the surrounding uses in the area and will cause little or no additional impact to the surrounding neighborhood. The site was posted and based on the signed affidavit, the public notice requirements have been met.

Applicant Presentation: Steve Syrcle, applicant representative, stated they have no issues with the staff report. The various land uses in the area are a good fit with this zone change request and currently there is no development plan for this site.

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 6:27 p.m. The Hearing Examiner, Sharon Mohr 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
OCTOBER 2, 2014

CASE NO. VAR14-0004

Type: Variance, a request by **Kenneth A. Wilkinson** for a variance to the Kootenai County Zoning Ordinance front yard setback requirement of twenty-five (25) feet. The Applicant is requesting a variance of six (6') feet to the twenty-five (25') foot front yard setback to allow the renovation of an existing garage structure into a new residential structure, using the same footprint, on a 2.51 acre parcel of land, in the Rural zone. The parcel number is 50N05W-15-2620 and described as: Tax #1966 in Section 15, Township 50 North, Range 05 West, B. M., Kootenai County, Idaho. The project site is located at 3495 S. Schilling Loop, Post Falls, ID 83854. The Applicant received approval of the same variance request on August 5, 2010 in Case No. VAR10-0004. However, the remodel did not begin in the time allowed.

Staff Presentation: Mel Palmer, Planner II, introduced the application stating the proposal is for a front yard setback variance to allow the applicant to remodel an existing garage. This site is not in an Area of City Impact (ACI) and received no agency objections. Ms. Palmer added there was a previous variance granted which expired and then the property received a code violation for building without a current variance approval and building permits. The site was posted and based on the signed affidavit, the public notice requirements have been met.

Applicant Presentation: Steve Syrcle, applicant representative, provided a brief history of the parcel which had living quarters above the garage and then was destroyed in a fire. The applicant has no objections to the staff report. The site now has upgrades with a new well and permitted septic area which was gifted by the neighbors. Mr. Syrcle added approval of this variance will give the applicant and his son the authorization to begin building and clear the code violation.

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. The Public Testimony had comments regarding:

- Property was abandoned and attracted kids and homeless when the previous owners passed away
- New structure would be a welcomed improvement to the neighbors
- Owner is environmentally conscious of the creek
- Neighboring properties have also been vandalized due to the abandon history of the property

Applicant Rebuttal: None.

There being no further comments from the public, testimony was closed on this item at 6:36 p.m. The Hearing Examiner, Sharon Mohr will review this case and submit her written report to the Board of County Commissioners within two weeks.

Submitted by,

Kathryn Ford, Recording Secretary