

**MINUTES  
KOOTENAI COUNTY HEARING EXAMINER  
PUBLIC HEARING**

**NOVEMBER 6, 2014  
KOOTENAI COUNTY ADMINISTRATION BLDG.  
ROOM 1**

**HEARING EXAMINER  
SHARON MOHR**

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



**MINUTES  
PREPARED BY:**

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**KATHRYN FORD**  
Recording Secretary



**MINUTES  
REVIEWED BY:**

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**MEL PALMER**  
Planner II



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**SHARON MOHR**  
Hearing Examiner

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 6:01 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 7:40 p.m.**

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**CASE NO. CUP14-0011**

**Type: Conditional Use Permit, Case No. CUP14-0011, a request by Jeff May,** for a Conditional Use Permit to allow a Commercial Resort in accordance with Sections 9-13-9 and 9-24-5 of Kootenai County Zoning Ordinance No. 401. The subject parcel consists of approximately 10.5 acres located in the Rural zone. The project will be developed in two phases. Access to the project site will be via Turk Lane. Water service will be provided by a new private well on site. Septic service will be provided via individual or shared septic systems. The Parcel Identification Number is 53N03W-32-8450 and described as: TAX #20638 [IN SW-SE] in Section 32, Township 53 North, Range 03 West. B. M. Kootenai County, ID. The subject site is located at 4403 E. Turk Lane.

**Staff Presentation:** Mel Palmer, Planner II, introduced the application stating the proposal is for a Conditional Use Permit in the Rural zone for a Commercial Resort. The resort consists of 6 cabins, an office building and outdoor recreational activities. Public comments received after the deadline were submitted as PC-45 and PC-46 (HE 1000). The water service will be provided by a new private well and septic service by individual or shared septic systems as determined by the Panhandle Health Department. She added the site is proposed to be accessed off of Turk Lane. A variance to Design Standards was also requested and staff has requested in Condition 8.08 that prior to permit issuance a detailed plan demonstrating compliance with Design Standards be provided for review. Ms. Palmer added staff has concerns regarding access and the applicant submitted information to the file after the staff report was completed so for the record A-17 (HE 1001) and A-18 (HE 1002) are being submitted. The site was posted and based on the signed affidavit, the public notice requirements have been met.

**Applicant Presentation:** Rand Wichman, applicant representative, provided an overview of the property and proposed luxury cabins. He stated the property is heavily wooded, flat and visibility creating an illusion of a large park. Mr. Wichman submitted exhibits into the record as an aerial overview of the site (HE 1003), updated easement documentation (HE 1004) and a revised site plan (HE 1005) which is showing the new layout to accommodate setback requirements. The applicant is willing to clearly delineate the property boundary with signage so no guests wander off the site and to comply with all agency requirements.

**Exhibits:** HE 1000 – Public Comments (PC-45 & 46) received past the deadline submitted by Mel Palmer.  
HE 1001 – New granted easement (A-17) submitted by Mel Palmer.  
HE 1002 – Revised site plan (A-18) submitted by Mel Palmer.  
HE 1003 – Aerial site overview submitted by Rand Wichman.  
HE 1004 – New easement documentation provided to staff submitted by Rand Wichman.  
HE 1005 – Revised site plan provided to staff submitted by Rand Wichman.  
HE 1006 – Public comment statement submitted by Bill Turk.  
HE 1007 – Public comment group statement submitted by Glenn Hill.

**Public Testimony:** Comment Sheets submitted: 30, Applicant/Representatives - 2; In Favor - 7, Neutral – 1 entry, Opposed – 19 with 1 group representative. The names and address of the individuals speaking or submitting comments are part of the record. The Public Testimony had comments regarding:

- Small business will stimulate the local economy
- Access road would be improved
- Control on who is staying and what they do is not likely
- Security, noise and lighting issues
- Neighboring properties have their rural dream home lifestyles knowing their neighbors
- The proposed access road is a private road
- Easement was surveyed incorrectly
- They share a well which is on the adjoining property to the north
- Neighboring parcels place their homes to the center to have privacy
- Strangers coming and going all hours of the day and night

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- Negative effect on property values, ground water and wildlife
- Issues evolving if the resort fails
- Request is absolutely adverse to the neighborhood property interest

**Applicant Rebuttal:** Rand Wichman, applicant representative, stated the plan is to build the cabins slowly and in stages to see if the resort would be profitable. The applicant plans on doing his fair share of the private road maintenance to bring the road up to code. Mr. Wichman added the recent easement amendment is null and void since it does not include all involved parties. The land uses allowed in the area could be far worse than that the requested resort which can be conditioned.

There being no further comments from the public, testimony was closed on this item at 7:40 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,

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Kathryn Ford, Recording Secretary

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**CASE NO. ZON14-0006**

**Type: Zone Change, a request by Wade and Shannel Soderbeck**, to change the zoning classification from Agricultural Suburban to Commercial on 1.366 acres. The proposed site is located at 23003 W. Highway 53. The parcel number is 51N05W-16-5460. The property is described as TAX #6169, #10013 in Section 16, Township 51 North, Range 05 West, B. M., Kootenai County, Idaho.

**Staff Presentation:** Vlad Kryukov, Planner II, introduced the application stating the applicant is requesting a zone change from Agricultural to Suburban to Commercial on 1.366 acres. Their future plans include operating a small business that specializes in mobile equipment servicing to off-site customers. There is an existing mobile and shop on the property. They have also applied for a Special Notice Permit pending this zone change request. Mr. Kryukov added if this zone change is approved then Kootenai County Ordinance 401 states that uses on all lots in a Commercial zone which front a state or federal highway shall require a Special Notice Permit. There were no adverse agency comments submitted, however, Community Development Code Compliance issued a letter stating that there is an active Building Code Violation for the unpermitted living quarters within a pole barn. This code violation can be addressed with the imposition of conditions of approval in the Special Notice permit request. The site was posted and based on the signed affidavit, the public notice requirements have been met.

**Applicant Presentation:** Sandy Young, applicant representative, stated the applicants are cleaning up the property in preparation for the zone change request, Special Notice Permit and applying for building permits. The applicants plan for a mobile equipment rescue business that would have approximately six employees disbursed depending on incoming calls. The employees will have available space for parking meeting the required design standards. She provided an overview of the requirements adding this zone change will allow for commercial development and support economic development to occur in an environmentally safe manner.

**Exhibits:** None.

**Public Testimony:** Comment Sheets submitted: 4, Applicant/Representatives - 1; In Favor - 3, 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 6:14 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,

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Kathryn Ford, Recording Secretary