

**MINUTES
KOOTENAI COUNTY HEARING EXAMINER
PUBLIC HEARING**

**MARCH 5, 2015
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



**MINUTES
REVIEWED BY:**

MEL PALMER
Planner II



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 6:02 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 6:25 p.m.

HEARING EXAMINER MINUTES
MARCH 5, 2015

CASE NO. Z-721-02

Type: Zone Change, a request by Spokane Rock for a 10-year review based on Section 19. (Review) of the Conditional Zoning Development Agreement approved with Zone Change Request No. Z-721-02 on January 5, 2005. The purpose of this review is to determine if mining is still appropriate at this site and whether any conditions require re-negotiation. Concurrently with the 10-year review, the Applicant is requesting to modify the existing Conditional Zoning Development Agreement (CZDA) to remove Section 19. (Review) which would no longer require such periodic review of this Agreement. The project site is located on the west side of Pleasant View Road and north of Spokane International Railroad. The parcel numbers are 51N05W-31-4700, 51N05W-31-1100, and 51N05W-31-7600. The property is described as: Parcel # 1: NW, SW EX NW OF GOVT LT 1; Parcel # 2: NE, W2-SE N OF RW EX TAX #S, NE-SE EX S 865 FT, ALL EX RW; Parcel # 3: S 865 FT OF NE-SE, SE-SE N OF RR RW EX TX # EX RW will all parcels located in Section 31, Township 51 North, Range 05 West, B.M., Kootenai County, Idaho. (*Planner-Vlad Kryukov*)

Staff Presentation: Vlad Kryukov, Planner II, stated the zone change application is an existing project needing a 10 year compliance review due to their Conditional Zoning Development Agreement (CZDA). Staff began working with the applicant in April to show compliance with their CZDA. Mr. Kryukov added the applicant would like to eliminate Section 2.19 which would no longer require a periodic review of the agreement. There are no significant issues with approving this request since if there were concerns they could be brought forward to Community Development under the Conditional Use Permit conditions. The public agencies were solicited and the City of Post Falls was concerned due to the any future ACI expansion in the area. The site was posted and based on the signed affidavits in the file, the public notice requirements have been met.

Applicant Presentation: Terry Gadbaw, applicant, extended his gratitude to the staff in working through the review with them. Their site is unique in taking the gravel out and putting the land free for farming use as they move along. They pride themselves on reclaiming the land. Mr. Gadbaw added they have proven with their reviews to be good neighbors with no issues and other mining sites in the area do not have the 10 year compliance review restriction in their agreements.

Exhibits: None.

Public Testimony: Comment Sheets submitted: 3, Applicant/Representatives - 2; 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 referencing the above applications had comments regarding:

- Spokane Rock approached the land owner to set in motion the first immediately reclaimed mining property in the State of Idaho.
- Third generation cattleman and farmer deems this partnership good economics.
- Farm land reclamation is moving forward at a good pace with over 20 acres cropped this year.

Applicant Rebuttal: None.

There being no further comments from the public, testimony was closed on this item at 6:18 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
MARCH 5, 2015

CASE NO. ZON15-0001

Type: Zone Change, a request by Kootenai County for Prairie Holdings, to assign a zoning classification to a parcel (currently described as two parcels) of land that was recently de-annexed from the City of Coeur d'Alene city limits. Prior to the parcel being annexed into the City of Coeur d'Alene, it was zoned Agricultural in the County. Kootenai County proposes to revert the parcel back to the original zoning designation of Agricultural. The Parcel Numbers are: C-4537-27-329-AA, which is described as: HAYDEN LAKE IRR TRS AMENDED, W2-TR 329 EX S 1/4; and Parcel No. C-4537-27-329-AB, which is described as: HAYDEN LAKE IRR TRS AMENDED, S 1/4-W2-TR 329. Both Parcel Numbers are located in Section 27, Township 51 North, Range 04 West, B. M., Kootenai County, Idaho. (*Planner-Mel Palmer*)

Staff Presentation: Mel Palmer, Planner II, introduced the Kootenai County application stating these parcels were recently de-annexed from the City of Coeur d'Alene city limits and needs to be assigned a new County Zoning Designation. The zoning classification needs to be consistent with the surrounding area and uses and the County Staff recommends Agricultural zone. The site was posted and based on the signed affidavits in the file, the public notice requirements have been met. David Callahan, Director, added this parcel was annexed when the County building application process was in mid-review. The City of Coeur d'Alene would not issue the Certificate of Occupancy, because the building permit had begun in the County, prior to annexation. The landowners requested to be de-annexed because it was the only way they could receive their Certificate of Occupancy for the home and live in the structure.

Exhibits: None.

Public Testimony: Comment Sheets submitted: 0, Applicant/Representatives - 0; 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 6:25 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