

**MINUTES
KOOTENAI COUNTY HEARING EXAMINER
PUBLIC HEARING**

**MAY 7, 2015
KOOTENAI COUNTY ADMINISTRATION BLDG.
ROOM 1**

**HEARING EXAMINER
SHARON MOHR**

**STAFF PRESENT
VLAD FINKEL
DAVID CALLAHAN
KATHRYN FORD**



**MINUTES
PREPARED BY:**

KATHRYN FORD
Recording Secretary



**MINUTES
REVIEWED BY:**

VLAD FINKEL
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 6:01 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.

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 6:42 p.m.

HEARING EXAMINER MINUTES
MAY 7, 2015

CASE NO. MSP13-0001

Type: Subdivision, a request by Woodlands at Frosty Pine (Condition Modification). On March 6, 2014, the Applicant received the approval of a Conservation Design Subdivision that consists of 11 residential lots, two (2) green space lots, one (1) road tract and one (1) utility lot on 21.676 acres in the Agricultural Suburban zone. At this time the Applicant is requesting to remove the originally imposed Condition of Approval #6.09, which required a restriction on the face of final plat prohibiting construction of basements. The property is located within the City of Coeur d'Alene Area of City Impact. Access to property is provided via Frosty Pine Trail, a private road which will be improved to the point of where it intersects with Fernan Hill Road. The parcel number is 50N03W-17-4700. The site is described as Tax # 11397 in Section 17, Township 50 North, Range 03 West, B.M., Kootenai County, Idaho. (*Planner-Vlad Finkel*)

Staff Presentation: Vlad Finkel, Planner II, introduced the application stating once Community Development staff met with the Applicant Representative it was decided the request was a major modification under Subdivision Ordinance 394 10-2-1c which prompts a public hearing process before the Hearing Examiner and Board of County Commissioners. Mr. Finkel added there were no agency or City of Coeur d'Alene concerns with this modification request. Public comments received had one in opposition and issues regarding blasting at the site were expressed in a late submittal and telephone call. The site was posted and based on the signed affidavits in the file, the public notice requirements have been met.

Applicant Presentation: Scott McArthur, Applicant Representative, stated the Condition Modification request for this subdivision project is before the Hearing Examiner for simply a building design aspect. The original Geotechnical Evaluation was typical language and misunderstood with the subdivision approval including a no basement condition to be placed on the plat. The applicant was not aware of the previous representative agreeing to this plat condition. Mr. McArthur added the true intent of the Geotechnical Evaluation was to include basements which would need sufficient drainage. The addendum to the Geotechnical Evaluation has been submitted for consideration. The drainage for the home sites will be designed for each individual lot which may include daylight basement construction due to the topography. If basements were not allowed a dirt fill would need to be trucked in or hammered out of the existing bedrock to do a slab on grade which may create other drainage issues and create a significant cost for developing homes. Mr. McArthur clarified the provision is to modify the plat note sheet and strike the "no basements" reference.

Exhibits: None.

Public Testimony: Comment Sheets submitted: 5, Applicant/Representatives - 1; In Favor - 1, Neutral - 0, Opposed - 3. 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:

- Basements and drainage may be an issue but there are bigger issues with blasting
- Neighboring homes shook and have cracks inside due to blasting
- No contact available for getting information on the construction of the subdivision site
- Bedrock is shallow and blasting waves can travel
- Neighbor is not opposed to subdivision just to any damaging blasting
- More blasting may occur if basements are allowed

Applicant Rebuttal: Scott McArthur, Applicant Representative, addressed the blasting concerns stating they would check their past blasting dates since they did not occur simultaneously and they have not heard about any issues until this evening. The blasting was done to place waterlines and shape an area. Mr. Fluett added he is concerned and surprised regarding any damage since the blasting was within 125 feet of his home with no damage to him or his property. Vlad Finkel, Planner II, clarified that staff is available to address questions and all files are available to review at the Community Development office.

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There being no further comments from the public, testimony was closed on this item at 6:42 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