

**MINUTES
KOOTENAI COUNTY HEARING EXAMINER
PUBLIC HEARING**

**SEPTEMBER 3, 2015
KOOTENAI COUNTY ADMINISTRATION BLDG.
ROOM 1**

**HEARING EXAMINER
SHARON MOHR**

**STAFF PRESENT
MEL PALMER
VLAD FINKEL
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 6:00 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 6:59 p.m.

HEARING EXAMINER MINUTES
SEPTEMBER 3, 2015

CASE NO. CUP15-0002

Type: Conditional Use Permit, a request by Tara Walker, to establish two uses including a Commercial Equestrian Facility and Commercial Resort, in compliance with Title 9, Sections 9-13-9; 9-24-5 and 9-24-37. The facility will be developed in three phases, over approximately 10 years and include a Commercial Riding Arena and Equine Training Center Facility. The project site includes ten parcels totaling approximately 270 acres in the Rural zone. The Parcel Identification Numbers and descriptions are: Parcel No. 53N03W-27-4000 – NW4 EX RW, S 31 FT-S2-NE EX W-2262 FT & EX RR; Parcel No. 53N03W-27-1400 – TAX #17541 [IN SW-NE]; Parcel No. 53N03W-27-1425 - TAX #17542 [IN SW-NE]; Parcel No. 53N03W-27-1200 - TAX #17549 [IN SW-NE]; Parcel No. 53N03W-27-1950 - TAX #17543 [IN SW-NE]; Parcel No. 53N03W-27-1975 - TAX #17544 [IN SE-NE]; Parcel No. 53N03W-27-1850 - TAX #17545 [IN SE-NE]; Parcel No. 53N03W-27-7950 - TAX #17547 [IN NW-SE]; Parcel No. 53N03W-27-7800 - TAX #17548 [IN NW-SE]; Parcel No. 53N03W-27-7250 - TAX #17546 [IN N2-SE]. All of the subject Parcels are located in Section 27, Township 53N, Range 03W, B. M., Kootenai County Idaho. The project site is located near Silverwood, on the east side of Lawrence Road and US Highway 95, north of E. Bunco Road.

Staff Presentation: Mel Palmer, Planner II, introduced the Conditional Use Permit to establish a Commercial Riding Arena, Equine Training Center/Facility and a Commercial Resort. As proposed, the request is a phased project and would be developed over a period of approximately 10 years. The project site includes ten parcels on approximately 270 acres in the Rural zone. The area is heavily vegetated and would require no additional landscaping. Ms. Palmer added the applicant addressed some buffer and revised parking concerns and submitted a revised site plan (HE 1000). Public agencies have no objections and requirements have been incorporated into the conditions as referenced. The site was posted and based on the signed affidavits in the file, the public notice requirements have been met.

Applicant Presentation: Brad Marshall, Applicant Representative, stated the applicant is requesting to have Cedar Mountain Ranch become an equestrian center. The Kootenai County definition selection references a commercial resort, however, there will be no hotel, bed and breakfast or spa just a facility for equestrian use. The access road would be Lawrence Road, a public road even though Sunshine Road is owned by Tara Walker it would not be used as access to the facility. Mr. Marshall added that Phase I would include the simple arena complex and seasonal trail rides. If the business prospers the referenced phases are planned for future growth. They conducted a neighborhood meeting at Athol City Hall and invited the surrounding property owners to provide factual information and future plans for the site. In conclusion, he stated the application meets the standards of approval, is appropriate for the Comprehensive Plan and would be an economic benefit.

Tara Walker, Applicant, provided a brief history of the property stating her mother always wanted a guest ranch and had no interest in selling to prospective developers. The property would stay in a primitive state and symbolize Idaho leaving the bulk of the property as it remains today. The trails would be for horseback riding and snow shoeing with the only motorized vehicle being hers for trail maintenance. Ms. Walker added the ranch would provide job sources, be an asset to the community and if business is favorable future plans would include horse shows and Christian camps.

Exhibits: HE 1000 – Revised site plan submitted by Mel Palmer.

Public Testimony: Comment Sheets submitted: 9, Applicant/Representatives - 2; In Favor - 5, Neutral - 1, Opposed – 1. The names and address of the individuals speaking or submitting comments are part of the record. The Public Testimony referencing the application had comments regarding:

- Site and land use seems to be very well planned and appropriate for the zoning
- Good neighbor attitude
- Not invasive
- Great use for the area and needed for the horse people
- Unsure of the impact of this facility and Silverwood Theme Park
- Hunters in the area do not want to conflict with the business

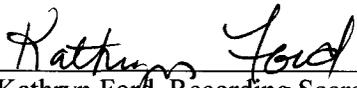
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- Not enough people were notified
- A neighboring HOA was not able to attend the open house meeting

Applicant Rebuttal: Brad Marshall, Applicant Representative, stated the public response was favorable. At full build out the projection may be 125 ticket sales a day and about 20 horses with no long term boarding. There are boarding areas on the site but they are for temporary use. Mr. Marshall added the public noticing included the adjacent property owner mailing, the Athol City Hall open house, newspaper notification and posting on the site.

There being no further comments from the public, testimony was closed on this item at 6:33 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
SEPTEMBER 3, 2015

CASE NO. VAR15-0007

Type: Variance, a request by Tammy Strait for a variance of 20' to the Kootenai County front yard setback requirement of 25'. The property is approximately 0.246 acres in size in the Restricted Residential zone and is currently undeveloped with very steep slopes. The intent of the request is to construct a residence as close as possible to the existing road. This would require a 5' setback from the 15' private road easement. Access to the property is off Waverly Loop, a private road. The parcel number is 0222000B021A and described as English Point Building Sites 1st Addition to Block B, Lot 21 Block B, TAX #23067 [IN NW4] in Section 16, Township 51 North, Range 03 West, B.M., Kootenai County, Idaho.

Staff Presentation: Vlad Finkel, Planner II, introduced the application stating the property is currently undeveloped with very steep slopes. The intent of the request is to construct a residence as close as possible to the existing road. Access to the property is off Waverly Loop, a private road. It is evident by a site visit conducted by Staff that the steep slopes on-site present a significant challenge to the development of the property without the approval of a variance. Mr. Finkel added during the public comment period, the property owner of Lot 22, brought to Staff's attention that a 10 foot access easement provides access to his lot and encumbers the Applicants property. He further stated that he is in support of the Applicants request as long as the access driveway and easement is not compromised with the approval of this request. With this in mind, Staff is proposing an additional condition of approval to address this matter. The site was posted and based on the signed affidavits in the file, the public notice requirements have been met.

Applicant Presentation: Tammy Strait, Applicant, stated due to the step topography and the setback requirements she would like approval of her application to build their home. The enforcement of the 25-foot setback would have a home with no way to access. Ms. Strait referenced a home sideview rendering (HE 1000) which would not block the access to the neighbor's property. She added when they first began site plans they were not aware of the neighboring easement but now it has been surveyed and recorded. Their plan is setback further than some neighboring homes.

Exhibits: HE 1000 – Slope sideview with structure submitted by Tammy Strait.

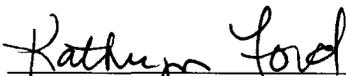
Public Testimony: Comment Sheets submitted: 4, Applicant/Representatives - 1; In Favor - 3, Neutral - 0, Opposed – 0. The names and address of the individuals speaking or submitting comments are part of the record. The Public Testimony referencing the application had comments regarding:

- A beautiful place to build and the setbacks make no sense for the site
- No neighbors oppose this request

Applicant Rebuttal: None.

There being no further comments from the public, testimony was closed on this item at 6:50 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
SEPTEMBER 3, 2015

CASE NO. VAR15-0003

Type: Variance, a request by Sandra Hilliard for a variance of approximately seven feet seven inches (7'7") to the twenty-five (25') foot front yard setback requirement and for a variance of two feet nine inches (2'9") from the ten (10') foot side yard setback requirement. The project site consists of approximately 0.385 acres, in the Restricted Residential zone. The Applicant is seeking the variances to allow the existing manufactured home and garage to remain in the existing location and continue the process of converting them to real property. The subject property is located at 23160 S. Madrona Loop. The Parcel Number is 0-1201-001-004-0, and described as CARROLLS CAVE BAY HOMESITES 5TH ADD, LT 4 BLK 1, in Section 32, Township 48 North, Range 04 West, B. M., Kootenai County, Idaho. (*Mel Palmer-Planner*)

Staff Presentation: Mel Palmer, Planner II, introduced the application stating the variances allow the Applicant the opportunity to bring the existing home, garage and deck(s) into compliance with the setback requirements and to obtain the applicable building permits to resolve code violations on the property. The violations are for previous construction of the garage and deck(s) without permits. The site was posted and based on the signed affidavits in the file, the public notice requirements have been met.

Applicant Presentation: Sandra Hilliard, Applicant, stated that Mel Palmer covered the facts in the staff report. The seller agreed to carry the contract until she could convert the home to real property and obtain a loan. The home has been in its current location for 25 years and her variance request would get her closer to converting the home to real property and being able to apply for a loan.

Exhibits: None.

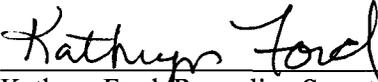
Public Testimony: Comment Sheets submitted: 3, Applicant/Representatives - 1; In Favor - 2, Neutral - 0, Opposed - 1. The names and address of the individuals speaking or submitting comments are part of the record. The Public Testimony referencing the application had comments regarding:

- Neighbor on the site next door for 19 years and is a full-time resident
- Retaining wall was added to prevent the slide of the site
- Cave Bay HOA has no objections to the variance request

Applicant Rebuttal: None.

There being no further comments from the public, testimony was closed on this item at 6:59 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