

**MINUTES  
KOOTENAI COUNTY HEARING EXAMINER  
PUBLIC HEARING**

**NOVEMBER 19, 2015  
KOOTENAI COUNTY ADMINISTRATION BLDG.  
ROOM 1**

**HEARING EXAMINER  
STEVEN FRAMPTON**

**STAFF PRESENT  
MEL PALMER  
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



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**STEVEN FRAMPTON**  
Hearing Examiner

The Official Record of Public Hearing is on a CD recording available at the Kootenai County Community Development.

**Steven Frampton 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 6:22 p.m.**

HEARING EXAMINER MINUTES  
NOVEMBER 19, 2015

**CASE NO. CUP15-0006**

**Type: Conditional Use Permit, a request by Luke Finney** to renew a Restricted Surface Mine on two parcels totaling approximately 86 acres in the Rural zone. The pit area (project area) is approximately 2 acres and the reclamation area consists of approximately 2.5 acres. The Applicant received a Conditional Use Permit for this site in October 2004 (C-1100-04) which expired October of 2009. Access to the property is off Carlin Bay Road. The subject parcel numbers are 49N03W-29-2450 and 49N03W-29-4700. Parcel No. 49N03W-29-2450 is described as: PTN TX #16445 [IN N2-NE-NW, TCA 038-000]; Parcel No. 49N03W-29-4700 is described as: SE-NW EX TX #; SW-NE EX TX#; PTN TX #16445 [IN S2-NE-NW LYING IN TCA 236-000], TAX #'S 19587, 19588, 20346. Both parcels lying in Section 29, Township 49 North, Range 03 West, B. M., Kootenai County, Idaho.

**Staff Presentation:** Mel Palmer, Planner, introduced the application stating the CUP request is to reactivate an existing surface mine on 2 parcels totaling 86 acres. For the record, she submitted a corrected map HE 1000 (S-21) from the file. The staff concerns regarding the north parcel size has been resolved. Ms. Palmer added there were no blasting or crushing hours needed to be considered. The pit is currently in good standings with IDL. The site was posted and based on the signed affidavits in the file, the public notice requirements have been met.

**Applicant Presentation:** Cindy Espe, Applicant Representative, stated this pit has been there for over 30 years with no issues and renewal would not change any of the conditions associated with surface mining. Luke Finney, Applicant, added the stream in the area is across the road and any excavation would be further down from the stream on the mining site.

**Exhibits:** None.

**Public Testimony:** Comment Sheets submitted: 2, Applicant/Representatives - 2; 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 6:08 p.m. The Hearing Examiner, Steven Frampton will review this case and submit his written report to the Board of County Commissioners within two weeks.

Submitted by,

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Kathryn Ford, Recording Secretary

HEARING EXAMINER MINUTES  
NOVEMBER 19, 2015

**CASE NO. VAR15-0008**

**Type: Variance, a request by Alan Rich** for a variance of 15' to the 25' front yard setback on a parcel of land 0.323 acres in size in the Agricultural Suburban zone. The property has an existing residence which was recently built. Therefore, the Applicant wishes to locate the new garage 10' away from the edge of private road surface historically used by the property owners in the area. Access to the property is via Westway Drive, a private road. The parcel number is 0-2873-001-002-A and described as Gorders Addition, Lot 2, Block 1, TX#18129 in Section 35, Township 50 North, Range 04 West, B.M., Kootenai County, Idaho.

**Staff Presentation:** Mel Palmer, Planner, introduced the application stating this variance is for 15' to the 25' front yard setback. The area is not within an Area of City Impact (ACI) and agencies had no concerns. Ms. Palmer added that research and discussion with the Worley Highway District resulted in no documentation regarding the easement. The site was posted and based on the signed affidavits in the file, the public notice requirements have been met.

**Applicant Presentation:** Alan Rich, Applicant, referenced a PowerPoint presentation showing a visual detail of the proposed garage and the steep grade of the slope with no additional variance required in any other direction except for the front. He added the utilities are across the private dead end road of Westway Drive with minimal traffic. The road has been in use a long time with no legal documentation to reference, it is an easement to allow people access who live past the Rich home. Mr. Rich stated they had an engineer at the site and are trying to follow the building guidelines for the garage but no one can legally define the easement. They will be making this residence their year around home.

**Exhibits:** HE 1000 – Powerpoint presentation submitted by Alan Rich.

**Public Testimony:** Comment Sheets submitted: 1, Applicant/Representatives - 1; 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 6:22 p.m. The Hearing Examiner, Steven Frampton will review this case and submit his written report to the Board of County Commissioners within two weeks.

Submitted by,

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Kathryn Ford, Recording Secretary