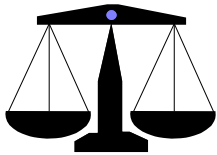


**MINUTES
KOOTENAI COUNTY HEARING EXAMINER
PUBLIC HEARING**

**FEBRUARY 3, 2011
KOOTENAI COUNTY ADMINISTRATION BLDG.
ROOM 1**

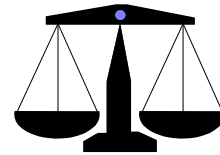
**HEARING EXAMINER
LISA KEY**

**STAFF PRESENT
MEL PALMER
SCOTT CLARK
KATHRYN FORD**



**MINUTES
PREPARED BY:**

KATHRYN FORD
Recording Secretary



**MINUTES
REVIEWED BY:**

MEL PALMER
Planner I



LISA KEY
Hearing Examiner

The Official Record of Public Hearing is on a CD recording available at the Kootenai County Building and Planning Department.

Lisa Key called the meeting to order at 6:06 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 7:03 p.m.

HEARING EXAMINER MINUTES
FEBRUARY 3, 2011

CASE NO. CUP10-0007

Type: Conditional Use Permit, Zanetti Bros. - Whiteman Lumber Quarry Site, a request for a Conditional Use Permit to allow the continued operation of a restricted surface mine. The mine project site consists of approximately 17.5 total acres. Approximately 7.5 acres of the project site is located on the north side of E. Canyon Road, on a portion of parcel numbers 49N01E-29-8600 and 49N01E-29-7600 in the Industrial and Agricultural zones. The project sites remaining 10 acres are located on the south side of E. Canyon Road, in parcel number 49N01E-29-6650, in the Agricultural zone. The project site is accessed from Interstate 90, to Exit 39 Cataldo Mission then north on Dredge Road to E. Canyon Road to site. Parcel number 49N01E-29-8600 is described as Lot 2 N of Hwy EX E 270', Lot 3 N of Hwy10; parcel number 49N01E-29-7600 is described as the S. 600'-N2-SE and parcel number 49N01E-29-6650 is described as Tax #22634 in Lots 2, 3. Each parcel is in Section 29, Township 49N, Range 01E, B.M., in Kootenai County, Idaho.

Staff Presentation: Mel Palmer, Planner I, stated the Applicant is requesting a Conditional Use Permit to operate a restricted surface mine. The site has been an operating surface mine since the 1950's. However, the operation has occurred without the benefit of permits, making it a legal nonconforming use. Concerns regarding the Flood Damage Prevention Ordinance, Bunker Hill Superfund Site, East Side Highway District traffic impact and restrictions on blasting were referenced in the staff report. The public agencies have reviewed this matter and provided their comments. The site was posted and based on the signed affidavit, the public notice requirements have been met.

Applicant Presentation: Randy Knight, applicant representative, stated they are proposing to do further development from this pit. They will be working out of the existing footprint and depending on demand they may need to expand. The stock piling will be located on the opposite side of the road that is in the floodplain. This area has been used in the past since it is bermed and in a time of flooding has proven effective with no water in the area. An Elevation Certificate would be site specific and could be provided. The blasting preparation takes awhile to set up and will probably only need to happen once in the middle of the day to provide a couple of years of material. There are no issues with the Department of Fish & Game conditions. They will work with East Side Highway District especially on traffic control during blasting and load issues to mitigate any impacts. This is an existing site and they want to go in and do a better job to clean it up and bring it into compliance.

Exhibits: None.

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

Applicant's Rebuttal: None.

There being no further comments from the public, testimony was closed on this item at 6:17 p.m. The Hearing Examiner, Lisa Key, 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
FEBRUARY 3, 2011

CASE NO. CUP10-0002

Type: Conditional Use Permit, a request by Cedar Mountain Farm, to amend Conditional Use Permit C-1072-02, an existing commercial resort to include: nature based outdoor activity areas and an equine assisted therapeutic shelter care facility. The site has been operating as a bed and breakfast and commercial resort for approximately 9 years. The site consists of two parcels on approximately 440 acres and located within the Rural Zone. The site is located at 25249 N. Hatch Road on the south side of Bunco Road approximately 1,000 feet east of the Bunco Road/McCoy Road intersection. The parcel numbers are 53N03W-35-1150 and 53N03W-35-2000 and is described as NE ¼ excluding tax #'s, NW ¼ excluding tax #'s, the SE 1/4, and Tax number 18325 [in W2-NE], both parcels are in Section 35, Township 53N, Range 03W Boise Meridian, Kootenai County Idaho. Board of County Commissioners – Remand.

Staff Presentation: Mel Palmer, Planner I, stated this application was heard before the Hearing Examiner on August 19, 2010 and was recommended for denial. The applicant requested a public hearing before the Board of County Commissioners (BOCC). During deliberations the BOCC determined they wanted additional information which was stated and remanded back to the Hearing Examiner for further review. Ms. Palmer verified that a PHD letter (PA-7) and a DEQ letter (PA-10) are the most recent letters to be submitted. Also, for the record Condition 6.14 is not necessary and should be excluded at this time. The site was posted and based on the signed affidavit, the public notice requirements have been met.

Applicant Presentation: Sandy Young, applicant representative, addressed concerns discussed at that the Board of County Commissioners November 18, 2010 public hearing for Cedar Mountain Farm. Additional detailed information submitted was referenced and presented as revised RV Site Plan (HE 2000), Overall Site Plan (HE 2001), Photographs (HE 2002), E-mail 12-22-10 (HE 2003), and Letter 06-24-10 (HE 2005). The RV sites will be a minimum of 40 feet and have stabilized pads. The Applicant's and Department of Fish & Game would like the RV access, pads and travel ways to remain gravel for infiltration of storm water and keeping the rural environment. A court decision with Stateline Association for Rural Preservation (SARP) stated Kootenai County has the authority to alter typical design standards. The vegetative buffer is at the property line and is proposed to be a 100 foot buffer at the RV Park. The DEQ water quality and quantity concerns are addressed in the hydrogeologist report. The water system design for Phase I will be finalized and submitted upon BOCC approval. The will serve letter from Spokane Wastewater is specific to only the RV park. There are other parks in the area that use the service. The applicant's acknowledge and agree to a condition that if Spokane Wastewater cannot service the RV Park at any time they will find an alternative or shut it down. The recommendation of approval for the Conditional Use Permit is for the development with only the RV Park being phased.

Merle Van Houten, applicant representative, introduced a letter to DEQ (HE 2004) and provided details regarding the drainfields and absorption categories.

Exhibits: HE 2000 – RV Site Plan submitted by Sandy Young.
HE 2001 – Overall Site Plan submitted by Sandy Young.
HE 2002 – Buffered area photographs submitted by Sandy Young.
HE 2003 – E-mail 12-22-10 regarding sewer treatment submitted by Sandy Young.
HE 2004 – Letter 06-30-10 to DEQ submitted by Merle Van Houten.
HE 2005 – Letter 06-24-10 regarding reclamation facility submitted by Sandy Young.

Public Testimony: Comment Sheets submitted: 51, Applicant/Representatives – 2; In Favor-49, Neutral-0, Opposed-0. The names and address of the individuals speaking or submitting comments are part of the record.

HEARING EXAMINER MINUTES
FEBRUARY 3, 2011

Applicant's Rebuttal: None.

There being no further comments from the public, testimony was closed on this item at 7:03 p.m. The Hearing Examiner, Lisa Key, will review this case and submit her written report to the Board of County Commissioners within two weeks.

Submitted by,

Kathryn Ford, Recording Secretary