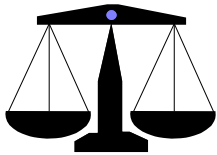


**MINUTES  
KOOTENAI COUNTY HEARING EXAMINER  
PUBLIC HEARING**

**APRIL 7, 2011  
KOOTENAI COUNTY ADMINISTRATION BLDG.  
ROOM 1**

**HEARING EXAMINER  
LISA KEY**

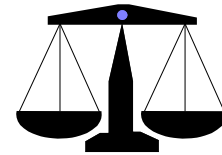
**STAFF PRESENT  
MEL PALMER  
SCOTT CLARK  
KATHRYN FORD**



**MINUTES  
PREPARED BY:**

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**KATHRYN FORD**  
Recording Secretary



**MINUTES  
REVIEWED BY:**

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**MEL PALMER**  
Planner I



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**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 6:03 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 6:27 p.m.**

HEARING EXAMINER MINUTES  
APRIL 7, 2011

**CASE NO. CUP10-0008**

**Type: Conditional Use Permit,** Little Tree Storage, a request by Douglas Mayo, to allow retail, mini storage and service businesses on approximately 4.128 acres in the Light Industrial zone. The Parcel Identification Number is 0-4950-001-001-0. The subject site is located at 13414 N. Clovis Road, on the southwest corner of the intersection of Benz Road and Highway 95. The site is described as Little Tree, Lot 1, Block 1 in Section 02, Township 51 North, Range 04 West B. M. Kootenai County Idaho.

**Staff Presentation:** Mel Palmer, Planner I, stated the Conditional Use Permit would allow continued operation for multiple businesses. For the record, an e-mail from Panhandle Health District (PA-10), was submitted to clarify guidelines for the applicant (HE-1000). The site was posted and based on the signed affidavit, the public notice requirements have been met.

**Applicant Presentation:** Douglas Mayo, applicant, presented the application stating the septic tank field was located at the south side of the building, with the drain field located on the property to the south. Concerns were also addressed regarding the existing retail which has not had any tenant improvements and the landscaping required by the City of Hayden for the stormwater swales.

**Exhibits:** HE 1000 – Email 3-24-11 additional agency comment (P-10) submitted by Mel Palmer.

**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's Rebuttal:** None.

There being no further comments from the public, testimony was closed on this item at 6:11 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,

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Kathryn Ford  
Recording Secretary

HEARING EXAMINER MINUTES

APRIL 7, 2011

**CASE NO. VAR10-0010**

**Type: Variance,** a request by David and Melanie Lange for a variance of 8.8 feet from the required ten foot (10') west side yard setback and a variance of 3.3 feet from the required ten foot (10') east side yard setback. The variances will allow the Applicants to reconstruct their single family residence, utilizing the existing foundation and existing deck structure already in place. The site is located at 1019 W. Conkling Park Drive, Worley, on 0.135 acres in the Restricted Residential zone. The property is described as Sargent Park Tracts, TR 6 in Section 19, Township 47N Range 03W, B. M., Kootenai County, Idaho. The parcel number is 0-7160-000-006-0.

**Staff Presentation:** Mel Palmer, Planner I, stated the variance request is to reconstruct the single family residence on the same footprint. The subdivision was platted in 1940 and the existing residence was built in the 1950's, each of which does not meet the requirements of today and are considered non-conforming. The applicants applied and received a remodel permit which exceeded the allowable threshold of improvements. The applicants are seeking a variance approval to complete their home. Agency comments were included in the packet and the Harmon Property Owners Association letter of support (PA-6) was entered into the record (HE 1000). The site was posted and based on the signed affidavit, the public notice requirements have been met.

**Applicant Presentation:** Scott McArthur, applicant representative, stated the applicants had discovered mold and water damage during the remodel, and were requesting the variance to allow them to utilize the existing foundation and deck when undertaking the more extensive repairs necessary to address the issues. The outlined details of the variance were submitted for the record (HE 1001). A lot-line adjustment with the adjacent property was considered but the property owner turned them down. The applicants have attempted every possible solution prior to applying for this variance. There would be considerable construction costs and increase of site disturbance for erosion and water quality resulting in an undue hardship. Mr. McArthur added that his clients were aware of the proposed conditions, and have no issues with them. Melanie Lange, applicant, added the history of the variance request and that the neighbors were not opposed to their application. The approval of the variance would preserve the land and improve neighborhood values. Her written comments were submitted into the record (HE-1002).

**Exhibits:** HE 1000 – Email 1-21-11 from HOA (PA-6) submitted by Mel Palmer.  
HE 1001 – Setback details submitted by Scott McArthur.  
HE 1002 – Comments submitted by Melanie Lange.

**Public Testimony:** Comment Sheets submitted: 3, Applicant/Representatives – 3; In Favor-0, 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 6:21 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,

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Kathryn Ford  
Recording Secretary

HEARING EXAMINER MINUTES

APRIL 7, 2011

**CASE NO. ZON10-0007**

**Type: Zone Change,** a request by John P. and Traci J. Whelan, to change the zoning classification of their parcel from Agricultural to Rural on approximately 34.146 acres. The subject parcel is located on the east side of Rew Road between Frost Road and Elder Road. The parcel number is 48N05W-15-3000. The parcel is described as NW-NW Lying N of County Road in Section 15, Township 48N, Range 05W, Boise Meridian, Kootenai County, Idaho.

**Staff Presentation:** Mel Palmer, Planner I, stated the applicant's are requesting a zone change classification from Agricultural to Rural. The application was vested under the 1994 Comprehensive Plan and designated "rural". The 2010 Comprehensive Plan-Future Land Use Map designation identifies it as "country". The request is in compliance with both Comprehensive Plans. The Panhandle Health District and Coeur d'Alene Tribe did not respond to the agency request for comments. The site was posted and based on the signed affidavit, the public notice requirements have been met.

**Applicant Presentation:** John Whelan, applicant, addressed his application stating the property is located on a paved public road with multiple homes. The property is too rocky for farming and they want to develop the property as a home site for their children. Their home is located on the adjacent property that is zoned rural. The proposed zone change request is consistent with the surrounding land use.

**Exhibits:** None.

**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's Rebuttal:** None.

There being no further comments from the public, testimony was closed on this item at 6:37 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,

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Kathryn Ford  
Recording Secretary