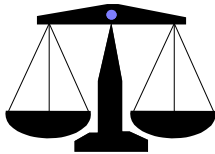


**MINUTES
KOOTENAI COUNTY HEARING EXAMINER
PUBLIC HEARING**

**JUNE 2, 2011
KOOTENAI COUNTY ADMINISTRATION BLDG.
ROOM 1**

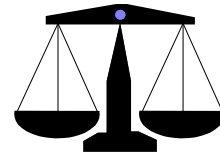
**HEARING EXAMINER
LISA KEY**

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



**MINUTES
PREPARED BY:**

KATHRYN FORD
Recording Secretary



**MINUTES
REVIEWED BY:**

JAY LOCKHART
Planner II



LISA KEY
Hearing Examiner

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

Lisa Key called the meeting to order at 6:09 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. A request to have Agenda Item B. to be heard prior to Item A. was granted.

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 7:44 p.m.

HEARING EXAMINER MINUTES
JUNE 2, 2011

CASE NO. ZON11-0004

Type: Zone Change, a request by Coeur d'Alene Paving to change the zoning classification from Agricultural to Mining on approximately 116 acres. The subject site is located north of Seltice Way approximately ½ mile west of Beck Road and just west of the Stateline Speedway. The site is described as the E2-SW, LT 3, 4 of Section 36, Township 51 North, Range 06 West, B. M., Kootenai County, Idaho. The parcel number is 51N06W-36-5000.

Staff Presentation: Jay Lockhart, Planner II, introduced the case stating the applicant is requesting a zone change from Agricultural to Mining. The area has been zoned agricultural since the adoption of the first Zoning Ordinance in 1973. The subject site is directly abutting the Washington/Idaho state line just west of the Stateline Speedway. This site is within the Shared Tier of the Coordinated Area of City Impact with the City of Post Falls providing the only response with no concerns. There were no concerns from six public agencies regarding the zone change. The site was posted and based on the signed affidavit in the file, the public notice requirements have been met.

Applicant Presentation: Steve Syrcle, applicant representative, presented the zone change application to operate a restricted surface mine and asphalt batch plant. In referencing the area a detailed aerial map of the area (HE 1000) and a zone map indicating township 51N (HE 1001) was referenced. Several meetings were held with public agencies on the proposed zone change.

Lisa Key, Hearing Examiner, directed staff to confirm HE 1001 submitted as an exhibit.

Todd Kaufman, applicant representative, stated the Board of County Commissioners at a previous application hearing directed Coeur d'Alene Paving to look for land that has a majority of an area zoned mining for their operation. This location does have asphalt plants in the area. It is a good fit for the area which is not as populated with homes as nearby neighbors that would have complaints.

Craig Cozad, applicant, added they have been in front of the Board of County Commissioners several times regarding the current site in Rathdrum off of Highway 53. They need to find a more suitable site and go where existing mining operations are located.

Jay Lockhart, Planner II, added in response to Ms. Key's request to confirm the submitted zoning map of township 51N--Exhibit HE 1001, a map showing areas with Conditional Zoning Development Agreements (HE 1002) references the zoning in the area.

Douglas Rall, applicant representative, added as a Commercial Real Estate Broker he is assisting in the site selection with the mining criteria.

Exhibits: HE 1000 – Detailed Aerial Map was submitted by Steve Syrcle.
HE 1001 – Zone Map of township 51N was submitted by Steve Syrcle.
HE 1002 – Confirmed Zone Map showing Development Agreement designations was submitted by Jay Lockhart.
HE 1003 – Comments submitted by Vern Scoggin.
HE 1004 – Comments submitted by Mark Murphy.
HE 1005 – Comments submitted by Jerry Shaw.

Public Testimony: Comment Sheets submitted: 13, Applicant/Representatives – 4; In Favor-0, Neutral-2, Opposed-7. The names and address of the individuals speaking or submitting comments are part of the record. The Public Testimony had comments regarding:

- Surrounding mining has Development Agreements with conditions
- Agricultural uses are throughout the area
- Access
- Truck traffic is currently heavy and would increase
- Residents and housing developments nearby

HEARING EXAMINER MINUTES
JUNE 2, 2011

- No need for additional mining
- Negative impact on property values in the area

Lisa Key, Hearing Examiner, addressed Steve Syrcle regarding the applicant's desire to consider a Zoning Development Agreement prior to moving forward with this recommendation.

On the record, a five minute recess was called for Mr. Syrcle and the applicant to consider the zone change application process.

Applicant's Rebuttal: Steve Syrcle, applicant representative, added they appreciate the comments and feedback which have provided some very good points, however, the applicant wants to continue with the zone change without considering a Conditional Zoning Development Agreement and move forward with a recommendation to the Board of County Commissioners. Mr. Syrcle addressed concerns regarding sound and smells in the area stating that berms would be considered where needed. Some neighbors are closer to the competitor mining operations and the Stateline Speedway which they would have no control. The access to the site is on the south area of the parcel that has an existing public right of way by the speedway.

There being no further comments from the public, testimony was closed on this item at 7:44 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
JUNE 2, 2011

CASE NO. ZON11-0005

Type: Zone Change, a request by Silverwood Theme Park, to change the zoning classification from Rural to Commercial on approximately 95.558 acres. The subject parcel is located on the southwest corner of Highway 95 and Brunner Road. The parcel number is 53N03W-33-0750 and is described as a portion of Section 33 Lying W of HWY 95, E of SI RR R/W, S of Brunner Rd., Section 33, Township 53N, Range 03 West, Boise Meridian, Kootenai County, Idaho.

Staff Presentation: Mel Palmer, Planner I, introduced the application stating the zone change requested is from Rural to Commercial. If this application were approved a Special Notice Permit would also be required. The site is not located in an Area of City Impact (ACI). The site has an existing Conditional Use Permit (C-1152-07) for a Public Utilities Complex Facility, which is also permitted in the Commercial Zone. The site was posted and based on the signed affidavit in the file, the public notice requirements have been met.

Applicant Presentation: Steve Syrcle, applicant representative, stated the application is to change the existing zone from rural to commercial for expansion of the theme park. They have no issues with the staff report submitted. A park overview shows the lagoon, wastewater facility and alignment of Highway 95 (HE 1000). They have met with all the public agencies involved and are prepared to move forward with a Special Notice Permit.

Nancy DiGiamarco, applicant representative, provided a powerpoint presentation (HE 1001) referencing the history, attractions, economic impact and good neighbor qualities of Silverwood Theme Park.

Exhibits: HE 1000 – Park Area Overview drawing submitted by Steve Syrcle.
HE 1001 – Powerpoint presentation submitted by Nancy DiGiamarco.
HE 1002 – Comments submitted by Daryl Kyle.
HE 1003 – Comments submitted by Paige Lewis.
HE 1004 – Comments from S. Forstrom submitted by Paige Lewis.
HE 1005 – Theme Park Overview drawing submitted by Steve Syrcle.

Public Testimony: Comment Sheets submitted: 10, Applicant/Representatives – 3; In Favor-6, Neutral-0, Opposed-1. The names and address of the individuals speaking or submitting comments are part of the record. The Public Testimony had comments regarding:

- There are more residents living close by than presented
- Conditions placed within the zone change
- Commercial zoning has many uses and would be out of planning control
- Noise and light pollution

Applicant's Rebuttal: Steve Syrcle, applicant representative, addressed the park layout and stated the vertical rides are all developed along Highway 95 which is the farthest point away from the neighbors (HE 1005). A grove of heavy timber also helps in blocking the park from the nearby residents. They will not be providing a hotel location. The Highway 95 Interchange is not specifically for Silverwood patrons but a federal project to improve highway corridor safety. Nancy DiGiamarco, applicant representative, added Silverwood does practice being a good neighbor and a member of the community. The concerns by neighbors are addressed as they are received. Silverwood Theme Park is a business providing an economic base and if a business does not grow it dies.

There being no further comments from the public, testimony was closed on this item at 6:45 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