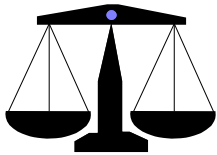


**MINUTES
KOOTENAI COUNTY HEARING EXAMINER
PUBLIC HEARING**

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

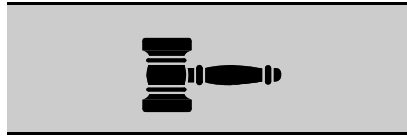
**HEARING EXAMINER
MIKE TEDESCO**

**STAFF PRESENT
MEL PALMER
BEN TARBUTTON
KATHRYN FORD**

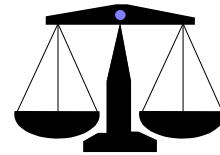


**MINUTES
PREPARED BY:**

**KATHRYN FORD
Recording Secretary**



**MIKE TEDESCO
Hearing Examiner**



**MINUTES
REVIEWED BY:**

**MEL PALMER
Planner I**

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

Mike Tedesco called the meeting to order at 6:01 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 6:43 p.m.

HEARING EXAMINER MINUTES
JULY 7, 2011

CASE NO. MSF09-0005

Type: Subdivision, a request by Timber Ridge Investments, LLC for a Condition Modification of Condition of Approval No. 6.07, Section (a.) in the preliminary and final subdivision approval of The Falls at Hayden Lake. The specific request is to remove section (a.) from Condition 6.07. No changes are proposed for Sections (b.), (c.), or (d.) or any of the remaining conditions. The Falls at Hayden Lake is a 46 residential lot subdivision on approximately 56.68 acres in the Restricted Residential zone. The subdivision is located south of English Point Road, east of Point Hayden Drive, on the north side of Hayden Lake in Section 17, Township 51 North, Range 3 West, Boise Meridian, Kootenai County Idaho.

Staff Presentation: Mel Palmer, Planner I, introduced the application stating the modification request applies to The Falls At Hayden Lake subdivision final approval. She referenced the zone map (S-68) and the assessor parcel map (S-67) showing the restricted residential location. Through the subdivision development process, time extension requests were submitted and approved with no issues. The City of Hayden Lake submitted comments since the site is located in the Area of City Impact. Ms. Palmer read into the record additional comments referenced as PA-52 in the file from The Hayden Lake Recreation Water and Sewer (HLRWS)(HE 1000). Staff stated for the record a correction in the staff report that Exhibit A-43 from Kootenai County Building Division on page 6 of the staff report should be referenced as PA-43. Staff confirmed for Hearing Examiner Mike Tedesco that this subdivision is unique since it is the only one, that they are aware of, with this type of specific condition. The site was posted and based on the signed affidavit in the file, the public notice requirements have been met.

Applicant Presentation: Darrel Haarr, applicant representative, introduced the application request by referencing various points throughout their powerpoint presentation (HE 1004). The applicant has no objections on the recommendations stated in the staff report. The condition modification addresses an unreasonable condition for future owners and their individual lot construction which should be handled by the owner and their builders. A Stormwater Pollution Prevention Plan (SWPPP) is used to meet Environmental Protection Agency (EPA) requirements for any disturbance over 1 acre. A current SWPPP (HE 1001) submitted for Lot 3 now under construction is a good reference on how detailed a plan needs to be to move forward in constructing. There have been no site disturbance stormwater violations. Mr. Haarr added the HLRWS letter (PA-52) was prompted at a meeting they had attended. Their concerns were basically the discharge points and general drainage features for future builders and measures for protection. There is natural drainage. In May they recorded additional drainage maintenance easements (HE 1002) and have draft Amendment CCR's (HE 1003) prepared if their modification request is approved. The building season is short and approval is based on a site being stabilized. Sandy Young, applicant representative, added this subdivision is the only one in the county with this type of restriction. The site is fully stabilized. The Kootenai County-Building Department has a lot of latitude in reviewing and approving permits.

Exhibits: HE 1000 – Letter 06-21-11 from HLRWS (PA-52) submitted by Mel Palmer.
HE 1001 – SWPPP 9/10 example for current Lot 3 submitted by Darrel Haarr.
HE 1002 – Recorded Grant of Easement submitted by Darrel Haarr.
HE 1003 – Draft CCR's Amendment submitted by Darrel Haarr.
HE 1004 – Powerpoint presentation submitted by Darrel Haarr.
HE 1005 – Comments from KEA submitted by Trevor Frank.

Public Testimony: Comment Sheets submitted: 5, Applicant/Representatives – 2; In Favor-1, Neutral-0, Opposed-2. The names and address of the individuals speaking or submitting comments are part of the record. The Public Testimony had comments regarding:

- Site has had EPA violations
- Only 4 lots developed
- Soils are vulnerable for run-off into Hayden Lake
- Timing of construction should be done to minimize erosion
- Modification needs to be a necessary

HEARING EXAMINER MINUTES
JULY 7, 2011

Applicant's Rebuttal: Sandy Young, applicant representative, stated the ordinance allows for amendments. There have been no site disturbance violations. The project did have an EPA violation which involved a paperwork deadline. This issue was reviewed and included a 3 hour site visit which resulted in approval. Best Management Practices (BMP) are used and held by the County in their review.

There being no further comments from the public, testimony was closed on this item at 6:43 p.m. The Hearing Examiner, Mike Tedesco, will review this case and submit her written report to the Board of County Commissioners within two weeks.

Submitted by,

Kathryn Ford
Recording Secretary