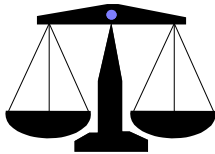


**MINUTES
KOOTENAI COUNTY HEARING EXAMINER
PUBLIC HEARING**

**DECEMBER 1, 2011
KOOTENAI COUNTY ADMINISTRATION BLDG.
ROOM 1**

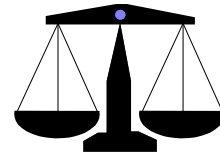
**HEARING EXAMINER
MIKE TEDESCO**

**STAFF PRESENT
JAY LOCKHART
VLAD KRYUKOV
SCOTT CLARK
KATHRYN FORD**



**MINUTES
PREPARED BY:**

KATHRYN FORD
Recording Secretary



**MINUTES
REVIEWED BY:**

JAY LOCKHART
Planner II



MIKE TEDESCO
Hearing Examiner

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 6:05 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 7:40 p.m.

HEARING EXAMINER MINUTES
DECEMBER 1, 2011

CASE NO. CUP11-0009

Type: Conditional Use Permit, a request by David and Julie Hill for a Conditional Use Permit to allow a Day Care Center. Singing Hills Child Care Facility has been in operation since 2004. Idaho Administrative Code Standards for Child Care Licensing requires proof that the facility meets local Planning and Zoning (now Kootenai County Community Development) requirements. In order to meet Kootenai County requirements the applicant will need to obtain the Conditional Use Permit. The site is on approximately 10.006 acres in the Rural zone. The Parcel Identification Number is 52N04W-28-5770 and the serial number is 135494. The site is located on the east side of N. Lolo Drive at 16900 N. Lolo Drive. The site is described as N2-S2-NW-SW (OM-45), of Section 28, Township 52 North, Range 04 West, B. M., Kootenai County, Idaho.

CASE NO. VAR11-0006

Type: Variance, a request by David and Julie Hill for a Variance to the paving and landscaping requirements of Chapter 17: Design Standards, of Ordinance #401 as amended. Singing Hills Child Care Facility has been in operation since 2004. Idaho Administrative Code Standards for Child Care Licensing requires proof that the facility meets local Planning and Zoning (now Kootenai County Community Development) requirements. In order to meet Kootenai County requirements the applicant will need to obtain the Variance along with Conditional Use Permit for a Child Care Facility. The site is on approximately 10.006 acres in the Rural zone. The Parcel Identification Number is 52N04W-28-5770 and the serial number is 135494. The site is located on the east side of N. Lolo Drive at 16900 N. Lolo Drive. The site is described as N2-S2-NW-SW (OM-45), of Section 28, Township 52 North, Range 04 West, B. M., Kootenai County, Idaho.

Hearing Examiner, Mike Tedesco, stated the Julie Hill Conditional Use Permit and the Variance can have testimony and public comments presented together.

Staff Presentation: Jay Lockhart, Planner II, introduced the applications stating the Singing Hills Child Care facility has been in operation since 2004. The purpose of this application is to conform with the updated 2010 State compliance day care codes. The Idaho Administrative Code Standards for Child Care Licensing requires proof that the facility meets local planning and zoning requirements. In order to meet Kootenai County Community Development requirements the applicant will need to obtain the CUP along with a Variance to the Design Standard requirements for paving and landscaping. The existing structure is located on approximately 10 acres in the Rural zone. Staff received agency and public comments regarding this request as referenced in the staff report. The site was posted and based on the signed affidavit, the public notice requirements have been met.

Applicant Presentation: Julie Hill, applicant, presented the Conditional Use Permit (CUP) and Variance application details. The Singing Hills Day Care has been licensed and is in compliance since opening in 2004. The day care licensing in 2004 was done regionally by Panhandle Health District. There were health inspections, well samples, fire inspections and background checks for the Hills and their employees. In 2010 the State standards were implemented and now their well is considered a public water system and they have complied above the minimal standards for a day care center. The day care licensing requires five (5) classes and they have taken over thirty (30) to set a higher standard for day care in Idaho. They provide a much needed service to the Rathdrum community and serve 6 families, some with special needs children. The day care is located off a privately maintained road. The landscaping is naturalistic and private. They do conform to the natural surroundings of the neighborhood with natural colors and a very large playground system in an area that looks like a park. The driveway and Lolo Drive have been maintained with asphalt grindings and is in better condition than the private road that leads to the area. The area roads are chip seal and gravel and if they need to comply with the paving requirements it would be an extreme change for the rural area. The final process for approval is to receive the CUP and Variance approval from Kootenai County.

Exhibits: None.

HEARING EXAMINER MINUTES
DECEMBER 1, 2011

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

- Limited quality day care in the area
- Center is close to their home and school for drop-off and pick-up
- Safe place for the children
- Location is private in a natural rural setting
- Provides a preschool teacher and two meals a day
- Very professional and meets various needs for children
- They go the special mile for the quality care
- Day care adjusts with the parent work hours and the children's needs
- If denied families would be displaced
- Having a reliable day care allows the parents to work and provide for their family
- Road and driveway is maintained/plowed for access and parking
- Other day care facilities in the area are in town by bars and apartment complexes
- Additional traffic creates dust issues for some neighbors
- Road maintenance costs increase due to the increased traffic use
- Area is zoned rural and not for commercial use
- Road becomes a financial burden on neighbors with limited incomes

Applicant's Rebuttal: Julie Hill, applicant, stated she could understand the dust concerns could arise but no neighbor has contacted them and they did not know there was an issue. They have been contacted on other issues and have worked out resolutions. They are good neighbors and want to raise their four children in the rural area and have a viable business. Their home is a great location for family day care to nurture children's needs which has been proven since 2004. The day care guidelines have a ratio that is mandated and they have no desire to become larger. The center opens at 6:00 a.m. and closes at 6:00 p.m. with no child care on weekends or holidays. There are additional businesses that use the road that do heavier damage such as logging trucks. The Home Owners Road Association is not maintained under the most excellent standards. They have done a lot of road improvements in the past to work with the HOA and still do maintenance up to the Lolo Drive area. The 2,400 square foot building used by the day care was there when they purchased the home and the land.

There being no further comments from the public, testimony was closed on this item at 7:05 p.m. The Hearing Examiner, Mike Tedesco, will review this case and submit his written report to the Board of County Commissioners within two weeks.

Submitted by,

Kathryn Ford, Recording Secretary

HEARING EXAMINER MINUTES
DECEMBER 1, 2011

CASE NO. CUP11-0006

Type: Conditional Use Permit, a request by Deborah Patrick for a Conditional Use Permit to establish a Privately-Owned Recreational Facility on 20.29 acres in the Rural zone. The Privately-Owned Facility activities are equestrian in nature, specifically saddle club events and roping. The Parcel Identification Numbers are 072290040270 and 072290040160. The site is described as Parcel 1: Shamrock Ranch IV, LT 27 BLK 4 and Parcel 2: Shamrock Ranch IV, LT 16 BLK 4 in Section 19, Township 53N, Range 03W B.M. Kootenai County Idaho.

Staff Presentation: Vlad Kryukov, Planner II, stated the application site consists of two lots with the activities being equestrian in nature usually held once a month, weather permitting. For the record, two items were submitted, 1) Non profit status for the Not Dun Yet Barrel Race Association (A-11)(HE 1000) and 2) Email from Panhandle Health District (PHD) regarding guidance on portable sanitation units (PA-5)(HE 1001). A majority of the public comments were in support with opposition expressing concerns regarding trash, noise and traffic. The site was posted and based on the signed affidavit, the public notice requirements have been met.

Applicant Presentation: Ann Jacquot, applicant representative, introduced the presentation focusing on neighborhood concerns regarding the number of participants, road use, noise, camping, dust mitigation, fire extinguishers, sewage and garbage. The equestrian activities benefit the area providing family oriented recreational events in a well maintained clean area. The number of participants would be monitored to keep within any permit guidelines that may be approved. Before the events the road and arena are watered down to mitigate the dust. The trailers are pulled slowly to minimize the dust and jolting of the horses. Most participants are local and do not camp. The camping convenience is available for the multi-day event participants. There is continuous garbage collection and clean port-a-potties on site. When the seasonal events are completed they just have a clean field.

Exhibits: HE 1000 – Non Profit status information #41596 submitted by Vlad Kryukov.
HE 1001 – Email 12-01-11 from Panhandle Health submitted by Vlad Kryukov.
HE 1002 – Presentation of CUP11-0006 submitted by Ann Jacquot.

Public Testimony: Comment Sheets submitted: 30, Applicant/Representatives – 3; In Favor-24, Neutral-0, Opposed-3. The names and address of the individuals speaking or submitting comments are part of the record. The Public Testimony had comments regarding:

- The gravel access road is 3/10th of a mile from the paved road to the events
- Neighbors have not had problems with the dust, event noise or participants
- Dust and Public Address system is kept under control
- Benefits the community and a nice place for the kids
- Clean toilets with no smell
- Very clean place with no garbage issues
- Participants drive slow as a precaution since they have a lot of money in their trailers and horses
- During the harvest season there is five time the amount of dust in the surrounding area
- Play day events are once a month

Applicant's Rebuttal: None.

There being no further comments from the public, testimony was closed on this item at 7:40 p.m. The Hearing Examiner, Mike Tedesco, will review this case and submit his written report to the Board of County Commissioners within two weeks.

Submitted by,

Kathryn Ford, Recording Secretary