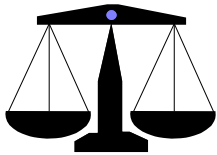


**MINUTES
KOOTENAI COUNTY HEARING EXAMINER
PUBLIC HEARING**

**JANUARY 19, 2012
KOOTENAI COUNTY ADMINISTRATION BLDG.
ROOM 1**

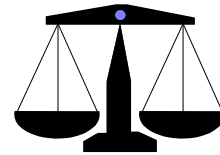
**HEARING EXAMINER
LISA KEY**

**STAFF PRESENT
JAY LOCKHART
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 6:01 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 7:01 p.m.

HEARING EXAMINER MINUTES
JANUARY 19, 2012

CASE NO. VAR11-0007

Type: Variance, a request by Joseph Gaines for a Variance to the setback requirements of Kootenai County Zoning Ordinance #401, as amended. The request is for a 25' variance to the 25' front yard setback and private road easement, to allow the applicant to construct a 30' x 30' personal storage building without extensive excavation into the hillside. The building will be constructed up to the boundary line of a vacated public road. This is on a lot where there is no primary residence and the applicant has applied for a Special Notice permit to allow construction of that structure. The site is located in the Rural zone on an approximately 0.9 acres lot within a 6.4275 acre parcel. The Parcel Identification Number is 0-2800-002-001-A and the serial number is 115882. The site is located south of Reeva Road, at the end of the road. The site is described as GATEWAY RANCH, LT 4, BLK 2, of Section 29, Township 50 North, Range 02 West, B. M., Kootenai County, Idaho.

Staff Presentation: Jay Lockhart, Planner II, introduced the application stating the variance request is to allow the applicant to construct a 30' x 30' personal storage building on a site located in the Rural zone. To construct the building and meet setback requirements would force excavation into the hillside. If the variance is allowed the applicant could build up to the front property line which is also the edge of the 40' easement for the private road. The site is not within an Area of City Impact (ACI). The site was posted and based on the signed affidavit, the public notice requirements have been met.

Applicant Presentation: Joseph Gaines, applicant, stated his variance request is for the setback to a private street due to the extremely steep slopes on the property. To avoid applying for a variance request consideration was given to combining the subject lot with lot 2. Due to the configuration of the private street, and lot 2 which also has severe slopes creating even more limited development potential, this variance request is the minimum necessary to make possible the reasonable use of his property as shown in his site plan.

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 6:08 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
JANUARY 19, 2012

CASE NO. CUP11-0010

Type: Conditional Use Permit, a request by Coeur d'Alene Paving for a Conditional Use Permit to continue operation of a Restricted Surface Mine and Asphalt Batch Plant on a 20 acre site in the Rural zone. The Parcel Identification Number is 53N03W-08-7650. The subject site is located at 3989 E. Highway 54 in Athol. The site is described as the E 1031'-S 581'-N2-SE & E 1031'-N 264'-S2-SE of Section 08, Township 53 North, Range 03 West, B. M., Kootenai County, Idaho.

Staff Presentation: Jay Lockhart, Planner II, introduced the application stating this Conditional Use Permit (CUP) request is to continue to operate a Restricted Surface Mine and Asphalt Batch Plant on a 20 acre site located west of Athol in the Rural zone. The previously existing CUP (CUP08-0020) expired on May 30, 2011. The applicant is requesting a 5 year CUP approval under the same conditions as set forth under the recently expired CUP along with one 5 year extension upon request by a formal letter to the Board of County Commissioners. The subject property is located within the Athol Area of City Impact (ACI). The City of Athol has not submitted comments at this time. Mr. Lockhart read into the record an email from Idaho Transportation Department (ITD) (HE 1000) that was received on January 13, 2012. The site was posted and based on the signed affidavit, the public notice requirements have been met.

Applicant Presentation: Steve Syrcle, applicant representative, testified that they had reviewed the staff report and had no objections to the conditions.

Exhibits: HE 1000 – Email of 01-13-12 from ITD submitted by Jay Lockhart.

Public Testimony: Comment Sheets submitted: 2, Applicant/Representatives – 2; 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 6:14 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
JANUARY 19, 2012

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. The Hearing Examiner heard this request on June 2, 2011 and recommended approval. The Board held a public hearing on August 4, 2011 and asked the applicant to submit a conditional zoning development agreement and to remand the request to the Hearing Examiner for a public hearing.

Staff Presentation: Jay Lockhart, Planner II, stated the applicant is requesting a zone change from Agricultural to Mining with a Conditional Zoning Development Agreement on approximately 116 acres. This case went before the Hearing Examiner on June 2, 2011 and on June 9, 2011 the Hearing Examiner returned a recommendation of approval. On August 4, 2011, this case went before the Board of County Commissioner. At that hearing a motion was made to remand this case to the Hearing Examiner to hear this request with a Conditional Zoning Development Agreement (CZDA). On January 4, 2012 staff receive the CZDA from the applicant. Public comments in opposition stated concerns regarding dust, noise, traffic and noxious fumes. Many neighbors expressed concerns regarding health risks. The site was posted and based on the signed affidavit, the public notice requirements have been met.

Applicant Presentation: Steve Syrcle, applicant representative, presented the application supported by the Conditional Zoning Development Agreement. The proposal includes mining the site over 5 Phases, maintaining a 50 foot buffer around the perimeter of the property and limiting hours of operation from 6:00 a.m. to 10:00 p.m. Monday through Saturday with an option to extend operations with approval by the Board of County Commissioners (BOCC). This site location is surrounded by properties zoned for mining, asphalt plants, a speedway, rock quarry and undeveloped property. During public testimony multiple concerns were expressed regarding the lack of conditions within the proposed development agreement. Mr. Syrcle conferred with his client and indicated that they would not consider continuing the public hearing in order to amend the conditions of the agreement submitted.

Exhibits: HE 2000 – Comments submitted by Ron Cook
HE 2001 – Petitions submitted by Joyce Flanigan
HE 2002 – Aerial site map submitted by Joyce Flanigan
HE 2003 – Rathdrum plant aerial site map submitted by Joyce Flanigan
HE 2004 – Comments submitted by Hayley Lake

Public Testimony: Comment Sheets submitted: 13, Applicant/Representatives – 2; In Favor-0, Neutral-1, Opposed-10. The names and address of the individuals speaking or submitting comments are part of the record. The Public Testimony had comments regarding:

- Development agreement should be held to the same standards as other surrounding businesses
- Conditional Zoning Development Agreement is too vague and open ended
- East of the proposed site is significantly developed
- Does not promote health and safety
- No reclamation plan with this agreement
- Hours of operation not firm enough
- Conditions for acceptable noise, fume and dust levels
- No specification for the berms
- Traffic
- No mitigations in the agreement
- Guidelines for excavation
- No plans for the excavated areas when moving from Phase 1 through Phase 5
- Elementary school nearby in Washington
- Natural gas line across the property is not referenced

HEARING EXAMINER MINUTES
JANUARY 19, 2012

Applicant's Rebuttal: Todd Kaufman, applicant representative, testified that the applicant has a deadline to close on the real estate offer for the property and would not want to delay a recommendation any further. They could add language to provide more specific standards prior to the Board of County Commissioners Public Hearing. The gas pipeline has an easement and they would be required to meet a setback from that easement. The concern regarding the depth of excavation is determined by Idaho Department of Lands (IDL) and each determination is location specific.

There being no further comments from the public, testimony was closed on this item at 7:01 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