

**MINUTES
KOOTENAI COUNTY HEARING EXAMINER
PUBLIC HEARING**

**JANUARY 19, 2017
KOOTENAI COUNTY ADMINISTRATION BLDG.
ROOM 1**

**HEARING EXAMINER
STEVEN FRAMPTON**

**STAFF PRESENT
MEL PALMER
DAVID CALLAHAN
KATHRYN FORD**



**MINUTES
PREPARED BY:**

KATHRYN FORD
Recording Secretary



**MINUTES
REVIEWED BY:**

MEL PALMER
Planner



STEVEN FRAMPTON
Hearing Examiner

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

Steven Frampton called the meeting to order at 6:00 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 6:30 p.m.

HEARING EXAMINER MINUTES
JANUARY 19, 2017

CASE NO. ZON11-0004

Type: Zone Change, a request by Coeur d'Alene Paving to amend the Conditional Zoning Development Agreement to change the following: 8.5 (D) Hours of Operation for Mining activities to begin at 4:30AM and end at 7:00PM; and 8.5 (G) to allow a portion of the earthen berm height along the southern property boundary to be reduced in height from 15' to 8' to 10' and to allow a 30' break in the berm to allow the passage of cattle from an adjacent parcel, to graze on the future phases of the project. The subject site is located north of Seltice Way approximately ½ mile west of Beck Road and 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. (*Mel Palmer-Planner*)

Staff Presentation: Mel Palmer, Planner, addressed Hearing Examiner Frampton referencing documents from the case file. She stated the use had already been established and the Applicant is requesting a change of business operation hours to be competitive with businesses in the area. Also, in the request is to reduce the height of one berm to assist the adjacent neighbor with his cattle and irrigation. Ms. Palmer added the Applicants have been made aware of two code violations. This request to modify the specific sections of the CZDA is being requested in an effort to mitigate the Notice of Violations. The public agencies had no objections and there were no public comments received. The site was posted and based on the signed affidavits in the file, the public notice requirements have been met.

Applicant Presentation: Steve Syrcle, Applicant Representative, provided a brief overview of the site stating the entire length of the berm is now constructed, heavily vegetated with irrigation on the site and is good for the neighbor to the south. He added the adjustment in business hours is to stay competitive with other businesses in the area. Craig Cozad, Applicant, stated for the record that they began building the berm to the regulation height of 15 feet and the neighboring farmer asked them to stop at 8 feet which resulted in one of the code violations.

Exhibit: HE 3000 – Comments submitted by Joyce Flanigan.

Public Testimony: Comment Sheets submitted: 7, Applicant/Representatives – 3; In Favor – 0, Neutral – 0, Opposed – 4. The names and address of the individuals speaking or submitting comments are part of the record.

- Earlier starting time will be noisier for neighbors that have shift work with day sleeping
- Berm does not mitigate the noise
- Neighbors did not receive written notice of the public hearing
- Residents to the south past the farmer are densely populated and impacted by the noise
- Violation of the CZDA took too long to get to this hearing for modification
- Lack of neighboring representation is due to the weather
- No dust control
- Neighbor requesting the berm change was not present for testimony
- Neighboring farmer received the only benefit of a change in the berm height without approval

Applicant Rebuttal: Steve Syrcle, Applicant Representative, confirmed all the berms are to regulation height of 15 feet except for the one in front of Mr. Humphrey's area which was upon his request. The violations were only in front of Mr. Humphrey's and not the neighbors to the east. He added access to the site has always been available and their operating hours are more restrictive than neighboring businesses creating noise.

There being no further comments from the public, testimony was closed on this item at 6:30 p.m. The Hearing Examiner, Steven Frampton will review this case and submit his written report to the Board of County Commissioners within two weeks.

Submitted by,

Kathryn Ford, Recording Secretary