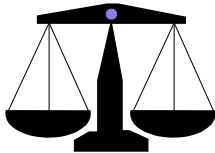


**MINUTES
KOOTENAI COUNTY HEARING EXAMINER
PUBLIC HEARING**

**FEBRUARY 16, 2017
KOOTENAI COUNTY ADMINISTRATION BLDG.
ROOM 1**

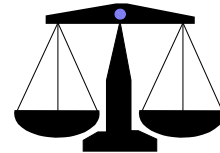
**HEARING EXAMINER
STEVEN FRAMPTON**

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



**MINUTES
PREPARED BY:**

KATHRYN FORD
Recording Secretary



**MINUTES
REVIEWED BY:**

VLAD FINKEL
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 7:08 p.m.

HEARING EXAMINER MINUTES
FEBRUARY 16, 2017

CASE NO. CUP16-0005

Type: Conditional Use Permit, a request by Derek Budig with ProLand LLC., for a Conditional Use Permit (CUP) to construct an unstaffed multi-carrier telecommunications facility with a 150' steel monopole within a leased 50' x 50' fenced utility compound area. The leased project area is located on approximately 13.17 acre parcel in the Rural zone. Access to the property is off Cherokee Road, a public road maintained by the Lakes Highway District via a common driveway across parcels 54N02W-34-3220 and 54N02W-34-2770. The subject parcel is directly to the west of 34706 N. Merriweather Road, Bayview, ID 83803. The parcel number is 54N02W-33-0070. The site is described as TAX # 1729 [in E2-NE] in Section 33, Township 54 North, Range 02 West. B. M. Kootenai County, ID. (*Vlad Finkel-Planner*)

Staff Presentation: Vlad Finkel, Planner, addressed Hearing Examiner Frampton referencing documents from the case file. He stated the site is heavily treed and will have security fencing with maintenance road access to the site by the adjacent parcel. Staff had wetland concerns which the applicant will address working with the Army Corp of Engineers. The site was posted and based on the signed affidavits in the file, the public notice requirements have been met.

Applicant Presentation: Derek Budig, Applicant Representative, provided a brief overview of the site stating the area is in high need for this service. The tower will accommodate 4 carriers with the main one being Verizon. It will also blend into the area within the trees and be painted green. He added they have demonstrated the technical need and ruled out other locations for this multi-use purpose. Currently there is a clear and obvious gap of no coverage in the Bayview area and this will take care of the wireless needs which have grown significantly.

Public Testimony: Comment Sheets submitted: 29, Applicant/Representatives - 1; In Favor - 28, Neutral - 0, Opposed - 0. The names and address of the individuals speaking or submitting comments are part of the record.

- Any issues of aesthetics can be worked on
- Land lines take time to access and time can be fatal in an emergency
- Wireless carriers do an outstanding job in surrounding areas
- This will meet the needs of the area for emergency responders, residents and visitors
- The need is a necessity and not just a convenience
- Some cell service is available only in the middle of the lake or driving out to the prairie

Applicant Rebuttal: None.

There being no further comments from the public, testimony was closed on this item at 6:23 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

HEARING EXAMINER MINUTES
FEBRUARY 16, 2017

CASE NO. ZON16-0004

Type: Zone Change, a request by Pat and Tammy Annotti, to complete a Zone Change from Agricultural to Rural on approximately 10 acres of land. The subject property is currently undeveloped. The purpose of the request is to be able to subdivide the property into two 5 acre parcels. Access to the property is off Bodine Avenue and Howell Road, public road maintained by the Post Falls Highway District. The property is bordered by parcels that are zoned Agricultural and Rural. The property is located within the shared tier of City of Hayden, Rathdrum and Post Falls Area of City Impact. The parcel number is 51N05W-21-4650. The site is described as: SE-SE-NW [FKA TR 28 Greenacres Plat 4] in Section 21, Township 51N, Range 05W B.M. Kootenai County Idaho. (*Vlad Finkel-Planner*)

Staff Presentation: Vlad Finkel, Planner, presented the application stating the zone change is feasible for this area since surrounding parcels have had their zone change to rural as well as future requests coming forward to Community Development for consideration by the Board of County Commissioner. He added the parcel is within the Shared Tier Area of City Impact (ACI) with no concerns expressed stating there would be no negative impact. Public agencies provided no objections to the request. The site was posted and based on the signed affidavits in the file, the public notice requirements have been met.

Applicant Presentation: Rand Wichman, Applicant Representative, provided a brief overview of the site stating the property is surrounded by 5 acre and residential parcels. In the past Kootenai County agricultural land was designated for farming and timberland use. The agricultural zone in this area no long serves the agricultural purpose and any intensive agricultural uses would not be compatible with the current surrounding parcel and residential uses. Mr. Wichman added Kootenai County has approved a number of zone changes in the past and has moved in the new direction of rural out in the prairie area. In conclusion, he stated this parcel is a good candidate for rezoning.

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 Rebuttal: None.

There being no further comments from the public, testimony was closed on this item at 6:36 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

HEARING EXAMINER MINUTES
FEBRUARY 16, 2017

CASE NO. CUP16-0008

Type: Conditional Use Permit, for Tree To Tree Adventure Park. A request by Marissa Doyle of Tree To Tree Extreme, LLC, for a Conditional Use Permit for a Privately-Owned Recreational Facility. The proposal is to operate an aerial adventure course in Farragut State Park. The project site is located on a portion of two parcels in the Rural zone. The Parcel Identification Numbers are 53N02W-02-4000 and 53N02W-03-5000. Parcel No. 53N02W-02-4000 is described as: ALL SEC 2 EX PLTD PTN (FARRAGUT STATE PARK) & EX PTN OWNED BY ID FISH & GAME in Section 02, Township 53 North, Range 02 West B. M. Kootenai County, Idaho, B. M. Parcel No. 53N02W-03-5000 is described as: ALL SEC 3 EX TX #S (FARRAGUT STATE PARK) EX PTN OWNED BY ID FISH & GAME in Section 03, Township 53 North, Range 02 West B. M. Kootenai County, Idaho, B. M.. The project site is located in Farragut State Park, via E. Highway 54 through Farragut State Park to E. Locust Grove Road. (*Mel Palmer-Planner*)

Staff Presentation: Mel Palmer, Planner, addressed Hearing Examiner Frampton referencing documents from the case file. Ms. Palmer stated the permit is to establish an adventure park within Farragut State Park on a portion of two different parcels. The Comprehensive Plan designation for this area is scenic which includes active and passive recreation. The Tree to Tree representatives are working with Idaho Parks and Recreation staff to outline terms and requirements within the state park. She added a conceptual site plan, parking and traffic control plans were provided along with addressing the hours of operation, number of employees, trash control and amenities. The Farragut State Park system will provide water and restroom facilities. Ms. Palmer provided additional comments submitted late by a public agency (HE 1000) and the public (HE 1001). The site was posted and based on the signed affidavits in the file, the public notice requirements have been met. Ms. Palmer concluded for the record that posting this public hearing notice on Hudson Bay Road was for information and was not meant to cause site location confusion.

Applicant Presentation: Erin McKindree, Idaho Park and Recreation Representative, provided the Farragut State Park mission, strategic goals and selection of Tree to Tree for their adventure park with no trail impact. Keith Jones, Idaho Park and Recreation-Natural Resource Manager, explained the site selection of Locust Grove which is a small footprint of 6 acres within the park. He added the area has been thinned to reduce tree density and promote tree health. The wildlife is not disrupted since they have developed a pattern over the years with park public use and the off season tranquility. Molly Beres, Tree to Tree Representative, stated to do an aerial adventure park a lot of tree removal is not necessary since it blends into the environment for a day time experience. She referenced various photographs from a site location in Oregon. The plan is to have two kid courses and four adult courses of various abilities which is not your traditional zip line. There is instructional orientation every 30 minutes before the 2 or 3 hour adventure begins with an approximate capacity of 100 participants a day. Ms. Beres added governing bodies create safety standards and Tree to Tree meets or exceeds those standards while being environmentally friendly.

Exhibits: HE 1000 – Timberlake Fire District comment (PA-19) submitted by Mel Palmer.
HE 1001 – Late public comments (P-14, 15, 16, 17) submitted by Mel Palmer.
HE 1002 – Presentation submitted by Erin McKindree, Keith Jones and Molly Beres.

Public Testimony: Comment Sheets submitted: 16, Applicant/Representatives - 3; In Favor - 12, Neutral - 0, Opposed – 1. The names and address of the individuals speaking or submitting comments are part of the record.

- Activity would increase the traffic on the park roads full of public walking and hiking
- Loud music disrupts the area
- Gates should be available to be locked
- Is this site selection permanent
- An earlier community presentation stated 30 families for day use and now stated 100 participants

Applicant Rebuttal: Keith Jones, stated the Locust Grove site was selected and confirmed to provide a better use than having large group activities with loud music and traffic. The park does get a high volume of public activity and trail usage which increases the traffic during the open season regardless of the activities being

HEARING EXAMINER MINUTES
FEBRUARY 16, 2017

hosted. This adventure park is a good transition to change the quality and group use for the site. Molly Beres, Applicant Representative, added there is no amplified music or machinery and the adventure is a quiet activity through the forest. Also, in meeting with the community, the daily participation was based on an average for 30 families consisting of 4 and that would be approximately the 100 participants that was referenced in her presentation.

There being no further comments from the public, testimony was closed on this item at 7:08 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