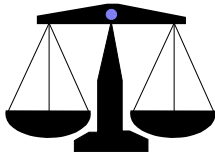


**MINUTES
KOOTENAI COUNTY HEARING EXAMINER
PUBLIC HEARING**

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

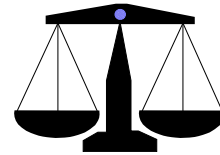
**HEARING EXAMINER
STEVEN FRAMPTON**

**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 7:16 p.m.

HEARING EXAMINER MINUTES
MARCH 16, 2017

CASE NO. MSP16-0005

Type: Subdivision, Lone Mountain Estates 1st Addition, a request by Big Sky Capital, Inc., to create eight (8) residential lots on an approximately 42 acres in the Rural zone. The project site is currently undeveloped. Each newly created lot will meet the minimum lot size for the Rural zone. Access to four of the newly created parcels will be directly from Diagonal Road, via shared driveways. Four lots will access directly from the newly created road and public right-of-way known as Spire Road which leads to Massif Road. Spire Road will directly connect to Diagonal Road. The subject parcel is: Parcel Number 52N04W-01-5500 and is described as: N2-SW & SW-SW LYING NW OF RR R of W in Section 01, Township 52 North, Range 04 West, B. M. Kootenai County, ID. (*Mel Palmer-Planner*)

Staff Presentation: Mel Palmer, Planner, addressed Hearing Examiner Frampton referencing documents from the case file. This project is adjacent to a four lot minor subdivision, under the same ownership, located on the west side of the subject parcel. This is a request for a major subdivision consisting of eight residential lots on approximately 42 acres in the Rural zone. Ms. Palmer added agencies with jurisdiction have reviewed the request and provided their comments, outlining their recommendations or requirements for purposes of mitigating impacts associated with this request. Their requirements were included as draft Conditions of Approval in the report. The site was posted and based on the signed affidavits in the file, the public notice requirements have been met.

Applicant Presentation: Mike Curry, Applicant Representative, stated staff did a good job with the report including the conditions of approval. Mr. Curry provided clarification on the Lakes Highway District traffic study request to determine if turning lanes will be required and IDWR water rights application for water supply. He added they are conducting a traffic study and will agree to improve Diagonal Road to highway district standards if turning lanes are determined to be necessary. The process of a water system needs to go through IDWR and that is moving forward to compliance.

Exhibits: None.

Public Testimony: Comment Sheets submitted: 1, Applicant/Representatives - 1; 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 6:11 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
MARCH 16, 2017

CASE NO. ZON16-0005

Type: Zone Change, a request by Ken and Aileen Zaken Family Trust and Roy Franklin, to complete a Zone Change from Agricultural to Rural on approximately 20 acres of land. The purpose of the request is to be able to subdivide the two subject parcels into a total of four 5 acre parcels. Access to the property is off N. Forestdale Drive. The parcel numbers are 52N04W-32-7500 and 52N04W-32-9250. Parcel 52N04W-32-7500 is described as: SW-NE-SE in Section 32, Township 52 North, Range 04 West. B. M. Kootenai County, ID and Parcel 52N04W-32-9250 is described as: NW-SE-SE in Section 32, Township 52 North, Range 04 West. B. M. Kootenai County, ID. (*Mel Palmer-Planner*)

Staff Presentation: Mel Palmer, Planner, addressed Hearing Examiner Frampton referencing documents from the case file. The applicants are requesting a zone change from Agricultural to Rural on approximately 20 acres of land for the purpose of subdividing into four 5 acre parcels. She added public agencies had no objection to the zone change, however, these lots are adjacent to the City of Rathdrum ACI. The City of Rathdrum provided comment stating they would not oppose the zone change request, however, they have concerns with their 2012 Comprehensive Plan and the planning for the division of land. Public comments have been received. The site was posted and based on the signed affidavits in the file, the public notice requirements have been met.

Applicant Presentation: Bart North, Applicant Representative, stated they had no exceptions to the staff report. They have met with the City of Rathdrum and they do support the zone change requested. Their statement regarding not supporting a subdivision is not pertinent since this application is not before the Hearing Examiner for a subdivision.

Exhibit: HE 1000 – Supplemental public comment (Daley) submitted by Kristen Reynolds.

Public Testimony: Comment Sheets submitted: 7, Applicant/Representatives - 1; In Favor - 1, Neutral - 1, Opposed – 4. The names and address of the individuals speaking or submitting comments are part of the record.

- Hearing Examiner accepted neighbor not in attendance supplemental statement as HE 1000
- Neighboring parcels not opposed to the zone change but opposed to the 5 acre lots
- CCR's for the subdivision state no lots less than 10 acres
- Road is gravel and maintained primarily by the residents at the end of the road
- Opposition is based on subdividing the parcels
- Privately maintained road does not need increased traffic
- Safety concern for the children using school bus stop
- More water wells and septic impact the area
- Road is currently overburdened

Applicant Rebuttal: Bart North, Applicant Representative, stated the City of Rathdrum response is consistent with their Comprehensive Plan and Kootenai County zoning. He added the current road is gravel with pot holes. Also, if the highway district included it in their jurisdiction the current road prism is wide enough to be accepted. Mr. North stated if a subdivision were approved it would not be a major thoroughfare with only two more lots and no environmental impact would occur from the water and sewer over the aquifer. In conclusion, he stated there has been no evidence or CCR's found to have of a minimum lot size requirement for any parcel within this subdivision.

There being no further comments from the public, testimony was closed on this item at 6:32 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
MARCH 16, 2017

CASE NO. ZON16-0006

Type: Zone Change, a request by Idaho Forest Group, LLC, to change the zoning classification of seven parcels, totaling approximately 187 acres, within the 251.6 acre mill site. The Parcel Numbers and descriptions are: **LIGHT INDUSTRIAL TO INDUSTRIAL-52N03W-07-6750** (SE-SW EX RW, S2-NE-SW in, Section 07, Township 52 North, Range 03 West, B. M., Kootenai County, ID); **RURAL TO INDUSTRIAL-52N03W-07-6500** (SE-GOVT LT 3, E2-GOVT LT 4 EX RW, in Section 07, Township 52 North, Range 03 West, B. M., Kootenai County, ID); **52N03W-07-5000** (N2-NE-SW, NW-NW-SE, N2-GOVT LT 3 EX TAX #23163, in Section 07, Township 52 North, Range 03 West, B. M., Kootenai County, ID); **52N03W-07-7900** (NE-NW-SE, in Section 07, Township 52 North, Range 03 West, B. M., Kootenai County, ID); **RURAL TO LIGHT INDUSTRIAL-52N03W-07-7400** (TAX#23166, TAX#23576 [IN NE-SE], in Section 07, Township 52 North, Range 03 West, B. M., Kootenai County, ID); **52N03W-07-6200** (SW-LT 3, W2-LT 4 EX RW, in Section 07, Township 52 North, Range 03 West, B. M., Kootenai County, ID); **52N03W-18-2700** (TAX#15171 EX RW, TAX#24226 [IN NE-NW] in Section 18, Township 52 North, Range 03 West, B. M., Kootenai County, ID)
(Mel Palmer-Planner)

Staff Presentation: Mel Palmer, Planner, addressed Hearing Examiner Frampton referencing documents from the case file. She stated the Comprehensive Plan designation for this multi zone change is Country which is considered a mixed use. The public agencies have reviewed and provided comments with no objection. Ms. Palmer submitted public comments from the file that were submitted late (HE 1000). The site was posted and based on the signed affidavits in the file, the public notice requirements have been met.

Applicant Presentation: Ryan Fobes, Applicant Representative, provided a brief history and overview of the site referencing his presentation (HE 1001). He has worked at the Chilco Lumber Mill for Idaho Forest Group since 2008. The site has received approval for various Conditional Use Permits from the county since in the past there was a moratorium and they could not apply for zone changes. They work collaboratively with public agencies and the neighbors. Mr. Fobes stated an area southwest of the mill has been allocated for a truck load station to safely secure and tarp the loads. This site provides ease of access and OSHA safety standards prior to entering the highway. Rand Wichman, Applicant Representative, added the combination of various zone changes was given through consideration. The site is a commodity use and needs to respond to changes. A community neighborhood meeting was held with the attendance of about 13 neighbors. The biggest concern was the truck tarping station look, use, buffering and lighting. He expected the truck tarper equipment would be lowered into the parcel and out of the main site with berming on the west side. There is a forested area providing some buffering and they would comply with Kootenai County standards.

Exhibits: HE 1000 – Late public comments (P-10/P-11) submitted by Mel Palmer.
HE 1001 – Presentation submitted by Ryan Fobes.
HE 1002 – Supplemental public comment submitted by Ryan Fobes.
HE 1003 – Missed public comment (P-12) submitted by Mel Palmer.

Public Testimony: Comment Sheets submitted: 11, Applicant/Representatives - 4; In Favor - 2, Neutral - 1, Opposed – 4. The names and address of the individuals speaking or submitting comments are part of the record.

- Neighbor directly affected by the tarp station has concerns of traffic, noise and site obscuring remedies
- Properties being considered were recently purchased by the mill
- Issue of trucks stacking up entering and exiting the mill
- Parcels to the north could be used for the tarping station away from the neighborhood
- Housing development in the area will not be a rural as expected
- IFG is a reliable and conscientious employer
- More business provides a good future for the area

Applicant Rebuttal: Ryan Fobes, Applicant Representative, addressed the moving of the truck tarping station to the north end stating the finished lumber comes out of the area close by the selected tarp station site. On average about 120 log trucks a day come and go from the mill. The truck tarping station will accommodate

HEARING EXAMINER MINUTES
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about 25 of those trucks for an easy and safe traffic flow. Mr. Fobes concluded the CUP's on the site has noise restrictions but does not appear on any land use map and zone changes show the approved use of the land.

There being no further comments from the public, testimony was closed on this item at 7:16 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