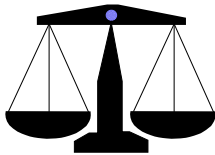


**MINUTES  
KOOTENAI COUNTY HEARING EXAMINER  
PUBLIC HEARING**

**APRIL 20, 2017  
KOOTENAI COUNTY ADMINISTRATION BLDG.  
ROOM 1**

**HEARING EXAMINER  
SHARON MOHR**

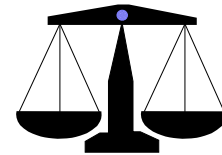
**STAFF PRESENT  
VLAD FINKEL  
MEL PALMER  
DAVID CALLAHAN  
KATHRYN FORD**



**MINUTES  
PREPARED BY:**

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**KATHRYN FORD**  
Recording Secretary



**MINUTES  
REVIEWED BY:**

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**VLAD FINKEL**  
Planner



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**SHARON MOHR**  
Hearing Examiner

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

**Sharon Mohr 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 7:32 p.m.**

HEARING EXAMINER MINUTES

APRIL 20, 2017

**CASE NO. VAR16-0009**

**Type: Variance, a request by Larry Eaton** for a variance of 15' to the 25' front yard setback on a parcel of land approximately 0.298 acres in size in the Restricted Residential zone. Access to the property is by Cave Bay Road, a public road maintained by the Worley Highway District. The parcel number is 011800030110 and described as: CARROLS CAVE BAY HOMESITES 3RD ADDITION, LT 11 BLK 3 in Section 32, Township 48 North, Range 04 West, B.M., Kootenai County, Idaho. (*Vlad Finkel-Planner*)

**Staff Presentation:** Vlad Finkel, Planner, provided a brief overview of the application and the revised request. The site was posted and based on the signed affidavits in the file, the public notice requirements have been met.

**Applicant Presentation:** Rial Moulton, Applicant Representative, provided a brief overview stating the site is on a hillside and to build within the setbacks would require removing a lot of the hillside. To build the dirt would need to be removed and retaining walls would be required which would be extremely expensive. He added the home would be similar to structures which have been built next to the road and would not be in conflict with the neighborhood.

**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 6:07 p.m. The Hearing Examiner, Sharon Mohr will review this case and submit her written report to the Board of County Commissioners within two weeks.

Submitted by,

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Kathryn Ford, Recording Secretary

HEARING EXAMINER MINUTES

APRIL 20, 2017

**CASE NO. CUP16-0006**

**Type: Conditional Use Permit, a request by Verdis for Claudia J. Davis** for a Conditional Use Permit to establish a Privately-Owned Recreational Facility on 4.776 acres in the Agricultural Suburban zone. The Privately-Owned Recreational Facility will consist of an approximately 12,000 sq. ft. building that will be used for a dog agility training. Access to the property is by Corbin Road. The parcel number is 0304005085ZZ and described as East Greenacres Irrigation District Plat 9, Tract 85 in Section 05, Township 50N, Range 05W B.M. Kootenai County Idaho. (*Vlad Finkel-Planner*)

**Staff Presentation:** David Callahan, Director, introduced the application providing a brief history on how conditional use permits became a tool for planning development. One of the guidelines reviewed is compatibility in the neighborhood and having conditions to make it viable. He added it is the staffs position to present the best recommendation and adequate information for the hearing bodies to make a decision. In this particular case a recommendation of denial has been provided with conditions of approval if the permit is considered to be granted.

Vlad Finkel, Planner, addressed Hearing Examiner Mohr referencing documents from the case file. Public agencies specifically Panhandle Health District (PHD) and the City of Post Falls provided detailed concerns regarding the use and public comments from the neighborhood were in opposition. He added for the record, there were public comments submitted after the deadline in favor of the permit and exhibited as HE 1000. The site was posted and based on the signed affidavits in the file, the public notice requirements have been met.

Hearing Examiner Mohr requested that the representative from Panhandle Health District provide testimony addressing her questions.

Dale Peck, PHD Representative, provided clarification on the aquifer protection for a water source and permitted disposal of waste. The Rathdrum Aquifer provides water for the public of two states. PHD discourages non-residential development since businesses tend to want to grow and the limit approved along with monitoring becomes an issue. He added they have reviewed the applicants engineered dosing system. Currently there is no permitted uses on the site and they have not received an application for this site.

**Applicant Presentation:** Sandy Young, Applicant Representative, began her testimony by outlining how they can meet Kootenai County Conditional Use Permit requirements. For the record, she submitted three exhibits HE 1001, HE 1002 and HE 1003. The concerns regarding traffic can be mitigated with event scheduling easier than events at Corbin Park which is a public park. She added with the PHD concerns it is hard to understand how a toilet and bathroom sink in a pole barn over the aquifer will be more of an issue than a large family creating affluent. Ms. Young stated this is not a commercial adventure for money but a training facility. With a Conditional Use Permit there can be conditions for regulating growth, events for traffic flow, parking, aquifer monitoring and fire suppression. These types of permits are not taken lightly and they know approval is to comply or they are shutdown.

Claudia Davis, Applicant, addressed the hearing stating she shows horses and dogs and pursues her passion which is training. The dog agility training she provides is very high maintenance and she is not in the business of showing dogs or having events. She agrees there would be traffic but not as much as a residential home. In conclusion, she added that she does care about the neighborhood and is concerned on how the neighbors feel this use would be a problem.

**Exhibits:** HE 1000 – Public comments received after the deadline submitted by Vlad Finkel.  
HE 1001 – Public comments received after the deadline submitted by Sandy Young.  
HE 1002 – Site Plan with color references submitted by Sandy Young.  
HE 1003 – Memo of 2-23-17 from file (A-16) submitted by Sandy Young.  
HE 1004 – Video presentation showing dog agility training submitted by Stephanie Blalock.

HEARING EXAMINER MINUTES  
APRIL 20, 2017

**Public Testimony:** Comment Sheets submitted: 22, Applicant/Representatives -3; In Favor - 8, Neutral - 0, Opposed – 11. The names and address of the individuals speaking or submitting comments are part of the record.

- Support comment read into the record
- City of Post Falls will benefit financially with public coming to use the facility
- Dogs are very highly trained and well behaved
- Dogs are not the issue they love dogs
- Dog owners and additional traffic become the issue
- Large structure in the middle of a residential neighborhood
- Good program but not the right fit for a neighborhood
- All the supported public comments came in from outside of the immediate neighborhood
- Increased traffic along with Corbin Park and the Centennial Trail
- Increased public participating in the training and those that want to view
- Current residents cannot improve their land due to some of the aquifer guidelines
- Narrow parts of the road and curves always have cars off the road
- Anyone doing home improvements currently need to jump through the PHD aquifer hoops
- Parking issues for multiple cars, motorhomes and campers
- Applicant did her due diligence prior to purchasing for this use
- Owners are as well trained as their dogs
- Support is from public not affected by day to day activities in the neighborhood

**Applicant Rebuttal:** Sandy Young, Applicant Representative, addressed the public concerns stating the road can be improved. The site will not have overnight camping and the dogs are leashed and under owner command, it will not be a free for all. She added that currently there are businesses such as Idaho Asphalt over the aquifer that are being monitored. There seems to be a misconception of what is being proposed and they do not want a battle with Panhandle Health District. In conclusion, they are requesting the Hearing Examiner look at the letter of the law and know that regulation makes them good neighbors for this request.

There being no further comments from the public, testimony was closed on this item at 7:19 p.m. The Hearing Examiner, Sharon Mohr will review this case and submit her written report to the Board of County Commissioners within two weeks.

Submitted by,

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Kathryn Ford, Recording Secretary

HEARING EXAMINER MINUTES

APRIL 20, 2017

**CASE NO. ZON17-0001**

**Type: Zone Change, a request by Rob Stratton for Don & Rebecca Benson and Don & Robin Chisholm** to complete a Zone Change from Agricultural to Rural on approximately 10 acres of land. The purpose of the request is to be able to subdivide the property into two 5 acre parcels. Access to the parcel is by W. Bean Avenue. The property is located within the exclusive tier of the City of Hayden, Area of City Impact. The parcel number is 0-3560-21-248-ZZ and is described as: HAYDEN LAKE IRR TRS AMENDED, TR 248, in Section 21, Township 51 North, Range 04 West. B. M. Kootenai County, ID. (*Mel Palmer-Planner*)

**Staff Presentation:** Mel Palmer, Planner, introduced the application referencing documents from the file. For the record, Ms. Palmer stated Section 7.08 has a correction and should be referenced as is / IS NOT in conflict on the Hearing Examiners recommendation. She added through public agency and public comment there were no conflicts. The site was posted and based on the signed affidavits in the file, the public notice requirements have been met.

**Applicant Presentation:** Don Chisholm, Applicant, stated the property does not support crops and they have been trying to keep the weeds under control and planted trees. They have not been able to move forward on their plan to subdivide and build for retirement since they have been working with the City of Hayden and waiting for 9 years to get city approval. He added the zone change to rural is a better fit for the area, will improve the property value and would be consistent with the neighborhood.

Robin Chisholm, Applicant, added the property has not been farmed in 60 years. They would like to have their retirement plans move forward to build a small home and barn for their horses. The change in zoning would benefit and be supported by the surrounding area.

**Exhibits:** None.

**Public Testimony:** Comment Sheets submitted: 3, Applicant/Representatives - 3; 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 7:32 p.m. The Hearing Examiner, Sharon Mohr will review this case and submit her written report to the Board of County Commissioners within two weeks.

Submitted by,

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Kathryn Ford, Recording Secretary