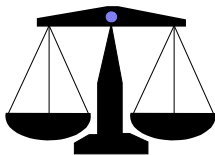


**MINUTES
KOOTENAI COUNTY HEARING EXAMINER
PUBLIC HEARING**

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

**HEARING EXAMINER
STEVEN FRAMPTON**

**STAFF PRESENT
MEL PALMER
VLAD FINKEL
MICHAEL URICH
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 applicant for Item III-A. and B. was not available at 6:00 p.m., Item III-C. testimony was received out of order and taken first 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 7:30 p.m.

HEARING EXAMINER MINUTES

JULY 20, 2017

CASE NO. CUP17-0005

Type: Conditional Use Permit, a request by Joe Fabiano for Barr Consulting and Holdings, Inc., for a Conditional Use Permit for an expansion of an existing Residential Care Facility on 0.435 acres in the Agricultural Suburban zone. The Residential Care Facility was originally approved to serve 9 residents per CUP Case No. C-996-99 on May 20, 2000. The current request is for the expansion to allow the facility to serve as 16 residents. Domestic water and sewage disposal to the facility is currently provided by the Hayden Lake Recreational Water and Sewer District. Access to the property is from St. James Avenue. The Applicant is also seeking a variance to the 3-acre minimum lot size requirement for a Residential Care Facility. The parcel number is 004500420040 described as Avondale on Hayden 9th Addition, Lot 4, Block 42 in Section 7, Township 51 North, Range 03 West. B. M. Kootenai County, ID. (*Vlad Finkel-Planner*)

Staff Presentation: Vlad Finkel, Planner, introduced the application providing history on the property and establishing the details of the Conditional Use Permit for the existing approved Residential Care Facility approved to house/serve as many as nine (9) residents. The main purpose of this request is to expand the facility to serve as many as 16 residents. The minimum lot size in the current Code requirements is three acres. Therefore, since the property is currently 0.43 acres in size the Applicant is requesting a variance. The Applicant is stating that in order to operate an economically viable facility, it needs to expand to serve as many as 16 residents. Mr. Finkel referenced a presentation (HE 1000) showing the location and read into the record Section 33.32 Residential Care Facility from Kootenai County Code (HE 1001). Also, in the staff report Condition 8.09 was left undetermined due to the parking, traffic and neighborhood impacts which could be identified during public hearing testimony. The site was posted and based on the signed affidavits in the file, the public notice requirements have been met.

Applicant Presentation: Joe Fabiano, Applicant Representative, stated he had no supplemental details to add to the staff report. The primary purpose is to resolve a conflict on the number of current residents allowed verses the Idaho State Health Department and the adjustment up to 16 residents. Any future improvements would accommodate the Idaho State regulation and licensing with the Health Department and Kootenai County agency requirements for compliance before opening. The new owners want to demonstrate to the neighbors they can be friends and active in the community without being intrusive. Mr. Fabiano added there are no current plans to expand beyond 16 residents. The increase of residents is to maintain their profitability with rising health care costs and Medicare reimbursements to operate the facility. If approved they will go through Idaho Health Department audits, public agency review for building, fire and security that will be coded for entry and exit. The owner plans to run the facility like a Mom and Pop home with staff doing shopping, deliveries and caring for the residents. The limited parking issue would be monitored and emergency vehicles for service would have access when necessary.

Exhibits: HE 1000 – Presentation submitted by Vlad Finkel.

HE 1001 – Residential Care Facility form Kootenai County Code submitted by Vlad Finkel.

Public Testimony: Comment Sheets submitted: 14, Applicant/Representatives - 2; In Favor - 0, Neutral - 0, Opposed – 12. The names and address of the individuals speaking or submitting comments are part of the record.

- Not enough parking for staff and visitors
- Visitors park where they can along the street
- Street does not have enough room for additional parking
- Site is abandoned and it is good they want to improve it
- No sidewalks for safe walking
- Street is not clear enough during the winter with the berms for the current residents
- Street is not safe for wheelchairs, walkers or canes
- Holidays, birthdays and special occasions for the residents run the parking into the street
- More residents equals more visitors and more noise
- Emergency vehicles will come as often as needed and cannot be monitored

HEARING EXAMINER MINUTES
JULY 20, 2017

- Current residents have no recourse on issues if this facility is approved
- To expand is irresponsible to the residents
- Visitors and staff taking breaks littering the area
- Neighborhood septic and sewer is already strained
- Facility is not commercial but would double the traffic
- Parking was not adequate for the 9 residents how could it be monitored for 16 residents and guests
- Driveway is sloped and not sure how they would make 16 legal parking areas
- Mailboxes get blocked for the postal carrier
- Neighboring homes cannot have use of parking in front of their homes for visitors
- Neighborhood wants safety for the children and residents

Applicant Rebuttal: Joe Fabiano, Applicant Representative, stated determination for safety and health guidelines are not developed by him or the owner but by Idaho State Health officials. Even if Kootenai County approved this request, the final approval would come from the State. He added there will be handicap accessibility and residents will be staff supervised.

There being no further comments from the public, testimony was closed on this item at 7:06 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

JULY 20, 2017

CASE NO. ZON17-0002

Type: Zone Change, a request by Delbert L. Kerr, to complete a Zone Change of a split zoned parcel from Rural to Restricted Residential on approximately 9.25 acres of land. The property is located within the exclusive tier of the City of Hayden, Area of City Impact. The parcel number is 0-6610-00A-008-A and is described as: RIMROCK MEADOWS ESTATES, LT 8, BLK A, EX S 26 FT, in Section 08, Township 51 North, Range 3 West, Boise Meridian, Kootenai County, Idaho. (*Mel Palmer-Planner*)

CASE NO. MSP17-0001

Type: Subdivision, Rimrock Meadows 5th Addition, a request by Delbert L. Kerr for preliminary approval of an eight residential lot subdivision, concurrently with a request in Case No. ZON17-0002, to change the zoning classification of the subject parcel from Rural to Restricted Residential, to allow the proposed subdivision. The project site is within the City of Hayden Lake Area of City Impact. The parcel number is 0-6610-00A-008-A and is described as: RIMROCK MEADOWS ESTATES, LT 8, BLK A, EX S 26 FT, in Section 08, Township 51 North, Range 3 West, Boise Meridian, Kootenai County, Idaho. (*Mel Palmer-Planner*)

Staff Presentation: Mel Palmer, Planner, addressed Hearing Examiner Frampton confirming the presentations and testimony would be referencing both Delbert Kerr applications on the agenda. Mr. Frampton agreed the testimony would be discussed together and the recommendations would be submitted separately to support each application request. Ms. Palmer provided a brief overview of the zone change and subdivision applications referencing a presentation (HE 1000). The site is within the Hayden Lake ACI with the subdivision parcel is currently split zoned. The public agencies have reviewed each application and provided requirements that need to be met and are included in the conditions of approval. 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 he had received and reviewed the staff report with no exceptions to the report or conditions. The applicant has worked diligently with all the agencies to comply and improve the area with sewer services and traffic lanes.

Exhibits:

ZON17-0002

HE 1000 – Presentation submitted by Mel Palmer.

HE 1001 – Late public comments (P-4 and P-5) submitted by Mel Palmer

MSP17-0001

HE 1000 – Presentation submitted by Mel Palmer.

Public Testimony:

ZON17-0002 -- Comment Sheets submitted: 4, Applicant/Representatives - 1; In Favor - 1, Neutral - 2, Opposed - 1. The names and address of the individuals speaking or submitting comments are part of the record.

MSP17-0001 -- Comment Sheets submitted: 4, Applicant/Representatives - 1; In Favor - 1, Neutral - 2, Opposed - 0. The names and address of the individuals speaking or submitting comments are part of the record.

- Current residents have concerns regarding internet and telephone services
- Enchantment Lane having power and water through Meadow Lane
- How is the road going to be maintained

Applicant Rebuttal: Bart North, Applicant Representative, responded to subdivision infrastructure concerns. He added Frontier Communications has installed conduit but has declined to make the investment of cable due to the impact of cell phones and the accelerated industry. The roads are private and road construction improvements have been difficult due to the soils.

HEARING EXAMINER MINUTES
JULY 20, 2017

There being no further comments from the public, testimony was closed on the Delbert Kerr zone change and Rimrock Meadows 5th Addition Subdivision items at 7:30 p.m. The Hearing Examiner, Steven Frampton will review these cases and submit his written reports to the Board of County Commissioners within two weeks.

Submitted by,

Kathryn Ford, Recording Secretary