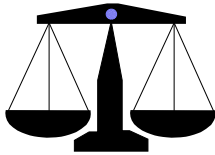


**MINUTES
KOOTENAI COUNTY HEARING EXAMINER
PUBLIC HEARING**

**FEBRUARY 1, 2018
KOOTENAI COUNTY ADMINISTRATION BLDG.
ROOM 1**

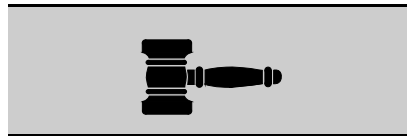
**HEARING EXAMINER
SHARON MOHR**

**STAFF PRESENT
CLIFTON TRIMBLE
MEL PALMER
MARY SHAW
KATHRYN FORD**

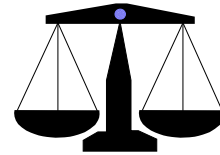


**MINUTES
PREPARED BY:**

KATHRYN FORD
Recording Secretary



SHARON MOHR
Hearing Examiner



**MINUTES
REVIEWED BY:**

CLIFTON TRIMBLE
Planner

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 Agenda items were moved out of order with Item III-B. heard first to accommodate the public.

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 7:25 p.m.

HEARING EXAMINER MINUTES
FEBRUARY 1, 2018

CASE NO. CUP17-0010

Type: Conditional Use Permit, a request by Mountain Air Resort. The Applicant is requesting a Conditional Use Permit for a Commercial Resort in the Agricultural zone. The project will be located on two parcels (52N03W335150 and 52N03W335200) totaling approximately 20 acres. The project will consist of a mix of recreational uses including a ten room Boutique Hotel, a 30' x 20' amphitheater for wedding and recreational educational events associated with agritourist and ecotourism, tent camping (both group and individual pads), and four RV camping stalls. The current residence has an individual septic and drainfield system, and water is provided by an individual well. The two outdoor restrooms will both be on septic and drainfield systems and will include sinks, as well as have water spigots just outside of the units; showers will not be included. The tent and RV sites will offer power. No dump station is proposed in this project. All RV's will be self-contained, and septic discharge will be conducted off site. Access will be provided via a common driveway (through the property to the south) from E. Dodd Road, a public road maintained by the Lakes Highway District. The subject property is located at 5245 E. Dodd Road, Hayden, ID 83835. The site is describe as TAX #5200 (W2-S2-NE-SW) in Section 33, Township 52N, Range 03W and TAX #5150 (E2-S2-NE-SW) in Section 33, Township 52N, Range 03W, in B. M. Kootenai County, Idaho. (*Clif Trimble-Planner*)

Staff Presentation: Clif Trimble, Planner, introduced the conditional use permit application and referenced a presentation (HE 1000) showing details of the proposal. Mr. Trimble stated a staff recommendation of denial was based on access, water availability and compatibility that is referenced in Section 7.3 of the staff report.

Applicant Presentation: Sandy Young, Applicant Representative, was concerned with the staff report stating there were agency concerns when agencies responded with no objection or they did not have a position at this time. She provided an overview of meetings with staff, attorneys and agencies which gave the applicant a firm belief the project could be viable. She read for the record Scott Poorman's statement regarding the easement. Steve Larson, Applicant, addressed the Hearing Examiner stating the area is beautiful and would make the property into a reasonable way to make a living and be a good steward to the land.

Exhibits: HE 1000 – Presentation submitted by Clif Trimble

HE 1001 – Email of 1-24-18 from Scott Poorman submitted by Sandy Young.

HE 1002 – Photographs of their home site submitted by Steve Larson.

HE 1003 – Comments submitted by Ken Locke.

HE 1004 – Statement submitted by Erika Grubbs representing Sadler and Costa.

Public Testimony: Comment Sheets submitted: 28, Applicant/Representatives - 3; In Favor - 0, Neutral - 1, Opposed – 24. The names and address of the individuals speaking or submitting comments are part of the record.

- Concern on maximum attendance and length of stay
- Active fire danger with campfires, fireworks, smokers and stoves
- Not enough adequate water for 125 guests
- Neighbors will have multiple nuisances affecting their life styles
- Wandering public and stranger danger for the children
- A resort is not compatible with the homes and acreage in the area
- Various neighbors have drilled multiple wells for a main water source
- Sanitation, dust and water concerns
- Undeveloped road cannot have two cars pass
- Easement issues
- Not benefit to the surrounding community
- Neighbors moved to the area for peace and quiet
- Campers misuse campgrounds all over the county
- Easement to access cannot handle the increase in traffic and issues with animals and children

HEARING EXAMINER MINUTES
FEBRUARY 1, 2018

Applicant Rebuttal: Sandy Young, Applicant Representative, addressed the concerns expressed by the public. She stated the camping season would be May through October and improvements would be made as proposed or as conditions required. The fire district reviews provided felt the access was adequate. Ms. Young added the easement is simple and not restricted and with any CUP conditions can be imposed and mitigating factors such as lack of water would need to be taken care of before the CUP could be implemented. In conclusion, she stated this process is arduous and expensive and is not taken lightly.

There being no further comments from the public, testimony was closed on this item at 7:25 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,

Kathryn Ford, Recording Secretary

HEARING EXAMINER MINUTES
FEBRUARY 1, 2018

CASE NO. MSP17-0005

Type: Subdivision, Lone Mountain Estates 2nd Addition, a request by Big Sky Capital, Inc., to create 37, five acre residential lots, on two parcels totaling approximately 190 acres in the Rural zone. Each newly created lot will meet the minimum lot size for the Rural zone. Access to the lots will be from E. Diagonal and Spire Road, via extensions of Massif Road. The subject Parcel Numbers are: 52N04W-01-3800 and 52N04W-02-8000. Parcel Number 52N04W-01-3800 is described as: W2-SW-NW, W2-E2-SW-NW in Section 01, Township 52 North, Range 04 West, B. M. Kootenai County, Idaho and Parcel Number 52N04W-02-8000 is described as: N2-S2 LYING SE OF RW, in Section 02, Township 52 North, Range 04 West, B. M. Kootenai County, Idaho. (*Mel Palmer-Planner*)

Staff Presentation: Mel Palmer, Planner, introduced the application and referenced a presentation (HE 1000) showing details of the subdivision. The site is heavily vegetated and access would be from Spire and Ramsey Roads. She stated after the applicant submitted this request a revised request to phase this proposal was submitted. Agencies with jurisdiction have reviewed the original and revised request and have provided requirements. Ms. Palmer submitted the updated documentation for the revised phasing (HE 1001 thru HE 1006) to the Hearing Examiner for review and consideration.

Applicant Presentation: Mike Curry, Applicant Representative, added with the revised request to phase this project the highway district standards would apply to the first right-of-way and the second right-of-way would remain unconstructed.

Exhibits: HE 1000 – Presentation submitted by Mel Palmer.
HE 1001 – Applicant revised phase request (A-18) submitted by Mel Palmer.
HE 1002 – Applicant revised phasing plan (A-19) submitted by Mel Palmer.
HE 1003 – Northern Lake Fire comment on phasing (PA12) submitted by Mel Palmer.
HE 1004 – Lakes Highway comment on phasing (PA-13) submitted by Mel Palmer.
HE 1005 – Timberlake Fire comment on phasing (PA-14) submitted by Mel Palmer.
HE 1006 – Staff report condition edits submitted by Mel Palmer.

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 6:15 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,

Kathryn Ford, Recording Secretary