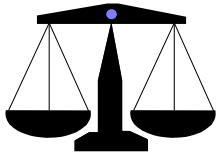


**MINUTES  
KOOTENAI COUNTY HEARING EXAMINER  
PUBLIC HEARING**

**JANUARY 3, 2019  
KOOTENAI COUNTY ADMINISTRATION BLDG.  
ROOM 1**

**HEARING EXAMINER  
SHARON MOHR**

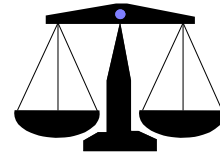
**STAFF PRESENT  
BEN TARBUTTON  
VLAD FINKEL  
DAVID CALLAHAN  
KATHRYN FORD**



**MINUTES  
PREPARED BY:**

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**KATHRYN FORD**  
Recording Secretary



**MINUTES  
REVIEWED BY:**

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**BEN TARBUTTON**  
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 6:30 p.m.**

HEARING EXAMINER MINUTES  
JANUARY 3, 2019

**CASE NO. VAR18-0006**

**Type: Variance, Judy Cook-Murray** requesting a 15' variance to the 25' rear yard setback on a 0.567 acre parcel in the Restricted Residential zone. Specifically, the Applicant wishes to construct a shop for storage of a boat/RV on the upland portion of the property between S. Glass Lane and W. Cove Point Road. Due to the steepness of the site and the property being bisected by a private road, the Applicant cannot maintain the necessary rear yard setback. As a result, the shop would be located 10' from W. Cove Point Road. This would facilitate for a gradual access driveway and a 3-point turnaround for maneuvering a large RV and boat trailer when accessing from Glass Lane. The lake front portion of the subject property has an existing residence. Access to the property is via S. Glass Lane, a private road. The parcel number is 0-1535-001-023-0 and described as: Cove Point, LT 23, Block 1 & 1/33 Interest in private road in Section 11, Township 47 North, Range 04 West, B.M., Kootenai County, Idaho. (*Vlad Finkel-Planner*)

**Staff Presentation:** Vlad Finkel, Planner, introduced the application referencing his presentation. He stated the parcel is bi-sected by a private road. The future location for the garage has been graded and the HOA Board has abandoned the easement which is now available for full use of the parcel. A garage for storage can be utilized with approval of a rear yard setback variance. Mr. Finkel added on his site visit he observed the existing driveway and garage had a sharp switchback that would not fit an RV or boat. With the proposed garage across the road and closer to the rear property line it would give them a 3 point turn around for access and full use of their parcel.

**Applicant Presentation:** Thomas Murray, Applicant, stated the staff report was thorough and provided the information for their application. Mr. Murray added the helicopter pad for the area has the zone marked and as part of the HOA they maintain the clearing and the height for the trees and brush. Their garage site request is close by but does not obstruct any emergency access from the pad. .

**Exhibit:** HE 1000 – Presentation submitted by Vlad Finkel.

**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 6:13 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  
JANUARY 3, 2019

**CASE NO. CUP18-0007**

**Type: Conditional Use Permit, Peak Sand & Gravel, Inc. on behalf of MP2 Land Company, LLC and Steven Murray** requesting a Conditional Use Permit to “*extend*” an existing Restricted Surface Mine and Asphalt Batch Plant on a 75-acre site located southeast of the intersection of W. Fighting Creek Road and Highway 95 in the Rural zone. The current Conditional Use Permit Case No. CUP13-0009 expires on April 24, 2019. Access to the site will be from an existing approach on Highway 95. The parcel numbers are 48N05W-12-3700 and 48N05W-12-4300. The respective parcel descriptions are: N2-LT 5 SE OF HWY EX TAX#13837, N 62.23 FT-E 1016.8 FT-S2-LT 5, TAX#13943, TAX#14267 [IN LT 6] (STATE QUARRY) and LT 6 EX TAX#S, W 30 FT-LT 7 all in Section 12, Township 48 North, Range 05 West B.M. Kootenai County, Idaho.  
(*Ben Tarbutton-Planner*)

**Staff Presentation:** Ben Tarbutton, Planner, introduced the application referencing his presentation. He stated the application is for the extension of the existing Restricted Surface Mine and Asphalt Batch Plant at the site located off of South Highway 95 by Fighting Creek. Mr. Tarbutton added the existing operation has been open for more than 40 years with continued extensions granted since 1990. The site plan references the 5 year extension progress with the asphalt batch plant. The area is well vegetated and protected from view with Fighting Creek on site which is bermed doing an adequate job protecting the creek buffer. In conclusion, Mr. Tarbutton stated the pit site is 40 feet below grade which mitigates sound, dust and issues which develop concerns with surface mining. Staff recommends approval of this extension.

**Applicant Presentation:** Mike Peak, Applicant, stated he and his brother are new owners of the site and will continue to address all the conditions including the water quality testing maintenance as part of their ownership.

**Exhibit:** HE 1000 – Presentation submitted by Ben Tarbutton.

**Public Testimony:** Comment Sheets submitted: 8, Applicant/Representatives - 3; In Favor – 5, 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 6:20 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  
JANUARY 3, 2019

**CASE NO. ZON18-0006**

**Type: Zone Change, Kelvin Shin on behalf of Dennis B. Swartout Family Trust,** to rezone parcel 53N03W-33-0160 from Rural to Commercial. The subject parcel is approximately 4.7248 acres. The subject parcel is currently undeveloped. Access to the parcel is from E. Bunco Road, just east of Highway 95. The parcel number is 53N03W-33-0160, described as: TAX # 23479, PTN TAX # 23849 [IN SEC 33] EX RW in Section 33, Township 53 North, Range 03 West, B.M., Kootenai County, Idaho. (*Ben Tarbutton-Planner*)

**Staff Presentation:** Ben Tarbutton, Planner, introduced the application referencing a presentation. He stated the site is at the northern part of the county just south of Silverwood Theme Park. The site is zoned rural and the request is for commercial zoning which is similar to the properties north. The Comprehensive Plan is country that does allow for non-residential type of uses. Mr. Tarbutton added the applicant does have an intended use if approved which would be a gas station, convenience store and possibly recreational cabins. Public agencies did not have any opposition. For the record, an delayed email submitted from Kootenai Electric was introduced (HE 1002). He concluded if the zone change were approved the commercial nature of the project would go through a Special Notice Permit and go before agencies for a detailed review to present concerns or conditions.

**Applicant Presentation:** Ashley Williams, Applicant Representative, testified the property is in purchase negotiations. The commercial plan is compatible with the surrounding areas to the north. The site of this smaller portion of property would not be likely to support residential homes or a neighborhoods as currently zoned.

**Exhibits:** HE 1000 – Presentation submitted by Ben Tarbutton.  
HE 1001 – Presentation submitted by Ashley Williams  
HE 1002 – Agency comment (PA-5) submitted by Ben Tarbutton.

**Public Testimony:** Comment Sheets submitted: 5, Applicant/Representatives - 2; In Favor – 3, Neutral - 0, Opposed – 0. The names and address of the individuals speaking or submitting comments are part of the record.

- Local realtor has assisted with the design for the area highway and commercial use
- Proposed use for site is a unique alternative with gas station, store and possible campground with day use
- Site is a good location for commercial

**Applicant Rebuttal:** None.

There being no further comments from the public, testimony was closed on this item at 6:30 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