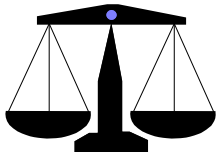


**MINUTES
KOOTENAI COUNTY HEARING EXAMINER
PUBLIC HEARING**

**JANUARY 16, 2020
KOOTENAI COUNTY ADMINISTRATION BLDG.
ROOM 1**

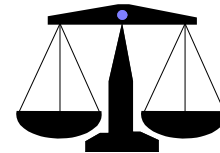
**HEARING EXAMINER
JOAN WOODARD**

**STAFF PRESENT
DAVID CALLAHAN
VLAD FINKEL
MARSHALL WATTS
MARY SHAW
KATHRYN FORD**



**MINUTES
PREPARED BY:**

KATHRYN FORD
Recording Secretary



**MINUTES
REVIEWED BY:**

VLAD FINKEL
Planner



JOAN WOODARD
Hearing Examiner

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

Joan Woodard 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 6:19 p.m.

HEARING EXAMINER MINUTES

JANUARY 16, 2020

CASE NO. CUP19-0008

Type: Conditional Use Permit, a request by Kootenai Properties, Inc, for a Conditional Use Permit to allow the operation of a Restricted Surface Mine in the Rural zone. The Applicant received an approved Conditional Use Permit for this operation in 2005 in Case No.C-1112-05 and subsequently in 2014 in Case No. CUP14-0010. The latest approval expired in November of this year. Through a recent Boundary Line Adjustment (BLA) with the adjoining parcels of land, the project area will remain in the same geographical area as previously approved, but now on a 32.6 acre parcel of land straddling a section line. There is a small Class II Stream south of the existing pit on the adjacent parcels. That drainage was protected during the excavation of the previous pit and no activity is proposed in that area as part of this pit expansion. No runoff from the existing or new pit can reach this drainage. Access to the subject site is via an existing gravel road from Highway 95 across parcels 48N05W-28-0100 and 48N05W-33-0100. The parcel is described as: PTN OF TAX # 24853 [IN NW-NE & NE-NW] in Section 33, Township 48 North, Range 05 West B.M. Kootenai County, Idaho and PTN OF TAX # 24853 [IN SW-SW-SE] in Section 28, Township 48 North, Range 05 West B.M. Kootenai County, Idaho. (*Vlad Finkel-Planner*)

Staff Presentation: Vlad Finkel, Planner, introduced the application referencing a PowerPoint presentation. He provided a brief history regarding the specific use of the site. There is a small Class II Stream located on the adjoining parcels to the east and south, the Applicant will continue to protect them with a 30-foot buffer from sediment runoff. A berm will be maintained along the eastern edge of the pit to contain drainage and prevent runoff from moving downslope toward the creek. Mr. Finkel stated future mining activity will mostly occur to the north and west from the existing rock wall. The floor of the pit will lower as product is removed from the site. A current Reclamation Plan is active and in good standing. The Applicant will still be required to adhere to all runoff and erosion control Best Management Practices.

Applicant Presentation: Rand Wichman, Applicant Representative, stated staff provided a through presentation. He added clarification on the boundaries with the North boundary of the parcel. Mr. Wichman gave an overview of the project, stating that Kootenai Properties has previously operated a Restricted Surface Mine on property owned in this area on adjoining parcels to the subject site under Conditional Use Permits that have since expired. This application is for a newly delineated parcel through a Boundary Line Adjustment. Kootenai Properties owns all the property that provides access over a .5 mile existing gravel road to this 32.6 acre parcel from State Highway 95 in Worley. Access to the pit will be controlled by a locked gate. Mining operations will be sporadic and based on future demand for the material to be mined here, but likely to be able to supply material for construction projects for fifteen years.

Exhibit: HE 1000 – Presentation submitted by Vlad Finkel.

Public Testimony: None. Comment Sheets submitted: 1, Applicant - 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 6:17 p.m. The Hearing Examiner, Joan Woodard 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

JANUARY 16, 2020

CASE NO. APP19-0005

Type: Appeal, Case No. APP19-0005, a request by John E. Redal on behalf of Warren E. Howard, to appeal the issuance of Code Violation CV19-0162, pursuant to Kootenai County Land Use and Development Code. Ordinance 493 (Amended 2/27/18), Section 8.2.208. Operating a Commercial Resort and/or Guest Ranch without a Conditional Use Permit. The Parcel Identification Number is 47N04W260300 and described as TAX#17937 [IN NE-NE] of Section 26, Township 47 North, Range 04 West, B. M., Kootenai County, Idaho.. While this hearing will be open to the public, only affected parties will be allowed to testify. (*Marshall Watts, Code Enforcement Officer*)

Staff Presentation: David Callahan, Director, informed the Hearing Examiner that the Appellant had not shown up to present their appeal. Mr. Callahan stated it would unfair for the County to present without the Appellant available. He would recommend the Hearing Examiner dismiss this case from this agenda. Staff will contact the Appellant and a future appeal date would be noticed if they desire.

Hearing Examiner Woodard stated Case No. APP19-0005 is to be dismissed from the agenda.

There being no further comments from the public or staff testimony was closed on this item at 6:19 p.m.

Submitted by,

Kathryn Ford, Recording Secretary