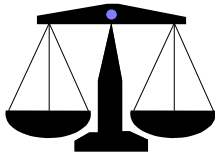


**MINUTES
KOOTENAI COUNTY HEARING EXAMINER
PUBLIC HEARING**

**FEBRUARY 20, 2020
KOOTENAI COUNTY ADMINISTRATION BLDG.
ROOM 1**

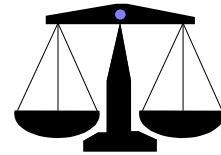
**HEARING EXAMINER
JOAN WOODARD**

**STAFF PRESENT
MARY SHAW
VLAD FINKEL
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 available on-line at
www.kcgov.us

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 7:00 p.m.

HEARING EXAMINER MINUTES
FEBRUARY 20, 2020

CASE NO. VAR19-0008

Type: Variance, a request by Heatherly Living Trust for a 15' variance to the 25' front yard setback from E Hayden Lake Road and a 20' variance to the 25' rear yard setback from the rear property line for construction of an Accessory Living Unit (ALU) on a 0.513 acre parcel of land in the Restricted Residential zone. There is an existing residence on the waterfront portion of the property (west of E. Hayden Lake Road), while the upland portion of the property (east of E. Hayden Lake Road) where the Applicant intends to construct an ALU is currently undeveloped. Said portion of the property has very steep slopes and limited area for construction of any structures. Access to the property is via E. Hayden Lake Road, a public road which bisects the subject parcel of land. The parcel number is 03520000049A and described as: H L Honeysuckle Hills Building Sites, Lot 49 EX TAX # 17811, Lot 50 BLK 1 in Section 20, Township 51 North, Range 03 West, B.M., Kootenai County, Idaho. The subject site is located at 4513 E. Hayden Lake Road. (*Vlad Finkel-Planner*)

Staff Presentation: Vlad Finkel, Planner, introduced the application referencing a PowerPoint presentation. He stated the Applicant is requesting two variances to construct an Accessory Living Unit (ALU) in the Restricted Residential zone. The parcel is bisected by E. Hayden Lake Road and the request is for the ALU to be placed on the upland portion of the property. Mr. Finkel added this area is known to be have unstable soil conditions and a Geotechnical Report was requested. The report determined the parcel is suitable for development in terms of compaction, grading, etc. The site is very steep and the intent is to excavate. He stated the agencies with jurisdiction provided comment and public comments received had concerns regarding neighboring driveways, hillside stability, site being to limited for a structure and traffic.

Applicant Presentation: Ryan Neary, Applicant Representative, provided background regarding the project. He stated the owners existing home on the water side is beginning to create dangerous turnouts since the residence has very limited turnaround capacity in the winter. The residents are aging and need an enclosed garage with direct access to their living unit. This is one parcel bisected by a road and would qualify as an ALU for their winter living. Mr. Neary added the site was evaluated for the best placement and there would be no area to construct without variances. It is common in this area having neighboring sites being built near the road or in the setbacks. He addressed the three variance requirements with one being the hardship created by the slope, the setbacks of the county requirements and the highway district Right-Of-Way, two showing there are no agency conflicts and neighboring view concerns were considered and three the minimum variance required is shown in the site plan with two long and narrow levels accessed from a safe sloped driveway. Mr. Neary addressed the neighboring driveway and engineered concrete wall concerns stating it would not compromised the stability of the soil to the surrounding parcels. Some trees will be removed to keep the site safe and stable. In conclusion, he added if granted all engineering, quality design, geotechnical requirements and staff recommendations will be implemented by the design team.

Exhibits: HE 1000 – Presentation submitted by Vlad Finkel.
HE 1001 – Presentation submitted by Ryan Neary.

Public Testimony: None. Comment Sheets submitted: 6, Applicant - 2; In Favor – 1, Neutral – 0, Opposed – 3. The names and address of the individuals speaking or submitting comments are part of the record.

- Concerns regarding the two driveway property line stability
- The site is an awkward plot of land for building
- Nothing like this is seen built in the area
- The neighbor above would be looking down and across a rooftop
- Structure this close into the hillside encroaches on neighbors privacy and impacts on their property value
- Heavy traffic in the area on a curve
- County has setbacks for reasons and they should be kept in place

Applicant Rebuttal: Ryan Neary, Applicant Representative, addressed the privacy issue stating this home would be approximately 45 feet out and 18 feet down from the neighbor above with high windows to allow natural lighting and not for viewing neighboring activities. There is also an opportunity for landscaping behind and above the site. He added the County setbacks and highway district ROW left them no other choices. This placement is minimal and the home has been dropped down slope as far as it can go and still have safe strong retaining walls.

HEARING EXAMINER MINUTES
FEBRUARY 20, 2020

There being no further comments from the public, testimony was closed on this item at 6:40 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
FEBRUARY 20, 2020

CASE NO. MSP19-0003

Type: Subdivision, Bedrock Commercial, a request by BLR Materials, LLC, for preliminary approval of a 12-lot (for commercial/light industrial uses) Major Subdivision located on 60 acres in the Light Industrial zone. Historically, a portion of the parent parcel consisting of approximately 20-25 acres was utilized for mining activities. As a result, a 15-20 foot depression is located in the southern part of the property surrounded by earth berms. The existing gravel pit will be backfilled and graded for future construction of the shared infrastructure improvements such as interior roads and development of each lot. Each lot will be approximately 5.0 gross acres in size. Water service will be provided via a new on-site private system with the use of an existing well. The well has an adjudicated water right to 2.23 cfs (1,000 gpm), 384.8 AFA, per water right number 95-9042. Effluent discharge will be treated via individual on-site septic and drainfields. Access to the subject parcel is via W. Bedrock Road, a private road. The Applicant intends to improve W. Bedrock Road to the Associated Highway District (AHD) standards in order for the off-site road to be turned over for maintenance purposes to the Post Falls Highway District. Furthermore, the Applicant will construct all interior roads to AHD standards and dedicate them to the public in the name of the Post Falls Highway District. The property is located within the shared tier of the Coordinated Area of City Impact of Cities of Hayden, Rathdrum and Post Falls. The parent parcel number is: 51N06W-36-8600 and is described as: SW-SE, S2-NW-SE in Section 36, Township 51N, Range 06W B.M. Kootenai County Idaho. The subject site is located at 6023 W. Bedrock Road, Post Falls ID. (*Vlad Finkel-Planner*)

Staff Presentation: Vlad Finkel, Planner, referenced a powerpoint presentation for the 12 lot commercial/light industrial use located off of Bedrock Road that has a decommissioned gravel pit. The area has mixed development and zones. He added the two access roads within the site will be dedicated the Post Falls Highway District with a Road Development Agreement. Any future building sites will be addressed by IDL regarding reclamation guidelines of the old gravel pit and PHD for septic compliance. Mr. Finkel stated agencies with jurisdiction and Shared Tier ACI cities provided comments or conditions. There were no public comments submitted.

Applicant Presentation: Len Zickler, Applicant Representative, stated he wanted to extend his gratitude to staff for the attention to detail in bringing this project forward. They have reviewed the staff report and agree to the conditions as presented. He added the businesses that may find interest are general commercial and light industrial for contractors of electrical, building or rock like granite showrooms. Some uses maybe low intensity like contractors using a site for storage and product and then go to the job site.

Exhibit: HE 1000 – Presentation submitted by Vlad Finkel.

Public Testimony: None. Comment Sheets submitted: 2, Applicant - 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 7:00 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