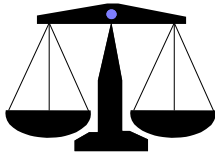


MINUTES
KOOTENAI COUNTY HEARING EXAMINER
VIRTUAL PUBLIC HEARING

JUNE 18, 2020
KOOTENAI COUNTY ADMINISTRATION BLDG.
ROOM 1

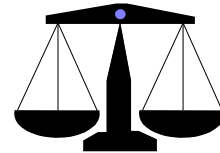
HEARING EXAMINER
JOAN WOODARD

STAFF PRESENT
AMY HILLAND
VLAD FINKEL
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 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 7:19 p.m.

HEARING EXAMINER MINUTES

JUNE 18, 2020

CASE NO. CUP19-0011

Type: Conditional Use Permit, a request by Poe Asphalt Paving, Inc. for a Conditional Use Permit for a Restricted Surface Mine and Asphalt Batch Plant on an approximately 93-acre site, 47 acres of which will be for the mine and asphalt batch plant. The site is located within the Rural zone along Old Highway 95 approximately 2 miles south where Old Highway 95 intersects Brunner Road. Access to the site will be from an existing approach on Old Highway 95. The parcel numbers are 52N03W-05-5400 and 52N03W-05-5000. The respective parcel descriptions are: TAX #20202 [IN N2-SW] and TAX #20836 EX RW [IN E2-SW] all in Section 5, Township 52N, Range 03W, B.M., Kootenai County Idaho. (*Amy Hilland-Planner*)

Staff Presentation: Amy Hilland, Planner, referenced a presentation requesting a Conditional Use Permit for a Restricted Surface Mine and Asphalt Batch Plant on an approximately 93-acre site, 47 acres of which will be for the mine and asphalt batch plant. She provided the historical use of the site and the future site plans and layout. The project overview included the restricted surface mine, asphalt batch plant and details of the customer base and product. Ms. Hilland stated the hours of operation, reclamation plan, public agency conditions and public comments were reviewed. Staff analysis considers the Applicant has demonstrated feasibility with the conditions of approval as referenced in the staff report.

Applicant Presentation: Brandon Junso, Applicant Representative, stated staff has done a great job in presenting the request. He clarified wetland and wildlife details for the area and crushing of the rock source for stockpiles. It may take years to use the stockpile before additional crushing is needed. Crushing is only onsite to generate stockpiles. Then the crushing operation is demobilized. Expansion of the mining site may be really slow since there is a huge area already processed. Mr. Junso added the asphalt batch plant concerns may have misled the public due to the legal notice. He clarified the asphalt batch plant is temporary and has to be viable for a contract to be setup and run economically. A batch plant is dismantled for use at other location once a contract expires. The batch plant equipment is very carefully selected for air standards that meet Washington state requirements which are more limiting than Idaho. He described the size and process of a batch plant producing asphalt. Also, added any noise from mining and batch plant contracts will be minimal since the pit is lower and surrounded by trees, brush and overburden berms. Due to the location no surrounding fencing would be necessary and would allow wildlife to migrate. The site would be posted No Trespassing along the property perimeter.

Exhibits: HE 1000 – Presentation submitted by Amy Hilland.
HE 1001 – Virtual public comments VP-1 to VP-5 submitted by Amy Hilland.

Public Testimony: Comment Sheets submitted: 1, Applicant – 1 via Zoom; In Favor – 0, Neutral – 0, Opposed – 1. The names and address of the individuals speaking or submitting comments are part of the record.

- Not told about the neighboring mining and asphalt plant when moving into the area
- Neighboring property on a hill has a view looking down into the plant
- Property values diminish with commercial sites located nearby
- Asphalt batch plants cause acute health effects
- Located by a residential subdivision
- Concern about different hazards that an asphalt batch plant could create
- Truck traffic is currently not obeying safety rules

Applicant Rebuttal: Brandon Junso, Applicant Representative, emphasized this property has seen Conditional Use Permitting since 2004. This is not a new operation in the area. They are not medical professionals but the term acute means extremely large doses and this is not the case for temporary working batch plants. There have not been health issues with staff that work at these plants. Currently, there are two permanent batch plants residing on the Rathdrum Prairie with no issues with public or livestock health safety. Mr. Junso added these facilities are heavily permitted and Poe Asphalt has gone above and beyond environmental, public and worker safety. The additional traffic for hauling did not generate enough data to develop concern with the highway district.

HEARING EXAMINER MINUTES
JUNE 18, 2020

There being no further comments from the public, testimony was closed on this item at 6:45 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

JUNE 18, 2020

CASE NO. ZON19-0007

Type: Zone Change, Huetter Properties, LLC to complete a Zone Change from Commercial with a Conditional Zoning Development Agreement (CZDA) to Commercial on 2.95 acres of land. The purpose of this request is to eliminate the CZDA with all of the development restrictions set forth in said document and allow all uses available in the Commercial zone. The subject property is located within the exclusive tier of the Coordinated Area of City Impact of City of Post Falls. The subject parcel of land fronts I-90 with direct access from Huetter Road, a public road maintained by the Post Falls Highway District. The parcel number is 50N04W-05-2300. The parcel is described as: Tax #1095 EX N 103' EX RW, E2-TR 8 EX RW N of I-90 (in Lawrence Park) in Section 05, Township 50 North, Range 04 West, B.M., Kootenai County, Idaho. (*Vlad Finkel-Planner*)

Staff Presentation: Vlad Finkel, Planner, introduced the application referencing a presentation. He stated since the approval of the zone change with a CZDA in 2014, the property owner has decided to take a different direction when developing the property. The current CZDA is too restrictive by only allowing one 8,000 square foot administrative building for a plumbing business. The Applicant has requested to eliminate the CZDA since it is self-limiting the uses on the 3 acres over the aquifer in the commercial zone. There would not be an issue with the elimination of the CZDA. They would be able to have more intense use on the site for a plumbing service and storage facility. A CZDA is not the most optimal tool to connect with services or city annexation. He added a Special Notice Permit will be submitted and that would have the language for voluntary commitments. The public agencies approved and had no issues with elimination of the CZDA.

Applicant Presentation: Stephanie Blalack, Applicant Representative, testified the CZDA is a strict regulating document and the Applicant cannot bring the property to its full capacity. The site is self-limiting due to wastewater restrictions. There are commercial properties in the area and the CZDA was originally created to satisfy public agency concerns. Ms. Blalack added a Special Notice Permit with conditions is agreeable with the Applicant for future small business plans.

Exhibit: HE 1000 – Presentation submitted by Vlad Finkel.

Public Testimony: None. Comment Sheets submitted: 0, Applicant – 1 via Zoom; 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 7:09 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

JUNE 18, 2020

CASE NO. MSP19-0007

Type: Subdivision, Pinewood Estates, a request by Daum Construction, LLC, for preliminary approval of a Major Subdivision consisting of twelve (12) residential lots on 62 acres across four existing parcels of land in the Rural zone. The proposed lots will range from 5.000 (gross) acres to 6.476 (gross) acres in size. Domestic water to each residential lot will be provided via individual wells. Effluent discharge will be treated via individual septic and drainfields on each lot. Access to the proposed lots will be via a newly constructed internal road extending from the intersection of Ramsey Road and Chilco Road, heading southwest and terminating at a cul-de-sac. A common driveway will extend from the cul-de-sac of the newly constructed road providing access to four or fewer remaining landlocked lots. The new road will be constructed to highway district standards and will be dedicated to the public in the name of Lakes Highway District for maintenance purposes. The common driveway will be constructed to the International Fire Access Standards. The parent parcel numbers are: 52N04W-15-0300, 52N04W-15-4200, 52N04W-15-1350 and 52N04W-15-1200. The property is described as: Parcel 1: TAX #S 16394 & 16395 [IN NE-NE]; Parcel 2: SE-NW SE OF RD EX RW EX PLTD PTN EX TX#S; Parcel 3: TAX #16396 [IN NE-NE]; Parcel 4: TAX #16397 [IN NE-NE] will all parcels located in Section 15, Township 52 North, Range 04 West. B. M. Kootenai County, ID. The subject site is located on the southwest corner of the intersection of Ramsey and Chilco Roads.

(Vlad Finkel-Planner)

Staff Presentation: Vlad Finkel, Planner, introduced the application referencing a presentation. The Applicant is requesting approval of a 12 lot major subdivision at Chilco and Ramsey Roads. The public agencies responded and had no concerns that could not be conditioned.

Applicant Presentation: Drew Dittman, Applicant Representative, provided an overview of the subdivision site and zoning in the area with residential development. The site is flat and heavily vegetated which requires a wildfire mitigation plan that will be provided. He stated they acknowledge and have no issues with the conditions of approval as represented in the staff report.

Exhibit: HE 1000 – Presentation submitted by Vlad Finkel.

Public Testimony: None. Comment Sheets submitted: 0, Applicant – 1 via Zpp,; 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 7:19 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