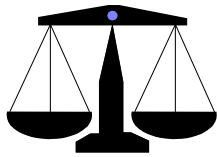


**MINUTES
KOOTENAI COUNTY HEARING EXAMINER
PUBLIC HEARING**

APRIL 6, 2023

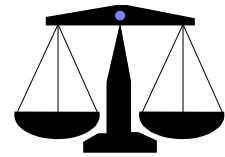
**HEARING EXAMINER
KARL GRANRATH**

**STAFF PRESENT
VLAD FINKEL
AMY HILLAND
BEN TARBUTTON
DAVID CALLAHAN
REBA GRYTNESS**



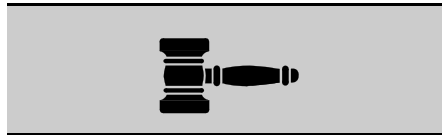
**MINUTES
PREPARED BY:**

JENNIFER CONNER
Recording Secretary



**MINUTES
REVIEWED BY:**

AMY HILLAND
Planner II



A handwritten signature in black ink, appearing to read 'K. Granrath'.

KARL GRANRATH
Hearing Examiner

The Official Record of Public Hearing is available on-line at
www.kcgov.us

Karl Granrath 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 a written recommendation to the Board of County Commissioners, who will make the final decision.

HEARING EXAMINER MINUTES
APRIL 6, 2023

CASE NO. VAR22-0004 Sappington Variance

Staff Presentation: Vlad Finkel, Planner III presented the project with a PowerPoint presentation. This is a request by Sappington Living Trust, Mr. and Mrs. Kinley, and Cynthia Whitlock for a variance to the rear and side setbacks in the Agriculture Suburban zone. The subject property is located north of Highway 53 in between Hauser and Rathdrum cities. The property is 1.5 acres in size. The request is to retain the RV carport in its current location. The current setbacks are 15 feet for the rear, and 10 feet for the side. The area for which the request is being reviewed is in an exclusive use easement area, which is part of the Kinley property. The applicant is requesting a 2 ft 2 in variance to the 10 foot side yard setback, and 13 ft 8 in to the 15 foot rear setback. Due to a medical issue, the applicant had to have the RV placed under this structure where it sits, and could not wait for the review process. A code violation was issued in 2021 for the structure. In February a site visit by staff and Craig Davidson, Code Compliance Officer, was done where it was realized due to steep slopes the structure could not be moved to another location. There is an existing drainfield adjacent to the east side of the common driveway. There were no significant issues during the agency comment period, and only 1 submission in favor was received during the public comment period. The code violation could be cleared with approval if the variance. The only other place they could relocate would require the drainfield be relocated which would financially unreasonable. The site is irregular shape, limited area for development, and steep sloped which cause an undue hardship. Staff does not see this as being detrimental to the neighbors. If the variance is approved and the applicant complies with the building requirements, staff is confident they could eliminate the code violation. There is no limit for accessory structures a property can have, as long as you do not exceed the threshold of coverage, however there is a limit of cargo containers, or how many structures without first establishing a primary use. This is an accessory structure owned by one property owner in the easement of another property owner, which will be an accessory structure to the underlining parcel, but would benefit the applicant. The pad does not have setback requirements, once the structure is placed setbacks are required for that structure. David Callahan, Community Development Director states how unique this project is, with all the circumstances involved. The important point is there is a hardship, it is not self-imposed, and staff is comfortable with the variance.

Applicant Presentation: Brian Bean, Attorney and applicant representative presents with a PowerPoint. The applicant is requesting 2 variances, the side, and rear setbacks. The easement language does allow for the structure. This is a very unique site. The site specifics hardships are the property lines, septic tank, drainfield, curvature of the driveway, and the steep and rocky terrain. The purpose of setbacks is to create space, a buffer, light, etc. There was possibly a boundary line adjustment done in the past which created a “puzzle piece” of this parcel. Initially submitted the application in July 2022, and it was requested to have a geotechnical analysis done. The adjacent property owner to the west is 250 feet away, and would not be impacted.

Public Comment: 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.

No Public comments. No one on zoom

Applicant Rebuttal: None

Exhibits: HE-1000 PowerPoint presentation by Vlad Finkel
HE-1001 PowerPoint presentation by Brian Bean
HE-1002 Handout by Brian Bean

There being no further comments or testimony, the Hearing Examiner closed the public hearing for VAR22-0004 at 6:45 pm.

HEARING EXAMINER MINUTES
APRIL 6, 2023

CASE NO. CUP22-0021 Remington Reservoir

Staff Presentation: Amy Hilland, Planner II presented the case with a PowerPoint presentation. This is an upgrade to an existing public utility complex facility. The facility is located on Shoshone Avenue, east of the city of Athol and approximately ¼ west of the intersection of Shoshone Avenue and Caribou Avenue. The parcel is located in the Rural zone, and the Country designation. The proposal is to upgrade the existing facility to be in compliance with the Department of Environmental Quality and to provide storage capacity for new and existing connections. The well was drilled in 1998, the booster station is housed inside a structure which was built in 1995, and the 100k gallon reservoir was constructed in 1995 also. What is needed for upgrades is, a 160k gallon cast in place reservoir, overflow piping, 2 additional booster pumps, and any connections. There are overhead powerlines. A building permit has been submitted and approved, just has not been issued yet. Agency comments showed all approvals. Kootenai Electric did submit a comment regarding the powerlines and the setbacks for them. Welch Comer stated they would mark those setbacks. No public comments were received. The proposal does not exceed the 35% lot coverage. The impact on neighboring parcels is minimal. The fence will be expanded, but remain looking the same. A site disturbance permit was submitted.

Applicant Presentation: Ashley Williams with Welch Comer presented with a PowerPoint. The current system is deficient. There is a requirement of 153,571 gallons to provide to the existing customers. Drilled well #3. There is a contractor already under contract to complete the project.

Public Comment: 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.

No Public comments. No one on zoom

Applicant Rebuttal: None

Exhibits: HE-1000 PowerPoint presentation by Amy Hilland
HE-1001 PowerPoint presentation by Welch Comer-Ashley Williams

There being no further comments or testimony, the Hearing Examiner closed the public hearing for CUP22-0021 at 6:58 pm.

Karl Granrath closed the public hearing at 6:58 p.m.

Prepared By,

Jennifer Conner, Recording Secretary