

**MINUTES
KOOTENAI COUNTY HEARING EXAMINER
ROOM 1 and VIRTUAL PUBLIC HEARING**

**MAY 6, 2021
KOOTENAI COUNTY ADMINISTRATION BLDG.
ROOM 1**

**HEARING EXAMINER
KARL GRANRATH**

**STAFF PRESENT
ZACH TREVINO
VLAD FINKEL
MARY SHAW
KATHRYN FORD**



**MINUTES
PREPARED BY:**

KATHRYN FORD
Recording Secretary



**MINUTES
REVIEWED BY:**

VLAD FINKEL
Planner



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 written recommendations to the Board of County Commissioners, who will make the final decision.

The hearing was adjourned at 7:28 p.m.

HEARING EXAMINER MINUTES

MAY 6, 2021

CASE NO. VAR20-0012

Type: Variance, a request by Benjamin Miller for a 10 foot variance to the 25 foot front yard setback requirement from a public road on an approximately 0.34-acre parcel of land in the Agricultural Suburban zone. The parcel is currently developed with a residence, which the applicant desires to expand by constructing an addition to the front of the existing structure. The proposed addition would include garage and office space, and the driveway extending from Harrison Avenue would be reconfigured to accommodate this addition. The purpose of the request is to enable the proposed addition to be located 15 feet from a line 25 feet from, and parallel to, the centerline of Harrison Avenue, a public road under the jurisdiction of East Side Highway District. The Applicant cites lack of sufficient area to locate the addition elsewhere, lack of vehicular access to the rear of the residence, and steep slope as contributing to undue hardship justifying the variance. The parcel number is 50N03W-18-0800, described as: W2-TAX #3410 (IN NE) in Section 18, Township 50 North, Range 03 West, Boise Meridian, Kootenai County, State of Idaho. The subject parcel is located at address 2480 E. Harrison Avenue, approximately 300 feet east of the intersection of Harrison Avenue and Stanley Hill Road. (*Zach Trevino-Planner*)

Staff Presentation: Zach Trevino, Planner, introduced the application referencing a presentation stating the request is a variance to for a 10 foot variance to the 25 foot front yard setback requirement from a public road on an approximately 0.34-acre parcel of land in the Agricultural Suburban zone. He stated this home compares with many in the neighborhood. The request is for the front of the home along Harrison Avenue which does not have a defined Right-Of-Way. The site cannot accommodate a side entry for a garage in the back of the home due to the radius for the turn needed to enter. Mr. Trevino added the public agencies and public comment were provided with no concerns. Staff believes the request is appropriate due to the parcel configuration and the minimum necessary to accommodate the office/bathroom/garage addition.

Applicant Presentation: Carrie Miller, Applicant, stated one of the reasons for the expansion is for a home office for their financial planning business. The home office needs to be secure and is merely a home occupation.

Exhibit: HE 1000 – Presentation submitted by Zach Trevino.

Public Testimony: Comment Sheets submitted: 2, Applicant – 1; In Favor – 1, Neutral – 0, Opposed – 0. The names and address of the individuals speaking or submitting comments are part of the record.

There being no further comments from the public, testimony was closed on this item at 6:15 p.m. The Hearing Examiner, Karl Granrath will review this case and submit his written report to the Board of County Commissioners within two weeks.

Submitted by,

Kathryn Ford, Recording Secretary

HEARING EXAMINER MINUTES

MAY 6, 2021

CASE NO. CUP21-0001

Type: Conditional Use Permit, a request by Stanley Pope to remedy an active Code Violation and to establish an Automobile Wrecking Yard and Junk Yard on a 7-acre portion of a 20.86-acre parcel of land in the Rural zone. Specifically, the Applicant proposes to utilize the southwest portion of the property for purposes of storing, dismantling and recycling of old vehicles. The Applicant will transport all of the unwanted vehicles to the property, as there will be no public access to the site. The recycling and removal of metal material and hazardous fluids will be done on as needed basis in compliance with the regulations of all local and state agencies. The existing residence and outbuildings will not be utilized as part of the request. The Applicant intends to place a small storage building within the requested CUP area. There are currently two access approaches to the subject site from Pope Road, a public road maintained by the Lakes Highway District. One approach is located in the southwest corner of the parcel and a second approach approximately 800 feet to the north. The Applicant proposes to utilize the existing approach in the southwest corner of the property for the proposed use, while the other approach will be used for the primary residence on-site. No additional wastewater will be generated by the proposed use. The parcel number 52N04W-24-2020 and described as: TAX # 8620 EX TAX # & EX RW in Section 24, Township 52 North, Range 04 West. B. M. Kootenai County, ID. The subject property is located at 19028 N. Pope Road, Hayden, ID 83835. (*Vlad Finkel-Planner*)

Staff Presentation: Vlad Finkel, Planner, introduced the application referencing a presentation stating the request is to remedy an active Code Violation and to establish an Automobile Wrecking Yard and Junk Yard on a 7-acre portion of a 20.86-acre parcel of land in the Rural zone. He added the site is for storage and dismantling for recycling to be removed with no public access. A portion of the property for the yard is located over the Rathdrum Prairie Aquifer and next to the Garwood Water Coop wells. There is a fence line and existing berms to provide a visual screen buffer. Mr. Finkel stated there is access for transporting vehicles on and off site. The public agencies provided comments and conditions which would require applications to be submitted for review of use over the aquifer. For the record, Mr. Finkel corrected the public comment section of the staff report which should state 164 comments received. He stated approval of this application would remedy the code violation with a use that is allowed in this zone. The area has a consistent mix of development in the area and a similar use has co-existed next to this well site for years.

Applicant Presentation: Pam Pope, Applicant, addressed the Hearing Examiner stating their family is the 4th generation living on the property since 1913. They live and work on their property. They have had their wrecking yard next door to Pegasus Wrecking Yard for years. She added Pegasus Wrecking Yard recently sold their property and they approached them to see if the Pope yard would move some of their vehicles to their site for recycling. She added that they believed what they were doing was allowed in the rural zone. Pam and Stanly Pope confirmed they have no intent on having the entire 21 area site a wrecking yard. The recycling end of life vehicles would be hauled in with their own equipment and comply with PHD and all other agencies involved to have a clean an environmentally safe yard. This is a needed service to keep the streets and allies clear of broken down vehicles. They referenced historical and current photo shots of the neighboring wrecking yard next to the Garwood well sites. The wrecking sites are next to the wells and on the aquifer. In conclusion, Ms. Pope stated they will comply with PHD and all agencies to protect all involved. Stanley Pope stated he has contacted PHD for guidance and their application but PHD stated while they are in the process of a CUP process they could assist after a decision was made by the county. Ms. Pope added most of the public comment concerns were of a competitive nature and not an environmental concern. They want to keep the site and area clean and beautiful for the future Pope generations that is there ultimate responsibility.

Exhibits: HE 1000 – Presentation submitted by Zach Trevino.
HE 1001 – Historical site photos submitted by Stanley and Pam Pope.
HE 1002 – Information packet submitted by Corky Witherwax representing Garwood Water Coop.

Public Testimony: Comment Sheets submitted: 12, Applicant – 2; In Favor – 4, Neutral – 0, Opposed – 6. The names and address of the individuals speaking or submitting comments are part of the record.

- Owner of neighboring Pegasus wrecking yard sold and is providing the Popes with items to be recycled
- Upon PHD inspection of the Pegasus they gave the site a clean report
- Garwood Water Coop represents 400 well water users with concerns on ground contamination to the aquifer
- Soils in the area are gravelly and contamination can travel fast

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- The ingress and egress of the Pope site is 50 feet from the well site
- Public have been entering the Pope site
- Storage of fluids and storm water runoff would need to be considered
- There are buildings being constructed
- Overage of unwanted vehicles is being handled by other wrecking yards
- Vehicles have been hauled to the site
- Accidental spills can happen and then the damage is done to the wells
- Who is liable if this gets approved and 400 well users get contaminated water
- To drain autos you need a containment building
- Can protection from gasoline, unleaded fuel, anti-freeze and freon be done
- Storing cars in a pit is not recommended
- Garwood Wrecking Yard would have a business impact if this business were to be approved
- Garwood Wrecking can take care of recycling vehicles without another wrecking business
- Hazardous waste incidents have very extensive guidelines for cleaning
- If an incident happens it is a very high risk for the owner and a huge expense

REBUTTAL: Pam Pope, Applicant, provided details regarding the public comment concerns. She state their operation will be considered a very small quantity distributor. The plan is not to have a massive amount of oil on site and to be picked up so they will not store with a secondary containment. They will not be taking business away from other yards since Pegasus is closed and they would be available. Ms. Pope added they will do parts on-line and ship or deliver those orders. In speaking with PHD they do not have a 2 year waiting list for commercial reviews. With the containment concerns the Garwood Yard constructed a drain building about 10 years ago and those buildings are not required. The guidelines for wrecking yards and environmental concerns are more predominate today than years ago. The Pope family drinks from a well on their property. If there are accidents by the Garwood wells there are a lot of businesses over the aquifer and how would anyone know which business would be the contaminator. They have seen well reports and there is a 60 foot clay pocket before the aquifer which does not penetrate contaminates.

There being no further comments from the public, testimony was closed on this item at 7:28 p.m. The Hearing Examiner, Karl Granrath will review this case and submit his written report to the Board of County Commissioners within two weeks.

Submitted by,

Kathryn Ford, Recording Secretary