

**MINUTES  
KOOTENAI COUNTY HEARING EXAMINER  
PUBLIC HEARING**

**JUNE 1, 2023**

**HEARING EXAMINER  
JOAN WOODARD**

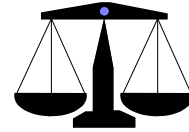
**STAFF PRESENT  
VLAD FINKEL  
DAVID CALLAHAN  
JENNIFER CONNER  
BEN TARBUTTON**



**MINUTES  
PREPARED BY:**

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**JENNIFER CONNER**  
Recording Secretary



**MINUTES  
REVIEWED BY:**

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**VLAD FINKEL**  
Planner III



A handwritten signature in blue ink that reads "Joan C. Woodard".

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**JOAN WOODARD**  
Hearing Examiner

The Official Record of Public Hearing is available on-line at  
[www.kcgov.us](http://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 a written recommendation to the Board of County Commissioners, who will make the final decision.

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**CASE NO. MSP22-0007 BENNETT ESTATES:**

**Staff Presentation:** Vlad Finkel, Planner III, presented the case with a PowerPoint presentation. This is a request for the preliminary approval of Bennett Estates, a major subdivision consisting of 16 residential lots. The subject property was just approved for a rezone from Agriculture to Rural to allow for the subdivision to move forward. That case number was ZON22-0004. The property is located off Highway 53 and Mountain View Road. The parcel consists of 80 acres and an access road for recent logging activity has been created, but will be removed. The property is fairly flat with slopes less than 5% grade, and it is well vegetated. The applicant will construct an access road through the center of the parcel to allow access for all 16 lots. An access easement extends to the southern property line from the cul-de-sac end in the event a through connection is ever needed. The Comp Plan designation is Suburban. Each lot will consist of 4.5 net acres, 5 gross acres. Each property will have individual wells and septic systems. The interior road will connect to Highway 53. The applicant will have to obtain a Right-of-way encroachment permit and work closely with the highway district to meet the standards. Staff received 3 public comments in opposition in regard to traffic and additional trips being generated. Staff did not receive any comments concerning the need for a traffic impact study or a trip generation analysis. Staff believes the compatibility and proposed density is consistent with the area. The applicant can and will comply with the applicable requirements.

**Applicant Presentation:** Jeramie Terzulli with Olsen Engineering stated they have been very transparent with their plans. All the standards are being met, and they are working very closely with all the agencies. He provided some additional information regarding Lakes Highway District. He explained that item 2 of the Lakes comment letter is misleading. The district's letter implies a significant variance when in actual fact the applicant was only seeking to obtain ballast for the interior road from pits to be constructed on site, rather than from a surface mining pit 1.5 miles away. This would eliminate a couple of hundred dump trucks on the road. This proposal was denied by Lakes Highway District, so the applicant will follow the requirements of the district. Mr. Terzulli stated that his client would also have preferred to follow the County public roadway front yard setbacks rather than the 75-foot setbacks requested by the district., but again, the applicant will agree to the 75-foot setbacks. Mr. Terzulli has no issues with other agency comments.

Hearing Examiner Woodard asked if they received any feedback as to why the request for mining pits on the site was denied. Mr. Terzulli stated he is not an engineer, so as far as he understands it had something to do with the rock in the ballast from the designated surface mining pit having a single flat face for compaction purposes. The Geotech engineer believed the required compaction could have been achieved with the on-site pits they were suggesting.

Vlad Finkel wanted to clarify a few things. There is a follow-up comment from the highway district stating their concerns can be addressed prior to final plat approval. Staff always asks for a follow-up comment if there is inconclusive or confusing information from an Agency. Secondly, Staff cautions against deviating from any requirements of the highway district, as they would likely not approve, and could stall the process.

**Public Comment:** Comment Sheets submitted: - 1: 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.*  
No one in person or on Zoom

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**Rebuttal:** Jeramie Terzulli apologized to staff for not providing any warning he intended to bring up the two issues with the Highway District letter. He just wanted to clarify they were not trying to pull a “fast one” or trying to request deviations from what the Highway District wants. He felt a reader of the file could believe the applicant wasn’t willing to comply with requirements based on the way the letter was worded. They don’t love the 75 foot setback and thought they could save wear and tear on the local roads with on-site pits, but they will meet the requirements of the Highway District.

**Exhibits:** HE-1000 PowerPoint presentation by Vlad Finkel

There being no further comments or testimony, Hearing Examiner, Joan Woodard, closed the public hearing for MSP22-0007 at 6:25 pm.

Prepared By,

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Jennifer Conner, Recording Secretary