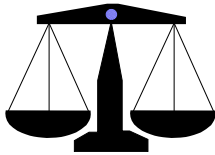


**MINUTES
KOOTENAI COUNTY HEARING EXAMINER
PUBLIC HEARING**

**APRIL 19, 2018
KOOTENAI COUNTY ADMINISTRATION BLDG.
ROOM 1**

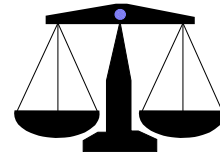
**HEARING EXAMINER
STEVEN FRAMPTON**

**STAFF PRESENT
VLAD FINKEL
DAVID CALLAHAN
KATHRYN FORD**



**MINUTES
PREPARED BY:**

KATHRYN FORD
Recording Secretary



**MINUTES
REVIEWED BY:**

VLAD FINKEL
Planner



STEVEN FRAMPTON
Hearing Examiner

The Official Record of Public Hearing is on a CD recording available at the Kootenai County Community Development.

Steven Frampton 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 8:31 p.m.

HEARING EXAMINER MINUTES

APRIL 19, 2018

CASE NO. MSP17-0007

Type: Subdivision, a request by the Steele Family Trust for English Point Heights CDS, for preliminary approval of a Gated Community Conservation Design Major Subdivision consisting of 155 residential lots, one (1) Conservation Easement Tract (A) and one (1) Utility Tract (B) on 95 acres of land. The subject parcel is split zoned with 58.7 acres zoned Rural and 36.3 acres zoned Restricted Residential. The project will be developed in six phases with each phase containing between 17 to 35 lots. Each residential lot will range from 14,520 sq. ft. to 35,414 sq. ft. in size. North Kootenai Water District will provide domestic water supply to the subdivision. Effluent discharge will be treated by Hayden Lake Recreational Water District. Access to the proposal will be provided via two separate entry points from Lancaster Road, a public road maintained by the Lakes Highway District. One entry point will be within the boundaries of the proposed plat, while the second will be located west of the proposed plat within an existing 60' wide access easement. All roads within the proposed plat and entry point outside of the plat will be privately maintained by the Home Owner's Association. A portion of the green space area within the 20-acre Conservation Easement will be owned and maintained by the HOA and utilized as a small working farm, creating what is known as "Agrihood Community." The Conservation Easement will be dedicated to a Conservation agency. A wetland with an intermittent drainage way was found within the boundaries of the Conservation Easement and has been delineated with the protection buffers on the plat. The Applicant plans to record appropriate CC&R's and other documents establishing cooperative corporations upon final plat approval. The parcel number is: 51N03W-04-6700. The site is described as: E2-SW EX S 685.8 FT SE-SW, W2-SE EX N 1344.17 FT W OF RW, EX RW IN SE4 in Section 04, Township 51 North, Range 03 West, B.M., Kootenai County, Idaho. (*Vlad Finkel-Planner*)

Staff Presentation: Vlad Finkel, Planner, introduced the application referencing a presentation showing details of the Conservation Design Subdivision. He stated the Applicant proposing a Gated Community Conservation Design Major Subdivision consists of 155 residential lots, one Conservation Easement Tract and one Utility Tract on 95 acres of land. The subject parcel is split zoned with 58.7 acres zoned Rural and 36.3 acres zoned Restricted Residential. The project will be developed in six phases with each phase containing between 17 to 35 lots. Agencies with jurisdiction have reviewed this matter and provided their comments and requirements that have been included in the conditions of approval.

Mr. Finkel reviewed an analysis of the public comments and submitted additional public comments received after the deadline with an acceptance letter from Kootenai Land and Resource Conservation Design. He stated staff had concern on the purposed density, not enough details of the full scope of the farming operation purposed, traffic, parking, environmental and wildlife impacts.

Applicant Presentation: Steve Syrcle, Applicant Representative, introduced the team working on the proposal and provided a brief YouTube informational on Agrihood subdivisions. He added the latest development trend is an Agrihood and the Steele Family sisters have the vision and passion to work with the land that has been in their family for over one hundred years. Mischelle Fulgham, Attorney, referenced the legal guidelines for subdivision development, CCR's and the conservation design proposal. KayDee Steele, Applicant, added they want to blend density with open space from the remaining homestead of the Steele Family land. They were raised to love the land and become responsible adults.

David Callahan, Director, clarified the code amendment and categories in which the green space guidelines would be appropriate for this application.

Exhibits: HE 1000 – Presentation submitted by Vlad Finkel.

HE 1001 – Conservation acceptance letter submitted by Vlad Finkel.

HE 1002 – Late public comments submitted by Vlad Finkel.

HE 1003 – YouTube presentation link submitted Steve Syrcle.

HE 1004 – Packet includes CCR's and Conservation Easement information from Mischelle Fulgham.

HE 1005 – Comments submitted by Bob Hart.

HE 1006 – Missed number

HE 1007 – Comments submitted by Linda Tomblin.

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HE 1008 – Comments submitted by Jan Wilkins.

HE 1009 – Comments submitted by Steve Boots.

HE 1010 – Comments submitted by Leo Simpson.

HE 1011 – Photographs submitted by Merlin Thykeson

Public Testimony: Comment Sheets submitted: 51, Applicant/Representatives - 4; In Favor - 7, Neutral - 3, Opposed – 31. The names and address of the individuals speaking or submitting comments are part of the record.

- Good for the surrounding families and community
- Small lots and paved areas not good with the clay soil
- Will need very large stormwater retention ponds
- Smaller lots cause problems with snow removal
- Extended water and sewer will bring in additional development
- Transformers are buried in the area and disturbance will leak oil into the soil and run to the lake
- Contaminated water flowing to the lake endangers the animals and residents that use the lake as drinking water
- Run-off will feed the lake algae and milfoil
- High density residential lots need to be closer to town
- Ingress and egress traffic has poor visibility around the corner area
- Wetlands on the site need a protection plan
- Expensive to run a farm
- Character of the neighborhood will change
- Stormwater does and will pond with the poor soils
- Plat does not show a lot of the topographic details
- Impact on the school district
- Sewer infrastructure details were not available
- The plans are inadequate and it is impossible to judge without details
- Application did not satisfy the purposed uses for compatibility approval
- A farm has unknown impacts on the homeowners
- Can middle class homeowners support this type of development
- Traffic impact and road safety
- Controlling the volume of water flow does not change the contaminants flowing to the lake
- Lake area is fighting a battle with milfoil and algae
- Fertilizers used in landscaping and farming will feed the bloom of milfoil
- Ecoli risk will increase with a sizable subdivision
- Currently retention ponds do not drain and run over to the lake
- Rural community will be lost
- Water quality concerns
- Large wildlife population and farming and the residential gardens will be overrun
- Site should stay with a rural density
- Posting and mailing for the public hearing was inadequate
- Current residents are careful and the road is dangerous
- Who will manage a farm 24 hours a day
- Proposal is a drastic shift in zoning

Applicant Rebuttal: Steve Syrcle, Applicant Representative, appreciated the public comments which will assist them to understand the issues. The stormwater system proposed will reduce the run-off to neighboring parcels. They are aware the traffic will increase but the plan does comply with a density guideline. He added public agencies are in place to make sure they do comply with guidelines. Mischelle Fulgham, Attorney, stated anytime there is risk, areas will change with concerns. This area has been zoned restricted residential for years.

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The zoning and comprehensive plan allow this type of project. She added the proposed wastewater system is better at addressing the water quality concerns than individual septic tanks currently in use along the lake.

There being no further comments from the public, testimony was closed on this item at 8:31 p.m. The Hearing Examiner, Steven Frampton will review this case and submit his written report to the Board of County Commissioners within two weeks.

Submitted by,

Kathryn Ford, Recording Secretary