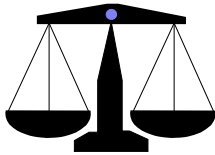


**MINUTES
KOOTENAI COUNTY HEARING EXAMINER
PUBLIC HEARING**

**MAY 3, 2018
KOOTENAI COUNTY ADMINISTRATION BLDG.
ROOM 1**

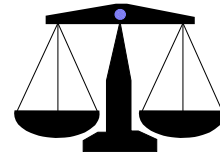
**HEARING EXAMINER
STEVEN FRAMPTON**

**STAFF PRESENT
MEL PALMER
DAVID CALLAHAN
KATHRYN FORD**



**MINUTES
PREPARED BY:**

KATHRYN FORD
Recording Secretary



**MINUTES
REVIEWED BY:**

MEL PALMER
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 7:18 p.m.

HEARING EXAMINER MINUTES
MAY 3, 2018

CASE NO. CUP16-0007

Type: Conditional Use Permit, a Conditional Use Permit request by **Sun Up Bay Resort**, for a Commercial Resort. The Conditional Use Permit will recognize Sun Up Bay Resort as an existing resort and bring the existing uses of the Resort into conformance with Kootenai County Code. It will also allow routine maintenance of the resort and allow tenants to replace existing prefabricated housing units with new units, RVs and Park Models in similar, if not the same locations as the original units. Sun Up Bay Resort is also requesting a Variance pursuant to Kootenai County Code Section 8.4.402 (A), to allow RV's to be separated by 6 feet instead of the required 10-feet. The project site includes three (3) parcels, for an overall total of approximately 15 acres, in the Restricted Residential zone. The project site is located approximately 16 miles southeast of Coeur d'Alene, east of US-95 at the end of Sun Up Bay Road, adjacent to the County owned Sun Up Bay Boat Launch, Sun Up Bay, Coeur d'Alene Lake. The parcel numbers are: 0-8040-000-007-A, 0-8040-000-008-B and 0-6120-000-010-0. Parcel 0-8040-000-007-A is described as: SUN-UP TRACTS, LT 7 EX TAX#24682, TAX#24683, Section 19, Township 48N, Range 04W, B. M. Kootenai County, ID. Parcel 0-8040-000-008-B is described as: SUN-UP TRACTS, TAX#8321 & TAX#17552 IN LT 8, Section 19, Township 48N, Range 04W, B. M. Kootenai County, ID. Parcel 0-6120-000-010-0 is described as: PINE TERRACE TRACTS, TR 10 Section 19, Township 48N, Range 04W, B. M. Kootenai County, ID. (*Mel Palmer-Planner*)

Staff Presentation: Mel Palmer, Planner, introduced the application referencing a presentation. A brief overview included the Class II stream and flood hazard area. The variance would provide any replacement structure to remain on the same footprint with no increase to the density. She added all legal and public noticing has been met.

Applicant Presentation: Brad Marshall, Applicant Representative, extended their appreciation to staff and stated they agree with all the conditions of approval. He referenced a presentation showing the site and historical nature of the resort. He also submitted a packet of petitions showing support. The owners keep a well maintained resort and plan to pass it on, keeping it in the family. The resort has never had a violation in the 50 years of operation. With the aging of some units the tenants are wanting to bring in new models which are more efficient and compact. Mr. Marshall added their site disturbance plan includes a very detailed base flood elevation guideline for use in the future. Barbara Windisch, Applicant, expressed her sincere gratitude to the residents and public of the resort supporting the application. She provided a brief family history beginning with her father leasing the site from Mr. Brandt who homesteaded the area in 1910. Once purchased the family worked the resort. Ms. Windisch stated today their family runs a safe and comfortable resort and will eventually turn over operations to their daughter and son-in-law. The resort provides affordable lake home sites with extremely fond memories becoming part of history on the lake.

Exhibits: HE 1000 – Presentation submitted by Mel Palmer.
HE 1001 – IDL memo regarding a fish survey submitted by Mel Palmer.
HE 1002 – Presentation submitted by Brad Marshall.
HE 1003 – Petitions requesting approval submitted by Brad Marshall.

Public Testimony: Comment Sheets submitted: 28, Applicant/Representatives - 3; In Favor – 25 plus petitions, Neutral - 0, Opposed – 0. The names and address of the individuals speaking or submitting comments are part of the record.

- Keep an affordable, safe and friendly resort
- Newer residents enjoy the sense of community that has been developed
- Replacing units would be a real challenge if the CUP or Variance were not approved
- Application meets all of the criteria for approval

Applicant Rebuttal: None.

There being no further comments from the public, testimony was closed on this item at 6:38 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

HEARING EXAMINER MINUTES
MAY 3, 2018

CASE NO. MSP17-0006

Type: Subdivision, Case No. MSP17-0006, Riverview Heights CDS, a request by Aspen Homes & Development, LLC, for preliminary approval of a Gated Community Conservation Design Major Subdivision consisting of 25 residential lots, one (1) Conservation Easement Tract (A) and nine open space/stormwater and drainfield tracts (Tract B through Tract I), on approximately 27.69 acres, in the Agricultural Suburban zone. The project will be developed in two phases with each phase containing a minimum of ten residential lots. Each residential lot will range from 0.64 acres 2.27 acres in size. Green Ferry Water & Sewer District will provide domestic water supply to the subdivision. Septic service will be provided by individual septic and drainfield systems in accordance with Panhandle Health District requirements. Access to the lots will be from W. Riverview Drive, via an internal private road system. The internal road system will be constructed in accordance with the Associated Highway District Standards, but will be gated and kept private. A pond/wetland is located within the boundaries of the Conservation Easement and will be delineated with a protection buffer 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: 50N05W-11-4650, and is described as: TAX #18895 (IN GOVT LTS 6 & 7) E X TX#S, in Section 11, Township 50 North, Range 05 West, B. M. Kootenai County, Idaho. (*Mel Palmer-Planner*)

Staff Presentation: Mel Palmer, Planner, introduced the application referencing a presentation. The proposed Conservation Design Subdivision is south of the Spokane River within the Post Falls area. The subdivision will have Three Lakes Conservation Group maintaining the open space and a Home Owners Association (HOA) with CC & R's responsible for the lots and roads. She added public agencies had no concerns and provided conditions, however, the public comments submitted were all in opposition due to traffic, wildlife and water concerns.

Applicant Presentation: John Magnuson, Applicant Representative, stated upon reviewing the proposal he has not seen such a complete application for allowance of a Conservation Design Subdivision (CDS). The public agency conditions submitted are acceptable and all aspects in a CDS are addressed. Mr. Magnuson submitted an enlarged zoning map showing closer detail of the area. Mike Paul, Applicant Representative, stated the conceptual, septic, drainage and site plan are part of the application and they agree with the staff report and conditions of approval. Mr. Paul added the property is suitable and can support residential development.

Exhibits: HE 1000 – Presentation submitted by Mel Palmer.

HE 1001 – Enlarged view of a zoning map submitted by John Magnuson.

Public Testimony: Comment Sheets submitted: 8, Applicant/Representatives - 2; In Favor - 4, Neutral - 0, Opposed – 2. The names and address of the individuals speaking or submitting comments are part of the record.

- Long time resident has seen changes and this is better than the small lots along the river with huge homes
- Property is beautiful and this CDS should work with the pond and wildlife
- Not out of character for the foothill properties
- Density is not good for the wildlife with a gated community
- Neighboring homes have 5 to 45 acres except for the river front
- Gated does not flow with the surrounding community
- Community will interfere with the wildlife corridor

Applicant Rebuttal: John Magnuson, Applicant Representative, clarified a misconception on gated communities. He stated a gated community requires only a gate on the road entering and not surrounding the subdivision. Any fencing will be wildlife friendly and not impede wildlife patterns or backup traffic. Mr. Magnuson added this plan will have less homes than could be placed in this zone and more open space with a paved road.

There being no further comments from the public, testimony was closed on this item at 7:18 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