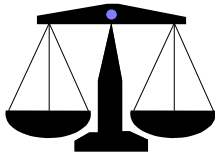


**MINUTES  
KOOTENAI COUNTY HEARING EXAMINER  
PUBLIC HEARING**

**JANUARY 17, 2019  
KOOTENAI COUNTY ADMINISTRATION BLDG.  
ROOM 1**

**HEARING EXAMINER  
JOAN WOODARD**

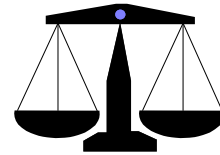
**STAFF PRESENT  
CLIFTON TRIMBLE  
DAVID CALLAHAN  
KATHRYN FORD**



**MINUTES  
PREPARED BY:**

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**KATHRYN FORD**  
Recording Secretary



**MINUTES  
REVIEWED BY:**

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**CLIFTON TRIMBLE**  
Planner



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**JOAN WOODARD**  
Hearing Examiner

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

**Joan Woodard called the meeting to order at 6:05 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 9:13 p.m.**

HEARING EXAMINER MINUTES

JANUARY 17, 2019

**CASE NO. ZON18-0012**

**Type: Zone Change, a request by Robert Grossglouser** to complete a Zone Change from Agricultural to Rural on approximately 84 acres. The purpose of the request is be able to subdivide the large parcels into smaller lots. The large 44-acre parcel has an existing residence and outbuilding, while the remaining two 20-acre parcels are currently vacant. Access to the subject parcels can be gained from Frost Road, S. Rew Road, and Elder Road, all public roads maintained by the Worley Highway District. The parcel numbers are 48N05W-16-1000, 48N05W-16-0600, and 48N05W-16-0750. The parcels are described as: N2-NE EX TAX#12189 & EX NE-NW-NE & NW-NE-NE & EX W2-NW-NE & EX PTN RW, SW-NE N OF RD: Parcel #2: NE-NW-NE & NW-NE-NE; Parcel #3: W2-NW-NE; all three (3) parcels located in Section 16, Township 48N, Range 05W B.M. Kootenai County Idaho. The subject property is located at 15117 W. Elder Road. (*Clif Trimble-Planner*)

**Staff Presentation:** Clif Trimble, Planner, stated for the record corrections to the inaccurate details as written in the Coeur d'Alene Press regarding the zone change application before the Hearing Examiner. He referenced a PowerPoint presentation which provided an overview of the site and the zone change guidelines from Agricultural to Rural. Mr. Trimble added the Applicant exercised a free split on the property before the application was submitted.

**Applicant Presentation:** Robert Grossglouser, Applicant Representative, testified stating the site referenced in the zone change request was his retirement dream to try and farm and subdivide for his family. He apologized for any misinformation that had been distributed among the neighbors and invited the neighbors to come by and visit about his future plans. He was concerned about the Planning and Zoning Commission integrity and confirmed his application was not in conflict. The Commissioners are honored hard working volunteers with integrity that would not be influenced by any acquaintance with him on the Commission. Mr. Grossglouser added he is asking for what the Comprehensive Plan supports and is doing nothing more than what is east of his property. He has been a resident of Idaho for 21 years and wants to make plans and live on the land that he owns.

**Exhibits:** HE 1000 – Presentation submitted by Clif Trimble.

HE 1001 – Late public comments submitted by Clif Trimble.

HE 1002 – Comments submitted by Ernie Kroll.

HE 1003 – Information packet for public submitted by Robert Grossglouser.

HE 1004 – Kroucik comment submitted by Traci Whelan.

HE 1005 – Comments submitted by Traci Whelan.

HE 1006 – CDA Tribe agency comments submitted by Tiffany Allgood.

HE 1007 – Well map from IDWR submitted by Deborah Mitchell.

HE 1008 – Comments submitted by Edward Schneider.

HE 1009 – Comments submitted by Paulina Freeburg.

HE 1010 – Order for ZON10-0007 submitted by Robert Grossglouser.

**Public Testimony:** Comment Sheets submitted: 53, Applicant/Representatives - 2; In Favor – 11, Neutral - 2, Opposed – 38. The names and address of the individuals speaking or submitting comments are part of the record.

- Applicant has good intentions and is a respectful neighbor
- Daughter would love to live by her parents and raise a family
- Get to know your neighbors before making judgement
- Water rights are a big concern
- Water level is constantly going down and new wells being drilled
- More division would require more drilling and use of water
- Lake Creek is nearby and needs to be considered for conservation
- One family dream should not out weight multi-family dreams
- Agricultural land is being lost
- Neighbors were disturbed by the gunshots being fired and no response from phone calls
- Quality of life needs to be considered
- Development will happen even in the Agricultural zone
- Neighbors do not deserve the applicants support since he does not respect their lifestyle

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- Self-serving endeavors are not welcomed in the community
- Why have a plan if the county does not intend to follow growth in a sustainable way
- If rural is designated, minor subdivisions can be done with no public hearing
- The area has a natural boundary for rural to agricultural at Rew Road
- Rural touching Agricultural does not justify more rural
- Common public concerns get shuffled away in favor of developers
- Ground is unsuitable for multi-housing
- Parcels are in the CDA Tribe territory
- CDA Tribe is active in planning and restoring land
- CDA Tribe goals are in the Tribe's Integrated Resource Management Plan
- Lake Creek is a priority of the Tribe for preservation of the watershed
- Cutthroat Trout are part of the sensitive Lake Creek area
- Density increases with zone changes and threatens water quality and quantity
- Farming can be smart
- Hay and grasses are important to the Lake Creek watershed
- Many landowners in the area have set aside areas for wildlife
- Staff report seems to have a few errors with the acreage and Comprehensive Plan statements
- A Planning Commissioner application presents a conflict of interest problem
- Neighboring ponds have been built to help with sediment
- Site under discussion is a sensitive piece of property
- Area is a main corridor for elk migration from Mica Peak
- To be a good neighbor you need to get to know your neighbors
- Good intentions can be changed upon sale of the property once re-zoned
- Traffic is currently an issue and will become worse with more residences allowed in Rural zoning
- Important to retain farm land for future generations
- As currently zoned the land can be used for family divisions and farming
- Subdivision brings multi-housing with water, environmental and traffic issues

**Applicant Rebuttal:** Robert Grossglauser, Applicant, stated as a current neighbor he also has water concerns. It will take a lot more than water to make a productive farming crop but that is what he wants to enjoy with his family. He does not recall receiving calls or concerns regarding the gunshots and they are aware of gun safety. Mr. Grossglauser added after hearing all the testimony he would consider a trust with his children and the sale of the property or deed restrictions if possible. In conclusion, the site does merit rezoning consideration and neighbors do live in the area on 10 acres or less.

David Callahan, Director, testified the concerns expressed on conflict of interest for Mr. Grossglauser was addressed by staff's legal counsel. There is no economic or procedural benefit for this Applicant by serving on the Planning and Zoning Commission.

Cliff Tremble, Planner, stated for the record a correction to the staff report in Section 7.08 which should say, is not in conflict with the Comprehensive Plan and to clarify a total of 84 acres is the request to be rezoned to rural which has a 5 acre minimum.

There being no further comments from the public, testimony was closed on this item at 8:11 p.m. The Hearing Examiner, Joan Woodard will review this case and submit her written report to the Board of County Commissioners within two weeks.

Submitted by,

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Kathryn Ford, Recording Secretary

HEARING EXAMINER MINUTES

JANUARY 17, 2019

**CASE NO. MSP18-0002**

**Type: Subdivision, Lake Club Estates,** a request by Echo Bay Holdings, LLC, for preliminary approval of a Major Subdivision consisting of 25 residential lots, with 7 open space Tracts on approximately 17.889 acres in the Restricted Residential zone. The proposed site is currently undeveloped. The average lot size for the residential lots is 19,010 sq ft. The lot sizes range from 10,570 square feet to 25,675. The minimum lot size for this Zone is 8,250 sq ft. Access to the property is via a private road off State Highway 97, which is maintained by the Idaho Transportation Department. The private road accessing the subdivision will be constructed to meet the Associated Highway District Standards for the East Side Highway District. Water will be provided to the residential lots by a newly constructed public drinking water system on site, and effluent discharge will be provided by individual septic systems. The parcels numbers are: 49N03W-07-7400 and 49N03W-07-2200. The site is described as: parcel 49N03W-07-7400 as PTN TAX #25221 Inside Water District [GL4] AND Parcel 49N03W-07-2200 is described as PTN TAX #25221 Outside Water District [NE-SE], both parcels are in Section 07, Township 49 N, Range 03 West, B.M Kootenai County, Idaho. (*Clif Trimble-Planner*)

**Staff Presentation:** Clif Trimble, Planner, introduced the application referencing a PowerPoint presentation. The Major Subdivision application consists of 25 residential lots, with 7 open space Tracts on approximately 17 acres in the Restricted Residential zone. He added the public agencies contacted commented on the request and all conditions have been found to be feasible by the Applicant and Staff.

**Applicant Presentation:** Rand Wichman, Applicant Representative, provided testimony stating the request is a subdivision with access off of Highway 97. The proposal does not intend to have a dock system since the portion across the highway are wetlands at the end of Echo Bay and is not good waterfront for dock purposes. He added the wetland will be protected from development and may have some type of a walking trail if properly permitted. The proposal is consistent with the neighborhood which will be accessed by privately maintained roads built to highway district standards. There are suitable sites for septic drainfields and water will be provided by a new public system. Mr. Wichman indicated that the Applicant had no problem with the proposed recommendations and conditions of approval, other than requesting a clarification or removal of 7.14 as the current wording in the Staff Report could create confusion.

**Exhibits:** HE 1000 – Presentation submitted by Clif Trimble.

HE 1001 – Late public comment submitted by Clif Trimble.

HE 1002 – Well lot information from IDAPA 58.01.08 submitted by Rand Wichman.

HE 1003 – Map of Echo Bay Holdings submitted by Laurie Lament.

**Public Testimony:** Comment Sheets submitted: 27, Applicant/Representatives - 1; In Favor – 14, Neutral - 0, Opposed – 12. The names and address of the individuals speaking or submitting comments are part of the record.

- Traffic impact concerns on Highway 97
- Highway 97 has not been improved to keep current with the increase in development
- Neighboring Boy Scout Camp uses the highway to cross and this will create more traffic
- Walkway trail has access concerns
- Pollution affects the wildlife
- More homes create more tax and insurance increases for the neighboring communities
- Echo Bay is a noise chamber
- Fire safety is a concern
- Wetland area could be disturbed if a walking trail is available
- Schools would be impacted
- This is not responsible development for the dollar
- Current residents are enjoying the life style they have now without additional noise and traffic
- The lake is a gem in the nation and this subdivision could be affordable with a view
- Neighbors want to believe developer promises but areas are not kept for public use

**Applicant Rebuttal:** Rand Wichman, Applicant Representative, addressed concerns beginning with public opportunities changing over the years and this would provide homeowners a lake view without being on the

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waterfront. He added the owner does have other property in the area but currently they do not want to make promises they cannot keep regarding waterfront access. A new proposal would need to be part of another consideration for a facility to be permitted. Mr. Wichman stated the highway improvement expectations are low on Idaho Transportation Department (ITD) list and is a challenge for them. Their access location provides a better site distance and was recommended by ITD. A crosswalk will be considered if it is required by ITD. There are crosswalks throughout Highway 97 which is not uncommon. In conclusion, he stated this application meets all of the agencies requirement for approval of a subdivision.

There being no further comments from the public, testimony was closed on this item at 9:13 p.m. The Hearing Examiner, Joan Woodard will review this case and submit her written report to the Board of County Commissioners within two weeks.

Submitted by,

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Kathryn Ford, Recording Secretary