

BOARD OF COUNTY COMMISSIONERS  
MINUTES OF PUBLIC HEARING  
February 13, 2020  
**Lake Club Estates**

Commissioners Present: Chair Chris Fillios, Commissioner Leslie Duncan and Commissioner Bill Brooks

Commissioner Absent: None

Staff Present: Mary Shaw, Pat Braden, Vlad Finkel and Kathryn Ford



The purpose of the meeting was for the Board to conduct a public hearing as advertised in the *Coeur d'Alene Press*. Chair Fillios called the hearing to order at 6:02 pm. The members were polled for conflicts of interest. No conflicts were expressed.

CONFLICT(S): None

CHANGES: None

*Reconsideration Remand from August 19, 2019 --*

**Case No. MSP18-0002, Lake Club Estates**, a request for reconsideration by Jillian H. Caires, Attorney at Law, on behalf of Echo Bay Holdings, LLC, of the denial of an application 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 square feet. The lot sizes range from 10,570 square feet to 25,675 square feet. The minimum lot size for this Zone is 8,250 square feet. Access to the property is via a private road from 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. The Hearing Examiner held a public hearing on January 17, 2019 and recommended approval. The Board held deliberations on February 21, 2019 and approved a public hearing request. The Board held a public hearing on April 10, 2019 and voted to deny the subdivision application. The Board held deliberations on June 27, 2019 and voted to hold a public hearing granting a reconsideration request. On August 14, 2019 the Board held a public hearing and voted to reschedule deliberations. On August 19, 2019 the Board held deliberations and voted to remand the application back to Community Development to work with the Applicant to conduct an independent traffic study. On December 3, 2019 Community Development received a Traffic Impact Analysis. (*Mary Shaw-Planning Manager*)

**Staff Presentation:** Mary Shaw, Acting Director, addressed the Board referencing a presentation. She provided the scope of the proposal, a summary of the proceedings and a brief overview of the Traffic Impact Study findings. Ms. Shaw stated public comments received for this remand had concerns regarding increased traffic, environmental impacts to the area, highway safety and the condition of Highway 97 roadway. The study determined that no level of service deficiencies were identified with development of the project.

**Applicant Presentation:** Rand Wichman, Applicant Representative, addressed the Board stating the project record demonstrates they have already met the subdivision guidelines. He added they provided the Traffic Impact Study as remanded by the Board. Mr. Wichman stated for the record, the Applicant has no relationship with the engineer of the study and the Community Development staff approved the consultant for the study.

Todd Whipple, Professional Engineer with Whipple Consulting Engineers, Inc. referenced a presentation providing a summary of the Traffic Impact Study completed November 25, 2019. Mr. Whipple covered the guidelines used in the vicinity map with the mile post markers. The data provided referenced the Highway Capacity Manual, Decision Criteria, Seasonal Factors, Intersections Levels of Service, Accident Data and Intersection Sight Distance. He stated road deterioration is the most difficult to determine since there is no criteria for a base to begin. In this area the purview for

road deterioration is under Idaho Transportation Department (ITD) jurisdiction. He added highway maintenance elements are not always visible to the public. In conclusion, he stated their study is not stating the project does not have an impact but it does meet all the criteria for approval from the traffic perspective.

**Public Testimony:** Comment Sheets submitted: 26. Applicant-3; In Favor-6, Neutral-2, Opposed-15. The names and addresses of the individuals speaking or submitting comments are part of the record.

- Housing stock is in high demand with the lowest inventory
- Need affordable housing
- Future development needs to disclose a neighboring boy scout camp
- Fire suppression and access is a serious concern
- Seasonal traffic is June and July
- Approval of this subdivision is creating a potential for disasters
- Lake health is going downhill and Coeur d'Alene will be negatively affected
- There is only one way in and out for the residents on Highway 97
- Echo Bay wetland will be polluted and affected by the uphill development
- Lake and rural landscape needs to be protected
- A marina will ruin Echo Bay and be dangerous to access from Highway 97
- Highway 97 deteriorates on a daily basis
- Beauty in the area is not going to be maintained with future development

**Exhibits:** B 2000 – Late public comments submitted by Mary Shaw.  
B 2001 – Presentation submitted by Mary Shaw.  
B 2002a – Public comment response letter submitted by Todd Whipple.  
B 2002b – Hard copy of presentation submitted by Todd Whipple.  
B 2003 – Presentation submitted by Todd Whipple.  
B 2004 – Comments submitted by Laurie Lamont.

**Applicant Rebuttal:** Rand Wichman, Applicant Representative, stated the developers strive to meet the requirements that the agencies and county put before them. This subdivision is lower density than the zone requires, site disturbance is compliant, agencies have provided conditions and approval according to their jurisdiction. Developers have a process to move forward to completion and this preliminary plat approval by the Board is one of those steps. To require more beyond after the standards have been met is an extra burden. He questioned when is additional information beyond requirements considered enough. Mr. Wichman added the concerns regarding a marina are not valid. They are not proposing a marina for this project and it is not part of this application. There are no phases for this project. They are looking for preliminary approval of 25 residential lots and will be a good neighbor to Camp Easton with disclosure in the CC&R's for future homeowners. Additional standards need to be met prior to final plat approval, if those standards do not get approved there is no final plat. In conclusion, he stated the system is set-up to do certain steps and they have complied.

Motion by Commissioner Duncan seconded by Commissioner Brooks, to close the public hearing and enter into deliberations at 7:14 p.m.

**Deliberations:** Commissioner Brooks stated any project is the totality of the project. His big concern is Highway 97 deterioration and safety which cannot be controlled by the developer. It is important to understand that this looks like a nice development that is in the wrong location. He stated he could not support approval. Commissioner Duncan added the developer is doing all that is required and then some. She knows growth is painful but all the agencies with jurisdiction have approved and there is no basis to deny the project. She agrees the condition of Highway 97 is not under the control of the developer. Chair Fillios addressed staff regarding the final plat process, fire suppression concerns, highway crossing and water supply.

Vlad Finkel, Planner, addressed code inquiries by the Board and confirmed the final plat process.

Chair Fillios added that his fellow Commissioners provided good arguments to support their decision. He stated the issues with the highway conditions will continue to be a problem and the Board cannot stop development on the east side of the lake. The agencies with jurisdiction had no concerns and provided conditions for compliance to the Applicant. The remand for additional information in the form of a Traffic Impact Study was provided. Chair Fillios stated although he previously opposed the development he would vote on reconsideration to approve the request.

Motion by Commissioner Duncan seconded by Chairman Fillios, to reverse the Board's previous decision to deny the application and approve the application with 18 conditions of approval as recommended by the Hearing Examiner and supported by staff for Case No. MSP18-0002 Lake Club Estates.

Commissioner Brooks	Nay
Commissioner Duncan:	Aye
Chair Fillios:	Aye

Decision:	Approved
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Deputy Clerk's Signature: \_\_\_\_\_  
February 13, 2020