

BOARD OF COUNTY COMMISSIONERS
MINUTES OF PUBLIC HEARING
April 10, 2019
Lake Club Estates

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

Commissioner Absent: None

Staff Present: Mary Shaw, Pat Braden, Clif Trimble, 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 2:00 p.m. The members were polled for conflicts of interest. No conflicts were expressed.

CHANGES: None.

Case No. MSP18-0002, 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. 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. (*Clif Trimble-Planner*)

Staff Presentation: Clif Trimble, Planner, introduced the application referencing a presentation. He submitted a past deadline public comment and a Condition 7.07 modification which addresses some public concerns to traffic impact. There will be no development within the wetland which is located across Highway 97 from the residential lots and no waterfront lots. Mr. Trimble added if a Traffic Impact Study were required it would be requested by ITD.

Applicant Presentation: Rand Wichman, Applicant Representative, addressed the Board stating the staff report and Hearing Examiner recommendation of approval covered most of the issues. The zoning for the area can allow 97 family units but in their request they are asking for 25 units. This request sets aside the wetlands, steep slopes and open space areas. Mr. Wichman confirmed that ITD had no safety concerns or the ability of the highway to accommodate the traffic which may have triggered a Traffic Impact Study. There is no lake access proposed and the property owner may explore a shared facility in the future which would then stand on its own merits.

Exhibits: B 1000 – Presentation submitted by Clif Trimble.

B 1001 – Late public comment submitted by Clif Trimble.

B 1002 – Modifications to conditions submitted by Clif Trimble.

B 1003 – Comments and maps submitted by Deborah Stone.

B 1004 – Comments and maps submitted by Laurie Lamont.

B 1005 – Past news articles submitted by Carlene Cada.

B 1006 – Assessor maps, wetlands, aquatic details submitted by Craig Waters.

B 1007 – Comments submitted by Dennis Cada.

B 1008 – Email comments from neighbors submitted by Bev Twillmann.

B 1009 – Presentation with photographs submitted by Bev Twillmann.

B 1010 – Comments submitted by Eileen Little.

B 1011 – Roadway Photographs of Highway 97 submitted by Paul Bole.

Public Testimony: Comment Sheets submitted: 55. Applicant Representative – 2; In Favor -23, Neutral – 3, Opposed – 27. The names and addresses of the individuals speaking or submitting comments are part of the record.

- Land use code must identify open space, septic and well sites when submitted
- Camp Easton provide full disclosure of activities for any development near the camp
- Any phasing should be provided to understand the full impact
- ITD has no plans for improvements just maintenance
- Aquatic weeds increase with additional watercraft
- Multiple subdivisions have not been completed or sold
- Empty lots continue to have run-off erosion
- Wildlife corridors are interrupted and Highway 97 is falling apart
- Request the Board take time to review the testimony they are taking
- Not sure if the area has had septic systems perked
- Septic systems fail and go to the bay which is catastrophic in the lake.
- Lake management plan should be looked into in lieu of a super fund plan
- With development along Highway 97 the construction vehicles are increasing the road damage
- No longer a Scenic Route to enjoy when doing defensive driving and hitting pot holes
- Fire suppression needs to be included if approval is considered
- School bus turnaround in the area will experience additional traffic and safety issues

Rebuttal: Rand Wichman, Applicant Representative, provided additional information to address public concerns expressed during public testimony. The application process goes through several reviews which initiates some revisions to be submitted prior to a public hearing. These revisions are in the file for public review. He added the septic on the site has been tested and does perk which will be compliant upon final submittal. They will address Camp Easton as a neighbor in the CCR's which can be placed in the conditions of approval. Mr. Wichman stated, to be clear this is not a cluster subdivision or a conservation design. It is a straight subdivision with open space areas for flood zones and wetlands. This application has been submitted and they have done their due diligence and it complies with all the requirements as recommended for approval by the Hearing Examiner which the Board can include additional conditions of approval.

Motion by Commissioner Duncan seconded by Commissioner Brooks, to close the public hearing and enter into deliberations at 3:29 p.m.

Deliberations: Commissioner Brooks stated he is not comfortable with adding additional lots for development along Highway 97. In review of the entire package the issues with the highway cannot improve without ITD commitments. Commissioner Duncan added in reviewing the application and receiving testimony she has not found anything statutory to not approve the request with conditions. Chair Fillios stated that Highway 97 has had increased traffic and been traveled for years. He believes that ITD needs to address the remedies for highway improvements which they included in their 2005 study. They do not consider the overall effect when commenting on applications and need to work on a remedy. Chair Fillios concluded he cannot support the request.

Motion by Commissioner Brooks, seconded by Chair Fillios to deny the subdivision request for **MSP18-0002 Lake Club Estates**.

Commissioner Brooks Aye
Commissioner Duncan: Nay
Chair Fillios: Aye

Decision: Denied

Deputy Clerk's Signature: _____
April 10, 2019

BOARD OF COUNTY COMMISSIONERS
MINUTES OF PUBLIC HEARING
April 10, 2019
LIMA Properties LLC

Commissioners Present: Chair Pro Tem Leslie Duncan and Commissioner Bill Brooks

Commissioner Absent: Chair Chris Fillios was excused

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



The purpose of the meeting was for the Board to conduct a public hearing as advertised in the *Coeur d'Alene Press*. Chairman Pro Tem Duncan called the hearing to order at 3:40 p.m.

CHANGES: None.

Case No. CUP18-0008, a request by LIMA Properties, LLC (David and Sunshine Welton), for a Conditional Use Permit to construct a Mini Storage and Rental Warehouse facility on 5.00 gross acres in the Rural zone. The proposal will be developed in three (3) phases. At full built out there will be nine (9) buildings ranging from 6,720 sq. ft. to 8,960 sq. ft. in size. The Applicant plans to partition the proposed structures into a maximum of 178 units and an onsite office. The units will provide year-round dry storage for RVs and boats. The proposed office building will have a PHD approved on-site septic system. Domestic water to the office will be provided with a new well. Access to the project site will be from the terminus of Sylvan Road via a new 30' wide access easement across Parcel # 0-0200-001-016-B (*directly to the south of the project site*). The subject parcel number is 0-0200-001-015-B and described as Arthurs Sylvania Acres, W2 Lot 15, Block 1 Except Right-of-way in Section 15, Township 53 North, Range 03 West. B. M. Kootenai County, Idaho. Hearing Examiner held a public hearing on February 7, 2019 and recommended denial. The Board held deliberations on February 21, 2019 and approved a public hearing request. (*Vlad Finkel-Planner*)

Staff Presentation: Vlad Finkel, Planner, introduced the application referencing a presentation for a mini-storage warehouse facility. The site is fronted by Highway 95 and surrounded by rural development with access from Sylvan Road. He added the staff report has findings that are different than the Hearing Examiner denial. Mr. Finkel provided the conditions of approval if the Board chooses to overturn the Hearing Examiner's recommendation.

Applicant Presentation: Steve Syrcle, Applicant Representative, addressed the Board stating the project is known as Big Box for boat and RV storage. If the Board approves the request, they are requesting that Condition 8.04 and 8.06 be modified to state prior to issuance of Certificate of Occupancy (CO). He added this proposal will have a noise and visual buffer for the neighborhood east of them since the highway is west of the site. They are proposing three phases as referenced in the site details. The phases will proceed depending on the market demand. Mr. Syrcle stated in closing, that they can provide remedies to mitigate issues stated in the recommendation of denial. Storage facilities in the area have residential homes around them, it is the best use of the land and they have addressed all the agency concerns.

Exhibits: B 1000 – Presentation submitted by Vlad Finkel.
B 1001 – Proposed motion and conditions submitted by Vlad Finkel.
B 1002 – Aerial and site details submitted by Steve Syrcle.
B 1003 – Neighbor comments not in attendance submitted by Gavin Connor.

Public Testimony: Comment Sheets submitted: 9. Applicant Representative – 2; In Favor -1, Neutral – 1, Opposed – 5. The names and addresses of the individuals speaking or submitting comments are part of the record.

- Majority of the neighbors do not want the storage unit in the area
- Homeowners purchased the property to be on a beautiful forested dead end road
- The neighborhood children and pets run free without concern of public traffic
- The school bus stop will have traffic as the children wait
- Increased traffic and trash will decrease surrounding property values
- Trip estimates provided are not real
- Renters will come and go at all hours
- Storage units unmanned invite crime
- Site is not conducive for a commercial entity

Rebuttal: Daniel Keyes, Applicant Representative, provided testimony addressing the public concerns. He stated the site is within the future expansion of city impact. The City of Athol is generally supportive of commercial proposals. A church to the north of this site is commercial and creates more traffic than a storage unit. The site is not out of place and will not be seen from the highway or by the neighbors. With traffic being the biggest concern the church creates traffic on a regular basis and ITD did not address concerns with damage to the road or access from Highway 54. Mr. Keyes added the school bus route picks up the children at their driveway and not at a specified stop.

Motion by Commissioner Brooks seconded by Chair Pro Tem Duncan, to close the public hearing at 4:37 p.m.

Deliberations: Chair Pro Tem Duncan suggested the Board hold deliberations at another time to consider the public testimony and evidence submitted. Commissioner Brooks agreed to deliberate at a later date as their schedule permits.

Motion by Commissioner Brooks, seconded by Chair Pro Tem Duncan to approve continuation of deliberations to a date certain of April 25, 2019 at 9:00am for **CUP18-0008 LIMA Properties LLC**.

Commissioner Brooks	Aye
Chair Pro Tem Duncan:	Aye
Chair Fillios:	Excused

Decision: Approved

Deputy Clerk's Signature: _____
April 10, 2019