

MINUTES
KOOTENAI COUNTY PLANNING AND ZONING COMMISSION
PUBLIC HEARING
July 25, 2019 – 6:00 p.m.
Room 1, Administration Building
451 Government Way, Coeur d’Alene, ID 83814

Planning Commissioners:

Present:

Collin Coles (arrived 6:20 p.m.)
Bob Grossglauser
Wes Hanson
David Levine
John Malloy
John McFaddin
Deborah Rose

Staff Member Present:

David Callahan
Pat Braden (left at 6:14 p.m.)
Sandi Gilbertson

MINUTES

PREPARED BY:

Sandi Gilbertson
Deputy Clerk

MINUTES

REVIEWED BY:

David Levine
Chair



The public hearing was called to order at 6:00 p.m. The Planning and Zoning Commission is an advisory board to the Board of County Commissioners.

The official record of the workshop is on a DVD recording available at Kootenai County Community Development.

Chair Levine called the public hearing to order at 6:00 p.m.

Roll Call: Commissioners McFaddin, Grossglauser, Hanson, Malloy, Rose and Levine were present. Commissioner Coles arrived at 6:20 p.m. Legal Counsel Pat Braden left the meeting at 6:14 p.m.

Chair Levine gave an overview of the public hearing procedures. He then introduced Case No. ORA18-0003.

Case No. ORA18-0003: AN ORDINANCE OF KOOTENAI COUNTY, IDAHO, A POLITICAL SUBDIVISION OF THE STATE OF IDAHO, RELATING TO LAND USE REGULATION; AMENDING THE REQUIREMENT TO OBTAIN A SPECIAL NOTICE PERMIT FOR A PERSONAL STORAGE BUILDING TO BE BUILT PRIOR TO THE ESTABLISHMENT OF A PRIMARY USE IN THE AGRICULTURAL, RURAL, AGRICULTURAL SUBURBAN, AND RESTRICTED RESIDENTIAL ZONES TO PROVIDE THAT SUCH PERMIT SHALL BE REQUIRED ONLY IF THE BUILDING WILL BE 200 SQUARE FEET OR GREATER AND THE PARCEL IS LESS THAN ONE ACRE IN SIZE, AND TO PROVIDE THAT SUCH PERMIT SHALL NOT BE REQUIRED IF THE BUILDING WILL BE 400 SQUARE FEET OR LESS AND THE SETBACK AREAS FROM THE STRUCTURE TO THE PROPERTY LINE WILL BE TWICE THE NORMAL SETBACK DISTANCE, PROVIDING FOR THE KEEPING OF DOMESTIC FOWL AS A USE PERMITTED OF RIGHT IN THE AGRICULTURAL, RURAL, AND AGRICULTURAL SUBURBAN ZONES, AND AS AN ACCESSORY USE PERMITTED OF RIGHT ON PARCELS OF FIVE (5.00) ACRES OR GREATER IN THE RESTRICTED RESIDENTIAL ZONE, EXPRESSLY PROHIBITING THE KEEPING OF LIVESTOCK OR DOMESTIC FOWL IN THE HIGH DENSITY RESIDENTIAL ZONE, EXPRESSLY PROHIBITING THE KEEPING OF LIVESTOCK ON PARCELS OF LESS THAN THREE-FOURTHS ($\frac{3}{4}$) ACRE IN SIZE IN THE AGRICULTURAL, RURAL, AGRICULTURAL SUBURBAN AND RESTRICTED RESIDENTIAL ZONES, AND EXPRESSLY PROHIBITING THE KEEPING OF DOMESTIC FOWL ON PARCELS OF LESS THAN 8,250 SQUARE FEET IN SIZE IN THE AGRICULTURAL, RURAL, AGRICULTURAL SUBURBAN AND RESTRICTED RESIDENTIAL ZONES, PROVIDING FOR HELIPADS, HELICOPTER OPERATION, AND HELICOPTER STORAGE AS A USE PERMITTED OF RIGHT ON PARCELS OF ANY SIZE IN THE COMMERCIAL, MINING, LIGHT INDUSTRIAL, AND INDUSTRIAL ZONES, PROVIDING THAT RESIDENTIAL USES ARE A PRIMARY USE PERMITTED OF RIGHT IN THE COMMERCIAL ZONE WITH THE SAME MAXIMUM DENSITY THAT APPLIES IN THE HIGH DENSITY RESIDENTIAL ZONE, PERMITTING SOLID WASTE TRANSFER STATIONS THAT DO NOT FALL WITHIN THE DEFINITION OF "PUBLIC UTILITY COMPLEX FACILITY" UPON ISSUANCE OF A CONDITIONAL USE PERMIT IN THE COMMERCIAL, MINING, LIGHT INDUSTRIAL AND INDUSTRIAL ZONES, AND ESTABLISHING PERFORMANCE STANDARDS FOR SUCH USE, REQUIRING ORDERS OF DECISION APPROVING FINAL PLANNED UNIT DEVELOPMENTS (PUDs) AND THE APPROVED FINAL PUD PLAN TO BE RECORDED AT THE PROPERTY OWNER'S EXPENSE, REPEALING THE REQUIREMENT FOR MINOR PUD AMENDMENTS THAT THE AREA OF EACH AFFECTED LOT OR PARCEL MAY ONLY BE CHANGED LESS THAN TWENTY PERCENT (20%) FROM THE ORIGINAL BOUNDARIES, PROVIDING THAT TEMPORARY OR INTERMITTENT USE OF A RECREATIONAL VEHICLE SHALL BE LIMITED TO NINETY (90) DAYS, FOLLOWED BY AT LEAST THIRTY (30) DAYS OF NON-USE, AND SHALL NOT EXCEED ONE HUNDRED EIGHTY (180) DAYS IN A CALENDAR YEAR, CLARIFYING LANDSCAPING STANDARDS AND PROVIDING THAT FACILITIES FOR THE DISPLAY, SERVICE AND RETAIL SALE, LEASE OR RENTAL OF NEW OR USED MOTOR VEHICLES, BOATS, RECREATIONAL VEHICLES OR TRAILERS MAY DISPLAY AND STORE THOSE ITEMS OUTDOORS WITHOUT VISUAL SCREENING AND WITHIN THE REQUIRED FRONT YARD SETBACK, PROVIDING THAT SCHOOLS, PLACES OF WORSHIP AND PLACES OF ASSEMBLY MAY HAVE ON-PREMISE SIGNS REGARDLESS OF THE ZONE IN WHICH THEY ARE LOCATED, CLARIFYING REQUIREMENTS FOR ADDRESS NUMBERING OF PARCELS CONTAINING MULTIPLE BUILDINGS, DWELLING UNITS OR ENTRANCES AND THE INSTANCES IN WHICH COMMON DRIVEWAYS MAY BE NAMED, ADDING A DEFINITION OF "DOCK LOT" AND PROVIDING USES PERMITTED ON DOCK LOTS, ALLOWABLE ACCESS TO DOCK LOTS, AND OUTDOOR STORAGE REQUIREMENTS FOR DOCK LOTS, PROVIDING THAT INITIAL APPROVAL OF AN ASPHALT OR CONCRETE BATCH PLANT SHALL BE FOR FIVE YEARS, WITH RENEWALS THEREOF SUBJECT TO ADMINISTRATIVE APPROVAL BY THE DIRECTOR FOR ADDITIONAL SUCCESSIVE FIVE-YEAR PERIODS, AND PROVIDING THAT RENEWALS OF RESTRICTIVE SURFACE

MINING OPERATIONS SHALL ALSO BE SUBJECT TO ADMINISTRATIVE APPROVAL BY THE DIRECTOR FOR ADDITIONAL SUCCESSIVE FIVE-YEAR PERIODS, REPEALING THE REQUIREMENT FOR ISSUANCE OF A CONDITIONAL USE PERMIT FOR A SCHOOL TO DEMONSTRATE COMPLIANCE WITH SITE AREA GUIDELINES, CLARIFYING LIMITATIONS ON BOUNDARY LINE ADJUSTMENTS, REPEALING A PROVISION LIMITING THE NUMBER OF PARCELS WHICH MAY BE CREATED THROUGH A DECEDENT'S ESTATE TO FOUR PARCELS, ADOPTING PROVISIONS FOR APPROVAL OF A SUBDIVISION EXEMPTION PERTAINING TO ONE OR MORE UNPLATTED PARCELS OF LAND, PROVIDING THAT ALL SUBDIVISION AND CONDOMINIUM PLAT APPLICATIONS MUST BE SUBMITTED ELECTRONICALLY UNLESS WAIVED BY THE DIRECTOR OF COMMUNITY DEVELOPMENT, AND REPEALING PROVISIONS REQUIRING SUBMITTAL OF MULTIPLE COPIES OF ELECTRONICALLY FILED DOCUMENTS, REQUIRING GROUNDWATER QUALITY REPORTS FOR MAJOR SUBDIVISIONS, MINOR SUBDIVISIONS, AND CONDOMINIUMS TO BE PERFORMED BY A PROFESSIONAL GEOLOGIST (P.G.) AND REQUIRING A DETAILED HYDROGEOLOGICAL ANALYSIS IF THE PROPOSED SUBDIVISION IS NOT OVER THE RATHDRUM PRAIRIE AQUIFER AND THERE ARE WELLS WITHIN ONE-HALF MILE OF THE SUBDIVISION OR CONDOMINIUM SITE, OR WHENEVER NEW OR EXISTING WELLS MAY NEGATIVELY AFFECT THE QUANTITY OF WATER AVAILABLE TO NEARBY PROPERTY OWNERS, REPEALING THE REQUIREMENT THAT MAJOR SUBDIVISIONS WITH ELEVEN LOTS OR GREATER MUST BE GATED IF THE ROADS WITHIN THE SUBDIVISION WILL BE PRIVATE ROADS, PROVIDING A NEW TABLE 6-301, KOOTENAI COUNTY CODE, CONSISTING OF A TABLE SHOWING THE REQUIRED FORM AND CONTENT OF MINOR SUBDIVISION PLANS, PROPOSED PLATS AND SUPPLEMENTAL PAGES, PROVIDING THAT THE 30-DAY AGENCY COMMENT PERIOD AND THE 30-DAY PUBLIC COMMENT PERIOD FOR MINOR SUBDIVISIONS, CONDOMINIUMS AND SPECIAL NOTICE PERMITS SHALL RUN CONCURRENTLY, PROVIDING A PROCESS FOR APPROVAL OF RELOCATION OF PRIVATE ROADS, COMMON DRIVEWAYS, EASEMENTS, DRIVEWAY APPROACHES, SEPTIC SYSTEMS, BUILDING SITES OR UTILITIES WHEN ALL AFFECTED PROPERTY OWNERS HAVE CONSENTED TO THE PROPOSED CHANGES, REPEALING THE REQUIREMENT THAT SUBDIVISIONS WITH LOTS OF LESS THAN FIVE ACRES AND NATURAL SLOPES OF THIRTY-FIVE PERCENT (35%) OR MORE MUST BE DEVELOPED IN CONJUNCTION WITH AN APPROVED PUD OR AS A CONSERVATION SUBDIVISION, PROVIDING FOR ISSUANCE OF A CERTIFICATE OF LAWFUL DIVISION TO AN OWNER OF A LAWFULLY DIVIDED PARCEL UPON REQUEST AND PAYMENT OF APPLICABLE FEES, CLARIFYING THE SITE DISTURBANCE PERMITS ARE REQUIRED FOR CONSTRUCTION OF ALL NEW COMMON DRIVEWAYS, CLARIFYING THAT SITE DISTURBANCE PLAN REQUIREMENTS SHALL APPLY TO ACTIVITIES CONDUCTED BY UTILITY PROVIDERS WHENEVER COMPLIANCE WITH SITE DISTURBANCE REGULATIONS IS REQUIRED UNDER SUBSECTION 8.7.101(D) OF THIS TITLE, CLARIFYING THE INSTANCES IN WHICH A SITE DISTURBANCE PLAN MAY BE PREPARED BY A PERSON OTHER THAN A DESIGN PROFESSIONAL, REPEALING EXISTING STORMWATER TREATMENT REGULATIONS AND ESTABLISHING NEW STORMWATER TREATMENT REGULATIONS, ESTABLISHING REQUIREMENTS FOR DOWN-GRADIENT ANALYSES AND GEOTECHNICAL ANALYSES, AND ESTABLISHING THE INSTANCES IN WHICH COMPLIANCE WITH THESE REGULATIONS SHALL BE REQUIRED, CLARIFYING THAT PERVIOUS PAVERS, WOOD OR COMPOSITE DECKING, AND SIMILAR TYPES OF CONSTRUCTION ARE ALLOWED WITHIN A SHORELINE MANAGEMENT AREA ONLY IF THEY DO NOT CAUSE MORE THAN A DE MINIMIS DISTURBANCE OF THE SHORELINE MANAGEMENT AREA, PROVIDING THAT NOTICE REQUIRING CORRECTION OF A HAZARD SHALL INCLUDE THE TIME PERIOD TO CORRECT THE HAZARD, AND THAT FAILURE TO CORRECT THE HAZARD WITHIN THE SPECIFIED TIME PERIOD SHALL CONSTITUTE A VIOLATION OF THIS TITLE, CLARIFYING PROVISIONS RELATED TO FINANCIAL GUARANTEES, RELEASE OF FINANCIAL GUARANTEES AND USE OF FINANCIAL GUARANTEES TO BRING A SITE INTO COMPLIANCE WITH THE STANDARDS SET FORTH IN ARTICLE 7.1 OF THIS TITLE, AMENDING THE FORMULAS FOR EROSION AND STORMWATER RISK ASSESSMENTS IN WHICH A SITE IS DETERMINED TO BE A LOW, MODERATE OR HIGH RISK SITE, REQUIRING RECORDATION OF ORDERS OF DECISION APPROVING A CONDITIONAL USE PERMIT OR SPECIAL NOTICE PERMIT AT THE OWNER'S EXPENSE, PROVIDING FOR A 30-DAY AGENCY COMMENT PERIOD ON APPLICATIONS FOR VARIANCES, PROVIDING FOR ADMINISTRATIVE APPROVALS OF VARIANCES TO SETBACKS FROM A PRIVATE ROAD, PRIVATE RIGHT-OF-WAY, OR

SHORELINE, PROVIDING THAT THE COST OF REQUIRED NOTICES OF PUBLIC HEARINGS SHALL BE PAID BY THE APPLICANT OR THE PERSON REQUESTING THE HEARING, IF OTHER THAN THE APPLICANT, PROVIDING THE DIRECTOR WITH AUTHORITY TO ENTER INTO COMPLIANCE AGREEMENTS AS A MEANS TO RESOLVE VIOLATIONS OF THE PROVISIONS OF THIS TITLE, PROVIDING THE DIRECTOR WITH AUTHORITY TO FIND A PERSON TO BE A VEXATIOUS COMPLAINANT BASED ON REPEATEDLY MAKING COMPLAINTS OR ENGAGING IN RELATED CONDUCT THAT IS UNFOUNDED, UNMERITORIOUS OR FRIVOLOUS, ADOPTING NEW DEFINITIONS OF “COMPLETE DEMOLITION OR COMPLETELY DEMOLISHED,” “DOCK LOT,” “DOMESTIC FOWL,” “FOOTPRINT” AND “HELIPAD,” AMENDING THE DEFINITIONS OF “LIVESTOCK,” “OUTDOOR RECREATION FACILITIES” AND “SENSITIVE AREAS,” AND MAKING MISCELLANEOUS TECHNICAL CORRECTIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR SURVIVAL AND NON-WAIVER OF ENFORCEMENT ACTIONS UNDER PREVIOUSLY ADOPTED ORDINANCES AND CODES; AND PROVIDING FOR AN EFFECTIVE DATE.

Staff Presentation: Director Callahan presented this Omnibus III ordinance. He stated that the legal notice said “requiring groundwater quality reports for major subdivisions” whereas the word quality should be quantity. Director Callahan introduced the new definition of dock lots for the Commissioners’ consideration.

Public Testimony: Comment Sheets submitted: 6. The names and addresses of the individuals speaking or submitting comments are part of the record. Buzz Daldos spoke in favor of the amendment that would allow a residential residence in a commercial zone. (Section 8.2.603) Laura Frank spoke in favor of the amendment that would allow the Director to have the authority to make an executive decision on certain parcels to create a legal parcel. (Section 8.6.103)

Exhibit: Exhibit PC-1000 – a letter submitted by Elliott (Buzz) Daldos.

Motion to close the public hearing at 6:25 p.m. by Commissioner Hanson; seconded by Commissioner Rose. All voted aye by a roll call vote.

Deliberations: Chair Levine introduce the grid of the table of changes that Omnibus III is proposed to make to the existing Land Use and Development. He went through the amendments asking the Commissioners to vote on each one. The majority of the amendments received unanimous support. The amendment regarding providing for helipads, helicopter operation and storage as a permitted right in the Commercial, Mining, Light Industrial, and Industrial zones had a 4 aye-3 nay vote. The nay votes were concerned with adjoining residential properties effected by the noise. In Section 8.4.401 – providing that temporary or intermittent use of a recreational vehicle shall be limited to 90 days, etc. received a 6 aye -1 nay vote. In Section 8.4.603 regarding clarifying landscaping standards - a vote of 6 aye -1 nay. In Sections 8.6.303, 8.6.503, and 8.8.202 which would run the 30-day agency comment period concurrently with the public comment period, there was a 5 aye – 2 nay vote. The Commissioners voted 6 aye – 1 nay to revise the text to remove minor subdivisions for proposed ordinance amendments to Sections 8.6.203, 8.6.302 and 8.6.502. In addition, there was a unanimous vote to approve the amended definition for a dock lot.

DOCK LOT: A parcel on the shoreline of a lake or river which, by reason of size, slope, access, or other physical limitations, is not suitable for residential use, but derives its value from its appurtenant riparian rights, including, without limitation, eligibility for a dock permit issued by the Idaho Department of Lands, and its ability to be used for recreational purposes.

Motion by Commissioner Hanson to approve Case No. ORA18-0003 striking minor subdivisions from Section 8.6.203, 8.6.302, 8.6.502), to add the new definition of dock lot – Section 8.4.1410 (new), and approve the remaining amendments as submitted. The motion was seconded by Commissioner Coles. All approved the motion by a voice vote. The recommendation will be forwarded to the Board of County Commissioners to conduct their public hearing.

Recessed at 7:30 p.m. Reconvened at 7:40 p.m.

Chair Levine introduced Case No. ORA17-0002.

Case No. ORA17-0002, to amend the standards pertaining to flood damage prevention set forth in Title 8, Chapter 7, Article 7.2 of the Kootenai County Code, and amending associated provisions of Chapters 1, 8 and 9 of the Kootenai County Code, to conform to the requirements of the National Flood Insurance Program (NFIP).

Staff Presentation: Director Callahan presented this ordinance amendment. He stated that the impetus behind these proposed amendments is to bring the County's regulations into compliance with the National Flood Insurance Program. He added that the vast majority of the new language is driven by this need. Director Callahan said that a grid was prepared to give a table of contents to show the proposed changes.

Public Testimony: Comment Sheets submitted: 4. The names and addresses of the individuals speaking or submitting comments are part of the record. Sandy Von Behren, Kootenai County's Emergency Manager Director, spoke to the need for flood regulations and the importance of being in compliance with the National Flood Insurance Program. She gave examples of the demographics of the floodplain areas which includes many citizens that are economically disadvantaged. Ms. Von Behren added that the Community Rating System (CSR) helps bring down the cost of flood insurance. She explained that the County would not be able to do certain things without a flood mitigation program. Laura Winter, Ruen-Yeager & Associates, Inc., spoke as a civil engineer representing the Post Falls Highway District. She supported the two amendments that open the door for special public interest projects such as the Greensferry Bridge. Ms. Winter said these amendments (Section 3 – 8.7.202 Development in Floodways B.6 and Section 5 – 8.7.204: Specific Floodplain Development Standards K are policies that provide flexibility with direct decision making from the County and FEMA for substantial public interest projects such as the Greensferry Bridge.

Exhibit: Exhibit PC-1000: Laura Winter, Ruen-Yeager & Associates, Inc. submitted a letter.

Motion to close the public hearing at 8:16 p.m. by Commissioner Coles; seconded by Commissioner Grossglauser. All voted aye by a roll call vote.

The Commissioners discussed the many aspects of the flood insurance program and flood regulations with the understanding all of this will be discussed at a later date.

Motion by Commissioner Coles; second by Commissioner Grossglauser, to approve Case No. ORA17-0002, to amend the standards pertaining to flood damage prevention. The motion passed with a voice vote. The recommendation will be forwarded to the Board of County Commissioners to conduct their public hearing.

Motion to adjourn at 8:19 p.m. by Commissioner Coles, seconded by Commissioner Rose. The motion passed with a voice vote.