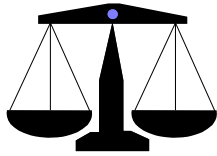


**MINUTES OF PUBLIC HEARING
HEARING EXAMINER
KOOTENAI COUNTY COMMUNITY DEVELOPMENT
OCTOBER 6, 2022**

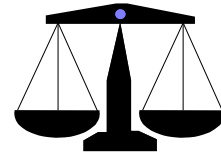
**HEARING EXAMINER
KARL GRANRATH**

**STAFF PRESENT
VLAD FINKEL
BEN TARBUTTON
JENNIFER CONNER
REBA GRYTNESS**



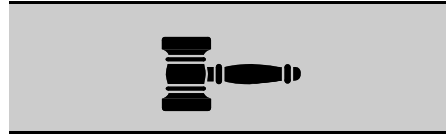
**MINUTES
PREPARED BY:**

JENNIFER CONNER
Recording Secretary



**MINUTES
REVIEWED BY:**

VLAD FINKEL
Planner III



A handwritten signature in black ink, appearing to read 'K. Granrath', positioned above the printed name.

KARL GRANRATH
Hearing Examiner

The Official Record of Public Hearing is available on-line at
www.kcgov.us

Karl Granrath 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 a written recommendation to the Board of County Commissioners, who will make the final decision.

The hearing was adjourned at 6:58 p.m.

CASE NO. MSP21-0008 BUNCO RANCH

Staff Presentation: Vlad Finkel, Planner III, introduced the case with a PowerPoint presentation. This is a request by Daum construction for the approval of a major subdivision. The proposed site is located on the north side of Kootenai County, east of Silverwood Theme Park, and north of Nunn Road. The property is 80 acres in size, is heavily vegetated and has significant topography. Located in the Rural zone, this parcel is designated Resource/Recreation per

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the Comprehensive Plan. This designation is to preserve the natural character of the area with limited development. There are several properties directly to the east and south that are 5 acres in size or greater although the parcels to the east are designated Country, and the parcels to the south are Resource/Recreation. Staff and legal counsel concluded from a compatibility standpoint, and due to the Comp Plan being more of a guideline for good planning, this application could continue through the process with conditions of approval. The subject property does have a ridgeline with significant slopes down the hill to the northern portion of the property of 30% grade. The original request consisted of 16 lots with access off Nunn Road. This road would be to Highway District requirements, but as the road met the ridgeline and downward toward the lower lots would meet the Highway District Grade if they were to create extensive amounts of hillside disturbance. Staff had a number of concerns. First was the 2 identified wetlands. Through the review process it was determined this design could be problematic, and some of the lots would be unbuildable. Second was the terrain. The construction of the road along the ridgeline would create significant disturbance to the hillside. The applicant came up with a new plot design. The new design reduced the number of lots to 12, and overall density by 25%. This slide was missed by staff-will be added as Exhibit A3b for the record. The proposal consists of individual or shared wells, and individual septic systems. The road proposal on the new design meeting the highway district standards will be constructed and terminated at the top of the bench with a common driveway that will lead along the same proposed road and have access to only 4 lots. This would reduce the overall site disturbance by 58%. The staff feels the newest proposal addresses the concerns. The wetlands require a buffer of 25 feet, however the Department of Fish and Game stated a requirement of 40 feet would be needed. With the new design there would be no need to convert any of the lots to open space to preserve the wetlands. The agency comments were standard. There were 3 public comments submitted, all in opposition, however 1 of those were after the public comment period had ended. The concerns were the cumulative effects of newly proposed wells on site, as well as additional analysis needing to be provided to address groundwater supply. Based on the staff review, the geologist had acknowledged low flow rates due to the subject site not being over the aquifer. They recommend having water storage on site to meet the flow demand requirements pursuant of Kootenai County Code with a minimum of 5 gallons per minute flow for a minimum of 4 hours, and a minimum of 1500 gallons per day flow. One of the conditions of approval staff imposed is to have a 300 gallon cistern on a lot served by an individual well, as well as a 5000 gallon cistern for lots on a shared well, up to 2 lots. Staff believes if the Hearing Examiner wants additional information submitted for the groundwater report as it relates to the potential negative impact on adjacent wells, there are a few different options; remand back to staff, request the applicant submit that information into the record prior to the Board's decision if choosing to recommend approval, or if the engineer can provide the information tonight that can be used for a recommendation at a later date.

Mr. Granrath wants clarity on the Comprehensive Plan in regards to the designation and how staff came to the conclusion of their recommendation.

Mr. Finkel continues to explain how subdivisions in this area may impose negative impact on wildlife, according to Fish and Game. The key factors to look at are environment and conditions in the area and whether or not the proposal would be compatible. There is development to the east and south. The other key factor is the Comp Plan is not a mandatory document, it is basically a guide, but the zoning and density is the guiding force for staff's recommendation, and historical decisions by elected officials. This area abuts Country designation and does have residential uses on parcels less than 10 acres in size.

Applicant Presentation: Tiffanie Espe, ATS representing the land owner presents with a PowerPoint. The Rural zone does allow for a minimum of 5 acre parcels, and for this 80 acre parcel the request was originally of 16 acres, but that did change to 12 lots. There were open water and temporary seasonal flooded area wetlands identified in the northern section of the property. One is isolated, and is assumed to be seasonal standing water, the second is open water that exists on and off site, and is within the BPA easement. The owner contracted with a local water locating company to determine the use of individual wells using electromagnetic surveying. They then used a VLF transmitter to verify the accuracy and pinpoint the best placement. The data was then given to a Hydrogeologist who analyzed the surroundings well logs and created a report. The ridgeline does cut through the center of the property, and the lots to

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the north can only be accessed by butting through the ridge. Due to this the proposal is a common driveway to limit the disturbance of the ridgeline. The difference between a highway district road and a common driveway would be size and paved and possibly not paved. The ridge extends past this property, and no other parcels are effected by the issue of the separation. The CC&Rs will be met per the agencies requirements and upon approval.

Mr. Granrath asks about the housing designations regarding lots. Ms. Espe explains the designations are set for the south side lots, however the north lots do not have designations and will be at the builder's discretion.

Ms. Espe also answers Mr. Granrath regarding the federal regulations of the wetlands. The smaller one is not regulated, but the large one is, for now.

Mr. Granrath asks Ms. Espe for her opinion regarding the Comprehensive Plan Designation regarding this parcel. Ms. Espe explains creating a subdivision in the Resource/Recreation designation has not been an issue before.

Eric Olson, Olson Engineering explains the difference between Highway District Road and Common Driveway. The Highway Road would be 24 foot wide paved surface with 2 foot gravel shoulders, and 4-1 four slopes, equaling a 40 foot wide road. A common driveway, which is required to meet international fire code standards would be 20 foot wide, gravel, paved, or an all-weather surface, 12 inch shoulders and 2-1 slopes. This would equal 24 feet wide. Also, by doing a common driveway there can be a 4 foot retaining wall which would reduce some of the cutting into the ridge. Regarding the wells, even if ending up with low yield wells, storage could be provided which would provide enough water per the County requirements.

Public Testimony: Comment Sheets submitted: - 2 Applicant – 1; In Favor – 0, Neutral – 0, Opposed – 1. No one appeared via Zoom. The names and address of the individuals speaking or submitting comments are part of the record.

Brian Peterson, Opposed: Concerned about the well. Kootenai County Ordinance states new wells must supply efficient water without negatively effecting nearby property owners. They look for fracture seams for where might produce water, but some of the wells located on the map ended up being dry. The Comp Plan is the guiding document and should not be ignored.

Applicant Rebuttal: Eric Olson does think they check the box with quantity. Single use wells should produce 1500 gallons per day, minimum flow of 5 gallons per minute. The shared wells should produce 3000 gallons per day with a minimum flow of 10 gallons per minute. The Hydrogeologist does still suggest the storage of 2000 gallon for a single well, and 5000 gallons for a shared well to make sure the minimum requirements are met. The report does not clearly state the impact of surrounding wells. Would like to get additional information from the Hydrogeologist regarding the public comments.

Staff Rebuttal: Vlad Finkel believes there could be a few options. This case could be remanded back to staff, there could be a recommendation made based on what has been submitted, or recommend denial. The record could be held open and have a date certain to continue the case with the additional information needed to make a more reasonable recommendation.

Mr. Granrath would like to have the additional information and continue to a date certain. The next hearing would be November 3rd.

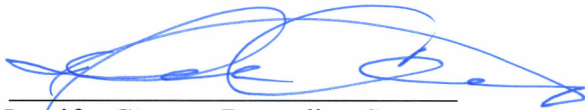
The record will remain open for MSP21-0008 to the date certain of November 3, 2022, for additional information and testimony from the Applicant's Hydrogeologist, and the specific recommendations regarding the groundwater quantity report.

There being no further comments or testimony the Hearing Examiner closed the hearing at 6:58 pm.

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Exhibits: HE-1000 – Presentation by Vlad Finkel
HE-1001 – Presentation by Tiffanie Espe
HE-1002 – Photo of well locations by Brian Peterson

Prepared By,



Jennifer Conner, Recording Secretary