

BOARD OF COUNTY COMMISSIONERS
MINUTES OF PUBLIC HEARING
January 7, 2021
Quail Run Idaho Investments LLC

Commissioners Present: Chair Chris Fillios and Commissioner Leslie Duncan

Commissioners via Conference: Commissioner Bill Brooks

Commissioner Absent: None

Staff Present: David Callahan, Pat Braden, Zach Trevino, Mary Shaw 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 9:00 am. The members were polled for conflicts of interest. No conflicts were expressed.

CONFLICT(S): None

CHANGES: None

Case No. ZON20-0007, a request by Quail Run Idaho Investments LLC for a Zone Change from Agricultural Suburban to Light Industrial of a parcel measuring approximately 0.873 acres in size. The subject parcel is currently undeveloped. The purpose of the request is to enable the Applicant to eventually establish a contractor storage facility, which would be used primarily for vehicle and equipment storage. Access to the subject parcel is currently gained from State Highway 53, a public highway maintained by the Idaho Transportation Department. The subject parcel is located directly across State Highway 53 from a Burlington Northern Santa Fe Railroad yard located in the Industrial zone. The parcel number is 0-2900-10-006-AA, described as: GREENACRES IRR DISTRICT PLAT 2, TR 6 N OF RW in Section 10, Township 51 North, Range 05 West, Boise Meridian, Kootenai County, State of Idaho. The subject parcel is located approximately ¼ mile southwest of the intersection of State Highway 53 and N. Idaho Road. The Hearing Examiner held a public hearing on November 5, 2020 and recommended denial. (*Zach Trevino-Planner*)

Staff Presentation: Zach Trevino, Planner, addressed the Board providing an overview referencing a presentation. The site is undeveloped and adjacent to a highway with an active railroad yard across the highway to the south. A storage facility has been proposed which would need an approach permit approved by Idaho Transportation Department. He added there are mixed zones and uses in the area with residential parcels adjacent to the north. Mr. Trevino added during the public agency comment period they did not request comment from the City of Rathdrum since the site is not within an Area of City Impact (ACI).

Director David Callahan added it is useful to know an ACI is required by state law and the city cannot annex if there is no ACI which in this case would not be affected in this zone change request.

Applicant Presentation: Brian Duncan, Applicant, testified the property is small and only has access to Highway 53 and not conducive for building or accessing a home. He stated he did check the City of Rathdrum if they had any future plans in that area when he was looking at the site. Mr. Duncan added currently he has the site for sale and a contractor is interested in either a storage facility or construction storage yard which would be a good buffer from the highway for the home north.

Exhibit: B 1000 – Presentation submitted by Zach Trevino.

Public Testimony: Comments provided: None. Applicant– 1 via Zoom. The names and addresses of the individuals speaking or submitting comments are part of the record.

Motion by Commissioner Duncan seconded by Commissioner Brooks, to close the public hearing and enter into deliberations at 9:16 a.m.

Deliberations: Commissioner Duncan stated she understands the Hearing Examiner analysis but this is a perfect example showing how a home cannot be built on an Agricultural Suburban zoned parcel due to access. Commissioner Brooks added he is generally opposed to changes in agricultural land. This is not a big piece but we are losing agricultural land a little pieced at a time. Chair Fillios stated he feels this is better suited for light industrial uses. However, he agrees with the Hearing Examiner’s Comprehensive Analysis and having heavy trucks entering the highway does not seem like a feasible access that would be approved by ITD for light industrial.

Commissioner Duncan indicated since the Board is considering a different determination than the Hearing Examiner’s Recommendation a second hearing can be held to finalize an action. Chair Fillios stated he was inclined to agree with the Hearing Examiner and would agree to a second hearing for a final determination. He added he wants agencies to provide firm responses with yes or no to proposals.

Motion by Commissioner Duncan seconded by Commissioner Brooks, to hold a second public hearing to make a final determination which may differ from the Hearing Examiner recommendation regarding the zone change request as presented for **Case No. ZON20-0007 Quail Run Idaho Investments, LLC.**

Commissioner Brooks	Nay
Commissioner Duncan:	Aye
Chair Fillios:	Aye
Decision:	Approved

Deputy Clerk’s Signature: _____
January 7, 2021

DELIBERATIONS
MINUTES OF MEETING
January 7, 2021

Case Number: VAR20-0009

Case Name: Stephen and Laurie Petroni

Commissioners Present: Chair Chris Fillios, and Commissioner Leslie Duncan

Commissioners via Conference: Commissioner Bill Brooks

Commissioners Absent: None

CONFLICT(S): None

CHANGES: None

STAFF PRESENT: David Callahan, Mary Shaw, Zach Trevino, Kathryn Ford

STAFF VIA TELECONFERENCE: Pat Braden

Case No. VAR20-0009, a request by Stephen and Laurie Petroni for a 25 ft. variance to the 25 ft. rear yard setback requirement on a 0.34-acre parcel of land in the Restricted Residential zone. The subject parcel is currently developed with a single family residence, accessed from Hayden Lake Road, a public road. The purpose of the request is to enable the Applicant to construct a secondary garage adjacent to the rear property line, to be accessed from Upper Hayden Lake Road. Due to the steepness of the site, the Applicant cannot maintain the necessary rear yard setback and still construct the garage. The Applicant intends to locate the garage immediately adjacent to the edge of the Upper Hayden Lake Road right-of-way, a public road maintained by Lakes Highway District. The parcel number is 0-3520-000-084-A, described as: H L HONEYSUCKLE HILLS BLDG SITES, LT 84 EX TX#, TX#13502 in Section 20, Township 51 North, Range 03 West, Boise Meridian, Kootenai County, State of Idaho. The subject parcel is located at address 3628 E. Hayden Lake Road. The Hearing Examiner held a public hearing on December 17, 2020 and recommended approval.

Zach Trevino, Planner, provided a brief overview of this request referencing a presentation. The Applicant is requesting a 25-foot variance to the 25-foot rear yard setback requirement on a 0.34-acre parcel of land in the Restricted Residential zone. The subject parcel is a double frontage lot, with public roads abutting two opposite sides of the lot. He added the Applicant intends to construct a secondary garage in the rear of the parcel. Due to the steep slope of the site and limited buildable area, they cannot maintain the required rear yard setback from the edge of the public right-of-way and still build the desired structure. The front of the structure would be located 0 feet from the edge of the Upper Hayden Lake Road right-of-way. The public agencies provided comments and there was one public comment in opposition due to the stability of the soils in the area.

Chair Fillios requested elaboration from staff on nearby properties. Commissioner Duncan confirmed the second garage is needed due to the main garage needing to have space for wheelchair access to the elevator. She added there are a lot of regulations that need to be addressed prior to safely building. Commissioner Brooks added this is a good project.

Motion by Commissioner Duncan, seconded by Commissioner Brooks, to approve the request, adopting the Hearing Examiner's Recommendation, Analysis, Conclusions of Law, and Conditions of Approval for Case No. **VAR20-0009 Stephen and Laurie Petroni.**

Chair Fillios: Aye
Commissioner Duncan: Aye
Commissioner Brooks: Aye

Decision: Approved

Deputy Clerk's Signature: _____
January 7, 2021

DELIBERATIONS
MINUTES OF MEETING
January 7, 2021

Case Number: MSP20-0001

Case Name: Walking Horse Estates 1st and 2nd Additions

Commissioners Present: Chair Chris Fillios, and Commissioner Leslie Duncan

Commissioners via Conference: Commissioner Bill Brooks

Commissioners Absent: None

CONFLICT(S): None

CHANGES: None

STAFF PRESENT: David Callahan, Mary Shaw, Vlad Finkel, Kathryn Ford

STAFF VIA TELECONFERENCE: Pat Braden

Case No. MSP20-0001, Walking Horse Estates 1st and 2nd Additions, a request by Walking Horse Partners, LLC, for preliminary approval of a 31-lot residential Major Subdivision comprised of two additions on approximately 160 acres in the Rural zone. 1st Addition will consist of 16 lots, while 2nd Addition will consist of 15 lots. All of the proposed lots will meet or exceed the minimum net acreage of 4.500 acres and gross acreage of 5.000. Domestic water to each lot will be provided by a newly established public water system operated by the Walking Horse Estates Homeowners Association. A preliminary Will Serve letter has been provided. Effluent discharge will be treated by individual septic and drainfield systems on each lot. The interior road, Sedgwick Lane, will be constructed to the Associated Highway District Standards and dedicated to the public in the name of Lakes Highway District. The subject parcel number is: 53N02W-07-4000 and is described as: Tax # 23259 EX TAX #25752 [IN W2] in Section 07, Township 53 North, Range 02 West, B. M., Kootenai County, ID. The subject parcel is located at the end of N. Walking Horse Lane. The Hearing Examiner held a public hearing on December 17, 2020 and recommended approval.

Vlad Finkel, Planner, provided a brief overview of this request referencing a presentation. The Applicant is proposing a Major Subdivision consisting of 31 residential lots on approximately 160.5 acres. The project will be completed in two phases. He added the Applicant plans to provide domestic water to each lot with a newly established public water system operated by the Walking Horse Estates Homeowners Association. Wastewater treatment would be accomplished by individual septic and drainfield systems. The public agencies with jurisdiction provided responses with conditions and there was no public opposition.

The Board confirmed the adjacent dirt access roads would be paved and that the area is over the aquifer to support the public water system.

Motion by Commissioner Duncan, seconded by Commissioner Brooks, to approve the request adopting the Hearing Examiner's Recommendation based on the Findings of Fact, Applicable Legal Standards, Analysis and Conclusions of Law for Case No. **MSP20-0001 Walking Horse Estates 1st and 2nd Additions**.

Chair Fillios: Aye

Commissioner Duncan: Aye

Commissioner Brooks: Aye

Decision: Approved

Deputy Clerk's Signature: _____
January 7, 2021