

BOARD OF COUNTY COMMISSIONERS  
MINUTES OF PUBLIC HEARING  
February 18, 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 9:03 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. The Board of County Commissioner held a public hearing on January 7, 2021 and approved a second hearing to make a final determination, which may differ from the Hearing Examiner recommendation. (*Zach Trevino-Planner*)

**Staff Presentation:** Zach Trevino, Planner, addressed the Board providing a review of issues expressed at the January 7<sup>th</sup> hearing. He stated this second hearing is to confirm a decision by the Board since it may differ from the Hearing Examiner Recommendation. He confirmed with the City of Rathdrum and Panhandle Health District their comments regarding the zone change request. Also, if this request were approved Idaho Transportation Department (ITD) would need to review and decide on an encroachment permit off of Highway 53 prior to any Light Industrial use.

**Applicant Presentation:** Brian Duncan, Applicant, stated the details regarding his request were addressed by staff in the presentation. He added the potential buyer was present to testify.

Jeremy Way, Applicant Representative, testified before the Board stating he is the motivation behind the rezone request from Mr. Duncan. He is the potential buyer of the parcel to expand his business in Kootenai County. This purchase agreement has been ongoing for approximately one year. Mr. Way lives and conducts business in the Rathdrum area and keeping his business close to Idaho clientele keeps costs down and is a benefit to having a contractor close in proximity. They need a place to conduct business and for the last year all the surrounding

parcels have raised their purchase price and now are not available for them to consider acquiring. He added as a potential owner it is his opinion that the neighbors should not be wandering onto a business site. He prepared a conceptual site plan which has details regarding fencing and landscaping. With this zone change it would allow uses more consistent and useful than the current zoning. Mr. Way stated he has contacted ITD and is able to apply for an encroachment permit once all the details can be submitted.

**Exhibits:** B 2000 – Presentation submitted by Zach Trevino.  
B 2001 – City of Rathdrum (PA-05) response of 02-12-21 submitted by Zach Trevino.  
B 2002 – Panhandle Health District (PA-06) response of 01-12-21 submitted by Zach Trevino.  
B 2003 – Conceptual Site Plan submitted by Jeremy Way.

**Public Testimony:** Comment Sheets submitted: 7, Applicant– 1 via Zoom; In Favor-6, Neutral–0, Opposed–0. The names and addresses of the individuals speaking or submitting comments are part of the record.

- Site is not in the Rathdrum ACI
- Subject property can accommodate industrial traffic
- Highway 53 has future plans for expansion due to the growth in the county
- Development on the prairie supports this site for business purposes
- A fence and landscaping around the parcel would control neighbors wandering onto the site
- The property would serve as a good buffer between the highway and the residents to the north
- Along Highway 53 there are all types of business activities
- With growth there is not always the right ratio of business to services for residential areas
- Local businesses keep contracting costs down since they do not need to bid for lengthy travel
- Mr. Way is a reliable business owner and needs the opportunity to expand his business
- This site is not designed for a family residence
- The business purposed is seasonal and does not operate in the winter months
- Lt. Industrial services are needed in this area
- Small businesses will help the economy in the area

**Applicant Rebuttal:** Mr. Duncan extended his “thank you” to those who took the time to testify regarding his application.

Motion by Commissioner Duncan seconded by Commissioner Brooks, to close the public hearing and enter into deliberations at 9:32 a.m.

**Deliberations:** Commissioner Duncan stated in reading the recommendation the staff recommended approval and she was shocked that the Hearing Examiner had recommended denial. She has no problem with approving this zone change since the Lt. Industrial use in this case is actually a less impact than leaving it Agricultural Suburban. A property owner would still need to adhere to the Lt. Industrial standards. Commissioner Brooks added that he agrees with Commissioner Duncan and there is no reason to deny this request. Chair Fillios confirm the various zones surrounding the site. Pat Braden, Attorney, added in looking at the larger overview map of the area the industrial zone is prevalent. There are other parcels zoned industrial intermingled with residences throughout the area. He stated there is enough evidence to show significant factual basis for a decision to approve this zone change. Chair Fillios stated when reviewing the Hearing Examiner recommendation he sees the denial going by the letter of the law and when looking at good planning uses this is a more suitable site and he would recommend approval.

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Motion by Commissioner Duncan seconded by Commissioner Brooks, to approve the zone change request for **Case No. ZON20-0007 Quail Run Idaho Investments, LLC.**

Commissioner Brooks	Aye
Commissioner Duncan:	Aye
Chair Fillios:	Aye

Decision: Approved

Deputy Clerk's Signature: \_\_\_\_\_  
February 18, 2021