



# KOOTENAI COUNTY

## BOARD OF COMMISSIONERS

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### Meeting Minutes

#### Community Development

March 30, 2023

6:00 PM

451 N. Government Way, Administration Building, Meeting Room 1A/B

The Kootenai County Board of Commissioners: Chairman Leslie Duncan, Commissioner Bruce Mattare and Commissioner Bill Brooks met to discuss the following agenda items.

Also present were Community Development Director David Callahan, Civil Deputy Prosecuting Attorney Pat Braden, Planning Manager Ben Tarbutton, Planner III Vlad Finkel, Administrative Manager Reba Grytness, and Deputy Clerk Jennifer Conner.

- A. **Call to Order/Opening Remarks**-Chair Duncan called the meeting to order at 6:07 P.M. and explained the rules of the hearing to be respectful and address the Board only with comments and questions. Refrain from applause and raise your hand if you agree with the speaker. When asked to stop speaking please do so or you may be asked to leave the meeting.
- B. **Changes to the Agenda (Action)** - Chair Duncan suggests continuing deliberations to a date certain, April 13, 2023 10:00 a.m. regular meeting.
- C. **Poll for Conflicts of Interest (Action)**- None
- D. **Public Hearing (Action)**

**MSP22-0004 Lakestone Estates**-Planner III, Vlad Finkel started the meeting with a PowerPoint presentation. This is a request for a 24 lot major subdivision on 8.3 acres located in Bayview south of Perimeter Road. This property is zoned restricted residential and the comp plan designation is shoreline. Bayview Creek traverses along the Eastern property boundary. The original application was for a 29 lot major subdivision approved in 2007 but with the downturn in the economy the project did not move forward. In 2007 the community raised concerns with regards to Bayview Creek flooding. At that time the Board requested a study to determine whether or not the creek or flood plain could have a great impact on the subject property. The stream is classified as a class 2 stream that would require a 30 foot buffer that would sufficiently address the requirements for a screen protection buffer. The engineer at that time agreed that a flood would not exceed the 30 foot buffer. The current application originally asked for 25 lots with a 30 foot buffer from Bayview Creek,

however, the Department of Fish and Game and the Idaho Department of Lands revised Bayview Creek to a Class I stream which requires a 75 foot buffer reducing the lots to 24. The access will be off of Perimeter Road and extend through Fir Road. Bayview Water and Sewer would provide domestic water and sewage disposal. Community Development received a "Will Serve" letter from the District that states it has the willingness and potential capacity to serve this subdivision as long as they were able to improve their own District infrastructure. Public concerns are with the issue of traffic and access points which would be the jurisdiction of Lakes Highway District. Agency comments have no issues as long as conditions are met. Community Development as well as the Hearing Examiner both recommend approval as the project is consistent and compatible with the current development in the area. The Hearing Examiner received 23 comments, 20 with opposition, 3 with concerns of the stream classification, traffic, potential flooding and lack of sufficient water pressure to provide service. At a Board of County Commissioners meeting on February 3, 2023 it was determined to hold a public hearing to further address the concerns raised by the public. At that hearing there were 16 public comments, 14 in opposition and 2 with concerns raised with flooding, traffic access points, lot size, density, and water pressure.

#### **E. Applicant Presentation-**

Connie Krueger, applicant representative for Gary Schmidt, recapped the project and stated that single family dwellings are a use of right. The agencies have all approved the plat with conditions. Emergency responses will be provided by Kootenai County Sheriff, Timberlake Fire District and Kootenai County Emergency Medical Services. The plat has been redesigned to incorporate a 75 foot (from 30 foot) buffer with one lot removed and to enhance area protections restricting development to areas outside the buffer to preserve open space in its natural condition. Average lot size is 13,000 square feet and range from 10,000 to 21,000 square feet. There is commercial zoning to the northeast and south. The request is a regular pattern of development as seen by the aerial map. There is 320 acres owned by Idaho Fish and Game to the west of the subject property. The property has a gradual slope with 100% Bonner gravelly silt loam that have well draining characteristics. The Hearing Examiner recommended in 7.08 and 7.09 site disturbance permitting to address storm water and erosion control measures. This property is not within the FEMA flood plain. Perimeter Road provides access out to Highway 95 and southern access to Fir Street with single share approaches. Lakes Highway District has requested the dedication of right-of-way and easements with limited access for double frontage roads or lots. There will be limited street parking in the winter months and a road development agreement for east Perimeter Road. Lakes Highway District is also requiring a turn-warrant analysis prior to the final plat to determine additional improvements needed to E. Perimeter Road. The Fir Avenue extension is expected to change existing traffic patterns for the betterment of the public and emergency services.

Gordon Dobler, Dobler Engineering, addressed the engineering concerns on utilities. Bayview Water and Sewer had an issue with the water pressure, however, there is a booster station currently under construction and should be complete by October. This completion was part of the condition that came from staff to be confirmed with the subdivision. Bayview Creek was reviewed with the original engineer and it was agreed upon by both that the 100 year flood would be contained within the 30 foot buffer. This study took in account impoundments, culverts and the road. The connection to Fir Street was a decision of the Highway District and not part of the original plan that requested sole access on to Perimeter. Mr. Dobler has experience with traffic studies that goes with running a city intersection analysis and states

he's very familiar and qualified to discuss traffic engineering. A Traffic Impact Study is not warranted for this project per the highway district standards. Mr. Dobler described what the requirements are for a Traffic Impact Study. The extension of Fir Street is a code requirement from the Highway District's Ordinance 20.2. 2019 which was adopted in 2019 and states "Access shall be provided to the road with the lowest functional classification serving the proposed subdivision unless otherwise approved by the director of highways". A Traffic Impact Study has not been required by the Highway District and would not have included the disconnection of Fir Avenue because that was by ordinance. The Highway District is requiring a turn-warrant analysis be done. Perimeter is the same as Hwy 54 and is built to highway standards. Fir does not connect to Hwy 54 and is at least two blocks off and drivers would have to go out of their way to use Fir Street that is quoted as being "narrow, substandard without sidewalks, shoulders, traffic lights, signs and cars must give one lane right-a-ways to get by with a default speed of under 15 miles per hour". This is an accurate description of the condition of these types of streets so you wouldn't want to deter off of Perimeter to drive through Fir Street as a bypass.

## **F. Public Comment (Discussion)-**

### **In Favor**

Douglas Landwehr-34300 N. Cool Winds Ct. Bayview, Idaho – In Favor- worked with the Sewer and Highway District previously and supports the growth in this area. He feels this is a benefit.

Charles Schmidt-903 N. Armstrong Drive, Coeur d alene, Idaho- In Favor- spoke on behalf of his father Gary Schmidt, respects the concerns of the community but states it is a request for a small residential neighborhood the he himself would like to live in. A letter from Gary Schmidt, states the stream has been exploited and manhandled outside of this project. We have met and exceeded all requirements of government entities in all regards.

### **Opposed**

Mike Lee-Via Zoom-Opposed group discussion-representing 12 community members. He would like to ask the Board to deny the Fir Street Bypass as it would cause the neighborhoods harm. This will reduce the property values. He would like a Traffic Impact Study be required as the area has high levels of pedestrian and neighborhood activity. He feels the majority of traffic would use Fir Avenue as a shortcut to get to Hwy 54. He wants Fir Avenue gated.

Suzette McGoldrick-16131 E. 5<sup>th</sup>, Bayview, Idaho-Opposed group discussion. She presented a petition with 400 names on it opposing this project. Says her street is 14 foot wide at Fir Street. She is concerned with traffic from boats, campers and tourists. Parking is an issue with a lot of tourists in for events in town. She is in favor of the people coming to town but not their vehicles.

Bill Brooks asked how many vehicles she herself owns. Mrs. McGoldrick replied she has two vehicles, two scooters, 2 boards, and a jet ski and is collecting more if anyone has boats for sell. Chair Duncan asked the population of Bayview in the winter. Mrs. McGoldrick said less than 200.

David Anderson-16172 E. 4<sup>th</sup> St, Bayview, Idaho-Opposed-is concerned that we are not doing the right thing for the town. The traffic will create tragedy with the narrow streets. He doesn't think this project is going in the right direction.

Norma Jean Knowles-.1104 N. Robin, Bayview, Idaho-Opposed-Concerned with the opening up of Fir Street. She thinks Lakes Highway needs to be contacted regarding this instead of the County. She is concerned with the 75 foot buffer and that it needs to be preserved. Even with it being put in the CCNrs and the HOAs that does not mean anyone is there to watch it.

Ali Spahn-33915 N. Fir Ave, Bayview, Idaho-Opposed-Does not feel opening Fir Avenue would benefit the Bayview residence. The medium age of Bayview is 60 years of age. Roads are narrow. She doesn't have a problem with the subdivision but with the bypass of Fir Avenue. Crime may increase with additional points of access. Would like a traffic study.

Larry Dubey-99396 N. Fir Ave, Bayview, Idaho-Opposed-The road is like a roller-coaster and in the winter the plows leave berms. He would like to see them use another route other than Fir Avenue. He fears for his grandchildren and other children.

Mary Lou Brannigan-34124 N. Spruce Ave, Bayview, Idaho-Opposed-concerned with the Bayview Water System. Cited Bayview's Water website that says the system is in need of repair and is vintage. She is asking that the development isn't approved until the system is renovated.

Frank Abbott-34067 N. Spruce Ave, Bayview, Idaho-Opposed-Traffic has really increased with boats. If the Fir Avenue bypass is opened it would be as bad as Coeur d' Alene, Heutter and Prairie. Wildlife is present and safety is a concern. There is a lack of water pressure and this needs to be addressed.

Harvey Brannigan-34124 N. Spruce, Bayview, Idaho-Opposed-concerned with the water system and pressure. He wants the production of the subdivision to be put off until there is proper water for current residents.

### **Per Zoom**

Carl Blanshett-16260 E. 5<sup>th</sup>, Bayview, Idaho-Opposed-Concerned for the increase in taxes for fixed income residents of Bayview with higher sales prices. Also, the need for additional services that go back to additional taxes for the County tax payers. Concerned with future families being younger and having a lot more drivers per household.

Francie Miller-Pine Ave, Bayview, Idaho-Opposed-wanted to point out that Fir Street is not straight.

John Charyk- Opposed- Worried for the cyclist and pedestrians. He would like to see a Traffic Impact Study.

Carrie-Kelly Moffit-Opposed- does not want Fir Street to be open due to the crime risk.

Ky Chapple-Opposed-maybe the Highway Department should get involved and pay the cost for further studies and not pass it on to the developers to discourage growth. The developers have done their due diligence.

Giana Hoffmeister-Opposed-Traffic increases and concerned with people who don't stop at the corner of Fir. There is no source of traffic control. She thinks traffic will take the Fir Street Route. Would like a Traffic Impact Study.

Paul Stewart-Opposed- Main concern is traffic with the connection of Fir Street. He would like to see a gate that would allow a golf cart to go through but not cars. Terry Stewart says it's a walking town, snowmobiles, and horseback riding. They would like to see a Traffic Impact Study.

Cheryl Puckett-603 E. Schaeffer Street, Bayview, Idaho-Opposed- Bayview Creek should be protected but as time goes on there will be no enforcement for property owners to not violate the 75 foot buffer. She believes the developer should have to build a fence the entire length of the buffer to protect the fish.

Liz Baker-Opposed-agrees with all the previous statements.

**G. Rebuttal (Action)**

Gordon Dobler, Dobler Engineering, replied concerning the water issue that there is provision with Bayview Water District that prohibits the subdivision connecting to the water system until the water improvements have been completed. He does not believe the Highway District was in error by not asking for a Traffic Impact Study. He quoted from the letter from the Highway District to the County siting the extension of Fir Avenue was expected to change existing traffic patterns for the betterment of the public and emergency services. The Traffic Impact Study is not the vehicle to address the connection to Fir Street. He does not believe traffic will be diverted through Fir Street.

**H. Deliberations (Action)** Commissioner Mattare moved that public testimony be ended and deliberations be moved to a time certain, April 13, 2023 at 10:00 A.M. Bill Brooks seconded the motion.

Bill Brooks	Aye
Commissioner Mattare	Aye
Chair Duncan	Aye

**I. Adjournment**- Chair Duncan closed the meeting at 8:32 P.M.

Jennifer Locke, Clerk

By: Reba Grytness  
Reba Grytness, Deputy Clerk



BOCC: Leslie Duncan, Commissioner - Signed 5/9/2023  
Chairman, Leslie Duncan

