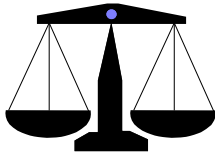


**MINUTES
KOOTENAI COUNTY HEARING EXAMINER
ROOM 1 and VIRTUAL PUBLIC HEARING**

**JULY 15, 2021
KOOTENAI COUNTY ADMINISTRATION BLDG.
ROOM 1**

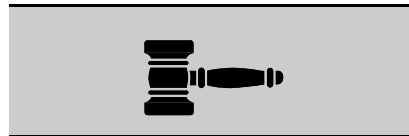
**HEARING EXAMINER
KARL GRANRATH**

**STAFF PRESENT
ZACH TREVINO
LEVI BASINGER
DAVID CALLAHAN
MARY SHAW
ANNA BLENDE
BETSY ANDERSON**



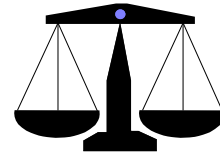
**MINUTES
PREPARED BY:**

BETSY ANDERSON
Recording Secretary



A handwritten signature in black ink, appearing to read 'K. Granrath', positioned below the gavel icon.

KARL GRANRATH
Hearing Examiner



**MINUTES
REVIEWED BY:**

LEVI BASINGER
Planner II

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 written recommendations to the Board of County Commissioners, who will make the final decision.

The hearing was adjourned at 7:08 p.m.

HEARING EXAMINER MINUTES

JULY 15, 2021

CASE NO. CUP20-0012

Type: Conditional Use Permit, a request by Les Vawter to establish a Mini-Storage Facility on an approximately 6.45-acre parcel of land in the Agricultural zone. The subject parcel is undeveloped, and has historically been used for growing hay. The Applicant is proposing to develop an area consisting of approximately 1.03 acres with two storage unit buildings containing a maximum of 44 individual storage units. The proposed facility, to be located in the gravel area near State Highway 3, is adjacent to a parcel zoned Commercial, which contains a fueling station. Access to the subject parcel will be gained via an individual driveway extending east from State Highway 3, a public highway maintained by the Idaho Transportation Department. The Parcel Number is 49N01W-27-0525, described as: TAX #12502 [IN NE-NE] in Section 27, Township 49 North, Range 01 West, Boise Meridian, Kootenai County, Idaho. The Assessor's Identification Number (AIN) is 128631. The subject parcel is located along the east side of State Highway 3, approximately ¼ mile south of Interstate 90. The Hearing Examiner held a public hearing regarding this request on February 4, 2021. FEMA details needed further review and the Hearing Examiner requested this application be heard on a future date. After further review, FEMA determined that they would require no further actions but encouraged the Applicant to work with local jurisdictional entities to resolve the flooding issue. (*Zach Trevino, Planner*)

Staff Presentation: Zach Trevino, Planner II re-introduced the application referencing a Power Point presentation. He stated the Applicant is asking to establish a mini storage facility on a parcel in the Agriculture zone. This case was before the hearing examiner in February of 2021, however, prior to the start of the first hearing, FEMA had provided information in response to a video submitted showing flooding on the site. As a result, the first hearing was postponed to a date uncertain, and the County sought additional comments from agencies with jurisdiction. Mr. Trevino noted the parcel is located in a valley near the Fourth of July Creek, a Class II stream and approximately 2 miles north of the Coeur d'Alene River. He stated the parcel is undeveloped and within the parcel, there is a graveled area approximately 1 acre in size above the base flood level that is proposed for the mini storage facility. Staff has placed several conditions to mitigate the potential problems with flooding and access. The Applicant's narrative states site disturbance activity is planned north of the proposed building site to ensure that water does not flow along the right of way, rather follow the natural course of the stream. Mr. Trevino said site buffering vegetation for the proposed building site as well as neighboring property is part of the Applicant's plan. In addition to the original agency comments, Staff again requested comments from FEMA, Idaho Transportation Department and Idaho Department of Water Resources for follow up comments. FEMA had no other recommendations other than to urge staff to take into consideration potential flooding when issuing any permits. IDWR clarified that if site disturbance activity is to take place, and would include alteration of Fourth Of July Creek, a permit would need to be obtained. The Applicant has stated any site disturbance work would take place outside of the natural course of the stream. Mr. Trevino stated seventeen (17) public comments were received, fifteen (15) in support of the application, two in opposition. Concerns included the potential for flooding on the proposed building site as well as properties adjacent to the property.

Applicant Presentation: Scott Brown, Applicant's Representative, stated he did not have much to add to the Staff Presentation. He added that the Applicant has exceeded every standard set for a mini storage facility. Mr. Brown stated the Applicant has volunteered to fix stormwater issues that have existed for decades. He added the video of the flooding presented at the last hearing and viewed again at this hearing was not a surprise, as a unique weather event occurred the night before, resulting in the flooding. Mr. Brown stated the Applicant has a valid encroachment permit from Idaho Transportation Department and FEMA has retracted all of their earlier requirements. Applicant Les Vawter declined the opportunity to comment.

Exhibits: HE 2000 – Presentation submitted by Zach Trevino.
HE 2001 – Historical Site Photos by Nancy Henderson
HE-2003 – Historical Flooding Photos by Nancy Henderson
HE-2004 – News Article by Nancy Henderson

Public Testimony: Comment Sheets submitted: 4, Applicant – 2; In Favor – 0, Neutral – 0, Opposed – 2. The names and address of the individuals speaking or submitting comments are part of the record. Concerns included:

- Flooding over State Highway 3 & the nearby gas station
- Potential for flooding of personal property

HEARING EXAMINER MINUTES
JULY 15, 2021

REBUTTAL: Scott Brown, Applicant's Representative stated they agree that the area is subject to flooding. The area where the storage buildings are proposed is higher ground that typically does not flood. Proposed improvements will re-route flood waters to follow the natural path of Fourth of July Creek.

There being no further comments from the public, testimony was closed on this item at 6:32 p.m. The Hearing Examiner, Karl Granrath, will review this case and submit his written report to the Board of County Commissioners within two weeks.

Submitted by,

Betsy Anderson, Recording Secretary

HEARING EXAMINER MINUTES

JULY 15, 2021

CASE NO. CUP21-0002

Type: Conditional Use Permit a request by Stach Construction Company to establish and operate a Mini Storage Facility on approximately 11.08 acres in the Rural zone. The subject parcel contains an existing structure, formerly occupied by a bar/restaurant, to be converted into an office. A total of six structures with storage units are proposed, with the largest unit size being 14-feet x 40-feet. The subject parcel is located west of and adjacent to N. Wilkinson Road and north of and adjacent to W. State Highway 53. Access to the subject parcel will be gained from Wilkinson Road, a public road within the jurisdiction of Lakes Highway District. No direct access from State Highway 53 is proposed. The parcel number is 0-5760-000-025-0, AIN is 171900, and is described as: Panhandle Village Tract 25 in Section 27, Township 52 North, Range 04 West, Boise Meridian, Kootenai County, Idaho. The existing structure has an address of 2555 W. Highway 53. (*Levi Basinger- Planner*)

Staff Presentation: Levi Basinger, Planner II, introduced the application referencing a presentation, stating the request is to establish and operate a mini storage facility in the Rural zone. He said the parcel is 11 acres in size and the Applicant also owns the seven acre parcel of land directly to the west which is not part of the proposal. The site has a commercial structure that was a bar/restaurant, but is not in use at this time. Mr. Basinger noted the mini storage facility will comprise approximately 5 acres of the total parcel with six buildings for storage while the current commercial building will be remodeled for office space. He said the site will have a security fence around it as required by code and additional landscaping is proposed along the frontage of Highway 53 and Wilkinson Road where vegetation is lacking. The site has approaches from both Highway 53 and Wilkinson Road, but the Applicant is being required to eliminate those approaches and have a single access from Wilkinson Road. Mr. Basinger stated the proposal includes 24 hour access with a card-lock system and a manager on-site for certain hours daily. Public Agencies were contacted for comments. Panhandle Health District is requiring the applicant locate and evaluate or replace the existing septic and drain field system. The Kootenai County Building Division has required a change of use permit to convert the former commercial building into an office as well as permits for all the proposed storage buildings. Northern Lakes Fire District has indicated a commercial review for occupancy and access will be necessary and the Applicant will need to install an on-site water system in the absence of a municipal water system to meet the fire flow requirements. Lakes Highway District has stated the access will be limited to a single approach from Wilkinson Road and the District will require a trip generation letter to be submitted to determine if a more in-depth traffic impact study would be necessary. Panhandle Village Water District has confirmed the existing structure has water service, but will not be able to provide water to meet the fire district fire flow standards. Two comments were submitted in opposition to this project, citing traffic concerns at the intersection of Highway 53 and Wilkinson Road. Mr. Basinger said staff has determined the proposal meets performance standards for mini storage facilities, no adverse impacts will be generated from this use, and that it is compatible with the existing area.

Applicant Presentation: Corey Stach, Applicant, addressed the Hearing Examiner explaining that the approach off Highway 53 will be abandoned and the new approach will be 330 feet from the intersection of Highway 53 and Wilkinson Road. There will be very little traffic in the facility. They will be leaving a majority of the trees in the northern portion of the site. And will be adding site obscuring vegetation along Wilkinson. The applicant stated he has no plans to develop the western parcel.

Exhibits: HE 1000 – Presentation submitted by Levi Basinger.

Public Testimony: Comment Sheets submitted: 1, Applicant – 1; In Favor –, Neutral – 0, Opposed – 3 (via Zoom). The names and address of the individuals speaking or submitting comments are part of the record. Three people spoke via Zoom and raised the following concerns:

- Does not want access to the site from Wilkinson Road
- Wilkinson Road cannot handle the increased traffic
- Potential for parking on road
- Fears of transients living in the storage facility
- Lack of security
- Safety for children along Wilkinson Road
- Expansion plans in the future
- On-site lighting

HEARING EXAMINER MINUTES

JULY 15, 2021

REBUTTAL: Corey Stach, Applicant, stated that Lakes Highway District has asked him to abandon the Highway 53 access. Wilkinson Road is a paved, two lane road. Most of the units will be for boats and Recreation Vehicles, people won't be going in and out of the facility all the time. There will be 24 hour security, access to the facility will be by a key fob. Lighting on the premises will be downward directed. Mr. Stach has not been approached regarding fees for a Home Owners Association or Road Association.

There being no further comments from the public, testimony was closed on this item at 7:08 p.m. The Hearing Examiner, Karl Granrath will review this case and submit his written report to the Board of County Commissioners within two weeks.

Submitted by,

Betsy Anderson, Recording Secretary