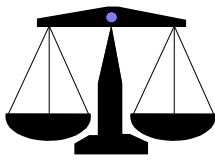


**MINUTES
KOOTENAI COUNTY HEARING EXAMINER
PUBLIC HEARING**

**SEPTEMBER 15, 2022
6:00 P.M.**

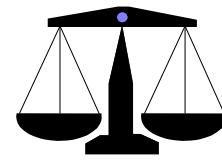
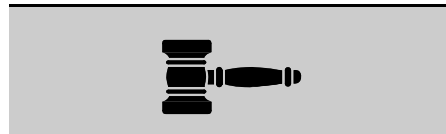
**HEARING EXAMINER
KARL GRANRATH**

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



**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 of the Hearing Examiner.

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 7:29 p.m.

CASE NO. MSP22-0002 DIAGONAL ESTATES

Staff Presentation: Vlad Finkel, Planner III, introduced the case with a PowerPoint presentation. This proposed major subdivision would consist of 5 parcels on 25 acres, is located on the north side of Kootenai County, and west of Diagonal Road. Mr. Finkel explains until the last couple weeks, the County Assessors map was not updated to reflect the current configuration of the parcels in the area. The County had to complete a parcel overlay with geo-referencing to locate the specific area. The property owner owns multiple parcels in the area, and they have completed several boundary line adjustments to shift the 3 parcels directly to the south of the subject property, as well as a parcel directly to the west. Due to this process, the County had to assess the adjustments to make sure there were not any potential parcels created through exemptions or illegal splits. Mr. Finkel stated it is determined these parcels are legitimate, and correct. The main access road will be a private road and will dead end within the plat. The road will be to Highway District standards, and will supply access to 8 total parcels, the 5 within this proposal, as well as the 3 parcels to the south. There is no vegetation, and the land is flat. This parcel is zoned Rural and has a Country designation. Each parcel will have individual wells and septic systems. No need for conceptual engineering. The applicant will have to apply to standard requirements per agency comments. Staff's analysis states this proposal is compatible with surrounding residential development, and the applicant must comply with the requirements of the public agencies and construct the shared infrastructure improvements.

Applicant Presentation: Steve Syrcle with Tri-State Consultant Engineers states they have the recorded deeds for the boundary line adjustments shown on the plat. After meeting with the highway district, they have agreed to take on the road so there will be a dedicated right of way instead of an easement. There is a reserved right of way to the north for possible future need. Mr. Syrcle goes on to state they have already drilled all 8 wells, 5 to support the proposed subdivision, and 3 for the southern lots. A Hydrogeological evaluation was completed prior to drilling the wells.

Exhibit: HE-1000 – Presentation by Vlad Finkel

Public Testimony: Comment Sheets submitted: - 4 Applicant – 1; In Favor – 0, Neutral – 1, Opposed – 2. No one appeared via Zoom. The names and address of the individuals speaking or submitting comments are part of the record.

Laurin Scarcello: 22389 N. Kevin Rd. Neutral – Owns property directly west and has discussed having an easement through property lines. Matt Afana agreed to this.

Suzun Aver: 3170 W. Diagonal Rd. Opposed – Lives across the street and is highly opposed. Why does road have to be placed where it is planned? Has any research been done on Elk migration path? Traffic impact records? This road is a racetrack. Take consideration before impacting a whole lot of lives.

Nika Bick: 4432 W. Seasons Rd. Opposed – Did not wish to speak

Applicant Rebuttal: Mr. Syrcle stated they should not have a problem with the easement request from Mr. Scarcello. The location of the road approach is a split down the middle to access all lots. They are aware that Diagonal Road is a long straight road and people do drive fast, and we cannot control the traffic. As far as wildlife mitigation, these are 5 acre lots. Fish and Game was solicited for comment, and they did not receive a comment back. The highway district will be taking on this road and the approach will be to their standards. There is a traffic light slated to put in on Diagonal Road at Highway 41, which could help slow down the traffic.

Staff Rebuttal: Vlad Finkel clarified the original application the road was to be privately maintained. At the final subdivision process, the county will need the notification from the highway district stating they will be taking on this road. The easement request is a civil matter and should not be required for recommendation or approval. Typically, we solicit comments from Idaho Fish & Game for large major subdivisions, this application is only 1 lot more than a minor subdivision and is very minimal impact. Therefore, we did not solicit comments for this project.

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For traffic, this is a discretionary call. Trip generation analysis addresses A.M and P.M peak trips as well as average daily trips. A Traffic Impact Study examines the need for right of ways, turn lanes, etc. These were not required by the highway district for this project. David Callahan states the County does not have anyone on staff that is a Traffic Engineer, so we rely on the highway districts for their expertise. As far as Fish & Game, the hearing examiner could refer this back to the county to solicit comment and return for a final recommendation once this information is received.

Mr. Syrcle reiterated his company met with Lakes Highway District and after deliberations it was determined the road would meet highway district standards and right of way. Lakes Highway will have to sign off on the final plat, and there will be an HOA and CC&Rs in place to control the final development.

There being no further comments, testimony was closed on this item and the Hearing Examiner concluded the public hearing for MSP22-0002 at 6:31 pm.

CASE NO. MSP22-0005 LONE MOUNTAIN ESTATES 8-11TH ADDITIONS

Staff Presentation: Vlad Finkel, Planner III, introduced the case with a PowerPoint presentation. This is a major subdivision request by JT Holdings LLC. The subject property is located northeast of the intersection of Chilco and Ramsey Roads and consists of 6 or 7 parcels totaling 570 acres in size. The property is zoned Rural, and the comprehensive plan designation is Country. This property is located northeast of the recently approved Lone Mountain 6th & 7th Additions. The 6th addition was recently platted and had the roads constructed with a future access from Eclipse Road to the proposed area. Ceylon Road which will be within 7th addition will be constructed within the final plat to access the proposed area as well. The two roads will be the main access roads, as well as an emergency access on Breithart Lane. The current request consists of 4 phases totaling 111 lots. Water will be provided through Lone Mountain HOA Water System and septic will be individual systems. The current water system was originally approved with the first phase and had up to 168 connections that has been vetted through DEQ, IDWR and PHD. This proposal of 4 phases will need 11 connections more than was originally approved. This has been discussed between Mr. Finkel, Director Callahan, and Mr. Curry as how to make sure these phases can go forward with a “Will Serve” letter contingent on having additional water rights added as well as having a reservoir to supply the remaining connections. This property is over the aquifer. There is a conditional approval, and if not constructed by final plat, Lone Mountain needs to submit a bond that would be 150% of the engineer’s estimate of improvements. The applicant did submit a Traffic Impact Study which has been reviewed and approved by the highway district with conditions of approval for mitigation purposes. Idaho Fish & Game did submit comments with wildlife friendly language in CC&Rs as conditions of approval, as well. The county did solicit comment from Lakeland School District, but they have not submitted any comments. The comments that were received from the agencies solicited were standard. During the public comment period, there were 7 received, 4 in support and 3 in opposition. Mr. Finkel states the staff analyzed the comments and all concerns will or have been addressed.

Mr. Granrath asked if the intent to serve from the HOA will satisfy the County Code requirements as a “Will Serve” letter? Mr. Finkel states the applicant is the Association that created this water system. They have the vested interest to serve this plat. There is no information from IDWR showing there would be potential for junior or senior water rights. The county believe it is a matter of time before DEQ approves this expansion. There is a condition of approval that states “At the time of final subdivision approval of each phase, the applicant shall demonstrate that the proposal associated with upgrades to the water system operated by Lone Mountain Home Owners Association including a well and reservoir have been approved by the IDWR and DEQ.” There will not be a deficient water source with each phase.

Mr. Granrath asks about one single access point. Mr. Finkel reiterated there would be 2 access points, as well as an emergency access through Breithart Lane that will be dedicated to the parcels on the east. Mr. Granrath asked about dedication of open space, or if there is anything in the code that may push that direction?

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Mr. Finkel responded stating the County code encourages open space, but there is nothing that states with a certain amount of acreage or lots it would be required. If there was a conservation designed subdivision, it would be required to have a conservancy group take on the conservation easement. The proposed phases are similar to the other phases. Director Callahan added major subdivisions of any kind except conservation subdivisions do not require open space. This is as problematic as the school district issue. Some of these issues should be laid at the feet of the legislature at the State Capitol. There are no statutes that allow the County to address those kinds of things.

Applicant Presentation: Mike Curry with Big Sky Capital Corp. would like to address the comments and concerns before going further. The development of Phases 1 through 5 north of Diagonal consisting of 105 lots with the cooperation of a water system developed through the Lone Mountain HOA. The water system is no longer “our” water system, it is now a public drinking water system licensed through the state of Idaho. Before phases 6 & 7, Big Sky met with Lakes Highway District and the commissioners regarding the roads and access points. These two consist of 41 lots, which exceed the total needed by the County Code to require 2 access points. Originally the two access roads were going to both end in a cul de sac, there would not be a loop. Over the last several years all the issues have been addressed with the prior phases. It was decided by Lone Mountain and the highway district to have ingress and egress off Chilco, improve Chilco, including turn lanes and acceleration lane. Eclipse will be the main access road, and Ceylon will be an emergency ingress and egress, private, maintained by the HOA, Knox boxed and gated. There is also an easement/emergency ingress and egress that has been approved by Bonneville Power for access with Powerline Road. This was just recently approved. The requirement for Breithart Lane is for a right of way, which will be dedicated to the property line for future connectivity.

Mr. Finkel asked if the new information will require a condition of approval within the staff report.

Mr. Curry stated that Bonneville Power requested the easement.

Mr. Finkel requests the dedication of right of way on CC&Rs or final plat.

Mr. Curry understands.

Mr. Curry continues on stating in 2018 a traffic impact study was done by Welch Comer. The traffic study was recently updated and turned over to the highway district. Mr. Finkel does feel the existing conditions of approval will be sufficient.

Mr. Curry goes on to state that DEQ is not who is in jurisdiction to determine whether or not someone can have a water system, that would be Panhandle Health. DEQ reviews the construction drawings for the health district. The next step would be to generate construction drawings for the additional well and reservoir, all of which has been provided to DEQ in the form of a facility plan. Also, a professional engineering report has been provided and in review. Lastly, would be construction drawings which will be required before final plat. The reservoir is not required, it is needed for fire flow. North Kootenai Water approached Lone Mountain and suggested connecting to the existing water systems. This project is going to be phased, so the 111 lots will be roughly 1.5 to 2 years for each phase. The total number would take until around 2030. These are 5 acres parcels, and the average house will be around 2300 sq. feet and probably a shop or outbuilding. This will leave a lot of open space.

Exhibit: HE-1000 – Presentation by Vlad Finkel

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

Nika Bick: 4432 W Seasons Rd. Opposed – Wanting to express concerns as a neighbor, how will this affect the people who live here and raise their kids here in regards to open space.

Teri Greene: 20906 N. Cembra Rd. Opposed – Ceylon is right behind her property, and would be interested to know if this will remain an emergency fire road? There is a problem with weeds 4 feet high along Chilco with quads and motorcycles. Neighbors have reached out to Big Sky regarding no fire hydrants in her area, though there are some that are covered in weeds and are not hooked up yet.

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Applicant Rebuttal: Mike Curry responds to the public comments. The easement is provided to the public. The reason fire hydrants were not installed was due to not meeting fire flow requirements. The hydrants Ms. Greene referred to were for air-vac or release. If they are interested in a hydrant for fire flows could happen at their request when the reservoir is installed when the fire flow would be available, at cost to them as homeowners. Weeds would need to be addressed by the HOA after construction. Mr. Granrath asked if Mr. Curry received any comments from the school district. There was an attempt to contact the president of the school district by phone and did not receive a call back.

There being no further comments, testimony was closed on this item and the Hearing Examiner concluded the public hearing at 7:29 pm.

Submitted by,


Jennifer Conner, Recording Secretary