

**MINUTES
KOOTENAI COUNTY HEARING EXAMINER
PUBLIC HEARING**

**OCTOBER 16, 2014
KOOTENAI COUNTY ADMINISTRATION BLDG.
ROOM 1**

**HEARING EXAMINER
STEVEN FRAMPTON**

**STAFF PRESENT
MEL PALMER
DAVID CALLAHAN
KATHRYN FORD**



**MINUTES
PREPARED BY:**

KATHRYN FORD
Recording Secretary



**MINUTES
REVIEWED BY:**

MEL PALMER
Planner II



STEVEN FRAMPTON
Hearing Examiner

The Official Record of Public Hearing is on a CD recording available at the Kootenai County Community Development.

Steven Frampton called the meeting to order at 6:02 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 presentation and public comment were combined for all items 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 7:53 p.m.

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CASE NO. ZON14-0003

Type: Zone Change, a request by Mort Construction, Inc., to change the zoning classification of approximately 34 acres from Rural to Restricted Residential, concurrently with a request for preliminary approval of an 86 residential lot subdivision in Case No. MSP14-0001. The project site is located on the east side of US Hwy 95 and N. Pope Road, approximately two miles north of Chilco Road and approximately 1.5 miles south of Bunco Road. The parcel number is 52N03W-05-2000 and described as: GOVT LT 1 & S2-NE EX RR RW & EX TAX #S & EX NON-VAC PLTD PTN & EX RW & EX PTN W OF HWY in Section 05, Township 52 North, Range 03 West, B. M., Kootenai County, Idaho.

CASE NO. MSP14-0001

Type: Subdivision, a request by Mort Construction, Inc., for preliminary approval of Pine Tree Ranch 2nd Addition, an 86 residential and six (6) open space lot subdivision on approximately 34 acres. This request is being processed concurrently with a request by the Applicant to change the zoning classification of the same 34 acres from Rural to Restricted Residential (Case No. ZON14-0003). Access to the lots will be via an internal road system, from Corbin Hill Road. Water will be served by North Kootenai Water and Sewer District. Septic service is proposed to be served by North Kootenai Water and Sewer District via a new regional wastewater reuse facility. The project site is located on the east side of US Hwy 95 and N. Pope Road, approximately two miles north of Chilco Road and approximately 1.5 miles south of Bunco Road. The parcel number is 52N03W-05-2000 and described as: GOVT LT 1 & S2-NE EX RR RW & EX TAX #S & EX NON-VAC PLTD PTN & EX RW & EX PTN W OF HWY in Section 05, Township 52 North, Range 03 West, B. M., Kootenai County, Idaho.

CASE NO. CUP14-0005

Type: Conditional Use Permit, a request by Mort Construction, Inc. - Silver Hills Wastewater Treatment and Reuse Facility, for a Conditional Use Permit to allow establishment of a Public Utility Complex Facility in the Silver Hills area of Kootenai County. The regional wastewater treatment and reuse facility will collect municipal wastewater; provide treatment of the effluent and dispose of the recycled water. The project site will span over fifteen (15) parcels, located in Sections 5 and 6, Township 52 North, Range 3 West and Sections 31 and 32, Township 53, Range 3 West, and contains approximately 515 acres. The fifteen (15) subject parcels are located in the above described Section, Township and Ranges south of Brunner Road between Diagonal Road and US Highway 95 located in B. M. Kootenai County Idaho. This request is made concurrently with a request in Case No. MSP14-0001, Pine Tree Ranch 2nd Addition for an 86 residential and six (6) open space lot subdivision.

Staff Presentation: Mel Palmer, Planner II, introduced the applications for a zone change (ZON14-0003), subdivision (MSP14-0001) and Conditional Use Permit (CUP14-0005). These applications are part of a combined plan beginning with the zone change request to support the proposed subdivision and wastewater treatment plant for the area. Ms. Palmer stated for the record two corrections to the ZON14-0003 staff report Condition 6.01 to change the zoning from Rural to Restricted Residential and to delete the frontage road reference in 6.03. Some public comments were submitted to the file after the deadline and were exhibited into the record as HE 1000 thru HE 1005. Ms. Palmer stated staff has concerns with the area of Special Flood Hazard in the southeast corner of the parcel which is not shown in the subdivision application and needs to be addressed by the applicant. Also, access for the subdivision requires connectivity and will need some redesign to connect Deer Avenue from Corbin Hill Road to N. Pope Road. Ms. Palmer concluded the Conditional Use Permit for the Silver Hill Wastewater Treatment and Reuse Facility is supported by the North Kootenai Water and Sewer District with a will serve letter. The site was posted and based on the signed affidavits in the file, the public notice requirements have been met.

Applicant Presentation: Cliff Mort, applicant, provided a brief history of the area and their vision as developers. Drew Dittman, applicant representative, referenced a powerpoint presentation for the zone change, subdivision and conditional use permit applications. The zone change request is to support the subdivision which has similar zoning in the area. Mr. Dittman added the area is a good location for those working and

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wanting to own a home. It has good access from the Highway 95 expansion to Chilco Mill, Silverwood, hospitals and multiple city corridors. The wastewater treatment facility would provide an environmentally conscious decision to protect the area and aquifer. Their goal is not to have septic systems for every home over the Chilco Aquifer. The environmental impacts are minimized to residents with wastewater systems. Mr. Dittman provided two exhibits (HE 1007 and HE 1008) to support the Special Flood Hazard area concerns. They will meet the highway district standards for access. Mr. Dittman stated the applicant accepts the 19 proposed conditions in the subdivision recommendation and draft conditions in the Conditional Use Permit. Jim Kimbal, applicant representative, provided details on the wastewater and reuse facility which will be regulated by state code and owned and operated by North Kootenai Water and Sewer District. The state code outlines what needs to be done with timelines to spray and buffer zones. A fence to notify the public in the area would be phased in and not be an impediment to wildlife. Rand Wichman, applicant representative, stated there are concerns regarding Condition 7.17 dealing with the Design Standards which is burdensome and not necessary. He provided an exhibit (HE 1009) for a Proposed Alternative Condition 7.17. and exhibit (HE 1010) from Silverwood Theme Park regarding CC&R language for the subdivision.

During public testimony Mike Galante of the North Kootenai Water and Sewer District stated the wastewater treatment facility will be operated and maintained by NKW&SD for public use.

Exhibits: HE 1000 – Public comment (P-9) missed deadline of ZON14-0003 submitted by Mel Palmer.
HE 1001 – Public comment (P-9) missed deadline of MSP14-0001 submitted by Mel Palmer.
HE 1002 – Public comment (P-10) missed deadline of MSP14-0001 submitted by Mel Palmer.
HE 1003 – Public comment (P-11) missed deadline of MSP14-0001 submitted by Mel Palmer.
HE 1004 – Public comment (P-20) missed deadline of CUP14-0005 submitted by Mel Palmer.
HE 1005 – Public comment (P-21) missed deadline of CUP14-0005 submitted by Mel Palmer.
HE 1006 – Powerpoint presentation submitted by Drew Dittman.
HE 1007 – Kootenai County GIS FIRM Map submitted by Drew Dittman.
HE 1008 – FEMA FIRM Map submitted by Drew Dittman.
HE 1009 – Proposed Alternative Condition 7.17 submitted by Rand Wichman.
HE 1010 – CC&R language request submitted by Rand Wichman.

Public Testimony:

CASE NO. ZON14-0003 -

Comment Sheets submitted: 34, Applicant/Representatives - 2; In Favor - 2, Neutral – 3, Opposed – 27. The names and address of the individuals speaking or submitting comments are part of the record.

CASE NO. MSP14-0001

Comment Sheets submitted: 33, Applicant/Representatives - 2; In Favor - 2, Neutral – 1, Opposed – 28. The names and address of the individuals speaking or submitting comments are part of the record.

CASE NO. CUP14-0005

Comment Sheets submitted: 36, Applicant/Representatives - 2; In Favor - 1, Neutral – 3, Opposed – 27. The names and address of the individuals speaking or submitting comments are part of the record.

The Public Testimony referencing the above applications had comments regarding:

- Traffic and road impacts
- Containing wastewater odors
- Trespassing from former gravel pit and berms south of the treatment plant
- Property values from the odors and site of the treatment plant
- Acreage lots would reduce the density concerns
- Lots are too small for the area
- School capacity
- Health issue concerns with the treatment plant in the area

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- Wildlife will be crossing over 4 lanes of the new highway due to the disturbance
- Wetlands are in the area
- Well water being affected by treatment plant and spraying
- Wastewater project seems to be very large unless future plans are also being considered
- Subdivision may sit empty for years since others in the area are not built out
- Area residents not in the proposed subdivision able to hook-up to the septic system
- Treatment facility is a responsible way to development
- Treatment facility prevents drainfield drainage to the Chilco Channel limiting the nitrate damage

Applicant Rebuttal: Drew Dittman, applicant representative, addressed concerns stating they will work with highway districts that support the development. The well information is provided by Idaho Department of Water Resources records and a 500 foot buffer is entirely contained on this property. Mr. Dittman added he will contact the former owner of the gravel pit on some of the concerns with the southern boundary and they are not opposed to providing berms. The wastewater facility will be public for regional use to anyone requesting hook-up and they look forward to future planning. Jim Kimbal, applicant representative, added this site has enough acreage to handle the odors and disbursement. Currently, there is a lot of flow from septic going into the aquifer and they will not force surrounding residents to hook-up but it is environmentally safe and they will continue to use the state criteria to check and balance the treatment plant. Cliff Mort, applicant, stated they appreciate and respect property rights. As a local developer they are recognizing and understand how growth patterns occur. They do have the needs of the people in mind and want responsible development and growth.

There being no further comments from the public, testimony was closed on this item at 7:53 p.m. The Hearing Examiner, Steven Frampton will review this case and submit his written report to the Board of County Commissioners within two weeks.

Submitted by,

Kathryn Ford, Recording Secretary