

**MINUTES OF THE PLANNING AND ZONING COMMISSION
CITY OF HAYDEN, KOOTENAI COUNTY, IDAHO**

November 4, 2019

**Regular Meeting: 5:00 PM
Council Chambers**

Hayden City Hall, 8930 N. Government Way, Hayden, ID 83835

CALL TO ORDER

Chair Petersen called the meeting to order at 5:00 p.m.

ROLL CALL OF COMMISSION MEMBERS

Brian Petersen, Chair	Present
Michael Cramer, Vice-Chair	Present
Corey Andersen	Present
Alan Davis	Not-Present
Gavin Moberaten	Present
Benjamin Prickett	Present
Shawn Taylor	Not-Present

STAFF PRESENT

Melissa Cleveland, Community Development Director
John Cafferty, Legal Counsel
Caitlin Kling, Legal Counsel
Donna Phillips, Senior Planner
Elizabeth Allen, Planner
Heather McNulty, Commission Clerk

FLAG SALUTE

Commissioner Andersen led the Pledge of Allegiance.

CALL FOR CONFLICTS OF INTEREST

Commissioner Andersen stated that he owns property adjacent to both properties to be discussed in the public hearings tonight, and will recuse himself in Case No. PZE-19-0289 and in Case No. PZE-19-0300.

CONSENT CALENDAR

The consent calendar included the approval of the meeting minutes for October 12, 2019. The motion was made by Vice-Chair Cramer, and seconded by Commissioner Andersen to approve the consent calendar as presented. All were in favor, none were opposed.

Commissioner Andersen then stepped down from the Commission for the public hearings.

PUBLIC HEARING

Case No. PZE-19-0289 a request by Vadim Shaporda and Peter Fendich

Staff Introduction:

Elizabeth Allen, Planner introduced the application to request the approval of a zone map amendment from Residential-Suburban (R-S) to Light Industrial (L-I) to be south of West Buckles Road more commonly known as 1166 West Buckles Road. The lot more particularly known as tax parcel #H-4050-11-348-AB is approximately 5.0 acres.

Applicants Presentation:

Scott McArthur of H2 Surveying, at Post Office Box 2916 Hayden, Idaho, started his presentation with a discussion of buffering requirements that are required by the City at the time of development for the Residential Multi-family zone to the south. The sewer [City] and water [Hayden Lake Irrigation District] are adjacent to the property. Mr. McArthur then addressed the standards for approval as follows:

1. All zoning [to the north, east, and west] is aligning with three sides of the parcel currently; the change as proposed would further the light industrial zone down Buckles Road.
2. The proposed zone map amendment will not harm public health, safety, or welfare.
3. All dry utilities are in the right-of-way within Buckles Road, along with sewer and water.

Chair Petersen asked whether the sewer is available and would a sewer tech memo be provided.

Mr. McArthur replied that sewer is available adjacent to the site and the developer will work with the City to meet the requirements. The sewer depth seems to be the last thing to work out, and a Tech Memo has been provided for this location.

4. The developer wishes to develop light industrial in a light industrial area.
5. The light industrial that already exists in the area would just stay light industrial all around Buckles Road.
6. Yes the intent of development is a light industrial project.
7. The change would result in consistent regulations for each property.

Staff Presentation:

Elizabeth Allen, Planner, then continued with a summary of the staff review, beginning with a panoramic view of the site. She then continued by a review of the seven standards as follows:

1. The Hayden Comprehensive Plan identifies the project site as Low Impact Light Industrial/Low Commercial. The Airport Master Plan recommends for land use to: prohibit residential except on agricultural parcels, limit non-residential uses, discourage uses that attract large numbers of people, prohibit schools, hospitals, and nursing homes, and prohibit hazardous material storage. The existing zone is residential-suburban and the proposed zone is light industrial. A more detailed analysis could be found on pages 3-5 of the staff review.
2. The existing lot has three unpaved access drive aisles onto West Buckles Road. Any future development, would require a review of the access point(s) dependent on the development type and/or use. The property is not connected to City services; however, any future development and/or improvement of the subject property shall be required to connect to and/or construct the appropriate utility infrastructure(s).
3. At the time of future development, the developer shall be required to construct all sewer infrastructures in conformance with City of Hayden Master Sewer Plan Update. The project site is within the H-6 sewer basin; and a sewer Tech Memo shall be required to determine if a temporary or permanent sewer basin transfer is appropriate.

Chair Petersen asked if the H-2 basin has enough capacity for the rezone.

Melissa Cleveland, Community Development Director, replied that yes there are over 400 connections left in the basin.

4. Per the Applicant's narrative, the rezone is consistent with the surrounding zoning designations on West Buckles Road.
5. The adjacent properties were then reviewed according to their the Land Use Designations from the 2008 Comprehensive Plan Future Land Use Map which identifies the lots to the east and west of the subject property as Low Impact Light Industrial/ Low Commercial; the lots to the north, northeast, and northwest as Light Industrial; and the lots to the south, southeast, and southwest as residential.
6. The purpose of the light industrial zone is a land use classification for a district suitable for manufacturing, fabrication, assemblage, freight handling, or similar operations of a non-nuisance character.

7. According to the Applicants Narrative, the request is consistent with the other property within the same zoning designation.

Ms. Allen stated that all required noticing had been completed (Exhibit S-1) and there were the following three agency responses.

1. On October 8, 2019, Coeur d'Alene Airport responded with no comment and requested an Avigation Easement. (Exhibit PA-1)
2. On October 8, 2019 Kootenai County Sheriff's Office responded with "does not have any current concerns." (Exhibit PA-2)
3. On October 10, 2019 Hayden Lake Irrigation District responded "The district has no concerns with the amendments proposed to the property, Hayden Lake Irrigation does not service the area. This is to ensure the developer is aware of the cost associated with developing this piece. The developer has not submitted plans to the district nor has officially requested a Will serve letter from the District. Infrastructure is across the street Wyoming and Ramsey to the south of the property, cap fees will need to be paid to the district before the project starts. All infrastructure will be installed at the developers cost to the District standards." (Exhibit PA-3)

Vice-Chair Cramer asked for clarification on the adjacent property zoning, asked if the property to right [east of the site] is currently used as light industrial and asked for clarification about the property to the left [west of the site]. Ms. Allen stated that the property to the east is currently used as light industrial and the two properties to the west of the site have different zoning designations, the northern property is zoned as residential-suburban and the southern property is zoned as light-industrial.

Testimony:

Cynthia Carter, Neutral, 11582 North Stinson Loop, Hayden Idaho 83835 stated she had provided a letter to the Commission and would like to give some back ground on the property and read the letter (Provided in a Memo to the Commission on 10-30-2019). She stated that the sound barrier, needs to be established and that she is very concerned with transients moving on and off the unmaintained property. Ms. Carter has concerns with noise, the local gun range is noisy and this rezone will just add to it. The beautification is an issue. The Aspen trees that were put in as a sound buffer are now dying; her testimony was both written and oral. She would like to see the property maintained.

Patricia Schwen, Against, lives at 8980 Westhill Road, Lakeside, CA 92040 and has rental property at 11528 North Stinson Loop Hayden, Idaho. She also read into the record her letter that was sent to the Commission in a Memo on October 30, 2019. She is worried about the noise, traffic, criminal element, and the financial impact to her property.

Ms. Schwen asked for clarification to the landscape buffer and Chair Petersen asked Ms. Allen to go over the landscape buffer requirements. Ms. Allen read the landscape buffer requirements from the landscaping code section. Ms. Schwen asked for further clarification regarding the landscape buffer, in which Chair Peterson reiterated that there are two options and recommended that she can meet with Ms. Allen about any further questions. Ms. Schwen asked about general noise restrictions in Hayden. Chair Peterson suggested that she could discuss those requirements with a City planner at any time, as it is not relevant for the Commission's recommendation of a rezone.

Rebuttal:

Mr. McArthur stated that the application is for a Zone Map Amendment and the design process is not yet on the table. The noise and [landscape] buffers will be addressed during the plan review; City Staff will see that all requirements will be met. Mr. McArthur stated he cannot speak to property value or the loss of rent.

Commission Discussion:

Commissioner Prickett stated that the standards have all been met except number two [Does/does not the rezoning or amendment further public safety, health, and welfare?]; he would like to think about that during deliberation from the other members.

Commissioner Mabraten stated that this is a recommendation to City Council for a zone change and he feels it supports all seven standards.

Vice-Chair Cramer stated that the use is an elephant in the room, some of the approved uses in the light industrial area(s) could be disastrous to the residents. He sees too many opportunities to fail with public health, safety, and welfare.

Chair Petersen stated that it meets all standards to recommend approval to City Council of the zone map amendment. Also a portion of the property is in what is identified as the [Inner] Critical Zone for the Airport. The Airport would like there to be no residential development there.

Commissioner Prickett then stated the zone map amendment would be a benefit to the surrounding areas by cleaning up the site. Based on the surrounding light industrial uses, it would be hard to have a residential use on the subject property, but this [zone change] could be a good transition from the uses to the east and [light industrial] into the residential lots to the south.

Motion:

Commissioner Mabraten made a motion to recommend approve to City Council Case No. PZE-19-0289, Vadim Shaporda and Peter Fendich Zone Map Amendment. Commissioner Prickett seconded the motion.

Roll Call:

Commissioner Mabraten:	Yes
Commissioner Prickett:	Yes
Vice-Chair Cramer:	No
Chair Petersen:	Yes

Three were in favor and one opposed. The motion passed.

Case No. PZE-19-0300 a request by Jeramie Terzulli, on behalf of the owner Venture Five Associates**Staff Presentation:**

Donna Phillips, Senior Planner presented the application for the request of a special use permit to construct a church in the residential-suburban zone to be located on the northeast corner of West Wyoming Avenue and North Ramsey Road. The lots (tax parcels #H-4050-11-351-AD and H-4050-11-351-AA) are approximately 8.1 acres.

Applicants Presentation:

Jeramie Terzulli, 3182 East Cambridge Drive, Hayden, Idaho reviewed background on the property and its location. He stated that the church has grown and their goal is to house the congregation and have enough room for parking. They would like to stay in Hayden and the acquisition of property is a huge reason why they have chosen this particular parcel. Between the lack of inventory [of suitable lots] and the property values it has been difficult to find a [church] home. He then reviewed the conditions for approval as follows:

1. Yes, as stated in the staff review.
2. He identified areas within the comprehensive plan as follows:
 - a. Page 52 - "The activity located around the airport need not necessarily be oriented to the air industry, provided an opportunity for a diversified and balanced commercial and light industrial economic core for the area and community."

- b. Page 57- “Agricultural activity occurs in the northern and western part of Hayden, west of Highway 95, where grasses, hay, seed crops and cereal crops are produced. This agricultural area located in northwest Hayden is not highly viable, productive agricultural area located in northwest Hayden is not highly viable, productive agricultural land due to the character of the soil and necessity for irrigation.”
 - c. Page 76 (Goal 5) - “Provide a balance of commercial uses in designated areas throughout the community centered around established transportation corridors, while protecting the character of adjacent activities.”
3. Preliminary meetings with the City Planners, City Engineer, Hayden Lake Irrigation District and other agency feedback indicate that services are available with adequate capacity.
 4. To be designed by a local design team with several area churches on their resume,
 5. Street improvements and infrastructure will be performed at the churches expense. The Church is aware of the plan along Ramsey Road and will cooperate with the City, including dedicating the necessary right-of-way.
 6. Fume, noise and odors are not applicable based on use. Parking lot lighting will be designed as not to interfere with the surrounding properties and will likely not be in use Monday through Saturday. Traffic will be isolated to Sunday, during two morning services.
 7. Working with City Engineer to create acceptable approaches.
 8. Staff review indicated no known features of scenic or historical significance.

He then reviewed the updated 2018 Airport Master Plan and the mapping of the Lateral Safety Zone. Mr. Terzulli continued by stating the applicant has taken a lot of care to build outside of the airport lateral safety zone.

Scott Wohlgemuth, 2231 E. Dodd Road, Hayden, Idaho continued the presentation by stating the area is in the least critical zone of the Airport Master Plan. He reviewed several properties that are currently within airport land use zones; along with his statistical calculation of flights per day, and how many fly over the project site and for how long.

Chair Petersen asked if there were some crashes that may not be documented in his presentation, such as the Atlas Elementary crash. Mr. Wohlgemuth stated the information came from the National Transportation Safety Board crash list and he is not certain of the criteria on making the list.

Chair Petersen asked if there would be other days beside Sundays that have congregations of people, and would it be safe to say it will be used every day. Mr. Terzulli stated that yes there would be small groups that meet during the week and then referred the question to the pastor.

Wayne Foil, Pastor 10200 N Happy Trail, Rathdrum, Idaho replied sometimes there may be 20-100 people at a time. However, they feel the main congregation of people will be on Sunday.

Staff Presentation:

Ms. Phillips then continued with a summary of the staff review; and a review of the standards of approval as follows:

1. The following uses and ones similar in nature, as determined by the City, are permitted if authorized by approval of a special use permit: Churches
2. Comprehensive plan review included Land Use, Public Services, Sewer, Water, Transportation, and property rights. The Airport proximity and flight patterns were reviewed.
3. The roadways shall be constructed to the typical sections; except Ramsey Road which is a City Project. Dedication of right-of-way and easements for all roadways shall be required. A trip generation and distribution letter shall be required, along with all other agency requirements as part of the site plan and building permit process. Storm water shall be directed to roadside swales or

contained within the site. The subject site is within the H-6 sewer shed; therefore, a Tech Memo shall be required related to temporary versus permanent transfer to the H-2 basin. Dry utilities to be installed underground.

4. Interior parking lot lighting shall be reviewed by the City Engineer. Landscaping comprises three types: Type II street frontages on Ramsey Road, Wyoming Avenue, & Sundler Road, Type III perimeter parking area, and Type I or Type I alternate where there is non-residential use adjacent to a residential use to the northwest of the subject site.
5. All onsite and off-site improvements shall be constructed by the developer. A traffic study may be required, and any mitigation shall be addressed as part of the site/building plan review process.
6. The applicants narrative evaluated these items and did not identify any routine activities that would cause issues related to these items.
7. No approaches shall be granted from Ramsey Road, future approach to Lot A (church) shall be from West Wyoming Avenue, and future approaches to Lot B (residence) shall be from North Sundler Road.
8. Existing area is primarily vacant farm land and there are no known natural or historical features of major importance on this site.

Ms. Phillips continued by stating all required noticing had been completed. She then continued with the twelve staff recommended conditions of approval:

1. The approval of this Special Use Permit is based upon the application, narrative, and conceptual site plan. Major changes to the land use proposed, building type, location, or the site plan and the like shall require an application for an amendment to this Special Use Permit. The determination of what is a major change shall be made by staff, and shall be appealable to the Planning and Zoning Commission
2. All permits from outside agencies shall be obtained prior to construction of any future development or building permit issuance.
3. All future development, building permits and uses shall comply with Hayden City Code §11-13-3 (A) General Standards applicable to all Special Uses to include the allowed uses.
4. Required site improvements per Hayden City Code §11-20 will be evaluated at time of building evaluation and required prior to Certificate of Occupancy issuance.
5. If complaints are received by the City regarding overflow parking at the subject site onto areas not designated for parking, i.e. parking on the adjacent property, parking in areas that are not paved, or parking on Ramsey Road, Wyoming Avenue, or Sundler Road, then an additional parking area or cross parking agreement shall be required. This shall be built in accordance with the City of Hayden Code, design standards and policies that are effect at the time.
6. Any expansions or changes of use to the development site shall require a review of the required parking requirements.
7. Ingress/Egress from Lot A as shown on page 8 of the staff review, shall be from West Wyoming Avenue and Lot B shall be from North Sundler Road. In no case shall access be granted for either lot from North Ramsey Road.
8. Prior to building permit issuance, the following items shall be completed:
 - a. A sewer tech memo to possibly allow for the temporary or permanent transfer of sewer flow from the H-6 basin to the H-2 basin;
 - b. Construction plan review will assess mitigations provided to meet noise cancelling related to the 65 DNL contours;
9. Prior to certificate of occupancy the following items shall be completed:
 - a. Dedication of right(s)-of-way and granting of utility easements along road frontage (s);
 - b. A deferred improvement agreement for Ramsey Road, anticipated to be constructed by the City, shall be recorded;
 - c. An avigation easement over the entire property shall be recorded.

10. The approval of this Special Use Permit shall expire four years after the date of the signed written decision. The development that this Special Use Permit authorized must complete construction and be operational prior to the expiration of this four year period. If any conditions to this use or development are not maintained, if the nature of the use changes, or if the use for which the special use permit has been issued is discontinued or abandon for one year then the special use permit shall be considered null and void. Continued operation of a use requiring a special use permit after such special use permit expires or is in noncompliance with any conditions of a special permit, shall constitute a violation of the zoning ordinance. Any construction or modifications to the Site after expiration shall require an application for an amendment to this Special Use Permit.
11. This approval shall run with the land for the term approved herein regardless of whether the property ownership; applicant and/or design professionals noted herein remain the sane, whether collectively or individually.

Public Testimony:

The following Comments Forms were "For" the Special Use Permit but did not wish to speak:

Dan Radke, 7807 North Colfax Street, Dalton Gardens, Idaho

John Stockton, 304 West 19th Avenue, Post Falls, Idaho

James Heilman, 125 East Miles Avenue, Hayden, Idaho

Scott Wohlgemuth, 2231 East Dodd Road, Hayden, Idaho

Forrest Berry, 5205 North Pinegrave Court, Coeur d'Alene, Idaho

Brady Foil Unit B 90 Two Mouth Road Coolin, Idaho

Emily Foil Unit B 90 Two Mouth Road Coolin, Idaho

Jason Ku, 9323 North Government Way, Hayden, Idaho

Seth Clark, 8247 West Montana Avenue, Rathdrum, Idaho

Wayne Foil, "For", church pastor, 10200 N Happy Trail, Rathdrum, Idaho 83858 provided a letter from a neighbor of the church's current location for the Commission (Exhibit PZ-1). The letter was from John Clark. Mr. Clark was very happy with the Church as a neighbor and felt they [the church] would be a great asset in the proposed location.

Steven Kjergaard, Against, Manager Coeur d'Alene Airport gave the Commission information he produced regarding runways (Exhibit PZ-2) he agreed that most of the property is outside of the lateral critical safety zone. However, the entire property is within the 65 DNL, which is deemed hazardous related to noise. Mr. Kjergaard disagreed with the earlier traffic analysis on flight patterns stating that 80% of the airport flights fly over the parcel. He continued by stating that every church noted by the applicant to be within the flight zones were not approved by the airport.

Rebuttal:

Mr. Terzulli stated that the applicant is fully aware of the noise impact that will be in the area, and the Church will be designed to mitigate the noise. He continued by stating the location of the proposed church would be outside the designated critical, and lateral safety zones and that residential uses are no longer viable for this site.

Commission Discussion:

Commissioner Mobraten stated that he did have concerns with ingress/egress only being on Wyoming Avenue and was not concerned with the Sundler Road access.

Commissioner Prickett had concerns with traffic and accessing the property; however, this has been addressed.

Vice-Chair Cramer stated that the applicant has met all standards for approval, and the development of the property is hard in that area as it is not suitable for residential development. He acknowledged that the Applicant has looked at the Airport Master Plan for guidance and he agreed with all staff recommended conditions.

Chair Petersen stated that standard #2 [Will/will not be harmonious with and in accordance with the general objectives or with any specific objective of the comprehensive plan and/or the zoning ordinance?] has not been met; there are hazards to public safety at the location and the essential character discussed in #4 [Will/will not be designed, constructed, operated and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area?] does not seem to be met.

Vice-Chair Cramer stated that the noise and the congregation of people have been discussed by the Applicant, and they seem to be aware.

Commissioner Mobraten stated that the statistics on airport crashes seem to be in the favor for the development of the church.

Commissioner Prickett agrees that the parcel is a statistically safe spot for the church.

Motion:

Vice-Chair Cramer recommends approval of the Special Use Permit with all staff recommended conditions of approval to include the four year term for the completion of the Special Use Permit. Commissioner Mobraten seconded the motion.

Roll Call:

Commissioner Mobraten:	Yes
Commissioner Prickett:	Yes
Vice-Chair Cramer:	Yes
Chair Petersen:	No

Three members were in favor and one opposed. The motion passed.

Commissioner Andersen then returned to the Commission for the remainder of the meeting.

NEW BUSINESS

Approval of the 2020 City of Hayden Meeting Calendar

Motion:

Commissioner Mobraten motioned to approve the Planning and Zoning meetings dates and times as presented on the draft 2020 City of Hayden Meeting Calendar. Commissioner Prickett seconded the motion.

All members present were in favor none opposed. The motion passed.

REVIEW OF UP COMING MEETING CALENDAR, AND REPORT ON COUNCIL ACTION

Director's Review

Imagine Hayden

Thursday, November 14, 2019 4 pm to 7 pm

Atlas Elementary School, 3000 West Honeysuckle Avenue, Hayden, Idaho

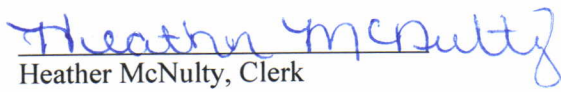
Planning and Zoning Commission

November 12, 2019

- Commission Report
- November 18, 2019
- Consent Calendar
 - Code Amendments, Workshop

ADJOURNMENT

The meeting adjourned at 7:04 p.m.


Heather McNulty, Clerk